Department of Environmental Conservation

Division of Environmental Remediation

RECORD OF DECISION

Transit Valley Plaza Site

Town of Clarence, Erie County

Registry Number 915160

March 1997

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

TABLE OF CONTENTS

DECLARATION STATEMENT - RECORD OF DECISION

TRANSIT VALLEY PLAZA INACTIVE HAZARDOUS WASTE SITE
TOWN OF CLARENCE, ERIE COUNTY, NEW YORK
SITE NO. 915160

Statement of Purpose and Basis

This Record of Decision (ROD) presents the selected remedial action for the Transit Valley Plaza 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 Substance Pollution Contingency Plan of March 8, 1990 (40 CFR 300).

This decision is based upon the Administrative Record of the New York State Department of Environmental Conservation (NYSDEC) for the Transit Valley Plaza 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 A.

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, presented a current or potential threat to public health or the environment.

Description of the Selected Remedy

Based upon the Interim Remedial Measure (IRM) for the Transit Valley Plaza Site and the criteria identified for the evaluation of alternatives, the NYSDEC has selected that No Further Action be performed at the site and the property be delisted from the New York Registry of Inactive Hazardous Waste Sites. The determination was based on the successful remediation that was performed at the site during the implementation of an Interim Remedial Measure.

New York State Department of Health Acceptance

The New York Sate Department of Health concurs with the remedy selected for the 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.

3/25/97
Date

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

RECORD OF DECISION (ROD)

TRANSIT VALLEY PLAZA SITE
Clarence(T), Erie County, New York
Site No. 915160
February 1997

SECTION 1: SITE LOCATION AND DESCRIPTION

The Transit Valley Plaza facility is located at 5841 Transit Road in the Town of Clarence, Erie County, New York. The facility is located on the east side of Transit Road in a generally commercially developed area. The plaza was built in 1986 and is occupied by several small commercial businesses, such as: a drug store, floor covering store, pizza shop, dry cleaning store, and a real estate office. The neighborhood is a suburban/rural area with residences and agricultural land to the east and south, a church and commercial properties bordering the site to the west and north (Figure 1).

The site is situated on a flat lake plain. The geology of the area consists of approximately 18 inches of sandy loam topsoil over silty clay lake sediments, which overlie the Camillus Shale bedrock formation. Bedrock in this portion of the Clarence area is generally shallow (approximately 5 feet below ground surface). The exact depth to bedrock below the site has not been determined at this time. The silty-clay is a low permeability soil which does not allow water to penetrate easily.

The groundwater at the site consists of a perched zone, which means the groundwater "sits" in the topsoil layer, on top of the silty clay. There are no water bodies in the general vicinity of the site. Gott Creek is located approximately 3250 feet north of the property. Drainage from the plaza flows overland through the parking area and is collected by a roadside ditch along Transit Road. The specific area of contamination, the "site," was located at the rear of the plaza, at the edge of the paved driveway and parking area (Figure 2). Total area of the site is approximately 0.25 acre.

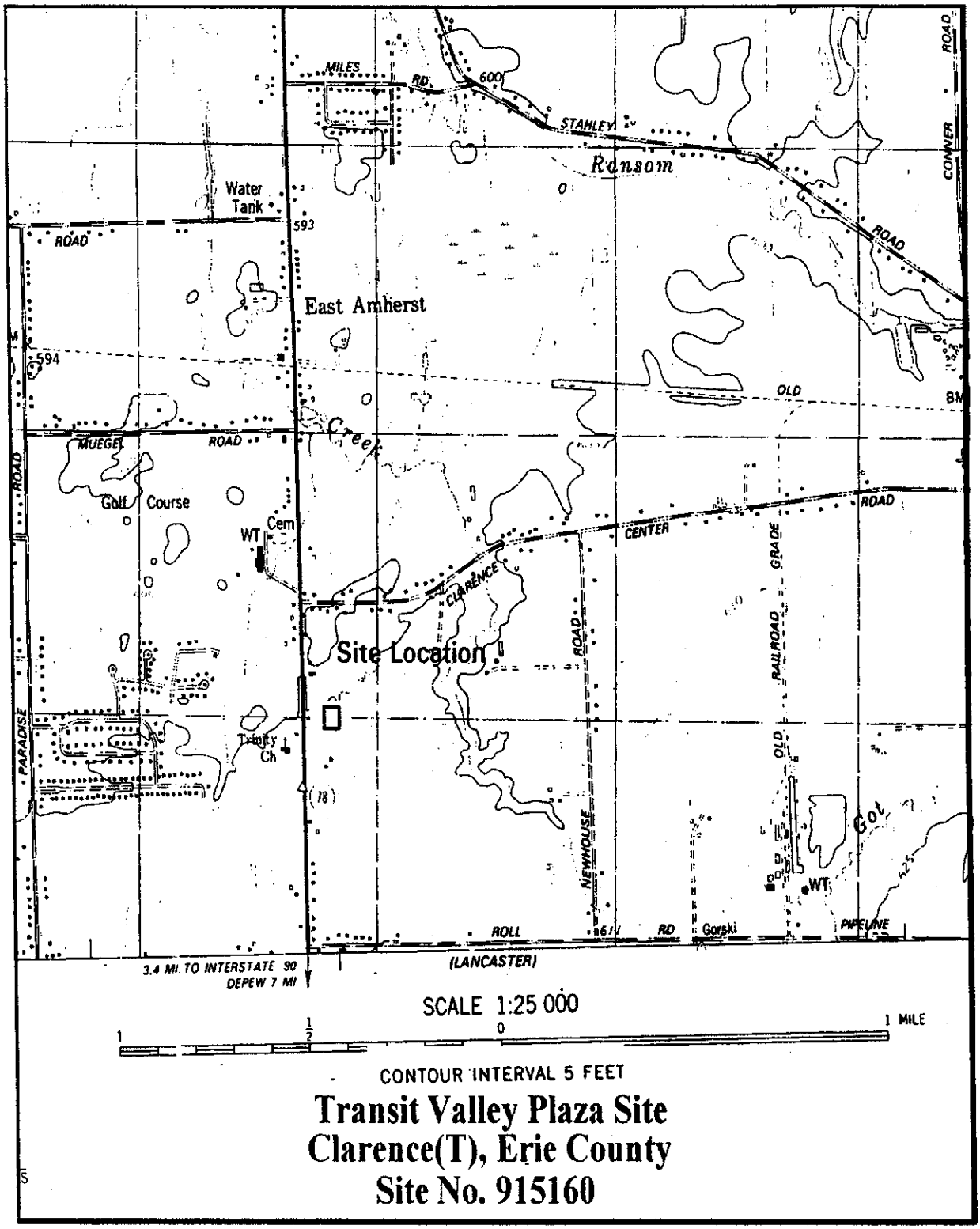
SECTION 2: SITE HISTORY

2.1: Operational/Disposal History

An environmental audit conducted in January 1993 revealed the presence of tetrachloroethene, also known as perchloroethene, PERC, or PCE at soil concentrations as high as 176 parts per million (ppm). Clean-up goals in soil for PCE have been established by NYSDEC and NYSDOH at other similar facilities at a concentration of 1.4 ppm. PCE is a solvent commonly used in the dry cleaning industry. Used, or "dirty," PCE is considered a hazardous waste and its disposal is heavily regulated to prevent improper disposal or use. However, In this instance, it was evident that PCE was improperly disposed of or handled in the past by a former dry cleaning operation located in the plaza. This improper handling resulted in the contamination of soil at the rear of the plaza parking lot. It has not been specifically determined how the disposal occurred. Inspections at and around the facility indicated that it is unlikely that there are other areas of contamination other than the parking lot.

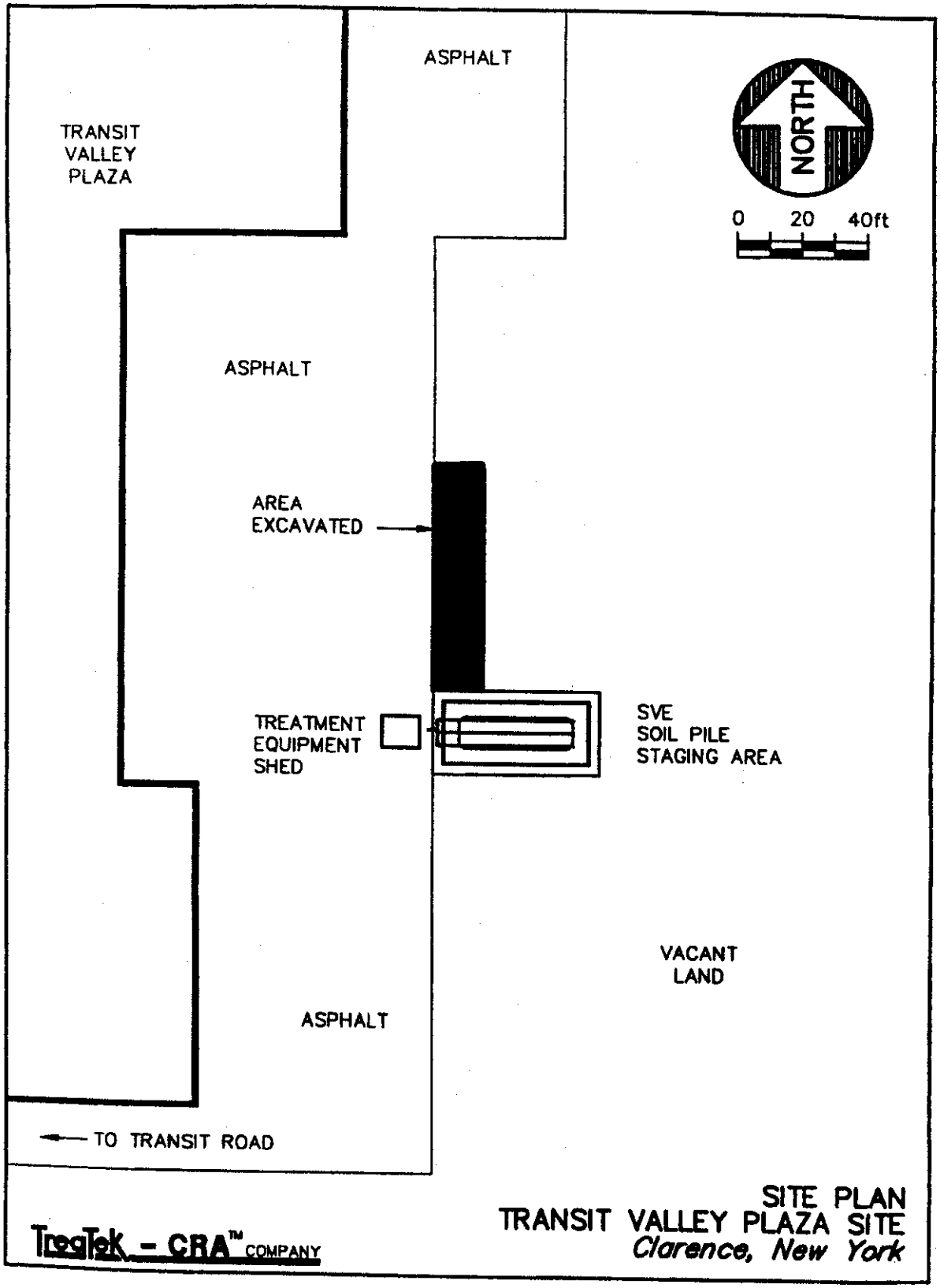
Additional investigations were performed in the spring of 1993 by Transit Valley Plaza's consultant, Conestoga-Rovers Associates, to define the horizontal (surface area) and vertical extent (depth) of the PCE contaminated soil. Based upon the results of these investigations, the area of soil contamination was determined to be approximately 80 feet long by 15 feet wide, with an average depth of 2.4 feet. The volume of contaminated soil was estimated to be approximately 100 cubic yards (yd^3).

Figure 1
Site Location Map



Transit Valley Plaza Site
Clarence(T), Erie County
Site No. 915160

Figure 2
Site Plan



2.2: Remedial History

On May 31, 1994, the site was listed on the New York State Registry of Inactive Hazardous Waste Sites as a Class 2 site. A Class 2 site designation means that the site poses a significant threat to human health or the environment. A significant threat existed because the contamination was exposed on the ground surface; detected at high concentrations; located in an unrestricted area and located near a residential/commercial area.

In an effort to reduce the spread of contamination, the owner covered the area of contaminated soil with a polyethylene (heavy plastic) barrier. The barrier was installed as a temporary measure to direct precipitation (rain, snow melt etc.) away from the contaminated soil to reduce the spread of the contamination. The area was posted to reduce damage to the barrier and prevent accidental contact with the soil while additional investigative work was performed.

A work plan dated November 1994 for an Interim Remedial Measure (IRM) for the excavation and treatment of the contaminated soils was prepared by Transit Valley Plaza's consultant, Conestoga-Rovers & Associates (CRA). The objective of the IRM was to reduce PCE contamination to a level which was protective of public health and the environment. A public meeting was held on May 25, 1995 to inform the public of the intent to perform the IRM and to receive comments or concerns from the public. This IRM was carried out by CRA as described in the November 1994 Work Plan and a subsequent revision, dated February 1995. An IRM can be implemented at a site to prevent, mitigate, or remedy environmental damage, or to reduce or eliminate public health risks associated with an identified source of contamination.

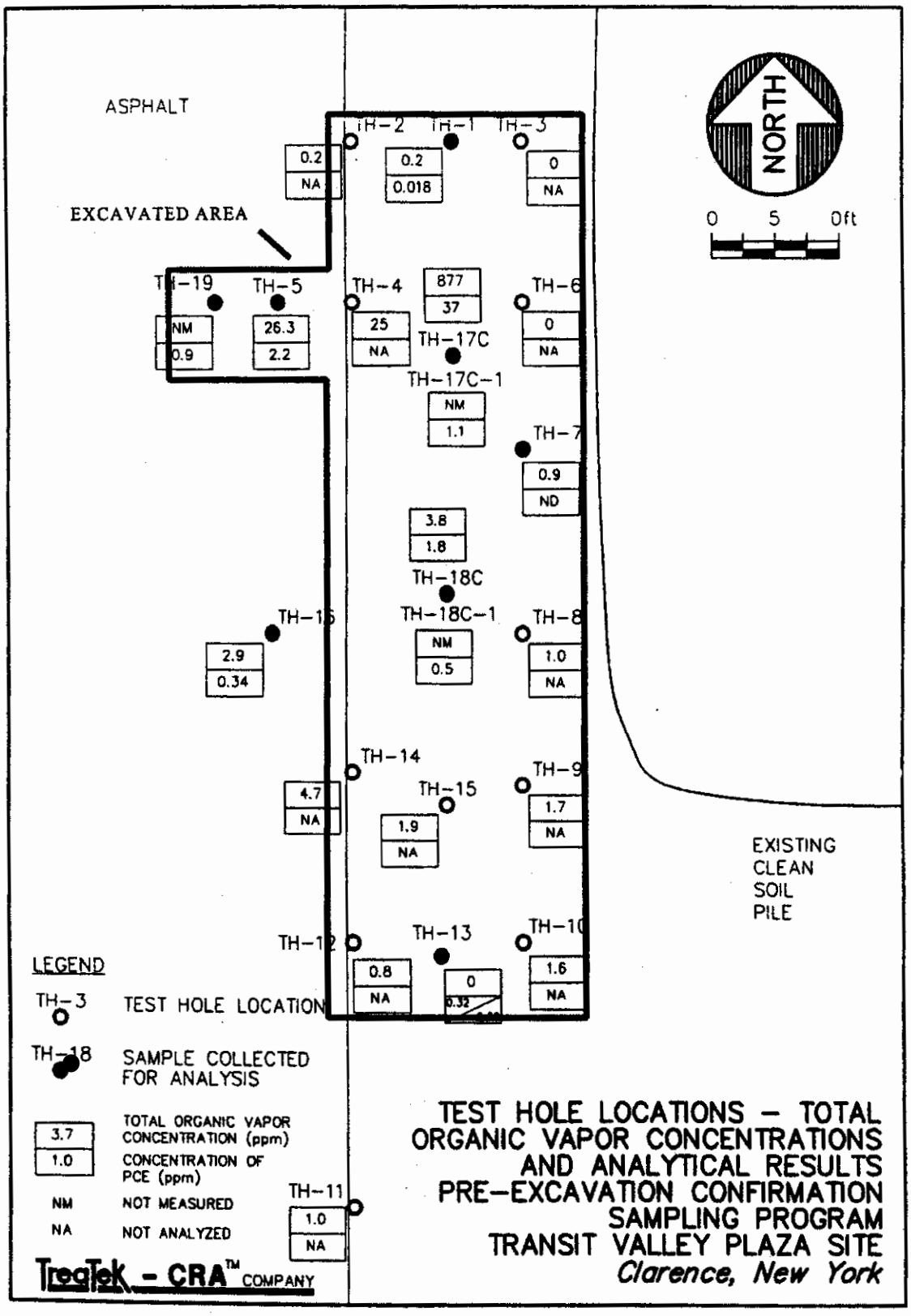
The IRM taken at this site required the excavation of contaminated soils into a designed treatment pad located on the site. The IRM conducted by Transit Valley Plaza was intended to mitigate potential adverse impacts to the environment and public health from site soils containing PCE.

During earlier investigations it was determined that the contamination was limited to a small area of the plaza property. This was due to a dense clay layer directly below the surface soils (18") that inhibited the migration of the contaminants down into lower layers of soil or bedrock. The site is also relatively flat which also restricted the flow of contaminants from the site in surface water runoff.

Prior to the start of excavation activities, soil samples were collected and analyzed to precisely determine the extent of the contamination, both horizontally(width) and vertically(depth). The identification of the extent of PCE contamination allowed the soil to be excavated and the resulting hole to be immediately backfilled. Soil samples were screened using a photo ionization detector (PID), (an instrument which can detect volatile organic compound vapors being released from the soil), to reduce the actual number of samples analyzed. The location and results of the pre-excavation verification samples can be found in Figure No. 3. The excavation was extended to a point beyond where soil samples had shown that clean up objectives were obtained to insure that all contamination was removed. In three locations, pre-excavation analytical results indicated that PCE concentrations were above the clean-up goals at the top of the clay layer. It was determined after additional investigation that this area contained the plaza gas main and that the contamination had moved into the bedding surrounding the pipe. During excavation activities this main was fully exposed and all bedding material removed. Samples of the underlying clay were collected and analyzed with the Photoionization Detector. Removal of the native clay around the main continued until PID readings were non-detectable.

A temporary storage/treatment pad was constructed directly south of the contaminated area. Placement of the Soil Vapor Extraction (SVE) treatment area in an uncontaminated portion of the site was necessary

Figure 3
Excavation Confirmatory Sampling Locations and Results



because of the small area of PCE contaminated soil to be excavated. To prevent contamination of the 20 feet wide by 45 feet long treatment area, the treatment area was prepared with a 6 inch layer of sand and a 12-mil polyethylene liner. This served as a barrier to protect the underlying clean soil. A berm was constructed around the perimeter of the treatment area to prevent the run-off of contaminated water and control precipitation run-off from the soil pile. The soil pile was covered during treatment to control precipitation run-off and enhance the Soil Vapor Extraction process.

Transit Valley Plaza treated the contaminated soil using soil vapor extraction to remove the PCE. Since PCE is a volatile compound, meaning it easily evaporates, this method was technically feasible and appropriate for PCE removal from soil. The soil was consolidated into a pile measuring approximately (approximately 135 yd^3 of soil). Two 2 inch diameter plastic (PVC) slotted pipes were installed within the pile. During the SVE process, air was drawn through the pipes by producing a vacuum on the system. As the air was removed from the soil the PCE was volatilized, separating it from the soil particles. Soil vapor removed from the soil was treated using activated carbon and discharged to the atmosphere. The system was designed so that the PCE would be captured by the activated carbon units and only trace levels of PCE would be released to the surrounding environment during treatment. Monitoring for PCE was conducted on the air before and after carbon treatment to assess the removal efficiencies from the soil and the treatment efficiencies of the carbon. A summary of the results of air monitoring is presented in Table 2. At the completion of the SVE process, samples of the treated soil were collected and analyzed. The results of the analysis of these samples are presented in Table 1. Analysis of the samples showed that one area of the soil pile (CSS-3) still contained contaminated soil that exceeded the clean-up goals. The SVE system was operated for an additional 12 weeks and additional samples were collected and analyzed. These samples showed that the clean-up goal of 1.4 ppm had been achieved (table 1). The results of the excavation and soil treatment can be found in the report entitled, "CLOSURE OF INTERIM REMEDIAL MEASURE," Transit Valley Plaza Site, Clarence, New York, Conestoga-Rovers Associates, November 1996. Upon acceptance of the remedial work, the treated soil will be spread over the area of the original excavation area, graded to match the existing grade and seeded.

2.3 Enforcement Status

The NYSDEC's Bureau of Environmental Conservation Investigation began investigating the Transit Valley Plaza facility in 1993. In January 1995, Transit Valley Plaza entered into an Order on Consent (legal agreement) with the NYSDEC to implement the Interim Remedial Measure to remove contaminated soil at the site. An Interim Remedial Order on Consent, Index no. B9-0457-9406, was signed on April 13, 1995.

SECTION 3: CURRENT STATUS

The NYSDEC and Transit Valley Plaza have completed the IRM at the site. The IRM consisted of the excavation and on-site treatment of contaminated soil located in a small area adjacent to the parking lot at the rear of the plaza property. Verification sampling of the area was completed prior to performing the excavation activities to determine the exact extent of the contamination (Figure 3). The area of the excavation was extended beyond the point where samples of the soil were found to meet cleanup goals to insure that all contaminated soil was removed. This Record of Decision (ROD) has been prepared by the Department which selects that **No Further Action** is needed at the site. The NYSDEC has also determined that the site be removed ("delisted") from the NYS Registry of Inactive Hazardous Waste Sites. This classification means that no further action is required because all hazardous waste was removed to the satisfaction of the NYSDEC. No further operation and maintenance of the site is proposed other than the regrading of the soil pile and seeding the area.

3.1: Summary of the Remedial Investigation

Remedial Investigations (RI) are performed to determine the nature (type) and extent (location) of contamination at a site. The results of the IRM indicate that further investigation is not necessary. Therefore, an RI was not conducted. Verification samples of soil were collected prior to actual excavation activities to insure that all contamination was removed (Figure 3). In addition, the soil was screened during excavation activities with a Photo Ionization Detector (PID) instrument which detects volatile materials such as PCE. All soil was removed that showed a PID reading above background to insure that all contamination was excavated for treatment. Soil samples were also collected and analyzed after treatment of the soil was completed. Four soil samples were collected within the soil pile at a depth of 2 feet (middle of the pile) and one composite sample was collected across the middle of the pile. The location of the samples are shown in Figure 4. During the collection of the first round of samples the composite sample had PCE levels that exceeded the clean-up goals established for the project. The SVE system was operated an additional 12 weeks to reduce the PCE concentrations in the soil. After completion of the additional operating time, the soil was resampled and the results did show that the clean-up goal had been achieved. The concentrations of PCE were found to be below the clean-up goals established by the NYSDEC and the NYSDOH as shown below.

Summary of SVE Soil Pile Sample Results

Sample Location	Analytical Result (ppm)	Cleanup Std.[1](ppm)
CSS-1	0.76	1.4
CSS-2	1.2	1.4
CSS-4	0.77	1.4
CSS-5	0.06(ND)	1.4
CSS-6A,7A,8A	0.2	1.4

ND-Non-detectable
(1)- Clean-up Goals for tetrachloroethylene (PCE) from NYSDEC TAGM 4046(1/24/94)

No groundwater was detected within the zone of soil contamination during the excavation activities. In addition, the lower groundwater zone, located within the bedrock, is separated from the contamination by a low permeability layer of clay. Based on the results of the soil samples it was also determined there was limited movement of the contamination from the initial area where it was spilled as evidenced by the small area of soil contamination detected. Therefore, based on these observations the groundwater was not investigated during the evaluation of the site. No further investigative action at the site is anticipated.

3.3 Summary of Human Exposure Pathways:

An exposure pathway is the process by 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 mechanism (e.g. air); 3) the point of exposure and uptake mechanism; 4) the route of exposure (e.g. inhalation, ingestion, etc.); and 5) the receptor population. These elements of an exposure pathway may be based on past, present, or future events. The remediation of the site was performed as an IRM to address the high levels of PCE that were detected in the surface soils. Potential routes of exposure include direct contact with soils, ingestion (eating) of soils and inhalation (breathing) of vapors. This was of particular concern since the contamination was primarily located on the surface of soil adjacent to the rear parking area that could be subject to casual contact from trespassers. Monitoring of air in the area of the contamination also detected a release of the PCE due to the natural volatilization of the material. The IRM removed the contaminated soil and treated it to acceptable levels (established clean up goals) which removed the PCE from the soil, eliminating these routes of exposure.

TABLE 1

CONFIRMATORY SOIL PILE SAMPLING

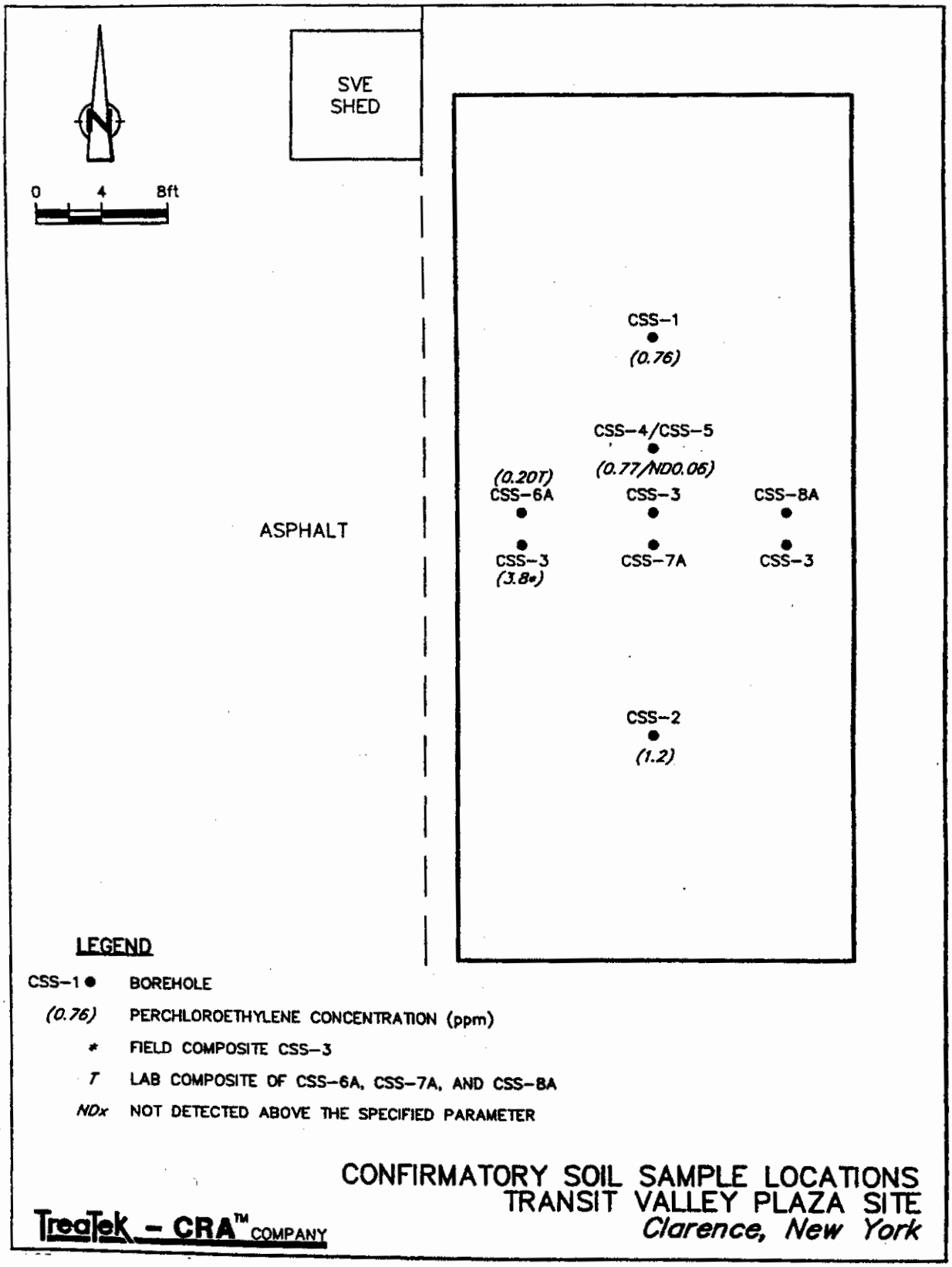
TRANSIT VALLEY PLAZA SITE
CLARENCE, NEW YORK

Sample Number	*Date*	*Sample Type*	*Perchloroethylene Concentration (PPM)*	*Comments*
CSS-1	*04/16/96*	*Grab*	*0.76*	
CSS-2	*04/16/96*	*Grab*	*1.2*	
CSS-3	*04/16/96*	*Composite*	*3.8**	
CSS-4	*04/16/96*	*Grab*	*0.77*	
CSS-5	*04/16/96*	*Grab*	*ND (0.06)*	*Duplicate of CSS-4*
CSS-6A, 7A, 8A	*07/09/96*	*Composite*	*0.2*	*Resample of CSS-3[(1)]*

Notes:

All analyses by EPA Method SW-846, 8010.
Non-detect at associated value.
** - Exceeds TAGM limit of 1.4 ppm,*
PPM - Parts per million or mg/l
[(1)] -CSS-3 composite sample locations were resampled after additional 12 weeks operation of SVE system.

Figure 4
Soil Pile Sampling Locations



SS-4

SS-3(1)

of SVE

3.4 Summary of Environmental Exposure Pathways:

While the contamination was in place, the potential for the contamination of local surface water existed, as a resul of the run-off of rain or snow melt from the contaminated soils. Samples collected from the area indicated that th PCE contamination was limited to shallow soils (1-3 feet in depth) within a small area (20'x 60') behind the plaz building. Since clean-up goals were met as a result of the IRM, no environmental exposure pathway currentl exists. If the contamination was allowed to remain in place, the potential existed that contamination could eventuall spread to local surface water and groundwater.

SECTION 4: SUMMARY OF THE REMEDIATION GOALS

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

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

The overall objective of the IRM remedial action at the Transit Valley Plaza Site was to reduce PCE contaminatio to a level which was protective of public health and the environment. The goals selected for this site are:

- Reduce soil tetrachloroethylene (PCE) contamination present within the soils/waste on site to less than 1.4 part per million (ppm). (Table 1)
- Eliminate the potential for direct human or animal contact with the contaminated soils on site.
- Eliminate the potential for contaminated soil to contaminate local groundwater and/or surface water.

The implementation of the IRM has achieved these goals.

SECTION 5: SUMMARY OF THE EVALUATION OF ALTERNATIVES

The IRM conducted at the site accomplished the goals as identified above in Section 6. The site does not require any further monitoring since sampling has shown compliance with applicable soil clean-up goals. Therefore, further investigation and the development and evaluation of remedial alternatives is not necessary for this site. This action takes into account that the remediation of the site completed under the IRM has addressed the hazardous waste disposal and **"No Further Action"** is required. This is an acceptable alternative, as the site will remain in its present condition, and human health and the environment have been adequately protected by the completion of the IRM, as documented by the soil monitoring. The NYSDOH concurs with the remedy selected for this site.

Community Acceptance - Concerns of the community regarding the IRM and the Proposed Remedial Action Plan have been evaluated. A "Responsiveness Summary" has been prepared that describes public comments received and the Department's responses (see Appendix C).

SECTION 6: SUMMARY OF THE SELECTED REMEDY

The selected remedy for the Transit Valley Plaza Site is **No Further Action**. This selection is based upon the results of the Interim Remedial Measure (IRM) previously conducted at the site. The IRM consisted of:

* The removal and treatment (soil vapor extraction) of all contaminated soil.

* Collection and analysis of soil samples in the area of the excavation that confirmed that clean-up goals had been achieved.

The "**No Further Action**" Alternative is justified because the completion of the IRM complied with all the SCGs, was protective of public health and the environment, adequately addressed the short and long term effectiveness with the expedient removal of all wastes from the site, treated the waste to reduce its toxicity and mobility prior to disposal, was readily implementable and was of a reasonable cost to implement. **This includes delisting the site from the State's Registry of Inactive Hazardous Waste Sites.**

SECTION 7: CITIZEN PARTICIPATION ACTIVITIES

As part of the Interim Remedial Measure Decision Document, the following Citizen Participation activities have been completed:

- May 31, 1994 -Sent a notice to adjacent property owners regarding the listing of the Transit Valley Plaza site on the NYS Registry of Inactive Hazardous Waste Sites.

- May 7, 1995 - Sent fact sheets describing the Interim Remedial Measure and announcing the May 25, 1995 public meeting, to present the Draft IRM Decision Document for public comment. Comments received during the meeting and the comment period, with the NYSDEC's responses, are included in a "Responsiveness Summary" which is attached to the Decision Document as Appendix B. No significant comments were received and the IRM proceeded as proposed.

- Held a public meeting on January 29, 1997 to present the Proposed Remedial Action Plan (PRAP) for the site. Comments received during the meeting and the public comment period (from January 15, 1997 to February 15, 1997) and the Department's responses are presented in the Responsiveness Summary in Appendix C.

TABLE 2
SOIL VAPOR EXTRACTION SYSTEM OPERATION SUMMARY
TRANSIT VALLEY PLAZA SITE
CLARENCE, NEW YORK

Date	Time	Blower Operation (hours)	Flow (CFM)	Vacuum (in H_2O)	Drager Tube Readings (perchloroethylene ppm) Influent	Between Carbon Drums	Discharge	Comments
08/31/95	1630	4282.6	--	--	--	--	--	System startup
08/31/95	1645	4283.0	61	--	>300	<2	<2	
09/01/95	1150	4288.3	60	--	>300	30	5	
09/02/95	1025	4307.8	60	--	200	2	2	
09/03/95	2040	4342.1	61	--	75	10	2	
09/04/95	1025	4355.8	60	--	--	--	<5	
09/05/95	1930	4385.7	62	2.6	50	3	<2	
09/06/95	1950	4409.0	62	--	40	7	<2	
09/07/95	1930	4427.8	62	2.6	35	8	<2	
09/14/95	1930	4545.1	62	2.8	20	10	<2	
09/21/95	0800	4673.2	--	--	--	--	--	System off
09/21/95	1915	4674.6	--	--	--	--	--	System off
09/22/95	1620	4686.0	62	--	10	9	<2	
09/28/95	1900	4800.6	64	--	6	8	<2	
10/06/95	0840	4863.8	--	--	--	--	--	System off
10/06/95	1615	4864.5	--	--	--	--	--	System off
10/06/95	--	--	68	2.6	5	--	--	System off
10/06/95	--	--	62	5.6	10	--	--	East line only
10/06/95	--	--	62	4.8	5	--	--	West line only
10/06/95	1715	4865.2	61	5.6	10	8	<2	East vacuum, west inlet
10/12/95	1700	4979.1	61	--	2	4	<2	East vacuum, west inlet
10/18/95	1330	5115.8	62	--	<2	--	--	West vacuum, east inlet
10/26/95	1115	5305.4	61	--	<2	--	--	East vacuum, west inlet
11/02/95	1145	5475.05	61	--	<2	--	--	West vacuum, east inlet
11/09/95 reinject	1330	5644.74	57	--	3.4	3.6	0	East vacuum, west
11/17/95 reinject	1615	5839.52	60	4.5	<2	3.0	0	West vacuum, east
11/21/95	1600	5932.61	60	--	<2	3.0	0	East vacuum, west

Drager Tube Readings (perchloroethylene ppm)
TABLE 2
SOIL VAPOR EXTRACTION SYSTEM OPERATION SUMMARY

11/21/95	1600	5932.61	60	--	<2	3.0	0	East vacuum, west

Drager Tube Readings
(perchloroethylene ppm)

TABLE 2

SOIL VAPOR EXTRACTION SYSTEM OPERATION SUMMARY
TRANSIT VALLEY PLAZA SITE
CLARENCE, NEW YORK

Date	Time	Blower Operation (hours)	Flow (CFM)	Vacuum (in H_2O)	Influent	Between Carbon Drums	Discharge	Comments
reinject								
11/30/95	0915	6142.10	60	--	<2	3.0	0	West vacuum, east
reinject								
12/05/95	1650	6197.02	60	--	<2	--	--	East and west vacuum
12/13/95	1750	6390.04	60	2.8	<2	<2	0	East and west vacuum
12/20/95	--	--	--	--	--	--	--	System off, snowplow
damage								
01/05/96	1600	6792.55	60	--	<2	<2	0	System off, blower service
01/30/96	1645	6792.55	64	--	<2	<2	0	East and west vacuum
02/26/96	0800	7089.81	65	--	<2	--	--	East and west vacuum
03/07/96	1530	7336.65	65	--	<2	--	--	East and west vacuum
03/12/96	0930	7450.64	65	--	<2	--	--	East and west vacuum
03/29/96	0945	7858.20	65	2.6	<2	--	--	East and west vacuum
04/04/96	1700	8009.23	65	--	<2	--	--	East and west vacuum
04/16/96				Confirmatory Soil Sampling Conducted				
05/03/96	1700	8705.25	65	--	<2	--	--	East and west vacuum
05/10/96	1700	8873.23	65	--	<2	--	--	East and west vacuum
05/16/96	1615	9015.62	65	--	<2	<2	<2	East and west vacuum
05/23/96	1630	9182.63	65	--	<2	--	--	East vacuum, west closed
05/30/96	2013	9355.50	65	2.5	<2	--	--	East and west vacuum
06/07/96	1415	9541.50	65	--	<2	--	--	East and west vacuum
06/14/96	1720	9711.90	65	--	<2	<2	<2	East and west vacuum
06/20/96	1730	9856.85	65	2.3	<2	--	--	East and west vacuum
07/09/96				Confirmatory Soil Resampling Conducted				
07/19/96	1715	10553.00		Shutdown of System				

APPENDIX A

ADMINISTRATIVE RECORD

Transit Valley Plaza Site
Site No. 915160

1. **"SOIL VAPOR EXTRACTION WORK PLAN,"** Transit Valley Plaza Site, Clarence, New York, Conestoga-Rovers Associates, February 1995.

2. **ORDER ON CONSENT**, Effective April 13, 1995

3. **Letter - Douglas Oscar-CRA to Gregory Sutton, NYSDEC** - Pre-Excavation Confirmatory Samples Results, July 21, 1995.

4. **"INTERIM REMEDIAL MEASURE DECISION DOCUMENT"**, Transit Valley Plaza Site, Town of Clarence, Erie County, NYSDEC, June 1995.

5. **"CLOSURE OF INTERIM REMEDIAL MEASURE,"** Transit Valley Plaza Site, Clarence, New York, Conestoga-Rovers Associates, November 1996.

6. **"PROPOSED REMEDIAL ACTION PLAN,"** Transit Valley Plaza Site, Site No. 915160, NYSDEC, January 1997.

7. **"RECORD OF DECISION,"** Transit Valley Plaza Site, Site No. 915160, NYSDEC, February 1997.

APPENDIX B

GLOSSARY OF TERMS

COCs:	Chemicals of Concern
DCE:	Dichloroethylene
ECL:	Environmental Conservation Law
IRM:	Interim Remedial Measure
NAPL:	Non-Aqueous Phased Liquid
NYCRR:	New York Codes, Rules, and Regulations
NYSDEC:	New York State Department of Environmental Conservation
NYSDOH:	New York State Department of Health
O&M:	Operation and Maintenance
ppb:	Parts per billion
ppm:	Parts per million
PRAP:	Proposed Remedial Action Plan
PRP:	Potential Responsible Party
RAO:	Remedial Action Objectives
RCRA:	Resource, Conservation, Recovery Act
RI/FS:	Remedial Investigation/Feasibility Study
ROD:	Record of Decision
SCG:	Standards, Criteria and Guidances
SVE:	Soil Vapor Extraction
TCE:	Trichloroethylene or Trichloroethene
UST:	Underground Storage Tank
VC:	Vinyl Chloride
VOCs:	Volatile Organic Compounds

APPENDIX C

RESPONSIVENESS SUMMARY
for the
PROPOSED REMEDIAL ACTION PLAN

TRANSIT VALLEY PLAZA SITE INACTIVE HAZARDOUS WASTE SITE
CLARENCE(T), ERIE COUNTY
SITE NO. 915160

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 15, 1997. This Plan outlined the measures for the remediation of the Transit Valley Plaza Site. The selected remedy consists of:

- No further Action be taken at the site and the site be delisted from the NYS Registry of Inactive Hazardous Waste Sites.

The release of the PRAP was announced via a notice to the mailing list on January 15, 1997, which informed the public of the PRAP's availability and the time, date and location of the public meeting.

The public meeting was held on January 29, 1997 at the Town of Clarence, Town Hall and included a presentation of the PRAP and a discussion of the proposed action. Comments on the proposed action were received from the public at the meeting. The comment period closed February 15, 1997.

This Responsiveness Summary responds to all questions and comments raised at the public January 29, 1997 meeting. No written comments were received on this plan. Comments received have become part of the Administrative Record for this site.

The following are comments related to the PRAP and the State's responses:

1. **Q.** Who took responsibility for the clean-up, the Plaza owner or the Dry Cleaning firm that was suspected of disposing of the perclorethylene?

   A. Even though DEC performed a thorough criminal investigation of the illegal disposal of the perchloroethylene (a regulated hazardous waste), sufficient evidence could not be assembled so that charges could be pursued against anyone. Under both State and Federal Superfund laws, the property owner is therefore responsible for cleaning up the contamination. DEC also did not pursue a civil action against other parties to clean-up the property since the owner of the plaza came forward and entered into a legal agreement with the Department to investigate and remediate the site. The Plaza owner has the right to pursue legal action on his own to recover the costs he has incurred remediating the property.

2. **Q.** How much did the clean-up cost?

   A. The investigation and subsequent remediation activities cost approximately $50,000 which was borne by the property owner.

3. **Q.** It would seem that DEC is satisfied with the clean up and no further work is necessary at the property. If so, what type of comments could the audience make that would change the outcome of these proceedings?

A. The Department is required by law to present the recommendation of the Proposed Remedial Action Plan to the public for comment. In this case, the DEC is proposing that No further action is necessary at the site and the site be removed from the registry of hazardous waste sites as stated above. Information that may change this action would be if someone came forward with new information and notified the DEC of the disposal of additional waste on the property that would require investigation and possibly remediation.

4. Q. Do traces of perchloroethylene remain at the site.

A. Yes. Based on the sampling conducted on the soil, trace levels (below the clean-up goals for the project) remain. Any trace levels of perchloroethylene that remain in the soil are expected to be naturally degraded to below detectable levels.

5. Q. The Town of Clarence is requesting a copy of the DEC's criminal investigation of the suspected spiller of the perchloroethylene.

A. A request for information can be made under the Freedom of Information Act. Based on this meeting the request was forwarded to the Division of Environmental Enforcement and contact was made with the Town to their satisfaction.

6. Q. Has the treated soil been placed back into the excavation?

A. No. Once the excavation was completed the resulting hole was filled in with soil to eliminate the physical hazard of an open hole. The treated soil will be spread at the rear of the plaza and seeded once these proceedings have been completed and the weather is conducive for this type of work. In the meantime the soil remains in a small pile at the rear of the plaza.

7. Q. How could this kind of thing could happen and why didn't DEC know about it?

A. Although perchloroethylene is a highly controlled and monitored chemical, it is essentially impossible to inspect all facilites at all times to prevent the type of disposal that occurred in this case. The dry cleaning industry, which primarily uses this chemical, has also significantly changed dry cleaning technology so that very little PCE is used and very little waste is produced. This type of equipment has only been available for the past few years and is now widely in use in the dry cleaning industry.