

Attachment A

Threshold Criteria

III.C.1 Applicant Eligibility

III.C.1.a Eligible Entity

The City of Rome is an eligible entity. It is a unit of local government as defined under 40 CFR Part 31.

III.C.1.b Site Ownership

The City of Rome is the sole owner of the property. The site was acquired on July 16, 2014 as tax foreclosure. Rollerad Corporation was the previous owner.

III.C.2 Letter from the State or Tribal Environmental Authority

III.C.3 Site Eligibility and Property Ownership Eligibility

Site Eligibility

III.C.3.a Basic Site Information

(a)The site is known as the Former Rome-Turney Radiator Company Site. (b)The site address is 109 Canal Street, Rome, NY, 13440. The tax ID is 242.066-0001-001.(c) The City of Rome is the current owner. (d) Not applicable.

III.C.3.b Status and History of Contamination at the Site

(a) This site is contaminated by petroleum and hazardous substances. (b) The site was the location of the Rome-Turney Radiator Company that manufactured radiators from 1905 until the early 1990s, when the company went out of business. From 1992 through 1995, the property was operated by Lynch Realty, The Music Factory (an internet search indicated that this was an asphalt company), the Rome-Turney Radiator Co., and Serway Brothers Inc.-Plastic Laminating Division (an internet search indicated that this was a cabinet making company). From 1999 through 2003, the property was operated by The Music Factory and the Rome-Turney Radiator Co. In 2008, the property was operated by Elegrace Casket Inc. (an internet search indicated that this was a casket making company), Rofin LLC (an internet search indicated that this was a global supplier of industrial coolers who purchased all of the assets of the Rome-Turney Radiator Co.), and the Rome-Turney Radiator Company. In 2013, the property was operated by The Music Factory. The site is currently vacant and not actively used. (c) Soils and ground water have been contaminated by petroleum and other hazardous substances.(d) The site was given a NYSDEC Spill No.(8802056) in June 1988 when a release of petroleum from fuel storage tanks was discovered and reported to NYSDEC. Site investigation indicates that petroleum has impacted the soils at levels that exceed the New York State standards. The source of this

petroleum contamination is from former on-site bulk storage and leaking underground storage tanks.

III.C.3.c Sites Ineligible for Funding

(a) The site is not listed, nor is it proposed for listing on the National Priorities List. (b) The site is not believed to be subject to Federal unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA. (c) The site is not subject to the jurisdiction, custody, or control of the U.S. government.

III.C.3.d Sites Requiring a Property-Specific Determination

This site does not require a property-specific determination.

III.C.3.e Environmental Assessment Required for Cleanup Proposals

The site is part of the NYSDOS Brownfield Opportunity Program. The Nomination Study as part of Step 2 was prepared by Bergmann Associates and is dated September, 2012. A Phase I Environmental Site assessment was prepared by Bergmann Associates and was completed on August 24, 2015. A Phase II Environmental Site assessment was prepared by Bergmann Associates and was completed in December, 2015.

Property Ownership Eligibility - Hazardous Substance Sites

III.C.3.f CERCLA §107 Liability

Does not apply

III.C.3.g Enforcement or Other Actions

Does not apply

III.C.3.h Information on Liability and Defenses/Protections

III.C.3.h.i Information on the Property Acquisition

Does not apply

III.C.3.h.ii Timing and/or Contribution Toward Hazardous Substances Disposal

Does not apply

III.C.3.h.iii Pre-Purchase Inquiry

Does not apply

III.C.3.h.iv Post-Acquisition Uses

Does not apply

III.C.3.h.v Continuing Obligations

Does not apply

III.C.3.i Property Ownership Eligibility - Petroleum Sites

III.C.3.i.i Current and Immediate Past Owners

The current owner is the City of Rome. The immediate past owner is Rollerad Corporation.

III.C.3.i.ii Acquisition of Site

The City of Rome purchased the site on July 16, 2014. It was a tax foreclosure.

III.C.3.i.iii No Responsible Party for the Site

The current owner did not dispense or dispose of petroleum or petroleum product, or exacerbate the existing petroleum contamination at the site. Additionally, the immediate past owner did not dispense or dispose of petroleum or exacerbate the existing petroleum contamination at the site. Additionally, neither the current nor immediate past owner owned the site when any dispensing or disposal of petroleum (by others) took place. The City of Rome, the current owner has taken reasonable steps with regard to the contamination at the site, including securing the site and performing extensive investigative studies.

III.C.3.i.iv Cleaned Up by a Person Not Potentially Liable

The petroleum spill can be dated to June 1988. The City of Rome purchased the site in July, 2014. The applicant, the City of Rome, did not dispense or dispose of petroleum or petroleum product or exacerbate the existing petroleum contamination at the site. The applicant has taken reasonable steps with regards to the contamination at the site by securing the site and performing extensive environmental investigations.

III.C.3.i.v Relatively Low Risk

The site has been determined as "relatively low risk" by the New York State Department of Environmental Conservation (NYSDEC). The site is not receiving or using Leaking Underground Storage Tank (LUST) trust fund monies. See Attachment D for the petroleum eligibility determination letter.

III.C.3.i.vi Judgments, Orders, or Third Party Suits

No responsible party has been identified for the site through, either:

1. A judgement rendered in a court of law or an administrative order that would require any person to assess, investigate, or clean up the site: or
2. An enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or clean up the site; or
3. A citizen suit, contribution action, or other third-party claim brought against the current or immediate past owner, that would, if successful, require the assessment, investigation or cleanup of the site.

III.C.3.i.vii Subject to RCRA

The site is not subject to any order under section 9003(h) of the Solid Waste Disposal Act of the Resources Conservation and recovery Act (RCRA). See Attachment D for the petroleum eligibility determination letter.

III.C.3.i.viii Financial Viability of Responsible Parties

Since the petroleum spill can be dated back to June 1988 (Spill No. 8802056), and the current owner, the City of Rome, purchased the property in July, 2014 and the immediate past owner purchased the property in August, 2010, neither the current nor the immediate past owner is responsible for the contamination of the site.

III.C.4 Cleanup Authority and Oversight Structure

III.C.4.a Cleanup Oversight

The site is enrolled in the New York State BOA Program and therefore funds are available for oversight. Bergmann Associates, who prepared the Nomination Study as part of Step 2 of the BOA Program and who also prepared both the Phase I and Phase II Environmental Site Assessments will conduct, manage and oversee the cleanup.

III.C.4.b Access to Adjacent Properties

The site is only 1.4 acres and is irregularly shaped. It is bound on one long side by Erie Boulevard and on two shorter sides by Canal Street and a railroad right-of-way. Access to the site will not pose any problem, but if additional access is needed, it is bound on one other short side by a vacant lot owned by the immediate past owner, Rollerad. The City of Rome does not anticipate any issue with access.

III.C.5 Statutory Cost Share (See also IV.E on Leveraging)

III.C.5.i Meet Required Cost Share

It is anticipated that the cleanup activities for this site will be funded in part by funds from the New York State BOA Program and in part by services provided by the City of Rome, in particular, the transporting of contaminated soils from the site.

III.C.5.ii Hardship Waiver

A hardship waiver for the cost share is not being requested.

III.C.6 Community Notification