

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Materials Management, Region 3

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September 1, 2015

Nicholas Marrone, Project Manager
Miller Environmental Group, Inc.
169 Stone Castle Road
Rock Tavern, NY 12575

Sent by email to: nmarrone@millerenv.com

Re: Site Investigation Report, Kokot Property, SBL 6-1-85.2, T-Chester, Orange County

Dear Mr. Marrone:

The Department has reviewed your letter of August 27, 2015 in which you transmitted a report of investigations and remedial activities carried out at the above-referenced site. The report includes analytical results for samples collected at the site on August 12, 2015 and a recommendation for no further action. You close the report with this statement: "MEG believes that the non-compliant C&D materials have been removed to the extent practical and that no further action should be required with regards to remediating the property further." As we discussed in our telephone conversation today, this statement requires some clarification.

Although it has been removed from its original placement area, the C&D debris previously found to be inappropriate for use as fill material remains on the property. Approximately 2000 cubic yards of this material has been excavated from the former fill placement area and is currently stockpiled at the site. Chemical analysis of the composite sample that we collected from selected locations in the sidewalls and bottom of the excavation shows that contaminant levels do not exceed applicable levels of concern (6 NYCRR Part 375-6.8(a) unrestricted soils cleanup objectives) and therefore further excavation is not required. However, remedial action at the site cannot be considered complete until the excavated C&D debris, which is currently stockpiled at the site, has been removed from the site for disposal at an authorized solid waste management facility or has been managed in accordance with a Department approved beneficial use determination (BUD). Further, as we discussed when we met at the site on August 12, 2015, interim measures such as tarps, hay bale berms and/or silt fences are needed to prevent waste from being eroded from the stockpile and dispersed into the environment.

The test results for the composite sample taken from the waste pile, which also fall below applicable SCOs, are interpreted as being reflective of the mixing of more contaminated C&D with other native soils or other less contaminated fill materials which were excavated along with the C&D debris. As you will recall, results of in-situ samples collected in March of 2012 showed contaminant levels in the C&D debris which were elevated well above applicable levels of concern.

Progress has been made in addressing regulatory and environmental issues at this site. The next steps required in reaching a complete resolution of these issues will be to identify a suitable disposal site or beneficial use for the stockpiled C&D debris and to implement effective containment and erosion control measures for temporary storage prior to disposal or beneficial use.

If there are any questions regarding the guidance provided above, or if you would like to discuss alternatives for completing environmental remediation of the site, please contact me at 845-256-3126 or by email at steve.parisio@dec.ny.gov.

Sincerely,



Steven Parisio
Regional Solid Waste Geologist

ecc: Donald Serotta, T-Chester Planning Board (by email @ DonaldSerotta@yahoo.com)
Alex Kokot (by email @ kokot4@warwick.net)
J. Lansing
K. Turturro
T. O'Malley