NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau E
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September 1, 2015

Mr. Jeffrey Belt
Silence Dogood, LLC
211 Franklin Street
Olean, New York 14760

RE: 211 Franklin Street, Site ID No. C905038
Olean, Cattaraugus
Remedial Work Plan & Decision Document

Dear Mr. Belt:

The New York State Department of Environmental Conservation (Department) and the New York State Department of Health (NYSDOH) have reviewed the Remedial Work Plan (RWP) for the 211 Franklin Street site dated May 21, 2015 and prepared by Day Environmental, Inc., on behalf of Mr. Jeffrey Belt. The RWP is hereby approved. Please ensure that a copy of the approved RWP is placed in the document repository. The draft plan should be removed.

Enclosed is a copy of the Department's Decision Document for the site. The remedy is to be implemented in accordance with this Decision Document. Please ensure that a copy of the Decision Document is placed in the document repository.

Please contact the Department's Project Manager, Anthony Lopes at 716-851-7220 at your earliest convenience to discuss next steps.

Sincerely,

Michael J. Cruden, P.E.
Director
Remedial Bureau E
Division of Environmental Remediation

Enclosure
ec: R. Schick/M. Ryan, DER
C. Staniszewski/A. Lopes, Region 9
P. Foster, OGC
K. Anders/C. Bethoney/A. DeMarco, NYSDOH
C. Hampton, Day Environmental, Inc.
A. Walters, Phillips Lytle LLP

DECISION DOCUMENT

211 Franklin Street
Brownfield Cleanup Program
Olean, Cattaraugus County
Site No. C905038
August 2015

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

DECLARATION STATEMENT - DECISION DOCUMENT

211 Franklin Street
Brownfield Cleanup Program
Olean, Cattaraugus County
Site No. C905038
August 2015

Statement of Purpose and Basis

This document presents the remedy for the 211 Franklin Street 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 211 Franklin Street 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 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; and
•Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.

2. A site cover will be required to allow for commercial use of the site. The cover will consist either of 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).

3. The site will be re-graded to accommodate installation of a cover system as described in remedy element #2. Excess soil derived from the re-grading will be sampled and properly disposed off-site.

4. The 'proposed vapor mitigation area' beneath the existing on-site building depicted on Figure 2 will 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. Soil vapor intrusion sampling, including both sub-slab and indoor air sampling, will be completed in Areas 1 through 6 as identified on Figure 2. A sub-slab depressurization system, or a similar engineered system, will be installed as necessary to prevent the migration of vapors into the building in these areas.

5. 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;
• requires compliance with the Department approved Site Management Plan.

6. 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 5 above.

Engineering Controls: The soil cover discussed in Paragraph 2 and the sub-slab depressurization system discussed in Paragraph 4 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 groundwater to assess the performance and effectiveness of the remedy;
• a schedule of monitoring and frequency of submittals to the Department;
• monitoring for vapor intrusion for any buildings developed on the site, as may be required by the Institutional and Engineering Control Plan discussed above.

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.

Michael J Cruden

Digitally signed by Michael J Cruden
DN: cn=Michael J Cruden, o=DER, ou=RBE, email=mjcruden@gw.dec.state.ny.us, c=US
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Date

Michael Cruden, Director
Remedial Bureau E

DECISION DOCUMENT

211 Franklin Street
Olean, Cattaraugus County
Site No. C905038
August 2015

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 or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. The remedy is intended to attain the remedial action objectives identified for this site for the protection of public health and the environment. This Decision Document identifies the selected remedy, summarizes the other alternatives considered, and discusses the reasons for selecting the remedy.

This site is subject to the New York State Hazardous Waste Management Program and the New York State Brownfield Cleanup Program.

The New York State Hazardous Waste Management Program (also known as the RCRA Program) requires corrective action for releases of hazardous waste and hazardous constituents to the environment.

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 work completed by the remedial party pursuant to the BCP is being used to address the RCRA Program obligations for this site.

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
134 North 2nd Street
Olean, NY 14760
Phone: (716) 372-0200

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

Site Location: This BCP site is located in the City of Olean, Cattaraugus County. The site is bordered by a parking lot and an athletic field to the north and northwest, residential properties to the northeast and railroad corridors to the southwest and southeast. The nearest residential property is approximately 120 feet northeast of the site.

Site Features: The site is approximately 5.7 acres in size. A single one and two-story industrial building, with partial basement, covers approximately 90% of the site.

Current Zoning and Land Use: The site is currently zoned and used for industrial purposes in manufacturing epoxies and resins.

Past Use of the Site: The site has historically been used for various manufacturing operations including manufacturing chemicals, glass bottles, metal furniture and metal wares. Painting, polishing, and plating operations historically occurred on the site.

Site Geology and Hydrogeology: Soil at the site generally consists of fill material that extends from the surface to between approximately 2 to 8 feet below ground surface. The maximum depth of fill is approximately 15 feet in the western portion of the building. This fill generally consists of reworked native soil (sand and gravel) intermixed with lesser amounts of slag, ash, bricks, concrete and glass. Native soils below the fill consist of varying proportions of fine to coarse sand and gravel. Bedrock was not encountered in on-site borings, however, bedrock in the vicinity of the site consists of inter-bedded soft gray shale and siltstone.

Depth to groundwater ranges between 17 to 24 feet below ground surface. Groundwater in the uppermost water-bearing unit generally flows east-southeast towards Olean Creek.

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 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.

Petroleum contamination is believed to have migrated on-site from an off-site source and is being addressed by Exon Mobil Oil Corporation.

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

TRICHLOROETHENE (TCE)	CADMIUM
TETRACHLOROETHYLENE (PCE)	COPPER
BENZO(A)PYRENE	LEAD
BENZO(A)ANTHRACENE	MERCURY
BENZO(B)FLUORANTHENE	NICKEL
DIBENZ[A,H]ANTHRACENE	ZINC
INDENO(1,2,3-CD)PYRENE	CHROMIUM
HEXACHLOROBENZENE	MAGNESIUM
ARSENIC	ACETONE
BARIUM	METHYL ISOBUTYL KETONE

The contaminant(s) 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.

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

IRM - UST Removal

A 10,000 gallon steel underground storage tank (UST) formerly used to store diesel fuel was removed from the south central portion of the site in October 2014. The tank was in good condition with no evidence of leaks. The tank was sent off-site for recycling.

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.

Based upon investigations completed to date, the primary contaminants of concern include trichloroethene (TCE), tetrachloroethene (PCE), acetone, methyl isobutyl ketone (MIBK) and various metals and polycyclic aromatic hydrocarbons (PAHs). Residual petroleum contamination exists below the water table.

Soil - Shallow soil/fill is contaminated with benzo(a)pyrene (concentration range from ND (not detected) to 12 ppm) exceeding the commercial soil cleanup objective (CSCO) of 1 ppm, benzo(a)anthracene (ND to 11 ppm) exceeding the CSCO of 5.6 ppm, benzo(b)fluoranthene (ND to 13 ppm) exceeding the CSCO of 5.6 ppm , dibenzo(a,h)anthracene (ND to 2.2 ppm) exceeding the CSCO of 0.56, indeno(1,2,3-cd)pyrene (ND to 7.7 ppm) exceeding the CSCO of 5.6 ppm, hexachlorobenzene (ND to 17 ppm) exceeding the CSCO of 6 ppm, arsenic (4.2 to 129 ppm) exceeding the CSCO of 16 ppm, barium (32 to 579 ppm) exceeding the CSCO of 400 ppm, cadmium (0.03 to 15 ppm) exceeding the CSCO of 9.3 ppm, copper (7 to 3,460 ppm) exceeding the CSCO of 270, lead (3.9 to 3,030 ppm) exceeding the CSCO of 1,000 ppm, mercury (ND to 17.9 ppm) exceeding the CSCO of 2.8 ppm, nickel (3.4 to 472 ppm) exceeding the CSCO of 310 ppm and zinc (23 to 11,400 ppm) exceeding the commercial soil cleanup objective of 10,000 ppm. This contamination appears to be associated with the fill material interspersed with shallow reworked soil. Deeper soils generally located on the western portion of the site are contaminated with residual petroleum below the water table. This petroleum contamination is believed to have migrated on-site from an off-site source.

Groundwater - An isolated area of chromium impacted groundwater was identified below the building near the central portion of the site. The maximum concentration of chromium in this area was 309 ppb exceeding the groundwater standard of 50 ppb. VOC/SVOC tentatively identified compounds (TICs) were detected in groundwater across a large portion of the site. This

contamination is believed to be associated with degraded petroleum that has migrated from an off-site source.

Soil Vapor - Soil vapor is contaminated with TCE, PCE, acetone and MIBK. Acetone and MIBK are currently utilized in the on-going manufacturing process. To date, indoor air has not been sampled.

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.*

People who enter the site could contact contaminants in soil by walking on the soil, digging or otherwise disturbing the soil around some areas outside of the building. People are not drinking the contaminated groundwater because the area is served by a public water system not affected by this contamination. Volatile organic compounds in the groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying 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. Environmental sampling indicates the potential for soil vapor intrusion into the on-site building. Vapor intrusion concerns are limited to this building.

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.

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 Track 4 Commercial Use Remedy via Soil Vapor Mitigation and Cover remedy.

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

1. 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; and
•Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.

2. A site cover will be required to allow for commercial use of the site. The cover will consist either of 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).

3. The site will be re-graded to accommodate installation of a cover system as described in remedy element #2. Excess soil derived from the re-grading will be sampled and properly disposed off-site.

4. The 'proposed vapor mitigation area' beneath the existing on-site building depicted on Figure 2 will 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. Soil vapor intrusion sampling, including both sub-slab and indoor air sampling, will be completed in Areas 1 through 6 as identified on Figure 2. A sub-slab depressurization system, or a similar engineered system, will be installed as necessary to prevent the migration of vapors into the building in these areas.

5. 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;
• requires compliance with the Department approved Site Management Plan.

6. 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 5 above.

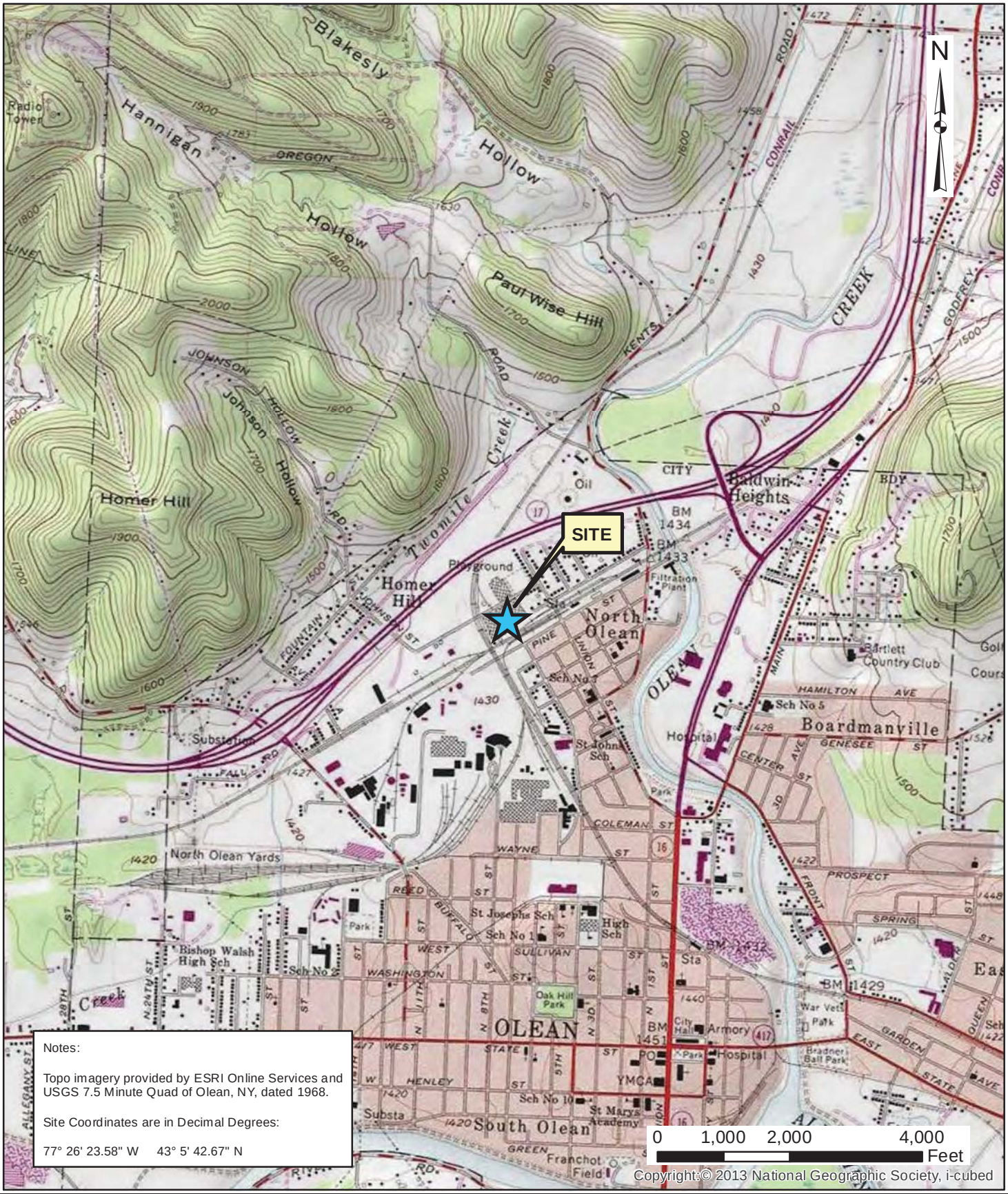
Engineering Controls: The soil cover discussed in Paragraph 2 and the sub-slab depressurization system discussed in Paragraph 4 above.

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 groundwater to assess the performance and effectiveness of the remedy;
• a schedule of monitoring and frequency of submittals to the Department;
• monitoring for vapor intrusion for any buildings developed on the site, as may be required by the Institutional and Engineering Control Plan discussed above.



Date: 12-19-2014 Drawn By: CAH Scale: AS NOTED	**day** **DAY ENVIRONMENTAL, INC.** **Environmental Consultants** **Rochester, New York 14606** **New York, New York 10170**	Project Title: 211 FRANKLIN STREET OLEAN, NEW YORK BCP SITE NO. C905038 REMEDIAL INVESTIGATION Drawing Title: Project Locus Map	Project No. 4884S-13 FIGURE 1

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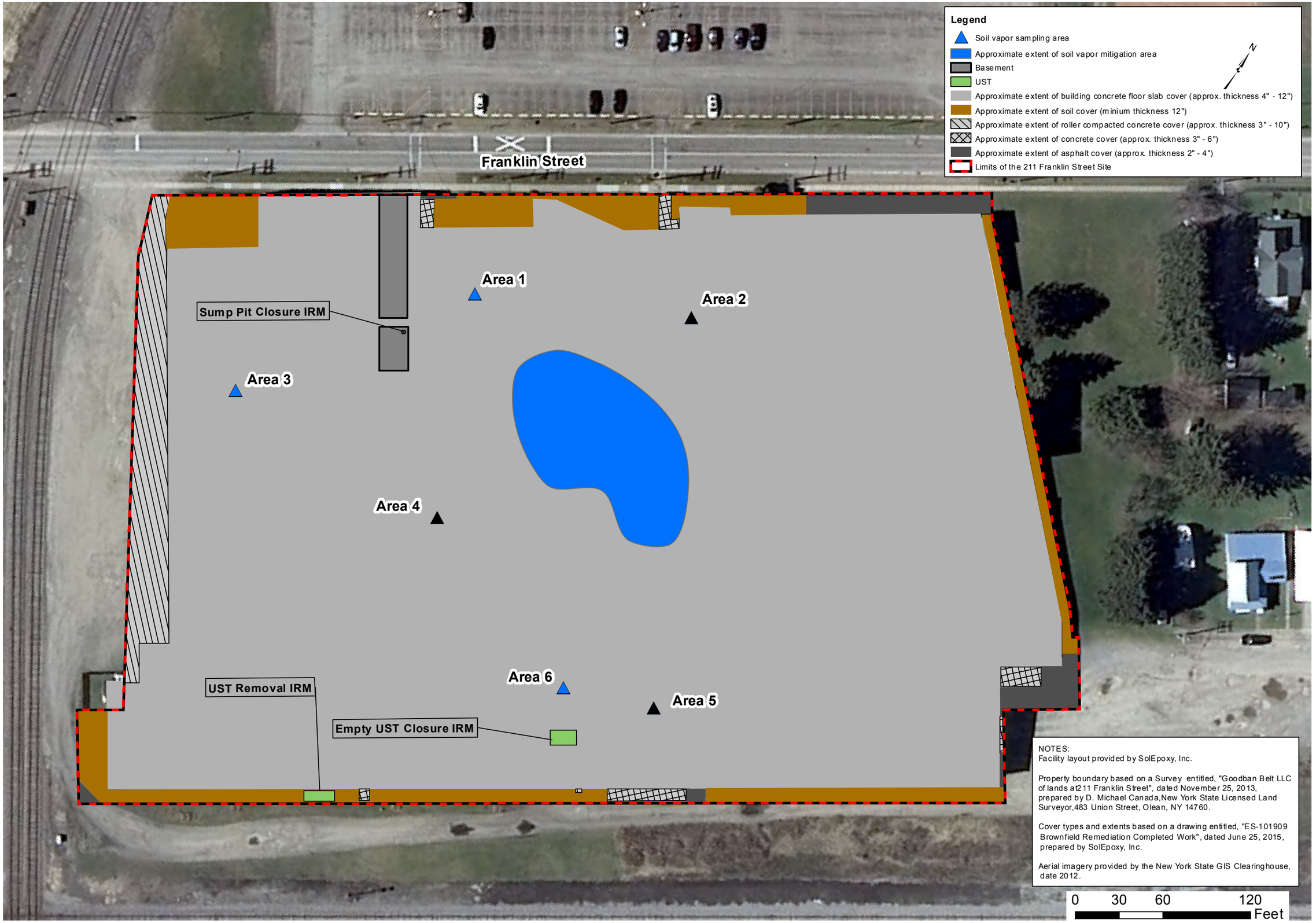

DESIGNED BY RLK | DRAWN BY CAH | SCALE AS NOTED

DATE 08-2015 | DATE D RAWN 08-2015 | DATE ISSUED 08-25-2015

DAY ENVIRONMENTAL, INC.
Environmental Consultants
Rochester, New York 14606
New York, New York 10170

Project Title
211 FRANKLIN STREET
OLEAN, NEW YORK

BCP SITE NO. C905038

Drawing Title
Site Plan

Project No.
4884S-13

FIGURE 2

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