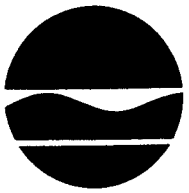

Department of Environmental Conservation

Division of Environmental Remediation

Record of Decision

ERNST STEEL

Town of Cheektowaga, Erie County
Site Number 915022

March 1997

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

DECLARATION STATEMENT - RECORD OF DECISION

ERNST STEEL
Inactive Hazardous Waste Site
Cheektowaga, Erie County, New York
Site No. 915022

Statement of Purpose and Basis

The Record of Decision (ROD) presents the selected remedial action for the Ernst Steel 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 Ernst Steel 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 were addressed through the implementation of Interim Remedial Measures (IRMs) to remove or treat contaminated soil on the property. No further significant contamination resulting from the disposal of hazardous waste has been determined to be present at the site addressed in this ROD. A current or potential threat to public health and the environment no longer exists.

Description of Selected Action

During the site investigations, it was determined that environmental contamination problems at this site were due to paint sludge mixed with soil, which contained elevated levels of chromium and/or lead. The contaminated soil was treated or excavated and disposed off-site at permitted facilities during the IRMs. Thus all significant threats to the public health and the environment have been eliminated. Therefore, the No Further Action alternative has been selected for this site. The site will also be removed from the registry of Inactive Hazardous Waste Disposal 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.

3/21/97
Date

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

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FIGURES

Record of Decision

ERNST STEEL

Cheektowaga, Erie County, New York
Site No. 915022
March 1997

SECTION 1: SITE LOCATION AND DESCRIPTION

The Ernst Steel site is approximately 3 acres in size and encompasses portions of the properties located at 1746 and 1728 Walden Avenue in the Town of Cheektowaga, New York. The major portion of this site lies at 1746 Walden Avenue and a smaller portion at the 1728 Walden Avenue property. As shown in Figures 1 & 2, the site borders Walden Avenue on the south, Galleria Drive on the east, railroad tracks on the north and commercial property on the west. The closest residences are approximately 100 feet to the north. A fence and abandoned railroad tracks separate residences from the site.

The site is located in a relatively flat area. The fill at the site ranges from 0 to 3 feet in thickness. A low permeability clay underlies the fill material and extends beneath the fill to a depth of approximately 20 feet. Underlaying the clay is a silty/clay till. Because of the thick clay/till layer, contaminants are not expected to migrate through groundwater. Onondaga limestone bedrock is present at a depth of 35 feet below ground surface. The overburden groundwater flows toward the northwest.

SECTION 2: SITE HISTORY

2.1: Operational/Disposal History:

The Ernst Steel Corporation operated a steel fabrication plant at this location between 1953 and 1980. Other activities included assembling, servicing and painting steel parts. During its operation period, low lying areas of the plant property were suspected to have been filled with wastes such as metal shavings, iron oxide dust, machine cutting oil and lead-based paint sludge. Most of the filling took place in the northern and eastern portions of the property.

In 1976, the western portion of the original Ernst Steel property was sold to Delavan Industries. Later on this portion was bought by Ryder/Commercial Carriers. At present the western portion is owned by the 93-1 Trust. In 1987, Pyramid Company purchased the eastern portion of the property. The central parcel (the 1746 Walden Avenue property) was sold to U.S. Steel Corporation in 1986, which later sold that parcel to U.S. Metal Source in 1991. In 1994, the central parcel (10.21 acres) was purchased by the 1746 Walden, Inc.

2.2: Remedial History

The site was first listed in the registry of Inactive Hazardous Waste Disposal Sites in New York State as Class 2a, which is a temporary classification for the sites with inadequate and/or insufficient data for inclusion in any of the other classifications. Environmental investigations confirmed the presence of

hazardous waste at the site, and it was reclassified as a Class 2 site in 1995. A Class 2 classification means the site is considered a significant threat to human health and/or the environment and action is required.

The eastern parcel purchased by Pyramid Company was cleaned up in 1988 and was removed from the NYSDEC site registry in January 1991.

In November 1990, the NYSDEC started negotiating with U.S. Metal Source (then the site owner) for (1) the removal of paint sludge/ contaminated soils containing elevated levels of lead and chromium, and (2) an environmental site investigation for the remainder of the property. U.S. Metal Source entered into a Consent Order (legal agreement) in April 1992.

In May 1992, U.S. Metal Source removed about 80 cubic yards of soil contaminated with paint sludge and performed a site investigation. Based upon this investigation, U.S. Metal Source concluded that about 1,000 cubic yards of waste still remained at the site. The company did not complete removal of the contaminated soils due to financial problems.

SECTION 3: CURRENT STATUS

3.1: Summary of the Site Investigations

The nature and areal extent of the environmental problems at this site were determined during the investigations discussed below.

The levels of contaminants found during site investigations were compared to environmental Standards, Criteria and Guidance (SCGs). Groundwater SCGs identified for this site were based on NYSDEC Ambient Water Quality Standards and Guidance Values. For the evaluation and interpretation of soil analytical results, NYSDEC soil cleanup guidelines (NYSDEC TAGM-4046) and natural background conditions were used.

3.1.1. 1746 WALDEN AVENUE PROPERTY INVESTIGATIONS:

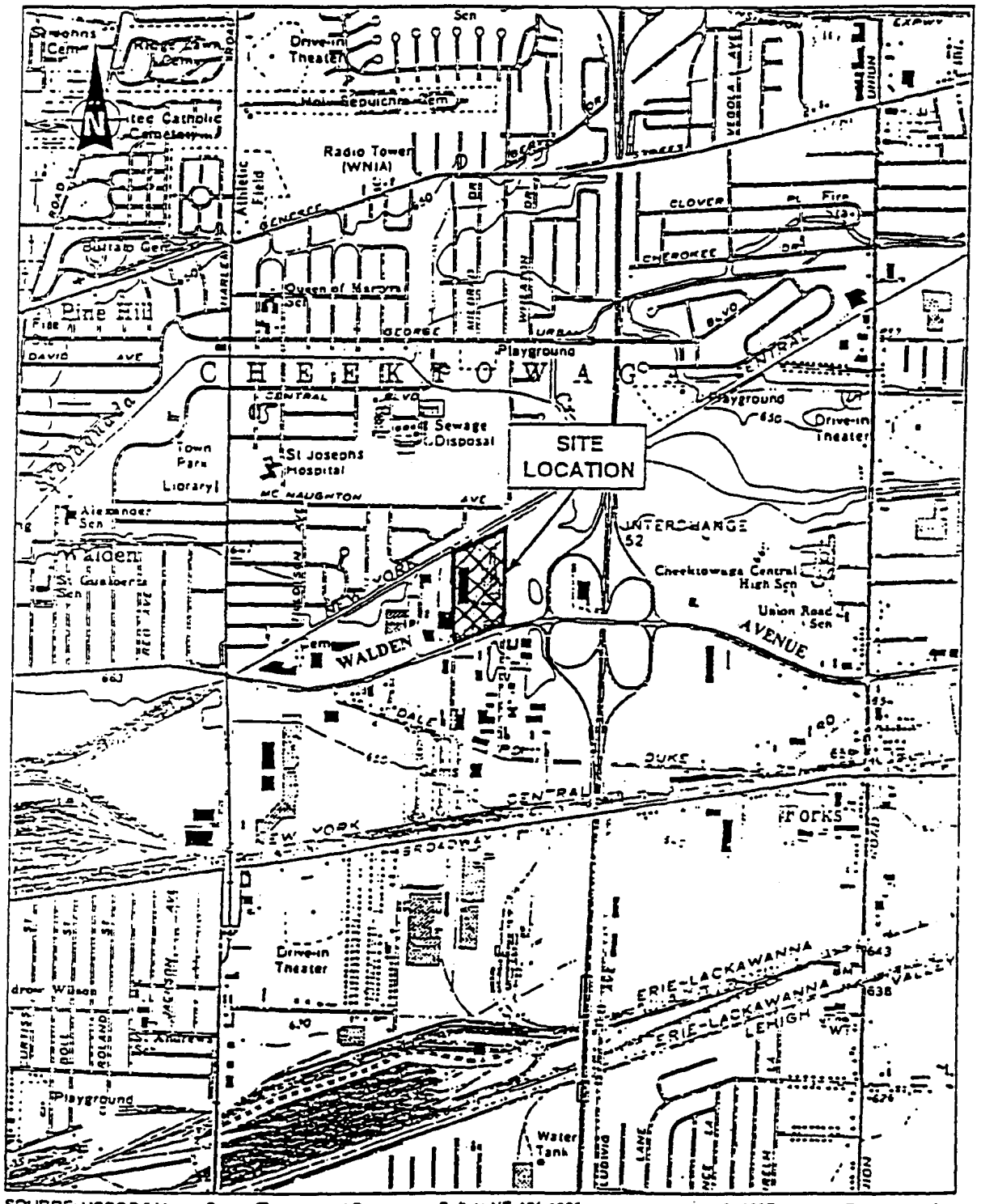
The following investigations were conducted at the 1746 Walden Avenue portion of the Ernst Steel site:

Phase I Investigation (NYSDEC) - March 1986:

A Phase I Investigation Report was prepared to compile the existing information on this site. The report includes information on the 1746 Walden Avenue and the Pyramid properties gathered from NYSDEC, NYSDOH, Erie County Department of Environment and Planning files and observations made during a site visit. No field work was done during this investigation, however, the report includes 1982 NYSDEC sampling results.

NUS Investigation (USEPA) - 1990:

As part of USEPA's review of sites potentially posing a threat to the environment, NUS Corporation collected two surface soil samples. Samples were tested for organics (volatiles, semivolatiles) and inorganics.



SOURCE: USGS 7.5 Minute Series (Topographic) Quadrangle: Buffalo NE, NY, 1965.

SCALE 1:24,000

0 ½ 1 Mile

0 .5 1 Kilometer

Figure 1: LOCATION MAP, ERNST STEEL SITE

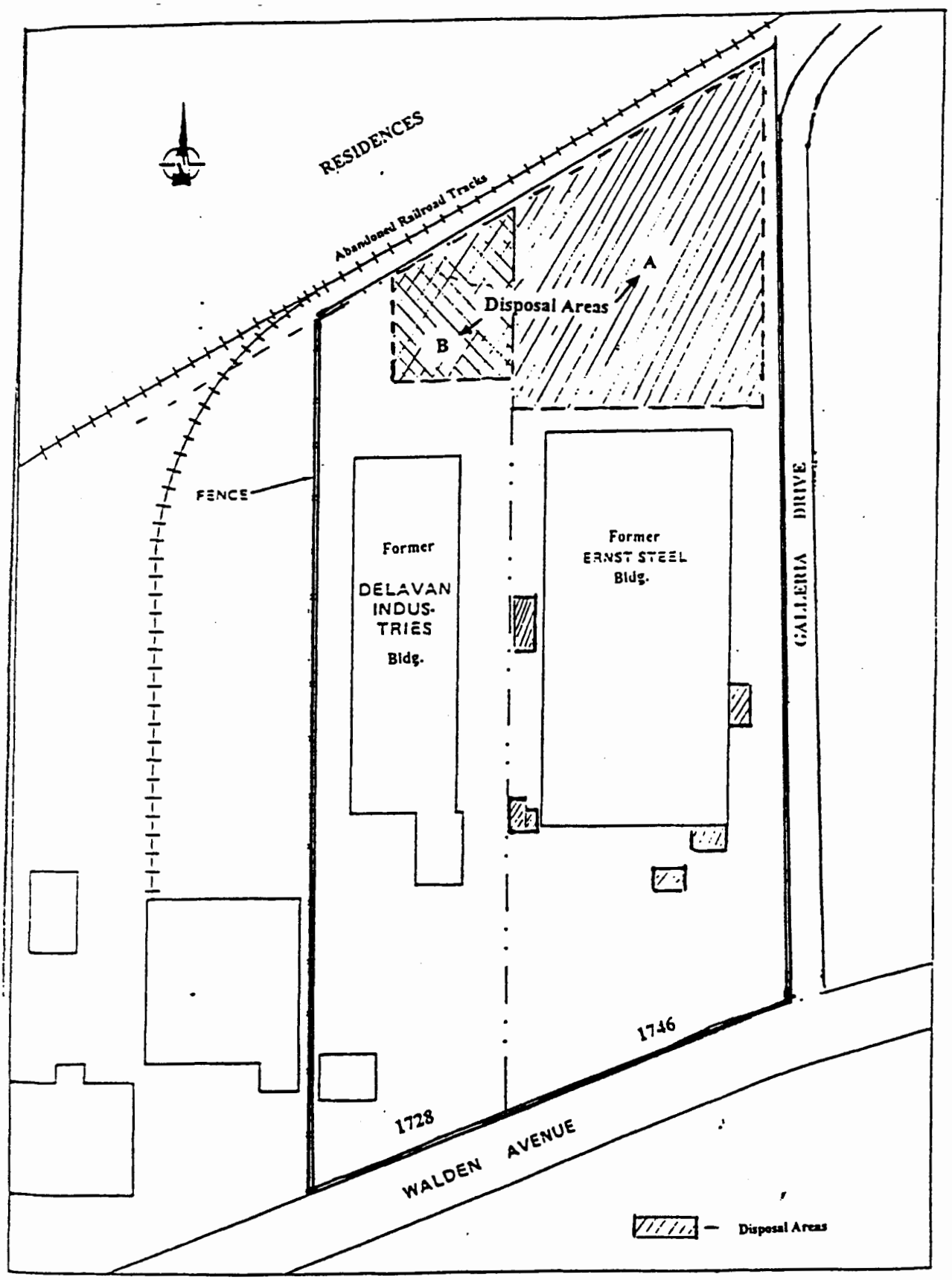


Figure 2: Locations of Paint Sludge Areas on 1728 and 1746 Walden Ave. Properties of Ernst Steel Site

NYSDEC Sampling - June 1990:

Two dried paint sludge samples were tested by NYSDEC for total and leachable metals. The purpose of this sampling was to determine whether or not the paint sludge waste was a hazardous waste according to the 6NYCRR Part 371. As discussed below, the presence of characteristic hazardous waste was confirmed.

ATEC Investigation - May 1992:

US Metal Source contracted ATEC, Inc. to perform a site investigation. Several test pits were excavated. Soil/waste samples were collected and tested for total lead and chromium and leachablity for metals. A groundwater monitoring well was also installed and tested.

Waste Resource Associates (WRA) - Property Transfer Assessment -1994

As part of the purchase of the property, WRA performed a site investigation over the 1746 Walden Avenue property. Surface and subsurface soil samples were tested for lead.

Based upon the various investigations, the evaluation of different environmental media is as follows:

Soil

The above mentioned investigations revealed that the environmental contamination problems at this site were due to reddish orange paint sludge residues. The paint residues were mixed with surface and subsurface soils and primarily contained elevated levels of lead and chromium. As shown in Figure 2, the major area containing paint sludge was in the disposal area "A". Six other small contaminated areas were also identified around the former Ernst Steel building.

The levels of lead found at this site are shown in the following table. The levels of lead and chromium found during site investigations were as high as 74,000 parts per million (ppm) and 6270 ppm respectively. The June 1990 NYSDEC sampling also showed the presence

Lead in Soil

Investigation/ Sampling	Concentration Range (ppm)	Frequency Exceeding SCL **
NYSDEC-1982	8-2500	1 of 3
NUS	9870-11800	2 of 2
NYSDEC-1990	17400-56700	2 of 2
ATEC-1992	35-25000	6 of 12
WRA-1992	3200-74000	17 of 19

** SCL (Selected Clean Up Level): Total Lead = 500 ppm

of other metals such as aluminum (up to 2720 ppm), barium (up to 1880 ppm), cadmium (up to 2.8 ppm), and zinc (up to 13500 ppm) in the paint residues. Except for lead and chromium, these levels of metals were typical of this industrial area.

No significant contamination by organic compounds was found during the NUS Investigation.

To determine whether or not the contaminated soil contained hazardous waste, samples were tested for leachable metals using the "Extraction Procedure Toxicity Test (EP-Toxicity)" by NYSDEC (June 1990), ATEC (July 1992) and WRA (December 1992). As shown in the following table, some samples failed in EP-Toxicity for lead, proving that waste at some locations on site was a characteristic hazardous waste (as defined in 6 NYCRR Part 371).

EP-Toxicity Lead Results

The following results list the samples exceeding the regulatory EP-Toxicity level of 5.0 milligrams per liter (mg/l)

ATEC Sampling [1]	WRA Sampling [2]
EP-Tox Lead (mg/l)	**EP-Tox Lead (mg/l)**
13.0	6.1
18.0	14.7
200.0	26.9
	57.9
	60.5
	78.5
	79.9

[1] Out of fourteen samples tested, three failed in EP-Toxicity
[2] Out of twelve samples tested, seven failed in EP-Toxicity.

Groundwater

After reviewing the groundwater data from the Pyramid Site Investigation (eastern portion of the former Ernst Steel site), ATEC installed one down gradient groundwater monitoring well at the 1746 Walden Avenue property (See Fig. 3).

The groundwater from this well was tested in July 1995 by 1746 Walden, Inc. during the IRM work. Levels of iron and sodium exceeded the groundwater standards.

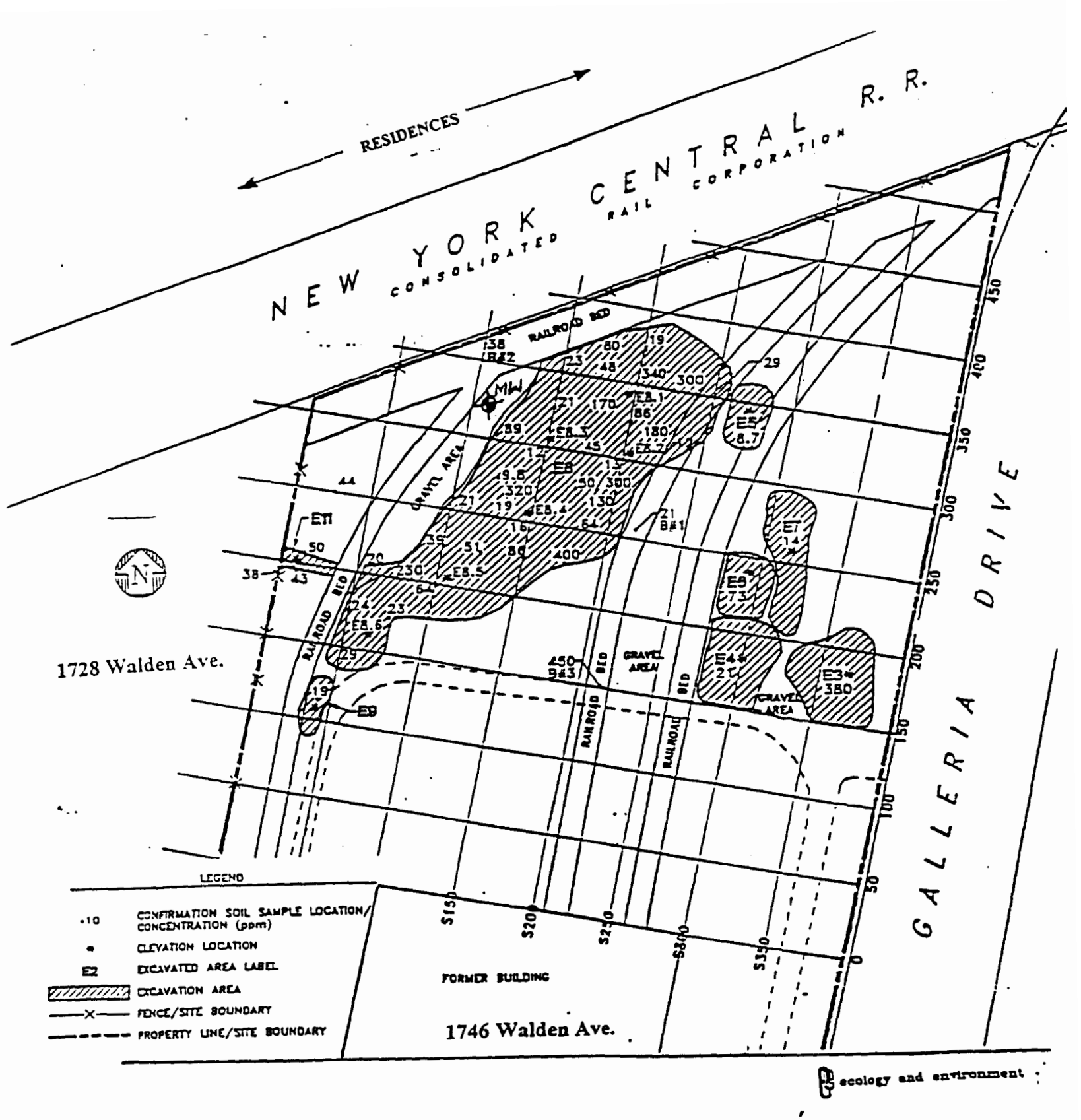


Figure 3: Major IRM Excavation Area at 1746 Walden Ave. Property

3.1.2. 1728 WALDEN AVENUE PROPERTY INVESTIGATIONS:

The following investigations were conducted at the 1728 Walden Avenue portion of the Ernst Steel site:

ERM Sampling -- 1992:

Delavan Industries contracted with ERM to excavate nine test pits in the back part of the property. Paint sludge residues were noticed in three test pits adjacent to the 1746 Walden Avenue property. Soil samples containing paint residues were not tested in the laboratory.

Blasland, Bouck and Lee (BBL) Testing - August 1995 :

In 1995 Commercial Carriers, then the owner of this property, contracted BBL to verify ERM's findings of paint sludge in the rear of the property. BBL excavated 27 test pits. Paint sludge was found in a number of test pits. Soil samples from test pits were tested for total lead and chromium and Toxicity Characteristic Leaching Procedure (TCLP) for these metals. [Note: the EP Toxicity Test has been replaced by TCLP]. As shown in the following Table, several samples exceeded the selected cleanup levels for lead and chromium. Some samples also exceeded the regulatory limit of TCLP for both lead and chromium proving the presence of hazardous waste (as defined in 6NYCRR Part 371) at the 1728 Walden Avenue portion of the Ernst Steel site. The areal extent of contaminated area "B" is shown in Figure 4.

Lead and Chromium in Soil

Contaminant	Concentration Range (ppm)	Frequency Exceeding SCL **
Lead	28 - 187,000	12 of 27
Chromium	1 - 22,000	21 of 27

** SCL (Selected Cleanup Levels) :
Total Lead = 500 ppm
Total Chromium = 40 ppm

3.2 INTERIM REMEDIAL MEASURES:

Interim Remedial Measures (IRMs) are conducted at sites where a source of contamination or an exposure pathway can be effectively addressed before thoroughly investigating the site.

Based upon the results of the investigations in comparison to SCGs and potential public health and environmental exposure rates, it was determined that the soils contaminated with paint residues which contained elevated levels of lead and chromium required remediation. The remediation of the Ernst Steel site was undertaken by 1746 Walden, Inc. as an IRM and was conducted according to Ecology and Environment's June 1995 Interim Remedial Measures Removal Action Plan.

Remediation Goals:

The specific goals selected for the IRM for this site were:

- Remove soils/waste that contain leachable lead and chromium above the regulatory levels (TCLP >5 mg/l) from both 1746 and 1728 Walden Avenue properties of the Ernst Steel site.

- Remove contaminated soils which contain total lead above 500 ppm from the 1746 Walden Avenue property. [Note: Since lead is the major contaminant in the paint sludge, it was selected as the indicator parameter for clean up. It is believed that by removing lead to an acceptable level, all other contaminants would also be removed to the background levels.]

- Remove contaminated soils from the 1728 Walden Avenue property which contain total lead and total chromium above 500 ppm and 40 ppm respectively.

- To eliminate, to the extent practicable, the potential for contaminated soils to impact local groundwater or surface water.

- To eliminate the potential for direct contact with the public to soils containing elevated levels of lead and chromium.

The IRM consisted of excavation, stabilization, and off-site disposal of contaminated soils and was carried out as follows:

3.2.1 Remediation of 1746 Walden Avenue Property

- **Delineation of Contaminated Areas:**

The task of delineating the area containing soils contaminated with total lead above the selected clean up level (500 ppm) was completed in 1994 by Ecology & Environment (E&E) for the 1746 Walden, Inc. In order to estimate the volume of contaminated soil and disposal costs, E & E excavated trenches to the top of native clay, which were 1- 2.5 feet in depth.

Some soil/waste samples were also collected from the trenches and tested for leachability of the waste. The leachability tests showed that the samples with total lead concentrations up to 500 ppm had EP Toxicity lead levels below the regulatory acceptable limit of 5 mg/l or ppm.

- **Excavation and Stockpiling:**

The excavation of soils contaminated with paint sludge started in August 1995. The soils were excavated using excavators or front-end loaders. The excavations were 2-3 feet deep and were terminated at native soil or clay. The excavated soils were stockpiled on-site on polyethylene sheets in approximately 90 piles each weighing approximately 20 tons. The piles were covered with tarp to minimize dust problems.

Post excavation soil samples were tested for total lead. Excavated areas showing lead greater than the cleanup level i.e. 500 ppm of total lead were further excavated until clean up levels were met. Extent of excavation in area "A" and post excavation lead concentrations are shown in Figure 3. NYSDEC also split some samples to verify the cleanup. Post excavation samples were not collected along the railroad tracks or gravel fill areas where there were no traces of paint sludge.

The piles were tested for TCLP-lead. Based upon the test results, the piles were distinctly marked as hazardous or non-hazardous waste. The majority of piles turned out to be hazardous. Because of the

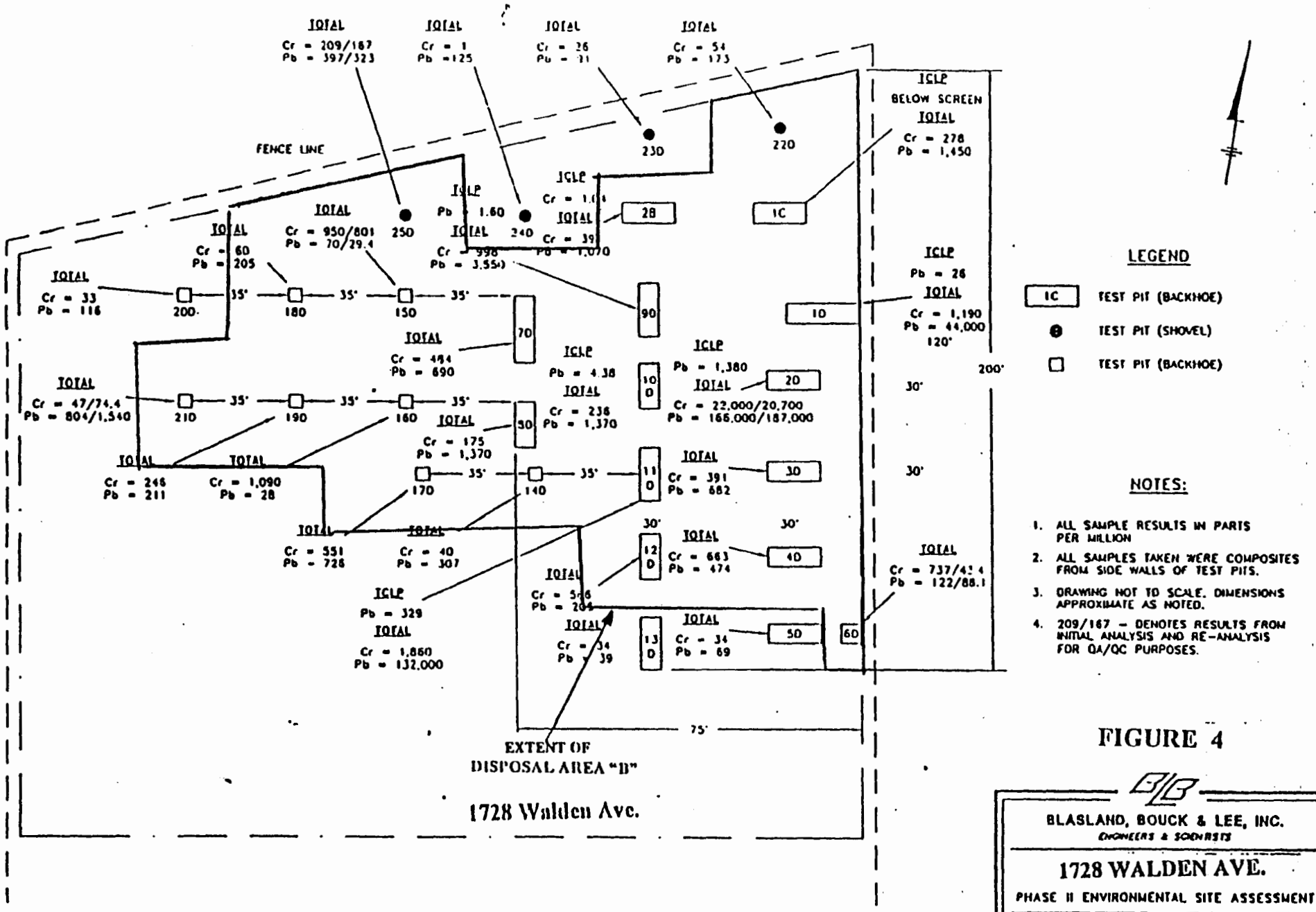


FIGURE 4

BLASLAND, BOUCK & LEE, INC.
ENGINEERS & SCIENTISTS

1728 WALDEN AVE.

PHASE II ENVIRONMENTAL SITE ASSESSMENT

TEST PIT SAMPLE LOCATION AND TEST RESULTS

unexpected high cost for off-site disposal of hazardous waste piles, 1746 Walden, Inc. started exploring other options.

In January 1996, 1746 Walden, Inc. contracted Nature's Way consultant to dispose of the waste piles. Nature's Way subcontracted Solucorp to stabilize (render non-leachable) metals in the hazardous waste piles on site so that the stabilized soil could be disposed of as non-hazardous at a permitted sanitary landfill. During the second week of January, Solucorp started processing the hazardous waste piles.

A pug mill was used to reduce the large pieces of soil to acceptable sizes. Then soil was passed through 1 ½ inch screens before processing through the Solucorp unit.

The Molecular Bonding System (MBS) Solucorp stabilization process (See Fig. 5) involved blending the screened soil with calcium sulfide in a screw feeder type mixer. The chemical reaction was controlled by moisture, chemical dose, and the contact time. The processed soil was placed on tarp in approximately 100 ton piles. Prior to disposal, each pile was tested for TCLP - lead. The piles showing TCLP- lead >5 ppm, were reprocessed. The processed piles showing TCLP-lead $<$ 5 ppm, were trucked to a permitted facility as a non-hazardous waste.

Hydrogen sulfide produced during the chemical reaction was monitored by E & E - the contractor overseeing the project for compliance. In the beginning of the Solucorp stabilization processing of soil, hydrogen sulfide readings often exceeded the acceptable level of 50 ppb. This resulted in frequent shut downs of the processing unit. Later the problem was corrected by equipment modification and sealing gas leaks in the processing equipment.

In February 1996, E&E was replaced as site contractor with Barron & Associates P.C. to oversee the project. At that time 1746 Walden, Inc. decided to suspend the Solucorp stabilization. Any unprocessed soil was disposed of at a Resource Conservation and Recovery Act (RCRA) permitted facility as a hazardous waste. The estimated quantities of soil removed from the 1746 Walden Avenue property were as follows:

- 1500 tons - Non-hazardous Waste
- 3500 tons - Processed/Stabilized (Non-Hazardous Waste)
- 500 tons - Hazardous Waste

After the piles were removed from the site, shallow soils were excavated and stockpiled at the 1728 Walden Avenue property. During this removal, small pockets of paint sludge were discovered. These pockets were also excavated and stockpiled at the 1728 Walden Avenue property to be disposed of during remediation of the 1728 Walden Avenue property.

3.2.2 Remediation of 1728 Walden Avenue Property:

The areas containing hazardous and non-hazardous wastes due to paint sludge at this property were delineated by BBL in August 1995 for the Commercial Carrier, Inc. Later in 1995, the property was acquired by 93-1 Trust.

In January 1996, 93-1 Trust excavated approximately 500 tons of soil containing paint sludge from this property and stabilized it by the Solucorp process. The stabilized soil was tested prior to off-site disposal as a non-hazardous waste. The excavated area was backfilled with clean fill/gravels.

In summer 1996, 93-1 Trust retained Nature's Way to excavate the remaining contaminated area and Barron & Associates (B & A) to oversee the cleanup. Excavation started in July 1996. The excavated soil piles were tested and disposed of at permitted facilities as hazardous or non-hazardous wastes. Excavations continued until cleanup was verified either by post excavation sampling or by NYSDEC field inspection. Remediation of this property was completed in September, 1996.

A total of 42 tandem loads or 1006 tons of soil were transported to Chemical Waste Management, Inc., Model City, N. Y. as a hazardous waste. Approximately 44 loads or approximately 940 tons were transported to Modern Landfill inc., Model City, N.Y. as a non-hazardous waste.

The soils containing total lead less than 500 ppm and total chromium less than 40 ppm and showing TCLP levels for lead and chromium below regulatory limit of 5 mg/l were used on site as backfill.

Health and Safety Plan

To ensure the health and safety of the on site workers and the nearby community, the soil excavation and transportation for disposal activities were conducted under strict adherence to the site specific Health and Safety Plan (H&SP) for the Ernst Steel site. As part of this plan, air monitoring was conducted at the perimeter of the work zones for compliance with an action level of 100 microgram per cubic meter for dust particulates. Hydrogen sulfide was monitored during stabilization processing and action level was set at 50 ppb. If the action levels were exceeded, excavation or soil stabilization processing were modified or halted altogether until measured concentrations fell below the specified action levels. Fugitive dust was controlled using water spray. Air monitoring results are presented in the Remedial Action Implementation report.

Decontamination:

A temporary decontamination facility was constructed at the site. Any excavating equipment and trucks leaving the site were inspected and cleaned prior to leaving the site to ascertain that mud was not tracked off-site.

Remedial Action Implementation Report:

The Remedial Action Implementation or Closure report includes a certificate of closure, description of IRM activities, quantities of soil removed, post excavation test results, quality assurance/quality control evaluations, any deviations from the approved work plan, air monitoring results, and groundwater sampling results. The report also recommends that no further action is required for this site.

3.3 Summary of Human Exposure Pathways:

An exposure pathway is the mechanism by which an individual is exposed to a contaminant. The five elements of an exposure pathway are 1) the sources of contamination; 2) the environmental media (e.g., soil, groundwater) and transport mechanisms; 3) the point of exposure; 4) the route of exposure (e.g. ingestion, inhalation); and 5) the receptor population. These elements of an exposure pathway may be based on past, present, or future events.

- During the IRM, the soil contaminated with paint sludge and having elevated levels of lead and chromium were removed from the site. The excavated areas have either been backfilled with clean fill or paved over. Thus any potential for exposure by ingestion, inhalation and dermal

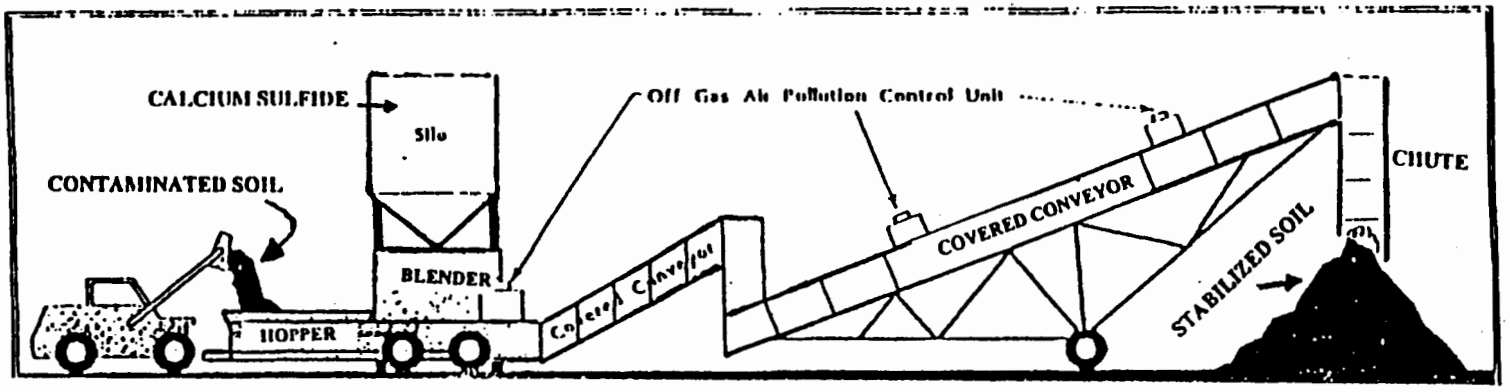


FIGURE 5

SOLUCORP ENVIRONMENTAL SOLUTIONS

MBS SOIL REMEDIATION PROCESS

(skin) contact has been eliminated. Any residual low level contamination at site due to its steel operations would be paved over during construction of the shopping plaza. This eliminates any direct human contact. The area is served by the municipal water and groundwater in the area is not used for human consumption. Groundwater was shown not to be contaminated with metals other than sodium and iron.

3.4 Summary of Environmental Exposure Pathways:

This section summarizes the types of environmental exposures which may be presented by the site.

The source of contamination at site (i.e. the paint sludge) has been excavated and removed from the site. By meeting the cleanup goals, the SCGs for soil are met. Also the site is underlain with approximately 20 feet thick clay which will prevent any residual site contamination entering into groundwater.

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 PRP for the Ernst Steel site who entered into consent order in 1992 with the NYSDEC was U.S. Metal Source. The volunteer who completed the site investigation and the cleanup under the 1995 and 1996 consent orders, was 1746 Walden, Inc. These orders were to perform site investigations and conduct IRMs to cleanup the site.

The following is the chronological enforcement information of this site.

Date	Index	Subject
5/4/92	B9-0372-91-05	Investigation & IRM
7/27/95	B9-0372-91-05	Investigation & IRM
1/10/96	B9-0372-91-05	Soil Stabilization

SECTION 5: SUMMARY OF THE REMEDIAL GOALS AND ACTION

Goals for the remedial program have been established through the selection process stated in 6NYCRR 375-1.10. These goals are established under the overall goal of protecting human health and the environment and meeting all Standards, Criteria, and Guidance (SCGs).

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, will accomplish this objective.

Based upon the results of the site investigations and the IRMs that have been performed at the site, the NYSDEC is selecting **No Further Action** as the preferred remedial alternative for the site. The Department will also remove the site from the New York State Registry of Inactive Hazardous Waste Disposal Sites.

Community Acceptance

The Department has sought to obtain comments from the community regarding the Proposed Remedial Action Plan. The results of this inquiry are summarized in Appendix A.

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 the site investigations and the remedial actions. The following public participation activities were conducted for the site.

- The area residents, interested citizens, news media, and the elected representatives were notified about the site investigations and IRM plans through Fact Sheets in July 1995 and December 1995. A public meeting was also held on August 3, 1995 in Cheektowaga Town Hall to describe the Interim Remedial Measures (IRM).

- A fact sheet was mailed to persons on the contact list on February 10, 1997 to announce the public meeting on the Proposed Remedial Action Plan. The public meeting was held on February 25, 1997 at the Cheektowaga Town hall. The public comment period lasted from February 13, 1997 to March 14, 1997.

- A document repository was established at the Reinstein Branch of the library. Site documents and general information about the site are available for review.

- A toll free number is available if there are any specific questions regarding the New York State Department of Environmental Conservation's Hazardous Waste Remediation Program. Phone # is: 1-800-342-9296

APPENDIX A

RESPONSIVENESS SUMMARY

ERNST STEEL SITE
Cheektowaga, Erie County
Site No. 915022

This responsiveness summary contains questions and comments received by the New York State Department of Environmental Conservation (NYSDEC) regarding the Proposed Remedial Action Plan (PRAP) for the subject site. A public meeting was held at the Cheektowaga Town Hall on February 25, 1997 to present the results of the site investigations and remediation of the site through Interim Remedial Measures (IRMs). The public comment period on the PRAP lasted from February 13, 1997 to March 14, 1997. The information below summarizes a description of the selected action, questions received from the public, and the Department's responses to the questions.

Selected Actions

1. No Further Action

2. Remove the site from the NYSDEC registry of Inactive Hazardous Waste Disposal Sites in New York State

Responses to Public Comments and Concerns:

The questions raised during the public meeting and the NYSDEC responses are given below. No written comments from the public were received during the comment period.

Q. **Has NYSDEC received any objection from anyone on the proposed action in the PRAP ?**

A. NYSDEC has not received any objection from the public on the proposed **No Further Action** and removal of the site from the registry.

APPENDIX B
ADMINISTRATIVE RECORD

ERNST STEEL SITE
Site No. 915022

1. Record of Decision . . . . . March, 1997
2. Proposed Remedial Action Plan . . . . . February 1997
3. Remedial Action Implementation Report . . . . . February, 1997
4. Nature's Way - Soil Stabilization Work Plan . . . . . November, 1995
5. Blasland, Bouck and Lee (BBL) Testing . . . . . August 1995
6. Interim Remedial Measures Decision Document . . . . . July, 1995
7. Ecology & Environment - Interim Remedial Measures Removal Action Plan . . . June, 1995
8. Waste Resource Associates (WRA) - Property transfer Assessment 1994
9, ATEC Investigation Plan . . . . . June, 1992
10. ATEC Investigation . . . . . May 1992
11. ERM Sampling 1992
12. ATEC Closure Plan . . . . . August, 1991
13. NUS Investigation (USEPA) 1990
14. NYSDEC Sampling . . . . . June 1990
15. Phase I Investigation (NYSDEC) . . . . . March 1986

Consent Orders: Investigation & IRM (B9-0372-91-05) . . . . . May, 1992
Investigation & IRM (B9-0372-91-05) . . . . . July, 1995
Soil Stabilization (B9-0372-91-05) . . . . . January, 1996

Relevant Corrospondence:

G.A. Carlson to M.J. O'Toole, NYSDOH concurrence letter for Record of Decision (3/97)

G.A. Carlson to M. J. O'Toole, NYSDOH concurrence letter for Proposed Remedial Action Plan (2/97)

Jaspal S. Walia (NYSDEC) to Richard Crouch (Barron & Associates), Acceptance of Remedial Action Implementation Report (2/97)

J.S. Walia to R. Crouch, Comments on Remedial Action Implementation report (1/97)

R. Crouch to J. S. Walia, Modifications to IRM Removal Action Plan (6/96)

J. S. Walia to D. Albers (E&E), Approval of IRM Action Plan for Commercial Carriers (1728 Walden Avenue property) (2/96)

D. Albers to J. S. Walia, IRM Action Plan for Commercial Carriers property (2/96)

K. Hopkins (ATEC) to J. S. Walia, EP - Toxicity results (7/92)