

file

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9553 • FAX: (518) 402-9577
Website: www.dec.state.ny.us



Erin M. Crotty
Commissioner

MEMORANDUM

TO: See Distribution List Below

FROM: Kelly A. Lewandowski, NYSDEC - DER Bureau of Technical Support

Kelly A. Lewandowski

SUBJECT: Environmental Restoration Projects Application
Bush Industries, E905029

DATE: NOV - 4 2004

The attached Environmental Restoration Projects (ERP) Application for remedial work at the subject site has been forwarded to you for your records and/or processing according to the established Environmental Restoration Projects procedures. If you require additional copies or the complete series of the related application's attachments, please contact me at 518-402-9553.

T&A Code for the subject site: W010

Attachment(s)

Distribution

Original (with all attachments) to:

Linda Ross, NYSDEC - Region 9

Copy (with all attachments) to:

Ed Belmore, NYSDEC - Remedial Bureau D

Gary Litwin, NYSDOH - DEHI Bureau of Environmental Exposure Investigation

Martin Doster/Daniel King, NYSDEC - Region 9

Copy (without attachments) to:

Anthony Quartararo, NYSDEC - DEE Superfund and Voluntary Cleanup Bureau

Christina Dowd, NYSDEC - DFWMR Bureau of Habitat

VILLAGE OF CATTARAUGUS

Thomas Young, Mayor

Brian F. Lees, Trustee
June Ellis, Trustee
Jodi E. Miller, Clerk

David Rivet, Trustee
Anthony Drozd, Trustee
Dennis Huber, DPW Supt.

October 6, 2004

Chief, Site Control Section
NYS Dept. of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

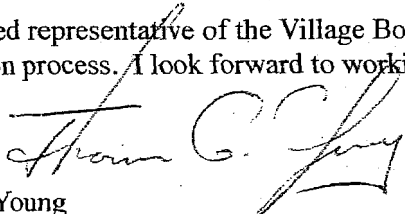
RE: Environmental Restoration Program Application

The Village of Cattaraugus Board of Trustees is pleased to submit this request for your review. We look forward to your partnership in our cooperative efforts to rebuild our community.

Our application requests funding for a detailed site investigation of Village-owned property located at 1 North Main Street in the Village of Cattaraugus. As noted in our application, the remediation and reuse of this site is vital to the health and safety of our residents and to the future commercial development in our area.

As authorized representative of the Village Board, please let me know if there is anything more I can do to support your decision process. I look forward to working with you on this valuable and important project.

Sincerely,


Thomas G. Young
Mayor

RECEIVED

OCT 14 2004

BUREAU OF
TOWNSHIP ENGINEERING

We are an equal opportunity provider.
Complaints of discrimination should be sent to:
USDA Director, Office of Civil Rights, Washington, DC 20250-9410

14 MAIN STREET *CATTARAUGUS, NY 14719
PHONE: 716-257-3661 *FAX: 716-257-3270 *TTY: 1-800-662-1220

**ENVIRONMENTAL RESTORATION PROGRAM (ERP) APPLICATION****1996 CLEAN WATER/CLEAN AIR BOND ACT**

ECL ARTICLE 56 - 6NYCRR 375-4

8/9/04

Applicant Information

NAME OF MUNICIPALITY

NAME OF INDIVIDUAL AUTHORIZED TO SIGN APPLICATION

TITLE OF AUTHORIZED INDIVIDUAL

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF COMMUNITY BASED ORGANIZATION (IF APPLICABLE)

COMMUNITY BASED ORGANIZATION'S REPRESENTATIVE

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Site Information

SITE NAME

SITE ADDRESS

CITY/TOWN

ZIP CODE

COUNTY

SIZE (ACRES)

LATITUDE

LONGITUDE

PLEASE ATTACH A COUNTY TAX MAP WITH IDENTIFIER NUMBERS, ALONG WITH ANY FIGURES NEEDED TO SHOW THE LOCATION AND BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 7.5 MINUTE QUAD MAP IN WHICH THE SITE IS LOCATED.

1. DO THE SITE BOUNDARIES CORRESPOND TO TAX MAP METES AND BOUNDS? ☐ YES ☐ NO
IF NO, PLEASE ATTACH A METES AND BOUNDS DESCRIPTION OF THE SITE.
2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY AREA PURSUANT TO GML970-R? IF YES, IDENTIFY AREA (NAME) _____ ☐ YES ☐ NO
3. IS THE SITE LISTED ON THE NYS REGISTRY OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES? ☐ YES ☐ NO
IF YES, FILL IN CURRENT REGISTRY SITE NUMBER AND CLASSIFICATION.

REGISTRY SITE NUMBER: _____ CLASSIFICATION: _____

Applicant Eligibility Information

1. HAS THE APPLICANT GENERATED, TRANSPORTED OR DISPOSED OF, OR ARRANGED FOR OR CAUSED THE GENERATION, TRANSPORTATION OR DISPOSAL OF, HAZARDOUS WASTE OR PETROLEUM ON THE SITE? ☐ YES ☐ NO
2. HAS THE APPLICANT UNDERTAKEN, OR INTEND TO UNDERTAKE, ANY INDEMNIFICATION OBLIGATION RESPECTING A PARTY RESPONSIBLE UNDER LAW FOR THE REMEDIATION OF THE SITE? ☐ YES ☐ NO
3. HAS THE APPLICANT LEASED THE SITE TO ANOTHER PARTY THAT GENERATED, TRANSPORTED OR DISPOSED OF, OR THAT ARRANGED FOR OR CAUSED THE GENERATION, TRANSPORTATION OR DISPOSAL OF HAZARDOUS WASTE OR PETROLEUM ON THE SITE? IF YES, CHECK ONE OF THE FOLLOWING: ☐ YES ☐ NO
- ☐ A. THE APPLICANT DID NOT KNOW THAT SUCH OTHER PARTY GENERATED, TRANSPORTED OR DISPOSED OF, OR ARRANGED FOR OR CAUSED THE GENERATION, TRANSPORTATION OR DISPOSAL OF SUCH HAZARDOUS WASTE OR PETROLEUM.
- ☐ B. THE APPLICANT KNEW THAT SUCH OTHER PARTY GENERATED, TRANSPORTED OR DISPOSED OF, OR ARRANGED FOR OR CAUSED THE GENERATION, TRANSPORTATION OR DISPOSAL OF SUCH HAZARDOUS WASTE OR PETROLEUM AND DID NOT TAKE ACTION TO REMEDIATE OR CAUSE THE REMEDIATION OF SUCH HAZARDOUS WASTE OR PETROLEUM.
- ☐ C. THE APPLICANT KNEW THAT SUCH OTHER PARTY GENERATED, TRANSPORTED OR DISPOSED OF, OR ARRANGED FOR OR CAUSED THE GENERATION, TRANSPORTATION OR DISPOSAL OF SUCH HAZARDOUS WASTE OR PETROLEUM AND TOOK ACTION TO REMEDIATE OR CAUSE THE REMEDIATION OF SUCH HAZARDOUS WASTE OR PETROLEUM.
4. DOES THE APPLICANT CURRENTLY OWN THE SITE OR HAS IT OBTAINED TEMPORARY INCIDENTS OF OWNERSHIP FOR AN INVESTIGATION PURSUANT TO ECL 56-0508? ☐ YES ☐ NO

Project Description

PLEASE ATTACH A DESCRIPTION OF THE PROJECT WHICH INCLUDES THE FOLLOWING INFORMATION (REFER TO THE ENVIRONMENTAL RESTORATION PROGRAM PROCEDURES HANDBOOK FOR DETAILED INSTRUCTIONS).

- PURPOSE AND SCOPE OF THE PROJECT;
- CURRENT AND PROPOSED FUTURE USE OF THE SITE (RESIDENTIAL, COMMERCIAL, INDUSTRIAL);
- ESTIMATED PROJECT COST (INCLUDE ANY RESPONSIBLE PARTY COST RECOVERY PAYMENTS RECEIVED OR ANTICIPATED, AS WELL AS ANY OTHER ACTUAL OR POTENTIAL FUNDING SOURCES FOR THE PROJECT);
- HOW THE PROJECT WOULD SATISFY THE CRITERIA OF ECL 56-0505; AND
- ESTIMATED PROJECT SCHEDULE (FIELD WORK MUST BEGIN WITHIN 12 MONTHS OF THE APPLICATION APPROVAL DATE)

Site's Environmental History

TO THE EXTENT THAT EXISTING INFORMATION/STUDIES/REPORTS ARE AVAILABLE TO THE APPLICANT, PLEASE ATTACH THE FOLLOWING:

1. **ENVIRONMENTAL DATA**
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.
2. **OWNERS**
A LIST OF PREVIOUS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER LISTED. IF NO RELATIONSHIP, PUT "NONE").
3. **OPERATORS**
A LIST OF PREVIOUS OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBER (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OPERATOR LISTED. IF NO RELATIONSHIP, PUT "NONE").

Contaminant Information

INDICATE KNOWN OR SUSPECTED CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN OR SUSPECTED TO HAVE BEEN AFFECTED:

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

*PLEASE DESCRIBE: _____

Project Information (Complete for Remediation Projects Only)

1. HAS THE DEC ISSUED A RECORD OF DECISION FOR THE SITE UNDER THE ERP? ☐ YES ☐ NO
2. HAS GROUNDWATER OR A SURFACE WATER BODY BEEN CONTAMINATED ABOVE STANDARDS?
IF YES, CHECK ALL THAT APPLY: ☐ YES ☐ NO
 - ☐ A. THE INFLUENT TO A PUBLIC OR PRIVATE WATER SUPPLY HAS BEEN CONTAMINATED OR THREATENED.
 - ☐ B. A CLASS A OR AA SURFACE WATER BODY OR A PRIMARY OR PRINCIPAL AQUIFER HAS BEEN CONTAMINATED WITHOUT AFFECTING AN EXISTING WATER SUPPLY.
 - ☐ C. GROUNDWATER HAS BEEN CONTAMINATED ABOVE STANDARDS OR A SURFACE WATER HAS BEEN IMPACTED.
3. HAVE ENDANGERED, THREATENED OR RARE SPECIES, STATE PROTECTED STREAMS, OR STATE REGULATED WETLANDS BEEN IMPACTED BY RELEASES FROM THE SITE? ☐ YES ☐ NO
4. ARE CONTAMINANTS PRESENT IN SOILS/WASTE AT LEVELS THAT EXCEED DEC DIVISION OF ENVIRONMENTAL REMEDIATION GUIDANCE VALUES? ☐ YES ☐ NO
5. IS THE SITE LOCATED IN A DESIGNATED EMPIRE ZONE? ☐ YES ☐ NO
6. IS THE SITE LOCATED IN A DESIGNATED EN-ZONE PURSUANT TO TL § 21 (b)(6)? ☐ YES ☐ NO
7. HAS ALL OR PART OF THE SITE BEEN IDLE OR ABANDONED FOR MORE THAN ONE YEAR? ☐ YES ☐ NO
7. HAS THE APPLICANT SIGNED AN AGREEMENT WITH A PRIVATE PARTY TO REUSE THE SITE ONCE IT IS RESTORED? ☐ YES ☐ NO
8. HAS THE APPLICANT COMMITTED TO A NEW PUBLIC OR RECREATIONAL USE? ☐ YES ☐ NO
9. HAS THE APPLICANT COMPLIED WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) REGARDING THIS ACTION? IF YES, INCLUDE THE DETERMINATION (NEGATIVE DECLARATION OR FINDINGS STATEMENT) IN THE ATTACHED PROJECT DESCRIPTION AND IDENTIFY ALL INVOLVED AGENCIES IN THE COORDINATED REVIEW. ☐ YES ☐ NO
10. IS THE APPLICANT AWARE OF OTHER FUNDING SOURCES FOR REMEDIATING THE SITE?
IF YES, PROVIDE SOURCES(S) AND DOLLAR AMOUNT IN THE ATTACHED PROJECT DESCRIPTION. ☐ YES ☐ NO

Municipality Certification

The undersigned on behalf of the applicant does hereby certify that:

- All statements made for the purpose of obtaining State assistance for the proposed project either are set out in full in this application, or are set out in full in exhibits attached to this application and incorporated by this reference; and
- The individual whose signature appears hereon is authorized to sign this application for the municipality.

A FALSE STATEMENT MADE HEREIN IS PUNISHABLE AS A CLASS "A" MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

Signature of Individual Authorized to Sign the Application

Date

Community Based Organization Certification (if applicable)

The undersigned on behalf of the Community Based Organization acting in partnership with the municipality does hereby certify that:

- The Community Based Organization is a not-for-profit corporation, exempt from taxation under section 501(c)(3) of the internal revenue code whose stated mission is promoting reuse of brownfield sites within a specified geographic area in which the Community Based Organization is located, which has 25% or more of its board of directors residing in the community in such area;
- The Community Based Organization represents a community with a demonstrated financial need;
- Not more than 25% of the members, officers or directors of the Community Based Organization are or were employed by or receiving compensation from any person responsible for a site under title 13 or title 14 of article 27 of the Environmental Conservation Law, article 12 of the navigation law or under applicable principles of statutory or common law liability; and
- The individual whose signature appears hereon is authorized to sign this application for the Community Based Organization.

A FALSE STATEMENT MADE HEREIN IS PUNISHABLE AS A CLASS "A" MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

Signature of Individual Authorized to Sign for the Community Based Organization

Date

SUBMITTAL INFORMATION:

Four (4) complete copies, one with original signatures, are required.

- **Three (3)** of the copies, one with original signatures, 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)** 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>

The Department encourages applicants to submit an electronic copy (CD or diskette) of the application and attachments in addition to what is required above.

FOR DEPARTMENT USE ONLY:

ERP SITE NO: _____ ERP SITE T&A CODE: _____ PROJECT MANAGER: _____

10084

This Indenture

Made the 15th day of November, Nineteen Hundred and Ninety-Six

Between the County of Cattaraugus, a Municipal Corporation of the State of New York, party of the first part, and

VILLAGE OF CATTARAUGUS, 14 Main Street, Cattaraugus, New York 14719

, party of the second part,

Witnesseth, that the party of the first part, in consideration of

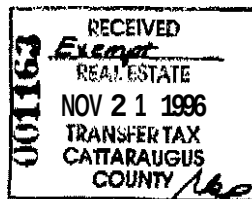
One Dollar and no/100

(~~\$1.00~~), lawful money of the United States, and other good and valuable considerations paid by the party of the second part, does hereby remise, release, and quitclaim unto the party of the second part, its heirs and assigns forever,

All That Tract, Piece or Parcel of Land, situate in the Town of New Albion, County of Cattaraugus, State of New York,

Being described as put of Lot 23, Town 4, Range 8, about 4.43 Acres, Acct. No. 967, Tax Map No. 35.081-1-16, Main St., and be it further

Described as being Parcel 266 according to the Judgment filed in the Cattaraugus County Clerk's Office on November 6, 1996, formerly owned by Overhead Door Corp. and Edward J. Dill.



RECORDED

157710

Village of Cattaraugus 16.25
"Main St." 70.25

Quitclaim Deed

TAX SALE

RECORDED

COUNTY OF CATTARAUGUS
A Municipal Corporation
of
The State of New York
TO
VILLAGE OF CATTARAUGUS
14 Main Street
Cattaraugus, New York 14719

Dated, November 15, 1996

STATE OF NEW YORK
County of Cattaraugus

RECORDED ON THE
all day of Nov. 15, 1996
at 12:17 o'clock P. M.
in LIBER 960 of DEEDS
at PAGE 1062 and examined.
Ann M. Heidrick

CLERK

Said property having been sold at Tax Sale September 22, 1994
and bid in by the County of Cattaraugus, State of New York.
Tax sale deed to said County of Cattaraugus was made on the
13th day of November 1996, and recorded in
Cattaraugus County Clerk's Office on the 13th day of
November, 1996 in Liber 960 of Deeds at Page 793..
This conveyance is made pursuant to a Resolution of the Board of Legislators of
Cattaraugus County, New York, adopted on the 13th day of
November, 1996.
It is further agreed that each and every deed executed by virtue of said resolution
shall contain a condition and covenant to the effect that said Cattaraugus County
shall in no event be or become liable for any defects in the title so conveyed for any
cause whatsoever or that no claim or demand of any nature shall ever be made against
said Cattaraugus County arising from such sale or any proceedings leading thereto.
Together with the appurtenances and all the estate and rights of the party of
the first part in and to said premises.
To have and to hold the premises herein granted unto the party of the
second part, its heirs and assigns forever.
In Witness Whereof, the party of the first part has hereunto set its hand
and seal the day and year first above written.

THE COUNTY OF CATTARAUGUS

By Joseph G. Keller
JOSEPH G. KELLER, County Treasurer.

State of New York
County of Cattaraugus

} ss.

On this 15th day of November 1996, before me,

the subscriber personally came JOSEPH G. KELLER
to me personally known and being by me duly sworn, deposes and says; that he/she
resides in the City of Olean, New York; that he/she is the Treasurer
of the County of Cattaraugus, State of New York, the Municipal Corporation described
in and which executed the above instrument; that he/she knows the seal of said
Corporation; that the seal affixed to said instrument is such corporate seal; that it
was affixed by order of the Board of Legislators of said Corporation and that he/she
signed his/her name thereto by like order.

Ann Marie Heidrick
Notary Public
ANN MARIE HEIDRICK
Notary Public #4987082
Cattaraugus County, New York
Commission Expires Sept. 30, 1997

Environmental Restoration Program (ERP) Application

Project Description

A. Purpose and Scope

The site is the location of the former Setter Brothers/Bush Industries property, located at 1 North Main Street in the Town of New Albion, Village of Cattaraugus, Cattaraugus County, New York. Vacant since about 1989, the property consists of approximately 4.43-acres and is currently owned by the Village of Cattaraugus. The property contains the remnants of a 1 and 2-story masonry, steel frame, wood and brick former manufacturing facility which has been mostly demolished. Currently there is a partial steel beam shell and building debris consisting of wood, some steel, concrete and brick across much of the former facility area. The former concrete slab foundation covers much of the former footprint of the facility to and immediately adjacent to Main Street. The manufacturing facility was constructed around 1900 with several additions added over time. The gross floor space was estimated by an appraiser in 1995 to be approximately 100,000 square feet. Various other structures and portions of former buildings are also located on this property. Historical maps of the property indicate that a Standard Oil facility, an apple evaporator, and gasoline service were also associated with portions of the property prior to its most current use.

The purpose of the project is to perform a detailed site investigation to determine the likelihood and level of contamination and to determine the remedial measures necessary for re-use. The investigation will follow the Remedial Investigation/Alternatives Analysis (RI/AA) guidance as provided in the Division of Environmental Remediation's Technical Guide (DER-10 - Technical Guidance for Site Investigation and Remediation). The investigation will result in a Record of Decision (ROD). The recommended remedial actions contained in the ROD will be completed by the Village or a private entity who will re-develop the site. Interim remedial measures, such as the completion of building demolition, may be completed during this Phase as an interim remedial measure to enhance site safety.

The goal will be to:

- Identify if contamination exists and to define the nature and extent of contamination, if any
- Identify contamination source areas
- Provide data of sufficient quantity and quality for remedial decision making; and
- Evaluate the a sufficient range of remedial alternatives to enable the preparation of a PRAP and ROD.

The specific objectives are:

- identify existing conditions and to evaluate the nature of the fill material and other features such as the site boundary
- analyze specific media including soil, and possibly sediment and groundwater
- identify and delineate the contaminants of concern, if any
- identify specific environmental media, potential pathways and affected receptors, if any
- identify specific impacts to the planned re-development and identify the extent of

remediation necessary, to meet the property specific needs.

- develop sufficient information to allow development of remedial alternatives.
- to meet or exceed American Society of Testing and Materials (ASTM) E 1903.97 guidance and NYSDEC Brownfields Cleanup Program guidance for investigations and reports
- Assess the presence and extent of hazardous waste at the site, if any, and determine the consequential amount.

The scope of work and reporting will be performed in accordance with the NYSDEC Brownfield Cleanup Program Guide and other NYSDEC guidance (Procedures Handbook and DER-10).

The proposed scope of work is based on the findings of a Phase I Environmental Assessment completed on the property in 2004. Additionally, a preliminary asbestos survey have been completed. The purpose the site assessment will be to verify that material disposed on the property is restricted to C&D debris and to further determine the likelihood of contamination at the property especially associated with past use and past petroleum use on portions of the property. This information will allow for the screening of various technologies for their capability to meet specific cleanup and redevelopment concept plan objectives.

Specific activities will include:

- Verify that the subsurface does not contain any storage tanks or remnant petroleum contamination from previous occupants of the property
- Perform any additional asbestos survey of the potential materials identified (Optional based on findings of survey completed in June 2004)
- Perform a site boundary and topographic survey to identify existing conditions and to create a base map for field activities
- Perform a limited geophysical survey to determine a subsurface profile and to locate areas for boring points (optional and possibly not applicable, due to site conditions)
- Advance a series of test trenches and/or geoprobe boring points at specific defined locations across the property to verify subsurface conditions and to examine visible C&D debris.
- analyze specific media including soil and groundwater
- identify the contaminants of concern, if any
- identify specific environmental media, potential pathways and affected receptors, if any
- identify any impacts to a development concept plan
- identify extent of remediation necessary, if any, to meet the property specific development goals of redevelopment.

A phased assessment approach is recommended for this site. The first phase assessment will be limited in scope to determine if the possibility of contamination exists (examine “hot spots”). If based on this assessment, contamination is identified, a more focused investigation will be conducted based on the findings of the initial phase.

Based on the findings of the Phase I ESA, the following RI/AA tasks have been identified:

FIELD INVESTIGATION TASKS

1) Project Scoping and Preparation of Work Plans which describes the activities, QA/QC, and health and safety

2) Site Investigation

Initially perform a surface and subsurface soil assessment program. This will involve the use of either borings or trenches. Trenching is probably better suited to the site conditions for two reasons/purposes: 1) examine areas underneath debris in the facility area 2) complete trenches in grass areas and along the slope to determine the nature of the fill and to examine subsurface conditions on the sides and rear of the former facility. The reason for recommending trenching where possible, is that trenches will afford the following:

- The ability to examine a wider subsurface area and waste/fill profile
- The ability to gain access to areas inaccessible to drill rigs/geoprobes.

Borings may also be used in specific areas to examine the subsurface area under the existing cement flooring of the former facility. These may be employed if it is necessary to minimize disturbance to this area of the property.

Materials in debris piles and soil from each slit-trench (approx. 1 foot wide by 4-8 feet long)/borings will be visually described and screened using an organic vapor detector (i.e., PID). Stratification of material in the trenches/borings and observations of soil staining will be noted on the trench/boring logs. Soil samples will be collected from each test trench/boring from the intervals which indicate contamination either through visual, smell, or PID readings.

The purpose of the initial limited assessment is to verify that the material observed is limited to C&D. The purpose of the initial phase is not to conduct an investigation directed at determination of nature and extent of contamination which would require significantly more sampling and analysis. At this time it is unknown if any contamination exists. Based on the findings of this assessment and if contamination is indicated, more detailed sampling may be required. If it is determined that the property may contain other than C&D debris, or contamination is indicated, a more detailed focused study would be performed to further define nature and extent.

The initial program will include a limited groundwater sampling program. The initial program will include a minimum of three groundwater wells. Based on the subsurface soil assessment results, the need for additional groundwater and/or surface water/sediment sampling will be determined. If soil contamination exceeding guidance levels is detected, or, if other information indicates potential for groundwater or surface water/soil contamination, additional sampling will be recommended and planned.

Samples will be analyzed for RCRA metals, and Target Compound List VOCs, SVOCs, PCBs, and STARS petroleum compounds. The results will be compared to current DEC petroleum contaminated soil policy (TAGM 4046 amended) and to the full hazardous waste recommended

clean-up values (TAGM 4046). Assessment of subsurface conditions will be based on visual/olfactory observations and volatile organic screening and the results of the samples submitted for analysis, as deemed necessary based on field observations.

Additionally, areas of the property covered by the concrete floor will also be examined either by trenching or using borings, especially in the area of the former Standard Oil facility and garage. If it is desirable to limit destruction of the cement pad, borings will be conducted in this area using Geoprobe® direct push technology over conventional drilling to reduce costs and increase the speed. Continuous soil sampling will be performed using the Geoprobe® with a two-inch diameter sampler resulting in three to five distinct sample cores (i.e., 0-4', 4-8', 8-12', 12-16', 16-20') at each location.

The actual program will be developed with the Village of Cattaraugus and will be subject to accessibility and the location of underground utility lines.

An optional task will include the use of non-intrusive geophysics to determine if USTs exists on the property prior to performing intrusive work. This technique may not be effective if thick re-enforced concrete exists because the rebar may obscure subsurface USTs. This option will be examined prior to subsurface investigations.

If the fill material is limited to C&D debris, it is anticipated that only minor remedial/removal activities will be required to allow future industrial/commercial use of the property.

3) Identification of Remedial Goals

Based on the data obtained from the first phase of the site investigation, potentially applicable remedial alternatives will be identified for the site. The data subsequently will be reviewed to determine whether there are any data gaps which need to be addressed so that the remedial alternatives can be more fully developed and evaluated. This task will be implemented concurrently with the site investigations, and will, out of necessity, be iterative in nature. Data from the field will be input into the development of the alternatives and in turn, the potential remedial alternatives will dictate the type of data which needs to be collected. At the completion of the first phase site investigation, should it be determined that there are obvious data gaps which will require supplemental investigations to be performed Supplemental Investigations will be implemented.

4) Qualitative Exposure Assessment

Should it be determined during the Site Investigation that the contaminants at the site pose a potential risk to human health and/or the environment, then a qualitative risk assessment (RA) will be performed. This RA will address the potential risk associated with exposure of humans and/or wildlife to contaminated media. This RA will be based on a no-action scenario (i.e., it will be assumed that the site will not be remediated prior to continued recreational use as a park). This will allow the risk associated with current conditions to be assessed.

The data collected during the field investigation will be utilized in the RA to assess the potential migration pathways, identify potential chemicals of concern, and potentially exposed populations (i.e., future park users, maintenance workers and other park workers) and/or wildlife. The health risks will be assessed for all completed exposure pathways. Under a future park use scenario, employees, patrons, and maintenance workers would possibly be exposed to soil via ingestion, dermal contact and inhalation of fugitive dust, and to inhalation of vapors from contaminated soil via utilities, sumps, etc.

The results of the RA will be utilized to determine whether or not the site is suitable for some other use such as light industrial and/or commercial/retail development without remediation, or will require some type of remediation for continued use. The results will also be used in evaluating various potential remedial alternatives which might be implemented at the site to mitigate the potential health risks and to negotiate cleanup levels with NYSDEC.

5) Alternative Analysis

A list of media-specific (groundwater, soil/fill, air,) remedial action objectives will be developed prior to initiation of the SI, and will be refined throughout the SI based on the site characterization data generated by the site investigation. These objectives will keep in mind the anticipated future use of the site, the nature of contaminants present, and potential risk posed to human health and the environment. A comparison between site contaminants, and contaminant-specific cleanup criteria (TAGM 4046) will aid in the determination of the remedial action objectives.

Following development of potentially applicable remedial alternatives, a detailed evaluation of the alternatives will be performed in accordance with the DEC requirements of Remedy Selection.

Alternatives developed will be subjected to a detailed evaluation in order to select the most appropriate and cost-effective remedy for the site in accordance with the DEC guidance documents.

Based on the comparison made under the Analysis of Alternatives, one alternative or approach will be recommended for remediation of the site. This alternative will provide protection to public health and the environment and be consistent with State clean-up goals, while attaining SCGs in a cost-effective manner.

Since a focused remedial approach or presumptive remedy will likely be undertaken for the site, the Screening of Alternatives step generally undertaken will, in all likelihood, be eliminated. If however, more evaluation is necessary to select between two similar alternatives, the alternatives will be screened with respect to: protecting human health and the environment; attaining SCGs; cost-effectiveness; utilizing permanent solutions or resource recovery technologies to the maximum extent practicable; and satisfying regulatory preferences for treatment that reduces toxicity, mobility, or volume.

6) RI/AA Report

Following completion of the development and evaluation of alternatives, a RI/AA Report will be prepared. This report will summarize the various technologies which were considered, the evaluation and selection of preferred technologies, assembly of selected technologies into alternatives, detailed evaluation of the alternatives, and selection of the preferred alternative for the site. The report will be prepared under the direction of, and be stamped by an engineer licensed to practice in the State of New York. The report will be combined with the SI to form a single report.

7) Public Participation

A Citizen Participation (CP) plan as per ECL 56-0505.2 will be a component of the project and will be part of the project work plan. This will be submitted to and approved by the DEC prior to the RI fieldwork. The plan will include the requirements in the DEC Procedures Handbook Section 6.2. and Section 8 of the Brownfield Cleanup Program Guide.

B. Description of Current and Proposed Future Use of the Property

With a formal address of 1 North Main Street, in the Village of Cattaraugus, Cattaraugus County, New York, the approximately 4.43-acre property contains mostly rubble and building shells from the partial demolition of the former structures. The property is located to the east of Main Street (Route 353) and just to the north of the retail center of the Village of Cattaraugus. The property is currently vacant.

The subject property is located in an area currently zoned "Industrial", which is considered a General Industrial District. The intended re-use will result in benefit to the environment and in either an economic benefit to the state or a public recreational use. The exact final re-use plan is unknown at this time, however, a portion of the property is anticipated to be considered as part of the rails-to trails program and the remainder is anticipated for commercial or retail use.

C. Estimated Project Costs

The estimated project costs are estimated to be \$95,000. Most of this cost will be associated with costs subcontracted to laboratories, drillers, and backhoe. The following is a breakdown of the cost by task:

TASK	LABOR & ODC COST	SUBCONTRACTOR COST	TOTAL
1 Scoping Meeting/Workplan	\$4,500	-	\$4,500
2. Site Investigation	\$16,500	\$55,000	\$71,500
3-5. Remedial Alternatives	\$8,000		\$8,000

6. Report	\$8,000	-	\$8,000
7. Public Participation	\$3,000	-	\$3,000
TOTALS	40,000	\$55,000	\$95,000

D. Estimated Schedule

The estimated schedule is as follows:

Approval of Application:	December 2004
Selection of Professional Consultant/Contract:	February 2005
Completion of Investigation	July 2005
Completion of RI/AA Report	September 2005
Completion of PRAP and ROD	January 2006

E. ECL 56-0505 Criteria

a) Benefit to the environment realized by the expeditious remediation of the property

The property is currently a vacant parcel with partially demolished buildings. The area is not fenced off and is open to the public representing a health and safety threat. The expeditious remediation would allow for this concern to be eliminated.

b) The economic benefit to the state by the expeditious remediation of the property

The Village desperately needs to have the property put to reuse and to have developable space made available. This effort will primarily attract new business and industry and will expand the real estate tax base while creating new permanent full-time jobs in the private sector. Reclaiming and reusing the property will encourage investment and development. The Bush Industries Plant in the Village of Cattaraugus is located adjacent to the downtown area and is one of the only available commercially zoned properties where business could locate.

c) The potential opportunity of the property proposed to be the subject to such project to be used for public recreational purposes

The Bush Industries site in the Village of Cattaraugus is located on State Route 353 and has an old adjacent railroad track which can become part of the rails-to-trails program

d) Real property in a designated brownfield opportunity area pursuant to section nine hundred seventy of the general municipal law

The property is currently not in a BOA, however, the Village is interested in pursuing BOA which will link this property to other parcels in the Village.

e) The opportunity for other funding sources

See below

F. Other Funding Sources

The Village is developing a list of potential other funding sources such as rails-to-trails, HUD, DOT and others.

4. County Tax Map and USGS Quad Map

See attached

5. Site's Environmental History and Existing Data

In January 2004, A Phase I Environmental Site Assessment (ESA) was completed on the property for the Village. An asbestos survey was completed in June 2004. No other environmental or analytical data exists relative to the property.

The property is the location of the former Setter Brothers/Bush Industries property, located at 1 North Main Street in the Town of New Albion, Village of Cattaraugus, Cattaraugus County, New York. Vacant since about 1989, the property consists of approximately 4.43-acres and is currently owned by the Village of Cattaraugus. The property contains the remnants of a 1 and 2-story masonry, steel frame, wood and brick former manufacturing facility which has been mostly demolished. Currently there is a partial steel beam shell and building debris consisting of wood, some steel, concrete and brick across much of the former facility area. The former concrete slab foundation covers much of the former footprint of the facility to and immediately adjacent to Main Street. The manufacturing facility was constructed around 1900 with several additions added over time. The gross floor space was estimated by an appraiser in 1995 to be approximately 100,000 square feet. Various other structures and portions of former buildings are also located on this property. Historical maps of the property indicate that a Standard Oil facility, an apple evaporator, and gasoline service were also associated with portions of the property.

The property is slightly irregular in shape and is located on the east side of and fronts on Main Street. The northern and northeastern border of the property descends gradually, then at an increasingly greater slope to a very steep slope into a ravine to a creek bed/floodway. This is a branch of Cattaraugus Creek that winds along the eastern-northeastern border of the parcel. The Property appears to have been filled along the steep slope and construction and demolition debris was observed in the side banks of the slope and on the surface over the bank towards the creek. The property is bordered to the south-southwest by a rail line. Concrete and asphalt parking areas (former facility cement floor) are located along the western portions of the property (the side of the property along Main Street) and fill material was observed in the grassy northern and eastern portions of the property. The remainder of the property is grass/weed covered with some bare spots and fill areas consisting of stone, crushed concrete and brick, asphalt and other C&D materials.

Prior to the Village retaining ownership, the 4.43-acre property was most recently owned by Edward J. Dill who partially demolished most of the buildings. The owner previous to Mr. Dill was Bush Industries and thus this property is referred to as the former Bush Industries Site. The structures are mostly demolished and includes portions which have been fire damaged. Various chemicals, including glues, acids, and solvents are associated with the former manufacturing at this location. Also, herbicides and polycyclic aromatic hydrocarbons are typically associated with rail spurs, which were located on and adjacent to the subject property.

The site, which had commercial operations since the early 1900's, was the location of a former manufacturer of poster boards, lumber, wooden candy sticks and meat skewers, architectural plywood, veneer, and the production of Armorply (which is a laminate of two products, primarily plywood and metal glued together). The original facility was part of the Setter Brothers Company, manufactures of veneers, engraving boards, and skewers and later was associated with various companies including The American Panel Company; The Cattaraugus Face Veneer Company, Inc. and others. Of specific interest, however, is that prior to the Setter Brothers facility, a Standard Oil Company facility including petroleum tanks was located on the front (western) part of the property closest to Main Street.

A review of historic photographs, maps and records indicate that the current structure and property have been altered over time. The main structure, Setter Brothers Plant 3, was reportedly constructed in 1919 under the name Cattaraugus Face Veneer Company, Inc. on the site of the old Mason-Mateman Evaporating Company. Prior to this date historic maps show the Standard Oil Facility and oil tanks and an Apple Evaporator on the western portion of the property near Main Street. The 1924 Sanborn map shows the Standard Oil Facility with multiple tanks occupying the western portion of the property and Setter Brothers Plant 3 occupying the southeastern portion of the property and the former location of the apple evaporator. Plant 3 eventually expanded towards Main Street encompassing the area that had been Standard Oil. In 1953, Plant 3 was remodeled and modernized for the manufacturing of architectural hardwood plywood until the business was phased out in 1965 and Armorply panels were then manufactured during the late 1960's and 1970's.

A garage and a storage facility for tire vulcanizing was also located on the southwestern portion of the property as early as 1924. Vulcanization is the process of treating rubber or rubberlike materials with sulphur at great heat to improve elasticity and strength or to harden them. This was typically part of tire re-treading started in the 1920's which led to the growth of the retreading industry. Contaminants associated with this process include benzene and other petroleum compounds, sulfur compounds, carbon black, and heavy metals. Underground storage tanks are indicated near this garage and tire facility during the early 1940's.

Rubble from the Plant 3 structures are currently located on the former plant facility footprint. The concrete flooring/pad foundation cover much of the area from Main Street east along the southern and central portion of the property. The northeastern and eastern portion of the property is currently a grass/weed covered lot containing fill. A pile of material including roofing materials is located in the northwestern portion of the property adjacent to Main Street. Materials observed on the surface of this pile included brick, metal piping, concrete, roofing materials, asphalt, backer board and other various C&D materials. This material was most likely piled

during demolition.

Various piles of concrete, asphalt, crushed brick, wooden materials, and other miscellaneous C&D debris are located on the slope leading to the creek on the northern and eastern portion of the property. As described, the material appears to be rubble from former structures or possibly random dumping from off-site sources. A special meeting of the Cattaraugus Village Board was held on October 27, 2003. Minutes of this meeting indicate that debris from the Route 353 project may have been dumped in the back of the subject property.

Historically, land use in the area has been commercial/retail and residential properties. The subject property is located in an area currently zoned "I" - Industrial District and is surrounded by small commercial and retail businesses, and residential homes (both single and multi-family). Adjacent properties include: railroad tracks, residential units and the commercial/retail areas of the Village of Cattaraugus are located to the south of the property; single and multi-family homes are located to the north-northeast; Main Street (Route 353) and residential structures are located to the west; and a tributary of the Southern Branch of Cattaraugus Creek and residential homes are located to the east-northeast of the property.

A total of eight (8) government database records were identified for the immediately adjacent and surrounding properties within the ASTM government records search radius. These include one Resource Conservation and Recovery Act Small Quantity Generator properties (RCRIS Sm. Quan. Gen.), one State Hazardous Waste site, two Spills Information Database (LTANKS) sites, and four State Spills Information Database (NY SPILLS) sites. Some of the LTANKs sites are in close proximity to the property and may have impacted the property. The subject property (Overhead Door Company) was listed as a RCRIS Small Quantity Generator and listed in the Federal FINDS database. This listing was for minor violations associated with the generation of hazardous waste on the property, but were resolved within a short period of time. The listing however, suggests that regulated wastes were associated with the facility.

This Phase I identified potential recognized environmental conditions in connection with the subject property including the following: its history of petroleum use/storage in aboveground and belowground storage tanks; the use and storage of various chemicals including glues, acids, and solvents for laminates and veneers and small quantity generator status; dumping of fill and C&D materials in various locations and along the slope to the creek; and the possibility of other materials/chemicals associated with other process on portion of the property (tire vulcanization).

A copy of the Phase I has been submitted to the Regional NYSDEC office under separate cover.

6. Proof of Ownership

See attached

ERP Application Site's Environmental History

1) Environmental Data

Refer to attached Phase I Environmental Site Assessment (note Phase I has not been added to electronic copy due to size and nature of attachments. A hard copy is attached. A hard copy has also been provided to Mr. Marty Doster, Region 9 NYSDEC.

2) Owners

List of Owners as follows:

<u>Liber</u>	<u>Page</u>	<u>Sale Date</u>	<u>From</u>	<u>To</u>
244	140	04-03-1915	Cattaraugus Board of Trade	American Panel Company
304	331	08-01-1922	American Panel Company	Setter Brothers Inc.
637	344	04-26-1963	Setter Brothers Inc.	United States Plywood
789	302	12-04-1988	Champion International Corporation (Formerly known as United States Plywood)	Overhead Door Corporation
934	489	07-20-1994	Overhead Door Corporation (Parcels A, B, and C)	Edward James Dill
960	1062	11-15-1996	County of Cattaraugus (taken from Edward James Dill - 11/06/1996)	Village of Cattaraugus

3) Operators

List of previous operators are as follows (refer also to historic Sanborn maps attached to the Phase I and electronically):

Prior to the Village retaining ownership, the 4.43-acre property was most recently owned by Edward J. Dill who partially demolished most of the buildings. The owner previous to Mr. Dill was Bush Industries and thus this property is referred to as the former Bush Industries Site. A review of historic photographs, maps and records indicate that the current structure and property have been altered over time. The site, which had commercial operations since the early 1900's, was the location of a former manufacturer of poster boards, lumber, wooden candy sticks and meat skewers, architectural plywood, veneer, and the production of Armormply (which is a laminate of two products, primarily plywood and metal glued together). By 1913 a Standard Oil Company facility including petroleum tanks was located on the front (western) part of the property closest to Main Street along with an Apple Evaporating facility (Mason-Mateman Evaporating Company). The original wood manufacturing facility was part of the Setter Brothers Company, manufactures of veneers, engraving boards, and skewers and later was associated with various companies including The American Panel Company, the Cattaraugus Face Veneer Company, Inc. and others. The main structure, Setter Brothers Plant 3, was reportedly constructed in 1919 under the name Cattaraugus Face Veneer Company, Inc. on the site of the

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VILLAGE OF CATTARAUGUS

Thomas Young, Mayor

Brian F. Lees, Trustee
June Ellis, Trustee
Jodi E. Miller, Clerk

David Rivet, Trustee
Anthony Drozd, Trustee
Dennis Huber, DPW Supt.

August 10, 2004

Resolution Authorizing the Items Listed Below Pursuant to the Clean Water/Clean Air Bond Act of 1996

WHEREAS, The Village of Cattaraugus

Herein called the "Municipality", after thorough consideration of the various aspect of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental restoration projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter in to a contract herewith;

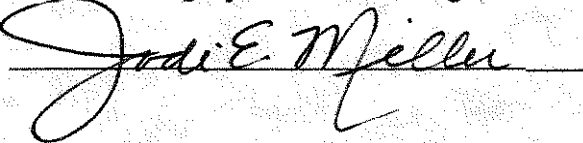
NOW THEREFORE BE IT RESOLVED BY

The Village of Cattaraugus Board of Trustees,

1. That, Thomas G. Young, Mayor is the representative authorized to act in behalf the Municipality's in all matter related to State assistance und ECL Article 56, Title 5. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Projects field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this Authorization be prepared and sent to the Albany office o f the New York State Department of Environmental Conservation together with the Application for State Assistance;
4. That this Authorization take effect immediately.

CERTIFICATE OF RECORDING OFFICER

I, Jodi E. Miller, Village Clerk affirm that this is a true and exact copy of the Resolution, as regularly adopted at a legally convened meeting of the Village of Cattaraugus Board.



Date: 8/10/04

We are an equal opportunity provider.
Complaints of discrimination should be sen: to:
USDA Director, Office of Civil Rights, Washington, DC 20250-9410

14 MAIN STREET *CATTARAUGUS, NY 14719
PHONE: 716-257-3661 *FAX: 716-257-3270 *TTY: 1-800-662-1220

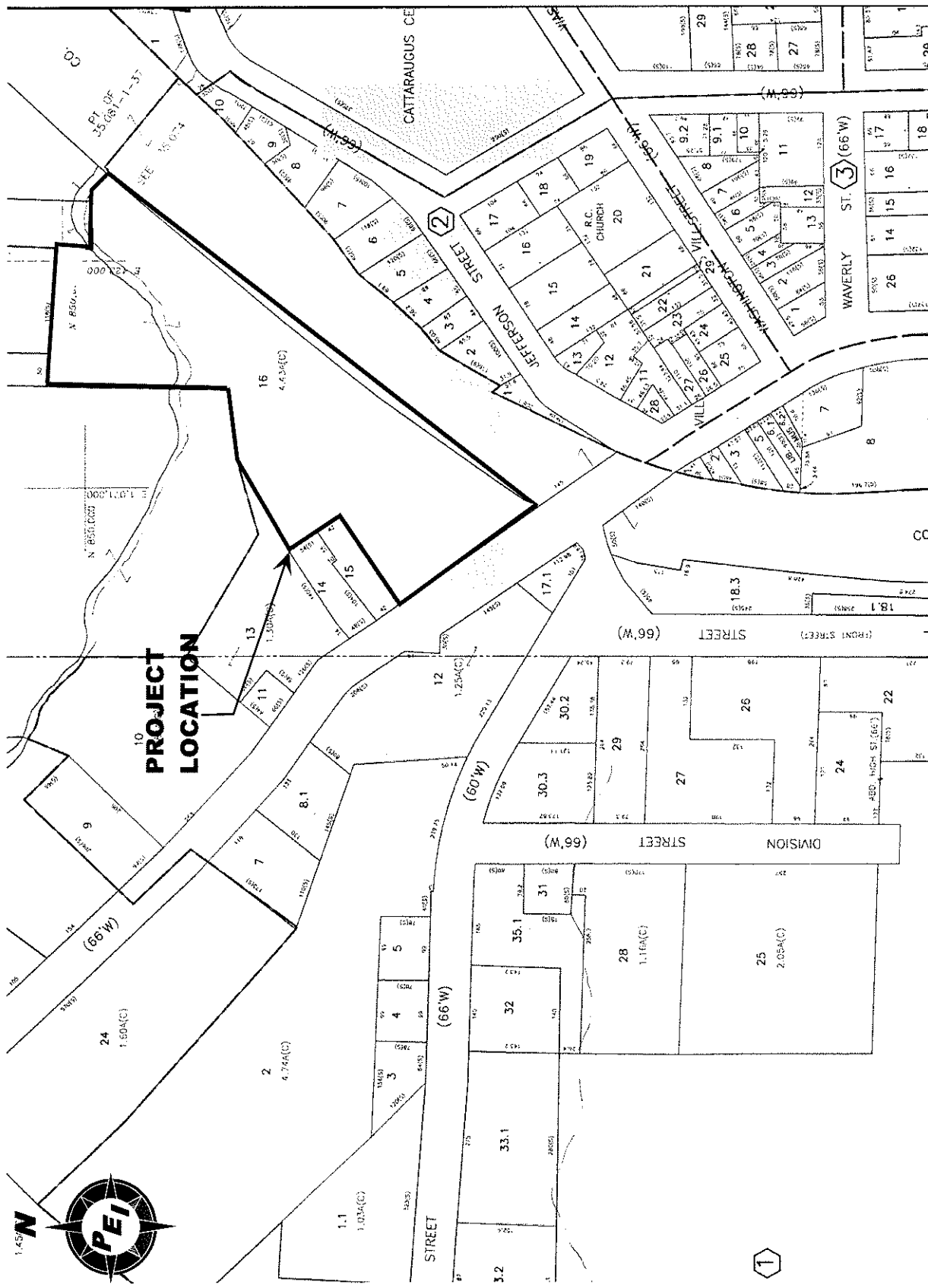
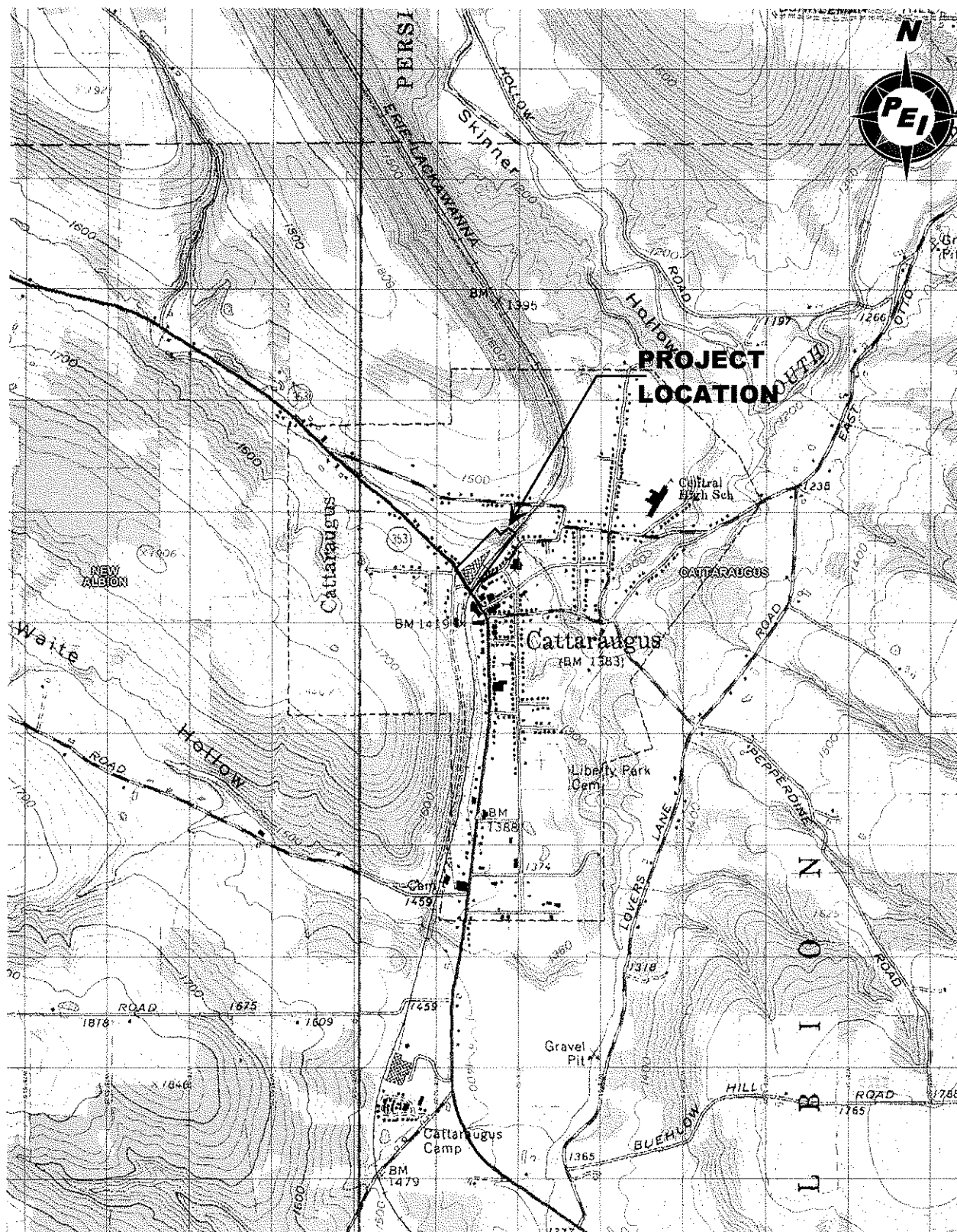


Figure 3. Tax map within and surrounding the project area.





"Linking Technology with Tradition"

Sanborn® Map Report

Ship to: Peter J. Gorton

Panamerican Environmental, Inc

2390 Clinton Street

Buffalo, NY 14227

Order Date: 12/15/2003 **Completion Date:** 12/16/2003 2:19

Inquiry #: 1099380.2S

P.O. #: Village of Catt

Site Name: Former Bush Industries Site

Address: 1 North Main Street

City/State: Cattaraugus, NY 14719

Customer Project: Village of Catt

1017562ERK

716-821-1650

Cross Streets:

Based on client-supplied information, fire insurance maps for the following years were identified

1891 - 1 Map

1896 - 1 Map

1902 - 1 Map

1907 - 1 Map

1913 - 1 Map

1924 - 1 Map

1943 - 1 Map

Total Maps: 7

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- Second Page Electronic Sanborn Map Images USER'S GUIDE
- Third Page Oldest Sanborn Map Image
- Last Page Most recent Sanborn Map Image

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- Find TP on older printed images.
- Using Acrobat, zoom to 250% in order to view more clearly.
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 - On the menu bar, click "View" and then zoom.
 - Use the magnifying tool and drag a box around the TP area.

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- To print only the TP area, cut and paste the area from Adobe Acrobat to your word processor.

Acrobat Version 4

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- Press and hold the "T" button
- Choose the Graphics Select Tool
- Draw a box around the area selected
- Go to "Menu"
- Highlight "Edit"
- Highlight "Copy"
- Go to a word processor such as Microsoft Word, paste and print.



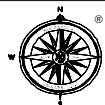
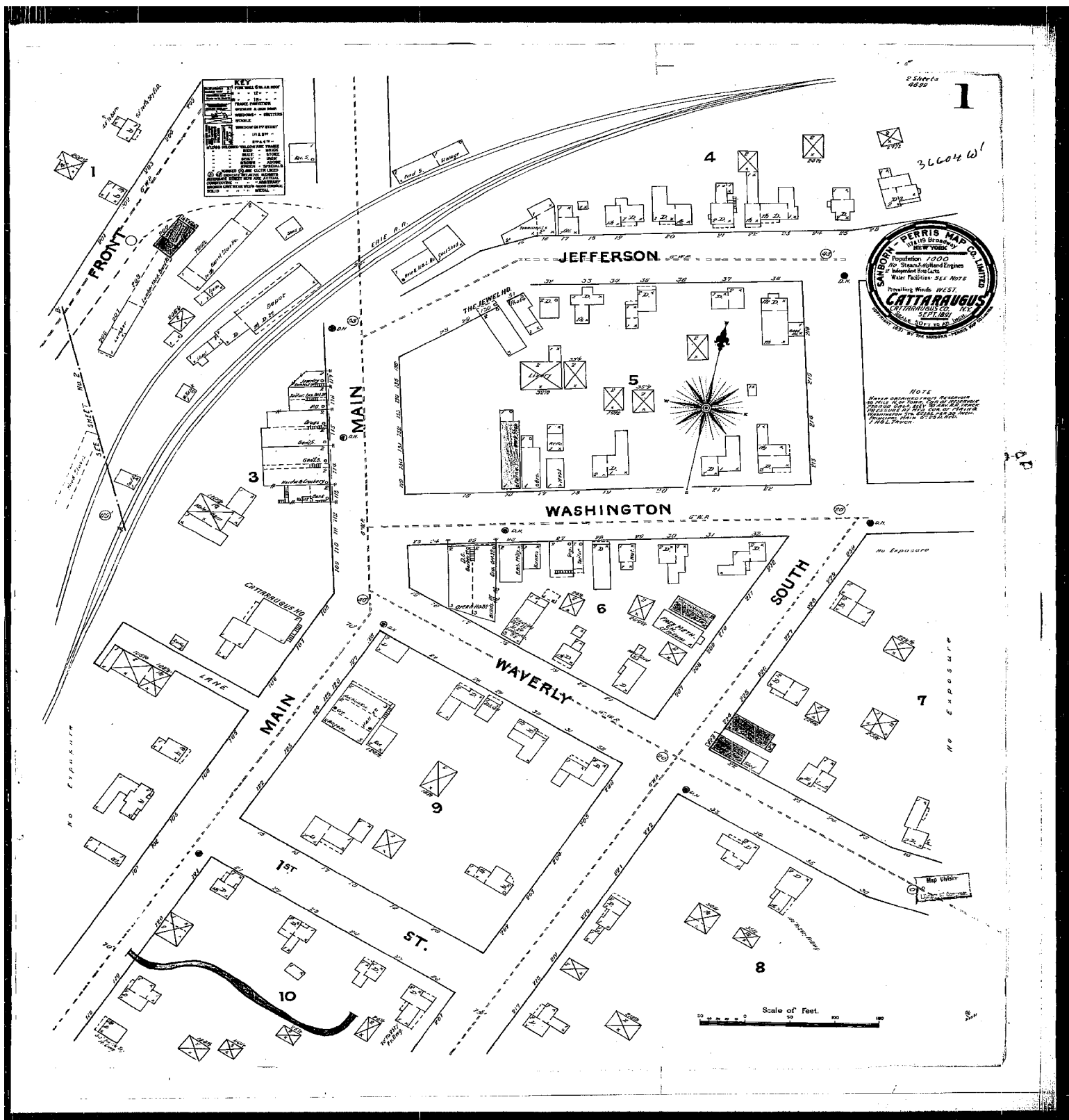
Acrobat Version 5

- Go to the Menu Bar.
- Click the "Graphics Select Tool"
- Draw a box around the area selected
- Go to "Menu"
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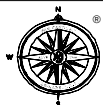


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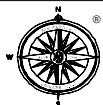
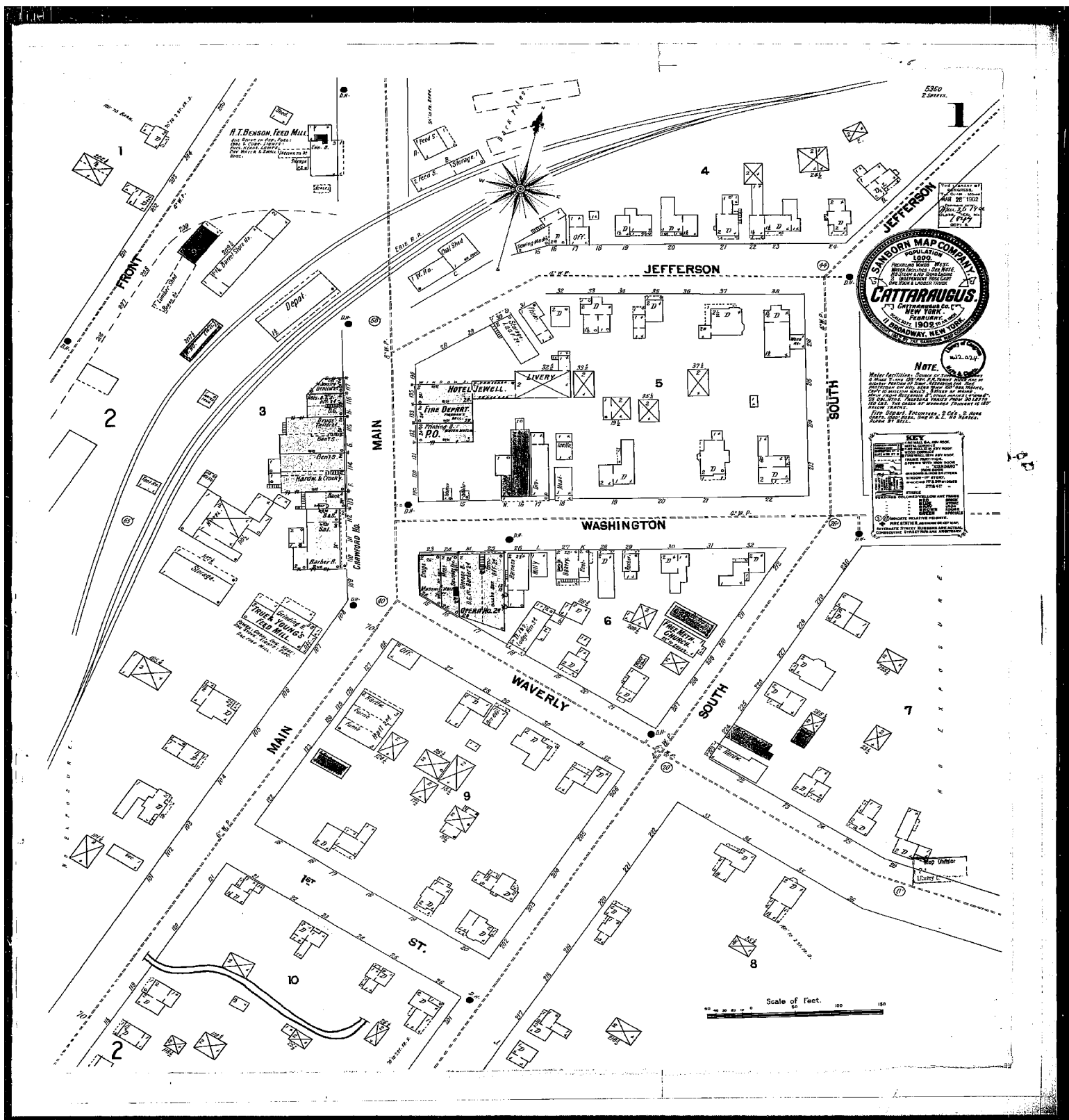


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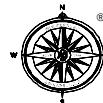
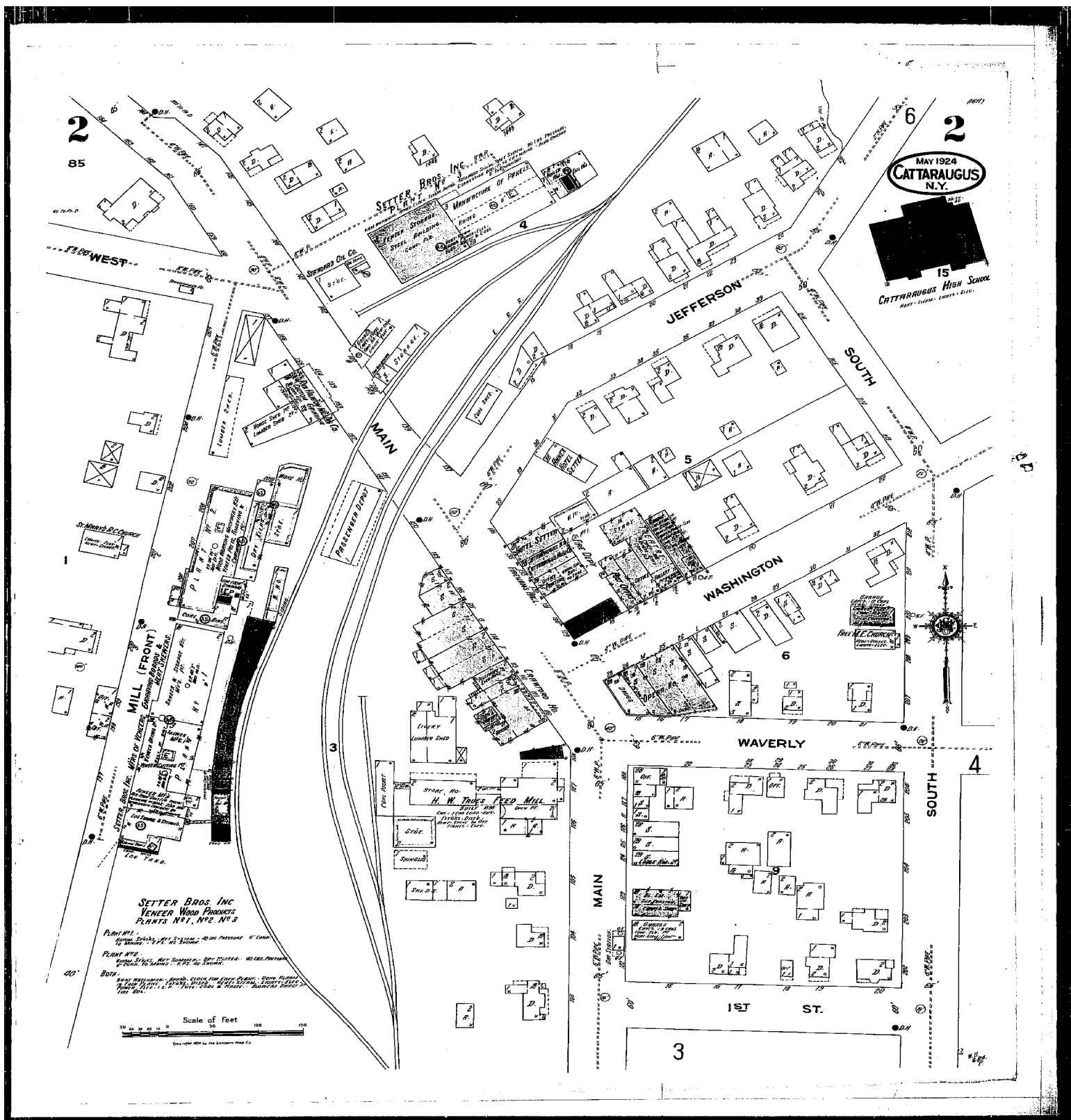


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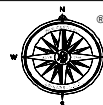
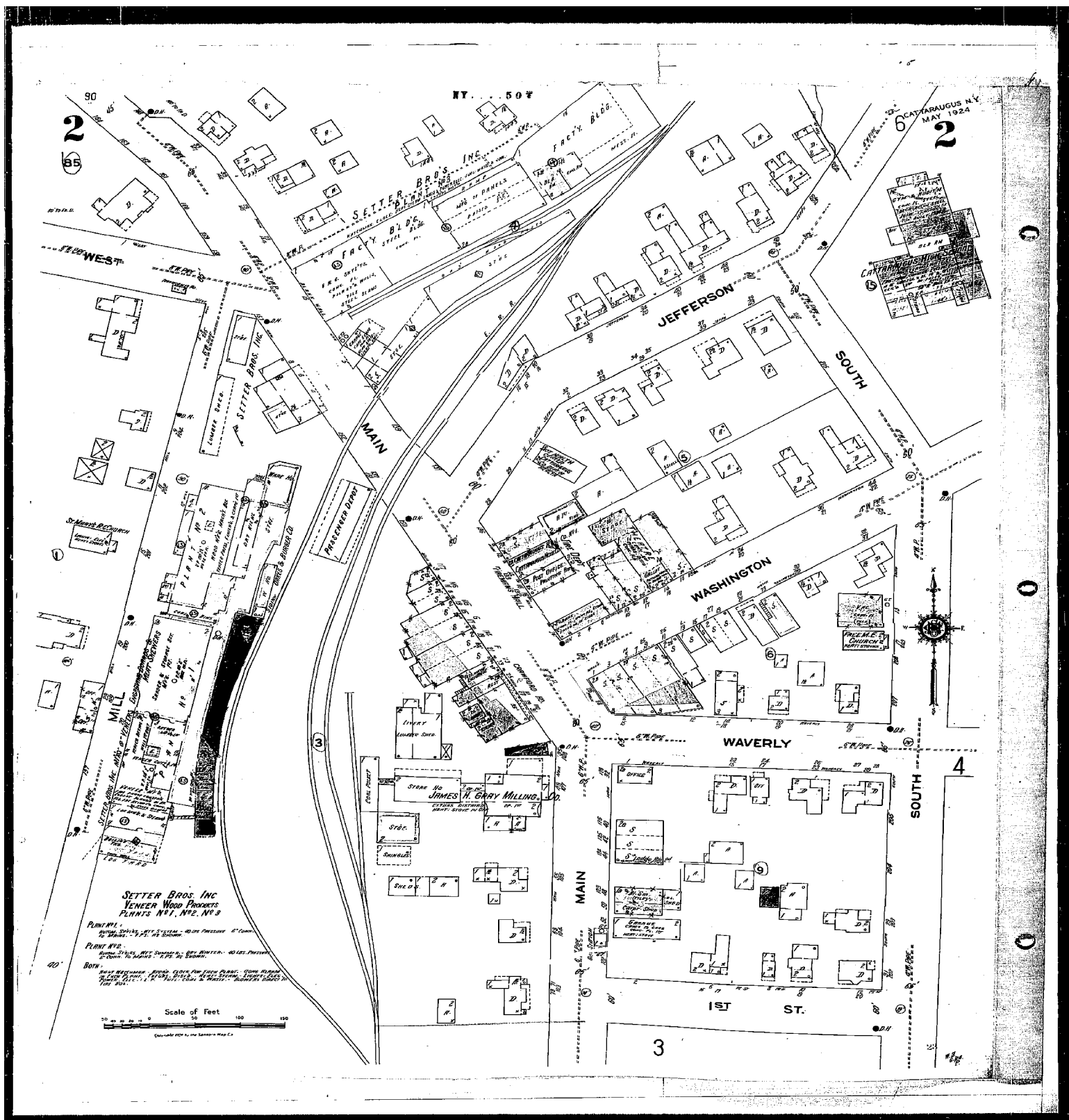
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