

DECISION DOCUMENT

Cahoon Parcel Site-Off-Site
Brownfield Cleanup Program
Wolcott, Wayne County
Site No. C859026A
June 2022



**Department of
Environmental
Conservation**

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

DECLARATION STATEMENT - DECISION DOCUMENT

Cahoon Parcel Site-Off-Site
Brownfield Cleanup Program
Wolcott, Wayne County
Site No. C859026A
June 2022

Statement of Purpose and Basis

This document presents the remedy for the Cahoon Parcel Site-Off-Site 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 Cahoon Parcel Site-Off-Site 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

All exposed soils (soils not covered by pavement, concrete, paved surface parking areas, sidewalks, building foundations and building slabs) in the upper foot which exceed the commercial SCOs will be excavated and transported off-site for disposal. Approximately 730 cubic yards of contaminated soil will be removed from the site.

Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to replace the excavated soil and establish the designed grades at the site.

3. Cover System

A site cover will be required to allow for commercial use of the site in areas where the upper one foot of exposed surface soil will exceed the applicable SCOs. Where a soil cover is to be used it will be a minimum of one foot 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.

4. Institutional Controls

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 commercial 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; and
- require compliance with the Department approved Site Management Plan.

5. Site Management Plan

A Site Management Plan is required, which includes: 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 4 above.

Engineering Controls: The soil cover discussed in Paragraph 3 above.

This plan includes, but may not be limited to:

- o an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
- o descriptions of the provisions of the environmental easement including any land use, and/or groundwater use restrictions;
- o provisions for the management and inspection of the identified engineering controls;
- o maintaining site access controls and Department notification; and
- o the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

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.

June 8, 2022

Date



Michael Cruden, Director
Remedial Bureau E

DECISION DOCUMENT

Cahoon Parcel Site-Off-Site
Wolcott, Wayne County
Site No. C859026A
June 2022

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, where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance, based on the reasonably anticipated use of the property.

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://gisservices.dec.ny.gov/gis/dil/index.html?rs=C859026A>

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

The area of concern subject to this work is considered off-site from BCP site C859026 and reflects the investigation and possible remediation of contamination that may have migrated from that site. This work is being carried out as provided for under the Environmental Conservation Law Section 27-1411.5.

Please see C859026 for further information regarding the status of the site in the Brownfield Cleanup program.

Location: The C859026A site includes a portion of two parcels: 11865 Orchard Street and 6162 W Port Bay Road. The site is situated in a commercial/residential area of the Village of Wolcott, Wayne County. The site is adjacent to the north-west boundary of the Cahoon Parcel property, BCP Site C859026. Site area of concern is approximately 0.5 acres in size. This area is approximately 500 feet northeast of the intersection of Orchard Street with West Port Bay Road.

Site Features: The Site is currently an open grassy area with no structures.

Current Zoning/Use: The Site is zoned as commercial. Properties adjacent to the Site include a baseball field and W Port Bay Road to the west, a commercial facility to the north, the Village Fire Department to the south, and the vacant Cahoon parcel to the east.

Historical Use: The contamination on the Site is associated with the former use of a mercury-based fungicide at a gladiola farm in the 1930s to 1950s.

Site Geology and Hydrogeology: Soils encountered at the site consist of relatively coarse sand and gravel fills overlying fine-grained soils comprised primarily of silt and fine sand mixtures. Bedrock is typically encountered around 20 feet below ground surface (ft bgs).

Groundwater was encountered at the Site at depths of approximately 1 to 6 ft bgs and flowed to the north/northwest.

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 (or an alternative) that restrict(s) the use of the site to commercial use (which allows for industrial use) as described in Part 375-1.8(g) were/was 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

In 2006, the Cahoon Parcel site entered the Department's Brownfield Cleanup Program (BCP). In 2009, an on-site Remedial Investigation (RI) was completed. Based on the RI, the site was determined to be a significant threat and the BCP applicant, as a Volunteer, was not required to investigate/remediate off-site contamination.

As a significant threat site, the Department was obligated to seek Potential Responsible Parties (PRPs) for the site to do the work. An Order on Consent was signed with the owner of both parcels which included requirements to perform an investigation and cleanup including an imposition of an easement on both sites once cleanup is completed.

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 will also be 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
- sediment

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 contaminant of concern identified at this site is:

mercury

The contaminant(s) of concern exceed the applicable SCGs for:

- soil

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 - Mercury is the primary contaminant of concern. Mercury was detected above the Restricted Commercial Use Soil Cleanup Objective (SCO) of 2.8 mg/kg at depths ranging from 0 to 17 ft bgs. Samples collected at the site ranged from non-detect to 922 mg/kg. Various samples

were also analyzed for toxicity characteristic leaching procedure (TCLP) and synthetic precipitation leaching procedure (SPLP) to determine the potential of mercury to leach into the groundwater. The results were all below the toxicity characteristic regulatory level of 0.2 mg/L. Sampling of soil beneath the paved parking lots to the north and south was limited due to inability to access the areas. Sample results indicate that some mercury-impacted soils may be present beneath the pavement.

Groundwater - Although groundwater was not impacted at the Cahoon Parcel Site C859026, the Departments sampled mercury in groundwater at this site based on the higher concentrations and depths of mercury detections in the soil. Three temporary groundwater monitoring wells were installed at the site and sampled for mercury. The results were below the Ambient Water Quality Standard of 0.0007 mg/L for mercury. No further action for groundwater at the site is warranted.

Sediment - Composite sediment samples collected from three storm water drains (two on-site and one off-site to the west beyond W Port Bay Road) did not exceed the Restricted Commercial Use SCO or the freshwater Class A sediment guidance value of 0.2 mg/kg for mercury and no further action for sediments is warranted.

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*.

Persons who enter the site could contact contaminants in the soil by walking on the dirt, digging on or below the ground surface, and otherwise disturbing the soil.

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:

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.

RAOs for Environmental Protection

- Prevent impacts to biota from ingestion/direct contact with soil causing toxicity or impacts from bioaccumulation through the terrestrial food chain.

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 Restricted Use Soil Excavation and Disposal 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:

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- o descriptions of the provisions of the environmental easement including any land use, and/or groundwater use restrictions;
- o provisions for the management and inspection of the identified engineering controls;
- o maintaining site access controls and Department notification; and
- o the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

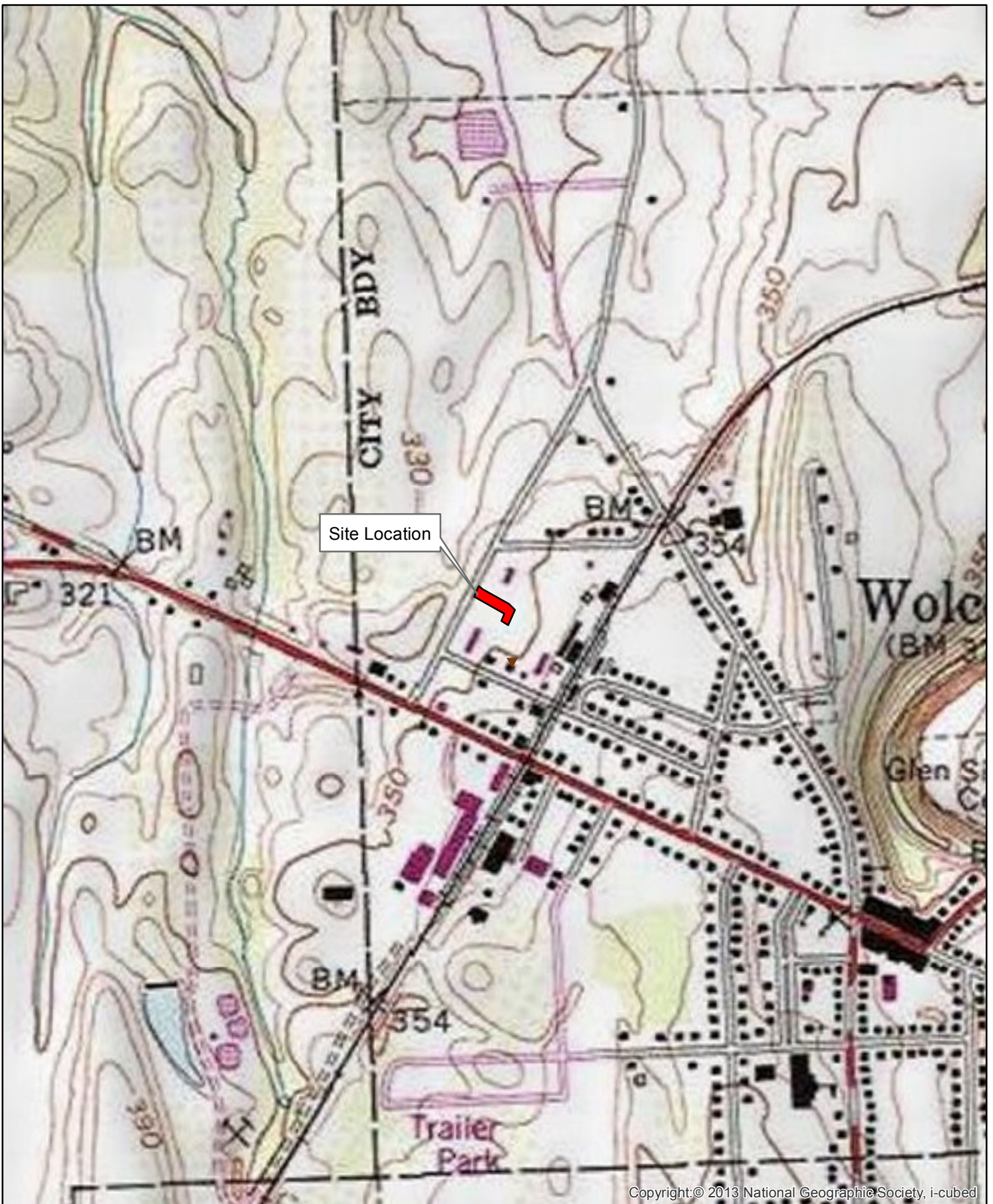
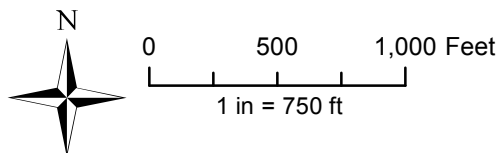


Figure 1: Site Location Map

Cahoon Parcel Site Off-Site C859026A
 6162 West Port Bay Rd & 11865 Orchard St
 Village of Wolcott, Wayne County, NY



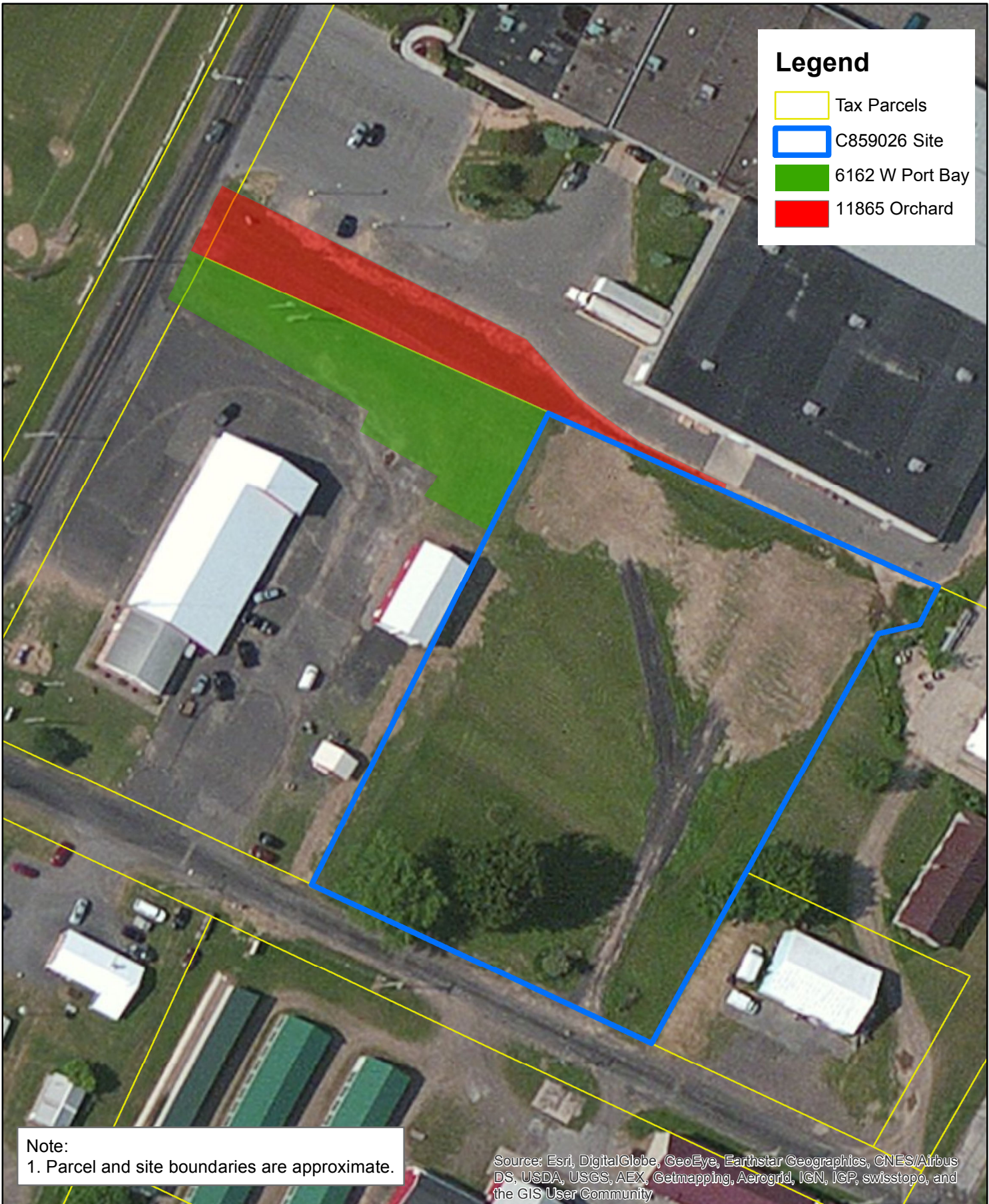
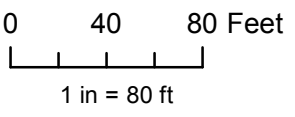


Figure 2: Site and Surrounding Properties Map

Cahoon Parcel Site Off-Site C859026A
6162 West Port Bay Rd & 11865 Orchard St
Village of Wolcott, Wayne County, NY





Legend

- C859026 Site
- Excavation Area (1 foot bgs)

Figure 3: Alternative B
 Cahoon Parcel Site Off-Site C859026A
 6162 West Port Bay Rd & 11865 Orchard St
 Village of Wolcott, Wayne County, NY

