

Urging The New York State Department Of Environmental Conservation To Expedite Actions To Mitigate Contamination From The Hercules Inc/Dyno-Nobel Superfund Site Located In The Town Of Esopus, And Requesting An Update On The Status Of The Revised Proposed Remedial Action Plan

Referred to: The Energy, Environment and Sustainability Committee (Chairman Hewitt and Legislators Donaldson, Greene, Litts, Nolan, Stewart, and Walls)

Legislators Joe Donaldson, Chris Hewitt and Richard Walls, and Legislators Litts and Roberts offer the following:

WHEREAS, Ulster County is a leader in environmental and climate policies to protect its unique ecosystem and residents; and

WHEREAS, Ulster County has multiple sites once used for manufacturing and landfilling that are on the Environmental Protection Agency (EPA) designation list as Superfund Sites; and

WHEREAS, The Hercules/Dyno-Nobel site is located at 161 Ulster Avenue, Ulster Park, Ulster County, approximately one mile south of the Village of Port Ewen, approximately 135-acres, with the former manufacturing of explosives, detonators, blasting caps and related materials primarily taking place within the approximately 100-acre fenced main plant area; and

WHEREAS, disposal or discharge of hazardous wastes took place within the main plant area and within approximately 35 acres on the east side of the rail line in and around a wetland, with additional parcels owned by Dyno-Nobel and related companies around the listed site where similarly hazardous operations or disposal may have taken place in the area targeted for cleanup; and

WHEREAS, on or about May 17th, 2024, DEC was notified about a significant soil disturbance downstream of the Hercules Inc./Dyno-Nobel State Superfund Site as a result of the Town of Esopus was removing garbage and debris, and re-grading the Plantasie Creek bank; and

WHEREAS, the NYS DEC ordered the town to cease and desist construction activities to prevent additional soil disturbances, cover areas of soil disturbance and install temporary fencing to stabilize the areas of soil disturbance and, out of an abundance of caution, conducted additional soil sampling for metals along the creek in the vicinity of the Robert L. Graves Elementary School; and

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WHEREAS, on May 24, 2024 the NYS DEC collected 12 surface soil samples from the disturbed area in the vicinity of the school for analysis for the mercury and copper, which were found in previous investigations in the off-site areas; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) is acting as lead agency and determined in March 2019 that in its Proposed Remedial Action Plan (PRAP) that several steps would be taken to assure contamination from the site did not encroach on surrounding properties or further contaminated wells including: Creation of a new wetland on site to replace the wetland which will contain the waste consolidation area, and the rerouting of an associated stream; and now, therefore be it

RESOLVED, that the Ulster County Legislature hereby urges the New York State Department of Environmental Conservation (NYSDEC) to expedite actions to mitigate contaminations from the Hercules/Dyno-Nobel Superfund site that have spread beyond their property lines into adjacent properties and past a Kingston Consolidated School District Elementary School; and be it further

RESOLVED, that in addition to groundwater and soil testing, and monitoring of the Hercules/Dyno-Nobel site and surrounding properties, the Ulster County Legislature urges the NYSDEC to move forward with constructing a stormwater retention pond to prevent, and/or significantly reduce, spillover of contamination into the Millbrook/Plantasia stream that flows into the Rondout Creek; and be it further

RESOLVED, that the Ulster County Legislature requests an update be submitted to the Clerk of the Ulster County Legislature on the status of the DEC's supplemental investigation, evaluation of results, Feasibility Study and revised Proposed Remedial Action Plan (PRAP), as reported in the NYS DEC's June 2024 Community Update; and be it further

RESOLVED, that the revised PRAP include the requirement of a permanent security fence with warning signage is placed along the entire section of "the creek bank area which led to the disturbance of the potentially contaminated soil and sediments" until such time that testing shows levels of heavy metals and/or volatile organics have dropped to acceptable levels; and be it further

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RESOLVED, that the revised PRAP include a requirement that detailed test results are made publicly available by virtue of public mailing to Esopus residents and/or established Hercules/Dyno-Nobel Superfund page link that leads directly to the testing results page; and be it further

RESOLVED, the Clerk of the Ulster County Legislature shall forward copies of this resolution to the New York State Department Environmental Conservation, the Town of Esopus Town Supervisor and Town Board members, and all Ulster County elected State Assemblymembers and Senators

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee Energy, Environment and Sustainability on _____

FINANCIAL IMPACT:

NONE