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## ***ERIE COUNTY LEGISLATURE***

92 Franklin Street - 4th Floor  
Buffalo, New York 14202

**TO: Members of the Erie County Legislature**

**FROM: Karen M. McCarthy, Clerk**

**DATE: January 4, 2016**

**SUBJECT New York State Department of Environmental Conservation Documents Received**

The following documents were submitted by the New York State Department of Environmental Conservation (NYSDEC):

NYSDEC has determined cleanup requirements have or will be met related to the 129 Holden Street Redevelopment site.

NYSDEC has determined cleanup requirements have or well be met related to the 3 Gates Circle site.

Public comment on a draft work plan being reviewed by the NYSDEC to investigate the 837 Bailey site will be accepted through January 19, 2016.

Comments regarding the Brownfield Cleanup Program application from Hertel Warehouse Inc. must be submitted no later than January 22, 2016

Thank you.



# FACT SHEET

## Brownfield Cleanup Program

Receive Site Fact Sheets by *Email*. See "For More Information" to Learn How.

**Site Name:** 129 Holden Street Redevelopment  
**DEC Site #:** C915261  
**Address:** 129 Holden Street  
Buffalo, NY 14214

Have questions?  
See  
"Who to Contact"  
Below

### NYSDEC Certifies Cleanup Requirements Achieved at Brownfield Site

The New York State Department of Environmental Conservation (NYSDEC) has determined that the cleanup requirements to address contamination related to the 129 Holden Street Redevelopment site ("site") located at 129 Holden Street, Buffalo, Erie County under New York State's Brownfield Cleanup Program have been or will be met. Please see the map for the site location.

The cleanup activities were performed by Highland Park Village, LLC with oversight provided by NYSDEC. NYSDEC has approved a Final Engineering Report and issued a Certificate of Completion for the site. Copies of the Final Engineering Report and Notice of the Certificate of Completion are available at the location(s) identified below under "Where to Find Information."

#### Completion of Project

1. Excavation and off-site disposal of 1,140 cubic yards of soils/ fill materials contaminated with metals and polycyclic aromatic hydrocarbons (PAHs) from five hot spot areas. The impacted soil/fill was disposed off-site at a NYSDEC permitted disposal facility.
2. Placing a site cover system over the entire site. The cover system consisted of either a minimum two foot thickness of soil meeting the Part 375 restricted residential use cover requirements or gravel. The soil cover was placed over an orange mesh demarcation layer over most of the site.
3. An Environmental Easement was placed on the property to restrict land use to restricted residential/commercial/industrial operations and prevent future exposure to contamination remaining at the Site.
4. Implementation of a Site Management Plan (SMP) detailing requirements for management of remaining contamination as required by the Environmental Easement.
5. Excavation Work Plan to assure that future intrusive activities and soil/fill handling at the Site are completed in a safe and environmentally responsible manner.
6. Certification that the institutional and engineering controls are still in place and effective will be made annually.

## **Final Engineering Report Approved**

NYSDEC has approved the Final Engineering Report, which:

- 1) Describes the cleanup activities completed.
- 2) Certifies that cleanup requirements have been or will be achieved for the site.
- 3) Describes any institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction, when contamination left over after the cleanup action 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.
- 4) Certifies that a site management plan for any engineering controls used at the site has been approved by NYSDEC.

The following institutional controls have been or will be put in place on the site:

- Site Management Plan
- Institutional Control/Engineering Control Plan
- Groundwater Use Restriction
- Land Use Restriction

The following engineering controls have been or will be put in place on the site:

- Cover System

### **Next Steps**

With its receipt of a Certificate of Completion, the applicant is eligible to redevelop the site. In addition, the applicant:

- has no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- is eligible for tax credits to offset the costs of performing cleanup activities and for redevelopment of the site.

A Certificate of Completion may be modified or revoked if, for example, there is a failure to comply with the terms of the order or agreement with NYSDEC.

### **Background**

**Site Location:** This site is the former Central Park Plaza and is located at 129 Holden Street in the City of Buffalo. The site borders Bennett Village Terrace residences on the north, Manhattan Avenue and United States Post Office on the east, Holden Avenue on the west and Central Park Avenue on the south.

**Site Features:** This 27.1 acres site is vacant and is completely fenced.

**Current Zoning and Land Use:** The site is located within the commercial zoning district. Surrounding adjacent areas are zoned for residential and commercial use.

**Past Use of the Site:** From 1877 to 1948, the Buffalo Cement Company operated this site as a rock quarry. The quarry was filled in with materials such as silty clay, sands, gravels, bricks, fractured limestone, slag, and industrial fill. In 1958 the site was developed by Central Park Shopping Center, Inc. In addition to shopping stores, other businesses such as auto repair, photographic processing, and dry cleaning also occupied the Central Park Plaza. The site has been vacant since July 2011. Four of the five vacant plaza buildings were demolished in 2012. The fifth building was demolished in 2014.

**Site Geology and Hydrogeology:** The overburden soils encountered at the site consist of various fill materials and disturbed native soils. The fill materials consist of fractured limestone, slag, sands, ash, non-native silty clay, and gravels. The thickness of the fill ranges from approximately 5 to 19. The bedrock consists of Onondaga Limestone or Bertie Limestone depending on location relative to historic quarry operations. The depth of groundwater is approximately 13 feet below ground surface. The groundwater flows in a northerly direction.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's website at:

<http://www.dec.ny.gov/cfmx/extapps/derexternal/haz/details.cfm?pageid=3&progno=C915261>

**Brownfield Cleanup Program:** New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses include recreation, housing, business or other uses.

A brownfield is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination.

For more information about the BCP, visit: <http://www.dec.ny.gov/chemical/8450.html>

## **FOR MORE INFORMATION**

### **Where to Find Information**

Project documents are available at the following location(s) to help the public stay informed.

East Delavan Branch Library  
1187 East Delavan Avenue  
Buffalo, NY 14215  
phone: 716-896-4433

Project documents are also available on the NYSDEC website at:

<http://www.dec.ny.gov/chemical/37554.html>

**Who to Contact**

Comments and questions are always welcome and should be directed as follows:

Project Related Questions

Jaspal S. Walia, P.E.  
Department of Environmental Conservation  
Division of Environmental Remediation  
270 Michigan Ave  
Buffalo, NY 14203-2915  
716-851-7220  
jaspal.walia@dec.ny.gov

Site-Related Health Questions

Matthew Forcucci  
New York State Department of Health  
584 Delaware Ave.  
Buffalo, NY 14202  
716-847-4501  
BEEI@health.ny.gov

**We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.**

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<http://www.dec.ny.gov/chemical/61092.html>. It's quick, it's free, and it will help keep you *better informed*.



As a listserv member, you will periodically receive site-related information/announcements for all contaminated sites in the county(ies) you select.

Note: Please disregard if you already have signed up and received this fact sheet electronically.



APPROXIMATE  
BROWNFIELD  
PROPERTY LINE



THIS MAP WAS ADAPTED FROM A 2008 AERIAL PHOTO AND PROPERTY LINE DOWNLOADED FROM <http://www.nysgis.state.ny.us/gateway/img/index.html> AND FIELD OBSERVATIONS.

- NOTES:**
1. BASE MAP ADAPTED FROM A 2008 AERIAL PHOTO AND PROPERTY LINE DOWNLOADED FROM <http://www.nysgis.state.ny.us/gateway/img/index.html> AND FIELD OBSERVATIONS.
  2. THE SIZE AND LOCATION OF EXISTING SITE FEATURES SHOULD BE CONSIDERED APPROXIMATE.

129 HOLDEN STREET BUFFALO, NEW YORK	
REMEDIAL INVESTIGATION ALTERNATIVE ANALYSIS REPORT	
SITE PLAN	
DATE: _____	BY: _____
PREPARED BY: CEA CONSULTING ENGINEERS AND ARCHITECTS, INC. 1000 W. 10TH STREET, SUITE 200 BUFFALO, NY 14202 TEL: 716-835-1100 FAX: 716-835-1101 WWW.CEA-CONSULTING.COM	
PROJECT NO.:	REVISION NO.:
DATE: MAY 2013	DATE: _____
FIGURE:	1



FACT SHEET Brownfield Cleanup Program

Receive Site Fact Sheets by Email. See "For More Information" to Learn How.

Site Name: 3 Gates Circle Site
DEC Site #: C915272
Address: 3 Gates Circle
Buffalo, NY 14209

Have questions? See "Who to Contact" Below

NYSDEC Certifies Cleanup Requirements Achieved at Brownfield Site

The New York State Department of Environmental Conservation (NYSDEC) has determined that the cleanup requirements to address contamination related to the 3 Gates Circle Site ("site") located at 3 Gates Circle, Buffalo, Erie County under New York State's Brownfield Cleanup Program have been or will be met. Please see the map for the site location.

The cleanup activities were performed with oversight provided by NYSDEC. NYSDEC has approved a Final Engineering Report and issued a Certificate of Completion for the site. Copies of the Final Engineering Report and Notice of the Certificate of Completion are available at the location(s) identified below under "Where to Find Information."

Completion of Project

- 1. Excavation and off-site disposal of approximately 1,520 cubic yards of soils contaminated with No. 6 fuel oil to achieve Restricted Residential Soil Cleanup Objectives (RRSCOs).
2. Excavation and off-site disposal of approximately 1,090 cubic yards of soils/fill contaminated with polycyclic aromatic hydrocarbons (PAHs) and mercury to achieve RRSCOs.
3. Placing a site-wide cover system. The cover system consists of soil, crushed stones, asphalt covered areas, and concrete building slab/foundations. The soil and/or stone cover system has a minimum 2-foot thickness of soil meeting the Part 375 restricted residential use cover requirements. The soil cover and crushed stones were placed over an orange mesh demarcation layer where contamination remained below the cover system.
4. An Environmental Easement was placed on the property to restrict land use to restricted residential/commercial/industrial operations and prevent future exposure to any contamination remaining at the Site.
5. Implementation of a Site Management Plan (SMP) detailing requirements for management of remaining contamination as required by the Environmental Easement.
6. Implementation of an Excavation Work Plan to assure that future intrusive activities and soil/fill handling at the site are completed in a safe and environmentally responsible manner; and
7. Certification that the institutional and engineering controls are still in place and effective will be made annually.

## **Final Engineering Report Approved**

NYSDEC has approved the Final Engineering Report, which:

- 1) Describes the cleanup activities completed.
- 2) Certifies that cleanup requirements have been or will be achieved for the site.
- 3) Describes any institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction, when contamination left over after the cleanup action 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.
- 4) Certifies that a site management plan for any engineering controls used at the site has been approved by NYSDEC.

The following institutional controls have been or will be put in place on the site:

- Environmental Easement
- Soil Management Plan
- Land Use Restriction
- Groundwater Use Restriction

The following engineering controls have been or will be put in place on the site:

- Cover System

### **Next Steps**

With its receipt of a Certificate of Completion, the applicant is eligible to redevelop the site. In addition, the applicant:

- has no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- is eligible for tax credits to offset the costs of performing cleanup activities and for redevelopment of the site.

A Certificate of Completion may be modified or revoked if, for example, there is a failure to comply with the terms of the order or agreement with NYSDEC.

### **Background**

**Location:** The site property is located at 3 Gates Circle in the City of Buffalo. It consists of approximately 6.88 acres and encompasses the former Millard Fillmore Gates Circle Hospital complex. The property is bounded by Delaware Avenue and commercial properties to the west; Linwood Avenue and a mix of commercial and residential properties to the east; Lafayette Avenue and a mix of commercial and residential properties to the north; and commercial properties to the south.

**Site Features:** The site consists of two buildings, cleared areas from demolition of buildings, debris from demolished buildings, and parking areas.

**Current Zoning and Land Use:** The site is currently zoned R5-residential.

**Past Use of the Site:** The site was initially developed for residential use and was partially used for tricycle manufacturing pre-1900. By 1916 the site was beginning to undergo use as a hospital facility, with continued expansion of the hospital complex (Millard Fillmore Gates Circle Hospital) through the early 1970's.

**Site Geology and Hydrogeology:** The subsurface soils generally consist of non-native soil/fills in upper four feet overlying native soil. The fill materials consist of sands, gravels, cinders, bricks, and slag. The native soil is very hard, medium plasticity, reddish brown lean clay present at varying thicknesses and overlying reddish brown sandy silt. The bedrock is approximately 30 feet below ground surface and is described as gray cherty limestone. Groundwater is approximately 11 feet below ground surface and flows northerly towards Scajaquada Creek.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's website at:

<http://www.dec.ny.gov/cfmx/extapps/derexternal/haz/details.cfm?pageid=3&progno=C915272>

**Brownfield Cleanup Program:** New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses include recreation, housing, business or other uses.

A brownfield is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination.

For more information about the BCP, visit: <http://www.dec.ny.gov/chemical/8450.html>

## **FOR MORE INFORMATION**

### **Where to Find Information**

Project documents are available at the following location(s) to help the public stay informed.

Buffalo & Erie County Public Library  
Attn: Ms. Mary Schiffhauer  
633 Elmwood Avenue  
Buffalo, NY 14222  
phone: 716-883-6651

Project documents are also available on the NYSDEC website at:

<http://www.dec.ny.gov/chemical/37554.html>

**Who to Contact**

Comments and questions are always welcome and should be directed as follows:

Project Related Questions

Jaspal S. Walia, P.E.  
Department of Environmental Conservation  
Division of Environmental Remediation  
270 Michigan Ave  
Buffalo, NY 14203-2915  
716-851-7220  
jaspal.walia@dec.ny.gov

Site-Related Health Questions

Renata Ockerby  
New York State Department of Health  
Empire State Plaza, Corning Tower, Room 1787  
Albany, NY 12237  
518-402-7860  
BEEI@health.ny.gov

**We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.**

**Receive Site Fact Sheets by Email**

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Note: Please disregard if you already have signed up and received this fact sheet electronically.

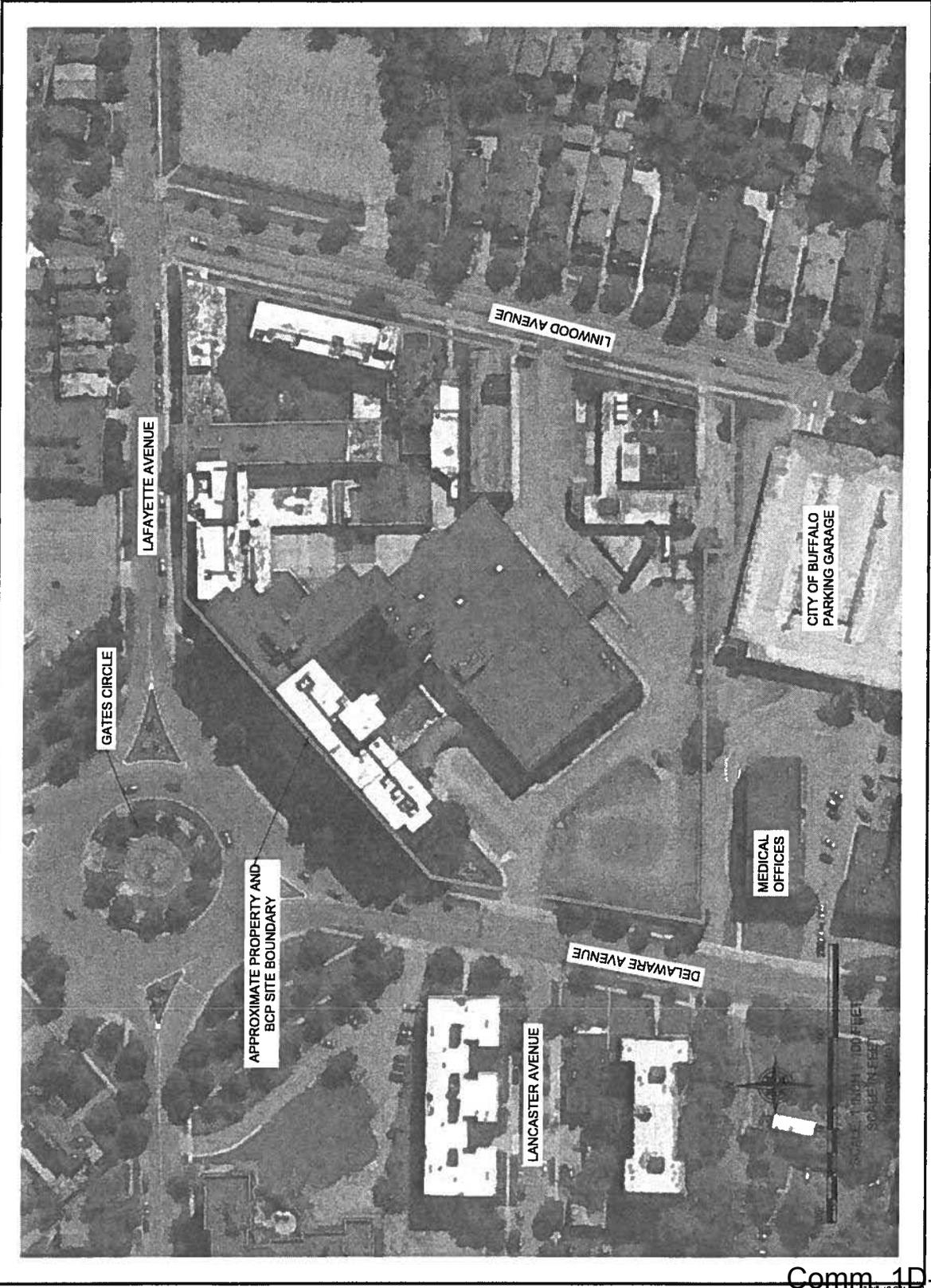
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FIGURE

SITE MANAGEMENT PLAN  
BROWNFIELD CLEANUP PROGRAM  
3 GATES CIRCLE SITE  
BUFFALO, NEW YORK  
PREPARED FOR  
GATES CIRCLE HOLDINGS, LLC

**BENCHMARK**  
ENVIRONMENTAL  
ENGINEERING &  
SCIENCE, PLLC  
2860 BAARBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0999

JOB NO.: 0309-014-001





FACT SHEET Brownfield Cleanup Program

Receive Site Fact Sheets by Email. See "For More Information" to Learn How.

Site Name: 837 Bailey Ave.
DEC Site #: C915298
Address: 837 Bailey Ave.
Buffalo, NY 14206

Have questions? See "Who to Contact" Below

Draft Investigation Work Plan for Brownfield Site Available for Public Comment

The public is invited to comment on a draft work plan being reviewed by the New York State Department of Environmental Conservation (NYSDEC) to investigate the 837 Bailey Ave. site ("site") located at 837 Bailey Ave., Buffalo, Erie County. Please see the map for the site location. Documents related to the cleanup of this site can be found at the location(s) identified below under "Where to Find Information."

Draft Investigation Work Plan

The draft investigation work plan, called a "Remedial Investigation Work Plan," was submitted to NYSDEC under New York's Brownfield Cleanup Program. The investigation will be performed with oversight by NYSDEC and the New York State Department of Health (NYSDOH).

How to Comment

NYSDEC is accepting written comments about the draft investigation work plan for 30 days, from December 21, 2015 through January 19, 2016. The proposed plan is available for review at the location(s) identified below under "Where to Find Information." Please submit comments to the NYSDEC project manager listed under Project Related Questions in the "Who to Contact" area below.

Highlights of the Proposed Site Investigation:

The proposed site investigation consists of:
i) Sub-surface soil investigation by soil borings.
ii) Installation of groundwater monitoring wells.
The investigation will define the nature and extent of contamination in soil, groundwater and any other parts of the environment that may be affected.

Next Steps

NYSDEC will consider public comments, revise the plan as necessary and approve the work plan. NYSDOH must concur with the plan. The approved work plan will be made available to the public (see "Where to Find Information" below). After the work plan is approved, the activities detailed in the work plan will be implemented.

When the investigation is completed, a report will be prepared and submitted to the NYSDEC that summarizes the results. NYSDEC will review the report, make any necessary revisions and, if appropriate, approve the report.

After the investigation, a cleanup plan, called a "Remedial Work Plan" will be developed and a Decision Document will be proposed. The cleanup plan will include an evaluation of the proposed site remedy, or recommend a no action or no further action alternative. The goal of the cleanup plan is to ensure the protection of public health and the environment. NYSDEC will present the proposed cleanup plan to the public for its review and comment during a 45-day comment period. NYSDEC will keep the public informed throughout the investigation and cleanup of the site.

## **Background**

### **Location:**

The property is located in an urban environment and consists of two parcels, 837 Bailey Ave. and 79 Dingens St. (see attached maps). The Buffalo River is located approximately 0.75 miles south of the property and the I-190 (Niagara Thruway) is located approximately 0.5 miles east of the property.

### **Site Features:**

The 837 Bailey Ave. parcel consists of one approximately 4,400 square foot building and a vacant lot consisting of random mounds of soil, wood, plastic, auto parts, and construction debris. The 79 Dingens St. parcel consists of a railroad and undeveloped land that is predominantly grass/lightly wooded.

### **Current Zoning and Land Use:**

The property is zoned M-2 (General Industrial) and is currently vacant. Previous operations (auto salvage/wrecking facility) reportedly ceased in 2014. The adjacent properties are a mix of commercial, residential and right-of-ways.

### **Past Use of the Site:**

The subject property was used as an auto salvage/wrecking facility from at least 1940 to 2014, an automotive repair facility from at least 1946 to 1986, a tire recapping facility in at least 1950, and a filling station was on-site in at least 1946-1950.

### **Site Geology and Hydrogeology:**

Bedrock mapping indicates that the subject property is underlain by bedrock of the Onondaga and Bois Blanc Limestone. Mapping indicates the surficial geology of the area to consist primarily of lacustrine silt and clay. The thickness varies up to 100 meters. Regional groundwater would appear to flow in a southerly direction based on a review of geological/soils and USGS quadrangle maps. Previous subsurface investigations conducted at the property indicate groundwater at approximately 6-8 feet below ground surface (bgs).

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's website at:

<http://www.dec.ny.gov/cfm/external/derexternal/haz/details.cfm?pageid=3&progno=C915298>

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For more information about the BCP, visit: <http://www.dec.ny.gov/chemical/8450.html>

## FOR MORE INFORMATION

### Where to Find Information

Project documents are available at the following location(s) to help the public stay informed.

Erie Co. Library – East Clinton -Bailey Branch  
1929 Clinton Street  
Buffalo, NY 14206  
phone: 716-823-5626

Project documents are also available on the NYSDEC website at:  
<http://www.dec.ny.gov/chemical/37554.html>

### Who to Contact

Comments and questions are always welcome and should be directed as follows:

#### Project Related Questions

Jaspal Walia  
Department of Environmental Conservation  
Division of Environmental Remediation  
270 Michigan Ave  
Buffalo, NY 14203-2915  
716-851-7220  
[jaspal.walia@dec.ny.gov](mailto:jaspal.walia@dec.ny.gov)

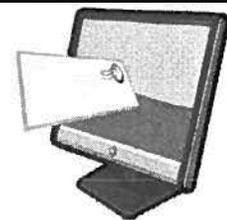
#### Site-Related Health Questions

Anthony C. Perretta  
Public Health Specialist II  
Bureau of Environmental Exposure Investigation  
New York State Department of Health  
ESP Corning Tower, Rm 1787  
Albany, NY 12237  
518-402-7860  
[BEEI@health.ny.gov](mailto:BEEI@health.ny.gov)

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Project No.	15-0027-3	<b>EnSol, Inc.</b>	<b>SITE LOCATION MAP</b>	
Date	October 2015	<b>Environmental Solutions</b> 681 Main St. Niagara Falls, NY 14301 Phone: (716) 285-3920 Fax: (716) 285-3928	837 Bailey Ave. Site	
Scale	NTS		Near Dingens, LLC	Fig. 1

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Receive Updates



## Hertel Warehouse Site (Buffalo) - Public Comment Invited on Brownfield Site Application

The New York State Department of Environmental Conservation sent this bulletin on 12/23/2015 02:09 PM EST



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### Public Comment Invited on Brownfield Site Application

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application from Hertel Warehouse Inc. for a site known as the **Hertel Warehouse Site, ID #C915210**. This site is located in the City of Buffalo, within the County of Erie, and is located at 373 Hertel Avenue.

**Comments regarding this application must be submitted no later than January 22, 2016.** A copy of the application and other relevant documents are available at the document repository located at the Buffalo and Erie County Public Library – North Park Branch, 975 Hertel Ave, Buffalo.

Information regarding the site and how to submit comments can be found at <http://www.dec.ny.gov/chemical/60058.html> or send comments to Jaspal Walia, Project Manager, NYS Dept. of Environmental Conservation, Division of Environmental Remediation, 270 Michigan Ave, Buffalo, NY 14203; email: [jaspal.walia@dec.ny.gov](mailto:jaspal.walia@dec.ny.gov); or call 716-851-7220.

**NOTE:** General information about New York's Brownfield Cleanup Program can be found at <http://www.dec.ny.gov/chemical/8450.html>

Please do not respond to this email. Replies go to an untended mailbox. If you have questions about the site identified above, please use the contact information provided above.

Comm. 1D-4  
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