Department of Environmental Conservation

Division of Environmental Remediation

Record of Decision
Marcon Erectors Site
Buffalo (C), Erie County
Site Number 9-15-173

March 2002

New York State Department of Environmental Conservation
GEORGE E. PATAKI, *Governor* ERIN M. CROTTY, *Commissioner*

DECLARATION STATEMENT - RECORD OF DECISION

Marcon Erectors Inactive Hazardous Waste Site
Buffalo (C), Erie County, New York
Site No. 915173

Statement of Purpose and Basis

The Record of Decision (ROD) presents the selected remedial action for the Marcon Erectors 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 Marcon Erectors 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 Site

Actual or threatened release of hazardous waste constituents from this site, have been addressed by implementing the interim response action identified in this ROD, therefore the site no longer represents a current or potential significant threat to public health and the environment.

Description of Selected Remedy

Based upon the results of an Immediate Investigative Work Assignment (IIWA) for the Marcon Erectors site and the success of an Interim Remedial Measure (IRM) the NYSDEC has selected No Further Action as the remedy.

New York State Department of Health Acceptance

The New York State Department of Health concurs with the remedy selected for this site as being protective of human health.

Declaration

The selected remedy is protective of human health and the environment, complies with State and Federal requirements that are legally applicable or relevant and appropriate to the remedial action to the extent practicable, and is cost effective. This remedy utilizes permanent solutions and alternative treatment or resource recovery technologies, to the maximum extent practicable, and satisfies the preference for remedies that reduce toxicity, mobility, or volume as a principal element.

_____ _____

Date

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

TABLE OF CONTENTS

RECORD OF DECISION

Marcon Erectors Site
Buffalo (C), Erie County, New York
Site # 915173
March 2002

SECTION 1: SUMMARY OF THE RECORD OF DECISION

The New York State Department of Environmental Conservation (NYSDEC) in consultation with the New York State Department of Health has selected the remedy for the Marcon Erectors Site, a Class 2 inactive hazardous waste disposal site. As more fully described in Sections 3 and 4 of this document, improper storage, containment and handling resulted in the disposal of hazardous waste, containing polychlorinated biphenyls (PCBs), at the site. These disposal activities resulted in the following significant threats to the public health and/or the environment:

- a significant threat to human health associated with contact with PCB contaminated soils and sludges.

- a significant environmental threat associated with the impacts of contaminants to soils and groundwater.

During the course of the investigation certain actions, known as interim remedial measures (IRMs), were undertaken at the Marcon Erectors site in response to the threats identified above. An IRM is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before completion of the Remedial Investigation and Feasibility Study (RI/FS). The IRMs undertaken at this site included the removal of PCB contaminated sludge, soil and tanks. After completion of the removal action an Immediate Investigative Work Assignment (IIWA) was conducted to determine if any contamination remained and to confirm the effectiveness of the action.

Based on the success of the above IRM, the findings of the investigation of this site indicate that the site no longer poses a threat to human health or the environment, therefore No Further Action was selected as the remedy for this site. In addition, the NYSDEC anticipates removal of the site from the New York State Registry of Inactive Hazardous Waste Disposal Sites.

SECTION 2: SITE LOCATION AND DESCRIPTION

The Marcon Erectors Site, Site #915173 is located at 1 Howell Street, in the City of Buffalo, Erie County, New York (see Figure1). Situated in a mixed residential, commercial and industrial area, Marcon Erectors is a small manufacturer of reconditioned windows and doors. The Marcon Erectors property is less than one acre in size, located between Howell and Bush Streets. To the north and adjacent to the site is a former rail corridor currently owned by the City of Buffalo. Further north are residential properties. Located directly south is a grassy area with a moderate to heavily used recreational pathway. Located to the west past Howell Street is a property currently used to store construction equipment beyond which is a small playground and a elementary school. The nearest surface water is the Scajaquada Creek that lies 500 feet to the south. The Black Rock Channel of the Niagara

River is approximately 2000 feet to the west. East of the site is a supermarket constructed in 1997, on a former multi-tenant, light industrial complex. The supermarket was the culmination of cleanup efforts through a voluntary agreement with the NYSDEC designated as 601 Amherst Street, NYSDEC site number V00084-9.

SECTION 3: SITE HISTORY

3.1: Operational/Disposal History

As early as 1915 the Marcon Erectors facility was, reportedly, a heating oil supply facility. From 1931-1935 the property was identified as a gas station. From 1935 through 1956 the site was occupied by the Terminal Petroleum Company. During the 1960s through 1970 the property was the Ashland Oil and Refining Company - Solvents and Chemical Division. From 1972 to 1980, B. Hoffman - Roofers used facility for a base of operations as a residential /commercial roofing contractor. In October 1980, the current owner doing business as Marcon Erectors, purchased the facility for a base of operations that includes the re-manufacture of windows and doors.

Resulting from its petroleum distribution history, three tanks remained on the property. One of the three tanks was a 25,000 vertical tank and the remaining two were 10,000 gallon horizontal tanks. All tanks were within a concrete containment facility that had a soil bottom. In 1985, the 25,000-gallon vertical tank was cut down to approximately 2 feet high in an effort to minimize future painting and maintenance costs. This tank contained PCB contaminated petroleum residuals and sludge. The cut down tank which contained exposed sludge would fill with precipitation and overflow into the soil floor of the containment area.

3.2: Remedial History

In October 1995, NYSDEC assigned Spill #9507939 in response to a complaint of oil containing sludge and stained soil in the containment area at the Marcon Erectors site. Subsequently, NYSDEC required the owner to undertake remedial measures necessary to address the existing conditions.

In September 1997 Marcon Erectors contracted with Safety Kleen to complete the required removal action. Existing sludge was mixed with water to facilitate removal, and after the material was placed into disposal containers, the slurried sludge was mixed with sawdust to solidify the waste. This material was rejected at the landfill as off-specification waste due to excessive water content. Disposal sampling of the waste identified PCBs greater than 50 ppm in the material, which constitutes a hazardous waste. The off-specification waste was disposed of by incineration at an off-site, regulated, facility.

Handling of the material as described in the above paragraph is a violation of regulations concerning PCB waste. Due to the improper handling of the waste material NYSDEC initiated an enforcement action, Action Number 97-66-R9-4554-97-11.

In May 1998, NYSDEC sampled around the site and noted low-level PCB contamination adjacent to cracks within the containment wall.

In September 1998, NYSDEC sampled sludge and soils within the containment area and confirmed the presence of PCB contamination.

As a result of sampling by NYSDEC in 1998, the Marcon Erectors Site was listed in the Registry of Inactive Hazardous Waste Disposal Sites as a Class 2 site in June 1999. A Class 2 site is a site that poses a "significant threat to the public health and/or environment".

After the responsible parties declined to undertake the necessary work, the site was referred to the New York State Superfund allowing funding for subsequent remedial actions from the 1986 Environmental Quality Bond Act (EQBA), commonly known as the "State Superfund."

Subsequently, NYSDEC initiated a removal action under an existing environmental emergency removal contract, Contract #D100112.

NYSDEC began the emergency removal action in March 2001. The work consisted of: removal and disposal of the remaining sludge in the cut off tank, removal of all remaining storage tanks and all PCB contaminated soil to concentrations less than 10 parts per million (ppm)(see Figure 2), excavation of test pits and collection of confirmatory samples for subsequent analysis. All work completed under this contract is discussed in extensive detail in the report entitled "Report on Activities, Emergency Removal Action, Removal Action #9098 Haz, Marcon Erectors Site, Site #915173, dated, June, 2001."

SECTION 4: SITE CONTAMINATION

To determine the effectiveness of the Emergency Removal Action, evaluate the conditions remaining at the site, and to determine if a significant threat to human health and/or the environment still exists, the NYSDEC has recently completed an Immediate Investigative Work Assignment (IIWA).

4.1: Summary of the Immediate Investigative Work Assignment

Beginning in August 2001, NYSDEC implemented an IIWA to determine the effectiveness of the removal action and to define the nature and extent of any contamination resulting from previous activities at the site. All work completed under the IIWA is discussed in the report entitled "Report on Activities, Immediate Investigative Work Assignment (IIWA), Marcon Erectors Site, Site #915713, dated January 2002.

The IIWA included the following activities:

- General site history review to determine past site use;
- Geophysical survey to determine the presence of underground piping and/or tanks; and
- Installation of soil borings and monitoring wells for analysis of soils and groundwater as well as physical properties of soil and hydrogeologic conditions.

To determine which media (soil, groundwater, etc.) are contaminated at levels of concern, the IIWA analytical data were compared to environmental standards, criteria, and guidance values (SCGs). Groundwater, drinking water and surface water SCGs identified for the Marcon Erectors site are based on NYSDEC Ambient Water Quality Standards and Guidance Values and Part 5 of New York State Sanitary Code. For soils, NYSDEC Technical

and Administrative Guidance Memorandum (TAGM) 4046 provides soil cleanup guidelines for the protection of groundwater, background conditions, and health-based exposure scenarios.

Based on the IIWA results, after comparison to the SCGs and review of potential public health and environmental exposure routes, the removal action was determined to be successful in removing the threat to the public health and the environment. In addition, the IIWA determined that properties near the Marcon Erectors Property had not been impacted by PCBs. The IIWA did, however, determine that there is petroleum contamination both on and off the Marcon Erectors site. The extent of the contamination is briefly summarized below and more comprehensive information can be found in the IIWA Report.

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

4.1.1: Site Geology and Hydrogeology

Buehler and Tesmer (1961) in their report on "The Geology of Erie County" describe the bedrock that underlies the subject area as Upper Silurian dolomite and dolomite shales of the Akron Dolomite and Bertie Group. Bedrock at the Marcon Erectors site was not intercepted because all of the borings terminated no deeper than 26 feet below ground surface. Soil borings show that locally this bedrock is covered by fill material, lacustrine silts and sediments.

Fill material at the Marcon Erectors site is varied, consisting of gravels, ashes and sand, intermingled with other debris such as brick, wood, metal and porcelain. The fill overlies a native, silty-clay material that is reddish brown in color. This material is stiff and lacustrine or glacio-lacustrine and contains small bits of gravel. This tight, dry material varies in depth below ground surface. To the north of the Marcon Erectors site the material is three to four feet below the surface but gets deeper generally to the south but plunges rapidly to more than 16 feet deep within fifty feet of the property line. In this area, southward, toward the Scadjaquada Creek, the silty-clay is overlain by large amounts of fill material.

Groundwater is located from 7 to 9 feet deep and generally mimics the surface topography. Flow is from north to south toward the Scadjaquada Creek.

4.1.2: Nature of Contamination

Before the removal action, hazardous waste, consisting of PCBs, existed in soils and residual sludges at the Marcon Erectors site. A significant threat existed from direct contact and inhalation of dusts to human health. A significant threat to the environment from contaminant migration to the surface or groundwater existed as long as the soils and sludges remained exposed.

As described in the IIWA report, many soil and groundwater samples were collected to characterize the nature and extent of contamination after the removal action. The IIWA did not find any evidence that hazardous waste containing PCBs remained on the site after the NYSDEC removal action.

4.1.3: Extent of Contamination

The property which comprises the Marcon Erectors site has a long history as a petroleum distribution facility, beginning as early as 1915 when the site was noted as a gas station and continuing as late as 1978 when the site became home to a roofing contractor.

PCB contamination was reported to have existed as high as 16,000 ppm in three, above ground storage tanks, sludge material and contaminated soils within a concrete containment area at the Marcon Erectors site. Solid waste that contains PCB contamination greater than 50 ppm is a "hazardous waste" as defined by 6NYCRR Part 371.4 (e).

In January 2001, a removal action was initiated to remove and properly dispose of the hazardous PCB contaminated waste. The removal action removed the remains of the tanks, all the sludge and stained soils to a depth of two to six feet. This action was complete in March 2001. Remedial goals for the removal action were PCBs less than 1 ppm in surface soil and less than 10 ppm greater than one foot below the surface. Confirmatory samples were collected and no sample result was higher than 1.3 ppm below the surface this confirmed that PCB contamination within the containment area was well below remedial goals and had been addressed by the action. Additional sampling from test pits both outside and inside the containment area confirmed that PCBs had not impacted the area immediately surrounding the containment area.

After the removal action an Immediate Investigative Work Assignment was initiated to affirm the success of the removal action and to determine if the PCB contamination had impacted surrounding properties and groundwater.

Soil samples were collected from twenty-three soil borings and five monitoring well installations. All sample results were compared to recommended soil cleanup guidance provided for in the NYSDEC Technical and Administrative Guidance Memorandum (TAGM) HWR–94-4046 (4046) entitled "Determination of Soil Cleanup Objectives and Levels" dated January 4, 1994 (Revised). The following are the media which were investigated and a summary of the findings of the investigation.

Soil

Thirty-one soil samples were analyzed for PCB contamination. Twenty-two were collected from the top of the 0 to 2 foot level of the soil core. All thirty-one sample results were non-detect for PCBs. This confirmed that PCBs at the Marcon Erectors site had not impacted the surrounding properties. Table 1 summarizes the extent of contamination for the hazardous waste in soil and groundwater and compares the data with the SCGs for the site.

Residual contamination from petroleum distribution and fuel blending activities were detected. However, the presence of petroleum contamination does not constitute a hazardous waste by definition. Results from the removal action and IIWA sampling confirms that a widespread petroleum contamination issue continues to exist in the soil as detailed in the following paragraphs.

Of the soil samples, thirty-four (34) were submitted for semi-volatile organic compound (SVOC) analysis (see Table 2). Fifteen of the 34 had detections of SVOCs. Of these fifteen samples, eight exceeded guidance levels from TAGM 4046 for one or more SVOC parameters. Of the eight samples, only one sample (with total SVOCs of 6,553 ppm) exceeded the clean-up goal of total SVOCs of greater than 500 ppm (part per million) as per

TAGM #4046. This sample was an offsite sample from a depth of three feet below ground surface. Two additional samples were collected within three feet of this original sample and analysis for total SVOC was non-detect. This is evidence that the initial sample results were anomalous and not widespread.

Ten samples were analyzed for volatile organic compounds (VOCs, see Table 2.) Of the 10, only four samples had VOCs above detection limits, however, only one sample exceeded TAGM soil cleanup objective values of total VOCs < 10 ppm. A sample collected from an onsite monitoring well installation boring at a depth from 0 to 2 feet, exceeded TAGM soil cleanup objective values with a total VOC result of 1,036 ppm. Individual components of these VOCs were petroleum related constituents.

Two samples, were analyzed for metals including cyanide and mercury. Only one sample, at 12 to 16 feet below the ground surface slightly exceeded TAGM numbers for copper, zinc and mercury (see Table 2). The maximum copper values were 59.6 ppm versus 25 ppm or soil background which is 1-50 ppm. The maximum zinc value was 65.2 ppm versus 20 ppm or soil background which is 9 to 50 ppm. Mercury was detected in ME-025 at 0.440 ppm versus a TAGM value of 0.100 ppm.

Four soil samples were collected during the IIWA and analyzed for total petroleum hydrocarbons (TPH, Table 2). The TPH analysis showed the presence of two distinct products, #2 fuel oil and kerosene. Fuel oil #2 was detected as high as 559 ppm. In one sample kerosene was noted as high as 39.1 ppm.

Throughout the removal action and the IIWA, petroleum odors were present in boreholes and test pits. Petroleum odors were noted in fifteen of 26 borings (see Figure 2).

Groundwater

Groundwater samples were collected from all five monitoring wells. All samples were analyzed for metals, VOCs, SVOCs, pesticides and PCBs.

There were no detections of pesticides or PCBs in any of the groundwater samples. Sample results for all five wells indicate that there were no VOC detections that exceeded the water quality standards. In addition, sample results did not detect any SVOCs in any monitoring well.

Water quality standards were exceeded for some metals in all of the groundwater samples (see Table 3.) All five monitoring wells exceeded ambient water quality standards of 3 ppb for antimony and ranged from a high of 11.5 ppb to a low of 7.5 ppb. In addition, all five wells exceeded the combined standard of 500 ppb for iron and manganese ranging from 870 ppb to 50,368 ppb. Four of five samples, ranging from 55,600 ppb to 1,820,000 ppb, exceeded standards of 35,000 ppb for magnesium. Two samples, from 2,950 ppb to 8,390 ppb, exceeded standards of 2,000 ppb for aluminum. Two samples, from 7.2 ppb to 16.5 ppb, exceeded standards of 5 ppb for cadmium. Two samples, exceeded standards for thallium of 0.5 ppb, from 21.5 ppb to 77.4 ppb. The lead standard of 25 ppb was exceeded in one sample with a result of 199 ppb. One sample, exceeded standards of 10 ppb for selenium with a result of 19.9 ppb.

A review of the data indicates that the groundwater was turbid (i.e., contained elevated levels of small sediment particles). As monitoring wells are installed residual soil material from the boring can suspend in the water. The elevated turbidity can be a direct cause of elevated metal values in the sample results.

4.2: Summary of Human Exposure Pathways:

This section describes the types of human exposures that may present added health risks to persons at or around the site.

An exposure pathway is the manner by which an individual may come in 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.

Pathways which were known to exist at the site include:

- direct contact
- ingestion
- inhalation

A removal action was performed to address PCB-contaminated hazardous waste that was detected in the sludge and surface soils within the containment area at the Marcon Erectors site. Potential routes of exposure included, direct contact with soils, ingestion (eating) of soils and inhalation (breathing) of contaminated airborne soil particles (dust). Although the site had restricted access to the contaminated material, these routes of exposure were of particular concern since the contamination was primarily exposed. The removal action removed the contaminated soil on the property, thereby eliminating these routes of exposure.

4.3: Summary of Environmental Exposure Pathways

This section summarizes the types of environmental exposures and ecological risks which may be presented by the site. The following pathways for environmental exposure and/or ecological risks have been identified:

While the exposed contamination was in place, the potential for continued contamination of soil and local groundwater existed, as a result of the runoff of rain or snow melt from the contaminated sludge and soils. Contamination detected in the containment area would eventually be transported further into the ground effecting a greater area.

Since cleanup goals were met as a result of the removal actions, no environmental exposure pathway from the PCB contamination currently exists.

SECTION 5: ENFORCEMENT STATUS

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

The Potential Responsible Parties (PRP) for the site include: Marcon Erectors, Inc., Safety Kleen Systems, Inc., and Ashland Inc.

The PRPs declined to participate when requested by the NYSDEC. The PRPs may be subject to legal actions by the State for recovery of all response costs the State has incurred.

Upon issuance of the Record of Decision the NYSDEC will approach the PRPs to reimburse the NYSDEC for past costs. In addition the NYSDEC will approach the PRPs to address the petroleum-related issues remaining at the site under the Environmental Conservation Law.

SECTION 6: SUMMARY OF THE SELECTED REMEDY

The selected remedy for any site should, at a minimum, eliminate or mitigate all significant threats to the public health or the environment presented by the hazardous waste present at the site. The NYSDEC believes that the remediation now completed, which is described in Section 4.2 - Interim Remedial Measures, has accomplished this objective.

Based on the results of the investigations and the IRM that has been performed at the site, the NYSDEC has selected no further remedial action for the site. The NYSDEC anticipates removing the site from the New York State Registry of Inactive Hazardous Waste Disposal Sites. However, due to the presence of petroleum-related waste remaining at the site, the NYSDEC will refer the site back to the NYSDEC Spill Prevention and Response Unit for proper remediation of the petroleum contamination. The NYSDEC Spills unit maintains a database that will allow potential future buyers of this property to learn of the existence of the subsurface petroleum contamination.

Community Acceptance - Concerns of the community regarding 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. No significant public comments were received.

SECTION 7: HIGHLIGHTS OF COMMUNITY PARTICIPATION

As part of the remediation process, a number of Citizen Participation (CP) activities were undertaken in an effort to inform and educate the public about conditions at the site. The following public participation activities were conducted for the site:

- A repository for documents pertaining to the site was established
- A site mailing list was established which included nearby property owners, local political officials, local media and other interested parties.
- Fact Sheet was sent to the mailing list in October 1997 informing the public of the presence of PCB contamination found in sludge at the Marcon Erectors and future action to be undertaken at the site.
- Fact Sheet was sent to the mailing list in December 2000 informing the public of the removal action to be completed by the NYSDEC.

- Fact Sheet was sent to the mailing list in July 2001 informing the public that the removal action was complete and the availability of the removal action report.

- Fact Sheet was sent to the mailing list in February 2002 announcing the availability of the PRAP and the Immediate Investigative Work Assignment Report.

- Meeting Notice was sent to the mailing list in February 2002 announcing a Public Information Meeting scheduled for March 14, 2002 at the North Park Branch Public Library, 2351 Delaware Avenue, Buffalo, New York beginning at 6:30 pm for presentation of the PRAP.

- Public meeting was held on March 14, 2002 for presentation of the PRAP.

- In March 2002 a Responsiveness Summary was prepared and made available to the public to address the comments received during the public comment period for the PRAP.

Table 1
Nature and Extent
Hazardous Waste Contamination

MEDIUM	CONTAMINANT OF CONCERN	CONCENTRATION RANGE (ppm)*	FREQUENCY of EXCEEDING SCGs/Background	SCG/ Bkgd. (ppm)*
Soils	PCBs	ND	0 of 22	1 - surface
Soils	PCBs	ND	0 of 9	10 - sub-surface
Groundwater	PCBs	ND	0 of 5	.09

* Groundwater concentrations are in parts per billion (ppb)

Table 2
Nature and Extent
Petroleum Related Contamination

MEDIUM	CATEGORY	CONTAMINANT OF CONCERN	CONCENTRATION RANGE (ppm)	FREQUENCY of EXCEEDING SCGs/Background	SCG/ Bkgd. (ppm)
Soils	Semi-Volatile Compounds (SVOCs)	Naphthalene	ND - 174.2	1 of 36	13
		Acenaphthylene	ND - 0.9	0 of 36	41
		Acenaphthene	ND - 4.0	0 of 36	50
		2,4-Dinitophenol	ND - 4.0	2 of 36	.200 or MDL
		Dibenzofuran	ND - 0.3	0 of 36	6.2
		2,4-Dinitrotoluene	ND - 178.2	N/A	N/A
		4, Nitrophenol	ND - 181.7	1 of 36	.100 or MDL
		Fluorene	ND - 179.1	1 of 36	50
		Phenanthrene	ND - 1,290	1 of 36	50
		Anthracene	ND - 267.4	1 of 36	50
		Fluoranthene	ND - 1,126.5	1 of 36	50
		Pyrene	ND - 1,119.7	1 of 36	50
		Butyl benzyl phthalate	ND - 0.2	1 of 36	50
		Benzo(a)anthracene	ND - 439.5	5 of 36	.224
		Chrysene	ND - 486.2	3 of 36	.400
		Benzo(b)fluoranthene	ND - 470.8	3 of 36	1.1
		Benzo(k)fluoranthene	ND - 231.6	2 of 36	1.1
		Benzo(a)pyrene	ND - 408.3	7 of 36	.061 or MDL
		Indeno(1,2,3-c,d)pyrene	ND - 0.5	0 of 36	3.2
		Dibenz(a,h) anthracene	ND - 0.2	1 of 36	.014 or MDL

Table 2
Nature and Extent
Petroleum Related Contamination

MEDIUM	CATEGORY	CONTAMINANT OF CONCERN	CONCENTRATION RANGE (ppm)	FREQUENCY of EXCEEDING SCGs/Background	SCG/ Bkgd. (ppm)
		Benzo(g,h,i)perylene	ND - 0.5	0 of 36	50
	Volatile Organic Compounds (VOCs)	cis-1,2-Dichloroethene	ND - .02	N/A	N/A
		Benzene	ND - .1	1 of 10	.060
		Ethylbenzene	ND - 1.6	0 of 10	5.5
		m&p xylene	ND - 35.3	1 of 10	1.2**
		o-xylene	ND - 0.8	1 of 10	1.2**
		isopropylbenzene	ND - 22.8	N/A	N/A
		n-propylbenzene	ND - 70.7	N/A	N/A
		1,3,5-Trimethylbenzene	ND - 112.8	N/A	N/A
		tert-Butylbenzene	ND - 17.1	N/A	N/A
		1,2,4-Trimethylbenzene	ND - 356.6	N/A	N/A
		sec-butylbenzene	ND - 398.7	N/A	N/A
		4-Isopropyltoluene	ND - 19.8	N/A	N/A
		Naphthalene	ND - .1	0 of 10	13,000
	Metals	Copper	26.7 - 59.6	1 of 2	25 or SB (1-50)
		Mercury	<0.102 - 0.440	1 of 2	0.1
		Zinc	40.7 - 65.2	1 of 2	20 or SB (9-50)
	Total Petroleum Hydrocarbons	# 2 Fuel Oil	49.5 - 559	N/A	N/A
		Kerosene	39.1	N/A	N/A

** Total Xylenes

Table 3
Nature and Extent
Groundwater Contamination

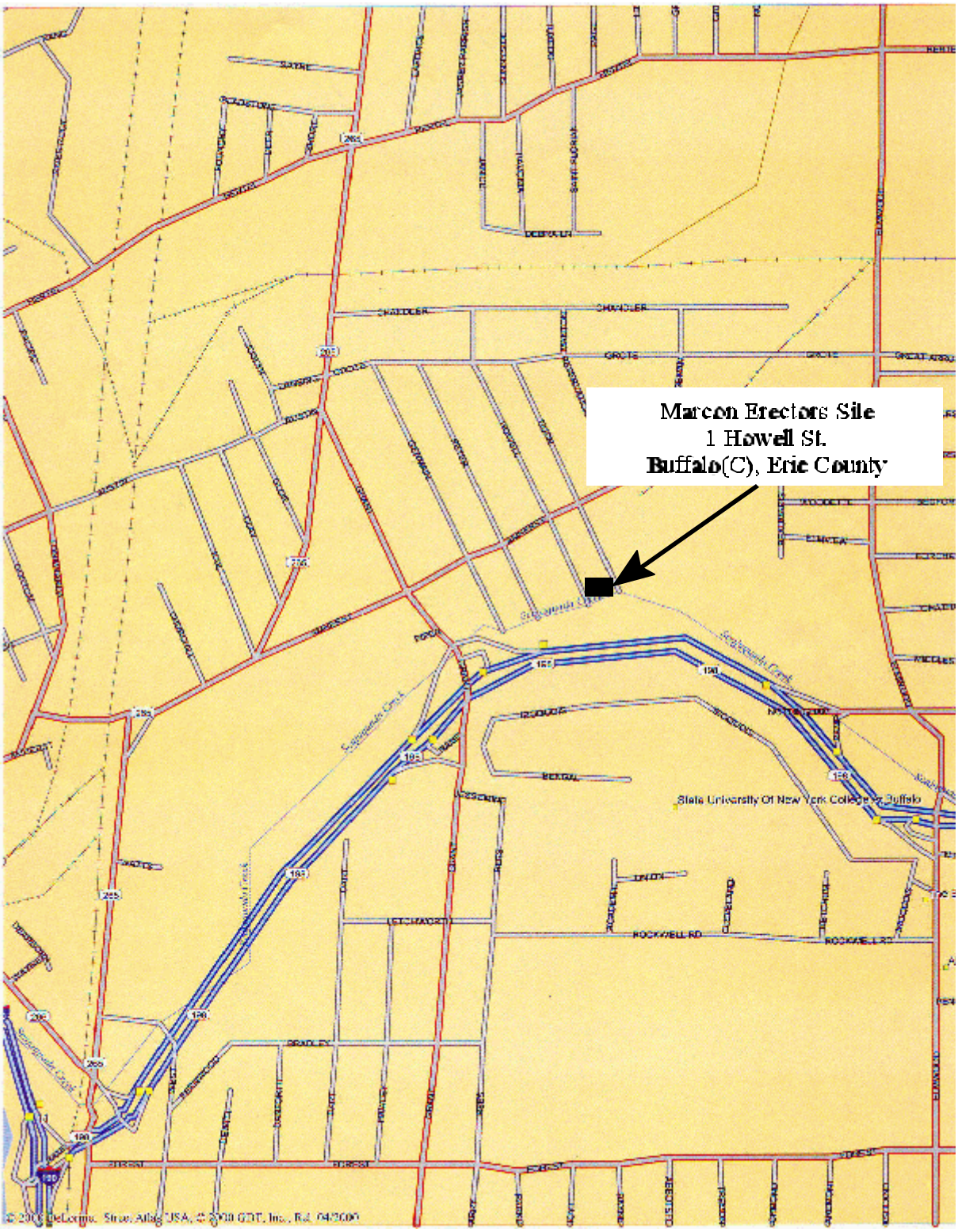
MEDIUM	CATEGORY	CONTAMINANT OF CONCERN	CONCENTRATION RANGE (ppb)	FREQUENCY of EXCEEDING SCGs/Background	Water Quality Stds.* (ppb)
Ground water	Metals	Aluminum	247 - 8,390	2 of 5	2,000**
		Antimony	7.5 - 11.5	5 of 5	3
		Cadmium	ND - 16.5	2 of 5	5
		Copper	11.7 - 282	1 of 5	200
		Iron	496 - 49,700	5 of 5	500***
		Lead	ND - 199	1 of 5	25
		Magnesium	67.8 - 1,820,000	4 of 5	35,000
		Manganese	374 - 1,460	5 of 5	500***
		Selinium	ND - 19.9	1 of 5	10
		Thallium	ND - 77.4	2 of 5	0.5

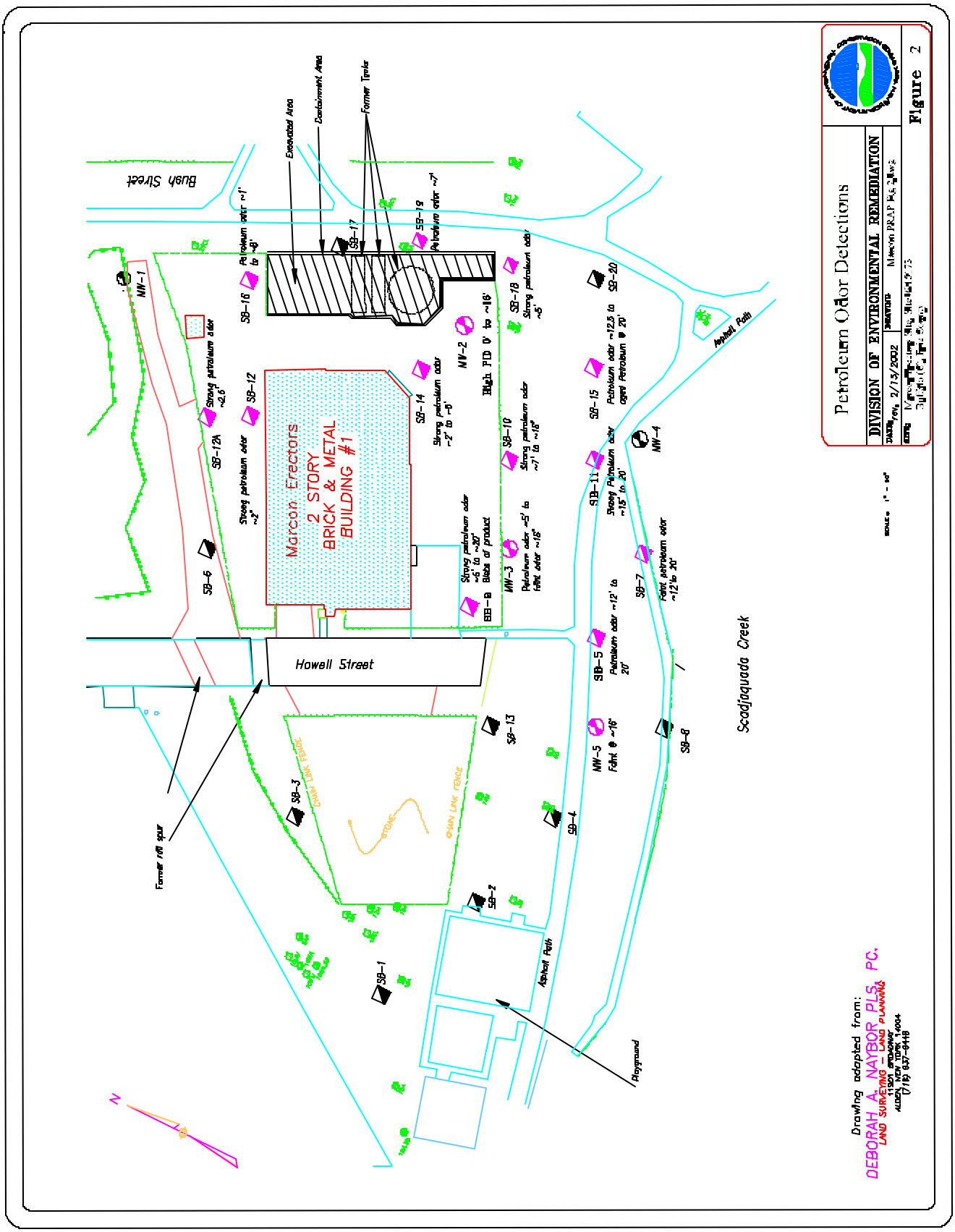
*New York State Department of Environmental Conservation, Division of Water, Technical and Operational Guidance Series (1.1.1)(TOGS), Ambient Water Quality Standards and Guidancve Values and Groundwater Efluent Limitations, June 1998.

** Maximum Allowable Concentration, Groundwater Effluent Limitation

*** The sum of iron and manganese

FIGURE 1
Marcon Erectors Site
Site Location




Petroleum Odor Detections
DIVISION OF ENVIRONMENTAL REMEDIATION
Figure 2
Marcon Erectors
2 STORY
BRICK & METAL
BUILDING #1
Howell Street
Bush Street
Asphalt Path
Scadjaquada Creek
Former rail spur
Playground
Excavated Area
Containment Area
Former Tanks
Drawing adapted from:
DEBORAH A. NAYBOR, P.L.S., P.C.
LAND SURVEYING LAND PLANNING

APPENDIX A
RESPONSIVENESS SUMMARY

Marcon Erectors Site
Proposed Remedial Action Plan
Buffalo(C), Erie County
Site No. 915173

The Proposed Remedial Action Plan (PRAP) for the Marcon Erectors Site, was prepared by the New York State Department of Environmental Conservation (NYSDEC) and issued to the local document repository on February 25, 2002. This Plan outlined the preferred remedial measure proposed for the remediation of the contaminated soil and sediment at the Marcon Erectors Site. The preferred remedy is No Further Action. The release of the PRAP was announced via a notice to the mailing list, informing the public of the PRAP's availability.

A public meeting was held on March 16, 2002 which included a presentation of the results of the Removal Action and the Immediate Investigative Work Assignment (IIWA) as well as a discussion of the proposed remedy. The meeting provided an opportunity for citizens to discuss their concerns, ask questions and comment on the proposed remedy. These comments have become part of the Administrative Record for this site. Written comments were received from Ms. Emily Platek, a resident of the area.

The public comment period for the PRAP ended on March 25, 2002

This Responsiveness Summary responds to all questions and comments raised at the March 16, 2002 public meeting and to the written comments received.

The following are the comments received at the public meeting, with the NYSDEC's responses:

COMMENT 1: Do you have any idea where the PCBs and oil came from?

RESPONSE 1: The oil was residual oils and sludge remaining in the aboveground storage tanks that remained from the historical operations at the site. It is unknown at what time or how the PCB contamination was introduced into the sludge.

COMMENT 2: How do you know it wasn't Ashland Oil?

RESPONSE 2: We can neither eliminate nor implicate Ashland Oil from the information that the Department currently has.

COMMENT 3: Could Marcon Electric have dumped the PCB oil?

RESPONSE 3: As in response 2 the Department does not have any information that would either implicate nor eliminate this source.

COMMENT 4: How was the oil transported to the site?

RESPONSE 4: There is a former rail spur located on the property and it is most likely that this was a means of transportation to the site.

A letter dated March 7, 2002 was received from Ms. Emily Platek, a nearby resident to the site, included the following comments and questions:

COMMENT 1: "Although I am pleased the cleanup has been completed I do not (emphasis) feel that the "No Further Action" plan should apply to the site.

RESPONSE 1: New York State regulations define "hazardous waste" and determines inclusion of sites on the Registry of Inactive Hazardous Waste Disposal Sites (Registry). Regulations further dictate how funds from the 1986 Environmental Quality Bond Act (EQBA) can be used to clean up a site. The removal action at the Marcon Erectors site has addressed the PCB contamination which constituted the "hazardous waste" at the site. The removal of the PCB contamination has mitigated the threat to the public health and the environment, therefore, the "No Further Action" proposed remedy by the Division of Environmental Remediation is warranted. However, because it was determined that petroleum contamination still exists at the site, the site will be referred to the Division of Environmental Remediation Bureau of Spill Prevention and Response for further assessment.

COMMENT 2: Has the soil at the playground been tested? If not, it must be.

RESPONSE 2: NYSDEC sampled the playground in 2001. The sample results indicated no contamination attributable to the Site.

COMMENT 3: What about our water supply? Could some of the hazardous waste have been leached into our water supply?

RESPONSE 3: Confirmation sampling determined that PCBs were not present in the soils near the public water lines nor was it found in the local groundwater. Public water is piped under pressure from the water treatment plant to users. If a leak were to occur in the piping system, the water pressure would push water out of the pipe and not allow water into the pipe. Therefore a scenario of PCB waste contaminating local water supplies was not considered at this site.

COMMENT 4: "The dumping of this hazardous waste has exposed many people to very dangerous contaminants."

RESPONSE 4: It is not known if people in the community came into contact with the exposed hazardous waste. However, it is important to recognize that the tank which contained the hazardous waste was enclosed up until 1985. From 1985 until the NYSDEC removal action, the tank was surrounded by a concrete barrier wall and was fenced. Therefore, exposure to the waste was unlikely.

COMMENT 5: Three people in the neighborhood have been diagnosed with Multiple Sclerosis.

RESPONSE 5: There are no known environmental risk factors associated with Multiple Sclerosis.

APPENDIX B

Administrative Record

The following files and documents constitute the Administrative Record for the Marcon Erectors Site.

1995 - 2002	General correspondence files, Division of Environmental Remediation, Region 9, 270 Michigan Avenue, Buffalo, New York, 14203.
June 2001	Report on Activities, Emergency Removal Action, Removal Action #9098 HAZ, NYSDEC
June 2001	Marcon Erectors Site, Site #915173, Buffalo(C), Erie County, Immediate Investigative Work Assignment (IIWA), Project Work Plan, NYSDEC
November 13, 2001	Letter Report, Earth Tech to NYSDEC, Re: Marcon Erectors Site (#915173) details of Earth Tech's role in the IIWA project
January 2002	Report on Activities, Immediate Investigative Work Assignment (IIWA), Work Assignment #D003821-23, NYSDEC
February 2002	Proposed Remedial Action Plan, NYSDEC
March 2, 2002	Comment letter from Ms. Emily Platek, a resident
March 2002	Responsiveness Summary, for Proposed Remedial Action Plan, Marcon Erectors Site (Appendix A of the ROD)