

Brownfield Cleanup Program

Citizen Participation Plan for Old Troy Municipal Incinerator Site

May 2021

C442001 East Side of Oakwood Avenue Town of Brunswick Rensselaer County, New York

www.dec.ny.gov

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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: Atlas Renewables LLC ("Applicant") Site Name: Old Troy Municipal Incinerator Site ("Site") Site Address: East Side of Oakwood Avenue, Town of Brunswick Site County: Rensselaer County Site Number: C442001

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

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

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

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

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

2. Citizen Participation Activities

Why NYSDEC Involves the Public and Why It Is Important

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

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

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

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

Project Contacts

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

Locations of Reports and Information

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

Site Contact List

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

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

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

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

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

CP Activities

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

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

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up a site.
- **Public forums, comment periods and contact with project managers** provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a site's investigation and cleanup.

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

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

Technical Assistance Grant

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

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

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

As of the date of this document, **the significant threat determination for the BCP site** had not yet been made by NYSDEC.

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

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

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

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

3. Major Issues of Public Concern

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

There are no major issues of public concern. The BCP site is classified as a Class 3 New York State Inactive Hazardous Waste Site. Classification as a Class 3 Site is premised on the fact that threats to public health and the environment relative to the confirmed hazardous waste disposal could not be demonstrated by NYSDEC.

4. Site Information

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

Site Description

The site is located in a rural-residential area within the Town of Brunswick, Rensselaer County, New York. The site has not been assigned a physical address, but is located along the east side of Oakwood Avenue, approximately 800 feet north of its intersection with Farrell Road. The site is approximately 25.3 acres in size and consists of heavily vegetated vacant land. The site is within the boundaries of the former Old Troy Municipal Incinerator landfill property.

Adjacent land usage consists of portions of the former Old Troy Municipal Incinerator landfill property, vacant land and a retail plaza to the north; vacant land and a paintball center/haunted house operation to the east; vacant land and Farrell Road to the south; and Oakwood Avenue, vacant land and residential development to the west.

History of Site Use, Investigation, and Cleanup

The site consists of vacant, vegetated land that is located within the boundaries of the former Old Troy Municipal Incinerator landfill property. The site is zoned for industrial use.

The Site was used from 1947 to 1962 for the disposal of residues from the Troy municipal incinerator operation, which was located approximately 300 feet to the northwest of the Site's northwestern boundary. That incinerator reportedly operated inefficiently, resulting in the waste being only partially combusted. In addition to municipal solid waste from the City of Troy, the incinerator facility reportedly processed 2,000 tons of waste from the General Electric Company's (GE's) silicone products facility in Waterford, New York. These wastes included facility trash (98%), and a sludge containing heavy metals, organic chemicals, and paint (2%).

incinerator closed, the site was used until 1969 for municipal and industrial solid waste disposal. Historical records indicate an unknown quantity of F001 (halogenated solvents) waste generated by Paris Cleaners (presumably a business operating in the Troy, New York area) were disposed of at the site from 1966 to 1969, and 1.5 tons of paint waste scrapings from Garden Way Manufacturing, Inc., were disposed every year from 1962 to 1969.

The most recent environmental investigation of the site was a site characterization conducted by Ecology and Environment Engineering, P.C. from 2005 to 2007. The site characterization was completed under the direction of NYSDEC. Results of the site characterization depicted contaminants in the site's soils, groundwater, surface water and sediment. These contaminants included metals in surface soils; petroleum related contaminants, polychlorinated biphenyls (PCBs) and metals in subsurface soils; petroleum and chlorinated solvent contaminants, and metals in groundwater; metals in surface water; and metals in sediment.

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 onsite, 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 Industrial Use purposes.

To achieve this goal, the Applicant will conduct investigation and IRM 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. The investigation and IRM activities will be conducted simultaneously. The IRMs are likely to represent all or a significant part of the final remedy.

Investigation

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

The site investigation has several goals:

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

The Applicant submits a draft "Remedial Investigation Work Plan" to NYSDEC for review and approval. NYSDEC makes the draft plan available to the public for 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):

Joshua Haugh, P.G. Project Manager NYSDEC Region 4 Division of Environmental Remediation 1130 North Westcott Road Schenectady, NY 12306 Tel: (518) 357-2008 Email: joshua.haugh@dec.ny.gov

Regina Willis Public Participation Specialist NYSDEC Region 4 Division of Environmental Remediation 1130 North Westcott Road Schenectady, NY 12306 Tel: (518) 357-2075 Email: regina.willis@dec.ny.gov

New York State Department of Health (NYSDOH):

Harolyn Hood Project Manager NYSDOH Bureau of Environmental Exposure Investigation Empire State Plaza, Corning Tower Albany, NY 12237 Tel: (518) 402-7860 Email: harolyn.hood@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:

Brunswick Community Library

4118 Route 2 Troy, NY 12180 Phone: (518) 279-4023 Hours: Mon. to Fri.: 10AM to 6PM Sat: 10AM to 2PM Closed Sunday

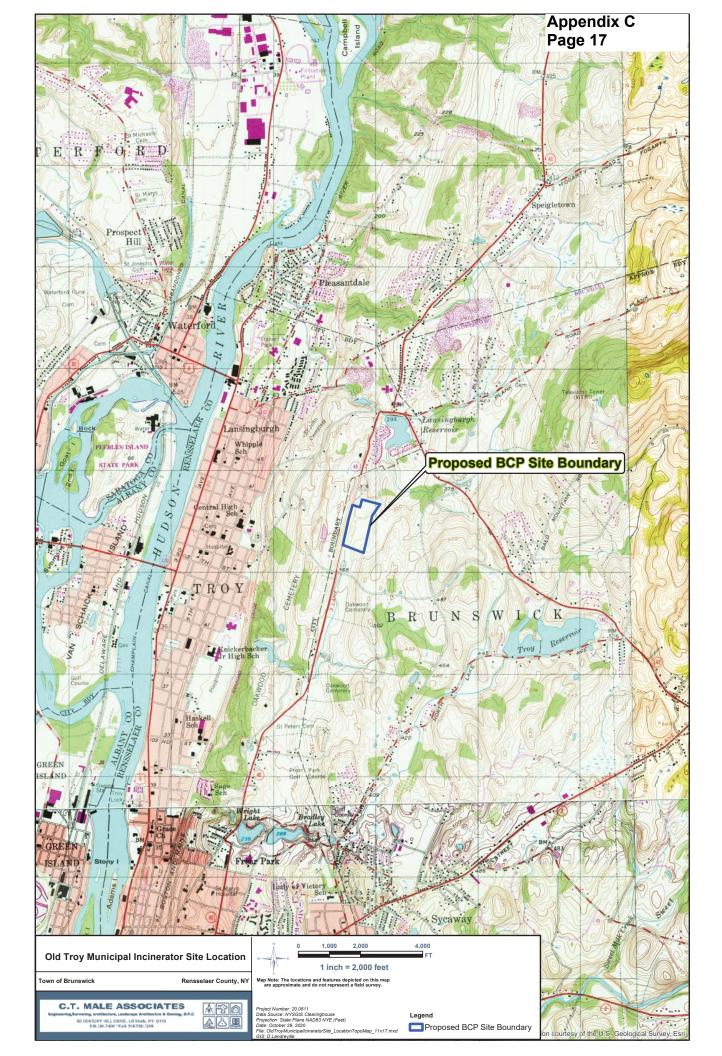
NYSDEC Region 4

1130 North Westcott Road Schenectady, NY 12306 Attn: Joshua Haugh Phone: (518) 357-2045 Hours: Mon. to Fri.: 8:30AM to 4:45PM Call for Appointment

Appendix B - Site Contact List

Chief Executive Officer and Planning Board Chairperson of County and Town		
Rensselaer County	Town of Brunswick	
County Chief Executive Officer	Chief Executive Officer	
Steven F. McLaughlin	Supervisor Phil Herrington	
Ned Pattison Government Center	Town of Brunswick	
1600 7 th Avenue	336 Town Office Road	
Troy, NY 12180	Troy, NY 12180	
Planning Board Chairperson	Planning Board Chairperson	
Robert Pasinella, Director	Russell Öster	
Rensselaer County Economic Development and	Town of Brunswick	
Planning	336 Town Office Road	
1600 7 th Avenue	Troy, NY 12180	
Troy, NY 12180		
	gislators	
Assembly Member Jake Ashby	Senator Daphne Jordan	
LOB 402	188 State Street, Legislative Office Bldg.	
Albany, NY 12248	Albany, NY 12247	
Public Water Supplier		
Town of Brunswick Water Department		
336 Town Office Road		
Troy, NY 12180		
Local News Media		
The Record (Newspaper)	Times Union (Newspaper)	
Attention: News Director	Attention: News Director	
7 Wells Street, Suite 103	Box 15000, News Plaza	
Saratoga Springs, NY 12866	Albany, NY 12212	
(518) 270-1200	(518) 454-5694	
ŴNÝT-TV	WTÉN-TV	
Attention: News Director	Attention: News Director	
715 North Pearl Street	341 Northern Boulevard	
Albany, NY 12204	Albany, NY 12204	
(800) 999-9698	(518) 436-4822	
WRGB-TV	Spectrum News (TV)	
Attention: News Director	Attention: News Director	
1400 Balltown Road	104 Watervliet Avenue Extension	
Schenectady, NY 12309	Albany, NY 12206	
(518) 346-6666	(518) 641-6397	
WMHT-TV	WGY Radio	
Attention: News Director	Attention: News Director	
4 Global View	1203 Troy-Schenectady Road	
Troy, NY 12180-8375	Latham, NY 12110	
(518) 880-3400	(518) 452-4848	
WAMC Northeast Public Radio		
Attention: News Director		
PO Box 66600		
Albany, NY 12206		
(518) 465-5233		

Nearby Schools and Daycare Facilities		
None Identified		
Adjacent Property Owners/Occupants		
The names, addresses, and email addresses of adjacent property owners and residents on the contact		
list are maintained confidentially in the NYSDEC project manager's files.		
Document Repositories		
Brunswick Community Library	NYSDEC Region 4	
4118 Route 2	1130 North Westcott Road	
Troy, NY 12180	Schenectady, NY 12306	
Phone: (518) 279-4023	Attn: Joshua HaughPhone: (518) 357-2045	
Hours: Mon. to Fri.: 10AM to 6PM	Hours: Mon. to Fri.: 8:30AM to 4:45PM	
Sat: 10AM to 2PM		



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Appendix D– Brownfield Cleanup Program Process

