



Ms. Alicia Barraza
New York State Department of Environmental Conservation
Division of Solid & Hazardous Materials
Bureau of Solid Waste and Corrective Action
625 Broadway
Albany, New York 12233-7258

Subject:
Bayer MaterialScience LLC
125 New South Road
Hicksville, New York
USEPA ID#: NYD002920312
Monthly Progress Report – July 2009

Dear Ms. Barraza:

On behalf of Bayer MaterialScience LLC (Bayer), enclosed is the July 2009 monthly progress report for the above-referenced site. The report was prepared in accordance with reporting requirements outlined in Paragraph IV of the December 2002 Order on Consent (File #R1-20011022-212) between Bayer and the New York State Department of Environmental Conservation (NYSDEC).

If you have any questions regarding the attached report, feel free to contact Ramon Simon of Bayer at 281.383.6149 or the undersigned.

Sincerely,

ARCADIS

John C. Brussel, PE
Principal Engineer

Copies:
Ms. Katy Murphy, New York State Department of Environmental Conservation
Ms. Renata Ockerby, New State Department of Health
Mr. Wayne Baldwin, Bayer MaterialScience LLC
Mr. Ramon Simon, Bayer MaterialScience LLC
Mr. Glenn Sabadosa, Bayer MaterialScience LLC

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ENVIRONMENT

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August 5, 2009

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Our ref:
B0032305.0001 #10

Imagine the result

MONTHLY PROGRESS REPORT – JULY 2009

RCRA CORRECTIVE ACTION PROGRAM BAYER MATERIALSCIENCE LLC 125 NEW SOUTH ROAD HICKSVILLE, NEW YORK

ACTION THIS MONTH

- Bayer's remedial contractor (The Environmental Quality Company – EQ) continued to implement interim corrective measure (ICM) activities at the site in accordance with the New York State Department of Environmental Conservation- (NYSDEC-) approved *Interim Corrective Measure Additional PCB Soil Removal Work Plan* (ARCADIS, November 2008) and related correspondence. Key work activities performed in July included the following:
 - Driving steel sheetpile for sidewall support from the remaining deep excavation (Excavation Area 3).
 - Completing the removal of impacted soils from the Excavation Area 3 and the remaining excavation areas.
 - Continuing to load and transport impacted soils to EQ's Wayne Disposal facility (Toxic Substances Control Act/hazardous waste landfill) in Belleville, Michigan. A total of 46 rail-car loads and 40 tractor trailer dump truck-loads were transported for offsite disposal.
 - Breaking up concrete foundations encountered within the removal areas for offsite disposal with the impacted soils.
 - Removing sheetpile and continuing to backfill excavated areas.
- ARCADIS continued to provide onsite observation services during implementation of the ICM, including air monitoring in accordance with the New York State Department of Health (NYSDOH) Community Air Monitoring Plan (CAMP) and collection of verification soil samples.
- Weekly construction progress reports for the ICM were submitted to the NYSDEC and Town of Oyster Bay.
- A portable document format (PDF) copy of the *RCRA Facility Investigation Report* (BBL, June 2004) was e-mailed to the NYSDEC on July 1, 2009 for forwarding to the United States Environmental Protection Agency (USEPA).
- A conference call was held with NYSDEC, Bayer, and ARCADIS on July 2, 2009 to discuss the ongoing ICM activities, potential alternative soil cleanup levels for PCBs, approval requests for backfilling selected ICM excavation areas, and an overview of requirements from the 2002 Consent Order between Bayer and the NYSDEC that may be applicable to the RCRA Corrective Action work.
- In response to discussions between Bayer and the NYSDEC, additional soil was removed from within the limits of the ICM soil excavations to achieve a PCB soil cleanup objective of 25 parts per million (ppm).
- ARCADIS began to revise the Corrective Measures Study (CMS) Report to address comments provided by Bayer and to include new remedial alternatives in response to discussions and e-mail correspondence between the NYSDEC and USEPA concerning PCB cleanup levels.

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- Surveying was performed on July 30, 2009 to field-identify and mark the Phase IV soil vapor sampling locations.

DELIVERABLES THIS MONTH

- A work plan for the Phase IV soil vapor investigation was submitted to the NYSDEC and NYSDOH on July 2, 2009. ARCADIS prepared e-mail correspondence dated July 10, 2009 that responds to NYSDEC comments on the work plan. The NYSDEC approved the work plan on July 15, 2009.
- ARCADIS submitted e-mail correspondence to the NYSDEC that presented modifications to the ICM Work Plan as follows:
 - July 6, 2009 – Requested to use certain soils from around the ICM excavations in the Plant 1 footprint (i.e., the proposed “soil scrape area”) as subsurface fill in the rainwater runoff sumps along the eastern property boundary. ARCADIS also responded via e-mail to subsequent comments and questions from the NYSDEC. Approval to use the soils from the “scrape area” to backfill the sumps was provided by the NYSDEC on July 16, 2009.
 - July 23, 2009 – Presented details of additional work to be performed in response to field conditions encountered during the ICM, including: (1) removing the exposed portion of a suspected former leachate collection pit uncovered during soil removal activities in Excavation Area 1; and (2) removing stained soils encountered in the bottom of Excavation Area 5 and performing additional verification soil sampling. NYSDEC approval of the activities was provided on July 24, 2009.
 - July 29, 2009 – Requested to use soil from the “scrape area” as subsurface fill within the ICM excavations. NYSDEC approval of the request was provided on July 29th.
 - July 30, 2009 – Presented potential plans to remove and dispose of soils at the southwest end of the Plant 1 footprint (i.e., fill that formerly supporting the building) that are at a higher elevation than the surrounding grades. The NYSDEC identified waste characterization requirements in e-mail correspondence dated August 3, 2009.

ACTION NEXT MONTH

- The ICM activities are scheduled to be completed by mid-August. Remaining stockpiled impacted soils will be transported for offsite disposal, and backfilling of excavated areas will be substantially completed. Additional backfilling will be performed as part of the final corrective measures.
- The CMS Report will be completed for review by Bayer.
- Preparation of the ICM Certification Report will begin.

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SCHEDULE CHANGES

- The schedule for implementing the ICM activities has been extended by approximately 5 weeks based on field conditions, additional work performed, and delays in offsite rail transportation of wastes.
- The scheduled start date for the Phase IV soil vapor investigation field activities changed to August 17, 2009.