

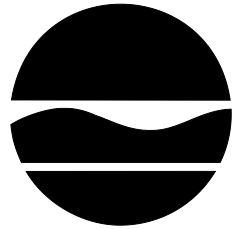
New York State Department of Environmental Conservation

Division of Environmental Remediation, Region 9

270 Michigan Avenue, Buffalo, New York, 14203-2999

Phone: (716) 851-7220 • **FAX:** (716) 851-7226

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

January 24, 2008

Mr. Mark Mason
Natural Resource Group
1000 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402

Dear Mr. Mason,

**Rail Excavation Work Plan
Former River Road Site #915031
Town of Tonawanda, Erie County**

The New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Health (NYS DOH) have reviewed the Rail Excavation Work Plan dated December 14, 2007. The Rail Excavation Work Plan describes proposed work to accommodate the construction of a railroad spur on an inactive hazardous waste site known as the River Road site (Site #915031). This work plan is also part of an overall redevelopment project of the adjacent inactive hazardous waste site known as the Roblin Steel site (Site #915056). As such the approval of this work plan will be dependent on the overall project review, the satisfactory completion of all project related environmental quality issues and the site specific conditions and terms listed below. These conditions and terms apply only to the Rail Excavation Work Plan associated with the proposed work on the River Road inactive hazardous waste site.

General:

1. The NYSDEC will require that an Order on Consent be executed between the Department, National Resource Group (NRG) and the property owner to cover the work being performed as described in the Rail Extension Work Plan. Without a Order on Consent any waste excavated by NRG or the owner will require disposal in an approved off-site permitted facility. Please contact Mr. James Charles of the NYSDEC Office of General Counsel at 716-851-7050 to begin negotiations for the Order on Consent,
2. The NYSDEC will require documentation from the PRP Group responsible for the original remedial action and ongoing operation and maintenance activities

indicating their agreement with the work. Prior to the completion of the rail spur, the PRP Group and NRG must revise the Post-Remedial Construction Operations, Maintenance and Monitoring Manual as needed to reflect the revised site conditions,

3. The State Environmental Quality Review (SEQR) act provisions that are being followed for the redevelopment project must include the proposed rail road spur. The pending work plan approval will not include the construction of the rail road spur or associated appurtenances,
4. The final work plan must bear the stamp of a Professional Engineer licensed and registered in the State of New York,

Work Plan Comments:

5. Section 2.1 Page 3 - Please provide additional text regarding the capability of the waste and sediment to support the proposed loads as it pertains to leachate generation, settlement and slope failure particularly along the Niagara River,
6. Section 2.2 Page 4 - Dust control must follow the procedures outlined in NYSDEC TAGM 4031 Fugitive Dust Suppression. TAGM 4031 must be included in this work plan and is enclosed for your use,
7. Section 2.2 Page 4 - It appears from the proposed plan that there will be an excess volume of cover soil and topsoil. Please indicate the intended disposition of this excess soil. If the soil is to be moved off site, analytical testing to ensure compliance with NYSDEC Part 375 unrestricted use standards must be provided. In addition all potential recipients of the excess soil must be advised of the source of the material. Please provide the estimated volume of the excess cover soil and topsoil along with a figure indicating the proposed locations for storage of excavated soil.
8. Section 2.2 Page 4 - All equipment that comes into contact with waste material must be de-conned prior to leaving the excavation zone. Temporary de-con facilities may be needed to prevent the tracking of waste along haul roads. Please provide a detail for temporary de-con facilities,
9. Section 2.2 Page 5 - Odor control should not be limited to an earthen layer. Additional odor control methods such as plastic and foam should be included as acceptable odor control procedures,

10. Section 2.2 Page 5 and Section 4.0 - A Community Air Monitoring Plan (CAMP) is required by the NYS DOH. Please include the CAMP in this work plan. A copy of the “generic” NYS DOH CAMP is enclosed for your use,
11. Figure 1-2, 2-1 and 2-2 - Please provide larger drawings for clarity,
12. New Figure - Please provide a new site plan that shows the local drainage pathways,
13. New Figure - Please provide a centerline profile along the rail spur that indicates existing grade, ballast sub-grade and final grade,
14. Please provide additional details on the proposed fill area that indicates waste and cover soil thickness including the geo-textile fabric layer. In general all work must follow the specifications and details found in the original approved design,
15. Appendix C Section I - Please add Mr. Matthew Forcucci NYS DOH to the Local Resources list,
16. New Appendix - A Storm Water Pollution Prevention Plan (SWPPP) is required for this project. The requirements of the SWPPP can be found on the NYSDEC web page at www.dec.ny.us under the Division of Water.

The NYSDEC will be issuing a Fact Sheet to the local contact list prior to the beginning of field work to implement the proposed work plan. The local contact list will include neighboring property owners, media, local interested groups and elected officials.

Please provide a revised work plan to the NYSDEC and NYS DOH along with an electronic version on a CD that addresses these comments. The final work plan will be included in the yet to be negotiated Order on Consent and will be approved upon execution of the order. When the work plan is approved, a copy must be placed in the document repository located at the City of Tonawanda Public Library.

Mr. Mark Mason
Rail Excavation Work Plan
January 24, 2008
Page 4

If you have any questions please call me at 716-851-7220.

Sincerely,

Michael J. Hinton PE
Environmental Engineer II

MJH:dcg
hinton\mason-exwrkplan.ltr

Attachments

cc: Mr. Gregory P. Sutton PE, Division of Environmental Remediation, Buffalo Office
Mr. Glenn May, Division of Environmental Remediation, Buffalo office
Mr. James Charles Esq. Office of General Counsel, Western Field Unit, Buffalo
Mr. David Denk, Division of Environmental Permits, Region 9
Mr. Matthew Forcucci, NYS DOH Western Regional Office, Buffalo
Mr. Hugh Stephens Esq, Stephens and Stephens, LLP
Mr. L. Matthew Duggan, Jr. Buffalo New York 14226