



**NEW YORK**  
STATE OF  
OPPORTUNITY

**Department of  
Environmental  
Conservation**

# **Brownfield Cleanup Program**

## **Citizen Participation Plan for Poestenkill Place Site**

November 2018

C442058  
244-246 First Street  
City of Troy  
Rensselaer County, New York

## Contents

<b><u>Section</u></b>	<b><u>Page Number</u></b>
1. What is New York's Brownfield Cleanup Program? .....	3
2. Citizen Participation Activities.....	3
3. Major Issues of Public Concern.....	9
4. Site Information.....	9
5. Investigation and Cleanup Process .....	10
Appendix A - Project Contacts and Locations of Reports and Information .....	14
Appendix B - Site Contact List.....	15
Appendix C - Site Location Map.....	17
Appendix D - Brownfield Cleanup Program Process.....	18

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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: **Poestenkill Place Limited Partnership (“Applicant”)**  
Site Name: **Poestenkill Place Site (“Site”)**  
Site Address: **244-246 First Street**  
Site County: **Rensselaer**  
Site Number: **C442058**

## **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 who 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 interested 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
- 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.

**Note:** The first site fact sheet (usually related to the draft Remedial Investigation Work Plan) is distributed both by paper mailing through the postal service and through DEC Delivers, its email listserv service. The fact sheet includes instructions for signing up with the appropriate county listserv to receive future notifications about the site. See <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 paper form. Please advise the NYSDEC site project manager identified in Appendix A if that is the case. Paper mailings may continue during the investigation and cleanup process for some sites, based on public interest and need.

### *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.

As of the date the declaration (page 2) was signed by the NYSDEC project manager, the significant threat determination for the site had not yet been made.

To verify the significant threat status of the site, the interested public may contact the NYSDEC project manager identified in Appendix A.

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 Activities	Timing of CP Activity(ies)
<p align="center"><b>Application Process:</b></p> <ul style="list-style-type: none"> <li>• Prepare site contact list</li> <li>• Establish document repository(ies)</li> </ul> <hr/> <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>	
<p align="center"><b>After Execution of Brownfield Site Cleanup Agreement (BCA):</b></p> <ul style="list-style-type: none"> <li>• Prepare Citizen Participation (CP) Plan</li> </ul>	<p>At time of preparation of application to participate in the BCP.</p> <hr/> <p>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.</p>
<p align="center"><b>Before NYSDEC Approves Remedial Investigation (RI) Work Plan:</b></p> <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>	
<p align="center"><b>After Applicant Completes Remedial Investigation:</b></p> <ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes RI results</li> </ul>	<p>Before start of Remedial Investigation</p> <p><b>Note:</b> Applicant must submit CP Plan to NYSDEC for review and approval within 20 days of the effective date of the BCA.</p>
<p align="center"><b>Before NYSDEC Approves Remedial Work Plan (RWP):</b></p> <ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list about draft 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>	
<p align="center"><b>Before Applicant Starts Cleanup Action:</b></p> <ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes upcoming cleanup action</li> </ul>	<p>Before NYSDEC approves RI Report</p>
<p align="center"><b>After Applicant Completes Cleanup Action:</b></p> <ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that announces that cleanup action has been completed and that NYSDEC is reviewing the Final Engineering Report</li> <li>• Distribute fact sheet to site contact list announcing NYSDEC approval of Final Engineering Report and issuance of Certificate of Completion (COC)</li> </ul>	



### **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.

Based on the information collected to date, no major issues of concern have been identified at this site. However, major issues of public concern may be identified over the course of the site's investigation and cleanup process, which is described in Section 5. NYSDEC will keep the community informed throughout this process according to Section 2.

### **4. Site Information**

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

#### *Site Description*

The site is located at 244-246 First Street in the City of Troy, Rensselaer County, New York. The site is approximately 1.88 acres in size and consists of an irregular shaped parcel occupying the majority of the city block bounded by Jefferson Street to the north, Second Street to the east, Ida Street to the south and First Street to the west. Three (3) buildings currently occupy the site. The buildings are currently occupied by commercial tenants and are used for the sales and service of commercial water and wastewater equipment, and the recycling of electronics products. The site is located in a residential and commercial setting. Adjacent property usage is commercial to the north, west and south, and residential and commercial to the east.

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

The site has been used for industrial and commercial purposes from the late 1800s to the present. These uses included a foundry and stove works in the late 1800s and early 1900s, a junkyard in the 1950s, a feed and fertilizer business from the 1950s to the 1960s and building materials warehouses from at least the 1950s to the 1980s. Since the 1980s, the site's eastern building has been occupied by a steel fabricating company until about 2001, a limousine company from approximately 2001 to 2004, a heavy construction equipment rental company from around 2005 to 2015, and is currently occupied by an electronics recycling company since about 2015. The site's southwestern building has been occupied by a heavy construction equipment rental company from approximately 1985 to 2000 and is currently occupied by a water and wastewater equipment sales and service company since about 2000.

An environmental investigation was conducted in 2018 to assess the environmental

quality of the site's soil and groundwater. Results of the investigation indicate that the site is mantled with historic fill material and the site's fill/soil and groundwater are environmentally impacted by semi-volatile organic compounds and metals at levels that exceed New York State regulatory standards and guidance values, which is consistent with what would be expected to be encountered in historic fill material and with the site's former industrial and commercial use. Furthermore, visual and olfactory evidence of petroleum-type impacts was encountered in the site's fill/soil. The environmental quality of the site's fill/soil and groundwater will be further evaluated during the Remedial Investigation.

## **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, in its Application, proposes that the site will be used for restricted purposes.

To achieve this goal, the Applicant will conduct investigation 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 has 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.

The Applicant submits a draft “Remedial Investigation Work Plan” to NYSDEC for review and approval. NYSDEC makes the draft plan available to the public for review during a 30-day public comment period.

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.

#### *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 site investigation and analysis of alternatives are completed. If an IRM is likely to represent all or a significant part of the final remedy, NYSDEC will require a 30-day public comment period.

#### *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 draft Remedial Work Plan for approval, NYSDEC would announce the availability of the draft 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 selected remedy is formalized in the site Decision Document.

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 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*

The purpose of site management is to ensure the safe reuse of the property if contamination will remain in place. Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. 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 pumps and treats 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):**

Drew Hoffert  
Project Manager  
NYSDEC Region 4  
Division of Environmental Remediation  
1130 North Westcott Road  
Schenectady, NY 12306-2014  
Tel: 518-357-2393  
Email: [drew.hoffert@dec.ny.gov](mailto:drew.hoffert@dec.ny.gov)

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

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

Eamonn O'Neil  
Project Manager  
NYSDOH  
Empire State Plaza  
Corning Tower Room 1787  
Albany, NY 12237  
Email: [beei@health.ny.gov](mailto:beei@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:

Troy Public Library  
100 Second Street  
Troy, NY 12180  
Phone: (518) 274-7071  
Hours:  
Mon.–Thurs.: 9AM – 8PM  
Fri. and Sat.: 9AM – 5PM  
Sunday: 1PM – 5PM

NYSDEC Region 4  
1130 North Westcott Road  
Schenectady, NY 12306-2014  
Attn: Drew Hoffert  
Phone: 518-357-2393  
Hours: 8:30AM to 4:45PM  
(Call for appointment)

## Appendix B - Site Contact List

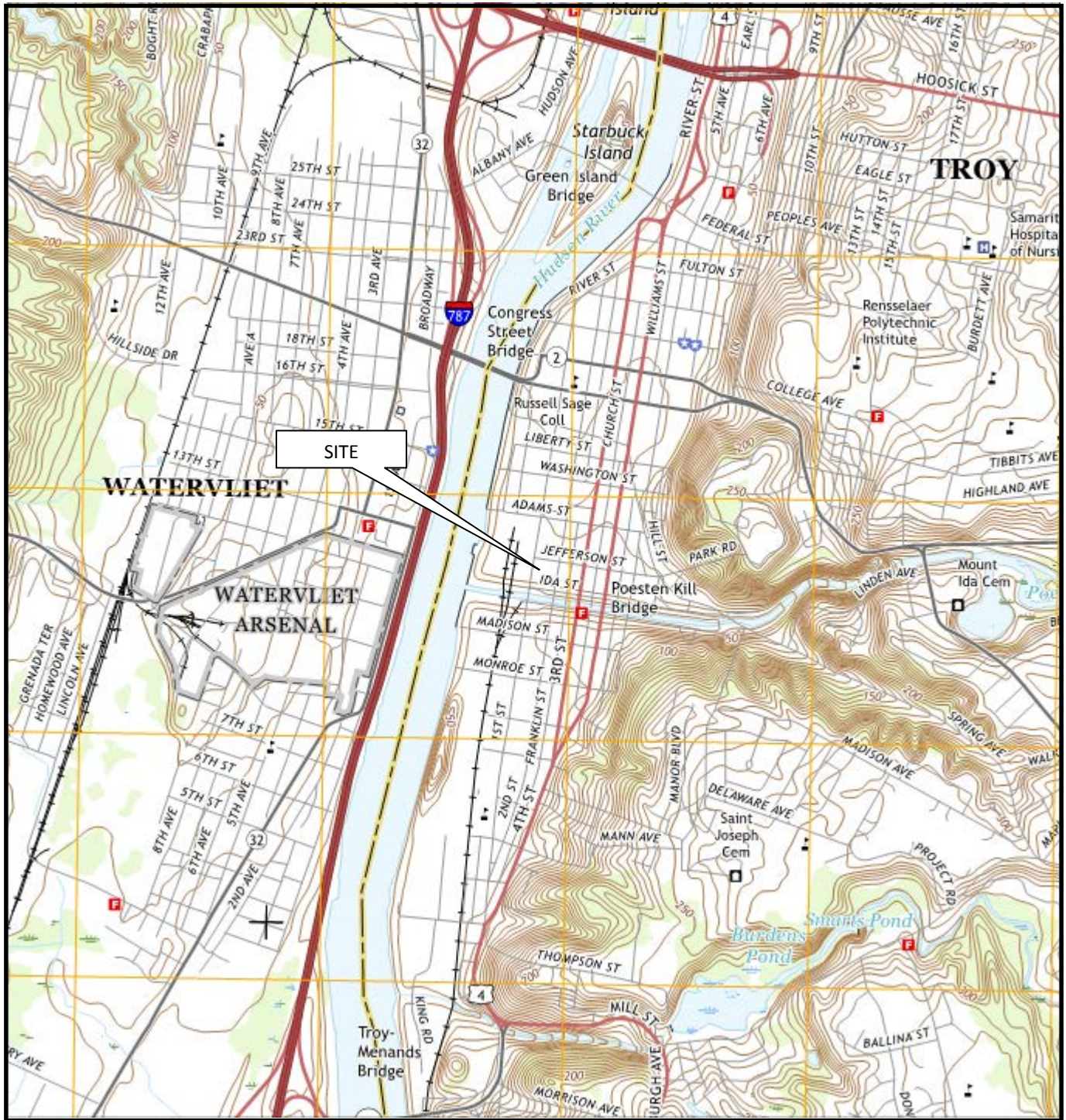
### Contact List Information

<b>Chief Executive Officer and Planning Board Chairperson of County and Town</b>	
Rensselaer County	City of Troy
County Chief Executive Officer Steven F. McLaughlin Ned Pattison Government Center 1600 7 <sup>th</sup> Avenue Troy, NY 12180	Chief Executive Officer Mayor Patrick Madden City of Troy 433 River Street Troy, NY 12180
Planning Board Chairperson Robert Pasinella, Director Rensselaer County Economic Development and Planning 1600 7 <sup>th</sup> Avenue Troy, NY 12180	Planning Board Chairperson Aaron J. Vera, P.E. City of Troy c/o Planning Commission 433 River Street Troy, NY 12180
Chair Rensselaer County Legislature 1600 7 <sup>th</sup> Avenue Troy, NY 12180	City Clerk City of Troy 433 River Street Troy, NY 12180
Director Rensselaer County Health Department 1600 7 <sup>th</sup> Avenue Troy, NY 12180	Carmella Mantello Troy Common Council President 433 River Street Troy, NY 12180
<b>Public Water Supplier</b>	
City of Troy Department of Public Utilities 25 Water Plant Road Troy, NY 12182	
<b>Local News Media</b>	
The Record (Newspaper) Attention: News Director 270 River Triangle, Suite 202B Troy, NY 12180 (518) 270-1200	Times Union (Newspaper) Attention: News Director Box 15000, News Plaza Albany, NY 12212 (518) 454-5694
WNYT-TV Attention: News Director 715 North Pearl Street Albany, NY 12204 (800) 999-9698	WTEN-TV Attention: News Director 341 Northern Boulevard Albany, NY 12204 (518) 436-4822
WRGB-TV Attention: News Director 1400 Balltown Road Schenectady, NY 12309 (518) 346-6666	Spectrum News (TV) Attention: News Director 104 Watervliet Avenue Extension Albany, NY 12206 (518) 656-0171
WMHT-TV Attention: News Director 4 Global View Troy, NY 12180-8375 (518) 880-3400	WGY Radio Attention: News Director 1203 Troy-Schenectady Road Latham, NY 12110 (518) 452-4848

WAMC Northeast Public Radio Attention: News Director PO Box 66600 Albany, NY 12206 (518) 465-5233	
<b>Nearby Schools and Daycare Facilities</b>	
Troy Prep Middle School 2 Polk Street Troy, NY 12180 (518) 445-3100	Carroll Hill School 112 Delaware Avenue Troy, NY 12180 (518) 328-5701
Morning Star Children's Center 159 2 <sup>nd</sup> Street Troy, NY 12180 Tel: (518) 764-2208	A Child's Place at Unity House 435 4 <sup>th</sup> Street Troy, NY 12180 Tel: (518) 271-6777
<b>Document Repositories</b>	
Troy Public Library 100 Second Street Troy, NY 12180 Phone: (518) 274-7071 Hours: Mon.–Thurs.: 9AM – 8PM Fri. and Sat.: 9AM – 5PM Sunday: 1PM – 5PM	NYSDEC Region 4 1130 North Westcott Road Schenectady, NY 12306-2014 Attn: Drew Hoffert Phone : 518-357-2393 Hours: 8:30AM to 4:45PM (Call for appointment)

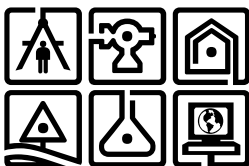


# APPENDIX C: SITE LOCATION MAP



## MAP REFERENCE

United States Geological Survey  
7.5 Minute Series Topographic Map  
Quadrangle: Troy South, NY  
Date: 2016



**C.T. MALE ASSOCIATES**

ENGINEERING, SURVEYING, ARCHITECTURE & LANDSCAPE ARCHITECTURE, D.P.C.

50 CENTURY HILL DRIVE  
LATHAM, NY 12110

## SITE LOCATION MAP

CITY OF TROY

RENSSELAER COUNTY

SCALE: 1:2,000±

DRAFTER: BAW

PROJECT No: 17.7766

The locations and features depicted on this map are approximate and do not represent an actual survey.

## Appendix D– Brownfield Cleanup Program Process

