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# EXPLANATION OF SIGNIFICANT DIFFERENCE FOSTER REFRIGERATION SITE



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City of Hudson / Columbia County / Site No. B00184 / January 2019

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Prepared by the New York State Department of Environmental Conservation  
Division of Environmental Remediation

## 1.0 INTRODUCTION

The purpose of this notice is to describe the progress of the cleanup at the Foster Refrigeration site and to inform you about a change in the site remedy. The site is located at 119 North 2nd Street in the City of Hudson, Columbia County. On June 29, 2007, the New York State Department of Environmental Conservation (NYSDEC) issued a Record of Decision (ROD) which selected a remedy to clean the site to an industrial/commercial reuse level. Since that time, the City of Hudson's reuse plans have changed, and the area is now seen as becoming an access point for several nearby nature trails and may be used as a park, making a cleanup to restricted residential levels (which permits active recreational use) a more appropriate remedial action objective. To accommodate this new use, the former site-wide cleanup level of 1,000 parts per million (ppm) of lead in soil has been changed to 400 ppm in the upper two feet, while allowing for higher concentrations at depth, provided that the remaining subsurface soil does not represent a source of contamination to other media (e.g., groundwater). Further, the original ROD called for continued groundwater sampling, however, groundwater analysis performed since the ROD was issued indicates that groundwater currently meets applicable standards, so further sampling of groundwater will not be required. Finally, soil sampling performed since the ROD in the area where PCBs had been found during the remedial investigation detected no PCBs at levels requiring remediation; therefore, the original plan to excavate up to 25 cubic yards due the presence of PCBs is no longer necessary, as the site already meets the targeted cleanup objectives. This Explanation of Significant Difference (ESD) will become part of the Administrative Record for this Site. The information here is a summary of what can be found in greater detail in documents that have been placed in the following repository:

Hudson Area Association Library  
51 North 5th Street  
Hudson, New York 12534  
Tel: (518) 828-1792

Monday - closed  
Tuesday – 9 am to 8 pm  
Wednesday – 9 am to 8 pm  
Thursday – 9 am to 5 pm  
Friday – 9 am to 5 pm  
Saturday – 10 am to 3 pm  
Sunday - closed

Although this is not a request for comments, interested persons are invited to contact the Department's Project Manager for this site to obtain more information or have questions answered. The Project Manager's contact information is:

Mr. Jeffrey Trad, P.E., Project Manager  
NYS Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway, 12<sup>th</sup> Floor  
Albany, NY 12233-7017

Tel: (518) 402-9813

Email: [jeffrey.trad@dec.ny.gov](mailto:jeffrey.trad@dec.ny.gov)

## **2.0 SITE DESCRIPTION AND ORIGINAL REMEDY**

### **2.1 Site History, Contamination, and Selected Remedy**

The site is located at 119 North 2nd Street in the City of Hudson. The site consists of one parcel and is approximately three acres in size. The Hudson River is approximately 300 feet to the northwest of the site and a wetland area is located between the river and the site. The property is currently zoned as "I-1" by the City of Hudson, which is an industrial use zoning category. The adjoining lands to the northeast and northwest are zoned recreational and conservation uses. Lands to the southwest, southeast and south are zoned for both industrial and residential uses. The nearest residence is approximately 100 feet from the southern portion of the site. Depth to groundwater is as shallow as four feet below ground surface, and the groundwater flow direction is northwest, towards the Hudson River.

Beginning in 1946, the site was the location of the Foster Refrigeration company and was used to manufacture refrigerators for use in medical, marine and food service applications. The facility ceased operation in 1994 when it became the subject of foreclosure proceedings. A remedial investigation was completed in the summer of 2007 under the State's Environmental Restoration Program and it was determined that the site was contaminated by lead, and to a lesser extent, PCBs. The source of the lead appeared to be related to fill material deposited on the property, likely in an effort to fill in wetlands. The source of the PCBs detected in one sampling location is unknown, but was assumed to be related to the site's decades-long industrial use.

A ROD was issued in June of 2007 calling for the excavation and disposal of approximately 2,600 cubic yards of lead contaminated soil exceeding the commercial cleanup objective of 1,000 ppm, as well as the removal of approximately 25 cubic yards of PCB-contaminated soils with concentrations exceeding 1 ppm, thought to be below the building's slab.

The site's remedial program was stalled for several years following the issuance of the ROD, while funding issues were worked out prior to implementing the remedy. During this period, site buildings were partially demolished by a City of Hudson contractor. The demolition project was halted prior to completion, leaving the steel superstructures standing and large quantities of demolition debris on-site. Subsequent inspections by the NYSDEC indicated the potential for asbestos containing materials to remain, attached to the superstructure, as well as within the debris and elsewhere on the site. Because of the change in site conditions, as well as continued funding constraints, the site remained in a partially demolished state until the Fall of 2015, when the remaining demolition work and asbestos removal was completed by the NYSDEC under the New York Works grant program.

### **3.0 CURRENT STATUS**

The site is being addressed by the City of Hudson and the NYSDEC using New York Works II funding provided for the State's Environmental Restoration Program. Under that program, the municipality is allowed to choose between administering the program and seeking reimbursement from the State, or having the NYSDEC administer the program and pay a share of the cleanup costs upon completion. In this case, the City of Hudson elected to allow the NYSDEC to conduct the program.

As part of the NYSDEC's remedial action project, the top two feet of soil will be excavated and disposed offsite. The site will be capped with two feet of clean soil meeting restricted residential standards, with a demarcation layer placed below the clean fill. An Environmental Easement will be placed on the site and a Site Management Plan will be implemented to address residual subsurface contamination.

### **4.0 DESCRIPTION OF SIGNIFICANT DIFFERENCE**

#### **4.1 New Information**

As summarized above, post-ROD sampling was performed in 2015 and 2016 to better characterize the nature and extent of contamination prior to undertaking the selected remedy. The key findings of this sampling were: 1) PCB contamination detected in the original study could not be duplicated, and no PCBs were detected above 1 part per million (ppm) in that area; 2) groundwater samples collected showed no exceedances for lead, the only groundwater contaminant addressed by the ROD; and 3) soil samples collected correlated well with the lack of observed groundwater contamination, no results exceeded the hazardous waste threshold of 5 milligram per liter (mg/l) by the Toxicity Characteristic Leaching Procedure (TCLP). Further, the City of Hudson expressed a desire to use the area as an access point for several nearby nature trails, with the possibility that some of the unpaved areas may eventually become a park. These uses are not compatible with the industrial/commercial cleanup originally selected for the site.

#### **4.2 Comparison of Changes with Original Remedy**

The original remedy called for the removal of all soil above the commercial use Soil Cleanup Objective (SCO), which would have resulted in a smaller volume of lead-contaminated soil being removed than is required to meet restricted residential SCOs. However, that cleanup to commercial SCOs would have resulted in exposed soil containing up to 1,000 ppm of lead, a level that is too high for the now-contemplated active recreational use. Under the change being documented in this ESD, the upper two feet of soil throughout the site will meet the restricted residential SCO for all site-related contaminants, including lead. Implementing this change will require the removal of 5,000 cubic yards of soil from the upper two feet across the site, with clean soil meeting the lower of the restricted residential SCO and the groundwater protection SCO, being brought to the site to bring the site to grade and serve as a site cover. Also, some soil off-site and immediately abutting the wetlands to the northwest will be remedied to the same level as on-site soils (i.e., restricted residential SCOs in the upper two feet). This change in remedy will also require a change in the Site Management Plan, as the two feet of restricted residential soil must be managed as a site cover, as does any remaining former building slabs at the site following remedy construction.

As mentioned above, the earlier report of PCBs detected beneath the building at one location was not substantiated in the follow-up study, so there is no need to excavate the estimated 25 cubic yards of soil called for in the ROD.

Finally, post-ROD groundwater samples were found to meet the applicable standard for lead, so no future groundwater sampling will be required.

## 5.0 SCHEDULE AND MORE INFORMATION

The NYSDEC achieved Substantial Completion of the remedial construction on September 6, 2018. Final Completion of the remedial construction was achieved on October 2, 2018.

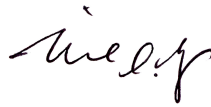
If you have questions or need additional information you may contact any of the following:

Mr. Jeffrey E. Trad, P.E.  
NYSDEC  
625 Broadway, 12<sup>th</sup> Floor  
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Rick Georgeson, CP Specialist - 518-357-2273

Richard Mustico, NYSDEC, Region 4 - 518-357-2273

Steve Lawrence, NYSDOH - 518-402-7860



January 16, 2019

Date

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Michael J. Ryan, P.E.  
Director  
Division of Environmental Remediation

## DECLARATION

The selected remedy is protective of public 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.




**PRECISION**  
 ENVIRONMENTAL SERVICES, INC.  
 831 RT. 67, LOT 28  
 BALLSTON SPA, NY 12020  
 TEL: 518-885-4399  
 FAX: 518-885-4416  
 CERTIFIED WOMEN-OWNED BUSINESS ENTERPRISE

PROPOSED 2-FT CUT AREA

FOSTER REFRIGERATION

PROJECT #: NYSDEC SITE NO.: B00184

LOCATION: 119 NORTH 2ND ST., HUDSON, NY




DATE: 10/20/16

REVISED BY: SMP

FIGURE: 1

SCALE: AS SHOWN

**LEGEND**

-  INSTALLED SOIL BORING
-  PERCEIVED FOOTPRINT OF ORIGINAL STRUCTURE AS DEPICTED IN 1952 AERIAL IMAGE BY ERS
-  PROPOSED EXCAVATION BOUNDARY

APPROXIMATE SCALE:



**NOTES:**

\*All Locations are approximate