



November 13, 2006

Donald Hesler/Timothy Larson  
Onondaga Lake Superfund Site – Public Comment  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233-7016

[derweb@gw.dec.state.ny.us](mailto:derweb@gw.dec.state.ny.us)

**RE: Onondaga Lake Agreement**

Dear Mr. Hesler and Mr. Larson,

Citizens Campaign for the Environment (CCE) applauds both the New York State Department of Conservation (Department) and Honeywell Inc. (Honeywell), for investigating, drafting, and agreeing upon a plan to address the legacy of toxic industrial pollution in, contributing to, and surrounding Onondaga Lake. The Consent Decree is a critical document that provides the State, Honeywell, and the public further details on the extent of Honeywell's commitment to remediating Onondaga Lake, critical components to the Lake Bottom Subsite remediation plan, and opportunities for public participation. While CCE submits these comments to echo our general support for the State's preferred alternative, CCE continues to have a number of concerns that the Department should address.

*Please see CCE's Comments on the Onondaga Lake Bottom Subsite of the Onondaga Lake Superfund Site Proposed Plan, March 1 2005 for additional background available here: <http://www.citizenscampaign.org/comments/onondagacomments.htm>.*

**Comments**

- 1. Extend public comment period.** CCE greatly appreciates all of the work the Department's dedicated Onondaga Lake team has worked to secure Honeywell's commitment to remediate Onondaga Lake as well as the extensive outreach activities the team participated in during the limited 30-day comment period. Activities included stakeholder meetings, public information session, public hearings, progress meeting, and individual meetings. The Department's

accessibility and patience is much appreciated, however the complex technical, scientific, and public policy issues surround this plan, which afford the public additional time to participate.

**Recommendation #1 CCE recommends the Department and the Court allowing additional time for the public to review, digest, and comment on this historic document.**

**2. Ensure lake bottom remediation plan transparency and citizen participation.**

It is clear that there is strong public concern and interest surrounding the remediation efforts to Onondaga Lake, most recently evidence by the strong public turnout to Onondaga Lake public meetings. Over 100 members of the public braved a stormy evening to attend the public availability session and public hearing held on the Consent Decree. Additionally, over 200 members of the public attended the 6<sup>th</sup> Annual Onondaga Lake Progress Meeting held shortly thereafter. The public must be afforded access and opportunity for continued participation in this long process.

The countless critical decisions will be made during the design and implementation/construction phases of the plan identified in the Consent Decree, may facets continue to be largely conceptual. As included in previous comments, CCE strongly believes that creating a Citizens Advisory Committee is a necessary component to ensuring the public's trust in this massive toxic removal and remediation project. Decisions, including the appropriate depths to dredge, thickness of isolation caps, construction design of a proposed hydraulic control system necessary to maintain cap effectiveness, aeration pilot study, and non-hazardous dredged material landfill or Sediment Contaminant Area (SCA) design and specific location, and scope of monitoring requirements—will be made during the Remedial Design Phase. The Remedial Design Phase is the time between the issuing of the final Record of Decision (ROD) and construction, which is expected to take about four years. While the Consent Decree requires the development of a citizen participation plan, CCE strongly believes that the overall clean up process, the public at large, as well as Honeywell and New York State will directly benefit from the establishment of an Onondaga Lake CAC. **CCE continues to strongly believe that transparency and citizen participation throughout the entire process is necessary to gain community support, confidence, and acceptance.**

**Recommendation #2 CCE recommends that the Department establish a Citizens Advisory Committee (CAC).** CCE believes the CAC should advise, provide guidance, and support to Onondaga Lake remediation efforts. CAC members should meet on a regular basis and consider agenda items, as determined by the members. The CAC would be charged with reviewing plan implementation, providing input on design phase decisions, and receiving regular reports on Onondaga Lake remediation progress and challenges. **At a minimum, the CAC should consist of members representing the Onondaga Nation, independent scientists, environmentalists, local government officials, and concerned citizens.** Such CACs are well established throughout New York State and the nation and have been beneficial to government agencies, stakeholder

organizations and the general public. A CAC would be an easily accessible stakeholder body to consult the public with any unforeseen scenarios, such as an ineffective ground water barrier or other changes. CAC members would gain a deeper technological understanding of the remediation effort and could assist in efforts to help inform the public. CCE respectfully requests consideration of membership on the CAC.

Once established, a number of items Honeywell is required to develop as a result of the Consent Decree could be further enhanced by involving the CAC, including, but not limited to:

- **Reviewing and commenting on the Remedial Design Work Plan (RDWP).** In conversations with the Department, it was understood that RDWP would be available for public review, but not necessarily comment. CCE believes that at least, the CAC, as a public body should be given an opportunity to provide comment in an open and meaningful way.
- **Review and comment on the Health and Safety Plan (HASP),** which will be developed and designed to protect workers and neighbors during remediation activities. In conversations with the Department, it was understood that the HASP would be available for public review, but the public may not necessarily be afforded and opportunity to comment on it. CCE believes that at least, the CAC, as a public body should be given the opportunity to provide comment in an open and meaningful way.
- **Review and comment on the Remedial Action Contingency Plan RACP.** Again, in conversations with the Department, it was unclear if the public would have an opportunity to review and comment on the RACP. Just as with the RDWP and HASP, CCE believes that at least, the CAC should be given an opportunity to review and comment on the RACP.
- **Review and comment on the Citizen Participation Plan.** The CAC, as well as the entire public, should be consulted in the development of an effective and meaningful Citizen Participation Plan.
- **Review and provide comments to Honeywell on monthly and quarterly reports.**

**3. Ensure upland remediation coordination and public understanding of the overall Onondaga Lake remediation process.** CCE strongly supports Atlantic States Legal Foundation's (ASLF) request for a "a detailed matrix be prepared that clearly defines all of the subsites for the Onondaga Lake Superfund Site along with the schedules, remedies, technical contact people, etc. This schedule should be incorporated by reference into the ROD for the Onondaga Lake Bottom Subsite. " (ASLF 2/2005 page 3).

**Recommendation #3. CCE recommends that the Department expand upon the Matrix included in the Department's response to comments to include additional details and resources for more information.**

CCE supports the Department working with the CAC to provide assistance in developing a Comprehensive and user-friendly visual tool to represent Onondaga Lake remediation projects and timelines.

- 4. Onondaga Lake should have signage in popular public access points** to educate the public on the lake's history, current progress, and fish consumption advisories, and resources for more information, such as the Department or the Onondaga Lake Partnership (OLP).

Recommendation #5 The State should require Honeywell to finance educational signage—developed by a third party—to be sited at popular public access points.

- 5. The public should have clear assurances that Honeywell will be able to fulfill their financial obligation.** CCE is pleased to hear that the state and the court have found Honeywell to be fully financially viable and that Honeywell can be expected to fulfill their financial commitment to clean up their predecessor's pollution legacy. CCE also would like to provide additional safeguards to ensure the public is not strapped with financial burden of remediating Onondaga Lake and that Honeywell is appropriately accountable as the identified responsible party. To that end, CCE offers the following recommendations.

Recommendation #6 In the case of any dispute over payments to the State or for the remediation effort which is raised by Honeywell, should **require Honeywell to deposit the disputed figures in an escrow account until the dispute is resolved.**

Recommendation #7 If a trust fund is created, the **trust fund should be administered by the State of New York and expended solely for the benefit of Onondaga Lake.**

In closing, CCE believes Honeywell has demonstrated leadership as the responsible party and that the Department has negotiated a remediation plan that is restoring hope to Onondaga Lake. The Consent Decree is an important step and provides a roadmap to the process surrounding the continued development and implementation of the remediation plan. However, CCE believes it will take a dedicated and involved CAC, that complements the work by the Department, Honeywell, OLP, to ensure the public remains actively engaged our community's most important project.

Thank you for the opportunity to comment.

Sincerely,

Dereth Glance  
Program Director

Cc: Ms. Adrienne Esposito, CCE Executive Director  
Ms. Denise Sheehan, NYSDEC Commissioner

Ms. Kathleen C. Callahan, EPA Region 2  
Honorable George Pataki, New York State Governor  
Honorable Elliot Spitzer, New York State Attorney General and Governor Elect  
Honorable John DeFrancisco, New York State Senate  
Honorable David Valesky, New York State Senate  
Honorable Joan Christiansen, New York State Assembly  
Honorable William Magnarelli, New York State Assembly  
Honorable Nicholas Pirro, Onondaga County Executive  
Honorable Matthew Driscoll, Mayor, City of Syracuse  
Honorable James Walsh, United States House of Representatives  
Honorable Charles Schumer, United States Senate  
Honorable Hillary Rodham Clinton, United States Senate