New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9553 • **FAX:** (518) 402-9577
Website: www.dec.state.ny.us

Denise M. Sheehan
Acting Commissioner

MEMORANDUM

TO: Edward Belmore, NYSDEC - DER Remedial Bureau D
Gary Litwin, NYSDOH - DEHI Bureau of Environmental Exposure Investigation
Marty Doster, NYSDEC - Region 9
Anthony Quartararo, NYSDEC - DEE Superfund and Voluntary Cleanup Bureau
Christina Dowd, NYSDEC - DFWMR Bureau of Habitat
Susanne Wither, NYSDEC - DER Bureau of Technical Support

FROM: Kelly Lewandowski, NYSDEC - DER Bureau of Technical Support Kelly Lewandowski

SUBJECT: Environmental Restoration Projects Application
Former Roblin Steel, #B00173

DATE: MAY 10 2005

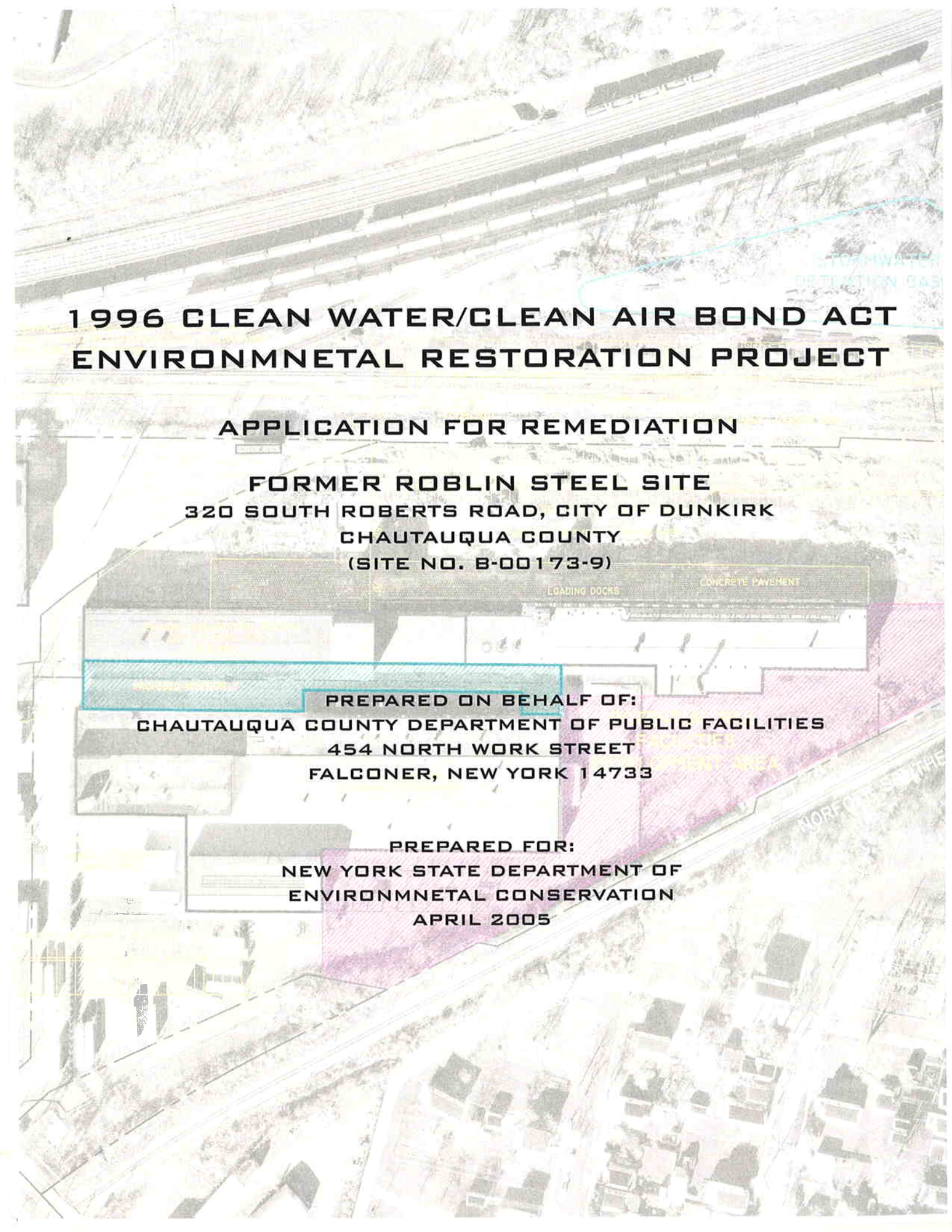
The attached Environmental Restoration Projects (ERP) Application for remedial work at the subject site has been forwarded to you for your records and/or processing according to the established Environmental Restoration Projects procedures. If you require additional copies or the complete series of the related application's attachments, please contact the project manager, Linda Ross, at (716) 851-7220.

T&A Code for the subject site: Use previously assigned T&A code unless new code is requested.

Attachment(s)

Distribution

Original (with all attachments) to:
Linda Ross, NYSDEC - DER Project Manager
Copy (with all attachments) to:
Gary Litwin, NYSDOH - DEHI Bureau of Environmental Exposure Investigation
Edward Belmore, NYSDEC - DER Remedial Bureau D
Susanne Wither, DER Bureau of Technical Support
Copy (without attachments) to:
Anthony Quartararo, NYSDEC - DEE Superfund and Voluntary Cleanup Bureau
Christina Dowd, NYSDEC - DFWMR Bureau of Habitat
Marty Doster, NYSDEC - Region 9
MB/kc



1996 CLEAN WATER/CLEAN AIR BOND ACT ENVIRONMNETAL RESTORATION PROJECT

APPLICATION FOR REMEDIATION

FORMER ROBLIN STEEL SITE

320 SOUTH ROBERTS ROAD, CITY OF DUNKIRK
CHAUTAUQUA COUNTY
(SITE NO. B-00173-9)

PREPARED ON BEHALF OF:
CHAUTAUQUA COUNTY DEPARTMENT OF PUBLIC FACILITIES
454 NORTH WORK STREET
FALCONER, NEW YORK 14733

PREPARED FOR:
NEW YORK STATE DEPARTMENT OF
ENVIRONMNETAL CONSERVATION
APRIL 2005

1996 CLEAN WATER/CLEAN AIR BOND ACT
ENVIRONMENTAL RESTORATION PROJECT

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454 NORTH WORK STREET
FALCONER, NEW YORK 14733

Prepared for:

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

APRIL 2005

APPLICATION CONTENTS

SECTION 1

APPLICATION FORM

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

ENVIRONMENTAL RESTORATION PROGRAM (ERP) APPLICATION

1996 CLEAN WATER/CLEAN AIR BOND ACT

ECL ARTICLE 56, TITLE 5 - 6NYCRR 375-4

9/3/04

Applicant Information

NAME OF MUNICIPALITY Chautauqua County		
NAME OF INDIVIDUAL AUTHORIZED TO SIGN APPLICATION Mark Thomas		
TITLE OF AUTHORIZED INDIVIDUAL County Executive, Chautauqua County		
ADDRESS Gerace Office Building, 3 North Erie Street		
CITY/TOWN Mayville, New York	ZIP CODE 14757	
PHONE (716) 753-4211	FAX (716) 753-4756	E-MAIL
NAME OF COMMUNITY BASED ORGANIZATION (IF APPLICABLE)		
COMMUNITY BASED ORGANIZATION'S REPRESENTATIVE		
ADDRESS		
CITY/TOWN	ZIP CODE	
PHONE	FAX	E-MAIL

Site Information

SITE NAME Former Roblin Steel Site	
SITE ADDRESS 320 South Roberts Road	
CITY/TOWN Dunkirk, New York	ZIP CODE 14048
COUNTY Chautauqua	SIZE (ACRES) 12 +/-
LATITUDE (degrees/minutes/seconds) 42 ° 49 ' "	LONGITUDE (degrees/minutes/seconds) 79 ° 32 ' "

PLEASE ATTACH A COUNTY TAX MAP WITH IDENTIFIER NUMBERS, ALONG WITH ANY FIGURES NEEDED TO SHOW THE LOCATION AND BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 7.5 MINUTE QUAD MAP IN WHICH THE SITE IS LOCATED.

1. DO THE SITE BOUNDARIES CORRESPOND TO TAX MAP METES AND BOUNDS? ☑YES ☐NO
   IF NO, PLEASE ATTACH A METES AND BOUNDS DESCRIPTION OF THE SITE.
2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY AREA PURSUANT TO GML970-R? IF YES, IDENTIFY AREA (NAME) City of Dunkirk ☑YES ☐NO
3. IS THE SITE LISTED ON THE NYS REGISTRY OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES? ☐YES ☑NO
   IF YES, FILL IN CURRENT REGISTRY SITE NUMBER AND CLASSIFICATION.

   REGISTRY SITE NUMBER:_____ CLASSIFICATION: _____

Applicant Eligibility Information

1. HAS THE APPLICANT GENERATED, TRANSPORTED OR DISPOSED OF, OR ARRANGED FOR OR CAUSED THE GENERATION, TRANSPORTATION OR DISPOSAL OF, HAZARDOUS WASTE OR PETROLEUM ON THE SITE? ☐YES ☑NO

2. HAS THE APPLICANT UNDERTAKEN, OR INTEND TO UNDERTAKE, ANY INDEMNIFICATION OBLIGATION RESPECTING A PARTY RESPONSIBLE UNDER LAW FOR THE REMEDIATION OF THE SITE? ☐YES ☑NO

3. HAS THE APPLICANT LEASED THE SITE TO ANOTHER PARTY THAT GENERATED, TRANSPORTED OR DISPOSED OF, OR THAT ARRANGED FOR OR CAUSED THE GENERATION, TRANSPORTATION OR DISPOSAL OF HAZARDOUS WASTE OR PETROLEUM ON THE SITE? IF YES, CHECK ONE OF THE FOLLOWING: ☐YES ☑NO

   ☐ A. THE APPLICANT DID NOT KNOW THAT SUCH OTHER PARTY GENERATED, TRANSPORTED OR DISPOSED OF, OR ARRANGED FOR OR CAUSED THE GENERATION, TRANSPORTATION OR DISPOSAL OF SUCH HAZARDOUS WASTE OR PETROLEUM.

   ☐ B. THE APPLICANT KNEW THAT SUCH OTHER PARTY GENERATED, TRANSPORTED OR DISPOSED OF, OR ARRANGED FOR OR CAUSED THE GENERATION, TRANSPORTATION OR DISPOSAL OF SUCH HAZARDOUS WASTE OR PETROLEUM AND DID NOT TAKE ACTION TO REMEDIATE OR CAUSE THE REMEDIATION OF SUCH HAZARDOUS WASTE OR PETROLEUM.

   ☐ C. THE APPLICANT KNEW THAT SUCH OTHER PARTY GENERATED, TRANSPORTED OR DISPOSED OF, OR ARRANGED FOR OR CAUSED THE GENERATION, TRANSPORTATION OR DISPOSAL OF SUCH HAZARDOUS WASTE OR PETROLEUM AND TOOK ACTION TO REMEDIATE OR CAUSE THE REMEDIATION OF SUCH HAZARDOUS WASTE OR PETROLEUM.

4. DOES THE APPLICANT CURRENTLY OWN THE SITE OR HAS IT OBTAINED TEMPORARY INCIDENTS OF OWNERSHIP FOR AN INVESTIGATION PURSUANT TO ECL 56-0508? ☑YES ☐NO

Project Description

PLEASE ATTACH A DESCRIPTION OF THE PROJECT WHICH INCLUDES THE FOLLOWING INFORMATION (REFER TO THE ENVIRONMENTAL RESTORATION PROGRAM PROCEDURES HANDBOOK FOR DETAILED INSTRUCTIONS).

- PURPOSE AND SCOPE OF THE PROJECT;
- CURRENT AND PROPOSED FUTURE USE OF THE SITE (RESIDENTIAL, COMMERCIAL, INDUSTRIAL);
- ESTIMATED PROJECT COST (INCLUDE ANY RESPONSIBLE PARTY COST RECOVERY PAYMENTS RECEIVED OR ANTICIPATED, AS WELL AS ANY OTHER ACTUAL OR POTENTIAL FUNDING SOURCES FOR THE PROJECT);
- HOW THE PROJECT WOULD SATISFY THE CRITERIA OF ECL 56-0505; AND
- ESTIMATED PROJECT SCHEDULE (FIELD WORK MUST BEGIN WITHIN 12 MONTHS OF THE APPLICATION APPROVAL DATE)

Site's Environmental History

TO THE EXTENT THAT EXISTING INFORMATION/STUDIES/REPORTS ARE AVAILABLE TO THE APPLICANT, PLEASE ATTACH THE FOLLOWING:

1. **ENVIRONMENTAL DATA**
   A PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT PREPARED IN ACCORDANCE WITH ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), AND ALL ENVIRONMENTAL REPORTS RELATED TO CONTAMINANTS ON OR EMANATING FROM THE SITE.
2. **OWNERS**
   A LIST OF PREVIOUS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER LISTED. IF NO RELATIONSHIP, PUT "NONE").
3. **OPERATORS**
   A LIST OF PREVIOUS OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBER (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OPERATOR LISTED. IF NO RELATIONSHIP, PUT "NONE").

Contaminant Information

INDICATE KNOWN OR SUSPECTED CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN OR SUSPECTED TO HAVE BEEN AFFECTED:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents	✔	✔		✔	
Other VOCs	✔	✔			
SVOCs	✔	✔		✔	
Metals	✔	✔	✔	✔	
Pesticides					
PCBs				✔	
Other*_____					

*PLEASE DESCRIBE: _____

Project Information (Complete for Remediation Projects Only)

1. HAS THE DEC ISSUED A RECORD OF DECISION FOR THE SITE UNDER THE ERP? ☑YES ☐NO
2. HAS GROUNDWATER OR A SURFACE WATER BODY BEEN CONTAMINATED ABOVE STANDARDS? ☑YES ☐NO
   IF YES, CHECK ALL THAT APPLY:
   - ☐ A. THE INFLUENT TO A PUBLIC OR PRIVATE WATER SUPPLY HAS BEEN CONTAMINATED OR THREATENED.
   - ☐ B. A CLASS A OR AA SURFACE WATER BODY OR A PRIMARY OR PRINCIPAL AQUIFER HAS BEEN CONTAMINATED WITHOUT AFFECTING AN EXISTING WATER SUPPLY.
   - ☑ C. GROUNDWATER HAS BEEN CONTAMINATED ABOVE STANDARDS OR A SURFACE WATER HAS BEEN IMPACTED.
3. HAVE ENDANGERED, THREATENED OR RARE SPECIES, STATE PROTECTED STREAMS, OR STATE REGULATED WETLANDS BEEN IMPACTED BY RELEASES FROM THE SITE? ☐YES ☑NO
4. ARE CONTAMINANTS PRESENT IN SOILS/WASTE AT LEVELS THAT EXCEED DEC DIVISION OF ENVIRONMENTAL REMEDIATION GUIDANCE VALUES? ☑YES ☐NO
5. IS THE SITE LOCATED IN A DESIGNATED EMPIRE ZONE? ☑YES ☐NO
6. IS THE SITE LOCATED IN A DESIGNATED EN-ZONE PURSUANT TO TL § 21 (b)(6)? ☐YES ☑NO
7. HAS ALL OR PART OF THE SITE BEEN IDLE OR ABANDONED FOR MORE THAN ONE YEAR? ☑YES ☐NO
7. HAS THE APPLICANT SIGNED AN AGREEMENT WITH A PRIVATE PARTY TO REUSE THE SITE ONCE IT IS RESTORED? ☐YES ☑NO *
8. HAS THE APPLICANT COMMITTED TO A NEW PUBLIC OR RECREATIONAL USE? ☐YES ☑NO
9. HAS THE APPLICANT COMPLIED WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) REGARDING THIS ACTION? IF YES, INCLUDE THE DETERMINATION (NEGATIVE DECLARATION OR FINDINGS STATEMENT) IN THE ATTACHED PROJECT DESCRIPTION AND IDENTIFY ALL INVOLVED AGENCIES IN THE COORDINATED REVIEW. ☑YES ☐NO
10. IS THE APPLICANT AWARE OF OTHER FUNDING SOURCES FOR REMEDIATING THE SITE? IF YES, PROVIDE SOURCES(S) AND DOLLAR AMOUNT IN THE ATTACHED PROJECT DESCRIPTION. ☐YES ☑NO

* Letters of Interest for site redevelopment have been submitted by private parties.

Municipality Certification

The undersigned on behalf of the applicant does hereby certify that:

- All statements made for the purpose of obtaining State assistance for the proposed project either are set out in full in this application, or are set out in full in exhibits attached to this application and incorporated by this reference; and
- The individual whose signature appears hereon is authorized to sign this application for the municipality.

A FALSE STATEMENT MADE HEREIN IS PUNISHABLE AS A CLASS "A" MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

Mark W Thomas — Signature of Individual Authorized to Sign the Application

4/28/2005 — Date

Community Based Organization Certification (if applicable)

The undersigned on behalf of the Community Based Organization acting in partnership with the municipality does hereby certify that:

- The Community Based Organization is a not-for-profit corporation, exempt from taxation under section 501(c)(3) of the internal revenue code whose stated mission is promoting reuse of brownfield sites within a specified geographic area in which the Community Based Organization is located, which has 25% or more of its board of directors residing in the community in such area;
- The Community Based Organization represents a community with a demonstrated financial need;
- Not more than 25% of the members, officers or directors of the Community Based Organization are or were employed by or receiving compensation from any person responsible for a site under title 13 or title 14 of article 27 of the Environmental Conservation Law, article 12 of the navigation law or under applicable principles of statutory or common law liability; and
- The individual whose signature appears hereon is authorized to sign this application for the Community Based Organization.

A FALSE STATEMENT MADE HEREIN IS PUNISHABLE AS A CLASS "A" MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

_____ Signature of Individual Authorized to Sign for the Community Based Organization

_____ Date

SUBMITTAL INFORMATION:

Three (3) complete copies of the application are required.

- **Two (2)** copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, must be sent to:

  Chief, Site Control Section
  New York State Department of Environmental Conservation
  Division of Environmental Remediation
  625 Broadway
  Albany, NY 12233-7020

- **One (1)** hard copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices: http://www.dec.state.ny.us/website/der/index.html

FOR DEPARTMENT USE ONLY:

ERP SITE NO:_____ **ERP SITE T&A CODE:**_____ **PROJECT MANAGER:**_____

SECTION 2

CERTIFIED MUNICIPAL AUTHORIZATION

GPS 2-4-05
DRP 2/4/05
JMB 2/5/05
EMD 2/7/05

CHAUTAUQUA COUNTY
RESOLUTION NO. 32-05

TITLE: Authorize Chautauqua County to Submit Application and Accept NYSDEC Funds for Cleanup of Former Roblin Steel Facility

BY: Public Facilities and Audit & Control Committees

AT THE REQUEST OF: County Executive Mark Thomas

WHEREAS, the County Legislature authorized the application for State and Federal funds to investigate the former Roblin Steel Site in the City of Dunkirk; and

WHEREAS, this investigation is complete and the New York State Department of Environmental Conservation (NYSDEC), the United States Environmental Protection Agency (USEPA) and Chautauqua County have agreed on particular remedies for specific areas of contamination; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State Assistance to municipalities for environmental restoration projects by means of a contract and Chautauqua County deems it in the public interest and benefit to enter into a contract; and

WHEREAS, this State Assistance can provide up to 90% of the project costs; and

WHEREAS, the United States Environmental Protection Agency has awarded a $100,000 cleanup grant with the City of Dunkirk providing the local share; and

WHEREAS, the United States Environmental Protection Agency invested $239,000 of federal funds toward cleaning up the site in 2004; and

WHEREAS, this 12.4 acre site with adjacent rail and industrial road access will be very attractive to developers after the resolution of environmental issues; and

WHEREAS, the Dunkirk-Sheridan Empire Zone is working with the County to market the site; and

WHEREAS, additional County capital funding is necessary to complete the project; and

WHEREAS, it is expected that the capital account for the Joseph Mason Industrial Park will benefit from funds made available to the County of Chautauqua Industrial Development Agency through the New York State Dormitory Authority, now, therefore, be it

RESOLVED, that the Chautauqua County Executive is authorized to act on behalf of Chautauqua County in all matters related to State Assistance under ECL Article 56, Title 5, and that the County Executive is authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the County's governing body in all matters related to the Project and to State Assistance, and therefore be it

RESOLVED, that Chautauqua County commits to fund its portion of the cost of the project and that funds will be available to initiate the project's field work within 12 months of written approval of its application by the New York State Department of Environmental Conservation; and be it further

RESOLVED, that one (1) certified copy of this resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation together with the application for State Assistance, and be it further

___X___ **APPROVED**
_____ **VETOES (VETO MESSAGE ATTACHED)**

Mark D. Thomas — 2/24/05
County Executive — **Date**

RESOLVED, that the Director of Finance is authorized to make the following budgetary changes:

INCREASE APPROPRIATION ACCOUNT:		
H.6420.596.4699	Brownfield: Roblin Steel	$1,030,000
INCREASE REVENUE ACCOUNT:		
H.6420.596.R399.5001	New York State DEC	$ 933,000
DECREASE APPROPRIATION ACCOUNT:		
H.6420.530.4699	South County Industrial Park	$ 97,000

I, THE UNDERSIGNED CLERK OF THE LEGISLATURE HEREBY CERTIFY THIS TO BE A TRUE AND COMPLETE COPY OF A RESOLUTION DULY ADOPTED BY THE LEGISLATURE OF CHAUTAUQUA COUNTY ON February 23, 2005

CLERK OF LEGISLATURE

_____ **APPROVED**
_____ **VETOES (VETO MESSAGE ATTACHED)**

_____ _____
County Executive **Date**

SECTION 3

PROJECT DESCRIPTION

A. *PURPOSE AND SCOPE*

The purpose of this project is to eliminate or mitigate threats to human health and the environment posed by contamination at the former Roblin Steel Site, Inc. site located at South Roberts Road in the City of Dunkirk, Chautauqua County, New York (Figure 1), and to render the site suitable for redevelopment for commercial and industrial use. This will be accomplished through the implementation of a remedial program that is consistent with that prescribed in the Record of Decision (ROD) formulated by the New York State Department of Environmental Conservation (NYSDEC) in March 2005.

The project site is located along the eastern side of South Roberts Road in the City of Dunkirk, New York and occupies approximately 12 acres of an inactive industrial park. The project site contains a former facility building that encompasses approximately 88,500 square feet. Chautauqua County acquired the parcels that contain the project site via tax foreclosure on December 20, 2001. The location and configuration of the tax parcels containing the project site are depicted on a tax map excerpt included as Figure 3. The project site consists of three parcels possessing the following section block and lot (SBL) numbers: 30-1-7.2.2, 30-1-8, and 30-1-10.1.

The adjoining properties located in this park include the former Alumax Extrusions site and the Edgewood Warehouse site. Over 85 years ago, all three of these sites were developed as part of a larger industrial complex operated by the American Locomotive Company (ALCO). The former Roblin Steel Site was most recently occupied by a rolling mill that was closed, dismantled and partially demolished in the late 1980's. Since that time, the former Roblin Steel Site has been vacant.

The scope of the remedy prescribed in the ROD includes the following primary components:

- Excavation and off-site disposal of surface soil and debris that exceed the Site Specific Action Levels (SSALs). Cover remaining soil/fill that exceeds TAGM-4046 (Technical and Administrative Guidance Memorandum) values through the installation of asphalt or soil cover;

- Excavation and off-site disposal of subsurface soils that are impacted with chlorinated VOCs that exceed SSALs. Cover remaining soil/fill that exceeds TAGM values through the installation of asphalt pavement or soil cover;

- Provide cover of subsurface soil/fill containing PAHs (polyaromatic hydrocarbons), and metals that exceed TAGM values; including soils with Petroleum Nuisance Characteristics through the installation of asphalt pavement or soil cover system;

- Placement of a minimum, one foot soil cover over areas that will remain green space or alternatively a minimum 6 inch thick asphalt or concrete in paved areas, to prevent exposure to contaminated soils;

- Remove contaminated sediment from interior building sumps, catch basins and Hyde Creek outfall and backfill with grout;

- Removal and off-site disposal of non-friable asbestos within the building structure;

- Installation of a sub-slab vapor venting system for the existing building combined with treatment through enhanced natural attenuation for the groundwater through chemical/nutrient addition;

- Imposition of an institutional control in the form of an environmental easement;

- Develop a Site Management Plan for implementation of the institutional and engineering controls including soil management, groundwater monitoring, and site use restrictions; and

- Certification to the NYSDEC that all institutional or engineering controls are in place and are being maintained.

Chautauqua County is applying for financial assistance to complete the remedial program summarized above through the NYSDEC's Environmental Restoration Program.

B. CURRENT AND INTENDED FUTURE USE

Abandoned since the late 1980's, the project site is a prototypical brownfield site that is not currently utilized for any purpose. The site is located in a former industrial corridor that parallels an active rail transportation corridor, has been largely converted to facilities associated with the food processing industry, and has supported the development of the adjacent Chadwick Bay Industrial Park. This industrial park also caters to the food processing industry. The project site is zoned for industrial use and is situated in a New York State designated economic development zone.

Significant interest in the redevelopment of the project site, once it has been remediated, has been expressed by several local companies, as shown by the letters of interest included in Attachment 1. Chautauqua County's discussions with one of these companies, a locally headquartered, national food processor that is the nation's largest private label juice manufacturer, lead to the formulation of a redevelopment concept that would involve the investment of approximately $10,000,000 to redevelop the project site and an adjoining privately owned brownfield site to accommodate a major expansion of its nearby operation.

This potential redevelopment project would encompass approximately 30 acres and approximately 200,000 square feet of building space, and would feature the following:

- Rehabilitation of the existing 88,000 SF building on the project site for cold storage, distribution, and near-site vendor manufacturing;
- Construction of paved truck/employee parking facilities on the remainder of the project site;
- Adaptive reuse of the manufacturing building on the adjacent former Alumax site for warehousing and distribution;
- Conversion of an existing office building into research and design facilities;
- Linking the project site to the existing food processing facility via the conversion or modification of an existing railroad bridge; and
- Connecting the redevelopment site with the Chadwick Bay Industrial Park.

Although not yet fully defined, redevelopment interests expressed by other local companies would likely also involve the rehabilitation of the existing on-site structure and linkage with the existing Chadwick Bay Industrial Park.

The redevelopment of the project site provides an opportunity to salvage the existing 88,000 SF structure on the project site and to restore utilization of the existing utility infrastructure (e.g., sanitary sewer, storm sewer, natural gas, and electric). The redevelopment of the project site would also likely lead to the redevelopment of two adjacent brownfield sites, which are serviced by the same infrastructure as the project site, thereby facilitating the reuse of said infrastructure. Furthermore, the redevelopment of the project site would symbolize the further development of this corridor into a destination for food processing and associated industries. It should be noted that increasing demand for property in this corridor was exhibited by the recent purchase of a large brownfield site nearby, the Former Great Lakes Color Printing Site, which is reportedly being rehabilitated for use by the food processing industry. In addition, site redevelopment would create opportunities to better utilize the existing highway and rail transportation infrastructure by: (1) linking the site with a County highway, enabling site-generated vehicular traffic to avoid residential streets within the City and to better utilize the existing County and State highway network; and (2) re-establish a connection with the adjacent rail corridor.

The redevelopment concept developed for the project site is consistent with the business development goals established in the Chadwick Bay Region 1997 Comprehensive Plan, which encompasses the City of Dunkirk and surrounding community. The Comprehensive Plan places an emphasis on the reuse and redevelopment of brownfield sites as a means of creating opportunities for business and industrial development in the region. The project is also consistent with the community's economic development plan, which is reflected in the documentation generated in 1998 for the Dunkirk-Sheridan Empire Zone, which is a State-designated economic development zone. The Empire Zone indicates that brownfield redevelopment is an important component of the local and regional economic development strategy, and identifies the project site as a critical redevelopment site.

C. COST ESTIMATE

The estimated cost for completing the remediation of the project site is presented in Attachment 2.

D. ESTIMATED SCHEDULE

Chautauqua County intends to proceed with the remedial design for this project during the summer of 2005, and will initiate cleanup activities immediately following approval of this application and execution of the State Assistance Contract, which is expected to occur in the fall of 2005. The duration of the cleanup project is anticipated to be three to five months.

E. COMPLIANCE WITH ECL 56-0505 CRITERIA

The proposed environmental restoration project satisfies the criteria relating to environmental and economic benefits established in Environmental Conservation Law (ECL) 56-0505. Additionally, the lack of significant opportunities for funding sources other than the 1996 Clean Water/Clean Air Bond Act

Environmental Restoration Program, as discussed in the following section, indicates that the project is a suitable candidate for funding under this program. Pursuant to the ERP *Procedures Handbook*, the following paragraphs provide a brief discussion concerning the project's compliance with the criteria established in ECL 56-0505.

This environmental restoration project will result in a benefit to public health, safety and the environment through the elimination of threats to human health and the environment posed by contaminated soil, fill, sediments and groundwater present on the site and asbestos containing materials occurring within the on-site structure.

The redevelopment of the former Roblin Steel Site would represent a major stimulus to the local economy in terms of employment, capital investment, and tax revenue. These efforts will create remediation and construction jobs as well as permanent on-site employment opportunities for local residents. In addition, secondary effects include benefits to the local businesses that service and supply the construction industry as well as other sectors that provide services to local businesses and residents (e.g., restaurants, retail stores, etc.).

As an example, the potential redevelopment project described in Section B includes a construction effort that would involve a private sector investment of nearly 10 million dollars. The impact of a project of this magnitude on construction jobs and secondary businesses would be enormous. Furthermore, it is estimated that such a facility would create approximately 40 new permanent jobs while increasing the annual tax base by an estimated $350,000.

The environmental restoration project is a logical and necessary step to achieve the intended future use for the project site as described in the preceding section and as such, represents a major stimulus to the local economy in terms of employment, capital investment, and tax revenue. The construction of the project would involve a private sector investment of nearly 10 million dollars and would create numerous construction-related employment opportunities. The local businesses that service and supply the construction industry would also realize significant benefits from this investment. Furthermore, it is estimated that the facility will create approximately 40 new permanent jobs while increasing the annual tax base by an estimated $350,000.

The sobering importance of this cleanup project is magnified by the indication that this locally based company, which employs more than 450 persons in Chautauqua County, will undertake this expansion at one of its out-of-state locations if the site is not readied for redevelopment. As such, the success of this project not only has a bearing on job creation, but also has implications with respect to job retention. Consequently, Chautauqua County has made the cleanup of this site its highest brownfield priority.

Lastly the redevelopment of the Former Roblin Steel Site will take advantage of the area's existing infrastructure, which for the most part is currently underutilized, while avoiding the potential impacts and additional costs associated with construction on undeveloped green space.

F. FUNDING SOURCES

The project site has been abandoned and vacant for nearly two decades. During this time, significant deterioration of the former facility building and grounds has occurred. Because of its appearance, environmental history and the documented presence of on-site contamination, the potential for a privately funded cleanup of the property is very unlikely. Therefore, the 1996 Clean Water/Clean Air Bond Act Environmental Restoration Program (ERP) is the primary funding source available for this project.

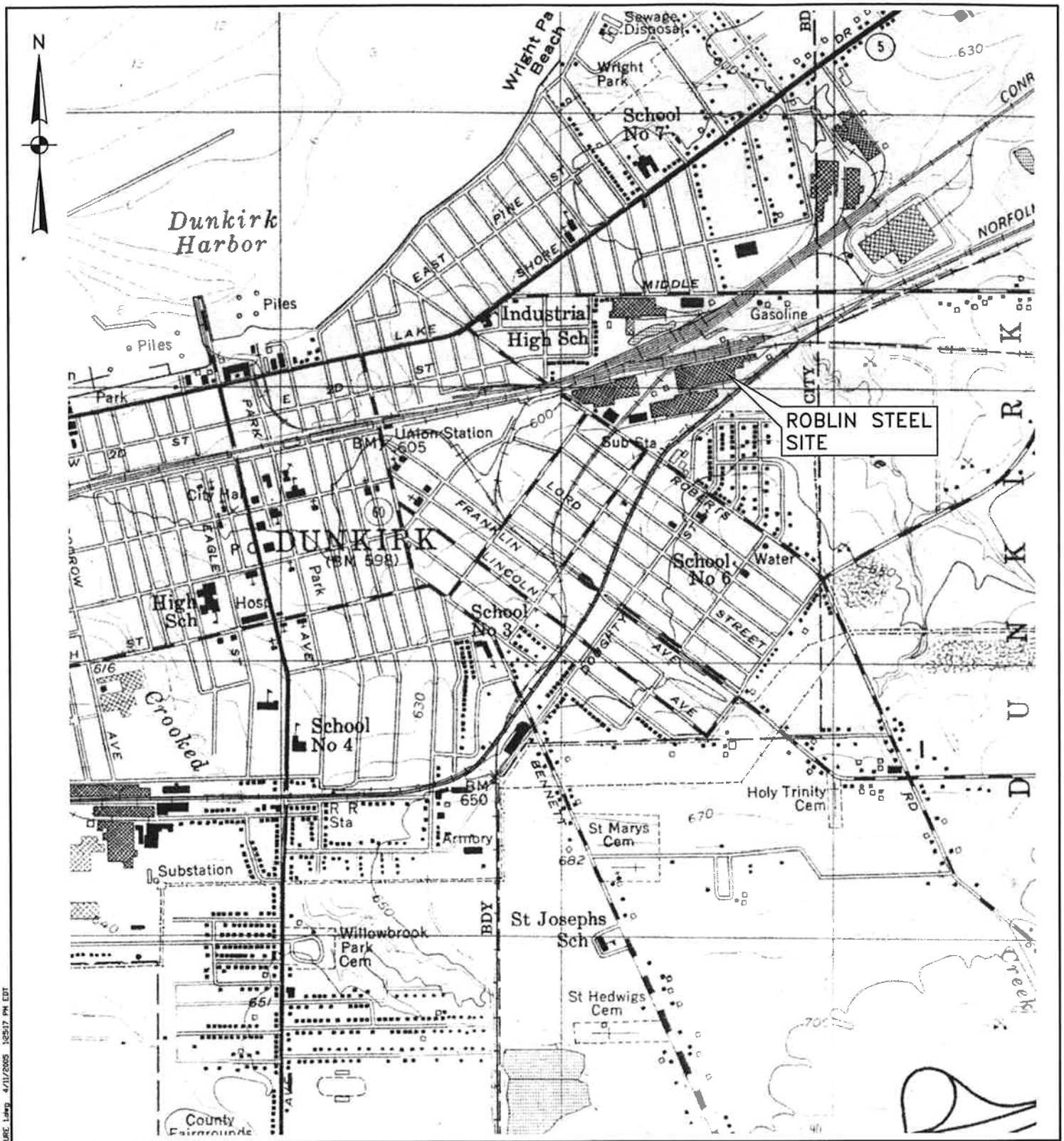
Chautauqua County intends to fund the remediation program through the ERP and has committed to provide its local share of the cleanup cost pursuant to the resolution included in Section 2 of this application. The County secured a United States Environmental Protection Agency (EPA) Brownfields Cleanup Grant in the amount of $100,000 in 2004 and intends to utilize the EPA grant and $20,000 matching contribution provided by the City of Dunkirk, in combination with money, labor and services to satisfy the local share of the ERP grant.

G. SEQRA COMPLIANCE

Remediation projects completed under the 1996 Clean Water/Clean Air Bond Act Environmental Restoration Program are required to demonstrate compliance with the New York State Environmental Conservation Law (ECL), Article 8, and its implementing regulations (6NYCRR Part 617), commonly known as the State Environmental Quality Review Act (SEQRA).

Chautauqua County has initiated the environmental review process for this project pursuant to SEQRA, and it is expected that the proposed project will result in a Negative Declaration, signifying that the project is not expected to result in significant adverse impacts to natural or human resources in the project area. Relevant SEQRA documentation will be forwarded to the NYSDEC as it becomes available.

FIGURES



SITE LOCATION MAP

TVGA CONSULTANTS
1000 MAPLE ROAD
ELMA, NEW YORK 14059-9530
P. 716.655.8842
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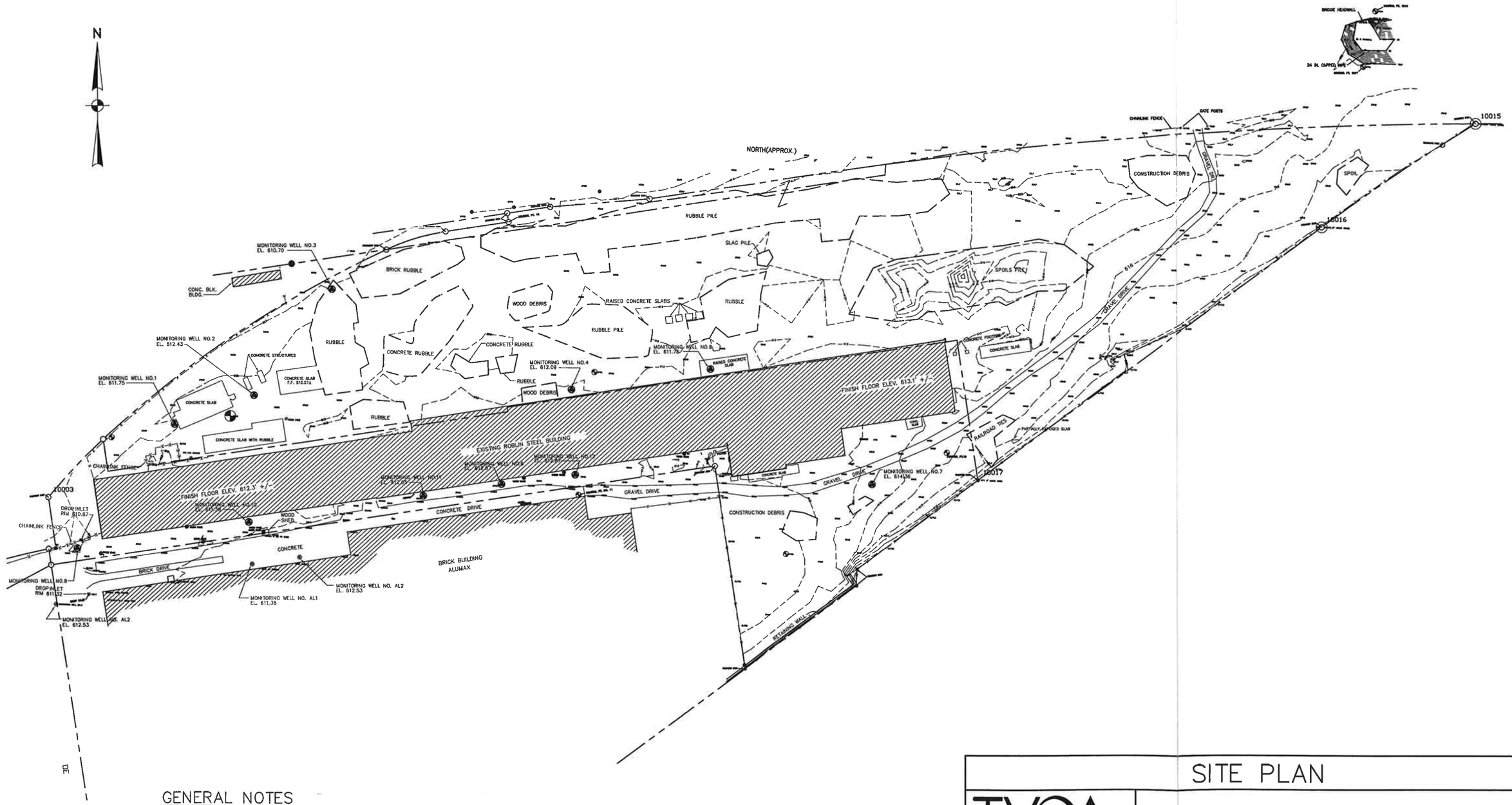
REMEDIAL ALTERNATIVES REPORT
FORMER ROBLIN STEEL SITE
DUNKIRK, CHAUTAUQUA CO., N.Y.

PROJECT NO. 0020006	SCALE: 1" = 2000'	DATE: 04/11/05	FIGURE NO. 1

S:\Engineering\0020006 Roblin Steel\CAD\remedial alt report\FIGURE 1.dwg 4/11/2005 12:57:17 PM EDT



GENERAL NOTES

1. BOUNDARY INFORMATION SHOWN ON THIS DOCUMENT WAS SURVEYED BY MICHAEL J. RODGERS LAND SURVEYOR, PC, ON NOVEMBER 28, 2001 AND PROVIDED TO TVGA BY CHAUTAUQUA COUNTY.

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SITE PLAN

TVGA CONSULTANTS
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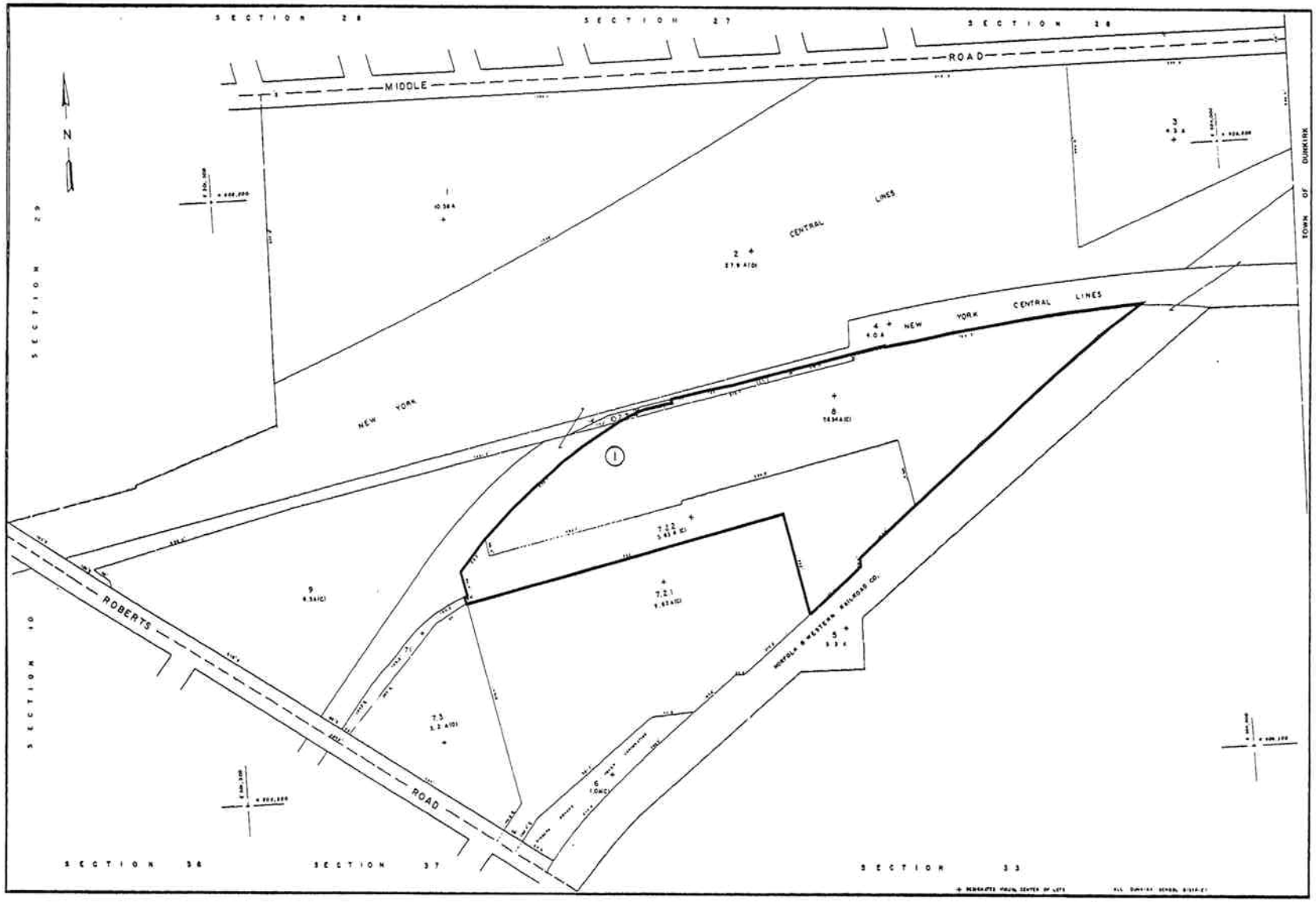
REMEDIAL ALTERNATIVES REPORT
FORMER ROBLIN STEEL SITE
DUNKIRK, CHAUTAUQUA CO., N.Y.

PROJECT NO. 0020006	SCALE: 1" = 120'	DATE: 04/11/05	FIGURE NO. 2

S:\Engineering\0020006 Roblin Steel\CADD\remedial alt report\FIGURE 2.dwg 4/11/2005 1:24:31 PM EDT



TAX MAP

TVGA ENGINEERING, SURVEYING, P.C.
ENGINEERS • SURVEYORS • PHOTOGRAMMETRISTS
One Thousand Maple Road, P.O. Box H
Elma, NY 14059-0264
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SITE INVESTIGATION/REMEDIAL ALTERNATIVES REPORT
FORMER ROBLIN STEEL SITE
320 SOUTH ROBERTS ROAD
DUNKIRK, NEW YORK

PROJECT NO. 20040501	SCALE: NOT TO SCALE	DATE: 5/17/01	FIGURE NO. 3

ATTACHMENT 1

LETTERS OF INTEREST FOR SITE REDEVELOPMENT

CLIFFSTAR CORPORATION • ONE CLIFFSTAR AVENUE • DUNKIRK, NEW YORK 14048

March 2, 2004

Cheryl A. Ruth
Brownfield Coordinator
Chautauqua County Dept. of Public Facilities
454 N. Work Street
Falconer, New York 14733

Re: Former Roblin Steel Site
320 South Roberts Road, Dunkirk, New York

Dear Mrs. Ruth:

The purpose of this letter is to reiterate and confirm Cliffstar Corporation's interest in the acquisition and rehabilitation of the former Roblin Steel site located at the above listed address. As you are aware, Cliffstar is currently contemplating the acquisition of additional production lines that would increase the capacity of our Dunkirk facility. This would necessitate the reconfiguration and expansion of our operations to accommodate the expanded production, warehousing, distribution and research and design facilities.

The acquisition of the former Roblin Steel site and the adjacent former Alumax site would provide nearly 25-acres and approximately 200,000 square feet of building space that could be linked to our existing operation to address Cliffstar's critical need for expanded facilities. It is our understanding that the voluntary cleanup of the former Alumax site will receive regulatory approval later this spring, and that the cleanup of the former Roblin Steel site will be completed some time in 2005. As such, we would consider the phased acquisition and redevelopment of these sites, as they are remediated and become available. Potential concepts for the redevelopment of these sites include:

- Adaptive reuse of the manufacturing building on the Alumax site for warehousing and distribution;
- Use of the Alumax office building for research and design facilities;
- Rehabilitation of the high-bay building on the Roblin site for cold storage, warehousing and distribution, and/or near-site vendor manufacturing;
- Use of the Roblin site for truck parking and future development;
- Providing direct truck and/or automated trolley system access to the redevelopment site from Cliffstar's existing facility via the conversion or modification of the rail bridge over S. Roberts Road; and
- Linking the redevelopment site to Middle Road and the Chadwick Bay Industrial Park via a new access road.

This potential expansion would not only greatly enhance Cliffstar's ability to maintain its current operations in the City of Dunkirk, but would also create additional employment opportunities during the construction and operation of the expanded facilities. Furthermore, the potential expansion would represent a significant economic investment, while transforming these contaminated and deteriorated properties that have plagued the community for over a decade into viable operations.

The acquisition of these properties and the implementation of these potential plans are contingent upon a number of factors including, but not limited to, the following:

- The successful negotiation of purchase prices and terms with the current property owners;

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CLIFFSTAR CORPORATION

- The remediation of environmental contamination on both sites in accordance with applicable regulatory requirements;
- The transfer of releases for environmental liability from the current owners to Cliffstar.

This letter should not be construed as a commitment to undertake any of the property acquisitions and/or rehabilitation activities described above. Instead, it represents Cliffstar Corporation's current interests, which are contingent upon a number of factors and may be subject to change.

Very truly yours,

CLIFFSTAR CORPORATION

Eugene W. Bailen
Exec. V P Operations

/ewb

10987 Bennett State Road
P.O.Box 356
Forestville, NY 14062
Bailey@netsync.net
Phone (716)965-2731 Fax (716) 965-2764

Bailey Manufacturing Company, LLC.

December 1, 2003

Mr. Larry D'Andrea
United States Environmental Protection Agency
290 Broadway, 18th. Floor
New York, NY 10007

Dear Mr.D'Andrea:

I have been informed there is possibility that the former Roblin Steel Site in the city of Dunkirk may be available for sale.

Based on it's size, location, and position in the Dunkirk/Sheridan Empire Zone I feel our company could have some interest in acquiring for future expansion. I feel we would consider this site if the contamination issue had been properly addressed and resolved. I understand there is a proposal for a USEPA Brownfield Cleanup Fund being supported by the City of Dunkirk.

We currently have some future contracts that may constitute additional space needed, and this location has many favorable benefits. The location in the Dunkirk/Sheridan Empire zone, it is easily accessible for transportation issues, and the overall size are all benefits of this location.

Although this letter is not to be considered a commitment to acquire the Roblin Steel site, it simply expresses our possible interest as our needs develop. It also expresses out interest in the development of the above said Empire Zone.

Sincerely,

Dona Hines
Vice President

ATTACHMENT 2

REMEDIAL COST ESTIMATE

Table 7
Former Roblin Steel Site
RAR Cost Estimate
Alternative E
"Limited Excavation"

Item	Note	Unit	Quantity	Cost/Unit	Cost
Institutional Controls (MG Nos. 1 through 7)					
Deed Restrictions	Implementation	ls	1	$ 5,000.00	$5,000
Excavation/Off-Site Disposal (MG No. 1)					
Clear and Grub	Clear, Grub and haul	acres	2	$ 7,556.90	$15,114
Soil Excavation/Loading	1.5 CY Track-Mounted Excavator	cy	3,175	$ 2.25	$7,144
Soil/C&D Excavation/Loading	3 CY Wheel-Mounted Loader	cy	3,175	$ 1.00	$3,175
Soil/C&D/Concrete Transport	Trucking	cy	3,175	$ 21.50	$68,263
Non-Haz Soil/C&D Disposal	Disposal at County Landfill	ton	5,080	$ 11.50	$58,420
Remedial Design Investigation for MG No. 2					
Sample Collection	Labor/Equipment	event	1	$ 4,000.00	$4,000
Analytical	6 Soil Samples	event	1	$ 800.00	$800
Evaluation	Reporting	event	1	$ 3,850.00	$3,850
Excavation/Off-Site Disposal (MG No. 2)					
Demo Concrete Slab	6" thick	cy	50	$ 63.60	$3,180
Soil Excavation/Loading	1.5 CY Track-Mounted Excavator	cy	385	$ 2.25	$866
Post Excavation Sampling	8 Confirmatory Samples	event	1	$ 720.00	$720
Soil/C&D Excavation/Loading	3 CY Wheel-Mounted Loader	cy	385	$ 1.00	$385
Soil Transportation	Trucking	cy	385	$ 21.50	$8,278
Non-Haz Soil Disposal	Disposal at County Landfill	ton	355	$ 11.50	$4,083
Haz Soil Disposal	Disposal at County Landfill	ton	260	$ 200.00	$52,000
Backfill	Sand and Gravel	cy	335	$ 14.69	$4,921
Drainage Features (Hyde Creek Outfall) (MG No. 4)					
Remove Gate/Sediments/ Grout In-Place	Three man crew	day	1	$ 1,331.22	$1,331
Plug Inlet/Outfall Pipes	Materials	ea	1	$ 500.00	$500
Soil Transportation	Trucking	cy	1	$ 21.50	$22
Non-Haz Soil Disposal	Disposal at County Landfill	ton	1	$ 11.50	$12
Drainage Features (South Sewer) (MG No. 4)					
Remove Sediments/Grout In-Place	Three man crew	day	2	$ 1,331.22	$2,662
Water Diversion	Upgradient access, removal of piping, & water diversion	ls	1	$ 1,300.00	$1,300
Plug Inlet/Outfall Pipes	Materials	ea	1	$ 500.00	$500
Soil Transportation	Trucking	cy	1	$ 21.50	$22
Non-Haz Soil Disposal	Disposal at County Landfill	ton	1	$ 11.50	$12
Drainage Features (interior Sumps 1 through 8) (MG No. 4)					
Remove/dispose water	vacuum truck	event	1	$ 2,500.00	$2,500
Solidification of Sludge	absorbent material	cy	18	$ 10.27	$185
Drain/Sump Cleaning/Close-in place	Three man crew	day	7	$ 1,331.22	$9,319
Sediment Transportation	Trucking	cy	45	$ 21.50	$968
Non-Haz Soil Disposal	Disposal at County Landfill	ton	70	$ 11.50	$805
Plug Inlet/Outfall Pipes	Materials	ea	16	$ 200.00	$3,200
Fracture Sump Bottoms/backfill	Hoe Ram Equip/Crew	day	2	$ 837.43	$1,675
Backfill	Sand and Gravel	cy	45	$ 14.69	$661

Table 7
Former Roblin Steel Site
RAR Cost Estimate
Alternative E
"Limited Excavation"

Item	Note	Unit	Quantity	Cost/Unit	Cost
Asbestos Removal (MG No. 5)					
Walls	Gray Window Caulk and Glaze	sf	6,000	$ 2.00	$12,000
Exterior Window Covering	Gray Transite Panels	sf	600	$ 2.00	$1,200
Interior/Exterior Walls and Ceilings	Black Tar Paper	sf	31,850	$ 1.50	$47,775
Windows	Gray Caulk and Glaze	sf	15,960	$ 2.00	$31,920
Walls	Gray Transite Panels	sf	23,365	$ 2.00	$46,730
Roof	Gray Transite Panels	sf	30,340	$ 2.00	$60,680
Boiler Room	Black Roof Tar	sf	30,000	$ 1.50	$45,000
Boiler Room	White Canvas Cloth (F)	sf	80	$ 12.00	$960
S. Side Room	Black Mastic	sf	35	$ 4.00	$140
Project/Air Monitoring	Air monitoring and project oversight	day	20	$ 450.00	$9,000
Electrical Component Removal (MG No. 5)					
Removal of HID Lights/Ballasts	Removal only from 50' ceiling with man-lift	ea	120	$ 10.00	$1,200
Removal of Fluorescent Lights/Ballasts	Removal only from 20' ceiling with man-lift	ea	40	$ 10.00	$400
Bulb Disposal	HID bulb recycle/disposal	ea	120	$ 7.50	$900
Bulb Disposal	4' Fluorescent bulbs	ea	40	$ 2.00	$80
Disposal/Recycling	PCB and non-PCB containing ballasts	drums	8	$ 250.00	$2,000
Remedial Design Investigation (MG No. 6)					
Sample Collection	Labor/Equipment	event	1	$ 925.00	$925
Analytical	3 Soil Samples	event	1	$ 600.00	$600
Evaluation	Post Sampling Reporting	event	1	$ 1,500.00	$1,500
Concrete/Soil Excavation (MG No. 6)					
Demolish/Remove Concrete	Hoe Ram Equip/Crew	day	1	$ 837.43	$837
Soil/Concrete Excavation/Loading	1.5 CY Track-Mounted Excavator	cy	70	$ 2.25	$158
Soil Loading	3 CY Wheel-Mounted Loader	cy	70	$ 1.00	$70
Soil/Concrete Transport	Trucking	cy	70	$ 21.50	$1,505
Non-Haz Soil Disposal	Disposal at County Landfill	ton	100	$ 11.50	$1,150
Haz Concrete Disposal	Disposal at CWM	ton	20	$ 200.00	$4,000
Sub Slab Vapor Venting System (MG No. 7)					
Crushed Stone	Below, surrounding and above PVC (16" thick)	cy	4,350	$ 15.04	$65,428
Sub-slab/stack piping	4" PVC piping	lf	2,680	$ 22.09	$59,193
Cushion Layer	Geotextile below and above geomembrane	sf	177,000	$ 0.45	$79,650
Geomembrane	60 mil	sf	88,500	$ 0.75	$66,375
Blower/Knockout Tank	2 HP Blower and condensation collection tank	ea	6	$ 7,800.00	$46,800
Connections	Mechanical/Electrical	ls	1	$ 5,000.00	$5,000
Concrete Slab	Assumed to be installed during redevelopment	sf	88,500	$ -	$0

Table 7
Former Roblin Steel Site
RAR Cost Estimate
Alternative E
"Limited Excavation"

Item	Note	Unit	Quantity	Cost/Unit	Cost
Interim Soil Cover (MG Nos. 1 through 3)					
Low Permeability Soil	Clay Two 6" Lifts,	cy	16,000	$ 29.50	$471,952
Topsoil	4" Thick	cy	5,400	$ 36.19	$195,437
Seeding	Mechanical Seeding	acre	10	$ 4,712.50	$47,125
Interim Access Controls (MG Nos. 1 through 7)					
Site Fencing	Six foot high	lf	2,375	$ 30.77	$73,081
Site Gates	Six foot high swing gate, 12' double	ea	2	$ 1,046.50	$2,093
Item	**Note**	**Unit - Quantity**		**Cost**	**Present Worth**
Long-Term OM&M (Groundwater, Sub-Slab Vapor Venting System (MG No. 7) and Cover System (MG Nos. 1 through 3)) (30 years)					
Collection	Labor/Equipment	event		$ 1,310.00	$30,253
Analytical	Water/Air Samples	event		$ 2,210.00	$51,038
Evaluation	Annual Reporting	ea		$ 1,920.00	$29,515
Electricity Costs	Blower operation (30 years)	KW-hr/yr	13,000	$ 1,690.00	$25,980

Capital Costs (subtotal)					$1,648,733
Mob/Demob/Decon	5% of Capital Costs				$82,437
Contingencies	15% of Capital Costs				$247,310
Engineering/Oversight	10% of Capital Costs				$164,873
Total Capital Costs					$2,143,353
OM&M (present worth)					$136,786
Project Present Worth (Total)					**$2,280,139**

Notes:

Sources include:

2004 RS Means Environmental Remediation Cost Data-Assemblies 10th Edition (unit prices include a 30% markup for overhead and profit).

2004 RS Means Heavy Construction Cost Data 16th Edition.

Engineer's Estimate.

Present Worth is the amount of money that must be invested today to cover future costs and is calculated by applying a present worth factor which is based on a 5% interest rate over the given time period.

ea = each
cy = cubic yard
lf = linear foot
sf = square foot
ls = lump sum
ton = 2,000 pounds

SECTION 4

SITE'S ENVIRONMENTAL HISTORY AND ENVIRONMENTAL DATA

A. *INTRODUCTION*

The following subsections have been excerpted from the final Remedial Alternatives Report (December 2004) developed for the project site, and are intended to summarize the environmental history and current conditions of the site. For more detailed environmental data, the reader is referred to the Site Investigation Report (May 2003) prepared for the project site.

B. *SITE HISTORY*

The project site and adjoining properties were first developed in 1910 as a locomotive manufacturing complex operated by the American Locomotive Company (ALCO). ALCO manufactured locomotives at this complex until 1930, at which time it was converted to manufacture process equipment primarily consisting of heat exchangers, feed water heaters, tunnel shields, pressure vessels and steel pipe, fittings and conduits until closure of the plant in 1962.

A historical site plan of the ALCO plant from the 1930's indicates that the project site was occupied by two buildings, one of which appears to represent a portion of the existing on-site structure. The northern-most building, which is no longer present, contained the boiler shop, while the central portion of the existing on-site structure was operated as a pipe dipping shop and the eastern half housed a crane runway. The western portion of the existing structure had an oil cellar, which is labeled as abandoned on historical plans from the 1950's. Three 157,000-gallon aboveground fuel oil storage and three pickling tanks were once located at the northeast corner of the project site.

A drainpipe was installed around 1938 across the Erie Railroad right-of-way (ROW) to convey storm water under the railroad ROW to Hyde Creek.

During and after World War II, manufacturing operations at the ALCO plant were expanded to include military equipment. This equipment included gun carriages, fragmentation bombs, thrust shafts and king posts for navel vessels, missile housings, nozzles, boosters, and other components.

Historical site plans from the 1950's and 1960's indicate that the project site contained a plate shop wherein the manufacturing of pressure vessels and heavy fabricated plate equipment was conducted, as well as facilities for the manufacturing and hydrostatic testing of large diameter municipal water pipes. These plans indicate that the existing building was utilized for the application of corrosion preventative coatings to municipal water pipes, and, following its expansion, missile fabrication and heat-treating. Other facilities located on the project site during this time period included furnaces for the heat treatment of pressure vessels, and several areas containing x-ray equipment for the non-destructive examination of fabricated equipment.

Following the war, ALCO was contracted by the Atomic Energy Commission to manufacture nuclear reactor components and packaged reactor units. Work on nuclear reactors at the Dunkirk plant included the development, production and testing of a skid-mounted, portable nuclear power reactor, built to power a remote Army base on the Greenland icecap. However, it is not clear whether nuclear fuel was ever stored or utilized at the Dunkirk plant. In addition to the nuclear reactor, ALCO manufactured components for the crawler for the Apollo/Saturn V space rocket. In connection with these operations,

ALCO maintained radiological sources at the Dunkirk plant that were used to inspect the integrity of welds on nuclear reactor and missile components. An undated article by the Chief Inspector of the Dunkirk plant indicated that the radiographic inspection setup consisted of five machines ranging from 140-kv to 1000-kV. The article also indicated that Cobalt 60 was used in an outdoor area of the project site on rare occasions.

After its closure, the ALCO complex was purchased by Progress Park in 1963, whose mission was to facilitate the re-occupation of the complex by new industrial concerns. The Roblin Steel Company acquired the project site in 1969, with the exception of the South Bay area that was briefly owned by Allegheny Ludlum. In 1984, the Roblin Steel Company purchased the remainder of the plant from Progress Park.

The Roblin Steel Company occupied the project site from 1969 to 1987 and operated a steel reclamation business on the property. High quality scrap steel was reclaimed using electric arc furnaces and then forged into steel rods. An historical facility plan depicting the nature and location of major operations and equipment at the Roblin Steel plant shows that the plant contained three electric arc furnaces, several dust collection system bag-houses, an outdoor electrical substation, numerous transformer rooms, rolling and hammer mills, a compressor house, and a variety of other process equipment (e.g., casting and cooling towers). Additionally, two large volume aboveground oil storage tanks and a scrap yard were located along the southern margins of the project site. An interview with a former long-time employee of the Roblin Steel Company indicated that the solvent 1,1,1-Trichloroethylene was widely used at the facility, especially in the vicinity of the casting tower, and that spent solvents were often released into the pits located below the electric arc furnaces. These pits were reportedly blasted 15 to 20 feet into the bedrock.

The operation of the arc furnaces generated air pollution emissions control dust (K061), which is listed as a Resource Conservation and Recovery Act (RCRA) hazardous waste. Following the closing of the Roblin Steel facility in 1987, Champion Inc. was contracted to salvage the equipment from the plant. Material Recovery of Dunkirk Inc. (MRDI), the reputed former owner of the project site acquired the property, from the bankruptcy of Roblin Industries in 1990. MRDI undertook the demolition of the portion of the plant located to the north of the existing on-site building, and continued salvage operations until the early to mid 1990's.

The project site and adjoining properties have been the subject of multiple environmental assessments and investigations. The results of these investigations confirmed the presence of contaminated fill, soil, groundwater, storm water and sewer sediment on the project site. Contaminants detected on the project site included chlorinated solvents, polynuclear aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), and heavy metals. However, the data collected was not sufficient to determine the magnitude and extent of contamination or the scope and cost of remediation required to enable redevelopment.

The former Roblin Steel property was the subject of an EPA removal action, completed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), in 1994. The removal action was undertaken to address the presence of over 700 drums of hazardous waste as well as piles of hazardous emission control dust. The following materials were removed from the property

during the course of the removal action for proper treatment and/or disposal at permitted off-site disposal facilities:

- 688 Empty Drums;
- 3,544 Gallons of K061 Liquids;
- 1,865 Gallons of K061 Oils;
- 20 Cubic Yards of K061 Debris;
- 330 Gallons of PCB Oil;
- 0.5 Tons of PCB Contaminated Equipment;
- 110 Gallons of Acids;
- 275 Gallons of Asbestos (Solid);
- 55 Gallons of Pesticide;
- 55 Gallons of Carbon Disulfide; and
- 165 Gallons of Flammable Liquid.

Prior to the removal of these materials, it was noted that 50 to 100 of the drums containing liquid wastes were either damaged, visually near the point of release, or leaking. Other mechanisms for the release of hazardous waste identified by the EPA included storm water runoff from piles of K061 wastes present at the project site. Poor housekeeping and improper storage practices were cited by the EPA as the likely source of past releases at the project site. Following the CERCLA removal action, EPA completed a Preliminary Assessment of the project site that resulted in its classification as a No Further Remedial Action Planned (NFRAP) site.

C. SITE INVESTIGATION RESULTS

The objective of the site investigation was to characterize the project site and determine the nature and extent of contamination occurring in the on-site soil/fill; groundwater; sewer system; and building surfaces, components and materials. The scope of the site investigations were in general conformance with the Final SI/RAR Work Plan developed for the project site and approved by the NYSDEC. Minor modifications to the scope of the field program were made during the course of the investigations, in consultation with NYSDEC, to account for conditions encountered. The primary tasks associated with the SI included:

- Preparation of a topographic survey of the project site.
- Performance of a radiation survey over the building and ground surfaces as well as during the subsurface investigation of the project site in an effort to locate any potential areas of elevated radiation.
- Field screening of surface soil/fill utilizing an x-ray fluorescence (XRF) unit to identify areas of elevated metals concentrations.
- Representative samples of surface soil and fill materials were collected from previously identified areas of concern (e.g., fuel oil tank farm, residual K061 waste areas, construction and demolition debris areas, etc.), as well as from points selected to represent typical conditions across the project site.

- The drilling of 12 test borings, advancement of 62 soil probes, and the excavation of 44 test pits across the project site in areas of potential concern to collect, screen and classify surficial deposits.
- Installation of 11 groundwater monitoring wells to determine groundwater flow direction and facilitate the collection of representative groundwater samples. Four existing monitoring wells were also sampled.
- Inspection of drains and sumps located on the project site to identify and sample potentially contaminated liquids, sediments and sludges and to determine the function of these structures, if possible.
- The sampling of concrete building surfaces that may have been exposed to polychlorinated biphenyls (PCBs), and the identification of potential PCB-containing electrical equipment.
- Chemical analysis of soil/fill, sediment, sludge, surface water, groundwater and concrete samples.
- Disposal profiling of contaminated soil/fill and sediment, wood floor blocks and soil/debris piles.
- The identification, sampling and laboratory analysis of suspected asbestos-containing materials (ACMs).

1. Physical Conditions

The SI identified the presence of fill material consisting of slag, foundry sand, soil, gravel, brick and concrete across the project site. The fill material extends from the ground surface to a depth of 2 to 7 feet below grade with a site-wide average of about 3.5 feet. The fill overlies a heterogeneous mixture of fine-grained glacial deposits ranging from clayey silts to silty clay units with varying percentages of sand and gravel. The glacial deposits are generally comprised of an upper, lacustrine unit underlain by a thin till unit that unconformably overlies shale bedrock, which occurs at approximate depths ranging from 2 to 15 feet below the ground surface. Bedrock core samples collected during the site investigation indicate that the upper 3 to 5 feet of bedrock is slightly to severely weathered and consists mainly of dark gray to gray shale.

Hyde Creek, which is located approximately 100 feet from the northeast corner of the project site, flows in a northwesterly direction towards Middle Road where it enters a City storm sewer that eventually discharges to Lake Erie at the foot of Serval Street. According to 6 NYCRR Part 839, Hyde Creek is a Class C stream.

Although perched water was encountered in the permeable fill at several locations of the project site, saturated conditions were not consistently observed in the fill layer. As such, the upper-most water-bearing zone defined on the project site occurs within the glacial till and weathered shale bedrock. Groundwater flow in this zone is generally to the northwest on the north side of the building and to the northeast on the east side of the building.

Although the building on the project site appears to be structurally sound, the exterior shell and roofing systems are substantially deteriorated. The floor within the building is a combination of concrete and earth. A review of historical maps and drawings indicates that the earthen portions are former below grade storage and processing areas, which have been backfilled with non-native soils and fill. These subsurface features include but are not limited to: an abandoned fuel

oil storage cellar; a cooling bed; remnants of the descaling pit; and an AST basement. Other smaller earthen fill areas not identified in historical drawings were identified during the site investigation in the southwest and northwest portions of the building. Portions of the concrete floor on the east end of the building have heaved from frost penetration.

All process equipment has been removed from inside the building, but numerous light fixtures with ballasts that may contain PCBs are still present within the structure. Federal regulations require that PCB containing ballasts are properly transported to, and disposed of in, a Toxic Substance Control Act (TSCA) approved disposal facility upon removal from service.

The on-site storm water and wastewater systems are abandoned and not well understood. Catch basins and sumps were difficult to identify due to the condition of the building and presence of fill, debris and brush scattered across the project site. A single active catch basin approximately seven feet deep is located 28 feet to the west of the southwest building corner. The catch basin is believed to be connected to the sewer line that utility plans indicate runs along the south building wall. No other catch basins along the south wall could be located, so it is uncertain whether the line is abandoned.

Located north of the building are the concrete floor slab and portions of the exterior wall foundations of the former buildings. Within this building footprint were multiple soil/debris piles consisting of a mixture of fill, soil, concrete, wood, brick, metal and construction and demolition (C&D) debris. Also observed in this area are wooden blocks used in floor construction. Some of the flooring was still in place, while in other areas the blocks were in small piles. Additionally, remnants of railroad ballast and railroad ties were observed during the subsurface investigation performed in the northeastern portion of the property and in the vicinity of gravel road along the northern property line.

2. Contamination Assessment

A risk assessment was completed, in part, to develop the contaminants of concern for the project site. The analytical data collected during the SI and SSI were compared to the standards and/or regulatory guidance levels for the contaminants of concern. In general, contaminants of concern were detected in the soil/fill across the project site and are the common by-products of the steel manufacturing operations. These contaminants of concern identified for the project site through the completion of a risk assessment include:

- **Volatile Organic Compounds (VOCs)** – VOCs detected are generally limited to BTEX compounds (i.e. benzene, toluene, ethylbenzene, and xylene) and chlorinated hydrocarbons consisting of trichloroethene and its degradation products, 1,1-dichloroethene, 1,2-dichloroethene, and vinyl chloride.
- **Polycyclic Aromatic Hydrocarbons (PAHs)** – PAHs detected fall under the more general category of semi-volatile organic compounds (SVOCs). The specific PAH compounds identified at the project site primarily consist of carcinogenic PAHs (cPAHs) that are known to represent human health risks. These compounds are almost

exclusively limited to benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene and Dibenzo(a,h)anthracene.

- **Inorganics –** Inorganics detected consist of the heavy metals in the project site's soil/fill. The metals of concern at the project site consist of arsenic, barium, beryllium, cadmium, chromium, copper, lead, silver, selenium and zinc.
- **Polychlorinated Biphenyls (PCBs) –** Multiple PCB aroclors were detected on concrete surfaces and in surface soil/fill surrounding a former transformer pad and are identified as a contaminant of concern.

The following discussions generally focus on the contaminants of concern in relation to the regulatory guidance values.

Surface Soil / Fill

A total of 43 surface soil/fill samples were collected from across the project site and analyzed for various parameters. Every surface soil/fill sample collected, with the exception of two samples, contained at least one contaminant of concern at a concentration exceeding the regulatory guidance levels.

Metals concentrations exceeding the regulatory guidance levels were detected in surface soils/fill across the project site. The highest concentrations of metals were detected in the western portion of the project site north of the building, and in the eastern portion of the project site in the area of the former baghouse. The presence of elevated metals is likely related to the residual presence of emission control dust, as well as the deposition of foundry sands, slag, scrap metal and various other processing wastes associated with steel production that were likely discharged on the property. Additionally, large volumes of water were used to cool the molten steel, and the process wastewaters may have been released on the project site.

PAHs were detected in all of the composite surface soil/fill samples collected from the project site. The highest concentrations of PAHs were detected in the center of the project site north of the building. Additional surface soil samples collected during the SSI confirmed numerous PAHs above the guidance values in the area north of the building. The presence of these contaminants is likely related to poor housekeeping practices resulting in past releases of petroleum products used in connection with rolling mill operations and other processing equipment, which involved the use of large quantities of greases and oils, within the former Building No. 47. Additionally, the presence of PAHs may be associated with the operation of railroad spurs throughout the property, particularly on the eastern half of the project site.

PCBs were also detected in the surface soil/fill at three locations (excluding the transformer pad area) with the highest concentrations in the surface soil/fill to the north of the existing building. The presence of PCBs in these areas is potentially the result of poor housekeeping practices resulting in the spills and or releases of dielectric fluids; the staging of electrical transformers at various locations throughout the project site; or

spills/releases occurring during routine maintenance activities. Additionally, large quantities of hydraulic oil that may have contained PCBs were used on the project site, some of which may have been discharged.

These contaminants (metals, PAHs and PCBs) have low solubilities in water, and are relatively immobile in soils, as they tend to adsorb onto soil particles. This is supported by the results of synthetic precipitation leaching procedure (SPLP) and toxicity characteristic leaching procedure (TCLP) analyses of the contaminated soil/fill, which demonstrated that the leachability of the inorganic and semi-volatile organic contaminants is very low. The absence of the metals of concern (e.g., cadmium, copper, lead, silver and zinc) and PCBs, and the relatively low concentrations of PAHs in the groundwater also support this assessment. Furthermore, subsurface soils/fill samples collected at a depth of 1 foot directly beneath the surface soil/fill samples generally revealed lower concentrations of metals. As such, significant concentrations of these contaminants are unlikely to leach into the subsurface and migrate in the groundwater. However, there is the potential for the mechanical transport of contaminated surface soil/fill via wind and water erosion.

Under the current use scenario, persons living and working in the vicinity of, and/or persons trespassing on, the project site could be exposed to metals, PAHs and PCBs in the surface soil/fill via inhalation of airborne particles, or through incidental ingestion of, or dermal contact with, the contaminated media. Although the potential for human exposure during re-development activities involving the disturbance of the contaminated surface soil/fill has been identified, the risk of exposure could be effectively minimized through the use of appropriate personal protective equipment and dust suppression techniques. No complete exposure pathways have been identified in connection with the post-redevelopment period, assuming that the remaining soil/fill is not exposed at the ground surface.

Subsurface Soil and Fill

A total of 28 subsurface soil/fill samples were collected from across the project site and analyzed for various parameters. Every subsurface soil/fill sample collected, with the exception of three samples, contained at least one contaminant of concern at a concentration exceeding the regulatory guidance levels. Contaminants of concern detected in subsurface soil/fill at concentrations that exceed the regulatory guidance levels consist primarily of PAHs, but also include the solvents detected in the samples collected from TB-12 and SP-46 located near the former GFM Cooling tower at the southern portion of the existing building, and the solvents detected in SP-60 located at the north end of the project site. Additionally, several metals concentrations exceeding the guidance levels were detected in the subsurface soil/fill samples throughout the project site.

PAHs are commonly associated with industrial applications involving petroleum-based products, and are found in heavy fractions of petroleum distillates, asphalt, coal tar, and

creosote. The locations and the potential sources of contamination within these areas included:

- Test Pit Nos. 01 and 02 within the northeast corner of the project site, in the former location of the three 157,000-gallon fuel oil ASTs. The majority of the contamination in these two locations is within the upper six feet, based on soil gas readings, and visual/olfactory observations.
- Soil Probe No. 5 which is located within the boundaries of a former railroad spur that entered the property from the east.
- Test Pit No. 26, which is centrally located along the northern property line south of the gravel road, was excavated in the vicinity of a railroad track that traversed the northern portion of the project site.
- Soil Probe No. 36, which was located within the western half of the existing building on the north side between Piers 14 and 15. A subsurface oil cellar was operated in this location during the early to mid 1900s.

The remainder of the subsurface soil/fill sampling locations revealed concentrations of total SVOCs below 10,000 ppb, the majority of which are located on the western half of the project site. Potential sources of PAHs in these areas include the former operation of rail spurs; poor housekeeping practices resulting in past releases of petroleum products and/or wastes used in connection with machine shop and compressor operations; and/or past spills and/or leaks associated with the use of fuel oil.

The soil samples collected from TB-12 and SP-46, which were located within the area of the former GFM Cooling tower, and the soil sample from SP-60, which is located about 20 feet west of MW-07 were the only subsurface soil/fill sampling locations with detections of VOCs above the regulatory guidance values. Solvents consisting primarily of Trichloroethylene (TCE) and/or 1,2-dichloroethene (1,2 DCE) were detected at these locations. Interviews with former employees of Roblin Steel indicated that the area of the former GFM Cooling tower was a common dumping area for wastes associated with facility operations. The TCLP VOC results for SP46 indicated that this sample contained concentrations of TCE that are considered hazardous based on 40 CFR Part 261.

The majority of the metals detected at concentrations exceeding the guidance values were contained in the upper four feet of the fill layer. Although contaminants were detected within the underlying native lacustrine material, the concentrations were generally lower. As noted in the previous discussion of the surface soil/fill contamination, significant concentrations of these contaminants are unlikely to leach from these media and migrate in the groundwater.

Conversely, the chlorinated solvents detected in subsurface soil/fill in two areas of the project site are soluble in water and moderately to highly mobile in the subsurface. As such, they can migrate downward into the groundwater and be transported in the dissolved phase in flowing groundwater. Furthermore, organic vapors can also be released from these materials based upon the volatile nature of the contaminants.

Based upon their subsurface disposition and, in the case of the VOCs, the lack of local reliance on groundwater as a potable water source, the presence of these compounds is not interpreted to represent a significant human exposure risk under the current use scenario for the property because no complete exposure pathways were identified. Although the potential for human exposure during re-development activities involving the disturbance of the contaminated soil/fill has been identified, the risk of exposure could be effectively minimized through the use of appropriate personal protective equipment, air monitoring, and dust suppression techniques. Under the future use scenario, there is the potential for the exposure of site workers to organic vapors released from the VOC contaminated soil.

Surface Water

No site-derived contamination was detected in the surface water sample collected from Hyde Creek.

Groundwater

Contaminants of concern detected in the groundwater beneath the project site consist primarily of VOCs, including chlorinated and aromatic hydrocarbons. These contaminants were detected in both the upper most water-bearing unit, which occurs at the interface between the overburden and weathered bedrock, and in the shallow bedrock water-bearing unit. Relatively low concentrations of PAHs were also detected in a portion of the wells screened in the upper most water-bearing unit. Although metals were detected in all of the groundwater samples at concentrations above the NYS Ambient Water Quality Standards (WQS), these metals are commonly noted to occur naturally in the groundwater of the region and are not interpreted to be site-derived.

The chlorinated hydrocarbons detected in the groundwater include TCE, DCE, and vinyl chloride. TCE was widely used as a solvent for degreasing metal parts, while the latter two compounds are likely byproducts of the degradation of TCE. Because chlorinated hydrocarbons are denser than water, quantities that are not absorbed by surrounding soils can migrate vertically downward through an aquifer. Additionally, these compounds are soluble in water and can therefore migrate in the dissolved phase with flowing groundwater.

The highest levels of chlorinated hydrocarbons were encountered in existing well EX-MW-11, where the TCE concentration was 150 ppm and the concentration of total chlorinated hydrocarbons was 200 ppm. In contrast, the concentrations of total chlorinated hydrocarbons in nearby wells EX-MW-12 and MW-2 were 0.350 ppm and 0.151 ppm, respectively, and no chlorinated hydrocarbons were detected in nearby wells MW-3 (bedrock well) or EX-MW-10. The high concentration of TCE detected in EX-MW-11 appears to be associated with a source area identified on the adjacent Alumax property.

Chlorinated hydrocarbons at much lower concentrations were also detected in interface wells EX-MW-9 (0.870 ppm), MW-9 (0.766 ppm), and MW-7 (1.90 ppm); and in bedrock well MW-5 (0.008 ppm). While elevated concentrations of TCE were detected in subsurface soil/fill samples collected in the vicinity of MW-9, which is located in an area reportedly used for the discharge of spent solvents, no suspected point sources of the chlorinated hydrocarbon contamination were identified in connection with the other groundwater detection points. As such, the groundwater contamination observed in these wells may be the result of the use of chlorinated solvents in association with facility operations, poor housekeeping practices, and/or the on-site disposal of spent solvents.
The aromatic hydrocarbons detected in the groundwater samples from numerous wells across the project site include benzene, toluene, ethylbenzene and xylenes. These compounds are often referred to as BTEX compounds, and are commonly associated with gasoline. The mobility of these compounds ranges from low to moderate for toluene and xylenes, and moderate to high for ethylbenzene and benzene. Total BTEX levels detected in groundwater samples were relatively low, ranging from 0.005 ppm (MW-1) to 0.247 ppm (MW-6). No historical records indicating the on-site storage of gasoline were discovered during the course of this investigation, nor were any point sources of BTEX contamination encountered. However, given the nature of the former site operations, it is likely that gasoline was stored and utilized on-site, perhaps in small quantities. Therefore, the presence of these aromatic hydrocarbons in the groundwater on the project site is likely the result of past spills or leaks of gasoline from equipment and vehicles utilized on-site.

Low concentrations of SVOCs, including PAHs, were detected in the groundwater samples collected from MW-1, MW-4, MW-6, MW-7, MW-9, MW-11, and EX-MW-10. However, the concentrations of these compounds only slightly exceed the regulatory standards in three of these wells (MW-1, MW-4 and MW-6). The majority of the SVOCs detected have relatively low solubilities in water, and are characterized as slightly mobile to immobile in the subsurface. The wells in which these compounds were detected are located within or immediately down gradient from the area in which elevated SVOC levels were detected in surface soil/fill samples. As such, the presence of these compounds in the groundwater at these locations may be attributed to the leaching of contaminants from the overlying soil/fill.

The VOCs detected in the groundwater are moderately to highly mobile in the subsurface, and are expected to migrate in the dissolved phase with flowing groundwater. As such, they have the potential to be transported off-site in groundwater flow within both water-bearing units, and to ultimately be discharged to local surface water bodies including Hyde Creek and Lake Erie. The presence of these compounds in the monitoring wells located along the down-gradient project site boundary is evidence that this off-site migration may be occurring. Similarly, PAHs were also detected in a number of the down-gradient wells, and may also be migrating off-site in the groundwater within the upper-most water-bearing unit. However, given the relatively low concentrations of PAHs detected in these wells and the relatively low mobility of these

compounds, significant concentrations of PAHs are not expected to migrate substantially in the groundwater. Moreover, the lack of local reliance on groundwater as a source of potable water, and the absence of residential receptors immediately to the north (down-gradient) of the project site minimizes the potential for direct human exposure to groundwater contaminants. Furthermore, it should be noted that no VOCs or PAHs were detected in surface water samples collected from Hyde Creek in the vicinity of the project site.

Groundwater potentiometric data indicates that the sewer line located along the southern margin of the project site may intercept groundwater within the upper-most water-bearing unit. As part of the environmental investigations completed at the adjoining Alumax property to the south, a sample of the water from the catch basin near MW-12 was collected and analyzed. This water is believed to originate from the sewer line located parallel to the southern edge of the building. The analytical results indicated the presence of five VOCs, with only xylene exceeding its water quality standard. Acetone, cis-1,2-dichloroethene, ethylbenzene, and TCE were detected at concentrations below their respective water quality standards. It is expected that contaminant concentrations within the sewer line will vary depending on the groundwater elevation and flow volume within this conveyance. As such, impacted groundwater appears to be migrating off-site in this sewer line and entering the City of Dunkirk's sewer system. As documented in the October 2000 Phase III ESA report prepared by IT Corporation for the Alumax site, this sewer line ultimately discharges to the City of Dunkirk's wastewater treatment plant. As such, off-site human and environmental exposure to contaminated groundwater carried in and/or discharged from the sewer line system is a slight concern. It should be again noted, however, that the chlorinated solvent contamination detected in EX-MW-11, which is located in close proximity to this sewer line, appears to be emanating from a source area located on the adjacent Alumax property to the south.

Based upon the presence of significant concentrations of DCE and vinyl chloride in the groundwater samples, the natural degradation of TCE, the suspected source product, has been occurring in the subsurface of the project site for some time. As such, it is reasonable to assume that the degradation of the aromatic, chlorinated and polycyclic aromatic hydrocarbons detected in the groundwater will continue to occur via natural chemical and biological processes.

Although no complete route for direct human exposure to contaminated groundwater has been identified under the current or future use scenarios, there is the potential for utility workers involved with the cleaning and/or maintenance of the sewer system to be exposed to the VOC contaminated groundwater that is believed to enter this system on the project site. Construction workers could also be exposed to the contaminated groundwater and organic vapors emanating therefrom during excavation activities performed in connection with redevelopment activities. However, the use of appropriate personal protective equipment, air monitoring and groundwater management techniques would likely minimize the risk of exposure during the re-development activities. Under the

future use scenario, there is the potential for the exposure of site workers to organic vapors released from the VOC contaminated groundwater.

Sediment/Sludge

Contaminant concentrations exceeding the regulatory guidelines were detected in sediment and sludge collected from drains and sumps within the building (Sump Nos. 1 through 8), on the project site outside the building (Sump No. 9) and from current or past off-site discharge points (Hyde Creek outfall and the catch basin and end of the sewer pipe from the discharge location of the sewer line along the southern portion of the building). These contaminants include metals, VOCs and SVOCs (and PCBs at SMP01). Metals are attributed to metal particulates (e.g., shaving, grindings, etc.) generated during process operations conducted at the former Roblin Steel facility that were likely washed or swept into the floor drains, as well as past process waste water discharges. The presence of VOCs, SVOCs and PCBs is likely related to poor housekeeping practices resulting in past releases of solvents, petroleum products and/or wastes used in connection with former industrial operations; as well as spills and/or releases of new and used solvents, petroleum products and dielectric fluid to the facility's internal drainage system. Contaminated sediment within the facility's sumps has the potential to become suspended in and transported by storm water that enters the sumps and overflows these structures or discharges to local surface water bodies, such as Hyde Creek.

Under the current use scenario, no complete human exposure pathways were identified in connection with the contaminated sludge and sediment in the on-site sumps and drains. However, given the fact that the on-site sewer system has not been fully delineated, and the documented impacts to the sediments at a known discharge location (Hyde Creek outfall and the catch basin and end of the sewer pipe from the discharge location of the sewer line along the southern portion of the building), there is the potential for utility workers involved with the cleaning and/or maintenance of drainage structures owned by the City that may still be tied into the on-site sewer system to be exposed to the metals, VOCs, SVOCs and PCBs present in the contaminated sediments and sludge in these structures. The potential for the exposure of members of the public also exists should the sediment/sludge enter Hyde Creek and be transported by storm water, or dispersed by wind currents. Lastly, fish and wildlife inhabiting Hyde Creek could be exposed to the contamination. If the migration of contaminated sediment were to occur in this manner, these exposure pathways would exist under the current and future use scenarios.

Construction workers, site visitors and persons, working and traveling through the project area could be exposed to the metals, VOCs, SVOCs and PCBs in the sediment and sludge during redevelopment activities. However, the use of appropriate personal protective equipment and dust suppression techniques would likely minimize the risk of exposure during redevelopment.

No complete exposure pathways for on-site sludge and sediment contamination have been identified in connection with the post redevelopment period, assuming that the sumps, drainage structures and their contents are not exposed at the ground surface after redevelopment.

Asbestos

Asbestos was the primary contaminant of concern detected in the building components. Non-friable ACMs are relatively resistant to weathering and are not expected to migrate from the project site. However, asbestos fibers released as a result of the degradation of friable ACMs are susceptible to dispersion via wind currents and/or transport via storm water. Based upon the condition of the building and the fact that only limited friable ACMs were detected, it is not likely that friable ACMs are being exposed directly to the environment. The risk of asbestos exposure during building demolition or renovation activities would be minimized through the implementation of proper abatement, control and monitoring procedures as required by applicable state and federal regulations. The type and quantity of ACMs identified in the on-site structure is described in the Pre-Demolition Asbestos Survey Report included as Appendix I of the SI Report

PCBs

PCB concentrations exceeding the regulatory values for two parameters (Aroclor 1260 and 1242) were initially detected at one sampling location (SS05-CC) in the area of the former transformer room. Additional sampling completed during the SSI detected PCB concentrations above the regulatory values in the concrete sample (SS09-CC) and the surface soil/fill samples collected to the south, east and west of the pad (SS44 through SS46). The surface soil/fill sample collected from the west side of the concrete pad demonstrated the highest levels of PCBs. The extent of PCB contamination in the soil/fill surrounding the pad to the south, east and west has not been fully defined.

Based on interviews provided by former Roblin Steel employees, the elevated levels of PCBs detected on the concrete flooring of the former transformer rooms farthest to the west are likely the result of a large spill of transformer oil. The PCBs detected on the remaining concrete pads from the former electrical substation and the concrete flooring from the former transformer rooms on the east side of the project site are likely the result of the regular operation and maintenance of the transformers that were once present in these areas.

The presence of PCBs on the concrete transformer pad located north of the building on the western part of the project site is not interpreted to represent a human exposure risk because no complete exposure pathways were identified under the current use scenario for the property. This is based on the disposition of the PCBs within the concrete, which makes exposure to or inhalation of PCB contaminated concrete unlikely. The presence of PCBs in the surface soil/fill surrounding the concrete pad represents a human exposure risk to persons working in the vicinity of and/or persons trespassing on the

project site. These potential receptors could be exposed to PCB contamination via inhalation of airborne particles, or through incidental ingestion of, or dermal contact with, the contaminated soil/fill.

Although the potential for human exposure during re-development activities involving the disturbance of the contaminated concrete and soil/fills has been identified, the risk of exposure could be effectively minimized through the use of appropriate personal protective equipment, air monitoring, and dust suppression techniques. Assuming that the contaminated concrete and soil/fills would not be exposed under the future use scenario, no exposure threat would exist under this scenario.

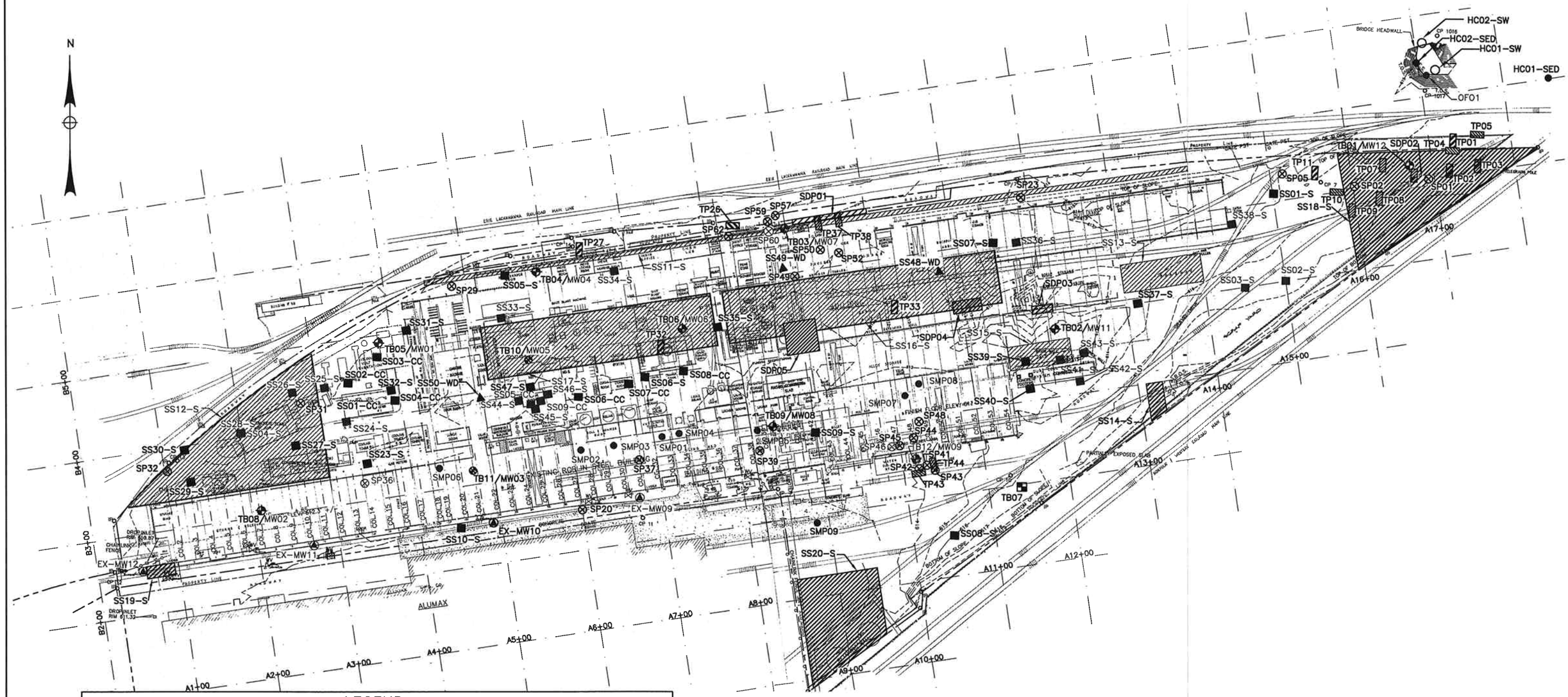
The presence of the potential PCB containing electrical equipment (e.g. fluorescent and HID light fixtures with ballasts) throughout the existing building is not interpreted to represent a significant human exposure risk because no complete exposure pathways were identified under the current use scenario for the property. This is based on the inaccessibility of this equipment and the sealed nature of the ballasts. However, construction workers involved in site redevelopment could be exposed to the PCBs when handling the fixtures during rehabilitation or demolition of the structure. This risk could be minimized, however, through the use of personal protective equipment and proper handling techniques. Assuming that the fixtures would no longer be present under the future use scenario, no exposure threat would exist under this scenario.

3. *Identification of Impacted Media Groups*

As a result of the SI, SSI and the environmental investigations completed at the adjacent Alumax facility, seven groups of impacted media were identified based on the type of media and type of contaminant. The seven impacted media groups (MGs) that were included for evaluation as part of the RAR included

1. Surface Soil/Fill and Debris Piles.
2. Subsurface Soil/Fill Impacted with Chlorinated VOCs.
3. Subsurface soil/fill with PAH and Metals Impacts and/or Petroleum Nuisance Characteristics.
4. Drainage Features and Contents.
5. Building Components.
6. Concrete and Surface Soil Impacted with PCBs.
7. Groundwater Impacted with VOCs.

FIGURES



LEGEND

———	BUILDING LINE	EX-MW10	EXISTING GROUNDWATER MONITORING WELL
——— — ———	PROPERTY LINE	MW03	BEDROCK GROUNDWATER MONITORING WELL
— — — — —	SAMPLING GRID SYSTEM	MW01	INTERFACE GROUNDWATER MONITORING WELL
A1+00 B1+00	SAMPLING GRID SYSTEM STATIONING		SS01-S COMPOSITE SURFACE SOIL SAMPLE
OF01	OUTFALL SAMPLING LOCATION	SP16	SUBSURFACE SOIL PROBE SAMPLED FOR CHEMICAL ANALYSIS
TB01	TEST BORING COMPLETED WITH INTERFACE GROUNDWATER MONITORING WELL	SDP01 THRU SDP05	SOIL/DEBRIS PILES
TP05	TEST PIT SAMPLE LOCATION	SMP01 THRU SMP08	SUMP SAMPLING LOCATION
SS42-S	GRAB SURFACE SOIL SAMPLE LOCATION	SS49-WD	WOOD FLOOR BLOCKS

S:\Engineering\0020006 Roblin Steel\CADD\remedial alt report\FIGURE 3.dwg 4/11/2005 1:23:27 PM EDT

SAMPLE LOCATION PLAN

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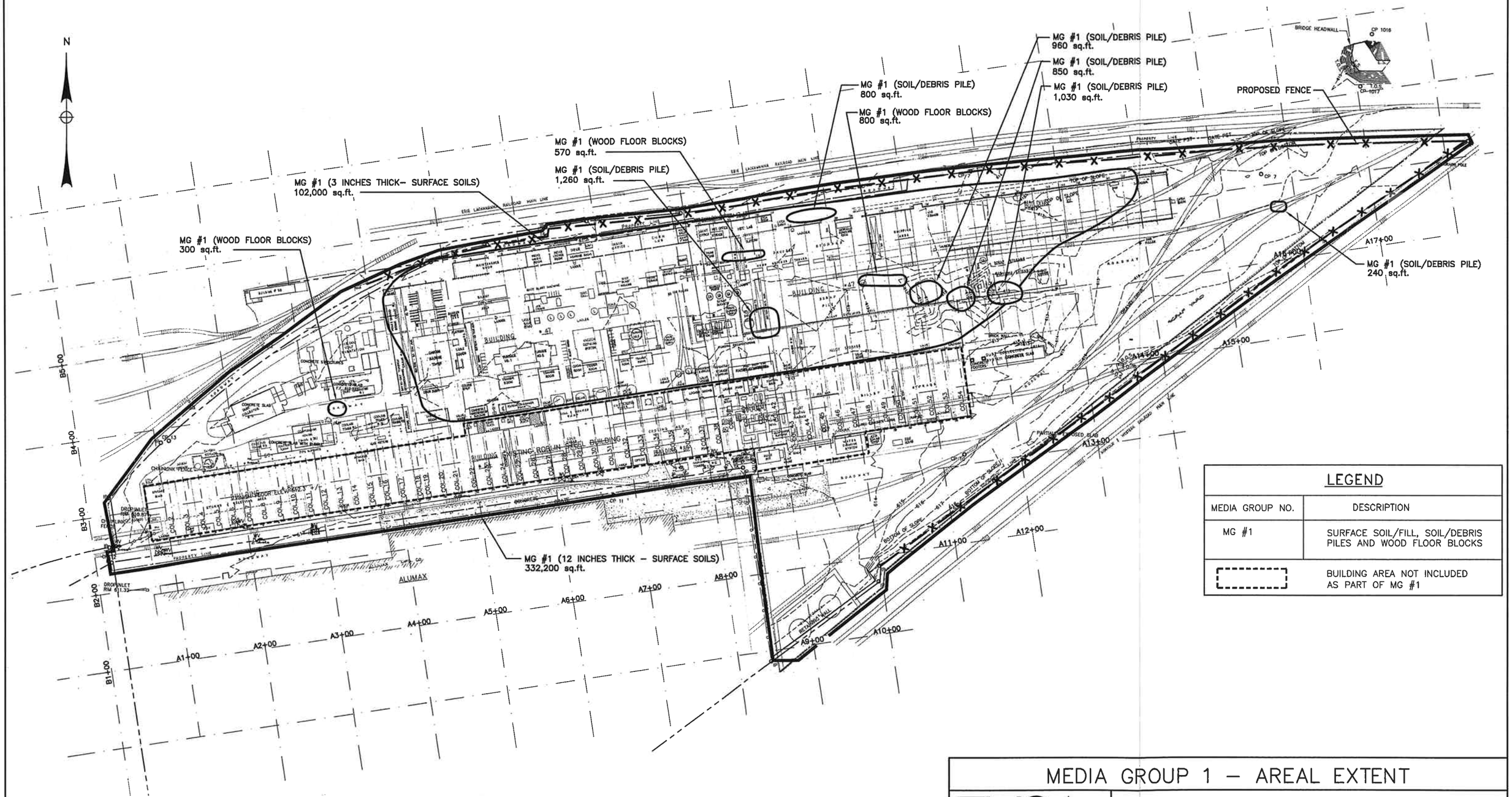
REMEDIAL ALTERNATIVES REPORT
FORMER ROBLIN STEEL SITE
DUNKIRK, CHAUTAUQUA CO., N.Y.

PROJECT NO. 0020006	SCALE: 1" = 120'	DATE: 04/11/05	FIGURE NO. 3



LEGEND

MEDIA GROUP NO.	DESCRIPTION
MG #1	SURFACE SOIL/FILL, SOIL/DEBRIS PILES AND WOOD FLOOR BLOCKS
[dashed]	BUILDING AREA NOT INCLUDED AS PART OF MG #1

MEDIA GROUP 1 – AREAL EXTENT

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PROJECT NO. 0020006	SCALE: 1" = 120'	DATE: 04/11/05	FIGURE NO. 4A

S:\Engineering\0020006 Roblin Steel\CADD\remedial alt report\FIGURE 4A.dwg 4/11/2005 1:26:05 PM EDT

N

PROPOSED FENCE

MG #3 (3 FEET THICK – SUBSURFACE SOIL) &
MG #7 (SITE WIDE GROUNDWATER)
332,200 sq.ft.

LEGEND	
MEDIA GROUP NO.	DESCRIPTION
MG #3	SUBSURFACE SOIL/FILL WITH PAHs OR METALS OR PETROLEUM RELATED VOC IMPACTS
MG #7	GROUNDWATER IMPACTED WITH VOCs
[ ]	BUILDING AREA NOT INCLUDED AS PART OF MG #3 OR MG #7

MEDIA GROUP 3 & 7 – AREAL EXTENT

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FORMER ROBLIN STEEL SITE
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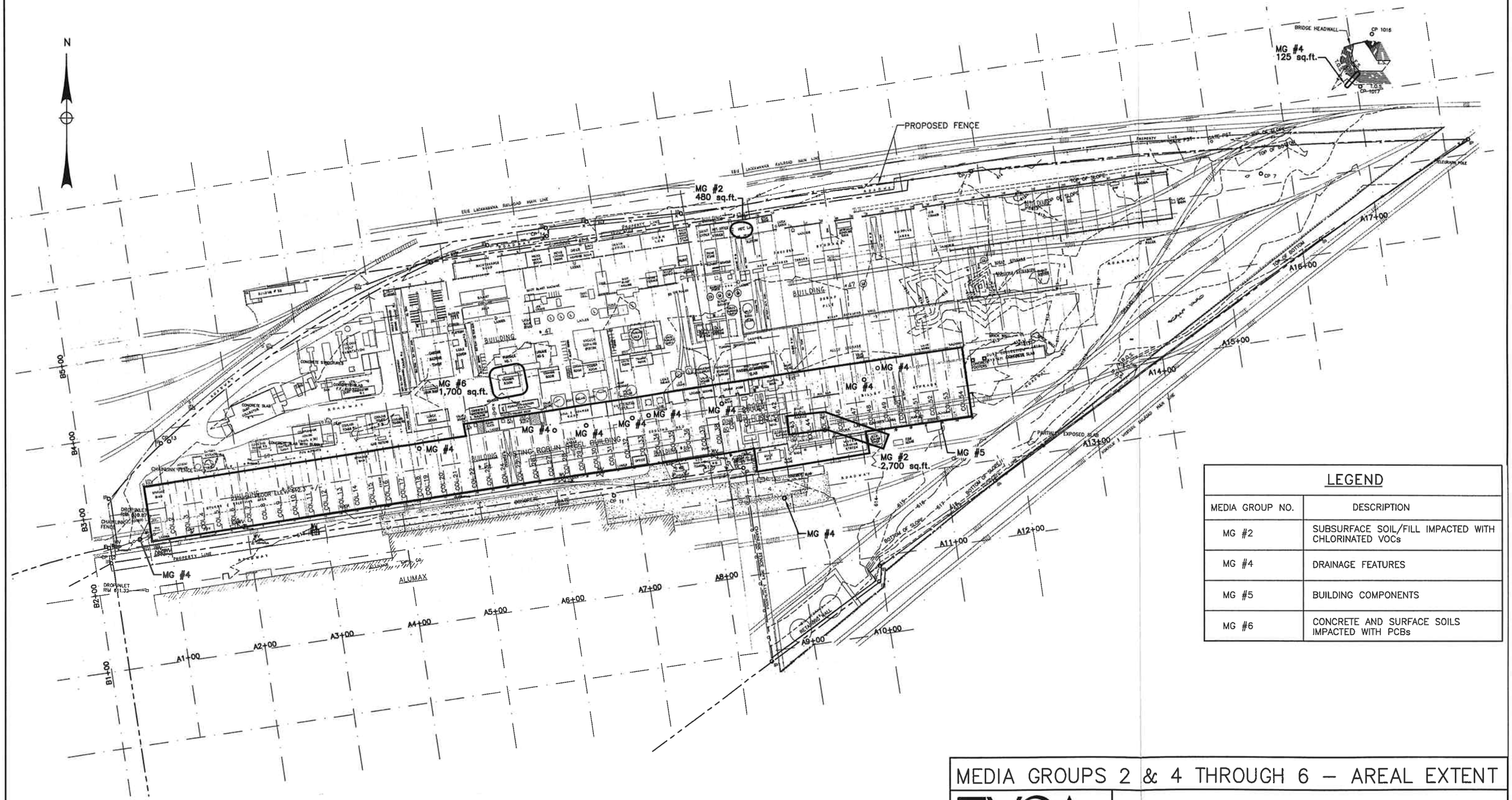
PROJECT NO. 0020006 | SCALE: 1" = 120' | DATE: 04/11/05 | FIGURE NO. 4B

S:\Engineering\0020006 Roblin Steel\CADD\remedial alt report\FIGURE 4B.dwg 4/11/2005 1:27:12 PM EDT



LEGEND	
MEDIA GROUP NO.	DESCRIPTION
MG #2	SUBSURFACE SOIL/FILL IMPACTED WITH CHLORINATED VOCs
MG #4	DRAINAGE FEATURES
MG #5	BUILDING COMPONENTS
MG #6	CONCRETE AND SURFACE SOILS IMPACTED WITH PCBs

MEDIA GROUPS 2 & 4 THROUGH 6 – AREAL EXTENT

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FORMER ROBLIN STEEL SITE
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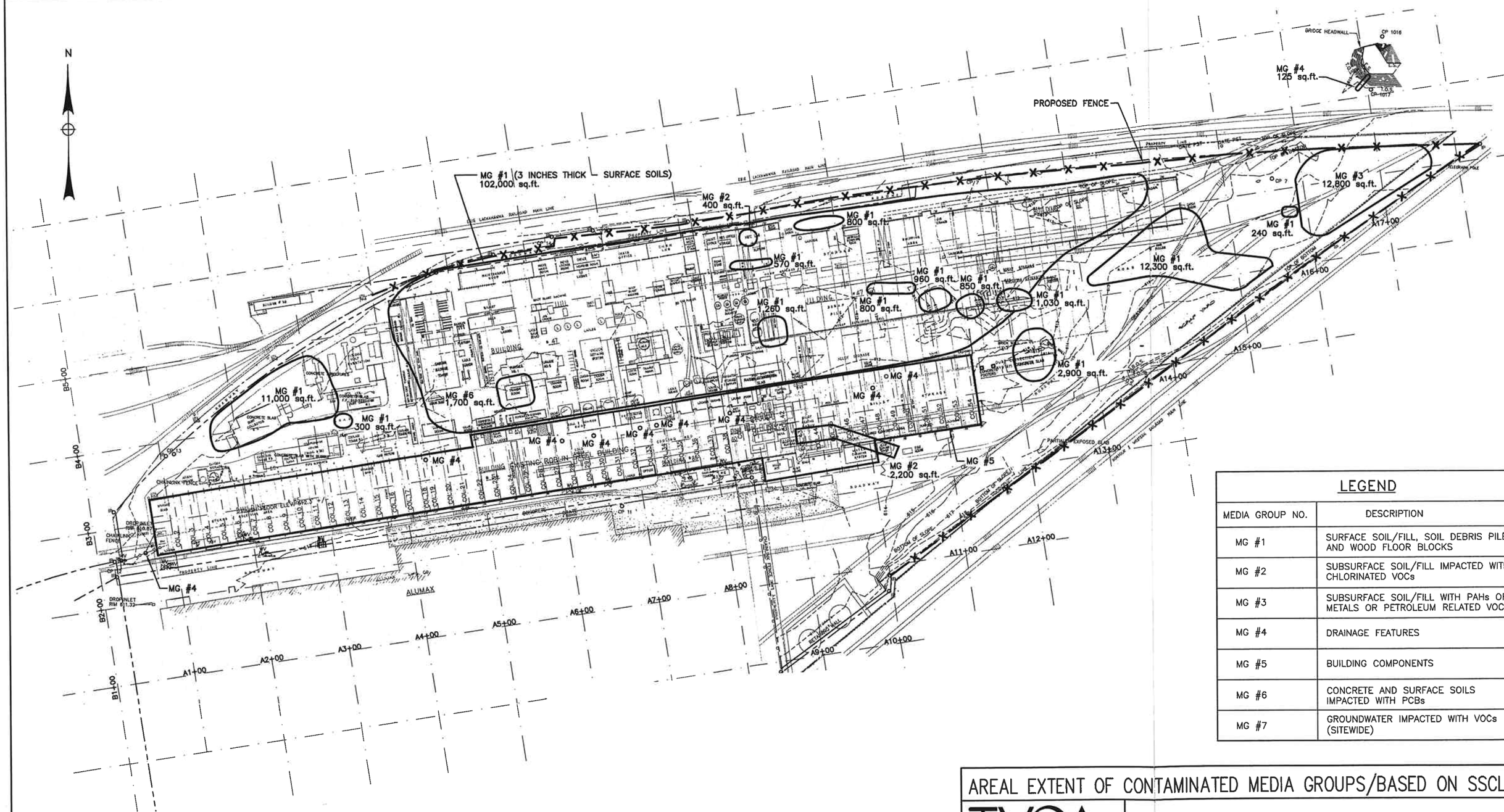
PROJECT NO. 0020006	SCALE: 1" = 120'	DATE: 04/11/05	FIGURE NO. 4C

S:\Engineering\0020006 Roblin Steel\CADD\remedial alt report\FIGURE 4C.dwg 4/11/2005 1:27:56 PM EDT



LEGEND

MEDIA GROUP NO.	DESCRIPTION
MG #1	SURFACE SOIL/FILL, SOIL DEBRIS PILES AND WOOD FLOOR BLOCKS
MG #2	SUBSURFACE SOIL/FILL IMPACTED WITH CHLORINATED VOCs
MG #3	SUBSURFACE SOIL/FILL WITH PAHs OR METALS OR PETROLEUM RELATED VOCs
MG #4	DRAINAGE FEATURES
MG #5	BUILDING COMPONENTS
MG #6	CONCRETE AND SURFACE SOILS IMPACTED WITH PCBs
MG #7	GROUNDWATER IMPACTED WITH VOCs (SITEWIDE)

AREAL EXTENT OF CONTAMINATED MEDIA GROUPS/BASED ON SSCLs

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REMEDIAL ALTERNATIVES REPORT
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PROJECT NO. 0020006 | SCALE: 1" = 120' | DATE: 04/11/05 | FIGURE NO. 5

S:\Engineering\0020006 Roblin Steel\CADD\remedial alt report\FIGURE 5.dwg 4/11/2005 1:29:08 PM EDT

SECTION 5

PROOF OF OWNERSHIP

CHAUTAUQUA COUNTY DEPARTMENT OF LAW

MARK W. THOMAS
County Executive

FREDERICK A. LARSON
County Attorney

May 24, 2002

Commissioner of Environmental Conservation
New York State Department of Environmental Conservation
Division of Environmental Remediation, Region 9
270 Michigan Avenue
Buffalo, New York 14203-2999

Re: B00173-9
Former Roblin Steel Site
Dunkirk (c), Chautauqua County

I, Frederick A. Larson, being an attorney duly admitted to the practice of law in the State of New York, affirm under penalties of perjury the following:

1. That I am the attorney for Chautauqua County, the Municipality which is the applicant for State Assistance pursuant to Title 5 of Article 56 of the Environmental Conservation Law to undertake an Environmental Restoration Project known as the Former Roblin Steel Site Brownfield Project;

2. That the Property located at Dunkirk, New York which is the subject of the Project is more particularly described in Schedule A, annexed hereto;

3. That I hereby certify to the Commissioner of Environmental Conservation that I have examined or caused to be examined the title to the property, and that I have approved the same, and that as of the date of this affirmation a good and marketable title thereto on fee is vested in and may be conveyed by Chautauqua County;

4. That annexed hereto is a copy of the survey description of the Property which is owned by Chautauqua County, and that I hereby certified to the Commissioner of Environmental Conservation that the property title to which is described by said survey description is identical to the Property which is the subject of the Project; and,

5. That I make this affirmation to be attached as an exhibit and incorporated by reference into such application.

Dated: May 24, 2002

Frederick A. Larson
County Attorney