FINAL RESTORATION PLAN for the

RICHARDSON HILL ROAD SUPERFUND SITE, TOWNS OF SIDNEY AND MASONVILLE, DELAWARE COUNTY, NEW YORK

Prepared by:
United States Fish and Wildlife Service on behalf of the Department of the Interior
and
New York State Department of Environmental Conservation

October 2016

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A. Introduction

In 2015, the United States Department of the Interior (DOI), acting through the United States Fish and Wildlife Service (USFWS), and the State of New York, acting through the New York State Department of Environmental Conservation (NYSDEC), collectively the Trustees, resolved a natural resource damage claim with the Responsible Parties for the Richardson Hill Road Superfund Site (Site) located in the Towns of Sidney and Masonville, Delaware County, New York.

This Final Restoration Plan was prepared by the Trustees pursuant to their authorities and responsibilities as natural resource Trustees under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 United States Code (USC) § 9601, et seq., the Federal Water Pollution Control Act, 33 USC § 1251, et seq. (also known as the Clean Water Act), and other applicable Federal laws, including Subpart G of the National Oil and Hazardous Substances Contingency Plan, at 40 Code of Federal Regulations (CFR) §§ 300.600 through 300.615, and DOI's CERCLA natural resource damage assessment (NRDAR) regulations at 43 CFR Part 11, which provide guidance for this restoration planning process under the CERCLA.

The Trustees sought a monetary settlement with the Responsible Parties as compensation for the injuries to natural resources due to releases of hazardous substances from the Site into wetlands, uplands and Herrick Hollow Creek. The Trustees are required to use settlement funds to compensate for those injuries by restoring natural resources, supporting habitat, and/or services provided by the injured resources. The CERCLA, which designates natural resource Trustees, requires that before settlement monies can be used for such activities, the Trustees must develop and adopt a Restoration Plan, and that in doing so, there must be adequate public notice and opportunity for hearing and consideration of all public comment. Accordingly, the Trustees prepared a Draft Restoration Plan, dated June 2016. The availability of this Draft Restoration Plan for review and comment was published in the Binghamton Press and Sun-Bulletin on July 21 and 22, 2016, and the Draft Restoration Plan was placed on the USFWS New York Field Office website. No comments were received within the 30-day review period and this Restoration Plan has been finalized.

B. Background

The Richardson Hill Road Superfund Site was purchased in 1964 to be used as a refuse disposal area. From 1964 through 1969, town wastes, including spent oils from the Scintilla Division of Bendix Corporation, were disposed at the landfill (USEPA 1997). Waste disposal at the Site stopped in 1969 (USEPA 1997). On July 1, 1987, the Site was listed on the USEPA National Priorities List.

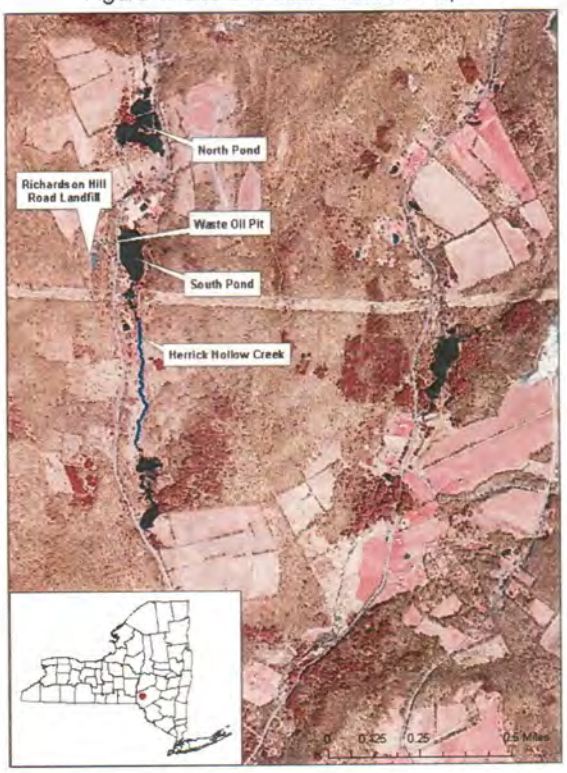
Acting under their authority as natural resource trustees under the CERCLA, the USFWS and NYSDEC (collectively the Trustees) conducted a natural resource damage assessment to

evaluate losses in resource services due to the discharge or release of hazardous substances associated with the Site {43 CFR Part 11 (CERCLA)}. The Trustees developed an estimate of the loss in ecological and human use services due to contamination and the compensation sufficient to restore injured resources and resource services.

C. Natural Resources and Impacts to those Resources

The Site consists of the following areas: North Pond, South Pond, Landfill and Herrick Hollow Creek (Figure 1). Habitats that exist at the Site include palustrine emergent marsh, aquatic bed (open water pond), freshwater streams, successional shrubland and mixed hardwood upland forest. The North and South Pond support benthic invertebrates, amphibians such as northern leopard frog (*Rana pipiens*), and red-spotted newt (*Notophthalmus viridescens)*, fish such as minnows (*Pimephales promelas*), and birds such as great blue herons (*Ardea herodias*), mallards (*Anas platyrhynchos*), tree swallows (*Tachycineta bicolor*) and cedar waxwings (*Bombycilla cedrorum*).

Figure 1. Site and State location maps.



Herrick Hollow Creek supports a similar assemblage of birds and also supports a self-sustaining brook trout (*Salvelinus fontinalis*) fishery. A variety of mammals use the habitat associated with the ponds, creeks and landfill surface. These mammals include white-tailed deer (*Odocoileus virginianus*), beaver (*Castor canadensis*), cottontail rabbit (*Sylvilagus floridanus*), mink (*Mustela vison*), and red fox (*Vulpes vulpes*). As a result of contamination of the aquatic and terrestrial habitats at the site, there was a reduction in the quality of these habitats for benthic organisms, fish, birds and other organisms. Fish and wildlife were exposed to Site contaminants through ingestion of contaminated forage or prey and direct contact with contaminated surface water.

Polychlorinated biphenyls (PCBs) were the contaminant of greatest concern to fish and wildlife and were present in groundwater and surface water in excess of NYSDEC and/or USEPA water quality criteria. Volatile organic compounds, including 1,1,1-trichloroethane, 1,2-dichloroethene, trichloroethene, and vinyl chloride, were present in surface water and groundwater. Metals, including arsenic and lead, also contributed to toxicity to aquatic and terrestrial organisms.

Due to PCB contamination in fish, Herrick Hollow Creek was the subject of a health advisory by the NYSDOH (2008). The advisory provided that fish from these waters should not be eaten by women of childbearing age or by children under the age of 15. With regard to other persons, the

advisory warned against consumption of brook trout from Herrick Hollow Creek (NYSDOH 2008).

D. Natural Resource Damage Settlement

Fish and wildlife resources at the Site were injured as a result of exposure to PCBs, volatile organic compounds and other hazardous substances. For example, toxicity tests conducted with water samples from on-site wetlands demonstrated toxicity to fish. A fish and amphibian mortality event in 1993 was attributed to exposure to hazardous substances. Concentrations of PCBs in wetland sediment (up to 1,300 parts per million [ppm]) and Herrick Hollow Creek sediment (up to 24 ppm) exceeded concentrations from the published literature that are associated with toxic effects in sediment-dwelling organisms. PCB concentrations in fish from the Site (as high as 33 ppm) would likely cause toxicity to some species of fish-eating birds. These data established injury to sediment-dwelling organisms, fish and birds in wetlands, uplands and stream habitat at the Site.

Hazardous substances at the Site also impacted recreational use of the Site – particularly recreational fishing in Herrick Hollow Creek. Due to PCB contamination of fish in Herrick Hollow Creek, the New York State Department of Health issued fish consumption advisories for brook trout, as well as all other fish. These advisories adversely impacted the use of Herrick Hollow Creek by anglers.

In February of 2015,The United States of America, on behalf of the Department of the Interior (acting by and through the USFWS) and the NYSDEC, entered into a Settlement Agreement with Honeywell International Inc. and the Amphenol Corporation (jointly referred to as the "Potentially Responsible Parties" or the "PRPs") to resolve, without litigation, the Trustees' civil claims under the CERCLA, the Oil Pollution Act of 1990, 33 U.S.C. § 2701 *et seq*. and the Clean Water Act , 33 U.S.C. § 1251 *et seq*; and any applicable state law for injury to, destruction of, and/or loss of natural resources resulting from the release of hazardous substances at or from the Richardson Hill Road Landfill Superfund Site. The USFWS and NYSDEC have shared trust responsibilities for the natural resources injured at or by the Site (other than groundwater which is solely a state resource and for which NYSDEC has sole trust responsibility) and the 2015 Settlement Agreement was executed by both agencies in their capacity as Natural Resource Trustees.

The $400,000 settlement included approximately $298,790 to be used to fund projects to restore, rehabilitate, replace, and/or acquire the equivalent of the natural resources injured at or by the Site, including the costs of restoration planning and oversight. Specifically, restoration funds should be used to address injuries to wetland, stream and upland habitat and supporting resources at the Site, and injuries related to the restricted public use of Herrick Hollow Creek as a result of a fish consumption advisory. $101,210 was used to reimburse DOI and the State for outstanding past costs to assess impacts.

E. Restoration Projects

The Trustees sought suggestions for restoration projects by mailing a Restoration Suggestion Form to members of the Upper Susquehanna Conservation Alliance (Appendix A). The Upper Susquehanna Conservation Alliance mailing list contains the names of over 150 individuals from Federal, State, County and City governments, universities, and non-governmental organizations. In addition, a notice was posted on Grants.gov on October 27, 2015 soliciting restoration suggestions (Appendix B).

The Trustees requested restoration suggestions in the following categories:

- Wetland restoration
- Upland restoration
- Stream restoration
- Acquisition or protection of land for conservation purposes
- Projects to enhance fishing or other outdoor recreation activities

The Trustees requested in the project solicitation that projects should preferably be in the vicinity of the Richardson Hill Road Landfill, in the Upper Delaware or Susquehanna watersheds, and serve to restore or protect habitat or restore outdoor recreation activities. Our specific restoration project evaluation criteria were:

- Proximity to injured resources.
- Linkage to resources or resource services affected by hazardous substance releases.
- Likelihood of success.
- Cost effectiveness.
- Ability to produce demonstrable quantifiable benefits.

1. Project Alternatives

No Action Alternative

As required under the National Environmental Policy Act (NEPA), the Trustees considered a restoration alternative of no action. Under this alternative, the Trustees would rely on natural recovery and would take no direct action to restore injured natural resources or compensate for interim lost natural resource services. This alternative would include the continuance of ongoing monitoring programs, but would not include additional activities aimed at enhancing ecosystem biota or processes. Under this alternative, no compensation would be provided for interim losses in resource services.

Restoration Alternatives Considered

Seven restoration project suggestions were submitted for consideration by the Trustees:

Project	Proponent	Cost
Whitefish Propagation	NYSDEC	$50,000
Hellbender Restoration	The Wetland Trust	$149,500
Otsego Land Trust Conservation Easements	Otsego Land Trust	$44,800
Canadarago Boardwalk	The Wetland Trust	$86,940
Wetland Restoration – New Woodstock	Steve Stroka	$10,000
Culvert Replacement – Trout Creek	Town of Masonville	$250,000
Poplar Hill Road Fish Passage	Trout Unlimited	$154,100

2. Selection of Preferred Alternative

According to the guidance provided by the Federal Natural Resource Damage Assessment and Restoration (NRDAR) regulations (43 CFR § 11.82(d)), the selected alternative is to be feasible, safe, cost-effective, address injured natural resources, consider actual and anticipated conditions, have a reasonable likelihood of success, and be consistent with applicable laws and policies. The Trustees also sought to select a preferred alternative that provided benefits to wetlands, uplands, and fishery resources, in accordance with the guidance in Section E.

The Trustees' preferred alternative includes three restoration projects that compensate for interim losses and satisfy the site-specific and regulatory criteria listed above. These projects (Figure 2) are:

The Whitefish Propagation proposal entails characterizing the lake whitefish (*Coregonus clupeaformis*) spawning population in Otsego Lake, developing a protocol for hatchery rearing whitefish, producing and stocking 10,000 fingerling or larger fish, monitoring stocking success and constructing three spawning reefs. Lake whitefish have been eliminated from half of their original collection sites and have undergone a severe decline in Otsego Lake. This project would seek to restore an important component of the fishery community of Otsego Lake, located within the Upper Susquehanna Basin. The project cost is $50,000.

The Hellbender Restoration proposal entails purchasing and protecting stream habitat of the Eastern hellbender (*Cryptobranchus alleganiensis*) in the Upper Susquehanna Basin, restoring, rehabilitating and enhancing the habitat, and augmenting the hellbender population using individuals reared at a local facility. This project would protect and restore wetland and stream habitat for the benefit of the Eastern hellbender, a New York State species of special concern. The project cost is $149,500.

The Otsego Land Trust Conservation Easement proposal entails purchasing up to four conservation easements in the Upper Susquehanna watershed. A potential conservation easement has been identified along Ouleout Creek, with other potential conservation easements in the development phase. Easement specifics will be developed after publication of this Restoration Plan. These easements would serve to protect stream, wetland, and upland habitat in the Upper Susquehanna Basin. The project cost is $44,800.

Should any of the selected projects prove infeasible, the Trustees reserve the right to substitute an equivalent project that complies with the evaluation criteria presented in Section E of this document.

3. Projects Not Selected

The following projects were not selected:

The Canadarago Boardwalk proposal entails installing a boardwalk to access the southern end of the lake for ice fishing, kayaking and canoeing. It was not selected as part of the preferred alternative because it has a less direct link to injured natural resources than the selected projects. Although the project would provide angling opportunities, the opportunities would not be similar to those lost at the Site (stream trout angling). This project would not restore wetland, upland or fisheries habitat.

The Wetland Restoration Project in New Woodstock entails restoring wetland in an agricultural field by excavating potholes to restore hydrology. It was not selected as part of the preferred alternative because by virtue of its location (> 50 miles from Site) and location in the Great Lakes watershed (and not Susquehanna or Delaware watershed), it has a less direct link to injured natural resources than the selected projects.

The Trout Creek Culvert Replacement Project proposed by the Town of Masonville entails replacing a culvert on the West Branch of Trout Creek on Clark Road. It would alleviate conditions that currently impede fish passage. Although this project would improve fish habitat in very close proximity to the Site, the cost would eliminate consideration of all other projects. Selection of this single project would not serve to provide benefits to wetland and upland habitats.

The Poplar Hill Road Fish Passage project entails replacing a culvert and removing fill an abandoned road crossing on a tributary to Carr's Creek. The project would reconnect approximately 0.6 miles of brook trout habitat. Although this project is located very close to the Site and would restore fishery resources and trout angling opportunities, it was submitted several months after the project deadline.

F. Compliance with the National Environmental Policy Act (NEPA) and other Applicable Laws

Coordination and evaluation of required compliance with specific Federal acts, executive orders, and other policies for the preferred restoration plan is achieved, in part, through the dissemination of this document to, and review by, appropriate agencies and the public. All ecological restoration projects will be in compliance with applicable Federal statutes, executive orders, and policies, including NEPA, 42 USC Section 4321 et seq.; the Endangered Species Act, 16 USC 1531, et seq.; the National Historic Preservation Act of 1966, 16 USC Section 470 et seq.; the Fish and Wildlife Coordination Act, 16 USC Section 661 et seq.; the Rivers and Harbors Act of 1899, 33 USC Section 403 et seq.; the Federal Water Pollution Control Act, 33 USC Section 1251 et seq.; Executive Order 11990, Protection of Wetlands; and Executive Order 11988, Flood Plain Management. Compliance with the laws cited above, and any necessary permitting, will be undertaken during the planning stages of specific restoration projects.

Implementation of the preferred restoration projects are expected to generate long term benefits to fish and wildlife resources that are substantially greater than any potential short-term adverse impacts that may occur. Most of the projects selected for the preferred alternative are habitat protection or aquatic resource stocking projects and will not alter habitat. Spawning reef construction for lake whitefish or stream restoration for hellbenders will result in minor impacts (e.g., minimal turbidity) at the time of construction, and generate long-term benefits for aquatic resources. Activities proposed as part of the preferred alternative qualify as a categorical exclusion under NEPA (40 CFR 1508.4). They are a category of actions that do not individually or cumulatively have a significant effect on the human environment.

The Federal Trustees are also required, under Executive Order Number 12898, 59 Fed. Reg. 7629, to identify and address any policy or planning impacts that disproportionately affect the health and environment in low income and minority populations. Since the restoration alternatives will result in changes that benefit fish and wildlife resources in the vicinity of the Richardson Hill Road Superfund Site and enhance the lake whitefish recreational fishery, the Trustees have concluded that there would be no adverse impacts on low-income or minority communities due to implementation of the restoration alternatives.

G. Monitoring and Site Protection

Each project proponent is responsible for developing monitoring plans and performing monitoring to record the status of their project. The specific performance criteria, monitoring period, frequency of monitoring, and associated reports will vary depending on the type of project, and will be determined on a case-by-case basis. Monitoring reports will be submitted to the USFWS, as Lead Administrative Trustee, upon completion of the project or various components of the project. Prior to receiving funding, each project proponent must ensure that the restoration project will be maintained and protected for a length of time commensurate with the funding and project purpose. For example, the Trustees anticipate that land acquisition and

restoration projects will be placed under a protective land covenant (e.g., conservation easement, deed restriction) in perpetuity. Lesser terms of maintenance and protection may be appropriate for other projects and will be determined on a case by case basis.

H. Literature Cited

New York State Department of Health. 2008. Health Advisories: Chemicals in Sportfish and Game, 2007-2008. Center for Environmental Health, Albany, NY.

U.S. Environmental Protection Agency. 1997. Superfund Record of Decision for the Richardson Hill Road Landfill Site, Delaware County, New York. U.S. Environmental Protection Agency, Region 2, New York Remediation Branch, New York, New York.

I. Approvals

Final Richardson Hill Road Superfund Site Restoration Plan, Towns of Sidney and Masonville, Delaware County, New York

In accordance with the U.S. Department of the Interior (DOI) policy regarding documentation for natural resource damage assessment and restoration projects (521 DM 3), the Authorized Official for the DOI must demonstrate approval of draft and final Restoration Plans and their associated National Environmental Policy Act documentation, with concurrence from the DOI Office of the Solicitor.

The Authorized Official for the Richardson Hill Road Site, Delaware County, New York, natural resource damage assessment case is the Regional Director for the U.S. Fish and Wildlife Service's Northeast Region.

By the signatures below, the Final Richardson Hill Road Superfund Site Restoration Plan, Towns of Sidney and Masonville, Delaware County is hereby approved.

Approved:

10/20/16

Wendi Weber — Date
Regional Director
Northeast Region
U.S. Fish and Wildlife Service

Concurred:

10/11/2016

Mark Barash — Date
Senior Attorney
Northeast Region
Office of the Solicitor

Attachment A. Environmental Action Statement

Restoration Plan for the Richardson Hill Road Superfund Site, Towns of Sidney and Masonville, Delaware County, New York

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and have determined that the action of the Restoration Plan for the Richardson Hill Road Superfund Site, Towns of Sidney and Masonville, Delaware County, New York

XX is a categorical exclusion as provided by 516 DM 6 Appendix 1 and 516 DM 6, Appendix 1. No further documentation will therefore be made.

____ is found not to have significant environmental effects as determined by the attached Environmental Assessment and Finding of No Significant Impact.

____ is found to have significant effects, and therefore further consideration of this action will require a notice of intent to be published in the Federal Register announcing the decision to prepare an EIS.

____ is not approved because of unacceptable environmental damage, or violation of Fish and Wildlife Service mandates, policy, regulations, or procedures.

____ is an emergency action within the context of 40 CFR 1506.11. Only those actions necessary to control the immediate impacts of the emergency will be taken. Other related actions remain subject to NEPA review.

Other supporting documents (list):

Final Restoration Plan including public comments.

Regional Director / DOI designated Authorized Official

10/20/16
Date

Appendix A. List of Individuals Solicited for Restoration Projects for Richardson Hill Road Superfund Site Natural Resource Damage Settlement

From: Doran, Sandra [mailto:sandra_doran@fws.gov]

Sent: Wednesday, October 14, 2015 5:13 PM

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Cc: Sandra Doran <sandra_doran@fws.gov>; Anne Secord <anne_secord@fws.gov>; David Stilwell <david_stilwell@fws.gov>
Subject: Fwd: draft richardson hill email to USCA

USCA Members

The U.S. Fish and Wildlife Service and State of New York are requesting suggestions for restoration projects in the vicinity of the Richardson Hill Road Superfund Site, in the Towns of Masonville and Sidney, Delaware County, New York. More details are provided in the attached Restoration Suggestion Form.

If interested, please return the completed form to anne_secord@fws.gov.

Thank you.

Appendix B. Richardson Hill Road Superfund Site Restoration Suggestion Form

Richardson Hill Road Landfill Trustee Council

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

RESTORATION SUGGESTION FORM
RICHARDSON HILL ROAD LANDFILL NATURAL RESOURCE DAMAGE ASSESSMENT

Background:
The U. S. Fish and Wildlife Service and New York State completed a natural resource damage assessment at the Richardson Hill Road Landfill (Site) in 2015. We are in the process of identifying potential restoration projects to address injuries to and lost use of natural resources.

The Site, located in the Towns of Sidney and Masonville, Delaware County, New York, was used as a refuse disposal area from 1962 through 1969. The Site accepted a variety of hazardous wastes that contaminated wetlands, uplands and Herrick Hollow Creek, causing injury to fish and wildlife resources. Also, residents were advised not to consume fish from Herrick Hollow Creek due to polychlorinated biphenyl (PCB) concentrations in excess of New York State Department of Health guidelines.

The Trustees sought monetary settlement with the responsible parties as compensation for the injuries to natural resources due to release of environmental contaminants from the Site. Approximately $270,000 is available for restoration projects that are intended to restore, replace or acquire the equivalent of the natural resources that were injured by Site contaminants or address lost human uses of natural resources, such as impacts to recreational fishing. The Trustees request restoration suggestions in the following categories:

Wetland restoration
Upland restoration
Stream restoration
Acquisition or protection of land for conservation purposes
Projects to enhance fishing or other outdoor recreational activities

Projects should preferably be proposed in the vicinity of the Richardson Hill Road Landfill, in the Upper Delaware or Susquehanna watersheds. Appropriate restoration projects do **not** include the development of plans, conduct of studies, or support of programs or other projects that do not result in the restoration or protection of habitat or improvement in outdoor recreational opportunities.

We invite you to submit suggestions for restoration projects. Our restoration project evaluation criteria include:

- Connection to injured resource (proximity, linkage to resources or resource services affected by hazardous substance releases)
- Likelihood of success
- Cost effectiveness
- Ability to produce demonstrable, quantifiable benefits

More information about the Natural Resource Damage Assessment can be found at:
http://www.fws.gov/northeast/nyfo/ec/RichardsonHill.htm

Instructions:
Please complete as many sections as possible. Your suggestion will still be considered even if you are unable to fill out every section. If you need more space, please use additional paper and label appropriate sections. Send completed forms to Anne Secord (anne_secord@fws.gov):
Deadline: December 1, 2015

Your Name:	**Street Address:**
City, State, Zip:	**Phone and Email:**

Appendix C. Grants.gov Notice

F16AS00011
Restoration Projects for the Richardson Hill Road Landfill
Department of the Interior
Fish and Wildlife Service

GENERAL INFORMATION	
Document Type:	Grants Notice
Funding Opportunity Number:	F16AS00011
Funding Opportunity Title:	Restoration Projects for the Richardson Hill Road Landfill
Opportunity Category:	Discretionary
Funding Instrument Type:	Cooperative Agreement
Category of Funding Activity:	Environment Natural Resources
Category Explanation:	
Expected Number of Awards:	3
CFDA Number(s):	15.658 – Natural Resource Damage Assessment, Restoration and Implementation
Cost Sharing or Matching Requirement:	No
Posted Date:	Oct 27, 2015
Creation Date:	Oct 27, 2015
Original Closing Date for Applications:	Dec 1, 2015 Announcement shall remain open until December 1, 2015.
Current Closing Date for Applications:	Dec 1, 2015 Announcement shall remain open until December 1, 2015.
Archive Date:	Dec 31, 2015
Estimated Total Program Funding:	$270,000
Award Ceiling:	$270,000
Award Floor:	$50,000

ELIGIBILITY	
Eligible Applicants:	Unrestricted (i.e., open to any type of entity above), subject to any clarification in text field entitled "Additional Information on Eligibility"
Additional Information on Eligibility:	All potential applicants are eligible.