

# Division of Environmental Remediation

To: Commissioner Martens

Re: Site Transfer Agreement: Site #622007  
Hiteman Leather

201105382

NAME	TITLE	INITIAL	DATE
K. Becker	Project Manager	(KB)	9/22/11
D. Crosby	Section Chief, RSB, RBC	DAC	9/23/11
S. Edwards	Section Chief, RSD, RBE	SE	9/23/11
M. Ryan	Remedial Bureau C Director	MR	9/23/11
B. Conlon	DEC Attorney	BC	9/25/11
R. Schick	Assist. Division Director	RS	9/27/11
D. Desnoyers	Division Director	DD	9/27/11
E. Leff	Deputy Commr. 62401	EL	9/30/11
S. Russo	Deputy Commr.	SR	10/11/11

m. Gerstman

MR 10/11/11  
S15582

**New York State Department of Environmental Conservation**

**Division of Environmental Remediation**

**Remedial Bureau E, 12th Floor**

625 Broadway, Albany, New York 12233-7017

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Joe Martens  
Commissioner

**MEMORANDUM**

**TO:** Dale A. Desnoyers, Director, Division of Environmental Remediation

**FROM:** Michael J. Ryan, Director, Remedial Bureau C *MSR*

**SUBJECT:** Site Transfer Agreement for the Hiteman Leather Site (Site No. 622007)

**DATE:** **SEP 23 2011**

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Attached for your review, is a final draft of the Site Transfer Agreement for the Hiteman Leather Site scheduled to transfer to State responsibility on September 30, 2011. Also attached is a transmittal memorandum to Commissioner Martens requesting his signature. This agreement is the result of a cooperative effort between NYSDEC and USEPA. The agreement describes the process of transferring site management responsibilities for a site from USEPA to NYSDEC and also defines the respective responsibilities of both parties after the transfer occurs. Your approval and subsequent transmittal to the Commissioner for signature will finalize the Site Transfer Agreement.

Attachments



bec: M. Ryan  
D. Crosby  
S. Edwards  
P. Taylor (Reg 6)  
K. Becker



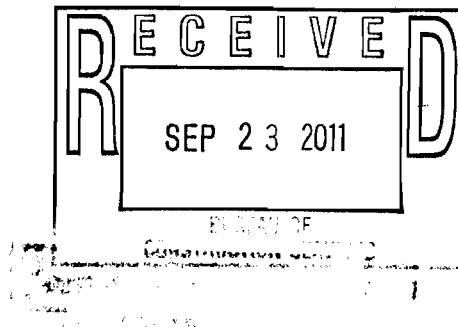
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

SEP 21 2011

Joe Martens, Commissioner  
New York State Department of  
Environmental Conservation  
625 Broadway  
Albany, New York 12233-7014

Re: Site Transfer Agreement  
Hiteman Leather Site  
Village of West Winfield, New York  
EPA ID. No. NYD981560915



Dear Mr. Martens:

Enclosed is the Site Transfer Agreement between the U.S. Environmental Protection Agency (EPA) and the New York State Department of Environmental Conservation for the Hiteman Leather Site located in the Village of West Winfield, New York. The purpose of this agreement is to effect an orderly transfer of responsibilities from an EPA-lead soil and sediment remedial action to New York State-lead maintenance and monitoring related to the soil and sediment remedy. This agreement has been developed through the cooperative effort of the appropriate members of our respective staffs.

Two copies of the agreement have been provided to Ms. Susan Edwards of your staff. Please sign both copies. Both copies shall be deemed an original. Please forward one of the copies of the executed agreement to this office for our records.

I would appreciate your prompt execution of this agreement so that the orderly transfer of responsibilities may progress in a timely manner.

Sincerely yours,

Walter E. Mugdan, Director  
Emergency and Remedial Response Division

Enclosures

cc: D. Desnoyers, NYSDEC (w/o enclosure)  
S. Edwards, NYSDEC (w/ enclosure)

SITE TRANSFER AGREEMENT  
Between the U.S. Environmental Protection Agency, Region II, and  
the New York State Department of Environmental Conservation  
on behalf of the State of New York  
for the  
Transfer of Fund-Lead Remedial Action Responsibilities  
to State-Lead Maintenance and Monitoring  
for the Hiteman Leather Site  
EPA ID. No. NYD981560915

## **I. Purpose**

The purpose of this Site Transfer Agreement is to effect an orderly transfer of responsibilities from the United States Environmental Protection Agency's ("EPA's") Fund-lead remedial action to New York State's State-lead site management related to the soil and sediment remedy selected in the September 28, 2006 Record of Decision ("ROD"), as modified by the June 2008 and September 2008 Explanations of Significant Differences ("ESDs"), for the Hiteman Leather Superfund Site, located in the Village of West Winfield, Herkimer County, New York (the "Site").

## **II. Definitions**

Unless otherwise expressly provided herein, terms used in this Site Transfer Agreement that are otherwise defined herein or defined in the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. §9601 *et seq.* ("CERCLA"), shall have the meanings assigned to them herein or in CERCLA. Whenever terms listed below are used in this Site Transfer Agreement or in any appendix attached hereto, the following definitions shall apply:

**A. "Hiteman Leather Site" or "Site"** shall mean the Hiteman Leather Superfund Site, which is located in the Village of West Winfield, Herkimer County, New York. The Site includes a former tannery and leather manufacturing facility located in the Village of West Winfield, New York at 173 South Street (Route 51) just south of the intersection of Route 51 with State highway Route 20. The former tannery property is bordered to the north by commercial buildings and residences, to the east by South Street, to the south by a residential property, to the southwest by a landlocked, privately-owned 2-acre parcel, and to the west by the West Winfield Cemetery. The Site is approximately 12 acres in size and is traversed by approximately 800 feet of the Unadilla River. Ten acres are located on the northern bank of the river and 2 acres are located on the southern bank. No remediation was required on the 2-acre portion of the site located on the southern bank. Therefore, no monitoring is necessary. See **Appendix A**, attached hereto, for a Site location map.

**B. “CERCLA”** shall mean the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601- 9675.

**C. “EPA”** shall mean the United States Environmental Protection Agency and any successor departments or agencies of the United States.

**D. “Explanations of Significant Differences” or “ESDs”** shall mean the June and September 2008 Explanations of Significant Differences which documented changes to the remedy selected in the ROD.

**E. “Fund” or “Superfund Trust Fund”** shall mean the fund used to pay for cleanups where a potentially responsible financially viable party cannot be found.

**F. “NYSDEC”** shall mean the New York State Department of Environmental Conservation and any successor departments or agencies of the State.

**G. “Operational and Functional”** shall mean that the Remedial Action has achieved the remedial action objectives and remediation goals specified in the ROD. The remedy became operational and functional with the approval of the Remedial Action Report on November 23, 2009.<sup>1</sup>

**H. “Remedial Action” or “RA”** shall mean those activities, except for maintenance and monitoring, undertaken for the purpose of implementing the remedy selected in the ROD, as modified by the two ESDs.

**I. “Remedial Action Report”** shall mean the report that documents the cleanup activities that took place.

**J. “Site Management”** shall mean (a) maintenance as the term is used in Section 104(c)(3) of CERCLA, (b) operation and maintenance as intended in Section 300.435(f)(2) of 40 CFR 300, and maintenance and monitoring (M&M) as used in this Site Transfer Agreement. Site Management is required to be performed and funded by the State following the completion of the Remedial Action. NYSDEC refers to M&M as “Site Management.”

**K. “Site Management Plan” or “SMP”** shall mean that document developed by EPA and the State in order to provide for the proper management of all post-construction remedy components. Specifically, the SMP describes procedures to confirm that the requisite engineering (subsurface demarcation) and institutional controls are in place and that nothing has occurred that will impair the ability of said controls to protect public health or the environment. The SMP also includes an inventory of the Site property use restrictions selected in the ROD in order to ensure the protectiveness of the RA; the necessary provisions

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<sup>1</sup> While EPA considers the remedy to have become operational and functional with the approval of the Remedial Action Report, NYSDEC considers the remedy to be operational and functional as of the effective date of this agreement.

for the implementation of the requirements of the environmental easement/restrictive covenant; a provision for the performance of the M&M required by the remedy; and a provision that the property owner or remedial party implementing the M&M submit periodic certifications that the institutional and engineering controls are in place and that nothing has occurred that will impair the ability of said controls to protect public health or the environment. The SMP is dated December 29, 2010.

**L. “State”** shall mean the State of New York, including its agencies, departments, and instrumentalities.

**M. “Transfer Date”** shall mean the effective date of this agreement, the date that the State shall assume responsibility for M&M.

### **III. Background**

The National Oil and Hazardous Substances Pollution Contingency Plan (“NCP”), 40 CFR§300.435(f)(1), defines operation and maintenance as measures “initiated after the remedy has achieved the remedial action objectives and remediation goals in the ROD, and is determined to be operational and functional . . . .” Section 40 CFR§300.435(f)(2) of the NCP states, “A remedy becomes ‘operational and functional’ either one year after construction is complete, or when the remedy is determined concurrently by EPA and the State to be functioning properly and is performing as designed, whichever is earlier.” As is noted in Paragraph H in the “Definitions” section, above, the remedy was considered operational and functional with the approval of the Remedial Action Report on November 23, 2009.<sup>2</sup>

For Fund-financed remedies, CERCLA § 104(c)(3) requires States to assure the performance of maintenance and monitoring associated with the implemented remedial action. This Site Transfer Agreement describes the respective tasks required of EPA and the State to assure the performance of maintenance and monitoring activities.

This Site Transfer Agreement is entered into in accordance with CERCLA and the NCP. Any deviation from the requirements of CERCLA and the NCP, which are either stated or implied by this Site Transfer Agreement, shall be null and void. This document is also intended to be in accordance with EPA and NYSDEC Division of Environmental Remediation guidance documents.<sup>3</sup>

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<sup>2</sup> As was noted in footnote no. 1, while EPA considers the remedy to have become operational and functional with the approval of the Remedial Action Report, NYSDEC considers the remedy to be operational and functional as of the effective date of this agreement.

<sup>3</sup> *Operation and Maintenance in the Superfund Program*, OSWER 9200.1-37FS, May 2001, EPA 540-F-01-004, and DER-10: Technical Guidance for Site Investigation and Remediation, NYSDEC, May 2010, respectively.

#### **IV. Transfer Agreement**

**A. Applicability.** This Site Transfer Agreement applies to the Hiteman Leather Superfund Site.

**B. Site History.** The Site is a Fund-financed, National Priorities List (“NPL”) site.

A tannery business was established at the Site in 1820 on the northern bank of the Unadilla River by a Mr. Adsit. In 1910, after several changes in ownership, the tannery business was acquired by the Hiteman family and the name of the business was later changed to the Hiteman Leather Company. In 1922, the company was reorganized as a corporation under the name of Hiteman Leather Company, Inc., with the name remaining unchanged until the termination of the business in 1968.

Waste from tannery operations at the Site was originally discharged from the tannery buildings directly to the Unadilla River. During operation under the Hiteman family, the tannery and tannery property experienced many changes over the years to expand business and increase production, including a major change during the early 1900's to incorporate chromium-based tanning into the process. The wastes that were generated from the chromium-based process were more toxic and far more voluminous than previous processes. As a result, two unlined lagoons were constructed in 1931 and a third unlined lagoon was constructed in 1959. Berms were constructed around the lagoons to increase their capacity. Wastewater was discharged via a sluiceway to the lagoons. The wastewater lagoons reportedly discharged to the Unadilla River and to the wetland area to the northwest of the lagoons (which ultimately drains to the Unadilla River). Wastewater from the coloring process was discharged into two 240-cubic foot concrete dye tanks prior to being discharged to the Unadilla River. Sludge from the bottom of the lagoons was periodically dredged and was reportedly deposited as berm material surrounding the lagoons.

The inability to economically treat contaminated wastewater from the tannery forced the closing of tannery operations at the Site in 1968. The real property and buildings were sold in 1969 to Erle Davis of Clinton, New York, who subsequently rented the buildings in the 1970's, mostly for storage, to various small businesses including a cookie company and a tire company. The former tannery buildings were no longer occupied after 1982 and they gradually deteriorated.

Discarded hides, hide scrapings and shavings, and other tannery wastes were reportedly disposed of in the Village of West Winfield Dump, located approximately 1/3 mile to the southeast of the former tannery property. The former dump was subsequently covered with soil and was operated as a trailer park known as Crumb's Trailer Park. The trailer park was addressed by EPA as a non-time-critical removal in 2008<sup>4</sup>.

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<sup>4</sup> While EPA regards the Crumb's Trailer Park site as a separate site, NYSDEC considers the site an operable unit of the Hiteman Leather site. Since Crumb's Trailer Park LLC is performing site maintenance as part of an April 2009 settlement agreement with EPA, the State will have no monitoring



Prior to EPA's involvement at the Site, NYSDEC added the Site to its Registry of Inactive Hazardous Waste Disposal Sites in 1985 and, thereafter, from 1988 to 1992, conducted environmental investigations of the Site which resulted in the Site being referred to EPA for further evaluation. In 1994, EPA performed some preliminary sampling at the former tannery property and fenced the northern part of the Site to prevent unauthorized access, particularly to the deteriorating buildings that were then located at the Site.

In 1996, EPA conducted a Site Investigation (SI) that found elevated concentrations of chromium in the surface soil, subsurface soils, and surface water. Several other contaminants were detected at low levels in soils, including metals, pesticides, semi-volatiles, and volatiles. The SI also found asbestos-covered pipes throughout the main former tannery building and determined that the wood-frame sections of the building were structurally unsound.

Based upon the SI, EPA conducted an asbestos removal pursuant to CERCLA and demolished the wood frame sections of the building, power house, and chimney stack in 1996. The remaining concrete and steel building was demolished by the Estate of Erle Davis in 1998, with the latter demolition leaving piles of loose brick and concrete debris, as well as other concrete remnants (e.g., building pillars, concrete dye tanks, etc.). Much of the loose debris was removed from the concrete foundation floor by EPA in May 2001 to facilitate sampling under the floor.

The Site was listed on the NPL on January 19, 1999.

In 2003, EPA awarded a \$100,000 federal grant to the Village of West Winfield to develop a Reuse Assessment and Redevelopment Plan for the Site as part of the EPA's Superfund Redevelopment Initiative<sup>5</sup>. The Village's Reuse Assessment and Redevelopment Plan<sup>6</sup> calls for the construction of a community center, development of recreational facilities, consolidation and modernization of the existing DPW facility, and commercial development.

EPA's conducted a remedial investigation and feasibility study ("RI/FS") at the Site from 2001-2006. The results of the RI indicated that metals were the predominant contaminants in the soils in the northern 10 acres of the Site and in sediments in the wetland and in the Unadilla River. In addition, some of the organics appear to be from an upgradient source. The contaminants of concern identified for the Site include antimony, arsenic, cadmium, chromium, hexavalent chromium, lead, manganese, mercury, and nickel.

Based upon the results of the RI/FS, on September 28, 2006, the ROD was signed, selecting a

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or inspection obligations associated with this site.

<sup>5</sup> The Superfund Redevelopment Initiative is a nationally coordinated effort to restore toxic waste sites to productive reuse:

<sup>6</sup> *Reuse Assessment and Redevelopment Plan for the Hiteman Leather Superfund Site*, Village of West Winfield, New York, February 2006.

remedy for the Site. The selected remedy included the following: excavation of contaminated soil from the former tannery property; excavation of contaminated riverbank soils; excavation/dredging of contaminated wetland and river sediments located adjacent to the former tannery property; treatment by solidification (the addition of cement additives to change the physical and chemical characteristics in order to immobilize contaminants) and consolidation of the excavated/dredged soils and sediments on the former tannery property; placement of a soil cover; and intermittent groundwater extraction and treatment. The ROD also indicated that the need for the remediation of river sediments in areas downstream of the former tannery would be determined based upon post-remediation sediment chemical analyses, sediment toxicity testing, and analysis of benthic macroinvertebrate communities. In addition, an environmental easement/restrictive covenant would be filed to restrict the future use of the Site and a Site Management Plan would provide for the proper management of all post-construction remedy components.

A number of studies were conducted during the design which resulted in modifications to the remedy selected in the ROD. Specifically, it was determined that the excavated Site soils and sediments did not require treatment prior to on-Site consolidation and containment as called for in the ROD; since soils that will underlie a walkway planned for the northern bank of the river will not be accessible to ecological receptors, the width of the area requiring excavation called for in the ROD was reduced; based upon the results of more representative soil sampling in the area, the average background concentration for manganese was found to be higher than originally determined, resulting in changing the cleanup goal for manganese to the updated average background concentration; ecological investigations suggested that there are no discernable downstream impacts to the Unadilla River ecosystem that would require river sediments to be remediated, but will undergo a monitoring program; and a groundwater investigation suggested that there is no contamination that needs remediation. These changes to the remedy, which were documented in June and September 2008 ESDs, were incorporated into the soil and sediment design. The design, which was prepared for EPA by its contractor Lockheed Martin, was approved by EPA on August 26, 2008.

The above-noted changes to the soil and sediment portions of the remedy, which were documented in a June 2008 ESD, were incorporated into the soil and sediment design. The soil and sediment design, which was prepared for EPA by Lockheed Martin, was approved by EPA on August 26, 2008.

The ROD indicated that the need for the remediation of river sediments in areas downstream of the former tannery would be determined based upon post-remediation sediment chemical analyses, sediment toxicity testing, and analysis of benthic macroinvertebrate communities. During the design phase, samples were collected to determine if contaminated sediments in the Unadilla River located adjacent to and downstream of the Site cause toxicity to invertebrates. Toxicity tests were conducted to assess toxicity based on survival, growth, and reproduction.

Macroinvertebrates were collected upstream, adjacent to, and downstream of the Site to conduct a community structure assessment of the benthic fauna at each sampling location so

as to determine if the macroinvertebrate communities are being impacted. In addition, a habitat assessment of each sampling location was performed.

In order to measure the success that the remediation of Site soils and sediments has had on downstream ecological receptors, downstream sediment (chemical analysis) and ecological monitoring will be conducted for up to five years.

During the RI, groundwater samples collected from the bedrock aquifer never exceeded groundwater standards. While there were groundwater exceedances in the shallow aquifer during early RI sampling rounds, these samples were highly turbid. Subsequent samples with lower turbidity did not exceed groundwater standards. Groundwater standards for inorganics were, however, exceeded in the semi-confining unit, which is located between the shallow and bedrock aquifers. Since similar contaminants were also present in Site soils, this contamination was believed to be Site-related. As a result of these findings, the ROD called for the extraction and treatment of contaminated groundwater on an intermittent basis from the semi-confining unit.

Based upon the results of groundwater sampling and aquifer pump testing conducted during the design phase, it was concluded that the contamination present in the semi-confining unit is not related to disposal activities at the Site (*i.e.*, the contamination is naturally occurring). This conclusion was based upon the finding that while the monitoring wells located near the source areas do not show elevated concentrations of chromium, elevated concentrations of chromium were found in a monitoring well which is located upgradient from the lagoons and a monitoring well which is located across the river from the source areas (the river represents a groundwater flow boundary). In addition, the fact that the concentration of chromium in the shallow aquifer is within groundwater standards, in combination with artesian conditions in the deep aquifer, suggests that it is unlikely that the contamination in the semi-confining unit could have come from the contaminated soil. Based upon these findings, the contaminated groundwater will not be extracted and treated.

The above-noted changes to the remedy were documented in a September 2008 ESD.

EPA's contractor, WRS Infrastructure and Environment, Inc., mobilized to the Site on May 5, 2008. During the course of the five-month construction effort, 16,000 cubic yards of contaminated soil, 8,700 cubic yards of contaminated wetland sediments, and 200 cubic yards of contaminated riverbank soils and sediments at the toe of the riverbank were excavated and consolidated in low-lying areas of the Site (the footprint of the disposal area is 62,500 square feet). A geomembrane liner and two-foot thick soil cover were placed over the consolidated soils and sediments. In addition, in areas where residual soil contamination exceeded the cleanup objectives, a soil cover with a thickness of two feet was placed in areas with "active" exposure potential (*e.g.*, playing fields) and a thickness of one foot in areas with "passive" exposure potential (*e.g.*, walking trails, parking lots). The "active" and "passive" areas were based on the future-use plan prepared by the Village of West Winfield. Approximately 7 acres of the Site (upland and the soil and sediment disposal area) was covered with a two-foot soil cover and 1.5 acres (building foundation) was covered with a one-foot cover.

The analytical results from post-excavation soil samples collected at the excavation limits indicated that the residual levels of inorganics were below the cleanup objectives specified in the ROD.

On September 30, 2008, a pre-final inspection was conducted by EPA and NYSDEC with respect to the completed remedy. No deficiencies were identified. Based on the results of the inspection, a Preliminary Close-Out Report was approved on September 30, 2008.

A Remedial Action Report was approved by EPA on November 23, 2009.

An Environmental Easement restricting the future development/use of the Site where contaminated sediments and soils were consolidated, prohibiting excavation below the soil cover unless the activities are in accordance with an SMP, and restricting the use of groundwater was recorded with the Herkimer County Clerk on July 22, 2010.

An SMP was approved on December 29, 2010, and a revision was approved on September 8, 2011.

On the basis of a September 9, 2010 EPA and NYSDEC final inspection which determined that the construction for the entire Site has been completed and that the remedy that was implemented was consistent with the ROD as modified by the ESDs, a Final Close-Out Report was approved by EPA on September 13, 2011<sup>7</sup>.

**C. Funding and Performance of M&M.** Upon transfer of the M&M activities for the Site to the State, the State shall be solely responsible for funding the M&M activities and ensuring the performance of the M&M in accordance with the SMP for the Site. Nothing in this Site Transfer Agreement shall supersede the provisions of the State Superfund Contract for the Site and amendments thereto. M&M requirements are briefly outlined in **Appendix E**.

**D. Site Inspections.** The State hereby agrees to provide EPA with forty-five (45) days advance notice of periodic inspections of the Site to be performed by the State after the Transfer Date, in order to provide EPA an opportunity to participate in such inspections. The Site inspection schedule is provided in **Appendix E**.

**E. Transfer Schedule.** The State will commence M&M responsibilities on the Transfer Date. A Transfer Schedule is included as **Appendix B**.

**F. Transfer of Records.** EPA has provided copies of relevant Site-related documents to the State. The records that were transferred in accordance with this paragraph are listed in **Appendix C**. These records were provided in electronic and hard copy.

**G. Five-Year Review Reports.** Since the remedy results in contaminants remaining above levels that allow for unrestricted use and unlimited exposure, CERCLA requires that the

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<sup>7</sup> The Final Close-Out Report was approved by NYSDEC on September 7, 2011.

remedy for the Site be reviewed at least once every five years. If justified by the review, remedial actions may be implemented by EPA to remove, treat, or contain the contaminated soils and sediments.

EPA will perform Five-Year Reviews at the Site, pursuant to Section 121(c) of CERCLA, 42 USC Section 9621(c), until such time that such reviews are no longer required. EPA will notify the State at least nine (9) months prior to the due date for a Five-Year Review that a Five-Year Review will be performed. In coordination with EPA, the State will conduct the following activities at least six (6) months prior to the due date for a Five-Year Review:

1. Review and tabulate the monitoring data for the Site;
2. Summarize maintenance activities performed;
3. Conduct a Site visit to review remedy implementation; and
4. Identify any further response actions or corrective actions that should be conducted.

The State will provide documentation related to the above-noted activities to EPA at least three (3) months prior to the due date for the Five-Year Review.

EPA will provide the State with an opportunity to comment on the draft Five-Year Review Report at least six (6) weeks before the Five-Year Review Report becomes final. EPA will provide the State with a copy of the Five-Year Review Report once it is finalized.

**H. EPA-Owned Property.** EPA-owned property associated with the Remedial Action at the Site is identified on the Property Disposition List attached hereto as **Appendix D**. All such property will be transferred to the State on or before the Transfer Date. Upon such transfer, full title to all items identified on the Property Disposition List is granted to the State. The State is responsible for future repairs, replacement, abandonment, and disposal; EPA will have no further responsibility for such property. There will be no requirement for the transfer of funds to EPA upon disposing the property.

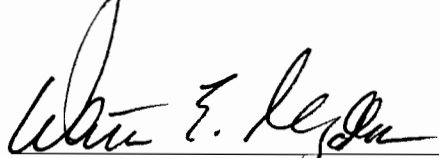
**I. Community Involvement.** EPA will provide the State with its most recent mailing list for the Site. Prior to the Transfer Date, EPA will prepare a fact sheet, which will be sent to the parties on the mailing list announcing the transfer of responsibility for the Site to the State.

## **V. Deletion of Site from National Priorities List**

Since the Remedial Action Objectives for the Site have been achieved, the Site will be deleted from the NPL by EPA in accordance with 40 CFR Section 300.425(e) and EPA's guidance "Close Out Procedures for National Priorities List Site," OSWER Directive 9320.2-09A-P, January 2000, EPA/540/R-98-016, following NYSDEC's written concurrence with EPA's decision to delete the Site from the NPL.

In witness whereof, the parties hereto have executed this Site Transfer Agreement for the transfer of responsibility from a Fund-lead Remedial Action to State-lead Maintenance and Monitoring for the Hiteman Leather Superfund Site in two (2) copies, each of which shall be deemed an original.

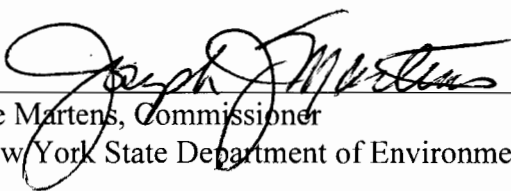
FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



Walter E. Mugdan, Director  
Emergency and Remedial Response Division

Sept. 21, 2011  
Date

FOR THE STATE OF NEW YORK



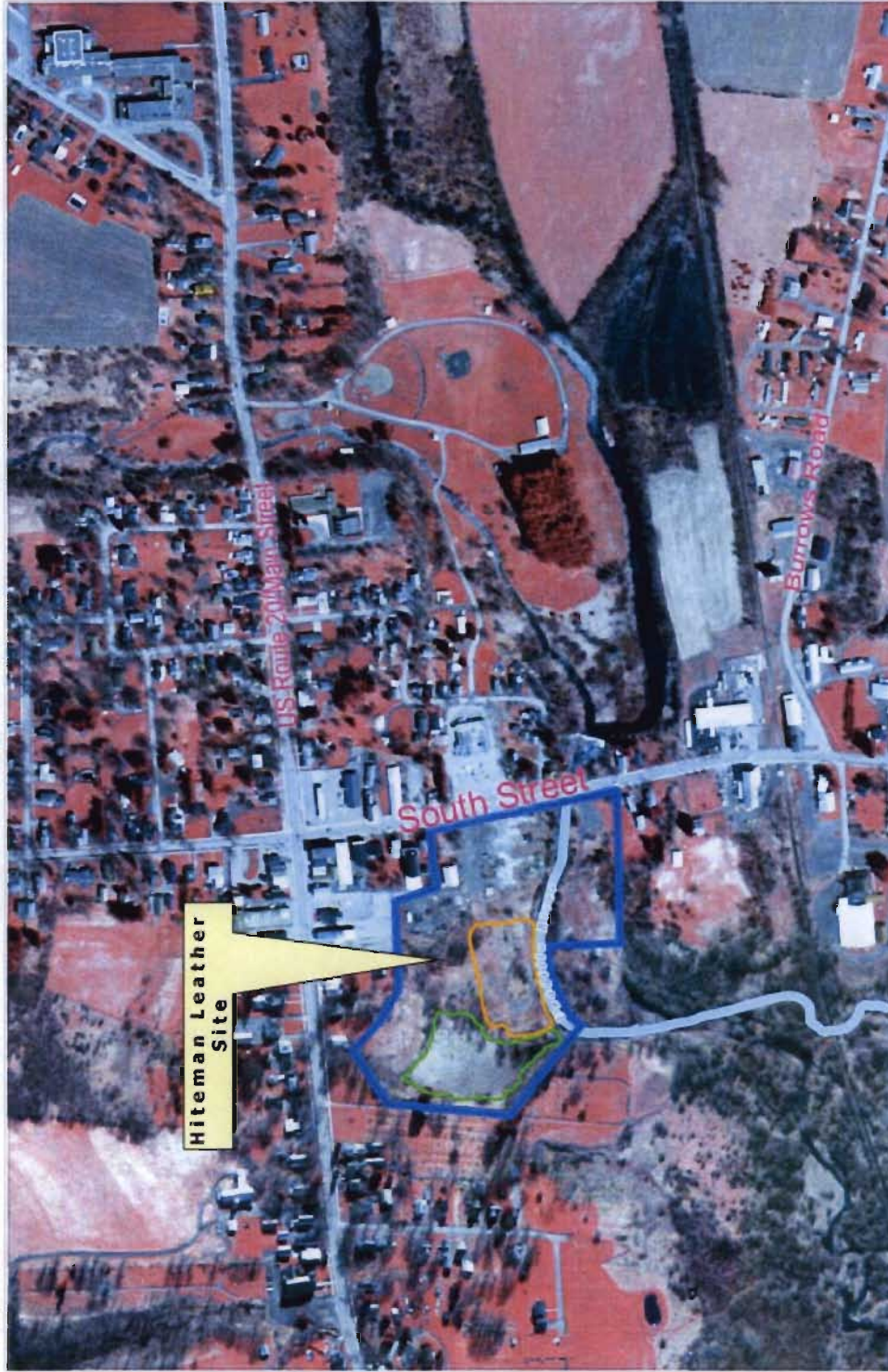
Joe Martens, Commissioner  
New York State Department of Environmental Conservation

Oct. 13/11  
Date

## **APPENDIX A**

### **HITEMAN LEATHER SITE SITE LOCATION MAP**





Map created using INDOOR unclassified aerial photography (2004).  
 The map is not a true representation of the site and should not be used for legal or regulatory purposes.  
 All boundaries and points are approximate and should not be used for legal or regulatory purposes.

Map Creation Date: 05/04/2008  
 Coordinates system: NAD 83 State Plane East  
 EPSG: 3103  
 Datum: NAD83  
 Units: Feet

File: HitemanLeatherSite\Map\HitemanLeatherSiteMap\_050408.mxd  
 Project: HitemanLeatherSite  
 Revision Number: 001

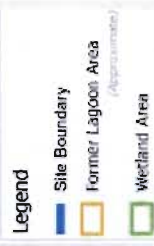


Figure 1  
 Site Location Map  
 Hiteman Leather  
 West Winfield, NY  
 February 2008 Investigation

U.S. EPA Environmental Response Team  
 Response Engineering and Analytical Contract  
 EP-C-04-032  
 W.A.# 0-246



**APPENDIX B**  
**TRANSFER SCHEDULE FOR**  
**FUND-LEAD REMEDIAL ACTION RESPONSIBILITIES**  
**TO STATE-LEAD MAINTENANCE AND MONITORING**

<b>Transfer Schedule</b>		<b>EPA ID Number: NYD981560915</b>
<b>Task</b>	<b>Status/Planned Date(s)</b>	
EPA Develops Transfer Schedule	Completed	
State Reviews its Site Management Contract	Ongoing	
EPA Develops and Provides Property Disposition List for State Tracking	Completed	
EPA Conducts Community Relations Activities before Transfer	Ongoing	
EPA Approves Remedial Action Report	Completed	
EPA Approves Site Management Plan	Completed	
Environmental Easement/Restrictive Covenant for Site Filed	Completed	
EPA Transfers Property to State/Village	Effective date of this Agreement	
EPA Approves Unadilla River and Ecological Monitoring Report Associated with September 2010 Monitoring Event	Completed	
Site Transfer Agreement Signed by EPA and NYSDEC	Effective date of this Agreement	
State Assumes Management of Site ( <i>Transfer Date</i> )	Effective date of this Agreement	
NYSDEC Prepares Periodic Review Reports After Transfer	To Be Performed	
EPA Completes First Five-Year Review	May 2013	
EPA and the Crumb's Trailer Park <sup>1</sup> Property Owner Enter Into a Settlement Agreement Covering Site Maintenance and Access	Completed	
EPA Approves Crumb's Trailer Park Site Management Plan	Completed	
Environmental Easement/Restrictive Covenant for Crumb's Trailer Park Filed	Completed	

<sup>1</sup> While EPA regards the Crumb's Trailer Park site a separate site, NYSDEC considers the site an operable unit of the Hiteman Leather site.

**APPENDIX C**  
**LIST OF RELEVANT SITE-RELATED RECORDS**

1. *Final Remedial Design for the Hiteman Leather Superfund Site Technical Memorandum*, Lockheed Martin, July 29, 2008
2. *Preliminary Close-Out Report*, U.S. Environmental Protection Agency, September 30, 2008
3. *Remedial Action Report*, U.S. Environmental Protection Agency, November 23, 2009
4. *Environmental Easement/Restrictive Covenant*, July 22, 2010
5. *Site Management Plan*, U.S. Environmental Protection Agency, December 29, 2010
6. *Final Close-Out Report*, U.S. Environmental Protection Agency, September 13, 2011

**APPENDIX D**  
**PROPERTY DISPOSITION LIST**

- 300 feet of 4-foot fencing and gate installed behind the Village Hall
- 190 feet of decorative post and chain fencing installed along the road
- 650 feet of 6-foot fencing and gate installed behind the residential properties and around the Department of Public Works shed/yard
- Monitoring wells MW-1W (12.5-foot, 2-inch diameter) and MW-1S (12.5-foot, 2-inch diameter). Monitoring wells MW-5S, MW-6S, MW-11S, and MW-14S are also present on-Site, however, since they were installed by NYSDEC, EPA does not need to transfer ownership.

## **APPENDIX E**

### **MONITORING AND INSPECTION REQUIREMENTS**

M&M will be performed by NYSDEC and the Village of West Winfield.

#### **Site Maintenance**

Site maintenance activities will be performed at three areas of the Site--Upland Area; Wetland Area; and Riverbank Area:

##### *Upland Area:*

- Monthly mowing of the grass to deter burrowing animals from disturbing the underlying soils and potentially penetrating the demarcation material and exposing contaminated soils;
- Fence maintenance and removal of obstructions preventing flow within the drainage swale (*i.e.*, leaves, refuse, etc.);
- Woody plant shoot removal to prevent roots from penetrating the subsurface demarcation material; and
- Soil replacement and reseeding in any areas of the soil cover exhibiting erosion (wind or water).

##### *Wetland Area:*

- Removal of obstructions (leaves, brush, and/or debris) preventing the proper drainage from the wetland area.

##### *Riverbank Area:*

- Monitoring the riverbank for evidence of erosion; and
- Soil replacement and reseeding in any areas of the riverbank exhibiting erosion.

Monitoring and inspection frequencies are presented in the tables below but are subject to change at the discretion of NYDEC, as per the SMP.

<b>Site Inspection Schedule</b>	
<b>Inspection Area</b>	<b>Frequency</b>
Consolidation Area	Quarterly
Subsurface Demarcation Area	Quarterly
Wetland and Riverbank Vegetation, Survival/Invasive Species	Semiannually
Monitoring Wells	Annually
Erosion of Restored Riverbank soils	Quarterly
Drainage Swales and Wetland Outlet	Quarterly

Sampling performed as a result of the above inspections will occur at the frequency indicated in the table below but is subject to change at the discretion of NYSDEC as per the SMP.

<b>Media Sampling Schedule</b>			
<b>Monitoring Program</b>	<b>Matrix</b>	<b>Analysis</b>	<b>Frequency</b>
Upland	Groundwater	TAL metals	Annually



**MEMORANDUM**

**TO:** Joe Martens, Commissioner  
**FROM:** Dale A. Desnoyers, Director, Division of Environmental Remediation  
**THRU:** Eugene Leff, Deputy Commissioner  
**SUBJECT:** Site Transfer Agreement for the Hiteman Leather Site (Site No. 622007)  
**DATE:** OCT 4 2011

Attached for your review and signature is a Site Transfer Agreement for Hiteman Leather site (DEC Site No. 622007), a National Priorities List (NPL) site located in the Village of West Winfield, Herkimer County. The purpose of a Site Transfer Agreement is to effect an orderly transfer of Site Management (Operation, Maintenance and Monitoring) responsibilities from the United States Environmental Protection Agency (EPA) to the New York State Department of Environmental Conservation (NYSDEC).

The Agreement is to assure all future maintenance of a remedial action is provided by the State for the life of such action, and describes the tasks required of EPA and the State to transfer the site in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), respectively. CERCLA requires a State to assure all further maintenance of a remedial action for the expected life of such action. CERCLA further defines when EPA's Fund-lead remedial action ends and the State-lead operation and maintenance (O&M) begins for ground or surface water restoration measures. The NCP states, "For Fund-financed remedial actions involving treatment or other measures to restore groundwater or surface water quality to a level that assures protection of human health or the environment, the operation of such treatment or other measures for a period of up to ten years after the remedy becomes operational and functional will be considered part of the remedial action." The NCP further states, "Activities required to maintain the effectiveness of such treatment or measures following the ten-year period, or after the remedial action is complete, whichever is earlier, shall be considered O&M." The State is responsible for O&M. The transfer date for the Hiteman Leather Site is September 30, 2011.

This Agreement is the result of a cooperative effort between NYSDEC and EPA to describe the process of transferring Site Management responsibilities for this site from EPA to NYSDEC. The Site Management responsibilities at the Hiteman Leather Site consist of monitoring and inspection requirements for Operable Unit 2 (OU2). These responsibilities include periodic groundwater monitoring; periodic inspection of the demarcation area, the consolidation cell, the restored riverbank and the wetland drainage swale; periodic inspection of wetland and stream bank vegetation survival; and invasive species monitoring. Funding for this work is available under the \$120M annual appropriation for the State Superfund Program.



This Agreement also defines the responsibilities of EPA and NYSDEC after this transfer occurs. Additional information is provided in the attached Site Briefing Report.

I recommend that you sign this Site Transfer Agreement for the Hiteman Leather Site.

**Attachments**

cc: R. Schick  
M. Ryan  
D. Crosby  
S. Edwards  
P. Taylor  
K. Becker



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**DIVISION OF ENVIRONMENTAL REMEDIATION**  
**Site Briefing Report**



<b>Site Code</b>	622007	<b>Site Name</b>	Hiteman Leather Co.	
<b>Classification</b>	02	<b>Address</b>	NY Route 51	
<b>Region</b>	6	<b>City</b>	West Winfield	<b>Zip</b> 13491
<b>Latitude</b>	42.8834	<b>Town</b>	Winfield	
<b>Longitude</b>	-75.1954	<b>County</b>	Herkimer	<b>Project Manager</b> Kiera Becker
<b>Disposal Area</b>	Lagoon		<b>Estimated Size</b>	12.0000

### Site Description

**LOCATION:** The Hiteman Leather Company site is a former tannery and leather manufacturing facility located along State Route 51 in the Village of West Winfield. The site is about 200 yards southwest of the intersection of State Route 20 and Route 51. It is surrounded by residential and commercial properties to the north, a cemetery to the west, the Unadilla River to the south, and Route 51 to the east.

The former Crumb Trailer Park is also considered part of the site. The property is a 2.5 acre former town dump located west of Route 51 along Burrow Road, about 0.5 miles east of the Hiteman site.

**SITE FEATURES:** The site, currently owned by the Village of West Winfield, is approximately 12 acres in size and is traversed by approximately 800 feet of the Unadilla River. The site has been remediated, with the majority of the site graded, covered with clean soil and maintained as a lawn with planted with shade trees. On the north side of the site there is a mounded area which is the location of an approximately two acre consolidation area where contaminated soil and sediment excavated from the site were encapsulated. Two storage structures currently used by the Village of West Winfield Department of Public Works (DPW) as a garage and a shed for storage are also located on the site. The western portion of the site is a 1.8-acre restored wetland. Most of the site is fenced with the exception of the south bank along the Unadilla River. Across the river is the southern part of the site which is unfenced, undeveloped, low lying and thinly-wooded, with a small open field area. This southern area was deemed to be clean during the investigation and no remediation was required.

The former Crumb Trailer Park is approximately 2.5 acres in size. This operable unit is covered with clean soil and maintained as a grassy field. The area is zoned residential and was the location of a residential trailer park that was relocated during the remedial program.

**CURRENT ZONING/USE(S):** The site is currently used as a public park which includes expansive grassy areas and a walkway along the Unadilla River and wetland. In 2003, EPA awarded a \$100,000 federal grant to the Village to develop a reuse assessment and redevelopment plan for the Hiteman Leather site as part of the EPA's Superfund Redevelopment Initiative. The Village's reuse assessment and redevelopment plan calls for the construction of a community center, development of recreational facilities, consolidation, and modernization of the existing DPW facility, other commercial development and possibly a sewage treatment plant. The site is currently zoned residential, but the Environmental Easement restricts use to non-residential purposes.

The former Crumb Trailer Park is currently unused. The area is zoned residential, but the Environmental Easement restricts use to non-residential purposes.



**HISTORICAL USE(S):** A tannery business was established at the site in 1820 and operated until 1968. Waste from tannery operations at the site was originally discharged from the tannery buildings directly to the Unadilla River until the construction of two unlined lagoons in 1931 and a third unlined lagoon in 1959. Sludge from the bottom of the lagoons was periodically dredged and was reportedly deposited in a berm surrounding the lagoons to increase capacity. Wastewater, which contained tannery and beamhouse waste, lime, sodium sulfide and chromium, flowed through these lagoons, eventually spilling over into the nearby wetlands and the Unadilla River.

After tannery closure, the buildings on-site were rented out in the 1970's, mostly for storage, to various small businesses including a cookie company and a tire company. The former tannery buildings were no longer occupied after 1982 and they gradually deteriorated.

The site was added to the NYS Registry in 1985. DEC conducted several investigations which resulted in a 1992 Record of Decision (ROD). The ROD stated that the waste at the site did not meet the required definition of hazardous waste and referred action to the USEPA.

In 1996 EPA conducted a site investigation and several emergency removal actions were completed which included demolition of the tannery building, asbestos abatement, and the installation of riprap on a portion of the bank along the Unadilla River as an erosion control measure. The site was added to the National Priorities List (NPL) in 1999. The USEPA began fieldwork for a supplemental RI in 2001, which concluded in the identification of several areas in soils and sediment contamination where chromium exceeded guidance values.

The USEPA signed a Record of Decision (ROD) in September, 2006. The remedy called for excavation, solidification, and consolidation of contaminated wastes, soil and river sediments. The ROD also called for additional downstream investigations including benthic and toxicity studies on the Unadilla River, and a limited groundwater collection program.

In May 2008, the EPA finalized an Explanation of Significant Differences (ESD) to make changes to the ROD as a result of the findings of the design investigation. These include removing the need for solidification of Hiteman wastes prior to consolidation, defining the source areas which require excavation, and changing the manganese surface soil remedial action goal.

On September 30, 2008, the EPA issued a second ESD that selected 'no further action' for site groundwater and long term monitoring for groundwater as well as ecological and sediment monitoring in the Unadilla River.

The remedial design was completed and approved in the summer of 2008. Remedial construction was completed in September 2008. The Remedial Action Report was approved in August 2009. The Site Management Plan (SMP) for Hiteman Leather was approved by the Department in December 2010.

The former Crumb Trailer Park (Operable Unit 3) was a small 2.5 acre town dump that received Hiteman waste. Prior to remediation the dump was the location of a small residential mobile home park. Crumb Trailer Park was subject of a Remedial Response Action, finalized by the EPA in September 2007. The action called for relocation of 15 mobile homes to an adjacent 8-acre parcel and capping the former landfill area with 24" soil cover system to address elevated lead in surface soil. A fence and trees were also installed to the rear (north) of the site. The action was completed in 2008.

10/3/2011

The former Crumb Trailer Park SMP was approved in March 2011. The Environmental Easement was signed and recorded in May 2011.

Hiteman Leather Site was transferred to NYSDEC for site management in September 2011. The Crumb Trailer Park is being managed by the USEPA under an enforcement order with the trailer park owner.

**OPERABLE UNIT(S):** The NYSDEC has divided the site into three operable units. An operable unit (OU) represents a portion of a remedial program for a site that for technical or administrative reasons can be addressed separately to investigate, eliminate or mitigate a release, threat of release, or exposure pathway resulting from the site contamination.

Operable Unit 1 (OU1) represents the former NYSDEC-administrated remedial program which was finalized with the 1992 ROD that called for transfer of the site to the USEPA.

Operable Unit 2 (OU2) is the USEPA-administrated remedial program of the Hiteman Leather site, which began with an Remedial Investigation in 2001, was remediated in 2008 and concluded with the transfer of the site to NYSDEC in September 2011.

Operable Unit 3 (OU3) represents the Crumb Trailer Park (CTP).

**SITE GEOLOGY AND HYDROGEOLOGY:** Hydrogeologic data indicate a complex hydrogeologic system governed by artesian conditions, seasonal variations, and the presence of natural and man-made surface water bodies. The hydrogeology is characterized by the existence of three hydrogeologic units explained below.

The limestone bedrock unit underlying the site (44-55' bgs) comprises the bedrock aquifer which is semi-confined by the glacio-lacustrine deposits, resulting in artesian conditions in wells completed in this unit. Groundwater in the bedrock aquifer beneath the site has a dominant upward flow direction with a minor west/southwest component.

The glacio-lacustrine semi-confining unit (approx. 14-25' bgs at site) overlies the bedrock aquifer. These fine-grained deposits create a leaky, semi-confining unit, separating the underlying bedrock aquifer from the shallow outwash aquifer above. Despite its lower permeability, the unit is water-producing (although it is not very productive). Horizontal flow in this unit is to the southwest. In addition, there is a seasonal upward vertical gradient through this unit, suggesting a hydrological connection between this unit and the bedrock aquifer.

The shallow outwash aquifer (approx. 2-8' bgs at site) unit overlies the glacio-lacustrine semi-confining unit and is composed of glacial outwash and fluvial sediments, and fill material. This aquifer is unconfined, and unlike the lower units, does not exhibit artesian conditions. Water table depths vary seasonally, but generally range from three to 18 feet below the ground surface. Groundwater flow in the shallow aquifer is to the southwest.

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<b>Contaminants of Concern (Including Materials Disposed)</b>	<b>Quantity Disposed</b>
	UNKNOWN
CHROMIUM	UNKNOWN
LEAD	UNKNOWN

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**Analytical Data Available for :** Groundwater, Surface Water, Soil, Sediment

**Applicable Standards Exceeded for:** Soil, Sediment

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### **Site Environmental Assessment**

**NATURE AND EXTENT OF CONTAMINATION:** Remediation at the Hiteman Leather site, including the Crumb Trailer Park, is complete. Cover systems have been installed and are maintained by institutional controls. Contaminated sediment in the Unadilla River adjacent to the site and within the on-site wetland were excavated and placed in the consolidation area. The river and wetland were restored with clean backfill using nature streambank/wetland restoration techniques.

Prior to remediation, the primary contaminants of concern for all OUs were metals used for the preservation of hides during the tanning process. Levels of chromium above Soil Cleanup Objectives occurred throughout OU2, and elevated lead levels were noted at the Crumb Trailer Park which exceeded federal guidelines. Other constituents of concern at the site include antimony, arsenic, cadmium, copper, lead, mercury, nickel, and manganese. Sediments in the Unadilla River and in an adjacent wetland were also found to be contaminated with chrome above guidance values.

**SPECIAL RESOURCES IMPACTED/THREATENED:** The Unadilla River is directly adjacent to the site and a wetland is located on the site. Following remediation, analysis and monitoring of downstream Unadilla River sediments, benthic communities (e.g., crayfish), and wetland sediments have concluded that no further monitoring is necessary.

**SIGNIFICANT THREAT:** Remediation at the site is complete. The site no longer poses a significant threat.

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### **Site Health Assessment**

Measures are in place to control the potential for coming in contact with subsurface soil and groundwater contamination remaining on the site. Measures are also in place to control the potential for coming in contact with contaminated soil present at Operable Unit # 3 (Crumb Trailer Park).

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## **Remedy Description and Cost**

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### **Remedy Description for Operable Unit 00**

**Total Cost**

**Capital Cost**

**OM&M Cost**

**Issues / Recommendations**

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### **Remedy Description for Operable Unit 01**

OU1 is the RI which was conducted by NYSDEC before it was referred to EPA.

The RI/FS concludes that the wastes disposed at the site are exempt under 6 NYCRR Part 371.1(e)(2)

(ix) of the New York State Hazardous Waste Regulations and therefore, do not qualify for New York State Superfund. The NYSDEC has referred the site to the USEPA, recommending that it be considered for placement on the National Priorities List (NPL). Placement on the NPL would qualify the site for remediation using the Federal Superfund subject to CERCLA.

**Total Cost**

**Capital Cost**

**OM&M Cost**

**Issues / Recommendations**

**Remedy Description for Operable Unit 01A**

IRM drum removal action completed from former facility site in 1987.

**Total Cost**

**Capital Cost**

**OM&M Cost**

**Issues / Recommendations**

**Remedy Description for Operable Unit 01B**

IRM surface soil removal action occurred in 1995 at lagoon site. Fence placed around site.

**Total Cost**

**Capital Cost**

**OM&M Cost**

**Issues / Recommendations**

**Remedy Description for Operable Unit 02**

The EPA ROD calls for contaminated soil and sediment excavation/dredging, on-site solidification and consolidation on the former tannery property, and soil cover and intermittent groundwater extraction and treatment. Specifically, this would involve the following: (1) excavation of shallow soil to a depth 2 or 4 ft in Area S1, S2, S3 and S8; (2) excavation of four tannery hot spots and the lagoon area (Area S2,S3,S4 and S5) to a depth of 6-7 ft or the water table during a low groundwater table period, which ever is deeper, hot spots defined as grossly contaminated soil/material the extent of which will be determined in design; (3) excavation of ~800-foot long by 20-ft wide area along the river to a depth of 2 ft, plus the excavation to 5 ft of an ~225-ft long swath along the un-riprapped portion of the riverbank to a depth of 5 ft; (4) excavation of contaminated wetland sediments to a depth of 3 ft; (5) excavation/dredging of Unadilla River sediments which exceed sediment screening values and/or background concentrations adjacent to the former tannery property; (5) consolidation of non-contaminated C&D remnants in low-lying areas of the property, any contaminated soil and sludges associated with the structures would be excavated ; (6) chemical stabilization of all excavated/dredged soils, sediment and materials with consolidation into low-lying areas of the property; (7) placement of a

2-ft thick soil cover on areas of “active recreation use” and placement of a 1-ft thick soil cover on areas of “passive recreational use”; (9) placement of a subsurface demarcation layer; (10) backfilling with clean soil and revegetating excavated areas; (11) restoration of wetland and river bed to comply with the substantive requirements of Part 608 and 663; (12) extraction of contaminated groundwater from the semi-confining unit with treatment to meet SPDES requirements; (13) short and long-term groundwater monitoring; (13) imposition of ICs in the form of an environmental easement and/or restrictive covenant; (14) development of a SMP which will address post construction components; and (15) periodic reviewing.

The June 2008 ESD identifies the differences to the remedy selected by the ROD: (1) on-site soil to be excavated is non-hazardous and therefore does not require treatment by solidification prior to consolidation; (2) consolidation of the excavated soil will be on-site and the consolidation area will have an impermeable cover with a minimum of 2-feet of soil cover; (3) The excavated soil will be placed in the consolidation area at least 5-feet above the seasonal high groundwater table; (4) the cleanup goal for manganese was changed from 554 mg/kg<sup>3</sup> to 1,600 mg/kg<sup>3</sup>, which is the NYSDEC protection of ecological resources SCO and also reflects the EPA determination of the site background value for manganese; (5) the length of riverbank excavation along the north side of the Unadilla River has increased from 150-feet to the total length from the concrete abutment associated with the South Street Bridge to the previously riprapped portion of the riverbank; (6) restoration of the riverbank will use natural restoration techniques; (7) trapezoidal excavation to a depth of 5-feet along the riverbank which will be restored with native riparian vegetation; covering an area 15-feet in width, creating a 5-foot buffer zone from the riverbank northward, with 2-feet of clean material on which a riverside walk will be constructed; (8) covering the previously riprapped portion of the riverbank with a soil and seed mixture which will enhance the habitat of the riverbank; (9) the soil cover material will be sampled and must meet requirements of 6 NYCRR Part 375-6.7(d), “soil covers and backfill” and the lower of Part 375-6.8(b), “restricted residential” or “protection of groundwater” Soil Cleanup Objectives.

The September 2008 ESD identifies the differences to the remedy selected by the ROD: (1) a determination that there are no discernible downstream impacts to the Unadilla River ecosystem from the site, and therefore downstream sediments do not need to be remediated; (2) downstream sediments in the Unadilla River will be chemically analyzed and ecologically monitored for a period up to five years; (3) a determination that the chromium present in the shallow aquifer at the site is naturally occurring and therefore, extraction and treatment of contaminated groundwater is unnecessary; (4) contaminated soils were found to be present up to 80 feet from the northern property line on two adjacent residential properties to a depth of 6-11' feet, therefore, these soils were remediated as well.

<b>Total Cost</b>	\$2,000,000
<b>Capital Cost</b>	\$1,200,000
<b>OM&amp;M Cost</b>	\$40,000

#### **Issues / Recommendations**

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#### **Remedy Description for Operable Unit 03**

**RESPONSE ACTION DESCRIPTION:** All fifteen (15) trailers located in the trailer park will be permanently relocated to the adjacent 5.5 acre parcel (this location is not within the 100-year flood plain). The existing subsurface infrastructure (e.g., water and electric lines) will be extended to the new location and new septic tanks will be installed. Soil sampling will be performed at the new property

location to determine if the surface soils are consistent with residential SCOs. In addition, a road to the new location will be built and paved.

A one-foot (1') soil cover would be placed over the surface soils exceeding 400 mg/kg lead. Soils used for the 1' cover will be sampled to insure consistency with restricted-residential SCOs. The covered area will be landscaped and graded.

In addition an IC in the form of an environmental easement or restrictive covenant will be in place to restrict use of the capped area of the existing trailer park to commercial use, and restrict intrusive activities unless they are in compliance with the SMP. The SMP would also identify any use restrictions, provisions for the implementation of the environmental easement, a provision for the performance of the maintenance required by the remedy, and a provision that the property owner or the party responsible submit periodic certifications that the ICs are in place.

**Total Cost** \$1,331,000

**Capital Cost** \$1,260,000

**OM&M Cost** \$5,000

#### **Issues / Recommendations**