

MEMORANDUM

TO: Edward O. Sullivan, Deputy Commissioner
FROM: Michael J. O'Toole, Jr., Director, Div. of Haz. Waste Remediation
SUBJECT: Conklin Dumps, Site No. 704013 - Modification to ROD

DATE: JAN 16 1992

Michael J. O'Toole Jr.

This is to inform you that Division staff have been working with the Town's consultant, Dunn Corporation, and the United States Environmental Protection Agency (USEPA) staff on evaluating consolidation of waste at the Conklin Dumps versus capping both the Upper and Lower Landfills in place as was proposed in the March 1991 ROD.

The modified action now proposed, consolidation of the Lower Landfill on the Upper Landfill, was originally presented as Alternative 6 in the January 1991 Feasibility Study (FS). Alternative 6 was screened out in the FS Report largely due to concern over Federal Land Disposal Restrictions (LDR's). However, since the Lower Landfill does not contain listed hazardous waste, we now realize that LDR's do not apply to this area of contamination (AOC). Only municipal solid waste was deposited at the Lower Landfill and, therefore, RCRA Subtitle C is not applicable to this AOC. The Lower Landfill is a heterogenous mixture of approximately 25,000 cubic meters of municipal refuse which may contain low concentrations of hazardous waste and, therefore, RCRA Subtitle C is not relevant and appropriate to this AOC.

Division staff recommend on-site consolidation since it has many advantages. After reviewing the site data, it now appears that an effective landfill cap and leachate collection system would be very difficult to implement at the Lower Landfill area, and capping the Lower Landfill in place would inevitably result in a significant impact on the adjacent designated wetlands. The concept of on-site consolidation has been considered by the Division of Fish and Wildlife, and they support consolidation versus capping the Lower Landfill in place. The New York State Department of Health (NYSDOH) has also reviewed the proposed change to the selected remedy, and the NYSDOH supports consolidation.

The March 1991 ROD also anticipated that leachate would be discharged to on-site sewer lines for treatment at the Binghamton-Johnson City Joint Sewage Treatment Plant, Option B. However, Option B now appears to be infeasible due to the Sewage Authority's reluctance to work with the Town of Conklin in pursuing the implementation of this option. Consolidation will result in the necessity to collect leachate at the Upper Landfill only, and will eliminate the need to convey leachate from the Upper Landfill to the Lower Landfill for treatment.

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The quantity of leachate collected will also be significantly less after consolidation, compared to the quantity of leachate that would be collected from both the Upper and Lower Landfills.

Division staff feel that consolidation significantly changes but does not fundamentally alter the remedy selected in the ROD with respect to scope, performance, or cost. Therefore, we anticipate that an Explanation of Significant Differences (ESD) will have to be prepared in accordance with CERCLA Section 117(c) in order to implement the modified remedy. We anticipate holding a public informational meeting once the ESD is prepared.

The alternative to preparing an ESD would be for the USEPA to issue a revised proposal plan and an amended ROD. ROD Appendix 5, the Responsiveness Summary, documents the fact that there has been very little public interest or concern with the remedial program at the Conklin Dumps Site. The time required to prepare and issue a revised proposal plan and amended ROD would seriously impede the remedial program schedule. The preparation and issuance of an ESD will allow remedial design to continue. The preparation and issuance of a revised proposed plan and amended ROD may result in the loss of a construction season, with remedial construction currently planned for May 1992. The loss of a construction season would mean another year of leachate being generated and discharged to surface waters and groundwater, and the Division can envision no real benefit to the public by preparing and issuing a revised Proposed Plan and amended ROD as opposed to the issuance of an ESD.

A comparative analysis of the selected remedy versus landfill consolidation has been prepared by the Town's consultant and has been submitted to USEPA for consideration along with the 30 percent Design Submittal. The cost of consolidation will be approximately 2 to 3 percent less than the cost of capping both the Upper and Lower Landfills in place. Division staff are hopeful that USEPA will concur with the proposed modification and will concur that it should be addressed by an ESD.

Please contact me if you would like to be briefed further on this matter.

BHD:mm

bcc: M. O'Toole (2)

C. Goddard

S. Hammond

R. Cozzy

B. Davidson

File on eDOCs ☒ Yes _____ No
Site Name Conklin
Site No. 704013
County Broome
Town Conklin
Foilable ☒ Yes _____ No
File Name 1992-01-16a mod to RoD
Scanned & eDOC _____