



New York State Department of Environmental Conservation

Environmental Restoration Program

Citizen Participation Plan
for
Ithaca Falls Overlook

Ithaca Falls Overlook
125 Lake Street
City of Ithaca
Tompkins County, New York

April 2012

Contents

<u>Section</u>	<u>Page Number</u>
1. What is New York’s Environmental Restoration Program?	1
2. Citizen Participation Activities	1
3. Major Issues of Public Concern.....	4
4. Site Information	5
5. Investigation and Cleanup Process.....	6
Appendix A – Project Contacts and Locations of Reports and Information	
Appendix B – Site Contact List	
Appendix C – Site Location Map	
Appendix D – Site Plan	

* * * * *

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.

Municipality: **City of Ithaca**
Site Name: **Ithaca Falls Overlook**
Site Address: **125 Lake Street**
Site County: **Tompkins County**
Site Number: **ERP #E755018**

1. What is New York’s Environmental Restoration Program?

New York’s Environmental Restoration Program provides grants to reimburse municipalities for up to 90 percent of their on-site eligible costs and 100 percent of their off-site eligible costs to investigate and clean up municipally owned contaminated properties. Once cleaned up, the property may then be redeveloped for commercial, industrial, residential or public use.

The ERP contains investigation and cleanup requirements, ensuring that cleanups protect public health and the environment. For more information about the ERP, go online at:

<http://www.dec.ny.gov/chemical/8444.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 interest 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 remedial 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 municipality.

Project Contacts

Appendix A identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site's remedial 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 remedial 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 the county, city and town in which the site is located;
- residents, owners, and occupants of the site and properties adjacent to the site;
- members of the Ithaca Gun and the City of Ithaca's Citywide Community Advisory Groups (CAGs);
- 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.

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 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.

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

Citizen Participation Requirements	Timing of CP Activities
<ul style="list-style-type: none"> • Prepare site contact list • Establish document repository • Prepare Citizen Participation (CP) Plan • Place approved RI/AA Work Plan in document repository • Distribute fact sheet to site contact list that announces availability of RI/AA Work Plan and describes upcoming RI field work 	<p>Before start of the Remedial Investigation/Alternatives Analysis (RI/AA).</p>
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes RI results • Place approved RI Report in document repository 	<p>When NYSDEC approves the Remedial Investigation (RI) Report</p>
<ul style="list-style-type: none"> • Place PRAP in document repository • Distribute fact sheet to site contact list that describes PRAP and announces 45-day comment period and public meeting • Conduct 45-day public comment period • Hold public meeting about PRAP 	<p>When NYSDEC releases the Proposed Remedial Action Plan (PRAP). Comment period begins/ends as per dates identified in fact sheet. Public meeting is held during the comment period.</p>

Citizen Participation Requirements	Timing of CP Activities
<ul style="list-style-type: none"> • Place ROD in document repository • Distribute notice to site contact list that announces availability of ROD. ROD includes responsiveness summary of significant comments about PRAP 	When NYSDEC issues ROD.
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes upcoming cleanup action 	Before the start of cleanup action at the site.
<ul style="list-style-type: none"> • Place COC in document repository • Distribute fact sheet to site contact list that announces issuance of COC 	Within 10 days after NYSDEC issues the Certificate of Completion (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 project has been enhanced by the inclusion of two Community Advisory Groups (CAGs): the Ithaca Gun CAG and the City of Ithaca's Citywide CAG. The Ithaca Gun CAG was formed in 2006 to address concerns related to both the demolition and remediation of the VCP project on Parcel B, partially funded by the Restore NY Communities program and the ERP project. The Citywide CAG was formed by the City in 2010 to enhance communication and promote better-informed decisions about environmentally contaminated sites throughout the City of Ithaca; the Citywide CAG meets monthly. To coordinate information sharing and public input, the Citywide CAG will invite the Ithaca Gun CAG to the Citywide CAG public input meetings. The CAG has merged with the greater Ithaca CAG, which is providing input to a number of environmental remediation projects in the greater Ithaca area.

The CAG is intended to provide a communication forum through which a broad and diverse sample of community interests is represented. It is the intent of this ERP project to interact with the CAG, beyond the regulatory required citizen participation activities and public review meetings. In fact, in advance of the publication of the Work Plan, the City and B&L presented the ERP project to the Ithaca CAG.

The City of Ithaca, in conjunction with the Community Advisory Group (CAG) and the DEC, will ensure that the public is informed about the progress of the City of Ithaca Investigation. It is the intent of the City and B&L to meet periodically with the CAG, and in advance of major project milestones to discuss the intent, findings and progress as the project moves forward. This dialogue will supplement the regulatory required activities described below. If you wish to be notified of CAG meetings, please contact Nels Bohn, Director of Community Development for the Ithaca Urban Renewal Agency at (607) 274-6559.

4. Site Information

Site Description

The Ithaca Falls Overlook site is located at 125 Lake Street in the City of Ithaca, New York. The 0.95-acre property was formerly part of the lands owned by the Ithaca Gun Company and was subdivided from the primary site and deeded to the City as part of the present re-development initiative of the Ithaca Gun Company factory site. The site includes a narrow section of land located adjacent to the western edge of the former Ithaca gun factory site, extending from Lake Street to the former mill raceway (Western Accessway). The site also includes the primary overlook site encompassing the former mill raceway and bridge, and the “Island” site. The Island is a section of the former factory that is separated from the primary factory site by a former mill raceway (mini-gorge), and is bounded to the north by the walls of Fall Creek Gorge, and to the west by a steep slope. This former factory annex area is currently vacant and contains remnant building foundation pads and a retaining wall. Appendix C contains a map identifying the location of the site.

The site is located in an urban area developed primarily with residential and commercial properties. A natural area including Fall Creek Gorge and Ithaca Falls is located north of the Island portion of the site. A fraternity house adjoins the northeastern corner of the site, and residential apartments are located south of the site across Lake Street. The property adjoining the site to the west is a paved parking lot used by residents of the Lake Street apartments. The adjoining site to the east is the location of the former main Ithaca Gun Company factory, currently undergoing assessment and remediation as part of the NYSDEC Voluntary Cleanup Program.

History of Site Use, Investigation, and Cleanup

Former operations at the Ithaca Gun factory site include manufacture of firearms and munitions. Secondary operations included spray painting, drying gun stocks in ovens, firing ranges, plating, metal shops, and forging where the lead was re-melted for polishing. The ERP site appears primarily to have been utilized for storage and possibly finishing operations. A site location map as Appendix C and a site plan as Appendix D.

The historic gun manufacturing operations at the site are potential sources for remaining contamination. The primary contaminant of concern is lead from test firing guns, dumping of spent shot, and other manufacturing processes such as forging. Volatile organic compounds (VOCs) were also identified during investigations on other portions Ithaca Gun Company property, particularly near the Western Accessway, and appear to be related to the historic storage of drums containing chemicals and oils.

Portions of the ERP site and off-site areas were the subject of a remedial response conducted between 2000 and 2004 by EPA Region 2 Response and Prevention after prior NYSDEC investigations identified lead shot in the gorge. Elevated levels of lead and other metals were found both in the gorge and in background samples. The EPA response resulted in the removal of “hot spot” lead-contaminated soils from the Island, raceway, Western Accessway, and off-site

areas including the gorge, as well as demolition of the structures on the Island. Due to this action and the subsequent natural erosion at the site, the remaining levels of lead and current areas of concern remain uncharacterized.

A Phase I Environmental Site Assessment was conducted on the adjacent former gun factory property by Prescott Environmental Associates, Inc. in October 2001. The Phase I report identified widespread lead contamination on that property as well as the adjoining Ithaca Falls Overlook property. Historic aerial photographs identified a large number of drums stored along the Western Accessway portion of the site.

The adjacent former gun factory property, once part of a larger site including the Ithaca Falls Overlook site, was subdivided to create a City-owned park that would provide a walkway and overlook of the falls. The former factory site was entered into the Voluntary Cleanup Program by a prospective developer, and the Ithaca Falls Overlook site was accepted into the Environmental Restoration Program in April 2008.

5. Investigation and Cleanup Process

Investigation

A detailed study of the site will be performed by the municipality with oversight by NYSDEC. This detailed study is officially called a Remedial Investigation. The investigation work plan is officially called a Remedial Investigation/Alternatives Analysis Work Plan and is available for public review at the Location of Reports and Information identified in Appendix A.

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.

Proposed Remedy

After the site investigation has been completed, the municipality will prepare a report that summarizes the results of the site investigation and analyzes alternatives to address contamination. The report is officially called a “Remedial Investigation/Alternatives Analysis Report”, and is prepared either as separate or combined documents. The analysis of alternatives identifies and evaluates potential ways to clean up contamination related to the site. The analysis may support the conclusion that no action, or no further action, is needed.

NYSDEC coordinates a review of the Remedial Investigation/Analysis of Alternatives Report with the New York State Department of Health and others as appropriate. Once the report is acceptable, NYSDEC will develop a recommended proposal to eliminate the threat posed by contaminants at the site. This document is officially called a Proposed Remedial Action Plan (PRAP). The PRAP describes the remedy preferred by NYSDEC, or a no action or no further action alternative. The PRAP summarizes the decision that led to the recommendation of the preferred remedy by discussing each alternative and the reasons for choosing or rejecting it. The goal of any cleanup plan is to protect public health and the environment. NYSDEC will present the PRAP to the public for its review and comment during a 45-day comment period and at a public meeting.

Selected Remedy

NYSDEC considers public comments as it selects the remedy to address contamination related to the site. The selected remedy will be described in a document officially called a Record of Decision (ROD). The ROD will explain why the remedy was selected and respond to public comments. This document will be placed in the Location of Reports and Information. If the selected remedy is no action or no further action, NYSDEC may then issue the municipality a Certificate of Completion and may require the municipality to implement a site management plan (see discussion below).

Cleanup Action

If the Record of Decision for the site calls for cleanup action, the municipality can choose to submit for review and approval a plan to perform the cleanup action, called a “Remedial Work Plan”. The project then moves to designing and performing the cleanup actions to address the site contamination. When cleanup actions have been completed, NYSDEC will approve a final engineering report prepared by the municipality that describes the cleanup actions undertaken and certifies that cleanup requirements have been achieved or will be achieved.

Certificate of Completion

Upon approval of the final engineering report, NYSDEC may issue a Certificate of Completion (COC) to the municipality. The COC would recognize the findings of the final engineering report. The COC would note that the cleanup program achieved a cleanup level consistent with specific categories of use for the site. The municipality would be entitled to limited liability as long as it complied with the terms of the COC, and other conditions. With its receipt of the COC, the municipality would be eligible to redevelop the site, subject to specified limitations.

Site Management

Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. Site management may be conducted by the municipality under NYSDEC oversight, if contamination will remain in place. 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 is pumping and treating 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):

Gary Priscott
Project Manager
NYSDEC Region 7
Division of Environmental Remediation
1679 State Rt. 11
Kirkwood, New York 13795
Phone: (607) 775-2545

New York State Department of Health (NYSDOH):

Justin Deming
Project Manager
NYSDOH
Flanigan Square, 547 River Street
Troy, New York 12180
Phone: (800) 458-1158 ext. 27860

Locations of Reports and Information

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

Ithaca Urban Renewal Agency
108 East Green Street, City Hall, 3rd Floor
Ithaca, New York 14850
Attn: Nels Bohn, Director of Community
Development
Phone: (607) 274-6559
(call for appointment)

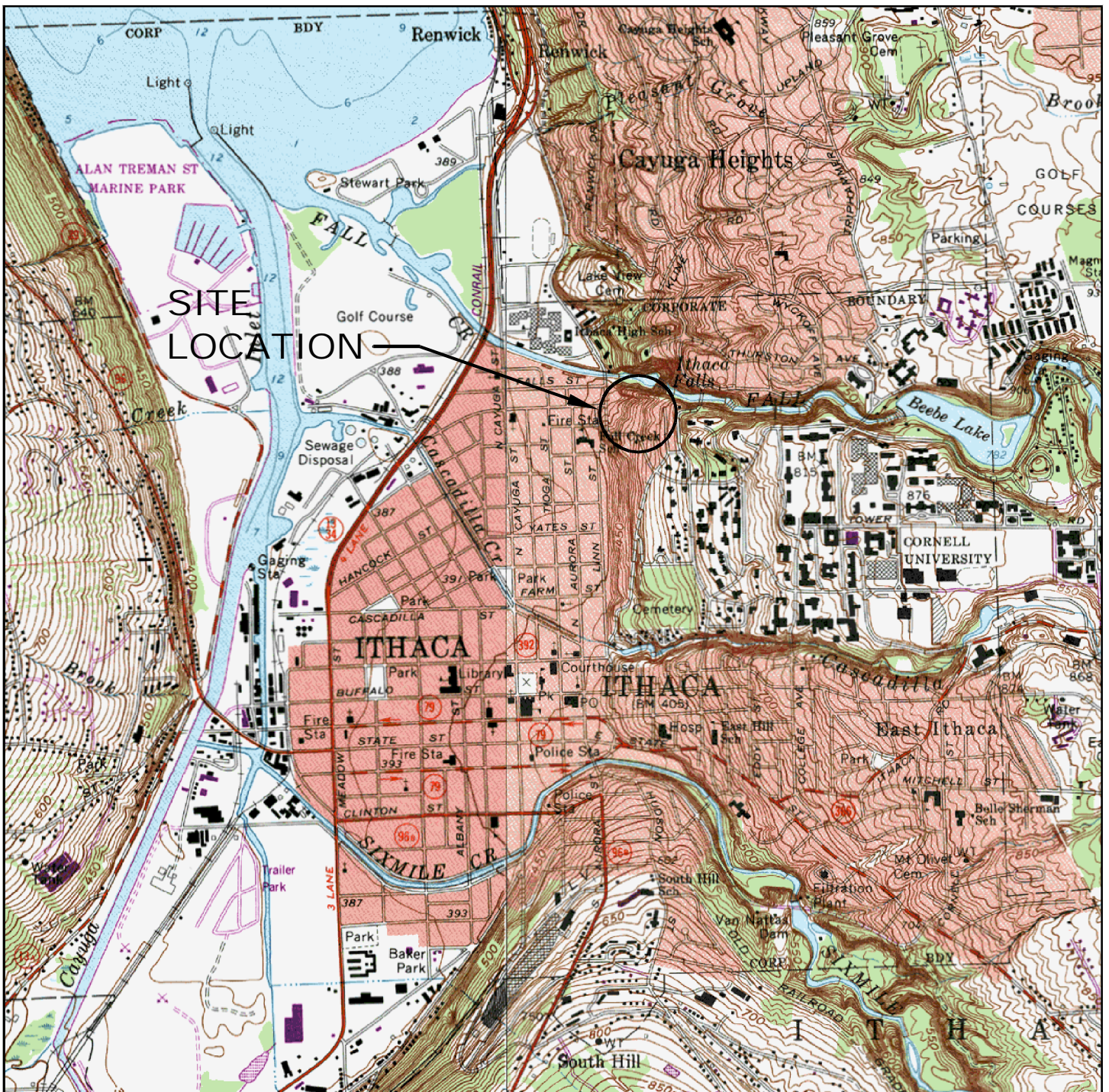
NYSDEC Region 7
Division of Environmental Remediation
1679 State Rt. 11
Kirkwood, New York 13795
Attn: Gary Priscott
Phone: (607) 775-2545
(call for appointment)

Appendix B
Site Contact List

Site Contact List

Site #: E755018		List Last Updated: 8/26/2011						
Current Occupant	Name, Title	Address 1	Address 2	Address 3	Street Address	City	State	Zip
Current Occupant					210 Willard Way Loop	Ithaca	NY	14850
Current Occupant					230 Willard Way Loop	Ithaca	NY	14850
Current Occupant					210 Lake St	Ithaca	NY	14850
Current Occupant					202 Lake St	Ithaca	NY	14850
Current Occupant					115 Lake St	Ithaca	NY	14850
Current Occupant					113 Lake St	Ithaca	NY	14850
Current Occupant					423 Lincoln St E	Ithaca	NY	14850
Current Occupant					302 Lake St	Ithaca	NY	14850
Current Occupant					533-35 Linn St	Ithaca	NY	14850
	WHCU/WTKO/WQNY/WYXL				1751 Hanshaw Road	Ithaca	NY	14850
	WICB 91.7				118 Park Hall, Ithaca College	Ithaca	NY	14850
	WVBR 93.5				957 Mitchell Street, Suite B	Ithaca	NY	14850
	WVIC 105.9				118 Roy H. Park Hall	Ithaca	NY	14850
	Pegasys Public Access				519 West State Street	Ithaca	NY	14850
	Time Warner Cable, Channel 7 News				517 West State Street	Ithaca	NY	14850
	The Cornell Chronicle				Judd Falls Road	Ithaca	NY	14853
	The Ithaca Journal				123 West State Street	Ithaca	NY	14850
	Ithaca Times				109 North Cayuga Street	Ithaca	NY	14850
	The Ithacan Online				267 Roy H. Park Hall, Ithaca College	Ithaca	NY	14850
	Cornell Daily Sun				139 West State Street	Ithaca	NY	14850
	Carolyn K. Peterson, Mayor	City of Ithaca			108 East Green St	Ithaca	NY	14850
	Nels Bohn, Director of Community Development	City of Ithaca	3rd Floor of City Hall		108 East Green St	Ithaca	NY	14850
	Julie Conley Holcolm, Clerk	City of Ithaca			108 East Green St	Ithaca	NY	14850
	Daniel Cogan, 5th Ward Rep.	City of Ithaca			108 East Green St	Ithaca	NY	14850
	Deborah Mohlenhoff, 5th Ward Rep.	City of Ithaca			108 East Green St	Ithaca	NY	14850
	Bill Gray, Superintendent	City of Ithaca	Dept. of Public Works		108 East Green Street	Ithaca	NY	14850
	Joe Mareane, County Administrator	Tompkins County			125 E Court St, 3rd Floor	Ithaca	NY	14850
	Kathy Luz Herrera, District 5 Rep.	Tompkins County			116 Utica Street	Ithaca	NY	14850
	Aurora R. Valenti, County Clerk	Tompkins County			320 N Tioga St	Ithaca	NY	14850
	Elizabeth Cameron, Director Env. Health Div.	Tompkins County Health Department			55 Brown Rd	Ithaca	NY	14850
	Tompkins County Public Library				101 East Green Street	Ithaca	NY	14850
	Hon. Barbara Lifton	NYS Assembly, 125th District			106 East Court Street	Ithaca	NY	14850
	Sen. Thomas F. O'Mara	NYS Senate, District 53			333 East Water Street, Ste. 301	Elmira	NY	14901
	Rep. Maurice Hinchey	U.S. House of Representatives, NY 22nd District			123 South Cayuga Street, Suite 201	Ithaca	NY	14850
	Hon. Charles E. Schumer	U.S. Senate	Binghamton Office		15 Henry Street, Room M103	Binghamton	NY	13901
	Hon. Kirsten Gillibrand	U.S. Senate	Central NY Office	PO Box 7378		Syracuse	NY	13261
	Peter Bloom and Janet Greenfield				292 Hicks St	Brooklyn	NY	11201
	Sigma Nu Lodge	PO Box 421				Homer	NY	13077
	Morgan Gun Hill LLC				1170 Pittsford Victor Rd	Pittsford	NY	14534
	Cornell University	State Street Assoc Lp II			210 Lake St #3G	Ithaca	NY	14850
	Geneva Street Ventures, LLC				413 N Geneva St	Ithaca	NY	14850
	Kathleen Lilley				111 Lake St	Ithaca	NY	14850
	Fall Creek Redevelopment LLC				1703 Legion Rd, Ste 205	Chapel Hill	NC	27517
	Robert D Terry				312 Washington St	Ithaca	NY	14850
	Ithaca City School District				400 Lake St	Ithaca	NY	14850
	Michael Simons, Principal	Fall Creek Elementary School			202 King St	Ithaca	NY	14850
	Kenneth & Regina Deschere				202 South Hill Terrace	Ithaca	NY	14850
	Gerard H. Cox				601 Aurora St N	Ithaca	NY	14850
	Jill Freidmutter				116 Utica St	Ithaca	NY	14850
	Nancy Hyland				210 Lincoln St W	Ithaca	NY	14850
	Sarah Steuteville				218 Utica St	Ithaca	NY	14850
	Scott Pedersen				1006-08 Aurora St N	Ithaca	NY	14850

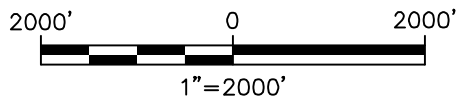
Appendix C
Site Location Map



SOURCE: ITHACA EAST & ITHACA WEST, NEW YORK U.S.G.S. QUADRANGLE MAPS, DATE 1979.



QUADRANGLE LOCATION



ITHACA URBAN RENEWAL AGENCY
 ITHACA FALLS OVERLOOK
 ENVIRONMENTAL RESTORATION PROGRAM
 SITE LOCATION PLAN

Figure Number

App C

Project Number

1307.002.001

Date
 OCTOBER, 2011

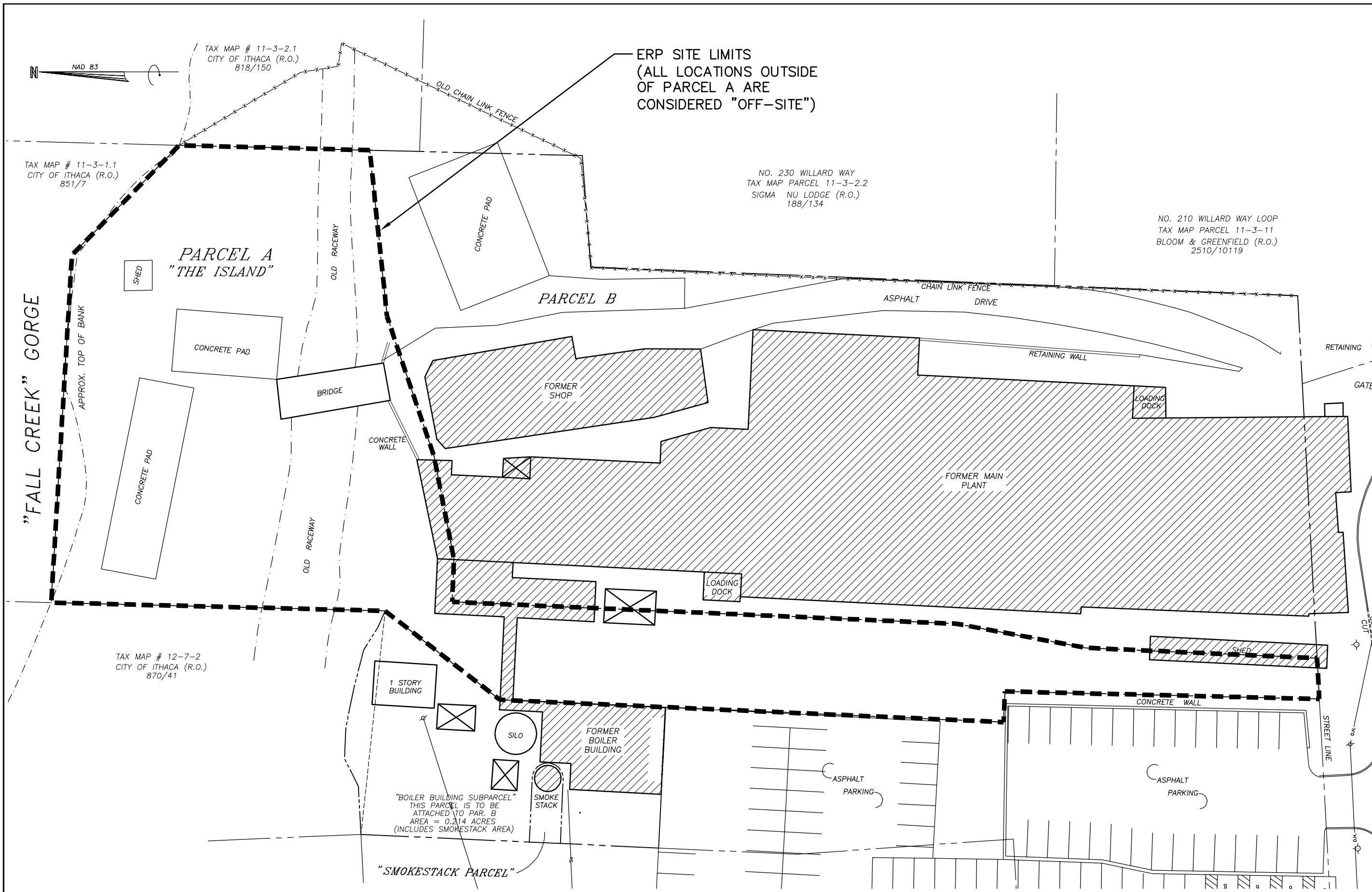
Scale
 1" = 2000'

CITY OF ITHACA

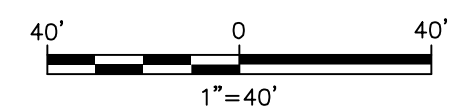
TOMPKINS COUNTY, NEW YORK

Appendix D
Site Plan

Plotted: Oct 26, 2011 - 3:16PM SYR By: jgs
 i:\Shared\1300\1307002\1307002_ERP_FIG2.dwg



NOTE:
 BASEMAP TAKEN FROM A SURVEY MAP SHOWING LANDS OF FALL CREEK REDEVELOPMENT, LLC. PERFORMED BY T.G. MILLER P.C. ON 6/27/2008.



ITHACA URBAN RENEWAL AGENCY
 ITHACA FALLS OVERLOOK
 ENVIRONMENTAL RESTORATION PROGRAM
 SITE PLAN

Barton
B&J
 Roguice, P.C.

Date
 OCTOBER, 2011

Scale
 1" = 40'

Figure Number
 App D

Project Number
 1307.002.001

TOMPKINS COUNTY, NEW YORK
 CITY OF ITHACA