



**Department of  
Environmental  
Conservation**

**State Superfund Program**

**Citizen Participation Plan  
For  
K&K Stripping Site  
Site No. 826021**

1920 Buell Avenue  
Village of Lima  
Livingston County, New York

August 2015

# Contents

<u>Section</u>	<u>Page Number</u>
1. What is New York’s State Superfund Program? .....	3
2. Citizen Participation Activities.....	3
3. Major Issues of Public Concern.....	8
4. Site Information.....	8
5. Investigation and Cleanup Process .....	9
Appendix A: Project Contacts and Locations of Reports and Information.....	14
Appendix B: Site Contact List.....	13
Appendix C: Site Location Map.....	16

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**Note:** The information presented in this Citizen Participation Plan was current as of the date of its approval by the New York State Department of Environmental Conservation. Portions of this Citizen Participation Plan may be revised during the site’s investigation and cleanup process.

Responsible Party: **Kenneth Schreib (former owner/operator)**  
Site Name: **K&K Stripping**  
Site Address: **1920 Buell Avenue, Lima, NY**  
Site County: **Livingston County**  
Site Number: **826021**

## **1. What is New York's State Superfund Program?**

New York's State Superfund Program (SSF) identifies and characterizes suspected inactive hazardous waste disposal sites. Sites that pose a significant threat to public health or the environment, such as the site identified above, undergo a process of investigation, evaluation, cleanup, and monitoring.

The New York State Department of Environmental Conservation (NYSDEC) administers the SSF Program with assistance and input from the New York State Department of Health (NYSDOH). When the parties responsible for the contamination of the site are known ("responsible parties"), they often pay for or perform the investigation and evaluation of cleanup options under an enforceable consent order. At sites where responsible parties cannot be found or are unable or unwilling to fund an investigation, the State pays for the investigation and may try to recover costs from a responsible party after the investigation and cleanup are complete.

The SSF program contains investigation and cleanup requirements, ensuring that cleanups protect public health and the environment. For more information about the SSF program, go online at: <http://www.dec.ny.gov/chemical/8439.html> .

## **2. Citizen Participation Activities**

### *Why NYSDEC Involves the Public and Why It Is Important*

NYSDEC involves the public to improve the process of investigating and cleaning up contaminated sites, and to enable citizens to participate more fully in decisions that affect their health, environment, and social well being. NYSDEC provides opportunities for citizen involvement and encourages early two-way communication with citizens before decision makers form or adopt final positions.

Involving citizens affected and interest in site investigation and cleanup programs is important for many reasons. These include:

- Promoting the development of timely, effective site investigation and cleanup programs that protect public health and the environment

- Improving public access to, and understanding of, issues and information related to a particular site and that site's remedial process
- Providing citizens with early and continuing opportunities to participate in NYSDEC's site investigation and cleanup process
- Ensuring that NYSDEC makes site investigation and cleanup decisions that benefit from input that reflects the interests and perspectives found within the affected community
- Encouraging dialogue to promote the exchange of information among the affected/interested public, State agencies, and other interested parties that strengthens trust among the parties, increases understanding of site and community issues and concerns, and improves decision making.

This Citizen Participation (CP) Plan provides information about how NYSDEC will inform and involve the public during the investigation and cleanup of the site identified above. The public information and involvement program will be carried out with assistance, as appropriate, from the County of Livingston, the current owner of the site.

#### *Project Contacts*

Appendix A identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site's investigation and cleanup program. The public's suggestions about this CP Plan and the CP program for the site are always welcome. Interested people are encouraged to share their ideas and suggestions with the project contacts at any time.

#### *Locations of Reports and Information*

The locations of the reports and information related to the site's remedial program also are identified in Appendix A. These locations provide convenient access to important project documents for public review and comment. Some documents may be placed on the NYSDEC web site. If this occurs, NYSDEC will inform the public in fact sheets distributed about the site and by other means, as appropriate.

### *Site Contact List*

Appendix B contains the site contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and cleanup process. The site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project. These will include notifications of upcoming activities at the site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

The site contact list includes, at a minimum:

- chief executive officer and planning board chairperson of each county, city, town and village in which the site is located;
- residents, owners, and occupants of the site and properties adjacent to the site;
- the public water supplier which services the area in which the site is located;
- any person who has requested to be placed on the site contact list;
- the administrator of any school or day care facility located on or near the site for purposes of posting and/or dissemination of information at the facility;
- location(s) of reports and information.

The site contact list will be reviewed periodically and updated as appropriate. Individuals and organizations will be added to the site contact list upon request. Such requests should be submitted to the NYSDEC project contact(s) identified in Appendix A. Other additions to the site contact list may be made at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

### *CP Activities*

The table at the end of this section identifies the CP activities that will be conducted during the site's investigation and cleanup program. The public is informed about these CP activities through fact sheets and notices distributed at significant points during the program. Elements of the investigation and cleanup process that match up with the CP activities are explained briefly in Section 4.

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up a site.
- **Public forums, comment periods and contact with project managers** provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a site's investigation and cleanup.

The public is encouraged to contact project staff at any time during the site's investigation and cleanup process with questions, comments, or requests for information.

This CP Plan may be revised due to changes in major issues of public concern identified in Section 3 or in the nature and scope of remedial activities. Modifications may include additions to the site contact list and changes in planned citizen participation activities.

#### *Technical Assistance Grant*

The site identified above poses a significant threat to public health or the environment, so that a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying community group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development/implementation of a remedy.

An eligible community group must certify that its membership represents the interests of the community affected by the site, and that its members' health, economic well-being, or enjoyment of the environment may be affected by a release or threatened release of contamination at the site.

For more information about TAGs, visit: <http://www.dec.ny.gov/regulations/2590.html>.

Note: The table identifying the citizen participation activities related to the site's investigation and cleanup program follows on the next page:

Citizen Participation Activity	Timing of CP Activity
<b>Before Start of Remedial Investigation (RI):</b>	
<ul style="list-style-type: none"> <li>- Prepare site contact list</li> <li>- Establish document repository</li> <li>- Prepare Citizen Participation (CP) Plan</li> <li>- Place approved RI Work Plan in document repository</li> <li>- Distribute fact sheet to site contact list that announces availability of RI Work Plan and describes upcoming RI field work</li> </ul>	<p>Before start of RI. Note: Draft CP Plan must be submitted to NYSDEC within 20 days of effective date of Consent Order. CP Plan must be approved by NYSDEC before distribution.</p>
<b>When NYSDEC Approves Remedial Investigation Report:</b>	
<ul style="list-style-type: none"> <li>- Distribute fact sheet to site contact list that describes RI results</li> <li>- Place approved RI Report in document repository</li> </ul>	<p>When NYSDEC approves RI Report</p>
<b>When NYSDEC Releases Proposed Remedial Action Plan (PRAP):</b>	
<ul style="list-style-type: none"> <li>- Place PRAP in document repository</li> <li>- Distribute fact sheet to site contact list that describes PRAP and announces 30-day comment period and public meeting</li> <li>- Conduct 30-day public comment period</li> <li>- Hold public meeting about PRAP</li> </ul>	<p>When NYSDEC releases PRAP. Comment period begins/ends as per dates identified in fact sheet. Public meeting is held during the comment period.</p>
<b>When NYSDEC Issues Record of Decision (ROD):</b>	
<ul style="list-style-type: none"> <li>- Place ROD in document repository</li> <li>- Distribute notice to site contact list that announces availability of ROD. ROD includes responsiveness summary of significant comments about PRAP</li> </ul>	<p>When NYSDEC issues ROD</p>
<b>Before Start of Remedial Action:</b>	
<ul style="list-style-type: none"> <li>- Distribute fact sheet to site contact list that describes upcoming remedial action</li> </ul>	<p>Before the start of remedial action at the site.</p>
<b>When NYSDEC Issues Certificate of Completion (COC) or Similar Site Closure Document:</b>	
<ul style="list-style-type: none"> <li>- Place COC in document repository</li> <li>- Distribute fact sheet to site contact list that announces issuance of COC</li> </ul>	<p>Within 10 days after NYSDEC issues COC or other similar site closure document</p>

### 3. Major Issues of Public Concern

This section of the CP Plan identifies major issues of public concern that relate to the site. Additional major issues of public concern may be identified during the course of the site's investigation and cleanup process.

Major issues that have been identified include:

- The potential for direct human contact with contaminated surface soils on the site
- Truck traffic through the Village of Lima during remediation and disposal of contaminated soils
- The potential for airborne contaminant releases as a result of remedial work activities to off-site receptors, including nearby residences.

### 4. Site Information

Appendix C contains a map identifying the location of the site.

#### *Site Description*

Location: 1920 Buell Ave, Lima, Livingston County, New York 14485

Setting: Urban

Site size: 0.4 acre (approximately)

Adjacent Properties: Primarily residential properties immediately east of the Site. Mixed commercial and residential properties north, west, and south of the Site.

#### *History of Site Use, Investigation, and Cleanup*

**Prior and current use(s):** The Site includes an approximate 3,300 square foot, one-story commercial building (Tax Parcel ID 37.14-1-21.2) on a relatively flat parcel in the Village of Lima, NY. The commercial building operated as a furniture stripping business until October 2000. It has been vacant since then and is in a state of disrepair. Grassy areas are present over most of the property with overgrown brush in the rear of the property and a small paved area located behind the building.

**Contaminants related to the site that are known or suspected:** The contaminants of concern at the Monroe Electronics site include heavy metals (lead and zinc) and industrial solvents. Solvents reportedly used during operations included acetone, toluene, methy-ethyl ketone (MEK), methanol, and methylene chloride.

**Previous environmental assessments, investigations, and/or cleanup activities performed at the site:** This Site has been the subject of two NYSDEC criminal investigations (1997-1998 and 2009-2010) and a hazardous waste removal action by NYSDEC in 2009. Reportedly the operator/owner was dumping waste solvents into the

village sewer system causing waste water treatment plant upsets and high metals in sludge. Samples collected in the sanitary sewer upstream of the municipal sewer main indicated volatile organic compounds (VOCs) and metals being discharged to the sewer system. Data also showed mishandling of hazardous waste with evidence of solvent spillage on the concrete floors and high lead levels in the gravel driveway.

In 2011, the NYSDEC performed a Site Characterization (SC) at the Site to determine if it should be listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites (the Registry). As part of the investigation, sampling of groundwater, soil gas, surface water, surface and subsurface soil, and standing liquid in building sumps was conducted. Surface soils showed significant lead contamination near the former loading area and overhead doors. Concentrations as high as 14,300 ppm of lead and 4,710 ppm of zinc were detected, well above applicable cleanup levels. Lead was also detected at a concentration of 1,850 ppm within the building footprint in a sub-slab soil sample.

**When and under what circumstances was the site determined to be a significant threat to public health and/or the environment and given Class 2 status?** Due to the documented disposal of hazardous waste, elevated lead and zinc concentrations in surface soil, and unrestricted access to the site, the NYSDEC and NYSDOH determined that the site represented a significant threat to public health and the environment. The site was included on the Registry in May 2012 as a Class 2 site requiring further action.

## **5. Investigation and Cleanup Process**

### *Investigation*

A detailed study of the site will be performed by NYSDEC and NYSDOH. This detailed study is officially called a "Remedial Investigation". The investigation work plan is officially called a "Remedial Investigation Work Plan" and is available for public review at the "Locations of Reports and Information" identified in Appendix A.

The site investigation has several goals:

- 1) To define the nature and extent of contamination in soil, surface water, groundwater and any other parts of the environment that may be affected;
- 2) To identify the source(s) of the contamination;
- 3) To assess the impact of the contamination on public health and the environment; and
- 4) To provide information to support the development of a proposed remedy to address the contamination.

NYSDOH reviews and recommends activities that will be performed during the investigation to ensure that a complete picture of potential health impacts is understood. Such activities include identifying the ways contamination can reach people, such as through direct contact, eating, drinking, or breathing.

The information collected during the site investigation will be summarized in a report.

### *Feasibility Study*

After the site investigation has begun, NYSDEC will conduct a “Feasibility Study.” This study uses information developed during the site investigation to develop and evaluate potential ways to clean up contamination related to the site. Another possibility is that the information collected during the site investigation may support the conclusion that no action, or no further action, is needed to address site-related contamination.

### *Proposed Remedy*

The evaluation of possible remedies ends with a recommended proposal to eliminate the threat posed by contaminants at the site. NYSDEC approves or prepares this proposal, officially called a “Proposed Remedial Action Plan” or PRAP). The PRAP describes the remedy preferred by NYSDEC, or a no action or no further action alternative. The PRAP summarizes the decision that led to the recommendation of the preferred remedy by discussing each alternative and the reasons for choosing or rejecting it. The goal of any cleanup plan is to protect public health and the environment. NYSDEC will present the PRAP to the public for its review and comment during a 30-day comment period and at a public meeting.

### *Selected Remedy*

NYSDEC considers public comments as it selects the remedy to address contamination related to the site. The selected remedy will be described in a document officially called a “Record of Decision” (ROD). The ROD will explain why the remedy was selected and respond to public comments. This document will be placed in the location of reports and information. If the selected remedy is no action or no further action, NYSDEC may then take steps to reclassify the site or remove the site from its list of contaminated sites.

### *Cleanup Action*

If the Record of Decision for the site calls for cleanup action, the project then moves to designing and performing the cleanup actions to address the site contamination. When cleanup actions have been completed, NYSDEC will approve or prepare a final

engineering report that describes the cleanup actions undertaken and certifies that cleanup requirements have been achieved or will be achieved.

### *Certificate of Completion*

Upon approval of the final engineering report, NYSDEC may issue a Certificate of Completion (COC). The COC would recognize the findings of the final engineering report. The COC would note that the cleanup program achieved a cleanup level consistent with specific categories of use for the site. The recipient of the COC would be entitled to limited liability as long as it complied with the terms of the COC, and other conditions.

A COC may be modified or revoked if, for example, the recipient does not comply with the terms of the COC, or if the recipient commits fraud regarding its certification that it has met cleanup levels.

### *Site Management*

Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. Site management may be conducted by NYSDEC, or by the responsible party under NYSDEC oversight, if contamination will remain in place. Site management incorporates any institutional and engineering controls required to ensure that the remedy implemented for the site remains protective of public health and the environment. All significant activities are detailed in a Site Management Plan.

An institutional control is a non-physical restriction on use of the site, such as a deed restriction that would prevent or restrict certain uses of the property. An institutional control may be used when the cleanup action leaves some contamination that makes the site suitable for some, but not all uses.

An engineering control is a physical barrier or method to manage contamination. Examples include: caps, covers, barriers, fences, and treatment of water supplies.

Site management also may include the operation and maintenance of a component of the remedy, such as a system that is pumping and treating groundwater. Site management continues until NYSDEC determines that it is no longer needed.

During the Site Management phase, NYSDEC may also take steps to reclassify the site or remove the site from the Registry.

## **Appendix A**

### **Project Contacts and Locations of Reports and Information**

#### **Project Contacts**

For information about the site's investigation and cleanup program, the public may contact any of the following project staff:

#### **New York State Department of Environmental Conservation (NYSDEC):**

Eric Hausamann  
Project Manager  
NYSDEC Central Office  
Division of Environmental Remediation  
625 Broadway, Albany, NY 12233-7012  
Phone: 518-402-9814

Linda Vera  
Citizen Participation Specialist  
NYSDEC Region 8  
6274 Avon-Lima Rd.  
Avon, NY 14414-9516  
585-226-5324

#### **New York State Department of Health (NYSDOH):**

Melissa Doroski  
Project Manager  
NYSDOH  
Empire State Plaza - Corning Tower,  
Room #1787  
Albany, NY 12237  
518-402-7860

#### **Locations of Reports and Information**

The facilities identified below are being used to provide the public with convenient access to important project documents:

Lima Public Library  
1872 Genesee Street  
Lima, NY 14485  
Attn: Cathy Allen  
585-582-1311

NYSDEC Region 8  
6274 Avon-Lima Rd.  
Avon, NY 14414-951  
Attn: Linda Vera  
Hours: call for appointment  
585-226-5324

**Appendix B  
Site Contact List**

LOCAL GOVERNMENTS:

Town of Lima

Pete Yendell, Town Supervisor  
7329 East Main Street  
Lima, NY 14485  
Phone: 585-582-1130

Jennifer Shanks, Town Clerk  
7329 East Main Street  
Lima, NY 14485  
Phone: 585-582-1130

George Gotcsik, Planning Board  
Chairperson  
7329 East Main Street  
Lima, NY 14485  
Phone: 585-582-1293

Village of Lima

Carl Luft, Mayor  
7329 East Main Street  
Lima, NY 14485  
Phone: 585-624-2210

County of Livingston

Eric R. Gott, Chairman of the Board  
6 Court Street  
Geneseo, NY 14454  
Phone: 585-346-5262

Ian M. Coyle, County Administrator  
6 Court Street  
Geneseo, NY 14454  
Phone: 585-243-7040

Angela Ellis, County Planner  
6 Court Street  
Geneseo, NY 14454  
Phone: 585-243-7550

Jennifer Rodriguez, Director of Health  
2 Murray Hill Drive  
Mt Morris, NY 14510  
Phone: 585-243-7270

Connie C. Hayes, Legislative Clerk  
417 Liberty Street  
Penn Yan, NY 14527  
Phone: 315-536-5150

Kevin Niedermaier, Emerg. Mgt. Dir.  
3360 Gypsy Lane  
Mt. Morris, NY 14510  
Phone: 585-243-7160

STATE GOVERNMENT:

Catharine M. Young, State Senator 57th  
700 West State Street  
Olean, NY 14760  
Phone: 800-707-0058

Bill Nojay, Assemblyman  
3011 Rochester Road  
Lakeville, NY 14480  
Phone: 585-346-0002

Eric T. Schneiderman, Attorney General  
144 Exchange Boulevard  
Rochester, NY 14614  
Phone: 585-546-7430

Department of Health (email only)  
Melissa Doroski, Public Health  
Specialist  
Melissa.doroski@health.ny.gov

Department of Environmental  
Conservation (email only)  
Eric Hausamann, Project Manager  
eric.hausamann@dec.ny.gov

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Rochester, NY 14610

News Editor  
WHEC-TV 10  
191 East Avenue  
Rochester, New York 14604

News Editor  
WHAM-TV 13  
4225 West Henrietta Road  
Rochester, New York 14623

Editor, The Livingston County News  
122 Main Street  
Geneseo, NY 14485

**SCHOOLS (within 1 mile of the Site):**

Lima Elementary School  
7342 College Street  
Lima, NY 14485  
Phone: 585-624-7140

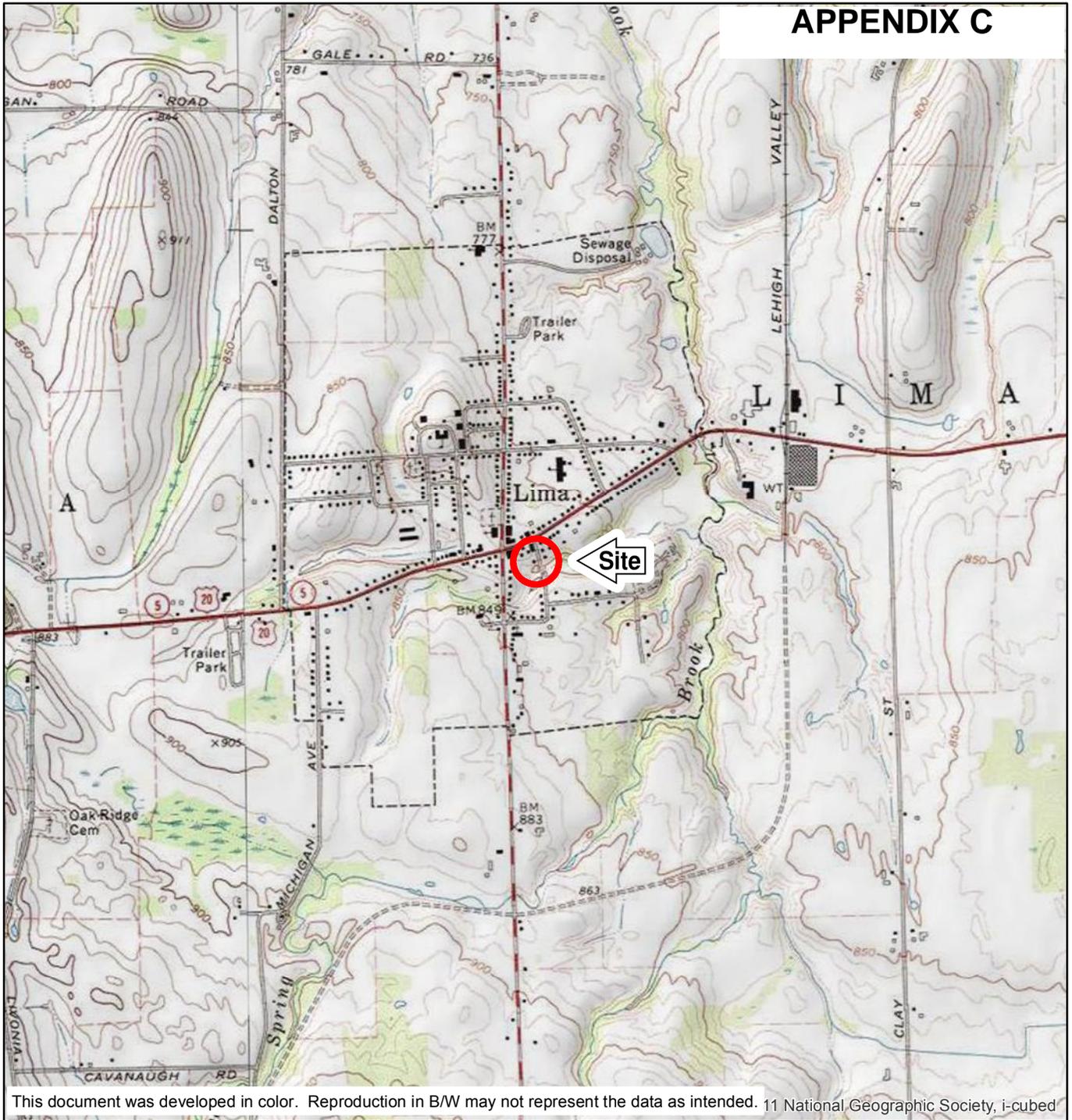
Lima Christian School  
1575 Rochester Street  
Lima, NY 14485  
Phone: 585-624-3841

**DAY CARE FACILITIES (within 1 mile of  
the Site):**

Great Expectations Childcare  
7289 Slocum Road  
Lima, NY 14485  
585-624-5630

# APPENDIX C

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MAP LOCATION

NYSDEC  
K&K STRIPPING  
1920 BUELL AVENUE  
LIMA, NEW YORK  
SITE NO. 826021

## SITE LOCATION MAP

