



**New York State Department of Environmental Conservation**

**Brownfield Cleanup Program**

**Citizen Participation Plan**  
for  
**The Kearney Realty & Development Group, Inc.**

**Queen City Lofts**  
**178-182 Main Street, 11 South Bridge Street,**  
**And a Portion of 15 South Bridge Street**  
**Poughkeepsie, New York 12601**

August 2016

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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.

Applicant: **The Kearney Realty & Development Group, Inc. (Applicant)**  
Site Address: **178-182 Main Street, 11 South Bridge Street, and a portion of 15 South Bridge Street (“site”)**  
Site County: **Dutchess**  
Site Number: **C314125**

## **1. What is New York’s Brownfield Cleanup Program?**

New York’s Brownfield Cleanup Program (BCP) works with private developers to encourage the voluntary cleanup of contaminated properties known as “brownfields” so that they can be reused and developed. These uses include recreation, housing, and business.

A *brownfield* is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination. A brownfield typically is a former industrial or commercial property where operations may have resulted in environmental contamination. A brownfield can pose environmental, legal, and financial burdens on a community. If a brownfield is not addressed, it can reduce property values in the area and affect economic development of nearby properties.

The BCP is administered by the New York State Department of Environmental Conservation (NYSDEC) which oversees Applicants that conduct brownfield site investigation and cleanup activities. An Applicant is a person who has requested to participate in the BCP and has been accepted by NYSDEC. The BCP contains investigation and cleanup requirements, ensuring that cleanups protect public health and the environment. When NYSDEC certifies that these requirements have been met, the property can be reused or redeveloped for the intended use.

For more information about the BCP, go online at: <http://www.dec.ny.gov/chemical/8450.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 wellbeing. 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 investigation and cleanup 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; and
- 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 Applicant.

#### *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 investigation and cleanup 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, at a minimum, that have been and will be conducted during the site's investigation and cleanup program. The flowchart in Appendix D shows how these CP activities integrate with the site investigation and cleanup process. 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 5.

- **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 investigation and cleanup activities. Modifications may include additions to the site contact list and changes in planned citizen participation activities.

### *Technical Assistance Grant*

NYSDEC must determine if the site poses a significant threat to public health or the environment. This determination generally is made using information developed during the investigation of the site, as described in Section 5.

If the site is determined to be a significant threat, a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying 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, go online at <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 Requirements (Activities)	Timing of CP Activity(ies)
<b>Application Process:</b>	
<ul style="list-style-type: none"> <li>• Prepare site contact list</li> <li>• Establish document repositories</li> </ul>	At time of preparation of application to participate in the BCP.
<ul style="list-style-type: none"> <li>• Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period</li> <li>• Publish above ENB content in local newspaper</li> <li>• Mail above ENB content to site contact list</li> <li>• Conduct 30-day public comment period</li> </ul>	When NYSDEC determines that BCP application is complete. The 30-day public comment period begins on date of publication of notice in ENB. End date of public comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice, and notice to the site contact list should be provided to the public at the same time.
<b>After Execution of Brownfield Site Cleanup Agreement:</b>	
<ul style="list-style-type: none"> <li>• Prepare Citizen Participation (CP) Plan</li> </ul>	Before start of Remedial Investigation
<b>Before NYSDEC Approves Remedial Investigation (RI) Work Plan:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan</li> <li>• Conduct 30-day public comment period</li> </ul>	Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet. Thirty-day public comment period begins/ends as per dates identified in fact sheet.
<b>After Applicant Completes Remedial Investigation:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes RI results</li> </ul>	Before NYSDEC approves RI Report
<b>Before NYSDEC Approves Remedial Work Plan (RWP):</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list about proposed RWP and announcing 45-day public comment period</li> <li>• Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager)</li> <li>• Conduct 45-day public comment period</li> </ul>	Before NYSDEC approves RWP. Forty-five day public comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day public comment period.
<b>Before Applicant Starts Cleanup Action:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes upcoming cleanup action</li> </ul>	Before the start of cleanup action.
<b>After Applicant Completes Cleanup Action:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that announces that cleanup action has been completed and that summarizes the Final Engineering Report</li> <li>• Distribute fact sheet to site contact list announcing issuance of Certificate of Completion (COC)</li> </ul>	At the time NYSDEC approves Final Engineering Report. These two fact sheets are combined if possible if there is not a delay in issuing the COC.

### **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.

The site is located in a potential Environmental Justice Area. Environmental justice is defined as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Environmental justice efforts focus on improving the environment in communities, specifically minority and low-income communities, and addressing disproportionate adverse environmental impacts that may exist in those communities.

The site is located in an area with a sizable Hispanic-American population nearby. Therefore, all future fact sheets will be translated into Spanish.

This section of the CP Plan identifies major issues of public concern, if any, that relate to the site. Additional major issues of public concern may be identified during the Site's remedial process.

Implementation of the BCP process at this site will benefit most stakeholders, who include residents of the area, by investigating and remediating known contamination and allowing for new residential opportunities. Current exposure to site contaminants is limited since the property is vacant and fenced. The area is served by a public water supply and therefore there is no exposure to groundwater. Potential exposure to Site contaminants during investigation and remediation will be addressed by adherence to a Health and Safety Plan (HASP) and a Community Air Monitoring Plan (CAMP), which will be implemented during site investigation and remediation. Any potential odors, nuisances or air quality concerns which may affect the community during remediation will be addressed by adherence to the Odor, Dust, and Nuisance Control Plan, which will be included in the Remedial Action Work Plan.

### **4. Site Information**

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

#### *Site Description*

Location: 178-182 Main Street and 11 South Bridge Street, Poughkeepsie, New York

Setting: urban

Site Size: 0.68-acre

Adjacent Properties: residential, institutional, and mixed-use properties.



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

The site consists of three vacant parcels and was previously used as a sculpture park. The site was historically utilized for residential and commercial purposes until the early to mid-1980s when former on-site structures were demolished.

Previous investigations have documented petroleum contaminated soils at the northeastern portion of the Site. Metals and pesticide contamination was also identified in fill materials throughout the majority of the Site. The source of the documented soil contamination is consistent with historical manufacturing operations or other commercial uses and possibly debris materials from the demolition of former on-site structures.

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

### *Application*

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program as a Volunteer. This means that the Applicant was not responsible for the disposal or discharge of the contaminants or whose ownership or operation of the site took place after the discharge or disposal of contaminants. The Volunteer must fully characterize the nature and extent of contamination onsite, and must conduct a "qualitative exposure assessment," a process that characterizes the actual or potential exposures of people, fish and wildlife to contaminants on the site and to contamination that has migrated from the site.

The Applicant proposes that the site will be used for mixed-use (residential and commercial) purposes.

To achieve this goal, the Applicant will conduct investigation and cleanup activities at the site with oversight provided by NYSDEC. The Brownfield Cleanup Agreement executed by NYSDEC and the Applicant sets forth the responsibilities of each party in conducting these activities at the site.

### *Investigation*

The Applicant completed a partial site investigation before it entered into the BCP. For the partial investigation, NYSDEC will determine if the data are useable.

The Applicant will conduct an investigation of the site officially called a "remedial investigation" (RI). This investigation will be performed with NYSDEC oversight. The Applicant must develop a remedial investigation work plan, which is subject to public comment.

The site investigation has several goals:

- 1) Define the nature and extent of contamination in soil, surface water, groundwater and any other parts of the environment that may be affected;
- 2) Identify the source(s) of the contamination;
- 3) Assess the impact of the contamination on public health and the environment; and
- 4) Provide information to support the development of a proposed remedy to address the contamination or the determination that cleanup is not necessary.

When the investigation is complete, the Applicant will prepare and submit a report that summarizes the results. This report also will recommend whether cleanup action is needed to address site-related contamination. The investigation report is subject to review and approval by NYSDEC.

NYSDEC will use the information in the investigation report to determine if the site poses a significant threat to public health or the environment. If the site is a “significant threat”, it must be cleaned up using a remedy selected by NYSDEC from an analysis of alternatives prepared by the Applicant and approved by NYSDEC. If the site does not pose a significant threat, the Applicant may select the remedy from the approved analysis of alternatives.

#### *Remedy Selection*

When the investigation of the site has been determined to be complete, the project likely would proceed in one of two directions:

1. The Applicant may recommend in its investigation report that no action is necessary at the site. In this case, NYSDEC would make the investigation report available for public comment for 45 days. NYSDEC then would complete its review, make any necessary revisions, and, if appropriate, approve the investigation report. NYSDEC would then issue a “Certificate of Completion” (described below) to the Applicant.

**or**

2. The Applicant may recommend in its investigation report that action needs to be taken to address site contamination. After NYSDEC approves the investigation report, the Applicant may then develop a cleanup plan, officially called a “Remedial Work Plan”. The Remedial Work Plan describes the Applicant’s proposed remedy for addressing contamination related to the site.

When the Applicant submits a proposed Remedial Work Plan for approval, NYSDEC would announce the availability of the proposed plan for public review during a 45-day public comment period.

### *Cleanup Action*

NYSDEC will consider public comments, and revise the draft cleanup plan if necessary, before approving the proposed remedy. The New York State Department of Health (NYSDOH) must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy.

The Applicant may then design and perform the cleanup action to address the site contamination. NYSDEC and NYSDOH oversee the activities. When the Applicant completes cleanup activities, it will prepare a Final Engineering Report (FER) that certifies that cleanup requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the cleanup is protective of public health and the environment for the intended use of the site.

### *Certificate of Completion*

When NYSDEC is satisfied that cleanup requirements have been achieved or will be achieved for the site, it will approve the final engineering report. NYSDEC then will issue a Certificate of Completion (COC) to the Applicant. The COC states that cleanup goals have been achieved, and relieves the Applicant from future liability for site-related contamination, subject to certain conditions. The Applicant would be eligible to redevelop the site after it receives a COC.

### *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 the Applicant 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.

## **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):**

Douglas MacNeal  
Project Manager  
NYSDEC Division of Environmental  
Remediation - Bureau B  
625 Broadway  
Albany, New York 12233-7016  
Ph. (518) 402-9564  
douglas.macneal@dec.ny.gov

Sarah Shepard  
Public Affairs Officer, NYSDEC  
21 South Putt Corners Road  
New Paltz, NY 12561  
Ph. (845) 256-3154  
sarah.shepard@dec.ny.gov

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

Stephanie Selmer, Public Health Specialist,  
Bureau of Environmental Exposure Investigation  
New York State Department of Health Corning Tower, Room 1787  
Albany New York 12237  
Ph. (518) 402-7860  
stephanie.selmer@health.ny.gov

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

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

Deborah Weltsch  
Poughkeepsie Public Library District  
93 Market Street  
Poughkeepsie, NY 12601  
845-485-3445

## **Appendix B Site Contact List**

### **Public Officials:**

City of Poughkeepsie Mayor  
Rob Rolison  
City Hall  
62 Civic Center Plaza  
Poughkeepsie, NY 12601  
(845) 451-4073

City Administrator of City of Poughkeepsie  
Ronald J. Knapp  
62 Civic Center Plaza  
Poughkeepsie, NY 12601  
(845) 451-4072

City of Poughkeepsie Building Planning & Zoning  
City Hall – 2nd Floor  
62 Civic Center Plaza  
Poughkeepsie, NY 12601  
(845) 451-4007

Judith Knauss  
Deputy Zoning Administrator  
(845) 451-4010  
Kathy Rodriguez  
Municipal Secretary  
(845) 451-4007

City of Poughkeepsie Planning Board Chairperson  
Thomas J. O’Neill  
62 Civic Center Plaza  
Poughkeepsie, NY 12601  
(845) 451-4007

City Chamberlain of City of Poughkeepsie  
Deanne Flynn  
62 Civic Center Plaza  
Poughkeepsie, NY 12601  
(845) 451-4276

Dutchess County Planning Board Commissioner  
Eoin Wrafter  
27 High Street  
Poughkeepsie, NY 12601  
(845) 486-3600

Dutchess County Executive  
Marcus J. Molinaro  
22 Market Street  
Poughkeepsie, NY 12601  
(845) 486-2000

**Media:**

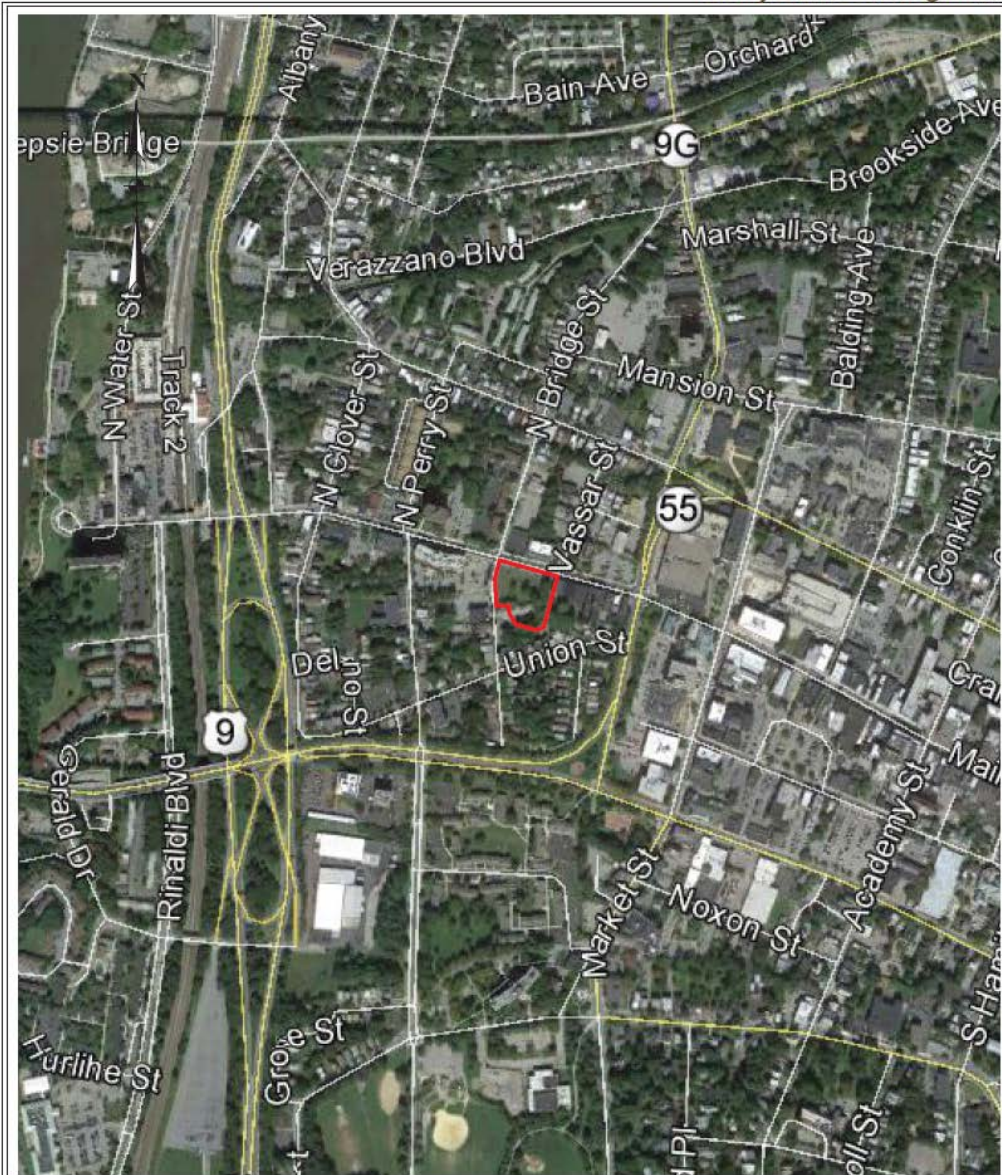
Poughkeepsie Journal  
85 Civic Center Plaza  
Poughkeepsie, NY 12601  
(845) 454-2000

**Public Water Supplier:**

City of Poughkeepsie Department of Public Works  
Jesse Purcell, Clerk of the Works  
DPW Compound  
26 Howard Street  
Poughkeepsie, NY 12601  
(845) 451-4263

# Appendix C Site Location Map

Ecosystems Strategies, Inc.

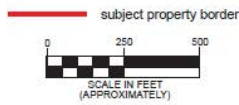


All feature locations are approximate. This map is intended as a schematic to be used in conjunction with the associated report, and it should not be relied upon as a survey for planning or other activities.

**Figure 1 - Site Location Map**

178-182 Main Street, 11 South Bridge Street  
and a portion of 15 South Bridge Street  
City of Poughkeepsie  
Dutchess County, New York

Legend:



ESI File: KP15045.50

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Appendix A

# Appendix D– Brownfield Cleanup Program Process

