



Harbor Point (633021) and Mohawk Valley Oil (633032) Sites

Record of Decision Modifications

November 15, 2010

1. Disposal of Utica Harbor Sediment at the Mohawk Valley Oil (MVO) Site.

Existing ROD

The ROD identifies off-site disposal of excavated soil containing visible NAPL or total PAH levels greater than 1000 ppm. Excavated soils that do not exceed these criteria may be stockpiled and used as backfill beneath the surface soil cover. All soil imported to the site to construct the site cover and/or to be used for backfill or contouring fill below the soil cover at the MVO site must satisfy the SCOs for the protection of public health for commercial use and the protection of groundwater. (See also ROD modification number 5 below). The same requirement applies for soil thermally treated on-site, except that up to 10 ppm total carcinogenic PAHs is allowed.

Modification

Sediment dredged from Utica Harbor adjacent to the MVO site will be used as subsurface backfill at the MVO Site. To contain and treat the water associated with the hydraulic dredging of the harbor, a fully enclosed sealed water-tight sheetpile wall will be constructed at the MVO Site, driven into the shallow silty-clay aquitard. Prior to sediment placement, soil within the wall will be removed and appropriately disposed, consistent with the ROD excavated soil disposal requirement. A geosynthetic clay liner will be installed on the floor within the sheetpiled area to enhance water collection by further reducing percolation through the aquitard. Excess water will be pumped from the cell and treated. Upon removal of the excess water the sheetpiling may be removed. While the sediment is consolidating the dewatering area will be monitored and covered if necessary to prevent dust and odors. Once the sediments have consolidated, a minimum one-foot thick soil cover will be provided which satisfies the cover requirements identified in the October 2008 ROD modification.

Basis

Sediment that would be emplaced at MVO is not expected to exceed the ROD criteria for removal for soil as applied to the MVO site.

After sediment dewatering, the sediment remaining would be sampled to confirm levels meet the site reuse requirements, and the MVO Site would be covered consistent with the ROD requirements as proposed under Modification 3 below for a soil cover. Also, institutional controls would be placed consistent with the existing ROD, which would prohibit the MVO Site from being used for purposes other than appropriate passive recreational uses [as defined in DER 10], industrial or commercial uses, and groundwater use would be restricted. Long-term monitoring of the sediment disposal area would be required by the consent order for the MVO site and the adjacent Niagara Mohawk Harbor Point Site.

2. Variance to the Water Gas Plant (WGP) cap thickness.

Existing ROD

The ROD requires construction of a low permeability cap at the WGP that meets the requirements of a final cover system specified in Part 360-2.15.d. The need for a gas collection system, however, will be evaluated during the remedial design.”

Modification

This ROD modification relates to the low permeability layer requirement. Part 360 allows the use of synthetic geomembranes, namely HDPE with a minimum thickness of 60 mils and LLDPE 40 mils thick. A 30 mil HDPE geomembrane was installed at the WGP as an interim cover. National Grid has requested that this be approved as the final cover.

Basis

The remedial design (“Final Cap System Design, Former Water Gas Plant, Harbor Point Site”, February 2009) evaluated both a 30 mil HDPE and a 40 mil LLDPE. The design recommended installation of 30 mil HDPE, based on the Hydrologic Evaluation of Landfill Performance (HELP) model results, the ability to meet remediation goals, and ease of construction. In addition, other provisions of the ROD will accommodate the use of the thinner HDPE, which include a) the requirement to maintain an inward hydraulic gradient at the WGP containment cell, meaning that any additional infiltration that may result from a thinner geomembrane must be removed and treated, b) a Site Management Plan, which will specifically require monitoring the effectiveness of the low permeability cover and barrier wall and c) an annual certification attesting that the containment system is effective.

3. Reducing the minimum soil cover thickness over the Harbor Point and MVO sites to one foot.

Existing ROD

The existing ROD calls for a minimum two-foot thick soil cover to be placed over the Niagara Mohawk Central Area and MVO sites. Beneath the cover a commercial grade filter fabric will be installed to serve as a demarcation layer. This area is estimated to comprise 37

acres. Also, in the Niagara Mohawk Northern and Niagara Mohawk Southern Areas, surface soil beyond the area of the soil cover exceeding 10 ppm cPAHs must either be removed (approximately 6,000 cyds) or covered with two feet of clean fill. A more complete characterization of these areas was to be conducted during the remedial design process.

Modification

The soil cover thickness for the Niagara Mohawk Central Area and MVO Site is changed to a minimum of one-foot thick, consistent with the soil cover requirements of DER-10 subdivision 4.1(f) for commercial and passive recreational use. A demarcation layer will be provided at the Central Area and MVO Site. The surface soil remedy for the Niagara Mohawk Northern and Southern Areas is modified as follows:

In the Niagara Mohawk Northern and Southern Areas, surface soil exceeding the 6 NYCRR Part 375-6.4(b)(3) soil cleanup objectives for the protection of public health for commercial use will be removed. Removed soil will be backfilled with a minimum of one foot of soil that satisfies the SCOs for the protection of public health for commercial use or the protection of groundwater, whichever is lower. Backfilled soil will be underlain by a demarcation layer. The allowance for up to 0.1 ppm benzene in the backfill will remain. This will apply to both LTTD treated soils and imported material. The remedial design will include sufficient investigation to delineate the extent of surface soil requiring removal from the Northern and Southern Areas to the satisfaction of the Department.

This modification will not apply to the Mohawk River and Barge Canal riverbanks or the Federally-designated wetland. The soil cover will be a minimum two feet thick in these areas.

Basis

The ROD-specified land use on the Harbor Point peninsula will be restricted to appropriate recreational, industrial or commercial uses. Since the issuance of the ROD the Department has determined (and included in 6 NYCRR Part 375) that a one-foot thick soil cover is suitable for sites restricted to commercial or industrial use and that this cover depth is also suitable for passive recreational uses, such as the open space or walking paths currently contemplated for Harbor Point. Should “active” recreational use be proposed for areas of the site, e.g. picnic areas or play grounds, these areas would require a soil cover of either two feet or a pavement or other engineered surface. A two-foot soil cover is also necessary for ecological protection, such as in, or adjacent to, the wetland or riverbank areas.

4. Change deed restriction to an environmental easement.

Existing ROD

The existing ROD states: “At all three sites, institutional controls will be established. The institutional controls will include: deed restrictions to protect remedial features and restrict on-site groundwater use; a deed restriction to prohibit the site from being used for purposes other than appropriate recreational, industrial or commercial uses, as explained below,

without express written waiver of such prohibition by the NYSDEC and NYSDOH; long term monitoring of site conditions and routine maintenance operations, such as fence repairs and lawn mowing.”

Modification

“Environmental easement” will be substituted for “deed restriction” for the NiMo Harbor Point Property and Mohawk Valley Oil Sites.

Basis

Environmental easements were introduced in the revised Part 375 regulations as a mechanism to enforce a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls. The regulations, which became effective in 2006, supersede the ROD.

Harbor Point (633021) and Mohawk Valley Oil (633032) Sites

Record of Decision Modification

October 3, 2008

Backfill and Soil Cover Requirements

Existing ROD

The existing ROD calls for:

1. A soil cover that satisfied TAGM 4046 with an allowance for up to 0.1 ppm benzene. The applies for both low temperature thermal desorption (LTTD) site soils (includes Utica Harbor sediments and spoils) and imported soil.
- 2a. Backfill originating from LTTD treated site soils: must satisfy TAGM 4046, but up to 10 ppm cPAHs (total carcinogenic PAHs) and 0.1 ppm benzene is allowed. A two-foot thick cover must be provided.
- 2b. Backfill originating from imported soil: must satisfy TAGM 4046, but up to 0.1 ppm benzene is allowed.

Modification

1. Require the soil cover to satisfy the lower of Protection of Public Health – Commercial or Protection of Groundwater Soil Cleanup Objectives (SCOs). The allowance for up to 0.1 ppm benzene remains. This applies to both LTTD treated site soils and imported material.

2. Require backfill that satisfied the lower of Protection of Public Health – Commercial or Protection of Groundwater SCOs, with up to 0.1 ppm benzene. For LTDD treated site soils the allowance for up to 10 ppm cPAHs remains.

These modifications do not apply to the wetland areas. The criteria for the wetland areas will be defined in the wetland mitigation plan that is required by the ROD.

Basis

The changes satisfy promulgated Subpart 375-6.