DECISION DOCUMENT

Site III-8 Tecumseh Phase III Business Park
Brownfield Cleanup Program
Lackawanna, Erie County
Site No. C915199H
May 2013

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

DECLARATION STATEMENT - DECISION DOCUMENT

Site III-8 Tecumseh Phase III Business Park
Brownfield Cleanup Program
Lackawanna, Erie County
Site No. C915199H
May 2013

Statement of Purpose and Basis

This document presents the remedy for the Site III-8 Tecumseh Phase III Business Park 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 Site III-8 Tecumseh Phase III Business Park 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, maintenance, and monitoring of the remedial program. Green remediation principals 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.

2. 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).

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

- 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; and

- 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.)

4. A Site Management Plan is required, which includes, but not limited to, the following:

- an Institutional and Engineering Control Plan that identifies all use restrictions for the site noted above and details the steps necessary to ensure the following controls remain in place and effective;

- an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;

- a Monitoring Plan to ensure groundwater quality and to assess the performance and effectiveness of the site cover;

- 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.

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.

05/13/2013

Date

Michael Cruden, Director
Remedial Bureau E

DECISION DOCUMENT

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Lackawanna, Erie County
Site No. C915199H
May 2013

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 repositories:

Lackawanna Public Library
Attn: Jennifer Hoffman
560 Ridge Road
Lackawanna, NY 14218
Phone: 716-823-0630

NYS DEC
Attn: Maurice Moore
270 Michigan Ave.
Buffalo, NY 14203

Phone: 716-851-7220

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:
Tecumseh Phase III-8(Site)is one of 10 sub-parcels comprising the Tecumseh Phase III Business Park (Phase III) located at 1958 Hamburg Turnpike in the City of Lackawanna, New York. Situated in a former industrial area, Phase III is part of a larger property that once included the Bethlehem Steel Company (BSC) identified on the Erie County Tax maps as SBL 141.11-1.111. Phase III is located to the west of Route 5 and the Tecumseh Phase II Business Park, to the south of Gateway Metroport and east of the remaining Former Bethlehem Steel Property.

Site Features:
The mostly rectangular Phase III is approximately 5,500 feet long, averages 1,500 feet wide, is 148.83 acres in size, and is bisected by Smokes Creek. The parcel is flat and covered with slag fill. Most of the business park is vegetated with natural grasses, shrubs and poplar trees typical of a primary shrub-young forest ecosystem. Also typical are remnants of former steel manufacturing buildings and foundations. The entire BSC property is fenced with vehicle access limited to one automatic gate.

The Site is a smaller 5.92 acre, rectangular, sub-parcel centrally located within Phase III. Along the northern and eastern side of the Site is sub-parcel III-9 and to the south is sub-parcel III-7.

Zoning/Use(s):
Phase III and the Site are medium industrial. Current use of the Site is vacant land.

Historic Use(s):
Phase III was formerly a portion of BSC’s steel making operations. Specific processes and steel making facilities performed on or proximate to the Site included:

- Open Hearth Furnaces
- Water treatment
- Mould Warming and Protection
- Welfare Buildings
- Converyor operations

Future use anticipates industrial re-use.

Geology/Hydrology:
The entire Phase III is mostly filled land with between two to eight feet of steel and iron-making slag as well as other fill material being used for backfill. Underlying the fill material are lacustrine silts and clays.

Bedrock is Middle Devonian age, Skaneateles Formation, consisting of Levanna shale and Stafford limestone of the Hamilton Group. Bedrock is located about 52 feet deep near the western border of the site.

Due to the porous nature of the slag/soil fill there is very little ponded storm water or surface runoff as most of the precipitation seeps into the highly permeable slag/soil fill. Any surface waters would either flow into the South Water Return Trench which parallels the eastern border of the property which flows southerly until emptying into Smokes Creek which discharges to the west into Lake Erie.

Groundwater is between 5 and 6 feet deep trending westerly and northerly toward Lake Erie.

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 6.3.

The analytical data collected on this site includes data for:

- soil

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:

Arsenic
Cadmium
Benz(a)anthracene
Benzo(a)pyrene
Benzo(b)fluoranthene
Dibenz[a,h]anthracene
indeno(1,2,3-cd)pyrene
Pcb-aroclor 1260
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.

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

Soil Removal

An IRM to remove and treat or properly dispose source material in soil was completed in December 2012.

Approximately 30 cubic yards of soil were found to contain elevated levels of arsenic considered to present a potential for human exposure concerns and were a continuing source of degradation to the environment. This soil was removed along with arsenic contaminated soils from the adjacent Phase III-7 site, and disposed off-site.

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.

Prior to Remediation:

Based upon investigations conducted to date, the primary contaminants of concern for soils at the Tecumseh Phase III-8 site are metals, such as arsenic, cadmium and mercury. Contaminants of concern to a lesser extent are semi-volatile organic compounds (SVOCs) including polycyclic aromatic hydrocarbons (PAHs), such as benzo(a)pyrene, benzo(b)fluoranthene, benzo(a)anthracene, indeno(1,2,3-cd)pyrene and dibenzo(a,h)anthracene. Also found in low concentrations were polychlorinated bi-phenyls (PCBs).

The nature and extent of metals contamination is consistent with the former site use as a steel manufacturing facility. Widespread exceedances of unrestricted use site cleanup objectives (SCOs) are common in the soil and fill. For example, when compared to the unrestricted SCO of 13 ppm arsenic, ranging from 12.5 to 132 ppm, exceeds SCO in 4 of 5 samples and when compared to the commercial SCO of 16 ppm, exceeds in 3 of 5 samples. Cadmium, which ranged from 2.59 to 30.9 ppm, exceeds the unrestricted SCO of 2.5 ppm in 5 of 5 samples but, only exceeds the commercial SCO of 9.3 in two samples. Mercury was found from 0.169 to 3.32

ppm exceeding the unrestricted SCO (0.18 ppm) in 4 of 5 samples, but only one sample exceeded the commercial SCO of 2.8 ppm.

SVOCs, like metals, are widespread throughout the Phase III Business Park. Most of the SVOCs are PAHs usually associated with activities including the burning of fossil fuels and heavy rail use, both of which were ubiquitous at the former steel mill. At the site, PAHs exceed the unrestricted SCOs in almost all of the samples. However, when compared to the commercial use SCOs, only benzo(a)pyrene (SCO of 1 ppm), which ranged from 2.9 to 25 ppm, exceeded in 5 of 5 samples. With a commercial SCO of 5.6 ppm, benzo(b)fluoranthene, which ranged from 3.4 to 28 ppm, exceeded the SCO in 4 of 5 samples. Benzo(a)anthracene (SCO of 5.6 ppm), ranged from 1.9 to 27 ppm exceeded the SCO in 3 of 5 samples and indeno(1,2,3-cd)pyrene, ranged from 2.5 to 14 ppm, exceeding the commercial SCO in 2 of 5 samples. Ranging from ND to 1.2 ppm, dibenzo(a,h)anthracene (SCO of 0.56 ppm), exceeded in only 1 of 5 samples.

When compared to the commercial use SCOs, only benzo(a)pyrene (1 ppm) exceeded in 5 of 5 samples. Benzo(b)fluoranthene (5.6 ppm) in 4 of 5 samples, benzo(a)anthracene (5.6 ppm) in 3 of 5 samples, indeno(1,2,3-cd)pyrene (5.6 ppm) in 2 of 5 and dibenzo(a,h)anthracene (0.56 ppm) exceeded in 1 of 5 samples.

Sampling did not identify any impacts from volatile organic compounds (VOCs.)

PCBs were analyzed in three samples and only one sample at 1.63 ppm total PCBs showed a slight impact, exceeding both the unrestricted SCO of 0.1 ppm and the commercial use SCO of 1 ppm.

Groundwater was not sampled at the III-8 site. However, the site's location relative to III-7 would indicate that local groundwater has been compromised by site operations mainly by exceedances in groundwater quality standards for pH, with one monitoring well with a pH of 10.0 units and one well with a pH of 6.49 exceeding groundwater quality standards for pH (6.5 to 8.5). High and low pH groundwater impacts are not uncommon at steel making facilities and high pH is usually related to the presence of limestone slag. Groundwater does not likely contain chemical impacts above groundwater quality standards based on data from III-7. Further, groundwater is not used at the site and is deed restricted from use for either potable or non-potable purposes without treatment.

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*.

The site is completely fenced, which restricts public access. However, persons who enter the site could contact residual contaminants in the soil by walking on the site, 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. The area is served by a public water supply that is not contaminated by the 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.

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.
- 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 Tecumseh Phase III-8 Remediation 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, maintenance, and monitoring of the remedial program. Green remediation principals 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.

2. 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).

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

• 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; and

• 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.)

4. A Site Management Plan is required, which includes, but not limited to, the following:

• an Institutional and Engineering Control Plan that identifies all use restrictions for the site noted above and details the steps necessary to ensure the following controls remain in place and effective;

• an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;

- a Monitoring Plan to ensure groundwater quality and to assess the performance and effectiveness of the site cover;

- provisions for the management and inspection of the identified engineering controls;

- maintaining site access controls and Department notification; and

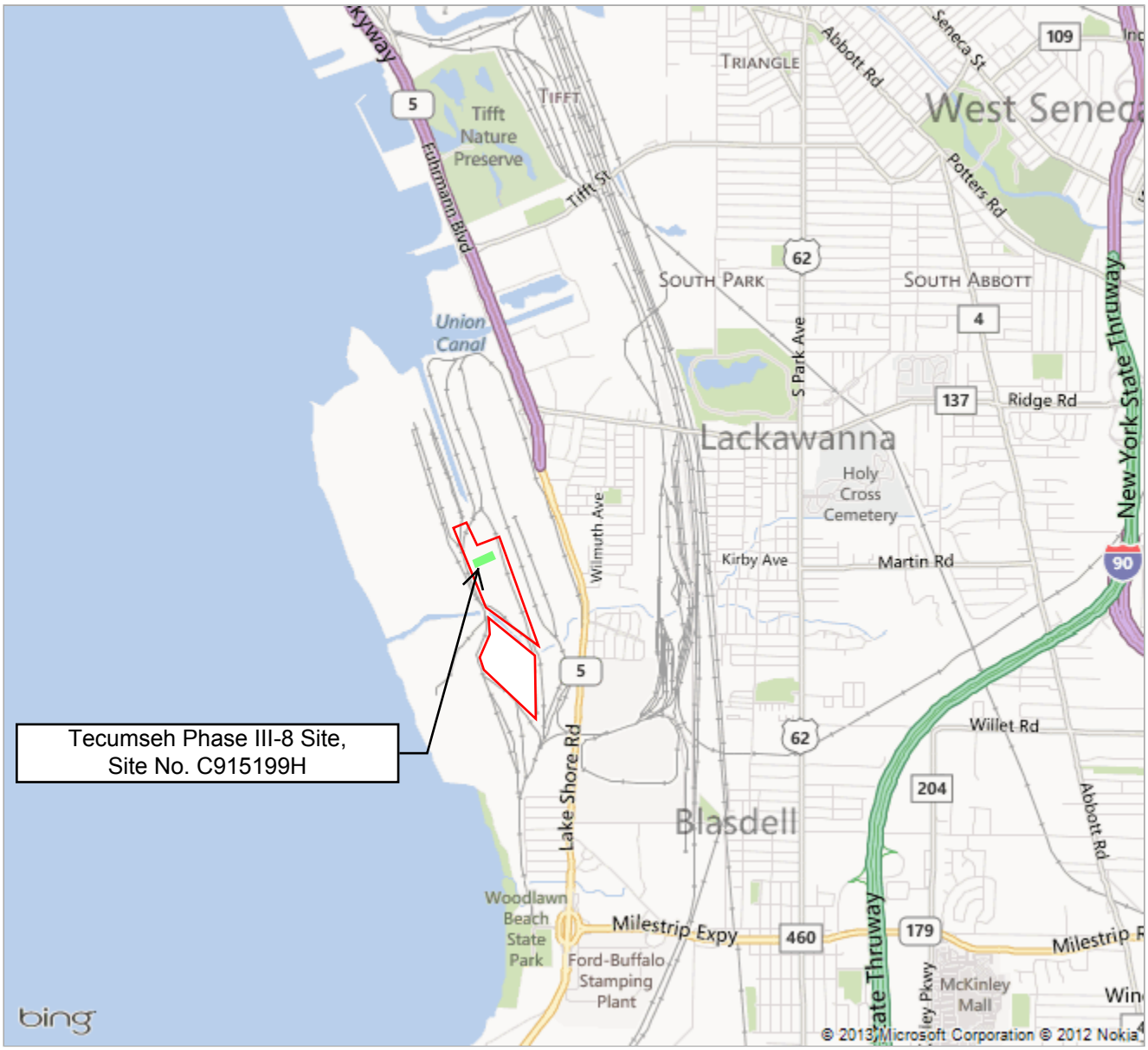
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

bing Maps

FIGURE 1

Site Location
Tecumseh Phase III Business Park

Phase III-8 Site
Site No. C915199H



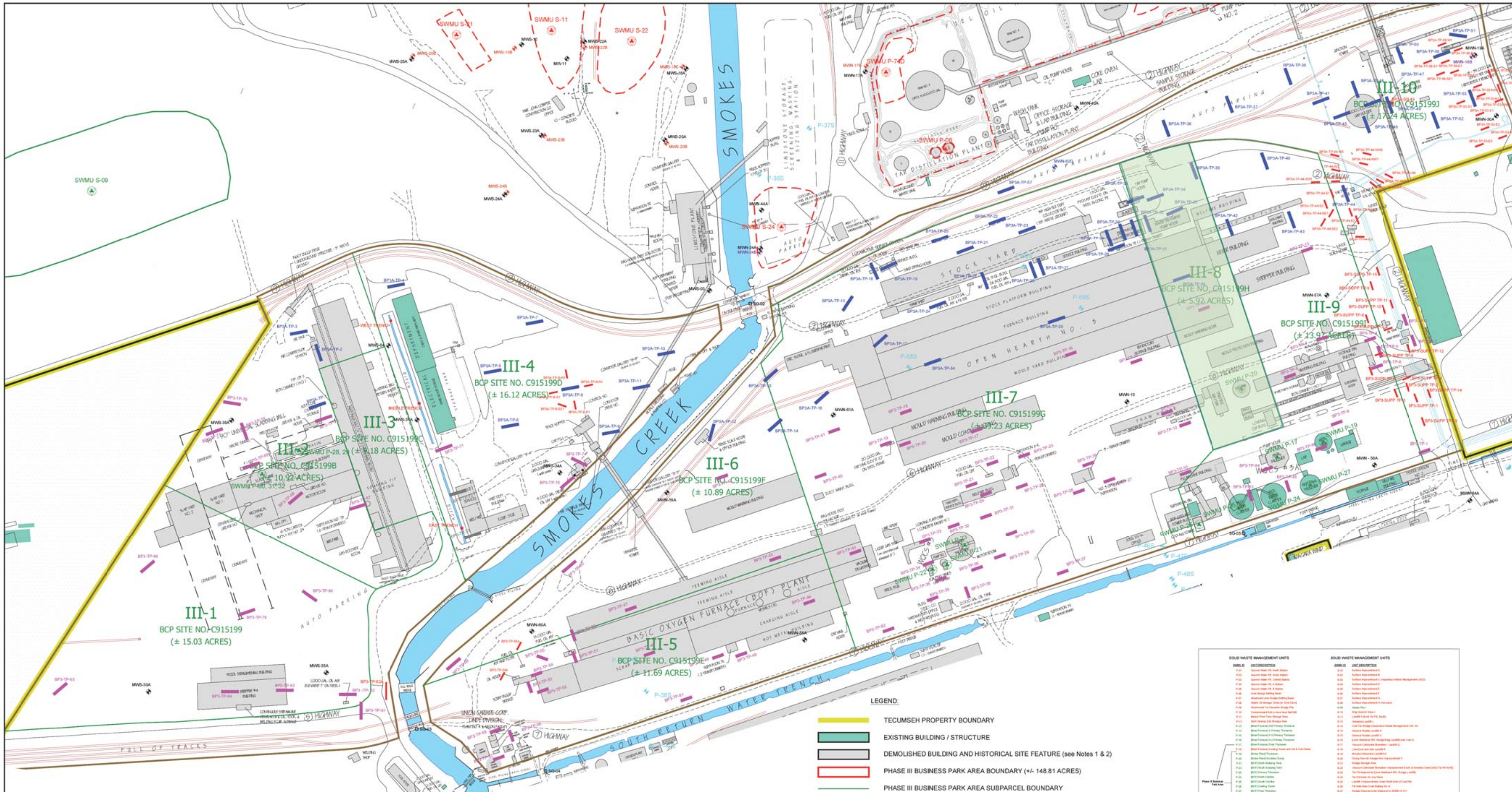


FIGURE 2
SITE MAP AND SAMPLE LOCATIONS
TECUMSEH PHASE III-8 SITE
SITE NO. C915199H

170' 0' 170' 340'

SCALE: 1 INCH = 170 FEET
SCALE IN FEET
(approximate)

LEGEND:

- TECUMSEH PROPERTY BOUNDARY
- EXISTING BUILDING / STRUCTURE
- DEMOLISHED BUILDING AND HISTORICAL SITE FEATURE (see Notes 1 & 2)
- PHASE III BUSINESS PARK AREA BOUNDARY (+/- 148.81 ACRES)
- PHASE III BUSINESS PARK AREA SUBPARCEL BOUNDARY
- RAILROAD TRACK
- SWMU P-64 — APPROXIMATE LOCATION OF SOLID WASTE MANAGEMENT UNIT (SWMU) - REQUIRES NO FURTHER ACTION
- SWMU S-22 — APPROXIMATE LOCATION OF SOLID WASTE MANAGEMENT UNIT (SWMU) - REQUIRES FURTHER ACTION
- P-586 — PIEZOMETER
- SG-03 — STAFF GAUGE
- MWN-15A — FILL UNIT MONITORING WELL
- MWN-15B — SAND UNIT MONITORING WELL
- MWN-15D — BEDROCK UNIT MONITORING WELL
- MWN-19B — MISCELLANEOUS UNIT MONITORING WELL
- BP3-TP-40 — PHASE III BPA TEST PIT LOCATION
- BP3-TP-72 — PHASE III BPA TEST PIT LOCATION (NOT COLLECTED)
- BP3A-TP-17 — PHASE IIIA BPA TEST PIT LOCATION
- TP-44-01 — DELINEATION TEST PIT LOCATION
- BP3A-SS-49 — PHASE IIIA BPA SURFACE SOIL LOCATION

NOTES:

1. Building locations are based on historical surveys and maps, all locations should be considered approximate.
2. All buildings known to exist on site since 1944 are shown, some buildings were expanded or demolished following 1944, maximum building extents are shown.

TURNKEY ENVIRONMENTAL RESTORATION, LLC
2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0635

JOB NO.: 0071-009-320

REVISIONS

NO.	BY	DATE	REMARKS

SEAL

DRAWN BY: BCH
DATE: DECEMBER 2011
CHECKED BY:
APPROVED BY:

SAMPLE LOCATIONS
REMEDIAL INVESTIGATION / ALTERNATIVES ANALYSIS REPORT
PHASE III BUSINESS PARK AREA
LACKAWANNA, NEW YORK
PREPARED FOR
TECUMSEH REDEVELOPMENT INC.

FIGURE 2