

NEW YORKDepartment ofSTATE OF
OPPORTUNITY.EnvironmentalConservation

Brownfield Cleanup Program

Citizen Participation Plan for Central Hudson Gas & Electric Corporation – Little Britain Road Service Center

May 2020

DEC Site No. C336031 610 Little Britain Road New Windsor Orange County, New York

www.dec.ny.gov

Contents

| Section | Page Number |
|---|-------------|
| 1. What is New York's Brownfield Cleanup Program? | 3 |
| 2. Citizen Participation Activities | 3 |
| 3. Major Issues of Public Concern | 9 |
| 4. Site Information | 9 |
| 5. Investigation and Cleanup Process | 11 |
| Appendix A - Project Contacts and Locations of Reports and Information | 15 |
| Appendix B - Site Contact List | 16 |
| Appendix C - Site Location Map | 19 |
| Appendix D - Brownfield Cleanup Program Process | 20 |

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

Applicant: Central Hudson Gas & Electric Corporation ("Applicant") Site Name: Little Britain Road Service Facility ("Site") Site Address: 610 Little Britain Road, New Windsor Site County: Orange County Site Number: DEC Site No. C336031

1. What is New York's Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) works with private developers to encourage the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and developed. These uses include recreation, housing, and business.

A *brownfield* is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination. A brownfield typically is a former industrial or commercial property where operations may have resulted in environmental contamination. A brownfield can pose environmental, legal, and financial burdens on a community. If a brownfield is not addressed, it can reduce property values in the area and affect economic development of nearby properties.

The BCP is administered by the New York State Department of Environmental Conservation (NYSDEC) which oversees Applicants who conduct brownfield site investigation and cleanup activities. An Applicant is a person who has requested to participate in the BCP and has been accepted by NYSDEC. The BCP contains investigation and cleanup requirements, ensuring that cleanups protect public health and the environment. When NYSDEC certifies that these requirements have been met, the property can be reused or redeveloped for the intended use.

For more information about the BCP, go online at: <u>http://www.dec.ny.gov/chemical/8450.html</u>.

2. Citizen Participation Activities

Why NYSDEC Involves the Public and Why It Is Important

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

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

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

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

Project Contacts

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

Locations of Reports and Information

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

Site Contact List

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

- chief executive officer and planning board chairperson of each county, city, town and village in which the site is located;
- residents, owners, and occupants of the site and properties adjacent to the site;
- the public water supplier which services the area in which the site is located;
- any person who has requested to be placed on the site contact list;
- the administrator of any school or day care facility located on or near the site for purposes of posting and/or dissemination of information at the facility;
- location(s) of reports and information.

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

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

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

CP Activities

The table at the end of this section identifies the CP activities, at a minimum, that have been and will be conducted during the site's investigation and cleanup program. The

flowchart in Appendix D shows how these CP activities integrate with the site investigation and cleanup process. The public is informed about these CP activities through fact sheets and notices distributed at significant points during the program. Elements of the investigation and cleanup process that match up with the CP activities are explained briefly in Section 5.

- Notices and fact sheets help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up a site.
- **Public forums, comment periods and contact with project managers** provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a site's investigation and cleanup.
- **The Newburgh Free Library**, located at 124 Grand Street in Newburgh, has agreed to continue to act as a document repository for the Site. Publicly available documents will be stored here for access.
- The NYSDEC Environmental Site Remediation Database, Search Method #1, Enter Site Code: C336031 https://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3

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

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

Technical Assistance Grant

NYSDEC must determine if the site poses a significant threat to public health or the environment. This determination generally is made using information developed during the investigation of the site, as described in Section 5.

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

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

As of the date the declaration (page 2) was signed by the NYSDEC project manager, the significant threat determination for the site had not yet been made.

To verify the significant threat status of the site, the interested public may contact the NYSDEC project manager identified in Appendix A.

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

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

| Citizen Participation Activities | Timing of CP Activity(ies) | |
|---|---|--|
| Application Process: | | |
| Prepare site contact listEstablish document repository(ies) | At time of preparation of application to participate in the BCP. | |
| Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period Publish above ENB content in local newspaper Mail above ENB content to site contact list Conduct 30-day public comment period | When NYSDEC determines that BCP application is complete. The 30-day public comment period begins on date of publication of notice in ENB. End date of public comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice, and notice to the site contact list should be provided to the public at the same time. | |
| After Execution of Brownfield Site Cleanup Agreement (BCA): | | |
| Prepare Citizen Participation (CP) Plan | Before start of Remedial Investigation Note: Applicant must submit CP Plan to NYSDEC for review and approval within 20 days of the effective date of the BCA. | |
| Before NYSDEC Approves Remedial Investigation (RI) Work Plan: | | |
| Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan Conduct 30-day public comment period | Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet. Thirty-day public comment period begins/ends as per dates identified in fact sheet. | |
| After Applicant Completes Remedial Investigation: | | |
| • Distribute fact sheet to site contact list that describes RI results | Before NYSDEC approves RI Report | |
| Before NYSDEC Approves Remedial Work Plan (RWP): | | |
| Distribute fact sheet to site contact list about draft RWP and announcing 45-day public comment period Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager) Conduct 45-day public comment period | Before NYSDEC approves RWP. Forty-five day public comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45- day public comment period. | |
| Before Applicant Starts Cleanup Action: | | |
| Distribute fact sheet to site contact list that describes upcoming cleanup action | Before the start of cleanup action. | |
| After Applicant Completes Cleanup Action: | | |
| Distribute fact sheet to site contact list that announces that cleanup action has been completed and that NYSDEC is reviewing the Final Engineering Report Distribute fact sheet to site contact list announcing | At the time the cleanup action has been completed. Note: The two fact sheets are combined when possible if there is not a delay in issuing the COC. | |
| Distribute fact sheet to site contact list announcing NYSDEC approval of Final Engineering Report and issuance of Certificate of Completion (COC) | | |

3. Major Issues of Public Concern

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

As discussed in Section 4 below, historical contamination exists beneath the Site in soil, groundwater, and soil vapor.

Current and historical groundwater investigations completed by Central Hudson show groundwater contamination in deep bedrock wells (deeper than 100 feet below the ground surface) located near the northwestern and northeastern portions of the site; however, the deep bedrock contamination has not yet been fully delineated on-site and it is currently unknown if groundwater has been impacted off-site potentially posing a risk to downgradient private potable wells.

Contamination has also been observed in the soil vapor beneath the on-site building. A sub-slab depressurization system (SSDS) was installed in 2008 to vent soil vapors from beneath the building to the atmosphere to minimize the potential of the soil vapor entering the building. Soil vapor conditions at the Site have been assessed on three sides of the building (north, west, and east), and the results of that assessment did not show indication of soil vapor contamination migrating offsite. Additional soil vapor assessment is planned for the southern portion of the site; however, based on the location of the historic on-site contamination in the northwest portion of the Site, soil vapor is not believed to be an off-site concern.

Current and historical investigations showed soil contamination beneath the site. Based on the prior investigations and cleanup activities, it is believed that contamination in soil has not migrated beyond site boundaries and does not pose a major issue of public concern.

4. Site Information

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

Site Description

The Site is the Central Hudson Gas & Electric Corporation service center located at 610 Little Britain Road in New Windsor, Orange County, New York. The Site is comprised of an 8.93-acre property which includes the building and surrounding parking areas (Appendix C). The Site sits on the town line between Newburgh and New Windsor, and

is comprised of three parcels: Section 4, Block 1, Lot 16 (New Windsor) and Section 97, Block 3, Lot 22.1 and Lot 22.2 (Newburgh).

Lake Washington, historically the source of the City of Newburgh's water supply, is located to the west of the Site. It should be noted that the recent change in water supply from Lake Washington to the current source was due to the perfluorooctane sulfonate (PFOS) contamination identified in 2016 by the NYSDEC, which is not associated with any activities either past or current at the Site. The adjacent properties are a mix of residential and commercial/ industrial properties. Several nearby residential properties are presumed as having private water supply wells.

Access to the site is from Little Britain Road to the south. The majority of the site is surrounded by chain link fencing, with three gates providing access into the fenced area: one gate to the north, one to the southwest, and one to the east of the Service Center building. The employee parking lot located east of the service center building, and the visitors parking lot and an open grassy field located to the south between the service center building and Little Britain Road are located outside of the fenced area but within the Site boundary.

History of Site Use, Investigation, and Cleanup

From the early 1950s through 1977, the property was owned by J&H Smith Manufacturing Company, a producer of electronic and lighting equipment. Based on historical photographs, it is believed that the metalworking activities and use of chemicals for degreasing/ lubricating (solvents) were used and stored by J&H Smith Manufacturing on the northwest part of the property. When Central Hudson purchased the property in 1977, contamination already existed in the underlying soil, soil vapor, and groundwater from the previous industrial activities.

Central Hudson entered into the NYSDEC's Voluntary Cleanup Program in 2000 under the site identification number #V00312. Several environmental investigations were conducted between 1995 and 2018 to evaluate the condition of the underlying soil, groundwater, and soil vapor and to identify the extent of the contamination. In 2001, approximately 3,090 tons of contaminated soil was excavated and removed from the site.

The Voluntary Cleanup Program was dissolved in 2018 by the NYSDEC. Subsequently, Central Hudson voluntarily applied to the Brownfield Cleanup Program, also administered by the NYSDEC, and executed a Brownfield Cleanup Agreement under site identification number C336031. Continued environmental investigations are being conducted under this program.

Groundwater conditions have been investigated and monitored from 1995 through present. The chemicals of concern have been found within the groundwater beneath the site during these sampling events at concentrations exceeding NYSDEC guidelines. Additionally, a SSDS was voluntarily installed in 2008 by Central Hudson as a preventative measure against contaminated soil vapor entering the building. This system, and underlying contaminant concentrations in the soil vapor, was evaluated in 2020. The chemicals of concern were observed in the soil vapor at concentrations which support the continued operation of the SSDS.

5. Investigation and Cleanup Process

Application

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program as a Participant. This means that the Applicant was the owner of the site at the time of the disposal or discharge of contaminants or was otherwise liable for the disposal or discharge of the contaminants. The Participant must fully characterize the nature and extent of contamination onsite, as well as the nature and extent of contamination that has migrated from the site. The Participant also must conduct a "qualitative exposure assessment," a process that characterizes the actual or potential exposures of people, fish and wildlife to contaminants on the site and to contamination that has migrated from the site.

The Applicant in its Application proposes that the site will be used for restricted purposes.

To achieve this goal, the Applicant will conduct **investigation** activities at the site with oversight provided by NYSDEC. The Brownfield Cleanup Agreement executed by NYSDEC and the Applicant sets forth the responsibilities of each party in conducting these activities at the site.

Investigation

The Applicant has completed a partial site investigation before it entered into the BCP. For the partial investigation, NYSDEC will determine if the data are useable.

The Applicant will conduct an investigation of the site officially called a "remedial investigation" (RI). This investigation will be performed with NYSDEC oversight. The Applicant must develop a remedial investigation workplan, which is subject to public comment.

The site investigation has several goals:

- 1) define the nature and extent of contamination in soil, surface water, groundwater and any other parts of the environment that may be affected;
- 2) identify the source(s) of the contamination;
- 3) assess the impact of the contamination on public health and the environment; and
- 4) provide information to support the development of a proposed remedy to address the contamination or the determination that cleanup is not necessary.

The Applicant submits a draft "Remedial Investigation Work Plan" to NYSDEC for review and approval. NYSDEC makes the draft plan available to the public review during a 30-day public comment period.

When the investigation is complete, the Applicant will prepare and submit a report that summarizes the results. This report also will recommend whether cleanup action is needed to address site-related contamination. The investigation report is subject to review and approval by NYSDEC.

NYSDEC will use the information in the investigation report to determine if the site poses a significant threat to public health or the environment. If the site is a "significant threat," it must be cleaned up using a remedy selected by NYSDEC from an analysis of alternatives prepared by the Applicant and approved by NYSDEC. If the site does not pose a significant threat, the Applicant may select the remedy from the approved analysis of alternatives.

Interim Remedial Measures

An Interim Remedial Measure (IRM) is an action that can be undertaken at a site when a source of contamination or exposure pathway can be effectively addressed before the site investigation and analysis of alternatives are completed. If an IRM is likely to represent all or a significant part of the final remedy, NYSDEC will require a 30-day public comment period.

Remedy Selection

When the investigation of the site has been determined to be complete, the project likely would proceed in one of two directions:

1. The Applicant may recommend in its investigation report that no action is necessary at the site. In this case, NYSDEC would make the investigation report available for public comment for 45 days. NYSDEC then would complete its review, make any necessary revisions, and, if appropriate, approve the investigation report. NYSDEC would then issue a "Certificate of Completion" (described below) to the Applicant.

or

2. The Applicant may recommend in its investigation report that action needs to be taken to address site contamination. After NYSDEC approves the investigation report, the Applicant may then develop a cleanup plan, officially called a "Remedial Work Plan". The Remedial Work Plan describes the Applicant's proposed remedy for addressing contamination related to the site.

When the Applicant submits a draft Remedial Work Plan for approval, NYSDEC would announce the availability of the draft plan for public review during a 45-day public comment period.

Cleanup Action

NYSDEC will consider public comments, and revise the draft cleanup plan if necessary, before approving the proposed remedy. The New York State Department of Health (NYSDOH) must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy. The selected remedy is formalized in the site Decision Document.

The Applicant may then design and perform the cleanup action to address the site contamination. NYSDEC and NYSDOH oversee the activities. When the Applicant completes cleanup activities, it will prepare a final engineering report that certifies that cleanup requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the cleanup is protective of public health and the environment for the intended use of the site.

Certificate of Completion

When NYSDEC is satisfied that cleanup requirements have been achieved or will be achieved for the site, it will approve the final engineering report. NYSDEC then will issue a Certificate of Completion (COC) to the Applicant. The COC states that cleanup goals have been achieved, and relieves the Applicant from future liability for site-related contamination, subject to certain conditions. The Applicant would be eligible to redevelop the site after it receives a COC.

Site Management

The purpose of site management is to ensure the safe reuse of the property if contamination will remain in place. Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. Site management incorporates any institutional and engineering controls required to ensure that the

remedy implemented for the site remains protective of public health and the environment. All significant activities are detailed in a Site Management Plan.

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

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

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

Appendix A -Project Contacts and Locations of Reports and Information

Project Contacts

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

New York State Department of Environmental Conservation (NYSDEC):

Justin Starr Project Manager NYSDEC Division of Environmental Remediation 625 Broadway, 11th Floor Albany, NY 12233 518-402-9662 Stephanie Mossey Citizen Participation Specialist NYSDEC Region 3 21 S Putt Corners Road New Paltz, NY 12561 845-256-3000

New York State Department of Health (NYSDOH): Kristen Kulow Project Manager NYSDOH 28 Hill St., Suite 201 Oneonta, NY 13820 607-432-3911

Locations of Reports and Information

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

Newburgh Free Library 124 Grand Street Newburgh NY 12550 Attn: Beth M. Zambito, Head of Adult Services Phone: 845-563-3628 Hours: Mon. – Thurs. 9:00 AM – 9:00 PM; Fri. & Sat. 9:00 AM – 5:00 PM; Sun. 1:00 PM – 5:00 PM NYSDEC Region 3 21 South Putt Corners Road New Paltz, NY 12561 Attn: Justin Starr Phone: 845-256-3154 Hours: Mon. – Fri. 8:30 AM – 4:45 PM (call for appointment)

Appendix B - Site Contact List

Local Officials, Committees, and Boards:

Gil Piaquadio Town Supervisor Town of Newburgh 1496 Route 300 Newburgh, NY 12550 845-564-4552 councilmanpiaquadio@townofnewburgh.org

John P. Ewasutyn Chairman Town of Newburgh Planning Board 308 Gardnertown Road Newburgh, NY 12550 845-465-7804

George Green Town Supervisor Town of New Windsor 555 Union Avenue, New Windsor NY 12553 845-563-4610

Genero Argenio Chairman Town of New Windsor Planning Board 555 Union Avenue, New Windsor NY 12553 845-563-4618

County/ Regional Officials, Organizations, and Boards:

Steve Neuhaus Orange County Executive 225 Main Street Goshen, NY 10924 845-291-2700 sneuhaus@orangecountygov.com David Church Planning Commissioner Orange County Planning Department 1887 County Building 124 Main Street Goshen, NY 10924 845-615-3840

Public Water Supply:

Town of New Windsor Water Department 555 Union Avenue, New Windsor NY 12553 845-563-4636

Town of Newburgh Water Department 311 Route 32, Newburgh NY 12550 845-564-7813

Local News Media:

Times Herald Record P.O. Box 308, Middletown NY 10940 845-341-1100 thrnewsroom@th-record.com

Orange County Post P.O. Box 405, Vails Gate NY 12584 845-562-1218 ocpnews@frontiernet.net

Mid-Hudson Times / Times Community Newspaper 300 Stony Brook Ct., Newburgh NY 12550 editor@tcnewspapers.com

Contact List Requestors:

Not applicable

Nearby Schools / Day Care Centers:

Not applicable

Document Repository:

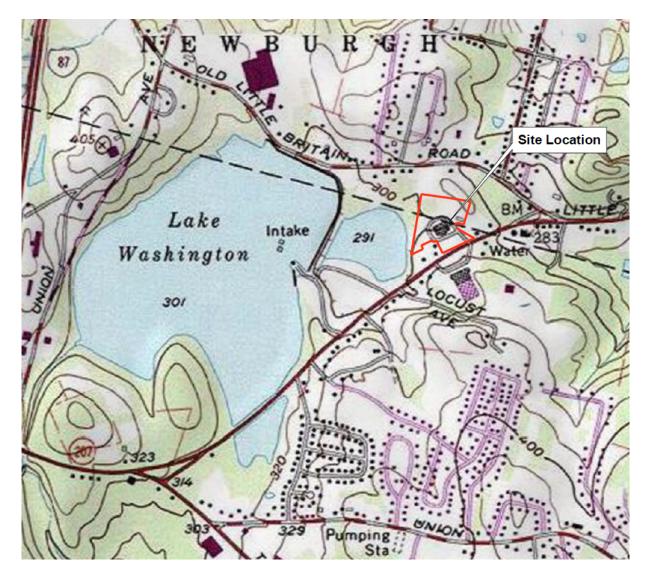
Newburgh Free Library 124 Grand Street, Newburgh NY 12550 845-561-1985

NYSDEC Region 3 21 South Putt Corners Road, New Paltz NY 12561 845-256-3154

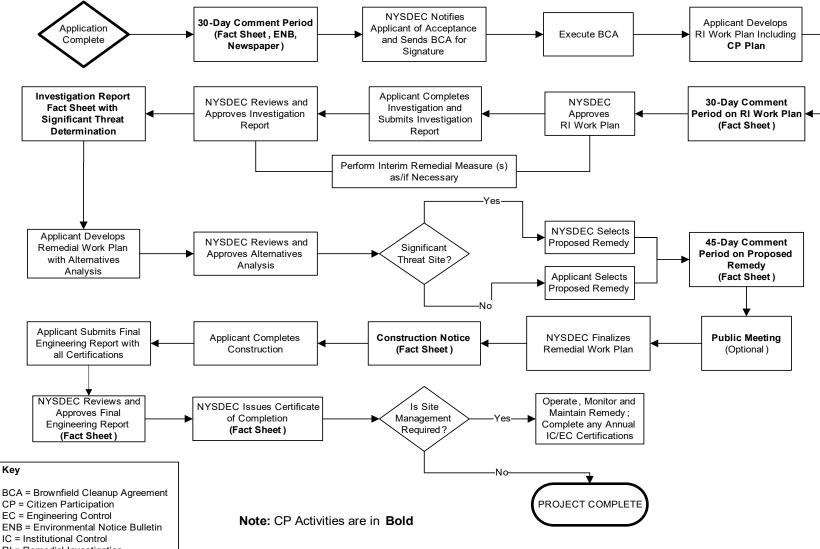
Adjacent Property Owners:

The names, addresses, and email addresses of adjacent property owners and residents are maintained confidentially in the NYSDEC Project Manager's files.

Appendix C - Site Location Map



Appendix D– Brownfield Cleanup Program Process



RI = Remedial Investigation