



Department of
Environmental
Conservation

State Superfund Program

Public Participation Plan for New Process Cleaners

February 2022

Site #518024
115 North Market Street
City of Johnstown
Fulton County, New York

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

Site Name: **New Process Cleaners (“Site”)**
Site Address: **115 North Market Street, Johnstown, NY 12095**
Site County: **Fulton County**
Site Number: **518024**

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 (“responsible parties”), 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. Public 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 interested 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; and
- 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 Public Participation Plan provides information about how NYSDEC will inform and involve the public during the investigation and cleanup of the site identified above.

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 Public Participation Plan and the Public Participation 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 that relate to the site's investigation and cleanup 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; and
- 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.

Note: The first site fact sheet (usually related to the Remedial Investigation) is distributed both by paper mailing through the postal service and through DEC Delivers, NYSDEC's email listserv service. The fact sheet includes instructions for signing up with the appropriate county listserv to receive future notifications about the site. See <http://www.dec.ny.gov/chemical/61092.html>.

Subsequent fact sheets about the site will be distributed exclusively through the listserv except for households without internet access that have indicated the need to continue to receive site information in paper form. Please advise the NYSDEC site project manager identified in Appendix A if this is the case. Paper mailings may continue during the investigation and cleanup process for some sites, based on public interest and need.

Public Participation Activities

The table at the end of this section identifies the Public Participation activities, at a minimum, that have been and will be conducted during the site's investigation and cleanup program. The flowchart in Appendix D shows how these Public Participation activities integrate with the site investigation and cleanup process. The public is

informed about these Public Participation 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 Public Participation activities are explained briefly in Section 5.

- **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 Public Participation Plan may be revised due to changes in major issues of public concern identified in Section 3 or in the nature and scope of investigation and cleanup activities. Modifications may include additions to the site contact list and changes in planned public 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' 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 public participation activities related to the site's investigation and cleanup program follows on the next page:

Public Participation Activities	Timing of Public Participation Activity(ies)
Before Start of Remedial Investigation (RI):	
<ul style="list-style-type: none"> • Prepare site contact list. • Establish document repository. • Prepare Public Participation 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. 	<p>Before start of RI. Note: Draft Public Participation Plan must be submitted to NYSDEC within 20 days of effective date of Consent Order. Public Participation Plan must be approved by NYSDEC before distribution.</p>
When NYSDEC Approves Remedial Investigation Report:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes RI results. • Place approved RI Report in document repository. 	<p>When NYSDEC approves RI Report.</p>
When NYSDEC Releases Proposed Remedial Action Plan (PRAP)	
<ul style="list-style-type: none"> • 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. 	<p>When NYSDEC releases PRAP. Comment period begins/ends as per dates identified in fact sheet. Public meeting is held during the comment period.</p>
When NYSDEC Issues Record of Decision (ROD):	
<ul style="list-style-type: none"> • 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. 	<p>When NYSDEC issues ROD.</p>
Before Start of Remedial Action:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes upcoming remedial action. 	<p>Before start of remedial action at the site.</p>
When NYSDEC Certifies Cleanup Requirements Achieved:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that announces cleanup requirements achieved. • If Certificate of Completion (COC) is issued, announce in fact sheet. • If COC is issued, place copy in document repository. 	<p>When NYSDEC certifies cleanup requirements achieved, or within 10 days after NYSDEC issues COC or other similar site closure document.</p>
If NYSDEC Reclassifies the Site	
<ul style="list-style-type: none"> • If reclassifying site, may announce in fact sheet announcing achievement of cleanup requirements. 	<p>At time NYSDEC proposes to reclassify the site.</p>
If NYSDEC Proposes to Delist the Site from the Registry of Contaminated Sites	
<ul style="list-style-type: none"> • Publish notice in Environmental Notice Bulletin about proposal and 30-day public comment period. • Distribute notice to site contact list. May announce proposal in fact sheet announcing achievement of cleanup requirements. • Conduct 30-day public comment period about proposed delist. • Distribute notice to site contact list when site is delisted. 	<p>At time NYSDEC proposes to delist the site.</p>

3. Major Issues of Public Concern

This section of the Public Participation 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.

Environmental investigations in the area have demonstrated the presence of chlorinated solvents in on-site soil and groundwater and off-site groundwater. The site is developed with a building and paved parking lot and driveway; therefore, direct contact with on-site soils is unlikely at this time. The surrounding community is served by public water, so it is not likely that the public will be exposed to contaminated groundwater. There is a potential for soil vapor intrusion to occur within residential and commercial structures surrounding the site. Soil vapor intrusion refers to the process by which chemicals that readily evaporate move from a subsurface source into the indoor air of overlying buildings. Soil vapor, or soil gas, is the air found in the pore spaces between soil particles. Soil vapor enters buildings through cracks in slabs of basement floors or walls, and through openings around sump pumps or where electrical wires go through the foundation. If soil vapor is contaminated and enters a building as described above, indoor air quality may be affected. Additional investigation is needed to determine whether actions are needed to address soil vapor intrusion on-site and off-site.

4. Site Information

Site Description

The New Process Cleaners site is a 0.11-acre site located at 115 North Market Street in the City of Johnstown, Fulton County, New York. The site is in a suburban area and is bordered on the east by North Market Street, on the north by residential properties along Washington Street, and on the south and west by a commercial property. It is currently developed with a building, parking lot, and driveway that occupies the majority of the parcel. The building houses an active dry cleaner. Appendix C contains a map identifying the location of the site.

History of Site Use, Investigation, and Cleanup

The site is currently zoned as commercial and houses an active dry cleaner. The primary use of the site has been as a dry cleaner; however, the site may have been used as a storage facility for coffins before the dry-cleaning operations began.

Past investigations in the area have determined that chlorinated solvent contamination exists at the site. Tetrachloroethene (PCE) and its breakdown products are present in the site's subsurface. These breakdown products include: trichloroethene, cis-1,2-

dichloroethene, and vinyl chloride. PCE is a contaminant often associated with dry cleaning operations.

NYSDEC conducted a Site Characterization (SC) in 2018 to further characterized the degree and extent of contamination at the site. The SC identified chlorinated solvent contamination in soil and groundwater. During the SC, soil and groundwater was also sampled for the per- and polyfluoroalkyl substances (PFAS) and 1,4-dioxane. Concentrations of PFAS and 1,4-dioxane in soil and groundwater were below screening levels, except for perfluorooctanoic acid (PFOS) at one groundwater sampling location.

Based on the results of previous investigations, the site was listed as a class “2” site in the State Registry of Inactive Hazardous Waste Sites (list of Superfund sites) in June 2019. A class 2 site represents a significant threat to public health and/or the environment; action is required.

5. Investigation and Cleanup Process

Investigation

A detailed study of the site will be performed by 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 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 ROD for the site calls for cleanup action, the project then moves to designing and performing the 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 and 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 pumps and treats 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 delist 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):

Nicole Hinze
Project Manager
NYSDEC Region 5
Division of Environmental Remediation
1115 NYS Route 86, PO Box 296
Ray Brook, NY 12977
(518) 897-1241

Erin Hanczyk
Public Participation Specialist
NYSDEC Region 5
1115 NYS Route 86, PO Box 296
Ray Brook, NY 12977
(518) 897-1361

New York State Department of Health (NYSDOH):

Melissa Doroski
Project Manager
NYSDOH
Corning Tower, Room 1787
Albany, NY 12237
(518) 402-7860

Locations of Reports and Information

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

Johnstown Public Library
38 South Market Street
Johnstown, NY 12095
Phone: (518) 762-8317
Hours: Tuesday, 9:00 am – 6:00 pm
Wednesday, 9:00 am – 6:00 pm
Thursday, 9:00 am – 6:00 pm
Friday, 9:00 am – 4:00 pm
Saturday, 10:00 am – 1:00 pm

NYSDEC Region 5
1115 NYS Route 86, PO Box 296
Ray Brook, NY 12977
Attn: Nicole Hinze
Phone: (518) 897-1241
Hours: Weekdays, 8:30 am – 4:00 pm
(call for appointment)

Appendix B -- Site Contact List

Gregory Fagan, Chairman of the
Board
Board of Supervisors
Fulton County
223 West Main Street
Johnstown, NY 12095

Scott D. Henze, Planning Director
Planning Department
Fulton County
1 East Montgomery Street
Johnstown, NY 12095

Amy Praught, Mayor
City of Johnstown
33-41 East Main Street
PO Box 160
Johnstown, NY 12095

Christopher Vose, City Engineer
City of Johnstown
33-41 East Main Street
PO Box 160
Johnstown, NY 12095

Bruce Heberer, Chief Code
Enforcement Officer
Code Enforcement
City of Johnstown
224 North Perry Street
Johnstown, NY 12095

Peter Smith, President
Planning Board
City of Johnstown
33-41 East Main Street
PO Box 160
Johnstown, NY 12095

Susan Miller, Clerk of Water Board
City of Johnstown
27 East Main Street
Johnstown, NY 12095

Jack Wilson, Supervisor
Town of Johnstown
2753 State Highway 29
Johnstown, NY 12095

Eric Van Alstyne, Chairman
Planning Board
Town of Johnstown
2753 State Highway 29
Johnstown, NY 12095

Denis Wilson, Chairman
Zoning Board of Appeals
Town of Johnstown
2753 State Highway 29
Johnstown, NY 12095

Aspen Hills Water District
2753 State Highway 29
Johnstown, NY 12095

James Tedisco, Senator
NY Senate District 49
223 West Main Street
Room B2
Johnstown, NY 12095

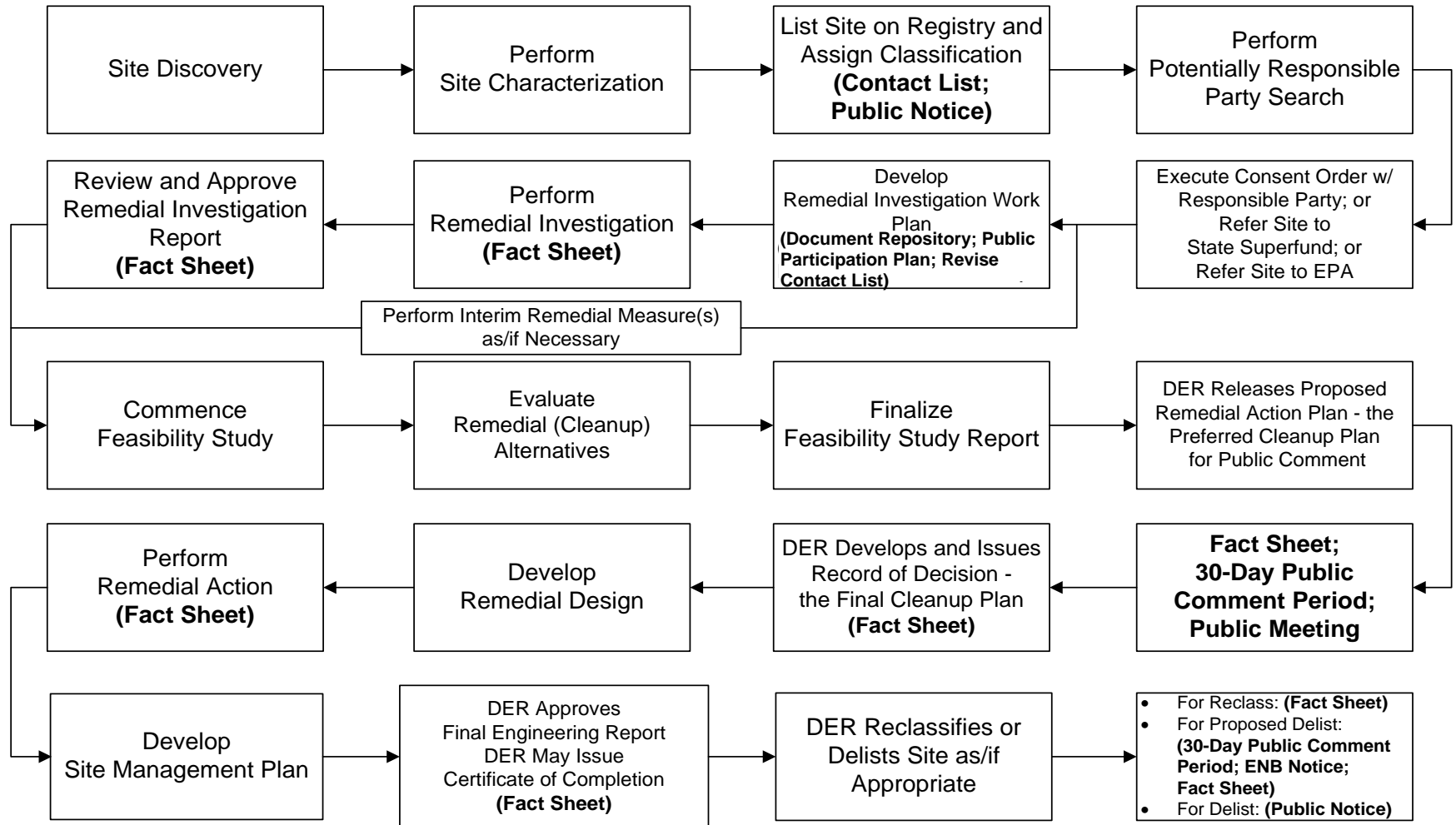
Robert Smullen, Assemblyman
Assembly District 118
33-41 West Main Street
PO Box 160
Johnstown, NY 12095

Johnstown Public Library
38 South Market Street
Johnstown, NY 12095

Appendix C -- Site Location Map



Appendix D - State Superfund Program Remedial Process



Note: Public Participation Activities are in **Bold**.

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