New York State Department of Environmental Conservation

Division of Environmental Remediation

Bureau of Technical Support, 11th Floor 625 Broadway, Albany, New York 12233-7020 Phone: (518) 402-9553 • FAX: (518) 402-9577

Website: www.dec.state.ny.us



MEMORANDUM

TO:

Maurice Moore, Project Manager, Region 9

Ed Belmore, NYSDEC - DER Remedial Bureau D

Gary Litwin, NYSDOH - DEHI Bureau of Environmental Exposure Investigation

Marty Doster, Regional Hazardous Waste Remediation Engineer, Region 9

Anthony Quartararo, NYSDEC - DEE Superfund and Voluntary Cleanup Bureau

Joe Ryan, DEE Program Attorney, Region 9

Christina Dowd, NYSDEC - DFWMR Bureau of Habitat

Anne Hohenstein, NYSOSC

Susanne Wither, NYSDEC, Bureau of Technical Support

FROM:

Kelly Lewandowski, NYSDEC - DER Bureau of Technical Support Kelly Chandusli

SUBJECT:

Brownfield Cleanup Program Application

Tecumseh Phase III Business Park, C915199

DATE:

JUN 2 8 2005

The attached Brownfield Cleanup Program Application for remedial work at the subject site has been forwarded to you for your records and/or processing according to the established Brownfield Cleanup Program procedures. If you require additional copies or the complete series of the related application's attachments, please contact the project manager, Maurice Moore at 716-851-7220.

The Time and Activity Code for the subject site is: N860 (onsite); N861 (offsite).

Attachments

MB/ca

Distribution

Original (with all attachments) to:

Maurice Moore, NYSDEC - Region 9

Copy (with all attachments) to:

Gary Litwin, NYSDOH - DEHI Bureau of Environmental Exposure Investigation

Joe Ryan, DEE Program Attorney, Region 9

Ed Belmore, NYSDEC DER Remedial Bureau D

Anne Hohenstein, NYSOSC

Susanne Wither, NYSDEC, BTS

Copy (without attachments) to:

Anthony Quartararo, NYSDEC - DEE Superfund and Voluntary Cleanup Bureau

Christina Dowd, NYSDEC - DFWMR Bureau of Habitat

New York State Department of Environmental Conservation Division of Environmental Remediation

Bureau of Technical Support, 11th Floor

625 Broadway, Albany, New York 12233-7020 **Phone:** (518) 402-9543 • **FAX**: (518) 402-9595

Website: www.dec.state.ny.us



JUN 2 8 2005

Mr. Keith Nagel, General Manager Tecumsch Redevelopment, Inc. 4020 Kinross Lakes Parkway Richfield, Ohio 44286

Re:

Brownfield Cleanup Application

Tecumseh Phase III Business Park, BCP No. 915199

Dear Mr. Nagel:

The New York State Department of Environmental Conservation (Department) is in receipt of your application for participation in the Brownfield Cleanup Program (BCP) pursuant to ECL Section 27-1400 et seq. As you know, the BCP is a cooperative approach between the Department and lenders, developers, and current and prospective owners. The program fosters private-sector remediation of brownfields and reduces development pressures on "greenfields." We are pleased to advise you that your application has been determined to be complete.

Pursuant to ECL Section 27-1407(5), a thirty day public comment period is to be commenced upon the Department's determination that an application is complete. During the comment period the Department will be evaluating the eligibility of the project and determine the status regarding this as soon as possible. The party seeking to participate in the BCP is required under the BCP to notify in writing the chief executive officer and zoning board of each county, city, town and village in which the proposed brownfield site is located, as well as residents of the site, the public water supplier which services the area, any person who has requested to be placed on the brownfield site contact list, and the administrator of any school or day care facility located adjacent to or near the site. Further, the Department will publish a similar notice in the Environmental Notice Bulletin.

In order to facilitate the notifications, the Department has prepared the enclosed Public Notice for you to utilize and the instructions for placing and mailing the notifications as well as the document repository location and contents. As the requestor, you are responsible for making available a copy of the application and copies of all other related attached documents such as any assessment and investigation reports and/or investigation or remedial work plans. Also, you must use this Department-approved Public Notice form and cannot provide any other or additional information when fulfilling your obligation to provide a legal notice for the newspaper of the application and comment period. The enclosed form should be provided to a local newspaper servicing the area including the brownfield site for publication no later than July 6, 2005.

Additionally, all of the above-mentioned mailings should be completed no later than July 5, 2005. To the extent that the mailings and publications are not completed in accordance with these time frames, the Department will extend the comment period for a period sufficient to comply with the required thirty day notice requirement running from the latest of the mailings or publication.

A certificate of mailing, on the enclosed form, is required to be submitted within three days of the mailing. Further, the proof of publication provided by the newspaper must be submitted within three days of your receipt of such document. These documents should be submitted to the Department's project manager at:

New York State Department of Environmental Conservation - Region 9 270 Michigan Avenue
Buffalo, New York 14203
Attn: Maurice Moore

The Department will make every effort to determine your eligibility and status under the BCP forty-five (45) days from the date of this letter. We look forward to working cooperatively with you to address the environmental conditions at the brownfield site and to return this property back to productive use.

Sincerely,

Kelly (Seurndeust) Kelly A. Lewandowski, P.E.

Chief

Site Control Section

MB /ca Enclosures

Electronic copy w/enclosures:

Maurice Moore, Project Manager, Region 9 Gary Litwin, NYSDOH Anthony Quartararo Susanne Wither Mary Barrie

Copy w/o enclosures:

S. Bolesky (application only)

Brownfield Cleanup Program Public Notice Instructions

A. Instructions to Requestor¹

Newspaper

- 1) The enclosed public notice must be published, without modification, in a local newspaper of general circulation that services the area that includes the site no later than the date specified in the Division of Environmental Remediation's (DER) cover letter. The notice must be located prominently in the community bulletin section or comparable local section of the newspaper. The notice must be published in English and in any other language spoken by a significant number of people within the site community.
- 2) A proof of publication of the newspaper notice must be submitted to DER by the date specified in the DER cover letter.

Site Contact List

- 1) The enclosed public notice must be mailed, without modification, to the parties on the Site Contact List included with the application. The mailing must be performed by the date specified in the DER cover letter. No other materials can be mailed with this notice.
- 2) A certificate of mailing must be completed and submitted to DER by the date specified in the DER cover letter. (See enclosed certificate of mailing form)

Repository

1) Application package (application and appropriate documents) must be put in the site document repository specified in the public notice prior to the start of the public comment period.

B. Requestor's Instructions to Newspapers Regarding Printing the Public Notice

The enclosed public notice announces the receipt of a complete Brownfield Cleanup Program application package by the New York State Department of Environmental Conservation. Pursuant to ECL Section 27-1407(5), the public notice must be located prominently in the community bulletin section or similar local section of the newspaper. The public notice must be published by the date specified.

C. Requestor's Instructions to Parties on the Site Contact List Receiving the Public Notice

The enclosed public notice announces the receipt of a complete Brownfield Cleanup Program application package by the New York State Department of Environmental Conservation. Pursuant to ECL Section 27-1407(5), a public notice announcing the receipt of an application must be sent to parties on the Site Contact List. Please read the enclosed public notice and review the application package in the site document repository for further information.

¹ A requestor is a person who has submitted an application to participate in the BCP whose eligibility has <u>not</u> yet been determined by the Department of Environmental Conservation.

PUBLIC NOTICE

BROWNFIELD CLEANUP PROGRAM

Site Name:

Tecumseh Phase III Business Park

Site Address:

4020 Kinross Lakes Parkway

Richfield, Ohio 44286

County:

Erie

Site No.:

C915199

Requestor:

Paul H. Werthman

The New York State Department of Environmental Conservation (NYSDEC) administers the Brownfield Cleanup Program (BCP) pursuant to State Environmental Conservation Law (ECL) 27-1400 et seq. The BCP was created to encourage the remediation and redevelopment of contaminated properties known as brownfields. The requestor indicated above has submitted a BCP application for investigation of the site indicated above.

NYSDEC will accept public comments concerning the application. A copy of the application and other appropriate documents (application package) is available in the site document repository located at the address indicated below.

NYSDEC will review the application package and public comments received and then make a determination on the eligibility of the application.

Comments should be submitted by August 3, 2005, to:

New York State Department of Environmental Conservation Division of Environmental Remediation - Region 9 270 Michigan Avenue Buffalo, New York 14203 Attention: Maurice Moore

Repository address:

Lackawanna Public Library 560 Ridge Road Lackawanna, New York 14218 Attn: Salvatore Bordonaro, Director

Tecumseh Phase III Business Park C915199

CERTIFICATION OF MAILING

I certify that I mailed on	a copy of the attached
	y first class mail upon the person(s) on the attached mailing
	eof, securely enclosed in a postpaid wrapper, in the Post Office
box at	in the
City of	, New York, which box is under the exclusive
care and custody of the United Sta	
Signature	Date

Brownfield Cleanup Program Application

for Phase III Business Park Area

Tecumseh Redevelopment, Inc. Lackawanna, New York

June 2005

0071-006-100

Prepared By:





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION ECL ARTICLE 27, TITLE 14

9/3/04

Applicant Information			
NAME Tecumseh Redevelopment, In	c. (Keith A. Nagel, Ger	neral Manager)	
ADDRESS 4020 Kinross Lakes Parkway	y		
CITY/TOWN Richfield, Ohio		ZIP CODE 4428	86
PHONE 330-659-9165	FAX 330-659-7434		E-MAIL knagel@intlsteel.com
NAME OF APPLICANT'S REPRESENTATIVE	TurnKey Environme	ental Restoration, LLC (Pa	aul H. Werthman, P.E., Site Manager)
ADDRESS Suite 624, 726 Exchange Str	reet		
CITY/TOWN Buffalo, NY		ZIP CODE 142	210
PHONE 716-856-0599	FAX 716-856-0583		E-MAIL pwerthman@benchmarkees.com
THE APPLICANT MUST CERTIFY THAT IT I ONE OF THE BOXES BELOW: PARTICIPANT An applicant who either 1) was the owner of the sir of hazardous waste or discharge of petroleum or responsible for the contamination, unless the liabit of ownership, operation of, or involvement with disposal of hazardous waste or discharge of petroleum of the property of the property (check one): Applicant Relationship to Property (check one):	te at the time of the disposal or 2) is otherwise a person ility arises solely as a result the site subsequent to the	VOLUNTEER An applicant other than a parsolely as a result of ownership the disposal of hazardous was NOTE: By checking this be appropriate care with respect reasonable steps to: i) stop an release; and iii) prevent or lint to any previously released hazardous previous previo	ox, the applicant certifies that he/she has exercised to the hazardous waste found at the facility by taking y continuing discharge; ii) prevent any threatened future nit human, environmental, or natural resource exposure
		renaser	
Current Owner/Operator Info	rmation	Market State of the State of	10000000000000000000000000000000000000
OWNER'S NAME (if different from applicant)			
ADDRESS			
CITY/TOWN	Transce	ZIP CODE	Was a constant
PHONE	FAX		E-MAIL
OPERATOR'S NAME (if different from applica	nt) TurnKey Environm	nental Restoration, LLC (I	Paul H. Werthman, P.E., Site Manager)
ADDRESS Same as above			
CITY/TOWN Same as above		ZIP CODE 142	10
PHONE 716-856-0599	FAX 716-856-0583		E-MAIL pwerthman@benchmarkees.com

Site Information									
SITE NAME Tecumseh Redevelopment, Inc. Lackawanna - Phase III Business Park Parcel									
SITE ADDRESS 1951 Hamburg Turnpike CITY/TOWN Lackawanna ZIP CODE	14218								
COUNTY Erie SITE SIZE (ACRES) 128									
LATITUDE (degrees/minutes/seconds) 42° 48' 58.6" LONGITUDE (degrees/minutes/seconds) 78° 51' 16.4"									
PLEASE ATTACH A COUNTY TAX MAP WITH IDENTIFIER NUMBERS, ALONG WITH ANY FIGURES NEEDED TO SHOW THE LOCATION AND BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 7.5 MINUTE QUAD MAP IN WHICH THE SITE IS LOCATED.									
DO THE SITE BOUNDARIES CORRESPOND TO TAX MAP METES AND BOUNDS? IF NO, PLEASE ATTACH A METES AND BOUNDS DESCRIPTION OF THE SITE.	$\square_{\rm YES}$	∠ NO							
2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY AREA PURSUANT TO GML970-R? IF YES, IDENTIFY AREA (NAME)	$\square_{\rm YES}$	\mathbf{Z}_{NO}							
 IS THE SITE PART OF A DESIGNATED EN-Zone PURSUANT TO TL § 21(b)(6)? FOR MORE INFORMATION GO TO: http://www.nylovesbiz.com/Productivity_Energy_and_Environment/BrownField_Redevelopment/default.asp 	✓ YES	□NO							
IF YES, IDENTIFY AREA (NAME) Census Tract 012200, Vacant									
Applicant Eligibility Information (Please refer to ECL § 27-1407)									
1. ARE ANY ENFORCEMENT ACTIONS PENDING AGAINST THE APPLICANT REGARDING THIS SITE?	☑ YES	\square_{NO}							
2. IS THE APPLICANT SUBJECT TO AN OUTSTANDING CLAIM BY THE SPILL FUND FOR THIS SITE?	□YES	☑ NO							
3. HAS THE APPLICANT VIOLATED ANY PROVISION OF ECL ARTICLE 27?	□YES	✓NO							
4. HAS THE APPLICANT BEEN PREVIOUSLY DENIED ENTRY TO THE BCP?	□YES	ØNO							
5. HAS THE APPLICANT COMMITTED A NEGLIGENT OR INTENTIONALLY TORTIOUS ACT REGARDING HAZARDOUS WASTE OR PETROLEUM?	□YES	M NO							
6. HAS THE APPLICANT BEEN CONVICTED OF A CRIMINAL OFFENSE THAT INVOLVES A VIOLENT FELONY, FRAUD, BRIBERY, PERJURY, THEFT, OR OFFENSE AGAINST PUBLIC ADMINISTRATION?	□YES	✓NO							
7. HAS THE APPLICANT KNOWINGLY FALSIFIED STATEMENTS OR CONCEALED MATERIAL FACTS IN A MATTER RELATED TO THE DEPARTMENT?	$\square_{\rm YES}$	\mathbf{Z}_{NO}							
8. HAS THE APPLICANT, 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							
Site Eligibility Information (Please refer to ECL § 27-1405)									
 DOES THE SITE MEET THE DEFINITION OF A BROWNFIELD SITE (REAL PROPERTY, THE REDEVELOPMENT OR REUSE OF WHICH MAY BE COMPLICATED BY THE PRESENCE OR POTENTIAL PRESENCE OF A HAZARDOUS WASTE, PETROLEUM, POLLUTANT, OR CONTAMINANT)? 	☑ YES	□ _{NO}							
2. IS THE SITE LISTED ON THE NATIONAL PRIORITIES LIST?	$\square_{\rm YES}$	✓NO							
3. IS THE SITE LISTED ON THE NYS REGISTRY OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES? IF YES, PLEASE PROVIDE: SITE # CLASS #	□YES	Ø _{NO}							
4. IS THE SITE SUBJECT TO A PERMIT UNDER ECL ARTICLE 27, TITLE 9, OTHER THAN AN INTERIM STATUS FACILITY?	$\square_{\rm YES}$	\mathbf{Z}_{NO}							
5. IS THE SITE SUBJECT TO A CLEANUP ORDER UNDER NAVIGATION LAW ARTICLE 12 OR ECL ARTICLE 17 TITLE 10?	□YES	\mathbf{Z}_{NO}							
6. IS THE SITE SUBJECT TO A STATE OR FEDERAL ENFORCEMENT ACTION RELATED TO HAZARDOUS WASTE OR PETROLEUM?	□YES	■NO							
Project Description									
PLEASE ATTACH A DESCRIPTION OF THE PROJECT WHICH INCLUDES THE FOLLOWING COMPONENTS:									
PURPOSE AND SCOPE OF THE PROJECT ESTIMATED PROJECT SCHEDULE									

Site's Environmental Hi	story							
TO THE EXTENT THAT EXISTING INFORMATION/STUDIES/REPORTS ARE AVAILABLE TO THE APPLICANT, PLEASE ATTACH THE FOLLOWING: 1. ENVIRONMENTAL DATA 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 OWNERS A LIST OF PREVIOUS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER LISTED. IF NO RELATIONSHIP, PUT "NONE"). OPERATORS A LIST OF PREVIOUS OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBER (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OPERATOR LISTED. IF NO RELATIONSHIP, PUT "NONE").								
Contact List Information								
PLEASE ATTACH, AT A MINIMUM	I, THE NAMES AND AL	DDRESSES OF THE FOI	LOWING:	THE STATE OF THE				
THE CHIEF EXECUTIVE OFFICE SITE IS LOCATED.				, TOWN AND VILLAGE	E IN WHICH THE			
2. RESIDENTS, OWNERS, AND OC	CCUPANTS OF THE SIT	E AND PROPERTIES A	DJACENT TO THE SIT	E.				
3. LOCAL NEWS MEDIA FROM W	HICH THE COMMUNIT	TY TYPICALLY OBTAI	INS INFORMATION.					
4. THE PUBLIC WATER SUPPLIES	WHICH SERVICES TH	HE AREA IN WHICH TH	HE SITE IS LOCATED.		-			
5. ANY PERSON WHO HAS REQU								
6. THE ADMINISTRATOR OF ANY				SITE.				
7. THE LOCATION OF A DOCUME	建设的	THE PROJECT (E.G., L	CAL LIBRARY)					
Contaminant Information								
INDICATE KNOWN OR SUSPECTE	D CONTAMINANTS AT	ND THE MEDIA WHICH	H ARE KNOWN OR SU	SPECTED TO HAVE BE	EN AFFECTED:			
Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas			
Petroleum	~	V						
Chlorinated Solvents								
Other VOCs								
SVOCs	- /							
Metals	~							
Pesticides								
PCBs	V							
Other*								
*Please describe:								
Land Use Factors (Please	e refer to ECL §	27-1415(3))						
Current Use: ☐ Residential ☐								
Future Use:	Commercial 🗵	Industrial 🗹 Other	Potential Bike Path	Along Rt 5				
Please check the appropriate bo	oxes and provide an	explanation as an at	tachment if appropri	ate.	Yes No Unknown			
1.Do current historical and/or r	ecent development p	patterns support the	proposed use?					
2. Is the proposed use consister	nt with applicable zo	ning laws/maps?						

3. Is the proposed use consistent with applicable brownfield opportunity area designations? (See GML 970-r) 4. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront adopted land use plans? 4. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront plans, other adopted land use plans? 5. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)). 6. Are there any federal or State land use designations relating to this site? 7. Do the population growth patterns and projections support the proposed use? 8. Is the site accessible to existing infrastructure? 8. Is the site accessible to existing infrastructure? 9. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site? 10. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wellands, or critical habitats of endangered or threatened species proximate to the site? 11. Are there floodplains proximate to the site? 12. Are there any institutional controls currently applicable to the site? 13. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational sizes. 14. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational sizes. 15. Describe on attachment the geography and geology of the site. (Note: the 16° criteria relates to comments from the public, which would not be received at the time of application) (By applicant who is an individual) 16. Describe on attachment the geography and geology of the site. (Note: the 16° criteria relates to comments from the public, which would not be received at the time of application) (By application, that this application was prepared by me or under my supervision and distonan	3. Is the proposed				
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9. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site? 10. 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? 11. Are there floodplains proximate to the site? 12. Are there any institutional controls currently applicable to the site? 13. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas. 14. Describe on attachment the protential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas. 15. Describe on attachment the geography and geology of the site. (Note: the 16 th criteria relates to comments from the public, which would not be received at the time of application) (By applicant who is an individual) 1 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. 1 print Name: 2 print Name: 3 print Name: 2 print Name: 3 print Name: 4 print Name: 5 print Name: 6 print Name:	7. Do the populati	on growth patterns and projections support the proposed use?	Ø		
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NY State Department of Environmental Conservation

Brownfield Cleanup Program Application

Tecumseh Redevelopment, Inc. Lackawanna – Phase III Parcel

List of Application Attachments

Attachment No.	<u>Description</u>
1	Tax Map, Quadrangle Map, Planned Redevelopment Master Plan Map
2	Metes and Bounds Description
3	En-Zone Census Designation Map
4	Project Description and Schedule
5	Phase I ESA
6	Listing of Previous Site Owners
7	Listing of Previous Site Operators
8	Contact List Information
9	Environmental Factors and Historic Land Use Considerations
10	Institutional Control Information
11	Nearby Land Use Map
12	Groundwater Vulnerability Assessment
13	Description of Site Geography/Geology

TAX MAP, QUADRANGLE MAP, PLANNED REDEVELOPMENT MASTER PLAN MAP



Attachment 1
Tax Map of Phase II/III and surrounding land
SBL Number shown on parcels (same as SBL for entire BSC Site)
May 16, 2005

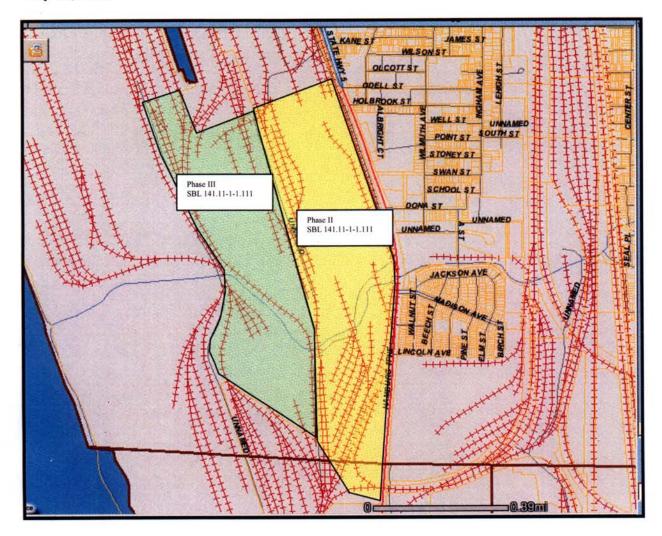
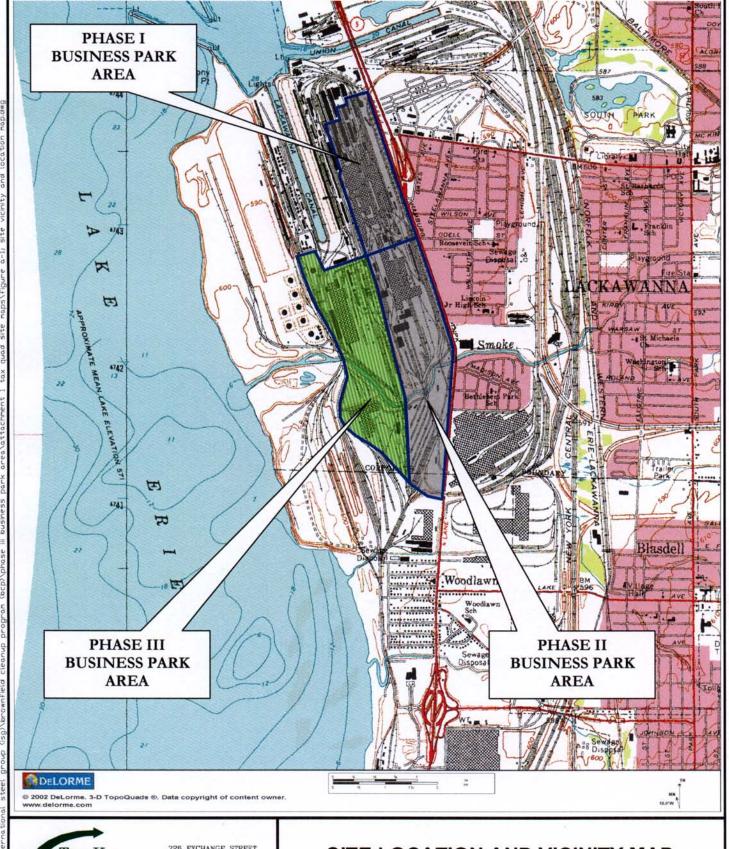




FIGURE A-1





726 EXCHANGE STREET SUITE 624 BUFFALO, NEW YORK 14210 (716) 856-635

PROJECT NO .: 0071-006-100

DATE: JUNE 2005

DRAFTED BY: BCH

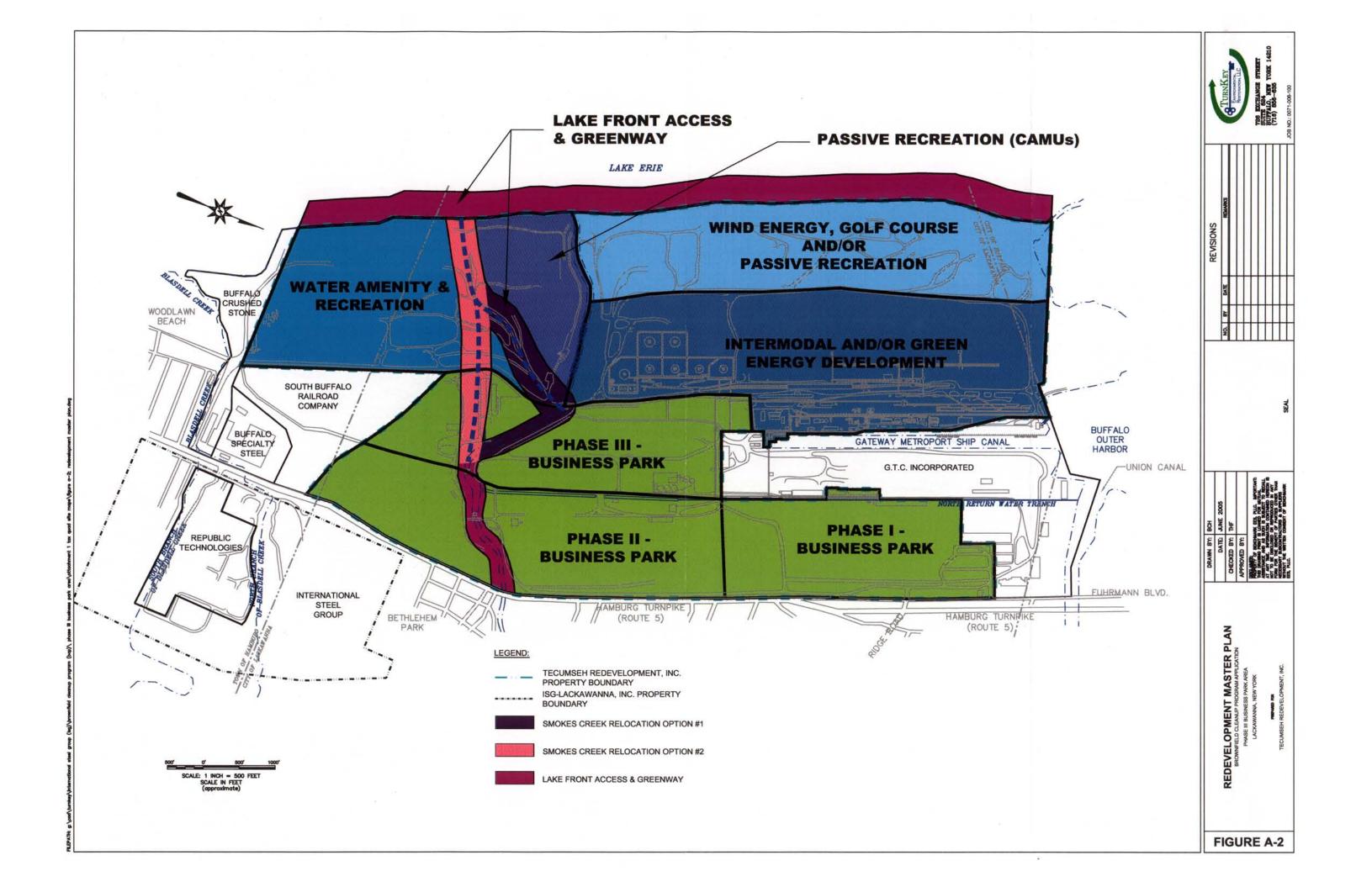
SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

PHASE III BUSINESS PARK AREA LACKAWANNA, NEW YORK

PREPARED FOR

TECUMSEH REDEVELOPMENT, INC.



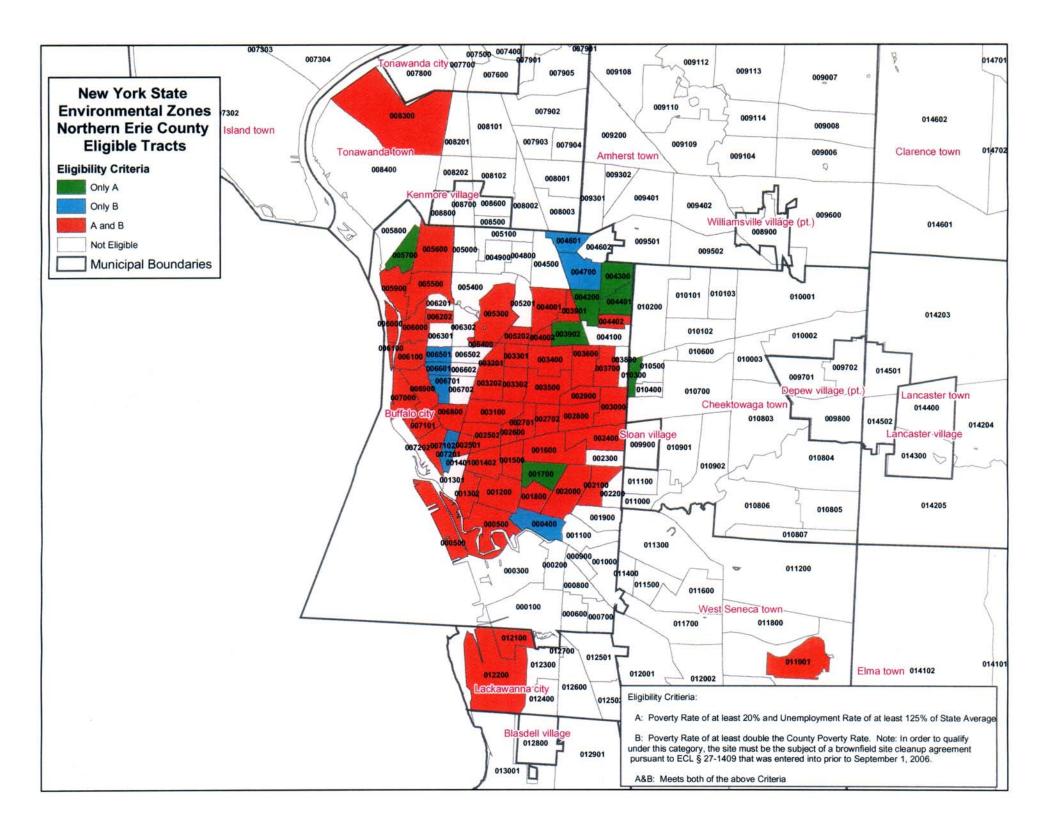
METES AND BOUNDS DESCRIPTION



A Metes & Bounds description for the approximate 128-acre Phase III business Park Area is being prepared and will be submitted to the New York State Department of Environmental Conservation under separate cover.

EN-ZONE CENSUS DESIGNATION MAP





PROJECT DESCRIPTION AND SCHEDULE



Tecumseh Redevelopment, Inc. Phase III Business Park Parcels Brownfield Cleanup Program Application

Project Description and Schedule

Background

Tecumseh Redevelopment, Inc. (Tecumseh) owns an approximately 1,100-acre parcel of land located on the west side of NYS Route 5 in the City of Lackawanna, NY. The property was formerly used for the production of steel, coke and related products by Bethlehem Steel Corporation (BSC). Steel production on the property was discontinued in 1983. The coke oven closed down in 2000. Tecumseh acquired the property, along with other Bethlehem assets, out of bankruptcy in 2003. A number of solid waste management units (SWMUs) are present on the property. A RCRA Facility Investigation (RFI) of these SWMUs was initiated by BSC under an Administrative Order issued by the United States Environmental Protection Agency (USEPA) in 1990. Tecumseh completed the RFI in December 2004. USEPA and the New York State Department of Environmental Conservation (NYSDEC) are reviewing the RFI for completion. Tecumseh is currently negotiating an Order on Consent with the NYSDEC to undertake corrective measures at certain SWMUs on the property.

Tecumseh has signed a Memorandum of Understanding (MOU) with Erie County and the City of Lackawanna to promote and implement redevelopment of the former BSC property following cleanup. The conceptual redevelopment plans for the entire 1,100-acre site are illustrated in the Redevelopment Master Plan included as Figure 1 of Attachment 1. As shown, a portion of the Redevelopment Master Plan incorporates a Business Park area along NYS Route 5. Phase I of the Business Park, encompassing approximately 102 acres, will be completed first. Phases II and III, encompassing approximately 173 and 128 acres, respectively, will follow.

This Brownfield Cleanup Program (BCP) Application is specific to the 128-acre Phase III Business Park area. A separate application has been prepared and submitted for Phase I and Phase II of the Business Park.

Known and Suspected Environmental Conditions

The subject 128-acre Phase III Business Park Area was formerly used to house a portion of BSC's steel making operations. Specific processes and steel making facilities performed on or proximate to the Phase III Business Park Area parcel included:

- Open Hearth furnaces
- Basic Oxygen Furnace
- Blooming Mill
- Sinter Plant
- Finishing Mills
- Mould Warming

- Rail Servicing
- Electrical Substations
- Wastewater Treatment Plants
- Structural Shipping Yard
- Oxygen Plant
- Roll Shop

Twenty SWMUs (i.e., P-17, P-19 through P-32, and P-38 through P-42) were identified on the subject 301-acre area during the RCRA Facility Assessment (RFA) that preceded the RFI. BSC performed assessments for all twenty of these SWMUs. Based on the assessment findings, USEPA Region II issued "No Further Assessment" designations for these SWMUs between 1990 and 1992.

A Phase I Environmental Site Assessment (ESA) was completed for an approximate 200-acre portion of the Site by BSC and the Erie County Department of Environment and Planning in 2002. The parcel was at that time designated as the "200-Acre Brownfield Redevelopment Site." The ESA is included as Attachment 5 of the BCP application. The results of the assessment indicated several potential environmental conditions based on historic site uses, adjacent site uses, and field observations. These include:

- The likely impact of surface soils by base-neutral semi-volatile organic compounds (SVOCs) associated with oils, greases, and fuels associated with the operation of locomotive engines, steel mills, petroleum bulk storage and other historic steel manufacturing operations. Portions of the subject parcel exhibit visible petroleum staining at the ground surface and on concrete slabs. In addition, a spill area in the southern portion of the property (South Linde Area NYSDEC Spill #9607786) is presently undergoing cleanup via oil and groundwater recovery to remove floating product from the groundwater table.
- The potential impact of surface and subsurface soils by metals associated with steel manufacturing operations.
- The potential for discrete areas of the parcel to exhibit surface and subsurface soil impacts by PCBs associated with former substations, railyards and a hydraulic pump house.
- Potential soil and groundwater impacts from volatile organic compounds associated with gasoline storage in discrete onsite areas, and historic off-site gasoline releases upgradient of the property.

A site investigation will be performed in support of the BCP to determine the nature and extent of impacts from these known and suspect environmental conditions.

Schedule

A proposed Project Schedule is attached.

PROJECT SCHEDULE TECUMSEH REDEVELOPMENT, INC. PHASE III BUSINESS PARK BROWNFIELD CLEANUP AND REDEVELOPMENT



ID	Task Name	2005	10 lo b	In I	In the Le	2006		hr In In In		2007			T. L.	2008	Ia I - I	
1	BCP Pre-Application Meeting	May Jun Jul	Aug Sep Oct No	v Dec Ja	ın [Feb]Mar]Apı	May Jun Ju	I Aug Sep Oc	t Nov Dec Jan F	eb Mar Apr May	y Jun Jul Aug	Sep Oct Nov D	ec Jan Feb Ma	ır Apr May	Jun Jul Aug	Sep Oct N	lov Dec
2	Submit Final Application															
3	NYSDEC Application Review, Comments															
4	NYSDEC/EPA Review & Approval of RFI			1												
5	Application Revisions															
6	Advertise BCP Appln, Distribute Fact Sheet															
7	Public Comment Period			T												
8	BC Agreement Issued															
9	BC Agreement Reviewed/Executed															
10	Develop RI Work Plan															
11	NYSDEC Work Plan Review/Revisions				Laise L											
12	Advertise RI Work Plan, Distribute Fact Sheet															
13	Public Comment Period															
14	Soil Sampling & Analysis															
15	Groundwater Well Installation & Development															
16	Initial Well Sampling & Analysis															******
17	Soil & Groundwater Data Review & Validation							h H								
18	Data Summary/Interpretation						Ī									
19	Draft RI Report Preparation															
20	NYSDEC RI Report Review/Revisions															
21	RI Report Fact Sheet Issued				***************************************											
22	Public Comment Period															
23	Prepare RD Report with Remedial Alts Assessment										1					
24	RD Report Review/Revisions															
25	Issue Fact Sheet															
26	Public Comment Period															
27	Remedy Construction/Infrastructure															
28	Engineering Report															
29	Institutional Control Fact Sheet													***************************************		
30	Generic Environmental Impact Statement			li li												

PHASE I ESA



Due to the size of the Phase I ESA, a copy has been submitted to the Regional office of the New York State Department of Environmental Conservation under separate cover. An electronic copy has been submitted with the electronic BCP application.

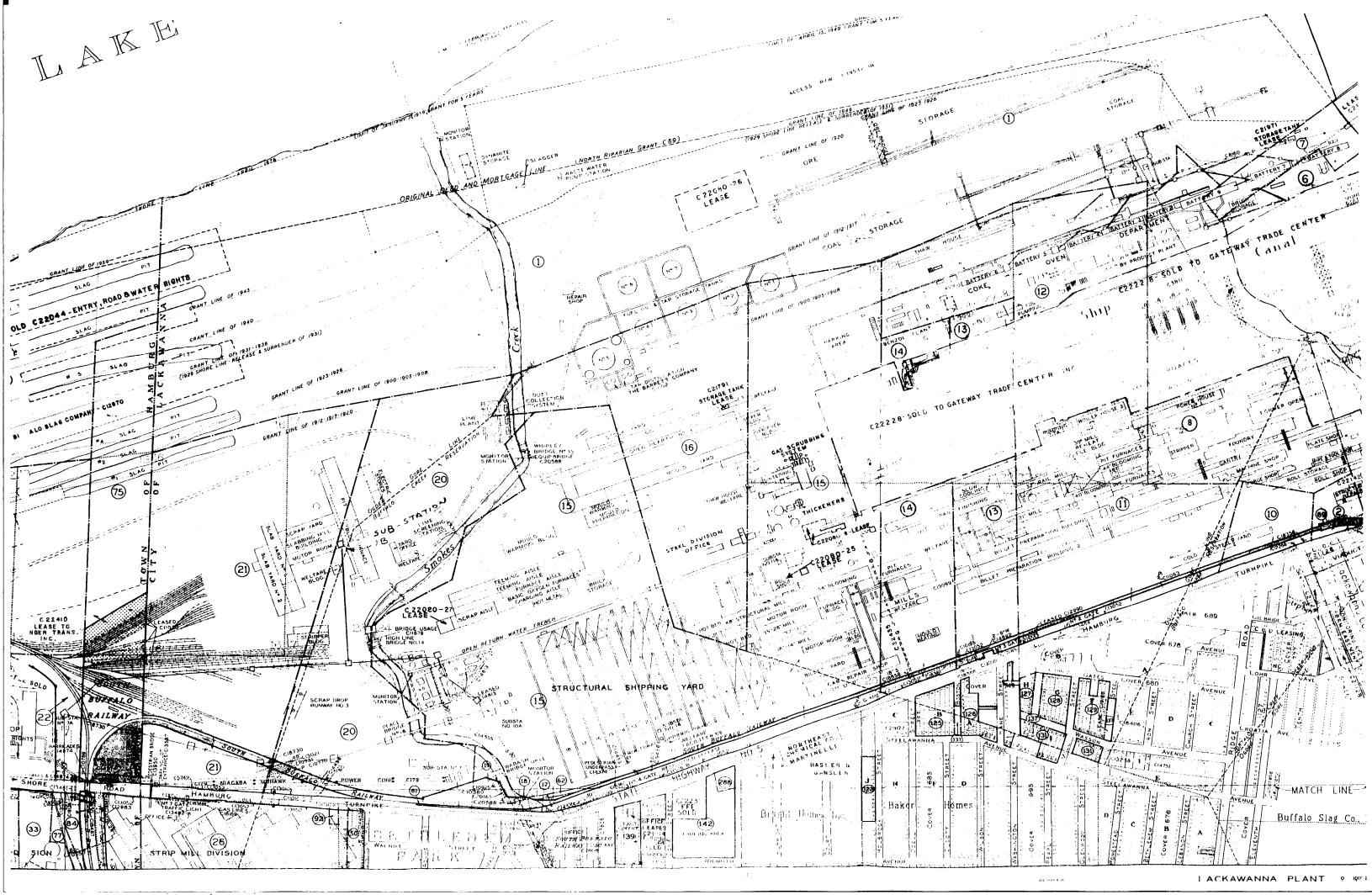
LISTING OF PREVIOUS SITE OWNERS



TECUMSEH REDEVELOPMENT, INC.-PHASE III PARCEL NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION BROWNFIELD CLEANUP PROGRAM APPLICATION

A copy of the Real Estate Records for the appropriate Tract Nos. show the ownership of the property. The overall Tract Sketch is used to locate each tract. Currently, Tecumseh Redevelopment, Inc. owns the property. As indicated on the Records for each Tract, Tecumseh has owned the property since 2003.





REAL ESTATE RECORD

Page 1 of 3

1	OW	NER	PLANT		LOCATION	er Lucius III.	TRACT No.
	Bethlehem Steel	Corporation tempany	La ckawanna	Lackawanna, Erie County,	N. Y.		1 9-6-15
	DESCRIPTION:-	to the second se			CLASSIFICATI	en mende	AREA
-					CLASSIFICATI		AREA
	Situated on warder Gore. Survey Formerly 6-6-1	and Lot 24 of the	e. Comprising Lots l e Buffalo Creek India	9 & 20 of Ogden 1 Reservation.	F'ee		185.98 Ac.
	• • • • • • • • • • • • • • • • • • • •	FOR LOCATION	SEE KEY MAP No.	9-6-500 - 2 & 5			
1	DATE	A SECTION OF THE CONTROL OF THE CONT		TITLE CHAIN		Skapit per Sadige de la Silvi III i la	
	7/26/1900 S 4/29/1902 I 10/10/1922 I 5/15/1924 I	tony Point Land .I.&S. Co. to L. .S.Co. to B.S.Co. .I.&S. Corp. to	o Stony Point Lend Co Co. to L.I.&S. Co. I S.Co. N.Y. D.16 of N. Y. Name chang B.S.Co. of Pa. to B.I B.S.Co. D9-247	06-8 06-47 ge#to B.I.&S. Corp. 7/28/1	D6=7	5 3	
	mana kata ang manang manang menang menang menanggan beranggan beranggan beranggan beranggan beranggan berangga	3.S.Co. merged in			Company of the Town		~
-	9/15/1989	So. Buffalo Railw	ay Company to B.S.Cor	o. D1-1148 C 224	24		
-+	DATE	;	DISPOSITION	andre of the first of the property of the second se	FILE No.	AREA SOLD	NET AREA
	12/18/41	South Buffalo Rai	lway Co.		C 10380	0.24 Ac.	
	10/11/1954	Buffalo Tank Corp).		C 10380 C 11016:-3		
	10/11/1954	Buffalo Tank Corp	lway Co. O. ter Inc. ay Company to B.S.Cor	p. (PURCHASE)	C 11016 ~3	2.074 "	183.666 Ac
	10/11/195 4 12/31/1985 9/15/1989	Buffalo Tank Corr Lateway Trade Cen So. Buffalo Railw	ter Inc. ay Company to B.S.Cor	p. (PURCHASE)	C 11016 (-3		183.666 Ac
	10/11/195 4 12/31/1985 9/15/1989	Buffalo Tank Corp	ter Inc. ay Company to B.S.Cor	p. (PURCHASE)	C 11016 ~3	2.074 "	183.666 Ac
	10/11/195 4 12/31/1985 9/15/1989	Buffalo Tank Corr Lateway Trade Cen So. Buffalo Railw	ter Inc. ay Company to B.S.Cor	p. (PURCHASE)	C 11016 ~3	2.074 "	183.666 Ac
	10/11/195 4 12/31/1985 9/15/1989	Buffalo Tank Corr Lateway Trade Cen So. Buffalo Railw	ter Inc. ay Company to B.S.Cor	p. (PURCHASE)	C 11016 ~3	2.074 "	183.666 Ac
	10/11/195 4 12/31/1985 9/15/1989	Buffalo Tank Corr Lateway Trade Cen So. Buffalo Railw	ter Inc. ay Company to B.S.Cor	p. (PURCHASE)	C 11016 ~3	2.074 "	183.666 Ac
	10/11/195 4 12/31/1985 9/15/1989	Buffalo Tank Corr Lateway Trade Cen So. Buffalo Railw	ter Inc. ay Company to B.S.Cor	p. (PURCHASE)	C 11016 ~3	2.074 "	183.666 Ac
	10/11/195 4 12/31/1985 9/15/1989	Buffalo Tank Corr Lateway Trade Cen So. Buffalo Railw	ter Inc. ay Company to B.S.Cor	p. (PURCHASE)	C 11016 ~3	2.074 "	183.666 Ac
	10/11/195 4 12/31/1985 9/15/1989	Buffalo Tank Corr Lateway Trade Cen So. Buffalo Railw	ter Inc. ay Company to B.S.Cor	p. (PURCHASE)	C 11016 ~3	2.074 "	183.666 Ac
	10/11/195 4 12/31/1985 9/15/1989	Buffalo Tank Corr Lateway Trade Cen So. Buffalo Railw	ter Inc. ay Company to B.S.Cor	p. (PURCHASE)	C 11016 ~3	2.074 "	183.666 Ac
	10/11/195 4 12/31/1985 9/15/1989	Buffalo Tank Corr Lateway Trade Cen So. Buffalo Railw	ter Inc. ay Company to B.S.Cor	p. (PURCHASE)	C 11016 ~3	2.074 "	183.666 Ac
	10/11/195 4 12/31/1985 9/15/1989	Buffalo Tank Corr Lateway Trade Cen So. Buffalo Railw	ter Inc. ay Company to B.S.Cor	p. (PURCHASE)	C 11016 ~3	2.074 "	183.666 Ac
	10/11/195 4 12/31/1985 9/15/1989	Buffalo Tank Corr Lateway Trade Cen So. Buffalo Railw	ter Inc. ay Company to B.S.Cor	p. (PURCHASE)	C 11016 ~3	2.074 "	183.666 Ac
	10/11/195 4 12/31/1985 9/15/1989	Buffalo Tank Corr Lateway Trade Cen So. Buffalo Railw	ter Inc. ay Company to B.S.Cor	p. (PURCHASE)	C 11016 ~3	2.074 "	183.666 Ac

OWNER

Subsidiary Companies of Bethlehem Steel Corporation

REAL ESTATE RECORD

LOCATION

PLANT

Page 2 of 3

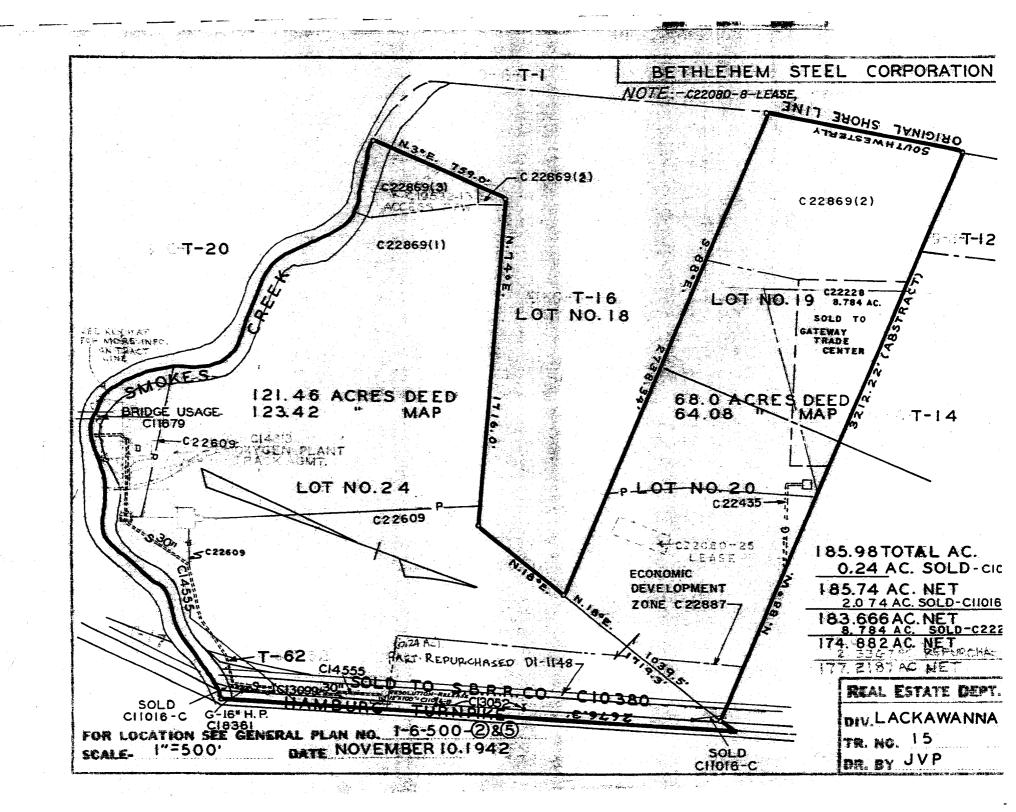
TRACT No.

Bethlehem Stee	l Corporation l-Company	Lackawanna	C:\frackawanna, Eric	e County, N.Y.		1-6-15
DESCRIPTION:-				CLASSIFICATI	ON	AREA
·	FOR LOCATION	I SEE KEY MAP No.		Fee		185.98 Ac.
DATE			TITLE CHAIN		-	•
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DATE	i .	DISPOSITION		FILE No.	AREA SOL	D NET AREA
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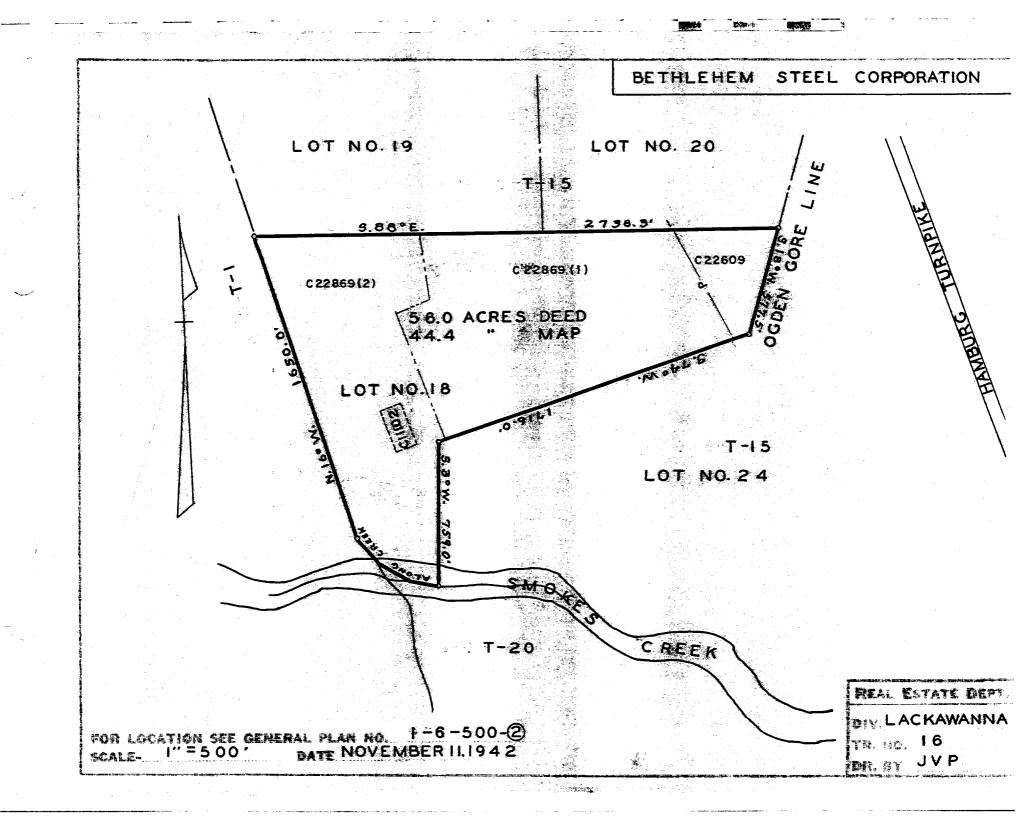
Page 3 of 3

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ow	NER	PLANT		LOCATION	. 1	TRACT N
thlehem Steel	Corporation	Lackawanna	City of Lackaw	anna, Erie County	, New York	1-6-15
DESCRIPTION:-			1	CLASSIFICA:	rion	AREA
ituated on wat	nd Lot 24 of the	Comprising Lots 19 Buffalo Creek Indian	and 20 of Ogden Reservation.	FEE		185.98 A
	FOR LOCATION	SEE KEY MAP No. 9-6	5-500-2 & 5			
DATE			TITLE CHAIN			
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DATE	·	DISPOSITION		FILE NO.		
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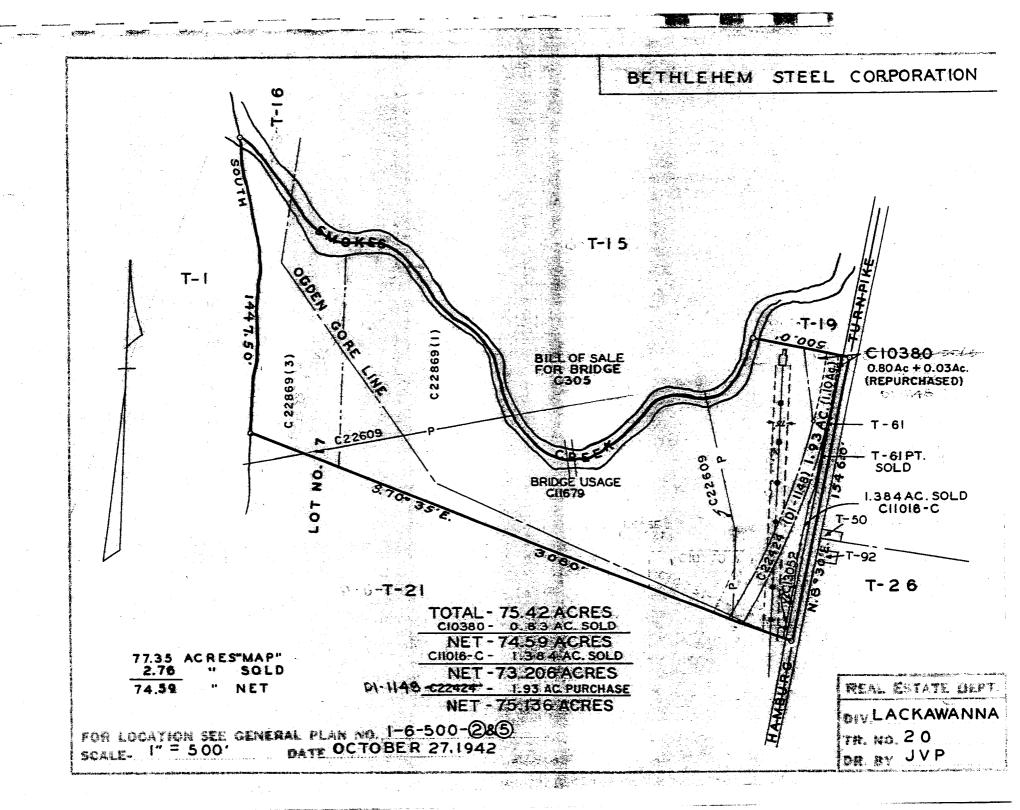
1	CONTRACTOR OF COLUMN CONTRACTOR OF COLUMN CONTRACTOR OF COLUMN CO	WNER	PLANT	Cityo (LOCATION	1	TRACT No.
	Bethlehem Ste Bethlehem Ste	eel Corporation	Lackawanna	Lackawanna, Erie County,	N. Y.		1 9-6 - 16
	DESCRIPTION:	en en seur et personne source en la Élement que en source en •	the more cases to a green rank, second 14.0 mg in 1987 to	en ter to compl ant entre de la complante de l	CLASSIFICAT	ION	AREA
		s of Leke Erie. Be merly 6-16-T-16	eing Lot No. 18 of the	Ogden Gore	Fee		44.4 Ac.
		FOR LOCATION	N SEE KEY MAP No. 9.	-6 - 500 -2			
	DATE			TITLE CHAIN		•	
	6/30/1899 7/26/1900 4/29/1902 10/10/1922 5/13/1924 7/12/1935 12/31/1964	Stony Point Co. to L. L.S.Co. to B.S.Co.	Stony Point Land Co. to L.I.&S. Co. D6-8 S. Co. N.Y. D-16 D. of N.Y. Name change B.S. Co. of Pa. to 3.I. B.S. Co. D9-247 nto B.S. Corp. C	D 6 - 47	. D6 - 1		e 4 & 1 & 1
-					and the second s		
. Andrews	DATE	an mengentan sebagai kengalan dan pangan sebagai kengalan dan pangan sebagai kengalan dan pangan sebagai kenga A	DISPOSITION		FILE No.	AREA SOL	D NET AREA
	5/ 6/2003	Tecumseh Redevelo	opment Inc.				
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		and the second s	the state of the s				
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REAL ESTATE RECORD

The second secon	OWNER	PLANT	January Company of the Community of the	LOCATION	A SAMPLE OF THE	TRACT No.
	Steel Corporation	La ckawenna	City of Lackawanna, Erie County, N.	Y	2	1 9-6-20
DESCRIPTION	¥:-	The second secon	and the final terminal contraction of the second of the se	CLASSIFICATIO	N	AREA
Land along Formerly 6	-6-T-21.	es Creek west of Hembur 1 N SEE REY MAP No.	g Road. 6-500-2 & 5	Tee		75.42 Ac.
DATE			TITLE CHAIN	Company of the Compan		
7/26/1900 4/29/1902 10/10/1922 5/15/1924 7/12/1935 12/31/1964 9/15/1989	L.I.&S. Co. to L. L.S.Co. to B.S.Co B.I.&S. Corp. to B.I.&S. Corp. to	Co. to L.I.&S. Co. D. S. Co. N.Y. D-18 of N.Y. Wame chang B.S. Co. of Pa. to B.I. B.S. Co. D9-247 to B.S. Corp. C. 1 yay Company to B.S. Corp.	D6-47 ef to B.I.&S. Corp. &S. Corp. 7/28/1924	D6-1 1 D6-2 & D9-435	1 Can 4 to 1	£
DATE	Company of the control of the contro	DISPOSITION	in consequence and a debugge again, where the consequence is a second of the consequence	FILE No.	AREA SOLD	NET AREA
12/18/41	Deed - South Buf	falo Reilway Co.		C 10380	0.85 Ac.	74.59 Ac.
10/11/1954				C 11016 G-3	1.384 "	73.206 "
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX		4	XXXXX		
9/15/1989 5/6/ 200	South Buffalo Rai	lway Company to B.S.Co	rp. PAM DE (PURCHASE)	D1-1148	1.930 Ac.	75.136 Ac
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Page 1 of 3

REAL ESTATE RECORD

l	•	WNER	PLANT		LOCATION		TRACT No.
	Bethlehem Steel Corporation Bethlehem-Steel-Company				& Town of Hamburg		1 9-6-21
•	DESCRIPTION:	The state of the s	en en en grænne en en general kommente en e n en	The state of the s	CLASSIFICATI	ои	AREA
	Land between Formerly 6-0	6-T-22. 68.63 76.53	nburg Road North of Wood Town of Hamburg City of Lackawanna SEE KEY MAP No.	dlawn. 6-500-1,2,4 & 5	Fee		145.18 Ac.
† -	DATE	The second secon		TITLE CHAIN	AND CONTRACT AND THE CO		
	7/26/1900 4/29/1902 10/10/1922 5/13/1924 7/12/1935	L.I.&S. Co. to I L.S.Co. to B.S.(B.I.&S. Corp. to	Co. to L.I.&S. Co. L.S.Co. H.Y. XXXX D6 Co. of N.Y. Name chang B.S.Co. of Pa. to B.I	-47 e♣ to B.I.SS. Cor -AS. Corp. 7/28/	10/21/1922 p./D6-1 1924 D6-2 & D9-4	.35	
	12/31/1964	E.I.&S. Corp. to B.S.Co. merged	B.S.Co. D9-247 Titl	<u>e Opinion 9/12/19 813 143.599 Ac</u>	36 C 6046-5		
	9/15/1989	So. Buffalo Rail	way Company to B.S.Corr), DI-1140 C 22.			
1	DATE	and a contract of the contract	DISPOSITION		FILE No.	AREA SOLD	NET AREA
	The same are a company to the same and the s	Buffalo Tank Corp.	D36-5 trial Development Agenc		C 11016-3	1.561 Ac. 12.022 Ac.	143.599 Ac. 131.577 Ac.
+	12/21/1983	Erie County Indus	CLIST Development Wenc	ANTESX A 64 anterior			-3- <u> </u> 2 1
†	5/28/1985	Lake Shoe Gateway			C 22044	16.02 Ac.	115.557 Ac.
	9/15/1989 9/15/1989	South Buffalo Rai South Buffalo Rail	lway Company way Company to B.S. Com	rp. (PURCHASE)	D1-1148 C 22/12/	38.778 Ac. 1.510 Ac.	76.779 Ac. 78.289 Ac.
- -	5/ 6/2003	Tecumseh Redevelor	ment Inc.				
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REAL ESTATE RECORD

Page 2 of 3

j		OWN	ER	PLANT	lan st	LOCA	TION	İ	TRACT No.
В	ethlehem	Steel	Corporation	Lackawanna	Lackawanna & County, N.Y.	Town of	Hamburg, Er	ie	1-6-21
	DESCRIPTI	ON:-		l	1	L	CLASSIFICATI	ом	AREA
							FEE		145.16 Ac.
			FOR LOCATION	SEE KEY MAP No.		}			
	DATE			· · · · · · · · · · · · · · · · · · ·	TITLE CHAIN] . ` _.	in de la companya de la companya de la companya de la companya de la companya de la companya de la companya de La companya de la co		
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	DATE		:	DISPOSITION			FILE No.	AREA SOLD	NET AREA
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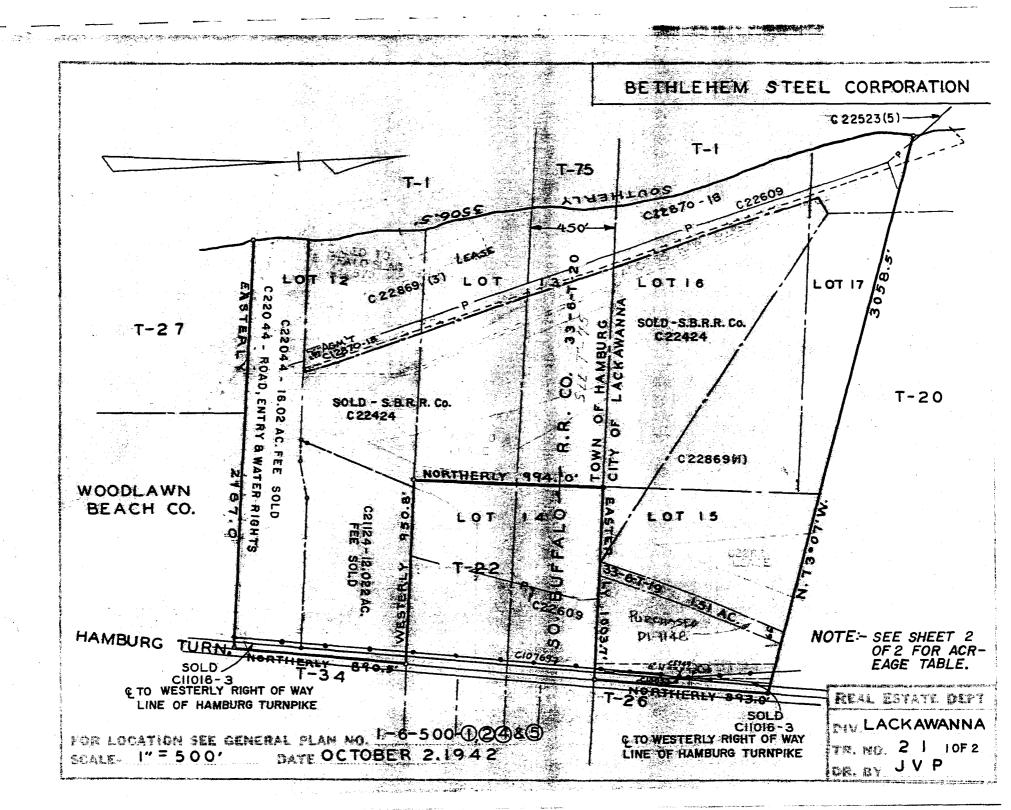
PLANT

LOCATION

Page 3 of 3

TRACT No.

Bethlehem Stee	el Corporation	Lackawanna	City of Lackawa County of Erie,	anna, Town of Ha , New York	mburg,	1-6-21
DESCRIPTION:-		1	L'	CLASSIFICAT	MON	AREA
				FEE		145.16 Ac.
,	FOR LOCATION	SEE KEY MAP No.				
DATE	•		TITLE CHAIN			
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DATE	1	DISPOSITION		FILE No.	AREA SOLD	NET AREA
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BETHLEHEM STEEL CORPORATION

160.84 AC. FEE "MAP" \$ 15.68 AC. FEE SOLD ---

NET - 145.46 AC. FEE CHOIG-3-12561 AC. FEE-SOLD

NET-143,599 AC. FEE C21124-12,022 AC. FEE-SOLD

NET-131:577 AC. FEE

C22044 _____16.020 AC. FEE SOLD

NET-H52557 AC. FEE

NET - 78,289 AC. FEE

FOR LOCATION SEE GENERAL PLAN NO. 1-6-500-1,2,485

REAL ESTATE DEPT.

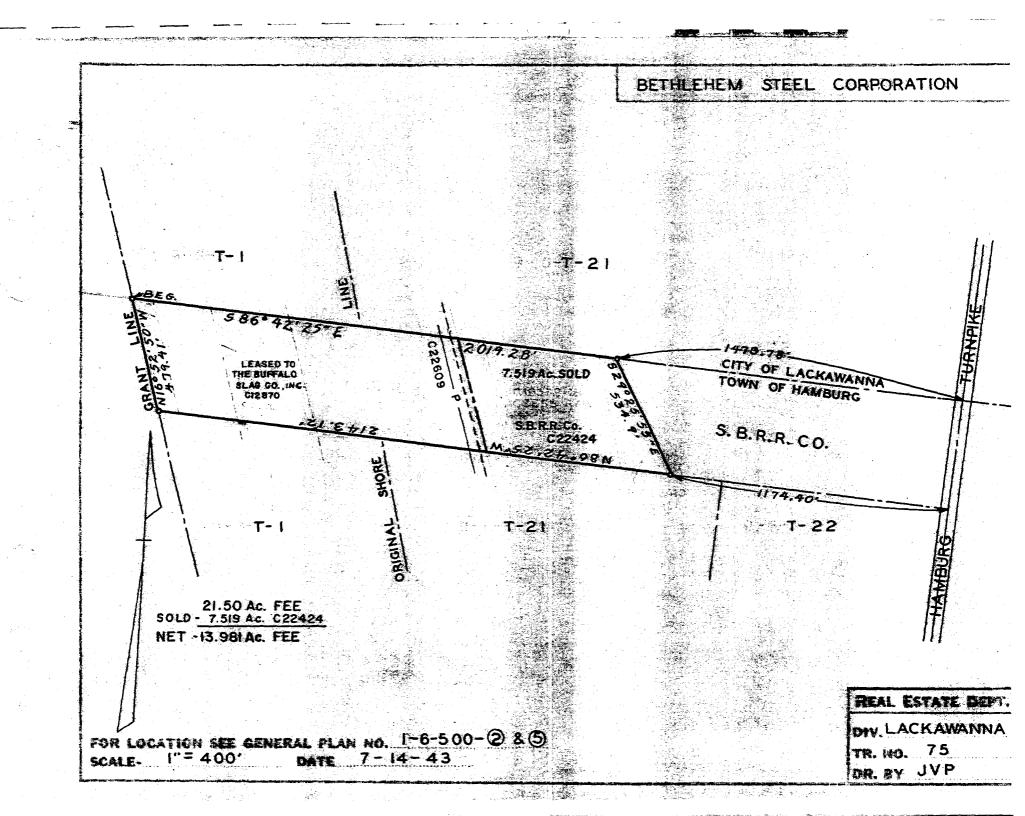
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REAL ESTATE RECORD

Ī	OWNER	PLANT		LOCATION		TRACT No.
Be Be	ethlehem_Steel-Company ethlehem Steel Corporation	Lackawanna	Town of Hambur Erie County, N		-	1 9 - 6-75
ľ	DESCRIPTION:-	After the manager against the second of the	gramme to the transfer of the control of the contro	CLASSIFICATION	ОИ	AREA
	Portion of 450' Strip adjoin	ing Lackawanna City I	Line .			
				Fee		21.5 Ac.
	AND THE PARTY OF T	SEE KEY MAP No.	9-6-500-2 & 5			
Ι	DATE		TITLE CHAIN	management of the second of th		•
	5/13/43 So. B. Ry. Co. to of 5/13/43 " " " To		10833 orrective Deed 18813			
فبلد	2/31/1964 B.S.Co. merged in	to B.S.Corp. C	10013	And the second s		
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	DATE	DISPOSITION		FILE No.	AREA SOLD	1
Ş	9/15/1989 South Buffalo Rail	way Company		FILE No. C 22424	7.519 Ac.	1
1		way Company				1
	9/15/1989 South Buffalo Rail	way Company]
	9/15/1989 South Buffalo Rail	way Company]
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	9/15/1989 South Buffalo Rail	way Company				1
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1	9/15/1989 South Buffalo Rail	way Company				1
1	9/15/1989 South Buffalo Rail	way Company				1
1	9/15/1989 South Buffalo Rail	way Company				NET ARE 13.981
1	9/15/1989 South Buffalo Rail	way Company				1



ATTACHMENT 7

LISTING OF PREVIOUS SITE OPERATORS



TECUMSEH REDEVELOPMENT, INC.-PHASE III PARCEL NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION BROWNFIELD CLEANUP PROGRAM APPLICATION

In addition to the Owners in Attachment 6, attached are Real Estate Records from the Title Chain and Tract that list Mortgages and Easements for specific Tracts on the property. Tract Nos. and sketches are shown on the cover sheet in Attachment 6.



DATE	MORTGAGE	
DATE	EASEMENTS	
6/27/1988	R/W Agmt 16" gas line - B.S.Corp. and So. Buffalo Rwy. Co. to National Fuel Gas Distribution Company C 22435 Assigned to B.S.Corp. 9/15/1989	
<i>←5/-5/1989</i>	Letter Agmb. (License) - Shooters Marina, Incorporated 6-22443 Expired 8/1/1989	
7/10/1989	Letter of Intent - Gateway Trade Center, Inc. C 22521(1)	
7/26/1989 17/26/1989	bluence Eric Energy Associates (by Oxford Energy of New York, Inc.) 0 22521(2) Terminated 9/30 License - Eric Energy Associates (by Oxford Energy of New York, Inc.) C 22521(2) Amended 11/9/1 Terminated)/1989 989 12/31/1989
1/31/1985	Lease - Storage Space - Ciesla Electric Construction Company, Inc. 6 20080 1 Amended 3/19/1986	1 9/90/1994
9/24/1956 9/15/1989	R/W Agmt South Buffalo Railway Company and City of Lackawanna C 14555(2) Assigned to B.S.Company - South Buffalo Railway Company C 22424(16)	p. 9/15/1989
3/29/1907	R/W Agmt Lackawanna Steel Company to Bell Telephone Company of Buffalo C 10868	
1/16/1974 2/11/1987 6/17/1991 6/17/1991 11/1/1991	Agmos - Dibioof p. data bire county	Amended
1/10/1992 1/27/1992	License Herbert F. Darling, Inc. C 22443(2) Term. 1/14/1992	
5/13/1992	License Advance Metals Recycling C 22080 30 Term. 6/30/1992	
7/-1/1992	Lease Advance Metalo Recycling G-22080 30 Terminated 6/30/1901	
10/14/1992 12/30/1993 2/17/1994 2/17/1994 2/17/1994	Agmt B.S.Corp., Gateway Trade Cneter, Inc., and Buffalo Crushed Stone, Inc. C 22228-1 Bill of Sale - Gateway Trade Center, Inc Ore Conveyer System C 22228-7 Bill of Sale - Gateway Trade Center, Inc Crusher Station 1s Bldg.) C 22228-7 Bill of Sale - Gateway Trade Center, Inc water pipelines C 22228-7	
2/20/1996	Declaration of Conditions, Covenants and Restrictions-Parcel C, Filled Lands C 22869(3)	

MORTGAGE

EASEMENTS

DATE 2/20/1996 2/20/1996

Declaration of Conditions, Covenants and Restrictions - Parcel A Coke Ovens C 22869(2) Declaration of Conditions, Covenants and Restrictions - Parcel A Frontage Land C 22869(1)

11/10/1999 --

License Agreement Herbert F. Darling, Inc. C 22443

12/ 9/1999

Agreement for Advance Payment - Commissioner of Transportation for the People of the State of New York C 23309

5/12/24 Con	solidated Mortgago (B.S. Corp.) 5th Supple C 6046-5 DISCHARGE (1/1979
DATE	
DATE	
	EASEMENTS
4/24/41 0 11	102 B.S.Co. to The Barrett Co. Tar distilling plant
	ment Agreement - Access for Men & Equipment Etc. to Eric County XXXXXXXXXX C 20335 Can. 2/18/1991
7/28/1981 Let 9/27/1982 Lice	nse Agmt - Permission of Entry - New York State Dept. of Environmental Conservation - C 21928 Term.
	ing Water Agreement - County of Erie and B.S.Corp. C 22362 er of Intent - Gateway Trade Center, Inc. C 22521(1) Erie Energy Associates (by Oxford Energy of New York, Inc.) C 22521(2) Terminated 9/30/1989
7/26/1989 Lice	7 · 7 · 0 · 0 · 0 · 0 · 0 · 0 · 0 · 0 ·
7/20/1989 Lice	Term. 12/31/1989
1	- Niagara Mohawk Power Corporation C 22609 of Sale - Niagara Mohawk Power Corporation C 22609
2/20/1996 Dec 1 2/20/1996 Dec 1	aration of Conditions, Covenants and Restrictions - Parcel A Frontage Land C 22869(1) aration of Conditions, Covenants and Restrictions - Parcel B Coke Ovens C 22869(2)

r <u>ijayiya</u> waren	MORTGAGE TO GE TO COMPANY OF THE COM	ranthuma s <u>ees</u> grown in 1919 gro
DATE		Charles Charles and the second of the second
5/13/34	Consolidated Nortgage (B.S. Corp.) 5th Suppl. 0 8048-5 DISCHARGE 10 10 10 10 10 10 10 10 10 10 10 10 10	
3 /18/1952	Release of Mtg G.T.Co. to Buffalo Tank Corp. 1.384 Ac D36-5	
	EASEMENTS	en a company
DATE 8/28/1902	Easement for power line on west side of Hamburg Turnpike - The Buffalo General Elec. Co. C 4878	* * * * * * * * * * * * * * * * * * * *
4/6/45	Power Line - Both. From & Ct. Corp. to M.L.C.P. Co. C 179 Released 2/6/1997	•
4/7/1950	Agreement for anchors and guy wires to New York Telephone Co. C 13052.	
10/1/1947	Readway rights on railroad bridge - South Buffalo Railway Co. to B. S. Co. C 11679	
11/21/1972	Agreement - Right of Entry - B.S.Co. and The United States of America C 12023 Cancelled 10/20/70 Bill of Sale between So. Buffalo Railway Co. & B.S.Corp. C 305	_
4/16/107)	Essement Agreement Access for Men & Equipment Etc. to Eric County ONEDERONAL C 20335 Can. 4/1	8/1991
4/ 7/1950	Easement for anchors and guys to Niagara Mohawk Power Corp. C 13052	/31/1994
	Lease - Store Space - Conomos Management, Inc. C 22080-2 (FSC Bldg.) Amended 6/17/1985, 10/23/87;	7/8/88,
8/-1/1984 8/-1/1984	Lease - Erection Shop Building - Conomos Management, Inc. C 22080-2 Amended 6/17/1985,10/23/87	,7/8/88,
4/ 3/1987	Towning to 1/31/100	24
-12/31/1987 8/ 1/1988	Lease - Great Lakes Trascom Services C 22080 19 Terminated 6/22/1988 Lease Sherland Equipment Corporation C 22080-19 Amended 6/29/1989,6/29/1989 Term. 10/1/1990	
1/15/1925	R/W Agmt. South Buffalo Railway Company and Niagara, Lockport & Ontario Power Company C 179 Company	wid:-
4/8/1936	R/W Agmt South Buffalo Railway Company and Niagara, Lockport and Ontario Power Company C 179	4 2 4 2 C
9/15/1989	Agmt South Buffalo Railway Company C 22424(16)	
3/29/1907	R/W Agmt Lackawanna Steel Co. to Bell Telephone Co. of Buffalo C 10868	
6/ 7/1991	R/W - Niagara Mohawk Power Corporation C 22609	
6/17/1991	Bill of Sale - Niagara Mohawk Power Corporation C 22609	
3/15/100/		
2/20/1996	Declaration of Conditions, Covenants and Restrictions - Parcel C, Filled Lands C 22869(3)	
0 /00 /3 00 /		
2/20/1996	Declaration of Conditions, Covenants and Restrictions - Parcel A, Fromage Land C 22869(1)	
1/1/2002	License Agreement between Bethlehem Steel Corporation and	
	Canadian National Railway Company C23331 as assigned to Grand Trunk Railroad Inc.	
	10/1/2002	

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5/28/1985 Engement-for-reilroad-tracksSouth-Buffalo-Reilway-Company6-309 Can. 5/28/1985-	4/ 6/1945	Transmission line R/W to Niegers Lorinout & Owtenie Descript C 2300-1	
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DATE	EASEMENTS
11/4/1983	A/S with H. J. Williams Co., Inc. C 21124
12/21/1983	Amendment, Assignment, Acceptance and Consent with Buffalo Specialty Products, Inc./ Amended 12/22/1983
12/21/1983	Bill of Sale to Erie County Industrial Dev. Agency C 21124
12/21/1983	Easement-for-sanitary-sewer-to-Erie-Go:-Ind:-Development-Agency-C-12876-73 Can. 5/28/1985
11/ 1/1984	Lease - Site for Slag Processing Facilities - Buffalo Crushed Stone, Inc. C 12870 Part. Can. 5/28/25 - Easement-for-railroad tracks - South-Buffalo Railway-Company - C 305 - Can. 5/28/1985 - Amended 12/27/84
5/28/1985 3/16/1988 3/1/1989	Topos I and Singer Transport Inc. from South Ruffalo River Co. and B.S. Corp. C. 22017 6861-737111989
9/15/1989	Agmt South Buffalo Railway Company C 22424(16)
3/29/1907	R/W Agmt Lackawanna Steel Company to Bell Telephone Co. of Buffalo C 10868
6/ 7/1991	R/W - Niagara Mohawk Power Corporation C 22609
6/17/1991	Bill of Sale - Niagara Mohawk Power Corporation C 22609
6/14/1937	Agreement - Erie County Water Authority C 5749
3/15/1994	Lease - Singer Transport, Inc. C 22021 Can. 10/31/1995
5/31/1995	R/W Agmt Niagara Mohawk Power Corporation C 22523(5)
9/21/1994	Bill of Sale - BRW Steel Corporation C 22756-1(ix)
2/20/1996	Declaration of Conditions Comments and Bustinian Bustinian
2/20/1990	Declaration of Conditions, Covenants and Restrictions - Parcel C, Filled Lands C 22869(3) APPURTENANT RIGHTS
9/15/1989	R/W - South Buffalo Railway Company to B.S.Corp. C 22424(3)
9/15/1989	R/W - South Buffalo Railway Company to B.S.Corp. C 22424(6)
9/15/1989	R/W - South Buffalo Railway Company to B.S.Corp. C 22424(10)
9/15/1989 9/15/1989	R/W - South Buffalo Railway Company to B.S.Corp. C 22424(11) R/W - South Buffalo Railway Company to B.S.Corp. C 22424(12)
9/28/1957	Permit - Town of Hamburg to B.S.Corp. C 14794
7/ 1/1950	Fire protection service agreement with Western New York Water Company C 5749(2)
verbal	Agreement - Buffalo Crushed Stone, Inc. and B.S.Corp. C 12870
7/21/199	
77 71- 7	

MORTGAGE

DATE

DATE

2/20/1996

Declaration of Conditions, Covenants and Restrictions - Parcel A, Frontage Land C 22869(1)

1/1/2002

License Agreement to Canadian National Railway Company C23331 as assigned to Grand Trunk Railroad Incorporated October 1, 2002

DATE	MORTGAGE	
7/0/45	Consolidated Mortgage 25th Suppl. Tr. 7 C CO46-35 DISCHARGED 1/1/1979	
DATE	EASEMENTS 6/1/1977 Can-1/1/1975;-10/1/19 7/11/1975;-10/1/19 4/20/1967:72/6/19	4 981- 7 6 , 5/21/ 77- 78
1/1/1062	-Lease for slag plant site to The Buffalo Slag Company, Inc C-12870 - Amended -4/3/1964, -1725/196	7-4/13/1, 6
1/16/1974 1/_1/1981 3/16/1988	Fasement Agreement Access for Men & Equipment, Etc. to Erie County 1000000000000000000000000000000000000	2/18/1991 984 3 /1/198 9
3/-1/1989	Lease, Land So. Buffalo Rwy. Co. and B.S.Corp. to Singer Transport, Inc. 0 32410 Assigned 9,	(15/198 9
11/ 1/1984 2/20/1996	Lease Agreement - Buffalo Crushed Stone, Inc. C 12870 Part. Can. 5/28/1985, Amended 12/27/1984, Declaration of Conditions, Covements, and Restrictions - Parcel C, Filled Lands C 22869(3)	8/28/1986

ATTACHMENT 8

CONTACT LIST INFORMATION



New York State Contacts:

Director Gerald Mikol N.Y.S. D.E.C., Region 9 270 Michigan Avenue Buffalo, NY 14203

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

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

Mr. Cameron O'Connor N.Y.S. D.O.H. 584 Delaware Avenue Buffalo, NY 14202

Senator Charles Schumer U.S. Senate, Room 620 111 West Huron Street Buffalo, NY 14202

Senator Hillary Rodham-Clinton U.S. Senate, 203 Guaranty Bld 28 Church Street Buffalo, NY 14202

Senator William Stachowski 58th District, N.Y.S. Senate 2030 Clinton Street Buffalo, NY 14206



Congressman Jack Quinn 30rd Dist., Attn: Ms. Palmer 403 Main Street Buffalo, NY 14203

Assemblyman Richard Smith 146th Assembly District 3812 South Park Avenue Blasdell, NY 14219

Assemblyman Brian Higgins 145th Assembly District 306 Abbott Road Buffalo, NY 14220

Erie County Contacts:

Commissioner Anthony Billittier Erie Co. Health Dept., Rm 931 95 Franklin Street Buffalo, NY 14202

Mr. Peter Camaratta Erie County Industrial Development Agency 275 Oak Street Buffalo, NY 14203

Honorable Joel Giambra Erie County Executive 95 Franklin Street Buffalo, NY 14202

Mr. Paul Kranz Erie Co. Environment & Plan. 95 Franklin Street Buffalo, NY 14202



TECUMSEH REDEVELOPMENT, INC.-PHASE III PARCEL NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION BROWNFIELD CLEANUP PROGRAM APPLICATION

Mr. Christopher S. Pawenski Erie County Department of Environment and Planning Rath County Office Building 95 Franklin Street, Room 1056 Buffalo, NY 14202

Mr. Edward J. Kuwik Erie County Legislator-District 1 609 Ridge Road Lackawanna, NY 14218

<u>City of Lackawanna</u> Mayor Norman L. Polanski, Jr. 714 Ridge Road Lackawanna, NY 14218

Supplier of Potable Water Erie County Water Authority 350 Ellicott Square Building 295 Main Street Buffalo, NY 14203

Local News Media
The Buffalo News
1 News Plaza
Buffalo, NY 14240

WBEN News Radio 930 Entercom Radio of Buffalo 500 Corporate Pkwy Suite 200 Buffalo, NY 14226

WKBW-TV 7 Broadcast Plaza Buffalo, NY 14202



TECUMSEH REDEVELOPMENT, INC.-PHASE III PARCEL NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION BROWNFIELD CLEANUP PROGRAM APPLICATION

Document Repository
Lackawanna Public Library
560 Ridge Road
Lackawanna, NY 14218
Attn: Salvatore Bordonaro, Director
Phone: (716)823-0630

Nearby School
Queen of All Saints RC School
Administrator
206 Ridge Road
Buffalo, NY 14218
Phone: (716)826-7566



Property Owners - Individuals										
Property Address Owner 1				Owner 2			Mailing Address			
No.	Street	First Name	Last Name	First Name	Last Name	No.	Street	City	State	Zip
Propertie	es South of Odell	St. Vicinity	4					P		
2368	Hamburg Tpke.	Abdo	Alfagih			155	Victory Ave.	Lackawanna	NY	14218
2372	Hamburg Tpke.	Abdo	Alfagih			155	Victory Ave.	Lackawanna	NY	14218
2376	Hamburg Tpke.	Abdo	Alfagih			155	Victory Ave.	Lackawanna	NY	14218
17	Holbrook St.	Abdo	Alfagih			155	Victory Ave.	Lackawanna	NY	14218
2380	Hamburg Tpke.	Stephen W.	Karaga III			96	Jackson Ave.	Lackawanna	NY	14218
2424	Hamburg Tpke.	Samuel	Siegel	c/o David	Siegel	300	Main St.	Buffalo	NY	14202
2530	Hamburg Tpke.	Frank	Mathews			7695	Milestrip Rd.	Orchard Park	NY	14127
187	Wilmuth Ave.	William	Henneberry			187	Wilmuth Ave.	Lackawanna	NY	14218
0	Dona St.	Thomas D	Campbell	Donald E	Campbell		PO Box 356	Hamburg	NY	14075
2646	Hamburg Tpke.	Daren	Selvaggio			3211	S Alfred St.	Blasdell	NY	14219
17	Walnut St.	Walter	Kostoff	Wf	Kostoff	17	Walnut St.	Lackawanna	NY	14218
18	Madison Ave.	Donna	Barczak			171	Franklin St.	Lackawanna	NY	14218
21	Walnut St.	Thomas	Setlock	Wf	Setlock	21	Walnut St.	Lackawanna	NY	14218
2674	Hamburg Tpke.	Francisco U	Rivera	W	Rivera	2674	Hamburg Tpke.	Lackawanna	NY	14218
2678	Hamburg Tpke.	Charles	Colosimo	Lois	Colosimo	2678	Hamburg Tpke.	Lackawanna	NY	14218
2682	Hamburg Tpke.	Angelo	Degiuli			5336	Berg Road	Lackawanna	NY	14218
2686	Hamburg Tpke.	Paul S	Knapik			2686	Hamburg Tpke.	Lackawanna	NY	14218
2690	Hamburg Tpke.	Jos R	Paolini	W	Paolini	2690	Hamburg Tpke.	Lackawanna	NY	14218
2694	Hamburg Tpke.	Anne E	Jones			2694	Hamburg Tpke.	Lackawanna	NY	14218
2698	Hamburg Tpke.	Sharon	Colafrancesch	i		2698	Hamburg Tpke.	Lackawanna	NY	14218
2704	Hamburg Tpke.	John A.	Leroy			2704	Hamburg Tpke.	Lackawanna	NY	14218
2708	Hamburg Tpke.	Duane	Phillips			2708	Hamburg Tpke.	Lackawanna	NY	14218
2712	Hamburg Tpke.	James J Sr.	Dailey			2712	Hamburg Tpke.	Lackawanna	NY	14218
39	Walnut St.	John L.	Brown	Ary W.	Brown	39	Walnut St.	Lackawanna	NY	14218
43	Walnut St.	Lucian P	Visone			4239	Highland Pkwy	Blasdell	NY	14219
47	Walnut St.	Mark	Pacillo			47	Walnut St.	Lackawanna	NY	14218
51	Walnut St.	Betty	Ribic	Michele	Ribic	51	Walnut St.	Lackawanna	NY	14218
53	Walnut St.	Edward	Lukasczyk	W	Lukasczyk	53	Walnut St.	Lackawanna	NY	14218
57	Walnut St.	John J	Ficzere			4323	Arrowwood Dr.	Hamburg	NY	14075

Property Owners - Individuals Property Address Owner 1 Owner 2 Mailing Address										
No.	Street	First Name	Last Name			No.	Street	City	State	Zip
61	Walnut St.	Jeffrey	Gates	1 1136 1 141116	Lust I tuille	61	Walnut St.	Lackawanna	NY	14218
65	Walnut St.	Craig	Zolnowski	Deanna H/	Zolnowski	65	Walnut St.	Lackawanna	NY	14218
67	Walnut St.	William F	Dailey	Deallia 11/	Zomowski	67	Walnut St.	Lackawanna	NY	14218
71	Walnut St.	Joseph M	Leroy			71	Walnut St.	Lackawanna	NY	14218
75	Walnut St.	Michele	Burr			75	Walnut St.	Lackawanna	NY	14218
81	Walnut St.	Rosemary	Pauley	Rosemary	Yeager	81	Walnut St.	Lackawanna	NY	14218
2722	Hamburg Tpke.	Susan M	Nugent	Roselliary	reager	6846	Walmore Road	Niagara Falls	NY	14304
2726	Hamburg Tpke.	Frank	Gable	Rhonda	Gable	2726	Hamburg Tpke.	Lackawanna	NY	14218
2720	Hamburg Tpke.	John	Kollander	W	Kollander	2730	Hamburg Tpke.	Lackawanna	NY	14218
2734	Hamburg Tpke.	Kenneth J	Weaver	Jenny	Weaver	2734	Hamburg Tpke.	Lackawanna	NY	14218
2734			Gable	Jeinry	Weaver	2738	Hamburg Tpke.	Lackawanna	NY	14218
	Hamburg Tpke.	Joseph W Sr.	Fucina	Donna	Fucina	2742		Lackawanna	NY	14218
2742	Hamburg Tpke.	Louis		Donna	rucina		Hamburg Tpke.	<u> </u>		
2744	Hamburg Tpke.	Abdul H	Albaneh			141	Wilkesbarre Ave	Lackawanna	NY	14218
2748	Hamburg Tpke.	Linda S	Bish		16.01.1	2748	Hamburg Tpke.	Lackawanna	NY	14218
2752	Hamburg Tpke.	Alfred	McCluskey	Elizabeth	McCluskey	2752	Hamburg Tpke.	Lackawanna	NY	14218
2756	Hamburg Tpke.	Michael	Pilla			166	Meadowbrook	Lackawanna	NY	14218
95	Walnut St.	Henry R	Banas	Aula W	Banas	95	Walnut St.	Lackawanna	NY	14218
99	Walnut St.	Catherine	Malevich			99	Walnut St.	Lackawanna	NY	14218
103	Walnut St.	Julius Jr	Kovacs			103	Walnut St.	Lackawanna	NY	14218
107	Walnut St.	Carol	Daley			107	Walnut St.	Lackawanna	NY	14218
109	Walnut St.	Daniel	Ranalli			109	Walnut St.	Lackawanna	NY	14218
113	Walnut St.	Norman	Gau	Venus	Gau	113	Walnut St.	Lackawanna	NY	14218
117	Walnut St.	James	Ernewein	Eileen	Ernewein	6665	Derby Road	Derby	NY	14047
16	Lincoln Ave.	Sarah	Riesmeyer			16	Lincoln Ave.	Lackawanna	NY	14218
20	Lincoln Ave.	Terry	Lawson	W	Lawson	20	Lincoln Ave.	Lackawanna	NY	14218
22	Lincoln Ave.	Sean	Green			22	Lincoln Ave.	Lackawanna	NY	14218

Annual particles of the second

Prot	Property Address Owner 1 Owner 2 Mailing Address			Address				
No.	Street	Name	Name	No.	Street	City	State	Zip
		<u> </u>						
Propertie	es South of Odell S	St. Vicinity						
2350	Hamburg Tpke.	RAF Supply, Inc.		2350	Hamburg Tpke.	Lackawanna	NY	14218
17	Odell St.	RAF Supply, Inc.		2350	Hamburg Tpke.	Lackawanna	NY	14218
243	Steelawanna Ave.	RAF Supply, Inc.		2350	Hamburg Tpke.	Lackawanna	NY	14218
0	Willmuth Rear	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
0	Willmuth	MD&S Resources Group, LLC			P.O. Box 388	Lackawanna	NY	14218
2470	Hamburg Tpke.	FTS Development LLC			PO Box 1826	Buffalo	NY	14140
2502	Hamburg Tpke.	MD&S Resources Group, LLC			P.O. Box 388	Lackawanna	NY	14218
2540	Hamburg Tpke.	Transdad Inc.		120	Mitchell Road	East Aurora	NY	14052
2558	Hamburg Tpke.	Bethlehem Steel Corp.	c/o ISG Lacka	3250	Interstate Dr.	Richfield	ОН	44286
2600	Hamburg Tpke.	15 Buffalo St. Partners		5288	Columbia Ave.	Hamburg	NY	14075
0	Dona St.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
24	Dona St.	Lake Shore Metals Inc.		24	Dona St.	Lackawanna	NY	14218
93	Walnut	LHDC		640	Ridge Rd.	Lackawanna	NY	14218
0	Lakeshore	ISG Lackawanna Inc.		4020	Kinross Lakes Pky	Richfield	ОН	44286
0	Lakeshore	South Buffalo RR Co.		1200-C	Scottsville Rd	Rochester	NY	14624
0	Hamburg Tpke.	Bethlehem Steel Corp.	c/o ISG Lacka	3250	Interstate Dr.	Richfield	ОН	44286

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ATTACHMENT 9

ENVIRONMENTAL FACTORS AND HISTORIC LAND USE CONSIDERATIONS



Information related to 'important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats or endangered or threatened species proximate to the site was researched and reported in the "Draft RCRA Facility Investigation Report, Part III: Ecological Risk Assessment" Bethlehem Steel Corporation, July 1998. Excerpts from this reference are included in this attachment for inclusion into the BCP Application. The following provides a brief summary of the attachment:

- There are no wetlands on the site.
- The site is "adjacent to a Significant Coastal Fish and Wildlife Habitat, Smokes Creek Shoals". The significance is due to the importance of Smokes Creek Shoals as a walleye spawning area.
- There are no threatened or endangered species, nor important plant habitats listed at the site.



identify potential runoff pathways from the site SWMUs to the on-site and off-site watercourses (discussed on a SWMU-by-SWMU basis in Parts V and V1 of this RFI report). The slag fill is generally very porous, meaning that precipitation typically is taken into the slag before substantial runoff occurs. Exceptions include precipitation that falls on the shoreline embankments (e.g., along Lake Erie) that slope towards a water body.

There is a state-regulated wetland area to the northeast of the site, approximately 1 mile from the site boundary, but other than some riparian wetlands along the margins of Smokes Creek, there are no wetlands on the site itself (see Figure 3-5). This nearby offsite wetland appears to be a remnant of what was probably, before industrialization of the area, a much larger wetland associated with the Buffalo River. Part of this wetland lies within the Tifft Farm Nature Preserve operated by the Buffalo Museum of Science.

WEILANDS

Natural Resources Information Review

Information concerning the natural resources of the site vicinity was requested from the U.S. Fish and Wildlife Service and the following New York State Department of Environmental Conservation (NYSDEC) entities:

- Natural Heritage Program
- Significant Habitats Program
- Bureau of Fisheries, Lake Erie Unit
- Environmental Disturbance Investigation Unit
- Toxic Substances Monitoring Program.

Information was obtained also from the State University College at Buffalo. The type of information obtained from these entities is identified in the following paragraphs; the complete information is available from these entities or is attached hereto.

The NYSDEC's Natural Heritage Program provided a letter stating that the site is "adjacent to a Significant Coastal Fish and Wildlife Habitat, Smokes Creek Shoals" (Appendix A). According to Floyd Cornelius of the Bureau of Fisheries, Lake Erie Unit (Dunkirk, NY), the Smokes Creek Shoals habitat is mainly important as a walleye spawning area. In the 1994 Annual Report, the Lake Erie Unit asserted that "the Buffalo Harbor muskellunge fishery is truly exceptional and of

SEE ATTACHED LETTER statewide significance." The letter from the Natural Heritage Program office also indicated that there were no threatened or endangered species listed at the site.

NYSDEC's Toxic Substances Monitoring Program reported the results of tissue analyses on fish taken from Lake Erie at Lackawanna for chlorinated organics, mercury and arsenic in 1978; PCBs and some pesticides in 1979 and 1980; and PCBs, mercury, and some pesticides in 1987. Fish tissues obtained from this area had concentrations of these substances that were not different from other relatively uncontaminated areas. In 1994, the NYSDEC Division of Fish and Wildlife added polycyclic aromatic hydrocarbons (PAHs) to the list of analytes for the first time (NYSDEC 1994). Concentrations of PAHs in young-of-the-year fish collected at Smokes Creek were below detection limits (acenaphthene, acenaphthylene, anthracene, fluoranthene, fluorene, chrysene, benzo(a)anthracene, benzo(b)anthracene, benzo(a)pyrene, pyrene) or quantitation limits (benzo(k)anthracene, phenanthrene). This document is included as Appendix B.

NYSDEC's Division of Fish and Wildlife sent five reports in response to BSC's request for information. These reports are included as Appendix C. They describe historical accounts of fish mortality near the site. No reports dated after 1975 were received from NYSDEC, and the NYSDEC did not provided fish mortality reports pertaining to other incidents near the site but not attributed to BSC discharges.

The State University College at Buffalo conducted field studies at Smokes Creek in 1985 and 1986 in order to investigate potential toxicity in the creek and occurrence of walleye spawning (Appendix D). The location of stations in these studies is shown on Figure 3-6. In the 1985 field study, the benthic fauna were characterized, sediment toxicity testing was conducted, and walleye spawning was assessed.

More recent studies of the water quality in Smokes Creek (except as performed as part of this RFI) are not available; however, information from toxicity testing (for SPDES permit purposes) of the BSC Galvanized Products Division discharges at outfalls 216 and 217, a non-contact cooling and operating water discharge from the Coke Oven operations (outfall 223) in 1992 and 1993 concluded that there was no evidence of acute toxicity to test organisms from these discharges (Appendix E). In addition, in 1991 New York State reclassified Smokes Creek from a Class D stream to a Class C stream as a result of water quality improvements.

BSC(31)152 Draft Ecological Risk Assessment PART III: Draft RFI Report New York State Department of Environmental Conservation 270 Michigan Avenue, Buffalo, New York 14203-2999 (716) 851-7010



July 18, 1995

Mr. Bill Starkel Six Piedmont Center Suite 500 3525 Piedmont Road Atlanta, GA 30305

> Natural Heritage Request Bethlehem Steel RCRA Facility City of Lackawanna, Erie County

Dear Mr. Starkel:

I have reviewed our Natural Heritage Data for Significant Habitats and threatened and endangered species at the above location.

The referenced project is adjacent to a Significant Coastal Fish and Wildlife Habitat; Smoke Creek Shoals.

For more information, contact Mr. Steve Mooradian, Regional Fisheries Manager, NYSDEC Region 9, 128 South Street, Olean, NY 14760; phone (716)372-0645.

There are no threatened or endangered species listed at the site. The Significant Habitat and Natural Heritage files are continually changing. The information in this letter should not be substituted for an on-site survey that may be required for environmental assessment.

Sincerely

Mark Kandel

Sr. Wildlife Biologist

MK/dah

cc: Mr. Steve Mooradian, Regional Fisheries Manager

Many of the important species were identified floristically, but because the site is generally characterized by simple communities in early stages of primary succession, many habitats were characterized on a floristic basis as well. Annual and perennial life histories were assessed for important species using information presented in Fernald (1970) and United States Soil Conservation Service (1982). Bare ground was included as a cover type because it can be indicative of stress to vegetation. Estimates of the height of shrubs and trees were also made. Surficial materials were described qualitatively including observational parameters such as color, grain size, thickness, and moisture condition.

Because both physical and chemical stressors may result in vegetational changes, notes were made on signs of physical disturbance and estimates of the length of time since the disturbance. SWMU boundary conditions tended to be similar to surrounding habitat, so descriptions of the vegetation around 26 SWMUs provided the information needed for habitat characterization. A vegetation map prepared in 1993 for the SFA (Appendix E) and site-wide observations of wildlife and vegetation were also used for assessing habitat extent and resource quality. Photographs were taken to document surface conditions on or around each SWMU.

Prior to the 1995 observations, an ecological survey of the SFA was performed in May 1993 (Appendix E). The map of the SFA vegetation referenced earlier was produced, and notes were made of the animal species observed, including their relative abundance and behavior. Most conspicuous was a large nesting colony of ring-billed gulls observed around the Corps of Engineers spoil disposal area off of the north end of the site. Nesting colonies of bank swallows and rough-winged swallows were also noted at several locations along the SFA where the slag formed cliffs or steep banks.

Little evidence was observed to indicate frequent use of the terrestrial portion of the site by wildlife. Given the disturbed nature of terrestrial habitat on the site, this is not surprising. Some wildlife species such as beaver, deer, fox, rabbits and raccoons would be expected to forage in some of the less disturbed portions of the site for food such as forbes and small trees by deer, and small rodents, beetles and forbes by the other species. Small insectivores or seed-eating birds would also forage on the site for beetles, flying insects and seeds.

The survey made use of the Erie County Waterfront Master Plan (Saratoga Associates 1991) for information about natural resources in the study area, which included the coastal zone for the entire county. Lists of animals and plants expected to inhabit the study area, in both aquatic and

-I Summary terrestrial environments, are also included in this resource. Important habitats for fish are presented therein as well. According to Saratoga Associates (1991), and based on on-site observations, there are no wetlands of appreciable size, threatened or endangered species, nor important plant habitats at this site.

The results of the survey indicated that most of the SFA is not vegetated (Figure 3-9). Almost all of the vegetated areas are in very early stages of primary succession, where the dominant plants are typically hardy and fast-growing, and have seeds that disperse over a large area. The most frequently encountered plants around the SWMUs are goldenrods (Solidago spp.), wild carrot (Daucus carota), staghorn sumac (Rhus typhina) and eastern cottonwood (Populus deltoides). Although cottonwoods were frequently seen, they were usually young. Little cover was provided by trees around the SWMUs (Table 3-1). The majority of the areas are typified by a perennial forb cover or bare ground. The patterns of cover seen around the SWMUs were typical of the SFA in general. Only a few locations, such as SWMU S-4 and a small area on the northwest edge of SWMU-22, have been undisturbed long enough to develop small woodlots.

Although there is evidence of recent and ongoing physical disturbance, mainly from environmental investigations, many areas in Zones 2, 3 and 4 have probably been substantially undisturbed for the 14 years since the cessation of steel-making on the site in 1983. Given this length of time, the dominance of herbs and persistence of bare ground indicate that the plant community in the SFA is developing at a slow pace characteristic of primary succession in this climate and on this type of substrate. In addition to disturbance, seed dispersal and substrate quality undoubtedly contribute to the observed successional rate.

Seed dispersal appears to be somewhat important to the development of the site's vegetation community. Nearly all the trees on the SFA, large and small, are in the willow family (Salicaceae). The willow family is characterized by seeds with long, silky down that enables them to be carried considerable distances by the wind. However, herbs mature much faster than trees, and coverage of bare ground by diverse herbs would be expected to have occurred within the 14 years since disturbances related to steel making operations ceased. As discussed below, potentially toxic materials in soils (if those effects can actually be distinguished from physical effects of site-related materials) appeared to be important only within SWMUs, leaving continued disturbance and substrate quality as the most likely explanation for lack of a diverse herb community at the site.

BSC(31)152 Draft Ecological Risk Assessment PART III: Draft RFI Report

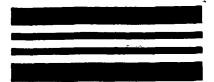
ATTACHMENT 10

INSTITUTIONAL CONTROL INFORMATION



THIS IS NOT . A BILL

Erie County Clerk's Office County Clerk's Recording Page



Return To:

BOX 374 JAP

BETHLEHEM STEEL CORPORATION

OUNTY	\$	56.00
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	\$.00
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™otal:	`\$	61.00

STATE OF NEW YORK Tie County Clerk's Office

WARNING - THIS SHEET CONSTITUTES THE CLERKS PYDORSEMENT, REQUIRED BY SECTION 316-A(5) OF ' IE REAL PROPERTY LAW OF THE STATE OF NEW YORK DO NOT DETACH

> DAVID J SWARTS County Clerk

Control # 199602210963

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Book 10897 Page 6053

No. Pages 0017

Instrument DECL RSTRCT COV

2/21/1996 Time : 2:52:44

MORTGAGE TAX

Serial #

ß

City/Town	\$.00
S.M.A.	\$.00
Trans. Auth.	\$.00
Total	\$.00

TRANSFER TAX

Transfer Tax \$.00

Amount .00

Transfer Tax #



DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS

Made By:

Bethlehem Steel Corporation

1170 Eighth Avenue

Bethlehem, Pennsylvania 18016-7699

Dated:

February <u>20</u>, 1996

R 572929

779-16 RRC 963

DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS

THIS DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS, made this 20½ day of February, 1996, by Bethlehem Steel Corporation, a corporation duly formed and existing under the laws of the State of Delaware, authorized to do business in the State of New York, and having its principal place of business in the City of Bethlehem, Lehigh County, Pennsylvania, with a mailing address of 1170 Eighth Avenue, Bethlehem, Pennsylvania 18016-7699 (hereinafter "BSC"),

WITNESSETH:

WHEREAS, BSC is the owner of certain noncontiguous lands adjacent to the eastern shore of Lake Erie situate partly in the City of Lackawanna, partly in the Town of Hamburg and partly in the Village of Blasdell, all in the County of Erie, State of New York, containing in the aggregate approximately 1,215 acres, and encompassing approximately 2.5 miles in an approximate north-south direction and approximately 1.4 miles in an approximate east-west direction, which were formerly part of the site of an integrated steel plant, and a portion of which lands is described and delineated more particularly in SCHEDULE B herein (said portion shall be hereinafter referred to as the "Premises"); and

WHEREAS, the history of the Premises is described more fully in SCHEDULE A herein; and

WHEREAS, certain governmental agencies and BSC have conducted environmental investigations at and near the Premises, the scope, result and impact of each of which are described more fully in SCHEDULE A herein; and

WHEREAS, BSC seeks to impose conditions, covenants and restrictions on the Premises for the purpose of promoting, benefitting, preserving and protecting the health and safety of the public and the environment all as related to the foregoing.

NOW, THEREFORE, (i) BSC, on behalf of itself, its successors and assigns, hereby declares and (ii) each and every person or entity who shall be an owner of the Premises or any part thereof, hereby covenants and agrees on behalf of itself, its successors and assigns, that the Premises or any part thereof shall be held, transferred, sold, conveyed, occupied and developed subject to the following conditions, covenants and restrictions:

- 1. The Premises or any part thereof shall be limited to industrial use only, which shall include manufacturing, assembling, warehousing, and related railroad, port and shipping activities, together with office space and other facilities including laboratories incidental to such uses, but incidental uses such as day care centers, nursery schools or other facilities that are designed or intended to be primarily for use or occupancy by multiple numbers of persons under the age of eighteen (18) years shall not be permitted.
- 2. No wells for the extraction or use of water from beneath the surface of the Premises or any part thereof shall be installed, built, permitted or utilized on the Premises or any part thereof for any purpose whatsoever; provided, however, that BSC may install, use, operate and maintain monitoring wells and treatment wells, including the extraction and treatment of water therefrom, solely for the purpose of monitoring, treating or remediating such water; and provided, further, that any other owner of the Premises or any

part thereof may install, use, operate and maintain monitoring wells and treatment wells, including the extraction and treatment of water therefrom, on the part of the Premises so owned by such owner, solely for the purpose of monitoring, treating or remediating such water.

3. Any activity or use not specifically permitted hereby or any activity prohibited pursuant hereto shall be forbidden.

A. Purpose.

It is the intent of BSC by means of said conditions, covenants and restrictions to promote, benefit, preserve and protect the health and safety of the public and the environment by preventing any activity or use not specifically permitted above or any activity prohibited pursuant to paragraphs 1 and 2 above.

B. Conditions, Covenants and Restrictions to Run with the Premises.

Said conditions, covenants and restrictions shall run with the Premises and every part thereof and shall bind all owners and occupiers of the Premises or any part thereof, and their respective successors and assigns; all parties claiming by, through, or under them or any of them shall be taken to hold, agree and covenant with all owners of the Premises or any part thereof, and their respective successors and assigns and each of them, to conform to and observe said conditions, covenants and restrictions.

C. <u>Enforceability</u>.

Said conditions, covenants and restrictions shall inure to the benefit of and be enforceable by BSC and by each and every person or entity, including BSC,

who shall be an owner of the Premises or any part thereof, and their respective successors and assigns, and shall also benefit BSC, its successors and assigns, for so long as BSC shall (i) own any property either adjacent or proximal to the Premises or any part thereof or (ii) be responsible under any law, ordinance, rule or regulation for the presence of hazardous wastes or hazardous constituents or both upon or within the Premises or any part thereof or in said property adjacent or proximal to the Premises or any part thereof but said conditions, covenants and restrictions shall not give rise, by implication or otherwise, to a reciprocal condition, covenant or restriction burdening or binding upon the other lands or any part thereof of BSC benefitted hereby, by actions at law or by suits in equity. As it may be impossible to measure monetarily the damages which may accrue to the beneficiaries hereunder by reason of a violation of this Declaration, any beneficiary hereunder shall be entitled to relief by way of injunction or specific performance, as well as any other relief available at law or in equity, to enforce the provisions hereof.

The failure of any beneficiary hereunder to enforce any provision of this Declaration shall in no event be construed as a waiver of the right of that beneficiary or any other beneficiary hereunder to do so thereafter, as to the same or a similar violation occurring prior or subsequent thereto. No liability shall attach to BSC or any subsidiary or other affiliate of BSC (or any officer, director, employee, member, agent, committee or committee member of any of them) or to any other beneficiary hereunder

(excepting, however, the subject owner in breach) for failure to enforce the provisions of this Declaration.

If BSC or any other beneficiary hereunder successfully brings an action to extinguish a breach or otherwise enforce the provisions of this Declaration, the costs of such action, including legal fees, shall become a binding, personal obligation of the owner in breach.

D. Amendments and Termination.

Any amendment or termination of this Declaration affecting any part of the Premises shall require the written consent of all owners of the Premises or any part thereof, which consent shall not be unreasonably withheld, and of BSC, or its successors or assigns, whose consent may be withheld in its sole discretion.

Any amendment or termination of this Declaration shall not become effective until the instrument evidencing such change has been duly recorded in the Erie County Clerk's Office.

Neither this Declaration nor any amendment to this Declaration shall be interpreted as permitting any action or thing prohibited by the applicable laws, ordinances, rules or regulations of any governmental authority having jurisdiction over the part of the Premises affected or by specific restrictions imposed by any other instrument relating to the Premises or to such part of the Premises.

No change of conditions or circumstances shall operate to amend this Declaration, and this Declaration may be amended only in the manner provided herein.

The determination by any court of competent jurisdiction that any provision of this Declaration is unenforceable invalid or void shall not affect the enforceability or validity of any other provision hereof.

IN WITNESS WHEREOF, BSC has executed this Declaration as of the day and year first above written.

ATTEST:

BETHLEHEM STEEL CORPORATION, by

Assistant Secretary

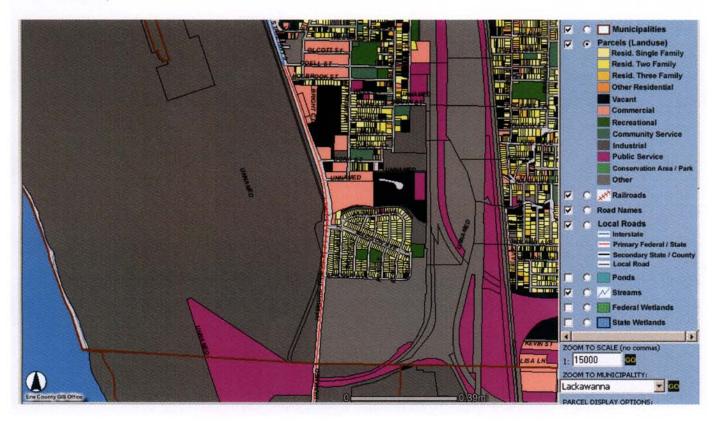
Vice President

ATTACHMENT 11

NEARBY LAND USE MAP



Attachment 11 Land Use Map, vicinity of Phase III Lackawanna, NY



ATTACHMENT 12

GROUNDWATER VULNERABILITY ASSESSMENT



Potential Vulnerability of Groundwater to Contamination

The historical use of the site would indicate that groundwater is likely contaminated. There is a deed restriction (Attachment 10) on the use of groundwater from the entire approximately 1,100-acre BSC site and groundwater supply wells are not present on the site. Regionally, groundwater in the area has not been developed for industrial, agriculture, or public supply purposes. Municipal potable water service is provided offsite and onsite by the Erie County Water Authority. Groundwater vulnerability would potentially be related to potential environmental impacts on the offsite area to the east of the site, and related to the discharge of groundwater to Lake Erie.

Groundwater Flow/Recharge

Groundwater elevation maps completed during the RFI (Reference 1) indicate that groundwater flows west across Phase II into South Return Water Trench, and east across Phase III into the South Return Water Trench which empties into Smokes Creek. In addition, groundwater flows into Smokes Creek in that vicinity. As such, groundwater does not flow toward the off-site properties to the east; however does flow toward Lake Erie and eventually discharges into the Lake.

Recommendations

Further work is required to supplement the existing wells on these properties. Additional wells to refine the groundwater flow patterns; discharge rates and the water quality will be needed.

Reference:

1. United States Environmental Protection Agency (USEPA), National Enforcement Investigation Center (NEIC). 1988. RCRA Facility Assessment, Bethlehem Steel Corporation, Lackawanna, New York, September.



ATTACHMENT 13

DESCRIPTION OF SITE GEOGRAPHY/GEOLOGY



TECUMSEH REDEVELOPMENT, INC.-PHASE III PARCEL NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION BROWNFIELD CLEANUP PROGRAM APPLICATION

Information related to the geography/geology/hydrogeology of the site was reported in the "Final RCRA Facility Investigation Report, Former Bethlehem Steel Corporation Facility, Lackawanna, New York, Part 1, Executive Summary." October, 2004. Excerpts from this reference are included in this attachment to inclusion into the BCP Application.



ES2.2 <u>Ecological Setting</u>

Including the SFA, approximately one-half of the Site is not vegetated due to the presence of buildings, foundations, concrete pads, coal piles, roads, railroad tracks and slag fill. The remainder of the Site is vegetated primarily by grasses, shrubs and small trees. Almost all of the vegetated areas are in a very early stage of succession, lack substantive diversity and are low quality habitats.

The Site is located within the Erie-Niagara River basin. Viable aquatic habitats in the vicinity of the Site include Smokes Creek, Blasdell Creek, and Lake Erie. Several State wetlands are located within 2 miles of the Site.

ES2.3 Demography and Land Use

Current ownership of the Site is identified on Figure ES-6. Land use surrounding the Site includes residential, light and heavy industrial-commercial properties, and several public use areas.

Nearby residential areas include the community of Woodlawn located south of the Site and adjacent to Blasdell Creek, and several areas east of Route 5 and north of the ISG Lackawanna operations (the "Galvanized Products Division"). Numerous small commercial businesses are located offsite along Route 5 east and south of the Site.

Public recreational areas include two beaches within 2 miles of the Site, and two marinas north and within 1 mile of the Site. Fishing and boating activities are also common offshore of the Site in Lake Erie.

ES2.4 Regional Geology and Hydrogeology

The Site is located in the Erie-Ontario Lake Plain Physiographic Province of Western New York. The geology of the Erie-Niagara basin is described as consisting of unconsolidated

deposits (predominantly of glacial origin) overlying Silurian- and Devonian-age sedimentary bedded or layered bedrock. The naturally occurring unconsolidated deposits in the area consist of the following three general types: (1) alluvial silt, sand, and gravel deposited during comparatively recent geologic time; (2) lacustrine sediments composed primarily of silt, sand, and clay deposited during the late Pleistocene Epoch; and (3) glacial till, a heterogeneous mixture of particles (i.e., clay, silt, sand, gravel, and cobbles) deposited directly from glacial ice during the Pleistocene Epoch. Relief in the area is generally flat and the result of pre-glacial erosion of bedrock and subsequent topographic modification by glaciation.

The bedrock formations in the region dip to the south at about 30 to 40 feet per mile and exhibit only very gentle folding. In the Erie-Niagara Basin, the major areas of groundwater are in glacial sand and gravel deposits and limestone and shale bedrock. The main sources of groundwater within the bedrock are fractures and solution cavities.

The quality of groundwater in the vicinity of the Site is generally fair with moderate levels of hardness (250-500 parts per million [ppm]), sulfate (100-500 ppm) and chloride (100-500 ppm). The entire area within 3 miles of the Site is served by municipal water companies that acquire their drinking water from Lake Erie.

ES2.5 Site Geology

As noted previously, slag fill deposits cover much of the Site, particularly near the lake. Below the fill, the natural surficial geology of the Site is composed principally of lake sediments consisting of silty sands that are underlain by lacustrine silts and clays and glacial till. Peat is also occasionally found between the sand and fill. Lying below the till is bedrock, which is composed mostly of dark gray and black fissile shale. A gray limestone has also been encountered in several of the borings drilled to bedrock.

The fill unit, which contains the SFA, covers the entire Site west of Route 5 and consists of iron-making and steel-making slag, dredge spoils, cinders, coke, ashes, and brick and steel construction debris generated from historic BSC activities combined with granular fill soils. The thickness of the fill is extremely variable; high ridges of fill more than 100 feet thick are present

along the Lake Erie shoreline at the northwest corner of the Site, thinning to a few feet near Route 5.

ES2.6 Site Groundwater Regime

The Site's hydrogeology is dominated by its lakeshore setting and the characteristics of the Site's subsurface materials. Slag and other fill placement on the Site has created an extensive man-made surficial fill unit. The fill is underlain by a natural sand unit ranging in thickness from approximately 0 to 20 feet. The lower, saturated part of the fill, along with the entire natural sand unit, comprises a low-yield, shallow, unconfined water table groundwater unit. Its saturated thickness ranges from 10 to 30 feet. The water table unit is underlain by an aquitard consisting of silt, clay and till units that together range in thickness from 2 feet to more than 50 feet. Below this aquitard is a confined and saturated groundwater unit within the uppermost part of the bedrock. This unit is assumed to discharge into Lake Erie.

In general, groundwater flow in the water table aquifer (fill and sand units) is generally east to west across the Site toward Lake Erie and also locally toward Smokes Creek, Blasdell Creek, the Gateway Metroport Ship Canal and the Union Ship Canal. Groundwater elevations, contour lines and flow paths as determined by the most recent round of Site-wide groundwater monitoring (November 20, 2001) are presented on Figure ES-7 and ES-8 for the fill and sand units, respectively.

ES2.7 Groundwater Recharge and Discharge

Recharge to the Site water table is from rainfall and snowmelt. Most of the Site precipitation evaporates or infiltrates to the subsurface. Site runoff is minimal and, if present, is eventually intercepted by one of the surrounding water bodies (Blasdell Creek, Smokes Creek, the Gateway Metroport Ship Canal, the Union Ship Canal, Lake Erie or the Buffalo Outer Harbor. Recharge for the Site is estimated at 1.25 feet/year. This value has been used for calculations of groundwater discharge and chemical loading to the surface water bodies.