

New York State Department of Environmental Conservation

Corrective Action Program

Citizen Participation Plan for ArcelorMittal Tecumseh Redevelopment, Inc. Corrective Measures Study

1951 Hamburg Turnpike Lackawanna Erie County, New York

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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 (NYSDEC). Portions of this Citizen Participation Plan may be revised during the site's remedial process.

1. What is New York's Corrective Action Program?

The objective of a Resource Conservation and Recovery Act (RCRA) Corrective Action Program at a hazardous waste management facility (site) is to evaluate the nature and extent of the releases of hazardous waste or hazardous constituents; to evaluate facility characteristics; and to identify, develop, and implement an appropriate corrective measure or measures to protect human health and the environment. A typical site is a former industrial or commercial property where operations may have resulted in environmental contamination. A site can pose environmental, legal and financial burdens on a community. If site contamination is not addressed, it can reduce property values in the area and affect economic development of nearby properties.

2. Citizen Participation Plan Overview

This Citizen Participation (CP) Plan provides members of the affected and interested public with information about how NYSDEC will inform and involve them during the investigation and remediation of the site identified above. The public information and involvement program will be carried out with assistance, as appropriate, from the Property Owner.

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

Project Contacts

Appendix B identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site's remedial 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.

Document Repositories

The locations of the site's document repositories also are identified in Appendix B. The document repositories provide convenient access to important project documents for public review and comment.

Site Contact List

Appendix C contains the Corrective Measures Study (CMS) site contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and remediation process. The CMS site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project, including notifications of upcoming

remedial activities at the site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

The CMS site contact list includes, at a minimum:

- Chief executive officer and zoning 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
- Document repositories.

Where the site or adjacent real property contains multiple dwelling units, the Property Owner will work with the NYSDEC to develop an alternative method for providing such notice in lieu of mailing to each individual. For example, the owner of such a property that contains multiple dwellings may be requested to prominently display fact sheets and notices required to be developed during the site's remedial process. This procedure would substitute for the mailing of such notices and fact sheets, especially at locations where renters, tenants, and other residents may number in the hundreds or thousands, making the mailing of such notices impractical.

The CMS 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 B. Other additions to the site contact list may be made on a site-specific basis at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

CP Activities

The CP activities, at a minimum, that have been and will be conducted during the site's remedial program are listed below. The public is informed about these CP activities through fact sheets and notices developed at significant points in the site's remedial process.

- 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 remediate 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 remediation.

The public is encouraged to contact project staff anytime during the site's remedial process with questions, comments, or requests for information about the remedial program.

This CP Plan may be revised due to changes in major issues of public concern, identified in Section 6, 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.

3. Site Information

Site Description

The Corrective Measures Study Site is an approximate 489.4-acre area located at 1951 Hamburg Turnpike (a.k.a New York State Route 5) in the City of Lackawanna (the City), Erie County, New York. The property is located on the site of the former Bethlehem Steel Corporation (BSC) Lackawanna Works in a primarily industrial area of the City. Tecumseh Redevelopment, Inc. acquired the property, along with other BSC assets, out of bankruptcy in 2003. The surrounding properties to the north, west, and south of the Site are industrial. The property uses east of the Site (east of Route 5) are primarily industrial, commercial, and vacant. A site location map is included as Appendix A.

Site History

The ArcelorMittal Tecumseh property is located on a portion of the site of the former Bethlehem Steel Corporation (BSC) Lackawanna Works in a primarily industrial area. The property was formerly used for the production of steel, coke and related products by Bethlehem Steel Corporation (BSC). Steel production on the property was discontinued in 1983 and the coke ovens ceased activity in 2000. Tecumseh acquired the property, along with other BSC assets, out of bankruptcy in 2003.

The CMS Site is generally characterized as a flat area covered by sparse brush and low lying vegetation. The Site is transected by Smokes Creek (though not included in the Site). The Site contains no discernable features, except for the remaining buildings of the former coke production facility and tank farm, former slag-filled access roads, electrical power lines, and railroad tracks.

Environmental History

A Resource Conservation and Recovery Act (RCRA) Facility Investigation (RFI) of all solid waste management units (SWMUs) located within the 1,100-acre parcel was initiated by BSC under an Administrative Order issued by the United States Environmental Protection Agency (USEPA) in 1990. Tecumseh completed the RFI in October 2004. USEPA and the NYSDEC

have approved the RFI. A number of SWMUs are present on the Tecumseh property.

Tecumseh has signed a Memorandum of Understanding (MOU) with Erie County and the City of Lackawanna to promote and implement redevelopment of the former BSC property following cleanup. The conceptual redevelopment plans for the entire 1,100-acre site incorporates a Business Park area along NYS Route 5.

4. Remedial Process

The focus of Corrective Action is on "solid waste management units (SWMUs), including any unit at a facility where solid and/or hazardous waste was or is now managed, regardless of whether such management was intended.

The five main components of the NYSDEC's RCRA Corrective Action Program and their objectives are as follows:

- RCRA Facility Assessment (RFA) to evaluate SWMU information by reviewing all
 available records, conducting a visual site inspection to observe the SWMUs, and, if
 necessary, requiring the facility to perform a sampling visit when releases are suspected.
- Interim Corrective Measures (ICMs) to control or abate threats to human health and/or the environment from releases and/or to prevent or minimize the further spread of contamination while long-term remedies are pursued.
- RCRA Facility Investigation (RFI) to evaluate thoroughly the nature and extent of the releases of hazardous waste and hazardous constituents and to gather necessary data to support the Corrective Measures Study and/or interim corrective measures.
- Corrective Measures Study (CMS) to develop and evaluate a corrective measure alternative or alternatives and to recommend the final corrective measure(s).
- Corrective Measures Implementation (CMI) to design, construct, operate, maintain, and monitor the performance of the corrective measure(s) selected.

Remedy Selection

If remediation is required a Corrective Measures (CMS) Work Plan will be developed. The CMS Work Plan describes how the Property Owner would address the contamination related to the site.

The public will have the opportunity to review and comment on the draft Corrective Measures Work Plan. The site contact list will be sent a fact sheet that describes the draft CMS Work Plan and announces a minimum 45-day public comment period. NYSDEC will factor this input into

its decision to approve, reject or modify the draft CMS Work Plan. A public meeting will be held by NYSDEC to discuss the proposed Corrective Measures Work.

Construction

Approval of the CMS Work Plan and any associated ICMs by NYSDEC and the New York State Department of Health (NYSDOH) will allow for the design and construction of the corrective measures selected to remediate the site. The site contact list will receive notification before the start of site remediation. When the Property Owner completes the corrective measures, it will prepare a final corrective measures report certifying that remediation requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the remediation is protective of public health and the environment for the intended use of the site. The site contact list will receive a fact sheet that announces the completion of remedial activities and the review of the final corrective measures report.

5. Citizen Participation Activities

All CP activities are conducted to provide the public with significant information about site findings and planned remedial activities, and some activities announce comment periods and request public input about important draft documents such as the Proposed CMS Work Plan.

All written materials developed for the public will be reviewed and approved by NYSDEC for clarity and accuracy before they are distributed. Notices and fact sheets can be combined at the discretion, and with the approval, of NYSDEC.

6. Major Issue of Public Concern

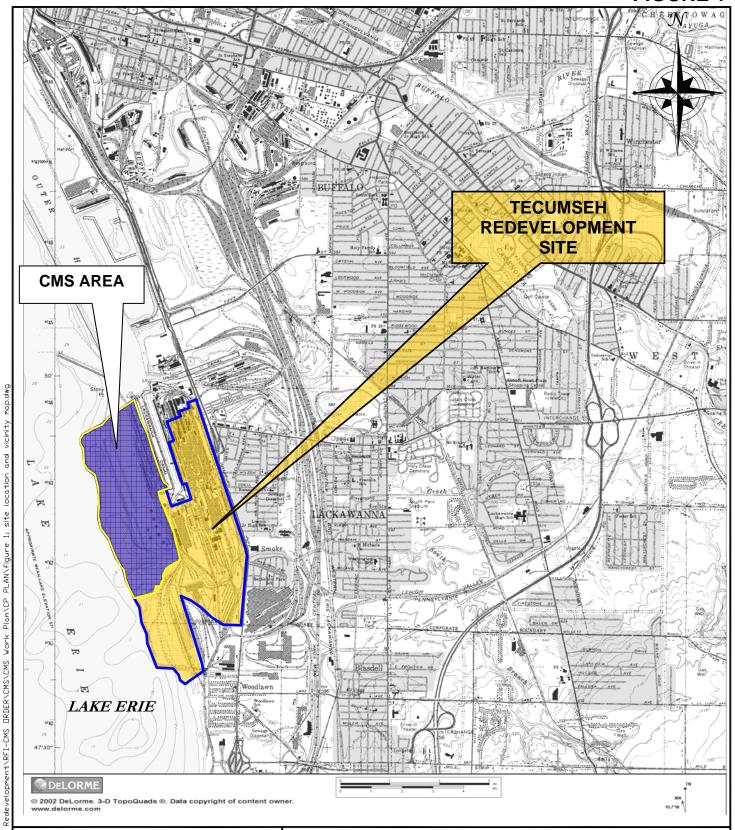
This section of the CP Plan identifies major issues of public concern, if any, that relate to the site. Additional major issues of public concern may be identified during the site's remedial process.

In general, the portion of the Site that will be subject to Corrective Measures is more than a half mile from Route 5 and is therefore located a significant distance from the surrounding community. However, the potential exists for noise, odor, dust, and traffic concerns as a result of planned remedial activities. To address these potential concerns, the Corrective Measures Study Work Plan provides for specific mitigation measures to be implemented to reduce these impacts. All work will be conducted under a Site-Wide Health and Safety Plan and Community Air Monitoring Program approved by the NYSDEC and NYSDOH. The planned Corrective

Measures will be conducted over a limited duration and during normal business hours. In addition, the planned Corrective Measures will not result in large-scale or short-term equipment mobilization or off-site trucking; hence, there will be no appreciable change in traffic patterns.

Appendix A – Site Location Map

FIGURE 1





726 EXCHANGE STREET SUITE 624 BUFFALO, NEW YORK 14210 (716) 856-635

PROJECT NO.: 0071-007-110

DATE: DECEMBER 2008

DRAFTED BY: JCT

SITE LOCATION AND VICINITY MAP

TECUMSEH REDEVELOPMENT SITE LACKAWANNA, NEW YORK

PREPARED FOR

ARCELORMITTAL TECUMSEH REDEVELOPMENT, INC.

Appendix B – Project Contacts and Document Repositories

Project Contacts

For information about the site's remedial program, the public may contact the following NYSDEC project contacts:

Mr. Stanley Radon, CPG Project Manager NYSDEC Region 9 Division of Environmental Remediation 270 Michigan Avenue Buffalo, NY 14203 (716) 851-7220

Mr. Mark Batezhold Citizen Participation Specialist NYSDEC Region 9 270 Michigan Avenue Buffalo, NY 14203 (716) 851-7220

New York State Department of Health (NYSDOH)

Mr. Cameron O'Conner Project Manager NYSDOH 584 Delaware Avenue Buffalo, New York 14202 (716) 847-4501

Document Repositories

The document repositories identified below have been established to provide the public with convenient access to important project documents:

Lackawanna Public Library 560 Ridge Road Lackawanna, NY 14218 Attn: Jennifer Hoffman, Librarian Phone: (716) 823-0630 Hours: M, W 1-9

T, Th-Sat. 10-5 Sun. (closed) NYSDEC Region 9 Office 270 Michigan Avenue Buffalo, NY 14203 Attn: Mr. Mark Batezhold Phone: (716) 851-7220 Hours: M-F 8:30-4:45 (Call for appointment)

New York State Department of Environmental Conservation Contacts

Regional Director Abby Snyder

NYSDEC, Region 9

amsnyder@gw.dec.state.ny.us

Mr. Maurice Moore NYSDEC, Region 9

mfmoore@gw.dec.state.ny.us

Mr. Stanley Radon NYSDEC, Region 9

sfradon@gw.dec.state.ny.us

Mr. James Strickland NSYDEC, Region 9 jgstrick@gw.dec.state.nv.us

Mr. Lawrence Ennist NYSDEC, Region 9

ldennist@gw.dec.state.ny.us

Mr. Martin Doster NYSDEC, Region 9

mldoster@gw.dec.state.nv.us

Mr. Mark Batezhold NYSDEC, Region 9

mtbaetzh@gw.dec.state.nv.us

Ms. Megan Gollwitzer NYSDEC, Region 9

megollwi@gw.dec.state.ny.us

Mr. Daniel David NYSDEC, Region 9

drdavid@gw.dec.state.ny.us

NYSDEC Region 9 Community Outreach File 270 Michigan Avenue

Buffalo, NY 14203

New York State Department of Health Contacts

Mr. Cameron O'Connor

NYSDOH

cho01@health.state.nv.us

Mr. Rich Fedigan

NYSDOH

rjf01@health.state.ny.us

United States Environmental Protection Agency Contacts

Mr. Michael Basile USEPA, Public Information Office basile.michael@epa.gov

United States Government Contacts

Senator Charles Schumer U.S. Senate 130 South Elmwood Avenue, Suite 660 Buffalo, NY 14202

Senator Kirsten Gillibrand U.S. Senate 531 Dirksen Senate Office Building Washington, DC 20510 Congressman Brian Higgins Larkin Building, Suite 601 726 Exchange Street Buffalo, NY 14210

New York State Government Contacts

Senator William Stachowski 58th District, N.Y.S. Senate 2030 Clinton Street Buffalo, NY 14206

Assemblyman Jack Quinn Jr 146th Assembly District 3812 South Park Avenue Blasdell, NY 14219 Assemblyman Mark J.F. Schroeder 145th Assembly District 2019 Seneca Street Buffalo, NY 14210

Erie County Contacts

Honorable Christopher Collins Erie County Executive 95 Franklin Street Buffalo, NY 14202

Commissioner Anthony Billittier Erie Co. Health Dept., Rm 931 95 Franklin Street Buffalo, NY 14202

Mr. Peter Camaratta Erie County Industrial Development Agency 275 Oak Street Buffalo, NY 14203

Commissioner Holly A. Sinnott Erie Co. Environment & Plan. 95 Franklin Street Buffalo, NY 14202 Mr. Paul Kranz Erie Co. Environment & Plan. 95 Franklin Street Buffalo, NY 14202

Mr. Christopher S. Pawenski Erie Co.Dept. of Env. and Planning Rath County Office Building 95 Franklin Street, Room 1056 Buffalo, NY 14202

Daniel Kozub Erie County Legislator – District 1 609 Ridge Road Lackawanna, New York 14218

Mr. Robert Graber Erie County Legislature Clerk 92 Franklin Street Buffalo, NY 14202

Erie County Contacts (Continued)

Commisioner Gregory Skibitsky Erie County Emergency Services 45 Elm Street Buffalo, NY 14203 Mr. Thomas Hearsey Erie County EMC 95 Franklin Street Buffalo, NY 14202

City of Lackawanna Contacts

Mayor Norman L. Polanski, Jr. 714 Ridge Road

Lackawanna, NY 14218

Ms. Jacqueline Caferro

City of Lackawanna Clerk's Office

714 Ridge Road

Lackawanna, NY 14218

Council President Charles Jaworski Lackawana City Council 714 Ridge Road Lackawanna, NY 14218 Mr. Nick Monafo Lackawana Community Development 640 Ridge Road Lackawanna, NY 14218

Mr. Robert Balon Lackawanna Chief Engineer 714 Ridge Road Lackawanna, NY 14218

Supplier of Potable Water

Erie County Water Authority 350 Ellicott Square Building 295 Main Street Buffalo, NY 14203

Local News Media

The Buffalo News 1 News Plaza Buffalo, NY 14240

WBEN News Radio 930 Entercom Radio of Buffalo 500 Corporate Pkwy, Suite 200 Buffalo, NY 14226

WKBW-TV 7 Broadcast Plaza Buffalo, NY 14202 News Director WGRZ TV Channel 2 259 Delaware Avenue Buffalo, NY 14202

News Director WIVB TV Channel 4 2077 Elmwood Avenue Buffalo, NY 14207

News Director Time Warner 795 Indian Church Road West Seneca, NY 14224

Local News Media (Continued)

News Director WB 49

699 Hertel Avenue, Suite 100

Buffalo, NY 14207

Mark Scott, News Director WBFO 88.7/WOLN 91.3

3435 Main Street

Buffalo, NY 14214-3001

News Director Infinity Radio

14 Lafayette Square #1300 Buffalo, NY 14203-1913

News Director

Citadel Communications 50 James E Casey Dr Buffalo, NY 14206-2367

Jim Ranney, News Director WNED 94.5/970 AM

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Springville, NY 14141-1245

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South Buffalo News 2703 S Park Avenue Buffalo, NY 14218-1511

Editor

ARTVOICE 810 Main Street Buffalo, NY 14202

Nearby School

Lackawanna City School Superintendent Dr. Fredrick A. Wille 245 South Shore Blvd McKinley School Administration Building Lackawanna, NY 14218

Phone: (716) 827-6767

Interested Parties

Dr. Joseph Gardella BEMC 178 Admiral Rd. Buffalo, NY 14216

Mr. James Metzger League of Women Voters 70 Haverford Lane Williamsville, NY 14221

Dr. Charles Lamb Sierra Club - Niagara Region 335 Walnut Lane Youngstown, NY 14174 Citizen's Environmental Coalition 33 Central Avenue Albany, NY 12210

Ms. Julie Barrett O'Neill, Director Buffalo Niagara Riverkeeper 1250 Niagara Street Buffalo, NY 14213

Mr. Brian Smith Citizens Campaign-Environment 227 McConkey Dr. Tonawanda, NY 14223

RESIDENTS ON AND/OR ADJACENT TO THE SITE

See attached tables.

Tecumseh Redevelopment, Inc. New York State Department of Environmental Conservation Citizens Participation Plan

Property Owners - Individuals									
Pro	perty Address	0	Mailing Address						
No.	Street	Owner	No. Street		City	State	Zip		
109	Gates Ave.	Current Resident	6180	Old Lake Shore Rd	Lakeview	NY	14085		
113	Gates Ave.	Current Resident	6180	Old Lake Shore Rd	Lakeview	NY	14085		
13	Kane St.	Current Resident	13	Kane St.	Lackawanna	NY	14218		
17	Kane St.	Current Resident	13	Kane St.	Lackawanna	NY	14218		
23	Kane St.	Current Resident	23	Kane St.	Lackawanna	NY	14218		
30	Kane St.	Current Resident	60	Holland Ave.	Lackawanna	NY	14218		
33	Kane St.	Current Resident	33	Kane St.	Lackawanna	NY	14218		
34	Kane St.	Current Resident	60	Holland Ave.	Lackawanna	NY	14218		
36	Kane St.	Current Resident	5304	Big Tree Rd.	Orchard Park	NY	14127		
37	Kane St.	Current Resident	33	Kane St.	Lackawanna	NY	14218		
38	Kane St.	Current Resident	5304	Big Tree Rd.	Orchard Park	NY	14127		
39	Kane St.	Current Resident	5304	Big Tree Rd.	Orchard Park	NY	14127		
42	Kane St.	Current Resident	5304	Big Tree Rd.	Orchard Park	NY	14127		
46	Kane St.	Current Resident	5324	Big Tree Rd.	Orchard Park	NY	14127		
48	Kane St.	Current Resident	5324	Big Tree Rd.	Orchard Park	NY	14127		
143	Steelawanna Ave.	Current Resident	26	Wilson St.	Lackawanna	NY	14218		
145	Steelawanna Ave.	Current Resident	2295	Ferrier Rd.	Eden	NY	14057		
149	Steelawanna Ave.	Current Resident	20	Holland Ave.	Lackawanna	NY	14218		
155	Steelawanna Ave.	Current Resident	88	Wasson	Lackawanna	NY	14218		
161	Steelawanna Ave.	Current Resident	161	Steelawanna Ave.	Lackawanna	NY	14218		

Tecumseh Redevelopment, Inc. New York State Department of Environmental Conservation Citizens Participation Plan

Property Owners - Companies & Organizations								
Property Address Owner 1			Owner 2	Mailing Address				
No.	Street	Name	Name	No.	Street	City	State	Zip
60	Commerce Dr.	One Commerce Drive Properties, Inc.		60	Commerce Dr.	Lackawanna	NY	14218
100	Commerce Dr.	Kenworth of Buffalo NY, Inc.		100	Commerce Dr.	Lackawanna	NY	14218
170	Commerce Dr.	Crown Atlantic Co., LLC			P.O. Box 353	McMurray	PA	15317
47	Gates Ave.	Lackawanna Municipal Housing A		135	Odell	Lackawanna	NY	14218
0	Hamburg Tpke.	Gateway Trade Center, Inc.			P.O. Box 880	Buffalo	NY	14224
2256	Hamburg Tpke.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
2290	Hamburg Tpke.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
2300	Hamburg Tpke.	T&T Andolino Properties, LLC		2300	Hamburg Tpke.	Lackawanna	NY	14218
2350	Hamburg Tpke.	RAF Supply, Inc.		2350	Hamburg Tpke.	Lackawanna	NY	14218
2770	Hamburg Tpke.	State of New York		182	E. Union St.	Allegany	NY	14706
0	Kane St.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
18	Kane St.	Fruci Apartments LLC			P.O. Box 116	West Seneca	NY	14224
10	N. Gates Ave.	Punto Franco Ltd. c/o Lincoln Securities Corp.		155	Great Arrow Dr.	Buffalo	NY	14207
31	N. Gates Ave.	Safety Kleen Systems, Inc. c/o Burr Wolf			P.O. Box 27713	Houston	TX	77227
41	N. Gates Ave.	Safety Kleen Systems, Inc. c/o Burr Wolf			P.O. Box 27713	Houston	TX	77227
70	N. Gates Ave.	Marotta Leasing, Inc.		70	N. Gates Ave.	Lackawanna	NY	14218
121	N. Gates Ave.	Puglisi Funding, Inc.		50	Ridge Rd.	Lackawanna	NY	14218
17	Odell St.	RAF Supply, Inc.		2350	Hamburg Tpke.	Lackawanna	NY	14218
0	Ridge Rd.	LCDC		640	Ridge Rd.	Lackawanna	NY	14218
10	Ridge Rd.	55 North Gates Avenue, LLC		5500	Pebble Beach Dr.	Hamburg	NY	14075
43	Ridge Rd.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
47	Ridge Rd.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
50	Ridge Rd.	Puglisi Funding, Inc.		50	Ridge Rd.	Lackawanna	NY	14218

Tecumseh Redevelopment, Inc. New York State Department of Environmental Conservation Citizens Participation Plan

Property Owners - Companies & Organizations									
Property Address		Owner 1	Owner 2	Mailing Address					
No.	Street	Name	Name	No.	Street	City	State	Zip	
55	Ridge Rd.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218	
15	Simon Ave.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218	
22	Simon Ave.	BGI Interiors, Inc.		22	Simon Ave.	Lackawanna	NY	14218	
36	Simon Ave.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218	
0	Steelawanna Ave.	T&T Andolino Properties, LLC		2300	Hamburg Tpke.	Lackawanna	NY	14218	
243	Steelawanna Ave.	RAF Supply, Inc.		2350	Hamburg Tpke.	Lackawanna	NY	14218	