Department of Environmental Conservation

Division of Environmental Remediation

Environmental Restoration
Record of Decision
36 Elm Street Site
Glens Falls, Warren County, New York
Site Number E557019

January 2009

New York State Department of Environmental Conservation
David Patterson, Governor *Pete Grannis, Commissioner*

DECLARATION STATEMENT
ENVIRONMENTAL RESTORATION RECORD OF DECISION

36 Elm Street Environmental Restoration Site
Glens Falls Warren County, New York
Site No. E557019

Statement of Purpose and Basis

The Record of Decision (ROD) presents the selected remedy for the 36 Elm Street site, an environmental restoration site. The selected remedial program was chosen in accordance with the New York State Environmental Conservation Law and is not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan of March 8, 1990 (40CFR300), as amended.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the 36 Elm Street environmental restoration site, and the public's input to the Proposed Remedial Action Plan (PRAP) 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.

Assessment of the Site

Actual or threatened release of hazardous substances and petroleum products from this site have been addressed by implementing the interim remedial measures identified in this ROD. The removal of contaminated soil and waste from the site has significantly reduced the threat to public health and the environment.

Description of Selected Remedy

Based on the results of the Site Investigation/Remedial Alternatives Report (SI/RAR) for the 36 Elm Street site and the criteria identified for evaluation of alternatives, the Department has selected No Further Action as the remedy for the site. The components of the remedy are as follows:

1. Elements of the IRM that have been completed and comprise the remedy for the site include the closure and removal of one underground and four aboveground tanks, an asbestos and lead-based paint survey and removal, the disposal of 12 tons of petroleum contaminated soil, and the disposal of miscellaneous containers and jars including dishwashing liquids, chlorinated cleaning agents, PCB light ballasts and gas cylinders.

2. Imposition of an institutional control in the form of an environmental easement that will require (a) limiting the use and development of the property to restricted residential use, which will also permit commercial and industrial use; (b) control entry of groundwater (standing water) in the basement area and restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by NYSDOH; and (c) the property

owner to complete and submit to the Department a periodic certification of the institutional controls.

New York State Department of Health Acceptance

The New York State Department of Health (NYSDOH) concurs that the remedy selected 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.

JAN 17 2009

Date

Dale A. Desnoyers, Director
Division of Environmental Remediation

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Environmental Restoration
RECORD OF DECISION

36 Elm Street Site
Glens Falls, Warren County, New York
Site No. E557109
January 2009

SECTION 1: SUMMARY OF THE RECORD OF DECISION

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), has selected this remedy for the 36 Elm Street Site in Glens Falls, Warren County.

The 1996 Clean Water/ Clean Air Bond Act provides funding to municipalities for the investigation and cleanup of brownfields. 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.

As more fully described in Sections 3 and 5 of this document, various commercial activities and operation of an oil-fired heating system resulted in the disposal of hazardous substances, including volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and inorganics (metals). These hazardous substances contaminated the subsurface soils and groundwater at the site, and resulted in:

- a threat to human health associated with potential exposure to subsurface soils and groundwater contaminated with VOCs, SVOCs, and metals. Exposure pathways include direct contact, ingestion, and inhalation.

- an environmental threat associated with the VOCs and SVOCs in the subsurface soil, and the potential migration of these materials into the groundwater.

During the course of the investigation certain actions, known as interim remedial measures (IRMs), were undertaken at the Elm Street Site in response to the threats identified above. An IRM is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before completion of the site investigation/remedial alternatives report (SI/RAR). The IRMs undertaken at this site included:

-Asbestos abatement and lead-based paint removal activities.

-Proper cleaning and closure of a 1,000 gallon underground storage tank and 4-500 gallon aboveground storage tanks. Approximately 12 tons of petroleum contaminated soils were removed and properly disposed of during tank closure operations.

-Removal of miscellaneous containers and jars at the site, including commercial dishwashing liquid, chlorinated cleaning agents, gas cylinders, and PCB light ballasts.

Based on the implementation of the above IRMs, 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 was selected as the remedy for this site.

The selected remedy, discussed in detail in Section 6, is intended to attain the remediation goals identified for this site in Section 6. The remedy must conform with officially 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.

SECTION 2: SITE LOCATION AND DESCRIPTION

36 Elm Street is located in the City of Glens Falls, Warren County. It is 0.14 acre in size and is located on the southwest side of Elm Street, approximately 100 feet northwest of the intersection of Elm Street and South Street. The site is designated on the City of Glens Falls tax map as parcel number 309.28-1-13 and is surrounded by commercial properties. The Hudson River is located approximately 2,000 feet to the southeast of the site. A three story masonry building covers the vast majority of the site. Refer to Figure 1 - Site Location and Figure 2 - Location Plan.

Site soils consist of Oakville loamy fine sand, according to the United States Department of Agriculture's Soil Survey for Warren County, New York. Soil borings were advanced to 20 feet in depth and encountered well sorted medium to fine sand with trace fine gravel. Bedrock was not encountered. Groundwater was encountered approximately 10-12 feet below grade and flows to the east at a gradient of 0.007 ft/ft.

SECTION 3: SITE HISTORY

3.1: Operational/Disposal History

The site was used for residential purposes prior to the construction of the existing site structure in the early 1920s. The structure was used as a shirt factory from the 1920s-1940s, ladies garments manufacturing from the 1950s through the early 1970s, and a restaurant supply from the 1970s until purchased by the City of Glens Falls in 2005. An automotive repair facility occupied the southern portion of the building from the early 1920s through the 1960s.

3.2: Remedial History

A Phase I Site Assessment was conducted at the location in November of 2003 and is included in the Site Investigation Report. Prior to 2003, no investigations evaluating soil, groundwater, or soil gas are known to have been performed at the site.

SECTION 4: ENFORCEMENT STATUS

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

The PRPs for the site documented to date include several former site owners. Previous owners include the Milestone Foundation (ownership 1948-1952), Milestone Undergarment Corporation (1952-1955), Simon Milberg (1955-1956), Iser Realty Corporation (1956-1971), Jack and Philip Lebowitz (1971-1998), Jack Lebowitz (1998), and U.J. Limited Partnership (1998-2005).

The City of Glens Falls will assist the state in their efforts by providing all information to the state which identifies PRPs. The City will also not enter into any agreement regarding response costs without the approval of the Department.

SECTION 5: SITE CONTAMINATION

The City of Glens Falls has recently completed a site investigation/remedial alternatives report (SI/RAR) to determine the nature and extent of any contamination by hazardous substances at this environmental restoration site.

5.1: Summary of the Site Investigation

The purpose of the SI was to define the nature and extent of any contamination resulting from previous activities at the site. The SI was conducted between April of 2006 and May of 2008. The field activities and findings of the investigation are described in the SI report.

The following activities were conducted during the SI: site survey, asbestos and harmful/hazardous material survey, geophysical survey to identify buried structures, the installation of 8 soil borings and 5 monitoring wells on or adjacent to the site, the installation of 3 soil vapor and 2 sub-slab vapor monitoring points, and the collection of soil, groundwater, basement standing water (considered groundwater), and vapor samples.

5.1.1: Standards, Criteria, and Guidance (SCGs)

To determine whether the soil, groundwater, and soil vapor contain contamination at levels of concern, data from the investigation were compared to the following SCGs:

- Groundwater, drinking water, and surface water SCGs are based on June 1998 NYSDEC "Ambient Water Quality Standards and Guidance Values" and Part 5 of the New York State Sanitary Code.

- Soil SCGs are based on the NYSDEC 6 NYCRR Part 375-6.8(b) Environmental Remediation Programs effective December 14, 2006.

- Concentrations of VOCs in air were evaluated using the air guidelines provided in the NYSDOH guidance document titled "Guidance for Evaluating Soil Vapor Intrusion in the State of New York," dated October 2006.

Based on the SI results, in comparison to the SCGs and potential public health and environmental exposure routes, certain media and areas of the site required remediation. These are summarized in Section 5.1.2. More complete information can be found in the SI report.

5.1.2: Nature and Extent of Contamination

This section describes the findings of the investigation for all environmental media that were investigated.

As described in the SI report, soil, groundwater, and soil vapor samples were collected to characterize the nature and extent of contamination. As summarized in Table 1, the main categories of contaminants that exceed their SCGs are semivolatile organic compounds (SVOCs), and inorganics (metals). For comparison purposes, where applicable, SCGs are provided for each medium.

Chemical concentrations are reported in parts per billion (ppb) for water and parts per million (ppm) for soil. Air samples are reported in micrograms per cubic meter ($\mu g/m^3$).

Table 1 summarizes the degree of contamination for the contaminants of concern in soil, soil vapor, and groundwater and compares the data with the SCGs for the site. The following are the media which were investigated and a summary of the findings of the investigation.

Waste Materials

A significant volume of waste materials were identified and removed from the site. Wastes included asbestos and lead-based paint, underground and aboveground tank liquids and sludge, fuel oil contaminated sand, containers and jars of commercial dishwashing liquids and chlorinated cleaning agents, PCB light ballasts, and refrigerant gas cylinders. Waste identified during the SI/RAR was addressed during the interim remedial measures (IRMs) described in Section 5.2.

Surface Soil

Surface soil is defined as soil less than two inches below the vegetative cover. The building foot print takes up the vast majority of the site; the remainder of the site is covered with concrete or asphalt surfaces. No surface soil exists at the location and no surface soil samples were collected. Therefore, no remedial alternatives need be evaluated for surface soil.

Subsurface Soil

Subsurface soil at the site is defined as soil greater than two inches below the ground surface. No subsurface soil contaminants were identified on site. SVOC contamination was found at an off-site location adjacent to the site. Contaminants identified above SCGs at this off-site location included five SVOCs (benzo(a)anthracene, benzo(a) pyrene, benzo(b)fluoranthene, indeno(1,2,3-cd)pyrene, and dibenzo(a,h)anthracene). The off-site SVOC contamination is side gradient and is not related to activities at the location. No site-related subsurface soil contamination of concern was identified during the SI/RAR. Therefore, no remedial alternatives need to be evaluated for subsurface soil. Refer to Figure 3- IRM/Subsurface Soil Contaminants for specific location and concentrations.

Groundwater

Five groundwater monitoring wells were installed outside the building to a depth of approximately eighteen feet below grade. Three temporary monitoring wells were installed within the basement of the structure. The static groundwater level was subsequently determined to be approximately eleven feet below grade. Groundwater samples were collected from site monitoring wells on May 30, 2007. Contaminants identified above SCGs included 5 SVOCs (benzo(a)anthracene, chrysene, benzo(b)fluoranthene, benzo(k)fluoranthene, and benzo(a)pyrene) and 6 inorganics (antimony, iron, lead, manganese, selenium, and sodium). As with the subsurface soil SVOCs, the groundwater SVOCs are located off-site and side gradient, and are not related to activities at the location. The elevated levels of antimony, iron, selenium, manganese, and sodium are considered background and are not related to site activities. Elevated lead levels were detected in B&L6 off-site at 30.3 ppb and B&L7 on-site at 50ppb and may be related to site activities. Groundwater is not utilized on or near the site. An institutional control in the form of an environmental easement restricting the use of groundwater will be imposed. Refer to Figure 4- Groundwater Contaminants for specific location and concentrations.

Surface Water

No surface water is present at the site or near the site. No surface water sampling was conducted.

Sediments

No sediments are present at or near the site. No sediment sampling was conducted.

Standing Water (Groundwater) in Basement

During the spring 2007 IRM work, samples were collected from the standing water present in the area of the former boiler in the site basement. A pit 2-3 feet below basement floor level exists and housed the oil-fired furnace. This pit acts as a collection point for groundwater infiltrating into the basement. The true groundwater depth is one-two feet below the elevation of the standing water. Contaminants identified above SCGs included 6 SVOCs (benzo(a)anthracene, chrysene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(a)pyrene, and indeno(1,2,3-cd)pyrene); and 5 inorganics (arsenic, cadmium, lead, mercury, and selenium). Due to high sedimentation in three 2007 samples, the standing water was resampled in the spring of 2008 and found to be non-detect for SVOC contamination. The elevated levels of many of the inorganics are considered background. The elevated level of lead is consistent with groundwater levels and may be related to site activities. The standing water/ground water is not utilized at the site and will most likely not exist upon the refurbishing and heating of the site structure. An institutional control in the form of an environmental easement controlling entry of groundwater (standing water) in the basement will be imposed. Refer to Figure 5-Standing Water, Soil Vapor and Sub-slab Vapor Monitoring Points.

Soil Vapor/Sub-Slab Vapor/Air

Seven soil vapor and sub-slab vapor samples were collected from the basement area of the site. No site-related vapor contamination of concern was identified during the SI/RAR. Therefore, no remedial alternatives need to be evaluated for this medium. Results of the soil vapor sampling are included in Table 1, and soil vapor location points are identified in Figure 5-Standing Water, Soil Vapor and Sub-slab Vapor Monitoring Points.

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 completion of the SI/RAR. From May 2006 to July 2007, several IRMs were

conducted at the site during the investigation activities and included the closure and removal of one underground and four aboveground tanks, an asbestos survey and removal, a lead-based paint survey and removal, the disposal of 12 tons of petroleum contaminated soil, and the disposal of miscellaneous containers and jars including dishwashing liquids, chlorinated cleaning agents, PCB light ballasts and gas cylinders. Refer to Figure 3- IRMs/Subsurface Soil Contaminants for specific locations of closed petroleum storage tanks.

5.3: Summary of Human Exposure Pathways:

This section describes the types of human exposures that may present added health risks to persons at or around the site. A more detailed discussion of the human exposure pathways can be found in Section 2.10 of the SI report.

An exposure pathway describes the means by which an individual may be exposed to contaminants originating from a site. An exposure pathway has five elements: [1] a contaminant source, [2] contaminant release and transport mechanisms, [3] a point of exposure, [4] a route of exposure, and [5] a receptor population.

The source of contamination is the location where contaminants were released to the environment (any waste disposal area or point of discharge). Contaminant release and transport mechanisms carry contaminants from the source to a point where people may be exposed. The exposure point is a location where actual or potential human contact with a contaminated medium may occur. The route of exposure is the manner in which a contaminant actually enters or contacts the body (e.g., ingestion, inhalation, or direct contact). The receptor population is the people who are, or may be, exposed to contaminants at a point of exposure.

An exposure pathway is complete when all five elements of an exposure pathway exist. An exposure pathway is considered a potential pathway when one or more of the elements currently does not exist, but could in the future.

Currently, there are no complete exposure pathways at the site. There are potential exposure pathways associated with groundwater at the site, standing water in the on-site building, and contaminated sub-surface soil near the site.

Groundwater at the site contains elevated inorganic compounds, including lead, iron and manganese. Some inorganics, such as iron, may be naturally occurring and are not considered associated with former operations at the site. It is unclear if elevated lead levels in groundwater are a result of former operations at the site or if they represent local background and impacts from off-site properties. Regardless, groundwater could present a potential for exposure if a well was developed at the property for potable water use. This exposure pathway is unlikely since the site and surrounding properties are serviced with public water. Public drinking water is routinely tested and must comply with federal and state drinking water standards.

Currently, a vacant commercial building exists on the property. Inside the building, standing water was noted and sampled from an excavation pit near the former boiler. The water contained elevated levels of inorganic compounds, including cadmium and lead. Future users of the site could be exposed to these compounds through dermal contact with the standing water. Future renovations of the building to address standing water in the basement could remove this potential exposure pathway.

The potential for contaminated vapors in soil to enter the building at the site (via soil vapor intrusion) was evaluated. Based on the results of this investigation, soil vapor intrusion does not present an exposure pathway of concern for future users of the site.

Sub-surface soil and groundwater immediately south of the property are contaminated with SVOCs and are not considered site-related. A spill number has been assigned to the adjoining property.

5.4: Summary of Environmental Assessment

This section summarizes the assessment of existing and potential future environmental impacts presented by the site prior to the IRM. Environmental impacts include existing and potential future exposure pathways to fish and wildlife receptors, as well as damage to natural resources such as aquifers and wetlands.

Since the site is in downtown Glens Falls and the building footprint covers the majority of the site, the likelihood of wildlife impact is minimal. No wetlands are present at the location or in the immediate area. A Fish and Wildlife Impact Analysis was not necessary for this site.

Site contamination (lead) has impacted the shallow groundwater aquifer. This shallow aquifer is not utilized as the area is served by a public water system. No private wells are known to exist in the immediate area of the site.

No environmental exposure pathways and ecological risks have been identified at the site.

SECTION 6: SUMMARY OF THE REMEDIATION GOALS, SELECTED REMEDY, AND THE PROPOSED USE OF THE SITE

Goals for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. At a minimum, the remedy selected must eliminate or mitigate all significant threats to public health and/or the environment presented by the hazardous substances disposed at the site through the proper application of scientific and engineering principles.

Prior to the completion of the IRM described in Section 5.2, the remediation goals for this site were to eliminate or reduce to the extent practicable:

- exposures of persons at or around the site to SVOCs and inorganics (metals) in subsurface soils and groundwater at the site.
- the release of contaminants from subsurface soil into groundwater that may create exceedances of groundwater quality standards; and
- the release of contaminants from subsurface soil, including under the site building into indoor and ambient air through soil vapor and wind borne dust.

During the IRM process, SVOC contaminated subsurface soil above SCGs was excavated and properly disposed of off-site.

The main SCGs *applicable* to this project are as follows:

- Groundwater SCGs are based on the Department's "Ambient Water Quality Standards and Guidance Values"

- Soil SCGs are based on the NYSDEC Part 375-6.8(b) Environmental Restoration Programs.

The Department believes that the IRM has accomplished the remediation goals and satisfied the SCGs for the site.

Based on the results of the investigations at the site, the IRM that has been performed, and the evaluation presented here, the Department has selected No Further Action as the remedy for the site. The Department believes that this remedy will be protective of human health and the environment and will satisfy all SCGs as described above. Overall protectiveness is achieved through meeting the remediation goals listed above.

Therefore, the Department concludes that No Further Action is needed other than institutional and engineering controls. The elements of the IRM already completed and the institutional and engineering controls are listed below:

1. Elements of the IRM that have been completed and comprise the remedy for the site include the closure and removal of one underground and four aboveground tanks, an asbestos and lead-based paint survey and removal, the disposal of 12 tons of petroleum contaminated soil, and the disposal of miscellaneous containers and jars including dishwashing liquids, chlorinated cleaning agents, PCB light ballasts and gas cylinders.

2. Imposition of an institutional control in the form of an environmental easement that will require (a) limiting the use and development of the property to restricted residential use, which will also permit commercial and industrial use; (b) control entry of groundwater (standing water) in the basement area and restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by NYSDOH; and (c) the property owner to complete and submit to the Department a periodic certification of the institutional controls.

The proposed future use for the Elm Street Site is restricted residential.

SECTION 7: HIGHLIGHTS OF COMMUNITY PARTICIPATION

As part of the environmental restoration process, a number of Citizen Participation activities were undertaken to inform and educate the public about conditions at the site and the potential remedial alternatives. The following public participation activities were conducted for the site:

- Repositories for documents pertaining to the site were established.

- A public contact list, which included nearby property owners, elected officials, local media and other interested parties, was established.

- A Fact Sheet detailing the site investigation and interim remedial measures work plan was sent out to the public contact list in April of 2006.

- A Fact Sheet detailing the proposed No Further Action remedy and availability session was sent out to the public contact list in October of 2008.

- A public availability session was held on November 6, 2008 to present and receive comment on the PRAP.

- A responsiveness summary (Appendix A) was prepared to address the comments received during the public comment period for the PRAP.

In general, the public comments received were supportive of the selected remedy.

TABLE 1
Nature and Extent of Contamination
May 2007-April 2008

SUBSURFACE SOIL	Contaminants of Concern	Concentration Range Detected (ppm)[a]	SCG[b] (ppm)[a]	Frequency of Exceeding SCG
Semivolatile Organic Compounds (SVOCs)	Benzo(a) anthracene	ND[c] to 51	1	1 of 11[d]
	Benzo(a)pyrene	ND to 32	1	1 of 11[d]
	Benzo(b)fluoranthene	ND to 43	1	1 of 11[d]
	Indeno(1,2,3-cd)pyrene	ND to 20	0.5	1 of 11[d]
	Dibenzo(a,h)anthracene	ND to 7.3	0.33	1 of 11[d]

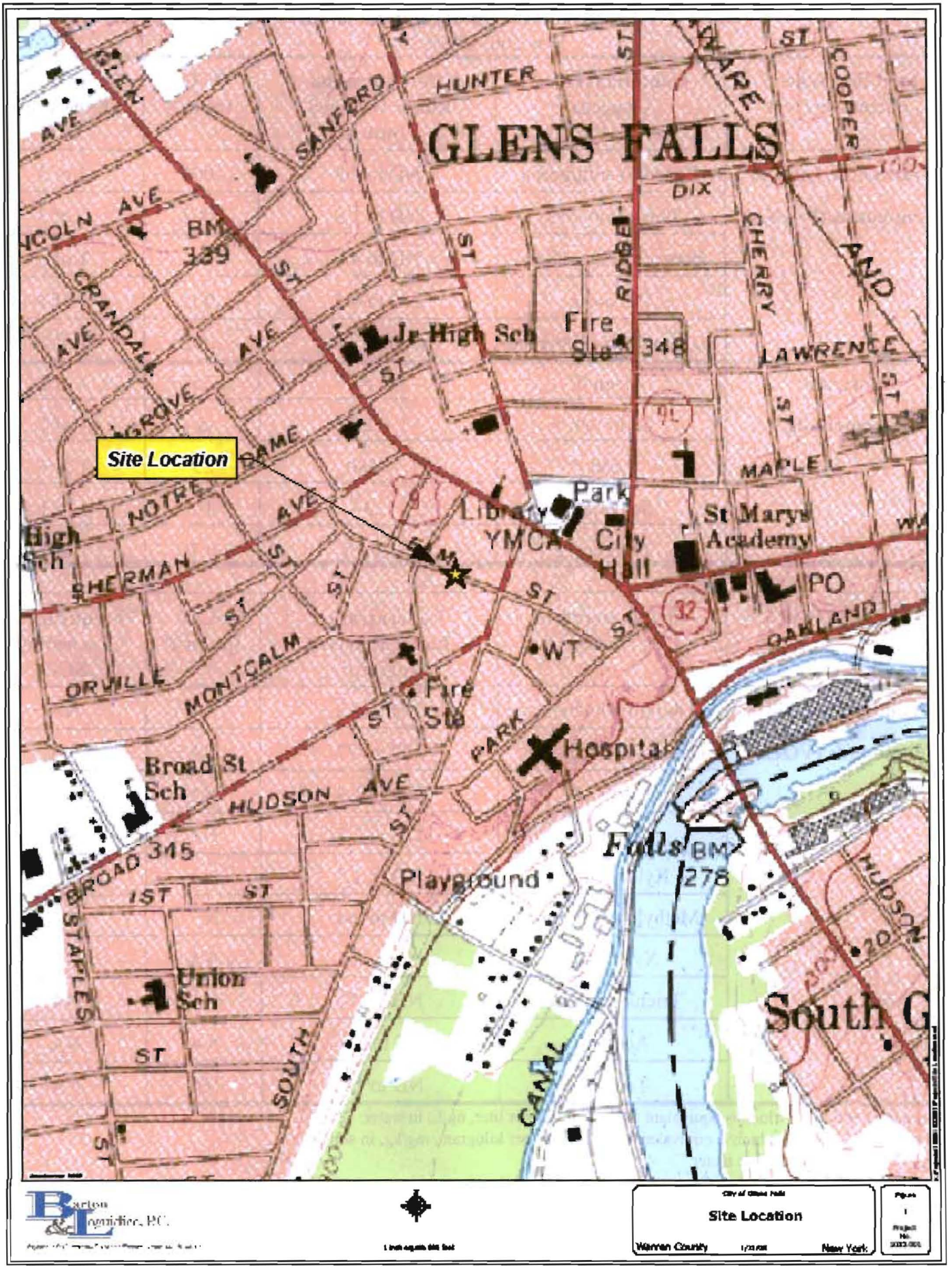
GROUNDWATER	Contaminants of Concern	Concentration Range Detected (ppb)[a]	SCG[b] (ppb)[a]	Frequency of Exceeding SCG
Semivolatile Organic Compounds (SVOCs)	Benzo(a) anthracene	ND to 6	.002	1 of 6[e]
	Chrysene	ND to 5	.002	1 of 6[e]
	Benzo(b)fluoranthene	ND to 5	.002	1 of 6[e]
	Benzo(k)fluoranthene	ND to 2	.002	1 of 6[e]
	Benzo(a)pyrene	ND to 4	.002	1 of 6[e]
Inorganic Compounds	Antimony	4.2 to 9.8	3	8 of 8
	Iron	34.3 to 4,700	300	6 of 8
	Lead	ND to 50	25	2 of 8
	Manganese	4.4 to 314	300	1 of 8
	Selenium	17.9 to 37.6	10	8 of 8
	Sodium	110,000 to 1,760,324	20,000	8 of 8

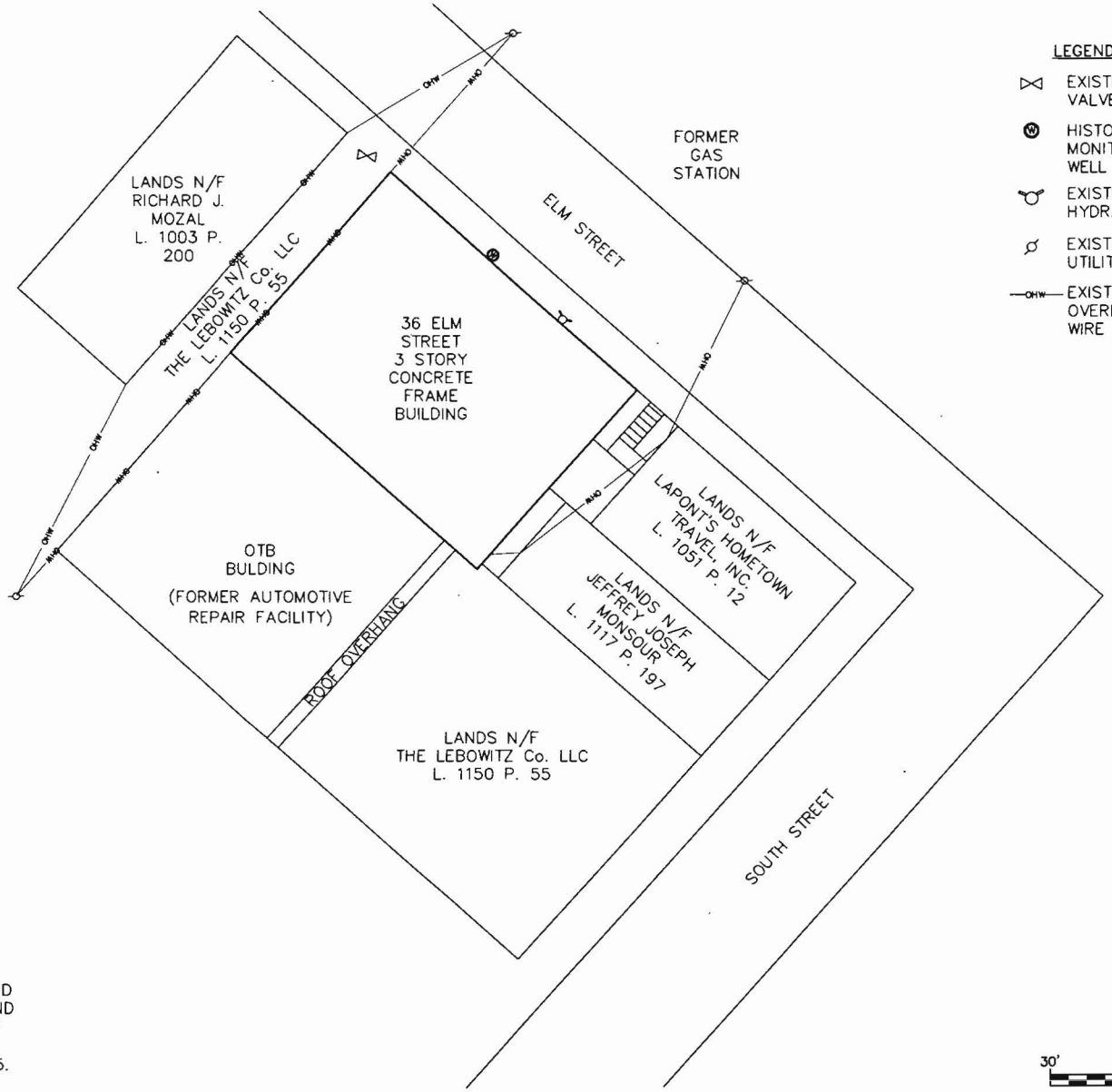
TABLE 1 (cont.)
Nature and Extent of Contamination
May 2007-April 2008

Standing Water (Groundwater)	Contaminants of Concern	Concentration Range Detected (ppb)[a]	SCG[b] (ppb)[a]	Frequency of Exceeding SCG
Semivolatile Organic Compounds (SVOCs)	Benzo(a) anthracene	ND to 4.3	.002	1 of 3
	Benzo(a)pyrene	ND to 1.9	.002	1 of 3
	Benzo(b)fluoranthene	ND to 4.9	.002	1 of 3
	Chrysene	ND to 4.5	.002	1 of 3
	Indeno(1,2,3-cd)pyrene	ND to 1.9	.002	1 of 3
Inorganic Compounds	Arsenic	62	25	1 of 1
	Cadmium	25	5	1 of 1
	Lead	680	25	1 of 1
	Selenium	39	10	1 of 1
	Mercury	0.78	0.7	1 of 1

SOIL VAPOR	Contaminants of Concern	Concentration Range Detected ($\mu g/m^3$)[a]	SCG[b] ($\mu g/m^3$)[a]	Frequency of Exceeding SCG
Volatile Organic Compounds (VOCs)	1,2,4-Trimethylbenzene	ND to 1.2	NA	NA
	Carbon Tetrachloride	ND to .77	NA	NA
	Freon 11	ND to 1.4	NA	NA
	Freon 12	ND to 2.7	NA	NA
	Xylene (m,p)	ND to 1.7	NA	NA
	Methylene Chloride	ND to .64	NA	NA
	Xylene (o)	ND to .66	NA	NA
	Trichloroethene	ND to .71	NA	NA
	Acetone	0.8 to 6.5	NA	NA
	Toluene	ND to 1.5	NA	NA

[a] ppb = parts per billion, which is equivalent to micrograms per liter, ug/L, in water;
ppm = parts per million, which is equivalent to milligrams per kilogram, mg/kg, in soil;
ug/m^3 = micrograms per cubic meter
[b] SCG = standards, criteria, and guidance values for Restricted Residential Use
[c] ND= no contaminants detected above method detection limit
[d] Subsurface soil exceedances occurred at an off-site location and is not related to site activities
[e] *Groundwater exceedances occurred* at an off-site location and is not related to site activities


GLENS FALLS
Site Location
HUNTER
SANFORD
GLEN
AVE
DIX
CHERRY
COOPER
AND
LAWRENCE
MAPLE
RIDGE
Jr High Sch
Fire Sta
348
BM 339
CRANDALL
GROVE
NOTRE DAME
High Sch
SHERMAN
Library
YMCA
Park
City Hall
St Marys Academy
PO
32
OAKLAND
ORVILLE
MONTCALM
WT
Fire Sta
PARK
Hospital
Broad St Sch
HUDSON AVE
BROAD
315
1ST
Playground
Falls
BM 278
HUDSON
STAPLES
Union Sch
SOUTH
CANAL
South G
Site Location
Warren County
New York



MAP REFERENCE:
MAP PROVIDED BY BOLSTER AND ASSOCIATES PROFESSIONAL LAND SURVEYORS, ENTITLED GREATER GLENS FALLS DEVELOPMENT CORPORATION, DATED 10/12/05.

GREATER GLENS FALLS LOCAL DEVELOPMENT CORPORATION (GGFLDC)
36 ELM STREET

LOCATION PLAN

WARREN COUNTY, NEW YORK
CITY OF GLENS FALLS

Barton & Loguidice, P.C.

Date	JUNE, 2008
Scale	AS SHOWN
Figure Number	2
Project Number	1032.001

Plotted: Dec 03, 2008 - 11:05AM SYR By: jpa
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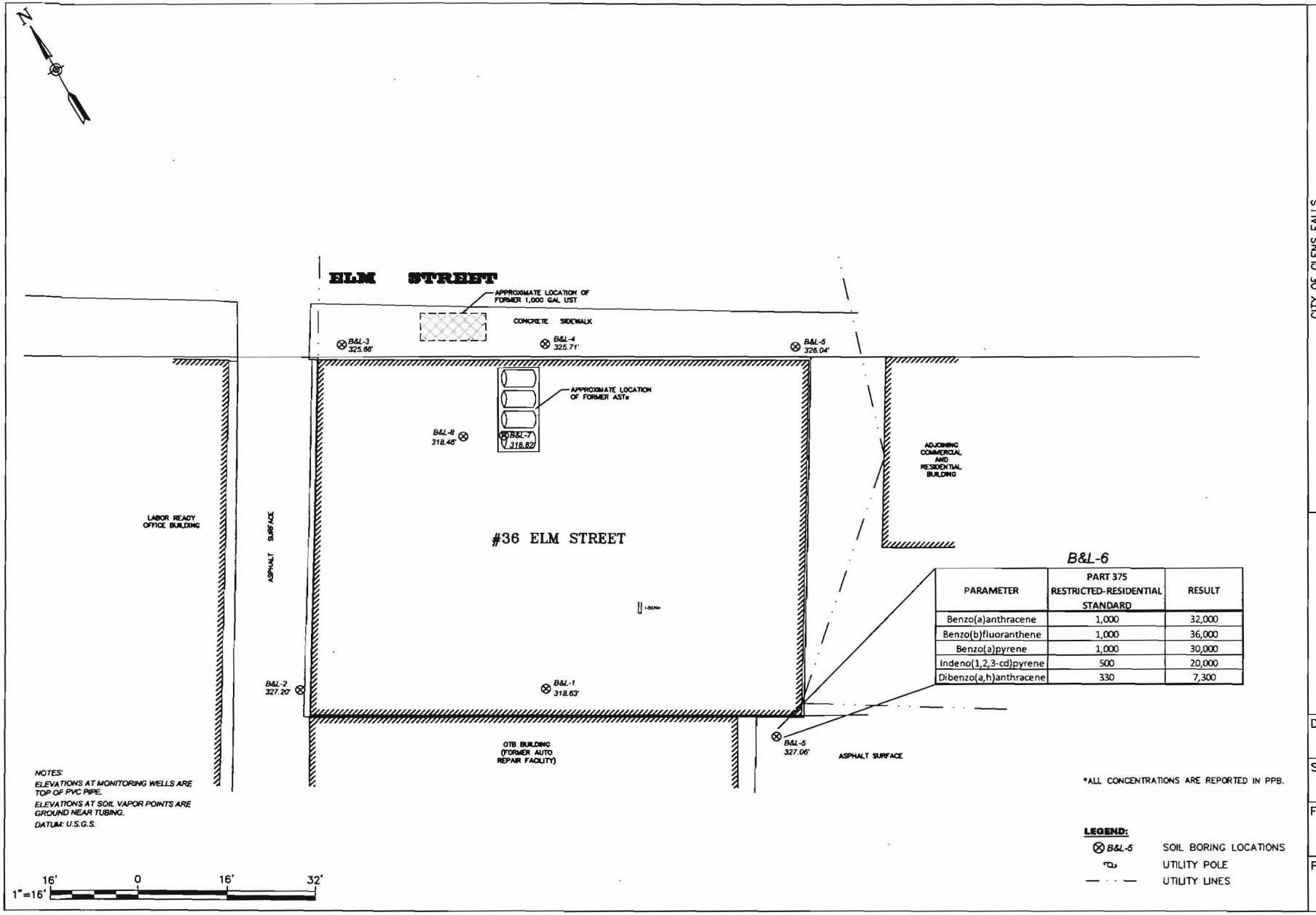

PARAMETER	PART 375 RESTRICTED-RESIDENTIAL STANDARD	RESULT
Benzo(a)anthracene	1,000	32,000
Benzo(b)fluoranthene	1,000	36,000
Benzo(a)pyrene	1,000	30,000
Indeno(1,2,3-cd)pyrene	500	20,000
Dibenzo(a,h)anthracene	330	7,300

*ALL CONCENTRATIONS ARE REPORTED IN PPB.

CITY OF GLENS FALLS
36 ELM STREET

IRM/SUBSURFACE SOIL CONTAMINANTS

CITY OF GLENS FALLS
WARREN COUNTY, NEW YORK

Barton & Loguidice, P.C.

Date
JUNE, 2008

Scale
AS SHOWN

Figure Number
3

Project Number
1032.001-A

Plotted: Dec 03, 2008 - 11:04AM SYR By: jgs
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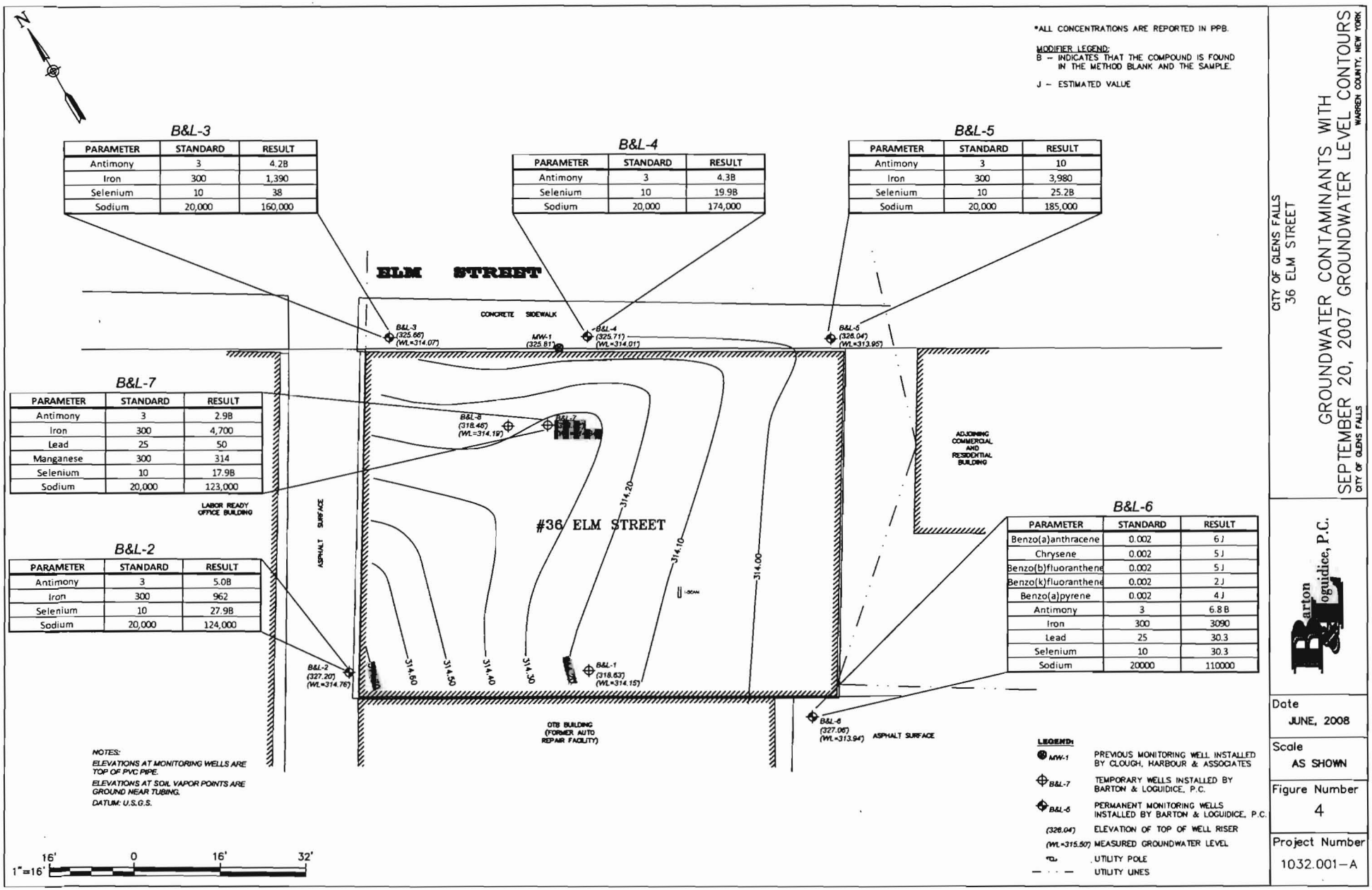

CITY OF GLENS FALLS
36 ELM STREET

GROUNDWATER CONTAMINANTS WITH SEPTEMBER 20, 2007 GROUNDWATER LEVEL CONTOURS

CITY OF GLENS FALLS WARREN COUNTY, NEW YORK

Barton Loguidice, P.C.

Date
JUNE, 2008

Scale
AS SHOWN

Figure Number
4

Project Number
1032.001-A

Plotted: Dec 03, 2008 - 11:03AM SYR By: jps
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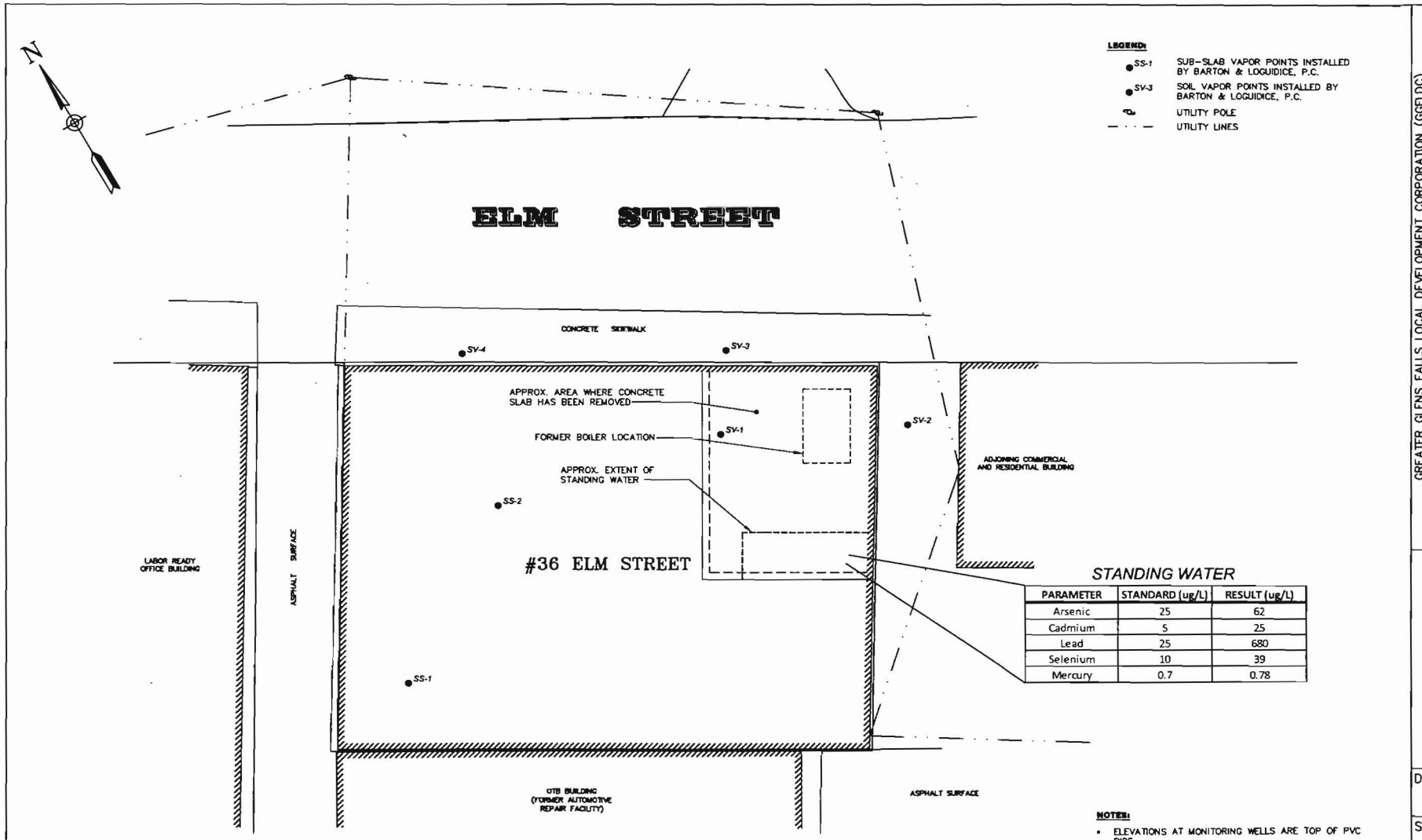

SITE PLAN
SCALE: 1"=16'-0"

STANDING WATER

PARAMETER	STANDARD (ug/L)	RESULT (ug/L)
Arsenic	25	62
Cadmium	5	25
Lead	25	680
Selenium	10	39
Mercury	0.7	0.78

NOTES:

- ELEVATIONS AT MONITORING WELLS ARE TOP OF PVC PIPE.
- ELEVATIONS AT SOIL VAPOR POINTS ARE GROUND NEAR TUBING.
- DATUM: U.S.G.S.
- ELEVATION OF STANDING WATER IS APPROXIMATLY EQUAL TO STATIC WATER LEVEL IN MONITORING WELLS.

GREATER GLENS FALLS LOCAL DEVELOPMENT CORPORATION (GGFLDC)
36 ELM STREET

STANDING WATER, SOIL VAPOR AND SUB-SLAB VAPOR MONITORING POINTS

CITY OF GLENS FALLS — WARREN COUNTY, NEW YORK

Barton & Loguidice, P.C.

Date	JULY, 2008
Scale	1" = 16'
Figure Number	5
Project Number	1032.001-A

Plotted: Dec 03, 2008 - 11:02AM SYR By: jgs
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RESPONSIVENESS SUMMARY

36 Elm Street Environmental Restoration Site
Glens Falls, Warren County, New York
Site No. E557109

The Proposed Remedial Action Plan (PRAP) for the 36 Elm Street 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 20, 2008. The PRAP outlined the remedial measures completed for the contaminated soil and wastes at the 36 Elm Street site.

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 availability session was held on November 8, 2008, which included a discussion of the proposed remedy. 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 3, 2008.

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: The Greater Glens Falls Local Development Corporation (GGFLDC) recommends that the Proposed Remedial Action Plan at Section 6, Item 2, be amended to: (a) require connection to City water, and also prohibit the use of groundwater for any uses in the building, and; (b) include commercial use and restricted residential uses whereby the residential uses would only be permitted above the first floor as provided for in the City's Zoning law, and; that neither the first floor nor the basement be permitted to be used for residential uses except for access to any utilities wherein the connections might be necessarily located in the basement or the first floor.

RESPONSE 1: Commercial usage of the site does allow for residential usage above the first floor. However, due to the GGFLDC comment and the soil at the location meeting restricted residential soil cleanup objectives, the site usage has been changed to restricted residential. This will allow for residential usage of the entire building while allowing for commercial usage. The request to require a connection to City water and prohibit the use of groundwater for any usage are City of Glens Falls Zoning Laws and not applicable to the environmental easement.

COMMENT 2: Can the City perform additional basement work (i.e. pour a concrete slab) work to further address the standing water issue with the remaining State Assistance Contract ERP Investigation Grant money?

RESPONSE 2: Yes, with the DEC Project Manager's approval and if sufficient funds are still available in the State Assistance Contract (SAC). Placing clean fill and pouring a concrete slab over the depression in the basement area where standing water accumulates is a means to control and prevent the accumulation of standing water in the basement, as required in the remedy.

APPENDIX A

Responsiveness Summary

APPENDIX B

Administrative Record

Administrative Record

36 Elm Street Site, Glens Falls, Warren County
Site No. E557019

1. "Site Investigation Work Plan, Technology Accelerator Site, 36 Elm Street, City of Glens Falls, New York", prepared by Barton & Loguidice, P.C. dated January 2006.

   Also includes:
   - Site Specific Health and Safety Plan.
   - Field Sampling and Analysis Plan.
   - Citizen Participation Plan.

2. Investigation/Interim Remedial Measures Fact Sheet, dated April 2006, prepared by the Department.

3. "Site Investigation Report, Adirondack Regional Business Incubator Site, 36 Elm Street, City of Glens Falls, New York", prepared by Barton & Loguidice, P.C. dated May 2008.

   Also Includes:
   -Site Investigation Report Appendix A-O.

4. "Remedial Alternatives Report, Adirondack Regional Business Incubator Site, 36 Elm Street, City of Glens Falls, New York", prepared by Barton & Loguidice, P.C. dated May 2008.

5. Remedy Proposed Fact Sheet, dated October 20, 2008, prepared by the Department.

6. Proposed Remedial Action Plan for the Elm Street site, dated October 2008, prepared by the Department.