



NEW YORK
STATE OF
OPPORTUNITY.

**Department of
Environmental
Conservation**

Brownfield Cleanup Program

Citizen Participation Plan

for

Lakeside Village Apartments Site

January 2020

Site #C915344
65-67 Lake Avenue
Town of Lancaster
Erie 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.

Applicant: **65 Lake Avenue LLC (“Applicant”)**
Site Name: **Lakeside Village Apartments Site (“Site”)**
Site Address: **65-67 Lake Avenue, Town of Lancaster**
Site County: **Erie County**
Site Number: **C915344**

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)
Application Process:	
<ul style="list-style-type: none"> • Prepare site contact list • Establish document repository(ies) 	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 (BCA):	
<ul style="list-style-type: none"> • Prepare Citizen Participation (CP) Plan 	Before start of Remedial Investigation Note: Applicant must submit CP Plan to NYSDEC for review and approval within 20 days of the effective date of the BCA.
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 draft 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 NYSDEC is reviewing the Final Engineering Report • Distribute fact sheet to site contact list announcing NYSDEC approval of Final Engineering Report and issuance of Certificate of Completion (COC) 	At the time the cleanup action has been completed. Note: The two fact sheets are combined when possible if there is not a delay in issuing the COC.

3. Major Issues of Public Concern

This section of the CP Plan identifies major issues of public concern that relate to the Site. Additional major issues of public concern may be identified during the course of the Site's investigation and cleanup process.

The Site is currently occupied by residential apartment buildings located in a moderately developed residential area. The primary contaminants of concern in soil, groundwater, and indoor air include chlorinated solvents (chemicals used as dissolving agents) associated with past on-site dry-cleaning operations. Due to indoor air detections, a sub-slab depressurization system (SSDS) has been installed within two Site buildings to reduce/eliminate potential public health risk to residents of the buildings. The presence of these contaminants in the soil and groundwater does not currently pose a significant risk to the surrounding properties. The soil and groundwater conditions will be further investigated as part of the BCP. There is the potential for worker exposure to dust emissions during investigation and remediation activities. Such exposure will be alleviated through dust control measures and a community air monitoring plan.

4. Site Information

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

Site Description

The Site is a residentially developed property located within the Town of Lancaster, Erie County, New York. The Site includes two parcels totaling approximately 1.18 acres of land. The parcel at 65 Lake Avenue includes three (3) two-story apartment buildings. The parcel at 67 Lake Avenue includes one (1) one-story apartment building. The property is located within a suburban area used for residential purposes. Adjacent properties include private residences and undeveloped land.

History of Site Use, Investigation, and Cleanup

The Site is currently utilized as a residential apartment complex in a moderately developed residential area. Historically, the eastern portion of the Site was utilized as a dry cleaner from at least 1949 through 1980. The former dry-cleaning building was located on the eastern portion of 65 Lake Avenue and the northern portion of 67 Lake Avenue and was removed/demolished by at least 1995. The three (3) townhome/apartment buildings at 65 Lake Avenue were constructed in 2006. The apartment building at 67 Lake Avenue has been utilized for residential purposes since construction in 1903.

Subsurface investigations were completed at the Site in 2005, May 2018, and February 2019. Chlorinated solvents were identified in soil and groundwater samples associated

with past on-site dry cleaning operations. Due to the detections of chlorinated solvents, vapor intrusion studies were completed in February and April 2019 within the four (4) residential buildings. Vapor intrusion testing results identified chlorinated solvents (chemicals used as dissolving agents), specifically tetrachloroethene (PCE) and trichloroethene (TCE) within both sub-slab and indoor air samples. The concentrations of these solvents required the need for mitigation in Building A on 65 Lake Avenue and Building 1 on 67 Lake Avenue, based on guidance from the New York State Department of Health (NYSDOH). As a result, sub-slab depressurization systems (SSDS) were installed within Building A and Building 1 in November and December 2019 to mitigate vapor intrusion.

5. Investigation and Cleanup Process

Application

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program as a Participant. This means that the Applicant was the owner of the site at the time of the disposal or discharge of contaminants or was otherwise liable for the disposal or discharge of the contaminants. The Participant must fully characterize the nature and extent of contamination on the Site, as well as the nature and extent of contamination that has migrated from the Site. The Participant also 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 BCP Application proposes that the Site will be used for restricted residential 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 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 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 Measure

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 encompass 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 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 with oversight from both the NYSDEC and NYSDOH. 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):

Benjamin McPherson
Project Manager
NYSDEC Region 9
Division of Environmental Remediation
270 Michigan Ave
Buffalo, NY 14203-2915
benjamin.mcpherson@dec.ny.gov
(716) 851-7220

Kristen Davidson
Citizen Participation Specialist
NYSDEC Region 9
Division of Environmental Remediation
270 Michigan Avenue
Buffalo, NY 14203-2915
kristin.davidson@dec.ny.gov
(716) 851-7220

New York State Department of Health (NYSDOH):

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

Locations of Reports and Information

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

Lancaster Library
5466 Broadway
Lancaster, NY 14086
719-683-1120
Kara Stock – Director

NYSDEC Region 9
270 Michigan Avenue
Buffalo, NY 14203
Attn: Benjamin McPherson
Phone: (716) 851-7220
Hours: Monday-Friday 8:30AM - 4:45PM
(call for appointment)

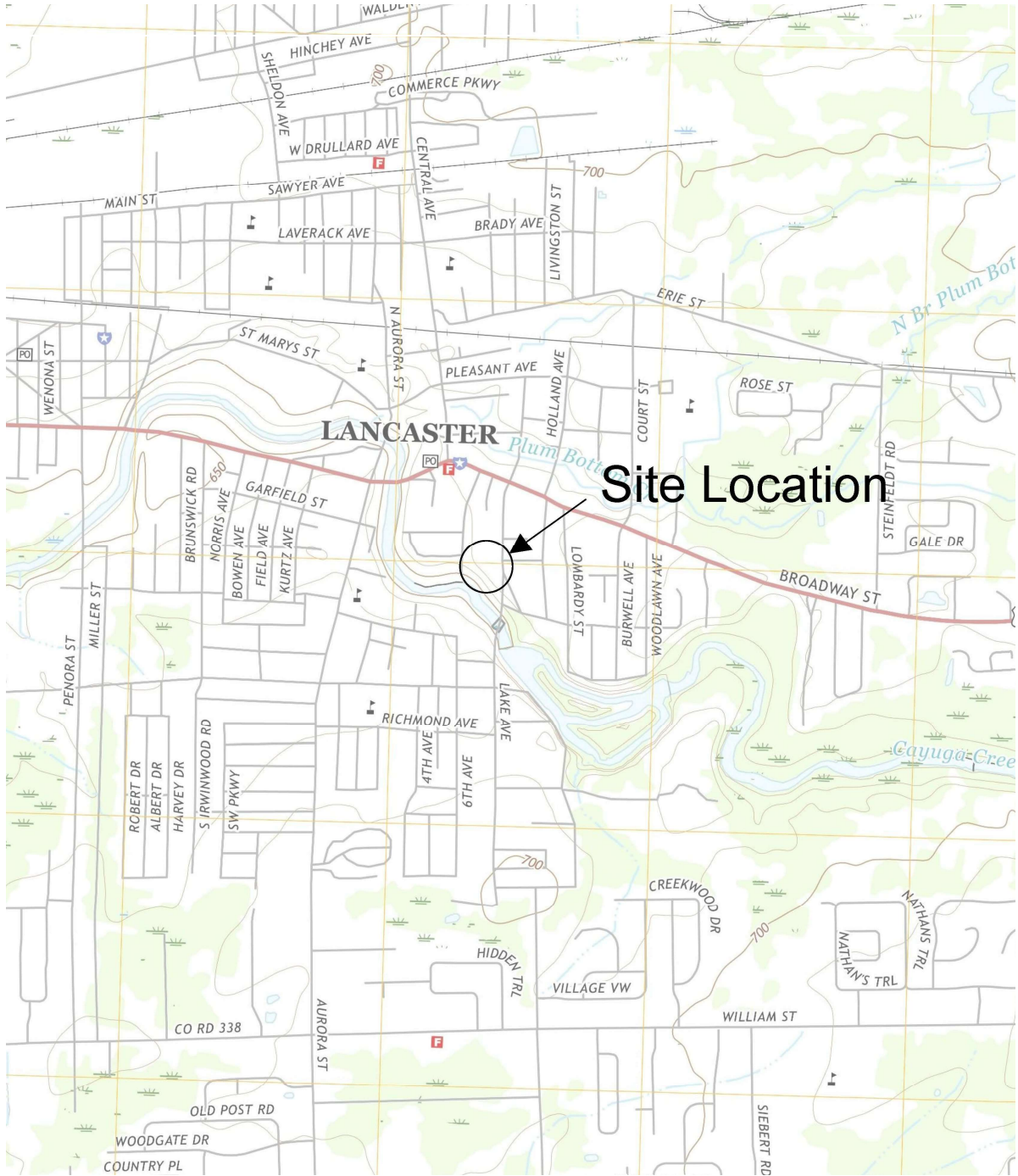
Appendix B - Site Contact List

Federal Representative		
Office of the Twenty-Seventh Congressional District of New York 8203 Main Street, Suite 2 Williamsville, NY 14221 Phone: 716-634-2324	US Senator Hon. Charles E. Schumer 130 South Elmwood Ave. #660 Buffalo, NY 14202 Phone: 716-846-4111	US Senator Hon. Kristen Gillibrand 726 Exchange St., Suite 511 Buffalo, NY 14201 Phone: 716-854-9725
New York Representative		
New York State Senator Patrick Gallivan District Office 2721 Transit Road Suite 116 Elma, NY 14059 Phone: 716-656-8544 Fax: 716-656-8961	New York State Assembly Member Monica Wallace District Office 2562 Walden Avenue Suite 102 Cheektowaga, NY 14225 Phone: 716-686-0080 Fax: 716-686-3752	
Erie County Representative		
Erie County Executive Mark Poloncarz 95 Franklin Street 16th Floor Buffalo, NY 14202 (716) 858-8500	Erie County Clerk Michael P. Kearns 92 Franklin Street Buffalo, NY 14202 (716) 858-8865	Commissioner of Environment and Planning Thomas R. Hersey, Jr. Edward A. Rath County Office Building 95 Franklin Street 10th Floor Buffalo, NY 14202 (716) 858-8390
Town of Lancaster Representative		
Town Supervisor Ronald Ruffino, Sr. Town Hall 21 Central Avenue Lancaster, NY 14086 716-683-1610	Town Clerk Diane Terranova Town Hall 21 Central Avenue Lancaster, NY 14086 (716) 683-9028	Planning Board Chairman Neil Connelly Town Hall 21 Central Avenue Lancaster, NY 14086 (716) 683-9028
Village of Lancaster Representative		
Office of the Mayor Mayor William C. Schroeder 5423 Broadway Lancaster, NY 14086 (716) 683-2105	Village Clerk Michael E. Stegmeier 5423 Broadway Lancaster, NY 14086 716-683-2105	Planning Commission Chairman James Allein 21 Central Avenue Lancaster, NY 14086 716-684-4171

Local News Media		
Buffalo News One News Plaza PO Box 100 Buffalo, NY 14240 Phone: 716-842-1111	WGRZ – TV Channel 2 259 Delaware Avenue Buffalo, NY 14202 Phone: 716-849-2222 Fax: 716-849-7602	WIVB – TV Channel 4 2077 Elmwood Avenue Buffalo, NY 14202 Phone: 716-876-7333 Fax: 716-874-8173
WKBW – ABC Channel 7 7 Broadcast Plaza Buffalo, NY 14202 Phone: 716-845-6100	WUTV – FOX (Channel 29) 699 Hertel Ave., Suite 100 Buffalo, NY 14207	Lancaster Bee – Bee Group Newspapers 5564 Main Street Buffalo, NY 14221
Public Water Supplier		
Erie County Water Authority 295 Main Street Room 350 Buffalo, NY 14203		
Persons who have requested to be on the list		
None requested		
Administrator of School and Daycare Facilities near the Property		
Go & Grow Preschool Center 5505 Broadway Lancaster, NY 14086 Kristen McGinnis – Owner/Director	Lancaster Middle School 148 Aurora Street Lancaster, NY 14086 Peter Kruszynski – Principal	
Local Document Repositories		
Lancaster Library 5466 Broadway Lancaster, NY 14086 719-683-1120 Kara Stock – Director	NYSDEC Region 9 Office 270 Michigan Avenue Buffalo, NY 14203 716-851-7220	

Adjacent Property Owners		
Jolie Young 59 Lake Avenue Lancaster, NY 14086	Mike Chapman 55 Lake Avenue Lancaster, NY 14086	Occupant 69 Lake Avenue Lancaster, NY 14086
69 Lake Avenue William Severyn 741 Schwartz Road Lancaster, NY 14086	Corey Norman 58 Park Boulevard Lancaster, NY 14086	Robert Lawson 60 Park Boulevard Lancaster, NY 14086
Jeffery Raichel 62 Park Boulevard Lancaster, NY 14086	William Gee 68 Park Boulevard Lancaster, NY 14086	Alan Champagne 58 Lake Avenue Lancaster, NY 14086
Denise Sciortino 60 Lake Avenue Lancaster, NY 14086	Dennis McIntyre 62 Lake Avenue Lancaster, NY 14086	Occupant 3 Franklin Street Lancaster, NY 14086
3 Franklin Street Michael Burke 1720 W Diversey Avenue Chicago, IL 60614		

Appendix C - Site Location Map



Appendix D– Brownfield Cleanup Program Process

