



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Report



DATE: 6/3/2013

Site Code:	932001C	Site Name:	SKW Newco Inc.
City:	Niagara	Town:	Niagara
Region:	9	County:	Niagara
Current Classification:	02	Proposed Classification:	04
Estimated Size (acres):	9.76	Disposal Area:	Landfill
Significant Threat:	Previously	Site Type:	
Priority ranking Score:		Project Manager:	Michael Hinton

Summary of Approvals

Originator/Supervisor: Greg Sutton	03/20/2013
RHWRE: Gregory Sutton / Martin Doster:	03/20/2013
BEEI of NYSDOH:	05/01/2013
CO Bureau Director: Michael Cruden, Director, Region 9:	05/01/2013
Assistant Division Director: Michael J. Ryan, P.E.:	05/09/2013

Basis for Classification Change

Threats from the disposal of hazardous waste at this site were addressed by the implementation of the remedy identified for the site by the Records of Decision dated March 2006. All construction of the components of the site-wide remedy was completed no later than 1998. The Final Engineering Report(s) (FER) (or its equivalent) confirms that the remedy has been constructed consistent with the requirements in the ROD(s). The FER(s) (or its equivalent) is/are in eDocs. Management of contamination remaining at the site, including any required monitoring, is and has been controlled pursuant to a Site Management Plan (SMP) (or its equivalent). A copy of the SMP (or its equivalent) is in eDocs. Institutional controls were required to ensure the protectiveness of the site and a deed restriction is in place. A significant threat to public health and the environment no longer exists at the site. The site is properly remediated and requires site management, therefore, it qualifies for Class 4 status on the Registry of Inactive Hazardous Waste disposal sites.

Site Description - Last Review: 04/24/2013

Location: The SKW Newco, Inc. site is located in the industrialized urban area of the Town of Niagara. The 9.76 acre site is bounded on the north and south by portions of the Vanadium Site (#932001), on the east by the Airco Properties Site (#932001B) and to the west by Witmer Road (NYS Rt. 31). The nearest water bodies are the Lower Niagara River, located approximately 1.4 miles west of the property; the New York Power Authority (NYPA) reservoir, located approximately 0.8 miles north of the property; and Gill Creek, located approximately 1,000 feet east of the Site.



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Site Name: SKW Newco Inc.

Site Features: The site consists of a capped landfill with vegetated cover. The nearest water bodies are the Lower Niagara River, located approximately 1.4 miles west of the property; the New York Power Authority (NYPA) reservoir, located approximately 0.8 miles north of the property; and Gill Creek, located approximately 1,000 feet east of the Site.

Current Zoning/Uses: Current zoning is industrial and there are no active industrial operations on the property.

Historical Uses: From 1920 to 1964, the site was owned by the Vanadium Corporation of America (Vanadium). The size of the Vanadium site (consisting of Operable Units 1, 2, and 3) is estimated to be approximately 150 acres. During that time, portions of the site were used to dispose of an estimated 594,000 tons of wood, brick, ash, lime slag (calcium hydroxide), ferrochromium silicon slag, and ferrochromium silicon dust (ABB, 1993). The NYPA purchased property from Vanadium in 1959 for construction of the Niagara Power Project. A portion of this property was subsequently sold to Niagara Mohawk (aka National Grid). The property owned by NYPA and Niagara Mohawk also contained waste piles deposited by Vanadium. These waste piles reportedly contained calcium hydroxide, ferromanganese slag, ferrochromium slag, and ferrochromium dust (E.C. Jordan Co., 1991). Airco purchased 62 acres of the Vanadium property in 1964. Although Airco owned the site, an affiliated company, Airco Carbon (subsequently called Carbon/Graphite Group), operated the site and disposed of wastes similar to those disposed by Vanadium. Rusty and crushed 55-gallon containers and scrap metal were also observed on and around waste piles on both the Airco and Niagara Mohawk/NYPA properties. Approximately 5,000 tons per year of baghouse dust containing ferrochromium silicon dust were disposed of by Airco at the Vanadium site from 1971, when the bag house was installed, to shortly after 1984. Over that 14-year period, it is estimated that approximately 70,000 tons of this waste was generated and disposed of on site. The waste was reportedly disposed of on the property. Airco discontinued generating ferrochromium silicon wastes in 1984. SKW Metals and Alloys, Inc (SKW), a predecessor of CCMA, purchased the western 37 acres of the Airco property in 1979. In 1980, SKW commenced operation of a solid waste disposal facility, consisting of two landfill cells. The facility was designed for the disposal of ferrochromium silicon baghouse dust and ferrosilicon baghouse dust wastes. The landfill is no longer in use, and was closed, graded, and seeded in accordance with NYSDEC regulations before October 1992. At the SKW plant, the production of ferrochromium alloy materials was discontinued in 1981/1982.

A Record of Decision (ROD) was issued in March 2006. The ROD requires: OU No. 1 - No Further Action; OU No. 2 - No Further Action; and OU No. 3 - Waste Consolidation and capping, an Environmental Easement, Site Management and Periodic Certification. The Remedial Design for OU No. 3 was approved in July 2010. An Order on Consent for Remedial Action was signed in March 2011. The Remedial Action began in 2012 and is complete.

Due to the separate: ownership, remedial actions and long-term operation, monitoring and requirements associated with each of the operable units, the OUs were reassigned site numbers as shown below, so that they could be certified to be performing as designed.

Operable Unit No. 1 (Site #932001C) is a 9.76 acre landfill on the western portion of the site that is currently



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owned by CC Metals and Alloys Inc (formerly SKW Metals and Alloys Inc.). SKW purchased the property from Airco in 1979. SKW constructed a two cell Part 360 landfill on OU No. 1 to dispose of waste generated by the SKW facility. SKW generated waste similar to the waste generated by the Vanadium Corporation of America. The SKW property was historically the manufacturing area of the former Vanadium facility. As a result no significant waste disposal occurred on OU No. 1 outside of the landfill cells. Investigations on OU No. 1 indicated evidence of building rubble from the former manufacturing facility. An Interim Remedial Measure (IRM) was performed to install a soil cover and to control surface storm water runoff from OU No. 1. The IRM was completed in 1998. Investigations to assess the extent and significance of contamination found on OU No. 1 were conducted during the Preliminary Site Assessment (PSA) and the implementation of the IRM.

Operable Unit No. 2 (Site #932001B) is a 25 acre landfill that is currently owned by Airco Properties, Inc. In 1964, the parent corporation to Airco Properties, Inc., The Air Reduction Company, purchased the remaining 62 acres of the former Vanadium site and subsequently sold the western 37 acres to SKW (OU No. 1). Wastes similar to the Vanadium wastes were generated and disposed on-site. Investigations to assess the extent and significance of contamination found on OU No. 2 were conducted during the PSA. In 2000, Airco Properties Inc. performed an IRM closure of the landfill that required the consolidating and shaping of the existing waste, placement of a 6" soil bedding layer, installation of 40 mil LLDPE liner, installation of a high density polyethylene drainage net-geotextile geocomposite, placement of 12" of barrier protection and 6" of topsoil and seed. A groundwater collection and treatment system was constructed in 2003 to address a groundwater seep discovered in the southwest corner of OU No. 2. An OM&M Plan is in effect for OU No. 2.

Operable Unit No. 3 (Site #932001), consists of approximately 88 acres of the eastern portion of the Vanadium site. The NYPA purchased the property from the Vanadium Corporation of America in 1959 for the construction of the Niagara Power Project and the associated underground conduits. A portion of this property was subsequently sold to the Niagara Mohawk Power Corporation.

Site Geology/Hydrology: The geologic structure beneath OU No. 1 consists of four units and includes, in descending order: fill material, glaciolacustrine deposits, glacial till, and bedrock.

The soils on the SKW Site consist of Odessa silty clay loam. This is a poorly drained soil that is reddish in color. The underlying bedrock is Lockport Dolomite. Bedrock is encountered at depths ranging from 11 to 24 feet. Glacial till with extreme ranges in texture (silt to gravel and boulders) overlies the bedrock. This till material ranges in thickness from 0.6 to 7 feet. Clays and silty clays, which range in thickness from 2 to 12.5 feet, overlay the till material. From 0 to 9 feet, fill materials consists of slag, cinders, dust and flyash.

Groundwater is located at a depth of 20 feet below ground surface, in the glacial till soils. A perched water table exists above the silty clays during most of the year at depths of approximately three feet. Groundwater flow is expected to be south to southwest.

There are no current users of groundwater at the Site. Regionally, groundwater yields from overburden deposits are too low for domestic or industrial purposes. The bedrock has the capability to produce high yields; however, the bedrock groundwater is typically very hard and highly mineralized and is not used as a drinking water source in the area.



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Site Name: SKW Newco Inc.

Contaminants of Concern (Including Materials Disposed) Quantity Disposed

OU 01
CHROMIUM
MANGANESE
IRON

Analytical Data Available for : Groundwater, Surface Water, Soil, Sediment

Applicable Standards Exceeded for: Groundwater, Soil

Site Environmental Assessment- Last Review: 04/24/2013

Remediation at the site is complete and the landfill is properly capped and closed; therefore, there is no further exposure to the underlying contamination. Prior to remediation, the primary contaminants of concern were iron, chromium, manganese and low pH.

Site Health Assessment - Last Update: 04/22/2013

The landfill is properly capped and closed; therefore, people are not likely to contact contaminated soils. Measures are in place to prevent contact with the underlying contamination. People are not coming into contact with the contaminated groundwater because the area is served by a public water supply that is not affected by this contamination.

	Start		End	
OU 00				
Periodic Review	5/14/14	PLN	6/28/14	PLN
Reclass Pkg.	2/21/13	ACT	5/31/13	PLN
Site Management	6/3/13	PLN	6/3/43	PLN
OU 01				
Interim Site Management	6/1/98	ACT	6/3/13	PLN
OGC Docket - Cost Recovery	6/20/06	ACT	12/9/08	ACT
Remedial Investigation	7/1/05	ACT	3/31/06	ACT
Site Characterization	4/1/90	ACT	10/1/93	ACT
OU 01A				
Remedial Action	7/1/98	ACT	11/1/98	ACT
Remedial Design	6/1/98	ACT	6/1/98	ACT

Remedy Description and Cost

Remedy Description for Operable Unit 01

In 1998 an IRM was completed that included:

1. A site grading plan was developed and implemented that controlled site run-off to prevent contaminated surface water from leaving the site;



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2. A soil cover was constructed over all vegetated areas to prevent exposure to contaminated soils. The cover consists of 6 inches of clean soil and of sufficient quality to support vegetation. Clean soil containing no analytes in exceedance of NYSDEC TAGM 4046 soil cleanup objectives.
3. Imposition of an institutional control in the form of a deed restriction filed in the Niagara County Clerks office in May 2001 that limits the use and development of the property to commercial or industrial uses only.
4. An annual report would be prepared and submitted to the NYSDEC Division of Solid and Hazardous Materials (DSHM) that would include results of groundwater and surface water monitoring, and descriptions of Site inspections and maintenance activities.

Total Cost \$0



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Site Name: SKW Newco Inc.

Remedy Description for Operable Unit 01A

Total Cost \$0

OU 00

Site Management Plan Approval: 06/03/2013

Status: PLN

Status must be ACT to reclassify to Class 4

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
6/3/2013

SITE DESCRIPTION

SITE NO. 932001C

SITE NAME SKW Newco Inc.

SITE ADDRESS: Witmer Road **ZIP CODE:** 14305

CITY/TOWN: Niagara

COUNTY: Niagara

ALLOWABLE USE:

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan G }

Monitoring Plan G }

Operation and Maintenance (O&M) Plan } G

Periodic Review Frequency:

Periodic Review Report Submittal Date: 05/14/2014



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Site Name: SKW Newco Inc.

Description of Institutional Control

CCMA (formerly SKW)

P.O. Box 217

Witmer Road

Deed Restriction

Block: 1

Lot: 10

Sublot:

Section: 130

Subsection: 16

S_B_L Image: 130.16-1-10

Ground Water Use Restriction

Landuse Restriction

O&M Plan

Site Management Plan

Description of Engineering Control

CCMA (formerly SKW)

P.O. Box 217

Witmer Road

Deed Restriction - Institutional Control Instrument

Block: 1

Lot: 10

Sublot:

Section: 130

Subsection: 16

S_B_L Image: 130.16-1-10

Cover System

Fencing/Access Control



PUBLIC NOTICE

State Superfund Program

*Receive Site Information by *Email*. See **For More Information** to learn how.

Site Name: SKW Newco Inc.

June 3, 2013

Site No. 932001C

Tax Map No. 130.16-1-10

Site Location: Witmer Road, Town of Niagara, Niagara County, NY 14305

Inactive Hazardous Waste Disposal Site Classification Notice

The Inactive Hazardous Waste Disposal Site Program (the State Superfund Program) is the State's program for identifying, investigating, and cleaning up sites where the disposal of hazardous waste may present a threat to public health and/or the environment. The New York State Department of Environmental Conservation (DEC) maintains a list of these sites in the Registry of Inactive Hazardous Waste Disposal Sites (the "Registry"). The site identified above, and located on a map on the reverse side of this page, was recently reclassified on the Registry as a Class 4 site as it no longer presents a significant threat to public health and/or the environment for the following reason(s):

An interim remedial measure was conducted in 1998 to install a soil cover over contaminated soil and to control surface storm water runoff. In 2006, a Record of Decision was issued and called for no further action. Contamination remains in soil and groundwater at the site. However, through continued site management human exposures to this residual contamination will be addressed as follows:

- **Soil:** Soil contamination is beneath a cover system that will continue to be maintained and periodically inspected. Use and development of this site is restricted to commercial or industrial uses.
- **Groundwater:** The Town of Niagara and Niagara County have regulations that restrict use of groundwater as a source of potable water at this site and the surrounding area. The area is served by a public water supply.

Periodic reviews will be completed to certify that these elements of the site management plan are being implemented and remain effective.

If you own property adjacent to this site and are renting or leasing your property to someone else, please share this information with them. If you no longer wish to be on the contact list for this site or otherwise need to correct our records, please contact DEC's Project Manager listed below.

FOR MORE SITE INFORMATION

Additional information about this site can be found using DEC's "Environmental Site Remediation Database Search" engine which is located on the internet at: www.dec.ny.gov/cfm/externalapps/derexternal/index.cfm?pageid=3

Comments and questions are always welcome and should be directed as follows:

Project Related Questions

Michael Hinton, Project Manager
NYS Department of Env. Conservation
Div of Environmental Remediation
270 Michigan Ave.
Buffalo, NY 14203

mjhinton@gw.dec.state.ny.us

716-851-7220

DEC is sending you this notice in accordance with Environmental Conservation Law Article 27, Title 13 and its companion regulation (6 NYCRR 375-2.7(b)(6)(ii)) which requires DEC to notify all parties on the contact list for this site of this recent action.

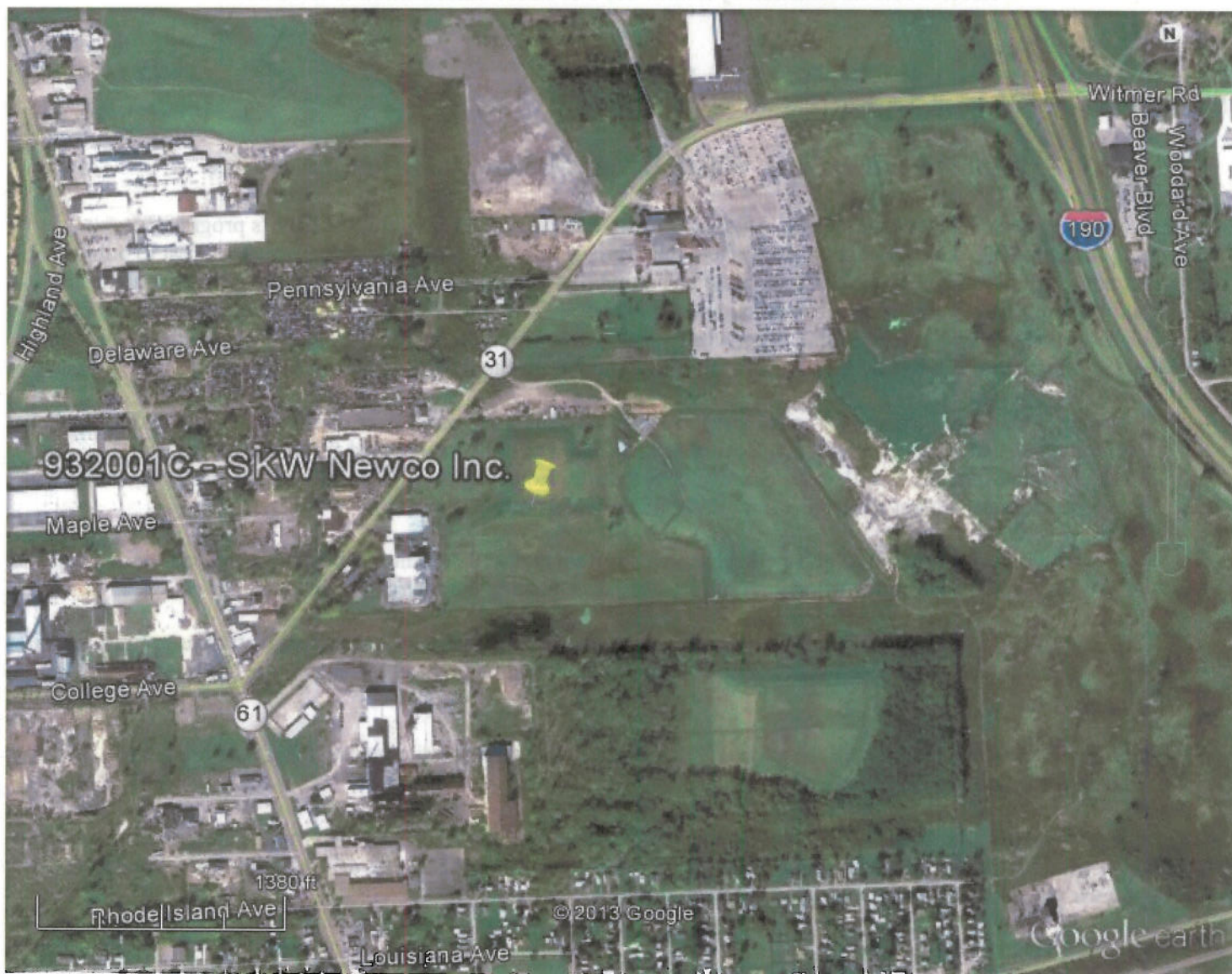
Approximate Site Location

SKW Newco Inc.

Site ID# 932001C

Witmer Road

Town of Niagara, NY 14305



FOR MORE INFORMATION

Receive Site Updates by Email

Have site information such as this public notice sent right to your email inbox. DEC invites you to sign up with one or more contaminated sites county email listservs available at the following web page: www.dec.ny.gov/chemical/61092.html. It's *quick*, it's *free*, and it will help keep you *better informed*.



As a listserv member, you will periodically receive site-related information/announcements for all contaminated sites in the county(ies) you select.

You may continue also to receive paper copies of site information for a time after you sign up with a county listserv, until the transition to electronic distribution is complete.

Note: Please disregard if you received this notice by way of a county email listserv.

Electronic copies:

R. Schick, Director, Division of Environmental Remediation
A. English, Director, Bureau of Technical Support
K. Lewandowski, Chief, Site Control Section
M. Cruden, Director, Remedial Bureau E
G. Sutton, RHWRE, Region 9
D. Denk, Regional Permit Administrator, Region 9
M. Gollwitzer, Regional CPS, Region 9
K. Davidson, Regional CPS, Region 9
K. Anders, NYSDOH
L. Ennist, DER, Bureau of Program Management
M. Hinton, Project Manager
B. Anderson, Site Control Section

Brian Thiesse,
Head of USEQ Operations
Airco Properties Inc.
4201 Witmer Road
Murray Hill, NJ 07974

Louis Pasquale
4100 Witmer Rd.
Niagara Falls, NY 14305

Steven C Richards, Supervisor
Town of Niagara
7000 Lockport Rd
Niagara Falls, NY 14305

Administrative Director
Niagara County Water District
5450 Ernest Road
P.O. Box 315
Lockport, NY 14095-0315

Samuel Ferraro
Commissioner of Economic
Development
6311 Inducon Corporate Dr.
Sanborn, NY 14132

National Grid Inc.
4400 Witmer Road
Menands, NY 12204

Bonnie M Satarian
4250 Witmer Road
Niagara Falls, NY 14305

Jeffery Glatz
Niagara County Manager
59 Park Ave.
Lockport, NY 14094

Barbara Hathaway, Chair
Town of Niagara Planning Board
7030 Colonial Drive
Niagara Falls, NY 14305

Daniel J. Stapleton, Director
Niagara County Health Department
5467 Upper Mountain Road,
Suite 100
Lockport, NY 14094

Real property Tax Services
4111 Witmer Road
Niagara Falls, NY 14305

Double C Realty of NY Inc.
2368 Maryland Ave
Niagara Falls, NY 14305

NIAGARA GAZETTE
310 Niagara Street
P.O. Box 549
Niagara Falls, NY 14302-0549

Amy Fisk, Environmental Planner
Niagara County Center for
Economic Development
6311 Inducon Corporate Dr.
Sanborn, NY 14132

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, NY 12233-7020
Phone: (518) 402-9543 • Fax: (518) 402-9547
Website: www.dec.ny.gov



Joe Martens
Commissioner

May 13, 2013

CCMA
Attn: Ms. Alice Brown
PO Box 217
Calvert City, KY 42029

Dear Ms. Brown:

As mandated by Section 27-1305 of the Environmental Conservation Law (ECL), the New York State Department of Environmental Conservation (Department) must maintain a Registry of all inactive disposal sites suspected or known to contain hazardous waste. The ECL also mandates that this Department notify the owner of all or any part of each site or area included in the Registry of Inactive Hazardous Waste Disposal Sites as to changes in site classification.

Our records indicate that you are the owner or part owner of the site listed below. Therefore, this letter constitutes notification of change in the classification of such site in the Registry of Inactive Hazardous Waste Disposal Sites in New York State.

DEC Site No.: 932001C

Site Name: SKW Newco Inc.

Site Address: Witmer Road, Town of Niagara, Niagara County, NY 14305

Classification Change: Class 2 to Class 4.

The reason for the change is as follows:

An interim remedial measure was conducted in 1998 to install a soil cover over contaminated soil and to control surface storm water runoff. In 2006, a Record of Decision was issued and called for no further action. Contamination remains in soil and groundwater at the site.

Through continued site management human exposures to this residual contamination will be addressed as follows:

- **Soil:** Soil contamination is beneath a cover system that will continue to be maintained and periodically inspected. Use and development of this site is restricted to commercial or industrial uses.

- Groundwater: The Town of Niagara and Niagara County have regulations that restrict use of groundwater as a source of potable water at this site and the surrounding area. The area is served by a public water supply.

Periodic reviews will be completed to certify that these elements of the site management plan are being implemented and remain effective.

Enclosed is a copy of the Department's Inactive Hazardous Waste Disposal Site Report form as it appears in the Registry. An explanation of the site classifications is available at <http://www.dec.ny.gov/chemical/8663.html>. The Law allows the owner and/or operator of a site listed in the Registry to petition the Commissioner of the New York State Department of Environmental Conservation for deletion of such site, modification of site classification, or modification of any information regarding such site, by submitting a written statement setting forth the grounds of the petition.

Such petition may be addressed to:

Honorable Joseph J. Martens
Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1010

For additional information, please contact Mike Hinton, the project manager at 716-851-7220.

Sincerely,



Kelly A. Lewandowski, P.E.
Chief
Site Control Section

KAL/BA/sls
Enclosure

cc: R. Schick
L. Zeppetelli
A. English
K. Lewandowski
M. Hinton, Project Manager



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Inactive Hazardous Waste Disposal Report**



Site Code	932001C	Address	Witmer Road	
Site Name	SKW Newco Inc.	City	Niagara	Zip 14305
Classification	04	County	Niagara	Town Niagara
Region	9			
Latitude	43 degrees, 7 minutes, 27.00 seconds	Estimated Size	9.7600	
Longitude	-79 degrees, 1 minutes, 46.00 seconds			
Site Type		Disposal Area	Landfill	

Site Description

Location: The SKW Newco, Inc. site is located in the industrialized urban area of the Town of Niagara. The 9.76 acre site is bounded on the north and south by portions of the Vanadium Site (#932001), on the east by the Airco Properties Site (#932001B) and to the west by Witmer Road (NYS Rt. 31). The nearest water bodies are the Lower Niagara River, located approximately 1.4 miles west of the property; the New York Power Authority (NYPA) reservoir, located approximately 0.8 miles north of the property; and Gill Creek, located approximately 1,000 feet east of the Site.

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5/10/2013

install a soil cover and to control surface storm water runoff from OU No. 1. The IRM was completed in 1998. Investigations to assess the extent and significance of contamination found on OU No. 1 were conducted during the Preliminary Site Assessment (PSA) and the implementation of the IRM.

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The soils on the SKW Site consist of Odessa silty clay loam. This is a poorly drained soil that is reddish in color. The underlying bedrock is Lockport Dolomite. Bedrock is encountered at depths ranging from 11 to 24 feet. Glacial till with extreme ranges in texture (silt to gravel and boulders) overlies the bedrock. This till material ranges in thickness from 0.6 to 7 feet. Clays and silty clays, which range in thickness from 2 to 12.5 feet, overlay the till material. From 0 to 9 feet, fill materials consists of slag, cinders, dust and flyash.

Groundwater is located at a depth of 20 feet below ground surface, in the glacial till soils. A perched water table exists above the silty clays during most of the year at depths of approximately three feet. Groundwater flow is expected to be south to southwest.

There are no current users of groundwater at the Site. Regionally, groundwater yields from overburden deposits are too low for domestic or industrial purposes. The bedrock has the capability to produce high yields; however, the bedrock groundwater is typically very hard and highly mineralized and is not used as a drinking water source in the area.

Contaminants of Concern (Including Materials Disposed)	Quantity
--	----------

OU 01	
CHROMIUM	
MANGANESE	
IRON	

Analytical Data Available for :	Groundwater, Surface Water, Soil, Sediment
---------------------------------	--

Applicable Standards Exceeded for:	Groundwater, Soil
------------------------------------	-------------------

Site Environmental Assessment

Remediation at the site is complete and the landfill is properly capped and closed; therefore, there is no further exposure to the underlying contamination. Prior to remediation, the primary contaminants of concern were iron, chromium, manganese and low pH.

Site Health Assessment

The landfill is properly capped and closed; therefore, people are not likely to contact contaminated soils. Measures are in place to prevent contact with the underlying contamination. People are not coming into contact with the contaminated groundwater because the area is served by a public water supply that is not affected by this contamination.

5/10/2013

Owners

Operators

Current Owner(s)

Ms. Alice Brown

CCMA (formally SKW)

PO Box 217

Calvert City

KY 42029

Previous Owner(s)

Ronald A. France

Chemetall Foote Corp

348 Holiday Inn Drive

Kings Mountain

NC 28086

Stuart M Brown

Cyprus Minerals (Phelps Dodge Corp.)

333 North Central Ave

Phoenix

AZ 85004

NEW YORK
state department of
HEALTH

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

April 30, 2013

Mr. Michael Cruden
Division of Environmental Remediation
NYS Dept. of Environmental Conservation
625 Broadway
Albany, New York 12233

Re: **Reclassification Package**
SKW Newco Inc.
Site #932001C
Niagara (T), Niagara County

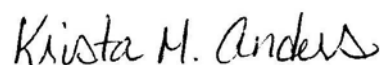
Dear Mr. Cruden:

At your request, we have reviewed the New York State Department of Environmental Conservation's (NYSDEC's) proposal to reclassify the referenced site from Class 2 to Class 4 on the NYSDEC's Registry of Inactive Hazardous Waste Disposal Sites. Specifically, we reviewed the proposal to determine whether this reclassification is protective of public health. The site consists of a two cell Part 360 landfill; however, upon investigation some residual contamination was identified beyond the limits of the cells. I understand that an interim remedial measure was conducted in 1998 to install a soil cover over contaminated soil and to control surface storm water runoff. In 2006, a *Record of Decision* was issued and called for no further action. Contamination remains in soil and groundwater at the site. Through continued site management human exposures to this residual contamination will be addressed as follows.

- Soil: Soil contamination is beneath a cover system that will continue to be maintained and periodically inspected. Use and development of this site is restricted to commercial or industrial uses.
- Groundwater: The Town of Niagara and Niagara County have regulations that restrict use of groundwater as a source of potable water at this site and the surrounding area. The area is served by a public water supply.

Periodic reviews will be completed to certify that these elements of the site management plan are being implemented and remain effective. Based on this information, I believe the proposal is protective of public health and concur with the Class 4 (requires continued site management) classification. If you have any questions, please contact Ms. Deanna Ripstein or me at (518) 402-7880.

Sincerely,



Krista M. Anders, Acting Director
Bureau of Environmental Exposure Investigation

ec: A. Salame-Alfie, Ph.D.

D. Ripstein / e-File

R. Van Houten / M. Forcucci – NYSDOH WRO

J. Devald – NCHD

M. Ryan / K. Lewandowski – NYSDEC Central Office

G. Sutton / M. Hinton – NYSDEC Region 9

P:\Bureau\Sites\Region_9\NIAGARA\932001\Reclass_DOHConcur_050113_932001C.pdf



Niagara County On-Line Mapping System



Legend

Streets and Highways

- Interstate
- Primary State Road
- Secondary State Road
- County Road
- Local Road

Parcels

1Ft Color Aerials

- Red: Band_1
- Green: Band_2
- Blue: Band_3

2Ft Color Aerials

- Red: Band_1
- Green: Band_2
- Blue: Band_3

1:6,028



Notes

Enter Map Description

0.2 0 0.10 0.2 Miles

Niagara County and its officials and employees assume no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information provided. Tax parcel data was prepared for tax purposes only and is not to be reproduced or used for surveying or conveying.

NIAGARA COUNTY, NEW YORK
DEPARTMENT OF REAL PROPERTY SERVICES



June 19, 2008

BY UPS DELIVERY

Mr. Michael J. Hinton, P.E.
Division of Environmental Remediation
New York State Department of Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203-2999

Subject: CC Metals and Alloys, LLC
Site #932001 Operable Unit #1
OM&M Manual
LAN Ref. #2.3643.17

Dear Mr. Hinton:

LAN Associates, Inc. (LAN) is in receipt of your letter dated May 21, 2008, for Operation Monitoring and Maintenance Manual (OM&M) approval with modifications. LAN will respond to each of your comments in the order they appear in your letter.

1) *The OM&M manual must be certified by a New York State Registered Professional Engineer.*

The attached revised version of the OM&M manual has been certified by a NYS Registered Professional Engineer.

2) *Section 3.0, page 2 – Please add two additional goals of the Post Closure Maintenance Requirements. The fourth goal must be to the maintenance of the drainage pathways and controls implemented under the IRM order and completed in 1999. The fifth goal must be the annual certification that the Deed Restriction (Institutional Control) filed with the Niagara County Clerk and recorded May 3, 2001 in Book 3114 on page 291 is still in effect and has not been altered. In addition an inspection check list must be developed and included in this document for use during field inspections of the site. A copy of the completed checklist is to be included in the inspection report.*

Section 3, page 2 has been edited to include both the fourth and fifth goals as indicated. A copy of the Deed Restriction has been included as Appendix A for in the Revised OM&M Manual. In addition, an inspection checklist has been included as Appendix B (see page 3 of Revised OM&M Manual).

3) *Section 3.0, page 3 – fourth paragraph, the vegetative cover on the landfill cells and the drainage areas must be mowed at least once per year preferably after September 1.*

The fourth paragraph has been edited to include a sentence stating that the vegetative cover on the landfill cells as well as the drainage areas will be mowed once per year.

- 4) *Section 3.0 – Please add a paragraph describing the existence of the Deed Restriction placed on the drainage area portion of the property.*

An additional paragraph has been added to Section 3.0 describing the existence of the Deed Restriction.

- 5) *Section 4.1.2, page 6 – Please provide more detail on the location of the sampling point SW-1. It is our understanding that the sampling point should be at the drainage structure flow control valve installed as part of the IRM project. The description found in this paragraph and the site plan in Appendix A do not appear to indicate the proper location for SW-1.*

Additional detail has been added to Section 4.1.2 identifying the location of sampling point SW-1. A new drawing, Well Location & Surface Water Drainage Map, has been added that clearly identifies the location of SW-1.

- 6) *Section 4.2, page 6 – Please revise the monitoring frequency and parameters to include all the compounds listed in this section with the exception of VOCs on a semi-annual basis. VOC analysis will be required annually. Also, please clearly indicate that the leachate sump will be sampled and provide a sample identifier similar to the monitoring wells and surface water sampling points.*

Section 4.2 has been edited to better explain the site monitoring frequency and parameters, specifically VOC analysis on an annual basis. Additionally the leachate sump sample has been given sample identifier (LS-1). This is also indicated on the Well Location and Surface Water Drainage Map.

- 7) *Section 4.7, page 12 – Due to the presence of an Institutional Control in the form of a Deed Restriction filed with the Niagara County Clerk, the Annual Summary Report must be certified by a Professional Engineer registered in the State of New York.*

Section 4.7 has been modified to include a sentence clarifying that the Annual Summary Report will be certified by a Professional Engineer registered in the State of New York.

- 8) *Appendix A – Please revise the site plan to indicate the property subdivision between the landfill area and the drainage area addressed by the IRM. Also provide drainage pathways and indicate the location of the outlet structure and sampling points including the landfill sump.*

A new site plan is included in the revised OM&M Manual as Appendix C. The new map, Well Location and Surface Water Drainage Map, clearly indicates the location of the property subdivision line as well as provides drainage pathways and the location for the leachate sump (LS-1).

- 9) *Appendix B – Please include the leachate sampling procedures in the SOP for Groundwater/Surface Water Sampling.*

Section 4.4 of the OM&M manual explains that the SOP for Groundwater/Surface Water Sampling is the same procedure used to sample the leachate sump (LS-1). The lab was questioned on this subject



and confirmed this point, adding that the only difference is the method used to obtain the grab sample. The sampling is performed using a bailer.

10) *Please include an additional appendix with a copy of the deed restriction.*

A copy of the deed restriction is included with the revised OM&M Manual as Appendix A.

The above referenced comments have been addressed in the attached revised version of the OM&M manual. As you requested, a new CD Rom has been included that provides a digital version of the manual and its attachments. If you have any further questions or comments please feel free to contact LAN Associates, Inc.

Very truly yours,

Guy D. VanDoren, P.E.
President

GDVD:jw

2.3643.17-L-NYSDEC OM&M-080619-gvd

Copies to: Mr. Ed Bredniak, CCMA

Enclosures: CD Rom (1)

OPERATION MONITORING AND MAINTENANCE MANUAL CELLS 1 AND 2

for

**CC METALS AND ALLOYS, LLC
WITMER ROAD
Town of Niagara, Niagara County, NY
Site #932001 Operable Unit #1**

Submitted to:

**New York State Department of Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203**



66 Cuna Street • St. Augustine, FL 32084 • Ph: (904) 824-6999 • Fax: (904) 824-0726 • www.lan-fl.com

LAN Ref. #2.3643.17
April 18, 2008
Revised: June 19, 2008

**OPERATION MONITORING AND MAINTENANCE MANUAL
CELLS 1 AND 2**

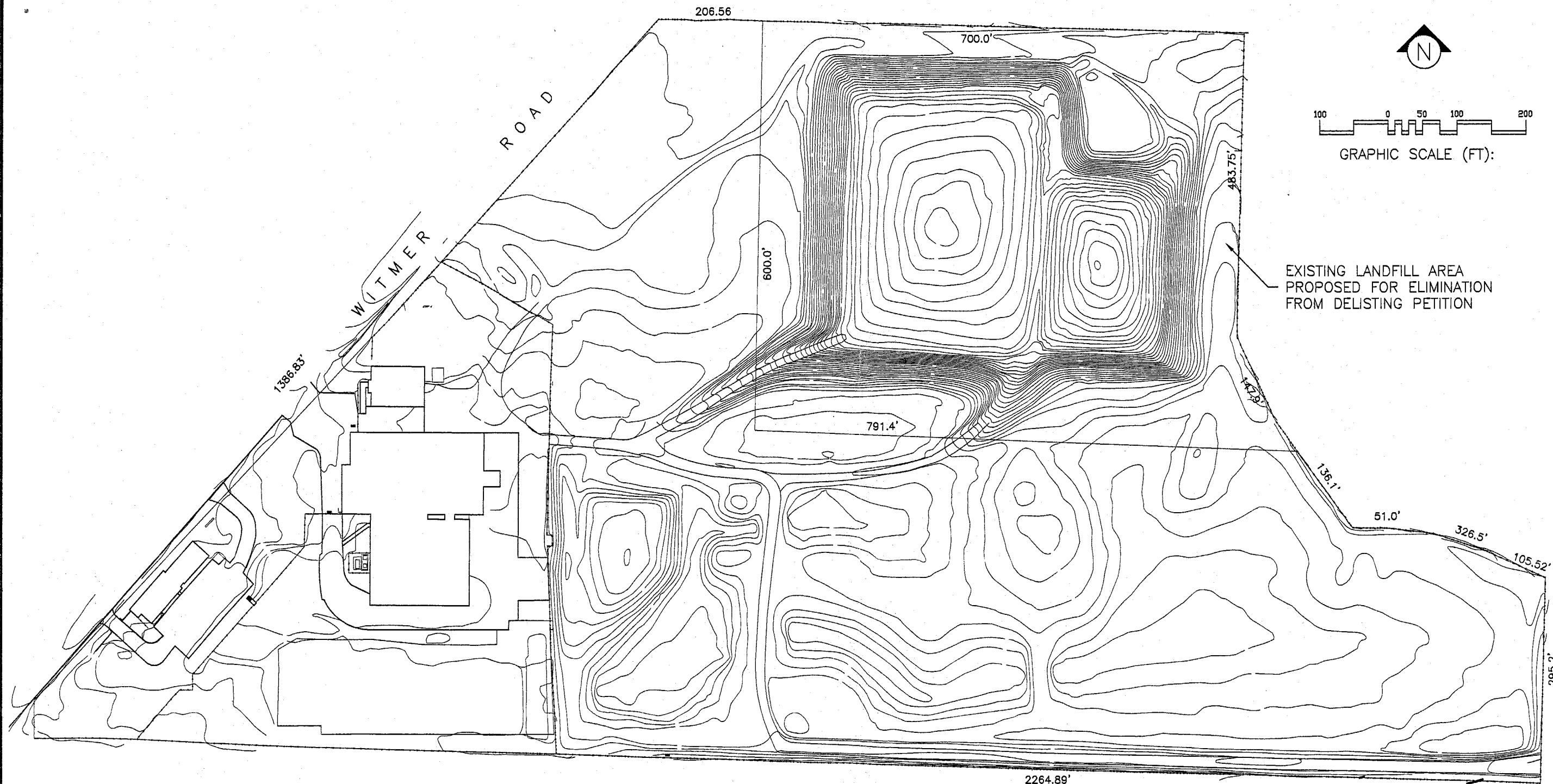
**FOR
CC METALS AND ALLOYS, LLC
WITMER ROAD**

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LIST OF APPENDICES

APPENDIX	TITLE
A	Deed Restriction
B	Inspection Checklist
C	Well Location & Surface Water Drainage Map
D	SOP Groundwater/Surface Water Sampling
E	TestAmerica Quality Assurance Manual



SITE PLAN
 PROPOSED LANDFILL PORTION TO BE ELIMINATED FROM DELISTING PETITION
 SCALE 1"=150'

CCMA, INC.
 NIAGARA FALLS, NEW YORK

REVISION :

DATE : 07/29/01

CHECKED : HHH

DRAWN : T JONES

SCALE : AS NOTED

LAN ASSOCIATES

environmental and facilities engineering
 66 CUNA STREET, ST. AUGUSTINE, FL 32084-3619 (904)824-6999

JOB NO. 2.3269.23

DWG. FILE CODE 326923003

FIGURE NO.

Sht. 1 of 1

Boundary Description
Parcel to be excluded from delisting petition

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Niagara, County of Niagara, and state of New York, being part of Lot 24, Township 13, Range 9 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at the point in the southerly line of lands appropriated by the Power Authority of the State of New York (PASNY) as shown on PASNY Map No. 1295, Parcel 1295, at a distance of 206.56 feet easterly along said line from its point of intersection with the centerline of Witmer Road (said centerline being also the northwesterly line of Lot 24 and the southeasterly line of Lot 32 of the Mile Reserve), said point of beginning being also 700.0 feet from a northeasterly corner of lands conveyed by Airco, Inc. to SKW Alloys, Inc., by deed recorded in liber 1657 at page 187, as measured along the said southerly line of lands appropriated by PASNY;

Running thence southerly at a 90° angle from said southerly line of lands appropriated by PASNY, a distance of 600.0 feet;

Running thence easterly parallel to said southerly line of lands appropriated by PASNY, a distance of 791.4 feet to a point in a northeasterly line of aforesaid lands conveyed to SKW Alloys, Inc.;

Running thence northwesterly along said northeasterly line of lands conveyed to SKW Alloys, Inc., a distance of 147.9 feet;

Running thence northerly on a line deflecting to the right 38°-10'-30" from the last previous course, a distance of 483.75 feet to a northeast corner of aforesaid lands conveyed to SKW Alloys, Inc., said corner lying in the southerly line of aforesaid lands appropriated by PASNY;

Running thence westerly along said southerly line of, a distance of 700.0 feet to the point of beginning;

Containing 9.764 acres of land, more or less.

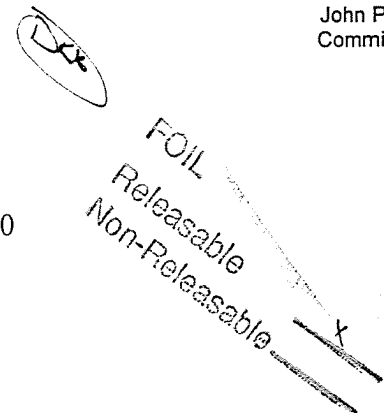
Subject to any easements, reservations or restrictions of record.

932001
Corres file

New York State Department of Environmental Conservation
Division of Environmental Remediation, Region 9
270 Michigan Avenue, Buffalo, New York, 14203-2999
Phone: (716) 851-7220 • **FAX:** (716) 851-7226
Website: www.dec.state.ny.us



January 13, 2000



Mr. Edward Bredniak
CC Metals and Alloys Inc.
P.O. Box 217
Calvert City, Kentucky 42029

Dear Mr. Bredniak:

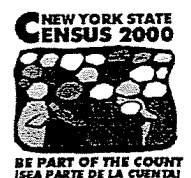
Vanadium Corporation of America
Site #932001
SKW Operable Unit 1
Revised IRM Completion Report

The New York State Departments of Environmental Conservation (NYSDEC) and Health (NYS DOH) have reviewed the IRM Completion Report prepared by LAN Associates and dated November 11, 1999. This report is acceptable to the NYSDEC and represents the completion of the agreed upon IRM program.

With the completion of the IRM program, all costs incurred by the state during the implementation of this program must be reimbursed as indicated in the IRM consent order. The NYSDEC will send an itemized bill to you in the near future.

The Department requests the addition of the surface water discharge point and monitoring well BR-1 to the existing Part 360 quarterly sampling program for the facility, and that these points be sampled on the same schedule and for the same parameters as the other monitoring points. If you have any questions regarding the Part 360 sampling requirements please call Ms. Mary McIntosh at (716) 851-7220.

Finally, with the completion of the IRM program a long-term maintenance plan must be prepared to ensure the continued effectiveness of the IRM. An Operation and Maintenance Plan must be prepared that includes a deed restriction to restrict the future use of the property and provides a schedule for the mowing of the site, routine inspections to identify and correct areas that may settle, erode or are damaged by burrowing animals or site activities. The deed restriction must be filed in the Niagara County Clerks office to advise future owners of the concerns associated with this site.

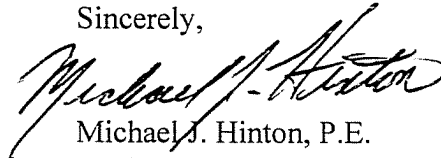


Mr. Edward Bredniak
January 13, 2000
Page 2

The NYSDEC is pleased with the IRM program implemented by CC Metals and Alloys, Inc. which accomplished the goals established for the IRM. Please keep in mind the fact that the SKW property is just one of three operable units established for the Vanadium Corporation of America site. The NYSDEC is negotiating with the other property owners to address the issues associated with the remaining parcels. Following completion of work at the individual parcels, the NYSDEC intends to prepare a Proposed Remedial Action Plan (PRAP) and Record of Decision (ROD) that will summarize the remedial activities at the Vanadium site for all the operable units and recommend any further work if needed.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Hinton". The signature is fluid and cursive, with the first name "Michael" being the most prominent part.

Michael J. Hinton, P.E.
Environmental Engineer II
Division of Environmental Remediation
Region 9

MJH:tml

cc: Mr. Daniel King, NYSDEC, Division of Environmental Remediation, Region 9
Maura Desmond, Esq., NYSDEC, Division of Environmental Enforcement, Buffalo
Ms. Karen Maurano, NYSDEC, Division of Environmental Remediation, Albany
Ms. Dawn Hettrick, NYS DOH, Albany
Ms. Mary McIntosh, NYSDEC, Division of Solid and Hazardous Materials, Region 9
Mr. Guy Van Doren, P.E. LAN Associates