



# FACT SHEET

## RCRA Statement of Basis

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IBM – Kingston / Tech City Properties, Inc.  
NYSDEC Site No. 356002  
USEPA ID No. NYD001359694  
Town of Ulster, NY

February 2013

### Remedies Proposed at IBM – Kingston Site “No Action” and “No Further Action” for Designated Areas of the Site Public Comment Period Announced

Actions have been completed to address contamination related to the IBM – Kingston Site, also known as Tech City, (“site”) located at 300 Enterprise Drive in the Town of Ulster, Ulster County, pursuant to the Resource Conservation and Recovery Act (RCRA) and the State's Inactive Hazardous Waste Disposal Site (“Superfund”) program. See Figure 1 for the site location. The cleanup activities were performed by International Business Machines Corporation (IBM) (the “responsible party”) with oversight provided by the New York State Department of Environmental Conservation (NYSDEC).

NYSDEC has reviewed and approved several investigations performed by IBM and Tech City for 12 Solid Waste Management Units (SWMUs) and 3 Areas of Concern (AOCs). A Statement of Basis has been prepared by NYSDEC to propose “No Action” or “No Further Action” for these SWMUs and AOCs. Supporting documents are available at the locations identified below under “Where to Find Information”.

#### Highlights of the Statement of Basis

The Statement of Basis has several goals:

1) describe the cleanup activities completed;

**Resource Conservation and Recovery Act (RCRA):** New York State is authorized by the U.S. Environmental Protection Agency to implement and enforce the Federal RCRA-C program. The primary goal of the program is to ensure that hazardous waste is properly stored, treated and disposed of in a manner that is protective of human health and the environment.

- 2) describe any institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction, when the cleanup action leaves residual contamination that makes the site suitable for some, but not all uses. An *engineering control* is a physical barrier or method to manage contamination such as a cap or vapor barrier;
- 3) Propose an appropriate remedy for SWMUs and AOCs.

For the 12 SWMUs and 3 AOCs discussed in the Statement of Basis, NYSDEC recommends continued site management and placement of Environmental Easements (EEs). In addition, an Interim Site Management Plan (ISMP) will be developed which will include provisions for vapor intrusion evaluations and mitigation; specifications for groundwater monitoring and use restrictions; and procedures for excavation activities. An ISMP is a plan that is developed and implemented before a site is fully remediated.

The Statement of Basis recommends a “No-Action” alternative for 4 SWMUs and 2 AOCs. For the remaining 8 SWMUs and 1 AOC, remedial work has been conducted such as tank removal, soil removal, and installation of a groundwater pump and treat system. For these 8 SWMUs and 1 AOC, the Statement of Basis recommends “No Further Action”.

A groundwater pump and treat system is currently in operation at the site to control and clean up contaminated groundwater within the main production area. Contamination includes volatile organic compounds (VOCs) and Freon. The treated water is currently discharged to the storm water sewer system under a State Pollutant Discharge Elimination System (SPDES) permit. The closure of the 12 SWMUs and 3 AOCs will not impact the operation of the groundwater pump and treat system.

### **Next Steps**

The NYSDEC recommends these actions because the sources of the contamination have been removed and the remediation system has been effective at controlling the migration of the groundwater contamination. The “Statement of Basis” document, which briefly describes the work accomplished at the site is available for review by the public (See “Where to Find Information” below).

The public is invited to comment on this decision document during a **30 day public comment period** which runs from **February 28, 2013 to March 29, 2013**. The NYSDEC will review all comments and may modify the No Action and No Further Action decisions based on them.

If it is determined that the No Action and No Further Action recommendations are warranted, the NYSDEC will prepare a “Final Decision and Response to Comments” document addressing any comments received during the comment period.

For the four remaining SWMUs not addressed by this Statement of Basis, IBM will continue to investigate and develop remedial alternatives. These will be the subject of future Statements of Basis issued for public comment.

### **Background**

The site is located approximately four miles north of the city of Kingston in the Town of Ulster, Ulster County. The site is bounded to the east by retail properties along John M. Clark Drive; to the north by Old Neighborhood Road, to the northwest and southwest by Esopus Creek, to the west by a residential private property, and to the south by residential private properties, a commercial development and Boices Lane. A stand-alone parcel also exists (0.886 acre) between Old Neighborhood Road and U. S. Route 209. The site is located within a 258-acre property owned by Tech City, Inc. The majority of the site is relatively flat, consisting of several buildings and several asphalt parking areas. Constitution Drive runs north-south through the

approximate center of the property and along the western boundary of the site.

The 258-acre property is the subject of an Order on Consent to define RCRA Corrective Action and inactive hazardous waste program requirements, where necessary. A 66.3 acre portion of the site is a Class 4 inactive hazardous waste disposal site that has been properly closed but requires continued site management consisting of operation, maintenance, and monitoring.

Prior to 1953, the site was used as a farm, including a hanger to house a plane for crop dusting. After purchases of property by IBM in 1953 and 1980, various uses of the site included a powerhouse building, a sewage disposal facility, warehouse facilities, a salt barn, and temporary storage of hazardous waste. Manufacturing activities included computer and display manufacturing, computer programming, engineering laboratory, communications systems, mainframe computer components, software development, metal plating, electronic card etching, and paint shops. Starting in 1991, IBM began to transfer various activities to other facilities and in 1994, announced its intention to move all remaining personnel and operations and close the facility. In 1989, Tech City, the current owner, bought the site. **FOR MORE INFORMATION**

### **Where to Find Information**

Project documents are available at the following location(s) to help the public stay informed. These documents include the Statement of Basis and several investigation reports associated with the SWMUs and AOCs.

Town of Ulster Public Library  
860 Ulster Avenue  
Kingston, NY 12401

NYSDEC Region 3  
21 South Putt Corners Road  
New Paltz, NY 12561

Phone: 845-338-7881  
Email: [ulsterdirector@hvc.rr.com](mailto:ulsterdirector@hvc.rr.com)

Phone: 845-256-3154

Web site: <http://townofulsterlibrary.org/>

Monday, Wednesday, and Friday 10:00 am -5:00 pm  
Tuesday and Thursday 12:00 pm - 8:00 pm  
Saturday 10:00am - 3:00 pm

M-F 9:00 am – 5:00 pm  
Please call for appointment

## Who to Contact

Comments and questions are always welcome and should be directed as follows:Project Related Questions  
Wayne D. Mizerak, Project Manager  
New York State Department of  
Environmental Conservation  
Division of Environmental Remediation  
625 Broadway, 11<sup>th</sup> floor  
Albany, NY 12233-7014

Phone: (518) 402-9657  
wjmizera@gw.dec.state.ny.us

## Site-Related Health Questions

Kristin Kulow, Project Manager  
New York State Department of Health  
Bureau of Environmental Exposure Investigation  
28 Hill Street  
Oneonta, NY 13820

Phone: (607) 432-3911  
BEEI@health.state.ny.us

**We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.**

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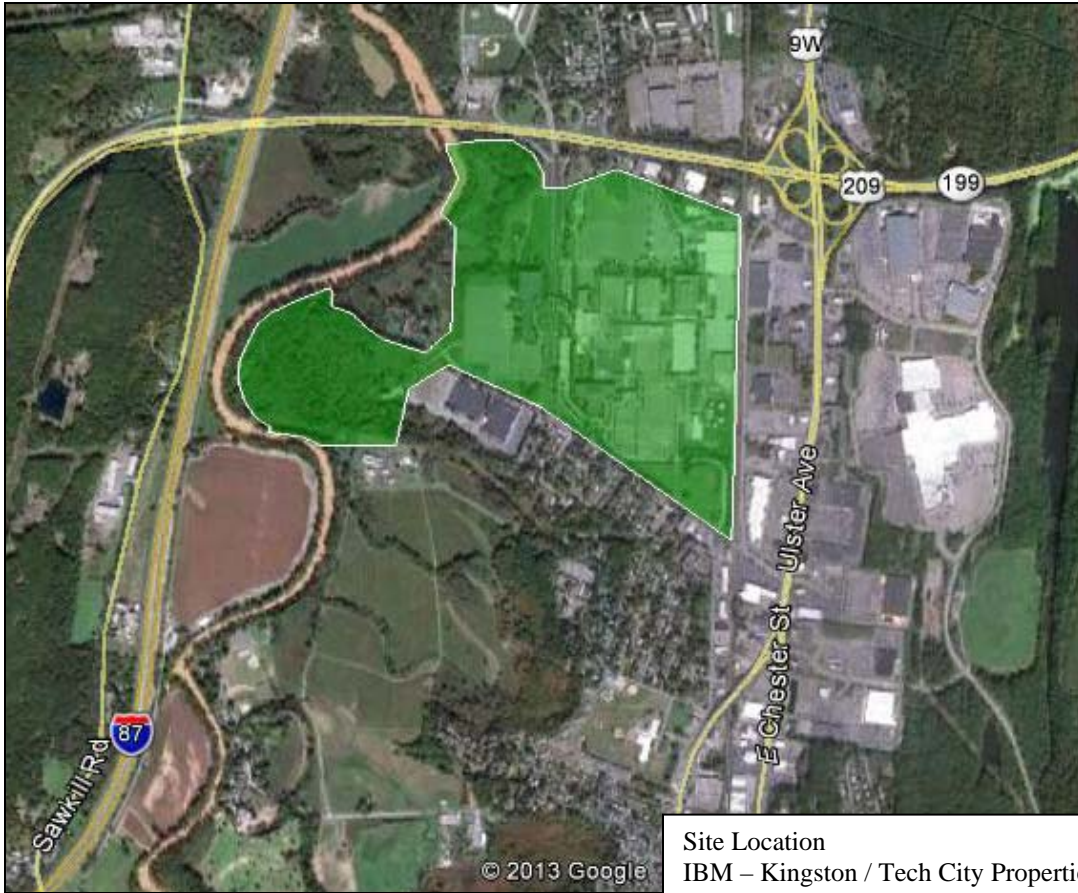
Have site information such as this fact sheet sent right to your email inbox. NYSDEC invites you to sign up with one or more contaminated sites county email listservs available at the following web page: [www.dec.ny.gov/chemical/61092.html](http://www.dec.ny.gov/chemical/61092.html) . It's *quick*, it's *free*, and it will help keep you *better informed*.



As a listserv member, you will periodically receive site-related information/announcements for all contaminated sites in the county(ies) you select.

You may continue also to receive paper copies of site information for a time after you sign up with a county listserv, until the transition to electronic distribution is complete.

**Note:** Please disregard if you already have signed up and received this fact sheet electronically.



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