

## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

### Division of Environmental Remediation, Remedial Bureau D

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January 5, 2021

The Honorable Nicola Armacost  
Mayor of Hastings-on-Hudson  
Municipal Building  
7 Maple Avenue  
Hastings-on-Hudson, NY 10706

Mr. Paul Johnson  
Operations Project Manager  
Atlantic Richfield Company  
Remediation Management  
150 W. Warrenville Road  
MC 200 1E  
Naperville, IL 60563

Dear Mayor Armacost and Mr. Johnson:

The Department of Environmental Conservation (DEC) has reviewed the list of submittals from Atlantic Richfield Company (ARCO) to DEC scheduled for the Harbor at Hastings site. In response to the Village of Hastings' (Village) request for opportunities for input during the design for this site, the DEC is providing the following feedback as noted in the comments section. These comments not only identify points for engagement with the Village but also serve as reminders as to what potentially desired (by the Village) elements may or may not be accommodated due to environmental and/or remedial requirements of the DEC. The Village will receive the drafts of the Wetland Basis of Design Report, Old Marina/Kinnally Cove Basis of Design Report and Final 90% Design Report at the same time as the Department and can provide their comments directly to ARCO.

Submittal	DEC Submittal Target Date	DEC Comment
Draft Wetland Basis of Design Report	December 2020	1
Draft OM/KC Basis of Design Report (will include discussion of turbidity controls and Water Quality Monitoring)	December 2020	2
Wetland Monitoring, Maintenance, and Adaptive Management Plan	March 2021	
Draft Final 90% Design Report (assumes DEC comments on both BODRs are received in January 2021)	September 2021	3
Draft Site Management Plan and Related Plans (CERP, CAMP, CQAPP)	October 2021	
Final Design - 6 months following DEC approval of the 90% Design Report	2 <sup>nd</sup> Quarter 2022	4



Department of  
Environmental  
Conservation

Comment 1 – Once DEC Central Office (CO) and Region 3 (R3) have reviewed the Basis of Design Report (BODR) a meeting can be held with the Village to discuss DEC's requirements, if that would be a useful exercise. One DEC requirement is that once the wetland is built, there will be no construction in the wetland that will penetrate the barrier layer.

Comment 2 – The Old Marina and Kinnally Cove fall within a depositional area. Any material that naturally deposits and needs to be dredged for recreational purposes will not be a maintenance requirement of ARCO.

Comment 3 – Ongoing discussions between ARCO and the Village are expected to continue as this document is developed. The Village will receive a copy at the same time as DEC. There have been several discussions regarding the shoreline over the years. The DEC wants to clarify that there are major constraints for this site:

- The existing shoreline and waterward is state-regulated tidal wetland and regulated navigable waters. Fill in a state-regulated tidal wetland is a presumptively incompatible activity and any fill in navigable waters of the state should be avoided and minimized as much as practical.
- The deep water just offshore of this parcel is a known endangered Atlantic sturgeon migration route. The DEC cannot make any final decisions without seeing a design proposal(s), but please be aware that the DEC will *strongly discourage* any taking of river bottom beyond what is required for the remediation and compensatory work.

If there is a desire for more intertidal space landward of the proposed shoreline, discussions between ARCO, the Village and Riverkeeper would be needed regarding coordination with their Order on Consent.

Comment 4 – Village comments should be addressed prior to this submittal as may be appropriate and their incorporation should not negatively affect the remedial design. All involved parties also need to recognize that ARCO's work is not done once remedial work is complete and the site is "restored". The DNAPL extraction wells in the Northwest Extension Area will continue to operate and will need to be accessible. Discussions will be needed in the future between ARCO, the Village, DEC and Department of Health for what uses will be allowed in this portion of the site once active remediation is complete.

The Village should have received the Basis of Design Reports for the Compensatory Wetland and the Old Marina/Kinnally Cove in an email from Paul Johnson dated December 22, 2020. If you have any questions regarding this letter, please contact me at (518)402-9821 or [jess.laclair@dec.ny.gov](mailto:jess.laclair@dec.ny.gov).

Sincerely,



Jess LaClair  
Project Manager

ec: Village Manager  
Trustee Fleisig  
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