NEW YORK STATE | Department of Environmental Conservation

State Superfund Program

Citizen Participation Plan
for
Ashland Tank 75 Site

August 2022

Site No. 915008B
4625 River Road
Town of Tonawanda
Erie County, New York

Contents

Section Page Number

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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: **Ashland LLC ("Responsible Party")**
Site Name: **Ashland Tank 75 ("Site")**
Site Address: **4625 River Road, Town of Tonawanda, NY**
Site County: **Erie County**
Site Number: **915008B**

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. 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 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

- 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 Ashland.

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 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;
- 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, its 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.

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 flowchart in Appendix D shows how these CP activities integrate with the site investigation and cleanup process. 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 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 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 investigation and cleanup 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' 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 Activities	Timing of CP Activity(ies)
Before Start of Remedial Investigation (RI):	
• 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	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.
When NYSDEC Approves Remedial Investigation Report:	
• Distribute fact sheet to site contact list that describes RI results • Place approved RI Report in document repository	When NYSDEC approves RI Report
When NYSDEC Releases Proposed Remedial Action Plan (PRAP)	
• 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	When NYSDEC releases PRAP. Comment period begins/ends as per dates identified in fact sheet. Public meeting is held during the comment period.
When NYSDEC Issues Record of Decision (ROD):	
• 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	When NYSDEC issues ROD
Before Start of Remedial Action:	
• Distribute fact sheet to site contact list that describes upcoming remedial action	Before start of remedial action at the site
When NYSDEC Certifies Cleanup Requirements Achieved:	
• 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	When NYSDEC certifies cleanup requirements achieved, or within 10 days after NYSDEC issues COC or other similar site closure document
If NYSDEC Reclassifies the Site	
• If reclassifying site, may announce in fact sheet announcing achievement of cleanup requirements	At time NYSDEC proposes to reclassify the site
If NYSDEC Proposes to Delist the Site from the Registry of Contaminated Sites	
• 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	At time NYSDEC proposes to delist the site

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.

There are no major issues of public concern related to the Ashland Tank 75 Site. The Site is listed in the NYSDEC Registry of Inactive Hazardous Waste Disposal Sites, and is classified by NYSDEC as Class 3. This classification is assigned to sites at which contamination does not presently and is not reasonably foreseeable to constitute a significant threat to public health or the environment. This Class 3 status is supported by past results of Site investigation activities to-date.

The primary contaminants of concern identified in Tank 75 contents are organic (e.g., oil, solvents) and inorganic (e.g., metals) contaminants related to historical petroleum refining operations. These contaminants include benzene, ethylbenzene, xylenes, chromium, and lead, have been detected in sludge samples collected from within Tank 75. However, results of past groundwater sampling events indicate that groundwater surrounding Tank 75 is not being impacted by the contents. Groundwater in the area of the Site is not used for potable purposes; therefore, any contaminated groundwater which may be present is not a major issue of public concern.

Tank 75 is surrounded by chain-link fencing and is located in a remote area of an active petroleum bulk terminal operated by United Refining Company (United Refining). The Niagara River is located approximately 0.6 miles to the northwest, and the nearest residential neighborhoods are approximately one mile to the northwest (across the Niagara River) and the northeast. Therefore, the risk of incidental contact with contaminated soil by members of the public is very low.

4. Site Information

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

Site Description

Tank 75, located at 4625 River Road, Tonawanda, New York, is an in-ground petroleum storage tank owned by Ashland Inc. (Ashland). Tank 75 was constructed during World War II (WWII) for the storage of fuel oil. Because steel was scarce during WWII, the tank was constructed as a gunite-lined in-ground storage tank. The gunite liner is approximately 3 to 4 inches thick and is reinforced with steel mesh. At the ground surface, the tank measures approximately 200 feet wide by 300 feet long with sides that slope inward to a flat bottom approximately 26 feet below surrounding grade. The tank was formerly equipped with two pumps, one for unloading oil and the second for

removing accumulated rainfall. Steam coils (disconnected) are located on the bottom of the tank that were used to heat the fuel oil during cold weather. In addition to fuel oil, off-specification asphalt, other tank bottoms, soils, piping, and refinery sludge are believed to have been placed in Tank 75.

Tank 75 is situated in the western portion of an approximate 20-acre parcel owned by Ashland. However, the tank is currently situated within the perimeter fence of the United Refining terminal facility. The surrounding area is predominantly industrial. Adjacent properties include the Seaway Industrial Landfill (to the east), Tonawanda Terminals Company/NOCO Energy Corporation (to the north), United Refining petroleum terminal (to the west and south).

History of Site Use, Investigation, and Cleanup

Prior and Current Site Use

From 1933 to 1950, the property was owned and operated by Frontier Oil Refining Corporation (Frontier Oil). In 1950, Ashland acquired the refinery, including Tank 75, through its acquisition of Frontier Oil. Tank 75 was taken out of service in 1980. The refinery itself discontinued production in July 1982; however, the facility was then operated as a petroleum terminal and active petroleum tanks remain in service. In 1992, the United Refining Company acquired the refinery/terminal facility from Ashland; however, Ashland retained ownership of the 20-acre parcel in the southeast portion of the facility that includes the Tank 75 Site.

From 1980 to 1985, the only activity involving Tank 75 was to pump out accumulated rainfall from within the tank using one of the two pumps discussed above. The rainwater, or supernatant water, was pumped to the refinery's oily water sewer system. The sewer system discharges to the Tonawanda publicly-owned treatment works (POTW). In 1985, approximately 120,000 barrels (approximately 5,000,000 gallons) of floating fuel oil were recovered from the Tank 75 water surface and sent by barge for reprocessing in Louisiana.

Known or Suspected Contaminants

The Tank 75 Site is listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites as Site #915008B, Class 3 (does not represent a significant threat to the environment or to health). Because the tank was taken out of service in 1980, wastes were not placed in the tank after the effective date of relevant federal hazardous waste regulations. The tank contents include both listed and characteristic hazardous wastes. Listed hazardous wastes consist of refinery wastes K049, K050, and K052. Some contents also meet the criteria for the ignitability characteristic (D001), with a flash point

less than 140 degrees Fahrenheit. Contaminants associated with these refinery wastes include petroleum related volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and metals.

Past Investigations

Environmental investigations at Tank 75 have included groundwater monitoring well installation and sampling; and, tank content characterization including the sludge, supernatant water, and top oily layer. A summary of these investigations is presented below.

Groundwater Investigations

1993 through 2005

Groundwater monitoring associated with the Tank 75 Site has been performed since the mid-1980s with the installation of six monitoring wells. Annual sampling of these wells was conducted from 1993 through 1997. Four additional monitoring wells were installed in 2005 to evaluate the possible presence of light non-aqueous phase liquid (LNAPL) associated with former refinery operations. Single groundwater monitoring events were most recently performed in 2005 and 2018. Samples collected during past monitoring events have generally been analyzed for VOCs, SVOCs, and metals. Compounds historically detected in groundwater samples at concentrations exceeding NYSDEC groundwater standards included metals (cadmium, iron, lead, manganese, sodium, and nickel) and organic compounds (phenol, pentachlorophenol, and methylene chloride.

2018 Groundwater Sampling

Metals detected during the 2018 sampling event at concentrations exceeding NYSDEC groundwater standards (iron, magnesium, manganese, and sodium) are all naturally occurring groundwater constituents, and concentrations detected in the Site wells have not changed significantly since the 2005 sampling event.

VOCs were detected at very low levels (generally around 1 micrograms per liter (µg/L) or less) in only three Site wells. Detected VOCs were three chlorinated solvents (1,1-DCA, cis-1,2-DCE, and vinyl chloride), benzene, and acetone. Of these, only benzene, detected at 0.15 µg/L in well MW-5-04, could be considered to be associated with typical refinery sludge wastes.

Groundwater sample analytical results from January-February 2018 generally confirm historical data that indicate that petroleum refining wastes contained in Tank 75 are not impacting surrounding groundwater quality.

Tank 75 Contents Characterization

The contents of Tank 75 have been sampled at various times between 1989 and 2005 for laboratory and treatability testing to evaluate waste management options. In 1990, a physical sampling program was undertaken to determine the inventory and physical characteristics of the materials in the tank. The tank contents identified in 1990 that are currently present are estimated to be as follows:

- A water layer varying from 9 to 18 feet in thickness (estimated as 4,289,000 gallons).
- A pumpable sludge layer from 1 to 5 feet thick (estimated as 500,000+ gallons) consisting of water, oil, and solids.
- A bottom layer of non-pumpable sludge ranging in thickness from 2 to 3 feet (estimated as 4,000 cubic yards).

Various bench scale treatability tests performed on the sludge included solidification using various reagents and physical separation (e.g., filter press and centrifuge),

In 2000, Ashland worked with United Refining to pump out nearly all of the water from Tank 75 to allow various companies to observe the tank and collect samples to prepare closure proposals. Ashland had previously thought that the material piled in the southeast corner of the tanks was asphaltic in nature. Upon closer inspection and analysis, the southeast corner was determined to consist of a mixture of dirt and heavy molecular weight petroleum material. Since this material could not effectively be recycled, approximately 523 tons of the material was removed and transported to the Waste Management facility in Model City, New York, for treatment and disposal.

5. Investigation and Cleanup Process

Investigation

A detailed study of the Site will be performed by Ashland under a consent order, with oversight 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, Ashland, with oversight by 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 Record of Decision 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):

Benjamin McPherson, P.E.
Project Manager
NYSDEC Region 9
Division of Environmental Remediation
700 Delaware Avenue
Buffalo, NY 14209
(716) 851-7220
benjamin.mcpherson@dec.ny.gov

Ms. Megan Gollwitzer
Public Participation Specialist
NYSDEC Region 9
700 Delaware Avenue
Buffalo, NY 14209
(716) 851-7220
megan.gollwitzer@dec.ny.gov

New York State Department of Health (NYSDOH):

Perrie Rose Megyeri
New York State Department of Health
Bureau of Environmental Exposure
Investigation
Empire State Plaza
Corning Tower Room 1787
Albany, NY 12237
(518) 402-7860
Perrie.Megyeri@health.ny.gov

Locations of Reports and Information

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

City of Tonawanda Public Library
333 Main Street
Tonawanda, New York 14150
Attn: John Gaff
Phone: (716) 693-5043

Hours:
Mon 9:00AM - 8:00 PM
Tue 9:00AM - 5:00 PM
Wed 9:00AM - 3:00 PM
Thu 9:00AM - 8:00 PM
Fri 9:00AM - 5:00 PM
Sat 9:00 AM - 2:00 PM
Sun Closed

NYSDEC Region 9
700 Delaware Avenue
Buffalo, New York 14209
Attn: Benjamin McPherson
Phone: (716) 851-7220
Hours: 9:00am – 4:30pm
(call for appointment)

Appendix B -- Site Contact List

Town/County Officials:

Mark Poloncarz
Erie County Executive
95 Franklin Street, 16th Floor
Buffalo, NY 14202

Kevin Harwick
Erie County Legislator, District 4
Old Erie County Hall
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Joseph H. Emminger
Town of Tonawanda
Supervisor
2919 Delaware Ave. #14
Kenmore, NY 14217

Planning Boards

Kenneth J. Swanekamp, Chairman
Town of Tonawanda Planning Board
2919 Delaware Ave.
Kenmore, NY 14217

Lyn Diagostino, Committee Chairman
Town of Tonawanda
Environment Commission
2919 Delaware Ave.
Kenmore, NY 14217

Mr. Daniel Castle, Commissioner
Erie County Environment and Planning:
95 Franklin St., 10th Fl.
Buffalo, NY 14202

Local News Media:

Buffalo News
1 News Plaza
Buffalo, NY 14240
editor@buffnews.com

Ken-Ton Bee
Bee Group Newspapers
5564 Main Street
Buffalo, NY 14221

Tonawanda Sun
1000 Young Street
Tonawanda, NY 14150

Adjoining Property Owners (Non-public information)

Seaway Industrial Park Dev
c/o Benderson Development
570 Delaware Avenue
Buffalo, NY 14202

United Refining Co.
4545 River Road
Tonawanda, NY 14150

Tonawanda Terminals Corp.
2101 St. Rita's Lane
Williamsville, NY 14221

Public Water Supplier

Michael Kessler, Director of Water Resources
Town of Tonawanda
525 Belmont Ave
Buffalo, NY 14223

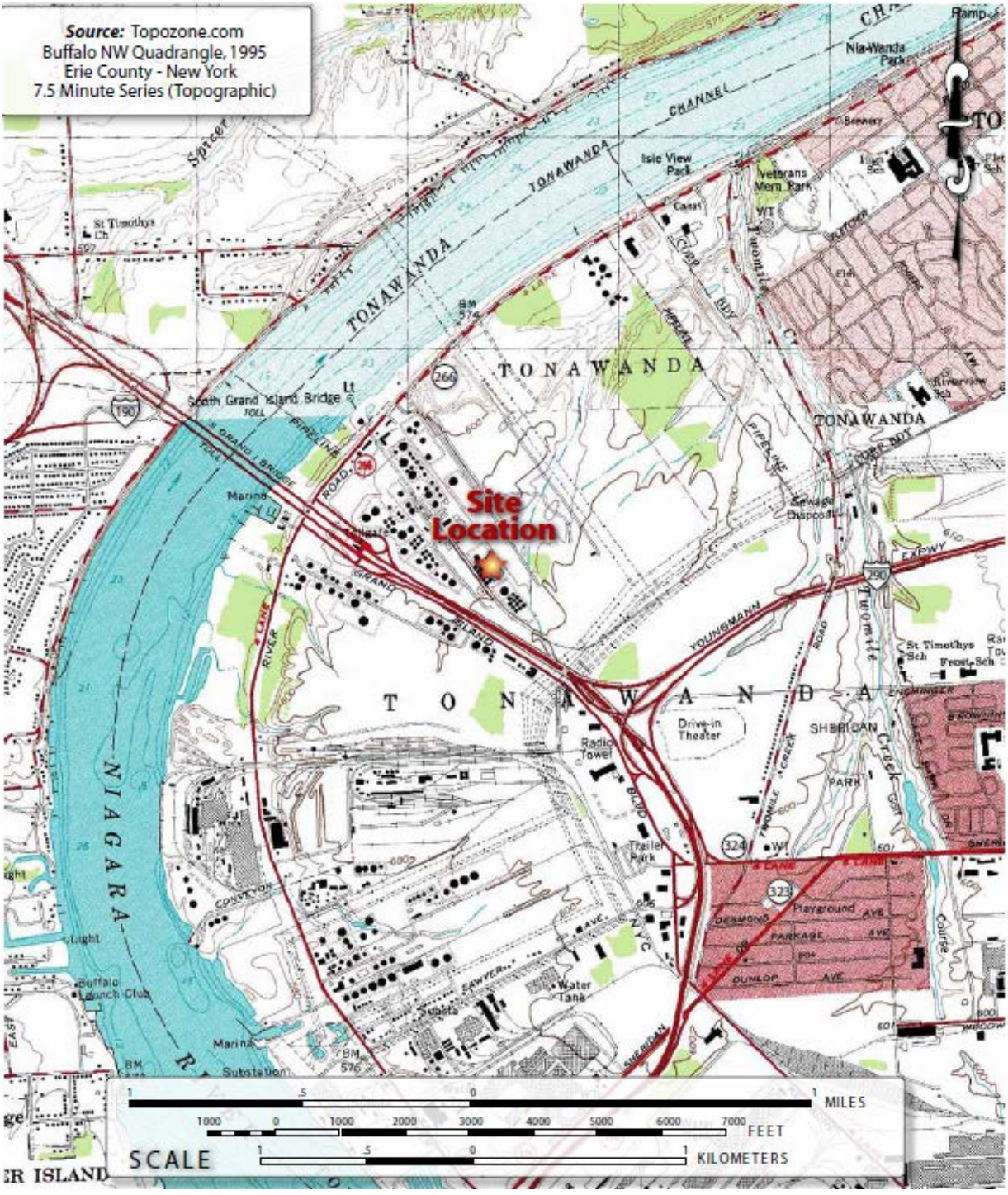
Local Schools or Daycare Facilities

There are no schools or daycare facilities located within a one-mile radius of the Site.

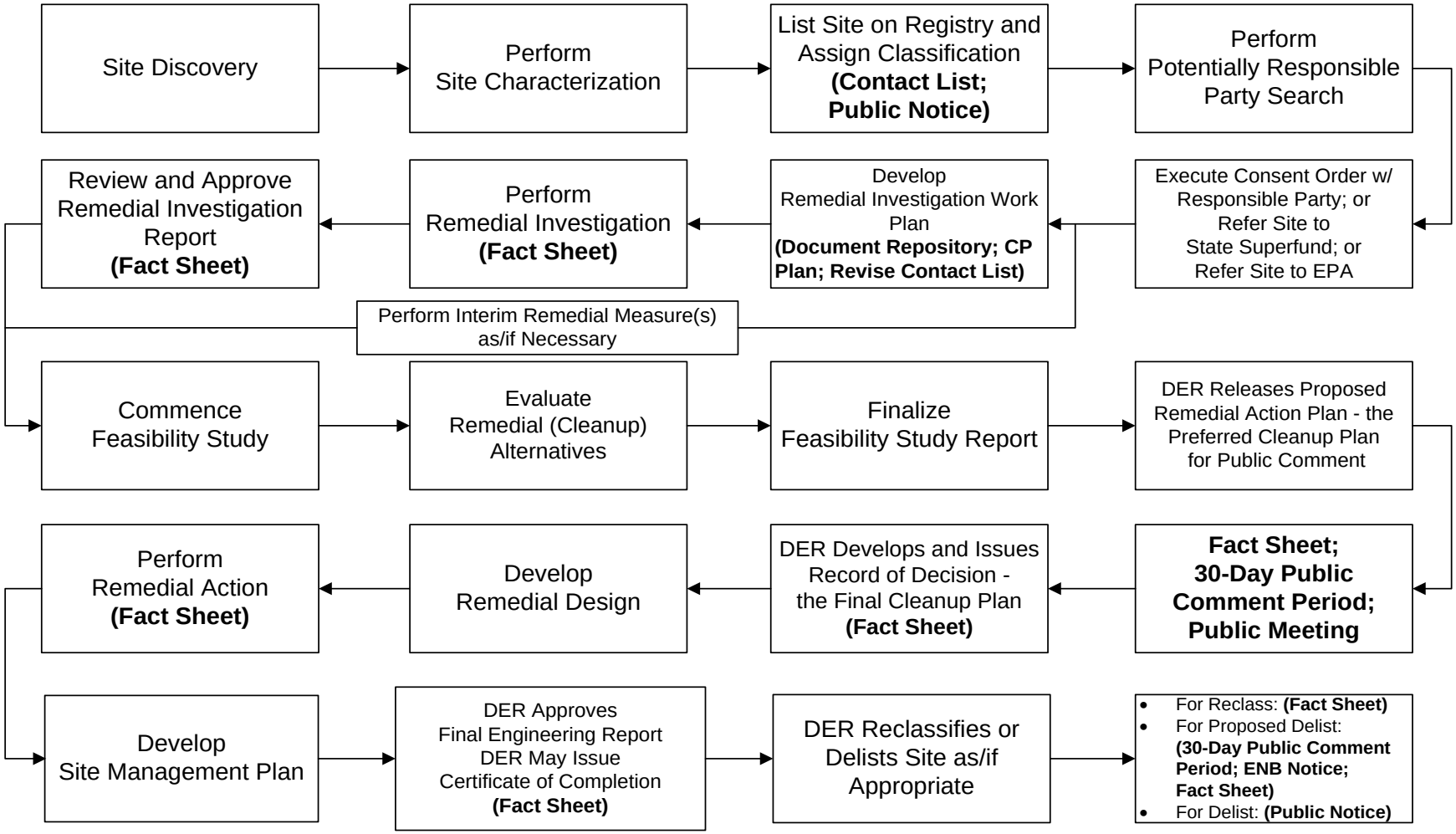
Citizen/Environmental/Other Interested Groups

None currently identified.

Appendix C -- Site Location Map



Appendix D - State Superfund Program Remedial Process



Note: CP Activities are in **Bold**.

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