



**Department of
Environmental
Conservation**

State Superfund Program

Citizen Participation Plan

**Tim Bayly Property - Off-Site
Site No. C442043A**

June 2018

Tim Bayly Property - Off-Site
City of Rensselaer
Rensselaer County, New York

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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.

Site Name: **Tim Bayly Property - Off-Site**
Site Address: **800 Broadway, Rensselaer**
Site County: **Rensselaer**
Site Number: **C442043A**

1. Introduction

The New York State Department of Environmental Conservation (NYSDEC), in cooperation with the New York State Department of Health (NYSDOH), is investigating off-site contamination associated with historical operations at the Tim Bayly Property, located at 800 Broadway in Rensselaer, NY (Figure 1). This Citizen Participation (CP) Plan outlines how NYSDEC will inform and involve the affected and/or interested public during the off-site investigation and cleanup activities. Reports and information that relate to the on- and off-site investigation and cleanup programs is available at the Document Repository locations (see Appendix A).

The on-site investigation and cleanup of the Tim Bayly Property is being addressed separately and under New York's Brownfield Cleanup Program (BCP). More information about the on-site investigation and cleanup is available at the Document Repositories (as described herein) under the Site No. C442043.

The off-site investigation and cleanup activities (which are the subject of this CP Plan) are being performed under the State Superfund (SSF) Program, pursuant to Environmental Conservation Law Section 27-1411.5. Administered by NYSDEC's Division of Environmental Remediation (DER), the SSF is designed to identify and characterize inactive hazardous waste disposal sites that pose a significant threat to public health and/or the environment, and to implement appropriate cleanup activities. More information about the off-site investigation and cleanup is available in the Document Repositories under the Site No. C442043A.

Current environmental and health assessments for the on-site and off-site projects can be viewed online by entering the appropriate site code (*i.e.*, Site No.C442043 for on-site or C442043A for off-site) at the following website:

<https://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3>

2. Citizen Participation Activities

This Citizen Participation (CP) Plan provides information about how NYSDEC will inform and involve the public during the off-site investigation and cleanup described above. This CP Plan may be updated as the scope of investigation and cleanup activities develops.

2.1. Project Contacts

Appendix A identifies the NYSDEC and NYSDOH project managers. 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.

2.2. Document Repository Locations

Reports and information that relate to the site's investigation and cleanup program will be available at the Document Repository locations 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 notify the public, as described herein.

2.3. Site Contact List

A site contact 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 on the status of the project. This will include notifications of upcoming activities at the site (such as fieldwork), as well as the availability of project documents and announcements about public comment periods. Appendix B contains a public version of the site contact list (some records are withheld from this version for privacy reasons).

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 (*i.e.*, Document Repositories).

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 manager identified in Appendix A. Other additions to the site contact list may be made at the discretion of the NYSDEC project manager.

2.4. Planned Citizen Participation Activities

NYSDEC will keep the community informed during the site investigation and cleanup process by sending information to the site contact list, such as:

- when major site activities are scheduled;
- when there are major advancements in the process; and
- if potential impacts to public health or the environment are identified based on the investigation results.

NYSDEC uses notices and fact sheets to present the contamination issues related to a site and to describe the steps and overall progress of the investigation and cleanup. In addition, public forums, comment periods and open communication lines with the project managers provide opportunities for the public to contribute information, opinions and perspectives that may influence decisions about the off-site investigation and cleanup.

The first site fact sheet (usually related to the Remedial Investigation) is distributed both by paper mailing through the postal service and through DEC Delivers, NYSDEC's email listserv service. The fact sheet includes instructions for signing up with the appropriate county listserv to receive future notifications about this project. Information on receiving fact sheets is also online at <http://www.dec.ny.gov/chemical/61092.html> .

Subsequent fact sheets about the site will be distributed exclusively through the listserv except for households without internet access that have indicated the need to continue to receive site information in hardcopy form. Please advise the NYSDEC site project manager identified in Appendix A if hardcopy fact sheets are preferred. Hardcopy mailings may continue during the investigation and cleanup process for some sites, based on public interest.

2.5. Technical Assistance Grant

Because the site identified above poses a significant threat to public health or the environment, 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 contamination from the site. For more information about TAGs, go to <http://www.dec.ny.gov/regulations/2590.html> .

3. Site Information

3.1. Site Location

The off-site study area surrounds the Tim Bayly Property (Figure 1), which is located at 800 Broadway in the City of Rensselaer, Rensselaer County. To the south of the site is Partition Street, to the east is 1st Street, and to the north is Harrison Avenue. The off-site area will be defined based on the results of the upcoming investigation.

3.2. Site Features

The 0.081-acre Tim Bayly Property is a rectangular parcel on the corner of Broadway and Partition Street, with approximately 44 feet fronting on Broadway and 91 feet fronting on Partition Street. The building on the parcel is being redeveloped for commercial use. There is a three-story apartment building directly to the east of the site, an unoccupied building directly to the north, a large railyard to the west and south, and a convenience store to the southeast. The site and off-site study area are approximately 0.2 miles east of the Hudson River.

3.3. Current Zoning and Land Use

The off-site study area is locally zoned Downtown Mixed Use and includes residential and commercial properties.

3.4. Site Background

The Tim Bayly Property (on-site) was used as a dry cleaning operation from at least 1958 to 1978 and then became vacant until remediation was completed in 2017 under the Brownfield Cleanup Program (Site No. C442043). The site has been contaminated with chlorinated volatile organic compounds (specifically, tetrachloroethene and its degradation compounds, including trichloroethene, cis-1,2-dichloroethene and vinyl chloride), which have affected soil, groundwater and/or soil vapor. In addition, metals (specifically lead, chromium, and mercury) and one pesticide (DDT) were detected in surface and/or subsurface soil on-site. Based on the results of the on-site remedial investigation, the contamination appears to have been caused primarily by spills near the base of the former dry cleaning equipment and/or leaks in the building's sewer lateral, which have since been removed or repaired. Remedial actions on-site have met restricted-residential soil cleanup objectives. Remaining on-site soil and groundwater contamination is being managed under a Site Management Plan. However, limited data currently exists for the off-site area. Further investigation is required to determine the nature and extent of any off-site impacts.

3.5. NYSDOH Health Assessment:

Measures are in place to control the potential for coming in contact with subsurface soil and groundwater contamination remaining on the site. Contaminated groundwater at the site is not used for drinking or other purposes and the site is served by a public water supply that obtains water from a different source not affected by this contamination. Volatile organic compounds in the groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. Actions have been taken to address soil vapor intrusion on-site. Additional investigation is needed to evaluate whether further actions are needed to address soil vapor intrusion at other off-site structures.

3.6. Major Issues of Public Concern

Based on the above, the major issue of public concern is the potential for site-related contamination to affect the indoor air quality of buildings on and off-site (*i.e.*, soil vapor intrusion). Additional major issues of public concern may be identified over the course of the site's investigation and cleanup process, which is described in Section 4.

4. Investigation and Cleanup Process

4.1. Remedial Investigation

A detailed study (called a "Remedial Investigation") of the off-site study area will be performed by NYSDEC and its contractors. A Remedial Investigation Work Plan will be prepared and made available for public review at the designated Document Repository locations identified in Appendix A.

The Remedial 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 (if appropriate);
- 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 investigation will be summarized in a Remedial Investigation Report.

4.2. Interim Remedial Measures

An Interim Remedial Measure (IRM) is an action that can be undertaken at a site when a source of contamination or exposure pathway can be effectively addressed before the Remedial Investigation and Feasibility Study (as described below) are completed. If an IRM is likely to represent all or a significant part of the final remedy, NYSDEC will announce a 30-day public comment period.

4.3. Feasibility Study

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

4.4. Proposed Decision Document

Based on the Remedial Investigation and Feasibility Study, NYSDEC will develop a draft cleanup plan, called a “Proposed Decision Document”. This plan describes the remedy preferred by NYSDEC, or, if warranted, a no action or no further action alternative. The draft cleanup plan explains the decision that led to the preferred remedy by discussing each alternative and the reasons for choosing or rejecting it. The goal of the plan will be to ensure the protection of public health and the environment. NYSDEC will announce the draft cleanup plan in a fact sheet, and will make it available to the public for review and comment during a 30-day comment period. If requested, NYSDEC will also present the draft cleanup plan at a public meeting. NYSDOH must concur with the proposed cleanup method.

4.5. Selected Remedy

NYSDEC considers public comments as it selects the remedy to address contamination related to the site. The selected remedy will be formalized in the final “Decision Document”, which will explain why the remedy was selected and provide a response to public comments. This document and key supporting documents will be placed in the Document Repository locations identified in Appendix A. If the Decision Document determines that no cleanup action is necessary for the off-site area, the off-site investigation and cleanup project will be closed.

4.6. Cleanup Action

If the Decision Document calls for cleanup action, NYSDEC will then design and perform the cleanup action to address the off-site contamination. NYSDEC and NYSDOH oversee the activities. 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.

4.7. Site Management

Site management is the last phase of the off-site cleanup program. This phase begins when the Final Engineering Report is approved. The purpose of site management is to ensure the safe reuse of the property 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 will be detailed in a Site Management Plan, if needed.

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.

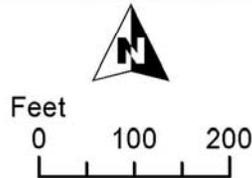
An engineering control is a physical barrier or method to manage contamination. Examples include: caps, covers, barriers, fences, and treatment of water supplies.

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

Figure 1 – Site Location Map



SITE LOCATION MAP
Tim Bayly Property - Off-Site
Site No. C442043A
City of Rensselaer
Rensselaer County, NY



**Department of
Environmental
Conservation**

Appendix A – Project Contacts and Document Repository Locations

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):

Joshua Haugh
Project Manager
NYSDEC Region 4
Division of Environmental Remediation
1130 North Westcott Road
Schenectady, NY 12306-2014
518-357-2008
joshua.haugh@dec.ny.gov

Rick Georgeson
Citizen Participation Specialist
NYSDEC Region 4
Division of Environmental Remediation
1130 North Westcott Road
Schenectady, NY 12306-2014
518-357-2075
rick.georgeson@dec.ny.gov

New York State Department of Health (NYSDOH):

Sara Bogardus
Project Manager
NYSDOH
Empire State Plaza
Corning Tower Room 1787
Albany, NY 12237
518-402-7860
BEEI@health.ny.gov

Document Repository Locations:

Important project documents are available for public review at the following locations or at the NYSDEC Region 4 office (see above under "Project Contacts"):

Rensselaer Public Library
676 East Street
Rensselaer, NY 12144
518-462-1193
Call for Hours

City of Rensselaer Planning &
Economic Development Agency
City Hall
62 Washington Street
Rensselaer, NY 12144
Contact: Charles Moore, AICP, Director
518-465-1693

Appendix B – Site Contact List

Title/Office	Mailing Address
Director Rensselaer Public Library	676 East Street Rensselaer, NY 12144
Director City of Rensselaer Planning and Development	62 Washington Street Rensselaer, NY 12144
Chairman Planning Commission City of Rensselaer Industrial Development Agency	62 Washington Street Rensselaer, NY 12144
Mayor City of Rensselaer	62 Washington Street Rensselaer, NY 12144
Commissioner City of Rensselaer Water Department	62 Washington Street Rensselaer, NY 12144
City Clerk City of Rensselaer	62 Washington Street Rensselaer, NY 12144
President City of Rensselaer Common Council	1 Wallace Terrace Rensselaer, NY 12144
Director Office of Economic Development & Planning Rensselaer County Industrial Development Agency	1600 7th Avenue Troy, NY 12180
County Executive Rensselaer County	5th Floor Rensselaer County Office Building 1600 7th Avenue Troy, NY 12180
County Clerk Rensselaer County Clerk's Office	105 Third Street Troy, NY 12180
Director Rensselaer County Health Department	1600 7th Avenue Troy, NY 12180
Chairman Rensselaer County Legislators	1600 7th Avenue Troy, NY 12180
Department of Public Utilities City of Troy	25 Water Plant Road Troy, NY 12182
Superintendent of Schools Rensselaer City School District	25 Van Rensselaer Drive Rensselaer, NY 12144
Head of School Doane Stuart School	199 Washington Avenue Rensselaer, NY 12144

Title/Office	Mailing Address
The Record	270 River St. Troy, NY 12181 newsroom@troyrecord.com
The Times Union	News Plaza, Box 15000 Albany, NY 12212 tucitydesk@timesunion.com

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