DOCUMENTATION OF ENVIRONMENTAL INDICATOR DETERMINATION

RCRA Corrective Action
Environmental Indicator (EI) RCRAInfo code (CA725)
Current Human Exposures Under Control

Facility Name: **Forest Laboratories Inc.**
Facility Address: **500Commack Road, Commack, NY 11725-5000**
Facility EPA ID #: **NYD980773691**

BACKGROUND

Definition of Environmental Indicators (for the RCRA Corrective Action)

Environmental Indicators (EIs) are measures being used by the RCRA Corrective Action program to go beyond programmatic activity measures (e.g., reports received and approved, etc.) to track changes in the quality of the environment. The two EIs developed to-date indicate the quality of the environment in relation to current human exposures to contamination and the migration of contaminated groundwater.

Definition of Current Human Exposures Under Control EI

A positive Current Human Exposures Under Control EI determination (YE status code) indicates that there are no unacceptable human exposures to contamination (i.e., contaminants in concentrations in excess of appropriate risk-based levels) that can be reasonably expected under current land- and groundwater-use conditions (for all contamination subject to RCRA corrective action at or from the identified facility (i.e., site-wide)).

Relationship of EI to Final Remedies

While Final remedies remain the long-term objective of the RCRA Corrective Action program the EIs are near-term objectives which are currently being used as Program measures for the Government Performance and Results Act of 1993, GPRA). The Current Human Exposures Under Control EI are for reasonably expected human exposures under current land- and groundwater-use conditions ONLY, and do not consider potential future land- or groundwater-use conditions or ecological receptors. The RCRA Corrective Action program's overall mission to protect human health and the environment requires that Final remedies address these issues (i.e., potential future human exposure scenarios, future land and groundwater uses, and ecological receptors).

Duration / Applicability of EI Determinations

EI Determinations status codes should remain in RCRAInfo national database ONLY as long as they remain true (i.e., RCRAInfo status codes must be changed when the regulatory authorities become aware of contrary information).

1. Has **all** available relevant/significant information on known and reasonably suspected releases to soil, groundwater, surface water/sediments, and air, subject to RCRA Corrective Action (e.g., from Solid Waste Management Units (SWMU), Regulated Units (RU), and Areas of Concern (AOC)), been **considered** in this EI determination?

   __X__ If yes - check here and continue with #2 below.

   ____ If no - re-evaluate existing data, or

   ____ If data is not available skip to #6 and enter IN (more information needed) status code.

Background

The Forest Laboratories facility in Commack, NY was formerly owned by the Hazeltine Corporation. Hazeltine had ten buildings located in four areas of Long Island. Building #6 was in Commack and sought a hazardous waste management permit under 6NYCRR Part 373 in the late 1980s.

Hazeltine was a manufacturer of electronic components for radio and television communications systems. They manufactured printed circuit boards and mounted them in metal chassis.

A preliminary review of the facility conducted in 1988 and 1989 indentified 3 SWMUs. The identified SWMUs were two container storage areas and one former underground storage tank. An RFA was conducted and the SWMUs were evaluated to determine the impact that past waste handling and disposal practices may have had on the surrounding environment.

Shortly after receiving the 6NYCRR Part 373 Operating Permit, Hazeltine Corporation ceased operation at their Commack facility. In order to satisfy the requirements of the RCRA program and sell the property, Hazeltine decided to do a voluntary investigation of the entire facility.

2. Are groundwater, soil, surface water, sediments, or air known or reasonably suspected to be contaminated[1] above appropriately protective risk-based levels (applicable promulgated standards, as well as other appropriate standards, guidelines, guidance, or criteria) from releases subject to RCRA Corrective Action (from SWMUs, RUs or AOCs)?

	YES	NO	?	Rationale/Key Contaminants
Groundwater		X		
Air (indoors)[2]		X		

[1]Contamination and contaminated describes media containing contaminants (in any form, NAPL and/or dissolved, vapors, or solids, that are subject to RCRA) in concentrations in excess of appropriately protective risk-based levels (for the media, that identify risks within the acceptable risk range).

[2]Recent evidence (from the Colorado Dept. of Public Health and Environment, and others) suggests that unacceptable indoor air concentrations are more common in structures above groundwater with volatile contaminants than previously believed. This is a rapidly developing field and reviewers are encouraged to look to the latest guidance for the appropriate methods and scale of demonstration necessary to be reasonably certain that indoor air (in structures located above (and adjacent to) groundwater with volatile contaminants) does not present

	YES	NO	?	Rationale/Key Contaminants
Surface Soil (e.g., <2 ft)		X		
Surface Water		X		
Sediment		X		
Subsurface Soil (e.g., >2 ft)		X		
Air (outdoors)		X		

__X__ If no (for all media) - skip to #6, and enter YE, status code after providing or citing appropriate levels and referencing sufficient supporting documentation demonstrating that these levels are not exceeded.

____ If yes (for any media) - continue after identifying key contaminants in each contaminated medium, citing appropriate levels (or provide an explanation for the determination that the medium could pose an unacceptable risk), and referencing supporting documentation.

____ If unknown (for any media) - skip to #6 and enter IN status code.

Rationale and Reference(s):

The analytical results obtained during the investigation performed by Hazeltine do not indicate significant impact to the surrounding environment resulting from past waste disposal and handling practices at the facility. Where volatile organic constituents and metals were detected in the groundwater, they were slightly elevated above detection limits but were below state and federal groundwater protection concentrations.

Remediation activities were conducted and included removal and disposal of the contents of the following structures: the underground waste storage tank, the underground fuel oil tank and fourteen disposal structures (septic tank, distribution boxes and cesspools), and the cleaning of the concrete floor of a garage.

Sampling of the contents of these structures and the surrounding groundwater were analyzed for total metals, VOCs, and PCBs before and after the cleaning of the aforementioned areas of concern. The result showed no evidence of significant impact to the surrounding environment.

On the basis of the site investigation and remediation performed during June 1989 through January 1990, it has been determined that there was no significant impact to the environment. Sources of potential future discharge were removed and disposed. Trace levels of organics and metals had been detected in the groundwater, but the concentrations of these contaminants were far below state and federal groundwater protection concentrations.

The facility was certified as clean closed in January 1991 and its operating permit was terminated in February 1991. The property was subsequently sold to Forest Laboratories. Forest Laboratories has

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unacceptable risks.

operated the facility as a generator only. The facility was last inspected in 2007 and no violations were found. There have been no documented significant releases of contaminants since that time.

References:

RCRA Facility Assessment, Hazeltine Corporation, Commack, NY, NYSDEC, September 1991
RCRA Facility Assessment, Preliminary Review, Hazeltine Corporation, Commack, NY, NYSDEC, July 7, 1989
Environmental Site Survey, Hazeltine Corporation, Commack, NY, Radian Corporation, September 8, 1989

3. Are there **complete pathways** between contamination and human receptors such that exposures can be reasonably expected under the current (land- and groundwater-use) conditions?

Summary Exposure Pathway Evaluation Table

	Potential **Human Receptors** (Under Current Conditions)						
Contaminated Media	Residents	Workers	Day-Care	Construction	Trespassers	Recreation	Food[3]
Groundwater							
Air (indoors)							
Soil (surface, e.g., <2 ft)							
Surface Water							
Sediment							
Soil (subsurface e.g., >2 ft)							
Air (outdoors)							

____ If no (pathways are not complete for any contaminated media-receptor combination) - skip to #6, and enter YE status code, after explaining and/or referencing condition(s) in-place, whether natural or man-made, preventing a complete exposure pathway from each contaminated medium (e.g., use optional Pathway Evaluation Work Sheet to analyze major pathways).

___ If yes (pathways are complete for any Contaminated Media - Human Receptor combination) - continue after providing supporting explanation.

____ If unknown (for any Contaminated Media - Human Receptor combination) - skip to #6 and enter IN status code

Rationale and Reference(s):

[3] Indirect Pathway/Receptor (e.g., vegetables, fruits, crops, meat and dairy products, fish, shellfish, etc.)

N/A

4. Can the **exposures** from any of the complete pathways identified in #3 be reasonably expected to be **significant**[4] (i.e., potentially unacceptable because exposures can be reasonably expected to be: 1) greater in magnitude (intensity, frequency and/or duration) than assumed in the derivation of the acceptable levels (used to identify the contamination); or 2) the combination of exposure magnitude (perhaps even though low) and contaminant concentrations (which may be substantially above the acceptable levels) could result in greater than acceptable risks)?

   ____ If no (exposures cannot be reasonably expected to be significant (i.e., potentially unacceptable) for any complete exposure pathway) - skip to #6 and enter YE status code after explaining and/or referencing documentation justifying why the exposures (from each of the complete pathways) to contamination (identified in #3) are not expected to be significant.

   ____ If yes (exposures could be reasonably expected to be significant (i.e., potentially unacceptable) for any complete exposure pathway) - continue after providing a description (of each potentially unacceptable exposure pathway) and explaining and/or referencing documentation justifying why the exposures (from each of the remaining complete pathways) to contamination (identified in #3) are not expected to be significant.

   ____ If unknown (for any complete pathway) - skip to #6 and enter IN status code

   Rationale and Reference(s):

   N/A

5. Can the significant **exposures** (identified in #4) be shown to be within **acceptable** limits?

   ____ If yes (all significant exposures have been shown to be within acceptable limits) - continue and enter YE after summarizing and referencing documentation justifying why all significant exposures to contamination are within acceptable limits (e.g., a site-specific Human Health Risk Assessment).

   ____ If no (there are current exposures that can be reasonably expected to be unacceptable) - continue and enter NO status code after providing a description of each potentially unacceptable exposure.

   _____ If unknown (for any potentially unacceptable exposure) - continue and enter IN status code

[4] If there is any question on whether the identified exposures are significant (i.e., potentially unacceptable) consult a human health Risk Assessment specialist with appropriate education, training and experience.

Rationale and Reference(s):

Type Here

6. Check the appropriate RCRA Info status codes for the Current Human Exposures Under Control EI event code (CA725), and obtain Supervisor (or appropriate Manager) signature and date on the EI determination below (and attach appropriate supporting documentation as well as a map of the facility):

__X__ YE - Yes, Current Human Exposures Under Control has been verified. Based on a review of the information contained in this EI Determination, Current Human Exposures are expected to be Under Control at the **Forest Laboratories Inc., 500Commack Road, Commack, NY 11725-5000, Facility EPA ID #NYD980773691** under current and reasonably expected conditions. This determination will be re-evaluated when the Agency/State becomes aware of significant changes at the facility.

_____ NO - Current Human Exposures are NOT Under Control.

_____ IN - More information is needed to make a determination.

Completed by: _____ Date: 9-29-2011
Daniel J Evans – Chief, Section B
Remedial Bureau A
Division of Environmental Remediation

Director: _____ Date: 9-29-2011
James B. Harrington, P.E. - Director
Remedial Bureau A
Division of Environmental Remediation

Locations where References may be found:

New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway 11th Floor
Albany, New York 12233-7252

Contact telephone and e-mail numbers:

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FINAL NOTE: THE HUMAN EXPOSURES EI IS A QUALITATIVE SCREENING OF EXPOSURES AND THE DETERMINATIONS WITHIN THIS DOCUMENT SHOULD NOT BE USED AS THE SOLE BASIS FOR RESTRICTING THE SCOPE OF MORE DETAILED (E.G., SITE-SPECIFIC) ASSESSMENTS OF RISK.


Delaware Ave
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Imagery Date: 9/19/2010
1994
40°49'18.91" N 73°17'30.20" W elev 120 ft
Eye alt 2816 ft

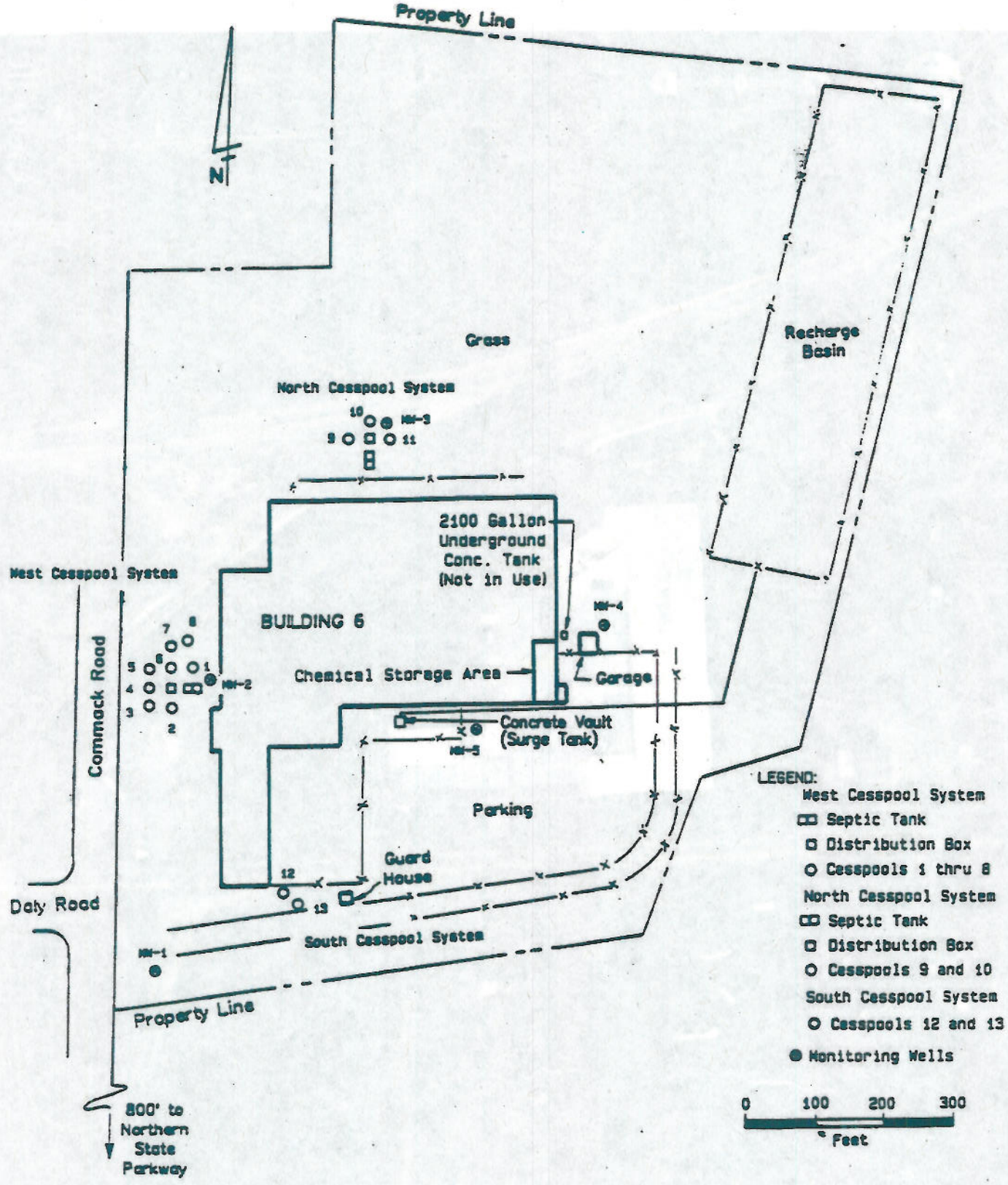

Figure 1 Hazeltine Corporation Facility Layout Showing Cesspools, Vaults and Monitoring Wells