

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau C

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MEMORANDUM

To: George Heitzman, Director, Remedial Bureau C

From: R. Scott Deyette, Project Manager

Re: Central Hudson Newburgh MGP Site
Newburgh, Orange County
Site No.: 336042
Minor Record of Decision (ROD) Modification, Area B

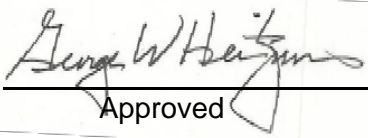
Date: September 26, 2017

On December 2, 2005, the Department issued the Record of Decision for the Central Hudson Newburgh MGP site. The ROD covered three on-site and off-site areas; Area A (main plant site), B (off-site parcel of land between River Street and the Hudson River, currently occupied by the City of Newburgh Wastewater Treatment Plant), and C (off-site Hudson River sediments). The ROD included several requirements for Area B, including the following:

7) Central Hudson will use its best efforts to obtain an institutional control, in a manner and form acceptable to NYSDEC, with the property owners in Area B, that will: (a) require compliance with the approved SMP and allow access for Central Hudson to implement any necessary operation, maintenance, and monitoring of the components of the remedy, (b) limit the use and development of the property to commercial, industrial or restricted residential uses; (c) restrict use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the Orange County Department of Health; and, (d) require the property owners to cooperate in the preparation of the NYSDEC IC/EC certification.

Following the remediation of Area B, which left some remaining contamination, Central Hudson entered into an access agreement with the City of Newburgh, dated April 19, 2012, which grants Central Hudson and their designated representatives access to the property in order to perform routine site management activities, in accordance with the approved Site Management Plan. The agreement does not provide for either land or groundwater use restrictions. However, the City Wastewater Treatment Plant occupies most of the parcel, and will continue operations for the foreseeable future. Also, the City Engineer has confirmed that there is a municipal prohibition on the installation of new groundwater supply wells in the City of Newburgh (City Ordinance Chapter 293, Article VIII). Based on an evaluation of the access agreement between Central Hudson and the City of Newburgh, the municipal prohibition of installation of new groundwater wells in the City, and the predictable future use of Area B as a sewage treatment plant, the Department is modifying the remedy to remove ROD requirement 7(b) for a land use restriction, and making a

determination that the alternative instruments for the remaining required institutional controls are acceptable to the Department. The remaining ROD elements will remain unchanged.

 September 26, 2017
Approved _____