Re: Brownfield Cleanup Program application from Huntley Power LLC for Huntley Power South Parcel, site ID #C915337

Buffalo Niagara Waterkeeper (BNW) respectfully submits these comments in response to Huntley Power LLC’s application to enter a 34.80-acre portion of the Huntley Generating Station into the NYSDEC Brownfield Cleanup Program (BCP). While BNW is generally supportive of the property being accepted into the BCP, so that cleanup of this heavily-impacted site can occur, and public access to the waterfront can be restored. We have provided the following comments regarding the application that we feel should be taken into consideration before the site is accepted into the program.

BNW is a community-based not-for-profit that protects and restores our water and surrounding ecosystems for the benefit of current and future generations. As members of the Niagara River Remedial Action Committee (RAC), Chair of the Niagara Relicensing Environmental Coalition (NREC), Co-Chair of the Greenway Ecological Standing Committee (GESC), and Coordinator of the Buffalo River Remedial Action Plan (RAP), BNW is charged with a community leadership role, ensuring that the region’s natural resources are protected for the public trust and in regard to human and ecological health and function.

**Impacts and Proximity to the Niagara River**

The proposed site is of particular interest to BNW, due to the high potential for coal and coal combustion residual material to impact the directly adjacent Niagara River. The Niagara River is designated as an Area of Concern in 1987 as part of the Great Lakes Water Quality Agreement of 1987, and is listed as “highly degraded” due to, in part, contamination from industrial and municipal sites. Sites such as the Huntley Generating Station have actively contributed to degraded water quality, fish and wildlife habitat, and many of the contaminants associated with coal storage and combustion are directly linked to human health impacts.
High levels of contaminants associated with coal and coal ash such as arsenic and boron were documented at the site in groundwater monitoring wells and soil samples, and in particular elevated levels of arsenic were found in the CCR-2 monitoring well, which has been excluded from the proposed BCP site boundary. BNW requests that the site boundary be expanded to include the adjacent shoreline that lies outside of the parcel boundary. Because of Huntley Power LLC’s “participant” status in the application, they would be responsible for “the contamination that has emanated from [the] site,” including the adjacent shoreline, which is impacted by contaminated groundwater and stormwater which flows down-gradient through the site to the Niagara River.

Additionally, portions of this site, including the coal storage pile, south settling pond, and equalization basins are located within the FEMA 100-year floodplain, and it is likely that floodwaters and runoff from the site have carried contaminants onto adjacent lands and waterbodies.

**Ecological Resources Soil Cleanup Objectives**

The applicant’s intention to remediate the property to Track 4 cleanup standards (cover system) must allow for site specific soil cleanup objectives (SCO) to be developed. The site is adjacent to the Niagara River, a Class A-Special fresh surface water, and approximal to NYS DOS Significant Coastal Habitat, and habitat for rare, threatened and endangered species, including the Bald Eagle. Due to its Class A designation, the River serves as drinking water source for both New York and Canadian residents. Therefore, it is imperative that the BCP boundary be expanded to take into consideration all potential impacts from the site to the River.

BNW requests that Ecological Resources Soil Cleanup Objectives (ESCO) be the basis of the site-specific SCOs that must be developed under Track 4. Developing an SCO that is protective of the unique natural resources and aquatic habitat of the Niagara River, as well as downstream drinking water sources is extremely important for this site.

**Site Investigation**

The Phase II investigation provided as Attachment C-2 in the BCP application is extremely outdated, having been performed over 20 years ago when NRG purchased the property from Niagara Mohawk Power Corporation, and does not account for impacts to the site for the entire history of NRG’s ownership of the property.

Because of the lack of recent environmental investigation data, this application does not include groundwater monitoring data such as that published in 2017 by NRG under the federal “Disposal of Coal Combustion Residuals from Electric Utilities” rule. These data point to high
levels of contaminants such as arsenic and boron being present in groundwater monitoring wells, and is not represented in this application.

BNW asks that the supplemental remedial investigation work plan characterize current contamination to soil and groundwater and determine the impacts to fish and wildlife at this site.

Please contact me at the information below if you have any questions,

Sincerely,

Joel Bernosky

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