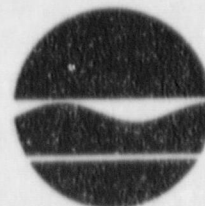


50-54

New York State Department of Environmental Conservation  
Division of Solid & Hazardous Materials  
Bureau of Pesticides & Radiation  
50 Wolf Road, Albany, New York 12233-7255  
518-485-8981 FAX 518-485-8390



John P. Cahill  
Commissioner

October 3, 1997

Mr. J. J. McGovern  
Plant Manager/President  
Cintichem, Inc.  
P.O. Box 816  
Tuxedo, New York 10987

Dear Mr. McGovern:

Re: Order on Consent  
Case #D200059005

This responds to your October 2, 1997 letter requesting a modification to the above-referenced Order on Consent. You have requested that paragraph V(A) be amended to allow Cintichem to pump water from the retention pond to the 001 outfall without waiting for the results of the gamma spectroscopy analysis of the retention pond water.

Enclosed is an amendment to the Order on Consent authorizing these changes. Please note that if gamma emitters are detected in the retention pond samples, the Order will revert to the original requirement that the gamma spectroscopy be completed before the water is released.

If you have any questions, please call Barbara Youngberg of this Bureau (518-457-2225).

Sincerely,

*Barbara Youngberg*

for Paul J. Merges, Ph.D., Chief  
Bureau of Pesticides & Radiation  
Division of Solid & Hazardous  
Materials

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PDR ADOCK 05000054  
W PDR

Enclosure  
cc w/ enc.:

D. Orlando, NRC  
T. Michaels, NRC  
T. Dragoun, NRC  
B. Conlon, DEE  
J. Kelleher, DOW

180069

Rec'd: NMSS/UDP

NW10  
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STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
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In the Matter of Violations of the Environmental Conservation Law ("ECL"), Articles 3, 17, 19 and Parts 201, 380, 703, 750-757 of Title 6 of the Official Compilation of Codes Rules and Regulations of the State of New York ("6 NYCRR") by:

ORDER ON CONSENT  
Case #D200059005

Amendment No. 8

CUNTIChem, INC., and Hoffman-La Roche, Inc.,

Respondents.

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In accordance with Paragraph XXVI of the January 1995 Order on Consent, Paragraph V of the Order on Consent is amended as follows:

Subparagraph (A) is changed to read,

(A) Retention pond

(1) Releases from the retention pond to the 001 outfall shall be on a batch-release basis. A water sample shall be collected prior to each batch release. The water may be released prior to sample analysis, unless gamma emitting radionuclides have been detected in retention pond samples within the previous year (see item 3 of this subparagraph). If more than one sample is collected in one calendar day, the samples may be composited for analysis. Gamma spectroscopy analysis shall be completed within 7 working days, and strontium-90 analysis, within 15 working days of the day the sample was collected.

(2) In the event of heavy rainfall or surface run-off entering the retention pond, water may be continuously pumped from the retention pond to the 001 outfall (before gamma spectroscopy is completed) if this is necessary to preserve the integrity of the pond. In that case, the retention pond shall be sampled every four hours. If more than one sample is collected in one calendar day, the samples may be composited for analysis. Gamma spectroscopy analysis shall be completed within 7 working days, and strontium-90 analysis, within 15 working days of the day the sample was collected.

(3) In the event that gamma emitting radionuclides are detected in any sample from the retention pond, respondents shall notify the Department within 24 hours of the time the results were obtained, and the following conditions shall apply:

(a) Releases from the retention pond to the 001 outfall shall be on a batch-release basis, following sampling and analysis by gamma spectroscopy.

(b) If any radionuclides are detected in releases from the retention pond, those releases shall be considered waste water subject to the limits set in Paragraph IV(C) of this Order.

*Barbara Youngberg*  
*for* Paul J. Merges, Ph.D.  
Chief, Bureau of Pesticides & Radiation  
Division of Solid & Hazardous Materials

Date: Oct. 3, 1997