CCU CORRESPONDENCE #: 201102312
GOVERNOR'S NUMBER:

Correspondent:
Mr. DALE A DESNOYERS
NYS DEC - ENVIRONMENTAL REMEDIATION
625 BROADWAY
ALBANY, NY 12233

County: Albany

ADDRESSED TO: Commissioner
CORRESPONDENCE DATE:

SUBJECT:
TRANSFER AGREEMENT FOR THE CLAREMONT POLYCHEMICAL CORPORATION SITE (SITE NO. 130015) OU4 - OPERATIONS & MAINTENANCE OF GROUNDWATER REMEDY

ROUTE DATE	ACTION	ROUTE TO	DUE DATE
06/08/2011	For Signature	COMMISSIONER MARTENS	

Notes:

CC:

New York State
Department Of Environmental Conservation

Signed!

Division of Environmental Remediation

To: Dale Desnoyers, Division Director

NAME	TITLE	INITIAL	DATE
B. Rung	Project Manager	BWR	05/24/11
D. Radtke	Section Chief, RSB, RBE	DMR	5/24/11
M. Cruden	Remedial Bureau Director		5/24/11
B. Conlon 4001203	DEC Attorney		5/24/11
R. Schick	Assistant Division Director	RS	5/26/11
D. Desnoyers	Division Director		5/27/11
E. Leff ~~Y~~ Z282	Deputy Commissioner		5/31/11
S. Russo	" "		6/7/11

A. Crocker 2nd Site Transfer Agreement
Site # 130015 Claremont Polychemical Corporation Ou4

New York State Department of Environmental Conservation
Division of Environmental Remediation
Office of the Director, 12th Floor
625 Broadway, Albany, New York 12233-7011
Phone: (518) 402-9706 • **Fax:** (518) 402-9020
Website: www.dec.ny.gov

Joe Martens
Commissioner

MEMORANDUM

TO: Joe Martens, Commissioner

FROM: Dale A. Desnoyers, Director, Division of Environmental Remediation
THRU: Eugene Leff, Deputy Commissioner

SUBJECT: Transfer Agreement for the Claremont Polychemical Corporation Site (Site No. 130015) OU4 – Operations & Maintenance of Groundwater Remedy

DATE: 5/27/11

Attached for your review and signature is a Transfer Agreement for Operable Unit 4 (OU4) at the Claremont Polychemical Corporation Site (DEC Site No. 152082) a National Priorities List (NPL) Site (No. NYD002044584) located in the Town of Oyster Bay, Nassau County. The purpose of this Transfer Agreement is to effect the orderly transfer of Site Management (Operation, Maintenance and Monitoring) responsibilities from the United States Environmental Protection Agency (EPA) to the New York State Department of Environmental Conservation (NYSDEC).

The Agreement is to assure all future maintenance of a remedial action is provided by the State for the life of such action, and describes the tasks required of EPA and the State to transfer the Site in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Oil and Hazardous Substance Pollution Contingency Plan (NCP) respectively. CERCLA requires a State to assure all further maintenance of a remedial action provided for the expected life of such action. CERCLA further defines when EPA's Fund-lead remedial action ends and the State-lead operation and maintenance (O&M) begins for ground or surface water restoration measures. The NCP states, "For Fund-financed remedial actions involving treatment or other measures to restore groundwater or surface water quality to a level that assures protection of human health or the environment, the operation of such treatment or other measures for a period of up to ten years after the remedy becomes operational and functional will be considered part of the remedial action." The NCP further states, "Activities required to maintain the effectiveness of such treatment or measures following the ten-year period, or after the remedial action is complete, whichever is earlier, shall be considered O&M." The State is responsible for O&M. The transfer date for OU4 of the Claremont Polychemical Corporation Site is May 31, 2011.

This Agreement is the result of a cooperative effort between NYSDEC and EPA to describe the process of transferring Site Management responsibilities for this Operable Unit from EPA to NYSDEC. The Site Management responsibilities at the Claremont Polychemical Corp. entail the operation and maintenance of the Winding Road groundwater treatment plant, the three (3) extraction wells, four (4) injection wells, two (2) injection galleries and a monitoring well network which is sampled quarterly. Funding for this work is available under the $120M annual appropriation for the State Superfund Program.

This Agreement also defines the responsibilities of EPA and NYSDEC after this transfer occurs. Additional information is provided in the attached Site Briefing Report.

It is the recommendation of the Division of Environmental Remediation that the Transfer Agreement for OU4 of the Claremont Polychemical Site be finalized by your signature.

Attachments

ec: R. Schick
M. Cruden
D. Radtke
B. Rung

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Description Report

Site Code	130015	**Site Name**	Claremont Poly Chemical Corp.		
Classification	02	**Address**	505 Winding Road		
Region	1	**City**	Old Bethpage	**Zip**	11804
Latitude	40.7576	**Town**	Oyster Bay		
Longitude	-73.4428	**County**	Nassau	**Project Manager**	Benjamin Rung
Disposal Area	Dump, Structure			**Estimated Size**	9.5000

Site Description

Location:

The Claremont Polychemical Corp. site is located in a commercial and industrial area of the Town of Oyster Bay, County of Nassau. The groundwater treatment plant and former facility structure are located on the east side of Winding Road approximately 0.33 miles south of Bethpage Sweet Hollow Road. Adjoining the site property to the west and north are commercial properties including a trucking company and a bar-b-que products distributer. Open space, owned by SUNY Farmingdale, lies to the east of the site and the Bethpage State Park lies to the south. The Old Bethpage Solid Waste Transfer Facility is located on the west side of Winding Road approximately 0.15 miles to the west and the Nassau County Fire Training Center is located approximately 0.35 miles to the south west.

Site Features:

The primary site features include the original Claremont Polychemical Corp. facility structure (~45,000 sq. ft.) and the 5,700 sq. ft. treatment facility. The subject property is flat in the immediate vicinity of the treatment plant and increases in elevation to the north, east and south. The three extraction wells are located ~300 ft. to the south of the plant and the infiltration wells/galleries are ~800 ft. to the northeast. The area surrounding the treatment plant is fenced. High-tension power lines run along the northern property line.

Current Zoning/Use(s):

The site is currently inactive, and is zoned for commercial and industrial use. The surrounding parcels are currently used for a combination of commercial, light industrial and utility right-of-ways. The nearest residential area is 0.60 miles to the south east. The current property owner, and adjacent land owner, intends to raze the original facility structure leaving the concrete pad in place to be used for truck parking.

Historical Use(s):

The site was formerly operated by Claremont Polychemical Corp. for manufacture of pigments for plastics, inks, coated metallic flakes, and vinyl stabilizers. Organic solvents, resins and wash wastes (mineral spirits) were the principal wastes generated. Between 2,000 and 3,000 drums were removed from the site in 1979-80 after discovery by the Nassau County Department of Health. Soil was found to be contaminated to depths of at least 10 feet and groundwater contamination is evident. PCBs were detected in soil samples (120 to 1100 ppb). Toluene (82 ppb), 1,2-dichloroethylene (675 ppb), 1,1,1-trichloroethane(44 ppb), trichloroethylene (31 ppb) and tetrachloroethylene (26000 ppb) were detected in soil samples. Ten metals were found at levels exceeding Federal and/or State MCLs in groundwater near the site and downgradient. Volatile organic compounds (1,1-dichloroethane, tetrachloroethene, trans-1,2-dichloroethene, 1,1,1-trichloroethene and trichloroethene) were also detected in the groundwater above state MCLs.

A RI/FS was completed and a ROD was signed in September 1990. The ROD includes pump and treat of contaminated groundwater and the excavation and treatment of contaminated soil. Remedial Design for the Phase I pump and treat of on-site contaminated groundwater and treatment of contaminated soil was completed in January of 1995. Treatment of the soils, by low-temperature thermal desorbtion, was completed in January 1997 and construction of the Phase I pump and treat system was completed on September 30, 2000. Design for the Phase II treatment of off-site contaminated water has been deferred by the EPA. The Old Bethpage Landfill treatment system operated by the Town of Oyster Bay is remediating the off-site contaminated groundwater from this site.

The final inspection of building decontamination was performed by NYSDEC on August 22, 2000. The USEPA, the DEC and the Town have completed a cooperative agreement to fund the off-site groundwater remediation. The cooperative agreement, a Municipal Response Action Reimbursement Agreement between the NYSDEC and the Town, was executed by OSC on January 28, 2003. This completes the design/construction phase for off-site groundwater extraction and treatment. The project is currently in the site management phase. The off-site treatment facility, at the Old Bethpage Landfill, was transferred from EPA to DEC on December 31, 2006.

DEC has a contract with the Town of Oyster Bay to continue operation of the Old Bethpage Landfill groundwater treatment system.

Operable Units:

The site was divided by the EPA into six (6) operable units. An operable unit (OU) represents a portion of a remedial program for a site that for technical or administrative reasons can be addressed separately to investigate, eliminate or mitigate a release, threat of release or exposure pathway resulting from the site contamination.

The EPA's defined OUs are as follows:
OU1 – Treatment/Removal of underground storage tanks, EPA August 1991
OU2 – Over pack and/or stabilization of deteriorated containers, treatment basins and above-ground tanks, EPA 1990
OU3 – Treatment of PCE impacted soils by low-temperature enhanced volatilization (LTVE), EPA November – December 1996
OU4 – Treatment of the on-site VOC-impacted groundwater by air-stripping/carbon absorption, EPA construction May 1997, operation February 2000 to present
OU5 - Treatment of the off-site VOC-impacted groundwater by air-stripper/carbon absorption, by wells owned by the Town of Oyster Bay Old Bethpage Landfill extraction and treatment system.
OU6 – Decontamination of the metals-impacted building structure and operation of sub-slab soil vapor extraction system (discontinued due to building structural deterioration), EPA September 1995

The NYS DEC has defined the following OUs for tracking of the Claremont Polychemical Corp. site:
OU00 – Site Management under which the operation and maintenance of both EPA's OU4 and OU5, on-site and off-site groundwater treatment, will be tracked.
OU01 – Remedial Program, including anticipated reclassification and soil vapor intrusion investigation.
OU02 – Remedial Program Demolition, equivalent to EPA OU6, closed October 1999
OU03 – Remedial Program Soil Treatment, equivalent to EPA OU3, closed August 1997
OU04 – Remedial Program Removal, equivalent to EPA OU2, closed October 1990
OU05 – Tank removal, equivalent to EPA OU1, closed September 1991

Site Geology and Hydrogeology:

At the Claremont site, the Upper Glacial/Manetto Gravel is absent and the Magothy Formation is the uppermost geologic unit and aquifer of concern. Fill materials overly the Magothy Formation in a sporadic pattern across the north and east portions of the site and when present measure approximately 2 to 6 feet in thickness. Local water supply wells in the Magothy Formation are typically screened within the intermediate and lower portions of the aquifer to intercept the coarse, gravel-rich intervals. Site-specific subsurface investigations from a variety of soil borings and monitoring/injection/extraction well installations to a maximum depth of 250 feet below ground surface have identified "well-stratified fine to medium sand with silt lenses, abundant peat laminate, and discontinuous sand layers". Borings in the northern portion of the site also encountered numerous inter-bedded silt and clay horizons. A comparison of site logs with municipal supply well logs to the north suggest that the site is located within a transitional area between the predominately sandy southern portion of the Magothy Formation and an inter-bedded clayey-sand portion to the north.

As stated previously, the Magothy Formation is the uppermost water bearing unit and the sole source aquifer supplying potable drinking water to the majority of Long Island. It is an unconfined aquifer and the water table is typically encountered between 65 to 95 feet below ground surface. Previous investigations have shown that while the Magothy Aquifer has bodies of silt and clay within it, they are lenticular and discontinuous. Since vertical hydraulic barriers are not present locally, unit saturated thickness is assumed to be 650 to 700 ft. Recharge occurs through precipitation and upgradient subsurface flow. Nearly 50% of annual precipitation can add to the recharge resulting in seasonal water level fluctuations of up to five feet. Groundwater flow is generally to the south-southeast with historical gradients ranging from 0.001-0.002 ft/ft and horizontal flow velocities of 0.43 ft/day or 157 ft/yr (Ebasco, 1990). Hydraulic permeability (slug) tests performed during the RI calculated hydraulic conductivities ranging between 200 and 400 gdp/ft2, which is significantly lower than historical data from actual pump tests. The horizontal flow velocity was historically calculated by using the 400 gdp/ft2 value, doubling it to 800 gdp/ ft2 and converting the units to ft/day, multiplying it times the 0.001 ft/ft gradient, and dividing by an assumed porosity of 25 percent. The hydraulic conductivity was doubled to a more realistic value, which was based on pumping test data collected by Geraghty and Miller (1987) immediately downgradient in the Old Bethpage State Park. The value calculated by Geraghty and Miller during the 1987 study was slightly greater than 2500 gdp/ ft2, and significantly greater than site slug test data. The vertical component of flow was historically less than 0.5 ft/ft and lacked any consistency or pattern. It was thus determined to be insignificant with respect to contaminant movement. Recent groundwater data appears to support this assumption as indicated by the minimal variation in water levels recorded between February 2000 and May 2001 from five sets of clustered monitoring wells at the Claremont site. Currently, the direction of groundwater flow from the western portion of the site is to the east, south and southeast and reverses on the eastern and southeastern portions of the site.

The gradient is approximately 0.024 ft/ft as measured between monitoring wells SW-1 and SW-2 over a distance of approximately 500 ft. The semi-radial component of flow and steep gradient are indicative of the groundwater extraction system's capture zone.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAY 12 2011

Joseph Martens, Commissioner
New York State Department of
Environmental Conservation
625 Broadway
Albany, New York 12233-7014

Re: Site Transfer Agreement
Claremont Polychemical Corporation
Operable Unit 4
EPA ID No. NYD002044584

Dear Commissioner Martens:

Enclosed please find two signed copies of a Site Transfer Agreement (Agreement) between the U.S. Environmental Protection Agency (EPA) and the New York State Department of Environmental Conservation for the Claremont Polychemical Corporation Superfund Site, Operable Unit 4 (OU 4) located in Old Bethpage, New York. OU 4 includes a groundwater treatment plant located at 505 Winding Road, Old Bethpage, New York, and its associated extraction and reinjection systems. The purpose of this Agreement is to effect an orderly transfer of responsibilities from the EPA's Fund-lead remedial action to New York State's State-lead operation and maintenance of the remedy selected for the Claremont Polychemical Corporation Superfund Site, OU 4. This Agreement has been developed through the cooperative effort of the appropriate members of our respective staffs.

Two copies of the Transfer Agreement are enclosed for your signature. Each copy shall be deemed an original, and each signatory should retain one copy of the Agreement. Please forward one copy of the executed Agreement to this office for our records.

I appreciate your prompt execution of this Agreement so that the May 31, 2011, transfer date will be met and the orderly transfer of responsibilities for the remedial action at the Claremont Polychemical Corporation Superfund Site, OU 4 may progress in a timely manner.

Sincerely,

Walter E. Mugdan, Director
Emergency & Remedial Response Division

Enclosures

SITE TRANSFER AGREEMENT

Between the U.S. Environmental Protection Agency, Region II

and

the New York State Department of Environmental Conservation

on behalf of the State of New York

for

Transfer of Fund-Lead Remedial Action Responsibilities

to State-Lead Operation and Maintenance

for the Claremont Polychemical Corporation Site

Operable Unit 4

EPA ID. No. NYD002044584

I. Purpose

The purpose of this Site Transfer Agreement (Agreement) is to effect an orderly transfer of responsibilities regarding the Operable Unit 4 (OU 4) remedy for the Claremont Polychemical Corporation Superfund Site in Old Bethpage, New York (the Site) from the United States Environmental Protection Agency's Fund-lead remedial action program to New York State's State-lead operation and maintenance (O&M) program. The OU 4 groundwater treatment remedy was selected in a September 28, 1990 Record of Decision (ROD), as amended in September 2000 and April 2003 in two Explanations of Significant Difference (ESDs), hereinafter referred to collectively as the ROD. The ROD addresses contaminated soil and groundwater at the Site, which includes the property located at 505 Winding Road, Old Bethpage, New York 11804 (Claremont Property).

II. Definitions

A. "CERCLA" shall mean the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675.

B. "Claremont Polychemical Corporation Property" or "Claremont Property" shall mean approximately 9.5 acres of property located at 505 Winding Road, Old Bethpage, New York, NY 11804 upon which the Claremont Polychemical Corporation formerly operated. The Claremont Property is depicted on Figure 1 (Site Map) attached as **Appendix A**.

C. "EPA" shall mean the United States Environmental Protection Agency and any successor departments or agencies of the United States.

D. "Long-Term Response Action" or "LTRA" shall mean the ten-year period after the date that EPA determines the Site remedy as selected in the ROD is Operational and Functional.

E. "NYSDEC" shall mean the New York State Department of Environmental Conservation and any successor departments or agencies of the State.

F. "Operation and Maintenance" or "O&M" shall mean the operation, monitoring, and maintenance of the remedy selected in the ROD which is required to be performed and funded by the State following the completion of Long-Term Remedial Action. NYSDEC refers to O&M as "Site Management."

G. "Operational and Functional" or "O&F" shall mean the remedial systems have been built, operated, and adjusted for a sufficient period of time to determine that the system is functioning property and is performing as designed.

H. "Remedial Action" shall mean those activities, other than operation and maintenance, undertaken for the purpose of implementing the remedy selected in the ROD.

I. "Remedial Action Objectives" shall mean the specific goals for protecting human health and the environment set forth in the ROD.

J. "ROD" shall mean the EPA Record of Decision relating to the Claremont Polychemical Superfund Site, signed on September 28, 1990 by the Regional Administrator, EPA, Region II, or his delegate, and all attachments thereto, as modified by two Explanations of Significant Differences ("ESDs") and all attachments thereto. EPA issued the first ESD in September 2000 and the second ESD in April 2003.

K. "Site" shall mean the Claremont Polychemical Corporation Superfund Site, which includes approximately 9.5 acres of property located at 505 Winding Road, Old Bethpage, New York, NY 11804 and the areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action, including contamination emanating from the Claremont Property. Figure 1 (Site Map), is attached as **Appendix A.**

L. "State" shall mean the State of New York, including its agencies, departments, and instrumentalities.

M. "Transfer Date" shall mean May 31, 2011.

III. Background

Section 104(c)(3) of CERCLA, 42 U.S.C. § 9604(c)(3), mandates that EPA cannot fund remedial action without a state's assurance that all future maintenance of a remedial action will be provided for the expected life of such action. Section 104(c)(6) of CERCLA, 42 U.S.C § 9604(c)(6), defines when EPA's Fund-lead remedial action ends and the State-lead O&M begins for ground or surface water restoration measures.

Section 300.435(f)(3) of the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 CFR § 300.435(f)(3), states "[f]or Fund-financed remedial actions involving

treatment or other measures to restore ground water or surface water quality to a level that assures protection of human health and the environment, the operation of such treatment or other measures for a period of up to 10 years after the remedy becomes operational and functional [O&F] will be considered part of the remedial action." Section 300.435(f)(3) of the NCP further states, "[a]ctivities required to maintain the effectiveness of such treatment or measures following the ten-year period, or after the remedial action is complete, whichever is earlier, shall be considered O&M." The State is responsible for O&M. This Agreement describes the respective tasks required of EPA and the State to transfer the Site from LTRA to O&M.

This Agreement is entered into in accordance with CERCLA and the NCP. Any deviation(s) from the requirements of CERCLA and the NCP, which are either stated or implied by this agreement, shall be null and void. Subsequent operation and maintenance of the Site will be in accordance with EPA and NYSDEC Division of Environmental Remediation guidance documents.[1]

IV. Transfer Agreement

A. Applicability. This Agreement applies only to the OU 4 groundwater remedy on the Claremont Property at the Site, which also includes the downgradient monitoring network on Bethpage State Park property, and the injection wells and infiltration galleries located on SUNY Farmingdale property.

B. Site History. The Site is a Fund-financed National Priorities List ("NPL") site. On September 28, 1990, EPA issued a ROD for the Site which required, among other things, extraction, treatment, and reinjection of the groundwater until remedial action objectives, set forth in the ROD, are achieved. The ROD required the groundwater cleanup to be implemented in two sequential phases.

For the first phase, three extraction wells were installed on the property boundary to capture the on-site groundwater plume or the most contaminated groundwater. EPA designated the first phase groundwater remedy as OU 4. Construction of the OU 4 remedy began in 1997 and the system went into full-scale operation in February 2000. EPA and NYDEC determined that the treatment system was operational and functional on September 15, 2000. The second phase, which EPA designated as OU 5, was designed to address the groundwater contamination that has migrated beyond the Claremont Property boundary. In the September 2000 ESD, EPA integrated the groundwater migrating off the Claremont Property into the nearby Old Bethpage Landfill Site groundwater treatment system, which is capturing the plume. This portion of the groundwater remedy, or OU 5, is being addressed by NYSDEC through a municipal agreement with the Town of Oyster Bay. The responsibility for the remediation of this plume was transferred from EPA to NYSDEC on December 31, 2006.

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[1] See, "Transfer of Long-Term Response Action (LTRA) Projects to States," OSWER Directive 9355.0-81FS-A, July 2003, EPA 540-F-01-021; and "Operation and Maintenance in the Superfund Program", OSWER 9200.1-37FS, May 2001, EPA 540-F-01-004. See also "DER-10, *Technical Guidance for Site Investigation and Remediation*": Chapter 6 *Site Management, Periodic Review and Closeout.*

The OU 4 groundwater treatment system includes an extraction system, an above-ground treatment plant, and a reinjection system. The operation of the system has been monitored on a regular basis. Groundwater monitoring has been conducted on a quarterly basis since May 2000. Monitoring points consist of three (3) extraction wells, four (4) re-injection wells, thirty one (31) groundwater monitoring wells, and the groundwater treatment plant influent and effluent. The system has been capturing and treating the contaminated groundwater. Results of sampling performed from May 2000 to July 2010, indicate that Site-related contamination at most of the groundwater monitoring wells is decreasing.

Review of data collected from November 2004 to July 2010 regarding the distribution of volatile organic compounds (VOCs) in the groundwater indicates that high concentrations of trichloroethylene (TCE) were detected upgradient and on the east side of the plume, suggesting that contaminants are migrating onto the Claremont Property at levels in the aquifer deeper than that traditionally found at the Site. Specifically, TCE concentrations ranging from 1,100 to 1,400 micrograms per liter (µg/L) were detected in deep upgradient well EW-7C (185 feet below ground surface). This well is located just north of the northern boundary of the Claremont Property. A groundwater flow model was developed to assess the origin of this TCE source and the direction in which it is flowing. EPA's Pre-Remedial Section assessed potential sources upgradient of the Claremont Site. Exploratory wells were installed and groundwater sampling was conducted during field investigations at two suspected upgradient sources. Initial results confirmed the existence of upgradient sources of contaminants which have migrated onto the Site. The exploratory wells installed upgradient of the Claremont Property detected TCE at 940 µg/L and 1,900 µg/L in the groundwater. Soil samples collected at this location detected TCE at 140 milligrams per kilogram (mg/kg) and 520 mg/kg. EPA notified NYSDEC about these potential facilities/sources upgradient of the Site that could be contributing to its groundwater contamination, and NYSDEC indicated that it will undertake remediation at these locations by pursuing voluntary cleanups or listing them under an appropriate State program.

C. Funding and Performance of O&M. Upon the transfer of the Site to the State, the State shall be solely responsible for funding O&M activities and ensuring performance of the O&M in accordance with the O&M Manual for the Site. Nothing herein shall supersede the provisions of the State Superfund Contract for the Site and any amendments thereto.

D. Site Inspections. The State hereby agrees to provide EPA with 45 days advance notice of periodic inspections of the Site to be performed by the State after the Transfer Date, in order to provide EPA an opportunity to participate in such inspections.

E. Transfer Schedule. The State and EPA agree to implement the transfer of responsibilities for the OU 4 O&M from EPA to the State. The State will commence O&M responsibilities on the Transfer Date. A Transfer Schedule is included as **Appendix B**.

F. Transfer of Records. EPA will provide necessary Site-related documents that are not already in the State's possession to the State on or before the Transfer Date. Records not transferred prior to the Transfer Date but later found to be germane to the operation of OU 4 and available in EPA's files shall be provided by EPA upon request to the NYSDEC. Records to be transferred in accordance with this paragraph are listed in **Appendix C**. These records will be

provided in their current format, either in electronic and/or hard copy format.

G. Progress Reports. The State will submit OU 4 progress reports to EPA once per calendar year. However, if the sampling frequency is decreased, the reporting frequency may be adjusted commensurate with the sampling events. Progress reports will be submitted to EPA not later than 90 days after the last sampling event in the calendar year in which the sampling is performed. Groundwater analytical data resulting from the above-referenced sampling and an electronic base map may be submitted in accordance with New York State Department of Environmental Conservation, Division of Environmental Remediation Electronic Data Deliverable Format requirements. A recommended monitoring plan for the Site is set forth in **Appendix D**.

H. Five-Year Review Reports. EPA will continue to perform Five-Year Reviews for the Site pursuant to Section 121(c) of CERCLA, 42 U.S.C. § 9621(c), until such time that such reviews are no longer required. The most recent Five-Year Review for OU 4 was completed on September 26, 2008. EPA will notify the State at least nine (9) months prior to the due date of a Five-Year Review that a Five-Year Review will be performed. In coordination with EPA, the State will conduct the following activities at least six months prior to the date each such Five-Year Review is due:

1. Review monitoring data for the Site;
2. Summarize Site Management activities and initiatives;
3. Conduct a Site visit to review remedy implementation; and
4. Identify further response actions or corrective actions that should be conducted.

EPA will provide the State with an opportunity to comment on a draft of each Five-Year Review Report at least thirty (30) days before each Five-Year Report becomes final. EPA will provide the State with a copy of each Five-Year Review Report once it is finalized.

I. Training. Proper training of State personnel will be necessary to operate the groundwater treatment plant. EPA will provide transition training to State employees, consultants, and/or contractors who will be involved with OU 4 O&M at the Site and who are designated by NYSDEC on or before the Transfer Date. A Personnel Transition Training Plan (PTTP) is attached hereto as **Appendix E**. Completed certifications from all personnel who have completed training will be submitted to the State Project Manager on or before the Transfer Date, certifying satisfactory completion of the training by the person(s) responsible for O&M activities at the Site.

J. EPA-Owned Property and Equipment. EPA-owned fixtures, equipment, and property associated with the Remedial Action at the Site are identified on the Property Disposition List attached hereto as **Appendix F**. All such property will be transferred to the State on or before the Transfer Date. Upon such transfer, full title to all items identified on the Property Disposition List is granted to the State. On and after the Transfer Date, the State is responsible for repairs, replacement, abandonment, and disposal; EPA will have no further responsibility for such property. Attached as **Appendix G** is a determination by the EPA Region 2 Property Officer that all fixtures, equipment, and property has a negligible independent value outside of

the Claremont Polychemical Corporation Superfund Site and therefore has no value to the United States. There will be no requirement for transfer of funds to EPA upon demolition or dismantling of the groundwater treatment system and other such components of the Remedial Action.

K. Community Involvement. EPA will provide the State with its most recent mailing list for the Site. Prior to the Transfer Date, EPA will prepare a Fact Sheet, which shall be sent to the parties on the mailing list, announcing the transfer of responsibility for the OU 4 O&M of the ROD remedy to the State.

V. Change of Site Status

A. Technical Impracticability Waiver. Section 121(d)(4) of CERCLA, 42 U.S.C. § 9621(d)(4), allows for a technical impracticability waiver. The State may apply for a Technical Impracticability Waiver in accordance with Section 121(d)(4) of CERCLA, 40 CFR Section 300.430(f)(1)(ii)(C)(3), and EPA guidance if the State believes that the Remedial Action Objectives cannot be met because they are technically impracticable from an engineering perspective. If EPA, in consultation with the State, determines that the Remedial Action Objectives cannot be met because they are technically impracticable from an engineering perspective, EPA may modify the ROD.

B. Shutdown and Closure of OU 4 Remedial Action. The Remedial Action is considered complete when three (3) consecutive rounds of annual sampling indicate that the remedy has fully achieved the remedial action objectives identified by the ROD and any subsequent modification or amendment thereto.

C. Deletion of Site from National Priorities List. The Site will be deleted from the National Priorities List by EPA after remedial action objectives have been achieved in accordance with 40 CFR Section 300.425(e) and EPA's guidance, "Close Out Procedures for National Priorities List Site", OSWER Directive 9320.2-09A-P, January 2000, EPA/540/R-98-016.

In witness whereof, the parties hereto have executed this Site Transfer Agreement for transfer of responsibility from Fund-lead Remedial Action to State-lead Operation and Maintenance for the Claremont Polychemical Superfund Site OU 4 remedy in two (2) copies, each of which shall be deemed an original.

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Walter E. Mugdan, Director
Emergency & Remedial Response Division

May 12, 2011
DATE

FOR THE STATE OF NEW YORK

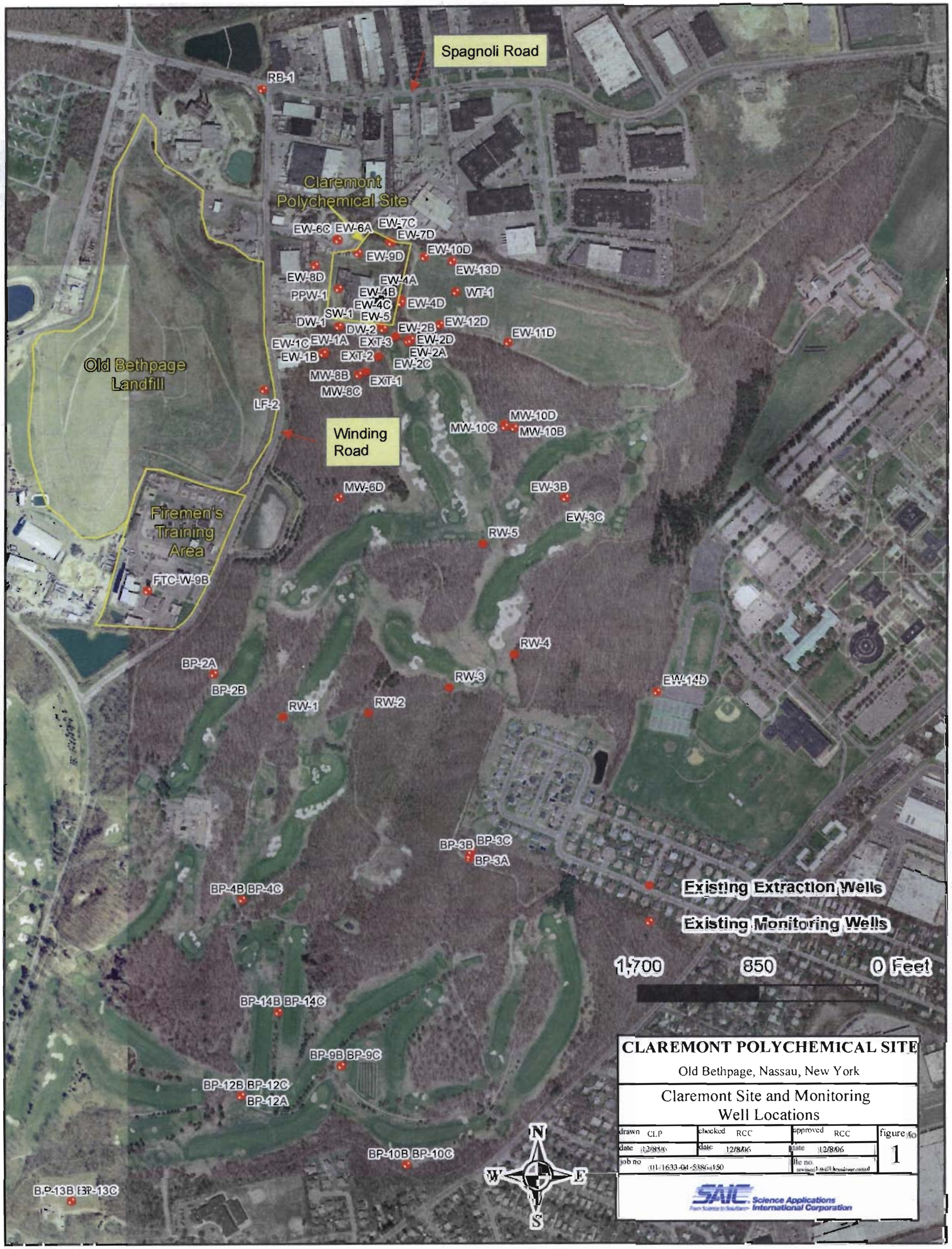
Joseph Martens, Commissioner
New York State Department of Environmental Conservation

June 12, 2011
DATE

APPENDIX A

CLAREMONT POLYCHEMICAL CORPORATION
SITE MAP

(Figure 1)


Spagnoli Road
RB-1
Claremont Polychemical Site
EW-6C EW-6A
EW-7C
EW-7D
EW-9D
EW-10D
EW-13D
EW-8D
EW-4A
PPW-1
EW-4B
WT-1
EW-4C
EW-4D
SW-1
EW-5
DW-1
DW-2
EW-2B
EW-12D
EW-1C
EW-1A
EXT-3
EW-2D
EW-11D
EW-1B
EXT-2
EW-2A
EW-2C
MW-8B
EXT-1
MW-8C
Old Bethpage Landfill
LF-2
Winding Road
MW-10D
MW-10C
MW-10B
MW-6D
EW-3B
EW-3C
Firemen's Training Area
RW-5
FTC-W-9B
RW-4
BP-2A
RW-3
EW-14D
BP-2B
RW-1
RW-2
BP-3B BP-3C
BP-3A
BP-4B BP-4C
Existing Extraction Wells
Existing Monitoring Wells
1,700
850
0 Feet
BP-14B BP-14C
BP-9B BP-9C
BP-12B BP-12C
BP-12A
BP-10B BP-10C
BP-13B BP-13C
N
W
E
S
CLAREMONT POLYCHEMICAL SITE
Old Bethpage, Nassau, New York
Claremont Site and Monitoring Well Locations
drawn CLP
checked RCC
approved RCC
figure no
date 12/8/06
date 12/8/06
date 12/8/06
1
job no
file no.
SAIC Science Applications International Corporation

Appendix B
Transfer Schedule for EPA LTRA to New York State O&M
of the Claremont Polychemical Corporation Superfund Site (OU 4)

Transfer Schedule **EPA ID Number: NYD002044584** **Claremont Polychemical Corporation Superfund Site, Old Bethpage, NY**	
Task	**Actual Date(s) / Status**
EPA Determines O&F Date (9/15/2000)	Completed
EPA Notifies State of the LTRA Transfer Date	Completed
Construction Complete	Completed
Final Inspection	Completed
EPA Completes Interim RA Report or RA Report	Completed
EPA Develops Transfer Schedule	Completed
EPA Develops and Provides Property and Equipment Disposition List for State Tracking	Completed
EPA Transfers Records	On-going
State Verifies All Records are in State Site File Record	In-Progress
EPA Finalizes & Implements Personnel Transition Training Plan (the PTTP) - Trainer / Operators Sign PTTP Signature Sheets	In-Progress
EPA Provides Copies of Easements for Access	Completed
EPA Conducts Community Relations Activities	On-going
EPA and NYSDEC Conduct Transfer Site Visits (7/12/2010 and 2/8/2011)	Completed
Transfer Agreement Signed by EPA and New York State DEC	To Be Performed
State Assumes Management of Site	Transfer Date
NYSDEC Prepares Periodic Review Reports Annually After Transfer	To Be Performed
EPA Completes Next Five-Year Review	September 25, 2013
EPA Transfers Equipment and Property to State	Transfer Date

Appendix C:
List of Site-Related Records
Claremont Polychemical Corporation Site

1. Groundwater Monitoring Well Location Map
2. Groundwater Sampling Data
3. Community Relations Plan and mailing list
4. Five Year Review Report
5. Claremont Polychemical Superfund Site Fact Sheet
6. Operation and Maintenance (O&M) Manual
7. Site Quality Assurance Project Plan (QAPP)
8. Site Specific Health and Safety Plan
9. Additional Well Installation Report
10. Groundwater Modeling Report
11. Monthly O&M Reports
12. Quarterly Groundwater Reports

Appendix D

Long-Term Monitoring Plan
Claremont Polychemical Corporation Superfund Site

A. Groundwater Sampling and Analysis is to be conducted at the Claremont Polychemical Corporation Site in accordance with the *Sampling and Analysis Plan for Groundwater Treatment O & M at the Claremont Polychemical Site* (Revised July 2007).

B. Operation and Maintenance of the groundwater treatment system pursuant to the O&M Manual.

C. Analysis of each groundwater sample should include the analysis for target compound list (TCL) Volatile Organic Compounds (VOCs) in order to observe the Contaminants of Concern for the Claremont Polychemical Corporation Site.

D. The aforementioned wells are to be sampled in accordance with the USEPA Region 2 Division of Environmental Science & Assessment Monitoring & Assessment Branch Standard Operating Procedures for Field Activities or the NYSDEC equivalent.

E. Sampling data which reveals levels of contamination observed in the groundwater monitoring wells listed in the Sampling and Analysis Plan, cited in paragraph "A" above, are to be tabulated to analyze trends in order to determine the progress of groundwater restoration and progress toward attaining state and federal groundwater drinking water standards.

Appendix E

Personnel Transition Training Plan (PTTP)
Claremont Polychemical Corporation Site

PERSONNEL TRANSITION TRAINING PLAN OUTLINE

Segment		Remarks
Part 1	HEALTH & SAFETY*	
	OSHA 1910 Basics	As necessary/relevant to Site
	Emergency Response	As necessary/relevant to Site
	Hazard Communication	As necessary/relevant to Site
	Respiratory Protection	As necessary/relevant to Site
	Lockout Tagout	As necessary/relevant to Site
	Confined Space Entry	As necessary/relevant to Site
	Right to Know	As necessary/relevant to Site
Part 2	FAMILIARIZATION WITH SITE**	
	O&M Manual and As-Built Drawings	
	Cursory review of Site layout	
Part 3	REVIEW - Treatment System Catalog-cuts**	Ongoing during training period

Appendix E (cont.)

Personnel Transition Training Plan (PTTP)
Claremont Polychemical Corporation Superfund Site

Part 4 OBSERVATION & HANDS ON**
Operation and Maintenance of Treatment Plant According to Procedures in O&M Manual

TRAINING TO INCLUDE:

a. System Operation, including taking the system on- and off-line
b. Monthly Plant Performance Sampling
c. Annual Effectiveness Monitoring Sampling Locations
d. Contingency Plan for Re-routing Plant Effluent
e. Inspections
f. Operating Records
g. Other Structure Maintenance
h. Other Site Maintenance

NOTE: Observation and hands on training may be performed multiple times depending on the difficulty of the task. Complete performance tracking sheet after each observation and hands on event until proficiency is obtained.

Part 5 TRAINING EVALUATION
Training plan completion review and certification

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* Indicates items to be done prior to entering the Site.
** Start immediately (following Health and Safety Completion).

Appendix E (cont.)

Certification Showing Satisfactory Completion
Personnel Transfer Training Plan
Claremont Polychemical Corporation Superfund Site

A. Satisfactorily completed health & safety training and submitted needed verification (PART 1)

B. Satisfactorily acknowledged completion of document review (ALL PARTS)

C. Satisfactorily observed operations listed (completed operation performance tracking sheet for each operation) (PART 4)

D. Satisfactorily performed routine operations and special procedures with guidance (completed function training sheet for each operation) (PART 4)

E. Satisfactorily understood field hydraulics and site layout (PART 2)

F. Satisfactorily performed all operations listed in the Transfer Training Plan (PART 4)

G. Satisfactorily completed one simulated problem solving period (Optional)

H. Satisfactorily performed operations and problem solving with no/minimal guidance

I. Remarks:

	Print	Signature	Date
Trainee	_____	_____	_____
Trainee	_____	_____	_____
Trainer	_____	_____	_____
Trainer	_____	_____	_____
Trainer Supervisor	_____	_____	_____

Appendix E (cont.)

Operation Performance Tracking Sheet
Claremont Polychemical Corporation Superfund Site

Operation Description	Date	Performance (Obs/Partly Perf/Perf)	Rating/ comment	Trainer/Trainee Initials
Describe the operation as shown in the training plan		Observation Partly Performed Performed	Satisfactory Not satisfactorily Completed independently	

Appendix F –Property and Equipment Disposition List
Claremont Polychemical Corporation Superfund Site OU4
Groundwater Pump and Treat System

Groundwater Extraction and Treatment Plant
3 Extraction Wells -EXT-1, EXT-2 and EXT-3
Equalization Tank - 59,000 gal, Effluent Storage Tanks
Metal Removal System
Air Stripping System
Liquid Carbon Treatment System
Metals Removal System
Water Re-injection System with 4 re-injection wells - IW-1, IW-2, IW-3, and IW-4
Two Infiltration Galleries
31 Monitoring Wells: EW-1A, EW-1B, EW-1C EW-2A, EW-2B, EW-2C, EW-2D EW-3A, EW-3B, EW-3C EW-4A, EW-4B, EW-4C, EW-4D EW-5 EW-6A, EW-6C EW-7C, EW-7D EW-8D EW-9D EW-10C EW-11D EW-12D EW-13D EW-14D DW1 DW2 SW1 SW2 WT-1
Consumables
Outside Fencing

APPENDIX G

FINDINGS AND DETERMINATION
DISPOSITION OF U.S. GOVERNMENT PROPERTY
AT THE CLAREMONT POLYCHEMICAL CORP. SUPERFUND SITE (OU 4)

FINDINGS AND DETERMINATION
DISPOSITION OF U.S. GOVERNMENT PROPERTY
AT THE CLAREMONT POLYCHEMICAL CORPORATION SITE
EPA ID No. NYD002044584

Findings:

The site requires additional monitoring. EPA shall continue to perform five year reviews at the site pursuant to section 121(c) of CERCLA, 42 U.S.C. 9621(c) until such time as reviews are deemed to be no longer necessary. The groundwater treatment plant at the Claremont Polychemical Corporation site was custom designed to mitigate and monitor the pollutants at the site. Almost all of the equipment is permanently mounted and would require disassembly of major subsystems for removal. Removal of any significant part of this equipment would moreover jeopardize the ability of EPA and the State of New York to monitor the site and identify further response or corrective actions that may be necessary.

Upon completion of the cleanup and monitoring of the site some which began in 1980, (31 years ago), the value of equipment is determined to be below salvage value. The duration of the remediation effort in this case is by itself a sufficient period of time for the depreciation of the equipment to have reached salvage value by age alone.

Transferring ownership of the equipment to New York State will serve the best interests of both the federal and state governments as it will provide the means to allow the State to carry out the ongoing monitoring of the site and will effectively allow EPA to avoid significant costs of maintaining the equipment as well as the future costs associated with the dismantling and disposal of the property in question.

Determination:

The substantial government investment at the Claremont Polychemical Corporation site is integral to monitoring the site and determining what if any additional action may be necessary to remediate the site in the future. The equipment is therefore currently fulfilling the intent of CERCLA legislation to clean up contaminated sites and protect public health. It is therefore determined that removal of the equipment would be considered to be contrary to the interest of the government as such action would jeopardize the ultimate remediation effort at the site. Effectively the government cannot reasonably expect to realize any significant reimbursement for the water treatment unit and

installed equipment without violating the congressional intent in authorizing the CERCLA law.

Under the terms of the agreement between New York State and EPA when the clean up and monitoring of the site has been completed, the water treatment plant shall be dismantled and removed at the expense of the State of New York, who has agreed to bear all costs associated with the dismantling and disposal of the equipment.

Since it is my determination that the government property at the Claremont Polychemical Corporation site has a negligible independent value outside the specific remediation of the site and that the State of New York will be required to bear all expenses for the operation of the equipment for the remainder of the remediation effort, as well as all costs incurred for the future disposal of the equipment, I find it is in the best interests of the government to transfer the title or ownership of said equipment to the State of New York.

Rodney O. Dorwin
Region 2 Property Officer
Chief, Facilities and Administrative Management Branch

2/23/11
Date