

DECISION DOCUMENT

Scott Rotary Seals
Brownfield Cleanup Program
Olean, Cattaraugus County
Site No. C905036
January 2012



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

DECLARATION STATEMENT - DECISION DOCUMENT

Scott Rotary Seals
Brownfield Cleanup Program
Olean, Cattaraugus County
Site No. C905036
January 2012

Statement of Purpose and Basis

This document presents the remedy for the Scott Rotary Seals 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 Scott Rotary Seals 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. A remedial design program would be implemented to provide the details necessary for the construction, operation, 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 gas 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; and
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development

2. The remedy for the site includes limited excavation and off-site disposal of shallow (less than 6-feet below final grade) unsaturated petroleum impacted soil within the northwest area of the site, including the building footprint and utility corridors. Approximately 5,300 cubic yards

of soil/fill would be removed. Fill would then be brought in to replace the excavated soil and establish the design grades at the site.

3. Soil vapor extraction (SVE) is an in-situ technology used to treat volatile organic compounds (VOCs) in soil. The process physically removes contaminants from the soil by applying a vacuum to a SVE well that has been installed into the vadose zone (the area below the ground but above the water table). The vacuum draws air through the soil matrix which carries the VOCs from the soil to the SVE well. The air extracted from the SVE wells is then run through an activated carbon treatment canister (or other air treatment as applicable) to remove the VOCs before the air is discharged to the atmosphere.

At this site 10 SVE wells would be installed in the vadose zone and screened from approximately 6 feet below the ground surface to a depth of approximately 15 feet. The air containing VOCs extracted from the SVE wells would be treated using activate carbon.

4. Removal of LNAPL from select monitoring wells via sorbent socks and PetroTrap(s).

5. Any on-site buildings would be required to have a sub-slab depressurization system, or a similar engineered system, to prevent the migration of vapors into the building from soil and/or groundwater.

6. A site cover will be required to allow for commercial use of the site. The cover will consist either of the structures such as buildings, pavement, sidewalks comprising the site development or a soil cover in areas where the upper one foot of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where the soil cover is required it will be a minimum of one foot of soil, meeting the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d) for commercial use. The soil cover will be placed over a demarcation layer, with the upper six inches of the soil of sufficient quality to maintain a vegetation layer. Any fill material brought to the site will meet the requirements for the identified site use as set forth in 6 NYCRR Part 375-6.7(d).

7. Imposition of an institutional control in the form of an environmental easement for the controlled property that:

- requires 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);
- allows the use and development of the controlled property for commercial and industrial uses as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restricts 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;
- prohibits agriculture or vegetable gardens on the controlled property; and
- requires compliance with the Department approved Site Management Plan.

8. 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 engineering controls remain in place and effective:

Institutional Controls: The Environmental Easement discussed in Paragraph 7 above.

Engineering Controls: The soil vapor extraction system discussed in Paragraph 3 above, removal of NAPL as discussed in Paragraph 4 above, the subslab depressurization system discussed in Paragraph 5 above and the cover system discussed in Paragraph 6 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/or groundwater and/or surface water use restrictions;
 - a provision for evaluation of the potential for soil vapor intrusion for any buildings developed on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
 - 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. a Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
- monitoring of soil, groundwater and the soil vapor extraction effluent to assess the performance and effectiveness of the remedy;
 - a schedule of monitoring and frequency of submittals to the Department.
- c. an Operation and Maintenance (O&M) Plan to ensure continued operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy. The plan includes, but is not limited to:
- 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.

02/03/2012



Date

Michael Cruden, Director
Remedial Bureau E

DECISION DOCUMENT

Scott Rotary Seals
Olean, Cattaraugus County
Site No. C905036
January 2012

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:

Olean Public Library
Attn: Lance Chaffee
134 North 2nd Street
Olean, NY 14760-2583
Phone:

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, Voluntary 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 Scott Rotary Seals site is located in an urban area at 301 Franklin Street in the northern part of the City of Olean. The site is approximately 300 yards south of Interstate 86.

Site Features:

The site is approximately 2 acres in size and is currently vacant. The site is bordered by railroad tracks to the east and south and commercial businesses to the north and west.

Current Zoning/Use(s):

The site is currently vacant, and is zoned for commercial use. The surrounding parcels are currently used for a mixture of light industrial and commercial uses. The nearest residential area is 300 yards to the southeast.

Historic Uses:

The Site was historically a portion of a larger petroleum refinery and petroleum bulk storage facility commonly known as the former SOCONY Vacuum facility which operated from the late 1800s until the 1950s. The Site and surrounding area were historically developed as a petroleum refinery with numerous Aboveground Storage Tanks (ASTs) and heavy industrial operations.

A phase I Environmental Assessment was completed in September 2008. Phase II Site Investigations were completed in November 2008 and July 2009 and identified petroleum contamination. NYSDEC Spill No. 0811100 was opened in January 2008 and subsequently closed when the site was being investigated and remediated under the Brownfield Cleanup Program.

Site Geology and Hydrogeology:

Soil at the site consists of fill materials consisting of varying amounts of gravel, brick, ash and concrete that is up to 6 feet thick. Native soils consist of medium to coarse sand and gravel to depths of at least 30 feet below ground surface.

The uppermost water bearing unit is within an unconfined sand and gravel layer. The depth to groundwater from ground surface ranges between 13 to 26 feet. Groundwater in the uppermost water bearing unit generally flows toward the southeast.

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

The Applicant(s) under the Brownfield Cleanup Agreement is a/are Volunteer(s). The Applicant(s) does/do 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 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 6.4.

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 Information

The analytical data collected on this site includes data for:

- groundwater
- soil

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(s) of concern identified at this site is/are:

ARSENIC

Petroleum Products

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

- groundwater
- soil
- soil vapor

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.

The following IRM(s) has/have been completed at this site based on conditions observed during the RI.

IRM - Soil and Piping Removal

In late winter/early spring 2011, an IRM was implemented to identify and remove subsurface piping and sample and dispose of several on-site soil/fill stockpiles. A total of 5,746 linear feet of subsurface piping was excavated, cleaned and shipped off-site for recycling. Pipe scale and product generated during pipe removal was also disposed off-site. A total of approximately 1,982 tons of soil/fill was disposed off site.

6.3: 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*.

The site is not fenced and persons who enter the site could contact contaminants in the soil by walking on the soil, digging or otherwise disturbing the soil. People are not expected to come into direct contact with contaminated groundwater unless they dig below the ground surface. A subslab depressurization system will be installed in the building to be built on the site to prevent vapors beneath the slab from entering the building.

6.4: 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:

Based upon investigations conducted to date, the primary contaminant of concern at the site is petroleum. Surface soils also contain arsenic concentrations that exceed commercial use soil cleanup objectives. Subsurface soils are grossly contaminated with petroleum constituents as identified by strong petroleum odors, elevated PID readings and soil staining. The highest volatile organic compound concentrations exist in the smear zone directly above the water table and consist mainly of tentatively identified compounds (ranging from non detect to 274 mg/kg). These tentatively identified compounds are degradation byproducts typical of sites containing historic petroleum contamination.

Three inorganics (iron, magnesium and manganese) and one pesticide slightly exceeded groundwater quality standards, however, these exceedances are likely due to ambient groundwater conditions. Volatile organic compound contamination in groundwater consists mainly of tentatively identified compounds (ranging from non detect to 800 ug/l) for which no standard exists. LNAPL (up to 0.88 ft) was observed in monitoring wells along the western portion of the site. This LNAPL was not observed off-site.

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.
- Prevent inhalation of or exposure from contaminants volatilizing from contaminants in 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 elements of the selected remedy, as shown in Figure 2, are as follows:

1. A remedial design program would be implemented to provide the details necessary for the construction, operation, 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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- prohibits agriculture or vegetable gardens on the controlled property; and
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8. A Site Management Plan is required, which includes the following:

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- a provision for evaluation of the potential for soil vapor intrusion for any buildings developed on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
- 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.

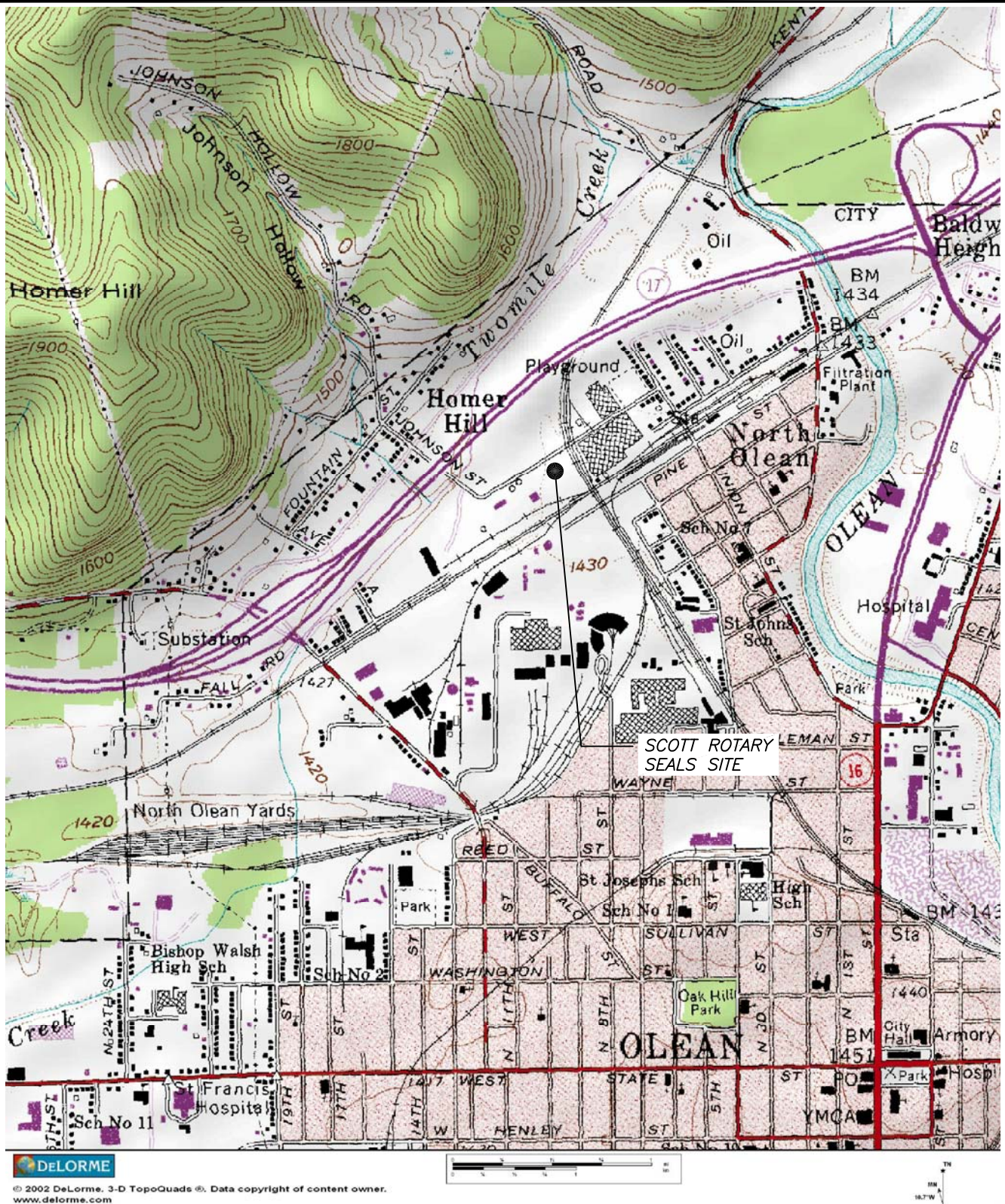
b. a Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:

- monitoring of soil, groundwater and the soil vapor extraction effluent to assess the performance and effectiveness of the remedy;
- a schedule of monitoring and frequency of submittals to the Department.

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

- 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



2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0599

SITE VICINITY AND LOCATION MAP

REMEDIAL ACTION WORK PLAN

SCOTT ROTARY SEALS SITE

OLEAN, NEW YORK

PREPARED FOR

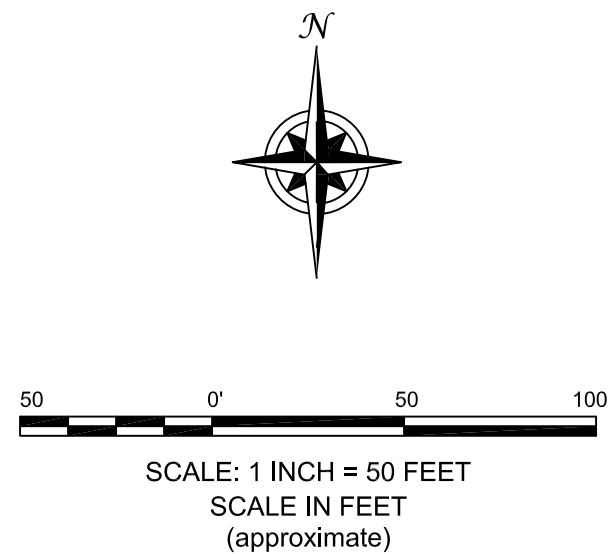
DST PROPERTIES NY, LLC

PROJECT NO.: 0189-001-107

DATE: MAY 2011

DRAFTED BY: AJZ

DATE: MAY 2011
DRAFTED BY: NTM



- LEGEND**
- PROPERTY BOUNDARY
 - FENCE
 - RAILROAD TRACKS (approximate)
 - PLANNED BUILDING
 - SVE-2 ⊗ SVE EXTRACTION WELL LOCATION
 - SVE PIPING
 - ESTIMATED ZONE OF INFLUENCE



PLANNED SVE SYSTEM LAYOUT

REMEDIAL ACTION WORK PLAN
SCOTT ROTARY SEALS SITE
OLEAN, NEW YORK
PREPARED FOR
DST PROPERTIES NY, LLC



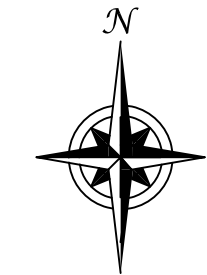
2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0635

JOB NO.: 0189-001-107

FIGURE 8

LEGEND

- PROPERTY BOUNDARY
- FENCE
- RAILROAD TRACKS (approximate)
- PLANNED BUILDING
- PLANNED COVER SYSTEM AREAS



SCALE: 1 INCH = 50 FEET
SCALE IN FEET
(approximate)

ASPHALT AND CONCRETE AREAS
(Driveways, Parking, and Sidewalks)

FRANKLIN STREET

COVER SYSTEM LAYOUT

REMEDIAL ACTION WORK PLAN
SCOTT ROTARY SEALS SITE
OLEAN, NEW YORK
PREPARED FOR
DST PROPERTIES NY, LLC

2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0635



JOB NO.: 0189-001-107

FIGURE 12