



New York State Department of Environmental Conservation

THE BROWNFIELD CLEANUP PROGRAM

CITIZEN PARTICIPATION PLAN

For

ASH ROAD PROPERTIES

**221 SYCAMORE ROAD
TOWN OF VESTAL
BROOME COUNTY, NEW YORK**

July 2010

TABLE OF CONTENTS

1	WHAT IS NEW YORK 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

Note: The Information presented in the 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 investigation and cleanup process

Applicant: **West Covina Royale, LP**

Site Address: **221 Sycamore Road, Vestal, New York**

Site County: **Broome County**

Site Number: **C704032**

1 WHAT IS NEW YORK BROWNFIELD CLEANUP PROGRAM?

New York 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 the 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;
- 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 which the public should address questions or request information about the site investigation and cleanup program. The public 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 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 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;
- locations 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 contacts 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 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 investigation and cleanup.

The public is encouraged to contact project staff at any time during the site 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:

Citizen Participation Requirements (Activities)	Timing of CP Activities
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

No major issues of public concern have been identified at the site to date. Major issues of public concern may be identified during the course of the site investigation and cleanup process.

4 SITE INFORMATION

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

Site Description

Location: **Ash Road Properties (portion of Lowe's Home Center)**
 221 Sycamore Road
 Vestal, New York 13850
 Broome County

Estimated Size: **1.54 acres**

Setting: **Suburban**

Adjacent Properties Uses:
 Commercial and Residential

History of Site Use, Investigation, and Cleanup

West Covina Royale, LP is a Volunteer in the Brownfield Cleanup Program (BCP). The Ash Road Properties BCP site is a portion of the Lowe's Home Center property located at 221 Sycamore Road in the Town of Vestal, Broome County, New York. The Lowe's Home Center occupies a 14.47-acre parcel. The Ash Road Properties site encompasses approximately 1.54 acres situated along the southern boundary of the 14.47-acre parcel. The Ash Road Properties site is currently occupied by perimeter parking for the Lowe's Home Center.

A portion of the BCP site was formerly occupied by automotive repair garages that included automotive painting, washing and waxing. The BCP site was also occupied by a plumbing contractor's office and warehouse. There was an intermittent stream that flowed west along the northern boundary of the Ash Road Properties. This drainage was channelized during Lowe's redevelopment of the parcel.

Investigations undertaken by previous property owners identified that a former occupant, Town Square Body Shop, had numerous containers of paints, cleaning solvents, petroleum distillates, thinners and lacquers in their building. Minor amounts of gasoline/kerosene (<5 gallons) were observed at Hall Plumbing. No bulk storage tanks were observed or reported at these two businesses.

Floor drains were present in the Town Square Body Shop and at Hall Plumbing that discharged to the subsurface and ground surface. Dumping of sediments by an off-site business in the intermittent stream on the Hall Plumbing property was also reported. Chlorinated and petroleum compounds were identified in the groundwater at levels that exceed NYSDEC Water Quality Standards.

A Site Characterization Report was completed by NYSDEC in 2009 that included the Ash Road Properties site. The summary of the field investigations indicated that there was a limited source area of primarily chlorinated compounds located in the western portion of the Ash Road Properties site. The contaminants of concern identified as part of this characterization included tetrachloroethene, trichloroethene, *cis* and *trans*-1, 2-dichloroethene, and vinyl chloride. The source area appears to have impacted groundwater quality migrating northwesterly. NYSDEC recommended interim remedial measures and additional remedial investigation of the site.

5 INVESTIGATION AND CLEANUP PROCESS

Application

The Applicant has applied for and been accepted into New York 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 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 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 workplan, 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 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 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 investigation and cleanup program, the public may contact any of the following project staff:

New York State Department of Environmental Conservation (NYSDEC):

Gary Priscott
Project Manager
NYSDEC Region 7 – Kirkwood Sub-office
Division of Environmental Remediation
1679 NY Route 11
Kirkwood, New York 13795
(607) 775-2545

Diane Carlton
Citizen Participation Specialist
NYSDEC Region 7
615 Erie Boulevard West
Syracuse, New York 13240-2400
(315) 426-7413

New York State Department of Health (NYSDOH):

Melissa Menettii
Project Manager
NYSDOH
Bureau of Environmental Exposure Investigation
547 River Street
Troy, New York 12180-2216
(800) 458-1158, Ext.27860

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

Vestal Public Library
320 Vestal Parkway East
Vestal, New York 13850
(607) 754-4243
Hours:
Monday 2:00pm to 9:00pm
Tuesday – Thursday 9:00am to 9:00pm
Friday 9:00am to 6:00pm
Saturday 9:00am to 5:00pm
Sunday 1:00pm to 5:00pm
(Hours may vary seasonally, etc.)

NYSDEC Region 7 – Kirkwood Sub-office
Division of Environmental Remediation
1679 NY Route 11
Kirkwood, New York 13795
Gary Priscott
(607) 775-2545

Please call for an appointment

Appendix B Site Contact List

Local Public Officials:

Barbara J. Fiala
County Executive
Sixth Floor
Broome County Office Building
60 Hawley Street
PO Box 1766
Binghamton, New York 13901
(607) 778-2109

WSKG TV
601 Gates Road
Vestal, New York 13850
PO Box 3000
Binghamton, New York 13902
(607) 729-0100

Local Public Officials (cont.):

Frank Evangelisti
Acting Commissioner-Planning
Fifth Floor
Broome County Office Building
60 Hawley Street
PO Box 1766
Binghamton, New York 13901
(607) 778-2114

Citadel Broadcasting Company
59 Court Street
PO Box 4141
Binghamton, New York 13902
[includes WHWK/WNBF/WAAL/WYOS]
(607) 770-8850

Public Water Supplier:

Pete Andreasen
Town of Vestal Supervisor
605 Vestal Parkway West
Vestal, New York 13850
(607) 748-1514

Scott Groats, Superintendent
Vestal Water Department
Town of Vestal
605 Vestal Parkway West
Vestal, New York 13850
(607) 748-1514

Joyce Majewski, Chairperson
Town of Vestal Planning
c/o Town Clerk
605 Vestal Parkway West
Vestal, New York 13850
(607) 748-1514

School Administrators/Daycare Facilities:

None

Contact List Requests:

None

Local News Media:

Press & Sun Bulletin
4421 Vestal Parkway east
Vestal, New York 13850
(607) 798-1234

WBHG TV
560 Columbia Drive
Johnson City, New York 13701
(607) 729-8812

Site Contact List, cont'd

Adjacent Properties:

Sams Real Estate Business
MS 0555
PO Box 8050
Bentonville, AR 72712-8050

JEF Realty, Inc.
930 Viewmont Drive
Dickinson City, PA 18519

Carrols Corporation
968 James Street
Syracuse, NY 13203

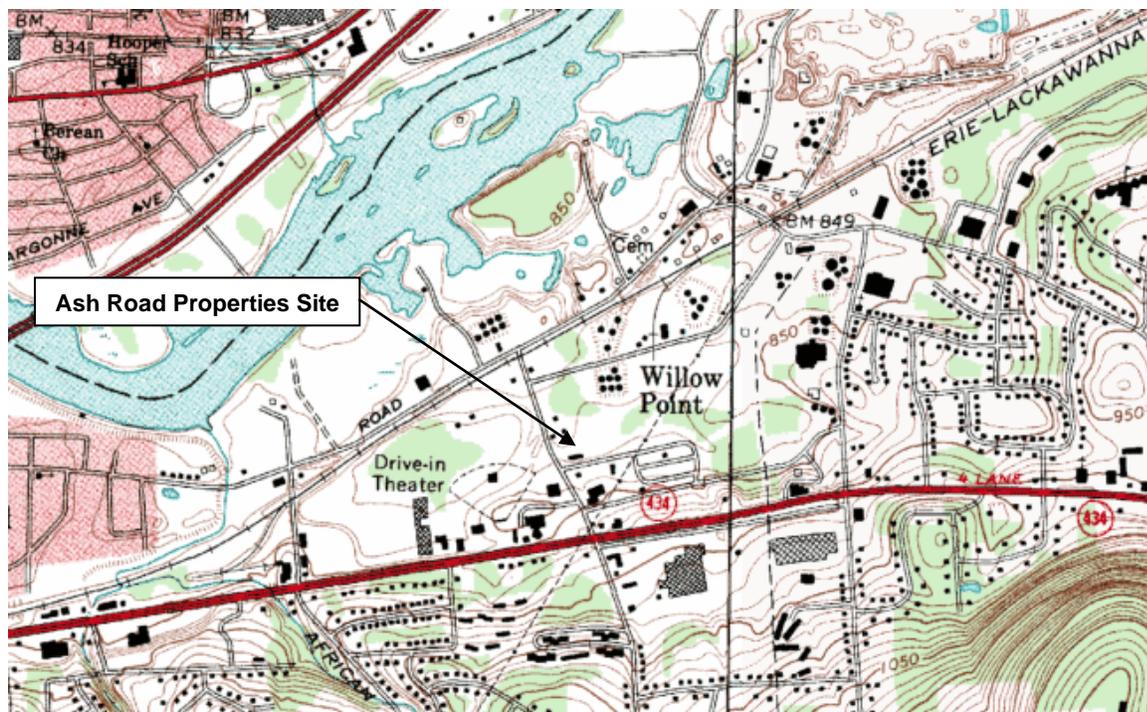
Auto Finishers Supply Company
3104 Ash Road
Vestal, NY 13850

Gary E. Wilcox
3120 Ash Road
Vestal, NY 13850

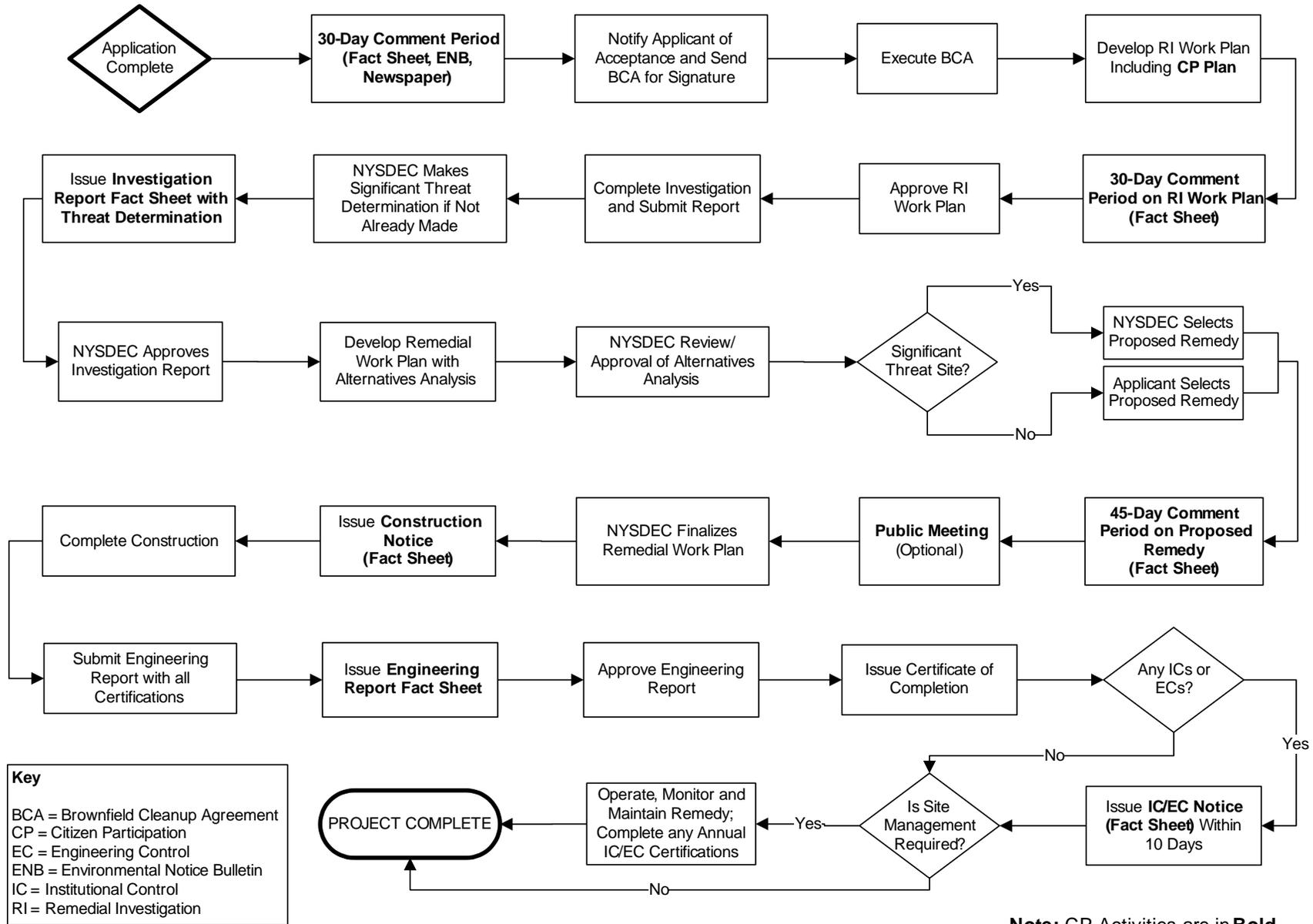
Focus II, LLC
206 Center Avenue
Westwood, NJ 07675

Newman Development Group
PO Box 678
Vestal, NY 13850

Appendix C Site Location Map



Appendix D– Brownfield Cleanup Program Process



Key
 BCA = Brownfield Cleanup Agreement
 CP = Citizen Participation
 EC = Engineering Control
 ENB = Environmental Notice Bulletin
 IC = Institutional Control
 RI = Remedial Investigation

Note: CP Activities are in Bold