Department of Environmental Conservation

Division of Environmental Remediation

Record of Decision

Wurlitzer Area B Site
North Tonawanda, Niagara County
Site Number 9-32-041(Operable Unit 02)

February 2000

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

DECLARATION STATEMENT - RECORD OF DECISION

Wurlitzer Area B Inactive Hazardous Waste Site
North Tonawanda, Niagara County, New York
Site No. 9-32-041 (Operable Unit 02)

Statement of Purpose and Basis

The Record of Decision (ROD) presents the selected remedial action for the Wurlitzer Area B Inactive Hazardous Waste Disposal Site which was chosen in accordance with the New York State Environmental Conservation Law. 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 Wurlitzer Area B Inactive Hazardous Waste Site and upon public input to the Proposed Remedial Action Plan (PRAP) presented by the NYSDEC. A listing of the documents included as a part of the Administrative Record is included in Appendix B of the ROD.

Assessment of the Site

Actual or threatened releases of hazardous waste constituents from this site, if not addressed by implementing the response action selected in this ROD, present a current or potential threat to public health and the environment.

Description of Selected Remedy

Based upon the results of the Remedial Investigation/Feasibility Study (RI/FS) for the Wurlitzer Area B Site and the criteria identified for evaluation of alternatives, the NYSDEC has selected removal and off-site treatment/disposal of contaminants above SCGs as the remedy for the site. The major components of the remedy are as follows:

- Loading and transport of all material containing contaminants of concern above SCGs to an appropriate off-site treatment/disposal facility.
- Off-site treatment (as necessary) and disposal of material above SCGs at a licensed facility.
- Regrading and re-vegetation of disturbed site areas for proper drainage.

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.

2/8/00
Date

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

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Wurlitzer Area B Site

City of North Tonawanda, Niagara County, New York
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SECTION 1: SUMMARY AND PURPOSE OF THE RECORD OF DECISION

The New York State Department of Environmental Conservation (NYSDEC) in consultation with the New York State Department of Health (NYSDOH) has selected this remedy to address the significant threat to human health and the environment created by the presence of hazardous waste at the Wurlitzer (Area B- Operable Unit 02) class 2, inactive hazardous waste disposal site. As more fully described in Sections 3 and 4 of this document, surface disposal of wastes and contaminated fill have resulted in presence of hazardous wastes at the site. These disposal activities have resulted in the following significant threats to the public health:

- A significant threat to human health associated with direct contact or incidental ingestion with wastes and fill materials which contain significant concentrations of inorganic and organic contaminants.

In order to restore the Wurlitzer Area B inactive hazardous waste disposal site to pre-disposal conditions to the extent feasible and authorized by law, but at a minimum to eliminate or mitigate the significant threats to the public health and the environment that the hazardous waste at this site has caused, the following remedy has been selected:

- Off-site treatment/disposal of all material above SCGs

The selected remedy, discussed in detail in Section 8 of this document, is intended to attain the remediation goals selected for this site, in Section 6 of this Record of Decision (ROD), in conformity with applicable standards, criteria, and guidelines (SCGs).

SECTION 2: SITE LOCATION AND DESCRIPTION

The Wurlitzer "Area B" site is a wooded 5.5 acre parcel of land which is situated in the northwest corner of the Wurlitzer Industrial Park complex in North Tonawanda, New York. The Wurlitzer Industrial Park is located at 908 Niagara Falls Boulevard and comprises a total area of approximately 44 acres. Figure 1-1 shows the site location.

The site is bounded on the north-west side by a former Conrail railroad line whose tracks have been removed. This line now includes a right-of-way for buried Oxbow co-generation power and steam lines. Wurlitzer Drive runs along the western side of the site and intersects with Fairmont Avenue to the northwest of the site. A residential neighborhood is situated to the north and west of the site. The nearest homes are those along the south side of Fairmont Avenue, near the intersection of Wurlitzer Drive. The back yards of these residences are separated from the site by the elevated former Conrail line which contains the Oxbow right-of-way. See Figure 1-2 for site details.

The Area B site is wooded, and with the exception of numerous piles of fill, is relatively flat. An abandoned, elevated section of railroad track runs through the southwestern corner of the site and ends just before Wurlitzer Drive (this spur was once continuous and connected the Conrail track with the southern corner of the Wurlitzer plant property). The northern area of the site along the elevated Oxbow right-of-way is relatively low lying and rain water and snow melt accumulates along this side of the site. Occasional ponding of water occurs in both the northern and southeastern side of the site.

SECTION 3: SITE HISTORY

3.1: Operational/Disposal History

The Wurlitzer Industrial Park was owned and operated by Wurlitzer Industries between 1908 and 1977. The site's facilities were used for the manufacture of several products including automatic phonographs, player pianos, electric organs, and jukeboxes. During its operating history Wurlitzer Industries also utilized this facility for production processes related to several U.S. Defense Department contracts. The former Wurlitzer manufacturing building is currently owned by Irr Supply Centers, Inc. and Ancor Industrial Plastics, Inc. The building is currently used for manufacturing and as commercial rental space. Area B is currently owned by Blue Bird Industrial Park North, Inc. and Ancor Plastics, Inc.

A dirt access road runs through Area B starting from a gate on the northeast side of the site near the end of the former plant building. It runs parallel to the former Conrail line approximately 2/3 of the way toward Wurlitzer Drive. Aerial photos taken between 1958 and 1966 indicate activity within Area B along the southern side of this access road. This activity is believed to have included disposal of various waste materials. Based upon the nature of the manufacturing processes, wastes generated at the plant likely included scrap metal, metal sludges from plating operations, and degreasing wastes. It is not known which of these materials may have been disposed within the confines of Area B.

It appears that the access road was used to deposit various waste material within the confines of Area B. The disposal of fill and waste materials occurred in the western corner of the site as well as along either side of the access road along its length. The fill and waste materials observed on-site include

soil, concrete rubble, asphalt rubble, roofing materials, cinders, scrap metal, metal buckets, scrap wood, wooden pallets, and brush. Numerous 55 gallon drum carcasses (crushed or empty) have also been observed throughout the site. In addition, several drums containing solid waste materials were included in the materials deposited on site.

3.2: Remedial History

The Wurlitzer plant property was listed as a suspected hazardous waste disposal site in June 1980. The property consisted of approximately 44 acres and included the former plant buildings, parking lots, and related grounds. In the late 1980s, specific attention was focused on two areas of the site, which became known as Area A and Area B. The parcel of vacant land on the north side of the former Conrail tracks and protruding into the adjacent residential neighborhood was designated as Area A. This area was believed to have been associated with loading and unloading of materials used in plant production. The wooded and densely overgrown parcel adjacent to the southwestern portion of the plant was designated as Area B. This Area was believed to have been associated with the dumping of plant wastes in the 1960s and 1970s.

In 1989 a Phase I Investigation was performed on the Wurlitzer Industrial Park site. In 1990 a Phase II Investigation was performed which included the sampling of groundwater, surface water, sediment, and fill/waste material. Most of the Phase II sampling was performed in Area A and Area B. The Phase II Investigation revealed semi-volatile organics and metals in surface soils above applicable Standards, Criteria, and Guidance (SCGs) in Area B. No significant groundwater contaminants were detected in Area B. While no significant surface soil contaminants were detected in Area A soils, groundwater samples within Area A contained some metals slightly above SCGs.

In 1995 the NYSDEC and NYSDOH collected additional surface soil samples and waste samples from Area B. Some of these samples contained significant concentrations of metals. In March 1996, after concluding that waste and fill materials within Area B posed a significant threat to human health, the NYSDEC reclassified the Wurlitzer site from a Class 2a designation (a temporary classification assigned to a site which has inadequate data for another classification) to a Class 2 designation (signifying a significant threat to the public health or environment - action required) in the New York State Registry of Inactive Hazardous Waste Disposal Sites. In October 1996 the NYSDEC funded the installation of a chain link fence around the perimeter of the Area B site to restrict public access and minimize potential exposures to site contaminants.

In 1997 the NYSDEC re-designated Area A to include all parts of the industrial park, excluding Area B. The NYSDEC began negotiations with several of the owners of the industrial park to undertake investigations of the industrial park property. While the property owners did not agree to a full investigation of Area B, a Consent Order was signed with one of the site owners in December 1998 which required a Focused Remedial Investigation (Focused RI) of Area A.

SECTION 4: CURRENT STATUS

In August 1997, the Area B site was referred for a Remedial Investigation (RI) and Feasibility Study (FS) using funds from the State Superfund program. RI field work was performed from October 1997 through May 1998. An RI report was completed in December 1998 which detailed the nature and extent of the site contamination. An FS was completed in July 1999 which evaluated various remedial alternatives for the Area B site. These reports can be found in the document repositories.

4.1: Summary of the Remedial Investigation

The Area B RI activities performed in 1997 and 1998 included:

- A radiation survey
- Site clearing and surface debris removal
- Disposal of drummed wastes
- A geophysical survey
- Sampling of existing groundwater monitoring wells
- Surface soil sampling
- Test pit excavations
- Residential basement sump water sampling

Site Geology

The overburden in this area consists of silt with smaller amounts of sand and clay down to a depth of about 5 feet, where there is a water bearing lens of fine sand about a foot thick. Below this water bearing lens, a dry red and gray clay grades downward into a varved clay (thin alternating red and gray layers of clay). Silt seams an inch thick occur throughout these clay units. The clay becomes coarser with depth, and at 31 feet below ground surface grades into a till composed of sandy gravel-clay with shale fragments. Bedrock, the Camilus Shale, was encountered at 36 feet below ground surface.

Site Hydrology

Two overburden water bearing zones have been previously identified at the Wurlitzer site. A shallow overburden water bearing zone occurs in sand lenses at about 5 feet below ground surface.

These shallow lenses are not continuous over the site, so it is not likely that there is significant groundwater presence or movement in this zone. The water in these lenses is isolated from the deep overburden water bearing zone by underlying tight clays. The deep overburden water bearing zone occurs in the varved (layered) clay from about 14 feet below ground surface to the top of rock at about 36 feet below ground surface in Area B. Groundwater flow in this zone is generally to the northwest.

To determine which media (groundwater, site soils) contain contaminants of concern, the RI analytical data was compared to environmental Standards, Criteria, and Guidance (SCGs). Groundwater and drinking water SCGs identified for the Wurlitzer Area B site were based on NYSDEC Ambient Water Quality Standards and Guidance Values and Part 5 of NYS Sanitary Code. For the evaluation and interpretation of soil and impoundment solids analytical results, the NYSDEC Technical Administrative and Guidance 4046 - Determination of Soil Cleanup Objectives and Cleanup Levels (TAGM 4046) was used.

Based upon the results of the Remedial Investigation and comparison with the SCGs and potential public health and environmental exposure routes, remedial measures are appropriate at the site in order to reduce the potential for future direct human exposure to the contaminated fill/waste materials present on the site. General results of the investigations are summarized below. More complete information can be found in the RI Report.

Groundwater

In order to assess possible groundwater impacts from previous waste disposal within the Area B site, three pairs of groundwater monitoring wells previously installed in the Phase II Investigation were selected for sampling (see Figure 2). Each well pair consists of a shallow and a deeper overburden well. The shallow wells are screened approximately 5-7 feet below ground surface, and the deeper wells are screened approximately 25-35 feet below ground surface.

Groundwater sampling was performed in December 1997. Samples were analyzed for Volatile Organic Compounds (VOCs), Semi-Volatile Organic Compounds (SVOCs), and metals. With the exception of acetone (detected at 7.8 parts per billion (ppb) in the sample from one well), no VOCs or SVOCs were detected in site groundwater above Class GA (drinking water) standards. The detection of acetone in this low of a concentration is most likely a laboratory induced contaminant (glassware cleaning is frequently responsible) and is not truly reflective of groundwater characteristics.

Some metals were detected in concentrations above Class GA standards in the groundwater samples. These included one exceedance of chromium in well MW-5S (61.5 ppb vs. Class GA standard of 50 ppb), one exceedance of iron in well MW-6 (3010 ppb vs. Class GA standard of 300 ppb), and exceedances of sodium in each of the wells. However these metals concentrations are not considered indicative of significant groundwater contamination. Since the samples are not filtered, such metals

concentrations are often caused by the presence of fine silts or other suspended media in the sample. In addition, direct human consumption of the groundwater near the site is unlikely since the residential neighborhood does not use groundwater for drinking water purposes. Drinking water is supplied to the homes through the City's public water supply system.

Residential Basement Sump Water Sampling

To address residential concerns over potential groundwater contamination entering adjacent homes along Fairmont Avenue, three homes were selected for basement sump water sampling. These three homes were selected based upon proximity to the site and homeowner availability and willingness to participate in basement sump sampling. Basement sump water from the residences were sampled for VOCs, SVOCs, and metals. With the exception of acetone, which was detected in extremely low concentrations (and is most likely a laboratory contaminant), no VOCs or SVOCs were detected. With regard to metals results, only magnesium and sodium were detected above NYS Class GA water standards.

Soil

In order to characterize the nature and extent of contamination within site soils and fill/waste materials, the site was surveyed and composite samples were collected at each 50 foot x 50 foot grid interval. This corresponded to approximately 130 samples taken within the Area B site. In addition, to more thoroughly examine the consistency and extent of the various fill piles and further investigate suspected subsurface anomalies detected during the geophysical survey, 39 test pits were excavated within the site. Many fill piles contained a black "cinder type" waste which did not contain significant contaminants of concern, while other area contained empty crushed drum carcasses or other scrap metal.

From the data collected and interpreted during the Remedial Investigation, site contamination is limited to waste and fill solids which have been disposed on the surface of the site. Both organic and inorganic contaminants were detected in the on-site waste and fill materials significantly above soil guidance criteria contained in NYSDEC TAGM 4046. Those organic contaminants of concern include: benzo[a]anthracene, chrysene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, indeno[1,2,3-cd]pyrene, and dibenz[g,h,i]perylene. Those inorganic contaminants of concern include: arsenic, barium, cadmium, chromium, lead, and zinc. Figures 2 and 3 indicate locations and concentrations of inorganic and organic contaminants detected above soil cleanup guidance levels.

Fill and waste material was disposed on the surface of the site and is concentrated in two general areas. Figure 4 shows the general limits of the two disposal areas where significant contaminants (above SCGs) were detected. The first area of contaminated material, designated as Fill/Waste Area I in Figure 4, is the area along both sides of the old roadway which runs from the northeast end of the site to the southwest corner of the site near Wurlitzer Drive. The second area of contaminated material, designated as Fill/Waste Area II in Figure 4, is a larger area at the end of the old roadway

in the southwestern portion of the site. The volume of contaminated material above SCGs was estimated using the site contour map prepared from the site survey. Tables 1 and 2 present a summary of inorganic and organic contaminants of concern and the range of contaminant concentrations detected in the fill/waste.

Fill/Waste Area I

This area encompasses roughly 1 acre in size and the volume of material exhibiting contaminant concentrations above SCGs in this area is estimated at approximately 1,900 cubic yards. Significant semi-volatile organic contaminants were detected at sporadic locations within the mounds located near the old roadway. The semi-volatile contaminants detected in this vicinity include: benzo[a]anthracene, chrysene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, indeno[1,2,3-cd]pyrene, and dibenz[g,h,i]perylene. Inorganic contaminants detected in the fill and waste material along the old roadway include: arsenic, barium, chromium, lead, and mercury. In general, concentrations of inorganics in this portion of the site are substantially lower than those detected in the southwestern portion of the site (Fill/Waste Area II).

Fill/Waste Area II

This area is also roughly 1 acre in size, and the volume of material exhibiting contaminant concentrations above SCGs in this area is estimated at approximately 1,300 cubic yards. Semi-volatile organic contaminants were detected in much lower concentrations in this portion of the site, and their presence was not as widespread as those detected along the roadway. However, significant inorganic contamination was detected throughout the fill and waste materials in this portion of the site. Inorganic contaminants detected in this portion of the site include: arsenic, barium, cadmium, chromium, lead, zinc, and mercury.

Within Fill/Waste Area II there are two relatively small areas of fill and waste which were found to exhibit very high concentrations of inorganic contaminants (see Figure 4). Some of this material is identifiable by distinctive colorations (including white, red, orange, green, blue, etc.). This fill/waste material contains chromium concentrations at up to 4680 parts per million (ppm) and cadmium concentrations at up to 6560 ppm. TCLP samples of this material indicate leachable contaminants in concentrations which cause this material to be classified as a characteristic hazardous waste. The total volume of waste contained in these two smaller areas is estimated at approximately 650 cubic yards.

4.2: Summary of Human Exposure Pathways

This section describes the types of human exposure that may present added human health risks to persons at or around the site. A more detailed discussion of the potential health risks can be found in Section 3.10 of the RI Report.

The Human Health Risk Assessment identified potential exposure pathways from the site (i.e. how an individual may come into contact with a contaminant). The five elements of an exposure pathway are 1) the source of the contamination; 2) the environmental media and transport mechanism; 3) the point of exposure; 4) the route of exposure; and 5) the receptor population. These elements of an exposure pathway may be based upon past, present, or future events. Since the extent of site contamination is limited to the waste and fill material solids found at the site, the primary potential human exposure pathways are through direct contact with the waste and fill materials.

Completed pathways which are either known to or may exist include:

- Dermal (skin) contact with contaminated waste and/or fill materials by former or future site users or trespassers;

- Incidental ingestion of contaminated waste and/or fill materials by former or future site users or trespassers.

These potential exposure pathways were addressed in the interim through the installation of a chain link fence around the perimeter of the site. During the remedial investigation, the fence gate and damaged fence sections near the former Wurlitzer plant building were replaced to provide further site control. However, while the site is fenced, the above exposure pathways may be still considered "complete" since exposure potential remains for site trespassers and future site users.

4.3: Summary of Environmental Exposure Pathways

The Wurlitzer Area B site lies between residential and commercial/industrial areas. No formal Habitat Assessment was performed on the Wurlitzer Area B site. Despite some periodic standing water on site, there are no wetlands, streams or other significant surface water features on site. However, numerous animal holes and burrows have been observed throughout the site. Squirrels, chipmunks, deer, and various bird species have been periodically observed on site. These species, especially the burrowing animals, are potentially exposed to the high levels of metals on site through contact with or incidental ingestion of contaminated waste and/or fill. The deer and birds are more wide ranging and are not likely to be significantly exposed to contaminants due to the small size of the site.

Clearing of underbrush during the investigation has removed a portion of the existing habitat and has probably displaced some of the wildlife using the site. The extent of future use of the site by wildlife depends upon the re-establishment of this vegetation. However, due to the relatively small size of Area B, it is unlikely that the site contaminants pose any significant threat to the environment.

SECTION 5: ENFORCEMENT STATUS

Since the Potentially Responsible Parties (PRPs) would not agree to perform an RI/FS at Area B, the Area B portion of the Wurlitzer site (Operable unit 02) was referred to the State Superfund Program. The Area B RI/FS has been completed by the NYSDEC. The remainder of the Wurlitzer site, known as Area A (Operable unit 01), is not the subject of this ROD, but is being investigated under a Consent Order executed December 29, 1998 between the NYSDEC and Irr Supply.

SECTION 6: SUMMARY OF THE REMEDIATION GOALS

Goals for the remedial program have been established through the remedy selection process stated in 6NYCRR 375-1.10. The overall remedial goal is to meet all Standards, Criteria, and Guidance (SCGs) and be protective of human health and the environment.

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

The goals selected for this site are:

- Eliminate, to the extent practicable, future human exposures to site contaminants present within the fill/waste material

SECTION 7: SUMMARY OF THE EVALUATION OF ALTERNATIVES

The selected remedy should be protective of human health and the environment, be cost effective, comply with other statutory laws and utilize permanent solutions, alternative technologies or resource recovery technologies to the maximum extent practicable. Potential remedial alternatives for the Wurlitzer Area B site were identified, screened and evaluated in the July 1999 Feasibility Study.

A summary of the detailed analysis follows. As used in the following text, the time to implement reflects only the time required to implement the remedy, and does not include the time required to design the remedy or procure contracts for design and construction.

7.1: Description of Alternatives

The potential remedies are intended to address the presence of organic and inorganic contaminants within the fill/waste materials.

Alternative 1: No Action

Present Worth:	$0
Capital Cost:	$0
Annual O&M (30 years):	$0
Time to Implement:	0 months

The no action alternative is evaluated as a procedural requirement and as a basis for comparison with other alternatives. This alternative would leave the site in its present condition and would not provide any protection for human health and the environment. No operation and maintenance (O&M) or monitoring would be performed under the no action alternative.

Alternative 2: On Site Containment of all Material Above SCGs

Present Worth:	$305,200
Capital Cost:	$202,000
Annual O&M (30 years):	$6,700
Time to Implement:	6 months

On site containment would consist of grading and covering all waste and fill materials which contain contaminants in concentrations above SCGs. The contaminated material could be consolidated so that the cover system would be placed over a relatively small portion of the site, thereby allowing future site development on the remaining portion of the property.

The cover system would consist of layers of clean soil and vegetated topsoil (grass) over the contaminated waste and fill materials. For evaluation purposes, a conceptual cover system design was considered which would consist of a 6" layer of vegetated topsoil, overlaying a 12" layer of clean soil barrier which would be placed over consolidated fill/waste material above SCGs. The conceptual cover system design also includes a synthetic geotextile fabric layer between the clean soil barrier layer and the contaminated fill/waste material. The purpose of the fabric layer is two-fold: it would prevent the co-mingling of clean soil and fill/waste material during barrier layer compaction and settlement; and it would provide an identifiable visual barrier should future site activities result in excavation into the cover area. Prior to placement of the cover, the waste and fill materials would be graded so that the finished cover would improve site drainage. The resulting cover system would resemble a relatively flat topped mound which would be several feet in height. Additional drainage features would be added as appropriate to prevent surface water "ponding" on the cover and around the perimeter.

Alternative 3: Off-Site Treatment/Disposal of all Material Above SCGs

Present Worth:		$340,700
Capital Cost:		$340,700
Annual O&M	(30 years):	$0
Time to Implement:		1 month

This alternative would consist of removal and off-site treatment/disposal of all waste and fill materials which contain contaminants above SCGs. The total volume of this material is estimated at 3,200 cubic yards, and the approximate limits of this material are shown in Figure 4. Disturbed areas would then be re-graded and re-vegetated.

7.2 Evaluation of Remedial Alternatives

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

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

1. Compliance with New York State Standards, Criteria, and Guidance (SCGs)

Compliance with SCGs addresses whether or not a remedy will meet applicable environmental laws, regulations, standards, and guidance. The most significant chemical specific SCGs for the site include NYSDEC Technical Administrative and Guidance (TAGM) 4046 - Determination of Soil Cleanup Objectives and Cleanup Levels, and groundwater standards and guidance values contained in NYSDEC Division of Water Technical and Operational Guidance Series (TOGS) 1.1.1. Action specific SCGs depend on the specific remedy being considered. Examples of action specific SCGs include, among others, 6NYCRR Part 376 - Land Disposal Restrictions (LDRs) and NYCRR Part 371 - Identification and Listing of Hazardous Wastes.

Alternative 1:

The no action alternative would not comply with chemical specific SCGs, since contamination above SCGs would remain in site materials. As no actions would be taken under this alternative, action specific SCGs would not apply.

Alternative 2:

The containment alternative would not meet chemical specific SCGs because contaminated material would remain on site in concentrations significantly above DEC TAGM 4046 soil cleanup guidance. The containment alternative would meet action specific SCGs.

Alternative 3:

This alternative would meet chemical specific SCGs since all material above SCGs would be removed from the site. This alternative would meet action specific SCGs. Proper waste hauling permits would be required. All material exceeding LDRs would require treatment by a permitted facility prior to land disposal.

2. Protection of Human Health and the Environment

This criterion is an overall evaluation of the health and environmental impacts to assess whether each alternative is protective.

Alternative 1:

The no action alternative would not be fully protective of human health. While the perimeter fence would help to reduce human contact with site contaminants, it would not prevent trespassers and future site users from direct contact or incidental ingestion of site contaminants. Therefore the no action alternative would not meet the Remedial Action Objectives identified for the site.

Alternative 2:

The containment alternative would be protective of human health. It would not pose any significant short-term impacts, and while it would not meet chemical specific SCGs, the soil cover would effectively prevent direct human contact and incidental ingestion of site contaminants as long as the cover was maintained. Deed restrictions would be necessary to ensure that future site uses and development are compatible with the cover system. The containment alternative may also offer some limited environmental benefit by reducing future native animal contact with site contaminants.

Alternative 3:

This alternative would be fully protective of human health. It would fully satisfy all SCGs. Short term impacts would be limited primarily to those associated with the loading and hauling of material from the site. This alternative may also provide for some environmental benefits resulting from the removal of all significantly contaminated materials.

3. Short-term Effectiveness

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

Alternative 1:

The no action alternative would not present any added short term risks to the community. Since the perimeter fence was repaired during the Remedial Investigation, the no action alternative would continue to be effective (in the short-term) at reducing site trespassing and preventing direct human exposures to site contaminants. The no action alternative would not pose any added short term impacts to the environment, however nor would it reduce any native animal contact and potential exposure to site contaminants. The no action alternative would essentially achieve its level of protection immediately, as the fence is already in place.

Alternative 2:

Site grading, waste consolidation, and cover system construction would not have any significant short term adverse impacts upon the community, the workers, or the environment. Dust controls and monitoring would be employed to prevent particulate migration during construction. Standard personal protective measures and monitoring would be employed to protect workers and the community. Construction of the cover system (not including design and contractor procurement periods) would likely take less than 6 months, at which time the remedy would be effective at preventing direct human contact and incidental ingestion of site contaminants. The containment alternative may also offer some limited short term environmental benefit by reducing the potential for native animal contact with site contaminants.

Alternative 3:

Removal of the estimated 3,200 cubic yards of material from the site would have some limited short term impacts on the community. This material would be hauled off site in trucks to a licensed facility. An estimated 250 truck loads of material would be hauled from the site. This hauling would not likely pose any significant impacts since trucks could access the site from either Wurlitzer drive or the industrial park and would not need to enter the residential neighborhood. In addition, the duration of hauling for this amount of material would be limited. Hauling from the site could likely be completed in a matter of a few weeks to a month, at which time the remedy will have permanently eliminated threats posed by significant site contaminants, and will have fully achieved the remedial action objectives. Dust controls and monitoring would be employed to prevent particulate migration during waste removal. Standard personal protective measures and monitoring would be employed to protect workers and the community. Removal and off-site treatment/disposal

of all materials with contaminants above SCGs would also offer some short term environmental benefit by eliminating native animal contact with all significantly contaminated materials.

4. Long-term Effectiveness and Permanence

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

Alternative 1:

The no action alternative would offer some limited long-term effectiveness by relying on the existing fence to reduce human contact with site contaminants. While it could not prevent trespassers and future site users from coming into contact with site contamination, it would deter most unauthorized access to the site for as long as the fence remained in satisfactory condition. Fallen trees, vandalism, etc. could reduce the long term effectiveness and permanence of the existing controls. Without any action, the site could not be utilized for future development without addressing the site contaminants which would remain.

Alternative 2:

While all contaminants would remain on site, the containment alternative would be an effective and permanent means of meeting the remedial action objectives as long as the cover system was maintained. Since some wastes and fill with high metals and SVOCs concentrations would remain on site, future site development could be effected. However the cover system could be designed and located so as to reduce potential future site development limitations.

Alternative 3:

The removal of all materials above SCGs would be an effective and permanent means of meeting the remedial action objectives. With the removal of all significant Area B site contaminants, the Wurlitzer site could be redefined so that it would no longer include the Area B parcel. Once this redefinition was complete, no impediments to future Area B use and development would remain. Upon completion of any necessary Area A remedial program, the entire Wurlitzer site could be delisted from the Registry of Inactive Hazardous Waste Disposal Sites.

5. Reduction of Toxicity, Mobility or Volume

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

Alternative 1:

The no action alternative would not significantly reduce the toxicity, mobility, or volume of the site contaminants. Over time, some natural biodegradation would likely reduce the concentrations of the organic contaminants found in the site materials, but no significant reductions in the concentrations of inorganics would likely occur.

Alternative 2:

The containment alternative would isolate the site contaminants from possible human contact, and would reduce the long term mobility of site contaminants by preventing contaminant transport via erosion. However, containment would not reduce the volume of the site contaminants. Over time, some natural biodegradation would likely reduce the concentrations of the organic contaminants found in the site materials, but no significant reductions in the concentrations of inorganics would likely occur. As such, the containment alternative would not reduce the toxicity of the inorganic site contaminants.

Alternative 3:

The removal of waste and fill with contaminants above SCGs from the site would permanently eliminate all significant contaminants from the site.

6. Implementability

The technical and administrative feasibility of implementing each alternative is evaluated. Technical feasibility includes the difficulties associated with the construction and the ability to monitor the effectiveness of the remedy. For administrative feasibility, the availability of the necessary personnel and material is evaluated along with potential difficulties in obtaining specific operating approvals, access for construction, etc.

Alternative 1:

As no actions would be required, no implementability issues would be encountered.

Alternative 2:

Waste containment is a common component of remedies at inactive hazardous waste disposal sites. Construction methods are common and there are numerous local contractors available who are experienced with this type of work. No administrative difficulties would be expected.

Alternative 3:

Removal of contaminated soil and waste material from the site would be readily implementable. Proper waste hauling permits would be required. Permitted local disposal facilities are available which can treat and dispose of the contaminated waste and fill materials. Contractors are available locally who could readily perform the work. No administrative difficulties would be expected.

7. Cost

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

	Capital Costs	Annual O&M Costs	Total Present Worth Costs
Alternative 1	$0	$0	$0
Alternative 2	$202,000	$6,700	$305,200
Alternative 3	$340,700	$0	$340,700

Alternative 1 has no cost. The capital costs of alternative 2 are significantly higher than alternative 3, but since alternative 3 has no long term operation and maintenance costs, the total present worth costs of alternative 3 are only slightly higher than alternative 2.

8. Community Acceptance

Concerns of the community regarding the RI/FS reports and the Proposed Remedial Action Plan (PRAP) were evaluated. A " Responsiveness Summary" that describes public comments received and the Department responses is included in Appendix A.

Comments received from the public during the public comment period were supportive of the remedy. Questions raised generally dealt with issues such as air monitoring and truck routes during the removal of contaminated material from the site. Specific comments and responses are addressed in detail in the Responsiveness Summary.

SECTION 8: SUMMARY OF THE PREFERRED REMEDY

Based upon the results of the RI/FS, and the evaluation presented in Section 7, the NYSDEC is proposing Alternative 3 as the remedy for this site.

This selection is based upon the review of the site data and evaluation of the alternatives and their ability to meet the above discussed criteria.

This selection is also based on the following:

1. Of the three alternatives evaluated, Alternative 3 is the only alternative which fully achieves SCGs.

2. Alternative 3 offers the greatest long-term, permanent, and effective remedy.

3. Alternative 3 achieves the highest level of protection for human health and the environment.

4. Alternative 3 will not pose any future land use restrictions. It will also allow Area B to be removed from the limits of the Wurlitzer site as defined in the Registry of Inactive Hazardous Waste Disposal Sites.

5. Alternative 3 requires no long term operation and maintenance, and total present worth costs for Alternative 3 are only slightly higher than alternative 2.

The estimated present worth cost to implement the proposed remedy is estimated at approximately $340,700.

The elements of the proposed remedy are as follows:

1. Loading and transport of all material containing contaminants of concern above SCGs to an appropriate off-site treatment/disposal facility.

2. Off-site treatment (as necessary) and disposal of material above SCGs at a licensed facility.

3 Regrading and re-vegetation of disturbed site areas for proper drainage.

SECTION 9: Highlights of Community Participation

As part of the RI/FS process, a number of citizen participation activities were undertaken in an effort to inform and educate the public about conditions at the site and potential remedial alternatives. The following citizen participation activities were conducted:

- Document repositories were established for public review of project related material.

- A site mailing list was established which included nearby property owners, local political officials, local media, potentially responsible parties, and other interested parties. This list has been updated periodically.

- Fact sheets were distributed to the mailing list on several occasions to update the public and interested parties on the remedial process. Fact sheets were distributed at the following times: November 1995; March 1996; September 1997; February 1998; January 1999; August 1999; and November 1999.

- A public meeting was held on December 4, 1995 to inform the public of sampling results and further actions to be taken at the site.

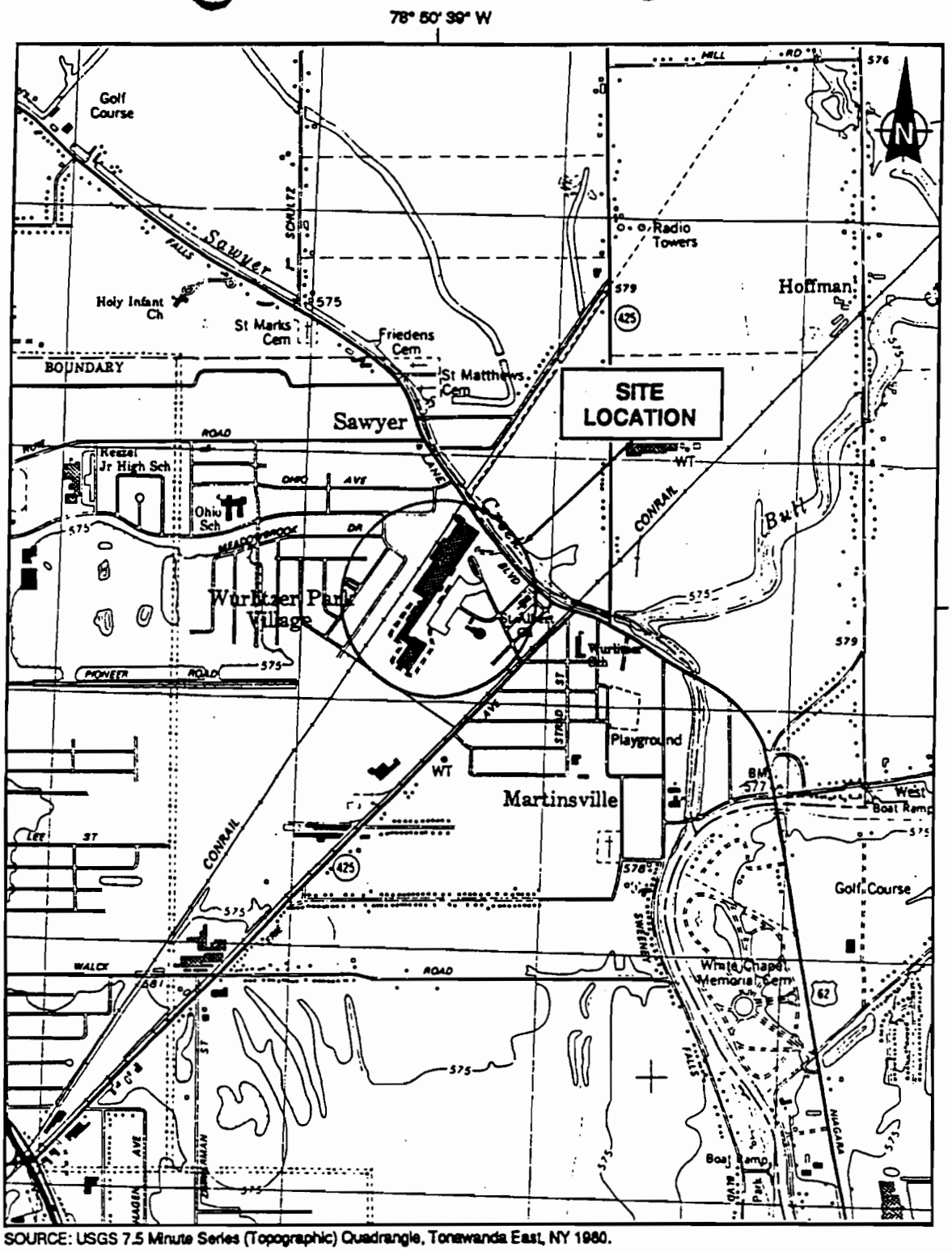
- A public availability session was held on October 16, 1997 to inform interested public and others about the scope and timing of the Remedial Investigation.

- A public meeting was held on January 27, 1999 to present the results of the Remedial Investigation and explain the Feasibility Study process.

- A public meeting was held on November 15, 1999 to present the State's Proposed Remedial Action Plan and to solicit public comments on the plan.

- A public comment period was held from November 1, 1999 - December 1, 1999 to receive input on the proposed remedy from the public and any other interested parties.

- A Responsiveness Summary has been prepared and incorporated into the Record of Decision. The Responsiveness Summary addresses all comments received during the public comment period, and is available for public review as part of the ROD.



SOURCE: USGS 7.5 Minute Series (Topographic) Quadrangle, Tonawanda East, NY 1980.

Figure 1-1
WURLITZER SITE LOCATION MAP

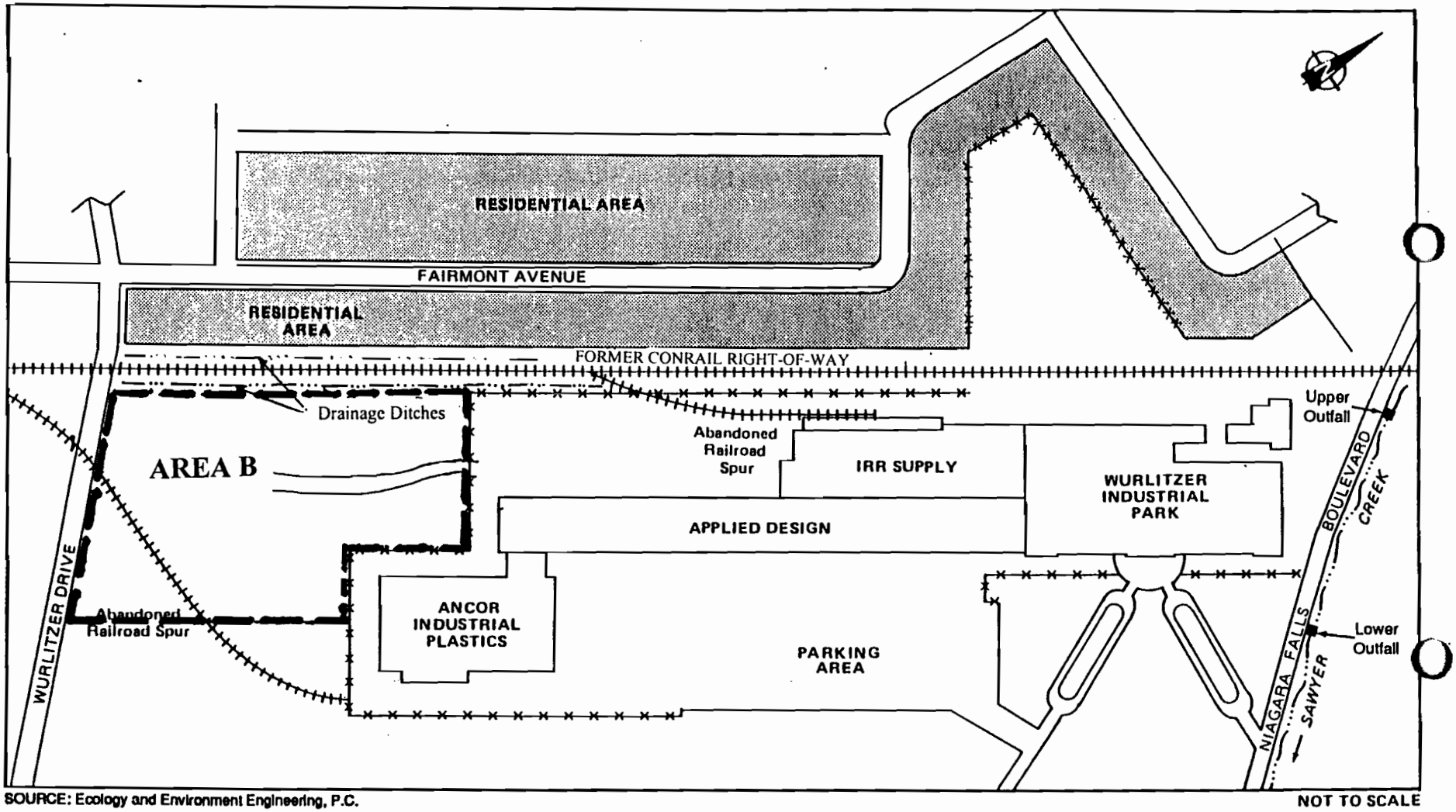


Figure 1-2
WURLITZER SITE MAP

Area B Site Boundary

C:\1_PROJECTS\9-32-041\DWGS\DATA_MET.DWG SF 60

CONRAIL (ABANDON) RAILROAD

WURLITZER AVENUE

GATE

TELE BOX

GW-5S
GW-5

GW-4S
GW-4

GW-6
GW-6S

12" RDP
INV. 571.21

212'±

CS-400-650	
ARSENIC	29.2
BARIUM	418
CHROMIUM	224
LEAD	139
MERCURY	0.44
ZINC	296

CS-400-550	
ARSENIC	15.6
BARIUM	5610
CADMIUM	6560
CHROMIUM	4680
LEAD	2430
MERCURY	0.38
ZINC	9410

CS-400-600	
CHROMIUM	47.4

CS-350-550	
ARSENIC	8.2
BARIUM	801
CADMIUM	28.2
CHROMIUM	188
LEAD	339
ZINC	1310

CS-350-350	
MERCURY	1.8

CS-350-250	
CADMIUM	26.9

CS-350-150	
ARSENIC	7.7

CS-350-650	
ARSENIC	13.4
BARIUM	1210
CADMIUM	19.1
CHROMIUM	398
LEAD	565
ZINC	1480

CS-300-650	
LEAD	89.4
ZINC	1790

CS-300-500	
ARSENIC	11.5

CS-300-450	
CHROMIUM	56
LEAD	37.8
ZINC	298

CS-300-350	
ARSENIC	9.1
CHROMIUM	889
LEAD	75.8
ZINC	2630

CS-300-250	
CHROMIUM	57.4
LEAD	1360
MERCURY	0.41
ZINC	2310

CS-300-150	
ZINC	308
LEAD	45.3

CS-300-100	
ARSENIC	11.6
BARIUM	393
LEAD	154

CS-300-700	
LEAD	43.7
ZINC	268

CS-300-650	
CHROMIUM	162
LEAD	100

CS-250-400	
ARSENIC	9.2
BARIUM	504
MERCURY	0.24

CS-250-600	
ARSENIC	23.2
BARIUM	1380
CADMIUM	233
CHROMIUM	1120
LEAD	505
CYANIDE	38.2
ZINC	2830

CS-250-650	
CHROMIUM	147

CS-250-500	
LEAD	40.4

CS-250-450	
LEAD	37
MERCURY	0.84

CS-250-300	
ARSENIC	12.5
BARIUM	367
MERCURY	0.32

CS-250-250	
ARSENIC	9.0
BARIUM	393
MERCURY	0.93

CS-250-200	
ARSENIC	35.7
BARIUM	445

CS-250-150	
ARSENIC	10.8
BARIUM	340

CS-200-700	
CHROMIUM	53.9

CS-200-650	
CHROMIUM	195

CS-200-600	
ARSENIC	9.5
BARIUM	488
CADMIUM	19.5
CHROMIUM	269
LEAD	237
ZINC	1530

CS-200-550	
ARSENIC	10.3
BARIUM	3680
CADMIUM	652
CHROMIUM	1320
LEAD	1580
MERCURY	0.95
ZINC	5340

CS-200-500	
ARSENIC	14.1
BARIUM	1030
CADMIUM	59.1
CHROMIUM	193
LEAD	463
ZINC	2690

CS-200-150	
MERCURY	5.9

CS-150-700	
CHROMIUM	61.4

CS-150-600	
ARSENIC	14.5
BARIUM	14300
CADMIUM	274
CHROMIUM	2210
LEAD	1510
ZINC	2570

CS-150-550	
BARIUM	1350
CADMIUM	3590
CHROMIUM	440
LEAD	405
ZINC	1890

CS-150-500	
ARSENIC	217
BARIUM	432
LEAD	212
MERCURY	0.22
ZINC	370

CS-150-450	
ARSENIC	41.4
BARIUM	409
LEAD	34.2

CS-150-150	
ARSENIC	11.6
LEAD	39.6
MERCURY	0.23

CS-100-400	
MERCURY	0.22

CS-0-350	
CHROMIUM	195

CS-100-100	
CADMIUM	7.6
CHROMIUM	56
LEAD	120

LEGEND:

- JCL CONTROL POINT
- CHAIN LINK FENCE
- MONITORING WELL
- RAILROAD RAILS
- 573 CONTOURS (ft msl)
- OUTFALL PIPE
- \+ SOIL SAMPLE
- CS-150-150 SAMPLE WITH INORGANICS GREATER THAN CLEANUP GUIDANCE
- CS-100-100 SAMPLE IDENTIFICATION
- CONCENTRATION IN mg/Kg

NOTES:

1. BASE MAP PREPARED BY LU ENGINEERS, INC. OF PENFIELD, NY. UNDER CONTRACT WITH MALCOLM PIRNIE, INC.
2. HORIZONTAL DATUM IS LOCAL WITH ASSUMED COORDINATES AND MAGNETIC NORTH.
3. VERTICAL DATUM IS LOCAL BASED ON THE RISER ELEVATION ON GW-5 AS 575.88. THIS IS PREFERENCED TO A PLAN THAT WAS DONE (BY OTHERS) IN 1991 AND SUPPLIED TO LU ENGINEERS, INC. BY MALCOM PIRNIE, INC.
4. UNLESS OTHERWISE NOTED BY AN "+", ALL SAMPLE LOCATIONS WERE ANALYZED, HOWEVER, ONLY ELEVATED ANALYTICAL RESULTS ARE PRESENTED IN THE FIGURE.

TAGM 4046 SOIL CLEANUP GUIDANCE VALUES (mg/Kg)	
ARSENIC	7.5 OR SB
BARIUM	300
CADMIUM	10
CHROMIUM	50
LEAD	SB (32)
MERCURY	0.10
CYANIDE	NA
ZINC	SB (128)

SB = SITE BACKGROUND

SCALE IN FEET

0 30 60 120

New York State Department of Environmental Conservation

DIVISION OF ENVIRONMENTAL REMEDIATION

WURLITZER "AREA B"
NORTH TONOWANDA, NEW YORK
NIAGARA COUNTY

RECORD OF DECISION

SOIL SAMPLING RESULTS INORGANICS

DATE	SITE NO.	
DEC. 1999	9-32-041	FIGURE 2

7/16/99

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CONRAIL (ABANDON) RAILROAD

WURLITZER AVENUE

TELE BOX

GATE

GW-5S
GW-5

GW-4S
GW-4

12" RCP
INV. 571.21

CS-350-200	
B[a]ANTH	1500
CHRYSENE	1600
B[b]FLUOR	1400
B[k]FLUOR	1200
B[a]PYRENE	1300
DIBENZO	180

CS-300-100	
B[a]ANTH	12000
CHRYSENE	9800
B[b]FLUOR	12000
B[k]FLUOR	7700
B[a]PYRENE	9200
INDENO	5100
DIBENZO	600

CS-300-450	
B[a]ANTH	35,000
B[b]FLUOR	150,000
B[k]FLUOR	24,000
B[a]PYRENE	21,000
DIBENZO	6,100

CS-300-500	
B[a]ANTHR	390
B[a]PYRENE	330

CS-300-300	
B[a]PYRENE	1200

CS-300-250	
B[a]ANTH	1200
CHRYSENE	1300
B[a]PYRENE	1100
DIBENZO	150

CS-250-600	
B[a]ANTHR	250
B[a]PYRENE	350
DIBENZO	48

CS-250-350	
B[a]ANTH	3900
CHRYSENE	3900
B[b]FLUOR	4900
B[k]FLUOR	3400
B[a]PYRENE	4000
DIBENZO	500
3-NITRO	540

CS-200-650	
B[a]ANTH	3500
CHRYSENE	3400
B[b]FLUOR	3700
B[k]FLUOR	2100
B[a]PYRENE	3300
DIBENZO	130
3-NITRO	980

212'±

GW-6
GW-6S

LEGEND:

- JCL CONTROL POINT
- CHAIN LINK FENCE
- MONITORING WELL
- RAILROAD RAILS
- 573 CONTOURS (ft msl)
- OUTFALL PIPE
- \+ SOIL SAMPLE
- CS-150-150 SAMPLE WITH ORGANICS GREATER THAN CLEANUP GUIDANCE

CS-300-250	
B[a]ANTH	1200
CHRYSENE	1300
B[a]PYRENE	1100
DIBENZO	150

SAMPLE IDENTIFICATION

CONCENTRATION IN ug/Kg

NOTES:

1. BASE MAP PREPARED BY LU ENGINEERS, INC. OF PENFIELD, NY. UNDER CONTRACT WITH MALCOLM PIRNIE, INC.
2. HORIZONTAL DATUM IS LOCAL WITH ASSUMED COORDINATES AND MAGNETIC NORTH.
3. VERTICAL DATUM IS LOCAL BASED ON THE RISER ELEVATION ON GW-5 AS 575.88. THIS IS PREFERENCED TO A PLAN THAT WAS DONE (BY OTHERS) IN 1991 AND SUPPLIED TO LU ENGINEERS, INC. BY MALCOM PIRNIE, INC.
4. UNLESS OTHERWISE NOTED BY AN "*", ALL SAMPLE LOCATIONS WERE ANALYZED, HOWEVER, ONLY ELEVATED ANALYTICAL RESULTS ARE PRESENTED IN THE FIGURE.

TAGM 4046 SOIL CLEANUP GUIDANCE VALUES (ug/Kg)		
COMPOUND	ABBREV.	SCG
BENZO[a]ANTHRACENE	B[a]ANTH	224
CHRYSENE	CHRYSENE	400
BENZO[b]FLUORANTHENE	B[b]FLUOR	1100
BENZO[k]FLUORANTHENE	B[k]FLUOR	1100
BENZO[a]PYRENE	B[a]PYRENE	61
INDENO[1,2,3-cd]PYRENE	INDENO	3200
DIBENZO[a,h]ANTHRACENE	DIB[a,h]ANTH	14
3-NITROANILINE	3-NITRO	500

SCALE IN FEET

0 30 60 120

New York State Department of Environmental Conservation

DIVISION OF ENVIRONMENTAL REMEDIATION

WURLITZER "AREA B"
NORTH TONOWANDA, NEW YORK
NIAGARA COUNTY

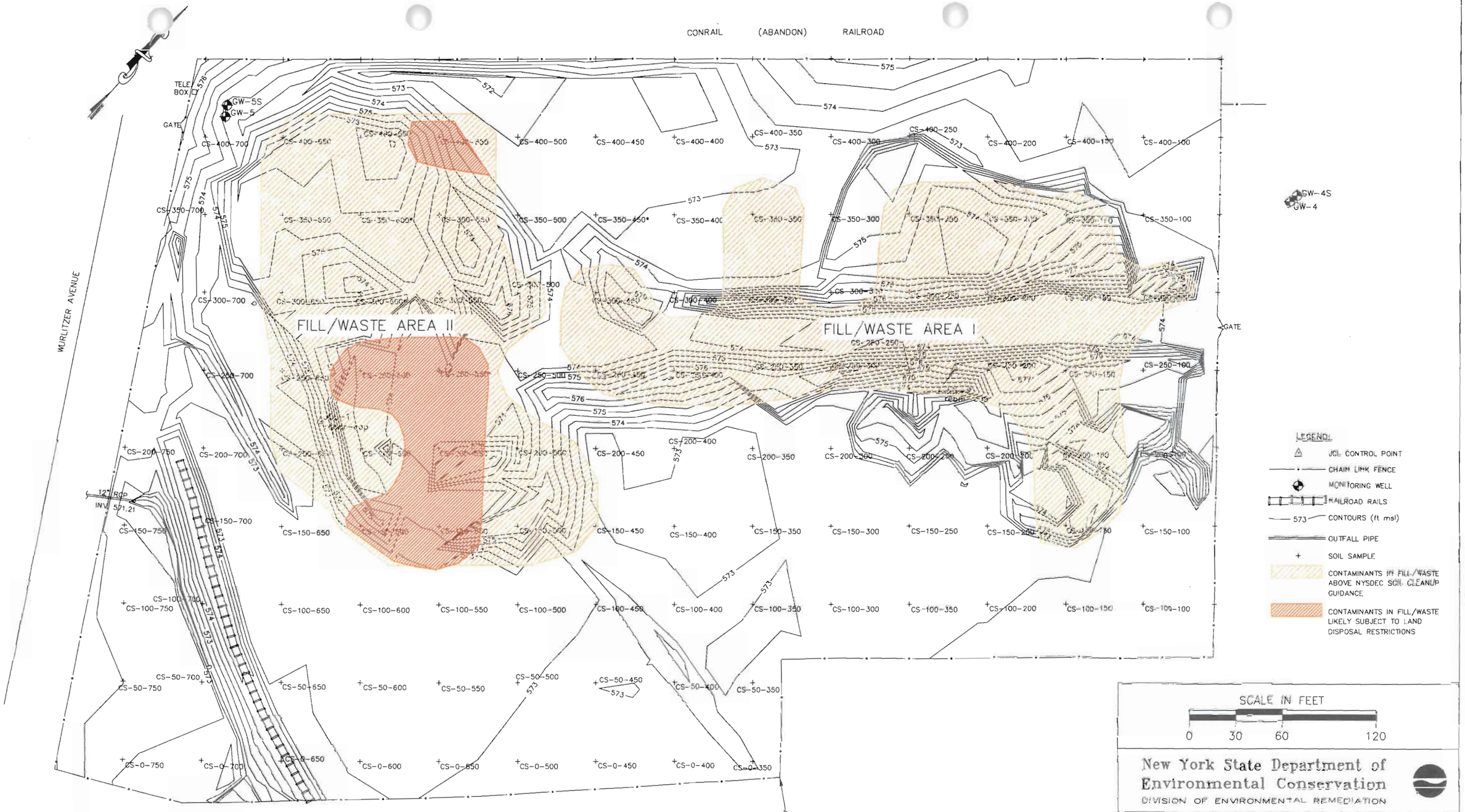
RECORD OF DECISION

SOIL SAMPLING RESULTS ORGANICS

DATE	SITE NO.	
DEC. 1999	9-32-041	FIGURE 3

7/16/99

C:\1_PROJECTS\9-32-041\DWGS\FS_ALT.DWG SF:80



NOTES:

1. BASE MAP PREPARED BY LU ENGINEERS, INC. OF PENFIELD, NY. UNDER CONTRACT WITH MALCOLM PIRNIE, INC.
2. HORIZONTAL DATUM IS LOCAL WITH ASSUMED COORDINATES AND MAGNETIC NORTH.
3. VERTICAL DATUM IS LOCAL BASED ON THE RISER ELEVATION ON GW-5 AS 575.88. THIS IS PREFERENCED TO A PLAN THAT WAS DONE (BY OTHERS) IN 1991 AND SUPPLIED TO LU ENGINEERS, INC. BY MALCOM PIRNIE, INC.

SCALE IN FEET

0 30 60 120

New York State Department of Environmental Conservation

DIVISION OF ENVIRONMENTAL REMEDIATION

WURLITZER - AREA "B"
NORTH TONOWANDA, NEW YORK
NIAGARA COUNTY

RECORD OF DECISION

FILL/WASTE CONTAMINANT AREAS

DATE	SITE NO.	
DEC. 1999	9-32-041	FIGURE 4

7/16/99

Table 1
Wurlitzer Area B
Fill/Waste Solids - Inorganic Contamination

	CONTAMINANT OF CONCERN	CONCENTRATION RANGE (ppm)	FREQUENCY EXCEEDING SCGs	SCG [1,2] (ppm)
Metals	arsenic	ND - 217	24 of 130	7.5 or SB
	barium	41 - 14,300	22 of 130	300 or SB (98)
	cadmium	ND - 6,560	13 of 130	10 or SB (1)
	chromium	9.5 - 4,680	24 of 130	50 or SB (26)
	lead	7.6 - 2,430	26 of 130	SB (32)
	mercury	ND - 6.8	19 of 130	0.1
	zinc	14.7 - 9,410	19 of 130	20 or SB (128)

Notes

1 NYSDEC Division of Environmental Remediation Technical and Administrative Guidance Memorandum: Determination of Soil Cleanup Objectives and Cleanup Levels; "ppm" - parts per million (mg/Kg)

2 SB: Site background - number in ( ), if listed, is average of 4 site background sample concentrations

Table 2
Wurlitzer Area B
Fill/Waste Solids - Organic Contamination

	CONTAMINANT OF CONCERN	CONCENTRATION RANGE (ppb)	FREQUENCY EXCEEDING SCGs	SCG [1] (ppb)
Semi-Volatiles	benzo[a]anthracene	ND - 38,000	17 of 130	224
	chrysene	ND - 39,000	13 of 130	400
	benzo[b]flouranthene	ND - 150,000	13 of 130	1,100
	benzo[k]flouranthene	ND - 28,000	13 of 130	1,100
	benzo[a]pyrene	ND - 30,000	18 of 130	61
	indeno[1,2,3-cd]pyrene	ND - 21,000	4 of 130	3,200
	Dibenzo[a,h]anthracene	ND - 6,100	11 of 130	14
	3-nitroaniline	ND - 980	2 of 130	500

Notes

1 NYSDEC Division of Environmental Remediation Technical and Administrative Guidance Memorandum: Determination of Soil Cleanup Objectives and Cleanup Levels; "ppb" - parts per billion (ug/Kg)

Appendix A

Responsiveness Summary

Wurlitzer Area B Site
Proposed Remedial Action Plan
Site # 9-32-041 Operable Unit 02

The Proposed Remedial Action Plan (PRAP) for the Wurlitzer Area B site was prepared by the New York State Department of Environmental Conservation (DEC) and issued to the public on November 1, 1999. This plan outlined the basis for the recommended remedy at the Wurlitzer Area B site and provided opportunities for public input prior to final remedy selection.

The release of the PRAP was announced via a notice to the mailing list, informing the public and other interested parties of the PRAP's availability. A public meeting was held on November 15, 1999, and included a summary of the Remedial Investigation and the Feasibility Study. The PRAP was also presented at this meeting. While no opposition to the proposed remedy was raised at the meeting, several questions were posed regarding remedy implementation and timing. These comments were addressed at the meeting, and have also been summarized and included in this Responsiveness Summary. No other comments or questions regarding the proposed remedy were received by the DEC during the public comment period which ran from November 1, 1999 - December 1, 1999.

Questions from the November 15, 1999 public meeting:

Question: The proposed plan calls for removal of only some of the waste piles. What will happen to the rest of the piles?

State Response:

The selected remedy requires removal of all waste/fill material which exceeds SCGs. Other fill and waste material, such as concrete rubble, asphalt roofing wastes, and soil and granular fill materials will remain on site. After removing the contaminated media from the site, disturbed areas will be re-graded and re-vegetated to prevent erosion and facilitate drainage.

Question: During the removal of the wastes, how will nearby residents be effected?

State Response:

There will be some short term impacts associated with the removal of the contaminated materials. Impacts will primarily be limited to truck traffic and noise from machinery. Site worker and community air monitoring procedures will be in place to ensure that workers and residents are protected from airborne impacts such as dusts. Action levels will be set for the work zone and the site perimeter so that site activities can be halted if airborne particulates become a concern.

Question: When will the removal take place? Does the time of year make a difference?

State Response:

It is not precisely known when the remedy will be implemented. It will depend upon the willingness of a PRP or PRP group to undertake the remedy, and will depend on how long it may take to negotiate a Consent Order (the legal agreement) with the PRP(s) for remedy implementation. The site remedy may occur during the 2000 calendar year, although it is also possible that work may also occur in 2001. The removal effort will not likely occur during the winter months (since snow will complicate identification of waste areas), but may occur at any other time.

The State will contact Potentially Responsible Parties (PRPs), including but not limited to current and past Area B property owners, in an attempt to obtain PRP implementation of the remedy. Any PRP choosing to implement the remedy would need to execute an Order on Consent with the State before remedy implementation. Should the PRPs be unwilling to undertake the remedy, the site will again be referred for DEC action using the State Superfund.

Question: What routes will the trucks hauling the waste/fill off-site for disposal take?

State Response:

Area B will be accessed from one of two available routes: either the gate located nearest the Wurlitzer industrial park property, or from Wurlitzer Drive on the southwest side of Area B. Either of these routes will enable trucks to enter the site from major highways, outside the local residential area.

Question: Will the remedy provide for improved drainage of the area behind the homes along Fairmont Avenue?

State Response:

The Area B site is bounded on the northwest by the raised Oxbow pipeline right-of-way (former Conrail right-of-way, see figure 1-2). The low lying area between the residential backyards and Oxbow pipeline is not part of the Area B site and will not be filled or re-graded as part of the site remediation. Removal of the contaminated waste/fill materials from the site will involve some regrading and re-vegetation of disturbed areas within the limits of the current Area B fence. Some clean soils may be delivered and placed as part of this work.

Question: Will the City of North Tonawanda be involved in the remedy?

State Response:

Not likely. However, the NYSDEC will keep the City informed of site progress.

Question: Are the names of the PRPs public knowledge?

State Response:

Some PRPs have been identified to date. The current Area B site owners are reportedly Ancor Industrial Plastics and "Blue Bird Industrial Park North". It is possible that previous owners or operators may be identified. Such information will be developed by the DEC Environmental Enforcement staff in the DEC Region 9 (Buffalo) office and will be a matter of public record.

APPENDIX B

Administrative Record
Wurlitzer Area B Site

Proposed Remedial Action Plan; New York State Department of Environmental Conservation; October 1999.

Feasibility Study - Wurlitzer Area B Site; New York State Department of Environmental Conservation; July 1999.

Remedial Investigation Report - Wurlitzer Area B Site; New York State Department of Environmental Conservation; July 1999.

Phase II Investigation - Wurlitzer Site; Ecology & Environment; 1989

Phase I Investigation - Wurlitzer Site; Engineering Science and Dames & Moore; 1989