NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- - - - - - - - - - - - - - - - - - - -

In the Matter of

ONONDAGA LAKE PROPOSED REMEDIAL PLAN

- - - - - - - - - - - - - - - - - - - -

PUBLIC MEETING in the above matter conducted at the New York State Fair Grounds, Art & Home Center Bldg. Martha Eddy Room, on **January 12, 2005 7:00-10:00 p.m.**

MODERATOR:

KEN LYNCH, Regional Director NYSDEC Syracuse

ALSO PRESENT:

DALE DESNOYERS	NYSDEC Albany
BOB EDWARDS	NYSDEC, Albany
DON HESLER	NYSDEC, Albany
TIM LARSON	NYSDEC, Albany
DAVID SMITH	NYSDEC, Albany
TRACY SMITH	NYSDEC, Albany
JIM BURKE	NYSDEC, Syracuse Reg Haz Waste Engr
MARY JANE PEACHEY	NYSDEC, Syracuse, Regional Engineer
HENRI HAMEL	NYS Department of Health
ALLEN BURTON	TAMS
HELEN CHERNOFF	TAMS
MARK MOESE	TAMS
BOB MONTIONE	TAMS
KELLY ROBINSON	TAMS
DAVE SCHEUING	TAMS
MICHAEL SPERA	TAMS
JOHN SZELIGOWSKI	TAMS

INDEX TO SPEAKERS

LYNCH

DIRECTOR LYNCH: Good afternoon everyone. Welcome to the Onondaga Lake Proposed Remedial Plan Meeting. It's certainly great to see such a strong turnout tonight in the interest that everyone has in Onondaga Lake. My name is Ken Lynch, I'm the regional director for Region 7 of the New York State Department of Environmental Conservation.

Tonight's meeting is basically going to be in three phases. We're going to start off with a brief presentation showing you what is in the Proposed Plan, real short, brief discussion about the elements of the plan itself.

Next we're going to go into a formal public comment time where people who want to make statements for the record can come up front and make your statements and we'll take those down.

After the public statements are completed we're going to go into a question and answer period. If anyone has specific questions regarding the plan we have a lot of technical staff and experts that worked

on the lake here today to answer your questions.

So for those of you who know you want to speak right now we ask you to sign in in the back. Want to raise your hand Tracy. Tracy will give you a sign up card. I have some right now. As you sign up I'll take them and we'll call you in the order of signing up.

There may be many of you out there who have both a public statement to make and questions that you want answered. We ask that you make your statement at the appropriate time and then reserve your questions for the later time and we'll respond to those during the question and answer period.

We'll start with the presentation. As I stated, we're going to start with a brief overview and then go into the public comment and question period.

Cleaning up Onondaga Lake. What does that mean? I usually start my presentations on the clean up of Onondaga Lake, since it

is such a complex matter and there is so many issues, with really defining the two major issues. The two major pollution issues impacting the lake are the wastewater treatment issues and the industrial pollution issues.

Many of you already know that the wastewater treatment issues are being handled by Onondaga County under an agreement signed with them back in 1998. And we're now proud to talk about the state of the art facility that we have on the lakeshore at the metro plant. We are not going to be addressing that problem tonight because we believe we're on track under the Amended Consent Judgment to address the wastewater treatment issues.

The focus of tonight's meeting is going to be on the industrial pollution. And specifically the Proposed Plan for cleaning up the lake bottom itself. There is industrial pollution impacting the lake from upland sites also. This plan does not address specifically cleaning up those

upland sites. It is specifically geared toward cleaning up the lake bottom and the sediments and the impact that the contaminants have had on the lake bottom itself. As we'll discuss a little later there is a tie-in between upland sites and the lake bottom, but we'll discuss that briefly later on in this presentation.

This slide, which looks a little light but you might be able to see it. In your handouts, and I did not mention that we do have handouts on this presentation so you can follow along if you can't see the screen, bring the document home and look through it yourself on some of the details.

But basically this is a map of the lake itself. And in the middle of the lake we show the lake bottom. That's what we're going to be talking about tonight. Around this lake the several dots you see there are various sub-sites of the Onondaga Lake hazardous waste site. These are sites that have already been determined to have impacted the lake through discharges of

industrial waste. Again, those sites aren't specifically addressed in the plan we're going to talk about tonight. We're talking about the lake bottom.

There is a process that both the state and the federal government follow in cleaning up industrial waste or hazardous waste pollution. It starts with the remedial investigation. Basically this is an assessment of the site, a lot of testing, a lot of monitoring to determine the extent of contamination, in this case in the lake bottom.

After you know what's there you go into the next step and that's the Feasibility Study. And basically what a Feasibility Study is is an assessment of all the alternatives or range of alternatives to clean up those contaminants.

The next step is the Proposed Plan. And that's what we're talking about tonight. After all the alternatives are laid out the state, as the lead agency in this case, assesses those alternatives, looks at

various options and comes up with a proposed plan to present to the public.

Once that plan is proposed we step into our public comment period, in this case for Onondaga Lake. It started on November 29th and will run until March 1st.

Onondaga Lake is somewhat of a unique site in that it is both a state and federal Superfund site. Because it is also a federal Superfund site the Environmental Protection Agency is also reviewing the Proposed Plan, and they have a process for determining or reviewing the state's proposed final remedy.

Part of that process is an internal review process within the EPA called the National Remedy Review Board. And that evaluation will be taken -- undertaken by the EPA during the month of February.

Continuing on with the Superfund process, once we finish our public comment period and get all the comments on the Proposed Plan we issue what we call a Record Of Decision or the selected remedy, the

final remedy, the remedy that the state believes should be implemented to clean up the lake. And in this case for Onondaga Lake by court order that remedy is due on April 1st of 2005.

Once the remedy is determined we anticipate that the design of this proposed clean up will take approximately three years. It's a complex extensive clean up project and there is a lot of planning and design to go into this Proposed Plan.

Once the project is designed we start the construction phase. And we're anticipating four years for the entire clean up activity to be undertaken.

Back to the first step. Just want to review a little bit what we found when we did the investigation of Onondaga Lake. There is an extensive investigation undertaken in various years, some by Honeywell, some by our Department, all with the oversight of our Department and the EPA. More than 6,000 samples were taken from the lake or around the lake. We did a human

health risk assessment and ecological risk assessment as part of that investigation. And in real general terms what we found was that most of the contamination in Onondaga Lake is found in the southern portion or the portion located nearest to the southwest shore where most of the Allied or Honeywell activities took place, and much of other industrial activities took place.

There is mercury contamination throughout the lake. Again, most of that mercury contamination either being in the southwestern portion or at the mouth of Nine Mile Creek. We found other contaminants in the lake like benzenes, chlorinated benzenes and other contaminants. In some cases, in one area in particular, called the In-Lake Deposit Area, the deposits and contaminants reached levels up to 25 feet.

Once that investigation was completed Honeywell prepared a Feasibility Study with Department oversight. They evaluated some 14 alternatives to clean up the lake. They looked at alternatives ranging from doing

nothing, to spending no dollars on the clean up of the lake, to doing an awful lot of sediment removal and capping to an extent of addressing 2,300 acres in the lake at an estimated cost of $2.1 billion.

As part of that Feasibility Study Honeywell identified their preferred remedy. And that is proposed dredging of half a million cubic yards and capping of 356 acres in the lake, at a cost of $243 million.

Once the alternatives were assessed the state began its process of reviewing those alternatives and determining what they felt was the best Proposed Plan for cleaning up the lake. And that's what we're presenting tonight.

One of the steps in coming up with this plan was to establish goals. And those goals are outlined here.

Number 1 is to achieve sediment concentrations that are protective of fish and wildlife.

Number 2 is to achieve concentrations in fish tissue that are protective of humans

and wildlife that consume the fish.

And Number 3 is to achieve water quality standards.

Basically what we did in assessing the lake clean up, and it was also done by Honeywell in the Feasibility Study, was to break the lake into eight sections. And based on the contamination we knew of in those eight sections determine a remedial plan.

We determined that we would remediate all areas of the lake where the surface sediments exceeded our clean up levels.

That then resulted in an estimated proposed dredging of 2.7 million cubic yards and a capping of over 579 acres in the lake.

Where do those sediments go once we dredge them? The most highly contaminated sediments are proposed to be taken off-site to a permitted DEC or out of state facility. Other sediments that are less contaminated will go, are currently proposed to go to one of the Honeywell Solvay wastebeds.

A unique aspect of this plan is Honeywell is proposing to perform a pilot study to oxygenate the deep areas of the lake. And in an attempt to prevent mercury methylation or the mercury seeping into the water column in the lake. That will be conducted and monitored by the department. If effective we will authorize a larger scale project.

The plan also includes habitat restoration or repairing the damage you cause when you dredge. And habitat enhancement, doing more than what exists there today, adding to the habitat in and around the lake.

It's important to note that the plan also includes a long term monitoring of the water quality, the capping of the lake, fish tissue and other things related to the clean up of the lake. So once the construction activity is done the responsible party doesn't walk away, they have a long term obligation to monitor the effectiveness of this plan. And the estimated present worth of our Proposed Plan is $450 million.

This slide, and I'm sorry you don't have it in color in your handouts but it's a pretty good overview of how the lake is divided into eight areas and what the Proposed Plan for those eight areas is. It shows the areas to be capped and dredged. And it shows you the different units that the lake is divided up to. There is also a chart over there depicts the same thing. And is there one in the plan itself? In the plan itself that is in line, that's one of our exhibits in there. It's a good reference to get a good oversight of what areas are going to be capped and dredged.

As I mentioned there is a long term monitoring plan that I think is very important to this plan. For those of you familiar with the Amended Consent Judgment, the county has established an extensive annual monitoring program to see how their proposed clean up, their addressing of the wastewater issues that's impacting water quality, and improving water quality.

We expect that the monitoring plan for

this clean up project will be very similar, very extensive, reviewed by our scientists and others. We're going to monitor the effectiveness of all the remedy components. We're going to sample tissue in fish invertebrate, we're going to sample the surface water, the sediments, we're going to make sure the cap is working, we're going to make sure any containment area that's proposed in the wastebeds or other places is effectively working. And we're going to continue on an annual basis to make sure that this plan is working.

At some point during that monitoring if we find there is a problem with a cap or problem with different areas in the lake we will advise the responsible party and they will be responsible to correct those problems.

Time frame. One of the most common questions I get about this plan is how long will it take? When is the lake going to be clean? As I previously stated we anticipate, if all goes well, that the state will issue a Record On Decision or final

remedy by April 1st.

Next is the anticipated design phase, which is estimated at this point for three years. Prior to starting construction of this remedial plan, prior to dredging, prior to cleaning up the lake bottom we have to be assured that the lake is no longer being impacted by upland sites. So that is one glitch in this schedule that we have to coordinate with the clean up of the lake bottom. Simply doesn't make sense to dredge the bottom of the lake where the lake is still being contaminated by upland sites.

So part of this proposal is to coordinate with the upland site cleanups so that those sites are no longer impacting the lake before you start dredging the material. And once the construction activity does start in the lake we anticipate a four year construction period.

And again, once the construction is done, the work is not done, there is an extensive monitoring program which will continue until we believe that the remedy

has satisfactorily worked and there is no longer a need to monitor.

That's my presentation, I told you it would be short. We want to reserve most of this time to hear from you, both in public comment form and also in a question and answer form. But if you want to get more information about this plan, we've had two availability sessions, and we had a great turnout for both of those and we had a lot of great questions. But if you want more information you can go to our website that's listed there or you can come to these mentioned facilities and see the plan itself, the hard copy and go through it.

You can also comment on the Proposed Plan. You don't have to speak tonight to get your comments in. You can write in until March 1st and you can do that via the web or via mail.

We're now going to move into our public comment period to allow people who have comments for the record to come forward and state their comments. I do have a couple

ground rules so that we can make sure that we get to everybody that wants to speak and move this in an orderly manner. First and foremost when you come to the microphone, and Dawn is going to hold the microphone and come to you, if you can come out to the aisle Dawn will meet you in the aisle for you to make your statement. State your name and spell your name for the record. We have a stenographer (court reporter) here and I know he's a good speller but he can't get all the complicated names.

Keep your statements short and concise so we can get to everyone please. If the previous speaker or previous speakers have made a similar point you don't have to reiterate that. Oral comments tonight are given equal weight to written comments that you send in, so don't feel the absolute need that you have to make a statement tonight, if you would rather write that you can do that and it's given equal weight.

We will not be responding to the comments made initially during the comment

period. We're going to reserve that again for the question and answer period. So if you want to make a statement and you also have questions, please reserve those questions to the later portion of the meeting.

I'm going to start with the public speakers and as we traditionally do with DEC public meetings we'll start with our public officials. And the first one up is County Executive Nick Pirro.

COUNTY EXECUTIVE PIRRO: Good evening Director Lynch, members of the DEC team, ladies and gentlemen. This will be concise, I'm not sure that short. The county understands all too well the difficult task it is to develop and obtain agreement on expensive solutions to large scale, complex problems such as the industrial contamination in Onondaga Lake. It is always easier to be critical of such plans than to produce them. The County is aware of the level of effort that has gone into the development of the state's Proposed Clean up

Plan and we applaud that effort.

The ongoing effort to reclaim Onondaga Lake is substantial and widespread. The Onondaga Lake Partnership is spending millions of federal and local dollars on projects ranging from non-point pollution to habitat improvement to trail development. By the time the County is done upgrading the municipal wastewater system that discharges to the lake, the County, with substantial help from our state and federal partners, will have invested well over $450 million on lake improvement projects. A good deal of that work is already completed. It is now time to aggressively move forward with remediation of the industrial side of the lake restoration equation. The plan proposed by the state is substantial and aggressive. It's not perfect. And there are certainly many questions that will have to be answered along the way. But it is time now to move forward without delay. The County is hopeful that the technical and public review and comment process that is

now underway will allow this process to move in a positive and expeditious fashion.

That said, there are a number of critical issues that the County is hopeful can be addressed as the Proposed Plan becomes refined and finalized.

First, the schedule. As the County understands it, the plan recommended by Honeywell in the most recent Feasibility Study would postpone implementation of the most substantial work in the lake until 2011. That is too long to wait. The state's Proposed Plan offers no start or completion dates. Based on what is written, work could begin as soon as next year or as late as 2011. As there is no schedule things could be delayed even beyond 2011. An implementation schedule, with start and end dates needs to be spelled out as part of the plan, and work needs to be begin sooner, much sooner than 2011.

Related to the schedule is the lack of progress and coordination to date in addressing the upland sites. I am referring

to sites like Willis Avenue, the Semet Tar Beds, Wastebed B and Harbor Brook, Wastebeds 1 through 8, and the Geddes Brook/Nine Mile Creek sites. It should be readily apparent to everyone that these sites, all of which are ongoing sources of contamination to the lake, have to be addressed before implementation of a remedy in the lake itself can take place.

The county has consistently pointed out that all these sites should have been addressed collectively as part of a single comprehensive lake clean up plan and not as independent hazardous waste sites.

From an ecological standpoint, all of these sites are linked to the lake. The approach of allowing the upland and lake remedial investigation to proceed on distinct legal and separate time frames has resulted in a significant impediment to proceeding immediately with the remediation of the lake itself. The County recommends that the process to clean up these upland sites proceed as quickly as possible, so

that the lake bottom clean up plan can begin, and can do so without having to rely solely on the installation of interim remedial measures at these upland sites.

A second issue of concern is the long-term viability and reliability of several of the measures that are proposed in the Plan. Many of the proposed measures involve containment rather than removal. All of these engineered structures will require ongoing inspection, operation and maintenance.

These include: 1) Groundwater cutoff walls coupled with pumping and treating contaminated groundwater intended to stop the migration of contamination into the lake.

2) Engineered confinement caps intended to encapsulate over 575 acres of contaminated lake bottom sediments.

3) Engineered confinement of the 2.6 million cubic yards of contaminated dredge spoils in the proposed Sediment Consolidation Area located on Wastebed 13.

4) Facilities to pump oxygen into the lower layers of the lake in an effort to inhibit the methylation of mercury released from lake bottom sediments.

These engineered, constructed facilities will have to work forever, and will require inspection, operation and maintenance forever. The need to monitor and maintain these sites will never go away. Can the state assure this community that Honeywell will be around forever to take care of these things? What assurance can the state and Honeywell provide to the local community that it will not inherit the financial burden of maintaining, repairing and replacing all of these facilities, 30, 40 or 50 years from now? How will the final plan address this concern? The final plan must include formal legal protections, long term financial assurances or other protections that address this concern.

Third, institutional controls. The goal of Onondaga Lake clean up efforts is to restore the lake for the use and enjoyment

of the community. Typically, institutional controls impose limitations on the use of the site or resource. Limitations on the future use of Onondaga Lake as a recreational resource to this community due to institutional controls should not be part of the remedy.

Fourth, there is very little information provided regarding the proposed Sediment Consolidation Area on Wastebed 13. It appears to the County, based on the limited information that has been provided, that the Sediment Consolidation Area represents a sizable ongoing challenge, and potential burden to this community in the future.

The potential issues include: 1) the unexplained procedure to identify and then separate hazardous materials in the lake bottom sediments from sediments that are simply contaminated during the dredging process.

2), the physical stability of the site.

3), the potential for odor problems.

4), management of the supernatant.

5), long term operation and maintenance. And by long term it appears that this containment facility will have to be maintained forever.

6) and it appears that any redevelopment potential for this site will be gone for generations.

It is not apparent that any other alternatives for handling the dredge spoil were given full consideration. The question the County has is whether the creation of the proposed Sediment Consolidation Area is justified given these uncertainties.

Finally, monitoring. The topic of monitoring, in both the Feasibility Study and the Proposed Plan, is largely deferred to the design stage. While this is not unusual or necessary inappropriate, it is too important an issue to ignore during the stage of the remedy selection process. Given the complexities of the Onondaga Lake system, and the ubiquitous extent of the contamination related to the industrial sources impacting the lake system, it could

be very difficult to accurately monitor change and improvements and ascribe them with confidence to the remedial measures in the Proposed Plan.

The community will want and deserves assurances that the remediation measures ultimately put in place are succeeding. Monitoring for this purpose should begin now, in order to assure the establishment of a reliable pre-construction or baseline data-base. Moreover, development of the post-construction monitoring program must involve the County and other appropriate stakeholders.

I wish to close by restating that it is not easy to develop and obtain agreement and expensive solutions to large scale, complex problems such as the industrial contamination in Onondaga Lake. The state's Proposed Clean Up Plan represents a substantial laudable effort. What we offer tonight should be viewed as constructive input to that plan.

DIRECTOR LYNCH: Thank you. Next

speaker is Dale Sweetland, Onondaga County Legislative Chairman.

LEGISLATOR SWEETLAND: Thank you. I'll be very brief, I am - since I left my office with the paper I had in my hand sitting on the desk. I am Dale Sweetland the chairman of the Onondaga County Legislature. And I'm here tonight not as an engineer, because I'm not, I'm not a scientist, I am a resident of Onondaga County. And I'm here to express to you the feelings of my constituents and my neighbors as I talked to them after this plan has unfolded and come about in the media.

Several years ago, this is my 12th year in the county legislature, I was in the legislature and chaired the drainage and sanitation committee when we signed the Amended Consent Judgment. And there is probably nothing that I am prouder of than the fact that the County is doing, with the help of the state and the federal government, doing an enormous amount of work to stop polluting Onondaga Lake.

Ever since I have been in high school or was in high school - sounded like I still am, didn't it? Ever since I was in high school I have heard about Onondaga Lake. We've all heard about Onondaga Lake. We now have a great opportunity. We are closer than we have ever been in this community to actually coming to terms with the pollution in Onondaga Lake.

I want to reiterate what the county executive said, and I applaud DEC and Honeywell for all the work they've done. It's taken an enormous amount of time and a lot of effort to get to this point. I would reserve any criticism of the Proposed Plan because again, I'll beg that I'm not an engineer and I'm not a scientist.

I would offer that people who I talked to are excited about an opportunity to see something positive happen with Onondaga Lake. It's necessary, not only for the city, the county and the Central New York region, but it's very important to have this lake come back to life and be a vital part

of this community. So I want to encourage Honeywell and DEC and everyone involved to continue their hard work and really make an agreement happen and have this work come to fruition.

The one thing that strikes me as that in every type of these situations, as the County Executive said, nothing is perfect in this world, nothing will ever be perfect. And all I ask is that all the parties be logical, use common sense, and be reasonable in all this process so that we can have some good things happen to Onondaga Lake and the city of Syracuse and Onondaga County. Thank you.

DIRECTOR LYNCH: Next speaker is James Corbett, Onondaga County Legislator.

LEGISLATOR CORBETT: Thanks, Ken. C-O-R-B-E-T-T. Welcome to my area. I represent this 8th District. And I'm here to comment on one aspect of the plan, having gone over it extensively. I want to preface it saying I'm speaking as the County Legislator for this district. I have also

lived for 20 years right down the road here. My house and my backyard overlook right over 690 at the lake. So for 20 years I looked right at this lake every day.

The aspect that I would like to talk about is the pumping of the sediments from the pump station proposed to be built at Onondaga Lake to the Sediment Containment Area constructed at Wastebed 13. This is after the dredged materials have been processed. I understand that there would be approximately 4 miles of pipe from the pump station to the proposed containment settling area 13.

What my concern is, I've received a number of calls from constituents in this area, and if you're familiar, anyone around here, with 13, which is over off of - between Armstrong and Warners Road, there is a lot of the residential area around there. There is always a wind up there; there is always a breeze.

And the calls that I have received are two-fold. One is concern about the odor

control, which has been brought up at the meeting in Camillus. And also the length of the piping to come from the proposed pump station to the Wastebed 13. It would be approximately 4 miles from what I understand, and one of the proposals is to follow Ninemile Creek.

I think there might be another option after looking at this. We've discussed, and it was up on the screen, you can see the finger right here going out into the lake, that's Wastebeds 1 through 8. Wastebeds 1 through 8 right now is part of, is Onondaga County land and it's also part of the parking.

What I have talked with some of my constituents about and I don't know if anyone from Honeywell or the DEC, what if we thought of putting that containment area right there? You have four miles less piping, you're not going through a residential area. You also have a lot less worry about odor control. You've got the lake on one side, you've got 690 down on the

other side. Yes, it is now county property, and yes, we have a proposal for the trail around the lake there. But I would beg that this option maybe be looked at. And I would appreciate that if there is a scientific part of it, I just think that it's a real viable option. You're not going up Ninemile, you're not going through a residential area.

And I think in the long run it would prove to be, if it's done the way I've looked at everything, it could be turned right back into a recreational area. You could put that trail both up and down on it. And who knows, there might be a lot of uses for it down the road for maybe picnicking or a lot of other things. So I appreciate the opportunity to make this comment and I would hope you look at it. Thank you.

DIRECTOR LYNCH: Liverpool Mayor Marlene Ward.

MAYOR WARD: Thank you, Ken. Good evening. I appreciate the opportunity to be here this evening and to be able to comment

and be part of this really important undertaking because it is an important issue for the village of Liverpool. As I said before I'm Marlene Ward, the mayor of the village. My husband and I are life-long relatives -- I'm sorry, residents, of the village of Liverpool. In fact my husband was born right on First Street in the village right there on the lake. And when we were coming over this evening he was talking about being a little boy and wading in the lake and being told, you can't wade in that water.

And as we all know, Liverpool is like a lot of other communities, it was founded on a beautiful body of water, which is Onondaga Lake. And history records over time that unfortunately it became polluted to the point that it has received national attention as one of the most polluted bodies of waters in the United States.

The pollution process began many years ago, and I know that I cannot and I doubt anyone here can really remember when the

lake was not polluted. There is plenty of responsibility and blame to go around. The pollution was a combined result of everyone, from individuals to municipalities, to several businesses. Everyone either believed that it was not possible to pollute a body of water such as this, or else they did not care.

The foreign material that went into this lake on a yearly basis included millions of gallons of untreated human waste, various kinds of industrial waste, including some we did not realize was hazardous or dangerous until years later.

Many times throughout my lifetime there has been various attempts and proposals regarding lake cleanup. Always they seem to go nowhere. I came to believe we would never see a clean lake. Through the efforts of many dedicated people we have seemed to reach a point where we have a plan and a proposal that would at long last seem to accomplish some of these goals.

I would like to thank everyone who

brought us to this point and to say on behalf of the village of Liverpool, please continue to move forward with the goal of a clean Onondaga Lake, we certainly would appreciate it. Thank you.

DIRECTOR LYNCH: Are there any other elected officials who would like to speak?

SUPERVISOR CZAPLICKI: Hi, I'm Bob Czaplicki, supervisor of the Town of Geddes. I just want to say I've submitted some testimony for the record but I think it really is time that we move forward. I've lived in this community my entire life and know what the lake is about and I know what my constituents talk about. And they want us to stop talking and get moving.

So I know, as that the County Executive said, no plan is perfect, and we can work through this process and reasonable people can come up with reasonable explanations. But I think the time to get this lake cleaned up and to get this community moving, there is miles of shoreline that can be developed and it can be an economically

viable area. And I strongly urge that we get moving. Thank you very much.

DIRECTOR LYNCH: Any other elected officials? Okay the next speaker is Deborah Warner, Syracuse Chamber.

DEBORAH WARNER: Good evening Regional Director Lynch, thank you for holding this meeting. My name is Deborah Warner, I'm director of governmental affairs at the Greater Syracuse Chamber of Commerce. We're the largest business organization in Central New York with 2,300 organizations as members, employing over 140,000 people working in our community.

On their behalf I extend our thanks to you for this hearing and the years of dedicated work you have given to the goal of cleanup of Onondaga Lake. We're delighted and encouraged that after more than a decade we're finally at a point where we are finally talking about a remedy to implement. The goal is finally in sight. You are to be congratulated for working through this herculean task.

WARNER

I'm here tonight to tell you that we support the restoration plan you put forth. We believe and trust that all the research and study has yielded a plan worthy of implementation. We agree with Congressman James Walsh when he said, we have finally found a holistic and sterile approach to clean up this valuable community asset.

Our chambers includes the Onondaga County Convention and Visitors Bureau. Although we already market the lake for a range of events we're thrilled at the potential of visitors and events after the remediation is complete. Waterways are certainly a large part of our tourism marketing efforts. Currently to the naked eye the activity along the shoreline of Onondaga Lake is a fabulous asset.

But the question remains from our out of town visitors, why is there no activity on the water? Imagine the tourism benefits and economic development impact when we can successfully hold major fishing and boating events. When Destiny is built the value of

the lake to us will be nearly inestimable. We urge final approval and implementation of this program as soon as possible. Many projects in and near Onondaga Lake are moving forward, particularly the more than $200 million inner harbor redevelopment project we should see this year begin.

And the faster the lake is cleaned up the more development and jobs will occur in our community. Of course we can't ignore the economic impacts of over $400 million of over 7 years in the local economy if the project moves forward. We look forward to Honeywell being a valued member of this community for a long time.

I would also ask that as you work through the remediation plan you preserve development opportunities to the largest extent possible on the land that is being reclaimed. We believe that there will be strong interest and additional development adjacent to the lake, and don't want to lose out or limit this economic potential.

I know our members want me to give you a

vote of confidence in your work. The business community does not doubt the thoroughness or scientific acumen of the DEC and the EPA. We trust that you have not overlooked any aspects in the Remedial Investigation and Feasibility Study. And we trust in the monitoring programs that are part of the plan.

So we also speak to Honeywell tonight asking them to consent and agree and move forward with the plan DEC has proposed.

One last question, we hope that you'll be able to respond to as you go forward, and it's similar to a concern that the County Executive brought up. Going forward, what assurances can taxpayers in our community be given that if there is a failure in the cap or an engineering solution who's going to be held responsible for those costs? If Honeywell no longer exists, or has merged with another company who is going to be responsible for the costs in the end?

Onondaga Lake is a jewel for our community and the city of Syracuse. The

lake is a resource that any city would envy. We gained a lot of notoriety as the most polluted lake in the land. Now we'll have a new reputation as an example of state-of-the-art remediation of one of the largest Superfund sites in the nation. So we look forward to the earliest implementation possible and support for the recommended plan the DEC has put forward. Thank you.

DIRECTOR LYNCH: Sam Sage, Atlantic States Legal Foundation.

SAMUEL SAGE: Sam Sage, the president of the Atlantic States Legal Foundation. And I'm just going to make some preliminary remarks. Atlantic States will send in detailed comments to the EPA review panel and for the record here.

Before I say anything in detail we are happy to see that something is finally going to happen. We recognize the need for dredging and capping. And we hope that things can get started as soon as possible. I would just like to talk about three or four issues quickly.

The first item is that we're concerned that there needs to be a vision for the lake, a consensus vision. This is a public policy issue: What do we in this community want the lake to be like fifty or even a hundred or more years from now? At this point there is a vision that the Onondaga Nation has presented, that this is their cultural heritage, this was their life source, and their fishery, and hunting grounds.

We need to see as a community what the end point of a rehabilitation of the lake should be. We have to recognize that there are scientific limitations in restoring the lake to what it once was but we really need to know what it is that the lake should become.

Part of that, to get there, the most important thing is a sensible and thorough monitoring plan for the lake. We need to start now doing baseline monitoring, so that by the time we have this plan implemented we know where we're going. This monitoring

plan is going to have to be very complex in its variation, it has to dovetail with the monitoring currently being done by Onondaga County. We would recommend that there be outside scientific input into developing the monitoring plan, and hopefully be outside peer review of the monitoring plan before it takes place.

Another concern about the monitoring plan is its cost. The monitoring plan is estimated to be something like $3 million a year for a minimum of 30 years, but probably more than that. That's a large sum of money. Corporations come and go, we really would like to see some fail-safe mechanism that the money will be available to do the monitoring properly. And one idea would be to collect a sum of money up front and keep it into a fund specifically for the purpose of the monitoring. The legal possibilities of doing that are the Superfund notwithstanding, I think that's something that should be investigated.

Part of the monitoring exercise is

needed in order to do some modeling of the different parameters in the lake. There was a meager effort to do a mercury model. That was shown that it wasn't going to work. But that effort was pretty half-hearted at best. To do a mercury model properly is going to take a long period of time. We need to start now getting the monitoring data that will allow us to do that monitoring. Without some kind of modeling exercise we have no idea at what point we can expect to see improvements in biota, a lessening of methyl mercury in fish tissue and other things like that.

We also should be modeling for other parameters other than mercury. There are various organic compounds that should be modeled. And a thorough analysis should be made of what are the most reasonable parameters to that modeling exercise.

The next point that I think is needed to emphasize is public participation. It's very gratifying to see so many people coming to this meeting tonight. For all too many

years when some of us have been dealing with Onondaga Lake issues we sort of talked to ourselves. However, the Superfund process is partly to blame. We at Atlantic States audit the TAG grant agency for the Environmental Protection Agency. But even so with all our efforts getting people interested in the esoteric of the Superfund process has been difficult.

Also unfortunately, this hearing is the only requirement under the Superfund process. And so we are urging that a more comprehensive continuing public participation effort go hand in hand with the remediation of the lake bottom site and with the other sites. I have suggested separately to DEC that an overall matrix should be prepared for the public, showing the relationship of all the upland sites to the lake bottom sites on the dates and the conflicts and trying to hammer out, you know, what people can expect and what are the significant points at which some public comment would be desirable and necessary.

And I think there is some agreement to do something like that and I think that would go a long way in helping getting the public more involved.

Finally, the last point I would like to make is that in all the work to do the remediation we have to think of the workers who are going to be doing the work. And it's particularly important that proper hazardous management training be undertaken by all these workers and that all steps are taken to ensure their health and safety during the process. And thank you, we will submit written comments later.

DIRECTOR LYNCH: Thank you, Sam. Chuckie Holstein, FOCUS Greater Syracuse.

CHUCKIE HOLSTEIN: Good evening and thank you very much. I appreciate DEC being - giving us this opportunity. I'm with FOCUS Greater Syracuse. FOCUS stands for Forging Our Community's United Strength. And I'm speaking for the ordinary citizens who participated in our FOCUS visioning process in 1997 and 1998.

There are over 5,000 citizens who participated in this process to share with us their dreams and their visions for our community. That was eight years ago. And that visioning process developed 15,500 ideas. That's a lot of ideas. We distilled those into goals. We ended up with 87 goals. Those goals were voted on in a Vision Fair in 1998, and that's what I want to talk to you about.

As people voted on the goals they established the preferences for what they wanted to happen first in this community. The number one goal was to build bicycle paths and hiking trails, especially along the waterways in our community, ergo Onondaga Lake.

The third highest goal out of 87 goals was to develop and clean Onondaga Lake. I went into that great big fat notebook this afternoon to take a look at what some of the people were saying about Onondaga Lake. After I had counted 150 times just the three words, "clean Onondaga Lake," I stopped

counting, because I think at every single one of the over 200 visioning sessions people did say they wanted Onondaga Lake restored so they could go swimming there and fishing and so on.

The citizens have waited a long time for the clean up of Onondaga Lake. The good news is that there is good fishing in the lake. We understand the carp colony is wonderful, and even those people from the United Kingdom would like to come here and fish for carp.

We also understand that you can travel from Onondaga Lake all the way to the Mississippi river, but they can also come here, and that's I think what Warren talked about in bringing tourism to this community.

Last year in 2004, we spent the entire year on the waterways and water in our community. We held two FOCUS meetings, an annual event and a workshop with experts. Some of you here in this room were part of that. We ended up with a report to the community. There were 10 strategies for

Onondaga Lake. I'm only going to read a few of them to you.

The first and foremost was to focus on water quality. And I think that's what the DEC, Honeywell and the other remediation projects are talking about.

They want to continue the clean up and have a long range plan to keep it clean. And that goes to what Sam Sage just talked about, the continuing monitoring.

They want the public to be informed of the current state and usability for recreation and fishing. In other words, they said, let's get people on the lake not just standing there and looking at the lake.

They want to create a positive publicity and media campaign about the lake. And I think we need to do that more and more. Of course they want the hiking trail and the bicycle path, the contiguous lake trail to be finished. And the edge lands be ready for development and public use.

The people talked about public accessibility and to provide transportation

to the lake. There is some people who don't have transportation and need public transportation to get to the lake.

And last but not least, they said all around the lake should remain in the public realm. There should be public ownership of the shoreline, and create a long term plan for the use.

I think the citizens of this community would find it very good news to hear that we're finally beginning the process. And we recommend that the process begin as soon as possible. We say start now, just do it. And I do have some documentation on the citizens goals and what they had to say and I will leave them with you. Thank you very much.

DIRECTOR LYNCH: Thank you. Next is Clyde Ohl.

CLYDE OHL: My short presentation here is entitled "Build and measure - but No Final Specific Master Plan." I have two areas of concern with proposals for Onondaga Lake.

First, as background, there is a scientific way to resolve the issues involving Onondaga Lake. The lake would be studied by an independent scientist, or independent scientists with proper peer review. The remedial issues would be defined, with extensive models constructed, based upon selected variables and a final solution based upon a clearly defined master plan. We don't have a master plan as yet.

Unfortunately, all too often clearly defined scientific study has been subverted to what I call is the political process.

The result has been what we call the Build and Measure Plan established by Onondaga County, without precise goals, to grapple with the sewage discharge into Onondaga Lake. Build and measure, often done without independent monitoring, I repeat, independent monitoring is a nice sounding term. However, it is not based on long-term goals but it's more concerned with inching along, sometimes delaying the project.

It comes as no surprise that Honeywell has followed or decided to follow what I call the Metro template, and wants the same arrangement. Fifteen years after the state filed the lawsuit and after collecting hundreds - or mounds of data and studies at a cost of several hundreds of millions of dollars, detailing the industrial pollution of the lake, we are again endorsing what I call this build and measure plan, and again without a clear predetermined goal.

To be succinct, under build and measure the polluters are being allowed to build what amounts to interim or test facilities, and merely measure their efficacy rather than require actual predetermined results based upon proper scientific models.

This flies in the face of what I call environmental cleanup practices everywhere in the country. I have been -- don't get me wrong now, I've been delighted that Honeywell has come along. They're doing things differently than other interested organizations. They're reaching out to the

public. They haven't announced the final plan. The final plan, as I understand, will be about three years from now. During the meantime they'll be doing a lot of work in preparing for this.

This type of initiative involving the public is long overdue on issues involving Onondaga Lake. And I do not want to delay major positive efforts with reference to the lake. However, I continue to remain concerned with the build and measure approach proposed by Honeywell. The major shortcoming I again point to is a lack of modeling for the project, no models. We have to do what we do and then build and measure and so on. We spend hundreds of millions of dollars and we're throwing out a lot of that information we had before.

Using appropriate modeling to arrive at predetermined measurable goals is an overriding importance in this issue.

My second concern, by the way I mentioned two, rests with the Town of Camillus. And it goes like this. I'm not

speaking on behalf of Camillus officialdom, although as a former town supervisor in Camillus and a former county legislator I've been involved in the lake issues for many many years. I'm also chairman of what we call somewhat facetiously the Dead Lake Society. Dead Lake Society. The beds actually represent a long lost opportunity, the present beds, represent this lost opportunity for long term economic development as well as recreational opportunities.

We just have the wastebeds in Camillus, several hundred acres. We now have the chance to regain the opportunity of bringing these areas back into some type of economic development profitable for the town.

I think it's important for Camillus to be involved in the design process for the development of the beds and the surrounding areas and not merely as a depository for the tailings from the dredging program.

The so-called Allied beds actually have potentiality easily ignored, often ignored

and not much appreciated for future development in Camillus. It seems to me using bed 13 and maybe even expanding it to bed 14 actually overrides or creates a major barrier to future development. Camillus has a finite area, and to see Allied beds continue only as a dumping site flies in the face of economic development.

I do remember a schematic developed about twelve years ago by Allied Chemical and they depicted future uses of this whole area. I was very much impressed. Golf courses, parkland, all kinds of things, even potential parking lots for the State Fair and also maybe a ramp, another exit ramp on Horan Road that would serve Camillus a little bit better. Well, time has passed by, twelve years later, and nothing much has happened as far as that part is concerned.

There is no mention in all of this, by the way, of economic benefit to the future. Unless we start now we may well end up with another lost opportunity. It's not too early for Camillus to be involved in

conjunction with Honeywell and the DEC in any design processes. I want to see a better use of the wastebeds and surrounding areas than we are contemplating at the present time. Thank you.

DIRECTOR LYNCH: Jeffrey Freedman.

JEFFREY FREEDMAN: Thank you. I am Jeffrey Freedman, F-R-E-E-D-M-A-N. It's been my privilege and pleasure to have a sailboat and a motorboat on Onondaga Lake for the last six years. It's also been my pleasure to be a member of Onondaga Yacht Club. Onondaga Yacht Club has existed on the shore of Onondaga Lake since 1883, promoting recreational boating on Onondaga Lake and enhancing the recreational boating experience.

On behalf of the members of the Club, we number about 60 families who have about 50 boats that we use on the lake. We thoroughly support these efforts of the DEC and of Honeywell to clean up what we regard as our lake.

In the course of the clean up operations

we think it would be in the interest of public safety to remove all of the under-water obstructions to navigation. The Noah charts for Onondaga Lake list at least two sunken barges and numerous underwater pilings which remain from the amusement park on the western shore. These objects present a clear and present danger to public safety and also to the safety of the Honeywell workers who will be out on the lake in their boats. So we hope that in the course of the clean up efforts that these objects will be removed.

We hope that the clean up effort will, in the habitat enhancement part of the project, that we can have a plan free zone in the Marina Harbor, that will also support navigation, and the channel between the Marina Harbor and the lake in the deep end.

We are not anxious to see anchoring restrictions over the areas that are capped. An anchor is an item of safety equipment on a boat. We have seen sudden storms come across Onondaga Lake and we have measured

winds in excess of 80 miles an hour. So we need to deploy our anchors as a matter of boating safety, and we would not like to see any restrictions to anchoring in the cap areas.

Those things being said we look forward to working with the Honeywell staff as the clean up progresses. Our organization sees this as an opportunity to greatly expand recreational boating on Onondaga Lake. We have called for the creation of a day camp with sailing instruction and lake ecology instruction for children, possibly associated with our boating club. We would like to see community sailing programs for our senior citizens so that retired people could come and use boats, not necessarily have to own them themselves.

We would like to foster the relationships with our colleges and universities to bring back intercollegiate sailing on Onondaga Lake and scholastic sailing. And we also see our Club hosting Empire State Games sailing events and also national

sailing regattas on Onondaga Lake for one design sailboats.

So we see a tremendous increase in sailing activity. We would like to also see a tremendous increase in fishing activity and rowing shells. So I think the vision that we have for Onondaga Lake from the standpoint of recreational boating is that the thousands of people who already enjoy Onondaga Lake Park would look out and see the lake literally covered and populated with sailboats, fishing boats and rowing shells on every nice day of the summer.

And once again, we are tremendously appreciative and express our deep gratitude to the staff of the DEC and to the Honeywell organization for their clean up activities.

Finally, we just hope that - we understand that there is presently a disparity between the scope of the operations that are being proposed by Honeywell and by the DEC. We would not like to see these - this disparity get bogged down in the judicial system under court -- in the courts, but we

would like the clean up effort to go as expeditiously as possible so that we and the public can enjoy our lake. Thank you.

DIRECTOR LYNCH: Nick Kochan.

NICK KOCHAN: K-O-C-H-A-N. Good evening and I would like to - village of Liverpool Planning Board Chairman and twenty year resident of the village of Liverpool and a life-long resident of the Syracuse area.

In Liverpool which was incorporated in 1830 as one of the older communities in the area, probably had one of the first commercial enterprises on the lake with the collection of salt. And the focus of the lake has been an economic driver for everybody in this community for a long time.

And the twenty years since Allied has closed the community has taken a new focus and a new direction with respect to the lake. We have worked with the mall, we have the extraordinary growth of the use of the park, the Onondaga Lake Park, and also we have the improvements being done by the wastewater, in the wastewater facilities.

It's very encouraging to see the effort that's being put into this project and it's great to see this is getting closer to becoming a reality. I just have several quick comments to make because many of the points have been covered already.

Assuming that the upland remediation is successful and diligently protected, I would make that one of the first conditions in looking at this lake proposal. And we also have to make sure that Honeywell will still remain involved in the long-run to maintain those facilities. I would just like to encourage Honeywell and the DEC to continue to work hard and find the best economic and scientific compromise possible for this project. Thank you.

DIRECTOR LYNCH: David Chapman.

DAVID CHAPMAN: How are you doing. I have some scientific statements I was going to make on behalf of Dr. George Putnam with our firm. My name is David Chapman, I'm with Mountain Eagle Management, we're a technology development firm.

CHAPMAN

I guess mainly I wanted to get across rather than, I can address this later for you and give this to you, but there is a lot going on in the community. First of all, I want to commend the DEC and Honeywell for moving towards action steps now as opposed to just a constant studying and remedial investigation going on seems like a lifetime.

Our firm has a patent on a reverse of the Solvay process, where they take carbon rock and turn it into natural chemicals. It's a patent, you take that natural chemicals and turn them back into carbon rock for sealing up buildings and soils.

We've run into a lot of, I don't know let's just say snags along the way in trying to get an idea of the chicken and egg theory a cross of whether it's been done before or how do we know it will work, and a lot of things like this. One of the things I see happening in this community right now is that we're really moving toward a community of technology development; what's going on down in Syracuse and various different

operations that are happening around there and what Pataki recently proposed as far as new technology development in the Central New York area.

And I just want to say I think that with Onondaga Lake we have a great opportunity to really look at some of the other technologies, and I'm not just talking about ours, I have seen some other technologies that really hold some serious merit for the true clean up of the lake.

And all I want to say for the record is just that if we can just make sure that we have a forum where these technologies can truly be listened to by people like yourselves and other scientists and not just pushed aside where it's been done before. But really looked at for a way for some potential solutions.

Again, like I said, I want to commend the DEC and Honeywell and all the fine engineering firms who worked up to this point of bringing this to fruition with this diverse action, instead of just study.

That's pretty much it. As far as the technical, I'll leave this for you. Thank you very much.

THE COURT: Howard Bragman.

HOWARD BRAGMAN: I am H-O-W-A-R-D B-R-A-G-M-A-N. This will be like really short, just about a minute. It seems that we've been this route before. Not so long ago a professor emeritus from ESF stated it would take at least half a century and then we would not know where we were. Is it emollients, PCBs, mercury, whatever? Because Onondaga County does not collect taxes anymore. Because I used to hear rumors that people who worked for Allied if they suddenly think about polluting the lake, rushed into a room with an exit sign on it and they were out the door.

Why am I not convinced? If Allied were still here we would not be here tonight. I propose damming it because that is the one true way of getting to the bottom of things. In other words, just put up big barriers and get in there and see what you have. And

then cap it so well that it probably will never leak again. And I think the technology that was here could be developed. If they can with that movie Titanic develop technology for the cameras that went down there, just for a movie, which means nothing, they can surely do this with Onondaga Lake if they really and truly want to.

And they could go back year after year, maybe the first two years after, then two years, leave a space, two years after, two years, three years. They have barriers that they put on highways when they want to work on them, they can use the same type of technology on the lake. I don't believe they can't. Thank you.

DIRECTOR LYNCH: Les Monostory.

LES MONOSTORY: I am Les Monostory, M-O-N-O-S-T-O-R-Y. I'm president of the Onondaga County Federation of Sportsmen's Clubs, and I represent about 30 clubs and several thousand members of sportsmen who are some of the primary users of the lake in

terms of fishing, boating and we have a fair number of duck hunters that also use the lake for hunting purposes.

And my concern is about shoreline safety issues. Many of you may not be aware that along the shorelines where Allied had the wastebeds, which really covers basically from Nine Mile Creek all the way to past Onondaga Creek to Ley Creek. There was these wastebeds that leaked calcium sediments into the lake and particularly along the shoreline by the so called white cliffs, which is the area adjacent to the, well the New York State Fair parking areas.

There are areas along the base of those cliffs where if you walk into the water you may fall through a hardened calcitic sediment which has been deposited along those shores.

On November 26th I wrote a memorandum to Honeywell and DEC Region 7 about safety concerns related to Honeywell clean up of Onondaga Lake bottom sediments. I expressed concern over safety issues along the western

shoreline related to potential hazards for fishermen or boaters who might try to either wade or land a boat along the Onondaga Lake shore.

Honeywell responded with a letter dated December 17th, in which they described proposed remedial measures specifically for the white cliffs section of Onondaga Lake, which comprise portions of SMU 3 and SMU 4.

With regards to the sediments beneath the white cliffs in SMU 3, Honeywell's letter indicates that the FS, I can't think right now, what does FS stand for? Feasibility Study recommended alternative includes dredging of near-shore sediments followed by capping along much of the shoreline.

Shoreline stabilization would be completed along the remainder of the shoreline in this area. And those areas targeted for dredging and capping, calcitic sediments would be removed. And those are these sort of glass type of sediments that I'm talking about. And the area covered

with capping materials comprised of stone, cobble and sand. The thickness and size of these materials will be determined during the design phase.

They continue. "Various techniques would be used for shoreline stabilization, and may include vegetative plantings and brush mattresses. Along those portions of the shoreline that are either exposed to wave energy or more steeply sloped, stone may be placed at the bottom of the slope to stabilize the substrate and prevent erosion of the shoreline treatments. Honeywell believes these techniques will address the potential safety concerns you raised related to calcitic sediments along 2,500 meters of shoreline."

Again, this would be the area roughly from the 690 turn-off to State Fair Grounds to Ninemile Creek. That's approximately about 2,500 meters of distance.

Shoreline Safety Recommendations: In reviewing both the Honeywell and DEC plans for dredging and capping of the shoreline

sediments in both SMU 3 and SMU 4, it is clear that specific areas along the shoreline will be dredged and capped from the lakeshore up to depths up to 9 meters. However, the reports are unclear regarding what specific stabilization measures will be completed along the shoreline sediments not specifically targeted for dredging and capping in this area.

In order to address the issue of physical safety concerns for anglers or boaters who may try to access the shoreline along the base of the white cliffs, I am recommending that solidified calcitic sediments along the entire 2,500 meters of shoreline at the base of the cliffs be removed to a water depth of one to two meters, and that the entire shoreline be stabilized with capping material composed of stone, cobble or sand to a minimum water depth of 1.5 meters.

The purpose of this additional shoreline stabilization is to provide safe recreational access for shoreline waders,

anglers and boaters, who are currently at risk when they try to walk the lake shores at the base of the white cliffs there, due to existing layers of unstable calcium carbonate sediment.

I also have a separate statement which I may present later with regards to a fishery goal statement for Onondaga Lake and tributaries.

DIRECTOR LYNCH: Dr. Kaczmar.

DR. KACZMAR: S-W-I-A-T-O-S-L-A-V K-A-C-Z-M-A-R. I'm adjunct professor at Syracuse University and I'm chief scientist for O'Brien & Gere engineers. I'm here tonight speaking as an independent scientist. I had the good fortune of a public education. I have been performing risk assessment investigations such as this for over 20 years and teaching others to do the same.

I performed an independent review of the remedial investigation in the Feasibility Study for Onondaga Lake. Having reviewed that, I place particular focus on the risk

assessment itself. Basically what a risk assessment is, it evaluates the chemicals in the system and it puts together a model of hypothetical exposures, and what's known about the toxic impact.

In reviewing this model the assumptions that were incorporated were very conservative, okay. Meaning that they had some very - assumptions that are unrealistic, but for the purposes of over-stating the risks. And the reason they're over-stated is for the purpose of protectiveness, not to try to put down, you know Honeywell caused the problem or whatever. But taking in the worst case, so that the uncertainties that might be inherit in the system, there are many, could be controlled.

Within that context there were some remedial actions taken to address those conservative risks. And it's my independent opinion that the remedies in the Feasibility Study adequately address those risks. And so I believe it's protective, and I believe it's for all practical purposes an

appropriate remedy.

I'm particularly encouraged by the enhancements that are present. These are the kinds of things that are not required, okay, but really are going to make our community a better place, both on the ecological part in providing an integrated potential for development of the community. I'm very happy to see that and I'm happy to be here. Thank you.

DIRECTOR LYNCH: Sharon Fulmer.

SHARON FULMER: Thank you. I'm a resident of Liverpool and have been for more than three decades. My family was raised in Liverpool. I have served on two of the Onondaga Lake committees that existed back in the 19 - I don't know '80s and '90s. I see a few people here who were part of that group for the most part. We have all figured it was going to take a long time for something to happen.

And to that end I sincerely hope as others have said before me that Honeywell and the DEC can come to an agreement without

requiring long drawn out processes that can see this go forth as quickly as possible.

I'd also ask one thing. The last slide you showed today talked about how people can view information about what's been going on at the Syracuse library and DEC and one other place I can't remember what it is. I'd ask that you remember the people who are affected the most by this, those being the people who live in Liverpool, the village and outside the village. And those people who live on this side of the lake as well, and that you provide all those written materials for the Liverpool library, which is open seven days a week and open until 9 o'clock every day. And for the library in Solvay or Camillus, Solvay and Camillus, which probably have some more hours. Thank you.

THE COURT: Dereth Glance.

DERETH GLANCE: My name is Dereth Glance, I'm a Central New York Program Coordinator for Citizens Campaign for the Environment. CCE is a not-for-profit,

non-partisan advocacy organization with over 80,000 members across the State of New York and in coastal Connecticut. We work for the protection of public health and natural environment.

CCE understands the challenges to remediate the Onondaga Lake bottom and of the toxic, persistent and bioaccumulative chemicals and metals discharged from industrial polluters are unparalleled. CCE appreciates the efforts of the New York State Department of Environmental Conservation - I'll call you the Department from now on - Honeywell International and the host of stakeholder groups dedicated to improving Onondaga Lake.

CCE plans to submit formal detailed comments for thoughtful review by the Department. Today, because of the time constraints I'll limit my comments to the following recommendations.

First, CCE urges the Department to hold additional public hearings in a question answer and format. We're very pleased to

hear about the question and answer that will follow this public comments process, I don't know the time that will be. And so from the turnout tonight it looks like we can really stand to have another public hearing in February. I understand there are several folks in the community that have been very involved in the process and were unable to make it today due to a variety of different conflicts.

Specifically we would like to have the additional public hearing to be held in the question and answer format so that we can inspire more and more questions from the community to thoroughly ask some good questions about the plan.

Secondly, we believe that CCE - we believe that the Department should provide ample opportunity for public involvement during the design phase. CCE understands that some of the most important decisions to be made regarding the Onondaga Lake bottom clean up are currently scheduled to occur during the design phase. These key

decisions currently include determining the appropriate Sediment Containment Area or the SCA, identifying the appropriate method of effluent treatment, in determining the long term monitoring requirements.

CCE believes these issues and others raised by this project will impact the local community and that the design phase needs to be transparent and accessible to the public. To this end, CCE recommends that the Department establish a Citizens Advisory Committee or CAC. The Citizens Advisory Committee should advise, provide guidance and support the Onondaga Lake remediation efforts.

CAC members would meet on a regular, perhaps monthly basis, to review plan implementation, provide input on design phase decisions, and receive reports on Onondaga Lake remediation progress and challenges. The CAC should consist of members representing the Onondaga Nation, scientists, environmentalists, local environmental 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.

Finally, CCE believes that the Department should require public education as part of the Onondaga Lake bottom remediation efforts. CCE is concerned that the Proposed Plan, including the three preliminary remediation goals or the PRGs do not include a public education component to inform the public about the risks of our changing local waterbody.

CCE believes Onondaga Lake remediation discussions and actions need to be part of a coordinated public education effort that will inform individuals about the safety of using the lake for common recreational activities such as fishing, consuming fish, wading, swimming and boating.

Specifically, CCE is concerned about the PRG 2 or the Biological Tissue Goal, which is to achieve pollutant concentrations, to

the extent practicable in fish tissue that are protective of humans and wildlife that consume fish.

The extensive mercury contamination in Onondaga Lake warrants aggressive public education efforts concerning fish consumption CCE understands that this is a long term goal, and that the public education and outreach efforts about the risks to human health from consuming Onondaga Lake fish needs to be a critical part of the remediation plan to protect public health. Thank you.

DIRECTOR LYNCH: Don Hughes.

DON HUGHES: Thank you, my name is Don Hughes, H-U-G-H-E-S. I've served as technical adviser to Atlantic States Legal Foundation, and I'm a resident of the city of Syracuse since 1985, I believe. I'm going to talk, going to add to Sam Sage's comments earlier, but talk more about some of the technical issues concerning the remediation.

First of all, people should know that the remediation depends very heavily on the

viability of the slurry wall. This is an intermediate, interim remedial measure which is to be placed along the western shore in the corner of the lake, it's a mile and-a-half long. And it will hopefully cut off the movement of non-aqueous phase liquids from entering the lake. This has got to work for this whole plan to work. If it don't work we're going to be in trouble.

It has the cap, which is to be placed over the in-lake deposit is designed on a groundwater flow of 6 centimeters per year, the existing groundwater flow is about 200. So the slurry wall has got to reduce it, has got to cut off the groundwater, and you have to pump that groundwater into a treatment system. Okay, so that's a big concern.

Another concern I've got it has to do with what we're doing with the sediments. The sediments are going to be pumped up to the wastebeds, wastebed number 13 has been tentatively selected and I would ask why that one? It would seem that treatment has not really been considered to any extent

except to the most cursory level.

The contamination in the sediment is concentrated in these tarry deposits which are a non-aqueous phase. And these things are dispersed throughout a matrix of calcium based waste which is the Solvay waste, which is the white, the same stuff that's the white cliffs. And it's probably a fairly easy task to separate those two things. This is, you can use mining technology to separate things which have different sizes and different densities, and it's cheap.

It's been demonstrated on contaminated sediments in Saginaw Harbor, Saginaw Bay. And I was part of that investigation and it does work. And I think that the Department and Honeywell should look extensively into that, because that's a way to take the toxicity out of the sediments. And that is a primary goal of Superfund is to significantly and permanently reduce toxicity.

Another big issue is once you get the sediments onto the wastebeds what about volatile emissions? The sediments contain a

whole host of volatile chemicals, including benzene, toluene, chlorobenzene, dichlorobenzenes, xylenes and so forth. These things don't only smell bad, they are toxic. And we don't want to expose either residents or workers to this stuff. So we've got to have a good control system on odors, on emissions.

Another issue has to do with the deep waters of the lake. Now the plan really focuses on the littoral zone, the shallow waters of the lake, the profundal zone, which is the deep waters, is - well, it's kind of left in the lurch. It's - the plan really lacks a plan other than wait and see. That's what monitored natural recovery is.

The concentration of mercury will be monitored in surface sediments over time, over 10 years. And this is somehow going to be modeled using a program called STELA. STELA is a generic program for which any number of parameters and inputs can be specified. Right now we're kind of lacking basic inputs as to what's going to go into

that.

And there is a lot of issues having to do with disturbance of the sediments and how the STELLA is going to successfully model the sediments. You've got groundwater moving upward into the sediments. There is a release of gas bubbles called ebullition, because there's been so much organic matter deposited in the bottom. And once the lake becomes more hospitable in the bottom waters, hopefully that's going to happen, now that Metro is being upgraded, we're going to see more fish and macro-invertebrates living in the bottom waters, which means more disturbance, more bioturbation of those sediments.

And based on the comments of Mr. Freedman we might see some boat anchors to worry about as well. So the profundal zone is a big big question mark. I would tend to characterize this whole remedial action as Part 1, the littoral zone. And Part 2 is the profundal zone, that will come later.

Finally I've got a generic comment

how the decision-making process goes. All three of the preliminary remediation goals and all five remedial action objectives are qualified by the phrase "to the extent practical." This type of language is typical in the Feasibility Study. But who decides what is practical and how will the public learn of and participate in these decisions?

How useful is the public -- how useful to the public is a goal that is achieved based on an undefined assessment of practicability? Is a qualified goal a real goal? Shouldn't goals and objectives be transparent, achievable and measurable?

Why not define what clean up levels are technically practicable given the very best model cutting edge remediation technologies fully justifying and documenting the determination to the public, and make those the achievable and measurable goals. Thanks.

DIRECTOR LYNCH: Sara Eckel. Sara Eckel here?

SARAH ECKEL: E-C-K-E-L, S-A-R-A-H. I

have seen the proposed plan to use existing wastebeds to contain the various sediment. And my concern evolves around the fact it will not include a comprehensive clean up of these existing wastebeds. While I understand the cost-effectiveness of the already contaminated areas I do not believe the plan should ignore the future problems that could result from leaving these areas untreated. I also understand the need to move this plan forward and I believe it should be done with future generations in mind.

DIRECTOR LYNCH: Steve Effler.

STEVE EFFLER: E-F-F-L-E-R. I am director of research of the Upstate Freshwater Institute, a not-for-profit research organization, and it's involved in the research study of a number of fresh water systems throughout New York State.

I've spent the larger part of my professional life studying Onondaga Lake. Some people do Lake Tahoe, some people do Lake Erie -- well someone had to do it I guess.

Anyway, the Institute over the last 20 some odd years has published more than 200 articles in the peer reviewed literature, and we're quite proud of the fact that one of those articles entitled The Impact of the Chlor-alkali Plan in Onondaga Lake and Adjoining Systems was actually the primary technical basis for the provisional lawsuit that has led to this cleanup.

As I said, we're involved in the research of a number of systems and have in the last decade led the development of water quality models for the New York City reservoir system.

Let's get down to where we stand based upon our review of much of the available documents with regards to cleanup of the Honeywell site. We enthusiastically endorse the proposed rehabilitation efforts for the site that include removal of toxic sediments, capping of sediments, and improvement of degraded habitat. We endorse proceeding without undue delay. Let's get on with it, we have all waited a long time. With the

following caveats, of course.

There is a continuing review process. EPA will be involved in continuing technical review. There are portions of these documents that frankly fall outside of our expertise. And also we understand the way this process works, if indeed we find new sources of contaminant problems in the future during clean up those items would also be addressed.

All those nice things said, and by the way all the hard work that I know has gone into this, those efforts certainly should be applauded. All that said however, we have great concern with the lack of understanding of the behavior of contaminants from the Honeywell site within the lake itself. This is - we don't fault any of the agencies or organizations involved, to our way of thinking this is largely attributable to the constraints embedded in the Superfund process. It's simply a very difficult arena to get some of the basic scientific information that I think we still need.

Why should the community care about this esoteric stuff? Well, because neither Honeywell or the state can really tell us how much better the lake will be following execution of these rehabilitation programs. Meaning, they cannot answer the question quantitatively at least, how much lower will fish mercury concentrations be following these programs? Think about that. And that's not just mercury, the other contaminants also.

We have every reason to expect, as they have argued, things will be better. But at this point don't you think we ought to know how much better? And basically this comes down to the what's lacking is a credible scientific mathematical model that can predict responses in the lake to these and other management actions. There was originally a mathematical modeling element in the Superfund work, particularly related to mercury. But these efforts had to be dropped.

While we support moving ahead with clean

up actions without a model - I'll say that again. We do support moving ahead with clean up actions without a model, this limitation should be eliminated in the future. We need those tools, we need that level of understanding. As Charlie Driscoll from Syracuse University was recently quoted, "If you understand the system you can model it."

So where we are is, while we expect things to get better and indeed so do I, I think we want to know it a little better than that.

Further, UFI recommends that this model be developed and tested outside of the Superfund process. Simply put, the process by the way it is set up it is simply not the arena to get this level of understanding. The kinds of questions or information such a tool gives is, it allows us to evaluate the feasibility of reaching various goals, certain levels of contamination in fish flesh, it will help us establish reasonable expectations for the lake in response to

rehabilitation efforts. How much better will it get? And allow and support quantitative evaluation of management alternatives. And could contribute to future parts of a management program.

Lastly, we support the comments of a number of previous speakers with regards to the monitoring program. The monitoring program is extremely important, particularly for the adopted build and measure approach that relies primarily upon monitoring information before and after implementation.

This needs to start ASAP. We really don't have, from what's been done so far, adequate monitoring data to be able to assess how much better things are going to be following implementation. This needs to be designed and implemented so that it can also support the modeling program. It needs to be flexible to allow changes in response to observations, it needs to be flexible, right.

In other words when we see certain behavior we need to make changes. And

that's very difficult within the Superfund process. And we believe that this data needs to be available to the public soon after collection as well as other experts. Thank you very much for your time.

DIRECTOR LYNCH: Nancy Ciampi.

NANCY CIAMPI: Thanks, Ken. Nancy C-I-A-M-P-I. I'm a town of Geddes resident. And I just want to say thank you, express my appreciation to the DEC, to Honeywell, Earth Tech, for the sessions that were held in the Town of Geddes December 9th, and the two sessions in January, as well as tonight. And hope that they continue.

My comment is that I feel these sessions are very important to the success of the plan and that the public needs to know that there will be well publicized open and honest public meetings to get frequent status updates and share their concern.

DIRECTOR LYNCH: Peter Pedemonti.

PETER PEDEMONTI: P-E-D-E-M-O-N-T-I. I just like to say I would like to see the most thorough and complete clean up of the

lake regardless of time or cost. Just because when put into the context of our responsibility to future generations, the Onondaga Nation, wildlife and the lake itself, it means a little less. So thank you for the opportunity to comment.

DIRECTOR LYNCH: David Arnold.

DAVID ARNOLD: My name is Dave Arnold, A-R-N-O-L-D. I'm a life long resident of Onondaga County, Town of Clay. And I am a farmer. My farm is located on Route 57, just north of Moyers Corners almost to Three Rivers.

Two years ago on January 15th, 2003, I stood in front of you and spoke against issuing Evergreen Recycling a permit to operate in the Town of Clay. Along with 500 others we spoke our minds and collectively convinced you this was not a good idea, even though the Clay officials did. During this meeting I spoke about illegal acts committed by our elected officials. Since that time our representatives have rewarded those acts by issuing more than $2.5 million in grants

on projects involving a fraudulent contract at Three Rivers Point.

The Onondaga Lake Cleanup Project is much larger than the projects involved in Clay. The Clay Brownfield clean up project at Three Rivers could easily surpass $50 million if the land is cleaned up the way it should be.

If we can't even start a project in Clay without corruption and fraud at the $50 million level, how in the world can Onondaga Lake Cleanup Project succeed? A half a billion dollars in this town is a big chunk of change. We need someone at the county level that we can trust to take charge and appoint public committees of oversight that will independently scrutinize all phases of these projects. We must all take responsibility for neglecting Onondaga Lake and Three Rivers Point. Yes, the perpetrators will pay a large price, but we will pay an even higher one if we don't succeed.

On September 10, 2004, I contacted the Attorney General's office. It is my hope

that Mr. Spitzer will investigate and prosecute all those involved in corruption and fraud in Onondaga County, so we can then proceed with confidence on these extremely important environmental projects.

We are fortunate in this country to be able to criticize those who represent us. What is unfortunate is when they refuse to listen. Thank you.

DIRECTOR LYNCH: Sherry Mossotti.

SHERRY MOSSOTTI: Thank you. Hello, Ken. Sherry M-O-S-S-O-T-T-I. I'm here to speak as a citizen and a taxpayer of Onondaga County. I am a life long resident of this county. For over 23 years I have driven by Onondaga Lake and thought what a shame. I've traveled all over the world, and it doesn't take someone to travel to know the importance of a lake on a community. This is an opportunity, folks.

In my position as executive director of the Premier Community Leadership Program in this community that trains and educates our community's leaders which include 600 adults

and 300 youth leaders, we have had the opportunity to hear about the history of the lake from a historian, what's in the lake from the scientists and biologists, the engineers, the methodologies for clean up, and also the economic potential of Onondaga Lake. Onondaga Lake clean up is a topic that continually comes up among our community leaders that we train every single year.

We have met with Honeywell, we have met with the DEC, and we have reviewed all of the proposed plans. I have discussed this with Ken Lynch, Neil Murphy, who is the head of SUNY ESF, numerous scientists, engineers and residents both adult and youth. And it was great to see some young people come up and speak this evening.

On behalf of Leadership Greater Syracuse we applaud Honeywell, the DEC, the county, the city, O'Brien and Gere, and all the interested parties for coming together to the table. And we ask you, no, we implore you, on behalf of our community, our

wildlife, our children and our grandchildren, to continue to come together and work at the table and move this project forward to find a resolution that we can all be proud of for years to come for our children and our grandchildren. Thank you.

DIRECTOR LYNCH: Terry Brown.

TERRY BROWN: Thank you. I have to be honest I'm a little conflicted here this evening, didn't know whether I was going to say anything. But I'll get unconflicted at the end of my comments here. My name is Terry Brown, I'm am chairman/CEO of O'Brien & Gere, it's an engineering and construction firm headquartered in Syracuse, New York. And I have lived in Syracuse all my life. I raised my family, and I've been with O'Brien & Gere nearly 30 years.

I spent my first six years of my career with O'Brien & Gere making or building the third Metro wastewater treatment facility. It's now in its fourth construction. In 1974 that was supposed to clean up the lake, if people go back and look at the newspaper

articles.

I really have a passion for the community, a passion for this lake. And I have really more so a passion of the opportunity we have as a community in front of us.

As an organization, O'Brien & Gere, we're in our 60th year. Our founder, Earl O'Brien, graduated from Solvay high school in 1913. So we have a presence in this community. We pride ourselves in offering cost effective environmental solutions for our clients and municipalities we serve. Solutions which on sites, environmentally impacted, they protect the environment for future generations. That's kind of the background.

As I started listening to some of this thing, I've attended these information hearings and I have spent a lot of time in the last, I spent 18 months looking at the sites and what they could be, trying to develop a vision with a couple of my colleagues on our own time. And the vision

that we can create as community for the sites and the lake is just unbelievable.

We really are at a crossroads in this community as to what we can do. And the thing we talk about, and I'm an engineer, which is much different from a scientist, I'm a doer. And I was trained, some of my training was in military. The one thing I was trained to get was the information, as much as you can, in your gut, you know what's ahead and there is tough times ahead of you but you manage the situation and go.

And we can talk about modeling, and all this other thing that we've talked about but there is a point in time where we have to go. And I'm sorry, we have made this so confusing for the public, modeling and the science. This is not. And I beg forgiveness from some of my scientific colleagues, this is not rocket science. We don't need to make it difficult for this community to understand.

We have enough information and to go with the information we have, to have an

effective clean up in this community and create a vision. But we have to have a sense of urgency. That's what I want to stress, this is not necessarily the DEC but the people that are commenting and running comments in the future.

We have, I have worked on sites for 25 years. We've had numerous corporations, we'll buy out a site, different philosophy, different management team come in. We have an organization willing to invest in this community now and take action. That could change tomorrow. We can't let this slip by us.

And when I say acting, take the information that we have, I could give you a resume of hundreds and thousands of environmental sites. And we just had some information, we knew what the science was, we didn't have all the answers but we went out there and cleaned it up. And to my knowledge O'Brien & Gere was never cited for any environmental citation, our reputation is flawless in the nation. We have worked

with DEC and some of the gentlemen sitting here on numerous occasions. We didn't have a lot of information, but we had enough science, we knew what the conditions were and we managed it.

So my comment really to this group here is we have to have a sense of urgency. We have to make the science simpler. We can do the modeling as we go along. We'll learn more by doing and addressing the issues as we take on the environmental remediation than we will ever learn in the modeling process. And we'll have better models in the future. But we have to move on.

A very wise gentleman said to me this afternoon, who we all respect in this community, he said, we have an opportunity and we've got to make it right. But we also have to move and we have to move with urgency so we don't lose this opportunity. Thank you.

DIRECTOR LYNCH: Those are all the people that signed up to speak. Is there anyone else who wants to speak for the

record other than a question and answer period? Les?

LES MONOSTORY: I'm speaking now on behalf, well as a co-chair of the Fisheries Subcommittee of the Onondaga Lake Partnership, also vice-president of the Central New York Chapter of the Izaak Walton League. And I'm going to talk about a fishery goal statement for Onondaga Lake and tributaries.

"It is difficult to evaluate the restoration plan for Onondaga Lake without first reaching a community consensus on the restoration goals and objectives for Onondaga Lake and it's major tributaries." This is a memo that I wrote to the Outreach Committee on October 27th, and also addressed to the committee chairman, who is Seth Ausubel with the US EPA.

"On November 10, the Fisheries Subcommittee meetings included a discussion on fisheries goals and objectives for Onondaga Lake. Comments include the following:

MONOSTORY

Participants at the first Onondaga Lake Fisheries Roundtable agreed that we want to improve what fisheries we already have.

Onondaga Lake and it's principal tributaries can be promoted as a combination cold-water and warm-water fishery.

The Fisheries Subcommittee members agreed that as a future fisheries goal, Onondaga Lake should be clean enough to support both warm-water and cold-water fish species, including trout and Atlantic salmon.

On November 17th I received an e-mail from Dave Lemon, an aquatic biologist with DEC in Cortland. Lemon is a member of the subcommittee but was not able to attend the November 10th meeting. He had the following comments:

Reading over the November 10 meeting minutes I just wanted to provide some comments regarding the desire for creating a cold-water fishery on Onondaga Lake." We're getting a little technical here but this is - Lemon makes some interesting points.

"We in the Region 7 Fisheries Office do not feel that reestablishing a self-sustaining population of trout and Atlantic salmon in Onondaga Lake is a realistic goal. I'm not sure if this is the objective of the group or not." Referring to our fisheries subcommittee.

"I've attached a draft position statement to EPA, which provides some facts on the life histories of the Cisco," the former white fish "and Atlantic salmon as well as current and expected conditions in the lake. Based on this we don't believe that self-sustaining salmonid population are a realistic objective in the foreseeable future.

As such we feel that the realistic objective for the lake's fish community is a combination of cool-water walleye, perch, pike, and warm-water bass, bluegill, etcetera, species. We certainly would be happy if lake conditions improve enough so that year-round habitat for trout survival exists, but for the foreseeable future that

scenario is unlikely.

The Region 7 Fisheries Office has prepared a draft position statement to EPA entitled 'Coldwater Fisheries Rehabilitation and Management in the Onondaga Lake Watershed,' also known as the Fishery White Paper, which was prepared in July of last year. In addition to providing background information on lake water conditions and environmental requirements for various fish species, the White Paper recommends adoption of a fishery goal statement for Onondaga Lake."

A specific Goal Statement for the lake is presented as follows. "In the long term the Onondaga Lake Partnership supports the achievement of a suitable year-round habitat for a sustainable warm-water and cool-water fishery in the lake and conditions conducive for transient cold-water species in the lake and resident cold-water species in the lake tributaries."

As co-chairman of the Partnership's Outreach Committee's Fishery Subcommittee I

endorse the fisheries goal statement contained in the DEC's Fishery White Paper and recommend adoption of this goal by the Onondaga Lake Partnership and its member agencies. This I think will help us at least in terms of what we would like to achieve as a fisheries goal and as a lifetime fisherman and, you know, as president of the Sportsmen's Federation I think - I happen to agree with the DEC's Fisheries goal for the lake.

DIRECTOR LYNCH: Anyone else like to speak? Bob?

BOB NUNES. My name is Bob Nunes, N-U-N-E-S, I'm the EPA project manager for the Onondaga Lake NPL site and I just wanted to briefly elaborate on what Ken said briefly in the presentation about EPA's role and what process it's following now with regards to this Proposed Plan.

EPA's role for the Onondaga Lake Superfund site has been to act as a support agency to DEC. In this capacity EPA has provided approximately $18.7 million to the

State of New York under a cooperative agreement. And this funding has supported the performance of investigation activities, coordination and tracking of site-wide remediation activities, development of a comprehensive enforcement program, implementation of a site-wide citizen participation program, creation and maintenance of a site-wide database and project management activities.

EPA has also provided technical supports to DEC related to the investigation and clean up of the Onondaga Lake subsites. For the Onondaga Lake bottom subsite EPA provided technical support during the rewrite of the remedial investigation and review of the Feasibility Study report.

EPA will offer a position on the preferred remedy after the Proposed Plan and other project documents have been reviewed by EPA's National Remedy Review Board and EPA's Office of Superfund Remediation and Technology Innovation Sediments Team. (Microphone emitting noises) I thought it

was the acronyms that were causing the problem.

The National Remedy Review Board is an EPA peer review group composed of technical and policy experts that review all proposed Superfund clean up decisions that meet certain cost-based or other review criteria to ensure that the proposed decisions are consistent with the Superfund law, regulations and guidance.

EPA Sediment Team offers consultation to assist risk managers in making scientifically sound and nationally consistent risk management decisions at contaminated sediment sites. The Board and Sediment Team will provide feedback to EPA Region 2 and a summary of the Review Boards and Sediment Teams comments and responses from the Region will be included in the responsiveness summary in the Record of Decision. Thank you.

DIRECTOR LYNCH: Anyone else? I want to thank everyone for some great comments. What we're going to do right now is take a

very short five minute break, allow our stenographer (court reporter) to rest his hands and everyone to stretch a little bit. But we're going to try to start again real quickly with a question and answer period in about five minutes.

(Brief recess then Q&A period).

DIRECTOR LYNCH: Please don't be afraid to move up closer to us. Okay we're going to reconvene with the question and answer session. I apologize to all of you out there that have been sitting, dying to ask questions. As you can see we had a lot of people sign up for official public comments so we had to take those first. And hopefully we can answer all your questions tonight that you've been waiting to ask.

I will be attempting to answer some of those questions but not being an engineer or scientist myself I'm going to rely on my experts which are in the first two rows here. So please be patient with us so that we can identify the appropriate person amongst us to answer your particular question.

I will ask a couple things. Try to ask only one or two questions at a time so I can get around the room and at least give everybody an opportunity to ask questions. We're going to try to go as long as possible. We'll also likely stick around to talk one-on-one with you if you want to ask your questions in that form.

We would also ask that if you have an especially technical question, and being a complex cleanup there are a lot of technical issues and questions, we will try to briefly respond to that. But we may ask that you stick around or talk to one of our experts outside on that particular interest so we don't consume everybody else's time and take up the opportunity for some other questions. So what I'm going to do is kind of open up to raise your hand and I'm going to ask Dawn, we'll start in the front and Dawn kind of work back with the microphone so she's not jumping all over the place.

Questions. You're going to have to start in the back Dawn. Also state your

name for the record because this is also going to be recorded. This question and answer will be part of our response and summary as well as a response to all the comments that were made earlier .

BARRY RAICHLIN: Has there been any other searches all over the world with any other ways to do this than what we have, just plain on dredging like your swimming pool? Has there been any other things? With all the engineering we have in the world why haven't we looked into somewhere else that might have a better idea than we have? We're looking for Number 4, not Number 1. Get this done. Either you do it all, do it right or don't even bother because mother nature is doing a great job so far.

DIRECTOR LYNCH: The Feasibility Study that was an assessment of all the alternatives requires Honeywell to go and look at other technology out there other than just dredging. And although the Feasibility Study concentrates on dredging

and capping alternatives Honeywell wasn't required to look at some other technical expertise around the country and around the world. And I'm not aware of any specific one that they looked at or one that they found would address a mercury and a sediments issue.

But they did look at, one of the things they looked at, as you said, leave it alone. They did look at the option of leaving it alone. And it was simply as a Department we didn't feel that that lake would heal itself in an acceptable time frame. It would leave open the environment, the fish, humans accessible to contaminants for a very long period of time before it was covered up.

BARRY RAICHLIN: Well, this is the fox in the hen house deal. As long as the little dinky fox is there we're going to have the same problem. I won't live long enough but the problem is going to be there unless we get everything out of there. We stop all the pollution and, you know, all the arteries going into the lake, it's never

going to stop. This is just providing jobs for everybody, engineering, everything else. It's not the solution. You've got to cut the BS, you've got to get it all out of there or don't do anything.

You can damn it or whatever, you get right down to the bottom all the way around the lake, you won't have to worry about it anymore once you got them in jail, the crook, right? If you don't do that it's just going to keep going on and on.

I've been here 60 some years, if you don't straighten it out now it's never - if you don't do it completely it's never going to stop.

DIRECTOR LYNCH: We understand it's very important to address it now and we think we have a pretty good plan to do that.

BARRY RAICHLIN: Thank you very much.

DIRECTOR LYNCH: Thank you. In the back.

TOM RHOADS: My name is Tom Rhoads, R-H-O-A-D-S, and I was wondering about the sediment containment areas. I'm sorry I missed the first part but it seems like

there is an awful lot of dredge spoils that are going to be moved in this project and I was wondering if there were going to be further public hearings or further discussion on the transport of those sediments, the dredge spoils and the containment system for the Sediment Containment Area and the capping enclosure of that so the sediments are not remobilized later on into the lake.

And I was wondering if there would be future public hearings on sort of that portion of the cleanup. This was primarily about the lake itself. Thank you.

DIRECTOR LYNCH: Excellent question. First the sediments have two options, two routes. They could go to a permitted facility or the less contaminated sediments right now are proposed to go somewhere on the wastebeds. That is a pretty general proposal in the plan. It is not defined and we admittedly will say that there is a lot of design work that needs to go into any sediment containment area on the wastebeds or anywhere else before it's built.

We do have the very basic requirements that a liner be placed for such a structure that thereby a leachate collection system and that leachate be treated. We will not permit or allow any sediment containment area unless we are convinced that it's stable and can adequately withhold the sediments that are put in that area.

We will be reviewing any proposals during the design phase. I will expect and I have had a meeting with the Town of Camillus, some of the residents that live near that area, that we will be coming back to the public to discuss any specific proposals that are made for disposal on those wastebeds. And that will likely also involve a public meeting for anyone interested in the specifics of that proposal.

Other questions?

JIM RHEA: Jim Rhea, R-H-E-A, life-long resident of Onondaga County. And I just have a clarifying question hopefully. In your presentation earlier you talked about the two different options, the one that

Honeywell had advanced and then the one that the state advanced in their plan. And there is a big difference there in terms of total volume that is going to be removed as well as total cost.

We heard some comments earlier about urgency and the need to work together and cooperatively. I wonder if you can comment, maybe clarify for everyone here what is the difference between those two in terms of actual volume and then maybe actual risk reduction. Because I assume that those differences need to be related to risk.

DIRECTOR LYNCH: You hit the major difference. Conceptually the two plans are very similar in that they both divide the lake into eight specific sections and develop a cap and dredge proposal for each of those sections.

The biggest difference in the - between the two plans is the amount to be dredged and the amount of capping that's placed. And the Department's position is, we took a very much more conservative view as the

amount of material that needs to come out, the contaminated material that needs to come out, partially based on a risk assessment.

And also a little more conservative view of the depth of a cap that actually needs to be placed in the water to be protective. There are some other differences and these guys can probably add to that if you want to hear more about the differences between the two plans.

But the significant differences is the amount to be dredged. I think it was a half a million cubic yards in the Honeywell proposal and 2.7 for the DEC proposal.

DAVE ARNOLD: Dave Arnold, I spoke earlier. I guess what I'd like to do is just clarify, Mr. Lynch. In the beginning I said that I attended a hearing on Evergreen Recycling in the Town of Clay. And I would just like to I guess have some reassuring that you're not going to dump the bottom of Onondaga Lake on top of the Town of Clay on Woodward Industrial Park.

DIRECTOR LYNCH: There is no proposal to

do that, Mr. Arnold.

BARRY RAICHLIN: Why not?

DIRECTOR LYNCH: Any other questions?

RALPH MARTONE: I live over here in the city. I would like them to just expand on the toxic mercury methane and what is the possibility of, you know, health, once they start to dredge.

DIRECTOR LYNCH: During the dredging activities itself? You mean the extent to which mercury will be stirred up?

Q. (Martone) Right. I heard a new term to me, mercury methane?

A. (Lynch) Mercury methylation.

Q. Yes, what type of threat is that to the public health?

DIRECTOR LYNCH: I'm going to draw on one of my experts on this one to answer. Who can answer in very general terms. If we can explain mercury methylation and the potential impact from mercury during the dredging activities.

A. **(Bob Edwards)** I think I'm loud enough. I volunteered to answer your question. I

work with the DEC and I've been involved in many or several anyway, dredging projects across the state. I was project manager of one big one up in Lake Champlain. And there are a number of controls, engineering controls that take place in the lake while we're dredging that would not expose any of the public to any mercury or any other contaminants that's in the soil or in the sediments.

Once that material is pumped up to the treatment system and the containment cell there will be controls up there to minimize odors, and there won't be any opportunity for this material to spill outside of the work zone. I mean that's one of the reasons these designs are so long is we have to cross every t and dot every i on the engineering aspects of it before we do start.

I know many people spoke to me today about how I remember they dredged down in Jamaica Bay or when they dredged the canal out and they just sprayed the stuff every-

where. That's a different type of dredging than environmental dredging. And actually the days of just spraying it up and the odors being uncontrolled are long gone. The public will not allow that to happen and we will not allow it to happen as DEC.

So I don't know if you were here for the availability section, but there is a lot of different things we can do to control odors and prevent releases of chemicals and exposures to the public and to workers.

One thing - at any of these jobs all workers are required to be trained in health and safety. There is many courses we have to take, there is many different protective clothing and respirators and stuff that we wear. So human safety, public safety, worker safety, those are paramount to any of these jobs. And all those controls and all those provisions are taken up in the design so that before any of this work starts we've addressed all these concerns.

Q. My question really is the hazard of mercury, this mercury evaporating, can that

get into the atmosphere and surrounding areas or not? Is that possible or not?

A. Not during the dredging process because it will all be under water. It won't come up. How environmental dredging - or how hydraulic dredging works is a large amount of water is moved with the sediment. It's a giant pump on a boat, is essentially what it is.

Q. Slurry dredger?

A. It will slurry the material and pump it so there is no opportunity during the dredging process for that material to come to the surface, to the air. First time that material will be in the atmosphere would be at the treatment facility. And at that point there is other controls that can be taken to prevent exposure there.

RALPH MARTONE: Thank you.

HENRI HAMEL: I can probably be loud enough too. My name is Henri Hamel, I work for the State Health Department in Syracuse, and fairly familiar with the Onondaga Lake problems because I was a SUNY ESF student a

long long time ago. I don't want to say how long.

Under current conditions the only risk or the primary risk that we've seen from the lake would be to people who are consuming fish. And as far as mercury getting into the atmosphere from the lake, that's not quite the way it works here. The mercury that we're worried about is mostly tied up in the sediments in the bottom of the lake where it was deposited. So you're not taking any hazards or any exposure from mercury just under the current conditions by living near the lake or walking around the perimeter or anything like that.

Now when we do start dredging, as Bob said, the dredging operation is under water, so we're not expecting that we're going to have any mercury exposure coming up. The sediments will be transported by pipe to the containment facility, and at that point we'll be trying to design systems then that will prevent anyone from being exposed to any volatilization of mercury or any of the

other chemicals that we're going to be removing.

Now part of our operations at the lake front and also at the containment facility will be some health and safety monitoring for the workers. But we also mandate, the State Health Department requires that these projects have community monitoring programs. And we have instruments that can detect volatile organic chemicals, we also have instruments that can detect mercury.

So there will be monitoring to prevent any exposure to the public. And provisions that -- of what we would call action levels. And if we detect something with our instruments that is approaching a level that, it's a conservative level that means that somebody is going to be exposed then we have contingencies to shut down the project, do something differently, design a different system.

So we are very concerned about exposures to the public. We want to do this project to minimize that. And that's part of the

design too. And we will be back talking about the design.

JEFFREY FREEDMAN: I just wonder if the folks from Honeywell would care to comment on their basis for believing that their Proposed Plan would bring the Onondaga Lake into compliance with the Clean Water Act. We've heard from the DEC and I think the public would like to hear from Honeywell if they would care to comment as well.

DIRECTOR LYNCH: This is a DEC meeting and I don't want to turn it into a Honeywell/DEC debate. I know the Honeywell people very well and if they're willing to speak they can or if they're willing to talk to you later, which I'm sure they would, outside to talk about this.

I know Honeywell has obligations and requirements under the Superfund process so I respect their position. If they want to maybe talk outside with you to explain the difference and their thoughts on their plan. And I see them shaking their head out there. So I think they would like to meet you after

the meeting and talk to you.

BARRY RAICHLIN: You know, I was wondering she says they're going to develop means to process the waste. What do you mean they're going to develop it? Don't they know how to do it yet? Does all that water that's going to be pumped over there - what are they going to do with that, is that going to go back into Onondaga Lake like Skaneateles Lake water? Is it going to be sitting there and have to dry out for ten or fifteen years like the rest of that mess over there had to do? Why aren't we taking it to Wyoming or Buffalo or some other place. Why do we have to put it in our own back yard? That doesn't make any sense. Are there any other alternatives like railroads that we still have? You know, why can't we do that, why do we have to put it in our own back yard? Come on.

DIRECTOR LYNCH: Again, part of the Feasibility Study looked at those, specifically railroad, truck, transportation to facilities not only in New York State but

out of state. This is one, another thing that they looked at was the feasibility of putting it nearby on the wastebeds where deposits have been placed before.

BARRY RAICHLIN: And it stunk.

DIRECTOR LYNCH: And the Department has agreed to assess that proposal. And if they can specifically design it, we know that they can dredge and place it in an area and contain the water and treat the water before it is discharged back to the lake.

They can dredge an environmentally safe manner and control the dredge spoils. It's been done before. We're very familiar with the basics of that operation. However, this is specific to Onondaga Lake. We have more contaminants, we have a lot of different contaminants, we have a unique area in the wastebeds.

So that's why we have to look at the details that Henri talked about and design something that will be safe to the environment. And if they can demonstrate that it will be safe to the environment it's

something that we will consider in this area.

Q. (Raichlin) How do they take the water out of all those sediments and not ruin the whole area? She said they have to design something. Don't they know how to do it yet? That's scary.

A. (Lynch) I think they know how to dewater sediments. But specifically up on the wastebeds for this amount of sediment and the type of water that you're going to be taking out of those sediments you have to design specific parameters to demonstrate that it will be an effective ratio.

Q. So you're going to put it on top of the pads we already have there?

A. The wastebeds you're saying?

Q. Right.

A. That is one of the proposals. And one of the most likely or the wastebed that they're looking at first is Wastebed 13. And part of that reason is because that's one that was not entirely filled up. And there is some area that needs to be filled.

But again, there is a lot of detail to

be worked out regarding stability, controlling the water and the runoff, treating the water and containing the sediments. And --

Q. Why couldn't you go over across on the Thruway across from the service area over there. There is a big area over there that they're trying to ruin right now.

A. There is a lot of different areas you can look at but there is ownership issues, there is accessibility issues and there is a whole host of other things. But they did look at a wide range of disposal of sediments from the dredging activities and this is the one that we're going to focus on first in the Proposed Plan.

Q. They ought to have more public input than they have had so far. Make a lot more people have input.

A. As that plan is developed we will.

DORIE KRAEBEL: My name is Dorie Kraebel. K-R-A-E-B-E-L. I was just wondering, I was looking at the charts earlier and it looked like you were doing the option four or

around there. And I was wondering how you decided to stop there. I was looking at the other charts, it seemed maybe that wasn't quite deep enough or far enough into the lake to get everything. So I mean I was wondering if it was like financial or just physically unable to do it or what the reason was for stopping there?

DIRECTOR LYNCH: The short answer is that the number one factor that we considered in any of the remedies is that it has to be protective of human health and the environment. And there are a number of remedies that had the potential of being protective of human health and the environment. But as you went up to different levels you would see that others are much more protective and less risky.

We basically did a risk assessment and determination that our proposed remedy, which is kind of a mix of the 14 outlined in the Feasibility Study. But our proposed remedy was the adequate remedy for both a feasibility standpoint, whether it actually

can and will be implemented and most importantly from an environmentally sound standpoint.

DORIE KRAEBEL: Thank you.

DAVE CHAPMAN: I was just curious in the design phase if there is going to be any room for pilot projects to look at proprietary technology that could assist. One of our lab tests showed that we were able to stop wastebed B permeability by 99.88 percent within 600 hours. And as he mentioned binding it up or making sure it doesn't release back into the environment, that they'll be looking at technologies or be a forum for discussing and looking at it and still at the same time still protecting proprietary technology and so forth.

DIRECTOR LYNCH: There is always a potential to pilot projects as part of one of the remedial projects. As a matter of fact one of the pilots in this project is the oxygenation. I would suggest that since it is likely that Honeywell will be the responsible party implementing this plan

that's where you could take your interest.

And that is the potential of the state or federal government doing other work but the way we address is usually through existing state contracts as far as who we hire to do the work. But I think you really should talk to Honeywell about the potential of looking at your pilot study or technology. And certainly if it was proposed to us we do take a look at it and see if it was appropriate.

Other questions? Dave way in the back. Could you just go over to the microphone so everybody can hear your question.

DAVE ARNOLD: There is a similar project that's happening, I don't know if it's completed yet or not down in Albany that G.E. or you're probably familiar with it, could you go over some of the problems that they ran into that might be similar to the ones that we're going to run into and you know, kind of give us an idea what we're looking forward to here.

DIRECTOR LYNCH: Yep, you're probably

referring to the Hudson River dredging project for the PCBs from the G.E. facility. And they've run into many questions much like we're hearing tonight. But they are not much further along than we are in this process. They have selected a remedial design but they haven't started. They probably started specific design but they haven't started any actual dredging work at this point.

So if you're asking what problems they ran into during the dredging that hasn't been done yet so I really can't answer those. But I would suggest if you have specific questions about the G.E. project, I think we have a number of people that have been involved or very familiar with that project and you can talk off line with them after the meeting. Anymore questions? One more.

RALPH MARTONE: I'd just like to know the resources that are available to this project. Is it just the one company that's Honeywell. Are they the only resource in

this to draw on basically? Just one corporation's problem? Or is it -- how does the Superfund and the resources of the US government play into, you know, the clean up?

DIRECTOR LYNCH: Any environmental clean up for hazardous waste pollution, whether at the state level or federal level is first approached by attempting to have the responsible parties, those who cause the problem clean up the problem to avoid using public monies to do so.

And in this case we have one responsible party in Honeywell who contributed to the majority of the contamination in the lake. Not all of it. We do know that there are other companies and other operations that have impacted the lake. But the Superfund does hold Honeywell responsible for addressing the entire clean up although they have certain remedies against other responsible parties.

So from a state perspective we can take the primary responsible party like Honeywell and have them do the clean up. They can

then seek contribution from other responsible parties to pay their collective share towards that clean up. There are state and federal resources involved, reviewing the project and oversight of the project which is also very important.

There is also the cases where you don't have a responsible party stepping forward and doing the work that it can be done with federal or state funds. But the first resort is the responsible parties, then we go from there.

Q. (Martone) Just to extend that same point I heard two billion dollars for the wish list on this project. What about that? What type of clean up would that involve? And I don't know if Honeywell has got two billion but if we needed to go that far would that be possible if that was necessary?

A. (Lynch) I think my presentation gave the real basics and I don't remember off the top of my head but it was the $2.1 billion proposal was the most expensive alternative

looked at in the Feasibility Study. And help me quick with the numbers, dredging - there you go, dredging over 2,300 acres of the land, 20 million cubic yards, which is almost seven times, probably six times what we're doing now.

Q. Wouldn't we like that?

A. It's a seventeen year process. Would involve much disruption to the lake in the area, much more challenging. The dredging plan proposed now is very challenging but this would be very challenging. And you have the practicality of that amount of money. Whether in fact you could get Honeywell or a combination of responsible parties to actually implement that plan. So it certainly was considered as part of the feasibility plan but we determined that our plan would be more suitable, practical and still be protective of the environment.

BY BARRY RAICHLIN:

Q. 240 million is a hell of a discrepancy between that and 2.1 billion. What's wrong with that picture?

A. It's six times.

Q. I think they're a little short?

A. They may be. That is not necessarily taking every piece of contaminant out of the bottom of the lake.

Q. Here's a government saying this is what we need. They're saying, okay we'll take this. We have 40 degrees, a new coach, why can't we have this too?

A. I wish it was as simple as getting a new coach.

JO ELLEN RAICHLIN: Trying to get money out of them.

DIRECTOR LYNCH: Any other questions? We will have people sticking around for a few moments if you want to come up one-on-one, we have a lot of charts that we have from our previous availability session.

I want to thank everyone for your great comments, great questions and your input on the Onondaga Lake cleanup. Have a good night.

* * * *

C E R T I F I C A T E

This is to certify that I am a Certified Shorthand Reporter and Notary Public in and for the State of New York, that I attended and reported the above entitled proceedings, that I have compared the foregoing with my original minutes taken therein and that it is a true and correct transcript thereof and all of the proceedings had therein.

John F. Drury, CSR, RPR

Dated: January 18, 2005

NEW YORK STATE DEPARTMENT

OF ENVIRONMENTAL CONSERVATION

- -

In the Matter of

ONONDAGA LAKE PROPOSED REMEDIAL PLAN

- -

Second PUBLIC HEARING (by this reporter) in the above matter conducted at the New York State Fair Grounds, Art & Home Center Building, Martha Eddy Room on **February 16, 2004,** 7:00-8:10 p.m.

MODERATOR:

KEN LYNCH, Regional Director NYSDEC, Region 7

ALSO PRESENT:

BOB EDWARDS	NYSDEC, Albany
DON HESLER	NYSDEC, Albany
TIM LARSON	NYSDEC, Albany
TRACY SMITH	NYSDEC, Albany
JIM BURKE	NYSDEC Syr Reg Haz Waste Engr
MARY JANE PEACHEY	NYSDEC, Syracuse Regional Engr
HENRI HAMEL	NYS Dept of Health
ALLEN BURTON	TAMS
HELEN CHERNOFF	TAMS
MARK MOESE	TAMS
BOB MONTIONE	TAMS
KELLY ROBINSON	TAMS
DAVE SCHEUING	TAMS
MICHAEL SPERA	TAMS
JOHN SZELIGOWSKI	TAMS

Director

DIRECTOR LYNCH: Good evening everyone, welcome to our meeting on the proposed Onondaga Lake Cleanup Plan. My name is Ken Lynch, I'm the Regional Director for Region 7 of the New York State DEC. And I want to welcome everyone here tonight and thanks for coming.

Tonight's public meeting is going to have basically two parts. First of all, I'm going to provide a very general overview of the proposed Cleanup Plan, just go through a presentation, explaining real basic terms what's in the Plan and what it's all about.

After I'm completed with that presentation I'm going to open up the meeting to you for two purposes. Number 1 is to have you ask any questions of me and our DEC staff here tonight about the Plan. After making the presentation if you have any questions about details in the Plan we'll be willing to answer those questions.

We're also going to allow people to make formal public comments for the record. You do have the option of writing in your

comments up until March 1st. But if instead you would like to make a formal public comment tonight here at the meeting we will be taking, we have a stenographer **(court reporter)** here tonight and we'll be taking your comments also.

With that said we'll get right into the presentation. Whenever we talk about cleaning up Onondaga Lake we're talking about a big challenge and a big project. And basically in real simple terms I describe the two biggest problems with Onondaga Lake is, Number 1 being the wastewater problems associated with the Onondaga County sewer treatment system and the combined sewer overflows, and the industrial waste problem, the hazardous waste that has entered the lake through many years of discharges at various industrial sites.

Most of you probably know that the domestic wastewater issues are currently being addressed via an agreement with Onondaga County which requires the county to

implement several projects to address the wastewater issues. I'm proud to report that the county has just completed two very significant upgrades to their Metro plant, addressing most if not all of the issues related to ammonia and phosphorus being discharged from that plant.

But this meeting tonight is not to talk about the progress being made on the wastewater side, the focus of tonight's meeting is on the industrial waste problems that have impacted the lake.

The Proposed Plan that we're presenting tonight specifically addresses the lake bottom itself. The wastes that have been deposited into the lake and are currently impacting the lake in the sediments of the lake.

There are also many other wastewater or sorry, industrial contamination issues associated with upland sites. And the graph you see here and also is in your package demonstrates some of the upland sites that have impacted the lake. Although they are

all tied into the impact to the lake the Plan itself actually addresses the lake bottom.

Onondaga Lake and some of its surrounding areas, both the state Superfund site and the federal Superfund site, And both the state and federal government have in place processes for reviewing and completing cleanups of these Superfund sites. And there is several steps in that cleanup process.

The first step is the remedial investigation or looking at the problem, investigating the problem, determining what are the contaminants in the lake and what has impacted the Lake. And we completed that very intense study in December of 2002.

The next step in the process is what we call the Feasibility Study. What that really is, is an assessment of a number of different alternatives to clean up the Lake. Once you lay out all the alternatives for cleaning up the Lake the state DEC is required to select a proposed remedy. And

that's what we're talking about tonight.

We presented this Proposed Plan initially on November 29, 2004, and have opened it up to an extended public comment period until March 1st of 2005.

The public comment period includes meetings such as this one tonight. We held two previous meetings here in this room. We have also had several individual meetings with interest groups associated with the Lake, some of the municipalities around the Lake, a number of people who have expressed a desire to learn about this Plan and have more insight on the Plan. That's our state process for opening up the public comment.

There is also a pretty extensive process federal process led by the EPA. And one of the steps in that process is that the EPA has what they call the National Remedy Review Board. It's an independent board within their agency that looks at our Proposed Plan and assesses it. And we met with them last week and we soon will be receiving comments from that Review Board on

our Proposed Plan.

Once the public comment period ends we assemble all the public comments, written and oral, and assess whether or not we need to adjust or amend the Proposed Plan. We're currently scheduled to come up with a final plan on April 1st of this year. And that April 1st date is set by an existing consent decree with the federal court.

Once we have a final decision or a final plan we begin an extended process of actually doing the clean up work. And we are anticipating for this Proposed Plan that the process will start with an extensive design period, a three year period to design the actual activity that will be undertaken to do the clean up. One of the reasons for such an extended period of time is this is not a simple clean up. There is a lot of work to be done. There is a lot of detail in our Proposed Plan, but there is also a lot of detail and engineering that needs to be worked out as we develop the construction process.

Director

Once the entire project is designed we will commence actual construction, dredging activities and other activities associated with the Lake clean up. And we're expecting that that construction activity will last for approximately four years.

As I mentioned, the first step in all this process was our Remedial Investigation. I just want to give you an example of some of the things we did in the first step of the process in looking at the Lake and assessing what has impacted the Lake.

The investigation was undertaken initially by Honeywell Corporation for an extended period of time from 1992 to the year 2000. At that point we felt that additional data was necessary, and the DEC undertook the completion of that investigation in 2001. And as I previously stated the entire investigation report was completed in 2002.

We took over 6,000 samples in and around the Lake. We did a human health risk assessment and a baseline ecological risk

assessment as part of that investigation.

Real basically stated, the investigation results, we found that they're - for the most significant areas of contamination in the southern portion of the Lake; mercury contamination was found throughout the Lake, but most notably in that southern portion and also at the outlet or Nine Mile Creek Delta. We found other contaminants in the Lake like benzene, chlorinated benzenes, PCBs and others. In some areas, specifically again in that southern portion of the Lake, the contaminants were as deep as 25 feet into the sediments.

After collecting all that data we took the next step, and that's assessing a number of different alternatives. And Honeywell performed an assessment of 14 different alternatives, ranging from taking No Action or spending no dollars on the cleanup, to an extensive cleanup of removing over 20 million cubic yards of sediment and doing capping of over 23 acres of the Lake to an estimated cost of $2.1 billion.

Director

During that process where Honeywell proposed these 14 different alternatives they recommended a preferred alternative of dredging .5 million cubic yards and capping 356 acres in the Lake at a cost of $243 million.

Once we had the range of alternatives in front of us we assessed those alternatives and came up with the DEC's preferred alternative which we're talking about tonight.

The first step in that process was to establish remedial goals. What do we really want to accomplish when we do this clean up? Those goals basically stated, were to achieve sediment concentrations that are protective of fish and wildlife; to achieve concentrations in fish tissue that are protective of humans and wildlife that consume the fish; and last, to achieve water quality standards in the Lake itself.

We looked at remediation of all areas in the Lake where surface sediments exceeded our established clean up levels. What that

means is after we did that assessment we are predicting that the clean up will entail dredging of an estimated 2.7 million cubic yards of sediment. It also includes capping an estimated 579 acres in the Lake.

During the dredging process as we take material out of the Lake we have to take it someplace. And we are proposing that the most highly contaminant sediments will be taken off-site to a permitted facility either within New York State or somewhere outside the state. Currently it's proposed that the remaining sediments, the less contaminated sediments that will be dredged will be taken up to the wastebed sites in the Town of Camillus.

And we will be reviewing Honeywell's proposal to construct what we call a sediment containment area up on the waste-beds where these sediments will be contained, isolated and protected from entering back into the environment. We will require at a minimum a liner in that system, a leachate collection system and a protective cap to

prevent erosion from and leachate into the containment cells.

Also part of the Plan in the deep areas of the Lake is what we call Oxygenation Pilot Study. It's basically infusion of oxygen in the lower reaches of the Lake to see if that will have any impact on limiting what we call the methylation of mercury into the Lake from the sediments, eliminating the release of mercury into the water column.

Also included in the plan is habitat restoration. What we dig out we're going to replace. Also includes some habitat enhancement. We're not just going to replace in kind what was taken out but we're going to do significant improvement to the habitat in and around the Lake.

Very important to this Plan is the long term monitoring of the Plan itself. To be assured that the Plan is effective and protective of human health and the environment we will establish a very comprehensive monitoring plan of the clean up project.

Director

That includes monitoring the water column, monitoring the cap to make sure its working, if there is a sediment containment area on the wastebeds or somewhere else, monitoring that area to make sure that's protected and there is no leakage. Monitoring the fish, to see the improvements they will be making through the clean up efforts. An extensive look at how effective the remedy is and an extensive look to make sure that things like protective caps are staying protective. The estimated present worth of the DEC's Proposed Plan is $451 million.

This overview that's in your handout, I apologize it's in black-and-white in your handout but it really gives an overall example of what is proposed for each area of the Lake. Basically we split the Lake into eight different sections. And based on the quantity and quality of contamination in those sections determined a specific remedy for each of those eight sections. In many areas that includes dredging, dredging at

different levels depending on the extent of contamination. And a lot of those areas include capping.

If you want to come up later there is a bigger depiction of this map over there on the poster board, and also if anyone has the Proposed Plan itself, it can also be obtained on our website. That is part of the Proposed Plan where you can view that section of the Lake and what the proposal is for each particular area.

Just a little more about the long term monitoring plan because this is very important to the project. We're going to monitor, like I said, the effectiveness of the various remedy components. Is it working? Is it cleaning up the Lake? We're going to monitor in a very comprehensive manner. Much of the detail will be worked out during that three year design period that I talked about.

But it most likely will include sampling of fish tissue, toxicity testing, sampling of surface water and sediments, sampling of

the cap to make sure it's working, to make sure it's stable; and monitoring the sediments in the Sediment Containment Area in the wastebed or wherever else it goes.

There is a long term what we call O & M or Operation and Maintenance Plan included in any cleanup project. That assures that if fixes need to be made, if there are problems found with the proposed clean up the responsible party will correct those.

Lastly, just a little summary of the whole time frame. As I stated, once we complete this public review process we're required to come up with a final plan by April 1st, 2005. Once that Plan is completed we expect a three year design period. And after that a four year construction period.

Important to note that the actual work to be done in the Lake cannot be done until we first cut off the upland sites. This map here depicts a number of the upland sites that have impacted the Lake. Some of them still impacting the Lake today. Certainly

doesn't make sense to dredge the bottom of the Lake, take out the contaminant sediments if you still have areas upland impacting the Lake.

So prior to actual dredging activity in the Lake we will make sure that the upland sites are no longer impacting the Lake itself. And there is a separate process already underway for many of those upland sites. Some of which are in the clean up phase at this point. Others are design and clean up proposals similar to what we're doing for the Lake bottom itself. But again before we actually start clean up activity in the Lake we will cut off the sources upland from the Lake.

And once again, once the clean up is done and during the clean up there is going to be an extensive long term monitoring program to make sure that everything we've done will be effective, and if not effective we can make the appropriate fixes to the clean up plan.

More information. Many of you probably

already know that you can go to our website and view the Plan itself. I think we brought some copies of the Plan with us tonight. We have staff available tonight either during the question and answer period or afterwards to talk to you about the Proposed Plan. You can send in your comments via our website. You can write in your comments to those addresses listed. You can also view the Plan itself at several depositories like the local libraries. We have also extended the places where we have the Plan available. Do we have all those listed Mary Jane?

MARY JANE PEACHY: Yes.

DIRECTOR LYNCH: Last time I think we only had it a couple places and based on the recommendation at the last meeting we have extended the area where you can view the Plan if you can't get it on the website itself.

Again, public comments will be accepted until March 1st of this year. That concludes my presentation. And we'll move

right into a question and answer comment period. Before we do that I just want to outline some ground rules.

First anyone wishing to speak should first state your name, spell your name because we have a stenographer **(court reporter)** here, and state who you represent and where you're from. We'd ask that everyone limit their questions at least initially to two questions so we make sure everybody gets an opportunity to ask questions.

If you're making a public comment for the record please state that. We won't be responding officially to public comments made tonight. What we do is part of our public comment period. When that's complete, when we put together the final plan we do what we call a formal responsiveness summary, which will summarize all the comments we received and reply to all the issues brought up during the public comment period.

This is a very technical plan. There is

a lot of detail. There may be some very technical questions that we may have to defer to a later point after the meeting. I want to make sure everyone gets an opportunity to ask questions. We can get into some detail and spend an awful lot of time talking about technical issues.

So if we feel that we prefer to go off line and talk to you individually one on one with our experts we'll recommend that. It's not intended to be a debate whether certain aspects of this plan are good or bad. You certainly can make those comments as official public comments. But we don't plan to engage in a debate over alternatives or other parts of the plan whether they work or not. We will explain why we think they're effective and why we selected what we did. But as far as debating alternatives we will respond to anybody's opinion or position regarding those in the formal public responsiveness summary in the final plan.

That being said we're ready to move into public comment. I'll just ask that someone

raise their hand, I'll call on you. If I call on you please step up to the mike and state your name and proceed with your question or comments. Mary Ann is first.

SUPERVISOR MARY ANN COOGAN: Jim, come on up with me. I'm Mary Ann Coogan, Supervisor for the Town of Camillus. I also have with me Jim Salanger, he's one of the council people on the board at the Town of Camillus. We have a letter we are going to share reading, it's a little lengthy, so if you will indulge us, appreciate that. This will go to the DEC, Mr. Donald Hesler. "Dear Gentlemen: As the proposed host community for the dredging from the Onondaga Lake cleanup, the Town of Camillus has some concerns which need to be addressed to insure that no negative impacts will occur to our community during this cleanup.

Some of these issues relate to the details of the design and operation of the proposed SCA, on SB 13, part of what is known as the Allied Wastebeds. We make these comments now because we are unsure of

future opportunities to do so. Camillus requests a review and advisory role as the project goes forward.

Camillus believes that the Department should revisit the entire issue of the SCA location. From some of the supporting materials accompanying the FS, it is obvious that shoreline and in-the-water locations for the SCAs have been successfully used for dredging in the past. The selection process gave no opportunity to select an in-the-water SCA because of the goals for no loss of Lake surface or volume.

An SCA location or locations, near or in the Lake would result in a relatively tiny loss of Lake surface and volume and it would eliminate the costs and environmental concerns associated with the pipeline of Nine Mile Creek and the new SCA on SB 13.

A new upscale subdivision, Golden Meadows, is being built a short distance from SB 13 to add to the large number of people already living in the area. Moving the SCA to a lakeshore or in the lake

location should save money, decrease environmental risk to Town of Camillus residents, and provide a means to construct space for something useful to the general public, such as the marina/boat launch or more fairgrounds parking. If time is an issue the revisiting of the SCA location could be done as part of the design phase."

COUNCILOR SALANGER: "A. If the SCA ultimately is located in SB 13, the primary issue is the proactive prevention of odors escaping to receptors in the community. The Honeywell FS and the DEC Proposed Plan acknowledge the potential for odor releases. The details of the odor mitigation plans are to be developed during design; some of the techniques are discussed. Our suggestions are as follows:

Construct a 'Demonstration Size' SCA in the part of SB 13 farthest from the population center in Amboy. The size should be large enough so that it could run long enough to thoroughly validate the process and make corrections if necessary, at the

Spvsr Coogan/Council Salanger

greatest possible distance from people's homes. We understand that the odors may differ depending on the source of the dredgings, and that below SCA surface discharge and a partial floating cover would be employed at a minimum. We also suggest that odor control technologies be demonstrated in the small SCA for phase when the SCA is full and water is completely drawn off. That phase may have significant potential for odor release as the dredgings dewater, and preparations should be made in advance.

An agreed-upon protocol should be in place prior to operations relative to shut-down while corrections are being made if problems occur. Camillus does not want to be in the position of having to prod DEC or Honeywell to react to problems. A mechanism needs to be created to get feedback from odor receptors to the project team at the earliest sign of problems. We suggest an 'Odor Panel' be created of local homeowners who would monitor air quality in their

neighborhoods.

B. The pumping operation to move the dredging to SB 13 and out into the SCA has a potential to generate noise which will be heard in the adjoining neighborhoods. Noise modeling should be done to predict noise impacts and appropriate mitigation should be included in the project.

C. Construction activities on-site have the potential to create noise and traffic issues. These issues should be mitigated up front in so far as possible. One very significant mitigation technique would be to use exempt construction and demolition waste for pre-loading and constructing the SCA areas. There is a large stockpile of exempt C&D in the eastern portion of the SB 15 and some in the western portion of SB 15. Utilizing these materials for construction cuts -- for construction, cuts down on impacts associated with bringing construction materials to the site but also will reclaim space in SB 15 for disposal of non-exempt C&D."

Spvsr Coogan/Council Salanger

SUPERVISOR COOGAN: "D. Visual impacts of the proposed SCA in SB 13 should be an immediate priority. Viewscape modeling should be performed to develop a screening plan to shield the view of the SCA from nearby residents and passerbys. Screening techniques could include setting the SCA boundary inboard as far as possible from the current outer berms. Planting of vegetation would need to be initiated soon to be effective at the time of SCA operation.

E. The ability of the existing structure of SB 13 to carry the load for additional sediment, water and the weight of the SCA should be verified immediately. If the load carrying ability is at all suspect, after analysis, then a fresh look at where to put the SCA would be in order.

F. Our understanding at this writing is that there is no consensus between the DEC and Honeywell on the quantity of dredgings to come to the SCA, with Honeywell's proposed quantity to be significantly less. From the Camillus perspective, less is

Spvsr Coogan/Council Salanger

better, because of reduced environmental risks. Could the Department please provide a 'plain English' explanation why Honeywell's proposal is not sufficiently protective of the Lake and its inhabitants?

One of the speakers at the January 10th public hearing made the point that the assumptions going into the Risk Assessment are very conservative, thus overstating the risks and making the remedies in the FS even more conservative. Let's not dredge more material than we need to simply because conservative assumptions are superimposed on other conservative assumptions. If the real world risk under Honeywell's proposal is unacceptable, please explain. Perhaps a compromise quantity of dredgings would be agreeable to all.

G. Camillus suggests the Citizen's Panel to play an advisory role in evaluating final uses of the completed SCA if it is within the Town. A wide variety of potential uses are possible and public input is vital to making appropriate choices.

Spvsr Coogan/Council Salanger

H. Camillus expects and demands an effective monitoring system for any SCA built in Camillus, during construction, during operation, and post-closure. This monitoring program should, at a minimum, include:

The aforementioned 'Odor Panel.'

Air quality sampling locations with sample testing and agreed upon protocol for determining results of concern.

Noise monitoring equipment to validate that activities do not violate the Camillus noise regulations.

Groundwater and surface water quality monitoring."

COUNCILOR SALANGER: "Camillus wants to be part of the review process for monitoring data, and to be reimbursed for our expenses in evaluating the monitoring of data and responding to it.

I. Security of any new facilities to guard against accidents from snowmobilers, bikers, and others is a must. Any areas with open water or other hazards must be

fenced.

J. The long term financial capabilities to continue post-closure care, and monitoring must be guaranteed by some form of financial instruments. We must be assured that there is no way that local or county government is saddled with any expenses resulting from the Lake cleanup.

Depending on additional public comment, we may have additional comments prior to March 1st. We thank you for the opportunity to bring these issues to your attention. Very truly yours, Mary Ann Coogan, Camillus Supervisor, and the Camillus Town Board." Thank you.

DIRECTOR LYNCH: Next? Questions, comments? There has got to be someone out there. Yes, sir?

QUESTIONS BY BARRY RAICHLIN:

Q. Still haven't - Barry Raichlin, Syracuse, I used to live in Camillus. There is still a discrepancy of $2.1 billion and $250 million. What's up?

(ALL ANSWERS BY DIRECTOR KEN LYNCH)

A. Well, the $2.1 billion proposal was the maximum alternative that was explored. That's not being examined at this point. The difference is the state's plan which we presented tonight of 451 million versus Honeywell's Proposed Plan of 240 million.

In real simple terms the big difference between those two plans are the extent of contamination that we take out of the Lake. The state feels we need to take more of the contamination that was originally proposed from Honeywell out of the Lake to have a protective remedy. That also includes additional capping in those contaminated areas and other areas that you may not dredge.

So the big cost difference is the difference in material that you take out and the amount of capping that you perform in the Lake.

Q. So who decides after all this goes down, who decides, one person?

A. No, believe me there have been a number of people that worked on this project, from

Honeywell's assessment of all the alternatives, from the DEC's review of the project. And that doesn't only include our regional people here in DEC, we have a large staff in Albany reviewing this proposal.

We also engage the state Department of Health, they have been very heavily involved in this project. The state attorney's general office involved from a legal perspective and technical perspective. And we also have as a federal Superfund site EPA and all their experts, the Region II office, Superfund people working on this project assessing it. And as I mentioned, they have a review board internally from all their EPA regions that have looked at this proposal.

So it's a number of people that examined not only all the alternatives but the specific proposal that the state of New York is making today.

Q. Who are the people that said it would be 2.2 billion, who are they? They don't exist?

A. No, Honeywell looked at --

Q. Like having the fox in the hen house

with Honeywell?

A. They looked at the alternatives and lined them out for us to look at. We looked at the details of them, decided whether the cost estimates made sense. And more importantly selected the portions of those alternatives that made sense to implement as part of this Proposed Plan.

Q. Yeah, but all they care about is Honeywell, they don't care about us.

A. Well, the state DEC cares about the environment and the people around the environment. And that's the bottom line that we - what we assessed in coming up with all the aspects of this Proposed Plan.

Q. I would bet everyone in Syracuse thinks you're going to dredge the whole Lake.

A. We're not, that's not the proposal.

Q. Exactly.

A. That's the purpose of this meeting and a number of other outreach efforts that we have made since this Proposed Plan has been out there.

QUESTIONS BY FRED WENTHEN (Fayetteville):

Q. My question is what criteria you use to decide dredging versus capping. I mean if you cap something, isn't it as effective as dredging but you don't run the risk of having to dispose of all this material, and boil off all of the water in the process of dredging. What is the advantage of dredging over capping?

A. The number one advantage of dredging is you can get out the most significant contamination in the Lake. And regardless of how effective a cap may be under water there are a number of variables that you have to consider when you leave that material behind.

And we have through our very extensive review process determined a certain level of material that we want out of that Lake regardless of whether you cap or not. It just makes sound environmental protection and human health protection sense to take out the most highly contaminated sediments.

Realizing that it would be very difficult to take all of that contamination

out, part of the plan also includes capping. And you know there was a lot of examination of alternatives that assessed the different risks associated with leaving different material behind. And that assessment ultimately resulted in our proposal to cap, to dredge 2.7 million cubic yards and cap those areas and other areas in the Lake.

We have a number of people here that worked extensively on that assessment and reviewed the alternatives. I'm sure they'll be willing to talk to you later about some of the analysis that they did to determine at what levels do we take the material out and what levels do we leave it there and cap it?

QUESTIONS BY JOE FRAGNITO:

Q. I'm just representing myself. With regards to the sediments on top of the waste-beds, after everything is complete, what is the final outcome of the wastebeds there? Are you going to do any topping of the sediments, put any gravel, or what's the final aspect of the sediments that will be

left there?

A. Basically the sediments will be capped with a layer of soil material to protect those sediments from leachate coming from any rainwater in the Lake. It will be graded so that the runoff will, clean runoff will go off and not into the area; much like a landfill area.

But we have more opportunity in the wastebeds because of the large area to grade that sediment containment area in the way that the area can be reused. And that's some of the discussions that Honeywell has had and offered potential reuse for those wastebeds. Because they are basically long used waste areas used way before environmental regulations were in place and were not capped to today's standards.

Any sediment that goes up to those wastebeds will be capped to state-of-the-art today's standards. And the alternative of reuse of those wastebeds will be looked at as part of Honeywell's plan in conversations with the Town of Camillus or

others.

Q. Has Honeywell published these reuse possibilities? I mean is there any idea of what you're talking about? What kind of reuse can you use that if you ever got up there for some reason?

A. They have talked generally to certain groups in the public about general uses there. I don't think they have identified one specific use. But some examples that have mentioned recreational uses such as trails, snowmobile trails, they have talked about possibly recreation fields like football fields, lacrosse fields. They have talked about, you know, wilderness area. There are quite a bit of trees already growing on the wastebeds right now and there is a lot of wildlife up there. They have even talked about the potential of economic development in some areas on the wastebeds.

Q. Well, along that line is there any possibility of building on top of that?

A. I think there is. That certainly would need extensive assessment. That's not part

of the actual Lake cleanup plan.

Q. I understand that, but what's the final outcome?

A. That could be a final outcome. It could be something that could be assessed.

Q. Someone has to consider how they leave this so that someone in the future many many years from now that there may be some possibility of doing something up there. What restrictions, you know, will be available and what possible uses could be there. But something that could be able to construct something would be nice even though I won't be around to see it, but.

A. And that's something that can be considered during the design phase. A lot of the detail regarding the sediment containment area on the wastebeds will not only talk about what the actual containment will be, how do you keep things in place and protect the environment, but also what the end use may be.

And we have already met a couple of times out in the Town of Camillus to talk to

town representatives and some of the residents out there. And we expect if that proposal moves forward that we will continue a dialogue with the town and its residents. And part of that dialogue will include a discussion of potential end uses on the wastebeds.

MR. FRAGNITO: Sounds good. Thank you.

DIRECTOR LYNCH: Way in the back. Sir?

QUESTIONS BY JOE McCARTHY:

Q. Joe McCarthy, Syracuse, I'm speaking for myself. My question has to do with the upland remedial activities. Basically what does that mean? And is that at that point where, you know, Onondaga County will be addressing, you know, the pollution that they personally put into the Lake?

A. Okay, a couple aspects. The Onondaga County concerns are related to the waste-water treatment issues. And at the beginning of my presentation I mentioned briefly that there is an existing agreement in place that requires the county not only to upgrade its treatment, Metro treatment

plant but also to address all the CSOs, combined sewer overflows that are impacting the Lake. That is done under a separate agreement, not part of this Cleanup Plan. But very important to the cleanup of the Lake. And that work is ongoing and continuing. And as I mentioned, many of the significant improvements at the Metro plant have been completed.

The upland sites that are referred to in my presentation are industrial waste sites; sites that have discharged hazardous waste into the environment, in many case along the west shore here to the Lake. A lot of those are old Allied sites, now owned by Honeywell. And each of those sites are in various stages of the cleanup process. Some of them we're still doing investigation at, others we're actually doing cleanup work at those sites.

Q. Clarification for myself. Is that by the fair grounds then?

A. Yes, most of those sites are. But I will note that there are other upland sites

that have impacted the Lake that are not Allied or Honeywell sites on the western shore. For example, General Motors up on Ley Creek. They have had historical discharges of PCBs. And GM is addressing cleanup of their site in the impact of Ley Creek.

DIRECTOR LYNCH: Mr. Pickard.

QUESTIONS BY LEGISLATOR PICKARD:

Q. Good evening, Terry Pickard, I'm with the Onondaga County Legislature. I actually have a couple of legal questions and I wondered if you might be ability to respond to them.

And the first of which is I assume that after this process is over and you hear the public comment and you sit down and talk with Honeywell that there will be some kind of settlement reached between the DEC and Honeywell, if that's possible. I mean we're urging you to do that, to move this process along as quickly as possible. I know the legislature has spoken on this same issue of trying to get, reach a consensus in the

community to get this process reached and moving as quickly as possible.

But what is the legal mechanism, what happens if an agreement is not reached and the DEC moves forward with the remedy that you promulgated or whatever you do with it. How actually does that work and who would come up with the funding and then ultimately how would you collect the monies to do that?

A. Okay, as you stated, the preferred method is that once a final plan is adopted we would agree with Honeywell for the implementation and we would enter into a legal document, require them to perform that remedy.

If there isn't an agreement, a couple of things could happen. We could proceed in court to attempt to force Honeywell or other responsible parties to undertake the cleanup.

The other option and the quicker option would be for the state and/or federal government to use state Superfund or federal Superfund dollars to actually do the cleanup ourselves, hire our own contractors to do

the cleanup work.

And if that happens we are required by law then to seek cost recovery, any monies we spend we can pursue responsible parties like Honeywell and other parties that have caused damage to the Lake to recoup our costs that we spent to clean up - to undertake that remedy.

Q. Thank you, can I have one more question?

A. Go ahead.

Q. The other question deals with compensation to the community. By virtue of the fact that the contamination of the Lake, the community has lost the use of this valuable resource for many years. And I understand under the Superfund legislation that there are provisions which allow for the recovery for the loss of that use through natural resource recovery damages. And that the monies that are recovered for that loss can then be used to build enhancement or improvements around the Lake.

When does that enter into the discussions and who does that and who enforces it

for the community at large here?

A. That's another responsibility of the state of New York and our department. This proposed cleanup plan addresses actually cleaning up the site, getting rid of the contamination, protecting the environment.

The lawsuit that we brought to force this cleanup plan to proceed also included a claim by the state of New York for natural resource damages. The loss of the use of the Lake caused by this contamination.

We are currently undergoing an assessment of what the extent of those damages are. And once we have that assessment completed we will move further in court to collect the extent of those damages.

Now, through that whole process there is always the opportunity to negotiate with Honeywell the extent of what those damages are and how they will correct or pay the community that's been impacted. And if those discussions happen, and I'm hopeful that they will, we will include the local municipality including Onondaga County and

the towns around the Lake.

LEGISLATOR PICKARD: Thank you very much.

QUESTIONS BY BARRY RAICHLIN Again:

Q. Does that also include General Motors?

A. Yes, the claim for natural resources damages could also be extended to other responsible parties.

STATEMENT BY ROBERT LONG:

My name is Robert Long, L-O-N-G, and I'm representing the Onondaga Audubon Society. Because we have some ideas about reclamation that would bring back some of the very interesting shorebirds that used to occupy the - well, the southwestern shore of the Lake beginning at the Nine Mile Creek and going all the way down to the - really the southwest corner.

Shorebirds in the 1960s, these are shorebirds that are coming back from Canada, the Arctic Circle. And they show up in early July and hang around until September. Fascinating little birds, shorebirds. If people don't know what a shorebird is, think of a killdeer, these are little birds after

you've been to the ocean you see them running along the shores. And over those years, Onondaga Lake really had the reputation in the '60s and '70s of having the best fall shorebird migration variety, even better than Montezuma.

Montezuma now is the only place where you'll see them. What ruined it was the phragmites. Because once the phragmites took hold and just covered the whole area down there the birds had no place. They have to have the sand, and they're sticking their little bills in the sand and picking up small insects and things like that to build up their resources, because some of these birds fly all the way to South America.

They would come back, because they are seen periodically flying over the Lake. And mitigation there would have to be phragmites removal, it's the worst weed. Does everybody know what phragmites is? It's a huge weed with a big tuft on it. If you drive down any Interstate you can see this stuff

growing. Nothing will, no birds will nest in there, no animals can get through it, it gets so thick. That's why actually we lost the birds, we couldn't even get to them too. Mitigation of that.

And the other thing, I don't know whether they allow dogs on the trail. There is going to be a trail around the Lake eventually. There would have to be control of dogs, loose dogs can be, they don't match up well with shorebirds. And many areas of Long Island now are off limits to dogs, while they're trying to save several of the species, they're nesting there actually in the summer.

It does cost much because the phragmites are not easy to get rid of. I don't know if you ever try to cut one down, but believe me it's like cutting a tree down, they grow out quickly. But there are ways to mitigate and Honeywell in their proposal has suggested mitigation. So I - just to put a pitch in for Honeywell.

It could be arranged so we can build one

of these little hides or you know, little structure that you can sit in and watch the birds, because they get very flustered when they see humans. Right along the trail hopefully that will come there and perhaps fence off from each little hide, maybe two of them, one near the outlet of the Nine Mile Creek and another one farther down south there.

That would bring a lot of birders in there, and it would be something that people, if they walk along the little walkways would have something to do. Because we could provide people to be there and explain what they're looking at in the summertime. Just some thoughts. Thank you.

DIRECTOR LYNCH: Thanks for your comments. Any other questions or comments? Yes, ma'am?

QUESTIONS BY DERETH GLANCE:

Q. Dereth Glance, Citizens Campaign for the Environment. I want to thank you, Director Lynch, and everyone else, for holding a subsequent public hearing in a question and

answer format; also been responsive to the initial public concerns and questions so far.

I have a couple of questions, I'll stick with my two to begin with. But first of all, when will the public know when the Lake cleanup is done?

A. Well, as I mentioned the Proposed Plan and the Final Plan is going to include an extensive monitoring program and our goals set in the Plan itself.

We will be reporting to the public the progress of the monitoring program and the results of that program, and when we are meeting the goals that we have established in the Plan itself. There will be an ongoing process of monitoring not only this cleanup but there is an existing ongoing process to monitor the county's efforts on the wastewater treatment side.

And we'll be reporting out on a regular basis, in fact the law requires for the hazardous waste site a three year assessment of the Plan to make sure it's working and to

see if it is complete. I expect it will be a very extended period of time for the Lake to fully recover. But I also expect that the monitoring program in place and the assessment of that monitoring program will allow us to have established when the Lake has met the goals of our Cleanup Plan.

I can't give you a specific answer today but I'm hopeful that we're going to be able to report as the cleanup progresses the progress of the cleanup and how effective it's going to be. And again, adjustments to the Plan can be made if we're finding that certain things aren't being effective.

Q. And the second question I have is, now from my read of the plan, you know, most of the decisions are going to be made during the design phase. And so I'm just wondering if that's - what kind of an opportunity the public is going to have during the design phase and if the DEC will create a specific citizen advisory committee or citizen advisory group to advise Honeywell and the DEC on these specific matters as well as

helping improve the transparency of the process?

A. No specific determinations have been made. There are no specific requirements in the law for us to go back during the design phase. I can tell you though that we will.

We have already, as I mentioned had a couple meetings in the Town of Camillus and understandably very important to the Town of Camillus is any proposed design of the sediment containment area.

We will be back in the Town of Camillus talking about that proposal if it comes to fruition. We also will be out to the public in general, whether it be with fact sheets, information on our website or additional public comment periods or establishing citizen participation groups to discuss the proposed plan.

We're fortunate in regards to Onondaga Lake to also have the Onondaga Lake Partnership whose -- one of its primary purposes is to outreach the public to inform them about the overall cleanup efforts; not

just the hazardous waste, not just the county's efforts on the wastewater treatments side. But there is an ongoing effort from that group also to keep the public informed.

We have annual meetings of the progress of the Lake cleanup and the development of design plans for specific areas like the dredging of the Lake.

DERETH GLANCE: Thank you.

DIRECTOR LYNCH: Any other questions or comments? We do have a number of people available and we're willing to stick around to answer any specific one-on-one questions you may have. I'll give you one last chance for a public statement or comment.

Again, you can write in to our office up until March 1st. Those public comments will all be reviewed, given equal weight to the oral comments that were made tonight and in other public sessions. And we will prepare a Comprehensive Responsiveness Summary as part of our Final Plan.

I want to thank you all for attending

and especially thank you for your interest in cleaning up Onondaga Lake. Thanks.

(Concluded at 8:05 p.m.)

* * * *

C E R T I F I C A T E

This is to certify that I am a Certified Shorthand Reporter and Notary Public in and for the State of New York, that I attended and reported the above entitled proceedings, that I have compared the foregoing with my original minutes taken therein and that it is a true and correct transcript thereof and all of the proceedings had therein.

John F. Drury, CSR, RPR

Dated: February 22, 2005