

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau E

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## MEMORANDUM

**TO:** Michael J. Cruden, Director, Remedial Bureau E *Michael Cruden*

**FROM:** George Momberger, Project Manager, Remedial Section A *George Momberger, P.E.*

**THRU:** David Harrington, Chief, Remedial Section A, RBE

**SUBJECT:** Minor Modification of Record of Decision  
Site Name: Chemical Pollution Control  
Site No.: 152015, Suffolk County  
RCRA permit: NYSDEC Permit Number 1-4728-00086-00002

**DATE:** July 13, 2021

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The purpose of this technical memorandum is to summarize the minor differences between the Record of Decision (ROD) and the Environmental Easement (EE) recorded in August 2015.

### **TECHNICAL DIFFERENCES: ROD vs. EE**

The Department listed the CPC Site in 2008 as a classification “2”. In the Fall of 2010, CPC conducted a RCRA Facility Investigation on the CPC Site under the Department’s supervision. CPC then implemented the following Interim Remedial Measures/RCRA Interim Corrective Actions; excavation and off-site disposal of contamination source areas in the fall of 2012, and in-situ chemical oxidation in the fall of 2013.

The Department issued a Preliminary Remedial Action Plan (“PRAP”), dated December 2015. The public comment period ended on February 11, 2016. A public meeting was held on January 21, 2016 - no public comments were received.

On June 30, 2015, Chemical Pollution Control of New York, LLC granted an EE on the CPC Site to the People of the State of New York. This EE was recorded on August 3, 2015 with the Suffolk County Clerk’s Record Office. The EE provides the following restrictions: use of the CPC Site to restricted residential, commercial or industrial uses; no use of groundwater for potable or process uses unless state and local Department of Health water quality standards are achieved; and compliance with the Site Management Plan, as may be amended.

In March 2016, the Department issued a ROD for the CPC Site which document also served as the RCRA Program Statement of Basis for the corrective action(s) completed at the site. The ROD selected a no further action remedy with an institutional control in the form of an

EE which *inter alia* allows the use and development of the controlled property for commercial use or industrial use and requires compliance with the Site Management Plan.

As indicated above, the EE allows restricted residential, commercial, and industrial uses, the ROD only permits commercial or industrial uses. The ROD does, however, state that the excavated areas achieved restricted residential soil cleanup objectives (“SCOs”).

As a result of the Interim Remedial Measures/RCRA Interim Corrective Actions conducted the CPC Site has attained the restricted residential SCOs and this memo has been placed in the site file to documenting this minor change to the ROD.

## **COST IMPLICATIONS**

There are no additional costs associated with this amendment.

ec: David Harrington, DER  
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