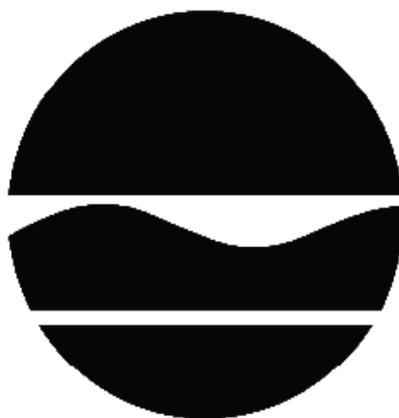


PROPOSED DECISION DOCUMENT

348 Langner Road Site
Brownfield Cleanup Program
West Seneca, Erie County
Site No. C915256
October 2013



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

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SECTION 1: SUMMARY AND PURPOSE OF THE PROPOSED PLAN

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), is proposing a remedy for the above referenced site. The disposal of contaminants at the site resulted in threats to public health and the environment that were addressed by actions known as interim remedial measures (IRMs), which were undertaken at the site. An IRM is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before completion of the remedial investigation (RI) or alternative analysis (AA). The IRMs undertaken at this site are discussed in Section 6.2.

Based on the implementation of the IRM(s), the findings of the investigation of this site indicate that the site no longer poses a threat to human health or the environment. The IRM(s) conducted at the site attained the remediation objectives identified for this site, which are presented in Section 6.5, for the protection of public health and the environment. No Further Action is the remedy proposed by this Proposed Decision Document (PDD). A No Further Action remedy may include continued operation of any remedial system installed during the IRM and the implementation of any prescribed institutional controls/engineering controls (ICs/ECs) that have been identified as being part of the proposed remedy for the site. This PDD identifies the IRM(s) conducted and discusses the basis for No Further Action.

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 Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375. This document is a summary of the information that can be found in the site-related reports and documents in the document repository identified below.

SECTION 2: CITIZEN PARTICIPATION

The Department seeks input from the community on all Proposed Decision Documents. This is an opportunity for public participation in the remedy selection process. The public is encouraged

to review the reports and documents, which are available at the following repository:

West Seneca Public Library
Attn: Mrs. Catherine French
1300 Union Road
West Seneca, NY 14224
Phone: 716-856-0635

A public comment period has been set from:

10/28/2013 to 12/12/2013

Written comments may be sent through to:

Anthony Lopes, P.E.
NYS Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Ave
Buffalo, NY 14203-2915
alopes@gw.dec.state.ny.us

The proposed remedy may be modified based on new information or public comments. Therefore, the public is encouraged to review and comment on the proposed remedy identified herein.

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 Langner Road site is located at the corner of Langner Road and Ridge Road in the Town of West Seneca, NY. NYS Interstate 90 (I-90) is located approximately 0.25 mile to the west.

Site Features: The main site features include a redeveloped gasoline station, convenience/detail shop/oil change building, four product dispenser islands, pump canopies, four new petroleum underground storage tanks (USTs), one car wash building, and a small lawn along Langner

Road. The remainder of the site is covered by buildings and/or asphalt/concrete.

Current Zoning and Land Use: The site is currently active, zoned commercial, and is utilized by Delta-Sonic Car Wash Systems, Inc. The surrounding parcels are currently used for a combination of commercial and residential. The nearest residential area is 0.5 miles to the south.

Past Use of the Site: Since the 1950's to present, the site has been used as a gas station. Prior uses that appear to have led to site contamination include the use of multiple petroleum USTs.

Prior to the current location of the product dispensers and buildings, the gas station and fuel assets were located in the northeastern portion of the property, near the current location of the car wash building.

NYSDEC Spill Report # 0910758 was opened based upon a Phase II report conducted by the owner in January 2010. The Phase II report noted elevated volatile organic compounds (VOCs) in temporary groundwater monitoring wells and soil borings. The owner entered the Brownfield Cleanup Program in August 2011.

Site Geology and Hydrogeology: Site overburden consists of roughly four feet of sand and gravel with varying amounts of brick and cinders underlain by silty clay and till unit. Bedrock in the vicinity of the site consists predominantly of shale and limestone.

The water table is located between 7-9 feet below ground surface (bgs). Regional groundwater flows west to southwest. The on-site groundwater flows inward towards the center of the site and is heavily influenced by historic and adjacent large scale commercial developments.

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 residential use (which allows for commercial use and industrial use) as described in Part 375-1.8(g) is/are being evaluated in addition to an alternative which would allow for unrestricted use of the site.

A comparison of the results of the investigation 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 Remedial Investigation (RI) Report.

SECTION 5: ENFORCEMENT STATUS

The Applicant under the Brownfield Cleanup Agreement is a Participant. The Applicant has an obligation to address on-site and off-site contamination. 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. 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

6.1.1: Standards, Criteria, and Guidance (SCGs)

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

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

6.1.2: RI Results

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

1,2,4-TMB
BENZENE

XYLENE (MIXED)
TOLUENE

Based on investigation results, comparison to the SCGs, and the potential public health and environmental exposure routes, certain media and areas of the site required remediation. These media were addressed by the IRM(s) described in Section 6.2. More complete information can be found in the RI Report and the IRM Construction Completion Report.

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 has been completed at this site based on conditions observed during the RI.

IRM - Soil and Underground Storage Tank (UST) Removal

Based on prior site investigations, as well as the initial results of the RI, it was determined that soil in the central portion of the site was impacted with gasoline from historic underground storage tanks. A IRM was conducted in 2012 (Figure 5) which included demolition and off-site disposal of one on-site building, fuel dispensers and associated canopy; cleaning, excavation and off-site disposal of eight (8) USTs; removal and off-site disposal of non-impacted asphalt and concrete; and excavation and disposal of approximately 4,430 cubic yards of non-hazardous petroleum impacted soil, 3,610 of which was sent for off-site Biotreatment. In addition, approximately 80,000 gallons of groundwater from on-site excavations was extracted, stored in a temporary on-site storage tank and discharged into the sewer under the approved temporary discharge permit from Erie County Sewer District #3 (ECSD No. 3). Approximately 2,220 tons of recycled concrete backfill, originating from a Department registered facility, 1,820 tons of pre-approved backfill soil from a DEC permitted Biotreatment facility, and 5,500- tons of virgin source backfill material was brought on-site to backfill the excavations.

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:

Prior to Remediation

Based upon investigations conducted to date, the primary contaminants of concern include petroleum volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs).

Soil - Visual/olfactory evidence of impacted soil/fill with elevated PID readings for volatile organic compounds (VOCs) as high as 777 parts per million (ppm) were noted in soil borings near the USTs and associated piping area. Concentrations of Total Xylene and 1,3,5-Trimethylbenzene found at two soil borings near UST area #2 (163 ppm and 120 ppm) exceeded the SCOs for Restricted Residential Use (100 ppm and 47 ppm). Additional RI sampling outside of the source areas showed no VOCs, metals, PCBs, pesticides or herbicides above Restricted Residential Use SCOs. The vast majority of SVOCs were reported below Restricted Residential Use SCOs, with only one PAH (benzo(a)pyrene) detected at 3.33 ppm, above its SCO of 1.0 ppm.

Groundwater - Historic groundwater analytical results indicate elevated petroleum VOCs in perched groundwater associated with UST Area No. 2. VOCs were detected in temporary groundwater monitoring wells exceeding NYSDEC groundwater quality standards (GWQS).

Nine groundwater monitoring wells installed during the RI were sampled and analyzed for TCL plus STARS list VOCs, TCL SVOCs, TAL metals, pesticides, herbicides, and PCBs. All analytical results were below NYSDEC GWQS with the exception of the metals; iron, magnesium, manganese, and sodium. Several pesticides and herbicides were also detected slightly above their respective NYSDEC GWQS.

Post Remediation

Remediation at the site is complete. Prior to remediation, the primary contaminants of concern were petroleum VOCs and SVOCs in soil and petroleum VOCs in groundwater.

Based on the results of the previous investigation, RI, IRM and redevelopment activities, which included the collection and assessment of 104 subsurface soil samples, including 32 soil/fill samples from the upper 1-4 fbg interval (beneath previous asphalt), 53 soil samples from the 4-10 fbg interval, and 19 samples from the 10-15 fbg interval, of which all remaining on-Site soil analytical sample results were below Residential Use SCOs (see Figures 2 and 3).

Four (one existing and three (3) newly installed) monitoring wells were sampled post remediation for TCL plus STARS list VOCs, pesticides, and herbicides. Only one VOC, Methyl Tert Butyl Ether (MTBE), was detected at 72 ug/l in MW-5, above NYSDEC GWQS of 10 ug/l. All pesticides and herbicides were non-detect.

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 are not drinking the contaminated groundwater because the area is served by a public water supply that is not contaminated by the site. The site is remediated and presents no exposure concerns.

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.

RAOs for Environmental Protection

- Remove the source of ground or surface water contamination.

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.

SECTION 7: ELEMENTS OF THE PROPOSED REMEDY

Based on the results of the investigations at the site, the IRM that has been performed, and the evaluation presented here, the Department is proposing No Further Action as the remedy for the site. The Department believes that this remedy is protective of human health and the environment and satisfies the remediation objectives described in Section 6.5.

All streets in the Town of West Seneca have access to the municipal potable water supply. A variance from the Town for legal installation and use of a new groundwater well is required.

The IRM completed addressed the contamination at the site. The elements of the IRM included the following:

- Demolition of the former Building #1 convenience store, fuel dispensers and associated canopy. Non-impacted asphalt and concrete were recycled off-site.
- Cleaning, excavation and off-site disposal of eight (8) USTs.
- Excavation off-site disposal of approximately 850 tons of non-hazardous petroleum impacted soil from the UST Area #1 and vent stack areas
- Excavation off-site disposal of approximately 2,190 tons of non-hazardous petroleum

impacted soil from the UST Area #2.

- Excavation off-site disposal of approximately 420 tons of non-hazardous petroleum impacted soil from the canopy and product lines areas.
- Excavation off-site disposal of approximately 150 tons of non-hazardous petroleum impacted soil from the West Excavation Area.
- Excavation off-site disposal of approximately 820 tons of petroleum impacted soil/fill in the Pre-Wash Pad Area (adjacent to former convenience store).
- Placement of approximately 9,540 tons of DER-10 approved backfill
- Pump and on-site treatment of approximately 80,000 gallons of waters from the excavation areas during IRM activities. The accumulated water was pre-treated and discharged into the sewer under the approved temporary discharge permit from Erie County Sewer District #3 (ECSD No. 3).