

DRAFT
ORDER ON CONSENT AND ADMINISTRATIVE SETTLEMENT
RECORDS SEARCH REPORT
POST CREEK

NYSDEC PROJECT NO. 851053

SETTLEMENT CONFIDENTIAL
INADMISSIBLE IN THIS OR ANY OTHER PROCEEDING

Prepared for
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Corning, New York

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CERTIFICATION

I, Jeffrey Marsh, P.E., certify that I am currently a Qualified Environmental Professional as defined in 6 NYCRR Part 375 and that this Records Search Report was prepared in accordance with all applicable statutes and regulations and in substantial conformance with the DER Technical Guidance for Site Investigation and Remediation (DER-10).

Signature

Date

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ACRONYMS AND ABBREVIATIONS

asl	above sea level
Corning	Corning Incorporated
EDR	Environmental Database Report
Integral	Integral Engineering, P.C.
Investigation Area	Post Creek Investigation Area (Investigation Area)
NYSDEC	New York State Department of Environmental Conservation
USGS	U.S. Geological Survey
Work Plan	Post Creek Characterization Work Plan

1 INTRODUCTION

The Post Creek Investigation Area (Investigation Area) includes four properties located along New York State Highway 414 from milepost 21.2 to 21.9 and along Post Creek in Corning, New York. The Investigation Area comprises the following tax parcels and is zoned as follows:

- Tax Parcel 282.00-02-018.200 is undeveloped and zoned residential. This parcel is further divided into three sub-parcels, southern (S), northern (N), and eastern (E), which are discontinuous, touching only at two corners.
- Tax Parcel 282.00-02-018.120 contains one single-story apartment building and two single-family residential dwellings and is zoned residential.
- Tax Parcel 282.00-02-039.000 contains one residential single-family dwelling with a detached garage and is zoned residential.
- Tax Parcel 282.00-02-042.120 is improved with several one-story buildings comprising a mini-storage facility, and zoned commercial.

The Investigation Area has been classified as a New York State Department of Environmental Conservation (NYSDEC) State Superfund Program classification P (potential) site. In August 2015, NYSDEC contacted the property owners of each tax parcel within the Investigation Area via mail. Letters mailed by NYSDEC to the property owners stated that NYSDEC had received information that led NYSDEC to suspect that hazardous waste may have been disposed of on their respective properties; that their properties were now considered potential inactive hazardous waste disposal sites; and that by law, NYSDEC must investigate all suspected or known inactive hazardous waste disposal sites.

Corning Incorporated (Corning) has entered into an Order on Consent and Administrative Settlement (Index No. A8-0855-15-06) to implement the *Post Creek Characterization Work Plan*, dated December 5, 2020 (Work Plan). The Work Plan was prepared on the behalf of Corning at the request of the NYSDEC.

Integral Engineering, P.C. (Integral) has prepared this Records Search Report for the Investigation Area to meet the requirements of the Order on Consent and Administrative Settlement between Corning and NYSDEC. Integral and Corning reserve the right to supplement this report in the event that additional records are identified.

2 ENVIRONMENTAL CONDITIONS

NYSDEC has stated that construction and demolition material has been visually noted within or along the perimeter of the Investigation Area. In September 2014, NYSDEC conducted soil sampling at the Investigation Area, and sediment sampling within Post Creek as depicted in a NYSDEC figure titled “Post Creek, Corning, NY – Evaluation and Sampling September 2014” (NYSDEC 2014a). Two soil samples and four sediment samples were collected as part of this characterization. Preliminary, unvalidated, soil sampling results indicate the presence of arsenic, barium, cadmium, lead and/or mercury above the Part 375 Soil Cleanup Objectives for Residential Use. Both soil samples were characteristically hazardous for lead and contained glass fragments. Of the sediment samples collected, three were collected within the area of the creek within or adjacent to the Investigation Area. The results indicated concentrations of arsenic, lead, and/or cadmium present in sediment above applicable sediment guidance values promulgated in *Screening and Assessment of Contaminated Sediment* (NYSDEC 2014b).

In order to evaluate the material emplacement and development history of the Investigation Area, historical aerial photographs have been reviewed. Historical land use has been evaluated, as well as previous owner and operator history. A summary of the findings of these reviews is presented in the following subsections.

2.1 AERIAL PHOTOGRAPHS

To evaluate potential historical disturbance and/or material emplacement in the Investigation Area, Integral conducted a review of available historical aerial photographs for the Investigation Area and immediate surrounding area.

The following aerial photographs were reviewed for the Investigation Area: 1938, 1942, 1944, 1948, 1952, 1955, 1960, 1962, 1964, 1968, 1977, 1986, and 1995 (Table 2-1).

The historical aerial photograph review establishes a history of disturbance and material emplacement in the Investigation Area beginning in approximately 1948 on Parcel 282.00-02-039.000 and continuing through 1995 on all of the other parcels excluding Parcels 282.00-02-018.200 (N) and 282.00-02-018.200 (E), which appear to remain undisturbed and wooded. Prior to 1962, the path of Post Creek meandered through several of the parcels. Generally, disturbance moved southward from Parcel 282.00-02-039.000 to Parcel 282.00-02-042.120, with significant material emplacement occurring before and especially in 1962 when an entire section of the previously very visible Post Creek bed appears to have been completely obstructed within Parcel 282.00-02-018.200 (S) and Parcel 282.00-02-018.120, producing an entirely new flow path along the extreme eastern border of the Investigation Area. By this time, Parcel 282.00-02-018.120 and Parcel 282.00-02-039.000 are predominantly cleared of vegetation. By 1964, Post Creek is no longer visible through Parcel 282.00-02-018.200 (S) or Parcel 282.00-02-

018.120, and the newly established flow path and creek bed has been re-routed to flow alongside the railroad right-of-way. While Post Creek continues to run through a portion of Parcel 282.00-02-042.120, as of 1964 its path has been altered from meandering through the middle of the parcel to running parallel to the railroad. The current elevation of the Investigation Area along the adjacent roadway appears to have been similar to the elevation of the roadway in the 1960s because vehicle access and roadways or vehicle pathways can be seen on aerial photographs from prior to the period beginning in 1962 and up through more recent aerial photos. The creek is substantially lower than the roadway, therefore it can be reasonably assumed from the early 1960s aerials that a significant amount of material emplacement took place in that early period.

Aerial photos show a development history throughout the Investigation Area beginning in approximately 1948 and continuing through 1995. The first structure appears on Parcel 282.00-02-018.120 in 1952, with structures appearing on Parcel 282.00-02-039.000 in 1964 and on Parcel 282.00-02-042.120 in 1995. The overall material emplacement distribution indicates multiple areas of disturbance over the majority of the tax parcels with the exception of the land on the eastern side of the railroad (Tax Parcel 282.00-02-018.200 [E]) and Tax Parcel 282.00-02-018.200 (N). Based upon Integral's review of available documentation, it appears that the parcel east of the railroad right-of-way has remained undeveloped and unaltered since circa the date of the earliest aerial photograph (1938). Based upon the aforementioned, and as previously discussed with NYSDEC, sampling or other characterization activities are not proposed on the eastern side of the railroad (Tax Parcel 282.00-02-018.200 [E]). The overall pattern that appears to have been employed was to emplace material in the Investigation Area while maintaining an elevation similar to the roadway in such a way to create level and usable land that could later be developed.

2.2 TOPOGRAPHIC MAPS

The following topographic maps, which cover the Investigation Area, were reviewed (Table 2-1):

- Corning, New York, 1914 (1924, 1935, 1939, and 1950 editions) U.S. Geological Survey (USGS) 15-minute topographic quadrangle map
- Corning, New York, 1944 USGS 15-minute topographic quadrangle map
- Corning, New York, 1953 (1955 and 1971 editions) USGS 7.5-minute topographic quadrangle map
- Corning, New York, 1969 (1971, 1975, and 1983 editions) USGS 7.5-minute topographic quadrangle map
- Corning, New York, 2016 USGS 7.5-minute topographic quadrangle map

- Corning, New York, 2019 USGS 7.5-minute topographic quadrangle map.

The Investigation Area appears from topographic maps to be relatively level with a slight gradient that steepens to the southeast toward Post Creek. There are several surface water drainage features that originate along Highway 414 and terminate at Post Creek. The mean elevations of the portions of the Investigation Area closest to Highway 414 are approximately 1,000 ft above sea level (asl), whereas Post Creek is approximately 990 ft asl. The Investigation Area is located at the base of a rather significant drainage basin area that has substantial topographic rises to both the east and west. The bed of Post Creek is the bottom of this overall landform and flows from the northeast to the southwest toward its eventual confluence with the Chemung River approximately two river miles downstream.

No structures are depicted in the 1914 map. In the 1953 map, one structure is depicted at the Investigation Area, and Post Creek meanders through the property. In the 1969 map, three structures are depicted at the Post Creek Investigation Area, and Post Creek now follows a more direct course on the east side of the Investigation Area. These observations match the findings of the aerial photograph review.

2.3 EDR REPORT

No Environmental Database Report (EDR) report was generated for the site.

2.4 PROPERTY ABSTRACTS

The Investigation Area is approximately 1.5 miles northeast of the City of Corning. A review of available title records indicated that the four properties were never owned by Corning. Records indicate that the parcels comprising the Investigation Area were historically owned by multiple families as residences and possibly used for agricultural and motel purposes.

The following Abstracts of Title have been obtained for the four properties:

1. Abstract of Title provided by Stewart Title Insurance Company; State Route 414, Town of Corning; Tax Parcel ID 282.00-02-018.200; Certification of Abstract dated November 12, 2015
2. Abstract of Title provided by Stewart Title Insurance Company; 3806 State Route 414, Town of Corning; Tax Parcel ID 282.00-02-018.120; Certification of Abstract dated November 12, 2015
3. Abstract of Title provided by Stewart Title Insurance Company; 3814 State Route 414, Town of Corning; Tax Parcel ID 282.00-02-039.000; Certification of Abstract dated November 12, 2015

4. Abstract of Title provided by Stewart Title Insurance Company; 3632-3656 State Route 414, Town of Corning; Tax Parcel ID 282.00-02-042.120; Certification of Abstract dated December 1, 2015

2.5 HISTORICAL MAPS

No historical maps of the Town of Corning were reviewed.

3 SUMMARY OF INFORMATION

3.1 HISTORY AND DESCRIPTION OF THE POST CREEK INVESTIGATION AREA

The history and description of the Investigation Area is included in the NYSDEC-approved Work Plan.

3.2 TYPES, QUANTITIES, PHYSICAL STATE, LOCATIONS, METHODS, AND DATES OF DISPOSAL AT THE POST CREEK INVESTIGATION AREA

The NYSDEC received anecdotal reports that glass-containing waste was emplaced at the Investigation Area. A detailed disposal history is not known, but preliminary sampling activities indicate the presence of fill including ash, brick, and/or glass fragments that may have been placed at the Investigation Area. The emplacement history spans between 1948 and 1995 as inferred from aerial photographs. Given the history of material emplacement, observations by NYSDEC that construction and demolition material have been identified in the Investigation Area, and with significant amounts of topsoil imported to the Investigation Area, it is reasonable to conclude that fill material has been brought onto the properties from a variety of sources. The quantities of the emplaced materials are not known.

A letter dated August 17, 1978 from Corning Incorporated to the New York State Department of Health states that Corning Incorporated used “[a] ‘Reynold’ property on Route 414 (now covered by the 414 Club/Motel)” and a “Calahan property on Route 414 (now covered with mini or temporary warehouse or storage facilities)” for disposal of wastes. No description of waste types, quantities, physical state, methods or dates of disposal is stated in this letter.

A 1955 report prepared by the Water Pollution Control Board, for the New York State Department of Health titled “The Chemung River Drainage Basin Survey Series Report Number 2” indicates that a stream sampling station was located “about 200 feet south of a private road through Corning Glass Works refuse dump on N. Y. Route 414” and was 3.3 miles upstream of where Post Creek enters the Chemung River.

3.3 SECURITY

The presence of security systems such as fences or alarms at individual residential parcels is unknown at this time. It is anticipated that the mini-storage facility on Parcel 282.00-02-042.120 will have a security fence system as part of its commercial operations.

3.4 PERSONS RESPONSIBLE

This information is unknown at this time.

4 REFERENCES

NYSDEC. 2014a. Figure titled Post Creek, Corning, NY – Evaluation and Sampling September 2014. New York State Department of Environmental Conservation.

NYSDEC. 2014b. Screening and Assessment of Contaminated Sediment. New York State Department of Environmental Conservation, Division of Fish, Wildlife and Marine Resources, Bureau of Habitat. June 24.

Tables

Table 2-1. List of Records Reviewed

Title	Date	Author	Subject Matter
1938 Aerial Photograph	1938	Unknown	Aerial Photograph
1942 Aerial Photograph	1942	USGS	Aerial Photograph
1944 Aerial Photograph	1944	USGS	Aerial Photograph
1948 Aerial Photograph	1948	USGS	Aerial Photograph
1952 Aerial Photograph	1952	USGS	Aerial Photograph
1955 Aerial Photograph	1955	Unknown	Aerial Photograph
1960 Aerial Photograph	1960	USGS	Aerial Photograph
1962 Aerial Photograph	1962	Unknown	Aerial Photograph
1964 Aerial Photograph	1964	Unknown	Aerial Photograph
1968 Aerial Photograph	1968	USGS	Aerial Photograph
1977 Aerial Photograph	1977	USGS	Aerial Photograph
1986 Aerial Photograph	1986	Unknown	Aerial Photograph
1995 Aerial Photograph	1995	USGS	Aerial Photograph
1914 Topographic Quadrangle	1914 with revisions in 1924, 1935, 1939, and 1950	USGS	Topographic map of 15-minute quadrangle containing Site
1944 Topographic Quadrangle	1944	USGS	Topographic map of 15-minute quadrangle containing Site
1953 Topographic Quadrangle	1953 with revisions in 1955 and 1971	USGS	Topographic map of 7.5-minute quadrangle containing Site
1969 Topographic Quadrangle	1969 with revisions in 1971, 1975, and 1983	USGS	Topographic map of 7.5-minute quadrangle containing Site
2016 Topographic Quadrangle	2016	USGS	Topographic map of 7.5-minute quadrangle containing Site
2019 Topographic Quadrangle	2019	USGS	Topographic map of 7.5-minute quadrangle containing Site
Abstract of Title provided by Stewart Title Insurance Company (various)	11/12/2015	NA	State Route 414, Town of Corning; Tax Parcel ID 282.00-02-018.200
Abstract of Title provided by Stewart Title Insurance Company (various)	11/12/2015	NA	3806 State Route 414, Town of Corning; Tax Parcel ID 282.00-02-018.120
Abstract of Title provided by Stewart Title Insurance Company (various)	11/12/2015	NA	3814 State Route 414, Town of Corning; Tax Parcel ID 282.00-02-039.000
Abstract of Title provided by Stewart Title Insurance Company (various)	12/1/2015	NA	3632-3656 State Route 414, Town of Corning; Tax Parcel ID 282.00-02-042.120
Letter to New York State Department of Health	8/17/1978	Corning Incorporated	Waste Management Practices
The Chemung River Drainage Basin Survey Series Report Number 2	1955	New York State Department of Health	Location and Description of stream sampling station

Notes:

NA = not applicable

USGS = U.S. Geological Survey