



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 – January 2011

Dear Ms. Barraza:

On behalf of Bayer MaterialScience LLC (Bayer), enclosed is the January 2011 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  
(via e-mail)  
Ms. Sally Dewes, New York State Department of Environmental Conservation  
(via e-mail)  
Ms. Renata Ockerby, New State Department of Health (via e-mail)  
Mr. Wayne Baldwin, Bayer MaterialScience LLC (via e-mail)  
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ENVIRONMENT

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February 2, 2011

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Our ref:  
B0032305.0004 #5

Imagine the result

## MONTHLY PROGRESS REPORT – JANUARY 2011

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

#### **ACTION THIS MONTH**

- A conference call with the New York State Department of Environmental Conservation (NYSDEC), New York State Department of Health (NYSDOH), Cashin Spinelli & Ferretti LLC (CSF) (representing the Town of Oyster Bay), Bayer, and ARCADIS was held on January 12, 2011 to discuss and agree upon a final remedy for the Site.
- Bayer and Simone Development's (Simone) legal counsels met to discuss access to the Simone building east of the Site for vapor intrusion (VI) investigation activities. Before considering access to the building, Simone requested a letter indicating that the NYSDEC and NYSDOH are requesting the VI investigation activities (i.e., more than just soil gas sampling on their property as identified in the NYSDEC's February 23, 2010 letter).
- A conference call with the NYSDEC and NYSDOH, Bayer, and ARCADIS was held on January 25, 2011 to discuss NYSDEC and NYSDOH comments from January 19, 2011 e-mail correspondence on the "draft" VI Investigation Work Plan. The NYSDEC and NYSDOH indicated they will provide additional comments to Bayer regarding whether to make the VI Investigation Work Plan "generic" and provide separate figures and details for a complete plan for investigation at Simone property and potentially other commercial properties south of the Site.
- ARCADIS prepared a letter responding to NYSDEC, NYSDOH, and USEPA comments on the Corrective Measures Study Report (the "CMS Report") for internal review before sending to Bayer.
- ARCADIS started revising the CMS Report based on NYSDEC, NYSDOH, and USEPA comments.

#### **DELIVERABLES THIS MONTH**

- The "draft" VI Investigation Work Plan was sent in January 14, 2011 e-mail correspondence from ARCADIS to the NYSDEC and NYSDOH.
- A revised table presenting proposed lower reporting limits for certain volatile organic compounds (VOCs) more in line with the NYSDOH decision matrices for indoor air sampling was provided by ARCADIS in January 24, 2011 e-mail correspondence to NYSDEC and NYSDOH in response to comments on the "draft" VI Investigation Work Plan.

#### **ACTION NEXT MONTH**

- ARCADIS will complete the above mentioned letter responding to comments on the CMS Report and submit to the NYSDEC.
- ARCADIS will revise and finalize the CMS Report for NYSDEC review and approval.

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- After receiving additional comments from the NYSDEC and NYSDOH, ARCADIS will revise the above-mentioned VI Investigation Work Plan and Bayer will pursue access to the additional properties south of the Site (if needed).
- After the NYSDEC and NYSDOH provide written correspondence to Bayer requesting VI investigation activities inside the Simone building, Bayer will continue to pursue access.

#### **SCHEDULE CHANGES**

- There were no significant schedule changes in January 2011.