

New York State Department of Environmental Conservation

Division of Environmental Remediation

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Joe Martens
Commissioner

MEMORANDUM

TO: Jim Harington, P.E., Director, Remedial Bureau A
Thru: John Swarwout, P.E., Section Chief

FROM: Chek Beng Ng, P.E., Project Manager

SUBJECT: Willsboro Black Ash Pond, Essex County, Site No. 516009

RE: Minor Changes to the Selected Remedy

DATE: January 27, 2014

The purpose of this memo is to document a minor change to the selected remedy for the Willsboro Black Ash Pond site. This change eliminates the requirement for an Environmental Easement on certain areas where black ash remains outside the area remediated by Georgia-Pacific Corporation.

The Town of Willsboro completed a site investigation/remedial alternatives report (SI/RAR) under the Department's State funded Environmental Restoration Program (ERP) to determine the nature and extent of any contamination by hazardous substances at this site. Characterization of the former lagoon soil revealed none of the waste material exceeded the 6 NYCRR Part 375 Soil Cleanup Objectives (SCOs) for unrestricted use. Unfiltered groundwater samples showed inorganic substances exceeding Class GA standards for groundwater. Inorganic substances were also detected above Class C Surface Water Quality Standards in the surface water in the river. Sediment analysis showed antimony and nickel exceeding the guidance levels in the NYSDEC Technical Guidance for Screening Contaminated Sediments. The eroding black ash impacts the fish in the river by reducing suitable fish spawning habitats and affecting fish egg incubation. Siltation from the black ash may also cause physical abrasions to gill breathing aquatic life and interrupt the local aquatic food chains.

The selected remedy in the March 2007 ERP ROD consisted of the following components:

- 1) implementation of a remedial design program;
- 2) erosion and sediment controls with a Storm Water Pollution Prevention Plan during remedial activities;
- 3) clearing of trees and vegetation;
- 4) consolidation of the black ash waste, including the black ash from ANC property;
- 5) construction of the stream bank stabilization features;
- 6) construction of a soil cover for the consolidated black ash, with diversion berms and lined drainage ways;

- 7) imposition of an institutional control (environmental easement);
- 8) development of a site management plan; and
- 9) provision of a periodic certification from the municipality.

Due to the lack of funding for the Environmental Restoration Program following the issuance of the ROD, the Department was unable to fund the Town to implement the selected remedy. The site was not eligible for listing on the Registry and thus Superfund was not a possible source of remediation funding. However, the Town was able to procure other funding to stabilize and armor a section of the river bank as part of their construction of a tertiary wastewater treatment plant on a portion of the former black ash pond. This work was done outside of any DER program. Georgia-Pacific, the potentially responsible party (PRP), then negotiated an Order on Consent with the Department to implement the remaining remedial design and construction work according to a modified scope of work. This resulted in a Explanation of Significant Differences (ESD) being issued in August 2011.

The ESD reduced the length of the required riverbank reconstruction and reduced the size of the area where black ash was to be consolidated and covered. See the ESD Proposed Bank Stabilization/Soil Cover Project figure, which is attached. The black ash in the ANC property is located in an area of large trees and significant undergrowth. The ANC property is located on the upland side of the former black ash pond, and is well away from the eroding stream bank as shown on this figure. During the design it was determined that due to its distance from the River, erosion from this area was unlikely due to the trees and heavy vegetation. Accordingly, this area could remain in its present condition without any additional black ash excavation, consolidation and capping. The root system of the trees and undergrowth would anchor the black ash preventing it from being eroded from the ANC property. This approach was also found to be applicable to certain areas along the river bank and certain well-vegetated portions of the former black ash pond where trees, undergrowth, or other vegetation are firmly rooted and are expected to provide a natural resistance to black ash erosion as a result of storm water runoff.

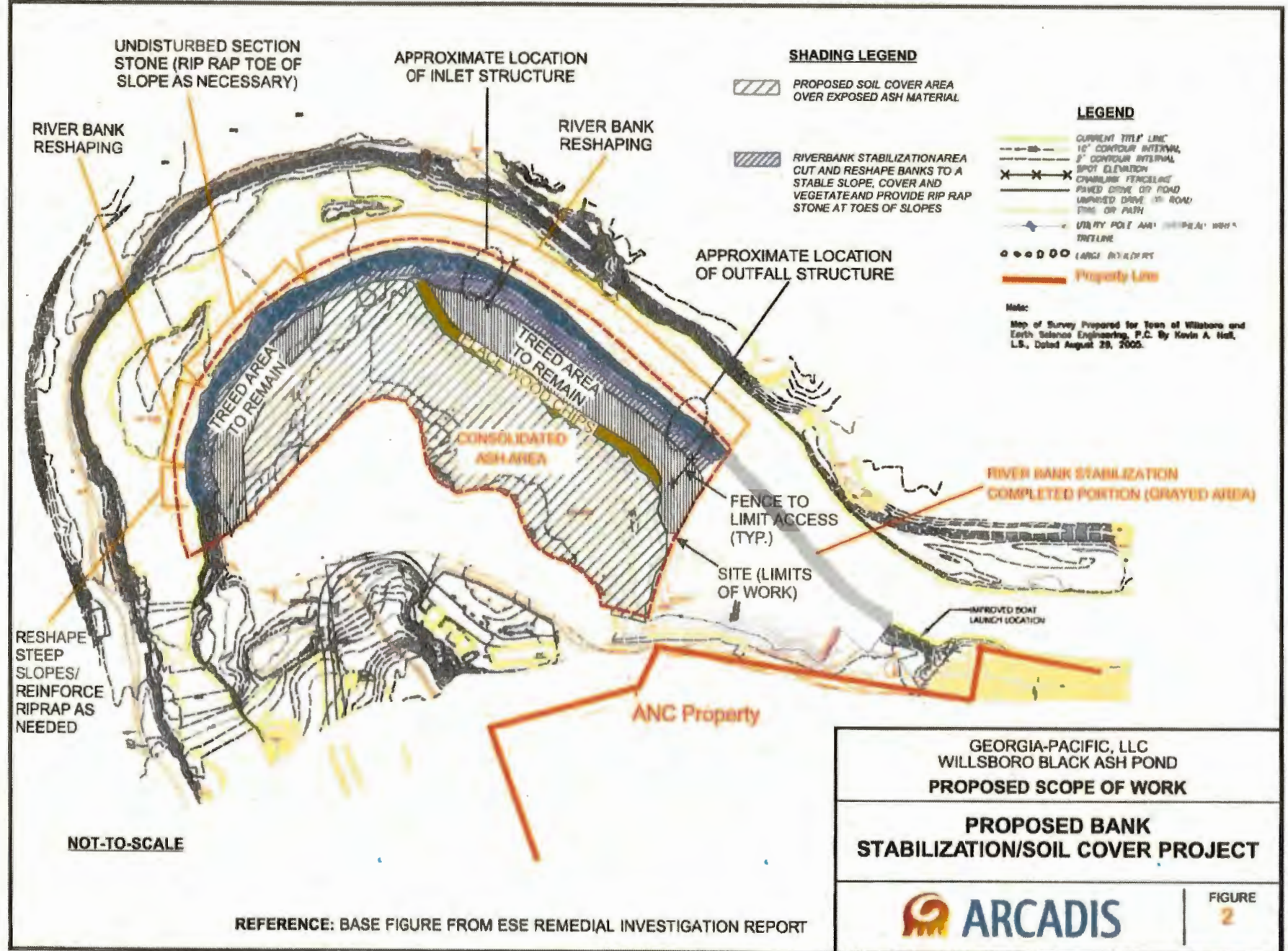
There also were found to be low energy areas along the river bank that are subject to less potential river erosion. In these areas, only the toe of the slope would be reinforced with riprap. This change from the original remedy also conserved the mature trees and shrubs within the area, in addition to being a cost savings measure. This change in the remedy, while significant, was found to be protective of the public health and the environment since it would still prevent the black ash from being eroded into the Boquet River. An inlet and outfall structure was added to the original remedy to reconnect the remaining flood plain to the Boquet River. This re-created flood plain area would minimize the erosive forces of the river as well as restoring certain habitats along the river bank.

Following Georgia-Pacific's completion of remedial activities and the Town's submission of the required Environmental Easement, questions were raised regarding the extent of the property required to be subject to the easement. The easement was intended to provide a legal mechanism to ensure implementation of the Site Management Plan, primarily inspection and maintenance of the re-constructed river bank and the newly covered and vegetated central area of the former pond to preclude future erosion of large quantities of black ash into the river. It was also intended

to limit future use to restricted residential use and to restrict the use of groundwater without any treatment which may be determined to be necessary.

The Department has determined that inclusion of the sewage treatment plant area, the DEC boat launch area, and the Adirondack Nature Conservancy (ANC) property in the Environmental Easement is not necessary to meet the goals of the remedial program. The attached marked up Site Investigation Report Sampling Location Plan figure shows the location of these areas relative to the approximate limits of the black ash material. Regarding the sewage treatment plant area, any black ash material not removed during construction is now covered by the treatment plant facilities, lagoons, paved surfaces, and well maintained grass. The stabilized and armored river bank in this area was constructed as part of the tertiary wastewater treatment plant project and is maintained as part of the plant's operation. This area is owned and operated by the Town and there is no realistic likelihood of future use of this area for other uses or for extraction of groundwater. Regarding the DEC boat launch area (owned by the Town) and the ANC property, both were on the fringe of the former black ash pond where depths of black ash were small and no bare ash has been observed. As was noted in the ESD, the ANC property was well vegetated and erosion of ash which could impact the river was found not to be a concern. The black ash material present under the DEC boat launch area is covered with access road and grass and erosion of ash which could impact the river is not a concern. Groundwater is not believed to be impacted in these fringe areas and future residential development is unlikely. In the unlikely event of future single family residential development, the small amount of ash present in these areas would not pose a threat to the residents.

The requirement for an institutional control in the form of an Environmental Easement is limited in areal coverage to the area within the dashed line identified as the 'limits of work' on the attached ESD Proposed Bank Stabilization/Soil Cover Project figure.



REFERENCE: BASE FIGURE FROM ESE REMEDIAL INVESTIGATION REPORT

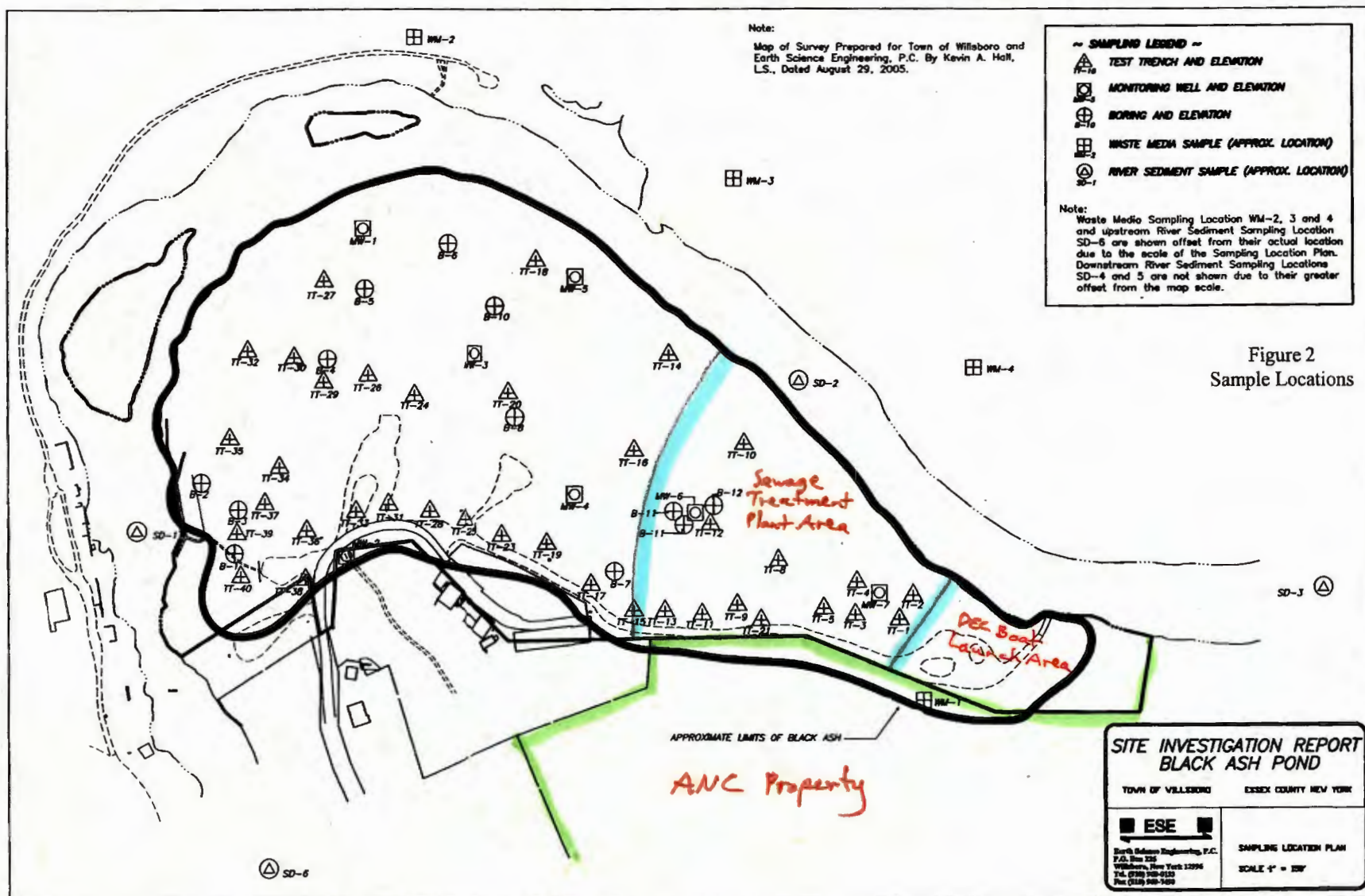


Figure 2