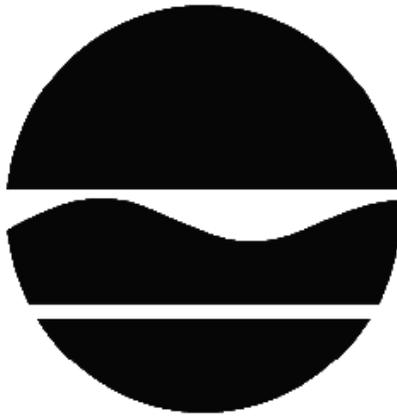


RECORD OF DECISION

JMT Properties Inc., Facility
(Former G.E. and Black & Decker Site)
Operable Unit Number: 04 - Off-Site Groundwater
State Superfund/RCRA Project
Brockport, Monroe County
EPA ID#NYD002221919 - Registry Site No. 828003
September 2012



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

DECLARATION STATEMENT - RECORD OF DECISION

JMT Properties, Inc. Facility
(Former G.E. and Black & Decker Site)
Operable Unit Number: 04 - Off-Site Groundwater
Brockport, Monroe County
EPA ID#NYD002221919/Site No. 828003
September 2012

Statement of Purpose and Basis

This document presents the remedy for Operable Unit Number: 04: Off-Site Groundwater of the JMT Properties, Inc., Facility (Former G.E. and Black & Decker) site, a Class 2 inactive hazardous waste disposal 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) Parts 373 and 375, and is not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan of March 8, 1990 (40CFR300), as amended.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for Operable Unit Number: 04 of the JMT Properties, Inc. Facility and the public's input to the proposed remedy presented by the Department. A listing of the documents included as a part of the Administrative Record is included in Appendix B of the ROD.

Description of Selected Remedy

The elements of the selected remedy are as follows:

Operable Unit 04 (OU04) is the off-site groundwater that has been contaminated by chlorinated solvents from the 200 State Street site. The OU04 remedy includes a groundwater extraction and treatment system that was installed to control the migration of chlorinated volatile organic compounds (CVOCs). The groundwater extraction system is located at 98 Lyman Street and includes an overburden French drain with bedrock connector wells. Extracted water is treated at 98 Lyman Street with a low profile air stripper and discharged to Monroe County under a sewer use permit. The extraction system will be operated in pulsed mode, cycling on and off on an annual basis. The clean-up goals and termination criteria for the groundwater remedial action are provided in Exhibits A - D.

In 1996, a residential sampling program was also conducted in the neighborhood to assess

potential indoor air impacts associated with the CVOCs. Mitigation systems were installed in two houses. As part of the final remedy, the adequacy of the 1996 sampling program will be reevaluated relative to current NYSDOH soil vapor intrusion guidelines.

Groundwater monitoring program is already in place and will continue to be conducted to monitor the effectiveness of the groundwater actions.

New York State Department of Health Acceptance

The New York State Department of Health (NYSDOH) concurs that the remedy for this site is protective of human health.

Declaration

The selected remedy is protective of human health and the environment, complies with State and Federal requirements that are legally applicable or relevant and appropriate to the remedial action to the extent practicable, and is cost effective. This remedy utilizes permanent solutions and alternative treatment or resource recovery technologies, to the maximum extent practicable, and satisfies the preference for remedies that reduce toxicity, mobility, or volume as a principal element.

October 15, 2012



Date

Robert W. Schick, P.E., Director
Division of Environmental Remediation

RECORD OF DECISION

JMT Properties, Inc. Facility
Former G.E. and Black & Decker Site
Brockport, Monroe County
EPA ID#NYD002221919/Site No. 828003
September 2012

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 hazardous wastes 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 hazardous wastes at this site, as more fully described in this document, has contaminated various environmental media. The remedy is intended to attain the remedial action objectives identified for this site for the protection of public health and the environment. This Record of Decision (ROD) identifies the selected remedy, summarizes the other alternatives considered, and discusses the reasons for selecting the remedy.

The New York State Inactive Hazardous Waste Disposal Site Remedial Program (also known as the State Superfund Program) is an enforcement program, the mission of which is to identify and characterize suspected inactive hazardous waste disposal sites and to investigate and remediate those sites found to pose a significant threat to public health and environment. The New York State Hazardous Waste Management Program (also known as the RCRA Program) requires corrective action for releases of hazardous waste and hazardous constituents to the environment. This facility is subject to both programs.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York; (6 NYCRR) Parts 373 (RCRA) and 375 (State Superfund). This document is a summary of the information that can be found in the site-related reports and documents.

SECTION 2: CITIZEN PARTICIPATION

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

Seymour Library
161 East Avenue
Brockport, NY 14420
Telephone (585) 637-1050

Brockport Village Offices
18 State Street
Brockport, NY
Telephone (585) 637-1044

A public meeting was also conducted. At the meeting, the findings of the site investigations and the evaluation of remedial alternatives were presented along with a summary of the proposed remedy. After the presentation, a question-and-answer period was held, during which verbal or written comments were accepted on the proposed remedy.

Comments on the remedy received during the comment period are summarized and addressed in the responsiveness summary section of the ROD (see Appendix A).

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 JMT Properties site is located at 200 State Street, in an industrial area, on the east side of the Village of Brockport.

Site Features:

The main feature of the approximately 28 acre property is a large abandoned building, surrounded by parking areas and access roads. There are also several small sheds/buildings located on the east side of the main building. The southern part of the site includes some open, grassy areas, and some wooded areas. The New York State Barge Canal is across the street, on the north side of the site. The former 3M/Dynacolor inactive hazardous waste site is located immediately west of the 200 State Street site. Storm water from the site is conveyed under the canal, to the north side, where the storm sewer discharges to Tributary #3 to Brockport Creek.

Current Zoning/Use(s):

The site is currently inactive, and is zoned for industrial use. The surrounding parcels are currently used for a combination of commercial and industrial uses, mainly related to frozen food

processing and storage. The nearest residential area is approximately 0.1 miles north, on the north side of the canal.

Historic Use(s):

The site was historically used for the manufacturing of house-wares, and was operated by General Electric between 1946 and 1983, and then by Black & Decker from 1984-1986, when house-wares production ended. In 1988, Black & Decker sold the facility to the County of Monroe Industrial Development Agency (COMIDA). COMIDA leased the property to Kleen-Brite Laboratories who used the facility for the storage and packaging of detergents and other cleaning products. The site was subsequently acquired from COMIDA by JMT Properties, Inc. in 1992, and Kleen-Brite continued to use the site for storage and packaging of detergents and other cleaning products.

Historic operations included a wastewater treatment plant for industrial discharges from house-wares metal plating operations. The treatment plant included six lagoons and a sludge drying bed. The lagoons were closed under an NYSDEC approved closure plan in 1986. Closure activities involved the removal of 4,170 tons of sludge, contaminated soils and the lagoon liners. Prior to closure, volatile organic compounds (VOCs) were identified in groundwater wells monitoring the lagoons. In response, a groundwater pump and treat system was built in 1987 and began operating in 1988. Treated groundwater is discharged to the Barge Canal under a DEC permit.

Operable Units:

The site was divided into seven operable units. An operable unit represents a portion of a remedial program for a site that for technical or administrative reasons can be addressed separately to investigate, eliminate or mitigate a release, threat of release or exposure pathway resulting from the site contamination.

Operable Unit 01 (OU 01) is the Lagoon Closure mentioned above.

OU 02 consists of the On-Site (200 State Street) groundwater.

OU 03 is the Prior Sludge Application Area, an on-site area located primarily to the south of the main building, where sludge historically removed from the lagoons was placed.

OU 04 is the off-site groundwater which is the focus of this document, and includes the related off-site soil vapor intrusion evaluation.

OU 05 is the on-site storm sewer and PCB contaminated soil.

OU 06 is Waste Oil Container Storage Area, Outside Container Storage Area and Degreaser Area, and includes the related on-site soil vapor intrusion evaluation.

OU 07 is the Off-Site Storm Water Drainageway, and includes the off-site storm sewer

network and Tributary #3 to Brockport Creek.

Site Geology and Hydrogeology:

The site soils (overburden) are a relatively thin (10-15 feet) deposit of glacially derived material, overlying sedimentary bedrock. The soils have low permeability and tend to be poorly drained. The bedrock consists of sandstone, siltstone and shale. The natural groundwater flow is towards the north, with flow predominately occurring through fractures/higher permeability features of the bedrock.

Site Status:

Following implementation of the selected remedy for OU 4 (remedial decisions for OU 05 and OU 06 are being processed concurrently with OU 04, but in a separate document), this facility will transition into the site management phase of long-term operation, monitoring and maintenance of the site.

Operable Unit (OU) Number 04 (Off-Site Groundwater) is the subject of this document. Except as noted above, decision documents for the remaining operable units associated with this site were issued previously.

A site location map is attached as Figure 1. Figure 2 shows the JMT Properties facility and the Off-Site Groundwater Operable Unit 04 location.

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. OU 04 is an established residential neighborhood, in existence prior to construction of the groundwater treatment system. The OU 04 area is on the north side of the Barge Canal, located to the north-northwest of the 200 State Street site. For this operable unit, an alternative which allows for unrestricted use of the site was evaluated.

A comparison of the results of the investigation against unrestricted use standards, criteria and guidance values (SCGs) for the site contaminants is included in the Tables for the media being evaluated in Exhibit A.

SECTION 5: ENFORCEMENT STATUS

Potentially Responsible Parties (PRPs) are those who may be legally liable for contamination at a site. This may include past or present owners and operators, waste generators, and haulers.

The PRPs for the site, documented to date, include:

JMT Properties, Inc.

County of Monroe Industrial Development Agency (COMIDA)

Stanley/Black & Decker (U.S.) Inc.

General Electric Company

This facility was issued a 6NYCRR Part 373 RCRA Post-Closure Permit (NYSDEC Permit No.: 8-2652-00030/00001-0) in 1994. JMT Properties, Inc. and Black & Decker (U.S.) Inc. were named as co-permittees in that permit. The site investigations and other actions described above were done under this existing permit. The permit will be renewed or replaced with another legal mechanism to implement the selected remedy. DEC may replace the permit with a corrective action consent order to administer post-closure care and corrective action obligations for the facility.

SECTION 6: SITE CONTAMINATION

6.1: Summary of the Site Investigations

Site investigations were conducted to define the nature and extent of contamination resulting from previous activities at the site. The field activities and findings of the investigations are described in reports that are available at the document repositories.

The following general activities are typically conducted during an RI:

- Research of historical information,
- Soil borings, and monitoring well installations,
- Sampling of waste, surface and subsurface soils, groundwater, and soil vapor,
- Sampling of surface water and sediment,
- Ecological and Human Health Exposure Assessments, if warranted.

The analytical data collected for Operable Unit 04 includes data for:

- groundwater
- basement sump water
- indoor air

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 associated with OU 04 are present at levels of concern, the data from the site investigations 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. The tables found in Exhibit A list the applicable SCGs in the footnotes. For a full listing of all SCGs see: <http://www.dec.ny.gov/regulations/61794.html>

6.1.2: RI Information

The data have identified contaminants of concern. A "contaminant of concern" is a hazardous contaminant that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized in Exhibit A. Additionally, the site investigation reports noted above contain a full discussion of the data. The contaminant(s) of concern identified for this Operable Unit at this site is/are:

trichloroethene
vinyl chloride

cis-1,2-dichloroethylene

As illustrated in Exhibit A, the contaminant(s) of concern currently exceed the applicable SCGs for:

- groundwater

6.2: Interim Measures

An interim measure is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Record of Decision.

The following interim measures have been completed for Operable Unit 04 at this site based on conditions observed during site investigations.

Off-Site Groundwater Interim Measures

A groundwater extraction and treatment system was installed in 2001 to control the migration of chlorinated volatile organic compounds (CVOCs). The groundwater extraction system is located off-site, at 98 Lyman Street, and includes an overburden French drain with bedrock connector wells. Extracted water is treated at 98 Lyman Street with a low profile air stripper and discharged to the sanitary sewer under a sewer use permit issued by Monroe County Pure Waters.

A residential sampling program was also initiated in the neighborhood in 1996 to assess potential indoor air impacts associated with the CVOCs. Abatement measures were proposed in six of the seven residences in which TCE and/or 1,2-dichloroethene (1,2-DCE) were detected; abatement measures were completed in two residences, another residence was purchased by GE (and used

to construct the off-site groundwater remediation system), and agreements to implement abatement measures in the other three residences were offered but not accepted by the other property owners. In the seventh house, continued monitoring was offered, but not accepted by the owner(s).

Monitoring has been conducted to evaluate the effectiveness of these actions.

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.

Based upon the resources and pathways identified and the toxicity of the contaminants of ecological concern at this site, a Fish and Wildlife Resources Impact Analysis (FWRIA) was deemed not necessary for OU 04.

The primary contaminants of concern in groundwater at the site are trichloroethene (TCE) and degradation products of these compounds. A groundwater extraction and treatment system, located at the facility at 200 State Street, began operating in 1988. The system was enhanced in 1999 and again in 2007 to increase its effectiveness. Solvent contamination in groundwater was also found in the residential area north of the site (it appears that contamination in the residential area had migrated prior to installation and operation of the 200 State Street groundwater recovery system). In 2001, a groundwater extraction and treatment system was installed in the residential area to address the contaminant plume. The off-site system has been operating effectively for over a decade.

6.4 Summary of Human Exposure Pathways

This human exposure assessment identifies ways in which people may be exposed to site-related contaminants. Chemicals can enter the body through three major pathways (breathing, touching or swallowing). This is referred to as *exposure*.

People are not drinking the contaminated groundwater because the area is served by a public water supply that is not contaminated by the site. There is the potential for soil vapor intrusion to occur in the residential area where the groundwater plume is present. Although this pathway was investigated in 1996, NYSDOH and NYSDEC will re-evaluate the need to investigate the potential for soil vapor intrusion into off-site structures.

6.5: Summary of the Remediation Objectives

The objectives for the remedial program for Operable Unit 04 have been established through the remedy selection process in the 6 NYCRR Part 373 Post-Closure Permit and 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 Operable Unit 04 for this site are:

Groundwater

RAOs for Public Health Protection

- 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.

Soil Vapor

RAOs for Public Health Protection

- Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings.

SECTION 7: SUMMARY OF THE SELECTED REMEDY

To be selected, the remedy must be protective of human health and the environment, be cost-effective, comply with other statutory requirements, and utilize permanent solutions, alternative technologies or resource recovery technologies to the maximum extent practicable. The remedy must also attain the remedial action objectives identified for the site, which are presented in Section 6.5. Potential remedial alternatives for the Site were identified, screened and evaluated in the feasibility study (Off-Site Groundwater Corrective Measures Study).

A summary of the remedial alternatives that were considered for this site is presented in Exhibit B. Cost information is presented in the form of present worth, which represents the amount of money invested in the current year that would be sufficient to cover current and estimated costs associated with the alternative. This enables the costs of remedial alternatives to be compared on a common basis. A summary of the Remedial Alternatives Costs is included as Exhibit C.

The basis for the Department's selected remedy is set forth at Exhibit D.

The estimated present worth cost to implement the remedy is \$776,000. The estimated annual cost to operate, maintain, and monitor the system is \$63,000. Assumptions related to these estimates are presented in Exhibit C.

The elements of the selected remedy are as follows:

Groundwater Extraction and Treatment - The OU 04 remedy includes continued operation of the existing groundwater extraction and treatment system to control the migration of chlorinated volatile organic compounds (CVOCs). This groundwater extraction system was initially installed as an interim measure and is located at 98 Lyman Street. The extraction system includes an overburden French drain with bedrock

connector wells. Extracted water is treated at 98 Lyman Street with a low profile air stripper and discharged to the sanitary sewer under a sewer use permit issued by Monroe County Pure Waters. The extraction system will be operated in pulsed mode, cycling on and off on an annual basis. The clean-up goals and termination criteria for the groundwater remedial action are provided in Exhibits A - D.

Soil Vapor Intrusion Evaluation - In 1996, a residential sampling program was also conducted in the neighborhood to assess potential indoor air impacts associated with the CVOCs. As part of the final remedy, the adequacy of the 1996 sampling program and related interim measures will be reevaluated relative to current NYSDOH soil vapor intrusion guidelines.

Site Management Plan - A Site Management Plan is required. Previously approved plans may be incorporated into the SMP where appropriate, provided full electronic copies are available to be compiled into the SMP. The SMP shall include the following:

- a. an Engineering Control Plan that identifies engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following controls remain in place and effective:

Engineering Controls: The groundwater extraction and treatment system located at 98 Lyman Street and the active soil vapor intrusion mitigation system(s).

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;
- a provision for evaluation of the potential for soil vapor intrusion for any 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 controls.

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

- monitoring of groundwater and sump water to assess the performance and effectiveness of the remedy;
 - a schedule of monitoring and frequency of submittals to the Department.
- c. an Operation and Maintenance (O&M) Plan to ensure continued operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy. The plan includes, but is not limited to:
- compliance monitoring of treatment systems to ensure proper O&M as well as providing the data for any necessary permit or permit equivalent reporting;
 - maintaining site access controls and Department notification; and
 - providing the Department access to the site and O&M records.

Financial Assurance - Financial assurance for implementing and completing the remedy is required.

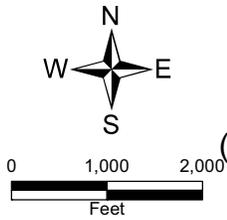
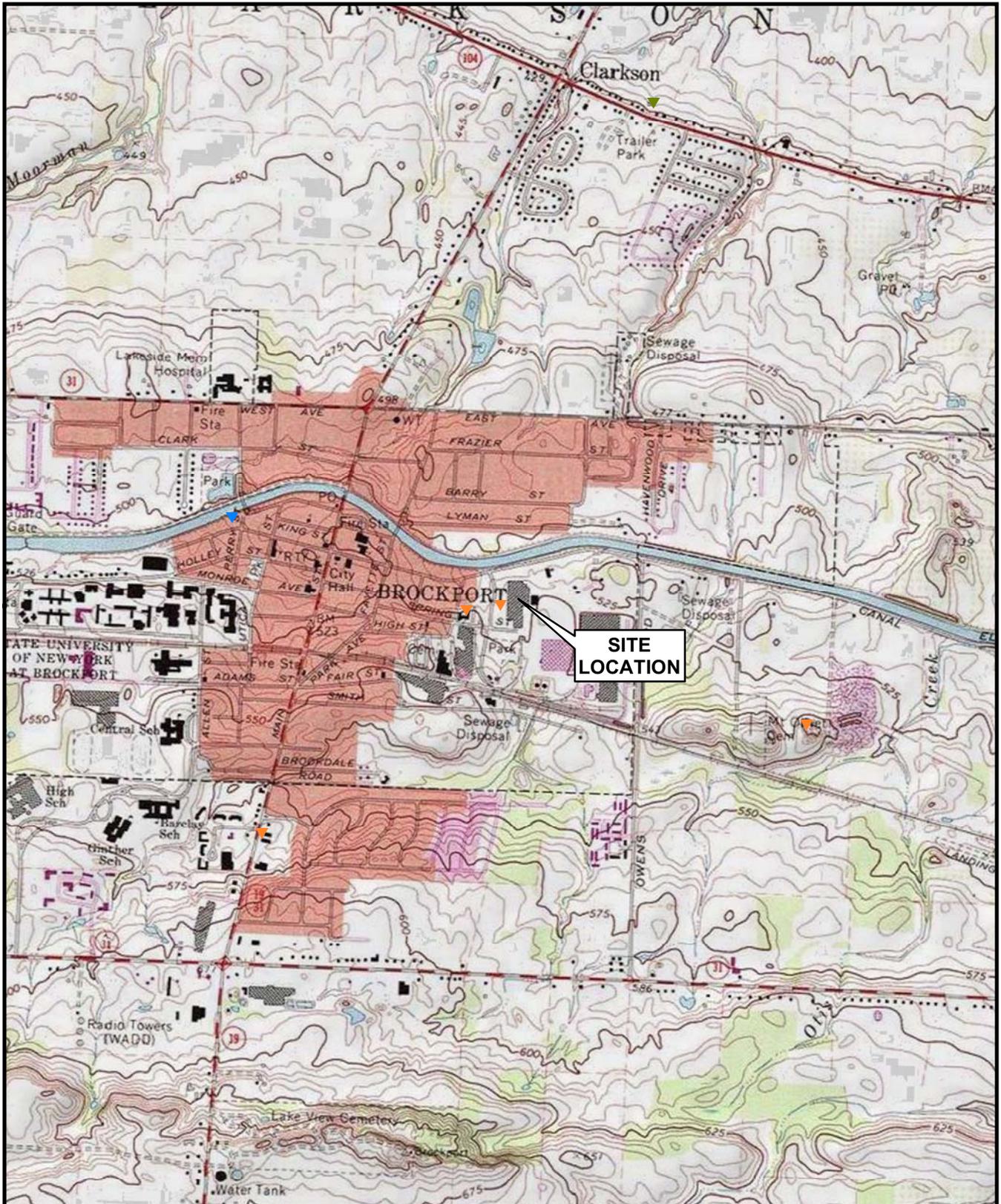


Figure 1
Site Location Map
 JMT Facility - Brockport
 (Former GE/Black & Decker Site)
 Town of Sweden, Monroe
 Site No. 828003



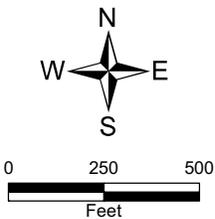
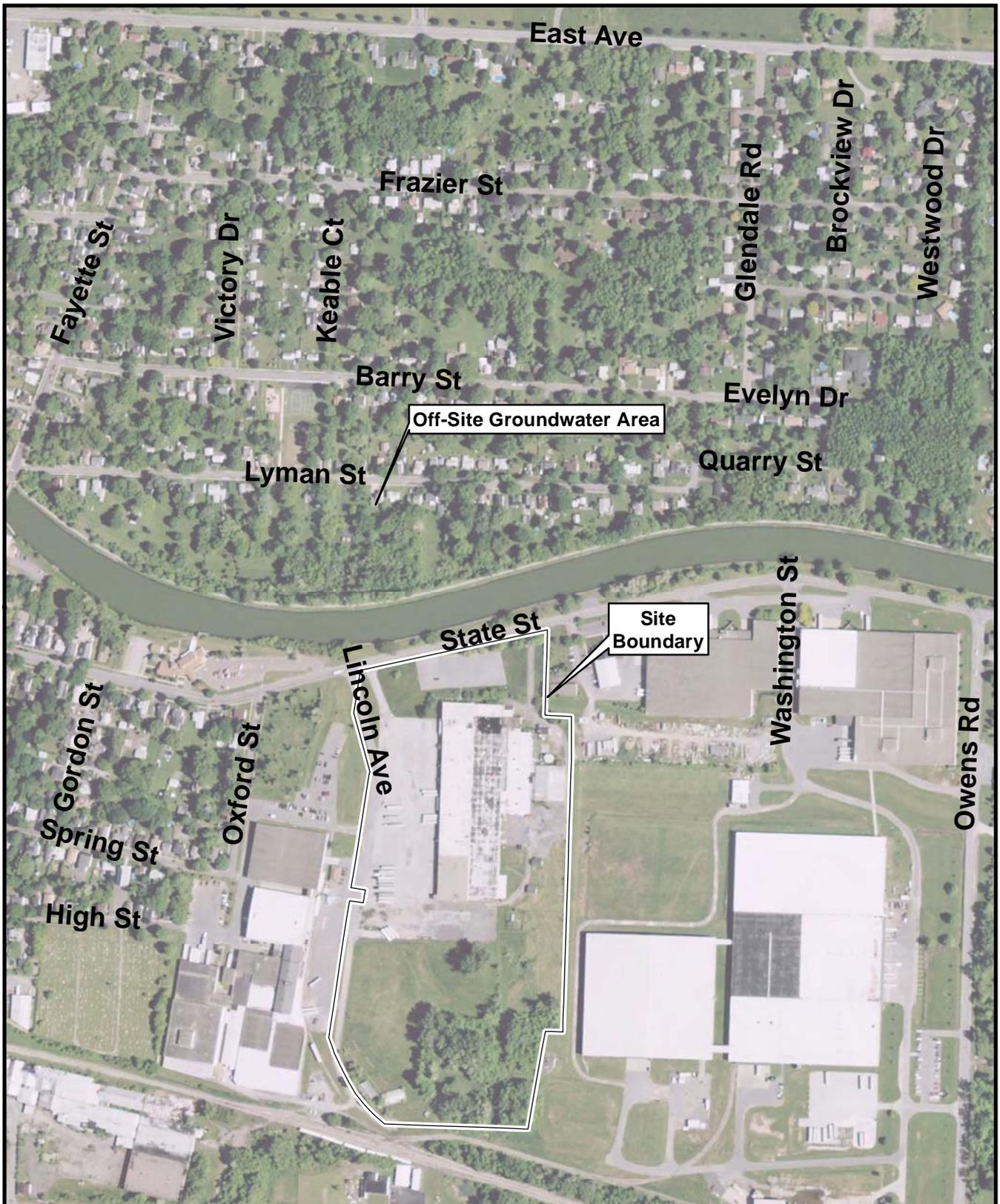


Figure 2 Site Map

JMT Facility - 200 State Street, Brockport
 (Former GE/Black & Decker Site)
 Town of Sweden, Monroe
 Site No. 828003



Exhibit A – (Operable Unit 04 Off-Site Groundwater)

Nature and Extent of Contamination

This section describes the findings for all environmental media that were evaluated. As described in Section 6.1, samples were collected from various environmental media to characterize the nature and extent of contamination.

For each medium, a table summarizes the findings of the investigation. The tables present the range of contamination found at the site in the media and compares the data with the applicable SCGs for the site. For comparison purposes, the SCGs are provided for each medium that allows for unrestricted use.

Groundwater

Groundwater samples were collected from overburden and bedrock monitoring wells. The samples were collected to assess groundwater conditions off-site. The results indicate that contamination in off-site groundwater exceeds the SCGs for volatile organic compounds.

Table # - Groundwater (Data from June 2011 Sampling Event)

Detected Constituents		Overburden Concentration Range Detected (ppb) ^a	Bedrock Concentration Range Detected (ppb)	SCG ^b (ppb)
	VOCs			
Trichloroethene		ND ^c – 4.4	ND - 190	5
Cis-1,2-Dichloroethene		ND - 0.99 J ^d	ND - 56	5
Vinyl Chloride		ND	ND - 3.6	2

a - ppb: parts per billion, which is equivalent to micrograms per liter, ug/L, in water.

b- SCG: Standard Criteria or Guidance - Ambient Water Quality Standards and Guidance Values (TOGs 1.1.1), 6 NYCRR Part 703, Surface water and Groundwater Quality Standards, and Part 5 of the New York State Sanitary Code (10 NYCRR Part 5).

c- ND = non-detect

d- J = Constituent detected, but at a concentration that is below quantification limit for the analytical method. Reported concentration should be considered an estimated value.

The primary groundwater contaminants are trichloroethene and related breakdown products associated with solvent use, primarily in metal degreasing operations that were historically conducted at the 200 State Street site. Figures 1a and 1b of this exhibit present groundwater results for November 2010 and June 2011, respectively, for the off-site area of interest.

Based on the findings, the presence of trichloroethene has resulted in the contamination of groundwater. The site contaminants that are considered to be the primary contaminants of concern which drive the remediation of groundwater to be addressed by the remedy selection process are: trichloroethene, cis-1,2-dichloroethene and vinyl chloride.

Soil Vapor

The evaluation of the potential for soil vapor intrusion resulting from the presence of site related groundwater contamination was evaluated by the sampling of basement sump water, crawlspace air and indoor air inside structures. At this site due to the presence of buildings in the impacted area samples were collected to evaluate whether soil vapor intrusion was occurring.

In response to finding a groundwater plume north of the Barge Canal, a residential sampling program directed at 38 houses on Lyman Street and the south side of Barry Street was conducted during 1996. Figure 2 of this exhibit presents the residential sampling program study area. Water samples were collected from the basement and/or crawlspace of 28 of the 38 houses. This testing identified seven houses with site related contaminants. Indoor air testing was performed in March 1996. A confirmatory round of water and indoor air samples was taken in the houses in April and May 1996. A third round of samples was collected in four of the houses in May and October 1996. Results from this program are provided in the Off-Site Residential Sampling Program Report (O'Brien & Gere, 1997).

Based on the residential sampling program results, in 1996 and 1997, abatement measures were implemented in two houses to intercept contamination before it can enter the indoor air of the houses. A third house, located at 98 Lyman Street was purchased by GE in 1998 to gain access to the contaminated groundwater and to locate a groundwater remedial system. As part of site preparation activities, the house and other outbuildings were removed from the parcel.

Although soil vapor contamination identified during the investigation was addressed by the interim measures described above, these actions were taken prior to issuance of NYSDOH Soil Vapor Intrusion Guidance in 2006. As part of the remedy, the soil vapor intrusion evaluation will be reassessed against current guidance.

Exhibit B

Description of Remedial Alternatives

The following alternatives were considered based on the remedial action objectives (see Section 6.5) to address the contaminated media identified at the site as described in Exhibit A.

Alternative 1: No Further Action

The No Further Action Alternative recognizes the remediation of the site completed by the interim measures described in Section 6.2. Aside from demolition and disposal of the groundwater pump and treat system installed at 98 Lyman Street, this alternative leaves the site in its present condition and does not provide any additional protection of the environment. This alternative involves no further action for ground water north of the Barge Canal. Ground water monitoring north of the Barge Canal is discontinued, and the pump-and-treat system at 98 Lyman Street is shut down and decommissioned. This alternative is included for comparison purposes.

Alternative 2: No Further Action with Monitoring

This alternative includes continued sampling and analysis of ground water north of the Barge Canal. The groundwater pump and treat system at 98 Lyman Street would be shut down and decommissioned. Ground water monitoring would continue to be conducted in the off-site area.

Alternative 3a: Existing Ground Water Extraction and Treatment System with Monitoring

This alternative includes active remediation consisting of the continued operation and monitoring of the existing off-site ground water extraction and treatment system located on GE's property at 98 Lyman Street. Under this alternative the existing ground water extraction and treatment system is operated and maintained in accordance with the Off-Site Ground Water Interim Corrective Measures Operations & Maintenance Plan (O&M Plan) (BBL, 2005, as revised). Ground water is treated in the existing treatment system using air stripping, filtration, and carbon adsorption. Vapors discharged from the air stripper are treated by carbon adsorption. Treated groundwater is discharged to the sanitary sewer system in accordance with the existing Sewer Use Permit No. 812 issued by MCDES.

The operation of the components of the remedy continues until the remedial objectives have been achieved, or until the Department determines that continued operation is technically impracticable or not feasible.

This alternative assumes that operation of the corrective action system located at 200 State Street continues, providing hydraulic containment of the VOC groundwater source. Monitoring also continues in the area north of the canal.

Alternative 3b: Pulsed Operation of Existing Ground Water Extraction and Treatment System with Monitoring

This alternative includes pulsed operation and monitoring of the ground water extraction and treatment system at 98 Lyman Street. The purpose of pulsed operation is to enhance removal efficiency of the offsite system.

Pulsed operation provides for increased contaminant removal efficiency over continuous operation, as well as cost and energy savings, for a greener remediation. It also generates less treatment process wastes.

Non-operational periods provide an opportunity for the aquifer to re-equilibrate, potentially allowing removal of higher concentrations with a lower total extraction volume. In addition, pulsed operation potentially provides for capture of constituents in horizontal and/or vertical stagnation areas that exist when both the on-site and off-site systems are operating continuously. A pulse cycle of 12 months of operation, followed by 12 months of non-operation is used under this alternative. The 12-month cycle was selected based on the ground water quality response observed during previous operational and shutdown monitoring of the off-site ICM system.

The existing ground water extraction and treatment system at 98 Lyman Street is operated as described in Alternative 3a, above. However, at the end of each operational year, the ground water extraction and treatment system is turned off. At the end of the non-operational year, the ground water extraction and treatment system is re-started.

The operation of the components of the remedy continues until the remedial objectives have been achieved, or until the Department determines that continued operation is technically impracticable or not feasible.

This alternative assumes that operation of the corrective action system located at 200 State Street continues, providing hydraulic containment of the VOC groundwater source. Monitoring also continues in the area north of the canal.

Alternative 4a - Expanded Ground Water Extraction and Treatment System with Monitoring

This alternative includes operation and monitoring of an expanded ground water extraction and treatment system at 98 Lyman Street, followed by a passive remediation phase. Under this alternative, the existing extraction system would be modified to expand its hydraulic influence in the area east of the 98 Lyman Street property. A new 310-foot-long section of collection trench, designed similar to the existing trench, is added to the system. The new trench extends from the spare recovery well, located near the southern end of the existing north-south trench alignment, across four properties to the east of 98 Lyman Street. A pump is installed in the spare recovery well to convey water from the new trench section to the existing treatment system.

By extending the collection trench approximately 310 feet to the east from the existing spare recovery well, the hydraulic influence of the off-site ground water extraction trench extends approximately 400 to 500 feet to the east of the 98 Lyman Street system. This causes well OSL-4BI to experience more significant hydraulic response to pumping. Well OSL-5BI also displays a response to pumping, although to a lesser degree than OSL-4BI. The trench expansion is expected to result in an increased rate in the reduction in VOC concentrations at wells OSL-4BI and OSL-5BI. This is expected to cause the areal extent and magnitude of the off-site VOC plume to decrease at an increased rate. Projected flows and contaminant concentrations are within the design basis for the existing ground water treatment system, so that system can continue to be used, without modification.

The operation of the components of the remedy continues until the remedial objectives have been achieved, or until the Department determines that continued operation is technically impracticable or not feasible.

This alternative assumes that operation of the corrective action system located at 200 State Street continues, providing hydraulic containment of the VOC groundwater source. Monitoring also continues in the area north of the canal.

Alternative 4b - Pulsed Operation of Expanded Ground Water Extraction and Treatment System with Monitoring

This alternative includes the pulsed operation and monitoring of ground water extraction and treatment described in Alternative 4a, followed by a passive remediation phase. When operating, the system is expected to provide hydraulic effects as described for Alternative 4a. The purpose of pulsed operation is to enhance removal efficiency of the offsite system. Non-operational periods provide an opportunity for the aquifer to re-equilibrate, potentially allowing removal of higher concentrations with a lower total extraction volume, as compared to Alternative 4a. Pulsed operation provides for potential capture of constituents in horizontal and/or vertical stagnation areas that exist when both the on-site and off-site systems are operating continuously as in Alternative 4a. A pulse cycle of 12 months of operation, followed by 12 months of non-operation is to be used under this alternative. The 12-month cycle was selected based on the ground water quality response observed during previous operational and shutdown monitoring of the off-site ICM system.

The operation of the components of the remedy continues until the remedial objectives have been achieved, or until the Department determines that continued operation is technically impracticable or not feasible.

This alternative assumes that operation of the corrective action system located at 200 State Street continues, providing hydraulic containment of the VOC groundwater source. Monitoring also continues in the area north of the canal.

Exhibit C

Estimated Remedial Alternative Costs^a

Remedial Alternative	Capital Cost (\$)	Annual OMM Costs (\$)	Total Present Worth (\$)
Alternative 1: No Action	\$0	\$0	\$91,000 ^b
Alternative 2: No Further Action with Monitoring	\$0	\$13,000	\$318,000 ^c
Alternative 3a: Ground Water Extraction and Treatment System with Monitoring	\$0	\$93,000	\$849,000 ^d
Alternative 3b: Pulsed Operation of Ground Water Extraction and Treatment System with Monitoring	\$0	\$63,000	\$776,000 ^e
Alternative 4a: Expanded Ground Water Extraction and Treatment System with Monitoring	\$315,000	\$103,000	\$1,230,000 ^f
Alternative 4b: Pulsed Pumping of Expanded Ground Water Extraction and Treatment System with Monitoring	\$315,000	\$68,000	\$1,140,000 ^g

Notes:

^a = For comparison purposes, costs shown for all alternatives except Alternative 1 are based on the assumption of 30 years of monitoring and reporting. For those alternatives with active remediation, the anticipated length of active operation indicated in the notes below was projected from rebound testing that was performed during the IRM. If a more extended “active phase” of operation is necessary, actual costs will increase. Present worth calculated using 3% discount rate.

^b = Although this is a “no action” alternative, there are costs associated with the demolition and disposal of the pump and treat system currently installed at 98 Lyman Street and decommissioning of monitoring wells in the area.

^c = These include costs associated with the demolition and disposal of the pump and treat system currently installed at 98 Lyman Street. Cost estimate assumes monitoring wells in the area remain in place and are monitored for 30 years.

^d = For costing purposes, 8 years of active remediation were assumed, with system decommissioning in year 9. Cost estimate assumes monitoring wells in the area remain in place and are monitored for 30 years.

^e = For costing purposes, 12 years of pulsed operation were assumed, with system decommissioning in year 13. Cost estimate assumes monitoring wells in the area remain in place and are monitored for 30 years.

^f = For costing purposes, 8 years of active remediation were assumed, with system decommissioning in year 9. Cost estimate assumes monitoring wells in the area remain in place and are monitored for 30 years.

^g = For costing purposes, 12 years of pulsed operation were assumed, with system decommissioning in year 13. Cost estimate assumes monitoring wells in the area remain in place and are monitored for 30 years.

Exhibit D

SUMMARY OF THE SELECTED REMEDY

The Department selected Alternative 3b: Pulsed Operation of Existing Ground Water Extraction and Treatment System with Monitoring as the remedy for this site. Alternative 3b achieves the remediation goals for the site by extracting and treating contaminated groundwater. As part of the remedy, the soil vapor intrusion pathway is re-evaluated. The elements of this remedy are described in Section 7 of the decision document. The selected remedy is depicted in Exhibit D - Figure 1.

Basis for Selection

Each alternative was evaluated against the following criteria:

- Protection of public health and the environment;
- Attainment of Standards, Criteria and Guidance (SCGs);
- Long-term effectiveness and permanence;
- Reduction of toxicity, mobility and volume of hazardous waste;
- Short-term effectiveness and potential impacts during remediation;
- Implementation and technical reliability;
- Cost; and
- Public acceptance

These criteria are consistent with the Post-Closure Permit (DEC, 1994), the approved CMS work plan, and USEPA guidance (USEPA, 1994). A comparative analysis of the alternatives for each criterion is presented below. The criteria to which potential remedial alternatives are compared are defined in 6 NYCRR Part 375 and are specified in the 6 NYCRR Part 373 Post-Closure Permit. A detailed discussion of the evaluation criteria and comparative analysis is included in the corrective measures study report. The first two evaluation criteria are termed "threshold criteria" and must be satisfied in order for an alternative to be considered for selection.

1. Protection of Public Health and the Environment

Alternatives 1 and 2 are not protective because the groundwater plume is expected to expand and impact a greater portion of the adjacent residential area, resulting in increased potential for vapor intrusion. Alternative 2 provides information about the plume expansion, but this alone does not provide any increased protectiveness. Alternatives 1 and 2 do not satisfy the "threshold criteria" and have been eliminated from further consideration in the discussions that follow.

The remaining alternatives are considered protective because they limit plume migration and remove contaminants from the environment, reducing contaminant concentrations. This reduces environmental impacts and the potential for public health exposures to site contaminants.

2. Attainment of SCGs

Based on available ground water monitoring data, VOC concentrations in off-site groundwater have generally declined. Since the source of the VOCs in the off-site ground water continues to be controlled by the on-site (200 State Street) corrective action system, groundwater in the off-site area is expected to attain groundwater standards for TCE and 1,2-DCE over time. The

inclusion of active remediation in Alternatives 3a, 3b, 4a, and 4b is expected to reduce the time needed to achieve groundwater SCGs and control where any exceedances that are present during the interim occur.

Any wastes generated by construction, operation or decommissioning of these alternatives can be readily managed in compliance with applicable standards.

Alternative 3a, 3b, 4a, and 4b are considered comparable by this criterion.

3. Long-Term Effectiveness and Permanence

Each alternative is expected to effectively reduce potential risks to public health and the environment over an extended time frame. Operation of the on-site (200 State Street) corrective action system provides control for the source of the release and resultant plume attenuation continues under Alternatives 3a, 3b, 4a, and 4b.

These alternatives rely on groundwater extraction and treatment technologies that have been demonstrated to be reliable and effective over extended time periods. It is not expected that major technology replacement is necessary for the ground water extraction and treatment systems in Alternatives 3a, 3b, 4a, and 4b. These systems are expected to remain functional with routine O&M during active phase remediation.

For Alternatives 3a, 3b, 4a, and 4b, groundwater monitoring is used to track progress of the active and passive phases of the remediation. The monitoring well network is expected to remain functional over an extended period of time with limited O&M, so there it is a reliable and effective means of assessing performance of the remedial alternatives.

These alternatives all remove the contaminants from the environment resulting in a permanent remediation. Testing was conducted during the IRM phase and showed that contaminant concentrations in the groundwater did not rebound when the system was shut down.

Alternatives 3a, 3b, 4a, and 4b are considered to be equivalent with respect to this criterion.

4. Reduction of Toxicity, Mobility, and Volume of Hazardous Waste

During active remediation, VOCs removed from the ground water during treatment are adsorbed onto carbon, and subsequently disposed of off-site. Since alternatives 3a, 3b, 4a, and 4b all have the potential to attain groundwater SCGs, the total amount of VOCs removed and/or destroyed are comparable, but the time needed to do so would vary.

Pulsed operation, as included in Alternatives 3b and 4b, aim to remove a similar amount of contaminant mass, but with reduced groundwater volume and less cost and energy consumption relative to their continuously operated counterpart (Alternatives 3a and 4a, respectively). Alternatives 4a and 4b extract a greater volume of ground water than Alternatives 3a and 3b because of the trench extension. Alternatives 3a, 3b, 4a, and 4b generate treatment process wastes (spent carbon and filtered solids).

Pulsed operation in Alternatives 3b is expected to generate less treatment process waste than the other alternatives.

5. Short-Term Effectiveness and Potential Impacts During Remediation

Alternatives 3a and 3b utilize the existing extraction and treatment system, so there is no construction/site disturbance associated with initiating these alternatives. Alternatives 4a and 4b have increased short term impacts due to truck traffic and machinery operations during construction of the extraction system expansion, but these short term impacts can be readily controlled through use of health and safety measures to protect workers and the community.

All of the alternatives include eventual decommissioning of the extraction and treatment systems. The alternatives all use the same treatment system so there is only a difference with respect to the extraction systems. Alternatives 4a and 4b include expanded extraction systems so decommissioning involves disturbance of a greater area. These short term impacts can be readily controlled through use of health and safety measures.

Each of the alternatives provides for protection of the community and workers during remedy operation. Air stripper emissions in Alternatives 3a, 3b, 4a, and 4b are controlled. Treated groundwater is also monitored to ensure that it is adequately treated prior to discharge to the sanitary sewer.

Pulsed system operation in Alternatives 3b and 4b reduce energy usage when compared to Alternatives 3a and 4a, respectively. Alternative 3b also uses less energy than 4b since less water has to be pumped and treated.

6. Implementation and Technical Reliability

Alternatives 3a and 3b can be readily implemented since they involve use of the existing extraction and treatment system. Alternatives 4a and 4b are more difficult to implement, because of construction of the trench extension. The extension requires access from four property owners for construction, as well as site clearing and utility clearance. The construction activities impact these four property owners. The area of the proposed extension is also poorly drained, and often wet. Dealing with these conditions is expected to extend the time needed for construction. This may also require excavation dewatering and subsequent management of the water. Access is also needed for long-term operation, maintenance and monitoring, and, ultimately, to decommission the system at the end of the active remediation.

The technologies included in Alternatives 3a, 3b, 4a, and 4b are expected to be operationally reliable. The extraction and treatment system included in Alternatives 3a and 3b has already operated reliably during IRM operation, and the expanded extraction system proposed for Alternatives 4a and 4b is also expected to be reliable. Equipment, materials, and off-site disposal facility capacities are readily available for each alternative.

The decommissioning common to each alternative can be implemented readily.

7. Cost

A summary of the corrective measures alternative costs is included in Exhibit C. Pulsed operation of active systems in Alternatives 3b and 4b is less costly than their respective continuous operation options (i.e., Alternatives 3a and 4a). The expanded extraction system in Alternatives 4a and 4b is more costly than use of the existing system in Alternatives 3a and 3b, respectively. Of the active remedial alternatives, Alternative 3b is the least costly, and Alternative 4a is the most costly.

The final criterion, Community Acceptance, is considered a "modifying criterion" and is taken into account after evaluating those above. It is evaluated after public comments on the Proposed Remedial Action Plan have been received.

8. Community Acceptance

Concerns of the community regarding the investigation, the evaluation of alternatives, and the PRAP are evaluated. A responsiveness summary will be prepared that describes public comments received and the manner in which the Department will address the concerns raised. If the selected remedy differs significantly from the proposed remedy, notices to the public will be issued describing the differences and reasons for the changes.

Summary

Alternative 3b has been selected as the remedy because, as described above, it satisfies the threshold criteria and provides the best balance of the balancing criterion. This alternative includes pulsed pumping of the existing off-site groundwater extraction and treatment system, located at 98 Lyman Street. Active remediation via ground water extraction provides increased protection compared to natural plume attenuation. This alternative offers additional benefits when compared to continuous operation of the system (Alternative 3a). Pulsed operation provides for increased contaminant removal efficiency over continuous operation, as well as cost and energy savings, for a greener remediation. It also generates less treatment process wastes. Pulsed operation also has the potential to provide for capture of constituents in horizontal and/or vertical stagnation areas that exist when both the on-site and off-site systems are operating continuously. The challenges involved with construction of a trench extension (Alternative 4a and 4b), and the associated capital cost, are not balanced by the benefit of an expanded area of influence. Although an expanded trench system might reduce the time required to attain groundwater SCGs, attainment of SCGs is expected for all of the alternatives, due to continued source control at 200 State Street and the natural degradation of residual contaminants in the off-site area.

Groundwater Results for November 2010

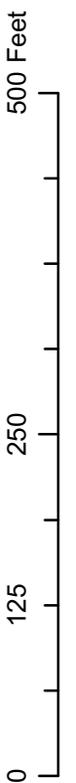


Groundwater Results - June 2011



Operable Unit 04 - Exhibit A - Figure 1b
JMT Properties Facility

Results in micrograms per liter (ppb)
U = non-detect



Brockport Residential Testing Program Study Area



0 280 560 1,120 Feet

APPENDIX A

Responsiveness Summary

RESPONSIVENESS SUMMARY

JMT Properties, Inc. Facility
Former General Electric/Black & Decker Site
OU4, OU5, OU6

RCRA/State Superfund Project
Town of Sweden, Monroe County, New York
Site No. 828003

The Proposed Remedial Action Plans (PRAPs) for the referenced site were prepared by the New York State Department of Environmental Conservation (the Department) in consultation with the New York State Department of Health (NYSDOH) and were issued to the document repositories on February 29, 2012. The PRAPs outlined the remedial measures proposed for the referenced operable units associated with the Former General Electric/Black & Decker site.

The release of the PRAPs was announced by sending a notice to the public contact list, informing the public of the opportunity to comment on the proposed remedy.

A public meeting was held on March 13, 2012, which included a presentation of the site investigations as well as a discussion of the proposed remedy for each operable unit. The meeting provided an opportunity for citizens to discuss their concerns, ask questions and comment on the proposed remedies. These comments have become part of the Administrative Record for this site. The public comment period for the PRAP was scheduled to end on March 30, 2012. Based on a request submitted on behalf of Stanley Black & Decker and General Electric, the comment period was extended and ended on April 30, 2012.

This responsiveness summary responds to all questions and comments raised during the public comment period. This includes comments received at the public meeting, as well as those submitted by email, and by letter. The following are the comments received, with the Department's responses:

Public Meeting Comments:

COMMENT 1: Is the electrical equipment still in the on-site building? Why didn't someone remove the equipment along with the PCBs? Who will be responsible for removing this equipment? When will it be removed?

RESPONSE 1: Yes, the equipment is still on-site. NYSDEC performed an emergency removal action to get the liquid PCB oil off of the site as it posed the greatest threat for an environmental release. A liquid oil release would likely have re-contaminated the Tributary 3 drainageway and adjacent residential properties. Since this is a class 2 site, NYSDEC was able to focus on removing PCB oil from the site and was able to expend state funds to accomplish this action.

The drained equipment still contains high concentrations of residual PCBs and poses a release threat. Therefore the remedy includes removal of this equipment from the site. The NYSDEC is

initiating negotiations with the potentially responsible parties (PRPs) regarding the remedial program which will include removal of this equipment.

COMMENT 2: In the sediment trap, when it was being vacuumed, were there levels of PCBs that were found above the 1 ppm cleanup level? Did the sediment trap overflow?

RESPONSE 2: Yes, sediment with PCBs concentrations greater than 1 ppm has been found in the trap. The trap is routinely checked and cleaned out. DEC is not aware of any occurrences of an overflow.

COMMENT 3: Who is responsible for all of the remedial work? Who will pay for it? Who made them remediate the site? Why won't they remediate the inside of the on-site building?

RESPONSE 3: The ROD calls for the removal of the PCB-containing electrical equipment and a vapor intrusion evaluation. A vapor intrusion evaluation and, if necessary, installation of a mitigation system, is an essential part of the remedial program and will be required before occupancy.

The purpose of the PRAP is to present the proposed remedy. The mechanism and parties that will be involved with implementation of the remedy are resolved separately from remedy selection.

COMMENT 4: Jerry Rowell, who is in the process of purchasing the on-site building, posed the following questions: Why can't I occupy the building? DEC told me that I can't occupy the building! I hired an outside firm to test the vapors below the building and they told me the levels were above DOH guidance values. Does there need to be testing or a radon type system installed? He had conferences with DEC attorneys and Black & Decker attorneys and hasn't been told anything since. When is someone going to do something? Who will pay for additional sampling and if a system is needed, who will pay for it? Will the State pay for it?

RESPONSE 4: NYSDEC did not tell Mr. Rowell that he can't occupy or take possession of the building. NYSDEC informed Mr. Rowell that there could be a soil vapor intrusion problem due to the presence of chlorinated solvents in the groundwater. As indicated in the PRAP, and now the ROD, based on currently available sampling results, it is not clear whether mitigation inside the building will be necessary due to its current condition, so additional evaluation will be necessary. Mr. Rowell has also been advised by NYSDEC that a property owner of a site like 200 State Street that is subject to a remedial decision pursuant to both RCRA and the State Superfund, could be responsible for ensuring that the remedial program is implemented. Under the RCRA permit and/or under the State Superfund Program, the property owner is considered a PRP and may have obligations pursuant to both programs relative to contamination at the site. The NYSDEC will seek to have the PRPs implement the selected remedial program in an expeditious manner.

If Mr. Rowell would like further information, he may contact Maura Desmond, the DEC attorney assigned to this project, at 716-851-7190.

COMMENT 5: Is there a proposal to remove the equipment from the on-site building? If the levels in the building are above DOH guidance levels to remediate, will things change? Will there be anything that will be placed in the area once the equipment is removed?

RESPONSE 5: Equipment from the on-site building that used chlorinated solvents has already been removed from the site. The ROD remedy calls for the removal of PCB-containing electrical equipment from the site. The NYSDEC is not aware of plans to place anything in the areas once the equipment is removed.

COMMENT 6: When was SVI on-site sampling conducted last? When will it be conducted again?

RESPONSE 6: The on-site SVI sampling was completed in December 2008. The selected remedy calls for additional testing if the building is prepared for occupancy/use.

COMMENT 7: If the on-site building is sealed and money is spent and if levels require mitigation, who will pay for it?

RESPONSE 7: If the building is occupied, the remedy requires a soil vapor intrusion investigation, the results of which may indicate a need for mitigation. The PRPs identified for the site are obligated to fund and implement the remedial program. The PRPs include past owners and operators and may include owners at the time of occupancy. Also see response 3.

COMMENT 8: Was any soil and groundwater testing done off-site along the canal? How far down the canal? In the fields north or east?

RESPONSE 8: Groundwater and soil sampling have been conducted along the canal. Groundwater was sampled from wells along both the north and south sides of the canal. Soil/sediment sampling has been conducted along the swale, between State Street and the canal, and within the canal when the water level was lowered for the winter as well as near the outfall/discharge point in the canal and at locations a few hundred feet to the east and west. The testing in the canal and in the swale on the south side of the canal did not show elevated levels of site-related contaminants. Groundwater contamination is present north of the canal, as indicated in Exhibit A of the OU04 ROD.

COMMENT 9: I live in the house right next to the site. The soil on my property was removed and replaced with new soil and stones were placed on top of the soil (located along the canal). Why are the stones turning black color? What is it? Is it contamination emanating from the site?

RESPONSE 9: DEC does not believe that contamination is emanating from the site and affecting your property. Groundwater in the area has high levels of naturally occurring dissolved solids such as manganese and iron, and these can precipitate and form coatings on rocks when groundwater discharges to surface water (Tributary #3 to Brockport Creek) is exposed to air. Manganese deposits tend to be black colored.

COMMENT 10: What would cause the levels of TCE to decrease in the groundwater?

RESPONSE 10: Groundwater pumping and treatment removes contaminants from the groundwater in the area of the site. If the contaminant source does not get replenished, the TCE levels would be expected to decrease. The groundwater pump and treat system installed on the site at 200 State Street began operating in 1988, and the off-site (98 Lyman Street) system has been operational since 2001. The observed decreases are not unexpected as this is one of the desired results of the systems' operation.

COMMENT 11: Why does the on-site building have to be heated in order to conduct SVI sampling?

RESPONSE 11: Sub-slab vapor and indoor air samples are typically collected during the heating season because soil vapor intrusion is more likely to occur when a building's heating system is in operation and doors and windows are closed.

A building does not need to be heated to conduct SVI sampling. However, SVI sampling should be conducted under conditions that are representative of the conditions that would be present when the building is occupied/in use.

COMMENT 12: What if the building was razed, then there would be no need for an evaluation for SVI, right? What would happen if a new building was constructed on-site?

RESPONSE 12: If a new building were to be constructed on the site or if the existing building is redeveloped, an SVI evaluation would need to be conducted. Alternatively, the building could include a mitigation system.

COMMENT 13: I lived on Gordon Street for years and had a vegetable garden. Should I be concerned about contamination from this site or the 3M/Dynacolor site?

RESPONSE 13: Soil sampling conducted on properties west of Oxford Street showed no site-related contamination from either the 3M/Dynacolor site or the GE/B&D site. Therefore it is not expected that the area beyond Oxford, which is not down gradient from the Sites, would be contaminated.

COMMENT 14: I live at 113 Lyman Street. Has my house been sampled for SVI? If not, will it be sampled?

RESPONSE 14: No, SVI sampling has not been conducted at this location. Although this house was included in the 1996 residential sampling program study area, a water sample could not be collected because the sump was dry, despite multiple visits and attempts. The 1996 testing program relied on water sample results to determine if indoor air testing would be performed. Since no water sample was collected, indoor air testing was not performed at this location. As described in the OU 04 ROD, the prior (1996) SVI efforts will be re-evaluated. If SVI sampling is determined to be necessary, sampling at this location may be pursued.

COMMENT 15: Will DEC make the RPs complete the SVI work at the site?

RESPONSE 15: DEC is seeking to have the PRPs implement the remedy.

The following comment was received From J. Milner via an email dated April 9, 2012.

COMMENT 16: As a former resident of the Village of Brockport and one who lived in the vicinity of the JMT Properties I would like to share a story with you about a concern I have had for many years about the possible contamination in and around the home my family lived in from 1968 - 1976. I was away when you recently conducted a meeting on March 13 for the community and I realize the public comment period ended on March 29 but I hope you will give consideration to what I have to say.

Little did we know when we resided at 113 State Street that the torrent of ground water we had to deal with in our basement each spring and to a lesser degree throughout the year was probably contaminated. I believe that the storm and sanitary sewers that were underground at our location were full of the contaminants you are now dealing with. I have read your most recent report and I understand that the primary focus is in the area north of the JMT property but I am convinced that the sewers in the area of our home, which was northwest of JMT, were collapsed and much of the runoff was going into our basement. Our former home no longer exists nor is the beverage company that was just east of our property. I can't help but wonder if the soil under the present Senior Center on State Street and other properties west of the JMT property are contaminated and after living with those cancer causing agents as long as we did if they had something to do with my wife and I both contracting cancer and one of our daughters having a child with Down Syndrome. I can still remember sloshing around in the water in our basement when it was coming in faster than the sump pump could handle it. Who would have thought that GE and Black and Decker were allowing this poison to go into the ground.

Thanks for listening and I hope someday that the contaminated area will be clean and people living in that area won't have to worry about what is going on underground.

RESPONSE 16: Based on the location of the former residence described, groundwater in the vicinity would not have been affected by the former GE/Black & Decker site. The house was located to the west of the site, and groundwater from the site would have moved towards the north. Also, migration of contaminants in groundwater from the site occurred through bedrock groundwater flow, not the overburden or soil zone where a basement would be positioned. The sewers in the vicinity of your former property are likely installed below the seasonal groundwater surface, so groundwater would tend to discharge into, not out of the sewers. The 113 State Street area could be expected to prone to wet basements due to proximity to the canal, especially when the canal is filled during the navigation season.

The former 3M/Dynacolor site, located at 180 State Street, nearer to 113 State Street, is another site that has been investigated and remediated, under NYSDEC oversight. Soil sampling completed on properties west of Oxford Street showed no site related impacts from either the 3M/Dynacolor site or the GE/B&D site. Also see response 8.

A letter dated April 30, 2012 was received from Young/Sommer LLC, on behalf of Black & Decker and General Electric), which provided the following comments.

COMMENT 17: The PRAPs acknowledge that the RCRA program is applicable to the Site. The NYSDEC drafted Statements of Basis for Site Wide Remedy Selection and Off-Site Groundwater in 2008 for use in the RCRA program. The Department should explain why, after 25 years, it has decided to abandon the RCRA program as the basis for managing the Site and substitute the State Superfund program instead.

RESPONSE 17: This site is classified as a class 2 site on the Registry of Inactive Hazardous Waste Disposal Sites (the Registry), so the State Superfund law (SSF) is applicable to the remedial program developed to respond to the significant threat to human health and/or the environment. Although RCRA and state superfund are governed by two different statutes, their remedial programs share many similarities and generally produce consistent outcomes. There is broad overlap in the process for establishing cleanup standards under these programs. Both programs stress protection of human health and the environment, and both require that a cleanup meet applicable substantive provisions of State law. DER relies on DER-10 Technical guidance for Site Investigation and Remediation which has the benefits of ensuring staff use consistent nomenclature and approaches to the cleanup of sites. Since this is a class 2 Registry site, the requirement of 6NYCRR 375-2.8(e) regarding selection of the final remedy for the site remedial program is applicable.

COMMENT 18: The 2008 Statement of Basis for Off-Site Groundwater acknowledged the residential sampling program and abatement measures approved by NYSDEC/NYSDOH and conducted in 1996 through 1998 and showed that the "areal extent and magnitude of the off-site VOC plume has decreased". The Statement of Basis acknowledged the effectiveness of the on-site corrective action system and "on-going natural attenuation" in reducing off-site VOC concentrations. The 2008 draft Statement of Basis did not require additional vapor intrusion sampling. The PRAP for OU 4 does not set forth any identified deficiencies in the prior soil vapor intrusion investigation and mitigation measures program that were implemented.

In light of this history, NYSDEC should identify the data, if any, gathered since 2008 that serve as the technical basis for the PRAPs' requirement to submit a soil vapor intrusion evaluation sampling work plan. Also, NYSDEC must identify the deficiencies, if any, in the residential sampling program and abatement measures approved by NYSDEC/NYSDOH and conducted in 1996 through 1998 that necessitate further soil vapor intrusion investigation measures. Finally, NYSDEC must identify the specific data gaps, if any, that exist with regard to the current NYSDOH Guidance in relation to the prior residential sampling program and Day Environmental sampling effort. In other words, if NYSDEC believes that past sampling efforts do not meet the requirements of NYSDOH's VI guidance, they must explain why in detail so that any deficiency can be evaluated within the applicable context.

To the best of our knowledge, the available data establish that groundwater quality with regard to VOC impacts has been effectively addressed. If additional data have been gathered showing that extensive VOC contamination remains that would cause a vapor intrusion risk, it must be provided to GE, SBD and others so that it can be properly assessed. If no additional data or other evidence has been gathered, NYSDEC must provide a more thorough explanation of why it believes additional investigation of off-site vapor intrusion is necessary.

RESPONSE 18: The 2008 Statement of Basis for Off-Site Groundwater was a preliminary draft decision document which was not public noticed or released for public review/comment. The PRAPs that were released for public comment in February 2012, and now this ROD, reflect the final action on this matter, also see Response 17 above.

The NYSDEC, in consultation with the NYSDOH, is requiring a re-evaluation of the soil vapor intrusion exposure pathway in accordance with NYSDEC's DEC Program Policy DER-13: Strategy for Evaluating Soil Vapor Intrusion at Remedial Sites in New York (October 2006). This site is one of 421 past or legacy sites, which are defined as sites with known or suspected VOC contamination where remedial decisions for part or all of the site were made prior to January 1, 2003, that are undergoing this re-evaluation process. As stated in DER-13, although the agencies may have previously evaluated the soil vapor pathway at a site, improvements in analytical techniques and knowledge gained from the investigation of sites in New York and other states has led to an increased awareness regarding soil vapor as a media of concern and the potential for exposures from the soil vapor intrusion pathway. Based on this additional information, New York is currently re-evaluating previous assumptions and decisions regarding the potential for soil vapor intrusion exposures at sites. The result is that additional work may be required to investigate and, where appropriate, remediate sites.

As indicated in DER-13, evaluations of soil vapor intrusion at these past or legacy sites are to be completed in accordance with the state's existing guidance(*Final Guidance for Evaluating Soil Vapor Intrusion in the State of New York*, NYSDOH 2006). Previous evaluations at this site have not been; for example, as pertaining to minimum reporting limits achieved during sample analyses, sampling during the heating season, sub-slab vapor characterization (where feasible), and comprehensive sampling to define the nature and extent of soil vapor contamination and exposure concerns within a study area. Re-evaluating soil vapor intrusion at this site will verify that all appropriate actions have been/are implemented to identify and address exposures related to soil vapor intrusion.

COMMENT 19: JMT and COMIDA are identified in Section 5 of both PRAPs as PRPs. However, the draft Order on Consent that was issued along with the PRAPs was not sent to those parties. NYSDEC must explain why the owner of the property was not issued a draft Order on Consent when some of the work depends fully on the consent and authorization of the PRP owner. In particular, the OU 5 work includes the following tasks, all of which implicate the owner and most of which can only be performed by the owner:

- The handling and disposal of personal property owned by the owner;
- The imposition of an easement on the property of the owner;
- The development of a Site Management Plan that the owner must comply with and approve; and
- The evaluation of vapor intrusion if and when utility service is reestablished in the existing building and the building is occupied.

The Site Owner's liabilities moreover are acknowledged by NYSDEC in Section 7.4, p. 13, where it notes that "the remedial party and the Site Owner are jointly responsible to ensure that

all site management responsibilities identified in the site management plan, environmental consent and the oversight agreement, are performed."

RESPONSE 19: The purpose of the PRAP is to present the proposed remedy. The mechanism and parties that will be involved with implementation of the remedy are resolved separately from remedy selection.

COMMENT 20: In the OU 5 and 6 PRAP, Section 7.3 notes that the abandoned industrial building on the industrial zoned property is to have institutional controls and engineering controls (IC/EC) restrictions placed on the property. Such controls can only be established by the PRP owner. Has the NYSDEC determined that the deed restriction limits the use of the property to industrial zoned activities as established by local zoning? Has the owner agreed to industrial use restrictions or engineering controls? Who is the owner of the property and what correspondence, if any, has the NYSDEC had with the PRP owner with regard to industrial use restrictions or engineering controls? Has the owner disclosed the Day Environmental VI assessment to the NYSDEC/NYSDOH? If so, did NYSDEC/NYSDOH provide comments to the owner on the VI report? The Department needs to involve the owner of the property so that necessary institutional and engineering controls, and building-related evaluations and operations can be performed by the Site owner.

RESPONSE 20: The site use restriction, which will be in the form of an environmental easement, has not yet been placed. As stated in 6 NYCRR 375-1.8(g)(5), the allowable use of a site can be based on a cleanup level that would require a less restrictive use of the site than would be allowed based upon zoning. So although the local zoning is currently industrial, DEC may select a cleanup level and use restriction which would allow a less restrictive use of the site, such as commercial.

Records from Monroe County indicate that JMT Properties, Inc. is the owner of the property. The owner's representative was notified that a remedy had been proposed for the site, and that a public meeting was scheduled. The owner did not provide the Day Environmental VI report to the DEC. The report was provided to the Department by a party interested in purchasing the property.

COMMENT 21: The selected remedial programs set forth in the PRAPs should not be duplicative of prior approved and implemented work plans. The NYSDEC should clarify that all prior activities conducted pursuant to RCRA-approved work plans, and all data obtained during such activities, will be deemed to have been developed in a manner that was fully consistent with the National Contingency Plan (NCP), 6 NYCRR Part 375, and, where applicable, NYSDEC guidance. The NYSDEC should specifically identify any activities or data that it does not believe can be applied to the remedial measures selected in the PRAPs.

RESPONSE 21: DEC believes that there is a functional equivalence and there are not substantive differences between the RCRA and SSF cleanup programs in that they have roughly the same approach to cleanups. Under each program, examinations of available data are made after discovery of a release to determine if an emergency action is warranted. Both programs authorize short term measures to abate immediate adverse effects of a release. In addition, once an

emergency has been addressed, both programs provide for appropriate investigation to establish long-term cleanup options.

The SSF program uses different terminology from the RCRA process. For example, in SSF a field investigation (with sampling) is called a "Remedial Investigation" (RI) and an evaluation of the relative feasibility of different remedy options is known as a "Feasibility Study" (FS). In RCRA, these are a "RCRA Facility Investigation" (RFI) and a "Corrective Measures Study" (CMS).

Under SSF, when the investigation has been completed and DEC is ready to select a cleanup plan, it issues a Proposed Remedial Action Plan identifying the preferred cleanup approach for the site or an element of the site (referred to as an "operable unit"). After soliciting public comment, DEC issues a final decision in a document known as the Record of Decision (ROD).

The RCRA program relies on either a permit modification process to incorporate the selected Remedies or a Statement of Basis, but also solicits public comment before a remedy is selected.

DEC will generally accept documents prepared pursuant to the RCRA Corrective Action program as meeting the substantive equivalent requirements of the SSF program. However, in those instances where the PRAPs require further actions, such as preparation of a comprehensive site management plan, it means that the existing documents need to be updated/integrated (post-closure plan, corrective action system operation and maintenance plan, compliance monitoring program sampling and analysis plan, off-site groundwater interim corrective measures implementation plan, etc.).

COMMENT 22: OU4 Section 4, Page 5

First Paragraph, First Sentence: The PRAP states: "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 operable unit, an alternative which allows for unrestricted use of the site was evaluated." (Emphasis added). However, there is no soil remediation remedy for the industrial facility and its surroundings and the remedial action objectives (RAOs) in the PRAP are applicable solely to groundwater and vapor. The sentence should be clarified to note that the facility is in an industrial zone, that the only contemplated use should be consistent with such zoning, and that "the Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for groundwater." The Department cannot require the remediation of the property for "unrestricted" or residential uses.

RESPONSE 22: The word "soil" has been deleted in the ROD. The suggested clarification about the facility being in an industrial zone is not appropriate since OU 4 is located in a residential neighborhood, on a parcel that was in residential use prior to construction of the treatment system. The Department can require remediation of such properties to "unrestricted" criteria.

COMMENT 23: OU4 *Fourth Paragraph, Second Sentence:* The PRAP states: "Mitigation systems were installed in two houses." However, given the scope of the off-site investigation that was conducted in the residential neighborhood, this one sentence does not provide the public

with any sense of the extensive nature of the 38-homestudy that was conducted. The PRAP should provide a more meaningful summary of the past investigation and abatement measures, particularly where the NYSDEC/NYSDOH reviewed and approved the work. NYSDEC is aware that abatement measures were proposed in six of the seven residences in which TCE and/or 1,2-dichloroethene (1,2-DCE) were detected; abatement measures were completed in two residences, another residence was purchased by GE (and used to construct the off-site groundwater remediation system), and agreements to implement abatement measures in the other three residences were offered but not accepted by the other property owners. In the seventh house, continued monitoring was offered, but not accepted by the owner(s).

RESPONSE 23: Additional detail to address this has been added to the ROD/ROD Exhibits.

COMMENT 24: OU4 Section 6.3, Page 7

Second Paragraph, Second Sentence: The PRAP states: "The potential for soil vapor intrusion to occur on-site will be evaluated should the site building be re-occupied and/or if new construction occurs. For this operable unit, an alternative which allows for unrestricted use of the site was evaluated." Because off-site groundwater is the subject of OU-4, the inclusion of this sentence in the OU 4 PRAP is confusing and would be more appropriate in the OU 5/OU 6 PRAP. If the sentence remains, reference should be made to both the Day Environmental report and to the fact that, as stated on page 14 of the OU 5/OU 6 PRAP, any contingent evaluation of a vapor intrusion pathway will need to be implemented by the Site owner in the event that utility/HVAC service is re-established and the on-site structure is to be occupied. Because the Site Management Plan will be the vehicle governing this contingency measure, the PRAP needs to provide notice to the Site owner of its obligations if the Site owner intends to use the on-site industrial building. In the alternative, the reference to on-site issues should be deleted.

RESPONSE 24: The requested change has been incorporated in the ROD.

COMMENT 25: OU4 Section 6.3, Page 7

Second Paragraph, Third Sentence: The PRAP states: "NYSDOH and NYSDEC will re-evaluate the need to investigate the potential for soil vapor intrusion into off-site structures." The Off-Site Groundwater CMS Report was submitted to NYSDEC in December 2007. NYSDEC tentatively approved this report in September 2008, subject to public comment. Groundwater was the only media required to be addressed in the CMS report; none of the corrective action alternatives included a vapor intrusion evaluation because it had already been addressed in 1996 in accordance with the NYSDEC/NYSDOH-approved program. The PRAP does not identify any new conditions or new data that provide a technical foundation for a "re-evaluation" of the extensive studies conducted to date. The PRAP should identify the technical basis, along with data, that serves as the basis for a decision to reinvestigate off-site structures.

RESPONSE 25: See response 18.

COMMENT 26: OU4 Section 6.4, Page 8

Second Paragraph: The PRAP notes that the groundwater extraction and treatment system has operated as an ICM at 200 State Street since 1988 and that it has been enhanced over the years, including enhancements as recent as 2007. The PRAP should be revised to more thoroughly

discuss the remedial program for groundwater both on and off-site and its effectiveness in reducing contaminant concentrations, including a description of the off-site groundwater extraction trench and treatment system installed on property at 98 Lyman Street, which has been successfully operating for well over a decade.

RESPONSE 26: Additional detail has been included.

COMMENT 27: OU4 Section 7, Page 8

First Paragraph: The Off-Site Groundwater CMS Report submitted to NYSDEC in December 2007 and tentatively approved by the Department in September 2008 "subject to public comment" did not call for additional soil vapor intrusion analysis. The PRAP should be revised to explain the technical basis for the proposed soil vapor intrusion evaluation work plan requirement in light of this history.

RESPONSE 27: See response 18.

COMMENT 28: OU4 Section 7, Page 9

Soil Vapor Intrusion Evaluation: The PRAP states: "Submission of a soil vapor intrusion evaluation sampling work plan will be required." As previously noted, however, the PRAP does not provide any technical basis for the requirement. The simple fact that the 2006 NYSDOH guidelines did not exist when the off-site residential vapor assessment program was implemented is not an adequate basis to require an entirely new assessment program; mere curiosity does not justify the potential disruptions to the community caused by requiring such a program, particular given that the assessment process is disruptive to the homeowners involved.

Absent new information or data showing that the prior vapor intrusion program approved by the Department was inadequate, this requirement should be reconsidered. If the Department wants to preserve the flexibility to require such an assessment in the future, the PRAP could more accurately state that NYSDEC and NYSDOH will re-evaluate the need to investigate the potential for soil vapor intrusion into off-site structures based on future monitoring data and new information showing a deterioration in off-site groundwater conditions. If an additional soil vapor intrusion investigation is determined necessary, the adequacy of the 1996 sampling program and related IRMs should first be evaluated relative to current NYSDOH soil vapor intrusion guidelines and reasons for the deficiency of that program, if any, should be described.

RESPONSE 28: See response 18.

COMMENT 29: OU4 *Site Management Plan*: (pages 9 - 10): This item calls for a Site Management Plan (SMP) to be prepared for OU-4. The SMP is to include an Engineering Control Plan, a Monitoring Plan and an Operation and Maintenance Plan. However, there are already numerous NYSDEC-approved plans in place that have worked effectively for years. These plans include the following documents that provide essentially the same information as that called for in the SMP for OU 4:

- Off-Site Groundwater Remediation Interim Corrective Measures Operation and Maintenance Plan (Blasland, Bouck & Lee, Inc., 2006);

- Off-Site Groundwater Remediation Interim Corrective Measures Implementation Plan (Blasland, Bouck & Lee, Inc., 2000);
- Off-Site Groundwater Corrective Measures Study Report (O'Brien & Gere, 2007);
- Compliance Monitoring Program Sampling and Analysis Plan (2008);
- Engineering Certification Report Interim Corrective Measures at House No. 4 (O'Brien & Gere, 2009); and
- House NO.4 Sanitary Sewer Discharge Monitoring Sampling and Analysis Plan (O'Brien & Gere, 2002).

The PRAP should clarify that previously-approved existing plans will be accepted towards the requirements of the SMP without revision or resubmittal. The attempt to transfer oversight of the facility and related remediation programs from RCRA to Article 27, Title 13 should not require duplication of effort and costs where documents and activities already have been drafted, finalized, used and/or undertaken.

RESPONSE 29: Previously approved plans can be accepted where appropriate, provided full electronic copies are available to be incorporated in the SMP.

COMMENT 30: OU4 Exhibit A - Groundwater:

The table for groundwater presents a concentration range detected for TCE, cis-1,2-DCE and vinyl chloride. It appears that the concentrations presented are from groundwater samples collected in June 2011. A reference to the date of sample collection should be added to the table. In addition, the maximum concentrations presented in the table for groundwater are representative of bedrock monitoring wells. The maximum concentrations of the overburden monitoring well in the area of OU 4 are significantly lower (4.4 ug/l TCE, 0.99 J [estimated] ug/l cis-1,2-DCE and non-detect vinyl chloride). It is important to distinguish between the concentrations of VOCs in overburden as compared to bedrock groundwater when evaluating impact to human health and the environment, including the evaluation of VOC concentrations in the overburden groundwater and potential vapor intrusion. Concentration ranges of TCE, cis-1,2-DCE and vinyl chloride for both overburden and bedrock groundwater should be presented in the table since the exposure issue arises from vapor, not ingestion because a municipal water system supplies the neighborhood. (See human exposure pathway description in Section 6.3). As such, overburden concentrations are more relevant to this issue.

RESPONSE 30: Clarifying information (sample date/flow zone) has been added to the table in the ROD.

COMMENT 31: OU4 Exhibit A - Soil Vapor

As previously noted, the need for another soil vapor intrusion assessment in the residential community has not been established in the PRAP. Any such program must be based on data and information that raises technical deficiencies in the prior NYSDEC/NYSDOH-approved program, which was extensive.

RESPONSE 31: See response 18.

COMMENT 32: OU5,6 Section 1, Page 1

Second Paragraph: Although the PRAP acknowledges that the facility is regulated under RCRA, it then, without discussion or explanation, appears to prefer to regulate the facility under the State Superfund Program rather than the State RCRA Program. The Site has been, and is currently, managed under RCRA. There is an approved Post-Closure Permit issued for this facility and activities under that Permit have been and are underway. Because the Site has been managed successfully under the RCRA program for 25 years, the PRAP should set forth the legal, technical and policy reasons, if any, for moving the Site from regulation under RCRA to management under the Superfund Program.

RESPONSE 32: While determining the appropriate enforcement approach at a facility is a site-specific decision, DER's preference is to utilize orders in lieu of post-closure permits (where active hazardous waste management operations are no longer on-going). Further, since this is a class 2 inactive hazardous waste disposal site, the site-specific decision considers this preference as well as factors associated with this particular facility. Regardless of the approach taken, the desired outcome is the same, continued site management to ensure the remedy remains effective and protective of human health and the environment. Also see response 17.

COMMENT 33: OU5,6 Section 3, Page 3

Fourth Paragraph: It is our understanding that ownership of the Site may have changed hands in recent months. The NYSDEC should ascertain whether JMT remains the owner of the property or whether COMIDA took title and has sold the property to another entity. Facility actions conducted by prospective purchasers or the actual owner should be obtained by the NYSDEC. NYSDEC can exercise its information-gathering authority to determine the present ownership status and whether additional investigation has been conducted by other parties. In the event that there is a new owner of the property, that entity should be listed under Section 5 of the PRAP. As set forth below, several measures called for in the PRAP can only be implemented by, or in cooperation with, the current Site owner. As a result, it is crucial that ownership of the Site be firmly established.

RESPONSE 33: The ROD identifies the selected remedy. Selection of a remedy is not dependent on the identification of the property owner. Implementation of the remedy will involve efforts to coordinate activities with the property owner going forward. Also see response 20.

COMMENT 34: OU5,6 Section 3, Page 4

Last Paragraph, First Sentence: According to past reports submitted to the Department, overburden thickness ranges from 5 - 20 feet rather than 10 - 15 feet.

RESPONSE 34: The revised range has been used in the ROD.

COMMENT 35: OU5,6 Section 4, Page 5

First and Second Paragraph: The property has been used for industrial purposes for more than 60 years and is located in an industrial zone. The first paragraph states that anticipated commercial and industrial uses were considered when evaluating soil remediation requirements for the Site. However, the second paragraph indicates that the results of the investigation were compared with unrestricted use standards, criteria and guidance (SCG) values, a standard that is

not applicable to the Site. The soils evaluation table in Exhibit A appropriately lists Restricted Use - Commercial, Restricted Use - Industrial, and Restricted Use - Protection of Groundwater. The reference to unrestricted use concentrations in the text is confusing and inappropriate and should be deleted.

RESPONSE 35: The results were evaluated against the unrestricted use standards, as part of the process set forth in 375-2.8(c)(2) due to the site's status as a class 2 site. The goal of the remedial program is to restore the site to pre-disposal conditions to the extent feasible. Also see response 20.

COMMENT 36: OU5,6 Section 5, Page 5

Second Paragraph: As previously noted, in the event a new owner is identified, that entity should be listed in Section 5, particularly in light of the fact that certain program elements, such as removal of personal property, filing of an environmental easement, turning on power and occupying the building are all uniquely the obligation of the owner. If JMT, the co-permittee with SBD on the Post-Closure Permit, remains the owner, will the NYSDEC make the necessary arrangements for JMT to implement the owner obligations under the PRAP?

RESPONSE 36: See responses 1, 4, 7, 19 and 33.

COMMENT 37: OU5,6 Section 6.1, Page 6

The first complete sentence provides that "The following general activities are typically conducted during an RI." However, the investigation at the property was conducted under the RCRA program; as such, the reference to an RI is not accurate from a programmatic perspective. To the extent that the NYSDEC wants the PRAP to be programmatic accurate, it would be more accurate to refer to the RCRA activities that have been and are being conducted using RCRA-specific terms such as RFA, RFI, CMS, CMI, etc. Moreover, future work at the Site should not duplicate prior efforts under RCRA based on a programmatic change with no clear rationale.

RESPONSE 37: See response 17. The term "RI" is the functional equivalent of RFI and may be read as such.

COMMENT 38: OU5,6 Section 6.1.2, Page 6

Fifth and Sixth Bullet: The heading for "RI" should be changed to reflect that the facility has been subject to investigation under RCRA not State Superfund. Several RFIs have been conducted. To the extent that reference is made to indoor air samples, reference should be made to the Day Environmental Report conducted in 2009, and the party conducting that study should be identified.

RESPONSE 38: The Day Environmental Report has been more clearly identified in the ROD exhibit and the party that conducted that work has been identified therein. Also see response 37.

COMMENT 39: OU5,6 Section 6.1.2, Page 7

Top of Page - The PRAP indicates that the contaminants of concern (COCs) exceed the SCGs in soil and soil vapor, but does not distinguish between OUs. This is confusing and should be clarified.

RESPONSE 39: Details providing the requested clarification have been incorporated in the ROD Exhibit A.

COMMENT 40: OU5,6 Section 6.3, Page 10

Second Paragraph, Second Sentence: See comment on Exhibit A - Soil Vapor below for a discussion of issues associated with evaluation of on-site vapor intrusion referenced in Sentence 2. Vapor sampling in the on-site building requires the active involvement of the Site owner, including the re-installation of power to the building, re-establishment of an operating HVAC system, occupancy of the building, use of the building, etc. At this time there is no exposure associated with an inhalation pathway; as such, it is only by the affirmative action of the Site owner that the inhalation pathway becomes actualized; accordingly, this contingent measure should be identified as the obligation of the owner when and if the owner decides to trigger the requirement for indoor air sampling.

RESPONSE 40: See response 19.

COMMENT 41: OU5,6 Section 6.3, Page 10

Second Paragraph, Third Sentence: The reference to off-site structures in Sentence 3 is out of place in the OU 5/ OU 6 PRAP, which addresses on-site conditions only. Accordingly, this sentence should be deleted.

RESPONSE 41: The referenced sentence has been deleted in the ROD.

COMMENT 42: OU5,6 Section 6.5, Page 11

The PRAP makes reference to remedial action objectives (RAOs), a term associated with the Part 375 regulations under the state Superfund program. Because the Site has been governed by the RCRA program, it is more appropriate to use post-closure care and corrective action terminology with regard to protection of human health and the environment. The use of state Superfund language throughout the document, when this facility has been governed, and facility investigations and corrective actions have been implemented under RCRA, should be reconsidered and put into context of the apparent determination by the NYSDEC to alter the regulatory oversight program after several decades. Reasons for the shift of regulatory oversight should first be identified and explained so that the public understands the basis for the suggested change. If the decision is made to keep the property subject to the RCRA program, as it has been for decades, the Part 375 language should be corrected to proper Part 373 regulatory terminology with regard to protection of human health and the environment.

RESPONSE 42: See response 17.

COMMENT 43: OU5,6 Section 7, Page 12

The first paragraph specifies that the remedy selected must "utilize permanent solutions, alternative technologies or resource recovery technologies to the maximum extent practicable".

This criterion, however, does not appear in the RCRA regulations with regard to corrective action or post-closure care. Has the NYSDEC evaluated this project in relation to the remedy selection criteria established by RCRA? If so, will the final ROD include a discussion of the remedy selection in the context of RCRA? The goal of the corrective action program should be to protect human health and the environment.

RESPONSE 43: See response 17.

COMMENT 44: *OU-05, Item 1, Source removal*: The PRAP calls for the removal of any remaining PCB containing electrical equipment from the Site. However, GE and SBD do not currently own or operate the facility and so arguably lack the authority to implement this measure. The PRAP should clarify that the disposal of personal property, such as electrical equipment, will be the responsibility of the present owner of the equipment (JMT or the successor owner, if any). To facilitate removal of the equipment, NYSDEC must take the necessary steps to identify and locate the owner of the facility and/or the personal property. More generally, it is not explained in the PRAP why NYSDEC did not remove the contaminated equipment at the time it arranged for them to be drained. Although NYSDEC, like GE and SBD, may have been concerned regarding ownership issues, the fact remains that this work must now be implemented by the property owner.

RESPONSE 44:

NYSDEC performed an emergency removal action to get the liquid PCB oil off of the site as it posed the greatest threat for an environmental release. A liquid oil release would likely have re-contaminated the Tributary 3 drainageway and adjacent residential properties. Since this is a class 2 site, NYSDEC was able to focus on removing PCB oil from the site and was able to expend state funds to accomplish this action.

The drained equipment still contains high concentrations of residual PCBs and poses a release threat. Continuing deterioration of the site, and the possibility of copper thieves targeting this equipment, increases the threat. Therefore the remedy includes removal of this equipment from the site. Also, see response 19.

COMMENT 45: Section 7, Page 12 & 13

OU 5, Items 2, 3 and 4: The PRAP notes that currently inaccessible soils, containing more than 10 ppm, remain on the Site and that these soils will be removed for off-site disposal in accordance with a Site Management Plan. However, addressing these soils is a contingent measure dependent upon what the owner of the property does in the future. Accordingly, the property owner is and must be responsible for implementing the SMP with respect to soils under existing "caps" such as buildings or other structures. Because all accessible areas have been subject to corrective action and have achieved appropriate protective status, the future actions of the owner will be the trigger for such contingent response and SMP implementation.

For similar reasons, the property owner also is responsible for implementing institutional control/engineering control (IC/EC) programs at the property since the owner will need to be the party who places an environmental easement on its property and/or agrees to a deed restriction. The actual owner of the property must be identified and notified of these owner responsibilities.

Finally preparation of a SMP for the facility requires the development of an Institutional and Engineering Control Plan and a Monitoring Plan. As the Department is aware, there are already many existing NYSDEC-approved plans in place that have been implemented for many years. These existing plans should be available to the facility owner to incorporate into any final SMP that the owner may be required to develop and implement. It should not be necessary to duplicate these past efforts.

RESPONSE 45: See responses 19 and 21.

COMMENT 46: Section 7, Page 14

OU 6, Item 1: The PRAP requires re-sampling and re-evaluating the soil vapor intrusion pathway in the event utility service is reestablished and the main on-site structure is to be occupied. Because the steps leading up to the assessment will be undertaken by the facility owner, this reassessment must necessarily be implemented by the owner. Prior to conducting any VI assessment, the Day Environmental Report should be reviewed so as to better ascertain the scope of the building inventory conducted by Day so that the facility owner can remove indoor air contaminant sources and conduct the necessary work in accordance with NYSDOH guidance. The conditions under which any VI assessment is performed should be representative of routine operations to be conducted at the industrial facility. This includes re-establishing an operating HVAC system. In addition, the condition of the building structure should be evaluated prior to the owner conducting any VI assessment (*i.e.*, windows should be intact, outer doors should close properly, etc.). In general, if the Department wants to have the owner conduct an indoor air assessment, the Department must contact the owner and direct that the owner conduct the work.

RESPONSE 46: The remedy must be protective of current and reasonably anticipated future use. Occupancy of the building is reasonably anticipated so the remedy includes provisions to address exposures that may arise through such use. General Electric and Black & Decker used chlorinated solvents at this site, and releases of chlorinated solvents to groundwater were documented while General Electric still owned the site. These releases to the environment impair reasonably anticipated use of this site. As noted in Exhibit A, while there are some concerns about representativeness of building conditions at the time of sampling, potential exposures may exist since the results showed elevated levels of chlorinated solvents in the sub-slab vapor. Also see response 19.

COMMENT 47: OU5,6 Exhibit A - Waste/Source Areas

The electrical equipment in the building is the personal property of the facility owner. The facility owner must be asked to implement the removal of its equipment.

RESPONSE 47: The transformers have been present since GE and Black & Decker's ownership and use of the site and are to be addressed by the remedial program. Also see response 33.

COMMENT 48: OU5,6 Exhibit A - Groundwater

The maximum concentrations presented in Groundwater Table 1 are representative of bedrock monitoring wells. The maximum concentrations of the overburden monitoring well in the area of OU 6 (GEB-18S) are significantly lower (1.8 J ug/L trichloroethene, 190 ug/L cis-1,2-

dichloroethene and non-detect vinyl chloride). For purposes of evaluating vapor intrusion, it is important to distinguish between the concentrations of VOCs in overburden versus bedrock groundwater since conditions in the bedrock groundwater will not be the source if the overburden is within or near applicable standards. In light of these considerations, Table 1 should include the overburden concentrations to reflect the conditions in the media that is more directly associated with the concern over the inhalation exposure pathway.

RESPONSE 48: Columns specific to the overburden and bedrock groundwater have been added to the table in the ROD.

COMMENT 49: OU5,6 Exhibit A - Soil

The first sentence of the discussion of soil contamination indicates shallow and subsurface soils were collected at the Site. Surface and subsurface SCGs for PCBs are mentioned; however, the soil results presented in Table 2 are not differentiated by depth range. Table 2 presents the TCE Unrestricted SCG and Restricted Use SCG - Protection of Groundwater as 0.047 ppm. However, the soil cleanup objective (SCO) tables currently provided under Part 375 on NYSDEC's website list these standards as 0.470 ppm. *See* 6 NYCRR § 375-6.8(a), (b). Similarly, the cis-1,2-dichloroethene Restricted Use SCG - Industrial is listed as 500 ppm in Table 2; however, it is shown as 1000 ppm in the Part 375 SCO table. The SCGs in Table 2 should be confirmed and corrected, as necessary.

RESPONSE 49: For the contaminants included in the table, only PCBs have depth-dependent soil comparison values (see note "f" below Table 2). As noted in the text in the exhibit, the excavation actions removed shallow soil in all areas where soil analytical results exceeded 1 ppm total PCB concentrations, so there is no value in differentiating results by depth range.

The SCGs in Table 2 have been corrected in the ROD.

COMMENT 50: OU5,6 Exhibit A - Soil Vapor

A vapor intrusion assessment was performed on December 16, 2008 and is summarized in a report prepared by Day Environmental, Inc. dated January 13, 2009. As previously noted, these data were not specifically referenced or summarized in the PRAP; nor is there any assessment of the reliability of the Day sampling program. Nevertheless, the PRAP section concludes that the sub-slab TCE data indicates the need for further monitoring and possible mitigation based on "NYSDOH guidance". However, the NYSDOH guidance is rooted in a comparison of sub-slab and indoor air data. Also, the NYSDOH Matrix 1 is not intended for application to abandoned industrial buildings that sit empty, unused and without electricity or an operational HVAC system. In addition, the concentrations of TCE detected by Day Environmental in the sub-slab sample ranged from 0.803 to an estimated 172 ug/m³. Under the NYSDOH guidance, these results would not mandate mitigation without comparison with indoor air concentrations. In and of themselves, the TCE detections were relatively low and, based on a typical attenuation factor across thick concrete slab floors in an industrial building in an industrial zone, the corresponding concentrations expected in the indoor air would be low. Under these circumstances, curiosity with regard to vapor intrusion in the abandoned industrial building should be the responsibility of the building owner and can be conducted if and when the building owner places the building into its intended industrial or commercial use.

RESPONSE 50:, The available sub-slab vapor results did indicate the potential for exposures, therefore the PRAP, and now the ROD, calls for further evaluation of this exposure pathway to ensure that the remedy is protective of human health and the environment, if the building is re-occupied.

APPENDIX B

Administrative Record

Administrative Record

JMT Properties, Inc. Facility
Former General Electric/Black & Decker Site
OU 04 (Off-Site Groundwater)
RCRA/State Superfund Project
Town of Sweden, Monroe County, New York
Site No. 828003

Blasland, Bouck & Lee, Inc. 2007a. Off-Site Groundwater Remediation Interim Corrective Measures Extraction Trench Extension Engineering Report. January 19, 2007.

Blasland, Bouck & Lee, Inc. 2007b. Off-Site Groundwater Remediation Interim Corrective Measures Manganese and Total Dissolved Solids Treatment Engineering Report. January 19, 2007.

Blasland, Bouck & Lee, Inc. 2006. Off-Site Ground Water Remediation Interim Corrective Measures Operation and Maintenance Plan.

Blasland, Bouck & Lee, Inc. 2000. Off-Site Ground Water Remediation Interim Corrective Measures Implementation Plan.

New York State Department of Environmental Conservation. 2012. Proposed Remedial Action Plan, Operable Unit 04, JMT Facility, Brockport, New York.

New York State Department of Environmental Conservation. 1994. Post-Closure Permit.

O'Brien & Gere Engineers, Inc. 2012. 2011 Annual/Second Semi-Annual Groundwater Monitoring Report, JMT Facility, Brockport, New York.

O'Brien & Gere Engineers, Inc. 2011. 2010 Annual/Second Semi-Annual Groundwater Monitoring Report, JMT Facility, Brockport, New York.

O'Brien & Gere Engineers, Inc. 2010. 2009 Annual/Second Semi-Annual Groundwater Monitoring Report, JMT Facility, Brockport, New York.

O'Brien & Gere Engineers, Inc. 2009. 2008 Annual/Second Semi-Annual Groundwater Monitoring Report, JMT Facility, Brockport, New York.

O'Brien & Gere Engineers, Inc. 2008. 2007 Annual/Second Semi-Annual Groundwater Monitoring Report, JMT Facility, Brockport, New York.

O'Brien & Gere Engineers, Inc. 2007. Off-Site Ground Water Corrective Measures Study Report.

O'Brien & Gere Engineers, Inc. 2006. Off-Site Ground Water Corrective Measures Study Work Plan.

O'Brien & Gere Engineers, Inc. 1999. Compliance Monitoring Program Sampling and Analysis Plan.

O'Brien & Gere Engineers, Inc. 1997. Off-Site Residential Sampling Program Report.

O'Brien & Gere Engineers, Inc. 1996. Off-Site Ground Water Investigation Report.

Milner, J., April 9, 2012 email to NYSDEC (PRAP Comments).

Young/Sommer, LLC. April 30, 2012 Letter to NYSDEC (PRAP Comments).