



CITY OF ITHACA

108 E. Green St. — Third Floor Ithaca, NY 14850-5690

DEPARTMENT OF PLANNING, BUILDING, ZONING, & ECONOMIC DEVELOPMENT

Division of Planning & Economic Development

Telephone: Planning & Development – 607-274-6550

E-Mail: dgrunder@cityofithaca.org

Community Development/IURA – 607-274-6559

APPLICANT OVERHEAD PROJECTOR NOTE:

The City only has a VGA plug/cable available to connect to our overhead projector. If you need to connect another way, you will need to provide your own ADAPTOR. (Macs & many newer, lighter laptops may not have a VGA port.)



If you have a disability & would like specific accommodation to participate,



please contact City Clerk at 274-6570 by 12:00 p.m., the day before the meeting.

PLANNING & DEVELOPMENT BOARD
NOTICE OF SPECIAL MEETING & AGENDA

A Special Meeting of the Planning & Development Board will be held at **6:00 p.m.** on **Tuesday October 18th, 2016** in the **SECOND FLOOR CONFERENCE ROOM, Second Floor, City Hall, 108 E. Green Street, Ithaca, NY.**

Start Times: Start times are *approximate* only — APPLICANTS are responsible for being available at whatever time(s) their agenda item(s) is actually discussed.

AGENDA ITEM	Approx. Start Time
1. Agenda Review	6:00
2. Chain Works District Redevelopment Project: Draft Generic Environmental Impact Statement (DGEIS)	6:01
A. Review Comments Response Summary — Public Health	
B. Next Steps & Future Special Meeting Schedule (Potential Dates: 11/8/16, 11/15/16, or 11/29/16)	
3. 371 Elmira Rd. (Holiday Inn Express) — Consideration of Project Changes	7:15
4. Adjournment	7:40

ACCESSING ONLINE PROJECT MATERIALS

Chain Works District Project document submissions can be found on the official project web site at <https://chainworksdistrict.com/submissions>, or the City’s project web site at <http://www.cityofithaca.org/514/Chain-Works-District-Redevelopment-Proje>.

Site Plan Review & Subdivision Applications (and Related Documents) — Site Plan Review application documents are accessible electronically via the “Document Center” on the City web site (www.cityofithaca.org/DocumentCenter), under “Planning & Development” > “Site Plan Review Project Applications,” and in the relevant year/month folder. Subdivision application materials can be similarly located, but in the “Subdivision Applications” folder. Zoning Appeal Materials are also accessible electronically via the “Document Center” on the City web site, under “Board of Zoning Appeals.”

Agenda — You may access this agenda (including attachments) by going to the “Agenda Center” on the City web site (www.cityofithaca.org/agendacenter), under “Planning & Development Board.” For ease-of-access, a link to the most recent Planning Board agenda is always accessible on the Planning Board home page: <http://www.cityofithaca.org/354/Planning-Development-Board>.

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
So I would say that this has been an issue for decades and the fact that the site hasn't been properly remediated or controlled up to this point does not give me a lot of confidence that granting this sort of carte blanche at this point in time is going to result in the level of remediation I would like to see on the site.	01	03	The Site has been an issue for decades and I have no confidence it will get remediated.	6	6D	Y	Y	5.5	<p>The Property has a long industrial history that has left an environmental legacy of significant contamination at the Site. As outlined below, Emerson, the party responsible for remediating the Site, has been working with the NYSDEC since contamination was first discovered at the Site in 1987:</p> <ul style="list-style-type: none"> • 1983 – Emerson purchases the Property • 1987 – Emerson discovers contamination in the area of the firewater reservoir and reports the contamination to the NYSDEC • 1988 – Emerson enters into a consent order with the NYSDEC to investigate and remediate the Property under the Inactive Hazardous Waste Site program • 1990 – Initial remedial investigation completed for firewater reservoir area • 1991 – A pump and treat system is installed for firewater reservoir area to extract and treat groundwater/contaminants • 1992 – Firewater reservoir is rehabilitated and put back into service 	
I only found out about this document yesterday evening and I took a really quick look essentially at some of the appendices in chapter five. One thing I would like to clarify is that class two designation is significant threat to the public health or environment action required, closed quote. So the problem with this site is that for something on the order of 30 years it's never been cleaned up. So the dual phase vapor recovery groundwater pump treatment of the fire reservoir is ineffective.	01	03	The Site has been an issue for decades and I have no confidence it will get remediated.	7	7AB	Y	Y	5.5	<ul style="list-style-type: none"> • 1994 – Initial NYSDEC Record of Decision is issued • 1996 – Firewater reservoir area pump & treat system is upgraded to dual phase vacuum extraction to increase the extraction of groundwater/contaminants • 2008 – Supplemental Remedial Investigation is completed for the Property under an industrial use scenario • 2009 – Record of Decision Amendment is issued based on 2008 Supplemental RI; includes requirement to upgrade the groundwater extraction system at the firewater reservoir • 2009 and 2015 – Enhancements are made to the extraction system <p>. Despite the enhancements and the progress made in removing volatile organic compounds from groundwater and vapor outlined above, the Site's complex geology have added to the scope and duration of remediation and mitigation efforts. Any remediation of impacts to groundwater in fractured bedrock, such as what exists at the Property, has and will require long-term management and monitoring by Emerson. According to the Project Sponsor's consultant, this is due to a process known as "back-diffusion." Contaminants in contact with the bedrock diffuse into the rock matrix over years and decades. The contaminants will slowly diffuse from the rock back into the groundwater over time. The dual phase vacuum extraction system will continue to remove contaminants from the subsurface as the contaminants diffuse out of the bedrock.</p>	
There's massive groundwater contamination that's never been cleaned up.	01	03	The Site has been an issue for decades and I have no confidence it will get remediated.	7	7C	Y	Y	5.5	<p>In addition, the science of investigation and remediation has evolved significantly since the 1980s and, as indicated above, the remedial work at the Property has been upgraded over time to incorporate such advances to allow for more effective</p>	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
So with every investigation the areas of concern, the recognized environmental conditions just become more numerous. So before I get around to reviewing this massive document that is as Mr. DePaolo noted is 80,000 pages, I will offer written comments. But I think that the bottom line is that after so many decades of contamination associated with this site, I have no faith whatsoever that the Department of Environmental Conservation is going to require this site to be thoroughly investigated or remediated. The original record of decision was never implemented. Revised record of decision was not implemented. Basically there hasn't been any remedial efforts past the dual phase recovery groundwater treatment system adopted circa '86 or something despite more free flowing product that's not an aqueous safe liquid.	01	03	The Site has been an issue for decades and I have no confidence it will get remediated.	7	7DA	Y	Y	5.5	remediation in the future. Specifically, the remediation of the firewater reservoir area was initially conducted via a groundwater pump and treat system. Per the Project Sponsor's consultant, this type of system utilizes groundwater extraction and treatment of the water only. In 1996, the system was modified/upgraded into a Dual Phase Vacuum Extraction (DPVE) system. The Project Sponsor's consultant has explained that DPVE is a process where soil vapor and groundwater are simultaneously removed. The removal of the groundwater depresses the groundwater table and exposes impacted areas such that those areas can be susceptible to volatilization with air. Since soil vapor can be extracted at a more rapid rate, the vapor phase can remove contaminants quicker than the water phase. Thus, removal and treatment of both soil vapor and groundwater increases the overall contaminant removal. The 2009 and 2015 upgrades to the extraction system were designed based on Emerson's investigation activities completed between 2009 and 2011. The investigations focused on identifying the presence or absence of dense non-aqueous phase liquid (DNAPL) or residual source material in groundwater immediately south and east of the Firewater Reservoir. The results of the investigations showed no evidence of DNAPL or residual source material in groundwater at these locations. The highest VOC concentrations in groundwater were found to occur approximately 18 feet below the base of the reservoir within two bedding plane fractures identified at 550 and 544 feet above mean sea level (amsl). These fractures, as well as a deeper bedding plane fracture at 515 feet amsl, were noted by Emerson's consultant as the primary migration pathways for affected groundwater at the Firewater Reservoir.	
They just continue to ignore these hazards year after year while the responsible party does everything they can to try to reduce its obligation to monitor the contamination, to deal with the contamination problems that are already known about. I think it's just not a good way to go. And again I think the key thing is everyone wants jobs. Everyone wants low income housing, a good place to live, commerce. I'm all for that generally speaking, but the bottom line is this class two site, it's polluted, massively polluted and hasn't been cleaned up. That's the first priority.	01	03	The Site has been an issue for decades and I have no confidence it will get remediated.	7	7EB	Y	Y	5.5	The objectives of the system modifications were: (1) intercept impacted groundwater within the horizontal bedding plane fractures in the C-zone between 550 feet, 544 feet, and 515 feet amsl to the south and east of the Firewater Reservoir; and (2) extract both aqueous- and vapor-phases for treatment. Specifically, the treatment system modifications included: 1. Installation of a new extraction well (EW-9R-72C) to target extraction of impacted groundwater and vapor from the bedding plane at 515 ft. amsl. 2. Conversion of existing monitoring well MW-14C to an extraction well in order to target the bedding planes at 550 and 544 ft. amsl. 3. Conversion of existing monitoring well EXB-2 to an extraction well in order to target the bedding planes at 550 and 544 ft. amsl. See Supplemental Pre-Design Investigation Fire Water Reservoir, June 30, 2011 in Appendix ___ of the FGEIS. Data indicates that a substantial amount of volatile organic	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
I think at that time the Trexler was like 28,000. The potable standard is five parts per million. So this is just a continuing problem. And it's just I think irresponsible that it hasn't been resolved and I don't think that these concerns should be ignored any longer.	01	03	The Site has been an issue for decades and I have no confidence it will get remediated.	7	7EE	Y	Y	5.5	<p>compounds have been removed from the subsurface by the extraction system. Emerson calculates that the extraction system has removed over 125-pounds of volatile organic compounds from groundwater and 2,101-pounds of volatile organic compounds from vapor between January 2009 and December 2014, before the system was most recently upgraded in the summer of 2015. Monthly operation and maintenance as well as system monitoring have also occurred throughout the years to ensure that the extraction system continues operating properly.</p> <p>Moreover, Emerson continues to address areas identified in the 2009 ROD Amendment, which also include addressing the area of concern to the west of the former '507 Degreaser' area in Building 4 (also known as AOC #1) and removal of Non-Aqueous Phase Liquid (NAPL). In August 2016, WSP on behalf of Emerson completed a Supplemental Pre-Design Investigation that summarized additional investigation activities to further assess VOC impacts in the area of AOC #1. See WSP's Revised AOC 1 Characterization Report dated August 2016 in Appendix ___ of the FGEIS. Specifically the following investigations/findings were summarized in the report:</p> <ul style="list-style-type: none"> • Borehole geophysical surveys were completed on three (3) monitoring wells (MW-24B, MW-25B and MW-26B) in order to identify potential open fractures zones where groundwater flows. Borehole geophysics utilizes a number of different instruments in order to assess the potential for fractures that may convey water (and thus contaminants) which include: 3-arm caliper (measuring of borehole width), temperature and conductivity probes (measuring differences to identify groundwater flow), video (in order to visually assess the borehole and fractures, etc. the borehole geophysics concluded that two of the monitoring wells (MW-25B and MW-26B) indicated an upward migration of groundwater. Upward vertical flow of groundwater typically limits the ability of contaminants to migrate deeper into the saturated zone. • Soil sampling – A total of 27 surficial soil samples were collected from borings to the west of building 4. Ten of the 27 surficial soil samples identified site-related VOCs above the NYSDEC Part 375-6 Protection of Groundwater Soil Cleanup Objectives (SCOs) and 6 of these also contained concentrations above the NYSDEC Part 375-6 Restricted Residential SCOs. In addition, 34 subsurface soil samples were also collected; however, only 4 of the samples identified VOCs at concentrations above the NYSDEC Part 375-6 Protection of Groundwater SCOs. 	
Wow, kind of hard to go after Walter. I've been looking at this, I'm Cynthia Brock. I'm a resident of the city and I also serve on the city council. And I like many of us have been watching this project over time before Chain Works came forward and even the possibilities. And like many of us here I see this as an opportunity to try to achieve the types of clean ups that so far we have had no leverage to facilitate. So I'm excited because of that. We have a tool in our hands we didn't have before and that's a good thing. If we all want to see more housing, safe housing we want to see a vibrant community and we want to see every aspect of the city being fully utilized and contributing to the city. So I come at that from this perspective.	01	03	The Site has been an issue for decades and I have no confidence it will get remediated.	8	8A	N	Y	5.5	<ul style="list-style-type: none"> • The investigation also included an assessment of bedrock aquifer characteristics. Specifically, the slug tests were completed on four wells in order to assess the hydraulic conductivity for groundwater in the area. WSP concluded that overburden groundwater (A-zone) is in communication with the uppermost bedrock groundwater (B-Zone) and that the retaining wall to the west acts as a boundary to lateral migration. Groundwater in the overburden and B-Zone discharge to a seep and groundwater sump that manage discharges behind the retaining wall. • WSP concluded that the vertical delineation of VOCs was complete 	
So I would say that this has been an issue for decades and the fact that the site hasn't been properly remediated or controlled up to this point does not give me a lot of confidence that granting this sort of carte blanche at this point in time is going to result in the level of remediation I would like to see on the site.	01	03	The Site has been an issue for decades and I have no confidence it will get remediated.	6	6D	Y	Y	5.5		

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
I urge all city and town officials not to approve any rezoning or any project approvals whatsoever until there is an absolutely comprehensive, viable, meaningful cleanup plan that is negotiated openly and transparently so that the public can have confidence that this incredible wide range of toxic hazards is going to be resolved once and for all.	01	03	The Site has been an issue for decades and I have no confidence it will get remediated.	7	7EA	Y	Y	5.5	In addition to the above, WSP on behalf of Emerson has been monitoring and removing NAPL ('free oil product') from monitoring wells where it has been identified. While these activities by Emerson show a continued commitment to remediate the Property, the Lead Agency expects that the Project will have a significantly beneficial impact on the pace of remediation. The remediation was initially being conducted with a goal of continued industrial use at the Property. During the first phases of investigation and interim remediation, the Property was an active industrial site with remediation goals to match the continued use (e.g.,	
And again I would reiterate this project should not receive any of the requested approvals in any way, shape or form until the site is actually remediated on a comprehensive basis in full compliance with all applicable requirements; and I'll put that in writing. Thank you.	01	03	The Site has been an issue for decades and I have no confidence it will get remediated.	7	7EF	Y	Y	5.5	one task of the remediation in the 1990s was to get the Firewater Reservoir repaired and placed back into service). After Emerson ceased operations in 2010, the objective of the remediation changed to make the Property suitable for another industrial use. With the Project Sponsor's involvement, the Project has become a catalyst for a re-assessment of the entire Site. The Project Sponsor has informed the Lead Agency that its contractual arrangement requires Emerson to be responsible for remediation of contamination that is known or discovered before remediation is deemed complete at the Site unless such contamination is caused by a release after transfer of ownership to the Project Sponsor. Therefore, the Project Sponsor is very motivated to find contamination at the Site before taking ownership.	
I have attended several meetings regarding the Chain Works, and I am impressed with the knowledge and dedication of residents of South Hill, Spencer Road and especially Cynthia Brock in working through the multitude of paper and binders of information regarding Chain Works District Project. I do find it a great idea to do something with the property, but only after all safe guards are set for safe removal of all contamination, underground water tables are clean and safe. And the area not deemed a toxic waste land.	01	03	The Site has been an issue for decades and I have no confidence it will get remediated.	16	16FA	Y	Y	5.5	The Project Sponsor's motivation is demonstrated, in part, by the LaBella Phase I and Phase II ESAs performed on behalf of the Project Sponsor that identified a number of additional areas of concern ("AOC's) at the Site. Because these AOCs required further delineation of their nature and the extent of impacts before the need for and type of remediation can be determined by the NYSDEC, Emerson performed additional testing at the Site to complete the needed delineation of the various AOCs. That investigation is presented in the Phase II Supplemental RI Report found in Appendix _____ of the FGEIS. In addition, Emerson has performed a Boundary Reassessment Study (presented in the DGEIS) to confirm that there are no impacts within the southern portion of the Site that require remedial action. The Lead Agency notes that the Project Sponsor is motivated to see the Site remediated in a manner that allows its reuse consistent with the Project Sponsor's plans. The Project	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
<p>Thank you for the opportunity to comment on this project. Thank you for the excellent research and reporting provided in the DGEIS, and for the comment period extension. Legacy pollution problems bedevil many communities. Hidden, forgotten, and undocumented pollutants lead to degradation of our land and water resources, property value losses, and a downward spiral in community health and hope. Ithaca's South Hill drains to creeks, stormwater, water and sewer lines and groundwater that should, according to the federal Clean Water Act and other long-standing water protection laws, supply drinkable and swimmable water for Ithaca residents and to Cayuga Lake, a major recreational and drinking water resource for our region. Instead, the air and water pollution legacy of South Hill's past industrial enterprises has become a long-running nightmare for residents, property owners, businesses and public agencies. The excellent Chain Works District project proposal has become ensnared in the failure of earlier cleanup and mitigation efforts to effectively deal with and clean up this area for new uses. There is no right way to do the wrong thing. Prior to moving forward with the Chain Works District project, further investigations and effective cleanup of the site and affected areas downslope must be completed.</p>	01	03	The Site has been an issue for decades and I have no confidence it will get remediated.	20	20A	N	Y	5.5	Sponsor has informed the Lead Agency that Emerson has committed to conduct any necessary remedial actions in a timely, diligent manner. As such, while this Site has been the subject of on-going investigations and remediation for almost 30 years, the Project will facilitate more stringent remedies on a much more aggressive timeline than what has occurred historically and the Site will be appropriately remediated in conjunction with the Project.	
<p>We support the concerns of Cynthia Brock and others that the original sources of chemical contaminants have yet to be identified and located, let alone cleaned up. These tasks must be completed before new development is approved here. And those responsible must fulfill their cleanup obligations.</p>	01	03	The Site has been an issue for decades and I have no confidence it will get remediated.	20	20BA	Y	Y	5.5		
<p>By going through the documentation the areas of the incredible high level of pollution are just mind boggling. And cutting out the little fire reservoir isn't going to accomplish anything. It's regulatory exceedances for petroleum products, corrugated solvents, heavy metals. It's just absolutely mind boggling. And so this obviously poses a threat as was noted through some vapor intrusion into the possible structures that are proposed to the site.</p>	02	04	This is a heavily contaminated Site needing remediation.	7	7AC	Y	Y	5.5	The information in the DGEIS indicates that there is a significant amount of contamination at the Site as evidenced by the fact that the Property is listed as a Class 2 site on the State of New York Inactive Hazardous Waste Disposal Site Registry ("Registry"), meaning the Property is one at which contamination constitutes a significant threat to public health or the environment. However, as noted in PH Comment Summary Response No. 1 above, the Project has been a catalyst for additional remedial investigation at the Site, which has located additional impacts, and will facilitate more stringent remedies at the Site on a much more aggressive timeline than what has occurred historically.	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
There's more contamination leaking out of the site you can shake a stick at.	02	04	This is a heavily contaminated Site needing remediation.	7	7DB	Y	Y	5.5		
Chapter 5.5.1.7 (page 5-49) Southwestern Portion of Site - Building 30/Rice Paddy/Driveway Area. DGEIS Statement: Based on disturbances seen on historical aerials and prior testing which identified elevated concentrations of metals, polychlorinated biphenyls (PCBs) and semi-volatile organic compounds (SVOCs) in the vicinity of Building 30, LaBella advanced test borings and test pits in the area of Building 30, the 'Rice Paddy' area, and in the area of the service road that extends south to the surface water tributary to Six Mile Creek. This testing identified metals (arsenic, barium, cadmium, chromium, copper, and lead) in several samples of soil/fill materials at concentrations above the NYSDEC Part 375-6 Restricted Residential and/or Protection of Groundwater SCOs. Pesticides were detected in one sample within the Rice Paddy area at concentrations above the NYSDEC Part 375-6 Restricted Residential SCOs and the same sample also detected PCBs above the Protection of Groundwater SCO. Samples from this area analyzed for Full Toxicity Characteristic Leachate Procedure (TCLP) did not identify any concentrations above the characteristic hazardous waste criteria. TCE and perchloroethylene (PCE) were also detected in a soil sample just north of Building 30, but only the TCE concentration exceeded the Restricted Residential SCO. Figures 6B and 7B of the Phase II ESA (included in Appendix G1) illustrate the location of samples from this area and summarize the significant soil and groundwater sampling results. (emphasis mine) Chapter 5.5.2 (page 5-55) Potential Impacts. DGEIS Statement: As previously noted, multiple AOCs were found to have contaminants exceeding their cleanup standards for groundwater and soil, including TCE, barium, cyanide, and petroleum product. Areas of the Site, including the driveway area, Rice Paddy (area southwest of Building 34) and sediments in ditches, which are down gradient from the core structures, were found to have heavy metals, PCBs, VOCs, and SVOCs in the soil, sediment and groundwater exceeding their NYSDEC cleanup standards. If not addressed, over time these contaminants can have impacts to the public health and the environment. Specifically, impacts in soil can leach to groundwater or if within the surface soil can be a potential contact issue for people on-site or off-site if erosion occurs. Furthermore, impacts in subsurface soils can be a concern in the event that future ground intrusive work encounters these impacts and they are not properly handled. Impacts in groundwater can migrate off-site and based on geologic setting and hydrology at the Site can present in surface water downgradient in locations where bedrock fractures outcrop at the surface creating seeps. (emphasis mine)	02	04	This is a heavily contaminated Site needing remediation.	8	8J	Y	Y	5.5		
Scoping document 5.5.1 (p. 26): This section in the scoping document promises a more detailed history, but the history provided in DGEIS 5.5.1 (p. 5-43) provides no more detail than what appears in the scoping document.	02	04	This is a heavily contaminated Site needing remediation.	2	2C	N	N	5.5		

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
I will admit I read about 20 pages and I came away with one overarching observation and concern which is that the proposed, the proposed remediation and mitigation is so, there's a laundry list of items that are typically applied in situations where sites are extensively contaminated, but there are virtually no specifics related to this site.	03	01	The DGEIS is not specific enough about what remedy will be used to remediate the Site.	6	6B	Y	Y	5.5	<p>Remedial options that may be selected for the Site are discussed in Sections 5.5.1.19 and 5.5.2 of the DGEIS. However, the exact remedies that will be used to remediate the Site will not be known until the NYSDEC selects specific remedies pursuant to a ROD amendment process that is currently underway. The Project Sponsor has correctly pointed out during the GEIS process that the remedy selection is subject to the exclusive jurisdiction of the NYSDEC. See <i>Town of Moreau v. N.Y. State Dep't of Env'tl. Conservation</i>, 178 Misc. 2d 56 (Sup. Ct. Albany County, 1998) ("To permit a local municipality through its municipal code to prevent this kind of NYSDEC-approved site remediation is, in the court's view, a violation of the delegation to the NYSDEC by the Legislature of the authority to oversee and control such sites and 'to contain, alleviate or end the threat to life or health or to the environment.' Such a restriction would place unreasonable restraints on the NYSDEC in its overriding obligation to preserve and protect both human health and the environment.") See also, NYSDEC Division of Environmental Remediation Proposed Part 376 Response to Comments, p. B47 (June 2006) ("The [NYSDEC] is mindful that it is the unmistakable legislative intent to preempt entirely local control over remedial programs conducted pursuant to [State Superfund]. It could not have been the legislative intent to create such a comprehensive administrative scheme to address contaminated sites and yet allow a dissenting municipality to delay or completely frustrate the execution of the scheme by withholding a permit").</p> <p>As stated in Sections 5.5.1.19 and 5.5.2 of the DGEIS, the remedies that the NYSDEC will choose will be based on the types of media located throughout the Site. For contaminated soils, the remedies will be based on the soil cleanup objectives set forth under 6 NYCRR § 375-6.8(b) and will depend on the anticipated uses of a particular area of the Site (i.e., residential, commercial, or industrial). For these areas</p>	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
5.5.3 Mitigation Measures "Typical remedial approaches include:" The paragraphs subsequent to this preface provide a list of remediation and mitigation strategies that are commonly used in the cleanup of industrial sites. Unfortunately, they are provided for informational purposes and do not relate directly to components of the existing site or its development.	03	01	The DGEIS is not specific enough about what remedy will be used to remediate the Site.	15	15P	Y	Y	5.5	<p>(i.e., residential, commercial, or industrial). For those areas where residential uses are proposed, the Restricted Residential soil cleanup objective will be used as the basis for selecting the appropriate remedial action by the NYSDEC. For areas of commercial use and industrial use, the Commercial and Industrial soil cleanup objectives will be considered by the NYSDEC, respectively. Different soil cleanup objectives between different areas of the Site may be used so long as such areas are defined and described in the environmental easement to be applied to the Site. All necessary institutional and engineering controls will be implemented, maintained, monitored, and enforced through a site management plan ("SMP"). See 6 NYCRR § 375-2.8(c)(3). The SMP will also set forth regular reporting requirements to the NYSDEC following remediation of the Site.</p> <p>Remedies to protect and control groundwater will also be dictated by the amended ROD. The Lead Agency understands that generally, such measures will involve: (1) removal or control of any areas deemed sources of groundwater contamination, e.g., excavation or in situ remediation of soils with contamination above protection of groundwater standards (see response to PH Comment Summary Response No. 5 for more details); (2) to the extent feasible, restore groundwater to groundwater quality standards; and (3) to the extent feasible prevent further migration of any groundwater plumes off-Site. These requirements are set forth in 6 NYCRR §§ 375-1.8(d). The Project Sponsor has informed the Lead Agency that based upon the results of the environmental investigations to date, Emerson, the party responsible for implementing remedial measures at the Site, is considering the following groundwater remediation technologies and expects to further analyze the usefulness and feasibility of these technologies in an upcoming remedial feasibility study for the NYSDEC:</p>	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
Nevertheless, the DGEIS should articulate some criteria for determining when particular strategies will be used in specific places.	03	01	The DGEIS is not specific enough about what remedy will be used to remediate the Site.	15	150B	Y	Y	5.5	<p>(1) groundwater extraction and ion exchange treatment to possibly address barium;</p> <p>(2) expanding the number of extraction wells tied to the existing groundwater treatment system associated with the firewater reservoir to address CVOCs at Site locations;</p> <p>(3) in-situ treatment, such as chemical oxidation, to treat CVOCs;</p> <p>(4) in-situ chemical oxidation to address cyanide in groundwater;</p> <p>(5) in-situ treatment to address petroleum/NAPL; and</p> <p>(6) monitoring.</p> <p>Other technologies may also be considered by Emerson in the feasibility study and presented to the NYSDEC.</p>	
									<p>Soil vapor intrusion will be addressed through management of the contamination to prevent exposure, e.g., implementation of soil vapor intrusion systems. More details on the methods most likely to be used at the Site are set forth in the response to PH Comment Summary Response No. 18. Impacted sediments in on site creeks or ditches will be addressed in a manner similar to soils, most likely excavation. Additionally, institutional and engineering controls will be implemented through an environmental easement, regardless of what specific remedies are selected by the NYSDEC.</p> <p>It should be noted that although the Lead Agency and Project Sponsor cannot identify what specific remedies will be used at the Site until the NYSDEC amends the ROD, the purpose of a GEIS is to assess a wide variety of impacts at a more conceptual level on a larger geographic area such as the Site. GEISs that are prepared for larger developments at an early stage in the planning process give agencies an opportunity to plan future courses of action to avoid or mitigate such impacts. A GEIS may include site-specific analysis for components of a project that are well defined and establish thresholds for impacts from project elements that are more conceptual or not yet fully developed at the time of assessment.</p>	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
									<p>The Lead Agency is evaluating a number of mitigation measures to ensure impacts from environmental contamination are avoided and/or mitigated to the maximum extent practicable. This is likely to include but is not limited to inclusion of thresholds and/or mitigation measures to ensure that the Site: (1) is remediated to restricted residential, commercial and/or industrial remedial objectives, as appropriate based on the proposed uses at the Site; (2) will be subject to appropriate use restrictions consistent with the proposed uses at the Site; (3) will be subject to appropriate prohibitions on the use of groundwater at the Site without approval from the NYSDEC; (4) will be subject to development and implementation of an appropriate SMP; and (5) will be subject to on-going monitoring that institutional and/or engineering controls are being properly implemented and/or maintained. Therefore, the Lead Agency believes that the discussions of remedial alternatives in the GEIS are sufficient to meet the requirements under SEQRA to allow the various agencies to make appropriate approval decisions within their jurisdictions.</p>	
<p>What are the decision points for DEC regarding the ROD Amendment and how do they relate to the DGEIS?</p>	<p>04</p>	<p>14</p>	<p>What is the ROD Amendment process and how does it relate to the DGEIS and conceptual Site plan?</p>	<p>1</p>	<p>1AN</p>	<p>Y</p>	<p>Y</p>	<p>5.5</p>	<p>Allowing the Site to be used for residential and commercial purposes is a fundamental change to the existing ROD. The Lead Agency understands that this requires the NYSDEC to follow the same process in amending the ROD as what was needed to develop the original remedy, including citizen participation, documentation, and approvals. See, DER-2/Making Changes to Selected Remedies (last revised April 1, 2008), p. 4. The existing data, including data generated through the Phase II Supplemental RI, which has now been submitted by Emerson to the NYSDEC for review and approval, identify the nature and extent of contamination at the Site and will be used to identify potential remedial alternatives consistent with the proposed commercial and residential uses at the Site. The alternatives will be presented to the NYSDEC and analyzed in a Supplemental Feasibility Study.</p> <p>Once the Phase II Supplemental RI Report and Feasibility Study are completed, the NYSDEC will select a remedy and issue a proposed amended ROD for public review. It is also anticipated that the NYSDEC will consider redefining Site boundaries in the amended ROD based on the Boundary Reassessment Report discussed in Section 5.5.1.18 and attached as Appendix G3 of the DGEIS. The NYSDEC's regulations require the following process for public review of the ROD amendment:</p> <ul style="list-style-type: none"> • The NYSDEC mails a notice and brief analysis of the proposed amended ROD to those on the Site contact list, which includes sufficient information to provide a reasonable explanation of the proposed amended remedy, including but not limited to, a summary of the NYSDEC's reasons for preferring it over other remedial alternatives considered and the construction and site management requirements of the proposed remedy. 6 NYCRR 375-2.10(c)(1). 	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
Is there a public process in the ROD Amendment?	04	14	What is the ROD Amendment process and how does it relate to the DGEIS and conceptual Site plan?	1	1AO	Y	Y	5.5	<ul style="list-style-type: none"> • The NYSDEC provides the public thirty (30) days to comment on the development and implementation of the ROD amendment, including an opportunity to submit comments at a public meeting. 6 NYCRR 375-2.10(c)(2). • Written and oral comments received during the comment period are summarized and made available to the public upon issuance of the amended ROD. 6 NYCRR 375-2.10(c)(3). <p>After the citizen participation is closed, the NYSDEC will finalize the amended ROD, documenting:</p> <ul style="list-style-type: none"> • Location and description of the Site. • A history of the operation of the Site. • The current environmental and public health status of the Site. • An enforcement history and current status of the Site. • The specific goals and objectives of the remedy selected for the Site. • A description and evaluation of the remedial alternatives considered. • A summary of the basis for the NYSDEC's decision. • A list of the documents the NYSDEC used in its decision-making. • A responsiveness summary. 6 NYCRR 375-2.8(e). <p>The final documents, notices, and fact sheets will then be made available in the document repository. 6 NYCRR 375-2.10(e).</p> <p>In terms of how the ROD relates to the GEIS and the conceptual site layout plan, the GEIS process considers, but cannot control, the ROD amendment. Instead, the GEIS is a "hard look" for any adverse impacts the proposed PUD/PDZ codes, Design Standards, and the conceptual site layout plan</p>	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
We need to see a whole sequence of approvals that include actions related to the ROD Amendment	04	14	What is the ROD Amendment process and how does it relate to the DGEIS and conceptual Site plan?	1	1AP	Y	Y	5.5	<p>may have under SEQRA. Although this review must necessarily include an analysis of any public health and environmental impact the potential remedies may have and how those remedies may affect Site redevelopment and/or mitigate impacts therefrom, the GEIS is not a review of any specific ROD amendment nor what remedies will be selected by the NYSDEC. As noted above, the public will have a separate opportunity to comment on the ROD amendment specifically.</p> <p>As discussed in Chapters 5 and 10 of the DGEIS, the way that the GEIS is analyzing potential impacts of the types of remedies the NYSDEC may chose is reviewing typical remediation methods, engineering controls, and institutional controls used at sites with similar contamination and site uses. If the remedy the NYSDEC selects is one of the potential remedies analyzed in the GEIS, the ROD amendment will have no effect on the PUD/PDZ, conceptual plan, or SEQRA review because the remedy will be within the thresholds already analyzed in the GEIS. If the NYSDEC selects a remedy or remedies that is not one of the potential remedies analyzed in the GEIS, the Lead Agency will determine whether a Supplemental EIS is needed to analyze any public health and environmental impact the selected remedy may have and how those remedies may affect Site redevelopment and/or mitigate impacts therefrom. As noted above in PH Comment Summary Response No. 3, at this point, the Lead Agency is evaluating a number of mitigation measures to ensure impacts from environmental contamination are avoided and/or mitigated to the maximum extent practicable. This is likely to include but is not limited to inclusion of thresholds and/or mitigation measures to ensure that the Site: (1) is remediated to restricted residential, commercial and/or industrial remedial objectives, as appropriate based on the proposed uses at the Site; (2) will be subject to appropriate use restrictions consistent with the proposed uses at the Site; (3) will be subject to appropriate prohibitions on the use of groundwater at the Site without approval from the NYSDEC; (4) will be subject to development and implementation of an appropriate SMP; and (5) will be subject to on-going monitoring that institutional and/or engineering controls are being properly implemented and/or maintained.</p>	
How might the ROD Amendment – if approved – affect the conceptual site plan?	04	14	What is the ROD Amendment process and how does it relate to the DGEIS and conceptual Site plan?	1	1AQ	Y	Y	5.5	<p>In regards to the timing between the ROD amendment, GEIS, and the conceptual site layout plan, the Project Sponsor has informed the Lead Agency that Emerson has committed to remediating the Site in a manner consistent with the Project Sponsor's conceptual site layout plan as it exists at the time of the transfer of the Site to Project Sponsor. Because the use of the Site as described in the conceptual site layout plan informs the remedial goals to be achieved and remedial methods to be used, conclusion of the EIS process and approval of the conceptual site layout plan need to occur prior to or at the same time as any ROD amendment.</p>	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
<p>And I don't think that engineering, institutional controls, caps and all that leaving the contamination in place is acceptable. I think the bottom line is, and I've advocated this from the very beginning, the high level sources of contamination has to get dug out. It's source removal and got to go and then ultimately I think this site perhaps could be remediated to the point where it doesn't pose a threat to the people living around it.</p>	05	06	Sources of contamination must be dug out and removed from the Site.	7	7EC	Y	Y	5.5	<p>The Lead Agency understands that the NYSDEC may require Emerson to dig out a source(s) of contamination and remove it from the Site. A "source area" or "source" of contamination is defined by the NYSDEC regulations as:</p> <p>Source area or source means a portion of a site or area of concern at a site where the investigation has identified a discrete area of soil, sediment, surface water or groundwater containing contaminants in sufficient concentrations to migrate in that medium, or to release significant levels of contaminants to another environmental medium, which could result in a threat to public health or the environment. A source area typically includes, but is not limited to, a portion of a site where a substantial quantity of any of the following are present:</p> <p>(1) concentrated solid or semi-solid hazardous substances; (2) non-aqueous phase liquids; or (3) grossly contaminated media. 6 NYCRR § 375-1.4 (au).</p> <p>In addition, the Lead Agency understands that the NYSDEC established soil cleanup objectives include standards for protection of groundwater at 6 NYCRR § 375-6.8(b). If soil in an area of groundwater contamination has the same contaminant above the protection of groundwater standard as is also found in the groundwater, the NYSDEC will typically treat that area as a source of contamination and select a remedy to best address that source. In some instances, that may be excavation but it does not necessarily have to be. For VOCs in soil, it may also be a technology that removes the contamination from the soil in situ such as soil vapor extraction.</p> <p>The Lead Agency understands that the Phase II Supplemental RI did not identify any grossly contaminated soils but the following areas of soil impacts were identified to</p>	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
5.5.3 Mitigation Measures "Areas of impacted concrete (Buildings 4, 8, 13A, 14 and 34) will require remediation which will most likely take the form of removal or capping." - Removal and capping are significantly different approaches with considerable implications for pollution migration and impacts on adjacent areas. Source removal is preferable, where practicable.	05	06	Sources of contamination must be dug out and removed from the Site.	15	150A	Y	Y	5.5	<p>Soils but the following areas of soil impacts were identified to be above the protection of groundwater standards and thus may be addressed by excavation or some other method to remove the "source."</p> <ul style="list-style-type: none"> • AOC 1 □ Former Department 507 Degreaser (exterior) • AOC 26 □ Building 24 Interior (second floor) and Building 24 Exterior (parking lot) • AOC 27 □ Former Salt Baths • AOC 34 □ Area East of Buildings 13A and 14 • AOC 35 □ Building 11A (LBA-SB-250) • AOC 28 □ Oil Shed Area - Northeast <p>Based upon the above, the Lead Agency will establish as a threshold that the NYSDEC require either excavation or some in-situ remedial technology that removes the contaminants from soils in the above referenced areas to be protective of public health and environment. However, it should be understood that the NYSDEC will make the final decision about what remedies will be implemented at the Site. As noted in PH Comment Summary Response No. 3 above, the Project Sponsor has correctly pointed out that municipalities may not require a different or more stringent remediation plan than what is selected by the NYSDEC.</p> <p>Public comments about what remedy should be undertaken at the Site should be directed to the NYSDEC during the public participation process of the ROD amendment, as noted in PH Comment Summary Response No. 4, above.</p>	
Given the horizontal and vertical faults in our shale, there is no realistic way to cap the contamination.	05	06	Sources of contamination must be dug out and removed from the Site.	19	19AB	Y	Y	5.5		
Before this project starts is our only chance to clean up the site. It needs to be completely cleaned up before construction, or the the construction work will without any doubt release more underground contaminants to the entire neighborhood.	05	06	Sources of contamination must be dug out and removed from the Site.	19	19AA	Y	Y	5.5		

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
<p>I did fill out a card. My name is Ken Deschere. I lived in one of the houses that were shown on your map in South Hill Terrace for the last 35 years. Raised a family there. I worked in the late '70s in the Morse Chain building 21. I'm familiar with the area and some of the problems that are faced by anyone trying to clean up effectively the remediation. And I just want, my biggest thing to say is thank you to Mr. Lubin and his staff and the people he is willing to spend money on to develop the project. I worked with environmental investigations and developed the website looking at all the pollution and took courses at Cornell and answered all kinds of questions trying to better understand all the pollution and the things left behind by a century of industrial operations. And the more we looked, the more we found, the uglier it was and also the clearer it was that the DEC and Department of Health don't have the time, resources and even inclination to try to really work on solving these problems. What it takes is an investment in time and effort and expertise to try to bring some meaningful project that hopefully will pay good economic rewards to all of us to bring that to fruition. Just looking at the 80,000 documents and the list of acronyms that extends for six pages, it's pretty easy to see this is complicating material and a lot of details and a lot of bases that have to be touched and I'm very grateful that someone, an organization is willing to do that to try to improve what's a very big part of the city and has been for a very long time.</p>	06	08	The proposed development will spur needed remediation.	10	10A	N	Y	5.5	The Lead Agency agrees with this comment. If the Project does not go forward, the Property will continue to be remediated to an industrial use standard, and the Lead Agency has no indication that a more aggressive remediation schedule spurred on by a motivated buyer and seller would occur. See also the response to PH Comment Summary Response No. 1 above.	
<p>What is the sequence and timing of the remedial work in the CW 3? Will all remediation in that area be complete before Phase 1 begins? Building 24 is part of the proposed Phase 1 of the project - and it includes residential development.</p>	07	13	What is the timing of remediation in relation to Site development?	1	1AL	Y	Y	5.5	<p>As discussed under response to PH Comment Summary Response No. 4, neither remediation nor the Site development can start until the ROD is amended by the NYSDEC to establish what remedial activities will be implemented at the Site and allow its redevelopment consistent with the conceptual site layout plan.</p> <p>The Lead Agency understands that once the ROD is amended, a SMP will be developed and submitted at the same time as the work plans for impacted soil and groundwater in the areas of the Phase I redevelopment (or shortly after work plan approvals). The SMP will cover the entire Site but may be revised as specific remedial actions at other areas of the Site are conducted. The SMP will include a soil excavation/management plan; a groundwater management plan; community air monitoring plan; and health and safety plan, all of which will be implemented during remedial and/or construction activities. The SMP will also contain operation and maintenance plans for any remedial systems in operation at the Site; and a monitoring and reporting plan. Should capping or in situ stabilization, as opposed to excavation, be selected by the NYSDEC as a remedy for contaminated soils anywhere on the Site, the SMP will dictate that the capped or stabilized areas must be inspected by a professional engineer on a regular basis and the professional engineer and site owner will need to certify to the NYSDEC that the capped/stabilized area remains in place. The certifications are typically provided annually. Groundwater monitoring will be required at the Site either as part of any active remedial system or as the selected remedy. The SMP will require that all groundwater monitoring be reported on a regular basis to the NYSDEC. Operation and maintenance plans for all remedial systems implemented at the Site including groundwater as well as vapor intrusion systems, will also be part of the SMP. The SMP will also protect any occupied portions of the Site (e.g., Phase I) during</p>	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
How will the ROD Amendment DGEIS and PUD timing be coordinated?	07	13	What is the timing of remediation in relation to Site development?	1	1AM	Y	Y	5.5	<p>protect any occupied portions of the Site (e.g., Phase I) during subsequent remediation and construction. For example, as described in PH Comment Summary Response No. 34, the Community Air Monitoring Plan will require the Project Sponsor to monitor the air within and at the boundaries of any construction area or area where a remedial system is being installed for VOCs and fugitive dust so that if any VOCs or fugitive dust within or at the edges of the remediation/construction area exceed acceptable standards, all work will stop until the issue is remedied.</p> <p>After the SMP is developed and land use approvals for Phase I of the redevelopment are obtained, Emerson will begin remediating the Site as soon as practicable to allow for its reuse consistent with the conceptual site layout plan, the Order on Consent with the NYSDEC, and its agreement with the Project Sponsor. Because the Site will be developed in phases to allow for timely remediation and redevelopment of the Site, the schedule of the actual remediation work and Site development will be intertwined. First, remediation will be implemented in those areas that are a part of the Phase I redevelopment (i.e., Buildings 21, 24, 33 and 34, and land surrounding those buildings as designated in the Phase I site plan submission) to protect public health and protect and/or treat groundwater. Specifically, the Project Sponsor has informed the Lead Agency that, based upon the results of the Phase II Supplemental RI, Emerson will most likely develop and implement work plans for excavation (as opposed to in situ treatment) of impacted soils that exceed the protection of groundwater standards in the area of Phase I redevelopment as shown on the conceptual site layout plan before or at the same time as implementing groundwater remediation (discussed below). Those areas of soil impacts are shown on Figures 5-1 and 5-3 of the Phase II Supplemental RI. The remedial action selected for groundwater impacts in the vicinity of Building 24, including the "seep" that discharges</p>	
									<p>of the Phase II Supplemental RI, Emerson will most likely develop and implement work plans for excavation (as opposed to in situ treatment) of impacted soils that exceed the protection of groundwater standards in the area of Phase I redevelopment as shown on the conceptual site layout plan before or at the same time as implementing groundwater remediation (discussed below). Those areas of soil impacts are shown on Figures 5-1 and 5-3 of the Phase II Supplemental RI. The remedial action selected for groundwater impacts in the vicinity of Building 24, including the "seep" that discharges from a pipe running under Building 24, will be designed prior to any construction activity and implemented either prior to or during construction. See Figure 4-1 of the Phase II Supplemental RI. Groundwater remediation selected for the area to the south of Building 34 will also be designed prior to construction and implemented either prior to construction or during the course of construction activity in that area. See Figure 4-3 of the Phase II Supplemental RI. Remedial actions to prevent soil vapor intrusion within Buildings 21, 24, 33 and 34 will be designed and implemented prior to occupancy of those buildings.</p>	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
									Remediation and redevelopment of the remainder of the Site will follow a similar pattern, except that Emerson will likely proceed with required remedial actions at other areas of the Site in advance of redevelopment should the Project Sponsor not yet be ready for its next phase of the Project because Emerson is contractually committed to the Project Sponsor to proceed with remedial efforts in a diligent and timely manner. Any remediation of soils involving excavation that may be required will be performed prior to construction activity commencing in that area. Because parking areas and building foundations often serve as appropriate caps for impacted soils, the NYSDEC will review and approve the relevant construction plans before construction begins when a cap is the selected remedy. If construction in an area to be capped will not be proceeding for some time, the NYSDEC will likely require a "temporary" cap be placed over the area for the interim. Any required active treatment or monitoring of groundwater not already being conducted in a particular area shall commence prior to or during construction in that area depending on whether Project Sponsor is in a position to commence the planned construction activity. Any vapor intrusion systems will be designed, approved by the NYSDEC and NYSDOH, installed and tested prior to occupancy of any structure that may require such a system. "	
Who is responsible for site cleanup after property ownership is transferred?	08	17	Who is responsible for Site cleanup after the Site ownership is transferred?	1	1AT	Y	Y	5.5	As noted in PH Comment Summary Response No. 1, Emerson remains responsible for remediation of the Site after transfer of the Site to the Project Sponsor for any contamination discovered on the Site prior to remedial actions being completed. However, if contamination comes to exist on the Site after transfer of the Site to the Project Sponsor because of a spill or release after closing, the Project Sponsor will be responsible for its remediation.	
Who is responsible for off-site contamination/remediate (e.g. soil vapor venting systems in private homes) after property ownership is transferred?	09	16	Who is responsible for off-site remediation after property ownership is transferred?	1	1AS	Y	Y	5.5	Emerson remains responsible for off-site remediation (OU-3) and the firewater reservoir area (OU-1) after ownership of the Site is transferred to the Project Sponsor.	
5.5.1.19 Additional Investigation / Remediation "The applicable NYSDEC criteria and thus extent of remediation is dependent on the use of the Site with industrial uses requiring the least stringent remedial work for soil and residential uses requiring the most stringent remedial work for soil." Requiring cleanup to use-specific standards within the site does not address the issue of the ongoing migration of pollution from the site to surrounding (predominantly down gradient) areas.	10	23 (26)	Requiring cleanup to use-specific standards within the Site will not address on-going off-site migration of pollutants.	15	15JA	Y	Y	5.5	Emerson will remain liable for off-site contamination through groundwater and will remedy any migration pursuant to the remedy selected by the NYSDEC. The method Emerson will use in addressing groundwater migration, though, is the same regardless of whether use-specific standards are used at the Site. Use specific standards are limited to soil and range in stringency based on the use of the site. Groundwater, on the other hand, is compared to the NYSDEC Part 703 Groundwater Quality Standards, which are the same regardless of use.	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
I am writing to you regarding my concerns about the Chain Works District Project. I am worried about the toxic waste that has been buried on the hill for years and the effects it has on the ground water, vegetation and fauna on South Hill and what has seeped downhill to the Spencer Road area and beyond.	10	23 (26)	Concerned about off-site impacts from the migration of Site contaminants through groundwater.	16	16A	Y	Y	5.5	If a contaminant found in groundwater is also found in soils above the NYSDEC's protection of groundwater standard, the NYSDEC will consider that soil to be a source area. The NYSDEC would then require Emerson to properly remediate and eliminate any such source, regardless of the use-specific standard otherwise relevant to the contaminated soil.	
Another concern I have is that my home is built into the hillside as well as 413 Spencer Road (both homes were built 1920's, by the same builder) and the basements have shale and rock walls. Water does move through the back stone walls which are controlled by ditches and drains. The water runs off to the under ground systems to travel where ever it goes. On an rare events water will rush through the shale, the basement and disappear into the ground. My concern is water makes it's own way through rock and since Chain Works is at the top of the hill and I'm at the bottom, is toxic stuff coming through my home via the water table? And the neighbors?	10	23 (26)	Concerned about off-site impacts from the migration of Site contaminants through groundwater.	16	16C	Y	Y	5.5		
Several seasons ago, by the round about at Spencer Street, Albany Street and where Spencer Road meets, the ice frozen on the shale wall there had colorful colors due to testing of the runoff from Chain Works, that too has me wondering about the pollution from the sites and where does it all go to when it is in the underground water table?	10	23 (26)	Concerned about off-site impacts from the migration of Site contaminants through groundwater.	16	16D	Y	Y	5.5		
(cont'd) (b) investigation as to the impact of both the Building 24 plume on Turner Place and the LD-SEEP-3/MS-IOB plume on South Cayuga Street municipal water and sewer systems and trenches;	10	23 (26)	Concerned about off-site impacts from the migration of Site contaminants through groundwater.	8	8AK	Y	Y	5.5		Are Restricted Declarations Relevant to Projects in the City/Town of Ithaca when the Commentor is quoting New York City Code?
(cont'd) and (c) impact of the plumes on downgradient properties.	10	23 (26)	Concerned about off-site impacts from the migration of Site contaminants through groundwater.	8	8AL	Y	Y	5.5		Are Restricted Declarations Relevant to Projects in the City/Town of Ithaca when the Commentor is quoting New York City Code?
The Supplemental RI investigates both the Building 24 and LD-SEEP-3/MW-IOB seeps outlining two newly identified plumes, which should be expanded to determine not only how the contamination has impacted the property itself, but also downgradient homes and the City's storm water and water and sewer lines and trenches which are transmission pathways extending down Turner Place and South Cayuga Street.	10	23 (26)	Concerned about off-site impacts from the migration of Site contaminants through groundwater.	8	8AJ	Y	Y	5.5		Are Restricted Declarations Relevant to Projects in the City/Town of Ithaca when the Commentor is quoting New York City Code?

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
Has the applicant/DGEIS considered the benefit of additional, voluntary groundwater sampling at all downgradient monitoring wells: During Phase I excavation, filling, and compacting activities? During heavy rainfall events? After heavy rainfall events? During spring thaw? i.e. during a time when potential effects of frost wedging on bedrock fractures which control vertical and horizontal movement of groundwater would become apparent?	10	23 (26)	Concerned about off-site impacts from the migration of Site contaminants through groundwater.	18	18AF	Y	Y	5.5		
Many homes have had sub pressurization systems installed, but it's not all clear that they are actually that effective because of the reason that the aerated zone to allow vaporization with the depressurization system since many of the homes are built on bedrock. So I think that this has not been a good situation since I identified the problems at the site maybe 12 years ago when your risk rider said there was no clear declining trend in the groundwater contamination.	11	07	Depressurization systems in off-site homes may not be effective.	7	7ED	Y	Y	5.5	Existing off-site contamination and related remedial actions are outside the scope of the Project and therefore the GEIS. Emerson will be maintain responsibility for offsite contamination under its existing consent order with the NYSDEC and the NYSDEC therefore maintains oversight over all off-site remedial activities.	
Once the site is occupied, we will not be able to get to the bottom of anything, as in many cases we would have to get underneath the buildings. Failing to clean out the toxins will kill people. If you are looking for a legal way to kill random strangers, this is it.	12	06	Sources of contamination must be dug out and removed from the Site.	19	19AC	Y	Y	5.5	<p>As legislative bodies charged with rezoning decisions, the Ithaca City Council and Ithaca Town Board have full discretion over the rezoning of the Site. However, as noted in PH Comment Summary Response No. 3 above, the NYSDEC has exclusive authority to select appropriate remedial measures. As such, although the City Council and the Town Board could decide to not rezone the Site until after the remedial actions have been selected or occur, such a delay would not affect the remediation required by the NYSDEC. In addition, it is noted that the Project Sponsor has stated that delaying the rezoning until the NYSDEC amends the ROD will jeopardize the Project, which in turn could further delay or otherwise derail remediation of the Site or result in remediation that is limited to industrial standards (as is currently the case). Emerson's commitment to remediating the property is tied to Project Sponsor's proposed uses at the time ownership transfers to the Project Sponsor. The Project Sponsor has stated that it is not willing to take ownership of the Site until it has received the necessary approvals for the Project, which includes completion of the SEQRA review for the Project, rezoning and site plan approval of Phase I. A delay in making a rezoning and site plan decision until remedial actions are established when such delay will not impact the remediation required but could postpone or discourage the Project Sponsor from taking title to the Site and begin redevelopment may not be overall beneficial to the community.</p> <p>The NYSDEC will select specific remedies for the Site based on established protection of groundwater standards or cleanup objectives for residential, commercial and/or industrial uses at the Site, in conjunction with a ROD amendment, which is not expected to occur until [to be filled in when closer to publication]. The NYSDEC will determine these remedial measures regardless of the rezoning of the Site. As noted above in PH Comment Summary Response</p>	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
<p>And the entire, the future is sort of being weighted out as one that is going to be addressed on a site specific basis as issues come up. And I can tell you that is troubling from a lay perspective and also as a legislature who is being asked to provide permission by zoning for the process to continue. I would like to see more concrete steps. I would like to know based on the fact that the site has been somewhat delineated now and the contamination has been known about for a considerable period of time, I would like to see what the outcome of these discussions between the developer and Emerson and DEC are going to be, how these things are going to take shape over the next however many years it takes to implement them. But I'm hesitant as a legislator to grant what amounts to a blank check to allow for a significant development to take place without knowing whether or not the allowance for the uses that are proposed are going to be, they are going to result in uses that are happening on a severely contaminated site.</p>	12	02	<p>We should not rezone Site unless/until we know what the remedial actions are; the remedial actions occur; and we can determine that they are effective to allow the proposed uses or otherwise meet the degree of remediation we desire.</p>	6	6C	Y	Y	5.5	<p>Site. As noted above in the Comment Summary Response No. 3, at this point, the Lead Agency is evaluating a number of mitigation measures to ensure impacts from environmental contamination are avoided and/or mitigated to the maximum extent practicable. This is likely to include but is not limited to inclusion of thresholds and/or mitigation measures to ensure that the Site: (1) is remediated to restricted residential, commercial and/or industrial remedial objectives, as appropriate based on the proposed uses at the Site; (2) will be subject to appropriate use restrictions consistent with the proposed uses at the Site; (3) will be subject to appropriate prohibitions on the use of groundwater at the Site without approval from the NYSDEC; (4) will be subject to development and implementation of an appropriate SMP; and (5) will be subject to on-going monitoring that institutional and/or engineering controls are being properly implemented and/or maintained.</p>	
<p>We are very supportive of the adaptive reuse of the former Morse Chain/Emerson industrial property. We recommend that acceptance of the FEIS and approval of the development be contingent on first achieving responsible remediation of hazardous contamination left from previous uses.</p>	12	02	<p>We should not rezone Site unless/until we know what the remedial actions are; the remedial actions occur; and we can determine that they are effective to allow the proposed uses or otherwise meet the degree of remediation we desire.</p>	14	14E	Y	Y	5.5		
<p>5.5.1.19 Additional Investigation / Remediation "In general, the NYSDEC is anticipated to require the following regardless of use: As indicated above, the future remedial work required will be based on the results of additional investigation and proposed uses of the Site and as such, specific remedies cannot be determined at this point in time" The lists subsequent to the quotes above contain numerous possible remediation/mitigation strategies that, for all intents and purposes, can not be meaningfully commented on until NYSDEC actually determines specific courses of action. This is a fundamental problem with this DGEIS, in that it largely promises future studies and decisions related to significant issues, but requires substantive commentary before those determinations are made.</p>	12	02	<p>We should not rezone Site unless/until we know what the remedial actions are; the remedial actions occur; and we can determine that they are effective to allow the proposed uses or otherwise meet the degree of remediation we desire.</p>	15	15K	Y	Y	5.5		<p>FE to assist in regards to the "fundamental problem" comment.</p>

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
In order to protect the community and assure remediation, all development should be limited to the existing footprint before other development takes place.	13	18	To protect the community and assure remediation, all development should be limited to the existing footprint before other development takes place.	14	14F	Y	Y	5.5	<p>The first phase of the Project entails redevelopment of four existing buildings (21, 24, 33 and 34). While subsequent phases of development will be determined as the Project proceeds, the Project Sponsor has informed the Lead Agency that it intends to continue with redevelopment of the core industrial buildings as its next phase of the development. However, the Project Sponsor has explained that if remediation of the core area to a degree that allows for its safe development and occupancy should take longer than suitable to allow for a successful Project, it may be necessary for the Project Sponsor to develop clean portions of the Site while contaminated areas continue to be remediated.</p> <p>The Lead Agency also notes that Emerson has committed to the Project Sponsor to proceed with remedial efforts to allow reuse of the Site in a timely, diligent manner. The Project Sponsor's consultant believes that given the contamination delineated by all the investigations and the menu of remedies likely to be applied at the Site, remedial actions in the core areas of the Site should be implemented to the degree necessary to safely allow reuse within two to three years of remedy selection. In addition, any source area removal required by the NYSDEC to improve significantly the groundwater quality would receive priority.</p>	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
									<p>However, the Lead Agency is also mindful of the fact that remediating groundwater with contamination and a fractured bedrock setting similar to the Site and larger Property (i.e., firewater reservoir) can take many years and even decades after the remedial system has been installed. However, so long as potential exposure to the occupants of the Site and public at large has been addressed through the remedies selected such as, for purposes of example only, vapor intrusion mitigation systems and capping of impacted soils, and the groundwater system(s) are designed and constructed in a fashion that the redevelopment will not interfere with its/their operation, redevelopment activity can occur while groundwater treatment is ongoing. As noted above in PH Comment Summary Response No. 3, at this point, the Lead Agency is evaluating a number of mitigation measures to ensure impacts from environmental contamination are avoided and/or mitigated to the maximum extent practicable. This is likely to include but is not limited to inclusion of thresholds and/or mitigation measures to ensure that the Site: (1) is remediated to restricted residential, commercial and/or industrial remedial objectives, as appropriate based on the proposed uses at the Site; (2) will be subject to appropriate use restrictions consistent with the proposed uses at the Site; (3) will be subject to appropriate prohibitions on the use of groundwater at the Site without approval from the NYSDEC; (4) will be subject to development and implementation of an appropriate SMP; and (5) will be subject to on-going monitoring that institutional and/or engineering controls are being properly implemented and/or maintained.</p>	
<p>5.5.2 Potential Impacts “This has initiated a process with NYSDEC whereby Emerson (the responsible party) is required to and is performing a Phase II Supplemental RI to delineate the newly discovered AOCs and evaluate the need and method of remediation necessary to address these AOCs to at least an industrial use standard.” Requiring cleanup to industrial-use standards on certain portions of the site should only be considered if it is determined that current and potential impacts from industrial-use areas on areas with more stringent standards are not of concern.</p>	14	25	<p>Less stringent cleanup standards, such as industrial, should only be considered if it is determined that current and potential impacts from that area will not impact the areas with more stringent cleanup standards.</p>	15	15M	Y	Y	5.5	<p>The Lead Agency understands that the NYSDEC is required to evaluate a number of factors when selecting a remedy, including mobility of hazardous waste. Per State law, a remedy or remedies cannot be selected that is not protective, both on- and off-site, of human health and the environment.</p>	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
<p>The areas identified as CW4 are proposed by the developer to be cleaned up to Industrial Standards. However, due to the i) high levels of soil and groundwater contamination found in Areas of Concern 28, 29, 30 and 31 exceeding RR and Industrial Standards, and ii) proximity of these areas to streams and waterways with known stormwater erosion issues (see photos and comments above), and iii) immediate impact of stormwater on neighboring residential properties and the Southwest Flats with known flooding issues whereby floodwaters disperse to numerous residential and commercial properties and Six Mile Creek, spanning many acres and taking days to drain, and iv) fact that Six Mile Creek is a tributary that feeds into the Cayuga Lake Watershed and is a source of drinking water for Bolton Point and residents throughout the area, and that Six Mile Creek provides economic, recreational and aesthetic value to Tompkins County, I request that the CW4 area be redrawn to be limited to Buildings 33 and 34 and that all other areas be re-classified as CW3, and all soil and groundwater be required to be remediated to Restricted Residential standards.</p>	15	10	<p>The CW4 area should be smaller to reduce the number of impacts the contamination has on stormwater and entire watershed and so that more area will be remediated to Restricted Residential Standards.</p>	8	8K	Y	Y	5.5	<p>The commenter correctly points out that the level of remediation required by the NYSDEC in CW4 will be less than the level of remediation at other areas of the Site because CW4 is proposed for industrial use. The Project Sponsor indicates that the size and scope of the CW4 area is driven by a desire to appropriately reuse existing industrial structures. Those buildings situated in the CW4 are more appropriate for reuse as industrial buildings, rather than for additional residential uses.</p> <p>Nonetheless, the Lead Agency notes that even as an industrial sub area, however, impacts by contamination to stormwater runoff will be addressed through remedial actions such as capping, excavation, in-situ soil stabilization, or other remedial alternatives for soils discussed in Sections 5.5.1.19 and 5.5.2 of the DGEIS. A SMP, which includes a soil excavation/management plan, groundwater management plan, community air monitoring plan and health and safety plan, will also be in place to protect the watershed from site contamination during construction of other instances of soil disturbance. Also, as part of the Site Management Plan, monitoring and regular reporting to the NYSDEC will be required to ensure any caps or other engineering controls remain in place.</p>	
									<p>Additionally, the Project Sponsor indicates that the NYSDEC regulations specifically provide that an area using commercial or industrial cleanup objectives employ appropriate removal or engineering controls to address migration to be protective of adjacent residential uses. 6 NYCRR § 375-6.7(c). For soil remediation in industrial areas where impacted soils are left in place, the NYSDEC will require a cap existing of at least one foot of clean soil or the area to be covered by buildings or pavement. Such a cap combined with regular monitoring and reporting of the cap condition to the NYSDEC is protective of stormwater and adjacent areas and will likely be included as a threshold.</p>	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
<p>Finally, upon remediation of the spills, the property owner is responsible for replacing down gradient water and sewer systems and trenches and implementing containment strategies to ensure that contaminated soil and groundwater will not continue to migrate off-site or into municipal storm water systems." In a crowding world complicated by climate change, clean water is our most precious resource. Failure to clean up these old pollution problems will create new ones for our community's heirs.</p>	16	35	<p>Contaminated soil and groundwater must be addressed through containment strategies and replacing downgradient water and sewer systems and trenches to ensure migration off-site or into municipal sewers will not continue.</p>	20	20BC	Y	Y	5.5	<p>As detailed in the DGEIS and PH Comment Summary Response No. 1, a dual-phase vacuum extraction (DPVE) and treatment system has been operating at the Site to capture and treat impacted groundwater and soil vapor from the firewater reservoir/Operating Unit 1 (OU-1) area since 1996. The Project Sponsor has explained that DPVE is a process where soil vapor and groundwater are simultaneously removed. The removal of the groundwater depresses the groundwater table and exposes impacted areas such that those areas can be susceptible to volatilization with air. Since soil vapor can be extracted at a more rapid rate, the vapor phase can remove contaminants quicker than the water phase. Thus, removal and treatment of both soil vapor and groundwater increases the overall contaminant removal. Several upgrades to this system have been completed by Emerson over the years, including the expansion of the system in the summer of 2015 to provide further hydraulic control, i.e., containment and treatment of impacted groundwater. The recent upgrades to the extraction system were designed based investigation activities completed between 2009 and 2011. The investigations focused on identifying the presence or absence of dense non-aqueous phase liquid (DNAPL) or residual source material in groundwater immediately south and east of the Firewater Reservoir. The results of the investigations showed no evidence of DNAPL or residual source material in groundwater at these locations. The highest VOC concentrations in groundwater were found to occur approximately 18 feet below the base of the reservoir within two bedding plane fractures identified at 550 and 544 feet above mean sea level (amsl). These fractures, as well as a deeper bedding plane fracture at 515 feet amsl, were noted by Emerson's consultant as the primary migration pathways for affected groundwater at the Firewater Reservoir. The objectives of the system modifications were: (1) intercept impacted groundwater within the horizontal bedding plane</p>	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
<p>Finally, upon remediation of the spills, the property owner is responsible for replacing downgradient water and sewer systems and trenches and implementing containment strategies to ensure that contaminated soil and groundwater will not continue to migrate off-site or into municipal storm water systems.</p>	16	35	<p>Contaminated soil and groundwater must be addressed through containment strategies and replacing downgradient water and sewer systems and trenches to ensure migration off-site or into municipal sewers will not continue.</p>	8	8AN	Y	Y	5.5	<p>impacted groundwater within the horizontal bedding plane fractures in the C-zone between 550 feet, 544 feet, and 515 feet amsl to the south and east of the Firewater Reservoir; and (2) extract both aqueous- and vapor-phases for treatment. Specifically, the treatment system modifications included:</p> <ol style="list-style-type: none"> 1. Installation of a new extraction well (EW-9R-72C) to target extraction of impacted groundwater and vapor from the bedding plane at 515 ft. amsl. 2. Conversion of existing monitoring well MW-14C to an extraction well in order to target the bedding planes at 550 and 544 ft. amsl. 3. Conversion of existing monitoring well EXB-2 to an extraction well in order to target the bedding planes at 550 and 544 ft. amsl. <p>See Supplemental Pre-Design Investigation Fire Water Reservoir, June 30, 2011 in Appendix ___ of the FGEIS.</p> <p>Monitoring of this system is to be continued as part of the remedy in this area of the Property, which is not part of the Site.</p>	<p>Are Restricted Declarations Relevant to Projects in the City/Town of Ithaca when the Commentor is quoting New York City Code?</p>
									<p>In addition to the dual-phase extraction and treatment system upgrades, any additional areas in which the off-site migration of impacted media is possible will be addressed through remedy selection. One objective of the recently completed Phase II Supplemental RI was to assess for potential off-site migration of impacts identified in other areas of the Site. The Phase II Supplemental RI delineated the nature and extent of contamination in other areas of the Site and did not identify any other areas where contamination is migrating off the Site. The investigation included on-Site sewers and discovered some sludges within manholes contained contaminants at concentrations that will likely require remediation. The Project Sponsor has informed the Lead Agency that remediation of those sludges will most likely be in the form of removal and proper off-site disposal.</p> <p>A report titled South Hill Sanitary Sewer Network Alternatives Analysis Report dated September 3, 2009 by WSP evaluated potential options to address impacts. The report concluded that excavation of a portion of the sewer line within Turner Place and East Spencer Street should occur (approximately 300-ft. section), the sewer line replaced and a venting system installed to address soil vapors within the bedding materials of the sewers. The NYSDEC approved the planned action; however, it is understood that citizen's concerns has stalled its implementation.</p>	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
<p>This memo documents some of my concerns about the high levels of Trichloroethene (TCE) present in and under the site for the Chain Works District (CWD), as proposed in the Draft Generic Environmental Impact Statement (DGEIS) accepted as complete by the City of Ithaca Planning Board, acting as Lead Agency, on March 8, 2016. On page 5-51, the DGEIS states: 5.5.1.14 Soil Vapor Intrusion - The Phase II ESA included soil vapor intrusion (SVI) evaluations in select buildings to confirm previous SVI results and to assess previously untested buildings, which had the potential for SVI issues. As a result of previous investigations and the Phase II ESA testing the following buildings at the Site require SVI monitoring or mitigation:-Mitigation of Buildings 1, 2 (basement portion), 3, 3A, 4, 4A, 5, 6, 6A, 8, 9, 10, 18, 21, 24, 33 and 34 (it should be noted that NYSDOH recently reduced the Air Guideline for TCE and the buildings listed account for this change; however, the Phase II ESA report was completed prior to this change and therefore some buildings were not indicated in the Phase II ESA that are now included above. -Monitoring of Buildings 13A, and 17 These are examples of buildings where recent tests indicate excessive TCE: [Building, Intended Use, Indoor Air Test Result (micrograms/cubic meter) [1, Office/Multi-use, 2.5] [2,Residential,2.3,2.1] [4, Residential, 4.7] [5, Residential, 80] [6, Residential, 80] In addition, on page 5-60, the DGEIS states: Groundwater impacts above groundwater standards will likely require remediation and/or monitoring. Specifically, this means the following areas will most likely require further monitoring and/or remediation: I. TCE in Groundwater & Soil – Building 24. Specifically, groundwater impacts were identified above the Part 703 Groundwater Standards and soil in this area also exceeded the Part 375-6 Protection of Groundwater SCOs. As such, this area will likely require addressing regardless of use or development. To its credit, Emerson installed sub-slab depressurization systems in area OU3 homes (downhill from the plant site) which had indoor air levels of TCE at 0.8 microgram/cubic meter or above. The health of workers and residents in these on-site buildings should also be protected. TCE levels in the indoor air should be lowered and reconfirmed annually to provide this assurance.</p>	17	32	On-site trichloroethene contamination and related vapor intrusion issues must be addressed.	10	10B	Y	Y	5.5	<p>The Lead Agency understands that trichloroethene (TCE) contamination is being addressed in the firewater reservoir area through a Dual Phase Vacuum Extraction System, which is not part of the Site. The Phase II Supplemental RI (see Appendix ___ of the FGEIS) delineates the extent of TCE impacts on the Site. Emerson is in the process of evaluating remedial alternatives to address contamination, including TCE, at the Site as part of the Feasibility Study. As previously discussed, the NYSDEC will evaluate the data and issue an amended ROD that will address any necessary remediation of TCE and other contaminants discovered at the Site.</p>	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
5.5.1.14 Soil Vapor Intrusion "As a result of previous investigations and the Phase II ESA testing the following buildings at the Site require SVI _monitoring or mitigation: • Mitigation of Buildings 1, 2 (basement portion), 3, 3A, 4, 4A, 5, 6, 6A, 8, 9, 10, 18, 21, 24, 33 and 34" -Mitigation strategies should be detailed on a building-by-building basis. Currently, there are no specific mitigation measures proposed.	18	20	Disclose each building's specific vapor intrusion mitigation measure.	15	15G	Y	Y	5.5	The Lead Agency understands the specific vapor intrusion mitigation method depends on final building construction/development planned and subsurface conditions of that building, specifically the sub-slab 'communication' or ability for vapors/air to flow beneath the slab. The Lead Agency further understands that, in general, the mitigation measures will all include radon-type systems essentially consisting of PVC piping extending below floor slab where a void space is created to collect/extract vapors. The piping runs to above the building roofline where a fan is placed to create suction beneath the floor slab and extend a pressure field/capture zone. Alarms are used to monitor the system. All mitigation systems will be created in this general fashion. According to Project Sponsor's environmental consultant, in the event there is poor sub-slab communication, a variation to traditional radon-type system is to place a drain board (i.e., thin board with void space to allow place to collect vapors from) on top existing slab and pour new concrete slab on drain board. This approach would be used in areas where existing sub-surface is too 'tight' to allow comprehensive vacuum to be established. Preliminary assessment of some buildings has been completed to evaluate the system type. Of buildings assessed, the following is anticipated: Non-Drain Board System – Buildings 3 (portion of building), 8, 10, 21, 24 (basement level), 33, 34; and, Drain Board System – Buildings 3 (portion of building), 4, 6A, 24 (upper level). The Lead Agency anticipates it will require appropriate vapor intrusion mitigation be established during Site Plan Review.	
									All mitigation systems will require design approved by NYSDEC/NYSDOH and will include post-mitigation monitoring to confirm efficacy of system.	
No Action Alternative list several remedial activities. What is the timeline for these in the case of no action?	19	15	What is the timeline for remedial activities listed under the No Action Alternative?	1	1AR	Y	Y	5.5	The Project Sponsor has indicated that the Project cannot move forward under the No Action Alternative and that it would not take title to the Site if the No Action Alternative was selected. As such, any remedial activity under the No Action Alternative to remediate to industrial standards would continue to be undertaken by Emerson pursuant to the current ROD. It is unclear what the timeline for remediation would be without the Project.	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
Has a response from DEC been received on the BA report?	20	12	Has DEC responded to the Boundary Assessment report?	1	1AK	Y	Y	5.5	Per the Project Sponsor, Emerson, in consultation with the Project Sponsor, the NYSDEC, and NYSDOH, elected to perform additional soil vapor testing at select locations along the NCR sewer line as described in the Soil Vapor Delineation Letter Work Plan dated June 2, 2016 and the NYSDEC letter approving the work plan with conditions dated July 5, 2016. See FEIS Appendix _____. The purpose of the additional sampling is to better delineate potential soil vapor impacts as one moves further from the centerline of the existing sewer. It is anticipated that the results of the additional soil vapor testing will help establish a new boundary line for that portion of the site that will remain on the Registry. Should the NYSDEC and NYSDOH conclude that the data, which is discussed below in response to PH Comment Summary Response No. 21, indicate the need, that portion of the Site that constitutes the easement area for the NCR sewer line and perhaps some additional distance beyond it will remain as part of the site staying on the Registry. This will ensure that the SMP will apply to that area and require engineering controls to prevent vapor intrusion from impacting any structures built in the vicinity of the sewer line and connecting to it. A determination whether to adjust the boundary of the site on the Registry will be made as part of the ROD amendment process.	
Two, I think it's kind of a problem for me thinking about that sewer line that runs through the southern end of the property. Back in the '80s there was a pretty substantial leak in the town portion of that line. So whenever there was a substantial rainstorm sanitary products, feces, urine, obviously you can see the stuff in the stream flow. So it would be a wild assumption on my part to think that NCR, the previous owner of the South Hill Business Campus, was such a good citizen that they never dumped any contaminations into their property and this didn't migrate anywhere beyond that, particularly when the sanitary sewer leaked substantially.	21	36	What are the impacts from the NCR sewer line?	5	5B	Y	Y	5.5	The NCR sewer impacts are due to an off-site source of volatile organic compounds (VOCs) that originated from the South Hill Business Park Campus. Testing has been completed numerous times as part of the investigation of the sewer. Testing in 2007 included soil vapor testing above the sewer line in order to assess potential migration of contamination within the sewer or along its bedding. This testing identified elevated levels of chlorinated VOCs in the soil gas. The highest concentration of VOCs were identified slightly downgradient of where the Ithaca College sewer connects to the NCR sewer. See soil vapor point SV-51 on to Figure 3 from WSP March 1, 2016 Boundary Reassessment Soil Vapor Sampling Report, FEIS Appendix _____. As shown on this figure, 1,1,1-trichloroethane (TCA), perchloroethene (PCE) and trichloroethene (TCE) were identified in the soil vapor sample. To further evaluate the extent of impacts, additional sampling was completed in April and November 2015. This testing consisted of collecting additional samples from in proximity to previous sampling areas. Results of this testing indicated that concentrations of VOCs in soil gas generally reduce as distance from the NCR sewer increases. See Figure 4 from WSP March 1, 2016 Boundary Reassessment Soil Vapor Sampling Report. However, due to sample SV(2)-51-12 with elevated concentrations of VOCs, additional sampling was proposed by Emerson and was implemented in August 2016.	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
									<p>The August 2016 testing utilized a passive soil gas sampling approach in combination with traditional soil vapor testing at two locations in order to correlate the passive soil gas test results with the previous soil vapor testing. The NYSDEC and NYSDOH approved the approach and the work was implemented in August 2016. The testing included installation of a grid of passive soil gas samplers extending up to 90 ft. from the NCR sewer. The highest VOC concentrations detected in the passive soil gas samplers was at location PSG-16 which was located approximately 30-ft. from the NCR sewer line. The line of passive soil gas samplers extending east away from the sewer decreased with distance from the sewer until the furthest location (PSG-3) which was non-detect. An exception to this was the northern most line of passive soil gas samplers where the concentrations slightly increased with distance from the sewer; however, the concentrations detected were only slightly above the minimum detection limit and were significantly lower than the concentrations detected in PSG-16 and PSG-13. As such, the results of this additional testing also support the premise that concentrations of VOCs decrease with distance from the sanitary sewer. A formal report documenting the work is currently being generated; however, the data has been assessed and is provided on a figure and table included in Appendix ____.</p>	
<p>Boundary reassessment – the conceptual site layout shows a sidewalk/ path centered on the sewer easement. The Boundary Reassessment report states that VOCs are present in this area. Does this pose a health risk to users of the trail?</p>	22	11	<p>Will sidewalk shown over NCR sewer easement create health risks to users of the trail?</p>	1	1AJ	Y	Y	5.5	<p>According to the Project Sponsor's consultant, the NCR sewer impacts are due to an off-site source of volatile organic compounds (VOCs) and at the low concentrations seen in soil vapor in the vicinity of the sewer line, VOC impacts are not a concern for sidewalks and other open air settings. The Project Sponsor further notes that Emerson, the Project Sponsor, the NYSDEC, and NYSDOH are working together to identify any controls that may be necessary for development of Site structures within proximity of the NCR Sewer as part of the Boundary Reassessment Study. See PH Comment Summary Response No. 20.</p>	
<p>...and contingent upon soil gas vapor test results from the NCR sewer that were still forthcoming at the time of DGEIS publication. Also, see above comment, regarding 5.5.1.19.</p>	22	11	<p>Will sidewalk shown over NCR sewer easement create health risks to users of the trail?</p>	15	15NB	Y	Y	5.5		

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
As an aside, the fact that CVOC levels in and around the Fire Water Reservoir continue to be so high (MW-2B at >20,000 ug/1) despite the pump and treat system in place, is deeply concerning.	23	37	Fire Water Reservoir contamination is still concerning.	8	8AM	Y	Y	5.5	<p>Contaminated groundwater from the firewater reservoir area is being contained, extracted, and then treated through a Dual Phase Vacuum Extraction System. This system was recently upgraded in order to increase the capture area. The system is routinely monitored and is equipped with automated alarms. The routine monitoring also includes quarterly groundwater monitoring of wells to confirm the efficacy of the system in regards to capture of the groundwater within the plume area and a decreasing trend in groundwater impacts. Emerson calculates that the extraction system has removed over 125-pounds of volatile organic compounds from groundwater and 2,101-pounds of volatile organic compounds from vapor between January 2009 and December 2014, before the system was most recently upgraded in the summer of 2015. Sub-slab depressurization systems (i.e., vapor mitigation systems) have been installed in numerous residences down-gradient of the firewater reservoir area to mitigate potential indoor air exposure issues associated with the historical impacts from the firewater reservoir.</p> <p>Ownership and responsibility for the firewater reservoir area (OU-1) and off-site impacts from the Property (OU-3) shall remain with Emerson. It is not part of the Site nor the Project.</p>	Are Restricted Declarations Relevant to Projects in the City/Town of Ithaca when the Commentor is quoting New York City Code?
Ideally, comprehensive investigation of "the site" should be expanded to include adjacent "off-site" areas with a known or suspected history of dumping, disposal or suspected pollution pathways.	24	24	Off-site areas with suspected or known impacts should also be addressed.	15	15JB	Y	Y	5.5	Emerson will continue to be liable for off-site areas with suspected or known impacts under the Consent Order, while the Project Sponsor is responsible for mitigating off-site impacts of the Project (e.g., impacts directly related to PUD/PDZ and/or conceptual site layout plan itself, such as viewshed impact that requires off-site screening).	
5.5.2 Potential Impacts "As previously noted, multiple AOCs were found to have contaminants exceeding their cleanup standards for groundwater and soil, including TCE, barium, cyanide, and petroleum product. Areas of the Site, including the driveway area, Rice Paddy (area southwest of Building 34) and sediments in ditches, which are down gradient from the core structures, were found to have heavy metals, PCBs, VOCs, and SVOCs in the soil, sediment and groundwater exceeding their NYSDEC cleanup standards. If not addressed, over time these contaminants can have impacts to the public health and the environment. (emphasis added)". Given the known impacts to surrounding neighborhoods and the decades-long existence of contamination, the DGEIS should reflect the reality that unaddressed contaminants have already impacted the public health and environment. Again, for this reason, investigation and remediation efforts should not be limited to the site, but expanded to include all areas potentially impacted by the site.	24	24	Off-site areas with suspected or known impacts should also be addressed.	15	15L	Y	Y	5.5		
5.5 Public Health and Environment 5.5.1.1 Investigations "At the time of the work, some of the soil gas sampling could not be completed due to high water table. WSP recently completed the soil gas sampling activities and subsequent to receiving the analytical results on addendum to the Boundary Reassessment will be provided to the NYSDEC." The results of deferred soil gas sampling should be disclosed in the GEIS to allow for public comment on the request to decouple the southern 34-acre portion of the site from the IHWDS (Inactive Hazardous Waste Disposal Site).	25	19	Additional site testing discussed in DGEIS should be disclosed in FGEIS.	15	15E	Y	Y	5.5	The Phase II Supplemental RI, which provides the additional testing discussed in the DGEIS, has been completed by Emerson and a draft report submitted to the NYSDEC for its review and approval. A copy of the submitted Phase II Supplemental RI report is attached to the FGEIS as Appendix _____.	Available for FGEIS publication by August 2016?

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
5.5.1.8 Sediments & Seep "These sediment areas are located down gradient (northwest) of Buildings 17/18 and Building 34. Based on the impacts above the NYSDEC sediment criteria, these two sediment areas will be further evaluated by the property owner, to delineate the extent of sediment impacts." - The results of sediment testing for the areas identified above should be disclosed if known, or the testing timeline should be indicated.	25	19	Additional site testing discussed in DGEIS should be disclosed in FGEIS.	15	15F	Y	Y	5.5		
5.5.2 Potential Impacts The DGEIS acknowledges that, "Areas of the Site, including the driveway area, Rice Paddy (area southwest of Building 34) and sediments in ditches, which are down gradient from the core structures, were found to have heavy metals, PCBs, VOCs, and SVOCs in the soil, sediment and groundwater exceeding their NYSDEC cleanup standards. [...] Furthermore, impacts in subsurface soils can be a concern in the event that future ground intrusive work encounters these impacts and they are not properly handled. Impacts in groundwater can migrate off-site and based on geologic setting and hydrology at the Site can present in surface water downgradient in locations where bedrock fractures outcrop at the surface creating seeps." Has the applicant/DGEIS considered the necessity of additional, voluntary soil testing during Phase I? Specifically, during excavation, filling, and compacting activities for: Rehabilitation of Driveways I, II, and IV, Rehabilitation of the parking areas for Buildings 21 and 24, Construction of new parking areas for Buildings 33 and 34, and Connection of the utility services for Buildings 21, 24, 33, and 34	26	28	Has the applicant/DGEIS considered the necessity of additional voluntary soil testing during Phase I of the redevelopment?	18	18AE	Y	Y	5.5	The Project Sponsor has informed the Lead Agency that it does not intend to perform "voluntary" soil testing during redevelopment at the Site. However, the Project Sponsor will be implementing a NYSDEC-approved Site Management Plan. The soil excavation plan, a typical component of a site management plan, will dictate the need for any additional testing of soils that may be required during redevelopment of the Site. In addition, a Community Air Monitoring Plan will be implemented that entails monitoring the air at the boundaries of the construction area for VOCs and fugitive dust. When applicable standards are exceeded, the work will cease until corrective action is taken to prevent the exceedance. In addition, the Lead Agency has reviewed the results of the Phase II Supplemental RI and conclude that it has sufficiently delineated the nature and extent of contamination at the Site, including impacts to soil, to allow the Lead Agency to make its required finding under SEQRA. As noted above in PH Comment Summary Response No. 3, at this point, the Lead Agency is evaluating a number of mitigation measures to ensure impacts from environmental contamination are avoided and/or mitigated to the maximum extent practicable.	
									This is likely to include but is not limited to inclusion of thresholds and/or mitigation measures to ensure that the Site: (1) is remediated to restricted residential, commercial and/or industrial remedial objectives, as appropriate based on the proposed uses at the Site; (2) will be subject to appropriate use restrictions consistent with the proposed uses at the Site; (3) will be subject to appropriate prohibitions on the use of groundwater at the Site without approval from the NYSDEC; (4) will be subject to development and implementation of an appropriate SMP; and (5) will be subject to on-going monitoring that institutional and/or engineering controls are being properly implemented and/or maintained.	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
Please find below my comments on Public Impact on Health and the Environment and Related Mitigation as outlined in the March 8, 2016 Chain Works DGEIS. I am sending this by email to Ms. Nicholas, Ms. Karen Cahill and text online at https://chainworksdistrict.com/geis/ . Comment on proposed PUD and PDZ rezoning with regard to addressing extensive contamination on site and protecting human health. Without the Chain Works District Development, the Morse Chain/Emerson property is unlikely to see environmental clean-up of the "multiple areas of concern where contaminants exist, exceeding their cleanup standard for groundwater, soil and / or sediment, including barium, other heavy metals, cyanide, petroleum, polychlorinated biphenyls (PCBs), volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs). If not addressed, these contaminants can have impacts to public health and the environment." (ES-5) In order to support the Chain Works District Development plan, while also providing both the City and Town with the ability to ensure that all applicable environmental cleanup standards have been met before legal changes in land use through a PDZ or PUD are granted, the City and Town should establish a Restrictive Declaration on the property, such as is used in NY City and elsewhere, to ensure protection public health before zoning changes are granted. Please see the following citations for reference and context: Use of Restrictive Declarations 1 - As a condition of certain special permits and some zoning changes, the Commission may require applicants to sign and record a restrictive declaration that places conditions on the future use and development of their land. These conditions may be designated to control building design or land use or to require that impacts caused by the development be mitigated by the provision of a public space or facility.	27	33	A Restrictive Declaration should be used on the Site to ensure protection of public health before zoning changes are granted.	8	8Z	Y	Y	5.5	An environmental easement is already required under the 2009 ROD amendment to: (a) limit the use and development of the Property to industrial use (it is anticipated that the ROD amendment will amend this requirement so that residential, commercial, and industrial uses are allowed at the Site); (b) comply with an approved site management plan; (c) restrict the use of groundwater as a source of potable or process water without necessary water quality treatment as determined by NYSDOH; and (d) require the property owner to complete and submit to the Department a periodic certification of institutional and engineering controls. Elements (b) through (d) of the environmental easement described above are not expected to change with the ROD amendment, but the content of the Site Management Plan of course will. It should be noted that although the City and the Town are allowed to place reasonable restrictive covenants on the Site as a condition to a rezoning, municipalities are preempted from holding environmental easements. Environmental Conservation Law § 71-3605(7). The Lead Agency believes that the remedial actions selected by the NYSDEC for the Site through the ROD Amendment Process, along with the existing consent order and contractual commitments of Emerson to remediate the Site to allow development of the conceptual site layout plan, and the environmental easement held by the NYSDEC to hold the Project Sponsor accountable for its on-site activities will be sufficiently protective of human health and environment.	Are Restricted Declarations Relevant to Projects in the City/Town of Ithaca when the Commentor is quoting New York City Code?
(cont'd) The restrictive declaration can be useful as a way of "fine tuning" the use or bulk controls of the standard district regulation where there are features of a site or proposed project that appear to require specialized conditions or restrictions. It can also be useful as a way of ensuring that such conditions and restrictions remain binding on the land even if the proposed project presented in an application does not move forward to completion and different development takes place.	27	33	A Restrictive Declaration should be used on the Site to ensure protection of public health before zoning changes are granted.	8	8AA	Y	Y	5.5		Are Restricted Declarations Relevant to Projects in the City/Town of Ithaca when the Commentor is quoting New York City Code?
(cont'd) The restrictive declaration is a covenant running with the land which binds the present owners and all successors. It, therefore, gives notice to future owners of the conditions and restrictions that are continuously binding on the land.	27	33	A Restrictive Declaration should be used on the Site to ensure protection of public health before zoning changes are granted.	8	8AB	Y	Y	5.5		Are Restricted Declarations Relevant to Projects in the City/Town of Ithaca when the Commentor is quoting New York City Code?
(cont'd) A Restrictive Declaration on the property will be protective of human health by allowing the property to be developed in phases, enables site-specific requirements be established and met regarding known Areas of Environmental Concern, retains municipal control over zoning changes that may take decades to implement, and runs with the property so as to apply to any and all future property owners.	27	33	A Restrictive Declaration should be used on the Site to ensure protection of public health before zoning changes are granted.	8	8AC	Y	Y	5.5		Are Restricted Declarations Relevant to Projects in the City/Town of Ithaca when the Commentor is quoting New York City Code?

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
(cont'd) NYC Code § Section 43-1416: Definitions. "Restrictive declaration hazardous material site" means a property with an institutional control, arising from a city environmental quality review and recorded by the property owner, which requires a potential hazardous material condition to be addressed to the office's satisfaction before the property can be developed or an action involving soil disturbance can be undertaken.	27	33	A Restrictive Declaration should be used on the Site to ensure protection of public health before zoning changes are granted.	8	8AD	Y	Y	5.5		Are Restricted Declarations Relevant to Projects in the City/Town of Ithaca when the Commentor is quoting New York City Code?
(cont'd) o. "Recognized environmental condition" means the presence or likely presence of any hazardous substances on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances into structures on the property or into the ground, ground water, or surface water of the property. The term includes hazardous substances even under conditions in compliance with laws. The term does not include de minimis conditions that generally do not present material risk of harm to public health or the environment.	27	33	A Restrictive Declaration should be used on the Site to ensure protection of public health before zoning changes are granted.	8	8AE	Y	Y	5.5		Are Restricted Declarations Relevant to Projects in the City/Town of Ithaca when the Commentor is quoting New York City Code?
(cont'd) Remediating Contaminated Sites in New York Under the E-Designation Program 3 40 The E- Designation rules apply where one or more tax lots are in an area that is subject to a zoning amendment and are not under the control or ownership of the person seeking the zoning amendment and have been identified as likely to be developed as a direct consequence of the rezoning action. 15 RCNY §24-02. Therefore, for those lots under the control or ownership of the person seeking the zoning amendment DEP requires a Restrictive Declaration to ensure that required sampling and remediation occur prior to issuance of any DOB permit and that development otherwise proceeds in a manner that is protective of human health and the environment. The Restrictive Declaration is recorded in the land records and is binding on all future owners or lessees or assigns. Thus, the Restrictive Declaration can be an effective tool for ensuring that the site use remains unchanged and that no alterations occur to the site without DEP approval to ensure potential impacts from hazardous materials has been properly addressed.	27	33	A Restrictive Declaration should be used on the Site to ensure protection of public health before zoning changes are granted.	8	8AF	Y	Y	5.5		Are Restricted Declarations Relevant to Projects in the City/Town of Ithaca when the Commentor is quoting New York City Code?
(cont'd) Although the below flowchart outlining the Australian rezoning guidelines is different from the Restrictive Declaration program used by NYC, it is nonetheless informative in demonstrating how needed pauses and checks are required before zoning decisions are made. Taken from Managing Land Contamination Planning Guidelines, New South Wales Dept. of Urban Affairs and Planning, Environmental Protection Agency, 1998. P234 https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&sqi=2&ved=0ahUKEwjuyLWxiezMAhXD7R4KHfpTCi0QFggcMAA&url=https%3A%2F%2Fwww.planningportal.nsw.gov.au%2Fsites%2Fdefault%2Ffiles%2Fmanaging_land_contamination_planning_guidelines_sepp_55.pdf&usg=AFQjCNHQihCyywQUfSAaC mHpnHrdbK6ZZQ&sig2=vQFPJymhs-53-ybYdVOpaA	27	33	A Restrictive Declaration should be used on the Site to ensure protection of public health before zoning changes are granted.	8	8AG	Y	Y	5.5		Are Restricted Declarations Relevant to Projects in the City/Town of Ithaca when the Commentor is quoting New York City Code?

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
<p>Related, in Appendix G4 – Phase II Supplemental RI Work Plan, Page 44, Figure 3, Generalized Fence Diagram A-A', the estimated horizontal extent of bedding fracture zones is displayed. On what scientific basis were the bedding fracture zone boundaries defined? How was the boundary defined if zone thickness was measured across just one monitoring well that was not proximal to another monitoring well? Were previous geophysical log data used for this analysis?</p>	28	29	How were bedding fracture zone boundaries identified?	18	18AG	Y	Y	5.5	<p>According to the Project Sponsor's environmental consultant, bedding planes and fractures have been defined in a number of ways. Numerous bedrock wells have been installed since 1987 and rock cores have been obtained from a majority of the wells to assess the rock type and fractures (over 100 bedrock wells and associated rock cores have been installed/assessed). See WSP Supplemental RI Report dated April 4, 2008, attached as Appendix G2 of the DGEIS. Additionally, in July 2005 a Geophysical Survey consisting of Electrical Resistivity imaging was completed to assess potential water-bearing zones in the bedrock (documented in the Geophysical Survey Investigation Report dated October 31, 2005 by WSP and a Supplemental Geophysical Survey Report dated November 27, 2006 by WSP. Both of these reports have been added to Appendix _____ of the FEIS). Electrical Resistivity imaging is a tool used to remotely image the subsurface by installing electrodes in a survey line and applying a measured current. The voltage across electrodes is measured and the voltage/current ratio is used to evaluate resistance. This imaging identifies high and low resistivity zones which were then assessed through exploratory borings. The exploratory borings were advanced via rotary drilling equipment and including coring of bedrock and retrieving the bedrock cores to assess bedding planes and fractures. This large data set has been utilized in identifying the geology and hydrogeology of the site.</p> <p>The Lead Agency notes, as explained above, that ultimately it is for the NYSDEC to evaluate this data and take such information into account in establishing appropriate remedial measures in the Amended ROD.</p>	
<p>5.5.1.8 Sediments & Seeps Some technical language must be clarified. The DGEIS states in Chapter 5, Section 5, Subsection 1, Point 8: Sediments & Seeps on page 5-49, "A resampling of that seep performed by Emerson was non-detect for all of the constituents mentioned. [...] Figures 6A, 6B, and 7A of the Phase II ESA (included in Appendix G1) illustrate the location of sediment and seep samples and summarize the significant sediment and seep sampling results." However, if one follows the reference to Appendix G1 of the Phase II ESA, one will locate what may (cannot be certain because of vague referencing of sample numbers on page 5-49) be the two samples mentioned in the DGEIS: B18-SEEP 1 and B18-SEEP 2. Apparently these samples were taken 10 minutes apart, on August 28, 2013, as per the Spectrum Analytical lab report on page 1008 of Appendix G1. What was the implied meaning of "resampling"? It would be more appropriate to call this process "duplicate sampling." If one sample contained a significant contaminant concentration and a second sample was non-detect, then that scenario would warrant a resampling at a later time. Please clarify.</p>	29	30	Clarify the "resampling" process of the B-18 seep.	18	18AH	Y	Y	5.5	<p>According to the Project Sponsor's environmental consultant, the Phase II ESA included sampling of two seeps from the basement of Building 18. The seeps are essentially a location where groundwater is infiltrating the basement. Emerson later re-sampled one of the seeps, which identified TCE. The original sample from the Phase II ESA and re-sample by Emerson (which LaBella observed) were collected by simply placing the appropriate laboratory supplied bottles (40-milliliter glass vials with hydrochloric acid as a preservative) beneath the seep and allowing the bottles to fill with zero headspace (i.e., no air bubbles). The bottles were then placed on ice and shipped to the laboratory for analytical testing. See Phase II Supplemental Remedial Investigation Report dated August 5, 2016, attached to the FGEIS as Appendix ____.</p>	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
<p>Please find below my comments on seeps as outlined in the March 8, 2016 Chain Works DGEIS. I am sending this by email to Ms. Nicholas, Ms. Karen Cahill and text online at https://chainworksdistrict.com/geis/. Comment on seeps. Please see G 1 Phase II ESA - March 2014. Section VII (page 14) Sediments and Seeps. ESA Statement: Based on surface contours and drainage ways at the Site, sediment samples were collected to evaluate potential areas of accumulated contaminants. Drainage areas are located down gradient of the main plant building and samples of sediment from two drainage areas identified concentrations of S VOCs, Metals, Pesticides and PCBs at concentrations that exceed the criteria identified in NYSDEC Technical Guidance for Screening Contaminated Sediments (1999). These sediment areas are located down gradient (northwest) of Buildings 17 /18 and Building 34. The extent of sediments and impacts to sediments (depth and lateral extent) were not evaluated within the scope of the initial Phase II ESA. Based on the impacts above the NYSDEC sediment criteria, the two sediment areas below the main plant building appear to warrant further evaluation of these impacts to support a Restricted Residential use for this Site. Four seep samples were also analyzed. One seep sample was collected from below the former transformer pad on the western side of Building 24. This seep flows into a drainage feature that runs parallel to Building 24 and flows to the north. This sample was analyzed for PCBs and VOCs; although PCBs were not identified above laboratory method detection limits, TCE was detected at a concentration over 6 times the Groundwater Standard in this sample. In addition, CVOC impacts of shallow soil were identified in the vicinity of this seep in the split soil sample collected from LBA-MW-24 by WSP. This seep sample is also noted in the discussion in Building 24 VOCs as it is downgradient of groundwater impacts identified in that area.</p>	30	34	B18-SEEP-1 and BI-SEEP-2 should be investigated further to characterize the depth and breadth of the seep contamination.	8	8AH	Y	Y	5.5	Further investigation of B18-SEEP-1, B18-SEEP-2 and the Building 24 seep was completed as part of the Phase II Supplemental RI, for which a draft report was submitted to the NYSDEC in August 2016. Concentrations of targeted compounds (including those which were previously identified above groundwater standards) were not identified above their respective the NYSDEC groundwater standards in samples B18-SEEP-1 and B18-SEEP-2. Trichloroethene (TCE) was detected above the NYSDEC groundwater standard of 5 micrograms per liter (ug/L) in the sample from the Building 24 seep, which is actually discharge from a pipe. The TCE concentration in water from the Building 24 pipe was detected at a concentration of 40.7 ug/L. The discharge from this pipe currently flows into an 18-inch diameter corrugated high-density polyethylene culvert installed in the ditch and treated for VOCs using an activated charcoal boom.	Are Restricted Declarations Relevant to Projects in the City/Town of Ithaca when the Commentor is quoting New York City Code?
<p>Also, one of two seep samples collected from the basement of Building 18 (numerous pipes with running water were observed entering the basement) identified concentrations of cis-1,2-DCE and Vinyl Chloride above the Part 703 Groundwater Standard (15 ppb and 9.6 ppb in the seep as compared to their standard of 5 ppb and 2 ppb, respectively). The seeps in the basement of Building 18 are conveyed into drainage piping and determining the discharge location of this piping was beyond the scope of the Phase II ESA. In addition, a seep emanating from the retaining wall at the top of South Cayuga Street (directly down gradient of the Former 507 Degreaser Area) detected TCE at a 7.9 ppb, slightly above the Part 703 Groundwater Standard of 5 ppb. This seep discharges directly to the ground surface. Please see G4 Phase II Supplemental RI Work Plan - October 2015. Section 3.3 (page 24) Seeps. RI Statement: During due diligence environmental investigations, seep samples were collected at three locations at the site and analyzed for VOCs: from a pipe emanating from the transformer pad at Building 24 (B24-ext-seep), two locations beneath Building 18 (B18-Seep-1 and B18-Seep-2), and along the retaining wall north of Building 4 (LD-Seep-3). The locations are shown in Figure 11. The analytical results presented in Table 9 indicate exceedances of the groundwater standards for cis-1,2-DCE, TCE, vinyl chloride or a combination thereof in samples collected from B24-ext-seep, B 18-Seep-1, and LD-Seep-3. As part of the supplemental investigation activities, samples of the seepage will be collected at each of the above referenced locations and analyzed for VOCs in conjunction with the initial round of groundwater sampling. The sample associated with Building 24 will be collected from the remaining portion of the pipe not removed during completion of the Self-Implementing PCB Remediation Work Plan (WSP 2014). It is believed that this pipe is part of a foundation drain system based on its location; it continues to discharge to the storm water collection system (discussed below). If accessible, a video survey will be conducted inside the pipe to confirm its direction and location beneath the building. In addition, the sump located to the east, inside the building, will also be inspected to determine if the pipe is connected to the sump.</p>	30	34	B18-SEEP-1 and BI-SEEP-2 should be investigated further to characterize the depth and breadth of the seep contamination.	8	8AI	Y	Y	5.5		Are Restricted Declarations Relevant to Projects in the City/Town of Ithaca when the Commentor is quoting New York City Code?

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
<p>As a temporary measure, WSP installed a carbon treatment sock at the discharge point for the pipe beneath Building 24, prior to discharge to the nearby drainage ditch. Comment: Both the 2014 and 2015 Phase II investigations identified "exceedances in groundwater standards for cis-1,2-DCE, TCE, vinyl chloride or a combination thereof" at Building 24 (B24-EXT-SEEP), Building 18 (B18-SEEP-1) and Building 4 (LD-SEEP-3) which had not been previously identified. All three locations have been discharging contaminated water into the ground and into City storm sewer systems and trenches ... presumably for decades. Previous investigations in Operable Unit 3 had been based on the assumption that groundwater contamination originated from the NCR Sewer, and the Fire Water Reservoir and Degreasing Area, travelling through fractures and water mains associated with South Aurora Street and South Cayuga Street. For the last 10 years+/- Emerson and the DEC have done a tremendous amount of work to investigate and characterize the impacts of the known groundwater plumes on neighboring homes. The Supplemental RI investigates both the Building 24 and LD-SEEP-3/MW-IOB seeps outlining two newly identified plumes, which should be expanded to determine not only how the contamination has impacted the property itself, but also downgradient homes and the City's storm water and water and sewer lines and trenches which are transmission pathways extending down Turner Place and South Cayuga Street. The source of contamination for B18-SEEP-1 and B18-SEEP-2 has not yet been fully investigated or characterized. The discharge from these locations drains into SRI-SW-3 and presumably into Open Ditch 1, downgradient of Outfall 001 (see Figure 14A, Phase II RI Oct 2015) and into municipal storm water systems. [See Comment ID # 8AM.] The Supplemental RI Work Plan should be expanded to include (a) investigation and characterization of the depth and breadth of the B18-SEEP-1 and B18-SEEP-2 contamination.</p>	30	34	B18-SEEP-1 and B1-SEEP-2 should be investigated further to characterize the depth and breadth of the seep contamination.	8	8AJ	Y	Y	5.5		Are Restricted Declarations Relevant to Projects in the City/Town of Ithaca when the Commentor is quoting New York City Code?
<p>Specifically, we support Brock's statement as follows: "The Supplemental RI Work Plan should be expanded to include (a) investigation and characterization of the depth and breadth of the B18-SEEP-1 and B18-SEEP-2 contamination; (b) investigation as to the impact of both the Building 24 plume on Turner Place and the LD-SEEP-3/MS-IOB plume on South Cayuga Street municipal water and sewer systems and trenches; and (c) impact of the plumes on downgradient properties.</p>	30	34	B18-SEEP-1 and B1-SEEP-2 should be investigated further to characterize the depth and breadth of the seep contamination.	20	20BB	Y	Y	5.5		

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
<p>As indicated in the Figures above and in the Supplemental RI – April 2008, approximately 200 55-gallon drums were removed from the wooded areas both on and off the property between 1980 and 2004. A great number of these drums were located off of Emerson’s property, and clear indication shows they were placed there in association with industrial activities conducted on-site. This area is steeply sloped, is directly affected by and exposed to the impacts of erosion and storm water. Movements of soil and water through this area immediately affects neighboring residential homes and properties and storm water collection systems which discharge into Six Mile Creek and Cayuga Lake. Residential properties on South Cayuga Street, Spencer Road and Morris Heights Road are downgradient of these drum disposal sites. City Storm Water swales downgradient of this area drains through the residential Titus Flats area and into Cayuga Inlet. Other than 5 shallow borings (0.5’ bgs) performed in Area A, where PCB Aroclor 120 was found in 3 of 5 samples, the other three drum storage locations in AOC #10 has not been investigated or characterized for soil or groundwater contamination in either the 2014 or 2015 Phase II investigations. The DEC should include a complete investigation into all 4 locations in AOC #10 for soil and groundwater contamination as part of the 2016 Supplemental Remedial Investigation Work Plan. Any contamination found must be remediated to Restricted Residential Standards.</p>	31	09	AOC 10 (drum disposal area, mostly off-site) needs to be investigated and remediated.	8	8G	Y	N	5.5	<p>AOC 10 is partially located off-Site and partially in the CW1 Sub Area, a conservation zone to be used for passive recreation along the western portion of the Site and the balance of AOC 10 is off-Site. WSP Supplemental RI Report dated April 4, 2008, attached as Appendix G2 of the DGEIS.</p> <p>AOC 10 is a drum disposal area that includes three or four separate geographic areas on and mostly off-Site (which is not a part of this GEIS) but a portion of AOC 10 extends into the CW1 Sub Area. As documented in Section 3.1.9. of the WSP Supplemental RI Report dated April 4, 2008 and summarized in the LaBella Phase I report, empty drums have been discovered and removed from AOC 10 on various occasions since 1970. The most recent investigations and remedial efforts were completed in 2004 and 2005 and are documented in a February 22, 2005 letter by Environmental Strategies Consulting, LLC, which is attached to the FGEIS as Appendix _____. As documented in this letter, a survey of the wooded areas on and adjacent to the western portion of the Site was conducted in December 2004 and additional drums/containers were identified. Subsequently, in December 2004 and January 2005 the drums were removed and soil sampling of shallow soils beneath the drums was completed under the NYSDEC oversight.</p> <p>Because passive recreational use is a “Commercial Use” under New York State regulations, the Commercial Use SCOs will therefore apply to CW1. 6 NYCRR § 375-1.8(g)(2)(iii). Based on the 2005 shallow soil samples, three (3) out of the fourteen (14) locations that were sampled can be identified as having contaminates above the Commercial Use SCOs laid out in Table 375-6.8(b) of 6 NYCRR Part 375:</p> <ul style="list-style-type: none"> • DL-6, where benzo(a)pyrene was found at 2,800 ppb (the SCO for Commercial Use is 1,000 ppb) • DL-12, where benzo(a)pyrene was found at 1,700 ppb 	Offsite? Is this relevant?
									<p>Because passive recreational use is a “Commercial Use” under New York State regulations, the Commercial Use SCOs will therefore apply to CW1. 6 NYCRR § 375-1.8(g)(2)(iii). Based on the 2005 shallow soil samples, three (3) out of the fourteen (14) locations that were sampled can be identified as having contaminates above the Commercial Use SCOs laid out in Table 375-6.8(b) of 6 NYCRR Part 375:</p> <ul style="list-style-type: none"> • DL-6, where benzo(a)pyrene was found at 2,800 ppb (the SCO for Commercial Use is 1,000 ppb) • DL-12, where benzo(a)pyrene was found at 1,700 ppb • DL-14, where benzo(a)pyrene was found at 1,200 ppb and Aroclor 1254, a PCB, was found at 1,600 ppb (the SCO for PCBs for a Commercial Use is 1,000 ppb). <p>DL-6, DL-12, and DL-14 are all located along the hillside between the west side of the buildings and the former railroad bed. Like other areas of the Site, the NYSDEC will determine whether excavation, capping, and/or another remedy is appropriate to remediate those areas in AOC 10 above the Commercial Use standards under the amended ROD. The Site Management Plan will also dictate what monitoring and maintenance will be required.</p>	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
									Potential drum disposal areas were also investigated during the WSP's 2008 Supplemental RI when WSP investigated a depression in the wooded area located southwest of Building 34 that appeared to contain drums in a 1976 aerial photograph. See Area A on Figure 4 of the Supplemental RI. WSP took five (5) shallow soil samples from different points in the area and tested for VOCs, SVOCs, TAL metals, and PCBs. None of these samples, however, identified contaminants above the Unrestricted Use Soil Cleanup Objectives laid out in Table 375-6.8(a) of 6 NYCRR Part 375.	
Please find below my comments on barium, cadmium and reactive sulfides contamination as outlined in the March 8, 2016 Chain Works DGEIS. I am sending this by email to Ms. Nicholas, Ms. Karen Cahill and text online at https://chainworksdistrict.com/geis/ . Comment on barium, cadmium and reactive sulfide contamination. Please see GI Phase II ESA - March 2014. Section VIII (page 4, 10) Residual Building Materials & Concrete. Figures 4 and 9. Table SE and 68. ESA Statement Summary: Residual materials and concrete within the buildings were tested and TCLP Metals were identified above the characteristic of hazardous waste criteria. This was found in: a) Salt Pot Area Residual Material (building 13A, 14) b) Salt Pot Area Concrete (building 13A, 14) {Barium found at 19.6 times hazardous waste criteria}- Salt Pot 1, B13A-MW-2, B13A-MH-3 c) Former Plating Area (building 34 - slated for industrial use) {Cadmium found at 2.03 times hazardous waste criteria}- 834-CC-1 d)Residual Materials in Sanitary/Wastewater Conveyance Piping, Manholes & Pits Reactive Sulfides exceeding landfill hazardous waste criteria were found in concrete in buildings, 4, 8 and 13A. B13A-MH3, 84-MW1, 88-MW-1 Comment: The G4 Phase II Supplemental RI Work Plan does not include plans to further investigate or characterize the hazardous contamination imbedded in concrete in walls and floors identified in 1a, b, c, and 2 above. Figures and Tables in the GI Phase II ESA notes that Building 13A and Building 34 was impacted by plating activities, and describes the Limited testing that was conducted as part of the ESA, stating further that more investigation is needed.	32	31	More investigation of impacts and potential impacts to walls and floors of Buildings 13A, 34 and 4 should occur.	8	8X	Y	Y	5.5	The Phase II ESA included assessment of concrete utilizing an X-Ray Fluorescence meter, which evaluates for heavy metals. This screening was conducted at 263 screening points within 21 buildings, including Buildings 4, 13A, and 34. The screening in these buildings included Building 4 (6 locations), Building 13A (37 locations), and Building 34 (42 locations). Known/documented areas of chemical use were included in the screening in addition to a grid-like pattern used to cover remaining portions of the building. This testing identified elevated metals concentrations in Building 34 which will require addressing during remediation and/or redevelopment. Additional investigation was conducted within Building 13A in areas proximate the former salt baths located within Building 14 as documented in the Phase II Supplemental RI. Revised Supplemental Pre-Design Investigation Report by WSP dated April 22, 2013 and is included in the FGEIS as Appendix _____. A portion of the building 4 floor slab was removed in 2012 and concrete sampling was also conducted at that time. The floor slab removal in building 4 was part of an investigation into the source of volatile organic compounds in AOC #1.	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
(cont'd) As buildings 13A and 34 are slated to be retained and reused for industrial use, and building 4 is slated for residential use, expanded investigation of contamination in concrete and residual materials should be included in the G4 Supplemental RI Work Plan.	32	31	More investigation of impacts and potential impacts to walls and floors of Buildings 13A, 34 and 4 should occur.	8	8Y	Y	Y	5.5		
5.5.1.15 Contaminated Building Materials "In addition to the salt pot area of Building 14, the Phase II ESA revealed concrete floors with sulfide impacts in Buildings 4, 8, and 13A and cadmium impacts in Building 34 at concentrations that most likely require remediation." -The DGEIS should state unequivocally whether mitigation for cadmium will be required in Building 34 and, if required, what the mitigation strategy would be.	33	21	How will cadmium impacts in Building 34 be addressed?	15	15H	Y	Y	5.5	According to the Project Sponsor's consultant, the cadmium impacts identified in Building 34 are impacts to concrete, which will likely be addressed (subject, of course, to the NYSDEC approval and oversight) through removal of all of the concrete or simply scarifying the surface of the concrete. Scarifying the surface involves removing the uppermost layer of concrete which is where the cadmium impacts likely resolve. The Project Sponsor further indicates that under either approach confirmatory testing of the concrete that remains would be completed to assess efficacy of the work and removal of the concrete would continue until confirmatory sampling indicated that the concrete no longer contains cadmium above applicable standards.	

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
There's going to be fugitive dust problems.	34	05	Fugitive dust from working on this contaminated Site need to be addressed.	7	7B	Y	Y	5.5	Fugitive dust will be addressed throughout the remediation and redevelopment phases of the Project through the use of a NYSDEC approved Site Management Plan (SMP) and a Community Air Monitoring Program (CAMP), which is part of the SMP. The SMP puts into place the procedures and requirements for all subsurface activities at the Site. These requirements will include dust control measures such as wetting excavation surfaces or applying other dust suppression techniques. The CAMP will provide specific plans/requirements for air monitoring. The air monitoring will include upwind and downwind air monitoring stations during all ground intrusive work within the boundaries of the site that remain on the Registry to ensure that fugitive dust is not a concern for downwind receptors/residents. The CAMP will identify specific action levels that will require activities to cease and/or additional dust control measures to be implemented prior to proceeding with the work. The implementation of a SMP with a CAMP with the safeguards highlighted above is anticipated to be established as a threshold.	
5.5.1.18 Boundary Reassessment Study "Three surficial and three subsurface soil samples contained concentrations of p cresol or metals above their unrestricted use SCOs. There are no spatial distribution trends and these compounds are not related to the historical operations at the Site". The distribution trends and source of the pollutants is secondary to their existence at levels above "unrestricted use" soil cleanup objectives. Since this area is currently envisioned for residential use, remediation strategies to achieve applicable standards should be detailed.	35	22	P-cresol and metals above unrestricted use cleanup standards noted in Boundary Reassessment Study should be remediated.	15	15I	Y	Y	5.5	The Lead Agency understands that the NYSDEC is currently reviewing the Boundary Reassessment work and the NYSDEC will determine the scope of the required remediation and/or environmental easements as part of that review. As noted by the Project Sponsor, the report notes that there was no fill material or debris found where the p-cresol and metals were detected and the presence of these compounds in those areas were not indicative of impacts associated with historical operations. In addition, the concentrations of these compounds appear to be localized and none of these compounds were found in the groundwater sample from the well placed down-gradient of these areas. The Project Sponsor anticipates that, based upon all of these facts, the NYSDEC may very well determine that remediation of these localized areas with slight exceedances of p-cresol and metals will not be necessary to be protective of human health and the environment.	
5.5.3 Mitigation Measures "Assuming the Boundary Modification request to NYSDEC to release the southern most portion of the Site is successful, no remediation requirements will apply to the CW2 Sub Area. However, if such request is not successful the Restricted Residential SCOs will also apply to CW2 along with any institutional and engineering controls that are applied to the remainder of the Site." The presence of constituents above "unrestricted-use" SCO's in CW2, and the envisioned residential use seem to indicate that some remediation could be necessary prior to construction, based on site-specific analyses...	35	22	P-cresol and metals above unrestricted use cleanup standards noted in Boundary Reassessment Study should be remediated.	15	15NA	Y	Y	5.5		

Comments (Public Health)	Rev. Comment Summary No. (10/3/16)	Original Comment Summary No.	Comment Summary	Commenter ID	Comment ID	Sub	Rel	Relev. DGEIS Section	Response to Comment	Notes
5.5.1 Existing Conditions -This section in the scoping document (Scope 5.5.1, p.26) promises a more detailed history, but the history provided in DGEIS 5.5.1 (p. 5-43) provides no more detail than what appears in the scoping document.	36	38	The DGEIS is not specific enough about the historical operations at the Site.	18	18AD	Y	Y	5.5	Section 2.3 of the DGEIS, Background and History, is intended to be a summary of historical operations at the Site; for more detailed information, please refer to the December 13, 2005 Onsite Assessment, _____ 2013 Phase I Environmental Site Assessment, March 2014 Phase II Environmental Site Assessment, and the additional documents, figures, and photographs all attached as Appendix G1 to the DGEIS.	
I am in favor reestablishing the Ithaca's Superfund.	37	27	I am in favor of reestablishing the Ithaca's Superfund.	16	16FB	Y	Y	5.5	The Lead Agency is not aware of the Ithaca Superfund or what, specifically, this commenter is referring to. Nonetheless, the Lead Agency notes that the NYSDEC will make the final decision about what remedies will be implemented at the Site. However, as noted above in PH Comment Summary Response No. 3, at this point, the Lead Agency is evaluating a number of mitigation measures to ensure impacts from environmental contamination are avoided and/or mitigated to the maximum extent practicable. This is likely to include but is not limited to inclusion of thresholds and/or mitigation measures to ensure that the Site: (1) is remediated to restricted residential, commercial and/or industrial remedial objectives, as appropriate based on the proposed uses at the Site; (2) will be subject to appropriate use restrictions consistent with the proposed uses at the Site; (3) will be subject to appropriate prohibitions on the use of groundwater at the Site without approval from the NYSDEC; (4) will be subject to development and implementation of an appropriate SMP; and (5) will be subject to on-going monitoring that institutional and/or engineering controls are being properly implemented and/or maintained.	

1. The Site has been a significant environmental issue for decades and I have no confidence it will get remediated prior to redevelopment.

The Property has a long industrial history that has left an environmental legacy of significant contamination at the Site. As outlined below, Emerson, the party responsible for remediating the Site, has been working with the NYSDEC since contamination was first discovered at the Site in 1987:

- 1983 – Emerson purchases the Property
- 1987 – Emerson discovers contamination in the area of the firewater reservoir and reports the contamination to the NYSDEC
- 1988 – Emerson enters into a consent order with the NYSDEC to investigate and remediate the Property under the Inactive Hazardous Waste Site program
- 1990 – Initial remedial investigation completed for firewater reservoir area
- 1991 – A pump and treat system is installed for firewater reservoir area to extract and treat groundwater/contaminants
- 1992 – Firewater reservoir is rehabilitated and put back into service
- 1994 – Initial NYSDEC Record of Decision is issued
- 1996 – Firewater reservoir area pump & treat system is upgraded to dual phase vacuum extraction to increase the extraction of groundwater/contaminants
- 2008 – Supplemental Remedial Investigation is completed for the Property under an industrial use scenario
- 2009 – Record of Decision Amendment is issued based on 2008 Supplemental RI; includes requirement to upgrade the groundwater extraction system at the firewater reservoir
- 2009 and 2015 – Enhancements are made to the extraction system

. Despite the enhancements and the progress made in removing volatile organic compounds from groundwater and vapor outlined above, the Site's complex geology have added to the scope and duration of remediation and mitigation efforts. Any remediation of impacts to groundwater in fractured bedrock, such as what exists at the Property, has and will require long-term management and monitoring by Emerson. According to the Project Sponsor's consultant, this is due to a process known as "back-diffusion." Contaminants in contact with the bedrock diffuse into the rock matrix over years and decades. The contaminants will slowly diffuse from the rock back into the groundwater over time. The dual phase vacuum extraction system will continue to remove contaminants from the subsurface as the contaminants diffuse out of the bedrock.

In addition, the science of investigation and remediation has evolved significantly since the 1980s and, as indicated above, the remedial work at the Property has been upgraded over time to incorporate such advances to allow for more effective remediation in the future. Specifically, the remediation of the firewater reservoir area was initially conducted via a groundwater pump and treat system. Per the Project Sponsor's consultant, this type of system utilizes groundwater extraction and treatment of the water only. In 1996, the system was modified/upgraded into a Dual Phase Vacuum Extraction (DPVE) system. The Project Sponsor's consultant has explained that DPVE is a process where soil vapor and groundwater are simultaneously removed. The removal of the groundwater depresses the groundwater table and exposes impacted areas such that those areas can be susceptible to volatilization with air. Since soil vapor can be extracted at a more rapid rate, the vapor phase can remove contaminants quicker than the water phase. Thus, removal and treatment of both soil vapor and groundwater increases the overall contaminant removal. The 2009 and 2015 upgrades to the extraction system were designed based on Emerson's investigation activities completed between 2009 and 2011. The investigations focused on identifying the presence or absence of dense non-aqueous phase liquid (DNAPL) or residual source material in groundwater immediately south and east of the Firewater Reservoir. The results of the investigations showed no evidence of DNAPL or residual source material in groundwater at these locations. The highest VOC

concentrations in groundwater were found to occur approximately 18 feet below the base of the reservoir within two bedding plane fractures identified at 550 and 544 feet above mean sea level (amsl). These fractures, as well as a deeper bedding plane fracture at 515 feet amsl, were noted by Emerson's consultant as the primary migration pathways for affected groundwater at the Firewater Reservoir. The objectives of the system modifications were: (1) intercept impacted groundwater within the horizontal bedding plane fractures in the C-zone between 550 feet, 544 feet, and 515 feet amsl to the south and east of the Firewater Reservoir; and (2) extract both aqueous- and vapor-phases for treatment. Specifically, the treatment system modifications included:

1. Installation of a new extraction well (EW-9R-72C) to target extraction of impacted groundwater and vapor from the bedding plane at 515 ft. amsl.
2. Conversion of existing monitoring well MW-14C to an extraction well in order to target the bedding planes at 550 and 544 ft. amsl.
3. Conversion of existing monitoring well EXB-2 to an extraction well in order to target the bedding planes at 550 and 544 ft. amsl.

See Supplemental Pre-Design Investigation Fire Water Reservoir, June 30, 2011 in Appendix [redacted] of the FGEIS.

Data indicates that a substantial amount of volatile organic compounds have been removed from the subsurface by the extraction system. Emerson calculates that the extraction system has removed over 125-pounds of volatile organic compounds from groundwater and 2,101-pounds of volatile organic compounds from vapor between January 2009 and December 2014, before the system was most recently upgraded in the summer of 2015. Monthly operation and maintenance as well as system monitoring have also occurred throughout the years to ensure that the extraction system continues operating properly.

Moreover, Emerson continues to address areas identified in the 2009 ROD Amendment, which also include addressing the area of concern to the west of the former '507 Degreaser' area in Building 4 (also known as AOC #1) and removal of Non-Aqueous Phase Liquid (NAPL). In August 2016, WSP on behalf of Emerson completed a Supplemental Pre-Design Investigation that summarized additional investigation activities to further assess VOC impacts in the area of AOC #1. See WSP's Revised AOC 1 Characterization Report dated August 2016 in Appendix [redacted] of the FGEIS. Specifically the following investigations/findings were summarized in the report:

- Borehole geophysical surveys were completed on three (3) monitoring wells (MW-24B, MW-25B and MW-26B) in order to identify potential open fractures zones where groundwater flows. Borehole geophysics utilizes a number of different instruments in order to assess the potential for fractures that may convey water (and thus contaminants) which include: 3-arm caliper (measuring of borehole width), temperature and conductivity probes (measuring differences to identify groundwater flow), video (in order to visually assess the borehole and fractures, etc. the borehole geophysics concluded that two of the monitoring wells (MW-25B and MW-26B) indicated an upward migration of groundwater. Upward vertical flow of groundwater typically limits the ability of contaminants to migrate deeper into the saturated zone.
- Soil sampling – A total of 27 surficial soil samples were collected from borings to the west of building 4. Ten of the 27 surficial soil samples identified site-related VOCs above the NYSDEC Part 375-6 Protection of Groundwater Soil Cleanup Objectives (SCOs) and 6 of these also contained concentrations above the NYSDEC Part 375-6 Restricted Residential SCOs. In addition, 34 subsurface soil samples were also collected; however, only 4 of the samples identified VOCs at concentrations above the NYSDEC Part 375-6 Protection of Groundwater SCOs.
- The investigation also included an assessment of bedrock aquifer characteristics. Specifically, the slug tests were completed on four wells in order to assess the hydraulic conductivity for groundwater in the area. WSP concluded that overburden groundwater (A-zone) is in communication with the uppermost bedrock groundwater (B-Zone) and that the retaining wall to the west acts as a boundary to lateral migration. Groundwater in the overburden and B-Zone discharge to a seep and groundwater sump that manage discharges behind the retaining wall.

- WSP concluded that the vertical delineation of VOCs was complete.

In addition to the above, WSP on behalf of Emerson has been monitoring and removing NAPL ('free oil product') from monitoring wells where it has been identified.

While these activities by Emerson show a continued commitment to remediate the Property, the Lead Agency expects that the Project will have a significantly beneficial impact on the pace of remediation. The remediation was initially being conducted with a goal of continued industrial use at the Property. During the first phases of investigation and interim remediation, the Property was an active industrial site with remediation goals to match the continued use (e.g., one task of the remediation in the 1990s was to get the Firewater Reservoir repaired and placed back into service). After Emerson ceased operations in 2010, the objective of the remediation changed to make the Property suitable for another industrial use. With the Project Sponsor's involvement, the Project has become a catalyst for a re-assessment of the entire Site. The Project Sponsor has informed the Lead Agency that its contractual arrangement requires Emerson to be responsible for remediation of contamination that is known or discovered before remediation is deemed complete at the Site unless such contamination is caused by a release after transfer of ownership to the Project Sponsor. Therefore, the Project Sponsor is very motivated to find contamination at the Site before taking ownership.

The Project Sponsor's motivation is demonstrated, in part, by the LaBella Phase I and Phase II ESAs performed on behalf of the Project Sponsor that identified a number of additional areas of concern ("AOC's) at the Site. Because these AOCs required further delineation of their nature and the extent of impacts before the need for and type of remediation can be determined by the NYSDEC, Emerson performed additional testing at the Site to complete the needed delineation of the various AOCs. That investigation is presented in the Phase II Supplemental RI Report found in Appendix [REDACTED] of the FGEIS. In addition, Emerson has performed a Boundary Reassessment Study (presented in the DGEIS) to confirm that there are no impacts within the southern portion of the Site that require remedial action.

The Lead Agency notes that the Project Sponsor is motivated to see the Site remediated in a manner that allows its reuse consistent with the Project Sponsor's plans. The Project Sponsor has informed the Lead Agency that Emerson has committed to conduct any necessary remedial actions in a timely, diligent manner. As such, while this Site has been the subject of on-going investigations and remediation for almost 30 years, the Project will facilitate more stringent remedies on a much more aggressive timeline than what has occurred historically and the Site will be appropriately remediated in conjunction with the Project.

2. This is a very heavily contaminated Site which poses a real threat to the community.

The information in the DGEIS indicates that there is a significant amount of contamination at the Site as evidenced by the fact that the Property is listed as a Class 2 site on the State of New York Inactive Hazardous Waste Disposal Site Registry ("Registry"), meaning the Property is one at which contamination constitutes a significant threat to public health or the environment. However, as noted in PH Comment Summary Response No. 1 above, the Project has been a catalyst for additional remedial investigation at the Site, which has located additional impacts, and will facilitate more stringent remedies at the Site on a much more aggressive timeline than what has occurred historically.

3. The DGEIS is not specific enough about what remedy will be used to remediate the Site.

Remedial options that may be selected for the Site are discussed in Sections 5.5.1.19 and 5.5.2 of the DGEIS. However, the exact remedies that will be used to remediate the Site will not be known until the NYSDEC selects specific remedies pursuant to a ROD amendment process that is currently underway. The Project Sponsor has

correctly pointed out during the GEIS process that the remedy selection is subject to the exclusive jurisdiction of the NYSDEC. *See* *Town of Moreau v. N.Y. State Dep't of Env'tl. Conservation*, 178 Misc. 2d 56 (Sup. Ct. Albany County, 1998) (“To permit a local municipality through its municipal code to prevent this kind of NYSDEC-approved site remediation is, in the court's view, a violation of the delegation to the NYSDEC by the Legislature of the authority to oversee and control such sites and ‘to contain, alleviate or end the threat to life or health or to the environment.’ Such a restriction would place unreasonable restraints on the NYSDEC in its overriding obligation to preserve and protect both human health and the environment.”) *See also*, NYSDEC Division of Environmental Remediation Proposed Part 376 Response to Comments, p. B47 (June 2006) (“The [NYSDEC] is mindful that it is the unmistakable legislative intent to preempt entirely local control over remedial programs conducted pursuant to [State Superfund]. It could not have been the legislative intent to create such a comprehensive administrative scheme to address contaminated sites and yet allow a dissenting municipality to delay or completely frustrate the execution of the scheme by withholding a permit”).

As stated in Sections 5.5.1.19 and 5.5.2 of the DGEIS, the remedies that the NYSDEC will choose will be based on the types of media located throughout the Site. For contaminated soils, the remedies will be based on the soil cleanup objectives set forth under 6 NYCRR § 375-6.8(b) and will depend on the anticipated uses of a particular area of the Site (i.e., residential, commercial, or industrial). For those areas where residential uses are proposed, the Restricted Residential soil cleanup objective will be used as the basis for selecting the appropriate remedial action by the NYSDEC. For areas of commercial use and industrial use, the Commercial and Industrial soil cleanup objectives will be considered by the NYSDEC, respectively. Different soil cleanup objectives between different areas of the Site may be used so long as such areas are defined and described in the environmental easement to be applied to the Site. All necessary institutional and engineering controls will be implemented, maintained, monitored, and enforced through a site management plan (“SMP”). *See* 6 NYCRR § 375-2.8(c)(3). The SMP will also set forth regular reporting requirements to the NYSDEC following remediation of the Site.

Remedies to protect and control groundwater will also be dictated by the amended ROD. The Lead Agency understands that generally, such measures will involve: (1) removal or control of any areas deemed sources of groundwater contamination, e.g., excavation or in-situ remediation of soils with contamination above protection of groundwater standards (see response to PH Comment Summary Response No. 5 for more details); (2) to the extent feasible, restore groundwater to groundwater quality standards; and (3) to the extent feasible prevent further migration of any groundwater plumes off-Site. These requirements are set forth in 6 NYCRR §§ 375-1.8(d). The Project Sponsor has informed the Lead Agency that based upon the results of the environmental investigations to date, Emerson, the party responsible for implementing remedial measures at the Site, is considering the following groundwater remediation technologies and expects to further analyze the usefulness and feasibility of these technologies in an upcoming remedial feasibility study for the NYSDEC:

- (1) groundwater extraction and ion exchange treatment to possibly address barium;
- (2) expanding the number of extraction wells tied to the existing groundwater treatment system associated with the firewater reservoir to address CVOCs at Site locations;
- (3) in-situ treatment, such as chemical oxidation, to treat CVOCs;
- (4) in-situ chemical oxidation to address cyanide in groundwater;
- (5) in-situ treatment to address petroleum/NAPL; and
- (6) monitoring.

Other technologies may also be considered by Emerson in the feasibility study and presented to the NYSDEC.

Soil vapor intrusion will be addressed through management of the contamination to prevent exposure, e.g., implementation of soil vapor intrusion systems. More details on the methods most likely to be used at the Site are set forth in the response to PH Comment Summary Response No. 18. Impacted sediments in on-site creeks or

ditches will be addressed in a manner similar to soils, most likely excavation. Additionally, institutional and engineering controls will be implemented through an environmental easement, regardless of what specific remedies are selected by the NYSDEC.

It should be noted that although the Lead Agency and Project Sponsor cannot identify what specific remedies will be used at the Site until the NYSDEC amends the ROD, the purpose of a GEIS is to assess a wide variety of impacts at a more conceptual level on a larger geographic area such as the Site. GEISs that are prepared for larger developments at an early stage in the planning process give agencies an opportunity to plan future courses of action to avoid or mitigate such impacts. A GEIS may include site-specific analysis for components of a project that are well defined and establish thresholds for impacts from project elements that are more conceptual or not yet fully developed at the time of assessment. The Lead Agency is evaluating a number of mitigation measures to ensure impacts from environmental contamination are avoided and/or mitigated to the maximum extent practicable. This is likely to include but is not limited to inclusion of thresholds and/or mitigation measures to ensure that the Site: (1) is remediated to restricted residential, commercial and/or industrial remedial objectives, as appropriate based on the proposed uses at the Site; (2) will be subject to appropriate use restrictions consistent with the proposed uses at the Site; (3) will be subject to appropriate prohibitions on the use of groundwater at the Site without approval from the NYSDEC; (4) will be subject to development and implementation of an appropriate SMP; and (5) will be subject to on-going monitoring that institutional and/or engineering controls are being properly implemented and/or maintained. Therefore, the Lead Agency believes that the discussions of remedial alternatives in the GEIS are sufficient to meet the requirements under SEQRA to allow the various agencies to make appropriate approval decisions within their jurisdictions.

4. What is the ROD Amendment process and how does it relate to the DGEIS and conceptual site layout plan?

Allowing the Site to be used for residential and commercial purposes is a fundamental change to the existing ROD. The Lead Agency understands that this requires the NYSDEC to follow the same process in amending the ROD as what was needed to develop the original remedy, including citizen participation, documentation, and approvals. *See*, DER-2/Making Changes to Selected Remedies (last revised April 1, 2008), p. 4. The existing data, including data generated through the Phase II Supplemental RI, which has now been submitted by Emerson to the NYSDEC for review and approval, identify the nature and extent of contamination at the Site and will be used to identify potential remedial alternatives consistent with the proposed commercial and residential uses at the Site. The alternatives will be presented to the NYSDEC and analyzed in a Supplemental Feasibility Study.

Once the Phase II Supplemental RI Report and Feasibility Study are completed, the NYSDEC will select a remedy and issue a proposed amended ROD for public review. It is also anticipated that the NYSDEC will consider redefining Site boundaries in the amended ROD based on the Boundary Reassessment Report discussed in Section 5.5.1.18 and attached as Appendix G3 of the DGEIS. The NYSDEC's regulations require the following process for public review of the ROD amendment:

- The NYSDEC mails a notice and brief analysis of the proposed amended ROD to those on the Site contact list, which includes sufficient information to provide a reasonable explanation of the proposed amended remedy, including but not limited to, a summary of the NYSDEC's reasons for preferring it over other remedial alternatives considered and the construction and site management requirements of the proposed remedy. 6 NYCRR 375-2.10(c)(1).
- The NYSDEC provides the public thirty (30) days to comment on the development and implementation of the ROD amendment, including an opportunity to submit comments at a public meeting. 6 NYCRR 375-2.10(c)(2).

- Written and oral comments received during the comment period are summarized and made available to the public upon issuance of the amended ROD. 6 NYCRR 375-2.10(c)(3).

After the citizen participation is closed, the NYSDEC will finalize the amended ROD, documenting:

- Location and description of the Site.
- A history of the operation of the Site.
- The current environmental and public health status of the Site.
- An enforcement history and current status of the Site.
- The specific goals and objectives of the remedy selected for the Site.
- A description and evaluation of the remedial alternatives considered.
- A summary of the basis for the NYSDEC's decision.
- A list of the documents the NYSDEC used in its decision-making.
- A responsiveness summary. 6 NYCRR 375-2.8(e).

The final documents, notices, and fact sheets will then be made available in the document repository. 6 NYCRR 375-2.10(e).

In terms of how the ROD relates to the GEIS and the conceptual site layout plan, the GEIS process considers, but cannot control, the ROD amendment. Instead, the GEIS is a “hard look” for any adverse impacts the proposed PUD/PDZ codes, Design Standards, and the conceptual site layout plan may have under SEQRA. Although this review must necessarily include an analysis of any public health and environmental impact the potential remedies may have and how those remedies may affect Site redevelopment and/or mitigate impacts therefrom, the GEIS is not a review of any specific ROD amendment nor what remedies will be selected by the NYSDEC. As noted above, the public will have a separate opportunity to comment on the ROD amendment specifically.

As discussed in Chapters 5 and 10 of the DGEIS, the way that the GEIS is analyzing potential impacts of the types of remedies the NYSDEC may choose is reviewing typical remediation methods, engineering controls, and institutional controls used at sites with similar contamination and site uses. If the remedy the NYSDEC selects is one of the potential remedies analyzed in the GEIS, the ROD amendment will have no effect on the PUD/PDZ, conceptual plan, or SEQRA review because the remedy will be within the thresholds already analyzed in the GEIS. If the NYSDEC selects a remedy or remedies that is not one of the potential remedies analyzed in the GEIS, the Lead Agency will determine whether a Supplemental EIS is needed to analyze any public health and environmental impact the selected remedy may have and how those remedies may affect Site redevelopment and/or mitigate impacts therefrom. As noted above in PH Comment Summary Response No. 3, at this point, the Lead Agency is evaluating a number of mitigation measures to ensure impacts from environmental contamination are avoided and/or mitigated to the maximum extent practicable. This is likely to include but is not limited to inclusion of thresholds and/or mitigation measures to ensure that the Site: (1) is remediated to restricted residential, commercial and/or industrial remedial objectives, as appropriate based on the proposed uses at the Site; (2) will be subject to appropriate use restrictions consistent with the proposed uses at the Site; (3) will be subject to appropriate prohibitions on the use of groundwater at the Site without approval from the NYSDEC; (4) will be subject to development and implementation of an appropriate SMP; and (5) will be subject to on-going monitoring that institutional and/or engineering controls are being properly implemented and/or maintained.

In regards to the timing between the ROD amendment, GEIS, and the conceptual site layout plan, the Project Sponsor has informed the Lead Agency that Emerson has committed to remediating the Site in a manner consistent with the Project Sponsor's conceptual site layout plan as it exists at the time of the transfer of the Site to Project Sponsor. Because the use of the Site as described in the conceptual site layout plan informs the

remedial goals to be achieved and remedial methods to be used, conclusion of the EIS process and approval of the conceptual site layout plan need to occur prior to or at the same time as any ROD amendment.

5. Sources of contamination must be dug out and removed from the Site as there is no effective way to cap the Site.

The Lead Agency understands that the NYSDEC may require Emerson to dig out a source(s) of contamination and remove it from the Site. A “source area” or “source” of contamination is defined by the NYSDEC regulations as:

Source area or source means a portion of a site or area of concern at a site where the investigation has identified a discrete area of soil, sediment, surface water or groundwater containing contaminants in sufficient concentrations to migrate in that medium, or to release significant levels of contaminants to another environmental medium, which could result in a threat to public health or the environment. A source area typically includes, but is not limited to, a portion of a site where a substantial quantity of any of the following are present:

- (1) concentrated solid or semi-solid hazardous substances;
- (2) non-aqueous phase liquids; or
- (3) grossly contaminated media.

6 NYCRR § 375-1.4 (au).

In addition, the Lead Agency understands that the NYSDEC established soil cleanup objectives include standards for protection of groundwater at 6 NYCRR § 375-6.8(b). If soil in an area of groundwater contamination has the same contaminant above the protection of groundwater standard as is also found in the groundwater, the NYSDEC will typically treat that area as a source of contamination and select a remedy to best address that source. In some instances, that may be excavation but it does not necessarily have to be. For VOCs in soil, it may also be a technology that removes the contamination from the soil in-situ such as soil vapor extraction.

The Lead Agency understands that the Phase II Supplemental RI did not identify any grossly contaminated soils but the following areas of soil impacts were identified to be above the protection of groundwater standards and thus may be addressed by excavation or some other method to remove the “source.”

- AOC 1 – Former Department 507 Degreaser (exterior)
- AOC 26 – Building 24 Interior (second floor) and Building 24 Exterior (parking lot)
- AOC 27 – Former Salt Baths
- AOC 34 – Area East of Buildings 13A and 14
- AOC 35 – Building 11A (LBA-SB-250)
- AOC 28 – Oil Shed Area - Northeast

Based upon the above, the Lead Agency will establish as a threshold that the NYSDEC require either excavation or some in-situ remedial technology that removes the contaminants from soils in the above referenced areas to be protective of public health and environment. However, it should be understood that the NYSDEC will make the final decision about what remedies will be implemented at the Site. As noted in PH Comment Summary Response No. 3 above, the Project Sponsor has correctly pointed out that municipalities may not require a different or more stringent remediation plan than what is selected by the NYSDEC.

Public comments about what remedy should be undertaken at the Site should be directed to the NYSDEC during the public participation process of the ROD amendment, as noted in PH Comment Summary Response No. 4, above.

6. The proposed development will spur needed remediation.

The Lead Agency agrees with this comment. If the Project does not go forward, the Property will continue to be remediated to an industrial use standard, and the Lead Agency has no indication that a more aggressive remediation schedule spurred on by a motivated buyer and seller would occur. See also the response to PH Comment Summary Response No. 1 above.

7. What is the timing of remediation in relation to Site development?

As discussed under response to PH Comment Summary Response No. 4, neither remediation nor the Site development can start until the ROD is amended by the NYSDEC to establish what remedial activities will be implemented at the Site and allow its redevelopment consistent with the conceptual site layout plan.

The Lead Agency understands that once the ROD is amended, a SMP will be developed and submitted at the same time as the work plans for impacted soil and groundwater in the areas of the Phase I redevelopment (or shortly after work plan approvals). The SMP will cover the entire Site but may be revised as specific remedial actions at other areas of the Site are conducted. The SMP will include a soil excavation/management plan; a groundwater management plan; community air monitoring plan; and health and safety plan, all of which will be implemented during remedial and/or construction activities. The SMP will also contain operation and maintenance plans for any remedial systems in operation at the Site; and a monitoring and reporting plan. Should capping or in-situ stabilization, as opposed to excavation, be selected by the NYSDEC as a remedy for contaminated soils anywhere on the Site, the SMP will dictate that the capped or stabilized areas must be inspected by a professional engineer on a regular basis and the professional engineer and site owner will need to certify to the NYSDEC that the capped/stabilized area remains in place. The certifications are typically provided annually. Groundwater monitoring will be required at the Site either as part of any active remedial system or as the selected remedy. The SMP will require that all groundwater monitoring be reported on a regular basis to the NYSDEC. Operation and maintenance plans for all remedial systems implemented at the Site including groundwater as well as vapor intrusion systems, will also be part of the SMP. The SMP will also protect any occupied portions of the Site (e.g., Phase I) during subsequent remediation and construction. For example, as described in PH Comment Summary Response No. 34, the Community Air Monitoring Plan will require the Project Sponsor to monitor the air within and at the boundaries of any construction area or area where a remedial system is being installed for VOCs and fugitive dust so that if any VOCs or fugitive dust within or at the edges of the remediation/construction area exceed acceptable standards, all work will stop until the issue is remedied.

After the SMP is developed and land use approvals for Phase I of the redevelopment are obtained, Emerson will begin remediating the Site as soon as practicable to allow for its reuse consistent with the conceptual site layout plan, the Order on Consent with the NYSDEC, and its agreement with the Project Sponsor. Because the Site will be developed in phases to allow for timely remediation and redevelopment of the Site, the schedule of the actual remediation work and Site development will be intertwined. First, remediation will be implemented in those areas that are a part of the Phase I redevelopment (i.e., Buildings 21, 24, 33 and 34, and land surrounding those buildings as designated in the Phase I site plan submission) to protect public health and protect and/or treat groundwater. Specifically, the Project Sponsor has informed the Lead Agency that, based upon the results of the Phase II Supplemental RI, Emerson will most likely develop and implement work plans for excavation (as opposed to in-situ treatment) of impacted soils that exceed the protection of groundwater standards in the area of Phase I redevelopment as shown on the conceptual site layout plan before or at the same time as implementing

groundwater remediation (discussed below). Those areas of soil impacts are shown on Figures 5-1 and 5-3 of the Phase II Supplemental RI. The remedial action selected for groundwater impacts in the vicinity of Building 24, including the “seep” that discharges from a pipe running under Building 24, will be designed prior to any construction activity and implemented either prior to or during construction. See Figure 4-1 of the Phase II Supplemental RI. Groundwater remediation selected for the area to the south of Building 34 will also be designed prior to construction and implemented either prior to construction or during the course of construction activity in that area. See Figure 4-3 of the Phase II Supplemental RI. Remedial actions to prevent soil vapor intrusion within Buildings 21, 24, 33 and 34 will be designed and implemented prior to occupancy of those buildings.

Remediation and redevelopment of the remainder of the Site will follow a similar pattern, except that Emerson will likely proceed with required remedial actions at other areas of the Site in advance of redevelopment should the Project Sponsor not yet be ready for its next phase of the Project because Emerson is contractually committed to the Project Sponsor to proceed with remedial efforts in a diligent and timely manner. Any remediation of soils involving excavation that may be required will be performed prior to construction activity commencing in that area. Because parking areas and building foundations often serve as appropriate caps for impacted soils, the NYSDEC will review and approve the relevant construction plans before construction begins when a cap is the selected remedy. If construction in an area to be capped will not be proceeding for some time, the NYSDEC will likely require a “temporary” cap be placed over the area for the interim. Any required active treatment or monitoring of groundwater not already being conducted in a particular area shall commence prior to or during construction in that area depending on whether Project Sponsor is in a position to commence the planned construction activity. Any vapor intrusion systems will be designed, approved by the NYSDEC and NYSDOH, installed and tested prior to occupancy of any structure that may require such a system.

8. Who is responsible for Site cleanup after the Site ownership is transferred?

As noted in PH Comment Summary Response No. 1, Emerson remains responsible for remediation of the Site after transfer of the Site to the Project Sponsor for any contamination discovered on the Site prior to remedial actions being completed. However, if contamination comes to exist on the Site after transfer of the Site to the Project Sponsor because of a spill or release after closing, the Project Sponsor will be responsible for its remediation.

9. Who is responsible for off-site remediation after property ownership is transferred?

Emerson remains responsible for off-site remediation (OU-3) and the firewater reservoir area (OU-1) after ownership of the Site is transferred to the Project Sponsor.

10. I am concerned about off-site impacts from the migration of Site contaminants through groundwater, including on-going off-site migration of pollutants remediated to use-specific standards within the Site.

Emerson will remain liable for off-site contamination through groundwater and will remedy any migration pursuant to the remedy selected by the NYSDEC. The method Emerson will use in addressing groundwater migration, though, is the same regardless of whether use-specific standards are used at the Site. Use specific standards are limited to soil and range in stringency based on the use of the site. Groundwater, on the other hand, is compared to the NYSDEC Part 703 Groundwater Quality Standards, which are the same regardless of use.

If a contaminant found in groundwater is also found in soils above the NYSDEC’s protection of groundwater standard, the NYSDEC will consider that soil to be a source area. The NYSDEC would then require Emerson to properly remediate and eliminate any such source, regardless of the use-specific standard otherwise relevant to the contaminated soil.

11. Depressurization systems in off-site homes may not be effective.

Existing off-site contamination and related remedial actions are outside the scope of the Project and therefore the GEIS. Emerson will maintain responsibility for offsite contamination under its existing consent order with the NYSDEC and the NYSDEC therefore maintains oversight over all off-site remedial activities.

12. We should not rezone Site unless/until we know what the remedial actions are; the remedial actions occur; and we can determine that they are effective to allow the proposed uses or otherwise meet the degree of remediation we desire.

As legislative bodies charged with rezoning decisions, the Ithaca City Council and Ithaca Town Board have full discretion over the rezoning of the Site. However, as noted in PH Comment Summary Response No. 3 above, the NYSDEC has exclusive authority to select appropriate remedial measures. As such, although the City Council and the Town Board could decide to not rezone the Site until after the remedial actions have been selected or occur, such a delay would not affect the remediation required by the NYSDEC. In addition, it is noted that the Project Sponsor has stated that delaying the rezoning until the NYSDEC amends the ROD will jeopardize the Project, which in turn could further delay or otherwise derail remediation of the Site or result in remediation that is limited to industrial standards (as is currently the case). Emerson's commitment to remediating the property is tied to Project Sponsor's proposed uses at the time ownership transfers to the Project Sponsor. The Project Sponsor has stated that it is not willing to take ownership of the Site until it has received the necessary approvals for the Project, which includes completion of the SEQRA review for the Project, rezoning and site plan approval of Phase I. A delay in making a rezoning and site plan decision until remedial actions are established when such delay will not impact the remediation required but could postpone or discourage the Project Sponsor from taking title to the Site and begin redevelopment may not be overall beneficial to the community.

The NYSDEC will select specific remedies for the Site based on established protection of groundwater standards or cleanup objectives for residential, commercial and/or industrial uses at the Site, in conjunction with a ROD amendment, which is not expected to occur until *[to be filled in when closer to publication]*. The NYSDEC will determine these remedial measures regardless of the rezoning of the Site. As noted above in PH Comment Summary Response No. 3, at this point, the Lead Agency is evaluating a number of mitigation measures to ensure impacts from environmental contamination are avoided and/or mitigated to the maximum extent practicable. This is likely to include but is not limited to inclusion of thresholds and/or mitigation measures to ensure that the Site: (1) is remediated to restricted residential, commercial and/or industrial remedial objectives, as appropriate based on the proposed uses at the Site; (2) will be subject to appropriate use restrictions consistent with the proposed uses at the Site; (3) will be subject to appropriate prohibitions on the use of groundwater at the Site without approval from the NYSDEC; (4) will be subject to development and implementation of an appropriate SMP; and (5) will be subject to on-going monitoring that institutional and/or engineering controls are being properly implemented and/or maintained.

13. To protect the community and assure remediation, all development should be limited to the existing footprint before other development takes place.

The first phase of the Project entails redevelopment of four existing buildings (21, 24, 33 and 34). While subsequent phases of development will be determined as the Project proceeds, the Project Sponsor has informed the Lead Agency that it intends to continue with redevelopment of the core industrial buildings as its next phase of the development. However, the Project Sponsor has explained that if remediation of the core area to a degree that allows for its safe development and occupancy should take longer than suitable to allow for a successful

Project, it may be necessary for the Project Sponsor to develop clean portions of the Site while contaminated areas continue to be remediated.

The Lead Agency also notes that Emerson has committed to the Project Sponsor to proceed with remedial efforts to allow reuse of the Site in a timely, diligent manner. The Project Sponsor's consultant believes that given the contamination delineated by all the investigations and the menu of remedies likely to be applied at the Site, remedial actions in the core areas of the Site should be implemented to the degree necessary to safely allow reuse within two to three years of remedy selection. In addition, any source area removal required by the NYSDEC to improve significantly the groundwater quality would receive priority.

However, the Lead Agency is also mindful of the fact that remediating groundwater with contamination and a fractured bedrock setting similar to the Site and larger Property (i.e., firewater reservoir) can take many years and even decades after the remedial system has been installed. However, so long as potential exposure to the occupants of the Site and public at large has been addressed through the remedies selected such as, for purposes of example only, vapor intrusion mitigation systems and capping of impacted soils, and the groundwater system(s) are designed and constructed in a fashion that the redevelopment will not interfere with its/their operation, redevelopment activity can occur while groundwater treatment is ongoing. As noted above in PH Comment Summary Response No. 3, at this point, the Lead Agency is evaluating a number of mitigation measures to ensure impacts from environmental contamination are avoided and/or mitigated to the maximum extent practicable. This is likely to include but is not limited to inclusion of thresholds and/or mitigation measures to ensure that the Site: (1) is remediated to restricted residential, commercial and/or industrial remedial objectives, as appropriate based on the proposed uses at the Site; (2) will be subject to appropriate use restrictions consistent with the proposed uses at the Site; (3) will be subject to appropriate prohibitions on the use of groundwater at the Site without approval from the NYSDEC; (4) will be subject to development and implementation of an appropriate SMP; and (5) will be subject to on-going monitoring that institutional and/or engineering controls are being properly implemented and/or maintained.

14. Less stringent cleanup standards, such as industrial, should only be considered if it is determined that current and potential impacts from that area will not impact the areas with more stringent cleanup standards.

The Lead Agency understands that the NYSDEC is required to evaluate a number of factors when selecting a remedy, including mobility of hazardous waste. Per State law, a remedy or remedies cannot be selected that is not protective, both on- and off-site, of human health and the environment.

15. The CW4 area should be smaller to reduce the number of impacts the contamination has on stormwater and entire watershed and so that more area will be remediated to Restricted Residential Standards.

The commenter correctly points out that the level of remediation required by the NYSDEC in CW4 will be less than the level of remediation at other areas of the Site because CW4 is proposed for industrial use. The Project Sponsor indicates that the size and scope of the CW4 area is driven by a desire to appropriately reuse existing industrial structures. Those buildings situated in the CW4 are more appropriate for reuse as industrial buildings, rather than for additional residential uses.

Nonetheless, the Lead Agency notes that even as an industrial sub area, however, impacts by contamination to stormwater runoff will be addressed through remedial actions such as capping, excavation, in-situ soil stabilization, or other remedial alternatives for soils discussed in Sections 5.5.1.19 and 5.5.2 of the DGEIS. A SMP, which includes a soil excavation/management plan, groundwater management plan, community air

monitoring plan and health and safety plan, will also be in place to protect the watershed from site contamination during construction of other instances of soil disturbance. Also, as part of the Site Management Plan, monitoring and regular reporting to the NYSDEC will be required to ensure any caps or other engineering controls remain in place.

Additionally, the Project Sponsor indicates that the NYSDEC regulations specifically provide that an area using commercial or industrial cleanup objectives employ appropriate removal or engineering controls to address migration to be protective of adjacent residential uses. 6 NYCRR § 375-6.7(c). For soil remediation in industrial areas where impacted soils are left in place, the NYSDEC will require a cap existing of at least one foot of clean soil or the area to be covered by buildings or pavement. Such a cap combined with regular monitoring and reporting of the cap condition to the NYSDEC is protective of stormwater and adjacent areas and will likely be included as a threshold.

16. Contaminated soil and groundwater must be addressed through containment strategies and replacing downgradient water and sewer systems and trenches to ensure migration off-site or into municipal sewers will not continue.

As detailed in the DGEIS and PH Comment Summary Response No. 1, a dual-phase vacuum extraction (DPVE) and treatment system has been operating at the Site to capture and treat impacted groundwater and soil vapor from the firewater reservoir/Operating Unit 1 (OU-1) area since 1996. The Project Sponsor has explained that DPVE is a process where soil vapor and groundwater are simultaneously removed. The removal of the groundwater depresses the groundwater table and exposes impacted areas such that those areas can be susceptible to volatilization with air. Since soil vapor can be extracted at a more rapid rate, the vapor phase can remove contaminants quicker than the water phase. Thus, removal and treatment of both soil vapor and groundwater increases the overall contaminant removal. Several upgrades to this system have been completed by Emerson over the years, including the expansion of the system in the summer of 2015 to provide further hydraulic control, i.e., containment and treatment of impacted groundwater. The recent upgrades to the extraction system were designed based investigation activities completed between 2009 and 2011. The investigations focused on identifying the presence or absence of dense non-aqueous phase liquid (DNAPL) or residual source material in groundwater immediately south and east of the Firewater Reservoir. The results of the investigations showed no evidence of DNAPL or residual source material in groundwater at these locations. The highest VOC concentrations in groundwater were found to occur approximately 18 feet below the base of the reservoir within two bedding plane fractures identified at 550 and 544 feet above mean sea level (amsl). These fractures, as well as a deeper bedding plane fracture at 515 feet amsl, were noted by Emerson's consultant as the primary migration pathways for affected groundwater at the Firewater Reservoir. The objectives of the system modifications were: (1) intercept impacted groundwater within the horizontal bedding plane fractures in the C-zone between 550 feet, 544 feet, and 515 feet amsl to the south and east of the Firewater Reservoir; and (2) extract both aqueous- and vapor-phases for treatment. Specifically, the treatment system modifications included:

1. Installation of a new extraction well (EW-9R-72C) to target extraction of impacted groundwater and vapor from the bedding plane at 515 ft. amsl.
2. Conversion of existing monitoring well MW-14C to an extraction well in order to target the bedding planes at 550 and 544 ft. amsl.
3. Conversion of existing monitoring well EXB-2 to an extraction well in order to target the bedding planes at 550 and 544 ft. amsl.

See Supplemental Pre-Design Investigation Fire Water Reservoir, June 30, 2011 in Appendix of the FGEIS.

Monitoring of this system is to be continued as part of the remedy in this area of the Property, which is not part of the Site.

In addition to the dual-phase extraction and treatment system upgrades, any additional areas in which the off-site migration of impacted media is possible will be addressed through remedy selection. One objective of the recently completed Phase II Supplemental RI was to assess for potential off-site migration of impacts identified in other areas of the Site. The Phase II Supplemental RI delineated the nature and extent of contamination in other areas of the Site and did not identify any other areas where contamination is migrating off the Site. The investigation included on-Site sewers and discovered some sludges within manholes contained contaminants at concentrations that will likely require remediation. The Project Sponsor has informed the Lead Agency that remediation of those sludges will most likely be in the form of removal and proper off-site disposal.

A report titled South Hill Sanitary Sewer Network Alternatives Analysis Report dated September 3, 2009 by WSP evaluated potential options to address impacts. The report concluded that excavation of a portion of the sewer line within Turner Place and East Spencer Street should occur (approximately 300-ft. section), the sewer line replaced and a venting system installed to address soil vapors within the bedding materials of the sewers. The NYSDEC approved the planned action; however, it is understood that citizen's concerns has stalled its implementation.

17. On-site trichlorethene contamination and related vapor intrusion issues must be addressed.

The Lead Agency understands that trichloroethene (TCE) contamination is being addressed in the firewater reservoir area through a Dual Phase Vacuum Extraction System, which is not part of the Site. The Phase II Supplemental RI (see Appendix ___ of the FGEIS) delineates the extent of TCE impacts on the Site. Emerson is in the process of evaluating remedial alternatives to address contamination, including TCE, at the Site as part of the Feasibility Study. As previously discussed, the NYSDEC will evaluate the data and issue an amended ROD that will address any necessary remediation of TCE and other contaminants discovered at the Site.

18. Disclose each building's specific vapor intrusion mitigation measure.

The Lead Agency understands that the specific vapor intrusion mitigation method will depend on the final building construction/development planned and the subsurface conditions of that building, specifically the sub-slab 'communication' or ability for vapors or air to flow beneath the slab. The Lead Agency further understands that, in general, the mitigation measures will all include radon-type systems which essentially consist of PVC piping that extends below the floor slab where a void space is created in order to collect/extract vapors. The piping runs to above the building roofline where a fan is placed to create the suction beneath the floor slab and extend a pressure field or capture zone. Alarms are used to monitor the system. All mitigation systems will be created in this general fashion. According to the Project Sponsor's environmental consultant, in the event that there is poor sub-slab communication, a variation to the traditional radon-type system is to place a drain board (i.e., thin board with void space to allow a place to collect vapors from) on top of the existing slab and pour a new concrete slab on the drain board. This approach would be used in areas where the existing sub-surface is too 'tight' to allow a comprehensive vacuum to be established. A preliminary assessment of some buildings has been completed to evaluate the system type. Of the buildings assessed, the following is anticipated: Non-Drain Board System – Buildings 3 (portion of building), 8, 10, 21, 24 (basement level), 33, 34; and, Drain Board System – Buildings 3 (portion of building), 4, 6A, 24 (upper level). The Lead Agency anticipates that it will require appropriate vapor intrusion mitigation be established at the Site Plan review stage. All mitigation systems will require a design approved by the NYSDEC/NYSDOH and will include post mitigation monitoring to confirm the efficacy of the system.

19. What is the timeline for remedial activities listed under the No Action Alternative?

The Project Sponsor has indicated that the Project cannot move forward under the No Action Alternative and that it would not take title to the Site if the No Action Alternative was selected. As such, any remedial activity under the No Action Alternative to remediate to industrial standards would continue to be undertaken by Emerson pursuant to the current ROD. It is unclear what the timeline for remediation would be without the Project.

20. Has DEC responded to the Boundary Assessment report?

Per the Project Sponsor, Emerson, in consultation with the Project Sponsor, the NYSDEC, and NYSDOH, elected to perform additional soil vapor testing at select locations along the NCR sewer line as described in the Soil Vapor Delineation Letter Work Plan dated June 2, 2016 and the NYSDEC letter approving the work plan with conditions dated July 5, 2016. See FEIS Appendix [REDACTED]. The purpose of the additional sampling is to better delineate potential soil vapor impacts as one moves further from the centerline of the existing sewer. It is anticipated that the results of the additional soil vapor testing will help establish a new boundary line for that portion of the site that will remain on the Registry. Should the NYSDEC and NYSDOH conclude that the data, which is discussed below in response to PH Comment Summary Response No. 21, indicate the need, that portion of the Site that constitutes the easement area for the NCR sewer line and perhaps some additional distance beyond it will remain as part of the site staying on the Registry. This will ensure that the SMP will apply to that area and require engineering controls to prevent vapor intrusion from impacting any structures built in the vicinity of the sewer line and connecting to it. A determination whether to adjust the boundary of the site on the Registry will be made as part of the ROD amendment process.

21. What are the impacts from the NCR sewer line?

The NCR sewer impacts are due to an off-site source of volatile organic compounds (VOCs) that originated from the South Hill Business Park Campus. Testing has been completed numerous times as part of the investigation of the sewer. Testing in 2007 included soil vapor testing above the sewer line in order to assess potential migration of contamination within the sewer or along its bedding. This testing identified elevated levels of chlorinated VOCs in the soil gas. The highest concentration of VOCs were identified slightly downgradient of where the Ithaca College sewer connects to the NCR sewer. See soil vapor point SV-51 on to Figure 3 from WSP March 1, 2016 Boundary Reassessment Soil Vapor Sampling Report, FEIS Appendix [REDACTED]. As shown on this figure, 1,1,1-trichloroethane (TCA), perchloroethene (PCE) and trichloroethene (TCE) were identified in the soil vapor sample. To further evaluate the extent of impacts, additional sampling was completed in April and November 2015. This testing consisted of collecting additional samples from in proximity to previous sampling areas. Results of this testing indicated that concentrations of VOCs in soil gas generally reduce as distance from the NCR sewer increases. See Figure 4 from WSP March 1, 2016 Boundary Reassessment Soil Vapor Sampling Report. However, due to sample SV(2)-51-12 with elevated concentrations of VOCs, additional sampling was proposed by Emerson and was implemented in August 2016. The August 2016 testing utilized a passive soil gas sampling approach in combination with traditional soil vapor testing at two locations in order to correlate the passive soil gas test results with the previous soil vapor testing. The NYSDEC and NYSDOH approved the approach and the work was implemented in August 2016. The testing included installation of a grid of passive soil gas samplers extending up to 90 ft. from the NCR sewer. The highest VOC concentrations detected in the passive soil gas samplers was at location PSG-16 which was located approximately 30-ft. from the NCR sewer line. The line of passive soil gas samplers extending east away from the sewer decreased with distance from the sewer until the furthest location (PSG-3) which was non-detect. An exception to this was the northern most line of passive soil gas samplers where the concentrations slightly increased with distance from the sewer; however, the concentrations detected were only slightly above the minimum detection limit and were significantly lower

than the concentrations detected in PSG-16 and PSG-13. As such, the results of this additional testing also support the premise that concentrations of VOCs decrease with distance from the sanitary sewer. A formal report documenting the work is currently being generated; however, the data has been assessed and is provided on a figure and table included in Appendix [REDACTED].

22. Will the sidewalk shown over NCR sewer easement create health risks to users of the trail?

According to the Project Sponsor's consultant, the NCR sewer impacts are due to an off-site source of volatile organic compounds (VOCs) and at the low concentrations seen in soil vapor in the vicinity of the sewer line, VOC impacts are not a concern for sidewalks and other open air settings. The Project Sponsor further notes that Emerson, the Project Sponsor, the NYSDEC, and NYSDOH are working together to identify any controls that may be necessary for development of Site structures within proximity of the NCR Sewer as part of the Boundary Reassessment Study. See PH Comment Summary Response No. 20.

23. Firewater Reservoir contamination is still concerning.

Contaminated groundwater from the firewater reservoir area is being contained, extracted, and then treated through a Dual Phase Vacuum Extraction System. This system was recently upgraded in order to increase the capture area. The system is routinely monitored and is equipped with automated alarms. The routine monitoring also includes quarterly groundwater monitoring of wells to confirm the efficacy of the system in regards to capture of the groundwater within the plume area and a decreasing trend in groundwater impacts. Emerson calculates that the extraction system has removed over 125-pounds of volatile organic compounds from groundwater and 2,101-pounds of volatile organic compounds from vapor between January 2009 and December 2014, before the system was most recently upgraded in the summer of 2015. Sub-slab depressurization systems (i.e., vapor mitigation systems) have been installed in numerous residences down-gradient of the firewater reservoir area to mitigate potential indoor air exposure issues associated with the historical impacts from the firewater reservoir.

Ownership and responsibility for the firewater reservoir area (OU-1) and off-site impacts from the Property (OU-3) shall remain with Emerson. It is not part of the Site nor the Project.

24. Off-site areas with suspected or known impacts should also be addressed.

Emerson will continue to be liable for off-site areas with suspected or known impacts under the Consent Order, while the Project Sponsor is responsible for mitigating off-site impacts of the Project (e.g., impacts directly related to PUD/PDZ and/or conceptual site layout plan itself, such as viewshed impact that requires off-site screening).

25. Additional site testing discussed in DGEIS should be disclosed in FGEIS.

The Phase II Supplemental RI, which provides the additional testing discussed in the DGEIS, has been completed by Emerson and a draft report submitted to the NYSDEC for its review and approval. A copy of the submitted Phase II Supplemental RI report is attached to the FGEIS as Appendix [REDACTED].

26. Has the applicant/DGEIS considered the necessity of additional voluntary soil testing during Phase I of the redevelopment?

The Project Sponsor has informed the Lead Agency that it does not intend to perform "voluntary" soil testing during redevelopment at the Site. However, the Project Sponsor will be implementing a NYSDEC-approved Site

Management Plan. The soil excavation plan, a typical component of a site management plan, will dictate the need for any additional testing of soils that may be required during redevelopment of the Site. In addition, a Community Air Monitoring Plan will be implemented that entails monitoring the air at the boundaries of the construction area for VOCs and fugitive dust. When applicable standards are exceeded, the work will cease until corrective action is taken to prevent the exceedance. In addition, the Lead Agency has reviewed the results of the Phase II Supplemental RI and conclude that it has sufficiently delineated the nature and extent of contamination at the Site, including impacts to soil, to allow the Lead Agency to make its required finding under SEQRA. As noted above in PH Comment Summary Response No. 3, at this point, the Lead Agency is evaluating a number of mitigation measures to ensure impacts from environmental contamination are avoided and/or mitigated to the maximum extent practicable. This is likely to include but is not limited to inclusion of thresholds and/or mitigation measures to ensure that the Site: (1) is remediated to restricted residential, commercial and/or industrial remedial objectives, as appropriate based on the proposed uses at the Site; (2) will be subject to appropriate use restrictions consistent with the proposed uses at the Site; (3) will be subject to appropriate prohibitions on the use of groundwater at the Site without approval from the NYSDEC; (4) will be subject to development and implementation of an appropriate SMP; and (5) will be subject to on-going monitoring that institutional and/or engineering controls are being properly implemented and/or maintained.

27. A Restrictive Declaration should be used on the Site to ensure protection of public health before zoning changes are granted.

An environmental easement is already required under the 2009 ROD amendment to: (a) limit the use and development of the Property to industrial use (it is anticipated that the ROD amendment will amend this requirement so that residential, commercial, and industrial uses are allowed at the Site); (b) comply with an approved site management plan; (c) restrict the use of groundwater as a source of potable or process water without necessary water quality treatment as determined by NYSDOH; and (d) require the property owner to complete and submit to the Department a periodic certification of institutional and engineering controls. Elements (b) through (d) of the environmental easement described above are not expected to change with the ROD amendment, but the content of the Site Management Plan of course will.

It should be noted that although the City and the Town are allowed to place reasonable restrictive covenants on the Site as a condition to a rezoning, municipalities are preempted from holding environmental easements. Environmental Conservation Law § 71-3605(7). The Lead Agency believes that the remedial actions selected by the NYSDEC for the Site through the ROD Amendment Process, along with the existing consent order and contractual commitments of Emerson to remediate the Site to allow development of the conceptual site layout plan, and the environmental easement held by the NYSDEC to hold the Project Sponsor accountable for its on-site activities will be sufficiently protective of human health and environment.

28. How were bedding fracture zone boundaries identified?

According to the Project Sponsor's environmental consultant, bedding planes and fractures have been defined in a number of ways. Numerous bedrock wells have been installed since 1987 and rock cores have been obtained from a majority of the wells to assess the rock type and fractures (over 100 bedrock wells and associated rock cores have been installed/assessed). See WSP Supplemental RI Report dated April 4, 2008, attached as Appendix G2 of the DGEIS. Additionally, in July 2005 a Geophysical Survey consisting of Electrical Resistivity imaging was completed to assess potential water-bearing zones in the bedrock (documented in the Geophysical Survey Investigation Report dated October 31, 2005 by WSP and a Supplemental Geophysical Survey Report dated November 27, 2006 by WSP. Both of these reports have been added to Appendix [REDACTED] of the FEIS). Electrical Resistivity imaging is a tool used to remotely image the subsurface by installing electrodes in a survey line and applying a measured current. The voltage across electrodes is measured and the voltage/current ratio is used to

evaluate resistance. This imaging identifies high and low resistivity zones which were then assessed through exploratory borings. The exploratory borings were advanced via rotary drilling equipment and including coring of bedrock and retrieving the bedrock cores to assess bedding planes and fractures. This large data set has been utilized in identifying the geology and hydrogeology of the site.

The Lead Agency notes, as explained above, that ultimately it is for the NYSDEC to evaluate this data and take such information into account in establishing appropriate remedial measures in the Amended ROD.

29. Clarify the "resampling" process of the B-18 seep.

According to the Project Sponsor's environmental consultant, the Phase II ESA included sampling of two seeps from the basement of Building 18. The seeps are essentially a location where groundwater is infiltrating the basement. Emerson later re-sampled one of the seeps, which identified TCE. The original sample from the Phase II ESA and re-sample by Emerson (which LaBella observed) were collected by simply placing the appropriate laboratory supplied bottles (40-milliliter glass vials with hydrochloric acid as a preservative) beneath the seep and allowing the bottles to fill with zero headspace (i.e., no air bubbles). The bottles were then placed on ice and shipped to the laboratory for analytical testing. See Phase II Supplemental Remedial Investigation Report dated August 5, 2016, attached to the FGEIS as Appendix [REDACTED].

30. B18-SEEP-1 and BI-SEEP-2 should be investigated further to characterize the depth and breadth of the seep contamination.

Further investigation of B18-SEEP-1, B18-SEEP-2 and the Building 24 seep was completed as part of the Phase II Supplemental RI, for which a draft report was submitted to the NYSDEC in August 2016. Concentrations of targeted compounds (including those which were previously identified above groundwater standards) were not identified above their respective the NYSDEC groundwater standards in samples B18-SEEP-1 and B18-SEEP-2. Trichloroethene (TCE) was detected above the NYSDEC groundwater standard of 5 micrograms per liter (ug/L) in the sample from the Building 24 seep, which is actually discharge from a pipe. The TCE concentration in water from the Building 24 pipe was detected at a concentration of 40.7 ug/L. The discharge from this pipe currently flows into an 18-inch diameter corrugated high-density polyethylene culvert installed in the ditch and treated for VOCs using an activated charcoal boom.

31. AOC 10 needs to be investigated and remediated to Restricted Residential Standards.

AOC 10 is partially located off-Site and partially in the CW1 Sub Area, a conservation zone to be used for passive recreation along the western portion of the Site and the balance of AOC 10 is off-Site. WSP Supplemental RI Report dated April 4, 2008, attached as Appendix G2 of the DGEIS.

AOC 10 is a drum disposal area that includes three or four separate geographic areas on and mostly off-Site (which is not a part of this GEIS) but a portion of AOC 10 extends into the CW1 Sub Area. As documented in Section 3.1.9. of the WSP Supplemental RI Report dated April 4, 2008 and summarized in the LaBella Phase I report, empty drums have been discovered and removed from AOC 10 on various occasions since 1970. The most recent investigations and remedial efforts were completed in 2004 and 2005 and are documented in a February 22, 2005 letter by Environmental Strategies Consulting, LLC, which is attached to the FGEIS as Appendix [REDACTED]. As documented in this letter, a survey of the wooded areas on and adjacent to the western portion of the Site was conducted in December 2004 and additional drums/containers were identified. Subsequently, in December 2004 and January 2005 the drums were removed and soil sampling of shallow soils beneath the drums was completed under the NYSDEC oversight.

Because passive recreational use is a “Commercial Use” under New York State regulations, the Commercial Use SCOs will therefore apply to CW1. 6 NYCRR § 375-1.8(g)(2)(iii). Based on the 2005 shallow soil samples, three (3) out of the fourteen (14) locations that were sampled can be identified as having contaminants above the Commercial Use SCOs laid out in Table 375-6.8(b) of 6 NYCRR Part 375:

- DL-6, where benzo(a)pyrene was found at 2,800 ppb (the SCO for Commercial Use is 1,000 ppb)
- DL-12, where benzo(a)pyrene was found at 1,700 ppb
- DL-14, where benzo(a)pyrene was found at 1,200 ppb and Aroclor 1254, a PCB, was found at 1,600 ppb (the SCO for PCBs for a Commercial Use is 1,000 ppb).

DL-6, DL-12, and DL-14 are all located along the hillside between the west side of the buildings and the former railroad bed. Like other areas of the Site, the NYSDEC will determine whether excavation, capping, and/or another remedy is appropriate to remediate those areas in AOC 10 above the Commercial Use standards under the amended ROD. The Site Management Plan will also dictate what monitoring and maintenance will be required.

Potential drum disposal areas were also investigated during the WSP’s 2008 Supplemental RI when WSP investigated a depression in the wooded area located southwest of Building 34 that appeared to contain drums in a 1976 aerial photograph. See Area A on Figure 4 of the Supplemental RI. WSP took five (5) shallow soil samples from different points in the area and tested for VOCs, SVOCs, TAL metals, and PCBs. None of these samples, however, identified contaminants above the Unrestricted Use Soil Cleanup Objectives laid out in Table 375-6.8(a) of 6 NYCRR Part 375.

32. More investigation of impacts and potential impacts to walls and floors of Buildings 13A, 34 and 4 should occur.

The Phase II ESA included assessment of concrete utilizing an X-Ray Fluorescence meter, which evaluates for heavy metals. This screening was conducted at 263 screening points within 21 buildings, including Buildings 4, 13A, and 34. The screening in these buildings included Building 4 (6 locations), Building 13A (37 locations), and Building 34 (42 locations). Known/documented areas of chemical use were included in the screening in addition to a grid-like pattern used to cover remaining portions of the building. This testing identified elevated metals concentrations in Building 34 which will require addressing during remediation and/or redevelopment. Additional investigation was conducted within Building 13A in areas proximate the former salt baths located within Building 14 as documented in the Phase II Supplemental RI. Revised Supplemental Pre-Design Investigation Report by WSP dated April 22, 2013 and is included in the FGEIS as Appendix _____. A portion of the building 4 floor slab was removed in 2012 and concrete sampling was also conducted at that time. The floor slab removal in building 4 was part of an investigation into the source of volatile organic compounds in AOC #1.

33. How will cadmium impacts in Building 34 be addressed?

According to the Project Sponsor’s consultant, the cadmium impacts identified in Building 34 are impacts to concrete, which will likely be addressed (subject, of course, to the NYSDEC approval and oversight) through removal of all of the concrete or simply scarifying the surface of the concrete. Scarifying the surface involves removing the uppermost layer of concrete which is where the cadmium impacts likely resolve. The Project Sponsor further indicates that under either approach confirmatory testing of the concrete that remains would be completed to assess efficacy of the work and removal of the concrete would continue until confirmatory sampling indicated that the concrete no longer contains cadmium above applicable standards.

34. Fugitive dust from working on this contaminated Site need to be addressed.

Fugitive dust will be addressed throughout the remediation and redevelopment phases of the Project through the use of a NYSDEC approved Site Management Plan (SMP) and a Community Air Monitoring Program (CAMP), which is part of the SMP. The SMP puts into place the procedures and requirements for all subsurface activities at the Site. These requirements will include dust control measures such as wetting excavation surfaces or applying other dust suppression techniques. The CAMP will provide specific plans/requirements for air monitoring. The air monitoring will include upwind and downwind air monitoring stations during all ground intrusive work within the boundaries of the site that remain on the Registry to ensure that fugitive dust is not a concern for downwind receptors/residents. The CAMP will identify specific action levels that will require activities to cease and/or additional dust control measures to be implemented prior to proceeding with the work. The implementation of a SMP with a CAMP with the safeguards highlighted above is anticipated to be established as a threshold.

35. P-cresol and metals above unrestricted use cleanup standards noted in the Boundary Reassessment Study in CW1 and CW2 should be remediated and remediation details should be provided.

The Lead Agency understands that the NYSDEC is currently reviewing the Boundary Reassessment work and the NYSDEC will determine the scope of the required remediation and/or environmental easements as part of that review. As noted by the Project Sponsor, the report notes that there was no fill material or debris found where the p-cresol and metals were detected and the presence of these compounds in those areas were not indicative of impacts associated with historical operations. In addition, the concentrations of these compounds appear to be localized and none of these compounds were found in the groundwater sample from the well placed down-gradient of these areas. The Project Sponsor anticipates that, based upon all of these facts, the NYSDEC may very well determine that remediation of these localized areas with slight exceedances of p-cresol and metals will not be necessary to be protective of human health and the environment.

36. The DGEIS is not specific enough about the historical operations at the Site.

Section 2.3 of the DGEIS, Background and History, is intended to be a summary of historical operations at the Site; for more detailed information, please refer to the December 13, 2005 Onsite Assessment, [REDACTED] 2013 Phase I Environmental Site Assessment, March 2014 Phase II Environmental Site Assessment, and the additional documents, figures, and photographs all attached as Appendix G1 to the DGEIS.

37. I am in favor of reestablishing Ithaca's Superfund.

The Lead Agency is not aware of the Ithaca Superfund or what, specifically, this commenter is referring to. Nonetheless, the Lead Agency notes that the NYSDEC will make the final decision about what remedies will be implemented at the Site. However, as noted above in PH Comment Summary Response No. 3, at this point, the Lead Agency is evaluating a number of mitigation measures to ensure impacts from environmental contamination are avoided and/or mitigated to the maximum extent practicable. This is likely to include but is not limited to inclusion of thresholds and/or mitigation measures to ensure that the Site: (1) is remediated to restricted residential, commercial and/or industrial remedial objectives, as appropriate based on the proposed uses at the Site; (2) will be subject to appropriate use restrictions consistent with the proposed uses at the Site; (3) will be subject to appropriate prohibitions on the use of groundwater at the Site without approval from the NYSDEC; (4) will be subject to development and implementation of an appropriate SMP; and (5) will be subject to on-going monitoring that institutional and/or engineering controls are being properly implemented and/or maintained.