



Office of Planning and Development

New York State
Department of State
Office of Planning and Development
One Commerce Plaza
99 Washington Avenue
Albany, NY 12201-2001
(518) 474-6000
www.dos.ny.gov

The Brownfield Opportunity Area Program Determination of Conformance Application Form

Applicability/Purpose: This application should be used to request a Determination of Conformance from the Secretary of State for a project located on a real property site that is (1) enrolled in and subject to the remediation requirements of the Brownfield Cleanup Program (BCP) as determined by the Department of Environmental Conservation (DEC), and located within a designated Brownfield Opportunity Area (BOA) that has been designated by the Secretary. Eligible taxpayers of a real property site, or the agent(s) of an "eligible taxpayer", must complete this application before applying to the New York State Department of Taxation and Finance to claim up to 5% increase of the tangible property tax credit for expenditures related to a qualified site pursuant to §21 of the New York State Tax Law.

This application may be submitted at any time after DEC has issued a BCP Final Decision Document approving a Remedial Work Plan as described in section 375-3.8(g) of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR §375-3.8(g)) for the real property site proposed for development.

Please do not complete this application if you wish to claim tax credits for expenditures related to these other components of the brownfield redevelopment tax credit: (1) site preparation and cleanup tax credit component, and (2) on-site groundwater remediation tax credit component. New York State Department of Taxation and Finance can provide more information on how to apply for these two tax credit components of the brownfield redevelopment tax credit.

Section 1: Applicant/Requestor Information

Is the Requestor the Property Owner? ☒ YES or ☐ NO

Name of Requestor: Renaissance 8, LLC

Address: 100 Coporate Pkwy, Suite 500, Amherst, NY 14226

Phone: (716) 834-5000

Email: mmontante@uniland.com

Name and Contact Information of Authorized Representative (if different):

Michael J. Montante, Chief Executive Officer

Name and Contact Information of Property Owner (if different):

Section 2: Brownfield Cleanup Program (BCP) Application Information

A. BCP Project Site Number: C915198H (Site II-8)

B. Date that the DEC executed the Brownfield Cleanup Agreement (BCA) for the project: 03/14/2007 (Original)

08/22/2012 (Amendment 1)
10/02/2017 (Amendment 2)
04/18/2018 (Amendment 3)
02/14/2019 (Amendment 4)
09/16/2021 (Amendment 5)
Dec. 2022 (Amendment 6)

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C. Provide date of the Final Decision Document: December 2016
(Attach Final Decision Document for the DEC BCP site per application instructions DOS-2015-INST.)

D. Has DEC issued a Certificate of Completion (COC) for the BCP site?
☒ YES (If yes, date of COC: December 23, 2022) or ☐ NO

Section 3: Property Information

A. Proposed Project Name: Construction of Warehouse Facility

B. Address/Location: 8 Dona Street

City/Town/Village and Zip: Lackawanna 14218

Municipality(ies): City of Lackawanna

County(ies): Erie

C. Size of Site to be Developed (acres): 8.36

D. Tax map information for all tax parcels included within the project boundaries. Attach required maps per the application instructions.

141.15--1-6

Section 4: Brownfield Opportunity Area (BOA) Information

A. Name of Designated BOA: City of Lackawanna First Ward BOA

B. Municipality or municipalities, including any county, in which the BOA is located. If more than one, list all.

City of Lackawanna, Erie County

C. Is the proposed development located on a Strategic Site as described in the BOA Nomination document?

☐ YES or ☒ NO If yes, list the page(s) in the BOA Nomination where this information is referenced:

	Strategic Site Information	BOA Nomination Page(s)
1		
2		
3		
4		

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Section 5: Project Information

- A. Project Narrative. Describe the proposed development, including location, uses and density, site layout and relationship of development to surrounding uses. (Attach additional sheets if necessary.)

Renaissance 8, LLC, has redeveloped the subject BCP Site, which is a portion of the former Tecumseh Redevelopment Inc. Phase II Business Park in Lackawanna, NY (now deemed "renaissance Commerce Park"), as a light manufacturing and warehouse facility. The redevelopment included construction of a new 151,200 square foot building for prospective occupants. Other site improvements included utility installation and construction of access drives and parking lots, lighting, storm water control and landscaping.

This site falls within the Bethlehem Redevelopment Area-Light Industry (BRA-LI) District as identified in the May 2018 Draft City of Lackawanna Local Waterfront Revitalization Program (LWRP).). The primary purpose of the BRA Light Industry (BRA-LI) District is to create a quality setting to provide for a variety of employment opportunities. The district encourages the development of a mix of uses, such as offices, research and development facilities, wholesale, warehousing/distribution, and light manufacturing uses, with the intent of offering a wide range of job opportunities. This district is also designed to improve the City of Lackawanna's tax base. Properties in the BRA-LI are visible from New York State Route 5 and/or the Hamburg Turnpike and help establish the image of the area. Development in this district is subject to higher design standards in order to present an attractive setting

-
- B. List of maps and documents attached to the application: (Refer to instructions DOS-2045-INST.)

- ☒ Property base map
- ☒ Site plan
- ☐ Renderings
- ☐ Other (Describe: _____)

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Section 6. Project Conformance to Criteria

- A. How are the uses proposed for the site consistent with the vision statement, goals and objectives for revitalization as described in the BOA plan? (Attached additional sheets if necessary.)

As outlined in Section 9.0 (Design Framework) of the November 2018 Draft BOA Implementation Study (page 113), one of the visions of the BOA is promotion of economic development via development of vacant and underutilized parcels along the Hamburg Turnpike to include a mix of uses and establish density; increase light industrial uses in the BOA; and encourage conversion of vacant former Bethlehem Steel land into multiple types of productive industrial uses. Implementation of the subject project fulfills this vision by turning this vacant property into a light manufacturing/warehouse facility complete with loading docks and all necessary infrastructure. At the present time, Total Quality Assurance International (TQA) leases a portion of the building. TQA is a "Third Party" Service that completes Engineering, Inspection and Testing Services for their industrial and commercial clients. They employ an estimated 50-60 people. The attraction of 50-60 persons per day to the Site will provide additional patrons to the Ridge Road commercial district.

The following goal is presented in Section 6.0 (page 83) of the 2018 BOA Implementation Study:

"Attracting Industrial Uses to Lackawanna and the Bethlehem Steel Site"

Specifically, the BOA Implementation Study goes on to state "(re)using it for such uses is considered a suitable alternative. A revitalized Bethlehem Steel site would:

1. Contribute to a more sustainable fiscal situation in the City of Lackawanna.
2. Provide much needed employment opportunities for the local and regional workforce."

The project clearly meets this goal by affording tenants a readily-occupied and usable industrial facility on the former Bethlehem Site.

- B. How are the density and configuration of the proposed development and associated buildings and structures consistent with the objectives, desired redevelopment, and priorities for investment as stated in the BOA plan? (Attach additional sheets if necessary.)

The site falls within the Bethlehem Redevelopment Area (BRA) Light Industrial (LI) District (BRA-LI). According to the November 2018 BOA Implementation Study (page 39), this district encourages the development of a mix of uses such as: offices, research and development facilities, wholesale, warehousing/distribution, and light manufacturing uses with the intent to offer a wide range of job opportunities. Aesthetic appeal is also a consideration for Sites along Hamburg Turnpike as emphasized in the BOA. The redeveloped site was designed to conform to BRA-LI design requirements per City code. Docks are located behind (west) of the building outside of view from Hamburg Turnpike. Landscaping is present along the eastern building facade and eastern property edge, and a mix of siding colors with bold, raised alphanumeric characters denoting the tenant occupants has been employed to provide for a modern, high-quality feel and increase overall curb appeal.

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- C. Please explain whether zoning and other land use regulations are applicable to your proposed development and if such applicable zoning or other land use regulations are set forth or proposed in the related BOA Nomination(s). How does the proposed development comply with the zoning and other land use regulations that were provided for or proposed in the BOA Nomination (if applicable)? (Attach additional sheets if necessary.)

This property falls within the Bethlehem Redevelopment Area (BRA) of the First Ward BOA. The zoning west of Route 5 was updated in July 2018 to include light industrial, medium industrial, heavy industrial, inter-modal port, and green space. The First Ward BOA Master Redevelopment Plan not only outlines suggested uses for all strategic sites but also lays out a program for the BRA. The BRA has a separate zoning code that functions as an amendment to the City of Lackawanna's Zoning Ordinance. The BRA zoning addendum future land uses include the following:

Policy 1.3 within the City of Lackawanna's Comprehensive Plan aims to ensure flexibility in the future development of Bethlehem Steel lands to allow the flow of new economic opportunities within the area.

This project also follows the design guidelines for the Seaway Trail Overlay District as outlined in the 2018 BOA Implementation Study (page 40).

Moreover, the redevelopment was subject to City of Lackawanna Zoning and Planning Board review and was granted construction approval.

Section 7: Municipal Notification

For each municipality receiving notification, provide contact information and date the application was sent. (Attach proof of delivery as per instructions DOS-2045-INST.)

Municipality	Mailing Address	Date Application Sent
City of Lackawanna	714 Ridge Road, Room 309 Lackawanna, New York 14218	April 19, 2023
Erie County DEP	95 Franklin St, Room 1064, Buffalo, NY 14202	April 19, 2023

The Brownfield Opportunity Area Program Determination of Conformance Application Form

Statement of Certification and Signatures

(By requestor who is an individual)

I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable under law, which may include punishment as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Signature: _____

Print Name: _____

Date: _____

(By a requestor other than an individual)

I hereby affirm that I am Chief Executive Officer (title)

of Renaissance 8, LLC (entity);

that this application was prepared by me or under my supervision and direction. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable under law, which may include punishment as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Signature: 

Print Name: Michael J. Montante

Date: 5/3/23

SUBMISSION INSTRUCTIONS

Submit one (1) hard copy of this completed application form with original signatures and all required attachments. In addition, transmit one (1) complete electronic copy of the completed application with all required attachments in Portable Document Format (PDF). The hard copy documents, together with a thumb drive, compact disk (CD), or DVD containing the electronic PDF copy of the completed application, should be sent to:

Honorable Robert J. Rodriguez
Secretary of State
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
Attn: BOA Program

**Brownfield Opportunity Area Program
Determination of Conformance Application Form**

**Construction of Warehouse Facility for Renaissance 8, LLC
BCP Site No. C915198H (Site II-8 Tecumseh Phase II Business Park)**

List of Figures

Figure 1 – Property Base Map

Figure 2 – Site Plan

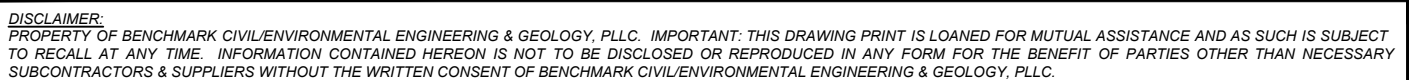
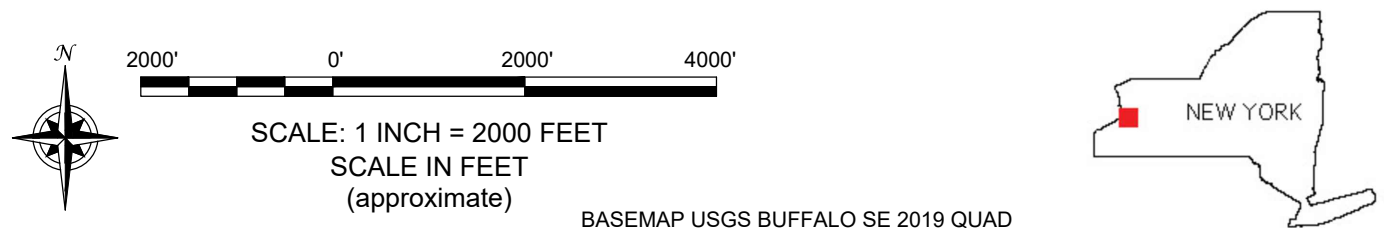
Attachments

Attachment 1 – Final Decision Document, Site II-8 Tecumseh Phase II Business Park,
December 2016

Attachment 2 – Proof of Delivery to City of Lackawanna and Erie County DEP

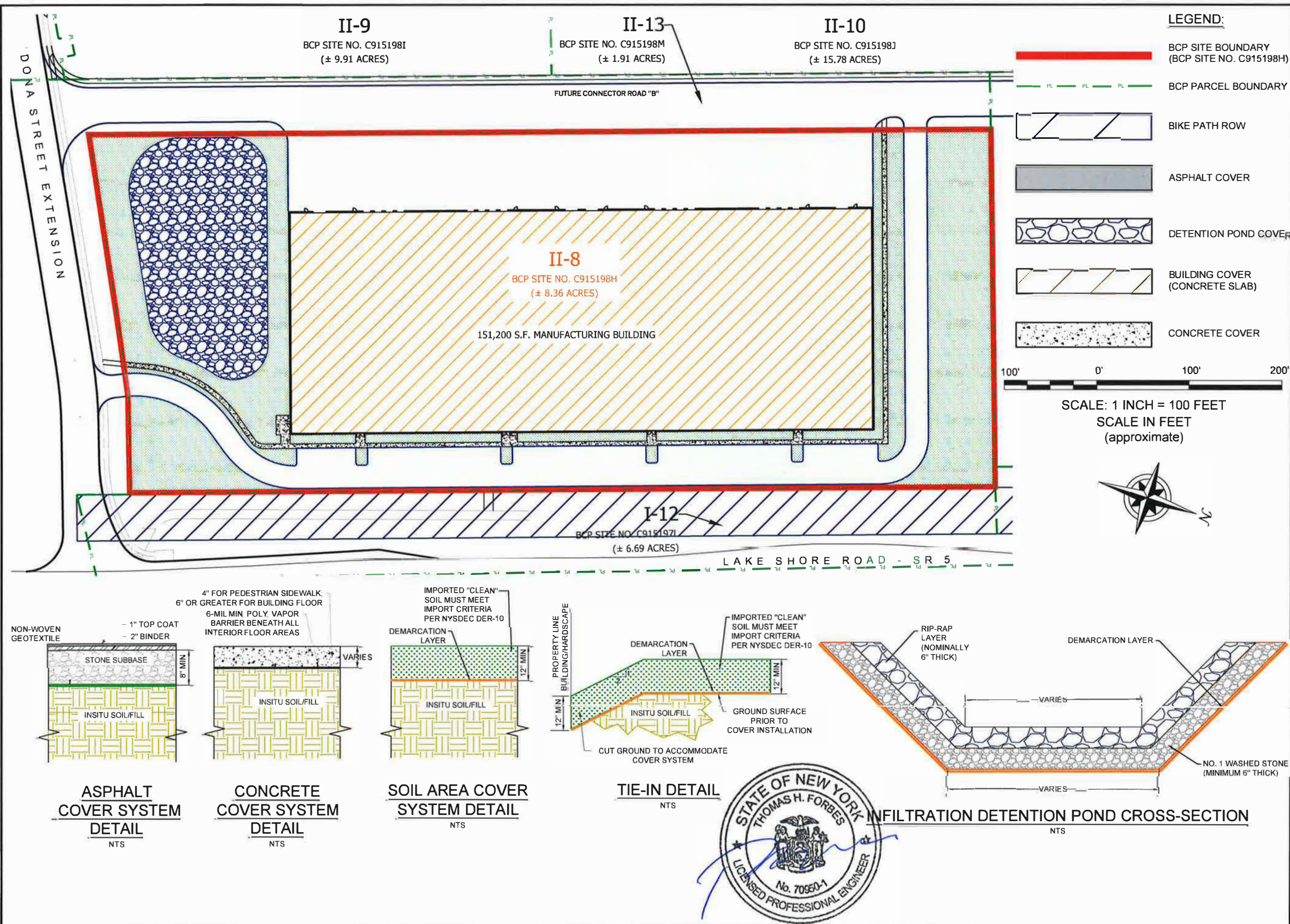
Attachment 3 - Site Photographs

FIGURES



F:\CAD\Benchmark\Land Development Company\8 Dona Street\Figure 4, Approximate Locations and Types of Cover System Materials.dwg, 12/14/2022 2:06:54 PM, DWG To PDF p33

DATE: AUGUST 2021
DRAFTED BY: CMS/REL



APPROXIMATE LOCATIONS AND TYPE OF COVER SYSTEM MATERIALS

FINAL ENGINEERING REPORT



SITE II-8
(BCP SITE NO. C915198H) 8 DONA STREET
LACKAWANNA, NEW YORK

PREPARED FOR

RENAISSANCE 8 LLC

2 558HA MBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218,
(716) 856-0599

JOB NO.: 0564-021-006

FIGURE 2

DISCLAIMER: PROPERTY OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC.

ATTACHMENT 1

FINAL DECISION DOCUMENT

DECISION DOCUMENT

Site II-8 Tecumseh Phase II Business Park
Brownfield Cleanup Program
Lackawanna, Erie County
Site No. C915198H
December 2016



Prepared by
Division of Environmental Remediation
New York State Department of Environmental Conservation

DECLARATION STATEMENT - DECISION DOCUMENT

Site II-8 Tecumseh Phase II Business Park
Brownfield Cleanup Program
Lackawanna, Erie County
Site No. C915198H
December 2016

Statement of Purpose and Basis

This document presents the remedy for the Site II-8 Tecumseh Phase II Business Park site, a brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the Site II-8 Tecumseh Phase II Business Park site and the public's input to the proposed remedy presented by the Department.

Description of Selected Remedy

The elements of the selected remedy are as follows:

1. A remedial design program will be implemented to provide the details necessary for the construction, operation, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows;

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gas and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste.

2. A site cover will be required to allow for commercial use of the site in areas where the upper one foot of exposed surface soil exceed the commercial soil cleanup objectives (SCOs). The site cover may consist of paved parking areas, sidewalks, soil cover, or other Department approved

cover. Where soil cover is required it will be a minimum of one foot of soil with the upper six inches of soil of sufficient quality to maintain a vegetative layer. All cover will be placed over a demarcation layer. Any cover material, including any fill material brought to the site, will meet the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d). In areas where building foundations or building slabs, which preclude contact with soil exist, the requirement for a site cover will be deferred until such time that they are removed.

3. Imposition of an institutional control in the form of an environmental easement is required for the controlled property that:

- allows the use and development of the controlled property for commercial and industrial uses as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH;
- requires compliance with the Department approved Site Management Plan; and
- requires the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3.)

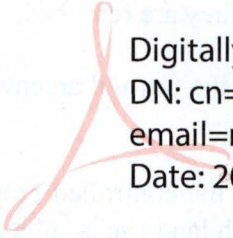
4. A Site Management Plan is required, which includes, but not limited to, the following:

- an Institutional and Engineering Control Plan that identifies all use restrictions for the site noted above and details the steps necessary to ensure the following controls remain in place and effective;
- an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
- a provision that should a building foundation or building slab be removed in the future, a cover system consistent with that described in Paragraph 2 above will be placed in any areas where the upper one foot of exposed surface soil exceed the applicable soil cleanup objectives (SCOs);
- a Monitoring Plan to ensure groundwater quality and to assess the performance and effectiveness of the site cover;
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

Declaration

The remedy conforms with promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration Department guidance, as appropriate. The remedy is protective of public health and the environment.

Michael J Cruden



Digitally signed by Michael J Cruden
DN: cn=Michael J Cruden, o=DER, ou=RBE,
email=mjcruden@gw.dec.state.ny.us, c=US
Date: 2016.12.22 11:44:38 -05'00'

Date

Michael Cruden, Director
Remedial Bureau E

DECISION DOCUMENT

Site II-8 Tecumseh Phase II Business Park
Lackawanna, Erie County
Site No. C915198H
December 2016

SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), has selected a remedy for the above referenced site. The disposal of contaminants at the site has resulted in threats to public health and the environment that would be addressed by the remedy. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. Contaminants include hazardous waste and/or petroleum.

The New York State Brownfield Cleanup Program (BCP) is a voluntary program. The goal of the BCP is to enhance private-sector cleanups of brownfields and to reduce development pressure on "greenfields." A brownfield site is real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and 6 NYCRR Part 375. This document is a summary of the information that can be found in the site-related reports and documents.

SECTION 2: CITIZEN PARTICIPATION

The Department seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comment on the proposed remedy. All comments on the remedy received during the comment period were considered by the Department in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repositories:

Lackawanna Public Library
Attn: Jennifer Hoffman
560 Ridge Road
Lackawanna, NY 14218
Phone: 716-823-0630

NYS DEC
Attn: Maurice Moore
270 Michigan Ave.
Buffalo, NY 14203

Receive Site Citizen Participation Information By Email

Please note that the Department's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program, Voluntary Cleanup Program, and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at <http://www.dec.ny.gov/chemical/61092.html>

SECTION 3: SITE DESCRIPTION AND HISTORY

Location:

The Tecumseh Phase II-8 site (Site) is one of 12 sub-parcels comprising the Tecumseh Phase II Business Park (Phase II). Phase II is located at 2303 Hamburg Turnpike in the City of Lackawanna, Erie County. Situated in an industrial area, Phase II is part of a larger property that once included the Bethlehem Steel Company (BSC) and is identified on the Erie County Tax maps as SBL 141.11-1-50. Phase II is located west of Route 5, south of the Tecumseh Phase I Business Park, and east of the Tecumseh Phase III Business Park.

Site Features:

Located within the east-central portion of Phase II the site is an 11.41 acre, rectangular shaped, mostly vegetated, parcel that is vacant except for a few rail sidings. The mostly rectangular Phase II is approximately 5,800 feet long, averages 1,250 feet wide and is 142.5 acres in size. Bisected by Smokes Creek Phase II is flat, covered with slag fill and remnants of former steel manufacturing buildings and foundations. Most of the business park is vegetated with natural grasses, shrubs and poplar trees typical of a primary shrub-young forest ecosystem. The entire BSC site is fenced with vehicle access limited to one automatic gate.

Current Zoning and Land Use:

Phase II and the Site are zoned medium industrial. Surrounding uses near the site include: to the east, across Route 5 is commercial and residential, adjacent the west, a rail corridor; further west, is a lumber redistribution operation and an ethanol transfer operation; to the south are rail lines and industrial areas. Future use anticipates industrial re-use.

Past Use for the Site:

Formerly Phase II was a portion of BSC's steelmaking operations. Specific processes and steelmaking facilities performed on or proximate to the Site included:

- Spreading beds
- Craneways
- Cold saws
- Railways

- Welfare buildings

Site Geology and Hydrology:

The entire Phase II is filled with between two to eight feet of steel and iron-making slag as well as other fill material being used for backfill. Underlying fill material are lacustrine silts and clays. Native materials are encountered from about 7 to 11 feet below ground surface.

Bedrock is Middle Devonian age, Skaneateles Formation, consisting of Levanna shale and Stafford limestone of the Hamilton Group. Bedrock varies from about 34 feet deep in the northwestern corner of the site to 45 feet deep with the near the southern portion of Phase II.

Due to the porous nature of the slag/soil fill there is very little storm water retention, or surface runoff, as most of the precipitation seeps into the highly permeable slag/soil fill. Any surface waters flow into Smokes Creek or the South Water Return Trench which parallels the western border of the property and flows southerly where it empties into Smokes Creek which discharges to the west into Lake Erie.

Groundwater, when encountered, is about 6 feet below ground surface trending westerly and northerly toward Lake Erie.

A site location map is attached as Figure 1.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, alternatives that restrict the use of the site to commercial use (which allows for industrial use) as described in Part 375-1.8(g) were evaluated in addition to an alternative which would allow for unrestricted use of the site.

A comparison of the results of the Remedial Investigation (RI) to the appropriate standards, criteria and guidance values (SCGs) for the identified land use and the unrestricted use SCGs for the site contaminants is available in the RI Report.

SECTION 5: ENFORCEMENT STATUS

The Applicant under the Brownfield Cleanup Agreement is a Volunteer. The Applicant does not have an obligation to address off-site contamination. However, the Department has determined that this site does not pose a significant threat to public health or the environment; accordingly, no enforcement actions are necessary.

SECTION 6: SITE CONTAMINATION

6.1: Summary of the Remedial Investigation

A remedial investigation (RI) serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the contamination; and
- assess risk to human health and the environment.

The RI is intended to identify the nature (or type) of contamination which may be present at a site and the extent of that contamination in the environment on the site, or leaving the site. The RI reports on data gathered to determine if the soil, groundwater, soil vapor, indoor air, surface water or sediments may have been contaminated. Monitoring wells are installed to assess groundwater and soil borings or test pits are installed to sample soil and/or waste(s) identified. If other natural resources are present, such as surface water bodies or wetlands, the water and sediment may be sampled as well. Based on the presence of contaminants in soil and groundwater, soil vapor will also be sampled for the presence of contamination. Data collected in the RI influence the development of remedial alternatives. The RI report is available for review in the site document repository and the results are summarized in section 6.3.

The analytical data collected on this site includes data for:

- soil

6.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. The Department has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs for drinking water and soil vapor intrusion. For a full listing of all SCGs see: <http://www.dec.ny.gov/regulations/61794.html>

6.1.2: RI Results

The data have identified contaminants of concern. A "contaminant of concern" is a contaminant that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified on the property are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized below. Additionally, the RI Report contains a full discussion of the data. The contaminant(s) of concern identified at this site is/are:

benzo(a)pyrene	arsenic
dibenz[a,h]anthracene	lead
benzo(a)anthracene	benzo(b)fluoranthene
indeno(1,2,3-CD)pyrene	petroleum products

The contaminant(s) of concern exceed the applicable SCGs for:

- soil

6.2: Interim Remedial Measures

An interim remedial measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Decision Document.

The following IRM has been completed at this site based on conditions observed during the RI.

Metals Hotspot Removal

Soils impacted with levels of arsenic exceeding site cleanup objectives for commercial reuse, as set forth in 6 NYCRR Part 375-6.7(d), were discovered during remedial investigation test pit excavation. One test pit, BPA2 TP-40 contained arsenic at 152 parts per million (ppm).

An IRM was completed in March 2013, in anticipation of placement of a waterline supplying the newly constructed Welded Tube Facility. Work was completed in conformance with a Department approved Interim Excavation Work Plan that delineated, removed and disposed off-site approximately 50 tons of contaminated soils.

After documentation sampling, the excavation was backfilled by grading surrounding material. A final cover was deferred to the final remedy. A Construction Completion Report detailing the removal effort and final disposal of removed material was complete in January 2014.

6.3: Summary of Environmental Assessment

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water. The RI report presents a detailed discussion of any existing and potential impacts from the site to fish and wildlife receptors.

Nature and Extent of Contamination:

The nature and extent of contamination is consistent with the former site use as a steel manufacturing facility. Based upon investigations conducted to date, the primary contaminants of concern for soils at the Tecumseh Phase II-8 site are metals, including arsenic, chromium and lead. Contaminants of concern to a lesser extent are semi-volatile organic compounds (SVOCs) including polycyclic aromatic hydrocarbons (PAHs), such as benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenzo(a,h)anthracene and indeno(1,2,3-cd)pyrene.

Widespread exceedances of unrestricted use site cleanup objectives (SCOs) for metals are common in the soil and fill. When compared to the unrestricted SCO of 13 ppm for arsenic, levels ranging from 13 ppm to 152 ppm, exceeded the SCO in 8 of 9 samples and when compared to the

commercial SCO of 16 ppm, exceeded the SCO in 6 of 9 samples. Chromium, ranging from 13.7 ppm to 113 ppm, exceeds the unrestricted SCO of 1 ppm in 9 of 9 samples but when compared to the commercial SCO of 400 ppm no sample exceeded. Lead, from 181 ppm to 1,090 ppm, exceeds the unrestricted SCO (63 ppm) in 9 of 9 samples but when compared to the commercial SCO of 1,000 ppm, only one sample exceeded the SCO.

SVOCs, like metals are widespread throughout the Phase II Business Park. Most of the contaminants are PAHs and are usually associated with those activities that include burning of fossil fuels and heavy rail use, both of which were ubiquitous at the former steel mill. At the Site the above noted contaminants exceed the unrestricted SCOs in almost all of the samples.

However, when compared to the commercial use SCOs benzo(a)pyrene from 0.28 ppm to 12ppm, exceeded SCO of 1 ppm with 4 of 9 samples exceeding. With commercial SCOs of 5.6 ppm, benzo(a)anthracene from 0.25 ppm to 12 ppm and benzo(b)fluoranthene, from 0.34 ppm to 14 ppm exceeded commercial SCOs in 3 of 9 samples. Indeno(1,2,3-cd)pyrene from 0.22 ppm to 8.8 ppm exceeded SCOs in 2 of 9 samples and dibenzo(a,h)anthracene, ranging from 0.07 ppm to 1.8 ppm with an SCO of 0.56 ppm exceeded the commercial SCO in 1 of 9 samples.

Visual impacts from petroleum products were noted in one test pit area.

No VOCs or PCBs exceeded unrestricted SCOs in soils.

Groundwater on the Tecumseh Business Park property has been impacted by years of industrial activity. Groundwater pH from a low value of 6.28 to high value of 9.28 has exceeded quality standards (GwQS) of 6.5 - 8.5. Metals, such as, iron as high as 1.43 ppm exceeds the standard of 0.3 ppm, magnesium as high as 58.2 ppm exceeds groundwater guidance values of 35 ppm and arsenic as high as 0.49 ppm exceeds the GwQS of 0.25 ppm. On the subject parcel groundwater was not sampled.

6.4: Summary of Human Exposure Pathways

This human exposure assessment identifies ways in which people may be exposed to site-related contaminants. Chemicals can enter the body through three major pathways (breathing, touching or swallowing). This is referred to as *exposure*.

The site is completely fenced, which restricts public access. However, persons who enter the site could contact contaminants in the soil by walking on the site, digging or otherwise disturbing the soil. Groundwater at the site is not used for drinking or other purposes and the site is served by a public water supply.

6.5: Summary of the Remediation Objectives

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial program is to restore the site to pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

The remedial action objectives for this site are:

Groundwater

RAOs for Public Health Protection

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.

RAOs for Environmental Protection

- Remove the source of ground or surface water contamination.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.
- Prevent inhalation of or exposure from contaminants volatilizing from contaminants in soil.

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater or surface water contamination.

SECTION 7: ELEMENTS OF THE SELECTED REMEDY

The alternatives developed for the site and the evaluation of the remedial criteria are presented in the Alternative Analysis. The remedy is selected pursuant to the remedy selection criteria set forth in DER-10, Technical Guidance for Site Investigation and Remediation and 6 NYCRR Part 375.

The selected remedy is a Track 4: Restricted use with site-specific soil cleanup objectives remedy.

The selected remedy is referred to as the Site Cover with Institutional Controls remedy.

The elements of the selected remedy, as shown in Figure 2, are as follows:

1. A remedial design program will be implemented to provide the details necessary for the construction, operation, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows;

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gas and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;

- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste.

2. A site cover will be required to allow for commercial use of the site in areas where the upper one foot of exposed surface soil exceed the commercial soil cleanup objectives (SCOs). The site cover may consist of paved parking areas, sidewalks, soil cover, or other Department approved cover. Where soil cover is required it will be a minimum of one foot of soil with the upper six inches of soil of sufficient quality to maintain a vegetative layer. All cover will be placed over a demarcation layer. Any cover material, including any fill material brought to the site, will meet the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d). In areas where building foundations or building slabs, which preclude contact with soil exist, the requirement for a site cover will be deferred until such time that they are removed.

3. Imposition of an institutional control in the form of an environmental easement is required for the controlled property that:

- allows the use and development of the controlled property for commercial and industrial uses as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH;
- requires compliance with the Department approved Site Management Plan; and
- requires the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3.)

4. A Site Management Plan is required, which includes, but not limited to, the following:

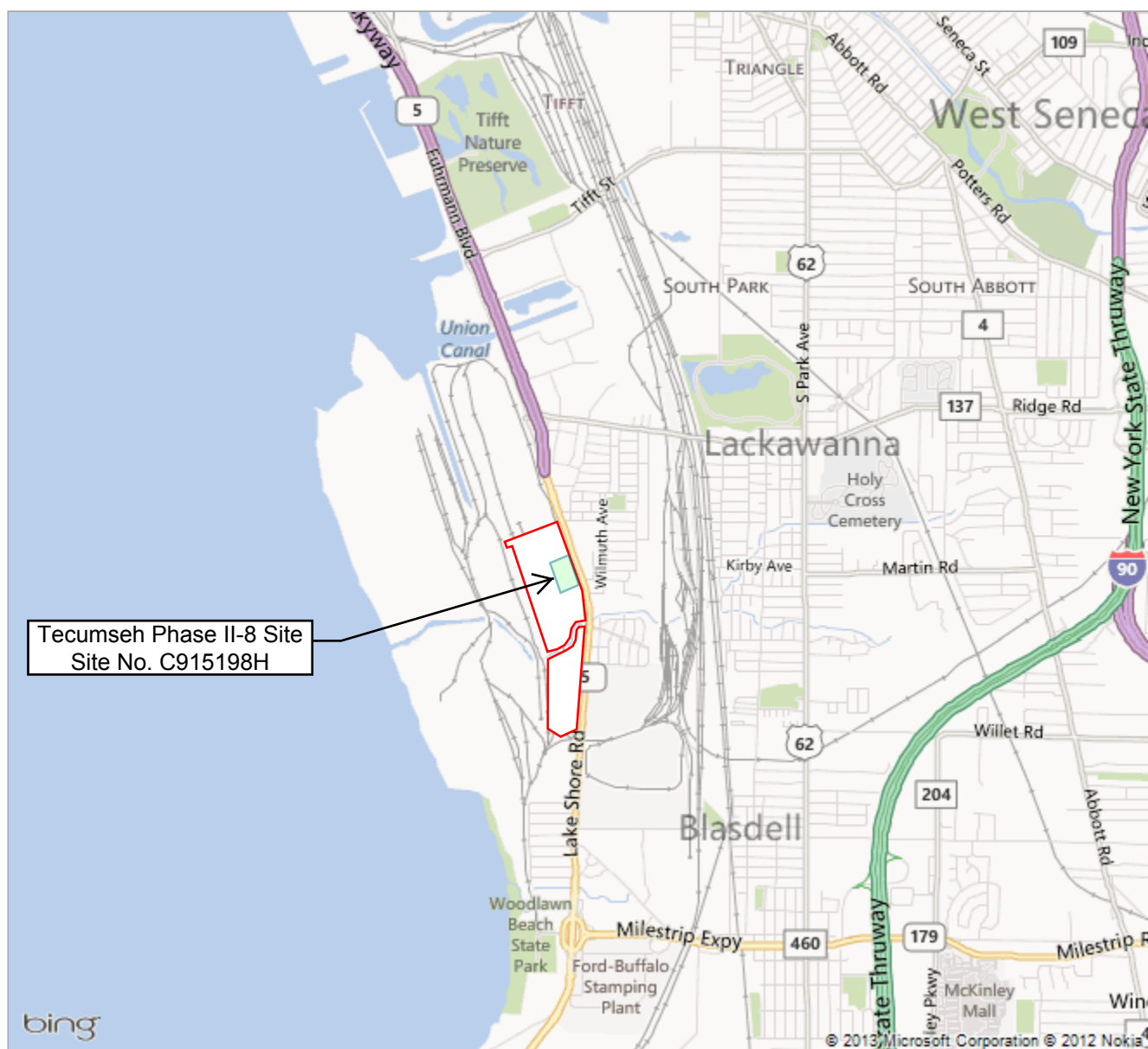
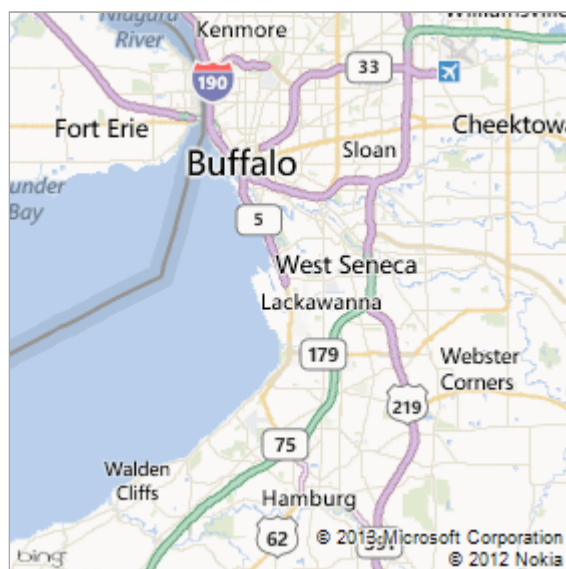
- an Institutional and Engineering Control Plan that identifies all use restrictions for the site noted above and details the steps necessary to ensure the following controls remain in place and effective;
- an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
- a provision that should a building foundation or building slab be removed in the future, a cover system consistent with that described in Paragraph 2 above will be placed in any areas where the upper one foot of exposed surface soil exceed the applicable soil cleanup objectives (SCOs);
- a Monitoring Plan to ensure groundwater quality and to assess the performance and effectiveness of the site cover;
- provisions for the management and inspection of the identified engineering controls;

- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

FIGURE 1

Site Location
Tecumseh Phase II Business Park

Phase II-8 Site
Site No. C915198H



ATTACHMENT 2

PROOF OF DELIVERY

From: TrackingUpdates@fedex.com
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FedEx



Hi. Your package was
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Delivered to 714 RIDGE RD 309, LACKAWANNA, NY 14218
Received by W.TURNER

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How was your delivery ?



TRACKING NUMBER

[771896202260](#)

FROM

Benchmark Env. Eng & Science
2558 Hamburg Turnpike, Suite 300

	Buffalo, NY, US, 14218
TO	City of Lackawanna Steve Bremer, Code Enforcement Offi 714 RIDGE RD RM 309 LACKAWANNA, NY, US, 14218
REFERENCE	0564-021-006/004
SHIPPER REFERENCE	0564-021-006/004
SHIP DATE	Wed 4/19/2023 05:05 PM
DELIVERED TO	Receptionist/Front Desk
PACKAGING TYPE	FedEx Envelope
ORIGIN	Buffalo, NY, US, 14218
DESTINATION	LACKAWANNA, NY, US, 14218
SPECIAL HANDLING	Deliver Weekday
NUMBER OF PIECES	1
TOTAL SHIPMENT WEIGHT	0.50 LB
SERVICE TYPE	FedEx Priority Overnight



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Date: Thursday, April 20, 2023 10:45:03 AM

FedEx



Hi. Your package was
delivered Thu, 04/20/2023 at
10:35am.



Delivered to 95 FRANKLIN ST 746, BUFFALO, NY 14202
Received by S.SMIGIELSKI

[OBTAIN PROOF OF DELIVERY](#)

How was your delivery ?



TRACKING NUMBER

[771896331718](#)

FROM

Benchmark Env. Eng & Science
2558 Hamburg Turnpike, Suite 300

	Buffalo, NY, US, 14218
TO	Erie County DEP Mark Roundtree and Rich Stanton 95 Franklin Street Room 1064 BUFFALO, NY, US, 14202
REFERENCE	0564-021-006/004
SHIPPER REFERENCE	0564-021-006/004
SHIP DATE	Wed 4/19/2023 05:05 PM
DELIVERED TO	Mailroom
PACKAGING TYPE	FedEx Envelope
ORIGIN	Buffalo, NY, US, 14218
DESTINATION	BUFFALO, NY, US, 14202
SPECIAL HANDLING	Deliver Weekday
NUMBER OF PIECES	1
TOTAL SHIPMENT WEIGHT	0.50 LB
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ATTACHMENT 3

SITE PHOTOGRAPHS

SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: View of east side of 8 Dona St. facing Rt. 5

Photo 2: View of west side of 8 Dona St.

Photo 3: View of north side of 8 Dona St.

Photo 4: View of south side of 8 Dona St.

8 DONA STREET
NYSDEC BCP Site No. C915198H (II-8)
Lackawanna, New York

Photo Date: April 2023

