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Department of Environmental Conservation

Division of Environmental Remediation

Record of Decision
Jasco-Sun Steel Treating, Inc. Site
Town of Perinton, Monroe County
Site Number 8-28-090

March 1998

New York State Department of Environmental Conservation
GEORGE E. PATAKI, *Governor* JOHN P. CAHILL, *Commissioner*

DECLARATION STATEMENT - RECORD OF DECISION

Jasco-Sun Steel Treating, Inc. Inactive Hazardous Waste Site Town of Perinton, Monroe County, New York Site No. 8-28-090

Statement of Purpose and Basis

The Record of Decision (ROD) presents the selected remedial action for the Jasco-Sun Steel Treating, Inc. inactive hazardous waste disposal site which was chosen in accordance with the New York State Environmental Conservation Law (ECL). The remedial program selected is not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan of March 8, 1990 (40CFR300).

This decision is based upon the Administrative Record of the New York State Department of Environmental Conservation (NYSDEC) for the Jasco-Sun Steel Treating, Inc. (Jasco site) Inactive Hazardous Waste Site and upon public input to the Proposed Remedial Action Plan (PRAP) presented by the NYSDEC. A bibliography 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 mitigated by a previously conducted interim remedial measure. The site does not present a current or potential threat to public health and the environment.

Description of Selected Remedy

Based upon the results of the Preliminary Site Assessment (PSA) at the Jasco site and the criteria identified for evaluation of alternatives, the NYSDEC has determined that no further action is required at this site, and it will be delisted from the Registry of Inactive Hazardous Waste Sites in New York State.

New York State Department of Health Acceptance

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

Declaration

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

3/23/98

Date



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

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RECORD OF DECISION
JASCO-SUN STEEL TREATING, INC. SITE
Town of Perinton, Monroe County, New York
Site No. 8-28-090
March 1998

SECTION 1: SITE LOCATION AND DESCRIPTION

Jasco-Sun Steel Treating, Inc. (Jasco-Sun) is a 2.3-acre site located in Monroe County near the eastern edge of the Village of Fairport on Turk Hill Road. The facility consists of one building which houses various heat treating operations and office spaces. Please refer to *Figure 1* for the general site location. The site is adjacent to a residential property to the north and a commercial property to the south. The nearest environmental receptor is Thomas Creek. Surface water run-off from the site flows to a drainage ditch adjacent to Turk Hill Road. Drainage from this ditch flows into a storm sewer which outfalls into Thomas Creek approximately 1500 feet downstream of the site. The area is served by a municipal water supply.

SECTION 2: SITE HISTORY

2.1: Operational/Disposal History

Jasco-Sun has been at its present location for approximately fifteen years. They heat treat a variety of ferrous and non-ferrous metals and alloys. Jasco-Sun uses a variety of heat treating methods including molten salt bath treatment, vacuum heat treatment, atmosphere/gas nitriding/ carbonizing, and induction hardening and straightening. Prior to Jasco-Sun's ownership of the property, the site was used for agricultural purposes.

Part of Jasco-Sun's heat treating operations utilize molten salt baths of barium chloride. These salt baths are contained in furnaces lined with high-temperature resistant bricks (refractory) which operate at temperatures exceeding 1,000° F. As part of their routine operations, these furnaces would be disassembled and relined with new refractory material every 12-18 months. The waste refractory material is heavily contaminated with barium and it is considered a hazardous waste. The furnace rebuilding and waste refractory storage area are located along the southwestern portion of the site. Please refer to *Figure 2*.

2.2: Remedial History

In 1990, an enforcement investigation was conducted at the site by NYSDEC. Several soil and process waste samples were taken during the execution of a criminal search warrant. Soil sample results ranged from 331 (parts per million) ppm to 27,300 ppm total barium. Process waste samples exceeded the toxicity characteristic leaching procedure (TCLP) limit of 100 milligrams per liter (mg/l) by more than 100 times. As a result of this investigation, the site was added to the Registry of Inactive Hazardous Waste Sites as a class 2a in September 1993. This classification means that hazardous waste disposal has been documented, but

sufficient data do not exist to determine whether the site poses a significant threat to public health or the environment.

SECTION 3: CURRENT STATUS

In response to a criminal enforcement investigation conducted from September 1990 to December 1994, a preliminary site assessment was conducted at the site from March 1994 to September 1995. An interim remedial measure (IRM) was completed at the site by Jasco in December 1996.

3.1: Summary of the Preliminary Site Assessment

In February 1994, Jasco-Sun signed a consent order to conduct a preliminary site assessment (PSA). The purpose of the PSA was to define the nature and extent of any contamination resulting from previous activities at the site, and to determine whether the site posed a significant threat to public health or the environment.

The PSA fieldwork was conducted between November 1994 and March 1995. The final PSA report was approved by the NYSDEC in September 1995. A report entitled Preliminary Site Assessment Report (9/95) has been prepared describing the field activities and findings of the PSA in detail. The PSA included the following activities:

- *Installation of soil borings and monitoring wells to collect and analyze soil and groundwater samples, and to determine the physical properties of soil and hydrogeologic conditions;*
- *Surface water and sediment sampling to assess the potential for off-site migration of site contaminants and evaluate potential environmental receptors; and*
- *Surface soil sampling to assess the potential for direct contact between people and on-site contaminants.*

To determine which media (soil, groundwater, etc.) contain contamination at levels of concern, the data were compared to environmental Standards, Criteria, and Guidance (SCGs). Groundwater, drinking water and surface water SCGs identified for the Jasco site were based on NYSDEC Ambient Water Quality Standards and Guidance Values and Part V of NYS Sanitary Code. NYSDEC Technical Administrative Guidance Memorandum (TAGM) 4046 soil cleanup guidelines for the protection of groundwater, background conditions, and risk-based remediation criteria were used to guide the development of SCGs for soil. The Division of Fish and Wildlife Technical Guidance for Screening Contaminated Sediments was used for developing criteria to evaluate sediments.

Based upon the results of the preliminary site assessment in comparison to the SCGs and potential public health and environmental exposure routes, certain areas and media of the site required remediation. These are summarized below. More complete information can be found in the PSA report available at the document repositories.

3.1.1 Nature of Contamination:

The PSA identified barium as the only contaminant of concern on-site. Barium is a naturally occurring metal. The toxicity of barium largely depends upon its form. As barium chloride, it is a very toxic compound; however, in the forms of barium sulfate and barium carbonate its toxicity is relatively low. The barium chloride salt used at Jasco is very soluble in water. When barium chloride is released to the environment, it will combine with naturally occurring sulfate and carbonate ions to form barium sulfate and barium carbonate respectively. These compounds have very low solubilities in water and tend to precipitate as a solid in soil. Therefore, the mobility of barium chloride in the environment depends upon the amount of naturally occurring sulfate and carbonate ions in water and soil and the amount of barium chloride released. Since the levels of barium in groundwater were below applicable standards, the concentrations of carbonate and sulfate ions were not monitored at the Jasco site.

3.1.2 Extent of Contamination

Barium contaminated soil was identified adjacent to the paved waste handling areas (see *Figure 2*) and the drainage ditch adjacent to Turk Hill Road. Barium was also detected in on-site wells above background concentrations but below the New York State groundwater standard. Based upon these results, the NYSDEC reclassified the site to a class 3 in March 1996. A class 3 site is defined as a site that does not pose a significant threat to public health or the environment.

Table 1 summarizes the extent of contamination for the contaminants of concern in soil and compares the data with the proposed cleanup levels (SCGs) for the Jasco-Sun site. The following are the media which were investigated and a summary of the findings of the investigation.

Soil

During the PSA a total of 69 soil samples were analyzed for site-specific metals (lead, chromium, and barium), total cyanide, and volatile organic compounds (VOCs). Barium concentrations in soil ranged from 23.9 ppm to 7,640 ppm. Background concentrations ranged from 28.6 ppm to 453 ppm with an average concentration of 102 ppm.

Sediments

During the PSA five sediment samples were taken from the drainage ditch adjacent to Turk Hill Road and the drainage ditch adjacent to the southern property line. These samples were analyzed for VOCs, site-specific metals and cyanide. The results identified total barium contamination ranging from 1130 ppm to 24,200 ppm. No background sediment samples could be obtained because the outfall to the ditch was a corrugated metal pipe with no accumulated sediment. Drainage at this outfall originates from Jasco-Sun's roof and parking lot drains and an upstream residential sub-division. All the barium detected in the ditch sediments was assumed to be from Jasco-Sun.

Groundwater

Three groundwater overburden monitoring wells were installed and sampled during the PSA. Samples were analyzed for total metals, cyanide, and VOCs. The depth to groundwater was approximately five feet below ground surface (bgs). The upper ten feet of overburden generally consisted of sand and gravel fill over silts. A dense till was encountered at the site approximately 12 feet bgs.

Groundwater sample results indicated that barium was the only contaminant of concern. The two downgradient monitoring wells located near the source area were impacted with barium above the background well concentration of 81 parts per billion (ppb) but below the New York State groundwater standard of 1,000 ppb and the drinking water standard of 2,000 ppb.

Surface Water

Five surface water samples were taken from the drainage ditch adjacent to Turk Hill Road and the ditch along the southern property line. Surface water samples were analyzed for VOCs, site-specific metals, and cyanide. Barium concentrations ranged from 152 ppb to 547 ppb, and the background concentration was 71 ppb. There are no applicable surface water quality criteria for barium in the drainage ditch or the receiving stream (Thomas Creek, class C); however, barium concentrations were below the class A surface water standard of 1,000 ppb.

3.2 Interim Remedial Measures:

Interim Remedial Measures (IRMs) are conducted at sites when a source of contamination or exposure pathway can be effectively addressed before completion of the RI/FS.

Jasco-Sun conducted an IRM at the site between October 1996 and November 1996. The IRM consisted of a soil and sediment removal. Soil cleanup to the TAGM 4046 level of 300 ppm total barium was impractical due to the proximity of the contaminated soils to the building. A health-based risk assessment was conducted and a cleanup level of 5,840 ppm was derived for barium. Further discussion of the risk assessment can be found in Appendix A of the IRM work plan. Approximately 170 tons of soil and sediment were removed from the site. The depth of the soil excavation averaged 2 feet but was up to four feet near the source. *Figure 2* identifies the areas of soil and sediment removal. Confirmatory soil sample results ranged from 61 ppm to 2050 ppm total barium. (Please refer to *Table 1*) Three additional confirmatory soil samples were analyzed for TCLP barium. These results were below the 100 mg/l limit. All excavated soils and sediments were sampled for TCLP barium and were below the 100 mg/l limit. All excavated soils and sediments were disposed of as non-hazardous waste in a permitted sanitary landfill. The excavation was backfilled and restored to original grade. In addition to the soil removal, groundwater monitoring was conducted for three quarterly periods after the IRM. Groundwater sample results showed an increase in total barium above the groundwater standard for two monitoring periods after the IRM. The final monitoring period under the IRM consent order showed contaminant levels had dropped below the groundwater standard. Please refer to *Table 2* for a summary of total barium in

groundwater. For more complete details, a report entitled Interim Remedial Measures Report (12/96) has been prepared and is available for review.

3.3 Summary of Human Exposure Pathways:

This section describes the types of human exposures that may be present to persons at or around the site. A more detailed discussion of the health risks can be found in Appendix A of the IRM work plan. A focused health-risk assessment was conducted at the site. It concluded that a cleanup goal of 5,840 ppm total barium in soil would be protective of human health. This cleanup goal was derived using the assumption of a child-only residential exposure scenario. The New York State Health Department accepted this cleanup goal as protective of human health.

During the IRM, on-site soils were remediated to levels below the child-only residential scenario. On-site groundwater is below the drinking water standard of 2,000 ppb. Based upon existing data, there are no complete exposure pathways, nor are there any potential future exposure pathways.

3.4 Summary of Environmental Exposure Pathways:

The nearest environmental receptor is Thomas Creek which is a class C stream. Surface water from the Jasco site enters a drainage ditch which receives storm water run-off from nearby residential and commercial properties. The storm sewer outfall into Thomas Creek is approximately 1,500 feet downstream of the Jasco-Sun site. Sample results from the storm sewer outfall on 10/23/93 did not reveal any site-related contaminants. There are no applicable standards for barium in class C surface water; however, the results of the PSA report indicated surface water contamination at the site boundary are below the class A standard of 1,000 ppb. There are no fish and wildlife sediment criteria for barium.

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.

The NYSDEC and Jasco-Sun Steel Treating, Inc. entered into a Consent Order in September 1996. The Order obligated Jasco-Sun to implement an interim remedial measure. Upon issuance of the record of decision, no further action will be required. The following is the chronological enforcement history of this site.

On September 11, 1990, a criminal search warrant was executed at the site. Based upon data obtained from this criminal investigation, the site was listed in the Registry as a class 2a in September 1993. In September 1994, Jasco pleaded guilty to two felony charges for reckless release of hazardous wastes, and its president pleaded guilty to two misdemeanor charges. Part of the criminal settlement ordered a preliminary site assessment (PSA) at the Jasco site. In March 1996, data from the PSA was used to reclassify the site to a 3. In September 1996, Jasco voluntarily signed a consent order to conduct an IRM at the Jasco site.

Orders on Consent

<u>Date</u>	<u>Index</u>	<u>Subject</u>
2/15/94	B8-0344-90-09	PSA
9/96	B8-0344-90-09	IRM

SECTION 5: SUMMARY OF THE REMEDIAL GOALS AND SELECTED ACTION

The selected remedy for any site should, at a minimum, eliminate or mitigate all significant threats to the public health or the environment presented by the hazardous waste present at the site. The State believes that the remediation now in place, which is described in section 3.2, accomplishes this objective.

On January 6, 1998, a public meeting was held to discuss the remedial activities at the Jasco site. In general the public comments received were supportive of the selected remedy. Several comments were received pertaining to facility operations, air pollution, and noise. These issues did not pertain to the remedy selection process; however, these concerns are addressed in the responsiveness summary in Appendix A.

Based upon the results in the IRM Completion Report, the NYSDEC has selected *no further action* as the preferred remedial alternative for the site. The Department will also delist the site from the New York State Registry of Inactive Hazardous Waste Disposal Sites.

SECTION 6: HIGHLIGHTS OF COMMUNITY PARTICIPATION

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

- A repository for documents pertaining to the site was established.
- A site mailing list was established which included nearby property owners, local political officials local media and other interested parties.
- 9/96 - A fact sheet announcement for the start of the IRM fieldwork was distributed to individuals on the site mailing list.
- 12/97 - A public meeting announcement was distributed to individuals on the mailing list.
- 1/6/98 - Public meeting was held to discuss the PRAP.

- 2/98 - A responsiveness summary was prepared and made available to the public, to address the comments received during the public comment period for the PRAP.

**Table 1
Nature and Extent of Contamination**

MEDIA	CLASS	CONTAMINANT OF CONCERN	CONCENTRATION RANGE (ppm)	FREQUENCY of EXCEEDING SCGs	SCG (ppm)
Groundwater	Metals	Barium	0.16 to 1.7	2 of 15	1.0
Soil Pre-IRM	Metals	Barium	23.9 to 7,640	3 of 69	5,840*
Soil Post-IRM			61 to 2,050	0 of 7	
Surface Water	Metals	Barium	.066 to .547	0 of 4	NS
Sediment ** Pre-IRM	Metals	Barium	1,130 to 24,200	3 of 5	5,840*
Sediment ** Post-IRM			346 to 1,850	0 of 7	

* Health-Risk assessment cleanup goal for residential child-only scenario

** No Fish and Wildlife sediment criteria listed in Technical Guidance for Screening Contaminated Sediments (11/22/93)

NS - No surface water standard for class of surface water. Class A surface water standard is 1.0 ppm

**Table 2
Total Barium Concentrations in Groundwater**

Sampling Date	Total Barium Concentration (µg/L)		
	MW1-94	MW2-95	MW3-95
November 1, 1994	298	NS	NS
March 1, 1995	243	596	81
March 1, 1995 (NYSDEC)	231	569	71
September 27, 1996	221	706	NS
Post-IRM Sampling Events			
December 13, 1996	216	1700	NS
March 18, 1997	207	1040	NS
June 17, 1997	167	885	NS
June 17, 1997 (NYSDEC)	160	762	NS

NS - No Sample

Shaded boxes exceed Part 703 groundwater standard of 1,000 ppb

**Figure 1
Site Location Map**

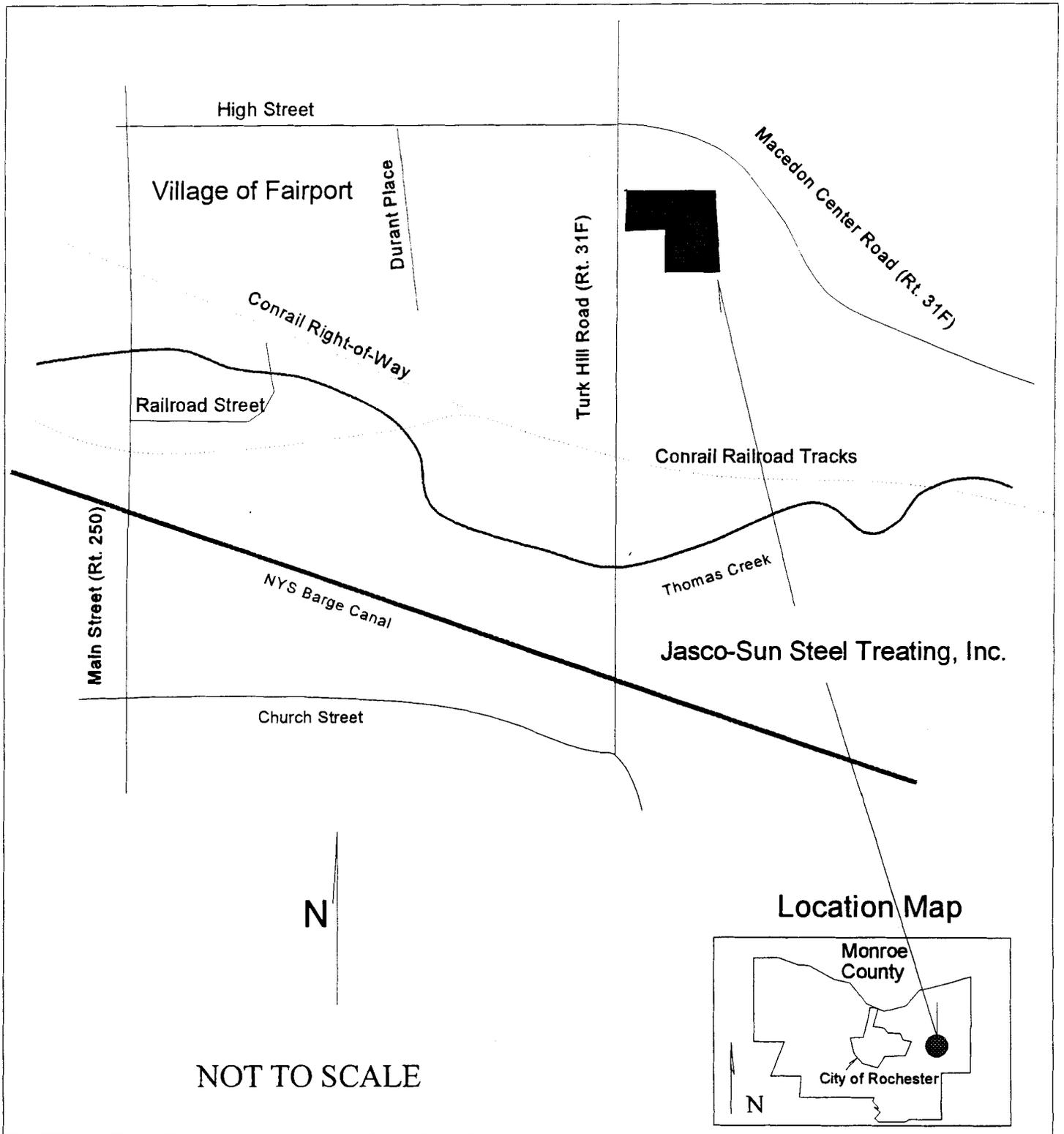
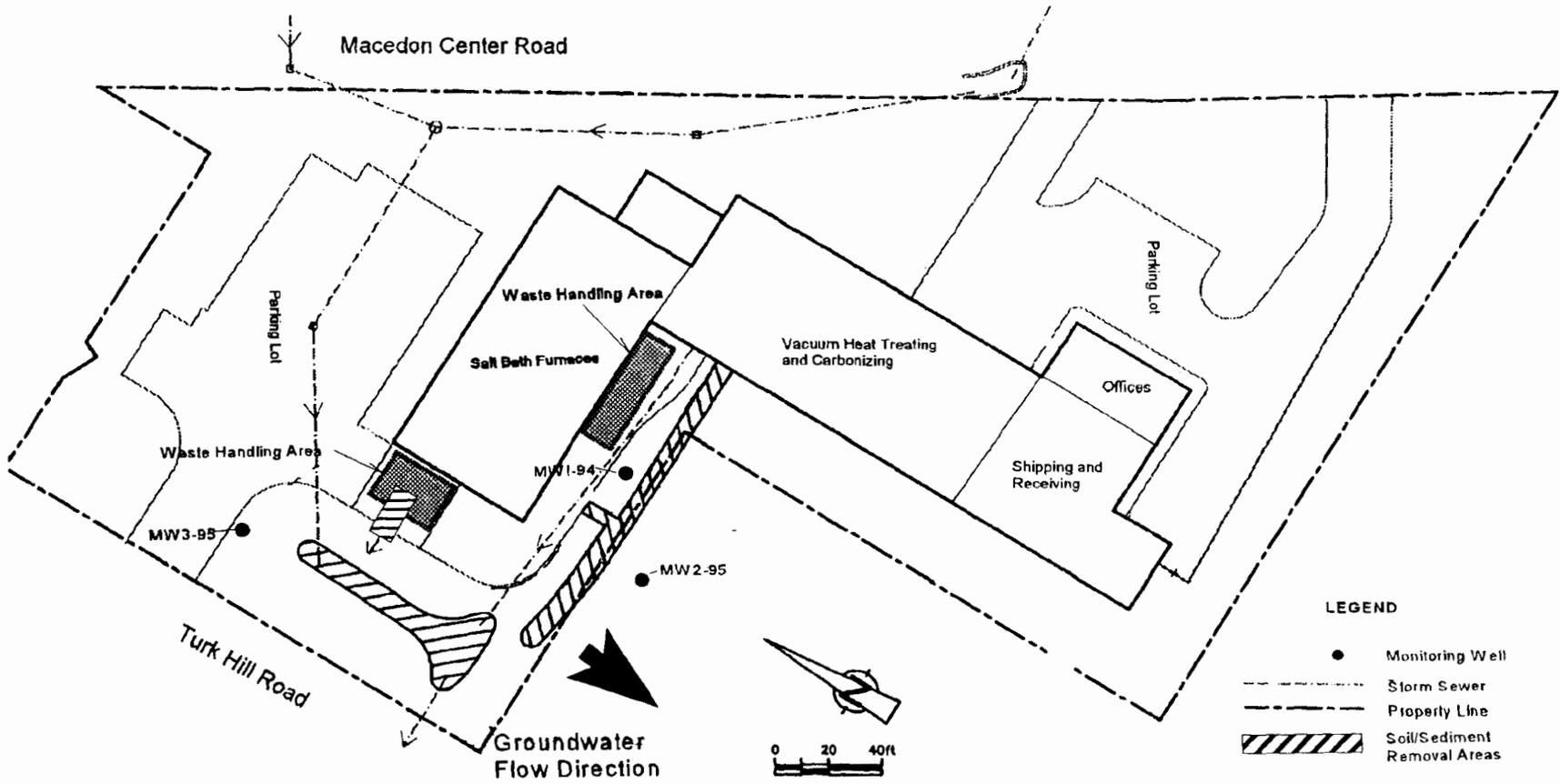


Figure 2
Jasco-Sun
Site Layout



Appendix A - Responsiveness Summary

On January 6, 1998, a public meeting was held at the Fairport Public Library to discuss remedial activities at the Jasco site. Several comments were received pertaining to the facility. None of the comments affect the selected remedy. Many of the issues brought forth by the public pertained to the facility operations, air pollution complaints, and noise levels. While these issues are considered important, they do not pertain to the remedy selection process or cleanup issues. These additional concerns have been addressed at the end of this responsiveness summary.

1) What do you consider a significant threat?

Significant threat is determined on a site-by-site basis. First, for a site to be listed in the Registry of Inactive Hazardous Waste sites, there must be known disposal of hazardous wastes in consequential amounts. The DEC evaluates the threat a site poses using the following criteria: comparison of contaminant levels at a site to environmental and health standards; the proximity of a site to people and environmental receptors (such as streams or wetlands); and the extent and magnitude of contamination. For example, if site contamination threatened a public water supply, that would be considered a significant threat.

2) How do you determine if an area of contamination is contained? Is testing fool proof?

To determine if an area of contamination is contained, areas of the site are tested to define the nature and extent of contamination. Contaminated soil and sediment at the Jasco site was excavated and disposed of off-site. The residual contamination on the Jasco site is not contained; however, the levels of barium remaining on-site are considered protective of human health and the environment. The DEC required Jasco to take verification samples to demonstrate the levels of barium contamination were below 5,840 ppm. While no testing is fool proof, the data is examined to ensure it meets quality standards. Additionally, DEC took part of the sample material as it was being collected by Jasco and had a laboratory hired by DEC test the samples. The DEC sample results verified the results obtained by Jasco.

3) Was field work done by NYSDEC?

DEC initially took samples at the site during a criminal search warrant in September 1990. Most work done since then was performed by a contractor hired by Jasco. DEC has reviewed and approved all fieldwork at the site and has taken groundwater samples and soil samples on-site.

4) I'm surprised barium exceeds the groundwater standard. There is not a full year of groundwater sampling results. There needs to be four quarters of data to be sure there is not a problem.

Groundwater has been sampled on six occasions between 1994 and 1997. Sample results exceeded the groundwater standard for barium on two sampling occasions after

remediation took place. These elevated levels might be attributed to mobilization of some barium during the excavation process. Levels of barium have since decreased to less than the standard of 1.0 ppm. An additional round of water samples was obtained on February 27, 1998. The Department may consider additional monitoring if barium concentrations increase, however, due to the nature of barium in the environment, it is unlikely that barium contamination in groundwater will be a continuing problem. Once released to the environment, barium combines with naturally occurring sulfates and carbonates and becomes much less mobile. These forms of barium (barium carbonate and barium sulfate) are not considered to be toxic. Barium can also be found in elevated concentrations as a component of concrete.

5) What is the background or naturally occurring level of barium?

Background levels for barium are established on a site-specific basis. Jasco took samples from areas on-site, and DEC is confident the samples were not influenced by contamination at the site. These background sampling locations were located at the northeastern edge of Jasco property. A total of six background samples for barium were taken resulting in an average concentration of 102 ppm. These background concentrations are consistent with other sites in the Town of Perinton.

6) I have a lack of enthusiasm for the cleanup level used at this site. The cleanup level for barium is 19 times the DEC recommended cleanup value and 58 times the background concentration. You cleaned the site up to seven or eight times the standard and 30 times the background concentration. What is the point of the standard if you don't use it? Why couldn't you clean up to the barium standard at this site? Prior to when the plant was built, there was a lot less barium in the area around the plant, and that is the cleanup level you should be aiming for. Is the barium a hazard? I believe that you believe you've adhered to your standard for barium, but nobody here feels that way. We think it's a joke.

The cleanup level listed in Technical and Administrative Guidance Memorandum (TAGM) 90-4046 is a guidance value. The cleanup level at the Jasco-Sun site was derived using a site-specific risk assessment. The risk-based cleanup level was accepted by the New York State Department of Health and the Monroe County Health Department. This cleanup level is considered protective of human health and the environment. The barium contamination left at the site is several feet below the ground's surface, where no one can come into contact with it. No information exists on what barium levels were in the area before the plant was built. It is not possible to cleanup to current background concentrations without damaging the building on the Jasco site.

7) Are there any other remedial techniques available for barium? Is there any type of in-situ (in-place) treatment to lower levels of barium in soil without causing structural damage to the building?

The Department knows of no other treatment options for barium in soil other than removal. If such treatment options existed, the Department would have considered their appropriateness at this site.

8) Was the interior of the building checked? If there is contamination inside the building, it needs to go. Was OSHA called to check the interior of the building?

The Department conducted an investigation of the facility operations during the criminal investigation in 1990. Environmental investigations were not conducted beneath or inside the building.

OSHA regulates the occupational safety and health of the workers at Jasco. OSHA was not involved with the 1990 investigation. The Department does not have the authority to inspect facilities for occupational health and safety.

9) Does DEC have any grounds to ask for additional cleanup?

Based upon the existing data, additional cleanup will not be required. The selected cleanup level for barium in soil is protective of human health and the environment. This cleanup level was achieved during the interim remedial measure (IRM). If the DEC believed it was necessary to do additional cleanup, it would not proceed with delisting this site and would pursue Jasco legally for more work. If Jasco refused to perform the work, DEC could perform it.

10) Did DEC get cost estimates for other cleanup alternatives, such as digging up all the contamination? Or did you accept the company's word that it was too costly? Did you look at the cost to clean up the site to background levels and then do a cost/benefit analysis, or did you just assume it was too expensive?

Costs of cleanup were examined on a general basis. It was determined that excavation and removal to the risk-based standard was protective to human health and environment and the most cost-effective method to cleanup this site.

11) You say one of the reasons for not cleaning up to the standard is cost. But who says how much money is too much to spend? Who is spending the money to clean this up? We can't sell our properties. When does the cost become too much for the residents?

Jasco paid for the soil removal, and testing at this site. They will also reimburse the State for oversight costs. The Department recognizes that hazardous waste sites can place hardship on neighboring property owners. The risk-based cleanup is protective of human health and the environment. Removing (delisting) the site from the registry may improve area property values.

12) What has been done to make sure this problem (improper disposal) does not happen again? Once the site is delisted, will there be monitoring? If you are closing this site, it should be monitored. We don't trust the company. The company will tell you one thing and then do another. Who monitors them to make sure it doesn't happen again? DEC needs to monitor for disposal of refractory brick and take groundwater samples. This industry has a long history of noise and air pollution. Jasco should have to act like they are on probation and have to check in regularly.

Jasco-Sun is obligated to file necessary hazardous waste generation reports and meet their air permit requirements. They are required by law to properly handle and dispose of hazardous wastes. In September 1994, Jasco pleaded guilty to two felony charges for reckless release of hazardous wastes, and its president pleaded guilty to two misdemeanor charges. Part of the criminal settlement ordered a preliminary site assessment (PSA) at the Jasco site and cleanup of three other properties within the Town of Perinton that received barium-contaminated wastes. Probation was not part of the criminal sentence issued by the court. The Department will continue to monitor the facility through periodic air and hazardous waste inspections under current hazardous waste and air regulations. If environmental problems are observed, please call 716-226-2466.

13) I don't want to be negative. Jasco has gone a long way toward fixing the problem, but it has taken a long time.

We acknowledge that Jasco pleaded guilty in 1994 and completed cleanup in 1996. Investigation and cleanup of hazardous waste sites is a complex process. The Department makes all reasonable efforts to cleanup sites in a timely manner. The cleanup and investigation at the Jasco site was closely monitored by DEC, the New York State Department of Health, and the Monroe County Health Department. If the site had posed an imminent threat to public health or the environment, immediate action would have been taken.

14) We know from experience the only testing that will be done will be what we (the adjacent property owner) pay for. Who has the key to the monitoring well on our property? Can we have the well moved off our property (Scribner's) and onto Jasco's and then monitored every now and then? We don't have access to the back of our property because the well sticks up. The water level is near the surface at that spot, so if you put the well flush to the ground, it will be under water part of year.

Jasco-Sun has the key to the monitoring well. The well could be modified or removed if the owner desires. The Department can provide guidelines for proper removal of the well to the site owner. The Department will review any requests for removal or modification of the well.

15) Because this is a no further action PRAP and the site is going to be delisted, could DEC give Scribner a release from liability similar to what is received in the voluntary cleanup program?

The Jasco site and adjacent property were cleaned up to acceptable levels; further cleanup with respect to barium contamination is not required. Liability is a matter of law to be determined by Department legal staff.

16) I understand DEC's position, but we're still kind of at a stalemate. I don't feel any better than when I walked in here. Our properties will still have a stigma after the site is delisted. Our property values have already been affected. Everybody knows about Jasco- they were in the news all the time and no one will want to live or buy property near the plant. There is

noise and pollution at the site, and a letter of indemnification won't help; people still won't buy our property.

As was mentioned before, the Department recognizes that hazardous waste sites can place hardship on neighboring property owners. Unfortunately, the Department does not have the authority to assist property owners with property value concerns.

17) How did you generate the mailing list? I live across the street from the site and did not receive notification. Was the media notified? We signed a petition at the town hall regarding Jasco, and you could have used that list for a mailing list. Can we have a copy of the mailing list?

The mailing list was initially generated by looking at tax maps to include adjacent property owners. Local media, including newspapers, radio and television, were notified about the meeting. Local elected officials were also included on the mailing list. NYSDEC's Division of Environmental Remediation was not aware of the petition at the town hall and did not use it for the mailing list. Due to citizen concerns, the Department has expanded the mailing list to include more residents, including portions of East Pointe and Alpine Knoll and more of High Street. Additionally, the Department obtained a list of petition signers from the Town of Perinton and added any names that were not already on the mailing list. The Department has also sent a copy of the mailing list to residents who expressed an interest in seeing it.

18) What were sample results for the building on adjacent property to the south?

During investigation and cleanup, samples were not obtained from the building on the adjacent property to the south. Confirmatory soil samples were obtained from excavations on this property, and these results were below the site-specific risk-based cleanup level for barium. On April 11, 1994, the Monroe County Health Department sampled water from a concrete sump pit inside this building and obtained a soil sample on the north side of this building. Barium levels were 142 ppm in the soil sample and 1,720 parts per billion (ppb) in the water sample. This concentration in water is above the New York State groundwater standard of 1,000 ppb but below the drinking water standard of 2,000 ppb. Barium is the primary contaminant at the Jasco site, but it can also be found as a component of concrete. These data were shared with the property owner on May 27, 1994. These levels of barium do not indicate an unacceptable health risk.

19) You said that the drainage ditch was lined with stone, but it was actually the pond that was lined.

The area referred to as a drainage ditch may contain seasonal ponded water and appear to be a pond. This ditch (pond) receives storm drainage from the Jasco facility and residential areas to the northeast of the site. The purpose of the stone lining in the drainage ditch (pond) area is to prevent erosion during storm events.

20) I don't think that 170 tons of soil was removed during the 1996 soil removal.

The certified IRM report estimates removal of approximately 170 tons of soil and sediment from the Jasco-Sun facility. DEC agrees with this estimate.

21) What are the next steps?

DEC staff will take additional groundwater samples to verify levels of barium contamination are below the groundwater standard. The next step is to delist the site from the Registry of Inactive Hazardous Waste Sites in New York State. This means DEC considers the past hazardous waste disposal issues have been addressed. Ongoing plant operations will continue to be regulated by the State.

22) If DEC is concerned about protecting the environment, why did DEC give a permit for a pollution control device that caused noise problems in the neighborhood? DEC gave Jasco a permit for a baghouse that is very loud. We can't sleep, and that affects our health just like the pollution would. Before Christmas, Jasco built something they hoped would control the noise, but it didn't work. We've talked to Jasco about this, and they have said they will do something about it. We want to believe they will. I want to exhaust all avenues to get them to do the work they promised.

NYSDEC does not directly regulate noise levels in the environment. However, it may be possible to add noise requirements to Jasco's air permit during the permit renewal process in April 2000. The State Environmental Quality Review Act (SEQRA), allows noise and aesthetic conditions to be considered when a permit is issued by any agency in New York State. The NYSDEC does not have any permits in Monroe County with noise level requirements as permit conditions. Regulation of noise levels is very subjective and difficult to monitor and enforce.

23) There is a terrible smoke problem at night at the plant. Jasco creates smoke at odd hours of the night when it's hard to get someone to come out and check. The noise is incredible. The best comment tonight was "We don't trust them as far as we can throw them." Why do we have to call different people at DEC for different problems (air pollution versus hazardous waste, etc.)? DEC should address pollution as a whole instead of dividing it into parts. The agency would be more efficient that way.

Air pollution issues and concerns can be directed to the Region 8 Air Resources program at 716-226-2466. Additionally, DEC does not directly regulate noise. However, it may be possible to add noise requirements to Jasco's air permit when it is up for renewal. The State Environmental Quality Review Act (SEQRA) allows noise and aesthetic conditions to be considered when a permit is issued. The NYSDEC does not have any permits in Monroe County with noise level requirements as permit conditions. Regulation of noise levels is very subjective and difficult to monitor and enforce.

Each regulatory program (air, water, hazardous waste) demands extensive and specific training to address problems and generate solutions. The Department believes, that to regulate effectively, it is well served by having staff fully understand and work with one program and understand it as completely as possible. There are instances, such as large facilities, where DEC does use a multimedia approach (considering air, water, and

soil pollution at the same time). These facilities have one facility manager within DEC and a team comprised of personnel from air, water, solid waste, and hazardous waste. The facility manager acts as the primary contact for such a facility and relies heavily on the advise and expertise from staff within specific programs. The Jasco facility is currently not a multimedia site.

24) Where does the Town of Perinton fit in? Are we accomplishing anything by trying to work with the Town or should we just work with DEC? We've called EPA too, and they have come out a few times.

With respect to hazardous waste remediation concerns, local municipalities have the same input as other citizens. They can comment on proposed plans and provide input to the State if desired. We encourage you to work with Town officials to resolve local issues. Please contact the Region 8 Air Resources program for air pollution concerns at 716-226-2466.

Appendix B - Administrative Record

Citizen Participation, Consent Orders, and PRAP

Proposed Remedial Action Plan (PRAP), December 1997.

Public Meeting Announcement, December 1997.

IRM Fieldwork Fact Sheet, September 1996.

Order on Consent for IRM, September 1996.

Order on Consent for PSA, February 1994.

Work Plans and Reports

NYSDEC Groundwater Sampling Results analyses by Ecology and Environment, July 1997.

Interim Remedial Measures Report, Canastoga-Rovers & Associates (CRA), November 1996.

NYSDEC Soil Sampling Results analyses by Ecology and Environment, October 1996.

NYSDEC Soil Sampling Results analyses by Ecology and Environment, October 1996.

Interim Remedial Measures Work Plan, CRA, July 1996.

Preliminary Site Assessment Report, CRA, September 1995.

NYSDEC Groundwater Sampling Results analyses by Ecology and Environment, March 1995.

Preliminary Site Assessment Work Plan, CRA, November 1994.

Correspondence

Letter to M.J. Peachey (NYSDEC) from B. McConnell, P.E. (CRA), RE: Fourth Quarter Groundwater Sampling, July 29, 1997.

Letter to M.J. Peachey (NYSDEC) from B. McConnell, P.E. (CRA), RE: Third Quarter Groundwater Sampling, April 4, 1997.

Letter to M.J. Peachey (NYSDEC) from B. McConnell, P.E. (CRA), RE: Second Quarter Groundwater Sampling, February 4, 1997.

Letter to K. Marvald (Jasco) from T. Caffoe, P.E. (NYSDEC), RE: Approval of IRM Report, December 23, 1996.

Letter to M.J. Peachey (NYSDEC) from B. McConnell, P.E. (CRA), RE: November 1996 IRM Progress Report, December 4, 1996.

Letter to K. Marvald (Jasco) from T. Caffoe, P.E. (NYSDEC), RE: Transmittal of NYSDEC Split-Sample Results for Confirmation Sampling, November 19, 1996.

Letter to M.J. Peachey (NYSDEC) from B. McConnell, P.E. (CRA), RE: October 1996 IRM Progress Report, November 6, 1996.

Letter to M.J. Peachey (NYSDEC) from B. McConnell, P.E. (CRA), RE: September 1996 IRM Progress Report, October 7, 1996.

Letter to M.J. Peachey (NYSDEC) from B. McConnell, P.E. (CRA), RE: July 1996 IRM Progress Report, August 12, 1996.

Letter to K. Marvald (Jasco) from T. Caffoe, P.E. (NYSDEC), RE: IRM Work Plan Approval, July 26, 1996.

Letter to K. Marvald (Jasco) from T. Caffoe, P.E. (NYSDEC), RE: Soil Cleanup Levels, July 1, 1996.

Letter to T. Caffoe, P.E. (NYSDEC) from K. Marvald (Jasco), RE: Soil Cleanup Levels, May 28, 1996.

Letter to K. Marvald (Jasco) from T. Caffoe, P.E. (NYSDEC), RE: Soil Cleanup Levels, May 6, 1996.

Letter to T. Caffoe, P.E. (NYSDEC) from B. McConnell, P.E. (CRA), RE: Soil Cleanup Levels, April 8, 1996.

Letter to K. Marvald (Jasco) from T. Caffoe, P.E. (NYSDEC), RE: Soil Cleanup Levels, March 26, 1996.

Letter to T. Caffoe, P.E. (NYSDEC) from B. McConnell, P.E. (CRA), RE: Development of IRM, December 1, 1995.

Letter to D. Ulrich (Jasco) from T. Caffoe, P.E. (NYSDEC), RE: Approval of PSA Report, September 6, 1995.

Letter to D. Ulrich (Jasco) from T. Caffoe, P.E. (NYSDEC), RE: Approval of PSA Work Plan, January 17, 1995.