

New York State Department of Environmental Conservation

Division of Solid and Hazardous Materials

Bureau of Radiation & Hazardous Site Management, Room 460

50 Wolf Road, Albany, New York 12233-7252

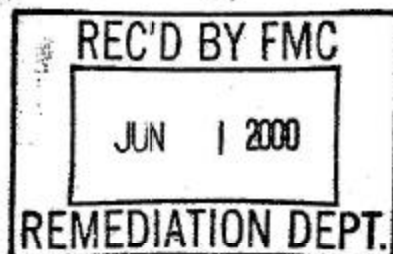
Phone: (518) 457-9253 • FAX: (518) 457-9240

Website: www.dsmc.state.ny.us



May 26, 2000

Mr. Paul Bona, Jr.
Superintendent of Schools
Royaltown-Hartland School District
54 State Street
Middleport, NY 14105



Dear Mr. Bona:

Re: School Yard Arsenic Soil Remediation

We have been asked to respond to your letter, dated May 1, 2000, on behalf of Ms. Jeanne M. Fox, Regional Administrator, United States Environmental Protection Agency (USEPA) Region II; Mr. John P. Cahill, Commissioner, New York State Department of Environmental Conservation (NYSDEC); and Dr. Antonia C. Novello, Commissioner, New York State Department of Health (NYSDOH). Each of the above stated governmental agencies has reviewed your letter concerning the recent remedial project to remove arsenic contaminated soil from the Royaltown-Hartland (Roy-Hart) School Yard in Middleport, New York. The Agencies would like to thank you and the other Roy-Hart School officials for the cooperation provided the Agencies, both at the beginning and during the school yard remediation project. Your assistance in the project's implementation was instrumental in obtaining a successful outcome.

Now that the restoration phase of this remedial project is nearing completion, you have requested that the Agencies provide a letter to the School District which assures the Middleport community that the school yard is now suitable for use by the school children. As recalled in your letter, the Agencies notified officials of the Roy-Hart School District in August 1998, and informed the local public, that the levels of arsenic in the surface soils on and in the area of the school yard running track and football field pose potential health risks to student athletes ages 5 to 18. To remedy this problem, the Agencies requested, and the FMC Corporation agreed to perform an Interim Corrective Measure (ICM) to remove arsenic contaminated soil from the identified area of the school yard. Now that the soil removal and backfilling portions of this ICM are complete, the Agencies have again evaluated the arsenic levels in the school yard soils, both within and outside of the remediated area, in order to respond to your request. From our review of currently available information (e.g., soil arsenic data, recalculation of 1998 USEPA Human Health Risk Assessment using current data, etc.) and the present use of the property, the Agencies have determined that



the entire school yard is suitable for both athletic and non-athletic uses by all school children, in terms of their exposure to known school yard soil arsenic levels.

Please note that FMC must complete its obligations under a 1991 Consent Order between USEPA/NYSDEC and FMC to perform and complete a RCRA Facility Investigation and subsequent Corrective Measures Study with regard to the entire Royalton-Hartland School property. This process will provide additional opportunities for public involvement. No final remedial decisions can be made with regard to the school yard until this process is completed.

If you have any questions or would like to discuss any matters related to the school yard ICM, you may call Michael Infurna (USEPA) at (212) 637-4177, Matt Mortefolio (NYSDEC) at (518) 457-9253, or Michael Rivara (NYSDOH) at (518) 402-7890.

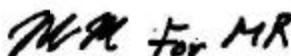
Sincerely,



Matt Mortefolio, P.E.
NYSDEC ICM Project Manager
Div. of Solid & Hazardous Materials
NYSDEC



Michael Infurna
USEPA ICM Project Manager
RCRA Programs Branch
Environmental Planning and Protection Div.
USEPA



Michael Rivara
NYSDOH ICM Project Manager
Bur. of Environmental Exposure Investigation
NYSDOH

cc: Honorable John LaFalce, US Congress
Honorable George Maziarz, NYS Senate
Honorable David Seaman, NYS Assembly
Mr. Loyd Westcott, Supervisor, Town of Royalton
Mr. William Annable, Supervisor, Town of Hartland
Mr. Donald Piedmont, Mayor, Village of Middleport
Mr. Robert Benard, President, Roy-Hart School Board
Mrs. Deborah Brown, Member, Roy-Hart School Board
Mrs. Jean Conley, Member, Roy-Hart School Board
Mr. John Marotta, Member, Roy-Hart School Board
Mr. R. Francis Thomas, Member, Roy-Hart School Board
Mr. Dan Vesneske, Member, Roy-Hart School Board
Mrs. Pauline A. Wittkopp, Member, Roy-Hart School Board