UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

ACTION MEMORANDUM – RV1

DATE: 9/20/22

SUBJECT: Action Memorandum to Confirm a Verbal Authorization for the CERCLA Emergency Removal Action at the Route 203 Site, Town of Nassau, Rensselaer County, New York

FROM: David Rosoff, On-Scene Coordinator
Removal Action Branch

Byk, Jonathan
Digitally signed by Byk, Jonathan
Date: 2022.09.20 10:39:54 -04'00'

THRU: Joseph D. Rotola, Chief
Removal Action Branch

JOSEPH ROTOLA
Digitally signed by JOSEPH ROTOLA
Date: 2022.09.20 14:05:12 -04'00'

TO: Pat Evangelista, Director
Superfund and Emergency Management Division

Site ID: A28L

I. PURPOSE

The purpose of this Action Memorandum is to document the verbal authorization of funding to initiate an emergency removal action (RV1) described herein for the Route 203 Site (Site) located in Nassau, Rensselaer County, New York (Figure 1). The RV1 action mitigated the threat posed to public health, welfare or the environment at one residence by drinking water contaminated with trichloroethylene (TCE) emanating from the Site via groundwater. On November 17, 2021, the Director of the Superfund and Emergency Management Division (SEMD) granted a verbal authorization of $75,000, of which $65,000 was for mitigation contracting. This was the first fund-lead removal action at this Site. There is an ongoing removal action (BB1) at the Site being performed by General Electric (GE), a Potentially Responsible Party (PRP) through the issuance of an Administrative Order on Consent (AOC), CERCLA-02-2020-2008, signed in March 2020.

Conditions at the Site met the criteria for a removal action under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. § 9601-9675, as described in Section 300.415(b) of the National Contingency Plan (NCP), 40 C.F.R. § 300.415(b).

The Site is not on the National Priorities List (NPL). There are no nationally significant or precedent-setting issues associated with the RV1 response.

II. SITE INFORMATION

A. Site Description

Site Name:	Route 203
Superfund Site ID (SSID):	A28L
NRC Case Number:	N/A
CERCLIS Number:	NYN000203244
Site Location:	Route 203, Town of Nassau, Rensselaer County, New York
LAT/LONG:	42.494961, -73.624329
Potentially Responsible Party (PRP):	General Electric (GE)
NPL Status:	N/A
Removal Start Date:	November 17, 2021

B. Site Background

1. Removal Site Evaluation (RSE)

The Site includes property used for residential and commercial purposes located at 5225-5239 Route 203, Nassau, Rensselaer County, New York (the "Loeffel Property"), a lot owned by a power company (the "National Grid Property") immediately to the west, and the residential area to the south across Sweets Crossing Road impacted by TCE groundwater contamination (Figure 2). Beginning in the mid-1950s, Richard Loeffel and then his son Dewey Loeffel used the Loeffel Property for the storage of trucks used for the collection and storage of waste oil and industrial wastes, associated with the Loeffels' various companies, including Loeffel Refining Products, Inc., Loeffel's Waste Oil and Removal Service Company, Inc. and Marcar Oil, Inc. (the "Loeffel Companies"). The Loeffels also held an Industrial Waste Collector Certificate of Registration from the New York State Department of Environmental Conservation (NYSDEC) purportedly serving customers within a 75-mile radius from Nassau, New York. The Property was reportedly permitted by the NYSDEC as a waste oil transfer and storage facility in the 1970s and early 1980s. The operator, Dewey Loeffel, reported to EPA that in the early to mid-1960s, Loeffel Companies regularly pumped oil containing polychlorinated biphenyls (PCBs) out of transformers at the GE Pittsfield plant and transported the transformer oil into an underground storage tank (UST) at the Site.

On July 25, 2018, EPA received a copy of amphibian sampling results collected by the NYSDEC in 1979 and 1980 that indicated elevated levels of PCBs in the tissue of amphibians collected from the pond at the Loeffel Property. Reportedly, 55-gallon drums were brought to the property in trucks by Loeffel Companies when they could not navigate to their landfill on Mead Road due to inclement weather. There may have been two lagoons at the Property that were used to siphon off oils containing PCBs, with an overflow spillway to the pond. On October 16, 2018, EPA conducted a walk-through of the Site including a ground penetrating radar (GPR) survey in the area of the garages and pond on-Site. Several drum carcasses were observed in the woods, one of which

contained some residual material with a chemical odor. The GPR survey indicated subsurface anomalies near two of the garages.

At the request of the NYSDEC, the U.S. Environmental Protection Agency (EPA) conducted a RSE at the Site beginning in October 2018. The RSE included the collection and analysis of soil, sediment, monitoring well, and pond water samples by EPA and its contractors.

Analytical results from the investigation showed concentrations of volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), PCBs, and various metals exceeding both the EPA Removal Management Levels (RMLs) for residential soil and the NYSDEC Soil Cleanup Objectives for Restricted Use - Residential (SCOs) for protection of public health in soil at the Loeffel Property. Surface water samples from the pond showed concentrations of SVOCs exceeding the NYSDEC Surface Water Quality Standards (SWQS).

Based upon the RSE results, EPA was concerned that Site-related contaminants may have impacted the residential groundwater wells located close to the Loeffel Property. In March 2019, EPA collected tap water samples from 25 residential wells east, west, and south of the Property. Results showed detections of TCE below the EPA Maximum Contaminant level (MCL) of 5 parts per billion (ppb) and below the EPA RML of 8.5 ppb in the on-site garage well and in two residential wells south of the Loeffel Property, but no Site-related contaminants were found in the remainder of the wells sampled, including those to the west which are considered to be downgradient of the Loeffel Property.

EPA conducted additional soil sampling in May 2019, which revealed detections of PCBs in soil at two off-Site properties located adjacent to the west and south of the Loeffel Property.

On March 5, 2020, EPA and GE signed a Settlement Agreement and Order on Consent (AOC), CERCLA-02-2020-2008, which required GE to conduct additional sampling to delineate the nature and extent of contamination at the Site. Under this agreement, GE has completed multiple phases of field work to investigate the Site, as described below.

From May 11 to 28, 2020, GE completed a geophysical survey of the Loeffel Property, using multiple methods to identify potential subsurface anomalies, including the suspected buried lagoon in what is known as the Former AST/Potential Lagoon Area and possible buried drums or other containers. The survey was also conducted to delineate the extent of the suspected 30,000-gallon UST. Two USTs and several buried drum carcasses were discovered on the Loeffel Property. Access to the USTs was initially attempted via soft dig techniques (referred to as Phase 1) and subsequently via excavation techniques (referred to as Phase 2), and the UST contents were sampled and analyzed. PCBs and several VOCs, including TCE, were detected in the liquid sample collected from the 30,000 gallon UST. The liquid in this tank was determined to be characteristically hazardous for lead, chlordane, 1,2-dichloroethane, chloroform, and TCE.

In Summer 2020, GE completed additional soil and pond sediment sampling, monitoring well installation, and groundwater sampling to further characterize contaminants at the Loeffel Property and two adjacent properties - a residential property to the south and the National Grid Property to the west. Results from samples collected by GE contractors confirmed widespread PCB, VOC, and SVOC impacts to the soil, pond sediment, and groundwater at the Loeffel Property. Sampling completed by GE also confirmed PCB impacts in soil at the National Grid Property.

Two interim deliverables summarizing the results of the removal investigation were prepared by GE and submitted to EPA. The first interim deliverable, submitted to EPA on March 26, 2021, summarized the analytical results from material within the USTs, the light non-aqueous phase liquid (LNAPL) found above one of the USTs (UST-1), and the contents of a steel vessel and several drums. The second interim deliverable, submitted to EPA on May 28, 2021, summarized the analytical results from the soil, sediment and groundwater samples collected at the Site. The information presented in both interim deliverables was incorporated into a Final Investigation Report, which was submitted to EPA on August 10, 2021. In October 2021, EPA approved a proposal that was submitted by GE under the AOC to remove the UST liquid and drum carcasses under EPA oversight. This work is currently ongoing.

A follow up residential well sampling event was completed by EPA in October 2021 and January 2022 that expanded the sampling area further to the south and southwest. This effort included re-sampling the 26 drinking water supply wells on 24 properties that were previously sampled in 2018 to confirm the results given the time that had elapsed, as well as sampling 50 drinking water supply wells at 49 additional properties. TCE was detected in 14 wells to the south of the Loeffel Property, in a pattern indicating the presence of a TCE groundwater plume emanating from the Site. Concentrations of TCE exceeded the EPA RML in drinking water at one residence, identified as P031. Based on the release of Site-related hazardous substances to residential drinking water at levels exceeding the EPA RML, a removal action was warranted at this residence.

On November 17, 2021, the Director of SEMD granted a verbal authorization of a $75,000 total project ceiling, of which $65,000 was for mitigation contracting, for a CERCLA emergency response action at the Site. EPA activated an Emergency and Rapid Response Service (ERRS) contractor on November 17, 2021 to provide bottled water and the install a Point of Entry Treatment (POET) system at P031. This was the first fund-lead removal action taken at this Site.

2. Physical location and site characteristics

The Site includes the Loeffel Property, the National Grid Property immediately adjacent to the west, and the residential area to the south across Sweets Crossing Road impacted by TCE groundwater contamination. The Loeffel Property is located at 5225-5239 Route 203 (42.494961, -73.624329), Nassau, Rensselaer County, New York. The Loeffel Property contains four buildings including three garages and a residence, as well as a pond which was formed by the dredging of a wetland. The Loeffel Property is generally bordered by rural properties that contain residences located on Rudat Road to the west,

Route 203 to the east, and Sweets Crossing Road to the south. Wetlands, farmland, and a cemetery are found directly to the north of the Property. The National Grid Property consists of a former electric trolley corridor that was recently developed into the Albany-Hudson Electric Trail, a public walking and biking trail. There are approximately 23 residences within 1,000 feet of the Site and 75 residences within ½ mile. The Valatie Kill is located 1,000 feet to the west of the Loeffel Property. The Village of Nassau is located about one mile north of the Loeffel Property.

3. Release or threatened release into the environment of a hazardous substance, pollutant, or contaminant

Analytical results from a tap water sample collected at P031 south of the Loeffel Property, indicated the presence of TCE in drinking water at 9.5 ppb, which exceeds its EPA RML of 8.5 ppb. TCE is a hazardous substance under Section 101(14) of the CERCLA, 42 U.S.C. § 9601(14), and 40 C.F.R. Table 302.4 of the NCP. The statutory basis for TCE's designation as a hazardous substance is the Clean Water Act, Sections 311(b)(4) and 307(a), Clean Air Act, Section 112, and Resource Conservation and Recovery Act (RCRA), Section 3001.

The release or threat of release of the listed CERCLA hazardous substances at the Site meets the criteria for an emergency removal action under CERCLA as amended, 42 U.S.C. § 9601-9675, and as described in Section 300.415(b) of the NCP, 40 C.F.R. § 300.415(b).

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT

A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants or Contaminates

Results from a tap water sample collected at P031 indicated the presence of TCE at a level exceeding its EPA RML. TCE is a carcinogen and has deleterious non-cancer effects that could adversely affect the central nervous system, kidney, liver, and the reproductive system.

B. Check Applicable Factors (From 40 CFT 300.415) Which Were Considered in Determining the Appropriateness of a Removal Action

__X__ Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances, or pollutants, or contaminants [300.415(b)(2)(i)].

__X__ Actual or potential contamination of drinking water supplies or sensitive ecosystems [300.415(b)(2)(ii)].

_____ Hazardous substances, or pollutants, or contaminates in drums, barrels, tanks, or other bulk storage containers, that pose a threat of release [300.415(b)(2)(iii)].

_____ High levels of hazardous substances, or pollutants, or contaminants in soils largely at or near the surface that may migrate [300.415(b)(2)(iv)].

_____ Weather conditions that may cause hazardous substances or pollutants to migrate or be released [300.415(b)(2)(v)].

_____ Threat of fire or explosion [300.415(b)(2)(vi)].

__X__ The lack of availability of other appropriate federal or State response mechanism to respond to the release [300.415(b)(2)(vii)].

____ Other situations or factors that may pose threats to the public health or welfare of the United States or the environment [300.415(b)(2)(viii)].

IV. SELECTIVE REMOVAL ACTION AND ESTIMATED COSTS

A. Situation and Removal Activities, to Date

1. Current situation

EPA's removal action (RV1) at the Site is complete as of August 11, 2022 and there is no ongoing fund-lead work on-Site. The PRP is currently conducting operation and maintenance of the POET system at the Site.

2. Removal activities, to date

On November 17, 2021, EPA activated and mobilized ERRS contractors to provide bottled water to residents at P031. After the initial delivery, the ERRS contractor arranged recurring bottled water delivery. On January 26, 2022, EPA and ERRS contractors mobilized to the residence at P031 with a subcontractor, Culligan Water, and installed a POET system to the existing well water system in the house. The POET system installed at P031 included a cartridge sediment filter, two granulated activated carbon units, and an ultraviolet light. The system was successfully installed and post-treatment water samples were collected on January 27, 2022. Analytical results indicate that there were no contaminants above the respective MCLs in the post-treatment water samples. As a result, the post-treatment water at P031 is considered acceptable for potable use.

In accordance with an EPA-approved proposal under the existing AOC dated February 22, 2022, GE will conduct operation, maintenance, and monitoring activities of the system at P031 for a minimum of two years. GE performed additional sampling in April 2022 which confirmed the system is effectively treating the contamination. At the request of the property owner, EPA has continued to provide bottled water delivery. On August 11, 2022, GE assumed responsibility for bottled water delivery, effectively ending RV1.

3. Enforcement

There is an ongoing removal action at the Site being performed by GE pursuant to the AOC. In addition to agreeing to perform the work, under the AOC, GE paid a portion of past response costs and agreed to pay all future response costs, which include all costs associated with the work described herein. NYSDEC has recently listed the Site on its Site Superfund Registry and is taking over the lead on the long-term Site monitoring, cleanup and enforcement.

B. Planned Removal Actions

1. Proposed action description

No additional EPA-lead work related to this removal action is proposed at the Site.

GE has agreed under the existing AOC with EPA to operate and maintain the POET system at P031, perform additional sampling, and install, operate, and maintain POET systems at all homes where TCE is detected near the Site. GE anticipates six rounds of sampling of all POET systems, including four quarterly sampling events followed by two semi-annual sampling events, after which the frequency of sampling will be evaluated.

2. Contributions to remedial performance

The removal action undertaken at the Site was consistent with the requirement of Section 104(a)(2) of CERCLA, which states, "any removal action undertaken… should… to the extent practicable, contribute to the efficient performance of any long-term remedial action with respect to the release or the threatened release concerned." The removal action implemented met that requirement.

The actions discussed herein will, to the extent practicable, contribute to the efficient performance of any long-term remedial action at the Site. In October 2021, NYSDEC designated the Route 203 Site as a state Superfund site and is taking over the lead on the long-term cleanup of site soil, sediment, and groundwater. It is anticipated that NYSDEC will oversee future monitoring and maintenance of the treatment systems, and the sampling of homes in the impacted area as they transition to the lead agency.

3. Applicable or Relevant and Appropriate Requirements (ARARs)

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable. In determining whether compliance with ARAR's is practicable, the OSC may consider appropriate factors, including the urgency of the situation and the scope of the removal action to be conducted. ARARS that were within the scope of this removal action were met to the extent practicable.

4. Project schedule

Site activity began on November 17, 2021, with the delivery of bottled water to residents at P031. A POET system was installed on January 26, 2022, and post treatment samples were collected on January 27, 2022. Additional tap water sampling was completed by GE in April and August 2022. GE has agreed to assume operation, maintenance and monitoring of the POET installed at P031 for a minimum of two years.

C. Estimated Costs*

Contractor Costs (ERRS)	$65,000
Other Extramural Costs (START)	$ 10,000
Contingency Costs	$ 0
Total Removal Project Ceiling	$75,000

*EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA. As discussed in Section IV.A.3. above, GE has and will continue to reimburse EPA's costs as per the AOC.

V. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

A delay in action or no action at this Site would have increased the actual or potential threats to public health. If the funds for the removal action described herein had not been authorized, the groundwater contamination would continue to pose a threat to human health or welfare.

VI. OUTSTANDING POLICY ISSUES

There are no known outstanding policy issues associated with the Site.

VII. APPROVALS

This decision document represents the selected removal action for this Site, developed in accordance with CERCLA as amended and is not inconsistent with the NCP. This decision is based on the administrative record for the Site.

Conditions at the Site met the NCP Section 300.415(b) criteria for a removal action. This document confirms the verbal authorization provided on November 17, 2021, for the removal action at the Route 203 Site. A total project ceiling of $75,000 of which $65,000 was for mitigation contracting was verbally authorized by the Director of SEMD on November 17, 2021.

VIII. ENDANGERMENT DETERMINATION UNDER CERCLA SECTION 106: HAZARDOUS SUBSTANCES

Actual or threatened releases of hazardous substances from this Site may have presented an imminent and substantial endangerment to public health, or welfare, or the environment.

Pat Evangelista Digitally signed by Pat Evangelista Date: 2022.09.20 17:31:41 -04'00'

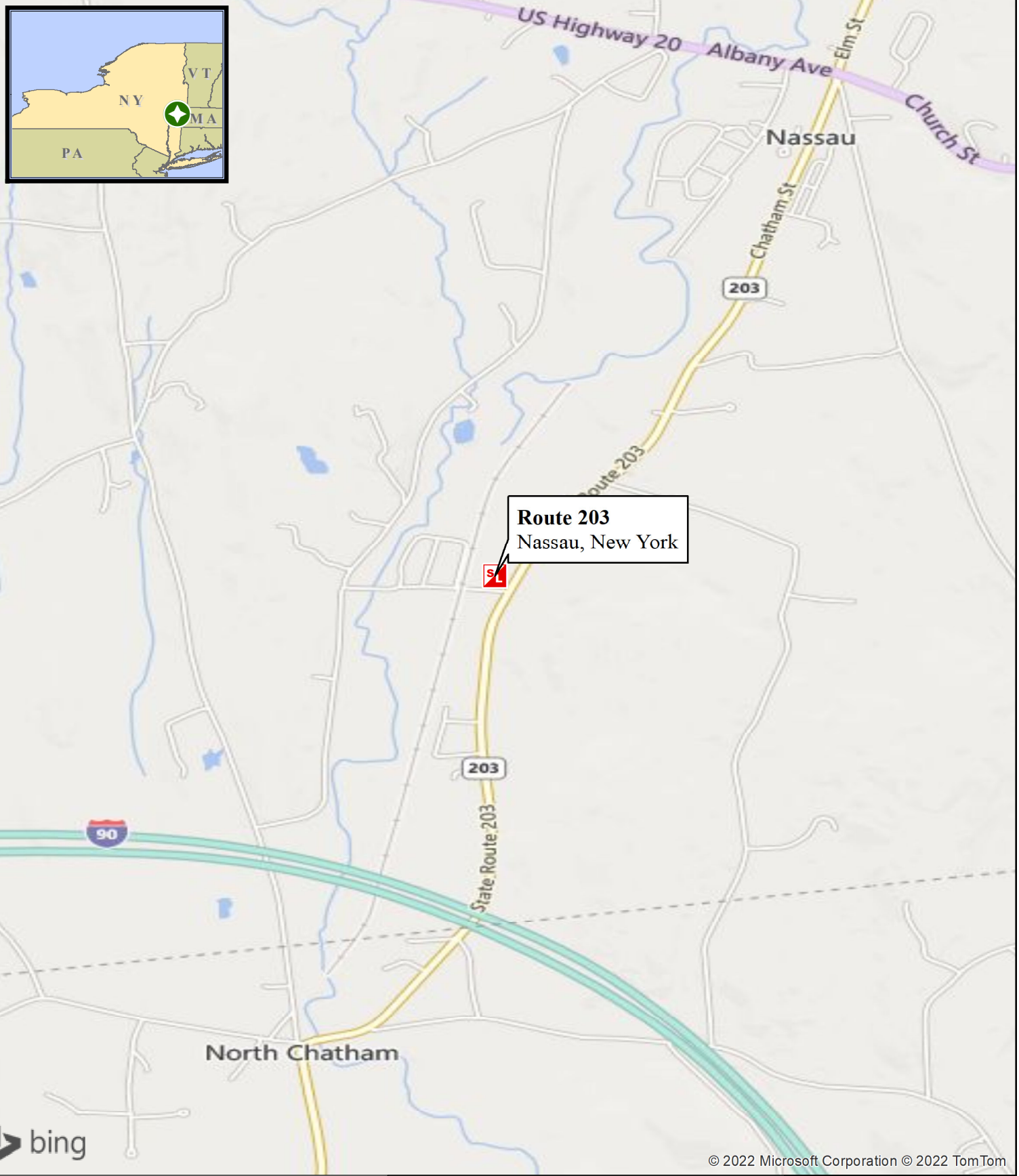
Pat Evangelista, Director
Superfund and Emergency Management Division

9/20/22
Date

cc: After Approval:

J. Prince, SEMD-DD
E. Wilson, SEMD-D
J. Rotola, SEMD-RAB
M. Gregor, SEMD-RAB
B. Grealish, SEMD-RAB
T. Lieber, ORC-NYSFB
V. Capon, ORC-NYSFB S
Kivowitz, ORC-NYSFB
M. Mears, PAO
M. Fiore, OIG
S. Edwards, NYSDEC
J. Deming, NYSDOH
A. Raddant, USDOI
F. Csulak, NOAA

FIGURE 1
Site Location Map



Legend

Site Location

N

0 0.125 0.25 0.5 0.75 1 Miles

Weston Solutions, Inc.
East Division

In Association With
Eco-Risk; Avatar Environmental, LLC;
Pro-West & Associates, Inc.; On-Site Environmental, Inc.;
Sovereign Consulting, Inc.; and TechLaw Consultants, Inc.

Figure 1:
Site Location Map

Route 203 Site
Nassau, New York

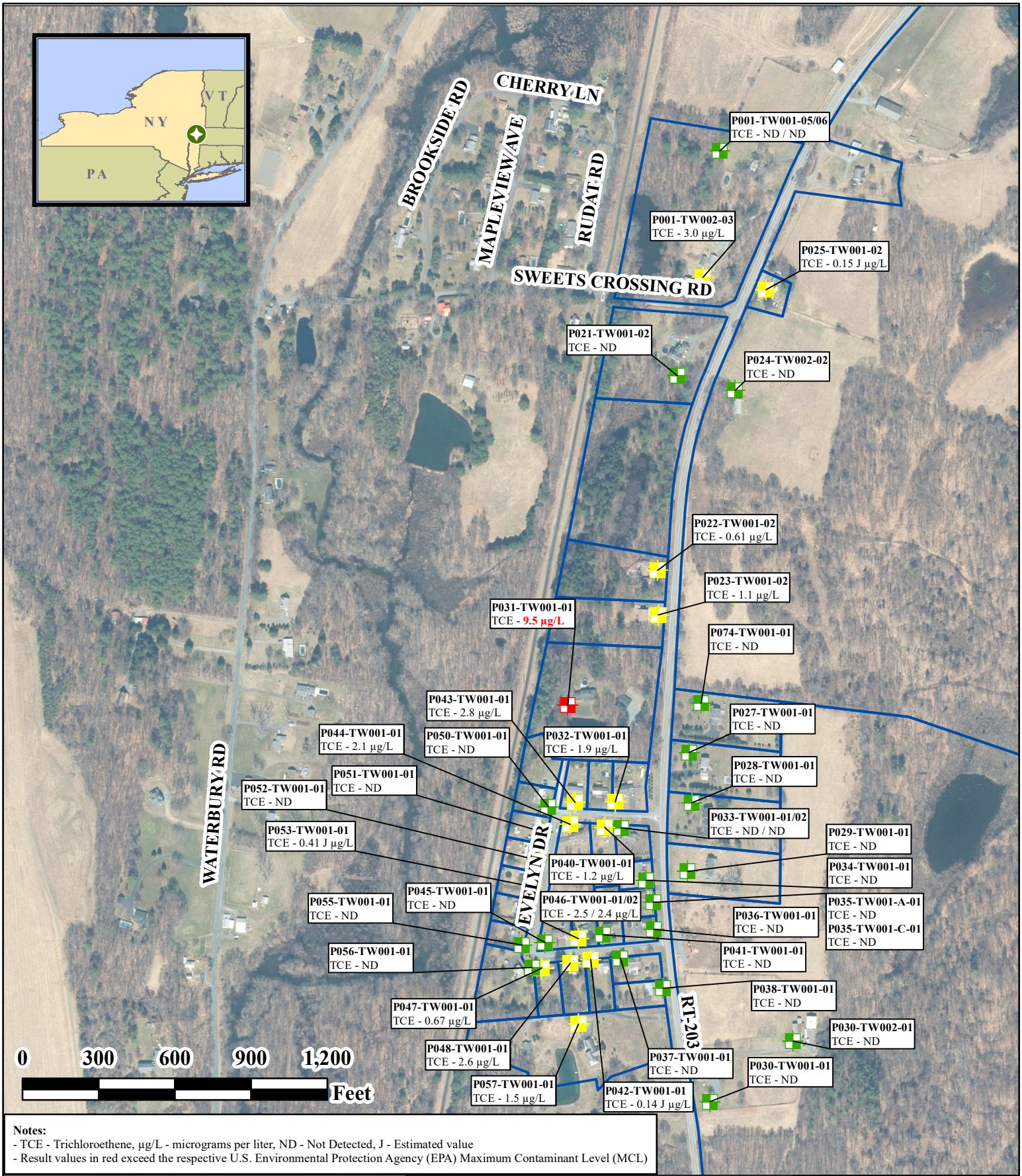
U.S. ENVIRONMENTAL PROTECTION AGENCY
SUPERFUND TECHNICAL ASSESSMENT
& RESPONSE TEAM V
CONTRACT # 68HE0319D0004

DATE MODIFIED: 6/30/2022

GIS ANALYST:	M. LANG
EPA OSC:	D. ROSOFF
START V SPM:	M. LANG
CHARGE #::	40200.031.043.3058

Y:\START_V\00430058\MXD\ROUTE203_SLM.MXD

FIGURE 2
Site Layout Map



Notes:
- TCE - Trichloroethene, µg/L - micrograms per liter, ND - Not Detected, J - Estimated value
- Result values in red exceed the respective U.S. Environmental Protection Agency (EPA) Maximum Contaminant Level (MCL)

Legend

Well Sample Location

- TCE Not Detected
- TCE Detected Below MCL
- TCE Detected Above MCL
- Parcel Boundary

N

Weston Solutions, Inc.
Federal East Division

In Association With
Eco-Risk; Avatar Environmental, LLC;
Pro-West & Associates, Inc.; On-Site Environmental, Inc.;
Sovereign Consulting, Inc.; and TechLaw Consultants, Inc.

Figure 2: Site Layout Map

Route 203 Site
Nassau, New York

U.S. ENVIRONMENTAL PROTECTION AGENCY
SUPERFUND TECHNICAL ASSESSMENT & RESPONSE TEAM V
CONTRACT # 68HE0319D0004

GIS ANALYST:	M. LANG
EPA OSC:	D. ROSOFF
START V SPM:	M. LANG
CHARGE #::	40200.031.043.3058

DATE MODIFIED: 7/5/2022

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