

## Memorandum

RE: Tonawanda Coke Site C915353, Alternatives Analysis

TO: Clean Air Coalition of WNY

FROM: James B. Jones, P.E. , Town of Tonawanda Town Engineer, retired

DATE: July 12, 2024

The New York State Department of Environmental Conservation (NYSDEC) hosted a public information meeting on June 25, 2024 regarding the site owner's alternatives analysis for the portion of the former Tonawanda Coke property located at 3875 River Rd, Tonawanda, NY 14150. This selected portion of the site was accepted into the NYS Brownfield Cleanup Program and includes 84.5% of the parcel. The remaining 15.96 acres (13.5%) are contained in separate NYS Superfund designations.

My comments primarily relate to the owner's preferred alternative and its effect on future use of the site and surrounding land use. While employed by the Town of Tonawanda as Town Engineer, I was actively involved with the town's land use planning as it transitions from past heavy industrial uses to those envisioned and described in the [Town of Tonawanda Local Waterfront Revitalization Plan](#), the [Waterfront Land Use Plan Update](#), the [Waterfront Corridor Landscaping Plan](#), the [Brownfield Opportunity Area \(BOA\) Step 2 Nomination Plan](#), the zoning code (which requires levels of pervious surfaces and landscaping) and the [Tonawanda Tomorrow Plan](#) . Each plan is premised on past environmental harm recovery and improving public waterfront access and healthier social and economic wellbeing.

The preferred alternative 5 leaves 82 of the 86.46 acres of the BCP site in a compromised state in perpetuity as related to requirements for impervious land cover systems, ground water monitoring systems, deed restrictions and various engineering controls all of which require theoretical owner stewardship and tenacity which become significant liabilities to not only the owner but to neighbors and the town. Alternative 5 does not consider the site's future use as no formal site plan has been submitted to the Town of Tonawanda. The site would become classified as a class 4 site in the NYSDEC Registry of Inactive Hazardous Waste Disposal Sites of which there are already 37 sites containing 1,725.7 acres of compromised land in the Town of Tonawanda.

The town wholly relies on the capabilities of the NYSDEC to ensure regulatory environmental compliance. Presently, there are 33 of the required 38 Title V air permits in Erie and Niagara counties which have expired due to either lack of NYSDEC resources or facility negligence. This is just an example of unrealistic expectations regarding environmental compliance and which creates concern to the success of Alternative 5. This alternative leaves a high likelihood of taxpayer burden should any of the prescribed controls falter which is the inevitable case in any engineered solution with an undefined service life.

The future site use does not lead to the highest and best use that should be attained as if Alternative 8 were to be selected. That alternative provides not only complete environmental

restitution but the ability for future users to maximize any returns on economic and environmental investment.

Respectfully submitted,

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