RECORD OF DECISION

Matt Petroleum
Operable Unit Number: 02
Environmental Restoration Project
Utica, Oneida County
Site No. B00192
March 2011

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

DECLARATION STATEMENT - RECORD OF DECISION

Matt Petroleum
Operable Unit Number: 02
Environmental Restoration Project
Utica, Oneida County
Site No. B00192
March 2011

Statement of Purpose and Basis

This document presents the remedy for Operable Unit Number: 02 of the Matt Petroleum site, an environmental restoration site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for Operable Unit Number: 02 of the Matt Petroleum site and the public's input to the proposed remedy presented by the Department. A listing of the documents included as a part of the Administrative Record is included in Appendix B of the ROD.

Description of Selected Remedy

During the course of the investigation certain actions, known as interim remedial measures (IRMs), were undertaken at the above referenced site. An IRM is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before completion of the remedial investigation (RI) or alternatives analysis (AA). The IRM(s) undertaken at this site are discussed in Section 5.2.

Based on the implementation of the IRM(s), the findings of the investigation of this site indicate that the site no longer poses a threat to human health or the environment; therefore No Further Action is the selected remedy. The remedy may include continued operation of a remedial system if one was installed during the IRM and the implementation of any prescribed institutional controls/engineering controls (ICs/ECs) that have been identified as being part of the remedy for the site.

The IRM(s) conducted at the site attained the remediation objectives identified for this site in Exhibit B for the protection of public health and the environment.

New York State Department of Health Acceptance

The New York State Department of Health (NYSDOH) concurs that the remedy for this site is

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.

MAR 18 2011

Date

Dale A. Desnoyers, Director
Division of Environmental Remediation

RECORD OF DECISION

Matt Petroleum
Utica, Oneida County
Site No. B00192
March 2011

SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), is proposing a remedy for the above referenced site. The disposal of contaminants at the site resulted in threats to public health and the environment that were addressed by actions known as interim remedial measures (IRMs), which were undertaken at the site. An IRM is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before completion of the remedial investigation (RI) or feasibility study (FS). The IRMs undertaken at this site are discussed in Section 5.2. Contaminants include hazardous wastes and/or petroleum.

Based on the implementation of the IRM(s), the findings of the investigation of this site indicate that the site no longer poses a threat to human health or the environment; therefore No Further Action is the remedy selected by this Record of Decision (ROD). A No Further Action remedy may include continued operation of any remedial system installed during the IRM and the implementation of any prescribed controls that have been identified as being part of the proposed remedy for the site.

The IRM(s) conducted at the site attained the remediation objectives identified for this site, which are presented in the attached exhibits, for the protection of public health and the environment. This ROD identifies the IRM(s) conducted and discusses the basis for No Further Action.

The 1996 Clean Water/ Clean Air Bond Act provides funding to municipalities for the investigation and cleanup of brownfields. Brownfields are abandoned, idled, or under-used properties where redevelopment is complicated by real or perceived environmental contamination. They typically are former industrial or commercial properties where operations may have resulted in environmental contamination. Brownfields often pose not only environmental, but legal and financial burdens on communities. Under the Environmental Restoration Program, the state provides grants to municipalities to reimburse up to 90 percent of eligible costs for site investigation and remediation activities. Once remediated, the property can then be reused.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and 6 NYCRR Part 375. This document is a summary of the information that can be found in the site-related reports and documents.

SECTION 2: SITE DESCRIPTION AND HISTORY

Location: The Matt Petroleum Site is located on Leland Avenue in the City of Utica, Oneida County.

Site Features: The property is approximately 4.7 acres in size and currently contains one intact building which housed the former Matt Petroleum offices and maintenance facility. The site previously contained ten bulk petroleum tanks, three above ground blending tanks, a slop tank, an oil/water separator, five loading racks, two pump houses, buried piping and four buildings, which were removed from the site during an IRM conducted from the November of 2003 to June of 2004.

Current Zoning/Use(s): The site is currently inactive and is located in an industrial area in the northern part of the City. The City of Utica Fire Training Facility (former bulk petroleum terminal known as the Synthetic Fuel) and Universal Waste (scrap yard) are located to the east and southeast; the City of Utica Bus Garage, the former East Olive Oil Company and rail lines are located to the south; a former bulk petroleum terminal is located to the west; and the Mohawk River is found directly north of the site. The Mohawk River is listed as a Class C water body in this section of Utica.

Historical Use(s): The property was the site of a former brickyard during the first half of the 1900s. From approximately 1950 to the early 1990s the property was used as a bulk petroleum terminal. Since the 1990s the site has remained unused.

Operable Units: The site was divided into two operable units. An operable unit represents a portion of a remedial program for a site that for technical or administrative reasons can be addressed separately to investigate, eliminate or mitigate a release, threat of release or exposure pathway resulting from the site contamination.

Operable Unit No. 1 (OU1) includes the on-site area. A Record of Decision (ROD) was signed on June 29, 2007 for OU1, which required the site to be remediated utilizing a soil turning/biological treatment process. In 2010, 46,476 tons of heavily contaminated soil were removed from the site and an off-site area along the bank of the Mohawk River. Approximately 75% of OU1 was remediated and backfilled with clean soil. An additional 20,000 cubic yards of petroleum contaminated soils remain on-site awaiting mechanical soil turning in order to meet soil cleanup objectives (SCOs).

Operable Unit No. 2 (OU2) consists of off-site areas including the sediments, surface water and soil along the banks of the Mohawk River in proximity to the site. The Remedial Investigation for OU2 studied areas upstream, adjacent and downstream of the site.

Site Geology and Hydrogeology: The site is relatively flat. The site soils are comprised of fill overlying a clay-silt unit. The overlying fill extends from the ground surface to between seven to twelve feet. This soil contains fine to coarse sand and gravel with brick fragments, concrete and other pieces of rubble and debris. The underlying clay-silt unit starts generally from seven to

twelve feet below the ground surface. This material is characterized as a low permeability layer, which creates a barrier to downward contamination migration. Groundwater flows to the north and is found varying from two to four feet below the ground surface, depending on seasonal fluctuations.

Operable Unit (OU) Number 02 is the subject of this document.

A Record of Decision was issued previously for OU 01.

A site location map is attached as Figure 1.

SECTION 3: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, alternatives (or an alternative) that restrict(s) the use of the site to commercial use (which allows for industrial use) as described in Part 375-1.8(g) is/are being evaluated in addition to an alternative which would allow for unrestricted use of the site.

A comparison of the results of the investigation to the appropriate standards, criteria and guidance values (SCGs) for the identified land use and the unrestricted use SCGs for the site contaminants is included in the Tables for the media being evaluated in Exhibit A.

SECTION 4: ENFORCEMENT STATUS

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

No PRPs have been documented to date.

Since no viable PRPs have been identified, there are currently no ongoing enforcement actions. However, legal action may be initiated at a future date by the state to recover state response costs should PRPs be identified. The City of Utica will assist the state in its efforts by providing all information to the state which identifies PRPs. The City of Utica will also not enter into any agreement regarding response costs without the approval of the Department.

SECTION 5: SITE CONTAMINATION

5.1: Summary of the Remedial Investigation

A Remedial Investigation (RI) has been conducted. The purpose of the RI was to define the nature and extent of any contamination resulting from previous activities at the site. The field activities and findings of the investigation are described in the RI Report.

The following general activities are conducted during an RI:

- Research of historical information,
- Geophysical survey to determine the lateral extent of wastes,
- Test pits, soil borings, and monitoring well installations,
- Sampling of waste, surface and subsurface soils, groundwater, and soil vapor,
- Sampling of surface water and sediment,
- Ecological and Human Health Exposure Assessments.

5.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. The Department has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs for drinking water and soil vapor intrusion. The tables found in Exhibit A list the applicable SCG in the footnotes. For a full listing of all SCGs see: http://www.dec.ny.gov/regulations/61794.html

5.1.2: RI Information

The analytical data collected on this site includes data for:

- groundwater
- surface water
- soil
- sediment

The data have identified contaminants of concern. A "contaminant of concern" is a contaminant that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified on the property are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized in Exhibit A. Additionally, the RI Report contains a full discussion of the data. The contaminant(s) of concern identified for this Operable Unit at this site is/are:

1,2,4-trimethylbenzene	naphthalene
1,3,5-trioxane, 2,4,6-trimethyl-	toluene
ethylbenzene	benzene
xylene (mixed)	

Based on the investigation results, comparison to the SCGs, and the potential public health and environmental exposure routes, certain media and areas of the site required remediation. These media were addressed by the IRM(s) described in Section 6.2. More complete information can be found in the RI Report and the IRM Construction Completion Report.

5.2: Interim Remedial Measures

An interim remedial measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Record of Decision.

The following IRM(s) has/have been completed at this site based on conditions observed during the RI.

IRM Tank Removal, Asbestos Abatement, Product Removal

The Matt Petroleum Site was a former major oil facility located along the Mohawk River in the City of Utica. The IRM cleaned and removed 17 above ground storage tanks which ranged from 750,000 to 1.5 million gallons in size from the Main Site (OU1). Additional smaller tanks, buildings, pipelines and other structures were also dismantled and taken off site.

Mohawk River Bank

In 2010, as part of the implementation of the OU1 Record of Decision remedy, contaminated soils located on the bank of the Mohawk River in the OU2 area were excavated for off-site disposal. All excavations were backfilled with clean soil.

5.3: Summary of Human Exposure Pathways

This human exposure assessment identifies ways in which people may be exposed to site-related contaminants. Chemicals can enter the body through three major pathways (breathing, touching or swallowing). This is referred to as *exposure.*

The site is located in a remote industrial area of the City of Utica and is fenced. Access to contaminated sediments adjacent to the site is not likely. Surface water near the site is not used by any public water supplies and the area is served by a municipal supply with a source remote from the site. The potential for contaminated soil vapor to impact structures will need to be assessed for future site development.

5.4: Summary of Environmental Assessment

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water.

The Fish and Wildlife Resources Impact Analysis (FWRIA) for OU 02, which is included in the RI report, presents a detailed discussion of the existing and potential impacts from the site to fish and wildlife receptors.

Based upon the remedial investigation, the primary contaminants of concern for OU1 include volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs) and inorganics (metals). Site contamination has impacted the groundwater resource throughout the site. Eleven of sixteen monitoring wells contained VOCs, and eight of these contained one or more VOCs at a concentration that exceeds the groundwater SCGs. Five of sixteen monitoring wells contained SVOCs, and one of these contained one SVOC at a concentration exceeding the groundwater SCGs. Four monitoring wells sampled were analyzed for metals and displayed elevated iron and manganese levels, and one well also had elevated magnesium and sodium concentrations.

Fifty of seventy-seven soil borings and six of six test pit samples showed the presence of VOCs in the subsurface soils and twenty-one of the fifty samples contained either individual VOCs or total VOCs at concentrations that were above the soil SCGs. Sixty-five of seventy-seven samples contained one or more individual SVOCs at concentrations that were above the soil SCGs. Four soil boring samples were collected for metals analysis. One sample contained cyanide at 2.15 ppm, another sample contained mercury at 0.6 ppm, arsenic at 14.9 ppm and zinc at 115 ppm, each above their respective SCGs. The contamination, however, has been significantly reduced/removed since approximately 46,476 tons of heavily contaminated soils were removed from the site and along the Mohawk River.

The majority Operable Unit No. 1 (OU1) soils have been remediated. An additional 20,000 cubic yards of petroleum impacted soil remains on-site awaiting mechanical soil turning in order to meet soil cleanup objectives (SCOs).

The primary contaminants of concern for Operable Unit No. 2, the off-site area, are VOCs and SVOCs. The remedial investigation has shown that contamination in subsurface soil along the bank of the Mohawk River is consistent with previous investigations for OU1. Off-site surface water and sediment contamination levels found adjacent to the site are only slightly above SCGs. The migration of site related VOCs to the Mohawk River has been eliminated by removing the source materials found in soil in OU1 and OU2.

Investigations indicate that downgradient sediment contamination is the result of a separate, off-site source known as Synthetic Oil which is a former major oil storage facility. This site has been referred to the Department's Spill Response program for evaluation and appropriate action.

SECTION 6: SUMMARY OF SELECTED REMEDY

The RI has confirmed the presence of petroleum contamination in soils along the banks of the Mohawk River. This contamination originated from the upland portion of the site or Operable Unit 1. The RI has also shown that impacts to both surface water and sediment exist, however, the sediment impacts are due to a separate downgradient source.

In 2004, as an IRM, 17 above ground storage tanks ranging in size from 750,000 to 1.5 million gallons, were cleaned and removed from the site. Additional smaller tanks, buildings, pipelines and other structures were dismantled.

In 2010, 46,476 tons of heavily contaminated soils were removed from the site and along the Mohawk River. This resulted in approximately 75% of the site being remediated and backfilled with clean soil.

Under OU1, an additional 20,000 cubic yards of petroleum impacted soils remain on-site awaiting mechanical soil turning in order to meet soil cleanup objectives (SCOs). By addressing the source materials found in soil in OU1 and OU2 (Mohawk River Bank), the migration of site related VOCs to the Mohawk River has been eliminated.

Based on the implementation of the IRMs and the OU1 remedial program, the findings of the investigation support that this site no longer poses a threat to human health or the environment; therefore No Further Action is the selected remedy for OU2.

Exhibit A

Nature and Extent of Contamination

This section describes the findings of the Remedial investigation. As described in the RI report, soil and groundwater contamination was identified at the site and are impacting off-site soil, surface water and sediment.

Soil

Subsurface soil samples were collected during the RI in order to determine where contamination from the site might be entering the Mohawk River. Thirteen soil borings were advanced in the bank area at the site along the banks of the Mohawk River, as well as downstream of the site. Upstream samples were not obtained due to the presence of a concrete barrier wall along the Mohawk River.

VOCs were detected, which exceeded the soil cleanup objectives (SCOs) for the protection of groundwater in four out of the six soil samples obtained from the banks of the Mohawk River at the site and in two out of the eight soil samples from the downstream area, east of the Leland Avenue Bridge.

Table 1 – Subsurface Riverbank Soil at the Site

Detected Constituents	Concentration Range Detected (ppm)[a]	Unrestricted SCG[b] (ppm)	Frequency Exceeding Unrestricted SCG	Protection of Groundwater SCG[c] (ppm)	Frequency Exceeding Restricted SCG
VOCs					
1,2,4 - Trimethylbenzene	5 to 55	3.6	2 out of 6	3.6	2 out of 6
1,3,5 - Trimethylbenzene	ND to 26	8.4	1 out of 6	8.4	1 out of 6
Ethylbenzene	ND to 20	1	1 out of 6	1	1 out of 6
Xylene	4.8 to 53.1	0.26	5 out of 6	1.6	4 out of 6
n - propylbenzene	7 to 16	3.9	2 out of 6	3.9	2 out of 6
Naphthalene	ND to 20	12	1 out of 6	12	1 out of 6
Tert - Butylbenzene	ND to 8.7	5.9	1 out of 6	5.9	1 out of 6

a - ppm: parts per million, which is equivalent to milligrams per kilogram, mg/kg, in soil;
b - SCG: Part 375-6.8(a), Unrestricted Soil Cleanup Objectives.
c - SCG: Part 375-6.8(b), Restricted Use Soil Cleanup Objectives for the Protection of Groundwater.

Table 2 – Downgradient/off-site Subsurface Soil					
Detected Constituents	Concentration Range Detected (ppm)[a]	Unrestricted SCG[b] (ppm)	Frequency Exceeding Unrestricted SCG	Protection of Groundwater SCG[c] (ppm)	Frequency Exceeding Restricted SCG
VOCs					
Ethylbenzene	ND to 9	1	1 out of 6	1	1 out of 6
Xylene	ND to 5.2	0.26	1 out of 6	1.6	1 out of 6
n-propylbenzene	5.1 to 7.4	3.9	2 out of 6	3.9	2 out of 6

a - ppm: parts per million, which is equivalent to milligrams per kilogram, mg/kg, in soil;
b - SCG: Part 375-6.8(a), Unrestricted Soil Cleanup Objectives.
c - SCG: Part 375-6.8(b), Restricted Use Soil Cleanup Objectives for the Protection of Groundwater.

Soil contamination identified during the RI was addressed during the IRM and during the remediation performed on OU1 described in Section 5.2.

Surface Water

Nineteen surface water samples were obtained from the Mohawk River at locations upstream, adjacent to and downstream of the site. Samples were obtained along the same transects as the soil borings and sediment samples were collected near the bank of the River where contamination would most likely be entering the water column.

One VOC (isopropylbenzene) was detected at an upstream sampling location above the surface water SCGs. Petroleum-related VOCs were detected at levels exceeding their SCGs in one sample collected adjacent to the site and at the ranges and frequency identified in Table 4. VOCs were also detected in downgradient samples at ranges and frequencies identified in Table 5. One SVOC, phenanthrene, was detected in the downstream surface water.

Table 3 - Surface Water Results Upgradient of the Matt Petroleum Site			
Detected Constituents	Concentration Range Detected (ppb)[a]	SCG[b] (ppb)	Frequency Exceeding SCG
VOCs			
Isopropylbenzene	ND – 5.1	5	1 out of 6

a - ppb: parts per billion, which is equivalent to micrograms per liter, ug/L, in water.
b- SCG: Ambient Water Quality Standards and Guidance Values (TOGs 1.1.1) and 6 NYCRR Part 703: Surface Water and Groundwater Quality Standards.

Table 4 - Surface Water Results Adjacent to the Matt Petroleum Site			
Detected Constituents	Concentration Range Detected (ppb)[a]	SCG[b] (ppb)	Frequency Exceeding SCG
VOCs			
1,2,4 - Trimethylbenzene	ND – 9J	5	1 out of 6
1,3,5 - Trimethylbenzene	ND – 10 J	5	1 out of 6
Ethylbenzene	ND – 10	5	1 out of 6
Benzene	ND – 1	1	1 out of 6
Toluene	ND – 6.5	5	1 out of 6
Isopropylbenzene	ND – 16	5	1 out of 6
Xylene	ND – 16	5	1 out of 6
n - propylbenzene	ND – 60J	5	2 out of 6
Naphthalene	ND – 21	13	1 out of 6

a - ppb: parts per billion, which is equivalent to micrograms per liter, ug/L, in water.
b - SCG: Ambient Water Quality Standards and Guidance Values (TOGs 1.1.1) and 6 NYCRR Part 703: Surface Water and Groundwater Quality Standards.

Table 5 - Surface Water Results Downgradient of the Matt Petroleum Site			
Detected Constituents	Concentration Range Detected (ppb)[a]	SCG[b] (ppb)	Frequency Exceeding SCG
VOCs			
1,2,4 – Trimethylbenzene	ND – 40 J	5	1 out of 6
1,3,5 – Trimethylbenzene	ND – 50 J	5	1 out of 6
Benzene	ND – 72	1	1 out of 6
Isopropylbenzene	ND - 91	5	1 out of 6
Xylene	ND – 144	5	1 out of 6
n - Butylbenzene	ND – 92	5	1 out of 6

n - propylbenzne	ND - 85	5	1 out of 6
Sec-Butylbenzene	ND - 70	5	1 out of 6
SVOCs			
Phenanthrene	ND – 200 J	50	1 out of 6

a - ppb: parts per billion, which is equivalent to micrograms per liter, ug/L, in water.
b - SCG: Ambient Water Quality Standards and Guidance Values (TOGs 1.1.1) and 6 NYCRR Part 703: Surface Water and Groundwater Quality Standards.

No site-related surface water contamination of concern was identified during the RI. Therefore, no remedial alternatives need to be evaluated for surface water.

Sediments

Nineteen sediment samples were collected at locations upstream, adjacent to, and downstream of the Site, to characterize the Mohawk River sediments. Sediment samples were advanced at locations which correlated with the on-site soil borings and the off-site surface water samples.

VOCs and SVOCs were detected in the Mohawk River sediment samples upgradient, adjacent to and downgradient of the site. No exceedances of individual compounds as compared to the Technical Guidance for Screening Contaminated Sediments have been documented adjacent to the site, however, two samples which are downgradient of the site exceeded the guidance value for total polyaromatic hydrocarbons (PAHs) of 4 ppm. Visually impacted sediment and soil was observed at several of the downstream locations. The RI for OU2 indicates that downgradient sediment contamination is the result of a separate off-site source known as Synthetic Oil which is a former major oil storage facility.

Table 6 – Sediment Samples Adjacent to the Matt Petroleum Site

Detected Constituents	Concentration Range Detected (ppm)[a]	SCG (ppm)	Frequency of Detection	Frequency Exceeding SCG
Fluoranthene	ND – 0.1 J	1020	3 out of 6	0 out of 6
Pyrene	ND – 0.8 J	961	4 out of 6	0 out of 6
Benzo(b)fluoranthene	ND – 0.1 J		2 out of 6	

a - ppm: parts per million, which is equivalent to milligrams per kilogram, mg/kg, in sediment;
b - SCG: The Department's "Technical Guidance for Screening Contaminated Sediments."
Blank SCG = none identified

Table 7 – Sediment Samples Downgradient of the Matt Petroleum Site				
Detected Constituents	Concentration Range Detected (ppm)[a]	SCG (ppm)	Frequency of Detection	Frequency Exceeding SCG
Fluoranthene	ND – 0.96	1020	7 out of 8	0 out of 8
Phenanthrene	ND – 3.1	120	3 out of 8	0 out of 8
Pyrene	ND – 0.72	961	6 out of 8	0 out of 8
Benz(a)anthracene	ND – 0.3 J		7 out of 8	
Chrysene	ND – 0.4 J		7 out of 8	
Benzo(b)fluoranthene	ND – 0.6 J		6 out of 8	
Benzo(k)fluoranthene	ND – 0.2 J		5 out of 8	
Benzo(a)pyrene	ND – 0.4 J		6 out of 8	
Benzo(g,h,i)perylene	ND – 0.1 J		5 out of 8	
Indeno(1,2,3-cd)pyrene	ND – 0.3 J		5 out of 8	
1,2,4 - Trimethylbenzene	ND – 6 J	186	2 out of 8	0 out of 8
1,3,5 - Trimethylbenzene	ND – 0.7 J		1 out of 8	
Isopropylbenzene	ND – 12		2 out of 8	
M,P - Xylene	ND – 1.1	92	1 out of 8	0 out of 8
n - propylbenzene	ND – 11		2 out of 8	
Naphthalene	ND – 1.4	30	1 out of 8	0 out of 8
n - butylbenzene	ND – 14		1 out of 8	
Sec - butylbenzene	ND – 11		1 out of 8	

a - ppm: parts per million, which is equivalent to milligrams per kilogram, mg/kg, in sediment;
b - SCG: The Department's "Technical Guidance for Screening Contaminated Sediments."
Blank SCG = none identified

No site-related sediment contamination of concern was identified during the RI. Therefore, no remedial alternatives need to be evaluated for sediment.

Exhibit B

SUMMARY OF THE REMEDIATION OBJECTIVES

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial program is to restore the site to pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

The remedial objectives for this site are:

Public Health Protection

Soil

- Prevent ingestion/direct contact with contaminated soil.
- Prevent inhalation of or exposure from contaminants volatilizing from contaminants in soil.

Surface water

- Prevent ingestion of water impacted by contaminants.
- Prevent contact or inhalation of contaminants from impacted water bodies.
- Prevent surface water contamination which may result in fish advisories.

Sediment

- Prevent direct contact with contaminated sediments.
- Prevent surface water contamination which may result in fish advisories.

Environmental Protection

Soil

- Prevent migration of contaminants that would result in groundwater or surface water contamination.
- Prevent impacts to biota from ingestion/direct contact with soil causing toxicity or impacts from bioaccumulation through the terrestrial food chain.

Surface Water

- Restore surface water to ambient water quality criteria for the contaminant of concern.
- Prevent impact to biota from ingestion/direct contact with surface water causing toxicity and impacts from bioaccumulation through the marine or aquatic food chain.

Sediment

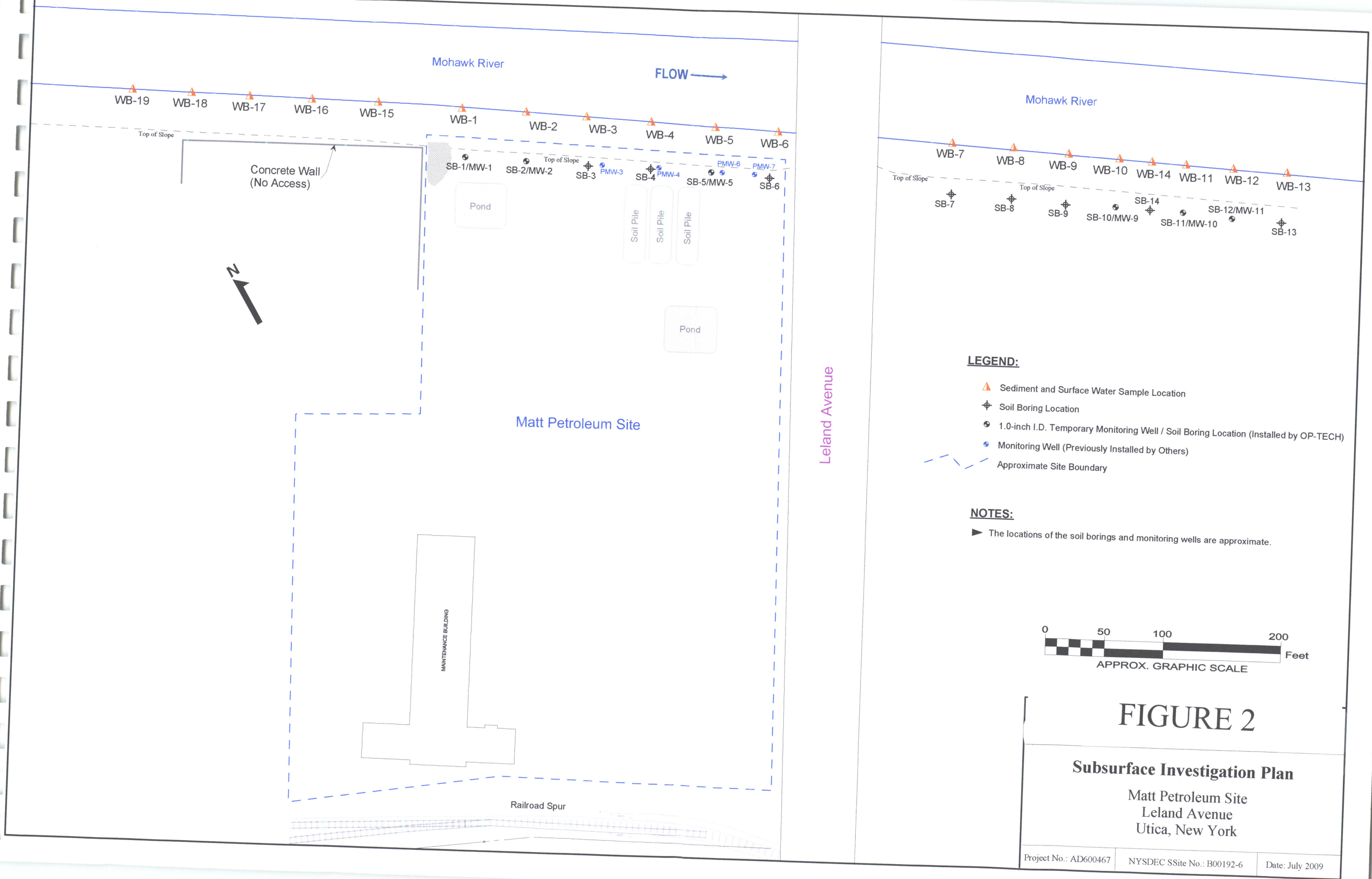
- Prevent releases of contaminant(s) from sediments that would result in surface water levels in excess of ambient water quality criteria.
- Prevent impacts to biota from ingestion/direct contact with sediments causing toxicity or impacts from bioaccumulation through the marine or aquatic food chain.
- Restore sediments to pre-release/background conditions to the extent feasible.

FIGURE 1

SITE LOCATION MAP

Matt Petroleum Site
Leland Avenue
Utica, New York

NYSDEC Site No.: B00192-6 | NOT TO SCALE | Date: May 2009



LEGEND:

- Sediment and Surface Water Sample Location
- Soil Boring Location
- 1.0-inch I.D. Temporary Monitoring Well / Soil Boring Location (Installed by OP-TECH)
- Monitoring Well (Previously Installed by Others)
- Approximate Site Boundary

NOTES:

- The locations of the soil borings and monitoring wells are approximate.

0 50 100 200 Feet

APPROX. GRAPHIC SCALE

FIGURE 2

Subsurface Investigation Plan

Matt Petroleum Site
Leland Avenue
Utica, New York

Project No.: AD600467	NYSDEC SSite No.: B00192-6	Date: July 2009

Matt Petroleum Site No B00192
Leland Avenue, Utica, Oneida County, New York
Operable Unit Site Figure

APPENDIX A

Responsiveness Summary

RESPONSIVENESS SUMMARY

Matt Petroleum
Operable Unit No. 2
Environmental Restoration Project
Utica, Oneida County, New York
Site No. B00192

The Proposed Remedial Action Plan (PRAP) for the Matt Petroleum, Operable Unit No. 2, site was prepared by the New York State Department of Environmental Conservation (the Department) in consultation with the New York State Department of Health (NYSDOH) and was issued to the document repositories on October 26, 2010. The PRAP outlined the proposed no further action remedy recommended for Operable Unit No. 2.

The release of the PRAP was announced by sending a notice to the public contact list, informing the public of the opportunity to comment on the proposed remedy.

A public meeting was held on November 18, 2010, which included a presentation of the findings of the Remedial Investigation (RI) Report. The meeting provided an opportunity for citizens to discuss their concerns, ask questions and comment on the proposed remedy. These comments have become part of the Administrative Record for this site. The public comment period for the PRAP ended on December 8, 2010.

This responsiveness summary responds to all questions and comments raised during the public comment period. The following are the comments received, with the Department's responses:

COMMENT 1: Has the source of the contamination which was impacting the Mohawk River been addressed?

RESPONSE 1: Yes, in 2010, 46,476 tons of heavily contaminated soils were removed from the site and an off-site area, along the Mohawk River. Approximately 75% of the site was remediated and backfilled with clean soil. An additional 20,000 cubic yards of petroleum impacted soils remains on-site awaiting mechanical soil turning in order to meet soil cleanup objectives (SCOs). By addressing the source materials found in soil in Operable Unit No. 1 (OU1), the migration of site related volatile organic compounds (VOCs) to the Mohawk River has been eliminated.

COMMENT 2: What remains on-site that has not been remediated?

RESPONSE 2: Approximately 20,000 cubic yards of soil remains on-site which requires soil turning, based on the Department’s Record of Decision (2007) for OU1.

COMMENT 3: Who will pay for the remediation of the remaining soils?

RESPONSE 3: Funding for the remaining work has not been identified to date.

APPENDIX B

Administrative Record

Administrative Record

Matt Petroleum
Operable Unit No. 2
Environmental Restoration Project
Utica, Oneida County, New York
Site No. B00192

Proposed Remedial Action Plan for the Matt Petroleum site, Operable Unit No. 2, dated October 2010, prepared by the Department.

The Department and the City of Utica entered into a State Assistance Contract, Contract No. C302579, January 25, 2005.

The Department and the City of Utica entered into a State Assistance Contract, Contract No. C302579, Amendment 1, March 20, 2006.

The Department and the City of Utica entered into a State Assistance Contract, Contract No. C302579, Amendment 2, May 2, 2007.

Site Investigation Report - Volume I, Operable Unit No. 1, dated August 2005, prepared by Plumley Engineering.

Site Investigation Report - Volume II, Operable Unit No. 1, dated August 2005, prepared by Plumley Engineering.

Site Investigation Report - Volume III, Operable Unit No. 1, dated August 2005, prepared by Plumley Engineering.

Record of Decision for the Matt Petroleum Site, Operable Unit No. 1, dated June 29, 2007, prepared by the Department.

Subsurface Investigation Report, Operable Unit No. 2, dated November 5, 2009, prepared by OP-TECH Environmental.

Former Matt/Grace Petroleum Removal Action Report, dated May 28, 2010, prepared by OP-TECH Environmental.