



Department of Environmental Conservation

Citizen Participation Plan for the Former Sakmann Property

Site Code V-00083-3
Town of Highlands
Orange County, New York

January 2007

Prepared by:

New York State Department of Environmental Conservation
Division of Environmental Remediation, Region 3
21 South Putt Corners Road
New Paltz, NY 12561

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1.0 INTRODUCTION AND OVERVIEW OF THE CITIZEN PARTICIPATION PLAN

The New York State Department of Environmental Conservation (NYSDEC), in cooperation with the New York State Department of Health (NYSDOH), is committed to informing and involving the public regarding the Remedial Action Workplan at Former Sakmann Property site under the New York State Voluntary Cleanup Program.

The Remedial Action Workplan proposes a remedy on how best to remediate the site. This proposed remedy must mitigate or eliminate all significant threats to public health and the environment.

The Citizen Participation (CP) Plan identifies information needs that relate to the Former Sakmann Property site. The CP Plan also describes CP activities to be conducted during the Remediation. The CP activities are designed to achieve the following objectives:

- Help the interested and affected public to understand the contamination problems at the Former Sakmann Property, and the nature and progress of NYSDEC's program to investigate and clean up the site;
- Ensure open communication between the public and project staff throughout the remedial process;
- Create opportunities for the public to contribute information, opinions and perspectives that have the potential to influence decisions about the site's investigation and cleanup.

Highlands Battlesite Properties, LLC will implement the proposed remedial activities with NYSDEC oversight. NYSDEC will implement the CP activities described in this CP Plan. NYSDOH will participate in many of these activities.

2.0 SITE BACKGROUND

The Former Sakmann Property occupies 1.5 acres on the eastern side of State Route 9W in the Town of Highlands, Orange County, New York (see Figure 1). A gasoline station and automotive repair facility formerly occupied the property. Poor handling, storage and disposal of petroleum and degreasing solvents resulted in contamination at this site.

Previous soil and groundwater investigations of this site included the installation of monitoring wells and soil borings at and near the former repair facility to determine the extent of the contamination. The investigations to date concluded that waste oil and chlorinated solvents had contaminated a limited area of soil beneath the structure and had led to localized, low-level groundwater contamination, with no indication that the contamination had "migrated" off the site. Low grade hydrocarbon and metals contamination has been documented in fill-type soils located to the north of the former garage.

3.0 PROJECT DESCRIPTION

Highlands Battlesite Properties, LLC, and NYSDEC have entered into a Voluntary Cleanup Agreement in which Highlands Battlesite Properties will implement a Remedial Action Workplan. The proposed remedy calls for removal of contaminated soil from beneath the building, ongoing groundwater monitoring to document continuing improvement in groundwater quality, and the installation of a protective barrier layer of clean soil over remaining areas containing low-level hydrocarbon and metals contamination. For more detailed information, please refer to the January 2005 Remedial Action Workplan.

4.0 CITIZEN PARTICIPATION ACTIVITIES

This section of the CP Plan describes the CP activities to be conducted during remedial activities. Project staff will perform these activities to inform and involve the affected and interested community in the investigation and remediation activities for the Former Sakmann Property Site.

CP activities for this site include:

- Establishment of Document Repositories
- Creation of a mailing list for the Potentially Affected/Interested Public. Individuals and groups included in the Contact List (see Section 7.0 of this Plan) will receive all mailings. The list will be updated as needed.
- Identification of the NYSDEC and NYSDOH Project Managers for the project and the ways for the public to contact them. Interested persons are encouraged to contact staff at any time with additional issues or information needs.
- Mailing a Work Plan Fact Sheet to the Public Contact List.
- Posting a Notice of Voluntary Cleanup Agreement in the Environmental Notice Bulletin (ENB).
- Administering a 30 day public comment period on the Work Plan. Following the public comment period, the NYSDEC may make revisions to the Work Plan if any new information is received regarding the proposed investigation/remediation.

5.0 PROJECT CONTACTS

For additional information about the program to investigate/remediate the Former Sakmann Property Site, the public is encouraged to contact any of the following project staff:

New York State Department of Environmental Conservation (NYSDEC):

John Rashak
Project Manager
NYSDEC Region 3
21 South Putt Corners Road
New Paltz, NY 12561-1620
(845) 256-3179

Michael Knipfing
Citizen Participation Specialist
NYSDEC Region 3
21 South Putt Corners Road
New Paltz, NY 12561-1620
(845) 256-3154

New York State Department of Health (NYSDOH):

Kristin Kulow
Public Health Specialist II
NYSDOH
28 Hill St, Suite 201
Oneonta, NY 13820
(607) 432-3911

6.0 DOCUMENT REPOSITORIES AND LIST OF AVAILABLE DOCUMENTS

Two document repositories have been established to provide the public with convenient access to important project documents and other information. This information will include reports, data and other information gathered and developed during the course of the Remediation.

NYSDEC Region 3 Office
21 South Putt Corners Road
New Paltz, NY 12561-162-
(845) 256-3154
Mon.-Fri.: 8:30AM-4:45PM

Highland Falls Library
298 Main Street
Highland Falls, NY 10928-1804
(845) 446-3113
Mon., Wed., Thurs., Fri.: 10AM-5PM
Tues.: 10AM-7PM
Sat.: 10AM-2PM

Available Documents

- Remedial Action Workplan dated January 2005
- Supplemental Workplan dated December 2005
- this Citizen Participation Plan for the Former Sakmann Property site
- Voluntary Cleanup Agreement (VCA) for site remediation signed by NYSDEC and Highlands Battlesite Properties, LLC
- Final site investigation report (not yet available).

7.0 POTENTIALLY AFFECTED/INTERESTED PUBLIC (CONTACT LIST)

The following contact list has been developed to help NYSDEC keep the community informed

about and involved in the Investigation and Remediation process for the Former Sakmann Property Site. The list includes adjacent property owners; local, regional and state officials; local media; civic, business and environmental organizations and others. The contact list will be reviewed periodically and updated as appropriate.

Note: The adjacent/affected property owner and resident portion of the list is maintained confidentially in project files, not in a CP Plan or repositories.

Former Sakmann Property Site Contact List

Environmental Groups

Scenic Hudson
1 Civic Center Plaza
Poughkeepsie, NY 12601

Clearwater, Inc.
112 Market Street
Poughkeepsie, NY 12601

Greenway Conservancy
Capitol Building
Capitol Station, Rm 254
Albany, NY 12224

The Nature Conservancy
Eastern NY Chapter
265 Chestnut Ridge Road
Mt. Kisco, NY 10549

Orange Environment
P.O. Box 25
Goshen, NY 10924

Karl Coplan, Esq.
Pace/Riverkeeper
78 N. Broadway
White Plains, NY 10603

Environmental Citizens Coalition
33 Central Avenue
Albany, NY 12210

Laura Haight
NYPIRG
107 Washington Ave.
Albany, NY 12210

Media

City Editor
El Clarin
48 Broadway
Haverstraw, NY 10927

City Editor
Mid Hudson Times
P.O. Box 434
Walden, NY 12586

City Editor
Tri-State Gazette
30-32 Canal Street
Port Jervis, NY 12771

City Editor, Greenwood Lake & West
Milford News
P.O. Box 1117
Greenwood Lake, NY 10925

City Editor
Hudson Valley Black Press
P.O. Box 2160
Newburgh, NY 12550

City Editor
Hudson Valley Business Journal
86 E. Main Street
Wappingers Falls, NY 12590

City Editor
Independent Republican
P.O. Drawer A
Goshen, NY 10924-0628

City Editor
News of the Highlands
P.O. Box 278
Highland Falls, NY 10928

City Editor
Orange County Post
P.O.Box 500
Washingtonville, NY 10992

City Editor
Ottaway Newspapers, Inc.
P.O.Box 401
Campbell Hall, NY 10916

City Editor
Photo News/Warwick Advertiser
45 Gilbert Street
Monroe, NY 10950

City Editor
The Sentinel
P.O.Box 406
Vails Gate, NY 12584

City Editor
The Cornwall Local
P.O.Box B
Cornwall, NY 12518

City Editor
The Warwick Valley Dispatch
P.O.Box 594
Warwick, NY 10990

City Editor
Times Herald Record
831 Little Britain Road
New Windsor, NY 12553

News Director
WALL/WRRV
P.O. Box 416
Poughkeepsie, NY 12602

News Director
WDLC/WTSX
P.O.Box 920
Port Jervis, NY 12771

News Director
WDST
P. O. Box 367
Woodstock, NY 12498

News Director
WELV/WTHN
20 Tucker Drive
Poughkeepsie, NY 12601

News Director
WGNY
P.O.Box 2307
Newburgh, NY 12550

News Director
WHUD/WLNA/WBNR/WSPK
P. O. Box 310
Beacon, NY 12508

News Director
WTBQ
62 N. Main Street
Florida, NY 10921

News Director
WZAD
P.O.Box 978
Wurstburo, NY 12790

News Director
Access 8 TV
P.O.Box 321
Port Jervis, NY 12771

News Director
Cable 6 TV
27 Industrial Drive
Middletown, NY 10940

News Director
Time Warner Cablevision
P.O.Box 887

Middletown, NY 10940

News Director
Cablevision News 12.
19 South Street
Warwick, NY 10990

News Director
WRNN TV
721 Broadway
Kingston, NY 12401

Hank Gross
Mid Hudson News Network
42 Marcy Lane
Middletown, NY 10941

Lisa Phillips, Bureau Chief
WAMC
44 Main Street
Kingston, NY 12401

News Director
WSUL
198 Bridgeville Road
Monticello, NY 12701

News Director
WPDH/WEOK/WCZX
P.O. Box 416
Poughkeepsie, NY 12602

News Director
WRWD/WBWZ
800 Washington Street
Poughkeepsie, NY 12601

Local Officials

Inga M. Quaintance
Supervisor

Town of Highlands
254 Main Street
Highland Falls, NY 10928

Anne Scott
Councilperson
Town of Highlands
254 Main Street
Highland Falls, NY 10928

Dominic DeLeo
Councilperson
Town of Highlands
254 Main Street
Highland Falls, NY 10928

Chris Byrnes
Councilperson
Town of Highlands
254 Main Street
Highland Falls, NY 10928

Carlos Medina
Councilperson
Town of Highlands
254 Main Street
Highland Falls, NY 10928

Seth Armstrong
Building & Zoning Inspector
Town of Highlands
254 Main Street
Highland Falls, NY 10928

Charles Hannigan, Jr.
Planning Board Chair
Town of Highlands
254 Main Street
Highland Falls, NY 10928
June Patterson - Town Clerk
Town of Highlands
254 Main Street
Highland Falls, NY 10928

Mayor Joseph D'Onofrio
Village of Highland Falls
303 Main Street
Highland Falls, NY 10928

Regina Taylor - Village Clerk
Village of Highland Falls
303 Main Street
Highland Falls, NY 10928

County Officials

Honorable Edward A. Diana
County Executive
Orange County Government Center
255-275 Main Street
Goshen, NY 10924

Peter S. Hammond, Deputy Commissioner
Environmental Facilities and Services
244-1459 Route 17M, P.O. Box 637
Goshen, NY 10924

M. William Lahey
Chairman
Orange County Legislature
255 Main Street
Goshen, NY 10924

David E. Church
Commissioner - Planning Department
124 Main Street
Goshen, NY 10924

Donna L. Benson, County Clerk
Orange County Government Center
255-275 Main Street
Goshen, NY 10924
Jean M. Hudson, M.D.
Commissioner
Health Department
124 Main Street
Goshen, NY 10924

Laurie M. Whightsil
Clerk of the Legislature
Orange County Legislature
255 Main Street
Goshen, NY 10924

State Officials

Marc Moran, Regional Director
NYSDEC
21 S. Putt Corners Road
New Paltz, NY 12561

Wendy Rosenbach
Public Affairs Officer
NYSDEC
21 S. Putt Corners Road
New Paltz, NY 12561

Richard Baldwin
NYSDEC
21 South Putt Corners Rd.
New Paltz, NY 12561

John Rashak
NYSDEC
21 S. Putt Corners Rd
New Paltz, NY 12561

Robert Schick
NYSDEC
625 Broadway
Albany, NY 12233

Margaret Duke, Permits
NYSDEC
21 S. Putt Corners Rd.
New Paltz, NY 12561

Mike Lesser, Esq.
NYSDEC

625 Broadway
Albany, NY 12233

Michael J. Knipfing
NYSDEC
21 S. Putt Corners Road
New Paltz, NY 12561

Harold Evans
NYSDEC
625 Broadway
Albany, NY 12233

Sal Ervolina
NYSDEC
625 Broadway
Albany, NY 12233

Mary Young
NYSDEC
625 Broadway
Albany, NY 12233

Gary Litwin
NYSDOH
547 River Street
Troy, NY 12180

Kristin Kulow
NYSDOH
28 Hill St, Suite 201
Oneonta, NY 13820

Richard Morse
NYS Assembly Waste Commissions
Agency Bldg. 4, Fifth Floor, ESP
Albany, NY 12248

State Elected Officials

Honorable William J. Larkin, Jr.
1093 Little Britain Road
New Windsor, NY 12553

Honorable Nancy Calhoun
1012 Little Britain Road, Suite 900
New Windsor, NY 12553

Federal Elected Officials

Honorable Charles Schumer
26 Federal Plaza
Suite 31-100
New York, NY 10728

Honorable Hillary Rodham Clinton
780 Third Avenue, Suite 2601
New York, NY 10017

Honorable John Hall
1217 Longworth House Office Building
Washington, DC 20515

8.0 GLOSSARY

Hazardous Waste Site Program Glossary and Acronyms

GLOSSARY

This glossary defines terms associated with New York's hazardous waste site citizen participation program, and important elements of the hazardous waste site remedial program. Words in **bold** in the definitions are defined elsewhere in the glossary. A list of acronyms often used in the remedial program follows the Glossary.

| | |
|-------------------------------------|---|
| Administrative Record | Part of a site's Record of Decision which lists and defines documents used in the development of NYSDEC's decision about selection of a remedial action. |
| Availability Session | A scheduled gathering of program staff and members of the public in a casual setting, without a formal presentation or agenda but usually focusing on a specific aspect of a site's remedial process. |
| Citizen Participation | A program of planning and activities to encourage communication among people affected by or interested in hazardous waste sites and the government agencies responsible for investigating and remediating them. |
| Citizen Participation Plan | A document which must be developed at a site's Remedial Investigation stage. A CP Plan describes the citizen participation activities that will be conducted during a site's remedial process. |
| Citizen Participation Record | A document prepared at a major remedial stage which describes the citizen participation activities required at that stage. A CP Record also directs a scoping process to determine if additional citizen participation activities are appropriate and feasible. |

Citizen Participation Specialist

A staff member from an NYSDEC central office or regional office who has specialized training and experience to assist a **project manager** and other staff to plan, conduct and evaluate a site-specific citizen participation program.

Classification

A process to place a hazardous waste site within a category which defines its hazardous waste status and its threat or potential threat to public health and the environment. Sites are listed along with their classifications in the **Registry of Inactive Hazardous Waste Disposal Sites**.

Class 1 - causing or representing an imminent danger of causing irreversible or irreparable damage to public health or environment -- immediate action required.

Class 2 - significant threat to public health or environment -- action required.

Class 2a - temporary classification assigned to a site for which there is inadequate or insufficient data for inclusion in any other classification.

Class 3 - does not present a significant threat to public health or environment -- action may be deferred.

Class 4 - site properly closed -- requires continued management.

Class 5 - site properly closed -- no further action required.

Delisted - site no longer considered an inactive hazardous waste disposal site.

Comment Period

A time period for the public to review and comment about various documents and DER actions. For example, a 30-day comment period is provided when DER issues a **Proposed Remedial Action Plan (PRAP)**, and when DER proposes to **Delist** a site from the **Registry of Inactive Hazardous Waste Disposal Sites**.

Consent Order

A legal and enforceable agreement negotiated between NYSDEC and a **responsible party**. The order sets forth agreed upon terms by which a responsible party will undertake site investigation and/or cleanup, or pay for the costs of those activities. The order includes a description of the remedial actions to be taken by the responsible party with NYSDEC oversight, and a schedule for implementation.

Contact List

Names, addresses and/or telephone numbers of individuals,

groups, organizations, government officials and media affected by or interested in a particular hazardous waste site. The size of a contact list and the categories included are influenced by population density, degree of interest in a site, the stage of the remedial process and other factors. It is an important tool needed to conduct outreach activities.

Delist

Action by which DER removes a hazardous waste site from the **Registry of Inactive Hazardous Waste Disposal Sites** upon determination that: the site contains inconsequential amounts of hazardous waste; or that a remediated site no longer requires **Operation and Maintenance**; or that a remediated site does not require Operation and Maintenance. A proposal to delist a site triggers a public notification and **comment period** process.

**Division of
Environmental
Enforcement (DEE)**

A unit within the New York State Department of Environmental Conservation which works with the **Division of Environmental Remediation** and others to negotiate with **responsible parties** to achieve agreements for the investigation and remediation of hazardous waste sites. A negotiated agreement is contained in a **consent order**.

**Division of
Environmental
Remediation**

Formerly the **Division of Hazardous Waste Remediation**, a major program unit within the New York State Department of Environmental Conservation created to manage the hazardous waste site remedial program from site discovery through **Operation and Maintenance** activities. Staff include: engineers, geologists, chemists, attorneys, citizen participation specialists, environmental program specialists and support staff.

**Division of Hazardous
Waste Remediation
Document Repository**

(See **Division of Environmental Remediation**.)

A file of documents pertaining to a site's remedial and citizen participation programs which is made available for public review. The file generally is maintained in a public building near the hazardous waste site to provide access at times and a location convenient to the public.

Enforcement

NYSDEC's efforts, through legal action if necessary, to compel a **responsible party** to perform or pay for site remedial activities.

NYSDEC may perform this effort by itself or in concert with other agencies.

**Environmental Quality
Bond Act (EQBA)**

The 1986 Environmental Quality Bond Act which gives New York State bonding authority of up to \$1.2 billion to fund the State's share of the total cost of remediating hazardous waste sites in New York State.

Fact Sheet

A written discussion about part or all of a site's remedial process, prepared and provided by DER to the public. A fact sheet may focus on: a particular element of the site's remedial program; opportunities for public involvement; availability of a report or other information, or announcement of a **public meeting** or **comment period**. A fact sheet may be mailed to all or part of a site's **contact list**, distributed at meetings, placed in a **document repository** and/or sent on an "as requested" basis.

**Interim Remedial
Measure (IRM)**

A discrete action which can be conducted at a site relatively quickly to reduce the risk to people's health and the environment from a well-defined hazardous waste problem. An IRM can involve removing contaminated soil and drums, providing alternative water supplies or securing a site to prevent access.

National Priorities List

The U.S. Environmental Protection Agency's list of the most serious uncontrolled or abandoned hazardous waste sites identified for possible long-term remedial response using money from a special trust fund.

**New York State
Department of Health**

Agency within the executive branch of New York State government which: performs health-related inspections at suspected hazardous waste sites; conducts health assessments to determine potential risk from environmental exposure; reviews Risk Assessments prepared during the **Remedial Investigation and Feasibility Study**; conducts health-related community outreach around sites; and reviews remedial actions to assure that public health concerns are adequately addressed.

**New York State
Department of Law**

Agency within the executive branch of New York State government which takes the lead on hazardous waste sites requiring civil enforcement through court action. Litigation can

involve negotiations and court action with **responsible parties** to clean up sites; natural resource damage claims, and recovery of remedial costs.

**New York State
Registry of Inactive
Hazardous Waste
Disposal Sites**

The “Registry.” A document which NYSDEC is directed by law to maintain and which lists and provides information about every hazardous waste site in New York State which meets criteria established through a definition of hazardous waste and a **classification** system.

Operable Unit

A discrete part of an entire site that produces a release, threat of release, or pathway of exposure. An Operable Unit can receive specific investigation, and a particular remedy may be proposed. A **Record of Decision** is prepared for each Operable Unit.

**Operation and
Maintenance**

A period in which remedial action may be conducted following construction at a site (for example, operation of a “pump and treat” system), or which is performed after a remedial action to assure its continued effectiveness and protection of people’s health and the environment. Activities can include site inspections, well monitoring and other sampling.

**Preliminary Site
Assessment (PSA)**

A PSA is DER’s first investigation of a site. A PSA is performed to determine if a site meets New York State’s definition of an inactive hazardous waste disposal site by confirming the presence of hazardous waste and determining if the site poses a significant threat to public health or the environment.

Project Manager

An NYSDEC staff member within the **Division of Environmental Remediation** (usually an engineer, geologist or hydro geologist) responsible for the day-to-day administration of remedial activities at, and ultimate disposition of, a hazardous waste site. The Project Manager works with legal, health, **citizen participation** and other staff to accomplish site-related goals and objectives.

**Proposed Remedial
Action Plan (PRAP)**

An analysis by DER of each alternative considered for the remediation of a hazardous waste site and a rationale for selection of the alternative it recommends. The PRAP is created based on information developed during the site’s **Remedial Investigation**

and Feasibility Study. The PRAP is reviewed by the public and other state agencies.

Public Meeting

A scheduled gathering of **Division of Environmental Remediation** staff with the affected/interested public to give and receive information, ask questions and discuss concerns about a site's remedial program. Staff from other NYSDEC divisions, legal and health staff, and staff from consultants and a responsible party often also attend. A public meeting, unlike an **availability session**, generally features a formal presentation and a detailed agenda.

Reclassification

A process by which DER redefines the threat posed by a hazardous waste site to public health and the environment by developing and assessing site information and, based on findings and conclusions, assigning a new **classification** code.

Record of Decision (ROD)

A document which provides definitive record of the cleanup alternative that will be used to remediate a hazardous waste site. The ROD is based on information and analyses developed during the **Remedial Investigation/Feasibility Study** and public comment.

Remedial Alternatives Report (RAR)

A report that contains an evaluation of options for the remediation of any contamination in, on, or under, or emanating from, a property that includes an analysis of data and other information concerning the nature and extent of that property's contamination and is generally performed concurrently, and in an interactive fashion, with the site investigation.

Remedial Construction

The physical development, assembly and implementation of the remedial alternative selected to remediate a site. Construction follows the **Remedial Design** stage of a site's remedial program.

Remedial Design

The process following finalization of a **Record of Decision** in which plans and specifications are developed for the **Remedial Construction** of the alternative selected to remediate a site.

Remedial Investigation/Feasibility Study (RI/FS)

The RI fully defines and characterizes the type and extent of hazardous waste contamination at the site. The FS, which may be conducted during or after the RI, uses information developed during the RI to develop alternative remedial actions to eliminate or reduce the threat of hazardous waste contamination to public

health and the environment.

Responsible Party

An individual or business who: currently owns or operates a hazardous waste site; or historically owned or operated a site when hazardous waste was disposed; or generated hazardous waste at a site; or transported hazardous waste to a site.

**Responsiveness
Summary**

A written summary of major oral and written comments received by DER during a **comment period** about key elements of a site's remedial program, such as a **Proposed Remedial Action Plan**, and DER's response to those comments.

**Site Investigation
(SI)**

A process undertaken to determine the nature and extent of contamination in, on, and under, and emanating from a property. The **SI** includes the gathering of sufficient information to determine the necessity for, and the selection of the appropriate method of, remediation of contamination in, on, or under, or emanating from a property.

Superfund

The common name for the Federal program established by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended in 1986. The Superfund law authorizes the U.S. Environmental Protection Agency to investigate and clean up sites nominated to the **National Priorities List**.

Title 3 Project

Remediation of a municipally owned site through the State Superfund Title 3 Program whereby New York State pays 75 percent of eligible costs for remediation and the municipality pays 25 percent.

ACRONYMS

| | | |
|---------|----|---|
| AG | -- | New York State Attorney General's Office |
| ARAR | -- | Applicable, Relevant and Appropriate Requirement |
| C & D | -- | Construction and Debris |
| CERCLA | -- | Comprehensive Environmental Response, Compensation and Liability Act of 1980 |
| CO | -- | Consent Order |
| CP | -- | Citizen Participation |
| CPP | -- | Citizen Participation Plan |
| CPS | -- | Citizen Participation Specialist |
| CQC/CQA | -- | Construction Quality Control/Construction Quality Assurance |
| DEE | -- | Division of Environmental Enforcement |
| DER | -- | Division of Environmental Remediation, formerly the Division of Hazardous Waste Remediation |
| DHWR | -- | Division of Hazardous Waste Remediation, now the Division of Environmental Remediation |
| DOD | -- | Department of Defense |
| DOL | -- | Department of Law |
| DOW | -- | Division of Water |
| ENB | -- | Environmental Notice Bulletin |
| EQBA | -- | 1986 Environmental Quality Bond Act |
| EPA | -- | Environmental Protection Agency |
| F & W | -- | Division of Fish and Wildlife |
| FDA | -- | Food and Drug Administration |
| FSF | -- | Federal Superfund |
| FOIL | -- | Freedom of Information Law |
| FS | -- | Feasibility Study |
| FY | -- | Fiscal Year |
| GPM | -- | Gallons Per Minute |
| HeLP | -- | Health Liaison Program |
| IRM | -- | Interim Remedial Measure |
| mg/kg | -- | milligrams per kilogram |
| NAPL | -- | Non-Aqueous Phase Liquid |
| NPL | -- | National Priorities List |
| NYSDEC | -- | New York State Department of Environmental Conservation |
| NYSDOH | -- | New York State Department of Health |
| O & M | -- | Operation and Maintenance |
| OSHA | -- | Occupational Safety and Health Administration |
| OU | -- | Operable Unit |

| | | |
|-------------|----|--|
| PAH | -- | Poly-Aromatic Hydrocarbon |
| PCB | -- | Poly-Chlorinated Biphenyl |
| PM | -- | Project Manager |
| ppm/ppb/ppt | -- | parts per million/parts per billion/parts per trillion |
| PRAP | -- | Proposed Remedial Action Plan |
| PRP | -- | Potentially Responsible Party |
| PRS | -- | Priority Ranking System |
| PSA | -- | Preliminary Site Assessment |
| QA/QC | -- | Quality Assurance/Quality Control |
| RA | -- | Remedial Action |
| RCRA | -- | Resource Conservation and Recovery Act |
| RD | -- | Remedial Design |
| RFP | -- | Request for Proposals |
| RHWRE | -- | Regional Hazardous Waste Remediation Engineer |
| RI | -- | Remedial Investigation |
| RI/FS | -- | Remedial Investigation/Feasibility Study |
| ROD | -- | Record of Decision |
| RP | -- | Responsible Party |
| SSF | -- | State Superfund |
| TAGM | -- | Technical and Administrative Guidance Memorandum |
| TCLP | -- | Toxicity Characteristic Leaching Procedure |
| TSDF | -- | Treatment, Storage and Disposal Facility |
| ug/l | -- | micrograms per liter |
| USGS | -- | U.S. Geological Service |
| VCP | -- | Voluntary Cleanup Program |
| VOC | -- | Volatile Organic Compound |

Adjacent Property Owners

Geoffrey Provan
28 Tonneson Drive
Fort Montgomery, NY 10922

John G. Murphy
Jean M. Murphy
30 Mine Dock Road
Fort Montgomery, NY 10922

Edward W. Nugent
Patricia E. Nugent
32 Mine Dock Road, PO Box 997
Fort Montgomery, NY 10922

Jane Perin
103 Mine Dock Road, PO Box 136
Fort Montgomery, NY 10922

John G. Rodway
23 Mine Dock Road, PO Box 511
Fort Montgomery, NY 10922

Edward W. Nugent
Patricia E. Nugent
46 Mine Dock Road, PO Box 267
Fort Montgomery, NY 10922

Town of Highlands
254 Main Street
Highland Falls, NY 10928
(Owner of 68 Mine Dock Road)

The Scenic Hudson Land Trust Inc
1 Civic Center Plaza
Poughkeepsie, NY 12601
(Owner of property on 9W, Tax Lot 16-3-12)