



New York State Department of Environmental Conservation

State Superfund Program

Citizen Participation Plan
for
Former Loudon and Kem Cleaners

350 Northern Blvd
Albany
Albany County, New York

July 2014

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Note: The information presented in this Citizen Participation Plan was current as of the date of its approval by the New York State Department of Environmental Conservation. Portions of this Citizen Participation Plan may be revised during the site's investigation and cleanup process.

Responsible Party: **Sky Four, LLC**
Site Name: **Former Loudon and Kem Cleaners**
Site Address: **350 Northern Blvd., Albany, NY**
Site County: **Albany**
Site Number: **401060**

1. What is New York's State Superfund Program?

New York's State Superfund Program (SSF) identifies and characterizes suspected inactive hazardous waste disposal sites. Sites that pose a significant threat to public health or the environment, such as the site identified above, undergo a process of investigation, evaluation, cleanup, and monitoring.

The New York State Department of Environmental Conservation (NYSDEC) administers the SSF Program with assistance and input from the New York State Department of Health (NYSDOH). When the parties responsible for the contamination of the site are known, they often pay for or perform the investigation and evaluation of cleanup options under an enforceable consent order. At sites where responsible parties cannot be found or are unable or unwilling to fund an investigation, the State pays for the investigation and may try to recover costs from a responsible party after the investigation and cleanup are complete.

The SSF program contains investigation and cleanup requirements, ensuring that cleanups protect public health and the environment. For more information about the SSF program, go online at: <http://www.dec.ny.gov/chemical/8439.html>.

2. Citizen Participation Activities

Why NYSDEC Involves the Public and Why It Is Important

NYSDEC involves the public to improve the process of investigating and cleaning up contaminated sites, and to enable citizens to participate more fully in decisions that affect their health, environment, and social well being. NYSDEC provides opportunities for citizen involvement and encourages early two-way communication with citizens before decision makers form or adopt final positions.

Involving citizens affected and interest in site investigation and cleanup programs is important for many reasons. These include:

- Promoting the development of timely, effective site investigation and cleanup programs that protect public health and the environment
- Improving public access to, and understanding of, issues and information related to a particular site and that site's remedial process

- Providing citizens with early and continuing opportunities to participate in NYSDEC's site investigation and cleanup process
- Ensuring that NYSDEC makes site investigation and cleanup decisions that benefit from input that reflects the interests and perspectives found within the affected community
- Encouraging dialogue to promote the exchange of information among the affected/interested public, State agencies, and other interested parties that strengthens trust among the parties, increases understanding of site and community issues and concerns, and improves decision making.

This Citizen Participation (CP) Plan provides information about how NYSDEC will inform and involve the public during the investigation and cleanup of the site identified above. {The public information and involvement program will be carried out with assistance, as appropriate, from the responsible party.}

Project Contacts

Appendix A identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site's investigation and cleanup program. The public's suggestions about this CP Plan and the CP program for the site are always welcome. Interested people are encouraged to share their ideas and suggestions with the project contacts at any time.

Locations of Reports and Information

The locations of the reports and information related to the site's remedial program also are identified in Appendix A. These locations provide convenient access to important project documents for public review and comment. Some documents may be placed on the NYSDEC web site. If this occurs, NYSDEC will inform the public in fact sheets distributed about the site and by other means, as appropriate.

Site Contact List

Appendix B contains the site contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and cleanup process. The site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project. These will include notifications of upcoming activities at the site (such as fieldwork), as well as availability of project documents and announcements about public comment periods. The site contact list includes, at a minimum:

- chief executive officer and planning board chairperson of each county, city, town and village in which the site is located;
- residents, owners, and occupants of the site and properties adjacent to the site;
- the public water supplier which services the area in which the site is located;
- any person who has requested to be placed on the site contact list;

- the administrator of any school or day care facility located on or near the site for purposes of posting and/or dissemination of information at the facility;
- location(s) of reports and information.

The site contact list will be reviewed periodically and updated as appropriate. Individuals and organizations will be added to the site contact list upon request. Such requests should be submitted to the NYSDEC project contact(s) identified in Appendix A. Other additions to the site contact list may be made at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

CP Activities

The table at the end of this section identifies the CP activities, at a minimum, that have been and will be conducted during the site's investigation and cleanup program. The public is informed about these CP activities through fact sheets and notices distributed at significant points during the program. Elements of the investigation and cleanup process that match up with the CP activities are explained briefly in Section 4.

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up a site.
- **Public forums, comment periods and contact with project managers** provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a site's investigation and cleanup.

The public is encouraged to contact project staff at any time during the site's investigation and cleanup process with questions, comments, or requests for information.

This CP Plan may be revised due to changes in major issues of public concern identified in Section 3 or in the nature and scope of remedial activities. Modifications may include additions to the site contact list and changes in planned citizen participation activities.

Technical Assistance Grant

The site identified above poses a significant threat to public health or the environment, so that a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying community group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development/implementation of a remedy.

An eligible community group must certify that its membership represents the interests of the community affected by the site, and that its members's health, economic well-being, or enjoyment of the environment may be affected by a release or threatened release of contamination at the site.

For more information about TAGs, go online at: <http://www.dec.ny.gov/regulations/2590.html> .

Note: The table identifying the citizen participation activities related to the site's investigation and cleanup program follows on the next page:

Citizen Participation Requirements (Activities)	Timing of CP Activity(ies)
<p align="center">Before Start of Remedial Investigation (RI):</p> <div> <div> Prepare site contact list Establish document repository Prepare Citizen Participation (CP) Plan Place approved RI Work Plan in document repository Distribute fact sheet to site contact list that announces availability of RI Work Plan and describes upcoming RI field work </div> <div> Before start of RI. Note: Draft CP Plan must be submitted to NYSDEC within 20 days of effective date of Consent Order. CP Plan must be approved by NYSDEC before distribution. </div> </div>	
<p align="center">When NYSDEC Approves Remedial Investigation Report:</p> <div> <div> Distribute fact sheet to site contact list that describes RI results Place approved RI Report in document repository </div> <div> When NYSDEC approves RI Report </div> </div>	
<p align="center">When NYSDEC Releases Proposed Remedial Action Plan (PRAP):</p> <div> <div> Place PRAP in document repository Distribute fact sheet to site contact list that describes PRAP and announces 30-day comment period and public meeting Conduct 30-day public comment period Hold public meeting about PRAP </div> <div> When NYSDEC releases PRAP. Comment period begins/ends as per dates identified in fact sheet. Public meeting is held during the comment period. </div> </div>	
<p align="center">When NYSDEC Issues Record of Decision (ROD):</p> <div> <div> Place ROD in document repository Distribute notice to site contact list that announces availability of ROD. ROD includes responsiveness summary of significant comments about PRAP </div> <div> When NYSDEC issues ROD </div> </div>	
<p align="center">Before Start of Remedial Action:</p> <div> <div> Distribute fact sheet to site contact list that describes upcoming remedial action </div> <div> Before the start of remedial action at the site. </div> </div>	
<p align="center">When NYSDEC Issues Certificate of Completion (COC) or Similar Site Closure Document:</p> <div> <div> Place COC in document repository Distribute fact sheet to site contact list that announces issuance of COC </div> <div> Within 10 days after NYSDEC issues COC or other similar site closure document </div> </div>	

3. Major Issues of Public Concern

This section of the CP Plan identifies major issues of public concern that relate to the site. Additional major issues of public concern may be identified during the course of the site's investigation and cleanup process.

The former Loudon and Kem Cleaners site is located in an urban area in the northern section of the city of Albany. The site is northwest of Northern Boulevard, northeast of Albany-Shaker Road, east of Old Hickory Road, and southwest of Loudonville Road (Route 9). The site is approximately 3.9 acres and is developed with an L-shaped retail building (strip mall). The building contains many separate businesses that operate in the single-story portion of the building and a three story office building located in the center of the building. The majority of the rest of the site is parking for the associated businesses and offices.

Surrounding parcels include an apartment complex to the north, west, and southeast, a hospital to the south, and a major highway and golf course to the east and northeast. The nearest residence is located approximately 0.25 miles to the west of the site.

The main issues that were found at this site and could pose an issue off-site were from movement of contaminated vapors through the soils into buildings similar to the movement of radon gas. Air impacts were found in sub-slab soil vapor at six locations on-site with the greatest impacts found beneath the former drycleaner locations. The levels of tetrachloroethene (PCE) detected on-site exceeded the guidance values set by the NYSDOH, therefore building mitigation such as a sub-slab depressurization system similar to a radon mitigation system, was recommended. An off-site air test revealed very low levels of PCE by comparison and no mitigation or further monitoring was warranted.

The site history below identifies the contaminants of concern. Pathways of movement of contaminated vapors have been investigated and the impacted area was identified. A remedy will be identified to remove the contaminated vapors so that public health is protected.

4. Site Information

Appendix C contains a map identifying the location of the site.

Site Description

In addition to the site description information provided in Section 3, the site is currently zoned commercial and most of the strip mall locations are currently occupied. The overburden geology consists of varied medium to fine sands, silts, and clays. The depth the groundwater varies across the site from 15 to 24 feet below ground surface. The ground water flow direction is to the southeast.

History of Site Use, Investigation, and Cleanup

History of Site Use and Investigations: Two separate addresses/tenant spaces were occupied by dry cleaners (known as Loudon Dry Cleaners, Kem Cleaners and possibly other names) and used tetrachloroethene (Perc, PCE) from approximately 1954 to 1997. The current dry cleaner business, Kem Cleaners, converted to 'drop-off service only' in 1997. Several investigations took place starting in 2009. A state-funded investigation began in 2012. Based on investigations conducted to date, the primary contaminants of concern in groundwater are tetrachloroethene (PCE) and trichloroethene (TCE). On-site and off-site groundwater exceeded groundwater standards for PCE and TCE.

Air impacts were found in sub-slab soil vapor at six locations on-site with the greatest impacts found beneath the former drycleaner locations. The levels of PCE detected on-site exceeded the guidance value set by the NYSDOH and mitigation is recommended. A significant threat is posed from potential exposure to site related contaminants. Exposures to contaminated groundwater are not expected because public water serves the area residents.

5. Investigation and Cleanup Process

Investigation

A detailed study of the site will be performed by the NYSDEC and NYSDOH. This detailed study is called a "Remedial Investigation." The investigation work plan is called a "Remedial Investigation Work Plan" and is available for public review at the "Locations of Reports and Information" identified in Appendix A.

The site investigation has several goals:

- 1) define the nature and extent of contamination in soil, surface water, groundwater and any other parts of the environment that may be affected;
- 2) identify the source(s) of the contamination;
- 3) assess the impact of the contamination on public health and the environment; and
- 4) provide information to support the development of a proposed remedy to address the contamination.

NYSDOH reviews and recommends activities that will be performed during the investigation to ensure that a complete picture of potential health impacts is understood. Such activities include identifying the ways contamination can reach people, such as through direct contact, eating, drinking, or breathing.

The information collected during the site investigation will be summarized in a report.

Feasibility Study

After the site investigation has begun, NYSDEC will conduct a Feasibility Study. This study uses information developed during the site investigation to develop and evaluate potential ways to clean up contamination related to the site. Another possibility is that the information collected during the site Investigation may support the conclusion that no action, or no further action, is needed to address site-related contamination.

Proposed Remedy

The evaluation of possible remedies ends with a recommended proposal to eliminate the threat posed by contaminants at the site. NYSDEC approves or prepares this proposal, called a Proposed Remedial Action Plan (PRAP). The PRAP describes the remedy preferred by NYSDEC, or a no action or no further action alternative. The PRAP summarizes the decision that led to the recommendation of the preferred remedy by discussing each alternative and the reasons for choosing or rejecting it. The goal of any cleanup plan is to protect public health and the environment. NYSDEC will present the PRAP to the public for its review and comment during a 30-day comment period and at a public meeting.

Selected Remedy

NYSDEC considers public comments as it selects the remedy to address contamination related to the site. The selected remedy will be described in a document officially called a Record of Decision (ROD). The ROD will explain why the remedy was selected and respond to public comments. This document will be placed in the location of reports and information. If the selected remedy is no action or no further action, NYSDEC may then take steps to reclassify the site or remove the site from its list of contaminated sites.

Cleanup Action

If the Record of Decision for the site calls for cleanup action, the project then moves to designing and performing the cleanup actions to address the site contamination. When cleanup actions have been completed, NYSDEC will approve or prepare a final engineering report that describes the cleanup actions undertaken and certifies that cleanup requirements have been achieved or will be achieved.

Certificate of Completion

Upon approval of the final engineering report, NYSDEC may issue a Certificate of Completion (COC). The COC would recognize the findings of the final engineering report. The COC would note that the cleanup program achieved a cleanup level consistent with specific categories of use for the site. The recipient of the COC would be entitled to limited liability as long as it complied with the terms of the COC, and other conditions.

A COC may be modified or revoked if, for example, the recipient does not comply with the terms of the COC, or if the recipient commits fraud regarding its certification that it has met cleanup levels.

Site Management

Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. Site management may be conducted by NYSDEC, or by the responsible party under NYSDEC oversight, if contamination will remain in place. Site management incorporates any institutional and engineering controls required to ensure that the remedy implemented for the site remains protective of public health and the environment. All significant activities are detailed in a Site Management Plan.

An institutional control is a non-physical restriction on use of the site, such as a deed restriction that would prevent or restrict certain uses of the property. An institutional control may be used when the cleanup action leaves some contamination that makes the site suitable for some, but not all uses.

An engineering control is a physical barrier or method to manage contamination. Examples include: caps, covers, barriers, fences, and treatment of water supplies.

Site management also may include the operation and maintenance of a component of the remedy, such as a system that is pumping and treating groundwater. Site management continues until NYSDEC determines that it is no longer needed.

During the Site Management phase, NYSDEC may also take steps to reclassify the site or remove the site from the Registry.

Appendix A

Project Contacts and Locations of Reports and Information

Project Contacts

For information about the site's investigation and cleanup program, the public may contact any of the following project staff:

New York State Department of Environmental Conservation (NYSDEC):

Ralph Keating

Project Manager

NYSDEC

Division of Environmental Remediation

625 Broadway

Albany, NY 12233-7010

(518) 402-9768

Ralph.Keating@dec.ny.gov

Rick Georgeson

Citizen Participation Specialist

NYSDEC Region 4 Headquarters

1130 North Westcott Road

Schenectady, NY 1230-2014

(518) 357-2045

Rick.Georgeson@dec.ny.gov

New York State Department of Health (NYSDOH):

Christopher Doroski

Project Manager

Public Health Specialist

Bureau of Environmental Exposure

Investigation

NYS Department of Health

Empire State Plaza – Corning Tower

Room 1787

Albany, NY 12237

(518) 402-7860

BEEI@health.state.ny.us

Locations of Reports and Information

The facilities identified below are being used to provide the public with convenient access to important project documents:

Albany Public Library
Main Library
161 Washington Avenue
Albany, NY 12210
Attn: Reference Desk (Chirs Sagaas)
Phone: (518) 427-4310

Hours:
Monday-Wednesday 9 a.m. to 9 p.m.
Thursday & Friday 10 a.m. to 6 p.m.
Saturday 10 a.m. to 5 p.m.
Sunday 1 p.m. to 5 p.m.

Appendix B Site Contact List

Former Loudon and Kem Cleaners

Name	Address 1	Address 2	City	State	Zip Code
Media:					
Times Union	News Plaza	Box 15000	Albany	NY	12212
The Record	501 Broadway		Troy	NY	12181
The Daily Gazette	2345 Maxon Road		Schenectady	NY	12308
Mayor	Albany City Hall	24 Eagle Street	Albany	NY	12207
Albany Common Council Chair	Albany City Hall	24 Eagle Street	Albany	NY	12207
Albany City Clerk	Albany City Hall	24 Eagle Street	Albany	NY	12207
Director	City of Albany Dept. of Dev & Planning	200 Henry Johnson Boulevard	Albany	NY	12210
Chief Executive Office	City of Albany Industrial Development Agency	21 Lodge Street	Albany	NY	12207
Chair, Albany County Legislature		112 State St., RM 710	Albany	NY	12207
Albany County Executive		112 State St., RM 200	Albany	NY	12207
Albany County Clerk		32 North Russell Road	Albany	NY	12206
Dept. of Eco Dev't, Cons. and Plng.	Albany County	112 State St., RM 720	Albany	NY	12207
Commissioner of Albany Co. Health Dept.		175 Green Street	Albany	NY	12202
Ken Watson	W. Haywood Burns Environmental Ed. Ctr.	596 Manning Blvd.	Albany	NY	12210
Pete Sheehan	Citizens Campaign for the Environment	744 Broadway	Albany	NY	12207
Sky Four Realty Company	372 Northern Blvd.		Albany	NY	12204
David Gruenberg	54 Second Street		Troy	NY	12180
Larry Tilton, Dir. Of Engineering	Albany Memorial Hospital c/o NE Health	600 Northern Blvd.	Albany	NY	12204
Loudon Arms Apartment c/o Loudon Village LLC		20 Corporate Woods Blvd.	Albany	NY	12211
Mark Rosen	Dawn Homes Management	20 Corporate Woods Blvd.	Albany	NY	12211

Appendix C Site Location Map

