



New York State Department of Environmental Conservation

## **Brownfield Cleanup Program**

### **Citizen Participation Plan for Luster-Coate Brownfields Cleanup Site**

32 East Buffalo Street  
Churchville  
Monroe County, New York

June 2006

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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 brownfield site’s remedial process.

**Applicant:** 700 West Metro Park Associates (“Applicant”)  
**Site Name:** Luster-Coate Brownfields Cleanup Site (“site”)  
**Site Address:** 32 East Buffalo Street  
**Site County:** Monroe County  
**Site Number:** C828113

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

New York’s Brownfield Cleanup Program (BCP) is designed to encourage the private sector to investigate, remediate (clean up) and redevelop brownfields. A brownfield is any real property where redevelopment or reuse may be complicated by the presence or potential presence of a contaminant. 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 the 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 remedial activities.<sup>1</sup> An Applicant is a person whose request to participate in the BCP has been accepted by NYSDEC. The BCP contains investigation and remediation (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: [www.dec.state.ny.us/website/der/bcp](http://www.dec.state.ny.us/website/der/bcp) .

## **2. Citizen Participation Plan Overview**

This Citizen Participation (CP) Plan provides members of the affected and interested public with information about how NYSDEC will inform and involve them during the investigation and remediation of the site identified above. The public information and involvement program will be carried out with assistance, as appropriate, from the Applicant.

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

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<sup>1</sup> “Remedial activities”, “remedial action”, and “remediation” are defined as all activities or actions undertaken to eliminate, remove, treat, abate, control, manage, or monitor contaminants at or coming from a brownfield site.

### *Project Contacts*

Appendix B identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site's remedial 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.

### *Document Repositories*

The locations of the site's document repositories also are identified in Appendix B. The document repositories provide convenient access to important project documents for public review and comment.

### *Site Contact List*

Appendix C contains the brownfield site contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and remediation process. The brownfield 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 remedial activities at the site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

The brownfield site contact list includes, at a minimum:

- chief executive officer and official(s) principally involved with relevant zoning and planning matters 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;
- document repositories.

Where the site or adjacent real property contains multiple dwelling units, the Applicant will work with NYSDEC to develop an alternative method for providing such notice in lieu of mailing to each individual. For example, the owner of such a property that contains multiple dwellings may be requested to prominently display fact sheets and notices required to be developed during the site's remedial process. This procedure would substitute for the mailing of such notices and fact sheets, especially at locations where renters, tenants and other residents may number in the hundreds or thousands, making the mailing of such notices impractical.

The brownfield 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 B. Other additions

to the brownfield site contact list may be made on a site-specific basis at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

### *CP Activities*

Appendix D identifies the CP activities, at a minimum, that have been and will be conducted during the site's remedial program. The flowchart in Appendix E shows how these CP activities integrate with the site remedial process. The public is informed about these CP activities through fact sheets and notices developed at significant points in the site's remedial process.

- Notices and fact sheets help the interested and affected public to understand contamination issues related to a brownfield site, and the nature and progress of efforts to investigate and remediate a brownfield 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 brownfield site's investigation and remediation.

The public is encouraged to contact project staff at any time during the site's remedial process with questions, comments, or requests for information about the remedial program.

This CP Plan may be revised due to changes in major issues of public concern identified in Section 6 or in the nature and scope of remedial activities. Modifications may include additions to the brownfield site contact list and changes in planned citizen participation activities.

## **3. Site Information**

### *Site Description*

Location – 32 East Buffalo Street, Churchville, Monroe County, NY 14428  
Setting – Suburban - Currently the site includes a two-level, 36,000 square foot main building and four metal warehouse buildings.  
Site size – 4.05 acres  
Adjacent Properties – Residential and one restaurant

### *Site History*

The site has been utilized for a variety of industrial purposes dating back to at least 1929. These uses include the manufacture of wooden toys, condiment bottle processing, canary propagation and bird seed distribution. The most recent use of the site has been by Luster-Coate Metalizing Corporation, which was engaged in the application of metal film and paint coatings to plastic materials manufactured off site.

## *Environmental History*

Prior field tests indicate that the following known or suspected contaminants may be present at the site.

Volatile organic compounds (VOC's), primarily those used as solvents, were identified in the soil vapor and groundwater down gradient of the main building, near the former chemical storage areas. The highest concentrations were observed in two sampling points near the chemical storage areas. There are indications of possible off-site historic fuel oil releases near the driveway accessing the site. The VOC Xylene (a compound associated with petroleum contamination) was detected in subsurface soil down gradient of a suspected underground storage tank on the East side of the entrance drive.

Semi-volatile organic compounds, primarily those compounds known as polycyclic aromatic hydrocarbons (PAH's) and associated with petroleum were detected in surface soils north of the building near a culvert which drains a paved portion of the site.

Metals: Soil samples from the site contained calcium, magnesium, zinc, nickel, and cadmium at levels exceeding recommended standards.

Polychlorinated biphenyls (PCBs) were detected in surface soil both on and off the property including the sediment in Black Creek. Previous investigations note that the distribution and concentrations were in shallow intervals indicating that PCB-containing oils may have been used historically for dust control in unpaved portions of the site. The NYSDEC recently removed and replaced contaminated soils outside of the fenced-in area of the property.

Groundwater: VOC's consistent with those found in chlorinated solvents and fuel oils are suspected in areas surrounding the building and near the building's outfall pipe to Black Creek. Iron, magnesium and sodium exceeding New York State Water Quality Standards is suspected in some groundwater. The groundwater sampling has not indicated any potential impacts to adjacent properties since the water supply in the Village consists of a public water system.

To date, the following environmental studies have been performed at the Luster-Coate site and surrounding properties: (The following documents are available at the document repository.)

- Site Assessment prepared by Secor International in 1998.
- Phase I and limited Phase II Site Assessment prepared by ENSR International in 2001.
- US EPA Waste Characterization and Inventory in September 2004.
- A Preliminary Site Assessment (PSA) was performed at the request of the New York State Department of Environmental Conservation by Shaw Environmental & Infrastructure Engineering of New York, P.C. (Shaw) between October 25 and December 3, 2004. The report is dated November 9, 2005. A supplemental investigation of neighboring residential lawns and two off-site wells was also conducted on April 19, 2005. Impacts were reported in four separate media (soil vapor, groundwater, surface soils and sediments) across the property. Volatile organic compounds (VOCs), predominantly those used as solvents, were

identified in the soil vapor and groundwater down gradient of the main facility building. The occurrence of these impacts, not observed in the subsurface soils but were significant in the groundwater, indicates that a source area could remain beneath the building slab.

Polychlorinated biphenyls (PCBs), specifically the PCB Aroclor 1248, were identified in the surface soils throughout the property and in the sediments of Black Creek adjacent to the facility. The frequency, distribution and concentrations of PCBs observed in soils along the driveway accessing the site indicate that PCB containing oils may have been used historically for dust control. Aroclor 1248 could also have been spread across the site through water runoff during a fire as a result of an ignited transformer. Aroclor 1248 was historically used in electrical capacitors and transformers.

Semi-volatile organic compounds (SVOCs), predominately those associated with polycyclic aromatic hydrocarbons (PAHs), were identified in the surface soils north of the building near a culvert which drains the paved portion of the site to the east. This SVOC contamination may be indicative of an off-site historic fuel oil release. Runoff generated from fighting the 1988 and 1990 structure fires at the site would have drained through this catch basin and discharged to the ground.

Due to the high frequency of PCB impacts encountered in the surface soils across the facility, a subsequent investigation of the surrounding residential properties was performed for the NYSDEC by Shaw on April 19, 2005. This investigation focused on the surface soil and groundwater quality in the surrounding residential area. PCB impacts were further delineated along the access driveway. The suspected VOC source area under the western portion of the building could be assessed through additional soil vapor points or sub-slab soil samples. These rooms should be thoroughly inspected for any cracks or possible locations where substances may have entered the subsurface.

The Additional sediment samples should be collected from the portion of the creek which borders the facility. The focus of this investigation should be delineation of the observed PCB impacts and possible downgradient migration of the VOC impacts from the building area. Removal methods of these impacted sediments will be dependent on the distribution and quantities encountered.

The sampling locations displaying these impacts are downgradient of the suspected location of an off-site underground storage tank (UST). The suspected UST is not actually part of the Luster-Coate property, but the adverse affects were observed during this investigation. It is recommended that the UST be property closed in place or removed and potential downgradient receptors be investigated for possible impacts.”

#### **4. Remedial Process**

**Note:** See Appendix E for a flowchart of the brownfield site remedial 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 sites.

The Applicant in its Application proposes that the site will be used for unrestricted purposes, which includes the development of new housing.

To achieve this goal, the Applicant will conduct remedial 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 a remedial program at the site.

### *Investigation*

If the Applicant conducts a remedial investigation (RI) of the site, it will be performed with NYSDEC oversight. The Applicant must develop a remedial investigation workplan, which is subject to public comment as noted in Appendix D. The goals of the investigation are as follows:

- 1) Define the nature and extent of contamination in soil, surface water, groundwater and any other impacted media;
- 2) Identify the source(s) of the contamination;
- 3) Assess the impact of the contamination on public health and/or the environment; and
- 4) Provide information to support the development of a Remedial Work Plan to address the contamination, or to support a conclusion that the contamination does not need to be addressed.

The Applicant will prepare an RI Report after it completes the RI. This report will summarize the results of the RI and will include the Applicant's recommendation of whether remediation is needed to address site-related contamination. The RI Report is subject to review and approval by NYSDEC. Before the RI Report is approved, a fact sheet that describes the RI Report will be sent to the site's contact list.

NYSDEC will determine if the site poses a significant threat to public health and/or the environment. If NYSDEC determines that the site is 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 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 a release or threatened release of contamination at the eligible site.

For more information about the TAG Program and the availability of TAGs, go online at: [www.dec.state.ny.us/website/der/guidance/tag/](http://www.dec.state.ny.us/website/der/guidance/tag/).

### *Remedy Selection*

After NYSDEC approves the RI Report, the Applicant will be able to develop a Remedial Work Plan if remediation is required. The Remedial Work Plan describes how the Applicant would address the contamination related to the site.

The public will have the opportunity to review and comment on the draft Remedial Work Plan. The site contact list will be sent a fact sheet that describes the draft Remedial Work Plan and announces a 45-day public comment period. NYSDEC will factor this input into its decision to approve, reject or modify the draft Remedial Work Plan.

A public meeting may be held by NYSDEC about the proposed Remedial Work Plan if requested by the affected community and if significant substantive issues are raised about the draft Remedial Work Plan. Please note that, in order to request a public meeting, the health, economic well-being or enjoyment of the environment of those requesting the public meeting must be threatened or potentially threatened by the site. In addition, the request for the public meeting should be made within the first 30 days of the 45-day public comment period for the draft Remedial Work Plan. A public meeting also may be held at the discretion of the NYSDEC project manager in consultation with other NYSDEC staff as appropriate.

### *Construction*

Approval of the Remedial Work Plan by NYSDEC will allow the Applicant to design and construct the alternative selected to remediate the site. The site contact list will receive notification before the start of site remediation. When the Applicant completes remedial activities, it will prepare a final engineering report that certifies that remediation requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the remediation is protective of public health and the environment for the intended use of the site. The site contact list will receive a fact sheet that announces the completion of remedial activities and the review of the final engineering report.

### *Certificate of Completion and Site Management*

Once NYSDEC approves the final engineering report, it will issue the Applicant a Certificate of Completion. This Certificate states that remediation goals have been achieved, and relieves the Applicant from future remedial liability, subject to statutory conditions. The Certificate also includes a description of any institutional and engineering controls or monitoring required by the approved remedial work plan. If the Applicant uses institutional controls or engineering controls to achieve remedial objectives, the site contact list will receive a fact sheet that discusses such controls.

An institutional control is a non-physical restriction on use of the brownfield site, such as a deed restriction that would prevent or restrict certain uses of the remediated property. An institutional control may be used when the remedial 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, such as a cap or vapor barrier.

Site management will be conducted by the Applicant as required. NYSDEC will provide appropriate oversight. Site management involves the institutional and engineering controls required for the brownfield site. Examples include: operation of a water treatment plant, maintenance of a cap or cover, and monitoring of groundwater quality.

## **5. Citizen Participation Activities**

CP activities that have already occurred and are planned during the investigation and remediation of the site under the BCP are identified in Appendix D: Identification of Citizen Participation Activities. These activities also are identified in the flowchart of the BCP process in Appendix E. NYSDEC will ensure that these CP activities are conducted, with appropriate assistance from the Applicant.

All CP activities are conducted to provide the public with significant information about site findings and planned remedial activities, and some activities announce comment periods and request public input about important draft documents such as the Remedial Work Plan.

All written materials developed for the public will be reviewed and approved by NYSDEC for clarity and accuracy before they are distributed. Notices and fact sheets can be combined at the discretion, and with the approval of, NYSDEC.

## **6. Major Issues of Public Concern**

The issues identified by the public have been the PCB contamination identified on the adjacent residential properties and the extent of impact of the site to Black Creek water and sediments.

**Appendix A – Site Location Map**

## **Appendix B – Project Contacts and Document Repositories**

### **Project Contacts**

For information about the site’s remedial program, the public may contact any of the following project staff:

New York State Department of Environmental Conservation (NYSDEC):

Matthew Gillette  
Project Manager  
NYSDEC Region 8  
Division of Environmental Remediation  
6274 East Avon-Lima Road  
Avon, NY 14414-8519  
585-226-5308

Lisa LoMaestro-Silvestri  
Citizen Participation Specialist  
NYSDEC Region 8  
Division of Environmental Remediation  
6274 East Avon-Lima Road  
Avon, NY 14414-8519  
585-226-5326

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

Mark VanValkenburg  
Bureau of Environmental Investigation  
Flanigan Square, Room 300  
547 River Street  
Troy, NY 12180  
518-402-7860

### **Document Repositories**

The document repositories identified below have been established to provide the public with convenient access to important project documents:

Newman-Riga Library  
Attn: Donna Hare  
P.O. Box 333  
One Village Park  
Churchville, NY 14428  
Phone: 585-293-3009  
Hours: M,W,F: 11-5; T & Th 11-9, closed  
Sat beginning June 3; re-open Sept. 9 1-5

NYSDEC Region 8  
6274 East Avon-Lima Rd.  
Avon, NY 14414-9519  
Attn: Matthew Gillette  
Phone: 585-226-5308  
Hours: M-F 8:30-4:30  
(call for appointment)

## Appendix C – Brownfield Site Contact List

Pam Moore, Supervisor  
Town of Riga  
6460 East Buffalo St.  
Churchville, NY 14428  
585-293-3880

Mayor Donald Ehrementraut  
Village of Churchville  
23 E. Buffalo St., Box 613  
Churchville, NY 14428  
585-293-3720 (Phone)  
585-293-2590 (Fax)

Diane Pusateri, Chairperson  
Village of Churchville Planning Board  
23 E. Buffalo St., Box 613  
Churchville, NY 14428  
585-350-9625 (Phone)  
585-293-2590 (Fax)

Ron Belezal, Chairperson  
Village of Churchville Zoning Board  
23 E. Buffalo St., Box 613  
Churchville, NY 14428  
585-293-7656 (Phone)  
585-293-2590 (Fax)

Ed Marianetti, Executive Director  
Monroe County Water Authority  
475 Norris Drive  
Rochester, NY 14610  
585-442-2000 (Phone)  
585-442-0220 (Fax)

Churchville-Chili Elementary School  
Churchville-Chili Central School District  
Mary Mendola  
139 Fairbanks Road  
Churchville, NY 14428  
585-293-1800, Ext. 2795 (Phone)  
585-293-1013 (Fax)

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**Interested Parties:**

Kevin Matheis  
United States Environmental Protection Agency  
Region II  
111 West Huron St., Room 1114  
Buffalo, NY 14202

William Larsen  
Rochester Institute of Technology  
One Lomb Memorial Drive  
Rochester, NY 14623-5603

Michael Shade  
Citizen's Environmental Coalition of Western NY  
543 Franklin St., Suite 2  
Buffalo, NY 14202

Donna Haire  
Reference Librarian  
Newman-Riga Library  
P.O. Box 333  
One Village Park  
Churchville, NY 14428

Black Creek Watershed Coalition  
Lyle Warren  
21 Hutton Circle  
Churchville, NY 14428

**Adjacent property owners:**

The names and addresses of adjacent property owners and residents are maintained confidentially in the New York State DEC Region 8 Project Manager's file. Contact Matthew Gillette at: (585) 226-5308 (Phone), (585) 226-8696 (Fax)

## Appendix D – Identification of Citizen Participation Activities

Required Citizen Participation (CP) Activities	CP Activities) Occur at this Point
<b>Application Process:</b>	
<ul style="list-style-type: none"> <li>• Prepare brownfield site contact list (BSCL)</li> </ul>	At time of preparation of application to participate in BCP.
<ul style="list-style-type: none"> <li>• Establish document repositories</li> <li>• Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day comment period</li> </ul>	When NYSDEC determines that BCP application is complete. The 30-day comment period begins on date of publication of notice in ENB. End date of comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice and notice to the BSCL should be provided to the public at the same time.
<b>After Execution of Brownfield Site Cleanup Agreement:</b>	
<ul style="list-style-type: none"> <li>• Prepare citizen participation (CP) plan</li> </ul>	Draft CP Plan must be submitted within 20 days of entering Brownfield Site Cleanup Agreement. CP Plan must be approved by NYSDEC before distribution.
<b>After Remedial Investigation (RI) Work Plan Received:</b>	
<ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL about proposed RI activities and announcing 30-day public comment period on draft RI Work Plan</li> </ul>	Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, comment periods will be combined and public notice will include fact sheet. 30-day comment period begins/ends as per dates identified in fact sheet.
<b>After RI Completion:</b>	
<ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL describing results of RI</li> </ul>	Before NYSDEC approves RI Report.
<b>After Remedial Work Plan (RWP) Received:</b>	
<ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL about proposed RWP and announcing 45-day comment period</li> <li>• Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager in consultation with other NYSDEC staff as appropriate)</li> </ul>	Before NYSDEC approves RWP. 45-day comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day comment period.
<b>After Approval of RWP:</b>	
<ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL summarizing upcoming remedial construction</li> </ul>	Before the start of remedial construction.
<b>After Remedial Action Completed:</b>	
<ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL announcing that remedial construction has been completed</li> <li>• Mail fact sheet to BSCL announcing issuance of Certificate of Completion (COC)</li> </ul>	At the time NYSDEC approves Final Engineering Report. These two fact sheets should be combined when possible if there is not a delay in issuance of the COC.

# Appendix E – Brownfield Cleanup Program Process

