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Mr. Steven Scharf
New York State Department of Environmental Conservation
Division of Environmental Remediation
Remedial Bureau B
625 Broadway, 12th Floor
Albany, New York 12233-7016

ENVIRONMENT

Subject:
Bayer MaterialScience LLC
125 New South Road
Hicksville, New York
USEPA ID#: NYD002920312
Monthly Progress Report – December 2011

Date:
January 9, 2012

Dear Mr. Scharf:

Contact:
John C. Brussel, PE

On behalf of Bayer MaterialScience LLC (Bayer), enclosed is the December 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).

Phone:
315.671.9441

Email:
John.Brussel@arcadis-us.com

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

Our ref:
B0032305.0005 #10

Sincerely,

ARCADIS

John C. Brussel, PE
Principal Engineer

Copies:
Ms. Alicia Barraza, New York State Department of Environmental Conservation (via e-mail)
Ms. Katy Murphy, 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)
Mr. Ramon Simon, Bayer MaterialScience LLC (via e-mail)
Mr. Glenn Sabadosa, Bayer MaterialScience LLC (via e-mail)

Imagine the result

MONTHLY PROGRESS REPORT – DECEMBER 2011

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

ACTION THIS MONTH

- The New York State Department of Environmental Conservation (NYSDEC) provided a draft Order on Consent to Bayer in November 28, 2011 e-mail correspondence. The Order on Consent was discussed during the November 29, 2011 project update/strategy meeting held in Melville, New York and attended by the NYSDEC, New York State Department of Health (NYSDOH), Cashin Spinelli & Ferretti LLC (on behalf of the Town of Oyster Bay), Bayer, New South Road Realty (NSRR), Impact Environmental, and ARCADIS. In December 2, 2011 e-mail correspondence, the NYSDEC offered to split the onsite and offsite project components into two separate operable units (OUs), issue one Consent Order, and provide a means to allow the property to be sold after onsite work is completed (independent of offsite work status) prior to termination of the Order. Bayer and the NYSDEC continue to negotiate the Orders.
- ARCADIS prepared “draft” meeting minutes for the November 29, 2011 meeting. Bayer and ARCADIS revised the minutes based on Agency comments.
- ARCADIS evaluated the feasibility and costs of using an Approach 2 cleanup and associated 15-foot excavation cut-off depth as outlined in NYSDEC CP-51/Soil Cleanup Guidance as an alternate to the Approach 4 cleanup (with 10-foot excavation cut-off depth) currently proposed in the “draft” Corrective Measures Study (CMS) Report. The 15-foot cutoff depth was suggested by the NYSDEC in comments on the revised “draft” CMS Report and the November 29, 2011 meeting minutes. The evaluation was provided to Bayer on December 13, 2011 for review.
- ARCADIS revised the project contact (mailing) list to include additional contacts identified by Bayer. ARCADIS submitted the revised list to Bayer in December 14, 2011 for approval to issue to the NYSDEC.
- ARCADIS scheduled an aerial fly-over of the Site as the initial step in the development of a topographic map to document topography prior to construction of the final remedial measure. The fly-over was completed by Axis GeoSpatial, LLC on December 17, 2011.
- Alicia Barraza of the NYSDEC sent a December 27, 2011 e-mail to Bayer indicating that she will no longer be the NYSDEC’s project manager for the Site and that Steven Scharf of the NYSDEC will be assuming the role.
- ARCADIS continued to revise the “draft” CMS Report based on comments provided by the NYSDEC on November 17, 2011.
- ARCADIS continued to revise the “draft” Proposed Remedial Action Plan (PRAP) based on comments provided by the NYSDEC on November 18, 2011.

MONTHLY PROGRESS REPORT – DECEMBER 2011

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

DELIVERABLES THIS MONTH

- The revised meeting minutes for the November 29, 2011 meeting were sent to the meeting attendees in December 14, 2011 e-mail correspondence from Bayer.

ACTION NEXT MONTH

- Revise the “draft” CMS Report and PRAP Exhibits to address NYSDEC comments and submit the final documents to the NYSDEC and NYSDOH.
- Complete the project contact list and updated project schedule and send them to the NYSDEC.

SCHEDULE CHANGES

- There were no significant schedule changes in December 2011 except for the additional time for ARCADIS and Bayer to evaluate use of an Approach 2 cleanup vs. the Approach 4 cleanup for the proposed final remedial measure.