DECISION DOCUMENT

The Smith Restaurant Building
Brownfield Cleanup Program
Syracuse, Onondaga County
Site No. C734148
November 2020

Prepared by
Division of Environmental Remediation
New York State Department of Environmental Conservation

DECLARATION STATEMENT - DECISION DOCUMENT

The Smith Restaurant Building
Brownfield Cleanup Program
Syracuse, Onondaga County
Site No. C734148
November 2020

Statement of Purpose and Basis

This document presents the remedy for The Smith Restaurant Building site, a brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for The Smith Restaurant Building site and the public's input to the proposed remedy presented by the Department.

Description of Selected Remedy

The elements of the selected remedy are as follows:

1. Remedial Design

A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;

- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings will include, at a minimum, a 20-mil vapor barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

2. Excavation

Portions of the site will be excavated for installation of new underground utilities, building addition foundations, and to accommodate installation of a cover system as described in remedy element 4. All excavated soils which exceed the restricted residential soil cleanup objectives (RRSCOs) and can't be beneficially reused beneath the cover system described in remedy element 4 will be taken off-site for proper disposal in order to implement the remedy. The estimated volume of soil to be removed from the site is approximately 530 cubic yards.

3. Backfill

On-site soil which exceeds the RRSCOs may be used below the cover system described in remedy element 4 to establish the designed grades at the site. If additional backfill is needed to meet design grades at the site, clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought to the site.

4. Cover System

A site cover will be required to allow for restricted residential use of the site in areas where the upper two feet of exposed surface soil will exceed the applicable soil cleanup objectives. Where a soil cover is to be used it will be a minimum of two feet of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the site as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may be allowed where such components already exist or are a component of the tangible property to be placed as part of site redevelopment. Such components may include, but are not necessarily limited to pavement, concrete, paved surface parking areas, sidewalks, building foundations and building slabs.

5. Vapor Mitigation

Any on-site buildings will be required to have a sub-slab depressurization system, or other acceptable measures, to mitigate the migration of vapors into the building from the subsurface environment.

6. Institutional Control

Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

- require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allow the use and development of the controlled property for restricted residential use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and
- require compliance with the Department approved Site Management Plan.

7. Site Management Plan

A Site Management Plan is required, which includes the following:

a. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:

   Institutional Controls: The Environmental Easement discussed in Paragraph 6 above.

   Engineering Controls: The Cover System discussed in Paragraph 4 and the Vapor Mitigation discussed in Paragraph 5 above.

   This plan includes, but may not be limited to:
   - an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
   - descriptions of the provisions of the environmental easement including any land use and groundwater use restrictions;
   - a provision that should a building foundation or building slab be removed in the future, a cover system consistent with that described in Paragraph 2 above will be placed in any areas where the upper two feet of exposed surface soil exceed the applicable SCOs;
   - provisions for the management and inspection of the identified engineering controls;
   - maintaining site access controls and Department notification; and
   - the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

b. an Operation and Maintenance (O&M) Plan to ensure continued operation, maintenance, optimization, monitoring, inspection, and reporting of any mechanical or physical components of the remedy. The plan includes, but is not limited to:
   - procedures for operating and maintaining the remedy;

- compliance monitoring of treatment systems to ensure proper O&M as well as providing the data for any necessary permit or permit equivalent reporting;
- maintaining site access controls and Department notification; and
- providing the Department access to the site and O&M records.

Declaration

The remedy conforms with promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration Department guidance, as appropriate. The remedy is protective of public health and the environment.

11/23/2020
Date

Susan Edwards
Susan Edwards, Director
Remedial Bureau D

DECISION DOCUMENT

The Smith Restaurant Building
Syracuse, Onondaga County
Site No. C734148
November 2020

SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), has selected a remedy for the above referenced site. The disposal of contaminants at the site has resulted in threats to public health and the environment that would be addressed by the remedy. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. Contaminants include hazardous waste and/or petroleum.

The New York State Brownfield Cleanup Program (BCP) is a voluntary program. The goal of the BCP is to enhance private-sector cleanups of brownfields and to reduce development pressure on "greenfields." A brownfield site is real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and 6 NYCRR Part 375. This document is a summary of the information that can be found in the site-related reports and documents.

SECTION 2: CITIZEN PARTICIPATION

The Department seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comment on the proposed remedy. All comments on the remedy received during the comment period were considered by the Department in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repository:

DECInfo Locator - Web Application
https://www.dec.ny.gov/data/DecDocs/C734148/

Onondaga County Library
447 South Salina Street, LHG-Floor 5
Syracuse, NY 13202
Phone: (315) 435-1900

Receive Site Citizen Participation Information By Email

Please note that the Department's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at http://www.dec.ny.gov/chemical/61092.html

SECTION 3: SITE DESCRIPTION AND HISTORY

Location: The Smith Restaurant Building site is a 0.334-acre property in the Central Business District of the City of Syracuse. It is bordered on the north by Erie Boulevard and the Interstate 81/690 corridor, on the east by the Interstate 81/690 corridor, on the south by Water Street, and on the west by Townsend Street.

Site Features: The site consists mostly of a multi-story, historic brick building, totaling approximately 31,000 square feet. The building has two contiguous parts with different construction: a six-story steel framed section; and, a three-story timber framed section. The six-story section includes two small separate basement areas; all other ground floor building construction is slab-on-grade. Small asphalt paved parking lots exist on the north side of the building, in the building alcove area, and on the east side of the building. The parking lots are approximately 2,000 square feet (ft^2) and 4,000 ft^2, respectively.

Current Zoning and Land Use: The site is zoned Central Business District - Office and Service District Restricted. Existing zoning was appropriate for past uses and for the contemplated future mixed commercial and residential apartment uses. Currently the site is unoccupied. Surrounding uses include the interstate highway corridor, paved and unpaved parking lots, and commercial buildings.

Past Use of the Site: Main portions of the existing building were constructed in 1853. Historically, the building has been used for industrial and commercial businesses. Often in the past, multiple commercial businesses were operating at the site at the same time. Past uses have included a restaurant supply business, storage facility, restaurant, dry-cleaning and laundry, gas station, used car lot, toy warehouse, and mattress factory. Uses that may have led to contamination at the site include the gas station that operated on the north side of the building from approximately 1939 to 1951, and the dry-cleaning business that operated in the northeast portion of the building from approximately 1949 to 1955.

Site Geology and Hydrogeology: Soils immediately below pavement to a depth of three to four feet below ground surface (ft bgs) are typically comprised of brown to grayish-brown coarse sand and fine gravel. Underlying subsurface soils are comprised of mostly brown, light brown, and brownish-gray sand with mixed grain sizes. In discrete areas below 10 ft bgs reddish-brown silty-sand and clay was encountered.

Depth to groundwater generally ranges from 12 to 15 ft bgs. The groundwater elevations show little variability over the site and indicate a low, but variable hydraulic gradient with no prevailing direction. The groundwater flow direction for this area as determined by the United States Geological Survey is to the west-southwest. This matches the apparent groundwater flow direction indicated in previous site investigations.

A site location map is attached as Figure 1.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, alternatives that restrict the use of the site to restricted residential use (which allows for commercial use and industrial use) as described in Part 375-1.8(g) were evaluated in addition to an alternative which would allow for unrestricted use of the site.

A comparison of the results of the Remedial Investigation (RI) to the appropriate standards, criteria and guidance values (SCGs) for the identified land use and the unrestricted use SCGs for the site contaminants is available in the RI Report.

SECTION 5: ENFORCEMENT STATUS

The Applicant under the Brownfield Cleanup Agreement is a Volunteer. The Applicant does not have an obligation to address off-site contamination. However, the Department has determined that this site does not pose a significant threat to public health or the environment; accordingly, no enforcement actions are necessary.

SECTION 6: SITE CONTAMINATION

6.1: Summary of the Remedial Investigation

A remedial investigation (RI) serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the contamination; and
- assess risk to human health and the environment.

The RI is intended to identify the nature (or type) of contamination which may be present at a site and the extent of that contamination in the environment on the site or leaving the site. The RI reports on data gathered to determine if the soil, groundwater, soil vapor, indoor air, surface water or sediments may have been contaminated. Monitoring wells are installed to assess groundwater and soil borings or test pits are installed to sample soil and/or waste(s) identified. If other natural resources are present, such as surface water bodies or wetlands, the water and sediment may be sampled as well. Based on the presence of contaminants in soil and groundwater, soil vapor was also sampled for the presence of contamination. Data collected in the RI influence the development of remedial alternatives. The RI report is available for review in the site document repository and the results are summarized in section 6.3.

The analytical data collected on this site includes data for:

- groundwater
- soil
- soil vapor
- sub-slab vapor

6.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. The Department has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs for drinking water and soil vapor intrusion. For a full listing of all SCGs see:
http://www.dec.ny.gov/regulations/61794.html

6.1.2: RI Results

The data have identified contaminants of concern. A "contaminant of concern" is a contaminant that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified on the property are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized below. Additionally, the RI Report contains a full discussion of the data. The contaminants of concern identified at this site are:

cis-1,2-dichloroethene
tetrachloroethene (PCE)
trichloroethene (TCE)
benzo(a)anthracene
benzo(a)pyrene
benzo(b)fluoranthene
indeno(1,2,3-CD)pyrene
arsenic
lead

The contaminants of concern exceed the applicable SCGs for:

- groundwater
- soil
- soil vapor intrusion

6.2: Interim Remedial Measures

An interim remedial measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Decision Document.

There were no IRMs performed at this site during the RI.

6.3: Summary of Environmental Assessment

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water. The RI report presents a detailed discussion of any existing and potential impacts from the site to fish and wildlife receptors.

Nature and Extent of Contamination:
Soil and groundwater were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, polychlorinated biphenyls (PCBs), pesticides, and polyfluoroalkyl substances (PFAS). Soil vapor was analyzed for VOCs.

Soil - The primary contaminants of concern detected in surface, near-surface and subsurface soil included SVOCs and metals; they are listed here and compared to their respective restricted residential SCOs (RRSCOs).

SVOCs in soil that are considered the primary contaminants of concern are benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, and indeno(1,2,3-cd)pyrene with maximum concentrations of 41 parts per million (ppm), 33 ppm, 37 ppm, and 18 ppm, respectively. The RRSCOs for these are: 1 ppm for benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene, and 0.5 ppm for indeno(1,2,3-cd)pyrene. SVOC concentrations greater than RRSCOs were more prevalent in the north and central area of the site and maximum concentrations for the SVOCs all occurred at depths greater than four ft bgs. Metals in soil that are considered the primary contaminants of concern are arsenic and lead with maximum concentrations of 275 ppm and 2,850 ppm, respectively. RRSCOs for these are: 16 ppm for arsenic, and 400 ppm for lead. Arsenic was detected at concentrations above RRSCOs at nearly all sample locations, but only in surface or near surface soils. Lead was detected at concentrations above RRSCOs at two locations in the north area of the site. Samples with lead greater than RRSCOs were from one soil sample collected immediately beneath the asphalt pavement and two soil samples collected from 1 to 4 ft bgs.

Although, no VOCs were detected in soils at concentrations exceeding RRSCOs, in one subsurface sample collected from beneath the northeast corner of the building, tetrachloroethene (PCE) and trichloroethene (TCE) were detected at 3.5 ppm and 0.96 ppm, respectively. These concentrations exceed the unrestricted SCOs and protection of groundwater SCOs of 1.3 ppm for PCE and 0.47 ppm for TCE.

Groundwater – Although not considered site-related, the contaminants with the highest frequency of detections in groundwater include the metals, aluminum, iron, and sodium. Maximum concentrations of aluminum, iron, and sodium in groundwater on site are 8,800 parts per billion (ppb), 12,800 ppb, and 3,210,000 ppb, respectively. The groundwater standard for these are: 100 ppb for aluminum, 300 ppb for iron, and 20,000 ppb for sodium. The metals were detected above groundwater standards in nearly all groundwater samples. Presence of the metals may not be an indication of site-related activities, but rather an impairment caused by other nearby past industrial activities and from halite brine that exists within the aquifers of the Onondaga Trough south of Onondaga Lake.

Lead is potentially a site-related metal contaminant that was detected in one groundwater sample at a concentration exceeding the groundwater standard for lead of 25 ppb. The result for lead at this single exceedance was 110 ppb.

PCE, a site-related VOC, was detected in one groundwater sample at a concentration exceeding the groundwater standard for PCE of 5 ppb. The result for PCE at this single exceedance was 7.6 ppb.

For PFAS, perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) were reported at concentrations of up to 3.9 and 3.3 parts per trillion (ppt), respectively, below the 10 ppt maximum contaminant level for drinking water for each. No other individual PFAS exceeded the 100 ppt screening level. The total concentration of PFAS, including PFOA and PFOS, were reported at concentrations of up to 28.33 ppt, below the 500 ppt screening level for total PFAS in groundwater.

Soil Vapor – VOCs present at elevated concentrations in sub-slab soil vapor samples included cis-1,2-dichloroethene (cis-1,2-DCE), PCE, and TCE with maximum concentrations of 54 micrograms per cubic meter ($\mu g/m^3$), 7,400 $\mu g/m^3$, and 350 $\mu g/m^3$, respectively. Sub-slab vapor samples were collected in the northeast area of the building close to where the former dry-cleaning business operated. The NYSDOH soil vapor intrusion guidance recommends mitigation of a building when concentrations of PCE in a sub-slab vapor sample exceeds 1,000 $\mu g/m^3$ and when TCE in a sub-slab vapor sample exceeds 60 $\mu g/m^3$. A soil vapor sample collected outside the building footprint but close to the sub-slab sample locations showed a significant decline in concentrations for these VOCs. The soil vapor results showed no detection of cis-1,2-DCE, 12 $\mu g/m^3$ of PCE, and 2.4 $\mu g/m^3$ of TCE.

The RI results do not indicate the need for investigation off-site for soil, groundwater, and soil vapor.

6.4: Summary of Human Exposure Pathways

This human exposure assessment identifies ways in which people may be exposed to site-related contaminants. Chemicals can enter the body through three major pathways (breathing, touching or swallowing). This is referred to as *exposure*.

Direct contact with contaminants in the soil is unlikely because the site is covered with a building and pavement. People are not drinking the contaminated groundwater because the area is served by a public water supply that is not contaminated by this site. Volatile organic compounds in soil vapor (air spaces within the soil), may move into buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. The inhalation of site-related contaminants due to soil vapor intrusion does not represent a current concern because the site is vacant. Furthermore, environmental sampling indicates soil vapor intrusion is not a concern for off-site buildings.

6.5: Summary of the Remediation Objectives

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial program is to restore the site to pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

The remedial action objectives for this site are:

Groundwater

RAOs for Public Health Protection

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.
- Prevent contact with, or inhalation of volatiles, from contaminated groundwater.

RAOs for Environmental Protection

- Restore ground water aquifer to pre-disposal/pre-release conditions, to the extent practicable.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater or surface water contamination.

Soil Vapor

RAOs for Public Health Protection

- Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at a site.

SECTION 7: ELEMENTS OF THE SELECTED REMEDY

The alternatives developed for the site and the evaluation of the remedial criteria are presented in the Alternative Analysis. The remedy is selected pursuant to the remedy selection criteria set forth in DER-10, Technical Guidance for Site Investigation and Remediation and 6 NYCRR Part 375.

The selected remedy is a Track 4: Restricted use with site-specific soil cleanup objectives remedy.

The selected remedy is referred to as the Cover System, Vapor Mitigation, and Site Management remedy.

The elements of the selected remedy, as shown in Figure 2, are as follows:

1. Remedial Design

A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program.

Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
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- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings will include, at a minimum, a 20-mil vapor barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

2. Excavation

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3. Backfill

On-site soil which exceeds the RRSCOs may be used below the cover system described in remedy element 4 to establish the designed grades at the site. If additional backfill is needed to meet design grades at the site, clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought to the site.

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with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the site as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may be allowed where such components already exist or are a component of the tangible property to be placed as part of site redevelopment. Such components may include, but are not necessarily limited to pavement, concrete, paved surface parking areas, sidewalks, building foundations and building slabs.

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- allow the use and development of the controlled property for restricted residential use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and
- require compliance with the Department approved Site Management Plan.

7. Site Management Plan

A Site Management Plan is required, which includes the following:

a. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:

   Institutional Controls: The Environmental Easement discussed in Paragraph 6 above.

   Engineering Controls: The Cover System discussed in Paragraph 4 and the Vapor Mitigation discussed in Paragraph 5 above.

   This plan includes, but may not be limited to:
   - an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
   - descriptions of the provisions of the environmental easement including any land use and groundwater use restrictions;

- a provision that should a building foundation or building slab be removed in the future, a cover system consistent with that described in Paragraph 2 above will be placed in any areas where the upper two feet of exposed surface soil exceed the applicable SCOs;
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

c. an Operation and Maintenance (O&M) Plan to ensure continued operation, maintenance, optimization, monitoring, inspection, and reporting of any mechanical or physical components of the remedy. The plan includes, but is not limited to:
    - procedures for operating and maintaining the remedy;
    - compliance monitoring of treatment systems to ensure proper O&M as well as providing the data for any necessary permit or permit equivalent reporting;
    - maintaining site access controls and Department notification; and
    - providing the Department access to the site and O&M records.

Figure 1 – Site Location

The Smith Restaurant Building

Site Number: C734148

Figure 2 – Remedial Elements
The Smith Restaurant Building
Site Number: C734148