

Brownfield Cleanup Program Application

*Former Union Carbide Company Site
1501 College Avenue
Niagara Falls, NY*

September 2007

0140-001-102

Prepared For:

Santarosa Holdings, Inc



**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**



BROWNFIELD CLEANUP PROGRAM (BCP)

ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #: _____

7/06

NAME Santarosa Holdings, Inc.					
ADDRESS 4870 Packard Road					
CITY/TOWN Niagara Falls		ZIP CODE 14304			
PHONE 716-278-2000	FAX 716-278-2020	E-MAIL			
NAME OF REQUESTOR'S REPRESENTATIVE Mr. Grant Wooley					
ADDRESS 4870 Packard Road					
CITY/TOWN Niagara Falls		ZIP CODE 14304			
PHONE 716-278-2000	FAX 716-278-2020	E-MAIL gwooley@buffalofuel.com			
NAME OF REQUESTOR'S CONSULTANT Mr. Paul Werthman, P.E. Benchmark Environmental Engineering and Science, PLLC					
ADDRESS 726 Exchange Street, Suite 624					
CITY/TOWN Buffalo		ZIP CODE 14210			
PHONE 716-856-0599	FAX 716-856-0583	E-MAIL pwerthman@benchmarkees.com			
NAME OF REQUESTOR'S ATTORNEY Mr. Robert Murray - Harris Beach, PLLC					
ADDRESS 726 Exchange Street, Suite 1000					
CITY/TOWN Buffalo		ZIP CODE 14210			
PHONE 716-200-5050	FAX 716-200-5224	E-MAIL bmurray@harrisbeach.com			
<p>THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:</p> <table style="width:100%;"> <tr> <td style="width:50%; vertical-align: top;"> <input type="checkbox"/> PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. </td> <td style="width:50%; vertical-align: top;"> <input checked="" type="checkbox"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste. </td> </tr> </table>				<input type="checkbox"/> PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.	<input checked="" type="checkbox"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.
<input type="checkbox"/> PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.	<input checked="" type="checkbox"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.				
Requestor Relationship to Property (check one):					
Previous Owner	Current Owner <input checked="" type="checkbox"/>	Potential /Future Purchaser	Other (See Exhibit 1 attached)		
If requestor is not the site owner, requestor will have access to the property throughout the BCP project.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
(Note: proof of site access must be submitted for non-owners)					

Section II. Property Information Summary Sheet

PROPERTY NAME: 1501 College Avenue Site

ADDRESS/LOCATION 1501 College Avenue CITY/TOWN Niagara Falls ZIP CODE 14304

MUNICIPALITY(IF MORE THAN ONE, LIST ALL): City of Niagara Falls

COUNTY Niagara SITE SIZE (ACRES) 13.0

LATITUDE (degrees/minutes/seconds) N43 · 7 · 14.9 LONGITUDE (degrees/minutes/seconds) W79 · 2 · 30.0 ·

HORIZONTAL COLLECTION METHOD: SURVEY GPS MAP HORIZONTAL REFERENCE DATUM: NAD 27

FOR EACH PARCEL, FILL OUT THE FOLLOWING TAX MAP INFORMATION (if more than three parcels, attach additional information)

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
1501 College Avenue (portion of)		130.18	2	3.211	13.0

- 1. Do the property boundaries correspond to tax map metes and bounds? Yes No
If no, please attach a metes and bounds description of the property.
- 2. Is the required property map attached to the application? (application will not be processed without map) Yes No
- 3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)? Yes No

For more information go to: http://www.nylovesbiz.com/BrownField_Redevelopment/default.asp.

If yes, identify area (name) Census Tract #020200

50% 100% of the site is in the En-zone (check one)

PROPERTY DESCRIPTION NARRATIVE:

See Attachment #1

List of Existing Easements (type here or attach information)

<u>Easement Holder</u>	<u>Description</u>
Unknown	

Unknown

List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
Unknown		

Unknown

Initials of each Requestor: _____



OWNER'S NAME (if different from requestor) Niagara Vest, Inc.		
ADDRESS 1180 Rte 130 S		
CITY/TOWN Robbinsville		ZIP CODE 08691
PHONE unknown	FAX unknown	E-MAIL unknown
OPERATOR'S NAME (if different from requestor or owner) NA/Vacant		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? Yes No
2. Is the requestor subject to an existing order relating to contamination at the site? Yes No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Yes No
4. Has the requestor been determined to have violated any provision of ECL Article 27? Yes No
5. Has the requestor previously been denied entry to the BCP? Yes No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? Yes No
7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? Yes No
8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? Yes No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? Yes No

1. Is the property listed on the National Priorities List? Yes No
2. Is the property listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites?
If yes, please provide: Site # _____ Class # _____ Yes No
3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____ Yes No
4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____ Yes No
5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment. Yes No

Please attach a description of the project which includes the following components:

- Purpose and scope of the project
- Estimated project schedule

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. Environmental Reports

A phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): Yes No

2. Sampling Data: Indicate known contaminants and the media which are known to have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	X				
Chlorinated Solvents					
Other VOCs					
SVOCs	X				
Metals	X				
Pesticides					
PCBs	X				
Other*	X				

*Please describe: PCBS IN GALBESTOS

3. Suspected Contaminants: Indicate suspected contaminants and the media which may have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	X				
Chlorinated Solvents					
Other VOCs					
SVOCs	X				
Metals	X				
Pesticides					
PCBs	X				
Other*					

*Please describe: _____

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS:

- | | | | |
|---|---|--|---|
| <input checked="" type="checkbox"/> Above Ground Pipeline or Tank | <input type="checkbox"/> Lagoons or Ponds | <input checked="" type="checkbox"/> Underground Pipeline or Tank | <input checked="" type="checkbox"/> Surface Spill or Discharge |
| <input checked="" type="checkbox"/> Routine Industrial Operations | <input checked="" type="checkbox"/> Dumping or Burial of Wastes | <input type="checkbox"/> Septic tank/lateral field | <input checked="" type="checkbox"/> Drums or Storage Containers |
| <input type="checkbox"/> Adjacent Property | <input type="checkbox"/> Seepage Pit or Dry Well | <input type="checkbox"/> Foundry Sand | <input type="checkbox"/> Electroplating |
| <input type="checkbox"/> Coal Gas Manufacture | <input type="checkbox"/> Industrial Accident | <input type="checkbox"/> Unknown | |

Other: _____

5. INDICATE PAST LAND USES:

- | | | | | | |
|---|---|---|--------------------------------------|---|-------------------------------------|
| <input type="checkbox"/> Coal Gas Manufacturing | <input checked="" type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner | <input type="checkbox"/> Salvage Yard | <input type="checkbox"/> Bulk Plant |
| <input type="checkbox"/> Pipeline | <input type="checkbox"/> Service Station | <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: _____

6. Owners

A list of previous owners with names, last known addresses and telephone numbers (describe requestor's relationship, if any, to each previous owner listed. If no relationship, put "none").

7. Operators

A list of previous operators with names, last known addresses and telephone number (describe requestor's relationship, if any, to each previous operator listed. If no relationship, put "none").

Section VII

Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and zoning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property.

Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply)

Intended Use: Unrestricted Residential Commercial Industrial

Please check the appropriate box and provide an explanation as an attachment if appropriate. Provide a copy of the local zoning classifications, comprehensive zoning plan designations, and/or current land use approvals.

Yes No

1. Do current historical and/or recent development patterns support the proposed use? (See #12 below re: discussion of area land uses)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Is the proposed use consistent with applicable zoning laws/maps?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Are there any federal or state land use designations relating to this site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Do the population growth patterns and projections support the proposed use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Is the property accessible to existing infrastructure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Are there floodplains within ½ mile?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Are there any institutional controls currently applicable to the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

12. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.

13. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas.

14. Describe on attachment the geography and geology of the site.

Statement of Certifier and Signatory

(By requestor who is an individual)

I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____ Print Name: _____

(By an requestor other than an individual)

I hereby affirm that I am Inspector (title) of Surbasa Holdings, Inc. (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 9/20/2007 Signature: [Handwritten Signature] Print Name: Grant Walsh

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- Two (2) copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, must be sent to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

- One (1) hard copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices: <http://www.dec.state.ny.us/website/der/index.html>

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

EXHIBIT 01

Attached hereto please find the Order, In the Matter of the Foreclosure of Tax Liens By Proceeding in rem Pursuant to Article Eleven of the Real Property Tax Law By the City of Niagara Falls, New York, with respect to the Project Site. The Applicant is the agent of the City of Niagara Falls and has the right to enter the Project Site as described in the Order. It is contemplated that the Applicant will obtain title to the Project Site within 4-5 weeks upon conclusion of the foreclosure process.

At a Special Term of the New York State Supreme Court held in and for the County of Niagara at the Court House located 175 Hawley Street, Room 107, Lockport, New York, on the 9th day of August, 2007.

PRESENT: Hon. Richard C. Kloch, Sr., J.S.C.

SUPREME COURT : STATE OF NEW YORK : COUNTY OF NIAGARA

ORIGINAL FILED

In the Matter of the Foreclosure
Of Tax Liens By Proceeding In Rem
Pursuant to Article Eleven of the
Real Property Tax Law By The
City of Niagara Falls, New York

AUG 09 2007

WAYNE F. JAGOW
NIAGARA COUNTY CLERK

ORDER

Index No. 115474

List of Delinquent Taxes as of June 1, 2002

Petitioner, CITY OF NIAGARA FALLS, by its attorney, Thomas M. O'Donnell, having made an application to this Court via Order to Show Cause and Petition seeking an Order pursuant to New York State Environmental Conservation Law § 56-0508 staying the instant foreclosure action and granting the CITY OF NIAGARA FALLS temporary rights of ownership with regard to property located at 1501 College Avenue and known as Ward 12, Property # 4665. (SBL No. 130.18-2-3.211), situated in the City of Niagara Falls, County of Niagara, New York (hereinafter, the "Property"), to perform an environmental investigation, and there being no opposition to the aforementioned relief requested from NIAGARA VEST, INC, owner of record of the Property;

NOW, upon the reading and filing of Petitioner's Order to Show Cause, granted by this Court on the 21st day of June, 2007; together with the annexed Petition and

Affirmation of Thomas M. O'Donnell, attorney for the Petitioner, CITY OF NIAGARA FALLS, dated June 20, 2007, and upon all other papers attached thereto; and

NOW, upon Thomas M. O'Donnell, attorney for the Petitioner, having appeared before the Court on behalf of Petitioner on August 9th, 2007, and NIAGARA VEST, INC., having made no appearance and offering no objection to the requested relief; it is hereby

ORDERED, that Petitioner CITY OF NIAGARA FALLS is hereby granted temporary rights of ownership over the above-described Property, located at 1501 College Avenue and known as Ward 12, Property # 4665 (SBL No. 130.18-2-3.211), situated in the City of Niagara Falls, County of Niagara, New York, which said Property is subject to the instant administrative tax foreclosure proceeding commenced by Petitioner pursuant to Article Eleven of the Real Property Tax Law, and it is further

ORDERED, that the instant administrative tax foreclosure proceeding is stayed with respect to the above-described Property; and it is further

ORDERED, Petitioner CITY OF NIAGARA FALLS, and/or its contractors, designees, or assignees, upon granting of this Order, have the right to enter the above-described Property for the purpose of conducting an environmental investigation project; and it is further

ORDERED, that NIAGARA VEST, INC., its representatives, designees, and/or assignees, shall refrain from hindering or interfering in any way with access to the above described Property by the Petitioner, its designees and/or assigns, for the purpose of carrying on investigatory work at these properties; and it is further

ORDERED, that the CITY OF NIAGARA FALLS, its contractors, designees, and/or assignees, be granted such other and further relief this Court may deem just, proper and equitable based upon the facts and circumstances had herein; and it is further

ORDERED, the CITY OF NIAGARA FALLS' Petition is hereby in all respects GRANTED as a matter of law.

ENTER:

Date: August 9, 2007

RICHARD C. KLOCH SR. AJSC

Hon. Richard C. Kloch, Sr., J.S.C.
New York State Supreme Court Justice

GRANTED

AUG 09 2007

BY NICOLE SCHUG
NICOLE SCHUG
COURT CLERK

LIST OF APPLICATION ATTACHMENTS

*NYSDEC Brownfield Cleanup Program Application
1501 College Avenue Site
Niagara Falls, New York*

Attachment No.	Description
1	Site Description, Location Map and Site Plan
2	Tax Map
3	Project Description and Schedule
4	Proposed Redevelopment Plan
5	Phase I Environmental Site Assessment
6	Previous Environmental Investigations
7	Listing of Current and Previous Site Owners
8	Listing of Current and Previous Site Operators
9	Contact List Information
10	Document Repository Confirmation Letter
11	Environmental Factors and Historic Land Use Considerations
12	Nearby Land Use Map
13	Groundwater Vulnerability Assessment
14	Description of Site Geography/Geology

ATTACHMENT 01

SITE DESCRIPTION, LOCATION MAP & SITE PLAN

Attachment 01

Site Description

**Santarosa Holding, Inc.
1501 College Avenue Site
Brownfield Cleanup Program Application**

SITE DESCRIPTION

The subject property (hereinafter, the “Project Site” or the “Site”) subject to the BCP application is an approximate 13.0-acre portion of a 13.5-acre parcel, addressed as 1501 College Avenue, Niagara Falls New York (see Figures 1-1 and 1-2). The parcel included in this application is described as:

1501 College Avenue, Niagara Falls, NY (portion of 13.5-acre parcel - SBL No. 130.18-2-3.211)

The Project Site contains multiple connected former manufacturing buildings, parking areas, and rail lines. For approximately 80 years, between 1910 through the 1980s, the Site was used for heavy industrial manufacturing. At one time, the Site was part of the larger former Union Carbide Co. manufacturing complex. Historically, the property was used for the manufacturing of coal-based carbon products that were used by alloy reduction smelters. Products that were manufactured on the Site included specialty machined graphite, carbon liners, cathode blocks, and furnacing electrodes. It is currently abandoned; notwithstanding illegal car repair/scraping operations and illegal dumping operations that appear to be occurring on-site.

The site’s historical heavy industrial use and current use as a car chop-shop and illegal dumping/disposal area has left and continues to leave a legacy of environmental concerns, including releases and threatened releases of hazardous substances and/or petroleum products, on, at, in, or to the property. Multiple aboveground storage tanks occupy the site, contents of which are unknown. Several vent pipes have been identified on-site, indicating the presence of underground storage tanks, again, contents of which are unknown. Over 200, 55-gallon drums are presently located on the Project Site, some of which were labeled as containing boron carbide, furnace dust, grease, oil, and aluminum oxide. Many of these drums are structurally compromised and visible tar-like grease and oil waste can be observed within these drums. Another 50 cardboard drums containing unknown substances are also on-site. See Site Photographs as attached hereto.

Several large debris piles of known and unknown materials are located throughout the site. Several areas of staining are noted throughout the subject property, typically in association with the areas upon which steel and cardboard drums are located, and upon which the above

Attachment 01

Site Description

**Santarosa Holding, Inc.
1501 College Avenue Site
Brownfield Cleanup Program Application**

ground storage tanks and debris piles exist. Again, see the Site Photographs as attached hereto.

In addition, as described in the Environmental Protection Agency records (see [Attachment 6](#)), property adjacent to the Project Site (and which once, along with the Project Site, was joined as one property upon which the Union Carbide Company operations were undertaken) contained galbestos material with high PCB levels. The same source of the galbestos/PCB containing material that was removed from the adjoining Union Carbide Site is also present on the Project Site, indicating the potential presence of PCBs, which was confirmed as described below.

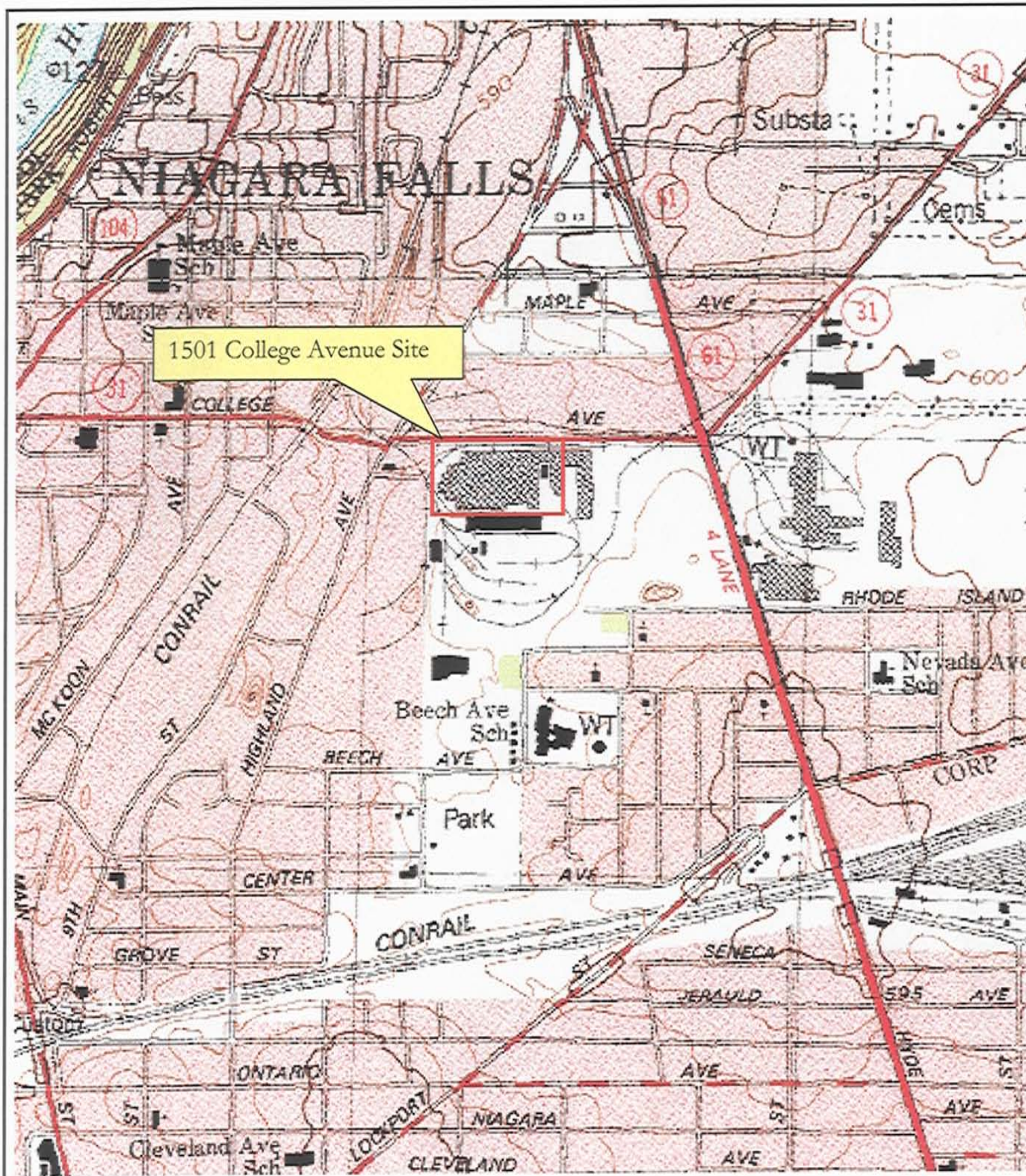
As described in [Attachment 6](#) as attached hereto, surface soil samples taken at the Project Site during the summer of 2007 indicate that PCBs, PAHs and metals are present on-site above the NYSDEC 375 restricted-industrial soil cleanup objectives. Additional sample results taken during the summer of 2007 indicate that asbestos containing material and PCBs (galbestos) are present in the vicinity of the Site at levels that exceed NYSDEC Part 375 Restricted-Industrial soil cleanup objectives. Also, elevated concentrations of semi-volatile organic compounds in soil/fill, sediments, and debris above NYSDEC soil cleanup objectives are also prevalent on the adjacent Union Carbide Site as identified during sampling that was undertaken during the summer of 2007. Based on previous similar historic operations at the Union Carbide Site and Project Site, it is likely that similar contaminants are present on the Project Site. Again, see [Attachment 6](#).

Current activities on-site include illegal car repair/scrapping operations. Abandoned automobiles, auto parts, fluids (anti-freeze, oils, grease, and fuels), and batteries are all present on the Project Site. These activities indicate, at a minimum, both past and present petroleum releases.

Clearly, several environmental concerns are associated with the Project Site. These concerns are severely complicating redevelopment and reuse of the Project Site.

The Site is bound by College Avenue to the north, with a private gated access road along the western property boundary, and industrial-use properties to the east and south. The Site neighbors include industrial/commercial buildings to the north, south, east, and west of the Site, with residential properties located approximately 500 feet to the southwest of the subject property.

FIGURE 1-1



726 EXCHANGE STREET
SUITE 624
BUFFALO, NEW YORK 14210
(716) 856-0599

SITE LOCATION AND VICINITY MAP BROWNFIELD CLEANUP PROGRAM APPLICATION

1501 COLLEGE AVENUE SITE
NIAGARA FALLS, NEW YORK

PREPARED FOR
SANTAROSA HOLDINGS, INC.

PROJECT NO.: 0140-001-102

DATE: SEPTEMBER 2007

DRAFTED BY: NTM

FIGURE 1-2

SITE PLAN MAP
BROWNFIELD CLEANUP PROGRAM APPLICATION
1501 COLLEGE AVENUE SITE
NIAGARA FALLS, NEW YORK

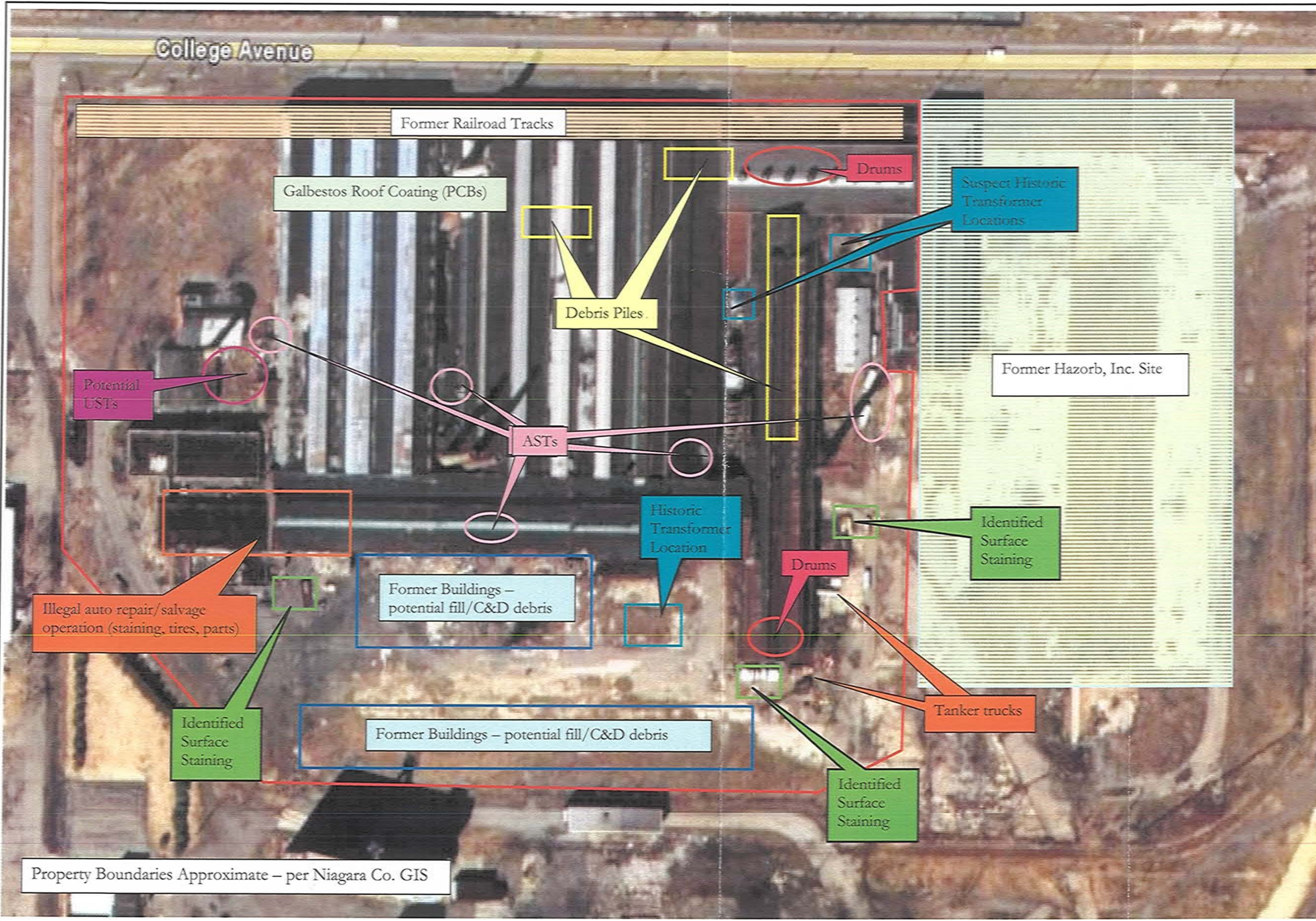
PREPARED FOR
SANTAROSA HOLDINGS, INC.

BENCHMARK
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC
726 EXCHANGE STREET
SUITE 624
BUFFALO, NEW YORK 14210
(716) 856-0599

PROJECT NO.: 0140-001-102
DATE: SEPTEMBER 2007
DRAFTED BY: NTM



Property Boundary Approximate – per Niagara Co. GIS



DATE: SEPTEMBER 2007
 DRAWN BY: RUM

RECOGNIZED ENVIRONMENTAL CONDITIONS
 BROWNFIELD CLEANUP PROGRAM APPLICATION

1501 COLLEGE AVENUE SITE
 NIAGARA FALLS, NEW YORK

PREPARED FOR
 SANTAROSA HOLDINGS, INC.

FIGURE 1-3

SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: Adjacent property to the east (Hazorb)

Photo 2: Interior of subject property

Photo 3: Exterior of subject property

Photo 4: Interior conditions (supersaks)

1501 College Ave Site
Niagara Falls, New York

Photo Date: August 10, 2007

 **BENCHMARK**
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



- Photo 5: Adjacent property (looking north)
Photo 6: Exterior of property (southwest side)
Photo 7: Interior conditions
Photo 8: Debris pile / drums

1501 College Ave Site
Niagara Falls, New York

Photo Date: August 10, 2007



SITE PHOTOGRAPHS

Photo 9:



Photo 10:



Photo 11:



Photo 12:



- Photo 9: Tanker truck
- Photo 10: Collection of drums
- Photo 11: Former railroad bed
- Photo 12: Automobile parts (tires, gasoline tanks)

1501 College Ave Site
Niagara Falls, New York

Photo Date: August 10, 2007

 **BENCHMARK**
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

SITE PHOTOGRAPHS

Photo 13:



Photo 14:



Photo 15:



Photo 16:



Photo 13: Spilled drum – unknown contents

Photo 14: Staining / spilled drum contents

Photo 15: Sump in floor

Photo 16: Interior ceiling

1501 College Ave Site
Niagara Falls, New York

Photo Date: August 10, 2007

 **BENCHMARK**
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

SITE PHOTOGRAPHS

Photo 17:



Photo 18:



Photo 19:



Photo 20:



- Photo 17: Interior conditions
- Photo 18: Interior debris piles (bricks, wood, general trash)
- Photo 19: Former AST
- Photo 20: Dumping activities (automobile parts, general debris)

1501 College Ave Site
Niagara Falls, New York

Photo Date: August 10, 2007



SITE PHOTOGRAPHS

Photo 21:



Photo 22:



Photo 23:



Photo 24:



Photo 21: Exterior condition in southwest corner (area of illegal auto scrapping/repair)

Photo 22: AST

Photo 23: Drum with tar-like contents

Photo 24: One of three former ASTs (adjacent to Hazorb boundary)

1501 College Ave Site
Niagara Falls, New York

Photo Date: August 10, 2007

 **BENCHMARK**
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

SITE PHOTOGRAPHS

Photo 25:



Photo 26:



Photo 27:



Photo 28:



- Photo 25: Potential USTs vent pipes
- Photo 26: Debris pile
- Photo 27: Interior conditions
- Photo 28: Elevated AST (approx. 10,000-gallon)

1501 College Ave Site
Niagara Falls, New York

Photo Date: August 10, 2007



SITE PHOTOGRAPHS

Photo 29:



Photo 30:



Photo 31:



Photo 32:



Photo 29: Supersaks (~ 2,000 lb), contents unknown

Photo 30: Shallow well

Photo 31: Potential ACM pipe wrap

Photo 32: Silos (coal and graphite)

1501 College Ave Site
Niagara Falls, New York

Photo Date: August 10, 2007

 **BENCHMARK**
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

SITE PHOTOGRAPHS

Photo 33:



Photo 34:



Photo 35:



Photo 36:



Photo 33: Former furnace stack

Photo 34: Miscellaneous drums

Photo 35: Misc. drum contents

Photo 36: Misc. drum contents

1501 College Ave Site
Niagara Falls, New York

Photo Date: August 10, 2007



SITE PHOTOGRAPHS

Photo 37:



Photo 38:



Photo 39:



Photo 40:

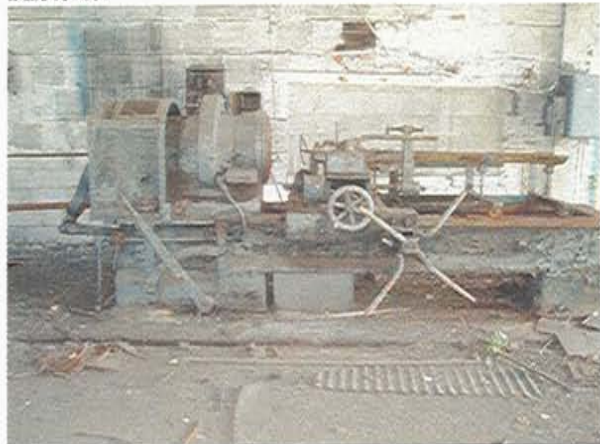


Photo 37: Pipe wrapping (some potential ACMs)

Photo 38: Unknown product pile

Photo 39: Unknown product and supersaks

Photo 40: Heavy machinery

1501 College Ave Site
Niagara Falls, New York

Photo Date: August 10, 2007

 **BENCHMARK**
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

SITE PHOTOGRAPHS

Photo 41:



Photo 42:



Photo 43:



Photo 44:



Photo 41: Gasoline tanks and debris

Photo 42: Exterior conditions

Photo 43: Interior conditions

Photo 44: Misc. drums

1501 College Ave Site
Niagara Falls, New York

Photo Date: August 10, 2007

 **BENCHMARK**
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

SITE PHOTOGRAPHS

Photo 45:



Photo 46:



Photo 47:



Photo 48:



Photo 45: Railroad track adjacent to subject property (looking from the east)

Photo 46: Tanker truck

Photo 47: Damaged pipe wrap (potential ACMs)

Photo 48: Interior debris piles

1501 College Ave Site
Niagara Falls, New York

Photo Date: August 10, 2007

 **BENCHMARK**
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

SITE PHOTOGRAPHS

Photo 49:



Photo 50:



Photo 51:



Photo 52:



Photo 49: Debris (drums and automobile batteries)

Photo 50: Interior conditions

Photo 51: Graphite boulders

Photo 52: Exterior staining

1501 College Ave Site
Niagara Falls, New York

Photo Date: August 10, 2007

 **BENCHMARK**
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

ATTACHMENT 02

TAX MAP



FIGURE 2-1

TAX MAP
 BROWNFIELD CLEANUP PROGRAM APPLICATION
 1501 COLLEGE AVENUE SITE
 NIAGARA FALLS, NEW YORK
 PREPARED FOR
 SANTAROSA HOLDINGS, INC.

BENCHMARK
 ENVIRONMENTAL
 ENGINEERING &
 SCIENCE, PLLC
 726 EXCHANGE STREET
 SUITE 624
 BUFFALO, NEW YORK 14210
 (716) 856-0509

PROJECT NO.: 0140-001-102
 DATE: SEPTEMBER 2007
 DRAFTED BY: NIM

ATTACHMENT 03

PROJECT DESCRIPTION & SCHEDULE

Attachment 03

Project Description & Schedule

**Santarosa Holdings, Inc.
1501 College Avenue Site
Brownfield Cleanup Program Application**

PROJECT DESCRIPTION

The Project Site is located in the City of Niagara Falls, Niagara County, New York. It consists of approximately 13 acres and contains contaminated, abandoned and dilapidated industrial/manufacturing facilities. The Site historically was home to various manufacturing operations going back to the early 1900s, and at one point in time housed components of the Union Carbide Co. manufacturing complex. It has been largely unoccupied and significantly under-utilized for over two decades.

The Project Site is located within the City of Niagara Fall Highland Area Redevelopment Plan (the "Plan") area. The Plan seeks to create an environment attractive to new private investment and proposes a series of improvements to the area's street, rail and pedestrian networks. Specifically, the Plan calls for the creating of a modern, clean, "green" business campus in the exact proximity of the Project Site. The Project Site is currently abandoned and contains seriously neglected and dilapidated buildings which depress real estate values, prevent public access. Contamination concerns have precluded reuse. These conditions contribute to neighborhood disinvestment and decline. On-going illegal car-scraping activities and illegal dumping operations are currently occurring on-site, further contributing to the social and economic decline of the neighborhood in which the Project Site is located.

Santarosa Holdings, Inc., (the "Applicant") plans to purchase, remediate, and redevelop the Site and build a new crumb rubber production facility. The Applicant currently operates a successful tire recycling business, located within Niagara Falls, New York, which produces approximately 32,000 tons of recycled tire-derived fuel (TDF) and crumb rubber feedstock annually. The crumb rubber production line would allow the Applicant to increase the number of tires it is able to recycle, increase the geographic radius of where the raw materials (used tires) can be effectively obtained from, and increase the clean-up and recycling of scrap tire stockpiles in New York.

The Applicant anticipates an investment of between \$4mm to \$7.5mm to acquire, remediate, and rehabilitate the Project Site and to construct the new crumb rubber facility. It is anticipated that 12 to 15 new full-time jobs will be created within the first year of manufacturing operations and up to 25 more jobs within the first two to three years of operation. The Applicant would be the first tenant in the "New College Development"

Attachment 03

Project Description & Schedule

**Santarosa Holdings, Inc.
1501 College Avenue Site
Brownfield Cleanup Program Application**

redevelopment area contained within the larger Highland Area Redevelopment Plan area, as described above.

The Project Site is also located within a Federal Renewal Community Zone, a New York State Empire Zone, a New York State Environmental Zone, and a “highly distressed area” as defined under New York General Municipal Law as it has a poverty rate (50%) of at least 20% and an unemployment rate (15%) at least 1.25% times the statewide unemployment rate (which is approximately 7%). As such, the Project Site is located in both a Federal and New York State defined and delineated distressed urban community.

It is important to note that this project has only been made financially possible because of the tax benefits that potentially may be available to the Applicant under the New York State Brownfield Cleanup Program, the New York State Empire Zone Program, and other benefits to be made available to the applicant by the Niagara County Industrial Development Agency, and by the environmental liability protection afforded to the Applicant under the New York State Brownfield Cleanup Program.

Along with the BCP application, the Applicant is also submitting a Remedial Investigation Work Plan (RIWP) to investigate constituents of concern and to characterize the impacts to environmental media (i.e., soil, sediment, and groundwater). The RIWP will include an investigation of suspect buried tanks, soil borings and collection of soil samples, installation and sampling of groundwater monitoring wells, and sampling and cataloging of drums and containers. The Applicant plans to clean-up the Site to NYSDEC Part 375 Restricted-Industrial Soil Cleanup Objectives (SCOs).

PROJECT SCHEDULE

The environmental engineering and consulting tasks associated with the Brownfield Cleanup Program (BCP) are estimated as follows:

- September 2007 - Submit BCP application and Remedial Investigation (RI) Work Plan
- November 2007 - Obtain notification of BCP program acceptance
- Mid-November 2007 - Final execution of Brownfield Cleanup Agreement (BCA)
- November/December 2007 - Complete RI fieldwork
- February 2008 - Prepare and submit RI/Alternatives Analysis Report/Remedial Action Work Plan
- March-April 2008 - Remedial Work
- August 2008 - Issuance of Certificate of Completion

ATTACHMENT 04

PROPOSED (DRAFT) REDEVELOPMENT MASTER PLAN MAP

To Be Developed

ATTACHMENT 05

PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT INCLUDED ELECTRONICALLY:

Benchmark Environmental Engineering & Science, PLLC. 2007. *Phase I Environmental Site Assessment Report, 1501 College Avenue Site, Niagara Falls, New York.* August.

ATTACHMENT 06

**PREVIOUS ENVIRONMENTAL INVESTIGATION/
REMEDATION REPORTS INCLUDED ELECTRONICALLY:**

**Site Investigation and Remedial Alternatives Report for the Hazorb Site
Niagara Falls, New York
URS Corporation (March 2001)**

Niagara Vest/Hazorb Site USEPA (June 2007)

**Limited Sampling Event
(Benchmark August 2007)**

USEPA Letter to NYSDEC (November 2003)

ATTACHMENT 06

PREVIOUS ENVIRONMENTAL INVESTIGATION/
REMEDIALATION REPORTS

ATTACHMENT 07

LISTING OF CURRENT & PREVIOUS SITE OWNERS

Attachment 07

Listing of Current & Previous Site Owners

Santarosa Holdings, Inc.
1501 College Avenue Site
Brownfield Cleanup Program Application

INTRODUCTION

Reasonable attempts were made to attain complete previous site owner contact information. In some cases, previous owners complete contact information was not available.

The following table lists the previous property owners:

Parcel Address and SBL No.	Date(s)	Relationship to Applicant
1501 College Avenue (13.5 acres) – 130.18-2-3.211		
PREVIOUS OWNERS		
Niagara Vest, Inc 1180 Rte 130 S Robbinsville, NJ 08691	1986-present	None
Previous Owners		
Union Carbide Corporation - a subsidiary of Dow Corporation (formerly National Carbon Co.)	1910-1986	None

ATTACHMENT 08

LISTING OF CURRENT & PREVIOUS SITE OPERATORS

Attachment 08

Listing of Current and Previous Site Operators

Santarosa Holdings, Inc.
1501 College Avenue Site
Brownfield Cleanup Program Application

INTRODUCTION

Reasonable attempts were made to attain complete previous site operator contact information. In some cases, previous operators complete contact information was not available.

The following table lists the previous property operators:

Parcel Address and SBL No.	Date(s)	Relationship to Applicant
1501 College Avenue (13.5 acres) – 130.18-2-3.211		
Current Operators		
Niagara Vest, Inc 1180 Rte 130 S Robbinsville, NJ 08691	1986-present	None
Previous Owners		
Union Carbide Corporation - a subsidiary of Dow Corporation (formerly National Carbon Co.)	1910-1986	None

ATTACHMENT 09

CONTACT LIST INFORMATION

**Attachment 09
Contact List Information**

**Buffalo Fuel Corporation
1501 College Avenue Site
Brownfield Cleanup Program Application**

New York State Contacts:

Regional Director
NYSDEC, Region 9
270 Michigan Avenue
Buffalo, NY 14203

Mr. Gregory Sutton
NYSDEC, Region 9
270 Michigan Avenue
Buffalo, NY 14203

Ms. Megan Gollwitzer
NYSDEC, Region 9
270 Michigan Ave.
Buffalo, N.Y 14203

Mr. Jeff Konsella
NYSDEC, Region 9
270 Michigan Avenue
Buffalo, NY 14203

Mr. Daniel David
NYSDEC, Region 9
270 Michigan Avenue
Buffalo, NY 14203

Mr. Lawrence Ennist
NYSDEC
625 Broadway
Albany, NY 12233

Ms. Meaghan Boice-Green
NYSDEC, Region 9
270 Michigan Avenue
Buffalo, NY 14203

Mr. Mark VanValkenburg
NYSDOH, Room 205
547 River Street
Troy, NY 12180

Mr. Matthew Forcucci
NYSDOH
584 Delaware Avenue
Buffalo, NY 14202

Senator Hillary Rodham-Clinton
U.S. Senate
726 Exchange Street, Suite 511
Buffalo, NY 14210

Senator Charles Schumer
U.S. Senate, Suite 660
130 So. Elmwood Ave
Buffalo, NY 14202

Senator George Maziarz
62nd District
2578 Niagara Falls Blvd.,
Suite 600
Wheatfield, NY 14304

Congressman Brian Higgins
Larkin Building
726 Exchange Street, Suite 610
Buffalo, NY 14210

Assemblywoman Francine Delmonte
138th District
1700 Pine Ave.
Niagara Falls, NY 14301

Rep. Louise Slaughter
NY 28th District
1910 Pine Ave.
Niagara Falls, NY 14301

Mr. Michael Basile
WNY Public Information Office
186 Exchange St.
Buffalo, NY 14204

**Attachment 09
Contact List Information**

**Buffalo Fuel Corporation
1501 College Avenue Site
Brownfield Cleanup Program Application**

Niagara County Contacts:

Ms. Paulette M. Kline, Director
Niagara County Dept.of Health
5467 Upper Mtn. Road, Suite 100
Lockport NY 14094-1894

Mayor Vince Anello
Niagara Falls
745 Main Street
Niagara Falls, NY 14302

Ms. Carol Antonucci
Niagara Falls City Clerk
745 Main Street
Niagara Falls, NY 14302

Mr. Bruno Walker
Niagara Falls Deputy Director
745 Main Street
Niagara Falls, NY 14302

Mr. Michael Shanley
Niag. Co. Emergency Planning
Niagara & Hawley Street
Lockport, NY 14094

Chairman William L. Ross
Niagara County Legislature
175 Hawley Street
Lockport NY 14094-2740

Mr. Daniel Bristol
Niagara Falls City Admin.
4010 Barton Street
Niagara Falls, NY 14305

Mr. Kevin O'Brien
Niagara Falls City Engineer
745 Main Street
Niagara Falls, NY 14302

Mr. Richard Roll
Niagara Falls Water Board
1200 Buffalo Ave., PO Box 69
Niagara Falls, NY 14302-0069

Mr. James Devald, P.E.
Niagara Co. Health Dept.
5467 Upper Mountain Road
Lockport, NY 14094

Clerk Michael Carney
Niagara Co. Legislature
175 Hawley Street
Lockport, NY 14094

Mr. Wayne Jagow
Niagara County Clerk
Courthouse
Lockport, NY 14094

Mr. Paul Dickey
Niagara County Health Dept.
5467 Upper Mountain Rd.
Lockport, NY 14094-1899

Beverly Snell
Niagara County Municipal Clerk
8942 Ridge Rd.
Gasport, NY 14067

James Hoffman, Co-Chair
Niagara County EMC
8737 Lake Rd.
Baker, NY 14102

Joanne Ellsworth
Niagara Co. EMC
59 Park Ave.
Lockport, NY 14094

Mr. Ronald C. Johnston, Admin. Dir.
Niagara Co. Water Authority
5450 Ernest Rd., PO Box 315
Lockport, NY 14094

Amy Fisk, Env. Planner
Niagara County Center for
Economic Development
6311 Inducon Corporate Dr.
Sanborn, NY 14132

**Attachment 09
Contact List Information**

**Buffalo Fuel Corporation
1501 College Avenue Site
Brownfield Cleanup Program Application**

Niagara County Contacts (cont'd):

David E. Wertman, MPA Comm.
Niagara Co. Health Dept.
5467 Upper Mountain Rd.
Lockport, NY 14094

Mr. Samuel M. Ferraro, Exec. Dir.
Niagara Co. Ind. Dev. Agency
6311 Inducon Corporate Drive
Sanborn, NY 14132

Mr. Dennis F. Virtuoso
Niagara Co. Legislature #4
2703 Independence Ave.
Niagara Falls NY 14301

Alan Nusbaum
City of Niagara Fall Dept. of
Planning/ Environmental
Services
745 Main Street
Niagara Falls, NY 14302

Local News Media:

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

WKBW-TV
7 Broadcast Plaza
Buffalo, NY 14202

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

ATTN: Env. News Desk
WGRZ TV - CH. 2
259 Delaware Avenue
Buffalo, NY 14202

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

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

**Attachment 09
Contact List Information**

**Santarosa Holdings, Inc.
1501 College Avenue Site
Brownfield Cleanup Program Application**

Local News Media (cont.):

ATTN: Tracey Drury
Business First
465 Main Street
Buffalo, NY 14203-1793

ATTN: Aaron Besecker
The Niagara Gazette
310 Niagara Street
Niagara Falls, NY 14302

ATTN: Mike Hudson, Editor
Niagara Falls Reporter
1625 Buffalo Ave
Niagara Falls, NY 14303

ATTN: News Director
WLVL 1340
PO Box 477
Lockport, NY 14095-0477

ATTN: Environmental News Desk
WJYE
1700 Rand Building
Buffalo, NY 14203

Supplier of Potable Water:

Niagara County Water District
PO Box 315
Lockport, NY 14905-0315

Document Repository:

Niagara Falls Public Library
Earl W. Brydges Building
1425 Main Street
Niagara Falls, NY 14305

Nearby Schools:

Principal Lawrence Martinez
Sixty Sixth Street School
630 66th Street
Niagara Falls, NY 14304

Principal Maria Chille-Zafuto
Niagara Middle School
6431 Girard Ave.
Niagara Falls, NY 14304

Principal Joseph Colburn
Gaskill Middle School
910 Hyde Park Blvd.
Niagara Falls NY 14301

Other Interested Groups:

Mr. Brian Smith
Citizens Campaign-Environment
3144 Main Street
Buffalo, NY 14214

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

Mr. William Hilts, Sr.
Environmental Council
5115 Baer Road
Sanborn, NY 14132

Mr. Michael Podd
4827 Rogers Rd.
Hamburg, NY 14075

Chairwoman Jane Jontz
Sierra Club, Niagara Group
62 Lincoln Road
Snyder, NY 14226



ATTACHMENT 09

AREA PROPERTY OWNERS

Santarosa Holdings, Inc.
 1501 College Avenue Site
 Brownfield Cleanup Program Application

Adjacent Property Address		Owner Name and
No.	Street	Mailing Address
3801	Highland Ave.	Globe Metallurgical, Inc. 3801 Highland Ave. Niagara Falls, NY 14305
3711	Highland Ave.	Church of God 3711 Highland Ave. Niagara Falls, NY 14305
3625	Highland Ave.	Dalacu, Nicholas P 3625 Highland Ave. Niagara Falls, NY 14305
1503 & 1511	Highland Ave.	Niagara Mohawk Power Corp. (Right-of-Way)
2201	College Ave.	Industrial Properties, LLC 2201 College Ave. Niagara Falls, NY 14305
2001	College Ave.	Lolay, Patricia 2001 College Ave. Niagara Falls, NY 14305
1901 & 1903	College Ave.	Eastern Ohio Paving, Inc. 1901 College Avenue Niagara Falls, NY 14305
1731 & 1777	College Ave.	Hazorb, Inc. 1731 College Ave. Niagara Falls, NY 14305
1655	College Ave.	Wolf, George 1655 College Avenue Niagara Falls, NY 14305

ATTACHMENT 10

DOCUMENT REPOSITORY CONFIRMATION LETTER

August 29, 2007

Ms. Betty Babanoury
Library Director
Niagara Falls Public Library
Earl W. Brydges Building
1425 Main Street
Niagara Falls, NY 14305

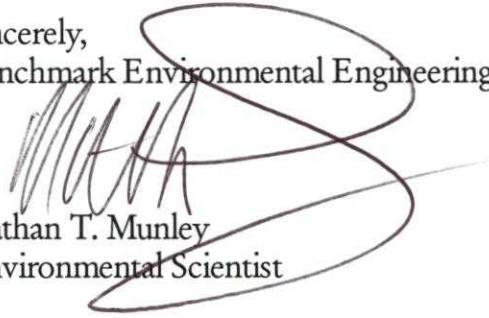
**Re: Document Repository
1501 College Avenue Site, Niagara Falls, NY
Brownfield Cleanup Program Application**

Dear Ms. Babanoury:

Per our recent telephone conversation, thank you for allowing the Niagara Falls Public Library to be the document repository for the above-referenced site.

Please contact me if you have questions or require additional information.

Sincerely,
Benchmark Environmental Engineering & Science, PLLC



Nathan T. Munley
Environmental Scientist

File: 0140-001-102

ATTACHMENT 11

ENVIRONMENTAL FACTORS AND HISTORIC LAND USE CONSIDERATIONS

Attachment 11

Environmental Factors & Historic Land Use Considerations

**Santarosa Holdings, Inc.
1501 College Avenue Site
Brownfield Cleanup Program Application**

INTRODUCTION

The following provides a brief summary of the site:

- There are no State or Federal wetlands or floodplains on the site
- The site is located within a predominantly urban-developed area.
- There are no threatened or endangered species, nor important plant habitats listed at the site.

ATTACHMENT 12

NEARBY LAND USE MAP

Attachment 12

Surrounding Land Use Description

**Santarosa Holdings, Inc.
1501 College Avenue Site
Brownfield Cleanup Program Application**

SURROUNDING LAND USE DESCRIPTION

The Site, which is addressed at 1501 College Avenue, is located in an urban area of the City of Niagara Falls, Niagara County, New York. The Site is part of the larger former Union Carbide Co. Niagara Works property.

Properties adjacent to the Site include several commercial and industrial properties, vacant parcels, and utility right-of-ways (see Figure 12-1).

The surrounding land-use is mixed use, including commercial, industrial, and residential parcels.

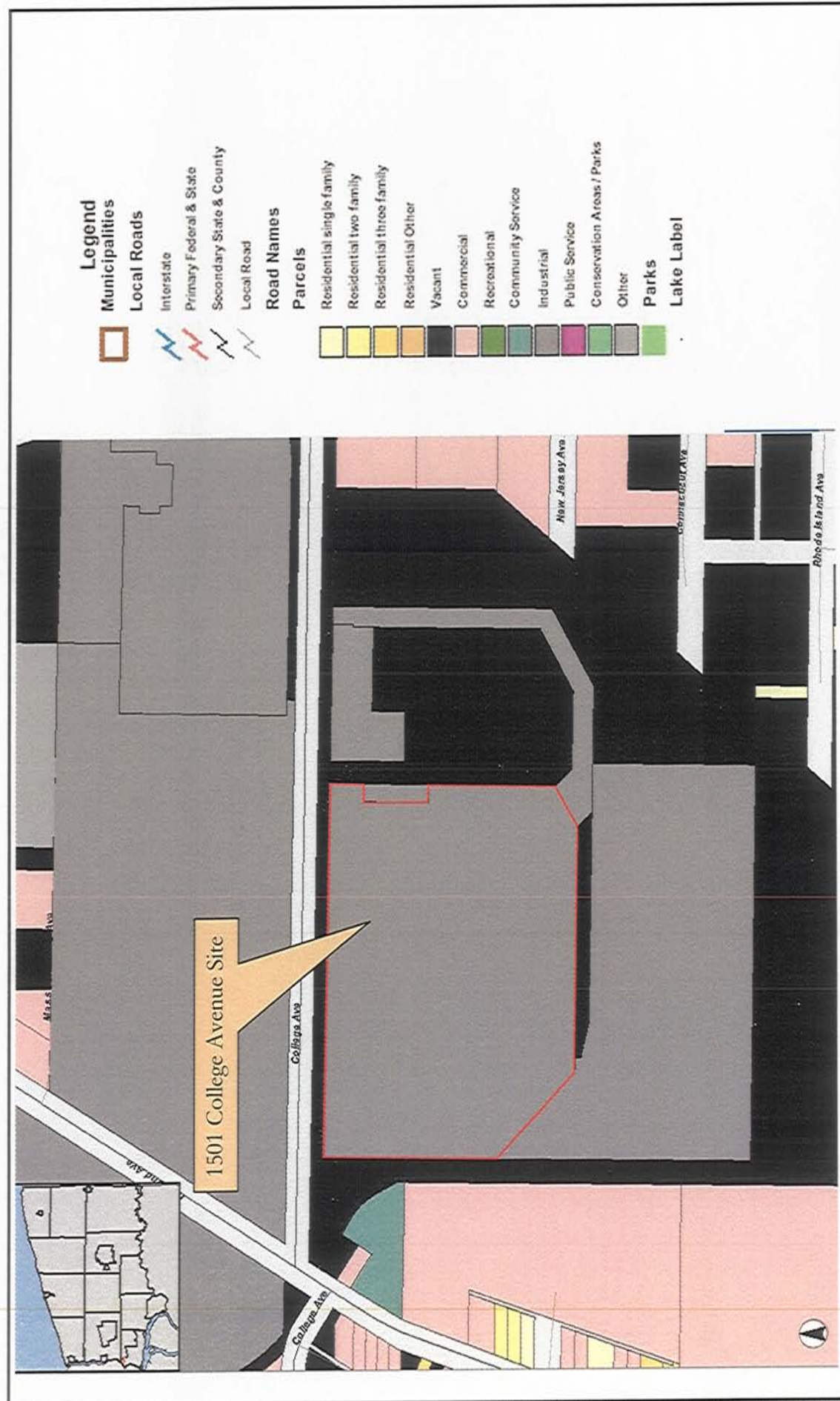


FIGURE 12-1

NEARBY LAND USE MAP
 BROWNFIELD CLEANUP PROGRAM APPLICATION
 1501 COLLEGE AVENUE SITE
 NIAGARA FALLS, NEW YORK
 PREPARED FOR
 SANTAROSA HOLDINGS, INC.

BENCHMARK
 ENVIRONMENTAL
 ENGINEERING &
 SCIENCE, PLLC

726 EXCHANGE STREET
 SUITE 624
 BUFFALO, NEW YORK 14210
 (716) 856-0599

PROJECT NO.: 0140-001-102
 DATE: SEPTEMBER 2007
 DRAFTED BY: NTM

ATTACHMENT 13

GROUNDWATER VULNERABILITY ASSESSMENT

Attachment 13

Groundwater Vulnerability Assessment

Santarosa Holdings, Inc.
1501 College Avenue Site
Brownfield Cleanup Program Application

POTENTIAL VULNERABILITY OF GROUNDWATER TO CONTAMINATION

Currently, there are no known deed restrictions on the use of groundwater at the site and groundwater supply wells are not present on the site. Existing groundwater quality has not been investigated on the Site. Groundwater quality was investigated on an adjacent property, (Hazorb, Inc.) which was part of the same former Union Carbide facility, and results did not exceed NYSDEC standards (URS, 2001).

Regionally, groundwater in the area has not been developed for industrial, agriculture, or public supply purposes. Potable water service is provided offsite and onsite by the local municipal water authority.

GROUNDWATER FLOW/RECHARGE

Based on Site topography and proximity to the Niagara River, groundwater likely flows in a west/southwest direction (see Figure 1-1).

RECOMMENDATIONS

Further work is required to evaluate groundwater quality. Additional sampling to assess groundwater flow patterns and water quality will be investigated during the Remedial Investigation.

ATTACHMENT 14

DESCRIPTION OF SITE GEOGRAPHY/GEOLOGY

Attachment 14

Description of Site Geography/Geology

Santarosa Holdings, Inc.
1501 College Avenue Site
Brownfield Cleanup Program Application

ECOLOGICAL SETTING

The Site is covered primarily by former industrial manufacturing buildings, with concrete and asphalt paved areas, and former building foundations, and some overgrown vegetation areas.

The Site is located in the Erie-Niagara River Basin, which generally drains west/southwest from the site, although localized variation does occur. Nearby Niagara River, and the connection between Lake Erie and Lake Ontario, are the major bodies of water (i.e., lakes or reservoirs) within this basin.

DEMOGRAPHY AND LAND USE

The site is located in a highly developed urban-industrial setting. Land use surrounding the Site includes industrial, commercial, vacant, and residential properties.

No residential properties are adjacent to the Site. Nearby residential areas are located along Highland Avenue, to the southwest of the Site.

REGIONAL GEOLOGY/HYDROGEOLOGY

The U.S. Department of Agriculture (USDA) Soil Conservation Service soil survey map of Niagara County describes the general surficial soil type at the site as Canandaigua silt loam, with slopes ranging from 0 to 2%.

SITE GEOLOGY/HYDROGEOLOGY

The Site is predominately flat, with no distinguishable site features. Precipitation (i.e., rain or melting snow) generally moves radially from the Site via overland flow to on-site catch basins. Site soil/fill will be investigated during the Remedial Investigation.