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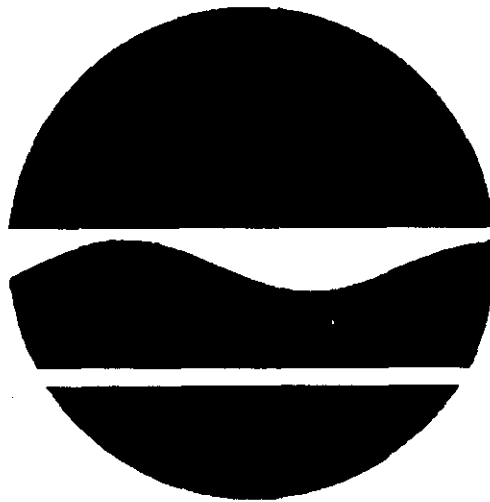
# LEHIGH INDUSTRIAL PARK Inactive Hazardous Waste Site

Lackawanna (C), Erie County, New York  
Site No. 9-15-145

## RECORD OF DECISION

March 1994

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ENVIRONMENTAL CONSERVATION  
REGION 9



Prepared by:

New York State Department of Environmental Conservation  
Division of Hazardous Waste Remediation

## DECLARATION STATEMENT - RECORD OF DECISION

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Lehigh Industrial Park Inactive Hazardous Waste Site  
Lackawana (C), Erie County, New York  
Site No. 9-15-145

### Statement of Purpose and Basis

The Record of Decision (ROD) presents the selected remedial action for the Lehigh Industrial Park 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 Lehigh Industrial Park 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, if not addressed by implementing the response action selected in this ROD, presents a current or potential threat to public health and the environment.

### Description of Selected Remedy

Based upon the results of the Remedial Investigation/Feasibility Study (RI/FS) for the Lehigh Industrial Park site and the criteria identified for evaluation of alternatives the NYSDEC has selected Consolidation and Capping of Contaminated Soil and Waste Piles with the Excavation and Off-Site Disposal of Soil with PCBs Over 50 ppm. The major components of the remedy are as follows:

- Waste piles present on site will be consolidated in one area of the site, along with contaminated surface soils from areas adjacent to the site property, and capped with 24 inches of soil. The cap, which will consist of a minimum of twelve (12) inches of clean soil with the remainder being contaminated site soils, will be graded to promote runoff and seeded. Drainage will be provided as needed and the area will be fenced. The configuration and location of the capped area may be modified to allow an approved beneficial reuse of the site if identified during the design phase.
- Surface soils exceeding the site cleanup levels, which are not consolidated with the waste piles, will be capped in place with a minimum of twelve (12) inches of clean soil. An

asphalt cap may be substituted for the soil cap to facilitate an approved beneficial reuse of the site.

- An estimated 200 cubic yards of soil with PCB concentrations exceeding 50 parts per million will be excavated and transported to a permitted hazardous waste landfill for disposal.
- Long term monitoring and maintenance of the site will be implemented to insure the integrity of the remedy. Appropriate deed restrictions and access agreements will be negotiated with the site owners to maintain the integrity of the site containment systems.

#### 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 statutory preference for remedies that reduce toxicity, mobility, or volume as a principal element.

The selected remedy requires the waiver of the 6 NYCRR Part 360 final cover requirements, to allow the use of a soil cap in lieu of a composite liner system. This is justified in that the remedial objective is to limit contact with the waste, and the considerations of the potential leaching of the material and gas generation are not concerns in this situation.

March 11, 1994  
Date

  
Ann Hill DeBarhieri  
Deputy Commissioner

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## SECTION 1: SITE LOCATION AND DESCRIPTION

The Lehigh Industrial Park site, formerly Roblin Scrap Products, is located on 31 South Street at Lehigh Avenue in the City of Lackawanna, Erie County, New York (see Figure 1). The site occupies 9.1 acres of land south of South Street. It is bounded by a residential area on the west, on the east by South Buffalo Railway and Conrail Tracks, on the north by South Street, and by the Buffalo Brake Beam Company to the south.

The site is located on the lake plain approximately one mile from the present shore of Lake Erie. The site is approximately 20 to 30 percent vegetated by weeds, scrub brush and softwoods. The site is relatively flat with the exception of debris piles and piles of plastic and foam rubber fluff along the western and southern property boundaries some of which extend off the property to the south and the northwest (see Figure 2). Several deteriorated buildings or other structures also exist at the site.

## SECTION 2: SITE HISTORY

### 2.1: Operational/Disposal History

The Lehigh Industrial Park site has been operated as a scrap metal recycling facility over the last 90 years. Since 1973, it was operated by the Roblin Scrap Products Company, Inc.; later to be called Roblin Industries, Inc. In 1985, Roblin Industries, Inc. declared bankruptcy and ceased operations at the site. The current owners, Lehigh Industrial Park, Inc., purchased the property in 1988, from the bankruptcy trustees.

During the period of operation by Roblin a number of polychlorinated biphenyls (PCB) spills were reported and are discussed in the next section.

### 2.2 Remedial History

The following summarizes remedial activities at the site:

Feb. 1979 - A transformer stored at the Roblin facility was noted to be leaking oil and a clean up of the contaminated soil was completed.

May 1979 - The Erie County Department of Environmental Protection (ECDEP) sampled soils for PCBs in the area of the transformer spill; two of three samples contained elevated concentrations of PCBs, 2,536 and 3,080 ppm.

July 1979 - ECDEP collected twelve additional soil samples from the area of the spill and other locations at the facility. PCBs were found in all of the samples above background levels.

June 1988 - Workers removing a transformer from the site reported a spill of transformer oil near the location of the previous spill.

Sept. 1988 - The U.S. Environmental Protection Agency (USEPA) sampled the area where the

Figure 1

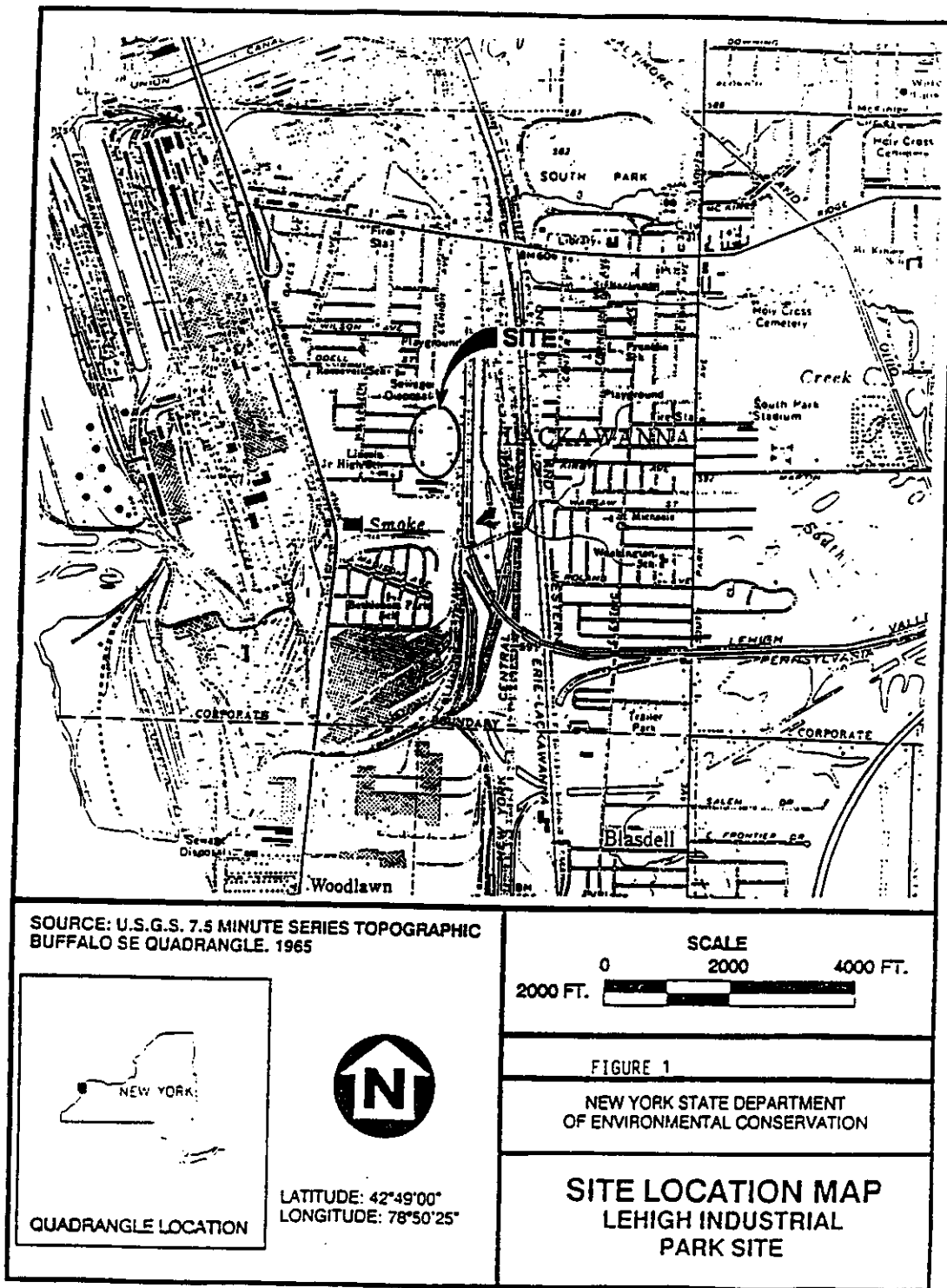
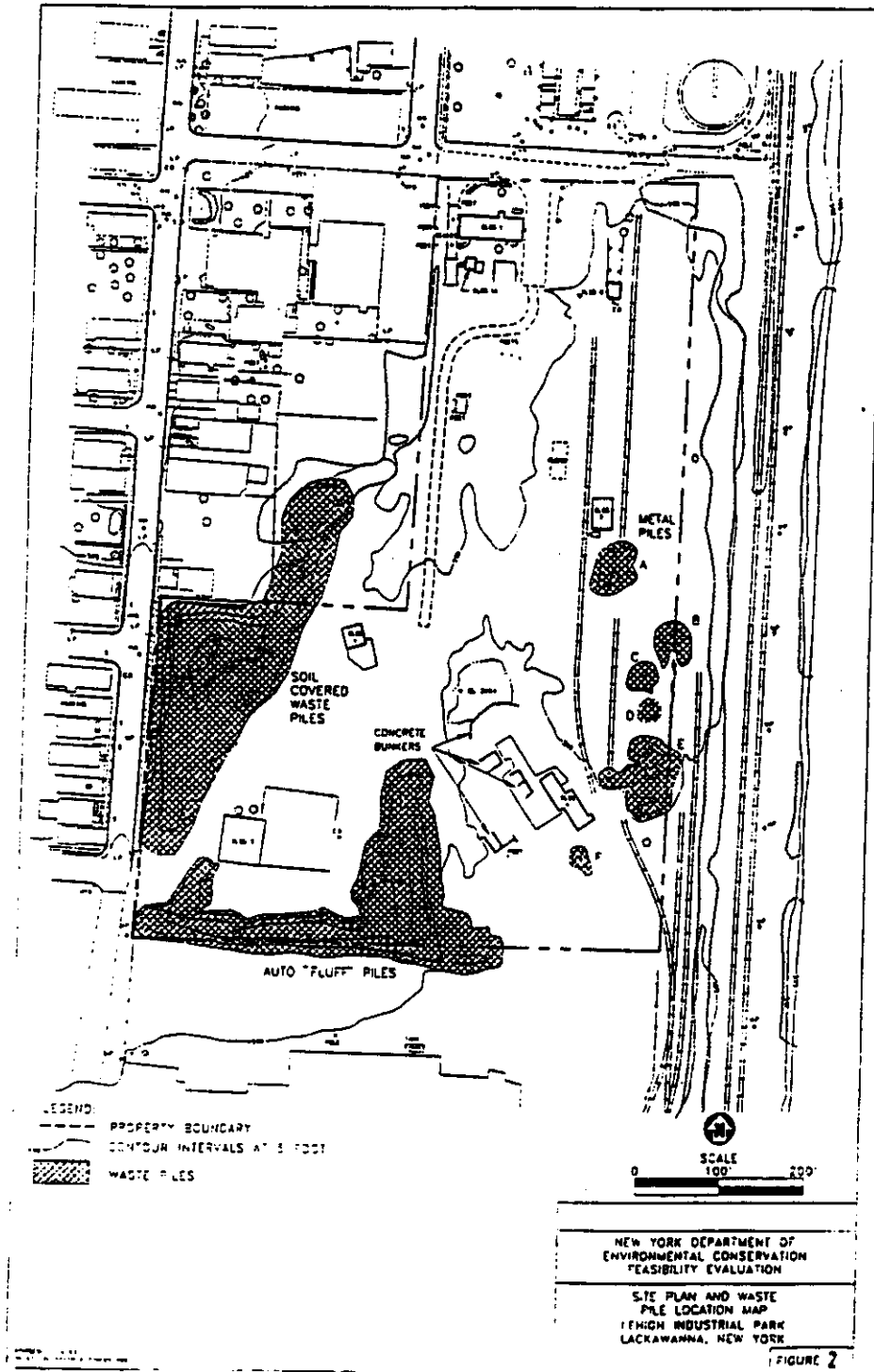


Figure 2



spill occurred, two of the six soil samples had concentrations above background levels including a concentration of 140,000 parts per million (ppm) PCBs.

August 1990 - USEPA conducted a site inspection and collected additional samples. A transformer carcass was found to contain oil with a PCB concentration of 1728 ppm.

December 1990 - Lehigh Industrial Park was designated as a Class 2 in the NYS Registry of Inactive Hazardous Waste Sites.

July of 1991 - the NYSDEC noted illegal dumping of industrial and other wastes was occurring at the site and a fence was installed to restrict access to the site.

### **SECTION 3: CURRENT STATUS**

In response to the determination that the presence of hazardous waste at the Site presents a significant threat to human health and/or the environment, the NYSDEC has recently completed a Remedial Investigation/Feasibility Study (RI/FS).

#### **3.1: Summary of the Remedial Investigation**

The purpose of the RI was to define the nature and extent of any contamination resulting from previous activities at the site.

The RI was conducted in two phases. The first phase was conducted from June to September 1992 and the second phase during June 1993. Two reports entitled "Preliminary Remedial Investigation Report," January 1993, and the "Additional Studies Addendum Report", November, 1993 have been prepared describing the field activities and findings of the overall RI in detail. A summary of the RI follows:

- Geophysical survey to identify buried metallic objects and areas of fill.
- Asbestos sampling of surface soils and waste piles.
- Surface and subsurface soil sampling to determine the nature and extent of soil contamination.
- Sampling of the waste piles and site buildings.
- Soil borings and monitoring wells to characterize site geology, hydrogeology, subsurface conditions and groundwater quality.
- Test pits to identify the contents of the waste piles and identify any possible drum disposal areas.

The analytical data obtained from the RI was compared to environmental Standards, Criteria, and Guidance (SCGs). Groundwater, drinking water and surface water SCGs identified for the Lehigh Industrial Park site were based on NYSDEC Ambient Water Quality Standards and Guidance Values and



Part V of NYS Sanitary Code. Soil and sediment analytical results, were evaluated against the NYSDEC soil cleanup guidelines for the protection of groundwater, background conditions, and risk-based remediation criteria all of which were used to develop remediation goals for soil.

Based upon the results of the remedial investigation in comparison to the SCGs and potential public health and environmental exposure routes, certain areas and media at the site require remediation. These findings are summarized below. More complete information can be found in the RI Report.

Chemical concentrations are reported in parts per billion (ppb) and parts per million (ppm). For comparison purposes, where applicable, SCGs are given for each medium.

### Site Soils

Soils contaminated with PCBs were found at numerous locations around the site. PCB concentrations ranging from non-detect to 62,000 ppm were identified by the RI. The clean up goal for PCBs is 1 ppm in surface soils and 10 ppm for subsurface soils at depths of 1 foot or greater. In the analytical samples, PCBs were detected in 89 of 95 samples and exceeded the site clean up goals in 43 of these samples. The highest levels of PCBs were found in the vicinity of the transformer spill which was located in Building 5.

The metals cadmium, chromium and lead were also detected at elevated levels in many locations across the site. These elevated levels exceed the site clean up objectives of 10 ppm for cadmium, 50 ppm for chromium and 500 ppm for lead. The NYSDOH has established these levels in order to be protective of public health.

Seventy soil samples were analyzed for metals with the following results; cadmium exceeded the clean up objectives for soil in 16 of these samples, chromium exceeded clean up objectives in 47 samples and lead exceeded clean up objectives in 27 of the metals analyses.

Site soils exceeding the remediation guidelines have been identified by the RI as "hot spot" areas. The hot spot areas include the six locations marked H1 through H6 (see Figure 3).

The areas which exceed remediation criteria will require remediation. Soils which contain PCBs at levels greater than 50 ppm are a hazardous waste as defined by 6 NYCRR Part 371, "Identification and Listing of Hazardous Wastes", and their disposal is regulated under the Toxic Substances Control Act (TSCA). Approximately 200 cubic yards of soil meet this criteria.

Overall, in most of the areas where PCBs were found, concentrations were greater than 1 ppm but less than 50 ppm. This results in these particular soils being considered contaminated and requiring remediation, based on health based considerations, but not a hazardous waste as defined in 6 NYCRR Part 371.

Typically contaminant concentrations decrease with depth. The areas identified for remediation would require excavation from the surface to approximately one foot in depth. The total volume of contaminated soil to be addressed by any remedy is estimated to be 30,000 cubic yards (c.y.).

## Waste Piles

Numerous waste piles are present on the southern portion of the site, in particular along the southern and western boundaries. Some of these piles contain a material common to auto salvage yards known as "automobile fluff". This "fluff" consists of a variety of materials, including plastic, rubber, foam, cloth, glass, or insulation. Other piles contain mostly ferrous metal debris. Both types of waste piles are mixed to a greater or lesser extent with site soils. The type and extent of contaminants in these piles varies with each particular pile.

The highest concentration of PCBs, 35.5 ppm, was found in test trench #23 located in the southern fluff pile. For metals, the highest concentrations for cadmium, chromium and lead were 131 ppm in test trench #29, 923 ppm in trench #18 and 34,000 ppm in trench #9 respectively. The volume of the waste piles is estimated to be 17,000 c.y.. The locations of the various waste piles and test trenches can be found on Figure 4.

In addition to the above results, one sample from a test trench in the soil covered waste pile exceeded the Toxic Characteristic Leaching Procedure (TCLP) level for lead. Therefore, this material is considered a characteristic hazardous waste for purposes of off-site disposal and handling. This sample is not necessarily representative of the majority of the material present in the waste piles, most of which consists of soil and car parts or other metal objects. However, about 6000 c.y. of the waste piles are of similar composition, based on the concentrations of lead identified and the nature of the material, and some portion of this volume may potentially exceed the TCLP levels.

## Sediments

There are no surface water bodies immediately adjacent to the site, however, Smokes Creek which is approximately one quarter (1/4) mile from the site receives some storm run-off from the site by means of a storm sewer. Samples from the drainage swale which is located along the eastern border of the site, and discharges to the storm sewer, did not reveal any elevated levels of site contaminants which would warrant further sampling or remediation of the storm sewer or Creek.

## Groundwater

Five shallow and one deep groundwater monitoring wells were installed as part of the investigation. The Phase I and Phase II RI sampled the groundwater at the site. The analytical results from these two rounds of sampling identified only one volatile organic compound, in one well from the second round of sampling, at a concentration above NYSDEC Water Quality Standards (WQS) for Groundwater. This compound is cis-1,2-dichloroethene, detected at 17 ppb where the standard is 5 ppb.

One other compound, benzene, was also detected at an estimated level of 1 ppb in one well in both rounds of sampling. While the standard for benzene is 0.75 ppb, this detection is not considered significant based on the precision of the analytical equipment at this low a detection limit resulting in this value being qualified as an estimated concentration.

PCBs, lead, cadmium or chromium, the contaminants of concern at the site, were not detected in any groundwater samples. No private or public drinking water wells are known to exist in the area, nor would the discharge of low level contaminated groundwater be expected to have a detectable impact on a downgradient surface water body. Therefore, the presence of one low level exceedence of WQS by a volatile organic in one well is not considered a threat to public health or the environment. Furthermore, no source of this contamination was identified by the RI, therefore, remedial alternatives will not be considered for groundwater at the Lehigh Industrial Park site.

### **Buried Drums**

The Lehigh Industrial Park site was screened utilizing a geophysical survey method known as a terrain conductivity survey. This type of survey can identify areas of buried drums or other metal objects. Due to the volume of scrap and other metal buried, and at the surface of the site, the results of the geophysical survey were inconclusive.

To further investigate whether buried drums were present, a total of 33 test pits/trenches were excavated in the waste piles and at various other locations on the site. No buried drums or other evidence of discrete areas of waste disposal were found by any of the test pits.

### **Site Structures**

Another consideration at the Lehigh Industrial Park site is the presence and condition of the six site buildings and several miscellaneous structures, shown on Figure 2. All of these existing site buildings are in various states of deterioration resulting from fires, vandalism and salvage. The floors of the two southernmost structures, buildings 5 & 6, are contaminated with PCBs, lead, chromium and cadmium above the established remediation levels. The floors of the two middle buildings, 3 & 4, are contaminated with lead and cadmium and building 3, the shredder, is also contaminated with chromium.

Therefore, these four site buildings will require remediation. The fifth building, located at the site entrance is the office and scale house and will not require remediation. A sixth building, a small shed, and several miscellaneous structures identified on the Figures as bunkers will be demolished as necessary to implement the remedy.

### **3.2 Summary of Human Exposure:**

This section describes the types of human exposures that may present added health risks to persons at or around the site. A more detailed discussion of the health risks can be found in Attachment A of the FS Report.

An exposure pathway is the way in which an individual comes into contact with a contaminant. The five elements of an exposure pathway are 1) the source of contamination; 2) the environmental media and transport mechanisms; 3) the point of exposure; 4) the route of exposure; and 5) the receptor population. These elements of an exposure pathway may be based on past, present, or future events.

The NYSDOH reviewed the results from the investigations at this site and identified the surface soils and waste/debris piles, which contain elevated levels of PCBs, lead, cadmium, and chromium, as the media requiring attention based on the possible exposure pathways. This exposure is based on possible oral (eating) or dermal (skin) contact with the surface soils or material in the waste piles by residents or workers entering the site. These four contaminants, have been identified as the contaminants of concern at this site, based on information derived from the RI and toxicological data.

In addition, a potential risk exists for airborne migration of contaminants to occur in the future should the waste piles deteriorate or other disturbances of the site soils take place leading to increased dust blowing off site. Current conditions of heavy vegetation and the coarse nature of exposed surface areas do not result in an exposure based on air monitoring during the RI.

Cleanup values which are protective of public health have been established for this site by the NYSDOH as follows; 1 ppm for PCBs in surface soils, with surface soils defined as the top 12 inches of soil, and 10 ppm of PCBs in subsurface soils. For the inorganics, lead will have a cleanup value of 500 ppm, cadmium of 10 ppm and chromium of 50 ppm in surface soils.

### 3.3 Summary of Environmental Exposure Pathways:

This section summarizes the types of environmental exposures which may be presented by the site. This site is located in a heavily developed urban industrial/residential neighborhood. Sampling of a drainage swale adjacent to the site, which ultimately discharges to Smokes Creek, the nearest surface water body, did not identify contaminant levels above background.

One exceedence of groundwater standards for cis-1,2 dichloroethene was also identified, however this low concentration is not anticipated to have any detectable impact on surface water quality in the area and has not been attributed to any specific source at the site. Therefore, no existing environmental exposure pathways have been identified, however, a potential pathway exists relative to future runoff from the site.

## SECTION 4: ENFORCEMENT STATUS

Potentially Responsible Parties (PRPs) are those who may be legally liable for contamination at a site. PRPs may include past or present owners and operators, waste generators, and haulers.

The PRPs that have been documented to date for this site include the bankruptcy trustees of the Roblin Industries, Inc. and Lehigh Industrial Park, Inc.

The PRPs failed to implement the RI/FS at the site when requested by the NYSDEC. After the remedy is selected, the PRPs will again be contacted to assume responsibility for the remedial program. If an agreement cannot be reached with the PRPs, the NYSDEC will evaluate the site for further action under the State Superfund. The PRPs are subject to legal actions by the State for recovery of all response costs the State has incurred.

## **SECTION 5: SUMMARY OF THE REMEDIATION GOALS**

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

At a minimum, the remedy selected will eliminate or mitigate all significant threats to the public health and to the environment presented by the hazardous waste disposed at the site through the proper application of scientific and engineering principles.

The remedial action objectives for the site are as follows:

- Eliminate the potential for human exposure through dermal (skin) contact or by ingestion (eating) to any soils or waste material containing site related contaminants exceeding the cleanup levels.
- Eliminate the potential threat to surface waters by eliminating any future contaminated surface run-off from contaminated soils or waste at the site.
- Permanently contain, treat and/or dispose of contaminated site media in a manner consistent with State and Federal regulations.

## **SECTION 6: SUMMARY OF THE EVALUATION OF ALTERNATIVES**

Potential remedial alternatives for the Lehigh Industrial Park site were identified, screened and evaluated in a focused Feasibility Study (FS). This evaluation is presented in the report entitled "*Focused Feasibility Study, Lehigh Industrial Park Site*", December 1993. A summary of the detailed analysis follows:

### **6.1 Description of Alternatives:**

The potential remedies are intended to address the contaminated soils and debris present at the site. Other alternatives that did not pass the initial screening were eliminated from a detailed analysis. This includes treatment technologies such as incineration and thermal desorption due to the mixture of contaminants present at the site and the wide variety of metal and other materials present in the soils or waste piles in which the contaminants are found.

#### **Alternative 1: No Action**

The no action alternative is evaluated as a procedural requirement and as a basis for comparison. It requires continued monitoring only, allowing the site to remain in an unremediated state. The site would remain in its present condition, and human health and the environment would not be provided any additional protection.

**Alternative 2: Deed and Access Restrictions**

Present Worth:	\$115,000
Capital Cost:	\$19,000
Annual O&M:	\$10,220
Time to Implement: 3 months	

This alternative would restrict site access by fencing the entire site and would include provision for the NYSDEC to negotiate restrictions on the future use or development of the site. This alternative would also require continued monitoring of the site since hazardous waste remains on-site, otherwise the site would remain in an unremediated state.

**Alternative 3: Consolidation and Capping of Contaminated Soil and Waste Piles with the Excavation and Off-Site Disposal of Soil with PCBs Over 50 ppm**

Present Worth:	\$774,000
Capital Cost:	\$687,000
Annual O&M:	\$9,260
Time to Implement: 6-12 months	

Soils in which PCB levels exceed the hazardous waste definition of 50 ppm, approximately 200 c.y., would be excavated and transported to a permitted landfill for disposal in accordance with applicable TSCA and Resource Conservation and Recovery Act (RCRA) regulations. The remaining metals and PCB contaminated soils and the waste piles, including any characteristic hazardous waste, would be consolidated and capped. The cap would consist of 24 inches of soil, starting with at least 3 inches of topsoil followed by a minimum of 9 inches of compacted clean soil, over a 12 inch layer of the metals contaminated site soil consolidated from other locations at the site. This would achieve the one foot of clean cover required by the NYSDOH to be protective of public health and also insure an adequate thickness to account for the structural considerations of a cap.

Consolidation would be considered in the following areas: (1) where contamination extends beyond the borders of the Lehigh Industrial Park Property, (2) where waste piles are immediately adjacent to the site boundaries, and (3) where contaminated soils can be utilized as contouring fill for the cap in place of clean fill. The capped waste piles would be graded to promote runoff and to discharge the clean runoff to an appropriate storm drain. The area of the capped waste piles, which would be expected to cover approximately 4 acres and rise about nine (9) feet at its highest point, is shown conceptually in Figure 5. During design, the actual contours, area and location of the capped waste could be evaluated and laid out to accommodate a beneficial use of the site such as soccer fields, other limited recreational usage or a compatible commercial use.

In addition to the capped waste piles, the remaining areas of metals contaminated soils (which are not consolidated with the waste piles) would be capped at grade with a minimum of 12 inches of clean soil and with sufficient slope to provide drainage. An asphalt cap, in these areas, is an option that could be

considered during the design phase of this project to accommodate an approved beneficial reuse of this site.

The NYSDEC would negotiate a permanent easement with the current site owners. This easement would restrict any future use of the capped area and surrounding areas required to access or maintain the capped area. This alternative would require continued monitoring of the groundwater due to the waste remaining at the site.

**Alternative 4: Off-Site Disposal of Waste Piles, Capping of Contaminated Soil Areas and Excavation and Off-Site Disposal of Soil with PCBs Over 50 ppm**

Present Worth:	\$8,100,000
Capital Cost:	\$8,020,000
Annual O&M:	\$8260
Time to Implement:	6-12 months

The remediation of soils with PCBs over 50 ppm and surface soils exceeding the cleanup criteria would be performed as in alternative 3. Alternative 4, would also remove all of the waste piles on the site for transportation to a permitted disposal facility. Waste which is characteristic hazardous for lead would be pretreated as necessary and sent to a hazardous waste landfill and the non-hazardous material would go to a solid waste facility. It is estimated that 17,000 cubic yards of waste would be disposed of off-site, with any portion of this volume which may fail the TCLP test being handled as characteristic hazardous waste.

The NYSDEC would also negotiate a permanent easement with the current site owners. This easement would restrict any future use of the capped area and surrounding areas required to access and maintain the capped area.

**6.2 Evaluation of Remedial Alternatives**

The criteria used to compare the potential remedial alternatives are defined in the regulation that directs the remediation of inactive hazardous waste sites in New York State (6 NYCRR Part 375). For each of the criteria, a brief description is provided followed by an evaluation of the alternatives against that criterion. A detailed discussion of the evaluation criteria and comparative analysis is contained in the Feasibility Study.

The first two evaluation criteria are termed "threshold criteria" and must be satisfied in order for an alternative to be considered for selection.

1. Compliance with Applicable Standards, Criteria, and Guidance (SCGs). Compliance with SCGs addresses whether or not a remedy will meet applicable environmental laws, regulations, standards, and guidance.

Alternatives 1 and 2 leave unacceptable levels of contaminants in the surface soils for direct exposure. The no action alternative would not comply with SCG's.

Alternative 3 and 4 comply with all applicable standards, criteria and guidance (SCGs), with the exception of the final cover requirements of 6 NYCRR Part 360, for which a waiver would be proposed. This waiver would address the inert nature of the waste material being capped by not requiring provision for gas collection and by a relaxation of the infiltration protection since no impact to soils or the groundwater due to leaching has been identified. The waste removal from the site would be performed in accordance with all regulations governing this action. The soil cap would eliminate dermal and oral exposure. The off-site migration of any site contaminants through environmental media would be eliminated. Applicable guidance would be used in the design of the soil cap.

**2. Protection of Human Health and the Environment.** This criterion is an overall evaluation of the health and environmental impacts to assess whether each alternative is protective.

Alternative 1 would leave site soils exposed and unremediated. This alternative is not protective of human health and the environment. Alternative 2, while affording some increased protection over alternative 1 with regard to human contact, does not provide for future concerns related to air impacts or runoff from the site. It is also not protective of the environment for these reasons.

Alternatives 3 and 4 would remove hazardous PCB waste from the site. Both alternatives would also eliminate the threat of release of hazardous substances to the environment, as well as the potential exposure to the public through oral and dermal contact. Therefore, both alternatives 3 and 4 are protective of human health and the environment.

The next five "primary balancing criteria" are used to compare the positive and negative aspects of each of the remedial strategies.

**3. Short-term Impacts and Effectiveness.** The potential short-term adverse impacts of the remedial action upon the community, the workers, and the environment during the construction and implementation are evaluated. The length of time needed to achieve the remedial objectives is also estimated and compared with the other alternatives.

Alternative 1 would have no short term impacts since no remedial construction of site soils would take place. Alternative 2 would have minimal short term impacts in that construction of additional fencing is all that is involved.

Both alternatives 3 and 4 would involve short term impacts for remedial construction. For both alternatives, this would involve the discrete off-site removal of PCB contaminated soils. Alternative 4 would also require the trucking of the far larger volume of the waste piles. Approximately ten truckloads of soil must be removed for the PCB component of both alternatives 3 and 4 and an additional 300 truckloads of material would be leaving the site in alternative 4. These truck trips would increase short term impacts both from the impacts due to increased truck traffic (i.e. noise, dust, exhaust) and



from the possibility of an accidental spill. Contingency plans would be in place to address any possible spill and haul routes would be designated to minimize the traffic concerns.

Both alternative 3 and 4 also would require the handling and relocating of the contaminated materials present at the site with potential for short term impacts due to dust or airborne asbestos. The Health and Safety Plan would incorporate any required measures to prevent any short term exposures from the construction activities by requiring the wetting of materials to be handled and other dust control measures, as well as continuous monitoring of dust or asbestos levels to determine if further actions are needed.

4. Long-term Effectiveness and Permanence. This criterion evaluates the long-term effectiveness of alternatives after implementation of the response actions. If wastes or treated residuals remain on site after the selected remedy has been implemented, the following items are evaluated: 1) the magnitude of the remaining risks, 2) the adequacy of the controls intended to limit the risk, and 3) the reliability of these controls.

Alternative 1, the no action alternative has no long term effectiveness or permanence. Nothing would be done to mitigate the direct exposure to surface soils containing elevated levels of contaminants. For alternative 2, site fencing and access restrictions would have some limited impact on the exposure provided they are maintained

The magnitude of remaining risks would be mitigated with the implementation of alternative 3 or 4. The cap would be designed so that the only complete exposure pathway, direct exposure would be eliminated. These controls are also more than adequate to limit any potential risks posed by the remaining site materials. The cap would divert runoff away from the waste material and it would also eliminate any potential airborne pathway for site contaminant migration.

Proper maintenance would maintain the integrity of the cap and the reliability of this control in insuring that the covered soils will remain under the cap. Therefore, the long term effectiveness rating of alternatives 3 and 4 is high. These alternatives are also considered to have a high degree of permanence.

5. Reduction of Toxicity, Mobility or Volume. Preference is given to alternatives that permanently and significantly reduce the toxicity, mobility or volume of the wastes at the site.

Alternatives 1 and 2 would not reduce the toxicity, mobility or volume of any of the toxic materials found on site.

Neither alternative 3 nor 4 reduce the toxicity of the actual waste material. In alternative 3, there would be a limited reduction in the volume of waste on site with the removal of the higher level PCB contamination and in alternative 4 this would be even greater with the removal of the PCBs plus the larger volume of the waste piles. In both alternatives 3 and 4, the mobility of the contaminated soils would be eliminated by the cap. Mobility is defined as the ability of a contaminant to migrate so as to produce a complete exposure pathway.

6. Implementability. The technical and administrative feasibility of implementing each alternative is evaluated. Technically, this includes the difficulties associated with the construction, the reliability of the technology, and the ability to monitor the effectiveness of the remedy. Administratively, the availability of the necessary personnel and material is evaluated along with potential difficulties in obtaining special permits, access for construction, etc..

Alternatives 1 and 2 are technically feasible in that no or minimal effort would be required for implementation of these alternatives.

Alternative 3 is highly feasible, in that only a discrete removal would occur. The remainder of the site soils would be consolidated, reducing the materials handling that would be required for the off-site disposal of alternative 4. Construction of the cap employs readily available technology that does not present a high degree of difficulty.

Alternative 4 would also be a feasible option. Excavation and off site disposal is considered a low technology alternative. However, this option would require a much higher degree of dust suppression methods because of the additional handling required. Also provisions would have to be made for the increased truck traffic that this alternative would generate.

For all the alternatives, restricting access will be dependent upon negotiations with the present site owners.

7. Cost. Capital and operation and maintenance costs are estimated for each alternative and compared on a present worth basis. Although cost is the last balancing criterion evaluated, where two or more alternatives have met the requirements of the remaining criteria, cost effectiveness can be used as the basis for the final decision. The costs for each alternative are presented in Table 1.

Alternative 1 is the least costly option since there are only long term monitoring involved. Alternative 2 is only slightly more expensive, since minimal expenditures would be required to implement this remedy.

Alternative 3 has a moderate cost and would meet all the seven criteria used to evaluate feasible options. The total cost estimated for this alternative is \$774,000.

Alternative 4 is a much higher priced option. Off-site disposal is the single greatest factor raising the total costs of this remedial alternative. In addition, the transportation costs would add to the total. The cost for this alternative is estimated to be \$8,100,000.

This final criterion is considered a modifying criterion and is taken into account after evaluating those above. It is focused upon after public comments on the Proposed Remedial Action Plan have been received.

8. Community Acceptance. Concerns of the community regarding the RI/FS reports and the Proposed Remedial Action Plan have been evaluated. The "Responsiveness Summary" included as Appendix A

presents the public comments received and the Department's response to the concerns raised. In general, the public comments received were supportive of the selected remedy.

## **SECTION 7: SUMMARY OF THE SELECTED REMEDY**

The remedy selected for the site by the NYSDEC was developed in accordance with the New York State Environmental Conservation Law (ECL).

Based upon the results of the RI/FS, and the evaluation presented in Section 7, the NYSDEC has selected **Alternative 3: Consolidation and Capping of Contaminated Soil and Waste Piles with the Excavation and Off-Site Disposal of Soil with PCBs Over 50 ppm**

This selection is based upon the ability of this remedy to meet or exceed standards, criteria and guidance. Alternative 3 offers protection of human health and the environment by removing the threat of potential exposure to site contaminants. The design will insure long term effectiveness, permanence and eliminate any potential mobility of site contaminants.

Application of the readily available technology called for by this alternative will eliminate the potential for any short term exposures. This remedial action is completely feasible and will take about 6 to 12 months to implement.

Alternative 3 is the most cost effective option available that will adequately address the concerns at this site. A conceptual layout of this alternative is included as Figure 5.

The investigation of groundwater at this site identified one contravention of standards for groundwater by the volatile organic compound, cis- 1,2- dichloroethene at a level of 17 ppb as compared to the regulatory level of 5 ppb. This detection occurred in one monitoring well in the second round of sampling. Overall, the presence of one low level detection slightly above the standard, with no identified source from the site is not anticipated to result in a significant degradation of groundwater quality in the area nor a detectable impact on local surface water quality. With no use of groundwater as a drinking water source and no environmental impact identified no threat to either is apparent. No source of this contamination was identified by the RI, therefore, remedial alternatives to address the source have not been considered and treatment to reduce this low a level is not anticipated to be productive absent a known source. Therefore, a waiver of the standard in this instance is justified.

The Solid Waste Management Facility regulations, 6 NYCCR Part 360, provide the regulatory standards for the design of the cap for this remedy. The final cover requirements, as defined by Part 360, call for a layer of material to be placed on a landfill which serves to restrict infiltration, support vegetation, control landfill gas and promote surface drainage. The objective of the remedy selected for this site is the elimination of the exposure to the waste material due to dermal contact, ingestion or inhalation. The proposed cover system of 24 inches of material will meet this objective, thereby being protective of public health and the environment. Therefore a variance from the full requirements of a Part 360 cap is justified, since all the four objectives of a final cover system identified above are not required in this instance, as detailed below.

The restriction on infiltration is not a primary concern for this cap since the contaminants of concern are not highly soluble. While some of the waste material has failed the TCLP test, no evidence of leaching to the soils or groundwater has been identified. No site contaminants have been detected above background in the groundwater, therefore infiltration as a contaminant migration pathway is not a major concern, however the cap will be designed to minimize infiltration and prevent the formation of a perched water table in the waste. Likewise, gas generation is not a concern at this site since the material to be capped is soil or relatively inert material. The cap will be designed to promote surface runoff and support vegetative cover.

The estimated present worth cost to implement the remedy is \$774,000. The cost to construct the remedy is estimated to be \$687,000 and the estimated average operation and maintenance cost is \$9260.

The elements of the selected remedy are as follows:

1. A remedial design program to verify the components of the conceptual design and provide the details necessary for the construction, operation and maintenance, and monitoring of the remedial program.
2. The estimated 200 c.y. of soil with PCB concentrations exceeding 50 ppm will be excavated and transported to a permitted hazardous waste landfill.
3. Waste piles present on the site will be consolidated in one area of the site and capped with 24 inches of soil. The soil cap will consist of a minimum of one foot of clean soil, with the top 3 inches being capable of supporting vegetation followed by a minimum 9 inch layer of soil with a permeability equal to or less than the existing site soils. Below the clean soil, a 12 inch layer of the contaminated site soils will be placed over any waste material and graded and compacted to provide structural stability for the cap. The capped area would be graded to promote runoff, with a minimum 4% slope where practicable, and grass planted. Drainage will be provided as needed and the area fenced. The capped waste pile will cover an area of about four (4) acres and rise to a maximum height of approximately nine (9) feet, as shown conceptually in Figure 5.
4. Surface soils exceeding the site cleanup levels, which are not consolidated with the waste piles, will be capped at grade with a minimum of one foot of clean soil of similar composition to the existing site soils. Contaminated surface soils will be utilized to the extent practical as contouring and cover material in the waste pile capping. This consolidation of surface soils will be considered in the following areas: (1) where contamination extends beyond the borders of the Lehigh Industrial Park Property, (2) where waste piles are immediately adjacent to the site boundaries, and (3) where contaminated soils can be utilized as contouring fill for the cap in place of clean fill. A partial asphalt cap is an option that could be considered during the design phase of this project in the areas where the at-grade cap is to be considered.
5. The four contaminated buildings, identified as buildings 3,4,5, and 6 on Figure 2, will be demolished and disposed in the capped area. The remaining structures will be demolished as necessary to complete the remediation and also incorporated in the capped area.

6. Any salvageable materials (i.e. steel) may be cleaned and sent off site for recycling if cost effective.
7. Long term monitoring and maintenance of the site will be implemented to insure the integrity of the remedy. Appropriate deed restrictions and access agreements will be negotiated with the site owners to provide for the integrity of the site containment.
8. During design, the actual contours and location of the capped waste may be evaluated to accommodate a beneficial use of the site such as soccer fields, other limited recreational usage, or a compatible commercial usage. Any beneficial use of the site after remediation will : (1) require restrictions on the development of the site to prevent compromising the integrity of the cap; (2) require provisions for maintenance of the remedy and (3) will be dependent upon the acquisition of appropriate access agreements, easements, etc. to allow the use of the property.

### **SECTION 8: HIGHLIGHTS OF COMMUNITY PARTICIPATION**

As part of the citizen participation process, a citizen participation plan was developed for the Lehigh Industrial Park site. The principal objectives of the Citizen Participation Plan are to: inform the public about conditions at the site; educate the public about the PRAP; obtain comment on the remedy proposed by the PRAP; obtain community acceptance of the remedial action; and ensure that all comments provided by the public are evaluated and addressed by the Responsiveness Summary.

The following significant public participation activities were conducted for this site:

- A citizen participation plan was developed and made available for inspection in the document repositories. The repositories initially were the Lackawanna Public Library at 550 Ridge Road and the NYSDEC Region Office.
- An informational mailing was sent to interested parties in June 1992 announcing the public meeting which was held on June 18, 1992 to discuss the remedial investigation of the site which was to be initiated that month.
- A fact sheet and notice of public meeting was sent to the site mailing list in February 1993 and a public meeting to discuss the findings of the first phase of the RI was held on February 25, 1993. In response to public comments, additional site document repositories were established at St. Anthony's R.C. Church and the First Baptist Church.
- In January 1994, a fact sheet describing the results of the Feasibility Study and an announcement of the availability of the Proposed Remedial Action Plan (PRAP) and the date of the public meeting to discuss the PRAP were sent to the site mailing list. The public meeting was held on January 26 1993, to receive comments on the PRAP.

- The comment period for the PRAP lasted from January 14, 1994 to February 17, 1994.

**Table 1 Remedial Alternative Costs**

Alternative	Capital Cost	Annual O&M	Present Worth
Alternative 1: No Action	\$0	\$0	\$0
Alternative 2: Deed and Access Restrictions	\$19,000	\$10,220	\$115,000
Alternative 3: Consolidation and Capping of Contaminated Soil and Waste Piles, with Excavation and Off-Site Disposal of Soil with PCBs Over 50 ppm	\$687,000	\$9,260	\$774,000
Alternative 4: Off-Site Disposal of Waste Piles, Capping of Contaminated Soil Areas and Excavation and Off-Site Disposal of Soil with PCBs Over 50 ppm	\$8,020,000	\$8,260	\$8,100,000

Figure 3

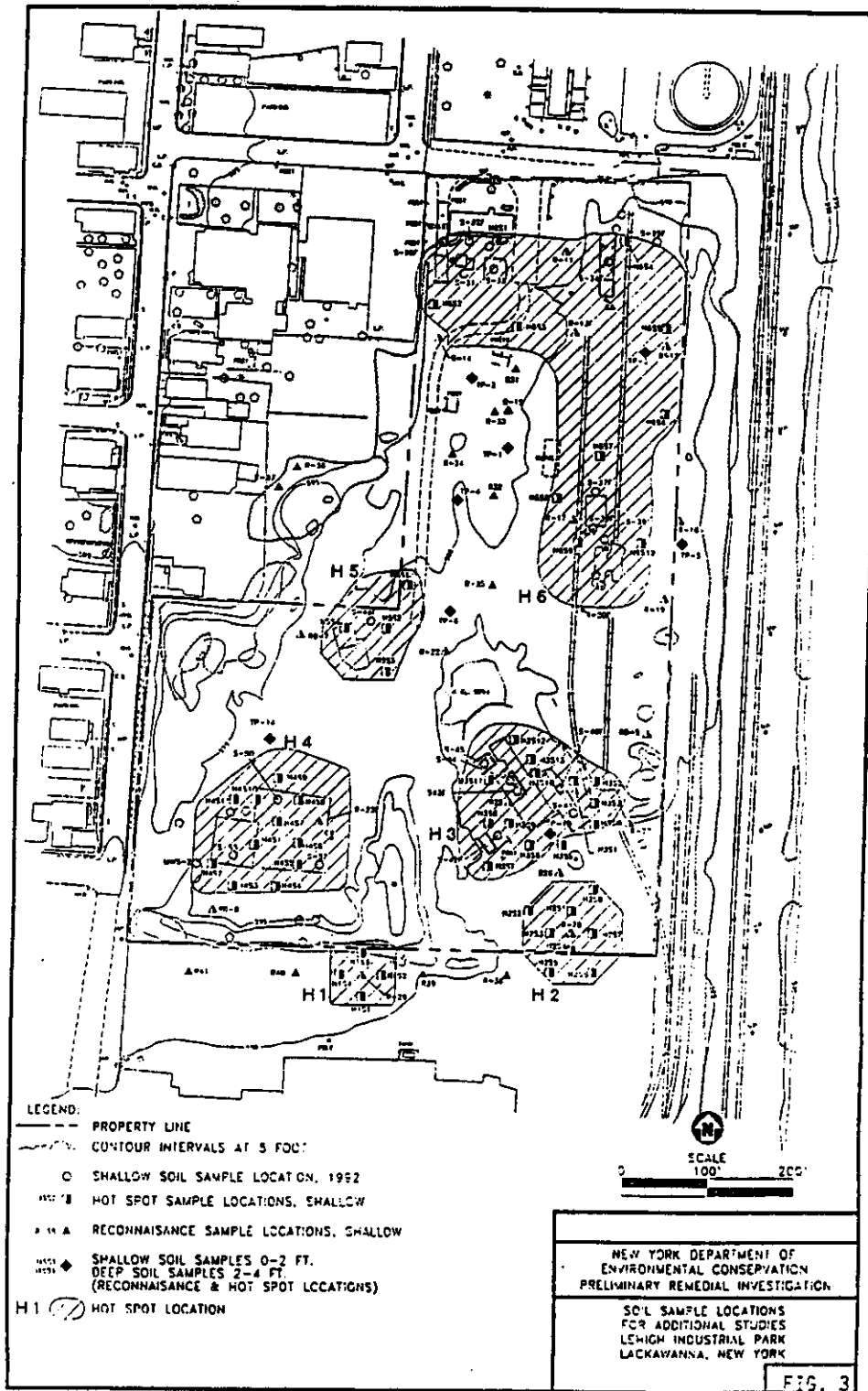


Figure 4

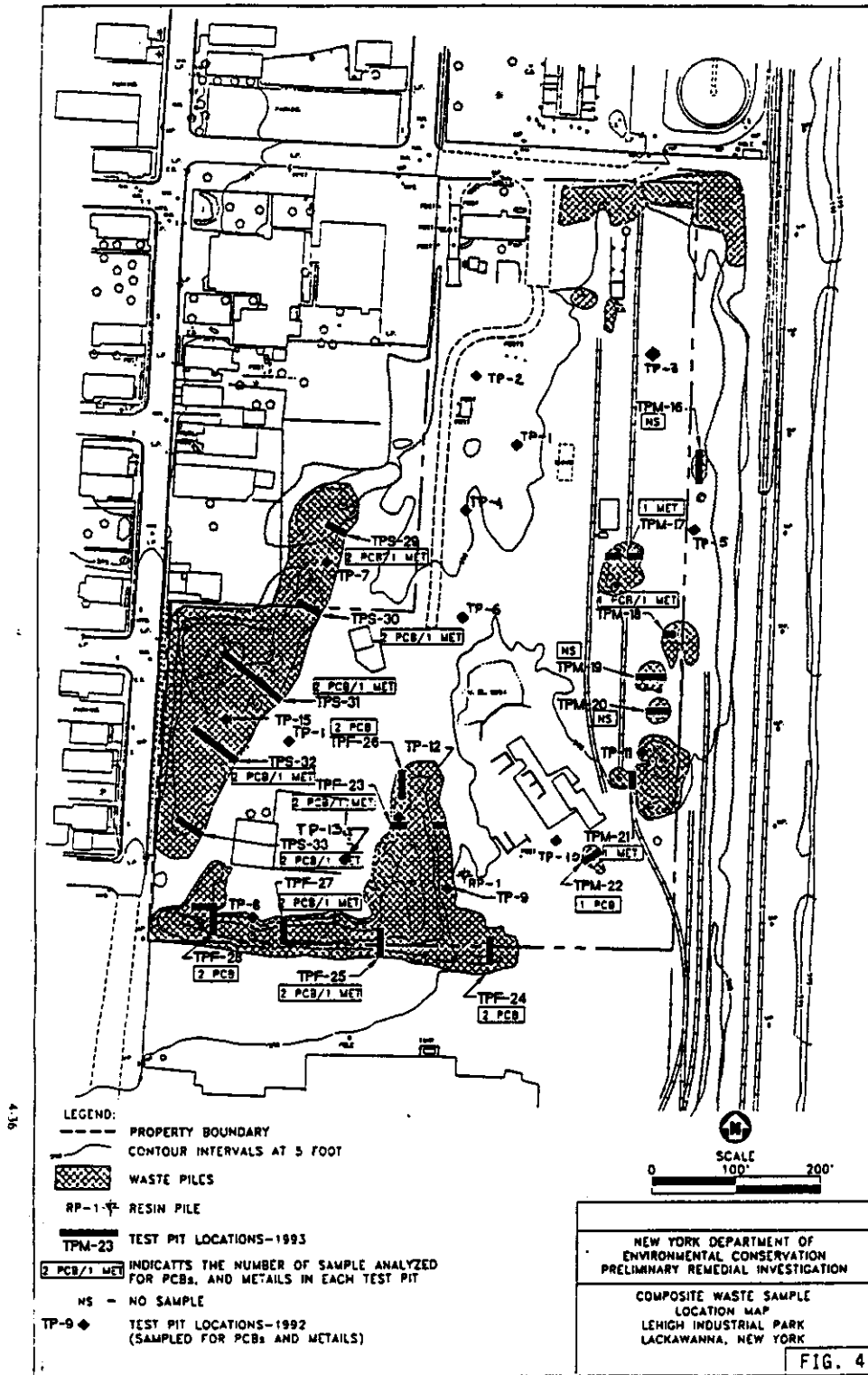
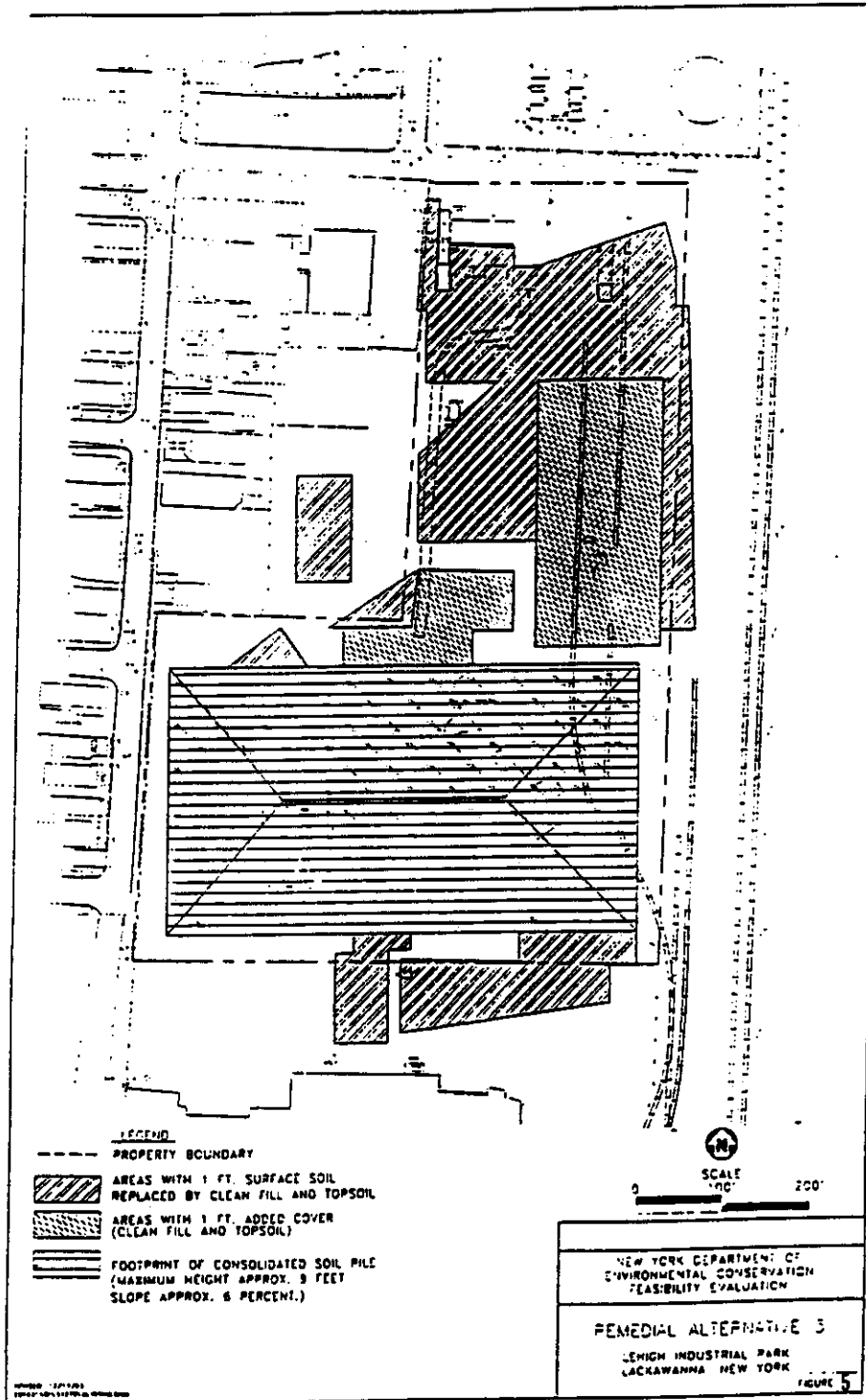




Figure 5



**RESPONSIVENESS SUMMARY**  
for the  
**PROPOSED REMEDIAL ACTION PLAN**

**Lehigh Industrial Park Inactive Hazardous Waste Site**  
**Lackawanna (C), Erie County**  
**Site No. 9-15-145**

The Proposed Remedial Action Plan (PRAP) was prepared by the New York State Department of Environmental Conservation (NYSDEC) and issued to the local document repository on January 14, 1994. This Plan outlined the measures for remediation of the Lehigh Industrial Park site. The preferred remedy consists of:

- Consolidation and capping of waste piles in one area of the site along with contaminated surface soils from areas adjacent to the site property. The cap, which will consist of a minimum of twelve (12) inches of clean soil with at least twelve additional inches of contaminated site soil, will be graded to promote runoff and seeded. Drainage will be provided as needed and the area will be fenced. The configuration and location of the capped area may be modified to allow an approved beneficial reuse of the site if identified during the design phase.
- Capping in place, with a minimum of twelve (12) inches of clean soil, the remaining surface soils exceeding the site cleanup levels which are not consolidated with the waste piles. An asphalt cap may be substituted for the soil cap to facilitate an approved beneficial reuse of the site.
- Excavation of an estimated 200 cubic yards of soil with PCB concentrations exceeding 50 parts per million and transport of this material to a permitted hazardous waste landfill for disposal.
- Long term monitoring and maintenance of the site to insure the integrity of the remedy. Appropriate deed restrictions and access agreements will be negotiated with the site owners to maintain the integrity of the site containment systems.

The release of the PRAP was announced via a notice to the mailing list, informing the public of the PRAP's availability and the time and date of the public meeting.

A public meeting was held on January 26, 1994 which included a presentation of the PRAP and discussion of the proposed remedy and at which comments on the proposed remedy were compiled. These comments have become part of the administrative record for this site. No written comments on

the PRAP were received. The comment period closed on February 17, 1994.

This Responsiveness Summary responds to all questions and comments raised at the January 26, 1994 public meeting which relate to the selection of the proposed remedy. A compilation of the comments from the meeting is available in the document repositories.

The following summarizes the comments received at the public meeting related to the PRAP, and provides the State's response.

**COMMENT #1:** What route will be used when excavated soils are removed from the site?

**RESPONSE #1:** At this time the specific route for the removal of excavated soils has not been established, however the selected alternative will only be removing approximately 200 cubic yards (c.y.) of material from the site. The typical sealed truck body utilized for the hauling of hazardous waste holds approximately 15 c.y. which, with an allowance for the bulking of the material, would result in approximately 15 truckloads of material leaving the site. Even though limited in nature, haul routes for the removal will be designated such that the potential for impact on the community is minimized. These haul routes will be identified for comment as part of the final design documents.

**COMMENT #2:** What about the fluff piles? Will they be staying, going or consolidated under the cap?

**RESPONSE #2:** The fluff piles along with the other waste piles present on the site will all be consolidated under the cap as part of the selected alternative.

**COMMENT #3:** In the capped area, what will the height be above the current ground surface?

**RESPONSE #3:** In the conceptual plan presented as Figure 5 of the ROD, the proposed configuration would result in a mounded area of about four acres with a maximum height of about nine (9) feet above the existing ground surface. However, as noted at the meeting, flexibility in designing this capped area exists which could result in a lower capped height but possibly over a larger area, dependent on any beneficial reuse which may ultimately be considered for the site.

**COMMENT #4:** When you remove the existing hazardous waste, will you completely remove it or just remove it down to current government standards? Will there be any pockets of waste left in other places on the site?

**RESPONSE #4:** The selected remedy will remove approximately 200 cubic yards of PCB material which has a concentration greater than 50 ppm from the site. The remainder of the contaminated soil and debris will be consolidated and/or capped at the site. The remaining contaminated materials which will be addressed include all the

various debris piles as well as soils which exceed the site clean-up objectives for PCBs, chromium, cadmium and lead. These clean up objectives reflect levels which are protective of human health and the environment. The selected plan will remove all PCB contaminated material which is considered hazardous waste (i.e. greater than 50 ppm) and will result in all identified areas of the site where the clean up objectives are exceeded being capped.

**COMMENT #5:** What happens if the standards for cleanup change in the future, will the government do this again or would Alternative 4 be a better choice?

**RESPONSE #5:** The areas and volumes of material to be addressed by alternative #4 are the same as that to be addressed by the selected alternative, the difference being that the debris piles will be removed and disposed off-site. Both remedies use the same cleanup standards that have been established by the New York State Department of Health (NYSDOH). The contaminated soils would still be capped in place utilizing the same clean up objectives. Site contamination is not migrating to the groundwater, and the site cap will be protective of human health and the environment; now and in the future.

**COMMENT #6:** Will the NYSDEC dictate what uses the site can have after the cleanup is done?

**RESPONSE #6:** The NYSDEC and the NYSDOH will evaluate proposed specific uses of the site. The site is expected to remain as either a Class 4 or 5 site on the Registry of Inactive Hazardous Waste sites. Therefore, any future use or changes in use of the site will require notification of the DEC and the NYSDOH, at which time either the DEC or the NYSDOH may find that a proposed use is either not protective of public health or would interfere with or negatively impact the integrity of the remedy. The City/community will be encouraged to propose beneficial uses for the site.

**COMMENT #7:** Does the surface water on the slope run north or south? Will it run to the current drainage swale?

**RESPONSE #7:** The specific drainage pattern from the capped area will be established during the design dependent of the exact configuration of the consolidation area, however it is anticipated that drainage will most likely be directed toward the swale along the eastern site boundary. In any event proper drainage will be provided to avoid any flooding problems on adjacent properties as a result of the remedial work.

**COMMENT #8:** Who owns the property at present?

**RESPONSE #8:** The current property owner of record for the site is identified as Lehigh Industrial Park Inc.

**COMMENT #9:** Who will pay for all this? Who will have any lien on the property?

**RESPONSE #9:** The DEC will attempt to identify viable Potential Responsible Parties (PRPs) and negotiate an order on consent to require their implementation of the ROD. A

PRP can be either the owner of the site, a past or present operator of the site or a generator of hazardous waste disposed at the site. If no PRPs can be identified, which have the resources to fund the remedy, or if those identified refuse to assume responsibility, the State will fund the clean up and seek to recover its costs from any viable PRP through appropriate legal action.

In the event the State funds the remediation of a site, one action which can be taken to recover the costs incurred for the remediation is to seek a judgement for State expenditures and then seek to place a lien on the property comprising the site. This lien would allow the State to attempt to recover the costs it has incurred for the remediation from the proceeds of any sale of the property.

**COMMENT #10:** It was stated that the "City" could suggest beneficial uses of the site. Will the NYSDEC provide guidelines or standards to determine proper uses? Until DEC contacts the property owner, the owner still has rights to the property and its use. So right now it is not open to the City to suggest beneficial uses.

**RESPONSE #10:** The Lehigh Industrial Park Site is owned by Lehigh Industrial Park Inc.. The NYSDEC, through the Division of Environmental Enforcement (DEE) will pursue the PRPs to implement the selected remedial alternative. If the PRPs refuse to implement the selected remedy, the site will be referred for action under the NYSDEC State Superfund Program. Should the State Superfund program assume responsibility for this project, the City of Lackawanna can have input into any possible future use of the site. If the PRPs implement the remedy, the NYSDEC will seek to include provisions for reuse in any consent order negotiated and interested parties can be contacted for input; however this cannot be required.

**COMMENT #11:** To what extent and for how long will the site have to be monitored?

**RESPONSE #11:** The site will be monitored for the foreseeable future to insure that the selected remedy will remain intact. This monitoring is expected to consist of both visual inspections to assure the cap is not damaged through either erosion, vandalism or other intrusive actions and a limited groundwater sampling effort to document any change in conditions around the site.

**COMMENT #12:** Will there ever be a day when we don't have to worry about this contamination? Will the metals buried under the cap ever deteriorate and things change so the site would eventually be clean?

**RESPONSE #12:** The implementation of the remedy will prevent any exposure to site contaminants. This will remove any risk posed by the materials to be capped. The metals of concern that remain on site primarily exist in their elemental form and therefore cannot undergo any deterioration.

**COMMENT #13:** If the site owner wants nothing to do with a beneficial use of the site and the NYSDEC takes the site and caps it, who will cut the grass and maintain it?

**RESPONSE #13:** Long term maintenance of the site will be assured by the NYSDEC while it remains a registry site where this is a requirement. The responsibility of long term maintenance, which includes cutting the grass, will be determined based on the results of the negotiations with the PRPs and any proposals for reuse of the site.

**COMMENT #14:** You mentioned a solvent being found in one well. How often is it checked? Has it shown up since then? Was it only present in one round of samples?

**RESPONSE #14:** The groundwater monitoring wells were installed as part of the Remedial Investigation. These wells were sampled twice over a one year period. Cis-1,2-dichloroethene was found in one well during the June, 1993 sampling event. The concentration was 17 parts per billion (ppb) where the NYSDEC Water Quality Standard is 5 ppb. This is an extremely low level for which no source has been found that would increase this value with any significance over time.

**COMMENT #15:** The area which will be capped will be a nine foot tall mound. How can you make a baseball or a soccer field or anything out of it if it will be shaped like a pyramid? Are capping it and the nine foot tall mound two different options?

**RESPONSE #15:** Whether the final shape is a pyramid or a recreational field, the site will be capped. The mound shape proposed as a conceptual plan for the cap is one option, other configurations are possible provided they can achieve the design specifications of the cap itself.

**COMMENT #16:** Will you remove the big mounds along Ingham Street in front of my house?

**RESPONSE #16:** Yes. All the large mounds of soil found along the edges of the site will be consolidated under the capped area. As stated previously, the maximum height anticipated would be 9 feet; which is lower than most of the existing piles along Ingham Street.

**COMMENT #17:** If the owner says he wants to maintain it will you still be there a year from now to start this removal work? What if the owner does not want to do it?

**RESPONSE #17:** If the site owners agree to maintain the cap, then the owner must first undertake implementation of the selected remedial action. Required maintenance specifications will be placed directly into any consent orders negotiated with the site owner. Should the site owner not implement the required remedial program, the NYSDEC State Superfund program will assume the responsibility for this project and seek permanent easements from the current site owners (see also response #10).

**COMMENT #18:** The site should be fenced once the work is done, otherwise it will become a dumping ground for trash.

**RESPONSE #18:** If the site is simply capped, then the existing fence will be upgraded to insure that access will be totally restricted. This will prevent any unwanted materials from being abandoned on the site. Should limited beneficial use be selected then appropriate site access restrictions will be incorporated accordingly to prevent any illegal dumping of trash.

**COMMENT #19:** Will all the buildings be torn down?

**RESPONSE #19:** The four deteriorated structures located in the areas that will require remediation will be torn down. The scale house at the intersection of South and Lehigh Streets will remain.

**COMMENT #20:** Will the Fire/Police Departments have access to the site in the event of emergency?

**RESPONSE #20:** Any and all access necessary for the Police and/or Fire Department vehicles will be incorporated into the final design of the site.

## ADMINISTRATIVE RECORD

The following documents, which have been available at the document repositories, constitute the administrative record for the Lehigh Industrial Park Site.

<u>DATE</u>	<u>DOCUMENT</u>
May, 1992	Work Plan: Preliminary Remedial Investigation (PRI)
September, 1992	Site History Report
October, 1992	Field Note Report
January, 1993	Preliminary Remedial Investigation Report
June, 1993	Work Plan: Revised PRI Work Plan
January, 1994	Additional Studies Addendum Report
December, 1993	Feasibility Study
January, 1994	Proposed Remedial Action Plan