

## DEC Certifies Cleanup Requirements Achieved at Brownfield Site

The New York State Department of Environmental Conservation (DEC) has determined that the cleanup requirements to address contamination related to the Ex-Eaton site ("site") located at 34-40 Clinton Street Batavia, Genesee County, under New York State's Brownfield Cleanup Program (BCP) have been met. Please see the map for the site location.

The cleanup activities were performed by CNH Industrial Baumaschinen GmbH (CNH) ("applicant") with oversight provided by the DEC. DEC has approved a Final Engineering Report (FER) and issued a Certificate of Completion (COC) for the site.

- Access the approved FER, Notice of COC and other project documents online through the DECinfo Locator: <https://extapps.dec.ny.gov/data/DecDocs/C819022/>.
- Documents also are available at the location identified under "Where to Find Information."

## Completion of the Project

The following activities have been completed to achieve the cleanup action objectives:

- Excavation and off-site disposal of contaminated surface soil from areas across the site.
- Importing or reuse of clean material that meets the established Soil Cleanup Objectives for use as the cover system.
- In-situ soil mixing with zero-valent iron to destroy the contamination in soil and groundwater.
- Injection of an amendment into the groundwater to enhance biological breakdown of groundwater contamination and mitigate off-site migration.
- Collecting and analyzing post-remedial soil and groundwater samples to evaluate the effectiveness of the remedy.
- Establishment of a site cover system.
- Development of a Site Management Plan (SMP) for long-term management of residual contamination as required by the Environmental Easement, including plans for: (1) Institutional and Engineering Controls (IC/ECs); (2) monitoring; (3) operation and maintenance; and (4) reporting.
- An Environmental Easement was recorded to prevent future exposure to any contamination remaining at the site and to ensure implementation of the SMP.

## Final Engineering Report Approved

DEC has approved the FER, which:

- 1) Describes the cleanup activities completed.
- 2) Certifies that cleanup requirements have been achieved for the site.
- 3) Describes any institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the site, such as an environmental easement, when contamination left over after the cleanup action makes the site suitable for some, but not all uses. An *engineering control* is a physical barrier or method to manage contamination such as a cap or vapor barrier.

- 4) Certifies that a site management plan for any engineering controls used at the site has been approved by DEC.

The following institutional controls have been put in place on the site:

- Site Management Plan
- Groundwater Use Restriction
- Land Use Restriction
- Environmental Easement

The following engineering controls have been put in place on the site:

- Cover System
- Sub Slab Depressurization Systems (SSDS)

## Next Steps

With its receipt of a COC, the applicant is eligible to redevelop the site. In addition, the applicant is eligible for tax credits to offset the costs of performing cleanup activities and for redevelopment of the site. A COC may be modified or revoked if, for example, there is a failure to comply with the terms of the order or agreement with DEC.

## Site Description

The site is 22.9-acres and is bordered to the north by Clinton Street (Route 33), to the south by the Erie Railroad, and to the east and west by residences. Properties south of the Erie Railroad are commercial/light industrial in nature with some residences intermixed. The site was used to manufacture agricultural and highway equipment from the mid-1920s until the early 1990s. The current owner operates a warehousing facility.

Beginning in the late 1980s and continuing into the mid-1990s, the United States Environmental Protection Agency (USEPA) and the DEC evaluated the site. In the late 1990s, the previous site owner, O&K Orenstein & Koppel, Inc., conducted additional investigations after the site was sold to Basket Place, LLC. The on-site and off-site Remedial Investigations began in 2003, when CNH entered into a Voluntary Cleanup Agreement (VCA), however, the Voluntary Cleanup Program was terminated by the NYSDEC in 2018. In 2019, Remedial Investigations continued under the BCP. Additional site details, including environmental and health assessment summaries, are available on NYSDEC's Environmental Site Remediation Database (by entering the site ID, C819022) at:

<https://appfactory.dec.ny.gov/DERExternalSearch/ERDSearch>

## Brownfield Cleanup Program

New York's BCP encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses may include recreation, housing, business or other uses. A brownfield site is any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.

For more information about the BCP, visit:

<https://dec.ny.gov/environmental-protection/site-cleanup/brownfield-and-state-superfund-programs/brownfield>

## Stay Informed with DEC Delivers

**We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.**

Sign up to receive site updates by email:

<https://dec.ny.gov/environmental-protection/site-cleanup/regional-remediation-project-information/environmental-cleanup-email-newsletters>

Note: Please disregard if you already have signed up and received this fact sheet electronically.

## DECinfo Locator

Interactive map to access DEC documents and public data about the environmental quality of specific sites: <https://dec.ny.gov/maps/interactive-maps/decinfo-locator>

### CONTACT INFORMATION

#### Project-Related Questions

Adam Morgan, Project Manager  
NYSDEC  
6274 East Avon-Lima Rd.  
Avon, NY 14414  
(585) 226-5356  
[adam.morgan@dec.ny.gov](mailto:adam.morgan@dec.ny.gov)

#### Project-Related Health Questions

Julia Kenny  
NYSDOH  
Corning Tower, Room 1787  
Albany NY 12237  
(518) 402-7873  
[beej@health.ny.gov](mailto:beej@health.ny.gov)

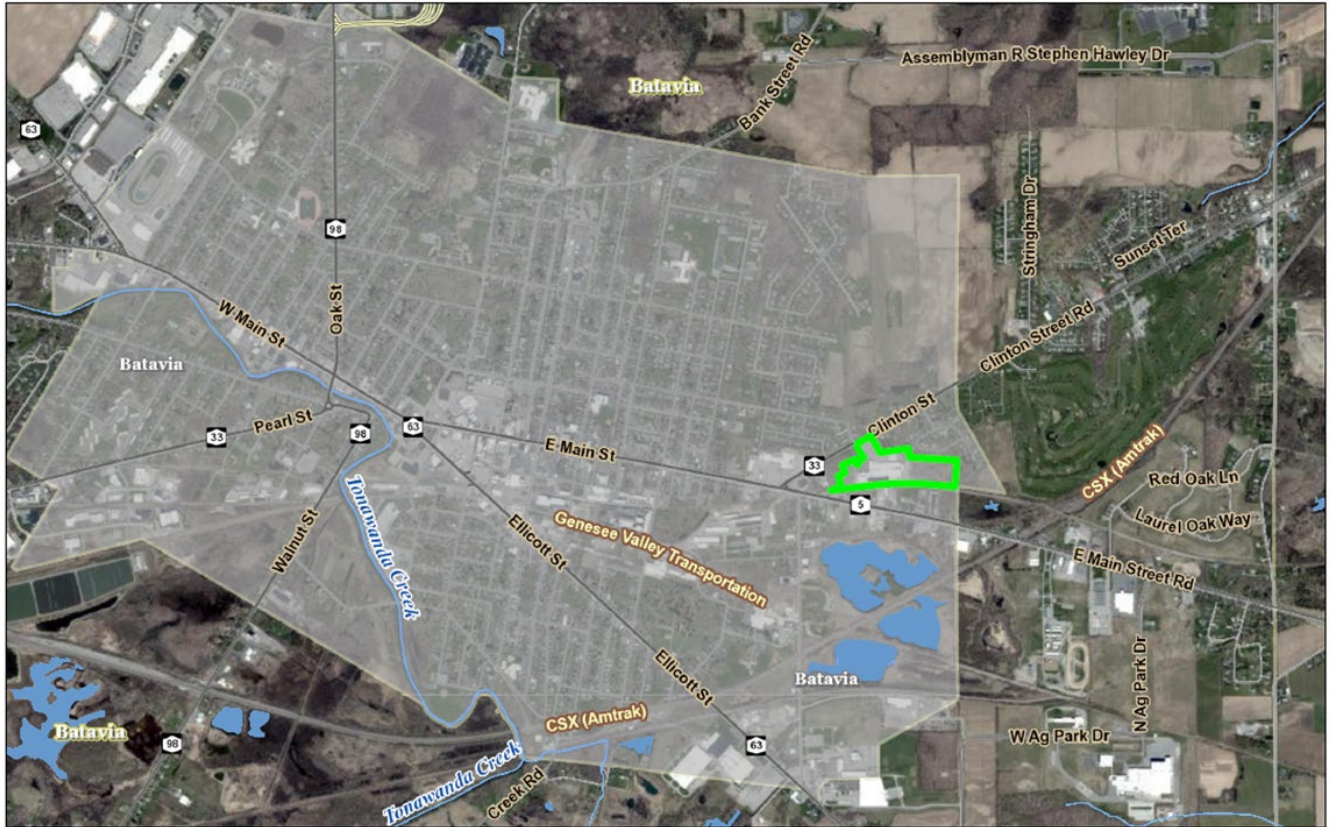
### WHERE TO FIND INFORMATION

Access project documents through the DECinfo Locator and at this location:  
<https://extapps.dec.ny.gov/data/DecDocs/C819022/>

#### Richmond Memorial Library

19 Ross Street,  
Batavia, NY 14020  
(585) 343-9550

## Site Location





## Translation Available. Don't see your language? Ask!

|                                         |                                                                                                                                                                               |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>English</b>                          | To request to have this document translated into your preferred language, please contact the person below. There is no charge for the translation.                            |
| <b>Español</b><br>Spanish               | Para solicitar la traducción de este documento al idioma que prefiera, comuníquese con la persona que aparece abajo. La traducción es gratis.                                 |
| <b>简体字</b><br>Simplified Chinese        | 如需将此文件翻译成您偏好的语言，请与以下人员联系。翻译服务免费。                                                                                                                                              |
| <b>Русский</b><br>Russian               | Чтобы запросить перевод этого документа на предпочитаемый вами язык, пожалуйста, свяжитесь с указанным ниже лицом. Перевод предоставляется бесплатно.                         |
| <b>אידיש</b><br>Yiddish                 | צו פארלאנגען צו האבן די דאקומענט איבערגעזעצט אין אייער שפראך, ביטע פארבינדט זיך מיט די מענטש אנגעוויזן אונטן. מען דארף נישט צאלן פארן איבערטייטשן.                            |
| <b>বাঙালি</b><br>Bengali                | এই নথিটি আপনার পছন্দের ভাষায় অনুবাদ করার অনুরোধ করতে, অনুগ্রহ করে नीचे উল্লেখ করা ব্যক্তির সাথে যোগাযোগ করুন। অনুবাদের জন্য কোন অর্থ লাগবে না।                               |
| <b>한국어</b><br>Korean                    | 이 파일을 선호하는 언어로 번역하려면 아래 담당자에게 연락해 주세요. 번역 서비스는 무료입니다.                                                                                                                         |
| <b>Kreyòl Ayisyen</b><br>Haitian Creole | Pou w fè demann tradiksyon dokiman sa a nan lang ou prefere a, tanpri kontakte moun ki anba a. Ou p ap peye pou tradiksyon an.                                                |
| <b>Italiano</b><br>Italian              | Per richiedere la traduzione di questo documento nella tua lingua preferita, contatta la persona indicata qui sotto. La traduzione non prevede costi aggiuntivi.              |
| <b>العربية</b><br>Arabic                | لطلب ترجمة هذا المستند إلى لغتك المفضلة، يُرجى الاتصال بالشخص التالي. تقدم خدمات الترجمة مجانًا ودون تكلفة.                                                                   |
| <b>Polski</b><br>Polish                 | Aby poprosić o przetłumaczenie tego dokumentu na preferowany język, skontaktuj się z osobą wskazaną poniżej. Tłumaczenie nie jest odpłatne.                                   |
| <b>Français</b><br>French               | Veuillez contacter la personne mentionnée ci-dessous afin de procéder à votre demande de traduction de document pour votre langage de préférence. La traduction est gratuite. |
| <b>اردو</b><br>Urdu                     | اس دستاویز کا ترجمہ آپ کی ترجیحی زبان میں کروانے کی درخواست کرنے کے لیے، براہ کرم ذیل کے فرد سے رابطہ کریں۔ اس ترجمہ کے لیے کوئی چارج نہیں ہے۔                                |