

May 31, 2024

Mr. Joshua Vaccaro
Project Manager
NYSDEC Division of Environmental Remediation
700 Delaware Avenue
Buffalo, NY 14209

Re: Lockport Junction Road (NYSDEC Site No. 932185)
Comment Response Letter to Letter of Incompleteness
Lockport, NY 14094

Dear Mr. Vaccaro,

On behalf of NF Lockport LLC, we are herein responding to the comments from the New York State Department of Environmental Conservation (the Department) and New York State Department of Health (NYSDOH) on the Letter of Incompleteness dated April 26, 2024, in reference to the Brownfield Cleanup Program (BCP) Application submitted for Lockport Junction Road, NYSDEC Site No. 932185 submitted on March 21, 2024.

Comment 1: *Section III: Land Use Factors: Item 3 – in the Land Use Narrative, please elaborate how the Site is being utilized commercially and industrially per the boxes checked on the form.*

Response 1: Edited this to only be checked as vacant, as the Site is currently vacant and was historically used for commercial and industrial purposes in the past.

Comment 2: *Section III Land Use Factors: Item 4 – provide the date that operations ceased, and the Site became vacant in Current Use narrative.*

Response 2: Acknowledged and added.

Comment 3: *Section III: Land Use Factors: Item 7 – renewable energy facility has been indicated on the form but per the instructions, supporting documentation has not been provided. Either uncheck box or provide supporting documentation.*

Response 3: The box for renewable energy facility has been unchecked; however, it should be noted that the redevelopment plans have not yet been finalized, but the Volunteer is considering a renewable energy component to its design.

Comment 4: *Section IV Property's Environmental History – Box 4 – Past Land Use: Please select the box indicating salvage yard since the property was formerly utilized for scrap and junk yard operations.*

Response 4: Acknowledged and checked on application.

Comment 5: *Section IV: Property's Environmental History: Given the former use of the Site, along with the documented reports of drum spillage and ground surface staining, petroleum VOCs should be treated as a contaminant of concern for this Site.*

Response 5: Acknowledged and checked on application.

Comment 6: *Past Investigations: Please provide the September 2019 Phase I report prepared by C&S Engineering, Inc. referenced in the January 2021 Phase II report.*

Response 6: A copy of the Phase I ESA report was obtained and is included as a separate attachment from the Niagara County Industrial Development Agency. A summary of this report has been added to Section IV – Property's Environmental History.

Comment 7: *Requestor Eligibility – Section VI: Access Agreement: The attachments submitted with the application indicate that the requestor has petitioned the State Supreme Court in Niagara County for access to the proposed BCP site to undertake BCP activities during the ongoing foreclosure proceeding, and that the requestor intends to acquire title to the site through the foreclosure process. The narrative description provided with the application indicates that a hearing on this matter was scheduled for April 4, 2024.*

Please provide information on the results of this hearing. If the court granted the requested access, please provide documentation. In addition, if any other documentation is available to reflect the progress being made by the requestor toward obtaining title and/or legally recognized access to the site, please provide that as well.

Response 7: Acknowledged and addressed in the narrative.

Comment 8: *Section IX Current Property Owner and Operator Information: Name, phone number, and email address is missing for current property owner. If this information is not available due to the Site's current ownership situation and the pending foreclosure proceeding, please state that on the form where the information is to be provided.*

Response 8: Acknowledged and addressed.

Comment 9: *Section IX Current Property Owner and Operator Information: Previous Operator – please more clearly convey that HAGGS was a previous operator and not a previous owner.*

Response 9: Acknowledged and addressed.

Comment 10: *Section IX Current Property Owner and Operator Information: Please provide a phone # for HAGGS – a google search resulted a phone number via YELP.*

Response 10: Acknowledged and addressed.

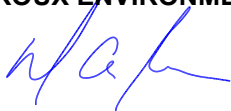
Comment 11: *Additional Comments: In the top section of Page 1 of the revised application, please select "yes" to indicate that the submittal is a revised application and include the NYSDEC site code in the subject line of this letter.*

Response 11: Acknowledged and addressed.

Please contact us if you have any questions.

Sincerely,

ROUX ENVIRONMENTAL ENGINEERING AND GEOLOGY, D.P.C.



Michael Lesakowski
Principal Scientist

Attachments

cc: J Vaccaro, NYSDEC
G. Scholand, NYSDEC
M. Cruden, NYSDEC
A Caprio, NYSDEC
M. Murphy, NYSDEC
M Brady, NYSDEC
K. Lewandowski, NYSDEC
Evan C. Coleman, Requestor's Representative
Mike Hecker, Requestor's Attorney
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