



New York State Department of Environmental Conservation

Brownfield Cleanup Program

Citizen Participation Plan

For

130 Midland Avenue

Port Chester, NY 10573

Site No. C360195

January 2021

January 2021

Contents

| <u>Section</u> | <u>Page Number</u> |
|---|--------------------|
| 1. What is New York’s Brownfield Cleanup 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..... | 12 |
| Appendix B - Site Contact List | 13 |
| Appendix C - Site Location Map | 18 |
| Appendix D - Brownfield Cleanup Program Process..... | 19 |

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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: **130 Midland Ave Owner LLC**
Site Name: **130 Midland Avenue (“Site”)**
Site Address: **130 Midland Avenue, Port Chester, NY 10573**
Site County: **Westchester**
Site Number: **C360195**

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 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 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 website. 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 was 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; and
- 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) |
|--|---|
| Application Process: | |
| <ul style="list-style-type: none"> • Prepare site contact list • Establish document repositories | At time of preparation of application to participate in the BCP. |
| <ul style="list-style-type: none"> • Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period • Publish above ENB content in local newspaper • Mail above ENB content to site contact list • Conduct 30-day public comment period | 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. |
| After Execution of Brownfield Site Cleanup Agreement: | |
| <ul style="list-style-type: none"> • Prepare Citizen Participation (CP) Plan | Before start of Remedial Investigation |
| Before NYSDEC Approves Remedial Investigation (RI) Work Plan: | |
| <ul style="list-style-type: none"> • Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan • Conduct 30-day public comment period | 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. |
| After Applicant Completes Remedial Investigation: | |
| <ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes RI results | Before NYSDEC approves RI Report |
| Before NYSDEC Approves Remedial Work Plan (RWP): | |
| <ul style="list-style-type: none"> • Distribute fact sheet to site contact list about proposed RWP and announcing 45-day public comment period • Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager) • Conduct 45-day public comment period | 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. |
| Before Applicant Starts Cleanup Action: | |
| <ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes upcoming cleanup action | Before the start of cleanup action. |
| After Applicant Completes Cleanup Action: | |
| <ul style="list-style-type: none"> • Distribute fact sheet to site contact list that announces that cleanup action has been completed and that summarizes the Final Engineering Report • Distribute fact sheet to site contact list announcing issuance of Certificate of Completion (COC) | 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. There are no known issues of public concern at this time. However, once the remediation commences, there may be concerns regarding odors, noise or truck traffic coming from the Site.

Additional major issues of public concern may be identified during the course of the Site’s investigation and cleanup process.

4. Site Information

The approximately 6.23 acre “Site,” which is the subject of this application, consists of a single tax parcel (142.53-1-5) with a collective property address of 130 Midland Avenue, Port Chester, New York. See Exhibits C, Site Location Map, 1000 Square Foot Radius Maps and Exhibit D Tax Map.

| Section | Block | Lot | Official Address | Acreage |
|---------|-------|-----|--------------------|------------|
| 142.53 | 1 | 5 | 130 Midland Avenue | 6.23 |
| | | | Project Site Total | 6.23 acres |

See attached Site Location Map. The Site is located adjacent to the following properties:

| Compass Direction | Adjacent Properties |
|-------------------|---|
| West | Metro North Railroad tracks (active), small tree line, department stores (west of tracks bordering property), parking lot |
| North | Metro North Railroad tracks (active), BMW of Greenwich car dealership (service center and parking lot), DSW Designer Warehouse, tree line |
| East | Midland Avenue, apartment buildings, various storefronts (Michael’s Pizza, Dunkin’ Donuts, Small Village Café) |
| South | Parking lot for Home Depot, Sherwin-Williams Paint Store, tree line |

The Site contains a large building which contains multiple storefronts (grocery store, liquor store, dry cleaners and pizzeria), with a large parking lot which surrounds the building on the southeast, northeast and northwest sides. The Site is fenced on the northwest, northern, and south sides. The eastern, northern and western portion of the lot is covered with asphalt in fair condition, while the remaining portions of the Site are covered by vegetation (south). The structure on site is currently in use as an active liquor store and pizzeria, while the largest portion of the building is vacant. There is also a portion of the building between the pizzeria and the Liquor store that is vacant as well. There is a tree line that separates the site from the railroad tracks along the northwest border of the site.

History of Site Use, Investigation, and Cleanup

Historically, the Site had been used for industrial, commercial and retail operations. Operations on the Site began around the turn of the 20th century in the commercial sector, and throughout its history the property was a host of multiple industrial companies, including heavy manufacturing.

Based on the Phase I Environmental Site Assessment by completed by PM Environmental (PM) in May 2019, the subject property was found to be initially developed prior to 1908 with the construction of a large industrial building which contained a car barn, boiler room and power plant along with two residential dwellings located in the northeastern corner of the subject property. Under site reconnaissance, PM found that the property was operated as the New York and Stamford Railway Company. An additional industrial building was constructed on the southeast side of the property between 1908 and 1915 and utilized as a railroad car barn and paint shop and the boiler room in the building on the northeast corner was converted to an electrical substation. Railroad spurs onto the subject property were added by 1919. By 1934, the two residential dwellings were removed and the building on the southeast corner was converted for use as bus storage and repair for the County Transportation System and the northeastern building was vacant. In 1950, this building was used as a nut and bolt manufacturing facility as well as automotive storage for Russell Burdsall and Ward Bolt and Nut. This use continued until between 1971 and 1974 when all former structures were demolished, and the property became vacant land. The current retail building was constructed on the subject property in 1983. PM Environmental under a review of municipal records and local street directories documents determined that tenants of the subject building have generally consisted of a grocery store, restaurants, wine and liquor store, dry cleaner, shoe store, and a card and gift shop since initial construction. Currently, only a pizza restaurant and wine and liquor store are in operation. All remaining tenant units are unoccupied on the property.

5. Investigation and Cleanup Process

Application

The Applicant has applied for and been accepted into New York's BCP 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 the contaminants. The Volunteer has agreed to fully characterize the nature and extent of contamination on-site, remediate the Site and 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.

To achieve this goal, the Applicant will conduct any remaining investigation and cleanup activities at the Site with oversight provided by NYSDEC and the NYS Department of Health (NYSDOH). 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 will be conducting an investigation of the Site officially called a “remedial investigation” (RI). This investigation will be performed with NYSDEC oversight. The Applicant has developed a remedial investigation work plan, which will be reviewed by the NYSDEC and Health Department and then implemented. The remedial investigation work plan 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, which is called a Final Remedial Investigation Report. 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” or “COC” (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 Action 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 Remedial Action Work Plan if necessary, before approving the proposed remedy. The State Health Department 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 State Health 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 FER. 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):

Elisa Chae, Esq.
NYS Dept. of Environmental Conservation
Office of General Counsel
21 South Putt Corners Road
New Paltz, NY 1256 – 1620
Email: elisa.chae@dec.ny.gov

Kimberly Junkins
NYS Dept. of Environmental Conservation
Division of Environmental Remediation
21 South Putt Corners Road
New Paltz, NY 12561 - 1620
Email: kimberly.junkins@dec.ny.com
(845) 633-5457

New York State Department of Health (NYSDOH):

Gregory Rys
New York State Department of Health – Herkimer District Office
5665 NYS Route 5
Herkimer, NY 13350
Email: Gregory.rys@health.ny.gov
(315) 619-3194

Locations of Reports and Information:

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

New York State Department of
Environmental Conservation
Public Locator Link:
<https://www.dec.ny.gov/data/DecDocs/C360195/>

Port Chester-Rye Brook Public Library
1 Haseco Avenue
Port Chester, New York 12573
(914) 939 – 6710

Appendix B - Site Contact List

Federal Government Officials

Hon. Kristen Gillibrand
U.S. Senate
780 Third Ave., Suite 2301
New York, NY 10017
kirsten_gillibrand@gillibrand.senate.gov

Hon. Charles Schumer
U.S. Senate
780 Third Ave., Suite 2301
New York, NY 10017
Scheduling_schumer@schumer.senate.gov

Hon. Mondaire Jones
U.S. House of Representatives
222 Mamaroneck Avenue
White Plains, NY 10605
info@mondaireforcongress.com

Local Government Officials

Richard A. Falanka, Mayor
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573
RFalanka@PortChesterNY.gov

Christopher Steers, Village Manager
Village Board of Trustees
222 Grace Church Street
Port Chester, NY 10573
CSteers@PortChesterNY.gov

Stuart L. Rabin, Acting Village Manager
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573
SRabin@PortChesterNY.gov

Planning and Zoning Boards
Westchester County
148 Martine Avenue
White Plains, New York
nvvl@westchestergov.com

Eric Zamft, Director of Planning
Village of Port Chester
222 Grace Church Street, Suite 202
Port Chester, NY 10573
EZamft@PortChesterNY.gov

Regina Glenon
Senior Office Assistant, Building Department
222 Grace Church Street
Port Chester, NY 10573
(914) 881-4553
RGlenon@PortChesterNY.gov

Hon. Steven Otis
NYS Assembly, District 91
222 Grace Church Street
Port Chester, NY 10573
OtisS@nyassembly.gov

Hon. Shelly Mayer
NY Senate, District 37
222 Grace Church St. Suite 300
Port Chester, NY 10573
smayer@nysenate.gov

Local News Media

The Journal News
1 Gannet Drive
White Plains, NY 10604
(914) 694-9300
mstaley@localiq.com
mmwarner@localiq.com

Westmore News
38 Broad Street
Port Chester, NY 10573

New York Daily News
4 New York Plaza
New York, NY 10004

New York Post
1211 Avenue of the Americas
New York, NY 10036

The Public water supplier that services the area where the site is located:

Suez Water Westchester
2525 Palmer Avenue
New Rochelle, New York 10801
(914) 632 – 6900

The Administrator of Any School or Day Care Facility Located on or Near the Property

Weber Drive Child Center
11 Weber Drive
Port Chester, NY 10573
Port Chester Housing Authority, Owner
(914) 690 – 9503

Site Occupants

Antonio's Pizza
130 Midland Avenue
Port Chester, NY 10573

Vaccaro's Wine and Spirits
124 Midland Avenue
Port Chester, NY 10573

Appendix C - Site Location Map



January 12, 2021

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Appendix D– Brownfield Cleanup Program Process

