

DECISION DOCUMENT

Tomat Service Station
Brownfield Cleanup Program
Brooklyn, Kings County
Site No. C224217
August 2017



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

DECLARATION STATEMENT - DECISION DOCUMENT

Tomat Service Station
Brownfield Cleanup Program
Brooklyn, Kings County
Site No. C224217
August 2017

Statement of Purpose and Basis

This document presents the remedy for the Tomat Service Station 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 Tomat Service Station site and the public's input to the proposed remedy presented by the Department.

Description of Selected Remedy

The elements of the selected remedy are as follows:

1. Remedial Design

A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows;

- a. Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- b. Reducing direct and indirect greenhouse gases and other emissions;
- c. Increasing energy efficiency and minimizing use of non-renewable energy;
- d. Conserving and efficiently managing resources and materials;
- e. Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- f. Maximizing habitat value and creating habitat when possible;
- g. Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals; and
- h. Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.

2. Cover System

A site cover will be required to allow for restricted residential use of the site in areas where the upper two feet of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where a soil cover is to be used it will be a minimum of two feet of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may be allowed where such components already exist or are to be placed as part of site redevelopment. Such components may include, but are not necessarily limited to: pavement, cement, paved surface parking areas, sidewalks, building foundations and building slabs.

3. Air Sparge with Soil Vapor Extraction

Air sparging will be implemented to address the groundwater contaminated by volatile organic compounds (VOCs). VOCs will be physically removed from the groundwater and soil below the water table (saturated soil) by injecting air into the subsurface. The injected air rising through the groundwater will volatilize and transfer the VOCs from the groundwater and/or soil into the injected air. The VOCs are carried with the injected air into the vadose zone (the area below the ground surface but above the water table) where a soil vapor extraction (SVE) system designed to remove the injected air will be installed. The SVE system will apply a vacuum to wells that have been installed into the vadose zone to remove the VOCs along with the air introduced by the sparging process. The SVE system will also remove VOCs from soil in the vadose zone. The air extracted from the SVE wells will be treated as necessary prior to being discharged to the atmosphere.

At this site it is estimated eight air injection wells will be installed in the western portion of the site to a depth of approximately 38 feet, which is 14 feet below the water table. To capture the volatilized contaminants, it is estimated two SVE wells will be installed in the vadose zone at a depth of approximately 22 feet below ground surface. The air containing VOCs extracted from the SVE wells will be treated by passing the air stream through activated carbon which removes the VOCs from the air prior to it being discharged to the atmosphere.

4. Institutional Control

Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

- a. require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- b. allow the use and development of the controlled property for restricted residential use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- c. restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or NYCDOH; and
- d. require compliance with the Department approved Site Management Plan.

5. Site Management Plan

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 4 above.

Engineering Controls: The site cover discussed in Paragraph 2 and the air sparge/soil vapor extraction system discussed in Paragraph 3 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 groundwater use restrictions;
- a provision for evaluation of the potential for soil vapor intrusion for any buildings on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
- a provision that should a building foundation or building slab be removed in the future, a cover system consistent with that described in Paragraph 2 above will be placed in any areas where the upper two feet of exposed surface soil exceed the applicable soil cleanup objectives (SCOs);
- 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 future buildings on the site, as may be required by the Institutional and Engineering Control Plan discussed above.

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

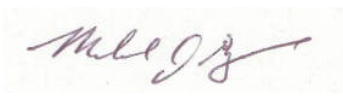
- procedures for operating and maintaining the remedy;
- compliance monitoring of treatment systems to ensure proper O&M as well as providing the data for any necessary permit or permit equivalent reporting;

- 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.

08/30/17
Date



Eric Obrecht, Director
Remedial Bureau A

DECISION DOCUMENT

Tomat Service Station
Brooklyn, Kings County
Site No. C224217
August 2017

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:

Brooklyn Public Library - Kings Highway
2115 Ocean Avenue
Brooklyn, NY 11229
Phone: 718-375-3037

Brooklyn Community Board 14
Attn: Alvin Berk
810 East 16th Street
Brooklyn, NY 11230
Phone: 718-859-6357

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 site is located in an urban area and is 0.379 acres in size.

Site Features: The site is relatively flat and consists of two parcels, Lot 55 and Lot 58. The site is currently under construction and undergoing redevelopment as an apartment building. The lots are located on the east side of Ocean Avenue between Avenue M and Avenue N.

Current Zoning and Land Use: The site is currently inactive and has a residential zoning (R7A) for an apartment building. The surrounding parcels are used for a combination of single family residential and apartment buildings. Residential buildings border the site on three sides.

Past Use of the Site: The site was used as a gasoline service station and auto repair shop from the 1920's until 2015. Previous investigations found petroleum contamination in the deep soil and groundwater beneath the site. Prior to redevelopment, underground and aboveground petroleum storage tanks were located on the property.

Site Geology and Hydrogeology: The soil beneath the site consists of historic fill above native soil. The fill material was found from the surface to about one foot below ground surface. The native soil is a mixture of brown sand and silt. Groundwater is encountered at 22-23 feet below ground surface and flows south.

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 restricted-residential use (which allows for commercial use and 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:

- groundwater
- soil
- soil 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:

1,2,4-trimethylbenzene	xylene (mixed)
1,3,5-trimethylbenzene	barium
ethylbenzene	copper
naphthalene	lead

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

- groundwater
- 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 is being conducted at this site based on conditions observed during the RI.

IRM - Tank and Soil Removal

1. Excavation

Excavation and off-site disposal of all on-site soils which exceed restricted-residential soil cleanup objectives (SCOs), as defined by 6 NYCRR Part 375-6.8, in the upper 15 feet. Approximately 1,270 cubic yards of contaminated soil will be removed from the site.

Excavation and removal of any underground storage tanks (USTs), fuel dispensers, underground piping or other structures associated with a source of contamination.

2. Backfill

On-site soil which does not exceed the above excavation criteria may be used to backfill the excavation to the extent that a sufficient volume of on-site soil is available. Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to complete the backfilling of the excavation and establish the designed grades at the 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.

Soil and groundwater were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, polychlorinated biphenyls (PCBs), and pesticides, while soil vapor was analyzed for VOCs. Based upon investigations conducted to date, the primary contaminants of concern are petroleum-related VOCs, including 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, ethylbenzene, naphthalene and xylene, and the metals barium, copper and lead.

Soil - Several metals were detected in the historic fill in the top foot of soil and, to a lesser extent, the top 12 feet of soil. Lead, copper, and barium were detected at maximum concentrations of 444 parts-per-million (ppm), 889 ppm, and 373 ppm, exceeding the restricted-residential soil cleanup objectives (SCOs) of 400 ppm, 270 ppm, and 350 ppm, respectively. No contaminants detected in the top 15 feet of soil were present at levels exceeding protection of groundwater SCOs. Petroleum contaminants were found at 23-25 feet below ground surface, which is at the water table. Xylenes (643 ppm), 1,2,4-trimethylbenzene (640 ppm), 1,3,5-trimethylbenzene (200 ppm), ethylbenzene (150 ppm), and naphthalene (120 ppm) were detected at levels exceeding the restricted-residential SCOs of 100 ppm, 52 ppm, 52 ppm, 41 ppm, and 100 ppm, respectively. Contaminated soil was found at the southern (downgradient) border of the site. However, data does not indicate any off-site impacts in soil related to this site. SVOCs, PCBs and pesticides were not detected in soil at levels exceeding soil cleanup objectives.

Groundwater - Petroleum-related contaminants were detected in the on-site groundwater. Maximum levels of meta- and para-xylenes [3,400 parts-per-billion (ppb)], ortho-xylene (990 ppb), 1,2,4-trimethylbenzene (1,900 ppb), 1,3,5-trimethylbenzene (500 ppb), and ethylbenzene (820 ppb) exceeded the groundwater standard of 5 ppb for these contaminants. Naphthalene was detected at a maximum level of 850 ppb, exceeding its groundwater standard of 10 ppb. Petroleum contaminants were found in the groundwater samples at the downgradient (southern) edge of the site. However, data does not indicate any off-site impacts in groundwater related to this site. SVOCs and metals were detected in the groundwater at levels exceeding groundwater standards, but not requiring remediation. Neither pesticides nor PCBs were detected in the groundwater at levels exceeding groundwater standards.

Soil Vapor - Soil vapor sampling results showed detections of petroleum contaminants. For example, toluene was detected in the soil vapor at a maximum level of 25 micrograms per cubic meter, and meta- and para-xylenes were detected at a maximum concentration of 38 micrograms per cubic meter. Tetrachloroethene (PCE), acetone and other organic compounds were also detected in the soil vapor. Data does not indicate any off-site impacts in soil vapor related to this site.

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 soil contaminants by walking on the soil or digging below the ground surface or paved areas. Contaminated groundwater at the site is not used and the site is served by a public water supply that is not affected by this contamination. Volatile organic compounds in the contaminated groundwater or contaminated soil 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. The potential exists for the inhalation of site contaminants due to soil vapor intrusion in any future on-site development. Environmental sampling indicates soil vapor intrusion is not a concern 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.
- Remove the source of ground or surface water contamination.

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 2: Restricted use with generic soil cleanup objectives remedy.

The selected remedy is referred to as the IRM Excavation and Air Sparging/Soil Vapor Extraction remedy.

The elements of the selected remedy incorporate the excavation and backfilling completed by the IRM, as shown in Figures 2 and 3, are as follows:

1. Remedial Design

A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows;

- a. Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
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demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may be allowed where such components already exist or are to be placed as part of site redevelopment. Such components may include, but are not necessarily limited to: pavement, cement, paved surface parking areas, sidewalks, building foundations and building slabs.

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At this site it is estimated eight air injection wells will be installed in the western portion of the site to a depth of approximately 38 feet, which is 14 feet below the water table. To capture the volatilized contaminants, it is estimated two SVE wells will be installed in the vadose zone at a depth of approximately 22 feet below ground surface. The air containing VOCs extracted from the SVE wells will be treated by passing the air stream through activated carbon which removes the VOCs from the air prior to it being discharged to the atmosphere.

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- a. require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
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- c. restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or NYCDOH; and
- d. require compliance with the Department approved Site Management Plan.

5. Site Management Plan

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 4 above.

Engineering Controls: The site cover discussed in Paragraph 2 and the air sparge/soil vapor extraction system discussed in Paragraph 3 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 groundwater use restrictions;
- a provision for evaluation of the potential for soil vapor intrusion for any buildings on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
- a provision that should a building foundation or building slab be removed in the future, a cover system consistent with that described in Paragraph 2 above will be placed in any areas where the upper two feet of exposed surface soil exceed the applicable soil cleanup objectives (SCOs);
- 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 future buildings on the site, as may be required by the Institutional and Engineering Control Plan discussed above.

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

- procedures for operating and maintaining the remedy;
- 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.

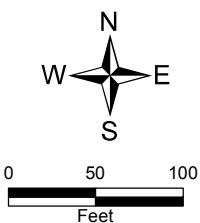
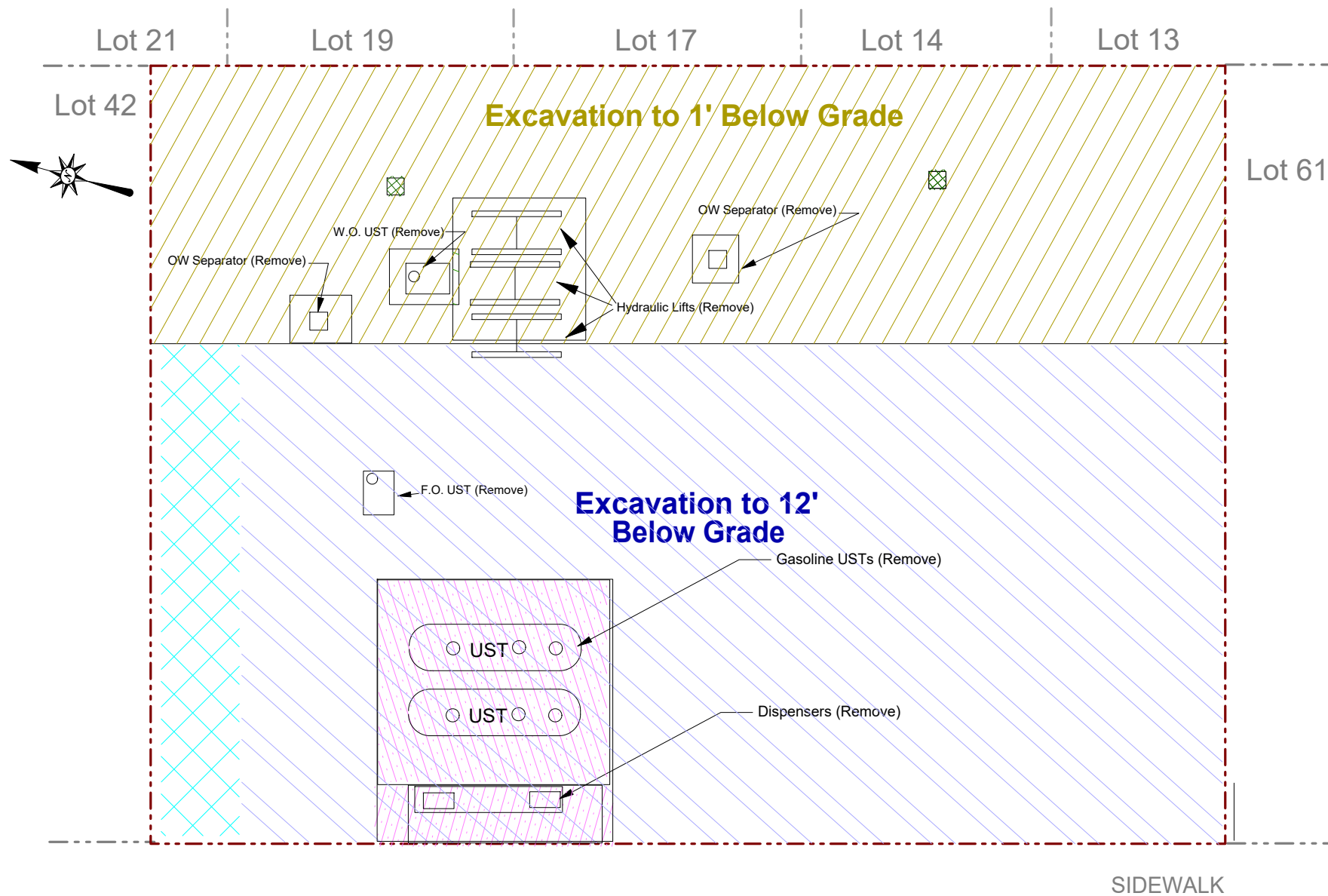


Figure 1
Site Location Map
Tomat Service Station
Brooklyn, New York
Site No. C224217





OCEAN AVENUE

KEY:

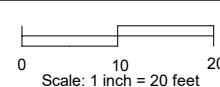
- Property Boundary
- Cellar Excavation
- Unexcavated

- Rear Yard Excavation

- Anticipated extent of shallow petroleum impacted soil

- Dry Wells Installed to 12 feet

SCALE:



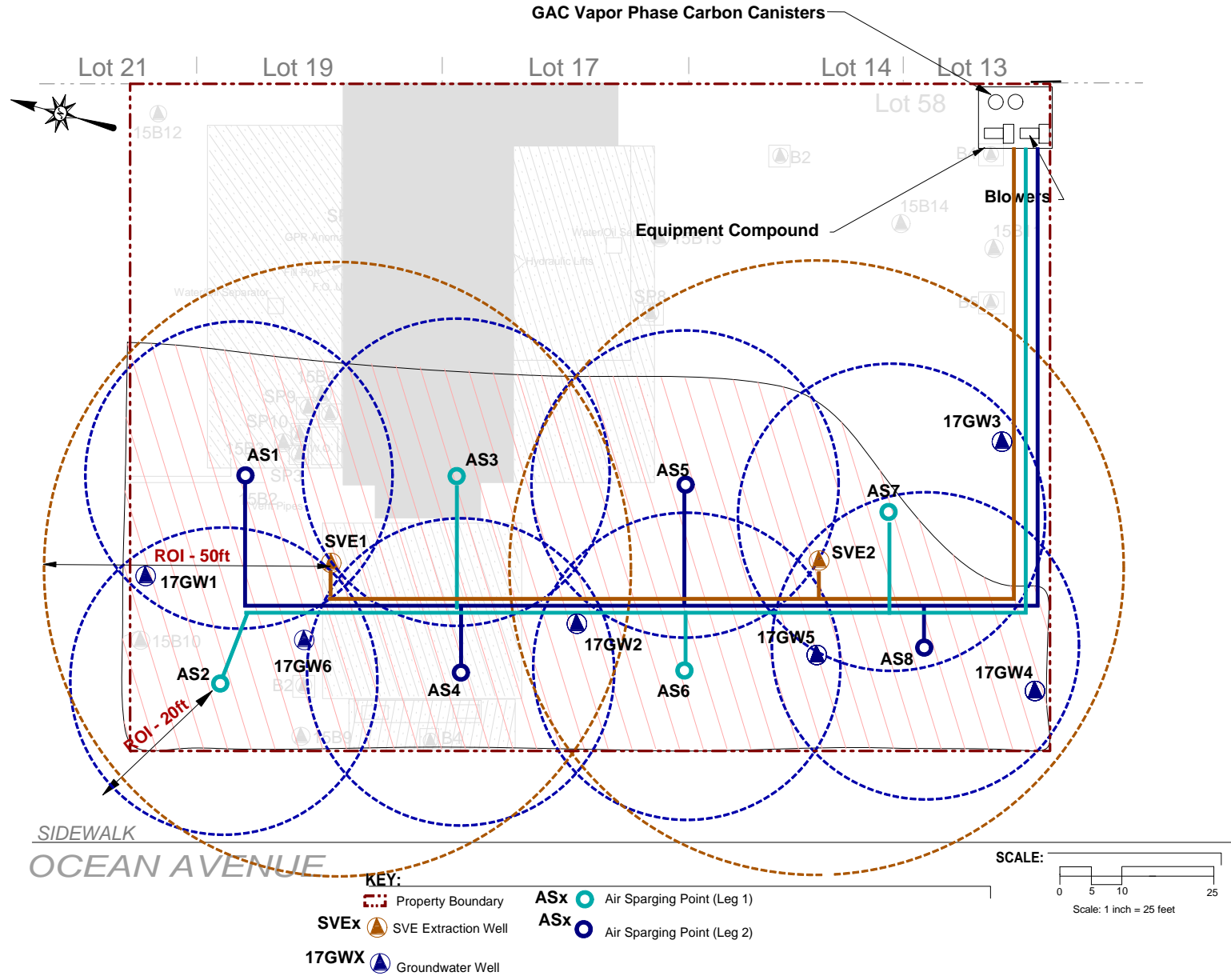
IBC

ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000
Fax 631.924.2870

Figure No.
2

Site Name: **TOMAT SERVICE STATION**
Site Address: **1815-1825 OCEAN AVENUE, BROOKLYN, NY**
Drawing Title: **EXCAVATION PLAN**



AMC Engineering
99 Jericho Turnpike, Suite 300J
Jericho, NY 11 753
Phone: (516) 417 -8588

Figure No.
3

Site Name: FORMER TOMAT SERVICE STATION
Site Address: 1815-1825 OCEAN AVENUE, BROOKLYN, NY
Drawing Title: AS/SVE SYSTEM LAYOUT