



NEW YORK
STATE OF
OPPORTUNITY.

**Department of
Environmental
Conservation**

Brownfield Cleanup Program

Citizen Participation Plan

for

South Island Apartments, LLC - Site ID C401074

April 2017

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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: **South Island Apartments, LLC (“Applicant”)**
Site Name: **South Island Apartments, LLC – Site ID C401074 (“Site”)**
Site Address: **1 Osgood Avenue, South Island, Town/Village of Green Island, New York**
Site County: **Albany County**
Site Number: **4-0128-00014**

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:
<http://www.dec.ny.gov/chemical/8450.html> .

2. Citizen Participation Activities

Why NYSDEC Involves the Public and Why It Is Important

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

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

- Promoting the development of timely, effective site investigation and cleanup programs that protect public health and the environment
- Improving public access to, and understanding of, issues and information related to a particular site and that site's 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 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.

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 <http://www.dec.ny.gov/regulations/2590.html>.

Note: The following table identifies the citizen participation activities related to the site's investigation and cleanup program:

Citizen Participation Activities	Timing of CP Activity(ies)
Application Process:	
<ul style="list-style-type: none"> • Prepare site contact list • Establish document repository(ies) 	At time of preparation of application to participate in the BCP.
<ul style="list-style-type: none"> • 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):	
<ul style="list-style-type: none"> • 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:	
<ul style="list-style-type: none"> • 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:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes RI results 	Before NYSDEC approves RI Report
Before NYSDEC Approves Remedial Work Plan (RWP):	
<ul style="list-style-type: none"> • 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:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes upcoming cleanup action 	Before the start of cleanup action.
After Applicant Completes Cleanup Action:	

Citizen Participation Activities	Timing of CP Activity(ies)
<ul style="list-style-type: none"> • 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 NYSDEC approval of Final Engineering Report and issuance of Certificate of Completion (COC) 	<p>At the time the cleanup action has been completed.</p> <p>Note: The two fact sheets are combined when possible if there is not a delay in issuing the COC.</p>

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.

Based on the results of previous environmental investigations and remedial activities conducted by the current site owner and the Applicant, contamination issues of potential public concern at the Site are limited to:

- the petroleum product (weathered fuel oils) in the ground from the previous site use as a petroleum storage and distribution terminal; and
- metals contamination from historic site fill materials used to fill the site (slag, ash & cinders) prior to its construction as a petroleum terminal.

The Site has no history of oil migrating out into the Hudson River, and the Site is not located near any public water supply, water supply intakes or private water wells. Future development and remediation will not create any restrictions on community activities or health concerns.

It should be noted that during the proposed redevelopment activities, contaminants known to be present in the soils, especially petroleum and metals, may become airborne and could pose potential health risks to on-site workers and occupants on adjacent properties. However, a NYSDEC Community Air Monitoring Program (CAMP) will be in place for the proposed development activities and will be followed to safeguard the workers and other occupants against potential exposures. Use of the neighboring car wash, retail office, and marina should not be impacted by investigation or remediation efforts associated with this project. Use of the Hudson River during investigation or remediation efforts will not be impacted.

The Applicant expects to conduct additional Site environmental investigation efforts and remediation during 2017. As the Site is not a public area, and is fenced in, there is no impact to public use of the privately-owned vacant lot.

Previous spill records and environmental investigation and remediation reports related to the Site and previous knowledge and experience with Brownfield sites were considered by the Applicant's consultant when creating a Remediation Work Plan.

Documentation relevant to the remedial investigation work efforts and future remediation plans will be available for public review at the established information repository (see Appendix B).

4. Site Information

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

Site Description

The subject former industrial Site was a former petroleum terminal located on Center Island (also known as Starbuck Island) in Green Island, New York. The Site is located in a suburban area, with the street address of 1 Osgood Avenue. The Site is located on the southern part of Center Island approximately 300 feet south of Federal Street and is approximately ± 8.9 acres in size. See Appendix C for Site Location Map. The Site is currently vacant land with several old brick buildings. To the north of the Site is a small commercial development (located on the former King Fuels site). The existing commercial development consists of office space (real estate agency) and retail space (car wash). To the south of the Site is a marina/boat launch, and the Hudson River is located to the east and west of the Site.

History of Site Use, Investigation, and Cleanup

The Site operated as a petroleum storage and distribution terminal from 1918 until it was closed in 2008. The terminal (tanks, piping, equipment, dock, secondary containment liner, truck load rack, etc.) was demolished in 2009. When the petroleum terminal was in service, it was used for receipt, storage, and distribution of refined petroleum products including gasoline, light fuel oils (#1 and #2), and residual fuel oils (#4 and #6). Petroleum was received at the former terminal by barge, stored in aboveground tanks on-site, and then distributed mainly by truck or re-loaded onto barges. The terminal had consisted of sixteen (16) aboveground steel bulk storage tanks, a truck loading rack, a barge dock, an office building, an electrical shed, storage sheds, brick buildings, earthen dikes, and internal roads. The Site during its early history and late history stored mainly fuel oils. The Site was filled with earthen and debris/waste fill materials prior to its use as a petroleum terminal. In addition to the soil fill material, the Site debris/waste fill materials consist of slag, ash & cinders, construction & demolition debris. The terminal was not connected to city sewer but instead had a septic tank and leach field. The location of the septic tank and leach field is unknown.

Prior uses of the Site as a petroleum terminal appear to have led to petroleum contamination of the soil and groundwater. The site has had documented petroleum spills. The metals contaminants and some of the heavier hydrocarbon contaminants are associated with the historic fill materials used at the Site. The Site Owner's (current and previous) have performed numerous third party environmental investigations and limited removal of free liquid petroleum January 1998 until May 2005. Liquid petroleum

and groundwater has been removed periodically through a vacuum extraction method at monitoring wells which have had accumulated petroleum.

The Site investigations have been performed to characterize the amount, if any, of residual petroleum contamination from previous spills at the Site. Laboratory analysis of samples collected during these investigations indicate that there is some contamination to soil and groundwater across the Site, including some petroleum floating on top of groundwater. Accumulated petroleum (free phase) has been observed and removed from monitoring wells near the former truck loading rack area. One spill remains open for the site, spill No. 8702376. The spill will be addressed through the BCP. Additional planned site investigation activities (Remediation Investigation) seek to further characterize the type of contamination, the location of liquid petroleum and the groundwater flow relative to the adjacent Hudson River. Current Site investigations have focused on petroleum, metals and PCB contamination.

5. Investigation and Cleanup Process

Application

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program as a Volunteer. This means that the Applicant was not responsible for the disposal or discharge of the contaminants or whose ownership or operation of the site took place after the discharge or disposal of contaminants. The Volunteer must fully characterize the nature and extent of contamination on-site, and 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-residential purposes.

To achieve this goal, the Applicant will conduct investigation and cleanup 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 site 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 work plan, 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):

Larry Alden, PE
Project Manager
NYSDEC
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7016
(518) 402-9767
larry.alden@dec.ny.gov

Rick Georgeson
Citizen Participation Specialist
NYSDEC Region 4
1130 North Westcott Road
Schenectady, NY 12306-2014
(518) 357-2075

New York State Department of Health (NYSDOH):

Steve Lawrence
Project Manager
NYSDOH – BEEI, Empire Plaza
Corning Tower, Room 1787
Albany, NY 12237
(518) 402-7860
BEEI@health.ny.gov

Locations of Reports and Information

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

Village of Green Island
Village Office
20 Clinton Street
Green Island, NY 12183
Phone: (518) 273-2201
Hours: Monday through Friday 9:00 am
to 12:30pm and 1:30 to 4:30pm
(excluding holidays)
NYSDEC

Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7016
Attn: Mr. Larry Alden
Phone: (518) 402-9767
Hours: 8am-4pm Mon-Fri (call for
appointment)

Appendix B – Site Contact List

Rev. 1 October 20, 2016

Current Site Owner/Operator: South Island Apartments, LLC – Site ID C401074

**Tax Map Block & Lot: 33.09-1-3
1 Osgood Avenue (Center Island)
Green Island, New York**

Albany County

Darrell Duncan, Commissioner
Albany County Department of Public Works
449 New Salem Road
Voorheesville, New York 12186-4826

Dominic Rigosu, Acting Chair
Albany County Planning Board 449 New Salem Road
Voorheesville, New York 12186-4826

Daniel P. McCoy, County Executive
Albany County Executive Office
112 State Street, Room 900
Albany, New York 12207

Chairman
Albany County Legislature
Harold L. Joyce Albany County Office Building
112 State St. Room 710
Albany, NY 12207

Commissioner
Albany County Health Dept.
175 Green St.
Albany NY 12202

Town/Village of Green Island

Rachel A. Perfetti, Supervisor
Town of Green Island
69 Hudson Avenue
Green Island, New York 12183

Ellen M. McNulty-Ryan, Mayor
Village of Green Island
20 Clinton Street
Green Island, New York 12183

Anthony Cesare, Commissioner
Green Island Department of Public Works
50 Cohoes Avenue
Green Island, New York 12183

Kristin Swinton, Chair
Green Island Planning Board
20 Clinton Street
Green Island, New York 12183

Media

The Times Union
News Plaza, Box 15000
Albany, NY 12212
tucitydesk@timesunion.com

The Daily Gazette
2345 Maxon Road
Schenectady, NY 12308
news@dailygazette.net

Official Newspaper

Per Village Code of Ordinance § 24-4, the Troy Record is the official newspaper for publication.
Contact info:
Troy Record
270 River Triangle, Suite 202B
Troy, New York 12180

Public Water Supply

The subject site lies within the water service area of the Village of Green Island:
John Heffern, Co-Operator in Charge
Robert Foster, Co-Operator in Charge
Village of Green Island Department of Water and Sewer
19 George Street
Green Island, New York 12183

Adjacent Property Owners

Prime KDRM, LLC
10 Osgood Ave-Center Island
Green Island, NY 12183

River's Edge Apartments
Attn: Main Office
1100 Riverview Road
Green Island, NY 12183

Center Island North, LLC
621 Columbia Street Ext
Cohoes, NY 12047

Forever Young Realty, LLC
1235 River Road
Troy, NY 12182

Center Island Car Wash, LLC
621 Columbia Street
Cohoes, NY 12047

Other Interested Parties who have requested to be on Contact List

None.

Nearby Schools or Day Care Facilities

None are adjacent to, or on, property.

Location of Document Repository for Project

Village of Green Island
20 Clinton Street
Green Island, New York 12183

(See attached letter of acknowledgement from repository)

ELLEN M. McNULTY-RYAN
Mayor
mayor@villageofgreenisland.com

OFFICE OF THE MAYOR

VILLAGE OF GREEN ISLAND
20 Clinton Street
Green Island, New York 12183

SEAN E. WARD
Executive Assistant
seanw@villageofgreenisland.com

Adam Schultz, Esq.
Couch White, LLP
540 Broadway
P.O. Box 22222
Albany, NY 12201

September 23, 2016

Re: South Island Apartments, LLC
Redevelopment of Former Green Island Terminal
1 Osgood Avenue, Village of Green Island
Application for Brownfield Cleanup Program

Dear Mr. Schultz:

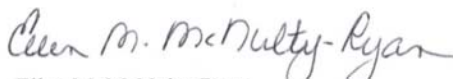
It continues to be a pleasure to work with South Island Apartments, LLC on the redevelopment of the former Green Island Terminal. As you are aware, the Village has long desired to see the redevelopment of this area. The prospect of finally turning this brownfield into an attractive mixed-use development is exciting, and the Village of Green Island is prepared to do all that it can to fully support this redevelopment.

The project as proposed is consistent with our Community Development Plan from March 2013 which calls for a complimentary mix of residential and commercial development in the Village. The proposed project is also consistent with existing surrounding development in this part of the Village. However, the site is currently zoned Industrial. To facilitate the planned mixed use development, I would suggest that our Village Board consider rezoning the property to a Planned Development District. The rezoning process, at least preliminary review of it, could run concurrently with NYSDEC's consideration of South Island Apartments Brownfields application.

Lastly, we suggest that the Village offices be established as the document repository for the Brownfields application. This will provide the public with the greatest opportunity to review this project as it moves forward.

Again, as Mayor and on behalf of the Village Board, we are fully committed to this project conceptually and see it as a catalyst for the continued redevelopment of an important part of the Village of Green Island.

Sincerely,

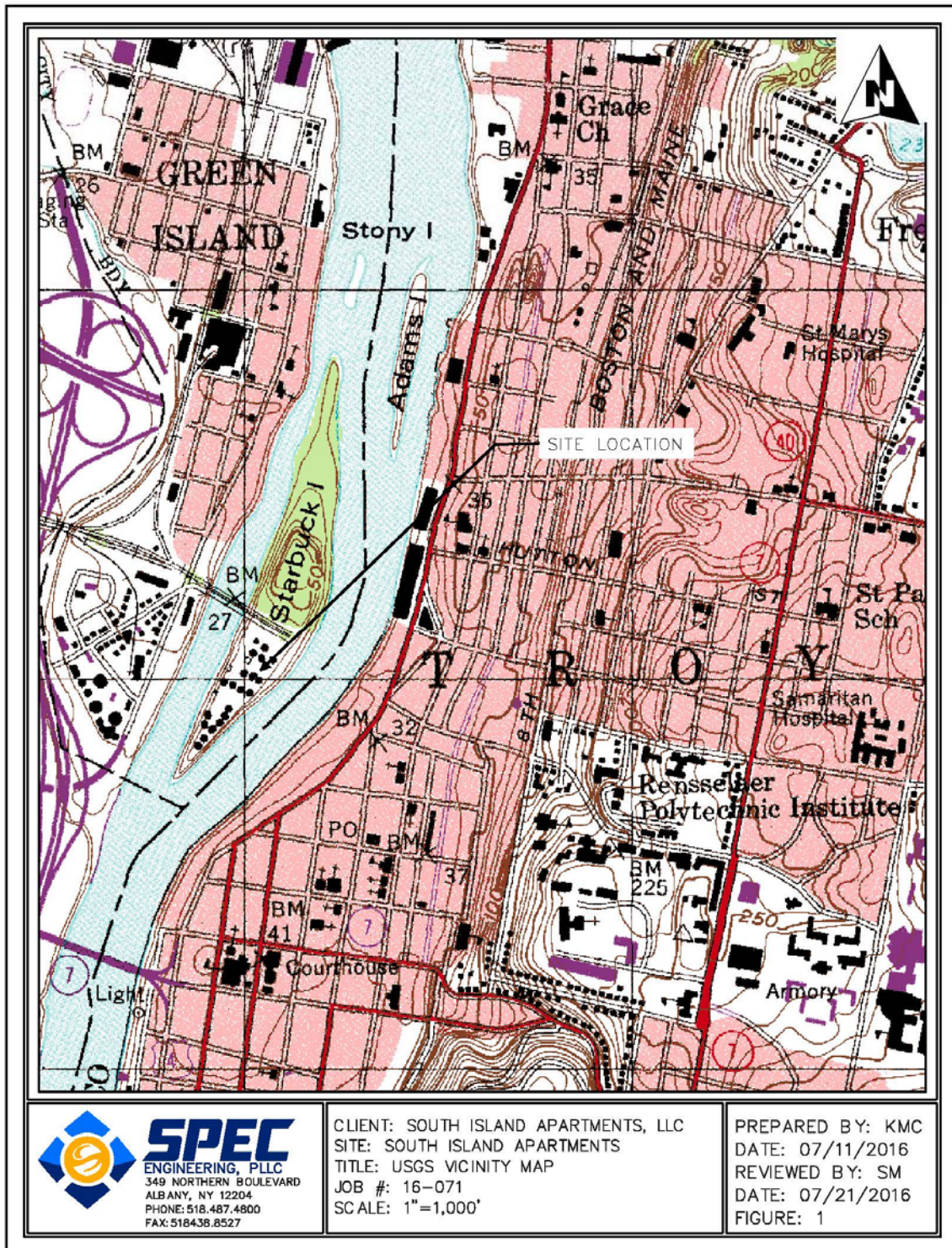

Ellen M. McNulty-Ryan
Mayor

Tel (518) 273-2201

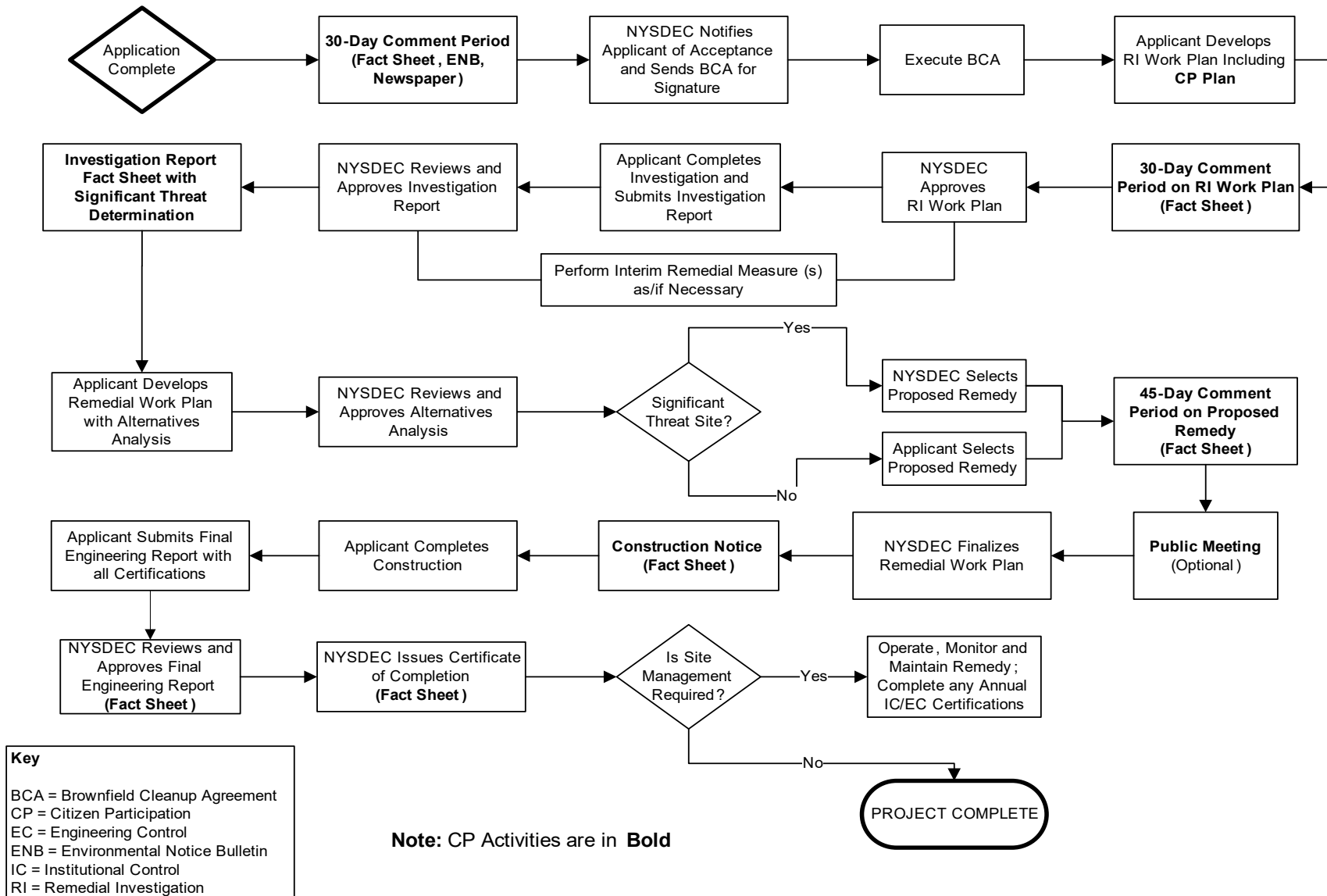


FAX (518) 273-2235

Appendix C - Site Location Map



Appendix D– Brownfield Cleanup Program Process





Division of Environmental Remediation

Remedial Programs Scoping Sheet for Major Issues of Public Concern

Instructions

This Scoping Sheet assesses major issues of public concern; impacts of the site and its remedial program on the community; community interest in the site; information the public needs; and information needed from the public.

The information generated helps to plan and conduct required citizen participation (CP) activities, and to choose and conduct additional CP activities, if appropriate. The scoping sheet can be revisited and updated as appropriate during the site's remedial process to more effectively implement the site's CP program.

Note: Use the information as an aid to prepare and update the Major Issues of Public Concern section of the site CP Plan.

General Instructions

- When to prepare: During preparation of the CP Plan for the site. It can be revisited and updated anytime during the site remedial process.
- Fill in site name and other information as appropriate.
- The Scoping Sheet may be prepared by DEC or a remedial party, but must be reviewed and approved by the DER site project manager or his/her designee.

Instructions for Numbered Parts

Consider the bulleted issues and questions below and any others that may be unique or appropriate to the site and the community to help complete the five Parts of this Scoping Sheet. Identify the issue stakeholders in Parts 1 through 3 and adjust the site's contact list accordingly.

Part 1. List Major Issues of Public Concern and Information the Community Wants.

- Is our health being impacted? (e.g. Are there problems with our drinking water or air? Are you going to test our water, yards, sumps, basements? Have health studies been done?)
- There are odors in the neighborhood. Do they come from the site and are they hazardous?
- Are there restrictions on what we may do (e.g. Can our children play outside? Can we garden? Must we avoid certain areas? Can we recreate (fish, hunt, hike, etc. on/around the site?)
- How and when were the site's contamination problems created?
- What contaminants are of concern and why? How will you look for contamination and find out where it is going? What is the schedule for doing that?
- The site is affecting our property values!
- How can we get more information (e.g. who are the project contacts?)
- How will we be kept informed and involved during the site remedial process?
- Who has been contacted in the community about site remedial activities?
- What has been done to this point? What happens next and when?
- The site is going to be cleaned up for restricted use. What does that mean? We don't want redevelopment on a "dirty" site.

Part 2. List Important Information Needed From the Community, if Applicable.

- Can the community supplement knowledge about past/current uses of the site?
- Does the community have knowledge that the site may be significantly impacting nearby people, properties, natural resources, etc.?
- Are activities currently taking place at the site or at nearby properties that may need to be restricted?
- Who may be interested or affected by the site that has not yet been identified?
- Are there unique community characteristics that could affect how information is exchanged?
- Does the community and/or individuals have any concerns they want monitored?
- Does the community have information about other sources in the area for the contamination?

Part 3. List Major Issues and Information That Need to be Communicated to the Community.

- Specific site investigation or remediation activities currently underway, or that will begin in the near future.
- The process and general schedule to investigate, remediate and, if applicable, redevelop the site.
- Current understanding about the site contamination and effects, if any, on public health and the environment.
- Site impacts on the community and any restrictions on the public's use of the site and/or nearby properties.
- Planned CP activities, their schedule, and how they relate to the site's remedial process.
- Ways for the community to obtain/provide information (document repositories, contacts, etc.).

Part 4. Community Characteristics

a. - e. Obtain information from local officials, property owners and residents, site reports, site visits, "windshield surveys," other staff, etc.

f. Has the affected community experienced other **significant** present or past environmental problems unrelated to this site? Such experiences could significantly affect public concerns and perspectives about the site; how the community will relate to project staff; the image and credibility of project staff within the community; and the ways in which project staff communicate with the community.

g. In its remedial programs, DER seeks to integrate, and be consistent with, environmental justice principles set forth in *DEC Commissioner Policy 29 on Environmental Justice* and *DER 23 – Citizen Participation Handbook for Remedial Programs*. Is the site and/or affected community wholly or partly in an Environmental Justice (EJ) Area? Use the Search feature on DEC's public web site for "environmental justice". DEC's EJ pages define an EJ area, and link to county maps to help determine if the site and/or community are in an EJ area.

h. Consider factors such as:

- Is English the primary language of the affected community? If not, provisions should be considered regarding public outreach activities such as fact sheets, meetings, door-to-door visits and other activities to ensure their effectiveness.
- The age demographics of the community. For example, is there a significant number of senior citizens in the community? It may be difficult for some to attend public meetings and use document repositories. This may suggest adopting more direct interaction with the community with activities such as door-to-door visits, additional fact sheets, visits to community and church centers, nursing homes, etc.
- How do people travel about the community? Would most people drive to a public meeting or document repository? Is there adequate public transportation?

Part 5. Affected/Interested Public.

Individuals and organizations who need or want information and input can change during the site's remedial process. This need is influenced by real, potential, or perceived impacts of the site or the remedial process. Some people may want information and input throughout the remedial process. Others may participate only during specific remedial stages, or may only be interested in particular issues.

It is important to revisit this question when reviewing this scoping sheet. Knowing who is interested in the site – and the issues that are important to them – will help to select and conduct appropriate outreach activities, and to identify their timing and the information to be exchanged.

Check all affected/interested parties that apply to the site. **Note: Adjust the site's contact list appropriately.** The following are some ways to identify affected/interested parties:

- Tax maps of adjacent property owners
- Attendees at public meetings
- Telephone discussions
- Letters and e-mails to DER, the remedial party, and other agencies
- Political jurisdictions and boundaries
- Media coverage
- Current/proposed uses of site and/or nearby properties (recreational, commercial, industrial)
- Discussions with community organizations: grass roots organizations, local environmental groups, environmental justice groups, churches, and neighborhood advisory groups



Division of Environmental Remediation

Remedial Programs
Scoping Sheet for Major Issues of Public Concern (see instructions)

Site Name: South Island Apartments, LLC – Site ID C401074

Site Number: 4-0128-00014

Site Address and County: 1 Osgood Avenue, Center Island, Town/Village of Green Island, Albany County, New York

Remedial Party(ies): South Island Apartments, LLC and their contractors

Note: For Parts 1. – 3., the individuals, groups, organizations, businesses and units of government identified should be added to the site contact list as appropriate.

Part 1. List major issues of public concern and information the community wants. Identify individuals, groups, organizations, businesses and/or units of government related to the issue(s) and information needs. **Use this information as an aid to prepare or update the Major Issues of Public Concern section of the site Citizen Participation Plan.**

The vacant former petroleum terminal (demolished in 2009) located at 1 Osgood Avenue in Green Island, New York will be cleaned up in order to develop a mixed-use commercial-residential area. The development will include new buildings with commercial store fronts at the ground level and multi-family housing units on upper levels. There will be parking areas for store patrons and for residents.

None of the available documents from Site investigations performed between 2005 and 2016 suggest that Site conditions impact health to the surrounding community, including no indication of contamination of public water supply or air due to historical Site operations. NYSDEC records show that there have been recorded spills at the site between 1987 and 2004, primarily due to either equipment failure or inclement weather, impacted soil and groundwater at the Site. One spill remains open, spill No. 8702376. The petroleum terminal was demolished almost a decade ago. Additional investigation efforts to fill in data gaps are projected to occur during Fall 2016, after a Remediation Investigation Work Plan is approved by NYSDEC. During the Remediation Investigation and remediation activities, the private Site will remain closed to the public and only authorized and trained personnel will be allowed at the Site. Use of the neighboring car wash, retail office, and marina should not be impacted by investigation or remediation efforts.

Additional investigation efforts at the Site will include establishing new monitoring wells and collecting supplementary upper surficial soil samples across the Site. Cuttings from the new monitoring well locations will be analyzed by the laboratory for compounds on the soil cleanup objectives list in 6 NYCRR Part 375 to characterize contamination. The upper surficial soil samples will be analyzed by the laboratory for pesticides and herbicides on the same soil cleanup objectives list, as this data was not collected during previous investigations. Groundwater samples will also be collected from the new, developed monitoring wells, after they have populated with groundwater, for laboratory analysis to characterize VOA, SVOA, metals, PCB, pesticides, and herbicides contamination. The goal for these additional investigation efforts is to determine the extent of contamination from the Site to the adjoining Hudson River, if any.

Documentation relevant to the remedial investigation work efforts and future remediation plans are available for public review at the established document repository at the Village of Green Island's Village Office at 20 Clinton Street, Green Island, NY 12183.

How were these issues and/or information needs identified?

Previous spills and investigation reports were acquired through a NYSDEC Freedom of Information Law (FOIL) request. SPEC Engineering, PLLC also performed a supplementary upper surficial soils and groundwater investigation in May 2016 to compare to previous reports and determine current Site conditions. Previous investigations and data collected in May 2016, and preliminary discussions with NYSDEC, suggest that it is necessary to determine any contamination flow to the Hudson River from the Site needs to be characterized prior to development and execution of a Remedial Work Plan. The necessity to characterize potential pesticide and herbicide contamination at the Site was determined by gaps in data from previous investigations.

Part 2. List important information needed **from** the community, if applicable. Identify individuals, groups, organizations, businesses and/or units of government related to the information needed.

It is the Applicant's understanding that the subject Site has operated as a petroleum station/terminal in 1918 until its closure in 2008, was demolished in 2009, and has been vacant ever since. Additional insight about the Site's history from the community, particularly before the late-1980s, would be accepted.

If there are concerns about how remediations efforts may impact the surrounding community, including interested parties that are unknown to the Applicant, a discussion is welcome.

How were these information needs identified?

Historical knowledge about the Site is limited and based largely on information gathered from Freedom of Information Law (FOIL) requests or from discussions with Town/Village officials.

Part 3. List major issues and information that need to be communicated **to** the community. Identify individuals, groups, organizations, businesses and/or units of government related to the issue(s) and/or information.

The Applicant expects to conduct additional Site investigation efforts during Fall 2016, with remediation efforts and construction occurring throughout 2017. As the Site is not a public area, and is fenced in, there is no impact to public use of the privately-owned, vacant lot. Use of the neighboring car wash, retail office, and marina should not be impacted by investigation or remediation efforts.

Multiple Site investigations have been performed by third-party consultant companies in recent years to characterize the amount, if any, of residual contamination from previous spills at the Site. Laboratory analysis of samples collected during these investigations indicate that there is some metals, VOA, and semi-VOA contamination of soil across the Site. The laboratory analysis also suggests some benzenes contamination and free phase petroleum (likely #2 or #4 fuel oil) floating on top of groundwater samples collected from monitoring wells near the former truck loading rack area. It should be noted that the current owners of the Site (who is not the Applicant) had a vacuum truck come to the Site on a regular basis to extract free phase petroleum present in the monitoring wells from January 1998 until May 2005, when the Site owners asserted to NYSDEC that long-term free product removal has shown "significant volumes have not been present [...] for a considerable amount of time". One spill remains open, spill No. 8702376. Additional planned site investigation activities (Remediation Investigation) seek to characterize flow of contamination, if any, from the former truck loading rack area to the adjacent Hudson River on the northwest side of Center Island, as well as investigating if there is pesticide and herbicide contamination at the Site.

A summary report will be available for public review at the established document repository at the Village of Green Island's Village Office at 20 Clinton Street, Green Island, NY 12183, after completion of remediation efforts at the Site.

How were these issues and/or information needs identified?

Previous spills and investigation reports related to the Site. Previous knowledge and experience with Brownfield sites was considered by the Applicant's consultant when creating a Remediation Work Plan.

Part 4. Identify the following characteristics of the affected/interested community. This knowledge will help to identify and understand issues and information important to the community, and ways to effectively develop and implement the site citizen participation plan (mark all that apply):

a. Land use/zoning at and around site:

☒ **Residential** ☐ **Agricultural** ☐ **Recreational** ☒ **Commercial** ☒ **Industrial**

b. Residential type around site:

☐ **Urban** ☒ **Suburban** ☐ **Rural**

c. Population density around site:

☐ **High** ☒ **Medium** ☐ **Low**

d. Water supply of nearby residences:

☒ **Public** ☐ **Private Wells** ☐ **Mixed**

e. Is part or all of the water supply of the affected/interested community currently impacted by the site?

☐ **Yes** ☒ **No**

Provide details if appropriate:

[Click here to enter text.](#)

f. Other environmental issues significantly impacted/impacting the affected community?

☐ **Yes** ☒ **No**

Provide details if appropriate:

[Click here to enter text.](#)

g. Is the site and/or the affected/interested community wholly or partly in an Environmental Justice Area?

☐ **Yes** ☒ **No**

h. Special considerations:

☐ **Language** ☐ **Age** ☐ **Transportation** ☐ **Other**

Explain any marked categories in h:

None known.

Part 5. The site contact list must include, at a minimum, the individuals, groups, and organizations identified in the instructions for **Part 5**. Are other individuals, groups, organizations, and units of government affected by, or interested in, the site, or its remedial program? (Mark and identify all that apply, then adjust the site contact list as appropriate.)

☐ **Non-Adjacent Residents/Property Owners:**

☒ **Local Officials:**

Albany County:

Darrell Duncan, Commissioner

Albany County Department of Public Works

449 New Salem Road

Voorheesville, New York 12186-4826; and

Dominic Rigosu, Acting Chair

Albany County Planning Board

449 New Salem Road

Voorheesville, New York 12186-4826

Daniel P. McCoy, County Executive

Albany County Executive Office

112 State Street, Room 900

Albany, New York 12207

Town/Village of Green Island:
Rachel A. Perfetti, Supervisor
Town of Green Island
69 Hudson Avenue
Green Island, New York 12183

Ellen M. McNulty-Ryan, Mayor
Village of Green Island
20 Clinton Street
Green Island, New York 12183

Anthony Cesare, Commissioner
Green Island Department of Public Works
50 Cohoes Avenue
Green Island, New York 12183; and

Kristin Swinton, Chair
Green Island Planning Board
20 Clinton Street
Green Island, New York 12183

☒ **Media:**

Per Village Code of Ordinance § 24-4, the Troy Record is the official newspaper for publication.
Contact info:
Troy Record
270 River Triangle, Suite 202B
Troy, New York 12180

☐ **Business/Commercial Interests:** None known.

☐ **Labor Group(s)/Employees:** None known.

☐ **Indian Nation:** None known.

☐ **Citizens/Community Group(s):** None known.

☐ **Environmental Justice Group(s):** None known.

☐ **Environmental Group(s):** None known.

☐ **Civic Group(s):** None known.

☐ **Recreational Group(s):** None known.

☒ **Other(s):**

The subject site lies within the water service area of the Village of Green Island:
John Heffern, Co-Operator in Charge
Robert Foster, Co-Operator in Charge
Village of Green Island Department of Water and Sewer
19 George Street
Green Island, New York 12183

Prepared/Updated By: R. Waldek (SPEC Engineering, PLLC)

Date: 2/10/2017

Reviewed/Approved By: J. Burke, P.E. (SPEC Engineering, PLLC)

Date: [Click here to enter text.](#)