

DECISION DOCUMENT

The Lofts on Main
Brownfield Cleanup Program
Peekskill, Westchester County
Site No. C360152
May 2016



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

DECLARATION STATEMENT - DECISION DOCUMENT

The Lofts on Main
Brownfield Cleanup Program
Peekskill, Westchester County
Site No. C360152
May 2016

Statement of Purpose and Basis

This document presents the remedy for the The Lofts on Main 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 The Lofts on Main 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:

- 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. Excavation

All on-site soils which exceed unrestricted SCOs, as defined by 6 NYCRR Part 375-6.8, will be excavated and transported off-site for disposal. This will include essentially all the soils above the bedrock on the site. Approximately 7,500 cubic yards of contaminated soil will be removed from the site. Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) for unrestricted use will be brought in to replace the excavated soil and establish the designed grades at the site.

3. Vapor Intrusion Evaluation

As part of the track 1 remedy, a soil vapor intrusion evaluation will be completed prior to the development. The evaluation will include a provision for implementing actions recommended to address exposures related to soil vapor intrusion.

4. Contingent Track 1 Elements

The intent of the remedy is to achieve Track 1 unrestricted use; therefore no environmental easement or site management plan is anticipated. In the event that Track 1 unrestricted use is not achieved, the following contingent remedial elements will be required and the remedy will achieve a Track 4, restricted residential cleanup.

A. If no EE or SMP is needed to achieve soil or soil vapor remedial action objectives, then the following local use restriction will be relied upon to prevent use of the groundwater if levels remain above standards: Chapter 873, article VII of the Laws of Westchester County, which prohibits potable use of groundwater without prior approval.

B. A site cover will be required to allow for restricted residential 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 two feet of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where the soil cover is required 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).

C. Engineering and Institutional Controls

Imposition of an institutional control in the form of an environmental easement and a Site Management Plan, as described below, will be required if Track 1 cannot be achieved. At a minimum, the remedy will achieve a Track 4, restricted residential cleanup and will include imposition of a site cover (as a contingency if soil greater than 2 feet but less than 15 feet deep does not meet the restricted residential SCOs), an environmental easement, and site management plan as described below.

Institutional Control

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

- 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);
- 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;
- restrict 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; and
- require compliance with the Department approved Site Management Plan

D. 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 C above.

Engineering Controls: The soil cover discussed in Paragraph B.

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 in future buildings developed on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

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

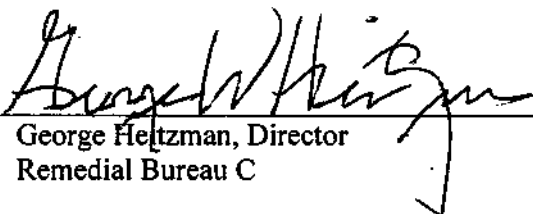
- monitoring of soil vapor and groundwater to assess the performance and effectiveness of the remedy;
- a schedule of monitoring and frequency of submittals to the Department; and
- monitoring for vapor intrusion for any occupied existing or future buildings developed on the site, as may be required 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.

May 31, 2016

Date



George Heltzman, Director
Remedial Bureau C

DECISION DOCUMENT

The Lofts on Main
Peekskill, Westchester County
Site No. C360152
May 2016

SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), has selected a remedy for the above referenced site. The disposal of contaminants at the site has resulted in threats to public health and the environment that would be addressed by the remedy. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. Contaminants include hazardous waste and/or petroleum.

The New York State Brownfield Cleanup Program (BCP) is a voluntary program. The goal of the BCP is to enhance private-sector cleanups of brownfields and to reduce development pressure on "greenfields." A brownfield site is real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and 6 NYCRR Part 375. This document is a summary of the information that can be found in the site-related reports and documents.

SECTION 2: CITIZEN PARTICIPATION

The Department seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comment on the proposed remedy. All comments on the remedy received during the comment period were considered by the Department in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repository:

Peekskill Public Library - Field Library
Attn: Robert Boyle
4 Nelson Avenue
Peekskill, NY 10566
Phone: 914-737-1212

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 Lofts on Main consists of two tax lots located at 922 Main Street and 921 Diven Street, in the City of Peekskill, Westchester County, New York (identified as City of Peekskill tax parcels: Section 33.29, Block 2, Lots 4 and 5, respectively). The site is a rectangular-shaped, vacant 0.57-acre parcel, which has 120 feet of frontage on the northern side of Main Street and 117.3 feet of frontage on the southern side of Diven Street.

Site Features:

The property is currently a vacant lot with overgrown vegetation. Concrete pads and rebar grids from an abandoned earlier attempt at site development are located along the south-central portions of the property. Geothermal wells are located on the southeastern portion of the property. The eastern and western property lines are bounded by institutional and residential properties while the northern and southern property borders are defined by Diven Street and Main Street, respectively.

Current Zoning and Land Use:

The current zoning is C-2, Central Commercial. The site is currently vacant land that was previously utilized for light industrial and commercial purposes. The surrounding properties are a mixture of commercial and residential properties.

Past Use of the Site:

The site is known to have been used for residential, commercial, and possibly manufacturing purposes since at least 1887. The site contained a furniture and upholstery store from sometime prior to 1895 until circa 1942 when a furniture warehouse replaced the upholstery shop. Other occupants of the subject property have included a furniture company in 1971, a shade company between 1971 and 1976, and the Paraco Fuel Corporation between 1971 and 1992. Some of these activities have the potential to have handled/used solvents, paints, and other chemicals. The source of the documented soil contamination may be from historical manufacturing operations or other commercial uses, or may be related to debris materials from the demolition of former on-site structures or other sources.

Site Geology and Hydrogeology:

Soils encountered during the extension of test pits at the southern portions of the site generally consisted of brown to dark brown, variable texture sand with cobbles and boulders. Soils encountered at the northern portions of the site generally consisted of light brown to brown, fine sand with gravel, cobbles, and boulders. The upper 4 to 9 feet of soils across the site appear to be fill. Bedrock was encountered at depths ranging from 5.5 to 13.5 feet below grade

Groundwater was not encountered in the overburden soils of the property. Groundwater is present in the bedrock at depths ranging from 11 to 13 feet below the ground surface and is flowing to the south/southwest.

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, an alternative which allows for unrestricted use of the site was evaluated.

A comparison of the results of the Remedial Investigation (RI) against unrestricted use standards, criteria and guidance values (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:

lead	chlordan
selenium	

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.

There were no IRMs performed at this site during the RI.

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:

Samples of soil and groundwater were collected and analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, pesticides and PCBs. SVOCs, pesticides, and/or metals were detected in soil samples and low-level concentrations of a variety of VOCs were detected in soil vapor samples collected throughout the Site.

Soil: Metals contamination is present throughout the site, with peak concentrations at the southern, eastern, and central portions of the property (also the location of SVOC and pesticide detections including benzo(a)anthracene, benzo(a)pyrene, chrysene, chlordane, and DDT). Lead is the primary contaminant of concern on the site with a maximum concentration of 1,250 parts per million.

Groundwater: Groundwater was found to be contaminated with pesticides and metals, including selenium and chlordane. The maximum concentration of selenium is 13 parts per billion (ppb) and the maximum concentration of chlordane is 0.66 ppb. The ambient groundwater quality standard for selenium is 10 ppb, and for chlordane is 0.05 ppb.

Soil Vapor: Soil vapor sampling performed around the site indicated a variety of volatile organic compounds including benzene, toluene, tetrachloroethylene, hexane, and methyl tertiary butyl ether. The VOC with the highest concentration was hexane at 106 micrograms per cubic meter. Other VOC contaminants detected in soil vapor are in the range of 1 to 50 micrograms per cubic meter.

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 contaminants in the soil by walking through, digging or otherwise disturbing the soil. People are not drinking contaminated groundwater because the area is served by a public water supply that is not affected by site contamination. Volatile organic compounds in groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect 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 site is currently vacant; however, the potential exists for the inhalation of site contaminants due to soil vapor intrusion for any future on-site development. Sampling indicates soil vapor intrusion is not a concern for off-site buildings.

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.
- Prevent impacts to biota from ingestion/direct contact with soil causing toxicity or impacts from bioaccumulation through the terrestrial food chain.

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 Conditional Track 1 remedy.

The selected remedy is referred to as the Soil Excavation to Unrestricted Soil Cleanup Objectives remedy.

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

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
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- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.

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4. Contingent Track 1 Elements

The intent of the remedy is to achieve Track 1 unrestricted use; therefore no environmental easement or site management plan is anticipated. In the event that Track 1 unrestricted use is not achieved, the following contingent remedial elements will be required and the remedy will achieve a Track 4, restricted residential cleanup.

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B. A site cover will be required to allow for restricted residential 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 two feet of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where the soil cover is required 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).

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Institutional Control

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- 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);
- 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;
- restrict 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; and
- require compliance with the Department approved Site Management Plan

D. 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 C above.

Engineering Controls: The soil cover discussed in Paragraph B.

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 in future buildings developed on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

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

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

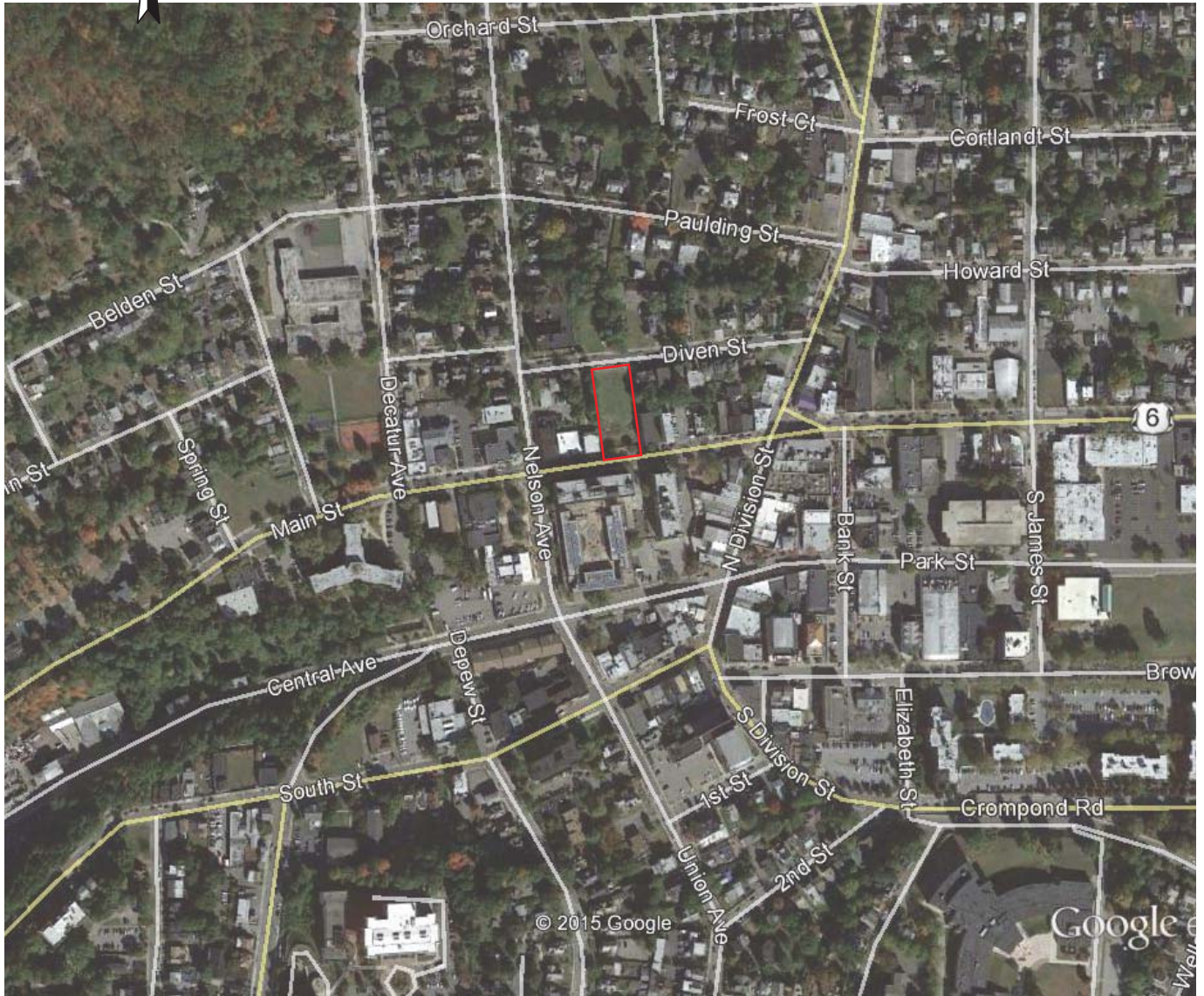
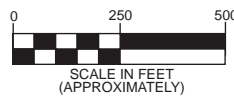


Figure 1: Site Location Map

The Lofts on Main
 NYSDEC BCP Site: C360152
 922 Main Street and 921 Diven Street
 City of Peekskill
 Westchester County, New York

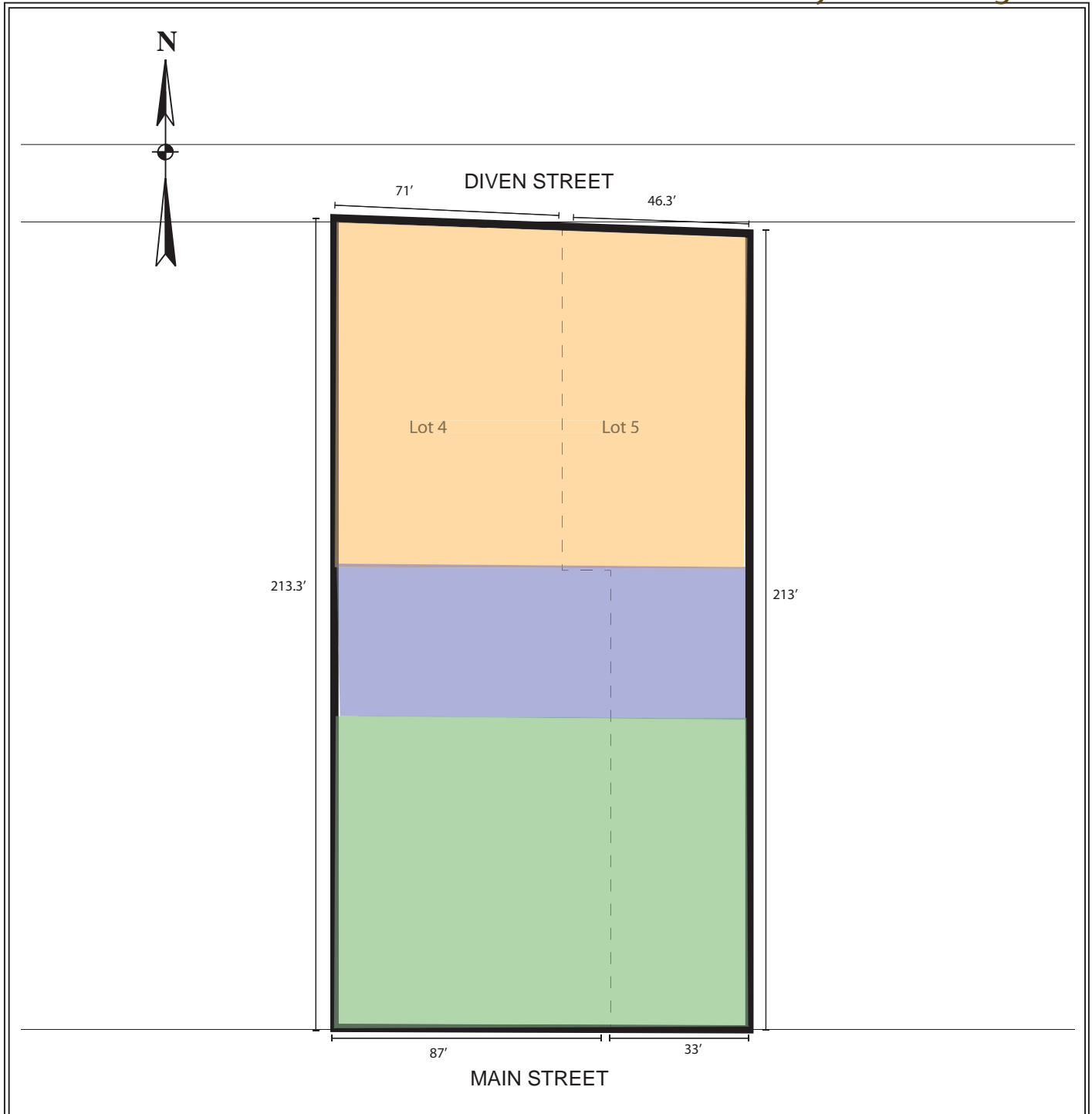
Legend: — subject property border



ESI File: KP14175.50

January 2016

Appendix A



All feature locations are approximate. This map is intended as a schematic to be used in conjunction with the associated report, and it should not be relied upon as a survey for planning or other activities.

<p>Figure 2: Site Boundary Map and Probable Excavation Depths The Lofts on Main NYSDEC BCP Site: C360152 922 Main Street and 921 Diven Street City of Peekskill Westchester County, New York</p>	<p>Legend:</p> <ul style="list-style-type: none"> subject property border 9' Excavation Area 5' Excavation Area 22' Excavation Area 	<p>ESI File: KP14175.50</p>
	<p>January 2016</p>	<p>Scale as shown</p>
	<p>Appendix A</p>	