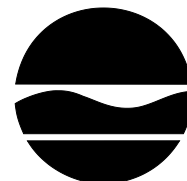


**New York State Department of Environmental Conservation**  
**Division of Environmental Remediation**  
**Bureau of Technical Support, 11<sup>th</sup> Floor**  
625 Broadway, Albany, New York 12233-7020  
**Phone:** (518) 402-9543 • **FAX:** (518) 402-9595  
**Website:** www.dec.state.ny.us



Denise M. Sheehan  
Acting  
Commissioner

*August 29, 2005*

Mr. Leon Marineau  
Norampac Industries, Inc.  
752 Sherbrooke Street West  
Montreal, Quebec  
CANADA H3A 1G1

Re: Brownfield Cleanup Program Application  
Former NL Industries Foundry, BCP No. C915200

Dear Mr. Marineau:

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 forty-five 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

September 7, 2005. Additionally, all of the above-mentioned mailings should be completed no later than September 6, 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 forty-five 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  
Division of Environmental Remediation - Region 9  
270 Michigan Avenue  
Buffalo, New York 14203-2999  
Attention: Jaspal Walia

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 A. Lewandowski***

Kelly A. Lewandowski, P.E.  
Chief  
Site Control Section

DM/ca  
Enclosures

Electronic copy w/enclosures:

J. Walia, Project Manager, Region 9  
C. Slater, Esq., Harter, Secrest & Emery LLP  
G. Litwin, NYSDOH  
A. Quartararo  
S. Wither

Copy w/o enclosures:

S. Bolesky (application only)

## **Brownfield Cleanup Program Public Notice Instructions**

### **A. Instructions to Requestor<sup>1</sup>**

#### **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.

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

**PUBLIC NOTICE  
FACT SHEET**

**BROWNFIELD CLEANUP PROGRAM**

**Site Name:** Former NL Industries Foundry  
**Site Address:** 3241 Walden Avenue  
Cheektowaga, NY 14043  
**County:** Erie  
**Site No.:** C915200  
**Requestor:** Norampac Industries, Inc.

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 remediation of the site indicated above.

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

Please note the application package includes the Remedial Investigation Report which describes the nature and extent of the contamination related to the site and a Decision Document (draft Remedial Work Plan) which describes how the contamination related to the site will be addressed. The Final Remedial Work Plan implements the decision document for the remedy selection process for the site.

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 October 22, 2005 to:

New York State Department of Environmental Conservation  
Division of Environmental Remediation - Region 9 Office  
270 Michigan Avenue  
Buffalo, NY 14203  
Attention: Mr. Jaspal Walia

Repository address:

Cheektowaga Public Library  
1030 Losson Road  
Cheektowaga, NY 14227

***Former NL Industries Foundry  
C915200***

CERTIFICATION OF MAILING

I certify that I mailed on \_\_\_\_\_ a copy of the attached  
\_\_\_\_\_ by first class mail upon the person(s) on the attached  
mailing list, by depositing a true copy thereof, 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 States Post Office Department:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date