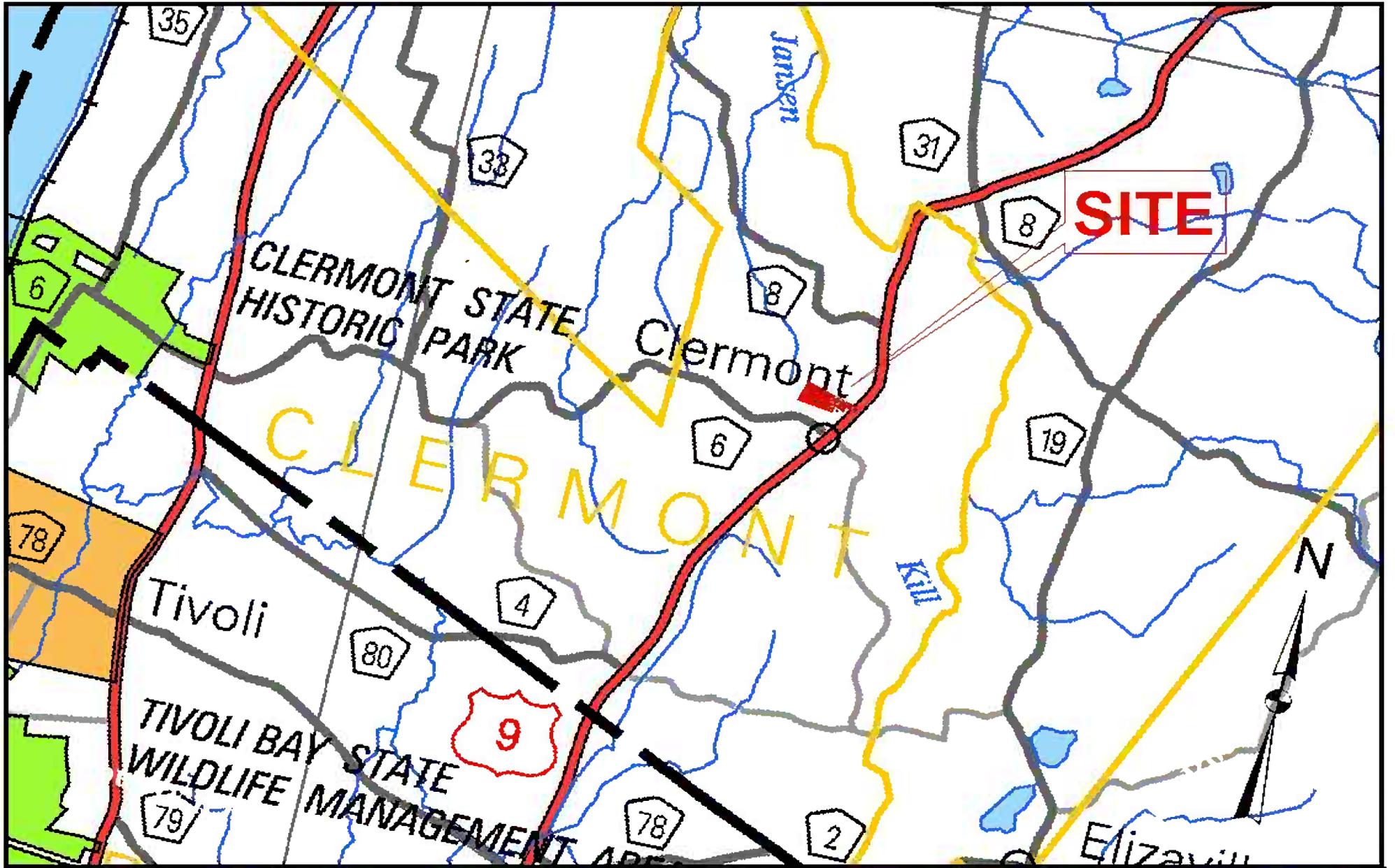


Table 1
Remedial Alternative Costs

Remedial Alternative	Capital Cost (\$)	Annual Costs (\$)	Total Present Worth (\$)
#1 No Further Action	\$0	Years 1-5 \$8,500	\$38,000
#2 Institutional Controls, Site Management Plan and Long-term Monitoring	\$15,000	Years 1-5 \$13,000 Years 5-30 \$ 4,800	\$130,000
#3 Placement of a Soil Cover, Institutional Controls, Site Management Plan and Long-term Monitoring	\$570,000	Years 1-5 \$13,000 Years 5-30 \$ 4,800	\$680,000
#4 Excavation and Disposal of Impacted Soils, Replacement with Clean Fill, Institutional Controls, and Long-term Monitoring	\$1,980,000	Years 1-5 \$13,000 Years 5-30 \$ 4,800	\$2,020,000



Former Hettling Farm Site
E411015

Site Location

Figure 1

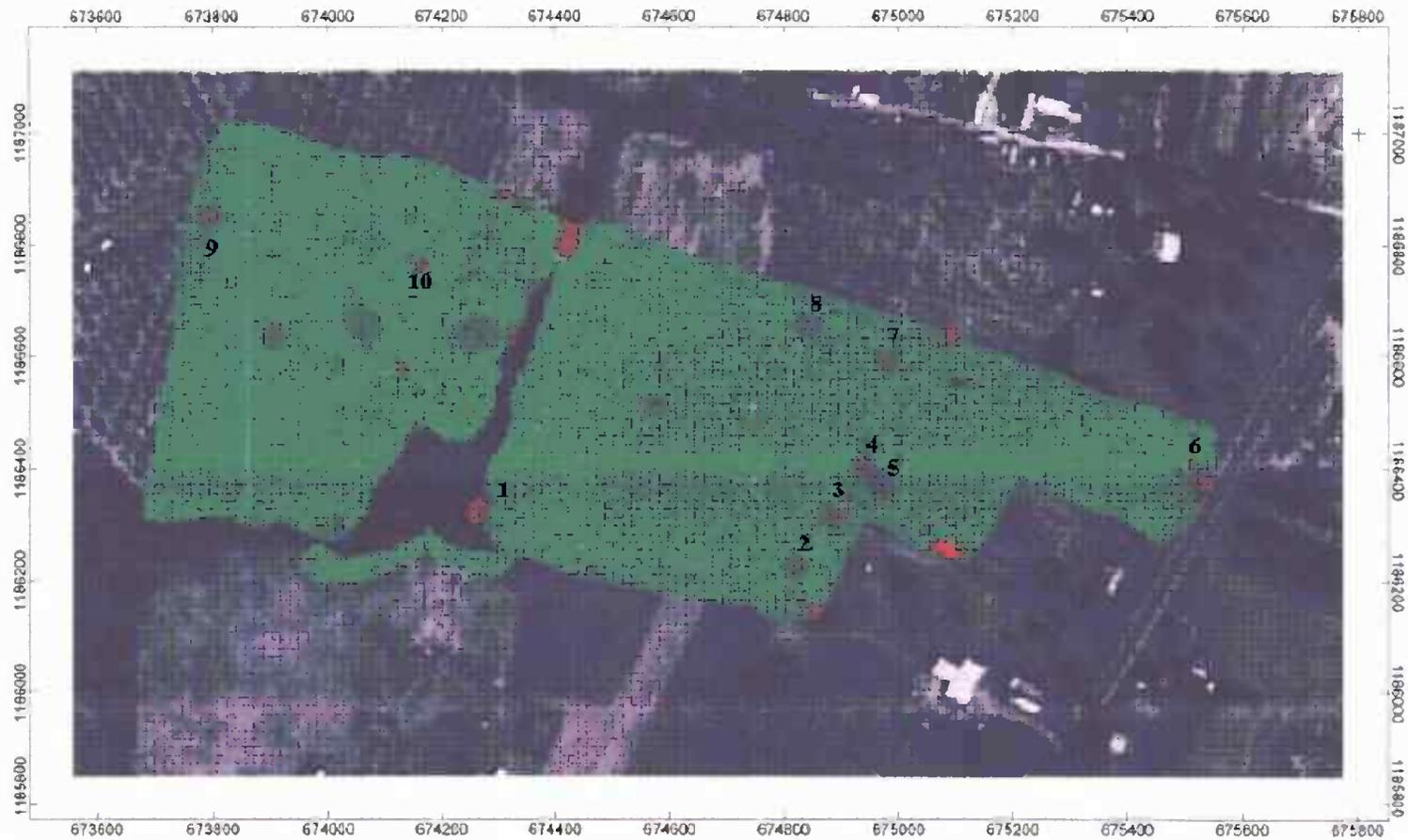


Figure 2

**EM61 Response
Data Contours**

Former Hettling Farm Site
Clermont, NY

Enviroscan, Inc.
Project No. 060631
Rev. 10/20/2006



Notes
Coordinates in New York State Plane GCS,
Eastern Zone, NAD-83 geodetic datum



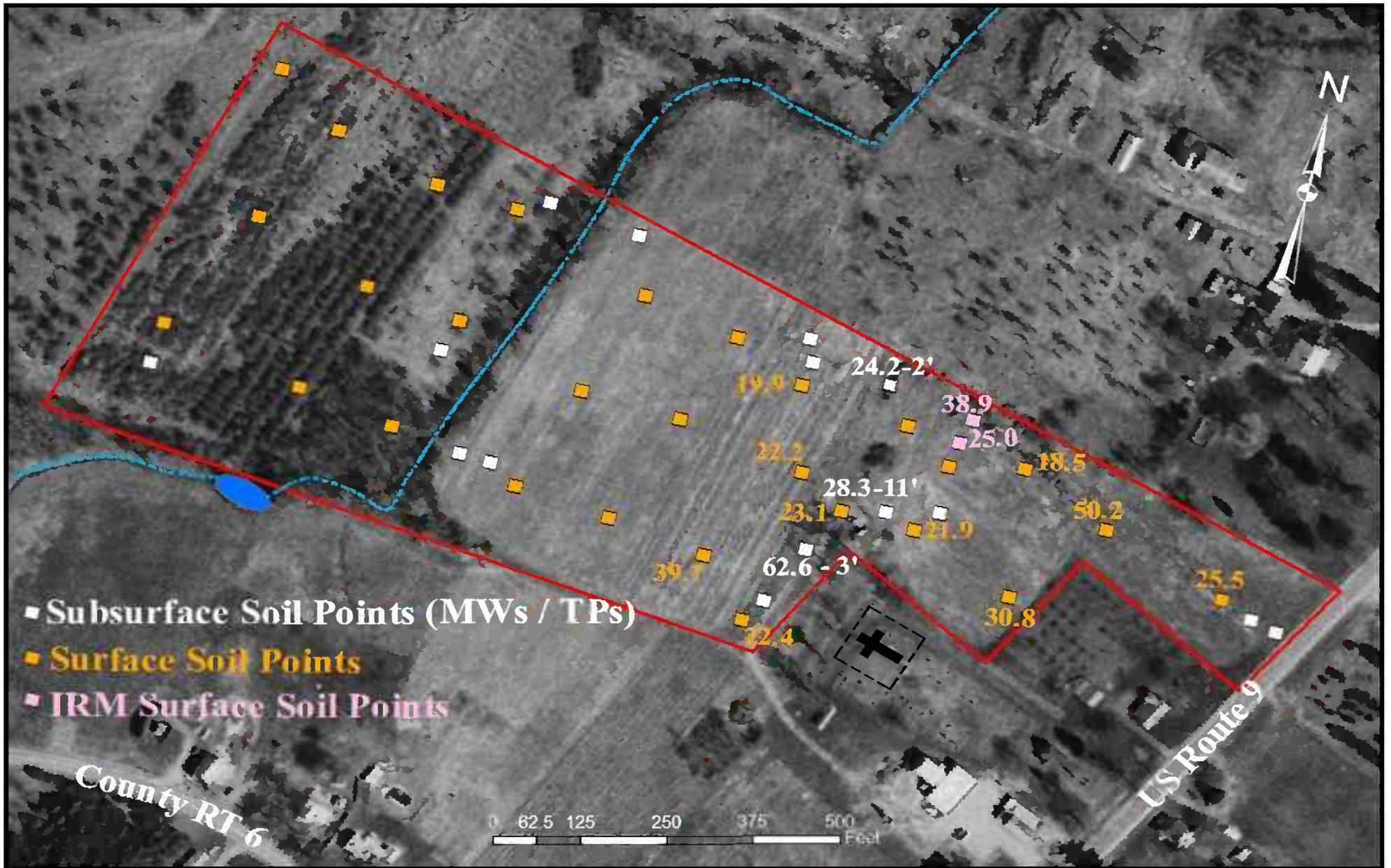
Legend:



**Former Hettling Farm Site
E411015**

EM Survey

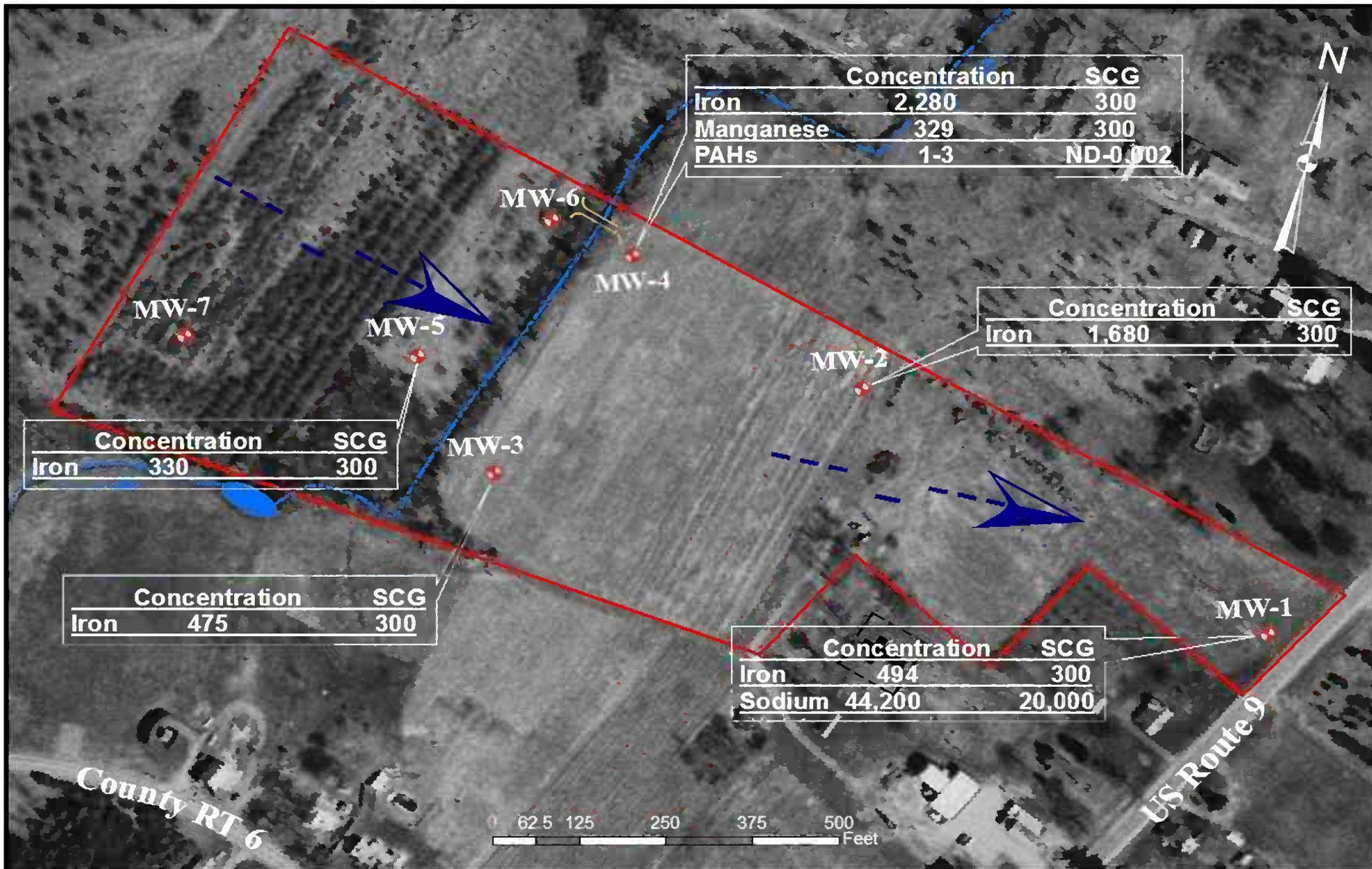
Figure 2



Former Hettling Farm Site
E411015

Nature and Extent of Contamination
Arsenic in Surface and Subsurface Soils (ppm - mg/kg)
SCO = 16 ppm

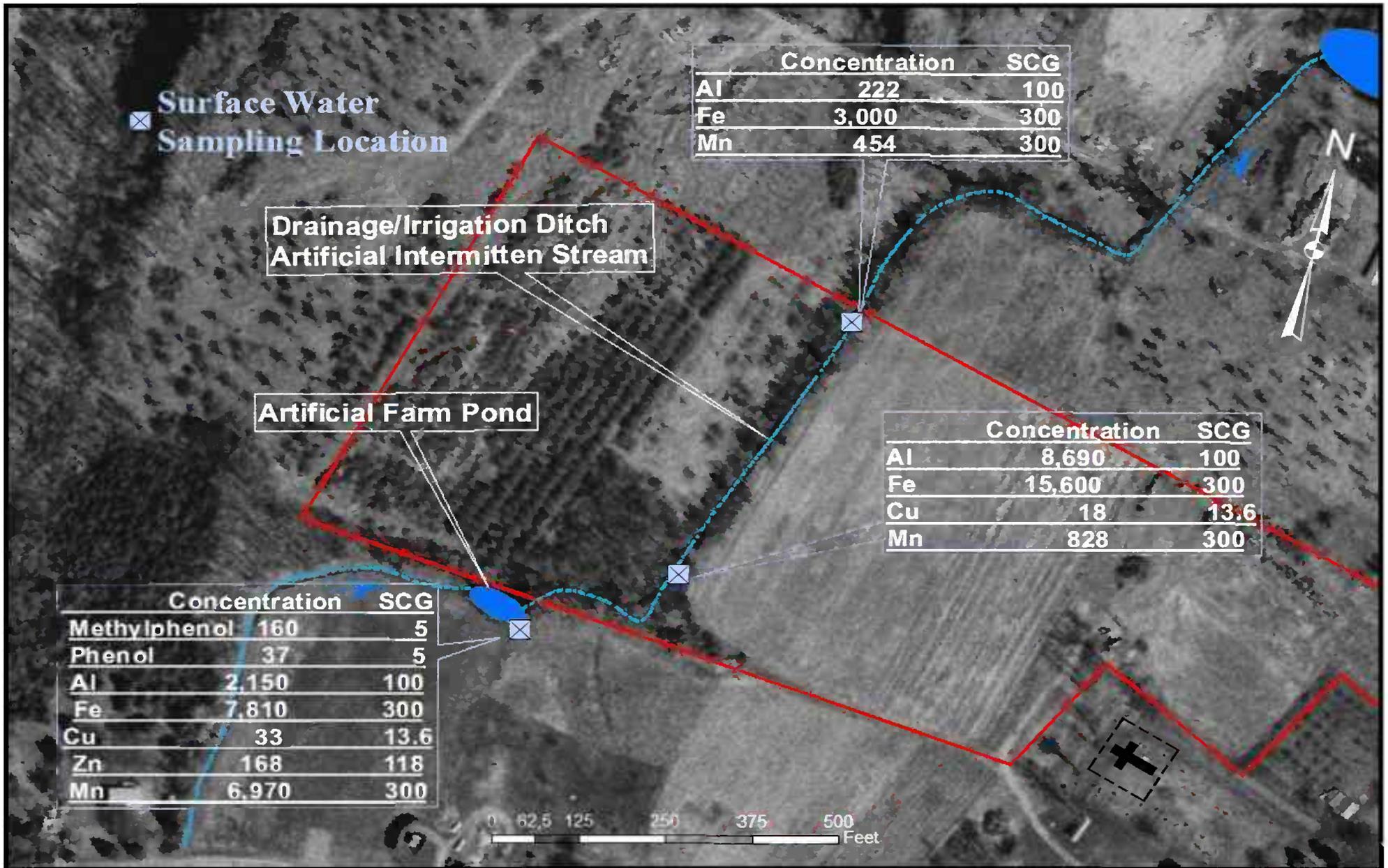
Figure 3



**Former Hettling Farm Site
E411015**

**Nature and Extent of Contamination
Groundwater (ppb-ug/l)**

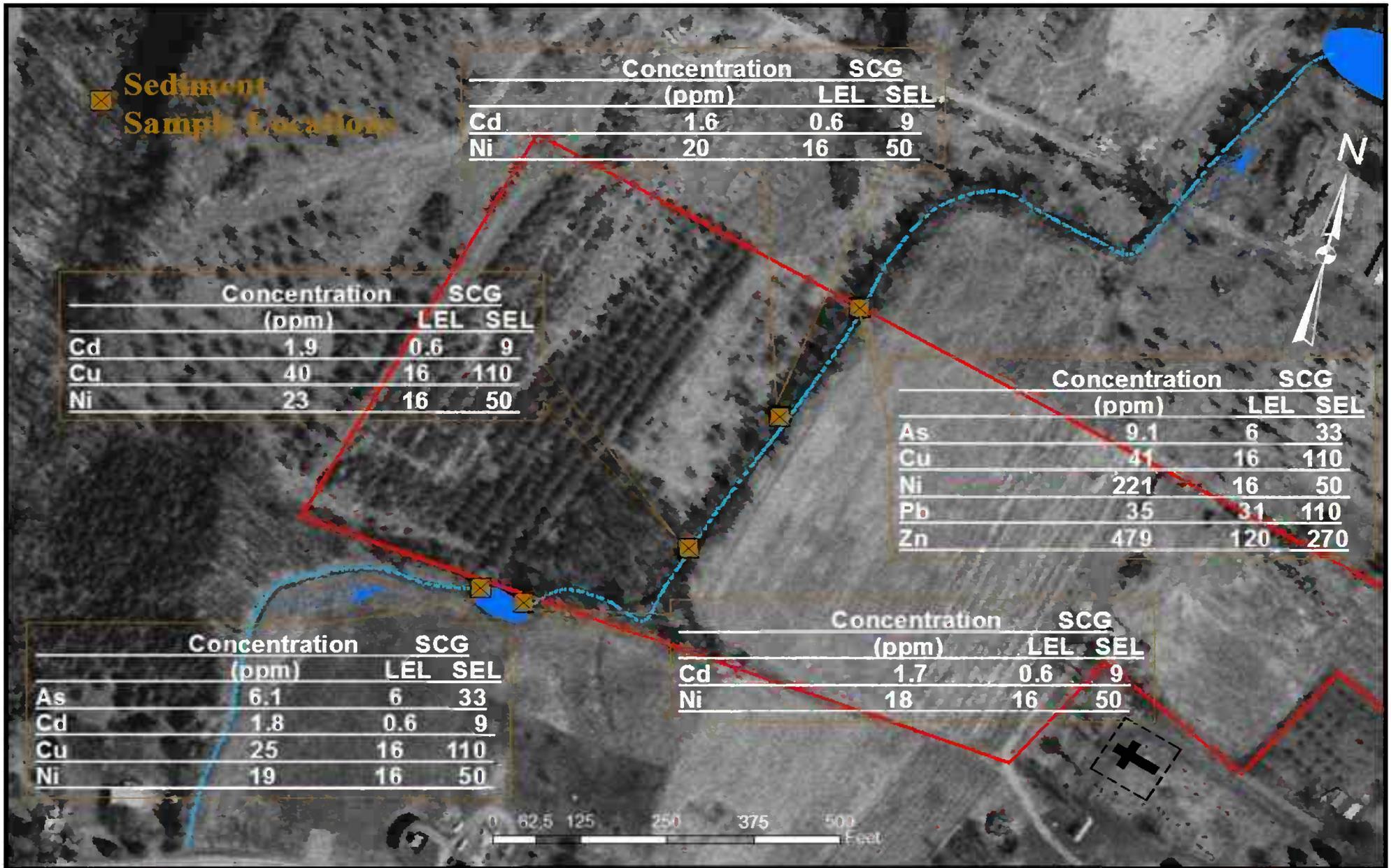
Figure 4



**Former Hettling Farm Site
E411015**

**Nature and Extent of Contamination
Surface Water (ppb - ug/l)**

Figure 5



Former Hettling Farm Site
E411015

Nature and Extent of Contamination
Sediments (ppm - mg/kg)

Figure 6



Former Hettling Farm Site
E411015

Alternative 3 - Soil Cover
Alternative 4 - Excavation Area

Figure 7

APPENDIX A

Responsiveness Summary

RESPONSIVENESS SUMMARY

Former Hettling Farm Environmental Restoration Site

Town of Clermont, Columbia County, New York Site No. E411015

The Proposed Remedial Action Plan (PRAP) for the Former Hettling Farm site, was prepared by the New York State Department of Environmental Conservation (the Department) in consultation with the New York State Department of Health (NYSDOH) and was issued to the document repositories on February 1, 2008. The PRAP outlined the remedial measure proposed for the contaminated soil at the Former Hettling Farm site.

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

A public meeting was held on March 3, 2008, which included a presentation of the Remedial Investigation (SI) and the Alternatives Analysis Report (AAR) as well as a discussion of the proposed remedy. The meeting provided an opportunity for citizens to discuss their concerns, ask questions and comment on the proposed remedy. These comments have become part of the Administrative Record for this site. The public comment period for the PRAP ended on March 17, 2008. Written and verbal comments were also received from the following parties during the course of the public comment period:

- Letter dated February 24, 2008 from Mary Ann Vitella, a Town of Clermont resident;
- Verbal comments (via telephone) received on March 6, 2008, from Dianne O'Neal, a Town of Clermont resident;
- E-mail received on March 14, 2008, from Judith Neary, a Town of Clermont resident;
- Letter dated March 16, 2008 from John D. and Tracy Halterman, Town of Clermont residents;
- Letter dated March 16, 2008 from Kay Winters, a Town of Clermont resident;
- Letter dated March 16, 2008 from Louis and Wendy Flouton, Town of Clermont residents;
- Letter dated March 17, 2008 from Andrew B. Howard, Town of Clermont Attorney submitted on behalf of the Town of Clermont;
- E-mail received on March 17, 2008, from Gregory Fingar, a Town of Clermont resident;

- Letter dated March 17, 2008 from Charles and Carol Lent, Town of Clermont residents;
- E-mail received on March 17, 2008, from Harry Harned, a Town of Clermont resident;

Comments and Responses

This responsiveness summary responds to all questions and comments raised during the public comment period. The following are the comments received, with the Department's responses:

Where the same or similar issues were raised either in writing during the comment period or verbally during the public meeting or phone calls, they have been grouped together and are addressed once. The remaining issues were addressed individually. The issues raised have been grouped into the following categories: (I) Extent of Contamination/Investigation Issues; (II) Remedy Construction Issues; (III) Site Restoration and Redevelopment; (IV) Other Issues.

(I) EXTENT OF CONTAMINATION/INVESTIGATION ISSUES

COMMENT 1: As an adjacent property owner, I received no notice when the soil boring and test pitting was conducted and have concerns about contamination spreading onto my property. What measures will be taken during remedy construction to prevent this?

RESPONSE 1: The approved Remedial Investigation Work Plan included a site specific Health and Safety Plan and a Community Air Monitoring Plan to protect both on-site workers and the surrounding community. Continuous air monitoring was conducted for both volatile organic compounds and particulate matter (dust which could possibly contain metals) during all ground intrusive activities. Upwind and downwind measurements were continuously collected. At no time during these RI activities, did any of the downwind measurements exceed the action levels which would have required corrective action or halting the work.

COMMENT 2: There is an apple orchard on the western half of the property, yet the arsenic contamination which was above the cleanup standards was on the eastern half of the property. What arsenic concentrations are typically found in orchard or agricultural lands and are the concentrations detected on this site typical?

RESPONSE 2: Arsenical insecticides have been used in various forms in agriculture. Lead arsenate (LA) was typically used in apple orchards to control moths. Sodium arsenate has been used as a foliar pesticide on vegetables. Arsenic loading in soils is highly variable. The use of and rate of application of these pesticides was dependant on the species and population sizes of the insect pests and their resistance to arsenical poisoning, the species and size of the trees or plants and such other things as the presence of fruit on

the trees or vegetables on the plants. Remedial investigations at other orchard sites have indicated a wide variation in contamination levels.

COMMENT 3: Is there an aquifer below the site?

RESPONSE 3: Generally the overburden groundwater, which is what was monitored at the site, and the bedrock aquifer in this area act as one unconsolidated aquifer system.

COMMENT 4: What about the contamination in the pond, where did it come from?

RESPONSE 4: It is not exactly clear where the contamination in this off-site pond originated. The phenolic compounds may have come from treated wood which may have been used to dam the pond. The surface water appears to originate as surface runoff from the southwest. The results of the on-site surface water and sediments, which form the drainage from this pond, indicated that these media do not require remediation.

(II) REMEDY CONSTRUCTION ISSUES

COMMENT 5: Could soils in the western part of the property be used for the 1' (or 2') of soil cover needed in the eastern half of the property.

RESPONSE 5: Yes, soils from the western part could be used for the soil cover system on the eastern side. Any soils utilized would have to meet the Part 375 Restricted Use, Soil Cleanup Objectives - Commercial in those areas designated for this use or Restricted-Residential in those areas designated to be used for active recreational purposes, for all listed contaminants.

COMMENT 6: How much sampling would be needed to use soils from the western half of the property as cover material on the eastern portion?

RESPONSE 6: At a minimum, 1 composite sample would be required for each 1,000 cubic yards of material. In-situ sample collection would be the preferred method so as not to excavate materials which cannot be used. Any planned use of the soils from this portion of the property must consider the depth of available materials, as bedrock in this area is shallow in some locations and any excavations could not leave the bedrock exposed.

COMMENT 7: If further testing determines that on-site soils are acceptable as fill material, could these on-site soils be utilized in the mitigation (soil cover) plan? Would their movement on site be included as a part of the total cost

in the Department's calculation of further financial assistance on this project?

RESPONSE 7: See RESPONSE 5 and 6 concerning use of these soils. See RESPONSE 18 concerning eligibility of costs.

COMMENT 8: What measures will be taken during remedy construction to protect adjacent property owners and the surrounding community?

RESPONSE 8: The approved Remedial Action Work Plan will include a site specific Health and Safety Plan and a Community Air Monitoring Plan, to protect both on-site workers and the surrounding community. See Response 1.

COMMENT 9: Is there funding available for the remediation phase of the project?

RESPONSE 9: At this point, the funding for the Environmental Restoration Program under the 1996 Clean Water / Clean Air Bond Act has been depleted. However, the Department fully supports refunding of the program to continue investigation and remediation of municipally owned brownfield sites.

COMMENT 10: Can Town employees be utilized in the construction of the remedy?

RESPONSE 10: Yes. A force account proposal must be submitted in writing for Department review and approval or disapproval. The proposal should demonstrate that: municipal employees have the necessary skills and experience, including all OSHA required health and safety training; that using municipal employees is at least as economical as using contractors; or that emergency conditions require the use of municipal employees. Force account work performed without prior Department written approval would not be eligible for state financial assistance.

COMMENT 11: Can the Town utilize donated services to accomplish the required remedial action and will these donated services be considered force account work (a portion of or possibly all of the Town's 10% cost obligation)?

RESPONSE 11: No. Donated services are not force account work.

COMMENT 12: Do gravel / crushed stone road surfaces and parking areas qualify as cover?

RESPONSE 12: Yes, gravel / crushed stone would qualify as cover materials. The total cover depth using these materials in any area considered for commercial use (roads and parking lots) would have to be one foot thick. The use of asphalt or concrete would require at least 6 inches of material.

COMMENT 13: From a program procedural standpoint, if the Town does not have an approved amended State Assistance Contract (SAC) for remediation, and wants to complete the remedial design, will the Department be in a position to review and approve the design?

RESPONSE 13: The Department has the discretion to review and approve the design for consistency with this Record of Decision.

COMMENT 14: If the Department approves the design and the Town completes the work in accordance with the design with the engineer providing certification that it was done in accordance with the design, will the Department be able to issue a certificate of completion?

RESPONSE 14: The Department will issue a satisfactory completion letter for the investigation project. However it would not issue a similar letter for the design and remediation.

(III) SITE RESTORATION AND REDEVELOPMENT

COMMENT 15: There seems to be a misunderstanding on the intended future use of the property. The Town always intended to use the property for active recreation. A survey was completed in mid 2005 which documents this intention.

RESPONSE 15: The “Contemplated Use” listed in the executed State Assistance Contract (SAC) was for Restricted Use. Informal discussions held with the Town in 2007 indicated that the future use may include the construction of a new highway garage and such things as walking paths or bike paths. Within the context of 6NYCRR Part 375, “Environmental Remediation Programs”, these types of uses would fall under commercial use, which includes passive recreation. When it became clear to the Department that the Town was also contemplating possible active recreational use of the property,

provisions were added to the proposed remedy (see Element #3 in Section 8: Summary of the Proposed Remedy), in order to meet the Part 375, Restricted- Residential, soil cleanup objectives, which would allow this use. Absent any firm use plans prior to the remedial design, the mechanism to change a use of a portion of the site in the future would be for the Town to notify the Department pursuant to Part 375-1.11(d) and at a minimum amend the environmental easement for the site and physically construct any additional engineering controls required (2 foot cover for active recreation).

COMMENT 16: Could the eastern half of the property be used for commercial use to construct the highway garage?

RESPONSE 16: Yes, the site remedial plan was developed with both commercial and restricted-residential (active recreational) uses in mind. The highway garage would fall under the commercial use and could be located on the eastern half of the property.

COMMENT 17: Since the Town only needs about 4 of the 20 acres to develop the new highway garage, could the remedial action be broken out into 2 or more phases (operable units)? The first phase would involve construction of a new highway garage. Since this use is consistent with a commercial use, would there be any special requirements needed to be followed prior to completing the project other than informing the Department that we are moving forward with the work? Subsequent phases would involve the remaining lands. In this instance, the remaining acreage would essentially remain as is until new funding was available for the Town to complete the work.

RESPONSE 17: The scenario that is proposed is reasonable provided that any access to the 7.5 acres requiring the soil cover is restricted until such time as the remedy is completed, use of the other lands are limited to commercial use and that this restriction be included in an environmental easement for the entire parcel. Once the Town of Clermont determines exactly how they want to use the various portions of the property, they should conduct one American Land and Title Association (ALTA) survey with separate metes and bounds description for each portion with a different use. Each portion could then have a separate use restriction, commercial for the location of the new highway garage and other areas outside the cover system and restricted access for the section where a cover system would still be needed. Once the new highway garage is completed and the environmental easement is executed and filed, the Department can then issue a technical completion letter, which would allow the use of the new

highway garage and for the Town to remain in compliance with their state assistance contract. The easement could be amended in the future when all elements of the remedy outlined in the ROD are completed.

COMMENT 18: If the Town performs all of the ERP requirements in terms of design, construction and certification without an approved amended SAC for remediation, but receives such either during or after completion of the remedial action, will these efforts be reimbursable?

RESPONSE 18: Currently there are no funds available for new ERP investigation and/or remediation projects.

COMMENT 19: What happens if no state funding is available in the future? Can the Town go forward with implementing the remedy and would costs be eligible retroactively, if funding becomes available?

RESPONSE 19: See RESPONSE 18.

COMMENT 20: What would need to be done to allow at least the highway garage to be built on the property and delay development / reuse of the rest of the property?

RESPONSE 20: See RESPONSE 17.

COMMENT 21: The location and design of the new highway garage has not yet been determined. It is estimated to occupy up to 4 acres of land. If this use is located on a portion of the non-arsenic contaminated land, could the arsenic contaminated land remain as is until new funding is available?

RESPONSE 21: See RESPONSE 17 and 18.

COMMENT 22: Will the remaining non arsenic containing land be available for commercial use while the arsenic containing land waits for additional funding availability?

RESPONSE 22: Those areas outside of the cover system would be available for commercial use.

COMMENT 23: Will the cost of any mitigation involved in the development of the new highway garage be included in the total cost of site remediation calculated by the Department and subject to future funding reimbursement?

RESPONSE 23: The use of the portion of the property for a highway garage would be considered commercial use. If constructed in areas outside of the area where the soil cover system is needed, no “mitigation” should be required. Also see RESPONSE 18.

COMMENT 24: Under what circumstances could the Town jeopardize its release of liability from NYSDEC following the issuance of the ROD?

RESPONSE 24: The liability limitation benefits of the program are outlined in ECL 56-0509, including the circumstances which may affect the same.
A municipality which receives a grant for an investigation will receive ECL 56-0509's liability protection provided it completes the investigation to the State's satisfaction and in accordance with the State Assistance Contract. However, the property may not be used for any new purpose until the remediation is implemented to the Department's satisfaction.

COMMENT 25: If the Town decides to pursue active recreation uses for portions of the site now contemplated for passive recreation, will the Department provide 90% reimbursement for the additional 1 foot of soil cover required for those portions of the site to be used for active recreation? The current PRAP (Alternative 3) contemplates only a 1 foot soil cover.

RESPONSE 25: See RESPONSE 18.

COMMENT 26: Can the Town Board solicit input from the town residents regarding how they would like the lands to be used in the future before the ERP remedial design is initiated so that a portion of the design can be an ERP reimbursable expense?

RESPONSE 26: The Town board would need to make the decision to solicit further input from Town residents. Having firm plans prior to remedial design would be preferred, as this would eliminate the need to amend the environmental easement in the future.

COMMENT 27: The Town Board notes that there are several potential uses that could be proposed for the subject property. Among these are: New Highway Department Garage and Salt Shed, Baseball/Softball Field, Soccer Field, Children's Playground, Memorial Garden, Community Activity building, Open Air Pavilion, Parking Areas, Driveways, and Walking Trails. We respectfully request that the PRAP and ROD permit enough flexibility for the Town to investigate these and other uses in its community planning efforts for this property.

RESPONSE 27: See RESPONSEs 15 and 26.

(IV) OTHER ISSUES

COMMENT 28: Should the Town planning board be concerned with approving subdivisions in the town which are located on former orchards or used for agricultural purposes?

RESPONSE 28: Certainly the results of the investigation performed under the ERP show the potential for contamination at sites with these historical uses. Zoning, development and related real property activities is a local and/or county government issue and should be handled at that level.

COMMENT 29: Do Town residents have input on the remaining 160 acres that were once originally part of this farm and does it impact our remediation and long term uses? Is that also part of a NYSDEC clean-up?

RESPONSE 29: Only the 20.5 acre, Town owned parcel is part of the Environmental Restoration Program. The adjoining property should have no affect on the remediation of or future use of this property.

APPENDIX B

Administrative Record

Administrative Record

Former Hettling Farm Environmental Restoration Site

Town of Clermont, Columbia County, New York

Site No. E411015

1. Proposed Remedial Action Plan for the Former Hettling Farm site, dated February 2008, prepared by the Department.
2. “Remedial Investigation Work Plan, Former Hettling Farm Site (ERP Site #411015)”, May 2006, prepared by C.T. Male Associates, P. C., for the Town of Clermont.
3. “Former Hettling Farm Site, Alternatives Analysis Report, (ERP Site #411015)”, November 2007, prepared by C.T. Male Associates, P. C., for the Town of Clermont.
4. Fact Sheet: Proposed Remedial Action Plan (PRAP) and citizen participation process for the Former Hettling Farm site, dated February 2008.