



**6 NYCRR SUBPART 375-4
ENVIRONMENTAL RESTORATION PROGRAM
(ERP) APPLICATION**

**Proposed Site:
Vacant Property
Town of Wheatfield, New York 14304**

**Prepared For:
Town of Wheatfield
2800 Church Road
North Tonawanda, New York 14120**

**Submitted To:
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, New York 12233-7020**

PRINTED ON:

AUGUST 24, 2007



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**AUGUST 2007
REF. NO. 045596 (Misc-ERP Application)**

**Prepared by:
Conestoga-Rovers
& Associates**

2055 Niagara Falls Blvd.
Suite Three
Niagara Falls, NY 14304

Office: 716-297-6150
Fax: 716-297-2265

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1.0 INTRODUCTION

Conestoga-Rovers & Associates (CRA) was retained by the Town of Wheatfield (the Town) to complete this Environmental Restoration Program (ERP) application of the vacant property located at 2020 River Road in Wheatfield, New York (Property or Site).

The contents of the application are organized as follows:

- Task 1 - Application Form: Presented in Appendix A of this application;
- Task 2 - Municipal Authorization: Presented in Appendix B of this application;
- Task 3 - Project Description: A summary of the purpose and scope of the project is presented, including an estimated project cost and schedule in Appendix C of this application;
- Task 4 -USGS Quad Map, County Tax Map and property survey presented in Appendix D of this application;
- Task 5 - Site's Environmental History and Existing Data: A summary of the Site's environmental history and existing data is presented in Appendix E, in addition to copies of complete reports; and
- Task 6 - Proof of Ownership: Presented in Appendix F of this application, which includes the following:
 - 1.) Previous owner's summary
 - 2.) Property deed (including metes and bounds description)

APPENDIX A
APPLICATION FORM



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 Town of Wheatfield		FED. ID # 16-6002408	
NAME OF INDIVIDUAL AUTHORIZED TO SIGN APPLICATION Timothy E. Demler			
TITLE OF AUTHORIZED INDIVIDUAL Town Supervisor			
ADDRESS 2800 Church Road			
CITY/TOWN North Tonawanda		ZIP CODE 14120-1099	
PHONE 716-694-6440	FAX 716-694-5419	E-MAIL	
NAME OF COMMUNITY BASED ORGANIZATION (IF APPLICABLE) N/A			
COMMUNITY BASED ORGANIZATION'S REPRESENTATIVE N/A			
ADDRESS N/A			
CITY/TOWN N/A		ZIP CODE N/A	
PHONE N/A	FAX N/A	E-MAIL N/A	
Site Information			
SITE NAME 2020 River Road			
SITE ADDRESS 2020 River Road			
CITY/TOWN Town of Wheatfield		ZIP CODE 14304	
COUNTY Niagara		SIZE (ACRES) 4.21	
LATITUDE (degrees/minutes/seconds) 43 ° 04 ' 14 " N		LONGITUDE (degrees/minutes/seconds) 78 ° 56 ' 37 " W	
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.		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY AREA PURSUANT TO GML970-R? IF YES, IDENTIFY AREA (NAME) <u>N/A</u>		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> 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.		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
REGISTRY SITE NUMBER: <u>N/A</u>		CLASSIFICATION: <u>N/A</u>	

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* _____					

*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
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 SOURCE(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

8-29-07

Date

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: _____

APPENDIX B
MUNICIPAL AUTHORIZATION

CERTIFICATE

I, DeEtte S. Ferchen, Town Clerk of the Town of Wheatfield, in the County of Niagara, State of New York hereby certify that the enclosed proof of publication and/or minutes have been compared by me with the originals as officially recorded in my office in the minute book and/or files of said Town and is a true, complete and correct copy thereof and of the whole of said original so far as the same relates to the subject matters referred to in said extract.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 19th July, 2007



DeEtte S. Ferchen

(SEAL)

Motion by Supervisor Demler, and seconded by Councilman Retzlaff to adopt the following resolution:

WHEREAS, the Town of Wheatfield, herein called the "Municipality", after thorough consideration of the various aspects of the problem and stuffy of available date, 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 Town of Wheatfield:

1. That Timothy E. Demler is the representative authorized to act in behalf of the municipality 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 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 send 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.

UPON ROLL CALL VOTE: Supervisor Demler - yes
Councilman Palmer - yes
Councilman Doucet - yes
Councilman Retzlaff - yes
Councilman Helwig - yes.

This motion was carried.

APPENDIX C

PROJECT DESCRIPTION (PROJECT COST AND SCHEDULE)

PROJECT DESCRIPTION

Conestoga-Rovers & Associates (CRA) has prepared this Environmental Restoration Program (ERP) Application, in accordance with 6 NYCRR Subpart 375-4, on behalf of the Town of Wheatfield for the redevelopment of a former inactive industrial solid waste landfill. The Site consists of a 4.21-acre parcel of undeveloped vacant land with approximately 240 feet of frontage along both River Road and the Niagara River. It connects with three smaller parcels, which provide an additional 126 feet of frontage along River Road located in the southern portion of Wheatfield, New York (see tax maps and USGS maps in Appendix D).

Previously completed Phase I environmental site assessment's (ESA's) and a Phase II ESA at the property identified potential impacts associated with the parcel. Subsurface investigation activities identified the presence of volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs) and metals in both soil and groundwater above New York State Department of Environmental Conservation (NYSDEC) unrestricted use criteria, resulting from historical filling activities on-site.

Soil characterization will be conducted by completing a Remedial Investigation (RI) to identify the native and extent of impacts on-Site as well as future re-use alternatives. The Town of Wheatfield will submit a work plan within the program to conduct a RI consisting of soil borings/test pits, and groundwater sampling and analysis as per Site conditions deem feasible. Location of soil boring and monitoring well installation will consider potential source area, site boundaries, and potential future use (i.e. building structures, foundations, etc.).

The Town of Wheatfield plans to develop the property into a park that will benefit the community and environment. The RI will delineate site contamination and evaluate remedial alternatives for site cleanup and restoration, including pre-disposal conditions as a potential alternative. The community will benefit from this project, not only by providing public access to the Niagara River for the Town of Wheatfield and other Niagara County residents, but will also substantially improve property values in the vicinity of the proposed Site. It is anticipated that the public will utilize this park area for fishing, biking, excursions, picnics, pavilions, bandstand entertainment and other recreational activities. Future site use of a boat launch/dock is being considered.

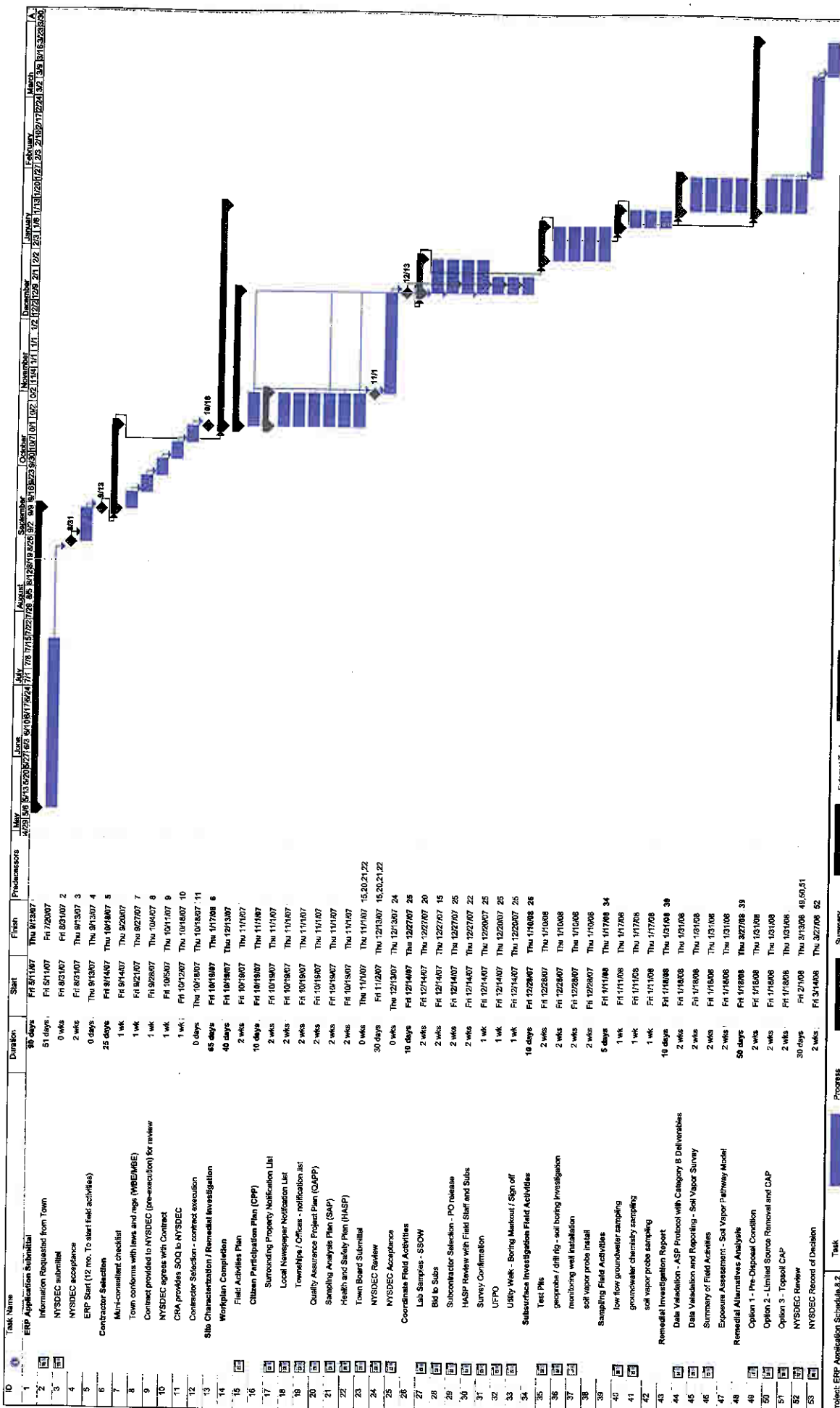
**NYSDEC Environmental Restoration Program Application
Summary of Costs**

**Town of Wheatfield
2020 River Road Site**

Phase	Task	Activity	Description of Services	Associated Cost
1.0			Site Investigation Workplan	\$ 19,650.00
	1.1		Citizen Participation Plan (CPP)	
	1.2		Quality Assurance Project Plan (QAPP)	
	1.3		Sampling Analysis Plan (SAP)	
	1.4		Health and Safety Plan (HASP)	
	1.5		Subcontractor Selection	
	1.6		Coordinate Field Activities	
	1.7		Obtain Permits (wetlands/SPDES/SEQR/etc)	
	1.8		Lab Samples - SSOW	
	1.9		Bid to Subs	
	1.10		Subcontractor Selection - PO release	
	1.11		HASP Review with Field Staff and Subs	
	1.12		Survey Confirmation	
	1.13		Vegetation Clearing (Not Included)	
	1.14		UFPO	
	1.15		Utility Walk - Boring Markout / Sign off	
	1.16		Temporary Road - Crush 'n Run Driveway (Not Included)	
2.0			Remedial Investigation	\$ 149,500.00
	2.1		Underground Facility Protection Organization - Dig Safe Coord.	
	2.2		Identify Boring locations / Utility Clearance Confirmation	
	2.3		Subsurface Investigation (Test pitting / Drilling)	
	2.4		Monitoring Well Installation	
	2.5		Soil Vapor Probe Install	
	2.6		Sampling Field Activities	
	2.7		Groundwater Sampling (low flow)	
	2.8		Groundwater Chemistry Sampling	
	2.9		Soil Vapor Probe Sampling	
3.0			Remedial Investigation Report	\$ 34,625.00
	3.1		Data Valadation - ASP Protocol with Category B Deliverables	
	3.2		Data Valadation and Reporting - Soil Vapor Survey	
	3.3		Summary of Field Activities	
	3.4		Exposure Assessment - Soil Vapor Pathway Model	
4.0			Remedial Alternatives Analysis	\$ 13,825.00
	4.1		Option 1 - Pre-Disposal Condition	
		4.1.1	Implementability	
		4.1.2	Relative Cost	
		4.1.3	Effectiveness	
	4.2		Option 2 - Limited Source Removal and CAP	
		4.2.1	Implementability	
		4.2.2	Relative Cost	
		4.2.3	Effectiveness	
	4.3		Option 3 - Topsoil CAP	
		4.3.1	Implementability	
		4.3.2	Relative Cost	
		4.3.3	Effectiveness	

Total Project Cost

\$ 217,600.00



Project: ERP Application Schedule & 2
 Date: Thu 8/23/07

Summary Project Summary

External Tasks External Milestone

Progress Milestone

Task Split

Deadline

Page 1

APPENDIX D

COUNTY TAX MAP AND USGS QUAD MAP

RECEIVED

OCT 15 2007

NYSDEC REG 9
FOIL

___REL___UNREL

ATTACHMENT TO APPENDIX C
PROJECT DESCRIPTION (PROJECT COST AND SCHEDULE)

PROJECT DESCRIPTION - ADDITIONAL INFORMATION

The Town of Wheatfield is providing the below statement for further clarification to the Environmental Restoration Program Application, for the vacant property located at 2020 River Road, Wheatfield, NY 14034. Please note the following:

No responsible party cost recovery payments have been received and are not anticipated. Additionally, there are no other actual or potential funding sources for the project.

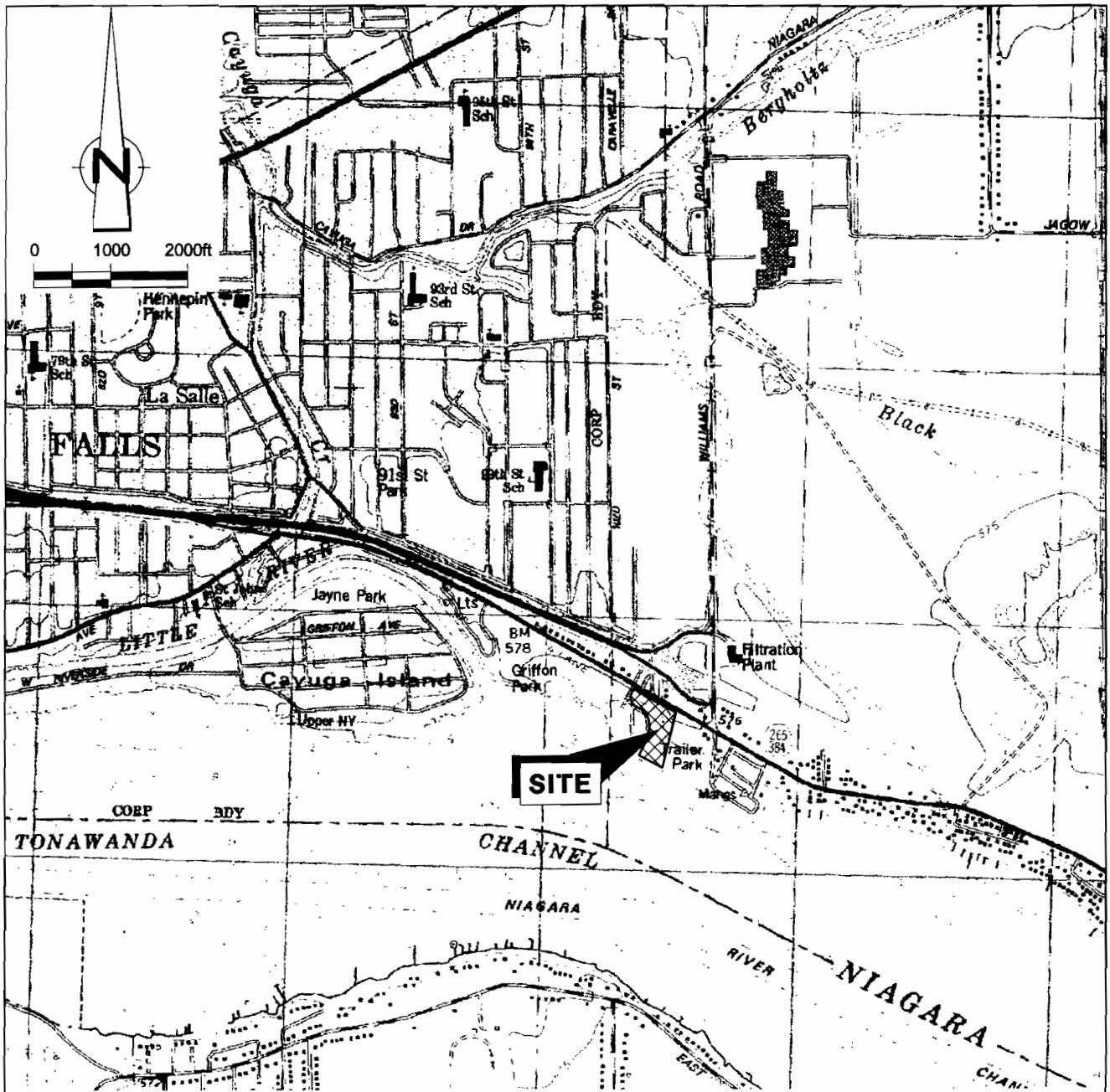
Additionally, the Town of Wheatfield would like to provide additional information pertaining to the satisfaction of the criteria outlined in ECL § 56-0505.

Following the investigation proposed, the Town of Wheatfield plans to expeditiously enter into remediation of the property to the satisfaction of New York State Department of Environmental Conservation (NYSDEC), such that the parcel can be used as public property. The proposed use of the parcel is to develop a park, where the community can gather and have future use of waterfront access. This specific parcel has been a defunct property, with historical use as a solid waste landfill. The development of this parcel will benefit the environment through cleanup and economically benefit the community by providing a gather location and waterfront access. The Town of Wheatfield anticipates the use for festivals and public recreation.

Although this parcel is not in a designated brownfield opportunity area, the development of this property may spearhead additional development along the Niagara River, and the benefits to the community will be recognized. By developing green space, and a waterfront corridor, the Town of Wheatfield is taking an active roll in the essence and purpose of the Environmental Restoration Program / Brownfield Program philosophy.

APPENDIX D

COUNTY TAX MAP AND USGS QUAD MAP



REFERENCE:

UNITED STATES GEOLOGIC SURVEY NORTH TONAWANDA WEST (NY)
 TOPOGRAPHIC, 7.5 MINUTES SERIES 1980
 SCALE: 1:24,000

figure 1

UNITED STATES GEOLOGIC SERVICE QUADRANGLE MAP
 VACANT PROPERTY (2020 RIVER ROAD)
 ENVIRONMENTAL RESTORATION PROGRAM APPLICATION (ERP)
Wheatfield, New York



APPENDIX E

SITES ENVIRONMENTAL HISTORY AND EXISTING DATA

OVERVIEW OF THE SITES ENVIRONMENTAL HISTORY

EMPIRE GEO-SERVICES, INC. PHASE I/II SUMMARY

Empire Geo-Services, Inc. (Empire) conducted a modified Phase I/II ESA at the Site in the summer of 2004 on behalf of a previous potential purchaser. The results of their ESA indicated that heavy metals, volatile organic compounds (VOCs), and semi-volatile organic compounds (SVOC) are present in the soil at concentrations that exceeded New York State Soil Cleanup Objectives (SCOs) presented in the NYSDEC Technical and Administrative Guidance Memorandum (TAGM) 4046. The ESA also indicated that lead is present in the Site's groundwater at a concentration that exceeds the NYSDEC Drinking Water Maximum Contaminant Level (MCL) criteria according to Technical and Operation Guidance Standards (TOGS) 1.1.1.

The Empire Modified Phase I/II ESA Report dated August 2004 identified the following environmental issues associated with the Property:

- "The Site's topography undulates mostly due to filling and clearing which has occurred in the past."
- "The most extensive filling appears to have occurred over the southern portion of the Site beyond where the shoreline once existed. This portion of the site appears to have been raised several feet to about to at least 10.5 feet where an eastern berm is present."
- "Visible evidence of dumping of drums filled with oil, heating oil tank, tar/coating-like substances, paint cans, C&D, industrial waste (ash, firebrick, cinders, coal, foundry sand, slag) and miscellaneous household wastes."
- "Up to at least 10.5 feet of fill exist over portions of the site, as encountered during Empires subsurface investigation. The fill material consists of industrial type wastes such as ash, cinders, firebrick, coal, foundry sand, and slag. Additional unknown material such as a silvery, wet slag-like material and oily-sheen on the groundwater surface and within the fill were encountered but could not be identified as to there makeup without further laboratory analysis."
- "According to Mr. George C. McMurdo, the owner of the property located to the west of the Site, the southern portion of the subject property was filled in with "grinding wheel sand" from Carborundum, extending the land out approx. 100 feet to the south. In the late 1970's and early 1980's the northern and center portion of the subject site began to be used for filling."

- "Elevated organic vapor readings were encountered in borings B-8, B-9, and B-13."
- "Analytical results of the only soil sample submitted (collected from B-8 at depths between 4 to 6 feet) indicate the presence of heavy metals, several VOC's and SVOC's."
- "Analytical results of the only groundwater sample submitted (collected from B-9) indicate the presence of heavy metals and oil and grease."
- "The property adjacent to the east is known as the Brzezinski Landfill. In July 1991, Lawler, Matusky, and Skelly Engineers (LMS) concluded that the site "received waste that appear to be at the industrial waste level and are not considered to be hazardous waste." The was recommended to the NYSDEC Division of Solid waste to be classified as an "inactive industrial landfill." The subject site appears to have received similar waste as were found during previous investigation on the Brzezinski Landfill site. Initially, this site in the early 1980s was being considered for Superfund listing as a hazardous waste site. A portion of the Brzezinski Landfill site was found to contain elevated levels of TCE and tetrachloroethylene gas concentrations within the soil. Some of the areas in which they were found were along the western boundary, near the subject site. From the contour lines drawn by LMS, these compounds may also be present within the soils of the subject site. Heavy metals, volatile organic compounds, and several other compounds were found within the fill soils across the site."
- "The subject site is within 1/8 of a mile from two (2) National Priority Listed sites, namely Love Canal and the 102nd Street Landfill."
- "According to an interview with an adjacent land owner, Mr. George McMurdo, this site was owned at one time by a Mr. Wendt and was used as a summer home. According to Mr. McMurdo, portions of the site were filled with "Carborundum" sand and covered with topsoil. According to the Town of Wheatfield Assessor's records, the two buildings that once existed on the site have since burned down. In 1980, the site transferred ownership from Permanent Savings Bank to Henry J. Adamczyk and Anthony Girasole."

CRA PHASE I/II SUMMARY

Conestoga-Rovers & Associates (CRA) was retained by the Town of Wheatfield (the Town) to complete a Phase II Environmental Site Assessment (ESA) of the vacant property located at 2020 River Road in Wheatfield, New York (Property or Site). The Phase II ESA was conducted in response to Recognized Environmental Conditions

(RECs) identified in the Phase I ESA completed by CRA in October 2006. Based on the Phase I ESA including the Site inspection, database search, historic records reviewed, information provided by Site personnel, and interviews the following potential RECs as defined in ASTM Standard E1527-00 were identified at the Site:

- historical Site use; and
- surrounding properties.

The Phase II ESA Site work was conducted by CRA between November 27, 2006 and December 12, 2006.

During subsurface investigation activities, 15 soil samples were collected and submitted to CompuChem Analytical Laboratories (CompuChem) for laboratory analyses. The results are as follows:

- Chemical concentrations were above 6 New York Code of Rules and Regulations (NYCRR) Subpart 375-6 for unrestricted use VOC criteria at boring B-7 within the fill material;
- Chemical concentrations were above 6 NYCRR Subpart 375-6 for unrestricted use SVOC criteria in borings B-1, B-3, B-7, and B-8;
- Chemical concentrations were above 6 NYCRR subpart 375-6 for unrestricted use metals criteria in one or more sample intervals at all locations; and
- Chemical concentrations were above 6 NYCRR Subpart 375-6 for unrestricted use total PCB criteria at boring locations B-1, B-3, B-4, and B-8 within the fill material.

Following temporary well installation and development, CRA collected and submitted four groundwater samples to CompuChem for laboratory analysis. Chemical concentrations in groundwater were above NYSDEC TOGS 1.1.1 VOC criteria at temporary well MW-1. Chemical concentrations in groundwater were above NYSDEC TOGS 1.1.1 SVOC criteria at temporary monitoring wells MW-1 and MW-3. Groundwater samples from all four temporary wells had chemical concentrations in groundwater above NYSDEC TOGS 1.1.1 metal criteria.

APPENDIX F
PROOF OF OWNERSHIP

PREVIOUS OWNERS SUMMARY

OWNER	LAST KNOWN ADDRESS	TELEPHONE	RELATIONSHIP TO PREVIOUS OWNER
Mr. Wendt	Unknown	Unknown	N/A
Permanent Saving Bank	Unknown	Unknown	Unknown
Henry J. Adamczyk	Unknown	Unknown	None
Town of Wheatfield	2800 Church Road N. Tonawanda, NY	Unknown	None

PREVIOUS OPERATORS SUMMARY

OPERATOR	LAST KNOWN ADDRESS	TELEPHONE	RELATIONSHIP TO PREVIOUS OWNER
N/A	N/A	N/A	N/A

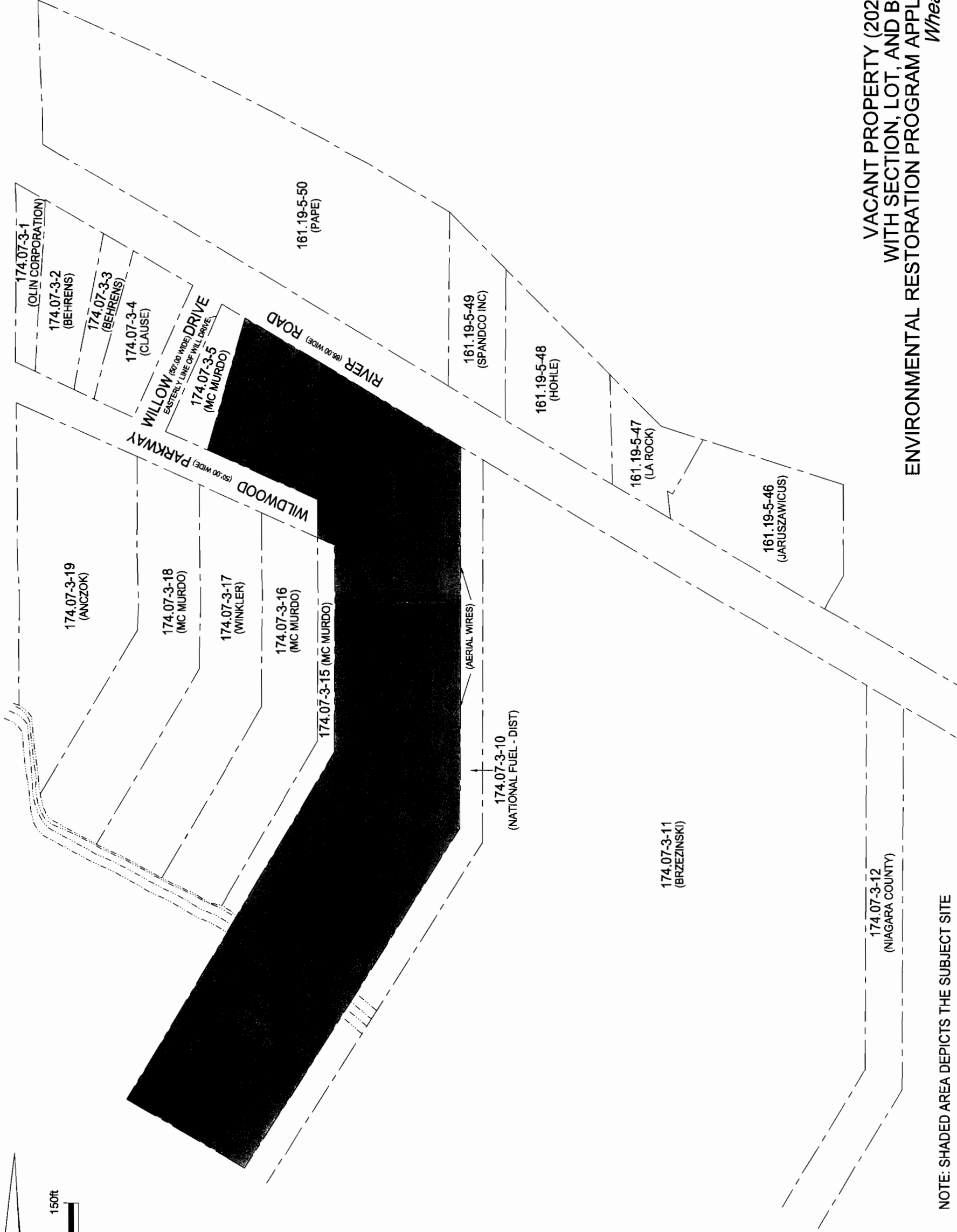
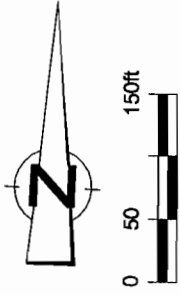


figure 2
 TAX MAP
 VACANT PROPERTY (2020 RIVER ROAD)
 WITH SECTION, LOT, AND BLOCK NUMBER
 ENVIRONMENTAL RESTORATION PROGRAM APPLICATION (ERP)
 Wheatfield, New York

NOTE: SHADED AREA DEPICTS THE SUBJECT SITE

