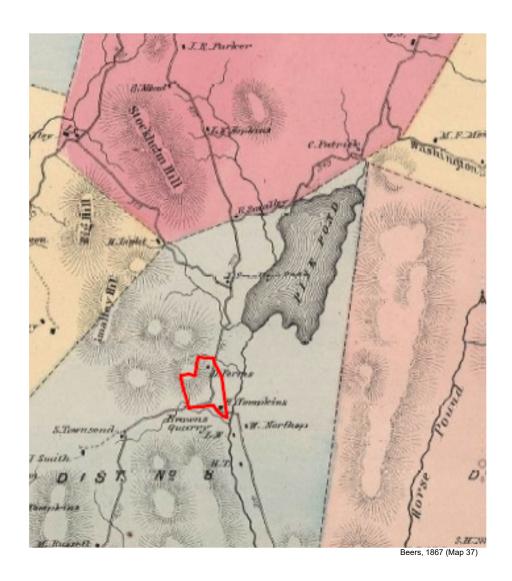
RECORD OF DECISION

Arsenic Mine Superfund Site Operable Unit 1 Kent, Putnam County, New York



United States Environmental Protection Agency Region II New York, New York June 2020

DECLARATION FOR THE RECORD OF DECISION

SITE NAME AND LOCATION

Arsenic Mine Superfund Site Kent, Putnam County, New York

Superfund Site Identification Number: NYD982531469

Operable Unit: 01

STATEMENT OF BASIS AND PURPOSE

This Record of Decision (ROD) documents the U.S. Environmental Protection Agency's (EPA's) selection of an early action for the Arsenic Mine Superfund Site (Site), chosen in accordance with the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. §§ 9601-9675, and the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300. This decision document explains the factual and legal basis for selecting a remedy to dissociate the residents from exposure to arsenic-contaminated soils at the Site. The attached index (see **Appendix III**) identifies the items that comprise the Administrative Record upon which the selected remedy is based.

The New York State Department of Environmental Conservation (NYSDEC) was consulted on the proposed remedy in accordance with CERCLA Section 121(f), 42 U.S.C. § 9621(f), and it concurs with the selected remedy (see **Appendix IV**).

ASSESSMENT OF THE SITE

Actual or threatened releases of hazardous substances from the Site, if not addressed by implementing the response action selected in this ROD, may present an imminent and substantial endangerment to public health, welfare, or the environment.

DESCRIPTION OF THE SELECTED REMEDY

The selected remedy to dissociate the residents from exposure to arsenic-contaminated soils at the Site includes the following components:

- Offers of acquisition of certain affected properties and permanent relocation of the affected residents who accept EPA's offer;
- Following permanent relocation, demolition of vacated structures;

- Utilization of institutional controls¹ (e.g., easements) to limit the current and future use of the properties; and
- Until the residents from each affected residence are permanently relocated, or until
 a final remedy is completed, periodic inspections and maintenance of the existing
 protective measures at each occupied residence, as necessary, to ensure the
 effectiveness of these measures in eliminating exposure pathways in the areas
 where these measures were installed.

Engineering controls (e.g., fencing) will be utilized to prevent trespassing once structures are vacated. It is anticipated that the fencing will be removed once the footprint of the demolition was restored (e.g., backfilled and seeded).

The remedy also includes the preparation of a plan related to the inspection and maintenance of the existing protective measures.

The environmental benefits of the selected remedy may be enhanced by consideration, during the design, of technologies and practices that are sustainable in accordance with EPA Region 2's Clean and Green Energy Policy and NYSDEC's Green Remediation Policy.² This will include consideration of green remediation technologies and practices.

DECLARATION OF STATUTORY DETERMINATIONS

The selected remedy meets the requirements for remedial actions set forth in CERCLA Section 121, 42 U.S.C. § 9621, because of the following: (1) it is protective of human health and the environment; (2) it meets a level or standard of control of the hazardous substances, pollutants, and contaminants that at least attains the legally applicable or relevant and appropriate requirements under federal and state laws; (3) it is readily implementable; (4) it is cost-effective; and (5) it utilizes permanent solutions to the maximum extent practicable. Although the selected remedy will not satisfy the statutory preference for treatment as a principal element of the remedy (*i.e.*, reducing the toxicity, mobility, or volume of hazardous substances, pollutants, or contaminants as a principal element through treatment), future actions at the site are expected to do so.

The statutory requirement for a five-year review is not triggered by the implementation of this action.

¹ Institutional controls are non-engineered actions or requirements, such as administrative and legal controls, that help minimize the potential for human exposure to contamination and/or protect the integrity of a remedy.

² See http://epa.gov/region2/superfund/green remediation and http://www.dec.ny.gov/docs/remediation hudson pdf/der31.pdf.

ROD DATA CERTIFICATION CHECKLIST

The ROD contains the remedy selection information noted below. More details may be found in the Administrative Record file for this decision.

- Contaminants of concern and their respective concentrations (see ROD, Page 6 and Appendix II, Table 1);
- Baseline risk represented by the contaminants of concern (see ROD, Pages 8 9 and Appendix II, Tables 5 6);
- Current and reasonably-anticipated future land use assumptions and current and potential future beneficial uses of groundwater relied upon in the baseline risk assessment and ROD (see ROD, Page 5);
- Estimated capital, periodic inspections and maintenance, and present-worth costs, the discount rate, and the number of years over which the remedy cost estimates are projected (see ROD, Page 19 and Appendix II, Tables 7 10); and
- Key factors used in selecting the remedy (*i.e.*, how the selected remedy provides the best balance of tradeoffs with respect to the balancing and modifying criteria, highlighting criteria key to the decision) (see ROD, **Page 18**).

AUTHORIZING SIGNATURE

Evangelista, Pat Digitally signed by Evangelista, Pat Date: 2020.06.29 13:57:15 -04'00'	See Signature Block
Pat Evangelista, Director Superfund and Emergency Management Division	Date

RECORD OF DECISION FACT SHEET EPA REGION II

Site

Site name: Arsenic Mine Site

Site location: Kent, Putnam County, New York

HRS score: Not Applicable

Listed on the NPL: November 8, 2019

Record of Decision

Date signed: June 29, 2020

Selected remedy: Offers of acquisition of certain affected properties and permanent

relocation of the affected residents who accept EPA's offer. Following permanent relocation, vacated structures will be demolished. This alternative also includes institutional controls (e.g., easements) to limit current and future use of the properties. Until the residents from each affected residence are permanently relocated, or until a final remedy is completed, periodic inspections and maintenance of the existing protective measures, as necessary, will be performed at each occupied residence to ensure the effectiveness of these measures in eliminating exposure pathways in the areas where these measures were installed.

Capital cost: \$5.6 million

Inspection

and maintenance cost: \$330,000 for one year

Present-worth cost: \$5.83 million

<u>Lead</u> EPA

Primary Contact: Mark Granger, Remedial Project Manager, (212) 637-3351

Secondary Contact: Joel Singerman, Chief, Central New York Remediation Section, (212)

637-4258

Waste

Waste type: Arsenic

Waste origin: On-site mining activities

Contaminated media: Soil

DECISION SUMMARY

Arsenic Mine Superfund Site Operable Unit 1 Kent, Putnam County, New York

United States Environmental Protection Agency Region II New York, New York June 2020

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SITE NAME, LOCATION, AND DESCRIPTION

The Arsenic Mine site (Site) is located in Kent, Putnam County, New York (see **Appendix I, Figure 1**) and includes an historic former mine, previously known as Pine Pond Mine, Silver Mine, and Brown's Serpentine Mine. There are two former entry shafts. The Site includes the northern mine shaft, which is located on private property. The Site includes undeveloped and residential properties around and downslope from the northern mine shaft, near the intersection of Gipsy Trail Road and Mt. Nimham Court. See **Appendix I, Figure 2**. A second shaft, the southern mine shaft, is located in the adjacent Nimham Mountain Multi-Use Area, a state recreational area.

The Site is situated in the Hudson Highlands area, which is a northeast-southwest trending band of igneous and metamorphic rocks that extends from New England through New York. The Hudson Highlands are almost entirely blanketed by a thin layer of glacial till with frequent bedrock outcroppings.

The area is sparsely populated, and the terrain is highly variable, with steep, forested hillsides. Occupied properties in the area consist of single-family residential homes. See **Figure 1**. Public water is not available in the area; residents rely on private wells for their drinking water.

SITE HISTORY AND ENFORCEMENT ACTIVITIES

Mining operations at the Site were conducted intermittently from the mid-1800s through approximately 1918. The mine contains arsenopyrite, a metal ore that was used in ammunition, pesticides, pigments, and other industrial uses. During the mining operations, rocks were crushed on-Site to concentrate the ore. The arsenic-contaminated waste materials, which are known as tailings, were disposed of in areas surrounding the mine pits/shafts. Mining operations ceased in 1918 reportedly because of the lack of a satisfactory smelting forge nearby for processing the ore.

While the area has naturally high levels of arsenic in the soil and groundwater, significantly higher levels of arsenic are found on the residential properties at the Site as a result of the dispersal of arsenic associated with the mine tailings relative to the northern mine entrance.

In 1987, residents living in a house at the Site that is adjacent to the northern mine entrance were hospitalized as a result of exposure to arsenic from their drinking-water well that had been installed through tailings from the mining operations. The U.S. Environmental Protection Agency (EPA) installed a cistern at that residence for drinking water. The collection portion of the cistern system failed, however, so the collection tanks were adapted for water deliveries as an alternative drinking-water supply. During the late 1980s and early 1990s, the Putnam County Department of Health (PCDOH), in conjunction with EPA and the New York State Department of Health (NYSDOH), conducted limited soil sampling on those properties near the northern mine entrance, and

that revealed significant concentrations of arsenic in surface soils. The PCDOH placed a warning sign near the northern mine entrance indicating the presence of elevated arsenic levels in soil. Because of naturally-elevated regional arsenic concentrations in the soil, manmade deposition of arsenic-laden materials related to the past mining operations was not delineated at that time.

In 2016, the owner of the above-mentioned cistern requested EPA's assistance with necessary repairs. During the repairs, it was determined that sediments with high concentrations of arsenic were entering the collection tanks. While these sediments were not affecting the water, in 2017 and 2018 EPA collected soil samples on and around the location of previous mining operations to determine their source. In 2018, EPA also conducted potable water sampling at seven residential properties located in the vicinity of the mine and the former mining operations; these residential properties have since been designated as part of the Site. In April 2019, EPA initiated quarterly drinking-water assessments to ensure protectiveness of the residents. Because the groundwater underlying the Site is known to contain elevated levels of arsenic, treatment systems were recommended by PCDOH and have been installed on most of the private drinking-water wells within the Site. Drinking-water quality has been found to be acceptable.

Additionally in April 2019, the EPA Removal Program mobilized to perform interim measures to protect public health and reduce direct contact threats relative to surface soil contamination by paving or adding stone to driveways, creating stone or woodchip walkways, covering residential high-use, worn areas with woodchips, excavating soil in dog pens and backfilling with woodchips, and providing residents with indoor and outdoor door mats and boot brushes. High efficiency air (HEPA) particulate vacuums, which contain filters capable of capturing extremely small particles, were provided to each household in an effort to reduce indoor dust.

NYSDOH released a Health Consultation in April 2019, in which it evaluated shallow residential soils at the Site. The conclusion in the Health Consultation was that short-term exposure of children to surface soils with the highest concentrations of arsenic poses an immediate and significant threat to human health, constituting an urgent public health hazard. It also contained a conclusion that long-term exposure of children and adults to arsenic in surface soils poses a significant threat to human health, constituting a public health hazard. EPA supported these conclusions in a Determination of Significant Threat memorandum, finding that all residential properties at the Site contain exposure point concentrations that result in calculated risks or hazards to residents that are at or above the threshold for unacceptable risk. Additional action beyond the interim measures was recommended to protect the long-term health of affected residents. Also, in April 2019, the federal Agency for Toxic Substances and Disease Registry (ATSDR) issued a Public Health Advisory recommending that EPA take immediate short- and long-term measures to dissociate persons, especially children, from exposure to arsenic in shallow soils at the Site.

Following the inclusion of the Site on the National Priorities List on November 8, 2019, EPA commenced a focused feasibility study (FFS) to identify and evaluate alternatives to

dissociate the residents from exposure to arsenic-contaminated soils. The final FFS report was completed in March 2020.

HIGHLIGHTS OF COMMUNITY PARTICIPATION

On April 8, 2020, the FFS report along with a Proposed Plan that described the remedial alternatives considered for the Site were made available to the public for comment on EPA's website. The Proposed Plan also identified the preferred remedial alternative and the rationale for the preference. A notice of availability of the above-referenced documents and information pertaining to participating at a public meeting was published in the Putnam County Press on April 8, 2020. The public comment period ran from April 8, 2020 to May 8, 2020. On April 22, 2020, because of the social-distancing requirements related to the COVID-19 pandemic, EPA conducted a virtual public meeting via Skype for Business and a conference call-in line to inform local officials and interested citizens about the Superfund process, to present the Proposed Plan for the Site, including a description of the preferred remedy, and to respond to questions and comments from the approximately 85 attendees. Public comments were primarily focused on acquisition and relocation; affected properties; comparable dwellings; remediation timeframe; additional sampling; groundwater concerns; and the historic, cultural, and agricultural significance of properties. Responses to the questions and comments received at the public meeting and provided in writing during the public comment period are included in the Responsiveness Summary (see Appendix V).

SCOPE AND ROLE OF THE OPERABLE UNIT

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP), at 40 CFR § 300.5, defines an operable unit (OU) as a discrete action that comprises an incremental step toward comprehensively addressing site problems. Such a discrete portion of a remedial response is intended to eliminate or mitigate a release, threat of a release, or pathway of exposure. The cleanup of a site can be divided into a number of operable units, depending on the complexity of the problems associated with the site.

This Site is being addressed by EPA in two OUs. The first OU (OU1) addresses, as an early action, dissociating the residents from exposure to arsenic-contaminated surface soils. This ROD describes EPA's selected remedy for OU1.

The second OU (OU2) will address the nature and extent of all Site-related contamination in various media (*e.g.*, surface and subsurface soil, groundwater, sediment, *etc.*), as well as ecological considerations.

SUMMARY OF SITE CHARACTERISTICS

To determine the extent of contamination from mining waste and to support an assessment for the appropriateness of performing a removal action at the Site, EPA collected shallow soil samples (from 0 to 2 feet below ground surface) for arsenic in 2017

and 2018 at and around the former mine and the residential properties. As part of this investigation, approximately 800 soil samples were collected at 517 locations and thereafter analyzed for arsenic. Arsenic was detected in all soil samples, with concentrations ranging from 3.2 milligrams per kilogram (mg/kg) to 56,000 mg/kg. **Appendix I, Figure 3** illustrates the surface-soil sampling locations and results.

The mine-related contamination remains uncontrolled at the Site. In addition to baseline contamination associated with the former mine and residential properties, it is likely that mine-related wastes have further spread or migrated to the residential properties as a result of surface-water flow and aerial deposition from wind. In addition, in the development of the properties, there was the potential that mine-related wastes were redistributed within the residential area as a result of regrading activities. See **Appendix I, Figure 4** for the conceptual site model.

CURRENT AND POTENTIAL FUTURE LAND AND RESOURCE USES

Land Use

The Site includes undeveloped and residential properties around and downslope from the northern mine shaft.

Groundwater Use

With the exception of the above-described residence where EPA replaced a private well with a cistern for drinking-water deliveries, all the residences in the area use private wells. Because the groundwater underlying the Site is known to contain elevated levels of arsenic, treatment systems were recommended by PCDOH and have been installed on most of the private drinking-water wells within the Site.

SUMMARY OF SITE RISKS

As part of the FFS, EPA conducted a streamlined baseline risk assessment to estimate the current and future effects of the existing arsenic at the Site on human health. A baseline risk assessment is an analysis of the potential adverse human health effects caused by releases of hazardous substances from a site in the absence of any actions or controls to mitigate such releases, under current and future land uses. It can provide the basis for taking action and can identify the contaminants and exposure pathways that need to be addressed by the implementation of the remedial action. This section of the ROD summarizes the results of the baseline risk assessment for the Site.

Human Health Risk Assessment

A four-step process is utilized for assessing site-related human health risks for a reasonable maximum exposure scenario:

- Hazard Identification in this step, EPA uses the analytical data collected to identify
 the contaminants of potential concern at the Site for each medium, with
 consideration of a number of factors explained below;
- Exposure Assessment in this step, EPA estimates the magnitude of actual and/or
 potential human exposures, the frequency and duration of these exposures, and the
 pathways (e.g., ingesting contaminated well-water) by which humans are potentially
 exposed;
- Toxicity Assessment in this step, EPA determines the types of adverse health effects associated with chemical exposures and the relationship between the magnitude of exposure (dose) and severity of adverse effects (response); and
- Risk Characterization in this step, EPA summarizes and combines outputs of the exposure and toxicity assessments to provide a quantitative assessment of site-related risks. In the risk characterization, EPA also identifies contamination with concentrations that exceed acceptable levels, defined in the NCP as an excess lifetime cancer risk greater than 1 x 10⁻⁶ 1 x 10⁻⁴, an excess of lifetime cancer risk greater than 1 x 10⁻⁶ (i.e., point of departure) combined with site-specific circumstances, or a Hazard Index greater than 1. Contaminants at these concentrations are considered chemicals of concern (COCs) and are typically those that will require remediation at a site. Also included in this section is a discussion of the uncertainties associated with these risks.

Hazard Identification

In this step, the chemicals of potential concern (COPCs) in each medium are identified based on such factors as toxicity, frequency of occurrence, fate and transport of the contaminants in the environment, concentrations, mobility, persistence, and bioaccumulation. The streamlined risk assessment for OU1 focused on residential area surface soils related to the Site that may pose significant risk to human health. Analytical information that was collected to determine the nature and extent of contamination revealed the presence of arsenic in soils at concentrations of potential concern. In selecting a remedy documented in this ROD, EPA focuses on the dissociation of residents from arsenic-contaminated surface soils on nearby residential area properties that were impacted by the former mine (as listed in **Appendix II, Table 1**). A comprehensive hazard identification of all COPCs will be conducted during the OU2 remedial investigation and feasibility study.

Exposure Assessment

Consistent with Superfund policy and guidance, the human health risk assessment (HHRA) is a baseline assessment, and therefore EPA assumes in that assessment that no remediation or institutional controls would be taken to mitigate or remove hazardous substance releases. Cancer risks and noncancer hazard indices were calculated based on an estimate of the reasonable maximum exposure (RME) expected to occur under current and future conditions at the Site. The RME is defined as the highest exposure that is reasonably expected to occur at a site.

In the HHRA, EPA evaluated potential risks to populations associated with both current and potential future land uses. The land use in the OU1 study area is residential. The HHRA was based on the assumption that the future land use for this area would be consistent with the current use.

Exposure pathways were identified for each potentially exposed population in relation to each potential exposure scenario for exposure to arsenic in surface soil. Exposure pathways assessed in the HHRA are presented in **Appendix II**, **Table 2** and include exposure of residents to surface soil via ingestion and dermal and inhalation contacts. Adult and child residents were identified as potentially exposed populations. Typically, exposures are evaluated using a statistical estimate of the exposure point concentration, which is usually an upper-bound estimate of the average concentration for each contaminant, but in some cases this may be the maximum detected concentration. A summary of the exposure point concentrations for arsenic at all residential properties evaluated can be found in **Appendix II**, **Table 1**. A comprehensive list of the exposure point concentrations for all COPCs will be prepared as part of the OU2 HHRA.

Toxicity Assessment

In this step, the types of adverse health effects associated with contaminant exposures and the relationship between magnitude of exposure and severity of adverse health effects were determined. Potential health effects are contaminant-specific and may include the risk of developing cancer over a lifetime or other noncancer health effects, such as changes in the normal functions of organs within the body (e.g., changes in the effectiveness of the immune system). Some contaminants are capable of causing both cancer and noncancer health effects.

Under current EPA guidelines, the likelihood of carcinogenic risks and noncancer hazards as a result of exposure to site chemicals are considered separately. Consistent with current EPA policy, it is assumed that the toxic effects of site-related chemicals would be additive. Thus, cancer and noncancer risks associated with exposures to individual COPCs are typically summed to indicate the potential risks and hazards associated with mixtures of potential carcinogens and noncarcinogens, respectively. The streamlined HHRA for OU1 calculated risks and hazards for arsenic only.

Toxicity data for the HHRA were obtained from the Integrated Risk Information System (IRIS) database, the Provisional Peer Reviewed Toxicity Database Values, or other sources identified as appropriate references for toxicity values consistent with EPA's directive on toxicity values. This information for arsenic is presented in **Appendix II**, **Table 3** (noncancer toxicity data summary) and **Appendix II**, **Table 4** (cancer toxicity data summary). Additional toxicity information for arsenic and other COPCs will be included in the OU2 HHRA.

Risk Characterization

In this step, EPA summarized and combined outputs of the exposure and toxicity assessments to provide a quantitative assessment of Site risks. Exposures were evaluated based on the potential risk of developing cancer and the potential for noncancer health hazards.

Noncarcinogenic risks were assessed using a hazard index (HI) approach, based on a comparison of expected contaminant intakes and benchmark comparison levels of intakes (reference doses and reference concentrations). Reference doses (RfDs) and reference concentrations (RfCs) are estimates of daily exposure levels for humans (including sensitive individuals) that are thought to be safe over a lifetime of exposure. The estimated intake of chemicals identified in environmental media (e.g., the amount of a chemical ingested from contaminated soil) is compared to the RfD or the RfC to derive the hazard quotient (HQ) for the contaminant in the particular medium. The HI is typically determined by adding the hazard quotients for all compounds within a particular medium that impacts a particular receptor population. The streamlined HHRA for OU1 calculated noncancer hazards for arsenic only.

The HQ for oral and dermal exposures is calculated as below. The HQ for inhalation exposures is calculated using a similar model that incorporates the RfC, rather than the RfD.

HQ = Intake/RfD

Where: HQ = hazard quotient

Intake = estimated intake for a chemical (mg/kg-day)

RfD = reference dose (mg/kg-day)

The intake and the RfD will represent the same exposure period (*i.e.*, chronic, subchronic, or acute).

As previously stated, the HI is typically calculated by summing the HQs for all chemicals for likely exposure scenarios for a specific population. An HI of greater than 1 indicates that the potential exists for unacceptable noncarcinogenic health effects to occur as a result of Site-related exposures, with the potential for health effects increasing as the HI increases. When the HI calculated for all chemicals for a specific population exceeds 1, separate HI values are then calculated for those chemicals that are known to act on the same target organ. These discrete HI values are then compared to the acceptable limit of 1 to evaluate the potential for noncancer health effects on a specific target organ. The HI provides a useful reference point for gauging the potential significance of multiple contaminant exposures within a single medium or across media. A summary of the noncarcinogenic hazards associated with arsenic for each exposure pathway is contained in **Appendix II, Table 5**.

Appendix II, Table 5 shows that the arsenic HI for noncancer effects for child residents exceeds EPA's hazard threshold of 1 for nine properties, with calculated hazards ranging from 2-300; the HI at the remaining property is equal to 1. For adult residents, the total noncancer HIs exceed EPA's threshold at five properties, with calculated hazards ranging from 2 to 30.

For carcinogens, risks are generally expressed as the incremental probability of an individual developing cancer over a lifetime as a result of exposure to a carcinogen, using the cancer slope factor (SF) for oral and dermal exposures and the inhalation unit risk (IUR) for inhalation exposures. Excess lifetime cancer risk for oral and dermal exposures is calculated from the following equation, while the equation for inhalation exposures uses the IUR, rather than the SF:

Risk = LADD x SF

Where: Risk = a unitless probability (1 x 10-6) of an individual developing cancer

LADD = lifetime average daily dose averaged over 70 years (mg/kg-day)

SF = cancer slope factor, expressed as [1/(mg/kg-day)]

These risks are probabilities that are usually expressed in scientific notation (such as 1 x 10^{-4}). An excess lifetime cancer risk of 1 x 10^{-4} indicates that one additional incidence of cancer may occur in a population of 10,000 people who are exposed under the conditions identified in the exposure assessment. Current Superfund guidance identifies the range for determining whether a remedial action is necessary as an individual lifetime excess cancer risk of 1 x 10^{-4} to 1 x 10^{-6} (corresponding to a one-in-ten-thousand to a one-in-a-million probability of an excess cancer risk), with 1 x 10^{-6} being the point of departure.

A summary of the estimated cancer risks is presented in **Appendix II, Table 6**. The results indicated that the cancer risks exceeded the acceptable risk range for residential exposure to arsenic in residential area surface soils at six properties, with calculated risks ranging from $2x10^{-4}$ (twice the acceptable limit) to $1x10^{-2}$ (ten times the acceptable limit).

Uncertainties

The procedures and inputs used to assess risks in this evaluation, as in all such assessments, are subject to a wide variety of uncertainties. In general, the main sources of uncertainty include the following:

- environmental chemistry sampling and analysis;
- environmental parameter measurement;
- fate and transport modeling;
- exposure parameter estimation; and
- toxicological data.

Uncertainty in environmental sampling arises in part from the potentially uneven distribution of chemicals in the media sampled. Consequently, there is significant

uncertainty as to the actual levels present. Environmental chemistry-analysis error can stem from several sources, including the errors inherent in the analytical methods and characteristics of the matrix being sampled.

Uncertainties in the exposure assessment are related to estimates of how often an individual would actually come in contact with the COCs, the period over which such exposure would occur, and the models used to estimate the concentrations of the COCs at the point of exposure.

Uncertainties in toxicological data occur in extrapolating both from animals to humans and from high to low doses of exposure, as well as from the difficulties in assessing the toxicity of a mixture of chemicals. These uncertainties are addressed by making conservative assumptions concerning risk and exposure parameters throughout the assessment. As a result, the risk assessment provides upper-bound estimates of the risks to residential populations near the Site and is highly unlikely to underestimate actual risks related to arsenic in surface soils.

Since the streamlined HHRA did not evaluate other COCs or other media, it is likely that the total risks and hazards associated with the Site are underestimated. A comprehensive evaluation including other COPCs and all media will be conducted as part of OU2.

More detailed information concerning uncertainty in the health risks is presented in the human health risk assessment report.

Basis for Taking Action

Based upon the results of the HHRA, supported by the 2019 Health Consultation, the Determination of Significant Threat memorandum, and the Public Health Advisory, EPA has determined that actual or threatened releases of hazardous substances at the Site, if not addressed by the remedial action selected in this ROD, may present a current or potential threat to human health. The response action selected in this ROD is necessary to protect public health, welfare or the environment from actual or threatened releases of hazardous substances, pollutants or contaminants from the Site.

REMEDIAL ACTION OBJECTIVE

Remedial action objectives (RAOs) are specific goals to protect human health and the environment. These objectives are based on available information and standards, such as applicable or relevant and appropriate requirements (ARARs), to-be-considered (TBC) guidance, and site-specific risk-based levels.

The RAO established for the Site is to reduce or eliminate residential exposure to arsenic-contaminated surface soils.

SUMMARY OF REMEDIAL ALTERNATIVES

CERCLA Section 121(b)(1), 42 U.S.C. § 9621(b)(1), mandates that remedial actions must be protective of human health and the environment, cost-effective, comply with ARARs, and utilize permanent solutions and alternative treatment technologies and resource recovery alternatives to the maximum extent practicable. Section 121(b)(1) also establishes a preference for remedial actions that employ, as a principal element, treatment to permanently and significantly reduce the volume, toxicity, or mobility of the hazardous substances, pollutants, and contaminants at a site. CERCLA Section 121(d), 42 U.S.C. § 9621(d), further specifies that a remedial action must attain a level or standard of control of the hazardous substances, pollutants, and contaminants that at least attains ARARs under federal and state laws, unless a waiver can be justified pursuant to CERCLA Section 121(d)(4), 42 U.S.C. § 9621(d)(4).

Detailed descriptions of the remedial alternatives to dissociate the residents at the Site from exposure to arsenic-contaminated areas at the site can be found in the FFS report. The FFS report presents three alternatives to dissociate the residents from exposure to the arsenic-contaminated areas. The remedial alternatives are:

Alternative 1: No Action

Capital Cost: \$0

Annual Cost: \$0

Present-Worth Cost: \$0

0 months

The Superfund regulations require that the "no-action" alternative be considered as a baseline for comparison with the other alternatives. The no-action remedial alternative does not include any physical remedial measures to dissociate the residents from exposure to arsenic-contaminated areas.

Alternative 2: Inspection and Maintenance of Existing Protective Measures

Implementation Time:

Capital Cost: \$161,000

Annual Cost: \$330,000

Present-Worth Cost: \$2,641,000

Implementation Time: 6 months

This alternative consists of periodic inspections and maintenance of the existing protective measures, as necessary. The inspection and maintenance program would

ensure the effectiveness of these measures in eliminating exposure pathways in areas where these measures were installed.

Inspection activities would include, among other things, visual observations to assess the integrity of the outdoor and indoor protective measures. For cost-estimating purposes, it was assumed that inspection and maintenance activities would be performed twice per year.

The outdoor protective measures that would be inspected and maintained, as necessary, would include paving, stone pathways, and installed woodchip and mulch covers. If visual inspection were to indicate that there is a breach in the integrity of the woodchip, stone, or pavement covers, repairs of the covers would be performed. This would involve adding woodchips, adding stone, or sealing cracks in pavement. Maintenance would also include replacement of outdoor doormats and boot brushes, if necessary.

The indoor protective measures to be inspected and maintained, as necessary, would include indoor door mats and high-efficiency particulate air vacuums.

This alternative would also include institutional controls (ICs)¹ (*e.g.*, easements) to limit current and future use of the properties, as well as the preparation of a plan related to the inspection and maintenance of the existing protective measures.

It is estimated that it would require six months to implement the ICs and prepare a plan related to the inspection and maintenance of the existing protective measures.

It is assumed that the inspection and maintenance would be performed for 10 years (a conservative estimated of the time necessary to perform an OU2 investigation and select, design, and implement an OU2 remedy).

Alternative 3: Property Acquisition, Permanent Relocation, and Demolition

Capital Cost: \$5,603,000

Periodic Inspections and \$330,000

Maintenance Cost:

Present-Worth Cost: \$5,828,000

Implementation Time: 1.5 years

This alternative consists of offers of property acquisition and permanent relocation of the affected residents who accept EPA's offer. Affected property owners would be

¹ ICs are non-engineered actions or requirements, such as administrative and legal controls, that help minimize the potential for human exposure to contamination and/or protect the integrity of a remedy.

compensated for the acquired real property, and affected residents would receive relocation assistance. Following permanent relocation, vacated structures would be demolished. Superfund-related permanent relocations and property acquisitions would be conducted under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

Real property would be appraised in accordance with federal standards to determine the comparable replacement-housing value, and an offer to purchase would be made to each residential property owner at the Site.

Permanent relocation would include federal financial and logistical support for residents to move out of the OU1 study area permanently. Residents would be assisted in the relocation process, including identifying and moving into replacement residences.

Until the residents from each affected residence are permanently relocated, or until the completion of the OU2 effort (if there are residents that decline to be relocated), periodic inspections and maintenance of the existing protective measures would be performed (see Alternative 2 for details), as necessary, at each occupied residence to ensure the effectiveness of these measures in eliminating exposure pathways in areas where these measures were installed. For cost-estimating purposes, it is presumed that the inspections and maintenance would be performed at each residence every six months for one year.

The residential structures would be demolished following property acquisition and relocation to remove potential exposure and safety hazards associated with the continued existence of unoccupied, unmaintained structures until completion of any OU2 response that may be selected.

Engineering controls (*i.e.*, fencing) would be utilized to prevent trespassing once the structures are vacated. It is anticipated that the fencing would be removed once the footprint of the demolition was restored (*e.g.*, backfilled and seeded).

This alternative would also include ICs (*e.g.*, easements) to limit the current use and to prevent future residential development of the properties, as well as the preparation of a plan related to the inspection and maintenance of the existing protective measures until the residents from each affected residence are permanently relocated or until completion of any OU2 response that may be selected.

It is estimated that it would require one year to acquire the properties, relocate the residents, demolish the structures, implement the ICs, and prepare the plan related to the inspections and maintenance of the existing protective measures.

COMPARATIVE ANALYSIS OF ALTERNATIVES

During the detailed evaluation of remedial alternatives, each alternative is assessed against nine evaluation criteria set forth in the NCP for CERCLA remedies, namely, overall protection of human health and the environment, compliance with applicable or relevant and appropriate requirements, long-term effectiveness and permanence, reduction of toxicity, mobility, or volume through treatment, short-term effectiveness, implementability, cost, and state and community acceptance.

The evaluation criteria are described below.

- Overall protection of human health and the environment addresses whether a remedy
 provides adequate protection and describes how risks posed through each exposure
 pathway (based on a reasonable maximum exposure scenario) are eliminated,
 reduced, or controlled through treatment, engineering controls, or ICs.
- Compliance with ARARs addresses whether a remedy would meet all of the applicable or relevant and appropriate requirements of other federal and state environmental statutes and requirements or provide grounds for invoking a waiver.
- Long-term effectiveness and permanence refers to the ability of a remedy to maintain reliable protection of human health and the environment over time, once cleanup goals have been met. It also addresses the magnitude and effectiveness of the measures that may be required to manage the risk posed by treatment residuals and/or untreated wastes.
- Reduction of toxicity, mobility, or volume through treatment is the anticipated performance of the treatment technologies, with respect to these parameters, that a remedy may employ.
- Short-term effectiveness addresses the period needed to achieve protection and any adverse impacts on human health and the environment that may be posed during the implementation period until cleanup goals are achieved.
- *Implementability* is the technical and administrative feasibility of a remedy, including the availability of materials and services needed to implement a particular alternative.
- Cost includes estimated capital, annual, and net present-worth costs.
- State acceptance indicates if, based on its review of the FFS and Proposed Plan, the state concurs with the preferred alternative at the present time.
- Community acceptance refers to the public's general response to the alternatives described in the Proposed Plan and the FFS report.

A comparative analysis of these alternatives based upon the evaluation criteria noted above follows.

Overall Protection of Human Health and the Environment

Alternative 1 would not be protective of human health because residents would remain on their properties and the existing protective measures would not be maintained. Alternatives 2 and 3 would be protective of human health because both of the alternatives would rely upon a remedial strategy to prevent residential exposure to contaminated surface soils. Alternative 3 would, however, be more protective of human health than Alternative 2 because the residential dissociation from surface soils would be permanent,

and no maintenance would be required to ensure effectiveness. Additionally, Alternative 2 would have to rely on ICs to some degree to prevent residents from being exposed to contaminated soils where no protective measures are present.

Compliance with ARARs

CERCLA Section 121(d) and the NCP require that remedial actions at CERCLA sites at least attain legally applicable or relevant and appropriate federal and state requirements, standards, criteria, and limitations (collectively referred to as "ARARs"), unless such ARARs are waived under Section 121(d)(4) of CERCLA. The compliance with ARARs criteria addresses whether a remedy will meet all of the ARARs or provides a basis for invoking a waiver.

The focus of OU1, an early action, is to address the dissociation of residents from the risk posed at the Site. OU2 will evaluate the actual remediation of Site contamination. Consequently, only the criteria relevant to the evaluation of this OU1 action will be addressed in detail. As such, ARARs and reduction of toxicity, mobility, or volume will not be discussed in detail as part of this analysis of alternatives.

Because no action would be taken under Alternative 1, no chemical-, location-, or action-specific ARAR would be attained.

Maintenance activities under Alternative 2 and demolition activities under Alternative 3 would be implemented in accordance with pertinent action-specific ARARs. The Resource Conservation and Recovery Act (RCRA), the Toxic Substances Control Act (TSCA), and the Clean Air Act (CAA) are federal laws that mandate procedures for managing, treating, transporting, storing, and disposing of hazardous wastes and substances, including PCBs, lead-based paint, and asbestos. Alternative 3 could be implemented in accordance with the portions of RCRA, TSCA, and CAA that are applicable or relevant and appropriate to the demolition activities.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and its implementing regulations are requirements that must be followed regarding Alternative 3's permanent relocation of residents along with the related acquisition of real property, but they are not ARARs as they are not environmental requirements.

Long-Term Effectiveness and Permanence

Alternative 1 would involve no active remedial measures and, therefore, would not be effective in eliminating the potential exposure to contaminants in the surface soil.

Under Alternative 2, inspections and maintenance of the existing protective measures and ICs (e.g., easements), would provide protection until a permanent remedy is selected, designed, and implemented (estimated to be 10 years). While properties would have the potential to be re-contaminated because tailing waste from the area of the former mine operations would not be contained and surface-water flow from the tailing-waste areas

would not be abated, the inspection and maintenance plan could be tailored to address this. Additionally, the ICs under Alternative 2 would limit the full use of the properties. Alternative 3 would provide greater protection in the long-term, as the residents would be permanently relocated from their contaminated properties, thereby more effectively eliminating their exposure to arsenic-contaminated surface soils. Under this alternative, the residential structures would be demolished following property acquisition and relocation of the residents so as to remove potential exposure and safety hazards associated with the continued existence of unoccupied, unmaintained structures.

Reduction in Toxicity, Mobility, or Volume Through Treatment

Reduction of toxicity, mobility, and/or volume through treatment would not occur under any of the alternatives under this OU1 early-action; it is anticipated that this criterion will be addressed in the future as part of OU2.

Short-Term Effectiveness

Because Alternative 1 does not include any physical construction measures in any areas of contamination, this alternative would present the least short-term potential adverse impacts to remediation workers or the community as a result of its implementation.

The maintenance activities under Alternative 2 would pose some risk to remediation workers and nearby residents. This exposure could, however, be mitigated by following appropriate health and safety protocols, which include following a site-specific community air monitoring program (CAMP), exercising sound engineering practices, and by utilizing proper protective equipment. Under Alternative 3, the use of heavy equipment during demolition activities would cause disturbance of the surface soils and the generation of contaminated dust, resulting in the potential for contaminant migration to the environment. There would also be the potential for increased local traffic. The dust-related impacts could be mitigated through the implementation of decontamination measures and dust suppression practices. A traffic control plan could be implemented to reduce the potential for traffic accidents. Workers would encounter arsenic-contaminated surface soils during their work and, potentially, hazardous building materials during abatement. This exposure could, however, be mitigated by following appropriate health and safety protocols, which include following a site-specific CAMP, exercising sound engineering practices, and by utilizing proper protective equipment.

Because no actions would be performed under Alternative 1, there would be no implementation time. Under Alternative 2, it is estimated that it would require six months to implement the ICs and prepare a plan related to the inspection and maintenance of the existing protective measures. Under Alternative 3, it is estimated that it would require one year to acquire the properties, relocate the residents, demolish the structures, implement the ICs, and prepare the plan related to the inspections and maintenance of the existing protective measures.

Implementability

Alternative 1 would be the easiest alternative to implement, as there are no activities to undertake.

Under Alternative 2, periodic inspections and maintenance of the existing protective measures would be easy to implement because they could be a continuation of the inspections and maintenance of the existing protective measures that are currently being conducted. Under this alternative, there could be administrative implementability challenges, as it would require coordination with Putnam County and the property owners to implement the ICs.

Equipment, services, and materials needed for the demolition of the houses under Alternative 3 are readily available, and the actions under this alternative would be administratively feasible. Implementability relative to Alternative 3 would rely on resident cooperation for property acquisition, permanent relocation, and, to the extent necessary, maintenance of existing protective measures. Under this alternative, there could be administrative implementability challenges, as it would require coordination with Putnam County and the property owners to implement the ICs.

Cost

The present-worth cost associated with Alternative 2 is calculated using a discount rate of seven percent and a 10-year time interval. The present-worth cost associated with Alternative 3 is calculated using a discount rate of seven percent and a one-year time interval.

Alternative 3 includes the demolition of the residential structures following property acquisition and relocation of the residents. If the vacated structures are not demolished to remove potential exposure and safety hazards associated with the continued existence of unoccupied, unmaintained structures, security measures would need to be implemented. The estimated 10-year period for security measures for these structures would likely exceed the cost of demolishing the structures.

The estimated capital, annual, and present-worth costs for each of the alternatives are presented below.

Alternative	Capital Cost	Annual Cost ²	Present-Worth Cost
1	\$0	\$0	\$0
2	\$161,000	\$330,000	\$2,641,000
3	\$5,603,000	\$330,000	\$5,828,000

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² For Alternative 2, the annual cost presented is an annual cost for a 10-year time interval. For Alternative 3, the annual cost presented is a one-time cost during a one-year time interval.

State Acceptance

NYSDEC concurs with the selected remedy; a letter of concurrence is attached (see **Appendix IV**).

Community Acceptance

Comments received during the public comment period indicate that the public generally supports the selected remedy. These comments are summarized and addressed in the Responsiveness Summary, which is attached as **Appendix V** to this document.

PRINCIPAL THREAT WASTE

In the NCP, an expectation is laid out that EPA will use treatment to address the principal threats posed by a site wherever practicable (40 CFR § 300.430(a)(1)(iii)(A)). The "principal threat" concept is applied to the characterization of source materials at a Superfund site. A source material is material that includes or contains hazardous substances, pollutants, or contaminants that act as a reservoir for the migration of contamination to groundwater, surface water, or air, or act as a source for direct exposure. Principal threat wastes (PTWs) are those source materials considered to be highly toxic or highly mobile that generally cannot be reliably contained or will present a significant risk to human health or the environment should exposure occur. The decision whether to treat these wastes is made on a site-specific basis through a detailed analysis of alternatives. This analysis provides a basis for making a statutory finding that the remedy employs treatment as a principal element.

The mine-related arsenic contamination is a PTW, a source material that is considered to be highly toxic or highly mobile, that generally cannot be reliably contained, or will present a significant risk to human health or the environment should exposure occur. While residential exposure to PTW will be addressed in this OU1 early-action, the evaluation of its nature and extent, the risk it poses, and whether to utilize treatment will be addressed during OU2.

SELECTED REMEDY

Summary of the Rationale for the Selected Remedy

The selected remedy is Alternative 3. While Alternative 3 is more expensive than Alternative 2, EPA considered the balance between the cost difference and the uncertainty of when a decision regarding a final remedy (OU2) may be made and when it would be designed and implemented (estimated to be 10 years). In addition, Alternative 3 is the most protective because the data indicates that the properties may

become re-contaminated as a result of the source not being contained, potentially resulting in additional exposure of residents to this contamination under Alternative 2.

Alternative 3 is believed to provide the greatest protection of human health and the environment, provide the greatest long-term effectiveness, and is the most cost effective. Therefore, it has been determined that Alternative 3 will provide the best balance of tradeoffs among alternatives with respect to the nine evaluating criteria. EPA, with the concurrence of NYSDEC, believes that the selected alternative will be protective of human health and the environment, comply with ARARs, be cost-effective, and utilize permanent solutions to the maximum extent practicable.

Description of the Selected Remedy

Alternative 3, the selected remedy to dissociate the residents from exposure to arsenic-contaminated soils at the Site, includes the following components:

- Offers of acquisition of affected properties at the Site and permanent relocation of those affected residents who accept EPA's offer;
- Following permanent relocation, demolition of vacated structures;
- Utilization of ICs (e.g., easements) to limit current and future use of the properties;
- Until the residents from each affected residence are permanently relocated, or until
 a final OU2 remedy is implemented, periodic inspections and maintenance of the
 existing protective measures, as necessary, at any occupied residence to ensure
 the effectiveness of these measures in eliminating exposure pathways in the areas
 where these measures were installed.

Engineering controls (e.g., fencing) will be utilized to prevent trespassing once structures are vacated. It is anticipated that the fencing will be removed once the footprint of the demolition was restored (e.g., filled and seeded).

The remedy also includes the preparation of a plan related to the inspection and maintenance of the existing protective measures to the extent they are necessary.

The environmental benefits of the selected remedy may be enhanced by consideration, during the design, of technologies and practices that are sustainable in accordance with EPA Region 2's Clean and Green Energy Policy and NYSDEC's Green Remediation Policy.³ This will include consideration of green remediation technologies and practices. An example of this at the Site would be the deconstruction of houses and recycling/reuse of materials to the extent practicable, which would potentially result in maximizing the environmental benefit.

Summary of the Estimated Remedy Costs

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³ See https://www.epa.gov/greenercleanups/epa-region-2-clean-and-green-policy and https://www.dec.ny.gov/docs/remediation hudson pdf/der31.pdf.

The estimated capital, annual, and total present-worth costs (using the federal standard 7% discount rate) for the selected remedy are \$5,603,000, \$330,000, and \$5,828,000, respectively. **Tables 7 through 10** provide the basis for the cost estimates for Alternative 3.

It should be noted that these cost estimates are order-of-magnitude engineering cost estimates that are expected to be within +50 to -30 percent of the actual project cost. These cost estimates are based on the best available information regarding the anticipated scope of the selected remedy. Changes in the cost elements are likely to occur as a result of new information and data collected during the engineering design of the remedy.

Expected Outcomes of the Selected Remedy

Based upon the results of the HHRA, supported by the Determination of Significant Threat memorandum, the 2019 NYSDOH Health Consultation, and the 2019 ATSDR Public Health Advisory, EPA has determined that actual or threatened releases of hazardous substances at the Site, if not addressed by the selected remedy described in this ROD, may present a current or potential threat to human health.

The results of the risk assessment indicate that the arsenic contamination in the soil poses an excess lifetime cancer risk above the EPA reference cancer risk range and total noncancer hazards above the acceptable threshold level.

Under the selected remedy, it is estimated that it will require 18 months to dissociate the residents from exposure to arsenic-contaminated soils. When the dissociation is completed, EPA will have addressed the April 2019 ATSDR Public Health Advisory recommendation that EPA take immediate short- and long-term measures to dissociate persons, especially children, from exposure to arsenic in shallow soils at the Site. Expected land and groundwater uses at the Site will be evaluated as part of the OU2 effort.

STATUTORY DETERMINATIONS

Under CERCLA Section 121 and the NCP, the lead agency must select remedies that are protective of human health and the environment, comply with ARARs (unless a statutory waiver is justified), are cost-effective, and utilize permanent solutions and alternative treatment technologies or resource recovery technologies to the maximum extent practicable. Section 121(b)(1) also establishes a preference for remedial actions that employ treatment to permanently and significantly reduce the volume, toxicity, or mobility of the hazardous substances, pollutants, or contaminants at a site.

For the reasons discussed below, EPA has determined that the selected remedy meets these statutory requirements.

Protection of Human Health and the Environment

The results of the risk assessment indicate that, if no action is taken, the arsenic contamination in the soil poses an excess lifetime cancer risk above the EPA reference cancer risk range and total noncancer hazards above the acceptable threshold level.

Because the residents will be permanently relocated under the selected remedy, residents' exposure to the arsenic-contaminated soil will be eliminated. The implementation of the selected remedy will not pose unacceptable short-term risks or cross-media impacts. Combined with ICs, the selected remedy will provide protectiveness of human health over both the short- and long-term.

Compliance with ARARs and Other Environmental Criteria

The selected remedy complies with location-specific and action-specific ARARs. There are no chemical-specific ARARs for this early-action OU1 remedy. A complete list of the ARARs, TBCs, and other guidance that concern the selected remedy is presented in Table 11 (location-specific) and Table 12 (action-specific), which can be found in Appendix II.

Cost-Effectiveness

A cost-effective remedy is one in which costs are proportional to its overall effectiveness (see NCP Section 300.430(f)(1)(ii)(D)). Overall effectiveness is based on the evaluations of long-term effectiveness and permanence, reduction in toxicity, mobility, and volume through treatment, and short-term effectiveness. Based on the comparison of overall effectiveness (discussed above) to cost, the selected remedy meets the statutory requirement that Superfund remedies be cost-effective in that, while it is the costliest alternative, it is a reasonable cost in light of being the best alternative in addressing permanence.

Each of the alternatives underwent a detailed cost analysis. In that analysis, capital and annual costs were estimated and used to develop present-worth costs. In the present-worth cost analysis, annual costs were calculated for the estimated life of the remedial alternatives using a 7% discount rate and 10- and 1-year intervals for Alternatives 2 and 3, respectively. The estimated capital, annual, and total present-worth costs for the selected remedy are \$5,603,000, \$330,000, and \$5,828,000, respectively.

While Alternative 3 is more expensive than Alternative 2, EPA also considered the balance between the cost difference and the uncertainty of when a decision regarding a final remedy (OU2) would be made and when it may be designed and implemented (estimated to be 10 years). In addition, the selected remedy is the most protective because the data indicates that the properties may become re-contaminated as a result of the source not being contained.

The selected remedy includes the demolition of the residential structures following successful property acquisition and relocation of the residents. If the vacated structures are not demolished (to remove potential exposure and safety hazards associated with the continued existence of unoccupied, unmaintained structures), security measures will need to be implemented. The estimated 10-year period for security measures for these structures would likely exceed the cost of demolishing the structures.

Utilization of Permanent Solutions and Alternative Treatment Technologies to the Maximum Extent Practicable

While the selected remedy does utilize permanent solutions in terms of permanently relocating residents, this OU1 remedy does not utilize alternative treatment technologies. It is anticipated that this criterion will be addressed as part of OU2.

Preference for Treatment as a Principal Element

The statutory preference for remedies that employ treatment as a principal element is not satisfied under the selected remedy in that contaminated soils are not being addressed in this early-action OU1 remedy. It is anticipated that this criterion will be addressed as part of OU2. Although the selected remedy will not satisfy the statutory preference for treatment as a principal element of the remedy (*i.e.*, reducing the toxicity, mobility, or volume of hazardous substances, pollutants, or contaminants as a principal element through treatment), future actions at the site (*i.e.*, OU2) are expected to do so.

Five-Year Review Requirements

The statutory requirement for a five-year review is not triggered by the implementation of this action.

DOCUMENTATION OF SIGNIFICANT CHANGES

The Proposed Plan, released for public comment on April 8, 2020, identified Alternative 3, property acquisition, permanent relocation, and demolition, as the preferred remedy. Based upon the review of the written and verbal comments submitted during the public comment period, EPA has determined that no significant changes to the remedy, as originally identified in the Proposed Plan, are necessary or appropriate.



Figure 1: Site Location

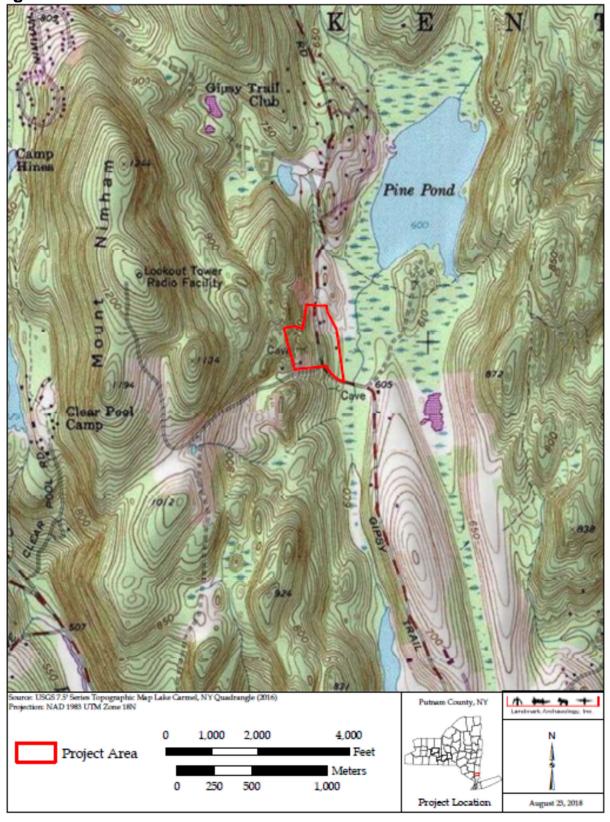


Figure 2: Site Layout

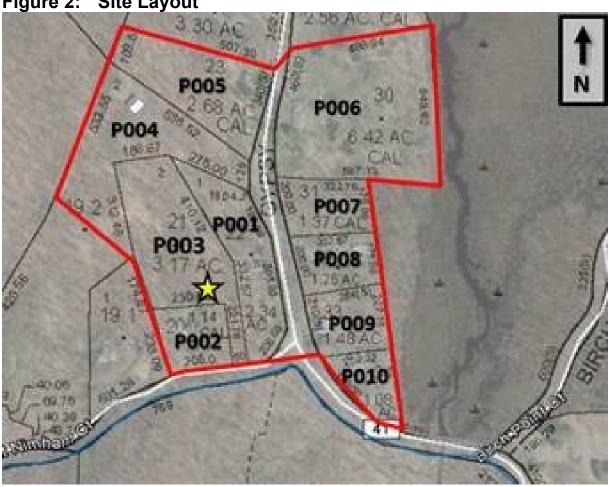
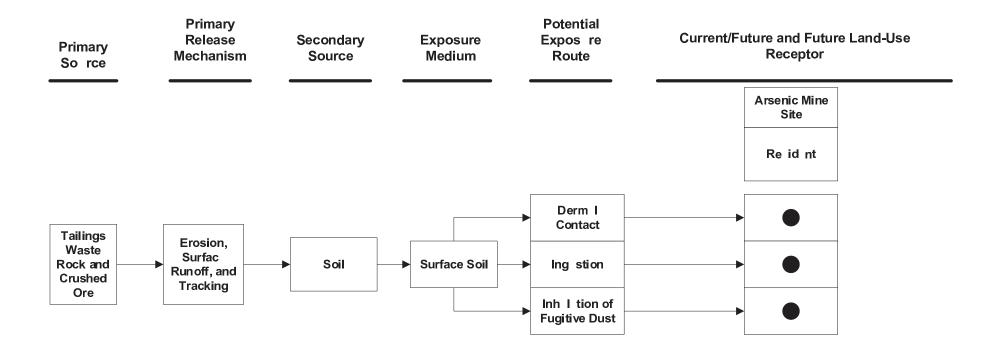




Figure 3: Surface-Soil Sampling Locations and Results



Figure 4: Conceptual Site Model



Legend:



complete exposure pathway (quantitatively evaluated)

Note:

Resident: Adults and Children (birth to <6 years old)

Current/Future Land-Use Receptors: Residents dwelling at Properties P001, P002, P005, P006, P008, P009, and P010

Future Land-Use Receptors: Hypothetical Residents dwelling at Properties P003, P004, and P007

APPENDIX II—TABLES

TABLE 1: Summary of Chemicals of Concern and Medium-Specific Exposure Point Concentrations

Scenario Timeframe: Current/Future

Medium: Soil

Exposure Medium: Residential area surface soil (0-2 feet)

Exposure Point	Chemical of Concern	Concentration Detected		Concentration	Frequency of	Exposure Point Concentration	EPC	Statistical Measure	
		Min	Max	Units	Detection	(EPC)	Units		
P001	Arsenic	8.5	54,177	mg/kg	66/66	9.092	mg/kg	95% Chebyshev (Mean, Sd) UCL	
P002	Arsenic	10	5,394	mg/kg	54/54	852	mg/kg	95% Chebyshev (Mean, Sd) UCL	
P003*	Arsenic	8.8	34,250	mg/kg	77/77	6,095	mg/kg	95% Chebyshev (Mean, Sd) UCL	
P004*	Arsenic	1.8	3,090	mg/kg	28/28	615	mg/kg	95% Chebyshev (Mean, Sd) UCL	
P005	Arsenic	11.8	136	mg/kg	47/47	54.6	mg/kg	95% Adjusted Gamm UCL	
P006	Arsenic	8.3	320	mg/kg	68/68	65.4	mg/kg	95% Chebyshev (Mean, Sd) UCL	
P007*	Arsenic	11.5	232	mg/kg	40/40	70.1	mg/kg	95% Chebyshev (Mean, Sd) UCL	
P008	Arsenic	9.8	96.5	mg/kg	45/45	38.4	mg/kg	95% Adjusted Gamma UCL	
P009	Arsenic	7.3	4,072	mg/kg	46/46	549	mg/kg	95% Chebyshev (Mean, Sd) UCL	
P010	Arsenic	4.5	582	mg/kg	46/46	115	mg/kg	95% H-UCL	

^{*}Undeveloped properties with future potential use scenario only

mg/kg - milligrams per kilogram

UCL - Upper Confidence Limit on the mean

95% Chebyshev (Mean, Sd) UCL - 95% upper confidence limit, Chebyshev statistic (mean, STD)

95% Adjusted Gamma-UCL - 95% upper confidence limit, Adjusted Gamma statistic (mean, STD)

95% H- UCL – 95% upper confidence limit, H statistic (mean, STD)

Summary of Chemicals of Concern and Medium-Specific Exposure Point Concentrations

This table presents the chemicals of concern (COCs) and exposure point concentrations (EPCs) for arsenic in residential area surface soil. The table includes the range of concentrations detected, as well as the frequency of detection (i.e., the number of times the chemical was detected in the samples collected at the site), the EPC and how it was derived.

Scenario Timeframe	Medium	Exposure Medium	Exposure Point	Receptor Population	Receptor Age	Exposure Route	Type of Analysis
Current/Future	Soil	Surface Soil (0-2')	Residential Area Surface Soil (P001-P010)	Resident	Adult and Child (birth to <6 years)	Ing/Der/Inh	Quantitative

Ing - Ingestion

Der – Dermal

Inh - Inhalation

Summary of Selection of Exposure Pathways

This table describes the exposure pathways that were evaluated for the risk assessment. Exposure media, exposure points, and characteristics of receptor populations are included.

TABLE 3: Noncancer Toxicity Data Summary

Pathway: Oral/Dermal

Chemical of Concern	Chronic/ Subchronic	Oral RfD Value	Oral RfD Units	Absorp. Efficiency (Dermal)	Adjusted RfD (Dermal)	Adj. Dermal RfD Units	Primary Target Organ	Combined Uncertainty /Modifying Factors	Sources of RfD: Target Organ	Dates of RfD:
Arsenic	Chronic	3.0E-04	mg/kg- day	1	3.0E-04	mg/kg- day	Skin, Vascular	3	IRIS	9/01/1991

Pathway: Inhalation

Chemical of Concern	Chronic/ Subchronic	Inhalation RfC	Inhalation RfC Units	Primary Target Organ	Combined Uncertainty /Modifying Factors	Sources of RfC: Target Organ	Dates:
Arsenic	Chronic	1.5E-05	mg/m³	Developmental/ Cardiovascular System/Nervous System/Lung/Skin	30	CalEPA	7/1/2014

IRIS: Integrated Risk Information System

mg/m³: milligrams per cubic meter CalEPA: California Environmental Protection Agency

Summary of Toxicity Assessment

This table provides noncarcinogenic risk information which is relevant to the contaminants of concern. When available, the chronic toxicity data have been used to develop oral reference doses (RfDs) and inhalation reference concentrations (RfCs).

TABLE 4: Cancer Toxicity Data Summary

Pathway: Oral/Dermal

Chemical of Concern	Oral Cancer Slope Factor	Units	Adjusted Cancer Slope Factor (for Dermal)	Slope Factor Units	Weight of Evidence/ Cancer Guideline Description	Source	Date
Arsenic	1.5E+00	(mg/kg-day) ⁻¹	1.5E+00	(mg/kg- day) ⁻¹	A – Human carcinogen	IRIS	6/1/1995

Pathway: Inhalation

Chemical of Concern	Unit Risk	Units	Weight of Evidence/ Cancer Guideline Description	Source	Date
Arsenic	4.3E-03	(µg/m³) ⁻¹	A – Human carcinogen	IRIS	6/1/1995

A: Human Carcinogen IRIS: Integrated Risk Information System μg/m³: microgram per cubic meter

Summary of Toxicity Assessment

This table provides carcinogenic risk information which is relevant to the contaminants of concern. Toxicity data are provided for both the oral and inhalation routes of exposure.

TABLE 5: Risk Characterization Summary - Noncarcinogens

Scenario Timeframe: Current/Future
Receptor Population: Site Resident
Receptor Age: Adult

						Noncarci	nogenic Risk	
Medium	Exposure Medium	Exposure Point	Chemical of Concern	Primary Target Organ	Ingestion	Dermal	Inhalation	Exposure Routes Total
		P001 Arsenic		Skin, Vascular	2E+01	5E+00	4E-01	3E+01
		P002	Arsenic	Skin, Vascular	2E+00	4E-01	4E-02	3E+00
		P003*	Arsenic	Skin, Vascular	1E+01	3E+00	3E-01	2E+01
		P004*	Arsenic	Skin, Vascular	1E+00	3E-01	3E-02	2E+00
0 - 11	Residential	P005	Arsenic	Skin, Vascular	1E-01	3E-02	3E-03	2E-01
Soil	Area Surface Soil	P006	Arsenic	Skin, Vascular	2E-01	3E-02	3E-03	2E-01
		P007*	Arsenic	Skin, Vascular	2E-01	4E-02	3E-03	2E-01
		P008	Arsenic	Skin, Vascular	9E-02	2E-02	2E-03	1E-01
		P009 Arsenic		Skin, Vascular	1E+00	3E-01	3E-02	2E+00
		P010	Arsenic	Skin, Vascular	3E-01	6E-02	5E-03	3E-01

Scenario Timeframe: Receptor Population: Receptor Age: Current/Future Site Resident Child

						Noncarci	nogenic Risk	
Medium	Exposure Medium	Exposure Point	Chemical of Concern	Primary Target Organ	Ingestion	Dermal	Inhalation	Exposure Routes Total
		P001	Arsenic	Skin, Vascular	2E+02	3E+01	4E-01	3E+02
		P002	Arsenic	Skin, Vascular	2E+01	3E+00	4E-02	2E+01
		P003*	Arsenic	Skin, Vascular	2E+02	2E+01	3E-01	2E+02
		P004*	Arsenic	Skin, Vascular	2E+01	2E+00	3E-02	2E+01
0 - 11	Residential	P005	Arsenic	Skin, Vascular	1E+00	2E-01	3E-03	2E+00
Soil	Area Surface Soil	P006	Arsenic	Skin, Vascular	2E+00	2E-01	3E-03	2E+00
		P007*	Arsenic	Skin, Vascular	2E+00	2E-01	3E-03	2E+00
		P008	Arsenic	Skin, Vascular	1E+00	1E-01	2E-03	1E+00
		P009	Arsenic	Skin, Vascular	1E+01	2E+00	3E-02	2E+01
		P010	Arsenic	Skin, Vascular	3E+00	4E-01	5E-03	3E+00

^{*} Undeveloped non-residential property

Summary of Risk Characterization - Noncarcinogens

The table presents hazard quotients (HQs) for each route of exposure and the hazard index (sum of hazard quotients) for exposure to arsenic in residential area surface soil. The Risk Assessment Guidance for Superfund states that, generally, a hazard index (HI) greater than 1 indicates the potential for adverse noncancer effects.

TABLE 6: Risk Characterization Summary - Carcinogens

Scenario Timeframe:FutureReceptor Population:Site ResidentReceptor Age:Lifetime (Adult/child)

Medium	Exposure	Exposure	Chemical of Concern		Carcinogenic Risk					
	Medium	Point		Ingestion	Dermal	Inhalatio n	Exposure Routes Total			
		P001	Arsenic	1E-02	2E-03	1E-05	1E-02			
		P002	Arsenic	1E-03	2E-04	1E-06	1E-03			
		P003*	Arsenic	8E-03	1E-03	7E-06	9E-03			
		P004*	Arsenic	8E-04	1E-04	7E-07	9E-04			
0.1	Residential	P005	Arsenic	7E-05	1E-05	6E-08	8E-05			
Soil	Area Surface Soil	P006	Arsenic	9E-05	1E-05	7E-08	1E-04			
		P007*	Arsenic	9E-05	1E-05	8E-08	1E-04			
		P008	Arsenic	5E-05	7E-06	4E-08	6E-05			
		P009	Arsenic	7E-04	1E-04	6E-07	8E-04			
		P010	Arsenic	2E-04	2E-05	1E-07	2E-04			

^{*} Undeveloped non-residential property

Summary of Risk Characterization – Carcinogens

The table presents site-related cancer risks for groundwater exposure. As stated in the National Contingency Plan, the point of departure is 10⁻⁶ and the acceptable risk range for site-related exposure is 10⁻⁶ to 10⁻⁴. The cancer risk from arsenic exceeds the acceptable risk range at six properties, indicating an unacceptable risk from exposure to surface soil at these residences.

Table 7: Capital Costs -- Relocation

CAPITAL COSTS: (Assumed to be Incurred During Year 0)						
DESCRIPTION	WORKSHEET	QTY	UNIT(S)	UNIT COST	TOTAL	NOTES
Institutional Controls	CW3-2C	1	LS	\$114,717	\$114,717	
Property Boundary Surveys	CW3-2C	1	LS	\$57,078	\$57,078	Seven residential properties
SUBTOTAL					\$171,795	
Contingency (Scope)		15%			\$25,769	15% Scope, 0% Bid (Middle of the recommended range in EPA 540-R-00-002).
SUBTOTAL					\$197,564	
Project Management		8%			\$15,805	Percentage from Exhibit 5-8 in EPA 540-R-00-002 was used.
TOTAL					\$213,369	•
TOTAL CAPITAL COST					\$213,000	Total capital cost is rounded to the nearest \$1,000.
CAPITAL COSTS: (Assumed to be Incurred During Year 0)						
DESCRIPTION	WORKSHEET	QTY	UNIT(S)	UNIT COST	TOTAL	NOTES
Property Acquisition	CW3-1	1	LS	\$2,569,433	\$2,569,433	Includes acquisition of 7 properties within OU1 study area. Real property appraisal as provided by EPA (Dec/2019).
Permanent Relocation Costs	CW3-3	1	LS	\$102,860	\$102,860	Seven residential properties
SUBTOTAL					\$2,672,293	
Contingency (Scope)		35%			\$935,303	35% Scope, 0% Bid (Section 5.4 in EPA 540-R-00-002).
SUBTOTAL					\$3,607,596	
Project Management		5%			\$180,380	Percentage from Exhibit 5-8 in EPA 540-R-00-002 was used.
TOTAL					\$3,787,976	-
TOTAL CAPITAL COST					\$3,788,000	Total capital cost is rounded to the nearest \$1,000.
TOTAL CAPITAL COST					\$3,768,000	Total capital cost is rounded to the nearest \$1,000.

Table 8: Capital Costs -- Demolition

DESCRIPTION	WORKSHEET	QTY	UNIT(S)	UNIT COST	TOTAL	NOTES
Demolition of Residences						
Demolition of Residences and Buildings	CW3-4A	7	EA	\$40,666	\$284,659	Demolition of 7 residential
Utility Disconnect	CW3-4A	7	EA	\$5,049	\$35,341	All utilities serviced at the property
Dust Suppression	CW3-4A	7	EA	\$14,668	\$102,677	
Asbestos and Lead Abatement	CW3-4B	1	LS	\$168,018	\$168,018	Includes asbestos and lead abatement for residential buildings
Disposal of Demolition Wastes - General Debris	CW3-5A	1	LS	\$136,267	\$136,267	Disposal of demolition debris at C&D Landfill
Disposal of Demolition Wastes - Asbestos and Lead Contamir	nated Debris					
Asbestos Abatement - Disposal Charges	CW3-5B	14	CY	\$535.64	\$7,499	Disposal asbestos contaminated debris as hazardous waste
Lead Abatement - Disposal Charges	CW3-5B	21	LS	\$888.81	\$18,665	Disposal lead contaminated debris as hazardous waste
Transportation of Contaminated Hazardous Waste (20 CY Load)	CW3-5B	3	LS	\$2,183	\$6,548	
Backfilling of Basement with Gravel, Topsoil and Vegetation P	lacement					Backfilling exposed basement after demolition of above-ground residential structure
Aggregate (Gravel) Placement	CW3-6	4,760	LCY	\$51.83	\$246,711	
Hauling Aggregate (Gravel)	CW3-6	4,760	LCY	\$6.33	\$30,147	
Geotextile Fabric	CW3-6	1,322	SY	\$1.77	\$2,335	
Topsoil Placement (6")	CW3-6	1,322	SY	\$14.31	\$18,927	
Seeding	CW3-6	1,322	SY	\$0.99	\$1,307	
Temporary Fencing (Chain Link, 6' High, Rented)	CW3-6	3,000	LF	\$7.21	\$21,630	Assumes 3 sets of 1000 LF each
SUBTOTAL					\$1,080,731	
Contingency (Scope and Bid)		30%			\$324,219	15% Scope, 15% Bid (Middle of the recommended range in EPA 540-R-00-002).
SUBTOTAL					\$1,404,950	
Project Management		6%			\$84,297	Percentage from Exhibit 5-8 in EPA 540-R-00-002 was used.
Remedial Design		0%			\$0	RD cost was excluded per EPA direction.
Construction Management		8%			\$112,396	Percentage from Exhibit 5-8 in EPA 540-R-00-002 was used.
TOTAL					\$1,601,643	
TOTAL CAPITAL COST					\$1,602,000	Total capital cost is rounded to the nearest \$1,000.

Notes

Table 9: Periodic Maintenance Costs

PERIODIC COSTS: (Assumed to be Incurred During Year 0)							
DESCRIPTION	WORKSHEET	QTY	UNIT(S)	UNIT COST	TOTAL	NOTES	
Monitoring Existing Protective Measures	CW3-2B	1	LS	\$82,598	\$82,598	Assumes quarterly monitoring events	
Maintenance of Existing Protective Measures							
Maintenance Events for Existing Protective Measures	CW3-2A	1	LS	\$98,110	\$98,110	Assumes semiannual maintenance, 1 day per event. Includes pressure washing pavement and entryways	
Wood Chip Replacement	CW3-2A	1	LS	\$6,183	\$6,183	Assumes 100% replacement per year	
Stone Replacement	CW3-2A	1	LS	\$7,056	\$7,056	Assumes 50% replacement per year	
Asphalt Pavement Repair	CW3-2A	1	LS	\$7,500	\$7,500	Assumes 10% replacement per year	
Boot Brush and Door Mat Replacement Allowance	CW3-2A	1	LS	\$1,648	\$1,648	Replaced once per year per residence, 7 residences	
HEPA Filter for Indoor Vacuum	CW3-2A	1	LS	\$3,502	\$3,502	Replaced twice per year per residence, 7 residences	
SUBTOTAL					\$206,597		
Contingency (Scope and Bid)		30%			\$61,979	15% Scope, 15% Bid (Middle of the recommended range in EPA 540-R-00-002).	
SUBTOTAL					\$268,576		
Project Management		8%			\$21,486	Percentage from Exhibit 5-8 in EPA 540-R-00-002 was used.	
Technical Support		15%			\$40,286	Middle value of the recommended range in EPA 540-R-00-002 was used.	
TOTAL					\$330,348		
TOTAL PERIODIC COST					\$330,000	Total cost is rounded to the nearest \$1,000.	

Table10: Present-Worth Cost Calculation

Year ¹	Capital Costs ²	Periodic Costs	Total Annual Expenditure ³	Discount Factor (7.0%)	Present Value Cost ⁴
0	\$4,001,000	\$330,000	\$4,331,000	1.0000	\$4,331,000
1	\$1,602,000	\$0	\$1,602,000	0.9346	\$1,497,229
2	\$0	\$0	\$0	0.8734	\$0
3	\$0	\$0	\$0	0.8163	\$0
4	\$0	\$0	\$0	0.7629	\$0
5	\$0	\$0	\$0	0.7130	\$0
6	\$0	\$0	\$0	0.6663	\$0
7	\$0	\$0	\$0	0.6227	\$0
8	\$0	\$0	\$0	0.5820	\$0
9	\$0	\$0	\$0	0.5439	\$0
10	\$0	\$0	\$0	0.5083	\$0
11	\$0	\$0	\$0	0.4751	\$0
12	\$0	\$0	\$0	0.4440	\$0
13	\$0	\$0	\$0 0.4150		\$0
14	\$0	\$0	\$0	0.3878	\$0
15	\$0	\$0	\$0	0.3624	\$0
16	\$0	\$0	\$0	0.3387	\$0
17	\$0	\$0	\$0	0.3166	\$0
18	\$0	\$0	\$0	0.2959	\$0
19	\$0	\$0	\$0	0.2765	\$0
20	\$0	\$0	\$0	0.2584	\$0
21	\$0	\$0	\$0	0.2415	\$0
22	\$0	\$0	\$0	0.2257	\$0
23	\$0	\$0	\$0	0.2109	\$0
24	\$0	\$0	\$0	0.1971	\$0
25	\$0	\$0	\$0	0.1842	\$0
26	\$0	\$0	\$0	0.1722	\$0
27	\$0	\$0	\$0	0.1609	\$0
28	\$0	\$0	\$0	0.1504	\$0
29	\$0	\$0	\$0	0.1406	\$0
TOTALS:	\$5,603,000	\$330,000	\$5,933,000		\$5,828,229
	TOTAL	PRESENT VALUE OF A	ALTERNATIVE 3 ⁶		\$5,828,000

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Table 11: Location-S	pecific ARARs, TBC	s, and Other Guidance
Regulation/Authority	Citation	Requirement Synopsis
Clean Water Act (CWA) Section 404	40 CFR Parts 230- 231	Under this requirement, no activity that adversely affects a wetland is permitted if a practicable alternative that does not affect wetlands is available. If no other practicable alternative exists, impacts on wetlands must be mitigated.
Endangered Species Act	16 U.S.C. §§ 1531 et seq.; 50 CFR Part 17; 50 CFR Part 402	This statute and its implementing regulations provide that federal activities not jeopardize the continued existence of any threatened or endangered species. 16 U.S.C. 1536(a) of the Endangered Species Act requires consultation with the U.S. Fish and Wildlife Service to identify the possible presence of protected species and mitigate potential impacts on such species. Substantive compliance with the ESA means that the lead agency must identify whether a threatened or endangered species, or its critical habitat, will be affected by a proposed response action. If so, the agency must avoid the action or take appropriate mitigation measures so that the action does not affect the species or its critical habitat. If, at any point, the conclusion is reached that endangered species are not present or will not be affected, no further action is required.
Fish and Wildlife Coordination Act	16 U.S.C. §§ 661- 666c; 50 CFR 83; 33 CFR 320-330	This statute and implementing regulations require coordination with federal and state agencies for federally funded projects to ensure that any modification of any stream or other water body affected by any action authorized or funded by the federal agency provides for adequate protection of fish and wildlife resources.
Migratory Bird Treaty Act	16 U.S.C. §§ 703 et seq.; 50 CFR 10.12	This statute and implementing regulations make it unlawful for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to these regulations.

National Historic Preservation Act	16 U.S.C. §§ 470 et seq.; 36 CFR Part 800; 36 CFR Part 65	Remedial actions are required to account for the effects of remedial activities on any historic properties included on or eligible for inclusion on the National Register of Historic Places. Actions must be taken to preserve and recover historical/archeological artifacts found.
New York Fish and Wildlife Standards— Endangered and Threatened Species of Fish and Wildlife	6 NYCRR Part 182	Provides requirements to minimize damage to habitat of an endangered species.
New York State Historic Preservation Act of 1980	9 NYCRR Parts 426-428	State law and regulations requiring the protection of historic, architectural, archeological, and cultural property.
Policy on Floodplains and Wetland Assessments for CERCLA Actions	OSWER Directive 9280.0-12, 1985	Superfund actions must meet the substantive requirements of Executive Order 11988, Executive Order 11990, and 40 CFR part 6, Appendix A. This memorandum discusses situations that require preparation of a floodplains or wetlands assessment, and the factors that should be considered in preparing an assessment, for response actions taken pursuant to Section 104 or 106 of CERCLA. For remedial actions, a floodplain/wetlands assessment must be incorporated into the analysis conducted during the planning of the remedial action.
Statement of Procedures on Floodplain Management and Wetlands Protection	40 CFR Part 6 Appendix A	This Statement of Procedures sets forth Agency policy and guidance for carrying out the provisions of Executive Orders 11988 and 11990. Requires federal agencies to evaluate the potential effects of action proposed in wetlands and floodplains to avoid, to the extent possible, adverse effects. Federal agencies are required to evaluate alternatives to actions in wetlands or floodplains and to avoid or minimize adverse impacts if no practical alternatives exist.

Table 12: Action-Specific ARARs, TBCs, and Other Guidance							
Regulation/Authority	Citation	Requirement Synopsis					
Clean Air Act, Air Cleaning	40 CFR 61.145(c) & (d)	This regulation establishes detailed standards and specifications for demolition and renovation. The regulation provides detailed procedures for controlling asbestos release during demolition of a building containing regulated asbestos containing material.					
Clean Air Act, Air Cleaning	40 CFR 61.152	This regulation establishes standards for waste disposal for manufacturing, fabricating, demolition, renovation, and spraying operations. This regulation provides detailed procedures for processing, handling, and transporting asbestos containing material generated during building demolition and renovation (among other sources).					
Clean Air Act, National Emission Standards for Hazardous Air Pollutants for Asbestos	40 CFR Part 61, Subpart M	This regulation establishes emissions standards for asbestos.					
Land Disposal Restrictions	40 CFR Part 268	This federal regulation identifies hazardous wastes restricted for land disposal and provides treatment standards for land disposal.					
Land Disposal Restrictions	6 NYCRR Part 376	This state regulation identifies hazardous wastes restricted for land disposal and provides treatment standards for land disposal in New York State.					
New York Air Quality Standards	6 NYCRR Part 257	These regulations contain standards for air quality for sulfur dioxide, particulates, fluorides, and hydrogen sulfide.					
New York Air Resources – General Prohibitions	6 NYCRR Part 211	These regulations contain general prohibitions for air pollution and limits for visible emissions which include opacity standards.					

New York Hazardous Waste Management Regulations— Identification and Listing of Hazardous Waste	6 NYCRR Part 371	This regulation identifies solid wastes subject to regulation as hazardous wastes under the ECL. A solid waste is a hazardous waste if it meets the criteria and is not otherwise excluded from regulation as indicated in NYCRR Part 371.
New York Industrial Code – Asbestos	12 NYCRR Part 56	This regulation provides requirements during the removal, encapsulation, enclosure, repair, or the disturbance of friable and non-friable asbestos, or any handling of asbestos material that may result in the release of asbestos fiber.
New York State Department of Environmental Conservation Program Policy on Institutional Controls	NYSDEC DER-33	Technical guidance document that provides guidelines for proper development and recording of institutional controls as part of a site remedial program.
New York State Technical Guidance for Site Investigation and Remediation	NYSDEC DER-10	Technical guidance document that provides guidelines on the acceptable procedures for site investigation and remediation.
New York State Standards and Specifications for Erosion and Sediment Control		Provides minimum standards and specifications of criteria on minimizing erosion and sediment impacts from construction activity involving soil disturbance.
New York State Standards for Universal Waste	6 NYCRR Part 374-3	This regulation provides standards for disposal of universal waste in New York State.

Resource Conservation and Recovery Act, Identification and Listing of Hazardous Wastes	42 U.S.C. § 6921; 40 CFR 261	This regulation identifies solid wastes subject to regulation as hazardous wastes. A solid waste is a hazardous waste if it meets the criteria and is not otherwise excluded from regulation as indicated in 40 CFR 261.3.
Resource Conservation and Recovery Act Standards Applicable to Generators of Hazardous Wastes	42 U.S.C. § 6921; 40 CFR Part 262	This regulation establishes requirements for generators of hazardous wastes.
Toxic Substances Control Act	15 U.S.C. §§ 2601 et seq.; 40 CFR Part 761; 40 CFR Part 745	This statute and implementing regulations provide requirements for the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

ARSENIC MINE SUPERFUND SITE RECORD OF DECISION

APPENDIX III

ADMINISTRATIVE RECORD INDEX

FINAL 04/08/2020

REGION ID: 02

Site Name: ARSENIC MINE CERCLIS ID: NYD982531469

515	D D. I.		Image	D	Address News (Ossasinations	Author Nove /Oversite time
598757		Title: ADMINISTRATIVE RECORD INDEX FOR OU1 FOR THE ARSENIC MINE SITE	Count:	Doc Type: Administrative Record Index	Addressee Name/Organization:	Author Name/Organization: (US ENVIRONMENTAL PROTECTION AGENCY)
606913	Undated	KENT, NEW YORK LOCATION MAP FOR THE ARSENIC MINE SITE	1	Figure/Map/ Drawing		
174832	06/30/1999	MEMORANDUM: INTERIM POLICY ON THE USE OF PERMANENT RELOCATIONS AS PART OF SUPERFUND REMEDIAL ACTIONS. OSWER DIRECTIVE: 9355.0-71P, EPA 540F-98-033, PB98-963305	10	Memorandum		
<u>176273</u>	07/08/1999	FEDERAL REGISTER - EPA NATIONAL SUPERFUND PERMANENT RELOCATION INTERIM POLICY AND NOTICE - VOL. 64, NO. 130	5	Publication		
<u>565426</u>	09/01/2017	US EPA COMMUNITY UPDATE NO. 1 SUMMER/FALL 2017 - EPA BEGINS SOIL INVESTIGATION AT THE ARSENIC MINES SITE LOCATED IN KENT, PUTNAM COUNTY, NEW YORK - THE ARSENIC MINE SITE	2	Publication		(US ENVIRONMENTAL PROTECTION AGENCY)
501339	11/27/2017	PHASE I REMOVAL ASSESSMENT REPORT FOR THE ARSENIC MINES SITE	125	Report	(US ENVIRONMENTAL PROTECTION AGENCY)	(WESTON SOLUTIONS)

FINAL 04/08/2020

REGION ID: 02

Site Name: ARSENIC MINE CERCLIS ID: NYD982531469

DocID:	Doc Date:	Title:	Image Count:	Doc Type:	Addressee Name/Organization:	Author Name/Organization:
<u>565425</u>		US EPA COMMUNITY UPDATE NO. 2 FALL/WINTER 2017 - EPA CONTINUES SOIL INVESTIGATION AT THE ARSENIC MINES SITE LOCATED IN KENT, PUTNAM COUNTY, NEW YORK - THE ARSENIC MINE SITE	2	Publication		(US ENVIRONMENTAL PROTECTION AGENCY)
501343		PHASE II REMOVAL ASSESSMENT REPORT FOR THE ARSENIC MINES SITE	196	Report	(US ENVIRONMENTAL PROTECTION AGENCY)	(WESTON SOLUTIONS)
606909		NYSDEC FACT SHEET MAY 2018 FOR THE ARSENIC MINE SITE	5	Publication		(NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION)
501349		PHASE III REMOVAL ASSESSMENT REPORT FOR THE ARSENIC MINES SITE	344	Report	(US ENVIRONMENTAL PROTECTION AGENCY)	(WESTON SOLUTIONS)
606910		NYSDEC FACT SHEET APRIL 2019 FOR THE ARSENIC MINE SITE	4	Publication		(NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION)
565414		POLLUTION REPORT NO. 1 RV4 FOR THE ARSENIC MINE SITE	4	Report		RICHARDS,SANDRA (US ENVIRONMENTAL PROTECTION AGENCY)
199492		EPA Significant Threat Memorandum for Arsenic Mine	106	Memorandum		

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REGION ID: 02

Site Name: ARSENIC MINE CERCLIS ID: NYD982531469

			Image			
DocID:	Doc Date:	Title:	Count:	Doc Type:	Addressee Name/Organization:	Author Name/Organization:
565429	04/30/2019	HEALTH CONSULTATION FOR THE EVALUATION OF SHALLOW RESIDENTIAL SOILS FOR THE ARSENIC MINE SITE	46	Report		(NEW YORK STATE DEPARTMENT OF HEALTH)
<u>565430</u>	04/30/2019	PUBLIC HEALTH ADVISORY FOR THE ARSENIC MINE SITE	17	Report		(DEPARTMENT OF HEALTH AND HUMAN SERVICES)
565424	05/01/2019	US EPA COMMUNITY UPDATE NO. 3 - EPA PREPARES FOR INTERIM ACTIONS ATE THE ARSENIC MINES SITE LOCATED IN KENT, PUTNAM COUNTY, NEW YORK - THE ARSENIC MINE SITE	2	Publication		(US ENVIRONMENTAL PROTECTION AGENCY)
<u>565415</u>	05/27/2019	POLLUTION REPORT NO. 2 RV4 FOR THE ARSENIC MINE SITE	4	Report	EVANGELISTA, PAT (US ENVIRONMENTAL PROTECTION AGENCY) LOPEZ, PETER (US ENVIRONMENTAL PROTECTION AGENCY) MUGDAN, WALTER (US ENVIRONMENTAL PROTECTION AGENCY)	RICHARDS,SANDRA (US ENVIRONMENTAL PROTECTION AGENCY)
<u>565416</u>	06/27/2019	POLLUTION REPORT NO. 3 RV4 FOR THE ARSENIC MINE SITE	4	Report	EVANGELISTA, PAT (US ENVIRONMENTAL PROTECTION AGENCY) LOPEZ, PETER (US ENVIRONMENTAL PROTECTION AGENCY) MUGDAN, WALTER (US ENVIRONMENTAL PROTECTION AGENCY)	RICHARDS,SANDRA (US ENVIRONMENTAL PROTECTION AGENCY)
500838	07/18/2019	REVISED FINAL PHASE IV REMOVAL ASSESSMENT SAMPLING REPORT FOR THE ARSENIC MINE SITE	146	Report	RICHARDS,SANDRA (US ENVIRONMENTAL PROTECTION AGENCY)	(WESTON SOLUTIONS INCORPORATED)
541238	09/27/2019	POLLUTION REPORT NO. 4 RV4 FOR THE ARSENIC MINE SITE	4	Report	EVANGELISTA, PAT (US ENVIRONMENTAL PROTECTION AGENCY) LOPEZ, PETER (US ENVIRONMENTAL PROTECTION AGENCY) MUGDAN, WALTER (US ENVIRONMENTAL PROTECTION AGENCY)	RICHARDS,SANDRA (US ENVIRONMENTAL PROTECTION AGENCY)

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REGION ID: 02

Site Name: ARSENIC MINE CERCLIS ID: NYD982531469

DocID:	Doc Date:	Title:	Image Count:	Doc Type:	Addressee Name/Organization:	Author Name/Organization:
606915	10/03/2019	US EPA SUPERFUND PERMANENT AND TEMPORARY RELOCATION FACT SHEET OCTOBER 2019	5	Publication		(US ENVIRONMENTAL PROTECTION AGENCY)
606914	11/08/2019	FEDERAL REGISTER NOTICE OF THE NPL LISTING FOR THE ARSENIC MINE SITE	6	Publication		
541448	11/26/2019	POLLUTION REPORT NO. 5 RV4 FOR THE ARSENIC MINE SITE	4	Report		RICHARDS,SANDRA (US ENVIRONMENTAL PROTECTION AGENCY)
606911	12/12/2019	FINAL HUMAN HEALTH RISK ASSESSMENT FOR THE ARSENIC MINE SITE	139	Report	(US ENVIRONMENTAL PROTECTION AGENCY) GRANGER,MARK (US ENVIRONMENTAL PROTECTION AGENCY)	(CDM SMITH)
607259	02/18/2020	HEADQUARTERS' CONCURRENCE WITH THE NEED TO DEMOLISH VACATED STRUCTURES AS PART OF THE ACTION FOR OU1 FOR THE ARSENIC MINE SITE	2	Email	SINGERMAN, JOEL (US ENVIRONMENTAL PROTECTION AGENCY)	
607251	03/06/2020	ARD'S CONCURRENCE WITH THE ACQUISITION AND RELOCATION OF THE PREFERRED ALTERNATIVE FOR THE ARSENIC MINE SITE	2	Email	·	(US ENVIRONMENTAL PROTECTION AGENCY)
606916	03/27/2020	FINAL FOCUSED FEASIBILITY STUDY FOR OU1 FOR THE ARSENIC MINE SITE	171	Report	GRANGER,MARK (US ENVIRONMENTAL PROTECTION AGENCY)	(CDM SMITH)
606918	04/01/2020	US EPA COMMUNITY UPDATE APRIL 2020 FOR THE ARSENIC MINE SITE	2	Publication		(US ENVIRONMENTAL PROTECTION AGENCY)

FINAL 04/08/2020

REGION ID: 02

Site Name: ARSENIC MINE CERCLIS ID: NYD982531469

DocID:	Doc Date:	Title:	Image Count:		Addressee Name/Organization:	Author Name/Organization:
<u>598759</u>		NYSDEC CONCURRENCE ON THE PROPOSED PLAN FOR OU1 FOR THE ARSENIC MINE SITE	2	Letter		RYAN,MICHAEL,J (NY STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION)
598758		PROPOSED PLAN FOR OU1 FOR THE ARSENIC MINE SITE	8	Publication		(US ENVIRONMENTAL PROTECTION AGENCY)

ARSENIC MINE SUPERFUND SITE RECORD OF DECISION

APPENDIX IV

STATE LETTER OF CONCURRENCE

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director 625 Broadway, 12th Floor, Albany, NY 12233-7011 P: (518) 402-9706 | F: (518) 402-9020 www.dec.ny.gov

June 8, 2020

Mr. Pat Evangelista Division Director Superfund and Emergency Management Division USEPA Region II 290 Broadway, 19th Floor New York, NY 10007-1866

Re: Record of Decision
Arsenic Mine Site Operable Unit 1 Early Action
NYSDEC Site No. 340032

EPA ID# NYD982531469
Town of Kent, Putnam County

Dear Mr. Evangelista:

The New York State Department of Environmental Conservation (NYSDEC) has reviewed the Superfund Record of Decision prepared by the United States Environmental Protection Agency (USEPA) for an Early Action to address Operable Unit (OU) 1 of the Arsenic Mine Superfund Site located in the Town of Kent, Putnam County.

The selected remedy for this OU dissociates residents from exposure to arsenic-contaminated soils at the site. Dissociation will be implemented through offers of acquisition of certain affected properties including permanent relocation of affected residents, demolition of vacated structures, utilization of institutional controls (ICs) to limit current and future use of the properties, and periodic maintenance and inspections of existing protective measures until each affected residence is relocated or until a final remedy is completed.

In addition, engineering controls (ECs) such as fencing will be utilized to eliminate exposure pathways by preventing trespassing until the properties are demolished and restored. A plan will also be prepared to monitor and maintain the protective measures currently in place and those placed prior to the implementation of the final site remedy (OU2).

The NYSDEC acknowledges the OU1 early action is being selected prior to establishing remedial goals for the entire site. The full remedial program including remedial investigation, remedy selection, and remedial action at the site will be conducted as part of OU2.



Accordingly, NYSDEC concurs with the remedy selected by USEPA with the above understanding of the scope of the early action and with assurance from EPA of a consultative role in the development and periodic review of the program. If you have any questions, please contact me at (518) 402-9706.

Sincerely,

Michael J. Ryan, P.E.

Mely

Director

Division of Environmental Remediation

ec: D. Garbarini, EPA, <u>Garbarini.doug@epa.gov</u>

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S. Lawrence, NYSDOH, <u>Stephen.Lawrence@health.ny.gov</u>

ARSENIC MINE SUPERFUND SITE RECORD OF DECISION

APPENDIX V

RESPONSIVENESS SUMMARY

SUMMARY OF DOCUMENTS

Appendix V-a: April 2020 Proposed Plan

Appendix V-b: Public Notice

Appendix V-c: April 22, 2020 Public Meeting Transcript

Appendix V-d: Letters Received During Comment Period

RESPONSIVENESS SUMMARY FOR THE RECORD OF DECISION ARSENIC MINE SUPERFUND SITE OPERABLE UNIT 1 KENT, PUTNAM COUNTY, NEW YORK

INTRODUCTION

This Responsiveness Summary provides a summary of citizens' comments and concerns received during the public comment period related to the Arsenic Mine Superfund site (Site) Proposed Plan and provides the U.S. Environmental Protection Agency's (EPA's) responses to those comments and concerns. All comments summarized in this document have been considered in EPA's final decision in the selection of an early action to dissociate residents from exposure to arsenic-contaminated surface soils at the Site.

SUMMARY OF COMMUNITY RELATIONS ACTIVITIES

In March 2020, EPA completed a focused feasibility study (FFS) to identify and evaluate alternatives to dissociate residents from exposure to arsenic-contaminated surface soils. Based upon the results of the FFS, EPA identified a preferred remedy to dissociate the residents from exposure to arsenic-contaminated soils at the Site. EPA's preferred remedy and the basis for that preference were identified in a Proposed Plan.¹ On April 8, 2020, the FFS report and the Proposed Plan were made available to the public for comment on EPA's website, https://www.epa.gov/superfund/arsenic-mine. A notice of availability for the above-referenced documents and information pertaining to participating at a public meeting was published in the Putnam County Press on April 8, 2020. The public comment period ran from April 8, 2020 to May 8, 2020. On April 22, 2020, because of the social-distancing requirements related to the COVID-19 pandemic. EPA conducted a virtual public meeting via Skype for Business and a conference line to inform local officials and interested citizens about the Superfund process, present the Proposed Plan for the Site, including the preferred remedy, and respond to questions and comments from the approximately 85 attendees. On the basis of comments received during the public comment period, the public generally supports the selected remedy.

SUMMARY OF COMMENTS AND RESPONSES

Comments were received at the public meeting and in writing. Written comments were received from:

• An anonymous concerned citizen, via a May 4, 2020 letter.

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¹ A Proposed Plan describes the remedial alternatives considered for a site and identifies the preferred remedy with the rationale for this preference.

 Matthew Giannetta, Chief, Regulatory & Engineering Programs, Bureau of Water Supply, New York City Department of Environmental Protection (DEP), via a May 5, 2020 letter.

The transcript from the public meeting can be found in **Appendix V-c**.

The written comments submitted during the public comment period can be found in **Appendix V-d**.

A summary of the comments provided at the public meeting and in writing, as well as EPA's responses to them, are provided below.

Affected Properties

Comment #1: A commenter asked how many properties are eligible for acquisition and relocation.

Response #1: Offers of property acquisition and permanent relocation will be made to seven residential properties located in the vicinity of the northern mine (and the former mining operations) and within the boundaries of the Site.

Comment #2: Two commenters asked whether offers of property acquisition will be made for the three vacant properties.

Response #2: Because the objective of this early action is to reduce or eliminate residential exposure to arsenic-contaminated surface soils, offers of property acquisition will not be made for the vacant properties. The ultimate disposition of all of the properties will be addressed in the second phase effort for the Site, as explained below.

Comment #3: A commenter asked for a list of the affected properties.

Response #3: For privacy reasons, EPA will not identify the addresses of the properties. Please consult Figure 2 of the Record of Decision (ROD) for a graphical representation of the property locations.

Acquisition and Relocation

Comment #4: A commenter asked what entity will assist EPA with the property acquisition and relocation effort.

Response #4: The U.S. Army Corp of Engineers assists EPA with property acquisitions and relocations.

Comment #5: A commenter inquired as to what happens if a property owner does not accept a buyout offer.

Response #5: Under this early action, EPA will not require any occupant to relocate. Until the occupants from each affected residence are permanently relocated under this early action, or until the Sitewide remedy is completed, periodic inspections and maintenance of the existing protective measures will be performed, as necessary, at each occupied residence to ensure the effectiveness of these measures in eliminating exposure pathways in areas where these measures were installed.

Comment #6: Three commenters inquired as to the timing of the relocation process.

Response #6: Following the selection of the remedy, EPA will reach out individually to the affected residents to discuss the relocation process. It is anticipated that it will take a year to a year and a half to acquire the properties and relocate the residents.

Comment #7: A commenter inquired whether EPA will pay the market rate value of the house.

Response #7: The government will acquire a comparable replacement dwelling for each residence that is worth at least the fair market value of their original property.

Comment #8: A commenter asked what might slow down the acquisition and relocation process and what the residents can do to move the process along.

Response #8: Factors that could slow down the process are those which may come into play when dealing with typical real-estate transactions and the scheduling of closings. Residents can facilitate moving the process along by collaborating with EPA and other support agencies helping to implement the effort.

Comment #9: A commenter suggested that EPA take into consideration the impact of COVID-19 on the property owners' ability to respond in a timely manner to any potential relocation offers. The commenter also opined that the pandemic will make finding new residences very difficult, if not impossible.

Response #9: EPA recognizes that COVID-19 may affect its ability to promptly acquire the affected properties and provide relocation assistance. EPA will, to the best of its ability under the current circumstances, advance the process as expeditiously as possible while providing residents sufficient time to consider offers.

Additional Compensation

Comment #10: A commenter asked whether residents could be compensated for the time that they continue to reside on their contaminated property until they are relocated.

Response #10: EPA will compensate affected property owners for acquired properties and provide relocation assistance. Additional compensation beyond what is authorized under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), cannot be provided.

Comparable Dwellings

Comment #11: A commenter asked whether comparable residential dwellings will be limited to locations in the immediate area of the current home, or whether residents could relocate to anywhere within the United States.

Response #11: While comparable residential properties are identified as close to the current home as possible, occupants choose the location where they ultimately move and may choose to move out of the state. Under the URA, payment for moving is limited to a distance of 50 miles (occupants would be responsible for mileage exceeding this threshold).

Demolition Timeline

Comment #12: A commenter inquired as to the timeframe for demolishing the houses as they are abandoned.

Response #12: It is unlikely that all of the houses will be vacated at the same time. Rather than demolishing each house as it becomes vacant, for economy of scale, as long as there is not an inordinate amount of time between vacating the structures and their demolition, it is likely that the demolitions would be clustered.

Governmental Support of Remedy

Comment #13: A commenter asked if the town, county, and state support the remedy.

Response #13: EPA worked in partnership with the State in developing the Proposed Plan and the State concurs with the selected remedy. In addition, following the release of the Proposed Plan, EPA discussed the preferred remedy with town and county officials. The town and county officials expressed support for the preferred remedy.

Fencing

Comment #14: A commenter requested that the properties that are acquired by EPA not be fenced. The commenter suggested that signage be used to prevent exposure.

Response #14: Because the protective measures would no longer be maintained once a house is vacated, and because vacant structures are an attractive nuisance, it is anticipated that fencing would be utilized to prevent trespassing once the structures are vacated. It is anticipated that fencing would remain until post-demolition restoration of a given property is completed.

Comment #15: A commenter asked whether EPA would compensate homeowners for installing fences.

Response #15: The full cost of the remedy, including the temporary fencing, will be implemented and borne by EPA.

Labor Practices

Comment #16: A commenter inquired about EPA's policies related to employing union versus nonunion labor. The commenter also asked whether EPA can select local contractors for the demolition work.

Response #16: The federal government is required to pay prevailing union wages and will typically try to employ local union labor and contractors.

Future Actions at Site

Comment #17: Two commenters inquired about future actions and cleanup planned for the Site.

Response #17: Site remediation activities are sometimes segregated into different phases or operable units (OUs) so that remediation of different aspects of a site can proceed separately, resulting in a more expeditious cleanup of the entire site. This Site is being addressed by EPA in two OUs. The first OU (OU1) addresses dissociating the residents from exposure to arsenic-contaminated surface soils. The second OU (OU2) remedial investigation (RI) will investigate the nature and extent of the Site-related contamination in various media (e.g., surface and subsurface soil, groundwater, sediment, etc.) and evaluate the risk posed by these contaminants to public health and the environment, and a feasibility study (FS) will identify and evaluate means to address the contamination.

Phase-Two Remediation Timeframe

Comment #18: A commenter inquired as to the timeframe for completing the OU2 remediation.

Response #18: It is anticipated that it will take up to 10 years to perform the OU2 RI/FS and design and implement the remedy that is ultimately selected.

Additional Sampling

Comment #19: A commenter asked if homes on Gypsy Trail Road outside the current study area can be tested.

Response #19: During the OU2 RI/FS, the extent of mine-related waste will be determined by sampling. If the sampling indicates that the extent of mine-related waste is found beyond the study area, then the study area will be expanded accordingly.

Comment #20: Because it may be some time before nearby properties are sampled during the OU2 RI, a commenter asked if they can hire an environmental firm to collect and analyze samples and be compensated.

Response #20: While residents can hire an environmental firm to collect and analyze samples for their properties, EPA will not be able to provide compensation for that sampling.

Please note that EPA believes that all the properties for which the mine tailings posed an immediate threat to public health were sampled and protective measures were put into place for those properties. If, during the OU2 RI, EPA determines that the mine tailings pose an immediate threat to other properties, further protective measures may be necessary.

Treatment of Arsenic-Contaminated Soil

Comment #21: A commenter asked about methods to remediate arsenic-contaminated soil other than removal.

Response #21: The FS for OU2 will likely evaluate technologies to address the arsenic-contaminated soil. Several potentially applicable technologies include stabilization and solidification, by which contaminants are rendered immobile through reactions with additives, such as cement; soil washing, where a wash solution consisting of leaching agents, surfactants, acids, or chelating agents remove the arsenic; and pyrometallurgical

recovery, which entails heating the soil to cause the arsenic to volatilize and then capturing and removing the airborne metals.

Groundwater Concerns

Comment #22: A commenter noted that local home inspectors have indicated that arsenic is a problem in drinking-water wells in this area. The commenter asked how far out the drinking water is being sampled.

Response #22: In the 1980s and 1990s, arsenic was identified by the Putnam County Department of Health in some area drinking-water wells outside the study area. Arsenic in these wells is thought to be naturally-occurring due to the presence of arsenic-containing rock. Levels of arsenic approached or were just over state and federal drinking-water standards. Treatment systems were recommended to reduce exposures. Monitoring of the wells showed that properly-maintained filtration systems were effective in removing arsenic from the drinking water.

Drinking-water sampling was performed quarterly by EPA on the seven residential properties starting in 2019. As part of the more-comprehensive OU2 RI/FS, groundwater samples will be collected to determine the extent of mine-related groundwater contamination. The extent of this sampling will be determined when this effort is scoped out.

Historic, Cultural, and Agricultural Significance of Properties

Comment #23: A commenter suggested that the historic, cultural, and agricultural significance of the properties that encompass the Site be considered, and suggested that the Proposed Plan reflect how these properties support broader community history, agricultural function, and conservation values.

Response #23: The Proposed Plan focusses on dissociating the residents from exposure to arsenic-contaminated soils at the Site. EPA intends to evaluate the historic, cultural, and agricultural significance of the properties that encompass the Site as part of the more-comprehensive OU2 effort.

Concerns About Impacts to New York City's Water-Supply Watershed

Comment #24: Because the Site is located in the West Branch Reservoir drainage basin of New York City's water-supply watershed, in the interest of protecting the drinking water, DEP suggested that the Proposed Plan be revised to provide details related to how the migration of contaminants during the remediation process will be controlled. In addition, DEP suggested that the revised Proposed Plan depict the limits of disturbance, areas to be covered, structures to be demolished, staging areas, amount of soil to be removed,

soil disposal location, and post-demolition Site control measures and provide a schedule for inspection and maintenance of said measures. DEP also requested that it be afforded the opportunity to review a revised Proposed Plan and to monitor remediation activities.

Response #24: Proposed Plans describe the remedial alternatives considered for a site and identify the preferred remedy with the rationale for this preference. The preferred remedy for the Site, which is now EPA's selected remedy, consists of offers of acquisition of certain affected properties, permanent relocation of the affected residents, and demolition of the vacated structures. Therefore, the only construction-related actions that will be performed as part of the selected remedy will be the demolition of the vacated houses. Appropriate control measures will be employed during this work to ensure that the nearby surface water is not impacted.

The noted remedy is an early action. An OU2 RI/FS to determine the extent of the contamination at the Site and to identify and evaluate remedial alternatives to address this contamination will commence shortly. Because of the concerns about potential impacts to the New York City's water-supply watershed that were expressed, DEP will be afforded the opportunity to review the OU2 Proposed Plan for the more comprehensive cleanup effort.

RESPONSIVENESS SUMMARY APPENDIX V-a

APRIL 2020 PROPOSED PLAN

Arsenic Mine Superfund Site Putnam County, New York



April 2020

PURPOSE OF THIS DOCUMENT

This document describes the remedial alternatives considered as an early action for the first operable unit (OU1) of the Arsenic Mine Superfund site and identifies the preferred alternative along with the rationale for this preference. This Proposed Plan was developed by the U.S. Environmental Protection Agency (EPA) in consultation with the New York State Department of Environmental Conservation (NYSDEC). EPA is issuing this Proposed Plan as part of its public participation responsibilities under Section 117(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, and Sections 300.430(f) and 300.435(c) of the National Oil and Hazardous Substances Pollution Contingency Plan. The nature and extent of the contamination at the site and the remedial alternatives summarized in this Proposed Plan are described in the March 2020 focused feasibility study (FFS) report. EPA and NYSDEC encourage the public to review this document to gain a more comprehensive understanding of the site and the Superfund activities that have been conducted there.

This Proposed Plan is being provided as a supplement to the FFS report to inform the public of EPA's preferred alternative, upon which NYSDEC concurs, and to solicit public comments pertaining to all of the remedial alternatives evaluated, including the preferred alternative. The preferred alternative is to dissociate the residents from exposure to arsenic-contaminated soils and consists of offers of acquisition of certain affected properties and permanent relocation of the related affected residents. Following permanent relocation, vacated structures would be demolished. This alternative would also include institutional controls (ICs)¹ (e.g., easements) to limit current and future use of the properties. Until the residents from each affected residence are permanently relocated, or until a final remedy is completed, monitoring and maintenance of the existing protective measures would continue at each respective residence to ensure the effectiveness of these measures in eliminating exposure pathways in areas that these measures were installed.

The alternative described in this Proposed Plan is the preferred alternative for the site. Changes to the preferred alternative, or a change from the preferred alternative to another alternative, may be made if public comments or additional data indicate that such a change will result in a more appropriate remedial action. The final decision regarding the selected remedy will be made after EPA has taken into consideration all public comments. EPA is soliciting public comment on all of the alternatives considered in the Proposed Plan and in the detailed analysis section of the FFS report because EPA and NYSDEC may select a remedy other than the preferred alternative.

MARK YOUR CALENDAR

April 8, 2020 – May 8, 2020: Public comment period related to this Proposed Plan.

April 22, 2020 at 7:00 P.M.: Virtual public meeting.

One may find meeting-participation details using the following link:

https://www.epa.gov/superfund/arsenicmine

Alternately, one may participate by telephone using the following conference line number:

(315) 565-0493, code number 262234153#

Please register in advance of the virtual meeting by accessing:

https://www.eventbrite.com/e/us-epaarsenic-mine-proposed-plan-virtual-publicmeeting-tickets-101328528356

or emailing Pat Seppi, Community Involvement Coordinator, at:

seppi.pat@epa.gov

or calling her at (646) 369-0068.

Anyone interested in receiving materials for the public meeting in hard copy should either email or call Ms. Seppi with such a request by Friday, April 17.

The Administrative Record (supporting documentation) for the site is available at:

https://www.epa.gov/superfund/arsenicmine

COMMUNITY ROLE IN SELECTION PROCESS

EPA and NYSDEC rely on public input to ensure that the concerns of the community are considered in selecting

¹ ICs are non-engineered actions or requirements, such as administrative and legal controls, that help minimize the potential for human exposure to contamination and/or protect the integrity of a remedy.

an effective remedy for each Superfund site. To this end, the FFS report and this Proposed Plan have been made available to the public for a public comment period that begins on April 8, 2020 and concludes on May 8, 2020.

A public meeting will be held via webinar and telephone conference on April 22, 2020 at 7:00 p.m. to present the conclusions of the FFS, to elaborate further on the reasons for recommending the preferred alternative, and to receive public comments.

Written comments on the Proposed Plan should be addressed to:

Mark Granger Remedial Project Manager Central New York Remediation Section U.S. Environmental Protection Agency 290 Broadway, 19th Floor New York, New York 10007-1866

email: granger.mark@epa.gov

Comments received at the public meeting, as well as written comments, will be documented in the Responsiveness Summary Section of the Record of Decision (ROD), the document that formalizes the selection of the remedy.

SCOPE AND ROLE OF ACTION

Site remediation activities are sometimes segregated into different phases, or OUs, so that remediation of different aspects of a site can proceed separately, resulting in a more expeditious cleanup of the entire site. This site is being addressed by EPA in two OUs. The first OU (OU1) addresses dissociating the residents from exposure to arsenic-contaminated surface soils. This Proposed Plan describes EPA's preferred alternative for OU1.

The second OU (OU2) will address the nature and extent of all site-related contamination in various media (e.g., surface and subsurface soil, groundwater, sediment, etc.) as well as ecological considerations.

SITE BACKGROUND

Site Description

The Arsenic Mine site is located in Kent, Putnam County, New York and includes an historic mine, previously known as Pine Pond Mine, Silver Mine, and Brown's Serpentine Mine. There are two former entry shafts. The site includes the northern mine shaft, which is located on private property. A second shaft, the southern mine shaft, is located in the adjacent Nimham Mountain Multi-Use Area, a state recreational area. The Arsenic Mine site includes undeveloped and residential properties around and downslope from the northern mine shaft, near the

intersection of Gipsy Trail Road and Mt. Nimham Court. See Figure 1.

The site is situated in the Hudson Highlands area, which is a northeast-southwest trending band of igneous and metamorphic rocks that extends from New England through New York. The Hudson Highlands are almost entirely blanketed by a thin layer of glacial till with frequent bedrock outcrops.

The area is sparsely populated and the terrain is highly variable, with steep, forested hillsides. Occupied properties in the area consist of single-family residential homes. Public water is not available in the area; residents rely on private wells for their drinking water.

Site History

Mining operations at the site were conducted intermittently from the mid-1800s through approximately 1918. The mine contains arsenopyrite, a metal ore that was used in ammunition, pesticides, pigments, and other industries. During the mining operations, rocks were crushed on-site to concentrate the ore. The arsenic-contaminated waste materials, which are known as tailings, were disposed of in areas surrounding the mine pits/shafts. Mining operations ceased in 1918 reportedly because of the lack of a satisfactory smelting forge nearby for processing the ore.

While the area has naturally high levels of arsenic in the soil and groundwater, significantly higher levels of arsenic are found on the residential properties as a result of the dispersal of arsenic associated with the mine tailings relative to the northern mine entrance.

In 1987, residents living in a house adjacent to the northern mine entrance were hospitalized as a result of exposure to arsenic from their drinking water well that had been installed through tailings from the mining operations. EPA installed a cistern at that residence for drinking water deliveries as an alternative drinking water supply. During the late 1980s and early 1990s, the Putnam County Department of Health (PCDOH), in conjunction with EPA and the New York State Department of Health (NYSDOH), conducted limited soil sampling on the properties near the entrance. revealing significant northern mine concentrations of arsenic in surface soils. The PCDOH placed a warning sign near the northern mine entrance indicating the presence of elevated arsenic levels in soil. of naturally-elevated regional Because concentrations in the soil, manmade deposition of arsenicladen materials related to the past mining operations was not delineated.

In 2016, the owner of the cistern requested EPA's assistance with a repair to the cistern. During the repairs, it was determined that sediments with high concentrations of arsenic were entering the cistern. In 2017 and 2018, EPA collected soil samples on and around the location of previous mining operations. In 2018, EPA also conducted potable water sampling at seven residential properties located in the vicinity of the northern mine and the former

mining operations, residential properties that have since been designated as part of the site. In 2019, EPA initiated quarterly drinking-water assessments.

In April 2019, the EPA Removal Program mobilized to perform interim measures to protect public health and reduce direct contact threats relative to surface soil by providing residents with indoor and outdoor door mats and boot brushes, excavating soil in dog pens and backfilling with woodchips, creating woodchip or stone walkways, covering residential high-use areas with woodchips and paving or adding stone to exposed earthen driveways. High efficiency particulate air vacuums, which contain filters capable of capturing extremely small particles, were provided to each household in an effort to reduce indoor dust.

NYSDOH released a Health Consultation on April 30. 2019, in which it evaluated shallow residential soils at the site. The conclusion in the Health Consultation was that short-term exposure of children to surface soils with the highest concentrations of arsenic poses an immediate and significant threat to human health, constituting an urgent public health hazard. It also contained a conclusion that long-term exposure of children and adults to arsenic in surface soils poses a significant threat to human health, constituting a public health hazard. EPA supported these conclusions in a Determination of Significant Threat memorandum, finding that all residential properties at the site contain exposure point concentrations that result in calculated risks or hazards to residents that are at or above the threshold for unacceptable risk. Additional action beyond the interim measures was recommended to protect the long-term health of affected residents. Also, on April 30, 2019, the Agency for Toxic Substances and Disease Registry issued a Public Health Advisory recommending that EPA take immediate short- and long-term measures to dissociate persons, especially children, from exposure to arsenic in shallow soils at the site.

Following the inclusion of the site on the National Priorities List on November 8, 2019, EPA commenced an FFS to identify and evaluate alternatives to dissociate the residents from exposure to arsenic-contaminated soils.

A final FFS report was completed on March 27, 2020.

RESULTS OF THE FIELD INVESTIGATIONS

To determine the extent of contamination from mining waste and to support a removal assessment at the site, EPA collected surface soil samples in August 2017, December 2017, and June 2018 at and around the mine and the residential properties. As part of this investigation, approximately 800 soil samples were collected and analyzed at 517 locations. Arsenic was detected in all soil samples, with concentrations ranging from 3.2 milligrams per kilogram (mg/kg) to 56,000 mg/kg.

The mine-related contamination remains uncontrolled at the site. In addition to baseline mine-related contamination associated with the mine and residential properties, it is likely that mine-related wastes have further spread or migrated to the residential properties as a result of surface water flow and aerial deposition from wind. In addition, in the development of the properties, there was the potential that mine-related wastes were redistributed within the residential area as a result of regrading activities.

The mine-related arsenic contamination is a principal threat waste (PTW), a source material that is considered to be highly toxic or highly mobile, that generally cannot be reliably contained, or will present a significant risk to human health or the environment should exposure occur.

SUMMARY OF SITE RISKS TO HUMAN HEALTH

Based upon the results of the field investigation, a fourstep human health risk assessment (HHRA) process was undertaken to evaluate cancer risks and noncancer health hazards associated with arsenic in site surface soils. Under the HHRA, the current and potential future property conditions were considered presuming the absence of any additional remedial action. The four-step process is of: Hazard Identification, comprised Exposure Assessment, Toxicity Assessment, and Risk Characterization (see box "What is Risk and How is it Calculated" for more details on the risk assessment process).

The cancer risks and noncancer health hazard estimates in the HHRA and summarized below are based on current and potential future reasonable maximum exposure scenarios (upper bound exposures reasonably expected to occur) and were developed by taking into account various health protective estimates about the frequency and duration of an individual's exposure to arsenic, as well as its toxicity. The HHRA was performed using only soil concentrations of arsenic and the risk posed from accidental ingestion and dermal contact. The risk scenarios did not include risk from drinking water, vegetable gardens, etc. Risk from other media and other contaminants at the site, as well as PTW, will be evaluated under OU2.

The results of the risk assessment indicated that lifetime cancer risks exceed EPA's acceptable range of 1x10⁻⁶ to 1x10⁻⁴ for the reasonable maximum exposure (RME) scenario at six properties with calculated risks ranging from 2x10⁻⁴ to 1x10⁻². Cancer risks were at the upper bound of the acceptable risk range for two additional properties. Child and adult resident cancer risks are primarily as a result of exposure via incidental ingestion of arsenic-contaminated surface soil and, to a lesser extent, exposure via dermal contact.

The total noncancer hazards are higher for child receptors (age 0-6) than for adults, indicating a greater potential for

noncancer health effects for child residents. The total RME noncancer hazard indices (HIs) for child residents exceed EPA's hazard threshold of 1 for nine properties, with calculated hazards ranging from 2-300; the HI at the remaining property is equal to 1. For adult residents, the total RME noncancer HIs exceed EPA's threshold at five properties, with calculated hazards ranging from 2-30. Noncancer hazards for residents are driven primarily by potential exposure to arsenic via incidental ingestion of soil. Dermal contact with soil also contributed to elevated total HIs, but to a lesser extent than ingestion. Exposure to high concentrations of arsenic can impact several organ systems, including the skin and peripheral vascular system.

In the HHRA, residential exposure to arsenic in surface soils was evaluated. Risk estimates do not account for potential exposure to arsenic in other media (e.g., groundwater, sediment, surface water) or to other contaminants that may be present because of historical mining operations; risk estimates may therefore be underestimated.

Summary

Based upon the results of the HHRA, supported by the 2019 Health Consultation, Determination of Significant Threat memorandum, and Public Health Advisory, EPA has determined that actual or threatened releases of hazardous substances at the site, if not addressed by the preferred alternative or one of the other active measures considered, may present a current or potential threat to human health.

REMEDIAL ACTION OBJECTIVE

Remedial action objectives are specific goals to protect human health and the environment. These objectives are based on available information and standards, such as applicable or relevant and appropriate requirements (ARARs), to-be-considered guidance, and site-specific risk-based levels.

The remedial action objective established for the site is to reduce or eliminate residential exposure to arsenic-contaminated surface soils.

SUMMARY OF REMEDIAL ALTERNATIVES

CERCLA §121(b)(1), 42 U.S.C. §9621(b)(1), mandates that remedial actions must be protective of human health and the environment, cost-effective, comply with ARARS, and utilize permanent solutions and alternative treatment technologies and resource recovery alternatives to the maximum extent practicable. Section 121(b)(1) also establishes a preference for remedial actions that employ, as a principal element, treatment to permanently and significantly reduce the volume, toxicity, or mobility of the

WHAT IS RISK AND HOW IS IT CALCULATED?

A human health risk assessment is an analysis of the potential adverse health effects caused by hazardous substance(s) release(s) at a site in the absence of any actions to control or mitigate these under current- and future-land uses. A four-step process is utilized for assessing site-related human health risks for reasonable maximum exposure scenarios.

Hazard Identification: In this step, the chemicals of potential concern (COPCs) at a site in various media (i.e., soil, groundwater, surface water, and air) are identified based on such factors as toxicity, frequency of occurrence, and fate and transport of the contaminants in the environment, concentrations of the contaminants in specific media, mobility, persistence, and bioaccumulation.

Exposure Assessment: In this step, the different exposure pathways through which people might be exposed to the contaminants in air, water, soil, etc. identified in the previous step are evaluated. Examples of exposure pathways include incidental ingestion of and dermal contact with contaminated soil and ingestion of and dermal contact with contaminated groundwater. Factors relating to the exposure assessment include, but are not limited to, the concentrations in specific media that people might be exposed to and the frequency and duration of that exposure. Using these factors, a "reasonable maximum exposure" scenario, which portrays the highest level of human exposure that could reasonably be expected to occur, is calculated.

Toxicity Assessment: In this step, the types of adverse health effects associated with chemical exposures and the relationship between magnitude of exposure and severity of adverse effects are determined. Potential health effects are chemical-specific and may include the risk of developing cancer over a lifetime or other noncancer health hazards, such as changes in the normal functions of organs within the body (e.g., changes in the effectiveness of the immune system). Some chemicals are capable of causing both cancer and noncancer health hazards.

Risk Characterization: This step summarizes and combines outputs of the exposure and toxicity assessments to provide a quantitative assessment of site risks for all COPCs. Exposures are evaluated based on the potential risk of developing cancer and the potential for noncancer health hazards. The likelihood of an individual developing cancer is expressed as a probability. For example, a 1 x 10⁻⁴ cancer risk means a "one in ten thousand excess cancer risk"; or one additional cancer may be seen in a population of 10,000 people as a result of exposure to site contaminants under the conditions identified in the Exposure Assessment. Current Superfund regulations for exposures identify the range for determining whether remedial action is necessary as an individual excess lifetime cancer risk of 1 x 10-4 to 1 x 10-6, corresponding to a one in ten thousand to a one in a million excess cancer risk. For noncancer health effects, a "hazard index" (HI) is calculated. The key concept for a noncancer HI is that a threshold (measured as an HI of less than or equal to 1) exists below which noncancer health hazards are not expected to occur. The goal of protection is 1 x 10⁻⁶ for cancer risk and an HI of 1 for a noncancer health hazard. Chemicals that exceed a 1 x 10⁻⁴ cancer risk or an HI of 1 are typically those that will require remedial action at a site and are referred to as contaminants of concern (COCs) in the ROD.

hazardous substances, pollutants, and contaminants at a site. CERCLA §121(d), 42 U.S.C. §9621(d), further specifies that a remedial action must attain a level or standard of control of the hazardous substances, pollutants, and contaminants that at least attains ARARs under federal and state laws, unless a waiver can be justified pursuant to CERCLA §121(d)(4), 42 U.S.C. §9621(d)(4).

Detailed descriptions of the remedial alternatives to dissociate the residents from exposure to arsenic-contaminated areas at the site can be found in the FFS report. The FFS report presents three alternatives to dissociate the residents from exposure to arsenic-contaminated areas. The remedial alternatives are:

Alternative 1: No Action

Capital Cost:	\$0
Annual Operation and Maintenance (O&M) Cost:	\$0
Present-Worth Cost:	\$0
Implementation Time:	0 months

The Superfund regulations require that the "no-action" alternative be considered as a baseline for comparison with the other alternatives. The no-action remedial alternative does not include any physical remedial measures to dissociate the residents from exposure to arsenic-contaminated areas.

Alternative 2: Monitoring and Maintenance of Existing Protective Measures

Capital Cost:	\$161,000
Annual O&M Cost:	\$330,000
Present-Worth Cost:	\$2,641,000
Implementation Time:	6 months

This alternative consists of monitoring and maintenance of the existing protective measures. The monitoring and maintenance program would ensure the effectiveness of these measures in eliminating exposure pathways in areas that these measures were installed.

Monitoring activities would include, among other things, performing visual inspections to assess the integrity of the outdoor and indoor protective measures. For costestimating purposes it was assumed that monitoring and maintenance activities would be performed twice per year.

The outdoor protective measures to be monitored and maintained include paving, stone pathways, and installed woodchip and mulch covers. If visual inspection indicates there is a breach in the integrity of the woodchip, stone, or pavement covers, repairs of the covers would be completed. This would involve adding woodchips, adding stone, or sealing cracks in pavement. Maintenance would include replacement of outdoor doormats and boot brushes.

The indoor protective measures to be monitored and maintained include indoor door mats and high-efficiency particulate air vacuums.

This alternative would also include ICs (*e.g.*, easements) to limit current and future use of the properties.

It is estimated that it would require six months to implement the ICs and prepare a plan related to the ongoing monitoring and maintenance of the existing protective measures.

It is assumed that the monitoring and maintenance would be performed for 10 years (the estimated time to perform the OU2 investigation and select, design, and implement an OU2 remedy).

Alternative 3: Property Acquisition, Permanent Relocation, Demolition

Capital Cost:	\$5,603,000
Annual O&M Cost:	\$330,000
Present-Worth Cost:	\$5,828,000
Implementation Time:	1.5 years

This alternative consists of offers of property acquisition and permanent relocation. Affected property owners would be compensated for the acquired real property, and affected residents would receive relocation assistance. Following permanent relocation, vacated structures would be demolished. Superfund-related permanent relocations and property acquisitions would be conducted under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

Real property would be appraised in accordance with federal standards to determine the comparable replacement-housing value, and an offer to purchase would be made to each residential property owner.

Permanent relocation would include federal financial and logistical support for residents to move out of the OU1 study area permanently. Residents would be assisted in the relocation process, including identifying and moving into replacement residences.

Until the residents from each affected residence are permanently relocated, or until the completion of the OU2 effort (if there are residents that decline to be relocated), monitoring and maintenance of the existing protective

measures (see Alternative 2 for details) would continue at each respective residence to ensure the effectiveness of these measures in eliminating exposure pathways in areas that these measures were installed. For cost-estimating purposes, it is presumed that the monitoring and maintenance would be performed at each residence every six months for one year.

The residential structures would be demolished following property acquisition and relocation to remove potential exposure and safety hazards associated with the continued existence of unoccupied, unmaintained structures until completion of the OU2 effort.

Engineering controls (*i.e.*, fencing) would be utilized to prevent trespassing once the structures are vacated.

This alternative would also include ICs (e.g., easements) to limit current use and to prevent future residential use of the properties as well as the preparation of a plan related to the monitoring and maintenance of the existing protective measures until the residents from each affected residence are permanently relocated or until completion of the OU2 effort.

It is estimated that it would require one year to acquire the properties, relocate the residents, and demolish the structures, and an additional six months to implement the ICs.

COMPARATIVE ANALYSIS OF ALTERNATIVES

During the detailed evaluation of remedial alternatives, each alternative is assessed against nine evaluation criteria, namely, overall protection of human health and the environment, compliance with applicable or relevant and appropriate requirements, long-term effectiveness and permanence, reduction of toxicity, mobility, or volume through treatment, short-term effectiveness, implementability, cost, and state and community acceptance.

The evaluation criteria are described below.

- Overall protection of human health and the environment addresses whether a remedy provides adequate protection and describes how risks posed through each exposure pathway (based on a reasonable maximum exposure scenario) are eliminated, reduced, or controlled through treatment, engineering controls, or ICs.
- Compliance with ARARs addresses whether a remedy would meet all of the applicable or relevant and appropriate requirements of other federal and state environmental statutes and requirements or provide grounds for invoking a waiver.
- <u>Long-term effectiveness and permanence</u> refers to the ability of a remedy to maintain reliable protection of human health and the environment over time, once

- cleanup goals have been met. It also addresses the magnitude and effectiveness of the measures that may be required to manage the risk posed by treatment residuals and/or untreated wastes.
- Reduction of toxicity, mobility, or volume through treatment is the anticipated performance of the treatment technologies, with respect to these parameters, that a remedy may employ.
- Short-term effectiveness addresses the period needed to achieve protection and any adverse impacts on human health and the environment that may be posed during the implementation period until cleanup goals are achieved.
- <u>Implementability</u> is the technical and administrative feasibility of a remedy, including the availability of materials and services needed to implement a particular alternative.
- <u>Cost</u> includes estimated capital and O&M costs, and net present-worth costs.
- <u>State acceptance</u> indicates if, based on its review of the FFS and Proposed Plan, the state concurs with the preferred alternative at the present time.
- Community acceptance will be assessed in the ROD and refers to the public's general response to the alternatives described in the Proposed Plan and the FFS report.

A comparative analysis of these alternatives based upon the evaluation criteria noted above follows.

Overall Protection of Human Health and the Environment

Alternative 1 would not be protective of human health because residents would remain on their properties and the existing protective measures would not be maintained. Alternatives 2 and 3 would be protective of human health because both of the alternatives would rely upon a remedial strategy to prevent residential exposure to contaminated surface soils. However, Alternative 3 would be somewhat more protective of human health than Alternative 2 because the residential dissociation from surface soils would be permanent and no maintenance would be required to ensure effectiveness. Additionally, Alternative 2 would rely more on ICs to prevent residents from exposure to contaminated soils where protective measures were not employed than Alternative 3.

Compliance with ARARs

Because no action would be taken under Alternative 1, no chemical-, location-, or action-specific ARAR would be triggered.

Alternative 2's maintenance activities and Alternative 3's demolition activities would be implemented in accordance with pertinent action-specific ARARs. Air Quality Standards would be pertinent to the demolition activities associated with Alternative 3. Permanent relocation and property acquisition to be performed under Alternative 3 would be performed in accordance with the requirements

of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and its implementing regulations.

Long-Term Effectiveness and Permanence

Alternative 1 would involve no active remedial measures and, therefore, would not be effective in eliminating the potential exposure to contaminants in the surface soil.

Alternative 2 would rely on monitoring and maintenance of the existing protective measures to provide protection until a permanent remedy is selected, designed, and implemented, which could take up to 10 years. While a monitoring and maintenance plan would be tailored to address this, in the interim, properties have the potential to be re-contaminated because tailing waste would not be contained. Additionally, Alternative 2 would require ICs (e.g., easements) that would limit the full use of the properties. Alternative 3 would provide protection in the long-term, as the residents would be permanently relocated from their contaminated properties, thereby eliminating any exposure to arsenic-contaminated surface soils. Under this alternative, the residential structures would be demolished following property acquisition and relocation of the residents so as to remove potential exposure and safety hazards associated with the continued existence of unoccupied, unmaintained structures until completion of the OU2 effort.

Reduction in Toxicity, Mobility, or Volume Through Treatment

Reduction of toxicity, mobility, and/or volume through treatment would not occur under any of the alternatives; however, it is anticipated that this criterion will be addressed as part of OU2.

Short-Term Effectiveness

Because Alternative 1 does not include any physical construction measures in any areas of contamination, this alternative would present the least potential adverse impacts to remediation workers or the community as a result of its implementation.

The maintenance and soil sampling activities under Alternative 2 would pose some risk to remediation workers and nearby residents. This exposure could, however, be mitigated by following appropriate health and safety protocols, which include following a site-specific community air monitoring program (CAMP), exercising sound engineering practices, and by utilizing proper protective equipment. Under Alternative 3, the use of heavy equipment during demolition activities would cause disturbance of the surface soils and the generation of contaminated dust, resulting in the potential for contaminant migration to the environment. There would also be the potential for increased local traffic. The dust-related impacts would be mitigated through the

implementation of decontamination measures and dust suppression practices. A traffic control plan would be implemented to reduce the potential for traffic accidents. Workers would encounter arsenic-contaminated surface soils during their work and, potentially, hazardous building materials during abatement. This exposure could, however, be mitigated by following appropriate health and safety protocols, which include following a site-specific CAMP, exercising sound engineering practices, and by utilizing proper protective equipment.

Because no actions would be performed under Alternative 1, there would be no implementation time. Under Alternative 2, it is estimated that it would require six months to implement the ICs and prepare a plan related to the monitoring and maintenance of the existing protective measures. Under Alternative 3, it is estimated that it would require one year to prepare a plan related to the monitoring and maintenance of the existing protective measures, relocate the residents and demolish the structures, and six months to implement the ICs.

Implementability

Alternative 1 would be the easiest alternative to implement, as there are no activities to undertake.

Under Alternative 2, the maintenance of the existing protective measures would be easy to implement, because it is a continuation of the maintenance of existing protective measures that is currently being conducted. There would be administrative implementability challenges, as it would require coordination with Putnam County and the property owners to implement the ICs.

Equipment, services, and materials needed for the demolition of the houses under Alternative 3 are readily available, and the actions under this alternative would be administratively feasible. Implementability relative to Alternative 3 would rely on resident cooperation for property acquisition, permanent relocation, and maintenance of existing protective measures.

Cost

The present-worth cost associated with Alternative 2 is calculated using a discount rate of seven percent and a 10-year time interval. The present-worth cost associated with Alternative 3 is calculated using a discount rate of seven percent and a one-year time interval.

Alternative 3 includes the demolition of the residential structures following property acquisition and relocation of the residents. If the vacated structures are not demolished to remove potential exposure and safety hazards associated with the continued existence of unoccupied, unmaintained structures, security measures would need to be implemented. The security measures for these structures for an estimated 10 years would likely be more costly than demolishing the structures.

The estimated capital, O&M, and present-worth costs for each of the alternatives are presented below.

Alternative	Capital	Annual O&M	Total Present Worth
1	\$0	\$0	\$0
2	\$161,000	\$330,000	\$2,641,000
3	\$5,603,000	\$330,000	\$5,828,000

State Acceptance

NYSDEC concurs with the proposed alternative.

Community Acceptance

Community acceptance of the preferred alternative will be addressed in the ROD following review of the public comments received on the Proposed Plan during the public comment period.

PREFERRED ALTERNATIVE

Based upon an evaluation of the various alternatives, EPA, in consultation with NYSDEC, recommends Alternative 3, property acquisition, in which the residents are compensated for the real property that is being offered to be acquired; relocation assistance, in which the residents are assisted in identifying and moving into replacement residences; and demolition of the vacated structures, as the preferred alternative to dissociate the residents from exposure to arsenic-contaminated areas. This alternative would also include ICs (e.g., easements) to limit current and future use of the properties. Until the residents from each affected residence are permanently relocated, or until the completion of the OU2 effort (if there are residents that decline to be relocated), monitoring and maintenance of the existing protective measures would continue at each respective residence to ensure the effectiveness of these measures in eliminating exposure pathways in areas that these measures were installed. Engineering controls (i.e., fencing) would be utilized to prevent trespassing once structures are vacated.

Basis for the Remedy Preference

While Alternative 3 is more expensive than Alternative 2, EPA considered the balance between the cost difference and the uncertainty of when a decision regarding a final remedy (OU2) would be made and when it would be designed and implemented (estimated 10 years). In addition, it is the most protective because the data

indicates that the properties may become re-contaminated because the source is not contained.

The preferred alternative is believed to provide the greatest protection of human health and the environment, provide the greatest long-term effectiveness, and is cost effective. Therefore, it has been determined that the preferred alternative will provide the best balance of tradeoffs among alternatives with respect to the evaluating criteria. EPA, with the concurrence of NYSDEC, believes that the preferred alternative will be protective of human health and the environment, comply with ARARs, be cost-effective, and utilize permanent solutions to the maximum extent practicable.

The environmental benefits of the preferred alternative may be enhanced by consideration of technologies and practices that are sustainable in accordance with EPA Region 2's Clean and Green Energy Policy and NYSDEC's Green Remediation Policy.¹ This will include consideration of green remediation technologies and practices.

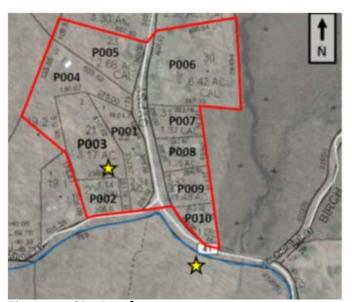


Figure 1—Site Plan²

¹ See http://epa.gov/region2/superfund/green_remediation and http://www.dec.ny.gov/docs/remediation http://www.dec.ny.gov/docs/remediation http://www.dec.ny.gov/docs/remediation http://www.dec.ny.gov/docs/remediation

² The stars denote the locations of the mine entry shafts. The southern mine shaft is located in the Nimham Mountain Multi-Use Area, a state recreational area.

RESPONSIVENESS SUMMARY

APPENDIX V-b

PUBLIC NOTICE PUBLISHED IN THE PUTNAM COUNTY PRESS ON APRIL 8, 2020



THE ENVIRONMENTAL PROTECTION AGENCY INVITES PUBLIC COMMENT ON THE PROPOSED REMEDY FOR THE ARSENIC MINE SUPERFUND SITE PUTNAM COUNTY, NEW YORK

The U.S. Environmental Protection Agency (EPA) has issued a Proposed Plan identifying its preferred remedy to dissociate the residents from exposure to arsenic-contaminated soil at the Arsenic Mine Superfund site and has opened a 30-day comment period on the Proposed Plan. The comment period begins on April 8, 2020 and ends on May 8, 2020. As part of the public comment period, EPA will hold a virtual public meeting on the Proposed Plan on April 22, 2020 at 7:00 PM. To participate in the meeting, please visit our website for more information: https://www.epa.gov/superfund/arsenic-mine. To participate by telephone, please call into the conference line: (315) 565-0493, code number 262234153#. Please register in advance of the meeting on our website or by emailing Pat Seppi, Community Involvement Coordinator, at seppi.pat@epa.gov or calling her at (646) 369-0068.

Anyone interested in receiving materials for the public meeting in hard copy should either email or call Ms. Seppi with such a request by Friday, April 17.

The preferred remedy consists of acquisition of certain affected properties, permanent relocation of the related affected residents, and demolition of the vacated structures. This alternative would also include institutional controls to limit current and future use of the properties. Until the residents from affected properties are permanently relocated, monitoring and maintenance of existing protective measures would continue to ensure the effectiveness of these measures in eliminating exposure pathways in areas that these measures were installed.

The Proposed Plan and other site-related documents are available for public review at: https://www.epa.gov/superfund/arsenic-mine. Anyone interested in receiving a hard copy of the Proposed Plan should contact Ms. Seppi.

Verbal comments on the Proposed Plan may be provided during the virtual public meeting. Written comments on the Proposed Plan should be sent (e-mailed or postmarked) no later than May 8, 2020 to: granger.mark@epa.gov or Mark Granger, Remedial Project Manager, Central New York Remediation Section, U.S. Environmental Protection Agency, 290 Broadway, 19th Floor, New York, New York 10007-1866.

g Safety

or attending to schooldren that are now home t is very easy to become ed while cooking. st cooking fires involve

retop, so keep anything catch fire away from it. n off the stove when you e kitchen - even if it's for second." A second is all for a house fire to start. ou're simmering, boilking or roasting food, regularly and use a timer ind yourself that you're

homes with children, he kids remain outside then area while food is repared. Pets should also out of the kitchen while g. The safest chef is an acted chef.

oid loose or dangling g when cooking - par-ly around the stovetop on gas ranges.

ake sure your smoke deare functioning by press-"test" button. If needed, the batteries - and if not ning after testing, install

new smoke alarms. Tips provided by FASNY National Fire Protection

ial Visits"

igh, fever or respiratory ns that are not a medical ncy, telemedicine is an vay to assess their health ovide guidance on testing catment," said Lehrach.

replicate an office visit ing patients to speak with e their provider in real time eive a diagnosis, treatment nd prescriptions, as needed, ing to Nuvance Health.

ne visits are covered by major insurance provid icluding Medicare and

enefits to this technology e eliminating the hassle sportation and having less ire to other people who contagious

learn more, visit nuealth.org/virtualvisits, or VID-19 information visit cehealth.org/coronavirus

rary & esources

nusic to accompany your e or just to listen to while Visit Hoopla - a great for yoga music including: oga Music for the Sens-oga Music: Mantras and Yoga: Music to Relax ditate to. You will also books, audiobooks, com-

shows, and movies on a (library card required).
to you need a Mahopac
y card? It's easy to apply just visit mahopaclibrary ad click on the "Services" here you will see the link to a Library Card" where you gn up online. If you need signing up or if you have anology question, contact askus@mahopaclibrary. Debra Feiman, Mahopac





Michael Bucci (left) and Nick D'Andrea will lead the Putnam County

Putnam Business Council Appoints New Leaders

By Lisa Kaslyn

The Putnam County Business Council (PCBC), the county's largest business advocacy group, announced today the appointment of three new board members who will help steer the organization and strengthen its leadership and support of local businesses.

The PCBC also unveils a new look and improved form and function with a redesigned logo and website to better serve the business community as an engaged up-to-date resource.

Michael Bucci is an associ-ate vice president with Ameriprise Financial Services. He also served as CEO of the Mahopac-Carmel Chamber of Commerce from 2013 to 2016. Mike and his the business community for de-cades and his father and brothers continue to operate Bucci's Deli

continue to operate Bucci's Deli in Mahopac. Nick D'Andrea is the assis-tant general manager at Park Ford of Mahopac. "As a new board member of the Putnam County Business Council, I intend to grow our business member base and reinforce the importance of mutual support among our local

John Kraus is a senior vice president of Tompkins Mahopac Bank. John was, until recently, the senior commercial loan of-ficer of Tompkins Mahopac Bank before being appointed program administrator of Commercial Lender Development for all four Tompkins affiliate banks, and executive director of the bank's Business Development Board.

"As a commercial banker active in Putnam County for the past 29 years, I have significant experience working with business owners across many industries. My purpose is to share and apply my knowledge and understand-ing of key issues critical to the local business community to promote economic development and business advocacy in Putnam

"In addition to bringing new talent to our board, we have been talent to our board, we have been evolving the image and brand of the PCBC for some time now," said Jennifer Maher, chairwoman, PCBC. "Last year, we changed our name from Putnam County Chamber of Commerce to the Putnam County Business Council as a way to better define our role as a resource and advocate for county-based businesses. Now, we have completed our rebranding with a new logo and website that more aptly represents the spirit or our mission."

The new website may be accessed at putnamcountybusiness.

cessed at putnamcountybusiness council.com. Local businesses are encouraged to visit the site for updates on policy, legislation, advocacy, resources, and networking events. The site currently features a COVID-19 Business Prep article, including links to disaster relief options through the SBA. —Lisa Kaslyn is President of Frosper Communications, Inc., specialists in PR, SEO, and Social Content Marketine.

Mahopac Pair Accused of Burglary

New York State Police are accusing two Mahopac residents of burglary. Tiara Frederick, 23, and

Giovani Fernandez, 26, were arrested March 27 and charged with first-degree burglary and third-degree criminal mischief, both felonies.

According to NYSP, the two forcibly entered a residence on 13th Street in the Verplanck area of Cortlandt, where they knew the

'A physical altercation ensued between the parties, which resulted in Tiara Frederick suffering a non-life-threatening stab-found," police said. "Frederick was transported to Westchester Medical Center medical treat-

Frederick and Fernandez were issued appearance tickets and are scheduled to appear in Cortlandt Town Court on May 11.

Looking For Something to Do? Check Out Our Community **Events on Page 8**

State Police Are Recruiting

have launched a new recruit-ing effort to attract the best and brightest qualified candidates to join one of the most highly respected law enforcement organizations in the country.

New Trooper entrance examinations are scheduled Oct. 3, 10, 17 and 24 at several locations around the state.

Salaries start at \$57,000 (during academy training and the first year) and rise to \$81,000 after one year, and \$96,000 after five years.

Online applications are now being accepted, and interested candidates have several options to start the application process. To apply, visit joinstatepolice. ny.gov, text JoinNYSP to 518-240-3959, or call 1-866-NYSP-EXAM.

Online applications must be submitted by Sept. 13. Results from the examination will establish an eligibility list that may remain in effect up to four years.

"The strength of our agency is built on the diversity of the men and women who have dedicated their lives to serving their com-munities and their state" said NYSP Superintendent Keith Corlett. "We are actively seeking qualified, committed and motivated candidates from all walks of life to take the Trooper exam this fall. Candidates will be competing for the chance to join the ranks of the New York State Police and have a rewarding

career of public service."
Opportunities within NYSP include training and membership in specialized units, as well as opportunities for advancement

through the ranks. Some of the specialized areas of expertise include positions such as crime scene evidence technicians, field training officers, canine handlers, firearms instructors and motor vehicle collision reconstruction-

Troopers are also eligible for assignments to specialized details and units, including the Aviation Unit, the Dive Team, the Special Operations Response Team, the Community Narcotics Enforcement Team and the Commercial Vehicle Enforcement Unit.

Troopers may also pursue assignments as investigators in the Bureau of Criminal Investigation.
Additional information on

becoming a New York State Trooper, including all require-ments and benefits, can be found at joinstatepolice.ny.gov.





THE ENVIRONMENTAL PROTECTION AGENCY INVITES PUBLIC COMMENT ON THE PROPOSED REMEDY FOR THE ARSENIC MINE SUPERFUND SITE PUTNAM COUNTY, NEW YORK

The U.S. Environmental Protection Agency (EPA) has issued a Proposed Plan identifying its preferred remedy to dissociate the residents from exposure to arsenic-contaminated soil at the Arsenic Mine Superfund site and has opened a 30-day comment period on the Proposed Plan. The comment period begins on April 8, 2020 and ends on May 8, 2020. As part of the public ment period, EPA will hold a virtual public meeting on the Proposed Plan on April 22, 2020 at 7:00 PM. To participate in the meeting, please visit our website for more information: https://www.epa.gov/superfund/arsenic-mine. To participate by telephone, please call into the conference line: (315) 565-0493, code number 262234153#. Please register in advance of the meeting on our website or by emailing Pat Seppi, Community Involvement Coordinator, at sepp.pat@epa.gov or calling her at (646) 369-0068. Anyone interested in receiving materials for the public meeting in hard copy should either email

or call Ms. Seppi with such a request by Friday, April 17.

The preferred remedy consists of acquisition of certain affected properties, permanent relocation of the related affected residents, and demolition of the vacated structures. This alternative would also include institutional controls to limit current and future use of the properties. Until the residents from affected properties are permanently relocated, monitoring and maintenance of existing protective measures would continue to ensure the effectiveness of these measures in eliminating exposure pathways in areas that these measures were installed

The Proposed Plan and other site-related documents are available for public review at: https://www.epa.gov/superfund/arsenic-mine. Anyone interested in receiving a hard copy of the Proposed Plan should contact Ms. Seppi.

Verbal comments on the Proposed Plan may be provided during the virtual public meeting. Written comments on the Proposed Plan should be sent (e-mailed or postmarked) no later than May 8, 2020 to: granger_mark@epa.gov or Mark Granger, Remedial Project Manager, Central New York Remediation Section, U.S. Environmental Protection Agency, 290 Broadway, 19th Floor, New York, New York 10007-1866.

RESPONSIVENESS SUMMARY APPENDIX V-c

APRIL 22, 2020 PUBLIC MEETING TRANSCRIPT

U.S. ENVIRONMENTAL PROTECTION AGENCY ARSENIC MINE SUPERFUND SITE Public Meeting on 04/22/2020

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3	U.S. ENVIRONMENTAL PROTECTION AGENCY
4	ARSENIC MINE SUPERFUND SITE
5	PUBLIC MEETING
6	X
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9	WEB/VIDEO CONFERENCE
10	Kent, New York
11	Wednesday, April 22, 2020
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24	Reported by: Leonora L. Walker
25	JOB NO. 293146

U.S. ENVIRONMENTAL PROTECTION AGENCY ARSENIC MINE SUPERFUND SITE Public Meeting on 04/22/2020 Pages 2..5

	Public Meeting	, on	04/22/2020 Pages 25
1	Page 2	_	Page 4
1		1	MS. SEPPI: So as you are probably
2		2	aware, EPA has recently released a proposed
3	April 22, 2020	3	plan for the Arsenic Mine Superfund Site
4	6:45 p.m.	4	that's located in Kent, New York. So we
5		5	hope many of you had a chance to read the
6		6	proposed plan before tonight's meeting.
7	Environmental Protection Agency Arsenic	7	Next slide.
8	Mine Superfund Site Public Meeting, held via	8	This is our overall agenda. We'll
9	web/video conference, Kent, New York, before	9	refer back to this again as we get through
10	Leonora L. Walker, a Notary Public of the	10	the process. Next slide.
11	State of New York.	11	So it looks like I'm up for the
12		12	instruction.
13		13	So good evening, and thank you so much
14		14	for joining our first ever public virtual
15		15	public meeting. This is unchartered
16		16	territory for us, and we will certainly do
17		17	our best to make it work, and your patience
18		18	will be greatly appreciated.
19		19	So I'd like to introduce the other EPA
20		20	presenters who you'll be hearing from
21		21	tonight.
22		22	Firstly, my name is Pat Seppi, and I'm
23		23	the EPA community involvement coordinator
24		24	for Arsenic Mine site. We also have Joel
25		25	Singerman, who's the chief of the New York
		23	Singerman, who is the three of the New Tork
1	Page 3 APPEARANCES:	_	Page 5
1 2		1	Remediation Section, and also Mark Granger,
	Pat Seppi - EPA Community Involvement Coordinator	2	who is the EPA remedial project manager.
3	Joel Singerman - Chief of New York Remediation	3	So the reason we're here tonight is to
4	Section	4	present EPA's preferred alternative for
5	Mark Granger - EPA Remedial Project Manager	5	cleaning up the site. I want to let you
6	Sandy Richards - EPA On-Scene Coordinator	6	know that this is not the final decision.
7	Abbey States - EPA Risk Assessor	7	That's why your comments are so important to
8	Andrea Leshak - EPA Site Attorney	8	us. The final decision will be in a
9	Shereen Kandil - EPA Community Affairs	9	document that's called a record of decision,
10		10	and included in that document there will be
11	ALSO PRESENT:	11	a responsive summary which will contain all
12	General Public	12	the comments we receive, as well as our
13		13	responses.
14		14	So our public meetings, virtual or not,
15		15	are a little more formal than most EPA
16		16	meetings.
17		17	To that end, we have a reporter,
18		18	Leonora Walker, somewhere out there, who
19		19	will provide us with a transcript of
20		20	tonight's proceedings. We'll share that
21		21	transcript with you. I just wanted to
22		22	mention now, and we'll repeat this again
23		23	before we open it up to comments, that she
24		24	will need your name, she will need you to
1			
25		25	spell your name, and also give us your
25		25	spell your name, and also give us your

6

Page 6 Page 8 1 affiliation before you give us your comment.

- 2
- And as for comments, May 8th ends the
- 3 comment period. You can submit comments
- 4 until then by e-mail or mail to the project
- 5 manager, Mark Granger. His contact
 - information, if you don't already have it,
- 7 will be on the last slide of this
- 8 presentation.

6

- 9 Now, I will strongly suggest that you
- 10 e-mail additional comments to Mark. Because
- of Covid-19, our offices are closed, so 11
- 12 regular mail could slow down the process of
- 13 receiving your comments.
- 14 So for now, your phones will be muted
- 15 until the end of the presentation. Once the
- 16 comment section begins, we'll provide
- 17 details about how to proceed online or by
- 18 phone, and how to unmute your line. So
- 19 let's move to the next slide.
- 2.0 Now, these are our EPA colleagues, who
- are in attendance tonight. Sandy Richards, 21
- 22 who is the EPA on-scene coordinator; Abbey
- 23 States, who's the EPA risk assessor; Andrea
- 24 Leshak, our EPA site attorney, and Shareen
- 25 Kandil from our community relations office.
 - Page 7

4

- 1 Next.
- 2 We also have representatives from our
- 3 partner agencies, who we work very closely 4 with. That would be the New York State
- 5 Department of Environmental Conservation,
- 6 the New York State Department of Health, and
- 7 the Agency for Toxic Substances and Disease
- Registry. Next. 8
- 9 So here we are, back to the agenda, and
- 10 if you see the red that means that I'd like
- 11 to introduce Joel Singerman, who is going to
- 12 give you some information about the
- 13 Superfund process. Joel.
- 14 MR. SINGERMAN: Okay. Good evening,
- 15 everyone. Several well publicized toxic
- 16 waste disposal disasters in the late 1970s,
- 17 shocked the nation and highlighted the fact
- 18 that past waste disposal practices were not
- 19 safe. In 1980, Congress responded with the
- 20 creation of the Comprehensive Environmental
- 21 Response, Compensation and Liability Act,
- 22 more commonly lumped as Superfund.
- 23 The Superfund law provided a federal
- fund to be used in cleanup of uncontrolled
- 25 and abandoned hazardous waste sites, and for

- responding to emergencies involving
- 2 hazardous substances.
- 3 In addition, EPA was empowered to
- 4 compel those parties that were responsible
- 5 for these sites to pay for or to conduct the
 - necessary response actions. The work to
- 7 remediate a site is usually very complex and
- 8 take places in a number of stages. Once a
- 9 site is discovered, an inspection further
- 10 identifies a hazard and contaminates. A
- determination is then made whether to 11
- 12 include the site on Superfund national
- 13 priorities list, a list of the nation's
- 14 worse hazardous waste sites.
- 15 Sites are placed on the national
- priorities list primarily on the basis of 16
- 17 the scores obtained from the hazard ranking
- 18 system, which evaluates the threat posed by
- 19 a site. Only sites on the national
- 20 priorities list are eligible for remedial
- 21 work financed by Superfund.
- 22 The selection of a remedy for a
- 23 Superfund site is based on two studies: A
- 24 remedial investigation and a feasibility
- 25 study. The purpose of the remedial
- investigation is to determine the nature and 1
 - 2 extent of the contamination at and emanating

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- 3 from the site, and the associated threat to
 - public health and the environment.
- 5 The purpose of the feasibility study is
- to identify and evaluate ways to clean up 6
- 7 the site. Public participation is a key
- 8 feature of the Superfund process. The 9
- public is invited to participate in
- 10 decisions that we've made for the site to
- 11 the community relations program.
- 12 Public meetings, usually in person, are
- 13 held as necessary to keep the public
- 14 informed about what has happened and what is
- planned for a site. The public is also 15
- 16 given the opportunity to ask questions about
- 17 the results of the investigations and
- 18 studies conducted at the site, and then
- 19 comment on the proposed remedy. After
- 20 considering public comments on the proposed
- 21 remedy a record of decision is decided. A
- 22 record of decision documents why a
- 23 particular remedy was chosen.
- 24 The site then enters the design phase,
- 25 with a plan associated with the

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Page 10 Page 12 what we call OU-2. In this case, OU-1 of 1 implementation of selected remedy are 1 2 developed. The remedial action is the 2 the Arsenic Mine Site focuses on 3 actual hands-on work associated with 3 dissociation of residents from exposure to 4 cleaning up the site. 4 arsenic and surface soil in the near term. 5 Following the completion of the 5 Operable unit two will evaluate all media, 6 remedial action, the site is monitored, if 6 subsurface soil, more surface soil, ground 7 necessary. Once the site no longer poses a 7 water, drinking water, sediments, and 8 threat to public health or the environment, 8 ecological considerations from a remedial 9 it can be deleted from the Superfund 9 standpoint in the longer term. 10 national priorities list. 10 So the site location, the site is located in Putnam County in a mountainous 11 Removal actions may be undertaken at 11 12 any time to address an immediate threat to 12 area. The actual mine still exists, and 13 public health, welfare, or the environment. 13 this is what it looks like today. 14 MS. SEPPI: Thank you, Joel. Now, 14 There's -- the site itself, the Arsenic Mine 15 according to our agenda, I'd like to 15 Superfund Site is about 20 acres, includes 16 introduce Mark Granger, who will give you 16 seven residential and three undeveloped 17 some background history and other issues 17 parcels, and it's basically densely wooded 18 related to this site. 18 with steep slopes. 19 Mark. 19 There is a lot of history of mining in 2.0 MR. GRANGER: Thank you, Pat. Before 20 Putnam County, and the Arsenic Mine is part of that history. There was intermittent 21 we get started, I'd like to wish everyone a 21 22 happy Earth Day. Not only is it Earth Day, 22 mining conducted from the mid 1800s 23 it's the 50th anniversary of the first Earth 23 through 1918. Various mining companies were Day in 1970. It was 50 years ago that the 24 24 extracting the mineral arsenopyrite for 25 mission of protecting public health and the 25 further processing and use in a variety of Page 11 Page 13 environment was established, a mission that 1 products. 2 we continue to be guided by to this day. 2 Operations were more or less standard 3 I also want to say that everything I 3 mining procedures, whereby ore was separated 4 cover tonight is presented in more detail in 4 from waste rock and soil known as tailings, 5 EPA's proposed plan. 5 and the arsenic bearing waste rock and soils 6 So Joel just went over the general path 6 were discarded in areas around the mine. 7 7 of Superfund sites for cleanup. Tonight I The homes in the project area were 8 will cover specifically how the Arsenic Mine 8 constructed from the '50s through the '80s. 9 Site proceeds along this path. 9 In 1987, residents living in a house 10 10 So we'll cover site location, history, adjacent to the mine were diagnosed with 11 overview of arsenic characterization in 11 acute arsenic poisoning from their drinking 12 surface soils, cleanup alternatives, and 12 water. Their well had been exalt from 13 evaluation criteria, and preferable 13 tailings from former mining operations. In 14 alternatives. So let's get started. 14 response, and while they were recovering, in 15 1988 and '89, EPA installed a cistern at First, I'd like to talk briefly about 15 16 operable units. Sometimes, not always, EPA 16 that residence for drinking water 17 17 will break out aspects of a project into deliveries. 18 18 separate pieces called operable units. For While repairing a cistern in 2016, EPA 19 example, at a five-acre landfill site I work 19 determined that sediments with high 20 on, right in the middle, ten feet below 20 concentrations of arsenic were entering it. 21 21 ground were 5,000 drums of hazardous As we pursued why this would be, this 22 substances, all in the same place. The 22 resulted in a broader site investigation in 23 removal of those drums was covered under 23 2017 and 2018. EPA collected numerous soil 24 what we call operable unit one. The 24 samples from the undeveloped and residential

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properties around and down slope from the

subsequent landfill cover, we covered under

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Page 14 Page 16 1 mine. national priorities list in November of 2 2 2019. With the data collected and evaluated Based on the data collected from the 3 ten properties, a health consultation was 3 from a public health standpoint, EPA released by the New York State Department of 4 4 initiated a focus feasibility study to 5 Health in April 2019, concluded that 5 identify and evaluate alternatives to 6 long-term exposure of children and adults to 6 dissociate residents from exposure to 7 7 arsenic-contaminated soils. arsenic in surface soil poses a significant 8 threat to human health. 8 Now, I'd like to move on to an overview 9 Also, in April 2019, EPA issued a 9 of arsenic characterization in surface 10 10 determination of significant threat soils. As noted earlier, in 2017 and 2018, EPA 11 memorandum, finding that all residential 11 12 properties at the site contained exposure 12 collected soil samples from undeveloped and 13 point concentrations at or above the 13 residential properties around and down slope 14 threshold for unacceptable risks. 14 from the mine. Surface soils throughout the 15 At the same time, the Agency for Toxic 15 properties are contaminated with elevated 16 levels of arsenic. Arsenic contamination in Substances and Disease Registry issued a 16 17 public health advisory recommending that EPA 17 surface soil has been detected up to 56,000 18 take immediate short and long-term measures 18 parts per million. For context, values 19 to dissociate persons, especially children, 19 above 16 parts per million would warrant 2.0 from exposure to arsenic in shallow soil at 20 further consideration. 21 This is an illustration of the sampling the site. 21 22 Based upon the results of EPA's human 22 location from 2017-2018 surface soil health risk assessment, and supported by the 23 sampling efforts. Over 800 samples were 23 24 above-mentioned 2019 reports from DOH and 24 collected from more than 500 locations. 25 The data showed that there are elevated 25 ATSDR, EPA has determined that arsenic Page 15 Page 17 concentration in surface soil presents a concentrations of arsenic in surface soils 1 2 current and potential future threat to human 2 throughout seven residential and three 3 health. With this, the EPA's removal 3 undeveloped properties. 4 program proactively initiated the 4 So on this figure, the beige color 5 installation of protective measures in 2019 5 surrounding the mine generally shows the 6 in order to reduce exposure to contaminated source area. Note the steep slopes and 7 7 surface water floor relative to the source soil in high-use areas at the seven 8 residences. These measures were developed 8 area. 9 in consultation with the residents to ensure 9 So now let's look at the cleanup 10 that the measures were aligned with property 10 alternatives. EPA considered three 11 use. 11 alternatives. Alternative one is no action; 12 The outdoor protective measures 12 alternative two is monitoring and 13 13 included paving or repairing driveways, maintenance of existing protective measures 14 creating stone or wood chip walkways, and 14 with institutional controls, and alternative 15 covering high-use areas with stone or wood 15 three, the offer of property acquisition 16 chips and excavating soil and dog pens and 16 with permanent relocation and demolition. 17 back filling with wood chips. 17 With respect to alternative one, the no 18 The indoor protective measures included 18 action alternative is considered in all of 19 providing high-efficiency vacuums containing 19 EPA's proposed plans as a benchmark of 20 filters capable of capturing extremely small 20 comparison. The no action alternative is 21 21 particles and providing residents with exactly that. It assumes that no action 22 doormats and boot brushes also to reduce 22 whatsoever would be taken. 23 indoor dust. 23 Interestingly, though, there are times 24 The Arsenic Mine became a Superfund 24 that the no action alternative is selected,

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although this is rare less than one percent

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site. That is, it was placed on the

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Page 18 of the time. 1 2 So with respect to alternative two, 3 alternative two involves monitoring and 4 maintenance of existing protective measures 5 with institutional controls. With this 6 alternative, the protective measures that 7 were put in place by EPA's removal program 8 would be monitored and maintained. The 9 assumption was made for cost purposes that 10 maintenance and monitoring activities would be scheduled every six months. 11 12

Also included are institutional 13 controls. Institutional controls are things 14 like easements or deed restrictions, and are 15 intended mostly to ensure that the 16 protective measures remain in place and 17 intrusive activities are minimized. 18 I want to pause here and revisit the 19 operable unit content briefly. As noted 2.0 earlier, and consistent with ATSDR's 21 recommendation of a plan for both short-term 22 and long-term efforts, OU-1 for Arsenic Mine 23 focuses on dissociation of residents from 24 exposure to arsenic in surface soil in the

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near term.

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Page 20 1 the homes would be demolished. The property would subsequently be evaluated and cleaned

up as far as operable unit two.

With respect to relative costs, alternative one, and keeping with no action is zero dollars. The total estimated costs for alternative two is \$2.6 million, and the

total estimated costs for alternative three is \$5.8 million.

So taking all this into consideration, let's move to EPA's evaluation criteria and preferred alternative.

EPA has nine criteria which are used to evaluate and compare the alternatives to one another. The nine criteria fall into three categories: Threshold criteria, balancing criteria, and modifying criteria. The nine criteria are overall protection in human health and the environment, compliance with environmental regulations, long-term effectiveness and permanence, reduction of toxicity, mobility or volume through treatment, short-term effectiveness, implementability, costs, and then final criteria, state acceptance, and community

Page 19

Operable unit two evaluates all, or 1 2 will evaluate all media, subsurface soil, 3 sediments, et cetera, and ecological 4 considerations from a remedial standpoint in 5 the longer term. It is anticipated that the 6 OU-2 cleanup, which will have remedial 7 investigation as Joel had said, a 8 feasibility study, risk assessment. There 9 will be another proposed plan, another 10 public meeting, another record of decision, 11 and then we'll move on to the solid path 12 forward for cleanup, and we're expecting 13 that to be completed in seven to 10 years. 14 So for alternative two, monitoring and 15 maintenance is not intended as a permanent 16 remedy, but a remedy to be put in place 17 until the final OU-2 remedy is completed. 18 So with respect to alternative three 19 then, offers of property acquisition, 20 permanent relocation, and demolition

residents would be offered the opportunity

would purchase a property and provide

for a buyout in which the federal government

relocation assistance in finding a new home

and moving residents there. Once vacated,

acceptance.

Based on an evaluation of the various alternatives, and in the context of the nine criteria, EPA, in consultation with the New York State Department of Environmental Conservation, recommends alternative three: Offers of property acquisition, permanent relocation, and demolition.

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In alternative three, residents accepting the offer are compensated through the value of the property that is being acquired. Relocation assistance is provided in which the residents are assisted in identifying and moving into replacement residences, and vacated structures are demolished.

Until residents who accept the offer are permanently relocated, or until the OU-2 remedy is completed, monitoring and maintenance of the existing protective measures will be performed to ensure that they remain effective in eliminating exposure pathways.

24 EPA has identified alternative three as 25 its preferred alternative because it would

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Page 22 1 dissociate residents from exposure to 1 phone. After we read the questions from the 2 arsenic-contaminated areas while providing 2 chat box, we will turn the phone lines on, 3 the best balance of tradeoffs among the 3 and Pat will facilitate the questions alternatives with respect to the evaluating 4 4 5 criteria. 5 6 Alternative three protects human health 6 7 and the environment, provides the best 7 8 balance of EPA's criteria, is readily 8 9 implementable, and cost effective. 9 10 This ends my presentation on EPA's 10 preferred alternative. At this time I'll 11 11 12 turn the meeting back over to Pat. Thank 12 13 you, Pat. 13 14 MS. SEPPI: Thanks very much, Mark, for 14 15 15 that. 16 Can we go to the next slide? Thank 16 17 17 you. 18 All right. So at this point we're 18 19 getting very close where we're opening up 19 20 your phones for comments, but I wanted to 20 21 turn this portion to Shareen Kandil, who 21

22 will give you some information about, you know, requesting a message either online or 23 24 on the phone, and how to unmute your phone.

Shareen.

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Page 23 MS. KANDIL: Hi, everyone. Mark, can 2 you go to the next slide, please? 3 Thank you. 4 Actually, can we just go to the graphic 5 slide? I think that would be helpful. 6 Hi, everyone, again. Thanks for 7 joining us this evening. As Pat mentioned 8 this is the questions and comments portion. 9 You may submit questions two ways. So the 10 first is online via the chat, the Skype 11 chat. If you look at the graphic on your 12 screen, there is a green dialogue box that 13 says ask questions, and it's pointing to an 14 icon that has a little bubble. That is 15 where you click and a little chat box will 16 open up, and you can just type in your 17 question there. However, we do ask that 18 when you ask a question, you type your first 19 and last name, your affiliation, and your 20 question or comment. So for instance, I 21 would type "Shareen Kandil, EPA region two. 22 Where is Arsenic Mine located." 23 So that is the first way that you can 24 ask a question or make a comment.

The other way to participate is by

categorically and by alphabetical order. Please wait to hear your category: Elected officials, residents, businesses, general public, and then the first letter of your last name, or the first letter of your business name. For example, Pat will ask "Do any residents with the last names beginning with A through D have any questions?" To unmute your phone lines, press star six. If you're on Skype and would like to ask a question verbally and not through the chat box, you can unmute your Skype line by pressing the microphone icon. So on the graphic, if you're looking, there's a red dialogue box that says mute/unmute your PC mic. There are four little icons. One has a camera, one has a microphone. You would click the microphone to unmute your line. And then the same thing, we would ask that when you're asking questions either by the Skype line or the phone line that you state your

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Page 25 name, you spell your name, and this is for 2 our stenographer, court reporter. You say 3 and spell your name, your affiliation, and then state your question or comments, and 5 that is all. I think we can begin with the 6 questions. 7 Can we go to the next slide. 8 MS. SEPPI: Yeah, we can go to the next slide. 10 MS. KANDIL: I read all of that pretty much. I just wanted the graphic up front so 12 that folks can see. MS. SEPPI: All right. So let's move 14 on. We're back to the graphic. Keep going, 15 one more slide. 16 Okay. So this is just some more information, some of which I said before. In order to avoid confusion, we tried to come up with a way to respond to questions. 20 So as Shareen mentioned, we're going to be calling out categories. We'll start first 22 with those on the chat line, elected 23 officials, residents, businesses, and then unmute your phone when you're called upon, 25 and then -- again, this is important. Make

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Page 26 Page 28 sure you first state and spell your name and 1 thought you wanted to take it. 2 identify your affiliation. We want to make 2 No, that's a very good question. As I 3 sure that everything is on the record. 3 said earlier, this is the preferred remedy. 4 Next slide. 4 It's not the final remedy. If the final 5 A couple comments. Also, as I 5 remedy does turn out to be the permanent 6 mentioned early on in the presentation, if 6 relocation, then we will be reaching out to 7 all the residents so that we can sit down you feel you had a missed opportunity to 7 8 convey a question, a lot of times people 8 and get their specific details and 9 will leave a meeting, and then they'll go, 9 information so we can provide them 10 oh, you know I should have asked this. So 10 everything that they will need to make the 11 that's certainly possible up until the close 11 determination about permanent relocation. 12 of business on May 8th. But as I did 12 We don't want to go into those details, 13 mention, send those comments in to Mark. We 13 obviously, over he phone because we would 14 would certainly prefer e-mail because it 14 prefer to deal, and we will deal, with 15 would be a lot easier to manage. 15 individuals separately and in private. But, 16 Next slide. 16 you know, we're hoping that if we can get 17 Now, this is our website. You'll see 17 the record of decision out within the next 18 the link there. Probably most of you have 18 couple of months, then after that we should 19 it if you looked at the proposed plan, but 19 be able to start meeting with you 20 this will have all the documents, you know, 20 individually to talk about the aspects of related to the site. Eventually it will be 21 21 permanent relocation. up there, including this presentation. So 22 MR. GRANGER: Yeah, I think part of it 23 that's a good source of information. 23 was when was everybody going to be moving 24 Next slide. 24 and I thought --25 All right. So now I think it's time to 25 MS. SEPPI: Yes. Page 27 Page 29 open the lines. Shareen, do you want to MR. GRANGER: I'll say we're looking 1 2 take a look at the questions that came in 2 to -- from the start of the process, which 3 the chat room and --3 would be when the ROD is signed, probably a MS. KANDIL: Sure. Absolutely. Thank 4 year, maybe a year and a half, we would 4 5 you. 5 expect those participating in the offer for 6 So for the chat questions, just to 6 a buyout to actually be moved at that point. 7 7 It could be a little sooner, but I think the clarify, I will not be spelling the names 8 because the names are already spelled there. 8 time frame of a year to a year and a half is 9 It's only the phone lines that we need you 9 pretty close to accurate. 10 10 to spell your names. MS. SEPPI: We will certainly try to 11 So the first question comes in from 11 move that timeline up as much as possible. 12 Eric Luther and Mike Albergo -- I'm sorry if 12 MS. KANDIL: So that goes into the 13 I'm pronouncing their names incorrectly --13 next -- sort of into the next question, and 14 from Gypsy Trail Road, homeowners. First of 14 it's the same -- coming from the same folks: 15 all -- I'm just going to read it as I see 15 "What kind of things would slow down or 16 the questions or comments. 16 speed up the process just in case those come 17 "First of all, thank you for all the 17 into play we already know? And what can we 18 work the EPA has done so far, especially 18 do as residents to speed the process along?" 19 Sandy, Mark and Pat. Questions: When do 19 MR. GRANGER: You know what, I think 20 you expect everyone to be relocated?" 20 it's a pretty well-warn path. Even from a 21 MS. SEPPI: Do you want me to take 21 Superfund perspective, it's kind of rare, 22 that, Mark? 22 but federal acquisition and relocation has a 23 23 pretty well-warn path. So there are MR. GRANGER: You know what, Pat, that 24 would be great. Sure. 24 unexpected things that could get MS. SEPPI: You want me to take it? I 25 25 complicated, but if I was going to suggest

Page 30 Page 32 anything in terms of, like, ease in moving buyouts right now. That will be considered 2 forward and keeping things quick, I would 2 as part of operable unit two. 3 guess just everybody work together, and it 3 MS. KANDIL: Okay. I believe, final question from Cloide: "What else can you 4 will go smoothly. 4 5 MS. KANDIL: Same folks: "Are the 5 say about OU-2?" 6 town, county, and state fully on board with 6 MR. GRANGER: You know, I want to say 7 the plan?" 7 that the main thing about OU-2 is what was 8 MR. GRANGER: We seek state concurrence 8 covered in Joel's talk about the Superfund 9 on all of our Superfund decisions, and my 9 process that we've already started putting 10 understanding is that everybody is on board. 10 operable unit two on the track and moving it down the path. So it will go through the 11 Everybody was communicated with and 11 12 everybody's thought is built into the 12 RFS, where all the media will be sampled, 13 equation, so I guess I would be surprised if 13 all that data will be collected and 14 various levels of government were not on 14 evaluated and put through the feasibility 15 board at this point. 15 study process; similar to what we're doing 16 MS. KANDIL: Great. So the next 16 now, only it will be more thorough. This is 17 question comes in from Cloide LaPorte, local 17 kind of a simpler process for operable unit 18 resident. The first question is: "What 18 one because it involves one contaminate in 19 happens if property owners don't accept the 19 one media. Media being surface soil in this 20 offers?" 20 case. 21 MR. GRANGER: So property owners are --21 Operable unit two will be that same 22 we built a lot of flexibility in this 22 contaminate, but -- and anything else that 23 proposed plan, and that was from Sandy and 23 emerges, which I think is unlikely, but 24 myself, and Pat, and other team members 24 that's speculative. But it will be across a 25 working together in building of the thoughts 25 lot of other media, all the other media. So Page 31 Page 33 from homeowners into the process. So there you really can't throw in what you think 1 2 is the opportunity for someone to decline an 2 about OU-2 until you have the benefit of 3 offer for buyout, in which case the 3 having collected your data. monitoring and maintenance of the protective 4 MR. SINGERMAN: Also -- this is Joel 4 5 measures would remain in place. That's kind 5 Singerman. I want to add something to that. 6 of a back stop for us, is to maintain those If you recall that Mark indicated it would 6 7 protective measures and to move the project 7 take seven to 10 years to remediate under 8 forward through OU-2. 8 OU-2. Part of that, we expect it will 9 So OU-2 is projected to be completed in 9 probably take several years to do the 10 10 investigations of the site. Taking the seven to 10 years, and if someone chose to 11 stay they would be choosing to stay for the 11 samples, analyzing, doing a feasibility 12 permanent cleanup at that point. 12 study, and, you know, as I mentioned, then MS. KANDIL: Okay. Second question 13 13 the design follows, and then it may take 14 also from Cloide: "What sort of remediation 14 several years to do remediation. So that 15 is there for arsenic other than removal?" time frame is built into -- that works into 15 16 MR. GRANGER: You know, that's going to 16 that time frame. 17 MS. KANDIL: All right. So I'll move be something that's covered under operable 17 on to the next question. This comes in from 18 unit two. There's a -- you know, I think 18 19 when you're talking about dirt, you're 19 Bill Volckmann, chair of the Town of Kent 20 looking at excavation or some kind of cover, 20 Conservation Advisory Committee and 21 but I am under the -- it is my understanding 21 president of the Kent Conservation 22 that there are some remedies that are 22 Foundation. Bill has two questions. One 23 available for fixing arsenic and soil as 23 is, "I want to request that the site which well. But all that stuff -- that's not part 24 the EPA is proposing to take over from of the early actions that we're doing with 25 private property holders does not get fenced

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1	in, as many times it happens with Superfund	1	that's something that was necessary.
2	sites in other locations. A fence will be	2	MS. KANDIL: Great. So I'm going to go
3	obtrusive. It's unnecessary in this	3	to the next question. This one comes in
4	location. Proper signage should be more	4	from Sylvia Good. "If a home on Gypsy Trail
5	than sufficient to keep unknowing people	5	Road was not tested, but it is not next to
6	away from the locations of the tailings and	6	the area, can it now be tested?"
7	mines.	7	MR. GRANGER: I'm sorry. Can you
8	The second is, "What does this mean by	8	repeat the question, Shareen?
9	"cleanup," especially in seven to 10 years?	9	MS. KANDIL: Sure. "If a home on Gypsy
10	This was cleaned up once before. The	10	Trail Road was not tested, but it is not
11	arsenic is not going anywhere. It is	11	next to the area, can it now be tested?"
12	inherent in substrata as a vein and will	12	MR. GRANGER: We would expect further
13	always be there. What does "cleanup" mean?"	13	testing beyond the current boundaries of the
14	MR. GRANGER: Okay. So, you know, I	14	site to be addressed as part of operable
15	think that goes back to the answer for the	15	unit two. So I guess the answer to that
16	last question, whereby it's speculative to	16	would be yes. Over the next few years,
17	try to figure out what cleanup means without	17	we'll be mobilizing for sampling all
18	having all the data that one would expect	18	media. And the answer would be at that time
19	from a remedial investigation and then	19	we would give that consideration. I'm not
20	evaluating that data. So certainly there's	20	exactly sure where the property in question
21	a lot of work that needs to be done to get	21	is with respect to the current Superfund
22	to that point. And I guess I'm happy to	22	site.
23	engage further discussion on that. At any	23	MS. KANDIL: Okay. So this next
24	time, feel free to call me. My direct line	24	question I don't have a name or affiliation.
25	is (646) 369-0048, and we can the	25	It just says "Tee," but the question is
	Page 35		Page 37
1	discussion will necessarily be a bit	1	"Will EPA compensate homeowners for
2	speculative, but I'm interested in your	2	installing fences before demolishing homes?"
3	thoughts.	3	MR. GRANGER: I wasn't really thinking
4	MS. SEPPI: Mark, why don't you also	4	that the homeowners would incur any costs
5	answer Bill's first question about putting a	5	relative to fencing. So I guess the answer
6	fence around the site.	6	is that yeah, I guess that's the answer.
7	MR. GRANGER: So you know what? That's	7	I'm not really thinking that homeowners
8	good. Thanks, Pat. We don't expect to	8	would be installing fences.
9	fence off the site. Although, we do expect	9	MS. SEPPI: No. There would be no need
10	for homeowners that are participating in the	10	to compensate them because you would not be
11	buyout offer to fence off individual homes	11	paying for the fences.
12	until they're demolished, and that's for	12	MR. GRANGER: We'd be providing fences.
13	safety and vandalism and vagrancy,	13	MS. SEPPI: Right.
14	et cetera. So yeah. And then once the	14	MS. KANDIL: Okay. So those are all
15	house was dropped, we would restore the	15	the questions that came up on the chat.
16	property with a liner most likely, and then	16	MS. SEPPI: Okay.
17	dirt and seed, and then at that point the	17	MS. KANDIL: Whelp, we've got another
18	fence would be removed.	18	one. Sorry.
19	Oh, also there probably could be fences	19	MS. SEPPI: No, go ahead. That's fine.
20	when we get into the actual remedy. So	20	MS. KANDIL: This is again from Eric
21	after the next ROD, the operable unit two	21	Luther and Mike Albergo. "We completely
22	ROD, whatever work is going to be done, it	22	support the EPA's preferred alternative
23	would probably be temporary fencing. I	23	number three, and look forward to getting a
24	don't expect there would be permanent	24	move on moving."
25	fencing, unless the data indicated that	25	That's it. That's the comment.
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Page 40 Page 38 MS. SEPPI: That's the kind of comments 1 had a couple of questions that were asked by 2 we expect and like to have as part of the some of the other -- some of the residents 2 3 record. 3 actually in the comment period, so I don't 4 All right. So now we want to go to the 4 have any outstanding questions, but I do 5 phone lines. So as I said, that Shareen and 5 appreciate you guys always being available. 6 I both said earlier, you know, in order to 6 Not only to me, but to the residents, so 7 avoid confusion, what we're going to do is thank you for this. It was excellence. 7 8 try to have some kind of order because this 8 MS. SEPPI: Thank you for that comment, 9 could get really tricky. And so what I'd 9 Maureen. And, you know, we look forward to 10 like to do is go around and see if there are 10 working with you in the future also. You've 11 any local officials out there who have a 11 also been very cooperative with us, and we 12 statement or a comment. 12 certainly appreciate that. 13 13 So if there are any local officials, MR. GRANGER: Thank you, Maureen. 14 you know, whose last names begin with, say, 14 MS. SEPPI: All right. Any other 15 A to D, could you, please, unmute your mic. 15 residents, or general public, or anybody 16 All right. I don't want to give that 16 from any businesses that have a question on the phone? 17 too much time, unless somebody is having a 17 18 problem unmuting, but I hope not. 18 I'm going to go through the alphabet 19 Any local elected officials from E to J 19 again, but, you know... Let's say anybody 2.0 or K to R? 20 whose last name ends with A through J. 21 21 No? I quess not. How about K through Z? I didn't think 22 And how about any elected officials 22 23 whose last names begin with S through Z? 23 we'd get that many calls from phone people 24 No? 24 because I figured mostly everybody would be 25 Well, I haven't heard anybody yet. I 25 on Skype, and they'd be able to see it. Page 39 Page 41 hope we're not having any kind of a problem. So Shareen, do you have any more chat 1 All right. So let's go on next to any 2 2 room questions? 3 of the residents who have might have a 3 MS. KANDIL: I do. Thank you for question. Again, let's do the same type of turning back to the chat. So we've got Bill 4 4 5 thing alphabetical, last name. Let's say A 5 Volckmann again. "What is the timeline for 6 to D. Any residents? 6 demolishing homes as they are abandoned?" 7 7 Okay. How about residents with -- I That's the first question. 8 want to give people enough time, so I'm 8 MR. GRANGER: Bill, we're going to have 9 trying to give them time to do that. 9 to figure that out. I'm not expecting all 10 10 Any residents who haven't sent a of the homeowners who are participating to 11 messages from E, last names beginning with E 11 be on the same track. There's individual 12 to J? 12 complications or individual simplicities as 13 13 Okay. How about any residents whose we move forward. Each case is unique, so 14 last names begin with K to R? 14 we're going to have to figure that out. It 15 Okay. Wow. No residents. 15 could be that we'll, like, if we got 16 And how about any residents whose last 16 something from January through July, and we 17 had three homes, we'd get a contractor for names begin with S through Z? 17 18 18 I heard something. those three homes. And then, if it was 19 CALLER: Hi, this is Maureen Flemming, 19 August through December, we got two more, 20 20 et cetera, maybe we'd do that. But this is Town supervisor. a first for a lot of us. I'm confident that 21 MS. SEPPI: Hi, Maureen, yes. How are 21 22 you? 22 we'll get a clear path forward on that. I 23 MS. FLEMING: Good. Our mic was just 23 don't, at this point, have a specific answer unmuted. I wanted to say I think you did a 24 for that. MS. KANDIL: Bill has a second really excellent presentation tonight. I 25

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Page 42 question, and that is "How long would they 2 be abandoned here in town before they go 3 away?" 4 MR. GRANGER: I would not expect that 5 they would be languishing for a long period 6 of time. Like I said, and I'm speculating 7 again, a home becomes vacant, and EPA 8 getting a contractor for economy scale, I 9 tell you what, I would never see us waiting 10 for the homeowners to move for a year and a half and letting all the properties sit 11 12 until then. I think we would -- we would 13 likely be more proactive than that. I would 14 not think more than six months for any individual home. There is an aspect of kind of figuring it out. MS. SEPPI: And also in the past, when we had permanent relocations and wanted to demolished homes, we want to do that as

15 16 17 18 19 20 quickly as possibly just because we don't 21 want the off chance of somebody moving into 22 that home, you know. So that's why we try 23 to get the demolition done as quickly as 24 possible once the homeowner has permanently 25 relocated and it's vacant.

Page 44 1 MR. GRANGER: I'm not sure I understand 2 the whole question, so we might have to 3 repeat it, but at least for the second part, 4 I mean, years is not necessarily open-ended. 5 We're already starting on the process of 6 getting contractors in place. So over the 7 next couple of years we would be -- and I'm 8 not exactly sure where Sylvia's property is, 9 but would expect that sampling goes beyond 10 the current boundaries of the site over the next two or three years. So years, not 11 12 open-ended. Years, two or three, yes. 13 In terms of county pay or personal pay, 14

I'm not really -- I'm not understanding what that means. MR. SINGERMAN: If it means you're

proposing to have someone else do work and try to get compensated by EPA, I mean, we would not be able to do that. We will sample it, but we can't compensate you if someone else does the sampling for you, if that's what the intent was.

23 MS. SEPPI: Sylvia, this Pat. In the 24 meantime, you are certainly free to go out 25 and hire your own environmental contractor

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MR. GRANGER: As Pat -- I'm sort of 2 learning from Pat as we're going along. I 3 understand that there's a larger problem 4 with vacant homes that are going to be 5 demolished that could actually be empty for 6 long periods of time. Demolished homes are 7 not going to sit around for long periods of 8 time as a house that was vacated and then 9 subject to a cleanup, and then was going to 10 be resold or reoccupied. So I think we're 11 looking in good shape in that regard. 12 MS. KANDIL: We have another question 13 from Christine Thomas, a resident. "How 14 does one get a list of the ten properties?" 15 MR. GRANGER: So that's personally 16 identifiable information. So, yeah, you 17 would have to go through other avenues other than the EPA for that. 18 19 MS. KANDIL: Okay. There's another 20 question from Sylvia Good. "If your 21 property was not tested, but it's next to 22 the area, can we hire an environmental 23 engineering company, and is that private pay or county pay since you stated you will test

other properties, but it will take years?"

Page 45 if you wanted to have your soil tested, if 1 2 you didn't want to wait the two or three 3 years. But as Joel and Mark, you know, both mentioned, we would not be able to 4 5 compensate them for any work they do.

MR. GRANGER: Sylvia, if you can hear me, I'm happy to talk to any contractor that you want in order to get clarification going forward. And I would also say feel free to call me to discuss this further. My direct line is (646) 369-0048.

MS. KANDIL: Okay. We have a few more questions, if you don't mind me moving on? MS. SEPPI: No, go ahead.

15 MS. KANDIL: Thank you. This comes in 16 from Eric Luther and Mike Albergo. "Is 17 there any additional compensation for residents who will be essentially stuck on

18 19 the Superfund site for at least a year?"

20 MR. GRANGER: Pat, I'm going to toss 21 that your way, Pat.

22 MS. SEPPI: Not really. I mean, you 23 know, once you agree to be permanently 24 relocated, you know, we would sit down and 25 we would come up with a plan for your

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Page 46 Page 48 relocation assistance and your fair market 1 learning more about the appraisal process." 2 value, but until the time comes when we 2 Tee says, "Let's say the agreement 3 actually move you and help you move and help 3 between EPA and residents goes smoothly, how long will it take for them to get funds 4 you with your assistance, I'm not aware of 4 5 any additional compensation that we pay you 5 after the agreement is made?" 6 in the meantime. Actually, if you have 6 MR. GRANGER: So I don't -- Well, Pat, 7 mortgage, or if you pay rent, or anything 7 I guess I'll leave that to you. I don't 8 like that, you'd have to keep on doing that 8 think a homeowner gets funds. They get a 9 until we move you out of your property and 9 house paid for; is that right, Pat? 10 10 into a new one. MS. SEPPI: They do. It's not actually a check that's given to a displaced 11 MS. KANDIL: Okay. We have another few 11 12 questions from Tee. "What are your policies 12 resident. It's relocation assistance in the 13 of employing union versus non-union labor 13 form, you know, of working with them to find 14 for demolishing homes doing work? 14 a new property; working with them to pay 15 MR. GRANGER: So I want to say it's not 15 their moving expenses. So, you know, we 16 my strong point, so I would need to get more 16 work with them along the road to do all of 17 clarification on that, but we do tend to 17 that. So as I said, it's not just a check 18 follow standard labor practices for all of 18 that they will get. MS. KANDIL: So far that's it in the 19 the work that we do. We ensure that the 19 20 contractors we're hiring are adhering to all 20 chat. labor laws. If there was further discussion 21 21 MR. GRANGER: Okay. I'm going to 22 beyond that, then I would need to look for 22 just -- not that we're necessarily done, but 23 other resources to get an answer. I welcome 23 I just want to say any person who asked a 24 the requester getting in touch with me to 24 question that needs more follow-up, please, 25 25 discuss further. do reach out to me. And if I can't answer Page 47 Page 49 MS. KANDIL: And there's a follow-up the question, I'll direct you to someone who 1 2 question to that, Mark, and it's, "Can EPA 2 can, and I guess that's it. 3 select local contractors from the 3 MS. KANDIL: Okay. We do have a follow-up question. I'm sorry. 4 community?" 4 5 MR. GRANGER: That's another -- I want 5 MR. GRANGER: That's fine. 6 to say, and I'm not an expert though -- so 6 MS. SEPPI: That's fine. 7 7 I'm saying that right out -- that we look MS. KANDIL: So Tee also sends in for opportunities to hire locally. another question. "So EPA pays for 8 8 9 Actually, there's a program through 9 relocation of the amount for the market rate 10 10 Superfund that I want to say works to put value of the house?" 11 local contractors in place. But, again, I 11 MS. SEPPI: No, there's much more 12 need to look into that further to give a 12 involved in that. But, again, we don't --13 definitive answer. And, please, reach out 13 can't go into the specifics here on this 14 to me and I'll pursue that. 14 tonight until we sit down with each 15 MS. SEPPI: But I can tell you as a individual resident, but it's not just fair 15 16 general rule, we do try to do that at all 16 market value. It's not just moving 17 sites, you know, hire as many locals as we 17 expenses. There's other situations involved 18 can. That's very important to us. And even 18 that we have to figure out and, you know, 19 if we have a subcontractor who's working for 19 work with our homeowners on. So it's not 20 us, we encourage them to hire locally also. 20 just that. Because we understand that just 21 MS. KANDIL: Okay. Shall I move on? 21 because it's fair market value doesn't 22 MS. SEPPI: Yes, go ahead. 22 necessarily always mean that you can go out 23 MS. KANDIL: All right. So Sylvia, 23 and find something that's comparable to what thank you. Eric and Mike say, "Thanks for 24 24 you have for the same amount. So there's the answer, Pat. Looking forward to 25 25 other pots of money and relocation

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1	Page 50 assistance that we will work with also.	1	Page 52 quidelines for moving costs. Again, I don't
2	MR. GRANGER: Yeah, just as a small	2	really want to get into a lot of the
3	point of clarification. It wouldn't be less	3	relocation information at this point. That
4	than fair market value.	4	will come later on when we meet with the
5	MS. SEPPI: Oh, no.	5	individual residents.
6	MR. GRANGER: It might be slightly	6	MR. GRANGER: I take that back, Pat. I
7	more, but it wouldn't be less.	7	didn't know the answer to that. I'm glad
8	MS. SEPPI: Right.	8	you answered that.
9	All right. Anybody else out there?	9	MS. SEPPI: It's okay.
10	Any more questions, Shareen?	10	MS. KANDIL: And just "Thank you for
11	MS. KANDIL: Yeah, we do have another	11	your time and presentation. Very helpful
12	question from the chat.	12	and informative. Thanks. You've been
13	MS. SEPPI: Okay.	13	great.
14	MS. KANDIL: It's from Clayton	14	MS. SEPPI: That's always nice to hear.
15	Livingston. "As a realtor in Putnam County	15	Hang on for a little bit longer.
16	for the last 30 years, I have heard from	16	MS. LESHAK: As a reminder, people on
17	home inspectors and water labs of the	17	phones are, to unmute, press star six.
18	problems of arsenic in the well water in	18	CALLER: Can you hear me?
19	this area. How far out from the site is	19	MS. SEPPI: Yes, we hear you.
20	well water being tested?"	20	CALLER: Hello, sorry.
21	MR. GRANGER: So well water has been	21	MS. SEPPI: Go ahead.
22	tested on the site. So four of the seven	22	CALLER: Hi, Pat. This is the Reagan
23	residences are in the site boundary, but	23	residence.
24	it's not part of this action necessarily.	24	MS. SEPPI: Oh, hi. You couldn't get
25	This action is solely based on the offer of	25	on?
1	Page 51	1	Page 53
1 2	buyouts to the seven homeowners and	1 2	CALLER: No, we couldn't get on until a
2	buyouts to the seven homeowners and relocation expenses. So for from EPA's	1 2 3	CALLER: No, we couldn't get on until a few minutes ago because the number that was
2 3	buyouts to the seven homeowners and relocation expenses. So for from EPA's standpoint, there hasn't been drinking	2 3	CALLER: No, we couldn't get on until a few minutes ago because the number that was given to us on the paperwork, it wouldn't
2 3 4	buyouts to the seven homeowners and relocation expenses. So for from EPA's standpoint, there hasn't been drinking sampling outside of these residences, yeah.	2	CALLER: No, we couldn't get on until a few minutes ago because the number that was given to us on the paperwork, it wouldn't let us get on. It just kept saying, like,
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U.S. ENVIRONMENTAL PROTECTION AGENCY ARSENIC MINE SUPERFUND SITE Public Meeting on 04/22/2020 Pages 54..57

	Public Meeting	g om v	04/22/2020 Pages 5457
1	Page 54 You may leave tonight, or get off this call	1	Page 56 legal document that needs to be reviewed by
2	and say, oh, gosh, I should have asked them	2	attorneys, et cetera, but I think there
3	this. So you certainly have plenty of time	3	might be another format that gets Maureen to
4	to do that. And maybe Mark and I can, you	4	the same place before May 8th.
5	know, give you a call tomorrow or the next	5	MS. SEPPI: Okay. That would good. So
6	day just to see if you have any particular	6	we'll be in touch with you, Maureen.
7	questions, too. So why don't you go ahead	7	FEMALE CALLER: Yeah. Thank you very
8	and ask whatever question you have now.	8	much.
9	FEMALE CALLER: I was going to ask if I	9	MS. SEPPI: Any other questions?
10	could have the comments and answers as well	10	CALLER: I have a question.
11	as the minutes.	11	MS. SEPPI: Yes.
12	MS. SEPPI: Okay. Well, that's how	12	CALLER: This is Delilah McGulchen
13	that works. We have a reporter here	13	(phonetic), and I was wondering if you've
14	tonight I quess you didn't hear that	14	identified a company that will be assisting
15	part who is, you know, taking the whole	15	with the relocation aspect for all of the
16	meeting and will send us a transcript of	16	residents.
17	everything: The questions, the comments,	17	MS. SEPPI: Yes. We work with the U.S.
18	the presentation. Once we have our final	18	Army Corp of Engineers. I've worked with
19	decision document, we will send that out to	19	them for 25 years. I know them very well.
20	everybody, you know, we'll send it to you by	20	They're experts in relocation, and we work
21		21	* *
22	mail, and that will have the transcript. That has all the questions, all the	22	very closely together to provide the residents all the information that they'll
23	_	23	-
	comments, and all EPA's responses. So you'll have that. You'll have all that	24	need. So, you know, they will definitely be on board once we start meeting with
24 25	information for you to take a look at, so	25	residents, and determining the relocation
23	información for you to take a fook at, so	25	residents, and determining the relocation
_	Page 55	_	Page 57
1	that you'll definitely be able to see all of	1	assistance and fair market value.
	_		
2	that.	2	CALLER: Okay, great. Thank you.
3	FEMALE CALLER: And that will give me	2 3	MS. SEPPI: You're welcome.
3 4	FEMALE CALLER: And that will give me time to comment before May 8th?	2 3 4	MS. SEPPI: You're welcome. Anything else on the phone? Who is
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	Public Meeting	, on	04/22/2020 Pages 5861
	Page 58	_	Page 60
1	Engineers. So we don't wait until we have	1	MR. REAGAN: Thank you very much.
2	answers from everybody. We'll start working	2	MS. SEPPI: Oh, you're welcome. Thank
3	with people once they express their interest	3	you for calling in. I'm sorry you had to
4	to us. You know, in the long-term, it could	4	wait such a long time.
5	take a while. I mean, sometimes people, you	5	MR. REAGAN: The number that we had
6	know, are "I want to be relocated. I'm	6	originally on the printed thing was a
7	ready to get out of here tomorrow." You	7	different number. That's all.
8	know, those usually move along very quickly.	8	MS. SEPPI: Well, I'm so glad you have
9	Again, we have to have this final	9	it now. Mark will be talking to you
10	decision document before we can reach out	10	shortly.
11	and start talking to you about that.	11	Okay. Shareen, did I see another
12	There are some cases that relocation	12	question?
13	takes a year. There are some that it takes	13	MS. KANDIL: I have two more questions.
14	much less, so that's kind of up in the air.	14	MS. SEPPI: Okay.
15	MR. REAGAN: So we're talking about a	15	MS. KANDIL: So Bradley Schwartz, will
16	dozen is it a dozen homes?	16	there be buyout offers for the three vacant
17	MS. SEPPI: It's seven properties	17	properties?
18	it's ten properties. Three are undeveloped	18	MR. GRANGER: That's not part of this
19	and seven are residences.	19	action. The three vacant properties they're
20	MR. REAGAN: Okay. So we're talking	20	going to be considered as part of OU-2.
21	about seven buyouts, and	21	It's possible, but it depends on how the
22	MS. SEPPI: Possibly, yes.	22	data comes out.
23	MR. REAGAN: All right. So maybe what?	23	MS. KANDIL: Okay. Ann Campbell asked
24	Like, maybe three years total?	24	a similar question.
25	FEMALE CALLER: She can't give you an	25	MS. SEPPI: Same question?
			_
1	Page 59	1	Page 61
1 2	answer.	1	MS. KANDIL: Yes, same question.
2	answer. MS. SEPPI: I know it's not going to be	2	MS. KANDIL: Yes, same question. MR. GRANGER: So basically the three
2 3	answer. MS. SEPPI: I know it's not going to be that long, Mr. Reagan, not at all. But, you	2 3	MS. KANDIL: Yes, same question. MR. GRANGER: So basically the three vacant properties would be considered as
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U.S. ENVIRONMENTAL PROTECTION AGENCY ARSENIC MINE SUPERFUND SITE Public Meeting on 04/22/2020 Pages 62..65

	Public Meeting	5 UII '	04/22/2020 Pages 6265
	Page 62		Page 64
1	one this has been a process that has been	1	MR. GRANGER: Thanks guys.
2	transparent with lots of input. I	2	MS. SEPPI: Anything else, Shareen?
3	appreciate Mark reaching out many weeks ago	3	MS. KANDIL: Nothing came up yet.
4	to go over the plan. Even going back and	4	MS. SEPPI: Well, I mean, you know, I
5	thanking the Town of Kent for hosting	5	hate to close down if there's any more
6	meetings to the public a while back, I	6	questions or comments out there, but if
7	guess, over a year ago.	7	aren't any other comments
8	MS. SEPPI: That's right.	8	CALLER: I have a comment.
9	MR. ROGAN: The entire process has just	9	MS. SEPPI: Okay. Who's this?
10	been fantastic, and we're fully supportive	10	CALLER: This is Robert Emory
11	of your plan.	11	(phonetic). I'm a resident owner. I'd like
12	MS. SEPPI: Oh, that's so nice. Thank	12	to thank EPA for their hard work, and a
13	you, Shawn. We're happy to hear that. You	13	special shout out to Sandy who has been
14	know, hopefully, as we move forward,	14	above and beyond keeping us informed, and
15	everything will work just as smoothly, and	15	Mark, too, in the later months keeping us
16	we'll keep you involved and everything as we	16	involved and throughout this whole process.
17	do move forward. So, again, we appreciate	17	MS. SEPPI: Thank you, Robert. Yeah,
18	that, especially local officials, our local	18	we know that Sandy is a real treasure to
19	elected officials. That's very important	19	have at EPA.
20	that we have you on board with us, so thank	20	Sandy, do you have anything you want to
21	you again.	21	say back to Robert?
22	MR. ROGAN: Well, I think it also	22	MS. RICHARDS: Thanks, Bob.
23	speaks volumes that held these meetings in	23	MS. SEPPI: That was Sandy.
24	lieu of the current Coronavirus pandemic.	24	MR. GRANGER: I'll also say thanks,
25	You went outside your comfort zone.	25	Bob, and acknowledge that everything that
	Page 63		Page 65
1	MS. SEPPI: I have to tell you, we were	1	we're building with respect to operable unit
2	really scared about tonight because we had	2	one and operable unit two is built on the
	and the state of t		one and operate and the 12 same on the
3	no idea what to expect. But I think, you	3	work that Sandy laid down that strong
3 4	know, so far it's gone well. What we didn't	3 4	-
			work that Sandy laid down that strong
4	know, so far it's gone well. What we didn't	4	work that Sandy laid down that strong foundation.
4 5	know, so far it's gone well. What we didn't want to do is wait until we were, you know,	4 5	work that Sandy laid down that strong foundation. MS. SEPPI: Yes, she did.
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U.S. ENVIRONMENTAL PROTECTION AGENCY ARSENIC MINE SUPERFUND SITE Public Meeting on 04/22/2020 Pages 66..69

	•	,	04/22/2020 Pages 0009
_	Page 66	_	Page 68
1	that one, too, yes.	1	to everybody who's on our list. If you're
2	All right. Well, looks like we've come	2	not on our list and would like to get on it,
3	to the end of the road here as far as our	3	just send an e-mail to me and I'll be sure
4	meeting is concerned. So if there isn't	4	to add you for future information.
5	anything else oh, let's just go to the	5	Thank you very much, everybody, and
6	next slide.	6	good night.
7	MR. GRANGER: Wait. I got one more	7	(Whereupon the meeting concluded at
8	thing.	8	8:15 p.m.)
9	MS. SEPPI: Oh, do you? Okay.	9	00000
10	MR. GRANGER: So if the audience would	10	
11	indulge me just for one moment. My career	11	
12	at EPA happens to have started on Earth Day	12	
13	in 1990. So this is my 30th anniversary as	13	
14	an EPA employee. I want to say that the	14	
15	people I work for are great, and the people	15	
16	I work with are great, and unfortunately for	16	
17	both of those groups, I'm not going to go	17	
18	anywhere for along time. You're stuck with	18	
19	me.	19	
20	MS. SEPPI: Hey, me, too I've been here	20	
21	30 years so I can understand that.	21	
22	Let's go to the next slide because that	22	
23	has your contact information, I think.	23	
24	MR. GRANGER: I have the "thank you"	24	
25	slide.	25	
	Page 67		Page 69
1	MS. SEPPI: Oh, yeah. Okay. I think	1	CERTIFICATE
2	we thanked everybody and we appreciate	2	STATE OF NEW YORK
3	arranghader that same Trist in same room		
4	everybody that came. Just in case you want	3	COUNTY OF NASSAU
	to send more comments to Mark by e-mail,	3 4	
5	to send more comments to Mark by e-mail, which we said is a suggested way to do it,	4 5	I, Leonora L Walker, a Notary Public, the
5 6	to send more comments to Mark by e-mail,	4	$\mbox{I, Leonora L Walker, a Notary Public, the} \\ \mbox{officer before whom the foregoing meeting was taken,} \\$
	to send more comments to Mark by e-mail, which we said is a suggested way to do it,	4 5 6 7	I, Leonora L Walker, a Notary Public, the officer before whom the foregoing meeting was taken, do hereby certify that the foregoing transcript is a
6	to send more comments to Mark by e-mail, which we said is a suggested way to do it, there's his information right there, his	4 5 6 7 8	I, Leonora L Walker, a Notary Public, the officer before whom the foregoing meeting was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that
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U.S. ENVIRONMENTAL PROTECTION AGENCY ARSENIC MINE SUPERFUND SITE Public Meeting on 04/22/2020 Index: program..quickly

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U.S. ENVIRONMENTAL PROTECTION AGENCY ARSENIC MINE SUPERFUND SITE Public Meeting on 04/22/2020 Index: throw..vacant

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U.S. ENVIRONMENTAL PROTECTION AGENCY ARSENIC MINE SUPERFUND SITE Public Meeting on 04/22/2020 Index: vacated..zone

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RESPONSIVENESS SUMMARY

APPENDIX V-d

LETTERS RECEIVED DURING COMMENT PERIOD

VIA FEDERAL EXPRESS

Mark Granger Remedial Project Manager Central New York Remediation Section U.S. Environmental Protection Agency 290 Broadway, 19th Floor New York, NY 1007-1866

Re: Arsenic Mine Superfund Site – Putnam County

Dear Mr. Granger:

I write regarding the Arsenic Mine Superfund Site in Putnam County, New York. I have reviewed the Environmental Protection Agency's ("EPA") Proposed Plan and the Selected Remedy for Operating Unit 1 of disassociating residents from arsenic contaminated surface soils ("Proposed Plan"). I greatly appreciate EPA's efforts to prepare the Proposed Plan. I do however have two comments/concerns that EPA should consider before it finalizes its Proposed Plan.

First, EPA necessarily began formulating this plan before February 2020, before the scope of the current health crisis became known. Accordingly, it is appropriate for EPA to take into account the impact of COVID-19 on the proposed timeline for property owners to respond to any potential relocation offers. In particular, the current crisis has made finding new residences very difficult, if not impossible, particularly in New York State. Accordingly, EPA should toll the deadline for property owners to respond to relocation offers until the end of the crisis.

Second, Proposed Plan fails to take into account the historic, cultural and agricultural significance of the properties included in the Arsenic Mine Superfund Site. The Proposed Plan should respect and reflect how these properties, individually and aggregated, support broader community history, agricultural function and conservation values.

Thank you for your consideration.

Very truly yours,

/s/ Concerned Citizen
Concerned Citizen





Vincent Sapienza P.E. Commissioner

Paul V. Rush, P.E. Deputy Commissioner Bureau of Water Supply prush@dep.nyc.gov

465 Columbus Avenue Valhalla, NY 10595

T: (845) 340-7800 F: (845) 334-7175 Mark Granger, Remedial Project Manager U.S. Environmental Protection Agency Region II 290 Broadway, 19th Floor New York, NY 10007-1866

Re: Arsenic Mine EPA Superfund Site Town of Kent; Putnam County, NY

Tax Map #: 32.-1-22

DEP Log #: 2019-WB-0678-OT.1

Dear Mr. Granger:

The New York City Department of Environmental Protection (DEP) is in receipt of the April 8, 2020 News Release from the U.S Environmental Protection Agency (EPA) regarding the Proposed Plan to Protect Residents at the Arsenic Mine Superfund Site in Kent, New York.

As you may know, the New York City Water Supply is a surface water resource that provides high quality drinking water to almost half the population of New York State, residing within and outside of New York City. The project site is located in the West Branch Reservoir drainage basin of the City's Water Supply watershed. West Branch Reservoir is part of the unfiltered Catskill-Delaware supply and is located within the 60-day travel time to water supply intakes. As such, DEP has invested heavily in various water quality protection initiatives in the West Branch basin.

Upon review of the News Release, Pollution/Situation Report and proposed plan, DEP has some concerns with implementation of the plan and offers the following comments:

- DEP suggests that the proposed plan include greater detail on the
 means and methods of controlling migration of the contaminant during
 the remediation process. In particular, a revised plan should depict the
 limits of disturbance, areas to covered, structures to be demolished,
 staging areas, the amount of soil to be removed, soils disposal
 location/destination, and post- demolition site control measures. The
 plan should also include a schedule for inspection and maintenance of
 said measures.
- 2. The revised plan should be circulated for the review of DEP and other interested agencies.
- 3. DEP requests that we be notified one week prior to the start of remediation activities so that Agency staff may monitor the activity.

DEP submits these comments in accordance with the public comment period and appreciates the opportunity to review and provide feedback. You may reach the undersigned at (914) 749-5301 with any questions or if you prefer to discuss the matter further.

Sincerely,
Cypthin Lacis for

Matthew Giannetta, CPSWQ

Chief, Regulatory & Engineering Programs

NYCDEP, Bureau of Water Supply

X: Peter Lopez, USEPA
Patrick Palmer, NYSDOH
Thomas Snow, NYSDEC
Joseph Paravati, Putnam County HD
Maureen Fleming, Town of Kent
David Warne, DEP