



**NEW YORK**  
STATE OF  
OPPORTUNITY.

**Department of  
Environmental  
Conservation**

# **Brownfield Cleanup Program**

## **Citizen Participation Plan for Former Ithaca Gun Factory Site**

April 2020

Site # C755019  
121-125 Lake Street  
Ithaca  
Tompkins County, New York

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**Note:** The information presented in this Citizen Participation Plan has been updated from the original version (June 2013) to reflect information developed during the Remedial Investigation completed as part of the BCP process.

Applicant: **IFR Development, LLC (“Applicant”)**  
Site Name: **Former Ithaca Gun Factory Site (“Site”)**  
Site Address: **121-125 Lake Street, Ithaca, NY 14850**  
Site County: **Tomkins county**  
Site Number: **C755019**

## **1. What is New York’s Brownfield Cleanup Program?**

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

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

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

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

## **2. Citizen Participation Activities**

### *Why NYSDEC Involves the Public and Why It Is Important*

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

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

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

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

#### *Project Contacts*

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

#### *Locations of Reports and Information*

The locations of the reports and information related to the site's investigation and cleanup program also are identified in Appendix A. These locations provide convenient access to important project documents for public review and comment. As indicated in Appendix A, some project documents are available through DECinfo Locator.

### *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 NYSDEC project contacts identified in Appendix A. Other additions to the site contact list may be made at the discretion of 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 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.

### *Citizen Participation Activities*

The table at the end of this section identifies the Citizen Participation (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*

Based on information developed during investigations of the site, NYSDEC in consultation with the New York State Department of Health (NYSDOH) have determined the site poses a significant threat to public health.

When a 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.

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

Citizen Participation Activities	Timing of CP Activity(ies)
<b>Application Process:</b>	
<ul style="list-style-type: none"> <li>• Prepare site contact list</li> <li>• Establish document repository(ies)</li> </ul>	At time of preparation of application to participate in the BCP.
<ul style="list-style-type: none"> <li>• Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period</li> <li>• Publish above ENB content in local newspaper</li> <li>• Mail above ENB content to site contact list</li> <li>• Conduct 30-day public comment period</li> </ul>	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.
<b>After Execution of Brownfield Site Cleanup Agreement (BCA):</b>	
<ul style="list-style-type: none"> <li>• Prepare Citizen Participation (CP) Plan</li> </ul>	Before start of Remedial Investigation <b>Note:</b> Applicant must submit CP Plan to NYSDEC for review and approval within 20 days of the effective date of the BCA.
<b>Before NYSDEC Approves Remedial Investigation (RI) Work Plan:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan</li> <li>• Conduct 30-day public comment period</li> </ul>	Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet. Thirty-day public comment period begins/ends as per dates identified in fact sheet.
<b>After Applicant Completes Remedial Investigation:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes RI results</li> </ul>	Before NYSDEC approves RI Report
<b>Before NYSDEC Approves Remedial Work Plan (RWP):</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list about draft RWP and announcing 45-day public comment period</li> <li>• Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager)</li> <li>• Conduct 45-day public comment period</li> </ul>	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.
<b>Before Applicant Starts Cleanup Action:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes upcoming cleanup action</li> </ul>	Before the start of cleanup action.
<b>After Applicant Completes Cleanup Action:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that announces that cleanup action has been completed and that NYSDEC is reviewing the Final Engineering Report</li> <li>• Distribute fact sheet to site contact list announcing NYSDEC approval of Final Engineering Report and issuance of Certificate of Completion (COC)</li> </ul>	At the time the cleanup action has been completed. <b>Note:</b> The two fact sheets are combined when possible if there is not a delay in issuing the 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.

The Former Ithaca Gun Factory site is well-recognized in the community as a property with a legacy of contamination. Redevelopment of the site has been impeded primarily by the presence of lead contamination in soils, found at concentrations above restricted residential use soil cleanup objectives. An interim fence system around the perimeter of the property prevents direct access to the site and contact with contaminated surface soil. Where necessary, erosion controls are in-place to prevent migration of contaminated soil to the adjacent off-site properties.

Groundwater is contaminated with volatile organic compounds (VOCs). The highest concentrations of VOCs occur on-site within the fractured bedrock. Although movement of groundwater is reduced vertically by a decrease in fractures with increased depth, contaminated groundwater does migrate off-site.

Off-site groundwater has been investigated and continues to be monitored by NYSDEC and NYSDOH as part of the Former Ithaca Gun Factory – Off-site remedial program (Site No.: C755019A). Based on sampling results, only one site-related compound, trichloroethene (TCE), has been detected in off-site groundwater at concentrations below the groundwater standard. However, due to the presence of TCE, NYSDEC continues to conduct a soil vapor intrusion evaluation as part of the Former Ithaca Gun Factory – Off-site remedial program.

#### ***Adjacent Remedial Sites***

Former Ithaca Gun Factory – Off-site – as mentioned above, work is being conducted by NYSDEC and NYSDOH as an off-site element of the Brownfield Cleanup Program site. This action includes a portion of the Fall Creek neighborhood.

Ithaca Falls Overlook – A portion of the Ithaca Gun Company property was cleaned up by the City of Ithaca from 2014 to 2017, with oversight by NYSDEC and NYSDOH. The property is immediately adjacent to the site to the north and west.

Fall Creek Gorge – Work is being conducted by the United States Environmental Protection Agency (USEPA), Removal Action Branch. The removal action area is located within the Fall Creek Gorge along the south gorge wall.

#### **4. Site Information**

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

##### *Site Description*

The Former Ithaca Gun Factory site is located at 121-125 Lake Street in an urban area of the City of Ithaca, Tompkins County. It is situated in an area bounded by Ithaca Falls and Fall Creek to the north, Cornell University to the east, Lake Street to the south, and a residential neighborhood to the west. The BCP site is approximately 1.6 acres and includes two parcels designated the Eastern and Western parcels. These parcels are separated by changes in topography and portions of the Ithaca Falls Overlook site owned by the City of Ithaca.

The site consists mostly of an open undeveloped parcel and is currently fenced to limit unauthorized access. The manufacturing buildings that previously occupied most of this property were demolished in 2009. One small single-story building and the boiler stack still exist on the western portion of the site. The site property is positioned on the side of a hill; however, most of the site is terraced to provide level surfaces suitable for development.

Surrounding land uses to the east, south and west are mostly residential. Property that is contiguous along north and west portions of this site are part of Ithaca Falls Overlooksite and owned by the City of Ithaca.

##### *History of Site Use, Investigation, and Cleanup*

The site was originally developed for industrial use in 1813. Companies that may have operated at the site prior to the Ithaca Gun Company include the Ithaca Manufacturing Company (agricultural equipment) and the W.H. Baker & Company gun factory.

The Ithaca Gun Company operated at the site from 1885 through 1986. The main operations included manufacture of firearms and munitions. Supporting manufacturing activities and site uses included spray-painting, drying gun stocks in ovens, firing ranges, metal plating, machine shop, and forging. Prior uses by the Ithaca Gun Company appear to have led to contamination of both onsite and nearby off-site areas.

From 1995 to 1998, following discovery of lead shot in the Falls Creek gorge area, soil sampling was conducted in on-site and off-site areas. In 2000, leaking transformers and associated PCB-contaminated soils were removed from the site. From 2000 to 2002, EPA conducted a removal assessment, limited building demolition, and soil removal activities primarily on adjacent off-site areas; however, some portions of the former Ithaca Gun Factory property were included. In 2001, an Environmental Site Assessment and a Site Investigation were completed for and

funded by the site owner at that time. In 2002, this site was part of the property included within the Voluntary Cleanup Agreement for the Ithaca Gun Company site (Site No.: V00511). In 2009, on-site buildings were demolished and removed. Demolition activities were at least partially funded by the Empire State Development's Restore New York Communities Initiative. Post-demolition site investigation activities have included surface soil screening and sampling, and groundwater sampling.

The site was accepted into the BCP in 2013. A remedial investigation (RI) was completed under the BCP between 2014 and 2018 in accordance with a NYSDEC-approved RI Work Plan (RIWP) dated October 2013. The RI included collection and analysis of soil and groundwater samples from the site and evaluation of the geologic and hydrogeologic characteristics. The RI found that unconsolidated soil overlying bedrock at the site ranges from 0 to 15.5 ft thick. Based on analytical data collected, the soil on both parcels of the site contained lead at concentrations exceeding the restricted residential use soil cleanup objectives presented in 6 NYCRR Part 375.

Groundwater is not present in the unconsolidated materials. Groundwater occurs within fractures in the underlying bedrock at depths between 34 and 57 ft below grade. Analysis of groundwater samples collected during the RI reveal the presence of chemicals typically used for metal cleaning at concentrations above applicable groundwater standards.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's Environmental Site Remediation Database (by entering the Site ID, C755019) at: <http://www.dec.ny.gov/cfm/x/EXTAPPS/derexternal/index.cfm?pageid=3>

## **5. Investigation and Cleanup Process**

### *Application*

The Applicant applied for and was accepted into New York's Brownfield Cleanup Program as a Volunteer. This means that the Applicant was not responsible for 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 restricted residential purposes.

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

### *Investigation*

The Applicant has conducted an investigation of the site officially called a remedial investigation (RI). This investigation was performed with NYSDEC and NYSDOH oversight. The Applicant developed a remedial investigation workplan, which was subject to public comment and subsequently approved by NYSDEC.

The site investigation had 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 sources 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 prepared and submitted a RI Report that summarized the results of the investigation. This report recommended cleanup actions needed to address site-related contamination. This document dated November 2018, was reviewed and approved by NYSDEC.

Due to the determination that 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

### *Remedy Selection*

The Applicant recommend in its investigation report that action needs to be taken to address site contamination. NYSDEC approved the investigation report. The Applicant may now 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 will 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. 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 will oversee the activities. When the Applicant completes cleanup activities, it will prepare a final engineering report that certifies that cleanup requirements have been 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 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):**

**Gary Priscott**

Project Manager  
NYSDEC Region 7  
Division of Environmental Remediation  
1679 NYS Route 11  
Kirkwood, NY 13795  
(607) 775-2545 ext. 116  
[gary.priscott@dec.ny.gov](mailto:gary.priscott@dec.ny.gov)

**Stephanie Webb or Kerry McElroy**

Public Participation Specialist  
NYSDEC 7  
615 Erie Blvd. West  
Syracuse, NY 13204  
315-426-7400

#### **New York State Department of Health (NYSDOH):**

**Steven Berninger**

Project Manager  
NYSDOH Bureau of Environmental Exposure Investigation  
Empire State Plaza  
Corning Tower Room 1787  
Albany, NY 12237  
(518) 402-7860  
[beei@health.ny.gov](mailto:beei@health.ny.gov)

### **Locations of Reports and Information**

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

**Tompkins County Public Library**

**101 East Green Street**

**Ithaca, NY 14850**

Phone: **(607) 272-4557**

Hours: **Monday-Thursday 9:30am-8:30pm**

**Friday 9:30am-6:00pm**

**Saturday 9:30am-5:00pm**

**Sunday – Closed**

#### **Project Reports Online through DECinfo Locator:**

<https://www.dec.ny.gov/data/DecDocs/C755019/>

## **Appendix B - Site Contact List**

### **Appendix B - Site Contact List**

#### **City of Ithaca contacts**

Svante L. Myrick, Mayor  
City of Ithaca  
108 East Green Street Ithaca, New York 14580

Robert Aaron Lewis, Chair  
Planning and Development Board  
City of Ithaca  
108 East Green Street  
Ithaca, New York 14850

#### **Tomkins County contacts**

Jason Molino  
Administrator  
Tomkins County 125 E. Court Street Third Floor  
Ithaca, NY 14850

Katherine Borgella  
Chair Commissioner of Planning and Sustainability  
Tompkins County  
121 E. Court Street  
Ithaca, New York 14580

#### **Public water supplier**

Michael J. Thorne, P.E.  
Superintendent of Public Works  
City of Ithaca  
City Hall  
108 East Green Street  
Room 202  
Ithaca, New York 14850

**Local news media**

Ithaca Journal  
123 West State Street  
Ithaca, New York 14580  
607-272-2321

Ithaca Times  
109 N. Cayuga St.  
Ithaca, NY 14850  
(607) 277-7000

12 NEWS WBNG  
560 Columbia Dr.  
Johnson City, NY 13790  
(607) 729-9575

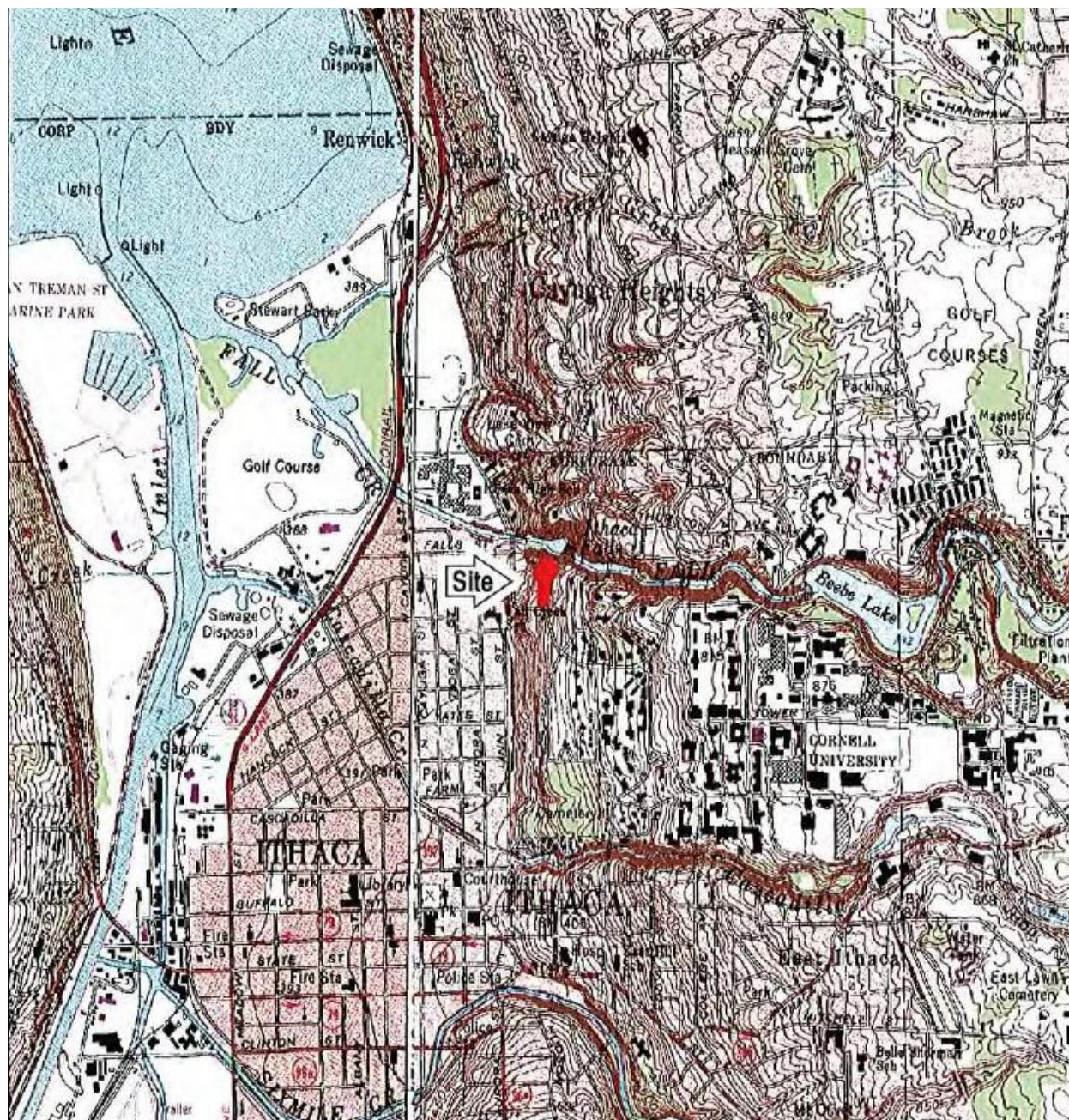
WENY  
474 Old Ithaca Rd  
Horseheads, NY 14845-7212

WSKG  
601 Gates Rd.  
Vestal, NY 13850  
(607) 729-0100

**Administrator of nearby school**

Caitlin Braum, Principal  
Fall Creek Elementary School  
202 King Street  
Ithaca, NY 14580

## Appendix C - Site Location Map



## Appendix D– Brownfield Cleanup Program Process

