

Act Now to Continue Receiving Information About This Site!

DEC's Division of Environmental Remediation (DER) now distributes information about contaminated sites *electronically by email*.

If you would like to continue to receive information about the contaminated site featured in this fact sheet:

You must sign up for the DER email listserv:

www.dec.ny.gov/chemical/61092.html

DER cannot register your email address - only the email address owner can do so. If you already have signed up for the listserv for the county in which the site is located, you need do nothing.



Why You Should Go “Paperless”:

- ☒ Get site information faster and share it easily;
- ☒ Receive information about all sites in a chosen county - read what you want, delete the rest;
- ☒ It helps the environment and stretches your tax dollars.

If “paperless” is not an option for you, call or write to the DER project manager identified in this fact sheet. Indicate that you need to receive paper copies of fact sheets through the Postal Service. Include the site name in your correspondence. The option to receive paper is available to individuals only. Groups, organizations, businesses, and government entities are assumed to have email access.



Department of
Environmental
Conservation

Where to Find Information

Access project documents through the
DECinfo Locator
<https://www.dec.ny.gov/data/DecDocs/C819022/>
and at this location:

Richmond Memorial Library

19 Ross Street,
Batavia, NY 14020
(585) 343-9550

Who to Contact

Comments and questions are welcome and
should be directed as follows:

Project-Related Questions

Frank Sowers, Project Manager
NYSDEC
6274 E. Avon Lima Rd,
Avon, NY 14414
(585) 226-5357
frank.sowers@dec.ny.gov

Project-Related Health Questions

Julia Kenney
NYSDOH
Bureau of Environmental Exposure
Investigation
Corning Tower, Room 1787
Albany, NY 12237
(518) 402-7873
beci@health.ny.gov

For more information about New York's
Brownfield Cleanup Program, visit:
www.dec.ny.gov/chemical/8450.html

FACT SHEET

Brownfield Cleanup Program

Ex-Eaton Site
22-40 Clinton Street
Batavia, NY 14020

November 2021

SITE No. C819022
NYSDEC REGION 8

Report Recommends Cleanup and Remedy Proposed for Brownfield Site Contamination; Public Comment Period Announced

The New York State Department of Environmental Conservation (NYSDEC) is reviewing the Remedial Investigation Report and a proposed remedy for the Ex-Eaton Site ("site") located at 22-40 Clinton Street, Batavia, Genesee County. Please see the map for the site location. The public is invited to comment on the proposed remedy being reviewed by the NYSDEC, in consultation with the New York State Department of Health (NYSDOH), to address contamination related to the site.

How to Comment: NYSDEC is accepting written comments about the proposed remedy, called a "Remedial Alternatives Analysis (RAA)" for 45 days, from **November 25, 2021 through January 10, 2022.**

Please submit comments to the NYSDEC project manager listed under Project-Related Questions in the "Who to Contact" area at left.

Remedial Investigation Report: The Remedial Investigation Report (RIR) describes the results of the site investigation and recommends development of a remedy to address the contamination that was found. The RIR was submitted by CNH Industrial Baumaschinen GmbH (CNH; "applicant") and includes the RAA.

- Access the RIR/RAA and other project documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C819022/>.
- The documents also are available at the locations identified at left under "Where to Find Information."

Based on the findings of the investigation, NYSDEC, in consultation with the NYSDOH, has determined that the site poses a significant threat to public health or the environment. This decision is based on the nature of the existing contaminants identified at the site; the off-site migration of contaminants in the groundwater; and the potential for human exposure to site-related contaminants via soil vapors.

Highlights of the Remedial Investigation Report: Polycyclic aromatic hydrocarbons (PAHs) and metals were found in surface soils at concentrations above commercial soil cleanup objectives. Volatile and semi-volatile organic compounds (VOCs and SVOCs) were found in subsurface soil and/or groundwater on-site at concentrations above soil cleanup objectives and groundwater standards. VOCs in groundwater have migrated off-site to the south and east of the site at concentrations above groundwater standards.

BROWNFIELD CLEANUP PROGRAM

Expedited cleanups known as Interim Remedial Measures (IRMs) were conducted before the report was submitted by the applicant. The completed IRMs included the installation of sub-slab depressurization systems (SSDSs) in the main building and in three off-site commercial buildings to the south to address exposures from soil vapor intrusion.

Remedial Alternatives Analysis: The proposed Commercial Use remedy consists of:

- A Remedial Design – Detailed design documents will be developed;
- Treatment of contaminated soil and groundwater through soil mixing with chemical reducing compounds;
- Injection of bioremediation agents into the groundwater along a portion of the site boundary. This acts as a barrier to prevent contaminants from continuing to migrate off-site;
- Excavation and off-site disposal of contaminated surface soil; replacing with a minimum of one foot of clean soil;
- Implementation of a Site Management Plan (SMP) would also be required for long-term maintenance of the remedial systems; and
- Recording of an Environmental Easement to ensure proper use of the site.

The proposed remedy was developed by CNH (“applicant”) after performing a detailed investigation of the site under New York’s Brownfield Cleanup Program (BCP). A “Remedial Investigation Report”, which describes the results of the site investigation was submitted concurrently with the Remedial Alternatives Analysis and is also available for review at the locations identified on Page 1.

Next Steps: NYSDEC will consider public comments, complete its review, make any necessary revisions and, if appropriate, approve the investigation report and issue a final Decision Document. The approved report will be made available to the public (see “Where to Find Information” at left). After approval, the proposed remedy becomes the selected remedy. The applicant may then design and perform the cleanup action to address the site contamination, with oversight by NYSDEC and NYSDOH. NYSDEC will keep the public informed throughout the investigation and cleanup of the site.

Site Description: The site is 22.9-acres and is bordered to the north by Clinton Street (Route 33), to the south by the Erie Railroad, and to the east and west by residences. Properties

south of the Erie Railroad are commercial/light industrial in nature with some residences intermixed. The site was used to manufacture agricultural and highway equipment from the mid-1920s until the early 1990s. The current owner operates a warehousing facility for baskets and novelty items.

Beginning in the late 1980s and continuing into the mid-1990s, the United States Environmental Protection Agency (USEPA) and the NYSDEC evaluated the site. In the late 1990s, the previous site owner conducted additional investigations after the site was sold to the current owner. The on-site and off-site Remedial Investigations began in 2003, when the applicant entered the Voluntary Cleanup Program (VCP). The VCP ended in 2018 and the site transitioned to the BCP.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC’s Environmental Site Remediation Database (by entering the site ID, C819022) at:

<https://www.dec.ny.gov/cfm/xtapps/derexternal/index.cfm?pageid=3>

Brownfield Cleanup Program: New York’s Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as “brownfields” so that they can be reused and redeveloped. These uses include recreation, housing, business or other uses. A brownfield site is any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. For more information about the BCP, visit:

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

We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

Stay Informed With DEC Delivers

Sign up to receive site updates by email:

www.dec.ny.gov/chemical/61092.html

Note: Please disregard if you already have signed up and received this fact sheet electronically.

DECinfo Locator

Interactive map to access DEC documents and public data about the environmental quality of specific sites: <https://www.dec.ny.gov/pubs/109457.html>

BROWNFIELD CLEANUP PROGRAM

Site Location Batavia, Genesee County

