

CORRECTIVE ACTION

Oswego Casting

Site No. 738033

The following represents the responses by the City of Oswego, as of January 31, 2020, to each of the numbered Paragraphs contained in the Schedule of Compliance issued by the New York State Department of Environmental Conservation for Site No. 738033 in accordance with the letter from NYSDEC Attorney Margaret A. Sheen, dated October 2, 2019.

Storage of drums and barrels

1. All drums have been placed on an impervious surface, namely the impervious cap. The storage area is fenced so as to prevent unauthorized access. Please see photos.
2. The drums that are located on the site will be transferred to barrels for proper closure and disposition. The barrels have been ordered and are scheduled for delivery on or about February 13, 2020. Upon receipt of the barrels, the DPW will transfer each open drum to a new storage barrel and label each barrel accordingly. Labels have been prepared and are ready to be affixed to the barrels. All existing closed drums and barrels are properly labeled with accurate content information. Please see photos.
3. The City has communicated with two (2) vendors seeking quotes for the proper disposition of the drums at the Site. Vestal Asphalt, Inc. and Safety-Kleen have been contacted by DPW staff. Vestal has indicated a willingness to transport the drums off the Site. This cannot be accomplished until the barrels referenced in Paragraph 2 above have been secured and the labels affixed to all barrels. Safety-Kleen has been contact to provide an estimate on clean-up of the Site once the drums and barrels are removed.
4. Spillage remediation requires warmer weather conditions to maximize the removal of spillage. Heating and scraping the spillage is the recommended technique according to Vestal Asphalt, however the air temperature should be above 40 degrees for a sustained period of time to maximize the amount of spillage to be removed, and to minimize damage to the surface of the capped area.
5. Photos will be submitted evidencing compliance with the required drum storage. Some photos of the work in progress are provided herein. Please see photos.

Storage tank on the capped area

6. Design drawings of the tank installation (as built), a description of the tank use, and an engineering evaluation of the tank loading on the cap are hereby submitted pursuant to the letter by the City Engineer, which is attached to and made a part of this response.
7. The tank is on an impervious surface (i.e. the cap) and the tank storage area is fenced to prevent unauthorized access. Please see photos.
8. The City will ensure that the storage tank will remain closed when not in active use. As evidenced by the photos referenced in Paragraph 7 above, the storage tank is secured and proper signage is in place.
9. Tank labeling has been completed. The tank was installed on or about October 30, 2018. It first went into service on December 11, 2018, and has been used exclusively for the containment of Asphalt Emulsion CRS-2. The tank weighs 18,000 lbs.
10. The City utilizes the contents within the storage tank for on-going projects. Accordingly, it is not practical and financially feasible to dispose of the tank's contents within 90 days of initial placement of the materials in the tank. The City requests consideration that the materials be disposed of in accordance with the product's expiration date.

Road millings surrounding the groundwater monitoring wells

11. All monitoring wells have been located and plotted on a map containing elevations. Millings have been cleared away from the monitoring wells (MW-1, MW-2, and MW-4). Please see photos.

Road millings placed on the capped area

12. The City is formulating a regrading plan to address the milling disposal area to eliminate ponding. However, additional time is requested. Regrading at this time, given the weather conditions and the materials to be removed, could result in a degradation of the pervious capped area. Regrading is anticipated to be completed by June 30, 2020.
13. The City will perform a survey, including elevations, of the area capped during remediation after the milling disposal area have been regarded in accordance with Paragraph 13 above.
14. Photos will be submitted within 10 days of completion of the work to be performed in Paragraphs 12 and 13 above.

Site Fencing and signage

15. The City is developing a fencing plan, together with appropriate signage. Discussions continue between staff of the NYSDEC and the City's DPW, including multiple email communications between Mr. Long and Mr. Rebeor since January 22, 2020. It is also noted that pursuant to a

NYSDEC Environmental Site Remediation Database Search for this Site, performed on June 20, 2012, “Although site access is not restricted by fencing, trespassing is not likely due to the active status of industrial activity on the site.” Moreover, the Notice of Records (March 1997 and 2000) do not mandate the installation of fencing on the Site. That stated, the City agrees to maintain fencing and will present a plan for ensuring public safety and preventing trespassing. Proper signage will be installed by February 7, 2020. Wording for the signage has been exchanged between Messrs. Long and Rebeor as recently as January 31, 2020.

Change of Use Notifications

16. The City is preparing an appropriate change of use notification for the change of ownership of the Site to the NYSDEC. Part of the challenge in finalizing this submittal is the fact that the City of Oswego inherited the Site through a tax foreclosure sale that was conducted by the County of Oswego in 2012. The Site’s prior owner, Great Lakes Veneer Corp, failed to pay real property taxes and the County foreclosed. The City obtained the property in 2012 and thereafter leased it to PCL Properties, LLC, with an option to purchase which never came to fruition. PCL Properties, and its principal, Jeffrey Holbrook, returned the Site to the City in 2018. At no time from 2012 to the present was a change of use or ownership transmitted to the NYSDEC according to a review of records maintained by the City. Counsel for the City and NYSDEC have exchanged communications and the proper forms have been communicated to the City for completion.
17. The City will similarly prepare and submit the appropriate change of use notifications to the NYSDEC. The change of use includes occupancy by the City’s DPW for the staging of equipment and materials used in the day-to-day and seasonal operations of the DPW. The Site is also used to place snow removed from the roadways of the City. The snow is placed outside the capped area and is disposed in a manner that allows it to naturally melt and follow the natural course of the land and elevations nearby. The snow is placed between MW-5 and MW-7 but does not interfere with those monitoring wells.

Copy to:

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END