URS

July 12, 2006

Ms. Kelly Lewandowski
Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

Subject: Brownfield Cleanup Program Application and Draft Remedial Work Plan
Ashland Inc. Tank 75 Site, Town of Tonawanda, Erie County, New York
NYS Registry of Inactive Hazardous Waste Disposal Site # 915008B

Dear Ms. Lewandowski:

On behalf of Ashland Inc., attached is an application under the Brownfield Cleanup Program (BCP) for the Tank 75 site in Tonawanda, New York. As required in the May 2004 Draft Brownfield Cleanup Program Guide, enclosed are three paper copies (one with original signature) and one electronic copy of the BCP application, including all attachments.

At the request of Mr. Michael Hinton, the Department Regional Contact (RC), also enclosed are the draft Remedial Work Plan (RWP), draft RWP Fact Sheet, and the stand alone Health and Safety Plan (HSP) for the Tank 75 site. The draft RWP contains other required documents including the Site Management Plan (SMP), Quality Assurance Project Plan (QAPP), Citizen Participation Plan (CPP), and the Alternatives Analysis Report (AAR). Because the draft RWP contains the project specifications, this plan also serves as the Remedial Action Work Plan.

One copy each of the BCP application (with original signature), draft RWP, draft RWP Fact Sheet, and the HSP has also been submitted to Mr. Michael Hinton, Department RC.

If you have any questions or comments concerning this submittal, please call Mr. Russell Killebrew (URS) at (678) 808-8941.

Sincerely,

URS Diamond

SR Killebrew

S. Russell Killebrew, PE
Principal Engineer
Attachment

cc: Mr. Michael Hinton, Department RC
Mr. Colin Wasteneys, URS Buffalo
Mr. Jack Spicuzza, URS Diamond

URS Corporation
400 Northpark Town Center
1000 Abernathy Road, NE
Suite 900
Atlanta, GA 30328
Tel: 678.808.8800
Fax: 678.808.8400

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION

ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #:_____

07/05

Section I. Requestor Information

NAME Gary Allen, c/o Ashland Inc.		
ADDRESS 5200 Blazer Parkway		
CITY/TOWN Dublin, OH	ZIP CODE 43017	
PHONE 614.790.3049	FAX 614.790.6232	E-MAIL grallen@ashland.com
NAME OF REQUESTOR'S REPRESENTATIVE Jack Spicuzza		
ADDRESS 5550 Blazer Parkway, Suite 175		
CITY/TOWN Dublin, OH	ZIP CODE 43017	
PHONE 614.726.3557	FAX 614.726.3599	E-MAIL jack_spicuzza@urscorp.com
NAME OF REQUESTOR'S CONSULTANT Russell Killebrew		
ADDRESS URS Corporation, 400 Northpark Town Center, 1000 Abernathy Rd NE, Suite 900		
CITY/TOWN Atlanta, GA	ZIP CODE 30328	
PHONE 678.808.8941	FAX 678.808.8400	E-MAIL russell_killebrew@urscorp.co
NAME OF REQUESTOR'S ATTORNEY Joseph A. French		
ADDRESS 5200 Blazer Parkway		
CITY/TOWN Dublin, OH	ZIP CODE 43017	
PHONE 614.790.3851	FAX 614.790.6232	E-MAIL jafrench@ashland.com

THE REQUESTOR MUST CERTIFY THAT IT 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, the requestor 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; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

Requestor Relationship to Property (check one):

☐ Previous Owner ☑ Current Owner ☐ Potential /Future Purchaser ☐ Other_____

If requestor is not the site owner, requestor will have access to the property throughout the BCP project. ☐Yes ☐ No
(Note: proof of site access must be submitted for non-owners)

Section II. Site Information Summary Sheet

SITE /PROPERTY NAME: Tank 75

ADDRESS/LOCATION 4625 River Road CITY/TOWN Tonawanda, NY ZIP CODE 14150

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

Town of Tonawanda (see Attachments 1 and 2 for Items 1 and 2 below)

COUNTY Erie SITE SIZE (ACRES) 1.25

LATITUDE (degrees/minutes/seconds) 42 · 59 · 36" LONGITUDE (degrees/minutes/seconds) 78 · 55 · 18"

HORIZONTAL COLLECTION METHOD: NYS Remediation Database HORIZONTAL REFERENCE DATUM: WGS84

FOR EACH PARCEL, FILL OUT THE FOLLOWING TAX MAP INFORMATION (if more than three parcels, attach additional information)

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
4625 River Road, Tonawanda, NY 14150	52	13	1	2	1.25

1. Do the site boundaries correspond to tax map metes and bounds? ☐Yes ☑ No
   If no, please attach a metes and bounds description of the site.
2. Is the required site map attached to the application? (application will not be processed without site map) ☑Yes ☐ No
3. Is the site part of a designated En-zone pursuant to Tax Law § 21(b)(6)? ☑Yes ☐ No
   For more information go to:
   http://www.nylovesbiz.com/Productivity_Energy_and_Environment/BrownField_Redevelopment/default.asp
   If yes, identify area (name) Erie 008300 (see Attachment 3)
   ☐50% ☑100% of the site is in the En-zone (check one)

SITE DESCRIPTION NARRATIVE: The site is defined as the former in-ground product storage tank owned by Ashland Inc. but located within the United Refining facility. The tank, constructed in the early 1940s, is an in-ground pit (200 ft x 300 ft) lined with gunite. Primary use was to store No. 6 fuel oil. Also contained refinery sludges and off-spec asphalt and run-down. Active tank operation discontinued in 1980. See Attachment 4 for site photographs.

List of Existing Easements (type here or attach information)

Easement Holder	Description
None	

List of Permits Relating to the Proposed Site (type here or attach information)

Type	Issuing Agency	Description
None		

Initials of each Requestor: _____ _____ _____ _____ _____ _____

Section III. Current Site Owner/Operator Information

OWNER'S NAME (if different from requestor) Same as requestor		
ADDRESS		
CITY/TOWN	ZIP CODE	
PHONE	FAX	E-MAIL
OPERATOR'S NAME (if different from requestor or owner) Same as requestor		
ADDRESS		
CITY/TOWN	ZIP CODE	
PHONE	FAX	E-MAIL

Section IV. 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 site subject to an existing order for the contamination? ☐Yes ☑No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? ☐Yes ☑No
4. Has the requestor violated any provision of ECL Article 27? ☐Yes ☑No
5. Has the requestor been previously denied entry to the BCP? ☐Yes ☑No
6. Has the requestor committed a negligent or intentionally tortuous act regarding hazardous waste or petroleum? ☐Yes ☑No
7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? ☐Yes ☑No
8. Has the requestor knowingly falsified statements or concealed material facts in a matter related to the Department? ☐Yes ☑No
9. Has the requestor, based on the provisions of ECL Article 27-1407 (or a similar provision of federal or state law), 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

Section V. Site Eligibility Information (Please refer to ECL § 27-1405)

1. Is the site listed on the National Priorities List? ☐Yes ☑No
2. Is the site listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites? ☑Yes ☐No
   If yes, please provide: Site # 915008B Class # III
3. Is the site 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. Is the site subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10? ☐Yes ☑No
   If yes, please provide: Order #_____
5. Is the site 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 VI. Project Description

Please attach a description of the project which includes the following components:

- Purpose and scope of the project
- Estimated project schedule

Section VII. Site's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. **Environmental Reports**
   A phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

   If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): ☐Yes ☐No

2. **Sampling Data: Indicate known contaminants and the media which are known to have been affected:**

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

*Please describe: Sludge: refinery wastes K049, K050, and K052.

3. **Suspected Contaminants: Indicate suspected contaminants and the media which may have been affected:**

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals					
Pesticides					
PCBs					
Other*					

*Please describe: _____

4. **INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS:**

☐Above Ground Pipeline or Tank ☐Lagoons or Ponds ☐Underground Pipeline or Tank ☐Surface Spill or Discharge
☐Routine Industrial Operations ☐Dumping or Burial of Wastes ☐Septic tank/lateral field ☐Drums or Storage Containers
☐Adjacent Property ☐Seepage Pit or Dry Well ☐Foundry Sand ☐Electroplating
☐Coal Gas Manufacture ☐Industrial Accident ☐Unknown
Other: In-ground storage tank

5. **INDICATE PAST LAND USES:**

☐Coal Gas Manufacturing ☐Manufacturing ☐Agricultural Co-op ☐Dry Cleaner ☐Salvage Yard ☐Bulk Plant
☐Pipeline ☐Service Station ☐Landfill ☐Tannery ☐Electroplating ☐Unknown
Other: Oil refinery and terminal

6. **Owners**
   A list of previous owners with names, last known addresses and telephone numbers (describe requestor's relationship, if any, to each previous owner listed. If no relationship, put "none").
7. **Operators**
   A list of previous operators with names, last known addresses and telephone number (describe requestor's relationship, if any, to each previous operator listed. If no relationship, put "none").

Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following:

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

Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

Current Use: ☐ Residential ☐ Commercial ☑ Industrial ☐ Vacant ☐ Recreational (check all that apply)

Intended Use: ☐ Unrestricted ☐ Residential ☐ Commercial ☑ Industrial

Please check the appropriate box and provide an explanation as an attachment if appropriate. Provide a copy of the local zoning classifications, comprehensive zoning plan designations, and/or current land use approvals.

	Yes	No
1. Do current historical and/or recent development patterns support the proposed use? (See #12 below re: discussion of area land uses)	☑	☐
2. Is the proposed use consistent with applicable zoning laws/maps?	☑	☐
3. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?	☑	☐
4. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	☐	☑
5. Are there any federal or State land use designations relating to this site?	☐	☑
6. Do the population growth patterns and projections support the proposed use?	☑	☐
7. Is the site accessible to existing infrastructure?	☑	☐
8. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site?	☐	☑
9. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species proximate to the site?	☑	☐
10. Are there floodplains proximate to the site?	☐	☑
11. Are there any institutional controls currently applicable to the site?	☐	☑

12. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.

13. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas.

14. Describe on attachment the geography and geology of the site.

Statement of Certification and Signatures

(By requestor who is an individual)
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 an requestor other than an individual)

I certify that I am Manager – Environmental Remediation (title) of Ashland Inc. (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and 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: 7/12/2006 Signature: Gary R. Allen Print Name: Gary R. Allen

SUBMITTAL INFORMATION

Three (3) complete copies are required.

- **Two (2)** copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, 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

- **One (1)** hard copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices: http://www.dec.state.ny.us/website/der/index.html

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ **LEAD OFFICE:** _____

Brownfield Cleanup Program (BCP) Application
Attachments Table of Contents

ATTACHMENT 1

Section II. Site Information Summary
Item 1, Metes and Bounds Description

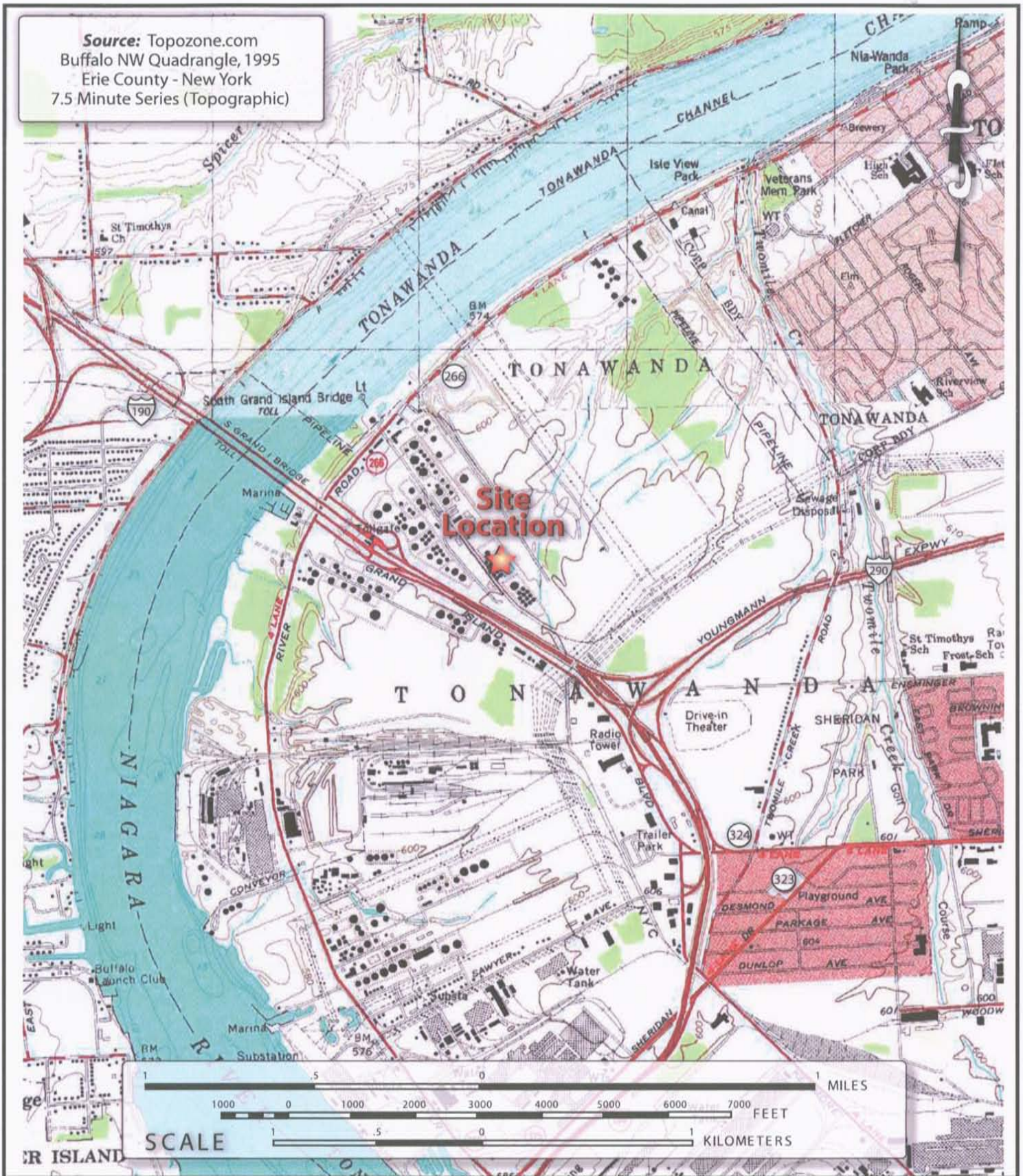
PROPOSED LEGAL DESCRIPTION FOR TANK 75 PARCEL

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot 95 of the Niagara River Reservation and being more particularly described as follows:

COMMENCING at a point located on the southerly right-of way of River Road, said point being northeasterly along said right-of-way, a distance of 442 feet more or less from the north line of Lot No. 95 of the Niagara River Reservation, said point also being the point of intersection with the division line between the lands now or formerly owned by Sandercast Inc., filed in Liber 11008 at Page 3764 on the east, and the lands now or formerly owned by Tonawanda Terminal Corporation on the west, filed in Liber 10625 at page 319; thence S33°46'25"E, along the said easterly line of Tonawanda Terminal Corporation, a distance of 1422.53 feet to the point of intersection with the division line between the property now or formerly owned by the Tonawanda Terminal Corporation on the north and the property of the United Refining Company on the south; thence S56°13'35"W, along the last mentioned line, a distance of 60.00 feet to the point of intersection with the division line between the lands of the said United Refining Company on the west and the lands now or formerly owned by the Ashland Oil & Refining Company, filed in Liber 6558 at Page 663 on the east; thence along the last mentioned division line the following five (5) courses and distances: (1) S33°46'25"E, a distance of 1268.96 feet to a point; thence (2) S52°42'08" W, a distance of 186.68 feet to a point; thence (3) S44°49'04"W, a distance of 66.85 feet to a point; thence (4) S55°55'02"W, a distance of 101.04 feet a point on the said north line of Lot 95, thence (5) S34°46'14"E and along said north line of Lot 95, a distance of 108.95 feet to the **POINT OF BEGINNING**; thence continuing along the said last mentioned division line the following three (3) courses and distance: (1) S56°18'38"W, a distance of 241.65' to a point; thence (2) S32°44'15"E, a distance of 391.14 feet to a point; thence (3) N57°05'38"E, a distance of 255.56 feet to a point, said point also being on the said north line of Lot 95; thence through the lands of the Ashland Oil & Refining Company and along the said north line of Lot 95, N34°46'14"W, a distance of 394.65 feet to the point or place of beginning.

ATTACHMENT 2

Section II. Site Information Summary
Item 2
Figure 1, USGS 7.5 Minute Topographic Map
Figure 2, Site Location Aerial Photograph
Figure 3, County Assessor's Map
Figure 4a, Tank 75 Site Map
Figure 4b, Tank 75 Site Map (continued)



CLIENT: Ashland		TITLE: Site Location Map	
PROJECT: Tank 75, 4625 River Road, Tonawanda, New York			
DATE: March 2006	DESIGNED BY:	URS	PROJ NO.: 37679571
SCALE: 1:24,000	DRAWN BY: J. Anderson		TASK: 06100
FILE: H:\Projects\Ashland\Tank 75\Figure 1.ai	CHECKED BY: B. Stone		FIGURE: 1

SOURCE:
NYS GIS Clearinghouse Orthoimagery
Erie County, 2002

1,000 500 0 1,000
Feet

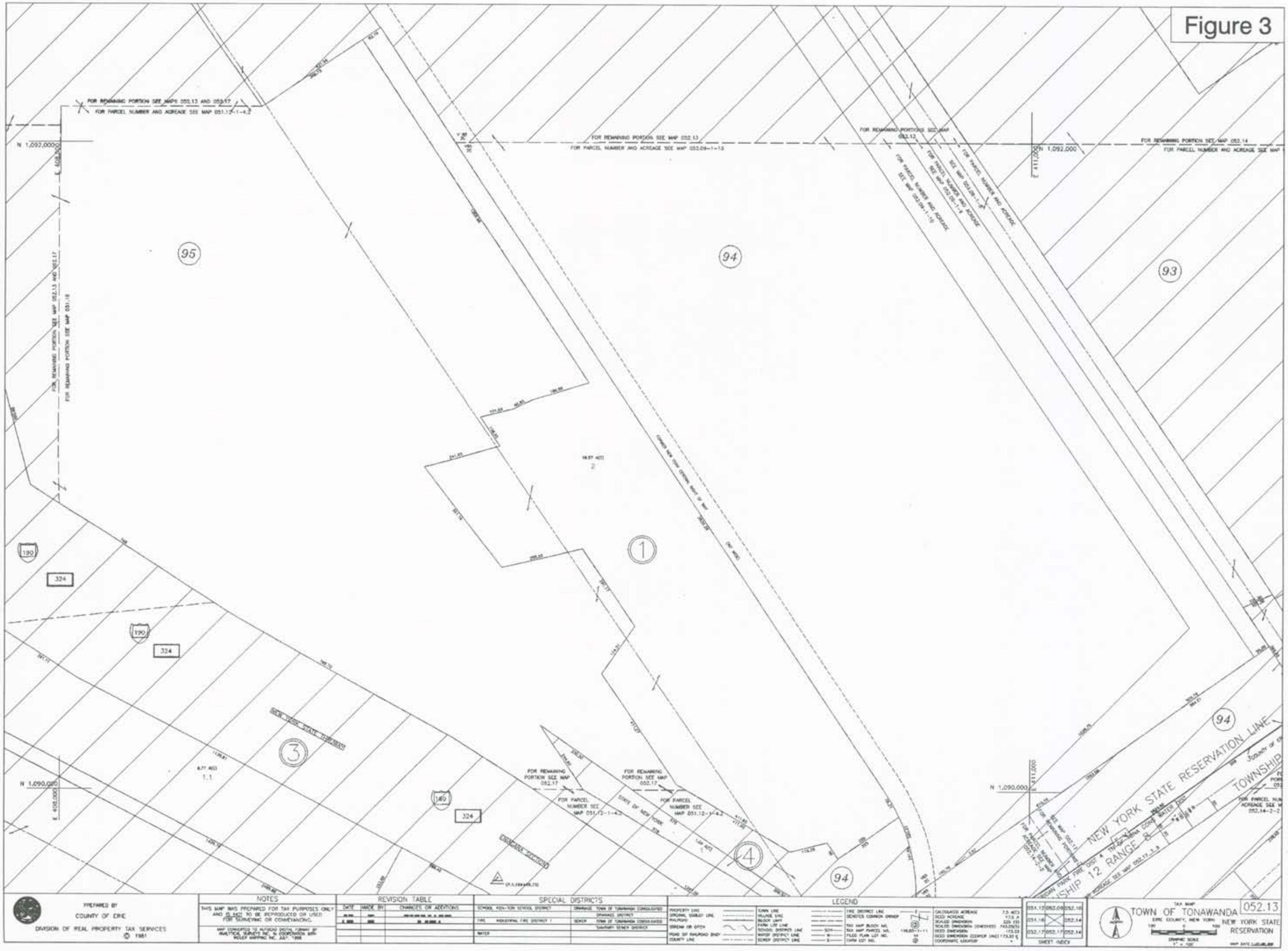
URS

SITE LOCATION
TANK 75
TOWN OF TONAWANDA, NY

FIGURE 2

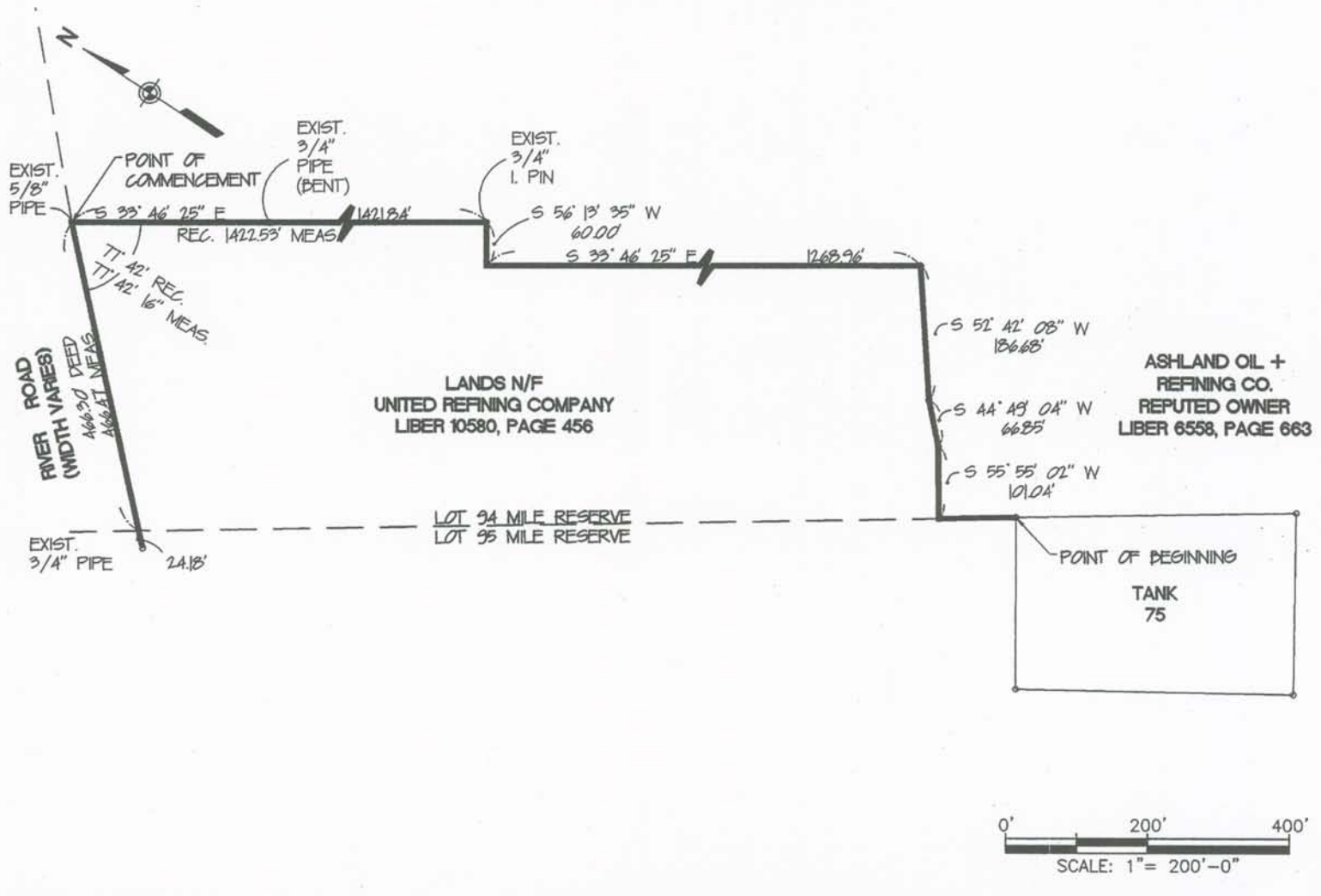
N:\37679411.00000\DB\GIS\Location.mxd
3/27/2006

Figure 3



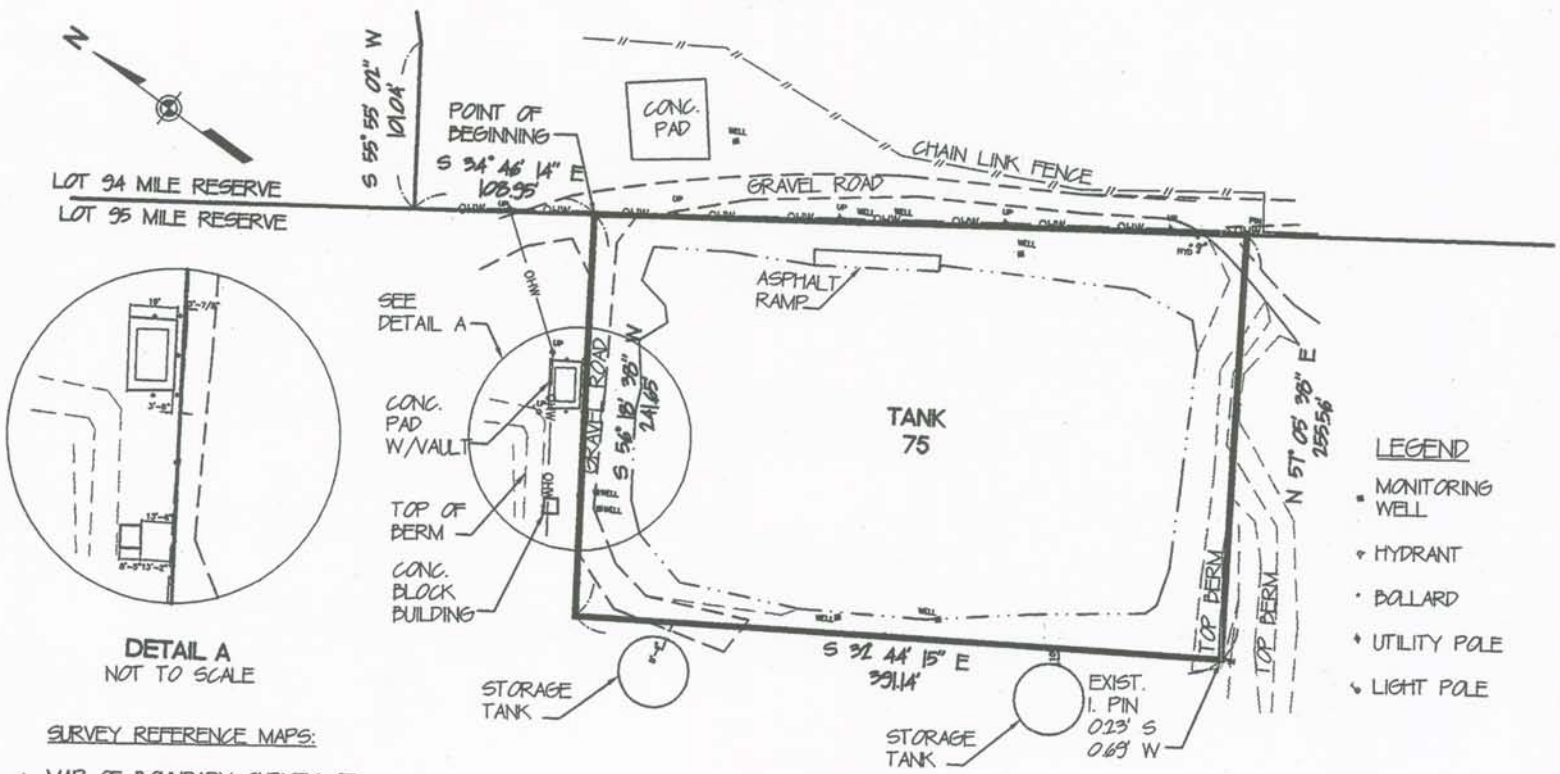
FOR REMAINING PORTION SEE MAP 052.13
N 1,092,000
N 1,090,000
95
94
93
1
3
4
190
324
NEW YORK STATE RESERVATION LINE
TOWNSHIP 12 RANGE 8
PREPARED BY
COUNTY OF ERIE
DIVISION OF REAL PROPERTY TAX SERVICES
© 1981
NOTES
THIS MAP WAS PREPARED FOR TAX PURPOSES ONLY AND IS NOT TO BE REPRODUCED OR USED FOR SURVEYING OR CONVEYANCING.
REVISION TABLE
SPECIAL DISTRICTS
LEGEND
SHEET INDEX
TOWN OF TONAWANDA
052.13
NEW YORK STATE RESERVATION

N:\37679411\CAD\figure 1.dwg



URS	TANK 75 SITE LANDS N/F ASHLAND OIL & REFINING COMPANY	FIGURE 4A

N:\37679411\CAD\figure 2.dwg



SURVEY REFERENCE MAPS:

1. MAP OF BOUNDARY SURVEY OF ASHLAND I SITE, PREPARED BY NIAGARA BOUNDARY AND MAPPING SERVICES, UNDER JOB #5061-02 AND DATED JANUARY 2003.
2. MAP OF SEAWAY LANDFILL-RIVER ROAD, PREPARED BY TVGA CONSULTANTS, UNDER JOB #990042-07 AND DATED DECEMBER 4, 2001.

URS	TANK 75 SITE LANDS N/F ASHLAND OIL & REFINING COMPANY	FIGURE 4B

ATTACHMENT 3

Section II. Site Information Summary
Item 3
Figure 5, Designated En-zone Map

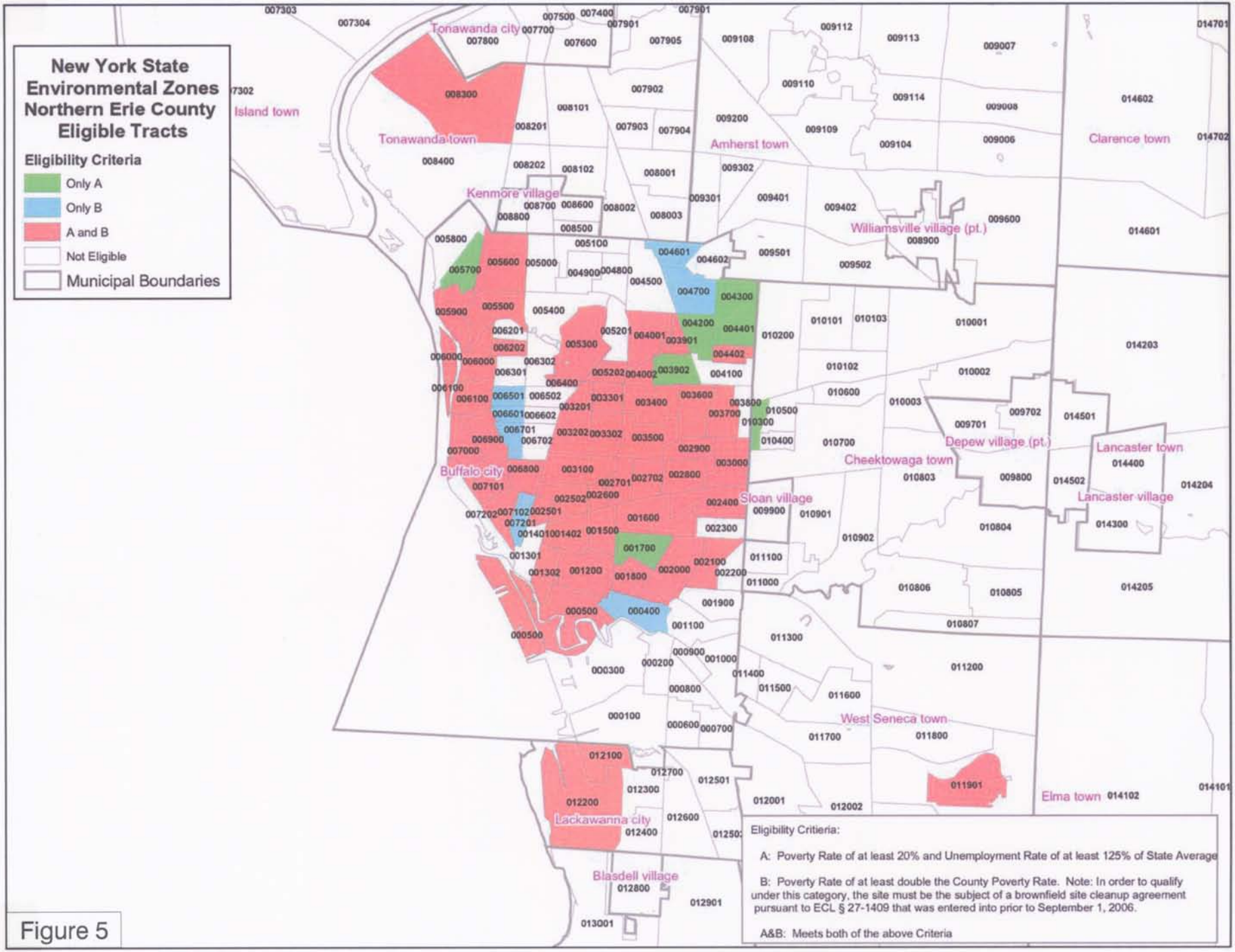

New York State Environmental Zones Northern Erie County Eligible Tracts
Eligibility Criteria
Only A
Only B
A and B
Not Eligible
Municipal Boundaries
Tonawanda city
Tonawanda town
Island town
Kenmore village
Amherst town
Clarence town
Williamsville village (pt.)
Buffalo city
Sloan village
Depew village (pt.)
Cheektowaga town
Lancaster town
Lancaster village
West Seneca town
Lackawanna city
Blasdell village
Elma town
Eligibility Critieria:
A: Poverty Rate of at least 20% and Unemployment Rate of at least 125% of State Average
B: Poverty Rate of at least double the County Poverty Rate. Note: In order to qualify under this category, the site must be the subject of a brownfield site cleanup agreement pursuant to ECL § 27-1409 that was entered into prior to September 1, 2006.
A&B: Meets both of the above Criteria

Figure 5

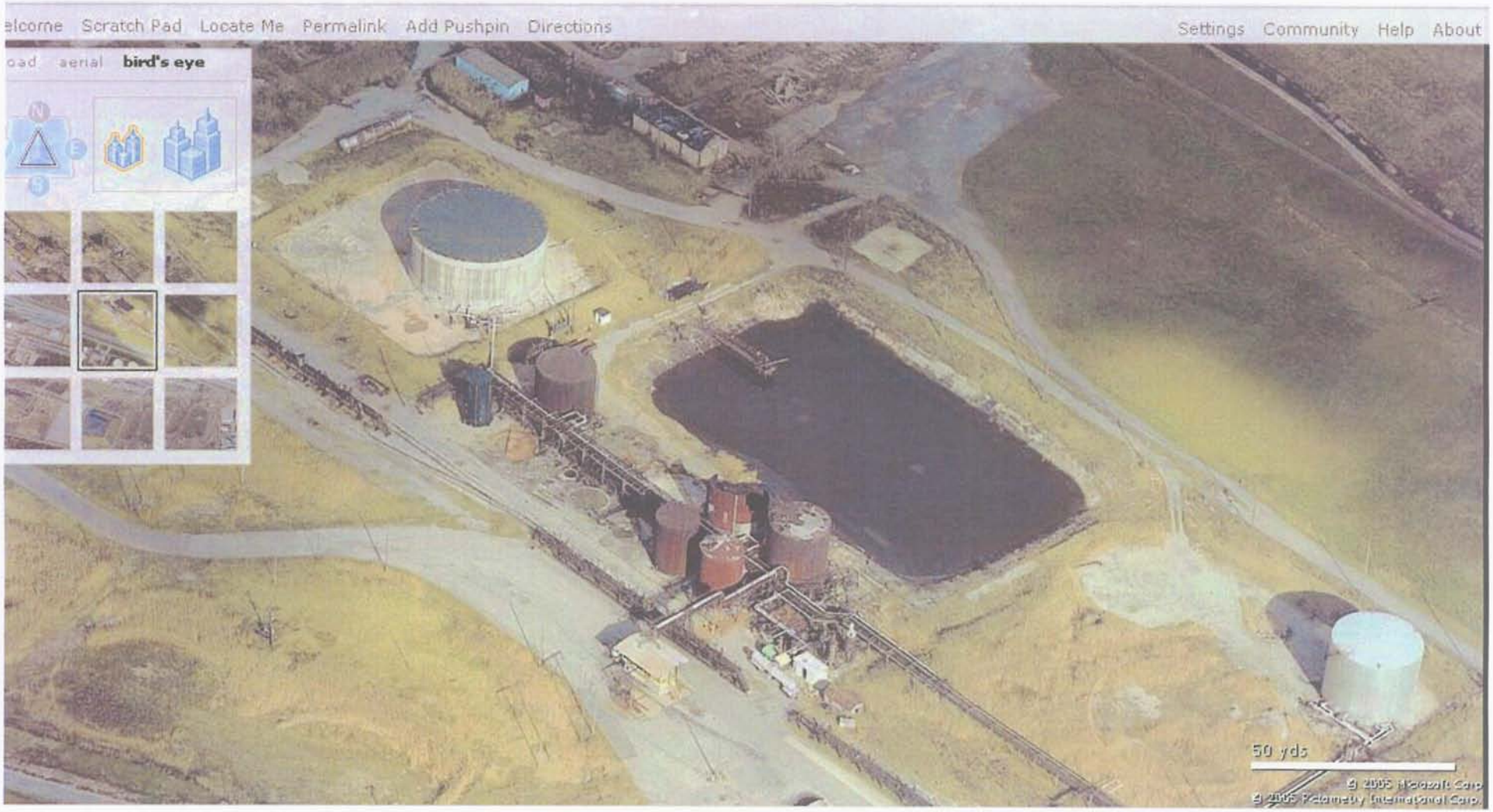
ATTACHMENT 4

Section II. Site Information Summary
Three Site Photographs for Site Description

Ashland Tank 75
Tonawanda, NY

Ashland Tank 75
Tonawanda, NY

Recent Aerial Photograph



ATTACHMENT 5

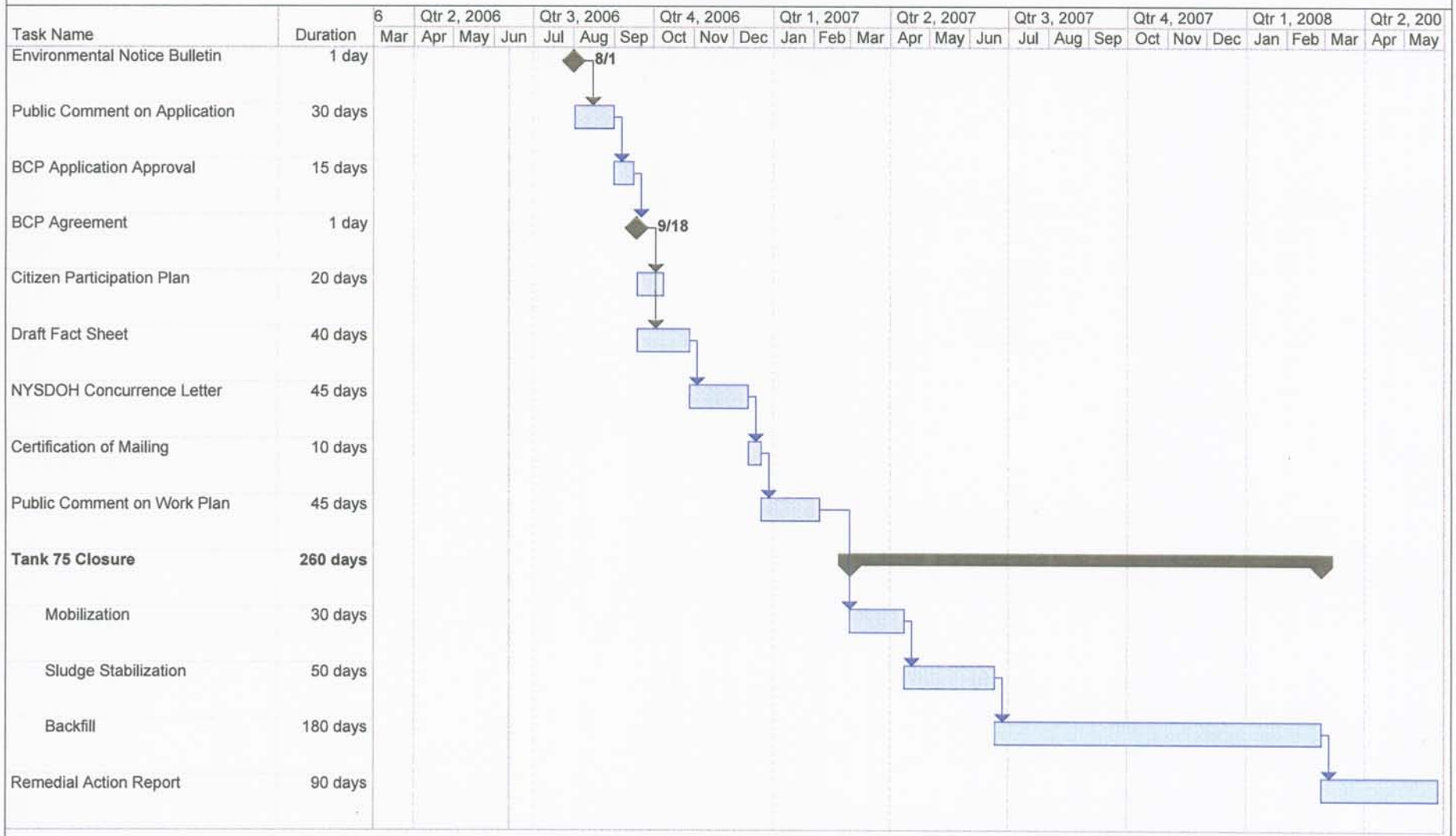
Section IV, Project Description
Purpose and Scope of the Project
Estimated Project Schedule

Purpose and Scope of Project

Tank 75 was constructed during World War II for the storage of No. 6 fuel oil. It consists of an open excavation approximately 200 feet wide by 300 feet deep with side slopes of approximately 1.5H:1V to a flat bottom approximately 20 feet below surrounding grade. The tank has a steel mesh reinforced gunite liner, approximately 3 to 4 inches in thickness. It is equipped with two pumps, one for oil unloading and the second for removing accumulated rainfall. Steam coils are located in the bottom of the tank to heat the No. 6 fuel oil during cold weather. However, these steam coils failed in the 1980s and are no longer usable. In addition to No. 6 fuel oil, off-spec asphalt, other tank bottoms, soils, piping and refinery sludges were placed in the tank. Floating fuel oil was removed from the tank and was transported to the Catlettsburg refinery for re-refining in 1992 and 1993. The tank currently contains supernatant water and sludge. Due to possible historical practices at the site, when removed, the sludge would be regulated as containing Resource Conservation and Recovery Act (RCRA) K-listed refinery wastes. The sludge also meets the criteria for the RCRA ignitability characteristic (D001).

The purpose of the project is to close Tank 75 in accordance with the remedy described in the approved work plan.

TANK 75 CLOSURE SCHEDULE
BROWNFIELD CLEANUP PROGRAM APPLICATION
ASHLAND INC.



Project: BCP app sched
Date: Mon 6/12/06

Task
Split
Progress
Milestone
Summary
Project Summary
External Tasks
External Milestone
Deadline

ATTACHMENT 6

Section VII. Site's Environmental History
Items 1, 6, and 7

Item 1 – Environmental Reports

Environmental investigations conducted at Tank 75 include groundwater monitoring well installation and sampling and tank contents characterization. A summary of these investigations is provided below. Additional information is contained in the Tank 75 Remedial Work Plan (RWP), submitted with this application.

Annual groundwater monitoring was conducted from 1993 through 1998. The sampling program included six wells installed in 1986: MW-2S, MW-2D, MW-3, MW-4S, MW-4D, and MW-5. These wells were screened in the deeper portion of the perched aquifer to intersect the tank bottom. The six wells were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and metals. The analytical results are presented in Tables 1, 2, and 3.

In 2005, four additional wells were installed in the shallow portion of the perched aquifer to determine if a floating layer of free product was present. One round of groundwater sampling was conducted. Existing wells MW-2S, MW-2D, MW-3, MW-4S, and MW-4D and new wells MW-5-01, MW-5-02, and MW-5-04 were analyzed for VOCs, SVOCs, and metals. Wells MW-5 and MW-5-03 were not sampled; MW-5-03 was dry and MW-5 served as an upgradient well and is not in proximity to the tank. The analytical results are presented in Table 4.

Years of groundwater analytical data indicate that Tank 75 has not impacted the underlying perched aquifer. Although metals (cadmium, iron, lead, manganese, nickel, sodium), have been detected above their respective Groundwater Standards, the detections are sporadic in nature and most likely represent naturally occurring metals concentrations. As indicated in Tables 1 through 4, no trends are evident.

As for VOCs, only methylene chloride was detected slightly above its Groundwater Standard in 1997 (see Table 3). Based on the results, the detection was sporadic in nature and was potentially an artifact from the laboratory. In 2005, carbon disulfide and cis-1,2-dichloroethene were also detected. However, there is no Groundwater Standard for carbon disulfide and cis-1,2-dichlorethene was detected below its Groundwater Standard (see Table 4).

Two SVOCs, phenol and pentachlorophenol were detected in one well each during 2005 (see Table 4) and phenol was detected in one well in 1994; however, the well was resampled in 1994 and phenol was non-detect (see Table 1). Pentachlorophenol had not been identified in previous site groundwater results and refining operations do not use or generate either pentachlorophenol or phenol. The sources of phenol and pentachlorophenol in site groundwater are not from refining activities. Sources could be a nearby telephone pole, or the use of disinfectants and/or pesticides (common sources of phenol and pentachlorophenol). Sulfolane was also detected in one well in 1997 and 1998 (see Table 3). However, when the well was resampled for sulfolane in 1997, the result was not detected. Sulfolane is an extraction solvent used at the Catlettsburg,

Kentucky refinery and was never used at the Buffalo refinery. The sulfolane detections are most likely caused by cross-contamination in the Ashland laboratory. There is no Groundwater Standard for sulfolane.

To characterize the contents of Tank 75, studies were conducted on the supernatant water, top oily layer, and sludge. Based on the results, the supernatant water resembled a weak domestic sewage and was acceptable for processing at the Tonawanda publicly-owned treatment works (POTW).

For the top oily layer, results indicated that this oily layer could be reprocessed. During the summers of 1992 and 1993, the top oily layer was removed and transported to the Ashland Catlettsburg, Kentucky refining complex for reprocessing.

Tests were performed on the tank sludge and it was determined that when removed, the sludge would meet the definition of a hazardous waste for RCRA K-listed wastes and for the RCRA ignitability characteristic. For disposal purposes, bench scale testing was performed on the sludge in 2005. Results of separation testing indicated that filter pressing was not a viable option and centrifuging and solidification were both found to be viable technologies with limitations due to cost. Samples of sludge from the bench testing were analyzed for Toxicity Characteristic Leaching Procedure (TCLP) VOCs. TCLP SVOCs, TCLP pesticides and polychlorinated biphenyls (PCBs), and TCLP metals to determine if the treated sludge, a K-listed waste, met land disposal restrictions (LDRs), thereby allowing disposal in a hazardous waste landfill in place of incineration (incineration is a more costly disposal method versus landfilling). Based on the results, which are summarized in Table 5, none of the LDR standards for K049, K050, and K052 were exceeded.

As stated above, the bench scale testing also included centrifuging. To determine the appropriate method of disposal for the centrifuged solidified sludge, a sample was submitted for laboratory analysis on September 6, 2005. Analyses included TCLP VOCs and VOCs (USEPA Method 8260B), TCLP SVOCS and SVOCs, (USEPA Method 8270C), TCLP metals and metals (USEPA Method 6010B), and general chemistry. Because matrix interference prevented the laboratory from reaching quantification limits less that LDR treatment standards for many SVOCs, a sample was submitted on January 13, 2006 for further analysis. To achieve the required quantification limits, the sample was analyzed as a non-aqueous phase liquid by modified USEPA Method 8270 with selective ion monitoring. As shown in Table 5, five SVOCs from the centrifuged solidified sludge sample exceeded LDR universal treatment standards.

Items 6 and 7 – Previous Owners and Operators

DATE	OWNER	OPERATOR	ADDRESS / TELEPHONE	RELATIONSHIP TO APPLICANT
1933	Frontier Oil Refining Corporation	Frontier Oil Refining Corporation	Unknown	None
1950	Ashland Inc.	Ashland Inc.	5200 Blazer Parkway Dublin, OH 43017/614.790.3049	Yes

Table 1
1993 AND 1994 GROUNDWATER SAMPLING RESULTS ABOVE THE DETECTION LIMIT
Ashland Tank 75 - Buffalo, NY

Analyte	Screening Criteria[1]	MW-2D		MW-3		MW-2S		MW-4D		MW-4S		MW-5	
		09/15/93	09/30/94	09/14/93	09/30/94	09/14/93	09/30/94	09/15/93	07/17/98	09/14/93	09/30/94	09/14/93	09/30/94
Metals, USEPA Method 6020 ICP GC/MS, mg/L													
Aluminum	NV	NA	2.60	NA	1.70	NA	0.56	NA	0.13	NA	0.91	NA	0.10
Arsenic	0.025	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	0.02	<0.01	<0.01	<0.01	<0.01	<0.01
Barium	1.000	0.72	0.48	0.09	0.03	0.06	0.07	0.16	0.02	0.050	0.05	0.06	0.04
Beryllium	NV	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001
Cadmium	0.005	<0.001	0.002	<0.001	0.002	<0.001	0.001	<0.001	0.005	<0.001	<0.01	<0.001	0.001
Chromium	0.050	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01
Cobalt	NV	0.003	0.003	0.005	0.002	0.001	0.001	0.003	<0.001	0.003	0.002	<0.001	<0.001
Copper	0.200	0.01	0.01	0.01	0.01	<0.01	<0.01	0.03	<0.01	<0.01	<0.01	<0.01	<0.01
Iron	0.500	NA	**3.5**	NA	**2.5**	NA	**1.2**	NA	0.28	NA	**1.5**	NA	0.32
Lead	0.025	0.001	0.002	**0.066**	0.005	0.003	0.002	0.016	0.001	0.007	0.012	<0.001	0.001
Manganese	0.300	0.05	0.07	0.250	0.17	0.22	0.1	0.13	<0.01	0.2	0.090	0.04	0.01
Mercury	0.0007	NA	<0.001	NA	<0.001	NA	<0.001	NA	<0.001	NA	<0.001	NA	<0.001
Molybdenum	NV	0.036	0.04	0.01	0.009	0.007	0.01	0.05	0.03	0.014	0.009	0.008	0.005
Nickel	0.100	0.05	0.04	0.02	0.01	0.01	0.01	0.02	<0.01	0.01	0.01	0.009	<0.01
Selenium	0.010	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	0.01	<0.01	<0.01	<0.01	<0.01	<0.01
Silver	0.050	<0.001	<0.01	<0.001	<0.01	<0.001	<0.01	<0.001	<0.01	<0.001	<0.01	<0.001	<0.01
Thallium	NV	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001
Vanadium	NV	<0.01	0.01	0.02	<0.01	<0.01	<0.01	0.02	<0.01	<0.01	<0.01	<0.01	<0.01
Zinc	NV	0.02	0.03	0.03	0.02	0.03	0.01	0.05	0.01	0.01	0.02	0.01	<0.01
Titanium	NV	NA	0.06	NA	0.04	NA	0.01	NA	<0.01	NA	0.02	NA	<0.01
Uranium	NV	<0.01	<0.01	0.03	0.03	0.02	0.03	<0.01	<0.01	0.04	0.03	0.15	0.11
VOCs, USEPA Method 8240, ug/L		ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
SVOCs, USEPA Method 8270, ug/L													
Phenol	1	ND	**12***	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

[1] - NYSDEC Groundwater Quality Standards for Class GA Groundwater, 6 NYCRR Part 703 amended August 1999
* - Phenol was resampled in MW-2D on 1/24/95. Result was below its detection limit.
Bold - Concentration exceeds screening criteria
GC/MS - Gas Chromatography/Mass Spectrometry
ICP - Inductively Coupled Plasma
ug/L - Microgram per Liter
mg/L - Milligram per Liter
NA - Not Analyzed
ND - Not Detected
NV - No Value
SVOC - Semi-volatile Organic Compound
VOC - Volatile Organic Compound
USEPA - United States Environmental Protection Agency

Table 2
1995 AND 1996 GROUNDWATER SAMPLING RESULTS ABOVE THE DETECTION LIMIT
Ashland Tank 75 - Buffalo, NY

Analyte	Screening Criteria[1]	MW-2D		MW-3		MW-2S		MW-4D		MW-4S		MW-5	
		08/23/95	08/27/96	08/23/95	08/27/96	08/23/95	08/23/96	08/23/95	08/23/96	08/23/95	08/27/96	08/23/95	08/23/96
Metals, USEPA Method 6020 ICP GC/MS, mg/L													
Arsenic	0.025	<0.01	0.004	<0.01	0.003	<0.01	0.005	<0.01	0.008	<0.01	0.002	<0.01	<0.002
Barium	1.000	0.19	0.255	0.07	0.066	0.07	0.073	0.02	0.178	0.050	0.066	0.05	0.051
Beryllium	NV	<0.001	<0.003	<0.001	<0.003	0.001	<0.003	<0.001	<0.003	<0.001	<0.003	<0.001	<0.003
Cadmium	0.005	<0.005	**0.01**	<0.005	<0.003	<0.005	<0.003	<0.005	<0.003	<0.005	<0.003	<0.005	<0.003
Chromium	0.050	<0.01	0.01	0.01	0.009	<0.01	<0.002	<0.01	0.008	<0.01	0.006	<0.01	<0.002
Cobalt	NV	<0.001	0.004	0.005	0.004	0.002	<0.003	<0.001	<0.003	0.001	<0.003	<0.001	<0.003
Copper	0.200	<0.01	0.018	0.01	0.014	<0.01	0.009	<0.01	0.015	<0.01	0.011	<0.01	0.01
Iron	0.500	**1.1**	NA	**9.4**	NA	**3.9**	NA	0.4	NA	**1.1**	NA	0.17	NA
Lead	0.025	<0.001	0.006	0.017	0.009	0.004	<0.003	0.002	0.009	0.004	0.021	<0.001	0.003
Manganese	0.300	0.02	0.16	0.260	0.17	0.09	0.074	<0.01	0.085	0.08	0.118	0.04	0.036
Mercury	0.0007	<0.001	NA	<0.001	NA	<0.001	NA	<0.001	NA	<0.001	NA	<0.001	NA
Molybdenum	NV	0.05	NA	0.01	NA	0.009	NA	0.03	NA	0.01	NA	0.006	NA
Nickel	0.100	<0.010	0.029	0.016	0.017	<0.01	0.009	<0.01	0.019	0.01	0.011	<0.01	0.009
Selenium	0.010	<0.01	<0.006	<0.01	<0.006	<0.01	<0.006	<0.01	<0.006	<0.01	<0.006	<0.01	<0.006
Silver	0.050	<0.005	<0.002	<0.005	<0.002	<0.005	<0.002	<0.005	<0.002	<0.005	<0.002	<0.005	<0.002
Thallium	NV	<0.001	<0.002	<0.001	<0.002	<0.001	<0.002	<0.001	<0.002	<0.001	<0.002	<0.001	<0.002
Vanadium	NV	0.001	0.016	0.016	0.014	0.006	0.002	0.002	0.008	0.002	0.008	<0.001	0.002
Zinc	NV	0.01	0.054	0.03	0.034	0.02	0.031	0.01	0.05	0.02	0.035	<0.01	0.038
VOCs, USEPA Method 8260, ug/L		ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
SVOCs, USEPA Method 8270, ug/L		ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

[1] - NYSDEC Groundwater Quality Standards for Class GA Groundwater, 6 NYCRR Part 703 amended August 1999
Bold - Concentration exceeds screening criteria
GC/MS - Gas Chromatography/Mass Spectrometry
ICP - Inductively Coupled Plasma
ug/L - Microgram per Liter
mg/L - Milligram per Liter
NA - Not Analyzed
ND - Not Detected
NV - No Value
SVOC - Semi-volatile Organic Compound
VOC - Volatile Organic Compound
USEPA - United States Environmental Protection Agency

Table 3
1997 AND 1998 GROUNDWATER SAMPLING RESULTS ABOVE THE DETECTION LIMIT
Ashland Tank 75 - Buffalo, NY

Analyte	Screening Criteria[1]	MW-2D		MW-3		MW-2S		MW-4D		MW-4S		MW-5	
		08/19/97	07/17/98	08/19/97	07/17/98	08/19/97	07/17/98	08/19/97	07/17/98	08/19/97	07/17/98	08/19/97	07/17/98
Metals, USEPA Method 6020, mg/L													
Arsenic	0.025	0.011	<0.002	0.002	<0.002	<0.002	<0.002	0.008	0.007	<0.002	<0.002	<0.002	<0.002
Barium	1.000	0.05	0.217	0.04	0.023	0.067	0.069	0.18	0.158	0.040	0.059	0.047	0.048
Beryllium	NV	<0.003	<0.003	<0.003	<0.003	<0.003	<0.003	<0.003	<0.003	<0.003	<0.003	<0.003	<0.003
Cadmium	0.005	**0.017**	<0.003	<0.003	<0.003	<0.003	<0.003	<0.003	<0.003	<0.003	<0.003	**0.006**	<0.003
Chromium	0.050	0.036	<0.002	0.005	<0.002	<0.002	0.002	0.005	0.003	<0.003	<0.002	<0.002	0.003
Cobalt	NV	0.014	<0.003	<0.003	<0.003	<0.003	<0.003	<0.003	<0.003	<0.003	<0.003	<0.003	<0.003
Copper	0.200	0.032	<0.002	0.006	0.002	0.003	<0.002	0.127	0.006	0.005	0.018	0.005	<0.002
Lead	0.025	**0.030**	<0.003	0.003	<0.003	<0.003	<0.003	0.006	0.005	<0.003	0.005	<0.003	<0.003
Manganese	0.300	**0.88**	0.005	0.063	0.054	0.0056	0.059	0.064	0.044	0.025	0.056	0.016	0.017
Mercury	0.0007	NA	<0.001	NA	<0.001	NA	<0.001	NA	<0.001	NA	<0.001	NA	<0.001
Nickel	0.100	0.065	0.006	0.009	0.006	0.005	0.004	<0.003	0.008	0.007	0.007	0.007	0.004
Selenium	0.010	<0.006	<0.006	<0.006	<0.006	<0.006	<0.006	<0.006	<0.006	<0.006	<0.006	<0.006	<0.006
Silver	0.050	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002
Thallium	NV	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002
Vanadium	NV	0.053	<0.002	0.005	0.002	<0.002	<0.002	0.005	0.002	<0.002	<0.002	<0.002	<0.002
Zinc	NV	0.012	0.005	<0.06	0.108	<0.06	0.006	<0.06	0.029	<0.06	0.042	<0.06	0.011
VOCs, USEPA Method 8260, ug/L													
Methylene Chloride	5	**5.3**	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
SVOCs, USEPA Method 8270, ug/L													
Sulfolane	NV	ND	ND	ND	ND	ND	ND	ND	ND	13.6/ND*	21.4	ND	ND

[1] - NYSDEC Groundwater Quality Standards for Class GA Groundwater, 6 NYCRR Part 703 amended August 1999
* - Sulfolane was detected in the original sample but not in the resample collected on 10/24/97.
Bold - Concentration exceeds screening criteria
ug/L - Microgram per Liter
mg/L - Milligram per Liter
NA - Not Analyzed
ND - Not Detected
NV - No Value
SVOC - Semi-volatile Organic Compound
VOC - Volatile Organic Compound
USEPA - United States Environmental Protection Agency

Table 4
2005 GROUNDWATER SAMPLING
RESULTS ABOVE THE DETECTION LIMIT
Ashland Tank 75 - Buffalo, NY

Analyte	Screening Criteria[1]	MW-2S 09/13/05	MW-2D 09/13/05	MW-3 09/13/05	MW-4S 09/13/05	MW-4D 09/13/05	MW-5-01 09/13/05	MW-5-02 09/13/05	MW-5-04 09/13/05
TAL Metals, USEPA Method 6010B/7470A, mg/L									
Silver	0.050	ND	ND	ND	ND	ND	ND	ND	ND
Aluminum	NV	ND	2.500	12.000	ND	3.800	6.700	0.740	0.230
Arsenic	0.025	ND	ND	ND	ND	ND	ND	ND	ND
Barium	1.000	0.047	0.190	0.086	0.052	0.120	0.076	0.029	0.019
Beryllium	NV	ND	ND	ND	ND	ND	ND	ND	ND
Calcium	NV	68.000	80.000	97.000	69.000	79.000	91.000	140.000	97.000
Cadmium	0.005	ND	**0.065**	ND	**0.0095**	**0.015**	ND	ND	ND
Cobalt	NV	ND	ND	ND	ND	ND	ND	ND	ND
Chromium	0.050	ND	0.028	0.015	ND	ND	ND	ND	ND
Copper	0.200	ND	0.025	ND	ND	0.034	ND	ND	ND
Iron	0.300	**0.380**	**2.300**	**15.000**	**2.300**	**5.300**	**8.200**	**0.940**	**0.420**
Potassium	NV	6.500	11.000	9.500	5.200	12.000	9.200	13.000	10.000
Magnesium	NV	140.000	2.900	170.000	150.000	61.000	140.000	170.000	210.000
Manganese	0.300	0.088	0.056	**0.450**	0.170	0.120	**0.500**	**0.690**	**0.330**
Sodium	20.000	**48.000**	**49.000**	**80.000**	**53.000**	**120.000**	**50.000**	**62.000**	**86.000**
Nickel	0.100	ND	**0.120**	ND	ND	ND	ND	ND	ND
Lead	0.025	ND	ND	0.015	ND	0.016	ND	ND	ND
Antimony	0.003	ND	ND	ND	ND	ND	ND	ND	ND
Selenium	0.010	ND	ND	ND	ND	ND	ND	ND	ND
Thallium	NV	ND	ND	ND	ND	ND	ND	ND	ND
Vanadium	NV	ND	ND	0.020	ND	ND	0.012	ND	ND
Zinc	NV	ND	0.034	0.045	ND	0.070	0.032	ND	ND
VOCs, USEPA Method 8260B, ug/L									
Carbon Disulfide	NV	ND	ND	ND	ND	ND	2.2	2.9	2.7
cis-1,2-Dichloroethene	5	ND	ND	ND	ND	ND	ND	4.1	ND
SVOCs, USEPA Method 8270C, ug/L									
Phenol	1	ND	**39**	ND	ND	ND	ND	ND	ND
Pentachlorophenol	1	ND	ND	ND	ND	**130**	ND	ND	ND

[1] - NYSDEC Groundwater Quality Standards for Class GA Groundwater, 6 NYCRR Part 703 amended August 1999
Bold - Concentration
ug/L - Microgram per Liter
mg/L - Milligram per Liter
ND - Not Detected
NV - No Value
SVOC - Semi-volatile Organic Compound
TAL - Target Analyte List
VOC - Volatile Organic Compound
USEPA - United States Environmental Protection Agency

Table 5
COMPARISON OF SLUDGE DATA TO K049, K050, and K052 TREATMENT STANDARDS
Ashland Tank 75 - Buffalo, NY

	CAS No.	LDR Treatment Standards (K048 K052, K169) Non-Wastewater Concentration (mg/kg, unless otherwise noted)	Centrifuged Sludge Solid (Solid-001) Sampled 9/6/2005 (mg/kg, unless otherwise noted) 1/13/06 Analysis	Centrifuged Sludge Solid (Solid-001) Sampled 9/6/2005 (mg/kg, unless otherwise noted)	Sludge Samples (SG-1 - SG-4) (Sampled 5/26/2005) (mg/L) Max TCLP level	Sludge Sample (Composite) Sampled 9/1999 mg/kg	Sludge Sample (Jar 1) Sampled 6/18/98 mg/kg	Sludge Sample (Jar 2) Sampled 6/18/98 mg/kg
Anthracene	120-12-7	3.4	**30.2**	ND (99)	NR	NR	NR	NR
Benz(a)anthracene	56-55-3	3.4		ND (99)	NR	NR	NR	NR
Benzene	71-43-2	10	0.829J	ND (10)	NR	25	NR	NR
Benz(g,h,i)perylene	191-24-2	1.8		ND (99)	NR	NR	NR	NR
Benzo(a)pyrene	50-32-8	3.4	**40.3**	ND (99)	NR	NR	NR	NR
bis(2-Ethylhexyl) phthalate	117-81-7	28	4.96	ND (99)	NR	NR	NR	NR
Chrysene	2218-01-9	3.4	**107**	ND (99)	NR	NR	NR	NR
Dibenz(a,h)anthracene	53-70-3	8.2		ND (99)	NR	NR	NR	NR
Di-n-butyl phthalate	84-74-2	28	NR	ND (99)	NR	NR	NR	NR
o-Cresol	95-48-7	5.6	ND (0.999)	ND (99)	NR	NR	NR	NR
m-Cresol (difficult to distinguish from p-Cresol)	108-39-4	5.6	1.26J	ND (99)	NR	NR	NR	NR
p-Cresol (difficult to distinguish from m.-Cresol)	106-44-5	5.6	1.26J	ND (99)	NR	NR	NR	NR
Ethylbenzene	100-41-4	10	ND (0.999)	ND (10)	NR	9.0	NR	NR
Fluorene	86-73-7	3.4		ND (99)	NR	NR	NR	NR
Naphthalene	91-20-3	5.6	1.42J	ND (99)	NR	NR	NR	NR
Phenanthrene	85-01-8	5.6	**153**	ND (99)	NR	NR	NR	NR
Phenol	108-95-2	6.2	ND (0.999)	ND (99)	NR	NR	NR	NR
Pyrene	129-00-0	8.2	**138**	ND (99)	NR	NR	NR	NR
Toluene	108-88-3	10	0.901J	ND (10)	NR	ND (0.98)	NR	NR
Xylenes-mixed isomers	1330-20-7	30	ND (2.0)	ND (20)	NR	9.8	NR	NR
Cyanide (Total)	57-12-5	590	NR	ND (0.025)	NR	NR	NR	NR
Chromium (Total)	7440-47-3	0.60 mg/L TCLP	NR	ND (0.2 mg/L)	ND (0.2 mg/L)	ND (0.05 mg/L)	94	20.5
Nickel	7440-02-0	11 mg/L TCLP	NR	ND (0.4 mg/L)	NR	NR	NR	NR

NOTES:
Bold = Concentration exceeds treatment standard
J = Estimated
LDR = Land Disposal Restrictions
mg/kg = Milligram per Kilogram
mg/L = Milligram per Liter
ND = Below practical quantitation limit (PQL value in parentheses)
NR = Not Reported
Shaded = Reporting limit higher than treatment standard
TCLP = Toxicity Characterstic Leaching Procedure

ATTACHMENT 7

Section VIII. Contact List Information
Items 1 through 7

The following list contains State Agency/Government Contacts; Elected Officials; Media Contacts; County/Town Officials, including the Erie County CEO, the Zoning Board Chairman, and the director of the public water supplier; Residents, Owners, and Occupants of Adjacent Properties (a map showing tax parcels/adjacent properties is included as Figure 6); and Citizen/Environmental/Other Interested Groups. The City of Tonawanda Public Library is also included on the list as the site document repository. A copy of the emails establishing this library as the document repository follows the list of contacts.

State Agency/Government Contacts:

Regional Director
N.Y.S. D.E.C., Region 9
270 Michigan Ave.
Buffalo, N.Y 14203

Mr. Lawrence Ennist
N.Y.S. D.E.C.
625 Broadway
Albany, NY 12233-7017

Mr. Edward Belmore
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Albany, NY 12233-7017

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N.Y.S. D.E.C., Region 9
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Buffalo, NY 14203

Mr. Daniel David
N.Y.S. D.E.C., Region 9
270 Michigan Ave.
Buffalo, N.Y 14203

Mr. Greg Sutton
N.Y.S. D.E.C., Region 9
270 Michigan Avenue
Buffalo, NY 14203

Ms. Megan Gollwitzer
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Ms. Meaghan Boice-Green
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Mr. Michael Basile
USEPA - Public Info. Office
186 Exchange St.
Buffalo, NY 14204

Mr. Mark VanValkenburg
N.Y.S. D.O.H., Room 205
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Troy, NY 12180

Mr. Matt Forcucci
N.Y.S. D.O.H.
584 Delaware Avenue
Buffalo, NY 14202

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465 Main Street
Buffalo, NY 14203

Assemblyman Robin Schimminger NYS Assembly - 140th District 3514 Delaware Avenue
Kenmore, NY 14217

Assemblyman Jim Hayes
NYS Assembly - 148th District
5555 Main St.
Williamsville, NY 14221

Senator Charles Schumer
130 South Elmwood Ave.
Buffalo, NY 14202

Senator Mary Lou Rath
61st District, N.Y.S. Senate
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Williamsville, NY 14221

Senator Hillary Rodham-Clinton
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7 Broadcast Plaza
Buffalo, NY 14202

Attn: News Director
WDCX 99.5
625 Delaware Ave.
Buffalo, NY 14202

Attn: Mark Scott, News Director
WBFO 88.7/WOLN 91.3
3435 Main St.
Buffalo, NY 14214

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Infinity Broadcasting
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Buffalo, NY 14203

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Buffalo, NY 14206

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Buffalo, NY 14202

Commissioner Michael Walters
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Erie Co. Environment & Plan.
95 Franklin Street
Buffalo, NY 14202

Mr. Michael Raab
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95 Franklin Street
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Commissioner Andrew Eszak
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Erie Co. Health Dept., Rm 931
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Honorable Joel Giambra
Erie County Executive
95 Franklin Street
Buffalo, NY 14202

Legislator Maria Whyte
Erie County Legislature, 6th
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Buffalo, NY 14202

Legislator Demone Smith
Erie County Legislature, Dist. 7
836 East Delevan Ave.
Buffalo, NY 14215

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Erie County I.D.A.
275 Oak Street
Buffalo, NY 14203

Mr. Kevin Kelley
Erie County Legislature Clerk
25 Delaware Avenue
Buffalo, NY 14202

Mr. Patrick Daley
Erie County Local Emergency
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Buffalo, NY 14202

Mr. Frederick Vilonen
Tonawanda Highway, D.P.W.
1851 Tonawanda Creek Rd.
Kenmore, NY 14228

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Town of Tonawanda
2919 Delaware Avenue
Kenmore, NY 14217

Councilman John Donnelly
Town of Tonawanda
2919 Delaware Avenue
Kenmore, NY 14217

Councilman John Flynn
Town of Tonawanda
2919 Delaware Avenue
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Supervisor Ronald Moline
Town of Tonawanda
2919 Delaware Avenue
Kenmore, NY 14217

Councilman John Bargnesi, Jr.
Town of Tonawanda
2919 Delaware Avenue
Kenmore, NY 14217

Councilman Lisa Chimera
Town of Tonawanda
2919 Delaware Avenue
Kenmore, NY 14217

Councilman Joseph Emminger
Town of Tonawanda
2919 Delaware Avenue
Kenmore, NY 14217

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Building Dept.
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Kenmore, NY 14217

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Erie County Legislature, 6th
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Legislator Demone Smith
Erie County Legislature, Dist. 7
836 East Delevan Ave.
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Legislator Lynn Marinelli
Erie County Legislature, 11th
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Mr. James Loesch
Chairman, Erie County EMC
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Williamsville, NY 14221

Mr. John J. Riordan, Chairman
Town of Tonawanda
Zoning Board of Appeals
2919 Delaware Avenue
Kenmore, NY 14217-2395

Mr. John S. Camilleri, Director
Town of Tonawanda
Water Resources Department
779 Two Mile Creek Road
Tonawanda, NY 14150-5801

Tank 75 Site Document Repository:

Ms. Christine A. Moesch,
Director
City of Tonawanda Public
Library
333 Main Street
Tonawanda, NY 14150

Residents, Owners, and Occupants of Adjacent Properties:

Mr. Tim Boyle
Noco Energy Corp./
Tonawanda Terminals Corp.
2440 Sheridan Drive
Tonawanda, NY 14150

Mr. David Baldauf
Seaway Industrial Park
C/O Benderson Development
570 Delaware Avenue
Buffalo, NY 14202

Mr. Rick Brant
United Refining Company
4545 River Road
Tonawanda, NY 14150

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Mr. Matthew Franklin
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Buffalo, NY 14223

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Ms. Patricia Mehm
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Citizens Campaign-
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Buffalo, NY 14214

WNY Director
Citizens Env. Coalition
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Buffalo, NY 14202-1109

Buffalo Niagara Riverkeeper
617 Main St., Ste. M108
Buffalo, NY 14203

Mr. Don Kill
Erie County Sportsmen's Fed.
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Lackawanna, NY 14218

Dr. Joeph Gardella
BEMC
178 Admiral Rd.
Buffalo, NY 14216

Ms. Jane Jontz
Chair, Sierra Club - Niagara
Group 62 Lincoln Blvd.
Snyder, NY 14226

Mr. Michael Podd
4827 Rogers Rd.
Hamburg, NY 14075

Mr. Abdul Barkat
Barkat Consulting
420 Kaymar Drive
Amherst, NY 14228

Chris Moesch
<moeschc@buffalolib.org>
04/17/2006 06:59 PM

To Betsy_Stone@URSCorp.com
cc
bcc
Subject Re: Document Repository for Ashland Tank 75 Site

History: This message has been forwarded.

Hi, Betsy - This is to confirm that the City of Tonawanda Public Library can accommodate your request to be a document repository related to Ashland Tank 75 Site. I'm happy that we can provide this service for you!

Chris

At 03:47 PM 4/17/2006, you wrote:
>Chris,
>Based on our telephone conversation earlier this afternoon, URS is
>requesting the use of the City of Tonawanda Public Library as the location
>of the document repository for the Ashland Tank 75 Site located at 4625
>River Road, Tonawanda, NY. We realize that space is an issue and we will
>not need more than one shelf to store site documents. Please respond with
>your concurrence to my below email address.
>Thanks for your consideration,
>
>Betsy Stone
>URS
>400 Northpark Town Center
>1000 Abernathy Road NE
>Suite 900
>Atlanta, GA 30328
>email: betsy_stone@urscorp.com
>Direct Dial: 678.808.8908
>Main Phone: 678.808.8800
>Fax: 678.808.8400
>
>
>
> This e-mail and any attachments are confidential. If you receive
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> message in error or are not the intended recipient, you should not
> retain,
> distribute, disclose or use any of this information and you should
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> the e-mail and any attachments or
> copies.
>
>

Christine A. Moesch
Director
City of Tonawanda Public Library
333 Main Street
Tonawanda, NY 14150
716-693-5043 (phone)
716-693-0825 (fax)

SOURCE:
NYS GIS Clearinghouse Orthoimagery
Erie County, 2002

1,000 500 0 1,000
Feet

URS

TAX PARCELS/ADJACENT PROPERTIES
TANK 75
TOWN OF TONAWANDA, NY

FIGURE 6

N:\37679411.00000\DB\GIS\parcels.mxd
3/27/2006

ATTACHMENT 8

Section IX. Land Use Factors
Items 1 through 14

Item 1 – Do current historical and/or recent development patterns support the proposed use?

The historical development of the site is consistent with the proposed use. The site was used as a petroleum storage tank, which is consistent with the Town of Tonawanda's intention that the property be used in a light industrial capacity. Figure 7 (Map 2 of the Town of Tonawanda Comprehensive Plan dated December 2005), shows existing land use for the site.

Item 2 – Is the proposed use consistent with applicable zoning laws?

The proposed use of the parcel is consistent with Town of Tonawanda zoning regulations outlined within the Town of Tonawanda Comprehensive Plan (December 2005). Figure 8 (Map 3 of the Town of Tonawanda Comprehensive Plan) shows zoning for the site.

Item 3 – Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?

As shown in Figure 9, the proposed land use is consistent with the Town of Tonawanda Comprehensive Plan (December 2005). Ashland envisions the project site as industrial although the Tonawanda Local Waterfront Revitalization Plan envisions the general site area as commercial, industrial, utility, and public (see Figure 10).

Item 4 – Are there any Environmental Justice Concerns?

The Environmental Justice policy does not apply to the block group (Erie County, Census Tract 83, Block Group 9) as there was no residential population reported within that block group according to Census 2000 data.

Item 5 – Are there any federal or State land use designations relating to this site?

There are no federal or state land use designations for this site.

Item 6 – Do the population growth patterns and projections support the proposed use?

There is no population within the block group containing the project site. There is no existing residential land uses or zoning within the block group containing the project site (Census 2000).

Item 7 – Is the site accessible to existing infrastructure?

Yes, the infrastructure required for the proposed land use does not differ from current land use.

Item 8 – Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site?

While there are no listings on the Federal or State Registers of Historic Places, heritage sites or Native American religious sites on or near the project site, the project site is located in an archaeologically sensitive area as recognized by the NYS Office of Parks, Recreation and Historic Places (NYSOPRHP). This was determined by a database search of National Historic Registry Sites and a historic resources database from the NYSOPRHP. Figure 11 shows that there are no identified cultural resources in proximity to the site.

Item 9 – Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species proximate to the site?

The site is listed in the National Wetland Inventory as a federal wetlands, however since it does not empty into a water of the United States or contain natural vegetation due to being concrete-lined, it is not a wetland. A jurisdictional request letter was submitted to the Army Corps of Engineers to verify that the site is not a federal wetland based on the above information. In a letter dated June 15, 2006, the Buffalo District of the Army Corps of Engineers determined that they have no jurisdiction over the proposal and a Department of Army permit is not required. A copy of the letter is provided at the end of this attachment. NYS Department of Environmental Conservation wetlands are approximately 2,500 feet to the south of the site. An intermittent stream is shown less than 500 feet to the southwest of the site. However, west of the landfill, no stream channel exists. The Ashland property drains to a ditch located along the northwest edge of the lot. The drainage ditch, in turn, feeds a 36-inch concrete drain pipe that runs beneath the landfill to Rattle Snake Creek located on the northwest side of the landfill. Figure 12 shows streams and state and federal wetlands within and surrounding the site.

Item 10 – Are there floodplains proximate to the site?

According to a database search of FEMA 100-year floodplains, there are no floodplains on site or within 2,500 feet of the project site. Figure 13 shows the FEMA 100-year floodplain in proximity to the site.

Item 11 – Are there any institutional controls currently applicable to the site?

There are no known institutional controls currently applicable to the site.

Item 12 – Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.

The site is surrounded by commercial (landfill) and industrial uses. The landfill is to the northeast of the site while industrial land uses occupy the remainder of the adjacent

properties. Residential development is approximately one mile to the southeast of the site and will not be impacted by site development. Existing recreational areas (Sheridan Park) are located approximately one mile southeast of the project site and approximately 0.75 mile to the north (Isle View County Park). Two proposed future parks along the waterfront would be located approximately 0.75 mile due west and 0.5 mile northwest of the project site. Figure 14 shows the recommended projects for real property in proximity to the site. Figure 15 also shows environmental features in proximity to the site.

Item 13 – Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas.

The groundwater table under the facility occurs at depths ranging between 1.7 and 5.5 feet below ground surface and averages approximately 4.5 feet. This shallow groundwater is believed to represent a perched system that is intermittent and is associated with precipitation events. Horizontal gradients are gentle (0.0003 to 0.005).

In the containment area, maximum horizontal groundwater velocities are estimated to be approximately 2.0×10^{-8} cm/s. This value is based upon a maximum horizontal hydraulic gradient of 0.005, estimated horizontal hydraulic conductivity of 1.0×10^{-6} cm/s (ten times vertical hydraulic conductivity) and a porosity of 25 percent for the silty clay glaciolacustrine deposits. This estimated value translates to a groundwater velocity on the order of 0.02 feet per year.

The overall direction of groundwater flow is westward toward the Niagara River which is a major regional groundwater and surface water recharge zone.

The estimated value of vertical groundwater flow is also fairly low. Using the vertical hydraulic gradient (0.115) measured between monitoring wells MW2-86(S) and MW2-86(D), the maximum vertical hydraulic conductivity value (2.0×10^{-7} cm/s) based on falling head permeability test and same porosity value (25%), the vertical groundwater velocity is estimated at 1.0×10^{-7} cm/s. This estimated value translates to a vertical groundwater velocity of 0.10 feet per year.

Item 14 – Describe on attachment the geography and geology of the site.

Area is generally flat with gentle slope toward the Niagara River, 3,500 feet to the northwest. The dominant terrain feature is the Seaway Landfill, located approximately 600 feet northeast of the site and forming a ridgeline running northwest to northeast.

In the immediate area of Tank 75, surface drainage is into the tank. To the south, west and north, drainage is controlled by containment dikes and is directed to the United Refining Company's oily sewer system. Drainage east of the tank moves eastward and flows into Two Mile Creek via culverts and drainage ditches.

The Tonawanda Facility is predominantly underlain by reddish brown and gray varied glaciolacustrine silty clay and clayey silt with a hydraulic conductivity of approximately 1.6×10^{-8} cm/s. These deposits are known to be at least 40 feet thick.

DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO
ATTENTION OF:

June 15, 2006

Regulatory Branch

SUBJECT: Determination of No Jurisdiction for Application No. 2006-01212(0)

Mr. Thomas P. Connare
URS Greiner, Inc.
77 Goodell Street
Buffalo, New York 14203

Dear Mr. Connare:

This pertains to your proposal to remediate an aboveground oil storage tank (Tank 75) as part of a Brownfield Cleanup Program site located on Ashland Oil and Refining Company property in the Town of Tonawanda, Erie County, New York.

The Corps of Engineers regulatory responsibilities under Section 404 of the Clean Water Act establishes jurisdiction over the discharge of dredged or fill material into waters of the United States, including wetlands. However, the information which accompanied your jurisdictional determination request indicates that the aboveground oil storage tank is not a "Water of the United States" as defined within Code of Federal Regulations (CFR) 33 Part 328.3. Therefore, I have determined that we have no jurisdiction over the proposal and a Department of the Army permit is not required.

Although a permit is not required, we request that proper measures be taken to prevent unintentional discharges from entering any adjacent waterways.

You are encouraged to contact the appropriate state and local governmental officials to insure that the proposed work complies with their requirements.

Questions pertaining to this matter should be directed to me

Regulatory Branch
SUBJECT: Determination of No Jurisdiction for Application No. 2006-01212(0)

at (716) 879-4246, by writing to the following address: U.S. Army Corps of Engineers, Technical Services Division, Buffalo, New York 14207, or by e-mail at: brad.a.schaeffer@usace.army.mil

Sincerely,

Brad A. Schaeffer
Biologist

Enclosures

Figure 7

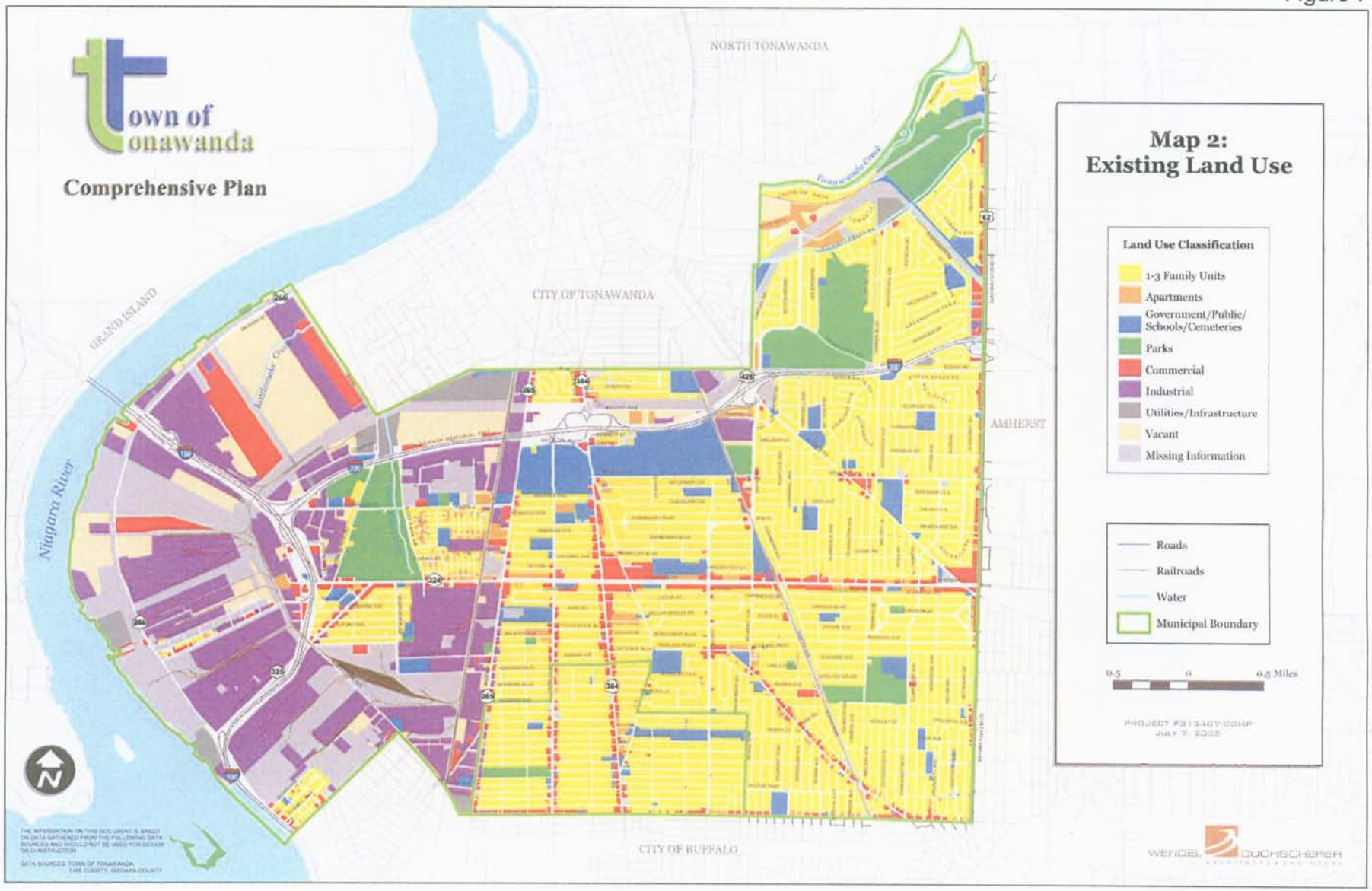

town of tonawanda
Comprehensive Plan
NORTH TONAWANDA
CITY OF TONAWANDA
GRAND ISLAND
AMHERST
CITY OF BUFFALO
Niagara River
Map 2:
Existing Land Use
Land Use Classification
1-3 Family Units
Apartments
Government/Public/ Schools/Cemeteries
Parks
Commercial
Industrial
Utilities/Infrastructure
Vacant
Missing Information
Roads
Railroads
Water
Municipal Boundary
0.5 0 0.5 Miles
PROJECT #213407-COMP
JULY 7, 2022
WENDEL DUCHSCHERER

Figure 8

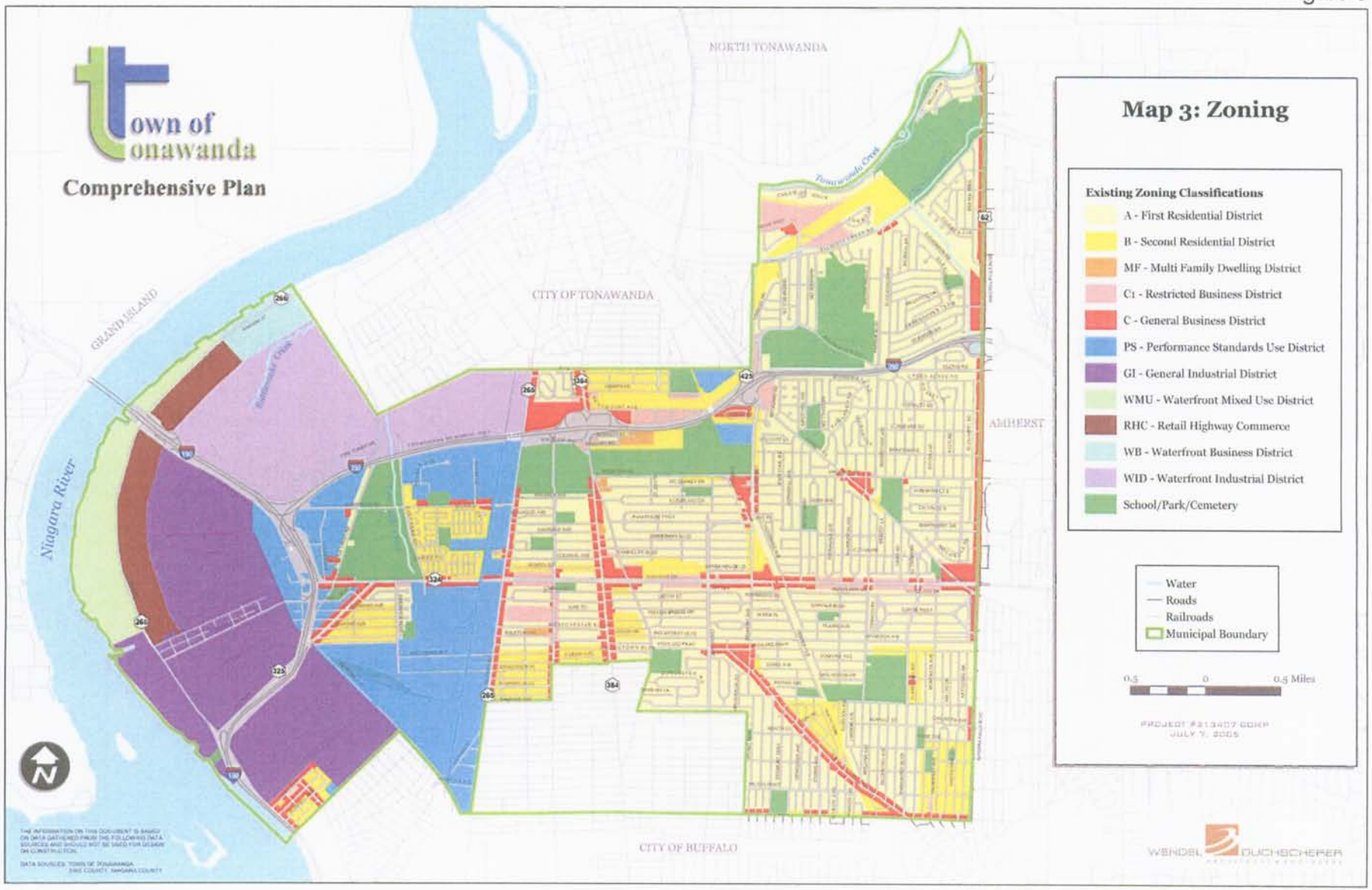
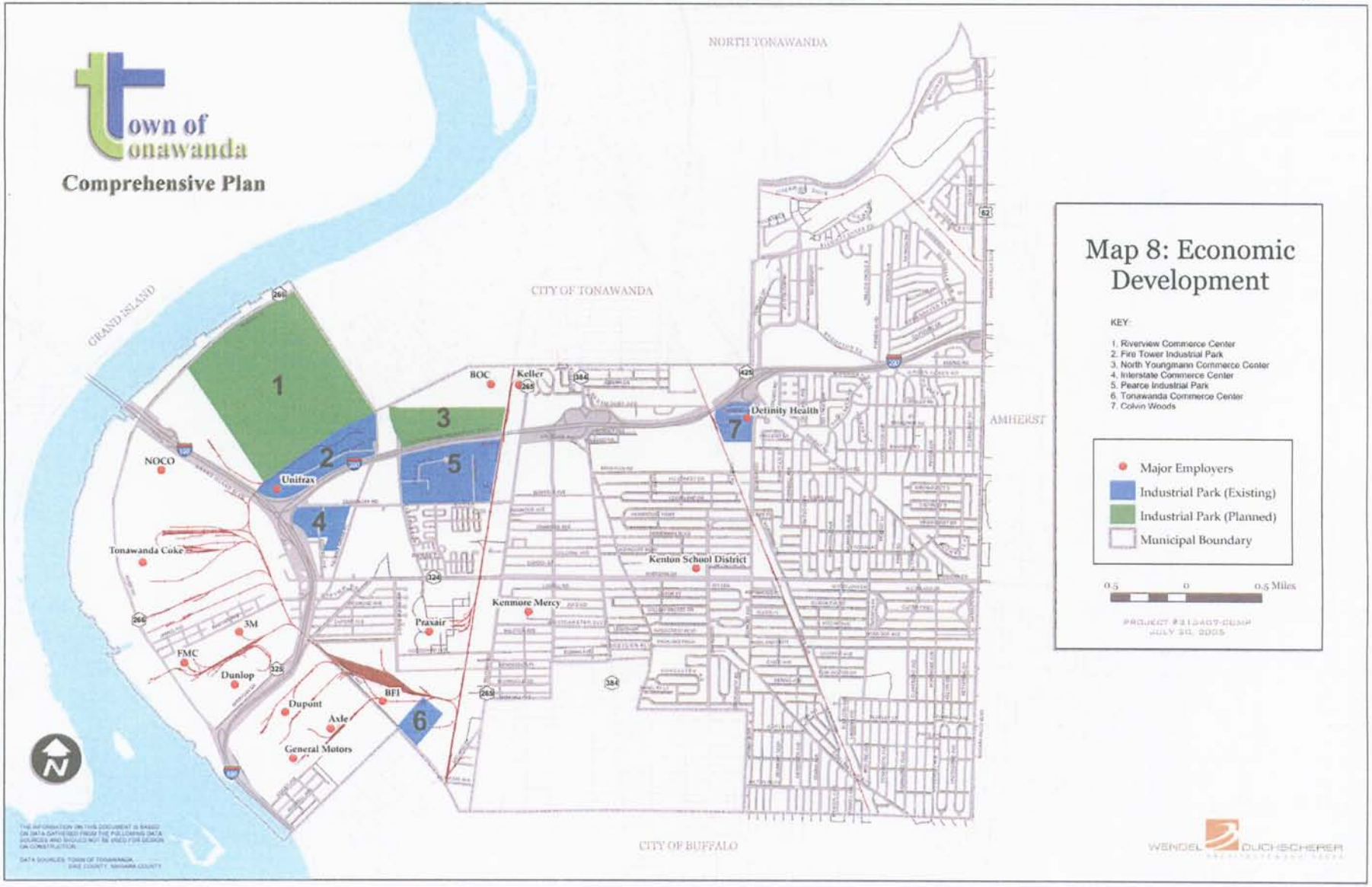
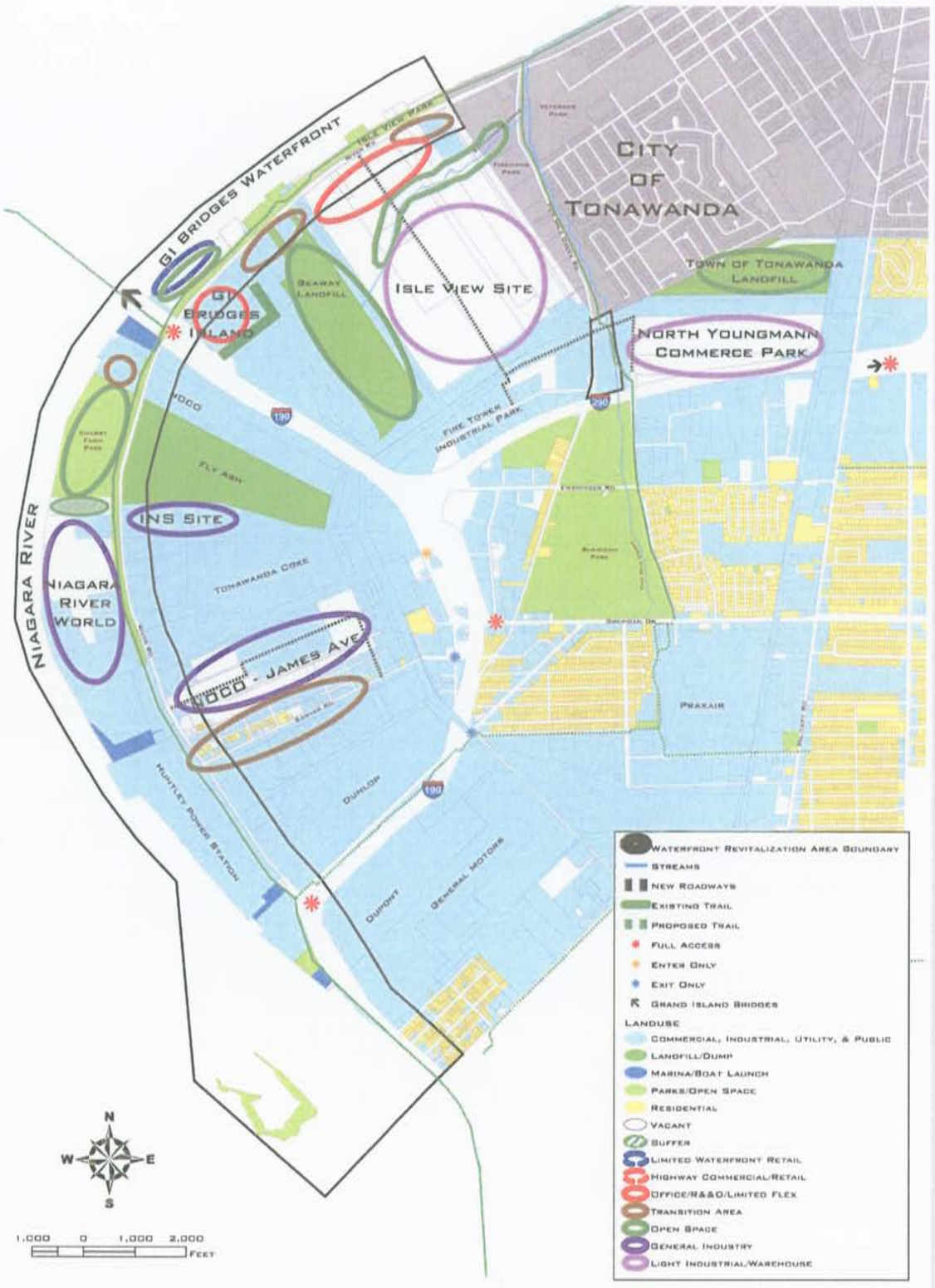

town of tonawanda
Comprehensive Plan
NORTH TONAWANDA
CITY OF TONAWANDA
AMHERST
CITY OF BUFFALO
GRAND ISLAND
Niagara River
Tonawanda Creek
Map 3: Zoning
Existing Zoning Classifications
A - First Residential District
B - Second Residential District
MF - Multi Family Dwelling District
C1 - Restricted Business District
C - General Business District
PS - Performance Standards Use District
GI - General Industrial District
WMU - Waterfront Mixed Use District
RHC - Retail Highway Commerce
WB - Waterfront Business District
WID - Waterfront Industrial District
School/Park/Cemetery
Water
Roads
Railroads
Municipal Boundary
0.5 0 0.5 Miles
PROJECT #313407 GORP
JULY 7, 2005
WENDEL DUCHSCHERER

Figure 9


Town of Tonawanda
Comprehensive Plan
NORTH TONAWANDA
CITY OF TONAWANDA
GRAND ISLAND
AMHERST
CITY OF BUFFALO
Map 8: Economic Development
KEY:
1. Riverview Commerce Center
2. Fire Tower Industrial Park
3. North Youngmann Commerce Center
4. Interstate Commerce Center
5. Pearce Industrial Park
6. Tonawanda Commerce Center
7. Colvin Woods
Major Employers
Industrial Park (Existing)
Industrial Park (Planned)
Municipal Boundary
0.5 0 0.5 Miles
BOC
Keller
Definity Health
NOCO
Unifrax
Tonawanda Coke
Kenton School District
Kenmore Mercy
Praxair
3M
FMC
Dunlop
Dupont
Axle
BFI
General Motors
WENDEL DUCHSCHERER

Map 9: Waterfront Land Use Plan



WENDEL DUCHSCHERER

WD Project #3134070GMP
July 19, 2005

Legend

Listed National Historic Registry Sites

SOURCE:
NYS GIS Clearinghouse Orthoimagery
Erie County, 2002

1,000 500 0 1,000 Feet

N:\37679411.00000\DB\GIS\cultural.mxd
3/27/2006

URS

CULTURAL RESOURCES
TANK 75
TOWN OF TONAWANDA, NY

FIGURE 11

SOURCE:
NYS GIS Clearinghouse Orthoimagery
Erie County, 2002

1,000 500 0 1,000
Feet

N:\37679411.00000\DB\GIS\wetlands.mxd
3/27/2006

URS

STREAMS AND STATE AND FEDERAL WETLANDS
TANK 75
TOWN OF TONAWANDA, NY

FIGURE 12

Legend

FEMA 100 Year Floodplain

SOURCE:
NYS GIS Clearinghouse Orthoimagery
Erie County, 2002

1,000 500 0 1,000 Feet

N:\37679411.00000\DB\GIS\fema.mxd
3/27/2006

URS

FEMA FLOODPLAINS
TANK 75
TOWN OF TONAWANDA, NY

FIGURE 13

Figure 14

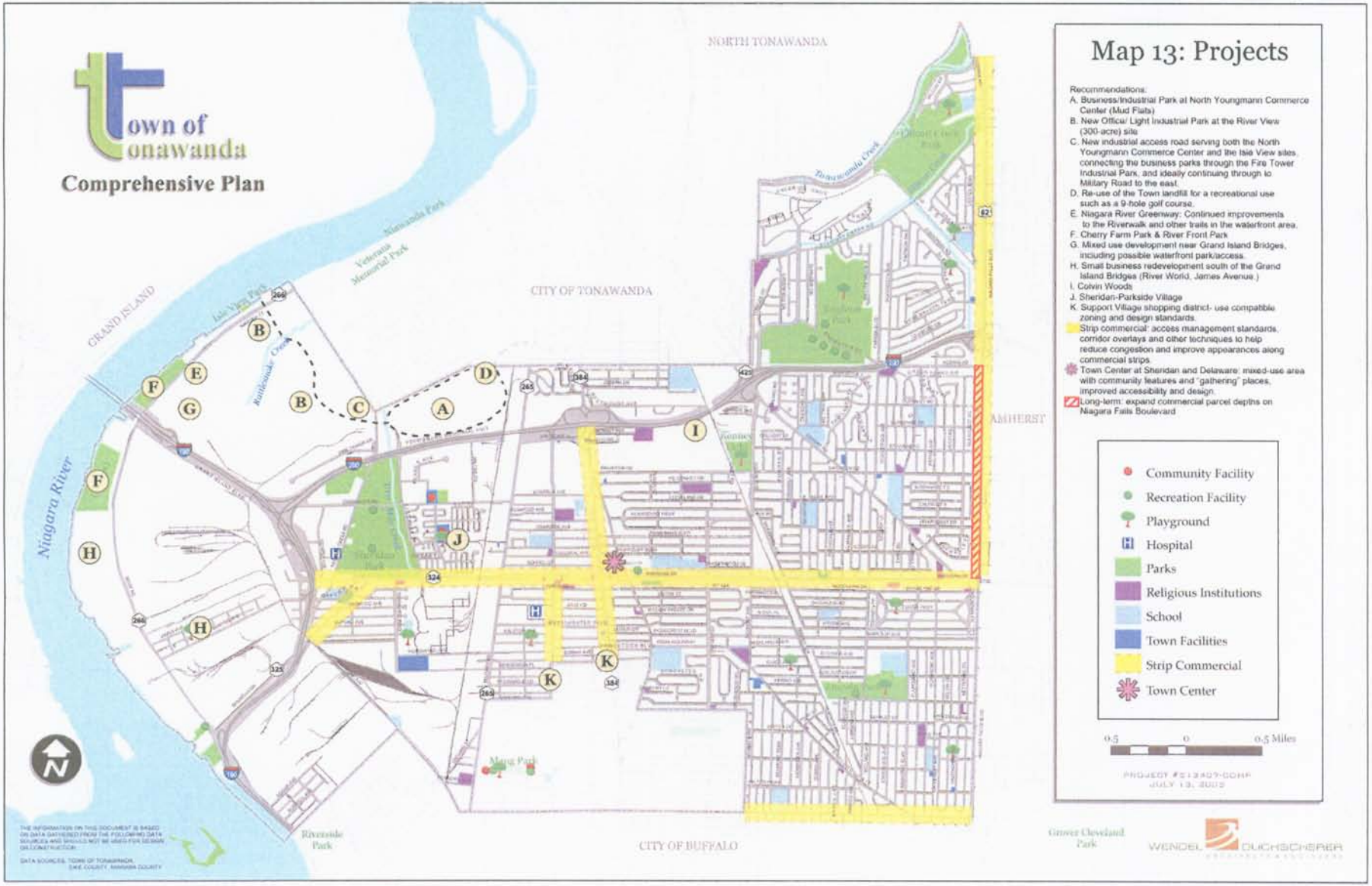
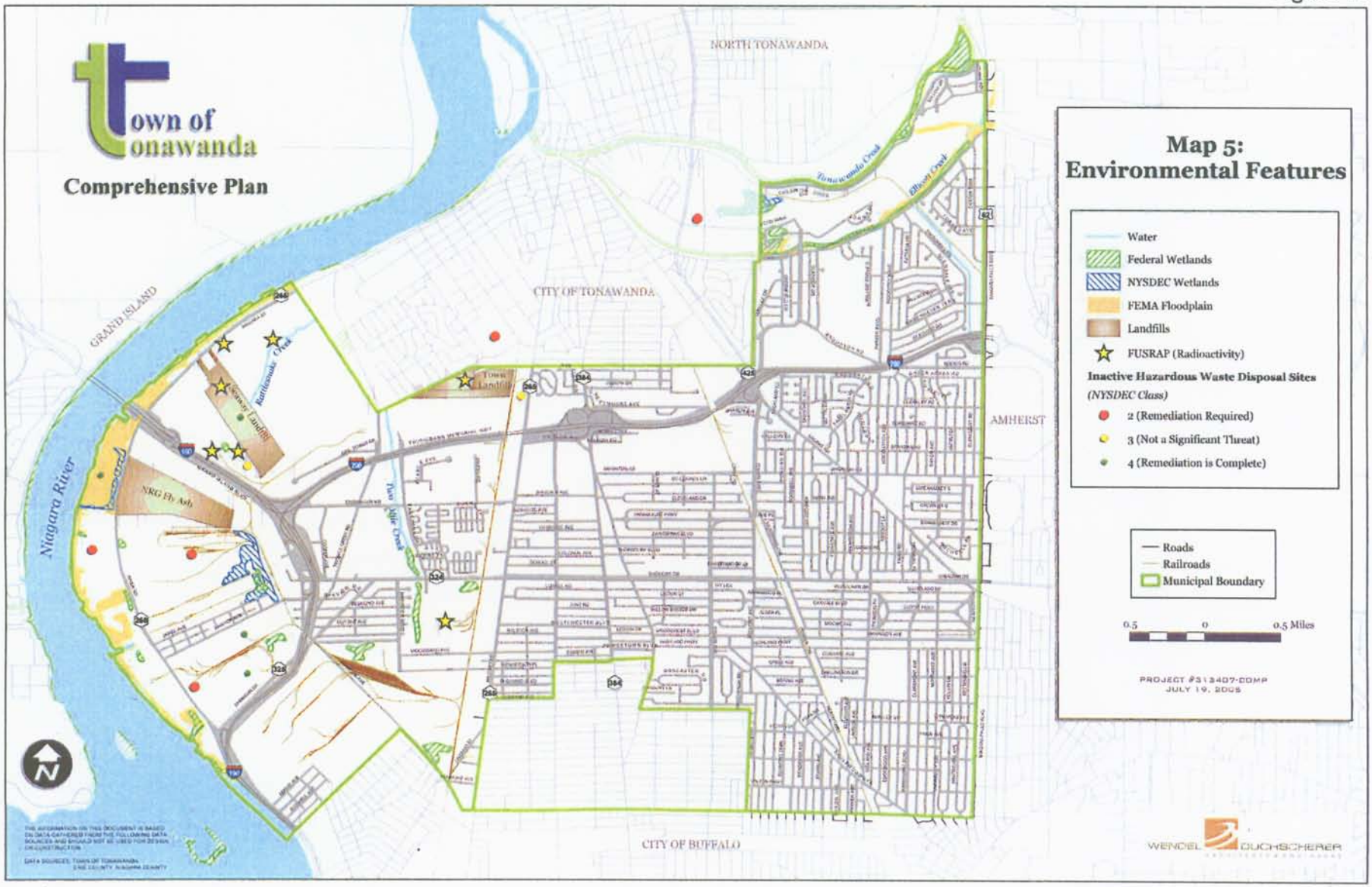

Town of Tonawanda
Comprehensive Plan
NORTH TONAWANDA
CITY OF TONAWANDA
AMHERST
CITY OF BUFFALO
GRAND ISLAND
Niagara River
Isle View Park
Veterans Memorial Park
Riverside Park
Grover Cleveland Park
Map 13: Projects
Recommendations:
A. Business/Industrial Park at North Youngmann Commerce Center (Mud Flats)
B. New Office/ Light Industrial Park at the River View (300-acre) site
C. New industrial access road serving both the North Youngmann Commerce Center and the Isle View sites, connecting the business parks through the Fire Tower Industrial Park, and ideally continuing through to Military Road to the east.
D. Re-use of the Town landfill for a recreational use such as a 9-hole golf course.
E. Niagara River Greenway: Continued improvements to the Riverwalk and other trails in the waterfront area.
F. Cherry Farm Park & River Front Park
G. Mixed use development near Grand Island Bridges, including possible waterfront park/access.
H. Small business redevelopment south of the Grand Island Bridges (River World, James Avenue.)
I. Colvin Woods
J. Sheridan-Parkside Village
K. Support Village shopping district- use compatible zoning and design standards.
Strip commercial: access management standards, corridor overlays and other techniques to help reduce congestion and improve appearances along commercial strips.
Town Center at Sheridan and Delaware: mixed-use area with community features and "gathering" places, improved accessibility and design.
Long-term: expand commercial parcel depths on Niagara Falls Boulevard
Community Facility
Recreation Facility
Playground
Hospital
Parks
Religious Institutions
School
Town Facilities
Strip Commercial
Town Center
0.5 0 0.5 Miles
WENDEL DUCHSCHERER

Figure 15


Town of Tonawanda
Comprehensive Plan
NORTH TONAWANDA
CITY OF TONAWANDA
GRAND ISLAND
AMHERST
CITY OF BUFFALO
Niagara River
Tonawanda Creek
Ellicott Creek
Two Mile Creek
Rattlesnake Creek
Town Landfill
Seaway Landfill
NRG Fly Ash
Map 5:
Environmental Features
Water
Federal Wetlands
NYSDEC Wetlands
FEMA Floodplain
Landfills
FUSRAP (Radioactivity)
Inactive Hazardous Waste Disposal Sites
(NYSDEC Class)
2 (Remediation Required)
3 (Not a Significant Threat)
4 (Remediation is Complete)
Roads
Railroads
Municipal Boundary
0.5 0 0.5 Miles
PROJECT #31407-COMP
JULY 19, 2005
WENDEL DUCHSCHERER