Department of Environmental Conservation

Division of Environmental Remediation

Record of Decision

Stauffer Management Company LLC (SMC) - Old Taylor Farm Site Town of Sennett, Cayuga County, New York Site Number 7-06-011

March 2005

New York State Department of Environmental Conservation

GEORGE E. PATAKI, *Governor* DENISE M. SHEEHAN, *Acting Commissioner*

DECLARATION STATEMENT - RECORD OF DECISION

SMC - Old Taylor Farm Inactive Hazardous Waste Disposal Site
Town of Sennett, Cayuga County, New York
Site No. 7-06-011

Statement of Purpose and Basis

The Record of Decision (ROD) presents the selected remedy for the SMC - Old Taylor Farm Site, a Class 2 inactive hazardous waste disposal site. The selected remedial program was chosen in accordance with the New York State Environmental Conservation Law and is not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan of March 8, 1990 (40CFR300), as amended.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (NYSDEC) for the SMC - Old Taylor Farm inactive hazardous waste disposal site and the public's 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 included 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 (IRM) identified in this ROD. The removal of contaminated soil from the site has significantly reduced the threat to public health and the environment. Therefore, a groundwater monitoring program will be implemented to monitor the effectiveness of previous remedial actions in preventing further contamination of the groundwater.

Description of Selected Remedy

Based on the results of the investigations at the site, the IRM that has been performed, and the evaluation presented here, the NYSDEC has selected No Further Action for soils at the site as the preferred alternative for the site. A groundwater monitoring program, including the continued operation, maintenance and monitoring of activated carbon residential water supply treatment systems, has also been implemented as part of the selected remedy to insure continued compliance with regulatory maximum contaminant levels (MCLs) and standards, guidance, and criteria (SCGs).

New York State Department of Health Acceptance

The New York State Department of Health (NYSDOH) concurs that the remedy selected for this site is 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.

MAR 29 2005

Date

Dale A. Desnoyers, Director
Division of Environmental Remediation

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RECORD OF DECISION

Stauffer Management Company LLC (SMC) - Old Taylor Farm Site
Town of Sennett, Cayuga County, New York
Site No. 7-06-011
March 2005

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 a remedy for the Stauffer Management Company LLC (SMC) - Old Taylor Farm Site (the site). As more fully described in Sections 3 and 5 of this document, Cowles Chemical Company (Cowles), a corporate predecessor to Stauffer Chemical Company, used an open foundation of an old house on the Old Taylor Farm property to dump chemical wastes from their Skaneateles Falls, New York, plant from 1962 until early 1966. This practice resulted in the disposal of hazardous wastes, including volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs) and toluic acid isomers. These wastes contaminated the soils at the site, and resulted in:

- A significant threat to human health associated with potential exposure to the impacted soils. The impacted soils also posed a potential risk to the private drinking water wells located near the site.

A test pit assessment investigation was voluntarily commenced by SMC in December 1998 to identify and delineate the source of contamination. The test pit investigation confirmed the presence of VOC, SVOC, and toluic acid isomer contamination in subsurface soil, which is consistent with the past manufacturing processes of Cowles. As a result, in January 1999, bottled water was supplied by SMC to four (4) Taylor Road residents located topographically downgradient of the site as a precautionary measure prior to initiation of interim remedial measures (IRMs).

Following completion of the test pit assessment investigation, certain actions known as IRMs, were undertaken at the SMC - Old Taylor Farm site in response to the potential threats identified above. An IRM is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before the undertaking or completion of a remedial investigation/feasibility study (RI/FS). Beginning in September 2000, the IRM undertaken at this site included the installation, maintenance and monitoring of three (3) Taylor Road activated carbon residential water supply treatment systems, provision of an off-site potable water supply to one (1) Taylor Road resident, and the excavation and off-site disposal of up to 10,000 cubic yards (CY) of contaminated soil from January 2001 through March 2001. The IRM also included a supplemental groundwater investigation and monitoring program to evaluate if the source soils had negatively impacted the groundwater aquifer(s) surrounding the site. The supplemental groundwater monitoring program was initiated in April 2004 to monitor overburden and bedrock groundwater quality in the vicinity of the site.

Based on the results of the investigations at the site, the successful outcome of the IRM that has been performed, and the evaluation presented here, the NYSDEC has selected No Further Action for soils at the site, continued groundwater monitoring to insure continued compliance with regulatory maximum contaminant levels (MCLs) and standards, guidance, and criteria (SCGs), the continued provision of potable water at residence T and the operation, maintenance and monitoring of three (3) activated carbon residential water supply treatment systems (at G, L, and M residences), and the continued provision of an off-site potable water supply to one (1) Taylor Road resident until at least April 2006 as the preferred alternative for the site. Once the groundwater monitoring program is satisfactorily completed, the NYSDEC and NYSDOH will evaluate reclassification of the site from a Class 2 on the New York Registry of Inactive Hazardous Waste Disposal Sites and determine whether continued action with respect to the residential water supplies is appropriate.

The basis for this selection is the NYSDEC's conclusion that No Further Action for soils will be protective of human health and the environment and that the IRM has met all SCGs. Overall protectiveness is achieved through meeting the remediation goals listed below. Since the source removal IRM met the SCGs for the impacted soils applicable to this site, there is no further remedial action required. There are limited exceedances of the groundwater SCGs, primarily in monitoring wells located near the former disposal area, thereby necessitating the requirement to monitor the groundwater aquifer to insure continued compliance with MCLs and SCGs, continued provision of potable water at one residence on Taylor Road, and the continued operation, maintenance and monitoring of three (3) Taylor Road activated carbon residential water supply treatment systems until at least April 2006.

The selected remedy, discussed in detail in Section 6, is intended to attain the remediation goals identified for this site. The remedy must conform with officially promulgated standards and criteria that are directly applicable, or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance as appropriate. Standards, criteria and guidance are hereafter called SCGs.

SECTION 2: SITE LOCATION AND DESCRIPTION

The site is located on Taylor Road in the Town of Sennett, Cayuga County (**Figures 1A and 1B**). The site is rural/agricultural and is surrounded by additional rural/residential or agricultural properties. The topography of the site is hilly with occasional rock outcrops. The site is situated approximately one mile west of the former Stauffer Chemical Company - Skaneateles Falls Site, #7-34-010, located on Jordan Road in the Town of Skaneateles, Onondaga County.

SECTION 3: SITE HISTORY

3.1: Operational/Disposal History

Cowles, a corporate predecessor to Stauffer Chemical Company, allegedly disposed certain wastes at the site from July 1962 until early 1966. Cowles merged with Stauffer Chemical Company in 1967. Cowles reportedly disposed and burned industrial wastes within a former house foundation at the site. Historic documents obtained from the Cowles files indicate that Cowles began disposing of waste at the site in approximately 1962 and ceased waste disposal activities around 1966. The documents also indicate that the wastes remaining in the foundation were burned around March 1966 and any visibly stained/contaminated

materials were subsequently removed and reportedly disposed by Cowles at a gravel pit, the location of which is unknown.

3.2: Remedial History

In April 1999, the NYSDEC listed the site as a Class 2 site in the Registry of Inactive Hazardous Waste Disposal Sites in New York. A Class 2 site is a site where hazardous waste presents a significant threat to the public health or the environment and action is required. Assessment of the site was performed in several phases. Private residential water supplies along Taylor Road were initially sampled by the Cayuga County Health Department (CCHD) in June 1998. A second round of private residential water supply sampling was undertaken by the NYSDEC and SMC in December 1998. In addition, at the request of the NYSDEC and NYSDOH, six (6) exploratory test pits were voluntarily excavated by SMC within and near the suspected, former disposal area in December 1998. The analytical results from the test pit assessment investigation confirmed the presence of VOC, SVOC, and toluic acid isomer contamination in subsurface soil within the former disposal area, which is consistent with the past manufacturing processes of Cowles.

Additional assessment activities were required under a Consent Order (legal agreement) executed on May 28, 1999, between the NYSDEC and SMC. The first phase of the assessment included the installation of 69 Geoprobe® points in overburden materials surrounding the former disposal area. Soil samples were collected at all installation locations in an effort to define the nature and extent of the former disposal area and "source area." Collection of overburden groundwater samples from those locations was also attempted. However, there was only sufficient water volume for groundwater sampling in 19 of the 69 borings drilled. The resulting soil and groundwater quality data indicated that the environmental impacts appeared to be isolated near the former disposal area and could readily be addressed by an IRM involving excavation and off-site disposal of an estimated 10,000 CY of impacted soils.

SECTION 4: 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. SMC has been identified by the NYSDEC as a Responsible Party for the site.

The NYSDEC and SMC entered into a Consent Order (Index #A7-0500-1103) on May 28, 1999. The Order obligated the responsible parties to implement an IRM. The Consent Order was amended on January 12, 2004, further obligating SMC to complete a supplemental groundwater investigation and monitoring program at the site. It is the NYSDEC's understanding that SMC, which also presently owns the former Stauffer Chemical Company - Skaneateles Falls facility, has agreed to indemnify the successor to Stauffer Chemical Company (Bayer CropScience, Inc.) with respect to certain environmental liabilities associated with the former site.

SECTION 5: SITE CONTAMINATION

An exploratory site investigation and an IRM Study have been conducted to evaluate alternatives for addressing the identified significant threats to human health and the environment.

5.1: Summary of the Site Investigation

The purpose of the exploratory investigation was to define the nature and extent of any contamination resulting from historic disposal activities at the site. The site investigation activities have been conducted by SMC since December 1998. The field activities and findings of the investigation are described in the February 1999 Test Pit Report and the March 2004 Final IRM Implementation Report.

The following activities were conducted by SMC:

- research of historical information;
- a survey and sampling of private water supplies in the area around the site;
- voluntary excavation of six (6) test pits within the suspected disposal area to confirm the presence of impacted soils;
- installation of 69 depth-discrete soil borings and the collection of 19 overburden groundwater samples. (**Figures 3A and 3B**); and
- installation of eight (8) subsurface borings for collection, analysis and characterization of soil samples, which were converted to monitoring wells for subsequent analysis of groundwater. (**Figure 2**).

To determine whether the soil and groundwater contain contamination at levels of concern, data from the investigation were compared to the following SCGs:

1. Groundwater, drinking water, and surface water SCGs are based on NYSDEC "Ambient Water Quality Standards and Guidance Values" and Part 5 of the New York State Sanitary Code.
2. Soil SCGs are based on the NYSDEC "Technical and Administrative Guidance Memorandum (TAGM) 4046; Determination of Soil Cleanup Objectives and Cleanup Levels."

Based on the analytical 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 referenced IRM report.

5.1.1: Site Geology and Hydrogeology

Across the site a sequence of interbedded limestone and dolostone bedrock is overlain by a discontinuous layer of glacial till. The glacial till is overlain by silt and loam (topsoil).

At the former disposal area, a limestone depression was found overlain by a thin glacial till layer. This till layer was found overlain by a clay unit, which was discovered to be overlain by a coarse-grained sand and gravel layer overlain by sandy fill and topsoil. The excavated overburden material within the former disposal area was backfilled with clean, imported clay.

Monitoring data gathered to date indicates that groundwater yields are highest in bedrock with flow occurring primarily through fractures, solution cavities and bedding planes. In the overburden at the site, groundwater only occurs during seasonally wet times of the year and following heavy precipitation events.

Surface water runoff generally flows according to the existing topography to the north towards Taylor Road (**Figure 4**).

5.1.2: Nature of Contamination

As described in the IRM and site-related reports, many soil and groundwater samples were collected by SMC and the NYSDEC to characterize the nature and extent of contamination. As summarized in Table 1, the primary categories of contaminants that exceed their SCGs are VOCs and SVOCs.

The VOCs of concern are primarily xylene isomers and the SVOCs of concern are primarily toluic acid isomers.

5.1.3: Extent of Contamination

This section describes the findings of the site investigation for all environmental media that were investigated.

Chemical concentrations are reported in parts per billion (ppb) for water and parts per million (ppm) for soil. For comparison purposes, where applicable, SCGs are provided for each medium. Table 1 summarizes the degree of contamination for the contaminants of concern in soil and groundwater, and compares the data with the SCGs for the site. The following are the environmental media which were investigated and a summary of the findings of the investigation.

Site assessment activities indicated that soil and groundwater impacts for total xylene, toluic acid isomers, bis (2-ethylhexyl) phthalate, and toluene above pertinent SCGs were encountered within and near to the former disposal area. The resulting assessment data served as the technical basis for the design and completion of a source removal IRM.

Subsurface Soil

Pre-excavation soil quality data is depicted on Figures 3A and 3B. The highest concentrations of contaminants within the subsurface, prior to excavation of source soils, existed within the suspected disposal area. Specifically, total xylene was detected at 3,054 ppm and total toluic acid was detected at 370 ppm.

The completed IRM included the excavation and off-site disposal of 13,269 tons of contaminated soil and backfilling of the excavation with clean, off-site soil consisting of clay and 13,066 tons of general fill material **(Figure 5)**. Post-excavation soil quality data, collected from the side walls and bottom of the excavation by SMC and the NYSDEC before backfilling supporting the effectiveness of the IRM, is also included in Table 1. As summarized, no site-specific constituents of concern were detected above pertinent SCGs in the fifty-four (54) confirmatory soil samples analyzed by SMC.

Groundwater

Groundwater samples were collected from temporary Geoprobe® wells, monitoring wells, four (4) residential water supplies located topographically downgradient of the site and one private water supply well located topographically upgradient of the site. Groundwater samples collected from the temporary Geoprobe® wells prior to the excavation of source soils indicated groundwater impacts existed near the former disposal area (see Table 1). Specifically, elevated levels of total xylene (51,350 ppb), total toluic acid isomers (388,200 ppb), and toluene (7,350 ppb) were detected.

The Consent Order was amended on January 12, 2004, requiring SMC to complete a supplemental groundwater investigation and monitoring program at the site. The supplemental tasks included the installation of four (4) overburden shallow bedrock and eight (8) deep bedrock monitoring wells; continuance of operation, maintenance and monitoring of three (3) Taylor Road residential activated carbon treatment units, continuance of the provision of potable water at one (1) Taylor Road residence, monitoring of one (1) Depot Road drinking water supply well, completion of quarterly groundwater sampling of on-site monitoring wells, completion of a slug test to further characterize the hydrogeologic properties of the overburden and bedrock water-bearing zones and preparation of pertinent assessment reports for submittal to the NYSDEC and NYSDOH. The majority of the investigative field work was initiated in March 2004 and was completed in April 2004. The supplemental groundwater monitoring program was initiated in April 2004 and continues. An additional deep bedrock well, MW-8D, was installed by SMC near the former disposal area in October 2004. Groundwater sampling of all monitoring wells most recently occurred in January 2005.

Groundwater samples collected from monitoring wells installed on the site over the past four (4) years indicated that site-specific SCGs were detected primarily in monitoring wells, MW-8, MW-8S and MW-8D, which are all located closest to the former disposal area. Specifically, the SCG for benzene was exceeded in 1 out of 113 samples at 1.4 ppb, the SCG for total xylene was exceeded in 3 out of 113 samples with 210 ppb as the highest concentration detected, and total toluic acid was exceeded in 1 out of 113 samples at 76 ppb. The SCG for bis (2-ethylhexyl) phthalate was exceeded in 18 of 113 samples (42 ppb was the highest concentration detected). The possible origin of this particular contaminant (e.g., lab contaminant, sampling contaminant, etc.) will continue to be monitored and evaluated during the supplemental groundwater monitoring program.

Residential Water Supplies

Residential water supply sampling was first initiated along Taylor Road in 1998 by the NYSDOH and the CCHD. As a precaution prior to initiation of IRM field activities, bottled water was supplied by SMC to four (4) Taylor road residents beginning in January 1999.

The IRM included the installation, operation and maintenance of activated carbon water treatment units at four (4) residences along Taylor Road **(residences G, L, M, and T as depicted on Figure 1B).** Installation of the drinking water treatment systems was initiated by SMC on September 6, 2000, as a preventive measure prior to IRM excavation activities. At the T residence numerous operational problems were encountered with the treatment system originating from the clogging and fouling of the filtration unit due to suspended sediments and vegetative debris within the influent water source (a pond in the back yard).

With approval from the owner of the T residence, SMC subsequently installed a 1500 gallon heated water tank with a supply sump to replace the existing water source at the T residence and to rectify the water supply problems. Potable water continues to be supplied by SMC on an as-needed basis (as determined and directed by the T residence). On February 15, 2001 the activated carbon water treatment system at the T residence was sampled for the final time because the T residence was now being supplied with potable water from a NYSDEC and NYSDOH approved off-site source.

Grab samples continue to be collected by SMC at the influent, effluent and between the activated carbon residential water supply treatment units at each of three (3) remaining Taylor Road residences since they were installed. In addition, one (1) residential water supply **(residence C on Figure 1B)**, located on Depot Road (also known as County Road 146 as shown on **Figure 1A**) to the south of the site, is also being monitored on a quarterly basis beginning in April 2004. Over 40 residential well sampling events have occurred from May 1998 to February 2005, with 467 samples taken and analyzed by SMC and the NYSDEC. The only constituent of concern that was detected at the influent sampling location on one (1) occasion above pertinent SCGs in the samples analyzed was bis (2-ethylhexyl) phthalate. Specifically, the SCG for bis (2-ethylhexyl) phthalate was exceeded in 1 out of 467 samples collected at 41 ppb in concentration.

Surface Water

Since 1998, thirty-five (35) surface water samples have been collected from a pond located at residence T. No Site related constituents of concern have ever been detected in any of the samples analyzed.

5.2: Interim Remedial Measures Implemented

An IRM is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before the undertaking or completion of an RI/FS.

Installation of the drinking water treatment systems was initiated by SMC on September 6, 2000. Field work for the IRM was initiated on January 15, 2001, and was completed on March 31, 2001. More specifically, that IRM included the installation, operation and maintenance of activated carbon water treatment units at four residences along Taylor Road and the installation/sampling of eight (8) monitoring wells completed within the upper fractured bedrock aquifer. At the T residence, SMC subsequently had to provide a source of potable water due to operational problems, not related to the site, encountered with the activated carbon water treatment unit installed.

The soil removal portion of the IRM included the excavation and off-site disposal of 13,269 tons (approximately 9,500 CY of contaminated soil at High Acres Landfill in the Town of Perinton, Monroe County, New York, along with the pumping, collection, and off-site treatment and disposal of 1,322,100 gallons of impacted excavation water at SMC's wastewater treatment plant located nearby at their former Stauffer Chemical Company - Skaneateles Falls, New York, facility. Other activities included post excavation confirmatory soil sampling, backfilling of the excavated area with an approved off-site source of clay and 13,066 tons of general off-site fill soil, followed by grading of topsoil and seeding of all disturbed areas. These activities are discussed in more detail in the March 24, 2004, Final IRM Implementation Report.

A supplemental groundwater monitoring program was initiated in April 2004 to monitor overburden and bedrock groundwater quality. As part of that program the following field activities were conducted:

1. installation of an additional 12 monitoring wells (4 overburden wells and 8 bedrock wells) to further characterize site geologic and hydrogeologic conditions (**Figure 2**);

2. completion of a hydrogeological slug test within selected monitoring wells to determine aquifer characteristics; and

3. monitoring of 19 monitoring wells, 3 residential water supplies on Taylor Road, and 1 residential water supply on Depot Road on a quarterly basis beginning in April 2004.

Groundwater sampling of all monitoring wells most recently occurred in January 2005 and is expected to continue until at least April 2006.

5.3: 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 describes the means by which an individual may be exposed to contaminants originating from a site. An exposure pathway has five (5) elements: [1] a contaminant source; [2] contaminant release and transport mechanisms; [3] a point of exposure; [4] a route of exposure; and [5] a receptor population.

The source of contamination is the location where contaminants were released to the environment (any waste disposal area or point of discharge). Contaminant release and transport mechanisms carry contaminants from the source to a point where people may be exposed. The exposure point is a location where actual or potential human contact with a contaminated medium may occur. The route of exposure is the manner in which a contaminant actually enters or contacts the body (e.g., ingestion, inhalation, or direct contact). The receptor population is the people who are, or may be, exposed to contaminants at a point of exposure.

An exposure pathway is complete when all five (5) elements of an exposure pathway exist. An exposure pathway is considered a potential pathway when one (1) or more of the elements currently does not exist, but could in the future. Potential pathways that existed prior to the IRM were direct contact with contaminated soil and the possible exposure of adjacent residents to contaminated drinking water. Through the source removal IRM and the installation of residential water supply treatment systems, the potential direct contact pathways were eliminated. Drinking water supplies of nearby residents with water supply treatment systems have been tested extensively before, during, and after the IRM and have not shown site-related contamination. With removal of impacted subsurface soil that served as a source of contaminants, the potential for future contamination has been greatly reduced. The site monitoring wells and nearby residential water supplies will continue to be monitored to assure continued consistency with SCGs.

5.4: Summary of Environmental Impacts

This section summarizes the existing and potential future environmental impacts presented by the site. Environmental impacts include existing and potential future exposure pathways to fish and wildlife receptors, as well as damage to natural resources such as aquifers and wetlands.

No environmental exposure pathways or ecological risks were identified subsequent to the completion of site investigative and remedial activities. Therefore, no environmental exposure pathway is complete and there is no present environmental risk.

SECTION 6: SUMMARY OF THE REMEDIAL GOALS AND SELECTED REMEDY

Goals for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375-1.10. The remedy must, at a minimum, eliminate or mitigate all significant threats to public health and/or the environment presented by the hazardous waste disposed at the site through the proper application of scientific and engineering principles.

Prior to the completion of the IRM described in Section 5.2, the remediation goals for this site were to eliminate or reduce to the extent practicable:

- exposures of persons at or around the site to VOCs and SVOCs in soil and groundwater;
- environmental exposures of flora or fauna to VOCs and SVOCs in soil and groundwater; and
- the release of contaminants from soil into groundwater that may create an exceedance of groundwater quality standards.

Further, the remediation goals for the site include attaining to the extent practicable:

- off-site groundwater quality standards;
- regulatory maximum contaminant levels (MCLs) from NYSDOH Subpart 5-1; and,
- site-specific cleanup objectives based on the NYSDEC " Technical and Administrative Guidance Memorandum (TAGM) 4046; Determination of Soil Cleanup Objectives and Cleanup Levels ", and as stipulated within the Consent Order identified within Section 4 and approved work plans.

The applicable soil and groundwater SCGs for VOCs and SVOCs are listed in Table 1. The NYSDEC believes that the IRM has accomplished these remediation goals for soils and groundwater provided that groundwater continues to be monitored and maintained in a manner consistent with the approved work plans to insure continued compliance with MCLs and SCGs.

The following elements of the already completed IRM have achieved the remediation goals and satisfy SCGs for the site:

1. installation, maintenance and monitoring of activated carbon residential water treatment systems at private residences along Taylor Road **(residences G, L, and M)** including the provision of potable water at one of those residences **(residence T)**;

2. installation and monitoring of 8 shallow bedrock monitoring wells;

3. excavation and off-site disposal of 13,269 tons of contaminated soil;

4. backfilling of the excavation with clean, off-site soil consisting of clay with 13,066 tons of general fill followed by grading and seeding of all disturbed areas; and

5. monitoring of 1 Depot Road drinking water supply **(residence C)** along with the installation and monitoring of an additional 12 monitoring wells (4 overburden wells and 8 bedrock wells) as part of the supplemental groundwater monitoring program to insure continued compliance with MCLs and SCGs.

Based on the results of the investigations at the site, the IRM that has been performed, and the evaluation presented here, the NYSDEC has selected No Further Action for soils at the site, continued groundwater monitoring to insure continued compliance with MCLs and SCGs, the continued provision of potable water at residence T and the operation, maintenance and monitoring of three (3) activated carbon residential water supply treatment systems (at G, L, and M residences) until at least April 2006 as the preferred alternative for the site. Once the groundwater monitoring program is satisfactorily completed, the NYSDEC and NYSDOH will evaluate reclassification of the site from a Class 2 on the New York Registry of Inactive Hazardous Waste Disposal Sites.

The basis for this selection is the NYSDEC's conclusion that No Further Action for soils will be protective of human health and the environment and that the IRM has met all SCGs. Overall protectiveness is achieved through meeting the remediation goals listed above.

Since the source removal IRM met the SCGs for the impacted soils applicable to this site, there is no further remedial action required. There are limited exceedances of the groundwater SCGs, primarily in monitoring wells located near the former disposal area, thereby necessitating the requirement to monitor the groundwater aquifer to insure continued compliance with MCLs and SCGs, continued provision of potable water at one residence on Taylor Road, and the continued operation, maintenance and monitoring of three (3) Taylor Road activated carbon residential water supply treatment systems .

SECTION 7: HIGHLIGHTS OF COMMUNITY PARTICIPATION

As part of the remedial investigation process, a number of Citizen Participation activities were undertaken 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:

- Repositories for documents pertaining to the site were established and maintained.
- A public contact list, which included nearby property owners, elected officials, local media and other interested parties, was established and updated by the NYSDEC on a regular basis.
- A total of five (5) project related fact sheets were released to the public. The fact sheets were released by the NYSDEC in September 2000, January 2001, June 2001, March 2004, and January 2005.
- A public meeting was held on February 17, 2005 to present and receive comment on the PRAP.
- A responsiveness summary (Appendix A) was prepared to address the comments received during the public comment period for the PRAP. The public comments received primarily reflected adjacent residents specific concerns that do not warrant a significant change to the January 2005 PRAP remedy. In general, the adjacent residents are dissatisfied that an RI/FS has not been conducted at the site, that public water is not being extended along Taylor Road, that the site may be reclassified to a Class 4, and that possible past human exposures can not be quantified.

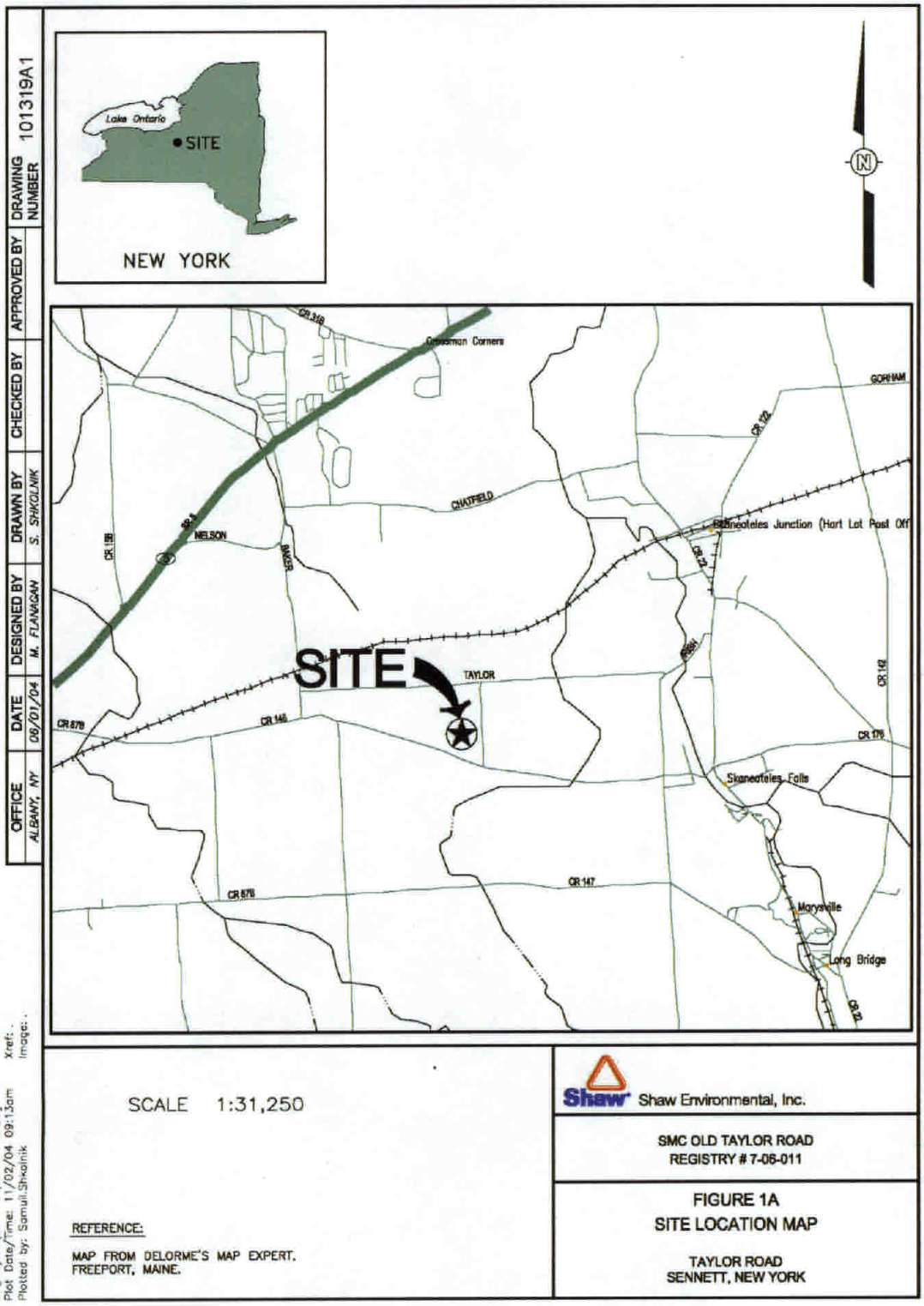
TABLE 1
SMC Old Taylor Farm
Nature and Extent of Contamination
Range of Sampling Dates: January 2001 - February 2005

CONFIRMATORY SOIL (Completion of Excavation)	Contaminants of Concern	Concentration Range Detected (ppm)	SCG[a] (ppm)	Frequency of Exceeding SCG
SVOCs	Bis(2-Ethylhexyl) Phthalate	{ND - 4.2}	6	0 of 54
	Di-N-Butyl Phthalate	{ND - 5U}	8.1	0 of 54
	Toluic Acid (Total)	{ND - 38.2}	50	0 of 54
VOCs	Contaminants of Concern	Concentration Range Detected (ppm)	SCG[a] (ppm)	Frequency of Exceeding SCG
	Ethylbenzene	{ND - 0.39J}	5.5	0 of 54
	Toluene	{ND - 0.18}	1.5	0 of 54
	Total Xylenes	{ND - 0.8}	1.2	0 of 54
GROUNDWATER MONITORING WELLS	**Contaminants of Concern**	**Concentration Range Detected (ppb)**	**SCG[b] (ppb)**	**Frequency of Exceeding SCG**
SVOCs	Bis(2-Ethylhexyl) Phthalate	{ND - 42}	5	18 of 113
	Di-N-Butyl Phthalate	{ND - 6.9}	50	1 of 113
	Naphthalene	{ND - 7.9}	10	0 of 113
	Toluic Acid (Total)	{ND - 76}	50	1 of 113
VOCs	Contaminants of Concern	Concentration Range Detected (ppb)	SCG[b] (ppb)	Frequency of Exceeding SCG
	Benzene	{ND - 1.4}	1	1 of 113
	Chloroform	{ND - 2.7}	7	0 of 113
	Total Xylenes	{ND - 210}	5	3 of 113
RESIDENTIAL WATER * SUPPLIES (9/00 - 2/05)	**Contaminants of Concern**	**Concentration Range Detected (ppb)**	**SCG[b] (ppb)**	**Frequency of Exceeding SCG**
SVOCs	Bis(2-Ethylhexyl) Phthalate	{ND - 41}	5	1 of 467
SURFACE WATER (10/00 thru 02/04)**	**Contaminants of Concern**	**Concentration Range Detected (ppb)**	**SCG[b] (ppb)**	**Frequency of Exceeding SCG**
SVOCs	ND	ND	NA	0 of 35
VOCs	ND	ND	NA	0 of 35
GEOPROBE GROUNDWATER	**Contaminants of Concern**	**Concentration Range Detected (ppb)**	**SCG[b] (ppb)**	**Frequency of Exceeding SCG**
SVOCs	Bis(2-Ethylhexyl) Phthalate	{ND - 53}	5	5 of 7
	Total Toluic	{ND - 388200}	50	1 of 7
	Contaminants of Concern	Concentration Range Detected (ppb)	SCG[b] (ppb)	Frequency of Exceeding SCG
VOCs	Toluene	{ND - 7350}	5	1 of 7
	Total Xylenes	{ND - 51350}	5	1 of 7
GEOPROBE SOIL	**Contaminants of Concern**	**Concentration Range Detected (ppb)**	**SCG[c] (ppm)**	**Frequency of Exceeding SCG**
SVOCs	Bis(2-Ethylhexyl) Phthalate	{ND - 34}	50	0 of 50
	Di-N-Butyl Phthalate	{ND - 3.9}	8.1	0 of 50
	Total Toluic	{ND - 370}	50	5 of 50
VOCs	Contaminants of Concern	Concentration Range Detected (ppb)	SCG[c] (ppm)	Frequency of Exceeding SCG
	Total Xylenes	{ND - 3054}	1.2	6 of 50
	Ethylbenzene	{ND - 15}	5.5	1 of 50

Notes:

SCG - Standards Guidance and Criteria
ND - Not Detected Above Laboratory Method Detection Limits
NA - Not Applicable
J - Quantitation is approximate due to limitations identified during the quality assurance review.
U - Compound was not detected at or above the associated quantitation limit or should be considered "not detected" because it was detected in an associated blank at a similar level
SCG[a] - Site Specific SCGs determined from TAGM 4046 Recommended Soil Cleanup Objectives and additionally by NYSDEC in March 16, 2001 Letter
SCG[b] - Taken from TOGS 1.1.1 except Toluic Acid which was determined by NYSDEC representatives
SCG[c] - Site Specific SCGs determined from TAGM 4046 Recommended Soil Cleanup Objectives except total toluic acid, which was determined by NYSDEC representatives.

* Results from influent sampling port locations only
** No Site related constituents of concern have been detected above SCGs in the thirty-five (35) SURFACE WATER samples analyzed.


Lake Ontario
SITE
NEW YORK
N
SITE
TAYLOR
NELSON
CHATFIELD
BAKER
Common Corners
GORHAM
Skaneateles Junction (Hart Lot Post Off
Skaneateles Falls
Marysville
Long Bridge
CR 318
CR 155
CR 1
CR 122
CR 21
CR 142
CR 176
CR 146
CR 147
CR 578
SCALE 1:31,250
REFERENCE:
MAP FROM DELORME'S MAP EXPERT.
FREEPORT, MAINE.
Shaw Environmental, Inc.
SMC OLD TAYLOR ROAD
REGISTRY # 7-06-011
FIGURE 1A
SITE LOCATION MAP
TAYLOR ROAD
SENNETT, NEW YORK
OFFICE ALBANY, NY
DATE 06/01/04
DESIGNED BY M. FLANAGAN
DRAWN BY S. SHKOLNIK
CHECKED BY
APPROVED BY
DRAWING NUMBER 101319A1
Xref: .
Image: .
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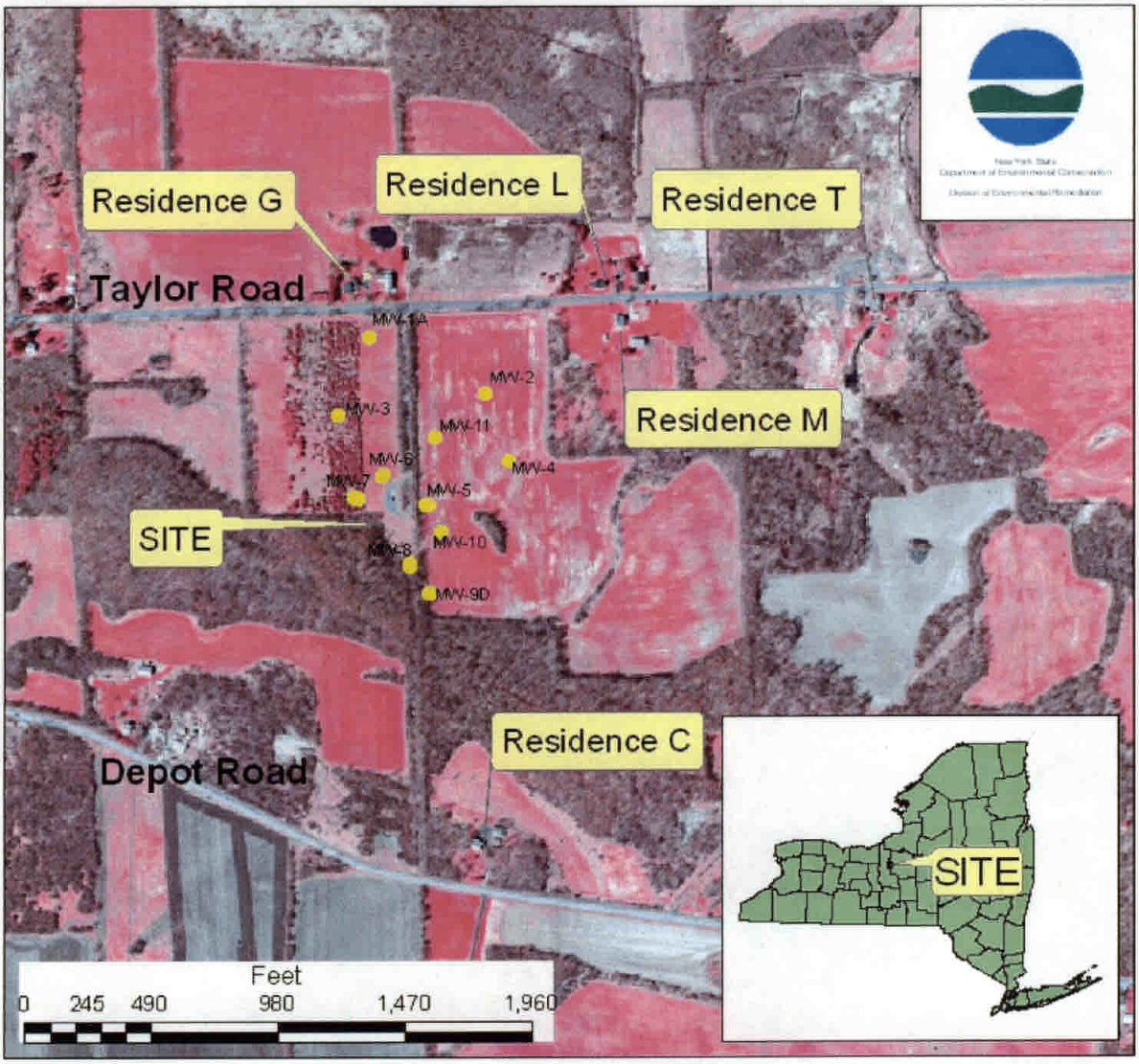
Plot Date/Time: 11/02/04 09:13am
Plotted by: Samuil.Shkolnik

Site Location Map



N
W E
S

North American Datum 1983
UTM Zone 18N

FIGURE 1-B

Legend
- Monitoring Wells

Old Taylor Farm Site

NYSDEC #07-06-011

Cayuga County

Town of Sennett

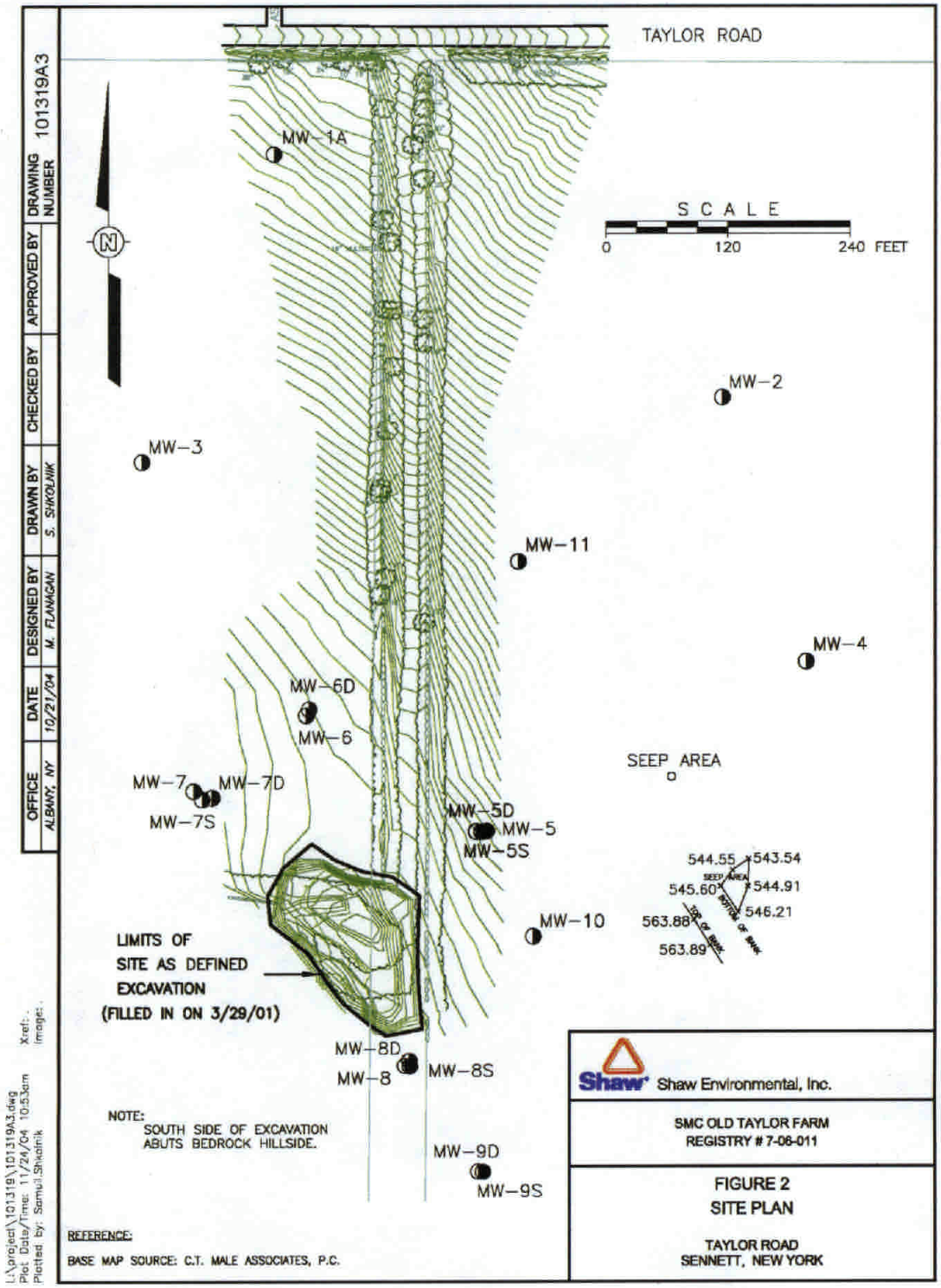
Map Details

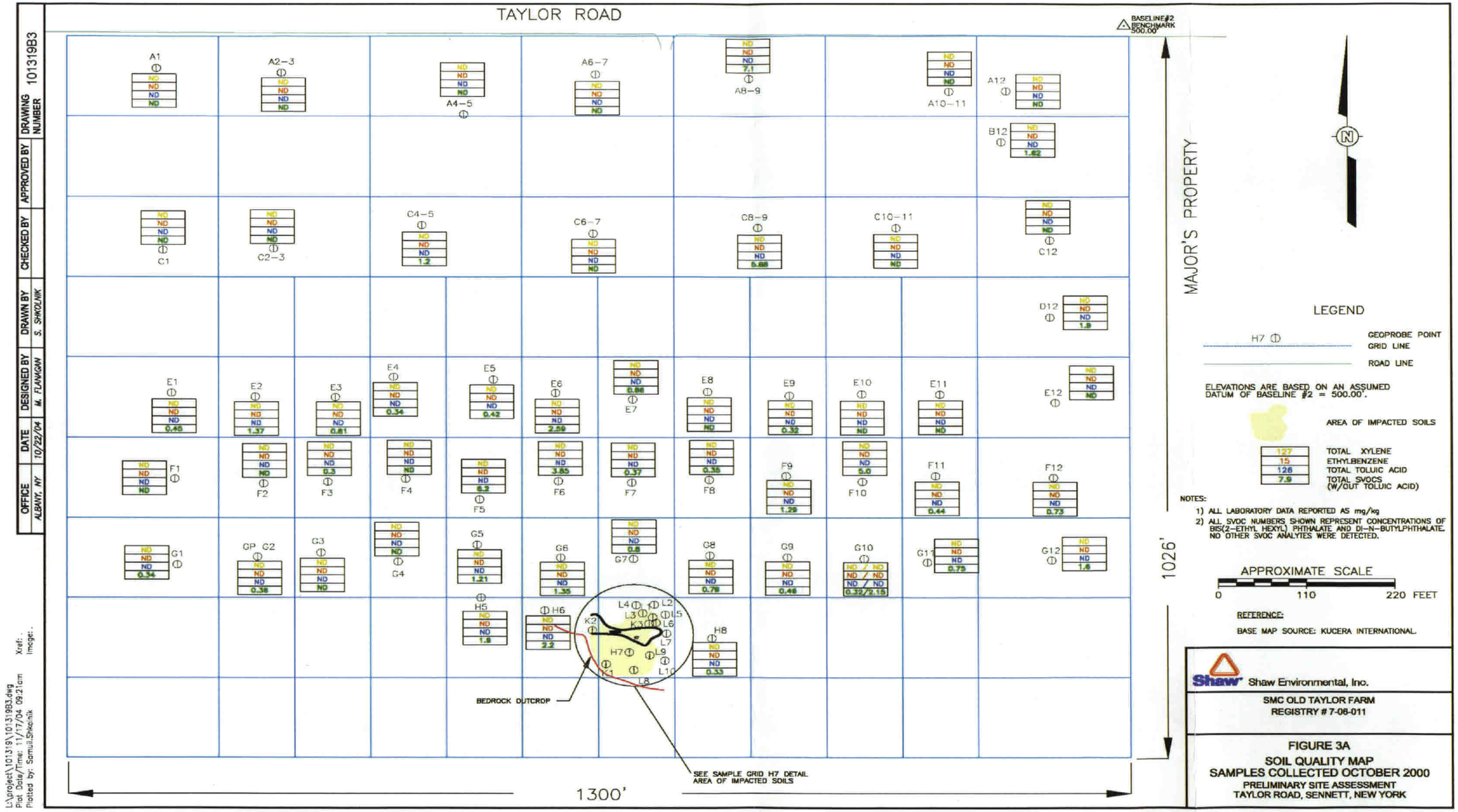
Created in ArcGIS 9.0

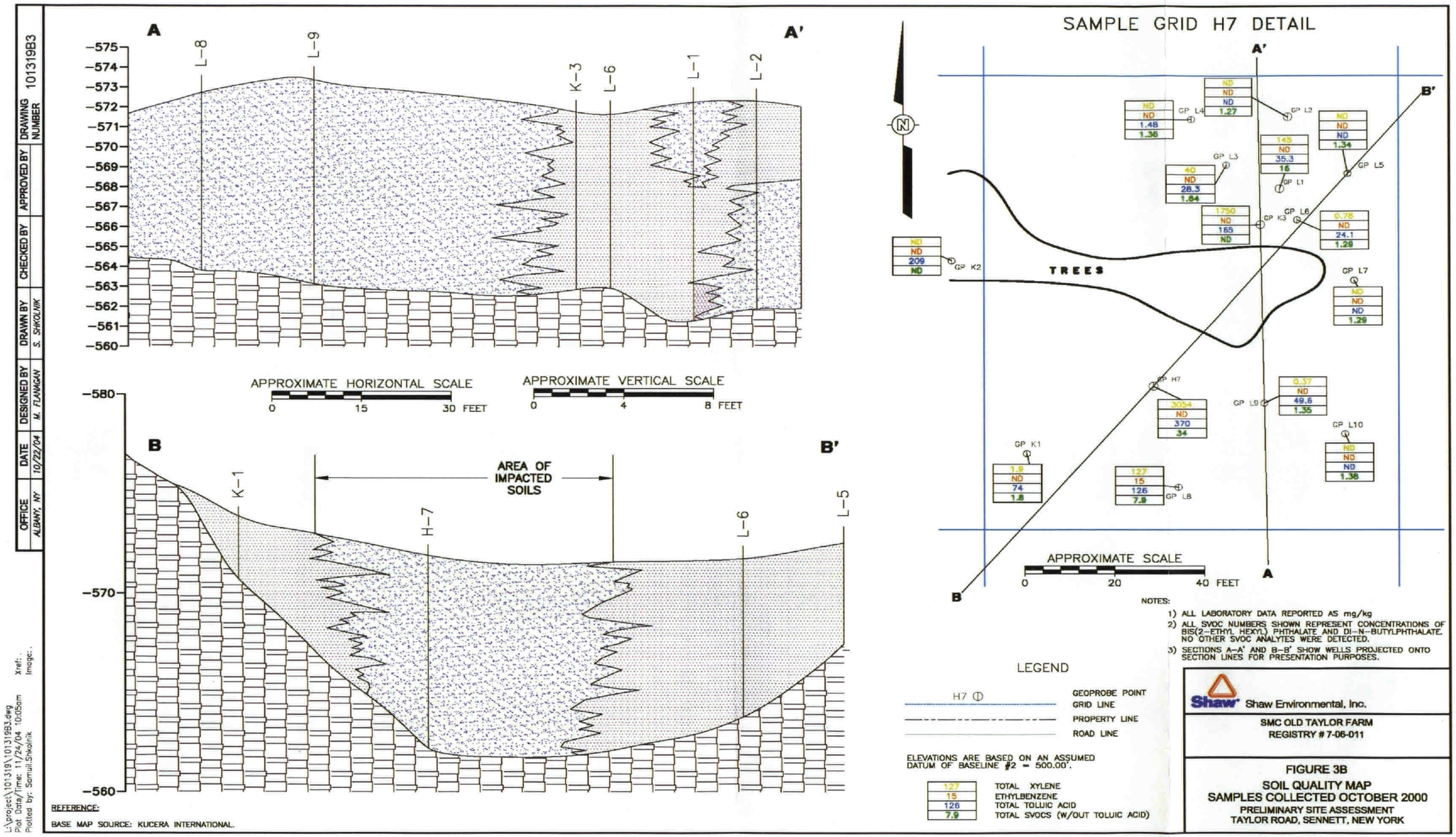
Date of Last Revision
3/11/2005

April 2003 Aerial Photography

UNAUTHORIZED DUPLICATION
IS A VIOLATION OF APPLICABLE LAWS


TAYLOR ROAD
MW-1A
SCALE
0
120
240 FEET
MW-2
MW-3
MW-11
MW-4
MW-6D
MW-6
SEEP AREA
MW-7
MW-7D
MW-7S
MW-5D
MW-5
MW-5S
544.55
543.54
SEEP AREA
545.60
544.91
546.21
563.88
TOP OF BANK
BOTTOM OF BANK
563.89
MW-10
LIMITS OF
SITE AS DEFINED
EXCAVATION
(FILLED IN ON 3/29/01)
MW-8D
MW-8
MW-8S
NOTE:
SOUTH SIDE OF EXCAVATION
ABUTS BEDROCK HILLSIDE.
MW-9D
MW-9S
REFERENCE:
BASE MAP SOURCE: C.T. MALE ASSOCIATES, P.C.
OFFICE
ALBANY, NY
DATE
10/21/04
DESIGNED BY
M. FLANAGAN
DRAWN BY
S. SHKOLNIK
CHECKED BY
APPROVED BY
DRAWING NUMBER
101319A3
L:\project\101319\101319A3.dwg
Plot Date/Time: 11/24/04 10:53am
Plotted by: Samuil.Shkolnik
Xref: :
Image: :
Shaw Environmental, Inc.
SMC OLD TAYLOR FARM
REGISTRY # 7-06-011
FIGURE 2
SITE PLAN
TAYLOR ROAD
SENNETT, NEW YORK


TAYLOR ROAD
BASELINE #2 BENCHMARK 500.00
MAJOR'S PROPERTY
1026'
1300'
A1
A2-3
A4-5
A6-7
A8-9
A10-11
A12
B12
C1
C2-3
C4-5
C6-7
C8-9
C10-11
C12
D12
E1
E2
E3
E4
E5
E6
E7
E8
E9
E10
E11
E12
F1
F2
F3
F4
F5
F6
F7
F8
F9
F10
F11
F12
G1
GP G2
G3
G4
G5
G6
G7
G8
G9
G10
G11
G12
H5
H6
H7
H8
BEDROCK OUTCROP
SEE SAMPLE GRID H7 DETAIL AREA OF IMPACTED SOILS
LEGEND
GEOPROBE POINT
GRID LINE
ROAD LINE
ELEVATIONS ARE BASED ON AN ASSUMED DATUM OF BASELINE #2 = 500.00'.
AREA OF IMPACTED SOILS
127 TOTAL XYLENE
15 ETHYLBENZENE
126 TOTAL TOLUIC ACID
7.9 TOTAL SVOCS (W/OUT TOLUIC ACID)
NOTES:
1) ALL LABORATORY DATA REPORTED AS mg/kg
2) ALL SVOC NUMBERS SHOWN REPRESENT CONCENTRATIONS OF BIS(2-ETHYL HEXYL) PHTHALATE AND DI-N-BUTYLPHTHALATE. NO OTHER SVOC ANALYTES WERE DETECTED.
APPROXIMATE SCALE
0 110 220 FEET
REFERENCE:
BASE MAP SOURCE: KUCERA INTERNATIONAL
Shaw Environmental, Inc.
SMC OLD TAYLOR FARM
REGISTRY # 7-08-011
FIGURE 3A
SOIL QUALITY MAP
SAMPLES COLLECTED OCTOBER 2000
PRELIMINARY SITE ASSESSMENT
TAYLOR ROAD, SENNETT, NEW YORK
DRAWING NUMBER 101319B3
APPROVED BY
CHECKED BY
DRAWN BY S. SHKOLNIK
DESIGNED BY M. FLANAGAN
DATE 10/22/04
OFFICE ALBANY, NY
L:\project\101319\101319B3.dwg
Plot Date/Time: 11/17/04 09:21:cm
Plotted by: Samuil.Shkolnik
Xref:
Image:



NOTES:

1) ALL LABORATORY DATA REPORTED AS mg/kg
2) ALL SVOC NUMBERS SHOWN REPRESENT CONCENTRATIONS OF BIS(2-ETHYL HEXYL) PHTHALATE AND DI-N-BUTYLPHTHALATE. NO OTHER SVOC ANALYTES WERE DETECTED.
3) SECTIONS A-A' AND B-B' SHOW WELLS PROJECTED ONTO SECTION LINES FOR PRESENTATION PURPOSES.

LEGEND

H7 ⊕ GEOPROBE POINT
GRID LINE
PROPERTY LINE
ROAD LINE

ELEVATIONS ARE BASED ON AN ASSUMED DATUM OF BASELINE #2 = 500.00'.

127	TOTAL XYLENE
15	ETHYLBENZENE
126	TOTAL TOLUIC ACID
7.9	TOTAL SVOCS (W/OUT TOLUIC ACID)

Shaw Shaw Environmental, Inc.

SMC OLD TAYLOR FARM
REGISTRY # 7-06-011

FIGURE 3B
SOIL QUALITY MAP
SAMPLES COLLECTED OCTOBER 2000
PRELIMINARY SITE ASSESSMENT
TAYLOR ROAD, SENNETT, NEW YORK

OFFICE	DATE	DESIGNED BY	DRAWN BY	CHECKED BY	APPROVED BY	DRAWING NUMBER
ALBANY, NY	10/22/04	M. FLANAGAN	S. SHKOLNIK			101319B3

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Plotted by: Samuil.Shkolnik
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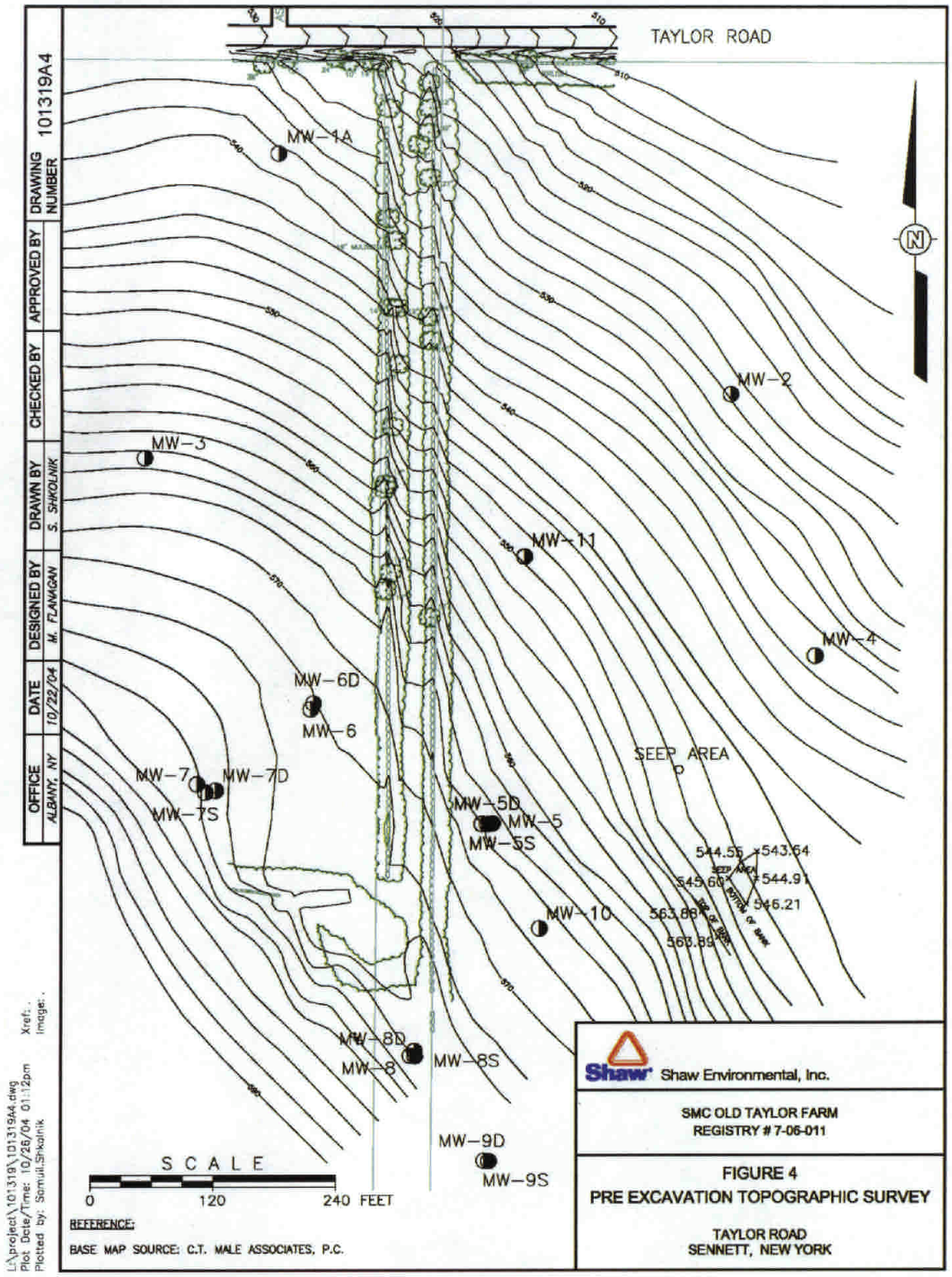
TAYLOR ROAD
MW-1A
MW-2
MW-3
MW-11
MW-4
MW-6D
MW-6
MW-7
MW-7D
MW-7S
SEEP AREA
MW-5D
MW-5
MW-5S
544.55
543.64
545.60
544.91
546.21
563.88
569.89
MW-10
MW-8D
MW-8
MW-8S
MW-9D
MW-9S
N
SCALE
0
120
240 FEET
REFERENCE:
BASE MAP SOURCE: C.T. MALE ASSOCIATES, P.C.
OFFICE
ALBANY, NY
DATE
10/22/04
DESIGNED BY
M. FLANAGAN
DRAWN BY
S. SHKOLNIK
CHECKED BY
APPROVED BY
DRAWING NUMBER
101319A4
Shaw Environmental, Inc.
SMC OLD TAYLOR FARM
REGISTRY # 7-06-011
FIGURE 4
PRE EXCAVATION TOPOGRAPHIC SURVEY
TAYLOR ROAD
SENNETT, NEW YORK
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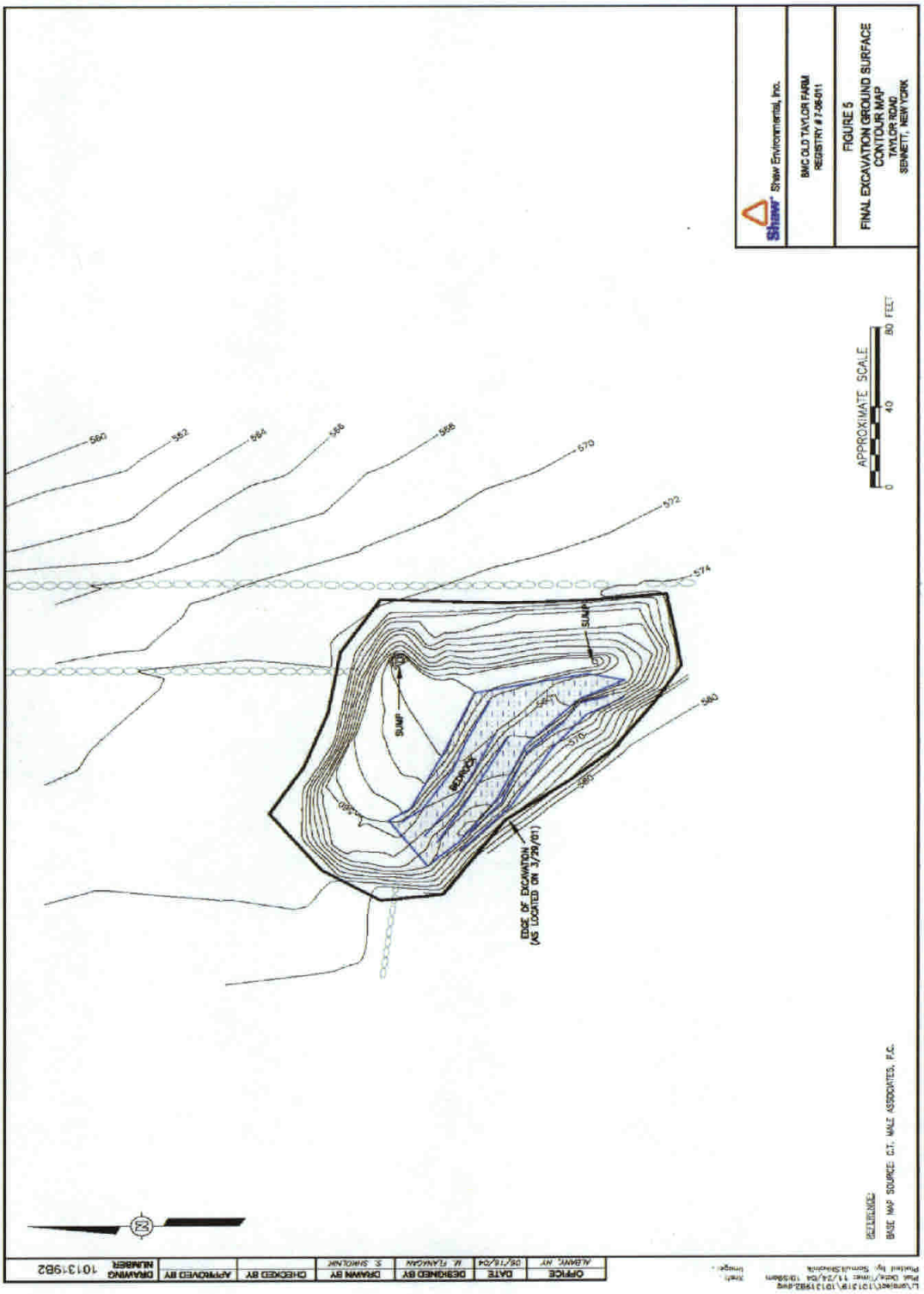
Plot Date/Time: 10/26/04 01:12pm
Plotted by: Samuil.Shkolnik
Xref: .
Image: .


Shaw Shaw Environmental, Inc.
BMC OLD TAYLOR FARM
REGISTRY # 7-06-011
FIGURE 5
FINAL EXCAVATION GROUND SURFACE
CONTOUR MAP
TAYLOR ROAD
BENNETT, NEW YORK
APPROXIMATE SCALE
0
40
80 FEET
560
562
564
566
568
570
572
574
580
SUMP
SUMP
EDGE
EDGE OF EXCAVATION
(AS LOCATED ON 3/29/01)
BASE MAP SOURCE: C.T. MALE ASSOCIATES, P.C.
OFFICE
ALBANY, NY
DATE
05/18/04
DESIGNED BY
M. FLANAGAN
DRAWN BY
S. SHELNUT
CHECKED BY
APPROVED BY
DRAWING NUMBER
101319B2

APPENDIX A

Responsiveness Summary

RESPONSIVENESS SUMMARY

Stauffer Management Company LLC (SMC) - Old Taylor Farm
Inactive Hazardous Waste Disposal Site
Town of Sennett, Cayuga County, New York
Site No. 7-06-011

The Proposed Remedial Action Plan (PRAP) for the Stauffer Management Company LLC (SMC) - OldTaylor Farm Site, was prepared by the New York State Department of Environmental Conservation (NYSDEC) in consultation with the New York State Department of Health (NYSDOH) and was issued to the document repositories on January 25, 2005. The PRAP outlined the remedial measure proposed for the contaminated soil at the SMC - Old Taylor Farm Site.

The release of the PRAP was announced by sending a notice to the public contact list, informing the public of the opportunity to comment on the proposed remedy.

A public meeting was held on February 17, 2005, which included a presentation of the Interim Remedial Measure 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. The public comment period for the PRAP ended on February 28, 2005.

This responsiveness summary responds to all questions and comments raised during the public comment period. The following are the comments received, with the NYSDEC's responses:

Mrs. Karen Green-Hoyt (owner of the site) read her comments and statements aloud at the February 17, 2005 public meeting from a prepared letter. The letter, dated February 17, 2005, was subsequently submitted and received by the NYSDEC on February 28, 2005 and included the following comments:

COMMENT 1: Mrs. Karen Green-Hoyt stated that she was not notified of the public meeting and only found out about it through The Citizen newspaper.

RESPONSE 1: Mrs. Karen Green-Hoyt was mailed a fact sheet along with the rest of the public contact list, including THE CITIZEN, on January 25, 2005. Copies of the January 2005 PRAP and the January 2005 Fact Sheet were sent out electronically and via certified mail by the NYSDEC to attorneys representing Mrs. Karen Green-Hoyt on January 25, 2005.

COMMENT 2: Mrs. Karen Green-Hoyt stated that the government has kept her, and the rest of the community, in the dark about the existence of contamination on her property.

RESPONSE 2: Representatives from both NYSDEC and NYSDOH have been in regular contact with Mrs. Karen Green-Hoyt and her attorneys since initiation of the project in 1998. Numerous letters have been written by the NYSDEC staff transmitting environmental data collected by the NYSDEC as part of the IRM conducted at the site. Moreover, multiple project fact sheets have been mailed to the project contact list, which includes Mrs. Karen Green-Hoyt, since September 2000 to the present.

COMMENT 3: Why is the NYSDEC and NYSDOH considering reclassification from Class 2 to Class 4?

RESPONSE 3: By definition, a Class 4 site is a site that is properly closed, but requires continued management. As stipulated within the January 2005 PRAP for the site, since the source removal IRM met the SCGs for the impacted soils applicable to this site, there is no further remedial action required. However, there are limited contravention of the groundwater SCGs thereby necessitating the requirement of continued monitoring of the groundwater aquifer and the operation, maintenance, and monitoring the residential water supplies.

COMMENT 4: Is the re-class decision finalized?

RESPONSE 4: Pursuant to the March 2005 ROD for the site, the NYSDEC and NYSDOH will evaluate site reclassification following satisfactory completion of the groundwater monitoring program by SMC.

COMMENT 5: Where did THE CITIZEN newspaper get its information for their article(s) dated February 17, 2005, regarding the site?

RESPONSE 5: The question should be directed to THE CITIZEN newspaper.

COMMENT 6: Who is responsible at the NYSDEC for the site re-classification decision?

RESPONSE 6: The Division of Environmental Remediation project manager is responsible for recommending and preparing the site reclassification package. The package undergoes review by various staff at the NYSDEC and NYSDOH prior to a decision.

COMMENT 7: Who is responsible at the NYSDOH for the site re-classification decision?

RESPONSE 7: The Division of Environmental Health Investigations has the responsibility for reviewing and approving NYSDEC proposed changes to inactive hazardous waste disposal site classifications.

COMMENT 8: Who will be responsible in the future for decisions regarding the site?

RESPONSE 8: See Responses 6 and 7 above.

COMMENT 9: Mrs. Karen Green-Hoyt states that despite her repeated efforts, she has been unable to contact officials in NYSDEC who can address her concerns.

RESPONSE 9: Mrs. Karen Green-Hoyt is represented by legal counsel that has indicated an intention to file suit against the State. Communications have necessarily been directed through them. The State has, and will continue to, evaluate concerns communicated by Mrs. Karen Green-Hoyt and her attorneys.

COMMENT 10: Define "significant threat."

RESPONSE 10: The definition of "significant threat" can be found in New York State's Regulations at 6 NYCRR Part 375, Subpart 1.4, page 7, dated May 1992, and amended January 1998.

COMMENT 11: Who at NYSDEC is responsible for Technical and Administrative Guidance Memorandums (TAGMs)?

RESPONSE 11: The Division of Environmental Remediation, Bureau of Program Management, Policy & Planning Section and the Bureau of Technical Support, Training and Technical Support Section are responsible for the administration of TAGMs.

COMMENT 12: Define "guidance."

RESPONSE 12: "Guidance" is a program policy, not officially promulgated, that is developed through the NYSDEC's policy system in effect at the time.

COMMENT 13: Who is responsible at the NYSDEC and NYSDOH for reviewing the public comments stemming from this meeting?

RESPONSE 13: Various staff of the NYSDEC - Division of Environmental Remediation, and the NYSDOH - Division of Environmental Health Investigations are responsible for reviewing the PRAP public comments .

COMMENT 14: Define "careful consideration."

RESPONSE 14: This is ordinarily used language, and should be interpreted as such.

COMMENT 15: Will the residents and public be notified of changes to the PRAP?

RESPONSE 15: Any changes to the PRAP based on public comment will be incorporated into the final ROD signed by the NYSDEC. Once the ROD is finalized an announcement will be made to the site-specific public contact list, and the ROD will be made available at the document repositories previously established for the project and identified within the January 2005 PRAP and past fact sheets.

COMMENT 16: How has the NYSDEC determined the flow direction of surface water runoff?

RESPONSE 16: Surface water flow direction at this site is primarily determined by topography. The flow direction at the site is generally towards the lower elevations of the ground surface, which are to the north in the direction of Taylor Road.

COMMENT 17: Total xylene was detected at 3,053 ppm, and toluic acid was detected at 370 ppm. The site cleanup limits are 1.2 ppm and 50 ppm, respectively. Has your analysis taken into account the fact that these are current levels?

RESPONSE 17: These are not current levels. These were pre-excavation levels. Soil samples collected from the excavation limits (including sidewalls and excavation bottom not excavated to bedrock) prior to backfilling confirmed the remaining soils met the site cleanup objectives. Concentrations of contaminants found at the site before and after soil excavation are summarized within Table 1 of the ROD.

COMMENT 18: How can the potential exposures prior to site cleanup "no longer pose a significant threat to human health"?

RESPONSE 18: Performance of the IRM including the excavation and removal of contaminated subsurface soils with analytical confirmation of the removal of such soils, has mitigated any potential human exposure and threats to the environment relevant to the remedy selection process. Potential exposures "prior to site cleanup" are not relevant to the remedy selection process. Once cleanup is completed, the site no longer poses a threat.

COMMENT 19: What (contamination) is primarily found in the groundwater monitoring wells?

RESPONSE 19: VOCs and SVOCs contaminants are being monitored within the groundwater. Contaminants of concern and concentrations detected to date are outlined within Table 1 of the ROD.

COMMENT 20: Are the NYSDEC and NYSDOH saying that the samples showing chemical concentrations above drinking water standards are considered "insignificant"?

RESPONSE 20: No. The PRAP and ROD for the site have been based on the data gathered at the site since 1998. Specifically, groundwater samples collected from monitoring wells installed on the site over the past four (4) years indicated that site specific contaminants were exceeded primarily in monitoring wells MW-8, MW-8S and MW-8D, which are all located closest to the former disposal area. During the latest round of groundwater sampling conducted in January 2005, no site specific contaminants of concern were detected above MCLs and SCGs. During previous sampling events, the SCG for benzene was exceeded in 1 out of 113 samples at 1.4 ppb, the SCG for total xylene was exceeded in 3 out of 113 samples with 210 ppb as the highest concentration detected, and total toluic acid was exceeded in 1 out of 113 samples at 76 ppb. The SCG for bis (2-ethylhexyl) phthalate was exceeded in 18 of 113 samples (42 ppb was the highest concentration detected). In addition, over 40 residential well sampling events have occurred from May 1998 to February 2005, with 467 samples collected. The only constituent of concern that was detected on limited occasions above pertinent SCGs in the influent samples analyzed was bis (2-ethylhexyl) phthalate. Specifically, the SCG for bis (2-ethylhexyl) phthalate was exceeded in 1 out of 467 samples collected at a level of 41 ppb. The possible origin of bis (2-ethylhexyl) phthalate (e.g., lab contaminant, sampling contaminant, etc.) will continue to be monitored during the supplemental groundwater monitoring program to insure continued compliance with MCLs and SCGs.

COMMENT 21: The final destination of excavated soils is unclear. Where was the excavated soil disposed of?

RESPONSE 21: All of the soils excavated during the SMC - Old Taylor Farm Site IRM were properly disposed of by SMC at the High Acres Landfill in the Town of Perinton, Monroe County. The facility is a permitted Part 360 landfill which can accept non-hazardous solid waste including waste that was generated during IRM activities at the site.

COMMENT 22: What about exposures resulting from the historical burning of the disposed chemicals on-site (burning by-products)?

RESPONSE 22: There has not been sufficient historic data provided to the State from the time of disposal for the State to evaluate or speculate as to the potential human exposures to chemicals burned at the site.

COMMENT 23: Have all exposure pathways been identified and addressed?

RESPONSE 23: Yes, based on the nature and extent of contamination defined during the IRM conducted at the site.

COMMENT 24: Why has the neighborhood been disregarded when it comes to health questions?

RESPONSE 24: The neighborhood has not been disregarded. Since 1998 and the initiation of investigations and monitoring of local water supplies at the site, there has been no documented human exposure.

COMMENT 25: There have been no soil determinations in areas other than what is determined to be "site-specific." Why has no testing been conducted in our areas of concern?

RESPONSE 25: No other specific areas of concern have been identified. Sampling data collected prior to, during, and after the completion of the IRM support the determination that no further action is required for site soils.

COMMENT 26: Explain the rush to reclassify the site.

RESPONSE 26: See Response 3 and 4 above.

COMMENT 27: What studies have been conducted regarding the long-term exposure to benzene, toluene, and xylene?

RESPONSE 27: Some studies have been conducted on these chemicals by the United States Environmental Protection Agency (USEPA), Agency for Toxic Substances and Disease Registry (ATSDR) and Occupational Safety and Health Administration (OSHA) on long-term exposure to these chemicals. See USEPA website, http://www.epa.gov/iris/ Integrated Risk Information System (IRIS).

Mr. Ted Smith (legal representation of Mrs. Karen Green-Hoyt) read his comments and statements aloud at the February 17, 2005 public meeting.

COMMENT 28: Has enough been done (by NYSDEC and the NYSDOH) to guarantee the site is cleaned up?

RESPONSE 28: The site has been properly and satisfactorily remediated with the best demonstrated available technology.

COMMENT 29: Has the work completed to date and the project management been consistent with NYSDEC standards?

RESPONSE 29: Yes, the remediation has followed NYSDEC protocols.

COMMENT 30: Ted Smith stated that he and his client feel the site isn't being treated the same as others in New York State.

RESPONSE 30: NYSDEC and NYSDOH have treated the site consistent with other sites in the state. Because no two sites are exactly the same, investigation and remediation of each individual site are not identical.

Mr. Mark Millspaugh (Sterling Environmental Engineering) read his comments and statements aloud at the February 17, 2005 public meeting from a prepared document. A letter, dated February 28, 2005 was subsequently submitted and received by the NYSDEC on February 28, 2005 and included the following comments:

COMMENT 31: The work completed to date at the site has not fully addressed the contamination present on-site.

RESPONSE 31: See response 28 above. Confirmatory samples collected prior to completion of contaminated soil excavation did confirm that site cleanup objectives were met. Residential water supply sampling have demonstrated that no site related contaminants have been detected in the residential drinking water supplies. A supplemental groundwater monitoring program is in progress.

COMMENT 32: The IRM(s) conducted to date have not achieved elimination or mitigation of contamination at the site.

RESPONSE 32: The IRM(s) conducted involved the excavation and removal of 10,000 cubic yards of soil from the former disposal area. Confirmatory samples collected from the sidewalls and bottom of the excavation provided verification of the mitigation of contamination at the site.

COMMENT 33: Why has an RI/FS not been completed, as required?

RESPONSE 33: The IRM investigation and its implementation at this site effectively served as a focused RI/FS process which identified the nature and extent of contamination at the site. The identified source area was subsequently and successfully removed from the site, and since there was

a supplemental groundwater investigation undertaken and a groundwater monitoring program in place, there is no need to conduct an RI/FS. Please refer to 6 NYCRR Section 375-1.11 for further guidance.

COMMENT 34: Why has the IRM been accepted as a final remedy, when the site has not been returned to pre-contamination conditions ?

RESPONSE 34: The goal of the program for a specific site is to restore that site to pre-disposal conditions, to the extent feasible and authorized by law. At a minimum, the remedy selected shall eliminate or mitigate all significant threats to the public health and to the environment presented by hazardous waste disposed at the site through the proper application of scientific and engineering principles. An IRM can be accepted as a final remedy if it meets the goals of the overall remediation and also is protective of human health and the environment. Completion of a RI/FS is not required by NYSDEC program guidance. The IRM implemented at this site met project specific cleanup objectives.

COMMENT 35: The IRM should not take the place of a full RI/FS.

RESPONSE 35: See Response 33 above.

COMMENT 36: The extent of contamination at the site is not well defined.

RESPONSE 36: The contamination at the site has been investigated and the limits of the former area of contaminated soils was defined with post excavation confirmatory sampling. Groundwater conditions are being monitored by the supplemental groundwater monitoring program.

COMMENT 37: At the February 17, 2005 public meeting, a NYSDEC official confirmed that an off-site sample purportedly collected from a water supply and provided to the Department was "pure xylene."

RESPONSE 37: We were advised that the sample originally came from the onsite disposal area and not a residential water supply. The NYSDEC official did state that a rocklike sample informally supplied to the NYSDEC by a resident was analyzed, and erroneously indicated during the February 17, 2005 PRAP public meeting that it was pure xylene. Within that sample acetone was found at 56 ppm, 2-butanone was found at 310 ppb, 4-methyl-2-pentanone at 78 ppb, toluene 42 ppb, 1,2,4-trichlorobenzene at 6 ppb, 1,2,3-trichlorobenzene at 9 ppb, and tentatively identified compounds totaling 1.8 ppb.

COMMENT 38: The site is characterized by unpredictable groundwater flow. Considering this, how can the groundwater contamination be considered "well defined"?

RESPONSE 38: The groundwater monitoring network surrounds the former disposal area. At this time, the site is being monitored by the supplemental groundwater program. To date, the program has not demonstrated an unpredictable groundwater flow. The data generated demonstrated ~~and~~ that the groundwater contamination has been successfully addressed by the source removal IRM.

COMMENT 39: How can the state be confident that groundwater contamination is adequately addressed considering passage of the 30-some years between disposal/dumping and investigation, and the unpredictable/rapid groundwater flow characteristics of the underlying bedrock?

RESPONSE 39: The in place groundwater monitoring program has demonstrated to date that groundwater quality has been stable which indicates that the IRM was successful.

COMMENT 40: Investigation to date has not proven the bedrock is free of contamination. If the contamination is in the bedrock, as proven by sampling results, where did it go?

RESPONSE 40: Residual groundwater contamination is being monitoring as part of the groundwater monitoring program. To date, the highest concentrations of site-specific contaminants have been found on limited occasions and in monitoring wells closest to the former disposal area. The latest round of sampling from those wells detected no contamination.

COMMENT 41: No off-site soil or groundwater investigations were conducted.

RESPONSE 41: This is incorrect. The IRM also included a supplemental groundwater investigation and monitoring program to evaluate if the source soils had negatively impacted the groundwater aquifer(s) surrounding the site. The supplemental groundwater monitoring program was initiated in April 2004 to monitor overburden and bedrock groundwater quality in the vicinity of the site and is currently ongoing. Over 35 surface water samples were also collected as part of the IRM. No site-related contaminants have been detected in those samples.

COMMENT 42: An RI/FS is needed to determine how contamination could be present in monitoring wells MW-8, MW-8S, and MW-8D, since these wells are presumed upgradient.

RESPONSE 42: These wells were installed at the former disposal area excavation limit boundaries. Additional monitoring wells have been installed as part of the supplemental groundwater monitoring program in January 2004. Those monitoring wells and a residential water supply well located topographically upgradient are currently being monitored as part of the ongoing groundwater monitoring program initiated at the site in April 2004.

COMMENT 43: Bis (2-ethylhexyl) phthalate is a known constituent of SMC's wastes and therefore cannot be dismissed as a laboratory artifact.

RESPONSE 43: As indicated by the January 2005 PRAP, the origin of this particular contaminant will be further evaluated during the ongoing supplemental groundwater monitoring program.

COMMENT 44: As directed by NYSDEC TAGM #4048, an RI/FS must be completed and the IRM must be part of the PRAP which results from the RI/FS. There is no getting around this established State policy.

RESPONSE 44: See Responses 33, 34, and 35 above.

COMMENT 45: The IRM fails to satisfy the NYSDEC's November 22, 2004 program policy concerning evaluating the potential for vapor intrusion at past, current, and future sites.

RESPONSE 45: The IRM was completed prior to November, 2004. However, the potential for vapor intrusion at this site has been evaluated and found not to be a concern.

COMMENT 46: The IRM included emergency water supply to four (4) households proximate to the site. Other residential supplies in the area could become contaminated.

RESPONSE 46: The treatment systems were installed by SMC as a precautionary measure, prior to the IRM excavation of the source area in September 2000. The four (4) residences were sampled prior to, during, and after the IRM and were shown not to be impacted. Other residential supply wells in the site vicinity were sampled and also found not to be impacted by site related contamination.

COMMENT 47: The NYSDEC determined that the potential for a radial groundwater flow pattern exists and additional work is needed to further evaluate the direction of bedrock flow.

RESPONSE 47: As required by the March 2005 ROD, groundwater quality and flow patterns will continue to be monitored.

COMMENT 48: Groundwater level data measured from October 2001 to January 2002 indicates that groundwater flow changed direction by 180 degrees and flowed towards the south. Contaminant migration in this direction may not have been detected.

RESPONSE 48: The groundwater levels are continually monitored and assessed. A private drinking water well located on Depot Road to the south of the site is monitored as part of that program. That well has not been impacted. SMC is required to submit a supplemental groundwater investigation and monitoring report to the NYSDEC and NYSDOH that will discuss and detail site groundwater flow patterns.

COMMENT 49: Eastward and southeastward groundwater flow is present in unmonitored areas on and off-site.

RESPONSE 49: The supplemental groundwater monitoring program has an adequate amount of wells surrounding the site to test for the site related chemicals of concern and also to be protective of the adjacent homeowner's water supplies. The groundwater monitoring program will continue on a quarterly basis until at least through April 2006.

COMMENT 50: Is the groundwater flow gradient upward or downward between the overburden and bedrock aquifers?

RESPONSE 50: Per Section 5.1.1 (Site Geology and Hydrogeology) of the ROD, " **Monitoring data gathered to date indicates that groundwater yields are highest in bedrock with flow occurring primarily through fractures, solution cavities and bedding planes. In the overburden at the site, groundwater only occurs during seasonally wet times of the year and**

following heavy precipitation events". The data associated with the bedrock flow gradient will be further reviewed in the supplemental monitoring report when submitted by SMC.

COMMENT 51: An overburden well has not been installed in the excavation area, as per NYSDEC.

RESPONSE 51: All monitoring wells were installed by SMC pursuant to approved work plans and NYSDEC approval.

COMMENT 52: Why were the Majors denied water testing?

RESPONSE 52: The Major's water supply pit was sampled at the same time as the other residential water supplies in the site vicinity, using the same laboratory and the same methods deemed appropriate to contamination found at the site. After no site related contaminants of concern were found in their water supply, the Majors requested further specialized analysis not customarily conducted by the State laboratory and more appropriately available through private initiative.

COMMENT 53: What was the green rock that came out of the Major's water supply pipeline?

RESPONSE 53: We were advised that the sample originally came from the onsite disposal area and not a residential water supply. Also see Response 37 above.

COMMENT 54: The site could be the subject of future residential development which would require the installation of new residential well(s) in the area. Absent a proper investigation of the site, the Town and NYSDEC will not be prepared to evaluate the suitability of future development.

RESPONSE 54: Existing groundwater data, residential drinking water supply data, and the ongoing groundwater monitoring program could be taken into account when evaluating the suitability of new residential wells in the area.

COMMENT 55: Based on the comments raised during the February 17, 2005 public meeting, there is no demonstration of community acceptance of the proposed remedy as outlined within the January 2005 PRAP.

RESPONSE 55: It is the NYSDEC's understanding that the majority of the comments received during the public meeting were primarily from residents currently in litigation with SMC. The Department remains neutral regarding the litigation. The Department is required to make its decisions based upon technical considerations.

COMMENT 56: The NYSDEC determined depth to bedrock from drilling logs suggest there is a bedrock trough near MW-6 and there is strong likelihood that eastward and southeastward groundwater flow is present in unmonitored areas on and off-site.

RESPONSE 56: The bedrock trough is being monitored through installation of MW-6 and MW-6D. No site related compounds have been detected within these wells since sampling was initiated in January 2001.

COMMENT 57: Photographs displayed at the February 17, 2005 public meeting depicted separate phase sheen on the water on the excavation floor. This water appeared to be in direct contact with bedrock. While water was being pumped from the excavation during soil removal, the introduction of highly contaminated water into the bedrock cannot be dismissed and requires further investigation.

RESPONSE 57: Groundwater in and around the excavation is being monitored as part of the ongoing groundwater monitoring program initiated at the site in April 2004. Groundwater around this area has not been determined to be highly contaminated. In fact, the latest round of groundwater sampling in the area did not detect any site-specific contaminants of concern.

Mrs. Victoria Ruwet Kelly, who has resided at 3856 Taylor Road with her husband since the summer of 2003, submitted a letter (dated February 22, 2005) which included the following comments:

COMMENT 58: When was the last time our private residential well was tested? By whom was it tested? And can we get the results of this most recent test?

RESPONSE 58: The specified private well was tested by the Cayuga County Health Department on October 10, 2000. The results showed no site-related chemicals of concern. A copy of those results have since been made available to you.

COMMENT 59: If we wanted our well tested now, at whose expense would this be? (As new owners and new to these issues we would like our well tested.)

RESPONSE 59: Well testing at this time would be the responsibility of the homeowner.

COMMENT 60: We believe that continued testing of all residential wells on Taylor Road should be part of the remedial action plan, especially those homes that are not far from the Old Taylor Farm site. Environments change continually and we would be foolish not to test the surrounding homes on a continuous basis.

RESPONSE 60: See response 49.

Mr. Timothy Major of 3988 Taylor Road submitted a letter dated February 23, 2005. A summary of the comments presented are as follows:

COMMENT 61: Is every chemical of concern (COC) that is detected added together to be above state standards? Is each chemical above the state standard an additional health risk?

RESPONSE 61: Each chemical detected in drinking water is individually compared to its' own standard. For those chemicals which do not have their own individual maximum contaminant levels, the class of the compound (for example, principal organic or unspecified organic contaminants) has a guideline to follow. A public water system would be in violation if the sum of these exceeded 100 ppb. NYS public drinking water standards are used as guidelines for private supplies. It is theoretically true that increasing the magnitude of exposure to any harmful substance would increase health risk.

COMMENT 62: Does the NYSDEC use statistical models to evaluate the overall effect of the cleanup at the site?

RESPONSE 62: No statistical models were used to evaluate the IRM cleanup of this site. Direct sampling of soil and groundwater is used to evaluate the cleanup.

COMMENT 63: The activated carbon treatment system in my cellar has three (3) sample valves and two (2) carbon tanks. Explain the reason for each sample valve and what is tested for at each one.

RESPONSE 63: Each valve is a sampling port used to evaluate the treatment system and indicate if it requires maintenance. The first port allows sampling of the untreated water coming into the system. The second port allows one to make sure the first activated carbon cannister is properly capturing and removing contaminants. The third port allows sampling of the final treated water available to the household. Should contaminants be detected at the second sampling port it is an early indication that the first activated carbon cannister is ready to be replaced. The second activated carbon cannister assures that contaminants which pass through the first cannister are captured in the second before they reach the household.

COMMENT 64: According to Sterling Environmental, monitoring at the Major residence water supply shows levels of bis (2-ethylhexyl) phthalate exceed the NYSDOH standards in March 2003 and May 2003 and that bis (2-ethylhexyl) phthalate is also observed in a significant number of soil samples. The answer supplied at the meeting was that it was lab contamination. A sample in 2001 also meets with the same fate.

RESPONSE 64: According to a review of the data there was no exceedances of bis (2-ethylhexyl) phthalate in March 2003, and bis (2-ethylhexyl) phthalate was not found within the untreated water coming into the activated carbon water treatment system. An exceedance of bis (2-ethylhexyl) phthalate was found slightly above the NYSDOH MCLs in May 2003 at the second sampling port in the mid point of the treatment system prior to the secondary treatment system. However, the effluent point (at the third sampling port and at the point of which of water is used for consumption or bathing) was non detect for bis (2-ethylhexyl) phthalate. The treatment system water sample referred to in 2001 occurred on March 15, 2001 and was slightly above the MCL (found at 41 ppb and above the 6 ppb MCL) in the influent point (first sampling port) of the system and was non-detect at the second and third sampling ports of the system. Therefore, the treatment system was effective and no exposure to this chemical was presented to the Major residence.

Bis (2-ethylhexyl) phthalate at the very low levels, that has been observed on occasion, has also been linked with laboratory contamination of sampling by the utilization of latex gloves or plastic tubing used in sampling. Confirmation soil samples collected at the completion of excavation activities before backfilling during the IRM showed that bis (2-ethylhexyl) phthalate was either non-detect or met the site cleanup goal.

COMMENT 65: There was water contamination found in Depot Road.

RESPONSE 65: There was no site related contamination found in samples taken by the NYSDOH or SMC from water supply wells tested as part of the SMC - Skaneateles Falls inactive hazardous waste site investigation. The site is located at 4512 Jordan Road. A water main was extended along Depot Road by SMC as an alternative to the continuous monitoring which would have been required throughout the long term remediation project for the SMC - Skaneateles Falls Site.

COMMENT 66: The attic stones (previously referred to as a "rocklike" sample within response #37) given by the Majors to Mrs. Karen Green-Hoyt who then transferred through to the NYSDEC for analysis were analyzed by the NYSDEC. It was stated at the meeting that it contained xylene.

RESPONSE 66: See Comment #37.

COMMENT 67: My wife (Mrs. Kathleen Major) contacted NYSDOH for extensive water testing recommended by Dr. Sawyer a toxicologist and was denied.

RESPONSE 67: See Response #52.

COMMENT 68: I would like to get public water.

RESPONSE 68: Groundwater data does not support the necessity to extend a water main along Taylor Road.

COMMENT 69: I strongly urge you not to reclassify this site from Class 2 to Class 4.

RESPONSE 69: The March 2005 ROD states that the NYSDEC and NYSDOH will evaluate reclassification of the site after satisfactory completion of the supplemental groundwater monitoring program by SMC.

A letter was submitted by Kathleen Major 3988 Taylor Road, dated February 20, 2005. A summary of her comments are presented as follows:

COMMENT 70: Depot Road was provided with water because there was contamination found in drinking water there.

RESPONSE 70: See Response #65.

COMMENT 71: The NYSDEC knew nothing of the site. I provided Karen Green with copies of my aunt's legal documents.

RESPONSE 71: Mrs. Karen Green-Hoyt approached the NYSDEC in 1998 about the site, and supplied the NYSDEC with background information concerning the Witczak well problems and the site disposal area.

COMMENT 72: Why did the NYSDOH turn down the testing I asked for?

RESPONSE 72: See Response # 52. The specifics of such testing are unknown by NYSDOH. The dug well was tested by NYSDOH, NYSDEC and SMC. Additionally, a treatment system has been installed on the Major residence and is currently operational and being monitored.

COMMENT 73: Why can't Taylor Road receive public water as was done at Depot Road?

RESPONSE 73: See Response #65. In comparison to the long term remediation work at the SMC - Skaneateles Falls Site, remediation of the SMC - Old Taylor Site was satisfactorily completed in a relatively short period of time.

A letter dated February 25, 2005 was submitted by Dawn Kendal and Mary Luziani (residents located on Taylor Road). A summary of their comments are summarized and presented as follows:

COMMENT 74: We would like to see continued monitoring of the drinking wells of the affected homes.

RESPONSE 74: The monitoring of the private drinking water wells will continue to be evaluated as part of the supplemental groundwater monitoring program until at least April 2006. However, untreated well water samples have not indicated the presence of contamination in water supplies along Taylor Road. Indefinite monitoring will not be required for water supplies that are not impacted.

COMMENT 75: We would like to see continued upkeep of the water systems in the affected homes.

RESPONSE 75: The water treatment systems will remain through the supplemental monitoring program that is ongoing and will be re-evaluated at its satisfactory conclusion.

COMMENT 76: We would like to see continued supplying of drinking water to the affected homes.

RESPONSE 76: The NYSDOH does not require bottled water as long as the activated carbon drinking water treatment systems continue to be operated, maintained and monitored as part of the ongoing groundwater monitoring program.

COMMENT 77: We would like to see all of the above (i.e., Comments 74-76) in lieu of installation of public drinking water to Taylor Road.

RESPONSE 77: The concerns stated in Comments 74-76 above have been addressed. There are no plans to extend a water main along Taylor Road as part of the remedy for the site.

A letter dated February 28, 2005 was submitted by Michael P. Kelly (attorney representing SMC). A summary of his comments are presented as follows:

COMMENT 78: There is no mention of the duration for the supplemental groundwater monitoring program being implemented at the site.

RESPONSE 78: The supplemental groundwater monitoring program will continue until all provisions of the Consent Order are satisfactorily completed by SMC. As a guidance, the approved Proposed Work Plan: Monitoring Well Installation, Development and Sampling, dated January 12, 2004 indicates that the program will continue to at least April 2006.

APPENDIX B

Administrative Record

Administrative Record

Stauffer Management Company LLC (SMC) - Old Taylor Farm
Inactive Hazardous Waste Disposal Site
Town of Sennett, Cayuga County, New York
Site No. 7-06-011

1. Proposed Remedial Action Plan for the SMC - Old Taylor Farm Site, dated January 2005 prepared by the NYSDEC.

2. Order on Consent, Index No. A7-0500-1103, between NYSDEC and the Stauffer Management Company LLC executed on May 28, 1999 and amended on January 12, 2004.

3. Taylor Road Sampling Program, dated February 19, 1999, prepared by The IT Group.

4. Preliminary Site Assessment Work Plan, dated March 18, 1999 and revised April 9, 1999, prepared by The IT Group.

5. Final Preliminary Site Assessment Report, dated January 2001, prepared by The IT Group.

6. IRM Work Plan, dated January 10, 2001, prepared by The IT Group.

7. Final IRM Implementation, dated September 13, 2002 and revised March 24, 2004, prepared by SHAW Environmental & Infrastructure, Inc.

8. Supplemental Soil Boring Program, dated October 2, 2003, prepared by The Shaw Group, Inc.

9. Proposed Work Plan: Monitoring Well Installation, Development and Sampling, dated January 12, 2004, and prepared by the Shaw Group, Inc.

10. Fact Sheet, dated September 26, 2000, prepared by the NYSDEC.

11. Fact Sheet, dated January 2001, prepared by the NYSDEC.

12. Fact Sheet, dated June 12, 2001, prepared by the NYSDEC.

13. Fact Sheet, dated March 2004, prepared by the NYSDEC.

14. Fact Sheet, dated January 2005, prepared by the NYSDEC.