New York State Department of Environmental Conservation

# Brownfield Cleanup Program

# Citizen Participation Plan
**for**
# Former N.L. Industries Site
# Site #C915200

3241 Walden Avenue
City of Depew
Erie County, New York

August 2007

Completed by:
Tighe & Bond
Middletown, CT
On behalf of Cascades Canada, Inc.

## Contents



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**Note:** The information presented in this Citizen Participation Plan was current as of the date of its approval by the New York State Department of Environmental Conservation. Portions of this Citizen Participation Plan may be revised during the brownfield site's remedial process.

Applicant: **Cascades Canada, Inc.**
Site Name: **Former N.L. Industries**
Site Address: **3241 Walden Avenue, Depew, NY 14043**
Site County: **Erie**
Site Number: **C915200**

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

New York's Brownfield Cleanup Program (BCP) is designed to encourage the private sector to investigate, remediate (clean up) and redevelop brownfields. A brownfield is any real property where redevelopment or reuse may be complicated by the presence or potential presence of a contaminant. A brownfield typically is a former industrial or commercial property where operations may have resulted in environmental contamination. A brownfield can pose environmental, legal and financial burdens on a community. If the brownfield is not addressed, it can reduce property values in the area and affect economic development of nearby properties.

The BCP is administered by the New York State Department of Environmental Conservation (NYSDEC) which oversees Applicants that conduct brownfield site remedial activities.[1] An Applicant is a person whose request to participate in the BCP has been accepted by NYSDEC. The BCP contains investigation and remediation (cleanup) requirements, ensuring that cleanups protect public health and the environment. When NYSDEC certifies that these requirements have been met, the property can be reused or redeveloped for the intended use.

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

## 2. Citizen Participation Plan Overview

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

*Site Location*

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

[1] "Remedial activities", "remedial action", and "remediation" are defined as all activities or actions undertaken to eliminate, remove, treat, abate, control, manage, or monitor contaminants at or coming from a brownfield site.

*Project Contacts*

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

*Locations to View Project Documents*

Project Documents are available for public review at the following locations:

Lancaster Public Library
5466 Broadway
Lancaster, NY 14086
Attn: Reference Desk
Phone: (716) 683-1120

NYSDEC, Region 9 Office
270 Michigan Avenue
Buffalo, NY 14203
Attn: Mr. Jaspal S. Walia
Phone:(716) 851-7220
Hours: 8:30 AM – 4:30 PM, Monday through Friday.

*Site Contact List*

Appendix C contains the brownfield site contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and remediation process. The brownfield site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project. These will include notifications of upcoming remedial activities at the site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

The brownfield site contact list includes, at a minimum:

- chief executive officer and official(s) principally involved with relevant zoning and planning matters of each county, city, town and village in which the site is located;
- residents, owners, and occupants of the site and properties adjacent to the site;
- the public water supplier which services the area in which the site is located;
- any person who has requested to be placed on the site contact list;
- the administrator of any school or day care facility located on or near the site for purposes of posting and/or dissemination of information at the facility;
- document repositories.

Where the site or adjacent real property contains multiple dwelling units, the Applicant will work with NYSDEC to develop an alternative method for providing such notice in lieu of mailing to each individual. For example, the owner of such a property that contains multiple dwellings may be requested to prominently display fact sheets and notices required to be developed during the site's remedial process. This procedure would substitute for the mailing of such notices and fact

sheets, especially at locations where renters, tenants and other residents may number in the hundreds or thousands, making the mailing of such notices impractical.

The brownfield site contact list will be reviewed periodically and updated as appropriate. Individuals and organizations will be added to the site contact list upon request. Such requests should be submitted to the NYSDEC project contact(s) identified in Appendix B. Other additions to the brownfield site contact list may be made on a site-specific basis at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

*Citizen Participation Activities*

Appendix D identifies the CP activities, at a minimum, that have been and will be conducted during the site's remedial program. The flowchart in Appendix E shows how these CP activities integrate with the site remedial process. The public is informed about these CP activities through fact sheets and notices developed at significant points in the site's remedial process.

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a brownfield site, and the nature and progress of efforts to investigate and remediate a brownfield site.

- **Public forums, comment periods and contact with project managers** provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a brownfield site's investigation and remediation.

The public is encouraged to contact project staff at any time during the site's remedial process with questions, comments, or requests for information about the remedial program.

This CP Plan may be revised due to changes in major issues of public concern identified in Section 6., or in the nature and scope of remedial activities. Modifications may include additions to the brownfield site contact list and changes in planned citizen participation activities.

## 3. Site Information

*Site Description*

The Former N.L. Industries Site is located at 3241 Walden Avenue in Depew, New York. The Former N.L. Industries Site is approximately 7.5 acres in size. The site is located in a mixed commercial/industrial and residential area. Commercial/ industrial properties adjoin the east and west sides of the subject site. The properties located across the street, on the north side of Walden Avenue, are a mixture of residential and some commercial sites (e.g. restaurant). The south side of the property is bordered by railway tracks elevated on a berm, while a concrete mixing plant is situated further to the south. The Former N.L. Industries Site and immediate surrounding area is generally flat.

The facility is currently used to operate paper fiber recycling activities. The site has one main building located at the east side of the property. The east side of the property is paved with

asphalt for employee parking. A rail siding is adjacent to the south side of the building. A truck loading/unloading and trailer parking area is located west of the building. The area west of the fenced-off trucking yard, to the tree-covered area, is described as the central portion of the property. This area is not used for the paper fiber recycling activities and is currently vacant.

The property location and layout are shown in Appendix A.

*Site History*

Metro Waste Paper Recovery Inc. (Metro Waste), a member of Norampac, is currently operating paper fiber recycling activities at the Former N.L. Industries Site. The operations are limited to the east side of the property (i.e. as far west as the fenced-off trucking yard). Paper fiber recycling has been conducted on the site by various companies since 1974.

The Former N.L. Industries Site was first developed for industrial use in 1892. Past on-site activities have included brass foundry operations conducted between 1892 and 1972 (i.e. 80 years), smelting operations carried out in the early part of the century, and the processing of babbitt. These operations were performed by various companies, beginning with Buffalo Brass Company (Buffalo Brass) at the east side of the property. Magnus Metal Corporation (Magnus) acquired this portion of the Former N.L. Industries Site from Buffalo Brass in 1899 and continued the brass foundry operations until 1936. During the early-1900s, Empire Smelting Company conducted operations in the area of the current trucking yard. National Lead Company acquired the entire property from Magnus in 1936 and continued the brass foundry operations until 1972, when it vacated the site. The name Magnus remained with the company, and was called Magnus Metal, a Division of National Lead Company. National Lead Company eventually changed its name to NL Industries Inc.

Waste produced by former site operations operations, including the dredged material from the former settling lagoon, was apparently spread throughout the property. Waste foundry sands were also potentially disposed of on-site. These historical activities explain the elevated levels of lead, zinc, and copper detected in the fill material.

*Environmental History*

The nature and extent of contamination at the Former N.L. Industries Site were characterized by carrying out several investigations, beginning in 1998 and culminating with the completion of the final RI/FS report in December 2004.

NUS Corporation (NUS) conducted the first environmental investigation of the Former N.L. Industries Site for the United States Environmental Protection Agency (USEPA). On March 31, 1987, NUS conducted a site inspection, on behalf of the USEPA, and collected three sediment and four soil samples for laboratory analyses. Elevated concentrations of several polycyclic aromatic hydrocarbons (PAHs) and metals (e.g. lead, copper, and zinc) were detected in the surficial soils.

In early 1998, NYSDEC approached Norampac regarding the elevated PAHs and metals detected at the Former N.L. Industries Site in 1987, and requested that Norampac carry out a subsurface investigation. Since that time, a number of subsurface investigations have been completed, in addition to the Limited Phase 1 Environmental Site Assessment (ESA).

The results of the investigations have provided a clear indication of the extent of metal impacts throughout the property. The hydrocarbon impacts, which are present to a lesser extent, were also clearly defined by the investigative results. A majority of the fill at the property contains metals and lead in particular, at concentrations that exceeded the Technical and Administrative Guidance Memorandum (TAGM 4046) Cleanup Objectives or Eastern USA/New York State Background Values. In general, soil samples that contained elevated levels of lead also had high copper and zinc concentrations, which were the other two metals historically handled on-site. The Toxicity Characteristic Leaching Procedure (TCLP) results indicate that much of the metal-impacted fill exceeds the regulatory limit for lead in leachate.

The extent of soil contamination in the different sections of the property is briefly summarized below.

***Central Undeveloped Area***

The central undeveloped area consists of an open field with no structures. The former lagoon and marsh is located at the south side of this area. A small portion of the former lagoon is located in the trucking yard, but will be discussed in this section.

In the soil samples collected from the lagoon, the concentration of a number of metals exceeded the TAGM 4046 Cleanup Objectives or Eastern USA/New York State Background values (where no Cleanup Objectives or Site Background values exist), including arsenic, beryllium, mercury, cadmium, chromium, copper, iron, lead, nickel, and zinc. Of greatest concern are the significantly high concentrations of lead, and to a lesser extent copper and zinc. Soil boring sample results indicated that the metals were not migrating vertically, which is attributed to the barrier effect of the native silty clay.

In the lagoon area, fill material samples also contained a number of metals that exceeded the TAGM 4046 Cleanup Objectives or Eastern USA/New York State Background values, including significantly high concentrations of copper, lead, and zinc.

Samples of the fill material from the former lagoon and marsh were also analyzed for volatile organic compounds (VOCs) and polycyclic aromatic hydrocarbons (PAHs) to address a reported historical #2 fuel oil release located in this area. The PAH results indicate that some low level residual fuel related impacts still remain in the former lagoon and marsh areas.

Soil samples were also collected from the general central undeveloped area (i.e. beyond the former lagoon and marsh). The lead concentrations in 90% of the samples exceeded the TAGM 4046 Background Value.

### *West Undeveloped Area*

The west undeveloped area is defined as the land extending from the fenced-in central area to the west property line. This area is essentially vacant with the exception of the storage of some heavy and miscellaneous equipment by the neighbouring business to the west.

Soil was collected from boreholes and surface sampling locations. The soil quality in the west undeveloped area is somewhat different than in the central undeveloped area, as the lead concentrations in the fill varied throughout this section of the property. The low and high concentrations of lead are not located in clearly defined areas. Rather, the elevated lead concentrations in the fill material are scattered sporadically throughout the west undeveloped area.

Fill material samples were analyzed for TCLP metals to determine the soil waste classification. The TCLP results indicate that the metal-impacted fill at the west undeveloped area exhibits both hazardous and non-hazardous characteristics. However, the fill material in the entire area is considered to be characteristically hazardous, given that the high lead concentrations in the fill material are present in a scattered pattern in this part of the property.

### *Trucking Yard*

The exterior operational area of the property is comprised of the trucking yard located adjacent to the west of the building and the rail siding situated along the south side. These two areas are connected and surrounded by a chain-link fence with gates.

The analytical results of fill material collected from the trucking yard were similar to those found in the central undeveloped area. The concentrations of copper, lead, and zinc exceeded the TAGM 4046 values in all seven of these fill samples.

Petroleum hydrocarbon odors were detected in the fill material in two boreholes at the south side of the trucking yard. Samples of the fill material from these locations were analyzed for VOCs and PAHs. The concentrations of methylene chloride, benzene, acetone and xylenes slightly exceeded the TAGM 4046 Cleanup Objectives.

The fill material from three boreholes was analyzed for TCLP metals to determine the soil waste classification in the trucking area. These concentrations exceeded the New York State regulatory level of 5 mg/L. Considering the high total lead concentrations in the other boreholes, all the fill material in the trucking yard is considered characteristically hazardous.

Similar to the undeveloped portions of the property, the analytical results of the underlying native silty clay in the trucking yard showed a significant decrease in the metal concentrations.

### *Rail Siding*

In the rail siding area, the concentrations of lead in the fill material from three boreholes were well above the TAGM 4046 Background Value.

Petroleum hydrocarbon odors and an oily sheen were observed in the fill material under the rail siding. Soil samples from three boreholes were analyzed for VOCs and PAHs. The benzene, xylenes, and toluene concentrations were all lower than both the TAGM 4046 Cleanup Objectives. The concentrations of methylene chloride in all of the fill material samples were above the TAGM 4046 Cleanup Objectives. In addition, at least twelve PAH parameters were below the TAGM 4046 Cleanup Objectives.

The fill material samples from two boreholes were analyzed for TCLP metals to determine the waste classification in the rail siding area. Considering the relatively high total lead concentration in one of the boreholes, a majority of the fill material along the rail siding is expected to be characteristically hazardous.

The analytical results of the underlying silty clay samples along the rail siding were similar to those detected in other areas of the property, except for one location. This one exceedance may simply represent contamination at the upper zone of the silty clay unit (i.e. at the fill and silty clay interface).

***Parking Lot***

Two boreholes were drilled to the south-central and southwest of the former tank area. Lead was detected in these two samples which exceeded the TAGM 4046 Background Value.

A borehole drilled just north of the former oil tanks basement had a silty clay sample analyzed for lead. The concentration of lead in this sample was well below the TAGM 4046 Background Value.

The fill material and native silty clay samples were also analyzed for VOCs and PAHs to address the reported, historical oil tank leaks. Soil samples were collected from two boreholes drilled within the former tank basement. The concentrations of acetone in these five samples slightly exceeded the TAGM 4046 Cleanup Objective. However, this might be a laboratory artefact as acetone is commonly used for extraction purposes. The method blank analyzed with these samples contained a detectable concentration of acetone.

In all samples tested from the fill material, both from within and beyond the perimeter of the former oil tank basement, the concentrations of at least two of the PAH parameters were below the TAGM 4046 Cleanup Objectives. These samples were analyzed from the same fill material samples which contained elevated metals concentrations.

***Building***

Borehole drilling through the building floor slab was the last phase of field investigations and was conducted as part of the remedial investigation (RI) to fill-in the data gap in this area of the property. The boreholes were placed at different sections of the building in an effort to develop a good understanding of the subsurface conditions beneath the structure.

Based on the results of these sampling efforts, a majority of the fill material beneath the floor slab is expected to contain elevated concentrations of lead above the TAGM 4046 Background Value.

Two native silty clay samples from beneath the building were chemically analyzed to determine if the metals were migrating vertically downwards. Similar to the results elsewhere on the property, the lead concentrations were well below the TAGM 4046 Background Value.

Trace hydrocarbon odors and a slight oily sheen were detected in four of the boreholes drilled through the floor slab. Samples of the fill material from these boreholes were analyzed for VOCs and PAHs. The results indicate that the presence of residual petroleum nuisance characteristics beneath the building is not considered a significant concern and does not warrant any action.

Two native silty clay samples situated directly below the fill material were also analyzed for VOCS and PAHs. The concentrations of PAH parameters were below the laboratory's minimum detection limits (MDLs).

***Off-site Sediment Samples***

Sediment from the outfall location at Scajaquada Creek, 0.25 miles north of the former N.L. Industries Site, was sampled in 2003. Elevated levels of lead were found in the sample, indicating that contaminated surface soil particles have migrated to the storm water drainage system are ultimately deposited at this outfall location.

***Groundwater Quality***

In 1998, a total of six water samples were submitted for analyses of various parameters including metals, PAHs, VOCs, and anions. Although there are some exceedances of the Standards or Guidance Values, with respect to bromide, metals, and PAHs, these values were developed for groundwater that is used as a source of drinking water. The site and surrounding area is serviced by a municipal drinking water supply, which draws its water from a surface water body.

Since the site and surrounding land is situated in a well developed urbanized area, the use of water supply wells are not expected to exist in the study area. Given that the minor exceedances of a few select compounds are based on drinking water standards and the Former N.L. Industries Site area does not use groundwater for potable purposes, these elevated concentrations are not considered to be a significant concern.

As such, groundwater remediation is not considered warranted. The media of concern on the Former N.L. Industries Site is the impacted fill and any remediation should focus on this area only.

**4. Remedial Process**

**Note:** See Appendix E for a flowchart of the brownfield site remedial process.

*Application*

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program as a Volunteer. This means that the Applicant was not responsible for the disposal or discharge of the contaminants or whose ownership or operation of the site took place after the discharge or disposal of contaminants. The Volunteer must fully characterize the nature and extent of contamination onsite, and must conduct a "qualitative exposure assessment," a process that characterizes the actual or potential exposures of people, fish and wildlife to contaminants on the site and to contamination that has migrated from the site.

The Applicant in its Application proposes that the site will be used for restricted purposes.

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

*Investigation*

If the Applicant conducts a remedial investigation (RI) of the site, it will be performed with NYSDEC oversight. The Applicant must develop a remedial investigation workplan, which is subject to public comment as noted in Appendix D. The goals of the investigation are as follows:

1) Define the nature and extent of contamination in soil, surface water, groundwater and any other impacted media;

2) Identify the source(s) of the contamination;

3) Assess the impact of the contamination on public health and/or the environment; and

4) Provide information to support the development of a Remedial Work Plan to address the contamination, or to support a conclusion that the contamination does not need to be addressed.

NYSDEC will determine if the site poses a significant threat to public health and/or the environment. If NYSDEC determines that the site is a "significant threat," a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying community group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development/implementation of a remedy.

An eligible community group must certify that its membership represents the interests of the community affected by the site, and that its members' health, economic well-being or enjoyment of the environment may be affected by a release or threatened release of contamination at the eligible site.

For more information about the TAG Program and the availability of TAGs, go online at: **http://www.dec.ny.gov/regulations/2590.html**

*Remedy Selection*

The Applicant has prepared an RI Report after the RI was completed. This report summarizes the results of the RI and includes the Applicant's recommendation of whether remediation is needed to address site-related contamination. The RI Report was subject to review and approval by NYSDEC. Before the RI Report was submitted for approval, a fact sheet that describes the RI Report was sent to the site's contact list. The RI Report has been approved by NYSDEC.

After receiving approval of the RI from NYSDEC, the Applicant developed a Remedial Work Plan addressing the required remediation. The Remedial Work Plan describes how the Applicant plans to address the contamination related to the site. The preferred remedy is consolidation of a portion of the contaminated soil/fill from the west and west-central undeveloped areas into the east-central and trucking area and capping the consolidated soils with a geosynthetic liner and asphalt cap. The portion that cannot be placed under the cap will be treated and disposed of off-site. The asphalt cap will be designed to allow its use as a truck parking area.

The public was given the opportunity to review and comment on the draft Remedial Work Plan. The site contact list was sent a fact sheet that described the draft Remedial Work Plan and announced a 45-day public comment period. NYSDEC has factored this input into its decision to approve, reject or modify the draft Remedial Work Plan. No public comments were received. NYSDEC approved the Remedial Work Plan in a letter dated January 22, 2007.

A public meeting may be held by NYSDEC about the proposed Remedial Work Plan if requested by the affected community and if significant substantive issues are raised about the draft Remedial Work Plan. Please note that, in order to request a public meeting, the health, economic well-being or enjoyment of the environment of those requesting the public meeting must be threatened or potentially threatened by the site. In addition, the request for the public meeting should be made within the first 30 days of the 45-day public comment period for the draft Remedial Work Plan. A public meeting also may be held at the discretion of the NYSDEC project manager in consultation with other NYSDEC staff as appropriate.

*Construction*

Approval of the Remedial Work Plan by NYSDEC allowed the Applicant to design and construct the alternative selected to remediate the site. The site contact list will receive notification before the start of site remediation. When the Applicant completes remedial activities, it will prepare a final engineering report that certifies that remediation requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the remediation is protective of public health and the environment for the intended use of the site. The site contact list will receive a fact sheet that announces the completion of remedial activities and the review of the final engineering report.

*Certificate of Completion and Site Management*

Once NYSDEC approves the final engineering report, it will issue the Applicant a Certificate of Completion. This Certificate states that remediation goals have been achieved, and relieves the Applicant from future remedial liability, subject to statutory conditions. The Certificate also includes a description of any institutional and engineering controls or monitoring required by the approved remedial work plan. If the Applicant uses institutional controls or engineering controls to achieve remedial objectives, the site contact list will receive a fact sheet that discusses such controls.

An institutional control is a non-physical restriction on use of the brownfield site, such as a deed restriction that would prevent or restrict certain uses of the remediated property. An institutional control may be used when the remedial action leaves some contamination that makes the site suitable for some, but not all uses. A number of institutional controls are anticipated to be established as part of the Remedial Work Plan. Certain restrictions and requirements will be imposed for different sections of the property. The planned institutional controls include: maintenance of the cover system, control of surface erosion and run-off, proper management and reuse of excavated site soil and material, thorough sampling of off-site soil to be used as fill on-site, worker notification, reporting to NYSDEC and implementation of any environmental easements.

An engineering control is a physical barrier or method to manage contamination, such as a cap or vapor barrier. The engineering controls to be used at this site include a geo-synthetic liner (GSL) cap, which will be placed over the entire consolidated soil (i.e. top and side slopes) area, and a 6-inch thick asphalt cap on top of the containment area. This configuration creates a parking area of just over 1 acre. The top of the containment area will be graded for drainage and paved. Drainage will be directed towards the storm sewers on-site.

Site management will be conducted by the Applicant as required. NYSDEC will provide appropriate oversight. Site management involves the institutional and engineering controls required for the brownfield site. Examples include: operation of a water treatment plant, maintenance of a cap or cover, and monitoring of groundwater quality.

**5. Citizen Participation Activities**

CP activities that have already occurred and are planned during the investigation and remediation of the site under the BCP are identified in Appendix D: Identification of Citizen Participation Activities. These activities also are identified in the flowchart of the BCP process in Appendix E. NYSDEC will ensure that these CP activities are conducted, with appropriate assistance from the Applicant.

All CP activities are conducted to provide the public with significant information about site findings and planned remedial activities, and some activities announce comment periods and request public input about important draft documents such as the Remedial Work Plan.

All written materials developed for the public will be reviewed and approved by NYSDEC for clarity and accuracy before they are distributed. Notices and fact sheets can be combined at the discretion, and with the approval of, NYSDEC.

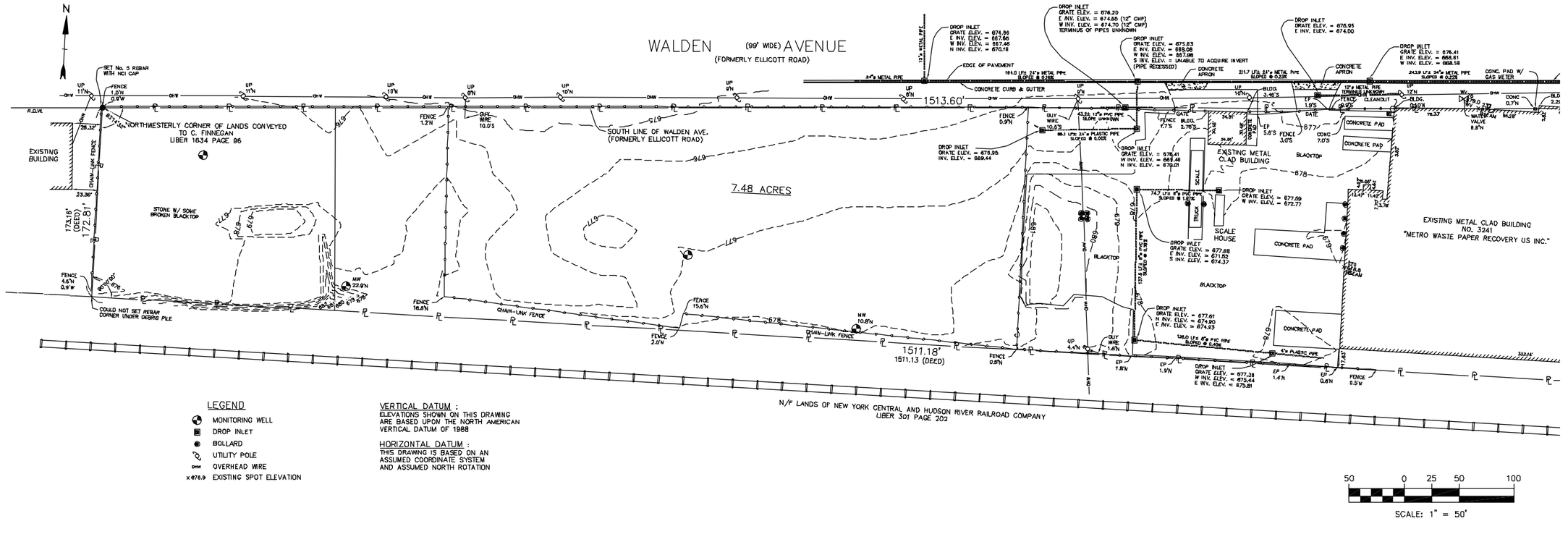
**6. Major Issues of Public Concern**

This section of the CP Plan identifies major issues of public concern, if any, that relate to the site. Additional major issues of public concern may be identified during the site's remedial process.

Remediation at the Former N.L. Industries Site will benefit most stakeholders, who include residents of the City of Depew and the State of New York and local environmental organizations. Remediation of this Site will provide new economic, educational, and recreational opportunities for stakeholders.

The environmental conditions at the Former N.L. Industries Site have been studied over the past two decades, and are relatively well documented. It is expected that remediation of the site will eliminate and/or contain environmental contaminants at the Site so they will no longer have the potential to impact public health or soil quality.

# Appendix A – Site Location Map




LEGEND

- MONITORING WELL
- DROP INLET
- BOLLARD
- UTILITY POLE
- OHW OVERHEAD WIRE
- x676.9 EXISTING SPOT ELEVATION

VERTICAL DATUM :
ELEVATIONS SHOWN ON THIS DRAWING ARE BASED UPON THE NORTH AMERICAN VERTICAL DATUM OF 1988

HORIZONTAL DATUM :
THIS DRAWING IS BASED ON AN ASSUMED COORDINATE SYSTEM AND ASSUMED NORTH ROTATION

NOTE:

1. TOPOGRAPHIC AND SITE DETAIL TAKEN FROM A PLAN PROVIDED BY NUSSBAUMER & CLARK, INC., DATED 6/28/07.


**Tighe&Bond**
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(413) 562-1600
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# Former N.L. Industries Site Remediation

3241 Walden Ave.
Depew, New York
August, 2007

| Mark | Date | Description |
|---|---|---|
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| | |
|---|---|
| PROJECT NO: | 06264 |
| FILE: | Existing |
| DRAWN BY: | MJT |
| CHECKED: | DJB |
| APPROVED BY: | JTO |

EXISTING SITE PLAN

SCALE: 1" = 50'

SHEET 1 OF 3

08/15/07

# Appendix B – Project Contacts and Document Repositories

**Project Contacts**

For information about the site's remedial program, the public may contact any of the following project staff:

**New York State Department of Environmental Conservation (NYSDEC):**

Jaspal S. Walia, P.E.
Project Manager
NYSDEC, Region 9
Division of Environmental Remediation
270 Michigan Avenue, Buffalo, NY 14203
(716) 851-7220

Megan Gollwitzer
Citizen Participation Specialist
NYSDEC Region 9
270 Michigan Avenue, Buffalo, NY 14203
(716) 851-7220

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

Mr. Matthew Forcucci
N.Y.S. D.O.H.
584 Delaware Avenue
Buffalo, NY 14202
(716) 847-4385

**Locations to View Project Documents**

Project documents will be made accessible to the public at the locations identified below.

Lancaster Public Library
5466 Broadway
Lancaster, NY 14086
Attn: Reference Desk
Phone: (716) 683-1120

NYSDEC, Region 9 Office
270 Michigan Avenue
Buffalo, NY 14203
Attn: Mr. Jaspal S. Walia
Phone:(716) 851-7220
Hours: 8:30 AM – 4:30 PM, Monday through Friday.
(Please call for appointment.)

# Appendix C – Brownfield Site Contact List

**Government Officials/Elected Officials/Municipal Representatives:**

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

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

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

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

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

Community Outreach File
N.Y.S. D.E.C., Region 9
270 Michigan Avenue
Buffalo, NY 14203

Ms. Meaghan Boice-Green
N.Y.S. D.E.C., Region 9
270 Michigan Avenue
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Ms. Megan Gollwitzer
N.Y.S. D.E.C., Region 9
270 Michigan Avenue
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Mr. Richard Fedigan
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547 River Street
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Mr. Cameron O'Connor
N.Y.S. D.O.H.
584 Delaware Avenue
Buffalo, NY 14202

Mr. Matthew Forcucci
N.Y.S. D.O.H.
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Buffalo, NY 14202

Mr. Michael Basile
USEPA - Public Info. Office
186 Exchange St.
Buffalo, NY 14204

Senator William Stachowski
58th District, NYS Senate
2030 Clinton Street
Buffalo, NY 14206

Assemblyman Dennis Gabryszak
NYS Assembly
2560 Walden Ave.
Cheektowaga, NY 14225

Representative Brian Higgins, 27th District
726 Exchange Street, Suite 601
Buffalo, NY 14210

Senator Charles Schumer
130 South Elmwood Ave., #660
Buffalo, NY 14202

Senator Hillary Rodham-Clinton
726 Exchange St., Ste. 511
Buffalo, NY 14210

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

Chairperson Lynn Marinelli
Erie County Legislature
1701 Hertel Ave.
Buffalo, NY 14218

Legislator Thomas Mazur
District 8 - Erie Co. Legislature
1214 Walden Ave.
Cheektowaga, NY 14211

Erie Co. Emergency Services
45 Elm St.
Buffalo, NY 14203

Mr. Michael Raab
Erie Co. Environment & Planning
95 Franklin Street
Buffalo, NY 14202

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

# Appendix C – Brownfield Site Contact List, Continued

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

Commissioner Andrew Eszak
Erie Co. Environment & Planning
95 Franklin Street
Buffalo, NY 14202

Mr. Christopher Pawenski
Erie County DEP
95 Franklin St., 10th Floor
Buffalo, NY 14202

Mr. Dean Messing
Erie County DEP
95 Franklin St., 10th Floor
Buffalo, NY 14202

Mr. Christopher Duquine
Erie County DEP
95 Franklin St., 10th Floor
Buffalo, NY 14202

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

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

Mayor Barbara Albert
Depew Municipal Building
85 Manitou St.
Depew, NY 14043

Deputy Mayor Joseph Keefe
Depew Municipal Building
85 Manitou St.
Depew, NY 14043

Elizabeth Melock, Administrator
Depew Municipal Building
85 Manitou St.
Depew, NY 14043

Bruce Shearer, Village Engineer
Depew Municipal Building
85 Manitou St.
Depew, NY 14043

Trustee Carl Monti
Depew Municipal Building
85 Manitou St.
Depew, NY 14043

Trustee William Maryniewski
Depew Municipal Building
85 Manitou St.
Depew, NY 14043

Trustee Linda Hammer
Depew Municipal Building
85 Manitou St.
Depew, NY 14043

Trustee William Dillemuth, Jr.
Depew Municipal Building
85 Manitou St.
Depew, NY 14043

Trustee Teresa Fusani
Depew Municipal Building
85 Manitou St.
Depew, NY 14043

Thomas Seelig, Planning Board
Depew Municipal Building
85 Manitou St.
Depew, NY 14043

Mr. Richard Startek
Public Safety Director
714 Ridge Road
Lackawanna, NY 14218

Mr. William Eagen, Director
Lackawanna Economic Development
714 Ridge Road
Lackawanna, NY 14218

Attn: Jennifer Hoffman, Librarian
Lackawanna Public Library
560 Ridge Rd.
Lackawanna, NY 14218

Lackawanna City School
Superintendent Paul Hashem
30 Johnson St.
Lackawanna, NY 14218

Supervisor Robert Giza
Lancaster Town Hall
21 Central Ave.
Lancaster, NY 14086

Johanna Coleman, Town Clerk
Lancaster Town Hall
21 Central Ave.
Lancaster, NY 14086

Town of Lancaster Engineering Dept.
525 Pavement Rd.
Lancaster, NY 14086

Town of Lancaster Planning Board
Lancaster Town Hall
21 Central Ave.
Lancaster, NY 14086

Supervisor James Jankowiak
Cheektowaga Town Hall
3301 Broadway Ave.
Cheektowaga, NY 14227

William Pugh, Town Engineer
Cheektowaga Eng. Dept.
275 Alexander Ave.
Cheektowaga, NY 14211

# Appendix C – Brownfield Site Contact List, Continued

**Media:**

ATTN: Michael Desmond
WNED, Environmental News Desk
PO 1263, Horizons Plaza
Buffalo, NY 14240

ATTN: Maria Sisti
WGRZ TV - CH. 2
259 Delaware Avenue
Buffalo, NY 14202

ATTN: News Director
WIVB - CH. 4
2077 Elmwood Avenue
Buffalo, NY 14207

ATTN: News Director
WKBW News Channel 7
7 Broadcast Plaza
Buffalo, NY 14202

Attn: News Director
WBEN Radio News/Talk 930
500 Corporate Pkwy. #200
Buffalo, NY 14226

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

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

Attn: Bob Hill, News Director
Infinity Broadcasting
14 Lafayette Sq., #1300
Buffalo, NY 14203

Attn: News Director
Citadel Communiciations
50 James E. Casey Dr.
Buffalo, NY 14206

ATTN: Jay Bonfatti
Buffalo News
1 News Plaza
Buffalo, NY 14240

Attn: Anne Marie Franczyk
Business First
465 Main Street
Buffalo, NY 14203-1793

Editor
Metro Community News
25 Boxwood Lane
Buffalo, NY 14227

Editor
Buffalo News
1 News Plaza, P.O. Box 100
Buffalo, NY 14240

Attn: Editor
Bee Group Newspapers
P.O. Box 150
Buffalo, NY 14231

**Groups/Other Interested Parties:**

Mr. James J. Loesch
Chairman, Erie County EMC
6363 Main Street
Williamsville, NY 14221

Mr. Brian Smith
Citizens Campaign-Environment
227 McConkey Dr.
Tonawanda, NY 1422

WNY Director
Citizens Env. Coalition
543 Franklin St., Rm. 2
Buffalo, NY 14202-1109

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

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

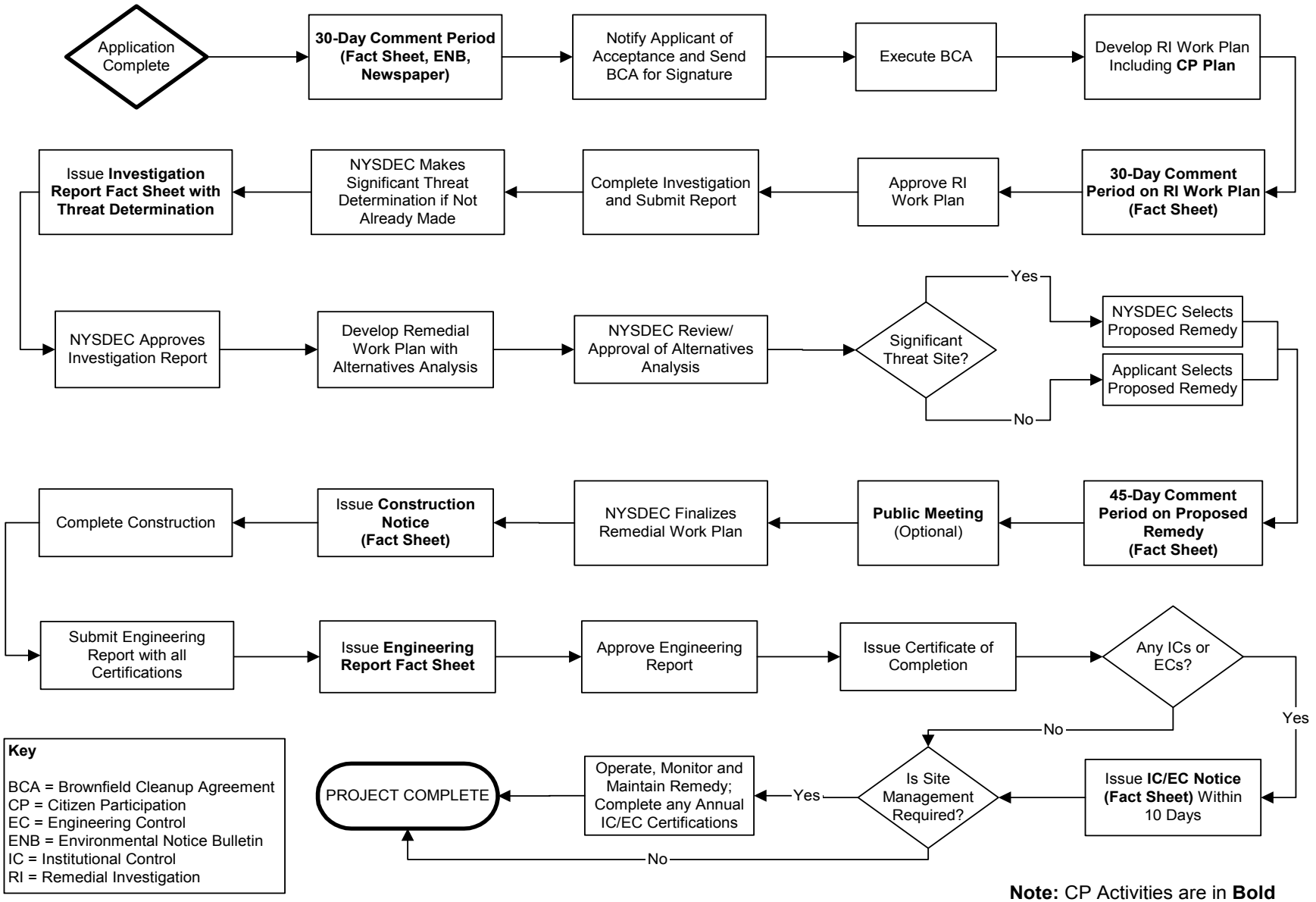
Dr. Joseph Gardella
BEMC
178 Admiral Rd.
Buffalo, NY 14216

Lancaster Public Library
Attn: Librarian
5466 Broadway
Lancaster, NY 14086

# Appendix D – Identification of Citizen Participation Activities

| Required Citizen Participation (CP) Activities | CP Activities) Occur at this Point |
|---|---|
| **Application Process:** | |
| • Prepare brownfield site contact list (BSCL)<br>• Establish document repositories | At time of preparation of application to participate in BCP. |
| • Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day comment period | When NYSDEC determines that BCP application is complete. The 30-day comment period begins on date of publication of notice in ENB. End date of comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice and notice to the BSCL should be provided to the public at the same time. |
| **After Execution of Brownfield Site Cleanup Agreement:** | |
| • Prepare citizen participation (CP) plan | Draft CP Plan must be submitted within 20 days of entering Brownfield Site Cleanup Agreement. CP Plan must be approved by NYSDEC before distribution. |
| **After Remedial Investigation (RI) Work Plan Received:** | |
| • Mail fact sheet to BSCL about proposed RI activities and announcing 30-day public comment period on draft RI Work Plan | Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, comment periods will be combined and public notice will include fact sheet. 30-day comment period begins/ends as per dates identified in fact sheet. |
| **After RI Completion:** | |
| • Mail fact sheet to BSCL describing results of RI | Before NYSDEC approves RI Report. |
| **After Remedial Work Plan (RWP) Received:** | |
| • Mail fact sheet to BSCL about proposed RWP and announcing 45-day comment period<br>• Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager in consultation with other NYSDEC staff as appropriate) | Before NYSDEC approves RWP. 45-day comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day comment period. |
| **After Approval of RWP:** | |
| • Mail fact sheet to BSCL summarizing upcoming remedial construction | Before the start of remedial construction. |
| **After Remedial Action Completed:** | |
| • Mail fact sheet to BSCL announcing that remedial construction has been completed<br>• Mail fact sheet to BSCL announcing issuance of Certificate of Completion (COC) | At the time NYSDEC approves Final Engineering Report. These two fact sheets should be combined when possible if there is not a delay in issuance of the COC. |

# Appendix E – Brownfield Cleanup Program Process




**Note:** CP Activities are in **Bold**