

New York State Department of Environmental Conservation
 Division of Environmental Remediation
 Bureau of Hazardous Site Control

ADDITIONS/CHANGES TO REGISTRY: SUMMARY OF APPROVALS

SITE NAME: NIAGARA COUNTY REFUSE DISPOSAL DISTRICT DEC I.D. NUMBER 932 026

Current Classification 2 Volunteer Yes No
 Sign (7) below

Activity: Add as Class Reclassify to 4 Delist Category Modify

Approvals:

- | | | | | | |
|---|-----|-------------------------------------|----|--------------------------|---------------------|
| 1. Regional Hazardous Waste Engineer | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | <u>1/26/01</u> |
| 2. BEEI of NYSDOH | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | <u>9/6/02</u> |
| 3. DEE | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | <u>9/4/01</u> |
| 4. <u> </u> Remediation Action Bureau Director [Class 2] | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | <u> </u> |
| 5. BHSC - Investigation Section | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | <u>9/18/01</u> |
| 6. BHSC - O&M Section [Class 4] | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | <u>12/23/01</u> |
| 7. BPM - Brownfield & Voluntary Cleanup Section | | <u>N/A</u> | | | Date <u> </u> |
| 8. Site Control Section | | <u>Deni J Za</u> | | | Date <u>9/17/02</u> |
| 9. Director | | <u>Paul J. M... ..</u> | | | Date <u>9/19/02</u> |

Completion Checklist for Registry Sites

		Completed By: Initials	Date
OWNER NOTIFICATION LETTER?	<input checked="" type="checkbox"/>	<u> </u>	<u>10-2-02</u>
ADJACENT PROPERTY OWNER NOTIFICATION LETTER?	<input checked="" type="checkbox"/>	<u> </u>	<u>10-22-02</u>
ENB / LEGAL NOTICE SENT? (For Deletion Only)	<input type="checkbox"/>	<u> </u>	<u> </u>
COMMENTS SUMMARIZED / PLACE IN REPOSITORY?	<input type="checkbox"/>	<u> </u>	<u> </u>
FINAL NOTIFICATION SENT TO OWNER? (For Deletion Only)	<input type="checkbox"/>	<u> </u>	<u> </u>



SITE INVESTIGATION INFORMATION

1. SITE NAME Niagara County Refuse	2. SITE NUMBER 932026	3. TOWN/CITY/VILLAGE Wheatfield	4. COUNTY Niagara
5. REGION 9	6. CLASSIFICATION CURRENT [2] PROPOSED [4] MODIFICATION X		
7. LOCATION OF SITE (Attach U.S.G.S. Topographic Map showing site location)			
a. Quadrangle Tonawanda West		b. Site Latitude <u>43° 3' 55"</u> Site Longitude <u>78° 54' 22"</u>	
c. Tax Map Number(s) 175,000,0001 005		d. Site Street Address Witmer Road	
8. BRIEFLY DESCRIBE THE SITE (Attach site map showing disposal/sampling locations)			
The Niagara County Refuse Site (the "Site") is a former municipal landfill, comprised of approximately 65 acres, located along the eastern border of the Town of Wheatfield, New York and the western border of the City of North Tonawanda. The southern edge of the site lies approximately 500 feet north of the Niagara River.			
The Site is generally surrounded to the west by active farmland; to the north by wooded wetlands, a clay mining operation, a Niagara Mohawk Power Corporation transmission and a right-of-way owned by the New York State Department of Transportation (NYSDOT); to the east by woodlands and low-density housing (approximately 1000 feet from the Site boundary); and to the south by access roads, railroad tracks, River Road, and the Niagara River.			
a. Area <u>65</u> acres b. Completed: () Env. Property Assessment () PSA () SI () ESI () IRM () RI/FS (X) Construction () O&M () Other _____			
9. HAZARDOUS WASTE DISPOSED (Include EPA Hazardous Waste Numbers)			
Heat treatment salts, plating tank sludge, pulce emulsion, iron catalyst salts, off spec. polyvinyl alcohol, phenolic resins and brine sludge with mercury.			
10. ANALYTICAL DATA AVAILABLE			
a. () Air () Groundwater () Surface Water () Sediment () Soil () Waste () Leachate () EPTox () TCLP			
b. Contravention of Standards or Guidance Values			
Vinyl Chloride 240 ppb, other solvents			
11. CONCLUSION			
<i>The remedial actions were completed in December 2000 as per the September 1993 ROD. Deed restrictions are in place to protect the integrity of the cap, and to prevent the construction of drinking water wells or structures on the site. Long-term operation, maintenance, and monitoring are ongoing. It is recommended that the site be reclassified to 4.</i>			
a. Institutional Controls (IC) Required? (X) Y () N b. If yes, identify - fence, deed restrictions c. Are these ICs in place and verified? (X) Y () N			
12. SITE IMPACT DATA			
a. Nearest Surface Water: Distance <u>500</u> ft.		Direction <u>South</u> Class <u>B</u>	
b. Groundwater: Depth <u>5</u> ft.		Flow Direction <u>South</u> () Sole Source () Primary (x) Other High-Yield Aquifer	
c. Water Supply: Distance <u>1000</u> ft.		Direction <u>East</u> Active (x) Yes () No	
d. Nearest Building: Distance <u>1000</u> ft.		Direction <u>East</u> Use <u>Home</u>	
e. Documented fish or wildlife mortality? () Y (x) N		h. Exposed hazardous waste? () Y (x) N	
f. Impact on special status fish or wildlife resource? () Y (x) N		i. If proposed Classification is 2, Priority? () 1 () 2 () 3	
g. Controlled Site Access? (x) Y () N		j. EPA ID# NYD000514254 HRS Score _____	
13. SITE OWNER'S NAME Niagara County		14. ADDRESS Bewley Building	
		15. TELEPHONE NUMBER (716) 438-9984	
16. PREPARER		17. APPROVED	
<i>Anthony J. Sylvester for J. Quinn</i> 12/6/01		<i>Robert L. Marino</i> 9/19/02	
Signature Date		Signature Date	
Anthony J. Sylvester, Environmental Program Specialist 1, BHSC, DER		Robert L. Marino, Director, BHSC, DER	
Name, Title, Organization		Name, Title, Organization	



STATE OF NEW YORK DEPARTMENT OF HEALTH

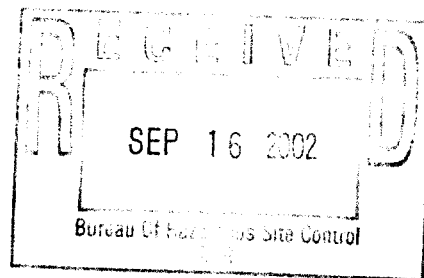
Flanigan Square, 547 River Street, Troy, New York 12180-2216

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

September 6, 2002

Mr. Dennis Farrar, Chief
Site Control Section
Bureau of Hazardous Site Control
Division of Environmental Remediation
NYS Department of Environmental Conservation
625 Broadway - 11th Floor
Albany, NY 12233



Re: Classification Package
Niagara County Refuse
Site #932026
Wheatfield (T), Niagara County

Dear Mr. Farrar:

Staff reviewed the Classification Package for the Niagara County Refuse site in Wheatfield, Niagara County. I understand the remedy outlined in the 1993 Record of Decision, placement of a cap over and a barrier wall around the wastes, installation of gas venting and leachate collection systems, and implementation of deed restrictions, was implemented. Long-term operation, maintenance, and monitoring is on-going. Based on this information, I concur with the proposal to reclassify this site to a class 4. The signed decision form is enclosed.

If you have any questions, please contact Mark VanValkenburg at (518) 402-7860.

Sincerely,

Gary A. Litwin, Director
Bureau of Environmental Exposure Investigation

Enclosure

Letter to Mr. Farrar
Dated September 6, 2002
Re: classification package for Niagara County Refuse

cc: G.A. Carlson, Ph.D.
Mr. M. VanValkenburg/Mr. J. Crua
Mr. M. Forcucci - WRO
Mr. P. Dicky – NCHD
Mr. E. Belmore – DEC
Mr. D. King – DEC Region 9

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New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Construction Services, 12th Floor
625 Broadway, Albany, New York 12233-7013
Phone: (518) 402-9814 • **FAX:** (518) 402-9819
Website: www.dec.state.ny.us

MEMORANDUM

TO: Robert Marino, Director, Bureau of Hazardous Site Control

FROM: George Harris, Chief, WFSS, Bureau of Construction Services *[Signature]*
THRU: H. Richard Koelling, Director, Bureau of Construction Services *[Signature]*

SUBJECT: Site No. 9-32-026, Niagara County Refuse Site, Niagara County

DATE: **AUG 17 2001**

A Remedial Action (RA) consistent with the September 1997 ROD and implemented at the Niagara County Refuse site by the municipality (Niagara County) was completed in August 2000. This RA has been completed in accordance with the approved plans and specifications, therefore, we recommend the site to be reclassified from a Class 2 to a Class 4.

The following remedial work was performed at the site:

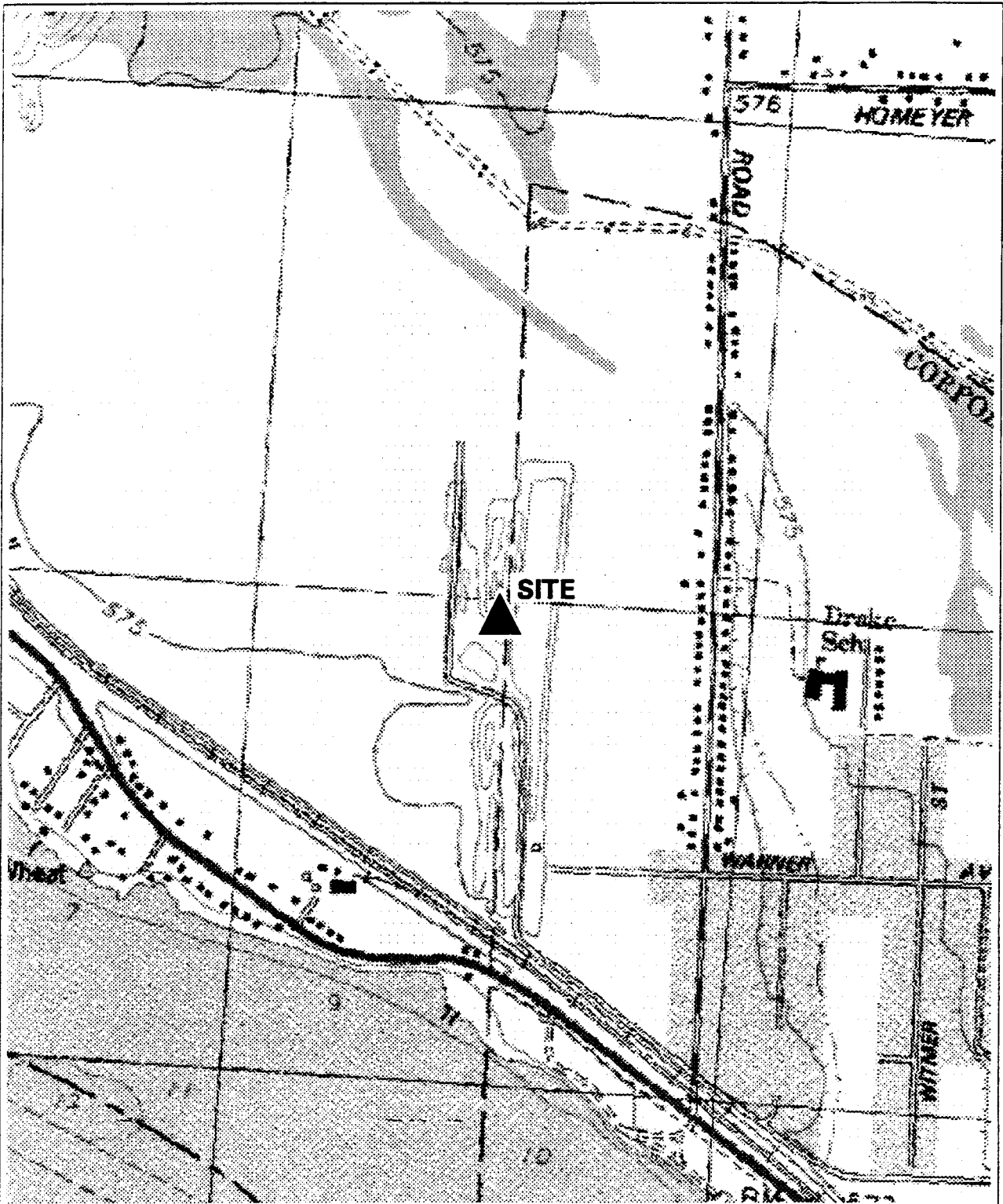
- Consolidation of Refuse.
- Capping the landfill with a low permeability liner.
- Installation of a perimeter leachate collection system.

Supporting documentation including the Remedial Action Report prepared by the consultant, a copy of the September 1997 Record of Decision and Site Investigation Information form are attached as justification for the reclassification.

If you have any questions, please call Jim Drumm at 7-7878.

Attachment

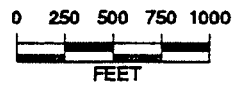
cc: D. King - NYSDEC, Region 9
D. Hettrick - NYSDOH



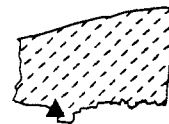
Site Location Map

932026 Niagara Co. Refuse Disp.-Wheatfield

Map source: USGS 1:24,000-scale topographic quadrangles



Scale 1:12,000
April 1, 2000



County: Niagara

RECORD OF DECISION

**Niagara County Refuse Site
Wheatfield, Niagara County, New York**

**United States Environmental Protection Agency
Region II
New York, New York
September 1993**

DECLARATION FOR THE RECORD OF DECISION

SITE NAME AND LOCATION

Niagara County Refuse Site
Town of Wheatfield
Niagara County, New York

STATEMENT OF BASIS AND PURPOSE

This Record of Decision (ROD) documents the U.S. Environmental Protection Agency's (EPA's) selection of the remedial action for the Niagara County Refuse site in accordance with the requirements of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This decision document summarizes the factual and legal basis for selecting the remedy for this site.

The New York State Department of Environmental Conservation (NYSDEC) concurs with the selected remedy (see Appendix IV).

An administrative record for the site contains the documents that form the basis for EPA's selection of the remedial action (see Appendix III).

ASSESSMENT OF THE SITE

Actual or threatened releases of hazardous substances from the site, if not addressed by implementing the response action selected in this ROD, may present an imminent and substantial endangerment to public health, welfare, or the environment.

DESCRIPTION OF THE SELECTED REMEDY

This operable unit is the first and only operable unit for the site. The primary objectives of this action are to control the source of contamination at the site and to reduce and minimize the migration of contaminants into site media thereby minimizing any health and ecological impacts.

The major components of the selected remedy include the following:

- Construction of a NYS Part 360 Standard Cap;
- Construction of a clay perimeter barrier wall;
- Construction of a gas venting system beneath the cap;
- Construction of a leachate collection system;
- Removal of the field tile drains located to the west of the

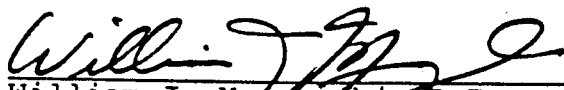
landfill;

- Performance of a wetlands delineation and assessment, including a supplemental ecological risk analysis;
- Compliance with federal and state regulations, including a cultural resources survey, a coastal zone consistency determination, and an impact determination for adjacent farmland;
- Implementation of deed and access restrictions;
- Implementation of a long-term operation & maintenance program for the cap, gas venting, and leachate system;
- Implementation of long-term air and water quality monitoring; and
- An evaluation of site conditions at least once every 5 years to determine if any modifications to the selected alternative are necessary.

DECLARATION OF STATUTORY DETERMINATIONS

The selected remedy is protective of human health and the environment, complies with Federal and State requirements that are legally applicable or relevant and appropriate to the remedial action, and is cost effective. This remedy utilizes permanent solutions and alternative treatment technologies to the maximum extent practicable, given the scope of the action. However, the remedy does not satisfy the statutory preference for remedies that employ treatment to reduce the toxicity, mobility, or volume of the hazardous substances, pollutants or contaminants at a site. It is not practicable (or within the limited scope of this action) to treat the hazardous substances, pollutants or contaminants at the site, because the contaminant source, the site itself, can not be effectively excavated and treated due to its large size and the absence of hot spots representing major sources of contamination.

A review of the remedial action will be conducted five years after the commencement of the remedial action to ensure that the remedy continues to provide adequate protection to human health and the environment, because this remedy will result in hazardous substances remaining on-site above health-based levels.



William J. Muszynski, P.E.
Acting Regional Administrator

9/24/93
Date

REMEDIAL ACTION REPORT

NIAGARA COUNTY REFUSE DISTRICT SITE REMEDIAL CONSTRUCTION

Wheatfield, Niagara County, New York

NYSDEC Site No.9-32-026

VOLUME I REPORT

SUBMITTED TO:



UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

SUBMITTED FOR:

NIAGARA COUNTY REFUSE DISTRICT AND PRP GROUP

PREPARED BY:

PARSONS ENGINEERING SCIENCE, INC.

180 Lawrence Bell Drive, Suite 104
Williamsville, New York 14221
(716) 633-7074 Fax (716) 633-7195



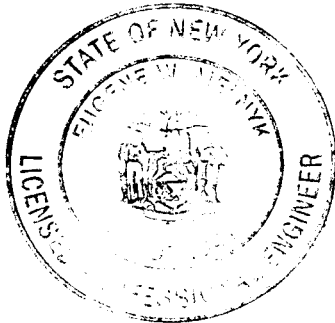
OCTOBER 2000
Revision 1, DECEMBER 2000

REMEDIAL ACTION REPORT
Niagara County Refuse Site
NYSDEC Site No. 9-32-026
Town of Wheatfield,
Niagara County, New York

CERTIFICATION STATEMENT

I hereby certify¹, under penalty of law and as a Professional Engineer licensed in the State of New York that this document and all attachments were prepared by Parsons Engineering Science, Inc. (Parsons ES) under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The purpose of this document, the Final Report, is to present documentation that the Remedial Action for the Niagara County Refuse Site, NYSDEC Site No. 9-32-026, Town of Wheatfield, Niagara County, New York was completed in general conformance with the US Environmental Protection Agency (EPA) approved Final Design Report (Conestoga-Rovers and Associates, 1997). Parsons ES construction inspection personnel were present daily during each construction phase, and documented the observations and data that are presented in this Remedial Action Report.



A handwritten signature in black ink, appearing to read "Eugene W. Melnyk", written over a horizontal line.

Eugene W. Melnyk, P.E.
State of New York Professional Engineer
No. 071847-1

Parsons Engineering Science, Inc.
180 Lawrence Bell Drive, Suite 100
Williamsville, New York 14221

¹ Certification/Certify means to state or declare a professional opinion of conditions whose true properties cannot be known at the time such certification is made, despite appropriate professional evaluation. The professional opinion made is based on limited observations and widely spaced tests. This certification of conditions in no way relieves any other party from meeting requirements imposed by contract or other means, nor does it warranty/guarantee the conditions of the constructed product.

SECTION 1

INTRODUCTION – NOTICE OF COMPLETION

1.1 PURPOSE

This Remedial Action Report presents the observations and data collected during the Remedial Action (RA) at the Niagara County Refuse Site (NYSDEC Site No. 9-32-026). This report documents that the RA was completed in conformance with the United States Environmental Protection Agency (USEPA) approved remedial design report, the Record of Decision (ROD), and the Consent Decree Docket No. 94CV-849. This report contains information regarding the site activities, construction techniques, quality assurance/quality control testing, and construction difficulties and their resolution.

1.2 PROJECT BACKGROUND

The Niagara County Refuse Site (herein after referred to as “the Site”) is a former municipal landfill comprised of approximately 60 acres, located along the eastern border of the Town of Wheatfield, New York; and the western border of the City of North Tonawanda, New York. The southern edge of the Site lies approximately 500 feet north of the Niagara River.

The Site is generally surrounded to the west by active farmland; to the north by wooded wetlands; to the east by woodlands and low density housing (approximately 1,000 feet from the Site boundary); and to the south by access roads, railroad tracks, River Road, and the Niagara River (see Figure 1-1).

1.3 CONCLUSION – NOTICE-OF-COMPLETION

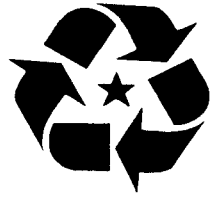
This report constitutes the Notice-of-Completion for the Niagara County Refuse Site. Remedial Action was completed in accordance with the Final (100%) Design Report (Conestoga-Rovers & Associates, 1997), and ROD (United States Environmental Protection Agency, 1993). Remediation goals specified in the ROD have been attained. As such, routine post-remediation maintenance and monitoring has commenced in accordance with the Draft Post Remediation Operation, Maintenance and Monitoring Plan presented with the Final Design Report (Conestoga-Rovers & Associates, 1997).

1.4 REPORT ORGANIZATION

The report is organized into eight sections and ten appendices:

- Section 1 includes the introduction and project background;
- Section 2 provides a sequential narrative of the construction activities;
- Section 3 provides documentation that performance standards have been met, and summarizes the implementation of the construction quality control plan;

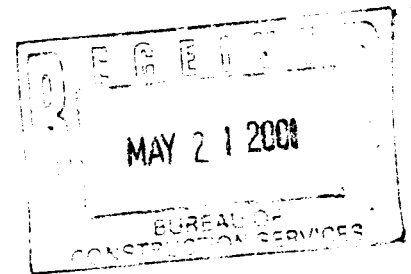
Niagara County Refuse Disposal District



RICHARD P. POPE, DIRECTOR
NIAGARA COUNTY COURT HOUSE
LOCKPORT, NEW YORK 14094-2740
AREA CODE 716 434-6568

Mr. James Drumm, Environmental Engineer
Division of Environmental Remediation
New York State Department of Environmental Conservation
Room 222
50 Wolf Road
Albany, NY 12233-7010

RE: Deed Restrictions



Dear Mr. Drumm:

Per our conversation of May 11, 2001, enclosed please find deed restrictive covenants for the Wheatfield Landfill. I trust this information will satisfy your request.

A handwritten signature in black ink, appearing to read "R. Pope".

Very Sincerely and Respectfully Yours,

Richard P. Pope

FILED
JAN 30 2001
CLERK
NIAGARA COUNTY

**County of Niagara
Restrictive Covenants
Wheatfield Dumpsite**

The County of Niagara is the owner of certain properties in the City of North Tonawanda and the Town of Wheatfield surrounding the "Wheatfield Dump Site."

The County of Niagara has signed a consent decree in a civil case known as the United States of America, Plaintiff vs. Booth Oil Company, Inc., Niagara County, et al. which decree was filed in the United States District Court on February 3, 1995, under Civil Action #107616, a copy of which was filed in the Niagara County Clerk's Office on January 30, 2001.

The above Consent Decree and Order required the remediation of a Niagara County landfill known as the Wheatfield Dump Site. As part of the clean up and remedial action the County acquired certain properties listed below pursuant to the powers of Eminent Domain.

The above Order requires certain deed restrictions to be placed upon these parcels as part of the remediation of the landfill to contain certain hazardous waste located therein.

The restrictions and covenants contained in this instrument are to run with the land and shall be binding upon each and every parcel and each and every conveyance in the future.

The following covenants and restrictions are placed upon all of the properties hereinafter listed owned by the County of Niagara:

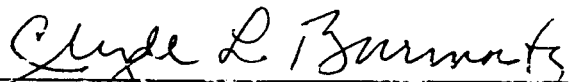
1. Hazardous substances have been buried on properties listed below and the use of these properties is restricted as to their future use as set forth in these covenants.
2. Any future use of the property must not breach the integrity of the cap, cover, liners or any other components of the containment system; disturb or disrupt the function of the Site's monitoring systems; or otherwise increase the potential hazard to human health and the environment posed by the remediated Site.
3. No wells may be installed on the properties listed below.
4. No permanent structure or building of any type may be built on these properties without the prior approval of the United States Environmental Protection Agency and the County of Niagara, respectively.

If any future owners of the properties set forth below, their heirs or assigns shall violate any of the covenants in this instrument, it shall be lawful for any other person owning real property in the restricted area or the County of Niagara or the Federal Environmental Protection Agency to prosecute any proceedings at law or in equity against the person or persons violating any of the covenants to either prevent them from so-doing or to recover damages for the violation, or both.

The above restrictions shall be binding upon the following properties and shall run with the land:

1. Property acquired by the County of Niagara by deed dated August 21, 1997 and recorded December 31, 1997 in Liber 2796 of Deeds at Page 126 in the Niagara County Clerk's Office.
2. Property acquired by the County of Niagara by deed dated January 2, 1998 and recorded January 7, 1998 in Liber 2797 of Deeds at Page 168 in the Niagara County Clerk's Office.
3. Property acquired by the County of Niagara by deed dated April 24, 1998 and recorded June 3, 1998 in Liber 2833 of Deeds at Page 321 in the Niagara County Clerk's Office.
4. Property acquired by the County of Niagara by deed dated November 18, 1997 and recorded December 31, 1997 in Liber 2796 of Deeds at Page 132 in the Niagara County Clerk's Office.
5. Property acquired by the County of Niagara by deed dated February 1, 1998 and recorded March 17, 1998 in Liber 2814 of Deeds at Page 232 in the Niagara County Clerk's Office.
6. Property acquired by the County of Niagara by deed dated January 13, 1998 and recorded January 26, 1998 in Liber 2801 of Deeds at Page 317 in the Niagara County Clerk's Office.
7. Property acquired by the County of Niagara by deed dated November 24, 1997 and recorded December 31, 1997 in Liber 2796 of Deeds at Page 129 in the Niagara County Clerk's Office.
8. Property acquired by the County of Niagara by deed dated May 14, 1998 and recorded June 19, 1998 in Liber 2837 of Deeds at Page 324 in the Niagara County Clerk's Office.

IN WITNESS WHEREOF, this document has been duly signed and sealed by the Chairman of the Niagara County Legislature.



Clyde L. Burmaster, Chairman
Niagara County Legislature

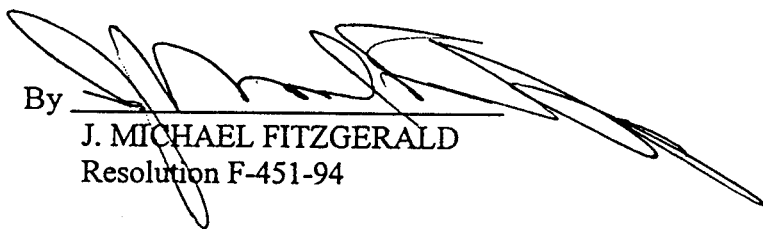
STATE OF NEW YORK)
 : ss.:
COUNTY OF NIAGARA)

On the 5th day of March, in the year 2001 before me, the undersigned, a Notary Public in and for said State, personally appeared Clyde L. Burmaster, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


NOTARY PUBLIC

ARLENE J. DeLONG
Notary Public, State of New York
Qualified in Niagara County
My Commission Expires October 15, 2002

APPROVED AS TO FORM
NIAGARA COUNTY ATTORNEY

By 
J. MICHAEL FITZGERALD
Resolution F-451-94

The above restrictions shall be binding upon the following properties and shall run with the land:

1. Property acquired by the County of Niagara by deed dated August 21, 1997 and recorded December 31, 1997 in Liber 2796 of Deeds at Page 126 in the Niagara County Clerk's Office.

City of North Tonawanda

2. Property acquired by the County of Niagara by deed dated January 2, 1998 and recorded January 7, 1998 in Liber 2797 of Deeds at Page 168 in the Niagara County Clerk's Office.

Anthony F. Czerhak, 252 Witmer Road, North Tonawanda, New York 14120

3. Property acquired by the County of Niagara by deed dated April 24, 1998 and recorded June 3, 1998 in Liber 2833 of Deeds at Page 321 in the Niagara County Clerk's Office.

F.C. Wheatfield, Inc., 1250 Terminal Tower, 50 Public Square, Cleveland, OH 44113-2203

4. Property acquired by the County of Niagara by deed dated November 18, 1997 and recorded December 31, 1997 in Liber 2796 of Deeds at Page 132 in the Niagara County Clerk's Office.

Peter K. Kuczkowski, 15 Fillmore Avenue, Tonawanda, New York 14150, Paul W. Kuczkowski, 122 Walter Avenue, Tonawanda, New York 14150, Thomas E. Kuczkowski, 31 Mullen Street, Tonawanda, New York 14150, and David N. Kuczkowski, 80 Delton Street, Tonawanda, New York 14150

5. Property acquired by the County of Niagara by deed dated February 1, 1998 and recorded March 17, 1998 in Liber 2814 of Deeds at Page 232 in the Niagara County Clerk's Office.

Phyllis Mrugala as Executrix of the Estate of Albin Mrugala, 316 Austin Street, Buffalo, New York 14207

6. Property acquired by the County of Niagara by deed dated January 13, 1998 and recorded January 26, 1998 in Liber 2801 of Deeds at Page 317 in the Niagara County Clerk's Office.

Leopold V. Mrugala as survivor of Mildred Mrugala, 540 Witmer Road, North Tonawanda, New York 14120

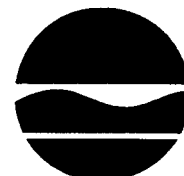
7. Property acquired by the County of Niagara by deed dated November 24, 1997 and recorded December 31, 1997 in Liber 2796 of Deeds at Page 129 in the Niagara County Clerk's Office.

Alvin E. & Mary Timm, 286 Witmer Road, North Tonawanda, New York 14120

8. Property acquired by the County of Niagara by deed dated May 14, 1998 and recorded June 19, 1998 in Liber 2837 of Deeds at Page 324 in the Niagara County Clerk's Office.

Opropco, Inc., 300 Erie Boulevard West, Syracuse, New York 13202

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Hazardous Site Control, 11th Floor
625 Broadway, Albany, New York 12233-7014
Phone: (518) 402-9551 • FAX: (518) 402-9020
Website: www.dec.state.ny.us



Erin M. Crotty
Commissioner

OCT 22 2002

This letter was sent to the people on the enclosed list.

Dear :

The New York State Department of Environmental Conservation (Department) maintains a Registry of sites where hazardous waste disposal has occurred. Property located at Witmer Road in the Town of Wheatfield, County of Niagara, and designated as Tax Map Number 175.000-0001-005, was recently reclassified as a Class 4 in the Registry. The name and site I.D. number of this property as listed in the Registry is Niagara County Refuse Disposal - Wheatfield, Site #932026.

The Classification Code 4 indicates that the site is properly closed -- requires continued management.

We are sending this letter to you and others who own property near the site listed above, as well as the county and town clerks. We are notifying you about these activities at this site because we believe it is important to keep you informed.


If you currently are renting or leasing your property to someone else, please share this information with them. If you no longer own the property to which this letter was sent, please provide this information to the new owner and provide this office with the name and address of the new owner so that we can correct our records.

The reason for this recent classification decision is as follows:

- The remedial actions at this site, including proper closure of this landfill, were completed in December 2000. These actions were taken in accordance with the September 1993 Record of Decision (ROD). Deed restrictions are in place to protect the integrity of the landfill cap, and to prevent the construction of drinking water wells or structures on the site. Long-term operation, maintenance, and monitoring are ongoing.

If you have questions, need additional information, or have information which you believe would be useful to us, please call the Department of Environmental Conservation's toll-free number: **1(800)342-9296**. The Department of Health maintains a Health Liaison Program (HeLP) toll-free number: **1(800)458-1158 Ext. 2-7530**.

Sincerely,

A handwritten signature in black ink that reads "Dennis J. Farrar". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

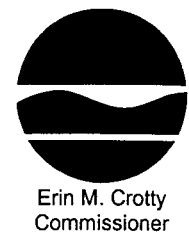
Dennis J. Farrar
Chief
Site Control Section

bcc: D. Desnoyers
D. Weigel
D. Farrar
J. Swartwout
P. Buechi, R/9
S. Doleski, R/9
M. Boice-Green, R/9
A. Sylvester
G. Litwin
L. Ennist

AS/srh

A. Sylvester

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Hazardous Site Control, 11th Floor
625 Broadway, Albany, New York 12233-7014
Phone: (518) 402-9551 • **FAX:** (518) 402-9020
Website: www.dec.state.ny.us



OCT - 2 2002

Town of Wheatfield
2800 Church Road
North Tonawanda, NY 14120

Dear Sir/Madam:

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.: 932026
Site Name: Niagara Co. Refuse Disposal - Wheatfield
Site Address: Witmer Road, Wheatfield, NY 14305

Classification change from 2 to 4

The reason for the change is as follows:

- The remedial actions at this site, including proper closure of this landfill, were completed in December 2000. These actions were taken in accordance with the September 1993 Record of Decision (ROD). Deed restrictions are in place to protect the integrity of the landfill cap, and to prevent the construction of drinking water wells or structures on the site. Long-term operation, maintenance, and monitoring are ongoing.

Enclosed is a copy of the New York State Department of Environmental Conservation, Division of Environmental Remediation, Inactive Hazardous Waste Disposal Site Report form as it appears in the Registry and Annual Report, and an explanation of the site classifications. 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:

Erin M. Crotty
Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1010

For additional information, please contact me at (518) 402-9553.

Sincerely,



Dennis J. Farrar
Chief
Site Control Section

Enclosures

bcc: D. Desnoyers
D. Weigel
R. Marino
D. Farrar
J. Swartwout
A. Sylvester

w/Enc. (Copy of Site Report form only)

A. Grant
G. Litwin, DOH
E. Belmore
P. D'Amato, R/8
P. Lent, R/8
B. Putzig, R/8

AS/srh

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Environmental Remediation

Inactive Hazardous Waste Disposal Report

Site Name: Niagara Co. Refuse Disp. - Wheatfield	Site Code: 932026
Class Code: 4 Region: 9 County: Niagara	EPA Id: NYD000514257
Address: Witmer Road / Wheatfield, NY 14305	
Latitude: 43° 3' 55" Longitude: 78° 54' 21"	Site is on the EPA - National Priorities List.
Site Type: Landfill	Estimated Size: 65 Acres

Site Owner / Operator Information:

Current Owner(s) Name: **Town of Wheatfield**
 Current Owner(s) Address: **2800 Church Street / North Tonawanda, NY 14120**
 Owner(s) during disposal: **Niagara County**
 Operator(s) during disposal: **Niagara County Refuse Disposal District**
 Stated Operator(s) Address: **Bewley Building / Lockport, NY 14094**
 Hazardous Waste Disposal Period: **From: 1968 To: 1976**

Site Description:

During its term of operation, this site received thousands of tons of municipal refuse, sewage sludge and industrial wastes. The City of Niagara Falls, City of North Tonawanda and Niagara Sanitation Co. used the site for municipal refuse disposal. Samples have been collected from the site on several occasions. Surface water and sediments were sampled in 1980 & 1981 by EPA & DEC. The U.S.G.S. collected soil and groundwater samples in 1982. The EPA installed bedrock wells in 1983 and collected groundwater, surface water and sediment samples. Also in 1983, the site was placed on EPA's National Priorities List (NPL). The site has experienced continuing problems with illegal dumping of rubbish and hard fill. Erosion of the clay cap has also been a problem. A State Superfund Phase II Investigation was completed in 1988. A Record of Decision (ROD) for this site was signed in September 1993 and the Responsible Parties completed a Remedial Investigation / Feasibility Study (RI/FS). The Responsible Parties included Bell Aerospace, Hooker-Durez, DuPont, Olin, Hooker Chemicals & Plastics, Carborundum, Browning Ferris Industries, Modern Disposal, National Grinding Wheel, Niagara Sanitation, Inc., Town of Wheatfield, Goodyear Tire and Rubber, City of Niagara Falls and Niagara County. A Consent Decree was signed in November 1994 between the USEPA and the PRP's for Remedial Design and Remedial Action (RD/RA). The RD/RA was partially funded by EQBA Title 3, and has been completed. An Operation and Maintenance (O&M) program is underway.

Confirmed Hazardous Waste Disposal:

heat treatment salts, plating tank
 sludge, pulve emulsion, iron catalyst salts,
 off spec. polyvinyl alcohol, phenolic resins,
 brine sludge with mercury

Quantity:

thousands of tons

Analytical Data Available for:	Groundwater	Surface Water	Soil	Sediment
Applicable Standards Exceeded in:				
<i>Geotechnical Information:</i>				Depth to
Soil/Rock Type: Clay.				Groundwater: Range: 5 to 10 feet.
Legal Action: Type: Federal Consent Order				Status: Order Signed
Remedial Action: Complete			Nature of action: RD/RA.	

Assessment of Environmental Problems:

Surface water and sediment samples indicate that some off-site migration of chemicals has occurred. Groundwater samples available to date do not indicate migration from the site in this media. Long-term Operation & Maintenance is ongoing.

Assessment of Health Problems:

Surface soil samples collected in residential backyards did not show evidence of contaminants migrating into residential yards. Before landfill construction the site was not fenced and there was evidence of use by the public. The site is now fenced. Groundwater is not significantly impacted by the landfill and is not used for potable water near the site. Therefore, exposures via drinking water are not expected. The remedy minimizes the potential for public exposures to site-related contamination.