

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Development and Implementation of a Field Investigation and Remedial Program for an Inactive Hazardous Waste Disposal Site, Inventory #314004, under Article 27, Title 13, of the Environmental Conservation Law (the "ECL") by

ORDER ON
CONSENT

CASE #3-0731

TEXACO RESEARCH CENTER,

Respondent.

WHEREAS:

1. Respondent owns in part and has operated a solid waste disposal site at the Texaco Research Center in Glenham, County of Dutchess, in the State of New York (the "Facility"). Part of the site is owned by Central Hudson Gas & Electric Corporation.

2. The Facility includes an inactive hazardous waste disposal site as defined in Section 27-1301(2) of the ECL; the site ("Site") contains three areas where chemicals have been buried (identified as Chemical Burial Sites No. 1, No. 2, and No. 3 on the map entitled lands of the Texaco Research Center, Beacon, N.Y. ("TRCB"), dated March 9, 1983) and at least one area where various containers have been found underground (identified as the Container Site on the aforementioned map), plus a disposal pit and an old sludge lagoon (identified as such on the map).

3. Phenols, trichloroethylene and organic compounds have been detected at the site in excess of state groundwater standards. The site lies approximately one-quarter mile from a known geologic fault, and the Department suspects there may be other faults in the area. In view of the groundwater contamination and the site's unique geological aspects, the site may constitute a significant threat to the environment.

4. Both the Respondent and the Department desire to have a fuller evaluation of the site and its impact, if any, on the surrounding area. The Respondent has submitted a Proposed Investigative Program (PIP) to the Department, and the Department has approved the plan.

5. Pursuant to Section 27-1313 of the ECL, the Commissioner of Environmental Conservation may order the owner of an inactive hazardous waste disposal site, after notice and an opportunity for a hearing, (a) to develop an inactive hazardous waste disposal site remedial program, subject to the approval of the Department, at such site, and (b) to implement such program within a reasonable time period.

6. A final assessment of the site must be completed before remedial activities can be carried out. The Respondent and the Department hereby acknowledge that the purposes and goals of this order shall be to obtain additional information concerning the site (including, but not limited to, the nature and method of disposal of the chemical wastes at the site and the geological structure of the site and its environs) and to

insure that remedial work is performed at the site if and when necessary.

7. The final assessment of the Site must include:

- (a) a thorough investigation of the remainder of the property to establish that no additional disposal sites exist;
- (b) an investigation of the container site and disposal pit; and
- (c) a report which summarizes the findings of the final site assessment and those of the previously submitted reports; and
- (d) Development and submission for approval of an inactive hazardous waste disposal site remedial plan.

8. Respondent has affirmatively waived its right to notice and hearing in the manner provided by law and has consented to the issuing and entering of this Order and agrees to be bound by the terms, provisions and conditions contained therein.

9. This Consent Order is solely to resolve matters pending between the signatories and therefore does not and shall not constitute an admission of wrongdoing or violation of law.

NOW, having considered this matter and being duly advised, it is ORDERED that:

I. Respondent agrees to comply with the attached Schedule of Compliance, hereby incorporated herein and made a part hereof.

II. If, for any reason, Respondent desires that any provisions of this Order be changed, Respondent shall make timely written application therefor to the Department's Commissioner setting forth reasonable grounds for the relief sought. No change or modifications to this Order shall be made or be effective except as may be specifically set forth in writing by such Commissioner upon timely written application by Respondent for the relief sought.

III. Notwithstanding any contrary provision herein, Respondent shall not be in default of compliance with this Order if Respondent is unable to comply with any provision of this Order because of the action of a national or local government body or court, an act of God, war, strike, riot or catastrophe or any other event beyond Respondent's control as to any of which the negligence or willful misconduct on the part of Respondent was not the proximate cause. Respondent shall apply in writing to the Department immediately upon obtaining knowledge of such event and request an appropriate modification to this Order.

IV. After approval by the Department of the final site assessment report, and the approval by the Department of the

Proposed Remedial Work Design, the assessment and remediation according to these plans to the satisfaction of the Department, Texaco shall be relieved from any further obligation and/or liability with respect to assessment of the sites and remediation of the disposal areas identified on the map referred to in No. 2 above, provided, however, nothing contained herein shall be deemed to prevent the Department from exercising its rights pursuant to §71-0301 of the ECL. In such case Respondent reserves all rights under law to defend any such claim, action or assertion.

V. Since several of the sites are on property owned by Central Hudson Gas & Electric Corporation, it is understood that Respondent will need to obtain access to property owned by Central Hudson. If Texaco is unable to obtain such access without charge or condition, then the Department will endeavor to assist Texaco in obtaining such access.

VI. All reports and submissions herein required shall be made in triplicate to the Region 3 headquarters, New York State Department of Environmental Conservation, 21 South Putt Corners Road, New Paltz, NY 12561-1696. Attention: Regional Solid Waste Engineer.

VII. For the purpose of insuring compliance with this Order, duly authorized representatives of this Department shall be permitted access to the site in question during reasonable

business hours, in order to inspect and/or require such tests at the Department's expense as may be deemed necessary to determine the status of Respondent's compliance herewith.

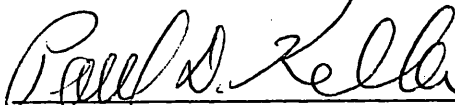
VIII. The provisions of this Order shall be deemed to bind Respondent, its officers, directors, agents, employees, successors and assigns, and all persons, firms and corporations acting under or for it.

IX. Nothing in this Consent Order shall act as a discharge or release of Central Hudson Gas & Electric Corporation.

Dated: New Paltz, New York
February 8, 1985

HENRY G. WILLIAMS, Commissioner
New York State Department of
Environmental Conservation

BY:



PAUL D. KELLER
Regional Director, Region 3

TO: Texaco Research Center-Beacon
P. O. Box 509
Beacon, NY 12508

Attention: Harold J. Weiss

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order, waives its rights to notice and hearing herein and agrees to be bound by the provisions, terms and conditions contained herein.

TEXACO RESEARCH CENTER

BY: E. R. Christensen

TITLE: Manager - TRCB

DATE: E. R. Christensen
Feb. 8, 1985

STATE OF NEW YORK

ss:

COUNTY OF DUCHESS

On this 8th day of February, 1985, before me personally came E. R. Christensen, to me known, who being by me duly sworn did depose and say that he is employed by Texaco Inc. and his business address is Texaco Research Center Beacon, Old Glenham Road, Glenham, New York; that he is Manager of the Texaco Research Center for Texaco Inc., the Corporation described in and which executed the foregoing instrument, and that he signed his name as authorized by said Corporation.

Benjamin J. Kaufman
Notary Public

BENJAMIN J. KAUFMAN, NOTARY PUBLIC, N.Y. STATE
DUTCHESS COUNTY COMM. EXPIRES 3 - 30 - 1986

SCHEDULE OF COMPLIANCE

A. By January 1, 1985, Respondent shall complete the Proposed Investigatory Program (PIP) submitted to the Department on May 30, 1984.

B. By March 15, 1985, Respondent shall submit the results of the PIP to the Department, along with a Proposed Remedial Work Design (PRWD). The PRWD shall address the Chemical Burial Sites, the Container Site, the disposal pit, the old sludge lagoon, and any new areas identified for remedial work under the PIP. The PRWD shall specify the recommended method for proper remedial action of the sites based on the information gathered in the Investigative Program. All Engineering Plans, Reports, and Specifications contained in the PRWD shall be prepared by a person or firm registered to practice professional engineering in the State of New York and shall be in accordance with requisite technology. As used in this Order, Requisite Technology means engineering, scientific and construction principles and practices subject to the Department's approval, which (a) are technically feasible, (b) will most effectively identify, mitigate and eliminate any present or potential future threat to the environment posed by the disposal of hazardous and industrial wastes at and in the vicinity of the Site, and (c) may cost an amount commensurate with the value of the environment,

public health and public welfare to be protected and the goal of the remedial program to be achieved thereby.

The PRWD shall include, at a minimum, the following:

1. An Engineering Report including:

- (a) Address of site location.
- (b) Latitude and Longitude of site.
- (c) Type(s) of hazardous waste(s) disposed based on supplied information and subsurface investigation.
- (d) Period of time that hazardous waste(s) were disposed at the site.
- (e) Method or manner of disposal at the site.
- (f) Subsurface information from:
 - (1) boring logs
 - (2) results of groundwater monitoring revealing the direction of groundwater flows, the locations of aquifers, soil permeability, location of the groundwater table, and depth to bedrock.
 - (3) location of hazardous waste(s) in any ground or surface water, soil, sediment, on the site.
- (g) The projected movement of the hazardous waste(s).

- (h) The proposed remedial work needed to remove and/or isolate the hazardous waste(s) from the environment.
- (i) The future monitoring (including parameters to be sampled, frequency, and duration) of ground-water monitoring wells, surface water, and potable water supply wells, if any, within 1500 feet of the site ^{DOWNGRADIENT} ~~downgraded~~, and off Respondent's property. EAC 2/1/83
- (j) A timetable for the completion of the proposed remedial work.
- (k) Safety and health considerations to the public and workers during remediation.
- (l) Detailed plans, drawings, specifications of all construction, remedial work, earth moving, monitoring wells, structures, etc.
- (m) Estimates of the volumes of material to be excavated from each area and the technical basis for determining each quantity.

2. A U.S.G.S. Map outlining the site, showing all potable water supply wells and surface water within 3 miles of the site.

3. A site plan (1" - 200' min.) including:

- (a) site property boundaries with dimensions
- (b) adjacent property owners, their buildings and well locations
- (c) structures on site
- (d) site access roads
- (e) location of hazardous waste(s) on site and estimated volume(s)
- (f) location of monitoring wells and piezometric wells.
- (g) location of monitoring wells, parameters, and monitoring frequency needed to demonstrate the effectiveness of remedial work
- (h) location of structures built for remedial work (i.e. drainage structures, capping, venting, etc.)
- (i) topography

4. A groundwater contour map.

5. Cross-sections and dimensions of all structures needed for remedial work.

C. If Respondent is notified by the Department that the PRWD is unacceptable, a revised PRWD will be submitted to the Department within six weeks. If the Department cannot approve the revised PRWD, then the parties will use best

efforts to mediate the dispute. If mediation is unsuccessful, then the Department will have all rights to seek remediation pursuant to law, and Respondent will have all rights and remedies to defend against any such action by the Department.

- D. The PRWD, when approved by the Department, shall be incorporated in this Schedule of Compliance and made a part hereof.
- E. Within 120 days of receipt of the approval by the Department of the PRWD, Respondent shall commence the remedial work, if any, recommended in the PRWD. Respondent shall duly complete the remedial work.
- F. Within 30 days of receipt of approval by the Department of the PRWD, Respondent shall submit to the Department a Proposed Future Off Site Monitoring Program (PFOSMP) for approval. This shall consist of the installation of 4 monitoring well pairs off site on the public portion of Belvedere Road, and shall be installed provided the Respondent can obtain the necessary permission from the Town of Fishkill. The Department shall endeavor to assist in obtaining such permission from the Town of Fishkill. If Respondent is unable to obtain such permission, the Department reserves its rights under law to require such monitoring, and Respondent reserves its rights to defend

against any such action by the Department. Respondent shall include a monitoring plan with the proposed program.

- G. If Respondent is notified by the Department that the PFOSMP is unacceptable, Respondent will submit a revised PFOSMP to the Department within two (2) months. If the Department cannot approve the revised PFOSMP then the parties will use best efforts to mediate the dispute. If mediation is unsuccessful, then the Department will have all rights to seek off-site monitoring pursuant to law, and Respondent will have all rights and remedies to defend against any such action by the Department.

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