

452-17

FINAL  
RECORD OF DECISION  
FOR

Seventeen No Action/No Further Action SWMUs Requiring Land Use Controls  
(SEADs 13, 39, 40, 41, 43/56/69, 44A, 44B, 52, 62, 64B, 64C, 64D, 67, 122B, and 122E)

SENECA ARMY DEPOT ACTIVITY  
ROMULUS, NEW YORK

Sites

Prepared for:

SENECA ARMY DEPOT ACTIVITY  
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and

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Encl 2

## 1.0 DECLARATION OF THE RECORD OF DECISION

### Site Names and Location

Seneca Army Depot Activity  
CERCLIS ID# NY0213820830  
New York Site ID# 8-50-0006  
Romulus, Seneca County, New York

This Record of Decision (ROD) formalizes and documents the U.S Army's (Army's) and U.S Environmental Protection Agency's (USEPA's) selected remedy for 17 historic solid waste management units (SWMUs) at the former Seneca Army Depot Activity (SEDA). Each of the Army's selected remedies for the 17 former SWMUs requires the definition and use of Land Use Controls (LUCs). The 17 former SWMUs discussed in this ROD include:

- SEAD-13, Inhibited Red-Fuming Nitric Acid (IRFNA) Disposal Site;
  - SEAD-39, Building 121 Boiler Blowdown Leach Pit;
  - SEAD-40, Building 319 Boiler Blowdown Leach Pit;
  - SEAD-41, Building 718 Boiler Blowdown Leaching Pit;
  - SEADs-43/56/69, Building 606 – Old Missile Propellant Test Laboratory/Herbicide and Pesticide Storage/Disposal Area;
  - SEAD-44A, Quality Assurance Test Laboratory;
  - SEAD-44B, Quality Assurance Test Laboratory;
  - SEAD-52, Buildings 608 and 612 – Ammunition Breakdown Area;
  - SEAD-62, Nicotine Sulfate Disposal Area near Buildings 606 and 612;
  - SEAD-64B, Garbage Disposal Area;
  - SEAD-64C, Garbage Disposal Area;
  - SEAD-64D, Garbage Disposal Area;
  - SEAD-67, Dump Site East of Sewage Treatment Plant No. 4;
  - SEAD-122B, Small Arms Range, Airfield Parcel; and
  - SEAD-122E, Plane Deicing Area.
- Sites*

These SWMUs are also referred to below as "Areas of Concern" or "AOCs" or individually as an "Area of Concern" or "AOC."

### Statement of Basis and Purpose

This decision document presents the Army's and the USEPA's selected remedy for SEADs 13, 39, 40, 41, 43/56/69, 44A, 44B, 52, 62, 64B, 64C, 64D, 67, 122B, and 122E (or the AOCs), located at the Seneca Army Depot Activity (SEDA or the Depot) in the Towns of Romulus and Varick, Seneca County, New York. The decisions were developed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended, 42 U.S.C. §9601 et seq., and, to the extent practicable, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP),

40 CFR Part 500. The Base Realignment and Closure (BRAC) Environmental Coordinator, the Chief, Alpha Branch, Army BRAC Division, and the USEPA Region 2 have been delegated the authority to approve this Record of Decision (ROD).

This ROD is based on the Administrative Record that has been developed by the Army in accordance with Section 113(k) of CERCLA. The Administrative Record is available for public review at the Seneca Army Depot Activity, 5786 State Route 96, Building 123, Romulus, NY 14541. The Administrative Record Index identifies each of the items considered during the selection of the remedial action. This index is included in **Appendix A**.

The New York State Department of Environmental Conservation (NYSDEC) has concurred with the selected remedy. The NYSDEC Declaration of Concurrence is provided in **Appendix B** of this ROD.

#### Site Assessment

The response action selected for each SWMU identified in this ROD is necessary to protect human health or the environment from actual or threatened releases of hazardous substances into the environment or from actual or threatened releases of pollutants or contaminants from these SWMUs, which may present an imminent and substantial endangerment to public health or welfare.

#### Description of the Selected Remedy

The selected remedy for each of the 17 AOCs discussed in this ROD is either No Action (NA) or No Further Action (NFA) combined with the establishment, maintenance, and monitoring of Land Use Controls (LUCs). AOCs where the selected remedy is NA with LUCs include:

- SEAD-13, Inhibited Red-Fuming Nitric Acid (IRFNA) Disposal Site;
- SEADs-43/56/69, Building 606 – Old Missile Propellant Test Laboratory/Herbicide and Pesticide Storage/Disposal Area;
- SEAD-44B, Quality Assurance Test Laboratory;
- SEAD-52, Buildings 608 and 612 – Ammunition Breakdown Area;
- SEAD-62, Nicotine Sulfate Disposal Area near Buildings 606 and 612;
- SEAD-64C, Garbage Disposal Area; and
- SEAD-122E, Plane Deicing Area.

LUC

AOCs where the Army's selected remedy is NFA with LUCs include:

- SEAD-39, Building 121 Boiler Blowdown Leach Pit;
- SEAD-40, Building 319 Boiler Blowdown Leach Pit;
- SEAD-41, Building 718 Boiler Blowdown Leaching Pit;
- SEAD-44A, Quality Assurance Test Laboratory;
- SEAD-64B, Garbage Disposal Area;
- SEAD-64D, Garbage Disposal Area;
- SEAD-67, Dump Site East of Sewage Treatment Plant No. 4; and,
- SEAD-122B, Small Arms Range, Airfield Parcel.

LUC site

documented by the Army will be imposed, monitored, and maintained until the concentrations of hazardous substances remaining at the site allow for the unlimited exposure and unrestricted use. It is also recommended that other LUCs previously not documented be imposed at five AOCs (i.e., SEADs 13, 64E, 64C, 122B and 122E) that are subject of this ROD.

The Army has previously documented and imposed LUCs within three portions of the former Depot: in the southeastern corner of the Depot where the Five Points Correctional Facility ("Prison Area") currently is located; in the east central portion of the Depot where the Planned Industrial/Office Development (PID Area) and Warehousing Area is located; and in the north-central portion (i.e., "North End Barracks" Area) of the Depot where the Hillside Children's Center is currently located. One or more of the 12 AOCs defined above (i.e., SEADs 39, 40, 41, 43/56/69, 44A, 44B, 52, 62, 64C, and 67) are located within land covered by existing LUCs within these three parcels of the former Depot. Within this ROD, the Army formalizes and documents its intention to impose the existing LUCs on the AOCs located within each of these parcels under CERCLA. Land within the "Prison Area" and the area currently occupied by the Hillside Children's Center have been transferred to the community [i.e., to the people of the State of New York and Seneca County Industrial Development Agency (SCIDA), respectively] under deeds that have been recorded by the Seneca County Clerk. Land within the PID and Warehousing Area of the Depot has not yet been transferred to the community, but LUCs including a residential activity use restriction and a groundwater use/access restriction have been identified and documented within the "Final Record of Decision for Sites Requiring Institutional Controls in the Planned Industrial/Office Development or Warehousing Area, Seneca Army Depot Activity" (September 2004).

New LUCs are proposed for the remaining five AOCs (SEADs 13, 64B, 64D, 122B, and 122E) discussed within this ROD. The groundwater use/access restriction proposed for SEAD-13 and SEAD-64D, and the residential use/activity restriction proposed for SEAD-122E result from the Army's determination that potential risks to human health or the environment exist due to the presence of hazardous substances at the historic SWMUs. The Army further recommends that the residential use/activity restriction proposed for SEAD-122E be imposed throughout the area occupied by the former Sampson / Seneca Army Depot Airfield to facilitate its transfer to the SCIDA; this LUC would encompass the entire parcel known as the Airfield. The LUC proposed for implementation at SEAD-64B (no unauthorized excavation and maintenance of cover) results from historic requirements of New York State Solid Waste Management Regulations; this LUC will also be applied along with the groundwater access/use restriction at SEAD-64D.

The specific LUCs selected for each AOC are summarized in Table 1-1 and described more completely as follows:

LUC'S

Existing Deed with Reversionary Clause

The "Prison Area" property was transferred under a public benefit conveyance. The United States used a deed with a reversionary clause, as is required under Federal implementing regulations<sup>1</sup>, to convey land in the southeastern part of the former Depot (i.e., Prison Area, see Figure 1-1) to the people of the State of New York for the construction of the Five Points Correctional Facility. It includes language that requires that the "property shall be used and maintained for a correction facility in perpetuity"<sup>2</sup> and that "the property shall not be sold, leased, mortgaged, assigned or otherwise disposed of"<sup>3</sup> without the prior consent of the Federal Government. In the event that any condition of the deed is breached "as to all or any portion or portions of the described property by New York or its successors or assigns,"<sup>4</sup> the "title and interest to such portion or portions of the property, in its existing condition, including all improvements thereon, shall revert to, and become property of, the Government at the option of and upon demand made in writing by the General Services Administration, or its successor in function."<sup>5</sup>

Provisions of the deed apply to the following SWMUs, which were transferred prior to a ROD being prepared and which are currently located within the bounds of New York's Five Points Correctional Facility Parcel:

- SEAD-43: Building 606 – Old Missile Propellant Test Laboratory;
- SEAD-44A: Quality Assurance Test Laboratory;
- SEAD-44B: Quality Assurance Test Laboratory;
- SEAD-52: Buildings 608 and 612 – Ammunition Breakdown Area;
- SEAD-56: Building 606 – Herbicide and Pesticide Storage;
- SEAD-62: Nicotine Sulfate Disposal Area near Buildings 606 and 612;
- SEAD-64C: Garbage Disposal Area; and,
- SEAD-69: Building 606 – Disposal Area.

Hazardous substances may be present at one or more of the listed historic SWMUs at concentrations that do not allow for unlimited exposure and unrestricted use. However, based on the results of previous investigations, risk assessments, and/or removal actions, these sites do not pose or represent a risk or threat to human health and the environment, given consideration of the area's continuing restricted use as a state maximum security correctional facility. The deed with the reversionary clause was recorded by the Seneca County Clerk on 26 September 2000 (see Seneca County Liber 612 Page 014 through page 031). Pursuant to the terms of the deed, the prison use restriction remains in effect for these AOCs in perpetuity, or the property ownership reverts to the United States.

<sup>1</sup> Title 41 Code of Federal Regulations, Part 101-47 Federal Property Management Regulations, Utilization and Disposal of Real Property, Section Sec. 101-47.308-9 Property for correctional facility use.

<sup>2</sup> Seneca County Clerk, Waterloo, New York, Deed, United States of America to People of the State of New York, September 26, 2000, Liber 612, Page 019.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

## Residential Use and Groundwater Access/Use Restrictions

A ROD was signed by the Army and USEPA in 2004 for land within the Planned Industrial/Office Development (PID) and Warehousing Area (see Figure 1-1) of the former Depot. The PID Area encompasses numerous historic Seneca Army Depot SWMUs. The PID Area-wide land use restriction imposes LUCs that:

- Prohibit residential housing, elementary and secondary schools, childcare facilities and playgrounds activities; and,
- Prohibit access to or use of the groundwater until Class GA Groundwater Standards are met.

These LUCs are documented in the "Final, Record of Decision for Sites Requiring Institutional Controls in the Planned Industrial/Office Development or Warehousing Area, Seneca Army Depot Activity" (September 2004).

These use restrictions result from determinations made specifically for SWMUs designated as SEAD-27 (Building 360 Steam Cleaning Waste Tank), SEAD-64A (Garbage Disposal Area), and SEAD-66 (Pesticide Storage near Buildings 5 and 6) in the PID Area. These land use restrictions will now be applied to three AOCs discussed in this Record of Decision and designated as:

- SEAD-39 (Building 121 Boiler Blow Down Pit);
- SEAD-40 (Building 319 Boiler Blow Down Pit); and
- SEAD-67 (Dump Site East of Sewage Treatment Plant No. 4).

Future land owners or users of sites located in the PID Area may request a variance to the LUCs identified above on a location-by-location basis. However, the future owner/user seeking the variance will need to provide relevant data to substantiate the validity of its request. Once a request is received, the Army, USEPA, and NYSDEC will evaluate and assess waiver requests for land in the PID Area on a case-by-case basis. Otherwise, the LUCs will remain in effect until the concentrations of hazardous substances in the soil and the groundwater beneath the sites have been reduced to levels that allow for unlimited exposure and unrestricted use of the land.

### **"North End Barracks" Area Land Use Controls (SEAD-41):**

#### Existing Deed with Groundwater Notification

A deed was used to document the transfer of the land currently used for the Hillside Children's Center (i.e., former "North End Barracks" Area, see Figure 1-1) at the north end of the former Depot to the SCIDA. In the deed, the Army notified SCIDA that groundwater contamination had been identified in the vicinity of the former Building 718. This determination was made based on the results of historic groundwater sampling data that was collected during the investigation of SEAD-41, which indicated that total petroleum hydrocarbons (TPH, 690 parts per billion [ppb]) were present in the upper aquifer of the

groundwater. The Army applied the deed notification, based on the water quality from sampling, to all property located within the "North End Barracks" parcel. A public water supply services the entire area. This includes the area of the former SWMU SEAD-41, Building 718 Boiler Blowdown Pit.

The reported level of TPH at SEAD-41 exceeds the New York State Public Water System standards for unspecified organic contamination of 100 ppb. The deed further states "The Grantee, its successors and assigns, agree that in the event they use the groundwater as a public water supply source at the Property, they will comply with all applicable laws and regulations." Under New York regulations, future owners or occupants of the area would need to confirm the quality and acceptability of the groundwater as a source of potable water before it could be used for such a purpose. It is recommended that the LUC documented in the existing deed for the "North End Barracks" parcel be continued until the concentrations of hazardous substances in groundwater have been reduced to levels that allow for unrestricted use.

**Land Use Controls (SEADs 13, 64B, 64D, 122B and 122E):**

Groundwater Use/Access Restriction (SEAD-13)

LUC

A groundwater use/access restriction is also proposed at the following site:

- SEAD-13: Inhibited Red-Fuming Nitric Acid (IRFNA) Disposal Site:

The proposed groundwater use/access restriction is intended to eliminate human contact with groundwater, thereby reducing risk to acceptable levels for potential human receptors. There is risk associated with the use of the groundwater at SEAD-13, driven by the concentrations of nitrate, aluminum, and manganese identified. The risk from the presence of metals is associated with the suspended solids contained in the collected groundwater samples and not from the groundwater itself. The presence of nitrate is likely related to past activities conducted in the area. The extent of the nitrate plume is defined and restricted to the area located between the historic disposal pits observed in SEAD-13-East and the Duck Pond to the west. Groundwater data from monitoring wells in the SEAD-13-West side of this AOC does not show evidence of a nitrate plume in this area of the AOC, which is downgradient of SEAD-13-East and the Duck Pond. Chemical analysis of surface water in the Duck Pond indicated that the nitrate/nitrite-nitrogen concentrations are below the levels established for drinking water sources nationally and within the State of New York.

Therefore, a LUC will be implemented over the geographic area of SEAD-13 to prohibit access to or use of the groundwater. This restriction will remain in effect until the concentrations of hazardous substances in groundwater beneath the AOC have been reduced to levels that allow for unlimited exposure and unrestricted use. Once groundwater cleanup standards are achieved, the groundwater use/access restriction may be eliminated, with USEPA approval.

Residential Activities Restriction (SEAD-122B and SEAD-122E)

The development and use of property for residential housing, elementary or secondary schools, child care facilities, and playgrounds will be prohibited in the following two AOCs:

- SEAD-122B: Small Arms Range, Airfield Parcel
- SEAD-122E: Plane Deicing Area

The proposed residential activities LUC will be implemented over the entire Airfield Parcel, which extends beyond the bounds of SEAD-122B and SEAD-122E. This LUC will be applied to all areas within the former Airfield, and will continue until such time as the concentrations of hazardous substances are reduced to levels that allow for unlimited exposure and unrestricted use. Future owners or users of land within the Airfield may request a waiver from the LUC on a location-by-location basis. At the time of the waiver request, the applicant must develop and submit sufficient data and information, subject to review and approval by the Army and the USEPA, to substantiate its request that the identified location is suitable for unlimited exposure and unrestricted use.

The boundary of the Airfield Area is defined as the boundary of the Airfield Special Events, Institutional, and Training area highlighted on **Figure 1-1**.

#### Unauthorized Digging Restriction (SEAD-64B)

A LUC that prohibits unauthorized digging and excavations within the bounds of the SWMU will be imposed for:

- SEAD-64B: Garbage Disposal Area.

SEAD-64B is a former solid waste disposal area that was closed by the Army prior to 1979. As a historic solid waste landfill, this SWMU is subject to requirements of the New York State's Solid Waste Regulations (6 NYCRR Part 360) in effect at the date of closure. Under New York's Solid Waste Regulations effective in 1979, a soil and vegetative cover was required to be placed on and maintained above the closed landfill. The proposed LUC would prohibit digging within the bounds of the former solid waste site. The LUC will continue at the AOC until solid wastes are removed, and concentrations of hazardous substances allow for unlimited exposure and unrestricted use.

#### Unauthorized Digging and Groundwater Access/Use Restriction (SEAD-64D)

LUCs that restrict unauthorized excavation and access to and use of groundwater will be imposed for the:

- SEAD-64D: Garbage Disposal Area.

Results of the mini risk assessment for this AOC indicate that ingestion of groundwater could pose a risk to future receptors. Furthermore, as a historic solid waste landfill, this SWMU is subject to requirements of the New York State's Solid Waste Regulations (6 NYCRR Part 360), as were in effect in 1979 when it was closed. Under New York's 1979 Solid Waste Regulations, a soil and vegetative cover must be placed on and maintained above the closed landfill.

The proposed groundwater use/access restriction will be implemented over the geographic area of SEAD-64D to prohibit access to or use of the groundwater until the levels of hazardous substances are reduced to levels that allow for unlimited exposure and unrestricted use. The restriction to prohibit unauthorized excavation at the SWMU will remain in effect as long as solid waste remains at the SWMU. The reduction of groundwater contamination to levels that allow for unlimited exposure and unrestricted use,



allowe at this SWMU.

## Land Use Control Performance Objectives

The land use control (LUC) performance objectives at these 17 SWMUs, which will be (or have been) incorporated into leases and/or deeds for the parcels of real property that comprise these AOCs, as appropriate, are as follows:

- Comply with the use limitations documented and imposed in the Deed used to transfer property containing SEADs 43/56/69, 44A, 44B, 52, 62 and 64C from the U.S. Government to the people of the State of New York for the construction of a correctional facility (See Seneca County Liber 612 Page 014 through 031);
- Prohibit access to or use of groundwater at SEADs 39, 40, 41, 64D, and 67 until concentrations of hazardous substances contained are reduced to levels that allow unrestricted use;
- Prohibit residential housing, elementary and secondary schools, childcare facilities, and playgrounds activities at SEADs 39, 40, 67, 122B, and 122E until levels of hazardous substances found at the former SWMUs allow for unlimited exposure and unrestricted use; and
- Prohibit unauthorized excavation at SEADs 64B and 64D.

The Army and USEPA's selected remedy for each AOC discussed in this ROD includes LUCs. To implement the Army's selected remedy at these AOCs (i.e., SEADs 13, 39, 40, 41, 43/56/69, 44A, 44B, 52, 62, 64B, 64C, 64D, 67, 122B, and 122E), a LUC Remedial Design (RD) for each LUC combination identified (e.g., reversionary deed; groundwater use/access restriction only; groundwater use/access restriction and residential activities restriction; residential activities restriction only; digging restriction only; and digging and groundwater use/access restriction) will be prepared. The LUC RD Plan will include: a site description; land use restrictions; mechanism to ensure that the land use restrictions are not violated in the future; implementation and maintenance actions, including periodic inspections; and reporting/notification requirements. In addition, the Army will prepare an environmental easement for each AOC as needed, consistent with Section 27-1318(b) and Article 71, Title 36 of ECL, in favor of the State of New York and the Army, which will be recorded at the time of transfer of the AOCs from federal ownership. A schedule for completion of the draft LUC RD covering the individual AOCs will be completed within 21 days of the ROD signature, consistent with Section 14.4 of the Federal Facilities Agreement (FFA). In accordance with the FFA and CERCLA §121(c), the remedial action (including ICs) will be reviewed no less often than every five years. After such reviews, modifications may be implemented to the remedial program, if appropriate.

The Army shall implement, inspect, maintain, report, and enforce the ICs described in this ROD in accordance with the approved LUC RD. Although the Army may later transfer these responsibilities to another party by contract, property transfer agreement, or other means, the Army shall retain ultimate responsibility for remedy integrity.