1996 CLEAN WATER/CLEAN AIR BOND ACT
ENVIRONMENTAL RESTORATION PROJECT

APPLICATION FOR REMEDIATION

YOUNGSTOWN COLD STORAGE SITE
701 THIRD STREET (NANCY PRICE DRIVE)
NIAGARA COUNTY
(SITE NO. E932122)

Prepared on Behalf of:

VILLAGE OF YOUNGSTOWN
VILLAGE CENTER
240 LOCKPORT STREET
YOUNGSTOWN, NEW YORK 14174

Prepared for:

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

MARCH 2007

APPLICATION CONTENTS

SECTION 1

APPLICATION FORM

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

ENVIRONMENTAL RESTORATION PROGRAM (ERP) APPLICATION

1996 CLEAN WATER/CLEAN AIR BOND ACT

ECL ARTICLE 56 - 6NYCRR 375-4

3/14/06

Applicant Information

NAME OF MUNICIPALITY Village of Youngstown		FED. ID # 16-6002532
NAME OF INDIVIDUAL AUTHORIZED TO SIGN APPLICATION Neil C. Riordan		
TITLE OF AUTHORIZED INDIVIDUAL Mayor		
ADDRESS Village Center, 240 Lockport Street, P.O. Box 168		
CITY/TOWN Youngstown, NY		ZIP CODE 14174
PHONE 716-745-7721	FAX 716-745-3400	E-MAIL bjc2@adelphia.net
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 Youngstown Cold Storage Site (NYSDEC E932112)	
SITE ADDRESS 701 Third Street Extension (Nancy Price Drive)	
CITY/TOWN Youngstown	ZIP CODE 14174
COUNTY Niagara	SIZE (ACRES) 2.4
LATITUDE (degrees/minutes/seconds) 43 ° 14 ' 42 "	LONGITUDE (degrees/minutes/seconds) 79 ° 02 ' 52 "

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? IF NO, PLEASE ATTACH A METES AND BOUNDS DESCRIPTION OF THE SITE IF ONE IS COMPLETED. ☑ YES ☐ NO
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? IF YES, FILL IN CURRENT REGISTRY SITE NUMBER AND CLASSIFICATION. ☐ YES ☑ NO

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

   IF THE APPLICANT CURRENTLY OWNS THE SITE, ATTACH A COPY OF THE DEED, ATTORNEY CERTIFICATION OF PROOF OF OWNERSHIP, AND, IF THE APPLICANT HAS OBTAINED ONE WITHIN THE PAST YEAR, A TITLE REPORT. IF THE APPLICANT HAS OBTAINED TEMPORARY INCIDENTS OF OWNERSHIP, ATTACH A COPY OF THE ORDER OF THE COURT.

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 AN
- 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* Asbestos					

*PLEASE DESCRIBE: Asbests in some Building Materials

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? ☐YES ☑NO
   IF YES, CHECK ALL THAT APPLY:
   - ☐ 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
8. HAS THE APPLICANT SIGNED AN AGREEMENT WITH A PRIVATE PARTY TO REUSE THE SITE ONCE IT IS RESTORED? ☐YES ☑NO
9. HAS THE APPLICANT COMMITTED TO A NEW PUBLIC OR RECREATIONAL USE? ☐YES ☑NO
10. 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
11. 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: 4/4/07

Please note: The application must include a certified copy of the municipal authorization which designates, by title (Mayor, Town Supervisor, etc.), the representative authorized to act on behalf of that municipality in all matters related to financial assistance. The authorization must empower the representative to make application, execute the State Assistance Contract, and otherwise act for the municipality in all State assistance-related matters. A sample form is provided in the Environmental Restoration Projects Procedures Handbook.

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:

Three (3) complete copies, one with original signatures, are required.

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

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

- **One (1)** 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 addresses of our regional offices: http://www.dec.state.ny.us/website/der/index.html

FOR DEPARTMENT USE ONLY:

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

SECTION 2

CERTIFIED MUNICIPAL AUTHORIZATION

Village of Youngstown

VILLAGE CENTER • 240 LOCKPORT STREET
P. O. BOX 168
YOUNGSTOWN, NEW YORK 14174-0168

TELEPHONE:
(716) 745-7721
FAX:
(716) 745-3400

INCORPORATED:
APRIL 18, 1854

RESOLUTION AUTHORIZING THE ITEMS LISTED BELOW
TO THE CLEAN WATER/CLEAN AIR BOND ACT OF 1996

WHEREAS, the Village of Youngstown herein called the "Municipality", after thorough consideration of the various aspects 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 into a contract therewith;

NOW THEREFORE, BE IT RESOLVED BY the Village of Youngstown Board of Trustees

1. That Mayor Neil C. Riordan is the representative authorized to act in behalf of the Municipality's in all matters related to State assistance under 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 Project's 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 of the New York State Department of Environmental Conservation together with the Application for State Assistance;

4. That this Authorization take effect immediately.

Village of Youngstown

VILLAGE CENTER • 240 LOCKPORT STREET
P. O. BOX 168
YOUNGSTOWN, NEW YORK 14174-0168

TELEPHONE:
(716) 745-7721
FAX:
(716) 745-3400

INCORPORATED:
APRIL 18, 1854

The attached Resolution is a true and correct copy of the Resolution, as regularly adopted at a legally convened meeting of

THE VILLAGE OF YOUNGSTOWN BOARD OF TRUSTEES

Duly held on the 4th day of April, 2007; and further that such Resolution has been fully recorded in the

VILLAGE BOARD MEETING MINUTES in my office.

In witness thereof, I have hereunto set my hand this 4th day of April, 2007.

Barbara J. Castilon
Signature of Recording Officer

Clerk Treasurer
Title of Recording Officer

SECTION 3

PROJECT DESCRIPTION

A. PURPOSE AND SCOPE

The purpose of this project is to eliminate or mitigate threats to human health and the environment posed by contamination at the Youngstown Cold Storage Site (project site) located at 701 Third Street Extension (Nancy Price Drive) in the Village of Youngstown, Niagara County, New York (Figure 1), and to render the project site suitable for redevelopment for commercial and industrial use. This will be accomplished through the implementation of a remedial program that is consistent with that prescribed in the Record of Decision (ROD) formulated by the New York State Department of Environmental Conservation (NYSDEC), which is expected to be finalized in March 2007.

As depicted in Figure 2, the project site is occupied by three structures, which include: a deteriorating three-story stone building (warehouse) occupying approximately 23,000 square-feet; a single-story brick building (ice house) approximately 4,500 square-feet in size; and a residence that is approximately 875 square feet. Each of the structures is in relatively poor condition, and major sections of the roofs of the warehouse and icehouse have collapsed, making the buildings unsafe for trespassers and on-site workers. Each of the three buildings contains asbestos-containing materials (ACMs).

The project site consists of approximately 2.4 acres that is located within the Village of Youngstown limits. The location and configuration of the property containing the project site is depicted on a tax map excerpt included as Figure 3. The project site consists of a single tax parcel that is identified by section block and lot (SBL) number: 59.06-3-6.

The project site was first developed as early as 1910 and was operated until 1996. The project site was used during this period primarily for the storage, washing and packing of locally grown apples; however, the site has been vacant following cessation of activities at the project site in 1996.

The facility utilized a network of piping to chill the stored apples via anhydrous ammonia, and the largest building contains a compressor room from which anhydrous ammonia was pumped throughout the pipe network. The United States Environmental Protection Agency (USEPA) completed a removal action in 2003 at the project site relating to the anhydrous ammonia used at the site. The removal action also included the identification, removal, and disposal of a number of other hazardous substances from the project site.

An underground storage tank (UST) shown on historical maps was not encountered during the investigation. However, contaminated soil was found in the presumed area of the UST, and petroleum odors and staining were observed. An aboveground storage tank is located in the basement of the warehouse but was inaccessible due to the very short ceiling in this portion of the basement as well as the severely deteriorated condition of the floors and roof above this section of the building. Therefore, it is not known if there is contamination associated with this tank.

The following section summarizes the remedial activities proposed for the project site. These activities are protective of human health and the environment and will result in a property that is suitable for residential use. The NYSDEC's February 2007 Record of Decision describes the remedy that must take place on the project site before it can be returned to productive use.

Surface Soil – The surface soil containing elevated concentrations of contaminants will be excavated, removed from the site, and disposed at an appropriate solid waste facility.

Subsurface Soil/Fill Material – The subsurface soil/fill material containing elevated concentrations of contaminants will be excavated, removed from the site, and disposed at an appropriate solid waste facility. However, the extent of contaminated material around the former UST has not been completely delineated due to the presence of a portion of the building. Additionally, the excavation of soil in this area will likely undermine the foundation of a portion of the warehouse building. Therefore, the remediation of the contamination in this area will require the demolition of at least that part of the warehouse overlying the contaminated material. The spray-wash facility will also require demolition before the remediation can be completed.

Building Materials and Associated Components

The following remedial activities were proposed to address contaminants related to building components and materials:

- *Sump Sediments* – The contaminated sediments in the valve pit will be excavated, removed from the site, and disposed at an appropriate solid waste facility.

- *Stained Floor/Equipment Surfaces* – The PCB-impacted equipment and concrete will be removed from the project site and disposed at an appropriately permitted facility. To complete these actions, the compressor room portion of the warehouse will be demolished. As with the former UST area, it is possible that the structural integrity of the remaining portions of the warehouse is such that selective demolition of the building is not possible. A structural survey of the building would be necessary to make this determination.

- *Subslab Soil/Fill* – The impacted subslab soil/fill material will be excavated, removed from the site, and disposed at an appropriate solid waste facility following demolition of the compressor room and removal of the PCB-impacted equipment and floor.

- *Asbestos* – The friable and non-friable asbestos will be removed and disposed in accordance with all appropriate regulations.

The Village of Youngstown is applying for financial assistance to complete the remedial program summarized above through the NYSDEC's Environmental Restoration Program.

B. CURRENT AND INTENDED FUTURE USE

Abandoned since 1996, the project site is a prototypical brownfield site that is not currently utilized for any purpose. The Village of Youngstown has a verbal commitment from a developer who plans to purchase the property after the remediation has been completed, demolish the on-site structures, and construct the homes on the subject property. These actions will result in the creation of additional housing stock that is needed in the Village. This re-use will also mitigate the significant physical and contaminant hazards posed by the property and transform the site from a hazardous, blighted site into a productive part of the

community. In particular, the cleanup of this site will eliminate threats to children from families within the surrounding community who use the adjacent public park and have been known to frequent the site for recreational purposes.

The private developer interested in the property has worked with the Village for more than two years on the project and has developed the plan for 16 patio-style homes during that time. The homes will each be 1,350 square feet in size and include two bedrooms and two bathrooms. A one-car garage will be included with each home.

In addition to the positive environmental and aesthetic impacts of the project, the redevelopment of the site also represents a significant impact to the local economy in terms of employment, capital investment, and tax revenue. These efforts will create remediation and construction jobs as well as additional housing opportunities for local residents. Secondary effects include benefits to the local businesses that service and supply the construction industry as well as other sectors that provide services to local residents (e.g., restaurants, retail stores, etc.). In addition, redevelopment of the project site will place the property back on the tax rolls. The County is currently collecting no taxes on the property, and hasn't been able to do so for more than 10 years. Based on a preliminary evaluation of the tax implications using the 2005 tax rates for county, town, village and school taxes, the $2.4 million construction project will result in an annual tax revenue of more than $45,000 per year.

C. COST ESTIMATE

The estimated cost for completing the remediation of the project site is presented in Attachment 2.

D. ESTIMATED SCHEDULE

The Village of Youngstown intends to proceed with the remedial design for this project during the summer of 2007, and will initiate cleanup activities immediately following approval of this application and execution of the State Assistance Contract, which is expected to occur in the spring of 2008. The duration of the cleanup project is anticipated to be three to five months.

E. COMPLIANCE WITH ECL 56-0505 CRITERIA

The proposed environmental restoration project satisfies the criteria relating to environmental and economic benefits established in Environmental Conservation Law (ECL) 56-0505. Additionally, the lack of significant opportunities for funding sources other than the 1996 Clean Water/Clean Air Bond Act Environmental Restoration Program, as discussed in the following section, indicates that the project is a suitable candidate for funding under this program. Pursuant to the ERP *Procedures Handbook*, the following paragraphs provide a brief discussion concerning the project's compliance with the criteria established in ECL 56-0505.

This environmental restoration project will result in a benefit to public health, safety and the environment through the elimination of threats to human health and the environment posed by contaminated soil, fill, and sediments on the site and asbestos containing materials occurring within the on-site structure.

The redevelopment of the former Youngstown Cold Storage Site would eliminate blight, reduce threats to human health and the environment, and represent a significant impact to the local economy in terms of capital investment, and tax revenue. These efforts will create remediation and construction jobs as well as additional housing opportunities for local residents. In addition, secondary effects include benefits to the local businesses that service and supply the construction industry as well as other sectors that provide services to local residents (e.g., restaurants, retail stores, etc.).

Lastly the redevelopment of the former Youngstown Cold Storage Site will take advantage of the Village's existing infrastructure, which for the most part is currently underutilized, while avoiding the potential impacts and additional costs associated with construction on undeveloped green space.

F. FUNDING SOURCES

The project site has been abandoned and vacant since 1996. During this time, significant deterioration of the former facility building and grounds has occurred. Because of its appearance, environmental history and the documented presence of on-site contamination, the potential for a privately funded cleanup of the property is very unlikely. Therefore, the 1996 Clean Water/Clean Air Bond Act Environmental Restoration Program (ERP) is the primary funding source available for this project.

The Village of Youngstown intends to fund the remediation program through the ERP and has committed to provide its local share of the cleanup cost pursuant to the resolution included in Section 2 of this application. Additionally, the Village has submitted a USEPA Brownfield Cleanup Grant application that, if successful, will be used to fund a portion of the Village's cost share.

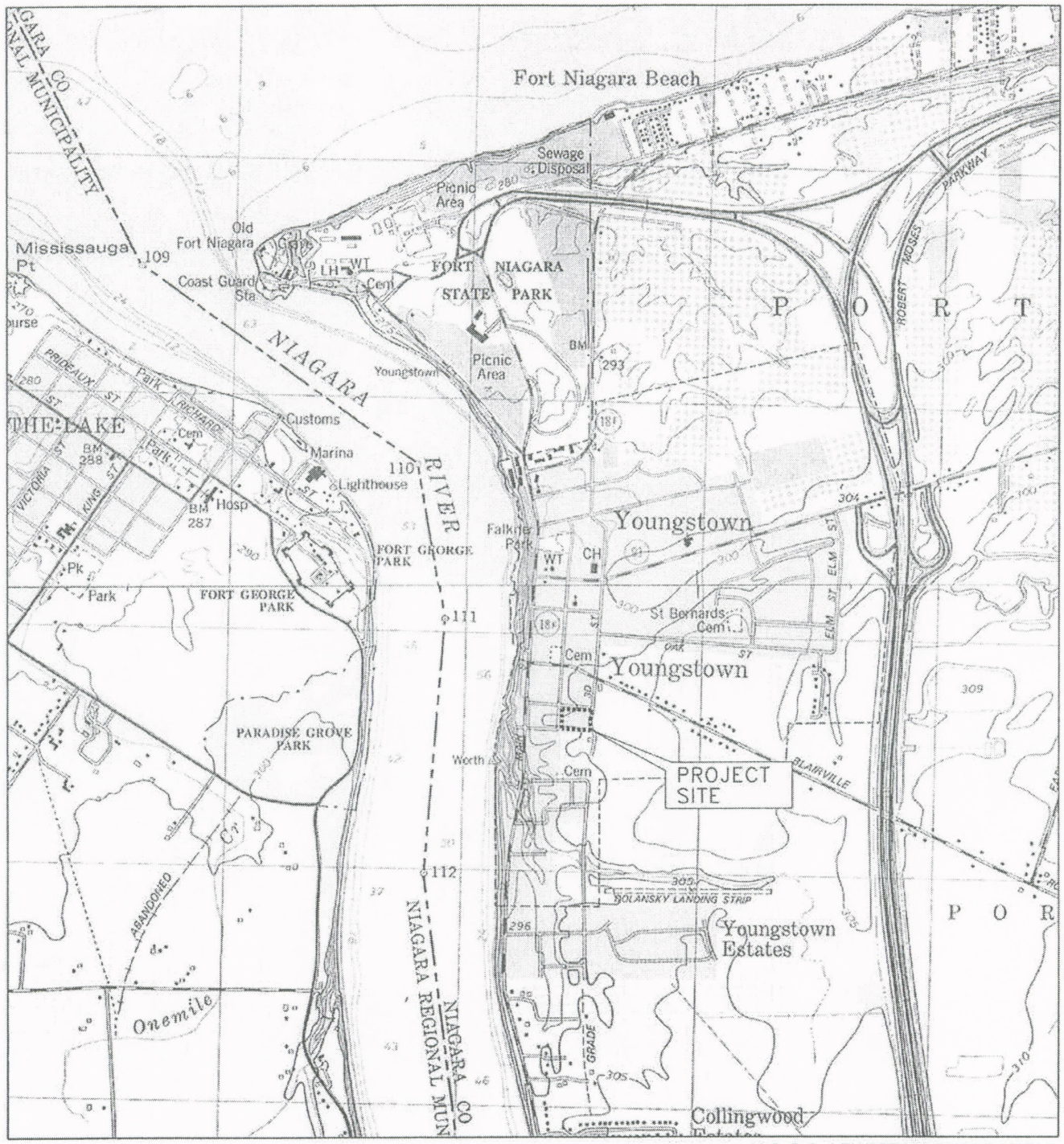
G. SEQRA COMPLIANCE

Remediation projects completed under the 1996 Clean Water/Clean Air Bond Act Environmental Restoration Program are required to demonstrate compliance with the New York State Environmental Conservation Law (ECL), Article 8, and its implementing regulations (6NYCRR Part 617), commonly known as the State Environmental Quality Review Act (SEQRA).

The Village of Youngstown has initiated the environmental review process for this project pursuant to SEQRA, and it is expected that the proposed project will result in a Negative Declaration, signifying that the project is not expected to result in significant adverse impacts to natural or human resources in the project area. Relevant SEQRA documentation will be forwarded to the NYSDEC as it becomes available.

n:\2004.0279.03-youngstown cold storage\10deliverables\remedial grant application\nysdec remedial grant application\project description.doc

FIGURES



U.S.G.S LEWISTON QUADRANGLE

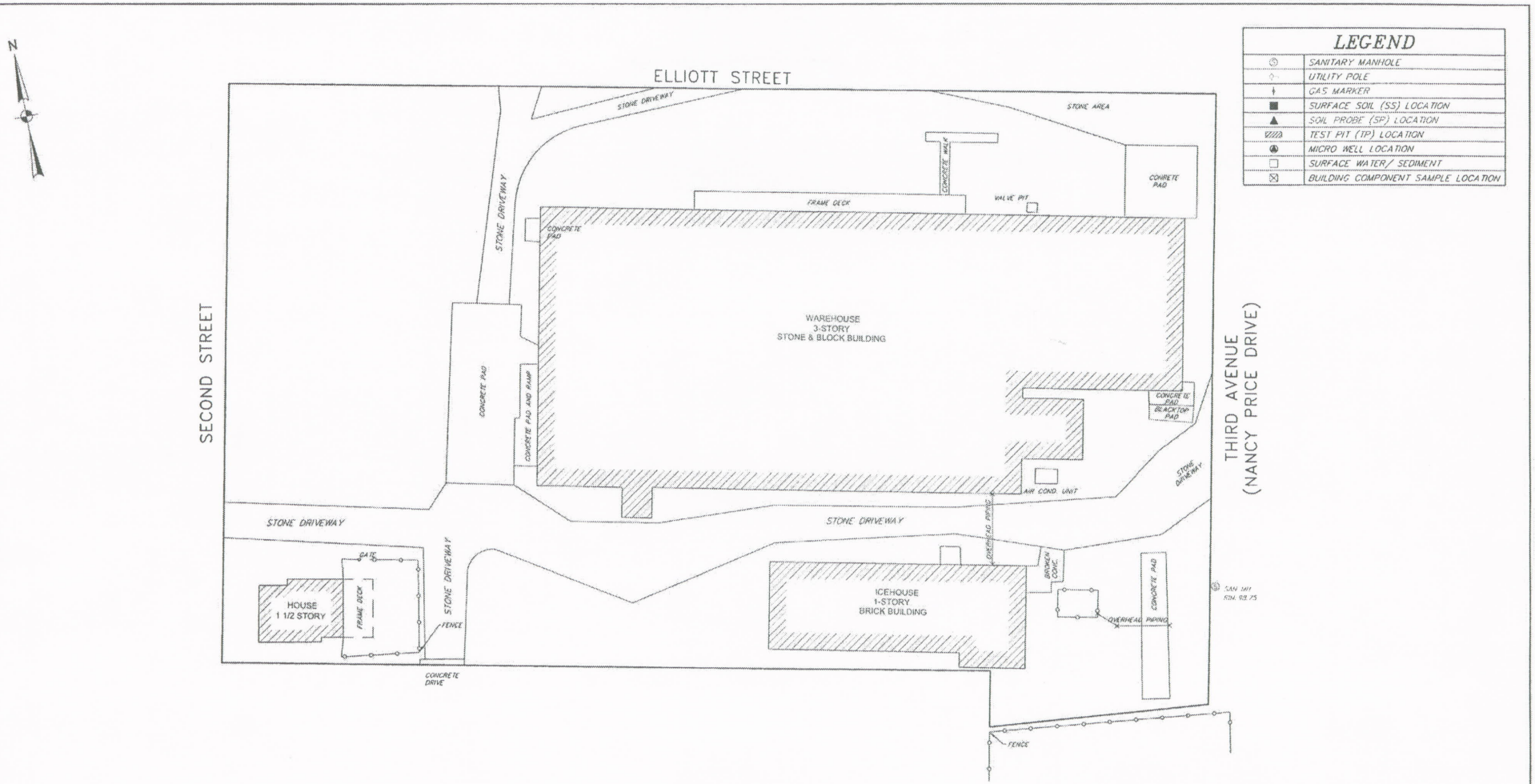
PROJECT SITE LOCATION MAP

TVGA CONSULTANTS
1000 MAPLE ROAD
ELMA, NEW YORK 14059-9530
P. 716.655.8842
F. 716.655.0937
www.tvga.com

YOUNGSTOWN COLD STORAGE
VILLAGE OF YOUNGSTOWN, NEW YORK
NIAGARA COUNTY

PROJECT NO. 2004.0279.03	SCALE: 1" = 2000'	DATE: JANUARY 2007	FIGURE NO. 1

N:\2004.0279.03-Youngstown Cold Storage\NIDR\Variables\Remedial grant application\NYSDEC Remedial Grant Application\100.dwg 01/16/2007 1:05:00 PM EST



SITE PLAN

TVGA CONSULTANTS
1000 MAPLE ROAD
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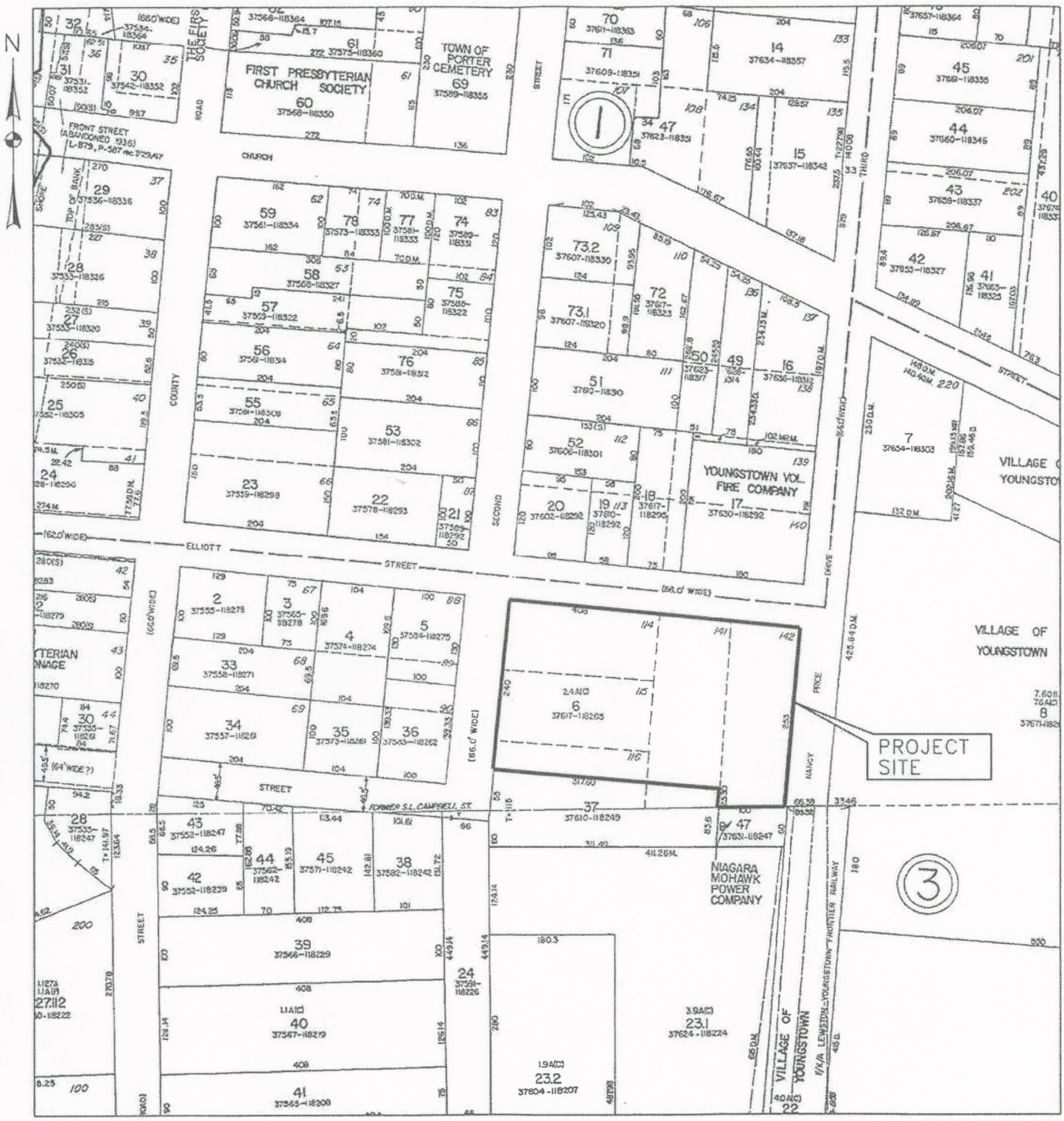
F. 716.655.0937
www.tvga.com

YOUNGSTOWN COLD STORAGE
VILLAGE OF YOUNGSTOWN, NEW YORK
NIAGARA COUNTY

PROJECT NO. 2004.0279.03	SCALE: 1" = 40'	DATE: JANUARY 2007	FIGURE NO. 2



TAX MAP

TVGA CONSULTANTS
1000 MAPLE ROAD
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F. 716.655.0937
www.tvga.com

YOUNGSTOWN COLD STORAGE
VILLAGE OF YOUNGSTOWN, NEW YORK
NIAGARA COUNTY

PROJECT NO. 2004.0279.03	SCALE: 1" = 200'	DATE: JANUARY 2007	FIGURE NO. 3

ATTACHMENT 1

REMEDIAL COST ESTIMATE

Table 16
Youngstown Cold Storage Site
Cost Estimate - Alternative B1
Removal with Partial Demolition

Item	Note	Unit	Quantity	Cost/Unit	Cost
Excavation of Contaminated Surface Soil/Fill					
Non-Hazardous Fill Excavation	Track mounted excavator, 1.5 cy	day	1	$ 1,843.70	$1,844
Non-Hazardous Soil/Fill	Transportation/disposal	ton	180	$ 25.00	$4,500
Post Excavation Sampling	Confirmatory Samples	sample	5	$ 165.00	$825
Disposal Profiling	TCLP VOCs/RCRA Analysis	sample	1	$ 755.00	$755
Excavation of Contaminated Subsurface Soil/Fill - Former UST Area					
Non-Hazardous Fill Excavation	Track mounted excavator, 1.5 cy	day	5	$ 1,843.70	$9,219
Non-Hazardous Soil/Fill	Transportation/disposal	ton	1,168	$ 25.00	$29,200
Post Excavation Sampling	Confirmatory Samples	sample	5	$ 80.00	$400
Disposal Profiling	TCLP VOCs/RCRA Analysis	sample	4	$ 755.00	$3,020
Excavation of Contaminated Subsurface Soil/Fill - Spray Wash Area					
Non-Hazardous Fill Excavation	Track mounted excavator, 1.5 cy	day	2	$ 1,843.70	$3,687
Non-Hazardous Soil/Fill	Transportation/disposal	ton	160	$ 25.00	$4,000
Post Excavation Sampling	Confirmatory Samples	sample	5	$ 80.00	$400
Disposal Profiling	TCLP VOCs/RCRA Analysis	sample	1	$ 755.00	$755
Excavation of Contaminated Subsurface Soil/Fill - Arsenic Contaminated Soil/Fill					
Non-Hazardous Fill Excavation	Track mounted excavator, 1.5 cy	day	2	$ 1,843.70	$3,687
Non-Hazardous Soil/Fill	Transportation/disposal	ton	23	$ 25.00	$575
Post Excavation Sampling	Confirmatory Samples	sample	5	$ 75.00	$375
Disposal Profiling	TCLP VOCs/RCRA Analysis	sample	1	$ 755.00	$755
Sediment Removal - Valve Pit					
Valve Pit Cleaning/Close-in-place	Three man crew (2 Laborers and a Forman)	day	1	$ 1,370.00	$1,370
Non-Hazardous Soil/Fill	Transportation/disposal	ton	1	$ 25.00	$25
Excavation of Contaminated Subslab Soil/Fill					
Non-Hazardous Fill Excavation	Track mounted excavator, 1.5 cy	day	1	$ 1,843.70	$1,844
Non-Hazardous Soil/Fill	Transportation/disposal	ton	180	$ 25.00	$4,500
Post Excavation Sampling	Confirmatory Samples	sample	5	$ 50.00	$250
Disposal Profiling	TCLP VOCs/RCRA Analysis	sample	1	$ 755.00	$755
Backfill of Remediated Areas					
Clean Fill	Unclassified fill, 6" lifts	cy	965	$ 13.23	$12,770

Table 16
Youngstown Cold Storage Site
Cost Estimate - Alternative B1
Removal with Partial Demolition

Item	Note	Unit	Quantity	Cost/Unit	Cost
AST Removal and Off-site Disposal					
AST Excavation, Cleaning and Off-Site Disposal	Three man crew (2 Laborers and a Forman)	ls	1	$ 2,400.00	$2,400
AST Contents Transportation/Disposal (~ 100 gallons)	Transportation to and disposal at Hazardous Waste Facility	ls	1	$ 1,275.00	$1,275
Underlying Contaminated Non-Hazardous Soil/Fill	Transportation/disposal	ton	8	$ 25.00	$200
Removal and Off-Site Disposal of Asbestos Containing Building Materials					
Friable and Non-Friable Asbestos	Abatement	ls	1	$ 60,500.00	$60,500
Project/Air Monitoring	Air monitoring and project oversight	ls	1	$ 3,000.00	$3,000
PCB Removal and Off-Site Disposal					
Demolition and off-site disposal	PCB contaminated concrete floor and equipment in compressor room	ls	1	$ 17,000.00	$17,000
Partial Building Demolition					
Demolition and Removal	Compressor room, newer warehouse addition and spray wash structure	ls	1	$ 98,000.00	$98,000
Subtotal					$267,886
Additional Capital Costs					
Mob/Demob/Decon	5% of Subtotal				$13,394
Contingencies	15% of Subtotal				$40,183
Engineering/Oversight	10% of Subtotal				$26,789
Subtotal					$80,366
Total Project Cost					**$348,252**

Notes:

Sources include:

2005 RS Means Environmental Remediation Cost Data-Assemblies and Unit Price 11th Edition (unit prices include a 33% markup for overhead, profit and inflation).

2005 RS Means Heavy Construction Cost Data 19th Edition (unit prices include a 3% markup for inflation).

Engineer's Estimate.

Building Demolition Assumptions:

1. Includes complete removal of compressor room building and newer constructed that adjoins the eastern portion of the warehouse.

ls = lump sum
cy = cubic yard
ton = 2,000 pounds

SECTION 4

SITE'S ENVIRONMENTAL HISTORY AND ENVIRONMENTAL DATA

A. INTRODUCTION

The following subsections have been excerpted from the Final Remedial Investigation/Alternatives Analysis Report (August, 2006) developed for the project site, and are intended to summarize the environmental history and current conditions of the site.

B. SITE HISTORY

The project site consists of approximately 2.4 acres located within the Village of Youngstown limits, as shown on Figure 1. Figure 2 shows the layout of the project site, including the on-site structures. The location and configuration of the tax parcel (SBL 59.06-3-6) that comprises the project site is depicted on Figure 3.

The project site was first developed as early as 1910 and was operated until 1996. The project site was used during this time period primarily for the storage, washing and packing of locally grown apples and is occupied by three structures that include: a deteriorating three-story stone building (warehouse) occupying approximately 23,000 square-feet; a single-story brick building (ice house) approximately 4,500 square-feet in size; and a residence that is approximately 875 square feet. The largest building contains a compressor room from which anhydrous ammonia was pumped through a pipe network throughout the cold storage portions of the facility. In addition, a spray wash area was present in the southeast corner of the project site where apples were reportedly washed prior to storage within facility buildings. It is possible that pesticides and/or fungicides were sprayed on the apples at this location. The site has been vacant following cessation of activities at the project site in 1996.

The Village notified the United States Environmental Protection Agency (USEPA) of an anhydrous ammonia leak at the project site on September 5, 2003. After conducting a removal assessment, the USEPA determined that a removal action would be required. A February 2005 Administrative Record prepared by the USEPA indicated that a removal action took place in 2003 at the project site. The removal action was initiated on September 9, 2003 and completed on December 19, 2003. The removal action included the identification, removal, and disposal of hazardous substances from the project site. Materials removed from the site consisted of:

- 138 containers of miscellaneous chemicals that included, but may not have been limited to:
  - Ammonium hydroxide;
  - Potassium hydroxide;
  - Hydrochloric acid; and
  - Phosphoric acid.
- Seven lead acid batteries;
- 500 pounds of anhydrous ammonia;
- Eight drums of ammoniated refrigeration oil collected from the ammonia system; and
- 250 gallons of No. 2 fuel oil from a heating tank.

C. AREAS OF POTENTIAL ENVIRONMENTAL CONCERN

Based upon the historical use of the project site and adjacent parcels and the current understanding of their environmental history, the following potential environmental concerns were identified in connection with the project site:

- The potential for surface and subsurface soil and/or groundwater contamination in connection with the former use of the project site for cold storage purposes for over 80 years. Contaminants of concern include:
  - Petroleum from heating and operating equipment including:
    - The fuel oil tank located in the northeast corner of the basement crawl space of the warehouse building; and
    - The potential presence of an outdoor fuel oil tank identified on the 1927 Sanborn Map to the east of the compressor room.
  - Pesticides, herbicides, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and metals related to:
    - The former storage and processing of apples at the project site;
    - The washing of apples in the outdoor wash located in the southeast portion of the site;
    - The reported use of pesticides and/or fungicides to preserve the apples during storage; and
    - The potential for on-site disposal of processing waste.
  - Polychlorinated biphenyls (PCBs) stemming from the probable historic operation and maintenance of electrical equipment with PCB-containing dielectric fluid including:
    - Equipment within the compressor room; and
    - The electrical substation adjoining the project site to the southeast.
- The potential for the presence of asbestos-containing building materials due to the age of the project site structures.

D. REMEDIAL INVESTIGATION

The Village initiated the acquisition of the project site via tax foreclosure. The Petition and Notice of Foreclosure was submitted and a Temporary Stay of Foreclosure was granted and filed in the Niagara County Courthouse, providing the temporary incidents of ownership of the project site for the sole purpose of entering the project site and conducting an environmental investigation.

The Village subsequently entered into a State Assistance Contract with the New York State Department of Environmental Conservation (NYSDEC) to complete a Remedial Investigation/Alternatives Analysis (RI/AA) program at the project site. The RI was completed pursuant to the Environmental Restoration, or Brownfield, Program, component of Title 5 of the Clean Water/Clean Air Bond Act of 1996, which is administered by the NYSDEC. The purpose of the RI/AA program described herein was to characterize the nature and extent of contamination occurring on, and emanating from, the project site, and to develop and evaluate remedial alternatives, as appropriate. In addition to summarizing and documenting the methods used to investigate the project site, the RI/AA Report described the physical characteristics of

the site; defined the nature, magnitude and extent of contamination encountered; assessed the contamination with respect to fate, transport and exposure; and identified appropriate remedial action objectives (RAOs).

D.1 Physical Conditions

The topography of the project site, as shown on Figure 1, is generally flat-lying and the project site has an elevation of approximately 300 feet above mean sea level. Immediately beyond Nancy Price Drive, Veteran's Park is located to the east of the project site. Elliot Street and 2nd Street bound the site to the north and west, respectively. Residential properties are located beyond these two streets. A Niagara Mohawk substation, undeveloped land, and a residential property lie to the south of the project site.

The results of the remedial investigation indicate that soil/fill overlies the native soil across the entire site. The overburden stratigraphy can be divided into three significant units, which are listed in descending order.

- Soil/Fill
- Reworked Native Material
- Native Material

Bedrock was not encountered during this investigation. Generally, groundwater was present in the native material. The depths to groundwater generally ranged from approximately 5 to 6 feet below the existing ground surface, and groundwater flows generally to the west.

D. 2 Nature and Extent of Contamination

Surface Soil/Fill

Throughout the majority of the site, the surface soil/fill at the project site does not contain contaminants at elevated concentrations. However, elevated concentrations of SVOCs, primarily PAHs, were detected in one sample collected adjacent to a former loading dock. The elevated SVOC concentrations are potentially related to leaks and/or spills from trucks on/off-loaded in this area.

Subsurface Soil/Fill Material

Contaminants of concern detected in the subsurface soil/fill include VOCs and arsenic. Nuisance characteristics including petroleum odors and staining are also a concern. VOC-contaminated subsurface soil/fill was encountered in the area of the former storage tank near the southeastern portion of the warehouse and in the spray wash area. A thin layer of arsenic-contaminated subsurface soil/fill was encountered in the western portion of the project site.

Groundwater

Groundwater at the project site was encountered at relatively shallow depths, within the native material. Elevated concentrations of contaminants were not detected in the groundwater samples collected at the project site.

Building Materials and Associated Components

Sump Sediments

Contaminants of concern in the sump sediments consist of PAHs, which were detected in the valve pit located immediately north of the warehouse as well as in the two storm sewer catch basins. It is likely that the source of PAHs in the storm sewer sediments is urban runoff from the surrounding area rather than some on-site source. The water in the valve pit did not contain elevated concentrations of contaminants.

Stained Floor/Equipment Surfaces

PCBs were found at elevated concentrations in the wipe samples collected from an oil-stained area on the floor of the compressor room and on one of the compressors.

Subslab Soil/Fill

Elevated concentrations of lead were detected in a subslab sample collected from under the floor of the compressor room. The impacted material appears to be limited to the subbase used during the construction of the compressor room.

Aboveground Storage Tank

The aboveground storage tank located in the basement of the warehouse appears to have been used for the storage of heating fuel. However, the tank is not accessible due to its placement in a crawl space and the poor structural integrity of the building. Therefore, it is not known if this tank is empty or if it has released contaminants to the surface and subsurface soil in its vicinity.

Asbestos

Friable and non-friable asbestos was found in each of the on-site buildings. These structures are generally secure, which limits the potential for exposure, although trespassers could gain access if they are persistent. As the structures age, the likelihood of a catastrophic failure of the structures will increase, which could increases the potential for an uncontrolled release of asbestos that could expose nearby residents and users of the park.

D.3 Contamination Assessment

Potential Receptors

Under current (vacant) and planned future use (residential uses) conditions, potential human receptors for on-site contaminants include:

- Persons using the adjacent public park for recreational activities;
- Persons living and working in the area surrounding the project site;
- Persons trespassing on the site and entering on-site structures;
- Remediation and construction contractors working on the project site;
- Persons living and working on the project site (future use); and
- Persons involved in utility work on and adjacent to the project site.

Potential environmental receptors include wildlife utilizing the project site (e.g., rodents, birds, etc.).

If remedial activities were implemented at the project site, potential human receptors during construction would include site workers involved in excavation activities, and persons living in and traveling through the area surrounding the project site. The potential for exposure would be reduced through the implementation of a soil/fill management plan and standard construction techniques.

Exposure Pathways

Under current conditions, human and environmental receptors could be exposed to on-site contaminants via:

- *Inhalation of airborne fibers, particles or vapors*
- *Incidental ingestion of, or dermal contact, with the contaminated media*

Trespassers could also be exposed to PCBs and asbestos within the buildings. As the structures age, the likelihood of a catastrophic failure of the structures will increase, which could increases the potential for an uncontrolled release of asbestos that could expose nearby residents and users of the park. Additionally, the condition of the AST in the basement of the warehouse could degrade and its contents, if any, could be released into the environment.

During remediation activities, receptors at and near the project site could be exposed to the on-site contaminants via the inhalation of asbestos fibers and/or contaminated dust and vapors, and incidental ingestion of, and/or dermal contact with the contaminated soil/fill. However, the use of appropriate personal protective equipment, dust suppression techniques, and the development and implementation of a Soil/Fill Management Plan would minimize the risk of exposure during the remedial activities.

No complete exposure pathways to the contaminants at the project site have been identified in connection with the post-remediation period, assuming that the on-site contaminants have been properly removed or treated.

D.4 Remedial Action Objectives

Remedial Action Objectives (RAOs) were identified for each of the contaminated media encountered on the project site. These RAOs are based upon the findings of the RI and the anticipated future use of the project site as a residential property, and include:

- Surface Soil - Prevent exposure via dermal contact, incidental ingestion or inhalation of particulates, and to prevent the discharge of contaminated storm water runoff and eroded surface soil/fill to off-site locations or into adjacent storm sewers.
- Subsurface Soil/Fill - Prevent the exposure via dermal contact, incidental ingestion or inhalation of particulates or vapors, and prevent the leaching of contaminants into groundwater.
- Building Materials and Associated Components
    - Valve Pit Sediments - Prevent exposure via dermal contact, incidental ingestion or inhalation of particulates.
    - Stained Floor/Equipment Surfaces – Prevent exposure to via dermal contact, incidental ingestion or inhalation of particulates.
    - Subslab Soil/Fill - Prevent exposure to contaminated subslab soil/fill via dermal contact, incidental ingestion or inhalation of particulates.
    - Aboveground Storage Tank - Prevent exposure via dermal contact, incidental ingestion or inhalation of vapors, as well as the future release of tank contents, if any.
    - Asbestos – Prevent exposure to ACMs via incidental ingestion or inhalation of particulates

E. REMEDIAL ACTIONS

The remedial actions described in the ROD include the removal of all contaminated materials from the project site and the partial demolition of on-site buildings on the project site. The details of the program are:

- Excavation and off-site disposal of contaminated surface soil/fill
- Demolition of the spray wash structure
- Excavation and disposal of subsurface soil/fill
- Stockpiling of the clean material above the arsenic contaminated subsurface soil/fill for reuse
- Partial demolition of the warehouse building (viz., the compressor room and the metal-sided section) to facilitate remediation
- Removal of sediments in valve pit
- Removal of compressors and other PCB-contaminated equipment
- Removal and off-site disposal of PCB-contaminated concrete

- Removal and off-site disposal of contaminated subslab material from under the compressor room.
- Removal and off-site disposal of AST and contents, if any
- Removal and off-site disposal of impacted soil under the AST, if any
- Removal and off-site disposal of ACMs
- Backfill of excavations and valve pit with clean material

These remedial actions would achieve the RAOs for all contaminated media through proper removal and off-site disposal of impacts material.

SECTION 5

PROOF OF OWNERSHIP

PROPERTY OWNERSHIP

The Village of Youngstown worked with Niagara County to obtain Temporary Incidents of Ownership of the Youngstown Cold Storage site in order to complete the Remedial Investigation/Alternatives Analysis program under the Environmental Restoration Program. The Village plans to initiate proceedings to complete the foreclosure process and understands that the foreclosure must be completed before the State Assistance Contract for remediation can be executed.

Documentation of the Temporary Incidents of Ownership is attached for reference.

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At a Special Term of the Supreme Court of the State of New York held in and for the County of Niagara at the Angelo A. DelSignore Civic Building in Niagara Falls, New York on the 29th day of September 2005

PRESENT: Hon. Richard C. Kloch, Sr. AJSC
Justice Presiding

STATE OF NEW YORK
SUPREME COURT: COUNTY OF NIAGARA

In The Matter of the Foreclosure of Tax Liens Pursuant to Article 11, Title 3 of the Real Property Tax Law by the County of Niagara, New York.

ORDER
Index No. 123603

701 Third Street Youngstown, New York
SBL# 59.06-3-6

The Village of Youngstown, New York having made a motion seeking temporary incidents of ownership of the above premises pursuant to the Environmental Conservation Law.

UPON reading and filing the Notice of motion dated September 6, 2005 together with the affidavit of Thomas J. Caserta Jr. Esq. sworn to on the 6th day of September 2005 in support of said motion and upon due proof of service of the motion papers upon all interested parties and the County of Niagara having joined in the motion on the above date and there being no papers filed in opposition thereto and Niagara County appearing in support thereof and joining in said motion and upon hearing Thomas J. Caserta, Jr.

Attorney for the Village of Youngstown in support of said motion on the above date and there being no opposition thereto;

NOW upon motion of Thomas J. Caserta, Jr. Attorney for the Village of Youngstown New York it is:

ORDERED that the motion of the Village of Youngstown and Niagara County to obtain Temporary Incidents of Ownership pursuant to ECL 56-0508 of the parcel located at 701 Third Street, Youngstown New York is hereby granted in order to perform an environmental restoration investigation project upon the Property; and it is further

ORDERED that the Village of Youngstown, New York State Department of Environmental Conservation agency and/or their consultants, agents, employees and contractors are granted authority to enter the Property for the purpose of performing an environmental restoration investigation project upon the property pursuant to a State Assistance Contract entered between the DEC and the Village of Youngstown relative to the Property; and it is further

ORDERED that the fee owner of the property, Youngstown Cold Storage Co., Inc. and all agents, employees and representatives of Youngstown Cold Storage, Inc as well as any party holding any security interest in the Property shall refrain from interfering or hindering in any way with the Village of Youngstown's environmental restoration investigation project on the Property; and it is further

ORDERED that the foreclosure proceeding against the Property shall be stayed until the environmental restoration investigation project has been completed and the final investigation report has been filed with the Court or such other time as the Court determines upon appropriate application; and it is further

ORDERED that this order does not affect any other parcels in the County's foreclosure petition dated August19, 2005 and the foreclosure proceeding against the other parcels shall remain uninterrupted; and it is further

ORDERED that within thirty days of completion of the environmental restoration investigation project and receipt by the Village of Youngstown of the final report of the investigation of the Property, the Village of Youngstown shall file the final report with the Court on notice to all interested parties: and it is further

ORDERED that upon the Village of Youngstown filing the final investigation report with the Court the stay of the foreclosure proceeding on the Property shall be lifted; and it is further

ORDERED that the Village of Youngstown's temporary incidents of ownership shall continue pending further order of this Court

S/ RICHARD C. KLOCH SR. AJSC

Justice of the Supreme Court

GRANTED

SEP 29 2005

BY S/JO ANNE GAZY

JO ANNE GAZY
COURT CLERK