

BCT AGENDA

February 19-20, 2002

- 1. LAND USE CONTROLS IN RODS**
 - Army Position**
 - EPA Position**
 - NYS Position**

- 2. SWMU's 47, 51, 53, 70 NFA Sites**
 - Discussion by Site**

- 3. ASH LANDFILL SWMU's vs**
 - Operable Unit Status.**

- 4. OB GROUNDS**
 - Oversize Material Issue**

- 5. SEAD-25**
 - Removal Action Implication**

- 6. SWMU TRACKING by the Army**

MEMORANDUM

TO: RHWREs, RSEs, Bureau Directors and Section Chiefs
FROM: Michael J. O'Toole, Director, DER
SUBJECT: Institutional Controls
DATE: July 13, 2000

TAGM 4030 is in the process of being revised to incorporate the following guidance on institutional controls. Until such revision has been completed, the following will be used as interim guidance to assist staff on institutional control issues. This interim guidance is applicable to the State Superfund, Brownfields, Voluntary Cleanup, and Spills programs.

Definition

"Institutional controls" are administrative actions which restrict the use of groundwater, limit human or environmental exposure, ensure non-interference with performance and operation and maintenance of response actions at or pertaining to a site. They essentially safeguard the integrity and effectiveness of response measures at or pertaining to the site. Institutional controls are necessary when contaminants remain at or in the vicinity of a site above levels which allow for unrestricted use of the property. The duration of an individual institutional control varies, but it would be allowed to cease when it is established that the affected property is suitable for unrestricted use.

Background

The preamble to the National Contingency Plan (NCP) states: "Examples of institutional controls, which generally limit human activities at or near facilities where hazardous substances, pollutants, or contaminants exist or will remain on-site, include land and resource (e.g., water) use and deed restrictions [1], well-drilling prohibitions, building permits, and well use advisories and deed notices [2]. EPA believes, however that institutional controls have a valid role in remediation and are allowed under CERCLA ... Institutional controls are a necessary supplement when some waste is left in place, as it is in most response actions. Also, in some circumstances where the balancing of trade-offs among alternatives during the selection of a remedy process indicates no practicable way to actively remediate a site, institutional controls such as deed restrictions or well-drilling prohibitions are the only means available to provide protection of human health. Where institutional controls are used as the sole remedy, special precautions must be made to ensure that the controls are reliable".

The Department requires by regulation (6 NYCRR Part 375) that the remedial program for an inactive hazardous waste disposal site must not be inconsistent with the NCP. USEPA included the following statement about the use of Institutional Controls in the NCP in 1990: "EPA expects to use a combination of methods, as appropriate, to achieve protection of human

1] A deed restriction is not a traditional property law term but rather is used as a shorthand way to refer to types of institutional controls such as restrictive covenants and negative easements.
2] A deed notice is a non-enforceable, purely informational document filed in public land records that alerts anyone searching the records to important information about the property.

health and the environment. In appropriate site situations, treatment of the principle threats posed by a site, with priority placed on treating waste that is liquid, highly toxic or highly mobile, will be combined with engineering controls (such as containment) and institutional controls as appropriate, for treatment residuals and untreated waste.” For source control actions there shall be developed “One or more alternatives that involve little or no treatment, but provide protection of human health and the environment primarily by preventing or controlling exposure to hazardous substances, pollutants, or contaminants, through engineering controls, for example, containment, and, as necessary, institutional controls to protect human health and the environment and to assure continued effectiveness of the response action.” “EPA expects to use institutional controls such as water use and deed restrictions to supplement engineering controls as appropriate for short and long term management to prevent or limit exposure to hazardous substances, pollutants or contaminants. Institutional controls may be used during the conduct of the remedial investigation/feasibility study (RI/FS) and implementation of the remedial action and, where necessary, as a component of the completed remedy. The use of institutional controls shall not substitute for active response measures (e.g., treatment and/or containment of source material, restoration of ground waters to their beneficial uses) as the sole remedy unless such active measures are determined not to be practicable based on the balancing of trade-offs among alternatives that is conducted during the selection of remedy.”(40 CFR section 300.430(a)(1)(iii)(D))

The regulation, 6NYCRR Part 375, contains prohibitions which constitute institutional controls, and which apply to listed inactive hazardous waste disposal sites generally by operation of law, without the necessity for any action by the Department. When additional site-specific institutional controls are determined to be appropriate in a particular case, typically in the form of use restrictions pursuant to deed, it will be necessary for the Department to take action to cause such institutional controls to be imposed; and it should be noted that only the current owner of real property can file the requisite notice, and that the Department can require the owner to do so only if the owner is within the Department’s enforcement jurisdiction (e.g., the owner is obligated to do so under an Order on Consent).

The Brownfields, Voluntary Cleanup, and Spills programs currently have no specific guidance or procedures on the use of institutional controls.

Remedy Selection Documentation for Institutional Controls

Once it has been determined that institutional controls need to be included in the selected remedy, the following items should be addressed briefly in the PRAP and ROD (for Superfund and Brownfield sites), Schedule of Compliance (for petroleum contaminated sites), or Remediation Work Plan (for Voluntary Cleanup Program sites), and fully addressed in the final design document:

- A legal description of the real property or other geographical information sufficient to clearly identify the property where the institutional controls will be implemented (as an appendix).
- A description of the anticipated future use(s) for the parcel (if known).
- Identification of the residual hazard or risk present on the parcel requiring the institutional control. In addition, the specific activities that are prohibited on the parcel should be identified, including prohibitions against certain land use activities that might affect the integrity of the remedy, such as well drilling and building construction.
- The specific institutional control language in substantially the same form as it will appear in the implementing documents, designation of the party responsible for implementing each institutional control, and a statement indicating that this party is legally able to implement the control and will be legally obligated to do so once the RD/RA Order on Consent is in place.

In addition, the following items should be addressed where institutional controls other than deed restrictions are to be included in the selected remedy:

- A statement explaining how the institutional controls will be enforceable against future transferees and successors. Compliance with the institutional controls should be enforceable against whoever might have ownership or control of the property.
- A description of the recording requirements.

Institutional controls should include a requirement that the owner notify the Department prior to any disturbance of the land or change in use which would cause an unacceptable threat to public health or the environment.

It is common for Records of Decision (RODs) or other remedy selection documents on landfill sites to include language stating that the remedy consists of or includes a Part 360 closure. Part 360-2.15 (k) restricts the future use of capped landfills to protect the integrity of the final cover, liners, or other components of the containment system, or the functioning of the monitoring or environmental control systems, and requires a deed notice. These restrictions and requirements apply to all sites where Part 360 is referenced in the description of the selected remedy, regardless of whether they are explicitly discussed in the ROD. In the future, however, the ROD should explicitly discuss the restrictions and requirements which are appropriate for the specific site (rather than resorting to “reading between the lines” to argue that 360-2.15 (k) is applicable).

Standard Form for Deed Restrictions

Attached is a standard form restrictive covenant [3] which can be used as the basis for a deed restriction that can be recorded at the County Clerk’s office. This form is adaptable to suit the circumstances of the individual cases. After site-specific modifications are made, this document should be reviewed and approved by the Department’s legal staff. In general, the covenant should be for a perpetual term unless a fixed term for which the restriction needs to be maintained can be calculated with confidence.

Procedure for Implementing and Enforcing Institutional Controls

Many RODs include the imposition of institutional controls as part of the remedy. Until the restrictions are imposed, remediation of the site is not complete. The model consent order requires the filing of appropriate deed notifications, and the responsible party is subject to enforcement proceedings for failure to comply with the Administrative Order if it fails to file the instrument. The DER project manager shall obtain a copy of the stamped and recorded deed before the site classification is changed. Sites that are on the Registry should be reviewed annually which, among other things, should determine if the required deed restrictions have been implemented. Sites which may have been reclassified prior to implementation of the current procedures will be picked up through this mechanism.

3] A restrictive covenant is a promise made by one landowner to another (similar to an easement). It is a promise by a property owner to refrain from using the property in a certain manner.

FORM FOR DECLARATION OF COVENANTS AND RESTRICTIONS

DECLARATION of COVENANTS and RESTRICTIONS

WHEREAS, {respondent name} is a {natural person residing at / partnership organized and existing under the laws of the State of [state name] and having an office for the transaction of business at / corporation organized and existing under the laws of the State of [state name] and having an office for the transaction of business at} {respondent address}; and

WHEREAS, {respondent name} is the owner of a certain inactive hazardous waste disposal site/petroleum or hazardous substance spill/disposal site, namely, the {site name} site {site number}, located at {site address} in the City / Town of {municipality name}, County of {county name}, State of New York and identified by tax map parcel #{}; and

WHEREAS, the said site is the subject of a certain order/agreement issued by the Commissioner of Environmental Conservation of the State of New York according to law effective on {effective date}, a copy of which is attached hereto and made a part hereof as Exhibit "A";

NOW, THEREFORE, notice is hereby given:

First, that the premises affected hereby are as shown on Exhibit "B" attached hereto and made a part hereof.

Second, that the aforesaid order is binding upon {respondent name} and {his / her/ their / its} successors in interest.

Third, that the use of the premises is or may be restricted by law and/or by other orders issued or to be issued according to law. {Insert the specific restriction to be imposed}

Fourth, that the provisions of the aforesaid order are restrictive covenants that shall run with the land and shall be binding upon all future owners of the herein described premises.

Fifth, that any deed of conveyance for the subject premises shall recite that the said conveyance is subject to this Declaration of Covenants and Restrictions.

Sixth, that this Declaration of Covenants and Restrictions shall inure to the benefit of the people of the State of New York and shall be enforceable by the said Commissioner of Environmental Conservation or by a successor officer on their behalf.

IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

[acknowledgment]



DEPARTMENT OF THE ARMY

SENECA ARMY DEPOT ACTIVITY
5786 STATE RTE 96, P.O. BOX 9
ROMULUS, NEW YORK 14541-0009



February 13, 2002

REPLY TO
ATTENTION OF

Engineering and
Environmental Office

Mr. Julio Vazquez
U.S. Environmental Protection Agency
Emergency and Remedial Response Division
290 Broadway
18th Floor, E-3
New York, New York 10007-1866

Mr. Alicia Thorne
NYS Department of Environmental Conservation
Division of Hazardous Waste Remediation
Bureau of Eastern Remedial Action
625 Broadway, 11th Floor
Albany, New York 12233-7015

Dear Mr. Vazquez/Ms. Thorne:

This is a reminder that the next BRAC Cleanup Team Meeting will be held on February 19-20, 2002, in Building 125. An agenda is enclosed.

Should you have any questions, please contact Mr. Stephen Absolom at (607) 869-1309.

Enclosure

Sincerely,

Stephen M. Absolom
Commander's Representative

Copies Furnished:

Ms. Todd Heino, Parsons Engineering Science, Inc.,
30 Dan Road, Canton, MA 02021

Commander, U.S. Army Corps of Engineers, Huntsville Division,
ATTN: CEHND-ED-CS (Kevin Healy) (MAJ D. Sheets),
P.O. Box 1600, Huntsville, Alabama 35807

Commander, U.S. Army Corps of Engineers, Seneca Army Depot
Activity, ATTN: CENAN-PP-E, SEDA Office for Project
Management, Romulus, New York 14541-5001

Commander, U.S. Army Corps of Engineers, Seneca Army Depot
Activity, ATTN: CENAN-CO-W (T. Battaglia), SEDA
Resident Office, Building 101, Romulus, New York 14541-5001

Commander, U.S. Army Operations Support Command (OSC) (PROV),
ATTN: AMSOS-EQE (B. Wright), Rock Island, IL 61299-6000

Ms. Charlotte Bethany, New York State Department of Health,
Bureau of Environmental Exposure Investigation,
547 River Street, Troy, New York 12180-2216

Commander, USACHPPM, 5158 Blackhawk Road, ATTN: Keith
Hoddinott, Aberdeen Proving Ground, Maryland 21010-5422

Mr. Robert K. Scott, NYSDEC, Region 8, 6274 East Avon-Lima Road,
Avon, New York 14414-9519

Commander, U.S. Army Environmental Center, ATTN: SFIM-AEC-IRP
(Clayton Kim), Aberdeen Proving Ground, Maryland 21010-5410

Ms. Patricia Jones, Seneca County Industrial Development Agency,
1 DiPronio Drive, Waterloo, New York 13165

Mr. John Cleary, BTC, SEDA

Seneca Army Depot

NPL Base Closure 1995

Romulus, New York

Size: 10,587 acres
Mission: Receive, store, distribute, maintain, and demilitarize conventional ammunition, explosives, and special weapons
HRS Score: **37.3** ~~35.52~~ Placed on NPL in 1990
IAG Status: IAG signed in January 1993
Contaminants: Chlorinated solvents, radioactive isotopes, heavy metals, and petroleum hydrocarbons
Media Affected: Groundwater, surface water/sediments, and soil
Funding to Date:

RESTORATION BACKGROUND

During its operation, the installation served to distribute and store munitions and supplies to the Army. Operations such as demilitarization and disposal of munitions and explosives have contributed to contamination at the facility.

Environmental studies beginning in FY78 identified 72 solid waste management units (SWMU) including: an open burning ground and an ash landfill. Other site types include landfills, radioactive waste burial grounds, underground storage tanks (UST), spill areas, fire training areas, and munitions disposal areas.

The installation initiated several Interim Actions including the removal of USTs and contaminated soil. Remedial Investigation and Feasibility Study (RI/FS) activities ongoing since FY90 for the ash landfill and open burning ground ~~were completed in FY93~~. As a result of the RI, groundwater was found to be contaminated with tri- and dichloroethylene.

In FY93, Site Inspections began at 27 SWMUs. In FY94, cleanup efforts focused on the ash landfill. Through negotiation efforts with EPA and the state regulatory agency, a Decision Document was signed approving the removal of contaminated soils and groundwater at the installation. The installation initiated the use of low-temperature thermal desorption technologies to treat contaminated soil. Also in FY94, the state regulatory agency, EPA, and the installation reached agreement on the course of action for ~~at~~ 72 SWMUs.

FY95 RESTORATION PROGRESS

In July 1995, the BRAC Commission recommended closing Seneca Army Depot except for an enclave to store hazardous materials and ores.

The Technical Review Committee continued to meet regularly to discuss issues pertinent to cleanup activities at the installation.

50,000 Cubic Yds

A Removal Action at the ash landfill was completed in June involving the excavation and treatment of approximately ~~457,000~~ cubic yards (35,000 tons) of contaminated soil using low-temperature thermal desorption. Clean soils were then backfilled. The installation intends to use the low-temperature thermal desorption treatment unit, when appropriate, at other sites throughout the installation.

The installation initiated FS activities for portions of the ash landfill and the open burning grounds. The installation also initiated RI/FSs for two fire training areas. Of the 72 SWMUs located at the facility, 36 have been identified that require no further action.

PLAN OF ACTION

- Establish a Restoration Advisory Board by February 1996
- Form a BRAC Cleanup Team; initiate contract with the Seattle District of the U.S. Army Corps of Engineers (COE) to assist in conducting an Environmental Baseline Survey for the installation
- Initiate RI/FSs at ^{SEVEN A7C} ~~seven sites~~
- Complete Community Environmental Response Facilitation Act (CERFA) report
- Continue to negotiate cleanup actions with the state and federal regulatory agencies in FY96, and use low-temperature thermal desorption technologies, when appropriate, to accelerate the cleanup process and reduce costs
- Close installation on October 1, ~~1997~~ ²⁰⁰⁰

QUESTIONS

- ① The FY94 Plan of Action for Seneca Army Depot states that the facility would, in FY95, submit for public comment the proposed plans for the ash landfill and the open burning ground. Did the facility submit for public comment the proposed plans for the ash landfill and the open burning ground in FY95 as planned? If not, why not?
- ② The FY94 Plan of Action states that the facility would, in FY95, begin RI/FS activities at the radiation sites, deactivation furnaces, munitions washout facility, and the old construction debris landfill. Did the facility begin RI/FS activities at the radiation sites, deactivation furnaces, munitions washout facility, and the old construction debris landfill in FY95 as planned? If not, why not?
- ③ The FY94 Plan of Action states that the facility would, in FY95, prepare two decision documents for removal actions. Did the facility prepare two decision documents for removal actions in FY95 as planned? If not, why not?
- ④ The FY94 Plan of Action states that the facility would, in FY95, establish a RAB. Did the facility establish a RAB in FY95 as planned? If not, why not?
- ⑤ The FY94 Plan of Action states that the facility would, in FY95, complete a No-Action ROD for 16 sites and a No-Action ROD, with risk assessments, for 24 sites. Did the facility complete a No-Action ROD for 16 sites and a No-Action ROD, with risk assessments, for 24 sites in FY95 as planned? If not, why not?

RESPONSE TO QUESTIONS

1. Plan of Action submission was not done in FY95 for any site. Negotiating with State and Federal Regulators continued thru FY95. Discussions included natural attenuation, CERLA remediation vs. RCRA closure, and risk assessments. At this time, all issues appear to be addressed and the proposed Plan of Action for the Ash Landfill and OB Grounds can now be prepared with submission expected in late FY96.
2. Plan of Action for New Start RI/FS in FY95: Only one RI/FS was funded in FY95--the Fire Training Areas. Funding for other sites was not available.
3. Plan of Action for Decision Documents: Two Decision Documents for removal actions were prepared in FY95 and submitted for review and comment. These documents were prepared for removal actions involving heavy metals in soils and BTEX in soil.
4. Plan of Action for RAB: The RAB was not formed in FY95 to ensure community participation and changes as a result of BRAC 95 listing. It has been delayed until FY96.
5. Plan of Action for No Action ROD and No Action ROD with Risk: This work was not accomplished. Funding was not made available. As a result of BRAC closure announcement, decisions on these sites will be reviewed as part of the button-up review to ensure the assumptions previously made are consistent with the planned reuse.

*** ACTIVITY REPORT ***

TRANSMISSION OK

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CONNECTION ID	
START TIME	03/22 14:41
USAGE TIME	02'01
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RESULT	OK

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U.S. ARMY ENVIRONMENTAL CENTER
 ABERDEEN PROVING GROUND, MARYLAND 21010

FROM: John P. Buck |PHONE: 410-671-3261 |FAX: 410-671-1635

TO: Steve Absolon Seneca |PHONE: 607-869-1309 |FAX: 607-869-1362

COMPANY: |DATE: 18 Mar 1996 | PAGES TOTAL

Message: Steve:

Attached is a Draft Report to Congress narrative for Seneca. Please update the fact sheet and if possible return by COB Friday 22 March.

Thanks

John

24 Jul 96

MEMORANDUM FOR Commander, U.S. Army Industrial Operations
Command, ATTN: AMSIO-EQE (Reita Custer), Rock
Island, IL 61299-6000

SUBJECT: BEC Activity Report for Jun 96

1. The following are significant activities and accomplishments which have occurred at Seneca Army Depot Activity for the month of Jun:

- a. Attended DA BRAC IPR in Washington, DC from 3-6 Jun 96.
- b. Attended an LRA meeting in which contractor presented Task 5 of the Reuse Plan. Task 5 represents proposed land uses and recommendations as to what land areas should go to LRA implementation and which areas should have the Army sell based on the proposed implementation plan.
- c. Local television company requested an on-camera interview through the Public Affairs Officer regarding the possibility of SEDA contributing to the high breast cancer rate in Seneca County. Interview went very well and was aired on local news station. This was a noncontroversial as I stressed the openness of our efforts and the oversight received by regulatory community including NYSDOH. The station also interviewed other industries such as nuclear power plants.
- d. I met with the LRA consultants regarding environmental activity and its impact on reuse.
- e. I conducted tours of the installation for interested RAB members on 12, 22, and 24 Jun 96. I showed them various sites and AOCs. Feedback received indicated that tours were complete and informative.
- f. Participated in the review of annual hunting rules and addressed changes needed as a result of BRAC activity.
- g. Conducted Bottom-Up Review meeting with BCT and support team. Made good progress in the review for the BCP.
- h. The second RAB meeting was held on 26 Jun 96. The meeting focussed on initial training of the RAB in the CERCLA process, a review of proposed charter, and the election of the Community Co-Chair--Dick Durst, PhD Chemist and Director of the

SIOSE-IE

SUBJECT: BEC Activity Report for Jun 96

Analytical Laboratories. He is a former TRC member and is expected to be an excellent Co-Chair based on past support as a TRC member.

i. Submitted the Draft Proposed Remedial Action Plan for the Open Burning Ground and the Draft RI report for the Fire Training Areas to the regulators for review and comment.

j. The Commander signed the Federal Facilities Compliance Agreement for the Drinking Water NOV for failure to filter the source water. In conjunction with this effort, the Town of Varick **passed** the referendum. The town will now proceed with the project which will furnish SEDA with water from another facility.

2. The POC for this action is the undersigned at DSN 489-5309.



STEPHEN M. ABSOLOM
BRAC Environmental Coordinator

10 Jun 96

MEMORANDUM FOR Commander, U.S. Army Industrial Operations
Command, ATTN: AMSIO-EQE (Reita Custer), Rock
Island, IL 61299-6000

SUBJECT: BEC Activity Report for May 96

1. The following are significant activities and accomplishments which have occurred at Seneca Army Depot Activity for the month of May:

a. Attended an LRA executive board meeting on 14 May 96. Presented finding from the Draft Environmental Baseline Study to LRA and responded to questions.

b. Participated in conference calls between HQ IOC, SEDA, HQ AMC, and DA BRAC Office regarding various topics of base closure and the LRA. Conference calls were on 6 and 29 May 96.

c. Participated in meeting with HQ IOC, HQ AMC, DA BRAC Office, and DoD OEA regarding status of the BRAC-designated enclave. No firm decision has been reached regarding whether an enclave will exist or not.

d. NEPA Kickoff meeting was held on 8 May 96. All pertinent parties were at SEDA. I gave an overview of Seneca's environmental program at this meeting. As a continuation of the meeting, I met with representatives of the NY District Corps of Engineers Real Estate to discuss how transfer of property and environmental efforts correlate. Also provided a tour of the installation for all people who were unfamiliar with SEDA.

e. Conducted conference calls with USEPA and NYSDEC to discuss various activities ongoing at SEDA. These calls occurred on 2, 15, and 22 May and are part of the efforts of the BCT to ensure good communication.

f. Met with installation personnel to discuss and coordinate available information for RI/FS work required in the special weapons storage area. The plan being developed will ensure all necessary work to clear the special weapons area will be accomplished at one time and help with the cloud of secrecy that surrounds this unique area.

g. Assisted the LRA in conducting their required Homeless Outreach program. I provided a tour of the installation

SIOSE-IE

SUBJECT: BEC Activity Report for May 96

identifying historic properties, natural resource activity, and environmental areas of concern. I also provided a briefing to them regarding the environmental requirements of BRAC as they relate to SEDA and its facilities.

h. Met with Seneca's Command Group to discuss base closure requirements and where we go in the future.

i. Hosted a 2-day kickoff meeting for the BRAC Cleanup Plan. BRAC Cleanup Team and support team were on site to review requirements, initiate discussion, and plan future meetings. The next meeting is scheduled for 26 and 27 Jun 96. The Bottom-up Review will begin at this meeting.

j. Hosted a RAB Kickoff meeting on 30 May 96. Seventeen of the 21 members were in attendance. The BTC provided the command briefing of Seneca, the PAO from AEC provided a briefing on what a RAB is, and I briefed the RAB on future activities. This meeting's primary focus was for RAB members to meet each other and become acquainted.

k. An installation staff environmental engineer attended the Work Plan meeting in my absence. The FY97 Work Plan indicated a \$12.7 million requirement. AEC indicated funds in the amount of \$8 to \$9 million would be provided to SEDA.

2. The POC for this action is the undersigned at DSN 489-5309.

STEPHEN M. ABSOLOM
BRAC Environmental Coordinator

10 Jun 96

MEMORANDUM FOR Commander, U.S. Army Industrial Operations
Command, ATTN: AMSIO-EQE (Reita Custer), Rock
Island, IL 61299-6000

SUBJECT: BEC Activity Report for Apr 96

1. The following are significant activities and accomplishments which have occurred at Seneca Army Depot Activity for the month of April:

- a. Attended LRA meetings on 1, 9, and 22 Apr 96.
- b. On 4 Apr 96 I met with the LRA's Environmental Consultant regarding the status of Seneca's environmental program.
- c. Attended a Town Meeting on 4 Apr 96 and briefed the Town Council on the Draft Environmental Baseline Study findings and what they mean to property transfer.
- d. Met with the installation staff to begin discussions with regards to available information activity which occurred in our Special Weapons area in which a classified mission activity took place. Meetings took place on 15, 17, and 29 Apr 96.
- e. Conducted conference calls with the BCT on 2, 18, and 30 Apr 96 to discuss general environmental activity ongoing at the installation. These are regularly scheduled to promote improved communication within the BCT.
- f. Met with the Command Group and Safety Office to discuss the impacts and to develop a plan for dealing with the potential of contact with rodent feces containing the hanta virus. The Safety Office developed an SOP for this potential while cleaning and working in buildings which may be infested with mice.
- g. On 29 and 30 Apr 96, participated in a conference call with USEPA; Corps of Engineers; Parsons Engineering Science, Inc. (SEDA contractor); Malcom Pernie (EPA contractor); and AEC regarding EPA's comments to the Feasibility Study prepared for the Ash Landfill Area of Concern. The intent of these calls were to clarify the regulators' comments.
- h. Provided an installation tour to the Commissioner of the New York State Department of Environmental Conservation (Highest Ranking Environmentalist in the State). Discussed ongoing

SIOSE-IE

SUBJECT: BEC Activity Report for Apr 96

activities with regards to natural resources and, specifically, deer management. Also discussed environmental contamination on the base and remediation efforts.

i. USACPPM was at the installation to review the installation drinking water program. This visit was in relation to the Notice of Violation SEDA is under for failing to meet the SDWA requirement to filter water taken from a surface source and was to provide an independent assessment of the upgrade work recently accomplished on the drinking water system.

2. The POC for this action is the undersigned at DSN 489-5309.



STEPHEN M. ABSOLOM
BRAC Environmental Coordinator



DEPARTMENT OF THE ARMY
SENECA ARMY DEPOT ACTIVITY
5786 STATE RTE 96
ROMULUS, NEW YORK 14541-5001



REPLY TO
ATTENTION OF
SIOSE-BEC (5-10a)

17 September 1997

MEMORANDUM FOR Commander, U. S. Army Industrial Operations Command,
ATTN: AMSIO-EQE (Ed Agy), Rock Island, IL
61299-6000

SUBJECT: BEC Activity Report for July 1997

1. The following are significant activities and accomplishments which have occurred at Seneca Army Depot Activity for the month of July 1997:

a. Participated in a conference call with AEC, HQIOC, and CORPS OF ENGINEERS regarding the proposed language for the OB Grounds proposed remedial action plan. We discussed options and agreed on wording. The document was resubmitted. Subsequently, EPA did not feel we had adequately addressed their concerns. A follow on call with AEC, EPA, and Seneca helped resolve most of the issues. The hurdle that was difficult to agree on had to do with ARARs and whether contaminants in ground water (two hits) required compliance with gw standards. The PRAP will be discussed at the Aug RAB.

b. Met with county representatives and their environmental consultant and reviewed the installation's CERFA category map. I explained all designated sites and what the contaminants of concern were. The consultant was knowledgeable in the BRAC process and had previously advised the county that Seneca might be to big a risk to try and develop. After our meeting, he now felt different about that recommendation. He also indicated that he also understood why he was challenged by two RAB members when he made his initial recommendation.

c. Participated in the utility subcommittee meeting. I explained the issue the base has with the sudden resignation of the only licensed waste water treatment plant operator and the need to contract for the operation. The subcommittee, after discussion agreed that the local sewer district would be the preferred choice for the LRA public entity to operate that system. As a result, the installation contracted with that agency for waste water plant operations supporting the LRA. This is the first step in privatization as well.

d. Participated in the installation transition meeting with LTC Olson, the new Commander. I also briefed him on the environmental program at Seneca.

SIOSE-BEC

SUBJECT: BEC Activity Report for July 1997

e. Conducted a BRAC cleanup team meeting. This meeting was dedicated to discussion of the overarching issues identified by the peer review. Appropriate response was agreed to by the BCT. The state representative was not at the meeting. The state was represented by the Dept of Health.

f. Hosted the July Restoration Advisory Board. Introduced the new Base Commander, Provided a briefing to the RAB on Peer Review and what it meant to Seneca, and provided a briefing on 3 different technologies that will be used at Seneca in the cleanup efforts. Attendance was very low at this meeting.

g. Participated in the hosting of the AMC Surgeon Generals visit at Seneca. Provided the team with environmental information concerning the installation.

h. Continued to prepare responses to the peer review recommendations. Overarching issues were submitted to AEC. Project specific recommendation responses were initiated.

2. The POC for this action is the undersigned at DSN 489-5309.



STEPHEN M. ABSOLOM
BRAC Environmental Coordinator



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SENECA ARMY DEPOT ACTIVITY
5786 STATE RTE 96
ROMULUS, NEW YORK 14541-5001



SIOSE-BEC (5-10a)

17 September 1997

MEMORANDUM FOR Commander, U.S. Army Industrial Operations
Command, ATTN: AMSIO-EQE (Ed Agy), Rock
Island, IL 61299-6000

SUBJECT: BEC Monthly Report for August 1997

1. The following are significant activities and accomplishments which have occurred at Seneca Army Depot Activity for the month of August 1997:

a. Provided installation tours for two candidates for the LRA Executive Coordinators position. This was in coordination with the LRA and Seneca County.

b. Conducted a conference call with the Corps of Engineers and the contractor to discuss issues associated with the work plan for SEAD 12 & 63 Radiation Sites. Discussed coordination of the Seneca Radiation Assistance team and their efforts to survey the interior of buildings.

c. Conducted a meeting with Lockheed International, a contractor, about project management through the Department of Energy. They were proposing that they could be an alternative to the Corps of Engineers.

d. The BRAC cleanup team met. The discussion centered around the peer review comments on individual projects. The team discussed proposed responses to each comment. The team also discussed the proposed remedial action plan for the OB Grounds and specific changes to the language. The EPA took the changes back to discuss with the appropriate individuals. The State representative was not at the meeting but the Dept of Health was present.

SIOSE-BEC

SUBJECT: BEC Activity Report for August 1997

e. Conducted the Restoration Advisory Board meeting. The attendance at this meeting was excellent. The RAB was briefed on the proposed FY 98 workplan as submitted. They were also briefed on the proposed plan at the OB grounds. The meeting went extremely well.

f. Discussed with the Corps of Engineers what mechanism was appropriate to use to respond to the EPA CERFA concurrence letter in which they provided numerous comments were they took exception to the CERFA clean designation. We concluded that the preparing contractor should prepare a response to comment package. The estimated cost including S&A would be approximately \$35K. This would include a site visit to discuss the responses with the regulators and the preparation of a new CERFA parcel map and an update to the BRAC abstract.

g. Participated in a conference call with DA BRAC Office, HQAMC, AEC, Neptune Associates, and the Army research Lab (Mike Borisky) regarding Seneca's draft response to comments on the peer review recommendations for individual projects. I was advised that comments on Army internal policy issues should NOT be included in the response. These type issues should be addressed in separate correspondence and not be included in the peer review report. I disagreed with the concept that Army issues such as conflicting guidance should not be part of the peer review. I did, however, agree to keep the issues relevant to the recommendations only. After a review of the proposed responses, Mr. Synder of AEC said he wanted me to change my response to be more in line with an implementation plan. He would like to see the how, when, why, assumptions, cost changes, and impacts in implementing the recommendation. I again expressed my disagreement with this degree of effort regarding recommendations since implementation is not something that is done quickly and at one time. I was advised that adequate responses were necessary in order to evaluate the FY98 and FY99 workplan impacts. We then agreed to discuss funding in a follow on call on 8/28/97. I agreed to continue to work on the response to comments attempting to provide the requested data.

S10SE-BEC

SUBJECT: BEC Activity Report for August 1997

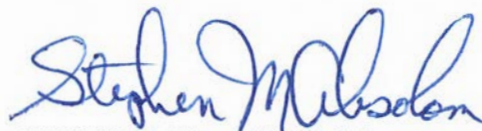
h. The New York District Deputy District Engineer, the Chief, Planning and Program Management, and the BRAC Integrator were at Seneca to discuss support. This was a liaison visit to insure customer satisfaction. I expressed my concern for cost control within the Corps. I indicated that I have been satisfied with the support to date.

i. Participated in a conference call regarding the FY98 workplan and funding changes as a result of peer review. HQDA BRAC Office, AEC, HQAMC, and HQ IOC were on line during the call. To summarized incorporating the peer review concepts changed the program by \$4.5 mil which is not a savings but a delay in spending with any saving to be identified after field work is accomplished and data analyzed. There is less funding being committed up front.

j. Provided a tour of the installation to a reporter for one of the local newspaper. The reporter was investigating a report that the installation was "too contaminated to redevelop for anything other than a prison". She left with a different impression. There has not been an article written from that visit yet.

k. Survived the latest RIF, which was effective 3 Aug 97. The installation now has 147 personnel assigned.

2. The POC for this action is the undersigned at DSN 489-5309.



STEPHEN M. ABSOLOM

BRAC Environmental Coordinator

SENECA ARMY DEPOT ACTIVITY
BRAC ENVIRONMENTAL COORDINATOR
STEPHEN M. ABSOLOM
MONTHLY PROGRESS REPORT March 1998

Monthly
Report
~~Done~~
file

SUCCESS STORIES: None

SUPPORT ACTIONS REQUESTED:

ISSUE: Funds for the 2nd half of the FY must be released immediately to insure a 3rd quarter award is made. Peer review, level I, is scheduled for 18-22 May 98.

PROJECT/PROGRAM INFORMATION:

RAB - Monthly meeting was held. The ATSDR public health assessment team briefed the RAB on their process. The ATSDR team queried the member for their concerns. The AEC PM briefed the RAB on the TAPP. The RAB continued to indicate that this was something they desire.

Environmental Baseline Survey: Complete.

CERFA: The CERFA acreage in the BCP abstract and what is in DESERTS now is a match. The spring submission verified this. There is no change in acreage.

BRAC Clean-Up Plan: No Change in version I. The next revision will be after the resolution of the peer review comments.

Peer Review:

- a. A revised decision tree was created, revised, and discussed at the BCT. The tree will be used to support decisions for removals, RI/FS's, and/or no further action documents. This will become part of the BCP. The decision document that the Army will use to support its determinations was provided the BCT.
- b. Installation Background Concentrations were reviewed and are being adjusted to address non-detects and qualified results. The use of Non-Detect/Qualified concentrations is still an issue. The regulators are looking into how they deal with this issue at other sites. The methods used do not allow for low enough limits to compare with state TAGMS. These will also

become an integral part of the BCP. Regulators are still reviewing this issue.

c. A discussion on PRG's occurred at the BCT. NYSDEC will not agree to risk based PRG's for a generic purpose on the installation. They will only consider them on a site specific basis when they can participate in the decision. PRG's will be finalized for installation decision making and supporting efforts in the decision process. We will not have regulator agreement on this effort. Further, if we perform any removals to the PRG limits, we will still be required to complete the RI/FS process. Cleaning up to background is the only time that a close out report and no further action ROD can be done. PRGS will not save the time peer review team expect. The studies will still have to be done.

BRAC Cleanup Team: The team met in Mar 98. Discussion occurred regarding comments from the regulators on the Ash landfill proposed plan. Presented the Seneca position on these comments. The regulators wanted to return to their office and consult with the ecological staff regarding the acceptability of the proposed responses. The determination will be done on a site visit in April 1998. The BCT reviewed the EBS site investigation sampling plan. Comments were reviewed and agreement reached. Work commenced on the EBS sites in Mar.

NEPA: The DRAFT FINAL Environmental Impact Statement was reviewed this month. The draft ROD for the EIS was also received for review and comment. HQAMC has waved the separate cooperating agency review period with their agreement. The review is now being done concurrently with the Army review. The final EIS public comment period will be in April 1998.

Cultural Resources Issues: Fort Worth District COE continues to work with the contractor on the Historic Building Survey. The effort has been complicated because of the confirm or deny issues and whether SEDA has any cold war ERA significance. Separate reports have been received , reviewed and forwarded to the SHPO this month. The Special Weapons portion of the report is based on conjecture as what was done at Seneca. There are very few facts that can be used to support the decision as to whether there is significant cold war era importance and whether the area is eligible for registry. Archeological surveys must be accomplished before transfer. Funds have been received to begin the archeological survey of the base. The process is now moving without the Special Weapons area included.

FOST/FOSLS: A final FOSL for the North Depot parcel has been prepared and has been forwarded for approval. An environmental condition of property for a Fed to Fed transfer as well as a FOST for the transfer of the housing areas, a prison site and utilities are under preparation. The HQDA has notified the LRA that the EDC application is unacceptable as written and must be revised. No transfers to the LRA will be accomplished until this is done.

Natural Resources: The HQ IOC continues to work toward a timber harvest, which will be scheduled DEC/ JAN 98/99.

PROJECTED FUNDING NEEDS/USAGE:

- a. The WORKPLAN Meeting approved all required funding needed for FY 98. The release dates for new start investigations are approaching.
- b. The Cultural Resource Program, which did not receive funds in FY 97, is now \$322,000 short to continue efforts. Funds have been received.
- c. Funds for the work to be performed by the SEDA in-house workforce have been received.

FIELD WORK:

- a. SEAD 59/71 Paint Disposal Areas: Soil boring and groundwater well installations for the Phase I RI were completed. Surface soil samples were taken. Full screening techniques were used to determine location of further sampling and samples requiring lab analysis. The results of the sampling are being reviewed to see if a removal effort is appropriate.
- b. SEAD 12 RAD Sites: Full radiation surveys were performed for this site. Soil gas sampling was completed. Based on soil gas results, surface soil sampling, soil borings and groundwater wells installation began. Fieldwork is now on hold pending resolution of additional comments from the regulators regarding sampling and protocol. Have resolved the issues associated with the use of MARRSUM. A conference call has also resolved the issue regarding

risk assessments except for ecological aspects of RESRAD. This will be resolved in early April.

- c. SEAD 16 & 17 Deactivation Furnaces: Comments have been received from USEPA regarding the DRAFT RI report. It appears the major issue will be the risk assessment protocol for an industrial setting. EPA is requesting consideration of child care and expansion of the ECO Risk Assessment. The solution may be to restrict the immediate parcel, which could be accomplished by a meets and bounds survey. The regulators want the most stringent risk assessment evaluated, the risk management decisions made based on future land use. This is distinctly different than Army policy that the LRA Reuse Plan is the future use scenario that will be used. The evaluation of the site has been established as industrial. The use of grd water will be evaluated in the risk assessment and evaluated in the decision process.

- e. Ash Landfill Operable Unit: Comments have been received from EPA and are pending from the State. A difference in the contaminants of concern is the issue with EPA. The next round of GW sampling will include the specific sampling for metals which is expected to demonstrate that turbidity caused the elevated readings. Sampling occurred in March.

- f. SEAD 23 Open Burning Grounds: Received final approval of the Open Burning Grounds PRAP. The draft ROD has been submitted to the regulators and comments have been received. Met with the COE to discuss the design and execution of the proposed effort. The COE will be using a preplaced remediation contract.

- g. SEAD 25/26 Fire Training Areas: Comments on the DRAFT RI have been received from the regulators. Comments are being evaluated.

BEC SCHEDULE:

BCT/ RAB, 21&22 Apr 1998, 19 May
Annual leave 9-17 April 1998
SDO 10&24 Apr, 8&22 May, 5&19 June
TDY 1-5 June - BCT MTG, Pittsburgh PA.
TDY 8-12 June - BRAC IPR , Washington DC
Peer Review 18-22 May 1998

STEPHEN M. ABSOLOM
SEDA BEC

File

SENECA ARMY DEPOT ACTIVITY
BRAC ENVIRONMENTAL COORDINATOR
STEPHEN M. ABSOLOM
MONTHLY PROGRESS REPORT NOVEMBER 1997

SUPPORT ACTIONS REQUESTED:

ISSUE: Early release of funds for ground water monitoring, EBS site investigation; asbestos abate is required to support reuse initiative expected to occur in March and June 1998. Request submitted 9 October 1997.

PROJECT/PROGRAM INFORMATION:

RAB - Monthly meeting was not held. The Public Meeting for the Open Burning Grounds Proposed Plan was scheduled in its place. As a result of delays in obtaining appropriate signatures, the meeting was rescheduled for 17 December 1997.

Environmental Baseline Survey: Complete.

CERFA: With the help of HQ IOC it appears that the CERFA acreage in the BCP abstract and what is in DESERTS now is a match.

BRAC Clean-Up Plan: CERFA acreage in the abstract continued to be corrected for accuracy.

Peer Review:

a. A revised decision tree was created and discussed with USAEC, USACHPPM and USCOE. HQ IOC was not available for the conference call. The tree will be used to support decisions for removals, RI/FS's, and/or no further action documents. This will become part of the BCP.

b. Installation Background Concentrations were reviewed and are being adjusted to address non-detects and qualified results. These will also become an integral part of the BCP.

c. A discussion on PRG's occurred with USAEC, USACHPPM and the COE. NYSDEC will not agree to risk based PRG's for a generic purpose on the installation. They will only consider them on a site specific basis when they can participate in the decision. PRG's will be finalized for installation decision making and supporting efforts in the decision process. We will not have regulator agreement on this effort.

BRAC Cleanup Team: The team did not meet during November 1997 (see RAB for explanation).

NEPA: The DRAFT Environmental Impact Statement completed all Internal Army Reviews. The Public Comment Period began 28 November 1997 and ends 12 January 1998. The Public Meeting is scheduled for 6 January 1998 at 1900 hours in the Seneca County Office Building.

Cultural Resources Issues: Fort Worth District COE continues to work with the contractor on the Historic Building Survey. The effort has been complicated because of the confirm or deny issues and whether SEDA has any cold war ERA significance.

FOST/FOSLS: A DRAFT FOSL for the North Depot parcel has been prepared and has been forwarded for comments. Comments should be received NLT 18 Dec 97. An environmental condition of property for a Fed to Fed transfer as well as a FOST for the transfer of the housing areas and utilities are under preparation.

Natural Resources: The Annual Deer Harvest began this month with four days of effort. A total of 143 deer have been harvested to date. The HQ IOC continues to work toward a timber harvest which will be scheduled next year.

PROJECTED FUNDING NEEDS/USAGE:

a. No FY 98 funds have been received as of the end of the reporting period. It is difficult to achieve adequate expensing levels when start dates are unknown. If funds aren't received in a timely manner, delays for weather cannot be factored in easily.

b. The Cultural Resource Program which received funds in FY 97 is now \$322,000 short to continue efforts. Reprogramming can be accomplished. However, SEDA does not have any BRAC OMA Environmental Funds in FY 98. As soon as the FY 98 program is established, reprogramming will be accomplished.

c. Delays in funds receipt is also impacting SEDA workforce. Seneca is planning to be an integral part of several removal projects. If delays continue, this cost-effective approach to work accomplishment will be lost and contracting through the COE will be required.

d. For this reporting period, unliquidated obligations were reported under separate cover.

FIELD WORK:

a. SEAD 59/71 Paint Disposal Areas: Soil boring and groundwater well installations for the Phase I RI were completed. Surface soil samples were taken. Full screening techniques were used to determine location of further sampling and samples requiring lab analysis.

b. SEAD 12 RAD Sites: Full radiation surveys were performed for this site. Soil gas sampling was completed. Based on soil gas results, surface soil sampling, soil borings and groundwater wells installation began. Fieldwork is now on hold pending resolution of additional comments from the regulators regarding sampling and protocol. These comments will be resolved when the State comments are received and all comments can be assessed against Peer Review recommendation which necessitated the changes in the Work Plan initially.

c. SEAD 16 & 17 Deactivation Furnaces: Comments have been received from USEPA regarding the DRAFT RI report. It appears the major issue will be the risk assessment protocol for an industrial setting. EPA is requesting consideration of Child Care and expansion of the ECO Risk Assessment.

d. Ash Landfill Operable Unit: Comments have been received from EPA and are pending from the State. A difference in the contaminants of concern are the issue with EPA. Discussion within Army channels will be held to determine appropriate response.

e. SEAD 23 Open Burning Grounds: Received final approval of the Open Burning Grounds PRAP. The Public Comment Period is from 1 December 1998 to 10 January 1998. The Public Meeting on the plan is scheduled for 17 December 1997 at 1900 hours in the Seneca County Board of Supervisors Room. The meeting will be in a poster board format.

f. SEAD 25/26 Fire Training Areas: Comments on the DRAFT RI are pending from the regulators. Receipt is expected December 1997.

BEC SCHEDULE:

8-12 December -	TDY - BRAC IPR
16 December -	TDY - Training
17-18 December -	BCT/Public Meeting
26 Dec - 2 Jan -	Leave - may be available ½ days 29, 30, and 31 Dec.
6 Jan 97 -	Public Meeting for DEIS
12-16 Jan 97 -	TDY - Workplan Review

STEPHEN M. ABSOLOM
SEDA BEC

BCT AGENDA

June 11-12, 2002

1. IRM

- **Confirmatory sampling**
- **Frequency at sites**

2. RCRA/CERCLA Interface

3. Priority of Projects

- **Ash Landfill ROD**
- **SEAD 25/26 ROD**
- **SEAD 16/17 ROD**
- **NFA ROD**
- **SEAD 13 ROD**

4. SEAD 51

5. SEAD 53

6. SEAD 47

7. SEAD 72

Restoration Advisory Board Meeting Agenda

June 11, 2002

Romulus Town Office Building
Willard, NY

- 7:00** **Welcome**
Mr. Stephen Absolom,
Army Co-Chair
- 7:05** **Acceptance of Minutes from Previous Meeting**
Mr. Stephen M. Absolom
Ms. Karen Tackett
Army Co-Chair/Community Co-Chair
- 7:10** **Agenda**
Presentation of Feasibility Alternatives for SEAD-12
Radiation Site presented by Jackie Travers, Parsons
Engineering Science
- Break**
- 8:15** **Open Discussion**
All
- 8:30** **Adjournment**

5.3 Remedial action workplan

DRAFT DOCUMENT # 1

(a) If a remedial action (RA) workplan is required by the DER in an oversight document or if the person responsible for conducting the investigation and/or remediation elects to obtain DER pre-approval for the work to be performed, a workplan should be submitted. The RA workplan should be in a format that corresponds directly to the outline of (b) below, and be provided in accordance with the schedule contained in the applicable oversight document.

(b) The RA workplan should include:

1. The location and description of any construction facilities and a listing of all applicable SCGs relating to the construction of on-site remedial units including inspection and professional engineer certification;
2. A description of soil and sediment erosion control, storm water management and monitoring, and dust, odor and organic vapor control and monitoring procedures to be implemented during remedial activities, if applicable;
3. A health and safety plan pursuant to section 1.9;
4. A detailed description of confirmation sampling and site restoration plans to comply with section 5.4(c) ;
5. A description of procedures for dismantling and removal of remedial structures and equipment from the site, if applicable;
6. A cost estimate, where applicable, of the remedial action;
7. A schedule in accordance with section 5.7;
8. A description of institutional controls to be implemented and written approval from the owner of the property where the institutional control will be placed, if the remedy selected requires implementation of an institutional control at an off-site location or if the person responsible for the remedy is not the site owner; and
9. An OM&M plan will be developed in accordance with section 6.

5.4 Remedial action performance compliance

(a) The following sampling will document the effectiveness of soil removals:

1. All sampling should be conducted pursuant to sections 3.2 through 3.11.
2. For soils, if excavation is conducted, the minimum post remediation sampling frequency should be:
 - i. For excavations less than 20 feet in perimeter, at least one bottom sample and one sidewall sample biased in the direction of surface runoff.
 - ii. For excavations 20 to 300 feet in perimeter:
 - (1) For surface spills, one sample from the top of each sidewall for every 30 linear feet of sidewall and one sample from the excavation bottom for every 900 square feet of bottom area.
 - (2) For subsurface spills, one sample from the bottom of each sidewall for every 30 linear feet of sidewall and one sample from the excavation bottom for every 900 square feet of bottom area.
 - iii. For larger excavations, sampling frequency may be reduced if documentation acceptable to the DER is provided in the remedial action report, in accordance with section 5.8, specifying why the sample frequency was

considered adequate.

iv. For volatile organics bottom samples taken within 24 hours of excavation, samples should be taken from the zero to six inch interval at the excavation floor. Samples taken after 24 hours should be taken at six to twelve inches. For excavations open longer than two weeks, volatile organics sample depth for bottom samples should be in accordance with section 5.5.1.

v. Each excavation within a larger excavation will be considered a separate excavation and should comply with (a)(2) i-iv above.

vi. For tanks, if contaminated soil is removed, post remediation soil samples for laboratory analysis should be taken immediately after contaminated soil removal pursuant to section 5.5(b)4(ii) and (iii). If the excavation is enlarged horizontally beyond the immediate tank removal area, additional soil samples will be taken pursuant to (a)2i through iv above.

3. Post-remediation sample locations and depth should be biased towards the areas and depths of highest contamination identified during previous sampling episodes unless field indicators such as field instrument measurements or visual contamination identified during the remedial action indicate that other locations and depths may be more heavily contaminated. In all cases, post-remediation samples should be biased toward locations and depths of the highest expected contamination.

(b) For in situ remediation, a sampling program appropriate to the site or area of concern, should be used to determine the design parameters of the treatment system have been achieved and to document the effectiveness of the system.

(c) All areas subject to remediation should be restored, to the extent practicable, to pre-remediation conditions with respect to topography, hydrology and vegetation, unless alternate restoration is approved by the DER.

1. Sites located adjacent to or in wetlands or in or near other environmentally sensitive areas, may have further requirements under the New York State Wetland regulations NYCRR Parts 608, 661 & 663.

2. Fill material used to restore a site after the remediation has been completed should be approved in advance by the DER. Fill used for new building foundations or other construction in remediated areas is exempted from this requirement.

i. Fill should be uncontaminated pursuant to any applicable remediation standard and free of extraneous debris or solid waste.

ii. Documentation of the quality of the fill including sampling data may be required by the DER.

iii. Uncontaminated soil from the site may be returned to excavations or may be used elsewhere on the site.

iv. The bills of lading should be provided to the DER to document the source(s) of fill. The documentation should include:

(1) The name of the affiant and relationship to the source of the fill;

(2) The location where the fill was obtained and a brief history of the site which is the source of the fill.

(d) After completion of remediation, and acceptance by the NYSDEC, all monitoring and extraction wells should be decommissioned in accordance with section 6 unless otherwise approved by the DER.

(e) For larger remediations, sampling frequency may be reduced if documentation acceptable to the DER is provided in the remedial action report specifying why the sampling frequency was considered adequate.



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

JUN 4 2002

MEMORANDUM FOR DEPUTY ASSISTANT SECRETARY OF THE ARMY
(ENVIRONMENT, SAFETY, AND OCCUPATIONAL
HEALTH)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ENVIRONMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(ENVIRONMENT, SAFETY, AND OCCUPATIONAL
HEALTH)
STAFF DIRECTOR, ENVIRONMENT AND SAFETY,
DEFENSE LOGISTICS AGENCY SUPPORT SERVICES
(DSS-E)

SUBJECT: Interim Guidance on Environmental Restoration Records of Decision

The purpose of this memorandum is to clarify documentation requirements for remedial actions, to include specifically those containing land use restrictions, in Records of Decision (RODs) required by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). General guidance on documenting the remedy decision is contained in paragraph 23.1 of the September 28, 2001, Management Guidance for the Defense Environmental Restoration Program (DERP). More specific guidance that Components should consider on the appropriate content of RODs is contained in the U.S. Environmental Protection Agency (EPA) Office of Solid Waste and Emergency Response (OSWER) July 1999 guidance document 9200.1-23P, A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents.

Using the CERCLA framework, DERP employs a risk management approach to take necessary and appropriate response action to protect human health and the environment from unacceptable risk(s) resulting from past contamination. When remedial action is taken, it must be documented in a ROD as required by CERCLA and its implementing regulation, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This requirement fully applies to remedies that have a use restriction component. The DoD as the lead agency has the obligation to move expeditiously through the cleanup process to address risks to human health and the environment. To facilitate this progress, Components are to follow this guidance to finalize and issue RODs.



All RODs need to focus on the risk and action(s) selected to address risk. Thus, the ROD needs to clearly:

- describe the risk(s) necessitating remediation;
- document risk exposure assumptions and reasonably anticipated land uses;
- state the remedial action objective(s);
- describe the remedy in general terms, specify the components of the remedy, and basis for the selection; and
- list the entity(ies) responsible for implementing and maintaining the selected remedial action.

These elements are consistent with the guidance contained in the DERP Management Guidance and OSWER 9200.1-23P.

In cases where use restrictions are selected as part of the remedy to address risk and exposure to any remaining residual contaminants, use controls are employed to manage the future use of the property. Where this type of use control is an integral component of the remedial action, the ROD (as stated in the OSWER guidance) needs to generally describe:

- the remedial action objective(s) of the use restrictions;
- the specific controls proposed to effectuate the restriction(s) “(e.g., deed restrictions such as easements and covenants, deed notices, land use restrictions such as zoning and local permitting, ground-water use restrictions, and public health advisories)”;
- the area/property covered by use restriction and associated control(s);
- the duration of the control(s), if not permanent; and
- the “entities responsible for implementing and maintaining controls (e.g., property owner, town zoning authority, State health agency).”

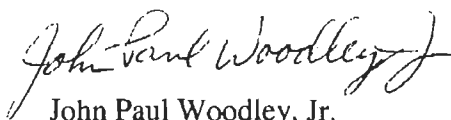
These elements are consistent with the guidance contained in DoD’s January 17, 2001, Policy on Land Use Controls (LUCs) Associated with Environmental Restoration Activities. Use controls must be identified and described in the ROD only when selected as remedial components necessary to protect human health and the environment from unacceptable risk. In addition, a Component may voluntarily choose to implement supplemental physical, legal, or administrative measures that reinforce the selected use controls, as addressed in DoD’s March 2, 2001, Guidance on Land Use Control Agreements with Environmental Regulatory Agencies. These supplemental measures may be documented in voluntary agreements, non-enforceable arrangements, and internal documents, all of which normally would be included in the information repository for the site. However, such supplemental measures shall not be included in the ROD or any post-ROD enforceable documents. Examples of supplemental measures that are not to be included are:

- provisions for periodic monitoring or visual inspections of use restrictions and controls (other than CERCLA five-year reviews);

- certifications and reports to regulators associated with monitoring or inspections; and
- requirements for land use control implementation or assurance plans.

The April 23, 2001, DUSD(I&E) moratorium memorandum precluding Components from entering Federal Facility Agreements (FFAs), or modifying existing FFAs, that include Land Use Control Assurance or Implementation Plans, Operation and Maintenance Plans, Remedial Action Completion Reports, Site Closeout Reports, Five-Year Reviews, or any other similar post-ROD documents remains in effect pending resolution of current discussions between DoD and EPA. Similarly, the May 25, 2001, DUSD(I&E) clarification letter that states this moratorium also preclude including such documents, plans, reports, or reviews as an enforceable term, condition, provision, requirement, or deliverable in an FFA, ROD, or other similarly enforceable arrangement remains in place.

While finalizing a ROD, should a Component encounter regulator demands to include in RODs, or other post-ROD enforceable documents, provisions that conflict or deviate from DoD policy and guidance, the issue(s) shall be immediately elevated within the Component. We are working with EPA at a policy level to resolve differences in legal and policy interpretations. In general, if the only substantive disputes are the supplemental land use restriction and control issues or other post-remedy implementation, maintenance, completion or review provisions, then you should note in the ROD and Responsiveness Summary the nature of the dispute and that the ROD may be amended at a later time based upon resolution of the policy-level disagreement. As long as the Component can establish that EPA does concur with the underlying physical remedy, the Component may and shall unilaterally issue and then execute the ROD respecting those consensus elements of the physical remedy. Attached are model language and statements to be included in such ROD documentation. The elevation of and any dispute related to such specific use restriction and control, or other post-remedy issues, should not and must not be allowed to impede execution of those remedial selection and ROD elements for which there is agreement. My point of contact for this matter is Mr. Shah A. Choudhury, at (703) 697-7475.



John Paul Woodley, Jr.
Assistant Deputy Under Secretary of Defense
(Environment)

Attachment:
As stated

Model ROD documentation language acknowledging policy-level disagreement:

The [Component] acknowledges that the US EPA maintains specific provisions respecting [inspection, monitoring, reporting, maintaining and enforcing LUCs/ICs], and provisions for developing an [Operation and Maintenance Plan], [Five-Year Review Report], [Land Use/Institutional Control Implementation Plan], [Remedial Action Completion Report], [Site Closeout Report], [and others, as appropriate] are required components of remedy selection and the ROD. The [Component] acknowledges that US EPA maintains that without such specific provisions the remedy is not fully protective. It is the position of the [Component] that such provisions are not part of required remedy selection or the ROD; therefore, the [Component] has not identified these provisions as remedial components in this ROD. The [Component] has at attachment ____ included these disputed provisions; however, they are not thereby made a term, condition, provision or requirement of this ROD or the selected remedy, but are for purposes of illustration and information only. The [Component] acknowledges that, pursuant to 42 USC Sec. 9620(e)(4)(A) and 40 CFR Sec. 300.430(f)(4)(iii), the Administrator of the EPA has sole remedial action selection authority at Federal facilities on the NPL if EPA and the [Component] are unable to agree on remedy selection. It is EPA's position that the disputed provisions described above fall within the meaning of "remedy" and EPA's remedy selection authority. The [Component] expressly reserves its position that these disputed provisions do not fall with the meaning of "remedy" or EPA's remedy selection authority. The [Component] commits to subsequently revising this ROD, in accordance with the procedural requirements of CERCLA and the NCP, if (a) DoD subsequently determines and agrees programmatically to include such provisions as components of the remedy selected and the ROD, or (b) DoD is directed to include such provisions at the conclusion of a dispute resolution process involving EPA and [Langley Air Force Base or other installation, as appropriate]. The [Component] expressly reserves its right to invoke any applicable federal inter-agency dispute resolution process to resolve whether the specific provisions are within the scope of the EPA Administrator's authority to select remedies. The [Component] expressly acknowledges that by EPA signing and concurring with the remedy selected and identified by the [Component] in this ROD, EPA is not waiving or prejudicing its position that such provisions respecting [LUC/IC inspection, monitoring, reporting, maintenance and enforcement], and provisions for developing an [Operation and Maintenance Plan], [Five-Year Review Report], [Land Use/Institutional Control Implementation Plan], [Remedial Action Completion Report], [Site Closeout Report], [and others, as appropriate] are required components of the remedy selection process and the ROD and that without such provisions the remedy is not fully protective.

Transmittal letter forwarding Component signed ROD for EPA signature shall state:

- (1) As lead agency, we must ensure the cleanup work at [installation] moves forward, and the only substantively disputed issue for this ROD is the section addressing supplemental land use control implementation and maintenance measures [and other post-ROD provisions, as appropriate].
- (2) The [Component] acknowledges that US EPA maintains that without such specific provisions the remedy is not fully protective.
- (3) The ROD signed by the [Component] satisfies all required statutory and regulatory (National Contingency Plan) requirements.
- (4) The ROD also fully complies with the content requirements recommended by EPA in OSWER 9200.1-23P, July 1999 (Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents [We may particularly reference p. 6-59 on Institutional Controls, if we want to highlight that issue]).
- (5) The [Component], as lead agency, is committed to carrying through its statutory obligations under CERCLA and the NCP for implementing and maintaining the remedy (including any land use controls), carrying out five-year reviews where hazardous substances remain at levels above those allowing unrestricted use, and responding in any other way necessary to protect human health and the environment and comply with statutory and regulatory requirements under CERCLA.



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

JUN 4 2002

Honorable Marianne Lamont Horinko
Assistant Administrator
Office of Solid Waste and Emergency Response
United States Environmental Protection Agency
Ariel Rios Building, Mail Code 5101
1200 Pennsylvania, NW
Washington, DC 20460

Dear Ms. Horinko:

I am encouraged that the Air Force and Environmental Protection Agency (EPA) Region III are continuing to work positively and constructively towards resolution of post-Record of Decision (ROD) issues at Langley Air Force Base that will apply on a national level. While I am hopeful that a mutually acceptable approach will be reached, it will not happen in the in time to ensure execution of the Department of Defense's (DoD's) Fiscal Year 2002 cleanup requirements.

As you and I have discussed and agreed, cleanup needs to go forward. We can no longer keep cleanup on hold, particularly with end of the end of Fiscal Year 2002 in sight. DoD needs to move forward with cleanup activities where we have agreement on the underlying physical remedy while our agencies are working collaboratively to resolve the post-ROD issues. Therefore, I am now authorizing the DoD Components to move forward with cleanup where we have agreement on the underlying physical remedy.

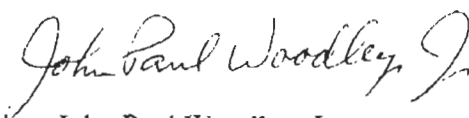
As noted in my January 14, 2002 letter to you, a ROD is a necessary pre-condition to initiation of cleanup activities. Thus, I am authorizing DoD Components, where there is remedial consensus on the underlying physical remedy, to issue and execute RODs that will include a reservation noting the areas of disagreement. This ROD will be the basis for DoD Components to move forward with implementation of the undisputed portions of the remedy. It is my understanding that while EPA will not sign the ROD or concur with the remedy being final, Regions will document in a letter to the Component their consensus with the physical remedy. While we think this approach preserves both EPA and DoD positions, I anticipate that EPA regions may invoke formal dispute resolution for such RODs on an installation specific basis. While I believe invoking a formal dispute is unnecessary, if it does happen, I hope that EPA regions invoking such disputes will also stay the dispute, pending resolution of the disagreement at



Langley Air Force Base and the collaborative development of a consistent national approach by both our agencies.

Please feel free to call me at (703) 697-8080 on this matter, or have your staff call Mr. Kurt Kratz, my Cleanup Program Director, at (703) 697-5372 or Mr. Shah A. Choudhury, my action officer, at (703) 697-7475.

Very truly yours,



John Paul Woodley, Jr.
Assistant Deputy Under Secretary of Defense
(Environment)

cc:
DGC(E&I)
DASA(ESOH)
DASN(E)
DASAF(ESOH)
DLA-DSSE

BCT AGENDA

September 17-18, 2002

- 1. Airfield Range Update and Plan**
- 2. SEAD-12 RI**
 - Ground Water Plume Further Investigation**
- 3. BRAC Parcel 109**
 - Testing Requirements**
- 4. Strategic Ore Piles**
 - and Transfer**
- 5. Environmental Sites Protection**
 - Proposal – signs vs. physical barrier**
- 6. Transfer Schedule**
- 7. SEAD-11 and Bomb Fins**
- 8. SEAD-48**
 - Comments/Impacts**
- 10. Web Site for Remediation Project Information**

STEPS TO TRANSFER CLEAN PROPERTY

By

STEPHEN M. ABSOLOM
BRAC ENVIRONMENTAL
COORDINATOR

Steps to Transfer Clean Property

- **FOST Planned Industrial Development/Warehouse** 111 days
- Internal Draft FOST (BEC) 36 days
- BRAC Review (BRACO) 14 days
- Revise FOST/Prepare for BCT Comment (BEC) 7 days
- BCT Comment 30 days
- Revise FOST/Prepare for Public Comment (BEC) 7 days
- Public comment Period (30 Days) 30 days
- Public Meeting 0 days
- Address Public Comments (BEC) 3 days
- BRAC Review Final FOST (BRACO) 14 days
- Finalize FOST for Signature (BEC) 7 days
- Army Signature of FOST (BRACO) 7 days

Steps to Transfer Clean Property

- **FOST Conservation Area** 113 days
- Internal Draft FOST (BEC) 38 days
- BRAC Review (BRACO) 14 days
- Revise FOST/Prepare for BCT Comment (BEC) 7 days
- BCT Comment 30 days
- Revise FOST/Prepare for Public Comment (BEC) 7 days
- Public comment Period (30 Days) 30 days
- Public Meeting 0 days
- Address Public Comments (BEC) 3 days
- BRAC Review Final FOST (BRACO) 14 days
- Finalize FOST for Signature (BEC) 7 days
- Army Signature of FOST (BRACO) 7 days

Steps to Transfer Clean Property

- **Cultural Resources Management Effort** 134 days
- Draft Programmatic Agreement (already done and sent to parties)
BEC/COE) 1 day
- Dispute Resolution (Native Americans/SHPO) 14 days
- Final Determination Historic Preservation Council 60 days
- Revise Programmatic Agreement (BEC/COE Ft. Worth) 14 days
- Army and Historic Preservation Signatures (BEC/BRACO/SHPO)
45days

Steps to Transfer Clean Property

- **Access Restrictions** 97 days
- Develop Perimeter Protection Plan (BEC) 28 days
- BCT to Review and Comment on PPP 15 days
- BCT Meeting to Discuss PPP 1 day
- Revise PPP per BCT Meeting (BEC) 7 days
- Prepare SOW for Fencing Bid and IGCE (BEC) 7 days
- Solicit Bids (BEC) 14 days
- Evaluate Proposals (BEC) 4 days
- Award Contract (BEC) 7 days
- Install Fencing (BEC) 45 days

Steps to Transfer Clean Property

- **NRC Survey** 70 days plus
- Perform Survey
- Contractor Prepare Preliminary Draft Report 21 days
- Army Review Preliminary Draft (BEC/COE) 7 days
- Contractor Prepare Draft and Submit to NRC 7 days
- NRC Review Report 30 days
- Army Address NRC Comments and prepare revised report (BEC) 14 days
- NRC Approval of Closeout ????

Steps to Transfer Clean Property

- **BDSP PID/Warehouse** 35 days
- Prepare draft BRAC Disposal Support package (BEC) 15 days
- BRAC Review of Package (BRACO) 14 days
- Revise BDSB (BEC) 7 days
- Final Approval/Signature BDSB (BRACO) 14 days

Steps to Transfer Clean Property

- **BDSP Conservation Area** 35 days
- Prepare draft BRAC Disposal Support package (BEC) 15 days
- BRAC Review of Package (BRACO) 14 days
- Revise BDSB (BEC) 7 days
- Final Approval/Signature BDSB (BRACO) 14 days

Steps to Transfer Clean Property

- **DEED PID/Warehouse** 90 days
- LRA Draft Deed and Provide to Army for Comment (LRA) 30 days
- Army Comment on Deed (BEC/BRACO/COE) 30 days
- LRA Revise Deed and Prepare Final Version (LRA) 14 days
- Army comment on Deed (BEC/BRACO/COE) 14 days
- LRA Revise Deed (LRA) 3 days
- Signature of Deed (LRA/BRACO) 30 days

Steps to Transfer Clean Property

- **Deed Conservation Area** 75 days
- LRA Draft Deed and Provide to Army for Comment (LRA) 21 days
- Army Comment on Deed (BEC/BRACO/COE) 22 days
- LRA Revise Deed and Prepare Final Version (LRA) 14 days
- Army comment on Deed (BEC/BRACO/COE) 10 days
- LRA Revise Deed (LRA) 3 days

- Signature of Deed (LRA/BRACO) 30 days

Steps to Transfer Clean Property

- **Land Survey** 133 days
- SCIDA Obtain Funding from OEA (LRA) 28 days
- SCIDA award contract for Survey 7 days
- Survey Work 98 days



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 19 2002

Stephen M. Absolom
Seneca Army Depot Activity
Attn: BRAC Environmental Coordinator
5786 State Route 96
PO Box 9
Romulus, NY 14541-0009

Re: *Treatability Study for SEAD-12*
Seneca Army Depot, Romulus, NY

C.P. For
TODD -
Janet
marshall / Ken
File

Dear Steve:

This is to follow up on our comment letter dated August 15, 2002 regarding our further evaluation of your proposed Treatability Study for the Radiological Waste Burial Sites (SEAD-12).

According to the Draft FS Report, the predominant VOCs at SEAD-12 are TCE and 1,2 DCE detected at MW12-37. Based on the average saturated thickness (5 feet) of the impacted till/weathered shale, a total estimated mass of roughly 5 pounds of VOCs in groundwater was reported. There are a few things we need before accepting the mass calculation.

As we commented in our August 15, 2002 letter on the Draft FS, the horizontal and vertical extent of the plume has not adequately been determined, and a supplemental RI is needed to fully delineate and characterize the plume, as well as the source area, before remediation technologies can be proposed. See comment 2 of my August 15, 2002 letter. The draft report does not contain a groundwater contour map of the potentiometric surface for the shallow aquifer, nor a readable ground surface elevation contour map. One figure indicates the actual surface may slope uphill towards the east. Depicting the plume based on contamination at only one well is not appropriate and the distance to MW12-40 is too far to be reliably downgradient. As a result, the initial mass estimate is unreliable. We agree with Section 4.3.1 that further delineation of the plume is required as well as an effort to identify the source.

We suggest that direct push technology be used to screen transects prior to placement of monitoring wells, upgradient of MW12-37 as well as downgradient. This would provide a better characterization, particularly since the impacted thickness is suspected to be shallow and limited. In addition, the reviewer could not determine where the surface water was based on the drawings provided. Collection of surface water samples in the drainage ditch may not provide valuable information. It is suggested that diffusion bag samples be collected within the ditch.

We are not opposed to a pilot study for enhanced natural attenuation, but characterization and identification of the source as well as a better delineation of the plume should take precedence so the effectiveness of the treatability study can be accurately assessed.

A facsimile of this letter will be sent to you today. If you have any questions, please call me at (212) 637-4323.

Sincerely,

A handwritten signature in black ink that reads "Julio F. Vazquez". The signature is written in a cursive, flowing style.

Julio F. Vazquez, RPM
Federal Facilities Section

cc: A. Thorne, NYSDEC
C. Bethoney, NYSDOH
R. Scott, NYSDEC-Avon
K. Healy, USACE-HD
T. Heino, Parsons ES
E. Kashdan, GF



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP - 6 2002

Stephen M. Absolom
Seneca Army Depot Activity
Attn: BRAC Environmental Coordinator
5786 State Route 96
PO Box 9
Romulus, NY 14541-0009

C.F. For
TODD -
Janet
Marshall / Kevin
File

Re: *Draft Final Proposed Plan for SEAD-25, 26
Seneca Army Depot, Romulus, NY*

Dear Mr. Absolom:

This is to notify you that the U.S. Environmental Protection Agency (EPA) has completed its review of the Draft Final Proposed Plan for Fire Training Areas (SEAD-25, 26) revised on July 2002, located at Seneca Army Depot Activity (SEDA), Romulus, New York. As the plans are still subject to public comment, we are deferring our final approval of the proposed remedies until we have reviewed any comments submitted by the public, the Army's responsiveness summaries, and the Record of Decision (ROD).

(A) The preferred remedial alternative for SEAD-25 consists of the following components:

- Excavation and off-site disposal of contaminated soil (1350 yd³);
- Excavation and off-site disposal of contaminated ditch sediments (175 yd³);
- Dewatering the excavation pit;
- Treatment of groundwater recovered during excavation and dewatering with an onsite air

stripper;`

- Replacement excavated soil with clean backfill;
- Quarterly groundwater monitoring for 10 years or until groundwater standards are met;
- Institutional controls to prevent the use of groundwater as drinking water; and
- Five-year reviews.

(B) The preferred remedial alternative for SEAD- 26 consists of the following:

- Annual groundwater monitoring of the plume for 20 years or until groundwater standards are met;
- Institutional controls to prevent the use of groundwater as drinking water; and
- Five-year reviews.

Please note that additional requirements related to Institutional Controls will need to be more explicitly specified within the SEAD-25, 26 Record of Decision (ROD). Furthermore, these requirements will be necessary for final EPA approval of the ROD. In addition to identifying the purpose of the Institutional Controls (e.g., restrictions on groundwater use, and control of the discharge of groundwater withdrawn during construction activities), other requirements would include, but not necessarily limited to: 1) performing periodic inspections of the land use restrictions; 2) identifying the party or parties that will enforce such restrictions (e.g., Local Zoning Board); and 3) more explicit identification of the extent of restrictions.

If you have any questions regarding the subject of this letter, please contact me or have your staff contact Robert Wing of my staff at (212) 637-4332.

Sincerely,



 George Pavlou, Director
Emergency and Remedial Response Division

cc: Dale A. Desnoyers, Acting Director
Division of Environmental Remediation, NYSDEC

AGENDA
Seneca Army Depot/NYSDEC Meeting
Albany, NY
January 17, 2002

File
General
CERCLA

INFO

SMJ

1. Introductions and Roles
2. Seneca "Big Picture"
 - 10,000 acres
 - Numerous CERCLA sites occupying 600 acres
 - Little shallow groundwater yield
 - GW users may exist dependant on site location
 - Impacts primarily from PAHs and metals
 - \$75M to \$150M remediation price tag
3. Results of ROD review
 - Reviewed over 90 NYSDEC and EPA Region II NYS RODs
 - Post-FS ROD PAH cleanup goals
 - Owego MGP site (500 ppm total and 12 ppm carcinogenic)
 - Harbor Point Dredge Spoils Area (1,000 ppm total)
 - Mohasco Mill Complex (BaP up to 23 ppm, BkF up to 27 ppm, BbF up to 30 ppm, chrysene up to 28 ppm, BaA up to 28 ppm with cover and deed restrictions)
 - Institute land use and groundwater controls where cleanup goals are not achieved
4. Interim Remedial Measure Requirements
 - IRM can constitute complete remediation if IRM achieves "pre-disposal conditions"
 - No definition of "pre-disposal conditions" is given
 - Original state definition is listed
 - Must complete CERCLA process when IRM accomplished
5. Army's Understanding of NYSDEC's Cleanup Goal Approach
 - Cleanup goals based on unrestricted use prior to FS
 - Conduct IRMs with TAGMs as goal
 - Incorporate future use considerations during FS
 - Cleanup goals generally revised based on future use of site
 - IRM can constitute complete remediation if site is restored to pre-disposal conditions to extent feasible
6. Army's Limitations and Issues
 - BRAC funding currently ends in 2005
 - Increased presence of reusers – concern for incidental contact
 - Army position needs to be consistent across U.S.

7. SEAD 59/71 Background Information
 - Soils impacted mainly by PAHs and lead
 - GW – down gradient wells to be sampled to confirm no impact
 - DD and AM recommending time critical removal action
 - Removal plan includes excavation, material separation/segregation, disposal & backfilling
 - TAGM 4046 objectives are goals for removal action

8. Review of SEAD 59/71 Current Status
 - Several rounds of comments/responses
 - Comments disagree with our timing and method for establishing cleanup goals
 - IRM allowed for source removals

9. Army's Assumptions for Revised Approach for SEAD 59/71
 - Cleanup goals for removal action will be TAGMs
 - NYSDEC will not provide written approval of alternate goals prior to removal action
 - NYSDEC will consider site-specific remediation goals during FS
 - Land use controls may be implemented as necessary

10. SEAD 59/71 Revised Remediation Approach
 - Submit AM/DD with TAGMs as goal
 - Excavate debris area and visually impacted soils
 - Backfill with appropriate soils (discuss with NYSDEC/EPA)
 - Collect GW data
 - Prepare FS, PRAP, ROD to determine if additional remediation is necessary
 - Conduct final remediation, if needed, and close site
 - Implement land use controls as necessary and transfer site

11. Applicable IRM Projects At Seneca Army Depot
 - SEAD 24, 50/54, 67
 - SEAD 38, 39, 40
 - SEAD 25
 - Others?

12. Wrap-Up and Review Action Items

Subject: Re: Thursday Meeting

Date: Tue, 15 Jan 2002 14:44:09 -0500

From: James Quinn <jaquinn@gw.dec.state.ny.us>

To: Clayton.Kim@aec.apgea.army.mil, Michael.Kelly@aec.apgea.army.mil, Keith.Hoddinott@APG.AMEDD.army.mil, vazquez.julio@epamail.epa.gov, Alicia Thorne <ajthorne@gw.dec.state.ny.us>, Jim Harrington <jbharrin@gw.dec.state.ny.us>, cmb18@health.state.ny.us, David.A.Sheets.MAJ@HND01.usace.army.mil, Janet.R.Fallo@nan02.usace.army.mil, Randy.W.Battaglia@nan02.usace.army.mil, Thomas.R.Enroth@nan02.usace.army.mil, WrightB@osc.army.mil, Christopher.Raddell@parsons.com, Jacqueline.Travers@parsons.com, Todd.Heino@parsons.com, absoloms@seneca-hp.army.mil, Kevin.W.Healy@usace.army.mil

The SEDA meeting on Jan 17 will be in Room 922 of the DEC building at 625 Broadway in Albany. (To those of you who have already been given a room number for the meeting, please note the change. It will be Room 922.)

To DEC

625 Broadway, Albany

(It is a large building just on the Eastern side of I-787. It has green windows and a funky green glass dome and spire on top. You cannot miss it.)

If coming from the West, I-787 is Exit 23 of the Thruway. Take I-787 North. From northbound I - 787, take exit 4 (Downtown Albany, Route 9 North), proceed north on Quay Street (Corning Preserve access road), stay in the right lane and follow signs for Colonie Street. Turn left at the next traffic light at Water Street and you will be on the Water Street overpass ramp. Your first right is Orange St. and your second right is Columbia St. The building sits between these two streets. You will find pay-garage parking by turning onto Columbia St and a garage entrance will be on your left (South side of DEC building).

If coming from the East, you will need to take the exit which brings you to I-90 West to Albany (I think it is B-1 of the Berkshire Spur, but it could be B-2). As you reach Albany, take the exit for I-787 South. From southbound I-787, take the Colonie Street exit, go straight at the first traffic light and continue over the Water Street overpass. Your first right is Orange St. and your second right is Columbia St. The building sits between these two streets. You will find pay-garage parking by turning onto Columbia St and a garage entrance will be on your left (South side of DEC building).

Once in the building, you may need to contact our office for an escort from the security desk. If so, dial 402-9623. If you need further directions at this time or on the day of the meeting, you can call 518-402-9697 or the above number.

>>> Stephen Absolom <absoloms@seneca-hp.army.mil> 01/15/02 09:12AM >>>
Attached is the proposed agenda for the meeting Thursday in Albany with the NYSDEC. The meeting will start at 1100 hours and we will work through lunch.

Directions and meeting room location will be forwarded separately

SM Absolom
SEDA CR.



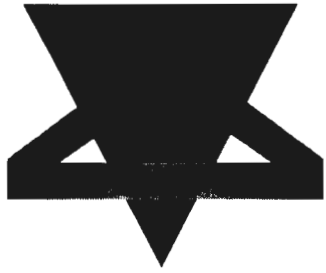
Seneca Army Depot Activity IRMs and Cleanup Goals

January 17, 2002



Agenda

- ✓ Participant Introductions and Roles
- ✓ Seneca “Big Picture”
- ✓ Results of ROD Reviews
- ✓ IRM Requirements
- ✓ NYSDEC’s Cleanup Goal Approach
- ✓ Army’s Limitations and Issues
- ✓ SEAD 59/71 Background Information
- ✓ Review of SEAD 59/71 Status
- ✓ Army’s Assumptions for Revised Approach
- ✓ SEAD 59/71 Revised Remediation Approach
- ✓ Applicable IRM Projects at SEDA
- ✓ Wrap-Up and Discussion

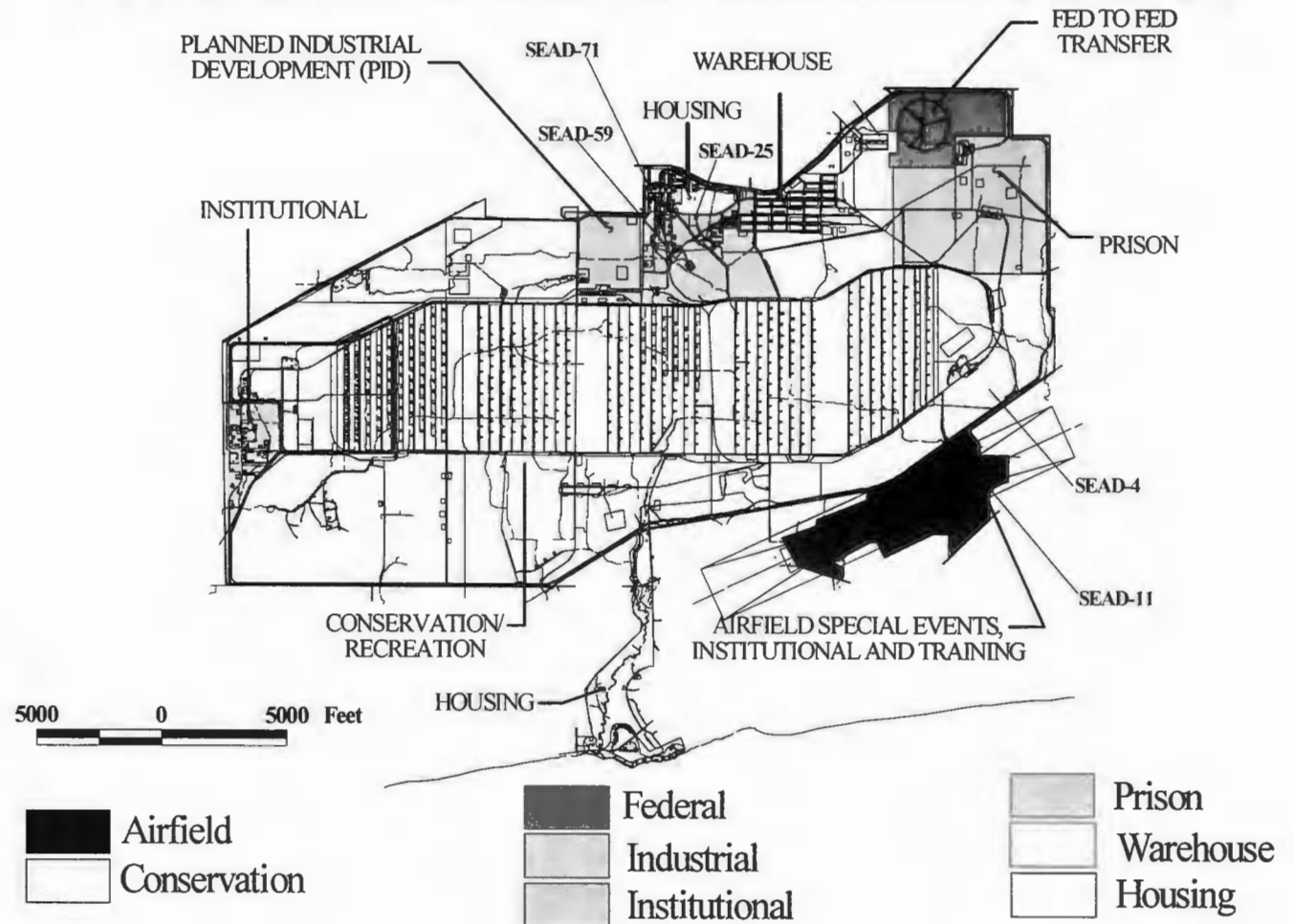


Seneca “Big Picture”

- ▼ 10,000 Acres
- ▼ Numerous CERCLA sites (600 acres)
- ▼ Little shallow GW yield
- ▼ GW users may exist-depends on location
- ▼ Impacts primarily from PAHs and metals
- ▼ \$75M to \$150M remediation price tag



FUTURE LAND USE- SENECA ARMY DEPOT





Results of ROD Reviews

- ✓ Reviewed over 90 NYSDEC and EPA Region II NYS RODs
- ✓ Post-FS ROD PAH cleanup goals
 - - Owego MGP site (500 ppm total and 12 ppm carcinogenic)
 - ✓ - Harbor Point Dredge Spoils Area (1,000 ppm total)
 - ✓ - Mohasco Mill Complex (BaP up to 23 ppm, BkF up to 27 ppm, BbF up to 30 ppm, chrysene up to 28 ppm, BaA up to 28 ppm with cover and deed restrictions)
- ✓ Land use and groundwater controls where cleanup goals not achieved



Interim Remedial Measure Requirements

- ✓ IRM can constitute complete remediation if achieves “pre-disposal conditions”
- ✓ No definition is given
- ✓ Original state definition is listed
- ✓ Complete CERCLA process after IRM



Army's Understanding of NYSDEC's CUG Approach

- ✓ CUGs based on unrestricted use prior to FS
- ✓ Conduct IRMs with TAGMs as goal
- ✓ Incorporate future use considerations during FS
- ✓ CUGs generally revised based on future use of site
- ✓ IRM can constitute complete remediation if site is restored to pre-disposal conditions to extent feasible



Army's Limitations and Issues

- ✓ BRAC funding currently ends in 2005
- ✓ Increased presence of reusers-incidentals contact
- ✓ Army needs consistent position



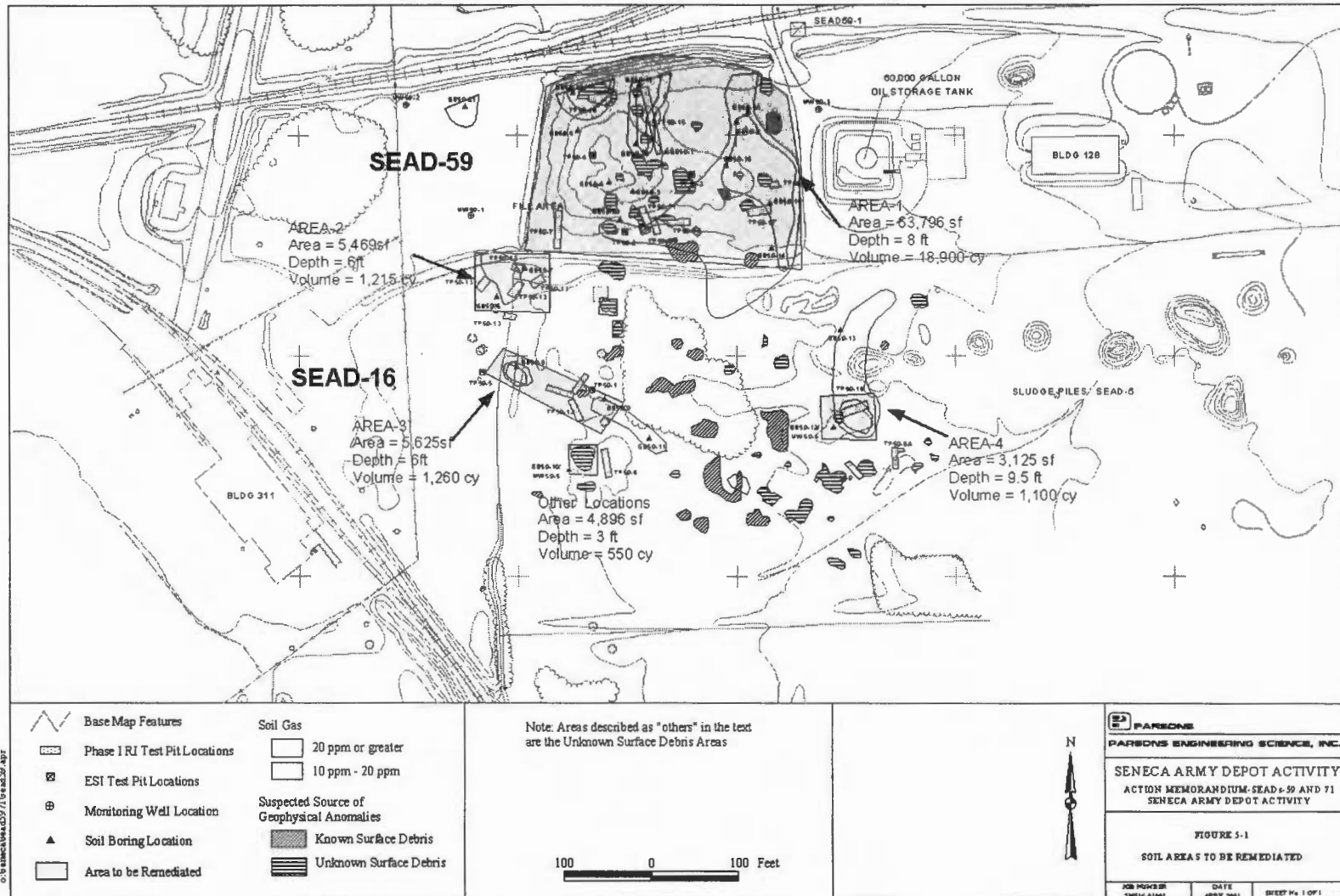
SEAD 59/71

Background Information

- ✓ Soils impacted mainly by PAHs and lead
- ✓ GW – down gradient wells not sampled
- ✓ DD & AM recommending time critical removal action
- ✓ Removal plan includes excavation, separation/segregation, disposal & backfilling
- ✓ TAGM 4046 soil cleanup objectives are goals for removal action

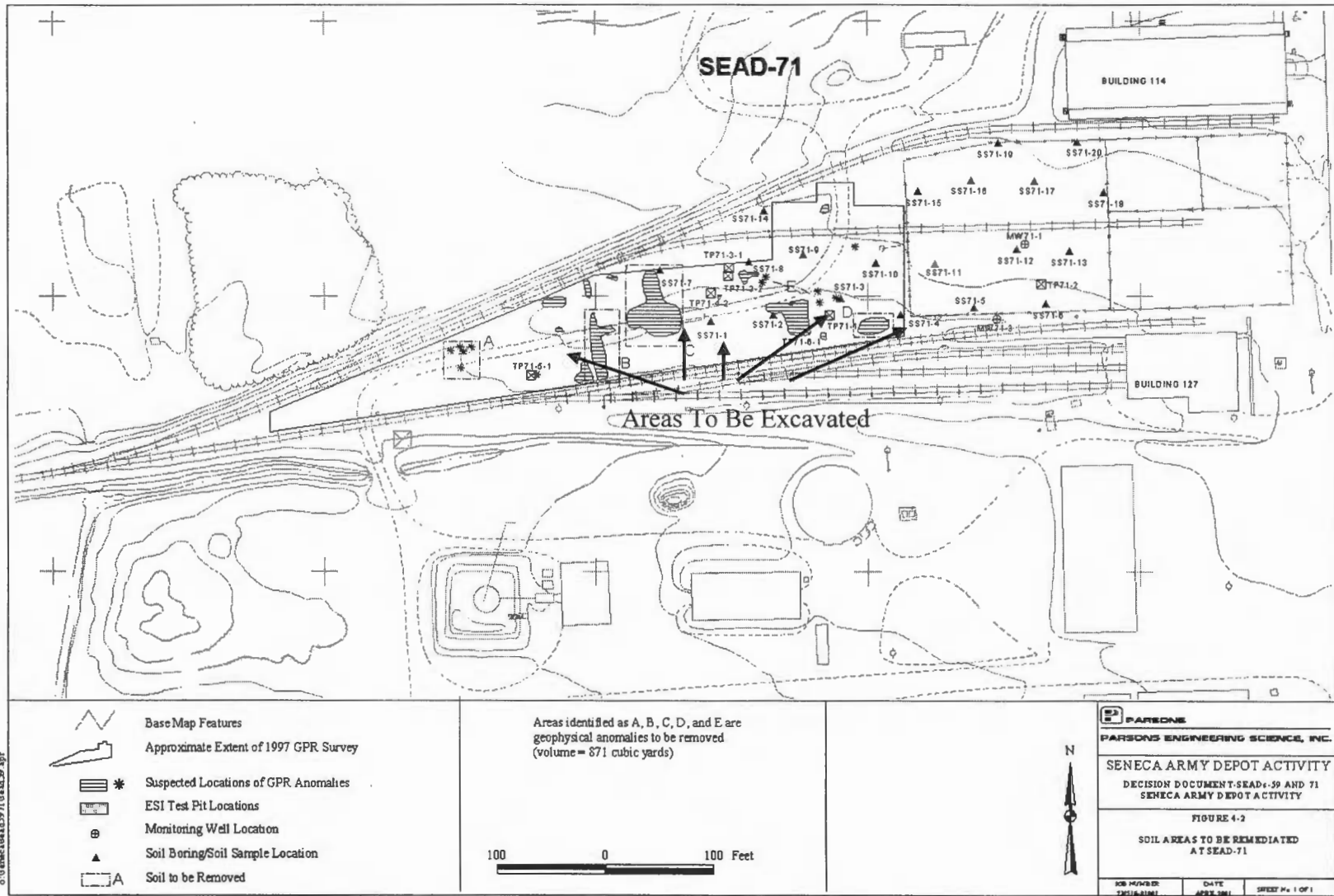
SEAD-59

Proposed Removal Actions



SEAD-71

Proposed Removal Actions





SEAD 59/71

Current Status

- ✓ Several rounds of comments/responses
- ✓ Disagree with timing of establishing CUGs
- ✓ IRM allowed for source removals



SEAD 59/71

Assumptions for Revised Approach

- ✓ CUGs will be TAGMs
- ✓ NYSDEC will not pre-approve CUGs
- ✓ Will consider revised CUGs in FS
- ✓ Land use controls, if required



SEAD 59/71

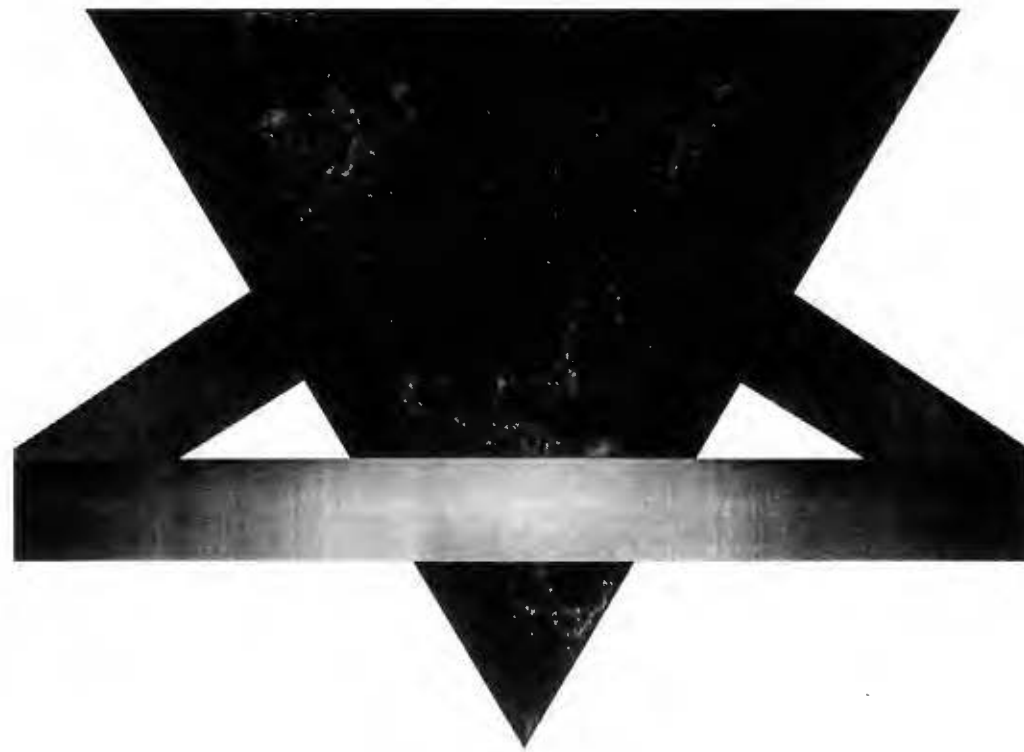
Revised Remediation Approach

- ✓ Submit AM/DD with TAGMs as goal
- ✓ Excavate debris and visually impacted soils
- ✓ Backfill w/ appropriate soils
- ✓ Collect GW data
- ✓ FS-PRAP-ROD- additional remediation?
- ✓ Land use controls, as necessary



Other IRM Projects

- ▼ SEAD 24, 50/54, 67
- ▼ SEAD 38, 39, 40
- ▼ SEAD 25
- ▼ Others?



Wrap-Up and Discussion