DECISION DOCUMENT

Northeast Treaters of New York, LLC
Brownfield Cleanup Program
Athens, Greene County
Site No. C420029
December 2015

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

DECLARATION STATEMENT - DECISION DOCUMENT

Northeast Treaters of New York, LLC
Brownfield Cleanup Program
Athens, Greene County
Site No. C420029
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Statement of Purpose and Basis

This document presents the remedy for the Northeast Treaters of New York, LLC site, a brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the Northeast Treaters of New York, LLC site and the public's input to the proposed remedy presented by the Department.

Description of Selected Remedy

The elements of the selected remedy are as follows:

1. Remedial Design

A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows;
•Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
•Reducing direct and indirect greenhouse gases and other emissions;
•Increasing energy efficiency and minimizing use of non-renewable energy;
•Conserving and efficiently managing resources and materials;
•Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
•Maximizing habitat value and creating habitat when possible;
•Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals; and
•Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.

2. Cover System
A site cover will be required to allow for commercial use of the site. The cover will consist either of the structures such as buildings, pavement, sidewalks comprising the site development or a soil cover in areas where the upper one foot of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where the soil cover is required it will be a minimum of one foot of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d).

3. Excavation
Off-site soil which has been impacted by overflow from the storm water settling basin in excess of residential SCOs, as defined by 6 NYCRR Part 375-6.8, will be excavated. Approximately forty five (45) cubic yards of contaminated soil will be removed and consolidated onsite under the cover system. Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to replace the excavated soil and establish the designed grades at the site.

4. Removal of all Sediment from Catch Basins
Sediment will be removed from site-impacted storm water catch basins on and downstream of the site. All sediment removed from the catch basins will be consolidated on-site in areas subject to the final cover system or be disposed of in accordance with Federal and NYS regulations.

5. Institutional Control
Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

. require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8(h)(3);

. allow the use and development of the controlled property for commercial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;

. require compliance with the Department approved Site Management Plan.

Note controlled property includes the entire BCP site as well as "off-site" areas of the greater Northeast Treaters facility which have been impacted by site-related contamination, including the settling basin and the basin exit swale.

6. Site Management Plan
A Site Management Plan is required, which includes the following:

a. An Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and off-site area on the greater Northeast Treaters facility that have been impacted by site-related contamination, details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place.

Institutional Controls: The Environmental Easement described above in Paragraph 5.
Engineering Controls: The cover system described above in Paragraph 2.

This plan includes, but may not be limited to:

. an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;

. descriptions of the provisions of the environmental easement including any land use restrictions;

. provisions for the management and inspection of the identified engineering controls;

. maintaining site access controls and Department notification; and

. The steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

b. A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
. monitoring of the soil/sediment downgradient of the settling basin to assess the performance and effectiveness of the remedy; and
. a schedule of monitoring and frequency of submittals to the Department.

c. A Closure Plan for the existing facility storm water settling basin and any areas downgradient of the basin that may have received contaminated overflow.

Declaration

The remedy conforms with promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration Department guidance, as appropriate. The remedy is protective of public health and the environment.

December 31, 2015

Date

Robert J. Cozzy, Director
Remedial Bureau B

DECISION DOCUMENT

Northeast Treaters of New York, LLC
Athens, Greene County
Site No. C420029
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SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), has selected a remedy for the above referenced site. The disposal of contaminants at the site has resulted in threats to public health and the environment that would be addressed by the remedy. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. Contaminants include hazardous waste and/or petroleum.

The New York State Brownfield Cleanup Program (BCP) is a voluntary program. The goal of the BCP is to enhance private-sector cleanups of brownfields and to reduce development pressure on "greenfields." A brownfield site is real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant.

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

SECTION 2: CITIZEN PARTICIPATION

The Department seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comment on the proposed remedy. All comments on the remedy received during the comment period were considered by the Department in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repository:

D. R. Evarts Library
Attn: Bonnie Snyder
80 Second Street
Athens, NY 12015
Phone: (518) 945-1417

Receive Site Citizen Participation Information By Email

Please note that the Department's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen

participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program, Voluntary Cleanup Program, and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at http://www.dec.ny.gov/chemical/61092.html

SECTION 3: SITE DESCRIPTION AND HISTORY

Location: The site is located in a rural area on the north side of the Schoharie Turnpike (Route 28) approximately 0.75 miles east of Route 9W in the Town of Athens. The BCP site, which consists of the former drip pad, surrounding asphalt and a portion of adjacent undeveloped land, is bounded by agricultural lands to the north, undeveloped land to the west, the remainder of the Northeast Treaters facility to the east and County Route 28, Peckam Industries and Amerigas to the south.

Site Features: The original facility consisted of three buildings: a lumber stacking building, the process building and the maintenance building. The process building, recently demolished, contained a drip pad and offices. The Brownfield Cleanup Program (BCP) site is limited to the eastern most portion of the Northeast Treaters facility, specifically the area of the former process building and property to the north and east.

The BCP site consists of approximately 1.68 acres of developed land and 2.22 acres of undeveloped woodland for a total size of 3.9 acres. A storm water collection system transports runoff water from the site to a settling basin located on the western portion of the facility (i.e. off of the BCP site). The basin has an outflow, which is referred to as a swale located to the south and west of the basin.

Current zoning and land use: The site is used as pressure treated wood manufacturing facility and is zoned LI-2, Light Industrial. The surrounding parcels are used for agriculture, light industry or is forested.

Past Use of the Site: The facility was constructed in 1977 and was originally a saw mill. Atlantic Wood Industries, Inc., began operating as a pressure treating wood manufacturing facility in 1979. The facility traditionally engaged in treating architectural and dimensional lumber with a preservative solution of chromated copper arsenate. The facility ceased using chromated copper arsenate preservative in 2003.

Site Geology and Hydrology: The site slopes slightly towards the west. Predominant soils in the vicinity of the site consists of dark brown to dark gray clay and silty clay. The bedrock in the vicinity of the site is shale and is estimated to exist at a depth ranging from 60 to 100 feet. The nearest surface water, a tributary to Murderers Creek, is located approximately 1,000 feet to the north of the site. Murderers Creek, a DEC-regulated waterbody (Class C), is located approximately 1.6 miles to the north of the site and flows east towards Sleepy Hollow Lake.

Perched water is occasionally present in the fill material immediately above the native clay.

During intrusive ground investigations, perched water was encountered at some locations, but not all. Information gained during the site investigation indicates that the perched water does not migrate, but mostly dissipates through evapotranspiration. Groundwater was not encountered in the underlying clay during intrusive ground investigations. Groundwater exists in the bedrock beneath the site and water levels recorded during the installation of facility water wells indicate piezometric levels within the boundaries of the Site are between ten (10) and 19.33 feet below ground surface. The regional groundwater flow direction is anticipated to be west to southwest, based on interpretation of topographic maps.

As discussed above, all surface water runoff is collected by the site-wide storm water collection system and directed to the settling basin to the west of the facility.

A site location map is attached as Figure 1.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, alternatives (or an alternative) that restrict(s) the use of the site to commercial use (which allows for industrial use) as described in Part 375-1.8(g) were/was evaluated in addition to an alternative which would allow for unrestricted use of the site.

A comparison of the results of the Remedial Investigation (RI) to the appropriate standards, criteria and guidance values (SCGs) for the identified land use and the unrestricted use SCGs for the site contaminants is available in the RI Report.

SECTION 5: ENFORCEMENT STATUS

The Applicant under the Brownfield Cleanup Agreement is a Participant. The Applicant has an obligation to address on-site and off-site contamination. Accordingly, no enforcement actions are necessary.

SECTION 6: SITE CONTAMINATION

6.1: Summary of the Remedial Investigation

A remedial investigation (RI) serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the contamination; and
- assess risk to human health and the environment.

The RI is intended to identify the nature (or type) of contamination which may be present at a site and the extent of that contamination in the environment on the site, or leaving the site. The RI reports on data gathered to determine if the soil, groundwater, soil vapor, indoor air, surface water or sediments may have been contaminated. Monitoring wells are installed to assess

groundwater and soil borings or test pits are installed to sample soil and/or waste(s) identified. If other natural resources are present, such as surface water bodies or wetlands, the water and sediment may be sampled as well. Based on the presence of contaminants in soil and groundwater, soil vapor will also be sampled for the presence of contamination. Data collected in the RI influence the development of remedial alternatives. The RI report is available for review in the site document repository and the results are summarized in section 6.3.

The analytical data collected on this site includes data for:

- groundwater
- soil
- sediment

6.1.1: Standards, Criteria, and Guidance (SCGs)

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

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

6.1.2: RI Results

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

arsenic chromium

The contaminant(s) of concern exceed the applicable SCGs for:

- soil
- sediment

6.2: Interim Remedial Measures

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

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

6.3: Summary of Environmental Assessment

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water. The RI report presents a detailed discussion of any existing and potential impacts from the site to fish and wildlife receptors.

Soils were initially analyzed for volatile organic compounds (VOCs) semi-volatile organic compounds (SVOCs), metals, poly-chlorinated biphenyls (PCBs) and pesticides. From the sample results, only metals exceeded the Commercial Soil Cleanup Objectives and the contaminants of concern were determined to be arsenic and chromium. Initial samples collected during the RI were analyzed for hexavalent chromium and total chromium. Analysis showed that detections of hexavalent chromium were consistently a small percentage of the total chromium. Therefore, with regard to chromium samples only, the remainder of soil analysis were for total chromium, and result were compared to trivalent chromium SCOs to evaluate the magnitude and extent of chromium contamination at the Site.

Soil-Arsenic and chromium are found beneath the facility's historic drip pad, on the soil along the perimeter of the drip pad, and in the soil of the woodland property to the north and east. Contamination was also detected within catch basins both on the BCP site and off-site in portions of the storm water collection system hydraulically downgradient of the BCP site. Arsenic contamination exceeds the unrestricted (13ppm) soil cleanup objective (SCO) beneath the drip pad (maximum 1360 ppm), along the perimeter of the drip pad (maximum 206 ppm). Several sample locations immediately east of the site showed arsenic concentrations above unrestricted SCOs but below residential SCOs. Chromium also exceeds unrestricted (30 ppm) SCO beneath the drip pad(maximum 1260 ppm), and along the perimeter of the drip pad (maximum 96.7 ppm).

Additionally, soil samples were taken in the settling basin's outflow. The maximum sample result in the basin's outflow was 70 ppm (closest to the basin) with levels decreasing with distance from the basin.

Sediment-Sediment samples were taken off-site in the settling basin and analyzed for arsenic and chromium. The samples exceeded the unrestricted SCO for arsenic (maximum 210 ppm) and chromium maximum 320 ppm).

Groundwater-Four monitoring wells (MW-1 thru MW-4) were installed during the Remedial Investigation. The Remedial Investigation found perched water that was irregularly found and very limited in quantity. Only MW-1 developed enough water to be sampled, which was sampled for chromium and arsenic. Sample analysis determined that the perched water was not impacted by site contaminants. Additionally, the bedrock groundwater, while not hydraulically connected to the drip pad, was found not to have been impacted by site operations.

6.4: Summary of Human Exposure Pathways

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

Direct contact with contaminants in the soil is unlikely because the majority of the site is covered with pavement. Persons who enter the site and affected off-site areas could contact contaminants in the catch basins by accessing unimproved entry points, and the facility storm water settling basin and downgradient areas by walking on, digging or otherwise disturbing the soil and sediment in these areas.

6.5: Summary of the Remediation Objectives

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

The remedial action objectives for this site are:

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater or surface water contamination.
- Prevent impacts to biota from ingestion/direct contact with soil causing toxicity or impacts from bioaccumulation through the terrestrial food chain.

Sediment

RAOs for Public Health Protection

- Prevent direct contact with contaminated sediments.

RAOs for Environmental Protection

- Restore sediments to pre-release/background conditions to the extent feasible.

SECTION 7: ELEMENTS OF THE SELECTED REMEDY

The alternatives developed for the site and the evaluation of the remedial criteria are presented in the Alternative Analysis. The remedy is selected pursuant to the remedy selection criteria set forth in DER-10, Technical Guidance for Site Investigation and Remediation and 6 NYCRR Part 375.

The selected remedy is a Track 4: Restricted use with site-specific soil cleanup objectives remedy.

The selected remedy is referred to as the Protective Cover, Excavation of Catch Basins/Swale, ICs and SMP remedy.

The elements of the selected remedy, as shown in Figure 2, are as follows:

1. Remedial Design

A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows;
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5. Institutional Control
Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

. require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8(h)(3);

. allow the use and development of the controlled property for commercial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;

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. descriptions of the provisions of the environmental easement including any land use restrictions;

. provisions for the management and inspection of the identified engineering controls;

. maintaining site access controls and Department notification; and

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. a schedule of monitoring and frequency of submittals to the Department.

c. A Closure Plan for the existing facility storm water settling basin and any areas downgradient of the basin that may have received contaminated overflow.