



Department of
Environmental
Conservation

Brownfield Cleanup Program

Citizen Participation Plan for 3125 Highland Avenue

May 2025

Site #C932169
3219 and 3301 Highland Avenue
City of Niagara Falls
Niagara 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: **Ganson Alternative Energy, LLC (“Applicant”)**
Site Name: **3125 Highland Avenue (“Site”)**
Site Address: **3219 and 3301 Highland Avenue**
Site County: **Niagara County**
Site Number: **C932169**

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)
Application Process:	
<ul style="list-style-type: none"> • Prepare site contact list • Establish document repository(ies) 	At time of preparation of application to participate in the BCP.
<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 	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.
After Execution of Brownfield Site Cleanup Agreement (BCA):	
<ul style="list-style-type: none"> • Prepare Citizen Participation (CP) Plan 	Before start of Remedial Investigation Note: Applicant must submit CP Plan to NYSDEC for review and approval within 20 days of the effective date of the BCA.
Before NYSDEC Approves Remedial Investigation (RI) Work Plan:	
<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 	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.
After Applicant Completes Remedial Investigation:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes RI results 	Before NYSDEC approves RI Report
Before NYSDEC Approves Remedial Work Plan (RWP):	
<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 	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.
Before Applicant Starts Cleanup Action:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes upcoming cleanup action 	Before the start of cleanup action.
After Applicant Completes Cleanup Action:	
<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) 	At the time the cleanup action has been completed. Note: The two fact sheets are combined when possible if there is not a delay in issuing the COC.

3. Major Issues of Public Concern

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

The 3125 Highland Avenue Project is an investigation and remediation project developed to allow the property to become an area that poses no threat to human health or the environment and that is suitable for commercial or industrial redevelopment.

Environmental investigations have been conducted by the Applicant to characterize potential contamination on the Site. The primary contaminant of concern on the Site has been identified as lead in soils.

Investigations have also detected the presence of other metals and Semi-Volatile Organic Compound (SVOCs) in soils as well as metals, SVOCs, and Volatile Organic Compounds (VOCs) in groundwater. In addition, asbestos containing materials (ACM) are present or suspected to be present in some of the Site buildings.

These areas of concern will be addressed through implementation of a Remedial Investigation (RI), Interim Remedial Measures (IRMs), and a Remedial Action Work Plan (RAWP). A Community Air Monitoring Plan (CAMP) and Health and Safety Plan (HASP) will be submitted to the NYSDEC for review prior to initiating any investigations.

The next steps include:

- Remedial Investigation - A detailed investigation, including sample analysis of soil, groundwater, and soil gas.
- Interim Remedial Measures - These are actions to address conditions at the site that would interfere with the safe implementation of a complete Remedial Investigation and include a detailed survey, and if necessary, abatement, of all of the buildings at the site to determine what materials may contain asbestos fibers.

4. Site Information

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

Site Description

3125 Highland Avenue encompasses 8.04 acres located at 3219 and 3301 Highland Avenue, Town of Niagara Falls, Niagara County, New York. The site is surrounded by several commercial and industrial sites.

The property immediately to the south is used for industrial manufacturing and was historically part of the former Power City Warehouse (Tract I Highland Avenue BCP Site No. C932157). The property to the north is listed by Niagara County as "Vacant Land Located in Industrial Areas". The property to the east is vacant and subject to an environmental easement and use restrictions (Tract II Highland Avenue Site – Inactive Hazardous Waste Disposal Site Program Site No. 932136). A mix of commercial, residential, and vacant (commercial and residential) land is located to the west across Highland Avenue.

History of Site Use, Investigation, and Cleanup

The Site was developed for industrial use as early as 1914 and used for manufacturing lighting devices, storage batteries, and electric self-starters for automobiles. The Applicant purchased the Site from Tulip Corporation in October 2017. Tulip Corporation operated on the Site from 1985 to 2017 manufacturing molded plastic products. The Applicant has not conducted any manufacturing on the Site and intends to redevelop the property for commercial/industrial use. The Site was listed by the NYSDEC as a potential site (P-site) in 2020 due to the potential of hazardous waste previously being disposed on-site.

The reports referenced to gain an understanding of the site included:

1. Phase I Environmental Site Assessment of the Tulip Corporation Site. 3125 Highland Avenue, Niagara Falls, New York 14305. AECOM. September 2010.
2. Phase II Environmental Site Assessment. 3125 Highland Avenue Property. Niagara Falls, New York. AECOM. October 2011.
3. Remediation Documentation Report. Tulip Corporation. 3125 Highland Avenue. Niagara Falls, New York. AECOM. November 2013.
4. Inactive Hazardous Waste Disposal Site Determination Investigation. Tulip Molded Plastics Corporation Site. Inventum Engineering, PC. June 2020.
5. Remedial Investigation Work Plan. Tulip Molded Plastics Corporation Site #932169. 3125 Highland Avenue. Niagara Falls, New York. Inventum Engineering, PC. December 2023.

6. Site Investigation Report. Tulip Molded Plastics Corporation Site #932169. 3125 Highland Avenue. Niagara Falls, New York. Inventum Engineering, PC. April 2022.

As described in the BCP Application, the following constituents have been identified in soil and/or groundwater on the Site at concentrations above applicable New York State Standards, Criteria, and Guidance values for a commercial property:

- Metals – Lead, Antimony, Arsenic, Cadmium, Chromium, Copper, Iron, Magnesium, Manganese, Sodium
- Volatile Organic Compounds – Trichloroethylene, Cis-1,2-dichloroethene, Vinyl Chloride
- Semi-Volatile Organic Compounds – Polycyclic Aromatic Hydrocarbons

Further investigations are necessary to fully delineate the nature and extent of contamination on the Site. These investigations will include the collection of soil, groundwater, and soil vapor samples across the Site for laboratory analysis.

5. Investigation and Cleanup Process

Application

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

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

To achieve this goal, the Applicant will conduct **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 workplan, 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 submitted a draft “Remedial Investigation Work Plan” to NYSDEC for review and approval as a component of the BCP Application. NYSDEC made the draft plan available for public review during the 30-day public comment period between January 17, 2024, and February 16, 2024.

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 would announce the availability of the draft plan 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 then will 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 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):

Taylor Monnin
Project Manager
NYSDEC Region 9
Division of Environmental Remediation
700 Delaware Avenue
Buffalo, NY, 14203
(716) 851-7220

Sarah Whiteway
Citizen Participation Specialist
NYSDEC Region 9
700 Delaware Avenue
Buffalo, NY 14203
(716) 851-7192

New York State Department of Health (NYSDOH):

Ryan Minzloff
Project Manager
NYSDOH
Corning Tower, 17th Floor
Albany, NY 12237
(518) 408-5146

Locations of Reports and Information

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

Niagara Falls Public Library
1425 Main Street
Niagara Falls, New York, 14303
Attn: Sarah Potwin
Phone: (716) 286-4914
Hours: Mon-Wed: 9am – 9pm
Thurs-Fri: 9am – 5 pm
Sun: Closed

NYSDEC Region 9
700 Delaware Avenue
Buffalo, NY, 14203
Phone: (716) 851-7227
Hours: By Appointment Only

Appendix B - Site Contact List

1. City of Niagara Falls
 - a. Mayor Robert Restaino, 716 286 4310, 745 Main Street, Niagara Falls, NY 14301
 - b. Mr. Kevin Forma, Director of Planning, NFNY.Planning@niagarafallsny.gov, 716 286 4470, 745 Main Street, Niagara Falls, NY 14301
 - c. Mr. Patrick Ciccarelli, Code Enforcement/Sign & Zoning Officer, Patrick.Ciccarelli@niagarafasslny.gov, 716 286 4387, 745 Main Street, Niagara Falls, NY 14301

2. Niagara County
 - a. Legislator Chairperson, Rebecca J. Wydysh, Niagara County Courthouse, First Floor, 175 Hawley Street, Lockport, NY 14094
 - b. 4th District Legislator -- Jeffrey Elder, Jeffrey.Elder@niagaracounty.com, 716 990 9750, Niagara County Courthouse, First Floor, 175 Hawley Street, Lockport, NY 14094
 - c. Niagara County Planning Agency, Michael A. Casale, Commissioner, 6311 Inducon Corporate Drive, Sanborn, NY 14132, info@niagaracountybusiness.com, (716) 278-8750
 - d. County Manager, Richard E. Updegrove, Philo J. Brooks Co. Office Bldg., 2nd Floor, 59 Park Ave., Lockport, NY 14094, (716) 439-7213

3. News Media
 - a. Niagara Gazette, 473 Third Street, Niagara Falls, NY 14301, (716) 282-2311 Main,
 - i. Managing Editor: Matt Winterhalter - (716) 282-2311 Ext. 2259,
 - ii. Newsroom Staff^[1]_{SEP}, Group News Editor: Joyce Miles - (716) 282-2311 Ext. 6238

4. Niagara Water Board, Dr. Abderrahman Zehraoui, Executive Director, 5815 Buffalo Avenue, Niagara Falls, NY 14304, 716 283 9770 x. 2113

5. Niagara Falls City School District
 - a. Superintendent Mark Laurrie, 630 66th Street, Niagara Falls, NY 14304
 - b. Maple Avenue Elementary School, Maria Chille-Zafuto, Principal, 952 Maple Avenue, Niagara Falls, NY 14305
 - c. Hyde Park Elementary School, Gerald Orfano, Principal, 1620 Hyde Park Boulevard, Niagara Falls, NY 14305

Niagara Falls Public Library, Sarah Potwin, Executive Director, 1425 Main Street,
Niagara Falls, NY, 14305, spotwin@nioga.org, 716-286-4914



Notes:
A 1. Location map not to scale. Image clipped from USGS 7.5 Minute Series Niagara Falls, NY Quadrangle. 2023.



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APPENDIX C

SITE LOCATION

3125 HIGHLAND AVENUE
 BCP SITE #C932169

Ganson Alternative Energy LLC
 3125 Highland Avenue
 Niagara Falls, NY

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 3125 HIGHLAND AVENUE BCP SITE NO. C932169

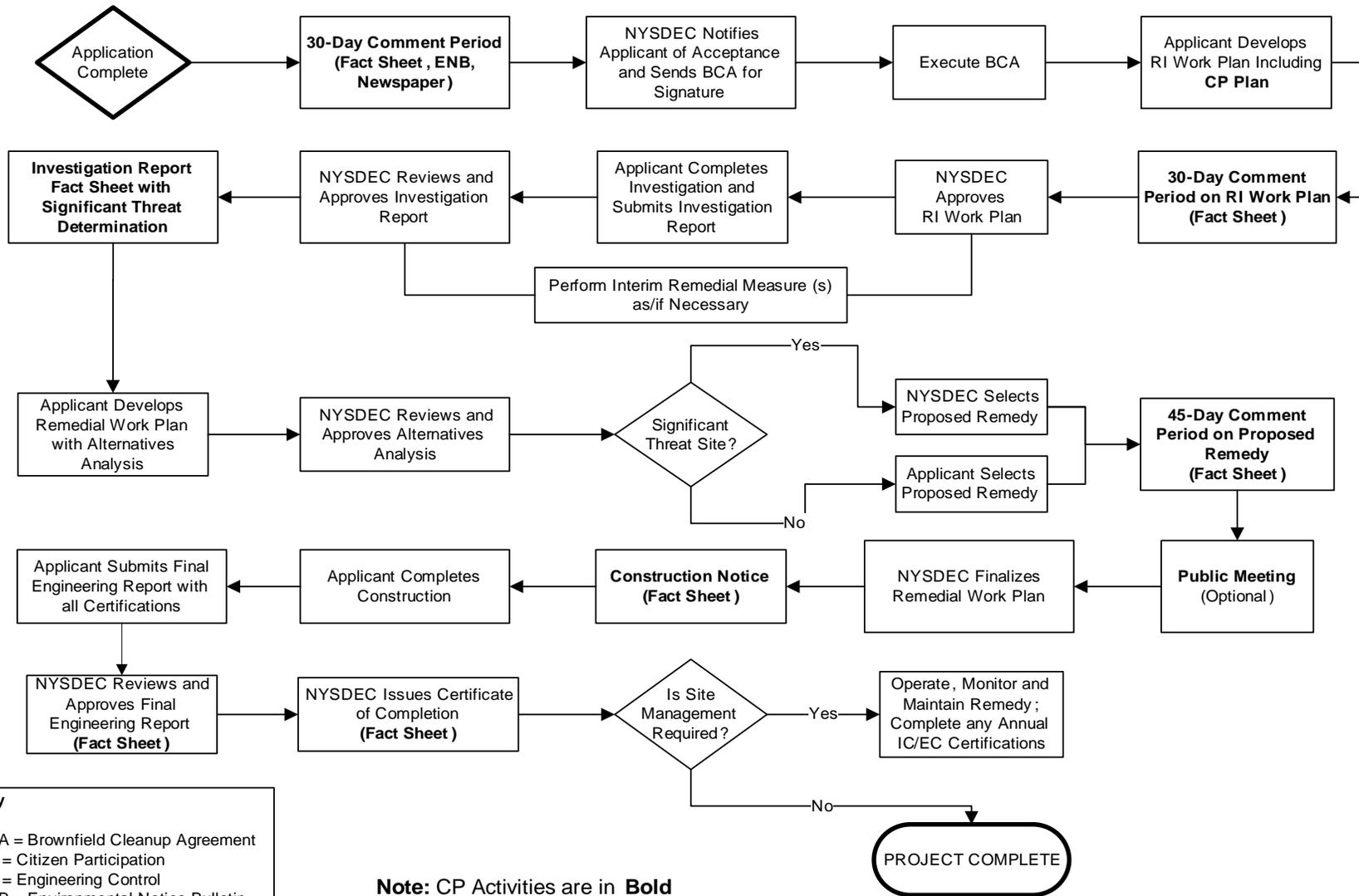


HIGHLAND AVENUE



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Appendix D– Brownfield Cleanup Program Process



Key
 BCA = Brownfield Cleanup Agreement
 CP = Citizen Participation
 EC = Engineering Control
 ENB = Environmental Notice Bulletin
 IC = Institutional Control
 RI = Remedial Investigation

Note: CP Activities are in **Bold**