

## **MODULE II - CORRECTIVE ACTION REQUIREMENTS FOR SOLID WASTE MANAGEMENT UNITS**

### Introduction

Module II provides the methods and procedures to assess the need for and scope of Corrective Action for releases of hazardous constituents from Solid Waste Management Units at Kodak Park.

### Background

Since 1980, Kodak has conducted numerous subsurface investigations and interim remedial actions at and in the vicinity of Kodak Park in response to Consent Orders with the New York State Department of Environmental Conservation (Department) and as actions initiated independently by Kodak prior to implementation of the formal RCRA Corrective Action process. The initial activities concentrated on areas where hazardous constituents were known to have been released to the environment. Subsequent investigations have been directed at determining the nature and extent of releases to the subsurface (soils and groundwater) and evaluating subsurface conditions at Kodak Park.

Kodak provided information on units subject to corrective action requirements as part of the RCRA Facility Assessment Report. Pursuant to 6NYCRR 373-1.6(c)(2) and 373-2.6(l), the Commissioner is imposing the corrective action requirements in this module to all units listed in Table II-1, and any SWMUs and/or AOCs identified in the future. At the time of issuance of this Permit, the Department and Kodak have determined that a number of SWMUs present no threat to human health or the environment and presently require no further action, while the remaining SWMUs are grouped into categories for further evaluation and/or corrective action. The list of SWMUs and related tables in this module were current at the time of permit issuance. These items will be updated periodically during the term of the permit.

Where possible, SWMUs and other areas have been grouped into “investigation areas” for management purposes. These investigation areas were designated by the Permittee based on many factors including density of SWMUs and environmental data. The remaining SWMUs lie outside of investigation areas and have been collectively designated as “ungrouped SWMUs.” In this Permit, these subcategories of SWMUs, rather than individual SWMUs, are used to manage and track the corrective action process.

Given the size of the facility and the number of SWMUs, it was necessary to prioritize corrective action activities at Kodak Park. This has been accomplished through implementation of a Facility Stabilization Program that included prioritized investigations and interim corrective measures to control migration of contaminants in the subsurface. The interim corrective measures that were implemented under the Facility Stabilization Program have been adopted as elements of final corrective measures for many of the investigation areas at Kodak Park. These final measures are described in Condition D of this module.

As of the date of issuance of this permit, Kodak had installed nearly 800 monitoring wells to characterize the groundwater conditions at Kodak Park. Selected wells are sampled on a routine basis according to procedures detailed in Department approved plans and reports summarizing these groundwater monitoring results are submitted to the Department.

Kodak has installed and currently operates 33 groundwater pumping systems at Kodak Park. The primary function of these pumping systems is to provide groundwater hydraulic control of contaminated groundwater. These systems remove about 60 million gallons of groundwater per year for treatment at Kodak’s wastewater treatment plant. Since 1988 Kodak has removed and treated more than 500 million

gallons of groundwater from beneath the Kodak Park facility.

#### A. APPLICABILITY

Statute and Regulations Sections 3004 (u) and (v) of the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6924 (u) and (v), Article 27, Title 9, Section 27-0913, and 6NYCRR 373-2.6(l) requires corrective action, including corrective action beyond the facility boundary where necessary to protect human health and the environment, for all releases of hazardous wastes, including hazardous constituents, from any solid waste management unit (“SWMU”) at a storage, treatment or disposal facility seeking a 6 NYCRR Part 373 permit, regardless of the time at which waste was placed in such unit. Pursuant to 6NYCRR 373-1.6(c)(2) the Commissioner is authorized and may impose permit conditions as the Commissioner determines necessary to protect human health and the environment (i.e., Areas of Concern (AOCs)).

The conditions of this Module apply to the known SWMUs located on site and/or off site and listed in this Module individually or in combination in Table II (see end of module for table location) and to any additional SWMU(s) or AOCs identified during the course of groundwater monitoring, field investigations or other means.

#### B. STANDARD CONDITIONS FOR CORRECTIVE ACTION

Standard conditions for the Corrective Action process shall include, as necessary:

1. Work Plans All work plans submitted pursuant to this Module shall include:
  - (a) Quality Assurance/Quality Control protocols to ensure that data generated is valid and supported by documented procedures;
  - (b) Other plans, specifications and protocols, as applicable;
  - (c) A schedule for starting specific tasks, completing the work and submitting reports; and
  - (d) Plans for the treatment, storage, discharge or disposal of wastes generated by the activities described therein.
2. Quality Assurance/Quality Control
  - (a) Any laboratory to be used pursuant to such work plans required by this Module must be certified by the New York State Department of Health Environmental Laboratory Approval Program in the relevant analytical services.
  - (b) The Permittee has established at the time of issuance of this module, a single Quality Assurance/ Quality Control document for the corrective action program. The Permittee shall adhere to the requirements of this QAPP, or any subsequently revised version, or work plan, that is approved by the Department.
3. Health/Safety Plans In accordance with applicable Federal, State and local requirements, the Permittee has developed a single Health and Safety Plan document for the corrective action program. The Permittee shall follow this HASP in conducting the corrective action program. Permittee shall submit to the Department any substantive changes to the HASP.
4. Description of Current Conditions In December 1993, the Permittee submitted a report documenting environmental conditions at Kodak Park. This document was approved by the Department.
5. Pre-Investigation Evaluation of Corrective Measures In August 1994, the Permittee submitted a

report summarizing potentially applicable remedial technologies for conditions observed at Kodak Park.

6. Corrective Action Submittal Review Response Cycle The review cycle provided below shall apply to all submittals (plans and reports) in this module unless explicitly stated otherwise:

Following submittal, subsequent activities shall proceed in accordance with the following schedule:

- (a) The Department shall provide written comments to the Permittee;
- (b) A meeting between the Permittee and the Department shall be scheduled within thirty (30) days of the Permittee's receipt of the comments to discuss issues, as appropriate; and
- (c) Submission of a revised document to the Department for approval within forty-five (45) calendar days of the above-described meeting or decision that a meeting is not necessary, unless an alternate time schedule is agreed to.
- (d) Dispute Resolution Procedures, if necessary, as described below:

When the Department disapproves a revised submittal by means of a notice of disapproval, the Permittee shall be in violation of its Permit unless, within ten days of receipt of the Department's notice of disapproval, the Permittee make a written request for informal negotiations with the Department in an effort to resolve the dispute. A copy of such request shall be sent by the Permittee to the Department contacts listed in Condition H.1(c) of Module I. The Department and Permittee shall consult together in good faith and exercise best efforts to resolve any differences or disputes without resort to the procedures described immediately below. The period for informal negotiations shall not exceed thirty (30) Days from the date of the Department's initial response to the Permittee's request for informal negotiations. If the parties cannot resolve a dispute by informal negotiations during this period, the Department's position shall be considered binding unless Permittee notifies the Department in writing within thirty (30) Days after the conclusion of the thirty (30) Day period for informal negotiations that it invokes the dispute resolution provisions provided below.

#### Invoking Dispute Resolution

- (i) Permittee shall file with the Department's Office of Hearings and Mediation (OH&M) a request for formal dispute resolution and a written statement of the issues in dispute, the relevant facts upon which the dispute is based, factual data, analysis, or opinion supporting its position, and all supporting documentation upon which Permittee relies (hereinafter called the "Statement of Position"). A copy of such request and written statement shall be provided contemporaneously to the Department contacts listed in Condition H.1(c) of Module I.
- (ii) The Department shall serve its Statement of Position no later than twenty (20) Days after receipt of Permittee's Statement of Position.
- (iii) Permittee shall have the burden of proving by substantial evidence that the Department's position does not have a rational basis or alternatively, it is arbitrary and capricious, an abuse of discretion, or contrary to law and should not prevail. The OH&M can conduct meetings, in person or via telephone conferences, and request additional information from either party if such activities will facilitate a resolution of the issues.
- (iv) The OH&M shall prepare and submit a report and recommendation to the Director

of the Division of Solid and Hazardous Materials (the “Director”). The Director shall issue a final decision in a timely manner. The final decision shall constitute a final agency action and Permittee shall have the right to seek judicial review of the decision pursuant to Article 78 of the CPLR provided that Permittee notifies the Department within thirty (30) Days after receipt of a copy of the final decision of its intent to commence an Article 78 proceeding and commences such proceeding within one hundred and twenty (120) days after receipt of a copy of the Director’s final decision. Permittee shall be in violation of this permit if it fails to comply with the final decision resolving this dispute within forty-five (45) Days after the date of such final decision, or such other time period as may be provided in the final decision, unless it seeks judicial review of such decision within the sixty (60) Day period provided. In the event that Permittee seeks judicial review, Permittee shall be in violation of this permit if it fails to comply with the final Court Order or any settlement within thirty (30) Days after the effective date of such Order or settlement, unless otherwise directed by the Court. For purposes of this Subparagraph, a Court Order or settlement shall not be final until the time to perfect an appeal of same has expired.

- (v) The invocation of dispute resolution shall not extend, postpone, or modify Permittee’s obligations under this permit with respect to any item not in dispute unless or until the Department agrees or a Court orders otherwise. Except as otherwise provided in this permit, the invocation of the procedures set forth here shall constitute an election of remedies and such election shall constitute a waiver of any and all other administrative remedies which may otherwise be available to Permittee regarding the issue in dispute.
- (vi) The Department shall keep an administrative record of any dispute proceedings that shall be available consistent with Article 6 of the Public Officers Law.
- (vii) Nothing in this dispute procedure shall be construed as an agreement by the parties to resolve disputes through administrative proceedings pursuant to the State Administrative Procedure Act, the ECL, or 6 NYCRR Part 622 or Part 373 or Part 375.
- (viii) Nothing contained in this permit shall be construed to authorize Permittee to invoke dispute resolution with respect to a final remedy selected by the Department in a Statement of Basis/Record of Decision or any element of such a remedy, nor to impair any right of Permittee to seek judicial review of the Department’s selection of any remedy.

#### 7. Compliance with Work Plans & Schedules

All plans and schedules required by the conditions of this Module are, upon approval of the Department, incorporated into this Permit by reference and become an enforceable part of this Permit. Any noncompliance with such approved plans and schedules without consent from the Department shall constitute noncompliance with this Permit.

#### 8. Modification of the Work Plan and Compliance Schedules

- (a) If at any time the Permittee determines that modification of any work plans or compliance schedule in this Module is necessary because such schedules cannot be satisfied, the Permittee must:
  - (i) Notify the Department in writing within fifteen (15) calendar days of such determination; and
  - (ii) Provide an explanation why the current requirement cannot be met.
- (b) The Department shall notify the Permittee in writing of the final decision regarding the Permittee's proposed modification to any work plan or compliance schedule. Such a determination shall constitute final administrative action for purposes of Article 78 of the Civil Practice Law and Rules.
- (c) Modifications to the compliance schedule pursuant to this procedure, that involve an extension of less than 180 days, shall be considered a minor modification pursuant to 6 NYCRR §373-1.7(c)(1)(v), and §621.13(f).

9. Compliance with Governmental Requirements During investigative activities, interim corrective measures, and final corrective measures, (including, but not limited to, equipment decommissioning, excavation and unit demolition) required under this Module, the transportation, treatment, storage, discharge, and disposal of all contaminated materials generated as a result of such activities (including, but not limited to, soils, sediments, groundwater, liquids, tanks, pipes, pumps, rubble, debris, and structural materials) shall be performed in an environmentally sound manner, protective of public health and the environment, and pursuant to all applicable Federal, State and local requirements. Nothing in this Module shall be construed to require the Permittee to proceed in a manner which is in violation of any such requirements.

All approved work plans and reports and remedial activities submitted under this Permit shall be deemed to have fulfilled the equivalent requirements of 6 NYCRR Part 375.

10. Guidance Documents When preparing the submissions described in this Module, the Permittee shall comply with current federal and state regulations. The Permittee may also refer to applicable guidance documents issued by the U.S. Environmental Protection Agency and the Department for technical specifications or interpretation/application of specific regulatory requirements.

11. Identification of new SWMUs

The Permittee shall, within thirty (30) calendar days after creation or discovery, notify the Commissioner, in writing, of any additional SWMU(s) not listed in this Module. For each new SWMU, the Permittee shall, within a period not to exceed 180 days of identification, provide, where available, the following:

- (a) Type of unit;
- (b) Location of each unit on a map;
- (c) Dimensions, capacities, and structural descriptions of the unit;
- (d) Function of unit;
- (e) Dates that the unit was operated;
- (f) Description of the wastes that were placed or spilled at the unit;
- (g) Description of any known releases from the unit (to include groundwater data, soil analyses, air monitoring data, and/or surface water/sediment data, if available);
- (h) The results of any sampling and analysis performed for the purpose of determining

- whether releases of hazardous wastes, including hazardous constituents, have occurred, are occurring, or are likely to occur from the unit;
- (i) Whether this unit, individually or in combination with other units described in this module is known or suspected to be a significant source of contaminant release; and
  - (j) Permittee's proposed status of SWMU (ie. "no further action", "sampling visit", "further action").

Notwithstanding the notifications required above, if a SWMU is identified as a result of a spill, reporting requirements specified under the regulatory program applicable to the spill (e.g., Chemical Bulk Storage, Petroleum Bulk Storage, Navigation Law, etc.) must still be met. Subsequent response actions and time frames for such spills shall be as required under the applicable laws rules, and regulations. On an incident-specific basis, the Commissioner may allow the Permittee to coordinate subsequent response actions in accordance with the compliance schedules specified in this module.

The Permittee shall, within thirty (30) calendar days after discovery, notify the Commissioner, in writing, of any AOC(s) not listed in this Module. The notification shall include a description of the AOC(s).

For purposes of this permit, units exempt from designation as a newly identified SWMU include those units where the only wastes involved are from food preparation and cafeterias (waste streams that would not be expected to contain hazardous constituents) and active units under the operational control of tenants or other hazardous waste generators co-located within the Kodak Park Facility.

12. Assessment Actions for New SWMUs Based upon the new SWMU Notifications set forth in Condition B.11, the Commissioner shall determine whether a RFA-Sampling Visit will be necessary and notify the Permittee. Alternatively, in the notification, the Permittee may propose conducting a RFA-Sampling Visit. If a RFA-Sampling Visit is performed, based on the results of the RFA-sampling visit, the Department may determine that the SWMU requires no further action, or alternatively that the SWMU may require a more comprehensive RCRA Facility Investigation.

13. Notifications Regarding Releases from SWMUs

- (a) Notification of newly discovered releases at SWMUs. If in the future the Permittee discovers hazardous constituents in groundwater that may have been released from a solid waste management unit at the facility and have migrated beyond the facility boundary in concentrations that exceed the published groundwater standards found at 6 NYCRR Part 703, the Permittee shall, within fifteen (15) calendar days of discovery, provide written notice to the Commissioner and any person who owns or resides on the land which overlies the contaminated groundwater. Based on the information provided in the notification, the Commissioner shall determine the need, if any, for further investigation of the release(s). If the Commissioner determines that such investigations are needed, the Commissioner may, by written notification, require the Permittee to submit an RFI-Work Plan in accordance with condition C.3(a).
- (b) Notification of residual contamination. If hazardous wastes or hazardous constituents in SWMUs or which have been released from SWMUs will remain in or on the land, including groundwater, after the term of the permit has expired, the Commissioner may require the Permittee to record, in accordance with state law, a notation in the deed to the facility property or in some other instrument which is normally examined during title search that will, in

perpetuity, notify any potential purchaser of the property of the types, concentrations, and locations of such hazardous wastes or hazardous constituents where they are deemed to pose a threat to human health or the environment.

- (c) Notification of Air Contamination. If at any time the Permittee discovers that hazardous constituents in air that may have been released from a solid waste management unit have or are migrating to areas beyond the facility boundary in concentrations that exceed action levels, and that residences or other places at which continuous long-term exposure to such constituents might occur are located within such areas, the Permittee shall within fifteen (15) days of such discovery provide written notification to the Commissioner and initiate any actions that may be necessary to provide notice to all individuals who have or may have been subject to such exposure.

#### 14. Interim Corrective Measures

- (a) In the event the Permittee discovers a release or, based on site-specific circumstances, a threatened release of hazardous waste or hazardous constituents, from a SWMU, or a combination of SWMUs, that poses a threat to human health or the environment, the Permittee shall identify the nature and magnitude of the actual or potential threat and the nature of the interim measures being considered and immediately notify the Commissioner. Within thirty (30) calendar days of notifying the Commissioner, the Permittee shall submit to the Commissioner, for approval, a work plan for any interim corrective measures proposed by Permittee. Upon approval by the Commissioner, the Permittee shall implement the work plan. Nothing herein shall preclude the Permittee from taking immediate action to address the conditions described herein and promptly notifying the Commissioner.
- (b) If at any time it is determined by the Commissioner that a release or, based on site-specific circumstances, a threatened release of hazardous wastes or hazardous constituents from a SWMU or a combination of SWMUs poses a threat to human health or the environment, or that such condition jeopardizes the Permittee's ability to comply with any governmental permit, an evaluation of the need for interim corrective measures shall be submitted to the Commissioner for approval within thirty (30) calendar days of notice of such a determination. If deemed necessary by the Commissioner, the Permittee shall submit within thirty (30) days of notification an interim corrective measures work plan for approval. If deemed necessary, the Permittee may be required to implement the measures in accordance with 6 NYCRR Part 621.14. Nothing herein shall preclude the Permittee from taking immediate action to address the conditions described herein and promptly notifying the Commissioner.
- (c) The following factors shall be considered by the Commissioner or the Permittee in determining the need for interim corrective measures:
  - (i) Time required to develop and implement a final corrective measure;
  - (ii) Consistency with likely permanent remedy;
  - (iii) Actual and potential exposure of human and environmental receptors;
  - (iv) Actual and potential contamination of drinking water supplies and sensitive ecosystems;
  - (v) The potential for further degradation of any impacted medium;
  - (vi) Presence of hazardous waste, including hazardous constituents, in containers that may pose a threat of release;
  - (vii) Presence and concentration of hazardous waste, including hazardous constituents,

- in soils that have the potential to migrate to groundwater or surface water;
- (viii) Weather conditions that may affect the current levels of contamination;
- (ix) Risks of fire, explosion, or potential for exposure to hazardous wastes, including hazardous constituents, as a result of an accident or failure of container or handling system; and
- (x) Other situations that may pose significant threats to human health or the environment.

15. New Information Indicating a Threat to Human Health or the Environment Nothing in this Module shall preclude the Commissioner from modifying the Permit in accordance with 6 NYCRR 621.14 and for the grounds stated therein, to require additional corrective action, including investigations, studies, monitoring or corrective measures if newly-discovered information becomes available or changes in environmental conditions indicate that releases or potential releases from a SWMU (or SWMUs) pose a threat to human health or the environment, or changes that occur in relevant laws or regulations.
16. Compliance Schedule For Reporting. The Permittee shall submit, to the Commissioner, reports on a schedule specified in work plans approved pursuant to this Permit, of activities (i.e., SWMU Assessment, Interim Measures, RCRA Facility Investigation, Corrective Measures Study) conducted pursuant to the provisions of the Corrective Action Compliance Schedules of this Permit Module. Upon request, copies of other relevant reports shall be made available to the Commissioner. The Commissioner may require the Permittee to conduct new or more extensive assessments, investigations, or studies, based upon information provided in the reports or upon other supporting information.
17. Document Repositories. Upon request by the Department to establish a document repository, the Permittee shall provide certain plans and reports required under this module to location(s) where they will be available for review by the public.
18. Corrective Measures Operation. For each existing corrective measure (either interim or final) installed and operated for the facility, the Permittee shall continue to implement the Department approved plans that address performance monitoring and operation and maintenance.

The Permittee shall provide written notification to the Commissioner if a corrective measure or an element of such a system is not operating (i.e., out of service or down) for a period of more than fourteen (14) consecutive days. The Permittee shall also provide written notification if the measure is not operated for more than fourteen (14) days in any given thirty (30) day period. Normal pump cycling between high and low water level set points is not considered down time for notification purposes. Such notification shall be made in within fourteen (14) days of a system triggering the notification requirement, and shall include the reason(s) for the shut down(s) and, as appropriate, shall include planned or implemented remedies. Normal operation shall be restored as quickly as practicable.

Modification of the construction or modification or termination of the operation of a corrective measure requires Commissioner approval prior to implementation. The only exception is a modification that will enhance the effectiveness of the measure in which case the Permittee need only notify the Department of the change. Such notifications must be made within thirty (30) days of the date of the enhancement.

With prior Department approval, the Permittee may terminate operation of a corrective measure where the Permittee has constructed and placed in operation another corrective measure that will

replace the control provided by the previous corrective measure.

If the Permittee wishes to terminate operation of a corrective measure, and not replace the system, the Permittee shall petition the Commissioner in accordance with the provisions in Appendix A to this module. Such a request will be processed as a major permit modification.

### C. CORRECTIVE ACTION PROCESS

The Corrective Action process is a systematic means to address releases from SWMUs. Generally, the corrective action process may be divided into four steps; RCRA Facility Assessment (RFA), RCRA Facility Investigation (RFI), Corrective Measures Study (CMS), and Corrective Measures Implementation (CMI). In some instances, the Department may determine that each specific step in the process is not necessary (see e.g. 61 FR 19432, 19447, May 1, 1996) and shall provide the Permittee with written notification of this determination.

The list and classification of SWMUs (Table II [see end of module for table location]) will be annually updated to add newly identified SWMUs, to indicate the current corrective action status of SWMUs, and to indicate if the unit is currently active or inactive. The Permittee shall submit an initial update of the SWMU table within 60 days of the effective date of this permit. The addition of a newly identified SWMU (new use as a storage area with no history of releases) will receive a no further action determination and be processed as a notification. The reclassification of a SWMU from Sampling Visit status to No Further Action will be submitted annually and will be processed as a minor permit modification.

#### 1. No Further Action Determination.

- (a) On the basis of the approved RCRA Facility Assessment Report, dated March 23, 1998, and other subsequent reports that have been submitted by the Permittee, the Commissioner has determined that there is no evidence at this time of the release(s) of hazardous waste(s) and/or constituent(s) that threaten human health or the environment from SWMU(s) listed in Table II of this module as "no further action" (NFA) SWMUs. A subset of these SWMUs is still in active use. Upon termination of operation of such a unit, the Permittee shall inspect the unit and its operating record to determine if a change in classification status is warranted. Table II also lists SWMUs located in areas or operations that have been divested by the Permittee.
- (b) The Permittee need not undertake corrective action at SWMUs identified in Tables II as NFA, as long as there is no new evidence of a release of hazardous waste or constituents from such SWMUs that presents a threat to human health or the environment. This condition does not relieve the Permittee of any requirement specified in other Modules of this Permit.
- (c) The Commissioner may render no further action (NFA) determination for additional SWMUs if:
  - (i) The SWMU is listed in Table II as requiring a Sampling Visit, and, based on the results and observations of the Sampling Visit and/or Sampling and Analysis Report for a particular SMWU(s), the Permittee can demonstrate that no release that poses a threat to human health or the environment has occurred from the SWMU; or
  - (ii) The RFI Report for a particular SWMU or combination of SWMUs and other relevant information demonstrates no release of hazardous waste or hazardous

constituents from the SWMU(s) has occurred, that pose a threat to human health and the environment. For SWMUs currently listed in Table II as requiring further action, a subsequent no further action determination shall require a minor permit modification.

- (d) A determination of no further action shall not preclude the Commissioner from:
  - (i) Subsequently modifying the Permit as specified in 6 NYCRR 621.14 to require corrective action based on new information; or
  - (ii) Requiring periodic monitoring of groundwater in accordance with Condition D.6 of this Module; or
  - (iii) Requiring periodic monitoring of air, soil, surface water/sediment or subsurface gas, if necessary, to protect human health and the environment.

## 2. RCRA Facility Assessment (“RFA”) Sampling Visit

The Commissioner has determined that the SWMUs identified on Table II as requiring a Sampling Visit have insufficient information to determine if release(s) of hazardous waste(s) and/or constituents to the environment have occurred and may require the implementation of a RFA Sampling Visit as described in condition B.12.

## 3. RCRA Facility Investigation (“RFI”)

- (a) RFI Work Plans
  - (i) Each RFI Work Plan shall describe the objectives of the investigation and the overall technical and analytical approach to completing all actions necessary to characterize the nature, extent, direction, rate, movement, and concentration of releases of hazardous waste or hazardous constituents, from specific units or groups of units, and their actual or potential receptors to the extent necessary to support the development of a CMS, should one be required. Each Work Plan shall detail all proposed activities and procedures to be conducted at the facility and/or off-site, and include a schedule for implementing and completing such investigations.
  - (ii) Each Work Plan shall address the applicable requirements in accordance with relevant guidance documents.
- (b) RCRA Facility Investigation Work Plan Implementation. Upon written approval from the Commissioner for an RFI Work Plan, the Permittee shall complete the investigation in accordance with the approved plan, including its schedule.
- (c) RCRA Facility Investigation Final Report
  - (i) In accordance with the schedule provided in an approved RFI Work Plan, the Permittee shall submit to the Commissioner for approval an RFI Final Report for the investigation area/SWMUs involved. The RFI Final Report shall describe the procedures, methods, and results of all investigations of SWMUs, including information on the nature and extent of contamination at the facility and/or off-site, sources and migration pathways, and actual or potential receptors. It shall present

all information gathered under the approved RFI Work Plan and include any evaluations required under the work plan and may propose clean-up levels and point(s) of exposure. The Report shall contain an executive summary that describes more briefly the procedures, methods, and results of the RFI.

- (ii) After the Commissioner approves the RFI Final Report for any investigation area or ungrouped SWMU, the Permittee shall upon request by the Department, within thirty (30) calendar days of receipt of approval, distribute the report to the public information repositories established by the Permittee.

#### 4. Corrective Measures Study (“CMS”)

- (a) Based upon an approved Final RFI Report, the Commissioner shall either make an NFA determination or require a CMS or presumptive remedy evaluation. The Commissioner may require a Corrective Measures Study (“CMS”) or presumptive remedy evaluation under the following conditions:
  - (i) If the concentrations of hazardous constituents in groundwater, surface water/sediment, soil, or air exceed their corresponding media-specific action levels or Department-approved site-specific background levels ; or
  - (ii) If the concentrations of hazardous constituents in groundwater, surface water/sediment, soil, or air do not exceed their corresponding media-specific action levels or Department-approved site-specific background levels, but additive exposure risk due to the presence of multiple constituents is not protective of human health or the environment.

Should such an evaluation be required, the Commissioner shall notify the Permittee in writing. If the Permittee has not proposed conducting a CMS or presumptive remedy evaluation in the RFI report, the Department shall in this notice identify the hazardous constituent(s) which have exceeded the action level(s) as well as those which have been determined to pose a threat to human health or the environment due to additive exposure risk. The notification may also specify the corrective measure alternatives to be evaluated by the Permittee during the CMS or presumptive remedy evaluation. Any such notification shall be subject to the procedures in Condition B.6.

- (b) CMS/Presumptive Remedy Plan. Within 60 calendar days of receipt of the Commissioner’s determination that a CMS or presumptive remedy evaluation is needed, the Permittee shall submit, for approval, a Plan.
  - (i) The Plan shall provide:
    - (1) A description of the general approach to investigating and evaluating potential corrective measures;
    - (2) A definition of the overall objectives of the study;
    - (3) The specific plans for evaluating corrective measures to ensure compliance with corrective measure standards;
    - (4) The schedules for conducting the study; and
    - (5) The proposed format for the presentation of information.

- (ii) The Plan must address, at a minimum, all activities specified in the requirements set forth in notification from the Commissioner, and the applicable requirements in relevant guidance documents.
- (c) CMS/Presumptive Remedy Evaluation Implementation. Upon written approval from the Commissioner for the Plan, the Permittee shall complete the evaluation in accordance with the approved Plan, including its schedule.
- (d) CMS/Presumptive Remedy Evaluation Report.

In accordance with the schedule in the Plan, the Permittee shall submit for approval a Report. The Report shall:

- (i) Summarize the results of the investigations and, if applicable, of any bench-scale or pilot tests conducted;
  - (ii) Provide a detailed description of the corrective measures evaluated and include an evaluation of how each corrective measure alternative meets the standards and objectives identified in the Plan.
  - (iii) Present all information gathered under the approved Plan; and
  - (iv) Contain any additional information including economic evaluations to be used in the corrective measure selection decision-making process.
5. Corrective Measure(s) Selection and Implementation. The Commissioner shall select the final corrective measure(s) consistent with the applicable statutory and regulatory standards and initiate a modification to this Permit, pursuant to 6 NYCRR 373-1.7(b) and 6 NYCRR 621.14 to require implementation of the selected corrective measure(s).
6. Financial Assurance. Annually, the Permittee shall demonstrate, in accordance with Module I and Attachment I, assurances of financial responsibility for completing corrective action.

#### D. KODAK PARK CORRECTIVE ACTION PROGRAM

Since 1980, Kodak has conducted numerous subsurface activities at Kodak Park, some of which have been implemented outside of the formal corrective action process. These activities have been collectively referred to as the Kodak Park Corrective Action Program (KPCAP). One of the initial corrective action objectives has been to stabilize the site. This has been accomplished through a program of investigations, interim and final corrective measures to control the migration of contaminants in the subsurface. The Kodak Park Corrective Action Program (KPCAP) has also incorporated several other activities that require subsurface investigation and/or remediation, such as hazardous waste tank closure, Consent Orders, the Industrial Sewer Assessment Program, Soil Management Plan, and the Groundwater Monitoring Program Sampling and Analysis Plan. Elements of and requirements for the Kodak Park Corrective Action Program are described below.

##### 1. RCRA Facility Assessment and Investigation (“RFI”) Compliance Schedule

- (a) The Commissioner has determined that there has been a release or potential release of hazardous waste and/or constituents from the following SWMU’s or grouping of SWMU’s that require the implementation of an RFI:
  - (i) SWMU(s) or combination of SWMU(s) listed in Table II as requiring further action (Further Action SWMUs).

- (ii) Inaccessible SWMU(s): Building wastewater collection system (BWCS) associated with the Industrial Sewer (E-001, W-001, X-001, M-001). The Permittee shall submit a plan for investigating these SWMUs. A schedule for the implementation of this plan will be submitted consistent with the requirements of condition D.4(b) of this module.
- (b) The Permittee shall submit a RFI Work Plan to the Commissioner for approval in accordance with the following schedule.

***Corrective Action Compliance Schedule for RFI Work Plans***

Investigation Area/Unit <sup>1</sup>	RFI Work Plan Due Date	Status
Northeast KPE (EIA-53, EIA-82, EIA-27, EIA-62)	Completed	Remedy Selected
MIA-329	Completed	Remedy Selected
XIA-218	Completed	Remedy Selected
MIA-301	Completed	Remedy Selected
WIA-KPW	Completed	Remedy Selected
MIA-WRL	Completed	Remedy Selected
MIA-351	Completed	Remedy Selected
EIA-KL	Completed	Remedy Selected
MIA-308	Completed	Remedy Selected
XIA-202/XIA-208	Completed	Remedy Selected
MIA-317	Completed	Remedy Selected
Southeast KPE (EIA-2 and EIA-30)	Completed	Remedy Selected
MIA-333	Completed	Remedy Selected
SIA-605	Completed	Remedy Selected
SIA-502	Completed	Remedy Selected
SWMU S-091	Completed	ICM effectiveness evaluation in progress
KPS Building 514	Investigation in progress	Investigation in progress
INDUSTRIAL SEWER	Per condition <u>D.4(b)</u> of this module <sup>2</sup>	
UNGROUPED SWMUs	Upon Department Request (Primarily addressed)	various

Table Footnotes:

1. Table II indicates whether a SWMU is associated with an investigation area. In some instances multiple investigation areas in close proximity to each other have been combined and investigated at the same time.
2. Preliminary information regarding the sewer system has been compiled during ongoing sewer system integrity assessments.

This schedule for corrective action was initially prioritized based on factors including:

- (i) Site operational history and nature and extent of contamination,
  - (ii) Groundwater flow direction, and
  - (iii) Proximity to potential receptors.
- (c) Genesee River Assessment - The Permittee shall within 360 days of permit issuance, submit a report summarizing relevant reports completed on the status of the lower Genesee River. The report shall evaluate whether hazardous waste and/or hazardous constituents have been released to the river from Kodak Park's historic operations that may pose a threat to human health or the environment. If upon review of the Permittee's report the Department determines that a subsequent investigation is warranted, the Permittee shall submit an investigation work plan within 180 days of written notification by the Department.

2. Corrective Action Through Post-Closure. The hazardous waste tank systems listed below have been physically closed in accordance with plans approved by the Department. These units have closed as land-based hazardous waste disposal units as described in 373-2.10(h)(2) and are subject to post-closure care including groundwater monitoring and corrective action pursuant to 6NYCRR 373-2.6.

Releases from the units listed below have commingled with plumes from other SWMUs at the facility making it impractical to establish independent groundwater monitoring and corrective action programs as contemplated in 373-2.6(b) through 373-2.6(k). As provided for in 373-2.6(a)(6), alternative requirements for groundwater monitoring and corrective action for releases to groundwater have been established for these units. This alternative groundwater monitoring program shall continue for a 30 year period. This time period can be modified pursuant to 373-2.7(g).

Based on conditions at the HWMUs listed below, the Department has determined pursuant to 373-2.7(g) that extended post-closure care is warranted for certain investigation areas. Residual contamination at these sites will require long-term care to address past releases in order to protect human health and the environment. In addition to extending the post-closure care period for certain HWMUs, implementation of the site-wide groundwater monitoring program has been extended as well.

HWMU ID	Building Reference	Investigation Area ID	Date Final Corrective Measures In-Place	Post-Closure Care Period <sup>1</sup>
HWMU-01	30	EIA-30 (SE-KPE)	2007	30
HWMU-02	119	WIA-KPW	1998	30 <sup>2</sup>
HWMU-03	120 Area	WIA-KPW	1998	30 <sup>2</sup>
HWMU-05	148	WIA-KPW	1998	30 <sup>2</sup>
HWMU-07	218	XIA-218	2002	25
HWMU-09	301	MIA-301	2003	30 <sup>2</sup>
HWMU-12	325	MIA-301	2003	30 <sup>2</sup>
HWMU-15	329	MIA-329	2003	26
HWMU-20	322	MIA-308	2008	30
HWMU-24	82	EIA-82 (NE-KPE)	2003	30 <sup>2</sup>
HWMU-27	317	MIA-317	2007	30

Notes: 1 = remaining post-closure care period in years at time of permit issuance.  
2 = indicates post-closure care period has been extended beyond initial 30 year value.

### 3. Corrective Action Through Orders-on-Consent

- (a) Consent Order Index # B8-0190-88-04 (Study Area #1) is terminated upon the effective date of this permit.
- (b) Following issuance of the Part 373 permit, the permittee may pursue termination of Consent Order Index # R8-1046-95-02 (Weiland Road Landfill) in accordance with the process contained in that Order. In the event that Order is terminated, the permittee shall:

implement post-closure care for the landfill in accordance with a Department-approved Environmental Monitoring Plan, and provide financial assurance for these activities. The financial assurance for these costs shall be determined in accordance with 6NYCRR Part 360.

### 4. Industrial Sewer Assessment Program

The program that has been implemented pursuant to the EPA Enforcement Action (Civil Action No. 94-CV-6503T) addressed the inspection and physical upgrade of those portions of the Kodak Park industrial sewer system that are in hazardous waste service. The enforcement action did not, however, address corrective action that may be warranted for current or historic releases of hazardous waste and/or hazardous constituents to the environment from the industrial sewer system, nor did it address inspection and physical upgrade of those portions of the industrial sewer system that carry hazardous constituents but not hazardous waste. Therefore, the Permittee shall comply with the following conditions:

- (a) Within two years of permit issuance, the Permittee shall submit a plan for the evaluation of those portions of the Kodak Park industrial sewer system that have conveyed hazardous constituents, but have not been subject to inspection and upgrade under the EPA Enforcement Action because the lines were not in hazardous waste service. The purpose of the evaluation will be to define whether these portions have resulted in a release to the environment that requires corrective action to protect human health and the environment.
- (b) Within 2 years of permit issuance, the Permittee shall submit a plan for investigating whether releases from the industrial sewer and building wastewater collection systems that have conveyed hazardous waste and/or hazardous constituents have resulted in impacts that require corrective action. The plan may consider the following, where available and relevant:
  - (i) groundwater monitoring data;
  - (ii) accessibility;
  - (iii) potential exposure scenarios and assessment of risk;
  - (iv) currently available and feasible assessment technology; and
  - (v) any other available and pertinent information.
- (c) If in the future the Permittee determines that provisions in the plans need to be revised to remain protective of human health or the environment or to be consistent with applicable regulatory requirements, the Permittee shall submit proposed revisions to the Commissioner for review and approval.

If the Commissioner determines that provisions in the plans are no longer protective of human health or the environment or consistent with regulatory requirements, the Commissioner shall modify the Permit in accordance with 6NYCRR 621.14.

- (d) The Permittee shall submit to the Commissioner, annually, a report identifying those portions of the sewer system/building wastewater collection system identified during the previous reporting period as having a release or potential release of wastewater containing hazardous constituents and/or hazardous waste (e.g., sewer segments that upon inspection did not meet "fit for use" criteria). This reporting condition shall be in effect upon approval of either of the plans required under the Industrial Sewer Assessment Program. Upon review of this report, the Commissioner may notify the Permittee of the need to implement requirements for Identification and Assessment of Newly Identified SWMUs for certain sewer segments, even though the industrial sewer system is already listed as a SWMU.
- (e) For the purposes of this Permit, the terms used in this Condition have the same meaning as defined in the EPA Consent Decree referenced above.

#### 5. Soils Management Plan

The Permittee shall manage soils generated during excavation activities conducted at Kodak Park in accordance with the Department-approved plan as identified as "Excavation Master Plan II" (revised June 1999, and approved May 15, 2000) and the related "Kodak Park Excavation Management, Internal Support Document" dated August 1996. The plan provides procedures used for the characterization, movement, treatment, storage and disposition of excavated soils. The procedures shall be protective of human health and the environment and consistent with applicable regulatory requirements. The plan is incorporated into and an enforceable part of this permit. Management of materials generated during spill response actions shall be specifically excluded from the plan. Additional restrictions on applicability are contained in the plan.

If in the future the Permittee determines that the provisions in the plan need to be revised to remain protective of human health or the environment or consistent with applicable regulatory requirements, or updated to address current operational needs, the Permittee shall submit proposed plan revisions to the Commissioner for review and approval.

If the Commissioner determines that provisions in the plan are no longer protective of human health or the environment or consistent with regulatory requirements, the Commissioner shall modify the Permit in accordance with 6NYCRR 621.14.

#### 6. General Groundwater Monitoring and Corrective Action Conditions

- (a) Groundwater Monitoring Plan (Kodak Park Groundwater Sampling and Analysis Plan - (KPGSAP)) - In addition to corrective action requirements, the plan addresses post-closure care groundwater monitoring provisions for the hazardous waste tank systems that close as land-based disposal units, as described in 6 NYCRR 373-2.10(h)(2). The plan identifies the wells, analytes, methods of analysis, frequency of monitoring, data evaluation and reporting format. The plan must be kept at the facility and at the office of the consultant and/or any other party involved in sampling activities at this site. The Permittee shall ensure that all appropriate personnel, including outside contractors, have been properly trained in the application of the Groundwater Monitoring Plan and that the Plan is followed whenever groundwater samples are obtained at the site. The Plan shall not be modified without prior

approval by the Department.

The Permittee may propose revisions to specific elements in the plan which, if approved by the Department, shall be incorporated by the Permittee into a revised plan which will supersede the existing version. If the Permittee can demonstrate that required monitoring objectives are being met, and that certain wells are providing information that is redundant or information that does not add to the technical understanding of the site characterization, the Permittee may submit a proposal for a reduction in the monitoring requirements at certain wells. The Department shall review the submission and will determine what if any modifications shall be made to the monitoring program. The Permittee will be notified of the Department's determination.

If the Commissioner determines that provisions in the plan are no longer protective of human health or the environment or consistent with regulatory requirements, the Commissioner shall modify the Permit in accordance with 6NYCRR 621.14.

(b) Reporting Requirements -

- (i) Semi-Annual Reporting - The Permittee shall report to the Commissioner the results of all groundwater data obtained through monitoring in accordance with all required programs specified in this Permit. The results of all groundwater sampling and any data evaluation shall be submitted to the Commissioner within fifteen (15) weeks after the completion of the sampling event. Groundwater pumping rates, volumes and operation and maintenance information shall also be reported.

The Permittee shall submit semi-annually, a report on the effectiveness of corrective measures. This report shall contain the following information:

- potentiometric maps (Versions of these maps shall be provided in a form that shows observed water level measurements at specific wells at a suitable scale. These detailed maps can be submitted in mutually acceptable electronic form.);
- a summary of all sampling results obtained under the KPGSAP;
- location of the hydraulic divide, if present, on all maps; and
- an evaluation of the effectiveness of the Corrective Measures Program and proposals for any necessary modifications to restore or maintain its effectiveness. The report shall specifically indicate if the remedial system is meeting its design objectives or if there is a need for enhancement.

- (ii) Annual Reporting - The Permittee shall provide a summary report of all sampling results obtained during the preceding year under the KPGSAP. This annual evaluation shall be due and submitted by April 1 of each year and shall contain a summary of all data and evaluations performed during the previous calendar year. Rather than a separate stand-alone report, the second semi-annual report for each year can serve as the annual report provided it includes:

- certification that the institutional and engineering controls specified in the final corrective measures are in place and continue to be effective;
- a summary of all sampling results obtained during that year under the

- KPGSAP (to be submitted in both hardcopy and electronic form);
- an updated electronic file containing current and historic groundwater monitoring records;
- an evaluation of the contaminant levels with respect to the Groundwater Protection Concentrations;
- proposals for any changes to the Groundwater Monitoring Plan; and
- inspection results, operation and maintenance activities, demonstrating that institutional controls that are components of final corrective measures have been implemented and maintained.

(c) Inability to Obtain Representative Samples

- (i) If the Permittee knows that a well may not provide representative samples, or accurate piezometric values, may be damaged, or is inaccessible, the Permittee shall within forty-five (45) days of such knowledge attempt to remedy the problem and sample or resample the well. If the Permittee is unable to sample/resample the well within forty-five days, the Permittee shall, through written notice to the Commissioner, describe the nature of the problem, and provide a schedule for the rehabilitation or replacement of the well.

If a problem with the well prevented the Permittee from obtaining a scheduled sample, a sample shall be obtained within fourteen (14) days after the rehabilitation or replacement of the well.

- (ii) If the Permittee knows that an error in either sampling or analytical methods has occurred, the affected samples shall be retaken within fourteen (14) days of such knowledge.

(d) Well Maintenance and Inspection

- (i) The Permittee shall inspect and maintain the groundwater monitoring system to ensure that all monitoring points yield representative samples. Personnel trained and experienced in groundwater sampling, that are familiar with the KPGSAP, shall perform the inspection.
- (ii) The identification of each well and piezometer will be permanently affixed to or engraved into the protective security casing, or attached to the internal riser, and maintained in a legible condition. Protective casings shall be maintained as necessary to prevent corrosion (e.g., painted if carbon steel).
- (iii) During each sampling event, all wells and piezometers in the Groundwater Monitoring Network shall be inspected for integrity. The well inspection shall include visual inspection of the security cap and lock, condition of surface grout, and condition of inner casing and cap, as applicable. During well purging for sampling, the rate of recharge will be recorded for comparison with previous data to ensure that the well screen is not plugged. Also during purging and sampling, the integrity of the inner section of the well will be inspected by measuring total well depth and noting the presence of obstructions such as casing bends, foreign objects or siltation. In the event that more than 20% of the screened/open interval of a well/piezometer is blocked (e.g., silted in), the well/piezometer shall be redeveloped prior to the next scheduled monitoring event.

- (iv) If it becomes apparent that a well is not capable of providing representative samples, the Permittee shall respond in accordance with Condition D.6(c) of this Module (Inability to Obtain Representative Samples). Should a well be found to be damaged beyond usability, blocked or broken, or fail to recharge properly, it shall be repaired or abandoned and replaced if necessary. Should any detrimental cracking or frost heaving of grout be observed, repairs will be made and the top of the well casing resurveyed, to ensure accurate determination of groundwater elevations. Unless an alternate schedule is approved by the Commissioner, all repairs or replacements will be completed prior to the next scheduled monitoring event.
- (v) Well inspection data shall be maintained by the Permittee at the facility and, upon request, such information shall be made available to the Department. Records regarding a determination of the adequacy of wells shall be maintained by the Permittee at the facility for 3 years from the date of the inspection and, upon request, such information shall be made available to the Department.
- (vi) The Permittee shall maintain accurate elevation control of the groundwater monitoring network. If conditions or site operations indicate possible loss of survey control, affected monitoring points shall be resurveyed within ninety (90) days of such knowledge. The results shall be submitted to the Commissioner within 60 days of completion of the survey.

(e) Collection of Samples by NYSDEC

At the request of the Department, the Permittee shall allow the Department and/or its authorized representatives to collect samples or splits of any samples collected by the Permittee pursuant to the requirements of this Permit. Similarly, at the request of the Permittee, the Department will allow the Permittee or the Permittee's authorized representatives to take splits or duplicates of any samples collected by the Department. The Permittee shall provide for adequate disposal of purge water whenever groundwater samples are collected by the Department.

(f) Well Construction and Decommissioning

Well construction and decommissioning shall be conducted in accordance with procedures approved by the Department. No well or piezometer shall be decommissioned without prior approval by the Department.

7. Final Corrective Measures

- (a) The Department has selected final corrective measures for the investigation areas listed in the table below. The general nature of the measures are indicated in the table. For those investigation areas where there are continuing corrective action obligations, the table indicates the year when final corrective measures were established, and the remaining implementation required at the time of permit issuance. With the exception of XIA-202/208, for those investigation areas with a remaining implementation of 30 years, the required duration of corrective measures implementation may be extended or shortened as part of the permit renewal process. However, for those investigation areas with a remaining implementation period of less than 30 years and for XIA-202/208, the remaining period may be decreased annually (At permit renewal, the required corrective measures implementation for these areas will be revisited to determine if the duration should be extended or

shortened.).

Investigation Area	Description of Key Elements of Final Corrective Measures	Year Established	Implementation Duration Remaining
WIA-KPW	<p>Groundwater:</p> <ol style="list-style-type: none"> <li>1. Parking Lot 50 Migration Control System - Grimsby/Queenston Zone Hydrofractured System (multiple well containment system located in southern KPW).</li> <li>2. KPW North Migration Control System - Top-of-Rock Zone Hydrofractured System (multiple well containment system located in northern KPW).</li> <li>3. Source area groundwater collection (below water table industrial sewer laterals in vicinity B-115)</li> <li>4. Institutional Control/Deed Restriction on Future Use</li> <li>5. KPGSAP monitoring program.</li> </ol> <p>Soils:</p> <ol style="list-style-type: none"> <li>1. Physical Access Controls.</li> <li>2. Institutional Control/Property Restriction on Future Use.</li> </ol>	1998	30 Years
MIA-351	<p>Groundwater:</p> <ol style="list-style-type: none"> <li>1. Overburden Migration Control System - Interceptor Trench Located between B-351 and B-324; Length - 1520 Feet</li> <li>2. Top-of-Rock Blasted Trenches - near B-351 and B-319 Length - 200 Feet</li> <li>3. KPGSAP monitoring program.</li> </ol> <p>Soils:</p> <ol style="list-style-type: none"> <li>1. Physical Access Controls.</li> <li>2. Institutional Control/Property Restriction on Future Use.</li> </ol>	2002	30 Years
XIA-218	<p>Groundwater:</p> <ol style="list-style-type: none"> <li>1. Overburden Interceptor Trench (Northeast KPX groundwater migration control system) Length - 250 Feet</li> <li>2. KPGSAP monitoring program.</li> </ol> <p>Soils:</p> <ol style="list-style-type: none"> <li>1. Physical Access Controls.</li> <li>2. Institutional Control/Property Restriction on Future Use.</li> </ol>	2002	25 Years
NE-KPE (EIA-53, EIA-82, EIA-27, EIA-62)	<p>Groundwater:</p> <ol style="list-style-type: none"> <li>1. Source Area Recovery Wells (4 pumping wells in B-53/B-57 area)</li> <li>2. Fractured Bedrock Trenches: Northern Trench (Parking Lot 42 - 190 feet long) Eastern Trench (Parking Lot 41 - 420 feet long)</li> <li>3. KPGSAP monitoring program.</li> </ol> <p>Soils:</p> <ol style="list-style-type: none"> <li>1. Physical Access Controls.</li> <li>2. Institutional Control/Property Restriction on Future Use.</li> </ol>	2003	30 Years

Investigation Area	Description of Key Elements of Final Corrective Measures	Year Established	Implementation Duration Remaining
MIA-WRL (KPM Weiland Road Landfill)	<p>Groundwater:</p> <ol style="list-style-type: none"> <li>1. Top-of-Rock Blasted Fracture Zone (Located at West edge of landfill) Length - 300 Feet.</li> <li>2. Groundwater Seepage Interceptor/Drain System (Parking Lot 73 source area control system) Length - 850 Feet.</li> <li>3. KPGSAP monitoring program.</li> </ol> <p>Soils:</p> <ol style="list-style-type: none"> <li>1. Physical Access Controls.</li> <li>2. Institutional Control/Property Restriction on Future Use.</li> </ol>	2003	30 Years
(KPM Weiland Road Landfill)	6NYCRR Part 360 Post-Closure Care Environmental Monitoring Program (Landfill Cover System, Leachate collection system (O&M), M-7 water treatment cost, Storm Water, Part 360 groundwater monitoring program, etc.)	1999	22 Years
MIA-329 (KPM Building 329/349)	<p>Groundwater:</p> <ol style="list-style-type: none"> <li>1. Top-of-Rock Fractured Bedrock Zones: Northern Trench (B349 North Side, 200 feet long) Eastern Trench (B329 East Side, 150 feet long)</li> <li>2. KPGSAP monitoring program.</li> </ol> <p>Soils:</p> <ol style="list-style-type: none"> <li>1. Physical Access Controls.</li> <li>2. Institutional Control/Property Restriction on Future Use.</li> </ol>	2003	26 Years
EIA-KL (KPE Kings Landing)	<p>Groundwater:</p> <ol style="list-style-type: none"> <li>1. KPGSAP Groundwater Quality Monitoring</li> <li>2. Concrete Structure Inspection and Maintenance Program</li> </ol> <p>Soils:</p> <ol style="list-style-type: none"> <li>1. Physical Access Controls.</li> <li>2. Institutional Control/Property Restriction on Future Use.</li> </ol>	2003	26 Years
MIA-301 (KPM Building 301 area)	<p>Groundwater:</p> <ol style="list-style-type: none"> <li>1. Overburden Migration Control System - Interceptor Trench Located between B-351 and B-324; Length - 1520 Feet</li> <li>2. Top-of-Rock Blasted Trenches - near B-351 and B-319 Length - 200 Feet</li> <li>3. Source area conventional pumping wells (3)</li> <li>4. KPGSAP monitoring program.</li> </ol> <p>Soils:</p> <ol style="list-style-type: none"> <li>1. Physical Access Controls.</li> <li>2. Institutional Control/Property Restriction on Future Use.</li> </ol>	2003	30 Years

Investigation Area	Description of Key Elements of Final Corrective Measures	Year Established	Implementation Duration Remaining
MIA-308	<p>Groundwater:</p> <ol style="list-style-type: none"> <li>Overburden Migration Control System - Interceptor Trench Located between B-351 and B-324; Length - 1520 Feet</li> <li>Top-of-Rock Blasted Trenches - near B-351 and B-319 Length - 200 Feet</li> <li>Source area groundwater recovery/treatment required.</li> <li>KPGSAP monitoring program.</li> </ol> <p>Soils:</p> <ol style="list-style-type: none"> <li>Physical Access Controls.</li> <li>Institutional Control/Property Restriction on Future Use.</li> </ol>	2007	30 Years
MIA-317	<p>Groundwater:</p> <ol style="list-style-type: none"> <li>Overburden Migration Control System - Interceptor Trench Located between B-351 and B-324; Length - 1520 Feet</li> <li>Top-of-Rock Blasted Trenches - near B-351 and B-319 Length - 200 Feet</li> <li>KPGSAP monitoring program.</li> </ol> <p>Soils:</p> <ol style="list-style-type: none"> <li>Physical Access Controls.</li> <li>Institutional Control/Property Restriction on Future Use.</li> </ol>	2007	30 Years
MIA-333	<p>Groundwater:</p> <ol style="list-style-type: none"> <li>Existing migration control features (sewer system, MIA-329 Migration Control System near B-329/349.</li> <li>Source area groundwater and LNAPL recovery near M-95.</li> <li>KPGSAP monitoring program.</li> </ol> <p>Soils:</p> <ol style="list-style-type: none"> <li>Physical Access Controls.</li> <li>Institutional Control/Property Restriction on Future Use.</li> </ol>	2007	30 Years
XIA-202/208	<p>Groundwater:</p> <ol style="list-style-type: none"> <li>Existing migration control features (sewer system, XIA-218 Migration Control System near B-218.</li> <li>KPGSAP monitoring program.</li> </ol> <p>Soils:</p> <ol style="list-style-type: none"> <li>Physical Access Controls (placement of protective cover).</li> <li>Institutional Control/Property Restriction on Future Use.</li> </ol>	2007	30 Years
EIA-SEKPE	<p>Groundwater:</p> <ol style="list-style-type: none"> <li>Existing migration control features (sewer system, EIA-NEKPE Migration Control System)</li> <li>KPGSAP monitoring program.</li> </ol> <p>Soils:</p> <ol style="list-style-type: none"> <li>Physical Access Controls.</li> <li>Institutional Control/Property Restriction on Future Use.</li> </ol>	2007	30 Years

Investigation Area	Description of Key Elements of Final Corrective Measures	Year Established	Implementation Duration Remaining
SIA-502/605	Groundwater: 1. Institutional Control/Property Restriction on Future Use.  Soils: 1. A. Excavation and removal of impacted S-030 soil or B. Placement of protective soil cover over impacted S-030 soil. 2. Physical Access Controls to contaminated soil. 3. Institutional Controls/Property Restriction on Future Use. 4. Vapor intrusion assessment required for change in use.	2009	30 Years

(b) Corrective Measures Implementation

- (i) The Permittee shall implement selected remedies in accordance with Department-approved Corrective Measures Implementation (CMI) plans. Modifications proposed by the Permittee to enhance the effectiveness of the corrective measures shall upon approval by the Commissioner, be incorporated into the respective CMI plan. The CMI plans describe the remedy, remedy implementation and remedy performance evaluation requirements, and are incorporated into this permit by reference.
- (ii) For final corrective measures selected while this permit is in effect, the Permittee shall, within 180 days of such selection, submit a corrective measures implementation plan for Department review.
- (iii) Duration of Corrective Measure Implementation - The Permittee shall implement final corrective measures for the time periods indicated in the above table. The time periods may be reevaluated during permit renewal.

8. Vapor Intrusion Assessment - Based on the presence of volatile organic contamination in the groundwater at this facility and the proximity of occupied structures to this contamination, there may be the potential for adverse impacts to indoor air quality to exist. To evaluate this, the Permittee shall conduct a vapor intrusion assessment for Kodak Park in accordance with a plans approved by the Department.

- (a) Off-Site Areas - The initial assessment of Off-Site areas was conducted in accordance with a plan conditionally approved by the Department on September 27, 2006. The Permittee shall implement the Phase II Off-Site Soil Vapor Investigation Plan (dated June 26, 2007, as revised August 15, 2007). If upon review of vapor intrusion assessment results the Department determines that subsequent off-site sampling and/or mitigation work is warranted, the Permittee shall within 45 days of written notification submit a work plan for Department review.
- (b) On-Site Areas - The Permittee shall, within 90 days of written request from the Department, submit a work plan for conducting an on-site vapor intrusion assessment at Kodak Park. The objective of this effort is to assess the potential for human health exposures associated with releases to groundwater and soils.

Index of Tables for Module II:  
II - Master SWMU List

Index of Appendices for Module II:  
A - Termination Procedure for Groundwater Recovery

Table II and Appendix A can be found in Attachment E of the Permit.