

Broome County Brownfields Assessment Pilot

**DRAFT
Community Participation Plan**

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Prepared by

**The Broome County Environmental Management Council
Brownfields Committee**

The Environmental Protection Agency (EPA) requires Brownfield Assessment Pilot (Pilot) participants to develop and implement a Community Participation Plan (CPP). This CPP outlines activities undertaken by Broome County that led to their pursuit of EPA funding, describes overall goals and objectives of the Pilot and the CPP, and sets forth a course of action to exchange information with and solicit input from citizens, community organizations, and public and private entities on various aspects of the Pilot. The Broome County Environmental Management Council's (EMC) existing Brownfields Committee (BFC), formerly a subcommittee, will be the foundation for long-term community involvement throughout the Pilot.

I. BROOME COUNTY BROWNFIELDS ASSESSMENT PILOT OVERVIEW

A. Background

Broome County has a history of industrial development concentrated within the populated urban core communities of the City of Binghamton and the Town of Union. Over the years, turn-of-the-century industrial plants became increasingly inefficient to operate. This caused some companies to relocate elsewhere, while others built new facilities on greenfield sites at the edge of the urban core, or abandoned their properties entirely. These trends contributed to the creation of numerous suspected or known contaminated sites in Broome County.

In addition, economic restructuring compounded these trends. Since 1985, Broome County's manufacturing employment declined 40 percent, poverty rates increased 31 percent since 1989, and for 30 years, the County saw a 9.5 percent decline in population. Abandoned or idle buildings inevitably deteriorated and became community health threats and eyesores that resulted in dis-investment by neighboring property owners.

Broome County leaders are considering several initiatives to deal with the related problems of out-migration of capital, eroding economic base, and the resulting poverty:

a) Revitalize key gateway areas

The Binghamton Metropolitan Transportation Study (BMTS), the local transportation planning organization, has begun comprehensive analyses of urban area gateways, many of which are marked by abandoned and deteriorated properties that have a blighting influence on their neighborhoods and beyond their immediate surroundings. Recognizing that first visual impressions can negatively influence a community's sense of place, pride, and purpose, BMTS will assess the impact that essential urban area gateways have on communities.

b) Create regional business park system

The Broome County Plan for Sustainable Economic Development (The BCPlan), adopted late 2002, consists of an economic and demographic analysis, infrastructure assessment, target industry analysis, a land use strategy, and an action plan for revitalization.

One conclusion of The BCPlan is that the County should revive existing urban centers, because of potential costly infrastructure expansions at existing corporate parks and a lack of

shovel-ready urban land for development, which encourages sprawl into valued greenspaces. Furthermore, The BCPlan recommended that the large number and key locations of brownfield sites in the County will play a pivotal role in the creation of a network system of smaller business parks.

As these two initiatives go forward, a single property with known or suspected contamination could block the entire effort.

B. Pilot Goal and Objectives

The goal of the Pilot is to use brownfield clean ups as the centerpieces of Broome County's economic revitalization by characterizing pollution, if any, at strategically located sites and facilitating their clean up.

Several objectives were identified to accomplish the overall goal of the Pilot. One objective is to develop a tool for use by county and municipal planners to evaluate environmentally contaminated sites for potential redevelopment. A second objective specifically seeks to underwrite the cost of Phase I and Phase II environmental site assessments and conceptual end use plans for brownfield properties that are in one of two categories:

- a) site(s) that occupy a prominent position in key gateway areas and have a blighting influence on the community; and/or
- b) site(s) that are described in The BCPlan as ideal locations for the proposed business park system.

C. Pilot Management and Coordination

The Broome County Department of Planning and Economic Development will administer the Pilot; the County's Chief Planner will be the Project Coordinator.

The Department of Planning and Economic Development formed a Brownfields Management Team to coordinate the project. It consists of the County Planning Commissioner, the Brownfields Project Coordinator, the EMC Director, the Chairperson of the EMC Brownfields Committee, and a representative of the Broome County Health Department's Division of Environmental Health Services.

II. ESTABLISHED COMMUNITY PARTICIPATION EFFORTS

A. Environmental Management Council – Citizens Environmental Advisory Group

The Broome County Environmental Management Council (EMC) is a local citizen volunteer environmental advisory group that analyzes topics of concern in order to formulate public policies for decision makers related to environmental quality, protection, and conservation of local resources. Representation on the EMC is comprised of voting members that include citizens (Members-at-large), students (one each from a local high school, the local community

college, and Binghamton University), local conservation advisory commissions, and local cooperative extension and soil and water conservation service agencies. Non-voting members include County legislative representatives, County department heads (Parks, Planning, Public Works, Solid Waste Management and Environmental Health) and associate members (citizens). The EMC has advised County and local government on environmental matters since 1971.

The EMC uses an information gathering and exchange process consisting of regularly scheduled open committee meetings, information forums, special presentations, and opinion polls to draw on and receive input from a wide range of interested individuals and community and civic stakeholders. EMC staff maintains comprehensive mailing and email address lists for outreach.

The EMC also identifies and draws attention to environmental concerns through public education programs. The staff and volunteer members of the EMC issue public notices, press releases and public service announcements, cosponsor presentations and promotional events, offer advisory resolutions, and publish and maintain a small library of fact sheets, reports, plans and technical papers. In 2001, the EMC expanded the community's access to its resources through the EMC page of the Broome County website: www.gobroomecounty.com. Meeting announcements and minutes, press releases, educational brochures, volunteer opportunities, public participation activities, EMC position statements, and web-related links to other environmental references are just some of the internet resources now readily and regularly available to the public.

Apart from the work of traditional standing committees, the EMC formed many ad-hoc committees or task forces to evaluate specific environmental issues. Throughout its history, the EMC task forces established themselves as reliable and credible sources of environmental information. Notable EMC task forces included the following:

the Energy Task Force (1979), the Lawn Chemicals Task Force (1985), the Recycling Task Force (1985), the Landfill Task Force (1986), the Water Task Force (1989), the Solid Waste Task Force (1990), the Household Hazardous Waste Task Force (1991), the Sewage Treatment Task Force (1992), the Composting Task Force (1992), the Lead Abatement Task Force (1993), the ISTEA Task Force (1993), the ad-hoc Committee on Alternative Transportation (1994), the Pesticide Neighbor Notification Task Force (2000), and most recently, the Brownfields Task Force (a.k.a. the Brownfields Subcommittee) (2000).

Notable EMC achievements involving community-based participation and educational outreach programs include the following:

- Assisted Landfill neighbors.

In 1985, the EMC assisted residential neighbors of Broome County's Landfill in getting the State Department of Environmental Conservation to impose operating permit conditions on the County, and helped create a citizens advisory committee to advocate for their needs. In 1996, the EMC participated in negotiations for the first host community benefit agreement for landfill neighbors and assisted with environmental impact statement analysis for the County's 100-acre landfill expansion project.

Every two years, the EMC solicits nominations for representation on the Landfill Citizen Advisory Committee (CAC) from residents within ½ mile of the landfill. The EMC uses real property tax records and the County's geographic information system to identify residents that are eligible to make a nomination and vote. The EMC provides each eligible resident with excerpts from the adopted Host Community Benefits Agreement, which describes the structure, function, and powers of the Landfill CAC.

- Identified toxic waste sites

The EMC's interest in brownfields spans many years. In 1979, the EMC published a registry of hazardous waste dumpsites in the County, drawing on personal accounts from the public, aerial photography, fieldwork, Sanborn fire insurance maps, and other sources. The local registry resulted in many of these sites being listed and targeted for remediation under New York State's Superfund program. In 2000, the EMC's Brownfield Subcommittee, then a subgroup of the EMC's Natural Resources Committee, invited discussions about abandoned and underused properties to begin compiling information about known and suspected brownfields in the County and began researching funding opportunities for their clean-up and redevelopment. Also, in early 2002, the EMC shared information and maps about federally and state listed hazardous waste sites at a local annual public education event (Earth Fest).

- Sponsored Riverbank Clean Up Program.

Since 1990, the EMC has organized 18 annual stream and riverside community clean-ups, educating citizens about the value of water resources and the potential impacts that illegal dumping poses on local watershed protection. Over 400 citizens have committed to act as environmental stewards for local water resource protection.

Topics of current interest to the EMC include natural resource conservation and protection, recycling and solid waste management, brownfield clean up and redevelopment, and metropolitan greenway and river trails development, among other things.

B. BMTS Gateway Access Study

A core principal of BMTS is "we plan best when we plan with the community, not for the community". BMTS solicited public comments in 2002 while preparing the community's long-range transportation plan *Transportation Tomorrow: 2025*. Because of community input, BMTS included access routes into Binghamton as high priority metropolitan corridors, and initiated a City of Binghamton Access Study. The so-called gateway project is emblematic of efforts to ease the problems associated with urban decay that Binghamton shares with many cities upstate.

Reaching consensus on gateway streets facilitates what concepts the public supports. In early 2003, BMTS invited the public to express their visual preferences during the public outreach phase of the Gateway Access Study by asking them to take the Gateway Visual Preference Survey™. This survey, compiled by a vision planning consulting firm, was administered at a series of public meetings and through the BMTS interactive web site: www.bmtsonline.org. Residents rated ideas offered to improve several main routes to the city.

The intent is that the investment of public transportation funds in visual alterations will leverage private investment and generate renewed economic activity in the area. Properties on the

gateway streets become more desirable and increase in value, providing an incentive for redevelopment.

BMTS strives to involve a large number of residents and business owners, representing a broad cross-section of the community. BMTS asked the EMC to help spread the word about this public opinion opportunity, because of the EMC's track record of reaching the community through their resource channels.

C. Broome County's Plan for Sustainable Economic Development

In 2002, consultants for The BCPlan identified the need for broad public involvement to engage the entire community in expanding business opportunities, and actively sought the community's insights, opinions, and suggestions. This was accomplished in a number of ways, including the development of an interactive website, www.theBCPlan.com, designed to facilitate a two-way communication learning process (over 3 months, the website had 3,600 total page views; 880 unique visitors, 425 of which visited more than once); establishment of a Steering Committee to oversee development of the The BCPlan and serve as the primary source of input; and through consultant interviews and focus group sessions with community stakeholders identified by The BCPlan Steering Committee.

To assess the area's strengths, weaknesses, opportunities and threats, The BCPlan consultants created a report based on findings reflecting the collective effort and input of local stakeholders including the Broome County Planning Department, the Broome County Industrial Development Agency, the Broome County Chamber of Commerce, Partnership 2000, the Economic Development Council of the Southern Tier, the Broome-Tioga Workforce Board, Binghamton University, local industry, real estate developers, utility providers, and various community and civic organizations, including the EMC.

In addition, to examine current city and county land use strategies, the consultants met with the County Planning Department, the EMC, and real estate developers to understand the history of development in Broome County. From these meetings, the consulting team identified past problems and successes with land use and land availability. In particular, the EMC and its Natural Resources Committee sponsored a forum as part of their ongoing effort to educate and involve the public in local land use planning decisions. The EMC compiled ideas that maintain and improve livability, reduce urban sprawl, and maintain the core communities. The EMC's Natural Resources Committee and its then Brownfields Subcommittee identified a hierarchy of land use, placing brownfields redevelopment high on a priority order versus greenfield development. The EMC submitted land use recommendations to the consultants for their consideration that became the framework for the Land Use Strategies component of The BCPlan.

III. COMMUNITY PARTICIPATION PLAN

A. Community Participation Plan (CPP) Goals and Objectives

The existing EMC Brownfields Committee will be the foundation for the Brownfields Assessment Pilot CPP. Goals and objectives for citizen involvement are as follows:

- To educate municipalities as to the overall goals and objectives of the Pilot
Engage targeted communities to support economic development efforts by strategically redeveloping abandoned or underused sites with real or perceived environmental contamination. This will improve Broome County's pre-qualified land stock for redevelopment.
- To inform residents in neighborhoods near targeted sites to be assessed and remediated
Ensure that targeted communities understand the public benefits that brownfields redevelopment provides when attracting and retaining new businesses in their area.

Ensure the protection of public health and the safety of residents by educating targeted neighborhoods about a site's suspected and/or known environmental threats.

- To solicit input for redevelopment plans
Encourage neighborhood involvement in targeted redevelopment efforts that generate economic growth and prosperity for long-term economic stability of an area.

Ensure the identification of local needs that are of greatest importance to targeted communities.

B. EMC Brownfields Committee

The EMC established a Brownfields Subcommittee of its Natural Resources Committee in 2000 (fall). The subcommittee became a standing committee of the EMC in 2004. It is comprised of EMC members, local and state government representatives, and agencies, experts and members of the public that supply information, skills, and perspectives. The Brownfields Committee (BFC) was established to rank and develop a prioritized list of high-economic value, low-environmental risk brownfield sites in Broome County, and promote the identification, characterization, and cleanup of sites with higher environmental risks that have significant redevelopment potential. The BFSC has already achieved several milestones that will aid in the implementation of the Pilot and the associated CPP, including:

- research and identification of sites for inclusion in the Broome County Planning and Economic Development's Brownfields Database. Over 80 abandoned or idled properties, with known or suspected contamination have been identified throughout the County, many of which would make ideal targets for the Pilot. The prospects include former dumpsites, dry cleaning facilities, metal forging plants, and various high-technology manufacturing plants, among others.

The inventory was built using existing public data, Sanborn Maps, interviews with key officials, digital aerial photography, and tax assessor's records. The inventory data was augmented with economic development criteria such as highway access, zoning, and lot size. The resulting database was geocoded to match the County Planning Department's Geographic Information System (GIS). This work evolved as the basis for the Pilot.

- identification of potential funding sources for brownfield investigation and cleanup
- examination of strategies to aid local governments and economic development agencies in the identification of redevelopable properties, while flagging those with significant liability potential, and
- education of BFC members and public visitors through a myriad of guest speakers including consultants, and experts from other communities with brownfield revitalization experience.

In 2002, the BFC developed and refined evaluation criteria for brownfields sites included in the County's database. The committee chose to avoid assigning a numerical ranking, which would imply that there was mathematical precision in the evaluation. Instead, the BFC chose to develop, through database queries, a list of top 20 sites based on each of the following considerations:

- Legal and Financial Considerations: This methodology, which is still evolving, will account for each site's Empire Zone status, ownership (public or private), each site's physical status (vacant lot, vacant building or occupied building), the financial status of each site (rental income, no income or financial liabilities), and the legal status of each site (for sale, viable responsible parties, or orphan site).
- Land Use and Zoning Considerations: This methodology accounts for each site's contiguous acreage, proximity to highway access, viability of utility access, zoning status, and EnZone status.
- Environmental and Health Considerations*: Through the development of a hazard potential flowchart, this methodology establishes a letter grade for each site depending on whether the site has known or suspected contamination (negative grades signify suspected contamination); the level of known or suspected contamination (low vs. high), and the toxicity of known or suspected contamination (low vs. high). A County Health Department official, who is also a member of the BFC and Brownfields Management Team, with input from the BFC, will determine letter grades. These considerations also account for a probability of exposure for different populations (construction workers, residents, industrial employees, commercial employees or visitors) and the route of exposure (ground water, soil surface, soil subsurface or soil gas). See Exhibit 1 – Public Health Risk Assessment Methodology and Hazard Potential Flowchart.

*Two top 20 lists will be developed from environmental and health considerations: the least contaminated sites (suspected or known) and the most contaminated sites (suspected or known).

- Social and Demographic Considerations: The BFC chose to assign a list of important social and demographic factors from 2000 US Census block group data to each site for the site evaluation process, which will be available in the County's Brownfields Database as a demographic scorecard. Sites will not be ranked by this consideration alone, but rather the considerations will be used as a tool to help identify sites that will result in the greatest economic revitalization benefits if chosen for cleanup and redevelopment, as well as ensure that brownfields redevelopment projects do not have disproportionate negative impacts on

economically disadvantaged and minority residents. Social and demographic factors found in the database include: total population, population density, number of housing units, percent nonwhite, residential vacancy rate, per capita income, poverty rate, percent of families below poverty with children under 5 years of age, and unemployment for each site's block group, and a comparison of each.

C. Brownfield Committee Role for Pilot

Various tasks were outlined for completion by the EMC's BFC, in addition to the creation and implementation of this CPP, according to the EPA's approved work plan for this Pilot. They are as follows:

- Develop and finalize criteria to evaluate sites eligible for assistance under Pilot (described above in Section III, B)
- Evaluate sites for inclusion in the Pilot; report findings to Brownfields Management Team
Sites under consideration must meet the EPA guidelines for Pilot funding, they must have redevelopment potential, and sites must further the goals of the BMTS Gateway Study and the Broome County The BCPlan (The BCPlan).

The BFC's previously developed criteria mentioned earlier, will lay the groundwork for future Brownfield Database site queries. The BFC will run additional sets of queries that will consider site eligibility requirements for the Pilot candidate sites.

- Review consultant's work for site assessments
The BFC will review each consultant's work for sites addressed under this Pilot. This will include review of Phase I and II reports for each site, and potentially Phase III reports (cleanup plan/cost estimates), as requested by the Brownfields Management Team. This will enable the Management Team to tap into the collective technical and legal expertise of the local environmental and professional community, as is represented on the BFC.
- Conduct series of public meetings.
The EMC BFC will conduct a general Brownfields informational meeting or "Open House" to educate the community-at-large by familiarizing them with the local brownfields situation, the EMC BFC history, the purpose of the Pilot, the site selection methodology, and invite their site nominations and end use ideas.

For each of the affected communities eventually targeted by the Pilot, two public meetings will be conducted, one pre-assessment and one post-assessment, to ensure redevelopment ideas are compatible with community goals. The public will have opportunities to share information they know about a targeted site or cluster of sites before an environmental site assessment (Phase I and II) is undertaken. Those targeted communities will also have opportunities to hear the results of the completed environmental site assessment and provide their feedback in a second community meeting.

D. Elements of the Citizen Participation

- EMC Brownfields Committee meetings

This multi-disciplinary, broad-based citizens group, as described earlier, will continue to meet monthly to monitor Pilot progress and provide guidance to the Brownfields Management Team. The EMC will continue to encourage individuals, and community and civic interests to participate in the regular meetings and information exchange activities of the BFC. EMC meetings are always open to the public. Meeting notifications are sent directly to the BFC's established list of interested and involved parties. In addition, notifications of meetings are posted regularly on community bulletin boards, in the local newspaper, and on the EMC's website.

- Stakeholder Identification

The EMC will use their extensive mailing and email outreach lists to inform individuals, community groups and agencies, and government entities about opportunities for involvement in brownfield decision-making and redevelopment plans. The Brownfields Management Team and the BFC will specifically identify individual landowners and neighborhood stakeholders adjacent to and in the surrounding area of a targeted brownfield using real property tax information records and GIS applications. These individuals, groups, and entities will be added to community outreach mail lists.

- Property Owner Outreach Meetings

Planning staff and municipal officials will conduct meetings with property owners of likely Pilot candidate sites. Based on the outcome of these meetings, they will prepare a list of candidate sites for consideration by the Brownfields Management Team.

- Community Meetings

In addition to the anticipated Brownfields Open House, two public meetings will be conducted for each site and/or cluster of sites, once the site candidate list is prepared. One pre-assessment meeting will be held to gather information from affected individuals and neighborhood community members, groups and civic organizations about a particular targeted site and/or cluster of sites. One post-assessment meeting will be organized to share the results of the phase I and II environmental assessments with the affected community and to solicit their input as to redevelopment plans.

The EMC will specifically solicit the participation of neighborhood stakeholders adjacent to and in the surrounding area of a targeted brownfield. As previously mentioned, property owner information will be collected through the use of real property tax information records and GIS applications. Invitations to participate will be distributed through the mail.

- Informational Resources

Fact sheets, web resources, and contact lists will be prepared by the EMC to keep community stakeholders informed during the implementation of the Pilot. Through the help of local broadcast, print, and web-based media, and through the distribution of public notice flyers to public outlets, including libraries, community bulletin boards, neighborhood establishments, local schools and municipal offices, communities will be informed of opportunities for public involvement in Pilot activities. The EMC will also network with local organizations,

community groups, and elected officials to request that they publicize meetings through their newsletters and electronic mailing lists.

- Document Repositories

Informational documents related to Pilot activities will be housed in community libraries, municipal offices, and other convenient locations to ensure that information is readily accessible by community members interested in or affected by Pilot activities. Repositories will be in handicap accessible buildings that are located on or close to a mass-transit bus line, whenever possible.

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Broome County Brownfields Assessment Pilot

**DRAFT
Community Participation Plan**

EXHIBIT 1

Public Health Risk Assessment Methodology

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One of the ways to rank properties identified as brownfields is according to their potential impacts on public health. The public health evaluation methodology used should be transparent so that everyone interested in the process understands it. The risk of adverse health effects depends on the toxicity of the substance and the exposure of an individual to that substance. Exposure requires that there is a route through which the individual encounters the substance. The three aspects evaluated in assessing risk are, therefore, the toxicant, the route, and the receptor (human).

Since people are expected to work or live at a redeveloped brownfield site, we are assuming that there will be a receptor. This methodology proposes to evaluate the toxicity and the route (pathway). Banding levels ranging from A through D will be assigned for different conditions, with A being the least likely to result in an adverse health effect and D being the most likely to result in an adverse health effect. There will also be two categories of exposure, namely no data available and data available. The no data exposure category will be used when the contaminants have not been directly measured, but certain classes of chemicals are suspected of being present because of past activities carried out on the site. The data available exposure category will be used when the chemicals on the site have been identified through laboratory testing.

If a site is in the data available exposure category, it can have the following rankings:

- A solid waste and low toxicity
- B low contaminant levels and low contaminant toxicity
- C low contaminant levels/high contaminant toxicity or high contaminant levels/low contaminant toxicity
- D high contaminant levels and high chemical toxicity

If a site is in the no data available category, it can have the following rankings:

- B- suspected solid waste with a low toxicity
- C- suspected low contaminant levels or suspected low contaminant toxicity
- D- suspected high contaminant levels and suspected high contaminant toxicity

Note: One example of solid waste would be construction and demolition (C & D) debris meeting the NYCRR Part 360 definition.

Because the information available about contaminants at brownfield sites is extremely variable, the first step in characterizing the hazard potential of a site (the toxicity and location of contaminants) is to evaluate the type of information. Sites where there is no quantitative information have more uncertainty associated with them. For example, a dumpsite that has not been used for many years and at which there has been no sampling, or a foundry at which there has been no surface or subsurface sampling performed. These sites are ranked as B-, C-, or D-.

Sites where sampling has been performed and there is some quantitative information about the contaminants are ranked A, B, C or D, depending on the toxicity and the amount of toxicant present.

Identification of exposure pathways is important when preparing brownfield sites for people to inhabit. The route will be classified according to where contaminant is located. There are four main locations where contaminants can be found on brownfield sites:

1. ground water
2. soil surface
3. sub-surface soils
4. soil gas

Exposure potential depends on the contaminant location and site user activity. For example, construction workers and utility people are generally at greater risk than visitors to and inhabitants of the site after it has been developed. Based on future uses, and because clean-up levels, by definition of a brownfield, are often not to specified health standards, it is critical to provide appropriate barriers to prevent exposure to the occupants of a redeveloped brownfield site. Although use of appropriate barriers will offer protection to future occupants, they will not protect those who install them. Whether people live on a site or simply work at/on a site affects their exposure potential.

The final risk assessment, therefore, takes into consideration both the hazard potential and the exposure potential and places the risk into three bands of high, medium, or low risk, illustrating the potential impact on public health.

HAZARD POTENTIAL FLOWCHART

Broome County Environmental Management Council
Brownfields Committee

