



June 16, 2021

Site Control Section  
Attn: Len Zinoman  
New York State Department of Environmental Conservation  
Bureau of Technical Support  
625 Broadway, 11th Floor  
Albany, NY 12233-7020

Re: BCP Application Revision for 950 5<sup>th</sup> Street Site

Dear Mr. Zinoman:

On behalf of Lincoln Avenue Development II, LLC, JMT of New York, Inc. is submitting this Brownfield Cleanup Program (BCP) Application Revision for the proposed 950 5<sup>th</sup> Street Site in Watervliet, New York. The application was originally submitted May 25, 2021. NYSDEC issued a letter of Incompleteness on June 7, 2021. We have addressed your comments and this re-submittal should complete the BCP application.

As specified in the BCP Application instructions, one paper copy of the Application form with original signatures, a table of contents, and one complete electronic copy (on a compact disc) is provided. Once the Application is determined to be complete, we will provide a copy of it to the William K Sanford Town Library.

If you have any questions, do not hesitate to reach out to me.

Yours truly,

JMT of New York, Inc.

A handwritten signature in black ink, appearing to read 'John D. Ciampa', is written over the typed name.

John D. Ciampa, P.G.  
Section Head  
Natural & Cultural Resources

Enclosure

Cc via email: P. Luizzi, Jr., Lincoln Avenue Development II, LLC  
C. Pafundi, Lincoln Avenue Development II, LLC  
A. Schultz, Esq., Couch White, LLP

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# BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

Yes  No If yes, provide existing site number: \_\_\_\_\_

## PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 11*

<b>Section I. Requestor Information - See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE #: _____
NAME Lincoln Avenue Development II, LLC		
ADDRESS 857 1st Street		
CITY/TOWN Watervliet		ZIP CODE 12189
PHONE (518)482-8954	FAX (518) 482-4847	E-MAIL
<p>Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> <li>If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a>. A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. <b>Please note:</b> If the requestor is an LLC, the members/owners names need to be provided on a separate attachment.</li> </ul> <p>Do all individuals that will be certifying documents meet the requirements detailed below? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> <li>Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and Article 145 of New York State Education Law. <b>Documents that are not properly certified will be not approved under the BCP.</b></li> </ul>		

<b>Section II. Project Description</b>	
1. What stage is the project starting at?	<input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Remediation
<p>NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.</p>	
2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2):	<input type="checkbox"/> Yes <input type="checkbox"/> No N/A
3. Please attach a short description of the overall development project, including:	
<ul style="list-style-type: none"> <li>the date that the remedial program is to start; and</li> <li>the date the Certificate of Completion is anticipated.</li> </ul>	

### Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that the site requires remediation and contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property. To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit the information requested in this section in electronic format only***):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do not submit paper copies of supporting documents.**

2. **SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.**

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum	X	X	
Chlorinated Solvents			
Other VOCs			
SVOCs	X	X	
Metals	X	X	
Pesticides			
PCBs	X		
Other*			

\*Please describe: Sediment and Surface Water Samples exceed guidance values for metals

3. **FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:**

- **SAMPLE LOCATION**
- **DATE OF SAMPLING EVENT**
- **KEY CONTAMINANTS AND CONCENTRATION DETECTED**
- **FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE**
- **FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5**
- **FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX**

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\*

(\*answering No will result in an incomplete application)

Yes  No

4. **INDICATE PAST LAND USES (CHECK ALL THAT APPLY):**

- |   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner     |
| <input type="checkbox"/> Salvage Yard           | <input type="checkbox"/> Bulk Plant    | <input type="checkbox"/> Pipeline           | <input type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill               | <input type="checkbox"/> Tannery       | <input type="checkbox"/> Electroplating     | <input type="checkbox"/> Unknown         |

Other: Used as rail yard for locomotive maintenance/repair and fueling.



**Section IV. Property Information - See Instructions for Further Guidance**

PROPOSED SITE NAME 950 5th Street

ADDRESS/LOCATION 950 5th Street

CITY/TOWN Watervliet ZIP CODE 12189

MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Town of Colonie

COUNTY Albany SITE SIZE (ACRES) 44.85

LATITUDE (degrees/minutes/seconds) 42 ° 42 ' 54 " LONGITUDE (degrees/minutes/seconds) 73 ° 42 ' 57.53 "

Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section No.	Block No.	Lot No.	Acreage
950 5th Street	44.10	1	p/o 32.1	44.85

1. Do the proposed site boundaries correspond to tax map metes and bounds?  Yes  No  
If no, please attach an accurate map of the proposed site.

2. Is the required property map attached to the application?  Yes  No  
(application will not be processed without map)

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?  
(See [DEC's website](#) for more information) Yes  No

If yes, identify census tract : N/A

Percentage of property in En-zone (check one):  0-49%  50-99%  100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)?  Yes  No

If yes, identify name of properties (and site numbers if available) in related BCP applications: \_\_\_\_\_

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?  Yes  No

6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law?  Yes  No  
If yes, attach relevant supporting documentation.

7. Are there any lands under water? See Attached  Yes  No  
If yes, these lands should be clearly delineated on the site map.

**Section IV. Property Information (continued)**

8. Are there any easements or existing rights of way that would preclude remediation in these areas?  
If yes, identify here and attach appropriate information.  Yes  No

Easement/Right-of-way Holder

Description

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

None

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?  Yes  No

**Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City**

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits?  Yes  No

If yes, requestor must answer questions on the supplement at the end of this form.

N/A

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?  Yes  No

N/A

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?  Yes  No

N/A

**NOTE:** If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: \_\_\_\_\_

**BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)**

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>	DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____
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NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE **Chuck Pafundi**

ADDRESS **857 1st Street**

CITY/TOWN **Watervliet** ZIP CODE **12189**

PHONE <b>(518)482-8954</b>	FAX <b>(518) 482-4847</b>	E-MAIL <b>cpafundi@luizzibros.com</b>
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NAME OF REQUESTOR'S CONSULTANT **John Ciampa (Johnson, Mirmiran & Thompson)**

ADDRESS **19 British American Blvd.**

CITY/TOWN **Latham** ZIP CODE **12110**

PHONE <b>(518) 782-0882</b>	FAX	E-MAIL <b>jciampa@jmt.com</b>
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NAME OF REQUESTOR'S ATTORNEY **Adam Schultz, Esq.**

ADDRESS **540 Broadway**

CITY/TOWN **Albany** ZIP CODE **12201**

PHONE <b>(518) 426-4600</b>	FAX	E-MAIL <b>aschultz@couchwhite.com</b>
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**Section VI. Current Property Owner/Operator Information – if not a Requestor**

CURRENT OWNER'S NAME **Same as Requestor** OWNERSHIP START DATE: **3/12/2020**

ADDRESS

CITY/TOWN ZIP CODE

PHONE	FAX	E-MAIL
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CURRENT OPERATOR'S NAME

ADDRESS

CITY/TOWN ZIP CODE

PHONE	FAX	E-MAIL
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**PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".**  
See Attached

**IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.**

**Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)**

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site?  Yes  No
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?  Yes  No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.  Yes  No

**Section VII. Requestor Eligibility Information (continued)**

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment.  Yes  No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information.  Yes  No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?  Yes  No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?  Yes  No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC?  Yes  No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?  Yes  No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?  Yes  No
11. Are there any unregistered bulk storage tanks on-site which require registration?  Yes  No

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

**If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.**

**Section VII. Requestor Eligibility Information (continued)**

Requestor Relationship to Property (check one): \_\_\_\_\_

Previous Owner  Current Owner  Potential /Future Purchaser  Other \_\_\_\_\_

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached?

Yes  No N/A

**Note: a purchase contract does not suffice as proof of access.**

**Section VIII. Property Eligibility Information - See Instructions for Further Guidance**

1. Is / was the property, or any portion of the property, listed on the National Priorities List?  
If yes, please provide relevant information as an attachment.  Yes  No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?  Yes  No  
If yes, please provide: Site # \_\_\_\_\_ Class # \_\_\_\_\_
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?  Yes  No  
If yes, please provide: Permit type: \_\_\_\_\_ EPA ID Number: \_\_\_\_\_  
Date permit issued: \_\_\_\_\_ Permit expiration date: \_\_\_\_\_
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.  Yes  No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?  Yes  No  
If yes, please provide: Order # \_\_\_\_\_
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?  Yes  No  
If yes, please provide explanation as an attachment.

**Section IX. Contact List Information**

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [DER-23 / Citizen Participation Handbook for Remedial Programs](#). Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

**Section X. Land Use Factors**

1. What is the current municipal zoning designation for the site? Industrial

What uses are allowed by the current zoning? (Check boxes, below)

Residential  Commercial  Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use:  Residential  Commercial  Industrial  Vacant  Recreational (check all that apply)

**Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.**

3. Reasonably anticipated use Post Remediation:  Residential  Commercial  Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing? See attached  Yes  No

4. Do current historical and/or recent development patterns support the proposed use?

Yes  No

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

Yes  No

Proposed use for the site is industrial which is consistent with historical usage of the site

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

Yes  No

The proposed use is consistent with the 2005 Town of Colonie Comprehensive Plan and according to the Plan Recommendations Map, the project site is an Industrial Revitalization Area. The site is also with the Town of Colonie's Lincoln Ave. Brownfield Opportunity Area.

**XI. Statement of Certification and Signatures**

(By requestor who is an individual)

If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_

(By a requestor other than an individual)

I hereby affirm that I am MEMBER (title) of LINCOLN AVENUE DEVELOPMENT, LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 6/15/21 Signature: \_\_\_\_\_  
Print Name: PETER LUZZI JR.

**SUBMITTAL INFORMATION:**

- **Two (2)** copies, one paper copy of the application form with original signatures and table of contents, and one complete electronic copy in final, non-fillable Portable Document Format (PDF), 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

**PLEASE DO NOT SUBMIT PAPER COPIES OF SUPPORTING DOCUMENTS.** Please provide a hard copy of ONLY the application form and a table of contents.

**FOR DEC USE ONLY**  
BCP SITE T&A CODE: \_\_\_\_\_ LEAD OFFICE: \_\_\_\_\_



**Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY.** Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

**BCP App Rev 11**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>From ECL 27-1405(31):</b>	
"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.	
<b>From 6 NYCRR 375-3.2(I) as of August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)	
375-3.2:	
(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and	
(1) the proposed use is at least 75 percent for industrial uses; or	
(2) at which:	
(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;	
(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and	
(iii) one or more of the following conditions exists, as certified by the applicant:	
(a) property tax payments have been in arrears for at least five years immediately prior to the application;	
(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or	
(c) there are no structures.	
"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.	



**Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)**

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). **Check appropriate box, below:**

- Project is an Affordable Housing Project - Regulatory Agreement Attached;
- Project is Planned as Affordable Housing, But Agreement is Not Yet Available\* (\*Checking this box will result in a “pending” status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);
- This is Not an Affordable Housing Project.

**From 6 NYCRR 375- 3.2(a) as of August 12, 2016:**

(a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

**BCP Application Summary (for DEC use only)**

**Site Name:** 950 5th Street  
**City:** Watervliet

**Site Address:** 950 5th Street  
**County:** Albany **Zip:** 12189

**Tax Block & Lot**

**Section (if applicable):** 44.10 **Block:** 1 **Lot:** p/o 32.1

**Requestor Name:** Lincoln Avenue Development II, LLC **Requestor Address:** 857 1st Street  
**City:** Watervliet **Zip:** 12189 **Email:**

**Requestor's Representative (for billing purposes)**

**Name:** Chuck Pafundi **Address:** 857 1st Street  
**City:** Watervliet **Zip:** 12189 **Email:** cpafundi@luizzibros.com

**Requestor's Attorney**

**Name:** Adam Schultz, Esq. **Address:** 540 Broadway  
**City:** Albany **Zip:** 12201 **Email:** aschultz@couchwhite.com

**Requestor's Consultant**

**Name:** John Ciampa (Johnson, Mirmiran & Thompson) **Address:** 19 British American Blvd.  
**City:** Latham **Zip:** 12110 **Email:** jciampa@jmt.com

**Percentage claimed within an En-Zone:**  0%  <50%  50-99%  100%

**DER Determination:**  Agree  Disagree

**Requestor's Requested Status:**  Volunteer  Participant

**DER/OGC Determination:**  Agree  Disagree  
Notes:

**For NYC Sites, is the Requestor Seeking Tangible Property Credits:**  Yes  No

**Does Requestor Claim Property is Upside Down:**  Yes  No

**DER/OGC Determination:**  Agree  Disagree  Undetermined

Notes:

**Does Requestor Claim Property is Underutilized:**  Yes  No

**DER/OGC Determination:**  Agree  Disagree  Undetermined

Notes:

**Does Requestor Claim Affordable Housing Status:**  Yes  No  Planned, No Contract

**DER/OGC Determination:**  Agree  Disagree  Undetermined

Notes:

## **SUPPLEMENTAL APPLICATION RESPONSES**

**NYSDEC BROWFIELD CLEANUP PROGRAM**  
**SUPPLEMENTAL APPLICATION RESPONSES**

**PART A, Section I, Requestor Information**

- See attached printout of NYSDOS Entity Information
- Members of the LLC entity are provided below

Peter Luizzi Jr.

## Department of State

Existing Corporations and Businesses ▶ **Corporation & Business Entity Database Search**

Selected Entity Name: LINCOLN AVENUE DEVELOPMENT II, LLC  
Selected Entity Status Information  
**Current Entity Name:** LINCOLN AVENUE DEVELOPMENT II, LLC  
**DOS ID #:** 6006374  
**Initial DOS Filing Date:** MAY 05, 2021  
**County:** ALBANY  
**Jurisdiction:** NEW YORK  
**Entity Type:** DOMESTIC LIMITED LIABILITY COMPANY  
**Current Entity Status:** ACTIVE

### Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**  
COUCH WHITE, LLP  
540 BROADWAY  
PO BOX 22222  
ALBANY, NEW YORK, 12201-2222

### Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or

managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by viewing the certificate.

**\*Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

\*Stock information is applicable to domestic business corporations.

**Name History**

Filing Date	Name Type	Entity Name
MAY 05, 2021	Actual	LINCOLN AVENUE DEVELOPMENT II, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

[Search Results](#) [New Search](#)

**Department of State**

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**NYSDEC BROWFIELD CLEANUP PROGRAM**  
**SUPPLEMENTAL APPLICATION RESPONSES**

**PART A, Section II, Project Description (Item 3)**

The project site is currently owned by Lincoln Avenue Development II, LLC and is not in use. Lincoln Avenue Development II, LLC intends to develop the site primarily for future industrial use with a possibility for limited commercial use. We anticipate submitting a remedial investigation workplan (RIWP) as soon as the BCP Application is approved. It is anticipated that the remedial investigation will be completed by the end of summer 2021. Once the remedial investigation is complete, a remedial workplan (RWP) will be prepared. It is anticipated that the RWP will be submitted in Fall 2021. We hope to gain approval of the RWP in early 2022 and begin remedial activities in April/May 2022. Our goal is to complete any remedial work and obtain a Certificate of Completion by late summer/fall 2022. The schedule could change if any unforeseen environmental conditions arise.



## NYSDEC BROWFIELD CLEANUP PROGRAM

### SUPPLEMENTAL APPLICATION RESPONSES

#### **PART A, Section III, Property's Environmental History (Item 1)**

The following environmental investigation reports are attached:

1. Phase II ESA, JMT, 2021  
This investigation focuses solely on the proposed BCP site.
2. Phase II Investigation Report, EnviroSpec Engineering, PLLC, October 2019  
This report covers a larger area than the proposed BCP site. It investigates the BCP site contained within tax parcel 44.10-1-32.1, as well as the southeastern portion of tax parcel 44.10-1-32.1 and the northern portion of adjacent southerly tax parcel 44.10-1-32.3 which are outside the proposed BCP boundary. Therefore, any data from TP-18, TP-19, TP-20, TP-21, SB-06, SB-07, and SB-08/GW-07 exceeding State standards have been excluded from Tables 1, 4, and 5 of this BCP Application to avoid confusion.

The possibility for both onsite and offsite contaminant sources exist. The site has been used as a railyard for locomotive maintenance/repair and fueling for the better part of a century. The site is generally located in an industrial area with neighbors including the AI Tech Specialty Steel Class 2 Superfund Site, the former Allegheny Ludlum Steel Corporation, the former Albany Steel & Iron Supply Co., the Watervliet Arsenal, and others. However, these properties do not appear to be contributing to onsite contamination, based on existing data. The remedial investigation will determine if upgradient sources are contributing to the site contamination.

## **NYSDEC BROWFIELD CLEANUP PROGRAM**

### **SUPPLEMENTAL APPLICATION RESPONSES**

#### **PART A, Section III, Property's Environmental History (Item 3)**

Below is a list of tables, figures, and photos provided pursuant to Section II, box 3 of the application form.

##### Tables

Table 1	EnviroSpec Soil Sample Exceedances
Table 2	JMT Soil Samples - Metals
Table 3	JMT Soil Samples - SVOCs, VOCs, PCBs
Table 4	EnviroSpec Groundwater Sample Exceedances
Table 5	EnviroSpec Surface and Sediment Sample Exceedances

##### Figures

Figure 1	Site Location Map
Figure 2	Survey Map of Proposed Brownfield Area
Figure 3	Tax Parcel Map
Figure 4	Site Features Map
Figure 5	Soil and Sediment Exceedances
Figure 6	Groundwater and Surface Water Exceedances

##### Photos

Photo 1	Free Product Observed in TP-31
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## NYSDEC BROWFIELD CLEANUP PROGRAM

### SUPPLEMENTAL APPLICATION RESPONSES

#### **PART A, Section IV, Property Information (Items 7, 8 and 10)**

##### **7. Are there any lands under water?**

There is a stormwater pond located at the center portion of the site (see Figure 3: Site Features Map).

##### **8. Are there any easements or existing rights of way that would preclude remediation in these areas?**

None that we are aware of.

##### **10. Property Description Narrative**

###### Location

The Site is located at 950 5<sup>th</sup> Street, Watervliet, NY 12189. Although it has a Watervliet address, it is located within the Town of Colonie. The property is located west of the intersection of 7<sup>th</sup> St. and 8<sup>th</sup> Ave. The site is located in an urban setting and is surrounded residential, commercial and industrial properties. See Figures 1, 2 and 3 for the site location.

###### Site Features

The overall property is a 55.4-acre plot of land and is bordered by a railyard to the west and a metal scrap yard to the east. The northern 44.85-acre part of the property is subject to this BCP Application and will be referred to as the "site". The site contains some wooded areas but is primarily tall grass and cleared of dense tree areas. There are a few unoccupied structures and multiple remnants of structural foundations located on site. Loose debris and scrap materials are found scattered throughout the site.

###### Current Zoning and Land Use

The proposed BCP portion of the site is not currently in use. The property is zoned for industrial use and was used for this purpose under the previous owner, DH Estates, Inc.

###### Past Use of the Site

Fire insurance maps indicate that under the former ownership of DH Estates, Inc., the property was used as a rail yard for repairs/maintenance and fueling from as early as 1916 until 2010. According to D&H General Layout maps for the site and other records, there existed multiple fuel oil storage tanks and underground pipes for fuel oil transport. Figure 4 shows the former location of a 406,560-gallon boiler fuel tank (AST) and a 600,000-gallon fuel oil tank (AST).

It is unknown whether underground storage tanks (USTs) still exist on the site, although

## NYSDEC BROWFIELD CLEANUP PROGRAM

### SUPPLEMENTAL APPLICATION RESPONSES

GPR investigations during the phase II site assessment did not identify any suspect USTs. During a field inspection in December 2020, multiple vertical stick-up pipes, presumably associated with historical operations were observed. Some of these contained petroleum products and were subsequently capped. The vertical pipes did not appear to be monitoring wells.

Sanborn maps indicate the prior existence of several structures on site during prior operations, some of these buildings and former foundations still exist. A “roundhouse” and rail lines previously existed on site. Historical features of interest that could potentially impact environmental quality on site include several former oil houses, ash pits, coal and ash storage areas, former ASTs, and possible USTs.

NYSDEC records indicate that there have been 13 chemical/petroleum spills on the overall D&H property since 1987. The exact location of most of the spills is unknown and some of them may not have been on the BCP site. The newest spill record was established during the recent environmental assessment activities. On February 5<sup>th</sup>, 2021, DEC was notified when free product was observed on the groundwater surface during excavation of TP-31. Groundwater was encountered at 7’ bgs and JMT observed free product with a sheen and strong odor (see attached photograph). Spill record details acquired from an EDR records database search (3/23/2017) are provided in the following table. A FOIL request was sent to NYSDEC but no spill records were provided.

<b>SPILL RECORDS</b>			
<b>Spill #</b>	<b>Date Open</b>	<b>Date Closed</b>	<b>Description</b>
2009219	2/5/2021	Open	Free product observed on groundwater in test pit
1003795	7/6/2010	7/15/2010	Caller reported an unknown material spill due to a structure fire onsite.
0101325	5/3/2001	5/3/2001	Fire on the abandoned D&H railyard. Material name – ammonia.
9802893	6/3/1998	12/3/1998	Trenches inside diesel repair building 1 were filled with water and oil. A number of 55-gallon drums showing signs of leakage. Drums removed and oil cleaned up/ trenches filled in.
9500764	4/19/1995	5/11/1995	Release of sludge from an overfill tank. 100 gallons sludge.
9402549	5/20/1994	6/16/1994	Leaking valve, material evaporating on contact with ground. 15 gallons wood alcohol.
9109129	11/8/1991	11/9/1998	Equipment failure. Bldg. demolished around tanks in cellar. Release was found; 150 gallons #2 fuel oil. Tot. tank storage 53,000 gal. Test pits had free product in them.
9103841	7/10/1991	7/10/1991	Found spill while moving abandoned drums. 10 gallons waste oil/used oil.
9100201	4/3/1991	1/1/1999	Human error. Contractor pumped unknown liquid on bank near o/w separator. 50 gallons unknown material. Incident led to the installation of an O/W separator.
9003903	7/9/1990	7/10/1990	Found non-petroleum substance (milky water-soluble w/ sediment).
8805113	9/9/1988	3/22/1989	Equipment failure. Failed O/W separator.
8705654	10/5/1987	11/23/1988	Equipment failure, O/W separator overflowed due to rain. 25 gallons waste oil/used oil.
8701596	5/27/1987	5/27/1987	DEC remarks - Overfilled locomotive- percolated into RR tracks. 20 gallons diesel. Small amount, not necessary to remediate.

## **NYSDEC BROWFIELD CLEANUP PROGRAM**

### **SUPPLEMENTAL APPLICATION RESPONSES**

#### Site Geology and Hydrogeology

The Natural Resources Conservation Service (NRCS) SSURGO database search results for the site indicate urban soil. NRCS defines urban soil as soils in areas of high population density in the largely built environment. These soils can be significantly changed human-transported materials, human-altered materials, or minimally altered or intact “native” soils. According to the USGS Surficial Geology Map of New York State (Hudson Mohawk Sheet, 1987), unconsolidated deposits in this area consists of laminated lacustrine silt and clay up to 100 meters thick.

Several different overburden materials were observed during test pit excavation. Test pits central to the site contained fill (e.g. fragments of brick, concrete, coal, metal and/or lumber) and brown sand. Distinct gray clay layers were encountered between 7 and 14 ft below ground surface (bgs) in the southwestern quadrant of the site.

Bedrock for the site is made up of Middle Ordovician-aged Normanskill Shale with minor mudstone and sandstone (Bedrock Geologic Map of New York, 1970). During the recent site investigations, shallow bedrock was observed along the eastern edge of the site. Several test pits had bedrock depths ranging from 3-4 ft. This is consistent with the shallow outcropping observed near the northeastern side of the site.

Regional drainage follows topography which generally slopes east/southeast toward the Hudson River. A stormwater retention pond exists in the central portion of the site (refer to figure 4). The surface water elevation for the pond is approximately 36 ft. AMSL. No other surface water features were observed on site.

Depth to groundwater was observed in overburden during test pit excavation. Groundwater was variable with depths ranging from 2 to 8 ft (when encountered). No groundwater was encountered in some locations down to a depth of 14 feet. Bedrock was not investigated.

#### Environmental Assessment

Based upon environmental assessments completed to date, PCBs, petroleum compounds and metals are present throughout the proposed BCP site. Arsenic and SVOCs are the primary contaminants in soil with widespread impacts throughout the site. Metals and VOCs are the primary contaminants seen in groundwater throughout the site. Sediment and surface water contamination are localized to the storm pond area located at the center portion of the site, See Figures 5 and 6 for the Sample Exceedances Map.

Soil – Thirty-three soil samples from test pits, and two soil samples from borings within the proposed BCP site were collected and analyzed for PCBs, SVOCs, VOCs, cyanide and metals. The two samples collected from borings were also analyzed for pesticides. In general, there were multiple exceedances of NYSDEC 6 NYCRR Part 375 Cleanup Objectives for metals and SVOCs when compared to Industrial Use Soil Cleanup Objectives. There are also exceedances of Protection of Groundwater Standards, but in

## NYSDEC BROWFIELD CLEANUP PROGRAM

### SUPPLEMENTAL APPLICATION RESPONSES

general, these SCOs would only apply to constituents also above 6 NYCRR Part 703.5. Five surface soil samples (0-1' bgs) and five subsurface soil samples (deeper than 1' bgs) had analytical results exceeding the NYSDEC Soil Cleanup Objectives for industrial use. The metals found in exceedance of 6 NYCRR Part 375 Industrial Soil Cleanup Objectives in the soil on site are as follows; arsenic (16.6-59.5 ppm), lead (4,350 ppm) and zinc (14,200 ppm) are found in one or more locations. Arsenic most frequently exceeded the cleanup objectives. See Tables 1 and 2 for soil analytical results for metals. The SVOCs found in exceedance of 6 NYCRR Industrial Soil Cleanup Objectives at one or more sampling locations are benzo(a)anthracene (11 ppm), benzo(a)pyrene (2-8.4 ppm), benzo(b)fluoranthene (11 ppm), and dibenz(a,h)anthracene (1.4-1.6 ppm). PCBs were found in one location on site, TP-30 (1.2 ppm). See Tables 1 and 3 for soil analytical results for SVOCs, VOCs and PCBs.

Groundwater - Three groundwater samples from test pits (grab samples) within the proposed BCP site were collected and analyzed for PCBs, pesticides, SVOCs, VOCs, cyanide, total and dissolved metals. All three groundwater samples collected exceeded Part 703 Groundwater Standards. 1,2,4-Trimethylbenzene was seen in sample GW-09 (30.2 ppb), compared to the 5 ppb standard. Iron was seen in samples GW-01 (3530 ppb) and GW-03 (1070 ppb), compared to the 300 ppb standard. GW-01 also contained dissolved Sodium at 20,300 ppb compared to the 20,000 ppb standard (see table 4). Evidence suggesting groundwater contamination was observed at multiple test pits on site. A sheen was observed on the groundwater at TP-12 (7' bgs), TP-13(7.5' bgs) and TP-35(2' bgs). Free product/sheen was also observed at TP-15 (2' bgs) and TP-31(7' bgs). Depth to groundwater was variable with depths ranging from 3ft. to 8ft. and not encountered at all in some test pits.

Sediment/Surface Water – Two sediment samples and one surface water sample from the existing storm pond within the proposed BCP site were collected and analyzed for PCBs, pesticides, SVOCs, VOCs, cyanide and metals. The surface water sample was also analyzed for dissolved metals. Sediment Sample SE-02 had exceedances in copper and lead when compared to Class C Sediment Guidance Values. Surface water sample SW-02 had metals exceedances in Al, Cu, Fe, Pb, V, as well as a cyanide exceedance of 18 ppb compared to the Part 703 Surface Water Class C Aquatic, Chronic Standard of 5.2 ppb (see table 5).

Note: Samples collected by EnviroSpec in areas outside of the proposed BCP site are provided in their attached report, but JMT has not summarized that data on our maps or tables.

## **METES AND BOUNDS DESCRIPTION**

# Brown Field Area

## DESCRIPTION

### Lincoln Ave Development LLC

All that piece or parcel of land situate in the Town of Colonie, County of Albany and State of New York being more particularly bounded and described as follows:

Beginning at a Point in the southwesterly corner of the lands now or formerly of The United States of America (Watervliet Arsenal) and the northeasterly corner of the lands of Lincoln Ave Development, LLC (Tax Parcel No. 44.10-1-32.1); thence southerly along multiple lots and the westerly bounds of Ninth Avenue S18°-59'-05"W (533.32) feet to a point in the westerly bounds of Ninth Avenue and the eastern bounds of the lands of Lincoln Ave Development, LLC (Tax Parcel No. 44.10-1-32.1); thence generally westerly and southerly through the lands of Lincoln Ave Development, LLC (Tax Parcel No. 44.10-1-32.1) the following two (2) courses:

1. N72°-38'-12"W (453.18) feet to a point;
2. S18°-09'-38"W (852.63) feet to a point in the northerly bounds of the lands now or formerly of Lincoln Ave Development, LLC (Tax Parcel No. 44.10-1-32.3)

Thence generally westerly along the northerly bounds of Lincoln Ave Development, LLC (Tax Parcel No. 44.10-1-32.3) N72°-06'-22"W (832.44) feet to point in the westerly bounds of the lands of Lincoln Ave Development, LLC (Tax Parcel No. 44.10-1-32.1) and the easterly bound of the lands now or formerly of D & H Rail Corporation; thence generally northerly along the easterly bounds of D & H Rain Corporation N17°-53'-38"E (2123.98) feet to a capped iron rod; said capped iron rod being in the easterly bounds of D & H Rain Corporation, the southeasterly corner of the lands now or formerly of The United States of America (Watervliet Arsenal) and the northwesterly corner of the lands of Lincoln Ave Development, LLC (Tax Parcel No. 44.10-1-32.1); thence generally southeasterly along the lands now or formerly of The United States of America (Watervliet Arsenal) the following eight (8) courses:

1. S75°-40'-22"E (442.09) feet to a capped iron rod;
2. S07°-16'-33"W (87) feet plus or minus to a point;
3. S27°-41'-20"E (481) feet plus or minus to a point;
4. S09°-44'-44"E (241) feet plus or minus to a point;
5. S03°-02'-58"W (56) feet plus or minus to a point;
6. S23°-03'-55"E (54) feet plus or minus to a point;
7. S09°-02'-09"E (27) feet plus or minus to a point;
8. S71°-18'-30"E (324) feet plus or minus to the Point Of Beginning.

The above description is intending to describe Tax Parcel No. 44.10-1-32.1 in the town of Colonie excepting out a rectangle approximately 860 feet by 460 feet located in the southeasterly corner of said lot. The above description is subject to any statements of fact or revisions that an actual field survey may reveal.



**NYSDEC BROWFIELD CLEANUP PROGRAM**

**SUPPLEMENTAL APPLICATION RESPONSES**

**PART B, Section VI, Current Property Owner/Operator Information**

Past facility maps indicate that the Delaware and Hudson Railway Company (now DH Estates, Inc.) has owned the site since at least 1916.

**List of Past Property Owners**

**Relationship to Requestor**

DH Estates, Inc. (a.k.a. The Railway Reorganization Estate, Inc) 1700 Iron Horse Park North Billerica, MA 01862 (978) 663-1108	none
---	------

Delaware and Hudson Railroad Corporation DH Properties Suite 300, 402 Amherst St. Nashua, NH 03063	none
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**Requestors Relationship to Current Owner:** Requestor is the current owner.

**PART B, Section VII, Requestor Eligibility Information**

**NYSDEC BROWFIELD CLEANUP PROGRAM**  
**SUPPLEMENTAL APPLICATION RESPONSES**

**PART B, Section VII, Requestor Eligibility Information**

The requestor, Lincoln Avenue Development, should be considered a volunteer because their liability arises solely as a result of ownership with the site subsequent to the disposal of hazardous waste or discharge of petroleum. Site access, and therefore exposure to any previously released hazardous waste, is limited by a fence in place along much of the perimeter. The requestor has no knowledge of any continued releases at the site.

In addition the requestor has prior experience with the BCP program. They have successfully completed a Brownfield cleanup development project at Starbuck Island in Troy and they have the necessary resources to clean up and develop the Lincoln Avenue Property.

**NYSDEC BROWFIELD CLEANUP PROGRAM**

**SUPPLEMENTAL APPLICATION RESPONSES**

**PART B, Section IX, Contact List Information**

- 1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.**

Daniel P. McCoy, County Executive  
Albany County Executive  
Harold L. Joyce Albany County Office Building  
112 State St., Room 1200  
Albany, NY 12207

Laura Trivison, Planning and Land Use  
Albany County Economic Development, Conservation and Planning  
Harold L. Joyce Albany County Office Building  
112 State St., Room 1310  
Albany, NY 12207

Paula Mahan, Colonie Town Supervisor  
Town of Colonie  
Memorial Town Hall, Second Floor  
534 New Loudon Road  
Latham, NY 12110

Sean M. Maguire, Director  
Town of Colonie Planning and Economic Development  
Public Operations Center, Second Floor  
347 Old Niskayuna Road  
Latham, NY 12110

Julie Gansle, Town Clerk  
Town of Colonie  
Memorial Town Hall, First Floor  
534 New Loudon Road  
Latham, NY 12110

**NYSDEC BROWFIELD CLEANUP PROGRAM**  
**SUPPLEMENTAL APPLICATION RESPONSES**

**2. Residents, owners, and occupants of the property and properties adjacent to the property.**

***Adjacent Properties***

*16 Delaware Ct. (44.7-2-30)*  
Di Pofi, John J & Barbara J  
16 Delaware Ct.  
Watervliet, New York 12189

*809 7th. St. (44.7-2-38.1)*  
William E Boardman  
809 7<sup>th</sup> St.  
Watervliet, New York 12189

*810-812 7th. St. (44.7-2-38.2,3)*  
Paul A. Zabinski  
810-812 7<sup>th</sup> St.  
Watervliet, New York 12189

*613 8th. St. (44.11-1-1), 614 9<sup>th</sup> Ave. (44.11-1-48)*  
Edward W. Facticeau  
613 8<sup>th</sup> St., 614 9<sup>th</sup> Ave.  
Watervliet, New York 12189

*950A 5th. St. (44.7-2-41)*  
U.S.A.  
950A 5<sup>th</sup> St.  
Watervliet, New York 12189

*135 8th. St. (44.7-2-1)*  
U.S.A.  
135 8<sup>th</sup> St.  
Watervliet, New York 12189

*49 Lincoln Ave. (44.10-1-32.2)*  
Delaware & Hudson Rr Co.  
135 8<sup>th</sup> St.  
Watervliet, New York 12189

**NYSDEC BROWFIELD CLEANUP PROGRAM**

**SUPPLEMENTAL APPLICATION RESPONSES**

861 1<sup>st</sup> St. (44.10-1-32.3)  
Lincoln Ave Development, LLC (Requestor)  
49 Railroad Ave  
Albany, New York 12205

**3. Local news media from which the community typically obtains information.**

***Newspaper***

Times Union  
News Plaza Box 15000  
Albany, New York 12212  
(518) 454-5420  
[www.timesunion.com](http://www.timesunion.com)

***Television***

WTEN - Channel 10  
341 Northern Blvd.  
Albany, New York 12204  
(518) 436-4822  
[www.news10.com](http://www.news10.com)

WRGB -Channel 6  
CBS6 Albany  
1400 Balltown Rd.  
Schenectady, NY 12309  
(518) 346-6666  
[www.cbs6albany.com](http://www.cbs6albany.com)

WNYT – Channel 13  
715 N. Pearl St.  
Albany, NY 12204  
1-800-999-WNYT  
[www.wnyt.com](http://www.wnyt.com)

**NYSDEC BROWFIELD CLEANUP PROGRAM**  
**SUPPLEMENTAL APPLICATION RESPONSES**

***Radio - AM***

WGY (810)  
iheartradio  
1203 Troy-Schenectady Road  
Latham, NY 12110

***Radio - FM***

WAMC (90.3)  
P.O. Box 66600  
Albany, New York 12206

WPYX (106.3)  
1203 Troy-Schenectady Road  
Latham, NY 12110

WRVE (99.5)  
1203 Troy-Schenectady Road  
Latham, NY 12110

**4. The public water supplier which services the area in which the property is located.**

John Frazer, Superintendent  
Department of Public Works, Division of Latham Water  
Public Operations Center  
347 Old Niskayuna Road  
Latham, NY 12110

**5. Any person who has requested to be placed on the contact list.**

No additional person has requested to be put on the contact list.

**6. The administrator of any school or day care facility located on or near the property.**

Brigid Asante – Daycare Director  
Brigid's Lil' Angels WeeCare Daycare  
(518) 241-4769  
74 Homewood Ave, Watervliet, NY 12189  
Distance from site ~ 600 feet.

**NYSDEC BROWFIELD CLEANUP PROGRAM**

**SUPPLEMENTAL APPLICATION RESPONSES**

Little Sparklers Daycare  
(518) 326-1773  
311 15<sup>th</sup> St., Watervliet, NY 12189  
Distance from site ~ 0.7 miles

Jelly Bean Child Care  
(518) 320-4575  
409 16<sup>th</sup> St., Watervliet, NY 12189  
Distance from site ~ 0.8 miles

Ryan Goat, Principal  
Watervliet Junior Senior High  
(518) 629-3300  
1245 Hillside Dr, Watervliet, NY 12189  
Distance from site ~ 0.8 miles

- 7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of an acknowledgement from the repository indicating that it agrees to act as the document repository for the property.**

William K. Sanford Town Library  
629 Albany Shaker Rd.  
Loudonville, NY 12211  
(518) 458-9274

See attached repository agreement letter.

- 8. Any community board located in a city with a population of one million or more, if the proposed site is located within such community board's boundaries.**

Not Applicable.



# TOWN OF COLONIE

## William K. Sanford Town Library

629 Albany Shaker Road  
Loudonville, New York 12211-1196

Paula A. Mahan  
Town Supervisor

Phone (518) 458-9274 Fax (518) 438-0988  
www.colonielibrary.org  
Equal Opportunity Employer

Evelyn Neale  
Director

May 17, 2021

Chuck Pafundi  
Lincoln Avenue Development II, LLC  
49 Railroad Ave.  
Albany, NY 12205

To whom it may concern,

This is to acknowledge that the William K Sanford Town Library will serve as a repository for public records for the New York State Department of Environmental Conservations (NYSDEC) Brownfield Cleanup Program site that is located at 950 5<sup>th</sup> St. Watervliet, NY 12189. The Library will serve as repository until the project's completion or for 36 months from the date of approval for the Brownfield Cleanup Program Application whichever is sooner.

Sincerely,

Evelyn Neale  
Director  
William K. Sanford Town Library



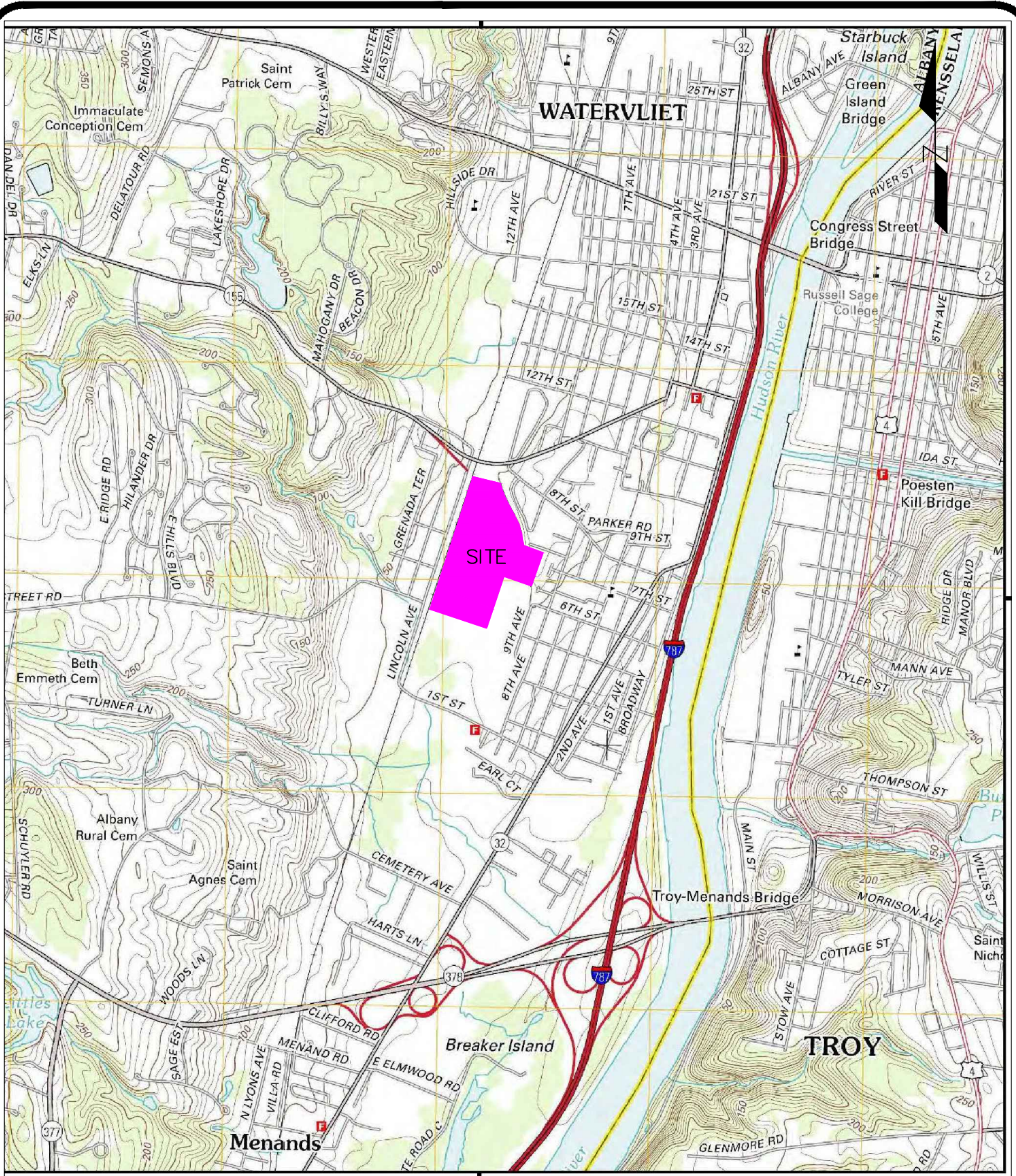
**NYSDEC BROWFIELD CLEANUP PROGRAM**  
**SUPPLEMENTAL APPLICATION RESPONSES**

**PART B, Section X, Land Use Factors (Items 2 and 3)**

2. Current use is vacant. The prior use by D&H as a rail yard ceased in about 2010.
  
3. Anticipated future use will be industrial manufacturing, warehouse storage, trucking facilities and heavy equipment storage/maintenance. There is a possibility for limited commercial use.

## **FIGURES**





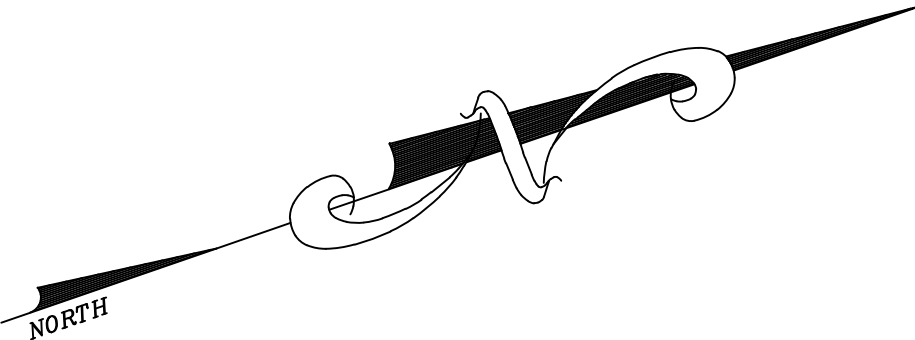
19 British American Blvd., Latham, New York 12110  
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Site Location Map  
 950 5th Street  
 Watervliet, New York

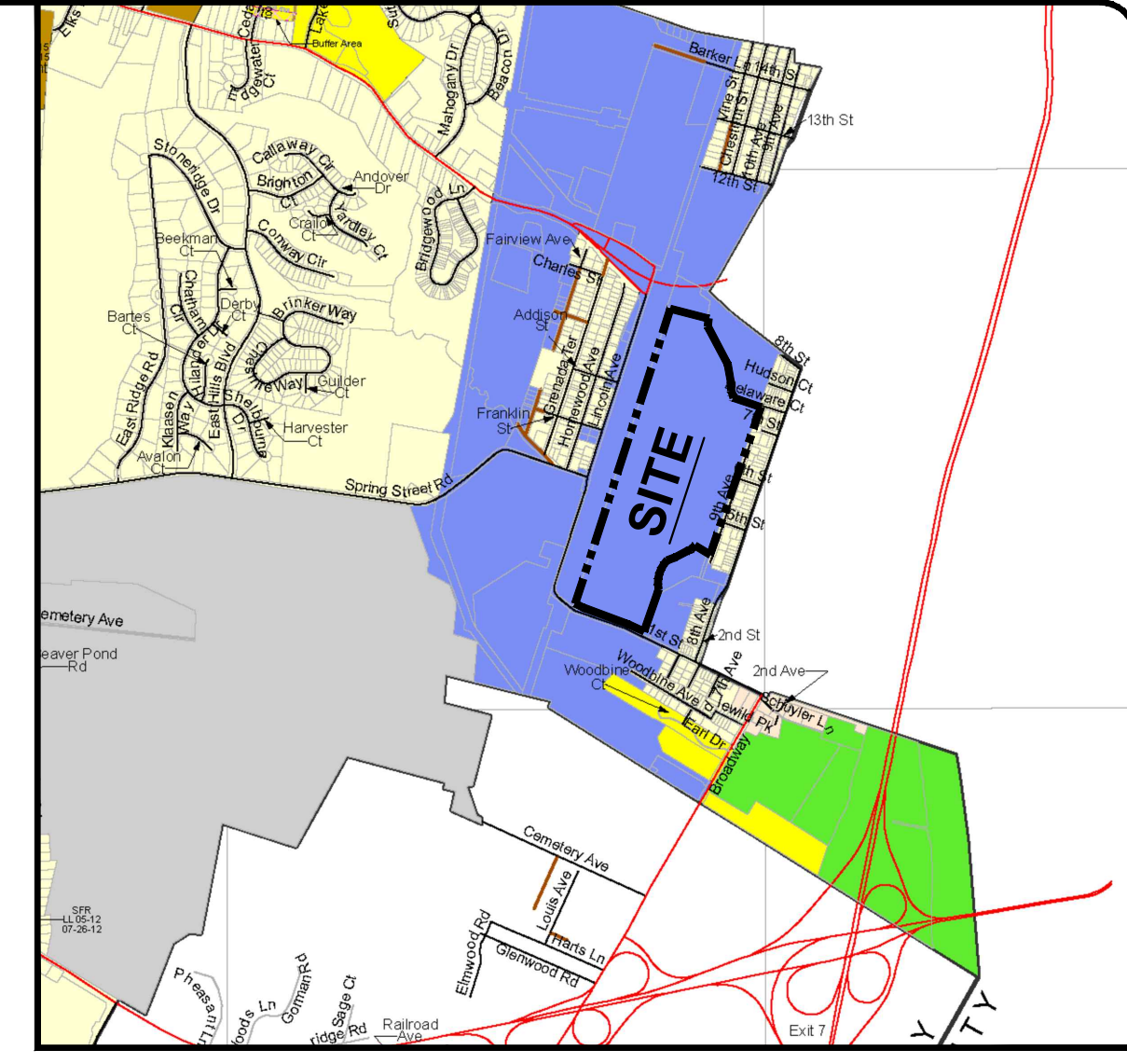
Town of Colonie

ALBANY CO., NY





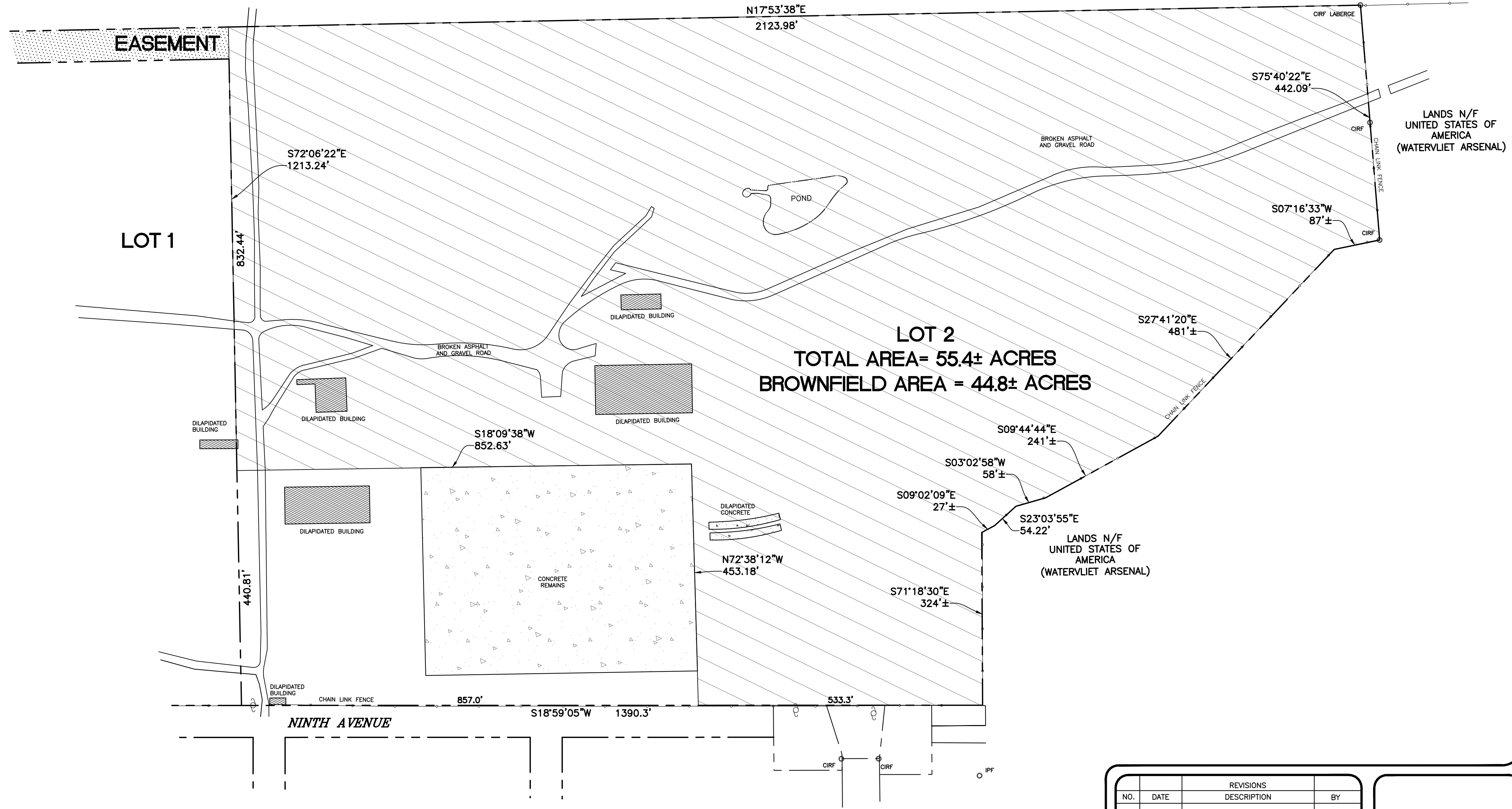
- NOTES:**
1. SURVEY SHOWN WAS PREPARED FROM A JUNE 2018 FIELD SURVEY.
  2. SURVEY SHOWN WAS PREPARED WITHOUT THE BENEFIT OF AN UP TO DATE ABSTRACT OF TITLE OR TITLE REPORT AND IS SUBJECT TO ANY STATEMENTS OF FACT THAT SUCH AN ABSTRACT OF TITLE OR TITLE REPORT MAY REVEAL.
  3. SURVEY SUBJECT TO ANY SUBSURFACE CONDITIONS THAT MAY EXIST, IF ANY.
  4. PARCEL SUBJECT TO ANY SETBACKS, RESTRICTIONS, RIGHTS-OF-WAY (PUBLIC OR PRIVATE), EASEMENTS (PUBLIC OR PRIVATE), UTILITY EASEMENTS OF RECORD OR OTHERWISE THAT MAY AFFECT THE PREMISES SHOWN, IF ANY.
  5. TAX MAP PARCEL NUMBER 44.10-1-32.1
  6. NORTH IS REFERENCED TO THE NEW YORK STATE PLANE GRID SYSTEM NEW YORK EAST ZONE.
  7. INTERIOR FEATURES SHOWN ON THIS MAP WERE TAKEN FROM PHOTOGRAPHY AS OBTAINED FROM NYS GIS CLEARING HOUSE WEBSITE AND SUBJECT TO FIELD VERIFICATION BY AN ACTUAL FIELD SURVEY. OTHER FEATURES EXIST BUT ARE NOT SHOWN.
  8. THE BOUNDARY LINE SHOWN ALONG THE WATERVLIET ARSENAL IS APPROXIMATE AND SUBJECT TO CHANGE.
  9. NO OVERHEAD OR UNDERGROUND UTILITIES ARE SHOWN FOR THE PURPOSES OF THIS SURVEY.



**SITE LOCATION & ZONING MAP**

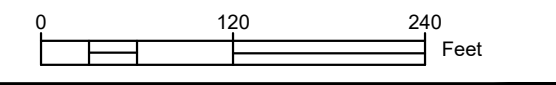
APPROX. SCALE 1"=2000'

LANDS N/F  
D & H RAIL CORPORATION



**LEGEND:**

- CAPPED IRON ROD FOUND
- IRON PIPE FOUND
- IRON PIPE FOUND BENT
- WOODEN FENCE POST
- OVERHEAD UTILITY LINE
- FENCE
- UTILITY POLE
- FIRE HYDRANT
- BROWNFIELD AREA



**NMB**  
LAND SURVEYING  
PLLC  
20 TROY AVE, WYNANTSKILL NY, 12198  
518-376-4630

NO.	DATE	REVISIONS DESCRIPTION	BY

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209 SUBSECTION 2 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S EMBOSSED SEAL AND SIGNATURE IN RED SHALL NOT BE CONSIDERED TO BE VALID COPIES. CERTIFICATES INDICATED OR BILLED HEREON SHALL BEIN ONLY TO THE PARTY FOR WHOM THE SURVEY IS PREPARED, AND ON THEIR BEHALF TO THE ADDITIONAL PARTIES LISTED HEREON. CERTIFICATES ARE NOT TRANSFERABLE TO ADDITIONAL PARTIES, OR SUCCESSOR OWNERS, NOT LISTED HEREON.

**NATHAN M. BURROWS L.S.**  
NEW YORK LIC. No. 50,724

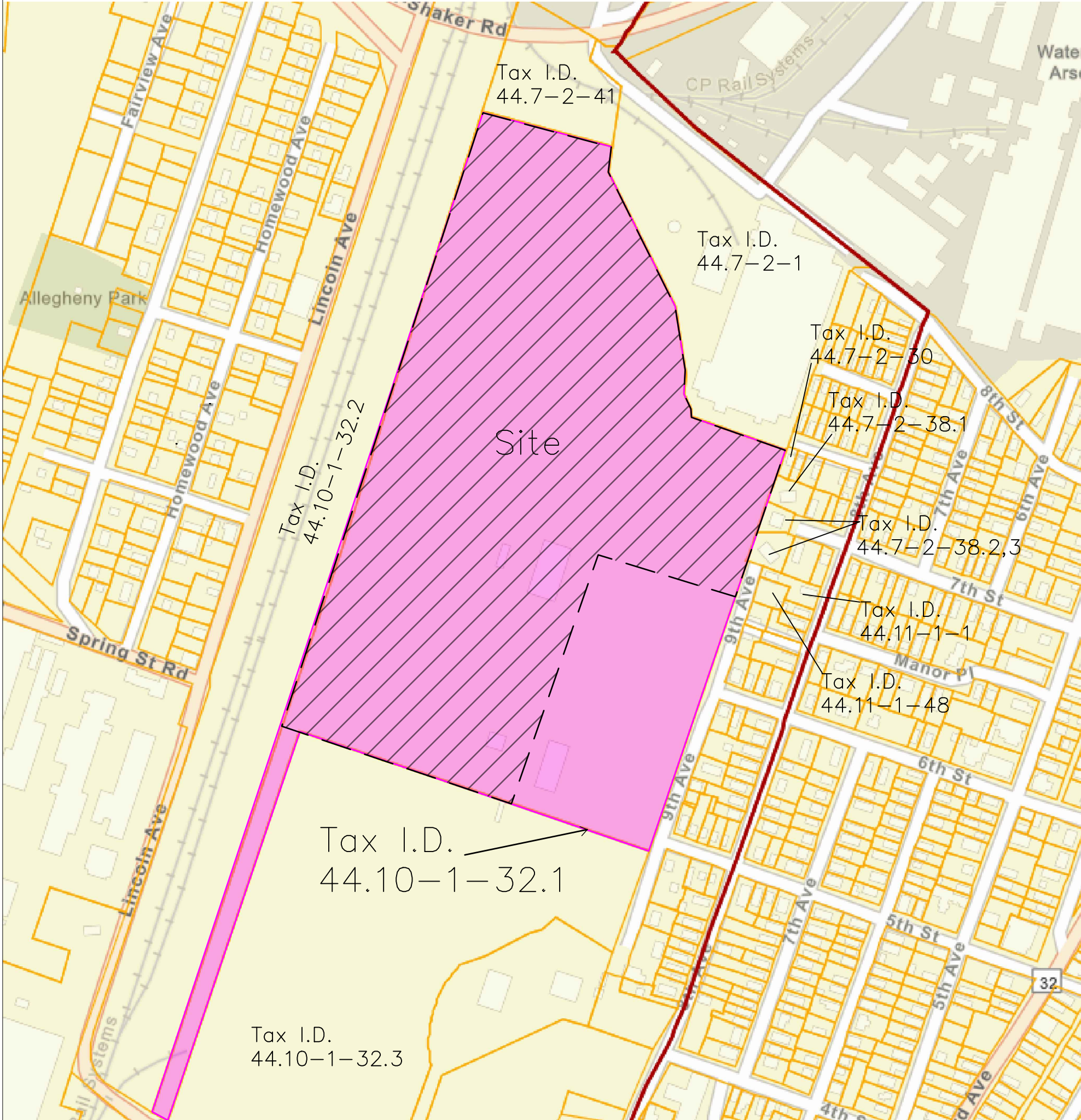
Survey Map of Proposed Brownfield Area  
**LOT 2**  
**LINCOLN AVE DEVELOPMENT, LLC**

TOWN OF COLONIE STATE OF NEW YORK  
COUNTY OF ALBANY

SURVEYED BY: NMB, CJC, EPT | CHECKED BY: CJC | DATE: MAY 14, 2021  
DRAWN BY: NMB | JOB No.: N18-013 | DWG No.: WATERVLIET-SUB

SCALE: 1"=120' | Figure 2





\*Source is Albany County Interactive Tax Parcel Map.  
 Tax Parcel Boundaries last revised: October 2020.  
 Real Property Info last updated: March 2, 2020

Legend

- Tax Parcel 44.10-1-32.1  
(55.4 Acres)
- Proposed BCP Site Boundary (Portion  
of tax parcel 44.10-1-32.1)  
(44.85 Acres)

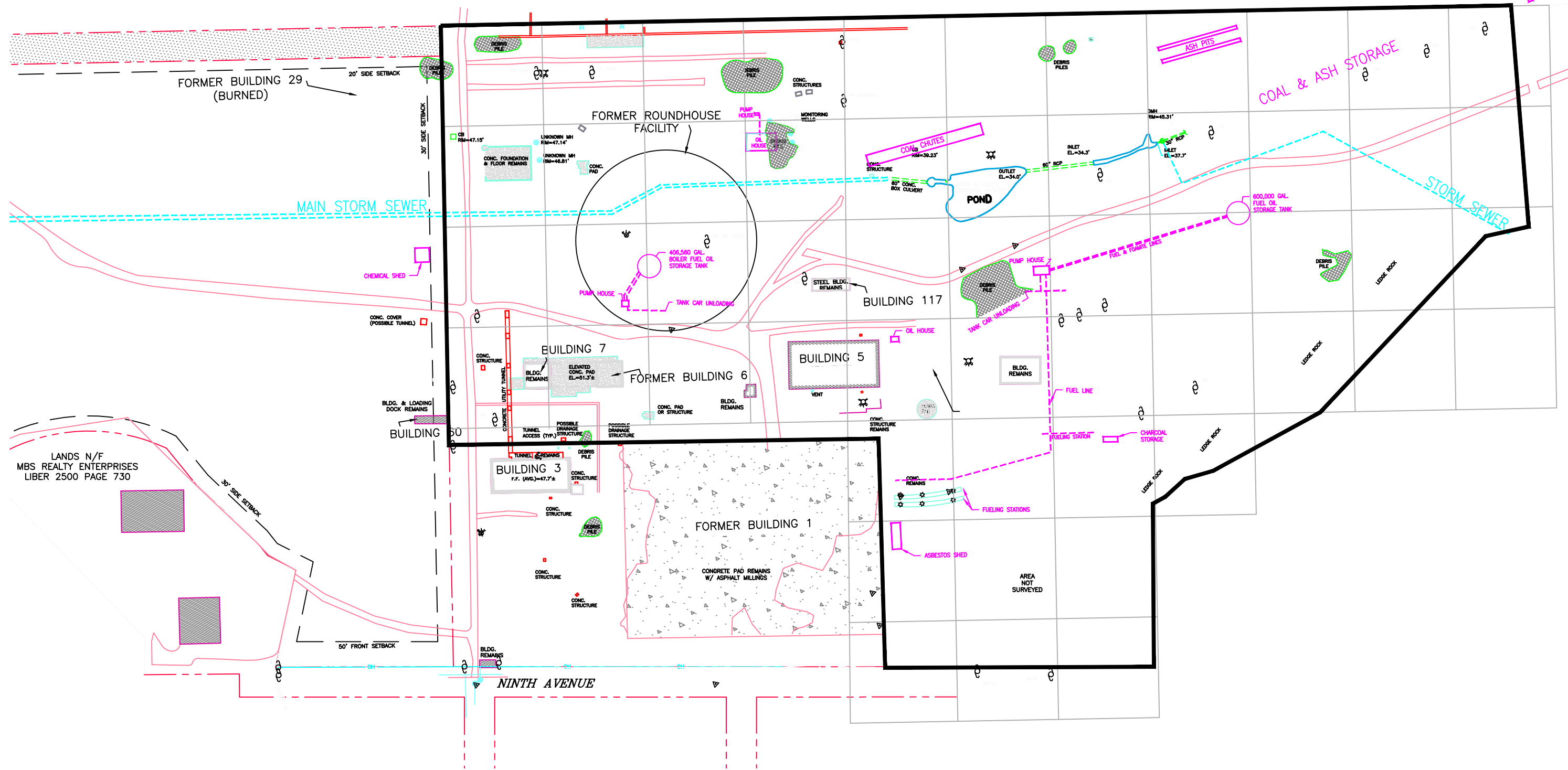


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Tax Parcel Map  
**Lincoln Avenue Development II, LLC**  
 950 5th Street

Town of Colonie Albany CO., NY





LANDS N/F  
MBS REALTY ENTERPRISES  
LIBER 2500 PAGE 730

**LEGEND:**

○ IR	IRON ROD FOUND	— W —	WATER LINE
○ CIR	CAPPED IRON ROD FOUND	— G —	GAS LINE
○ IRP	IRON PIPE FOUND	— OH —	OVERHEAD UTILITY LINE
□ CMON	CONCRETE MONUMENT FOUND	— ST —	STORM SEWER LINE
⊕	FIRE HYDRANT	— SS —	SANITARY SEWER LINE
⊕	WELL	— C —	UNDERGROUND COMMUNICATION LINE
⊕	GAS SERVICE SHUTOFF	— E —	UNDERGROUND ELECTRIC LINE
⊕	GAS MARKER	— P —	PROPERTY LINE
⊕	UTILITY POLE	□	200 FT SAMPLING GRID
⊕	LIGHT POST	—	FIRE INSURANCE MAP FEATURE (FORMER FEATURES)
⊕	POST INDICATOR VALVE	—	PRELIMINARY BROWNFIELD SITE BOUNDARY

- NOTES:**
1. SURVEY SHOWN WAS PREPARED WITHOUT THE BENEFIT OF AN UP TO DATE ABSTRACT OF TITLE OR TITLE REPORT AND IS SUBJECT TO ANY STATEMENTS OF FACT THAT SUCH AN ABSTRACT OF TITLE OR TITLE REPORT MAY REVEAL.
  2. SURVEY SUBJECT TO ANY SUBSURFACE CONDITIONS THAT MAY EXIST, IF ANY.
  3. PARCEL SUBJECT TO ANY SETBACKS, RESTRICTIONS, RIGHTS-OF-WAY (PUBLIC OR PRIVATE), EASEMENTS (PUBLIC OR PRIVATE), UTILITY EASEMENTS OF RECORD OR OTHERWISE THAT MAY AFFECT THE PREMISES SHOWN, IF ANY.
  4. UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND BASED ON UTILITY EVIDENCE VISIBLE AT GROUND SURFACE AND ARE SUBJECT TO FIELD VERIFICATION BY EXCAVATION. UTILITIES SHOWN DO NOT IMPLY TO CONSTITUTE OR REPRESENT ALL UTILITIES UPON OR ADJACENT TO THE SURVEYED AREA. OTHER UTILITIES MAY EXIST, IF ANY.

NO.	DATE	RECORD OF WORK	DRN	CKD

**PROJECT**

PROJ. MGR:	JC	
PROJ. NO.:	20-03399	
PREPARED BY:	YW	
DRAFTED BY:	---	
CHECKED BY:	---	
APPROVED BY:	---	
DATUM:	MSL	
CONTOUR INTERVAL =	NA FEET	
0	100	200
1" = 100'		

PROPOSED BROWNFIELD SITE  
**LUIZZI BROTHERS**  
950 5th Street, Watervliet, New York  
City of Watervliet ALBANY CO., NY

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DATE: 11/09/2020 SCALE: 1"=100' DWG. NO. 20-03399A FIGURE 4

TP-30 (0-1')		TP-25 (0-1')		TP-31 (0-1')		TP-34 (0-1')		TP-36 (0-1')	
2/5/2021		2/4/2021		2/5/2021		2/5/2021		2/5/2021	
Metals		Metals		SVOCs		Metals		Metals	
Lead	933*	Arsenic	23.0*	Benzo(a)anthracene	8.7*	Arsenic	52.5*	Arsenic	16.6*
PCBs		SVOCs		Benzo(a)pyrene	7.6*	Copper	213		
PCB-1260	1.2	Benzo(a)anthracene	11*	Benzo(k)fluoranthene	5.1*	Lead	547		
		Benzo(a)pyrene	8.4*	Benzo(b)fluoranthene	11*				
		Benzo(k)fluoranthene	4.1*	Chrysene	8.6*				
		Benzo(b)fluoranthene	9.9*	Dibenz(a,h)anthracene	1.6*				
		Chrysene	11*						
		Dibenz(a,h)anthracene	1.4* J						

TP-16 (10')	
7/30/2019	
Metals	
Arsenic	18.6*
Mercury	3.2*
SVOCs	
Benzo(a)pyrene	1.31*

SE-02	
8/2/2019	
Metals	
Copper	213
Lead	547

TP-12 (7')	
7/30/2019	
Metals	
Arsenic	37.1*

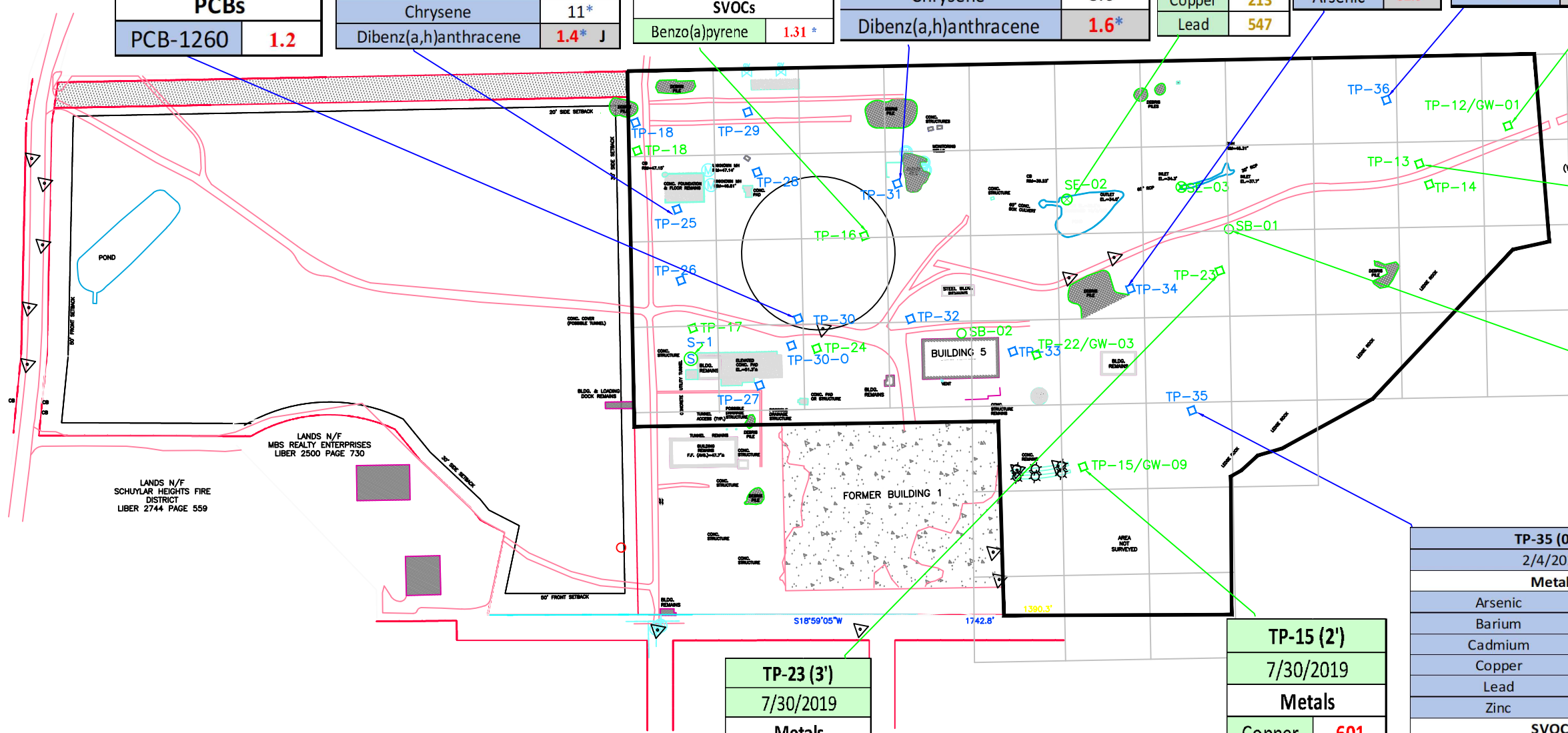
TP-13 (2')	
7/30/2019	
Metals	
Arsenic	59.5*

SB-01 (1-3')	
8/1/2019	
Metals	
Arsenic	47.1*

TP-15 (2')	
7/30/2019	
Metals	
Copper	601

TP-35 (0-1')	
2/4/2021	
Metals	
Arsenic	30.2*
Barium	4850*
Cadmium	9.3*
Copper	5510*
Lead	4350*
Zinc	14200*
SVOCs	
Benzo(a)anthracene	1.8* J
Benzo(a)pyrene	2*
Benzo(b)fluoranthene	2.8*
Chrysene	2.3*

TP-23 (3')	
7/30/2019	
Metals	
Arsenic	32.3*



NOTES:

- JMT exceedance tables are shown in blue
- Envirospec exceedance tables are shown in green
- Exceedances shown; all results in mg/kg or ppm
- Bold Red** - Concentration exceeds Commercial Soil Cleanup Objectives
- Bold Red** - Concentration exceeds both Commercial and Industrial Soil Cleanup Objectives.
- \* - Concentration exceeds protection of Groundwater Soil Cleanup Objectives
- Bold Yellow** - Concentration exceeds Class C Sediment Guidance Values
- J - Result is less than reporting limit, but greater than detection limit.

LEGEND:

- PRELIMINARY BROWNFIELD BOUNDARY
- JMT TEST PIT
- ENVIROSPEC TEST PIT
- ENVIROSPEC SEDIMENT/SURFACE WATER COLLECTION POINT
- ENVIROSPEC SOIL BORING



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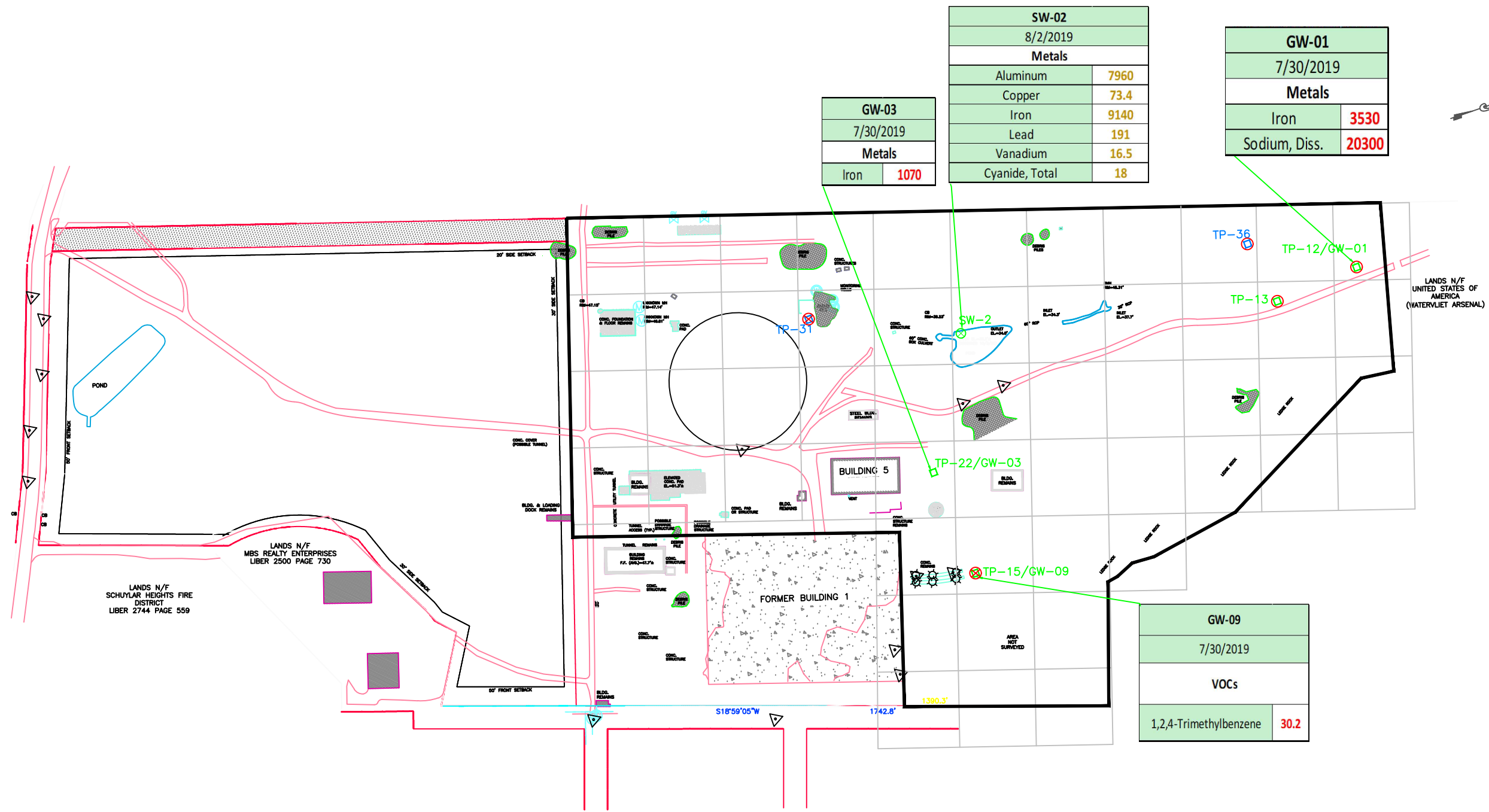
Soil and Sediment Exceedances

950 5th Street

Watervliet, New York

Town of Colonie

Albany CO., NY



**LEGEND:**

- PRELIMINARY BROWNFIELD BOUNDARY
- ENVIROSPEC TEST PIT
- ENVIROSPEC SEDIMENT/SURFACE WATER COLLECTION POINT
- Sheen observed at water table
- Free product observed at water table
- JMT TEST PIT

**NOTES:**

1. EnviroSpec exceedance tables are shown in green
2. Exceedances shown; all results in ug/kg or ppb
3. **Bold Red** – Concentration exceeds Part 703 Groundwater A Standard
4. **Bold Yellow** – Concentration exceeds Part 703 Surface Water Class C Aquatic, Chronic Standard



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Groundwater and Surface Water Exceedances  
**950 5th Street**  
 Watervliet, New York

Town of Colonie Albany CO., NY



## **TABLES**

**Table 1. Envirospec Soil Sample Exceedances.**

Analyte (ppm)	Protection of GW	CSCO	ISCO	TP-12 7'	TP-13 2'	TP-15 2'	TP-16 10'	TP-23 3'	SB-01 1-3'
<b>Metals</b>									
Arsenic	16	16	16	37.1*	59.5*	-	18.6*	32.3*	47.1*
Copper	1720	270	10,000	-	-	601	-	-	-
Mercury	0.73	2.8	5.7	-	-	-	3.2*	-	-
<b>SVOCs</b>									
Benzo(a)pyrene	1	1	1.1	-	-	-	1.31*	-	-

1. All results in mg/kg or ppm.
2. **Bold Red** Concentration exceeds commercial Soil Cleanup Objectives.
3. **Bold Red** Concentration exceeds both Commercial and Industrial Soil Cleanup Objectives.
4. \* Concentration exceeds Protection of Groundwater Soil Cleanup Objectives.
5. -- Concentration is non-detect.

Table 2: JMT Soil Samples - Metals

METALS	Soil Cleanup Objectives			2/4/2021										2/5/2021												
	Protection of G.W.	Commercial	Industrial	S-1 (0-1')	TP-18 (0-1')	TP-25 (0-1')	TP-25 (13-14')	TP-26 (0-1')	TP-26 (13-14')	TP-27 (0-1')	TP-27 (9')	TP-29 (0-1')	TP-29 (7')	TP-28 (0-1')	TP-28 (5-6')	TP-30 (0-1')	TP-30-O (8')	TP-31 (0-1')	TP-31 (6-7')	TP-32 (0-1')	TP-32 (6.5-7')	TP-33 (0-1')	TP-34 (0-1')	TP-35 (0-1')	TP-36 (0-1')	TP-36 (7-8')
Aluminum	NS	NS	NS	7670	5290	18700	24000	4130	920	14200	9520	8130	13200	10000	12900	12500	10900	13600	14700	10200	7080	12900	15800	6310	5100	10100
Antimony	NS	NS	NS		--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	84.1	--	--
Arsenic	16	16	16	3.10	8.0	<b>23.0*</b>	6.1	11.0	6.6	5.8	4.6	7.7	4.5	4.9	5.5	8.8	3.1	8.9	5.9	13.5	3.6	8.3	<b>52.5*</b>	<b>30.2*</b>	<b>16.6*</b>	9.5
Barium	820	400	10,000	32.50	68.8	253	205	90.6	15.4	64.4	52.8	52.0	82.3	66.5	69.0	126	67.8	120 F1	201	103	33.1	119	221	<b>4850*</b>	84.7	125
Beryllium	47	590	2,700	0.44	0.55	1.1	1.1	0.46	--	0.61	0.47	0.34	0.68	0.44	0.58	0.78	0.48	0.76	0.76	0.68	0.35	0.77	0.74	0.42	0.94	0.62
Cadmium	7.5	9.3	60	--	0.33	0.65	--	--	--	0.23	--	--	--	--	--	0.84	--	0.23	--	--	--	--	--	9.3*	0.38	--
Calcium	NS	NS	NS	1420	3340	16100	2830	2390	1540	1330	2660	1270	1310	1180	1420	5380	907	3870	2430	4210	643	4860	2680	2340	757	1730
Chromium <sup>10</sup>	NS	1,500	6,800	11	9.6	34.3	27.2	12.1	8.5	15.8	11.3	15.1	14.6	11.5	13.8	25.6	11.3	24.9	20.4	24.8	8.7	21.5	26.0	59.1	10.7	15.3
Cobalt	NS	NS	NS	7.1	10.9	19.5	18.1	7.0	13.5	7.4	7.4	5.0	7.7	6.3	8.1	10.3	5.1	13.7	13.9	13.8	4.6	13.5	11.9	12.2	9.2	13.4
Copper	1720	270	10,000	41.0	33.1	124	22.4	35.1	8.3	30.5	23.4	47.2	17.5	21.2	18.7	50.8	19.6	50.9	39.3	54.7	12.5	40.5	44.6	<b>5510*</b>	144	45.5
Iron	NS	NS	NS	16500	27700	38400	31100	12600	149000	21600	16000	22600	18600	16500	20500	22600	14300	28000	26200	23300	12300	26500	44600	67200	20000	25400
Lead	450	1000	3,900	26.1	81.6	127	16.1	56.7	39.1	33.1	25.9	67.6	13.2	10.5	12.9	<b>933*</b>	11.6	99.0 F1	18.8	190	4.8	20.0	59.5	<b>4350*</b>	132	46.5
Magnesium	NS	NS	NS	1200	2560	8540	6000	879	631	4410	2960	1600	3780	3270	3960	4700	2620	6250	6150	5470	2230	6780	5040	2320	1010	3570
Manganese	2000	10,000	10,000	451	293	873	1660	182	113	335	346	355	392	411	490	280	349	678	436	457	165	867	374	572	186	1160
Mercury	0.73	2.8	5.7	--	0.044	0.10	0.032	0.058	0.12	0.050	0.058	0.040	0.035			0.046	0.028	0.047	0.027	0.087		0.069	0.060	0.41	0.13	0.11
Nickel	130	310	10,000	10.2	20.1	47.2	36.0	15.8	30.6	19.0	15.3	10.9	17.8	15.0	18.7	37.1	14.9	33.8	29.0	33.8	10.7	30.0	24.4	62.6	19.3	24.8
Potassium	NS	NS	NS	943	1090	3330	3730	941	126	1930	1530	1160	2000	1410	1800	2190	1350	2080 F1	2480	1970	1220	2130	3590	748	722	1960
Silver	8.3	1500	6,800	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	1.9	--	--
Vanadium	NS	NS	NS	19.1	20.0	36.9	38.3	14.9	101	24.9	19.9	22.2	22.4	17.5	20.6	39.7	18.5	26.2 F1	26.5	23.5	13.4	24.9	34.5	35.7	17.5	23.3
Zinc	2,480	10,000	10,000	43.1	77.7	145	76.1	31.1	23.2	98.3	57.1	35.8	49.8	38.7	49.5	138	59.1	121 F1	70.4	78.9	20.9	62.0	45.7	<b>14200*</b>	33.2	56.9

Notes:

1. All results in mg/kg or ppm.
2. J - Result is less than the reporting limit, but greater than the method detection limit and the concentration is an approximate value
3. **Bold Red** Concentration exceeds commercial Soil Cleanup Objectives.
4. **Bold Red** Concentration exceeds both Commercial and Industrial Soil Cleanup Objectives.
5. \* Concentration exceeds Protection of Groundwater Soil Cleanup Objectives.
6. Only constituents with lab detections are shown.
7. -- Concentration is Non-detect
8. NS - The Soil Cleanup Objective Standard is not specified
9. F1 - MS and/or MSD recovery exceeds control limits
10. Cleanup Objectives are for trivalent Chromium

Table 3: JMT Soil Samples - SVOCs, VOCs, PCBs

SVOCs	Soil Cleanup Objectives			2/4/2021										2/5/2021												
	Protection of G.W.	Commercial	Industrial	S-1 (0-1')	TP-18 (0-1')	TP-25 (0-1')	TP-25 (13-14')	TP-26 (0-1')	TP-26 (13-14')	TP-27 (0-1')	TP-27 (9')	TP-29 (0-1')	TP-29 (7')	TP-28 (0-1')	TP-28 (5-6')	TP-30 (0-1')	TP-30-O (8')	TP-31 (0-1')	TP-31 (6-7')	TP-32 (0-1')	TP-32 (6.5-7')	TP-33 (0-1')	TP-34 (0-1')	TP-35 (0-1')	TP-36 (0-1')	TP-36 (7-8')
Benzo[a]pyrene	22	1	1.1	0.55 J	0.39 J	8.4*	--	0.41 J	--	0.07 J	0.037 J	0.38 J	--	--	0.091 J	--	--	7.6*	.420 J	0.23	--	--	--	2*	0.045 J	0.22
Benzo[b]fluoranthene	1.7	5.6	11	0.63 J	0.45 J	9.9*	--	0.70 J	--	0.11 J	0.051 J	0.39 J	--	--	0.12 J	--	--	11*	.560 J	0.36	--	--	0.048 J	2.8*	0.075 J	0.38
Benzo[g,h,i]perylene	1000	500	1000	0.33 J	0.22 J	3.4	--	0.35 J	--	0.05 J	0.033 J	0.26 J	--	--	0.059 J	--	--	3.6	.190 J	0.16 J	--	--	--	0.83 J	--	0.18
Biphenyl	NS	NS	NS	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0.68	--	--	--
Anthracene	1000	500	1000	--	--	5.5	--	--	--	--	--	--	--	--	--	--	--	1.9	--	0.061 J	--	--	0.11 J	0.75 J	--	--
Acenaphthene	98	500	1000	--	--	2.8	--	--	--	--	--	--	--	--	--	--	--	0.26 J	--	--	--	--	--	--	--	--
Acenaphthylene	107	500	1000	--	--	--	--	--	--	--	--	--	--	--	--	--	--	1.4	--	0.071 J	--	--	--	0.35 J	--	0.087 J
Atrazine	NS	NS	NS	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0.88 J	--	--
Benzo[a]anthracene	1	5.6	11	0.51 J	0.53 J	11*	--	0.38 J	--	0.09 J	0.036 J	0.35 J	--	--	--	--	--	8.7*	.610 J	0.21	--	--	--	1.8* J	--	0.2
Bis(2-ethylhexyl) phthalate	NS	NS	NS	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0.061 J	--	--	--	--	--	--
Benzo[k]fluoranthene	1.7	56	110	0.33 J	0.23 J	4.1*	--	0.40 J	--	0.04 J	--	0.22 J	--	--	0.052 J	--	--	5.1*	.190 J	0.13 J	--	--	--	0.81 J	0.045 J	0.19
Carbazole	NS	NS	NS	--	--	2.3	--	--	--	--	--	--	--	--	--	--	--	0.46 J	--	0.039 J	--	--	--	--	--	--
Dibenzofuran	210	350	1000	--	--	2	--	--	--	--	--	--	--	--	--	--	--	0.20 J	--	0.020 J	--	--	0.44	--	0.036 J	--
Naphthalene	12	500	1000	--	--	.96 J	--	--	--	--	--	--	--	--	--	--	--	0.20 J	--	--	--	--	1	--	0.036 J	--
Pyrene	1000	500	1000	0.68 J	0.72 J	18	--	0.54 J	--	0.10 J	0.056 J	0.59 J	--	--	0.12 J	--	--	11	1.2	0.31	--	--	0.22	3.1	0.070 J	0.32
Fluoranthene	1000	500	1000	0.85 J	0.93	24	--	0.66 J	--	0.15 J	0.073 J	0.70 J	--	--	0.11 J	--	--	9	.510 J	0.35	--	--	0.089 J	3.5	0.086 J	0.3
Dibenz(a,h)anthracene	1000	0.56	1.1	--	--	1.4* J	--	--	--	--	--	--	--	--	--	--	--	1.6*	--	0.48 J	--	--	--	--	--	--
Chrysene	1	56	110	0.51 J	0.52 J	11*	--	0.62 J	--	0.08 J	0.047 J	0.37 J	--	--	--	--	--	8.6*	.780 J	0.28	--	--	--	2.3*	0.11 J	0.26
Hexachlorobenzene	3.2	6	12	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Fluorene	386	500	1000	--	--	2.9	--	--	--	--	--	--	--	--	--	--	--	0.26 J	--	--	--	--	0.29	--	--	--
2-Nitrophenol	NS	NS	NS	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
2-Methylnaphthalene	NS	NS	NS	--	--	0.65 J	--	--	--	--	--	--	--	--	--	--	--	--	--	0.044 J	--	0.046 J	3.6	--	0.07 J	--
Indeno[1,2,3-cd]pyrene	8.2	5.6	11	0.33 J	.230 J	3.5	--	0.38 J	--	0.054 J	0.036 J	0.25 J	--	--	0.048 J	--	--	3.7	--	0.15 J	--	--	--	0.87 J	--	0.15 J
Phenanthrene	1000	500	1000	0.36 J	.860 J	26	--	--	--	0.069 J	--	0.35 J	--	--	0.031 J	--	--	3	--	0.15 J	--	0.036 J	1.1	2.2	0.15 J	0.065 J

VOCs	Soil Cleanup Objectives			2/4/2021										2/5/2021												
	Protection of G.W.	Commercial	Industrial	S-1 (0-1')	TP-18 (0-1')	TP-25 (0-1')	TP-25 (13-14')	TP-26 (0-1')	TP-26 (13-14')	TP-27 (0-1')	TP-27 (9')	TP-29 (0-1')	TP-29 (7')	TP-28 (0-1')	TP-28 (5-6')	TP-30 (0-1')	TP-30-O (8')	TP-31 (0-1')	TP-31 (6-7')	TP-32 (0-1')	TP-32 (6.5-7')	TP-33 (0-1')	TP-34 (0-1')	TP-35 (0-1')	TP-36 (0-1')	TP-36 (7-8')
Xylenes, Total	1.6	500	1000	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0.13 J	--	--	--
Methylene Chloride	0.05	500	1000	--	--	--	--	--	--	--	--	--	--	0.0034 J	0.0036 J	0.0052	0.0048 J	0.0046 J	0.27 J B	0.0037 J	4.3 J	0.0028 J	0.054 J B	0.0049 J	0.0046 J	0.037 J B
Methylcyclohexane	NS	NS	NS	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0.11 J	--	--	--
Isopropylbenzene	NS	NS	NS	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0.066 J	--	--	--
Ethylbenzene	1	390	780	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0.26	--	--	--
Acetone	0.05	500	1000	--	--	--	0.0097 J	--	0.0046 J	--	0.014 J	0.0061 J	0.0054 J	--	--	--	--	--	--	--	--	--	--	--	--	--

PCBs	Soil Cleanup Objectives			2/4/2021										2/5/2021												
	Protection of G.W.	Commercial	Industrial	S-1 (0-1')	TP-18 (0-1')	TP-25 (0-1')	TP-25 (13-14')	TP-26 (0-1')	TP-26 (13-14')	TP-27 (0-1')	TP-27 (9')	TP-29 (0-1')	TP-29 (7')	TP-28 (0-1')	TP-28 (5-6')	TP-30 (0-1')	TP-30-O (8')	TP-31 (0-1')	TP-31 (6-7')	TP-32 (0-1')	TP-32 (6.5-7')	TP-33 (0-1')	TP-34 (0-1')	TP-35 (0-1')	TP-36 (0-1')	TP-36 (7-8')
PCB-1260	3.2	1	25	--	--	--	--	--	--	--	--	--	--	--	--	1.2	--	--	--	--	--	--	--	--	--	--

1. All results in mg/kg or ppm.
2. J - Result is less than the reporting limit, but greater than the method detection limit and the concentration is an approximate value
3. **Red** Concentration exceeds Commercial Soil Cleanup Objectives.
4. **Red** Concentration exceeds both Commercial and Industrial Soil Cleanup Objectives.
5. \* Concentration exceeds Protection of Groundwater Soil Cleanup Objectives.
6. Only constituents with lab detections are shown
7. -- Concentration is non-detect.
8. NS - The Soil Cleanup Objective Standard is not specified
9. B - Compound was found in the blank and sample

**Table 4. Envirospec Groundwater  
Sample Exceedances.**

Analyte (ppb)	Part 703 Groundwater A Standard	GW-09	GW-01	GW-03
1,2,4-Trimethylbenzene	5	<b>30.2</b>	--	--
Iron	300	--	<b>3530</b>	<b>1070</b>
Sodium, Dissolved	20,000	--	<b>20,300</b>	--

1. All Results in ug/kg or ppb
2.            --                    Concentration is non-detect
3.            **Bold Red**            Concentration exceeds Part 703 Groundwater A Standard

## Table 5: Envirospec Sediment & Surface Water Exceedances

### Sediment Sample Exceedances

Analyte (ppm)	Class C Sediment Guidance Value	SE-02
<b>Metals</b>		
Copper	150	<b>213</b>
Lead	130	<b>547</b>

1. All Results in mg/kg or ppm
2. **Bold Yellow** Concentration exceeds Class C Sediment Guidance Values

### Surface Water Exceedances

Analyte (ppm)	Part 703 Surface Water Class C Aquatic, Chronic Standard	SW-02
<b>Metals</b>		
Aluminum	100	<b>7960</b>
Copper	24.2	<b>73.4</b>
Iron	300	<b>9140</b>
Lead	13.1	<b>191</b>
Vanadium	14	<b>16.5</b>
Cyanide, Total	5.2	<b>18</b>

1. All Results in ug/kg or ppb
2. **Bold Yellow** Concentration exceeds Part 703 Surface Water Class C Aquatic, Chronic Standard.

**PHOTO**

## Photo 1

### Free Product Observed in TP-31

