

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
REGION 1
50 CIRCLE ROAD
STONY BROOK, NY 11790

**Summary of Responses to Comments on Draft Material Removal Work Plan
For Roberto Clemente Town Park, Brentwood, NY**

This document provides responses to comments received on the Draft Material Removal Work Plan for the Roberto Clemente Town Park ("Park"). Comments on the draft plan were received at a public meeting held on October 9, 2014 and during the comment period that ended on October 20, 2014.

Sampling Data and Waste Characterization

Comment: Site investigation and sampling data should be made available to the public to allow for proper review of the work plan.

Response: The Suffolk County District Attorney's Office has agreed to allow public review of the site investigation data.

Comment: Additional sampling of excavated material is needed to determine appropriate disposal location.

Response: A comprehensive review of the available sampling data by DEC technical staff has concluded that a sufficient number of in-situ samples have been obtained to determine appropriate disposal locations.

Comment: Need to define testing method to be followed if soil unsuitable for local disposal is identified during excavation.

Response: The work plan will be revised to include visual and/or analytical methods to be employed when material unsuitable for local disposal is encountered during excavation.

Comment: The estimate of 50,000 tons of fill dumped at the Park may be an overestimation.

Response: The fill volume and weight presented in the work plan are estimates and subject to revision. Actual amounts will be determined after excavation is completed.

Comment: Sample off-site properties for presence of asbestos and metals that may have migrated from the Park.

Response: In response to this comment, DEC staff have reviewed available information and concluded that because there is no indication that fill material has migrated away from the Park property, additional sampling is not warranted at this time.

Groundwater Monitoring and Water Resources

Comment: Three monitoring wells are not adequate to characterize groundwater quality and flow direction.

Response: DEC will require that two additional monitoring wells be installed.

Comment: Share groundwater monitoring data and provide financial assurance to public water suppliers if a public supply well is contaminated.

Response: Groundwater monitoring data will be shared. The commenter should contact the Town regarding financial assurance issues.

Comment: The proposed 20-foot screen is not acceptable and cluster wells (to obtain water samples from different depths) should be installed.

Response: The monitoring wells were installed with 10-foot screens, not 20-foot screens as indicated in this comment. Due to the type of contaminants found in the fill material, cluster wells are not warranted.

Comment: A site-specific groundwater contour map should be established prior to installation of monitoring wells.

Response: The on-site groundwater flow direction has been established based on both historical information and the three monitoring wells installed recently. As stated above, DEC will require the installation of two additional wells to provide further confirmation of flow direction.

Comment: Specific details on analytes and lab methods should be provided.

Response: DEC will require that this information be included in the work plan.

Comment: Groundwater monitoring should continue after waste removal and the criteria for continuation/discontinuation of monitoring should be defined.

Response: Groundwater will be sampled again at the conclusion of the work plan and all data will be evaluated. Decisions regarding the frequency and duration of additional sampling will depend on any indication of groundwater impacts and/or increasing trends of contaminants.

Comment: If groundwater contamination is detected, can it be distinguished whether it is from the historic or recent disposal activities?

Response: All groundwater data will be reviewed by DEC technical staff as it becomes available. If contaminants detected in groundwater are not present in the recently disposed fill, the potential source(s) should be further investigated.

Historic Disposal Activities

Comment: The work plan does not mention that a Town of Islip landfill exists underneath the entire Park area. A sand mine was operated at the site by the Town of Islip in the 1940s. The excavated area

was filled with large discarded items. Garbage which included toxic materials was also burned at the site until the mid-1960s.

Response: DEC is researching historic information regarding disposal activities that occurred at the site prior to promulgation of solid waste regulations. A landfill gas survey conducted by the Town in the 1980s prior to and after development of the Park did not detect landfill gas that would normally be generated by decomposing waste. Two of the three groundwater monitoring wells installed in September 2014 were drilled 30 feet deep and the drill cuttings contained only native sand. The third boring, which was 16 feet deep, also contained only native sand. All three wells did not indicate landfill related contaminants. If landfill related contaminants are found during future groundwater monitoring events, DEC will revisit this issue.

Comment: Toxic materials found at the Park are a result of historic disposal activities.

Response: A review of available sampling data by DEC technical staff has determined that the fill material disposed of at the Park does not meet the regulatory definition of hazardous or toxic waste. Samples of fill material collected in May 2014 were taken from two distinct areas where the material was disposed of during 2013-14. No historically deposited material was encountered during this sampling.

Comment: Concerned about effect of historic disposal on water supply and health and safety of residents.

Response: As indicated above, drill cuttings examined during recent well drilling activities showed no evidence of historic waste disposal, and recently completed groundwater monitoring has not indicated any impacts. Monitoring will continue, and any issues identified will be addressed. Both the State and County Health Departments have stated that the risk of public health impacts associated with the illegal dumping activities is minimal. Importantly, the work plan proposes to remove all contaminated fill from the site, thus eliminating the possibility of any future exposure.

Comment: Test borings should be done to investigate former landfill.

Response: Information evaluated to date has not indicated any potential for impacts from past disposal activities. Additional information will continue to be evaluated. See response to comment above.

Air Monitoring

Comment: The work plan proposes two air monitoring stations which are not adequate since wind direction can shift during the day.

Response: The community air monitoring plan requires air monitoring instruments to be located and relocated as necessary to ensure that they are downwind of removal activities and in appropriate position to detect related impacts. DEC will require that the Town to modify the work plan to include four air monitoring stations.

Comment: Use a portable weather station to determine wind direction on site.

Response: DEC will require the use of appropriate technology to monitor wind direction.

Comment: Include testing for fine particulates, commonly known as PM2.5.

Response: Air monitoring will be performed for particulates less than 10 microns in size (PM-10) which is the appropriate size fraction to monitor in excavation projects. PM2.5 monitoring is generally applicable to particulates generated from combustion activities. There will be separate monitoring specifically for asbestos as required by New York State Department of Labor.

Comment: Averaging period for air monitoring data should be 5 minutes, not 15 minutes.

Response: Data collected for particulate monitoring will include one-minute running averages to evaluate immediate emission conditions and 15-minute running averages for comparisons with the particulate threshold established by New York State. The work plan proposes a particulate threshold 50% lower than that allowed by New York State guidance. This presents an additional layer of protection to ensure that there are no off-site dust impacts.

Comment: Provide specific information on asbestos air monitoring.

Response: The work plan proposes that asbestos air monitoring be conducted in accordance with New York State Department of Labor regulations, in addition to the community air monitoring for particulates. Asbestos air monitoring will be conducted in the active work area and specific details will be included in the revised work plan.

Comment: Describe corrective action to be taken for air monitoring exceedances.

Response: In the event that particulate thresholds are exceeded or if airborne dust is observed leaving the work area, additional dust suppression techniques will be required to be employed. If dust suppression methods are not effective, work will be stopped and site operations will be reevaluated. In addition, DEC will require that dust screens be employed near excavation areas to control migration of dust off-site.

Comment: Need a mechanism for residents to notify DEC about dust contamination.

Response: DEC staff will closely monitor the site during excavation activities. Residents should contact DEC's 24-hour hotline at 631-444-0380 to report off-site dust conditions.

Health and Safety

Comment: Health and safety related details should be finalized and made public before waste excavation begins.

Response: Revisions to the health and safety plan will be incorporated in the work plan and the revised work plan will be posted online before removal activities begin.

Comment: DEC should provide oversight on health and safety related activities.

Response: DEC will closely monitor site operations for overall compliance with the work plan. The health and safety plan is an integral part of the work plan.

Comment: DEC or other agencies should address health and safety issues and not the Town.

Response: The Town of Islip and its consultants and contractors are responsible for implementing the health and safety plan. As stated above, DEC will monitor site operations for overall compliance with the work plan. The Department of Labor staff will provide oversight for asbestos removal.

Comment: Concerned about health and safety of children who play in the Park.

Response: All illegally disposed fill material is proposed to be removed from the Park to prevent the possibility of future health and safety impacts. The State and County Health Departments have previously indicated that the likelihood of past exposure to users of the Park is minimal.

Material handling and Transportation

Comment: Details regarding material handling on site should be included.

Response: As these details are prepared by the contractor selected to implement the work plan, they will be made available.

Comment: Details regarding truck routes, dust control and erosion control should be included.

Response: The truck routes proposed for use in transporting excavated material have been made available. Details on dust control and erosion control measures will be developed by the contractor selected to implement the work plan.

Comment: Will soil be wetted prior to transportation to landfills?

Response: Excavated soils will be wetted and should be in moist condition during disposal at a landfill. Properly operated landfills employ measures to control dust.

End Point Samples and Cleanup Goals

Comment: Fully remediate site by removing 100% of the toxic material.

Response: As indicated above, a review of available sampling data by DEC technical staff has determined that the fill placed at the Park does not meet the definition of a hazardous or toxic waste. The work plan proposes to remove all of the illegally disposed fill from the Park. Post excavation (end point) samples will be obtained from the excavated areas to ensure that all contaminants have been removed.

Comment: The number of proposed end point samples is insufficient.

Response: DEC will require that the number of end point samples proposed in the work plan be increased significantly.

Comment: Provide details on collection and analyses of end point samples.

Response: These details will be included in the revised work plan.

Comment: Provide criteria to be used for evaluation of acceptability of end point samples. In other words, how do you decide when cleanup is complete?

Response: The fill material consists of construction and demolition debris that is visually different from the native soils at the Park. After a visual observation indicates that all fill material has been excavated, samples of the underlying soil will be taken for chemical analysis. Data from the analyses will be compared to the applicable DEC soil cleanup objectives (SCOs) promulgated in 6 NYCRR Part 375 regulations. If the results exceed the SCOs, additional soil may be excavated and removed from the site.

Comment: The most stringent (unrestricted use) soil cleanup objectives should be used.

Response: Based on the use of the site as a Park, the applicable SCOs would be those termed “Restricted-Residential.” The work plan proposes to use the more protective “Residential” soil cleanup objectives to evaluate completion of cleanup.

Comment: Duplicate samples should be independently collected and analyzed by the County Health Department to establish community trust in completion of cleanup.

Response: DEC will discuss this recommendation with Suffolk County Department of Health Services (SCDHS).

Comment: Conduct sampling in other areas of the Park since contaminants may have drifted or may drift during excavation.

Response: Based on a review of sampling data and other available information by DEC technical staff, such sampling is not warranted. Stringent dust and erosion controls will be utilized during excavation to ensure that the material does not migrate from the excavation area.

Comment: Need to define criteria to determine which material is not suitable for disposal at a Long Island Landfill.

Response: Material which meets the Groundwater Protection SCOs of DEC Part 375 regulations is suitable for disposal at Long Island landfills. As stated in the work plan, approximately ¾ of the fill material meets the groundwater SCOs. Approximately ¼ of the material which does not meet the groundwater SCOs will be disposed of at an off-Island landfill.

Comment: The material could remain at the Park and the disposal areas could be capped similar to other landfills on Long Island.

Response: Because the material disposed of at the Park is a regulated solid waste, removal is the preferred option.

Site Restoration

Comment: A full restoration plan for the Park should be included and seeding and mulching should occur to reduce dust generation and erosion.

Response: The Town of Islip has indicated that the excavation areas will be filled with clean soil to allow redevelopment.

Debris Disposal at Blydenburgh Road Landfill

Comment: Toxic materials from the Park should not be disposed of at Blydenburgh. Placement of the material would pose significant threat to health and safety of area residents and may result in groundwater contamination. Therefore, all material should be sent off of Long Island for disposal.

Response: Toxic or hazardous waste cannot be accepted for disposal at any landfill on Long Island, including the Blydenburgh facility. Available sampling data clearly indicates, however, that the fill material at the Park does not meet the regulatory definition of hazardous or toxic waste. Nonetheless, as a result of stringent protections in place to protect Long Island's groundwater, a portion of the fill material at the Park must be transported to authorized landfills off Long Island for disposal.

As stated previously in this summary, however, a significant portion of the fill material at the Park meets the groundwater protection soil cleanup objectives set forth in Part 375 regulations. This means that contaminants would not be expected to leach from this material in quantities that would affect quality of groundwater underneath a disposal site, even if the site did not have a liner system to prevent leaching of contaminants. All permitted landfills on Long Island are equipped with the additional protection of liner systems to prevent groundwater impacts. As a result, use of the groundwater protection soil cleanup objectives as a standard to determine what materials can be disposed of at permitted landfills on Long Island is a very stringent standard. If Blydenburgh is chosen as the destination for this material, it should be noted that it is equipped with a double liner system to prevent leachate from reaching the environment, an active gas collection system and a network of groundwater monitoring wells. These controls are more than sufficient to ensure that disposal of the material does not present any risk to public health or the environment.

Comment: Describe testing currently being done at the landfill.

Response: The Blydenburgh site includes fifty (50) wells for extraction and seventy nine (79) wells for monitoring of landfill gas, which are monitored monthly. The facility also has twenty seven (27) groundwater monitoring wells associated with the active portion of the landfill, which are tested quarterly.

Comment: Test all waste proposed to be disposed of at Blydenburgh.

Response: A comprehensive review of the available sampling data by DEC technical staff has concluded that a sufficient number of in-situ samples have been obtained to determine appropriate disposal locations.

Comment: DEC should monitor waste disposal to ensure safe and proper disposal.

Response: DEC staff will closely monitor waste disposal at the Blydenburgh facility.

Comment: Additional testing of groundwater and landfill gas should be conducted if the Park material is deposited at Blydenburgh.

Response: As indicated previously, the fill material to be disposed of at the landfill is not a threat to groundwater. The material is not putrescible and does not have the potential to generate landfill gas. In addition, as noted above, a large number of monitoring wells for groundwater and landfill gas already exist at the landfill.

Comment: DEC and Town should make sure that land owners adjacent to the landfill are not negatively impacted by disposal of contaminated fill.

Response: As noted above, the fill material does not have the potential to negatively impact adjacent landowners. Sufficient safeguards are in place and DEC staff will closely monitor disposal activities.

Comment: Concern about asbestos fibers getting airborne after disposal at Blydenburgh since no precautions as wetting are proposed.

Response: The revised work plan will include a dust control plan to be implemented at the landfill. The plan will include wetting of the fill material.

Comment: Prior disposal of hazardous waste at the landfill resulted in groundwater contamination and health impacts.

Response: As indicated previously, the fill material at the Park does not meet the regulatory definition of hazardous or toxic waste. It does not have the potential to impact groundwater or public health.

Role of DEC

Comment: DEC or SCDHS should actively participate in selection of a contractor who will perform waste removal activities. The contractor's work plan should be reviewed and approved by DEC. Contractors with prior environmental violations should be barred from the project.

Response: DEC will continue to provide regulatory oversight and grant necessary approvals. DEC will be involved in an advisory capacity in contractor selection while the Town will need to follow established procurement procedures to award a contract.

Comment: Approval of an off-island disposal facility should come from DEC.

Response: DEC will verify that any facilities proposed to accept fill material from the Park possess appropriately regulatory approvals.

Comment: Define DEC's role in overseeing removal, transportation and disposal of the Park material.

Response: DEC staff will inspect waste removal and associated monitoring activities frequently to verify that the activities conform to the approved work plan and applicable DEC regulations. DEC staff will also inspect any Long Island landfill where material from the Park may be accepted for disposal.

Community Participation

Comment: Establish a working group or a citizens' advisory committee consisting of Town, involved agencies and community groups to guide the cleanup process and to keep community informed and engaged with the cleanup.

Response: DEC will require that the Town develop and implement a robust Citizen Participation Plan as a condition of its approval of the Work Plan.

Comment: Plan to monitor the waste disposal process should be made public.

Response: All pertinent information and data will be made available at the Brentwood Library, at Islip Town Hall and at the DEC's Region 1 office in Stony Brook.

Comment: DEC should designate a community liaison.

Response: A DEC staff member will be designated to serve as a community liaison.

Comment: Comprehensive bilingual updates should be provided to the community on a weekly basis.

Response: DEC staff will work with the Town to insure that bilingual updates are produced on a regular basis.

Comment: DEC should hold another public meeting after the work plan has been implemented.

Response: DEC will require the scheduling of such a meeting.

Comment: Continue to provide language access services at future meetings.

Response: DEC will work with interested parties to ensure that language services will be provided at future public meetings regarding this site.

Comment: Air monitoring data should be easily accessible by the public and the community should be notified when dust mitigation measures are required.

Response: The periodic reports to the community will include information on any excursions detected by air monitoring instruments. DEC will require that the Town to investigate the feasibility of posting air monitoring data online. The dust mitigation measures will be employed continuously to prevent air quality excursions. DEC will work with the town to develop a system to notify the public about significant activities at the site that might require them to take precautions.

Comment: Youth need to be represented in committees that oversee the Park rebuilding process.

Response: Because DEC's direct involvement is limited to remediation of the Park site, this comment/suggestions should be directed to the Town.

Comment: Contractor reports should be more frequent than weekly. A list of items to be included in the updates should be developed in advance.

Response: Biweekly updates have proven to be an effective tool to keep the community informed in relation to other remediation projects managed by DEC. More frequent reports would be of limited value.

Comment: Ensure that youth understand the risks of using the Park until it is cleaned up.

Response: The Park has been closed to the public since May 2014. When excavation is underway at the site, signs will be posted to advise any visitors that it is an active construction site.