

Also, see response to Question # 1.

**2. Please provide all of the supporting technical data, documentation, reports, correspondence, and evaluations that were conducted to determine that the proposed new remedy is the appropriate remedy for SMU 2 and SMU 1.**

These documents include the following:

- Causeway DNAPL Investigation Work Plan, April 2006\*\*
- Summary of the Proposed Explanation of Significant Differences, August 2006\*\*\*
- Technical Support Document for Explanation of Significant Differences, August 2006\*\*\*
- Contaminated Sediment Remediation Guidance for Hazardous Waste Sites, December 2005, <http://www.epa.gov/superfund/resources/sediment/guidance.htm>

**3. Please provide copies of any technical documents (e.g., reports, memoranda, etc.) that accompanied such a re-evaluation of FS alternatives if it occurred.**

No documents relative to this issue were developed. See response to Question # 3.

**4. The geotechnical document provided to the Nation appears to be a summary (Parsons 2006, Attachment B). If there are more detailed technical reports on the stability analysis and accompanying data, they should be made available to the Nation.**

- Response: See response to Request # 2.

**5. Please provide all documents, memoranda, reports, data, etc. pertaining to analysis of the confining clay layer and predictions of the volume of residual NAPL left in the subsurface after completion of pumping.**

Response: The work plans for the investigations to delineate NAPLs in the causeway area are as follows:

- The final Work Plan and Sampling and Analysis Plan (SAP) for the borings collected during Phase 1 of the PDI in fall 2005 were issued on September 1, 2005.\*\* See the SMU 2 section of these reports. This work included 20 approximately 40-ft borings in front of the causeway in SMU 2 (OL-STA-20001 through 20015, 20019 through 20023).
- The final Work Plan for the Willis-Semet Causeway DNAPL Investigation for the borings collected during Phase 2 of the PDI in spring 2006 was issued on April 7, 2006.\*\* This included 41 borings to various depths (33 borings typically to 35 to 40 ft and the eight deep borings to till, as discussed in response to Question 9) in front of the causeway in SMU 2 and just east of the causeway in SMU 1 (OL-STA-20024 through 20032,

20034 through 20058, and 20060 through 20066).

The final location of all borings collected in this area during Phases 1 (2005) and 2 (2006) of the PDI are shown on Figure 3 of the proposed ESD\*\*\* and Figure 1 of the TSD\*\*\*. The logs for these borings are contained in Attachment A of the TSD. The volume of residual NAPL can not be determined at this time. Residual NAPL will be effectively contained by the barrier wall and groundwater collection system. See also the response to Question 25.

**6. Please provide data and technical documentation related to how the proposed new remedy will address contamination in the dissolved phase.**

Please see response to Question 10.

**7. Please provide detailed technical documentation regarding the estimates of NAPL and NAPL contaminants in the sediments and subsurface at SMU 2 and SMU 1.**

Response: See response to Question 12. The FS report, ROD, proposed ESD and TSD previously have been provided to the Nation. The "pooled NAPLs" were observed by the on-site geologists as "saturated" layers or continuous seams which could be found at similar depths and/or horizons (e.g., the contact between Solvay waste and marl) in adjacent cores. These "pooled NAPLs" in the causeway area are in contrast to the NAPLs in the ILWD in SMUs 1 and 2 that are primarily distributed weathered NAPLs, consisting of disconnected globules and/or isolated stringers.

This distinction was used to classify each boring location as shown by the yellow and white symbols on proposed ESD Figure 3 and TSD Figure 1. The line depicting the extent of pooled NAPL was drawn based on this classification. The area in SMU 1 and SMU 2 behind this line and the proposed barrier wall is approximately 2 acres. Based on an average thickness of pooled NAPLs of 1.6 feet, the pooled NAPL volume was estimated to be approximately 5,000 cy. This is a conservative estimate as it assumes that pooled NAPLs are present across the entire 2-acre area that would be contained by the barrier wall.

The final location of all borings collected in this area during Phases 1 (2005) and 2 (2006) of the PDI are shown on Figure 3 of the proposed ESD and Figure 1 of the TSD. The logs for these borings are contained in Attachment A of the TSD.

Also, see response to Request # 3.

**8. Please provide all documentation describing how the NAPL extent was delineated.**

Response: Please see the response to Request # 7.

**9. Please provide the technical documentation and data used to make [the NAPL**

determinations referenced in questions 18-21].

Response: The logs for the borings collected in 2005 and 2006 that were used to make these determinations are contained in Attachment A of the TSD.

**10. Please provide copies of all data collected during the pre-design stage pertaining to the permeability of the marl unit. Pumping data, or the technical reasoning to proceed with the pre-design stage without it, should also be provided.**

Response: No permeability testing with respect to the permeability of the marl unit was conducted during the pre-design stage. Also, see responses to Questions # 18 and 19.

**11. Please provide all documents concerning or relating to the effectiveness of the extraction wells and an explanation of the design of the extraction well system.**

Response: The design of the NAPL recovery system (including the identification of the appropriate well locations) will include an evaluation of the existing NAPL recovery system as well as the NAPL delineation data that were collected during the Fall of 2005 and the Spring of 2006.

NAPL recovery is expected to be effective based on the successful removal of NAPLs by the existing NAPL recovery system. The system's effectiveness at NAPL recovery will be evaluated during the operation of the system. If necessary, the design and /or operation of the NAPL recovery system will be modified to improve effectiveness.

**JOSEPH J. HEATH**  
ATTORNEY AT LAW  
716 EAST WASHINGTON STREET  
SUITE 104  
SYRACUSE, NEW YORK 13210-1502  
315-475-2559  
Facsimile  
315-475-2465

November 13, 2006

**VIA FACSIMILE and FIRST CLASS MAIL**

Mr. Timothy Larson, P.E.  
Onondaga Lake Superfund Site - Public Comments  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233-7016

**RE: Proposed Consent Decree 89-CV-815**  
**State of New York v. Honeywell International, Inc.**

Dear Mr. Larson:

I am writing on behalf of the Onondaga Nation, for whom I am General Counsel, to express the Nation's deep and continuing regret at the failure of New York State (the State") to seriously consider or respond to the issues we have raised with respect to the remedy proposed in the Record of Decision issued in July of 2005 for the Onondaga Lake Bottom Subsite of the Onondaga Lake Superfund Site ("the ROD"). While honest differences of opinion may certainly arise with respect to such a complex site, the New York State Department of Conservation ("NYSDEC") has disregarded the Onondaga Nation's legitimate, deeply held spiritual and cultural interests with respect to Onondaga Lake. **1**

Although the proposed consent decree enumerates the steps take by the State in order to ensure compliance with the court's schedule and the applicable statutory requirements, we note that the State and the U.S. Environmental Protection Agency have used the court's schedule as an excuse to evade their responsibility to consult with and take into account the comments and concerns of the Onondaga Nation with respect to this matter. **2**

We urge the NYSDEC to reevaluate its position with respect to the Nation prior to submitting its final consent decree implementing the ROD to Judge Scullin for his approval. As you know, Judge Scullin may not approve this document if he determines that it is not in the public interest and consistent with the National Contingency Plan. It is the Onondaga Nation's position that the public interest includes the Nation's legitimate concerns about respecting the spiritual importance of the Lake by restoring its ecological integrity. At a **3**

- 4** minimum, as discussed in detail below, we urge New York State to require the defendant Honeywell International ("Honeywell") to provide copies of all documents produced under this consent decree to both the U.S. Environmental Protection Agency and to the Onondaga Nation, as a means of improving communication and facilitating consultation with the Nation.

We continue to assert that the ROD is fatally flawed, and we wish to call to your attention several serious issues in your proposed consent decree which, if not resolved, will seriously interfere with any clean up undertaken.

- 5** **Financial Assurance, Paragraphs 68-73.**

There is no credible reason for New York State to defer the requirement that Honeywell International provide financial assurance for the cleanup. To wait until the State, by some unspecified mechanism, divines that financial instability threatens Honeywell's ability to complete the actions required by the consent decree is inconsistent with CERCLA and the National Contingency Plan. The time to assure financial ability to complete the remedy is at the time when financial stability is present. Rather than making the bald assertion that the State "has no reason to doubt" that Honeywell has the resources to complete the cleanup, the consent decree should state, if true, that Honeywell meets the financial test set forth at 40 CFR 264.143(f), that Honeywell will evaluate its financial situation quarterly and shall certify to the State that it continues to meet such test, or, if it cannot so certify, shall immediately secure financial assurance in one of the listed forms, consistent with the requirements of 40 CFR 264.143.

- 6** **Communications, Paragraph 82 and 84.**

We note that paragraph 84 the proposed consent decree requires that copies of documents subject to State approval be submitted to the document repositories and to this office. The Onondaga Nation recognizes the importance of its role as a consulting party with respect to Onondaga Lake pursuant to both CERCLA and §106 of the National Historic Preservation Act. Therefore we request, as an aid to consultation and effective participation, that this office be included in the list contained in paragraph 82 rather than the paragraph 84 list so that we may timely be advised of significant issues related to the cleanup.

- 7** **Stipulated Penalties, Paragraphs 56.**

We do not understand why the penalties stipulated in paragraph 56 do not escalate to



TIMOTHY LARSON, P.E.  
 November 13, 2008  
 Re: CONSENT DECREE ON LAKE BOTTOM ROD  
 Page 3

the statutory maximum in the event of extreme delays in performance, for example for noncompliance for periods exceeding 45 days. Noncompliance of this magnitude would be too serious to warrant anything less.

**Force Majeure, Paragraph 57.**

8

It is critical to delete the parenthetical "(including prohibitively severe or extraordinary weather conditions which materially interfere with implementation of the Remedial Program)". This phrase obscures and makes unclear what is meant by an "event beyond the control of Honeywell or its agents in carrying out Honeywell's obligations under this Consent Decree which cannot be overcome by their due diligence" and suggests that weather is in some way subject to a lesser standard than "due diligence." Who decides what is prohibitively severe or extraordinary? What is material interference as opposed to immaterial interference?

**Citizen Participation, Subparagraphs 29 H and paragraph 93**

9

It is not sufficient to require Honeywell to merely provide information to the public. Rather, it is critical that Honeywell also prepare a citizen participation plan that contains clear guidelines for incorporating citizen input into remedial design and monitoring plans. Glossy informational materials and expensive meeting locations are no substitute for frank consideration of alternative viewpoints and information, and incorporation of those inputs into the final plan.

**Remedial Design Contents, Paragraph 29**

10

Item vi in Paragraph 29 requires Honeywell to include within its remedial design report "monitoring which integrates needs that are present on-site and off-site during and subsequent to the implementation of the selected remedial alternative." In light of the critical importance of monitoring not only to the remedial design process, but to the ultimate ability to ascertain attainment of the remediation, the vagueness of this language leaves room for multiple interpretations which could lead to problems with enforceability. What kind of "needs" are to be monitored? Who decides what these "needs" are? What does it mean to "integrate" "needs"? What standards apply to the selection of monitoring approaches? For how long "subsequent" to implementation must monitoring continue? Who will decide?

The Onondaga Nation has previously noted that the lack of clearly articulated remedial goals is the most serious flaw in the ROD. To the extent that the effectiveness of

the remedy is to be ascertained in any meaningful way, pre-implementation monitoring of relevant parameters, including food chain monitoring of mercury and other toxic compounds should be included as a substantial component of the remedial design. This language should be revised to be more specific about the role that monitoring is to play in the remedial design process.

**11 Remedial Design Work Plan, Paragraph 24**

Paragraph 24 contains several references to "the Site" which is not elsewhere defined in this Consent Decree. In subparagraph D, for example, the Remedial Design Work Plan is required to include "a plan to secure physical security and posting of the Site." Which site is referred to? The Onondaga Lake Superfund Site? The Lake Bottom Subsite as referenced in paragraph 4? Subparagraphs E and F are similarly vague, and therefore the enforceability of these provisions is doubtful. This language should be revised.

**Conclusion**

**12** The Onondaga Nation continues to oppose the implementation of the remedy contained in the ROD, which is to be memorialized by this proposed Consent Decree. The plan itself, and thereby the Consent Decree are together inadequate. It is inappropriate for the NYSDEC to sanction a plan that will leave dangerous, carcinogenic, and highly mobile chemicals and heavy metals in Onondaga Lake.

The levels of these dangerous and carcinogenic toxins which will be left if this Consent Decree is entered will exceed the agency's own "safe" levels. In the final analysis, the Lake will remain a Superfund site after this remedial action. This plan is not in the public interest, nor is it consistent with the National Contingency Plan. The consent decree should not be entered.

Sincerely,



Joseph J. Heath

cc: Onondaga Nation Council of Chiefs  
Christopher A. Amato, Esq.

TIMOTHY LARSON, P.E.  
November 13, 2006  
Re: CONSENT DECREE ON LAKE BOTTOM ROD  
Page 5

Denise M. Sheehan, Commissioner, New York State DEC  
Kenneth Lynch, Regional Director, New York State DEC  
Alan J. Steinberg, Regional Director, U.S. EPA Region 2



# MDA

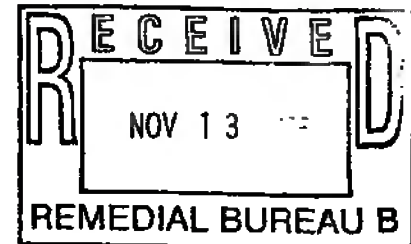
R-1

**METROPOLITAN DEVELOPMENT ASSOCIATION OF SYRACUSE & CENTRAL NEW YORK INC.**

DR. KENNETH A. SHAW • CHAIRMAN  
IRWIN L. DAVIS • PRESIDENT & CEO

STEPHEN A. ROGERS • VICE CHAIRMAN  
ROBERT U. ROBERTS • VICE CHAIRMAN

November 10, 2006



Mr. Timothy Larson, P.E.  
Project Manager  
Onondaga Lake Superfund Site – Public Comments  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233-7016

Dear Mr. Larson:

On behalf of the officers, directors and members of the Metropolitan Development Association of Syracuse & Central New York (MDA), I write in support of the draft Consent Decree for the Onondaga Lake Bottom Site (#7-34-030). 1

The MDA, representing the business leadership of the Central Upstate New York region has long had a strong interest in restoring Onondaga Lake.

From advocating for federal and state clean-up funds, to carrying out a comprehensive master plan for the lake and environs, to dedicating staff to participate on the Onondaga Lake Partnership, the MDA has for many years devoted its time and resources toward transforming Onondaga Lake into a true regional asset.

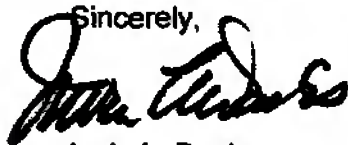
In this regard, we believe the Department's draft Consent Decree with Honeywell International will significantly advance this transformation by comprehensively addressing contaminated sediments in the lake; thereby generating substantial economic, tourism and recreational benefits.

From the perspective of the region's business leadership, the remedy being proposed and the resources being committed are appropriate and reasonable given the extent and complexity of the problem.

Nor should the public and interested parties lose sight of the fact that the Consent Decree is the result of many years of effort by world-class scientists, engineers and technicians, with involvement by professionals and agencies whose mission it is to protect the environment and public health.

- 2** Finally, the MDA would like to go on record calling for action and not more studies and delay. With a sound plan and almost \$500 million committed to clean-up activities, the time has come to begin the task at hand.

Sincerely,

A handwritten signature in black ink, appearing to read "Irwin L. Davis". The signature is written in a cursive, flowing style.

Irwin L. Davis  
President  
Metropolitan Development Association



R-2

COUNTY OF ONONDAGA  
**OFFICE OF THE COUNTY EXECUTIVE**

NICHOLAS J. PIRRO  
COUNTY EXECUTIVE

EDWARD KOCHIAN  
DEPUTY COUNTY EXECUTIVE

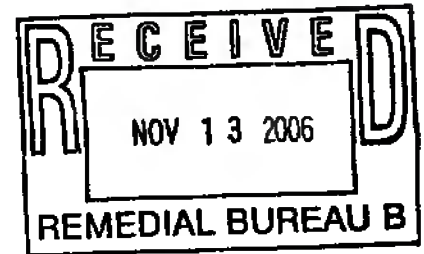
SUSAN J. TORMEY  
EXECUTIVE COMMUNICATIONS DIRECTOR

JOHN H. MULROY CIVIC CENTER  
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SYRACUSE, NEW YORK 13202-2995  
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JAMES A. ALBANESE  
ADMINISTRATOR - PHYSICAL SERVICES  
LYNN SHEPARD SCOTT  
ADMINISTRATOR - HUMAN SERVICES  
COLLEEN A. GUNNIP  
RESEARCH & COMMUNICATIONS OFFICER

November 9, 2006

Mr. Timothy Larson, P.E.  
Onondaga Lake Superfund Site – Public Comments  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233-7016



Dear Mr. Larson:

As stated in the testimony I presented at the DEC's public hearing on the Onondaga Lake Bottom ROD back on January 12, 2005, it is time to move forward with remediation of the industrial side of the lake restoration equation. The plan proposed by the State is substantial and aggressive. It is not perfect, and there still exists a measure of uncertainty with regard to a number of the concerns I raised at the 2005 public hearing. However, it is time to proceed with the cleanup, and I consider the agreement to implement the plan by Honeywell as an important and significant step forward. **1**

Five key issues raised in my 2005 testimony included: 1) schedule, 2) long-term financial assurances, 3) institutional controls, 4) the sediment consolidation area, and 5) monitoring to measure remedy effectiveness. The Consent Decree speaks to the first two of these concerns: schedule and long-term financial assurances. While I would not necessarily expect the Consent Decree to address the other three concerns (which at this point will probably have to be addressed during the design process), I will point out that there still exists an uncomfortable level of uncertainty as to how satisfactorily these concerns will be addressed. Consequently, it is essential that the County continue to play an integral role in the review and evaluation of critical documents that will guide the further development and implementation of this effort, such as the Remedial Design Work Plan and Remedial Design. **2**

**Schedule**

With respect to the issue of schedule, implementation of the ROD is a major undertaking and, while disappointing, it is not surprising to the County that the State and Honeywell now expect it to take nearly a decade to complete. The Consent Decree refers to a "schedule" that will be developed as part of the Remedial Design and spells out stipulated penalties that can be imposed if whatever schedule is developed is not met. Yet the Consent Decree does not require any major **3**

or minor milestones around which penalties can be imposed. Absent a requirement for milestones in the Consent Decree, it is not clear to the County how the State can require milestones and associated stipulated penalties to ensure that implementation of the ROD will proceed as anticipated. This appears to be a weak point in the Consent Decree.

#### **4 Financial Assurance**

In light of well documented recent history of problematic disclosure statements, the financial assurance provisions of the proposed Consent Decree would seem to afford little actual security that the required funds to implement, monitor and repair or replace remedial elements if and when necessary will be available. While there is no reason to question the integrity of Honeywell's financial disclosures and current financial strength, it would seem prudent to insist on obtaining clear evidence and disclosure of the actual plans and mechanisms for financing this substantial obligation. The bottom line with respect to this concern is that the State must provide absolute assurance that responsibility for completion, repair or replacement of the remedies called for in the ROD do not fall back on the taxpayers of Onondaga County.

Beyond these two issues that I raised in my 2005 testimony, there are a number of other issues and/or questions that need to be raised at this time.

#### **5 Natural Resource Damages**

The County notes that Natural Resource Damages (NRDs) are not addressed as part of the Consent Decree. Please explain the relationship between the Consent Decree and NRDs.

#### **6 Material Expansion of Scope of Remedy**

Under the section of the Consent Decree dealing with modification of the remedial program (paragraph 36), it is not clear what will happen under a worst case scenario, where some major element or elements within the ROD or Remedial Design are found not to work. For example, what if it is found that monitored natural recovery within the profundal zone proves to be an inadequate remedy with respect to mercury cycling from the sediments? Based on the language in the Consent Decree it appears that Honeywell could declare that some alternative or additional remedy is beyond the scope of, or materially expands the remedy selected in the ROD. Under such a scenario, how can or would the State pursue further remedial action with Honeywell?

#### **7 Monthly Progress Reports**

The County thinks that the requirement for written monthly progress reports in the Consent Decree is important. Because the County has played and will continue to play such an integral role in the restoration of the lake, the County should be included in the list of document recipients noted in the Consent Decree.

#### **8 State Monitor**

It is unclear to the County why there are no provisions in the Consent Decree for Honeywell to pay the cost of a dedicated State Monitor or Monitors to track progress and provide critical review of document submittals. The County pays the cost of two State Monitors to oversee implementation of the Amended Consent Judgment (ACJ). Implementation of the ROD will require no less oversight by the State than the ACJ. Why are there no provisions for State Monitors in the Consent Decree?

**Statement of Work (SOW) Appendix C**

9

Given the material that Honeywell will be treating, at the proposed Water Treatment Plant (WTP), the WTP facility has the potential to encounter elevated concentrations of mercury containing a significantly higher percentage of methyl mercury. Depending on the actual discharge volumes and concentrations, the methyl mercury fraction could represent a very large methyl mercury point source.

In order to enable any future modification of the proposed mercury related permit effluent limit for the WTP to be addressed through the modification provisions of paragraphs 36 and 37 of the Proposed Decree the NYSDEC should ensure that Honeywell is fully aware that the facility may not be subject to a fixed limit of 0.2 ug/l (200 ppt) for the entire life of the facility, and that the State reserves its right to modify that limit if circumstances warrant such a modification.

10

The only way to be certain whether circumstances in fact warrant such a modification would be to explicitly require low level mercury and methylmercury monitoring of the Honeywell WTP.

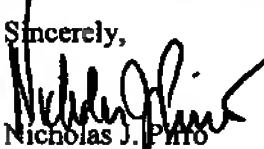
**Monitoring**

11

Measuring the extent to which this remediation effort is successful is fundamental to the overall restoration of the lake. In my 2005 testimony I requested that monitoring for the establishment of a reliable pre-construction or baseline database against which success can be measured begin immediately. It is the County's perception that the extensive sampling program that has been taking place until now has been largely aimed at addressing design issues and estimating costs as opposed to establishing baseline conditions. Please speak to this concern. I would also reiterate here that development of the post-construction monitoring program must involve the County and other appropriate stakeholders.

Thank you for the opportunity to comment on the Lake Bottom Consent Decree. I look forward to your response to the issues and questions I have raised above.

Sincerely,

  
Nicholas J. Pinto  
County Executive



*Office of the Supervisor*

TOWN OF CAMILLUS  
4600 WEST GENESEE STREET  
SYRACUSE, NEW YORK 13219

L-1

MARY ANN COOGAN  
SUPERVISOR

PHONE: (315) 488-1335  
FAX: (315) 488-8768  
mccoogan@townofcamillus.com

November 9, 2006

Mr. Timothy Larsen, P.E.  
Project Manager, NYSDEC  
625 Broadway, 12<sup>th</sup> Floor  
Albany, New York 12233-7016

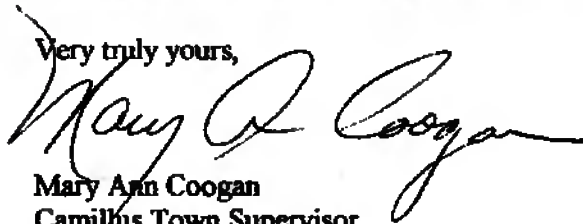
Dear Mr. Larsen:

The Town of Camillus is writing to comment on the use of Wastebed 13 for the Onondaga Lake Bottom Sediment Consolidation Area. As you undoubtedly know Wastebed 13 is in the Town of Camillus.

The Town of Camillus offered a large number of comments relative to this proposal and most were deferred to the design phase of the project which is apparently about to commence. We still believe that the SCA should be in the water or on the lakeshore but it appears that Wastebed 13 is the area selected by the lengthy process recently completed between Honeywell and DEC. 1

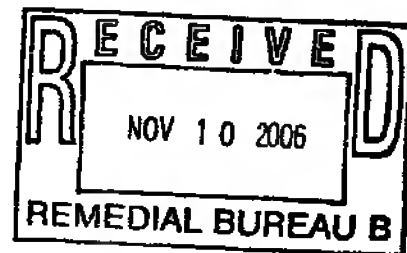
It is not our purpose in writing to simply restate the comments which are already part of the public record. We are prepared to play an active role in the design review phase to develop a project which our residents can be assured of no environmental impacts on their lives from this project. One point of emphasis is that the westerly extent of the SCA should be set back from the westerly berm of Wastebed 13 by at least 500 feet to provide a visual and noise buffer, and to provide a contingency response area in the event of a spill, leak, or other problem with the SCA. This issue is extremely important to us. 2  
3

Very truly yours,



Mary Ann Coogan  
Camillus Town Supervisor

CC: Ken Lynch  
Town Board  
Dirk J. Oudemool



# The Village of Liverpool



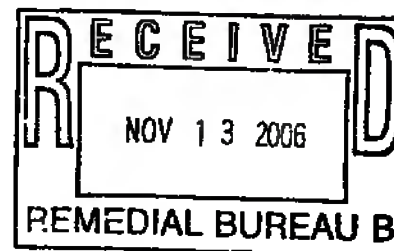
310 Sycamore Street  
Liverpool, NY 13088-4943

[www.villageofliverpool.org](http://www.villageofliverpool.org)

L-2

(315) 457-3441  
Fax (315) 457-5119

November 8, 2006



Mr. Tim Larson, PE  
Project Manager  
Onondaga Lake Superfund Site-Public Comments  
New York State Department of Environmental Protection  
625 Broadway  
Albany, NY 12233-7016

Dear Mr. Larson:

As Mayor and Trustee of the Village of Liverpool, we support the Onondaga Lake Clean-up program approved by the New York State Department of Environmental Conservation (NYSDEC). The Village supports the next phase of the Honeywell remediation project.

After decades of neglect, meaningful steps towards a long-term solution are long overdue. As a lakeside community, Liverpool has suffered for years as the lake was abused and neglected. The most recent improvements in the lake water quality have created an atmosphere of excitement and anticipation as manifested in the attractions that are being brought to Onondaga Lake.


Onondaga Lake Park has consistently attracted over one million visitors annually and next year will see several new events. The improved fishery habitat will bring the Elite Bass Master Tournament to the Lake and we are in consideration for other fishing derbies. We never could have imagined this type of eco-tourism a few short years ago, and the future of the lake will only be improved by the future investments to be made by Honeywell.

The work done to date has significantly improved the quality of the lake and the adjoining habitats. Given the scale and complexity of the problem, we must consider the possibility that some aspects of the remediation might have been overlooked or unanticipated. As we proceed along this path to remediation, we have several observations that I would like to have included in the record:


- 2 1. What will the NYSDEC use as benchmarks to measure the success of the remediation effort? As the work is done, what can we do check the progress and quantify the improvements?
- 3 2. What is the revised timetable for remediation?
- 4 3. What is the long-term plan to ensure the performance of the more technical systems? For example, will the filtration systems be monitored for effectiveness over time?
- 5 4. We strongly recommend the creation of a public oversight forum or board to make sure that the Lake is restored to the best possible level achievable.

We thank you for the opportunity to comment on the project, and we look forward to the next phase of the Onondaga Lake Project.

Very truly yours,



Marlene Ward  
Mayor

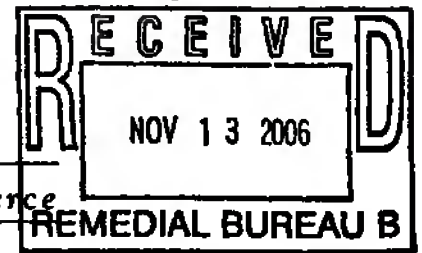


Nicholas R Kochan  
Village Trustee

# Chamber

• Communication • Collaboration • Commerce

L-3



November 10, 2006

Timothy Larson, Project Manager  
NYS Department of Environmental Conservation  
625 Broadway, 12th Floor  
Albany, NY 12233-7016

Dear Mr. Larson:

I am writing to you on behalf of the Greater Syracuse Chamber of Commerce to express our support for the recently reached agreement on the Onondaga Lake Bottom Site Clean Up Consent Decree. Onondaga Lake is a natural treasure for the City of Syracuse and all of Central New York. The progress to date with various remediations of water quality and lakeshore are encouraging to say the least. We believe that sustainable environmentally safe utilization of the lake will continue to grow in its value as a community asset and preserve it for future generations.

1

We applaud Honeywell's agreement with the Department of Environmental Conservation's recommendations and commitment to spend over \$400 million to implement the plan.

The Chamber and its more than 2200 members care about Onondaga Lake and its future. Our residents recreate and celebrate on it and its shores, enjoy its views and surrounding parkland. Increasing numbers of visitors and tourists participate in a growing number of events on the lake and in our County park.

The Lake is a critical asset for conventions and tourism. The Syracuse Convention and Visitors Bureau, a division of the Greater Syracuse Chamber of Commerce is actively marketing this venue. We see the lake as a venue that can attract tourists and events from across the nation and even beyond.

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**Greater Syracuse Chamber of Commerce**

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572 S. Salina St., Syracuse, NY 13202-3320  
Ph: 315-470-1800 Fax: 315-471-8545 [www.SyracuseChamber.com](http://www.SyracuseChamber.com) E-mail: [info@SyracuseChamber.com](mailto:info@SyracuseChamber.com)

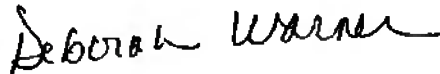
Here are some of the events that are in the works for the coming year:

- Thunder on the Lake on Father's Day weekend 2007
- ESPN B.A.S.S. major event finals, televised live in ESPN
- "Reel in the Outdoors" to be broadcast on the Outdoor Channel, with 12 universities participating
- A motor cross bike race in the Inner Harbor sponsored by Honda and Suzuki featuring a major water craft exhibition
- A USA canoe and kayak competition for 2007-8
- 2008 International Water Skiing World Championship, also to be televised

We know that the faster the water quality improves the more we can enjoy the lake and reap the benefits of having the lake within our city. Putting the agreed-upon clean up plan into action can't happen fast enough.

We enthusiastically support the plan and urge its swift enactment. Thank you for considering our position on this important project.

Sincerely,



Deborah S. Warner  
Director of Government Affairs

cc: Darlene Kerr  
David Holder  
John P. McAuliffe



**CITIZENS  
CAMPAIGN**  
FOR THE ENVIRONMENT



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- 3144 Main Street • Buffalo, NY 14214  
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- 466 Westcott Street, 2nd Floor • Syracuse, NY 13210  
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Protecting the environment and working for a healthy community.

**G-1**

November 13, 2006

Donald Hesler/Timothy Larson  
Onondaga Lake Superfund Site – Public Comment  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233-7016

[derweb@gw.dec.state.ny.us](mailto:derweb@gw.dec.state.ny.us)

**RE: Onondaga Lake Agreement**

Dear Mr. Hesler and Mr. Larson,

Citizens Campaign for the Environment (CCE) applauds both the New York State Department of Conservation (Department) and Honeywell Inc. (Honeywell), for investigating, drafting, and agreeing upon a plan to address the legacy of toxic industrial pollution in, contributing to, and surrounding Onondaga Lake. The Consent Decree is a critical document that provides the State, Honeywell, and the public further details on the extent of Honeywell's commitment to remediating Onondaga Lake, critical components to the Lake Bottom Subsite remediation plan, and opportunities for public participation. While CCE submits these comments to echo our general support for the State's preferred alternative, CCE continues to have a number of concerns that the Department should address.

*Please see CCE's Comments on the Onondaga Lake Bottom Subsite of the Onondaga Lake Superfund Site Proposed Plan, March 1 2005 for additional background available here: <http://www.citizenscampaign.org/comments/onondagacomments.htm>.*

**Comments**

1. **Extend public comment period.** CCE greatly appreciates all of the work the Department's dedicated Onondaga Lake team has worked to secure Honeywell's commitment to remediate Onondaga Lake as well as the extensive outreach activities the team participated in during the limited 30-day comment period. Activities included stakeholder meetings, public information session, public hearings, progress meeting, and individual meetings. The Department's accessibility and patience is much appreciated, however the complex technical,

1

scientific, and public policy issues surround this plan, which afford the public additional time to participate.

**Recommendation #1 CCE recommends the Department and the Court allowing additional time for the public to review, digest, and comment on this historic document.**

**2**

**2. Ensure lake bottom remediation plan transparency and citizen participation.**

It is clear that there is strong public concern and interest surrounding the remediation efforts to Onondaga Lake, most recently evidence by the strong public turnout to Onondaga Lake public meetings. Over 100 members of the public braved a stormy evening to attend the public availability session and public hearing held on the Consent Decree. Additionally, over 200 members of the public attended the 6<sup>th</sup> Annual Onondaga Lake Progress Meeting held shortly thereafter. The public must be afforded access and opportunity for continued participation in this long process.

The countless critical decisions will be made during the design and implementation/construction phases of the plan identified in the Consent Decree, may facets continue to be largely conceptual. As included in previous comments, CCE strongly believes that creating a Citizens Advisory Committee is a necessary component to ensuring the public's trust in this massive toxic removal and remediation project. Decisions, including the appropriate depths to dredge, thickness of isolation caps, construction design of a proposed hydraulic control system necessary to maintain cap effectiveness, aeration pilot study, and non-hazardous dredged material landfill or Sediment Contaminant Area (SCA) design and specific location, and scope of monitoring requirements—will be made during the Remedial Design Phase. The Remedial Design Phase is the time between the issuing of the final Record of Decision (ROD) and construction, which is expected to take about four years. While the Consent Decree requires the development of a citizen participation plan, CCE strongly believes that the overall clean up process, the public at large, as well as Honeywell and New York State will directly benefit from the establishment of an Onondaga Lake CAC. CCE continues to strongly believe that transparency and citizen participation throughout the entire process is necessary to gain community support, confidence, and acceptance.

**Recommendation #2 CCE recommends that the Department establish a Citizens Advisory Committee (CAC). CCE believes the CAC should advise, provide guidance, and support to Onondaga Lake remediation efforts. CAC members should meet on a regular basis and consider agenda items, as determined by the members. The CAC would be charged with reviewing plan implementation, providing input on design phase decisions, and receiving regular reports on Onondaga Lake remediation progress and challenges. At a minimum, the CAC should consist of members representing the Onondaga Nation, independent scientists, environmentalists, local government officials, and concerned citizens. Such CACs are well established throughout New York State and the nation and have been beneficial to government agencies, stakeholder organizations and the general public. A CAC would be an easily accessible**

stakeholder body to consult the public with any unforeseen scenarios, such as an ineffective ground water barrier or other changes. CAC members would gain a deeper technological understanding of the remediation effort and could assist in efforts to help inform the public. CCE respectfully requests consideration of membership on the CAC.

Once established, a number of items Honeywell is required to develop as a result of the Consent Decree could be further enhanced by involving the CAC, including, but not limited to:

- **Reviewing and commenting on the Remedial Design Work Plan (RDWP).** In conversations with the Department, it was understood that RDWP would be available for public review, but not necessarily comment. CCE believes that at least, the CAC, as a public body should be given an opportunity to provide comment in an open and meaningful way.
- **Review and comment on the Health and Safety Plan (HASP),** which will be developed and designed to protect workers and neighbors during remediation activities. In conversations with the Department, it was understood that the HASP would be available for public review, but the public may not necessarily be afforded and opportunity to comment on it. CCE believes that at least, the CAC, as a public body should be given the opportunity to provide comment in an open and meaningful way.
- **Review and comment on the Remedial Action Contingency Plan RACP.** Again, in conversations with the Department, it was unclear if the public would have an opportunity to review and comment on the RACP. Just as with the RDWP and HASP, CCE believes that at least, the CAC should be given an opportunity to review and comment on the RACP.
- **Review and comment on the Citizen Participation Plan.** The CAC, as well as the entire public, should be consulted in the development of an effective and meaningful Citizen Participation Plan.
- **Review and provide comments to Honeywell on monthly and quarterly reports.**

**3. Ensure upland remediation coordination and public understanding of the overall Onondaga Lake remediation process.** CCE strongly supports Atlantic States Legal Foundation's (ASLF) request for a "a detailed matrix be prepared that clearly defines all of the subsites for the Onondaga Lake Superfund Site along with the schedules, remedies, technical contact people, etc. This schedule should be incorporated by reference into the ROD for the Onondaga Lake Bottom Subsite." (ASLF 2/2005 page 3).

**Recommendation #3. CCE recommends that the Department expand upon the Matrix included in the Department's response to comments to include additional details and resources for more information.**

CCE supports the Department working with the CAC to provide assistance

in developing a Comprehensive and user-friendly visual tool to represent Onondaga Lake remediation projects and timelines.

- 4** 4. **Onondaga Lake should have signage in popular public access points to educate the public on the lake's history, current progress, and fish consumption advisories, and resources for more information, such as the Department or the Onondaga Lake Partnership (OLP).**  
**Recommendation #5** The State should require Honeywell to finance educational signage—developed by a third party—to be sited at popular public access points.
- 5** 5. **The public should have clear assurances that Honeywell will be able to fulfill their financial obligation.** CCE is pleased to hear that the state and the court have found Honeywell to be fully financially viable and that Honeywell can be expected to fulfill their financial commitment to clean up their predecessor's pollution legacy. CCE also would like to provide additional safeguards to ensure the public is not strapped with financial burden of remediating Onondaga Lake and that Honeywell is appropriately accountable as the identified responsible party. To that end, CCE offers the following recommendations.  
**Recommendation #6** In the case of any dispute over payments to the State or for the remediation effort which is raised by Honeywell, should require Honeywell to deposit the disputed figures in an escrow account until the dispute is resolved.
- 6** **Recommendation #7** If a trust fund is created, the trust fund should be administered by the State of New York and expended solely for the benefit of Onondaga Lake.

In closing, CCE believes Honeywell has demonstrated leadership as the responsible party and that the Department has negotiated a remediation plan that is restoring hope to Onondaga Lake. The Consent Decree is an important step and provides a roadmap to the process surrounding the continued development and implementation of the remediation plan. However, CCE believes it will take a dedicated and involved CAC, that complements the work by the Department, Honeywell, OLP, to ensure the public remains actively engaged our community's most important project.

Thank you for the opportunity to comment.

Sincerely,

Dereth Glance  
Program Director

Cc: Ms. Adrienne Esposito, CCE Executive Director  
Ms. Denise Sheehan, NYSDEC Commissioner  
Ms. Kathleen C. Callahan, EPA Region 2

**Honorable George Pataki, New York State Governor**  
**Honorable Elliot Spitzer, New York State Attorney General and Governor Elect**  
**Honorable John DeFrancisco, New York State Senate**  
**Honorable David Valesky, New York State Senate**  
**Honorable Joan Christiansen, New York State Assembly**  
**Honorable William Magnarelli, New York State Assembly**  
**Honorable Nicholas Pirro, Onondaga County Executive**  
**Honorable Matthew Driscoll, Mayor, City of Syracuse**  
**Honorable James Walsh, United States House of Representatives**  
**Honorable Charles Schumer, United States Senate**  
**Honorable Hillary Rodham Clinton, United States Senate**





## Onondaga Environmental Institute

102 West Division Street, 3<sup>rd</sup> Floor  
Syracuse, New York 13204

G-2

Phone (315) 472-2150  
Fax (315) 474-0537

November 13, 2006

Timothy Larson, Project Manager  
NYS Department of Environmental Conservation  
625 Broadway, 12th Floor  
Albany, NY 12233-7016

Dear Mr. Larson:

The timing of the Record of Decision (RoD) and this *Consent Decree Between the State of New York and Honeywell International, Inc.* (hereafter referred to as the Consent Decree) is suspect and leaves the public with the general perception that the settlement between the State of New York (hereafter referred to as the State) and Honeywell was politically motivated. It appears the uncertainty associated with the potentiality of the State adopting a more hard-line position toward environmental regulation under a new governor and administration may have provided both parties impetus to settle.

1

The State has no financial guarantee that Honeywell will complete the process (as identified in paragraphs 68 and 69 of the Consent Decree); one of the options in paragraph 69 should be invoked. Furthermore, the settlement value of approximately 451 million dollars seems contrived and conspicuously equals the public investment in the sewer improvement projects. The sewer improvement projects under the Amended Consent Judgement (ACJ) represent the largest public works project in Central New York to date. The same coalition of engineering firms, businesses, and organizations that designed the sewer improvement projects are likely to design and implement the sediment remediation. As with the ACJ, many view the sediment remediation of Onondaga Lake as a "make-work" project. Use of environmental programs and regulation as a tool to provide local economic aid is a cause for concern, and leaves the public impression that environmental compliance and the protection of human health and environment are secondary issues.

2

3

A critical examination of business interests and relationships among local governments, institutions, engineering firms, consultants, and Honeywell might lead one to theorize that the State and local governments were complicit with, and for the benefit of, Honeywell when signing the ACJ in order to delay and/or avoid diversion of the Syracuse Metropolitan Sewage Treatment Facility (METRO) effluent to the Seneca River. Nutrient loading promotes algal biomass in the hyper-eutrophic epilimnion of Onondaga Lake, which in turn depletes oxygen in the hypolimnion upon microbial decomposition. In effect, Onondaga Lake becomes shallow to macro-invertebrates and fish, as hypoxia confines most life forms to the upper waters and

precludes establishment, and therefore contact with contaminated sediments in the deep waters of the profundal zone. Hence, failure to adequately address in a timely manner the nutrient loading problems in Onondaga Lake has afforded the parties responsible for chemical contamination time to defer cleanup costs. The plan put forth under the RoD, and agreed to in this Consent Decree, does more of the same.

- 4 The current plan for lake bottom remediation is nebulous and fails to identify end points for restoration. Although the State identifies target cleanup criteria for sediment and presents a series of scenarios that describe sediment Mercury relationships to the water column and biota, the data sets used to support the scenarios are woefully insufficient; the data are disjointed, outdated, incomplete, and fail to establish comprehensive linkages over long periods of time. Further, the remedial investigation and the RoD fail to separate, nor quantify, the relative contributions of Mercury to the system from sediments, the METRO facility, tributaries, and atmospheric inputs. Consequently, an understanding of Mercury dynamics, and in particular methyl Mercury, in the Onondaga Lake system is lacking. Source attribution and quantitative analysis are critical to evaluating whether remedial actions are successful. Therefore, a comprehensive monitoring program, inclusive of food chain interactions, must be performed for an extensive period of time in order to establish pre-remedial conditions before implementation of the sediment remediation. The monitoring program should be designed to identify success or failure of the program and should be conducted by an independent party.
- 5
- 6 In final, the prescribed remedy for the Lake should be the restoration of a cold water fishery inclusive of indigenous species such as salmon, trout, sturgeon, and eel. The fish should be edible, absent of atmospheric inputs to the system.

Sincerely,

Edward M. Michalenko, Ph.D.  
President

EMM:bab

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# Onondaga County Federation OF

## SPORTSMEN'S CLUBS

MEMBER OF THE NEW YORK STATE CONSERVATION COUNCIL, INC.

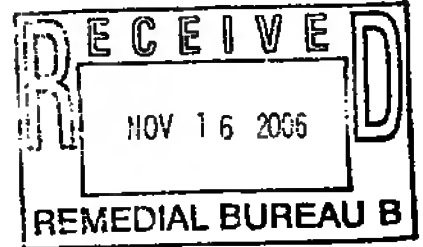


*Conservation Pledge*

I GIVE MY  
PLEGE AS AN AMERICAN  
TO SAVE AND FAITHFULLY TO  
OPEND FROM WASTE THE  
NATURAL RESOURCES OF  
MY COUNTRY — ITS SOIL  
AND MINERALS, ITS  
FORESTS, WATERS,  
AND WILDLIFE.

November 12, 2006

Timothy Larson, PE  
Onondaga Lake Superfund Site – Public Comments  
NYS Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233-7016



Dear Mr. Larson:

The Onondaga County Federation of Sportsmen's Clubs declares its support for the cleanup plan for Onondaga Lake's contaminated sediments that was agreed to in a recently signed Consent Order between Honeywell and the NYS Department of Environmental Conservation.

1

We are in agreement with the following goals that the Onondaga Lake cleanup plan intends to achieve over a nine year design and implementation period:

- protect human health and the environment
- meet state and federal criteria for the control and removal of contaminated sediments
- improve the habitat for fish and wildlife
- improve recreational opportunities and expand public access to the lake
- create the conditions allowing, over time, for the lake's natural recovery.

The Sportsmen's Federation recognizes that substantial progress has been made in recent years in achieving federal Clean Water Act goals related to municipal waste discharges, including improved water clarity in the lake, higher levels of dissolved oxygen, and reduced levels of nutrient and ammonia discharges into Onondaga Lake.

The major problem that remains to be resolved is the cleanup of hazardous industrial wastes that have been discharged into Onondaga Lake over the past 75 to 100 years. Industrial waste discharges have resulted in contamination of lower Geddes Brook and Nine Mile Creek, the deposition of industrial 'waste beds' along the western and southern shores of the lake, and contamination of bottom sediments throughout the entire lake bottom.

2

Sportsmen and other residents of the Onondaga Lake basin have been limited in their access and use of the lake due to contaminated fish and wildlife, and specifically due to

high levels of mercury in fish, which has resulted in health advisories related to fish consumption. Public access to the lake shoreline is also limited due to industrial waste beds and elevated levels of hazardous wastes found along various near-shore sediments.

- 3 The Onondaga County Federation of Sportsmen's Clubs believes that the Consent Decree and the cleanup plan agreed to by Honeywell and the NYSDEC provides a necessary framework and a process for undertaking the major task of remediating a long history of industrial contamination in Onondaga Lake. A major share of the funding for this cleanup will be provided by Honeywell. 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 bottom sediment contaminant target levels.
- 4 The Sportsmen's Federation supports the process of developing a monitoring plan and program for Onondaga Lake's industrial hazardous wastes. The Federation also intends to play an oversight role in ensuring that the lake remediation and monitoring program will achieve the cleanup goals of protecting human health and the environment, and improving Onondaga Lake's habitat for fish and wildlife.

Very truly yours,



Les Monostory, President  
Onondaga County Federation of Sportsmen's Clubs  
P.O. Box 5687  
Syracuse, NY 13202

Cc: Kenneth Lynch, Director  
Region 7, NYSDEC  
615 Erie Blvd. W.  
Syracuse, NY 13204

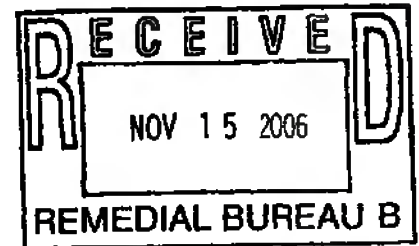


G-4

MILTON J. RUBENSTEIN MUSEUM OF SCIENCE & TECHNOLOGY  
500 SOUTH FRANKLIN STREET SYRACUSE, NY 13202  
PHONE 315-425-9068 FAX 425-9072 WWW.MOST.ORG

Peter W. Plumley  
November 13<sup>th</sup>, 2006

Timothy Larson, P.E.  
Onondaga Lake Superfund Site – Public Comments  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233-7016



Last July the Milton J. Rubenstein Museum of Science and Technology led 25 students from four Syracuse City middle schools on a week-long Summer Science Camp journey through the Onondaga Lake watershed to collect and analyze water samples while learning first-hand how a consortium of scientists (*academic* – Syracuse University and Cornell University, *government* – Onondaga County Department of Water Environment Protection and United States Geologic Survey, and *corporate* – Honeywell and Bristol-Myers Squibb) are acting as a team to monitor the environment and water quality from the Tully headwaters, through metropolitan Syracuse, to the Onondaga Lake outlet.

In mid October, we learned, along with the rest of the community, that the State and Honeywell have agreed on a plan to cleanup Onondaga Lake.

As a scientist, I'm very pleased with this development and am excited about the opportunity to follow the lake's healing progress through educational activities. Through programs offered by the MOST, I have seen how the Onondaga Lake cleanup can provide a real-time environmental lab right in our own backyard that students from elementary to graduate level can broaden their knowledge of science and the environment, while understanding its role in our community.

The lake cleanup can only be seen as a positive development for Central New York. The MOST stands ready to document the project and chart the progress as a component of our science exhibits.

Sincerely

Peter W. Plumley

Exhibits Project Manager  
Milton J. Rubenstein Museum of Science & Technology, and

Associate Research Professor  
Department of Civil & Environmental Engineering, Syracuse University





**ATLANTIC STATES  
LEGAL FOUNDATION, INC.**

**Onondaga Lake Bottom Site (#7-34-030)  
Proposed Consent Decree  
Draft Explanation of Significant Differences Document  
Siting of the Sediment Consolidation Area**

**Comments Submitted by Atlantic States Legal Foundation, Inc.  
Samuel H. Sage, President  
13 November 2006**

This submittal represents the comments of Atlantic States Legal Foundation, Inc. (ASLF) to the public record in regards three documents related to the Onondaga Lake Bottom Site (#7-34-030). The first is the "Proposed Consent Decree between the State of New York and Honeywell International Inc. (CD)," October 2006 that will be submitted to Judge Scullin for his approval. The second is the draft "Explanation of Significant Differences" (ESD), September 2006, document that explains changes that have been made to this project since the issuance of the Record of Decision (ROD) in July 2005. The third item is "Onondaga Lake Sediment Consolidation Area Siting Evaluation," (SCA), September 2006. 1

Atlantic States Legal Foundation, Inc. submitted comments on the ROD in 2005. At this point we would reiterate the points made then. We urge that the projects and procedures described in the ROD and these additional three documents be finalized, as appropriate, and submitted to the court forthwith. All of us deserve as expedited implementation as possible.

The materials that have been subject to public review do not represent a perfect project. There are many unanswered and unknown factors that will only manifest themselves as the project proceeds. We hope that implementation can happen with full cooperation of the parties and full disclosure to and involvement of the public. Particular attention must be given to the sovereign Onondaga Nation whose overwhelming interest in this matter needs no further enumeration here. Further, Atlantic States Legal Foundation, Inc. as the US EPA designated TAG agency should be involved at every step and should be part of the team developing the work plan and public participation plan for carrying out this project. 2

Although ASLF is generally pleased with the direction things are going in regards the remediation of the Onondaga Lake Bottom Site, we continue to be troubled by the inability of

- 3 the NYS DEC to further engage the public. More serious, in our estimation, is that remarks and announcements related to the public disclosure of these three documents now under review, has further confused the public. More specifically, the constant mention of a "price" for the implementation of this program has been interpreted in many quarters as a "penalty," rather than what it is as an estimated cost for what is thought to be the necessary amount of resources Honeywell will have to expend in implementation. The public is not being adequately made aware that under Superfund, the clean-up is performance based, i.e. to protect human health and the environment, and so the ultimate success or failure of this clean will be measured by continued monitoring of results after completion of construction and not by the expenditure of any set amount of money. If the plan envisioned by the ROD does not work, then Honeywell must do it over until it does work. The necessary expense in re-doing this clean-up falls on Honeywell's shoulders and could make the final expenditure much greater than the estimated number.
- 4 Atlantic States Legal Foundation, Inc. has pledged its cooperation both to the state and to Honeywell in making sure that correct, understandable, and adequate information flows to the public. That cooperation and involvement should start immediately – it should not have to wait for an approved work plan.

#### Consent Decree

The CD is the document that legally binds the parties and spells out in legal terms exactly what is expected. This document required long negotiations and ASLF hopes that the few comments below do not result in further long delays in its being transmitted to the court. However, we feel that in two areas there is a need for amendment.

- 5 1. The CO should spell out in details that all document submitted under this CO should be placed in the various document repositories or at least to the three that are the most complete. This must also include all document mentioned in the CO.
- 6 2. We realize that a detailed public participation plan is yet to be written and is one of the first tasks after completion of a work plan. We would urge that the CO be amended to include ASLF as the EPA designated TAG agency and that there is a role for ASLF in drafting this plan and in its implementation.

#### ESD

The ESD is required as significant changes have been proposed to the ROD. For the most part, ASLF is not adverse to these changes as proposed in the ESD. We do, however, feel that there are several issues that need to be further resolved.

- 7 1. Habitat goals. Throughout the Onondaga Lake remediation and clean-up process there have not been any end goals except for meeting regulatory requirements. This is fair enough for the Superfund process, except that alternative paths always present themselves and these require decisions on matters that are not strictly regulatory. The ESD recognizes the need for and the future production thereof a habitat restoration plan. This plan, however, must be based on some "vision" and consensus of what is both possible and desirable. The modifications spelled out in the ESD will require

- changes in habitat. The goals for the direction and desirable outcomes of these changes should be set by the public under the direction of the DEC.
2. Endangered plants. Two NYS endangered plants *Najas quadalupensis* (Southern naiad) and *Potamogeton strictifolius* (Straightleaf pondweed) have been found growing the littoral regions of the lake. The increasing diversity of macrophytes growing in the lake is indeed an indicator that the water quality is improving and this should be welcomed news. One of these plants has been found in all seven littoral areas and the other in five of the seven. The ROD must be amended to make note of these plants and to require that in design of the final remedial operations that protection of these plants is being assured. **8**
  3. Barrier wall. The barrier wall is going to be constructed of epoxy coated steel. The wall has a finite lifetime which will be monitored with repairs and reconstruction undertaken as necessary. Our concern is with the aging and oxidation of the barrier wall and therefore with its chemical decomposition. The steel contains trace metals as well as iron. Dissolving iron into Onondaga Lake waters will most likely not present any problem to the environment. More attention should be paid and discussed regarding other components of the steel. Additional concern is raised by the epoxy coating. What happens chemically to this coating as it ages and decomposes? What is the effect on lake waters of these decomposition products? **9**
  4. Lake surface area. As explained in the ESD, lake surface area will be diminished by this change from the ROD. One of the criteria for selected a preferred clean-up option was that there would not be any diminution of lake surface or volume. A mitigation plan must be prepared and should be subject to public discussion before final approval. As in the discussion above under habitat goals, this has implications for future habitat considerations for the lake. **10**
  5. Time line. Do the changes enumerated in the ESD change the time line from the ROD? **11**
  6. Detailed design. There should be public involvement in the design phase of the project. Honeywell and DEC should develop a plan for getting input before detailed design commences and then keep the public informed as the design progresses. We realize that a public participation plan is being drafted and is the second item after the overall work plan. However, we are also aware that some design work is now ongoing and so efforts are needed immediately to get this part of the public involvement plan launched. **12**
  7. The ESD needs to spell out if moving the barrier wall into the lake changes any permitting requirements and what they might be. For example, does Honeywell need to apply to the Army Corps of Engineers for dredge and fill permit (404) or a Section 10 permit? **13**

## SCA

Atlantic States Legal Foundation, Inc. finds nothing of concern with this SCA. We have one question that relates to the entire wastebed area. While the clean-up of the Onondaga Lake sediments is being carried out and material is being transported into wastebed 13, will this necessitate any restrictions on what is being done on the other wastebeds and on future considerations of their use? **14**

Wednesday, November 08, 2006

Timothy Larson, PE  
Onondaga Lake Superfund Site - Public Comments  
625 Broadway  
Albany, NY 12233-7016

Dear Mr. Larson:

On behalf of the Friends of Historic Onondaga I wish to express our support for the  
clean up of Onondaga Lake.

1


We recognize our role and responsibility as we continue to promote our area's history with a focus on the study, preservation and interpretation of the cultural history of Onondaga Lake. We support ongoing programs at the Salt Museum and Sainte Marie among the Iroquois. These two facilities tell the story our area's growth, how we evolved and flourished .

The benefits from the cleanup are :

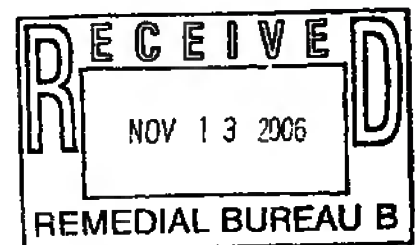
- Increased quality of life, providing additional recreational opportunities.
- Stimulate economic growth through tourism .
- Educational opportunities, back to nature, understanding the natural order, respect for the environment, as well as cultural views.

The waterways gave us our start and they will continue to be a form of currency for future generations, if they are treated with care.

Sincerely,

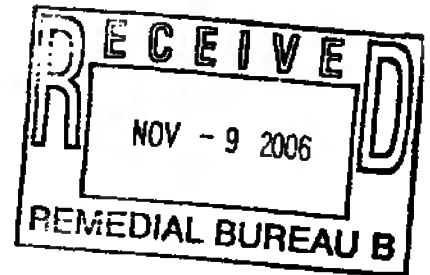


Carol Sweet, President  
Friends of Historic  
Onondaga Lake



**JAMES V. BREUER**  
7106 BRAXTON CIRCLE  
FAYETTEVILLE, NEW YORK 13066

P-1



November 7, 2006

Mr. Donald Hesler  
Onondaga Lake Superfund Site – Public Comment  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233-7016

Dear Mr. Hesler,

I am happy to share with you my thoughts and comments pertaining to the recent agreement between the State and Honeywell Corporation regarding the cleanup of Onondaga Lake. As a member of the Syracuse University Crew Team in the late 1960's and early 70's, I spent countless hours on Onondaga Lake at all hours of the day. The morning sunrises and evening sunsets were spectacular and if not for the ability to smell and to see the debris and color of the water, one may think it was paradise. 1

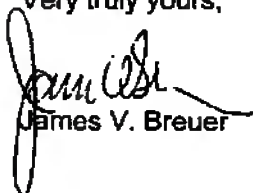
I remember our coach making decisions on which way to go for practice, up the river, or out on the lake. Part of that decision was based on water quality and odor that day. We rowers were usually pretty happy when the coach decided practice was on the canal system rather than "old Onondaga." After my college days, I attended events and sometimes took part in boating activities at the lake. We as a community seemed to accept the fact that this lake was one of the most polluted and it would never recover. Gradually, events on and around the lake seemed to be fewer and fewer.

I am happy that I stayed in the Syracuse area as I have grown my family and my business in this great community. I have hoped for a plan that would clean up the lake so that the community could again enjoy this "gem" to its fullest. It appears that we are on the threshold of this happening.

Onondaga County has spent millions improving the water quality and the results are already apparent. The DEC has come forward with a plan to clean up the bottom of the lake as well as polluted land sites around the lake. Honeywell has apparently agreed with the plan and will embark immediately to implement it. Within a decade, this lake will become a resource for our community that will make us all proud. It will attract once again major water events that can help stimulate our economy. It will provide people from all over Central New York a location to boat, fish and in the future, swim. I look forward to this continued progress.

I strongly recommend, without delay, the DEC plan be implemented.

Very truly yours,

  
James V. Breuer



**P-2**

**Spera, Michael**

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**From:** Edna Carr [emerylcar@yahoo.com]  
**Sent:** Thursday, October 19, 2006 8:40 AM  
**To:** derweb@gw.dec.state.ny.us  
**Subject:** Onondaga Lake

I urge you to do MORE to clean up Onondaga Lake. Refuse the current proposal from DEC and Honeywell. Do it the right way! It's time to stop accepting the "quick" fix that costs us less today, but makes matters worse and more costly to fix later. **1**

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Want to be your own boss? Learn how on Yahoo! Small Business.



Spera, Michael

P-3

**From:** josephfrancis@eth.net  
**Sent:** Friday, October 20, 2006 9:00 AM  
**To:** tjlarson@gw.dec.state.ny.us  
**Subject:** Lake Clean up

Sir

I am a retired Professor of Chemistry from Cochin University visiting my daughters in Syracuse. I got interested in the Onondoga lake clean up project.

From what I understand there is tons of mercury -elemental and combined at the lake bottom-waste from the soda ash and sodium hydroxide plants. All over the world Brine electrolysis plants are shut down owing to pollution. You must also have done so. We have one at Alwaye, Cochin. We merrily send the waste to periyar river, which takes it to the sea. But your case is different. It is accumulated over the years.

In my opinion dredging the lake bottom should not be attempted. It will throw up all the contaminated sediment and spread the mercury all over the lake and mess up the whole surroundings. If you can drain the lake - which is not impossible- the mud can be scooped out and covered with a layer of sand. The sediment should be disposed off only after treatment.

In Holland they have done a similar job making the Schiphol air port. It was a lake -a polder as they call it.

I request you not to dredge the lake in interests of people living around including my daughters.

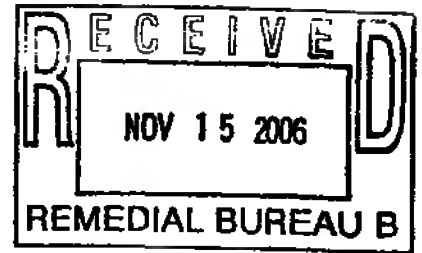
With friendly greetings  
Professor Francis

*dated in*

November 13, 2006

Timothy Larson  
NYS Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233-7016

P-4



Dear Mr. Larson:

This letter is in response to the call for public comment on the proposed clean up of Onondaga Lake. Simply, I believe that the settlement and clean up plan proposed is a disgrace and a hazard to all future life in and around the lake.

1

In a world of presidents, it matters far beyond Onondaga County, how we deal with the most polluted inland body of water in the United States. If we don't stand up and demand what the Clean Water Act sets as a standard, we are shortchanging not just the inhabitants of this geographic area for all time, we jeopardize those communities across the country who look to our example for what they can expect for remediation of their toxic lakes. If we yield to the expedient or politically easy and temporary remediation of the hazards of this lake, there is no case, no lake anywhere that has a hope of being restored to a swimmable, fishable, drinkable standard in our county.

The proposed cleanup / cover-up would leave Onondaga Lake with mercury levels 1,400 times the safe exposure level. The proposed cleanup would leave the PHH1 levels in excess of 22,000 times the safe level, 1,300 times the safe levels of benzene. All of the lake pollutants post-remediation levels far exceed safe exposure and the law. The proposed remediation has no milestones by which citizens could measure progress in eliminating toxic hazards, it is literally a cover-up. The Clean Water Act is ignored. This is a kin to dealing with the waste of the nuclear power industry. The best container they offer has a shelf life (which we have no way of knowing is true) of maybe 150 years. These containers will have to contain substances with a radioactive half life of 126,000 years.... All of this is a travesty and a mockery of stewardship for our children and the disease burden they will inherit as a consequence.

2

3

The toxic pollutants of 20<sup>th</sup> century life can not be cynically sealed off and called gone. Finally we have to connect the dots between the costs of our life style and the consequences

Our county executive rightly points out that if we dredged the lake we would only create a problem for people wherever we dumped the waste. Our county executive rightly points out that the costs would be prohibitive if we were expected to restore Onondaga Lake to the standard of the law. And, both of these realities should suggest that the rest of our environmental history is doomed if we do not take a stand here. Albert Einstein said that we can not solve the problem with the same mind that created the problem. The

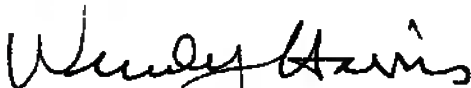
4

County executive is of the old mindset, the Onondaga Nation and their land claim lawsuit is of the new mindset. I believe we have to change the law and require every viable corporation who ever soiled this lake, share proportional responsibility in the lakes cleanup based on their share of its problem. The city and county governments must be held responsible for their failure to manage water overflow and human waste treatment problems. Citizens must also be willing to dig deep to do what is right – remediate this lake in a way that will communicate to all current and future polluters, that we no longer will tolerate such wonton exploitation of our environment. Maybe Syracuse could become the leader in environmental toxic awareness, spear heading a national debate on consequences of our lifestyle, corporate responsibility, and environmental stewardship. Maybe we could turn this in to positive for our city and region.

We as a people have become complacent and hopeless about anything but money and big business speaking. Please consider the voice of Mother Earth, please do the right thing for your grandchildren seven generations out and beyond.

I am simply a citizen, with no particular affiliations, that believes that this is a tragically inadequate plan of a so-called clean up. It provides near term political cover for our "leaders" to have appeared to have done something, when in reality all they did was place a 'band aide' on a festering ill with the hope that it stays contained. Shame on all of us for considering this a real solution. Shame on us for passing the true burden to our children and ignoring any real call to responsible action

Sincerely,



Wendy Harris  
234 Salt Springs Road  
Syracuse, NY 13224

**P-5**

**Spera, Michael**

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**From:** Lovejoy, Donald [dlovejoy@nyaaa.com]  
**Sent:** Sunday, November 05, 2006 7:37 PM  
**To:** derweb@gw.dec.state.ny.us  
**Subject:** Onondaga Lake Clean Up

Mr. Larson,

I don't know what kind of effect my opinion will draw on the situation of cleaning up Onondaga Lake but recently I have found the need to participate in my community and government. **1**

Personally I would like to see the lake cleaned and put to good use. However, according to the article I read on the WTVH.com site , the proposed method of cleaning the lake is not the solution to keeping it clean. In fact the article suggested that in 50 years we will have the same problem and I for one will still be around to deal with that issue.

The other reason I would be against the project is the \$451 million. That just seems like an awful lot of money that could be put to a use that is guaranteed to raise our standard of living in the Syracuse area. **2**

Thank you for taking time to listen to the opinions of other people in the area.

Sincerely Your,

Don Lovejoy  
13 1/2 Water St.  
Baldwinsville, NY 13027  
(315) 415-1597

**Spera, Michael**

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**From:** Verne N. Rockcastle [vnr2@cornell.edu]  
**Sent:** Friday, October 20, 2006 9:08 AM  
**To:** tjlarson@gw.dec.state.ny.us  
**Subject:** Lindsay Speer's comments on Onondaga Lake Cleanup

1

Lindsay and Tom, I appreciate very much your having shared with me details on the cleanup that is being planned for Onondaga Lake. I also fully appreciate your comments about the morality of the operation when compared with what the lake used to be and could be if not for the obvious greed of Honeywell and its various associates. Most of all, Lindsay, I want to congratulate you on your assertive stance on cleanup. I hope you have touched a lot of souls and hearts, and that you have opened the door on \$upport.

In my own case, I am deeply involved in fighting a privateer whose announced and determined objective is to open up about 6,000 acres of prime wilderness of the Adirondacks near Tupper Lake for the purpose of building condominiums, enlarging and upgrading a downhill ski complex, and building a shooting preserve in one of the loveliest, most pristine spots in the area -- on the shore of a lake where loons now nest. It is strictly greed that motivates such a development, no matter what \$ocially and fi\$ically appealing the developers' plans look to a limited income Adirondack community. We also are holding our breath to see that the renowned, but perhaps gutless, Adirondack Park Agency will do when push comes to shove.

At all levels, it seems, the final and most telling pre\$\$ure comes in the form of private and industrial profit. I wonder if universities, who produce some of the sharpest minds, shouldn't make more of an effort to instill community and environmental ethics along with political science and history.

Keep up your good work, Lindsay, and if and when you get a spare moment, I'd love to hear personally from you.

Best wishes,

Verne Rockcastle

Tim Larson - Onondaga Lake

P-7

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**From:** Bob Walker <bobphoto@verizon.net>  
**To:** <derweb@gw.dec.state.ny.us>  
**Date:** 11/14/2006 9:27:52 AM  
**Subject:** Onondaga Lake

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*To Whom It May Concern:*

1

*I have just received notice of your solicitation for ideas in use of our Onondaga Lake for conservation and recreational use. Below are some of my suggestions.*

*More free and easier access for non powered boats such as canoes and kayaks. Limit the size of horse power motors or powered boats altogether allowed on the lake. This is done in Canada at some of it's provincial parks.*

*Have observation platforms where Nine Mile Creek and the lake meet as this is a gathering place for waterfowl during migration time. This platform should be handicap accessible also and enough parking provided.*

*Plantings of native trees and shrubs that are attractive to wildlife such as birds. Along the shoreline.*

*Make invisible by what ever means towers and their lights that show around the shoreline of this otherwise beautiful lake. Clean up the debris along the shoreline. Have County Parks start with the concrete that lies in the water along it's shoreline. Any trails around the lake should be surfaced with environmentally and healthier footing such as wood-chips instead of oil based pavements or expensive stone dust.*

*The County parks should also clean up the garbage and debris at the mud lock and along it's river shoreline of the Park. This at times is a real eyesore.*

*Well this concludes my suggestions and I thank you for listening. Hopefully some if not all of my suggestions can be initiated and will*



*enhance a great asset to our community.*

13208

*Respectfully yours,  
Mr. Bob Walker  
129 Ross Park  
Syracuse, N.Y.*

*Tel. ... 474-2820*

Sir:

Please take notice that the within is a true copy of duly filed and entered in the office of the Clerk of the County, on the day of , 20 .

Yours, etc.,  
ELIOT SPITZER  
Attorney General,

Attorney For

Office and Post Office Address  
120 Broadway, New York, NY 10271

To , Esq.

Attorney for

Sir:

Please take notice that the within

will be presented for settlement and signature herein to the Hon. one of the judges of the within named Court, at

in the Borough of City of New York, on the day of 20 , at M.

Dated, NY, , 20

Yours, etc.  
ELIOT SPITZER  
Attorney General,

Attorney For

Office and Post Office Address  
120 Broadway, New York, NY 10271

To Esq.

89-CV-815 Chief Judge Scullin  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK and DENISE SHEEHAN  
as Trustee of the Natural Resources,

Plaintiffs,

-against-

HONEYWELL INTERNATIONAL INC.,

Defendant.

REQUEST FOR APPROVAL AND ENTRY OF  
PROPOSED CONSENT DECREE

ELIOT SPITZER

Attorney General

NORMAN SPIEGEL

Attorney for Plaintiffs

Office and Post Office Address  
120 Broadway, New York, NY 10271  
Tel. 212 416-8454

Personal service of a copy of

within

is admitted this day of

20 .

