

**EPA Superfund**  
**Record of Decision:**

**DIAZ CHEMICAL**  
**EPA ID: NYD067532580**  
**OU 01**  
**HOLLEY, NY**  
**03/29/2005**

# **RECORD OF DECISION**

**Diaz Chemical Corporation Site**

**Village of Holley  
Orleans County, New York**

**United States Environmental Protection Agency  
Region II  
New York, New York  
March 2005**

# **DECLARATION FOR THE RECORD OF DECISION**

## **SITE NAME AND LOCATION**

Diaz Chemical Corporation Site  
Village of Holley, Orleans County, New York  
Superfund Identification Number: NYD067532580

## **STATEMENT OF BASIS AND PURPOSE**

This decision document presents the selected remedy for the first operable unit at the Diaz Chemical Corporation Site (Site), which was chosen in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), and to the extent practicable, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This decision document explains the factual and legal basis for selecting the remedy for the Site.

The New York State Department of Environmental Conservation (NYSDEC) concurs with the selected remedy. A letter of concurrence from NYSDEC is attached to this document (APPENDIX IV).

The information supporting this remedial action decision is contained in the administrative record. The index for the administrative record is attached to this document (APPENDIX III).

## **ASSESSMENT OF THE SITE**

This operable unit deals only with the issue of the relocation of certain residents at the Site. Within that context, the response action selected in this Record of Decision (ROD) is protective of public health and the environment. The Site contamination will be the subject of a future Remedial Investigation and Feasibility Study (RI/FS) and ROD.

## **DESCRIPTION OF THE SELECTED REMEDY**

The remedial action described in this document addresses the owner-occupants and individual tenants who continue to be temporarily relocated from their homes by EPA due to the January 5, 2002 accidental air release from the Diaz Chemical Corporation facility.

### **Selected Property Acquisition and Permanent Relocation Remedy**

The selected remedy includes property acquisition and permanent relocation with maintenance of the acquired properties.

The major components of the remedy include:

- The eight properties of the displaced owner-occupants will be acquired and those individuals will be permanently relocated. Two displaced individual tenants will also be eligible for relocation benefits. This project will be carried out in two phases: property acquisition, in which residents are compensated for the value of real property which is being acquired, and relocation assistance, in which residents are assisted in identifying and moving into replacement residences.
- A temporary relocation rental payment will be provided to the owner-occupants and tenants in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) of 1970.
- The acquired properties will be maintained and alarms will be installed to secure the residences. This will continue until a remedy is selected for the overall Site.

The first operable unit (OU1) of work for the Site involves the relocation of the owner-occupants and individual tenants who have been living in temporary quarters since January 2002 in order to end the unreasonable hardship experienced by them because of this temporary relocation situation. The second operable unit (OU2) of site remediation will address contamination of the former Diaz Chemical facility and surrounding environs. This includes conducting an RI/FS for the Site. This comprehensive, long-term study, which is currently underway, will identify the nature and extent of contamination at the Site and develop and evaluate potential remedial alternatives to address this contamination. Following the completion of that study, EPA will issue a ROD for OU2.

## **DECLARATION OF STATUTORY DETERMINATIONS**

This relocation remedy is protective of human health and the environment and is cost-effective. There are no federal and State environmental requirements that are legally applicable or relevant and appropriate for this limited-scope action; however, the URA and its implementing regulations apply to displacement and acquisition of homes by federal agencies and federal programs. The selected remedy represents the maximum extent to which permanent solutions and treatment technologies can be utilized in this operable unit. Because this action does not constitute the final remedy for the Site, the statutory preference for remedies that employ treatment to reduce toxicity, mobility, or volume as a principal element will be addressed by the final response action. Future actions will be planned to address any potential threats discovered at this Site.

## **ROD DATA CERTIFICATION CHECKLIST**

The Decision Summary of this ROD does not contain the following remedy selection information for the reasons noted below. More details may be found in the administrative record file for this Site.



This remedy is comprised of property acquisition and permanent relocation based on EPA policy which provides that permanent relocation may be considered when an alternative under evaluation includes a temporary relocation expected to last longer than one year. Therefore, chemicals of concern and their respective concentrations; baseline risk represented by the chemicals of concern; cleanup levels established for chemicals of concern and the basis for these levels; how source materials constituting principal threats will be addressed; current and reasonably anticipated future land use assumptions and current and potential future beneficial uses of groundwater used in the baseline risk assessment and ROD; and, potential land and groundwater use that will be available at the Site as a result of the selected remedy are not included in this ROD. Such matters are expected to be addressed in the RI/FS and ROD for OU2.

The Decision Summary of this ROD does contain the remedy selection information noted below. More details may be found in the administrative record file for this Site.

Estimated capital, annual operation and maintenance, and total present worth costs, discount rate, and the number of years over which the remedy cost estimates are projected (see ROD page 8, and Table 1); and,

Key factor(s) that led to selecting the remedy (i.e., how the selected remedy provides the best balance of tradeoffs with respect to the balancing and modifying criteria, highlighting criteria key to the decision)(see ROD pages 10 through 12).

## **AUTHORIZING SIGNATURE**

# **DECISION SUMMARY**

**Diaz Chemical Corporation Site**

**Village of Holley  
Orleans County, New York**

**United States Environmental Protection Agency  
Region II  
New York, New York  
March 2005**

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## **SITE NAME, LOCATION AND DESCRIPTION**

The Diaz Chemical Corporation Site (Site) includes the Diaz Chemical Corporation (Diaz Chemical) facility and parts of the surrounding residential neighborhood. The Diaz Chemical facility is located at 40 Jackson Street, Village of Holley, Orleans County, New York. FIGURE 1 and FIGURE 2 provide a Site location map and Site map, respectively.

The Diaz Chemical facility sits on an approximately 5-acre parcel of land. It is bounded on the north by Jackson Street where both residential parcels and a parcel of land owned by Diaz Chemical, which includes a parking lot and a warehouse, are located. To the east, it is bounded by residential parcels on South Main Street. To the south and west, it is bordered by Conrail railroad tracks, and beyond that by undeveloped land and a group of buildings that are now vacant. The Site is located about 25 miles west of Rochester and 50 miles east of Buffalo. The nearest municipal drinking water supply well is located 0.66 mile south of the Site.

## **SITE HISTORY AND ENFORCEMENT ACTIVITIES**

### **History**

The Diaz Chemical facility was initially developed as an industrial plant in the 1890s and was used primarily for tomato processing and cider vinegar production before being purchased by Diaz Chemical in 1974. Diaz Chemical was a manufacturer of specialty organic intermediates for the agricultural, pharmaceutical, photographic, color and dye, and personal care products industries. The Diaz Chemical product line varied over the years of operation but primarily consisted of halogenated aromatic compounds and substituted benzotrifluorides.

The Diaz Chemical facility has a long history of spills, releases and discharges of various materials to the environment that dates back to about 1975. Compounds that were spilled to the ground or released to the air between 1977 and 1999 included the herbicides lactofen and trifluralin, nitric acid, sulfuric acid, nitrogen, potassium hydroxide, methanol, tetraethyl ammonium bromide, bromoacetophenone, dimethyl sulfoxide gas, ethyl chloropropane, bromine, hexane, process water and sludge, triethylamine, acetic anhydride, acetic acid, para-chlorobenzotrifluoride, ferric chloride anhydrous, dichlorobenzotrifluoride, dibromobenzene, and 3,4-dimethoxytoluene.

From 1994 to 1999, Diaz Chemical conducted a Remedial Investigation (RI) at the Site under the oversight of the New York State Department of Environmental Conservation (NYSDEC). The state-lead RI results revealed soils and groundwater at the Diaz Chemical facility property and nearby were contaminated with volatile organic compounds and semivolatile organic compounds. Contaminants detected in soil and groundwater include 1,2-dichloroethane; vinyl chloride; 1,2-dibromoethane; benzene; xylene; ethylbenzene; and a number of brominated chemical intermediates. Under State law, NYSDEC issued a Record of Decision (State ROD) in March 2002, selecting a remedy for the Diaz Chemical site. This remedy required the continued operation of the groundwater pump-and-treat system which Diaz Chemical installed at the facility as an interim remedial measure in 1995.

An accidental air release from the Diaz Chemical Facility occurred on January 5, 2002 when a reactor vessel in a process building overheated, causing its safety valve to rupture and release approximately 75 gallons of a chemical mixture through a roof stack vent. The release consisted primarily of a mixture of steam, toluene, and 2-chloro-6-fluorophenol as well as related phenolic compounds. The splash zone for the release extended northeast from the facility into the neighboring residential community. The mixture landed on homes and properties in the neighborhood immediately adjacent to the facility, and was visible as red-colored droplets on homes. Soon after the release, people complained of acute health effects such as sore throats, headaches, eye irritation, nosebleeds, and skin rashes. As a result of the release, some residents who lived near the Diaz Chemical Facility voluntarily relocated from some of the homes in the neighborhood to area hotels with assistance from Diaz Chemical.

In March 2002, the State of New York obtained a court order that required Diaz Chemical to continue to fund the relocations until an appropriate environmental and health assessment was performed for the affected neighborhood. At that time, the NYSDEC requested that EPA conduct an assessment of the neighborhood that was impacted by the accidental release in order to determine if further actions were necessary. In May 2002, when Diaz Chemical sought to discontinue the relocations for ability-to-pay reasons, Diaz Chemical and the New York State Law Department requested that EPA continue the funding of the temporary relocations. On May 16, 2002, EPA, under its removal authority, assumed responsibility for the relocation expenses of the residents who remained relocated at that time. EPA then initiated a preliminary assessment of the affected neighborhood and performed sampling of air, soil, interior surfaces and household items.

In June 2003, Diaz Chemical filed for bankruptcy and abandoned the Holley facility, leaving behind large volumes of chemicals in drums and tanks. EPA mobilized to the Site and began providing 24-hour security at the facility to prevent public access. EPA is maintaining the continued operation of the groundwater pump-and-treat system at the facility which provides treatment and at least partial containment of a subsurface plume of chemical contamination which impacts groundwater. Under its CERCLA "removal" authority, EPA has also, to date, shipped approximately 8,080 drums and over 112,000 gallons of materials off-site for re-use and/or disposal. EPA's removal action at the facility is continuing and is expected to include: draining, dismantling, and disposal of tank piping; off-site removal of outdoor tanks; cleanup and disposal of outdoor tank containment areas; and, removal and disposal of drums and residual tank waste. EPA is also continuing to fund the temporary relocation of owner-occupants and two individual tenants.

A Hazard Ranking System (HRS) Report was prepared for the Diaz Chemical Corporation Site in February 2004. On July 22, 2004, the Site was placed on the National Priorities List (NPL).

### **Enforcement Activity**

The Diaz Chemical Facility was owned and operated by Diaz Chemical Corporation, which filed for bankruptcy in June 2003. The United States on behalf of EPA filed a proof of claim in the bankruptcy proceedings regarding EPA's past and future costs in connection with the Site.

## **HIGHLIGHTS OF COMMUNITY PARTICIPATION**

The Proposed Plan was prepared by EPA, with concurrence by NYSDEC, and finalized in September 2004. A notice of the Proposed Plan and public comment period was placed in the Democrat and Chronicle on September 13, 2004 and Westside News, Hollev edition on September 19, 2004, consistent with the requirements of NCP § 300. 430 (f) (3) (i) (A), and a copy of the Proposed Plan was mailed to all persons on the Site mailing list. The public notice established a thirty-day comment period from September 13, 2004 to October 13, 2004. The Proposed Plan and all relevant documents in the Administrative Record (see Administrative Record Index, Appendix III) have been made available to the public at two information repositories maintained at the EPA Docket Room in Region II, New York, NY and the Community Free Library, 86 Public Square, Holley, NY 14470 (Contact: Reference Desk) .

EPA hosted a public meeting on October 5, 2004 at the Holley Elementary School, Holley, New York, to discuss the Proposed Plan. At this meeting, representatives from EPA and NYSDEC answered questions about the acquisition and relocation at the Site and the remedial alternatives. EPA's responses to comments received during the public meeting, along with responses to other written comments received during the public comment period, are included in the Responsiveness Summary (APPENDIX V).

## **SCOPE AND ROLE OF RESPONSE ACTION**

This first operable unit (OU1) of work for . the Site deals with the relocation of the homeowners and tenants who have been living in temporary quarters since January 2002. The objective of the remedial action is to end the unreasonable hardship experienced by the residents who continue to be temporarily relocated from their homes for an extended period of time. The remedial activities involve property acquisition and permanent relocation.

The second operable unit (OU2) of site remediation will address contamination of the former Diaz Chemical facility and surrounding environs. This includes conducting a Remedial Investigation and Feasibility Study (RI/FS) for the Site. This comprehensive study, which is underway, will identify the nature and extent of contamination at the Site and develop and evaluate potential remedial alternatives to address this contamination.

The OU1 remedy also includes maintenance of the acquired properties until the comprehensive long-term study is completed and a remedial action selected for the overall Site.

## **SUMMARY OF SITE CHARACTERISTICS**

Initial sampling was performed by EPA's removal program in the summer of 2002. This included sampling of residential soil, indoor air, porous materials, and wipe sampling of interior household surfaces.

In the summer of 2003, EPA's pre-remedial program performed sampling in order to partially characterize the Site and to determine if the Site warranted listing on the NPL. These samples included residential soil, indoor air, indoor dust and porous materials at properties near the Diaz Chemical facility and some farther away as "background." Non-residential sampling included soil samples on publicly owned lands, and sediment and surface water samples in creeks near the Diaz Facility. The data from this investigation were used to prepare a report titled "Expanded Site Inspection/Remedial Investigation - Diaz Chemical Corporation" (ESI/RI).

Based on the data, the Site was listed on the NPL on July 22, 2004.

### **Physical Site Conditions**

The Site is located in a mixed industrial and residential neighborhood. The Site includes both the Diaz Chemical facility, located at 40 Jackson Street, in the Village of Holley, Orleans County, New York, and the extent of any contamination from the Diaz Chemical Facility in the surrounding areas.

Approximately 2,500 people live within a one mile radius of the Diaz Chemical facility. The residential neighborhood adjacent to the facility (primarily along Jackson and South Main Streets in Holley) consists mostly of two-story homes on approximately one-half acre properties. Approximately 15 homes on Jackson and South Main Streets were visibly impacted during the January 2002 release.

## **CURRENT AND POTENTIAL FUTURE LAND AND RESOURCE USES**

The future land use of the eight residential properties from which residents at the Site have been temporarily relocated since January 2002 is not expected to change. These properties are expected to remain residential.

## **REMEDIAL ACTION OBJECTIVES**

Remedial action objectives (RAOs) are specific goals to protect human health and the environment. These objectives are based on available information and standards such as applicable or relevant and appropriate requirements (ARARs).

The RAOs developed for this site are based on EPA's "Interim Policy on the Use of Permanent Relocations as Part of Superfund Remedial Actions," OSWER Directive, 9355.0 -71P, dated June 30, 1999, which provides direction on when to consider a permanent relocation as part of a Superfund remedial action. This policy states, "Permanent relocation may be considered when an alternative under evaluation includes a temporary relocation expected to last longer than one year. A lengthy temporary relocation may not be acceptable to the community. Further, when viewed in light of the balancing of tradeoffs between alternatives, the temporary relocation remedy may not be practicable, nor meet the statutory requirement to be cost-effective." EPA has further documented this policy in "Superfund Response Actions: Temporary Relocations Implementation Guidance", OSWER Directive 9230.0-97, dated April 2002.

The Department of Transportation/Federal Highway Administration (DOT/FHWA) is the lead agency for the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) of 1970 (42 U.S.C. 4601 et seq. ) and its implementing regulations at 40 CFR 4.1, et seq. and 49 CFR Part 24. The URA was enacted to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally-assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally-assisted programs.

DOT/FHWA was contacted by EPA to determine their interpretation of the intent of the URA as it pertains to the acceptable duration of a temporary relocation, and EPA received the following response: "To prevent persons forced to move by Federal or federally-assisted projects from suffering disproportionate injuries, persons should generally not be relocated for more than one year. After that time, any such temporarily relocated person should generally be offered permanent relocation assistance and benefits provided by the URA. This view is shared by the Agency for Housing and Urban Development (HUD) and other affected Federal agencies."

In consideration of the above, the following remedial action objectives were established for the Site:

1. Reduce or eliminate the unreasonable hardship experienced by the eight families and two individual tenants who have already been temporarily relocated from their homes for more than three years.
2. Achieve consistency with EPA policy which provides that permanent relocation should be considered when owners are, or are expected to be, temporarily relocated for more than one year (for tenants, temporarily relocated for more than six months).

## **SUMMARY OF REMEDIAL ALTERNATIVES**

CERCLA requires that each selected remedy be protective of human health and the environment, be cost-effective, comply with other laws, and utilize permanent solutions and alternative treatment technologies and resource recovery alternatives to the maximum extent practicable. In addition, the statute includes a preference for the use of treatment as a principal element for the reduction of toxicity, mobility, or volume of the hazardous substances.

The Proposed Plan and Focused Feasibility Study (FFS) evaluate, in detail, the remedial alternatives that were developed to address the temporary relocations of the displaced residents for the Diaz Site. These alternatives are presented below. The No Action alternative is also evaluated.

### **Alternative 1 - No Action**

Present Worth:	\$156,000
Capital Cost:	\$156,000
Annual Operation and Maintenance (O&M):	\$0
Time to Implement:	6 months



The Superfund Program requires that the "No Action" Alternative be considered as a baseline level against which other remedial alternatives can be compared.

The No Action Alternative includes discontinuing the EPA funding for the temporary relocations of the owner-occupants and individual tenants. The owner-occupants and tenants would be able to move back into their original residences or into new residences. EPA would pay moving costs, provide start-up money (i.e., money for utility hook-ups, grocery shopping, etc.), and provide a temporary relocation rental payment for each owner-occupant and tenant until they found a replacement residence. It is estimated that it would take up to six months to implement this alternative. This alternative does not include any physical remedial measures.

### **Alternative 2 - Continuation of the Temporary Relocation Situation**

Present Worth:	\$802,000
Capital Cost:	\$25,500
Annual O&M (5 year O&M period):	\$189,400
Time to Implement:	3 months

Under this alternative, EPA would continue the current temporary relocation situation for the owner-occupants until the completion of the RI/FS and the remedy selection process for the overall Site. The individual tenants would be eligible for relocation benefits and a temporary relocation rental payment until they found a replacement rental. It is estimated that it would take up to 3 months to assist the tenants in finding a replacement rental.

Due to the complex nature of the Site, as discussed in the Proposed Plan, it is difficult for EPA to predict a schedule for characterizing the chemical contamination associated with the Site and estimating the risk that is posed by this contamination. Consequently, the displaced owner-occupants would continue to be temporarily relocated for an uncertain period of time while these tasks are completed. In order to calculate cost estimates for this alternative, a 5-year time period was used for the length of the continued temporary relocation.

### **Alternative 3 - Property Acquisition and Permanent Relocation**

#### ***a. Property Maintenance option***

Present Worth:	\$1,291,000
Capital Cost:	\$1,084,100
Annual O&M (5 year O&M period):	\$50,500
Time to Implement:	3 months

#### ***b. Demolition/Lot Restoration option***

Present Worth:	\$1,554,000
Capital Cost:	\$1,554,100
Annual O&M (5 year O&M period):	\$0
Time to Implement:	3 months

Under this alternative, EPA would acquire the eight properties of the owner-occupants and permanently relocate those individuals and their families. Two individual tenants would also be eligible for relocation benefits. The United States Army Corps of Engineers (ACE), under an Interagency Agreement with EPA, would act as EPA's agent in acquiring the properties and performing the relocations. Acquisitions and relocations would be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) as amended, 42 U.S.C. 4601 *et seq.*, any relevant regulations promulgated thereunder, and relevant EPA policies and guidance. The State of New York has assured EPA that it will accept the titles to the properties after the completion of the remedial action for the Site.

Permanent relocation projects are carried out in two phases: property acquisition, in which residents are compensated for the value of real property which is being acquired, and relocation assistance, in which residents are assisted in identifying and moving into comparable dwellings. EPA would provide a temporary relocation rental payment for each family and tenant until they found a replacement residence. It is estimated that it would take 3 months to implement this alternative.

Included in this alternative are two options: (a) property maintenance, where the properties would be maintained by the ACE and the empty residences secured with alarms until the completion of the RI/FS and the remedy selection process for the overall Site, or (b) demolition/lot restoration, where the homes would be demolished and disposed of off-site at a general construction landfill, the lots restored with fill material and the property hydroseeded.

Similar to Alternative 2, in order to calculate cost estimates for the property maintenance alternative, a 5-year time period was used for the length of the time the properties would have to be maintained until the remedy selection process is completed.

## EVALUATION OF ALTERNATIVES

During the detailed evaluation of remedial alternatives, each alternative is assessed against nine evaluation criteria. These nine criteria are as follows: overall protection of human health and the environment; compliance with applicable or relevant and appropriate requirements; long-term effectiveness and permanence; reduction of toxicity, mobility, and volume through treatment; short-term effectiveness; implementability; cost; and State and community acceptance. The evaluation criteria are described below.

- Overall protection of human health and the environment addresses whether or not a remedy provides adequate protection and describes how risks posed through each exposure pathway (based on a reasonable maximum exposure scenario) are eliminated, reduced, or controlled through treatment, engineering controls, or institutional controls.
- Compliance with applicable or relevant and appropriate requirements (ARARs) addresses whether or not a remedy would meet all of the applicable or relevant and appropriate requirements of other Federal and State environmental statutes and requirements, or provide grounds for invoking a waiver.

- Long-term effectiveness and permanence refers to the ability of a remedy to maintain reliable protection of human health and the environment over time, once cleanup goals have been met. This criteria also addresses the magnitude and effectiveness of the measures that may be required to manage the risk posed by treatment residuals and/or untreated wastes.
- Reduction of toxicity, mobility, or volume through treatment is the anticipated performance of the treatment technologies, with respect to these parameters, a remedy may employ.
- Short-term effectiveness addresses the period of time needed to achieve protection and any adverse impacts on human health and the environment that may be posed during the construction and implementation period until cleanup goals are achieved.
- Implementability is the technical and administrative feasibility of a remedy, including the availability of materials and services needed to implement a particular option.
- Cost includes estimated capital and operation and maintenance (O&M) costs, and net present worth costs.
- State acceptance indicates whether the State concurs with, opposes, or has no comment on the preferred remedy.
- Community acceptance refers to the public's general response to the alternatives described in the Proposed Plan and the RI/FS reports.

## COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES

Since this Record of Decision deals only with the relocation of residents and not with the remediation of Site contamination, only the criteria relevant to the evaluation of this action will be addressed in detail. Therefore, ARARs and reduction of toxicity, mobility or volume will not be discussed as part of the analysis of alternatives. The URA and its implementing regulations, while applicable to displacement of persons and acquisition of real property by federal agencies and programs, are not ARARs, as they are not environmental requirements.

### Overall Protection of Human Health and the Environment

Alternative 1, No Action, would not address the remedial action objectives established for this Site. Due to the uncertainties with defining the health risks, as described in the Proposed Plan, EPA cannot say if this alternative would be protective of human health and the environment.

Alternative 2, continuation of the temporary relocation situation, would be protective of human health because through continuing the temporary relocations, any potential exposure pathways for these residents would be eliminated.

Under both options of Alternative 3, property acquisition and permanent relocation, the affected homes of the relocated residents would be acquired by EPA and the residents would be permanently relocated to new homes. This alternative would be protective of human health because through permanent relocation, any potential exposure pathways with respect to these residents would be eliminated.

### **Compliance with ARARs**

There are no ARARs triggered by the remedial alternatives for this operable unit.

### **Long-Term Effectiveness and Permanence**

Because the risks associated with contamination detected at the residences at the Site have not yet been defined, EPA cannot say whether Alternative 1, no action, would be effective, in the long term at protecting the health of these residents.

Alternative 2, continuation of the temporary relocation situation, may be effective at separating residents from any potential exposure pathway but will not achieve the remedial action objective of reducing the unreasonable hardship of a long-term temporary relocation. Further, Alternative 2 would be inconsistent with EPA's policy on permanent relocations as part of Superfund remedial actions.

Both options of Alternative 3, property acquisition and permanent relocation, would be effective in the long term at protecting human health and would be consistent with EPA's policy on permanent relocations as part of Superfund remedial actions.

### **Reduction of Toxicity, Mobility, or Volume through Treatment**

This criterion is not relevant to the evaluation of this action.

### **Short-Term Effectiveness**

All three alternatives are protective in the short term for the owner-occupants and individual tenants who continue to be temporarily relocated from their homes due to the January 5, 2002 accidental air release from the Diaz Chemical Facility.

Note: This is a change from the analysis presented in the Focused Feasibility Study and the Proposed Plan where Alternative 1 was considered to be ineffective in the short-term due to an indeterminate health risk.

### **Implementability**

All three alternatives are implementable. Before Alternative 1 can be implemented, repairs may need

to be made to the housing that has been unoccupied for more than three years. There is enough rental housing available to continue the temporary relocation that is the basis of Alternative 2. In order to implement either option of Alternative 3, the State would need to agree to accept title of the property as required by CERCLA 104 (j), and there would need to be comparable housing immediately available in or near the community as required by 49 CFR 24. 204 (a). EPA has the State's assurance that it will accept the titles to these properties upon completion of the remedial activities and ACE has done an initial assessment and determined that there is a reasonable expectation that comparable housing will be available. Cost The present-worth costs are calculated using a discount factor of seven percent and a five-year time period for operation and maintenance costs in Alternatives 2 and 3. The estimated capital, operation and maintenance (O&M) and present-worth costs for each of the alternatives are presented below:

<b>Alternative</b>	<b>Capital Cost</b>	<b>Annual O&amp;M</b>	<b>Present Worth</b>
Alternative 1	\$156,000	\$0	\$156,000
Alternative 2	\$25,500	\$189,400	\$802,000
Alternative 3a	\$1,084,100	\$50,500	\$1,291,000
Alternative 3b	\$1,554,000	\$0	\$1,554,000

### **State Acceptance**

NYSDEC concurs with the selected remedy. A letter of concurrence is attached (APPENDIX IV).

### **Community Acceptance**

Community acceptance of the proposed remedy for property acquisition and permanent relocation was assessed during the public comment period. EPA believes that the community generally supports this approach. Specific responses to public comments are addressed in the Responsiveness Summary (APPENDIX V).

## **SELECTED REMEDY**

### **Property Acquisition and Permanent Relocation with Property Maintenance**

Based upon an evaluation of the alternatives and consideration of community acceptance, EPA has selected Alternative 3a: Property Acquisition and Permanent Relocation with Property Maintenance as the remedy for OU1 at the Diaz Chemical Corporation Site.

### **Summary of the Rationale for the Selected Remedy**

The selected remedy will provide the best balance of trade-offs among alternatives with respect to the evaluating criteria, as described below.

Alternative 2 and both options of Alternative 3 would be protective of human health by eliminating any potential pathway of human exposure to possible contamination in their old residences. However, EPA believes that Alternative 3a is preferable to Alternative 2 because of several factors cited in EPA's policy, "Superfund Response Actions: Temporary Relocations Implementation Guidance", OSWER Directive 9230.0-97. These factors include project length (i.e. the period of time the residents would be displaced), disruption of residents' lives, the wishes of the residents, and the willingness of the state to accept title to the acquired properties and provide a cost share.

While the projected cost of property acquisition/permanent relocation is higher than continuing the temporary relocation, EPA considered the balance between the cost difference and the unreasonable hardship of extending the temporary relocation, the uncertainty of when a decision can be made regarding a final remedy for the Site, and the possibility that a final remedial action (after potentially five more years of temporary relocation) may include acquiring these properties and permanently relocating these residents anyway.

EPA and NYSDEC are not proposing to implement Alternative 3b because they believe that it is advisable to maintain the homes until some point in the future when an investigation is completed on the tentatively identified compounds (TICs) at these residential properties, a risk assessment performed, and a remedial action selected for the overall Site. At that point, more information would be available to determine what course of action should be taken regarding the disposition of the homes.

The residents relocated from their homes before EPA was involved at this Site. EPA was asked to assume responsibility for their relocation expenses before the risks posed by the Site were fully understood. EPA believes it took a prudent course of action by continuing the temporary relocation. Now, EPA and NYSDEC need to address the fact that the temporary relocation has continued for over three years. Extended periods of temporary relocation are inconsistent with EPA's policy and pose a hardship for the families involved. Therefore, EPA and NYSDEC believe that this preferred alternative is the correct course of action.

### **Description of Selected Remedy**

- Property Acquisition/Permanent Relocation
- Temporary Relocation Rental Payment
- Maintenance of the Acquired Properties

Property Acquisition/Permanent Relocation: The eight properties of the displaced owner-occupants will be acquired and those individuals will be permanently relocated. This project will be carried out in two phases: property acquisition, in which residents are compensated for the value of real property which is being acquired, and relocation assistance, in which residents are assisted in identifying and moving into replacement residences. Two displaced individual tenants will also be eligible for relocation benefits.

Temporary Relocation Rental Payment: A temporary relocation rental payment will be provided to the owner-occupants and tenants for a reasonable period of time, until they find a replacement residence.

Maintenance of the Acquired Properties: The acquired properties will be maintained and alarms will be installed to secure the residences. This will continue until a remedy is selected for the overall Site. After the completion of the remedial action for the Site, the State has assured EPA that it will accept the titles to these properties.

### **Summary of Estimated Remedy Costs**

The total estimated present worth cost for the selected remedy is \$1,291,000. This includes an estimated \$50,500 in annual O&M costs for 5 years.

The information in this cost estimate summary is based on the best available information regarding the anticipated scope of Alternative 3a. These are order-of-magnitude engineering cost estimates that are expected to be within +50 to -30 percent of the actual cost of the project. Changes in the cost elements are likely to occur as a result of updated information on the property acquisition costs and relocation benefits during the implementation of this remedial alternative. Major changes, if any, may be documented, as appropriate, in the form of a memorandum in the administrative record file, an Explanation of Significant Differences, or a ROD amendment.

### **Expected Outcomes of Selected Remedy**

Implementation of Alternative 3a will eliminate any potential pathway of human exposure to possible contamination associated with the properties of the owner-occupants. Upon implementation, this remedy will reduce or eliminate the unreasonable hardship experienced by the eight owner-occupants and two individual tenants who have already been temporarily relocated from their homes for more than three years.

## **STATUTORY DETERMINATIONS**

Under its legal authorities, EPA's primary responsibility at Superfund sites is to undertake remedial actions that are protective of human health and the environment. In addition, Section 121 of CERCLA and the NCP establish several other statutory requirements and preferences. These specify that the selected remedial action for this Site must comply with ARARs unless a waiver is justified. The selected remedy also must be cost-effective and utilize permanent solutions and alternative treatment technologies or resource-recovery technologies to the maximum extent practicable. Finally, the statute includes a preference for remedies that employ treatment that permanently and significantly reduce the volume, toxicity, or mobility of hazardous substances, as available. The following sections discuss how the selected remedy meets these statutory requirements.

EPA and NYSDEC believe that the selected remedy will be protective of human health and the environment and be cost-effective.

### **Protection of Human Health and the Environment**

The selected remedy is protective of human health and the environment. The affected properties of the displaced owner-occupants will be acquired by EPA and the residents permanently relocated to new homes. This alternative is protective of human health because through permanent relocation, any potential pathway of exposure to these residents of possible contamination at their old properties would be eliminated.

### **Compliance with ARARs**

While there are no ARARs triggered by this remedial action, as stated above, the URA and its implementing regulations apply to displacement of persons and acquisition of real property by federal agencies and programs and will be followed.

### **Cost-Effectiveness**

A cost-effective remedy is one whose costs are proportional to its overall effectiveness (NCP § 300.430 (f) (1) (i) (B)) . For this remedial action, overall effectiveness is based on the evaluations of: long-term effectiveness and permanence; and short-term effectiveness. Based on the comparison of overall effectiveness to cost, the selected remedy meets the statutory requirement that Superfund remedies be cost-effective (NCP § 300.430 (f) (1) (ii) (D)).

Each of the alternatives has undergone a detailed cost analysis. In that analysis, capital costs and O&M costs have been estimated and used to develop present-worth costs. In the present-worth cost analysis, annual costs were calculated for 5 years for Alternatives 2, 3a, and 3b (estimated life of each alternative) using a seven percent discount rate (consistent with the FFS and Proposed Plan).

While the projected cost of Alternative 3a is higher than Alternative 2, EPA considered the balance between the cost difference and the unreasonable hardship of extending the temporary relocation, the uncertainty of when a final decision can be made and the possibility that a final remedial action (after potentially five more years of temporary relocation) may be to acquire the properties and permanently relocate these residents anyway. Therefore, EPA believes that the additional cost of approximately \$490,000 for Alternative 3a is justified. For a detailed breakdown of costs associated with the selected remedy, please see TABLE 1.

### **Utilization of Permanent Solutions and Alternative Treatment Technologies to the Maximum Extent Practicable**

EPA has determined that the selected remedy represents the maximum extent to which permanent solutions and treatment technologies can be utilized in this operable unit. The selected remedy



represents the most appropriate solution for this operable unit at the Site because it provides the best balance of trade-offs among the alternatives with respect to pertinent criteria, given the limited scope of the action.

### **Preference for Treatment as a Principal Element**

The statutory preference for remedies that employ treatment as a principal element is not relevant to this relocation remedy. The ROD for OU2 will address the statutory preference for treatment.

### **Five-Year Review Requirements**

The statutory requirement for a five-year review is not triggered by the implementation of this action.

## **DOCUMENTATION OF SIGNIFICANT CHANGES**

There were no significant changes from the preferred remedy presented in the Proposed Plan.

## **APPENDIX I**

### **FIGURES**

<u>FIGURE</u>	<u>DESCRIPTION</u>
FIGURE 1	Site Location Map
FIGURE 2	Site Map

70385-067

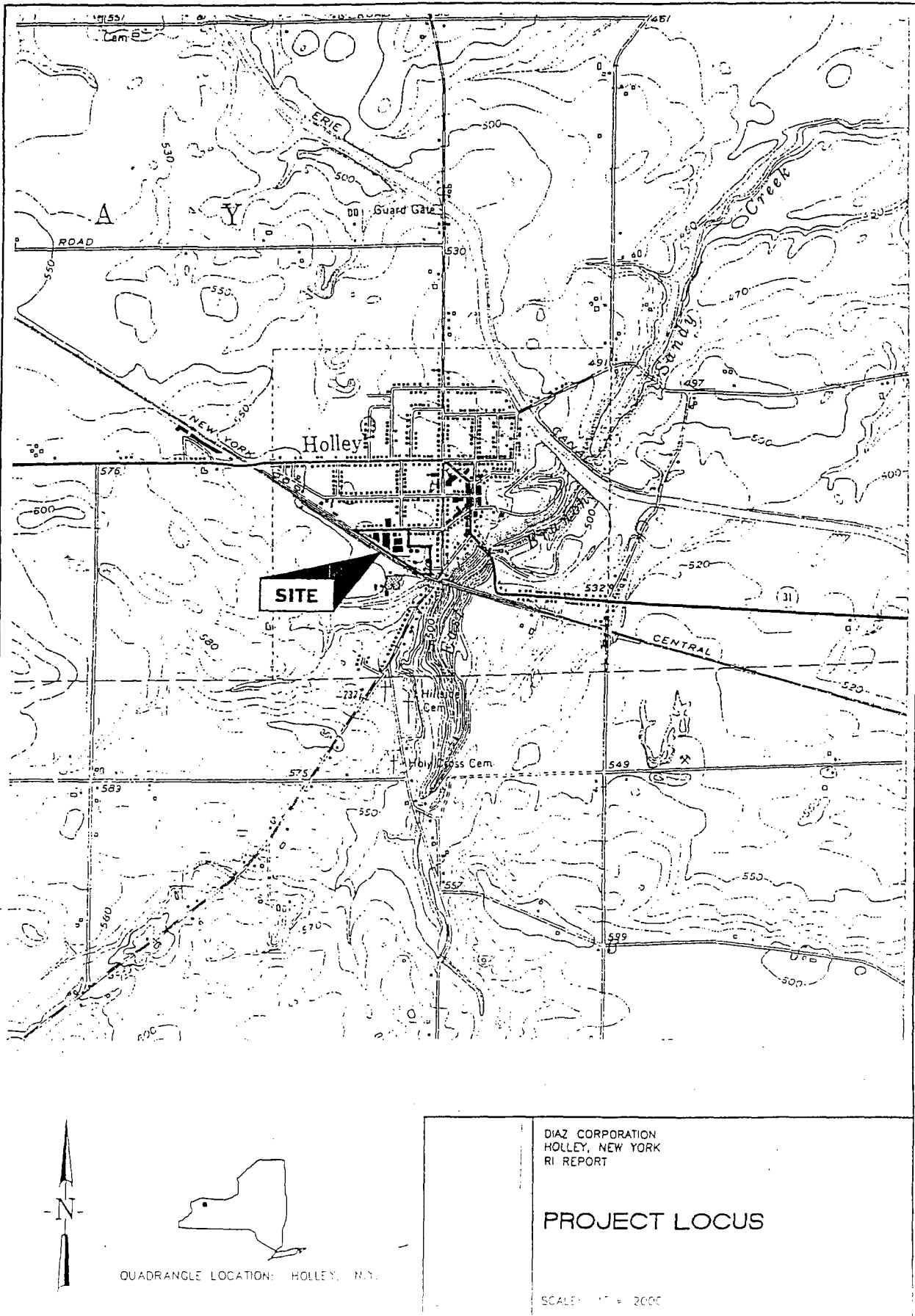
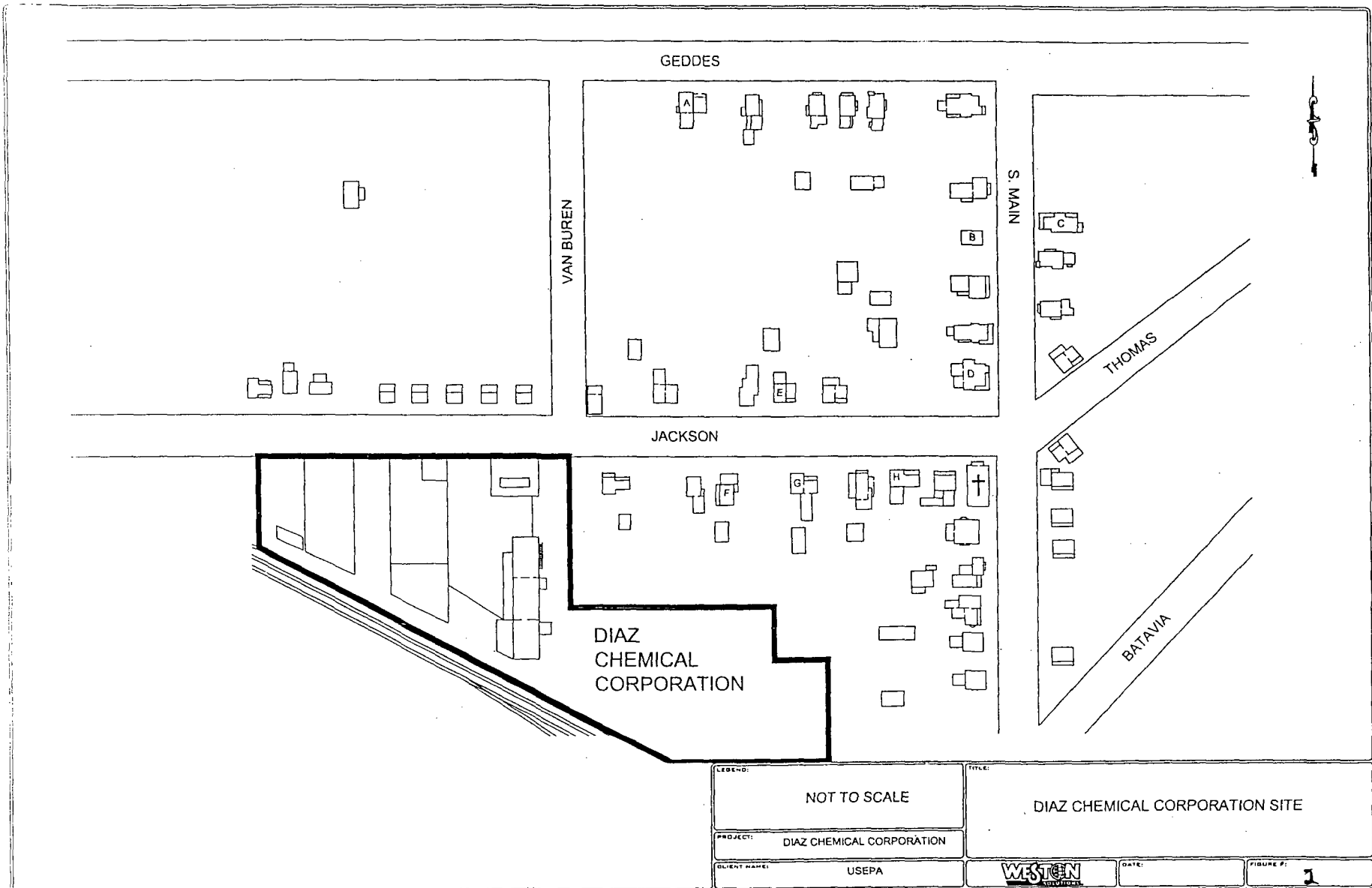


FIGURE 1



P:\U.S. EPA\00682.dwg

## APPENDIX II

### TABLES

<u>TABLE</u>	<u>DESCRIPTION</u>
1	ALTERNATIVE 3a - COST BREAKDOWN

Table 1  
Alternative 3a - Property Acquisition/Permanent Relocation  
Property Maintenance Costs

O & M Costs

	week	month	year	8 residences
Lawn Cutting - 7 months	\$25	\$108	\$753	\$6,020
Snow Removal - 5 months	\$100	\$430	\$2,150	\$17,200
Alarm Monitoring	-	\$30	\$360	\$2,880
Gas - 5 months	-	\$250	\$1,250	\$10,000
Telephone/Electric	-	\$50	\$600	\$4,800
Administration of contract	-	-	\$5,000	\$5,000

Total O&M Costs/year      \$45,900  
Plus 10% Contingency (\$4,590)      \$50,490

Capital Costs

Alarm installation for 8 residences	\$9,600
Property Acquisition	\$608,000
Relocation Benefits	\$320,250
*Temporary reloc. rent for 3 months	\$51,000
USACE administrative costs	\$95,250
Total Capital Costs	\$1,084,100

Temp. reloc. rent per month      \$17,000  
(for 8 families & 2 tenants)

Present worth cost analysis for 5 years

$$PW = C + [1/i - 1/i(1 + i)^n] * (O\&M)$$

i = 7%

n = 5 years

C = \$1,084,000

O&M = \$50,000

Total Present worth-cost for Alternative 3a = \$1,289,000

\*Estimating it would take 3 months for families/tenants to relocate

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## **APPENDIX III**

### **ADMINISTRATIVE RECORD INDEX**

**DIAZ CHEMICAL CORPORATION SITE  
ADMINISTRATIVE RECORD  
INDEX OF DOCUMENTS**

**4.0 FEASIBILITY STUDY**

**4.3 Feasibility Study Reports**

400001 - Report: Focused Feasibility Study Report for the Diaz Chemical Corporation  
400018 Superfund Site. Orleans County, New York, prepared by U.S. EPA, Region 2,  
September 2004.

**10.0 PUBLIC PARTICIPATION**

**10.9 Proposed Plan**

10.00001- Superfund Proposed Plan, Diaz Chemical Corporation Site, Village of Holley,  
10.00008 Orleans County, New York, prepared by U.S. EPA, Region 2, September 2004.



**DIAZ CHEMICAL CORPORATION SITE  
ADMINISTRATIVE RECORD UPDATE  
INDEX OF DOCUMENTS**

**1.0 SITE IDENTIFICATION**

**1.4 Site Investigation Reports**

- P. 100001 - Memorandum to Diaz Chemical Superfund Site File from Mr. Michael Sivak,  
100001 Risk Assessor, ERRD/PSB/Technical Support Team, U.S. EPA, Region 2,  
Emergency and Remedial Response Division, re: Evaluation of Preremedial  
Sampling Data, March 18, 2005.

**4.0 FEASIBILITY STUDY**

**4.3 Feasibility Study Reports**

- P. 400019 - Report: Real Estate Planning Report, Diaz Chemical Superfund Site, Holley, New  
400029 York, prepared by Baltimore District, U.S. Army Corps of Engineers, prepared  
for U.S. EPA, Region 2, July 16, 2004. **(NOTE: This document is**  
**CONFIDENTIAL. It is located at the U.S. EPA, Region 2, Superfund**  
**Records Center, 290 Broadway, 18th Floor, New York, NY 10007).**

**4.6 Correspondence**

- P. 400030 - Memorandum to Mr. Dwayne Harrington, OSC, U.S. EPA, Region 2, from Mr.  
400031 Jeff Bray, Project Manager, WRS Infrastructure & Environment, Inc., re:  
Estimate for the Demolition and Disposal of Ten Homes in Holley, NY, January  
30, 2004. **(NOTE: This document is CONFIDENTIAL. It is located at the**  
**U.S. EPA, Region 2, Superfund Records Center, 290 Broadway, 18th Floor,**  
**New York, NY 10007).**
- P. 400032 - Memorandum to Mr. Dwayne Harrington, OSC, U.S. EPA, Region 2, from Mr.  
400033 Jeff Bray, Project Manager, WRS Infrastructure & Environment, Inc., re:  
Estimate for the Restoration of Residential Lots in Holley, NY, February 13,  
2004. **(NOTE: This document is CONFIDENTIAL. It is located at the**  
**U.S.EPA, Region 2, Superfund Records Center, 290 Broadway, 18th Floor,**  
**New York, NY 10007).**

- P. 400034 - Letter to Mr. John DiMartino, U.S. EPA, Region 2, from Ms. Susan K. Lewis,  
400039 Environmental Program Manager, Real Estate Division, Department of the Army, Baltimore District, U.S. Army Corps of Engineers, re: Enclosed "Updated Cost Sheet" providing revised/additional cost information in connection with the Diaz Chemical Superfund Site in Holley, New York, September 7, 2004. (**NOTE: This document is CONFIDENTIAL. It is located at the U.S.EPA, Region 2, Superfund Records Center, 290 Broadway, 18th Floor, New York, NY 10007).**)

## **8.0 HEALTH ASSESSMENTS**

### **8.1 ATSDR Health Assessments**

- P. 800001 - Report: Agency for Toxic Substances and Disease Registry, Public Health  
800122 Assessment for Diaz Chemical Corporation (a/k/a FMC C/O Diaz Chemical C/O FMC), Village of Holley, Orleans County, New York, EPA Facility ID: NYD067532580. prepared by New York State Department of Health, Center for Environmental Health, Under a Cooperative Agreement with the Agency for Toxic Substances and Disease Registry, September 30, 2003.

## **10.0 PUBLIC PARTICIPATION**

### **10.9 Proposed Plan**

- P. 10.00009- Email to Mr. John DiMartino, U.S. EPA, Region 2, from Terri Johnson, U.S.  
10.00009 EPA, re: Temporary Relocations, Opinion of the FHWA, the lead agency for the Uniform Act, July 15, 2004.
- P. 10.00010- Letter to Mr. George Pavlou, Director, Emergency and Remedial Response  
10.00010 Division, U.S. EPA, Region 2, from Mr. Dale A. Desnoyers, Director, Division of Environmental Remediation, New York State Department of Environmental Conservation, re: Proposed Plan, Diaz Chemical Site No. 8-37-009, Holley (V), Orleans County, September 10, 2004.

## **11.0 TECHNICAL SOURCES AND GUIDANCE DOCUMENTS**

### **11.1 EPA Headquarters**

- P. 11.00001- Memorandum to Superfund National Policy Managers, Regions I-X, Regional  
11.00010 Counsels, Regions I-X, from Mr. Timothy Fields, Jr., Acting Assistant Administrator, U.S. EPA, re: Interim Policy on the Use of Permanent Relocations as Part of Superfund Remedial Actions, OSWER Directive: 9355.0-71P, June 30, 1999.

## **APPENDIX IV**

### **STATE LETTER OF CONCURRENCE**

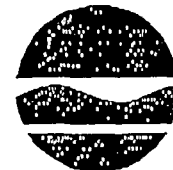
New York State Department of Environmental Conservation

Division of Environmental Remediation, 12<sup>th</sup> Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • FAX: (518) 402-9020

Website: www.dec.state.ny.us



Denise M. Sheehan  
Acting  
Commissioner

MAR 25 2005

Mr. William McCabe  
Acting Director  
Emergency and Remedial Response Division  
United States Environmental Protection Agency  
Region II  
290 Broadway  
New York, NY 10007-1866

RE: Record of Decision  
Diaz Chemical site # 8-37-009  
Holley (V), Orleans (Co.)

Dear Mr. McCabe:

The New York State Department of Environmental Conservation (Department) has reviewed the Record of Decision (ROD) document, dated January 2005, for the Diaz Chemical site. The Department concurs with the decision as it is detailed in the above referenced document.

If you have any questions, please call Mr. Joseph White at (518) 402-9812.

Sincerely,

Dale A. Desnoyers  
Director  
Division of Environmental Remediation

cc: Mr. Joseph White

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**APPENDIX V**

**RESPONSIVENESS SUMMARY**

# **RESPONSIVENESS SUMMARY FOR THE DIAZ CHEMICAL CORPORATION SITE VILLAGE OF HOLLEY, ORLEANS COUNTY, NEW YORK**

## **INTRODUCTION**

This Responsiveness Summary provides a summary of citizens' comments and concerns received during the public comment period on the Focused Feasibility Study (FFS) and the Proposed Plan, as well as the responses of the United States Environmental Protection Agency (EPA) to those comments and concerns. All comments summarized in this document have been considered in EPA's final decision involving selection of a remedy for the first operable unit (OU1) of the Diaz Chemical Corporation Site (Site).

## **SUMMARY OF COMMUNITY RELATIONS ACTIVITIES**

The FFS report identifies and evaluates remedial alternatives considered for the remedial action for OU1 at the Site. The Proposed Plan identifies the preferred remedial alternative along with the rationale for this preference. The Proposed Plan was developed by the EPA in consultation with the New York State Department of Environmental Conservation (NYSDEC) and was finalized in September 2004. These documents, as well as other site-related information, were made available for public review at information repositories set up at the EPA Docket Room in Region II, New York, and the Community Free Library in Holley, New York.

A public notice was placed in the Rochester Democrat and Chronicle on September 13, 2004, and in the Westside News, Holley edition on September 19, 2004. The notice announced the commencement of the public comment period, the public meeting date, the preferred remedy, contact information, and the availability of the FFS and the Proposed Plan at the repositories. In addition, a copy of the Proposed Plan was mailed to all persons on the Site mailing list. The public comment period ran from September 13, 2004 to October 13, 2004. EPA held a public meeting on October 5, 2004 at 7:00 P.M. at the Holley Elementary School to discuss the preferred remedy and to receive public comments on the preferred remedy.

## **OVERVIEW**

The preferred remedy for OU1 includes the acquisition of the properties (e.g. land and the house on it) of the homeowners who have been living in temporary quarters since January 2002 and permanent relocation of these residents. The acquired residences would be maintained for a period of time until the remedy selection process is completed for the overall Site.

Attached to this Responsiveness Summary are the following Appendices:

Appendix A - Proposed Plan

Appendix B - Public Notice

Appendix C - October 5, 2004 Public Meeting Attendance Sheet

Appendix D - Letters and Email messages Submitted During the Public Comment Period

Appendix E - Public Meeting Transcript

## **OVERVIEW OF PUBLIC'S REACTION TO EPA'S PREFERRED REMEDY**

EPA received oral comments on the Proposed Plan during the public meeting and comments via email and in writing during the public comment period. The comments were generally split in support of and against EPA's preferred remedy of property acquisition and permanent relocation with maintenance of the acquired properties. Some commenters had questions on how the remedy would be implemented.

## **SUMMARY OF COMMENTS AND EPA'S RESPONSES**

Oral and written comments concerning the Proposed Plan were categorized as follows:

- Responses to Written Comments
- Responses to Comments from the Public Meeting

A summary of the comments and EPA's responses to the comments are provided below.

### **RESPONSES TO WRITTEN COMMENTS**

#### **Comment #1:**

Many commenters endorsed EPA's preferred remedy of property acquisition and permanent relocation and encouraged EPA to implement it.

#### **Response #1:**

These comments are duly noted.

#### **Comment #2:**

EPA has received comments expressing concern that the homes proposed for acquisition either are not contaminated, have exhibited no evidence of contamination, or that EPA has not deemed them to be contaminated. Similarly, EPA has received comments asking why EPA proposed to compensate people for something we don't know has harmed them, and asserting that this is a decision to avoid having to tell these individuals that there is no danger, and noting that a house which a commenter states was most affected by the release is not being purchased by USEPA, and that neither NYSDEC or USEPA has ever required the resident of that house to leave the house due to any concern for the resident's health.

**Response #2:**

As outlined in the Proposed Plan, this is an interim remedy, and EPA is proposing to end the temporary relocations which have now continued for over three years, which EPA is currently funding, by acquiring the properties of the displaced residents and permanently relocating the displaced residents, including two tenants.

Neither NYSDEC nor EPA has ever required any of the residents living in the vicinity of the Diaz Chemical Corporation facility located in Holley, New York (Diaz Chemical Facility) to leave their houses. EPA became involved with the Diaz Chemical Corporation Site (the Site), which includes both the Diaz Chemical Facility and the extent of any contamination from that facility in the surrounding areas, after residents had already voluntarily relocated from their homes and before the risks posed by the Site were fully understood. EPA took the prudent course of action and continued the temporary relocations previously funded by Diaz Chemical Corporation prior to their filing for bankruptcy. Now EPA needs to address the fact that the temporary relocations have lasted for over three years and, due to the complex nature of the Site as detailed in the Proposed Plan, would be expected to continue for an uncertain period of time. Extended periods of temporary relocation are inconsistent with an EPA policy, "Interim Policy on the Use of Permanent Relocations as Part of Superfund Remedial Actions," OSWER Directive, 9355.0-71P, dated June 30, 1999. The policy states, "Permanent relocation may be considered when an alternative under evaluation includes a temporary relocation expected to last longer than one year. A lengthy temporary relocation may not be acceptable to the community. Further, when viewed in light of the balancing of tradeoffs between alternatives, the temporary relocation remedy may not be practicable, nor meet the statutory requirement to be cost-effective." Such extended temporary relocations create a hardship for those involved. It is the goal of this remedial action to end this hardship. EPA believes that the correct course of action is to acquire the properties of these residents who continue to be temporarily relocated from their homes and permanently relocate them. This decision is consistent with EPA's policy.

The statements that there is no contamination or evidence of contamination are incorrect. EPA has conducted sampling both inside and outside of these houses, and the results have been distributed to the individual residents. They are also included with the documents which EPA has made available to the public at the EPA Superfund Records Center in Region 2 and the information repository maintained at the Holley Community Library. Due to concerns with protection of privacy, EPA is not currently releasing the residential data on an address-specific basis. Therefore, the data contained in the various documents are not reported by house.

**Locations of repositories:**

Community Free Library  
86 Public Square  
Holley, NY 14470  
(585) 638-6987

USEPA- Region II Superfund Records Center  
290 Broadway, 18th Floor  
New York, NY 10007-1866  
(212) 637-4308



In addition to the sampling EPA conducted at these properties, EPA has conducted sampling at other locations at the Site. EPA will continue to evaluate potential long-term risks to public health as part of the Remedial Investigation (RI) that will be conducted for the Site. The objective of the RI is to determine the nature and extent of contamination released from the Diaz Chemical Facility, and will include evaluation and investigation of the tentatively identified compounds (TICs) that were detected during the sampling activities. As discussed in the Proposed Plan, TICs are those chemicals for which the identity and/or the concentration of the chemical is unknown.

In accordance with the regulation known as the National Contingency Plan (NCP), a risk assessment will then be performed to determine if an unacceptable risk exists. A risk assessment has four main parts. The first part is the detection and identification of chemicals and whether the levels of chemicals are of a particular concern. The second part deals with identifying how people can be exposed to those chemicals. The third part is the assessment of the potential toxic effects of those chemicals if people are exposed to them, and that includes types of possible health effects. The final part is to combine all factors. Any uncertainties for unknown factors are built into the assessment process using the best judgement.

If there is an unacceptable risk, EPA will perform a feasibility study (FS) to analyze alternative solutions to minimize that risk.

Based on the findings of the RI/FS, and if warranted, EPA will propose additional actions to address any unacceptable risks that may be discovered at the Site.

Normally the process would take a year to a year and a half. The TIC identification process is complicating and slowing down this process, and could cause the process to take a number of years.

**Comment #3:**

EPA received a number of comments concerning the scope and extent of the remedy and asking why EPA proposed to address only the eight homes that families voluntarily relocated from in January 2002 and not other homes in the area, including homes located near the Diaz Chemical Facility. One commenter asked how only eight homes could be contaminated, and another asked if the contamination is so dangerous why would some residents be left to live there, and how could only eight families out of approximately 900 in the Village require relocation and/or compensation. Of these comments, several were submitted by people who felt that property they own or have an interest in near the Diaz Chemical Facility should be acquired, including properties that were reportedly vacated after the January 2002 release from the Diaz Chemical Facility, and that they should receive compensation.

**Response #3:**

As stated in Response #2 above, EPA decided to acquire the properties of these eight residences and to permanently relocate these families because of their three-year temporary relocation status. This decision is based upon EPA's policy on permanent relocations. It is not based on the distance from houses to the Diaz Chemical Facility, or on any monetary losses which individuals may have in connection with releases from the Diaz Chemical Facility.

CERCLA authorizes EPA to take actions to protect human health and the environment. It does not give EPA the authority to compensate for monetary loss. As stated in Response #2 above, the property acquisition and permanent relocation of the displaced residents is an interim remedy, to be followed by further studies and if shown to be needed, further response actions.

**Comment #4:**

One commenter asked whether the families whom EPA has proposed to permanently relocate are any more at risk than others in the neighborhood.

**Response #4:**

As stated above in Responses #2 and #3, this decision to end the temporary relocations of residents who have been relocated for over three years is based upon EPA's policy.

EPA's qualitative evaluation of the sample results, including data collected at the residential properties that were sampled, suggests that there are no immediate or short-term threats to human health.

EPA will continue to evaluate potential long-term risks to public health as part of the remedial investigation that will be conducted for both the Diaz Chemical Facility and the neighboring community.

**Comment #5:**

Comments were received regarding where the results of the government testing that has been going on for years in Holley are located, and asking for the sampling data on a house-by-house basis. Other comments were received regarding the results of the soil samples which were collected by EPA in June and July 2003 and analyzed for dioxin.

**Response #5:**

Prior to EPA's involvement at the Site in March 2002, Diaz Chemical conducted an RI/FS under the guidance of NYSDEC. The RI/FS report is part of NYSDEC's Administrative Record located in the Site repository at the Community Free Library in Holley, New York.

EPA's data from its sampling efforts in connection with the Site and other information used by EPA in making this remedial decision, have been made available to the public at the EPA Superfund Records Center in Region 2 and the information repository maintained at the Holley Community Library. The addresses of the repositories are provided in Response #2 above. In addition, the results of the sampling conducted at the homes have been provided to the individual residents. As more data are collected, EPA will make them available to the public as well.

Due to concerns with protection of privacy, EPA is not currently releasing the residential data on an address-specific basis. Therefore, the data contained in the various documents are not reported by house.

The only data regarding sampling by EPA which have not been released at this time is the soil dioxin data. These data will be provided after the data validation process has been completed, which is expected by Spring 2005.

**Comment #6:**

One commenter stated that he asked EPA to take dirt samples in the cellar of a house he owns and hasn't received results. EPA was asked to take these samples so he could get a clearance to sell the house but EPA hasn't done so.

**Response #6:**

Data from the EPA residential sampling event conducted during June and July 2003 have been provided to the residents and is available to the general public in the repositories, as described in Responses #2 and #5. In certain instances, where sampling activities were requested, residents or tenants subsequently denied access to EPA for the sampling, and in those cases, samples were not taken. EPA was denied access to the house in question. In the future, EPA may be collecting further residential samples, including indoor air samples. The need for this will be determined after a review of all of the existing data and as the remedial investigation is planned.

**Comment #7:**

One commenter expressed concern and disbelief that residents have been told by NYSDEC, NYSDOH, or EPA that chemicals associated with Diaz's operations have been detected in their homes, but the chemicals are within safe limits.

**Response #7:**

It is possible for contaminants to be detected at levels that are below acceptable levels of risk or hazard. EPA evaluates the need to take an action by determining if exposure to the levels of contaminants detected would pose an unacceptable risk or hazard. This process is defined in the NCP, the regulation which was created to implement CERCLA, and is used at all Superfund sites.

**Comment #8:**

Several comments were received stating that EPA should replace personal property, including soft household items (e.g. upholstered couches, upholstered chairs, etc), at the properties to be acquired. One commenter stated his belief that if this is not done, EPA is not following the provisions of CERCLA requiring that the selected remedy be protective of human health and environment. Other comments were received stating that the displaced residents would suffer "disproportionate injuries," as that term is used in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4601 *et seq.*) if EPA does not purchase such items. One person stated he does not believe the guidelines of the URA are being fulfilled because the contamination issues are not being addressed, and feels that the federal government is denying that the homes and properties are contaminated. Another commenter stated that if EPA purchased the homes but not the contents, the residents of the homes would not be adequately compensated. Another comment was received stating that the "unknowns" associated with Diaz's chemicals makes it impossible for the commenter to use any of his/her belongings.

**Response #8:**

As stated above, EPA's qualitative evaluation of the sample results, including data collected at the residential properties that were sampled, suggests that there are no immediate or short-term threats to human health.

The preferred remedial action for the Site, as outlined in the Proposed Plan, is comprised of property acquisition and permanent relocation due to the fact that the displaced residents have been living in temporary quarters for more than one year. Personal property acquisition is not a component of the preferred remedial action. Issues regarding whether any personal property has been damaged during the course of EPA's response will be evaluated by EPA prior to the permanent relocation.<sup>1</sup>

CERCLA, not the URA, provides EPA with the authority to address the release or threat of a release of hazardous substances. The URA and its implementing regulations set forth at 49 CFR Part 24 establish a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance. The URA outlines the procedures and benefits that a property owner or tenant may expect to receive if their real property (land and structures) is acquired by the Federal government. The URA exists to ensure that those who are displaced as part of a Federal or Federally-funded project would receive uniform treatment and would not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole. The URA regulates the acquisition of real property only and does not address personal property except to provide authority and guidance to Federal agencies in regard to moving personal property.

**Comment #9:**

Why is EPA paying to clean up the Diaz Chemical Facility when they are being allowed to operate in Arkansas?

**Response #9:**

EPA has been performing response activities at the Diaz Chemical Facility to reduce the public health and environmental threat posed by hazardous substances at the facility. The Diaz Chemical Facility was operated by, among others, Diaz Chemical Corporation, which has filed for bankruptcy. A corporation with, a different name, Diaz Intermediates, Inc., is incorporated in the state of Arkansas and has a facility in Arkansas and an office in New York. The connection between these two corporations is being evaluated.

**Comment #10:**

If EPA's proposed remedy is based solely on the law to consider permanent relocation after one year of temporary relocation, why didn't EPA permanently relocate the residents who remained temporarily relocated after 366 days of temporary relocation?

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<sup>1</sup> In the Focused Feasibility Study Report for this Site, dated September 2004, the Appendix incorrectly included furniture purchase with the costs for Alternatives 3a and 3b. The purchase of furniture is not a component of these remedies.

**Response #10:**

Property acquisition and permanent relocation is a remedial action under CERCLA. EPA cannot perform remedial actions until the site in question is on the National Priorities List (NPL) and the decision-making process outlined in the NCP is followed and a remedy selected. Since the Site was listed on the NPL on July 22, 2004, EPA has proceeded to select a remedy.

**Comment #11:**

EPA received a number of comments regarding the costs of this remedy to the taxpayers stating that the taxpayers shouldn't have to pay for this proposal. Why should the taxpayers of the Village have to pay for relocation of the eight families who have refused to move back into their homes? This is a decision to mispend taxpayer dollars to avoid having to tell these individuals that there is no danger.

**Response #11:**

The money to pay for the property acquisition and permanent relocation will come from the EPA Hazardous Substance Superfund, a trust fund administered by EPA for which the monies are appropriated by Congress from federal taxes. No local taxes will be used for the remedy. Principally, the Superfund is used for cleanups at sites where viable responsible parties cannot be identified. EPA will seek to recover costs incurred at the Site from any viable potentially responsible parties.

EPA believes that the cost to be expended for this relocation remedy is justified, and we note that the remedy involves the discontinuation of further payments for temporary relocation.

**Comment #12:**

Buying these eight homes sets a bad precedent and will further drive down property values in the village. It will give the other homeowners in the affected area a reason to seek relocation also.

**Response #12:**

Many factors are involved in a valuation of property. Although proximity to a Superfund site may be one of those, CERCLA authorizes EPA to take response actions to address releases or threats of releases of hazardous substances, pollutants, and contaminants based upon certain criteria. It does not give EPA the authority to compensate for monetary loss.

Regarding other homeowners in the area, as stated in Response #2 above, this remedy only addresses these eight residences and permanent relocation for these families who continue to be temporarily relocated by EPA, so as to end these temporary relocations. The same basis does not exist to relocate other residents near the Diaz facility.

**Comment #13:**

EPA is only concerned about the displaced families' health and environment.

**Response #13:**

EPA is concerned about and is evaluating the impacts of the Site on all nearby residents. As stated above in Response #2, EPA will be completing a characterization of the Site, which includes

portions of the areas surrounding the Diaz Chemical Facility that have been affected by contamination from the Diaz Chemical Facility, by performing a remedial investigation and a risk assessment. If there is an unacceptable risk, EPA will perform a feasibility study to analyze alternative solutions to minimize that risk. Based on the findings of these studies, EPA may propose additional response actions for the Site.

**Comment #14:**

Concerns were expressed regarding the effect on the Village of Holley and its tax payers if houses were taken off the tax rolls.

**Response #14:**

Ownership of these houses by EPA would be temporary. Future investigation of the Site by EPA will determine whether or not remediation of the acquired homes is warranted.

The State of New York has assured EPA that it will accept transfer of the titles to these properties after completion of the final remedial action for the Site. Furthermore, NYSDEC received a letter from the Village of Holley stating that the Village will accept ownership of the properties from New York State post-remedy. It is EPA, New York State and the Village's intention to have the properties returned to productive use as expeditiously as possible.

**Comment #15:**

The costs and the implementation times of the alternatives evaluated in the FFS were questioned.

**Response #15:**

The time frames and relocation benefits set forth in the FFS were estimates of how long it may take for the residents to relocate and the costs associated with these relocations. EPA plans to implement the relocations as efficiently and expeditiously as possible.

**Comment #16:**

Why would there be an additional relocation expense of \$25,500 when the two tenants have already been relocated into temporary quarters?

**Response #16:**

Under Alternative 2, continuation of the temporary relocation situation, funding for the temporary relocation of the two tenants would be discontinued. The two displaced tenants would be eligible for relocation benefits and a temporary relocation rental payment until they found a replacement rental, and it is estimated that this would take up to 3 months. These costs were estimated to be \$25,500 for both tenants. EPA plans to implement the relocations as efficiently and expeditiously as possible.

Please refer to the Appendix of the FFS for a detailed cost breakdown for each alternative.

**Comment #17:**

Several comments were received with questions on the costs for each alternative.

**Response #17:** Please refer to the Appendix of the FFS for a detailed cost breakdown for each alternative.

**Comment #18:**

Inquiries were made about an understanding that there is an agreement between EPA and the Village of Holley whereby EPA would purchase the eight properties, turn them over to the Village who in turn would either auction or sell them, thereby preserving the properties on the tax rolls and stated that EPA should honor this agreement. One commenter stated that if no remediation was needed at these properties, why hasn't EPA simply stopped paying for the relocations.

**Response #18:**

EPA has not yet determined if remediation of the houses is warranted. As stated in Response #2 above, this is an interim remedial action to acquire the properties of these residents who continue to be temporarily relocated from their homes and permanently relocate them. Further investigations are planned to determine if an unacceptable risk exists.

As outlined in the preferred remedy, EPA will maintain the acquired properties until some point in the future when an investigation is completed on the tentatively identified compounds, a risk assessment performed and a remedial action decision is made. This future investigation will determine whether or not a remediation of the acquired homes is warranted.

At this time, it is not known whether or not response activities will be necessary regarding the homes, and if response activities are necessary, what that will involve. The only agreement at this time regarding the properties is the assurance of the State of New York that it will accept transfer of the titles to these properties after completion of the remedial action for this Site. The Village of Holley has indicated to NYSDEC, by correspondence, that the Village will accept the subject properties from NYSDEC post-remedy.

**Comment #19:**

Is EPA prepared to purchase any home that will not sell because of the Diaz spill?

**Response #19:**

EPA is proposing to purchase only the eight homes as part of this interim action. As stated above in Responses #3 and #12, CERCLA does not give EPA the authority to compensate for monetary loss.

**Comment #20:**

Can the relocated families be offered reduced taxes for returning to their homes?

**Response #20:**

Property taxes are under the jurisdiction of the local government not EPA. The alternatives that were considered by EPA for this Site are those set forth in the Proposed Plan.

**Comment #21:**

One relocated family was ordered back into its home by Judge Punch because the home was not in the splash zone. Why did this family get to choose if it would return or not when several other families had received the same order and returned to their homes?

**Response #21:**

After the January 2002 release, many residents were initially relocated by Diaz Chemical. By the time EPA took over funding of the relocations, only eight families and two tenants were still temporarily relocated, and EPA continued to fund their temporary relocation expenses. It is EPA's understanding that families who were ordered back into their homes by Judge Punch complied with such orders.

**Comment #22:**

Why hasn't EPA/NYSDOH/NYSDEC required other residents to leave the area?

**Response #22:**

As previously stated, EPA's qualitative evaluation of the sample results, including data collected at the residential properties that were sampled, suggests that there are no immediate or short-term threats to human health.

**Comment #23:**

EPA's proposed remedy to purchase eight widely scattered properties near the former Diaz Chemical Facility, if implemented, would constitute an arbitrary and capricious decision on the part of the agency.

**Response #23:**

The decision to relocate the residents that have been temporarily relocated since January 2002 is based on the administrative record and is neither arbitrary nor capricious. EPA has followed a decision-making process based upon CERCLA and the NCP, as well as EPA guidance documents. Future decisions about the Site, as noted above, will also follow this process.

**Comment #24:**

Diaz conducted extensive cleanup at the properties affected by the January 5, 2002 release and the existing data indicate that no further cleanup is necessary.

**Response #24:**

EPA has not yet determined if additional remediation of the properties is warranted. Further investigations are planned to determine if an unacceptable risk, as defined by the NCP, exists and if remedial actions are warranted.

**Comment #25:**

The proposed relocation fails to conform to the requirement stated in the NCP that a remedial action only be selected if the nine criteria (overall protection of human health and the environment; compliance with applicable or relevant and appropriate requirements, long-term effectiveness and



permanence; reduction of toxicity, mobility, and volume through treatment; short-term effectiveness; implement ability; cost; and NYSDEC and community acceptance) for selecting a remedy are met.

**Response #25:**

As stated in the Section 300.430 (e) (9) of the NCP, "A detailed analysis shall be conducted on the limited number of alternatives that represent viable approaches to remedial action after evaluation in the screening stage." Further, that Section states, "The detailed analysis consists of an assessment of individual alternatives against each of nine evaluation criteria and a comparative analysis that focuses upon the relative performance of each alternative against those criteria" (page 9 of the ROD describes the nine evaluation criteria.) The NCP does not require that a remedial alternative only be selected if it meets the nine criteria.

Additionally, as stated in EPA's "A Guide to Preparing Superfund Proposed Plans, Records of Decision, and other Remedy Selection Decision Documents," OSWER 9200.1-23P, when developing an interim action Record of Decision, "The evaluation criteria not relevant to evaluation of interim actions need not be addressed in detail." Therefore, for this interim remedial action, two of the criteria, namely, compliance with applicable or relevant and appropriate requirements and reduction of toxicity, mobility or volume through treatment, were not addressed during the comparative analysis of alternatives.

**Comment #26:**

EPA's decision to purchase the homes of these eight families does not appear to be in keeping with the spirit of EPA's relocation policy because it does not meet the outlined situations where EPA may consider permanent relocation (except the situation where EPA has determined that a temporary relocation is expected to last longer than one year).

**Response #26:**

As stated previously, because residents have been temporarily relocated for more than three years and extended periods of temporary relocation are inconsistent with EPA policy, EPA has decided to purchase the homes and permanently relocate the eight families.

**Comment #27:**

Several commenters were opposed to Alternative 3b, Property Acquisition and Permanent Relocation with demolition of the homes and lot restoration.

**Response #27:**

EPA has not selected this alternative.

**Comment #28:**

Could EPA purchase the eight homes, test them, clean them, and then resell them to new owners?

**Response #28:**

As outlined in the preferred remedy, EPA will maintain the acquired properties until after the RI is completed, a risk assessment is performed and a remedial action selected for the overall Site. The

disposition of the affected homes will be included as part of this remedial action. Pursuant to CERCLA, EPA may only acquire property for a remedial action if the State assures EPA that it will accept transfer of the property following completion of the remedial action, and as stated above in Response #14, the State of New York has assured EPA that it will accept transfer of the titles to these properties after completion of the remedial action for this Site.

**Comment #29:**

All plans to remediate this spill should begin with a comprehensive testing of all homes in the area to ascertain the scope and severity of the problem.

**Response #29:**

As part of the remedial investigation, it is EPA's intention to develop a strategy for comprehensive testing of the homes in the area. This strategy will be presented to the residents of the village for their questions and comments.

**Comment #30:**

If EPA buys the houses they will be assessing them as if they are not located near a Superfund site. What about the rest of the houses? What about when we go to sell our homes and we are near a Superfund site?

**Response #30:**

EPA recognizes that homes located near a Superfund site may have a stigma associated with them that would result in lower property values. It is EPA's intent to address the contamination of the former Diaz Chemical facility and surrounding environs as expeditiously as possible. This process however, will likely take several years, due to the activities that must be performed as stated in Response #2.

One of EPA's primary goals in remediating sites is having them return to productive use. This will ultimately result in the removal of any stigma in the community and allow a return of the true market value of the properties.

**Comment #31:**

Comments were received concerning EPA's planned remedial investigation activities that were outlined at the October 5, 2004 public meeting.

**Response #31:**

These comments will be addressed during the planning stages of the remedial investigation. EPA will hold another public meeting to explain the scope of the investigation.

## **RESPONSE TO COMMENTS FROM THE OCTOBER 5, 2004 PUBLIC MEETING**

On October 5, 2004, EPA held a public meeting in Holley, New York regarding the Diaz Chemical Corporation Site and the proposed plan.

### **Comment #32:**

What criteria were used to determine which houses EPA would purchase.

### **Response #32:**

Please see Responses #2 and #3.

### **Comment #33:**

A tenant in one of the homes in the area who temporarily relocated and then later chose to purchase a home in Orleans County, questioned why she and her immediate family had not been included in the proposed permanent relocation as she experienced the same hardships and expressed her opinion that the house should have been included for purchase.

### **Response #33:**

As stated above in EPA's responses #2 and #3, the proposed permanent relocation only applies to those residents who have been temporarily relocated since January 2002. None of the relocation benefits apply to residents who are not currently temporarily relocated. Regarding other areas in the town which may be affected by contamination from the Diaz Facility, EPA has conducted sampling activities, and will be continuing to evaluate potential long-term risks to public health as part of the RI that will be conducted for the Site.

### **Comment #34:**

A resident explained that the night the initial emergency occurred, she was advised by the fire department to stay indoors. She was unaware that a relocation offer had been made until two and a half weeks later. She stressed that there was a need to assist families who could not easily relocate at the time of the emergency and requested that she be kept informed of future activities.

### **Response #34:**

The relocation was done first voluntarily by Diaz Chemical, then by Diaz Chemical pursuant to a court order, and finally is being funded by EPA. EPA has been at the Diaz Facility performing response activities since June 2003, and EPA's activities at the Site are on-going. EPA has a contact/mailling list for the Site, and this resident is now on the list.

### **Comment #35:**

Are the elevated levels of metals found in water samples within acceptable guidelines?

### **Response #35:**

Metals were detected in two types of water samples. One was groundwater samples on the Diaz facility which led to the installation of a treatment system and the other was surface water samples from a creek adjacent to the Diaz Chemical facility. The levels detected were not elevated enough

to trigger an emergency response, but they were higher than the concentrations detected in the background samples. Further testing will be conducted during the RI to determine if the contaminant levels pose a long-term risk to public health and the environment.

**Comment #36:**

Commenters living in a home within 100 feet of the Diaz plant complained that they had unknowingly purchased a home that required a filtration system under a DEC ROD in 2002. Prior to the purchase someone had removed the system and the commenter indicated there were problems encountered in trying to contact the proper agency and persons who could help. The commenter questioned why the 2002 ROD was not being enforced. Even though EPA had installed a new filtration system, the commenters do not feel safe and have concerns about their children's health. The commenter thinks EPA should purchase more than just the eight designated houses and clean up the community as a whole. The other commenter also spoke separately insisting that since EPA had installed a new filter, the agency had assumed the obligations of the DEC ROD of 2002. The commenter also requested a letter from EPA stating that his children would be safe in the house. The same commenters also questioned whether EPA would honor the EPA ROD since DEC had not honored theirs. They also questioned why there was a filter system in their house if there wasn't any potential danger.

**Response #36:**

EPA has been at the Diaz Facility performing response activities since June 2003. As soon as EPA learned of this situation, EPA conducted sampling at this residence, and EPA replaced the air filter in this residence, not because of the NYSDEC's ROD, but as a cautionary measure that EPA felt was appropriate. EPA has tested the indoor air in this residence and the levels of the contaminants of potential concern detected were below EPA health-based screening levels. EPA has sent the owners of this residence a letter stating that all concentrations of chemicals associated with the Site that were detected in the home during EPA's sampling were below EPA's health-based screening values. Under CERCLA and the NCP, EPA must and will follow all requirements regarding the writing and implementing of any EPA ROD.

**Comment #37:**

The family who had the filter replaced in their home lived 100 feet downwind from the site and they should also be included with the eight families for permanent relocation.

**Response #37:**

As stated above in Responses #2 and #3, this is an interim remedy, to end the temporary relocations, of families who have been temporarily relocated by EPA from their homes for over three years. This decision is not based on risk or the distance from houses to the Diaz Chemical Facility.

**Comment: #38:**

Is the large number of drums that were at the facility when the EPA began their action within the legal limits of the permits that had been granted to Diaz? Could some of the chemicals at the Site be classified as production material or is it all chemical waste?

**Response #38:**

EPA is currently investigating whether Diaz Chemical was in compliance with the requirements of its permits.

Some of EPA's ongoing activities at the Site involve the removal and disposal of waste materials and chemicals from the Diaz Chemical Facility. When the Diaz Chemical Facility was operating, some materials would have been considered production materials, though with the passage of time, such materials may lose their usefulness. In removing wastes and chemicals from the facility, EPA is segregating these materials to ensure those of value are recycled, if possible.

**Comment #39:**

Will the government go through legal procedures to recover all costs incurred at the site? It was noted that previous court documents show that Thomas Jenning has been billed by EPA for \$600,000, and the commenter wanted to know if payment has been received.

**Response #39:**

It is believed that this comment refers to Theodore Jenney, the former Chairman of the Board and Chief Executive Officer of Diaz Chemical Corporation. EPA has not issued such a bill to Mr. Jenney, however, the commenter may be referring to the proof of claim filed by the United States in the Diaz Chemical Corporation bankruptcy action, which asserted a general unsecured claim in the amount of \$615,527.11. EPA is evaluating whether any viable potentially responsible parties exist from which EPA could recover costs it has incurred at the Site.

**Comment #40:**

One of the temporarily relocated residents expressed her concern about health risks and subsequent illness that may occur in her family. She expressed her concerns that other families that had not been offered relocation were told by EPA that the chemical concentrations in their homes were within acceptable limits.

**Response #40:**

As stated above in Response #4, EPA's qualitative evaluation of the sample results, including data collected at the residential properties that were sampled, suggests that there are no immediate or short-term threats to human health.

EPA also offered to meet with this individual to discuss her concerns.

**Comment #41:**

A resident indicated that her home had been sold to her without proper disclosure about the situation. Would homes that the government purchases be sold without disclosing the truth about the properties?

**Response #41:**

As previously stated in Responses #2, #14, and #28, the property acquisition and permanent relocation of the displaced residents is an interim remedy, to be followed by further studies and the

selection of a remedial action for the overall Site. The disposition of the affected homes will be included as part of the final remedial action. Pursuant to CERCLA, EPA may only acquire property for a remedial action if the State assures EPA that it will accept transfer of the . property following completion of the remedial action, and the State of New York has assured EPA that it will accept transfer of the titles to these properties after completion of the remedial action for this Site. All appropriate information about these properties, including all sampling results, will be publicly available before these properties will be sold.

**Comment #42:**

One individual requested a summary of the purchasing process of the eight homes, including appraisals, closing costs, and what the time frame would be.

**Response #42:**

The process of purchasing the eight homes will begin after the ROD is signed. EPA plans to use the United States Army Corps of Engineers (ACE) to facilitate the acquisition of properties and permanent relocation of the owner-occupants. Representatives of ACE and EPA have already provided the eight residents with preliminary information regarding the acquisition and relocation process.

The first two steps to be completed are appraisal reports and preliminary title reports for the eight properties. Appraisals will be based upon fair market value as if the homes were presently lived in and were not part of a Superfund site. These two steps must be completed prior to offers to sell being presented to the owner-occupants. A market survey to determine available housing must also be completed before the purchase and relocation packages will be presented to each of the owner-occupants. Closing costs and moving costs are included in relocation benefits which will be provided to the owner-occupants. Owner-occupants will receive offers for the purchase of their properties as well as relocation packages from ACE in approximately four months from the date the ROD is issued.

**Comment #43:**

Several questions were asked about the Tentatively Identified Compounds (TICs) . How many were found and how will they be identified? How can EPA attest to the safety of homes containing these chemicals?

**Response #43:**

Please see the discussions of TICs on pages 3 and 4 of the Proposed Plan and in EPA's response #2.

As the concentrations of the TICs are not a significant percentage compared to the concentrations of identified chemicals, it is not likely that their identification would change the conclusions of the EPA's qualitative evaluation of the immediate or short-term threats to human health.

**Comment #44:**

After the removal of the chemicals at the facility, will the buildings be demolished if they are contaminated? Could contamination below the concrete foundations of the buildings be detected?

**Response #44:**

As part of efforts to stabilize the Diaz facility and remove hazardous wastes and chemicals, EPA will evaluate if the building structures at the facility are contaminated. If it is discovered that the buildings are contaminated, EPA will then assess whether they can be effectively decontaminated or need to be demolished and have the debris removed from the Site.

EPA will also evaluate whether demolition is necessary to characterize any contamination that may be beneath the structures and to remediate this contamination if necessary. There are sampling protocols and equipment available to characterize contamination that may be below building slabs and foundations.

**Comment #45:**

A resident stated that over the years the site had been used by a number of industrial companies and that it was her understanding that there was another water source below the surface connected to the Barge Canal. She wanted to know if EPA was aware of it and could it be a source of contamination.

**Response #45:**

EPA welcomes any information about the history of the site. EPA will investigate the history of the site and explore aerial photographs taken over the years to gain as much information as possible to address the extent of the contamination and any potential pathway leaving the site that contamination could follow.

**Comment: #46:**

Will EPA address properties of residents who have not been displaced even though these properties may have suffered contamination, what criteria would be used to evaluate those properties, what type of remedial action will be taken, and when the decision would be made concerning the properties of persons who were not displaced?

**Response #46:**

Please see Response #2. EPA will evaluate other properties near the Diaz Chemical Facility.

**Comment #47:**

A resident has a monitoring well near his property that he wants tested when EPA tests the groundwater.

**Response #47:**

It is the agency's intention to sample all the available monitoring wells.

## **Appendix A**

### **September 2004 Proposed Plan**



# Diaz Chemical Corporation Site

Village of Holley, Orleans County, New York

September 2004



## MARK YOUR CALENDAR

**September 13 through October 13, 2004:** Public comment period on the Proposed Plan.

**October 5, 2004 at 7:00 PM:** Public meeting at the Holley Elementary School, 3800 North Main Street, Holley, NY 14470

## COMMUNITY ROLE IN SELECTION PROCESS

EPA and NYSDEC rely on public input to ensure that the concerns of the community are considered in selecting an effective remedy for each Superfund site. To this end, the Diaz Chemical Corporation Site's Focused Feasibility Study (FFS) and other investigative reports along with this Proposed Plan have been made available to the public for a public comment period which begins on September 13, 2004 and concludes on October 13, 2004.

A public meeting will be held during the public comment period at the Holley Elementary School, 3800 North Main Street, Holley, NY 14470 on October 5, 2004 at 7:00 PM to present the conclusions of the FFS, to discuss the preferred remedy, and to receive public comments on the preferred remedy.

Comments received at the public meeting, as well as written comments, will be documented in the Responsive-

## PURPOSE OF PROPOSED PLAN

This Proposed Plan describes the remedial alternatives considered for the first remedial action at the Diaz Chemical Corporation Site (Site). It addresses a remedy for the residents who have been temporarily relocated from their homes. The Proposed Plan identifies the preferred remedial alternative along with the rationale for this preference. The Proposed Plan was developed by the U.S. Environmental Protection Agency (EPA) in consultation with the New York State Department of Environmental Conservation (NYSDEC). The preferred remedial alternative proposed in this plan would protect human health and the environment.

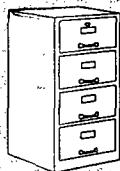
This Proposed Plan is being provided as a supplement to the Focused Feasibility Study (FFS) report to inform the public of EPA and NYSDEC's preferred remedy and to solicit public comments pertaining to all the remedial alternatives evaluated, including the preferred alternative. Section 117(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, and Section 300.430(f) of the National Oil & Hazardous Substance Pollution Contingency Plan (NCP) require EPA to solicit public comments on proposed plans. The alternatives summarized here are more fully described in the FFS report contained in the Administrative Record file for the Site.

As its preferred remedy, EPA is proposing to acquire the properties of the homeowners who have been living in temporary quarters since January 2002 and permanently relocate them. The acquired residences would be maintained for a period of time until the remedy selection process is completed for the overall Site. The disposition of the affected homes will be included as part of the remedy.

The remedy described in this Proposed Plan is the *preferred* remedy for the first remedial action at the Site. Changes to the preferred remedy or a change from the preferred remedy to another remedy may be made if public comments or additional data indicate that such a change will result in a more appropriate remedial action. The final decision regarding the selected remedy will be made after EPA has taken into consideration all public comments. EPA is soliciting public comment on all of the alternatives considered in the FFS report because EPA and NYSDEC may select a remedy other than the preferred remedy.

ness Summary section of the Record of Decision (ROD), the document which formalizes the selection of the remedy.

The administrative record file, which contains the information upon which the selection of the response action will be based, is available at the following locations:



Community Free Library  
86 Public Square  
Holley, NY 14470  
(585) 638-6987  
Attention: Claire Franek

Hours: Monday-Friday 10 am - 1 pm & 4 pm - 8 pm  
Saturday, Sunday CLOSED

USEPA-Region II  
Superfund Records Center  
290 Broadway, 18th Floor  
New York, NY 10007-1866  
(212) 637-4308

Hours: Monday-Friday 9 am - 5 pm

Written comments on this Proposed Plan should be addressed to:

John DiMartino  
Project Manager  
New York Remediation Branch  
Emergency and Remedial Response Division  
United States Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866

Telefax: (212) 637-4284  
Internet: dimartino.john@epa.gov

#### SCOPE AND ROLE OF ACTION

Site remedial activities are sometimes segregated into different phases, or operable units, so that remediation of different environmental media or areas of a site proceed separately in an expeditious manner. EPA has designated two operable units (OUs) for this Site.

The first operable unit (OU1) of work for the Site involves the relocation of the homeowners and tenants who have been living in temporary quarters since January 2002. The primary objective of the remedial action described in this Proposed Plan is to end the unreasonable hardship experienced by the residents who continue to be temporarily relocated from their homes for an extended period of time. The remedial activities involve property acquisition and permanent relocation.

The second operable unit (OU2) of site remediation will address contamination of the former Diaz Chemical facility and surrounding environs. This will include a Remedial Investigation/Feasibility Study (RI/FS). This comprehensive, long-term study will be performed to identify the nature and extent of contamination at the Site and to develop and evaluate potential remedial alternatives to address this contamination.

#### SITE BACKGROUND

##### Site Description

The Diaz Chemical Corporation Site (see Figure 1) is located at 40 Jackson Street, Village of Holley, Orleans County, New York on an approximately 5-acre parcel of land. The Site is bounded on the north and east by residential parcels on Jackson Street and South Main Street. To the south and west, it is bordered by Conrail railroad tracks, and beyond that by undeveloped land and a group of buildings that are now vacant. The Diaz Chemical plant is located about 25 miles west of Rochester and 50 miles east of Buffalo.

The Site was initially developed as an industrial plant in the 1890s and was used primarily for tomato processing and cider vinegar production before being purchased by Diaz Chemical in 1974. Diaz Chemical Corporation was a manufacturer of specialty organic intermediates for the agricultural, pharmaceutical, photographic, color and dye, and personal care products industries. The Diaz Chemical product line varied over the years of operation but primarily consisted of halogenated aromatic compounds and substituted benzotrifluorides. Diaz Chemical used the facility from 1974 until it ceased operations on June 23, 2003. The facility employed 35 to 50 people, depending on the site operations. Diaz Chemical filed for bankruptcy and abandoned the facility in June 2003, leaving behind large volumes of chemicals in drums and tanks. At that time, EPA's Response and Prevention Branch mobilized to the Site and began performing response activities there, including providing site security and stabilizing the Site. A large portion of these efforts involve shipping containers off-site for appropriate re-use and/or disposal.

##### Site History

Diaz Chemical Corporation has a long history of spills, releases and discharges of various materials to the environment that dates back to 1975. A nitric and sulfuric acid release in 1977 caused eye and skin irritation in affected residents. Other compounds that were spilled to the ground or released to the air between 1977 and 1999 included the herbicides lactofen and trifluralin, nitrogen, potassium hydroxide, methanol, tetraethyl ammonium bromide, bromoacetophenone, dimethyl sulfoxide gas, ethyl chloropropane, bromine, hexane, process water and sludge, triethylamine, acetic anhydride, acetic acid, para-

chlorobenzotrifluoride (PCBTF), ferric chloride anhydrous, dichlorobenzotrifluoride, dibromobenzene, and 3,4-dimethoxytoluene.

In 1992, the Site was added to the New York State Registry of Inactive Hazardous Waste Disposal Sites as a Class 2 Site because of groundwater contamination. This classification means that contaminants at the Site present a significant threat to public health or the environment for which action is required. From 1994 to 1999, Diaz Chemical conducted a six-phase RI/FS for the Site and NYSDEC issued a ROD in March 2002 for the Diaz Chemical facility. Diaz Chemical installed a groundwater pump-and-treat system to address the groundwater contamination at the Site. Due to Diaz's bankruptcy, EPA is currently maintaining the groundwater treatment system.

An accidental air release occurred on January 5, 2002 when a reactor vessel in a process building overheated, causing its safety valve to rupture and release approximately 75 gallons of a chemical mixture through a roof stack vent. The release consisted primarily of a mixture of water (steam), toluene, 2-chloro-6-fluorophenol (CFP), and related phenolic compounds. The splash zone for the release extended northeast from the facility into the neighboring residential community. The mixture landed on homes and properties in the neighborhood immediately adjacent to the facility, and was visible as red-colored droplets on homes. Odor complaints were received from as far as approximately 12 miles from the facility. Soon after the release, people complained of acute health affects such as sore throats, headaches, eye irritation, nosebleeds, and skin rashes. As a result of the release, families and tenants relocated from their homes in the neighborhood to area hotels with assistance from Diaz.

In March 2002, Diaz Chemical decided to cease payment for the relocations of the residents. The State of New York obtained a court order that required Diaz Chemical to continue to fund the relocations until an appropriate environmental and health assessment was performed for the affected neighborhood. In May 2002, Diaz stated that it could no longer pay for the continued relocations. At that time, the NYS Attorney General's Office requested that EPA take a removal action to assume the lead for the temporary relocations. On May 16, 2002, EPA, under its removal authority, assumed responsibility for the relocation expenses of the residents who remained relocated at that time. EPA then initiated a preliminary assessment of the affected neighborhood and performed sampling of air, soil, interior surfaces and household items.

In June 2003, Diaz Chemical filed for bankruptcy and abandoned the facility. EPA mobilized to the Site and began providing 24-hour security at the facility to prevent public access. EPA is maintaining the continued operation of a groundwater pump-and-treat system at the facility which provides treatment and containment of a subsurface plume of chemical contamination which impacts groundwater,

including that of nearby residential properties. EPA is continuing to fund the temporary relocation of eight families and two tenants. To date, EPA has shipped nearly 2,500 drums and over 51,000 gallons of hazardous wastes off-site for re-use and/or disposal.

As part of EPA's initial assessment of the affected neighborhood, environmental media (surface soil, indoor air and interior surfaces) and certain household substances (dust and insulation) were sampled for the analytical parameters identified on the target analyte list/target compound list (TAL/TCL). This list is comprised of approximately 185 chemicals routinely found at Superfund sites. In addition to this list of chemicals, these analyses are able to also report other chemicals, known as Tentatively Identified Compounds (TICs). TICs are those chemicals for which the identity and/or the concentration of the chemical is unknown or suspect. Although the standard analytical procedures can positively identify only those organic chemicals on the TCL, the analysis may also indicate the presence of other organics which are not on the TCL but are present as peaks on the analytical spectra. As part of the contract laboratory program (CLP), the laboratory must make an effort to identify the highest peaks for volatile organic compounds (VOCs) and semi-volatile organics (SVOCs) using computerized searches to match these peaks to those of known chemicals. When a match is made, or a likely match is identified, the TIC is named. However, there is a high degree of uncertainty in this process.

Additionally, the CLP allows for a rough estimate of the concentration of each TIC. As with the identification of the TIC, there is much uncertainty associated with the concentration, with the actual concentration possibly significantly higher or lower than the estimated value.

Characterization of the types and concentration levels of the chemical contaminants found at the Site, as well as estimates of the risks associated with these contaminants, presents technical challenges due to several factors. One is the lack of toxicological risk data for CFP. CFP is a specialty chemical that is an intermediate used in production of other chemicals and pharmaceuticals. Another factor is the multitude of TICs discovered during the different sampling events. Due to the uncertainty with both the identity and the concentration of the TICs, it is difficult to quantify cancer risks and noncancer hazards associated with exposure to these unknown organic chemicals.

However, as EPA conducts the comprehensive remedial investigation of the Site and its environs, steps will be taken to reduce these uncertainties. First, special analytical methods will be used that would be more likely to positively identify the organic compounds and their concentrations. These methods would use different analytical standards and allow for the necessary quality assurance/quality control (QA/QC) protocols to be followed. Once the identity and the concentration of the chemicals have been established with

a high level of confidence, then the toxicity of the chemicals can be evaluated. However, these processes, which are necessary to reduce the uncertainty associated with the TICs, require a high level of research and experimentation. Therefore, it may be several years before the necessary information is collected and evaluated so that the cancer risks and noncancer hazards can be quantified.

These relocations were not initiated by EPA. EPA was asked to take over the funding of the relocations at an early stage of our involvement at the Site when we had little information regarding the risks. At the time, EPA took the prudent course of action in continuing the temporary relocations. Now, however, EPA needs to address the fact that these temporary relocations have continued for more than 2 ½ years.

A Hazard Ranking System (HRS) Report was prepared for the Diaz Chemical Corporation Site in February 2004. The HRS Report is a prerequisite for adding a site to the National Priorities List (NPL), a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories. The NPL is intended primarily to guide the EPA in determining which sites warrant further investigation. The Site was formally placed on the NPL on July 22, 2004.

#### REMEDIAL ACTION OBJECTIVES

Remedial action objectives (RAOs) are specific goals to protect human health and the environment. These objectives are based on available information and standards such as applicable or relevant and appropriate requirements (ARARs).

The RAOs developed for this site are based on EPA's "Interim Policy on the Use of Permanent Relocations as Part of Superfund Remedial Actions," OSWER Directive, 9355.0 - 71P, which provides EPA regional offices with direction on when to consider a permanent relocation as part of a Superfund remedial action. The policy states, "Permanent relocation may be considered when an alternative under evaluation includes a temporary relocation expected to last longer than one year. A lengthy temporary relocation may not be acceptable to the community. Further, when viewed in light of the balancing of tradeoffs between alternatives, the temporary relocation remedy may not be practicable, nor meet the statutory requirement to be cost-effective." EPA has further documented this policy in "Superfund Response Actions: Temporary Relocations Implementation Guidance" OSWER Directive 9230.0-97.

The Department of Transportation /Federal Highway Administration (DOT/FHWA) is the lead agency for the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) of 1970 (42 U.S.C. 4601 et seq.) and its implementing regulations at 40 CFR 4.1 et seq.

The URA was enacted to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally-assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally-assisted programs.

DOT/FHWA was contacted to determine their interpretation of the intent of the URA as it pertains to the acceptable duration of a temporary relocation and EPA received the following response: "To prevent persons forced to move by Federal or federally-assisted projects from suffering 'disproportionate injuries,' persons should generally not be relocated for more than one year. After that time, any such temporarily relocated person should generally be offered permanent relocation assistance and benefits provided by the URA. This view is shared by the Agency for Housing and Urban Development (HUD) and other affected Federal agencies."

In consideration of the above, the following remedial action objectives were established for the Site:

1. For the undetermined additional period of time while further site characterization proceeds, to reduce or eliminate the unreasonable hardship experienced by the eight families and two tenants who have already been temporarily relocated from their homes for more than 2 ½ years.
2. Achieve consistency with EPA policy that says a permanent relocation should be considered when owners are, or expected to be, temporarily relocated for more than 1 year (for tenants, temporarily relocated for more than 6 months).

#### Summary of Remedial Alternatives

CERCLA requires that each selected remedy be protective of human health and the environment, be cost-effective, comply with other statutory laws, and utilize permanent solutions and alternative treatment technologies and resource recovery alternatives to the maximum extent practicable. In addition, the statute includes a preference for the use of treatment as a principal element for the reduction of toxicity, mobility, or volume of the hazardous substances.

The remedial alternatives developed to address the temporary relocations of the displaced residents are presented below.

**ALTERNATIVE 1: No Action**

Capital Cost:	\$156,000
Annual O & M Cost:	\$0
Implementation Time:	6 months
Present-worth Cost:	\$156,000

The Superfund program requires that the "No Action" Alternative be considered as a baseline level against which other remedial technologies and alternatives can be compared.

The No Action Alternative includes discontinuing the EPA funding for the temporary relocations of the displaced families and tenants. The families and tenants would be able to move back into their original residences or into new residences. EPA would pay moving costs, provide start-up money (i.e. money for utility hook-ups, grocery shopping, etc.), and provide a temporary relocation rental payment for each family and tenant until they found a replacement residence. It is estimated that it would take up to 6 months to implement this alternative. This alternative does not include any physical remedial measures. EPA would still perform a long-term, comprehensive RI/FS for the overall Site.

**ALTERNATIVE 2: Continuation of the Temporary Relocation Situation**

Capital Cost:	\$25,500
Annual O&M Cost:	\$189,400
Implementation Time:	3 months
Present-worth Cost for a 5-year period (at a discount factor of 7%):	\$802,000

Under this alternative, EPA would continue the current temporary relocation situation for the eight displaced families until the completion of the RI/FS and the remedy selection process for the overall Site. The two displaced tenants would be eligible for relocation benefits and a temporary relocation rental payment until they found a replacement rental. It is estimated that it would take up to 3 months to assist the tenants in finding a replacement rental.

As discussed above, due to the complex nature of the Site, it is difficult for EPA to predict a schedule for characterizing the chemical contamination associated with the Site and estimating the risk that is posed by this contamination. Consequently, the displaced families would continue to be temporarily relocated for an uncertain period of time while these tasks are completed. In order to calculate cost estimates for this alternative, a 5-year time period was used for the length of the continued temporary relocation.

**ALTERNATIVE 3: Property Acquisition and Permanent Relocation**

<i>a. Property Maintenance</i>	
Capital Cost:	\$1,084,100
Annual O&M Cost:	\$50,500
Implementation Time:	3 months
Present-worth Cost for a 1-year period	\$1,135,000
Present-worth Cost for a 5-year period (at a discount factor of 7%):	\$1,291,000

<i>b. Demolition/Lot Restoration</i>	
Capital Cost:	\$1,554,000
Annual O&M Cost:	\$0
Implementation Time:	3 months
Present-worth Cost:	\$1,554,000

Under this alternative, EPA would acquire the eight properties of the displaced residents and permanently relocate them. Two displaced tenants would be eligible for relocation benefits. The U.S. Army Corps of Engineers (USACE) would act as EPA's agent in acquiring the properties under an Interagency Agreement. Acquisitions would be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) as amended, 42 U.S.C. 4601 et seq., any relevant regulations promulgated thereunder, and relevant EPA policies and guidance.

Permanent relocation projects are carried out in two phases: property acquisition, in which residents are compensated for the value of real property which is being acquired, and relocation assistance, in which residents are assisted in identifying and moving into replacement residences. EPA would provide a temporary relocation rental payment for each family and tenant until they found a replacement residence. It is estimated that it would take 3 months to implement this alternative.

Included in this alternative are two options: (a) property maintenance, where the properties would be maintained by the USACE and the residences secured with alarms until the completion of the RI/FS and the remedy selection process for the overall Site, or (b) demolition/lot restoration, where the homes would be demolished and disposed of off-site at a general construction landfill, the lots restored with fill material and the property hydroseeded. After the completion of the remedial action for the Site, the titles of the acquired properties will be transferred to the New York State Department of Environmental Conservation.

As mentioned above for Alternative 2, in order to calculate cost estimates for the property maintenance alternative, a 5-year time period was used for the length of the time the properties would have to be maintained until the remedy selection process is completed.

## EVALUATION OF ALTERNATIVES

During the detailed evaluation of remedial alternatives, each alternative is assessed against nine evaluation criteria, namely overall protection of human health and the environment; compliance with applicable or relevant and appropriate requirements, long-term effectiveness and permanence; reduction of toxicity, mobility, and volume through treatment; short-term effectiveness; implementability; cost; and NYSDEC and community acceptance. The evaluation criteria are described below.

Overall protection of human health and the environment addresses whether or not a remedy provides adequate protection and describes how risks posed through each exposure pathway (based on a reasonable maximum exposure scenario) are eliminated, reduced, or controlled through treatment, engineering controls, or institutional controls.

Compliance with applicable or relevant and appropriate requirements (ARARs) addresses whether or not a remedy would meet all of the applicable or relevant and appropriate requirements of other Federal and State environmental statutes and regulations or provide grounds for invoking a waiver.

Long-term effectiveness and permanence refers to the ability of a remedy to maintain reliable protection of human health and the environment over time, once cleanup goals have been met. It also addresses the magnitude and effectiveness of the measures that may be required to manage the risk posed by treatment residuals and/or untreated wastes.

Reduction of toxicity, mobility, or volume through treatment is the anticipated performance of the treatment technologies, with respect to these parameters, a remedy may employ.

Short-term effectiveness addresses the period of time needed to achieve protection and any adverse impacts on human health and the environment that may be posed during the construction and implementation period until cleanup goals are achieved.

Implementability is the technical and administrative feasibility of a remedy, including the availability of materials and services needed to implement a particular option.

Cost includes estimated capital and operation and maintenance (O&M) costs, and net present worth costs.

State acceptance indicates whether, based on its review of the FFS and Proposed Plan, the State concurs with, opposes, or has no comment on the preferred remedy.

Community acceptance would be assessed in the ROD and refers to the public's general response to the alternatives described in the Proposed Plan and the FFS reports.

## COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES

Since this document will be used to develop an interim Record of Decision, only the criteria relevant to the evaluation of this interim action will be addressed in detail. Therefore, ARARs and reduction of toxicity, mobility or volume will not be discussed as part of the analysis of alternatives.

### Overall Protection of Human Health and the Environment

Alternative 1, No Action, would not address the remedial action objectives established for this Site. Due to the uncertainties with defining the health risks as described above, EPA cannot say if this alternative would be protective of human health and the environment.

Alternative 2, continuation of the temporary relocation situation, would be protective of human health because through continuing the temporary relocations any potential exposure pathways for the residents would be eliminated.

Under both options of Alternative 3, property acquisition and permanent relocation, the affected homes of the relocated residents would be acquired by EPA and the residents would be permanently relocated to new homes. This alternative would be protective of human health because through permanent relocation, any potential exposure pathways would be eliminated.

### Compliance with ARARs

There are no ARARs triggered by the alternatives and as stated above, only the criteria relevant to the evaluation of this interim action will be addressed.

### Long-Term Effectiveness and Permanence

Because the risks have not yet been defined, EPA cannot say that Alternative 1, no action, would be effective in the long term for protecting human health. Alternative 1 would be consistent with EPA policy that recommends limiting the duration of temporary relocation.

Alternative 2, continuation of the temporary relocation situation, may be effective at separating residents from any potential exposure pathway but will not achieve the remedial action objective of reducing or eliminating the cost to the Government and the unreasonable hardship of a long-term temporary relocation. Further, Alternative 2 would be inconsistent with EPA's policy on permanent relocations as part of Superfund remedial actions.

Both options of Alternative 3, property acquisition and permanent relocation, would be effective in the long-term at protecting human health and would be consistent with EPA's policy on permanent relocations as part of Superfund remedial actions.

#### Reduction of Toxicity, Mobility, or Volume through Treatment

This criterion is not relevant to the evaluation of this interim action.

#### Short-Term Effectiveness

At this time, EPA does not yet have enough information to determine that returning residents to their homes would be protective in the short-term. Therefore, Alternative 1 would be deemed to be ineffective in the short-term. Alternatives 2 and 3 would be effective in the short-term at protecting human health since residents would not be exposed to any potential contamination.

#### Implementability

All three alternatives are implementable. Before Alternative 1 can be implemented, repairs may need to be made to the housing that has been unoccupied for more than 2 ½ years. There is enough rental housing available to continue the temporary relocation that is the basis of Alternative 2. In order to implement Alternative 3, the State would need to agree to accept title of the property as required by CERCLA 104(j), and there would need to be comparable housing immediately available in or near the community as required by 49 CFR 24.204(a). EPA has the State's assurance that title will be accepted and USACE has done an initial assessment and determined that there is a reasonable expectation that comparable housing will be available.

#### Cost

The present-worth costs are calculated using a discount factor of seven percent and a 5-year time period for operation and maintenance costs in Alternatives 2 and 3. The estimated capital, operation and maintenance (O&M) and present-worth costs for each of the alternatives are presented below:

Alt.	Capital Cost	Annual O&M Cost	Present-Worth Cost
Alt-1	\$156,000	\$0	\$156,000
Alt-2	\$25,500	\$189,400	\$802,000
Alt-3a	\$1,084,100	\$50,500	\$1,291,000
Alt-3b	\$1,554,000	\$0	\$1,554,000

As can be seen by the cost estimates, Alternative 1 would be the least costly alternative to implement. Alternative 3b would be the most costly alternative to implement.

#### State Acceptance

NYSDEC concurs with the preferred alternative.

#### Community Acceptance

Community acceptance of the preferred alternative will be assessed in the ROD following review of the public comments received on the RI/FS reports and the Proposed Plan.

#### PREFERRED ALTERNATIVE

Based upon the results of the FFS and after careful evaluation of the various alternatives, EPA and NYSDEC recommend Alternative 3a, Property Acquisition and Permanent Relocation with Property Maintenance, as the preferred alternative.

Alternative 2 and Alternative 3 would be protective of human health by eliminating any potential pathway of human exposure to possible contamination in their old residences. However, EPA believes that Alternative 3 is preferable to Alternative 2 because of several factors cited in EPA's policy, "Superfund Response Actions: Temporary Relocations Implementation Guidance", OSWER Directive 9230.0-97. These factors include project length (i.e. the period of time the residents would be displaced), disruption of residents' lives, the wishes of the residents, and the willingness of the state to accept title to the acquired properties and provide a cost share.

While the projected cost of property acquisition/permanent relocation is higher than continuing the temporary relocation, EPA considered the balance between the cost difference and the unreasonable hardship of extending the temporary relocation, the uncertainty of when a final decision can be made and the possibility that a final remedial action (after potentially five more years of temporary relocation) may be to acquire the properties and permanently relocate these residents anyway.

EPA and NYSDEC are not proposing to implement Alternative 3b because they believe that it is advisable to maintain the homes until some point in the future when an investigation is undertaken on the TICs, a risk assessment performed, and a remedial action selected for the overall Site. At that point, more information would be available to determine what course of action should be taken regarding the disposition of the homes.

The residents relocated from their homes before EPA was involved at this Site. EPA was asked to assume responsibility for their relocation expenses before the risks posed by the Site were fully understood. EPA believes it

took a prudent course of action by continuing the temporary relocation. Now, EPA and NYSDEC need to address the fact that the temporary relocation has continued for over two years. Extended periods of temporary relocation are inconsistent with EPA's policy and pose a hardship for the families involved. Therefore, EPA and NYSDEC believe that this preferred alternative is the correct course of action.

The preferred alternative would provide the best balance of trade-offs among alternatives with respect to the evaluation criteria. EPA and NYSDEC believe that the Preferred Alternative would be protective of human health and the environment and would be cost-effective.



## **Appendix B**

### **Public Notice**

**DON'T MISS THIS CHANCE!!**

The U.S. Environmental Protection Agency (EPA) and New York State Department of Environmental Conservation (NYSDEC) want your comments on the Proposed Plan for property acquisition and permanent relocation of the displaced residents at the Diaz Chemical Corporation Superfund Site.

For information and to provide comments, please plan to attend:

**PUBLIC MEETING**

October 5, 2004  
7:00 pm - 9:00 pm  
Holley Elementary School  
3800 North Main Street  
Holley, NY 14470

This action will focus on the relocation of the homeowners and tenants who have been living in temporary quarters. A focused feasibility study has been conducted at the Site to identify and evaluate remedial alternatives for the displaced residents. A Proposed Plan has been issued outlining EPA's preferred remedy for the Site. The remedy is to acquire the properties of the homeowners and permanently relocate them.

Copies of the Proposed Plan are available at the Holley Library and EPA offices for anyone to review before and after the meeting.

**REVIEW OF PROPOSED PLAN**

**1** Community Free Library  
86 Public Square  
Holley, NY 14470  
Monday-Friday 10 am - 1 pm  
and 4 pm - 8 pm

**2** USEPA-Region II  
Superfund Records Center  
290 Broadway, 18th Floor  
New York, NY 10007-1866  
Monday-Friday 9 am - 5 pm

**MAIL-IN COMMENTS TO:**

John DiMartino  
U.S. EPA - Region II  
290 Broadway, 20th Floor  
New York, NY 10007



is relying on public input to ensure that the selected remedy for the Diaz Chemical Corporation Site meets the needs and concerns of the local community. Although EPA has selected a preferred plan for the relocation of the displaced residents at the Site, no final decision will be made until EPA considers all public comments received through October 13, 2004.

001515.NA04.01

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## **Appendix C**

### **October 5, 2004 Public Meeting Attendance Sheet**

**DIAZ CHEMICAL - ATTENDANCE**  
Holley Elementary School (Cafetorium)  
3800 N. Main Street, Holley, NY 14470  
October 05, 2004

PLEASE PRINT

NAME	ADDRESS	PHONE #
Ellen Hermee	26 Van Buren St 63	86580
Jerry Baran	" "	" "
Terr McCune	NY 122 625 Broadway ALBANY	518/4079812
GENEVA DEMASCIO	143 Willow Brooke - DR	
Alexi Hinkley	145 Willow Brooke - Dr.	
Gertrude A. Horst	53 South Main St. Holley NY 14470	585-638-5268
BRIAN E. HORST	53 South MAIN ST. Holley NY	585-638-5268
ED APPLEBY	555 ROCK BEACH RD. RACH NY	585-509-2758
Christina Chiara	112 Perry St Holley NY	585-638-4624
Lena J. Mon	17078 Route 31E Holley N.Y.	638-6940
Josephine Schulte	19 Richard St.	638-6725
A. Jean D'Allo	33 So. M. St. Holley	638-8150
Matt Focucci	584 Delaware Ave Buffalo NY	716-847-4385
Paul Cole	Cong. Tom Reynolds Office	663-5570

**DIAZ CHEMICAL – ATTENDANCE**  
Holley Elementary School (Cafetorium)  
3800 N. Main Street, Holley, NY 14470  
October 05, 2004

PLEASE PRINT

NAME	ADDRESS	PHONE#
Alan Knapp	2 State St.	546-8430
Linda Shum	2 State St.	546 8430
Carol Knapp	3882 Bennetts Cor Rd	638/6048
Margie McIntosh		
Dorothy Lind	258 Main	638-6387
Ron Ricciardi	17 Van Buren St.	638-7292
Patty Ann	26 S Main	3959316
Linda White	107 Delaware Ave Buff.	(716) 853-8466
Ray Vaughan	" " "	(716) 853-8478
Sharon Gierzynski	17184 Bkpt. - Holley Rd. Holley	585) 638-0712
Mike Smith	6 Lake Crescent Green, L. Y	
Tom Rivers	Daily News	584-2432
Sharon Lessard	73 Valley View Dr	637-2131
GARY ROULEAU	SENIOR GEORGE MAZURZ OFFICE 60 PROFESSIONAL PKWY LOCKPORT 14694	716 438-0651

**DIAZ CHEMICAL – ATTENDANCE**  
**Holley Elementary School (Cafetorium)**  
**3800 N. Main Street, Holley, NY 14470**  
**October 05, 2004**

PLEASE PRINT

NAME	ADDRESS	PHONE#
Andrew Saul	8 Van Buren St. Holley, NY 14470	638-5357
Kathy Randy Quarantello	10 Van Buren St. Holley 14470	638-7453
Paul + Tara Hurdle		637-6775
Francis + Anita Trupia	27 So Main St. HOLLEY, NY 14470	585-395-9987
Mary C. Ahl	14 Van Buren St HOLLEY N.Y. 14470	585-638-6029
Kate Danna	Medina-Danna	
Mary Ellen Miles	3470 Hindsburg Rd Albion, NY 14411	585-589-5489
Ruth Anne and Leo Kuhn	16 Jackson St	585-638-7726
Lewis + Marsha DeFilippo	197 Main	585-638-8188
Kurt Thuras	27 S. Main St	
Korbin	31 S. Main	638-8873
Roxanne Hu	St	12
Robert + Steve Schuback	28 Van Buren St.	unlisted

**DIAZ CHEMICAL - ATTENDANCE**  
Holley Elementary School (Cafetorium)  
3800 N. Main Street, Holley, NY 14470  
October 05, 2004

PLEASE PRINT

NAME	ADDRESS	PHONE#
Joan L. Ahl	14 Van Buren St. Holley Ny 14470	585-638-6029
Debra J. Walls	16654 Rte 31 Holley NY 14470	585 638 4052
Richard - Diana Flow	5248 upper Holley Rd. Holley	638-5198
K. Glow-Larry	276 Elm Grove Rd Roch NY 14624	227-6357
Linda Bernays	155 Utica St Brockport	637-5256
Janet Bernays	8 Jackson St Holley	638-5539
Kim Bennett	1819 Adams Way Jamison	265 343 1237
M. W. Lawrence	15 1/2 E. Albion St. Holley 1819 29	638-7038
Mrs Mrs Louis Sever	71 East Ave Holley	638-3322
John W Kenney	75 East Ave Holley, NY 14470	638-5144
Angie Lusk	40 S. Main Holley	638-6628
Elon Ashton	43 JACSON ST 3940 Lake Rd 1611A	638-8789
Rick Staropoli	300 Linden Oaks	654-6824

**DIAZ CHEMICAL – ATTENDANCE**  
Holley Elementary School (Cafetorium)  
3800 N. Main Street, Holley, NY 14470  
October 05, 2004

PLEASE PRINT

NAME	ADDRESS	PHONE#
PICARD, Nanni	74 STATE ST - Holley	638-6258
ANDERSON	15 VAN BUREN ST HOLLEY	
Sarah Anderson	100 State St 2m 3280 Rockport-14613	263-6250
Richard Bernadette Catlin		
John Heise	16 N. Main St.	638-5432
Dan	56 So. Main	
Kevin Tedard		
Luby Miller		
Oscar Miller	82 PUBLIC SQ	637-5855
Tracy Probst	63 W. ALBION ST, HOLLEY	635-0542
Warren McFarlane	17233 Rt. 31 Holley	
Ken Pike	4079 LAKE RD., BROCKPORT	395-9080



**DIAZ CHEMICAL – ATTENDANCE**  
Holley Elementary School (Cafetorium)  
3800 N. Main Street, Holley, NY 14470  
October 05, 2004

PLEASE PRINT

NAME	ADDRESS	PHONE #
Tracy Hinkley	4791 Bennetts Corners Rd Holley NY	638-7251
Bill Murphy	9814 ALPHEA ST	638-6060

## **Appendix D**

### **Letters and Emails Submitted during the Public Comment Period**

September 26, 2004

John DiMartino  
Project Manager  
New York Remediation Branch  
Emergency and Remedial Response Division  
United States Environmental Protection Agency  
290 Broadway, 20th Floor  
New York, NY 10007-1866

Dear Mr. DiMartino:

**RE: Superfund Proposed Plan**

- **ALTERNATIVE 3: Property Acquisition & Permanent Relocation \*\* Preferred \*\***
- **ALTERNATIVE 2: Continuation of the Temporary Relocation Situation**
- **ALTERNATIVE 1: No Action**

This letter is in support of ALTERNATIVE 3 of the Superfund Proposed Plan concerning the Diaz Chemical Site located in Holley, NY. It is important for the residents of this small community to find closure in this long, tedious process. I encourage your office to implement the Property Acquisition & Permanent Relocation of the Holley residents (**Alternative 3 of the Superfund Proposed Plan**).

In reference to the other two Alternative Plans, neither are acceptable solutions to the continuing problems these displaced residents incur every single day. These residents are not allowed to enjoy their lives any longer. They spend their days wondering what will happen to them and their property and personal effects. Again, I encourage you to make the right decision. Many of these people live with disruption and a loss of stability because of this chemical spill and it is time to give these residents a sense of closure to this matter. Please consider **Alternative 3 of the Superfund Proposed Plan** as the only solution to this senseless tragedy.

Thank you for your valuable time and consideration in this matter. You have the power to correct a very erroneous situation and to help people continue with their lives. I appreciate this solution as being the correct choice.

Sincerely,

Elizabeth A. Cune (Signature)

6 Peach Blossom Rd (Address)

Hilton, NY 14468 (City, State, ZIP)

September 26, 2004

John DiMartino  
Project Manager  
New York Remediation Branch  
Emergency and Remedial Response Division  
United States Environmental Protection Agency  
290 Broadway, 20th Floor  
New York, NY 10007-1866

Dear Mr. DiMartino:

**RE: Superfund Proposed Plan**

- **ALTERNATIVE 3: Property Acquisition & Permanent Relocation \*\* Preferred \*\***
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- **ALTERNATIVE 1: No Action**

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In reference to the other two Alternative Plans, neither are acceptable solutions to the continuing problems these displaced residents incur every single day. These residents are not allowed to enjoy their lives any longer. They spend their days wondering what will happen to them and their property and personal effects. Again, I encourage you to make the right decision. Many of these people live with disruption and a loss of stability because of this chemical spill and it is time to give these residents a sense of closure to this matter. Please consider **Alternative 3 of the Superfund Proposed Plan** as the only solution to this senseless tragedy.

Thank you for your valuable time and consideration in this matter. You have the power to correct a very erroneous situation and to help people continue with their lives. I appreciate this solution as being the correct choice.

Sincerely,

Dianne Madore (Signature)

2468 Kendall NY (Address)

Kendall, N.Y. 1476 (City, State, ZIP)



"Andrew W. Saul"  
<drsaul@doctoryourse  
lf.com>

10/12/04 08:32 PM

To: John DiMartino/R2/USEPA/US@EPA  
cc: Michael Basile/R2/USEPA/US@EPA, Dennis  
Munhall/R2/USEPA/US@EPA, Dwayne  
Harrington/R2/USEPA/US@EPA  
Subject: Comments to EPA Re: Purchase of Diaz-Contaminated Homes in  
Holley, NY

I would very much appreciate your adding my comments, below, into the record of formal comments on the EPA's Proposed Purchase of Diaz-Contaminated Homes in Holley, NY.

I would also like to know where on the Internet I can see my comments posted, and where I can read the comments of others.

Thank you.

A. Saul

COMMENTS FOR THE RECORD:

EPA'S REASONS FOR BUYOUT

At the October 5, 2004 EPA meeting in Holley, an EPA official indicated that these Holley homes were being bought because people had been out of them for so long, not because the homes are contaminated.

As a Holley resident, I strongly disagree with that statement.

I have personally been to most of these homes. You get ill if you stay inside any one of them for more than a short while. One home is so bad that you can't go in at all; recently, I had negative health effects within 15 minutes of just standing outside the house, on the driveway, near the Diaz-facing side of the property. So did the people I was with, one of whom being the Assistant Attorney General of the State of NY. These homes are definitely contaminated.

Recently (Monday, September 20, 2004) the editors of the Batavia Daily News wrote,

"People need to know risks; moving them is not enough. Diaz has operated since 1973, plunk in the middle of a residential area of Holley . . . It manufactured pesticides and herbicides for agricultural use, and many of the chemicals used were relatively unknown or experimental. (I)t wasn't careful enough with how it handled the dangerous materials it used and manufactured. There were a number of instances over the years where chemicals escaped into the air and wafted through the village. . . That was an eye-opener for anyone who thought state and federal regulations were enforced to keep people safe.

"Resolution may be near for the 10 families whose homes were most contaminated with the 2-chloro-6-fluorophenol. We can't help but wonder, however, how other families nearby are faring. In May, a representative of the Agency for Toxic Substances and Disease Registry said he would try to get funding for a villagewide study. Has that study ever materialized?

"The people living near Diaz don't really know what their risks from exposure to these chemicals are. They need to know how this exposure might affect their health one year or 30 years from now, or if they need not be concerned. Families can move away from a contaminated site, but they can

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never move away from whatever the contamination has done to them. They deserve to know what that is."

It is ridiculous to think that only eight houses were seriously affected by 28 years of Diaz pollution. It is equally ridiculous for the DEC, DOH, or the EPA to try to tell us that "Diaz" chemicals have been detected in your home, but they are within safe limits."

Government testing has been going on for years. So where are the results? For each street in town? For every house in Holley?

Wooden fence lines do not contain 28 years of groundwater and airborne pollution. Take away Diaz' fence, and all Holley is the real Superfund site.

#### RAT POISON

Why didn't EPA fine Diaz when it caught them in the very act of kicking out literally TONS of toxic pollution? The senior EPA officer who actually witnessed and measured this output has confirmed it: 400 pounds per hour of bromo-fluoro-benzene from one Diaz stack alone. Diaz had over TWENTY such stacks; "tons" is no exaggeration.

Bromofluorobenzene is used to make insect killer. It is itself a rat poison. It will kill rats at 1.22 gram per pound. An adult *Rattus norvegicus* weighs about half a pound as an adult. That means that only 0.61 g of bromofluorobenzene will kill a rat. That is about an eighth of a teaspoon.

The people of Holley were, without their knowledge or consent, dosed in rat poison, day after day, week after week. Remember: 400 pounds per hour spewed from just ONE Diaz stack. That is 181,600 grams of bromofluorobenzene,

ENOUGH TO KILL 297,704 RATS.

In just ONE hour. From just ONE Diaz stack.

But Diaz operated day and especially at night. Diaz has over twenty stacks. The Village of Holley, the NY DEC and US EPA did absolutely nothing to stop them.

The very least EPA can do is purchase this first group of Diaz contamination-affected properties, with the understanding that there are more to come.

Andrew W. Saul

NY State Certified Chemistry Teacher

Former Visiting Professor of Health Science, SUNY College at Brockport, NY

Contributing Editor, Journal of Orthomolecular Medicine

September 26, 2004

John DiMartino  
Project Manager  
New York Remediation Branch  
Emergency and Remedial Response Division  
United States Environmental Protection Agency  
290 Broadway, 20th Floor  
New York, NY 10007-1866

Dear Mr. DiMartino:

**RE: Superfund Proposed Plan**

- **ALTERNATIVE 3: Property Acquisition & Permanent Relocation \*\* Preferred \*\***
- **ALTERNATIVE 2: Continuation of the Temporary Relocation Situation**
- **ALTERNATIVE 1: No Action**

This letter is in support of ALTERNATIVE 3 of the Superfund Proposed Plan concerning the Diaz Chemical Site located in Holley, NY. It is important for the residents of this small community to find closure in this long, tedious process. I encourage your office to implement the Property Acquisition & Permanent Relocation of the Holley residents (**Alternative 3 of the Superfund Proposed Plan**).

In reference to the other two Alternative Plans, neither are acceptable solutions to the continuing problems these displaced residents incur every single day. These residents are not allowed to enjoy their lives any longer. They spend their days wondering what will happen to them and their property and personal effects. Again, I encourage you to make the right decision. Many of these people live with disruption and a loss of stability because of this chemical spill and it is time to give these residents a sense of closure to this matter. Please consider **Alternative 3 of the Superfund Proposed Plan** as the only solution to this senseless tragedy.

Thank you for your valuable time and consideration in this matter. You have the power to correct a very erroneous situation and to help people continue with their lives. I appreciate this solution as being the correct choice.

Sincerely,

John Cui (Signature)

2 Peach Blossom Rd<sup>SE</sup> (Address)

Hilton, NY 14468 (City, State, ZIP)

500083

September 26, 2004

John DiMartino  
Project Manager  
New York Remediation Branch  
Emergency and Remedial Response Division  
United States Environmental Protection Agency  
290 Broadway, 20th Floor  
New York, NY 10007-1866

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Sincerely,

 (Signature)

228 BR. ARWOOD (Address)

SCOTT JILLERY 14746 (City, State, ZIP)



September 26, 2004

John DiMartino  
Project Manager  
New York Remediation Branch  
Emergency and Remedial Response Division  
United States Environmental Protection Agency  
290 Broadway, 20th Floor  
New York, NY 10007-1866

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Sincerely,

Katherine Stennis (Signature)

65 Boardman St. (Address)

Rochester NY 14607 (City, State, ZIP)

500085

September 26, 2004

**John DiMartino**  
**Project Manager**  
**New York Remediation Branch**  
**Emergency and Remedial Response Division**  
**United States Environmental Protection Agency**  
**290 Broadway, 20th Floor**  
**New York, NY 10007-1866**

Dear Mr. DiMartino:

**RE: Superfund Proposed Plan**

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Sincerely,

James L. Meyer (Signature)

32 Woodview Dr (Address)

Rochester, NY 14624 (City, State, ZIP)

September 26, 2004

John DiMartino  
Project Manager  
New York Remediation Branch  
Emergency and Remedial Response Division  
United States Environmental Protection Agency  
290 Broadway, 20th Floor  
New York, NY 10007-1866

Dear Mr. DiMartino:

**RE: Superfund Proposed Plan**

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Thank you for your valuable time and consideration in this matter. You have the power to correct a very erroneous situation and to help people continue with their lives. I appreciate this solution as being the correct choice.

Sincerely,

Barbara Mueller (Signature)

130 Collamer Rd (Address)

Hilton, NY 14468 (City, State, ZIP)

500087

September 26, 2004

John DiMartino  
Project Manager  
New York Remediation Branch  
Emergency and Remedial Response Division  
United States Environmental Protection Agency  
290 Broadway, 20th Floor  
New York, NY 10007-1866

Dear Mr. DiMartino:

**RE: Superfund Proposed Plan**

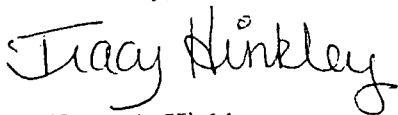
- **ALTERNATIVE 3: Property Acquisition & Permanent Relocation \*\* Preferred \*\***
- **ALTERNATIVE 2: Continuation of the Temporary Relocation Situation**
- **ALTERNATIVE 1: No Action**

This letter is in support of ALTERNATIVE 3 of the Superfund Proposed Plan concerning the Diaz Chemical Site located in Holley, NY. As a lifelong resident of Holley, I encourage your office to implement the Property Acquisition & Permanent Relocation of the Holley residents (Alternative 3 of the Superfund Proposed Plan). Many of these residents have been displaced since January 2002. Many are lifelong residents who had lived in the same house for decades before incompetent board members invited this hazardous entity into our small town community. How ironic that none of these same board members incur the displacement of their own family's lives while others in their community suffer on a daily basis.

In reference to the other two Alternative Plans, neither are acceptable solutions to the continuing problems these displaced residents incur every single day. While these displaced individuals struggle unnecessarily from the intrusive Diaz chemical spill, the owners of Diaz Corporation continue to enjoy their cars, houses, horses, etc. These individuals do not live in the same town as they were operating this dangerous, invasive corporation. Again, I encourage you to make the right decision. Many of these people live with disruption and a loss of stability because of this chemical spill and it is time to give these residents a sense of closure to this matter. Enough is enough! While the EPA has treated the residents with the utmost respect and have tended to their needs quite well, they cannot provide what is needed most: closure. With your help, the Holley residents can put this terrible nightmare behind them. Please consider Alternative 3 of the Superfund Proposed Plan as the only solution to this senseless tragedy.

Thank you for your valuable time and consideration in this matter. You have the power to correct a very wrong situation and to help people continue with their lives. I appreciate this solution as being the correct choice.

Sincerely,



Tracy A. Hinkley  
4791 Bennetts Corners Road  
Holley, NY 14470  
(585) 638-7251

[thinklev@rochester.rr.com](mailto:thinklev@rochester.rr.com)

September 26, 2004

John DiMartino  
Project Manager  
New York Remediation Branch  
Emergency and Remedial Response Division  
United States Environmental Protection Agency  
290 Broadway, 20th Floor  
New York, NY 10007-1866

Dear Mr. DiMartino:

**RE: Superfund Proposed Plan**

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Thank you for your valuable time and consideration in this matter. You have the power to correct a very erroneous situation and to help people continue with their lives. I appreciate this solution as being the correct choice.

Sincerely,

A. Epifanio (Signature)

10 Jackson St. (Address)

Holley NY 14470 (City, State, ZIP)

500089

September 26, 2004

John DiMartino  
Project Manager  
New York Remediation Branch  
Emergency and Remedial Response Division  
United States Environmental Protection Agency  
290 Broadway, 20th Floor  
New York, NY 10007-1866

Dear Mr. DiMartino:

**RE: Superfund Proposed Plan**

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Thank you for your valuable time and consideration in this matter. You have the power to correct a very erroneous situation and to help people continue with their lives. I appreciate this solution as being the correct choice.

Sincerely,

 (Signature)



Geneva Demascio  
143 Willowbrooke Dr  
Brockport NY 14420

(Address)

(City, State, ZIP)

500090

*William W. Early*  
*215 Charleston Drive*  
*Wilmington, Delaware 19808*

October 4, 2004

John DiMartino, Project Manager  
New York Remediation Branch  
Emergency and Remedial Response Division  
United States Environmental Protection Agency  
290 Broadway, 20th Floor  
New York, NY 10007-1866

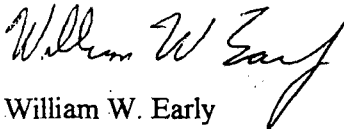
Dear Mr. DiMartino,

I have read the Superfund Proposed Plan concerning the Diaz Chemical Corporation Site, Village of Holley, Orleans County, New York. The purpose of my letter is to endorse the preferred remedy (Alternative 3a) as described in this document. I agree with the assessment that this alternative is best for protection of human health and the environment and for consideration of the disruption of the residents' lives.

I personally know one of the residents who have been affected by this issue and I am aware of what has transpired in the last two years regarding this situation. The information and analysis presented in the Superfund Proposed Plan is very thorough and detailed. I believe the concerns of the community have been adequately expressed and reviewed. I applaud the effort by the Environmental Protection Agency and the New York State Department of Environmental Conservation to resolve this problem and to aid the residents who have suffered.

Thank you for the opportunity to express my opinion.

Respectfully,

  
William W. Early

10-13-04

Page 1 of 2 including cover page

To: John DiMartino

From: Bernadette Catlin

Re: Proposed Plan for Remediation in  
Village of Holley and Diaz Chemical Corp.  
Holley NY 14470

Personal Response



10/13/2004

I find it very difficult to ask you ~~for~~ what was taken away from me. First of all, you can't replace what is already gone. Almost 3 years without a home, belongings, items of tradition, and most importantly a sense of SECURITY.

My husband and I have 4 beautiful children whose lives have been turned into turmoil. When you take a home from someone, put them in a temporary lifestyle, with dates that change rapidly, where is their security to come from?

In October of 2002, my husband and I invested in a property to help ensure we would be able to pay college tuition for our children. We have 2 that are in college at this time. At the time, we had invested in a liquidate able asset. With 9 Jackson St. not being included in your purchase plan, we are left in a very vulnerable position. The property being rendered in this condition was of no doing of ours. The home across the street was denied a mortgage because of contamination and the one directly next door was denied an appraised value, it never got to the mortgage level. Where do we stand with this property? The property all around it is vacant. We did vacate that property after the explosion. We spent all waking moments there getting it in the condition it is in now. From the night of the spill, all work ceased. The odors were horrible, and chemicals still don the exterior of the house. This home should be included in the package with the other vacated properties, for it is VACATED !

I also don't understand how 18 months ago, the EPA was considering the need to replace all soft goods and a cleaning process for hard items, inside our homes, and now there is no plan! You have the test results from our soft goods. Why would I flee my home, to not return, for the safety of our family, then bring their mattresses to a new location to sleep on? Especially when you tested them and found contamination! Our children will not sleep on them, but I can't guarantee no one else's will. If left without a choice, we will have to sell the contents so we can replace them.

I implore you to include interior items and the vacated home on Jackson Street in your plan. I feel we are still being asked to pay a very large price for our safety... Safety is not suppose to be a luxury in the United States...Please, be effective and efficient, bring some closure to this nightmare and financial burden. The health concerns will be with us always...possessions are all you will be able to offer us...don't cut us short.

Thank you in advance for you careful and cautious consideration I'm sure you will take with this proposal.

Bernadette Catlin  
38 Geddes Street  
Holley, New York 14470

## FAX COVER SHEET

DATE: Oct 13, 2004 No. of pages including this one:

4

TO:

John Di Martino

COMPANY:

EPA

FAX NUMBER:

212-637-4284

FROM:

Margaret M. Galtier

SUBJECT:

Chay Superfund Site

If you do not receive all pages please contact:

Burlington Coat Factory  
1830 Route 130 North  
Burlington, NJ 08016  
(609) 387-7800 / Ext. \_\_\_\_\_  
FAX NUMBER: (609) 386-0118

SPECIAL INSTRUCTIONS:

John  
There is not attachment - it could  
not be located.

John Di Martino  
U.S. EPA

Page # 1

Let me begin by saying that my intentions on Sept. 21, 2001, the date of my House Closing at 37 South Main St, Holley, New York was never to sell my home.

If you refer to attachment #1, the purchase of this property was solely based on the values of Family; Love, Life and Loss; Past, Present and Future.

To sell this property is to hand over to the government the history of our family and our homestead.

My Parents Bernard & Mary Jane McAllister raised 6 children and entertained 13 grandchildren in their home.

Everyone who entered this home felt the love of family. To this day you will still feel the love of family and pride.

Having said this, there is no dollar amount that could be placed on now what I must leave behind. Not only are all of my personal belongings

lost but also the memorabilia of my parents. Page #2

As you know I have had to replace everything - starting with my tooth brush and now ending with the purchase of another house.

Besides the emotional upset and hardships that myself and others have endured I have also suffered an enormous financial hardship. I had \$85,000 replacement cost of household contents through my Homeowners Insurance Policy.

Because of the Dism explosion of Jan. 2, 2002 I have lost everything. I firmly believe if the EPA is resolving to "Clean up" a Private Enterprise at the cost of 5 to 10 million dollars and still permit Dism to operate at a profit in Arkansas that the EPA should without a question clean up my home and pay me the \$85,000 of replacement cost.

Remember that memories and emotions can not be replaced.

Page #3

My homestead is no longer. I can  
never again say I am going  
"Home", I will only go to a House!

Please do the right thing  
Sincerely,  
Margaret M. Allister

## FAX COVER SHEET

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EPA

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John Di Martino  
US EPA

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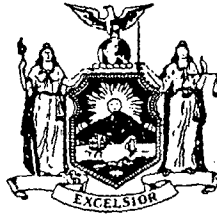
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Margaret McAllister





STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ELIOT SPITZER  
Attorney General

DIVISION OF PUBLIC ADVOCACY  
ENVIRONMENTAL PROTECTION BUREAU

October 13, 2004

John DiMartino, Project Manager  
New York Remediation Branch  
Emergency and Remedial Response Division  
U.S. Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866  
Fax: (212) 637-4284  
Email: dimartino.john@epa.gov

**Re: Comments on Proposed Plan for First Remedial Action at Diaz Chemical Corporation Site**

Dear Mr. DiMartino:

We support EPA's alternative of Property Acquisition and Permanent Relocation as the preferred alternative for the first remedial action at the Diaz Chemical Corporation Site (Site).<sup>1</sup> Given the length of time that various residents have been displaced from their homes since the January 5, 2002, release of 2-chloro-6-fluorophenol (CFP) from the Diaz plant, this alternative is appropriate. At the same time, we wish to comment on additional proposed EPA actions that were outlined at the October 5, 2004, public meeting in Holley. Specifically:

- 1) We support EPA's proposal to test groundwater and assess vapor intrusion in the near future (scheduled for November 2004), but we also want to emphasize the importance of conducting these efforts in a manner that can achieve the intended results. In other words, groundwater testing and vapor intrusion testing protocols must be able to assess the exposure and health risk from volatile contaminants in groundwater and in air, such as ethylene dibromide (EDB). EPA needs to devote the necessary time and effort to achieve meaningful detection limits and/or modeling tools that will be sufficiently sensitive to evaluate the exposure and health risks from these toxic chemicals. Of particular concern is cancer risk from EDB due to exposure from residential occupancy in houses and in other occupied buildings. Our office would like to be included in the design of these testing protocols.
- 2) We support EPA's statement at the October 5, 2004, public meeting that the proposed Property Acquisition and Permanent Relocation represents the first, but not the last, corrective action that is planned at the Diaz Superfund site. Other actions, especially actions that relate to the habitability of houses, need prompt attention.

500101

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<sup>1</sup>Superfund Proposed Plan, Diaz Chemical Corporation Site, Village of Holley, Orleans County, New York, EPA Region 2, September 2004.

## Groundwater testing and vapor intrusion assessment in relation to health risk

EPA's plans to test groundwater and assess the vapor intrusion pathway are warranted, since there are well-known health risks associated with contaminants (especially EDB) in this groundwater plume, and since current testing has *not* shown that EDB concentrations in houses located on the plume are below generally accepted cancer risk levels. In conducting this work, EPA should ensure that its tests and modeling tools are sufficiently sensitive to determine compliance with public health goals. For ethylene dibromide in particular, any testing and/or modeling must be able to provide reasonable assurance that EDB concentrations in household air are below generally accepted limits such as the following:

0.006 ppbv EDB in air =  $0.05 \mu\text{g}/\text{m}^3$  EDB in air =  $1\text{E}-5$  excess cancer risk level

0.0006 ppbv EDB in air =  $0.005 \mu\text{g}/\text{m}^3$  EDB in air =  $1\text{E}-6$  excess cancer risk level

These correlations between EDB concentration in air and cancer risk are based on EPA's estimations that, "if an individual were to breathe air containing ethylene dibromide at 0.005 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) over his or her entire lifetime, that person would theoretically have no more than a one-in-a-million increased chance of developing cancer as a direct result of breathing air containing this chemical. Similarly, EPA estimates that breathing air containing  $0.05 \mu\text{g}/\text{m}^3$  would result in not greater than a one-in-hundred thousand increased chance of developing cancer..."<sup>2</sup>

To date, air testing has not provided the necessary assurance of the absence of EDB due to inadequately sensitive detection levels. EPA's own tests of houses located along the plume of contaminated groundwater in Holley have not shown the absence of EDB in household air at any level below about 0.45 ppbv or  $3.8 \mu\text{g}/\text{m}^3$ . Houses on the plume *may or may not* be contaminated with EDB at levels that pose an unacceptable risk, but current air tests can't make an adequate determination due to the high method detection limit (MDL). We understand from our discussion with EPA staff at the October 5, 2004, public meeting that it may be difficult to achieve a sufficiently sensitive detection limit for EDB in household air, yet somehow this public health concern needs to be dealt with.

We recommend, as a necessary part of the planning process for EPA's groundwater testing and vapor intrusion assessment, that EPA set up working group meetings that include representatives from interested agencies including our office, and interested/knowledgeable members of the public. The purpose of these meetings would be to discuss and optimize the design of the groundwater testing and vapor intrusion assessment protocols, and to ensure that the goals and limitations are understood by all parties. To the extent that the work may be unable to resolve public health issues associated with groundwater and vapor intrusion, the risks and possible remedies need to be discussed.

Planning for this work will need to deal with various groundwater contaminants. EDB is

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<sup>2</sup>Ethylene Dibromide fact sheet, <http://www.epa.gov/ttn/atw/hlthef/ethyl-di.html>.

of particular concern due to its known toxicity and its stringent groundwater standard (0.0006 ppb) under New York regulations.<sup>3</sup> As reported by the NYS Department of Environmental Conservation (DEC) in the Record of Decision for the site, EDB is present in groundwater at the Site in concentrations ranging up to 55,000 ppb. Another groundwater contaminant, 4-chlorobenzotrifluoride or PCBTF, is reported at concentrations up to 49,000 ppb.<sup>4</sup> Thus, these two chemicals were present in roughly similar concentrations (though not necessarily in the same locations) in groundwater at the Site.

In addition, in tests done by our office and DEC in 2003, two of four Diaz water samples showed detectable concentrations of EDB. Our sample HOL6-3, taken from the sump in the basement of Diaz Building C, contained about 3.9 ppb EDB (along with 880 ppb of 4-chlorobenzotrifluoride, etc.). Our sample HOL6-4, taken from the Diaz wastewater pit that receives both groundwater and process water, contained about 1.3 ppb EDB (along with 44 ppb of 4-chlorobenzotrifluoride, etc.). Thus, based on these samples, concentrations of 4-chlorobenzotrifluoride may be correlated to some extent with EDB concentrations in groundwater at the Site. Vapor intrusion of these two chemicals may likewise be correlated to some extent.<sup>5</sup>

EPA's recent testing of residential units 53 and 54 in Holley showed household air concentrations of 4-chlorobenzotrifluoride ranging from about 0.3 to 3 ppbv.<sup>6</sup> As very rough guidance, if we were to assume that EDB vapor may be present at a concentration which is one to two orders of magnitude lower, we could infer an EDB concentration of 0.003 to 0.3 ppbv (0.025  $\mu\text{g}/\text{m}^3$  to 2.5  $\mu\text{g}/\text{m}^3$ ) in household air. This is a matter of concern in terms of cancer risk. Unless and until this question of EDB exposure can be resolved by testing or modeling, residents in the homes known to be affected by the groundwater plume should be offered temporary or permanent relocation.

#### **Present and future remedial actions in relation to the habitability of homes**

Determining the habitability of homes at the Site necessarily involves an understanding of the health impacts of different types of chemicals such as vapor from groundwater (as discussed above), various contaminants such as metals and polynuclear aromatic hydrocarbons (PAHs)

---

<sup>3</sup>6 NYCRR 703.5.

<sup>4</sup>NYS DEC, *Record of Decision, Diaz Chemical Corporation Site, Operable Unit 1, Village of Holley, Orleans County, New York*, Site No. 8-37-009, March 2002, Table 1.

<sup>5</sup>Although many different factors are involved in vapor intrusion, it should be noted that the vapor pressures of EDB and 4-chlorobenzotrifluoride are very roughly similar: 11.0 mm at 25°C for EDB and 5.3 mm at 20°C for 4-chlorobenzotrifluoride, according to EPA's Ethylene Dibromide fact sheet (see note 2 supra) and Occidental Chemical Corporation's Material Safety Data Sheet for 4-chlorobenzotrifluoride.

<sup>6</sup>Results reported by EPA for analysis for volatile organic compounds in air, EPA sample nos. 19881 through 19888.

whose toxicological properties are reasonably well known, various tentatively identified compounds (TICs) that EPA has observed in testing and intends to investigate further, and 2-chloro-6-fluorophenol (CFP) that was released from the Diaz plant on January 5, 2002. Any implication that a property is "safe" should be avoided where the health effects of a particular level of exposure are not known. Our comments here focus on CFP.

CFP is problematic from a public health standpoint because its toxicological properties are not well known. However, in our view, habitability is not entirely a question of the risk of diseases; it also includes the question of whether residents can live in reasonable comfort in the presence of measurable quantities of CFP without sufficient understanding of the effects of such exposure. Sensitivity to CFP varies from person to person, but a number of people reported suffering symptoms such as sore throats, headaches, eye irritation, nosebleeds, and skin rashes in the presence of low to moderate concentrations of CFP. We recognize that these symptoms are difficult to verify objectively, but the symptoms cannot be easily discounted due to the range of people who have reported them, apparently including not only local residents but also legislative staff, agency staff and contractors. The toxicological uncertainty and reported health symptoms create a serious issue of habitability.

Samples of household objects have been collected by our office and analyzed for CFP by an outside laboratory<sup>7</sup> at a detection limit of approximately 1 ppb. Although the test and its detection limit have not been entirely standardized, we believe that a detection limit in the range of 1 to 5 ppb is routinely achievable and that properly designed testing of this type is an essential part of any effort to deal with CFP contamination and habitability. As always, we invite discussion of this and other test methods.

Samples of household objects collected by our office, especially polyurethane foam samples, have been useful in understanding the geographic extent of the CFP contamination in Holley and its persistence over time. Such samples include:

<u>EDB conc.</u>	<u>Object</u>	<u>Collected</u>	<u>From</u>	<u>Sample</u>
~3000 ppb	Foam furnace filter	4/4/02	11 Jackson St.	HOL04-02
~500 ppb	Foam pad	8/6/02	10 Jackson St.	HOL8-6
180 ppb	Foam pad	8/26/04	10 Jackson St.	HOL804-2
160 ppb	Foam pad	8/26/04	10 Jackson St.	HOL804-3
55 ppb	Foam pad	8/26/04	Shed, 10 Jackson St.	HOL804-4
27 ppb	Foam pad	3/13/03	27 S. Main St.	HOL3-3
12 ppb	Foam pad	3/13/03	26 S. Main St.	HOL3-4
11 ppb	Foam pad	3/11/03	38 Geddes St.	HOL3-1
Not detected	Foam pad	8/26/04	53 S. Main St.	HOL804-5
39 ppb	Fiberglass insulation	8/6/02	10 Jackson St.	HOL8-5
90 ppb	Fiberglass insulation	8/26/04	10 Jackson St.	HOL804-1

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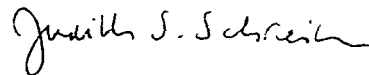
<sup>7</sup>Alta Analytical Perspectives, Wilmington, NC.

These results show the geographic distribution (high along Jackson Street, falling to low or unmeasurable levels to the northeast and southeast) and also show the persistence of CFP in both foam pads and fiberglass insulation over the 2-year period from August 2002 to August 2004.

As we have indicated in prior interagency communication, testing of CFP in urine is one of the most sensitive indicators of the presence of measurable quantities of CFP in a household, but there are ethical concerns (collection of human biological fluids as well as data confidentiality) about using urine tests as a primary criterion for habitability if there are equally sensitive tests that do not require such biological samples. The best available evidence suggests that a  $0.1 \mu\text{g}/\text{m}^3$  concentration of CFP in household air correlates roughly with a  $5 \mu\text{g}/\text{liter}$  concentration of CFP in human urine and with a 400 ppb concentration of CFP in polyurethane foam objects in the household, and it may also be reasonable to assume an approximately proportional relationship among the CFP concentrations in these media. These approximate relationships and the different analytical detection limits for CFP in these media may be useful in discussions of household habitability in the presence of measurable quantities of CFP. Our office has experience in sample collection and analytical protocols, and again, offer our assistance in designing protocols for this effort.

Please contact me at (518) 474-4819 or my colleague Raymond Vaughan at (716) 853-8478 to further discuss these issues. Thank you for the opportunity to comment on the EPA proposed plan.

Sincerely,



Judith S. Schreiber, Ph.D.  
Chief Scientist, Albany  
Environmental Protection Bureau



PAHUNDL@cs.com

09/14/04 07:33 PM

To: John DiMartino/R2/USEPA/US@EPA

cc:

Subject: Jackson Street Holley

John,

My name is Tanya Hundley and I did live at 11 Jackson Street in Holley for 7 years. My husband and I grew up in Hilton and we wanted a smaller school to raise our 2 daughters in. When we bought the house in 1995 no one ever told us just what Diaz did only how they gave alot to the schools and the village. Well we know that is not true. We left that night because I have asthma and noone from the factory had any information.

No one can tell us what the long term health effects will be on our girls or they're children. We have chemicals in our home that no one can tell us what they are or the effects of them. I feel our girls have lost alot of their child hood and we can not bring it back. We still bring our girls to school every day (the school came back negative when tested so we were told) and after almost 3 years that is getting very hard. We need the EPA to buy our home so we can move on with our lives. Our youngest only rode her bike for one summer and it was her first new bike. She has now out grown it. Our oldest has missed out on alot of events in school due to being in another town. My husband worked alot of hours to buy a bigger home. Now at no fault of ours we can not enjoy it.

I am a tax payer too and I totally agree with the plan of buying the homes. The girls are ready to put together a room of their own again and a place to call HOME.

I would to thank you for everything the EPA has done. They have also kept our spirits when we really needed it. Thanks again

Tanya Hundley



"sharky18@netzero.net"  
<sharky18

09/15/04 03:57 PM

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Holley Diaz Spill

I have been asked by my employee, Tanya Hundley, to write to you regarding the chemical spill at Diaz in Holley in Jan 02. Tanya and the Hundley family have suffered a great deal of emotional stress over the two and a half years since the accident. I remember the event clearly and the terrible odor of the chemical on Tanya's clothing in the days following the event. The EPA has been extremely slow in deciding to buy out the homes and I am glad that a decision has finally been made. I think it has been an unreasonable period of time that the families have been displaced into temporary housing. I sincerely hope that the compensation which the families receive is commensurate with the suffering which they have tolerated.

Sincerely,  
Alison M Harding  
Pediatric Dentist  
email:sharky18@netzero.com



jody valentine  
<jvalentine108@yahoo  
.com>

To: John.DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Alternative 3 - Diaz Superfund Plan

09/30/04 02:37 PM

Mr. Dimartino

I feel that it should be in place because the people need closure to the tragedy that has happened to them. So I feel that it would be in the best interest to those people that had loss to put it in place to help them through the pain. Some of those unfortunate individuals could of possibly had sentimental ties to the thing if not the house that they were living in.

Thank you for your time.

Jody Valentine

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Vickie Downey  
<vickie2199@yahoo.com>

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject:

09/30/04 09:52 PM

Alternative 3- Diaz Superfund Plan would be very helpful to these unfortunate people.  
Vickie

---

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Cora DiNapoli  
<lacey710d@yahoo.co  
m>

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: "Alternative-3 Diaz Superfund Plan"

09/30/04 10:08 PM

Dear John,

*I was just informed and never knew that there was a tragic Diaz spill in Holley NY. This has been going on since January 2002. These people had to leave their houses since then and nothing is being done. This sounds so unreal. Why is this taking so long and what do you need for us to help?*

I appreciate your response,

Thank You,

Cora DiNapoli

---

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Jacki Mowers  
<jlmowers14476@yahoo.com>

10/01/04 08:38 AM

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Alternative 3-Diaz Superfund Plan

I have friends who are involved in the tragedy of the Diaz Chemical Spill in Holley, NY. I just wanted you to know that I feel the Alternative 3 -Diaz Superfund Plan will help put closure to this issue for the people involved.

Thank you for your time and consideration-  
Jacki Mowers, Kendall, NY

peace love happiness

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Edwinna Newsome  
<winna14606@yahoo.  
com>

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Alternative 3 - Diaz Superfund Plan

10/01/04 09:52 AM

Dear Mr. John,

I'm writing to you in reference of the chemical spill that happen in Holley, NY. I think the Diaz Superfund Plan is a great ideal to help the people who lost their homes and other valuable possessions. It's very unfortunate the accident happened causing so much turmoil in people lives. Please try to do what you can to help give these families some type of closure. You would want the same if this happened to you.

Thank you,  
Edwinna Newsome

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Laura Spose  
<laurajane686@yahoo  
.com>

10/01/04 10:25 AM

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Alternative 3 - Diaz Superfund Plan

October 1, 2004

Dear Mr. Dimartino:

We would like alternative plan 3 for all of the displaced residents that lost their houses due to the chemical spill in January 2002. This will allow some closure to the terrible tragedy these people faced. Thank you.

Sincerely,  
Laura J. Spose

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Maureen Hubbard  
<maureen14580@yahoo.com>

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Diaz Chemical Spill

10/01/04 10:55 AM

Mr. DiMatino,

I was talking to my teacher today about the Diaz Chemical Spill in Holley NY in Jan. of 2002. I believe that " Alternative Plan 3 Superfund Plan would be great for the families.

Thank You,

Maureen Hubbard

Maureen Hubbard

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Maria Wilson  
<msvwilson42@yahoo  
.com>

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Alternative 3-Diaz Superfund Plan

10/01/04 11:08 AM

Dear Mr. DiMartino:

I have heard of the Diaz chemical spill in Holley NY and I am concerned about the residents who live there. I know that the Alternative3-Diaz Superfund Plan will buy the displaced residents houses and allow them some closure to this tragedy. These residents have been out of their houses since January 2002. Closure is needed desperately. Please help them.

Sincerely,

Maria Wilson

---

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Jannifer Martin  
<jmartin469@yahoo.com>

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Alternative 3-Diaz Superfund Plan

10/01/04 11:41 AM

I am in support of the Alternative 3-Diaz Superfund Plan. I believe it would be favorable to many of those involved in the Diaz situation. Thank you for your consideration.

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Susan Fichter  
<susiee13@yahoo.com>  
m>

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Alternative3 -Diaz Super Fund Plan

10/01/04 02:01 PM

Dear John Dimartino,

I heard about the chemical spill and displaced residents and feel that these people deserve compensation for their losses. Alternative3 -Diaz Super Fund Plan would be a great comfort for these people.

Thank you  
Sincerely,

Susan Fichter

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Sonjia DeBona  
<pompom161@yahoo.  
com>

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Alternative 3- Diaz Superfund Plan

10/04/04 10:40 AM

10/01/04

Dear Mr. DiMartino,

I believe it is time to put the Alternative 3- Diaz Superfund plan into effect. The people of this tragedy have waited long enough for a resolution. They need a place to call home again, a place to be able to get ready for the holidays that are coming very very soon. So lets give these people what they need to find peace and closure.

Sincerely,

Sonjia DeBona

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Eighthnote39@aol.com  
m  
10/07/04 01:32 PM

To: John DiMartino/R2/USEPA/US@EPA  
cc: sarah\_anderson@clinton.senate.gov  
Subject: Fwd: Superfund Proposed Plan Diaz Chemical Corp. Site Holley,  
n.y.oct.5/04

----- Message from Eighthnote39@aol.com on Thu, 7 Oct 2004 13:29:50 EDT -----

To: sarah\_anderson@clinton.senate.gov  
Subject Superfund Proposed Plan Diaz Chemical Corp. Site Holley,  
: n.y.oct.5/04

October 7, 2004 comment for the record of said meeting.  
Francis P. Trupo, 27 South Main St. Holley, N.Y.

I am one of the 8 families from the January 5, 2002 explosion at Diaz Chem. Corp.  
I am in favor of the proposed plan to compensate the homeless families.  
However, I request my comments be addressed before the completion of the ROD.  
I do not believe EPA is following CERCLA requiring that the selective remedy be  
"protective of human health and environment."

EPA is not addressing contamination of the properties of the homeless.

1- I have test data from N.Y.S.A.G. confirming contamination of CFP in my soft  
goods 14 months after the explosion of January 5, 2002. The AG has my permission to  
share said data.

2- I shared my private testing of my home with EPA. They had my data to review for  
one week. This was supplied for review before EPA completed their comprehensive  
testing of my property.

3- My property is to this day, is stained from the remainder of chemical droplets  
spattered on my property Jan. 5, 2002.

If this evidence is denied, EPA WILL be creating additional disproportionate injuries  
to the homeless families.

1-EPA WILL be denying the families an opportunity to pursue the health issues  
through government agencies.

2- EPA WILL create additional hardships on the homeless to seek any compensation  
from our homeowners insurance company for loss of contents. (I have lost everything  
from 44 years of marriage).

3- EPA WILL create additional hardship on the homeless to seek relief from our  
property tax burden. The homeless have had to pay full property taxes and utilities  
for 33 months on our uninhabitable properties.

To consider these issues is imperative to fulfill the legal obligation of EPA in regard  
to 42 U.S.C. 4601. "The primary purpose of this title is to ENSURE that such persons  
shall NOT suffer disproportionate injuries as a result of programs and projects  
designed for the benefit of the people as a whole and to MINIMIZE the HARDSHIP  
of displacement on such persons."

As the LEAD AGENCY of this Proposal Plan, your determination crucially impact the future lives and or HARDSHIPS of the homeless people in this proposal.  
Thank you for considering my concerns, as one of the homeless.



Eighthnote39@aol.co  
m

10/07/04 01:37 PM

To: John DiMartino/R2/USEPA/US@EPA

cc:

Subject: Fwd: Superfund Proposed Plan,Diaz Chem. Co.

----- Message from Eighthnote39@aol.com on Thu, 7 Oct 2004 10:23:05 EDT -----

**To:** lshaw@nyenvlaw.com

**Subject** Fwd: Superfund Proposed Plan,Diaz Chem.  
: Co.

----- Message from Eighthnote39@aol.com on Wed, 6 Oct 2004 20:09:02 EDT -----

**To:** sarah\_anderson@clinton.senate.gov

**Subject** Superfund Proposed Plan,Diaz Chem.  
: Co.



SUPERFUND PROPOSED PLANDIAZ CHEMICAL CORP.w

SUPERFUND PROPOSED PLAN-DIAZ CHEMICAL CORP. SITE VILLAGE OF  
HOLLEY, ORLEANS COUNTY, NEW YORK PUBLIC MEETING OCTOBER 5/04

STATEMENT FOR THE RECORD OF COMMENT PERIOD:

My name is Anita Trupo, my residence 27 South Main St. Holley, N.Y.

My family has been homeless since the explosion at Diaz Chemical Co. Of January 5, 2002.  
We have been homeless for 33 months.

Under the Uniform Relocation Assistance and Real Property Acquisition Police Act of 1970  
As amended, 42 U.S.C. 4601, referred to on page 5 of the EPA Proposed Plan, "(B) policy.,  
The PRIMARY purpose of this title IS to ENSURE that such persons shall NOT suffer  
disproportionate injuries as a result of programs and projects designed for the BENEFIT OF THE  
PEOPLE AS A WHOLE AND TO MINIMIZE THE HARDSHIP OF DISPLACEMENT ON  
SUCH PERSONS."

Under ©) Congressional intent: " It IS THE INTENT OF THE CONGRESS THAT--  
(2) Uniform procedures for the administration of relocation assistance SHALL, TO THE  
MAXIMUM EXTENT FEASIBLE, ASSURE THAT UNIQUE CIRCUMSTANCES OF ANY  
DISPLACED PERSON ARE TAKEN INTO ACCOUNT and that persons in essentially similar  
circumstances ARE ACCORDED EQUAL TREATMENT UNDER THIS ACT."

WE DO NOT BELIEVE THIS POLICY IS BEING FULFILLED UNDER THESE  
GUIDELINES!!!

While we, the homeless recognize, under law, it is justified , the homeless BE permanently  
relocated, THE CONTAMINATION ISSUES MUST BE ADDRESSED!

OUR HOMES AND PROPERTIES ARE CONTAMINATED!!!!!!

This contamination is NOW being DENIED by the FEDERAL GOVERNMENT!!!

WHY, after the comprehensive testing by EPA, were our homes appraised by a professional  
contractor , at considerable expense, to determine the cost of completely gutting our home, and  
rebuilding the interior, plus the cost of replacement of ALL SOFT GOODS IF there were NO  
contamination??????

(For the record, the contractor became ill 20 minutes into the appraisal of our home, and had to  
go outside.)

We have been denied the FOIL request orally , for test data of our property, for DIOXIN.  
This was part of the comprehensive testing OVER 15 MONTHS AGO!!

We were informed orally, by EPA , many months ago, there WERE DIOXIN found. NOW, EPA says OUR HOMES ARE NOT CONTAMINATED!!!

WHY, if our homes were NOT contaminated, and it was just, by law, the issue of over 1 year of temporary relocation, to have permanent relocation, WHY didn't EPA permanently relocate the homeless 366 DAYS we were temp. relocated???

If EPA purchases our homes and fails to recognize our contamination, a great injustice will be done NOT only to the homeless, but to the COMMUNITY as well.

The homeless will have NO recourse to be able to be compensated for their lost personal property,(contents of their homes), when previously the EPA planned to replace at least "soft goods" in our homes.

WHY THE CHANGE????

We have test data confirming contamination of our homes and properties.

1- We have test data from the New York State Attorney General Science staff confirming contamination of our homes and properties.

2- We have private test data, confirming contamination of our home.

3- We have test data of the numerous TIC's found in EPA comprehensive testing, confirming contamination of our property.

4-And we know of , the yet to be acquired DIOXIN data, confirming contamination.

WHAT MORE EVIDENCE IS NEEDED TO SUBSTANTIATE CONTAMINATION EXISTS IN OUR HOME AND PROPERTY??????????

We'll record this!!

It has been documented there have been MANY people who have suffered health effects at my property, since the explosion of January 5, 2002.

They include:

1-Lockheed Martin testers, hired by EPA.

2-W.R.S. contract team members, hired by EPA.

3- Our private attorneys.

4- They include EPA EMPLOYEES.

And , they include MY Family, having to return to that home with all of the above!!!

All health effects were experienced in LESS THAN 1 HOUR in MY HOME!!!

NOW, I sincerely offer any of you hearing this transcript, to spend a FEW days in my home and tell ME it's NOT CONTAMINATED!!!

You tell ME if this denial of contamination is fulfilling OUR "UNIQUE CIRCUMSTANCES of ANY DISPLACED PERSON," under OUR federal LAW???

OUR HOMES ARE CONTAMINATED!!!

Denial of the truth will NOT protect the homeless AND will NOT serve to protect the health and welfare of the future of this village!

Our Village, State, and Federal Government MUST fulfill their sworn obligation to protect the people they serve.

The homeless families Must have permanent relocation and must be able to be compensated for contents to find closure to this living nightmare.

Our government MUST serve to protect the health and welfare of this community. The contamination Must be recognized by the EPA.,who serve YOU AND ME!

The victims of this explosion have suffered enough!  
Our health is still the GREAT UNKNOWN!!

GOVERNMENT, NOW, COMPLETE YOUR JOB!!!!!!

Thank You..





Adele Liberatore  
<aliberatore14622@y  
ahoo.com>

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: alternative 3 Diaz

10/08/04 08:46 PM

Please come to a favorable and fair resolution for the poor people who have been displaced from their homes in Holley NY.

Thank you very much.

Adele Liberatore

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Eighthnote39@aol.co  
m

10/12/04 01:37 PM

To: John DiMartino/R2/USEPA/US@EPA  
cc: sarah\_anderson@clinton.senate.gov, lshaw@nyenvlaw.com  
Subject: regarding comment epa proposal

see attached file below  
Thank you,



**Thomas Scott Trupo** Prop. comment T.S.T.wf

SUPERFUND PROPOSED PLAN DIAZ CHEMICAL CORP. SITE VILLAGE OF  
HOLLEY, ORLEANS COUNTY, NEW YORK PUBLIC MEETING OCTOBER 5/04

STATEMENT FOR THE RECORD OF COMMENT PERIOD  
October 12, 2004

My name is Thomas Scott Trupo, my residence 27 So. Main St. Holley, N.Y.

I am among the Homeless from the Diaz Chemical Corp. Chemical explosion of CFP and other chemicals of January 5, 2002.

I agree with the preferred proposal plan to purchase the homes, but think, EPA should, in good conscious , compensate fairly the said homeless parties for their belongings.

At my home, I left behind 39 years accumulation of belongings including many hard or impossible to replace collectable items, such as; baseball cards, comic books, music memorabilia. These items, all being paper, are now casualties to CFP and other chemicals released into my home.

Since the explosion of January 5, 2002, my home is further contaminated by mold infestation. Mold completely covers my entire living area. I have never seen anything to compare with its' growing magnitude. This mold developed and engulfed the area, even though a de-humidifier was in place and running non stop in my living area.

My pictures of this complete coverage of mold, have been shared with EPA and Corp.. Of Engineers representatives. This mold covers all soft goods, wood furniture, paper and carpets. The Department of Health, Orleans County, tested and identified the mold. After researching this particular type mold, it was found to be the type of mold that erases the data from Cdroms, and Discs. This means all my music, which is a large collection of hard or impossible to replace items. Many were signed and personalized to me by the artists.

I understand, a determination by the EPA to say levels dangerous to health are present, will NOT be forthcoming. EPA is also NOT saying it IS completely safe. Complete long term safety from CFP and other related chemicals released, as well as the synergistic effects of the mixture of these chemicals in my home, will NOT be forthcoming.

Because of this fact, and all the "UNKNOWNNS" involved with these said facts, one Documented Fact DOES remain:

WRS, EPA, NYAG, hired contractors of EPA, lawyers, and my family ALL have had and still have physical health effects inside our dwelling!

They include; burning of eyes, burning of nose, bloody discharge of nose, tightness of chest, tightness of throat, nausea, flu like symptoms, diarrhea and vertigo.

This undeniable evidence of health hazard forces me and others having the same symptoms, to believe compensation and the removal of all items to a hazardous waste site, be addressed.

The complete coverage of mold is in it self, is enough reason to compensate for my belongings.

The danger involved , the "unknowns" of chemicals, make it impossible to use any of my belongings. NO health dangers have been identified for LONG TERM health effects.

Therefore, I implore, The Lead Agency, EPA use the worse case scenario, and protect our health

and safety.

Thank you for your consideration of my comments.

Thomas Scott Trupo.



Paul Hundley  
<phundley@pekoprecision.com>

To: John DiMartino/R2/USEPA/US@EPA  
cc: "PAHUNDL@cs.com" <PAHUNDL@cs.com>  
Subject: Diaz Clean up

10/13/04 12:13 PM

John,

After the public meeting held on the 5th and the lack of negative support at the meeting the plan should move forward as planned I would hope. However, I am submitting a letter of recommendation any way. In the past 2.5 years the ups and downs have been almost unbearable for my family and myself. Tanya and I have a strong relationship and that helped get our kids and ourselves through this trying time. The EPA has been a there for us along with the rest of the displaced residents. But the time has come to move on and finish this chapter in our lives. I am in full support of plan 3A and hope that this will be a easy decision to make. The uncertainty alone should be enough to make the decision. We are sure the right decision will be made. Thank you for the effort that has been done thus far and for all that will be done in the future.

Paul Hundley



"Utech, Dan (Clinton)"  
<Dan\_Utech@clinton.senate.gov>

10/13/04 08:25 PM

To: John DiMartino/R2/USEPA/US@EPA  
cc: Peter Brandt/R2/USEPA/US@EPA  
Subject: Fw: senator clinton comment on diaz site

-----  
Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: dan utech <dutech@yahoo.com>  
To: Utech, Dan (Clinton) <Dan\_Utech@clinton.senate.gov>  
Sent: Wed Oct 13 20:08:19 2004  
Subject: senator clinton comment on diaz site

John-

Senator Clinton would like to submit the attached comment regarding the Diaz Chemical site. I will follow with a hard copy.

Dan Utech  
Legislative Assistant  
Office of Senator Hillary Rodham Clinton  
202-224-8365

-----  
  
October 13, 2004

Mr. John DiMartino  
New York Remediation Branch  
Emergency and Remedial response Division  
United States Environmental Protection Agency  
290 Broadway, 20th Floor  
New York, NY 10007

Dear Mr. DiMartino:

I am writing to submit a comment on the U.S. Environmental Protection Agency (EPA) proposed clean up plan for the Diaz Chemical Site in Holley, NY. First I would like to commend the EPA for the work and attention they have given to the people of the Village of Holley. I have followed the situation closely since the January, 2002 chemical release. I strongly advocated extensive testing, and the subsequent inclusion of the Diaz site on the Superfund National Priorities List, and am pleased that EPA is taking action to address the problems associated with the site.

With respect to EPA's preferred plan, I am very pleased that the EPA is proposing to purchase the

500130

homes of the eight displaced families who have been living in apartments since the of January 2002 chemical spill. However, I am concerned that EPA has not deemed these sites to be contaminated in light of the threat they continue to pose, and ask that you reconsider this decision.

I am also concerned about the geographic scope of the preferred plan. I believe that the actions outlined in the preferred plan have the potential to be effective where they are implemented. I am concerned, however, that the preferred plan only addresses the eight homes that families left in January, 2002. As noted in the EPA site profile, the Diaz site "had a long history of releases to the environment from its facility" prior to the January 2002 release. As a result, I believe that EPA's plan should address a broader area and additional homes, focused on areas where residents are experiencing increased health problems. As you continue to develop the clean up plan, I ask that you expand testing to other homes around the Diaz plant.

I look forward to working with you to ensure that the people of Holley get the comprehensive clean up that they deserve from the Superfund program.

Sincerely,

Hillary Rodham Clinton

---

Do you Yahoo!?

Declare Yourself - Register online to vote today!  
<http://vote.yahoo.com>

Dear Mr. DiMartino,

This letter is in response to the Diaz Superfund Proposed Plan. I have lived in Holley all of my life. My husband and I just bought a house about a block away from the plant in question. There has never been a problem with the plant until now, and living near a chemical plant, we have learned to expect the unexpected. It was our choice to live near the chemical plant also.

My husband and I feel that it is not the taxpayer's responsibility to pay out of pocket for someone else's mistake, especially since they should have insurance for such unexpected events. It was Diaz's own neglect who created the situation.

Furthermore, we know of some ~~the~~ people who have taken advantage of the situation, costing Diaz more money than necessary. We totally oppose.



all three of these proposed Remedial actions, and if these people wish to Relocate it should be of their own accord, or should be handled solely by Diaz. It is an absolute outrage that taxpayers should be expected to clean up after the mess Diaz created!

Sincerely Yours,

Marla M. Katz.



"Walsh, Thomas"  
<TWalsh@hiscockbarclay.com>

10/13/04 05:00 PM

To: John DiMartino/R2/USEPA/US@EPA  
cc: "Kendall, Amy" <AKendall@hiscockbarclay.com>  
Subject: Diaz Chemical Site: Comments on Proposed Pland and Exhibits

Mr. DiMartino:

Attached are the comments of Clif Jenney, a former officer of Diaz Chemical Corporation, on the proposed plan of EPA to buy eight houses scattered throughout the neighborhood adjoining the former Diaz Chemical plant. Thank you for this opportunity to provide comments. Mr. Jenney hopes that EPA will do the right thing, and tell these people that there is no current evidence of contamination at their houses related to the Diaz plant. They should just go home.

Tom Walsh

Thomas F. Walsh

Partner

Hiscock & Barclay, LLP

2000 HSBC Plaza

Rochester, NY 14604-2404

Direct: (585) 295-4414

Fax: (585) 295-8443

The information transmitted is intended for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the



sender and delete the material from any computer. Exhibit 2 - Indoor air sample result



Exhibit 1 - Soil & Wipe Sample Result: Exhibit 3 - Chart.ppt Exhibit 4 - Map.ppt



Diaz 10-13-04 Comments on Feasibility Study

500134

2000 HSBC PLAZA  
ROCHESTER / NEW YORK 14604-2404  
T 585.325.7570 / F 585.325.5458

THOMAS F. WALSH  
PARTNER

DIRECT DIAL 585.295.4414  
DIRECT FAX 585.295.8443  
TWALSH@HISCOCKBARCLAY.COM

October 13, 2004

John DiMartino  
Project Manager  
New York Remediation Branch  
Emergency and Remedial Response Division  
United States Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866

**Re: Comments on Focused Feasibility Study and Proposed Plan for  
Diaz Chemical Corporation Site dated September 2004**

Dear Mr. DiMartino:

On behalf of Clifton Jenney, a former officer of Diaz Chemical Corporation ("Diaz"), we submit the following comments in response to the above-referenced focused feasibility study report for what is now known as the Diaz Chemical Corporation Superfund Site, dated September 2004. The plan proposes to allow the United States Environmental Protection Agency ("USEPA") to purchase eight widely scattered properties near the former Diaz facility. We have reviewed the report and feel that the USEPA's proposed plan, if implemented, would constitute an arbitrary and capricious decision on the part the agency.

Purchasing the homes of these eight families is an unnecessary waste of scarce remedial resources. The fact that the "plan" is to purchase only eight houses scattered throughout a much larger neighborhood gives lie to any rationale other than this being a decision to misspend taxpayer dollars to avoid having to tell these individuals that there is no danger.

#### **FACTS**

On January 5, 2002, approximately 75 gallons of steam, toluene and technical grade 2-chloro-6-fluorophenol ("CFP") was released from the Diaz facility in Holley, New York ("Release"). The CFP was being manufactured for arthritis medicine. Diaz conducted extensive cleanup at the properties affected by the Release, including power-washing nearby homes, replacing soft goods, cleaning carpeting and vent systems. The existing data indicates that no cleanup is necessary.

the months that followed the Release, Diaz also conducted testing in and around residents staying in the hotels. Particularly, Diaz's consultant performed wipe and soil

Mr. John DiMartino, USEPA  
October 13, 2004  
Page 2

samples in and around the homes at 49 Jackson Street, 51 Jackson Street, 38 Geddes Street, and 54 East. No CFP was detected.

For example, at 38 Geddes Street, one of the homes USEPA proposes to purchase, five wipe samples were taken less than three months after the release, on March 21, 2002. None of the samples indicated the presence of CFP, however several other tentatively identified compounds ("TICs") were found. The TICs were all chemicals which are commonly found in products which are found around the house, for example:

Etylbenzene: found in paints and carpet glue  
1,3-dimethyl benzene: found in hydrogen peroxide, perfumes, insect repellants, epoxy resins, pharmaceuticals and leather products  
2,2,5- Trimethyl Hexane: found in gasoline products.

In addition, soil samples were taken. No CFP was found, but TICs were identified as substances produced by paints and bees, and lawn applications. Nothing produced by Diaz was found. The soil sample results are attached as Exhibit 1.

In March 2002, NYSDEC took air samples in the same five houses, including 38 Geddes Street. Notably, no CFP was found. These samples are attached as Exhibit 2.

USEPA also took various samples months after the release. The analytical results show that, as of more than two years ago, only four homes had quantifiable concentrations of CFP (Units 001, 002, 003 and 006). Only one residence (Unit 002) had concentrations of CFP in just one of four soil samples at a level that possibly warranted further intervention. However, USEPA is not even proposing to purchase Unit 002.

Based on the tremendous decrease in levels of CFP found over time, current testing will support the view that no further action is warranted at these homes. We have attached, as Exhibit 3, a chart indicating the various sampling events, along with the corresponding units contained in the USEPA's report of July 2002, as well as our understanding regarding the homeowners who own those particular properties.

Finally, USEPA apparently conducted additional soil sampling in June 2003. We filed a request for these results and any reports concerning environmental sampling on July 7, 2004, Request No. 02-RIN-01804-04, and have not received these documents yet and by this letter we again demand to be provided with the requested information. We nevertheless reviewed a description of the results, which indicated the presence of several scary-sounding compounds, such as benzo(a)pyrene and benzo(k)fluoranthene, and benzo(g,j,i)perylene. But, notably, no CFP. Moreover, those scary-sounding compounds which USEPA did find are those associated with partial combustion of coal and wood, and not Diaz's processes.

However, it seems that USEPA has not advised the eight homeowners, who not so coincidentally are the eight residents who voluntarily left and now refuse to return to their homes, that these compounds are the result of burning organic material, including wood, and the

Mr. John DiMartino, USEPA

October 13, 2004

Page 3

application of lawn pesticides, but not from any of Diaz's processes. This is particularly relevant in a town in which the residents burn their trash and have wood-burning stoves. In addition, there was a house fire at 13 Jackson Street just prior to the Release. Thus, the chemicals found in the most recent sampling event do not warrant keeping the residents from their homes, particularly given that they likely contributed to the chemicals found on their properties.

Perhaps, even more egregious, is USEPA's failure to explain to the families that chose to remain in place that the chemicals that were found are more likely related to lawn care and barbecue than to the Release. They may have been there even if Diaz never came into existence, i.e., that these are chemicals that we come into contact with every day as the result of normal activities. As evidenced at the public meeting on October 5, 2004, in Holley, New York, USEPA instead seems to be feeding into these residents' irrational fears by continuing to use taxpayer dollars to pay for unnecessary housing. And now, to add insult to injury, USEPA plans to use taxpayer dollars to purchase houses that exhibit no evidence of contamination. This would be pathetic if there were no repercussions from USEPA's flawed decisionmaking. As it is, this arbitrary decisionmaking sets terrible legal precedents.

It is glaringly evident that the house most affected by the release, i.e., Elizabeth Hardy's, house, which is located at 18 Jackson Street, and also represented as Unit 002 in the USEPA's report, is not one of the houses which is being purchased by USEPA. Moreover, neither NYSDEC nor USEPA has ever required Ms. Hardy to leave her house due to any concern for her health. Instead, only the houses of those residents who voluntarily left and presently refuse to return home are being purchased by USEPA, despite the complete lack of any evidence that their homes contain any harmful chemical, other than those brought into the homes by the residents themselves. This is truly a case in which the squeaky wheel is receiving the oil. Instead of conducting psychological evaluations of the residents that refuse to return to their homes, and providing them with counseling, USEPA seems to seek to get rid of the matter all together by purchasing houses which are not contaminated.

## THE LAW

The Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.*, specifically allows for permanent relocations by defining remedial action to include "the costs of permanent location of residents and businesses and community facilities where the President determines that, alone or in combination with other measures, such relocation is more cost-effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or may otherwise be necessary to protect public health." 42 U.S.C. 101(24). In this case, the purchase of these particular eight houses simply because the residents refuse to return home despite the lack of any data showing contamination cannot be deemed by any stretch of the imagination to "be necessary to protect public health." The lack of any threat to human health is evidenced by the sheer number of houses which are not being purchased by USEPA, as vividly depicted by the map attached as Exhibit 4, which was published in the local newspaper, the Rochester Democrat and Chronicle.

In addition, the National Oil and Hazardous Substances Contingency Plan ("NCP"), 40 CFR Part 300, App. D (g)), states that "temporary or permanent relocation of residents, businesses, and community facilities may be provided where it is determined necessary to protect human health and the environment." As described above, the proposed purchase of eight random houses which have no demonstrable contamination is clearly not "necessary to protect human health and the environment", particularly given the number of houses which are currently inhabited in the area, and USEPA's failure to require relocation of all of the residents of the area.

Under the NCP, relocation is considered a remedial action. Therefore, EPA can only select relocation as a remedial action if the nine criteria for selecting a cleanup remedy are met. These criteria are set forth in 40 CFR 300.430, and they include:

- Overall protection of human health and the environment
- Compliance with ARAR
- Long-term effectiveness and permanence
- Reduction of toxicity, mobility, or volume through treatment
- Short-term effectiveness
- Implementability
- Cost
- State acceptance
- Community acceptance

The proposed relocation plan fails to conform to these requirements, and therefore, cannot be approved in compliance with the National Contingency Plan. First, the plan will not result in the overall protection of human health and the environment. It is clear that there is no cognizable contaminants in the eight houses. If contamination was a concern for USEPA, it would have required the evacuation of the houses most affected by the release, which it has not done. Instead, the proposed remedy implicitly acknowledges that there is no concern about exposure to the individuals in the surrounding area because not all the houses are being purchased. If there was such a concern, USEPA should have relocated all of the nearby residents more than two years ago.

The proposed purchase also does not result in the reduction of toxicity, mobility or volume through treatment. As stated above, there has never been any evidence of a dangerous level of any contaminants at the houses USEPA proposes to buy. Because there was no toxic level, there can be no reduction in that level.

This remedy is not effective in the short term. Because there is no exposure to the residents that refuse to return home, there is no benefit to be gained by purchasing their houses.

While the plan may be implementable, the relocation of these eight recalcitrant families continues to be a complete waste of taxpayer dollars. The cost is simply not justifiable. The people whose houses were most affected never moved. Yet, the USEPA continues to fuel and

affirm the fears of the eight families who obviously either have only psychological reasons for not returning to their houses, or have more sinister reasons related to their civil litigation against the officers and/or former officers of Diaz.

In speaking with members of the community, it appears that there is not community acceptance of the proposal. There are two perspectives: (1) if there really is a problem, USEPA should be buying all the nearby houses, and (2) there is no problem and these eight families are simply trying to work the system and USEPA is allowing them to do just that. These are the same families who, when Diaz was paying the bill, upgraded their hotel rooms to Jacuzzi suites and dined at the most expensive steak house in the area, while at the same time returning to their homes daily to do their laundry, etc.—despite the fact that they were “too afraid” to return home. Thus, any decision by USEPA to purchase the homes of these eight families is contrary to USEPA’s statutory requirements and its own regulations. It, therefore, would be an arbitrary and capricious act. No internal or published policy of USEPA can save it.

Furthermore, it does not appear to be in keeping with the spirit of USEPA’s relocation policy which states that:

**EPA’s preference is to address the risks posed by the contamination by using well-designed methods of cleanup which allow people to remain safely in their homes and businesses. ... It will generally not be necessary to routinely consider permanent relocation as a potential remedy component.**

...

**Generally, the primary reasons for conducting a permanent relocation would be to address an immediate risk to human health (where an engineering solution is not readily available) or where the structures (e.g., homes or businesses) are in impediment to implementing a protective cleanup.**

Permanent relocation may be considered in situations where EPA has determined:

- ...that structures must be destroyed because they physically block or otherwise interfere with a cleanup.
- ...that structures cannot be decontaminated to levels that are protective of human health for their intended use, thus the decontamination alternative may not be implementable.
- ...[the remediation] would require the imposition of unreasonable use restrictions to maintain protectiveness.
- ...A temporary relocation expected to last longer than one year.
- ...Acceptability of relocation to the community. (Emphasis added.)

The only potentially applicable factor listed above is that the voluntary, but not necessary, relocation of these residents has lasted more than one year. However, what is done is

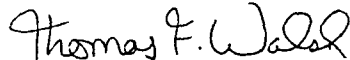
Mr. John DiMartino, USEPA  
October 13, 2004  
Page 6

done. Given the data which consistently shows no CFP contamination, it cannot plausibly be asserted that USEPA expects the relocation to last more than a year into the future. This is because there is simply no contamination worth mentioning at these properties.

It is our understanding that USEPA plans to turn the properties over to New York State, which will then turn them over the Village of Holley—which plans to simply sell them. If no remediation is needed at these properties, why has USEPA not acted as a responsible steward of taxpayer dollars and simply stopped paying for these unnecessary relocations?

In conclusion, the proposed purchase of eight scattered properties owned by residents who refuse to return to their homes despite any demonstrable evidence of contamination warranting relocation (if made) would be contrary to USEPA's statutory mandate, inconsistent with the *National Contingency Plan*, an arbitrary and capricious decision, and above all a waste of taxpayer dollars. For these reasons, Mr. Jenney objects to the proposed purchase of the properties of the recalcitrant property owners.

Very truly yours,



Thomas F. Walsh

Enclosure

cc: C. Jenney  
T. Jenney



**PARADIGM**  
**Environmental**  
**Services, Inc.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

Client:	<u>Blasland, Bouck &amp; Lee</u>	Lab Project No.:	02-0714
Client Job Site:	Diaz Chemical	Lab Sample No.:	2958
	Holley, NY	Sample Type:	Soil
Client Job No.:	282.01	Date Sampled:	03/21/02
Field Location:	SS-49A Jackson	Date Received:	03/22/02
Field ID No.:	N/A	Date Analyzed:	03/23/02

Semi-Volatile Compound	Result (ug/kg)	Reporting Limit (ug/kg)
2-Chloro-6-Fluoro Phenol	ND	393.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

Soil - Garden on  
East side of  
~~Bldg~~ Structure.

Comments: ND denotes not detected

Approved By: \_\_\_\_\_

Laboratory Director

**PARADIGM**  
**Environmental**  
**Services, Inc.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716- 647-9311

Client: Blasland, Bouck & Lee Lab Project No.: 02-0714  
Client Job Site: Diaz Chemical Lab Sample No.: 2978  
Holley, NY  
Client Job No.: 282.01 Sample Type: Wipe  
Field Location: WI 49A Jackson-1 Date Sampled: 03/21/02  
Field ID No.: N/A Date Received: 03/22/02  
Date Analyzed: 03/23/02

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

*Interior window  
pane of kitchen door*

Comments: ND denotes not detected

Approved By:   
Laboratory Director

**PARADIGM**  
**ENVIRONMENTAL**  
**SERVICES, INC.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311**Semi-Volatile Organics Analysis Data Sheet**  
**For Tentatively Identified Compounds**Client: Blasland, Bouck & Lee

Lab Project No.: 02-0714

Client Job Site: Diaz Chemical  
Holley, NY

Lab Sample No.: 2978

Client Job No.: 282.01

Sample Type: Wipe

Field Location: WI-49A Jackson-1

Date Sampled: 03/21/02

Field ID No.: N/A


Date Received: 03/22/02

Date Analyzed: 03/23/02

	CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>2</sup> )	Q (%)
1	100-41-4	Ethylbenzene	5.49*	417	94
2	108-38-3	1,3-Dimethyl Benzene	5.79*	43.5	97
3	3522-94-9	2,2,5-Trimethyl Hexane	6.34*	22.0	64
4	31081-18-2	3-Methyl-5-Propyl Nonane	7.02*	28.7	78
5	3522-94-9	2,2,5-Trimethyl Hexane	7.19*	29.1	72
6	31081-18-2	3-Methyl-5-Propyl Nonane	7.37	19.7	72
7	646-31-1	Tetracosane	15.46	31.3	97
8	2769-94-0	2,4-bis (1-Phenylethyl) Phenol	15.84	22.3	58
9	2769-94-0	2,4-bis (1-Phenylethyl) Phenol	15.94	21.5	64
10	629-97-0	Docosane	16.11	50.1	91
11	2769-94-0	2,4-bis (1-Phenylethyl) Phenol	16.31	40.0	91
12	629-94-7	Heneicosane	16.82	61.5	91
13	629-78-7	Heptadecane	17.58	68.4	97
14	85-60-9	4,4'-Butyldenebis[2-(1,1-Dimethylethyl)-5-Methyl Phenol]	17.63	108	99
15	629-78-7	Heptadecane	18.38	65.6	91
16	630-02-4	Octacosane	19.21	56.1	91
17	630-02-4	Octacosane	20.07	39.1	91
18	N/A	Unknown Hydrocarbon	20.61	46.7	<50
19	N/A	Unknown Hydrocarbon	20.75	45.0	<50
20	630-02-4	Octacosane	20.94	27.9	91

Comments: \* See Blank

Approved By

  
Laboratory Director

File:

NYS E.L.A.P. No. 10958

20714A20.XLS

500143

**PARADIGM**  
**Environmental**  
**Services, Inc.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716- 647-3311Client: Blasland, Bouck & Lee

Lab Project No.: 02-0714

Lab Sample No.: 2979

Client Job Site: Diaz Chemical  
Holley, NY

Sample Type: Wipe

Client Job No.: 282.01

Date Sampled: 03/21/02

Date Received: 03/22/02

Field Location: WI 49A Jackson-2

Date Analyzed: 03/23/02

Field ID No.: N/A

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 1095a

*East Facing  
Living room window*

Comments: ND denotes not detected

Approved By: \_\_\_\_\_

*[Signature]*  
Laboratory Director

# PARADIGM

## ENVIRONMENTAL

### SERVICES, INC.

179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

#### Semi-Volatile Organics Analysis Data Sheet

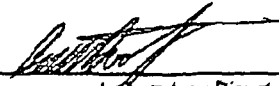
#### For Tentatively Identified Compounds

Client:	<u>Bisland, Bouck &amp; Lee</u>	Lab Project No.:	02-0714
Client Job Site:	Diaz Chemical	Lab Sample No.:	2979
	Holley, NY		
Client Job No.:	282.01	Sample Type:	Wipe
Field Location:	WI-48A Jackson-2	Date Sampled:	03/21/02
		Date Received:	03/22/02
Field ID No.:	N/A	Date Analyzed:	03/23/02

	CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>2</sup> )	Q (%)
1	100-41-4	Ethylbenzene	5.48*	476	94
2	108-38-3	1,3-Dimethyl Benzene	5.79*	51.6	97
3	62108-23-0	2,5,6-Trimethyl Decane	6.34*	26.2	78
4	31081-18-2	3-Methyl-5-Propyl Nonane	7.02*	34.4	78
5	3522-94-9	2,2,5-Trimethyl Hexane	7.19*	34.0	72
6	17312-54-8	3,7-Dimethyl Decane	7.37	22.7	78
7	846-31-1	Tetracosane	15.46	21.7	97
8	2769-94-0	2,4-bis (1-Phenylethyl) Phenol	15.84	17.6	64
9	2769-94-0	2,4-bis (1-Phenylethyl) Phenol	15.94	17.0	89
10	630-06-8	Hexatriacontane	16.11	36.2	91
11	2769-94-0	2,4-bis (1-Phenylethyl) Phenol	16.31	32.0	91
12	629-78-7	Heptadecane	16.82	44.3	91
13	593-49-7	Heptacosane	17.58	48.2	93
14	85-60-9	4,4'-Butyldienebis[2-(1,1-Dimethylethyl)-5-Methyl Phenol]	17.63	86.4	96
15	630-06-8	Hexatriacontane	18.38	49.6	94
16	630-02-4	Octacosane	19.21	42.6	91
17	630-02-4	Octacosane	20.06	29.8	91
18	N/A	Unknown Hydrocarbon	20.60	37.7	<50
19	N/A	Unknown Hydrocarbon	20.75	36.6	<50
20	638-88-6	Triacontane	20.94	22.2	91

Comments: \* See Blank

Approved By

  
Laboratory Director

File:

NYS E.L.A.P. No. 10956

20714A21.XLS

500145

**PARADIGM**  
**Environmental**  
**Services, Inc.**

179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716- 647-3311

Client: Blasland, Bouck & Lee Lab Project No.: 02-0714  
Lab Sample No.: 2980  
Client Job Site: Diaz Chemical  
Holley, NY Sample Type: Wipe  
Client Job No.: 282.01  
Date Sampled: 03/21/02  
Field Location: WI 49A Jackson-3 Date Received: 03/22/02  
Field ID No.: N/A Date Analyzed: 03/23/02

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

*Glass picture  
frame in living room.*

Comments: ND denotes not detected

Approved By: 

Laboratory Director

# PARADIGM

## ENVIRONMENTAL

### SERVICES, INC.

179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

#### Semi-Volatile Organics Analysis Data Sheet

#### For Tentatively Identified Compounds

Client: Blasland, Bouck & Lee

Client Job Site: Diaz Chemical

Holley, NY

Client Job No.: 282.01

Lab Project No.: 02-0714

Lab Sample No.: 2980

Sample Type: Wipe

Field Location: WI-49A Jackson-3

Date Sampled: 03/21/02

Date Received: 03/22/02

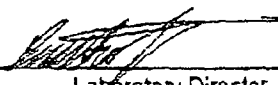
Field ID No.: N/A

Date Analyzed: 03/23/02

	CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>2</sup> )	Q (%)
1	100-41-4	Ethylbenzene	5.47*	446	94
2	108-38-3	1,3-Dimethyl Benzene	5.78*	48.3	97
3	1071-31-4	2,2,7,7-Tetramethyl Octane	6.34*	25.2	64
4	127204-12-0	2,2,11,11-Tetramethyl Dodecane	6.89	20.6	83
5	31081-18-2	3-Methyl-5-Propyl Nonane	7.02*	33.0	78
6	3522-94-9	2,2,5-Trimethyl Hexane	7.19*	33.2	72
7	62108-31-0	4-Ethyl-2,2,6,6-Tetramethyl Heptane	7.26	20.6	72
8	562-49-2	3,3-Dimethyl Pentane	7.37	22.4	64
9	646-31-1	Tetracosane	15.45	17.5	97
10	629-94-7	Heneicosane	16.11	28.3	91
11	2769-94-0	2,4-bis (1-Phenylethyl) Phenol	16.31	23.2	91
12	638-68-6	Triacontane	16.82	35.6	91
13	7098-22-8	Tetratetracontane	17.58	39.4	91
14	85-60-9	4,4'-Bis(1-phenylethyl)-2,2'-bis(1,1-dimethylethyl)-5,5'-dimethyl Diphenol	17.62	63.6	98
15	629-78-7	Heptadecane	18.38	40.3	91
16	630-06-8	Hexatriacontane	19.20	34.8	91
17	629-94-7	Heneicosane	20.06	24.1	91
18	N/A	Unknown Hydrocarbon	20.60	27.1	<50
19	N/A	Unknown Hydrocarbon	20.75	25.8	<50
20	630-06-8	Hexatriacontane	20.94	18.1	91

Comments: \* See Blank

Approved By

  
 Laboratory Director

File:

NYS E.L.A.P. No. 10958

20714A22.XLS

500147

**PARADIGM**  
**Environmental**  
**Services, Inc.**

179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

Client:	<u>Blasland, Bouck &amp; Lee</u>	Lab Project No.:	02-0714
Client Job Site:	Diaz Chemical	Lab Sample No.:	2981
	Holley, NY	Sample Type:	Wipe
Client Job No.:	282.01	Date Sampled:	03/21/02
Field Location:	WI 49A Jackson-4	Date Received:	03/22/02
Field ID No.:	N/A	Date Analyzed:	03/23/02

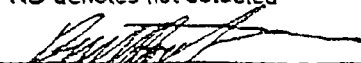
Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

*Glass on  
oven door*

Comments: ND denotes not detected

Approved By: 

Laboratory Director



# PARADIGM

## ENVIRONMENTAL

### SERVICES, INC.

179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

#### Semi-Volatile Organics Analysis Data Sheet For Tentatively Identified Compounds

Client: Blasland, Bouck & Lee  
Client Job Site: Diaz Chemical  
Holley, NY  
Client Job No.: 282.01

Lab Project No.: 02-0714  
Lab Sample No.: 2981

Sample Type: Wipe

Field Location: WI-49A Jackson-4

Date Sampled: 03/21/02

Date Received: 03/22/02

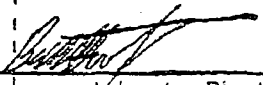
Field ID No.: N/A

Date Analyzed: 03/23/02

	CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>2</sup> )	Q (%)
1	100-41-4	Ethylbenzene	5.48*	698	94
2	108-38-3	1,3-Dimethyl Benzene	5.79*	76.7	97
3	62108-32-1	2,2,3,4,6,6-Hexamethyl Heptane	6.34*	38.0	64
4	31081-18-2	3-Methyl-5-Propyl-Nonane	7.02*	48.3	76
5	3522-94-9	2,2,5-Trimethyl Hexane	7.19*	48.1	72
6	646-31-1	Tetracosane	15.46	22.0	96
7	629-94-7	Heneicosane	16.11	33.7	91
8	2769-94-0	2,4-bis (1-Phenylethyl) Phenol	16.31	26.7	93
9	630-01-3	Hexacosane	16.82	41.0	95
10	629-97-0	Docosane	17.58	42.6	91
11	85-60-9	4,4'-Butylidenebis[2-(1,1-Dimethylethyl)-5-Methyl Phenol]	17.63	72.2	96
12	593-49-7	Heptacosane	18.38	43.1	91
13	638-68-6	Triacontane	19.21	37.0	91
14	630-06-8	Hexatriacontane	20.07	24.9	94
15	N/A	Unknown Hydrocarbon	20.60	30.6	<50
16	N/A	Unknown Hydrocarbon	20.75	29.1	<50

Comments: \* See Blank

Approved By

  
Laboratory Director

File:

20714A23.XLS

NYS E.L.A.P. No. 10858

500149

**PARADIGM**  
**Environmental**  
**Services, Inc.**

179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

Client: Biasland, Bouck & Lee

Lab Project No.: 02-0714

Lab Sample No.: 2983

Client Job Site: Diaz Chemical  
Holley, NY

Sample Type: Wipe

Client Job No.: 282.01

Date Sampled: 03/21/02

Date Received: 03/22/02

Field Location: WE-49 Jackson-1

Date Analyzed: 03/23/02

Field ID No.: N/A

Semi-Volatile Compound	Result (ug/100cm <sup>3</sup> )	Reporting Limit (ug/100cm <sup>3</sup> )
2-Chloro-5-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

*Exterior east facing  
Kitchen window*

Comments: ND denotes not detected

Approved By: \_\_\_\_\_

Laboratory Director

**PARADIGM**  
**Environmental**  
**Services, Inc.**

179 Lake Avenue Rochester, New York 14608 716-547-2530 FAX 716-647-3311

Client: Biasland, Bouck & Lee Lab Project No.: 02-0714  
Lab Sample No.: 2982  
Client Job Site: Diaz Chemical  
Holley, NY Sample Type: Wipe  
Client Job No.: 282.01 Date Sampled: 03/21/02  
Date Received: 03/22/02  
Field Location: WI Blank Date Analyzed: 03/23/02  
Field ID No.: N/A

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
Z-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

Field Blank -  
Jar opened during  
Sampling activity  
- No surface wiped -

Comments: ND denotes not detected

Approved By: \_\_\_\_\_

Laboratory Director

**PARADIGM**  
**ENVIRONMENTAL**  
**SERVICES, INC.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311**Semi-Volatile Organics Analysis Data Sheet**  
**For Tentatively Identified Compounds**

Client: Bland, Bouck & Lee  
Client Job Site: Diaz Chemical  
Holley, NY  
Client Job No.: 282.01  
Field Location: WI-Blank  
Field ID No.: N/A

Lab Project No.: 02-0714  
Lab Sample No.: 2982  
Sample Type: Wipe  
Date Sampled: 03/21/02  
Date Received: 03/22/02  
Date Analyzed: 03/23/02

	CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>2</sup> )	Q (%)
1	100-41-4	Ethylbenzene	5.50*	597	94
2	106-38-3	1,3-Dimethyl Benzene	5.81*	76.9	97
3	1071-81-4	<del>2,2,5,5-Tetramethyl Hexane</del>	6.35*	37.2	59
4	31081-18-2	3-Methyl-5-Propyl Nonane	7.02*	40.1	78
5	3522-94-9	<del>2,2,5-Trimethyl Hexane</del>	7.18*	37.9	64

Comments: \* See Blank

Approved By

  
Laboratory Director

File:

20714A24.XLS

NYS E.L.A.P. No. 10258

**PARADIGM**  
**Environmental**  
**Services, Inc.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

Client: Blasland, Bouck & Lee Lab Project No.: 02-0714  
Lab Sample No.: 2956  
Client Job Site: Diaz Chemical  
Holley, NY Sample Type: Soil  
Client Job No.: 282.01  
Date Sampled: 03/21/02  
Field Location: SS-51 Jackson Date Received: 03/22/02  
Field ID No.: N/A Date Analyzed: 03/23/02

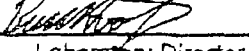
Semi-Volatile Compound	Result (ug/kg)	Reporting Limit (ug/kg)
2-Chloro-6-Fluoro Phenol	ND	448.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

*Soil*

Comments: ND denotes not detected

Approved By:   
Laboratory Director

**PARADIGM**  
**Environmental**  
**Services, Inc.**

179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

Client:	<u>Blasland, Bouck &amp; Lee</u>	Lab Project No.:	02-0714
Client Job Site:	Diaz Chemical Holley, NY	Lab Sample No.:	2961
Client Job No.:	282.01	Sample Type:	Wipe
Field Location:	WI-51 Jackson-1	Date Sampled:	03/21/02
Field ID No.:	N/A	Date Received:	03/22/02
		Date Analyzed:	03/23/02

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

Upper surface of  
Ceiling Fan

Comments: ND denotes not detected

Approved By: \_\_\_\_\_

Laboratory Director

# PARADIGM

## ENVIRONMENTAL

### SERVICES, INC.

179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

#### Semi-Volatile Organics Analysis Data Sheet

#### For Tentatively Identified Compounds

Client: Blasland, Bouck & Lee  
 Client Job Site: Diaz Chemical  
Holley, NY  
 Client Job No.: 282.01  
 Field Location: WI-51 Jackson-1  
 Field ID No.: N/A

Lab Project No.: 02-0714  
 Lab Sample No.: 2961  
 Sample Type: Wipe  
 Date Sampled: 03/21/02  
 Date Received: 03/22/02  
 Date Analyzed: 03/23/02

	CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>3</sup> )	Q (%)
1	100-61-4	Ethylbenzene	5.48*	417	94
2	106-42-3	p-Xylene	5.60*	44.6	97
3	3522-94-9	2,2,5-Trimethyl Hexane	6.34*	20.2	59
4	31061-18-2	3-methyl-5-Propyl Nonane	7.02*	25.8	78
5	3522-94-9	2,2,5-Trimethyl Hexane	7.19*	24.3	72
6	2709-84-0	3,4-bis (1-phenylethyl) Phenol	16.32	17.5	33
7	103-24-2	trans-2-nitrophenyl Ester Nonanedioic Acid	17.62	23.2	83
8	N/A	Unknown Hydrocarbon	20.61	35.7	<50
9	N/A	Unknown Hydrocarbon	20.76	30.6	<50

Comments: \* See blank

Approved By

Laboratory Director

File:

NYS ELAP No. 10968

20714AE.XLS

500155

**PARADIGM**  
**Environmental**  
**Services, Inc.**

179 Lake Avenue Rochester New York 14608 716-647-2530 FAX 716-647-3311

Client:	<u>Blastand, Bouck &amp; Lee</u>	Lab Project No.:	02-0714
Client Job Site:	Diaz Chemical Holley, NY	Lab Sample No.:	2962
Client Job No.:	282.01	Sample Type:	Wipe
Field Location:	WI-51 Jackson-2	Date Sampled:	03/21/02
Field ID No.:	N/A	Date Received:	03/22/02
		Date Analyzed:	03/23/02

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

*East facing window  
interior*

Comments: ND denotes not detected

Approved By: 

Laboratory Director



**PARADIGM**  
**ENVIRONMENTAL**  
**SERVICES, INC.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311**Semi-Volatile Organics Analysis Data Sheet**  
**For Tentatively Identified Compounds**

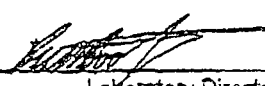
Client: Blasland, Bouck & Lee  
Client Job Site: Diaz Chemical  
Holley, NY  
Client Job No.: 282.01  
Field Location: WI-51 Jackson-2  
Field ID No.: N/A

Lab Project No.: 02-0714  
Lab Sample No.: 2962  
Sample Type: Wipe  
Date Sampled: 03/21/02  
Date Received: 03/22/02  
Date Analyzed: 03/23/02

	CAS NUMBER	COMPOUND NAME	RT (min)	CDNC. ( $\mu\text{g}/100\text{cm}^2$ )	Q (%)
1	100-41-4	Ethylbenzene	5.49*	417	94
2	108-38-3	1,3-Dimethyl Benzene	5.80*	42.9	97
3	3522-94-9	2,2,5-Trimethyl Hexane	6.34*	19.8	59
4	62238-11-3	2,3,5-Trimethyl Decane	7.02*	26.5	64
5	3522-94-9	2,2,5-Trimethyl Hexane	7.19*	21.7	72
6	2769-94-0	2,4-bis (1-Phenylethyl) Phenol	16.31	27.1	93
7	N/A	Unknown Hydrocarbon	20.61	33.3	<50
8	N/A	Unknown Hydrocarbon	20.75	30.2	<50

Comments: \* See Blank

Approved By

  
Laboratory Director

File:

NYS ELAP, No. 10366

2071446.XLS

500157

**PARADIGM**  
**Environmental**  
**Services, Inc.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716- 647-3311Client: Blasland, Bouck & Lee

Lab Project No.: 02-0714

Lab Sample No.: 2963

Client Job Site: Diaz Chemical  
Holley, NY

Sample Type: Wipe

Client Job No.: 282.01

Date Sampled: 03/21/02

Date Received: 03/22/02

Field Location: WI-51 Jackson-3

Date Analyzed: 03/23/02

Field ID No.: N/A

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

*East Facing Window  
Rear room*

Comments: ND denotes not detected

Approved By:   
Laboratory Director

**PARADIGM****ENVIRONMENTAL  
SERVICES, INC.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311**Semi-Volatile Organics Analysis Data Sheet  
For Tentatively Identified Compounds**Client: Biasland, Bouck & Lee

Lab Project No.: 02-0714

Client Job Site: Diaz Chemical  
Holley, NY

Lab Sample No.: 2863

Client Job No.: 262.01

Sample Type: Wipe

Field Location: WI-51 Jackson-3

Date Sampled: 03/21/02

Field ID No.: N/A

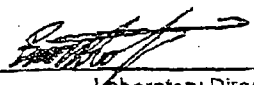
Date Received: 03/22/02

Date Analyzed: 03/23/02

	CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>2</sup> )	Q (%)
1	100-41-4	Ethylbenzene	5.49*	460	94
2	106-42-3	p-Xylene	5.80*	48.8	97
3	3522-94-9	2,2,5-Trimethyl Hexane	6.34*	22.5	64
4	31081-18-2	3-Methyl-5-Propyl Nonane	7.02*	26.2	78
5	3522-94-9	2,2,5-Trimethyl Hexane	7.19*	20.7	72
6	2769-94-0	2,4-bis (1-Phenylethyl) Phenol	16.31	26.2	93
7	N/A	Unknown Hydrocarbon	20.61	38.6	<50
8	N/A	Unknown Hydrocarbon	20.75	35.4	<50

Comments: \* See Blank

Approved By

  
Laboratory Director

File:

NYS E.L.A.P. No. 10958

2071427.XLS

500159

**PARADIGM**  
**Environmental**  
**Services, Inc.**

179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

Client: Biasland, Bouck & Lee

Lab Project No.: 02-0714

Client Job Site: Diaz Chemical  
Holley, NY

Lab Sample No.: 2965

Client Job No.: 282.01

Sample Type: Wipe

Field Location: WI-51 Jackson-5

Date Sampled: 03/21/02

Field ID No.: N/A

Date Received: 03/22/02

Date Analyzed: 03/23/02

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

Mirror Surface  
in Laundry room  
(Distilled Water wipe)

Comments: ND denotes not detected

Approved By: 

Laboratory Director

**PARADIGM****ENVIRONMENTAL  
SERVICES, INC.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311**Semi-Volatile Organics Analysis Data Sheet  
For Tentatively Identified Compounds**

Client: Blasland, Bouck & Lee  
Client Job Site: Diaz Chemical  
Holley, NY  
Client Job No.: 282.01

Lab Project No.: 02-0714  
Lab Sample No.: 2965

Sample Type: Wipe

Field Location: WI-51 Jackson-5

Date Sampled: 03/21/02

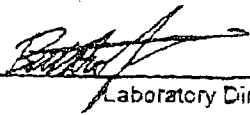
Date Received: 03/22/02

Field ID No.: N/A

Date Analyzed: 03/23/02

CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>2</sup> )	Q (%)
1	None Found		<10.0	

Approved By



Laboratory Director

File: 2071442.XLS

NYS E.L.A.P. No. 10556

500161

**PARADIGM**  
**Environmental**  
**Services, Inc.**179 Lake Avenue Rochester, New York 14608 716-847-2530 FAX 716-647-3311

Client: Blasland, Bouck & Lee Lab Project No.: 02-0714  
Lab Sample No.: 2964  
Client Job Site: Diaz Chemical  
Holley, NY Sample Type: Wipe  
Client Job No.: 282.01 Date Sampled: 03/21/02  
Date Received: 03/22/02  
Field Location: WI-51 Jackson-4 Date Analyzed: 03/23/02  
Field ID No.: N/A

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

Mirror in Rear  
Laundry room  
(Toluene Wipe)

Comments: ND denotes not detected

Approved By: 

Laboratory Director

**PARADIGM**  
**ENVIRONMENTAL**  
**SERVICES, INC.**179 Lake Avenue Rochester, New York 14608 716-547-2530 FAX 716-547-3311**Semi-Volatile Organics Analysis Data Sheet**  
**For Tentatively Identified Compounds**

Client: Biasland, Bouck & Lee  
Client Job Site: Diaz Chemical  
Holley, NY  
Client Job No.: 282.01

Lab Project No.: 02-0714  
Lab Sample No.: 2964

Sample Type: Wipe

Field Location: WI-51 Jackson-4

Date Sampled: 03/21/02

Date Received: 03/22/02

Field ID No.: N/A

Date Analyzed: 03/23/02

	CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>2</sup> )	Q (%)
1	100-41-4	Ethylbenzene	5.48*	426	94
2	108-38-3	1,3-Dimethyl Benzene	5.79*	42.7	97
3	62016-28-8	2,2,6-Trimethyl Octane	6.34*	19.5	64
4	31081-18-2	3-Methyl-5-Propyl Nonane	7.02*	24.0	72
5	16747-26-5	2,2,4-Trimethyl Hexane	7.19*	23.9	78

Comments: \* See Blank

Approved By

  
Laboratory Director

File:

NYS E.L.A.P. No. 10956

20714A9.XLS

500163

**PARADIGM**  
**Environmental**  
**Services, Inc.**

179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716- 647-3311

Client:	<u>Biasland, Bouck &amp; Lee</u>	Lab Project No.:	02-0714
Client Job Site:	Diaz Chemical	Lab Sample No.:	2966
	Holley, NY	Sample Type:	Wipe
Client Job No.:	282.01	Date Sampled:	03/21/02
Field Location:	WE-51 Jackson-1	Date Received:	03/22/02
Field ID No.:	N/A	Date Analyzed:	03/23/02

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

Exterior east facing  
window

Comments: ND denotes not detected

Approved By: \_\_\_\_\_

Laboratory Director



**PARADIGM**  
**ENVIRONMENTAL**  
**SERVICES, INC.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311**Semi-Volatile Organics Analysis Data Sheet**  
**For Tentatively Identified Compounds**

Client: Biasland, Bouck & Lee  
Client Job Site: Diaz Chemical  
Holley, NY  
Client Job No.: 282.01

Lab Project No.: 02-0714  
Lab Sample No.: 2986

Sample Type: Wipe

Field Location: WE-51 Jackson-1

Date Sampled: 03/21/02

Date Received: 03/22/02


Field ID No.: N/A

Date Analyzed: 03/23/02

	CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>3</sup> )	Q (%)
1	100-41-4	Ethylbenzene	5.48*	448	94
2	95-47-6	1,2-Dimethyl Benzene	5.79*	45.8	97
3	3522-94-9	2,2,5-Trimethyl Hexane	6.34*	20.4	64
4	31081-18-2	3-Methyl-5-Propyl Nonane	7.02*	23.8	59

Comments: \* See Blank

Approved By

  
Laboratory Director

File:

NYS E.L.A.P. No. 10958

Z0714AS.XLS

500165

**PARADIGM**  
**Environmental**  
**Services, Inc.**179 Lake Avenue Rochester, New York 14608 716-547-2530 FAX 716-547-3311

Client: Blasland, Bouck & Lee Lab Project No.: 02-0714  
Client Job Site: Diaz Chemical Lab Sample No.: 2959  
Holley, NY  
Client Job No.: 282.01 Sample Type: Soil  
Field Location: SS-38 Geddes Date Sampled: 03/21/02  
Field ID No.: N/A Date Received: 03/22/02  
Date Analyzed: 03/23/02

Semi-Volatile Compound	Result (ug/kg)	Reporting Limit (ug/kg)
2-Chloro-6-Fluoro Phenol	ND	478.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

Soil Sample  
Back yard.

Comments: ND denotes not de

Approved By:   
Laboratory Director

**PARADIGM**  
**Environmental**  
**Services, Inc.**

179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

Client: Blasland, Bouck & Lee

Lab Project No.: 02-0714

Client Job Site: Diaz Chemical  
Holley, NY

Lab Sample No.: 2960

Client Job No.: 282.01

Sample Type: Soil

Field Location: DUP-032102

Date Sampled: 03/21/02

Field ID No.: N/A

Date Received: 03/22/02

Date Analyzed: 03/23/02

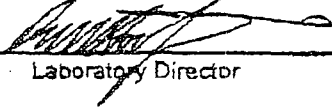
Semi-Volatile Compound	Result (ug/kg)	Reporting Limit (ug/kg)
2-Chloro-6-Fluoro Phenol	ND	476.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

*Duplicate of  
SS-38 Geddes*

Comments: ND denotes not detected

Approved By: 

Laboratory Director

**PARADIGM**  
**Environmental**  
**Services, Inc.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

Client:	<u>Blasland, Bouck &amp; Lee</u>	Lab Project No.:	02-0714
Client Job Site:	Diaz Chemical	Lab Sample No.:	2977
Client Job No.:	282.01	Sample Type:	Wipe
Field Location:	WE-38 Geddes-1	Date Sampled:	03/21/02
Field ID No.:	N/A	Date Received:	03/22/02
		Date Analyzed:	03/23/02

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

Exterior South  
Facing window on  
Garage.

Comments: ND denotes not detected

Approved By: \_\_\_\_\_

Laboratory Director

**PARADIGM****Environmental  
Services, Inc.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716- 647-3311Client: Blasland, Bouck & Lee

Lab Project No.: 02-0714

Client Job Site: Diaz Chemical

Lab Sample No.: 2972

Holley, NY

Sample Type: Wipe

Client Job No.: 282.01

Date Sampled: 03/21/02

Field Location: WI-38 Geddes-1

Date Received: 03/22/02

Field ID No.: N/A

Date Analyzed: 03/23/02

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

*East Facing  
Kitchen Windows*

Comments: ND denotes not detected

Approved By: \_\_\_\_\_

Laboratory Director

**PARADIGM**  
**Environmental**  
**Services, Inc.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716- 647-3311

Client: Blastand, Bouck & Lee Lab Project No.: 02-0714  
Client Job Site: Diaz Chemical Lab Sample No.: 2973  
Holley, NY  
Client Job No.: 282.01 Sample Type: Wipe  
Field Location: WI-38 Geddes-2 Date Sampled: 03/21/02  
Field ID No.: N/A Date Received: 03/22/02  
Date Analyzed: 03/23/02

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

Front interior  
North Facing window

Comments: ND denotes not detected

Approved By: 

Laboratory Director

**PARADIGM**  
**Environmental**  
**Services, Inc.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716- 647-3311Client: Blasland, Bouck & Lee

Lab Project No.: 02-0714

Client Job Site: Diaz Chemical  
Holley, NY

Lab Sample No.: 2974

Client Job No.: 282.D1

Sample Type: Wipe

Field Location: WI-38 Geddes-3

Date Sampled: 03/21/02

Field ID No.: N/A

Date Received: 03/22/02

Date Analyzed: 03/23/02

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

*Glass coffee table  
Top living room*

Comments: ND denotes not detected

Approved By: \_\_\_\_\_

Laboratory Director

**PARADIGM**  
**ENVIRONMENTAL**  
**SERVICES, INC.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311**Semi-Volatile Organics Analysis Data Sheet**  
**For Tentatively Identified Compounds**

Client:	<u>Blasland, Bouck &amp; Lee</u>	Lab Project No.:	02-0714
Client Job Site:	Diaz Chemical	Lab Sample No.:	2974
	Holley, NY		
Client Job No.:	282.01	Sample Type:	Wipe
Field Location:	WI-38 Geddes-3	Date Sampled:	03/21/02
		Date Received:	03/22/02
Field ID No.:	N/A	Date Analyzed:	03/23/02

	CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>2</sup> )	Q (%)
1	100-41-4	Ethylbenzene	5.46*	671	94
2	106-42-3	p-Xylene	5.80*	74.2	97
3	3522-94-9	2,2,5-Trimethyl Hexane	6.34*	35.3	64
4	13151-34-3	3-Methyl Decane	7.02*	45.9	64
5	3522-94-9	2,2,5-Trimethyl Hexane	7.19*	43.2	72
6	31081-18-2	3-Methyl-5-Propyl Nonane	7.37	29.8	72
7	2769-94-0	2,4-bis (1-Phenylethyl) Phenol	16.31	26.1	93
8	N/A	Unknown Hydrocarbon	20.60	26.1	<50
9	N/A	Unknown Hydrocarbon	20.75	24.1	<50

Comments: \* See Blank

Approved By

  
Laboratory Director

File:

NYSELAP, No. 1085e

20714A17.XLS

500172



**PARADIGM**  
**Environmental**  
**Services, Inc.**

179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

Client: Blasland, Bouck & Lee Lab Project No.: 02-0714  
Client Job Site: Diaz Chemical Lab Sample No.: 2975  
Client Job No.: 282.01 Sample Type: Wipe  
Field Location: WI-38 Geddes-4 Date Sampled: 03/21/02  
Field ID No.: N/A Date Received: 03/22/02  
Date Analyzed: 03/23/02

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

*Oven front door*

Comments: ND denotes not detected

Approved By: 

Laboratory Director

**PARADIGM**  
**ENVIRONMENTAL**  
**SERVICES, INC.**179 Lake Avenue Rochester, New York 14608 716-547-2530 FAX 716-547-3311**Semi-Volatile Organics Analysis Data Sheet**  
**For Tentatively Identified Compounds**

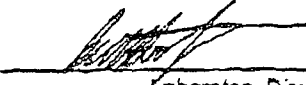
Client: Blasland, Bouck & Lee  
Client Job Site: Diaz Chemical  
Holley, NY  
Client Job No.: 282.01  
Field Location: WI-38 Geddes-4  
Field ID No.: N/A

Lab Project No.: 02-0714  
Lab Sample No.: 2975  
Sample Type: Wipe  
Date Sampled: 03/21/02  
Date Received: 03/22/02  
Date Analyzed: 03/23/02

	CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>2</sup> )	Q (%)
1	100-41-4	Ethylbenzene	5.50*	775	94
2	108-38-3	1,3-Dimethyl Benzene	5.80*	91.1	97
3	1071-81-4	2,2,5,5-Tetramethyl Hexane	6.35*	44.2	59
4	31081-16-2	3-Methyl-5-Propyl Nonane	7.02*	56.9	72
5	62199-06-8	5-Ethyl-2,2,3-Trimethyl Heptane	7.19*	51.7	78
6	2769-94-0	2,4-bis (1-Phenylethyl) Phenol	16.31	46.2	<50
7	N/A	Unknown Hydrocarbon	20.61	47.4	<50
8	N/A	Unknown Hydrocarbon	20.75	43.4	<50

Comments: \* See Blank

Approved By

  
Laboratory Director

File:

20714418.XLS

NYS E.L.A.P. No. 10958

500174

**PARADIGM**  
**Environmental**  
**Services, Inc.**179 Lake Avenue Rochester, New York 14608 716-647-2630 FAX 716-647-3311Client: Blasland, Bouck & Lee

Lab Project No.: 02-0714

Lab Sample No.: 2976

Client Job Site: Diaz Chemical  
Holley, NY

Sample Type: Wipe

Client Job No.: 282.01

Date Sampled: 03/21/02

Field Location: WI-38 Geddes-5

Date Received: 03/22/02

Field ID No.: N/A

Date Analyzed: 03/23/02

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10858

Glass coffee table  
top (Distilled water  
wipe)

Comments: ND denotes not detected

Approved By: 

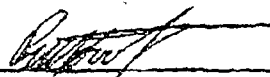
Laboratory Director

**PARADIGM**  
**ENVIRONMENTAL**  
**SERVICES, INC.**179 Lake Avenue Rochester, New York 14608 716-647-2630 FAX 716-647-3311**Semi-Volatile Organics Analysis Data Sheet**  
**For Tentatively Identified Compounds**

Client:	<u>Blasland, Bouck &amp; Lee</u>	Lab Project No.:	02-0714
Client Job Site:	Diaz Chemical	Lab Sample No.:	2976
	Holley, NY		
Client Job No.:	262.01	Sample Type:	Wipe
Field Location:	WI-38 Geddes-5	Date Sampled:	03/21/02
		Date Received:	03/22/02
Field ID No.:	N/A	Date Analyzed:	03/23/02

CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>2</sup> )	Q (%)
1	None Found		<10.0	

Approved By



Laboratory Director

**PARADIGM**  
**Environmental**  
**Services, Inc.**

179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

Client: Blasland, Bouck & Lee Lab Project No.: 02-0714  
Lab Sample No.: 2967  
Client Job Site: Diaz Chemical  
Holley, NY Sample Type: Wipe  
Client Job No.: 282.01 Date Sampled: 03/21/02  
Field Location: WI-54 East-1 Date Received: 03/22/02  
Field ID No.: N/A Date Analyzed: 03/23/02

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

*Inside Kitchen  
window glass*

Comments: ND denotes not detected

Approved By: \_\_\_\_\_

Laboratory Director

**PARADIGM****ENVIRONMENTAL****SERVICES, INC.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311**Semi-Volatile Organics Analysis Data Sheet  
For Tentatively Identified Compounds**Client: Blasland, Bouck & LeeClient Job Site: Diaz ChemicalHolley, NYClient Job No.: 262.01Field Location: W1-54 East-1Field ID No.: N/ALab Project No.: 02-0714Lab Sample No.: 2967Sample Type: WipeDate Sampled: 03/21/02Date Received: 03/22/02Date Analyzed: 03/23/02

	CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>3</sup> )	Q (%)
1	100-41-4	Ethylbenzene	5.47*	414	94
2	106-42-3	p-Xylene	5.79*	42.3	97
3	3522-94-9	2,2,5-Trimethyl Hexane	6.34*	20.0	64
4	31081-18-2	3-Methyl-5-Propyl Nonane	7.02*	25.0	72
5	1071-26-7	2,2-Dimethyl Heptane	7.19*	25.4	64
6	2769-94-0	2,4-bis (1-Phenylethyl) Phenol	16.31	23.0	91
7	N/A	Unknown Hydrocarbon	20.60	23.8	<50
8	N/A	Unknown Hydrocarbon	20.75	22.0	<50

Comments: \* See Blank

Approved By

  
Laboratory Director

File:

NYS EILAP, No. 10958

20714410.XLS

500178

**PARADIGM**  
**Environmental**  
**Services, Inc.**179 Lake Avenue Rochester, New York 14609 716-647-2530 FAX 716- 647-3311

Client: Blasland, Bouck & Lee Lab Project No.: 02-0714  
Client Job Site: Diaz Chemical Lab Sample No.: 2968  
Holley, NY  
Client Job No.: 282.01 Sample Type: Wipe  
Field Location: WI-54 East-2 Date Sampled: 03/21/02  
Field ID No.: N/A Date Received: 03/22/02  
Date Analyzed: 03/23/02

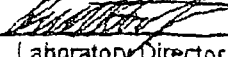
Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

TV Screen

Comments: ND denotes not detected

Approved By:   
Laboratory Director

**PARADIGM**  
**ENVIRONMENTAL**  
**SERVICES, INC.**

179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

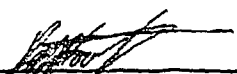
**Semi-Volatile Organics Analysis Data Sheet**  
**For Tentatively Identified Compounds**

Client:	<u>Blasland, Bouck &amp; Lee</u>	Lab Project No.:	02-0714
Client Job Site:	Diaz Chemical	Lab Sample No.:	2968
	Holley, NY		
Client Job No.:	282.01	Sample Type:	Wipe
Field Location:	WI-54 East-2	Date Sampled:	03/21/02
		Date Received:	03/22/02
Field ID No.:	N/A	Date Analyzed:	03/23/02

	CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>3</sup> )	Q (%)
1	100-41-4	Ethylbenzene	5.48*	511	94
2	106-42-3	p-Xylene	5.79*	53.1	97
3	3522-94-9	2,2,5-Trimethyl Hexane	6.34*	23.9	64
4	544-76-3	Hexadecane	7.02*	26.6	59
5	3522-94-9	2,2,5-Trimethyl Hexane	7.19*	25.2	72
6	2769-94-0	2,4-bis (1-Phenylethyl) Phenol	16.31	19.6	91
7	N/A	Unknown Hydrocarbon	20.61	20.0	<50
8	N/A	Unknown Hydrocarbon	20.75	18.3	<50

Comments: \* See Blank

Approved By

  
Laboratory Director

File:

20714411.XLS

NYS E.L.A.P. No. 10956



**PARADIGM**  
**Environmental**  
**Services, Inc.**

179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

Client: Blasland, Bouck & Lee Lab Project No.: 02-0714  
Lab Sample No.: 2969  
Client Job Site: Diaz Chemical  
Holley, NY Sample Type: Wipe  
Client Job No.: 282.01 Date Sampled: 03/21/02  
Field Location: WI-54 East-3 Date Received: 03/22/02  
Field ID No.: N/A Date Analyzed: 03/23/02

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

*Bedroom Mirror*

Comments: ND denotes not detected

Approved By: 

Laboratory Director

**PARADIGM**  
**ENVIRONMENTAL**  
**SERVICES, INC.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311**Semi-Volatile Organics Analysis Data Sheet**  
**For Tentatively Identified Compounds**

Client: Blasland, Bouck & Lee  
Client Job Site: Diaz Chemical  
Holley, NY  
Client Job No.: 282.01

Lab Project No.: 02-0714  
Lab Sample No.: 2969

Sample Type: Wipe

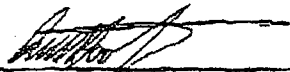
Field Location: WI-54 East-3  
Field ID No.: N/A

Date Sampled: 03/21/02  
Date Received: 03/22/02  
Date Analyzed: 03/23/02

	CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>2</sup> )	Q (%)
1	100-41-4	Ethylbenzene	5.50*	521	94
2	108-38-3	1,3-Dimethyl Benzene	5.80*	56.8	97
3	3522-94-9	2,2,5-Trimethyl Hexane	6.34*	26.1	64
4	31081-18-2	3-Methyl-5-Propyl Nonane	7.02*	27.5	78
5	3522-94-9	2,2,5-Trimethyl Hexane	7.19*	25.5	64
6	2769-94-0	2,4-bis (1-Phenylethyl) Phenol	16.31	19.9	93
7	N/A	Unknown Hydrocarbon	20.60	20.1	<50

Comments: \* See Blank

Approved By

  
Laboratory Director

File:

20714412.XLS

NYS E.L.A.P. No. 10358

500182

**PARADIGM**  
**Environmental**  
**Services, Inc.**

179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

Client:	<u>Blastand, Bouck &amp; Lee</u>	Lab Project No.:	02-0714
Client Job Site:	Diaz Chemical	Lab Sample No.:	2970
	Holley, NY	Sample Type:	Wipe
Client Job No.:	282.01	Date Sampled:	03/21/02
Field Location:	WI-54 East-4	Date Received:	03/22/02
Field ID No.:	N/A	Date Analyzed:	03/23/02

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

*Bathroom  
Mirror*

Comments: ND denotes not detected

Approved By: 

Laboratory Director

**PARADIGM**  
**ENVIRONMENTAL**  
**SERVICES, INC.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311**Semi-Volatile Organics Analysis Data Sheet**  
**For Tentatively Identified Compounds**

Client: Blasland, Bouck & Lee  
Client Job Site: Diaz Chemical  
Holley, NY  
Client Job No.: 282.01

Lab Project No.: 02-0714  
Lab Sample No.: 2970

Sample Type: Wipe


Field Location: WI-54 East-4  
Field ID No.: N/A

Date Sampled: 03/21/02  
Date Received: 03/22/02  
Date Analyzed: 03/23/02

	CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>2</sup> )	Q (%)
1	100-41-4	Ethylbenzene	5.50*	507	94
2	108-38-3	1,3-Dimethyl Benzene	5.80*	60.0	97
3	1002-43-3	3-Methyl Undecane	6.35*	28.7	72
4	31081-18-2	3-Methyl-5-Propyl Nonane	7.02*	34.8	72
5	3522-94-9	2,2,5-Trimethyl Hexane	7.19*	29.0	64
6	2769-94-0	2,4-bis (1-Phenylethyl) Phenol	16.31	31.5	93
7	N/A	Unknown Hydrocarbon	20.61	32.7	<50
8	N/A	Unknown Hydrocarbon	20.75	30.4	<50

Comments: \* See Blank

Approved By

  
Laboratory Director

File:

NYS E.L.A.P. No. 10956

20714A13.XLS

500184

**PARADIGM**  
**Environmental**  
**Services, Inc.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716- 647-3311

Client: Biasland, Bouck & Lee Lab Project No.: 02-0714  
Lab Sample No.: 2971  
Client Job Site: Diaz Chemical  
Holley, NY Sample Type: Wipe  
Client Job No.: 282.01  
Date Sampled: 03/21/02  
Field Location: WE-54 East-1 Date Received: 03/22/02  
Field ID No.: N/A Date Analyzed: 03/23/02

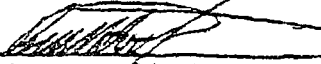
Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

*Exterior west  
facing window*

Comments: ND denotes not detected

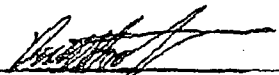
Approved By:   
Laboratory Director

**PARADIGM**  
**ENVIRONMENTAL**  
**SERVICES, INC.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311**Semi-Volatile Organics Analysis Data Sheet**  
**For Tentatively Identified Compounds**

Client:	<u>Blasland, Bouck &amp; Lee</u>	Lab Project No.:	02-0714
Client Job Site:	<u>Diaz Chemical</u>	Lab Sample No.:	2971
	<u>Holley, NY</u>		
Client Job No.:	282.01	Sample Type:	Wipe
Field Location:	WE-54 East-1	Date Sampled:	03/21/02
		Date Received:	03/22/02
Field ID No.:	N/A	Date Analyzed:	03/23/02

	CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>2</sup> )	Q (%)
1	100-41-4	Ethylbenzene	5.48*	426	94
2	108-38-3	1,3-Dimethyl Benzene	5.79*	43.2	97
3	3522-94-9	2,2,5-Trimethyl Hexane	6.34*	21.2	59
4	31081-18-2	3-Methyl-5-Propyl Nonane	7.02*	28.3	78
5	16747-26-5	2,2,5-Trimethyl Hexane	7.19*	28.3	72
6	2769-94-0	2,4-bis (1-Phenylethyl) Phenol	16.31	30.0	91
7	N/A	Unknown Hydrocarbon	20.61	31.7	<50
8	N/A	Unknown Hydrocarbon	20.75	29.1	<50

Comments: \* See Blank

Approved By   
Laboratory Director

File:

20714A16.XLS

NYS E.L.A.P. No. 10950

**PARADIGM**  
**Environmental**  
**Services, Inc.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

Client: Blasland, Bouck & Lee Lab Project No.: 02-0714  
Client Job Site: Diaz Chemical Lab Sample No.: 2957  
Client Job No.: 282.01 Sample Type: Soil  
Field Location: SS-54 East Date Sampled: 03/21/02  
Field ID No.: N/A Date Received: 03/22/02  
Date Analyzed: 03/23/02

Semi-Volatile Compound	Result (ug/kg)	Reporting Limit (ug/kg)
2-Chloro-6-Fluoro Phenol	ND	467.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

54 East  
Soil

Comments: ND denotes not detected

Approved By: \_\_\_\_\_

Laboratory Director

**PARADIGM**  
**Environmental**  
**Services, Inc.**

179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

Client: Biasland, Bouck & Lee

Lab Project No.: 02-0714

Client Job Site: Diaz Chemical  
Holley, NY

Lab Sample No.: Lab Blank-Soil

Client Job No.: 282.01

Sample Type: Soil

Field Location: N/A

Date Sampled: N/A

Field ID No.: N/A

Date Received: N/A

Date Analyzed: 03/22/02

Semi-Volatile Compound	Result (ug/kg)	Reporting Limit (ug/kg)
2-Chloro-6-Fluoro Phenol	ND	330.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10956

*Soil Blank*

Comments: ND denotes not detected

Approved By: 

Laboratory Director



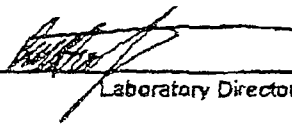
**PARADIGM**  
**ENVIRONMENTAL**  
**SERVICES, INC.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311**Semi-Volatile Organics Analysis Data Sheet**  
**For Tentatively Identified Compounds**

Client: Blasland, Bouck & Lee  
Client Job Site: Diaz Chemical  
Holley, NY  
Client Job No.: 282.01  
Field Location: N/A  
Field ID No.: N/A

Lab Project No.: 02-0714  
Lab Sample No.: Soil Blank  
Sample Type: Soil  
Date Sampled: N/A  
Date Received: N/A  
Date Analyzed: 03/22/02

CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/Kg)	Q (%)
1	None Found		<330	

Approved By

  
Laboratory Director

File:

20714626.XLS

NYS ELAP No. 10056

500189

**PARADIGM**  
**Environmental**  
**Services, Inc.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311Client: Blasland, Bouck & Lee

Lab Project No.: 02-0714

Client Job Site: Diaz Chemical  
Holley, NY

Lab Sample No.: Lab Blank (DI Water)

Client Job No.: 282.01

Sample Type: Wipe

Field Location: N/A

Date Sampled: N/A

Field ID No.: N/A

Date Received: N/A

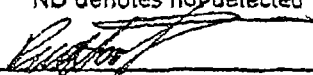
Date Analyzed: 03/23/02

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

Comments: ND denotes not detected

Approved By: 

Laboratory Director

**PARADIGM**  
**ENVIRONMENTAL**  
**SERVICES, INC.**

179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

**Semi-Volatile Organics Analysis Data Sheet**  
**For Tentatively Identified Compounds**

Client: Biasland, Bouck & Lee  
Client Job Site: Diaz Chemical  
                  Holley, NY  
Client Job No.: 282.01  
  
Field Location: N/A  
  
Field ID No.: N/A

Lab Project No.: 02-0714  
Lab Sample No.: Blank (DI Water)  
  
Sample Type: Wipe  
  
Date Sampled: N/A  
Date Received: N/A  
Date Analyzed: 03/23/02

CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>2</sup> )	Q (%)
1	None Found		<10.0	

Approved By \_\_\_\_\_

Laboratory Director

**PARADIGM****Environmental  
Services, Inc.**179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311Client: Biasland, Bouck & Lee

Lab Project No.: 02-0714

Client Job Site: Diaz Chemical  
Holley, NY

Lab Sample No.: LabBlank (Toluene)

Client Job No.: 282.01

Sample Type: Wipe

Field Location: N/A

Date Sampled: N/A

Field ID No.: N/A

Date Received: N/A

Date Analyzed: 03/23/02

Semi-Volatile Compound	Result (ug/100cm <sup>2</sup> )	Reporting Limit (ug/100cm <sup>2</sup> )
2-Chloro-6-Fluoro Phenol	ND	10.0

Analytical Method: EPA 8270D Modified

ELAP ID: 10958

Comments: ND denotes not detected

Approved By: 

Laboratory Director

**PARADIGM**  
**ENVIRONMENTAL**  
**SERVICES, INC.**179 Lake Avenue Rochester, New York 14608 716-647-2590 FAX 716-647-3311**Semi-Volatile Organics Analysis Data Sheet**  
**For Tentatively Identified Compounds**

Client: Blasland, Bouck & Lee  
Client Job Site: Diaz Chemical  
Holley, NY  
Client Job No.: 282.01  
Field Location: N/A  
Field ID No.: N/A

Lab Project No.: 02-0714  
Lab Sample No.: Blank (Toluene)  
Sample Type: Wipe  
Date Sampled: N/A  
Date Received: N/A  
Date Analyzed: 03/23/02

	CAS NUMBER	COMPOUND NAME	RT (min)	CONC. (ug/100cm <sup>3</sup> )	Q (%)
1	100-41-4	Ethylbenzene	5.48	611	94
2	108-38-3	1,3-Dimethyl Benzene	5.80	67.6	97
3	6201614-2	2,5,6-Trimethyl Octane	6.34	30.8	84
4	31081-18-2	3-Methyl-5-Propyl Nonane	7.02	41.0	72
5	16747-32-3	3-Ethyl-2,2-Dimethyl Pentane	7.19	40.4	56

Comment: TICs in the blank are a result of trace impurities in the toluene solvent.

Approved By \_\_\_\_\_

Laboratory Director

File: 0071484 E15

TOTAL P.56

500193

0335

NEW YORK STATE DEPARTMENT OF HEALTH

157

HADDONSBORTH CENTER  
EMPIRE STATE PLAZA ALBANY NY 12201

PAGE 1

RESULTS OF EXAMINATION

FINAL REPORT

SAMPLE ID: 200201341 SAMPLE RECEIVED: 03/22/2002 CHARGE: 1-00

PROGRAM: 112:INDOOR AIR

SOURCE ID:

DRAINAGE BASIN:

GAZETTEER CODE:3621

POLITICAL SUBDIVISION: HOLLIS TWP.

COUNTY: ORLEANS

LATITUDE:

LONGITUDE:

2-DIRECTION:

LOCATION: DIAZ CHEMICAL CORP., CHEMICAL RELEASE ON 1/5/02 837815N

DESCRIPTION: SAMPLE #10 CAOTLIN RESIDENCE, 38 GEDDES STREET

RETURNED TO: LAB TO: DR. K. ALDOUS, CONTACT MR R. PAUSE 518-473-0323

SAMPLE TYPE:

902:AMBIENT AIR - INDOOR

TIME OF SAMPLING: 03/21/2002 17:03 TO 03/21/2002 21:42 DATE PRINTED: 03/29/2002

ANALYSIS: SPECTRAL SPECTROSCOPIC ANALYSIS

DATE PRINTED: 03/29/2002

FINAL REPORT

PARAMETER

RESULT

\*\*\*\* ADDITIONAL PARAMETERS \*\*\*\*

PARAMETER

RESULT

AIR VOLUME

3.00204 CU.M.

2-CHLORO-6-FLUOROPHENOL

&lt; 0.2 MCG/CU.M.

NYS ELAP ID 10763, LAB DIR DR K. ALDOUS, CONTACT MR R. PAUSE 518-473-0323

COPIES SENT TO: CO(23) (R01) (PHE) (D) (FED) (TNEO) (R) (TNEO) (C) (7)

DR. ED HORN

NY STATE DEP'T. HEALTH

DIV. ENVIRONMENTAL HEALTH ASSESSMENT

SUBMITTED BY: P.ATHEN

PLANTAL CO. 1000 KAY RD. ST.

TROY \*\*\*\* INTERAGENCY MAIL \*\*\*\*

New York State Department of Health  
Division of Laboratories and Research  
Environmental Health Institute

## INDOOR AIR (ORGANIC POLLUTANTS)

1. Occupant: Rick Caution
2. Address: 38 Geddes Holley Orleans  
(Street) (Town) (County)
3. Map I.D. Number: \_\_\_\_\_
4. Date Collected: 2-21-02
5. Collected by: Dave Napier DEFO  
(Name) (Office) (Title)
6. Sampling Site (Living Room, Kitchen, etc.): Living room / by kitchen
7. Room Odor and Intensity: none
8. Weather on Sampling Day: dry, clear Wet Bulb: 55 RH: 48%
9. Approximate Age of House: \_\_\_\_\_
10. Type of Heat (gas, oil, etc.): \_\_\_\_\_
11. Symptoms (if any) of Occupants (nausea, etc.) \_\_\_\_\_
12. \_\_\_\_\_
13. Rotameter I.D. Number: 0 2532 Height of Sampler off Floor: 1 1/2 ft

JR CC.	TOX ACC. #	CARTRIDGE TYPE AND I.D. #	TIME START	TIME STOP	TOTAL RUN TIME (MIN)	INITIAL ROTAMETER READING (COB)	FINAL ROTAMETER READING (COB)	AVERAGE FLOW RATE (LPM)	TOTAL AIR VOLUME (M <sup>3</sup> )
		<u>Flow rate checked</u>	<u>1855</u>			<u>30.0</u>			
		<u>" "</u>	<u>1900</u>			<u>30.0</u>			
		<u>" "</u>	<u>1932</u>			<u>29.5</u>			

Analysis Required \_\_\_\_\_

DIAGRAM SAMPLING SITE ON REVERSE SIDE, INCLUDE WINDOWS AND DOORS

0327

## NEW YORK STATE DEPARTMENT OF HEALTH

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WADSWORTH CENTER

EMERGENCY STATE PLAZA ALBANY, NY 12241

PAGE 1

RESULTS OF EXAMINATION

FINAL REPORT

PROGRAM: 112:INDOOR AIR

SOURCE ID: DRAINAGE BASIN: GAZETTEER CODE:3621

DATE: 03/29/2002

DESCRIPTION: CHEMICAL RELEASE ON 1/2/02 02781EN

REMARKS: LABORATORY ORGANIC ANALYSIS: CAL. CHEMISTRY

TEST PATTERN: SPECIAL SPECIAL ANALYSIS: ORGANIC ANALYSIS: CHEMISTRY

SAMPLE TYPE: 902:AMBIENT AIR - INDOOR

DATE OF ANALYSIS: 03/29/2002 15:20 TO 03/29/2002 22:14 DATE PRINTED: 03/29/2002

ANALYSIS: SPECIAL SPECIAL ANALYSIS

FINAL REPORT

DATE PRINTED: 03/29/2002

PARAMETER	RESULT
SPECIAL ANALYSIS	DONE

## \*\*\*\* ADDITIONAL PARAMETERS \*\*\*\*

PARAMETER	RESULT
AIR VOLUME	2.96528 CU.M.
2-CHLORO-6-FLUOROPHENOL	< 0.2 MCG/CU.M.

\*\*\* END OF REPORT \*\*\*

NYS ELAP ID 10763, LAB DIR DR K. ALDOUS. CONTACT MR R. PAUSE 518-473-0320

COPIES SENT TO: 00129 00110 CPHEID FED INFO PLD INFO LCC

DR. ED HORN

NY STATE DEPT. HEALTH

ENVIRONMENTAL HEALTH ASSESSMENT

SUBMITTED BY: ADAMER

FLANIGAN SQ. 547 RIVER ST.

TROY \*\*\*\* INTERAGENCY MAIL \*\*\*\*





0319

## NEW YORK STATE DEPARTMENT OF HEALTH

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PAGE 1

## RESULTS OF EXAMINATION

FINAL REPORT

SAMPLE ID: 200201222 SAMPLE RECEIVED: 05/22/2002 CHARGE: 1.00  
PROGRAM: 112:INDOOR AIR  
SOURCE ID: DRAINAGE BASIN: GAZETTEER CODE:3621  
LOCATION: DIAZ CHEMICAL CORP., CHEMICAL RELEASE ON 1/5/02 B37815N  
DESCRIPTION: SAMPLE #3 BLOSENHAUER RESIDENCE, 51 JACKSON STREET  
TEST PATTERN: SPECIAL: SPECIAL ANALYSIS: ORGANIC ANALYTICAL CHEMISTRY  
SAMPLE TYPE: 902: AMBIENT AIR - INDOOR  
TIME OF SAMPLING: 03/21/2002 15:01 TO 03/21/2002 20:35 DATE PRINTED: 03/31/2002

ANALYST: SPECIAL: SPECIAL ANALYSIS  
DATE PRINTED: 03/29/2002

FINAL REPORT

## \*\*\*\* ADDITIONAL PARAMETERS \*\*\*\*

AIR VOLUME  
2-CHLORO-6-FLUOROPHENOL

2.99932 CU.M.  
< 0.2 MCG/CU.M.

NYS ELAP ID 10763. LAB DIR DR K. ALDOUS, CONTACT MR R. PAUSE 518-473-0325

DR. ED HORN

NY STATE DEPT. HEALTH

ENVIRONMENTAL HEALTH ASSESSMENT

TROY \*\*\*\* INTERAGENCY MAIL \*\*\*\*

0319

NEW YORK STATE DEPARTMENT OF HEALTH

157

WADSWORTH CENTER  
EMPIRE STATE PLAZA ALBANY NY 12201

PAGE 1

RESULTS OF EXAMINATION

FINAL REPORT

SAMPLE ID: 200201897 SAMPLE RECEIVED: 03/22/2002 CHARGE: 1.00  
PROGRAM: 112:INDOOR AIR  
SOURCE ID: DRAINAGE BASIN: GAZETTEER CODE:3621  
POLYTRICAL SUBDIVISION:HOPEWELL COUNTY:ORLEANS  
EASTING: LONGITUDE: 74.176100N  
LOCATION: DIAZ CHEMICAL CORP., CHEMICAL RELEASE ON 1/5/02 837815N  
DESCRIPTION: SAMPLE #3 BLOSENHAUER RESIDENCE. 51 JACKSON STREET  
REPORTING LAB: TOX-LAB FOR ORGANIC ANALYTICAL CHEMISTRY  
TEST PATTERN: SPECIAL SPECIAL ANALYSIS ORGANIC ANALYTICAL TRIBUTYLS  
SAMPLE TYPE: 902: AMBIENT AIR - INDOOR  
TIME OF SAMPLING: 03/21/2002 15:01 TO 03/21/2002 20:35 DATE PRINTED: 03/21/2002

ANALYSIS: SPECIAL SPECIAL ANALYSIS  
DATE PRINTED: 03/29/2002 FINAL REPORT

PARAMETER RESULT  
SPECIAL ANALYSIS DONE

\*\*\*\* ADDITIONAL PARAMETERS \*\*\*\*

PARAMETER RESULT  
AIR VOLUME 2.99932 CU.M.  
2-CHLORD-6-FLUOROPHENOL < 0.2 MCG/CU.M.

\*\*\* END OF REPORT \*\*\*

NYS ELAP ID 10763, LAB DIR DR K. ALDOUS, CONTACT MR R. PAUSE 518-473-0328

COPIES SENT TO: CO-29, RO-10, LPH-001, EED-001, INFO-02, INFO-10

DR. ED HORN

NY STATE DEP'T. HEALTH

DIV. ENVIRONMENTAL HEALTH ASSESSMENT

SUBMITTED BY: PAUL HEN

FLANIGAN 501 541 RIVER ST

TROY \*\*\*\* INTERAGENCY MAIL \*\*\*\*

New York State Department of Health  
Division of Laboratories and Research  
Environmental Health Institute

## INDOOR AIR (ORGANIC POLLUTANTS)

1. Occupant: B. Blasenauer
2. Address: 51 Jackson Holley Orleans  
(Street) (Town) (County)
3. Map I.D. Number: \_\_\_\_\_
4. Date Collected: 3/21/02
5. Collected by: Dave Napier RFO  
(Name) (Office) (Title)
6. Sampling Site (Living Room, Kitchen, etc.): Living Room
7. Room Odor and Intensity: very strong odor  
acetone + ketone odor
8. Humidity (Sling Psychrometer): Dry Bulb: 54 Wet Bulb: 45 RH: 48
9. Weather on Sampling Day: cold & snowing
10. Approximate Age of House: \_\_\_\_\_
11. Type of Heat (gas, oil, etc.): \_\_\_\_\_
12. Symptoms (if any) of Occupants (nausea, etc.): \_\_\_\_\_

13. Rotameter I.D. Number: D-2532 Height of Sampler off Floor: \_\_\_\_\_

AIR ACC. #	TOX ACC. #	CARTRIDGE TYPE AND I.D. #	TIME START	TIME STOP	TOTAL RUN TIME (MIN)	INITIAL ROTAMETER READING (COB)	FINAL ROTAMETER READING (COB)	AVERAGE FLOW RATE (LPM)	TOTAL AIR VOLUME (M <sup>3</sup> )
		#3	1501	17035	334	25	25	2.98	2999
		Flow rate checked	1735			25			
		" " "	1850			25			

Analysis Required \_\_\_\_\_

DIAGRAM SAMPLING SITE ON REVERSE SIDE, INCLUDE WINDOWS AND DOORS

0331

## NEW YORK STATE DEPARTMENT OF HEALTH

157

WADSWORTH CENTER

EMPIRE STATE PLAZA ALBANY, NY 12201

PAGE 1

## RESULTS OF EXAMINATION

FINAL REPORT

SAMPLE ID: 200202940 SAMPLE RECEIVED: 03/22/2002 CHARGE: 1-00  
PROGRAM: 112: INDOOR AIR DRAINAGE BASIN: GAZETTEER CODE: 3621  
SOURCE ID: COUNTY: ORLEANS  
POLITICAL SUBDIVISION: HOLLEY  
LATITUDE: LONGITUDE: 7- DIRECTION:  
LOCATION: DIAZ CHEMICAL CORP., CHEMICAL RELEASE ON 1/5/02 837815N  
DESCRIPTION: SAMPLE #6 BUZZARD RESIDENCE, 54 EAST ST., HOLLEY  
REPORTING LAB: TOX LAB FOR ORGANIC ANALYTICAL CHEMISTRY  
TEST PATTERN: SPECIAL SPECIAL ANALYSIS ORGANIC ANALYTICAL CHEMISTRY  
SAMPLE TYPE: 902: AMBIENT AIR - INDOOR  
TIME OF SAMPLING: 03/21/2002 16:33 TO 03/21/2002 21:07 DATE PRINTED: 03/21/2002

ANALYSIS: SPECIAL SPECIAL ANALYSIS  
DATE PRINTED: 03/29/2002 FINAL REPORT

PARAMETER: DBH  
SPECIAL ANALYSIS

## \*\*\*\* ADDITIONAL PARAMETERS \*\*\*\*

PARAMETER: AIR VOLUME  
2-CHLORO-6-FLUOROPHENOL  
2.99932 CU.M.  
< 0.2 MCG/CU.M.

\*\*\* END OF REPORT \*\*\*

NYS ELAP ID 10763, LAB DIR DR K. ALDOUS, CONTACT MR R. PAUSE 518-473-0323  
COPIES SENT TO: COC-2, ROYAL, PRECO, FEB 2, 2002, INFO 1/2

DR. ED HORN  
NY STATE DEPT. HEALTH  
DIV. ENVIRONMENTAL HEALTH ASSESSMENT  
ALBANY, NY 12242  
TROY  
\*\*\*\* INTERAGENCY MAIL \*\*\*\*

SUBMITTED BY: PPE/HEC

500201

New York State Department of Health  
Division of Laboratories and Research  
Environmental Health Institute

INDOOR AIR (ORGANIC POLLUTANTS)

1. Occupant: Buzzard
2. Address: 54 East St Holley Orleans  
(Street) (Town) (County)
3. Map I.D. Number: \_\_\_\_\_
4. Date Collected: 3/21/02
5. Collected by: Dave Napier & FO  
(Name) (Office) (Title)
6. Sampling Site (Living Room, Kitchen, etc.): center area hall
7. Room Odor and Intensity: none
8. Humidity (Sling Psychrometer): Dry Bulb: 70 Wet Bulb: 55 RH: 40
9. Weather on Sampling Day: snowy/cold
10. Approximate Age of House: \_\_\_\_\_
11. Type of Heat (gas, oil, etc.): \_\_\_\_\_
12. Symptoms (if any) of Occupants (nausea, etc.): \_\_\_\_\_
13. Rotameter I.D. Number: 02532 Height of Sampler off Floor: 2 ft

AIR ACC. #	TOX ACC. #	CARTRIDGE TYPE AND I.D. #	TIME START	TIME STOP	TOTAL RUN TIME (MIN)	INITIAL ROTAMETER READING (COB)	FINAL ROTAMETER READING (COB)	AVERAGE FLOW RATE (LPM)	TOTAL AIR VOLUME (M <sup>3</sup> )
		#6	1533	2107	334	25	25	2.98	2999.3
		Flow rate checked	1800			25			
		11 " "	1925			25			

Analysis Required \_\_\_\_\_

DIAGRAM SAMPLING SITE ON REVERSE SIDE, INCLUDE WINDOWS AND DOORS

New York State Department of Health  
Division of Laboratories and Research  
Environmental Health Institute

## INDOOR AIR (ORGANIC POLLUTANTS)

1. Occupant: Alex Hinkley Hinkley
2. Address: 10 Jackson Holley Orleans  
(Street) (Town) (County)
3. Map I.D. Number: \_\_\_\_\_
4. Date Collected: 2-21-02
5. Collected by: Dave Nopich DFO  
(Name) (Office) (Title)
6. Sampling Site (Living Room, Kitchen, etc.): middle room
7. Room Odor and Intensity: slight odor
8. Humidity (Sling Psychrometer): Dry Bulb: 68 Wet Bulb: 55 RH% 44
9. Weather on Sampling Day: snowy-cold
10. Approximate Age of House: \_\_\_\_\_
11. Type of Heat (gas, oil, etc.): \_\_\_\_\_
12. Symptoms (if any) of Occupants (nausea, etc.) \_\_\_\_\_
13. Rotameter I.D. Number: 0 2532 Height of Sampler off Floor: 7 ft

AIR ACC. #	TOX ACC. #	CARTRIDGE TYPE AND I.D. #	TIME START	TIME STOP	TOTAL RUN TIME (MIN)	INITIAL ROTAMETER READING (COB)	FINAL ROTAMETER READING (COB)	AVERAGE FLOW RATE (LPM)	TOTAL AIR VOLUME (M <sup>3</sup> )
		#4	1612	2350 1000	348	24	24	2.62	2919.2
		Flow rate checked	1825			24			

Analysis Required \_\_\_\_\_

DIAGRAM SAMPLING SITE ON REVERSE SIDE, INCLUDE WINDOWS AND DOORS

TOTAL P.13



0339

NEW YORK STATE DEPARTMENT OF HEALTH

157

WADSWORTH CENTER  
EMPIRE STATE PLAZA ALBANY, NY 12201

PAGE 1

RESULTS OF EXAMINATION

FINAL REPORT

SAMPLE ID: 200201342 SAMPLE RECEIVED: 03/22/2002 CHARGE: 1-BD  
PROGRAM: 112:INDOOR AIR  
SOURCE ID: DRAINAGE BASIN: GAZETTEER CODE:3621  
POLITICAL SUBDIVISION: SHERBURN COUNTY: TULAREANS  
LATITUDE: LONGITUDE: DIRECTION:  
LOCATION: DIAZ CHEMICAL CORP. CHEMICAL RELEASE ON 1/5/02 (870-837815N)  
DESCRIPTION: TRIP BLANK #1  
REPORTING LAB: DOX LAB FOR ORGANIC ANALYTICAL CHEMISTRY  
TEST PATTERN: SPECIALSPECIAL ANALYSIS: ORGANIC ANALYTICAL CHEMISTRY  
SAMPLE TYPE: 950:CONTROL - AIR CARTRIDGE BLANK  
TIME OF SAMPLING: 03/21/2002 DATE PRINTED: 03/22/2002

ANALYSIS: SPECIAL SPECIAL ANALYSIS  
DATE PRINTED: 03/29/2002

FINAL REPORT

PARAMETER RESULT  
SPECIAL ANALYSIS DONE

## \*\*\*\* ADDITIONAL PARAMETERS \*\*\*\*

PARAMETER RESULT  
AIR VOLUME BLANK  
2-CHLORO-6-FLUOROPHENOL < 0.2 MC6/CU.M.

END OF REPORT

NYS ELAP ID 10763. LAB DIR DR K. ALDOUS. CONTACT MR R. PAUSE 518-473-0323

COPIES SENT TO: 10/21/02, 10/23/02, 10/23/02, 10/23/02, 10/23/02, 10/23/02

DR. ED HORN

NY STATE DEP'T. HEALTH

DIV. ENVIRONMENTAL HEALTH ASSESSMENT

PLANTGARD, 547 RIVER ST.

TROY \*\*\*\* INTERAGENCY MAIL \*\*\*\*

SUBMITTED BY: PPA/NEH

500204



0343

## NEW YORK STATE DEPARTMENT OF HEALTH

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WADSWORTH CENTER  
EMPIRE STATE PLAZA ALBANY NY 12201

PAGE 1

## RESULTS OF EXAMINATION

FINAL REPORT

SAMPLE ID: 200201340 SAMPLE RECEIVED: 03/20/2002 CHARGE: 1-00  
PROGRAM: 112: INDOOR AIR GAZETTEER CODE: 3621  
SOURCE ID: DRAINAGE BASIN: COUNTY: ORLEANS  
POLITICAL SUBDIVISION: HOULEY VA Z-DIRECTION:  
LATITUDE: LONGITUDE:  
LOCATION: DIAZ CHEMICAL CORP. CHEMICAL RELEASE ON 1/5/02 (870-837815N)  
DESCRIPTION: TRIP BLANK #2  
REPORTING LAB: TOX LAB FOR ORGANIC ANALYTICAL CHEMISTRY  
TEST PATTERN: SPECIAL SPECIAL ANALYSIS ORGANIC ANALYTICAL CHEMISTRY  
SAMPLE TYPE: 950: CONTROL - AIR CARTRIDGE BLANK  
TIME OF SAMPLING: 03/21/2002 DATE PRINTED: 03/31/2002

ANALYSIS: SPECIAL SPECIAL ANALYSIS  
DATE PRINTED: 03/29/2002

FINAL REPORT

PARAMETER	RESULT
SPECIAL ANALYSIS	DONE

## \*\*\*\* ADDITIONAL PARAMETERS \*\*\*\*

PARAMETER	RESULT
AIR VOLUME	BLANK
2-CHLORO-6-FLUOROPHENOL	< 0.2 MCG/CU.M.

NYS ELAP ID 10763, LAB DIR DR K. ALDOUS. CONTACT MR R. PAUSE 518-473-0323  
COPIES SENT TO: GO(2) RD(3) LPH(8) TDC(1) INFO(1)

DR. ED HORN

NY STATE DEPT. HEALTH

DIV. ENVIRONMENTAL HEALTH ASSESSMENT

SUBMITTED BY: PPA/MER

PLANNING SD 547 RIVER ST

TROY \*\*\*\* INTERAGENCY MAIL \*\*\*\*

500205

Unit	Address	TAGA File	8/02 TAGA	8/02 Ar Tubes Highest Result	Wipe Samples	Soil Samples	Comments	DOH Air ug/m <sup>3</sup>	DOH Soil ug/Kg	DOH WIPE ug/m <sup>2</sup>	EPA/DOH INDOOR
Hinkley	1 10 Jackson	DIA007	0.034	0.09 < DL	ND	24ug/Kg composite 2- 53ug		0.08 to 0.2			ND
Hardy	2 18 Jackson	DIA008	0.140	0.33	ND	67-860ug/Kg - 260 coupons		0.32 to 0.9	900 rear 2000 roofdrip	49 porch	ND
Flow	3 14 Jackson	DIA9	0.063	0.32	ND	85ug/Kg composite 24- 140 cellar - ND		0.21- 0.22	960 rear of house	46 front door handle 360 free 170 handrail	ND
Lavender	4 13 Jackson	DIA10	< DL	.21	ND	ND		ND			ND
	5 19 Jackson	DIA11	< DL	ND	ND	ND		ND			
Miles	6 16 Jackson	DIA12	0.092	0.40	ND	68-130ug/Kg 20ug/Kg 1 composite		0.39- 0.40			ND
Hundley	7 11 Jackson	DIA13	< DL	ND	ND	ND		ND	520 Front lawn 2 swingsets	0.7 swingset 0.45 handrail	ND
Lusk	8 40 S. Main	DIA14	< DL	ND	ND			ND			
Bennage	9 8 Jackson	DIA15	< DL	ND	ND	ND		ND			
Mandrachia	10 6 Jackson	DIA16	< DL	ND	ND	ND	dichlorobenzene mothballs interfered with results	ND			ND
Catlin Rental	11 9 Jackson	DIA17	< DL	ND	ND	27-55ug/Kg - 14ug/Kg composite		ND			ND
McAllister	12 37 S. Main	DIA18	< DL	ND	ND	17ug/KG composite = ND	dichlorobenzene mothballs interfered with results	ND	470 under swingset	7.4 Handrail 170 swingset 100 car door 87 car door	ND
Gaylord	13 33 S. Main	DIA19	< DL	ND	ND	ND		ND			ND
Hinkley (children)	14 31 S. Main	DIA20	< DL	ND	ND	ND		ND			ND

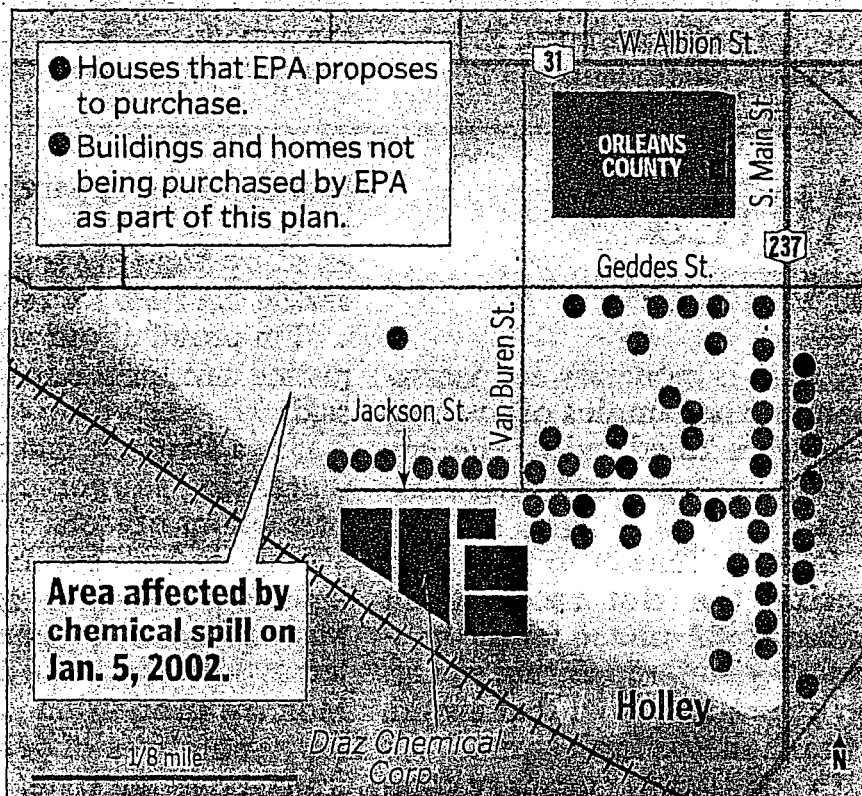
ROCHDOCS\345695\

500206

Unit		Address	TAGA File	8/02 TAGA	8/02 Ar Tubes	Wipe Samples	Soil Samples	Comments	DOH Air ug/m <sup>3</sup>	DOH Soil ug/Kg	DOH WIPE ug/m <sup>2</sup>	EPA/DOH INDOOR
Trupo	15	27 S. Main	DIA21	< DL	ND	ND	ND		ND			ND
Dann	16	26A S. Main	DIA22		ND				ND		<0.2	
Dann	17	26B S. Main	DIA23		ND				ND			
Patterson	18	26 Thomas	DIA24		ND				ND			ND
Schubmehl	19	28 Van Buren	DIA25		ND				ND			
Germeo	20	26 Van Buren	DIA26 >DL		ND				ND			
Catlin	21	38 Geddes	DIA27		ND				ND			
	22	24 Van Buren	DIA28		ND				ND			
	23	13 S. Main	DIA29		ND				ND			
	24	School	DIA30		ND				ND			
Grass Lot						x						
Mayor's Office						x						

## EPA proposes Holley home purchases

The EPA is proposing to purchase the eight indicated homes because these residents have been displaced since the spill. EPA has not ruled out future purchases.



SOURCE: EPA and staff research

KEVIN M. SMITH staff artist

DEAR JOHN,

ARE YOU PEOPLE SERIOUS? AFTER BEING POISONED BY DIAZ CHEMICAL ALL THESE YEARS YOU NOW WANT TO MAKE THE TAXPAYERS RESPONSIBLE FOR THEIR SINS?

WHERE WERE THE EPA AND THE DEC ALL THOSE YEARS WHEN DIAZ HAD VARIOUS EXPLOSIONS AND LEAKS BUT COULD FIND "NOTHING WRONG" WHEN AND IF ANYONE EVER SHOWED UP TO INVESTIGATE? I LIVE ONE BLOCK AWAY FROM THE PLANT AND HAVE BEEN CLEANING OILY GREASE AND GRIME FROM MY OUTSIDE FURNITURE AND CAR SINCE THEY STARTED PRODUCTION.

THE JENNEY'S HAVE PLENTY OF PROPERTY IN HOLLEY AND OTHER LOCATIONS AROUND THE COUNTRY. ATTACK THEM !!! USE THEIR MONEY FOR THEIR ILLS, NOT MINE! NOW THE EPA WANTS TO HEAR FROM ME. HOW NICE! IF THESE FAMILIES WANT NEW LOCATIONS LET JENNEY PAY FOR IT, NOT ME. I WOULD LIKE TO HEAR FROM YOU. MY PHONE NUMBER IS 585 638 6543, I WON'T HOLD MY BREATH UNTIL THE PHONE RINGS.



Francis Zambito  
77 Geddes St.  
Holley, NY 14470-1144

Dear Sir,

August 13, 2004

I received a letter explaining about the eight (8) people that I are relocated here to the River spill. They have had plenty of work done to their homes, had new furniture food & aid for (meals). Cleaned their furniture rug & that sort. from top to bottom, and sprayed on the outside of their homes. I am upset as our taxes go higher & higher, when is it going to end.

I think they can go in their own homes, they get enough from the tax payers.  
Thank you  
Sincerely  
Owatah Okara

**October 8, 2004**

**To: John DiMartino, Project Manager  
U.S. Environmental Protection Agency**

**Re: Diaz Superfund Proposed Plan (Holley, New York)**

**•Dear Mr. DiMartino:**

**It was with great interest and concern that we attended the meeting of October 5<sup>th</sup>. As longtime village residents and taxpayers, we wholly favor remedial alternative one to be the most optional and cost-effective. Funding for the "displaced" residents should be discontinued, as the EPA should stand behind their belief that these homes are not contaminated and are suitable to be inhabited. These residents are displaced by choice rather than necessity.**

**We would also strongly oppose any of our tax dollars being further spent on this issue, which is perceived by the majority to be not only frivolous, but an issue that began by a select few (not surprisingly, the very same "displaced" residents) as a personal vendetta and has evolved into a mess that has gotten completely out of hand. Please stop the free money from flowing, and perhaps these "displaced" residents will find that there really is "no place like home."**

**Thank you for your consideration.**

**Russell E. Walls, Jr.  
Debra J. Walls  
16659 State Route 31  
Holley, New York 14470**

*Russell E. Walls Jr.*  
*Debra J. Walls*

John DiMartino  
U.S. EPA - Region II  
290 Broadway, 20th Floor  
New York, New York 10007-1866

Re: Diaz Chemical Site Proposal - Proposal to Purchase Homes

Dear Mr. DiMartino,

Please allow me to make a comment regarding the recent proposal to buy eight houses within the village of Holley, NY, that are located near the Diaz Chemical Corporation. I live approximately 1/2 mile east of the village, in the Town of Murray. My only interest in this matter is as a tax payer.

I do not support the proposal for the EPA to buy these houses. I have not been convinced by any party involved that these houses are uninhabitable or that any chemical contamination exists that would warrant permanent relocation. I am convinced there isn't any chemical contamination hazard that can't either be controlled or cleaned up by the EPA. As to the hardship that is claimed by the displaced residents, I believe that this is a self imposed hardship by the residents that has been facilitated by the EPA assuming the costs involved in maintaining temporary relocation.


Since the spill occurred I have heard many claims that Diaz Chemicals have caused extreme health problems and caused extensive property damage. I have not seen one shred of evidence that any of these claims have any truth to them. In the course of my employment, I drive through this neighborhood every day, and what I see is completely opposite to what is being claimed by the displaced residents. I see a decent neighborhood with green grass and trees, adequately kept houses, businesses going about their daily routines, children playing outside, residents walking along the sidewalks, and air that smells fresh with no perceptible odors. This is the normal stuff of Normaltown, USA. It puzzles me that residents say they love their homes and think highly of the village of Holley, yet when told that it safe to return to their homes by experts, they refuse to believe it. Any rational person that truly loved their home would be anxious to return when cleared to do so. This contradiction leads me to suspect that there are alternate agendas being pursued here.

I fully realize that the EPA has the authority to buy these houses, regardless of what I think about it, and I also realize the EPA is probably between a rock and a hard place with regards to the displaced residents. It would seem that no matter what the decision about buying properties is, someone is not going to like the outcome. Buying these eight house sets a bad precedent, it will further drive down property values in the village that are already artificially low. It will also give the other 30 or so homeowners in the affected area and who knows how many beyond that, a reason to seek relocation also. Sooner or later the EPA is going to have to say enough is enough. I say now is that time.

Overall I believe that the EPA is doing a good job. Monitoring the ground water, the air quality, the waste water releases from the site, disposal of chemical products and equipment cleanup and removal are all necessary and being done with care and safety. I just think that buying these houses, or any houses in the village of Holley, is a bad way to use my tax dollars. I would rather see those dollars used for site cleanup, whether in Holley or any where else that warrants the use of tax monies to protect our environment.

Thank you for the opportunity to give my opinion on this subject.

Sincerely yours,

  
Warren P. McFadden





gary ahl  
<gahl@rochester.rr.co  
m>

09/18/04 09:38 AM

To: John DiMartino/R2/USEPA/US@EPA  
CC:  
Subject: Superfund Proposed Plan - Diaz Chemical Corporation

We are absolutely appalled by the continued cost to the taxpayers for the "displaced" families, who CHOSE to flee their homes following the chemical release. Their neighbors, friends and family have remained in their homes and suffer no ill effects. We have reviewed the selected remedial alternatives, which have been developed for the "displaced" persons, who are no more at risk than any other residents who live near the Diaz Chemical Site. Apparently, the EPA is only concerned about these few families' health and environment. How can eight homes, which are scattered around Diaz Chemical, be the only contaminated sites? Three of these homes are owned by sisters, who have had a vendetta against Diaz Chemical for more than 25 years. It appears that the EPA has succumbed to their self-serving demands and is willing to use taxpayers' money to "make them go away". The displaced families are the only residents who have complained about continued sore throats, headaches, nosebleeds, skin rashes, burning lips, etc. and odors in their homes. The only odor in these peoples' homes is their smell of money.

Since our choice of a remedial alternative is not an

option, we believe that Alternative 1: No Action is the appropriate remedy. This matter has caused great dissension in the community and needs to be resolved.

Gary A. Ahl

Jean L. Ahl

14 VanBuren Street

Holley, New York 14470

September 18, 2004



Gary Ahl  
<gahl@rochester.rr.co  
m>

09/29/04 01:15 PM

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: SUPERFUND PROPOSED PLAN DIAZ CHEMICAL CORPORATION

## **Re: Superfund Proposed Plan - Diaz Chemical Corp.**

**I have studied the above reference Plan and its Appendix. I do not want any more of my taxpayer's dollars to be used for continued temporary relocations or property acquisitions and permanent relocations for the "displaced" residents and tenants.**

**Why are there two tenants still receiving free housing, and who knows what other additional benefits, at a cost in excess of \$3,000.00 a month? What a sweet deal this has been for them for the last two and a half years, and counting. I cannot believe the EPA proposes to give them another three months of free housing and \$3,000.00 each for relocation benefits. If they could not, or would not, continue to live in their rental properties, then they should have moved to a new rental facility long ago.**

**It is hard to understand how only eight families out of approximately 900 households located in the Village of Holley require relocation and/or compensation. Is this simply "the squeaky wheel gets the grease (money)?"**

**I certainly hope that Alternative 3 is not implemented.  
It should not be an option! I urge the EPA to choose  
Alternative 1 as the remedy to settle this matter.  
Hopefully, these people will leave our community and  
allow the conflicts they have caused to heal.**

***John G. Ahl  
Amy L. Ahl  
29 North Main Street  
Holley, New York 14470***

***September 29, 2004***



Dilldavid7@aol.com

10/06/04 09:37 PM

To: John DiMartino/R2/USEPA/US@EPA

cc:

Subject: Diaz Superfund Proposed Plan

Dear Mr. DiMartino:

I would like to comment on the Diaz Superfund Proposed Plan.

Why is it that we, the taxpayers of the Village of Holley, have to pay for the relocation of the eight families who have refused to move back into their homes?

This to me is a family vendetta against Diaz Chemical.

It doesn't make sense that only a few houses are affected. These same people who claim they can't return home to live, have no problem spending Holidays and special events, such as the Memorial Day Parade and the Holley firemen's Parade, on their front porches.

In their attempt to ruin Diaz Chemical and " Make Holley Safer", they are actually ruining the reputation of the Village of Holley. At a time when Holley is trying hard to improve and bring businesses into the Village, these same people who say they care so much have continually hurt the image of the Village.

Please put an end to this situation. The Houses have been cleaned and you can tell them that they can move back.

Sincerely Yours,

David and Brenda Dill  
Lois and Alvin G. Dill



Jacquelyn DeMarco  
<jddemarco@verizon.  
net>

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Diaz Superfund Proposed Plan

10/07/04 12:35 PM

Dear John,

As a resident of Holley I choose #1. No Action Cost!!!!!!

I feel the eight families and two tenants should return to their homes. I truly believe that there is NOTHING wrong with their homes and never was and that this is just a way for them to get easy money, a new home and live high off the hog so to say!!!!

I refuse to pay one penny to relocate them or to provide them another home in which to live !!!!!!!!!!! This is insanity!!!!

Sincerely,

Jacquelyn DeMarco

Enough is enough!!! NO MORE!!!!!!!!!!



sswanger@rochester.rr.com

10/07/04 02:30 PM

To: John DiMartino/R2/USEPA/US@EPA

cc:

Subject: Diaz superfund proposed plan

I am in favor of #1 proposal. I am in the opinion that these eight families are just trying to get a new house out of the situation. There is no way we the tax payers of Holley can afford to take eight houses out of the tax rolls. I just don't understand how such a few people can think they can pull the wool over the eyes of the epa, when there are families living on each side of the eight homes in question and everything is fine with them. I really hope the epa does not let these eight families railroad them into a decision that will hurt the rest of the people of Holley. thank-you [sswanger@rochester.rr.com](mailto:sswanger@rochester.rr.com)



wmurph@homereley.n  
et

To: John DiMartino/R2/USEPA/US@EPA

cc:

Subject: diaz chemical

12/23/00 02:19 PM

MR.DIMARTINO;I AM A SENIOR CITIZEN WHO WAS BORN IN THE VILLAGE OF HOLLEY 75 YEARS AGO ,I CAME BACK TO HOLLEY AFTER A STINT IN THE MILLITARY AND HAVE LIVED HERE SINCE ,I LOVE THIS VILLAGE AND MOST OF THE PEOPLE IN IT. WE CANNOT AFFORD ANY MORE TAXES AND I THINK THAT THE WHOLE SITUATION SHOULD BE DROPED WITH THE EXEPTION OF THE DWELLINGS ON THE SOUTH SIDE OF JACKSON STREET ONLY; THANK YOU VERY MUCH FOR ALL YOU HAVE AND YOUR CONCERN; WILLIAM A MURPHY 98 WEST ALBION STREET HOLLEY,NEW YORK 14470-1062





roseg1@localnet.com

10/07/04 05:53 PM

To: John DiMartino/R2/USEPA/US@EPA

cc:

Subject: diaz superfund propsed plan

Dear sir:

Your notice stating that the cost of the familys who chose to leave Holley is going to passed on to us the tax payers of Holley. We are not at fault for Diaz Corp. We are paying enough taxes. We don't have to pay any more. Concerned Holley Residents,  
Angelo and Rose Gifaldi



Jill Mann  
<jmann@holleycsd.org  
>

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Diaz Superfund proposal

10/08/04 09:14 AM

Dear Mr. DiMartino,

I am a teacher in the Holley Central School District and I reside in Clarkson NY. I feel the most action that should take place regarding the Diaz Superfund Plan is proposal #1: The No Action Cost. Many of the residents continue to be seen at their homes in spite of their claims that it is too dangerous and that they are afraid to go back in. Taxpayers are burdened enough and I feel that since the EPA declared their homes safe they should sell the houses themselves. Why aren't all the homes in the immediate area considered for the relief? I think if the contamination was so dangerous why are some left to live there? It is outrageous to think that taxpayers will ultimately be asked to buy only a few select homes. I feel that proposal 2 Continuation of Temporary Relocation and Proposal #3A Property Acquisition/Permanent Relocation are ridiculous ideas.

Sincerely, Jill Mann 73 Lacey Lane, Brockport, NY 14420

This message was checked by MailScan for WorkgroupMail.  
www.workgroupmail.com



RackofRibs40@aol.co  
m

10/08/04 09:57 AM

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Diaz Superfund Proposed Plan

Hello John,

This is dated October 8, 2004.

I have been residing at 33 South Main Street, Holley, New York for the past three years with Ross L. Gaylord. My residence is at 21 High Street, Holley.

I attended the meeting held on October 5th at the Holley Elementary School at 7:00 PM. The professionalism of the EPA and DEC was outstanding.

Some of the families still visit their homes on a regular bases. Mow the lawns, do laundry and stay around. The Hundley's are always home even though they say their allergies have kept them out of their home. Mr. Hundley mows lawns as does his young daughter for Margaret McAllister, plus her nephew (Margaret) rides a four wheeler around the yard. Mr. and Mrs. Trupo have a summer home in Cuba, NY, plus go south in the winter. Very seldom did they ever stay in Holley except once a month to get their mail and leave. This they have been doing for years. Now they want us to believe they are so sick from the spill from Diaz.

Mrs. Horst was one happy camper to be living in Holley and loving her home that she purchased a couple of years ago. Was she hiding under a rock and not listening to the news about the DIAZ SPILL, which she called an explosion?

I have stayed at 33 South Main Street thru this whole ordeal as has Ross Gaylord. You people have power washed our home (twice), cleaned the furnace and piping, have sort of given us results of lab test we took, and never told us we should move out. Our cars were totally covered with residue from the Spill and Diaz cleaned up our vehicles with soap and water. No paint has been damaged.

I am really upset with the crew of McAllister, Dann, Trupo and Catlin. They have been trying for about 20 years plus to rid Holley of Diaz. They succeeded by having Diaz leave our community. Yes, no one wants a chemical plant in their back yard, but I believe these few families have taken to cheating themselves plus the community and neighbors. They all say how sick and depressed they are. Well, from my point of view and mine only, not one of them have lost an ounce of weight through it. Most have become very greedy and watch for all the others to jump on the band wagon.

I think it is time to make a decision over the properties (leaving contents inside) and not allowing them to remove things they really want out. Things (material things) have to stay with the homes you buy.

Isn't it amazing that Patricia, Bernadette and Margaret are sisters. Also, how is it that the only house on Geddes Street was contaminated?

When and if these homes are taken off the tax rolls, what an expense to our small village. How can it be possible that only 8 homes out of our community can be claimed to be contaminated? That should have raised eyebrows to the EPA.

Thank you, Alnita Jean D'Lallo 21 High St. / 33 South Main St. Holley, NY 14470 and Ross Gaylord 33 South Main St. Holley.



"Russell K. Van Der  
Linden"

<rkvander3@juno.com

>

To: John DiMartino/R2/USEPA/US@EPA

cc:

Subject: Diaz Superfund Proposed Plan

10/08/04 04:48 PM

I am Russell Van Der Linden, I live at 7 West Ave. in Holley, NY  
14470  
and I would recommend that of the three options suggested for the eight  
displaced families that the EPA use option 1, tell them they can return  
to their homes or be permanently relocated. Thanks for the opportunity  
to give my input.



Jandsped2@aol.com

10/08/04 10:31 PM

To: John DiMartino/R2/USEPA/US@EPA

CC:

Subject: Diaz Superfund Proposal

Mr. Dimartino, I am writing to let you know I think it is outrageous that the EPA should even consider paying the displaced families from Holley any more. Their homes have been found to have no contamination from the Diaz Corp. It is now time for those homeowners to either move back into their homes or put those homes up for sale and move elsewhere. As for their belongings they need to decide weather to keep them or give them to charity. The EPA should NOT pay for their belongings for any reason. I feel the displaced families are just looking for the taxpayers of Holley and Orleans County pay for problems of their own making, out of their own fear and anxiety. It is not up to taxpayers to pay for this problem.

I realize these people are afraid of being physically harmed by living in their homes but their fears are found to be in their minds not in the homes or grounds of their property, and the EPA should not pay for peoples fears. Please deny paying them anymore without just reason. Thank you for your time. Sheron Pedley

Jandsped2@aol.com

### **Re: Diaz Superfund Proposed Plan**

**The EPA wants to hear from you! The above referenced Plan has three proposed remedial actions: (1) No Action Cost. The eight displaced families and two tenants will have a choice to either return to their homes or be permanently relocated. This will cost taxpayers \$156,000.00. (2) Continuation of Temporary Relocation Cost. EPA would continue funding temporary relocation for the eight displaced families until the completion of all studies by EPA. This may take 5-10 years. The cost to taxpayers is \$189,400.00 per year. In addition, the tenants will be relocated at a cost of \$25,500.00. (3A) Property Acquisition/Permanent Relocation. The EPA would acquire the properties of the eight families and permanently relocate them. The tenants will be also given relocation benefits. Total cost to taxpayers is \$1,084,100.00, in addition to \$50,500.00 every year for operation and maintenance costs for the acquired properties. These**

**properties will be removed from the tax rolls.**



JOHNDIANEB@aol.co  
m

10/09/04 09:31 AM

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: DIAZ:

I like Plan 1, No Action Cost.

Tell the families if they don't want to live in their houses to sell them. If and when the EPA finds that their health was affected by the chemical spill then they can receive further compensation but why compensate them for something that we don't know has harmed them.

I worked at KODAK for 23 years and I have probably been exposed to more serious and harmful chemicals then they were. I also know that some of the people worried about being exposed by DIAZ also worked at EK specially B-53 ( Metelyene Chloride ) and that didn't seem to bother them..

I'd like to relocate, how about the Finger Lakes??

John Beckingham  
10 Park Place  
Holley



SUNDAE4evr@aol.co  
m

10/09/04 03:34 PM

To: John DiMartino/R2/USEPA/US@EPA  
CC:  
Subject: RE: Diaz Superfund Proposed Plan

This whole thing is a TOTAL FARCE! Taxpayers money should NOT be used to fund the lives of those who chose to live in Holley, NY knowing DIAZ was located within the village. Those who are looking for EASY MONEY with no regard for the impact they have on others should be told NO MONEY will be forthcoming from the Federal Government!! These people seem to have had NO PROBLEM spending days in Holley after the 'supposed incident'!!! 'Sheer greed' and 'payment demand' are merely reflections of their of their total self-centeredness. The majority of residents in this Village are more than happy to see these people go elsewhere as all are known as 'problems' with being underwritten by any funds for any sources!!!

A Holley resident





squill@brockport.edu

10/10/04 10:14 AM

To: John DiMartino/R2/USEPA/US@EPA

CC:

Subject:

(built Jun 24 2004)) with ESMTPA id <0I5D00G0CH1Z02E0@po.cis.brockport.edu>  
for

dimartino.john@epa.gov; Sun, 10 Oct 2004 10:17:59 -0400 (EDT)

Date: Sun, 10 Oct 2004 10:16:49 -0400

From: shannon <squill@brockport.edu>

Subject: DIAZ Super funded Proposal

To: dimartino.john@epamail.epa.gov

Message-id: <CBEELOKJNICHLGANNFOLKEFFDMAA.squill@brockport.edu>

MIME-version: 1.0

X-MIMEOLE: Produced By Microsoft MimeOLE V6.00.2800.1441

X-Mailer: Microsoft Outlook IMO, Build 9.0.2416 (9.0.2911.0)

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Importance: Normal

X-Priority: 3 (Normal)

X-MSMail-priority: Normal

John Dimartino,

Being a tax payer in the Village of Holley, I do NOT agree with paying these eight families to relocate or any other expense of theirs. Below are my reasons that support the stance I am taking:

1. The EPA has stated in the Democrat and Chronicle that these properties are not condemned and are safe and livable.
2. People that live in that area are all living normal lives, except for these eight families. We all breath the same air and have to accept the same surroundings if you live in the Town of Holley.
3. When passing these properties at various times throughout the year, I see the lawns are being mowed, laundry is being hung outside to dry and people are working on their vehicles in the driveways. If these homes were so unsafe then why are these people still around doing things that would "endanger their health" by their standards?  
Personally, I would never go near the property again if I felt I was in that much danger!

Could it be that these eight families are trying to get monetary gains from the tax payers of Holley and the State of New York because of Diaz? The happenings surrounding the entire Diaz scenario is unfortunate. We have been taken advantage of by Diaz and their pollutants. Please DO NOT let these eight families do the same! If you do, when will it end???

Thank you for taking the time to review my concerns.

Sincerely,

Lawrence L. Sauro  
Holley, NY Resident



squill@brockport.edu

10/10/04 10:34 AM

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject:

(built Jun 24 2004)) with ESMTA id <0I5D00GALHZE02E0@po.cis.brockport.edu>  
for

dimartino.john@epa.gov; Sun, 10 Oct 2004 10:38:02 -0400 (EDT)  
Date: Sun, 10 Oct 2004 10:36:52 -0400  
From: shannon <squill@brockport.edu>  
Subject: DIAZ Super Funded Proposed Plan  
To: dimartino.john@epamail.epa.gov  
Message-id: <CBEELOKJNICHLGANNFOLKEFHDMAA.squill@brockport.edu>  
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Content-type: text/plain; charset=iso-8859-1  
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Importance: Normal  
X-Priority: 3 (Normal)  
X-MSMail-priority: Normal

John Dimartino,

I am deeply concerned about the fact that these eight families in the Village of Holley are asking to be relocated at the tax payers expense! Everyone in the town is breathing the same air and lives in the same surroundings. Yes, it is extremely unfortunate that this occurrence happened with Diaz to cause such chaos in our community. My home has also received some negative consequences due to their chemical spill. But bottom line is that it IS NOT unsafe to live in this community. Diaz has now removed themselves from that property, which makes our community that much safer. Not to mention, these eight homes have been inspected and found that they were perfectly safe to live in.

For those eight families to think they stand out more than anyone else in this community who has suffered at the hands of Diaz Chemical is just plain selfish and wrong! I have driven around with my husband at various times throughout the day and year and have found these families at their "unsafe dwellings" (by their standards) - mowing lawns, hanging out laundry and other various activities. If these families believed their dwellings to be so unsafe, then why on earth are they still around?

It is my belief that these families are trying to take advantage of an unfortunate incident and hoping that they will somehow benefit from it. We CAN NOT let them do this to our community! They are not the only families who have suffered!

Thank you for taking the time to review my concerns.

Sincerely,

Patricia J. Sauro

500231



Gary Ahl  
<gahl@rochester.rr.co  
m>

10/10/04 11:54 AM

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Diaz Superfund Proposed Plan (Holley, New York)

**Dear Mr. DiMartino:**

**As I discussed with you following the meeting of October 5<sup>th</sup>, I was very disappointed with the public comment segment of the meeting. Once, again, like all previous public meetings concerning the above matter, a certain group takes over the meeting and the "silent majority" remains just that—silent. As a resident of the Village of Holley for almost 40 years, I apologize for the lack of meaningful discussion about EPA's remedial alternatives for the "displaced" families and tenants. I, and many other residents, appreciate the EPA's involvement in cleaning up the Diaz facility.**

**I have attached below my questions, which I planned on presenting at the meeting. Is it still possible that my concerns can be addressed by your agency?**

**Again, thank you for your time and consideration.**

**I AM REFERRING TO THE APPENDIX THAT FORMS PART OF THE SUPERFUND PROPOSED PLAN.....**

**IN ALTERNATIVE ONE, YOU STATE THAT THE TWO TENANTS WILL RECEIVE A TOTAL OF \$6,000.00 FOR MOVING COSTS AND START-UP COSTS, PLUS HOUSING RENTAL FOR 6 MONTHS. IN ALTERNATIVE TWO, YOU STATE THAT THE TENANTS WILL RECEIVE A TOTAL OF \$16,500.00 FOR RELOCATION BENEFITS, MOVING COSTS, MISCELLANEOUS EXPENSES, PLUS HOUSING RENTAL FOR 3 MONTHS. IN ALTERNATIVE THREE, IT ALSO ESTIMATED THAT IT WILL TAKE 3 MONTHS FOR THEIR RELOCATION.**

**THIS LEAD ME TO 2 QUESTIONS:**

**WHY DO TENANTS HAVE 6 MONTHS TO RELOCATE UNDER ALTERNATIVE ONE AND 3 MONTHS UNDER ALTERNATIVES TWO AND THREE? IT SHOULD NOT TAKE 3 MONTHS FOR THIS, AND FURTHERMORE, THIS SHOULD HAVE BEEN DONE A LONG TIME AGO.**

**WHY DO THE TENANTS RECEIVE \$6,000.00 IN RELOCATION BENEFITS UNDER ALTERNATIVE ONE AND \$16,500.00 UNDER ALTERNATIVE TWO? WHAT ARE THE OTHER BENEFITS THEY WILL BE RECEIVING AT A COST OF \$10,500.00?**

**Jean L. Ahl**

**14 VanBuren Street**

**Holley, New York 14470**

**Email: [gahl@rochester.rr.com](mailto:gahl@rochester.rr.com)**



amyamy  
<amypbmm@yahoo.co  
m>

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Daiz Superfund Plan

10/10/04 12:44 PM

Mr. DiMartino:

Upon receipt of your flyer on October 8, I would agree that the No Action Cost of the Remedial action should be utilized that would cost the taxpayers \$156,000. I feel that the families should be given a choice. They have not as yet shown any sign of health issues, as with all the residents. They should return to their homes or be permanently relocated. Enough is enough.

I have also been asked to speak for my retired mother. She does not have email capabilities and can not write well due to arthritis. She is on a fixed income and as a taxpayer, she feels that this is more than fair to not only to the displaced families, but to the entire roster of taxpayers in the village. Many of them are seniors, retired, disabled and/ or on a fixed income. Who will help them when they can no longer afford housing? The displaced families?

Sincerely  
Amy L Engert  
Cathrine H. Bubb

Do you Yahoo!?

Yahoo! Mail Address AutoComplete - You start. We finish.



Kevin  
<kandbedard@excite.com>

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Diaz Superfund proposed plan

10/10/04 05:09 PM

Please respond to  
kandbedard

Dear Mr. DiMartino,

I have been a resident of Holley, N.Y. for the last 25 years. I am writing to you to express my opinion about the three options proposed for remedial action on the Diaz chemical plant. I am in favor of the first proposal- The eight displaced families and two tenants will have a choice to either return to their homes or permanently relocate at their expense.

I can not believe you are considering the other two options. If there is truly a chemical hazard the families in the whole splash zone should have been relocated in the first place! My cousins lived in the Love Canal area of Niagara Falls and had to move!!! The families on the east side of Oxford Street in Brockport, N.Y. had to move and their houses were torn down. How can you possibly say that some houses are unsafe when right next door the house is fine?

I feel you are dealing with fanatics who are only interested in their own wealth. I can not believe the EPA would allow this. I believe as a taxpayer we have already footed the bill for \$156,000. The other two proposals would cost us into the millions and these properties would be removed from our tax rolls! As a village we can not afford this. We have already lost a major industry because of these people.

If you buy these properties it will send the message that the Village of Holley is not a safe place to live. Our property values will fall considerable. Is this what the national government wants to do this small village?

If there are facts and tests that prove these and only these properties are unsafe to inhabit, please publish them!! If you do not have these facts then tell these families that they should decide what they want to do- return or put up their own for sale sign. Enough of this nonsense!!!

Sincerely,  
Denise Bedard  
82 South Main Street  
Holley, N.Y. 14470

---

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The most personalized portal on the Web!



Pam Fostano  
<fostanop@hotmail.co  
m>

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Diaz Superfund Proposed Plan

10/11/04 06:48 AM

As a citizen of Holley, and the family, which had our own heartbreak thanks to poor planning on the village of Holley, We are the family that had the severe flood do to poor drainage system and construction in March of last year. Our house was condemned!!! But 3 days later we were told it was alright to return to our home. We have been struggleing to rebuild ever since. I know these families struggles and frustration. But should the whole village pay? We have given them the chance to rebuild, I know families on the same streets that are doing just that. Let's stop this nonsense, I vote for you to put Plan 1 into effect. This will still cost us , the tax payers money, but it is time for these families to step up to the plate, and stop costing the other families in Holley so much money!!!! Thankyou

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Knapp14470@aol.com

To: John DiMartino/R2/USEPA/US@EPA

10/11/04 10:55 AM

CC:

Subject: Re:Diaz Superfund Proposed Plan

*We are in favor of (1)No Action Cost.* The eight displaced families and two tenants will have a choice to either return to their homes or be permanently relocated. This will cost taxpayers \$156,000.00.

Clark & Joan Knapp



Ingrid Lestorti  
<ilestorti@msn.com>

10/11/04 12:59 PM

To: John DiMartino/R2/USEPA/US@EPA  
cc: Mary Boccaccio <maryb@rochester.rr.com>  
Subject: Diaz Superfund Proposed Plan

Dear Mr. Dimartino,

I am a resident and taxpayer, living within the village of Holley.

Having read the 3 propositions in regard to the eight properties on Jackson Street, I cannot agree with any of the 3 choices given in the plan. They are too costly to the tax payer, (although federal). The eight families have already been relocated and have been living in Brockport for 2 years now. Why should there be further relocation expenses of \$ 25,500.00?

The purchase amount of \$ 1,084,100.00 plus maintenance costs of \$ 50,500.00 per year seem highly inflated and needs a lot more detailed explanation.

Furthermore, there has been a verbal agreement between the EPA, our mayor Skip Carpenter and Village Atty.

John Sansone a few weeks back, whereas the EPA would purchase the 8 properties, turn them over to the village, who in turn would try to either auction or sell the properties, therefore preserving the properties on the tax rolls and hopefully return them to their original tax value when the Super Fund clean-up is completed, although this may be many years down the road.

I strongly suggest and hope that the EPA will honor this agreement, since it is the only plan that I find acceptable and is the least costly to the federal and local taxpayer.

Ingrid Lestorti, 9 E. Union St., Holley, NY. 14470



slangfitt  
<slangfit@rochester.rr  
.com>

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject:

10/11/04 04:03 PM

why do the tax payers of holley have to pay anything  
tax payer of holley



kathi quarantello  
<kquarant@rochester.  
rr.com>

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: alternatives

10/11/04 05:26 PM

My name is Kathi Quarantello and my address is 10 Van Buren St. I was at the meeting October 5. I think the only fair solution is alternative one. Are these eight families any more at risk than the people next door or down the street? If they choose not to return home they can sell their homes themselves. If their homes will not sell, will ours? Are you prepared to purchase any home that will not sell because of the Diaz spill? Is everyone else to be penalized because we stayed? I know there is no easy answer, I just hope you will consider what is fair to everyone not just eight families.



matthew wittenbrook  
<matnnay@verizon.net  
>

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: re: Diaz Superfund Proposed Plan

10/11/04 08:21 PM

John,

I guess I do not understand the details of these plans that were forwarded in a letter about what to do with the misplaced families. What should have happened (in my opinion) is that Diaz should have purchased their homes from the git-go and just leveled them.

I have walked down that street a few times in the past two months. There is no smell or anything unpleasant about the area besides the sight of the abandoned Diaz factory. My personal opinion is that the families/people should be relocated at the least expense to tax payers.

If the houses are acquired, they should be leveled. How is there a cost of \$50,500/year for operation and maintenance cost? If you level the houses, the property just needs to be mowed - right?

Obviously the families want someone to purchase their properties for full value - maybe Diaz should have done this but I don't think the government should have to at taxpayer expense when Diaz was the beneficiary of the location for these years. Can these families be offered reduced taxes for returning to their homes?

My opinion is that whatever costs the taxpayers the least amount is the best action of this.

Sincerely,

Matthew Wittenbrook  
107 West Albion St.  
Holley, Ny 14470  
585-638-0130.



WALLYPAULA@aol.co  
m

10/11/04 09:28 PM

To: John DiMartino/R2/USEPA/US@EPA

cc:

Subject: DiazSuperfundProposedPlan

After having read the three proposals presented by the EPA regarding the the eight families in Holley I definitely vote for proposal #1. These few residents have cost the residents of community enough money already. These people have to get on with their lives but not at the expense of the taxpayers.

I have lived in the community all my live and am very much aware of the true motive of these displaced residents - money. Since I live in the village I see several of these famillies return to their homes, stay in their yareds and use items from their homes and garages. I know that one family was ordered back into their home by Judge Punch because their home was not in the splash zone. Why does this family get to chose if they want to return or not when several other families had received the same order and returned to their homes? And finally how can some homes be condemned when other homes on the same street are being lived in.?

Considering these factsm proposed lan #1 should be the plan to go with. Have these residents sell their own property.

Paula Sanford



WALLYPAULA@aol.co  
m

10/12/04 10:11 PM

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Holley

Dear Sir:

I write to express my most extreme disappointment in the EPA's actions to by the housed of the families who have refused to return to them. An example that stands out too obviously wrong to ignore is the house owned by the Catlins.

This house is outside of the "splash" zone and was declared safe by the N.Y.S. Department of Health. The Catlins were in fact ordered to return in a court

of law. Further, the tests done by Diaz, the NYS Attorney Generals office, the NYS Department of Health and the EPA found NO chemicals related to Diaz Chemical. The Attorney Generals office ordered Diaz to hire and send into the Catlin's home persons who are used to detect odors, and they found no Diaz related odors in the Catlin house. The purchase of this residence would be an outrageous injustice to the tax payers, and appears tome to be a terrible misuse

of Super Fund resources.

Several other of the residents of the "affected" houses have spent many hours in and around those house since the very first day. They bring their young children and allow them to play with toys which are kept at the houses, and allow them to play in and around the houses. One family keeps their dog at the

residence and returns daily to feed and walk him. A camping trailer which was at the residence is used regularly, apparently it was unaffected.

One also wonders why neither the Health Department, the D.E.C., or the EPA has required other residents to leave the area.

None of the other neighbors, nor any of the employees of Diaz has suffered any of the "physical" problems claimed by some of the displaced people.

The manager of the EPA team, I think his name is Dwight Harrington, told several Diaz employees and managers that in his career with the EPA, he had never

seen such a hugh operation over chemicals in such small quantities and which propose no long term health risks.

I have many other problems with this entire operation, such as the EPA's concerns with chemicals which pose no long term heath effects whose presents must

be measure in parts per billion, when at other EPA sites, toxic substances such as Dioxin are not a concern when less than a part per million.

I would be glad to go over may other issues at anytime, but I would like an answer to why you would by the Catlin house. My e-mail address is; wsanford@midssouth.rr.com.

thank you for your time and interest,  
William J. Sanford



Gary Ahl  
<gahl@rochester.rr.co  
m>

10/13/04 12:19 PM

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Diaz Superfund Proposed Plan (Holley, New York)

**Dear Mr. DiMartino:**

**I have reviewed the above referenced Plan. I encourage the EPA to choose Alternative One as the remedial action.**

**Thank you for your consideration.**

**Newell Hawley  
11 VanBuren Street  
Holley, New York 14470**





Gary Ahl  
<gahl@rochester.rr.co  
m>

10/13/04 12:49 PM

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: EPA Superfund Proposed Plan (Diaz Chemical, Holley, New York)

**Dear Mr. DiMartino:**

**We have reviewed the Superfund Proposed Plan in connection with Diaz Chemical Corporation in Holley, New York. We urge the EPA to choose Alternative One as the remedial action for the eight "displaced" families and the two tenants.**

**Thank you for your consideration.**

**Paul Barber  
Linda Barber  
21 VanBuren Street  
Holley, New York 14470**



ValsenteC  
<ValsenteC@roberts.e  
du>

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Diaz superfund proposed plan

10/15/04 10:18 AM

I realize that my opinion email is coming to you late, and I apologize for that. However, I'm extremely distraught over the idea of paying even more taxes than I already am to continue to live within 300 yards of the Diaz plant. My concern is that, since my taxes have doubled in the last 3 years, I'm facing the reality of having to sell my home and move to a less tax burdened community as it is. Now that you're indicating that we will be forced to pay even more taxes to remedy the issues at hand with the eight homes and the chemical plant that need the EPAs assistance, I'm beside myself with disbelief. I was under the impression that, once the government became involved with the Diaz site, that the taxpayers wouldn't be forced to bear any more of the burden than has already been laid on them/us. Are we wrong in assuming that, after what we've been told, we would be relieved from some of the burden of this disaster?

My opinion is, after reviewing the Diaz Superfund Proposed Plan, would be Option 1 No Action Cost. I can't imagine how any of the other options would make sense to any of the taxpayers in Holley who have already been so negatively affected with the hikes in our taxes within the last year. Our community holds no value to would-be home buyers, when they could pay the same amount of tax in a city as large as Greece or Pittsford, and have the many benefits of local merchants, malls, and amenities that those cities offer. What does Holley offer for the tax we pay? A small town grocery store and a couple of gas stations? A school that's considered a joke to most educators in WNY? It's unreal, and insulting to me as a taxpayer to see this happening and have no control.

I will be sharing these concerns with my other governmental representatives, and at least do my part in trying to combat the already soaring taxes that loom over us in the village of Holley.

Christy Valsente  
76 S. Main Street  
Holley, NY 14470

John DiMartino  
U.S. EPA Region II  
290 Broadway- 20<sup>th</sup> Floor  
New York, New York 10007

Dear Mr. DiMartino,


I am writing in regards to the Diaz Chemical Corporation Superfund Site in Holley, NY and the proposed plan for the clean up. I am not in favor of demolition/lot restoration (Alternative 3, b). As a parent of a newborn child and homeowner, I find this alternative to be less than satisfying.

My number one concern resides with the safety of the community and especially its children. It would seem difficult to reason that of the 50 or so homes surrounding the houses cited in the study and currently "abandoned" that only 8 are irreversibly impacted by the Diaz spill. I believe it prudent for the EPA and for the safety of the community that all plans to remediate this spill begin with a comprehensive testing of all homes in the surrounding area to ascertain the scope and severity of the problem. If viable, I would encourage the EPA to "clean up" rather than demolish the impacted homes.

In addition, as a homeowner in Holley, I am worried about the financial impact the removal of 8 homes and their subsequent vacant lots would have on the value of my home and surrounding homes. Once removed these lots would forever stand empty and leave a visible scar in the community.

I urge the EPA and committee to give careful consideration to any plan that would adversely impact the long term health and financial standing of Holley. My full support is behind a plan that will test all homes in the impacted area and will provide funding for the clean up and restoration of these homes.

Best Regards,

  
Peter Hunt

John DiMartino  
U.S. EPA Region II  
290 Broadway- 20<sup>th</sup> Floor  
New York, New York 10007

Dear Mr. DiMartino,

I am writing in regards to the Diaz Chemical Corporation Superfund Site in Holley, NY. Having read the proposed plan for the clean up, I am not in favor of demolition/lot restoration (Alternative 3, b). I moved to Holley because I love the historic houses of the village and any plan that includes the demolition of them just breaks my heart and, to my view, would devalue our beautiful village.

As I am not an experienced with clean up of chemical spills, I will propose my solution in the form of a question. Could the EPA purchase the eight homes, test them, clean them, and then resell them to new owners? This plan would preserve the historic nature of the village, end the temporary relocation, and keep Holley free of empty lots.

Sincerely,

A handwritten signature in black ink, appearing to be 'Carly Hunt', with a long horizontal flourish extending to the right.

Carly Hunt, MD

September 20, 2004  
Holley, New York 14470

Mr. John Martino  
U.S. EPA - Region II  
290 Broadway, 20<sup>th</sup> Floor  
New York, New York 10007

Dear Mr. Martino,



In response to the Superfund Proposal Plan for the Diaz Chemical Corporation site - Village of Holley, Orleans County, New York, that the EPA has to offer the citizens of the Village of Holley. In November 2001 a deal was consummated when I took responsibility of the mortgage of a home on the site of 39 Jackson Street, directly across the street from Diaz Chemical. I had proceeded to help my son and his wife start a new life and help them purchase this house. Because of the spill in January 2002, in February of 2002 these people moved off of the property. Since then my younger son has been living there just to protect the property. I have done extensive upgrading to the property to try and sell it. I have asked the EPA to take dirt samples of the ground around the property and have had no results. I have asked them to check the cellar and inside the home, so that I could have a health clearance on the property to help sell it, all to no avail.

Since February 2002, I have been paying taxes on the property with no relief. I've tried to sell it, I have had one person interested in these three years and the mortgage houses would not respond because of the location of the house.

It made it even worse when Diaz was added to the National Priorities List with Hazardous Substances. I have not complained because at the time of the chemical spill I did not live on the property and did not experience any of the physical or health problems. I did and have however suffered mental and monetary problems as I retired in June 2003 and had to sacrifice my life savings into property so as not to lose my good credit.

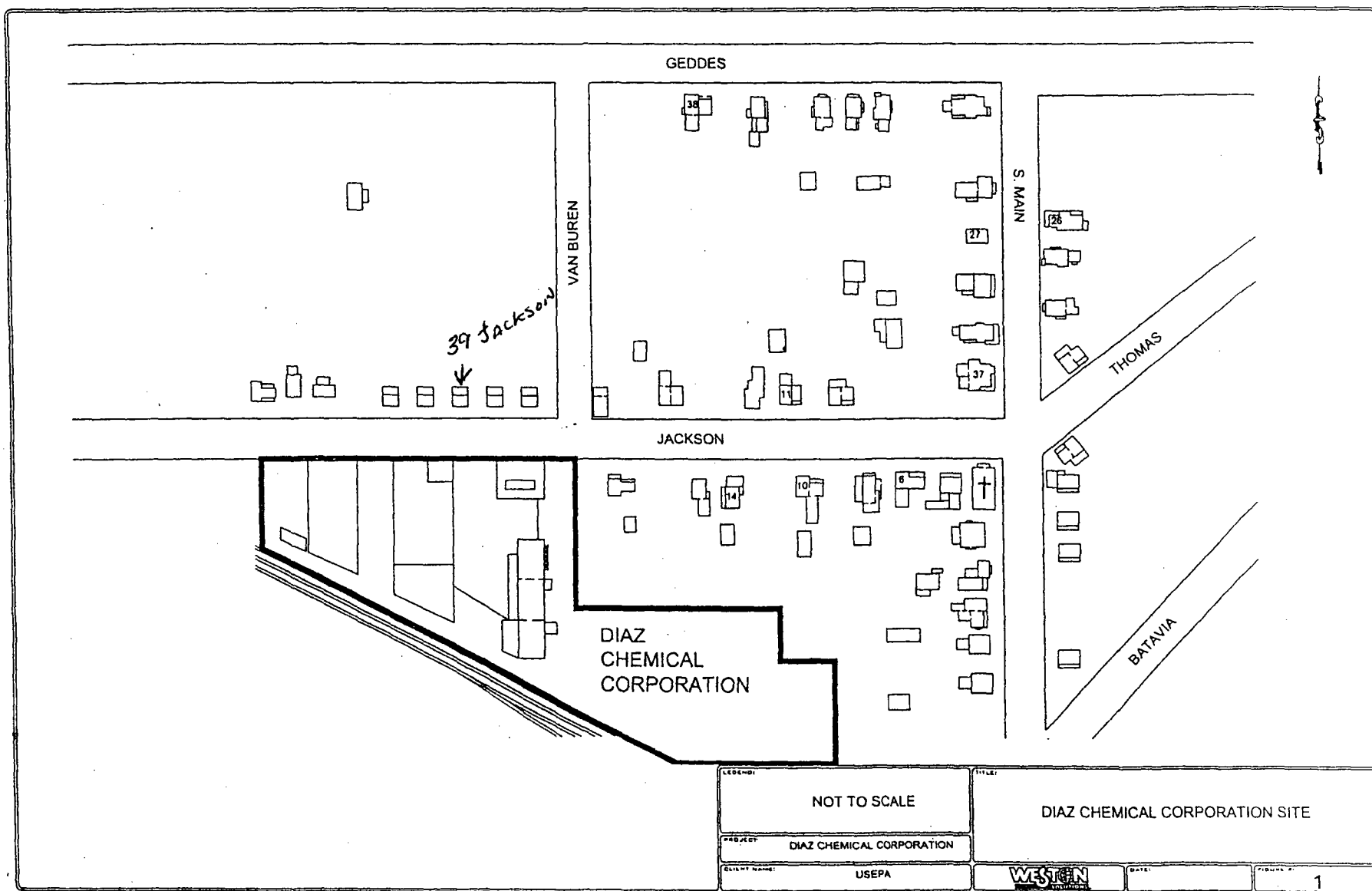
I have a home at 74 State Street, where I live with my wife. I have no intentions of moving from here. I feel we are due some compensation for the last three years. My wife and I are not rich by any means, we've worked hard all of our lives to get what we have. Besides that she has been on disability since April 1999, including four operations. I believe we have as much invested in this disaster as the other ten families.

Thank you for accepting all public comments before making your decision. I would like a response regarding this matter if possible.

Yours Truly,  
  
  
Richard and Carolyn Nenni

PS: Our Mailing Address:  
Mr. And Mrs. Richard Nenni  
74 State Street  
Holley, New York 14470-1225

I have written the number 39 on where our house is located on Jackson Street on the map.





Connie  
<cnenni@rochester.rr.  
com>

To: John DiMartino/R2/USEPA/US@EPA  
cc:  
Subject: Diaz

10/10/04 01:05 PM

Dear John: I'm writing just a short email regarding the homes that are possibly being taken off tax roles due to the Diaz chemical problem. First, I would not want these homes destroyed. As that would have a devastating effect on the community visually and economically. My hope would be that these homes could be cleaned or refurbished inside and out IF this is necessary and I do mean IF. Then the owners could move back to them and live or if they so choose, sell them and move. Secondly, I see that if the EPA buys the homes from them they will be assessing them as if they are not contaminated or located near a superfund site. What does that say for the rest of us who's house you aren't buying? What about when we go to sell our homes and we are near a superfund site? Where does that leave us? Diaz is literally almost in my back yard. I hope these things are taken into consideration when solving this problem. I trust the right decision will be made. Thank you for your time. I hope to hear from you soon.



NAT O. LESTER, III  
ATTORNEY AT LAW  
64 MAIN STREET  
P.O. BOX 248  
BROCKPORT, N.Y. 14420

(585) 637-8114  
FAX (585) 637-8657

NAT O. LESTER (1893-1983)  
HERBERT G. LESTER (1903-1986)  
NAT O. LESTER, JR (1925-2003)

September 15, 2004

Mr. John DiMartino  
Project manager  
New York Remediation Branch  
Emergency and Remedial Response Division  
United States Environmental Protection Agency  
290 Broadway, 20th Floor  
New York NY 10007-1866

via fax: 1-212-637-4284

Re: Diaz Chemical Corporation Site  
Orleans County  
16 Jackson Street  
Holley, New York

Dear Mr. DiMartino:

Please be advised that the undersigned is the attorney for Leo Kuhn and his wife Ruth Ann. My clients own property at 16 Jackson Street, Holley, New York. I have enclosed a copy of the Diaz Chemical Corporation Site map which EPA recently included in their September 2004 mailing. My clients property is the **second closest** property to the Diaz Chemical Corporation Site.

It is my understanding that EPA has adopted an acquisition plan which excludes my clients property notwithstanding the close proximity of their house to the Diaz plant. Only one residence is located closer to the plant. This house was occupied prior to the January 5, 2002 Diaz Chemical air release date. My clients daughter was the resident and she was relocated as a result of the spill. The Kuhns have been unable to occupy this parcel due to health concerns associated with the chemical spill. Due to the close proximity of the house to the plant, there is no question that this house should be included in the first phase of the EPA acquisition plan. Properties **further away** from the Corporate site have been earmarked for inclusion in the EPA acquisition plan!

It does not seem to be an equitable plan the EPA has proposed which excludes properties based solely on whether or not the owner was residing at the site or a tenant. Equal protection should apply whether the property was occupied by a tenant or a property owner. In my client's case, this property was occupied by an immediate family member, to wit:, the Kuhn's daughter!

500253

John DiMartino  
Project manager  
EPA

September 15, 2004  
page two

Would you kindly reconsider your initial proposal which excludes 16 Jackson Street from the acquisition plan? It does not seem like the proper course of action to exclude a rental residence from the plan when the house is the **second closest living quarters** to the Diaz Plant.

Thank you for your consideration of this matter and I await your prompt response.

Sincerely,



Nat O. Lester, III

XC: Mr. and Mrs. Leo Kuhn  
Hon. Senator Hillary R. Clinton



RonR7richards@aol.co  
m

10/06/04 07:46 PM

To: John DiMartino/R2/USEPA/US@EPA

cc: ron.richards@schlegel.com, leavitt.mike@epamail.epa.gov, Jane  
Kenny/R2/USEPA/US@EPA, callahan.kathleen@epamail.epa.gov,  
Barbara Finazzo/R2/USEPA/US@EPA, Bonnie  
Bellow/R2/USEPA/US@EPA

Subject: 17 Van Buren St. Holley, NY 14470

I am Ron Richards and I live at 17 Van Buren St. and I can see the Diaz Chemical plant from my front yard. I am very concerned that you have determined that the house on Geddes St. is unfit for habitation, especially since this home is only two lots away from mine. Should I consider relocation? At this time I have a 14 year old son living at home with me and I know my home on the corner of Geddes and Van Buren was exposed to the same contaminants as the home on Geddes St. that you have determined to be uninhabitable. Am I endangering the welfare of my son by remaining here?

At my place of work I am a member of the Emergency Response Team and Incident Commander for this Team. I am also the Hazardous Waste Coordinator so I understand a lot of what is happening, but if I were to have a release that I was responsible for I would be required to establish a contamination zone with perimeters. The randomness of the homes chosen for relocation indicates a bowing to political pressure and not the application of scientific reasoning. So I reiterate, Is My Home Safe???



Mary Boccaccio  
<maryb@rochester.rr.com>  
com>

To: John DiMartino/R2/USEPA/US@EPA  
cc: Mary Boccaccio <maryb@rochester.rr.com>  
Subject: Diaz Superfund Proposed Plans

10/08/04 04:33 PM

Hello John,

We appreciate your efforts/asking our opinion regarding the Holley Diaz mess.

However we have had some discussions about the fliers left at our homes today and would appreciate an answer to the following questions:

If option #1 is chosen does that mean those families wishing to return will do so (since they have not done so to date it's pretty likely none would) and those "not" wishing to return (assume all of them) would be bought out at a "total cost" of \$156,000.00 to taxpayers? \$156,000.00 divided by 8 (properties) is less than \$20,000.00 per property? Is it possible that option 1 is to pay \$156,000.00 to each property owner? If so \$156,000.00 times 8, 9 or 10 properties?

Based on the other 2 options, this option (Option #1) "implies" no further EPA action/further studies at taxpayer expense.

Is that correct?

What becomes of these properties? Will these homes be sold? What if they can't be sold?

If the EPA "will" be taking further action then what will be done and what will the cost to the taxpayers be?

Option 3 again "implies" that the EPA buys the property and demolishes all homes and no one ever lives there again? and the rest of the Village and Holley School District Taxpayers pick up the tab for this lost revenue forever.

Is that correct?

Please describe what tasks/activities will be preformed regarding the Option 3 statement regarding the "\$50,500.00 every year for operation and maintenance costs for the acquired properties". Lawn mowing? What else? Will any EPA testing be done on properties once purchased? If so how much will that cost the taxpayers per year or is that the \$50+K cost mentioned?

If the EPA buys the land would they test and possibly clean up with the intent of reselling for home building sometime in the future?

Finally, we would like to know why this Diaz mess should cost the taxpayers anything, no matter what option is chosen?

Diaz has made tons of money operating in Holley. "They" made mistakes and polluted the community. "They" and only they should be burdened with any relocation expenses, buyouts, property maintenance, clean up, etc.

Not the taxpayers!

How much money is being contributed by Diaz, it's owners and or their Insurance Company to clean up

"their" mess?

If the taxpayers do end up picking up the tab (option 1, 2 or 3) would those who had tax increases be able to unite and sue Diaz for reimbursement of these additional tax dollars to clean up their mess?

Thank you in advance for your prompt response so we are fully aware of all the facts and can therefore make intelligent decisions regarding this matter.

I look forward to hearing back from you or your office and will share your responses with my friends and neighbors in the community.

Sincerely,

Mary Boccaccio  
16 E. Union St.  
Holey, NY 14470  
585-638-6839

## **Appendix E**

### **October 5, 2004 Public Meeting Transcript**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

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DIAZ CHEMICAL CORPORATION SITE

---

PUBLIC MEETING - PROPOSED PLAN

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Public Meeting

Tuesday, October 5, 2004

7:00 p.m. - 9:15 p.m.

at

Holley Elementary School  
3800 North Main Street  
Holley, New York 14470

AGENDA

Introduction by Mike Basile

Community Overview Sampling Activities: Dennis Munhall

On-Site Cleanup Update: Kevin Matheis

Superfund Process: Kevin Lynch

Review of Proposed Plan: John DiMartino

Public Comment Session

REPORTED BY: SHAUNA C. CHAMBERS

*Midtown Reporting Service  
501 Times Square Building  
Rochester, New York 14617*

## APPEARANCES

### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MIKE BASILE, Community Involvement Coordinator  
DENNIS MUNHALL, Pre-Remedial Section  
KEVIN MATHEIS, On-Site Coordinator  
KEVIN LYNCH, Western New York Remediation Section  
JOHN DI MARTINO, Diaz Remedial Project Manager  
MICHAEL SIVAK, Risk Assessor  
CHLOE METZ, Risk Assessor  
DWAYNE HARRINGTON, On-Site Coordinator  
JEFF BECHTEL, On-Site Coordinator  
BOBBY DBASE, On-Site Coordinator  
DILSHAD PERRARA, On-Site Coordinator  
PAT SEPPI, Permanent Relocation Specialist  
TERRI JOHNSON, Washington Office

### ALSO PRESENT:

CHRIS MILLIGAN, USAGE, Realty Specialist  
JEFF MC CULLOUGH, NYSDEC, Regional Project Manager  
MATT FORCUCCI, NYSDOH  
JONATHAN BLONK, ATSDR, Regional Representative  
RAY VAUGHN, NYS Attorney General Office  
LINDA WHITE, NYS Attorney General Office  
MARY ANN STORR, Ecology & Environment, Inc.  
CHRISTINE SCHMIDT, Ecology & Environment, Inc.

*Midtown Reporting Service  
501 Times Square Building  
Rochester, New York 14617*



## PUBLIC MEETING - OCTOBER 5, 2004

1 MR. BASILS: May I have your attention, please?

2 I'd like to begin our meeting this evening. My name is

3 Mike Basile, I am the Community Involvement Coordinator for the

4 United States Environmental Protection Agency Region 2. I'd

5 like to welcome you to our public meeting this evening.

6 Hopefully, you have had a chance to sign in and get a copy of

7 the agenda. The agenda kind of outlines the series of speakers

8 that will be making presentations this evening.

9 We do have some other agency folks, some elected

10 officials that I would like to recognize before we begin the

11 meeting. Most of them will be here for the entire meeting.

12 The people I will be introducing, again, do not have a speaking

13 role this evening, but are here to answer questions during our

14 question and answer period.

15 With the United States Environmental Protection

16 Agency, you have probably seen a lot of On-Scene Coordinators

17 during the last few months that we have been in your community.

18 At this time I would like to introduce Dwayne Harrington,

19 Jeff Bechtel, Dilshad Perrara, Bobby Dease, they are all

20 On-Scene Coordinators. And this evening on the agenda you will

21 hear from a new On-Scene Coordinator who will give you an

22 update on the status of activities at the site. Also in the

23 audience, no stranger to many of you, is, with the United

24 States Environmental Protection Agency, is Pat Seppi. She is

25 with EPA. She is a Permanent Relocation Specialist and

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1 Community Involvement Coordinator. Michael Sivak and  
2 Chloe Metz, Chloe and Michael are Risk Assessors with the  
3 United States Environmental Protection Agency. And from our  
4 headquarters in Washington D.C., Terri Johnson.

5 Representing the Agency for Toxic Substances and  
6 Disease Registry is the regional representative,  
7 Jonathan Blonk. With the United States Army Corps of  
8 Engineers, a Realty Specialist, Chris Milligan. With the New  
9 York State Department of Environmental Conservation, out of  
10 Albany, Remedial Project Manager Jeff McCullough. With the New  
11 York State Department of Health, out of the Buffalo office,  
12 Matt Forcucci. Also present this evening are Ray Vaughn and  
13 Linda White from the State Attorney General's Office. And  
14 representing Congressman Reynolds is Paul Coal, up front. And  
15 representing Senator Hillary Clinton is Sarah Anderson. I hope  
16 I didn't miss anybody in the audience.

17 The purpose of this evening's meeting is to  
18 present to you, the residents in Holley, the results of our  
19 Proposed Remedial Action Plan, a plan that we made public on  
20 September the 13th, which now we're under a 30-day public  
21 comment period through October, the 13th. As is tradition with  
22 our agency, when we release a proposed remedial action plan to  
23 the public, we do have a 30-day public comment period. During  
24 that 30-day public comment period we will always entertain the  
25 ability to hold a public meeting. And we do have a

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1       stenographer here this evening that will be taking all the  
2       minutes from all, everyone's remarks, both agency folks  
3       as well as the public. We solicit your comments this evening during  
4       the question and answer and comment period. In the event that  
5       you think of something prior to October the 13th, we really  
6       would like to hear from you. We ask that you take the agenda,  
7       and on the agenda you will notice the address for  
8       John DiMartino, who is the Remedial Project Manager for this  
9       site. We ask that you drop him a line. And we will accept  
10      comments through October the 13th.

11                   In addition, from the onset that EPA has arrived  
12      in your community, we have established a repository of  
13      documents, and every document is in that repository at this  
14      time. It's open for your review. And that repository is at  
15      the Community Free Library here in Holley.

16                   Once again, as I indicated, we have a court  
17      stenographer. During the question-and-answer period I am going  
18      to have to ask, and kind of insist, that you go to the  
19      microphone and just state your name and spell your name for the  
20      stenographer, Shauna Chambers.

21                   In addition, it's my responsibility to point out  
22      to you that now that this site is on the National Priorities  
23      List, this site now is eligible, as all Superfund Sites, for a  
24      Technical Assistance Grant. Citizens can hire, in your  
25      community, an independent technical advisor to better help them

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1 understand, comment on agency information. You can apply, as a  
2 group, for a Technical Assistance Grant of up to \$50,000. If  
3 there are any citizens or group of citizens, that's one grant  
4 per site, if you are interested in pursuing a Technical  
5 Assistance Grant for your community, you can contact me after  
6 the meeting. Or as you notice on the agenda, there is a  
7 website, you can go directly to that website to gain  
8 information about applying for a Technical Assistance Grant.

9 I would just like to outline the rules or the  
10 bylaws for this evening's meeting. This isn't the first  
11 meeting that I have facilitated for a proposed remediation  
12 action plan. We have found this to be very, very successful.  
13 We just ask that you just give our agency representatives an  
14 opportunity to make their presentations. We honestly feel that  
15 within 35 to 40 minutes, no longer than that, we'll be able to  
16 provide you with probably as much information as you will need.  
17 We ask that you hold your questions until then, and then we  
18 will have the remainder of the meeting open to the floor for  
19 questions and answers. We'll put chairs in front of this  
20 podium and, of course, you will be able to address your  
21 questions to the individuals who are making their  
22 presentations. In the event that you have a question, and it's  
23 a burning question, you do not want to forget it, you can go to  
24 the sign-in table, we have cards, you can write the question  
25 down, keep it. And then, of course, you will be able to make

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1       that question available to us during the question and answer  
2       period.

3                       At this time, I'd like to call upon, again, not  
4       a stranger to many of you in the Holley area, he's with our  
5       agency, is Dennis Munhall. He is going to give you a community  
6       overview of the sampling activities. And he's with our  
7       Pre-Remedial Section for Region 2. Dennis.

8                       MR. MUNHALL: Can everybody see this okay? Is  
9       that good? As Mike said, I am Dennis Munhall. I am the NPL  
10      Coordinator within the EPA. My responsibility is to look for  
11      and evaluate potential hazardous waste sites for inclusion on  
12      the Superfund Lists. I normally don't, when I do a  
13      presentation, have anything to say about the title slide, but I  
14      think I'll just point out that now it's the Diaz Chemical  
15      Superfund Site, and that was not true in any of the meetings we  
16      had before. So I will just point that out.

17      As Mike said, there is a number of people here  
18      from EPA, we are all working for the Superfund Program. But I  
19      am just going to point out why there is different people  
20      talking about different things. For those of you who have been  
21      to our other meetings, I know that some of this you already  
22      know. But I see a lot of new faces here today, which is good.  
23      I just want to make sure everybody has an understanding of  
24      [inaudible.] A lot of the OSCs, or all the OSCs are with the  
25      Removal Program. They were first from EPA to get to this

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1 facility with the emergency response that was prompted by the  
2 January 5th release of chlorofluorophenol. And they have also  
3 been working on the facility plant itself, and also working  
4 with the issues associated with temporary relocation. My  
5 responsibility was to do the NPL Evaluation, the National  
6 Priorities List Evaluation, and the Expanded Site Inspection  
7 and Remedial Investigation, which was our initial investigation  
8 of the community that I will be talking about tonight. And  
9 then the Remedial Program, the EPA's, the Superfund Long-Term  
10 Response Program has gotten involved now that the site is a  
11 Superfund site, and I will be talking about those plans.

12 A few definitions, because I am a government  
13 employee, I throw out acronyms and I don't know that I'm doing  
14 that. The National Priorities List and the Superfund list I  
15 refer to as the NPL. 2-chloro-6-fluorophenol, which is the  
16 chemical that was released on January 5th, referred to as CFP.  
17 HRS is Hazard Ranking System, that is the model we use to  
18 determine if the site is eligible for the Superfund List.  
19 ESI/RI, that's the Expanded Site Inspection/Remedial  
20 Investigation, that's the sampling that was undertaken for to  
21 the past year and a half.

22 I have been getting a lot of phone calls and  
23 emails about that sampling, I am going to run through exactly  
24 what it is we did, so that everybody has an understanding. We  
25 collected a lot of information, it's all available, most of

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1       it's available here tonight. We collected up to ten surface  
2       soil samples, two indoor air samples, porous material, for  
3       instance, fiberglass insulation, indoor dust. The area that we  
4       initially looked at was along Jackson Street and South Main  
5       Street. Later, we took some sampling along VanBuren Street as  
6       part of the separate investigation. I am talking about the  
7       investigation along Jackson and South Main.

8                   In putting together a sampling plan to respond  
9       to this, issues at Diaz, was a bit of challenge. And  
10      originally when EPA came here, we were concerned about the  
11      January 5th, 2002 release of CFP. What we heard from the  
12      community is that, Well, that's fine, but the facility has been  
13      operating for 30 years and there are a number of issues that  
14      need to be looked at besides just CFP. So what we did in our  
15      sampling plan was broaden what we are looking at, and looked at  
16      a group of chemicals that used to be referred to as EPA  
17      priority group list. That's a broad spectrum of chemicals that  
18      are commonly associated with Superfund sites and chemical  
19      manufacturing.

20                The soil sampling we conducted was surface soil  
21      only in residential yards. The indoor dust samples, we were  
22      looking for a chemical group known as dioxins; Polynuclear  
23      Aromatic Hydrocarbons or PAH, you hear the PAH phrase a lot  
24      with the site; chlorofluorophenol. The reason we were taking  
25      indoor dust samples is to look for compounds that might have

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1 entered into homes from aerial deposition. from the site.

2 We also looked at indoor air for two reasons.

3 The chemicals we were looking for are volatile organic  
4 compounds, those are compounds that we find that make up  
5 gasoline and also dry-cleaning fluids. And, in looking at  
6 indoor air, we were looking to see if, at the time Diaz was  
7 operating, we were looking to see if there could have been an  
8 impact inside the homes from emissions from the site, traveling  
9 through the air or in groundwater that traveled from the site,  
10 off site, if chemicals are migrating that way from the site  
11 through the groundwater and back up to basements in the homes.  
12 And we took two samples per home, using a twenty-four-hour  
13 sample device that's shown here. We were looking at porous  
14 materials. And this was not a sample that we were taking  
15 looking for a broad spectrum, this was a CFP-specific sample.  
16 And that's because a lot of data we were receiving with regards  
17 to the release indicated that CFP was adhering to porous  
18 materials and that porous materials could well be a reservoir  
19 for these chemicals. So we took those sample as well during  
20 this event.

21 I talked with the homeowners where the data was  
22 collected when that data was available. Up until now, the data  
23 for the other part of that investigation, which was the  
24 nonresidential off-site and the on-facility, has not been available.  
25 It's now available in a report that's in the back



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1 of the room for those of you who want to go through it. And I  
2 am going to just talk about what it is we did. We took  
3 groundwater samples, waste water from the facility itself,  
4 soil, soil samples on public lands, surface water and sediment.

5 You can't see that and neither can I. That was  
6 just a map to indicate the number of soil samples we took and  
7 the locations of the property. That map is in the report  
8 itself if you want to get a sense of that.

9 The State of New York had been responding to  
10 Diaz while they were operating, and a treatment system was  
11 installed to collect and control contaminated groundwater at  
12 the facility. As part of that response, a number of monitoring  
13 wells were installed on and around the facility. And those are  
14 wells that were installed to make, to look for contamination,  
15 and to plot and manage groundwater contamination. So we  
16 sampled five of those. We sampled the municipal wells that  
17 provide drinking water to the residents of Holley. And in  
18 taking those samples, we were looking to identify if the  
19 groundwater, contaminated groundwater, was migrating from the  
20 site and, if so, what the levels were. There were no, there  
21 was no contamination found in the municipal wells.

22 That is just a picture of what the monitoring  
23 well looks like. I take it for granted when I say monitoring  
24 well, what it is. If you drive down South Main Street, you  
25 will see these things popping up, and those are installed to

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1 look at groundwater conditions.

2 We also sampled the waste water that was coming  
3 from the Diaz facility, we took sludge and water samples.  
4 Those samples did show contamination in the sludge and the  
5 water. There is a treatment system on-site that treats that,  
6 and Kevin will be talking a little bit about that. I will just  
7 point out that the waste water at Diaz was contaminated with  
8 those elements.

9 That's just a picture of the sump area where the  
10 waste water collects.

11 We took eight on-site soil samples to document  
12 conditions of the property soil, and those also showed elevated  
13 metals and semi-volatile compounds. Semi-volatile compounds  
14 are things like CFP, that was a semi-volatile compound.

15 The surface water that we took -- I am not sure  
16 if everybody in the room is familiar with the Diaz property  
17 itself, but there is a tributary that runs to Sandy Creek that  
18 borders the facility. So we took ten sediment samples, three  
19 surface water samples in this creek. The reason was that there  
20 was a documented spill there years ago, so we wanted to see  
21 what the conditions were today. We did find elevated levels of  
22 metals in the water, and elevated levels of metal and  
23 semi-volatiles in the sediment.

24 I am not sure if that really shows, but that's  
25 the location of the creek. And that road there is the road

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1       that goes up to the VFW.

2                       So what does that all mean, all the samples we  
3       collected? There are two reports available that contain all  
4       this information. One of them is the ESI/RI, that's the report  
5       that is in the back here tonight, and it's also in the library,  
6       the Holley Library. The reason I have a report here tonight is  
7       that, after the questions and answers, I will remain here, if  
8       anybody has any questions, I will go through that with them.  
9       The Hazard Ranking System report is also in the library. And  
10      at the last meeting I talked about that report. That's the  
11      report that was used to nominate the site for the Superfund  
12      List, and that report focuses on the CFP release. ESI/RI is a  
13      fairly extensive investigation, as you can see by the bulk of  
14      it, and one of the uses of that is to jump start the Superfund  
15      Remedial process, which you will be hearing about shortly.

16                   For those of you -- there is one group of data  
17      that is not yet available, and I should mention that because I  
18      get a lot of calls on this, which is soil dioxin data. That  
19      was a separate analysis done on the residential yards. There  
20      is an issue. The EPA is an agency that contracts outs all its  
21      work. And I am having trouble getting that data validated,  
22      which means in a format I can release to the public. I would  
23      be more than willing to discuss that on an individual basis  
24      with those that have concerns about that. But that is my  
25      responsibility and I apologize for making promises that that

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1 data would be available sooner than I am able to make it.

2 I will also mention that in the report in the  
3 back, because this is all personal data, this is all, the data  
4 is coded, so that I don't give out any addresses and I don't  
5 give out people's names, so that privacy is protected.

6 You will find, I will leave them out by the  
7 door, anybody who would like to discuss their data personally  
8 can do so with either me or Michael Sivak, the Risk Assessor,  
9 by signing up for one-hour slots for tomorrow. Those will be  
10 there. We will be glad to come by. Michael's expertise is in  
11 risk assessment, and if you want to talk him about that, he can  
12 talk to the toxic effects of chemicals is a specialty of  
13 Michael. Michael is our team leader for our Technical Support  
14 Section in Superfund, and a great asset working on this site.  
15 You can talk with either he or myself by signing up.

16 I will just briefly mention that NPL listing,  
17 the last time I was here we had proposed the site for the NPL  
18 listing. I will just mention that the site did, in fact, go  
19 final on July 22nd, 2004, after a 60-day comment period. We  
20 did receive comments, and all of them were in support of  
21 including this site on the NPL.

22 Here are some useful links on the internet for  
23 information that we have available. It's here in the  
24 presentation because my entire presentation is available at the  
25 door for you. And that way, you can take a look at that, and

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1       it indicates what information is where. And again, just  
2       because this presentation is available at the door, that's who  
3       I am, the contents of the information. If you have any  
4       questions on this, feel free to call me.

5                   I am going to turn it back over to Mike, now.

6                   MR. BASILE: Thanks very much, Dennis.

7                   Our next presenter is Kevin Matheis. He is the  
8       On-Scene Coordinator for EPA on the site. He is going to give  
9       us an update about the on-site cleanup. Kevin Matheis.

10                  MR. MATHEIS: Thank you. Hi. My name is  
11       Kevin Matheis, I'm an On-Scene Coordinator. I have worked for  
12       EPA in this capacity for about fifteen years. I am a  
13       Buffalonian, I lived there all my life. And I do cleanups  
14       predominantly in western New York. Jeff Bechtel, who is  
15       here today, was my predecessor at the site. Jeff had been on the  
16       site since EPA started its actions, and just recently we  
17       transitioned Jeff into, he has other jobs and projects in New  
18       Jersey that need his attention, so he is going to be working  
19       some other projects now, and now I am working in the capacity  
20       that Jeff had previously worked.

21                  I am also working on the site with a gentleman,  
22       Bobby Dease, who we introduced before. Bobby and I are both  
23       working on the next aspect of the cleanup. So what I am going  
24       to do today is I am going to summarize what we have done to  
25       date, and I am also going to talk about what we intend to do in

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1 the future, which will carry us into the summer of 2005.

2 Our removal actions, on-site actions, began in  
3 June of 2003. As I indicated, work will continue on site into  
4 the summer of 2005, at a minimum. We are maintaining  
5 twenty-four-hour security at the site. In addition to that, we  
6 perform daily inspections of the tanks, piping and drums, so  
7 that's all being done. In addition to that, the waste water  
8 treatment system is being operated and maintained.

9 The water treatment system on site has two  
10 operations. First, the groundwater pump and treat collection  
11 system, water is treated through carbon, and tested. The  
12 treated water is discharged from the site in accordance with  
13 the permits issued to Diaz. As Dennis had indicated, the water  
14 that comes into our system is contaminated. We run it through  
15 a treatment system on site, and the water that is discharged is  
16 uncontaminated. So we have been able to remove the  
17 contaminants with our on-site treatment system. And we have  
18 been in compliance with the permits that have been issued to  
19 Diaz.

20 Second, we have, the on-site water from the  
21 sumps and drainage comes through a centralized location on  
22 site. That water is then discharged to the POTW, which is the  
23 Publicly Owned Treatment Water, which is the sewer treatment  
24 plant. And this is all done in accordance with Diaz discharge  
25 permits. We regularly monitor the waste water that goes out of

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1 the facility, and we have been in the compliance with the  
2 facility permits.

3 The waste that we found on site is quite  
4 extensive. It includes acids, halogenated, which is bromine  
5 solvents, and various other chemicals. Of the approximately  
6 7,200 drums that were on site when we began our action, 6,800  
7 of these drums have been removed from the site today. There is  
8 approximately 600 drums that remain on site; of which, 500 will  
9 be shipped off site by November 1st, 2004. During the work on  
10 the on-site actions, we generate additional drums of waste  
11 material during the process of cleaning out the tanks and other  
12 operations on site. As we generate these drums, we will manage  
13 these drums and send them off site promptly, as waste material  
14 is generated. So there are may be two or 300 drums at the site  
15 at a particular time after November, but that's mostly from the  
16 on-site operations and work. And what we intend to do is ship  
17 them off on a regular basis.

18 There is many different storage tanks and  
19 reactor vessels that are on site as well. I have broken them  
20 out into two categories. There is bulk storage tanks, which  
21 are large tanks that just hold either the raw material or  
22 products or the waste material. And there were 34 storage  
23 tanks on site. All the tanks are now empty. Sixteen of the 34  
24 tanks have been cleaned and rinsed, and EPA continues to clean  
25 the rest. So as we speak right now, we have clean-up crews

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1       that are working, going through each tank, and they are  
2       cleaning them with surfactant, which is like a soap material,  
3       cleaning the walls with a high-pressure rinse, we're  
4       containerizing anything that we get from the tanks and  
5       disposing that off site. And the tanks will be completely  
6       empty.

7                   The other tanks that we have on site we refer to  
8       as reactor mixing vessels. Some of those you may not be able  
9       to see from the street, some of them are contained within the  
10      buildings. When we came on site, there were 105 reactor mixing  
11      vessels on site. Ninety-nine reactor mixing vessels are now  
12      empty. Twenty-six of them have been cleaned and rinsed. Six  
13      of these tanks still contain material called boil-out water,  
14      which Diaz had generated from line cleanings. And that waste  
15      will be removed off site by the end of November 2004. The  
16      boil-out water is approximately 4,000 gallons of material, and  
17      they are in tanks or they are in vessels that are in decent  
18      shape, and we keep monitoring them. And we are going to have  
19      the rest of this bulk waste material off site shortly.  
20      Sixty-nine of the reactor mixing vessels contained material  
21      when EPA began the cleanup.

22                   To date, EPA has disposed and recycled  
23      247,711 gallons of material, which equates to almost 3 million  
24      pounds of chemicals from the site. And to date, on-site  
25      actions, we have spent approximately \$2.6 million.



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1                   Now, let's talk a little bit about our future  
2       EPA removal actions at the site. Upon completion of the tank  
3       cleaning, and reactor and tank vessel cleanings, EPA will begin  
4       to dismantle the piping at the site. The dismantling  
5       operations will continue until the spring of 2005, then EPA  
6       will begin the tank removal from the site. The EPA actions  
7       will continue into the summer of 2005. What we are doing right  
8       now is we're removing all the residual waste material from the  
9       tanks and doing the cleaning on all the exterior tanks. We are  
10      going to have that all done before the winter sets in. The  
11      next operation after we clean these tanks is there are some  
12      reactor vessels indoors, which we will be able to clean out  
13      during the winter, because the boilers are still going to run,  
14      we're going to still have fuel to the plant, and we'll make  
15      sure that we are still live and able to do the clean out inside  
16      of the buildings. We are also going to be removing all of the  
17      process piping that you see from the outside of the plant. And  
18      then in the spring and summer we intend to completely remove  
19      all the tanks . from the property, so that will all be taken off  
20      site. And I will have a better time table of when we're going  
21      to be completed at the site probably in the spring of this  
22      year, and we'll certainly get that information out to you as we  
23      progress with the cleanup.

24                   As Dennis indicated, we maintain a website for  
25      the site, and I encourage you to visit it. It will have

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1 updates as to how much waste material has been sent from the  
2 site and then how much will be done in the future.

3 And that's EPA's actions to date. With that in  
4 mind, we'll go to the next presentation.

5 MR. BASILE: Thanks very much, Kevin.

6 Moving along, our next presenter is Kevin Lynch.  
7 He is with our Western New York Remediations Section. Kevin  
8 will bring us to the Superfund process. He is going to really  
9 explain to us this evening how we arrived where we are as an  
10 agency, and basically where we are going in the future now that  
11 this site has been selected and is now on the National  
12 Priorities List. Kevin Lynch.

13 MR. LYNCH: Thank you, Mike. As Mike said, my  
14 name is Kevin Lynch. I am the Chief of the Western New York  
15 Remediation Section for Superfunds. What I will give is a  
16 quick summary of the law and regulations that we are required  
17 to operate under, the law that gives us authority to take  
18 action out there.

19 Before 1979, the Federal government had no way  
20 to address a problem like Diaz. We had no way to address an  
21 abandoned site, or a site where the operator is bankrupt. We  
22 could go in to clean up a spill, a chemical spill from a truck,  
23 or an oil spill. But if we didn't have somebody that would pay  
24 for that cleanup and perform the cleanup, we didn't have the  
25 authority to do it ourselves. In 1979, Congress passed

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1 Superfund Law that gave us authority to take action on sites  
2 two different ways, and it also gave us two ways that we can  
3 pay for those cleanups.

4 The first way we can pay for it is the way we  
5 prefer to go, is that we prefer to have the people who are  
6 responsible for the problem do the work or reimburse us for the  
7 work. The responsible party is anyone who has either generated  
8 the hazardous substances, transported them, or the owner or  
9 operator of the facility where they end up and where they are  
10 causing a problem. Basically, it's an idea of, they didn't  
11 have to break any laws, they didn't have to operate  
12 incorrectly, just if their product or their substances are  
13 causing a problem, they have to be part of the solution. But  
14 there are many sites out there, sites like Diaz, where the  
15 operator goes bankrupt, or had abandoned the facility a long  
16 time ago. For those, we can use the Fund, then, to take an  
17 action at these sites.

18 There are two different ways we have to  
19 authority to take the action at the site. One is a short-term  
20 action that's looking for quick relief for the site. It's  
21 sometime referred to as an emergency action, or an action you  
22 are taking to prevent an emergency situation from happening;  
23 similar things to Diaz, we have done at other sites. We have  
24 people abandon warehouses full of drums of chemicals,  
25 flammable, they can explode, they can cause problems. We can

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1 go in and the Removal Program can take action to remove those  
2 to make it safe. Other instances we have had is we have had  
3 communities that are drinking contaminated water. The Removal  
4 Program can, again, in the short term, go in and provide  
5 alternate water to them.

6 We are doing two of those short-term removal  
7 actions at Diaz. One of them is the one you just heard about  
8 that Kevin just described, that is securing the site so it  
9 won't cause anymore problems in the community. And the other  
10 one that we are doing is that on January 5th, of 2002, there  
11 was an accidental release from the factory that did spray into  
12 the community. As a result of that, eight families relocated  
13 from their homes. They temporarily relocated, and Diaz, at  
14 that time, picked up the expenses for their relocation. Diaz,  
15 after a short period of time, decided that they didn't think  
16 that it had to be done anymore. At that time, New York State  
17 got a court order, ordering Diaz to continue that relocation.  
18 Diaz then again came to the New York State and said, We don't  
19 have any more money, we can't afford this. New York State then  
20 came to EPA and said, Can you use the Superfund, can you take  
21 removal action to continue this action? And we have done that.  
22 And we have been paying those expenses since that date.

23 The other way that we have to address the site  
24 is a more, looking for more long-term and permanent solution,  
25 what's called a remedial action. In order to do that, we have

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1 to follow our regulations, which is called the National  
2 Contingency Plan. The requirements are: One, in order for us  
3 to spend remedial money to clean up a site, it has to be on the  
4 National Priorities List. Dennis just explained how we go  
5 about doing that, and Diaz is on that list. The other thing  
6 we're required to do is perform a study called a Remedial  
7 Investigation Feasibility Study. A remedial investigation is a  
8 study where we will go out and take samples at the facility and  
9 in the community to determine what the nature and the extent of  
10 the problem being caused by the facility is. By nature, we  
11 mean we want to find out what chemicals are out there, and what  
12 is the toxicology, what effect they can have on people. The  
13 extent is, we want to find out where these chemicals are, are  
14 they moving, how are they moving and where are there they  
15 going? We are looking for pathways where people can come into  
16 contact with these contaminants and what problems they would  
17 cause.

18 When we do that, we put together what is called  
19 a feasibility study. Feasibility study is a study where you  
20 look at different alternative solutions to the problem. And  
21 the regulations have us look at nine criteria that we look at  
22 as we evaluate these solutions. What they are is, the first  
23 and most important, is overall protection of human health and  
24 the environment. We cannot select a remedy that doesn't  
25 protect human health. The second is, compliance with ARARs.

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1 And ARARs is an acronym that stands for Applicable or Relevant  
2 and Appropriate Requirements. What these are, these are  
3 environmental laws and regulations that are out there from us,  
4 from the State, any environmental law that's out there, we have  
5 to follow the environmental laws. We look at long-term  
6 effectiveness and permanency. What we want is a remedy that,  
7 one, is effective, we want something that works, and we want  
8 something that is permanent. We don't want to go out, do  
9 something, pat ourselves on the back, and three years later  
10 have to come back and solve the same problem again. We look at  
11 reduction of toxicity, mobility and volume by treatment. Our  
12 preferred thing to do is go out, find these chemicals, and  
13 destroy them so they no longer cause a problem. We look at  
14 short-term effectiveness. What that is, is we want to make  
15 sure that the actions we do take don't put people more at risk  
16 than they are already at from the chemicals that are out there.  
17 We look at implementability; it has to be something we can do.  
18 There are a lot of theories out there on how we can destroy  
19 some of these chemicals and how we can treat things. But we  
20 have to be assured that this will work and commercially  
21 available. We look at the cost. We compare the cost of the  
22 different alternatives and the benefits we will get from the  
23 different alternatives. The last two are State acceptance and  
24 community acceptance. And how we evaluate community acceptance  
25 is, when we complete the Feasibility Study, we put together

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1        what we call a proposed plan, which summarizes the problem and  
2        the alternative solutions that we have looked for to solve this  
3        problem. It also puts out a preference of what we think is the  
4        best remedy for the problem. We publish this, we hold a public  
5        meeting and we solicit comments. At the end of the comment  
6        period, we take these comments, we evaluate them, and we do  
7        make a decision that we publish in what's called a Record of  
8        Decision. We then implement the solution.

9                    And where we are starting today is, the site is  
10       just on the National Priorities List. We have removal action  
11       going on, which includes work that the State had done to  
12       control the groundwater that's coming off this thing. And we  
13       have eight people who are in temporary relocation. Now, our  
14       policy and our guidance says that we should not maintain people  
15       in temporary relocation for more than a year because of the  
16       hardship that it poses. It's a really tough thing to do, to  
17       move out of your home and live somewhere else, when your home  
18       is still there. And the EPA's policy recognizes that, and all  
19       of the government policies that have to do with relocation  
20       recognize that.

21                    When we do those studies, we don't have to have  
22       all of the answers before we come up with solutions. What we  
23       normally will do is go out, when we have enough information to  
24       tackle one part of the problem, we will tackle that part of the  
25       problem, come up with a proposed plan, and implement it at

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1 different times. We call these Operable Units. Today, we have  
2 a proposed plan for what we are proposing to do to solve the  
3 problem that these people who are temporarily relocated. This  
4 is just a first of many meetings we're going to have up here  
5 I with proposed plans.

6 How we're going to address the rest of the site  
7 is, we are going to, in November we will be coming up and  
8 taking samples of the groundwater to evaluate the system that  
9 is operating right now, to make sure that this is sufficient to  
10 contain all of the chemicals that were leaving the facility  
11 through the groundwater. This will give us the information to  
12 either continue the operation as it is today, or give us the  
13 information we will need in order to take other actions to make  
14 sure that that stays. At that time we will also be going out  
15 again and looking at the pathway from that contamination that's  
16 in the groundwater, upward, to see, is it getting into people's  
17 homes and is it causing a problem. For the rest of the site,  
18 for the facility itself and the community, we are working with  
19 our contractors to formulate a work plan. What they will do is  
20 look at all of the information that the DEC has gathered, all  
21 the information that Dennis and his people gathered, and  
22 evaluate that, and look at what data gaps are out there, what  
23 more information do we need in order to give us enough  
24 information that we can solve all the rest of these problems.  
25 The next presenter is going to be



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1 John DiMartino, the Regional Project Manager for the site, and  
2 he is going to walk you through the Proposed Plan.

3 MR. DI MARTINO: Thanks, Kevin.

4 Good evening, everybody. As Kevin mentioned, I  
5 am going to discuss the Proposed Plan that brought us here  
6 tonight. First off, for this remedial action, we looked at  
7 three alternatives. We first looked at the "No Action"  
8 alternative. We are required to look at a "No Action"  
9 alternative as a baseline level against which other  
10 alternatives can be compared. So for this remedial action, the  
11 "No Action" alternative includes discontinuing the EPA funding  
12 for the relocation expenses. Secondly, we looked at continuing  
13 the current relocation, the current temporary relocation of the  
14 residents, the current situation. Thirdly, we looked at a  
15 property acquisition and permanent relocation. Under this, we  
16 looked at two sub-options, I call them. The first one we  
17 looked at was securing and maintaining the homes and  
18 properties, or demolishing the homes. Now, under property  
19 acquisition and permanent relocation, we would acquire the  
20 eight homes of the displaced residents and permanently relocate  
21 them. So again, those are the three alternatives for this  
22 first remedial action in this Proposed Plan.

23 Now, EPA is recommending the third alternative  
24 that I mentioned, property acquisition and permanent  
25 relocation, with a maintenance of the eight homes - we would

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1       acquire. And I want to go through, briefly, why we came to  
2       that decision, the rationale behind that decision. Okay.

3                   So, the residents relocated before EPA was  
4       involved in this site. EPA was asked to assume the  
5       relocation -- I am sorry -- to assume the responsibility for  
6       the relocation expenses before the risks posed by the site were  
7       fully understood. Thirdly, EPA believes we took the prudent  
8       course of action in continuing the temporary relocation  
9       situation when we became involved in the site. Now the Agency  
10      needs to address the fact that we have folks living in  
11      temporary relocation for over two-and-a-half years. Extended  
12      periods of temporary relocation is inconsistent with EPA's  
13      policy that Kevin mentioned, and creates a hardship for the  
14      families involved. It is the goal of this Remedial Action to  
15      end that hardship. Therefore, EPA believes the preferred  
16      alternative that I mentioned, property acquisition and  
17      permanent relocation, is the correct course of action.

18                   And I just wanted to reiterate, that this is the  
19      first Remedial Action for this site, and will not be the last.  
20      Thank you.

21                   MR. BASILS: Thank you, John. Just give us a  
22      couple minutes, we are going to just put some chairs up here.  
23      Kevin, John, Michael, Kevin Matheis, just put some chairs right  
24      here.

25                   And I ask you, if you have questions, to please

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1 stand behind the microphone, you can stand in a line, we will  
2 take one at a time. We will be more than happy to answer your  
3 questions. We are not only here to answer questions, we are  
4 also here to hear your comments. Don't feel that you have to  
5 have a question. If you have a comment, pro or con, that's the  
6 purpose of this meeting. So, please let yourself be known,  
7 present yourself at the microphone. We are here for the next  
8 hour and ten minutes to answer your questions. In addition,  
9 once the meeting is completed, we will remain to answer  
10 individual questions, personally, one-on-one. First question?  
11 Remember I am going to ask you to please stand, if you wouldn't  
12 mind, at the microphone, state your name, spell your name for  
13 our court stenographer, and either make your comment or ask the  
14 question. Microphone is right in the center here, it will be  
15 so much easier for everyone to hear your comments and  
16 questions.

17 ALAN KNAUF: I am Alan Knauf, I am attorney for  
18 a number of residents. What, exactly, was the criteria used  
19 for determining which houses you propose to purchase?

20 MR. LYNCH: The criteria were the eight families  
21 that have been relocated.

22 ALAN KNAUF: For at least a year? Some people  
23 were relocated or found maybe other housing or whatever.

24 MR. LYNCH: The people that are currently  
25 relocated and EPA is paying for that relocation are the houses

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1       that we are proposing.

2                   ALAN KNAUF: So if people, the people who moved  
3       back are not included in this initial action, correct?

4                   MR. LYNCH: Correct.

5                   ALAN KNAUF: One of the families, the Koons,  
6       their daughter relocated. Do you know why they were not  
7       included? They own the house on Jackson Street, and their  
8       daughter was living there and she relocated, the family  
9       relocated. Could you look into why that --

10                  MR. LYNCH: We can look into the --

11                  ALAN KNAUF: At number 16 Jackson Street. I  
12       just want to know how to fit into the criteria. Maybe you can  
13       look into it and let us know. We don't understand why that  
14       particular house wasn't included.

15                  MR. HARRINGTON: She was a tenant, correct?

16                  ALAN KNAUF: Well, she was their daughter.

17                  MR. HARRINGTON: I realize that. I am sorry.

18                  MARY ELLEN MILES: My name is Mary-Ellen Miles.

19       M - I - L - E - S. And I was a tenant at 16 Jackson Street when the  
20       explosion occurred. Rather than be -- and I was in the group  
21       who went over to Brockport and spent five to six months living  
22       at the Holiday Inn. Rather than being relocated with the group  
23       of eight family members who are living now currently in  
24       Brockport, outside of the school district, I chose to buy a  
25       home in Orleans County so my children could continue at the

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1       Holley School and not be totally disrupted and further put in  
2       distress. I am trying to regain some sense of order in our  
3       lives, and that's how I personally chose it. And I am sorry if  
4       I am getting emotional, but this is life. So what is the  
5       compensation for a family of three who were evacuated that  
6       night? We were also displaced. I realize I am not the  
7       homeowner. But my children and I have experienced hardships  
8       and we also have felt displaced for these past years. We, too,  
9       have left behind not only furniture, clothes, dishes, but also  
10      all the memories that everyone else, as these eight family  
11      members. I don't quite understand what the criteria was with  
12      EPA. I always felt I was in the included in the group, until I  
13      am reading, eight families are included. I feel that maybe  
14      not -- the first priority should be for the eight families,  
15      yes, but I think you need to also look at the tenants who were  
16      also displaced. Thank you.

17                   MR. LYNCH: I can explain what the criteria we  
18      did use. The eight families, when the site gets on the  
19      National Priorities List, we are addressing the site as it is  
20      today. And unfortunately, we cannot go back and undo things  
21      that have been done. Where we are today is, we are dealing  
22      with a contaminated site that we are securing, that we will be  
23      studying to determine what other problems it can cause and will  
24      cause, and we have eight families that we are paying for the  
25      temporary relocation. That's where we are today when we made

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1 the decision, and that's what was criteria was, that eight  
2 families.

3 MR. BASILE: Next question?

4 DOROTHY LUTZ: I am Dorothy Lutz, 25 South Main  
5 Street. I was Pete Trupo's and Anita Trupo's neighbor, and  
6 also across the road from Dan Dann. That night, my boyfriend  
7 and my son went to the fire department, and they told us to go  
8 back in and close the doors. We had no idea that anybody had  
9 left and was living in the hotel 'til Pete Trupo called me, I  
10 believe, sixteen days later and told me about a meeting at the  
11 hotel. At that time I had my son going to Holley School, and  
12 he also worked at Jubilee. I worked twelve-hour shift work. I  
13 am the only one I can count on. And I could not leave my  
14 residence. Also, I have three animals.

15 So I don't know how things are happening, but I  
16 think we need to be looked at too, the people that didn't have  
17 as easy of an opportunity to pick up and leave the place, when  
18 that night they told us to get back in and close our doors.  
19 Like I say, I found out two-and-a-half weeks later. They had  
20 announced on the six o'clock news that anybody who wanted to  
21 relocate, could. I work twelve hours, I work six to six.  
22 There is not very often that I watch the six o'clock news. So  
23 I just need, I know you are saying this is an initial thing,  
24 but when it traveled through my house to the ones across from  
25 me, and I just think they need to look at things further and

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1 help the families that could not as easily move out of there.  
2 Because I have worked really hard to pay off my house, and it's  
3 almost paid off, in nine years. And I want . to be able to sell  
4 it, and I was always thinking in ten years, which would be next  
5 year. So thanks for listening, and I hopefully everybody will  
6 keep me informed. Thank you.

7 MR. BASILS: We certainly will. Thank you for  
8 your comments. Next question

9 DEBBIE WALLS: My name is Debbie Walls,  
10 W- A- L- L- S. When you refer to the EPA paying for this  
11 relocation, you do mean taxpayer dollars, correct?

12 MR. LYNCH: Yes, we do.

13 MR. BASILS: We certainly do.

14 DEBBIE WALLS: And I have a question for Kevin.  
15 When you talk about the elevated metal in water, is that still  
16 within, under the guidelines, and just elevated more than  
17 normal? Can you explain that a little further?

18 MR. MATHEIS: Were you referring to the samples  
19 that Dennis had discussed, that he found some elevated sample,  
20 levels of samples in the creek? Is that you are talking about?

21 DEBBIE WALLS: I believe so. It was one of you  
22 two.

23 MR. MUNHALL: We found metals in two types of  
24 water samples. In the groundwater samples on the facility,  
25 those are contaminated, that is what led to the treatment

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1 system being installed. So we do understand that water is  
2 contaminated. When I said elevated, we are comparing that to  
3 the background. We took sediments and water samples in a  
4 similar creek outside of Holley.

5 DEBBIE WALLS: Elevated does not necessarily  
6 mean contaminated.

7 MR. MUNHALL: I said elevated, right. It wasn't  
8 levels that would trigger a response, emergency response. And  
9 they, all that data is available in that report. But they are  
10 just elevated compared with a background sample. I would say  
11 that they are about three times background.

12 DEBBIE WALLS: Thank you.

13 GEORGIA HORST: Hi. My name is Georgia Horst,  
14 and I am here with my husband, Brian Horst. We live at  
15 53 South Main Street. We are within 100 feet of Diaz Chemical  
16 Corporation. We purchased the house in November of 2002. And  
17 in the summer of 2003, we learned that there should have been a  
18 filtration system in our home. This system was to be in the  
19 house to mitigate potential exposure to chemicals and prevent  
20 future potential health hazards, which is quoted from the ROD  
21 in March 2002. There have been chemicals found in this house  
22 and property before we bought the house that was not disclosed  
23 to us in our disclosure. We do suspect the filtration system  
24 was taken out of our house illegally. We are not accusing  
25 anybody of it, but information not given to us about the



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1 chemicals also was not disclosed. We do not understand how  
2 this house was up for sale, and how another innocent family  
3 could have been involved in this, such as my family. We do,  
4 this is a quote from the ROD, 2002, Diaz has reached separate  
5 agreements with the current owners of the two properties to  
6 ensure that the current occupants move. Diaz will have the  
7 opportunity to prevent new residents from moving into the  
8 buildings, preventing future potential for human health  
9 hazards. This building that is quoted, is my house. It is my  
10 house, where I live and where I breathe the air, where my child  
11 over there, my two children, sit and breathe that air. The  
12 filtration system was initially put in that house in April of  
13 1998. The EPA put in the new filtration system in June of 2004  
14 for us. We breathed the air in that house for almost two years  
15 without any protection or knowledge. The house has been tested  
16 twice, and the second test that was done, that we previously  
17 got any chemical results from, there are still contaminants  
18 coming into the house, even though they say they are at safe  
19 levels. The air purifying system that should have been there  
20 to mitigate those chemicals, wasn't.

21 In the last year, my family has dealt with these  
22 problems and trying to get answers. We have spent our own  
23 money, we have made our own phone calls. Every agency has been  
24 aware of this problem. Why doesn't one of your agencies hold  
25 these people that took this filtration out of my house liable?

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1 We are being deprived of the use and enjoyment of our home and  
2 our property. I am sorry. The agencies have stated to us that  
3 they cannot give us a letter that the house is safe to inhabit,  
4 and we wonder why that letter cannot be given to us. We also  
5 wonder why, if this ROD decision was wrote in March of 2002,  
6 why isn't it being implemented? I also have a picture of the  
7 filtration system that is in my home, right now. It's supposed  
8 to be helping my children breathe that air in that house. This  
9 is from the groundwater problems. I just want to know why you  
10 are not helping us sooner than later, for the families that  
11 have been hurt by the groundwater problems. We understand, me  
12 and my husband, understand very much why we have been told  
13 certain things. But I honestly think if you want to honestly  
14 help this community, that you need to clean it up as a whole,  
15 not just the area that's been announced tonight. There are  
16 other families that are hurt here. I have to go home with my  
17 children tonight and breathe that air. I have to touch that  
18 ground. My house cannot be sold right now. And I would not  
19 sell that house to any other unsuspecting family. I would  
20 never bring another family into this problem. I just want to  
21 know the answers about my house, but I also care about the  
22 other families that have been hurt here. And I think their  
23 houses should be purchased and this should be cleaned up.  
25 Thank you.

25 RUTH ANN KOON: Good evening. My name is Ruth

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1 Ann Koon. I am the property owner at 16 Jackson Street. Our  
2 daughter was our tenant. And I agree with the woman ahead of  
3 me, I do think that the whole town should be looked at and  
4 taken care of. I really don't understand why our house was not  
5 included in the purchase by EPA. We still have to pay the  
6 taxes? We can't sell it, we can't live in it, we can't do  
7 anything in it. We can't even go in it, because to do so, you  
8 get ill. And many times my husband has come home, because he  
9 has had to go in there for something, and he has come home very  
10 ill. And I just don't think it's fair, two doors from the Diaz  
11 plant, closer than a lot of these other houses that were  
12 included, and we are excluded. I just don't understand it, I  
13 won't accept it, and I don't appreciate it. Thank you.

14 MR. LYNCH: The comment that I can make about  
15 I the rest of the community is that, as I said before, this is  
16 the first action we are going to take, and we are taking this  
17 action based on our policies. We will continue to go out and  
18 assess problems in the community. And we will be back and we  
19 will make other decisions about the community.

20 As to the question about the 2002 Record of  
21 Decision, that is something we can't address here. That was  
22 something that was done by the DEC, it was not done by EPA.  
23 It's not our document and we don't have any authority to  
24 enforce that document. And I can't talk for them. One thing I  
25 will say, when you did tell us that the filter was gone from

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1       that house, you are correct, the EPA put it in. Because of the  
2       groundwater problem, we did replace the filter and then we have  
3       tested the air. And the levels that we found in the air are  
4       below our guidelines that we would be able to take an action.  
5       We don't believe there is an unacceptable risk in that house.

6                   DICK NENNI: My name is Dick Nenni. I own the  
7       property at 39 Jackson Street. N - E- N - N - I. In December of  
8       2001, I was a good Samaritan and signed on the dotted line for  
9       a relative. 39 Jackson Street is right about twelve foot away  
10      from Diaz Chemical, right across the street. In February of  
11      2002, after the spill, these people moved out of that house. I  
12      asked EPA to come in to give me a little reassurance that  
13      everything was all right. They took ground samples. They said  
14      they'd be back to take in-the-house samples. I never heard  
15      another thing. That's number one.

16                   Number two, I have advertised this property, I  
17      have put another almost \$10,000 into the house, to beautify it.  
18      I retired in June. I spent \$70,000 on the house so that I  
19      wouldn't have to pay interest on it, and there I am sitting  
20      with a dead horse. And this is why I am up here talking right  
21      now. I agree that these other people, along with the rest of  
22      us, should be compensated to a certain point. I pay full taxes  
23      on that, because it is in my name. And I live, I also live in  
24      Holley, at another residence. And I do not get no, what do  
25      they call it, STAR program or nothing on that; so I pay the

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1 full shot on taxes. I am not a rich man. I worked 25 years  
2 driving a school bus, so that's how I am, that's what I am  
3 living on right now. Thank you.

4 I believe I told, I sent a letter to  
5 Mr. DiMartino and I have no response yet. I talked to  
6 Mr. Knauf about it, and I couldn't get in on the other one  
7 because I don't live in the house. My son has been there for  
8 two years, keeping, look in on the property.

9 MR. DI MARTINO: Thanks for your comment. I did  
10 receive your letter. It will be addressed, along with other  
11 comments, in our responsiveness summary that is part of the  
12 Record of Decision for this site.

13 DICK NENNI: Thank you. I would like to have  
14 that cellar checked also, because -- and the Village Board  
15 members who are here tonight know this -- the sewer in that  
16 house has been backing up into it, up until about six months  
17 ago when we finally had it resolved. And they had some bad  
18 roots on the tree that were growing through the sewer. That's  
19 been taken care of now. Before that, I don't know what was  
20 going on down there.

21 BRIAN HORST: My name is Brian Horst. My wife  
22 spoke before. Personally, you took the Record of Decision by  
23 implementing, putting the filter back inside my house, turning  
24 the pump back on, on the property, when you stepped in and Diaz  
25 stepped out. You took over the Record of Decision that the DEC

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1 and DOH wrote. You are the government, the Federal government.  
2 You took it over. You are responsible for this Record of  
3 Decision now. The Record of Decision states that my house  
4 should not have been sold to me. I got involved in this town  
5 by looking for a house to live in for my family. And I was  
6 lied to, I was brought into this. The Record of Decision was  
7 dropped by the DEC, DOH and EPA. They are not protecting my  
8 family. Hold it. Don't even grab that mic yet. I am tired of  
9 this. I am tired of being your rats. I will not be tested any  
10 longer. You have been in my house. I have two chemicals that  
11 are still coming in my house since 1997 from the groundwater  
12 spill, one of them is a highly carcinogen that causes cancer.  
13 I have one boy that will carry on my family name. Can you  
14 write me a letter today that will state that my kids will be  
15 safe? Can you do it, any of you? No, you won't.

16 MR. LYNCH: We cannot write you a letter.  
17 Safety is a very subjective term. We can never write a letter  
18 saying anybody is safe.

19 BRIAN HORST: Then you can't tell --

20 MR. LYNCH: What we can do is we can write you a  
21 letter and tell you that the levels that we found in your home  
22 are not levels that should be problems.

23 BRIAN HORST: By whose standard? I am different  
24 from you. My body is entirely built different from your body.  
25 I work in medical profession, I work surgery. I know everybody

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1 is built differently. So you can't tell me that a chemical  
2 doesn't affect you differently than me. Since I moved inside  
3 my house, my health has depleted. I am on blood pressure  
4 medicine, I am 39 years old. I have been in the hospital,  
5 breathing problems, constantly, pneumonia. Don't tell me  
6 chemicals don't affect everybody differently. My wife is  
7 getting sores on her arms. Tell me why. You can't. So this  
8 Record of Decision was brought in when you guys turned on those  
9 pumps again, and you put a filter back inside my house. So  
10 step up and take this Record of Decision, take it in full  
11 stride, and accept it.

12 MR. LYNCH: What we have done out there, we have  
13 done, when I was talking before about the differences in the  
14 authorities that we have to take actions, we took removal  
15 actions to secure the plant. And what that is, that included  
16 securing that contamination, that is leaving the filter that we  
17 put back in, we did that as a removal action, as a precaution.  
18 We have to go, the law tells us we have to take certain steps  
19 in order to make a decision, to have our own Record of  
20 Decision. One of those steps is that we have to publish a  
21 proposed plan and have a public meeting. And we have not done  
22 that on the State's ROD. And therefore, we cannot, we do not  
23 have the authority to enforce the State's ROD.

24 BRIAN HORST: Then why did you stick a filter  
25 back in my house?

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1                   GEORGIA HORST: We live with that filter system.

2       Why is there a filter system in our house if there isn't any  
3       potential . for a human health hazard?

4                   MR. LYNCH: We put that in as a precaution.

5                   BRIAN HORST: As a precaution. Why? Because  
6       the Record of Decision states that you have to protect us.

7                   MR. LYNCH: We have not gone through the steps  
8       for a permanent remedy on that. We just cannot take the  
9       State's Record of Decision.

10                  GEORGIA HORST: Okay. Now, if you are going to  
11       write a new Record of Decision for those other people with the  
12       CFP, now is that Record of Decision, two years, five years, ten  
13       years down the line, going to be implemented just like this one  
14       is?

15                  MR. LYNCH: The EPA will implement the Record of  
16       Decision.

17                  BRIAN HORST: Okay. That's what the DEC and DOH  
18       said they would do. They said they will implement this and  
19       they didn't. Nobody was there when we bought our house two  
20       years ago. Where were you? Where was the EPA? Where was the  
21       DEC? Where was the DOH in this? Nobody was there to protect  
22       me.

23                  MR. HARRINGTON: I am with EPA Emergency  
24       Response. I got the call from the State saying, Can you please  
25       help us out, this particular person has somehow fallen through



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1 the cracks. I just arranged to put the filter back in there  
2 immediately until everything was straightened out, including  
3 the analysis and whatever legal issues are involved, excuse me,  
4 administrative issues with the State. But I put the filter  
5 back in, in both homes, immediately.

6 BRIAN HORST: You didn't have to put Irene's  
7 back in, because hers was always in there and not being  
8 checked.

9 MR. HARRINGTON: But it hadn't been serviced in  
10 years.

11 BRIAN HORST: Mine is supposed to be serviced  
12 every three months. That filter has been sitting there for  
13 four months. Where are you guys changing this filter out?

14 GEORGIA HORST: Nobody has been to our house  
15 since they put that filter in.

16 MR. HARRINGTON: It will be changed.

17 BRIAN HORST: When? It was supposed to be  
18 changed a month ago. Now don't tell me that you guys are going  
19 to be protecting me. You haven't done it now. It's been a  
20 month.

21 GEORGIA HORST: We know the agencies that have  
22 tried to help us and the people that have helped us over the  
23 phones. Mike, we know you have tried to help us. But you  
24 don't have to live in our house.

25 MR. HARRINGTON: I understand.

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1                   GEORGIA HORST: Do you have children? Would you  
2   do this, your children?

3                   MR. HARRINGTON: I understand.

4                   GEORGIA HORST: We can't financially move out of  
5   this house. And we love this community, we love the police  
6   department, we love the people of this community, we love the  
7   school. We don't want to move from this community. That's why  
8   we purchased in this community.  
9   My child, Jennifer, sitting right there,  
10   breathes that air, plays on that ground.

11                  MR. BASILS: As Dwayne indicated, we promise to  
12   get someone to change your filter. We are committed to doing  
13   that and we will.

14                  We would like to have Jeff McCullough from the  
15   DEC maybe answer some of the questions you have about  
16   implementing the 2002 ROD.

17                  MR. MC CULLOUGH: The 2002 ROD, I did  
18   (inaudible) the project manager. But they were working with  
19   Diaz --

20                  MEMBER OF PUBLIC: Can you use the microphone,  
21   please?

22                  MR. MC CULLOUGH: Okay. When the 2002 ROD was  
23   issued, the Department was working with Diaz. They were the  
24   responsible party, they were paying for the investigation and  
25   the subsequent work that was done in conjunction with that.

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1       When the ROD was issued, they were still in business. The  
2       State had all intention of pursuing them to pay for the design  
3       and subsequently putting these systems in place under the  
4       Record of Decision. We all know what happened to Diaz, they  
5       I went bankrupt.

6                   At the same time, also, the State Superfund was  
7       also bankrupt for a period of about fourteen to sixteen months.  
8       We didn't have State money to be able to implement any kind of  
9       a program like this. Subsequently, the release happened, EPA  
10      stepped on board. Once it was, the EPA started to work on it,  
11      then nominated for NPL, basically, they take over the lead on,  
12      in terms of implementing any work that is done, any planned to  
13      be doing.

14                   The first time I found out that you had bought  
15      the residence is when you called me in March of this year. I  
16      immediately got on the phone to the EPA at that point and had  
17      them come out, send someone out, take a look at it, do the  
18      testing, and put the system back in. That was the first time  
19      that we knew there was a new resident in the house.

20                   GEORGIA HORST: We had spoke to EPA last summer  
21      in 2003 about the situation. We did find out about the filter  
22      system in the late summer, early fall of 2003.

23                   MR. MC CULLOUGH: The first contact I had with  
24      you was March of this year.

25                   GEORGIA HORST: It took me that long to find out

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1       who took care of it, out of hundreds of phone calls and  
2       hundreds of bills.

3                   And I want to tell everybody, me and my husband  
4       pay that utility bill on that filter system.

5                   BRIAN HORST: It runs 24 hours a day. And I was  
6       told specifically, if the power goes out, the filter does not  
7       work.

8                   LINDA SHAW: Why wasn't a deed restriction put  
9       on the deed? Under State Superfund law, when there is a remedy  
10      like that implemented, there should have been a deed  
11      restriction put on, so they would have been put on notice. Why  
12      wasn't that --

13                  MR. MC CULLOUGH: I don't know. Like I said, I  
14      didn't write the Record of Decision. I know, up to, since the  
15      legislation was passed this year, we really didn't have any  
16      mechanism to enforce deed restrictions or institute controls.  
17      Okay, we put them on there, but we had no mechanism to go back,  
18      and check and see if they were there, nor had. the ability to  
19      have a one-year review done by a professional surveyor.  
20      Subsequently, now that the legislation is passed, we can do  
21      that. We will be doing that.

22                  GEORGIA HORST: Will there be a deed restriction  
23      put on my home to sell it?

24                  MR. MC CULLOUGH: I can't answer that. I don't  
25      know.

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1                   GEORGIA HORST: You really haven't been able to  
2    answer any of my questions over the last two years.

3                   MR. MC CULLOUGH: Ma'am, I have just been  
4    involved with this project over the past six months.

5                   GEORGIA HORST: I know, sir. I know you have  
6    helped me over the phone. And believe me, I am grateful for  
7    your help, and I am also grateful for other agencies that  
8    helped us so far. But that still doesn't answer the question.  
9    My house sits on chemically-contaminated ground.

10   And I am also curious about the wells that sit  
11   in front of my house. Have those wells been tested? Or is it  
12   other wells you have been talking about?

13                  MR. BASILS: Wells tested in front of our house?

14                  GEORGIA HORST: Yes. There is two wells that  
15   sit in front of my house.

16                  MR. MUNHALL: Those wells weren't tested. The  
17   nearest wells that were tested by your house actually sit where  
18   the railroad tressel is. There are two wells there, I sampled  
19   those.

20                  GEORGIA HORST: Why haven't those two wells been  
21   tested in front of my house?

22                  MR. MUNHALL: We looked, there is a number of  
23   monitoring wells that have been installed during the last ten  
24   years. And we looked at wells that would show if the treatment  
25   system was operating, and that contamination wasn't migrating

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1 off of the site. And so we had specialists, hydrogeologists,  
2 look to determine which would be the best wells to sample for  
3 that effort. I think Kevin said that, November, additional  
4 groundwater testing will be taken.

5 GEORGIA HORST: Now, if those wells do come up  
6 with contamination, does that mean your treatment system behind  
7 my house isn't working?

8 MR. MUNHALL: We can show from our analysis that  
9 the contamination is traveling off site. It appears that the  
10 treatment system is working. That investigation was done prior  
11 to the Superfund designation.

12 And, Kevin, I don't know if you have an idea,  
13 once the site is a Superfund site, the investigations that take  
14 place after that are much more intensive. What we were trying  
15 to do with that investigation, primarily, is determine whether  
16 or not this site was following Superfund response. And when  
17 Congress passed the Superfund law, they set an extremely high  
18 bar for calling something a Superfund site. It is, in essence,  
19 the establishment of a new law, a new regulation. And so our  
20 investigation was really focused on that, in order to see if  
21 this, we could respond with Superfund, and also, within the  
22 context of doing, collecting information that could be used for  
23 risk assessments. I don't know if that answers your question,  
24 or if you want to say anything about the November sampling.

25 MR. LYNCH: The November sampling we will be

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1       doing, the reason why we are doing it is we are, we want to  
2       evaluate that system to determine, is that system working to  
3       contain the things that are leaving from Diaz facility.

4                   GEORGIA HORST: And I should feel safe until you  
5       do?

6                   MR. LYNCH: From the indication from when DEC  
7       was doing it, it was. But --

8                   GEORGIA HORST: The safe levels --

9                   MR. LYNCH: And I can't tell you how to feel. I  
10      do feel --

11                  GEORGIA HORST: I know how I feel. I know how  
12      every resident in this town that's here tonight feels. I know  
13      it's not your fault this filter system was taken out of this  
14      house. But why isn't it being investigated? The people -- you  
15      know, I am not going to say names, but it's open, public  
16      knowledge who owned the house before. But, you know, they  
17      probably sit in their house, tonight, safe. They got out of  
18      it. Another innocent family was brought into this. I would  
19      have still bought a house in this community, probably, I just  
20      wouldn't have bought that house, if I was ever to do it again.  
21      And it is a beautiful house, I love my home. I am sure all of  
22      you love your home, and you wish you could go back to your  
23      home. I have to go back to my home. Taking that filter system  
24      out of my home was intentional. You can almost say it's  
25      premeditated. It's a criminal act. We don't know who took it

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1 out, whether it was Diaz, the previous owners, lawyers, real  
2 estate people told them to, we don't know. We're the ones  
3 hurt. We're standing here with nobody -- we don't know what to  
4 do.

5 I want to thank the people in this town that  
6 have helped me and my family, and they know who they are. I  
7 also want to say thank you to the agency people that have  
8 helped us. We appreciate it.

9 MR. BASILS: And you do have our commitment, as  
10 Dwayne indicated, to replace the filters.

11 ANDREW SAUL: Thank you. I would also like to  
12 begin by giving my name. My name is Andrew Saul. The State of  
13 New York has certified me to teach chemistry. And I taught  
14 cell biology and biochemistry at the university level. I am  
15 contributing editor for the Journal of Orthomolecular Medicine.

16 I would like to just take a deep breath here for  
17 a minute, which is not always easy to do in Holley, and I would  
18 like to first begin by thanking EPA for all that they have done  
19 for the last two-and-a-half years. In doing that, I marvel at  
20 what has been accomplished, but I marvel even more at what  
21 there was to accomplish. The slide presentation earlier  
22 mentioned 7,200 drums of chemicals; of which, 6,810 have been  
23 removed. I thank EPA very sincerely for taking those out,  
24 because nobody else did. And I would like to just pose a  
25 couple of questions, and if you will do for me what I did with



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1       you, let me do all my questions and then you can respond, as we  
2       did with you.

3                       First of all, 7,200 drums, I am going to assume  
4       that the New York State DEC could not possibly have given Diaz  
5       a permit to keep that much waste on that site. I could be  
6       wrong. I am wondering if that was classified as product. I am  
7       wondering if you call it waste. I'd like to know if their  
8       permit to operate made that legal, for them to keep 7,200 drums  
9       of chemicals in a residential area, where there are houses  
10      50 feet away.

11                      My second point is, 105 reactor and mixing  
12      vessels, 69 of which, you told us, contained material when EPA  
13      began at the site. Sixty-nine vessels containing material,  
14      7,200 drums. I was in court the day Orleans County Supreme  
15      Court Justice James Punch told Diaz to clean up the site before  
16      they left it, to shut it down before they left it, to make sure  
17      the material wasn't there before they left it. We have a court  
18      reporter here tonight. There was a court reporter there as  
19      well, so you know what I am saying is accurate.

20                      The EPA has removed 247,711 gallons of  
21      chemicals, 2,906,000 pounds of chemicals. I would like to ask  
22      EPA, I would like to ask DEC, if Diaz's permit made that  
23      legitimate. It's one of two things, gentleman. Either it was  
24      legal, and you are the most lax people in the human race; or it  
25      was illegal, and DEC, which carries guns and cuffs, should have

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1       used them.

2                       Now, on a lighter note, we have a lot to be  
3       thankful for, having EPA on the job now. I am surprised,  
4       genuinely surprised, at Mr. Lynch's comment earlier, that EPA  
5       lacks the authority to enforce the State of New York's Record  
6       of Decision, in the Horsts' cases or others. I am not an  
7       attorney. But I find it incredible that the United States of  
8       America, a democracy of 300 million people, is not able to  
9       manage one little Record of Decision, that slipped through the  
10      woodwork, when there is people in the house, even though EPA's  
11      Mr. Harrington here, in good faith, came right out and put in  
12      equipment that should have been there. And yet now you are  
13      telling me, you told all of us, that EPA doesn't have the  
14      authority. Did Mr. Harrington break the law? Of course not.  
15      He responded because he used his brain. Common sense tells us,  
16      put it in. Common sense also tells us that he wouldn't have  
17      put it in unless there was a reason to have it there. Hence, I  
18      think the Horsts, who are 100 feet downwind and downgrade of  
19      Diaz, deserve consideration. And I would like to back up what  
20      they said and ask you for it.

21                    Many of us are concerned about taxes. I don't  
22      think everyone appreciates fully that EPA is not going to soak  
23      the taxpayer for the cost of this cleanup. EPA goes to great  
24      lengths, I have been reliably informed by senior EPA people, to  
25      recover the cost of cleanup from perpetrators. I don't think

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1 we need to ask who the perpetrators are. I also note the court  
2 document, that Theodore Jennings received a bill from the  
3 Environmental Protection Agency at his working address in  
4 Arkansas, for approximately \$600,000 as an initial payment on  
5 the cost of this cleanup. The court document will bear this  
6 out. My question is to EPA is, has Mr. Jennings sent you a  
7 check yet?

8 I also would like to point out that the Diaz  
9 Company's defense, now that the civil lawsuits have been  
10 received, is to say that you, everyone in Holley, you, everyone  
11 living near the plant, are at fault, that, you are" negligent,  
12 that you are culpable because you moved next to a known  
13 nuisance, and therefore you assumed all problems from the  
14 plant. So I would like to remind everyone tonight that in a  
15 court document, duly filed, the problem isn't the chemical  
16 company, you see, it's the people who had the foolishness to  
17 move near it. I am not making this up, I wish I were.

18 And finally -- which is always the best word,  
19 -- isn't it -- in addition to thanking EPA for what they have  
20 done, and showing DEC what perhaps they should have done, and  
21 showing the Department of Health what they might have done, I  
22 would like to point out that we also have one other source to  
23 thank for this evening, without whom it would not have been  
24 possible, because on television, their attorney said that they  
25 are the ones who brought the EPA to Holley, and that is the

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1 Diaz Chemical Corporation, its owners, its stock holders, and  
2 its directors.

3 MR. BASILE: Thank you, Andrew. The first  
4 question, the question about the drums and the removal permits,  
5 whether it's DEC or EPA, Kevin Matheis will attempt to answer  
6 that.

7 MR. MATHEIS: I don't have the answer for  
8 whether they were permitted to have that many drums. But it's  
9 been an ongoing contentious problem with Diaz management that  
10 we see material at the site, now, as waste. When Diaz was in  
11 operation, they were in the operation of production of  
12 materials. So Diaz will say that the waste material, or the  
13 material that are on site in the reactor vessels and in the  
14 containers, are product, it's valuable material. It's stuff  
15 that they needed for their operations. We have looked at it,  
16 from our perspective, and there have been some chemicals that  
17 we have resold and have been able to recycle. But by and  
18 large, the material has gone off site as waste material. And  
19 we maintain the position that the material at the site was  
20 waste material because it was left there.

21 I can't answer your permit question. But  
22 another note I would like to make to you is that there is an  
23 ongoing criminal investigation. There are agents from EPA and  
24 DEC at the site, painstakingly going through all the documents  
25 that are there, and they are going to make a decision in the

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1 near future as to what legal consequences that Diaz may or may  
2 not have to face. They have their program that they are  
3 working with right now, but there are people, investigators, on  
4 site full-time looking at that particular question. So those  
5 are the two questions I can answer for you.

6 MR. BASILE: Thank you, Kevin.

7 Andrew, we value your input and your comments in  
8 defense of the Horsts and their 2002 Record of Decision.  
9 And the answer to your other question, Diaz,  
10 Ted Jennings, and whether a \$600,000 bill had been received by  
11 us; is there anyone here that knows of any bill that's been  
12 paid by Diaz to date? I guess not that we are aware of.

13 And once again, we thank you for your favorable  
14 comments.

15 Next question.

16 PATRICIA DANN: My name is Patricia Dann,  
17 D- A- N - N. I live at 26 South Main Street in Holley, or I did.  
18 I am one of the eight families that is being cited for  
19 relocation. I am heartsick tonight, listening to this family,  
20 because this is what we've been saying for the last  
21 two-and-a-half years. In my house, aluminum has been found at  
22 twelve hundred thousand parts per million; arsenic, 19.1;  
23 cadmium, 7.8; lead, 7,080 parts per million. My grandchildren  
24 have lead poisoning from being in my home. They will suffer  
25 long-term disabilities from this. These are the chemicals that

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1 we have been told tonight that have been found in the  
2 groundwater in the contamination from Diaz. Now, I am not an  
3 EPA official, I am not a rocket scientist, and I am not a  
4 scientist of any kind. But for you to stand here and tell me  
5 and this woman they are not in danger, that those are  
6 acceptable limits for them to live in and breathe in, is a lie.  
7 And if these people in this group think that you people are  
8 protecting them, they are very disillusioned. Where has the  
9 DEC been for the last 30 years as Diaz, through the EPA score  
10 card, has dumped tens of thousands of chemicals on our head for  
11 30 years? But we are not in any danger, people. I hope you  
12 feel very reassured. How many of your relatives have died from  
13 cancer? How many have brain tumors? How many have kidney  
14 failure? How many have lymphoma? We haven't warranted a  
15 health assessment yet, because not enough people, probably,  
16 have died. But I do know that being part of this Superfund,  
17 these people mortalities were a part of being classified for  
18 Superfund. They haven't told us that yes. I am saying, if we  
19 don't stick together -- and I am not saying these people  
20 personally. I do appreciate, especially Dwayne Harrington --  
21 Dwayne and I know how EPA got to Holley, and it sure as hell  
22 wasn't Diaz. If we don't stick together, people, we're going  
23 to be another statistic. Look at these people in Kodavista,  
24 next to Kodak, with their children dying of brain tumors, but  
25 their levels are acceptable too. We have to know that our

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1 government agencies are protecting big business, they are not  
2 protecting you and I. And until we stand together to make this  
3 change, it is going to continue.

4 MR. MUNHALL: If I can say one thing. I think,  
5 if you have some time available tomorrow, again, there are  
6 sign-up sheets for anybody who would like to talk individually  
7 about their house data. It might be valuable for you to spend  
8 some time with Michael Sivak to talk about those issues.

9 PATRICIA DANN: You have had that data for those  
10 for years. So, I am not talking to anybody else.

11 MR. MUNHALL: Okay.

12 GEORGIA HORST: I want to make sure everybody  
13 here knows, in the community, when we purchased that home, the  
14 statement we were told was that it was safe, and Diaz was  
15 closed. And we felt it was a beautiful home. Yes, sometimes  
16 we do feel stupid for purchasing a home right behind a chemical  
17 plant, or a closed-down chemical plant. This is a copy of my  
18 disclosure. Has motor fuel, motor oil, home heating fuel,  
19 lubricating oil, all the toxic substances, spilled, leaked or  
20 otherwise been released on your property, or from the property  
21 onto any other property? No. Has it been tested? Yes. There  
22 was one test put in our disclosure when we purchased the home,  
23 it's right here. Test shows basement not impacted by Diaz  
24 Chemical. Anybody can see this, they are welcome to. We found  
25 out there should have been like seven other letters that should

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1        have been included in our disclosure, dating clear back from  
2        1998. So, yes, we somewhat feel a little like a sucker to buy  
3        a house. But we loved this community. This should never  
4        happen again to any other family. And if I had the time or the  
5        right to make a law pass that this would not happen, I would do  
6        it. These disclosures are useless. Has this happened to  
7        anybody else's family here in Holley? Will this happen again,  
8        once you clean up the site or buy these people's homes? Ten  
9        years down the road, will a disclosure say something, or are  
10       deed restrictions going to be put on those homes that are  
11       bought? And if my house is ever bought or bulldozed down, will  
12       the truth be told about that property?

13                    MR. LYNCH: I will say that we will be truthful,  
14       that the information that we have is out there. I can't say  
15       whether other people will be untruthful. The EPA will be  
16       truthful and will be open with everything we do.

17                    GEORGIA HORST: Thank you. Thank you again for  
18       your time.

19                    ALAN KNAUF: Alan Knauf, again. I had a few  
20       other questions. And again, I want to join in what a couple  
21       other people said. We do appreciate that the EPA has come to  
22       town, and has made some progress and has done some things that  
23       should have been done a long time ago. Obviously, we feel  
24       there is a lot more that has to be done. But we do appreciate  
25       what has been done, especially the eight families whose are



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1 homes are going to be purchased.

2 I have a couple mechanical questions about the  
3 people's houses that are going to be purchased. Is there a  
4 formal offer going to be made, and an appraisal done? Or has  
5 that already happened? What's the mechanics? Do they have to  
6 produce good title and that kind of thing?

7 MS. SEPPI: There is definitely a process. This  
8 is the way we work. Chris Milligan, I would like to introduce  
9 her, Chris is from the Army Corps of engineers. And EPA has an  
10 agreement with the Corps, and they actually do army relocation  
11 along with EPA. Quickly let me tell you that the first thing  
12 that will happen is, once our Record of Decision is signed, we  
13 will have an appraiser come out and appraise the homes for fair  
14 market value. They will be appraised as if there is no  
15 problem, they are not part of a Superfund site.

16 ALAN KNAUF: As if there was no problem in  
17 Holley at all? That's an issue, because it's kind of a back  
18 drop on the whole real estate market.

19 MS. SEPPI: We want to make sure that the  
20 appraiser knows that these homes have been vacant, that will  
21 not be taken into consideration; they will be appraised as if  
22 people lived in them; just a regular appraisal, that they would  
23 go out and get on their homes. There will also be a title  
24 search at that time.

25 Chris, why don't you go ahead and tell what the

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1 Corps will do next?

2 MS. MILLIGAN: The appraisal report and the  
3 title report are the two products that need to be completed in  
4 order for the government to make an offer. Yes, it is a formal  
5 offer-to-sell contract that will be presented to each owner.  
6 In addition to the purchase, the government then assists the  
7 owners in relocating to new homes.

8 ALAN KNAUF: So, is any -- I assume all the  
9 closing costs and all are paid as part by the Corps or whoever.

10 MS. MILLIGAN: Yes, they are.

11 ALAN KNAUF: What about moving costs and  
12 relocation costs?

13 MS. MILLIGAN: Yes, moving costs and closing  
14 costs come under relocation, and are paid by the government.

15 ALAN KNAUF: What about contents that are lost  
16 or abandoned?

17 MS. SEPPI: We understand that that's an issue  
18 with the residents. It's also an issue that we are looking  
19 into right now. I have to say that we don't have a mechanism  
20 right now under permanent relocation to purchase contents, but  
21 we are looking into it. It's something that we have been  
22 discussing very frequently. And we are going to try to work  
23 out some sort of resolution. Right at this point, there is not  
24 a mechanism to purchase contents.

25 ALAN KNAUF: So really, the main point of

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1 contact on that will be you at the Army Corps?

2 MS. MILLIGAN: Yes.

3 MS. SEPPI: Chris and I have met with the eight  
4 families to be relocated, just to go over some of the general  
5 information. Remember, this is still a Proposed Plan. Until  
6 we have a Record of Decision, this is not written in cement.  
7 Assuming that this was going to happen, we have met with them  
8 to go over some of the general information.

9 ALAN KNAUF: What is the likely timetable? I  
10 know you don't want to be held down.

11 MS. SEPPI: For the Record of Decision?

12 ALAN KNAUF: Start with that.

13 MS. SEPPI: The public comment period ends  
14 October 13th. We are hoping to have a Record of Decision  
15 within six to eight weeks. Once we have that Record of  
16 Decision, it will permit us to start these other processes that  
17 we have spoken about, and also free up some of the money that  
18 we need from this.

19 MS. MILLIGAN: Do you want me to continue from  
20 there?

21 ALAN KNAUF: Yes.

22 MS. MILLIGAN: Once those actions are completed,  
23 it will take approximately sixty days for us to have the  
24 appraisals and title work completed, and then reviewed by an  
25 in-house Corps of Engineers appraiser and Corps of Engineers

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1 attorney. Once those two things are completed, the government  
2 is in a position to present an offer to sell. At the same  
3 I time, we do our market survey to determine relocation benefits,  
4 that will probably take 30 days. And then we will be meeting  
5 with the families individually to give them their purchase and  
6 relocation packages.

7 ALAN KNAUF: Then do you have a normal closing  
8 pay off the bank mortgage?

9 MS. MILLIGAN: Yes.

10 ALAN KNAUF: Do whatever you have to do?

11 MS. MILLIGAN: Yes.

12 ALAN KNAUF: Thanks. And then I just have a  
13 quick question on the process that's upcoming as far as the  
14 future work that's going to be done. What, as far as  
15 investigations, studies -- you had mentioned you are doing the  
16 groundwater investigation in November. Are there any  
17 particular studies they are going to be done? You are not to  
18 the point of remedial investigation, right?

19 MR. LYNCH: No. The one that is planned for  
20 November is just the groundwater and the etrusion work. The  
21 other, we are in the planning stage. Once we do have a work  
22 plan for that, we will come out, have a meeting, and explain  
23 what we plan to do, and why we are planning to do it.

24 ALAN KNAUF: One of the biggest things that  
25 concerned us about the site is the TICs, the Tentatively

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1 Identified Compounds. It looks like you did all your normal  
2 gamut of substances that you found. I was pretty shocked as  
3 far as a lot of the chemicals that were found in the soil, a  
4 lot of these residences that I didn't really expect to see.  
5 But what kind of progress are you making? Because it strikes  
6 me as perhaps the biggest problem here is we have got all these  
7 chemicals that we have got no clue what they are, because they  
8 are intermediaries or by-products or breakdowns of chemicals  
9 that you didn't know anything about in the first place, and you  
10 certainly don't know anything about these other chemicals. So  
11 how are you approaching that? And I guess, even something like  
12 the Horst question, how can we say anything about their  
13 basement being safe, or anybody else's, if there is chemicals  
14 that we can't test for?

15 MR. SIVAK: The TIC issue has been out there for  
16 a quite a while now, we have discussed it at several meetings  
17 as well. There is a lot of activity going on with the  
18 investigation of all these different areas at Diaz Chemical,  
19 and we are talking about this particular Proposed Plan. People  
20 have talked about the fact that we will back out here, we will  
21 be doing other investigations into the facility and its effects  
22 on the community. Several of those we are starting, we are in  
23 the process. We mentioned the groundwater investigation. We  
24 will be out here in November to work on that.

25 The TIC investigation is another one they are

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1        working on as well. The way that we are dealing with that  
2        process right now is a two-step issue. As we have discussed in  
3        the past, for those of you who may have not been here for that  
4        discussion, TICS are Tentatively Identified Compounds; they are  
5        compounds that aren't on this standard list of chemicals, that  
6        are usually found at Superfund sites. Everything about them is  
7        sort of suspect, the identification of the chemical, the  
8        concentration of the chemical, and therefore what kind of  
9        health effects that we could potentially predict from exposure  
10       to those is somewhat suspect as well. The first step in trying  
11       to figure out what's going on with the TICS, is to take a step  
12       back from the toxicity issue and get some more confidence and  
13       more certainty in this identification and concentration. To  
14       that end, EPA is working, those of us in the Superfund Program  
15       are working with some of our analytical experts in our, we call  
16       it Division of (inaudible), a group of lab people in our New  
17       York office, as well as some research and development people  
18       around the country, to try to figure out, we have taken the  
19       data, we're looking at this data, we're looking at the TICs,  
20       we're looking at all those reams of information that are back  
21       there now. I see some people looking at it right now. Those  
22       are the people that can look at that information, and it means  
23       something to them. They can look at and they can say, Yeah,  
24       this number, I can work with that, or Yeah, this leads us to  
25       the next step. So they are working with that right now, to try

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1 to figure out what analytical methods may be better suited to  
2 these types TICs that we are looking at, or standards we need  
3 to run with these analytical methods to be certain that we have  
4 the identity known, and that we have the concentration of  
5 actually what's out there. Once we get those questions  
6 answered, then the next step is the toxicity issue, and it's a  
7 big issue. I know a lot of you have been calling me about  
8 that. So that's sort of our two-step thing. We have a lot of  
9 people here in our group working on it, as well, because we  
10 know that this is a particularly important issue. We brought  
11 Chloe Metz, she was introduced earlier, Jonathan is working on  
12 it as well. So we do have a lot of people working on that.  
13 Does that answer your question?

14 ALAN KNAUF: Yeah. Obviously, I want to know  
15 more. I appreciate you giving us an idea as to what approach  
16 you are taking.

17 MR. SIVAK: It's not a quick answer. I think  
18 that we have been saying that from the very beginning. There  
19 is a lot of information that we need to sort through. We've  
20 collected a lot of data from everyone's yard and from  
21 everyone's home. It's not going to be quick. This is tricky  
22 stuff that we are dealing with. Rather than go out and do some  
23 sampling to get the same list of TICs that we are going to be  
24 in the same spot we are right now, we are trying to get some of  
25 that information out of the way, we're trying work through some

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1 of these problem, so when we come back out again, we are able  
2 to give you guys some more definitive answers.

3 ALAN KNAUF: Do you expect that you are going to  
4 find a lot of chemicals that have never been found before, or  
5 don't exist anywhere else in the rest of the world to your  
6 knowledge?

7 MR. SIVAK: I don't know the answer to that, I  
8 really don't. If you look at some of the concentrations that  
9 are being estimated for some of these TICs, relative to those  
10 chemicals that we do know what they are out there, it is a very  
11 small portion. I don't know what that means. I don't know  
12 what that means. I have confidence in the data that we have  
13 reported for those chemicals that we know how to analyze for, I  
14 have confidence in those. These other chemicals, they are a  
15 very small portion of what we have seen out there. We need to  
16 figure out what that means.

17 ALAN KNAUF: Thanks.

18 ANITA TRUPO: My name is Anita Trupo, T- R- U- P- O.  
19 My residence was at 27 South Main Street in Holley, New York,  
20 for 39 years. I'd like to thank the teams that we have worked  
21 with from EPA for the last two-and-a-half years, their efforts  
22 are appreciated. My statement is for the record, for the  
23 people that sign on the dotted line in New York City, that  
24 haven't worked with us, haven't learned to know us, haven't  
25 seen what we have lived through for the last two-and-a-half



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1       years.

2                       My family has been homeless since the explosion  
3       at Diaz Chemical Company of January 5th, 2002 . We have been  
4       homeless for 33 months. Under the Uniform Relocation  
5       Assistance and Real Property Acquisition Policy Act of 1970, as  
6       amended, (42 U.S.C. 4601), referred to on page five of the EPA  
7       Proposed Plan, quote, B, Policies, The primary purpose of this  
8       title is to ensure that such persons shall not suffer  
9       disproportionate injury as a result of programs and projects  
10      designed for the benefit of the people as a whole and to  
11      minimize the hardships of displacement on such persons,  
12      unquote. Under C, Congressional Intent, I quote, It is the  
13      intent of Congress that, two, uniform procedures for the  
14      administration of relocation assistance shall, to the maximum  
15      extent feasible, assure that unique circumstances of any  
16      displaced person are taken into account and that that person is  
17      essentially, or any person that is essentially in similar  
18      circumstances, are accorded equal treatment under this act,  
19      unquote. We do not believe this policy is being fulfilled  
20      under these guidelines.

21                    While we, the homeless, recognize under law it  
22      is justified the homeless be permanently relocated, the  
23      contamination issue must be addressed. Our homes and  
24      properties are contaminated. This contamination is now being  
25      denied by the Federal government. Why, after the comprehensive

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1 testing by EPA, were our homes appraised by a professional  
2 contractor, at considerable expense, to determine the cost of  
3 completely gutting our home interior and rebuilding the  
4 interior, plus the cost of replacement of all our soft goods,  
5 if there is no contamination? For the record, the contractor  
6 became so ill twenty minutes into the appraisal in our home he  
7 had to go outside; and this has been documented.

8 We have been denied the FOIL request, orally,  
9 for test data from comprehensive testing for dioxin of our  
10 property from over fifteen months ago. We were informed orally  
11 by EPA many months ago, there were dioxins found. Now EPA says  
12 our homes are not contaminated. Why, if our homes were not  
13 contaminated, and it was just the issue of over one year of  
14 temporary relocation, why didn't the EPA permanently relocate  
15 the homeless 366 days after we were temporary relocated? If  
16 EPA purchases our home, and fails to recognize our  
17 contamination, a great injustice will be done, not only to the  
18 homeless, but to the community as well. The homeless will have  
19 no recourse to be compensated for their lost contents, when  
20 previously the EPA's plan was to replace at least soft goods in  
21 our homes. Why the change?

22 We have test data confirming contamination of  
23 our homes and properties. One: We have test data from New  
24 York State Attorney General Science Staff confirming  
25 contamination in our homes and properties fourteen months after

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1 the explosion. We have private test data confirming  
2 contamination in our homes. Three: We have test data of the  
3 numerous TICs found in the EPA comprehensive testing,  
4 confirming contamination in our home. Four: And we know of  
5 the yet-to-be-acquired dioxin data, confirming contamination of  
6 our property. What more evidence is needed to substantiate  
7 contamination exists in our home and properties?

8 Well, try it and record it. It's been  
9 documented. There have been many people who have suffered  
10 health effects on my property since the explosion of  
11 January 5th, 2002. They include Lockheed Martin testers hired  
12 by EPA, they include WRS contractor teams hired by EPA they  
13 include our private attorney, they include contractors hired by  
14 EPA, they include EPA employees, and they include my family,  
15 having to return to that house with all of the above. All  
16 health effects were experienced in less than one hour in my  
17 home.

18 Now, I sincerely offer everybody that's  
19 listening to this tape, for you to go spend two days in my  
20 house and tell me it's not contaminated. You tell me if this  
21 denial of contamination is fulfilling our, quote, Unique  
22 circumstances of any displaced person, quote, under our federal  
23 law. Our homes, are contaminated. Denial of the truth will not  
24 protect the homeless, and will not serve to protect the health  
25 and welfare of the future of this village. Our Village, State

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1 and Federal government must fulfill their sworn obligation to  
2 protect the people they serve. The homeless families must have  
3 permanent relocation, and must be able to be compensated for  
4 contents to find closure to this living nightmare. Our  
5 government must serve to protect the health and welfare of this  
6 community. They serve you and me. The victims of this  
7 explosion have suffered enough, and our health is still the  
8 great unknown. Now, we want the government to do their job.  
9 Thank you.

10 MR. BASILE: We appreciate your comments,  
11 Mrs. Trupo. This will probably be our last question or  
12 comment.

13 SHARON GRAZINSKI: My name is Sharon Grazinski.  
14 I live in Holley, I been here about 36 years with my husband  
15 and family. A number of years ago I was with Mrs. Trupo and  
16 worked developing the Holley Environmental Action Committee.  
17 I'd like to address a couple of questions to Kevin, the EPA  
18 Diaz On-Site Coordinator. What follows the removal of the  
19 chemicals on site and the demolition of the buildings? You  
20 didn't bring up beyond that.

21 MR. MATHEIS: Well, as I indicated, the work  
22 that we are proposing to do, are actually going to implement,  
23 will take us into the summer of 2005. As part of the NPL  
24 process, Kevin Lynch had indicated that we're going to be  
25 looking at different operable units, perhaps, that could be

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1       done as part of the overall cleanup plan for the site. You  
2       know, I don't want to get ahead of myself saying what will be  
3       done in the future to the plant, but the addressing of the  
4       removal of the buildings will certainly be looked at and tested  
5       on a prompt basis. And if, based upon the studies that they do  
6       within the site, buildings warrant demolition, there is a  
7       probability that the Remedial Program would allow Removal  
8       Program, which I work for, to do the on-site work that might  
9       include the demolition of the buildings. So we are committed  
10      at this point to remove the piping and the tanks from the  
11      property. The buildings will be sampled and looked at under  
12      the remedial program, and if they identify an operable unit,  
13      which could be demolition, they would then work with us and we  
14      would also work with you and let you know what would be done in  
15      the future to the buildings, but that is a possibility, that  
16      the buildings could be demolished. That will be something that  
17      will be addressed as part of the assessment process that we are  
18      working under as part of being an NPL Superfund site.

19                   SHARON GRAZINSKI: Because of the fact that  
20      there was a lot of poured concrete that was put on the property  
21      over that 30 years when they were doing remodeling and doing  
22      different things to take an old site and converting it into  
23      what they wanted, there has been a lot of concern about what is  
24      underneath the cement, under the concrete, as part of the  
25      connection to the contamination that is moving off site.

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1                   MR. MATHEIS: As part of the overall assessment,  
2       cleanup contractors or assessment contractors will be on site  
3       and will actually be able to go through the concrete and see  
4       what's underneath the concrete, if there is anything. And we  
5       are going to be looking at all different things. If we can't  
6       go through the concrete which is poured and might be six-feet  
7       thick, we'll go next to it. We'll make sure we get through it,  
8       we'll make sure we see what is underneath the buildings. And  
9       that's all going to be part of a thorough study that's done on  
10      the property.

11                  MR. LYNCH: The answer of what will happen  
12      eventually to the property, we don't have that answer yet. We  
13      will be, that's one of the things that we will be looking at  
14      when we complete our studies and look at the different  
15      alternative solutions to the problem. With the buildings  
16      themselves, often times we do demolish buildings on sites like  
17      this, for a number of different reasons. Some is, if the  
18      building is -- we would look at decontaminating the building if  
19      it's a useful building, if it could be put back into productive  
20      use. If we can't decontaminate it or it's just too expensive,  
21      it's cheaper to knock it down, we will knock it down. The  
22      other reason we have knocked down buildings on sites like this  
23      is precisely what is your concern is, is to get at what is  
24      underneath that building. If the contamination is underneath  
25      and is there, we can and we have often knocked buildings down

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1 as part the remediation. Even if the building wasn't  
2 contaminated, if that's the only way to get to the  
3 contamination, we may knock it down for that reason.  
4 But that final, what that site will look like at the  
5 end of our process, we can't tell that right now.

6 SHARON GRAZINSKI: I have one more question to  
7 direct to him, my final question. My understanding is that  
8 since that was an industrial site and it was used productively  
9 for many years and supplied employment for many people when it  
10 was Duffy-Motts and other companies, they would have to have  
11 the water and your railroad system and all the things that they  
12 would need to run their business. Now, my understanding is  
13 that in the past there was another water source that connected  
14 to the Barge Canal. Now, I wanted to know, over a 30-year  
15 period of time that they have been there, is that some water  
16 source that anyone has explored that connected to the canal?  
17 Because Duffy-Motts, in the past, used to use the water from  
18 the canal, used to have a valve system that they used to bring  
19 in water from the canal, so that they could cool their product,  
20 cool the bottles and things like that, many, many years ago.  
21 Now, that would be part of the old structure of the site. And  
22 I would just like to know if anyone was aware of that, and if  
23 that could be looked into, from past records, if that could be  
24 a source of contamination if it was still in place from the  
25 canal.

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1                   MR. LYNCH: I am not sure if anyone was aware of  
2     that yet. One of the things we will be doing -- actually, any  
3     information that anyone has that could help us like that is  
4     really appreciated. One of the things we will be doing as part  
5     of the process and part of the planning process is we will be  
6     looking at historical aerial photography of the site over the  
7     years to find out what was there in the past that might not be  
8     evident now, that might have been built over. These are the  
9     type of things we will be looking for and we will address. Our  
10    goal is to address the extent of that contamination and any  
11    pathway that it would have had to pass from that site out and  
12    leave that site. So we appreciate the information.

13                  SHARON GRAZINSKI: Well, anything else that I  
14    can find out about that, I have talked to a couple of people  
15    and I have a couple other sources that have said they may know  
16    something because they have worked there in the past, many  
17    years ago. So I have had concern about that, because I know  
18    that it could be misused, and I don't want that to be  
19    overlooked.

20                  And thank you very much for all the things that  
21    you have been doing. I am thankful that the EPA is,  
22    apparently, enlightening a lot of other people who were not  
23    knowledgeable about, really, the size of the problem. And I am  
24    happy that that is now coming out and that we weren't all full  
25    of crap.



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1 MR. BASILS: Thank you. I am on behalf of --

2 TIM HINKLEY: Do you have time for one more?

3 MR. BASILS: This will be the last question.

4 TIM HINKLEY: Tim Hinkley, 31 South Main Street,  
5 H- I- N- K- L- E- Y. My question is, I understand that your  
6 preliminary plan tonight is addressing those that were  
7 displaced; is that correct?

8 MR. BASILS: Correct.

9 TIM HINKLEY: Then you will have on-going plans  
10 for properties that may not, may have suffered some  
11 contamination, however, the residents have not been displaced.  
12 future.

13 MR. BASILE; We will be evaluating those in the

14 TIM HINKLEY: What are your criterias for those  
15 and what would your possible outcomes be of those plans? What  
16 type of remedial action will those encompass?

17 MR. LYNCH: It's very hard to speculate of what  
18 we will be looking at as a remedy. In general, what we willing  
19 be looking, we will be continuing to try to assess the  
20 contamination that has left the plant and entered the  
21 community, looking for all the information we can, including  
22 what you have heard us discuss before about these Tentatively  
23 Identified Compounds. And we will be performing a risk  
24 assessment to see what risk does it pose to the community, then  
25 we will be looking at different alternatives to address that

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1 risk. Some of the alternatives generally done is, we have done  
2 soil removal in areas; if there is a groundwater problem, we  
3 put in a treatment system for that. As I said, it does depend  
4 on what we find, what the problem is, what we can do about  
5 that. We prefer to treat the system, we prefer to eliminate  
6 the contamination if we can, to treat it to get rid of it. And  
7 we will follow it where there is any contamination that is  
8 presenting a nuisance and a substantial endangerment, we will  
9 have the authority to go and remediate that.

10 TIM HINKLEY: And those criteria are substantial  
11 endangerment, you said?

12 MR. LYNCH: What gives us authority to action is  
13 an imminent and substantial endangerment to human health or the  
14 environment. Generally, how we assess that is through the  
15 process of risk assessment. We will take the chemical data  
16 that we gather and -- actually, I think I will let Michael  
17 explain a little better what a risk assessment is. But it  
18 is -- I will let him explain it.

19 MR. SIVAK: Basically, what Kevin said is we are  
20 going to gather some more data, look at what we have already,  
21 and we are going to perform risk assessments for all the homes  
22 where we are chasing this contaminant.

23 The risk assessment really has four main parts  
24 to it. The first part is, What kind of chemicals are out  
25 there? We detected a lot of chemicals. I know that I have

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1 spoken to a lot of you, just because we detect something  
2 doesn't mean that it is a concentration that is of particular  
3 concern. The body does have mechanisms to try to deal with  
4 certain amounts of chemicals. There are certain levels of  
5 chemicals that are deemed to not be as significant as others.  
6 We look to see what chemicals are out there we want to focus  
7 on.

8 Then we look to see how people will be exposed  
9 to these chemicals. If you have contaminants in the soil, then  
10 we will be concerned about looking at, for example, how would  
11 you be exposed to the soil, what depth would you be exposed to  
12 as a homeowner, those types of things. If there is  
13 contamination in groundwater that goes below your home, is it  
14 likely that it's coming into your house? Or do we have enough  
15 indoor-air sample data to indicate that that would be  
16 considered a problem?

17 The next question we try to answer in risk  
18 assessment, or the next piece of information that we implement  
19 or introduce into the risk assessment is, what are the toxic  
20 effects of these chemicals if you are exposed to them? What  
21 are their safe levels, what are their levels of concern? What  
22 type of health effects would we expect to see if you exceed  
23 those levels of concern?

24 And then the last step is what we call sort of a  
25 risk characterization. We take all this information that we

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1        have gathered, what chemicals are out there, who might be  
2        exposed, and how they might be exposed, what kind of health  
3        effects do we expect to see if we have concentrations that are  
4        above these threshold levels for us? We sort of summarize all  
5        of that. And then we also build into that a discussion of what  
6        types of uncertainties do we have out there. For example, if  
7        we still have a big question associated with the TICs, that we  
8        have right now, once we do our more intensive study and brought  
9        in these persons, and if there are still some TICs that we  
10       don't have information for, we factor that into the mix as best  
11       we can, and try to identify what those uncertainties are. So  
12       that's how we deal with the risk assessment.

13                    TIM HINKLEY: That doesn't have anything to do  
14       with the financial aspects, or the hardships of the homeowner  
15       may encounter. In other words, if I am in a position where I  
16       cannot sell my home because of this perception that it's  
17       contaminated, there is no recourse for me, or there is no  
18       assistance at all?

19                    MR. SIVAK: Not in the risk assessment process,  
20       there isn't. The risk assessment process focuses solely on - -  
21       it's a science-based process. There is no influences in it  
22       that take those types of factors into account. We look at what  
23       chemical we detected through analytical, scientific processes.  
24       We look at what science tells us the particular health effects  
25       may be based on exposure to that.

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1                   TIM HINKLEY: I just foresee, in the future,  
2       trying to sell the home, and potential buyers saying, Why isn't  
3       the lot next door, there is nothing on it, across the street  
4       there is an empty lot, and several homes in the area. That's  
5       probably going to put hardship on me to try to recoup what I  
6       have put into the home. Are those issues that will be  
7       addressed or looked at?

8                   MR. LYNCH: Unfortunately, there is nothing in  
9       the Superfund law to allows us to take into account the  
10      financial losses and the financial effects. But the houses we  
11      are buying now, we will be maintaining those homes so that they  
12      will not be empty lots. They will, they will appear as they do  
13      today, that they are maintained. Because the idea is, we do  
14      not want to put any statement out there that's exactly as you  
15      described, somebody saying, Why is that house razed, why is  
16      that lot not there? We will be maintaining that until we do  
17      come to remedial decision and take action for the rest of the  
18      community.

19                  TIM HINKLEY: And when would next phase be that  
20      we are looking at?

21                  MR. LYNCH: The next decision, the decision we  
22      will make in the community, is that the question?

23                  TIM HINKLEY: For those persons not displaced,  
24      right.

25                  MR. LYNCH: Actually, right now, that's a tough

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1        thing to answer. Normally, this process would take a year to a  
2        year and-a-half. One of the things that's complicating this  
3        process is that Tentatively Identified Compound, that TIC  
4        identification process. As we said, we are going through that  
5        now, attempting to determine that. And that can slow down the  
6        process quite a lot. We need that information in order to make  
7        these decisions about the risk. Unfortunately, that could drag  
8        this process out a number of years.

9                    TIM HINKLEY: Okay. Just for the record, when  
10       you do your groundwater, I do have a well, as well, located on  
11       my property, it runs east to west, which is north of the plant.

12                   MR. SIVAK: I remember you telling me about that  
13       when we were up there last summer, yes.

14                   MR. LYNCH: Our intention is to go and sample  
15       all of these wells.

16                   TIM HINKLEY: Thank you.

17                   MR. BASILS: We thank you for your patience this  
18       evening. We thank you for your participation. Remember, my  
19       name is Mike Basile, my name is on the list as the Community  
20       Involvement Coordinator. Feel free to call me at any time.  
21       You will be hearing from us in the future. Have a good  
22       evening

23                   (Whereupon the meeting concluded at 9:15 p. m.)

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STENOGRAPHER'S CERTIFICATION

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I, SHAUNA C. CHAMBERS, being a Shorthand Reporter in the

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County of Monroe, State of New York, do hereby certify that I

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reported in Stenotype Shorthand the Public Meeting, held on

6

October 5, 2004; and that the foregoing pages number 1 through

7

80 were prepared under my direction and control, and constitute

8

a true, accurate and correct record of those Stenotype notes.

9

I further certify that I am neither attorney or counsel

10

for any of the parties, nor a relative or employee of any

11

attorney or counsel connected with the action, nor financially

12

interested in the outcome of the action.

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SHAUNA C. CHAMBERS

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DATED at Rochester, New York

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this 14th day of October 2004.

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*Midtown Reporting Service  
501 Times Square Building  
Rochester, New York 14617*

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