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Mr. Steven M. Scharf, P.E.  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
Remedial Bureau A  
625 Broadway, 12<sup>th</sup> Floor  
Albany, New York 12233-7016

ENVIRONMENT

Subject:  
Bayer MaterialScience LLC  
125 New South Road  
Hicksville, New York  
NYSDEC Site #130004  
Monthly Progress Report – May/June 2013

Date:  
July 22, 2013

Dear Mr. Scharf:

Contact:  
John C. Brussel, PE

On behalf of Bayer MaterialScience LLC (Bayer), enclosed is the May/June 2013 monthly progress report for the above-referenced site.

Phone:  
315.671.9441

If you have any questions regarding the attached report, feel free to contact David Schnelzer of Bayer at 412.777.7603 or the undersigned.

Email:  
[John.Brussel@arcadis-us.com](mailto:John.Brussel@arcadis-us.com)

Sincerely,

Our ref:  
B0032305.0008 #10

ARCADIS of New York, Inc.

John C. Brussel, PE  
Principal Engineer

Copies:  
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. Ramon Simon, Bayer MaterialScience LLC (via e-mail)  
Mr. David Schnelzer, Bayer MaterialScience LLC (via e-mail)

Imagine the result

## MONTHLY PROGRESS REPORT – MAY/JUNE 2013

### OPERABLE UNIT 04 REMEDIAL ACTION BAYER MATERIALSCIENCE LLC 125 NEW SOUTH ROAD HICKSVILLE, NEW YORK

#### ACTION THIS PERIOD

- Bayer's remedial contractor, The Environmental Quality Company (EQ), continued to implement the Operable Unit OU4 remedial activities in accordance with the New York State Department of Environmental Conservation- (NYSDEC-) approved *Remedial Design* (ARCADIS, February 2013) ("the RD") and related correspondence. Key work activities performed by EQ in May and June included the following:
  - Completing the excavation and staging of soil from the "A" and "B" Group Excavation Areas and performing verification soil sampling and analysis.
  - Continuing to load and transport soil removed from the "A" and "B" Group Excavation Areas that were classified as non-hazardous waste (based on characterization soil sampling) for disposal at the Town of Brookhaven Landfill.
  - Loading and transporting soil from "B" Group Excavation Areas that was classified as Toxic Substances Control Act- (TSCA-) regulated polychlorinated biphenyl (PCB) waste and New York State hazardous waste (based on PCB concentrations greater than 50 parts per million [ppm] in selected excavation end-point/sidewall samples, even though waste characterization results were below 10 ppm) for disposal at EQ's Wayne Disposal Inc., facility in Belleville, Michigan.
  - Removing/demolishing concrete from within excavation area limits and sizing it for future offsite transportation and disposal. The concrete was stockpiled and sampled for waste characterization purposes.
  - Placing and compacting backfill material in "A" Group Excavation Areas to prepare for a temporary demobilization before the proposed second phase of remedial activities.
  - Continuing pre-excavation, post-excavation, and verification soil sampling location survey activities.
  - Performing pre-excavation, in-situ waste characterization sampling for selected "A" Group Excavation areas.
  - Maintaining erosion and sedimentation control measures.
  - Implementing dust control measures, as needed.
  - Performing air monitoring in accordance with the site-specific Community Air Monitoring Plan (CAMP) included as Appendix D to the RD.

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- PCBs were identified at various verification soil sampling locations at concentrations exceeding the project soil cleanup levels. ARCADIS discussed the verification sampling results with the NYSDEC and project team during the weekly construction progress meetings and developed a work plan in early May 2013 for further delineating the extent of soil at the site containing PCBs, polycyclic aromatic hydrocarbons (PAHs), and arsenic at concentrations exceeding soil cleanup levels.
- ARCADIS provided onsite construction observation services during the above-identified work activities and prepared weekly construction progress reports summarizing the work performed. The reports were submitted to the NYSDEC, New York State Department of Health (NYSDOH), Cashin, Spinelli & Ferretti, LLC (CSF) (representing the Town of Oyster Bay), Bayer, EQ, and Impact Environmental (representing New South Road Realty).
- ARCADIS held weekly construction coordination meetings during May and June. The meetings were attended (by phone or in-person) by the NYSDEC, NYSDOH, CSF, Bayer, ARCADIS, and EQ. The meeting on June 5<sup>th</sup> and 26<sup>th</sup> was also attended by Impact Environmental. The meetings were held to discuss completed and upcoming project activities, schedule, changes, and other items. ARCADIS prepared and distributed meeting minutes to the project team following the meetings.
- The NYSDEC, Bayer, and ARCADIS held a May 1, 2013 conference call to discuss handling of the proposed re-use soil (from the "B" Group Excavation Areas) where PCB analytical results for confirmation soil samples from the excavation limits exceeded the 10 ppm subsurface soil cleanup level.
- ARCADIS implemented delineation soil sampling activities as outlined in a NYSDEC-approved work plan. The field activities were implemented during a three-week period starting on May 13<sup>th</sup>. ARCADIS also reviewed laboratory analytical results following receipt, and released certain archived soil samples for analysis. ARCADIS discussed the delineation soil sampling results with the NYSDEC during the weekly construction progress meetings.
- The NYSDEC visited the site on May 15<sup>th</sup>, May 30<sup>th</sup>, and June 4<sup>th</sup>.
- The NYSDEC, Bayer, ARCADIS, and EQ held a June 6, 2013 telephone conference call with EQ and the NYSDEC to discuss EQ's transition plan for their project manager role.

### **DELIVERABLES THIS PERIOD**

- Weekly construction progress reports, weekly meeting minutes, and air monitoring summary reports, as identified in the section above.
- May 3, 2013 e-mail correspondence from ARCADIS to the NYSDEC that presents a plan for further in-situ waste characterization sampling (Areas 25A, 27A, and 28A). NYSDEC approval of proposed plans for in-situ waste characterization sampling was provided in e-mail correspondence dated May

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### OPERABLE UNIT 04 REMEDIAL ACTION BAYER MATERIALSCIENCE LLC 125 NEW SOUTH ROAD HICKSVILLE, NEW YORK

8, 2013. ARCADIS sent follow-up e-mail correspondence on May 8<sup>th</sup> related to potential additional in-situ waste characterization sampling.

- A May 3, 2013 letter from ARCADIS to the NYSDEC that summarizes the laboratory analytical results for samples collected to characterize soil removed from the “B” Group Excavation areas and the proposed handling of the soil (reuse as subsurface fill vs. offsite disposal).
- May 6, and 10, 2013 e-mail correspondence from ARCADIS notifying the Town of Oyster Bay of upcoming shipment of soil from the site to be conservatively managed as a hazardous waste, and following up with EQ regarding the use of flagmen at the site entrance in response to the Town’s May 7<sup>th</sup> request.
- A May 9, 2013 letter from ARCADIS to the NYSDEC that presents a work plan for additional soil sampling to further delineate the extent of PCBs and other constituents in soil outside the excavation areas proposed in the RD.
- May 12, 2013 e-mail correspondence from ARCADIS to the NYSDEC that recaps discussions with the NYSDEC related to imported fill material characterization and provides plans for additional soil sampling to characterize the select fill as it is delivered to the site from New York Sand & Stone (NYSS) (to supplement sampling performed at the NYSS Brooklyn, NY facility).
- A May 23, 2013 letter from ARCADIS to the NYSDEC that presents a proposed modification to the NYSDEC-approved RD in response to discussions between the NYSDEC and Bayer/ARCADIS while onsite on May 15, 2013. The modification describes: (1) new (additional) criteria for assessing potential re-use of soil from the “B” Group excavation areas; and (2) proposed plans for additional step-out sampling around verification soil sampling locations where PCBs were identified at concentrations greater than 50 parts per million.
- June 4, 2013 e-mail correspondence from ARCADIS to the NYSDEC that presents a clarification to the RD related to using a sidewall sloping approach to facilitate deep soil removal at Excavation Area 20A, which is located along the property boundary shared with Simone Development. The e-mail also included a detailed cross-section map in support of the clarification. The clarification was approved by the NYSDEC on June 5, 2013.
- June 10, 2013 e-mail correspondence to the NYSDEC that identifies EQ’s proposed alternate source of imported run-of-back fill material, summarizes characterization sampling results, and requests NYSDEC approval to use the material. ARCADIS also prepared e-mail correspondence to the NYSDEC dated June 13, 2013 responding to the conditions in the NYSDEC’s verbal approval of the alternate backfill source. NYSDEC approval of the fill and sampling approach is documented in NYSDEC’s June 14, 2013 e-mail correspondence.

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#### **ACTION NEXT MONTH**

- Submit a work plan to the NYSDEC for Phase 2 delineation soil sampling to further evaluate the extent of soil at the site containing PCBs, PAHs, and arsenic at concentrations exceeding soil cleanup levels and potential remedial limits for the Phase 2 OU4 remedial action.
- Implement the field activities outlined in the above-referenced delineation sampling work plan, following plan approval by the NYSDEC. The field activities are anticipated to take approximately two weeks to complete.
- Continue to load impacted soil (non-hazardous waste) for offsite transportation and disposal at the Town of Brookhaven Landfill, pending authorization to proceed by the NYSDEC Division of Materials Management.
- Complete excavation backfilling in preparation for the close of the Phase 1 remedial activities. This includes backfilling excavations in interior parts of the site to at least 4 feet from grade and backfilling excavations along the property boundary to grade.
- Continue to implement the CAMP air monitoring and required reporting during the remaining Phase 1 remedial action work activities.

#### **SCHEDULE CHANGES**

Phase 1 of the OU4 remedial activities is behind schedule due to: (1) delays in contractor survey data needed prior to backfilling several excavations; (2) timing for the contractor to select an alternate backfill source (supplying virgin material) in lieu of performing additional characterization sampling as requested by the NYSDEC for the initial fill source previously approved by the NYSDEC; and (3) the NYSDEC Division of Materials Management placing a hold on transporting non-hazardous waste soil to the Town of Brookhaven landfill. The Phase 1 work is anticipated to be completed in late July or early August.

The start of the Phase 2 delineation soil sampling activities depends on timing for NYSDEC review/ approval of the delineation soil sampling work plan and driller/surveyor availability. The fieldwork is anticipated to begin by mid-August and take approximately two weeks to complete. Laboratory analytical results, including results for archived samples, are anticipated to be available in September. An RD Addendum that provides the scope and details of the proposed Phase 2 OU4 remedial activities is scheduled to be prepared in September. Implementation of the Phase 2 OU4 remedial activities will begin following NYSDEC approval of the RD Addendum and contractor procurement by Bayer.