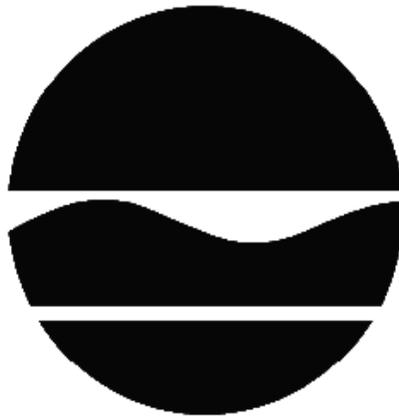


RECORD OF DECISION

Former Tru-Stitch Slipper Warehouses
Environmental Restoration Project
Bombay, Franklin County
Site No. E517010
March 2013



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

DECLARATION STATEMENT - RECORD OF DECISION

Former Tru-Stitch Slipper Warehouses
Environmental Restoration Project
Bombay, Franklin County
Site No. E517010
March 2013

Statement of Purpose and Basis

This document presents the remedy for the Former Tru-Stitch Slipper Warehouses site, an environmental restoration site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the Former Tru-Stitch Slipper Warehouses site and the public's input to the proposed remedy presented by the Department. A listing of the documents included as a part of the Administrative Record is included in Appendix B of the ROD.

Description of Selected Remedy

Based on the findings of the investigation of the site, the past disposal of hazardous waste and hazardous material at the site does not pose a threat to public health and the environment. Therefore, the selected remedy is No Action. Contaminants include hazardous wastes and/or petroleum.

New York State Department of Health Acceptance

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

Declaration

The selected remedy is protective of human health and the environment, complies with State and Federal requirements that are legally applicable or relevant and appropriate to the remedial action to the extent practicable, and is cost effective.



Date

March 20, 2013

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

RECORD OF DECISION

Former Tru-Stitch Slipper Warehouses
Bombay, Franklin County
Site No. E517010
March 2013

SECTION 1: SUMMARY AND PURPOSE OF THE PROPOSED PLAN

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), is proposing a remedy for the above referenced site. Based on the findings of the investigation of the site the past disposal of contaminants at the site does not pose a threat to public health and the environment. Therefore, the selected remedy is No Action. Contaminants include hazardous wastes and/or petroleum.

The 1996 Clean Water/ Clean Air Bond Act provides funding to municipalities for the investigation and cleanup of brownfields. Brownfields are abandoned, idled, or under-used properties where redevelopment is complicated by real or perceived environmental contamination. They typically are former industrial or commercial properties where operations may have resulted in environmental contamination. Brownfields often pose not only environmental, but legal and financial burdens on communities. Under the Environmental Restoration Program, the state provides grants to municipalities to reimburse up to 90 percent of eligible costs for site investigation and remediation activities. Once remediated, the property can then be reused.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and 6 NYCRR Part 375. This document is a summary of the information that can be found in the site-related reports and documents.

SECTION 2: CITIZEN PARTICIPATION

The Department seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comment on the proposed remedy.

The public comment period extended from January 7, 2013 to February 21, 2013 and the public meeting was held at the Town of Bombay Town Hall on January 17, 2013. No comments were received during the comment period or at the public meeting.

All comments on the remedy received during the comment period were considered by the Department in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repositories:

The Wead Library
64 Elm Street
Malone, NY 12953
Phone: (518) 483-5251

Franklin County IDA
Attn: John Tubbs
10 Elm Street, Suite 2
Malone, NY 12953
Phone: (518) 483-9472

NYSDEC
Attn: Benjamin Hankins
115 NYS Route 86
Ray Brook, NY 12977
Phone: 518-897-1241

Receive Site Citizen Participation Information By Email

Please note that the Department's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program, Voluntary Cleanup Program, and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at <http://www.dec.ny.gov/chemical/61092.html>

SECTION 3: SITE DESCRIPTION AND HISTORY

Location: The site is situated at 7 County Route 1 which is on the northwest corner of State Highway 95 and County Route 1 in the Town of Bombay, Franklin County, New York. The property is identified on the Franklin County Real Property Tax Map as Parcel #36-1-14.

Site Features: The main site features includes an irregularly shaped 15.81 acre land parcel currently consisting of two warehouse buildings, an unused water storage tower, and a wooded area. The larger of the warehouses is in severe disrepair.

Current Zoning/Use(s): The surrounding parcels are private residences, utility right-of-ways, and the another Environmental Restoration Program (ERP) site, the former Tru-Stitch Factory (ID No. E517009). This site is currently zoned for commercial use. The smaller warehouse is used by the Town of Bombay as a temporary storage building.

Historic Use(s): During the 1930's Bombay Slipper Factory owned this site and created leather slippers. The small warehouse and former factory were erected during the Bombay Slipper Factory years. After the Bombay Slipper Factory, Mr. J.J. Shields owned this property until it was sold to Wolverine World Wide Products (WWW) in 1974. The large warehouse was built in the late 1970's by WWW. Both warehouses were used by Tru-Stitch Slipper Factory to store materials and machinery used in the manufacturing of WWW footwear and performance leathers. Prior practices that may have led to site contamination include 70-years of industrial use, chemically treating leather, disposing of leather waste, and machine spills. Gildan Activewear was the last occupant of the property, leasing the large warehouse for storage prior to Franklin County Industrial Development Agency taking possession of the property in 2000.

Site Geology and Hydrogeology: Site soil was noted to consist largely of clayey soils overlain in some locations by fill materials used to develop the site for its former uses. The water table was encountered at depths between 3 and 5 feet below ground surface in investigation areas. Groundwater elevation data indicate that groundwater flow through the unconfined aquifer is to the west, generally toward Pike Creek.

A site location map is attached as Figure 1.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, an alternative which allows for unrestricted use of the site was evaluated.

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

SECTION 5: ENFORCEMENT STATUS

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

Wolverine World Wide Products may be a PRP for this site.

There are currently no ongoing enforcement actions. However, legal action may be initiated at a future date by the state to recover state response costs from this PRP and any other PRPs to be identified. Franklin County Industrial Development Agency will assist the state in its efforts by providing all information to the state which identifies PRPs. Franklin County Industrial Development Agency will also not enter into any agreement regarding response costs without the approval of the Department.

SECTION 6: SITE CONTAMINATION

6.1: Summary of the Remedial Investigation

A Remedial Investigation (RI) has been conducted. The purpose of the RI was to define the nature and extent of any contamination resulting from previous activities at the site. The field activities and findings of the investigation are described in the RI Report.

The following general activities are conducted during an RI:

- Research of historical information,
- Geophysical survey to determine the lateral extent of wastes,
- Test pits, soil borings, and monitoring well installations,
- Sampling of waste, surface and subsurface soils, groundwater, and soil vapor,
- Sampling of surface water and sediment,
- Ecological and Human Health Exposure Assessments.

The analytical data collected on this site includes data for:

- groundwater
- soil

6.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. The Department has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs for drinking water and soil vapor intrusion. The tables found in Exhibit A list the applicable SCG in the footnotes. For a full listing of all SCGs see: <http://www.dec.ny.gov/regulations/61794.html>

6.1.2: RI Results

The data have identified contaminants of concern. A "contaminant of concern" is a contaminant that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified on the property are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized in Exhibit A. Additionally, the RI Report contains a full discussion of the data.

Based on the investigation results, comparison to the SCGs, and an evaluation of potential public health and environmental exposure routes, no remediation is required for this site. More complete information can be found in the RI Report and Exhibit A.

6.2: Interim Remedial Measures

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

There were no IRMs performed at this site during the RI.

6.3: Summary of Environmental Assessment

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water.

Based upon the resources and pathways identified and the toxicity of the contaminants of ecological concern at this site, a Fish and Wildlife Resources Impact Analysis (FWRIA) was deemed not necessary for OU 01.

The Remedial Investigation (RI) included collecting soil samples and water samples. The soil was sampled from 22 test pits, 7 soil borings which were converted into monitoring wells, and 3 surface samples. Water samples were taken from the 7 monitoring wells, 2 septic tanks, and 1 concrete structure (tank) containing water. In addition, six background surface soil samples were taken; 3 from an unused portion of this site, and 3 from a nearby site.

The soil, groundwater, and septic tank were sampled for VOCs, SVOCs, PCBs, metals, and pesticides. Analytical results identified four inorganic compounds (arsenic, iron, manganese and sodium) in the groundwater. The inorganic metal compounds identified in the groundwater are naturally occurring, however, and not indicative of historical disposal actions. The investigation conducted at the site also identified six inorganic compounds (cadmium, chromium, copper, lead, mercury, nickel and zinc) in surface and/or sub-surface soil. The levels encountered in soil were either consistent with background or single, isolated detections that do not require remedial measures to address.

Based on the results of the investigation, no Remedial Action is required at this site.

6.4: Summary of Human Exposure Pathways

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

Elevated levels of sodium unrelated to former site operations are present in groundwater at the site and should be evaluated and considered if groundwater is used as a source of drinking water at the site. The property is suitable for unrestricted future use and development.

6.5: Summary of the Remediation Objectives

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial program is to restore the site to pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

There are no remedial action objectives chosen for this site.

SECTION 7: SUMMARY OF SELECTED REMEDY

No further remedial investigation or any remediation is recommended for the Former Tru-Stitch Slipper Warehouse site as the remedial investigation did not identify evidence of disposal sources of contamination, or areas of concern requiring remediation.

Exhibit A

Nature and Extent of Contamination

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

For each medium, a table summarizes the findings of the investigation. The tables present the range of contamination found at the site in the media and compares the data with the applicable SCGs for the site. The possible contaminants are arranged into volatile organic compounds (VOCs) and inorganics (e. g. metals). For comparison purposes, the SCGs are provided for each medium that allows for unrestricted use. For soil, if applicable, the Restricted Use SCGs identified in Section 6.1.1 are also presented.

Groundwater

Seven groundwater samples were taken and one water sample from a concrete structure (tank) initially believed to be connected to the environment, but was found to be environmentally isolated. Some of the wells did not produce enough water to test for all of the parameters. Eight samples were run for VOCs, seven were run for SVOCs, five were run for PCBs, seven were run for metals, and four were run for pesticides. The seven groundwater samples met the Part 703 SCGs for all but four metals: arsenic was found in one sample, iron was found in four samples, manganese was found in one sample, and sodium was found in four samples. No SVOCs or pesticides/PCBs were detected in the groundwater.

- One VOC was detected in a water sample collected from the site. Tetrachloroethene (PCE) was detected at 8.5 ppb in one sample from a pre-existing concrete “tank” marked on Figure 2 as MW001 that exceeded the Part 703 SCG of 5 ppb. A monitoring well (MW-1) was installed near the “tank” and the sample collected from MW-1 did not report VOCs, suggesting the extent of VOC contamination is limited to the water in the “tank.” VOC contaminants of concern were not identified in the groundwater.
- Arsenic was detected at 55.2 ppb in one sample (MW-6) in excess of the SCG of 25 ppb. Other groundwater samples contained either low or non-detectable arsenic concentrations. This suggests that the arsenic in groundwater at MW-6 is not naturally occurring, but is not a site wide contaminant of concern.
- Iron was exceeded at a range of 2,500-15,900 ppb in four samples in excess of the SCG of 300 ppb. Iron is an indigenous metal found in the soils and groundwater of this area. Iron is not considered a site related contaminant of concern.
- Manganese was detected at 1860 ppb in one sample (MW-6) in excess of the SCG of 300 ppb. Manganese is an indigenous metal found in the soils and groundwater of this area. Manganese is not considered a site related contaminant of concern.
- Sodium was detected at a range of 23,200-365,00 ppb in four samples in excess of the SCG of 20,000 ppb. Data does not indicate a sodium source at the site and it is most likely from the de-icing equipment stored in the small warehouse. Sodium is not considered a contaminant of concern that warrants remedial actions.

Table # 1 - Groundwater

Detected Constituents	Concentration Range Detected (ppb) ^a	SCG ^b (ppb)	Frequency Exceeding SCG
Inorganics			
Arsenic	55.2	25	1 of 7
Iron	2,500-15,900	300	4 of 7
Manganese	1860	300	1 of 7
Sodium	23,200-365,000	20,000	4 of 7

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

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

No site-related groundwater contamination of concern was identified during the RI. Therefore, no remedial alternatives need to be evaluated for groundwater.

Soil

The original sampling included analysis of soil collected from 32 sampling locations (22 test pits, 3 surface samples and 7 soil borings). The samples were analyzed for VOCs, SVOCs, PCBs, pesticides, and metals (surface and at depth of 5-8 feet below ground surface). Three additional on-site (0-6") surface soil samples were collected from undeveloped areas of the site. Plus, three surface soil samples from a nearby site (a total of 6) were also collected to assess background metal concentrations in the area. Soil samples met the Unrestricted Use SCO for metals except for the following: cadmium, chromium, copper, lead, mercury, nickel and zinc.

- Cadmium was detected at 11.5 ppm in one surface soil sample (SS-1) that exceeded the Unrestricted SCO of 2.5 ppm. Background concentrations of cadmium ranged from 0.509 ppm to 0.79 ppm. The single exceedence out of 37 samples is considered an anomaly; therefore, cadmium is not a site contaminant.
- Chromium was detected in the 37 soil samples (31 sampling locations and 6 background samples) at concentrations greater than the Unrestricted Use SCO of 1ppm. Chromium concentrations ranged from 2.3 ppm to 52.6 ppm, with an average concentration of 27.3 ppm. While the site is a former commercial/industrial property, the area is rural with agricultural and residential uses and the six background samples were collected from undeveloped areas of this site and a neighboring site. These background samples, ranged in concentrations from 23 ppm to 41.2 ppm, demonstrate that the levels of chromium found on the site are consistent with background levels, and not a site related contaminant.
- Copper was detected at an estimated concentration of 152 ppm in one surface soil sample (SS-1). This concentration exceeds the SCO for Unrestricted Use of 50ppm. Background concentrations of copper ranged from 8.44 ppm to 18.7 ppm. The single exceedence out of 37 samples is considered an anomaly; therefore, copper is not considered a widespread contaminant of concern.
- Lead was detected in five soil samples that were greater than the Unrestricted Use SCO of 63 ppm. Lead exceedences ranged from 66.4 to 547 ppm. A duplicate soil sample collected from the highest concentration (547 ppm) had a result of 17.8 ppm, indicating that lead is not homogenous within the soil. Background concentrations of lead ranged from 7.27 ppm to 17.9 ppm. Lead was not identified at concentration or frequency necessitating remedial measures.

- Mercury was detected in six soil samples that were greater than the Unrestricted Use SCO of 0.18ppm. Mercury exceedences ranged from 0.192 to 3.81 ppm. Five of these samples were less than 0.6 which is below the Residential SCO of 0.81. Background concentrations of mercury ranged from 0.025 ppm to 0.071 ppm. The single exceedence of the Residential Use SCO out of 37 samples is considered an anomaly; therefore, mercury is not considered a contaminant of concern requiring remedial measures.
- Nickel was detected in 13 soil samples that were greater than the Unrestricted Use SCO of 30ppm. Nickel concentrations ranged from 1.91ppm to 39ppm. Background samples ranged from 12.3 ppm - 22.9 ppm indicating that nickel is an indigenous metal consistent with background levels, and not a site contaminant.
- Zinc was detected in six soil samples at concentrations greater than the Unrestricted Use SCO of 109 ppm. Zinc exceedences ranged from 8.6 to 3,640 ppm. Background concentrations of zinc ranged from 49.5 ppm to 107 ppm. Site zinc concentrations generally appear consistent with background concentrations; therefore, this metal is not considered a site contaminant.

Table # 2 - Soil

Detected Constituents	Concentration Range Detected (ppm) ^a	Unrestricted SCG ^b (ppm)	Frequency Exceeding Unrestricted SCG	Background Concentration Range (ppm) ^a
Cadmium ^c	11.5	2.5	1 of 37	1.17-1.93
Chromium ^c	2.3-52.6	1	37 of 37	23-41.2
Copper ^c	152	50	1 of 37	8.44-18.7
Lead ^c	66.4-547	63	5 of 37	7.27-17.9
Mercury ^c	0.005-3.81	0.18	6 of 37	0.025-0.071
Nickel ^c	1.91-39	30	13 of 37	12.3-22.9
Zinc ^c	8.6-3,640	109	6 of 37	49.5-107

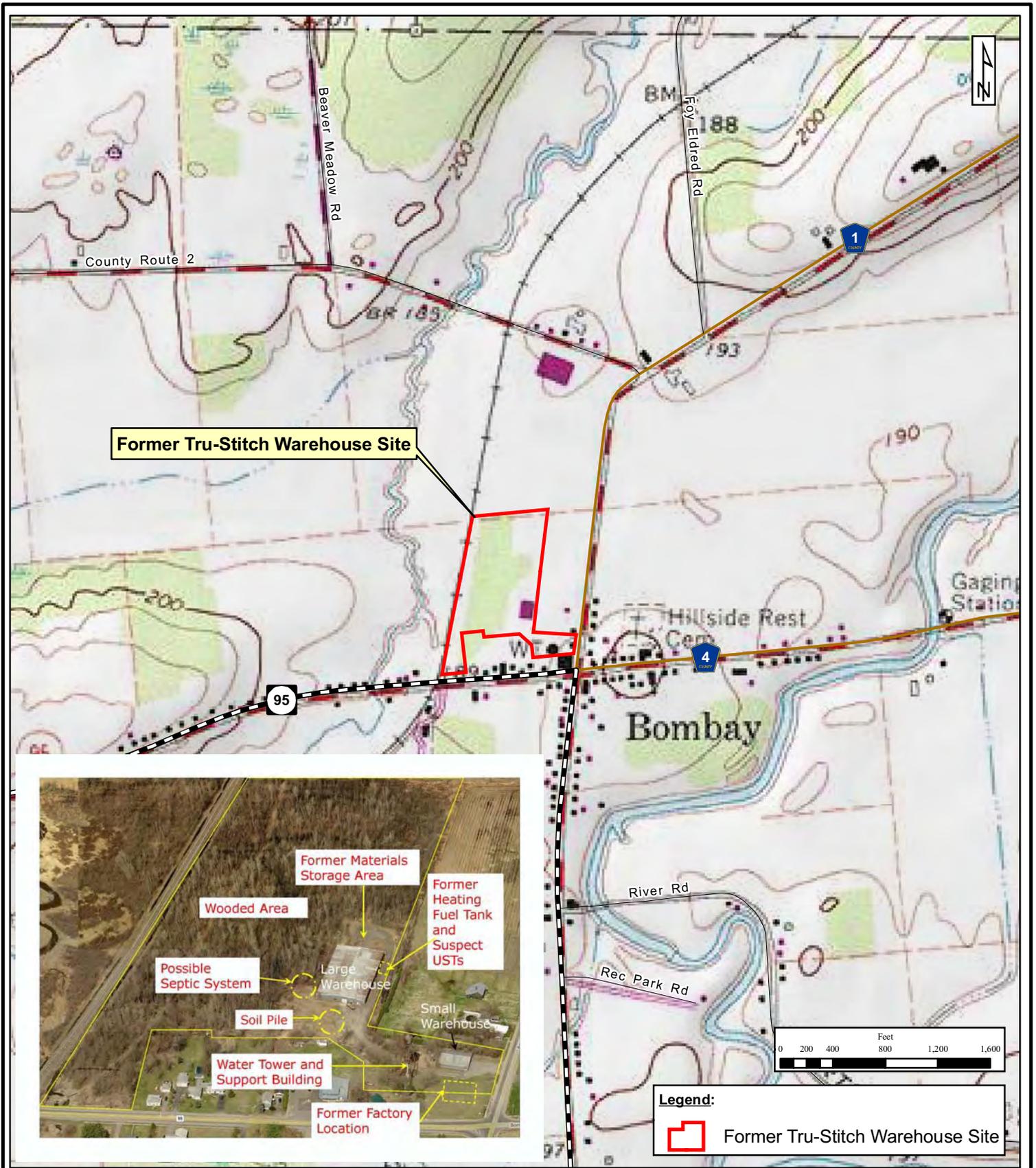
a - ppm: parts per million, which is equivalent to milligrams per kilogram, mg/kg, in soil;

b - SCG: Part 375-6.8(a), Unrestricted Soil Cleanup Objectives.

c – These metals are also present in the six background samples at similar concentrations and are therefore considered indigenous metals and not site contaminants.

No site-related soil contamination of concern was identified during the RI. Therefore, no remedial alternatives need to be evaluated for soil.

Figure 1



THE
Chazen
COMPANIES

ENGINEERS/SURVEYORS
PLANNERS
ENVIRONMENTAL SCIENTISTS
LANDSCAPE ARCHITECTS

Dutchess County Office:
21 Fox Street, Poughkeepsie, NY 12601
Phone: (845) 454-3980

Capital District Office:
547 River Street, Troy, NY 12180
Phone: (518) 273-0055

Glens Falls Office:
100 Glen Street, Glens Falls, NY 12801
Phone: (518) 812-0513

New London Office:
914 Hartford Turnpike Waterford, CT. 06385
Phone: (860) 440-2690

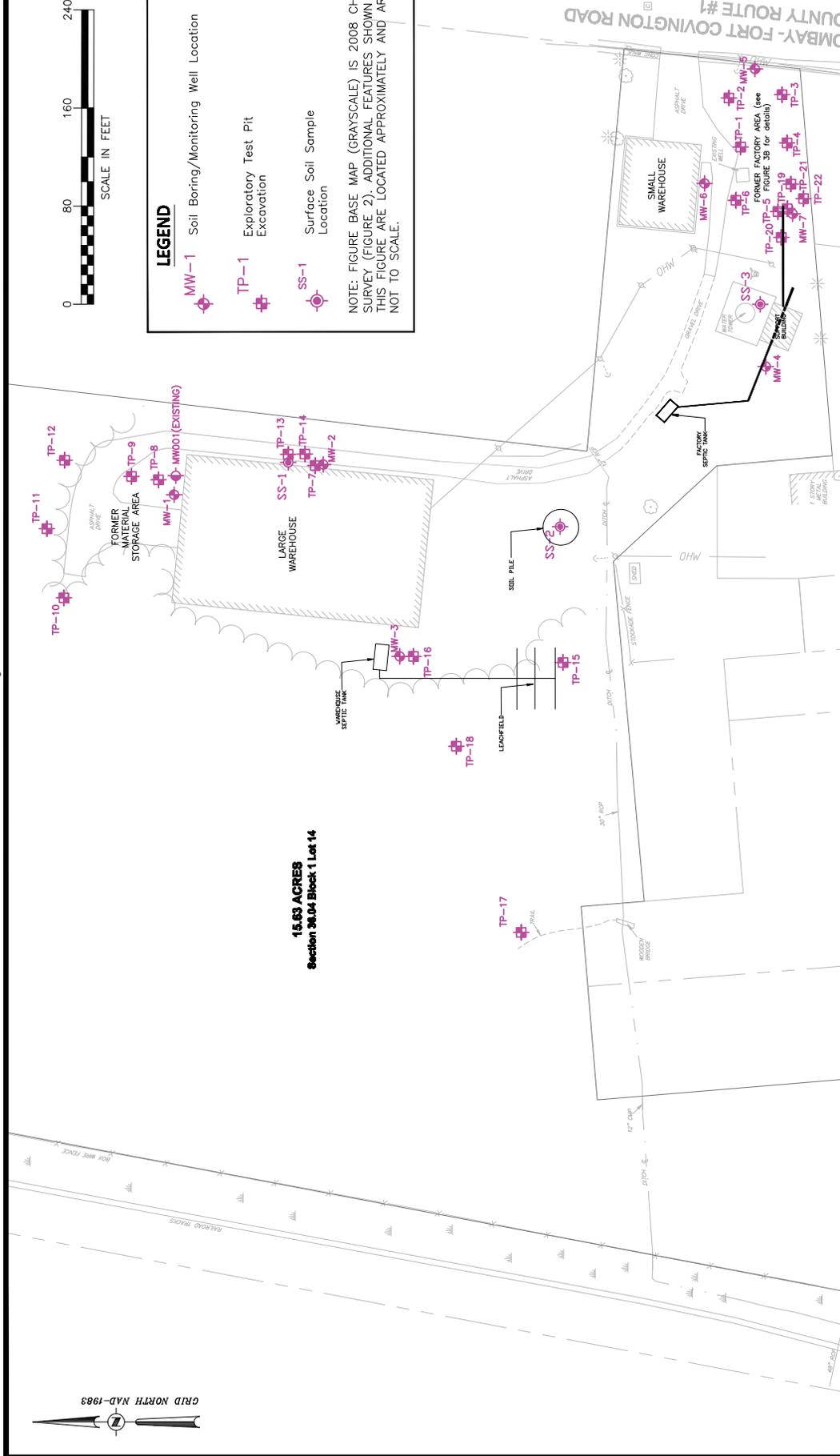
Franklin County IDA

Site Location

State Route 95 / County Route 1
Town of Bombay
Franklin County, New York

Drawn:	CLC
Date:	05/18/2009
Scale:	1:12,000
Project:	90909.00
Figure:	1

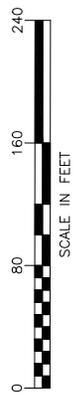
Figure 2



LEGEND

- MW-1 Soil Boring/Monitoring Well Location
- TP-1 Exploratory Test Pit Excavation
- SS-1 Surface Soil Sample Location

NOTE: FIGURE BASE MAP (GRAYSACLE) IS 2008 CHAZEN SURVEY (FIGURE 2). ADDITIONAL FEATURES SHOWN ON THIS FIGURE ARE LOCATED APPROXIMATELY AND ARE NOT TO SCALE.



15.63 ACRES
Section 36.04 Block 1 Lot 14

designed	checked
CSD	ASM
date	scale
3/9/12	1"=80'
project no.	90906.00
sheet no.	3A

FRANKLIN COUNTY IDA

TEST PIT, SOIL BORING, MONITORING WELL AND SHALLOW SOIL SAMPLE LOCATION MAP

Former Tru-Sitch Slipper Warehouses Site
County Route 1/State Route 95
Town of Bombay, Franklin County, New York

CHAZEN ENGINEERING, LAND SURVEYING

LANDSCAPE ARCHITECTURE CO., P.C.

Office Locations:

Dutchess County Office:
1000 Route 9W
Poughkeepsie, New York 12601
Phone: (845) 454-3980

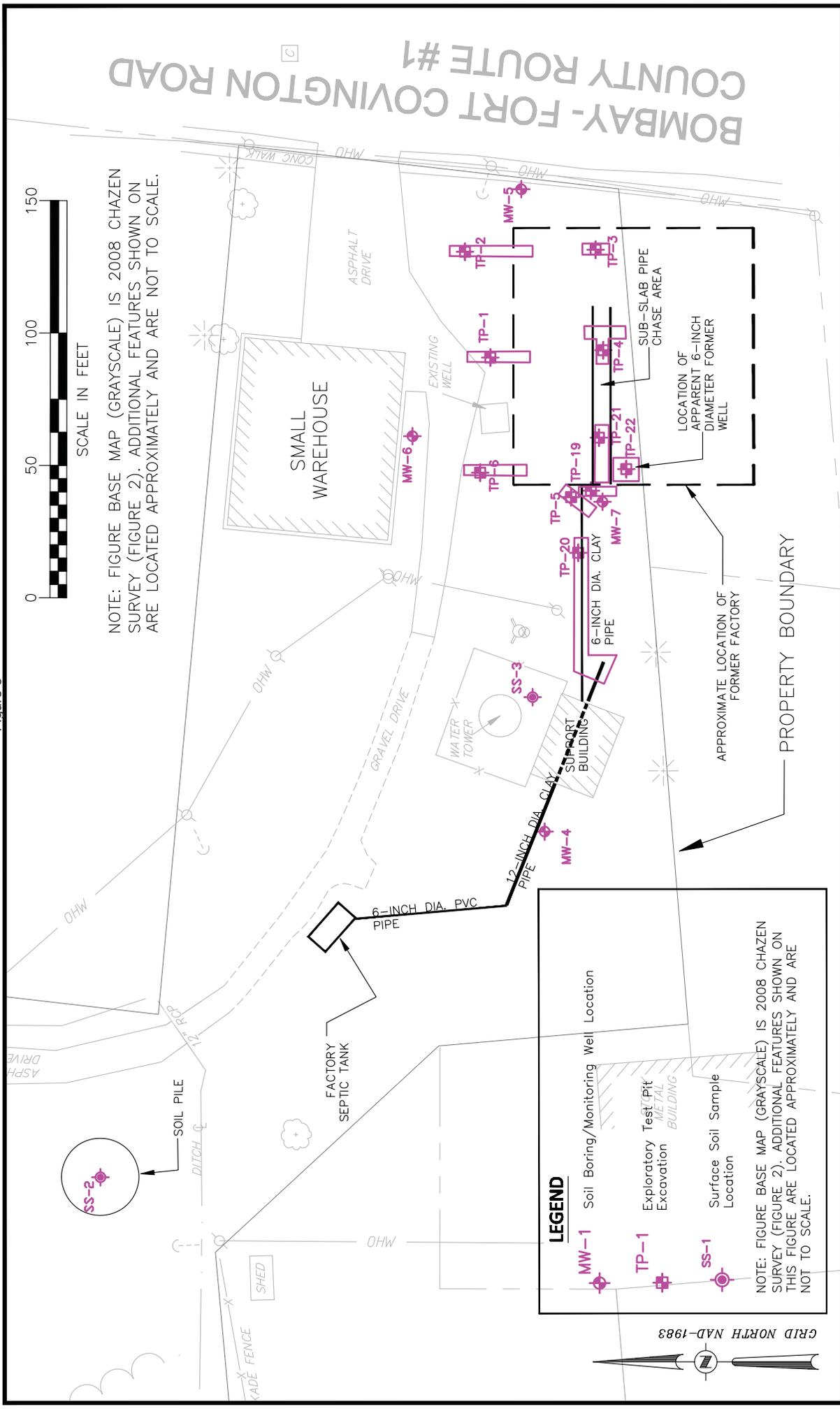
Capital District Office:
1000 Route 9W
Troy, New York 12180
Phone: (518) 273-0055

North County Office:
1000 Route 9W
Ossining, New York 12860
Phone: (914) 812-5613

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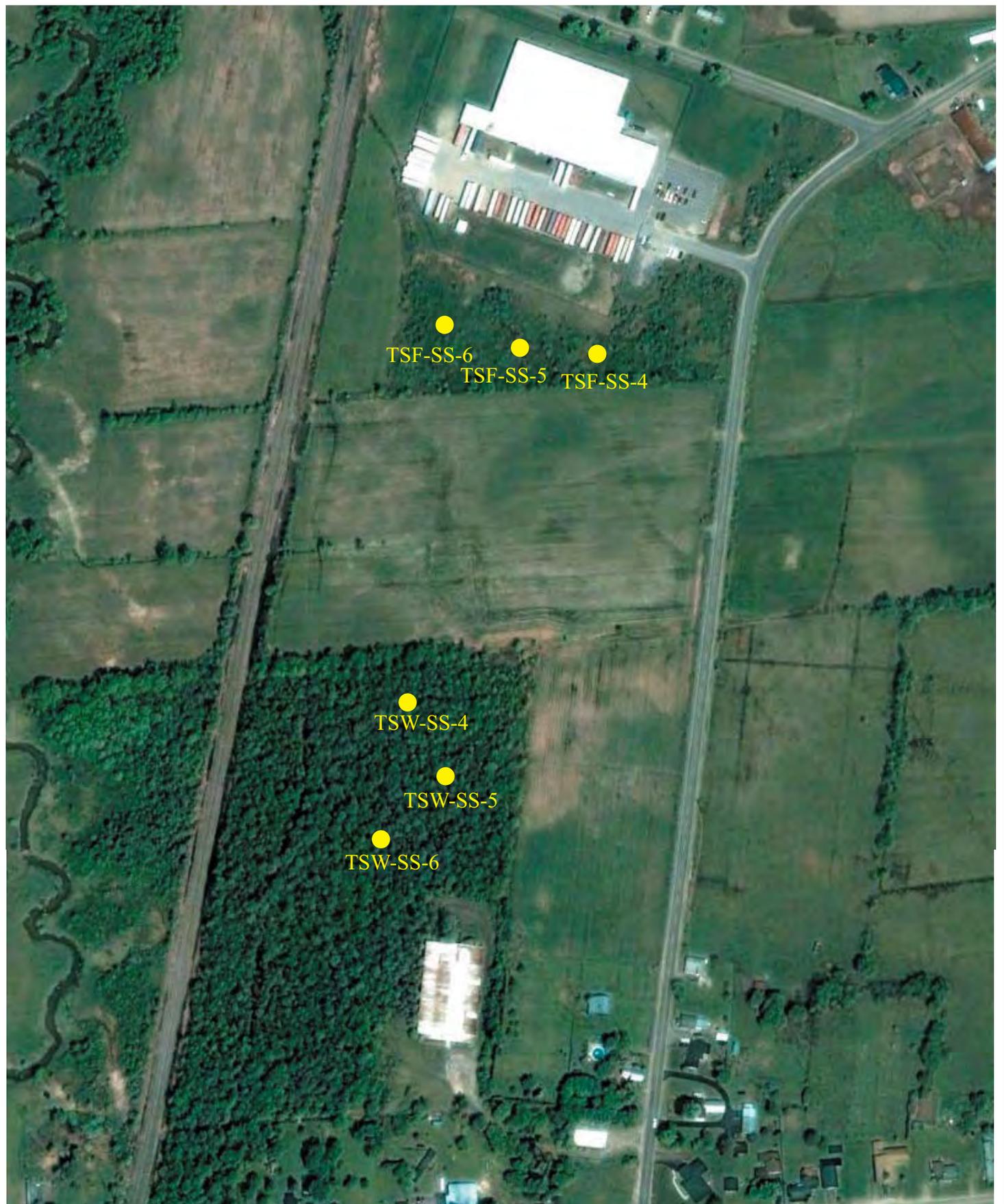
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Figure 3



designed	checked
CSD	ASM
date	scale
3/8/12	1"=50'
project no.	
90906.00	
sheet no.	
	3B

Figure 4



THE
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Orange County Office:
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Capital District Office:
547 River Street, Troy, NY 12180
Phone: (518) 273-0055

Glens Falls Office:
110 Glen Street Glens Falls, NY 12801

FRANKLIN COUNTY IDA

**FIGURE 3C - METALS BACKGROUND
SAMPLE LOCATIONS**

Former Tru-Stitch Warehouses and Factory Sites
County Route 1, Bombay, Franklin County, New York

Date:
2012

Scale: Approx.
1"=250'

Project #:
90906.00

APPENDIX A

Responsiveness Summary

RESPONSIVENESS SUMMARY

**Former Tru-Stitch Slipper Warehouses
Environmental Restoration Project
Franklin County Industrial Development Agency
E517010**

The Proposed Remedial Action Plan (PRAP) for the Former Tru-Stitch Slipper Warehouses 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 January 7, 2013.

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 availability session was held on January 17, 2013. The availability session provided an opportunity for citizens to discuss their concerns, ask questions and comment on the proposed no action remedy. The public comment period for the PRAP ended on February 21, 2013.

No comments were received.

APPENDIX B

Administrative Record

Administrative Record

**Former Tru-Stitch Slipper Warehouses
Environmental Restoration Project
Franklin County Industrial Development Agency
E517010**

1. The Department and the Franklin County Industrial Development Agency entered into a State Assistance Contract, Contract No. C303966, February 27, 2009.
2. “Remedial Investigation & Alternatives Analysis Work Plan,” prepared by The Chazen Companies, dated October 2009.
Also includes:
 - a. Site Specific Health and Safety Plan
 - b. Field Sampling and Analysis Plan
 - c. Citizen Participation Plan
 - d. Community Air Monitoring Plan
3. “Remedial Investigation Report” prepared by The Chazen Companies dated June 2012 – Final RI received.
4. Proposed Remedial Action Plan for the Former Tru-Stitch Slipper Warehouses, dated January 2013, prepared by the Department.
5. No Action Fact Sheet dated January 2013 prepared by the Department.