

New York State Department of Environmental Conservation

Division of Environmental Remediation, 12th Floor

625 Broadway, Albany, New York 12233-7011
Phone: (518) 402-9706 • FAX: (518) 402-9020
Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

December 31, 2007

Mr. Jed Schneider
Pioneer Midler Avenue, LLC
250 South Clinton Street
Syracuse, New York 13202-1258

Mr. Charles Smithy
Lowe's Home Centers, Inc.
Highway 268 East
North Wilkesboro, NC 28659

Re: Certificate of Completion
Midler City Industrial Park
Onondaga County
Site No. C734103

Dear Messrs. Schneider and Smithy:

The New York State Department of Environmental Conservation is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion to be issued for the above referenced site. Enclosed please find an original Certificate issued on December 31, 2007.

With the issuance of this Certificate, please note that the Environmental Conservation Law (ECL) requires the following:

- As required by ECL 27-1419.8, a notice of this Certificate must be recorded in the recording office for the County (or Counties) where any portion of the Site is located within 30 days of the date of issuance, if the Certificate is issued to the Site owner, or within 30 days of acquiring title to the Site, if the Certificate is issued to a prospective purchaser of the Site. A copy of the standard notice form is attached.
- As required by ECL 27-1417.3(i), a notice of this Certificate and a fact sheet describing such controls must be provided to the Brownfield Site Contact List within 10 days of the date of issuance.
- As required by ECL 27-1415.7, you are required to implement the Department-approved Site Management Plan (SMP), which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program, and report the results of these activities to the Department in a Periodic Review Report (PRR), which

also includes any required IC/EC Certifications. The first PRR including the certification of the ICs/ECs, is due to the Department on March 1, 2009.

If you have any questions regarding any of these items, please contact Karen Cahill at 315-426-7432.

Sincerely yours,

Dale Desnoyers
Director
Division of Environmental Remediation

cc w/ enclosure: Dale L. VanEpps, Pioneer Midler Avenue, LLC

cc w/o enc. Karen A. Cahill, DEC
Gregg Townsend, DEC
William Daigle, DCE
Henriette Hamel, DOH
James Charles, DEC

Please record and return to:
Mr. Jed Schneider
Pioneer Midler Avenue, LLC
250 South Clinton Street
Syracuse, New York 13202-1258

NOTICE OF CERTIFICATE OF COMPLETION

**State of New York
Onondaga County**

The undersigned, being duly sworn, hereby deposes and states:

The New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) for the Midler City Industrial Park Site.

The Certificate was issued on December 31, 2007 to Pioneer Midler Avenue, LLC for a parcel approximately 21.8 acres located at the 621 and 629 South Midler Avenue in the City of Syracuse, Onondaga County. A metes and bounds description of the Site subject to this Certificate is attached to the Certificate as Exhibit A and a site survey is attached as Exhibit B.

The Certificate entitles the Certificate holder(s) to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

A copy of the Certificate can be reviewed at the NYSDEC's Region 7 located at 615 Erie Boulevard West, Syracuse, NY by contacting the Regional Environmental Remediation Engineer.

This Notice of Certificate of Completion is being filed with the Onondaga County Clerk's office in accordance with ECL Section 27-1419.8 to give all parties who may acquire any interest in the Site notice of the Certificate.

WHEREFORE, the undersigned has signed this Notice of Certificate

Pioneer Midler Avenue, LLC

By: _____

Title: _____

Date: _____

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the _____ day of _____, in the year 200 , before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual
taking acknowledgment

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION

CERTIFICATE OF COMPLETION

Certificate Holder(s): Pioneer Midler Avenue, LLC, 250 South Clinton Street, Syracuse, NY 13202
Lowe's Home Centers, Inc., Hwy. 268 East, North Wilkesboro, NC 28659

Site Information:

Site Name: Midler City Industrial Park
Site Owner: Pioneer Midler Avenue, LLC
Site Location: 621 and 629 South Midler Avenue
City of Syracuse
Onondaga County

DER Site Number: C734103

Site Description: Midler City Industrial Park is a 21.72 acre Site consisting of two tax parcels. The Site is located on the west side of South Midler Avenue and is bordered on the north by Interstate Route 690 and on the south by a Conrail line. For many years the Site was utilized as an industrial park for manufactured heavy iron wares and laundry and dry cleaning equipment.

A metes and bounds description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

Tax Map Identification Number(s): to be assigned

Brownfield Site Cleanup Agreement: Index # B7-0679-04-11

Effective Date of Brownfield Site Cleanup Agreement : February 2, 2005

Is at least 50% of the Site located in an EnZone? ☐ yes ☒ no
Is 100% of the Site located in an EnZone? ☐ yes ☒ no

Certificate Issuance

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses:

☐ Unrestricted Use (Track 1)
☒ Restricted Use (Tracks 2, 3, and 4):
 ☐ Residential
 ☐ Restricted Residential
 ☒ Commercial
 ☒ Industrial

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Onondaga County as Book of Deeds 5028 at Page 624 on December 28, 2007.

Liability Limitation

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

Certificate Transferability

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5.

Certificate Modification/Revocation

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;

(3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached; or

(4) there is good cause for such modification or revocation.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Alexander B. Gramis
Commissioner
New York State Department of
Environmental Conservation

By:



Dale A. Desnoyers, Director
Division of Environmental Remediation

Date of Issuance:

12/31/07



Department of Toxic Substances Control



Linda S. Adams
Secretary for
Environmental Protection

Maureen F. Gorsen, Director
1011 North Grandview Avenue
Glendale, California 91201



Arnold Schwarzenegger
Governor

Ms. Jennie King
February 8, 2007
Page 2

cc: Mr. Tony Landler
Senior Engineer
Environmental Affairs
Southern California Edison
2244 Walnut Grove Avenue
Rosemead, California 91770

Mr. Doug Sheppard
Engineering and Technical Services
Southern California Edison
300 North Lone Hill Avenue
San Dimas, California 91773

Mr. John M. Bierschenk, P. G.
President and Operations Manager
TerraTherm, Inc.
356 Broad Street
Fitchburg, MA 01420

February 8, 2007

Ms. Jennie King
Project Manager
Environmental Affairs
Southern California Edison
2244 Walnut Grove Avenue
Rosemead, California 91770

REMEDIAL ACTION COMPLETION REPORT APPROVAL AND AOC-2
CERTIFICATION, SOUTHERN CALIFORNIA EDISON (SCE)/ALHAMBRA COMBINED
FACILITY, ALHAMBRA, CALIFORNIA

Dear Ms. King:

The Department of Toxic Substances Control (DTSC) has reviewed the subject Remedial Action Completion Report (Report) for AOC-2 at the SCE Alhambra Combined Facility submitted by TerraTherm. The Report documents the treatment of approximately 16,500 cubic yards of soil at AOC-2 contaminated with polycyclic aromatic hydrocarbons (PAHs), pentachlorophenol (PCP), dioxins and furans.

DTSC approves the Report and certifies that it meets all of the conditions of the approved Remedial Action Plan developed pursuant to Health and Safety Code Section 25356.1 for the contaminated soil remediation. DTSC has determined that the AOC-2 portion at this Site has been remediated to allow for unrestricted land use and that No Further Action is required.

Thank you for your efforts in remediating this Area of Concern. If you have any questions please contact Mr. Tedd Yargeau, Project Manager, at (818) 551-2864 or myself at (818) 551-2822.

Sincerely,

Sayareh Amir, Chief
Site Mitigation and Brownfields Reuse Program – Glendale Office

cc: See next page



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

**SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, S.W.
ATLANTA, GEORGIA 30303**

November 2, 2009

Mr. Michael A. Dobbs
Environmental Program Manager
Defense Distribution Center
S Avenue, Bldg. 1-2
DES-DDC-EE
New Cumberland, PA 17070-5000

Re: EPA approval of the Dunn Field Source Areas Interim Remedial Action Completion Report, Rev. 1, Defense Depot, Memphis, Tennessee (DDMT)

Dear Mr. Dobbs:

The U.S. Environmental Protection Agency, Region 4 (EPA), has reviewed the referenced document. All of EPA's comments have been satisfactorily addressed and the document is hereby approved. If you have any questions, please contact me at 404/562-8553.

Sincerely yours,

**Wm. Turpin
Ballard**

Digitally signed by Wm. Turpin Ballard
DN: cn=Wm. Turpin Ballard, c=US,
o=U.S. EPA Region 4, ou=Federal
Facilities Branch, email=ballard,
turpin@epa.gov
Date: 2009.11.02 13:21:21 -05'00'

Wm. Turpin Ballard, RPM
Federal Facilities Branch

Cc: Jamie Woods, DOR/TDEC/Memphis



FACT SHEET

Brownfield Cleanup Program

Midler City Industrial Park Site
Site Number C734103
Syracuse, NY

December 2007

NYSDEC Certifies Remediation Requirements Achieved at Brownfield Site

The New York State Department of Environmental Conservation (NYSDEC) has determined that Pioneer Midler Avenue, LLC will achieve remediation requirements to address contamination related to Midler City Industrial Park Site located at 621 South Midler Avenue in the City of Syracuse, Onondaga County under New York's Brownfield Cleanup Program (BCP). (See map for the location of the site.) NYSDEC has issued a Certificate of Completion to Pioneer Midler Avenue, LLC regarding Midler City Industrial Park Site. A copy of the Certificate of Completion is available at the document repository identified in this fact sheet.

NYSDEC previously accepted an application submitted by Pioneer Midler Avenue, LLC to participate in the BCP. The site will be used for commercial purposes.

Certificate of Completion

The Certificate of Completion issued by NYSDEC contains:

- 1) a description of the remedial activities completed;
- 2) a certification that remediation requirements have been or will be achieved;
- 3) the boundaries of the site;
- 4) a description of any institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction, when the remedial action leaves residual contamination that makes the site suitable for some, but not all uses. An *engineering control* is a physical barrier or method to manage contamination such as a cap or vapor barrier;
- 5) a certification that an operation, monitoring and maintenance plan for any engineering controls used at the site has been approved by NYSDEC.

Brownfield Cleanup Program: New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses include recreation, housing and business.

A brownfield is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination.

For more information about the BCP, visit: www.dec.state.ny.us/web/dec/dec/bcp

"*remedial activities*" and "*remediation*" refer to all necessary actions to address any known or suspected contamination associated with a site.

RI activities were conducted from November 2004 through April 2006. These activities included soil borings, monitoring well installations, test pit excavations, and sampling of soil, groundwater, soil gas and utility area sediments/liquids.

An Interim Remedial Measure (IRM) of limited excavation and in-situ thermal treatment was conducted at the site from November 2006 through September 2007. The IRM was conducted to remove chlorinated volatile organic compound (VOC) contamination from four source areas identified during the RI. The technology adopted to remove contamination was in-situ thermal desorption (ISTD). The ISTD technology uses heat applied to the soil through heating elements to vaporize water and contaminants. The extent of contamination impacts at the site was significantly altered by the year-long IRM. A total of more than 43 tons of soil was treated during the IRM, resulting in approximately 99.9% destruction of contaminants from within three source areas.

The site remedy includes monitoring the groundwater at the site to assess the continuing biodegradation of contaminants and restrictions on site excavations and groundwater use at the site. A Site Management Plan was approved in December 2007 and includes an Engineering and Institutional Control Plan, a Monitoring Plan, and an Operation and Maintenance Plan. These plans provide a detailed description of all procedures required to manage residual contamination at the Site following completion of the remedy.

The institutional controls and engineering controls for the Midler site are described below:

Site Specific Engineering Controls

Sub-slab depressurization systems (SSDSs) - SSDSs will be installed and maintained on all existing and all future buildings on the Site to ensure proper air quality within the structures.

Paved and concrete surfaces - To the extent reasonable, all surfaces outside of the building footprints are to be paved or covered with conventional asphalt or concrete.

Clean Backfill - Clean crushed limestone backfill has been placed across the Site and will be maintained such that a minimum of one foot of material remains to avoid direct contact with pre-existing urban fill material and native soils.

Site Specific Institutional Controls

Annual Certification - As required by ECL 27-1415 and the Brownfield Cleanup Agreement for the site, Pioneer will submit an annual certification that the aforementioned Engineering Controls are in operation and working effectively to the NYSDEC.

Environmental Easement - Pioneer will grant the State an environmental easement for the Site to ensure that use restrictions or engineering controls remain in place and will be binding on future owners and lessees.

Groundwater Use Restriction - The use or discharge of untreated groundwater for any purpose will not be permitted at the Site.

Soil Management Plan - A site specific soil management plan will be implemented at this Site.

Next Steps

NYSDEC issued the Certificate of Completion based on review and approval of a Remedial Action Report (RAR) submitted by Pioneer Midler Avenue, LLC. The RAR described the remedial activities completed and certified that remediation requirements have been achieved for the site.

With its receipt of a Certificate of Completion, Pioneer Midler Avenue, LLC:

- has no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- is eligible for tax credits to offset the costs of performing remedial activities and for redevelopment of the site.

A Certificate of Completion may be modified or revoked if, for example, the applicant does not comply with the terms of its Brownfield Cleanup Agreement with NYSDEC, or if the applicant commits fraud regarding its application or its certification that it has met cleanup levels.

Background

The Site is approximately 21.8 acres in size and is located along the east side of South Midler Avenue in an area that is predominantly commercial and industrial. A divided highway, Interstate 690, forms the northern boundary of the Site. Adjoining the east side of the Site is a yard waste composting facility operated by the City of Syracuse Department of Public Works. The southern boundary of the Site is a CSX rail line.

Prior to being acquired by its previous owner (Sutton Investing Corporation) in 1961, the Site was utilized for close to 70 years for various manufacturing purposes by Pierce, Butler & Pierce Manufacturing Company, Pierce Butler Radiator Corporation, Prosperity Company, Inc., and Ward Industries Corporation.

Tetrachloroethene (PCE) and trichloroethene (TCE) are industrial solvents and are the principal chemicals affecting soil and groundwater at the site. Since the site has not been used for manufacturing for several decades, and based on the manufacturing history at the site, the PCE is most likely from spills of the solvent that occurred many decades ago. The presence of TCE could be from breakdown of the PCE or from spillage of the solvent itself.

FOR MORE INFORMATION

Document Repository

A local document repository has been established at the following location to help the public to review important project documents. These documents include the Certificate of Completion and the application to participate in the BCP accepted by NYSDEC:

City of Syracuse
Department of Community Development
Division of Code Enforcement
201 E. Washington Street, Room 101
Syracuse, NY 13202
accessible to the public Monday- Friday 8:00 am – 4:00 PM

Who to Contact

Comments and questions are always welcome and should be directed as follows:

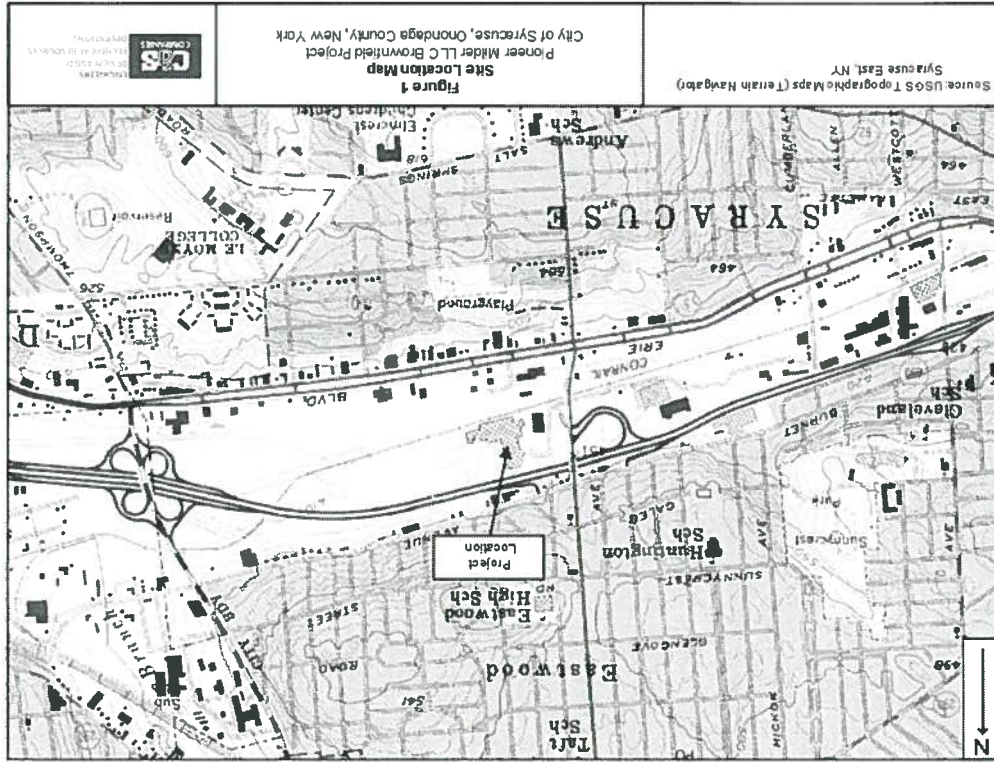
Project Related Questions

Karen A. Cahill
New York State Department of Environmental
Conservation
615 Erie Boulevard West
Syracuse, New York 13204-2400
315-426-7432

Health Related Questions

Henriette M. Hamel
New York State Department of Health
217 South Salina Street, 3rd Floor
Syracuse, New York 13202
315-477-8154

If you know someone who would like to be added to the project mailing list, have them contact the NYSDEC project manager above. We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.



New York State Department of Environmental Conservation

Division of Environmental Remediation

Remedial Bureau E, 12th Floor

625 Broadway, Albany, New York 12233-7017

Phone: (518) 402-9814 • FAX: (518) 402-9819

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

JUL 20 2010

Mr. Mitchell E. Meyers
Program Manager
Corporate Environmental Engineering
International Business Machines Corporation
8976 Wellington Road
Manassas, Virginia 22110

RE: OU No. 4: Ideal Cleaners Area, Interim Remedial Measures
Former IBM Facility, Endicott, New York
AOC Index No. A7-0502-0104, Site No. 704014

Dear Mr. Meyers:

The New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Health (NYSDOH) have reviewed the "In-Situ Thermal Desorption (ISTD) Interim Remedial Measures Report for Operable Unit 4 - The Former Ideal Cleaners" report which was submitted by IBM on June 15, 2010, and the revised Figure 4.6 which was submitted on July 19, 2010.

The report provides a detailed description of the start-up, operation, and shut down of the ISTD system, and the environmental sampling data collected as part of the project. Based on the information contained in the report, it is clear that the ISTD treatment technology was quite successful. The post-treatment concentrations of PCE and its breakdown products in the soils were below the unrestricted use criteria established in 6 NYCRR Part 375-6.

The report is approved.

The NYSDEC and NYSDOH are in the process of developing a Proposed Remedial Action Plan (PRAP) for Operable Unit No. 4 that will formally incorporate the ISTD interim remedial measure as a primary component of the final remedy.

Mr. Mitchell E. Meyers

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If you have any questions concerning this letter, please call Mr. Wertz at (518) 402-9813 or Mr. Deming at (518) 402-7870.

Sincerely,

William E. Wertz, Ph.D.
Chief, Remedial Section B, Remedial Bureau E
Division of Environmental Remediation
NYS Dept. of Environmental Conservation

Justin Deming
Public Health Specialist II
New York State Department of Health

cc: Ms. Hiroko Muraki Gottlieb, IBM Attorney
K. Lynch, NYSDEC, Region 7
G. Litwin, NYSDOH
J. Bernardo, Town of Union
Hon. J. Bertoni, Mayor, Village of Endicott

D. Tuohy, NYSDEC, C.O.
R. Brink, Broome County DOH
K. Anders, NYSDOH
P. Speranza, EIT/Huron



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, S.W.
ATLANTA, GEORGIA 30303

October 21, 2009

4SFD/FFB

Mr. Michael A. Dobbs
Environmental Program Manager
Defense Distribution Center
S Avenue, Bldg. 1-2
DES-DDC-EE
New Cumberland, PA 17070-5000

Re: EPA Approval of DLA's Demonstration That the Remedial Action Conducted OU-1 (Dunn Field) at the Former Memphis Depot NPL Site is Operating Properly and Successfully

Dear Mr. Dobbs:

By this letter EPA recalls its previous approval letter dated September 21, 2009. The recall is due to errors identified in the text. This letter continues to provide EPA approval as before.

In your letter dated June 9, 2009, with supporting technical memorandum (TM), you submitted a demonstration by the Defense Logistics Agency (DLA) that the remedial action (the Remedy) currently being conducted on Department of Defense (DOD) property at Dunn Field (CERCLIS operable unit 1) at the Former Memphis Defense Depot is in place and is operating properly and successfully (OPS), as required under Section 120(h)(3) of the Comprehensive Response, Compensation, and Liability Act (CERCLA). The supporting TM contained the rationale, objective data and weight of evidence you deem sufficient to support your demonstration for review by the U.S. Environmental Protection Agency, Region 4 (EPA). EPA hereby approves of the DLA's demonstration that the remedy at OU-1 on Dunn Field is in place and operating properly and successfully. EPA approval of this OPS demonstration is a pre-condition to the deed of transfer of this federally-owned property. It is solely for the purpose of allowing property transfer to proceed while a long-term remedy is operating, and does not imply that all cleanup actions are completed. This approval is made without any independent EPA investigation or verification but rather, by taking into account case-specific circumstances presented by DLA and evaluation criteria contained in EPA's Guidance for Evaluation of Federal Agency Demonstrations that Remedial Actions are Operating Properly and Successfully Under CERCLA Section 120(h)(3). EPA expressly reserves all rights and authorities relating to information not contained in the DLA submittal, whether such information is known as of this date, or discovered in the future. EPA's approval applies only to the property known as Dunn Field, which contains known releases of hazardous substances, pollutants, or contaminants. EPA has worked closely with DLA and the Tennessee Department of Environment and Conservation (TDEC) over more than a decade

to ensure that appropriate response actions have been considered in cases where the DLA/DOD stored for one year or more, or released, hazardous substances.

The elements of the Remedy that are relevant to this OPS demonstration were selected in a record of decision (ROD) approved by the EPA on April 12, 2004, as amended on March 19, 2009. The Remedy includes remedial actions for surface and subsurface soils and ground water. In addition to approval of the ROD, EPA reviewed and approved the remedial design (RD) for this Remedy. EPA has also reviewed a final and an interim remedial action completion report (IRACR) submitted by DLA, as further discussed below. The IRACR summarizes the ROD and the RD process, and fully documents all actions taken to implement the Remedy within the Dunn Field boundary that are the subject of this OPS demonstration. The IRACR documents operational details of all remedial actions, as well as contaminant trend data indicating significant ongoing reductions in concentration. EPA has conducted site visits during construction and operation, and participated in regular site meetings to follow progress of the Remedy. The rationale for EPA's approval of the OPS demonstration is presented below, organized by the environmental media addressed by the Remedy.

Surface Soil

Land use controls (LUCs) are the primary means selected in the ROD for controlling unacceptable exposures to surface soil. A land use control implementation plan (LUCIP) was approved by EPA. This LUCIP contains enforceable measures that are currently in place, as well as additional LUCs to be implemented during transfer activities (e.g., deed restrictions to prevent residential development). These are the only measures necessary to address contaminated surface soil. DLA is implementing the LUCIP and has submitted annual reports, as required, since its approval. The LUCIP includes figures depicting the area within which specific LUCs apply. DLA/DOD is obligated to conduct periodic inspections to ensure that the LUCs remaining in place and are not violated, for as long as the conditions at the site do not allow for uncontrolled use and unlimited exposure.

Subsurface Soil

Remedial actions to address releases of two distinct natures have been implemented for subsurface soils: solid materials disposed of in pits and trenches, and liquids disposed in trenches and through surface disposal that have contaminated soil and ground water. In 2005, DLA completed excavation of disposal pits to remove solid and hazardous wastes that were determined to present unacceptable risk to hypothetical future excavation workers. The contents of the pits were disposed off-site in compliance with applicable laws and regulations. Completion of this action was documented in a Remedial Action Completion Report (RACR) and approved by EPA. There are no ongoing operations associated with this action.

The remedial action objective (RAO) for general subsurface soils (excluding disposal pit contents) was to prevent further release of chlorinated volatile organic compounds (CVOCs) within the vadose zone (from ground surface to approximately 70 feet below) to ground water in excess of MCLs or risk-based concentrations. In 2007, DLA initiated treatment of CVOCs through installation of a soil vapor extraction system (SVE). The SVE system has been shown by DLA to have halted the migration of CVOCs to ground water and removed them from the subsurface. The

system continues to operate and is the only active element of the Remedy that continues under operation and maintenance (O&M) on DOD property at Dunn Field. SVE is expected to achieve the soil cleanup levels established in the ROD within 3 to 5 of this OPS approval.

In 2008, DLA supplemented the SVE system with in-situ thermal desorption (ISTD), a soil heating technology, to address CVOCs in the clay-rich top 30 feet of the vadose zone. The ISTD operated for approximately 5.5 months and confirmation sampling of soils within the treatment zone determined that the Remedy achieved the relevant soil cleanup levels selected in the ROD. Operation of the ISTD system was terminated and the system was demobilized from the site.

Ground Water

The 2004 ROD called for in-situ treatment of high-concentration ground water under the source areas, and for preventing use of the shallow ground water for drinking or other consumptive use. The LUCIP implements LUCs to address the latter objective. Ground water LUCs will continue until the remedial action objective to restore ground water to drinking water quality has been achieved.

Subsequent to initiation of SVE, CVOC concentrations in ground water under the source areas declined dramatically, such that EPA, TDEC, and DLA agreed that there was no longer any high-concentration ground water within the source areas within the meaning of the 2004 ROD. The element of the original remedy that called for treatment of high concentration ground water contamination on Dunn Field was therefore eliminated through the 2009 ROD Amendment. Ground water monitoring continues both on and off of the property, and the low concentrations of CVOCs that remain (less than 50 ug/L of any individual analyte) will be captured by a ground water treatment system constructed under the Dunn Field ROD to address ground water contamination that has migrated from, and is located outside, the property boundaries of the Depot.

Based on review of the relevant documents, site visits, and long-term participation by EPA personnel, the Agency hereby determines that the Remedy on Dunn Field is operating properly and successfully within the meaning of CERCLA section 120(h)(3). If you have any questions, please contact me at 404/562-8553.

Sincerely yours,

**Wm. Turpin
Ballard**

Digitally signed by Wm. Turpin Ballard
DN: cn=Wm. Turpin Ballard, o=U.S.
Environmental Protection Agency,
ou=Federal Facilities Branch, email=wturballard@epa.gov, c=US
Date: 2009.11.21 15:09:27 -0400

Wm. Turpin Ballard, RPM
Federal Facilities Branch
Superfund Division
U.S. EPA, Region 4

References

1. Defense Logistics Agency, Transmittal Memorandum, June 9, 2009 – *Operating Properly and Successfully Demonstration, Source Areas RA Dunn Field – Defense Depot, Memphis Tennessee*
2. Defense Logistics Agency (e2m Report), May, 2009 – *Source Areas Interim Remedial Action Completion Report*
3. Defense Logistics Agency (CH2M Hill Report), April 2007 – *Memphis Depot Dunn Field Source Areas Final Remedial Design*
4. Defense Logistics Agency (CH2M Hill Report), April 2004 – *Memphis Depot Dunn Field Record of Decision*
5. e2m Technical Memorandum, June 3, 2009. *Operating Properly and Successfully Demonstration - Source Areas Remedial Action Dunn Field - Defense Depot Memphis, Tennessee*
6. U.S. Environmental Protection Agency, Guidance, 1996 – *Interim Guidance for Evaluation of Federal Agency Demonstrations that Remedial Actions are Operating Properly and Successfully under CERCLA Section 120 (h)(3)*

Cc: Jamie Woods, DOR/TDEC/Memphis
Martha Brock, EAD/OLS



California Regional Water Quality Control Board San Francisco Bay Region



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Arnold Schwarzenegger
Governor

Date: July 24, 2006
File No. 0750125 (MRJ)

Mr. Gary Hembree
Mr. Alan Wolken
City of Richmond Redevelopment Agency
1000 California Street
Richmond, CA 94804
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Gary.Hembree@ci.richmond.ca.us

Subject: Approval of Completion of Remedial Actions, Thermal Treatment of VOC
Impacts in the Southwest Tank Farm Area and Removal of PAH-impacted Soil in
the Central Area, Terminal One Site, 1500 Duman Drive, Richmond,
Contra Costa County

Dear Messrs. Hembree and Wolken:

This letter responds to correspondence from Mr. Wolken, which enclosed the Geomark
Consultants' partial completion report for the in situ thermal desorption process (ISTD) applied
to the CO-impacted (dibenzofuran impacted) soils at the Central One site, 1500 Duman Drive,
Richmond, CA 94804.

Further, and with respect to both the VOC impacts and the PAH impacts at the site, Water Board staff find that the cleanup measures implemented have met the cleanup standards for those contaminants as set forth in Sections B.1 and B.2 of Order R2-2004-0045.

Cleanup measures associated with the TPH cleanup standards established in Section B.2 have been implemented and they will be implemented as part of grading and site preparation work prior to construction of the planned residential units.

Mr. Wolken's cover letter for the first partial completion report requested that the Board confirm, pursuant to Section 33459.3(b) of the Health and Safety Code, that the October 2004 UPRAP was approved by the Board. The Board has confirmed that the UPRAP was approved. Consistent with the prior approval of the UPRAP, Water Board staff hereby provide the requested confirmation pursuant to Section 33459.3(b).

Please note, however, that inasmuch as significant portions of the cleanup program described in the UPRAP have been completed, the Board has determined that the implementation of the Polanco Act's immunities pursuant to Section 33459.3(c), the Executive Officer will consider issuance of final confirmation pursuant to Section 33459.3(c) only after all aspects of the cleanup program envisioned in the UPRAP are completed. Those steps are: (1) implementation of the soil management protocols for petroleum-impacted soil; (2) construction of the slurry wall; and (3) implementation of the groundwater monitoring program. The Board will consider the submission of a technical report documenting implementation of those measures; (4) installation

of the groundwater monitoring program, commencement of the monitoring program, and documentation of those steps in an appropriate technical report, and, (5) recordation of an appropriate, Executive Officer-approved deed restriction. Assuming these five steps are completed in a satisfactory fashion, final confirmation of Polanco Act immunities would be subject to on-going compliance with the groundwater monitoring program, timely submission of an acceptable five-year status report pursuant to Task C.7, and such other conditions as may be warranted based on the circumstances.

Although final confirmation of Polanco Act immunities cannot occur at this time, Water Board staff find that in light of the successful implementation of the ISTD process and the removal of PAH-impacted soil, no further actions other than those specified in the preceding paragraph are required from the Water Board staff's perspective in order for the proposed multi-family residential development to proceed on the Central and Northeast Tank Farm portions of the site and for the park/recreational use development to proceed on the Southwest Tank Farm portion of the site.

the following partial completion report submitted in connection with removal of the PAH-impacted soils from the Central Area of the site.

The ISTD process and the excavation of the PAH-impacted soil were both specified in the October 2004, Updated Proposed Remedial Action Plan (UPRAP). The October 2004, UPRAP was submitted in connection with Task 1 in Order No. R2-2004-0045 and was approved by the Executive Officer in a December 7, 2004, letter to Mr. Hembree. The completion reports have been submitted in connection with Task 4 in Order No. R2-2004-0045.

Water Board staff have reviewed both the February 2006, Remedial Design Implementation Plan-Partial Completion Report and the June 2006, Remedial Design Implementation Plan-Second Partial Completion Report for the Site. We find that they appropriately document implementation of the ISTD process for remediation of VOC impacts in the Southwest Tank Farm area and the removal of PAH-impacted soils from the central portion of the site, respectively. Both reports are hereby approved.

(over)

Should you have any comments or questions, please contact Mark Johnson or my staff at (510)
622-2493, mjohnson@waterboards.ca.gov.ca.gov.

Sincerely,



Bruce H. Wolfe
Executive Officer

Digitally signed by Stephen Hill
DN: CN = Stephen Hill, C = US
Date: 2008.07.24 16:59:20 -0700

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