

COC FACT SHEET

THE UNIVERSITY OF CHICAGO



FACT SHEET

Brownfield Cleanup Program

BASF Corporation South 40 Site
Site Number C442035
Rensselaer, NY

February 2008

NYSDEC Certifies Remediation Requirements Achieved at Brownfield Site

The New York State Department of Environmental Conservation (NYSDEC) has determined that BASF Corporation (BASF) and Empire Generating Co, LLC (Empire)(formerly known as Besicorp-Empire Power Company, LLC) have achieved cleanup requirements to address contamination at the BASF Corporation South 40 Site at 36 Riverside Avenue in the city of Rensselaer, Rensselaer County, under New York's Brownfield Cleanup Program (BCP). See map below for the location of the site. NYSDEC has issued a Certificate of Completion to BASF and Empire regarding the BASF Corporation South 40 Site and Empire is now eligible to redevelop the site. A copy of the Certificate of Completion is available at the document repository identified below.

NYSDEC previously accepted an application submitted by BASF and Empire to participate in the BCP. The application proposes that the site will be used for industrial purposes.

Certificate of Completion

The Certificate of Completion issued by NYSDEC contains:

- 1) a certification that remediation requirements have been or will be achieved;
- 2) the boundaries of the site; and
- 3) a certification that an operation, monitoring and maintenance plan for any engineering controls used at the site has been approved by NYSDEC.

"Remedial activities" and *"remediation"* refer to all necessary actions to address any known or suspected contamination associated with a site.

Brownfield Cleanup Program: New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses include recreation, housing and business.

A **brownfield** is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination.

For more information about the BCP, visit:
www.dec.ny.gov/chemical/8450.html

Significant remedial actions completed at the site between July 2004 and December 2004 in accordance with the NYSDEC approved Remedial Action Work Plan included the following:

- All drums located in the raised (elevated) region of the site and all contaminated soil associated with these drums were removed;
- Samples were collected on a 625 square foot grid to determine the extent of arsenic contaminated soil, and all soil with arsenic concentrations greater than 500 mg/kg was excavated and sent off site to an approved facility for proper disposal; and

- Excavated areas were backfilled with clean material.

Significant remedial actions completed at the site between August 2007 and September 2007 in accordance with the NYSDEC approved Remedial Action Work Plan included the following:

- The residually impacted soil area was cleared of trees less than 12 inches in diameter and graded;
- A demarcation fabric was laid across the area; and
- A one foot thick layer of clean fill material was placed over the approximately eight acre area.

These actions complete the remedial activities at the site, satisfying the remedial action goals by removing anomaly areas and contaminated soil from the elevated area of the site and by installing a soil cover system to protect from residual contamination. The site will continue to be protected by a Site Management Plan approved by the NYSDEC, which includes the following institutional and engineering controls:

- Restriction on all future uses of the site to industrial purposes;
- Adoption of a Soil Management Plan dictating procedures for future soil intrusive activities;
- Restriction of groundwater use;
- Groundwater monitoring;
- Notification and annual certification requirements;
- Installation of a soil cap and replacement of the soil cap as necessary in connection with new construction on the site;
- Site access controls; and
- Signage ("Posted" signs)

Next Steps

NYSDEC issued the Certificate of Completion based on review and approval of a Final Engineering Report (FER) submitted by BASF and Empire. The FER described the remedial activities completed and certified that remediation requirements have been achieved for the site.

With its receipt of a Certificate of Completion, Empire is eligible to redevelop the site. In addition, Empire:

- has no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- is eligible for tax credits to offset the costs of site cleanup and for redevelopment of the site.

A Certificate of Completion may be modified or revoked if, for example, the applicant does not comply with the terms of its Brownfield Cleanup Agreement with NYSDEC, or if the applicant commits fraud regarding its application or its certification that it has met cleanup levels.

Background

The site is approximately 35 acres and reportedly was used as a drum storage/disposal area up until the mid-1970s, before BASF's ownership. It is located in an industrial zone, bounded by Riverside Avenue to the west, by Conrail railroad tracks to the east, by the BASF manufacturing plant to the north, and by an abandoned railroad bed to the south. Since the Port Access Highway was built, a portion of the site is located south of the highway. There are no residential properties adjacent to the site.

Previous investigations at the site had identified the presence of approximately 50 to 100 buried (or partially buried) drums within the centrally located raised (elevated) region of the Site (Dunn, 1992). A remediation plan was developed for the site during the summer of 2004 as described in the Remedial Action Work Plan. Remedial activities were subsequently conducted and completed as described above.

The administrative history and remediation of the site in connection with the BCP includes the following:

Voluntary Cleanup Application submitted May 14, 2001;

Voluntary Cleanup Agreement signed November 27, 2001;

Subsurface site investigations performed:

- Phase II Investigation Report, URS Consultants, 1988
- Supplemental Site Investigation Report, Dunn Geoscience, Inc., 1990
- Supplemental Site Investigation Report, Dunn Geoscience, Inc., 1992
- Site Investigation Report, Roux Associates, Inc., 2001
- Supplemental Investigation Report, Earth Tech, Inc., 2003

Remedial Action Work Plan submitted, July 8, 2003, approved January 22, 2004;

Brownfield Site Cleanup Agreement signed, June 24, 2004 (transfer from Voluntary Cleanup Program);

Remedial action conducted:

- First phase (anomaly area remedial action) between July 2004 and December 2004;
- Second phase (soil cap remedial action) between August 2007 and September 2007;

Remedial Action Report for first phase remedial action submitted dated May 2005, approved June 6, 2005;

Final Engineering Report for second phase remedial action submitted and approved, February 2008;
and

Certificate of Completion issued, February 2008.

FOR MORE INFORMATION

Document Repository

A local document repository has been established at the following location so that the public can review important project documents. These documents include the Certificate of Completion and the application to participate in the BCP accepted by NYSDEC.

Rensselaer Public Library
810 Broadway (old National Bank)
Rensselaer, NY
(518) 482-1193

Who to Contact

Comments and questions are always welcome and should be directed as follows:

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If you know someone who would like to be added to the project mailing list, have them contact the NYSDEC project manager above. We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

BASF South 40 Site Map

