



Department of
Environmental
Conservation

Brownfield Cleanup Program

Citizen Participation Plan for FW Webb Company 26 Clarence Avenue Buffalo, New York

June 2024

Site # **C915383**
26 Clarence Avenue
Buffalo, New York
Erie County, New York

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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 site's investigation and cleanup process.

Applicant: **FW Webb Company, 160 Middlesex Turnpike, Bedford, Massachusetts 01730**

Site Name: **FW Webb Company**

Site Address: **26 Clarence Avenue**

Site County: **Erie**

Site Number: **C915383**

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

New York's Brownfield Cleanup Program (BCP) works with private developers to encourage the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and developed. These uses include recreation, housing, and business.

A *brownfield* is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination. 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 a 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 who conduct brownfield site investigation and cleanup activities. An Applicant is a person who has requested to participate in the BCP and has been accepted by NYSDEC. The BCP contains investigation and 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:

<http://www.dec.ny.gov/chemical/8450.html>

2. Citizen Participation Activities

Why NYSDEC Involves the Public and Why It Is Important

NYSDEC involves the public to improve the process of investigating and cleaning up contaminated sites, and to enable citizens to participate more fully in decisions that affect their health, environment, and social well-being. NYSDEC provides opportunities for citizen involvement and encourages early two-way communication with citizens before decision makers form or adopt final positions.

Involving citizens affected and interested in site investigation and cleanup programs is important for many reasons. These include:

- Promoting the development of timely, effective site investigation and cleanup programs that protect public health and the environment
- Improving public access to, and understanding of, issues and information related to a particular site and that site's investigation and cleanup process
- Providing citizens with early and continuing opportunities to participate in NYSDEC's site investigation and cleanup process
- Ensuring that NYSDEC makes site investigation and cleanup decisions that benefit from input that reflects the interests and perspectives found within the affected community
- Encouraging dialogue to promote the exchange of information among the affected/interested public, State agencies, and other interested parties that strengthens trust among the parties, increases understanding of site and community issues and concerns, and improves decision making.

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

Project Contacts

Appendix A identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site's investigation and cleanup 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 of Reports and Information

The locations of the reports and information related to the site's investigation and cleanup program also are identified in Appendix A. These locations provide convenient access to important project documents for public review and comment. Some documents may be placed on the NYSDEC web site. If this occurs, NYSDEC will inform the public in fact sheets distributed about the site and by other means, as appropriate.

Site Contact List

Appendix B contains the site contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and cleanup process. The 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 activities at the site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

The site contact list includes, at a minimum:

- chief executive officer and planning board chairperson 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;
- location(s) of reports and information.

The 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 A. Other additions to the site contact list may be made at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

Note: The first site fact sheet (usually related to the draft Remedial Investigation Work Plan) is distributed both by paper mailing through the postal service and through DEC Delivers, its email listserv service. The fact sheet includes instructions for signing up with the appropriate county listserv to receive future notifications about the site. See <http://www.dec.ny.gov/chemical/61092.html>.

Subsequent fact sheets about the site will be distributed exclusively through the listserv, except for households without internet access that have indicated the need to continue to receive site information in paper form. Please advise the NYSDEC site project manager identified in Appendix A if that is the case. Paper mailings may continue during the investigation and cleanup process for some sites, based on public interest and need.

CP Activities

The table at the end of this section identifies the CP activities, at a minimum, that have been and will be conducted during the site's investigation and cleanup program. The flowchart in Appendix D shows how these CP activities integrate with the site investigation and cleanup process. The public is informed about these CP activities through fact sheets and notices distributed at significant points during the program. Elements of the investigation and cleanup process that match up with the CP activities are explained briefly in Section 5.

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up a 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 site's investigation and cleanup.

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

This CP Plan may be revised due to changes in major issues of public concern identified in Section 3 or in the nature and scope of investigation and cleanup activities. Modifications may include additions to the site contact list and changes in planned citizen participation activities.

Technical Assistance Grant

NYSDEC must determine if the site poses a significant threat to public health or the environment. This determination generally is made using information developed during the investigation of the site, as described in Section 5.

If the site is determined to be 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 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 site.

As of the date the declaration (page 2) was signed by the NYSDEC project manager, the significant threat determination for the site had not yet been made.

To verify the significant threat status of the site, the interested public may contact the NYSDEC project manager identified in Appendix A.

For more information about TAGs, go online at
<http://www.dec.ny.gov/regulations/2590.html>

Note: The table identifying the citizen participation activities related to the site's investigation and cleanup program follows on the next page:

Citizen Participation Activities	Timing of CP Activity(ies)
<p align="center">Application Process:</p> <div> <div> <ul style="list-style-type: none"> • Prepare site contact list • Establish document repository(ies) </div> <div>At time of preparation of application to participate in the BCP.</div> </div> <hr/> <div> <div> <ul style="list-style-type: none"> • Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period • Publish above ENB content in local newspaper • Mail above ENB content to site contact list • Conduct 30-day public comment period </div> <div>When NYSDEC determines that BCP application is complete. The 30-day public comment period begins on date of publication of notice in ENB. End date of public comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice, and notice to the site contact list should be provided to the public at the same time.</div> </div>	
<p align="center">After Execution of Brownfield Site Cleanup Agreement (BCA):</p> <div> <div> <ul style="list-style-type: none"> • Prepare Citizen Participation (CP) Plan </div> <div> <p>Before start of Remedial Investigation</p> <p>Note: Applicant must submit CP Plan to NYSDEC for review and approval within 20 days of the effective date of the BCA.</p> </div> </div>	
<p align="center">Before NYSDEC Approves Remedial Investigation (RI) Work Plan:</p> <div> <div> <ul style="list-style-type: none"> • Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan • Conduct 30-day public comment period </div> <div>Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet. Thirty-day public comment period begins/ends as per dates identified in fact sheet.</div> </div>	
<p align="center">After Applicant Completes Remedial Investigation:</p> <div> <div> <ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes RI results </div> <div>Before NYSDEC approves RI Report</div> </div>	
<p align="center">Before NYSDEC Approves Remedial Work Plan (RWP):</p> <div> <div> <ul style="list-style-type: none"> • Distribute fact sheet to site contact list about draft RWP and announcing 45-day public comment period • Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager) • Conduct 45-day public comment period </div> <div>Before NYSDEC approves RWP. Forty-five day public comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day public comment period.</div> </div>	
<p align="center">Before Applicant Starts Cleanup Action:</p> <div> <div> <ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes upcoming cleanup action </div> <div>Before the start of cleanup action.</div> </div>	
<p align="center">After Applicant Completes Cleanup Action:</p> <div> <div> <ul style="list-style-type: none"> • Distribute fact sheet to site contact list that announces that cleanup action has been completed and that NYSDEC is reviewing the Final Engineering Report • Distribute fact sheet to site contact list announcing NYSDEC approval of Final Engineering Report and issuance of Certificate of Completion (COC) </div> <div> <p>At the time the cleanup action has been completed.</p> <p>Note: The two fact sheets are combined when possible if there is not a delay in issuing the COC.</p> </div> </div>	

3. Major Issues of Public Concern

This section of the CP Plan identifies major issues of public concern related to the site. Additional major issues of public concern may be identified during the site's investigation and cleanup process.

The Site consists of one parcel identified as 90.39-2-8.1, with a total area of approximately 1.08 acres, occupied by the F.W. Webb Company, a retailer of industrial valves, pipes, fittings, and other supplies. The Site building is utilized for office space, warehousing, shipping, and light fabrication work. Historic uses included machine shop operations, manufacturing of automobile parts, and grinding services. Soil, groundwater and soil vapor are impacted with chlorinated solvents (cVOCs), polycyclic aromatic hydrocarbons (PAHs), and metals associated with historic use of the property and/or abutting properties. The extent and levels of contaminants are currently not fully delineated, and there may be potential impact to downgradient and abutting properties. A public health risk may be evident to on-site and off-site receptors if they come in contact with soil, groundwater, or soil vapor. Groundwater in the vicinity of the Site is not used for potable consumption. Additional subsurface investigation will be performed to delineate and characterize the extent of risk to the public and the environment. Soil vapor impacts were detected in the samples collected from within the footprint of the Site building in 2021 and 2022. Delineation of soil vapor impacts at locations outside the footprint of the building has not been conducted. Sub-slab soil vapor and indoor air analytical results indicated the "mitigate" recommendation to minimize current or potential exposures associated with soil vapor intrusion according to the NYSDOH decision matrices.

4. Site Information

Appendix C contains a map identifying the location of the Site.

Site Description

The Site is located at 26 Clarence Avenue in the City of Buffalo, New York, Erie County. The Site consists of one parcel of land occupying 1.08 acres, located in a mixed-use commercial/industrial and residential area North of the City of Buffalo. Properties adjacent to the Site include the following:

- 59 Clyde Avenue – Vacant Industrial Land
- 62 Clyde Avenue – Manufacturing and Processing
- 870 Kensington Avenue – City of Buffalo (Right of Way)
- 19 Clyde Avenue – Automotive Body Repair and Tire Shop
- 27 Clyde Avenue – Manufacturing and Processing
- 852 Kensington Avenue – Manufacturing

- 870 Kensington Avenue – Vacant Industrial
- 46 Clarence Avenue - Single Family Dwelling
- 50 Clarence Avenue – Two Family Dwelling

History of Site Use, Investigation, and Cleanup

The Site consists of two adjoining parcels of land (Map 90, Lots 007 and 008), with a single story 33,588 square-foot commercial structure constructed in approximately 1948. Asphalt-paved parking areas are located to the east and west of the building. The Site building is currently occupied by the F.W. Webb Company since January 2022, a retailer of industrial valves, pipes, fittings, and other supplies. The Site building is utilized for office space, warehousing, shipping, and light fabrication work. Prior to January 2022, the property was occupied by Stritt & Priebe, Inc. (Pipe Fitting Shop). The Site has historically been used for both residential and industrial purposes. Historic uses included machine shop operations, manufacturing of automobile parts, and grinding services. Based on a review of available information, the Site has been developed since circa 1935 and was historically comprised of numerous small parcels of land.

Based on a subsurface investigation performed in 2021, soil and groundwater are impacted with petroleum hydrocarbons (lubrication oil), metals, and chlorinated solvents associated with historic use of the property and/or abutting properties. Based on soil analytical data collected to date, the soil impacts have not been fully delineated to the north, south, and east. Impacts to soil appear to have been delineated in a westerly direction. For groundwater, exceedances above applicable Ambient Water Quality Standards have not been delineated beyond the Site boundaries. Additional subsurface investigations are necessary to characterize shallow overburden and bedrock aquifers. Additional monitoring wells to be installed for delineation purposes subsequent to this submittal are also expected to be screened in the shallow bedrock aquifer to evaluate potential contaminants of concern.

Soil vapor impacts were detected in the samples collected from the vapor pins installed in each section of the Site building investigated in 2021 and 2022. Delineation of soil vapor impacts at locations outside the footprint of the building has not been conducted. With regard to indoor air, delineation of ambient indoor air has not been completed since each of the four samples collected inside the Site building reported detections of trichloroethylene (chlorinated solvent) above the NYSDEC Indoor Air Concentrations Criteria.

Previous environmental assessments and investigations have been conducted for the property.

- A Phase II Environmental Study, prepared by Day Environmental, Inc. (Day), dated July 2001;
- A Supplemental Phase II Study, prepared by Day, dated September 2001;
- A Limited Environmental Due Diligence: Transaction Screen Report, prepared by Lender;
- Consulting Services, Inc. (LCS), dated November 15, 2010;
- Addendum No. 1 to the Transaction Screen Report, prepared by LCS, dated November 22, 2010; and
- An Enhanced Transaction Screen Assessment, prepared by LCS, dated December 5, 2019.

5. Investigation and Cleanup Process

Application

The Applicant has applied for and has been accepted into New York's Brownfield Cleanup Program as a Volunteer. This means for 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 on-site, 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 investigation and cleanup 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 these activities at the site.

Investigation

The Applicant will conduct an investigation of the Site officially called a "remedial investigation" (RI). This investigation will be performed with NYSDEC oversight. The Applicant must develop a remedial investigation work plan (RIWP), which is subject to public comment.

The Site investigation has several goals:

- 1) Define the nature and extent of contamination in soil, surface water, groundwater, and any other parts of the environment that may be affected;

- 2) Identify the source(s) of the contamination;
- 3) Assess the impact of the contamination on public health and the environment; and
- 4) Provide information to support the development of a proposed remedy to address the contamination or the determination that cleanup is not necessary.

The Applicant submits a draft “Remedial Investigation Work Plan” to NYSDEC for review and approval. NYSDEC then makes the draft plan available for public review during a 30-day public comment period.

When the investigation is complete, the Applicant will prepare and submit a report that summarizes the results. This report also will recommend whether cleanup action is needed to address site-related contamination. The investigation report is subject to review and approval by NYSDEC.

NYSDEC will use the information in the investigation report to determine if the Site poses a significant threat to public health or the environment. If the Site is a “significant threat,” it must be cleaned up using a remedy selected by NYSDEC from an analysis of alternatives prepared by the Applicant and approved by NYSDEC. If the Site does not pose a significant threat, the Applicant may select the remedy from the approved analysis of alternatives.

Interim Remedial Measures

An Interim Remedial Measure (IRM) is an action that can be undertaken at a Site when a source of contamination or exposure pathway can be effectively addressed before the site investigation and analysis of alternatives are completed. If an IRM is likely to represent all or a significant part of the final remedy, NYSDEC will require a 30-day public comment period.

Remedy Selection

When the investigation of the Site has been determined to be complete, the project likely would proceed in one of two directions:

1. The Applicant may recommend in its investigation report that no action is necessary at the Site. In this case, NYSDEC would make the investigation report available for public comment for 45 days. NYSDEC then would complete its review, make any necessary revisions, and, if appropriate, approve the investigation report. NYSDEC would then issue a “Certificate of Completion” (described below) to the Applicant.

or

2. The Applicant may recommend in its investigation report that action needs to be

taken to address Site contamination. After NYSDEC approves the investigation report, the Applicant may then develop a cleanup plan, officially called a “Remedial Work Plan.” The Remedial Work Plan describes the Applicant’s proposed remedy for addressing contamination related to the site.

When the Applicant submits a draft Remedial Work Plan for approval, NYSDEC will announce the draft plan's availability for public review during a 45-day public comment period.

Cleanup Action

NYSDEC will consider public comments and revise the draft cleanup plan, if necessary, before approving the proposed remedy. The New York State Department of Health (NYSDOH) must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy. The selected remedy is formalized in the Site Decision Document.

The Applicant may then design and perform the cleanup action to address the Site contamination. NYSDEC and NYSDOH oversee the activities. When the Applicant completes cleanup activities, it will prepare a final engineering report that certifies that cleanup requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the cleanup is protective of public health and the environment for the intended use of the Site.

Certificate of Completion

When NYSDEC is satisfied that cleanup requirements have been achieved or will be achieved for the Site, it will approve the final engineering report. NYSDEC will then issue a Certificate of Completion (COC) to the Applicant. The COC states that cleanup goals have been achieved and relieves the Applicant from future liability for site-related contamination, subject to certain conditions. The Applicant would be eligible to redevelop the Site after it receives a COC.

Site Management

The purpose of Site management is to ensure the safe reuse of the property if contamination will remain in place. Site management is the last phase of the Site cleanup program. This phase begins when the COC is issued. Site management incorporates any institutional and engineering controls required to ensure that the remedy implemented for the site remains protective of public health and the environment. All significant activities are detailed in a Site Management Plan.

An *institutional control* is a non-physical restriction on the use of the Site, such as a deed restriction that would prevent or restrict certain uses of the property. An institutional control may be used when the cleanup action leaves some contamination that makes the Site suitable for some, but not all, uses.

An *engineering control* is a physical barrier or method to manage contamination. Examples include caps, covers, barriers, fences, and treatment of water supplies.

Site management also may include the operation and maintenance of a component of the remedy, such as a system that pumps and treats groundwater. Site management continues until NYSDEC determines that it is no longer needed.

Appendix A - Project Contacts and Locations of Reports and Information

Project Contacts

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

New York State Department of Environmental Conservation (NYSDEC):

Ms. Taylor Monnin
Project Manager
NYSDEC Region 9
Division of Environmental Remediation
700 Delaware Street, Buffalo, NY
716-851-7220

Ms. Kristen Davidson
Citizen Participation Specialist
NYSDEC Region 9
700 Delaware Street, Buffalo, NY
716-851-7220

New York State Department of Health (NYSDOH):

Mr. Jim Sullivan
Project Manager
Empire State Plaza
Corning Tower Room 1787
Albany, NY 12237
518-417-1531

Locations of Reports and Information:

The facilities identified below are being used to provide the public with convenient access to important project documents:

Ms. April Tompkins, Sr. Library Clerk
Office of Chief Operating Officer
Buffalo and Erie County Library
1 Lafayette Square
Buffalo, NY 14203

NYSDEC Region 9
700 Delaware Street, Buffalo, New York
Ms. Taylor Monnin
716-851-7220 Hours: Monday-Friday:
8:30 AM – 4:45 PM (call for appointment)

Appendix B - Site Contact List

Erie County Representatives

Mayor Byron W. Brown
City of Buffalo
65 Niagara Square
Room 201
Buffalo, NY 14202

Mr. Brendan R. Mehaffy
Executive Director – Office of Strategic
Planning
City of Buffalo
65 Niagara Square
Room 901
Buffalo, NY 14202

Mr. Daniel Castle
Erie County Commissioner of
Environment and Planning
95 Franklin Street
10th Floor
Buffalo, NY 14202

Erie County Clerk
Michael P. Kearns
92 Franklin Street
Buffalo NY 14202
716-858-8865

Commissioner of Environment and
Planning
Thomas R Hersey, Jr.
Edward A. Rath County Office Building
95 Franklin Street, 10th Floor
Buffalo NY 14202
716-858-8390

Erie County Executive
Mark Poloncarz
95 Franklin Street, 16th Floor
Buffalo, NY 14202
(716) 858-8500

Public Water Supplier

Erie County Water Authority
295 Main Street, Room 350
Buffalo, NY 14203

Local New Media

The Buffalo News
One News Plaza, PO Box 10
Buffalo, NY 14240
716-849-4444

Abutting Properties

MJ Concepts, Inc d/b/a
59 Clyde Avenue
Buffalo, NY 14215

Smith, George, L
19 Clyde Avenue
Buffalo, NY 14215

62 Clyde LLC
62 Clyde Avenue
Buffalo, NY 14215

Trace Assets Protection
27 Clyde Avenue
(Mailing Address - 67 Timberline Drive,
Williamsville NY 14221)
Buffalo, NY 14215

City Of Buffalo
870 Kensington Avenue
(Mailing Address – 65 Niagara Square,
Buffalo, NY 14202)
Buffalo, NY 14215
852 Kensington Avenue, LLC
852 Kensington Avenue
Buffalo, NY 14215

William and Mary Handley
50 Clarence Avenue
Buffalo, NY 14215

Nearby School Administration

Public School 61
Mr. Nathaniel Barnes, Principal
453 Leroy Avenue
Buffalo, NY 14215
716-816-3400

Buffalo Montessori School
Ms. Judith Fix, Principal
345 Olympic Avenue
Buffalo, NY 14215
716-816-4020

NativityMiguel Middle School of Buffalo
Mr. Christopher Pitek, Head of School

24 Hastings Avenue
Buffalo, NY 14215
716-836-5188

Westminster Community Charter School
24 Westminster Avenue
Ms. Theresa Gerchman, Principal
Buffalo, NY 14215
716-816-3450

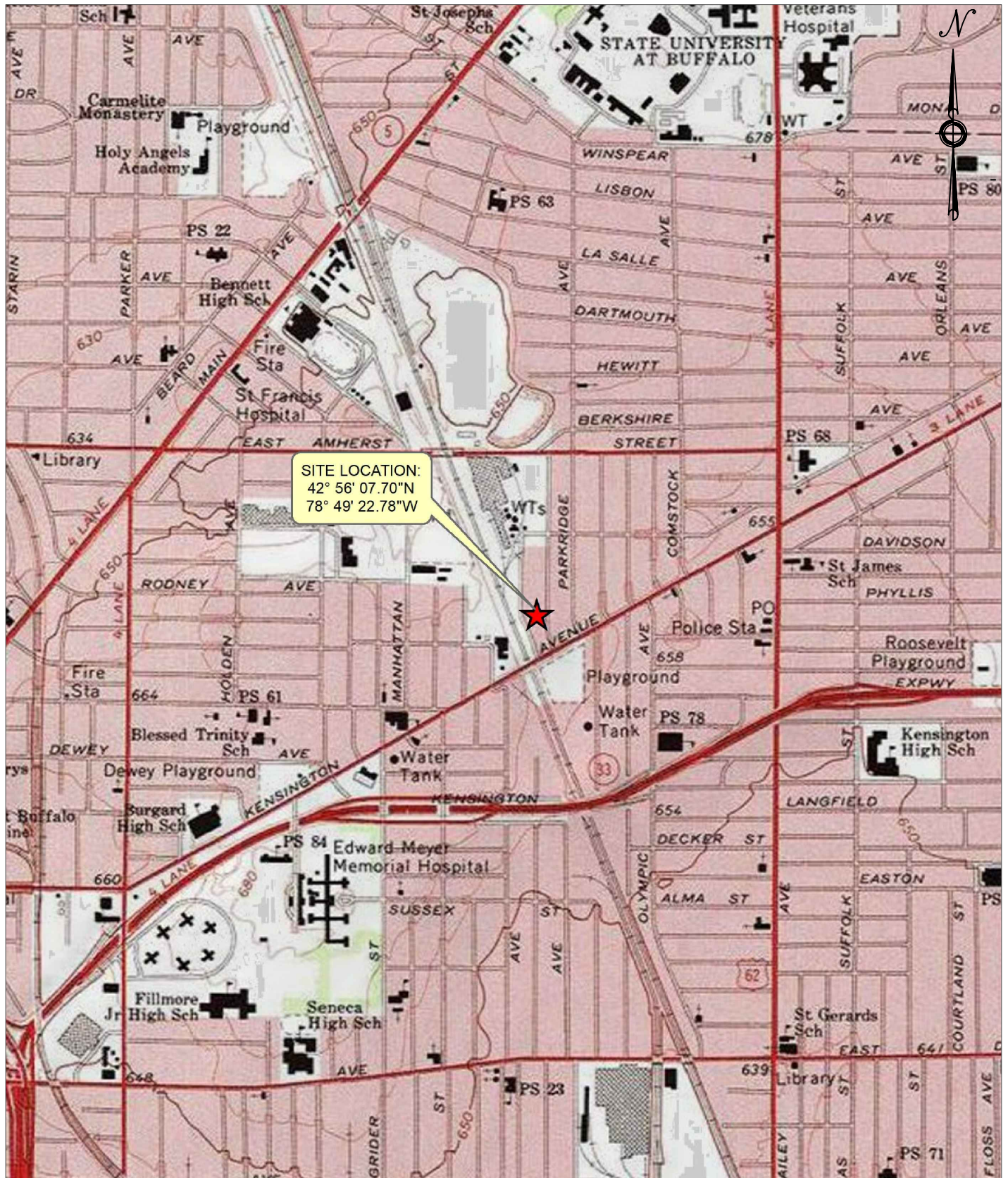
**Nearby Day Care/Pre-K and Nursery
Schools**

My Precious Angels Childcare, Inc.
2946 Bailey Avenue
Buffalo, NY
716-896-3900

**People who have requested to be on
this list**

None Requested

Appendix C - Site Location Map



100 JEFFERSON BLVD., SUITE 220
WARWICK, RI 02888
PHONE: (401) 732-7600
FAX: (401) 732-7670
ALLIANCEENVIRONMENTALGROUP.COM

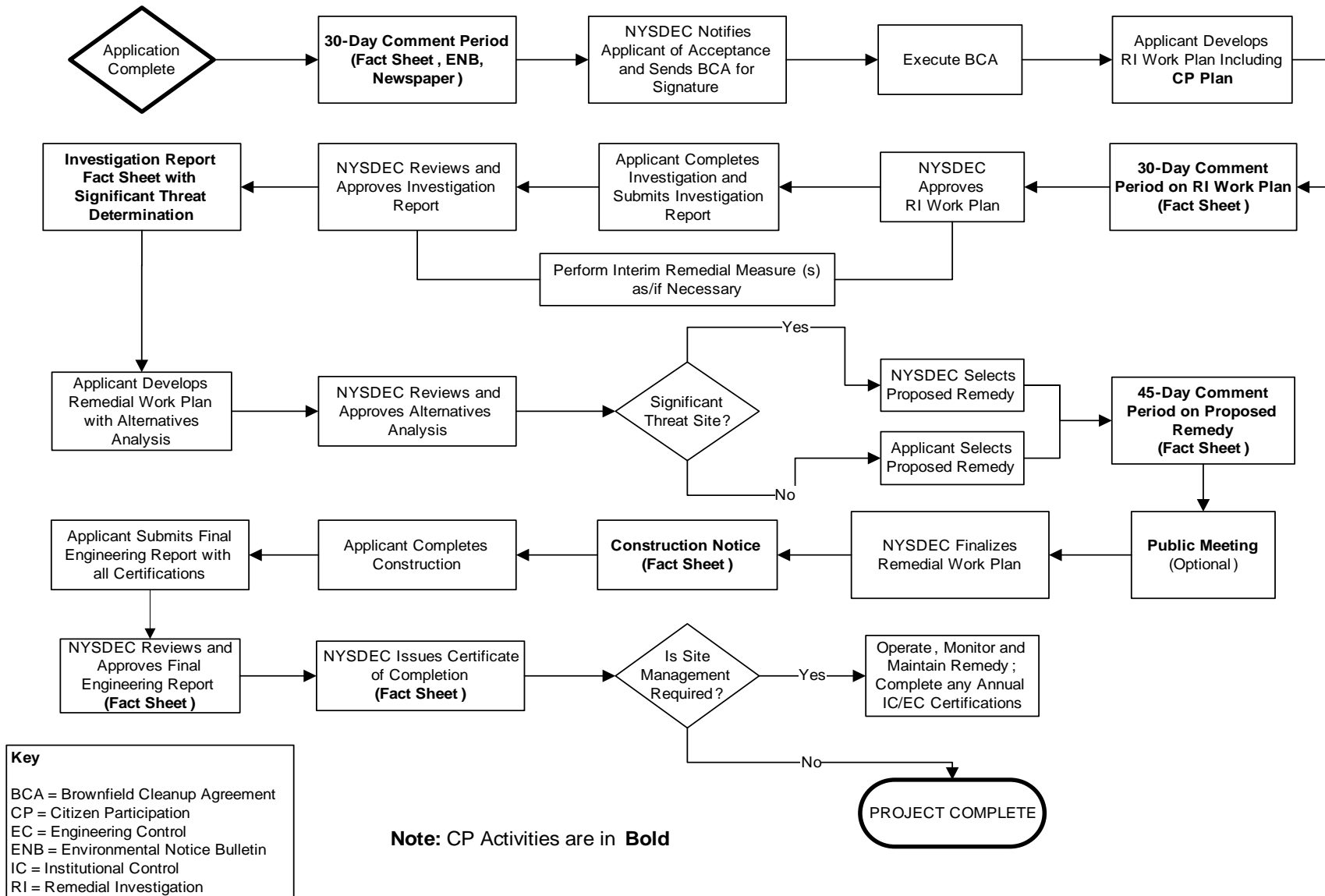
APPENDIX C - SITE
LOCATION MAP
26 & 46 CLARENCE AVE
BUFFALO, NY

PROJECT No: 3162-01	FIGURE 1	DRAWN BY: ROV
DATE: 09/11/2021		REVIEWED BY: TN
SCALE: 1" = 2,000'		

NOTES:

1. IMAGERY CREDITS: COPYRIGHT: © 2013 NATIONAL GEOGRAPHIC SOCIETY, I-CUBED
2. SCALE IS APPROXIMATE

Appendix D– Brownfield Cleanup Program Process



Division of Environmental Remediation**Remedial Programs
Scoping Sheet for Major Issues of Public Concern****Instructions**

This Scoping Sheet assesses major issues of public concern; impacts of the site and its remedial program on the community; community interest in the site; information the public needs; and information needed from the public.

The information generated helps to plan and conduct required citizen participation (CP) activities, and to choose and conduct additional CP activities, if appropriate. The scoping sheet can be revisited and updated as appropriate during the site's remedial process to more effectively implement the site's CP program.

Note: Use the information as an aid to prepare and update the Major Issues of Public Concern section of the site CP Plan.

General Instructions

- When to prepare: During preparation of the CP Plan for the site. It can be revisited and updated anytime during the site remedial process.
- Fill in site name and other information as appropriate.
- The Scoping Sheet may be prepared by DEC or a remedial party, but must be reviewed and approved by the DER site project manager or his/her designee.

Instructions for Numbered Parts

Consider the bulleted issues and questions below and any others that may be unique or appropriate to the site and the community to help complete the five Parts of this Scoping Sheet. Identify the issue stakeholders in Parts 1 through 3 and adjust the site's contact list accordingly.

Part 1. List Major Issues of Public Concern and Information the Community Wants.

- Is our health being impacted? (e.g. Are there problems with our drinking water or air? Are you going to test our water, yards, sumps, basements? Have health studies been done?)
- There are odors in the neighborhood. Do they come from the site and are they hazardous?
- Are there restrictions on what we may do (e.g. Can our children play outside? Can we garden? Must we avoid certain areas? Can we recreate (fish, hunt, hike, etc. on/around the site?)
- How and when were the site's contamination problems created?
- What contaminants are of concern and why? How will you look for contamination and find out where it is going? What is the schedule for doing that?
- The site is affecting our property values!
- How can we get more information (e.g. who are the project contacts?)
- How will we be kept informed and involved during the site remedial process?
- Who has been contacted in the community about site remedial activities?
- What has been done to this point? What happens next and when?
- The site is going to be cleaned up for restricted use. What does that mean? We don't want redevelopment on a "dirty" site.

Part 2. List Important Information Needed From the Community, if Applicable.

- Can the community supplement knowledge about past/current uses of the site?
- Does the community have knowledge that the site may be significantly impacting nearby people, properties, natural resources, etc.?
- Are activities currently taking place at the site or at nearby properties that may need to be restricted?
- Who may be interested or affected by the site that has not yet been identified?
- Are there unique community characteristics that could affect how information is exchanged?
- Does the community and/or individuals have any concerns they want monitored?
- Does the community have information about other sources in the area for the contamination?

Part 3. List Major Issues and Information That Need to be Communicated to the Community.

- Specific site investigation or remediation activities currently underway, or that will begin in the near future.
- The process and general schedule to investigate, remediate and, if applicable, redevelop the site.
- Current understanding about the site contamination and effects, if any, on public health and the environment.
- Site impacts on the community and any restrictions on the public's use of the site and/or nearby properties.
- Planned CP activities, their schedule, and how they relate to the site's remedial process.
- Ways for the community to obtain/provide information (document repositories, contacts, etc.).

Part 4. Community Characteristics

a. - e. Obtain information from local officials, property owners and residents, site reports, site visits, "windshield surveys," other staff, etc.

f. Has the affected community experienced other **significant** present or past environmental problems unrelated to this site? Such experiences could significantly affect public concerns and perspectives about the site; how the community will relate to project staff; the image and credibility of project staff within the community; and the ways in which project staff communicate with the community.

g. In its remedial programs, DER seeks to integrate, and be consistent with, environmental justice principles set forth in *DEC Commissioner Policy 29 on Environmental Justice* and *DER 23 – Citizen Participation Handbook for Remedial Programs*. Is the site and/or affected community wholly or partly in an Environmental Justice (EJ) Area? Use the Search feature on DEC's public web site for "environmental justice". DEC's EJ pages define an EJ area, and link to county maps to help determine if the site and/or community are in an EJ area.

h. Consider factors such as:

- Is English the primary language of the affected community? If not, provisions should be considered regarding public outreach activities such as fact sheets, meetings, door-to-door visits and other activities to ensure their effectiveness.
- The age demographics of the community. For example, is there a significant number of senior citizens in the community? It may be difficult for some to attend public meetings and use document repositories. This may suggest adopting more direct interaction with the community with activities such as door-to-door visits, additional fact sheets, visits to community and church centers, nursing homes, etc.
- How do people travel about the community? Would most people drive to a public meeting or document repository? Is there adequate public transportation?

Part 5. Affected/Interested Public.

Individuals and organizations who need or want information and input can change during the site's remedial process. This need is influenced by real, potential, or perceived impacts of the site or the remedial process. Some people may want information and input throughout the remedial process. Others may participate only during specific remedial stages, or may only be interested in particular issues.

It is important to revisit this question when reviewing this scoping sheet. Knowing who is interested in the site – and the issues that are important to them – will help to select and conduct appropriate outreach activities, and to identify their timing and the information to be exchanged.

Check all affected/interested parties that apply to the site. **Note: Adjust the site's contact list appropriately.** The following are some ways to identify affected/interested parties:

- Tax maps of adjacent property owners
- Attendees at public meetings
- Telephone discussions
- Letters and e-mails to DER, the remedial party, and other agencies
- Political jurisdictions and boundaries
- Media coverage
- Current/proposed uses of site and/or nearby properties (recreational, commercial, industrial)
- Discussions with community organizations: grass roots organizations, local environmental groups, environmental justice groups, churches, and neighborhood advisory groups



Division of Environmental Remediation

Remedial Programs
Scoping Sheet for Major Issues of Public Concern (see instructions)

Site Name: FW Webb Company

Site Number: C915383

Site Address and County: 26 Clarence Avenue, Buffalo, NY 14215, Erie County

Remedial Party(ies): FW Webb Company

Note: For Parts 1. – 3. the individuals, groups, organizations, businesses and units of government identified should be added to the site contact list as appropriate.

Part 1. List major issues of public concern and information the community wants. Identify individuals, groups, organizations, businesses and/or units of government related to the issue(s) and information needs. **Use this information as an aid to prepare or update the Major Issues of Public Concern section of the site Citizen Participation Plan.**

1. Public health is not being impacted on-Site or off-site, drinking water in the vicinity is public water supply and municipal/private are not present. Testing off-site to evaluate soil and groundwater is likely required, but it is unlikely testing in abutting yards, sumps, basements or drinking water are necessary. Health studies are not warranted at this time.
2. There are odors in the neighborhood. Do they come from the site and are they hazardous?
3. Are there restrictions on what we may do (e.g. Can our children play outside? Can we garden? 4. 4. Must we avoid certain areas? Can we recreate (fish, hunt, hike, etc. on/around the site?)
5. How and when were the site's contamination problems created?
6. What contaminants are of concern and why? How will you look for contamination and find out where it is going? What is the schedule for doing that?
7. The site is affecting our property values!
8. How can we get more information (e.g. who are the project contacts?)
9. How will we be kept informed and involved during the site remedial process?
10. Who has been contacted in the community about site remedial activities?
11. What has been done to this point? What happens next and when?
12. The site is going to be cleaned up for restricted use. What does that mean? We don't want redevelopment on a "dirty" site.

How were these issues and/or information needs identified?

[Click here to enter text.](#)

Part 2. List important information needed **from** the community, if applicable. Identify individuals, groups, organizations, businesses and/or units of government related to the information needed.

- Can the community supplement knowledge about past/current uses of the site?
- Does the community have knowledge that the site may be significantly impacting nearby people, properties, natural resources, etc.?
- Are activities currently taking place at the site or at nearby properties that may need to be restricted?
- Who may be interested or affected by the site that has not yet been identified?
- Are there unique community characteristics that could affect how information is exchanged?
- Does the community and/or individuals have any concerns they want monitored?
- Does the community have information about other sources in the area for the contamination?

How were these information needs identified?

[Click here to enter text.](#)

Part 3. List major issues and information that need to be communicated **to** the community. Identify individuals, groups, organizations, businesses and/or units of government related to the issue(s) and/or information.

[Click here to enter text.](#)

How were these issues and/or information needs identified?

[Click here to enter text.](#)

Part 4. Identify the following characteristics of the affected/interested community. This knowledge will help to identify and understand issues and information important to the community, and ways to effectively develop and implement the site citizen participation plan (mark all that apply):

a. Land use/zoning at and around site:

☒ **Residential** ☐ **Agricultural** ☐ **Recreational** ☒ **Commercial** ☒ **Industrial**

b. Residential type around site:

☒ **Urban** ☐ **Suburban** ☐ **Rural**

c. Population density around site:

☐ **High** ☒ **Medium** ☐ **Low**

d. Water supply of nearby residences:

☒ **Public** ☐ **Private Wells** ☐ **Mixed**

e. Is part or all of the water supply of the affected/interested community currently impacted by the site?

☐ **Yes** ☒ **No**

Provide details if appropriate:

[Click here to enter text.](#)

f. Other environmental issues significantly impacted/impacting the affected community?

☐ **Yes** ☒ **No**

Provide details if appropriate:

[Click here to enter text.](#)

g. Is the site and/or the affected/interested community wholly or partly in an Environmental Justice Area?

☐ **Yes** ☒ **No**

h. Special considerations:

☐ **Language** ☐ **Age** ☐ **Transportation** ☐ **Other**

Explain any marked categories in **h**:

[Click here to enter text.](#)

Part 5. The site contact list must include, at a minimum, the individuals, groups, and organizations identified in Part 2. of the Citizen Participation Plan under 'Site Contact List'. Are *other* individuals, groups, organizations, and units of government affected by, or interested in, the site, or its remedial program? (Mark and identify all that apply, then adjust the site contact list as appropriate.)

☐ **Non-Adjacent Residents/Property Owners:** [Click here to enter text.](#)

☐ **Local Officials:** [Click here to enter text.](#)

☐ **Media:** [Click here to enter text.](#)

☐ **Business/Commercial Interests:** Click here to enter text.

☐ **Labor Group(s)/Employees:** Click here to enter text.

☐ **Indian Nation:** Click here to enter text.

☐ **Citizens/Community Group(s):** Click here to enter text.

☐ **Environmental Justice Group(s):** Click here to enter text.

☐ **Environmental Group(s):** Click here to enter text.

☐ **Civic Group(s):** Click here to enter text.

☐ **Recreational Group(s):** Click here to enter text.

☐ **Other(s):** Click here to enter text.

Prepared/Updated By: Click here to enter text.

Date: Click here to enter text.

Reviewed/Approved By: Click here to enter text.

Date: Click here to enter text.