



Technical Assistance Services for Communities

Eighteen Mile Creek Superfund Site

Community Advisory Group Assessment Report

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Community Advisory Group Assessment Report

Site Name: Eighteen Mile Creek Superfund Site
Site Location: Town of Newfane, Town of Lockport, City of Lockport, Niagara County,
New York
Date: October 22, 2014

Section 1: Introduction

At the request of U.S. Environmental Protection Agency (EPA) Region 2, Technical Assistance Services for Communities (TASC) staff held discussions with community stakeholders and interested parties at the Eighteen Mile Creek Superfund site (the Site) in Lockport, New York. The work was a precursor to the potential formation of a Community Advisory Group (CAG). CAGs facilitate and foster communication between communities and regulatory agencies charged with protecting human health and environment at hazardous waste sites.

It is important to understand that CAGs serve as a communication conduit between the diverse interests in a community and the regulators at a hazardous waste site. CAGs communicate community concerns and viewpoints and provide regulators with important feedback that can inform the decision-making process at a site. EPA's *Guidance for Community Advisory Groups at Superfund Sites* states:

“... EPA anticipates that the CAG will service primarily as a means to foster interaction among interested members of an affected community to exchange facts and information and to express views of CAG participants while attempting to provide, if possible, consensus recommendations from the CAG to EPA (p. 2).”

CAGs are advisory groups; they do not have decision-making authority and they do not receive any resources or special attention above and beyond what would normally be provided to a community. CAGs strengthen communication between community members and regulatory agencies.

This report summarizes community interests and concerns related to the Site's cleanup. It also makes recommendations for opportunities for regulatory agencies to respond to community concerns and interests.

Section 2: Site Background

The Site includes the water, soil and sediment of Eighteen Mile Creek, which passes through the towns of Newfane and Lockport, the city of Lockport, and Niagara County before draining into Lake Ontario at Olcott, New York. The Site also includes residential, commercial and industrial properties, including the remaining building at the former Flintkote Plant. Site investigations by the New York State Department of Environmental Conservation (NYSDEC) found that soils and sediments are contaminated with lead, zinc, copper, pesticides, insecticides, polychlorinated biphenyls (PCBs), benzo(a)pyrene, dioxins and furans. Investigations also found contaminated ground water along the western side of the creek corridor. Possible sources of contamination include contaminant migrations from hazardous waste sites and other contaminated properties along the creek corridor, in addition to industrial and municipal wastewater, stormwater and sewer discharges. EPA listed the Site on the Superfund program's National Priorities List (NPL) for cleanup in March 2011.

EPA divided the Site into three parts, called operable units (OUs), to best address the contamination:

- Action 1 (OU1): Contaminated residential properties in the creek corridor and demolition of the former Flintkote building.
- Action 2 (OU2): Contaminated industrial and commercial/industrial properties in the creek corridor.
- Action 3 (OU3): Contaminated sediment in the creek from Lockport to the creek discharge into Lake Ontario.

EPA reviewed the Site's 2009 OU1 Remedial Investigation/Feasibility Study (RI/FS). In August 2013, EPA released a Proposed Plan for OU1, which addressed soil contamination and some residential properties along Water Street in the city of Lockport. Public meetings were held in the city of Lockport in June and August 2013 to provide information and receive public comments on the OU1 Proposed Plan. Both meetings were well-attended and EPA was contacted by concerned community members following the meetings.

Section 3: Community Perspectives

Interests and Concerns

Community members expressed interest in receiving accurate, timely and consistent information regarding the cleanup process and timeline, including:

- Information on how to stay safe during the cleanup, particularly during demolition activities.
- Information that would educate the public on the site and limit access to the site, specifically in the creek corridor closest to the Flintkote Plant building.
- Signage about fishing restrictions (advisories) on Eighteen Mile Creek.

Community members expressed frustration with:

- The pace of the cleanup, including the relocation of Water Street residents.
- The lack of follow up from agency representatives to community requests for more information, which has resulted in some community distrust of site agencies.
- Conflicting information and a lack of information for some areas affected by the cleanup.
- A lack of clarity regarding the role that each agency plays at the site.

Dynamics

Currently, there are no community organizations engaged at the Site whose mission is to address cleanup. One related group, the Eighteen Mile Creek Remedial Advisory Committee (RAC), consists of appointed representatives from conservation agencies, municipalities and local industries. Membership in the group and meetings are not open to the public. While the RAC occasionally addresses site-related issues, it was not formed for this purpose and would likely not serve as a primary conduit of communication between community members and EPA.

In discussing potential CAG formation with community members and other stakeholders, people expressed a need for more site and cleanup information, and indicated less motivation or willingness to join an organized group and attend regular meetings. Only two community members expressed interest in participating in a CAG; they noted that they knew other people (not interviewed for this report) who might be interested as well. Some community members suggested that increasing public awareness of the Site and sharing information about CAGs could lead to greater community interest in forming a group.

Initial site activities being located in two jurisdictions – the city and town of Lockport – may have made past information sharing efforts more challenging. With the OU1 Proposed Plan public meetings in the city of Lockport in the summer of 2013, for example, town residents were unsure whether they were invited as well. Future outreach efforts should make sure to include residents of the city and town of Lockport.

Section 4: Recommendations

The following steps could be taken to respond to specific needs identified by community members.

1. Consider holding a public meeting to provide site and CAG information for a broader community audience.

Discussion participants' motivation and willingness to participate in a CAG was not universal. Given the general need for information, a broader outreach effort in the towns of Newfane and Lockport, the city of Lockport, and Niagara County could provide a more accurate gauge of community interest in potential CAG formation and would provide an opportunity to circulate accurate site information.

2. Consider providing additional communication materials.

It may be useful to provide independent technical assistance materials to the community, to build trust and stronger working relationships and provide accurate site information.

Section 5: Detailed Discussion Findings

Community Concerns

Environmental

- Impact of the Site and its cleanup on the downstream watershed and fishing.
- Quality of water in the creek and safety concerns re: eating fish.
- Other health impacts related to the Site, including air quality during building demolition.
- Potential impact of the Site on tourism.
- Potential impact of cleaning up the Site but not removing dams downstream.

Agency-related

- EPA and the U.S. Army Corps of Engineers' lack of communication regarding the relocation of Water Street residents.
- EPA activities taking place without notification of residents directly affected by them (i.e., the soil cover placement on Water Street).
- Lack of timely and consistent site information and updates on daily cleanup activities.
- Lack of trust in EPA providing consistent communication and follow through regarding the Site.
- Lack of trust in NYSDEC, given a perceived lack of action at the Site over the years.

Personal

- Health impacts from the Site – cancer, miscarriages, premature births.
- Strain of the buyout and relocation of Water Street residents, including the slow pace of the process.
- Stress of living near a contaminated site, including concerns over disruptions to daily life during cleanup, and a lack of clarity regarding the toxicity of creek sediments and water.
- Dissatisfaction over the decision not to relocate some families living near the Site.
- Negative impact on property values for residents adjacent to the Site.
- Burden of needing to seek out accurate site information, rather than being actively engaged by site agencies.
- Fear and confusion from seeing alarming information presented on television news, without clear and consistent information from site agencies.

Information Needs

Discussion participants felt that the community's level of awareness of the Site was low, though awareness was boosted by the June and August 2013 public meetings. Discussion participants identified the following information needs:

- Updates describing specific activities and the timeline of cleanup work at the Site.
- Broader dissemination of information advertising upcoming meetings and their purpose.
- An explanation of the Superfund process.
- Fact sheets explaining the roles and responsibilities of site agencies and potentially responsible parties (PRPs).
- Health risk information on known contaminants at the Site.
- Sampling data for properties along the creek.

- Information clearly distinguishing the Site from other contaminated sites in the area, including a map of the area and a list of the agencies in charge of nearby sites.
- Information for local governments focused on current site conditions and potential future issues that municipalities need to consider.

Information Dissemination Options

- Newspapers:
 - Buffalo News
 - Lockport Sun and Journal
- Radio:
 - WLVL
- Television:
 - WIVB Channel 4
- Websites (city, towns, EPA)
- Mailings
- Informal community forums
- Electronic information for municipalities

Cleanup Goals

- Improve water quality.
- Remove contaminants from sediment.
- Explore potential site reuses such as parks and open space that encourage public access to the creek.
- Restore Eighteen Mile Creek so that it is safe for recreational fishing, swimming and boating.

Discussion Participants

Sixteen people were contacted; 11 discussions took place. Stakeholder groups represented included community members, state and federal agency representatives, City of Lockport employees, and a Town of Lockport official. The stakeholders interviewed are listed below.

Bob Baker, community member

Bryan Printup, Tuscarora Indian Nation Environmental Program

James Stiles, community member

Kevin Drake, community member

Marc Smith, Supervisor, Town of Lockport

Mike Basile, Community Involvement Coordinator, EPA

Rene Rickard, Tuscarora Indian Nation Environmental Program

Ryan Perrello, Remedial Action Plan Coordinator, Niagara County Soil and Water Conservation District

Shirley Nicholas, community member

Victor DiGiacomo, Western New York Regional Coordinator, New York State Department of Agriculture and Markets

Vicki Haenle, Pretreatment Coordinator, Lockport Waste Water Treatment Facility

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