Department of Environmental Conservation

Division of Environmental Remediation

Record of Decision

Former Bossert Manufacturing Facility
City of Utica, Oneida County
Operable Unit #2
Site Number 6-33-029

March 2002

New York State Department of Environmental Conservation
GEORGE E. PATAKI, *Governor* Erin M. Crotty, *Commissioner*

DECLARATION STATEMENT - RECORD OF DECISION

Former Bossert Manufacturing Facility
Inactive Hazardous Waste Disposal Site
Operable Unit #2
City of Utica, Oneida County, New York
Site No. 6-33-029

Statement of Purpose and Basis

The Record of Decision (ROD) presents the selected remedy for Operable Unit #2 of the Former Bossert Manufacturing Facility class 2 inactive hazardous waste disposal site which was chosen in accordance with the New York State Environmental Conservation Law. The remedial program selected is not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan of March 8, 1990 (40CFR300).

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (NYSDEC) for the Former Bossert Manufacturing Facility inactive hazardous waste disposal site and upon public input to the Proposed Remedial Action Plan (PRAP) presented by the NYSDEC. A listing of the documents included as a part of the Administrative Record is presented in Appendix B of the ROD.

Assessment of the Site

Actual or threatened release of hazardous waste constituents from this site have been addressed by implementing the interim remedial measure identified in this ROD, therefore the site no longer represents a current or potential significant threat to public health and the environment.

Description of Selected Remedy

Based on the results of the Site Characterization Report for the Former Bossert Manufacturing Facility and the criteria identified for evaluation of alternatives, the NYSDEC has selected No Further Action with engineering and institutional controls in the form of deed restrictions as the preferred remedy. Annual certification that the institutional controls are in place will be required.

New York State Department of Health Acceptance

The New York State Department of Health concurs with the remedy selected for this site as being protective of human health.

Declaration

The selected remedy is protective of human health and the environment, complies with State and Federal requirements that are legally applicable or relevant and appropriate to the remedial action to the extent practicable, and is cost effective. This remedy utilizes permanent solutions and alternative treatment or resource recovery technologies, to the maximum extent practicable, and satisfies the preference for remedies that reduce toxicity, mobility, or volume as a principal element.

3/25/2002
Date

Michael J. O'Toole, Jr., Director
Division of Environmental Remediation

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Former Bossert Manufacturing Facility
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SECTION 1: SUMMARY OF THE RECORD OF DECISION

The New York State Department of Environmental Conservation (NYSDEC) in consultation with the New York State Department of Health (NYSDOH) has selected this remedy for Operable Unit No. 2 (OU#2) at the Former Bossert Manufacturing Facility (Bossert site), a class 2 inactive hazardous waste disposal site. OU#2 consists of all surface and subsurface soils, groundwater and underground storage tanks (USTs) at the site. Operations at this former metal stamping and fabrication facility, as more fully described in Sections 3 and 4 of this document, resulted in the disposal of a number of hazardous wastes, including polychlorinated biphenyls (PCBs), mercury contaminated waste and waste oils at the site. These disposal activities resulted in the following significant threats to the public health and/or the environment:

- a potential threat to human health associated with direct contact with or ingestion of PCB contaminated surface soil and subsurface soil.
- a potential threat to the environment associated with the impacts of the PCB contaminated storm drain sediments migrating to Nail Creek.
- A potential threat to the environment from the PCB contamination in the groundwater.

During the course of the investigation certain actions, known as Interim Remedial Measures (IRMs), were undertaken at the Bossert site in response to the threats identified above. See Section 4.2 for details on the OU#2 IRM. An IRM is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before completion of the site investigation. The IRM for OU#2 undertaken at this site included the removal and proper off site disposal of PCB contaminated surface soils, subsurface soils, underground storage tanks (USTs), related buried piping and cleaning of on site and off site storm drain lines.

Based on the success of the above IRM and the findings of the investigation of this site which indicate that the site no longer poses a threat to human health or the environment, No Further Action with engineering and institutional controls in the form of deed restrictions was selected as the remedy for the site.

SECTION 2: SITE LOCATION AND DESCRIPTION

The Bossert site is located at 1002 Oswego Street in the City of Utica, Oneida County, New York (see Figure 1). The site consists of an abandoned 210,000 square foot production facility located on a 6.9 acre parcel. This NYSDEC Class 2 Inactive Hazardous Waste Disposal Site (Code No. 6-33-029) is located in a mixed industrial, commercial, and residential area known as West Utica. The Mohawk River is located down gradient from and slightly more than one mile to the north of the site. From approximately 1896 to 1985, Bossert fabricated and welded sheet metal products such as brake plates and steel floor grates. The site was connected to public water, public sewage and gas. Bossert produced its own electricity on-site. Currently, there are still sewer connections and active storm drain lines which discharge to the City of Utica sewers and storm drain system, respectively.

OU#2, which is the subject of this PRAP, consists of all surface soil, subsurface soil, USTs and groundwater at the site. An Operable Unit represents a portion of the site remedy which for technical or administrative reasons can be addressed separately to eliminate or mitigate a release, threat of release or exposure pathway resulting from the site contamination.

The Operable Unit No.1 (OU#1) consists of the remediation of the Bossert buildings, 28 Metal Stamping Presses and related waste within the buildings. OU#1 is discussed further in Section 3.2 below.

SECTION 3: SITE HISTORY

3.1: Operational/Disposal History

The Bossert site, while in production, utilized PCB-containing oils in electrical transformers and in hydraulic presses. Manufacturing processes, waste disposal practices, and machinery salvage operations performed subsequent to the facility closure reportedly resulted in the spread of PCB residues, which may have penetrated the concrete floor of the facility and possibly affected soils and ground water underlying the building. In addition, residues may also have entered area catch basins which flow to Nail Creek, a tributary to the Mohawk River.

3.2: Remedial History

The US Environmental Protection Agency (USEPA), under its Emergency Response and Removal Program, conducted emergency clean-up activities within the buildings in 1987. The USEPA sampled, characterized and disposed off site significant quantities of PCB contaminated hazardous waste. The USEPA collected surface soil samples for PCBs around the southern perimeter of the Bossert site during this time. The analytical results ranged from 0.3 ppm to 118 ppm PCBs. In addition, other hazardous waste was consolidated in Area 2 and Area 3 of the Bossert buildings (see Figure 2).

The Remedial Investigation Report (September 1994) and the Analysis of Alternatives Report (November 1994) for OU#1, completed by the City of Utica, investigated the buildings (PCBs,

asbestos, mercury contamination), building contents (28 metal stamping presses), and related remaining hazardous waste (stored in Areas 2 and 3). This investigation work was funded by the NYSDEC through the 1986 Environmental Quality Bond Act Title 3 Program.

On June 3, 1993 Malcolm Pirnie, Inc. conducted a geophysical survey at the Bossert site resulting in the discovery of a 30,000 gallon UST. The 30,000 gallon UST and its contents were excavated, removed and properly disposed off site in February of 1995 by the City of Utica with NYSDEC oversight.

The Record of Decision (ROD) for OU#1 was issued on January 26, 1996 which presented the selected remedial action including:

- Proper disposal of the PCB contaminated debris in Area 2 and Area 3.
- Decontamination and removal (recycle) of the 28 metal stamping presses.
- Removal and proper disposal of mercury contaminated wastes.

The USEPA, under its Emergency Response and Removal Program, conducted additional clean-up activities between 1997 and 1998. The USEPA drained and externally decontaminated the 28 metal stamping presses and cleaned the sumps below each press prior to filling and sealing each sump. Asbestos abatement throughout the buildings was conducted (excluding the roof) and the mercury waste in the boiler room (Area 8) was remediated. All the remedial work required in the OU#1 Record of Decision was completed by the USEPA except for the removal of the 28 large metal stamping presses.

In the Fall of 1998 a site investigation for OU#2 was conducted by the NYSDEC. Surface soils, subsurface soils (including under the building slabs), groundwater and the storm drains were investigated.

In the Spring of 2001 the NYSDEC completed the remaining remedial work for OU#1 (removal of the 28 metal stamping presses) and a soil removal IRM to address the OU#2 contaminated soils. The Bossert buildings remain in place and are in poor structural condition.

SECTION 4: SITE CONTAMINATION

To evaluate the contamination present at the site for OU#2 and to evaluate alternatives to address the significant threat to human health and the environment posed by the presence of hazardous waste, the NYSDEC has recently conducted a surface/subsurface soil and groundwater investigation to characterize areas of the Bossert site that were not included in OU#1

4.1: Summary of the Operable Unit #2 Site Characterization

The purpose of the OU#2 Site Characterization (SC) was to define the nature and extent of contamination in surface soil, subsurface soil (including under the building slabs) and groundwater contamination resulting from previous activities at the site. The SC was conducted in two phases. The first phase was conducted between October and November 1998 and the second phase between July 1999 and March 2000. A draft report entitled "Former Bossert Manufacturing Facility Subsurface Site Characterization Report, August 2000" has been prepared which describes the field activities and findings of the SC in detail.

The SC included the following activities:

- Installation of 32 Geoprobe soil borings and analysis of subsurface soils (including under the building slabs) as well as physical properties of the soil.
- Installation of eight monitoring wells and 15 miniwells for analysis of groundwater as well as physical properties and hydrogeologic conditions.
- Collection of 74 subsurface soil samples from the monitoring well borings and analysis of soils.
- Collection of 38 surface soil samples and related analysis.
- Collection of 6 sediment samples from catch basins/manholes and related analysis.
- Collection of 8 Passive In-Situ Chemical Extraction Sampler (PISCES) water samples from Nail Creek and related analysis.

To determine which media (soil, groundwater, etc.) are contaminated at levels of concern, the SC analytical data was compared to environmental standards, criteria, and guidance values (SCGs). Groundwater, drinking water and surface water SCGs identified for the Bossert site are based on NYSDEC Ambient Water Quality Standards and Guidance Values and Part 5 of the New York State Sanitary Code. For soils, NYSDEC Technical and Administrative Guidance Memorandum (TAGM) 4046 provides soil cleanup guidelines for the protection of groundwater, background conditions, and health-based exposure scenarios. In addition, for soils, site specific background concentration levels can be considered for certain classes of contaminants. Guidance values for evaluating contamination in sediments are provided by the NYSDEC "Technical Guidance for Screening Contaminated Sediments".

Based on the SC results, in comparison to the SCGs and potential public health and environmental exposure routes, certain media and areas of the site required remediation. These are summarized below. More complete information can be found in the draft Former Bossert Manufacturing Facility, Subsurface Site Characterization Report, May 1999. Chemical concentrations are reported in parts per billion (ppb) or parts per million (ppm). For comparison purposes, where applicable, SCGs are provided for each medium.

4.1.1: Site Geology and Hydrogeology

The site lies approximately one mile south of the Mohawk River at an elevation of 460 feet above Mean Sea Level, within the Mohawk River drainage basin. Bossert's southern property line is approximately 265 feet from Nail Creek (see Figure 3), an unclassified tributary which flows northward to the Mohawk River and is buried for 1.6 miles through this portion of Utica. Flow from a storm drain manhole (MH-4) in the intersection of Noyes Street and Schuyler Street goes directly into the City storm sewers; travels approximately 350 feet east along Noyes Street and under Route 8 & 12 before it enters Nail Creek. Further upstream, near upper Genesee Street, Nail Creek is a Class C stream.

Based on the depth of water (4 ft. to 6 ft.) in the monitoring wells, the site groundwater flow is in an east/southeast direction toward Nail Creek.

According to the geological maps, the area is underlined by the Trenton Group of black shales (Utica Shale). The 1986 Surficial Geologic Map of New York indicates that this area is Lacustrine Sand with sand deposits associated with large bodies of water, generally a near-shore deposit or near a well sorted, stratified quartz sand source (2-20 meter thickness). A dark reddish grey till was encountered from all soil investigations at the 8 to 10 foot depth throughout the site. No deep wells were installed during this site characterization to avoid any potential cross-contamination of the lower aquifer. The total depth of this till is unknown.

4.1.2: Nature of Contamination

As described in the SC report, many surface soil, subsurface soil, groundwater and sediment samples were collected at the site to characterize the nature and extent of contamination. Samples of site soils and groundwater were collected and analyzed for VOCs, SVOCs, PCBs and metals, except no surface soils were analyzed for VOCs. All sediment samples were analyzed for PCBs with one sample analyzed for metals.

Nail Creek was sampled for PCBs using the Passive In-Situ Chemical Extraction Sampler (PISCES) with equipment and methods developed by NYSDEC. This is a sampling method that chemically extracts PCBs which come in contact with the samplers while they are submerged in surface water. The technique is discussed in more detail in Section 4.1.3.

The categories of contaminants which exceed their SCGs in site soils (see Tables 1 - 4) are inorganic compounds (metals), volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), and polychlorinated biphenyls (PCBs). The SVOCs contaminants detected above SCGs are polycyclic aromatic hydrocarbons (PAHs - a subset of SVOCs) including benzo(a)anthracene, chrysene, benzo(b)fluoranthene, benzo(k)fluoranthene and benzo(a)pyrene. These contaminants were detected in surface and subsurface soils.

Soil contaminants of concern which exceed their SCGs for metals are primarily arsenic, cadmium, copper, mercury, magnesium, nickel and zinc (Tables 2 and 3). PCBs were found in a majority of the surface soil sample results but only in a few of the subsurface soil samples.

As shown in Table 1, elevated sodium, iron, manganese and lead (GPS-5MW, GPS-12MW) were the predominant inorganic compounds found in the groundwater. Low level PCBs were detected in the groundwater in 3 of 25 samples. PAHs and VOCs (benzene, chlorobenzene) were detected in a few groundwater samples at levels which exceed SCGs.

4.1.3: Extent of Contamination

Table 1 through Table 5 summarize the extent of contamination in surface soil, subsurface soil, groundwater, sediments and surface water (Nail Creek) and compare the data with the SCGs for the site. The following are the media which were investigated and a summary of the findings of the investigation.

Surface Soil

In 1998 and 1999 NYSDEC collected and analyzed a total of 38 surface soil samples from around the outside of the Bossert buildings including all the grassed and unpaved areas. Various samples were analyzed for PCBs, SVOCs and/or metals (Table 2). Not all samples were analyzed for all of these compounds since the focus in many areas was on PCBs.

Twenty two of the samples were analyzed for PCBs using the immunoassay test method with 8 samples also checked by the Gas Chromatography/Mass Spectrometry (GC/MS) method. Nineteen samples had PCB concentrations between 1 ppm and 76 ppm. These exceeded the SCG of 1 ppm for PCBs for surface soils. The two surface soil samples that had the highest concentrations of PCBs were SS10 (19.2 ppm) and SS3 (76 ppm). The surface soil sample results were, generally, consistent with the 1987 USEPA results.

Generally, over half of the surface soil samples were above the SCGs for metals and and a few exceeded the SCGs for PAHs. Surface soil sample SS31 had the highest PAH level with a total of 1170 ppm for the seven carcinogenic PAHs. SS31 was collected in the "Court Yard" area from an old railroad spur on an ash and cinder base.

With the exception of the Area 20 (Figure 2), all contaminated surface soil (1 foot deep) above the SCGs at the Bossert site was removed and properly disposed off site during the OU#2 IRM. Area 20 (driveway, parking), contaminated with PCBs (2.3 ppm to 5.6 ppm) was remediated to comply with the surface soil SCGs by providing a minimum of 1 foot of barrier material (crushed stone) over the entire Area 20.

Low level PCBs (0.51 ppm to 1.06 ppm), copper (80 ppm) , zinc (698 ppm) and nickel (34 ppm) were found in the sidewalk areas around the Bossert site.

Subsurface Soil

A total of 74 subsurface soil samples were collected from various depths throughout the site. All samples were field screened using a photoionization detector (PID) and observed for odor, discoloration and soil characteristics. Various samples were analyzed for PCBs, VOCs, SVOCs

and/or metals (Table 3). Not all samples were analyzed for all of these compounds since the focus in many areas was on PCBs.

Subsurface soil samples for PCBs were collected from locations throughout the site including beneath the building slabs. A total of 55 samples were analyzed for PCBs using the immunoassay method with the remaining samples analyzed by the GC/MS method. Ten percent of the immunoassay samples were also checked by the GC/MS method.

Seventy-two of the seventy-four subsurface soil samples analyzed for PCBs were less than the SCG of 10 ppm. The subsurface soil sample from GPS19A was contaminated with 44.26 ppm PCBs at the 1 ½ foot to 4 foot depth and a sample from GP-32 had the highest PCB concentration of 320 ppm (1 to 2 foot depth). GPS19A and GP-32 are both outside the building near Area 7 and Area 8 (Figure 2). No PCBs were detected in subsurface sample A-3 that was collected beneath the concrete floor of the building (Area 7). During the OU#2 IRM the subsurface soils that exceeded the SCGs for PCBs were excavated and disposed off site.

Five of the thirty subsurface soil samples analyzed for VOCs exceed the SCGs for either acetone (9.3 ppm), 2-butanone (MW1, MW4-MW6 @ 13 ppm to 16 ppm) or chlorobenzene (MW-13 @ 2.3 ppm). The SCGs for 2-butanone and chlorobenzene are 0.3 ppm and 1.7 ppm, respectively. Acetone (SCG is 0.2 ppm) was detected in 2 samples out of 30 and was assumed to be from laboratory contamination. Subsurface soil contaminated with 2-butanone in MW1, MW5 and MW6 was excavated and disposed off site during the OU#2 IRM. Test pits were dug in the area of MW-4 looking for a UST, but no tank was found.

Since the elevated concentration of chlorobenzene found in MW-13 was only 0.6 ppm above the SCG and was 7 ft. to 10 ft. below the building slab, the soil was left in place.

PAHs were detected in 7 of the 31 samples analyzed for these compounds. Six of the seven carcinogenic PAHs were detected which include benzo(a)anthracene (9.6 ppm), benzo(b)fluoranthene (6.2 ppm), benzo(k)fluoranthene (6.9 ppm), benzo(a)pyrene (8.0 ppm), chrysene (3.4 ppm) and indeno(1,2,3-cd)pyrene (14 ppm). One or more of these PAHs were found in subsurface soil from well borings MW-1,3,5,6,9, GP-22, and GP-27. As shown in Table 3, the levels found in the subsurface soils were typical of PAH values in fill material at old industrial sites. However, all but three of the areas where sampling detected PAH contamination above the SCG were remediated as a result of soil excavation for PCBs during the OU#2 IRM.

Inorganic metals had a significant number of exceedances of the SCGs for arsenic, cadmium, copper, mercury, nickel and zinc. Cadmium and zinc were found in the soil borings from MW-1 through MW-8 at various depths (4 ft. to 10 ft.). These were located in areas outside the buildings and MW-7 and MW-8 were across the street from the site. Cadmium averaged at 37 ppm (SCG is 10 ppm) and zinc averaged 123 ppm (SCG is 20 ppm). 15 additional subsurface soil samples below the building slab did not detect cadmium but zinc exceeded the SCGs at an average of 144 ppm. The metals that were at depth and exceeded the SCGs were barium, beryllium, magnesium and selenium. Several areas that exceeded the SCGs for metals (GP-22, GP-23, MW-11) were remediated as a result of soil removal for PCBs during the OU#2 IRM.

Catch Basin/Manhole Sludges

One sludge sample was collected and analyzed for PCBs from the storm drain discharge manhole (MH-4) at the intersection of Noyes Street and Schuyler Street (Figure 2). Flow from this manhole goes to MH-5 and then directly into the city storm drains; travels approximately 350 feet east along Noyes Street and under Route 8 & 12 before it enters Nail Creek (buried). Five additional sludge samples were collected (for PCBs) from five on-site catch basins (CB-1 thru CB-5). Storm water from these catch basins flows through manholes MH-1, MH-2, MH-3, MH-4 and MH-5.

An apparent second storm drain discharge pipe is below the floor in the "Vault" or Area 3 and seems to terminate in the street midway at Noyes Street and at CB-6 as shown on Figure 2.

Results of the six sludge samples collected from these catch basins had PCB concentrations between 3.5 ppm and 10.3 ppm (see Table 4). Catch basin CB-5 was also sampled for metals resulting in 7 metals exceeding the SCGs including barium (668 ppm), cadmium (3.3 ppm), calcium (40,200 ppm), copper (332 ppm), nickel (45.4 ppm), selenium (4.6 ppm), and zinc (3,010 ppm). All the catch basins (CB-1 through CB-6) and associated storm drain lines were cleaned during the OU#2 IRM. Manhole MH-5 was also cleaned at that time.

Groundwater

A total of ten miniwells (1 inch diameter) were installed inside and outside the Bossert buildings. In addition, eight monitoring wells (MW-1 through MW-8) were installed; six around the perimeter of the site and two in the center of the site (Figure 2). The six perimeter wells were located to determine if there was any potential off-site migration of contaminants and the two central wells were near the Press Room (Area 12) and the underground storage tank (Area 16). Two off-site monitoring wells (MW-7 and MW-8) were located on vacant property owned by the City of Utica. MW-8 is within two feet of the City storm sewer on Noyes Street. On site miniwell GPS-5MW is within two feet of the permanently closed (in place) 20,000 gallon UST in Area 16.

On October 21, 1998 ten groundwater samples were collected from eight monitoring wells and two Geoprobe miniwells. On July 20, 1999 seven additional groundwater samples were collected from seven additional miniwells. On March 29, 2000 nine more samples were collected from 5 existing wells. Various samples were analyzed for the following compounds: VOCs, metals, PCBs and/or SVOCs (Table 1) but not all samples were analyzed for all compounds. Miniwells GPS-3MW, GPS-5MW, GPS-12MW, GPS-13MW, Well 12 and Well 13 were selected for sampling because they were all inside the Bossert buildings.

During the development of these wells MW-1, MW-5, MW-6, GPS-5MW, and GPS-12MW all exhibited some apparent petroleum odors. In general, the other wells all had little or no petroleum odors. All well water had high turbidity.

Twenty-six groundwater samples were collected and analyzed for PCBs. 20 samples had no PCBs detected in the groundwater. The remaining 6 samples that exceeded the SCG of 0.09 ppb for PCBs

in groundwater were (two samples per well) from monitoring wells GPS-5MW (0.57 and 9.7 ppb of PCB Aroclor-1254), Well 9 (1.1 and 1.8 ppb, PCBs) and Well 13 (1.3 and 1.5 ppb, PCBs).

The metals analyses indicate high concentrations of iron (500 ppb to 8500 ppb) and manganese (640 ppb to 750 ppb) in all samples and high sodium concentrations in MW-7 (85,000 ppb) and MW-8 (52,000 ppb). Elevated lead was found in GPS-5MW (42 ppb) and GPS-12MW (26 ppb).

The results of the VOC analyses were non-detect for MW-2 through MW-5, MW-7, MW-8 and Well 10. MW-6 had methylene chloride at 13 ppb (5 ppb is the SCG). VOCs were also found in MW-1 (cis-1,2-dichloroethene, 8 ppb) and GPS-12MW (benzene- 6 ppb, m,p-xylene-16 ppb, o-xylene-16 ppb). The SCG for benzene is 1 ppb and for the xylenes it is 5 ppb. Chlorobenzene was detected in GPS-3MW (500 ppb) and in GPS-13MW (17 ppb). These exceed the SCG of 5 ppb for chlorobenzene.

PAHs were detected in 3 of the 17 groundwater samples. Table 1 shows the elevated PAH concentrations that were found in Well 9, Well 13 and GPS-13MW. Six of the seven most carcinogenic PAHs were detected which include benzo(a)anthracene (2 ppb), benzo(b)fluoranthene (2 ppb), benzo(k)fluoranthene (2 ppb), benzo(a)pyrene (0.002 ppb), chrysene (3 ppb) and acenaphthene(26 ppb). One additional SVOC, 1,4-dichlorobenzene (13 ppb), was detected.

Significant soil removal was conducted in the areas of MW-5 and MW-6 and to the approximate depth of the wells (8 feet deep).

Surface Water (PISCES Sampling)

The purpose of the PISCES sampling was to determine if significant amounts of PCBs from the Bossert site were migrating off site, specifically to Nail Creek.

These samplers are inexpensive, simple devices consisting of a container of hexane fitted with a semi-permeable membrane that allows contaminants dissolved in surface water to accumulate in the hexane when the samplers are placed in surface water for a period of two or more weeks. PISCES provide semi-quantitative results which are most accurate for detecting PCBs and can be used to understand whether or not PCB contamination may be significant.

Eight PISCES samplers were deployed in Nail Creek on October 28, 1998 (Figure 3). Three samplers were placed upstream near Burrstone Road (Station 103) and the remaining five samplers were placed downstream near Haak Avenue. The three downstream samplers were placed at the outfall where Nail Creek daylights from the box culvert (Station 104) and the other two downstream samplers were placed at the adjacent outfall of a sewer overflow culvert (Station 105).

After a 2 week period, the samplers were removed and analyzed for PCBs. The results are compared to one another (upstream vs downstream) and previous PISCES sample (1995, 1996) results to obtain a relative comparison.

The PISCES analytical data do not represent concentrations of PCBs in Nail Creek. The lab results are reported in micrograms per liter (ug/l) which is the concentration of PCBs within the PISCES sampler itself. After being submerged in Nail Creek for 2 weeks, PCBs (Aroclor-1254 only) were detected in all eight samples.

Table 5 shows the sample results and their relative differences. The PCBs in the eight 1998 results were lower (0.35 ug/l to 21 ug/l) compared to the 1995/1996 PISCES results (5.8 ug/l to 504.9 ug/l) at Station 39. It should be noted that Station 39 is downstream of Stations 104 and 105 and is approximately 250-350 feet from where Nail Creek junctions with the Mohawk River.

Although the 1998 upstream PISCES sample results (2 ug/l to 21 ug/l) were relatively low, in fact, these upstream results were higher than the downstream results (0.35 ug/l to 4.4 ug/l). It was concluded that the Bossert site did not appear to be contributing any significant amount of PCBs to Nail Creek.

4.2: Interim Remedial Measures

An Interim Remedial Measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before completion of a site investigation. An IRM was undertaken for OU#2 at the Bossert site in response to the threats identified above.

This IRM included the removal and proper off site disposal of surface soil and subsurface soil contaminated with PCBs, VOCs, SVOCs and metals. In addition, USTs and the related soil around them were removed and properly disposed off site. The following is a summary of the remedial work completed in the OU#2 IRM during the fall of 2000:

- Two underground storage tanks (USTs) were found and removed.
- Contaminated soil related to these USTs was also excavated and properly disposed off site to meet the SCGs.
- All underground piping that was encountered was excavated and disposed at a permitted off site facility.
- The contaminated soil around a third UST (previously decommissioned in place) was removed and properly disposed off site.
- 4 locations were excavated to depth (2 ft. to 7 ft.) to remove contaminated subsurface soils (PCBs, 2-butanone).
- Confirmatory sampling during the subsurface soil excavation was conducted and additional soil excavation was done until the SCGs were met.
- Storm drain piping and related catch basins (6) and manholes (5) were cleaned to meet the SCGs.
- Test pits were dug to locate a fourth UST (historical record) but no tank was found.
- Contaminated surface soil was removed (1 ft. depth) throughout the site (except Area 20) including the soil adjacent to the sidewalks around the buildings to meet the SCGs for PCBs, SVOCs and metals. The excavated soil was replaced with clean fill material.
- Area 24 was covered with a minimum of 1 foot of cover material (crushed stone) to meet the SCGs. Maintenance of this protective cover is necessary.

4.3: Summary of Human Exposure Pathways:

This section describes the types of human exposures that may present added health risks to persons at or around the site.

An exposure pathway is the manner by which an individual may come in contact with a contaminant. The five elements of an exposure pathway are 1) the source of contamination; 2) the environmental media and transport mechanisms; 3) the point of exposure; 4) the route of exposure; and 5) the receptor population. These elements of an exposure pathway may be based on past, present, or future events.

Pathways which are known to or may exist at the site include:

- contact with site surface soil;
- ingestion of the site soil;
- ingestion of groundwater; and
- inhalation of airborne dust.

Source of Contamination: The Bossert site, while in production for approximately one hundred years, utilized PCB-containing oils in electrical transformers and in hydraulic presses. Manufacturing processes, waste disposal practices, and machinery salvage operations performed subsequent to the facility closure reportedly resulted in the spread of PCB residues, which may have affected soils and groundwater around and underlying the buildings. In addition, residues may also have entered area catch basins and manholes which flow to Nail Creek, a tributary to the Mohawk River.

Wide spread areas of fill material (ash and cinders) and some demolition debris were encountered. The main source of PCB contamination at the site was eliminated by decontaminating and removing 28 hydraulic metal stamping presses during the OU#1 remedial actions performed by the USEPA and NYSDEC. The removal and decommissioning of USTs eliminated any potential sources of petroleum contamination at the site during the OU#1 and OU#2 remedial actions.

Drinking water is supplied by the municipal water supply system and there are no known drinking water wells located in the site vicinity. Based on this, groundwater contamination was determined not to be a health concern.

Environmental Media/Transport Mechanismsa The primary human exposure pathway at the Bossert site for this OU#2 would be through the soil, and specifically the surface soil. Exposure to contaminants via ingestion of the groundwater is unlikely since there are no drinking water sources (wells) in the area either on site or off site. Some degree of exposure could occur via contact with groundwater if future excavation dewatering conditions existed.

The transport mechanism for the PCB and SVOC contaminants within the site would be migration within the groundwater which does not appear to be occurring. Should dewatering during future site development occur, the discharged water could flow to area storm drains and enter Nail Creek.

Point of Exposure: The point of exposure would be direct contact with the PCBs found in the surface soil and subsurface soil.

Route of ExposureaSubsequent to the OU#2 IRM activities and the site in its current state, the threat of exposure to surface soils has been eliminated. The route of exposure would be direct contact with residual PCBs, metals and SVOCs found in the subsurface soil. The threat of exposure to subsurface soils is low, but should the property be redeveloped, exposure through incidental ingestion could be increased as any remaining contaminated soils are exposed through the disturbance of the underlying soils.

Receptor PopulationaHumans walking through the site, workers maintaining the site (mowing) or workers involved with any development activities, especially excavation, might be exposed to either excavated contaminated soil and/or dust to some degree.

4.4: Summary of Environmental Exposure Pathways

This section summarizes the types of environmental exposures and ecological risks which may be presented by the site.

Since this site is in a commercial/industrial and residential area, the likelihood of wildlife being impacted is low. The closest water body is Nail Creek (buried for 1.6 miles) which then flows to the Mohawk River, approximately one mile north of the site. The results of the PISCES samples generally show that the site has not impacted Nail Creek and no significant site contaminants are shown to be moving in the groundwater. During the recent OU#2 IRM, the catch basins, manholes and storm drain piping were cleaned to remove residual PCB contamination, and as a result, no significant impacts to fish or wildlife resources are considered to exist.

SECTION 5: ENFORCEMENT STATUS

Potentially Responsible Parties (PRPs) are those who may be legally liable for contamination at a site. This may include past or present owners and operators, waste generators, and haulers.

The NYSDEC and the City of Utica entered into a negotiated Title 3 Order of Consent on December 27, 1989. The Order obligated the City of Utica to develop and implement a remedial program for the site and allows reimbursement to the City of Utica of up to 75 percent of the eligible remediation cost. On October 31, 1997 the Order was modified and NYSDEC assumed the responsibility of completing the remedial action.

The following is the enforcement history of this site.

Date	Order on Consent Index	Subject
12-27-89	A6-0199-89-04	Title 3 Program

On September 10, 1993, the City of Utica retained outside counsel to pursue Potentially Responsible Parties (PRPs). The City of Utica was obligated to pursue PRPs by requirements contained in the Title 3 Order on Consent. The PRP search was completed by the City of Utica for the Bossert site. Due to the City of Utica's financial difficulties, the NYSDEC agreed to assume the responsibility of pursuing the PRPs for this site.

SECTION 6: SUMMARY OF THE SELECTED REMEDY

The selected remedy for any site should, at a minimum, eliminate or mitigate all significant threats to the public health or the environment presented by the hazardous waste present at the site. The State believes that the remediation now in place, which is described in Section 3.2: Remedial History and Section 4.2: Interim Remedial Measures, will accomplish this objective.

Based on the results of previous Bossert site investigations, the completed OU#1 remedy, the OU#2 Site Characterization Report, and the OU#2 IRM, exposure to contaminated surface soil has been eliminated and specific areas of contaminated subsurface soils have also been removed. In addition, groundwater contamination is not migrating off site nor is it being used for drinking water. The contaminants at the Bossert site currently exist at low levels which pose little or no health or environmental risk under the intended commercial/industrial reuse scenario. In summary, the NYSDEC is selecting No Further Action with engineering and institutional controls in the form of deed restrictions as the remedy for the site.

The owner of the site (City of Utica) will be required to execute an Order on Consent to implement and enforce the following engineering and institutional controls:

1. Notification to the NYSDEC prior to site development and change in ownership,
2. Restriction of use of on-site groundwater as a potable or process water without necessary water quality treatment as determined by the NYSDOH,
3. Submission of a demolition debris management plan to the NYSDEC that will address the proper handling and disposal of the deteriorating Bossert buildings as a result of any development at the site,
4. Prior to any site development, submission of a soils management plan to the NYSDEC for approval that will identify the proper management, characterization and disposal of soils in accordance with NYSDEC regulations and guidance,
5. Maintenance of the existing perimeter fence until the buildings are removed from the site,
6. Maintenance of the existing crushed stone protective cover in Area 24 will be required until such time that the contaminated soil under the protective cover is excavated and properly disposed off site at a permitted facility and that the remaining soil meets the site clean up

goals (SCGs). If at any time the soil in Area 24 does not meet the site clean up goals (SCGs), a protective cover is required with annual certification to NYSDEC that it is being maintained. Acceptable alternative protective cover possibilities, in addition to the current stone cover, are sidewalks, parking lots, building footprints, or other approved strategies that provide a barrier to contact with the remaining PCB contaminated subsurface soils.

7. Restriction of site uses to industrial/commercial purposes with prohibition of certain land uses such as playgrounds, daycare facilities, medical facilities, residential, and recreational applications,
8. Annual certification by the owner of the site to the NYSDEC that the institutional controls/deed restrictions are in place and enforced as required by the remedy.

SECTION 7: HIGHLIGHTS OF COMMUNITY PARTICIPATION

As part of the remedial investigation process, a number of Citizen Participation activities were undertaken in an effort to inform and educate the public about conditions at the site and the potential remedial alternatives. The following public participation activities were conducted for the site.

1. Four repositories for documents pertaining to the site were established at the City of Utica Public Library, the Utica City Clerk's Office, the NYSDEC Central Office in Albany and the NYSDEC Region 6 Office in Utica, NY. The Site Soil Characterization Report, Fact Sheet and PRAP were included in each repository.

2. A Citizen Participation List or site mailing list was established which included nearby property owners, local political officials, local media and other interested parties.

3. A Proposed Remedial Action Plan (PRAP) was issued on February 13, 2002. A 30 day comment period was provided which ended on March 15, 2002.

4. On February 13, 2002, a Fact Sheet was provided to all those listed on the Citizen Participation List.

5. A second Fact Sheet was mailed to all those listed on the Citizen Participation List clarifying the changed public meeting location.

6. A public meeting was held on February 21, 2002 in the city of Utica Council Chambers.

7. Questions and answers recorded during the February 21, 2002 public meeting and during the 30 day public comment period were used to develop the Responsiveness Summary presented in Appendix A of this document. In March 2002 a Responsiveness Summary was prepared and made available to the public, to address the comments received during the public comment period for the PRAP.

The Department did not receive any information during the public comment period, including the public meeting, that caused it to change the project from that presented in the Proposed Remedial Plan.

Table 1
Nature and Extent of Contamination - Groundwater
Results of sampling events during October 1998, July 1999 and March 2000
(**PRIOR** to OU#2 IRM)

MEDIUM	CATEGORY	CONTAMINANT OF CONCERN	CONCENTRATION RANGE (ppb)	FREQUENCY of EXCEEDING SCGs/Background	SCG/ Bkgd. (ppb)
Groundwater	Volatile Organic Compounds (VOCs)	cis 1,2-dichloroethene	ND - 8	1 of 16	5
		benzene	ND - 6	1 of 16	1
		chlorobenzene	ND - 500	2 of 16	5
		methylene chloride	ND - 13	1 of 16	5
		m, p - xylene	ND - 16	1 of 16	5
		o - xylene	ND - 16	**1 of 16**	5
Groundwater	Semivolatile Organic Compounds (SVOCs)	**benzo(a)anthracene**	**ND - 2**	**2 of 17**	**.002**
		benzo(b)fluoranthene	**ND - 2**	**1 of 17**	**.002**
		benzo(k)fluoranthene	**ND - 2**	**1 of 17**	**.002**
		benzo(a)pyrene	**ND - 0.002**	**1 of 17**	**ND**
		1,4-dichlorobenzene	**ND - 13**	**1 of 17**	**3**
		chrysene	**ND - 3**	**1 of 17**	**.002**
		acenaphthene	**ND - 26**	**1 of 17**	**20**
Groundwater	Inorganic Compounds (Metals)	**iron**	**150 - 8,500**	**9 of 18**	**300**
		manganese	**ND - 750**	**5 of 18**	**300**
		sodium	**ND - 85,000**	**2 of 18**	**20,000**
		lead	**ND - 42**	**2 of 18**	**25**
Groundwater	PCBs	**PCBs**	**ND - 9.7**	**6 of 26**	**0.09**

ND = Contaminant Not Detected In Sample Analysis

Table 2
Nature and Extent of Contamination - Surface Soils
Surface Soil Sampling Results **PRIOR** to the OU#2 IRM

MEDIUM	CATEGORY	CONTAMINANT OF CONCERN	CONCENTRATION RANGE (ppm)	FREQUENCY of EXCEEDING SCGs/Background	SCG/ Bkgd. (ppm)
Surface Soil	Semivolatile Organic Compounds (SVOCs)	benzo(a)anthracene	ND - 270	4 of 6	0.224
		benzo(b)fluoranthene	ND - 160	3 of 6	0.4
		benzo(k)fluoranthene	ND - 230	3 of 6	1.1
		benzo(a)pyrene	0.18 - 240	5 of 6	0.061
		naphthalene	ND - 58	1 of 6	13
		dibenzofuran	ND - 41	1 of 6	6.2
		phenanthrene	ND - 520	1 of 6	50
		anthracene	ND - 120	1 of 6	50
		fluorene	ND - 57	1 of 6	50
		fluoranthene	ND 510	1 of 6	50
		pyrene	ND - 580	1 of 6	50
		chrysene	ND - 270	4 of 5	0.4
Surface Soil	Inorganic Compounds (metals)	arsenic	ND - 25	4 of 17	7.5
		barium	ND - 2,660	1 of 17	300
		cadmium	ND - 3.7	4 of 17	10
		calcium	ND - 327,000	9 of 17	1302 35,000 *
		chromium	ND - 180	3 of 17	10
		copper	ND - 1,670	13 of 17	25
		lead	ND - 1,340	3 of 17	500
		magnesium	ND - 12,900	8 of 17	100 - 5,000 *
		mercury	ND - 1.1	6 of 17	0.1
		nickel	ND - 201	7 of 17	13
		selenium	ND - 4.6	1 of 17	2
		zinc	ND to 2,440	16 of 17	20
Surface Soils	PCBs	PCBs	ND - 76	19 - 30	1.0

*** Typical of Eastern USA Background Levels**
ND = Contaminant Not Detected In Sample Analysis

Table 2A
Nature and Extent of Contamination - Surface Soils
Residual Surface Soil Concentrations **AFTER** the OU#2 IRM

MEDIUM	CATEGORY	CONTAMINANT OF CONCERN	CONCENTRATION RANGE (ppm)	FREQUENCY of EXCEEDING SCGs/Background	SCG/ Bkgd. (ppm)
Surface Soil	Semivolatile Organic Compounds (SVOCs)	Removed and replaced with clean soil.			
Surface Soil (Surface Soil Sample SS28)	Inorganic Compounds (metals)	calcium	ND - 313,000	1 of 17	130 - 35,000 *
		magnesium	ND - 9,090	1 of 17	100 - 5,000 *
		zinc	ND to 2,440	1 of 17	20
Surface Soils	PCBs	Removed or covered with a protective cover soil.			

*** Typical of Eastern USA Background Levels**
ND = Contaminant Not Detected In Sample Analysis

Table 3
Nature and Extent of Contamination - Subsurface Soils
Subsurface Soil Sampling Results **PRIOR** to the OU#2 IRM

MEDIUM	CATEGORY	CONTAMINANT OF CONCERN	CONCENTRATION RANGE (ppm)	FREQUENCY of EXCEEDING SCGs/Background	SCG/ Bkgd. (ppm)
Subsurface Soils	Volatile Organic Compounds (VOCs)	acetone	ND - 9.3	2 of 30	0.2
		2 - butanone	ND - 16	4 of 30	0.3
		chlorobenzene	ND - 2.3	1 of 30	1.7
Subsurface Soils	Semivolatile Organic Compounds (SVOCs)	benzo(a)anthracene	ND - 9.6	5 of 31	0.224
		benzo(b)fluoranthene	ND - 6.2	2 of 31	1.1
		benzo(k)fluoranthene	ND - 6.9	2 of 31	1.1
		benzo(a)pyrene	ND - 8.0	4 of 31	0.061
		chrysene	ND - 8.5	5 of 31	0.4
		indeno(1,2,3-cd)pyrene	ND - 4.6	1 of 31	3.2
Subsurface Soils	Inorganic Compounds (Metals)	arsenic	ND - 145	5 of 31	7.5
		beryllium	ND - 2.9	1 of 31	0.16
		cadmium	ND - 89	16 of 31	1
		calcium	ND - 85,100	7 of 31	1302 35,000 *
		copper	ND - 332	8 of 31	25
		lead	ND - 597	1 of 31	500
		magnesium	ND - 21,500	11 of 31	100 - 5,000 *
		mercury	ND - .35	3 of 31	0.1
		nickel	ND - 45	5 of 31	13
		selenium	ND - 5.4	2 of 31	2
		zinc	ND - 530	30 of 31	20
Subsurface Soils	PCBs	PCBs	ND - 320	2 of 74	10

*** Typical of Eastern USA Background Levels**
ND = Contaminant Not Detected In Sample Analysis

Table 3A
Nature and Extent of Contamination - Subsurface Soils
Residual Subsurface Soil Concentrations **AFTER** the OU#2 IRM

MEDIUM	CATEGORY	CONTAMINANT OF CONCERN	CONCENTRATION RANGE (ppm)	FREQUENCY of EXCEEDING SCGs/Background	SCG/ Bkgd. (ppm)
Subsurface Soils	Volatile Organic Compounds (VOCs)	**2 - butanone**	**ND - 16**	**1 of 30**	**0.3**
		chlorobenzene	**ND - 2.3**	**1 of 30**	**1.7**
		benzo(a)anthracene	**ND - 9.6**	**3 of 31**	**0.224**
		benzo(b)fluoranthene	**ND - 6.2**	**1 of 31**	**1.1**
		benzo(k)fluoranthene	**ND - 6.9**	**1 of 31**	**1.1**
		benzo(a)pyrene	**ND - 8.0**	**2 of 31**	**0.061**
		chrysene	**ND - 3.4**	**3 of 31**	**0.4**
		indeno(1,2,3-cd)pyrene	**ND - 4.6**	**1 of 31**	**3.2**
Subsurface Soils	Inorganic Compounds (Metals)	**arsenic**	**ND - 44**	**4 of 31**	**7.5**
		beryllium	**ND - 2.9**	**1 of 31**	**0.16**
		cadmium	**ND - 89**	**7 of 31****	**10**
		calcium	**ND -75,100**	**6 of 31**	**1302 35,000 ***
		copper	**ND - 215**	**6 of 31**	**25**
		magnesium	**ND - 21,500**	**9 of 31**	**100 - 5,000 ***
		mercury	**ND - 0.35**	**1 of 31**	**0.1**
		nickel	**ND - 37**	**3 of 31**	**13**
		selenium	**ND - 4.0**	**1 of 31**	**2**
		zinc	**ND - 530**	**17 of 31**	**20**
Subsurface Soils	PCBs	**Soil removed**			

*** Typical of Eastern USA Background Levels**

**** Well boring soil from well 3, off site well 7 and off site well 8**

ND = Contaminant Not Detected In Sample Analysis

Table 4
Nature and Extent of Contamination - Catch Basin/Manhole Sludge
Sludge Sampling Results **PRIOR** to the OU#2 IRM

MEDIUM	CATEGORY	CONTAMINANT OF CONCERN	CONCENTRATION RANGE (ppm)	FREQUENCY of EXCEEDING SCGs/Background	SCG/ Bkgd. (ppm)
Sludge (5 Catch Basins, MH-4)	PCBs	**PCBs**	**3.5 - 10.3**	**6 of 6**	**1**
Sludge (Catch Basin CB-5)	Inorganic Compounds (Metals)	**barium**	**668**	**1 of 1**	**300**
		cadmium	**3.3**	**1 of 1**	**10**
		calcium	**40,200**	**1 of 1**	**130 - 35,000 ***
		copper	**332**	**1 of 1**	**25**
		nickel	**45.4**	**1 of 1**	**13**
		selenium	**4.6**	**1 of 1**	**2**
		zinc	**3,010**	**1 of 1**	**20**

*** Typical of Eastern USA Background Levels**

Table 4A
Nature and Extent of Contamination - Catch Basin/Manhole Sludge
Residual Sludge Concentrations **AFTER** the OU#2 IRM

MEDIUM	CATEGORY	CONTAMINANT OF CONCERN	CONCENTRATION RANGE (ppm)	FREQUENCY of EXCEEDING SCGs/Background	SCG/ Bkgd. (ppm)
Sludge (5 catch basins, MH-4)	PCBs	**Sludge Removed**			
Sludge (catch basin CB-5)	Inorganic Compounds (Metals)	**Sludge Removed**			

TABLE 5
PCB RESULTS OF PISCES SAMPLING IN NAIL CREEK
(10/95, 7/96, 11/98)

SAMPLE ID#	SAMPLE LOCATION	DATE COLLECTED	AROCLOR-1254 (ug/liter) *
B05898-128DL	Station 103	11-16-98	17 ug/l
B05998P-129DL	Station 103	11-16-98	21 ug/l
H0998P-127	Station 103	11-18-98	2.0 ug/l
H2598P-132	Station 104	11-16-98	1.4 ug/l
B06198P-134	Station 104	11-16-98	3.7 ug/l
B06098P-133	Station 104	11-16-98	4.4 ug/l
B06298P-130	Station 105	11-18-98	0.35 ug/l (J)
B06398P-131	Station 105	11-16-98	0.46 ug/l (J)
Solvent Blank B-55-3498H-1103		11-16-98	Non-detect
Solvent Blank -56-0598TMP-11		11-16-98	Non-detect
0923-95-H	Station 39	10-12-95	5.8 ug/l
0278-96-H	Station 39	7-24-96	504.9 ug/l
0279-96-H	Station 39	7-24-96	73.08 ug/l

* Concentration of PCBs in the PISCES bag sampler

FIGURE 1

SITE LOCATION

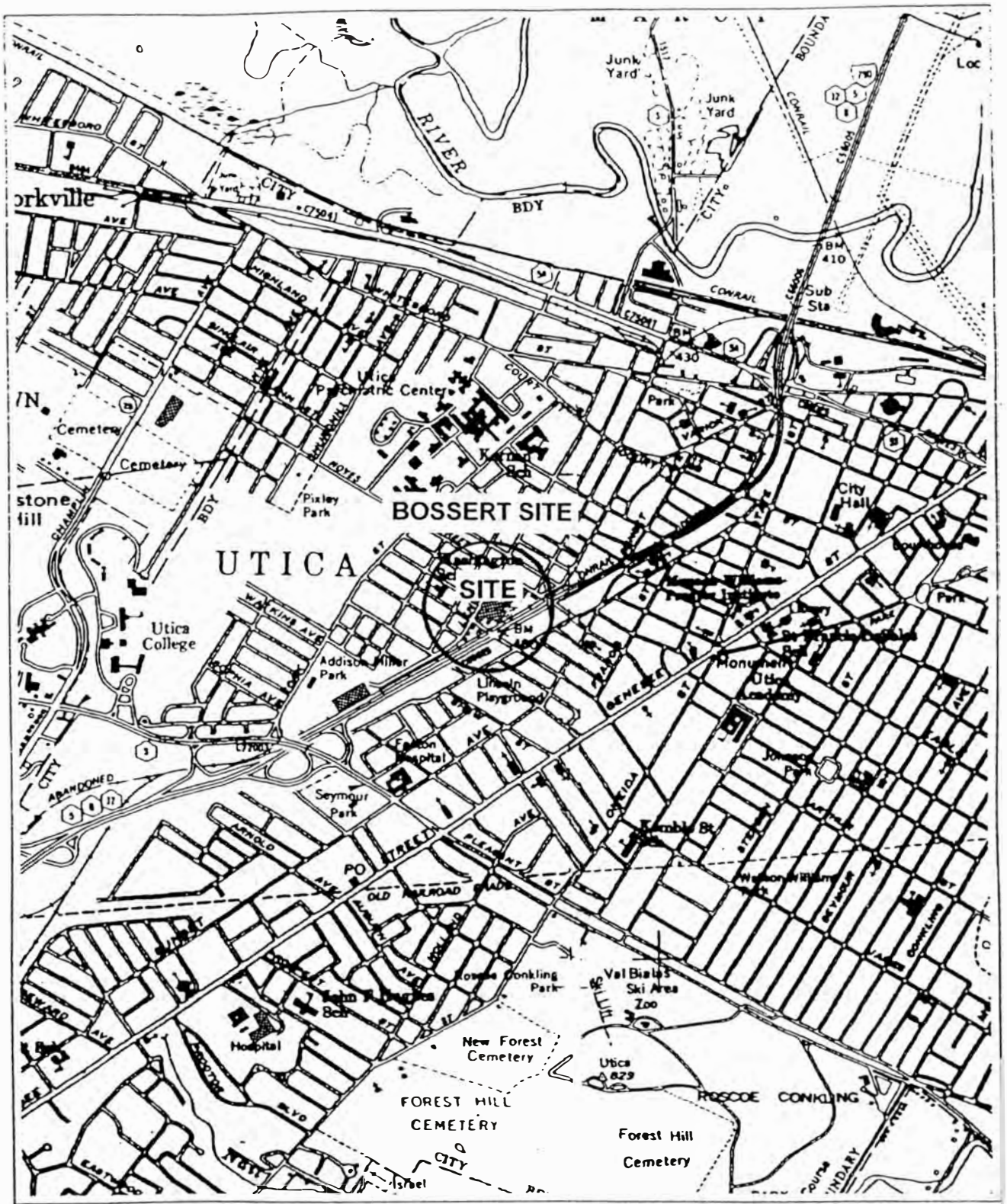
BOSSERT SITE
UTICA
SITE
RIVER
BDY
Junk Yard
Junk Yard
Utica Psychiatric Center
Cemetery
Cemetery
Pixley Park
Utica College
Addison Miller Park
Lincoln Playground
City Hall
Seymour Park
Roscoe Conkling Park
Val Bialas Ski Area
Zoo
New Forest Cemetery
Utica
FOREST HILL CEMETERY
ROSCOE CONKLING
Forest Hill Cemetery
Hospital
Sub Sta
Park
Site Location Map
633029 Bossert Manufacturing Corp.
NYSDOT Planimetric Quadrangle(s):
UTICA WEST, UTICA EAST
N
0 500 1000 1600 2000
FEET
Scale 1:24,000

FIGURE 1

FIGURE 2
BOSSERT SITE PLAN

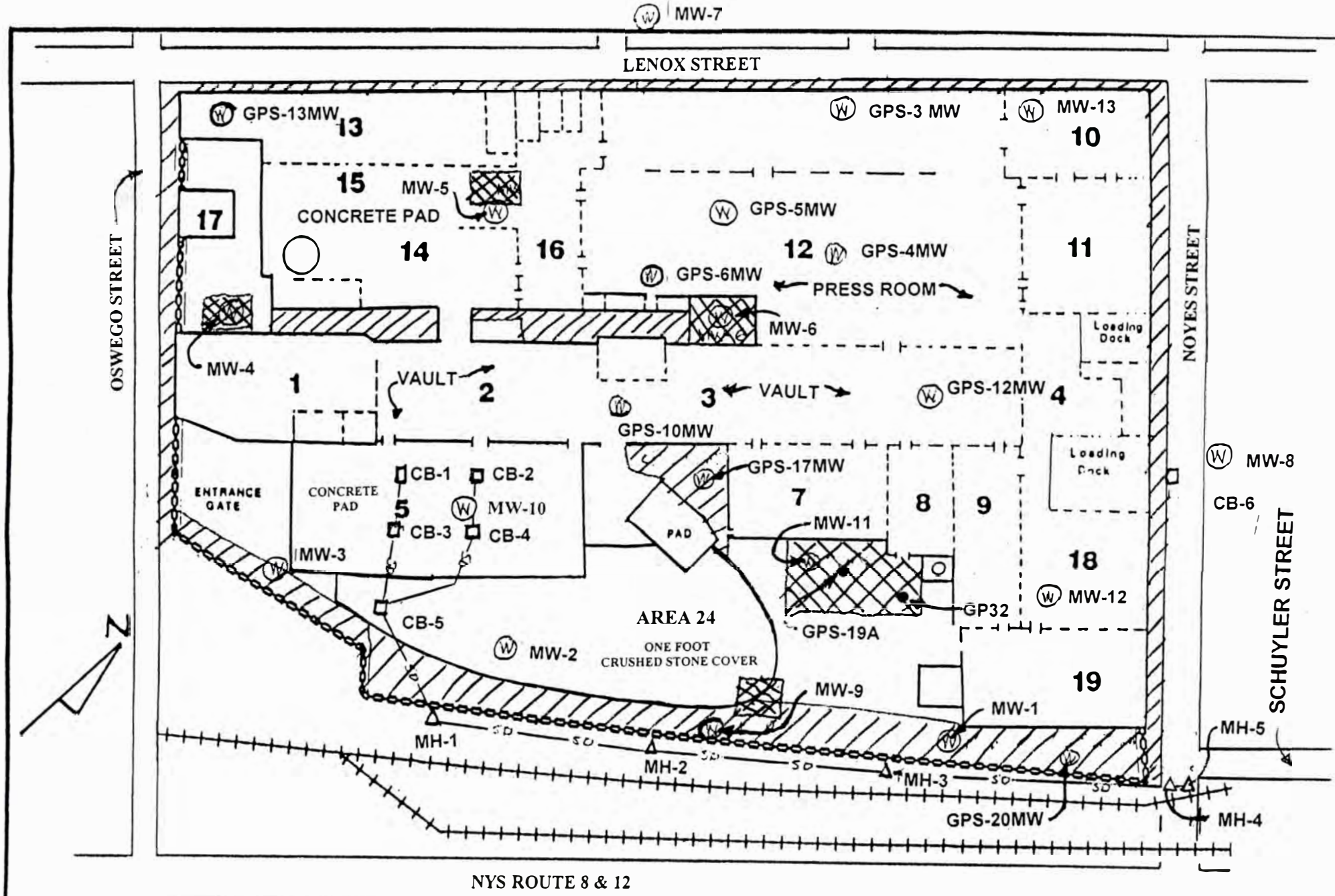

Figure 2

Bossert Site Plan

FIGURE 3
PISCES SAMPLE LOCATIONS

UTICA WEST QUADRANGLE
NEW YORK—ONEIDA CO.
7.5 MINUTE SERIES PLANIMETRIC
SE/4 ROME 15' QUADRANGLE

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION

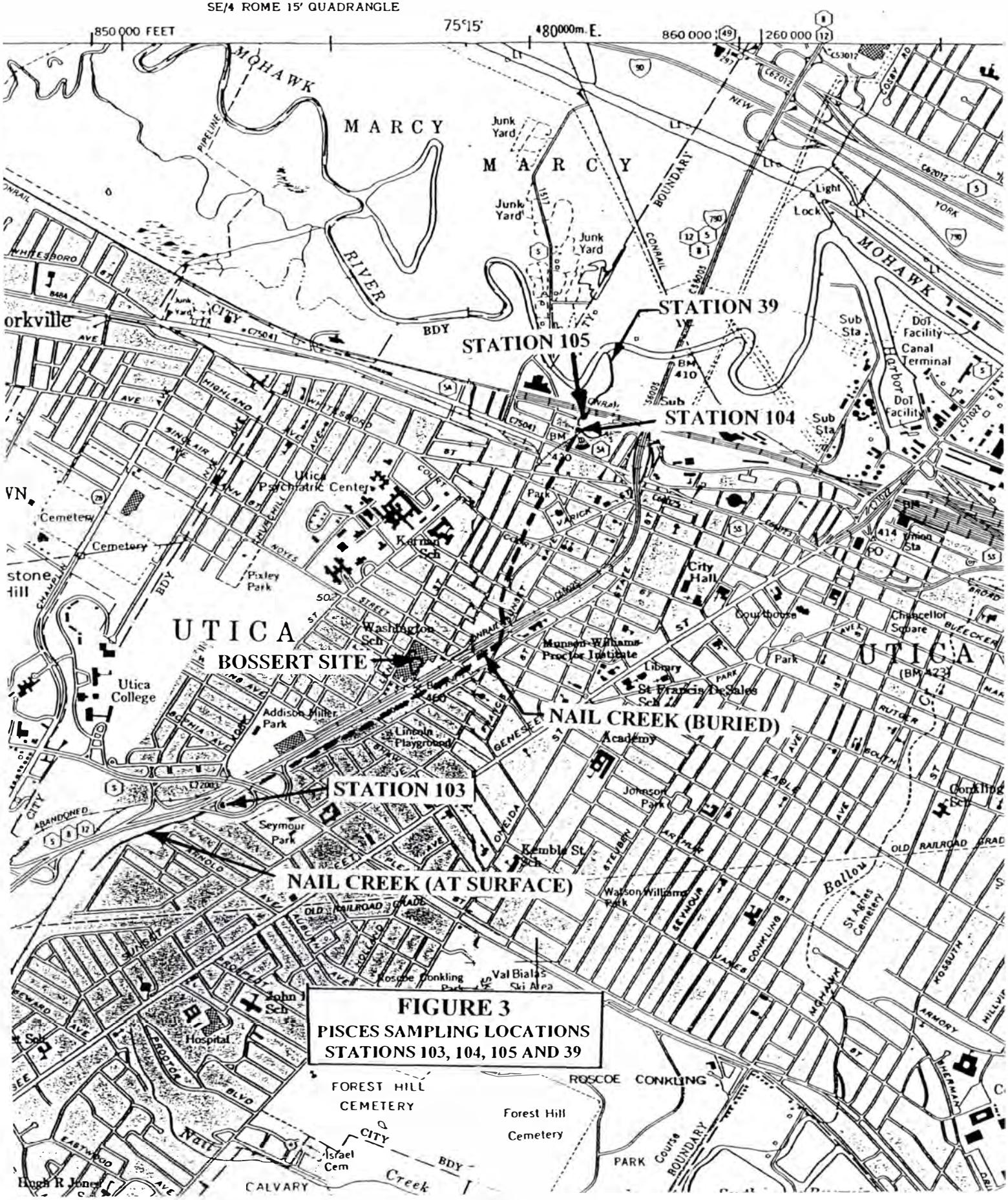

FIGURE 3
PISCES SAMPLING LOCATIONS
STATIONS 103, 104, 105 AND 39

APPENDIX A

Responsiveness Summary

RESPONSIVENESS SUMMARY

Former Bossert Manufacturing Facility
Proposed Remedial Action Plan
Operable Unit #2
City of Utica, Oneida County, New York
Site No. 6-33-029
March 2002

The Proposed Remedial Action Plan (PRAP) for the Former Bossert Manufacturing Facility, was prepared by the New York State Department of Environmental Conservation (NYSDEC) and issued to the local document repositories on February 13, 2002. This Plan outlined the preferred remedial measure proposed for the remediation of the contaminated surface and subsurface soil and manhole/catch basin sludge at the Former Bossert Manufacturing Facility. The preferred remedy is No Further Action with engineering and institutional controls in the form of deed restrictions.

The release of the PRAP was announced via a notice to the mailing list, informing the public of the PRAP's availability.

A public meeting was held on February 21, 2002 which included a presentation of the Site Soil Characterization (SC) and the Interim Remedial Measure (IRM) as well as a discussion of the proposed remedy. The meeting provided an opportunity for citizens to discuss their concerns, ask questions and comment on the proposed remedy. These comments have become part of the Administrative Record for this site. Written comments were received from the Mayor of the City of Utica. The public comment period for the PRAP ended on March 15, 2002.

This Responsiveness Summary responds to all questions and comments raised at the February 21, 2002 public meeting and to the written comments received from the City of Utica.

The following are the comments received at the public meeting, with the NYSDEC's responses:

COMMENT 1: Regarding the area that contains the crushed stone protective cover, can't the stone be removed and then remove the PCB contaminated soil under neath the stone?

RESPONSE 1: If the owner of the site wanted to remove the protective stone cover and any contaminated soil beneath the stone, the owner would first have to notify the Department and provide a Soil Excavation Plan as required in the proposed deed restrictions of the PRAP. Also, any anticipated disturbance of the protective stone cover during the demolition of the building would have to be addressed in the required Demolition Plan.

COMMENT 2: If a manufacturer wanted to construct a building on the Bossert property, how long until they could develop the site and what environmental aspects would be involved?

RESPONSE 2: The Record of Decision (ROD) for the Bossert site will be issued by the end of March 2002. The City of Utica will be required to meet the institutional controls outlined in the ROD. The time frame after the ROD is issued involves, in general, the time to sell the site to a developer, plan and demolish the Bossert building, obtain an approved Soil Excavation Plan for any site work and the time to complete all the typical site development requirements. The main environmental aspects involved include the proper handling and proper disposal of excavated site soils and building demolition materials. Related concerns are air quality (dust control), surface water quality (runoff) and construction noise levels.

COMMENT 3: What will the site be used for?

RESPONSE 3: The Bossert site will be restricted to industrial or commercial use. Use restrictions include limitations of certain land uses such as no playgrounds, daycare facilities, medical facilities, residential, nor recreational applications.

COMMENT 4: Will retail or manufacturing will be permitted?

RESPONSE 4: Yes, commercial and industrial uses will be permitted.

COMMENT 5: By leaving the site in the condition that it is now, how prohibitive is it for development?

RESPONSE 5: The Bossert property, in its current condition, is not prohibitive to development from the standpoint of the public health and the environment as long as the institutional controls are observed. One main development issue is the cost to properly dispose of the old Bossert building. The building is not hazardous waste and therefore the NYS Superfund Program can not pay for the removal of the building.

COMMENT 6: There are low level PCBs found on walls of the Bossert building. If the building is demolished, will that affect anybody?

RESPONSE 6: The demolition of the Bossert building is generally the same as the demolition of any other old industrial building. A health concern associated with any large building demolition is the generation of dust. To address this concern there are deed restrictions in the ROD which require a Demolition Plan to be submitted to the NYSDEC prior to any work. The plan would address engineering controls and real time air monitoring for dust control.

COMMENT 7: Will the NYSDOH monitor the air quality?

RESPONSE 7: No, the City of Utica is responsible for the air monitoring during any demolition at the Bossert Site. An independent third party, hired by the City would be involved to monitor the air quality.

COMMENT 8: Who's watching the air monitoring machines?

RESPONSE 8: One approach could be with the City of Utica demolishing the Bossert building. Then the City would provide and operate the air monitors but there would still be a third independent air monitor overseeing the City's air monitoring work.

COMMENT 9: Site is cleaned up enough to no longer be a hazardous waste site. But is the site ready for redevelopment? What are the added costs for redevelopment associated with this remediated hazardous waste site, such as the cost of air monitoring?

RESPONSE 9: The site is ready for redevelopment but there are additional concerns such as the removal of the Bossert building and off site disposal of any contaminated soil needed for site development. Generally, the costs are normal development costs, including demolition and related air monitoring. One exception is the off site disposal of contaminated soils. This cost depends on the developer's site plan and amount of contaminated soil that is removed to a permitted disposal facility.

COMMENT 10: What's the objective of Proposed Remedial Plan (PRAP)? Is it to make the Bossert site more marketable?

RESPONSE 10: As a component of the citizen participation plan, the objective of the PRAP is to identify the preferred remedy and to discuss the reasons for this preference with the public. The NYSDEC will select a final remedy for the site only after careful consideration of all comments received during the public comment period. This document is a summary of the information that can be found in greater detail in the draft Former Bossert Manufacturing Facility Subsurface Site Characterization Report, dated August 2000 available in the document repositories. The Bossert site was remediated to eliminate any significant threat to the public health and the environment. In doing so, it should make the property more marketable.

COMMENT 11: Who would take it?

RESPONSE 11: This is a question to ask the owner, the City of Utica.

RESPONSE BY THE CITY OF UTICA: City is addressing the incremental costs of demolition, basically tipping costs. The City believes it is a marketable site and anyone could develop it.

COMMENT 12: Would it be fair to say, that the costs are similar to redeveloping an old industrial site?

RESPONSE 12: Yes.

A letter dated March 12, 2002 was received from the Mayor of the City of Utica which included the following commentsa

COMMENT 13: The PRAP proposes *"No Further Action"* based on the several conditions that are to be imposed as permanent restrictions written into the deed for the property. Of the nine elements proposed, not all appear appropriate as deed restrictions. In particular, items 3, 5, and 9 appear to be actions necessary for general compliance with the remedy, but may not be deed restrictions. Furthermore, it is not clear whether item 1 is a one-time requirement applying to the City's transfer title, or in fact whether NYSDEC will require notification at all future transfers of title.

RESPONSE 13: The PRAP presents eight engineering/institutional controls as part of the No Further Action proposed remedy. All of the institutional controls/deed restrictions will be included on the Former Bossert Manufacturing Facility deed except for the following engineering controls:

a) Submission of a demolition debris management plan to the NYSDEC that will address the proper handling and disposal of the deteriorating Bossert buildings as a result of any development at the site,

b) Prior to any site development, submission of a soils management plan to the NYSDEC that will identify the proper management, characterization and disposal of soils in accordance with NYSDEC regulations and guidance,

c) Maintenance of the existing perimeter fence until the buildings are removed from the site,

d) Maintenance of the existing crushed stone protective cover in Area 24 will be required until such time that the contaminated soil under the protective cover is excavated and properly disposed off site at a

permitted facility and that the remaining soil meets the site clean up goals (SCGs). If at any time the soil in Area 24 does not meet the site clean up goals (SCGs), a protective cover is required with annual certification to NYSDEC that it is being maintained. Acceptable alternative protective cover possibilities, in addition to the current stone cover, are sidewalks, parking lots, building footprints, or other approved strategies that provide a barrier to contact with the remaining PCB contaminated subsurface soils.

These four requirements will be included in an executed Order on Consent or a modification of the existing Order on Consent with the City of Utica.

Item 1, the first deed restriction listed in the PRAP, requires notification to the NYSDEC prior to site development and change in ownership. This would be included in the Bossert deed and will require notification of all future transfers of title.

COMMENT 14: We also wish some clarification regarding the requirement to maintain a protective cover in Area 24. (item 6 in the PRAP) It is our understanding that the clean-up goal required that a physical barrier of 12-inches be provided where PCB's in the soil remain between 1 to 10 mg/kg. The PRAP states that the protective cover is to be maintained as a deed restriction. We wish that this be revised to include the option for grading/excavation of this area providing that the original clean-up goal be preserved. This would permit a future developer the option to remove any contaminated soil in Area 24 in a manner similar to elsewhere on the site.

RESPONSE 14: If the existing protective stone cover were removed as part of a site development plan, acceptable alternative protective cover possibilities are sidewalks, parking lots, building footprints, or other approved strategies that provide a barrier to contact with the remaining PCB contaminated subsurface soils. A deed restriction would require the owner to annually certify to the NYSDEC that the protective cover was maintained.

If the PCB contaminated soils under the existing protective stone cover were excavated such that the remaining soil meets the site clean up goals (SCGs), then no protective soil cover would be required and annual certification that the cover was maintained would not be required. Any excavated PCB contaminated soil from Area 24 above the site SCGs could not be used as grading material at other areas of the site. It would have to be disposed off site at an approved permitted facility.

The revised language for the deed restriction regarding the crushed stone protective cover would reada

"Maintenance of the existing crushed stone protective cover in Area 24 will be required until such time that the contaminated soil under the protective cover is excavated and properly disposed off site at a permitted facility and that the remaining soil meets the site clean up goals (SCGs).

If at any time the soil in Area 24 does not meet the site clean up goals (SCGs), a protective cover is required with annual certification to NYSDEC that it is being maintained. Acceptable alternative protective cover possibilities, in addition to the current stone cover, are sidewalks, parking lots, building footprints, or other approved strategies that provide a barrier to contact with the remaining PCB contaminated subsurface soils."

APPENDIX B

Administrative Record

Appendix B

Former Bossert Manufacturing Facility
City of Utica, Oneida County, New York
Site No. 6-33-029
March 2002

Administrative Record Index

The following documents are included in the Administrative Recorda

1. "Former Bossert Manufacturing Facility, Subsurface Site Characterization Report", State Superfund Project (Site No. 6-33-029) 1002 Oswego Street, Utica, New York prepared by NYSDEC, Bureau of Central Remedial Action, dated August 2000.

2.The Subsurface Site Characterization Report includes the Work Plan- prepared by NYSDEC, Bureau of Central Remedial Action on July 9, 1998 .

The Report also includesa

1.Site Specific Health & Safety Plan
2.Field Sampling Plan

3."Former Bossert Manufacturing Facility Proposed Remedial Action Plan", prepared by NYSDEC, dated February 2002.