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OFFICE OF THE ATTORNEY GENERAL

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December 21, 2006

BY OVERNIGHT DELIVERY

Hon. Frederick J. Scullin, Jr., U.S.D.C.J.
United States District Court
James Hanley Federal Building
100 South Clinton Street
Syracuse, New York 13261-7367

Re: State of New York v. Honeywell International Inc., Docket No. 89-CV-815
Request for Approval and Entry of Proposed Consent Decree

Dear Judge Scullin:

Under cover letter dated October 11, 2006, plaintiff State of New York ("State") lodged a proposed consent decree with the Court that would settle the State's claims for the cleanup of contaminated sediments in Onondaga Lake asserted in the above referenced action. The proposed consent decree establishes the terms and conditions pursuant to which defendant Honeywell International Inc. would implement the cleanup remedy jointly selected by the United States Environmental Protection Agency ("EPA") and the New York State Department of Environmental Conservation ("DEC") in July 2005.

The October 11, 2006 letter requested that the Court not enter or otherwise act on the proposed decree until the State had considered public comments on the proposed decree, and EPA and DEC had considered public comments on the draft Explanation of Significant Differences ("ESD"), which would modify the July 2005 remedy. The draft ESD is attached to the proposed consent decree as appendix "B."

I write to inform the Court that: (1) the State has considered the comments received from members of the public and has determined that the comments do not disclose facts or considerations which indicate to the State that the proposed consent decree is inappropriate, improper, or inadequate; and (2) on December 14, 2006, after considering public comments on

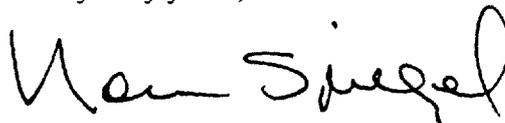
the draft ESD, EPA and DEC jointly approved the draft ESD as a final document without any revisions.

Accordingly, the State respectfully requests, consistent with the provisions in paragraph 94 of the proposed consent decree and the October 11, 2006 letter, that the Court approve and enter the proposed consent decree as an order of the Court. The State also requests that the Court insert in paragraphs 12 and 36 of the decree the date, *i.e.*, December 14, 2006, that the draft ESD was approved by EPA and DEC as a final document. Copies of the pages in the decree containing paragraphs 12 and 36, pages 4 and 14 respectively, as revised, are submitted herewith for the convenience of the Court.

Attached to this letter are: Appendix "A" which consists of the written comments submitted by members of the public, a transcript of an October 19, 2006 public meeting which includes oral comments from those in attendance and the State's written responses to the written and oral comments; and Appendix "B" which is the ESD with EPA's and DEC's approvals affixed/annexed thereto. The State requests that this letter and the attached appendices be filed with the consent decree.

The parties are available at the Court's convenience to address any questions or concerns.

Very truly yours,

A handwritten signature in black ink that reads "Norm Spiegel". The signature is written in a cursive, flowing style.

NORMAN SPIEGEL
Assistant Attorney General
Bar Roll No. 102652

cc: Hon. David E. Peebles, M.J.
Thomas H. Milch, Esq., Arnold & Porter LLP
Brian D. Israel, Esq., Arnold & Porter LLP

jointly selected a remedy in a ROD for the Lake Bottom subsite and released their responses to the comments received from the public on the Proposed Plan. A copy of the July 1, 2005 ROD without appendices is attached hereto as Appendix A. On December 14, 2006, the State and EPA jointly issued an Explanation of Significant Differences (“ESD”) documenting certain modifications to the remedy. A copy of the ESD is attached hereto as Appendix B. The July 1, 2005 ROD as modified by the December 14, 2006 ESD is hereinafter referred to as the “ROD.”

13. In order to address the threat to public health, welfare and the environment posed by the contamination of the Lake Bottom subsite, the selected remedy, broadly described, provides for: (i) dredging and proper disposal of as much as approximately 2,653,000 cubic yards of contaminated sediments and wastes; (ii) construction of an isolation cap over an estimated 425 acres in the shallower areas (littoral zone); (iii) construction of a thin-layer cap over an estimated 154 acres in the deeper areas (profundal zone); (iv) performance of a pilot study which involves the introduction of oxygen into the profundal zone; (v) re-establishment of habitat injured by implementation of the remedy and enhancement of habitat in certain near-shore areas; (vi) monitored natural recovery in areas of the profundal zone; (vii) implementation of institutional controls; and (viii) long-term operation, maintenance and monitoring.

14. Pursuant to ECL Article 27, Title 13; ECL Article 71, Title 27; and ECL § 3-0301, the State has the responsibility and authority to establish the terms and conditions under which Honeywell will design and implement the remedy selected in the ROD for the Onondaga Lake Bottom subsite, and Honeywell would be obligated pursuant to ECL § 27-1313 to design and implement the selected remedy in compliance with the terms and conditions established by the State.

to implement pursuant to this paragraph is hereinafter referred to as an "Included Modification." Included Modification shall also include within its meaning any modification that the parties have agreed to in writing. Nothing in this Consent Decree shall affect the State's right, in conjunction with EPA, to modify or amend the ROD. However, references to the ROD in this Consent Decree are to the ROD adopted by the State and EPA in July 2005 as modified by the December 14, 2006 ESD.

37. In the event that the State requires a modification pursuant to paragraph 36 and Honeywell believes that the proposed modification is not an Included Modification, then Honeywell may invoke the Dispute Resolution procedures set forth in paragraphs 44-52. If the modification is determined either by agreement in writing of the parties or pursuant to the Dispute Resolution procedures set forth in paragraphs 44-52 not to be an Included Modification, then, as regards such modification, the parties reserve all claims, rights and defenses as provided in paragraph 78.

Progress Reports

38. Honeywell shall submit to the State (see paragraphs 81-83 for recipients and number of copies to be distributed) written monthly progress reports that:

A. Describe the actions which have been taken toward achieving compliance with this Consent Decree during the previous month;

B. Include the raw data received by Honeywell during the previous month concerning sampling undertaken and test results generated pursuant to this Consent Decree, and all other raw data and/or validated data received or generated by Honeywell or Honeywell's contractors, laboratories or other agents during the previous month, including quality

**ONONDAGA LAKE BOTTOM SUBSITE
OF THE ONONDAGA LAKE SUPERFUND SITE**

SYRACUSE, NEW YORK

RESPONSIVENESS SUMMARY

**Consent Decree, Explanation of Significant Differences, and Sediment
Consolidation Area Siting Evaluation**



DECEMBER 2006

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ALBANY, NEW YORK**

**EARTH TECH
NEW YORK, NEW YORK**

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**ONONDAGA LAKE CONSENT DECREE, ESD, AND SCA SITING
EVALUATION
RESPONSIVENESS SUMMARY**

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Attachment 2 Written and Oral Comments Submitted During the Public Comment Period,
Including the October 19, 2006 Public Meeting Transcript

LIST OF ACRONYMS AND ABBREVIATIONS USED IN RESPONSIVENESS SUMMARY

ARAR	applicable or relevant and appropriate requirement
ACJ	Amended Consent Judgment
ASLF	Atlantic States Legal Foundation
BERA	baseline ecological risk assessment
BSQV	bioaccumulation-based sediment quality value
CAC	Citizens Advisory Committee
CCE	Citizens Campaign for the Environment
CD	Consent Decree
CEH	Council on Environmental Health [Onondaga County]
CFR	Code of Federal Regulations
CO	Consent Order
CPOI	chemical parameter of interest
CTV	cap threshold value
cy	cubic yard
EPA	Environmental Protection Agency
ESD	Explanation of Significant Differences
ESF	Environmental Science and Forestry (SUNY)
FS	feasibility study
HHRA	human health risk assessment
ILWD	in-lake waste deposit
LCP	Linden Chemicals and Plastics
Metro	Metropolitan Syracuse Sewage Treatment Plant
mg/kg	milligrams per kilogram
NAPL	non-aqueous-phase liquid
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
ng/L	nanograms per liter
NRD	Natural Resource Damage
NRRB	National Remedy Review Board
NYCRR	New York Code of Rules and Regulations
NYSDEC	New York State Department of Environmental Conservation
OLP	Onondaga Lake Partnership
OSWER	Office of Solid Waste and Emergency Response
PCB	polychlorinated biphenyl
PDI	pre-design investigation

PEC	probable effect concentration
PECQ	probable effect concentration quotient
ppt	parts per trillion
RAO	remedial action objective
RI	remedial investigation
RI/FS	remedial investigation/feasibility study
ROD	Record of Decision
RS	responsiveness summary
SCA	sediment consolidation area
SMU	sediment management unit
SOW	Statement of Work
SUNY	State University of New York
TAG	Technical Assistance Grant
µg/L	micrograms per liter
USEPA	US Environmental Protection Agency
VOC	volatile organic compound
WTP	Wastewater Treatment Plant

ONONDAGA LAKE CONSENT DECREE, ESD, AND SCA SITING EVALUATION RESPONSIVENESS SUMMARY

PUBLIC REVIEW PROCESS

INTRODUCTION

This Responsiveness Summary (RS) provides a summary of comments and concerns received during the public comment period related to the Onondaga Lake Bottom Subsite of the Onondaga Lake Superfund Site proposed Consent Decree, and documents relating to the draft Explanation of Significant Differences (ESD) and the draft SCA Siting Evaluation for the Sediment Consolidation Area (SCA), and provides the responses of the New York State Department of Environmental Conservation (NYSDEC) to those comments and concerns. The U.S. Environmental Protection Agency (EPA) coauthored the draft ESD with the NYSDEC and has sent NYSDEC a letter in which it concurs in its issuance, as a final ESD. EPA has also concurred in the finalization of the SCA Siting Evaluation. The responses in the RS with respect to the Consent Decree between the State and Honeywell are NYSDEC's and do not necessarily represent the position of EPA. The Remedial Investigation/Feasibility Study (RI/FS) reports (TAMS, 2002a,b,c; Parsons, 2004) describe the nature and extent of the contamination at the Onondaga Lake site and evaluate remedial alternatives to address this contamination. The Proposed Plan (NYSDEC, 2004) identified NYSDEC's preferred remedy and the basis for that preference. Following public review of the Proposed Plan from November 29, 2004 through April 30, 2005, as well as review by EPA's National Remedy Review Board (NRRB), NYSDEC and EPA issued a Record of Decision (ROD) for the Onondaga Lake Bottom Subsite in July 2005. The ROD documents the selection of a remedy for the subsite. Comments received from the public during the Proposed Plan comment period were responded to in a Responsiveness Summary (July 2005), which is an attachment to the ROD (NYSDEC and USEPA, 2005).

Following issuance of the ROD and the commencement of pre-design investigation (PDI) activities, three documents were released by NYSDEC on October 12, 2006—the proposed Consent Decree and documents relating to the draft ESD and the siting of the SCA. The proposed Consent Decree is the formal agreement between New York State and Honeywell to implement the ROD. The draft ESD details a change in a portion of the selected remedy. The draft SCA Siting Evaluation details the factors assessed in selecting the location for the SCA. These documents were made available for public review and comment during a 30-day comment period, from October 12, 2006 through November 13, 2006.

Public involvement in the review of Proposed Plans is stipulated in Section 117(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, and Sections 300.430(f)(3)(i)(F) and 300.430(f)(5)(iii)(B) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). These regulations provide for active solicitation of public comment. Section 122(d)(2) of CERCLA provides for a 30 day comment period before a consent judgment to which the United States is a party is to be entered by the court as a final judgment. Although the United States is not a party to the proposed Consent Decree,

the State nonetheless followed the public participation procedures of CERCLA Section 122(d).

All public comments submitted during the public comment period are addressed in this RS, which was prepared following guidance provided by EPA in EPA/540-R-92-009 and the EPA Office of Solid Waste and Emergency Response (OSWER) in OSWER 9836.0-1A. The comments presented in this document have been considered in NYSDEC's finalization of the Consent Decree, and documents relating to the ESD and SCA Siting Evaluation.

The text of this RS explains the public review process and how comments were responded to. In addition to this text, there are two attachments:

- | | |
|--------------|---|
| Attachment 1 | The Comment and Response Index, which contains summaries of every comment received and NYSDEC's responses. |
| Attachment 2 | Comments provided during the public comment period, including letters, e-mails, and oral statements. This attachment contains copies of every comment received. |

PUBLIC REVIEW PROCESS

NYSDEC relies on public input to ensure that the concerns of the community are considered with respect to the remediation of each Superfund site. To this end, the proposed Consent Decree and documents relating to the draft ESD and the siting of the SCA, for the Onondaga Lake Bottom Subsite of the Onondaga Lake Superfund Site, Syracuse, New York, were made available to the community on October 12, 2006. Fact sheets on the proposed Consent Decree and documents relating to the draft ESD and the siting of the SCA were also released and are all available on NYSDEC's website (<http://www.dec.state.ny.us/website/der/projects/ondlake>).

The complete Administrative Record file, which contains the information (including the Onondaga Lake RI, Human Health Risk Assessment [HHRA], Baseline Ecological Risk Assessment [BERA], and FS) upon which the selection of the response action has been based, is available at the asterisked locations listed in the text box below. The other listed repositories contain the key documents (e.g., RI/FS reports, Proposed Plan, ROD, proposed Consent Decree, and documents relating to the draft ESD and the siting of the SCA) but do not contain the entire Administrative Record.

PUBLIC COMMENT PERIOD AND PUBLIC AVAILABILITY SESSION AND MEETING

The public comment period was intended to obtain the views of the public regarding the proposed Consent Decree and documents relating to the draft ESD and the siting of the SCA. A notice of the commencement of the public comment period, the public meeting date, a summary of the selected remedy and the three documents, contact information, and the availability of the above-referenced documents was published in the *Syracuse Post-Standard* on October 12, 2006. In addition, related fact sheets were mailed to interested parties and posted on NYSDEC's website.

**Information Repositories for the Onondaga Lake Superfund Site
Administrative Record**

***Atlantic States Legal Foundation**

658 West Onondaga Street
Syracuse, NY 13204
(315) 475-1170
Please call for hours of availability

Liverpool Public Library

310 Tulip Street
Liverpool, NY 13088
Hours: M – Th, 9:00 a.m. – 9:00 p.m.; F, 9:00 a.m.
– 6:00 p.m.; Sat, 10:00 a.m. – 5:00 p.m.; Sun,
12:00 p.m. – 5:00 p.m.
Phone: (315) 457-0310

Camillus Town Hall

4600 West Genesee Street, Room 100
Syracuse, New York 13219
Hours: M-F 8:30 a.m. - 4:30 p.m.
Phone: (315) 488-1234

Moon Library

SUNY ESF
1 Forestry Drive
Syracuse, NY 13210
Hours: check <http://www.esf.edu/moonlib/>
Phone: (315) 470-6712

*** NYSDEC, Region 7**

615 Erie Blvd. West
Syracuse, NY 13204
(315) 426-7400
Hours: M – F, 8:30 a.m. – 4:45 p.m.
Please call for an appointment

*** NYSDEC**

625 Broadway
Albany, NY 12233-7016
(518) 402-9767
Hours: M – F, 8:30 a.m. – 4:45 p.m.
Please call for an appointment

Onondaga County Public Library

Syracuse Branch at the Galleries
447 South Salina Street
Syracuse, NY 13204-2400
Hours: M, Th, F, Sat, 9:00 a.m. – 5:00 p.m.; Tu, W,
9:00 a.m. – 8:30 p.m.
Phone: (315) 435-1800

The public comment period for the proposed Consent Decree and documents relating to the draft ESD and the siting of the SCA commenced on October 12, 2006 and continued until November 13, 2006. During that period, a public availability session and public meeting were held on October 19, 2006 at the New York State Fairgrounds in Syracuse, New York. Approximately 100 people, including residents, local business people, university students, media, and state and local government officials, attended the public meeting and the availability session. A question-and-answer session followed the formal presentation at the public meeting. A complete transcript of the public meeting can be found in Attachment 2 of this document.

RECEIPT AND IDENTIFICATION OF COMMENTS

Public comments on the three new documents as well as general comments on the remedy selection and the site were received in several forms, including:

- Written comments submitted to NYSDEC via e-mail.
- Written comments submitted at the public availability session or meeting.
- Written comments mailed or faxed to NYSDEC.
- Oral comments made at the public meeting.

Each submission received, whether written or contained in the transcript of the public meeting, was assigned one of the following letter codes:

- N – Onondaga Nation.
- R – Regional agencies and officials.
- L – Local agencies and officials.
- G – Groups and associations.
- P – Public (individuals).
- O – Oral (comments presented at the October 19, 2006 public meeting).

These codes were assigned for the convenience of readers and to assist in the organization of this RS; there was no priority or special treatment given to one commentor over another in the responses to comments.

Within each of the coded categories, the comments were put in alphabetical order (based on last name) and assigned a number, such as L-1, P-1, and so on. In addition, each separate comment was assigned a separate sub-number. Thus, if a citizen made three different comments (*e.g.*, within a letter), they are designated as P-1.1, P-1.2, and P-1.3.

A directory that lists all comments received and the associated coding is included as Table 1.

In addition to being summarized in the Comment and Response Index (Attachment 1), copies of all written submissions have been included in Attachment 2. The alphanumeric code associated with each written submission is marked at the top of the first page of each letter and the sub-numbers of the individual comments are marked in the margin next to the text that begins the comment.

Oral comments (*i.e.*, made at the October 19, 2006 public meeting) are included in the transcript of the meeting, and have been coded in the same manner as the written comments. In addition to being summarized in the Comment and Response Index (Attachment 1), oral comments are in Attachment 2, which provides full copies of all comments. It should be noted that a distinction has been made between oral comments delivered at the public meeting (on pages 28 through 70 of the transcript included in Attachment 2) and questions that were asked and responded to during the question-and-answer session at the public meeting. Because these questions have already been replied to as recorded in the transcript (on pages 72 through 84 of the transcript included in Attachment 2), they have not been summarized in the Comment and Response Index (Attachment 1).

LOCATING RESPONSES TO COMMENTS

The Comment and Response Index (Attachment 1) contains a complete listing of all comments and NYSDEC's responses. The index allows readers to find answers to specific questions they have raised and is organized as follows:

- The first column lists the name of the commentor, according to type (*e.g.*, group, public).

- The second column identifies the alphanumeric file code assigned to each comment (e.g., G-5.13, P-4.2, etc.). A commentor should first review Table 1 to determine the coding for his or her comment.
- The third column provides a summary of the comment.
- The fourth column provides the response to the comment.

Example:

Name/Agency	Comment Code	Comment Summary	Response
Les Monostory, President, Onondaga County Federation of Sportsmen's Clubs	G-3.3	The commentor states that, "An important feature of the cleanup plan is that the Consent Decree has in place standards to be met, rather than dollar figures, for attainment of future fish and sediment target levels."	<p>Similar to Comment N-2.12, this comment relates to matters (i.e., remedy selection) outside the scope of the present comment period on the Consent Decree, draft ESD, and Siting Evaluation for the SCA. However, NYSDEC provides the following response as part of its continuing commitment to be responsive to the public regarding comments and questions regarding the remedial program for Onondaga Lake.</p> <p>As is noted in the response to Comment N-2.10, the selected remedy addresses all areas of the lake where the surface sediments exceed a mean probable effect concentration quotient (PECQ) of 1 or a mercury PEC of 2.2 mg/kg. The selected remedy will also attain a 0.8 mg/kg BSQV for mercury on an area-wide basis for the lake and for other applicable areas of the lake to be determined during the remedial design. The selected remedy is also intended to achieve lakewide fish tissue mercury concentrations ranging from 0.14 mg/kg, which is for protection of ecological receptors, to 0.3 mg/kg, which is based on EPA's methylmercury National Recommended Water Quality criterion for the protection of human health for the consumption of organisms. The description of the selected remedy in the ROD is based on performance of required technical aspects of the design, implementation, and monitoring of the remedy. It is correct that Honeywell's commitment is to perform these actions to meet the remedial goals, not to spend a specific amount of money.</p>

It was not always clear if a commentor intended to represent an organization/group or simply himself/herself. The reader is advised to examine Table 1 and the Comment and Response Index for both the group (G) listing for the name of the group, firm, or association used on the letterhead of a written submission and the public (P) list for his/her own name.

NYSDEC carefully considered each comment received and made every effort to be fully responsive. All comments received are addressed in this RS, and a copy of every comment is provided in Attachment 2. A summary of the proposed Consent Decree, draft ESD, and draft SCA Siting Evaluation, and the comments on these documents and other comments received, is provided in the section below.

Also, it is important to note that many comments were on the subject of remedy selection rather than the proposed Consent Decree and documents relating to the draft ESD and the siting of the SCA. A detailed discussion on the remedy selection process and the basis for that selection was provided in the ROD issued in July 2005 following an extensive public review and comment period on the Proposed Plan (November 2004). Responses to all comments received during the Proposed Plan public review period were documented in the ROD's Responsiveness Summary (issued with the ROD in July 2005). For some of the comments received during the comment period on the proposed Consent Decree, draft ESD, and draft SCA Siting Evaluation, the responses in the attached Comment and Response Index provide a summary of the response to comment from the ROD's Responsiveness Summary along with a reference to the specific comment number (e.g., "As discussed in the response to Frequent Comment #4 in the ROD Responsiveness Summary, ..."). In these cases, the commentor can also review the ROD and ROD Responsiveness Summary for additional information. These documents can be found on NYSDEC's website at: <http://www.dec.state.ny.us/website/der/projects/ondlake/rod.html>, and at the document repositories listed on page 3.

ONONDAGA LAKE CONSENT DECREE, ESD, AND SCA SITING EVALUATION RESPONSIVENESS SUMMARY

OVERVIEW AND SUMMARY OF PUBLIC COMMENTS

OVERVIEW OF THE CONSENT DECREE, ESD, AND SCA SITING EVALUATION

BACKGROUND

Honeywell International, Inc., and its predecessor companies operated manufacturing facilities in Solvay, New York, from 1881 until 1986. In June of 1989, the State filed a legal action in US District Court against Allied, seeking environmental remediation and natural resource damages arising from the company's pollution of the Onondaga Lake system. The lake and related contaminated areas were listed on EPA's Superfund National Priorities List in December 1994 and are included on the State Superfund list.

A Remedial Investigation (RI), which was completed in 2002, investigated the nature and extent of contamination in Onondaga Lake. It included the collection and analysis of over 6,000 samples (e.g., sediment, water, groundwater, and biota). The RI found mercury contamination throughout the lake, with the most elevated concentrations detected in sediments in the Ninemile Creek delta and in the sediments and wastes present in the southwestern portion of the lake. Other contaminants present within Onondaga Lake sediments include benzene, toluene, ethylbenzene, and xylenes, chlorinated benzenes, polycyclic aromatic hydrocarbons, polychlorinated biphenyls, and polychlorinated dioxins and furans. These contaminants are primarily found in the southwestern portion of Onondaga Lake. Much of the contamination in this part of the lake is present in an 84-acre area known as the in-lake waste deposit (ILWD). Elevated concentrations of some contaminants in certain locations of the ILWD extend to a depth of at least 25 feet in lake sediments. Onondaga Lake fish have elevated contaminant levels and contamination in the lake presents risks to all trophic levels of the Onondaga Lake ecosystem.

In addition to determining the nature and extent of contamination, the RI also included an evaluation of the fate and transport of contaminants, and the completion of a human health risk assessment and a baseline ecological risk assessment.

On November 29, 2004, NYSDEC issued for public comment a Proposed Plan, or cleanup plan, along with a Feasibility Study (FS) prepared by Honeywell (Parsons, 2004), for addressing hazardous waste concerns in Onondaga Lake. After considering public comments, a ROD was issued for the Onondaga Lake Bottom Subsite on July 1, 2005 by the NYSDEC and EPA, in cooperation with the New York State Department of Health. Comments received from the public were responded to in a Responsiveness Summary, which is an attachment to the ROD.

The remedy, as described in the ROD, includes the dredging of as much as an estimated 2,653,000 cubic yards of contaminated sediments from the lake and the placement of an isolation

cap over an estimated 425 acres of the littoral zone (the portion of the lake in which water depths range from 0 to 30 feet). It also includes the placement of a thin-layer cap over an estimated 154 acres of the profundal zone (the portion of the lake in which water depths exceed 30 feet). The majority of the dredged materials will be placed in one or more Sediment Consolidation Areas (SCA) that will be constructed on one or more of the Honeywell Solvay wastebeds. However, the most highly contaminated materials will be treated and/or disposed at an off-site permitted landfill.

The estimated cost to implement the remedy is approximately \$451 million (based on cost estimates in the FS and ROD). This is comprised of the cost to construct the remedy (estimated to be \$414 million) and the average annual operation and maintenance cost (estimated at approximately \$3 million).

CONSENT DECREE

In October 2006, NYSDEC, New York State Department of Law, and Honeywell reached an agreement on a Consent Decree that requires the company to conduct a cleanup of contaminated sediments in Onondaga Lake in accordance with the Onondaga Lake Bottom Subsite ROD that was issued by NYSDEC and EPA on July 1, 2005. The Consent Decree is a legal agreement which requires Honeywell to design and implement the cleanup plan. Attached to the Consent Decree is a Statement of Work (SOW) which addresses several technical issues associated with the design and construction of the remedy.

The proposed Consent Decree and two other documents, the draft ESD and the draft SCA siting evaluation (summarized below), were made available for public review and comment on October 12, 2006. Following review of all comments as documented in this Responsiveness Summary, the State has issued the final version of the ESD and approved the SCA siting evaluation without significant changes. The final versions of these documents can be found in the document repositories and on the NYSDEC website.

The Consent Decree also presents an updated schedule for design and construction. The project will include a five-year design process for all aspects of the remedial program. During this initial five year program, the water treatment facilities and the SCA will be constructed. This will be followed by in-lake construction activities (e.g., dredging and capping) which are expected to take four years to complete. Monitoring will continue throughout design and construction and following construction activities.

NYSDEC will continue to oversee Honeywell's implementation of the remedy. Technical documents will be reviewed and approved throughout the design and construction phases of the project to help ensure the effectiveness of the remedy. Additionally, it will remain a NYSDEC priority to continue the public outreach process. Meetings with interested parties, the public and the scientific community will continue with the purpose of fostering good communication, progress, and a project that benefits the entire community. Updates will also be provided through fact sheets and other documentation.

EXPLANATION OF SIGNIFICANT DIFFERENCES

In October 2006, NYSDEC and EPA also issued for public comment a draft Explanation of Significant Differences (ESD) which described a change to a portion of the remedy required by the ROD in the southwest portion of the lake (the final ESD is attached to the Consent Decree). The change is necessary to ensure the stability of the adjacent causeway and is supported by recent,

more extensive sampling of the area which indicates that the pure chemical contamination is significantly less extensive than previously believed.

The ESD addresses only dredging required to recover pooled non-aqueous-phase liquids (NAPLs) in the Sediment Management Unit (SMU) 2 causeway area and a small adjacent area in SMU 1. The ESD does not affect any other dredging required in the ROD. The remedy modifications maintain the protectiveness of the selected remedy and comply with the federal and state requirements identified in the ROD. A Technical Support Document (Parsons, 2006a) is included with the ESD.

SCA SITING EVALUATION

The ROD, issued by NYSDEC and EPA on July 1, 2005, includes dredging an estimated 2,653,000 cubic yards of contaminated sediment/waste from Onondaga Lake and placement of the majority of the dredged material in one or more Sediment Consolidation Areas (SCA) constructed on one or more of Honeywell's Solvay wastebeds. The SCA will be designed and built in accordance with state and federal requirements and guidance and will include the following:

- An impermeable liner beneath the sediment.
- A collection and treatment process for the water that is separated from the sediment.
- A protective cover over the sediment.

Solvay Wastebed B and Wastebeds 1-15 were evaluated as potential SCA locations. Wastebed B is along the southwestern shoreline of Onondaga Lake and Wastebeds 1-8 are north of the New York State Fairgrounds and I-690. Wastebeds 9-15 are located southwest of the Route 695 – I-690 Interchange.

All 16 wastebed locations were assessed based on potential impacts on the local community, accessibility, estimated capacity, current and potential future reuse opportunities, and geotechnical feasibility. The details of this assessment, which are presented in the Onondaga Lake SCA Siting Evaluation (Parsons, 2006b), are summarized below.

The assessment identifies Wastebed 13 as the preferred location for the Onondaga Lake Bottom Site SCA for the following reasons:

- Easily accessible by truck and sediment slurry piping along Ninemile Creek from Onondaga Lake.
- Sufficient capacity for lake sediments.
- Requires minimal or no increase to the perimeter dike height.
- Most recent wastebed constructed and expanded following stringent specifications and quality assurance/quality control procedures.
- Some or all of the natural vegetative visual barriers can remain around the site.

- Less construction time, traffic, and noise in local communities.
- Smallest potential for community disruptions.
- Potential opportunities for reuse and redevelopment following capping of the SCA.

Wastebeds B, 1-8, 9-11, 12, 14, and 15 were not recommended for the following reasons:

- Wastebed B and Wastebed 15 - These wastebeds do not have sufficient capacity for the estimated amount of dredged lake sediments.
- Wastebeds 1-8 - Their topography would not meet SCA construction requirements.
- Wastebeds 9-11 and 14 - These wastebeds have a slightly higher likelihood of potential community impacts due to their proximity to public facilities, such as golf courses, parks, and the State Fairgrounds.
- Wastebeds 9-11 - These wastebeds would require higher dikes and result in associated potential construction related impacts and the right-of-way for the power transmission lines poses construction challenges.
- Wastebed 14 - This wastebed is smaller in capacity than Wastebed 13.
- Wastebed 12 - This wastebed would require increasing its dike height, which would lengthen construction schedules and increase truck traffic on local roads.

NYSDEC and EPA agree with Honeywell's recommended selection of Wastebed 13 for the SCA included in the assessment. NYSDEC will oversee the design and construction of the SCA, the transport of the sediment from the lake bottom to the SCA, and the covering (capping) of the site. Inspections of the cap that is constructed on the SCA will be performed quarterly. NYSDEC is committed to working with the community and Honeywell on a plan for reuse of the land after completion of the project.

Throughout the project, the air will be monitored for any odors or emissions. If any odors or emissions occur, they will be controlled to minimize effects on the local community. No odors or emissions are expected once the SCA is covered (capped) after the cleanup is completed. The cap will be designed pursuant to applicable regulations and guidance and the sediment will be contained beneath the cap.

SUMMARY OF PUBLIC COMMENTS

During the public comment period, a total of twenty comment letters were received (mail/fax/or e-mail) and fifteen individuals provided oral comments during the public meeting. The majority of the comments were supportive.

Many comments that were received during this comment period were not specific to the Consent Decree, draft ESD, or draft SCA Siting Evaluation but instead related to individuals' thoughts or concerns regarding the remedy selected in the July 2005 Onondaga Lake ROD. These comments relate to matters outside the scope of the present comment period on the Consent Decree, the draft Explanation of Significant Difference (ESD), and the draft SCA Siting Evaluation.

Specifically, the selected remedy described in the ROD was chosen after an extensive review process by NYSDEC and EPA, including EPA's National Remedy Review Board, and after public comment periods spanning in excess of 120 days. The selected remedy is protective of public health and the environment. The present comment period provides for the opportunity for public comment on the terms and conditions under which Honeywell will implement the selected remedy, as modified by the ESD. The present comment period on the Consent Decree, the draft ESD, and the draft SCA Siting Evaluation is not a new opportunity to comment on the remedy itself, except within the context of the draft ESD or the draft SCA Siting Evaluation.

Notwithstanding these comments being outside the scope of the matters subject to this comment period (i.e. the terms and conditions under which Honeywell will implement the selected remedy, the draft ESD or the draft SCA Siting Evaluation), the NYSDEC provides responses in the Comment and Response Index (Attachment 1) as part of its continuing commitment to be responsive to the public regarding comments and questions regarding the remedial program for Onondaga Lake. The following list provides several examples of comments and questions received regarding the remedy:

- What will happen if the remedy fails?
- A baseline monitoring program should begin immediately.
- How will the success of the remedy be measured?
- Onondaga Lake should have educational signage at popular access points.
- The data used to develop the plan was inadequate.
- The remedy should establish a cold water fishery.
- The remedy should be protective of newly found endangered plant species.
- Will degradation of the barrier wall have a detrimental impact on the lake?
- The remedy should provide for plant free zones for boating.
- Underwater obstructions to navigation should be removed or marked.

With respect to comments received associated with the specific content of the proposed Consent Decree, and documents relating to the draft ESD and siting of the SCA, the following list provides several examples of individual comments or questions received:

- Public involvement in the remediation process is needed.
- Further information and clarification of the draft ESD is needed.
- Clarification of various issues in the proposed Consent Decree is needed.
- The draft ESD is a fundamental change of the ROD.
- With respect to the draft ESD, little effort was put into developing alternatives that would preserve lake surface area.
- With respect to the draft ESD, other alternatives for removing NAPL on the land side of barrier wall should have been evaluated.
- Honeywell's financial assurance requirements should be strengthened.
- Elevated levels of methylmercury may be discharged from the WTP.
- The mercury effluent limit of 0.2ug/L may need to be modified.
- The SCA should be placed in the lake or along the shoreline.
- The timing of the ROD is suspect and the settlement was politically motivated.

- The barrier wall should include a natural shoreline.

LIST OF REFERENCES USED IN RESPONSIVENESS SUMMARY

Effler. 1996. Limnological and Engineering Analysis of a Polluted Urban Lake, Prelude to Environmental Management of Onondaga Lake, New York. S.W. Effler (ed). Springer-Verlag, New York, NY.

NYSDEC. 2004. Onondaga Lake Bottom Subsite of the Onondaga Lake Superfund Site Proposed Plan. November 29.

NYSDEC. 2006. Proposed Consent Decree between the State of New York and Honeywell International Inc. for the Remedial Design and Remedial Action for the Onondaga Lake Bottom Subsite. Index No. 89-CV-815. October 2006

NYSDEC and USEPA. 2005. Record of Decision and Responsiveness Summary for the Onondaga Lake Bottom Subsite of the Onondaga Lake Superfund Site. July.

NYSDEC and USEPA. 2006. Explanation of Significant Differences for the Onondaga Lake Bottom Subsite of the Onondaga Lake Superfund Site. December 14, 2006.

Parsons. 2004. Onondaga Lake Feasibility Study Report. Draft Final. Prepared by Parsons, Liverpool, NY in association with Anchor Environmental and Exponent for Honeywell. November.

Parsons. 2006a. Onondaga Lake: Technical Support Document for Explanation of Significant Differences. Prepared by Parsons for Honeywell. August.

Parsons. 2006b. Onondaga Lake Sediment Consolidation Area Siting Evaluation. Prepared by Parsons for Honeywell. September.

Parsons and O'Brien & Gere. 2006. Onondaga Lake Pre-Design Investigation: Phase II Work Plan – Addendum 5 Water Treatability, Effluent Elutrient, Odors and Column Settling Testing. Prepared by Parsons and O'Brien & Gere for Honeywell. December 12, 2006.

TAMS. 2002a. Onondaga Lake Baseline Ecological Risk Assessment. Original document prepared by Exponent, Bellevue, Washington, for Honeywell, East Syracuse, New York. Revision prepared by TAMS, New York, New York and YEC, Valley Cottage, New York, for New York State Department of Environmental Conservation, Albany, New York. December.

TAMS. 2002b. Onondaga Lake Human Health Risk Assessment. Original document prepared by Exponent, Bellevue, Washington, for Honeywell, East Syracuse, New York. Revision prepared by TAMS, New York, New York and YEC, Valley Cottage, New York, for New York State Department of Environmental Conservation, Albany, New York. December.

TAMS. 2002c. Onondaga Lake Remedial Investigation. Original document prepared by Exponent, Bellevue, Washington, for Honeywell, East Syracuse, New York. Revision prepared by TAMS, New York, New York and YEC, Valley Cottage, New York, for New York State Department of Environmental Conservation, Albany, New York. December.

**RS Table 1 – Onondaga Lake Consent Decree, ESD, and SCA Siting Responsiveness
Summary, Comment Directory**

Letter Code	Last Name	First Name	Affiliation	Date Submitted	Form Submitted	Individual Comments
Onondaga Nation						
N-1	Amato	Christopher A.	General Counsel for Onondaga Nation	11/13/06	Written	N-1.1 – N-1.6
N-2	Heath, Esq.	Joseph J.	General Counsel for Onondaga Nation	11/13/06	Written	N-2.1 – N-2.12
Regional						
R-1	Davis	Irwin L.	President, Metropolitan Development Association of Syracuse & Central New York Inc.	11/10/06	Written	R-1.1 – R-1.2
R-2	Pirro	Nicholas J.	County Executive, Onondaga County	11/9/06	Written	R-2.1 – R-2.11
Local						
L-1	Coogan	Mary Ann	Supervisor, Town of Camillus	11/9/06	Written	L-1.1 – L-1.3
L-2	Ward and Kochan	Marlene and Nicholas R.	Mayor and Village Trustee, Village of Liverpool	11/8/06	Written	L-2.1 – L-2.5
L-3	Warner	Deborah S.	Director of Government Affairs, Greater Syracuse Chamber of Commerce	11/10/06	Written	L-3.1
Groups and Associations						
G-1	Glance	Dereth	Program Director, Citizens Campaign for the Environment	11/13/06	Written	G-1.1 – G-1.6
G-2	Michalenko	Edward M.	President, Onondaga Environmental Institute	11/13/06	Written	G-2.1 – G-2.6
G-3	Monostory	Les	President, Onondaga County Federation of Sportsmen's Clubs	11/12/06	Written	G-3.1 – G-3.4
G-4	Plumley	Peter W.	Milton J. Rubenstein Museum of Science & Technology and Syracuse University	11/13/06	Written	G-4.1

**RS Table 1 – Onondaga Lake Consent Decree, ESD, and SCA Siting Responsiveness
Summary, Comment Directory**

Letter Code	Last Name	First Name	Affiliation	Date Submitted	Form Submitted	Individual Comments
G-5	Sage	Samuel H.	President, Atlantic States Legal Foundation, Inc.	11/13/06	Written	G-5.1 – G-5.14
G-6	Sweet	Carol	President, Friends of Historic Onondaga Lake	11/8/06	Written	G-6.1
Public Comments						
P-1	Breuer	James V.		11/7/06	Written	P-1.1
P-2	Carr	Edna		10/19/06	E-mail	P-2.1
P-3	Francis	Joseph		10/20/06	E-mail	P-3.1
P-4	Harris	Wendy		11/13/06	Written	P-4.1 – P-4.4
P-5	Lovejoy	Donald		11/5/06	E-mail	P-5.1 – P-5.2
P-6	Rockcastle	Verne N.		10/20/06	E-mail	P-6.1
P-7	Walker	Bob		11/13/06	E-mail	P-7.1
Oral Comments (from pages 28 through 70 of the 10/19/06 public meeting transcript)						
O-1	Czaplicki	Bob	Supervisor, Town of Geddes	10/19/06	Spoken	O-1.1
O-2	Farrell	Jim	Onondaga County Legislator	10/19/06	Spoken	O-2.1
O-3	Freedman	Jeff	Onondaga Yacht Club	10/19/06	Spoken	O-3.1 – O-3.7
O-4	Pease	Bill	Onondaga Yacht Club	10/19/06	Spoken	O-4.1
O-5	Joyal	Thane	Onondaga Nation	10/19/06	Spoken	O-5.1 – O-5.4
O-6	Hammond	Susan		10/19/06	Spoken	O-6.1 – O-6.3
O-7	Mossotti	Sherri		10/19/06	Spoken	O-7.1
O-8	Campbell	Bryan		10/19/06	Spoken	O-8.1 – O-8.2
O-9	Cunningham	Erin		10/19/06	Spoken	O-9.1
O-10	Furlong, Ms.			10/19/06	Spoken	O-10.1
O-11	Andrews	Russ		10/19/06	Spoken	O-11.1

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Summary, Comment Directory**

Letter Code	Last Name	First Name	Affiliation	Date Submitted	Form Submitted	Individual Comments
O-12	Brown	Terry	O'Brien & Gere Engineers	10/19/06	Spoken	O-12.1 – O-12.2
O-13	Speer	Lindsay		10/19/06	Spoken	O-13.1 – O-13.3
O-14	O'Leary	Bob		10/19/06	Spoken	O-14.1 – O-14.2
O-15	Cleary-Hammarstedt	Casey		10/19/06	Spoken	O-15.1 – O-15.5