

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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July 5, 2024

Pat Evangelista, Director
Superfund and Emergency Management Division
United States Environmental Protection Agency
Region 2 Office
290 Broadway
New York, NY 10007-1866

**Re: Mercury Refining Company, Inc. Superfund Site, Towns of Colonie and
Guilderland, Albany County, NY
NYSDEC Site ID No. 401025
National Priorities List (NPL) Deletion Concurrence**

Dear Pat:

The New York State Department of Environmental Conservation and the New York State Department of Health have reviewed the United States Environmental Protection Agency's May 30, 2024 Final Close Out Report for the Mercury Refining Superfund Site in Albany County, NY.

The remedy selected for the National Priorities List (NPL) site, which was documented in an EPA 2008 Record of Decision included: excavation and off-site disposal of surface soils and subsurface soils above the water table which exceeded the cleanup level for mercury in soil of 5.7 parts per million (ppm) for industrial property usage; a composite cover system to allow for industrial use of the site in accordance with 6NYCRR Part 375; in-situ solidification/stabilization of soils where the groundwater had a dissolved mercury concentration which exceeds the cleanup level of 0.7 parts per billion (ppb); implementation of institutional controls in the form of environmental easements/restrictive covenants to restrict future development and use of the site (including site groundwater); development and implementation of an EPA-approved Site Management Plan; removal, dewatering, and disposal of the mercury-contaminated sediments in the Unnamed Tributary exceeding the cleanup level for mercury in sediments of 1.3 ppm; verification sampling to confirm the effectiveness of the remedy; and sampling of the fish, surface water, and sediments in the Patroon Creek, the Unnamed Tributary, and the I-90 Pond to assess impacts on the biota on an annual basis for five years.

In accordance with CERCLA, and because the remedy will result in contaminants remaining onsite above levels that will not allow for unlimited use/unrestricted exposure, the remedy will be reviewed at least once every five years.



As demonstrated in the Final Close Out Report, data collected since 2014 have confirmed that the remedial action objectives for remediation of the soil and sediments have been achieved and the groundwater remediation goal has been met, and easements are in place for all the site properties as required by the ROD. Therefore, New York State concurs with EPA's proposal to delete the Mercury Refining Site from the NPL.

The site will remain on the New York State Registry of Inactive Hazardous Waste Sites (Registry). The evaluation of the site's classification on the Registry will be conducted by the State as part of an additional and separate process from the NPL delisting.

If you have any questions regarding this agreement, please contact Christopher O'Neill at christopher.oneill@dec.ny.gov or (518) 357-2394.

Sincerely,



Andrew Guglielmi
Director
Division of Environmental Remediation

ec:

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