

New York State Department of Environmental Conservation

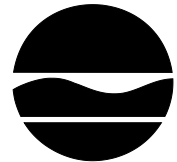
Division of Environmental Remediation

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Joe Martens
Commissioner

April 4, 2013

Mr. Walter Mugdan, Director
Emergency and Remedial Response Division
United States Environmental Protection Agency
Region 2
290 Broadway, 20th Floor
New York, NY 10007-1866

Re: Grasse River Superfund Site
State Registry No. 645015
Massena, St. Lawrence County
Record of Decision

Dear Mr. Mugden:

The New York State Department of Environmental Conservation (DEC) and the New York State Department of Health (DOH) have reviewed the April 2013 United States Environmental Protection Agency (EPA) Record of Decision for the Grasse River Superfund Site, located in Massena, New York. I want to thank EPA for incorporating DEC's concerns into the selected remedy, which demonstrates that the EPA shares the State's views on the importance of the cleanup of the lower Grasse River.

The selected remedy identified in the Record of Decision is an appropriate and effective way to mitigate the unacceptable risks that site contaminants pose to public health and the environment. DEC recognizes that the PCB contaminated sediments in the lower Grasse River are significant ongoing sources of PCBs to the Grasse River. Removal of contaminated near shore sediments, with appropriate habitat reconstruction, is warranted as there is ongoing exposure of both terrestrial and aquatic species in this shallow water habitat. The capping in the main channel is expected to be effective in mitigating the impacts of the contaminated sediments there, provided that the engineering evaluations undertaken during the analysis of alternatives are confirmed during the remedial design process. DEC anticipates that, should the design assumptions based upon these engineering analyses require modification, EPA will factor this new information into any subsequent evaluations completed as part of the remedial design to ensure the protectiveness of the remedy.

In concurring with the ROD, it is a point of great importance to DEC that the selected remedy includes measures to ensure the protection of fish and wildlife habitat in the portion of the Grasse River to be disturbed by the remedy, and that the design specifically include a habitat assessment to guide the detailed design of habitat reconstruction and recovery. DEC believes that

the habitat assessment, reconstruction, and monitoring measures to protect habitat for Grasse River species, including the lake sturgeon, are key elements of the selected remedy, are a component of the Remedial Action Objectives for the protection of the environment, and are to be evaluated during the 5 year review. DEC expects that during the remedial design and remedial action, natural resources staff will be directly involved in the development of the habitat assessment, the determination of appropriate habitat reconstruction measures, and the regular monitoring of habitat and biota recovery, and that the State's regulations and guidance documents which pertain to habitat protection are meaningfully included in the basis of design for the habitat reconstruction/protection portion of the remedy. DEC also expects that the remedy will include the measurement and analysis of the success of habitat reconstruction and plantings to demonstrate full recovery of the affected habitats and species, and active repair where full habitat or biota recovery does not occur. Finally, DEC expects that development of the design will take into account the requirement to comply with CWA Section 401 for protection of water quality standards, criteria and best usages of the River.

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DEC hereby concurs with the EPA's April 2013 Superfund Record of Decision for the Grasse River Superfund Site.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Schick", is written over a light yellow rectangular background.

Robert W. Schick, P.E.
Director
Division of Environmental Remediation

ec: J. LaPadula, EPA
D. Garbarini, EPA
P. Mannino, EPA
Y. Chang, EPA
D. Ripstein, DOH
S. Messier, DOH
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