



BROWNFIELD CLEANUP PROGRAM APPLICATION

Niagara Transformer Corporation – 1755 Dale Road

Cheektowaga, New York

REPORT



Submitted To: Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Remediation
Albany, New York 12233-7020

Submitted By: Golder Associates Inc.
2221 Niagara Falls Boulevard, Suite 9
Niagara Falls, NY 14304 USA

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NYSDEC – Albany
NYSDEC – Region 9
Niagara Transformer Corp
Harter Secret & Emery, LLP
Golder Associates Inc.

August 24, 2009

093-8914402

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**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**



BROWNFIELD CLEANUP PROGRAM (BCP)

ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY BCP SITE #: _____
--

07/07

Section I. Requestor Information					
NAME					
ADDRESS					
CITY/TOWN		ZIP CODE			
PHONE	FAX	E-MAIL			
NAME OF REQUESTOR'S REPRESENTATIVE					
ADDRESS					
CITY/TOWN		ZIP CODE			
PHONE	FAX	E-MAIL			
NAME OF REQUESTOR'S CONSULTANT					
ADDRESS					
CITY/TOWN		ZIP CODE			
PHONE	FAX	E-MAIL			
NAME OF REQUESTOR'S ATTORNEY					
ADDRESS					
CITY/TOWN		ZIP CODE			
PHONE	FAX	E-MAIL			
<p>THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>PARTICIPANT</p> <p>A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p> </td> <td style="width: 50%; vertical-align: top;"> <p>VOLUNTEER</p> <p>A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p> <p>NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.</p> </td> </tr> </table>				<p>PARTICIPANT</p> <p>A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p>	<p>VOLUNTEER</p> <p>A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p> <p>NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.</p>
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Requestor Relationship to Property (check one):					
Previous Owner	Current Owner	Potential /Future Purchaser	Other _____		
If requestor is not the site owner, requestor will have access to the property throughout the BCP project.			Yes No		
(Note: proof of site access must be submitted for non-owners)					

Section II. Property Information Summary Sheet

PROPERTY NAME:

ADDRESS/LOCATION

CITY/TOWN

ZIP CODE

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

COUNTY

SITE SIZE (ACRES)

LATITUDE (degrees/minutes/seconds)

LONGITUDE (degrees/minutes/seconds)

HORIZONTAL COLLECTION METHOD: SURVEY GPS MAP

HORIZONTAL REFERENCE DATUM:

FOR EACH PARCEL, FILL OUT THE FOLLOWING TAX MAP INFORMATION (if more than three parcels, attach additional information)

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

1. Do the property boundaries correspond to tax map metes and bounds? Yes No
 If no, please attach a metes and bounds description of the property.

2. Is the required property map attached to the application? (application will not be processed without map) Yes No

3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)? Yes No

For more information go to: http://www.nylovesbiz.com/BrownField_Redevelopment/default.asp.

If yes, identify area (name) _____

50% 100% of the site is in the En-zone (check one)

PROPERTY DESCRIPTION NARRATIVE:

List of Existing Easements (type here or attach information)

<u>Easement Holder</u>	<u>Description</u>

List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>

Initials of each Requestor: _____

Section III. Current Site Owner/Operator Information

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Section IV. Requestor Eligibility Information (Please refer to ECL § 27-1407)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

- | | | |
|--|-----|----|
| 1. Are any enforcement actions pending against the requestor regarding this site? | Yes | No |
| 2. Is the requestor subject to an existing order relating to contamination at the site? | Yes | No |
| 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? | Yes | No |
| 4. Has the requestor been determined to have violated any provision of ECL Article 27? | Yes | No |
| 5. Has the requestor previously been denied entry to the BCP? | Yes | No |
| 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? | Yes | No |
| 7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? | Yes | No |
| 8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? | Yes | No |
| 9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? | Yes | No |

Section V. Property Eligibility Information (Please refer to ECL § 27-1405)

- | | | |
|--|-----|----|
| 1. Is the property listed on the National Priorities List? | Yes | No |
| 2. Is the property listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites?
If yes, please provide: Site # _____ Class # _____ | Yes | No |
| 3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____ | Yes | No |
| 4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____ | Yes | No |
| 5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment. | Yes | No |

Section VI. Project Description

What stage is the project starting at? investigation remediation

Please attach a description of the project which includes the following components:

- Purpose and scope of the project
- Estimated project schedule

Section VII. Property's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. Environmental Reports

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.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): Yes No

2. Sampling Data: Indicate known contaminants and the media which are known 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: _____

3. Suspected Contaminants: Indicate suspected contaminants and the media which may have been affected:

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

*Please describe: _____

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS:

Above Ground Pipeline or Tank	Lagoons or Ponds	Underground Pipeline or Tank	Surface Spill or Discharge
Routine Industrial Operations	Dumping or Burial of Wastes	Septic tank/lateral field	Drums or Storage Containers
Adjacent Property	Seepage Pit or Dry Well	Foundry Sand	Electroplating
Coal Gas Manufacture	Industrial Accident	Unknown	

Other: _____

5. INDICATE PAST LAND USES:

Coal Gas Manufacturing	Manufacturing	Agricultural Co-op	Dry Cleaner	Salvage Yard	Bulk Plant
Pipeline	Service Station	Landfill	Tannery	Electroplating	Unknown

Other: _____

6. Owners

A list of previous owners with names, last known addresses and telephone numbers (describe requestor's relationship, if any, to each previous owner listed. If no relationship, put "none").

7. Operators

A list of previous operators with names, last known addresses and telephone number (describe requestor's relationship, if any, to each previous operator listed. If no relationship, put "none").

Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board/dept. chair of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property.

Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply)

Intended Use: Unrestricted Residential Commercial Industrial (check all that apply)

Please check the appropriate box and provide an explanation as an attachment if appropriate. Provide a copy of the local zoning classifications, comprehensive zoning plan designations, and/or current land use approvals.

Yes No

1. Do current historical and/or recent development patterns support the proposed use? (See #12 below re: discussion of area land uses)	
--	--

2. Is the proposed use consistent with applicable zoning laws/maps?	
---	--

3. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?	
--	--

4. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	
--	--

5. Are there any federal or state land use designations relating to this site?	
--	--

6. Do the population growth patterns and projections support the proposed use?	
--	--

7. Is the property accessible to existing infrastructure?	
---	--

8. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile?	
--	--

9. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile?	
--	--

10. Are there floodplains within ½ mile?	
--	--

11. Are there any institutional controls currently applicable to the property?	
--	--

12. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.	
---	--

13. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas.	
---	--

14. Describe on attachment the geography and geology of the site.	
---	--

LIST OF BCP APPLICATION ATTACHMENTS

**NIAGARA TRANSFORMER CORP
1755 DALE ROAD PROPERTY MANUFACTURING EXPANSION PROJECT**

NYSDEC BROWNFIELD CLEANUP PROGRAM APPLICATION

Attachment No.

Description

1	Site Maps & Legal Description
2	Project Description
3	Previous Environmental Investigations
4	Listing of Previous Site Owners/Operators
5	Contact List Information
6	Document Repository Confirmation Letter
7	Environmental Factors and Historic Land Use Considerations
8	Nearby Land Use
9	Groundwater Vulnerability Assessment
10	Description of Site Geography/Geology
11	Letters of Support for BCP Application

ATTACHMENT 1

NIAGARA TRANSFORMER CORP. BROWNFIELD CLEANUP PROGRAM

PROPERTY METES & BOUNDS DESCRIPTION

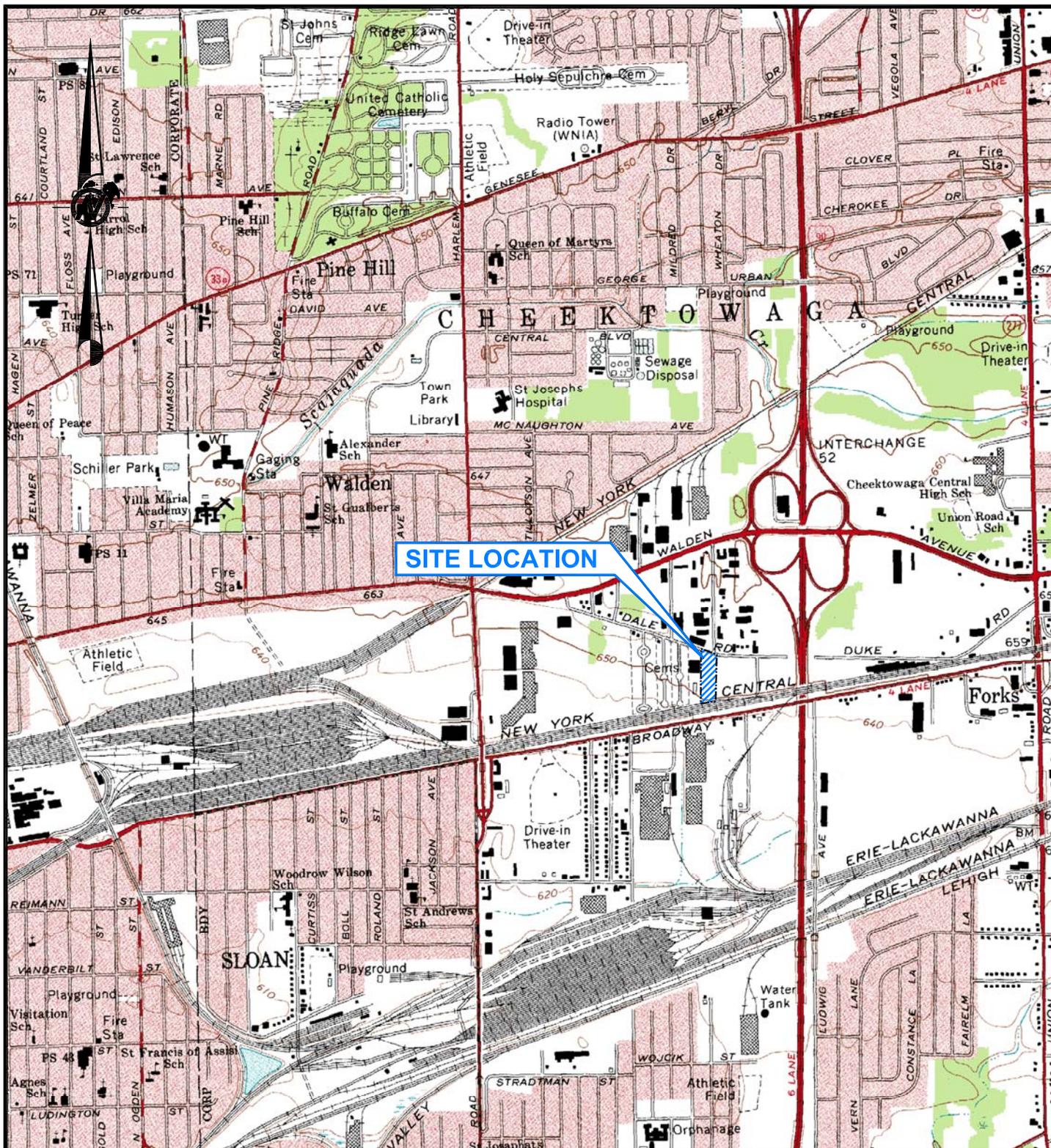
Deed filed in Erie County Clerk's Office under Liber 9229, Page 593 for 1755 Dale Road, Cheektowaga, New York.

All that tract or parcel of land, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 24, Township 13, Range 7 of the Holland land Company's Survey, bounded and described as follows:

Beginning at the intersection of the south line of Dale Road (formerly Walden Avenue) with the east line of land conveyed to George Kroth by deed recorded in the Erie County Clerk's Office in Book 542 of Deeds at Page 512; thence southerly along the east line of lands conveyed to George Kroth approximately 713.80 feet to the north line of land conveyed to the New York Central Railroad Company by deed recorded in the Erie County Clerk's Office in Book 5983 of Deeds at Page 176; thence easterly along the north line of land so conveyed to the New York Railroad Company a distance of 199.73± feet to the west line of land conveyed to 1800 Dale Road, Inc. by deed recorded in the Erie County Clerk's Office in Book 8542 of Deeds at Page 13 on August 8, 1977; thence northerly along the west line of said corporation line approximately 601.52 feet to a point in the south line of Dale Road; thence westerly along the south line of Dale Road 235.4± feet to the place or point of beginning.

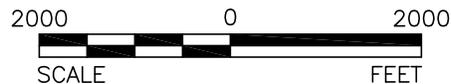
Subject to assessments, leases and rights of way of record, and subject to the rights of the public in and to these portions of the above described promises contained within the bounds of said Dale Road.

Drawing file: 0938914402A001.dwg Jul 06, 2009 - 2:06pm



REFERENCE

1.) BASE FROM 7.5 MINUTE QUADRANGLE OF BUFFALO NORTHEAST, NEW YORK DATED 1965.



SCALE	AS SHOWN
DATE	07/06/09
DESIGN	PTM
CADD	GLS

TITLE

**SITE VICINITY MAP
1755 DALE ROAD BCP PARCEL
CHEEKTOWAGA, NEW YORK**

FILE No. 0938914402A001

CHECK

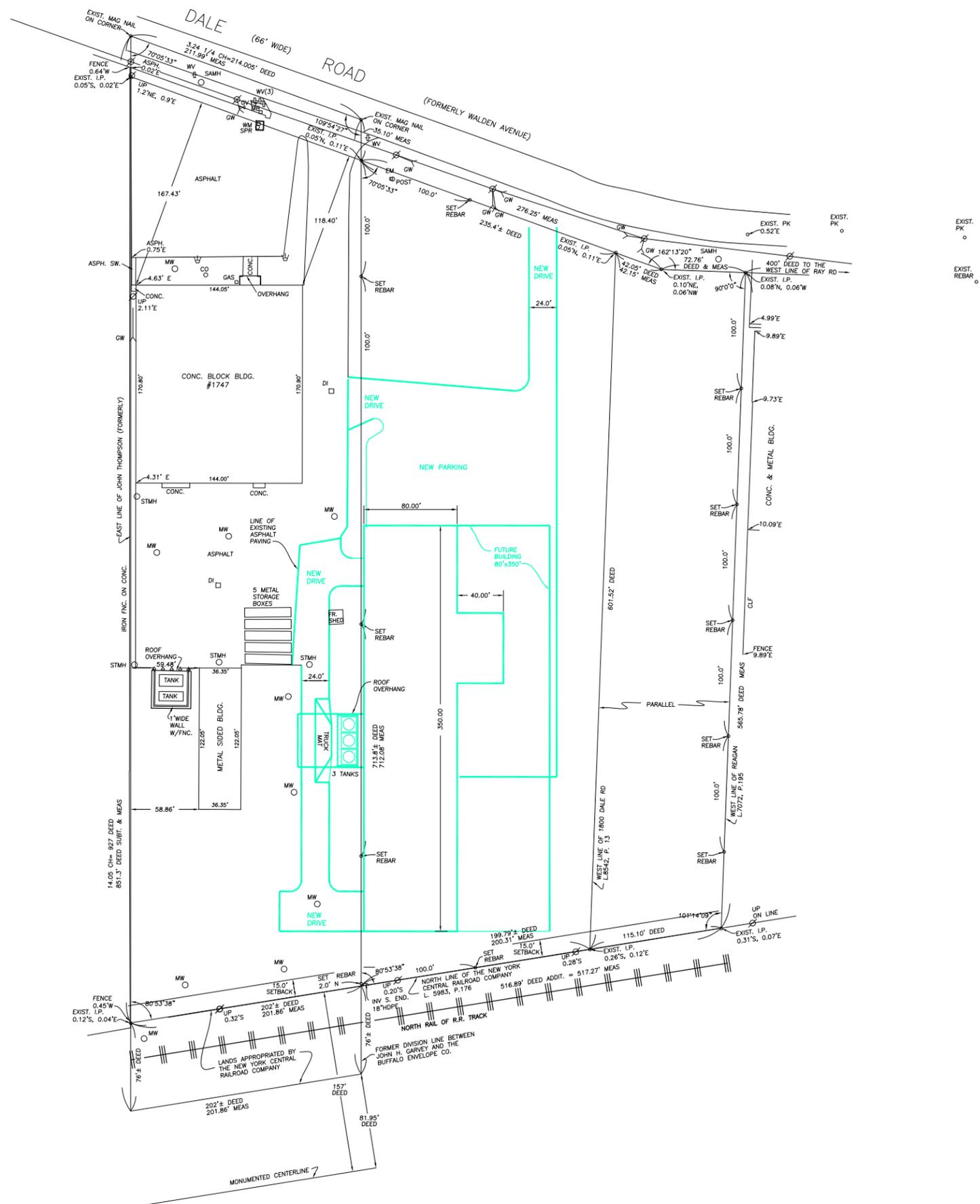
PROJECT No. 093-89144-02 REV. 0

REVIEW

NIAGARA TRANSFORMER CORP.

FIGURE

1-1



REFERENCE

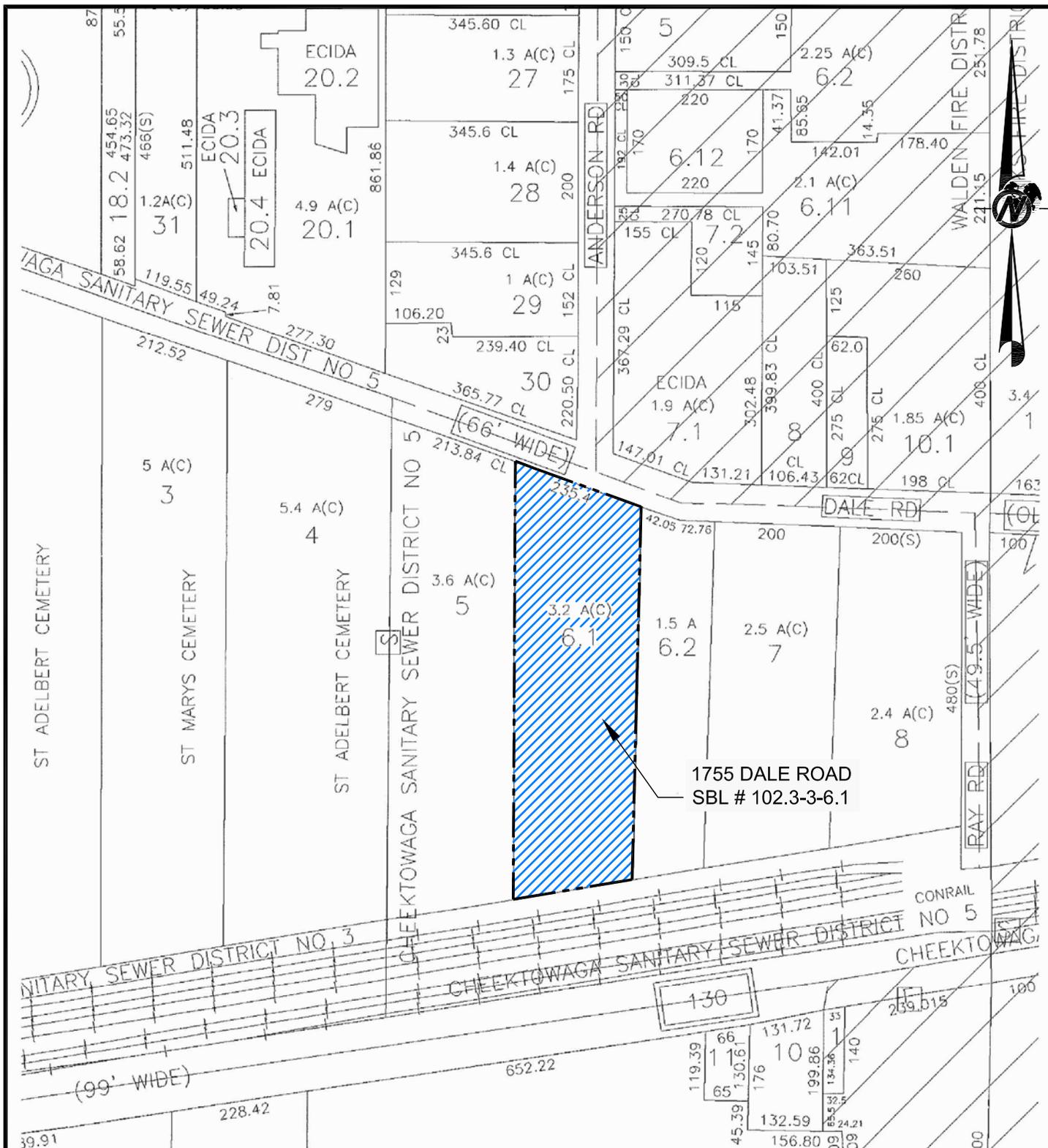
1.) MAP FROM DIGITAL CAD FILE SITE PLAN.DWG ENTITLED "SITE PLAN," DATED AUGUST 12, 2009, PREPARED BY Bammel Architects.



REV	DATE	DES	REVISION DESCRIPTION	CADD	CHK	R/W
PROJECT						
NIAGARA TRANSFORMER CORP. 1755 DALE ROAD BCP PARCEL CHEEKTOWAGA, NEW YORK						
TITLE						
PROPOSED SITE PLAN						
<small>NJ Authorization #24CA3829100</small>						
PROJECT No. 093-8914402		FILE No. 0938914402A003				
DESIGN	AL	08/12/09	SCALE AS SHOWN	REV.	0	
CADD	AM	08/19/09				
CHECK						
REVIEW						
 Golder Associates <small>Mt Laurel, New Jersey</small>			FIGURE 1-2			

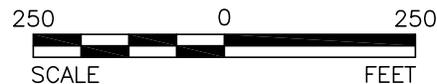
Drawing file: 0938914402A003.dwg Aug 19, 2009 - 10:19am

Drawing file: 0938914402A003.dwg Jul 06, 2009 - 2:06pm



REFERENCE

1.) TAX PARCEL MAP PROVIDED BY TOWN OF CHEEKTOWAGA TAX ASSESSOR'S OFFICE.



SCALE	AS SHOWN
DATE	07/06/09
DESIGN	PTM
CADD	GLS

TITLE	TAX MAP FOR 1755 DALE ROAD
FIGURE	
FILE No.	0938914402A003
PROJECT No.	093-89144-02
REV.	0
CHECK	
REVIEW	
NIAGARA TRANSFORMER CORP.	

ATTACHMENT 2

NIAGARA TRANSFORMER CORP. BROWNFIELD CLEANUP PROGRAM

PROJECT DESCRIPTION & SCHEDULE

Background

Niagara Transformer Corp. (NTC) owns an approximately 3 acre vacant parcel identified as 1755 Dale Road in the Town of Cheektowaga, New York. This parcel is located directly adjacent to and east of its existing manufacturing and office complex at 1747 Dale Rd (refer to Attachment 1). The property is bordered by: Dale Road to the north; CSX rail corridor to the south; a vacant parcel to the east (also owned by NTC) and NTC's manufacturing complex to the west.

The parcel was purchased by NTC in 1983 and has remained vacant since that time. To the knowledge and understanding of NTC, the parcel was vacant and unused as far back as the late 1950s and prior to that contained several rail sidings and may have served as a contractor's storage yard or scrap yard.

In 1996 and 1997, the New York State Department of Environmental Conservation (NYSDEC) conducted an extensive cleanup of PCB impacted soils and groundwater at the NTC manufacturing complex located due west of the property (1747 Dale Road). In the course of performing the excavation and backfilling activities, the NYSDEC remediation contractor was allowed through mutual agreement between NTC and the NYSDEC to stage and mobilize equipment on a portion of the 1755 Dale Road parcel. The location of the staging and access was primarily adjacent to and due east of NTC's rear parking and truck access paved area located south of their manufacturing building. It was noted that the contractor also accessed this area by driving south through the center of the parcel from Dale Road to access this staging area.

The parcel is currently being used by NTC to stage a small number of portable storage containers along the western border of the property. NTC is using the storage containers due to a lack of space in the existing warehouse for storage of production related parts and components that are integrated into their products. No storage of liquids is allowed in these containers.

Proposed Project - Niagara Transformer Manufacturing Expansion

Niagara Transformer is proposing to construct a new manufacturing/production building encompassing approximately 30,000 square feet on a portion of the approximately 3-acre parcel. The new building will also require new truck and forklift access roads from both Dale Road and connecting to their existing manufacturing complex on the adjacent 1747 Dale Road parcel due

ATTACHMENT 2

NIAGARA TRANSFORMER CORP. BROWNFIELD CLEANUP PROGRAM

west of the proposed project. Please refer to Figure 1-2 for a detailed Site Plan for the proposed project.

The expansion will enable NTC to continue to expand and grow their business as the size and complexity of the custom manufactured transformers continues to increase. It is anticipated that this initial expansion phase will result in NTC adding 20 highly skilled employees to their workforce. It is intended that the design of the building will be flexible to allow for future expansion if business conditions are favorable.

Known and Suspected Environmental Conditions

In 2007, when initial planning began for potential manufacturing expansion, NTC was evaluating several locations for the project including the 1755 Dale Road parcel. Due to concerns arising from the activities conducted on this parcel by the remedial contractor in 1996/1997 (i.e., poor housekeeping practices, tracking of soils between parcels, equipment decontamination practices, etc.) as described above, NTC decided to perform a preliminary soils investigation on the vacant parcel to screen for the presence of polychlorinated biphenyl (PCBs). The investigation consisted of:

- 40 shallow soil samples collected from the upper six inches of soil/fill on a fifty foot grid interval spacing across the parcel and analyzed for PCBs; and
- Seven soil borings conducted to six feet below grade surface primarily to assess soil characteristics for proposed building foundation design considerations. At each boring location, samples from across the entire boring depth collected and composited and analyzed for PCBs to screen for their presence.

The results of the soil sampling investigation were transmitted to the NYSDEC and indicated that PCB concentrations were detected at concentrations exceeding the 6 NYCRR Part 375 PCB soil cleanup objectives for residential, restricted residential or commercial uses (i.e., greater than 1 ppm) or industrial use of the parcel (i.e., greater than 25 ppm). Concentrations were noted to be higher in the surficial soil samples in the southwestern portion of the property and particularly near the western property boundary. Lower concentrations (i.e., typically less than 10 ppm), however, were found to be widespread in the northern half of the parcel as well as in the southeast. This investigation was conducted specifically to assess PCB impacts in soils. No other parameters or media were evaluated as part of this investigation.

Based on the results of a recently conducted Phase I Environmental Site Assessment, the parcel had a history of use prior to the 1970s by railroads and in part for storage of construction materials and as a scrap yard. It may be inferred from these past uses that other impacts in the form of petroleum based volatile organic compounds (VOCs) and semi-volatile compounds

ATTACHMENT 2

NIAGARA TRANSFORMER CORP. BROWNFIELD CLEANUP PROGRAM

(SVOCs), or heavy metals from scrapping operations may be possible on the property. These potential impacts will be assessed as part of the planned Remedial Investigation for the BCP.

Schedule

NTC is proposing the following approximate timetable for the BCP activities associated with the proposed NTC manufacturing expansion project:

- | | |
|---|------------------------|
| 1. Submit Final BCP application and RI/IRM Work Plans: | August 24, 2009 |
| 2. NYSDEC Application & RI/IRM Work Plan Review/Comments: | September 11, 2009 |
| 3. Advertise BCP/Distribute Fact Sheet | September 14, 2009 |
| 4. Public Comment Period: | Sept 14 –Oct. 15, 2009 |
| 5. Finalize and Approval of Work Plan: | October 26, 2009 |
| 6. BCA Reviewed/Executed: | November 9, 2009 |
| 7. RI and IRM Field Work | Nov. 9 – Dec 11, 2009 |
| 8. Prepare RI/IRM/AA Report | Dec. 14 – Jan 29, 2010 |
| 9. Submit RI/IRM/AA Report | February 1, 2010 |
| 10. Public Comment Period | Feb. 1 – March 24,2010 |
| 11. NYSDEC Approval of RI/IRM/AA Report: | April 12, 2010 |

ATTACHMENT 3

NIAGARA TRANSFORMER CORP. BROWNFIELD CLEANUP PROGRAM

PREVIOUS ENVIRONMENTAL INVESTIGATIONS

Niagara Transformer Corp conducted a limited environmental investigation of the 1755 Dale Road parcel in November 2007 when the property was initially considered for an expansion project that was contemplated as encompassing both the 1755 parcel and the adjacent 1.5 acre vacant parcel directly adjacent to and east of this parcel that is also owned by Niagara Transformer Corp. The investigation on 1755 Dale Road consisted of:

- Collection of forty (40) shallow (0-6 inches deep) soil samples on a fifty foot grid interval spacing across the parcel and analysis for total polychlorinated biphenyls (PCBs); and
- Advancement of seven (7) deeper (0-6 feet deep) soil borings and collection of soil composite samples from each boring for analysis of total PCBs. The seven soil boring locations were selected primarily to assess subsurface soil conditions for foundation design purposes and were located in areas projected for excavation for building footers. Samples collected from these seven locations were analyzed for PCBs, however as the samples were composited across the entire six foot boring depth, assignment of any detected PCB impacts to a particular depth is not feasible based on the sample collection method.
- Installation of one (1) temporary monitoring well, PZ-01 (1-inch diameter and 12 feet deep) at soil boring location SB-66 and collection of one groundwater sample from the well for analysis of total PCBs.

The results of the soil sampling investigation were transmitted to the NYSDEC and indicated that PCB concentrations were detected at concentrations exceeding the 6 NYCRR Part 375 PCB soil cleanup objectives for restricted residential or commercial uses (i.e., greater than 1 ppm) or restricted industrial use of the parcel (i.e., greater than 25 ppm). Concentrations were noted to be higher in the surficial soil samples in the southwestern portion of the property and particularly near the western property boundary. Lower concentrations (i.e., typically less than 10 ppm), however, were found to be widespread in the northern half of the parcel as well as in the southeast. The groundwater analysis of the single sample collected from PZ-01 indicated a concentration of 6.76 ug/L.

A summary of the sampling results for the surface soils, soil boring locations and groundwater is presented in attached Table 1 and a site map illustrating sample locations on the property is attached (refer to Sheet 1 – Dale Rd Expansion Sampling Results dated 12/13/07).

ATTACHMENT 3

NIAGARA TRANSFORMER CORP. BROWNFIELD CLEANUP PROGRAM

This investigation was conducted specifically to assess PCB impacts in soils. No additional investigations were subsequently performed on the Property.

TABLE 1
 SOIL ANALYTICAL RESULTS AND NOTES
 POLYCHLORINATED BIPHENYLS
 NIAGARA TRANSFORMER CORPORATAION, CHEEKTOWAGA, NY
 1755 Dale Road Property

1	ND
2	2.96
3	0.819
4	1.12
5	0.423
10	0.515
11	0.628
12	2.31
13	0.594
14	0.509
15	0.67
16	2.08
17	2.23
18	7.61
25	1.65
28	2.26
29	33
30	6.99
31	2.13
32	28.4
39	0.735
40	138
42	1060
43	443
44	58.7
45	ND
46	ND
53	ND
54	0.888
56	90.4
57	0.389
60	ND
64	0.403
65	0.919
67	1.4
68	44.3
69	11.2
70	ND
71	ND
72	2.42

SB-26	1.65
SB-27	92.1
SB-41	ND
SB-55	76.7
SB-58	ND
SB-59	ND
SB-66	ND

PZ-01	6.76
-------	------

Notes:

ND = Non-detect

Table By: AML
 Checked By: JCH
 Reviewed By: PTM

ATTACHMENT 4

NIAGARA TRANSFORMER CORP. BROWNFIELD CLEANUP PROGRAM

LISTING OF PREVIOUS SITE OWNERS

Previous site ownership as excerpted from the August 4, 2009 update of Abstract of Title is summarized below. No information was available as to the existence of previous operators on the proposed BCP parcel.

OWNER NAME	DATES OF OWNERSHIP/OCCUPANCY	NOTES
Imogene Ray	?? to Feb. 15, 1917	
Perry E. Wurst and Besse Baker	Feb 15, 1917 to Jan.6, 1920	
Buffalo Steel Car Company, Inc.	Jan. 6, 1920 to Nov. 14, 1928	
General American Tank Car Corp.	Nov.14, 1928 to April 7, 1947	Changed name to General American Transportation Corp. on April 11, 1933
Wiesner –Rapp Co., Inc.	April 7, 1947 to April 1, 1954	
Buffalo Envelope Co., Inc.	April 1, 1954 to May 15, 1959	Changed name to Michigan-Carroll Inc. on May 4, 1959
Buffalo Envelope Co., Inc.	May 15, 1959 to June 18, 1965	
William G. Kistner and William E. Kistner	June 18, 1965 to March 10, 1980	
William E. Kistner	March 10, 1980 to May 27, 1983	
Pontiac Firewood Corporation	May 27, 1983	No Certificate of Incorporation found for Pontiac Firewood Corp.
Niagara Transformer Corp.	May 27, 1983 to Present	

ATTACHMENT 6

NIAGARA TRANSFORMER CORP.
BROWNFIELD CLEANUP PROGRAM

DOCUMENT REPOSITORY CONFIRMATION LETTER

Please refer to attached confirmatory letter to the Cheektowaga Public Library, Anna M. Reinstein Branch that they have agreed to serve as the public document repository for the Site.

Golder Associates Inc.
2221 Niagara Falls Boulevard
Suite 9
Niagara Falls, NY USA 14304
Telephone: (716) 215-0650
Fax: (716) 215-0655



July 9, 2009

Ms. Chris Bazan, Branch Director
Cheektowaga Public Library
Anna M. Reinstein Memorial Branch
2580 Harlem Road
Cheektowaga, NY 14225

Re: Document Repository for Niagara Transformer 1755 Dale Road Project
NYSDEC Brownfield Cleanup Program

Dear Ms. Bazan:

Per my telephone conversation with you, thank you for agreeing to the Cheektowaga Public Library, Anna M. Reinstein Branch acting as the document repository for the above-referenced site. We will be forwarding the Brownfield Cleanup Program Application and associated documents for review by the interested public.

Please contact us if you have any questions or require additional information.

Sincerely,

GOLDER ASSOCIATES INC.

A handwritten signature in black ink that reads 'Patrick T. Martin'.

Patrick T. Martin, P.E.
Senior Consultant

F:\N: G:\Projects\093-89144-02 NF BCP SERVICES\Reports\BCP Application\
BCP Application Attachments\Letter to Cheektowaga Library Document Repository 070809.doc

ATTACHMENT 7

NIAGARA TRANSFORMER CORP. BROWNFIELD CLEANUP PROGRAM

ENVIRONMENTAL FACTORS & HISTORIC LAND USE

The location of important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats or endangered or threatened species and flood plains on or proximate to the proposed BCP property at 1755 Dale Road was assessed utilizing the following on-line resources:

- New York State Department of Environmental Conservation (NYSDEC)
- United States Fish & Wildlife Service (USFWS)
- New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP)
- Federal Emergency Management Agency (FEMA)

The results of the review of these databases were cross referenced with the Erie County Geographic Information Systems (GIS) Mapping System and found to be consistent (please refer to Figure 7-1).

According to the NYSDEC's Environmental Resource Mapper (<http://www.dec.ny.gov/animals/38801.html>), no rare plants or animals, state-regulated wetlands, or Natural Communities are near the proposed BCP property.

According to the USFWS National Wetlands Inventory (<http://www.fws.gov/wetlands/Data/Mapper.html>), there are no federally-regulated wetlands on the proposed BCP property or any adjoining properties.

According to the NYSOPRHP GIS-Public Access (<http://nysparks.state.ny.us/shpo/resources/index.htm>), there are no Cultural Resources on the proposed BCP property.

According to the FEMA (<http://www.fema.gov/>), the proposed BCP property is not within a flood plain.

The following provides a brief summary of the findings relative to environmental factors and historic land use:

- There are no federal or state designated wetlands on or proximate to the proposed BCP Property.

ATTACHMENT 7

NIAGARA TRANSFORMER CORP. BROWNFIELD CLEANUP PROGRAM

- There are no protected waterways or water bodies on or proximate to the proposed BCP Property
- The proposed BCP Property is not located within a designated 100-year floodplain
- There are no threatened or endangered species, nor important plant habitats listed at the Property.
- There are no known cultural or archeological resources on the Property.

Please refer to Figure 7-1 for a map confirming the location of the nearest federal and state wetlands and the absence of floodplains in the vicinity of the Property.

ATTACHMENT 8

NIAGARA TRANSFORMER CORP. BROWNFIELD CLEANUP PROGRAM

NEARBY LAND USE

The 3.2-acre property is owned by Niagara Transformer Corporation is a vacant undeveloped parcel. Based on a review of historical maps and aerial photos the property has been vacant since the late 1950s and possibly even longer. No evidence of former buildings, structures, foundations, etc. are visible. The property is bounded by Dale Road to the north; CSX Railroad corridor to the south; the property boundary of the Niagara Transformer manufacturing complex at 1747 Dale Road parcel to the west; and a 1.5 acre vacant parcel also owned by Niagara Transformer Corp to the east. Please refer to Figure 1-2 in Attachment 1 for the Site location.

Beyond the directly adjacent properties described above, the land use in the surrounding area is predominantly commercial or industrial. Please refer to Figure 8-1 (Regional Land Use Map) for a detailed breakdown of the surrounding land use as obtained from the Erie County, New York GIS Mapping System. The exception to the commercial or industrial use in the immediate vicinity of the proposed BCP property (i.e., within a quarter-mile radius) are three parcels on Dale Road to the west of the property that are identified as “Community Service” in the land use mapping key. These parcels are church-owned cemeteries (i.e., St. Adalberts and Rosary Polish).

GROUNDWATER VULNERABILITY ASSESSMENT

Based on the current knowledge of existing on-site contamination (as described in more detail in Attachment 3), the potential for impacts to off-site groundwater from this site is deemed to be very low based on several key factors including the shallow depth of the impacts (generally 0 to 6 inches below grade, the low mobility of PCBs in soils and the low solubility in groundwater. It is noted that PCBs have not been detected in shallow groundwater from monitoring well MW-9S located off-site on the southeast side of the adjacent 1747 Dale Rd parcel for the past three years. While the groundwater flow direction from the proposed BCP Property is uncertain at this time, it is assumed to be flowing in a southerly or southwesterly direction and this well is assumed to be a reasonable indicator of the potential for off-site groundwater impacts from the site. One groundwater sample was collected from a temporary well designated as PZ-01 (Soil Boring location SB-66) and installed during the 2007 investigation conducted by Niagara Transformer. Arochlor 1260 was detected at a concentration of 6.76 µg/L in the sample. This is the only groundwater data that is directly attributed to the 1755 Dale Rd Site and an assessment of overall impacts to Site groundwater from this single data point is not feasible without further groundwater characterization as proposed in the Remedial Investigation Work Plan.

The area encompassing the subject property and surrounding area has been serviced for many years by municipal supplied water through the Erie County Water Authority. Groundwater in the area has not been developed or used for industrial, agricultural, or public supply purposes due to this long-standing public supply availability. Consequently, no groundwater supply wells are present in the vicinity of the Niagara Transformer property and since the groundwater currently has no beneficial use based on the area's commercial/industrial setting, it is unlikely to be used in the foreseeable future.

DESCRIPTION of SITE GEOGRAPHY/GEOLOGY

1.0 SITE GEOGRAPHY

1.1 LAND USE AND DEMOGRAPHY

The Site is located in an area zoned for industrial and commercial development in the Town of Cheektowaga, Erie County, NY. The Site is currently owned by Niagara Transformer Corp. Land use surrounding the Site includes primarily industrial and commercial properties, with some vacant properties (see Figure 10-1). The population of the Town of Cheektowaga in 2000 was 94,019 (2000 U.S. Census). The 2007 population estimate for the Town of Cheektowaga was 88,389 (a decline of 6 %). The 2000 population in Erie County was 950,265 compared to the 2008 estimated population of 909,845 (a decline of 4.3%). The average household income in the Town of Cheektowaga in 2000 was \$44,419.

1.2 SITE TOPOGRAPHY AND DRAINAGE

The proposed Niagara Transformer Corp BCP Site is generally flat. The United States Geological Survey Buffalo, SW, New York Quadrangle (see Figure 1-1 in Attachment 1) indicates that overall Site generally slopes gently south toward the CSX rail properties corridor . As a result of this relief, any storm water or runoff generated from the property generally flows towards an east-west drainage ditch located along the southern boundary of the parcel. However, historically it has been observed by the property owner that most of the precipitation is retained on-site and infiltrates into the permeable upper strata of soil/fill across the site.

1.3 SITE STRUCTURES AND VEGETATION

The proposed BCP Site contains no structures, buildings or improvements from prior operations. The land surface is heavily vegetated with voluntary indigenous shrubs, grasses, weeds, and mature as well as emergent trees.

ATTACHMENT 10

NIAGARA TRANSFORMER CORP. BROWNFIELD CLEANUP PROGRAM

2.0 SITE GEOLOGY

The United States Department of Agriculture Soil Survey of Erie County, New York indicates that the Site is covered by surface soil classified as Urban Land; soil consisting of paved, foreign, or disturbed soils. Drilling logs from monitoring wells and borings performed on or adjacent to the parcel on 1747 Dale Road indicate that the localized geology consists of the following:

- A granular soil/fill unit consisting of a mixture of organic loam, silt and some fine sand mixed with fill, gravel and miscellaneous concrete, slag and brick approximately 1 to 2 feet thick;
- A silty clay unit with some clay approximately 2-4 feet thick;
- A fine sand lens (not present in all borings) with some silt approximately 1-2 feet thick; and
- A silty clay to clay unit approximately 4 – 6 feet thick.

Measurements taken in several monitoring wells adjacent and just west of the Site indicate that the water table depth is seasonably highly variable and ranges from 3 to 7 feet below grade.

The area encompassing the subject property has been serviced for many years by municipal supplied water through the Erie County Water Authority. Groundwater in the area has not been developed or used for industrial, agricultural, or public supply purposes due to this long-standing public supply availability. Consequently, no groundwater supply wells are present on the 3.2-acre Niagara Transformer property.