

MONROE COUNTY CLERK'S OFFICE



Return To:

BOX 18

BEMSA HOLDING INC

BEMSA HOLDING INC

Index DEEDS

Book 10393 Page 0530

No. Pages 0026

Instrument DECL CVNTS COND

Date : 12/08/2006

Time : 9:45:00

Control # 200612080080

TT#

TT# TT 0000 009022

Employee ID LS40

MORTGAGE TAX

TRANS TAX	\$	.00
FILE FEE-S	\$	19.00
FILE FEE-C	\$	13.00
REC FEE	\$	78.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00

MORTGAGE AMOUNT	\$	.00
BASIC MORTGAGE TAX	\$	.00
SPEC ADDIT MTG TAX	\$	.00
ADDITIONAL MTG TAX	\$	.00
Total	\$	.00

Total: \$ 110.00

STATE OF NEW YORK  
MONROE COUNTY CLERK'S OFFICE

TRANSFER AMT

WARNING - THIS SHEET CONSTITUTES THE CLERKS  
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &  
SECTION 319 OF THE REAL PROPERTY LAW OF THE  
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

TRANSFER AMT	\$	.00
TRANSFER TAX	\$	.00

Cheryl Dinolfo  
Monroe County Clerk



053005301031

## DECLARATION of COVENANTS and RESTRICTIONS

**THIS COVENANT**, made this 21 day of November, 2006, by **BEMSA HOLDING, INC.**, (hereinafter referred to as "Grantor"), a corporation wholly owned by **BIRDS EYE FOODS, INC.** ("Birds Eye"), both corporations having an office for the transaction of business at 90 Linden Oaks, Rochester, New York 14625:

**WHEREAS**, Grantor is the owner in fee of certain real property that comprises a portion of an inactive hazardous waste disposal site which has been listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State as Site Number 8-28-066, located at 98 Spring Street in the Village of Brockport, County of Monroe, State of New York, which is part of lands conveyed to Grantor by deed recorded in the Monroe County Clerk's Office on June 1, 2004 in Book 10089 of Deeds at Page 373, and being more particularly described in Schedule "A", attached to this declaration and made a part hereof, and hereinafter referred to as "the Property"; and

**WHEREAS**, the Property is the subject of an Order on Consent, Index # B8-0514-97-04, between the New York State Department of Environmental Conservation and Minnesota Mining and Manufacturing Corporation ("3M") regarding residual contamination from the former Dynacolor operations; and

**WHEREAS**, the New York State Department of Environmental Conservation set forth a remedy to eliminate or mitigate all significant threats to the environment presented by hazardous waste disposal at the Site in a Record of Decision ("ROD") dated March 30, 1999, and such remedy required that the Property be subject to institutional controls to limit the future uses of the Property through the imposition of restrictive covenants;

**WHEREAS** the Property has undergone an environmental remediation project which has left residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which requires groundwater use restrictions; and

**WHEREAS** Grantor and Birds Eye have agreed to record this Declaration of Covenants and Restrictions to run with the land which conditions use and occupancy of the Property to the requirements of the Site Management Plan to assure the use of the Site remains protective of human health and the environment.

**NOW, THEREFORE**, Grantor and Birds Eye, having received good and valuable consideration, for themselves and their successors and/or assigns, covenant that:

First, the Property subject to this Declaration of Covenants and Restrictions consists of all the premises contained within and described by the metes and bounds description set forth in Schedule "A" and is as shown on the map attached to this declaration as Schedule "B" and made a part hereof, and shall be subject to the Site Management Plan attached to this declaration as Schedule "C" and made a part hereof.

57-6-12 0-0 61 5-65

Second, unless prior written approval by the New York State Department of Environmental Conservation or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, no person shall engage in any activity that will, or that reasonably is anticipated to, prevent or interfere significantly with any proposed, ongoing or completed program at the Property except in compliance with the Site Management Plan filed herewith, or that will, or is reasonably foreseeable to, expose the public health or the environment to a significantly increased threat of exposure, harm or damage.

Third, the owner of the Property shall prohibit the Property from ever being used for purposes other than for industrial or restricted commercial uses, excluding day care, child care and medical care uses without the express written waiver of such prohibition by the Relevant Agency.

Fourth, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Relevant Agency but the owner's responsibility to prohibit such use shall be strictly limited to ground water withdrawn from within the boundaries of the Property, and the owner shall only be responsible to prohibit such use for those individuals that have title to the Property, or to those individuals that have a legally enforceable leasehold interest in the Property.

Fifth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property and shall provide that the owner, and its successors and assigns, consents to the enforcement by the Relevant Agency of these prohibitions and restrictions as recorded, and hereby covenants not to contest the authority of the Relevant Agency to seek enforcement of said prohibitions and restrictions against the property owner at the time of such enforcement.

Sixth, any deed of conveyance, lease, license or other instrument granting a right to use of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

Seventh, the record owner of the Property shall be permitted to apply to the Relevant Agency (or agencies), or the Department to amend or obtain relief from and/or rescission of this Declaration of Covenants and Restrictions based upon relevant criteria concerning the conditions of the Property. Upon obtaining written consent of the Relevant Agency (or Agencies) or the Department, the owner of the Property shall be permitted to file and record in the land records of the county in which the Property is located a written instrument which modifies, terminates or cancels this Declaration of Covenants and Restrictions together with the restrictions imposed upon the Property hereunder.

IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

**BEMSA HOLDING, INC.**

Dated: November 21, 2006

By:

Neil Harrison  
Name: Neil Harrison  
Title: President

**BIRDS EYE FOODS, INC.**

Dated: November 21, 2006

By:

Neil Harrison  
Name: Neil Harrison  
Title: President, Chairman  
+ CEO

STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF MONROE     )

On the 21 day of November, in the year 2006, before me, the undersigned, personally appeared Neil Harrison, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me the he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Susan C. Riker

Notary Public

SUSAN C. RIKER

STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF MONROE     )

NOTARY PUBLIC, State of NY, Monroe Co.  
My Commission Expires 12/29/06

On the 22 day of November, in the year 2006, before me, the undersigned, personally appeared Neil Harrison, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me the he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Mary C. Turcotte  
Notary Public

MARY C. TURCOTTE  
Notary Public, State of New York  
No. 01TU4933508  
Qualified in Monroe County  
Commission Expires August 1, 2010

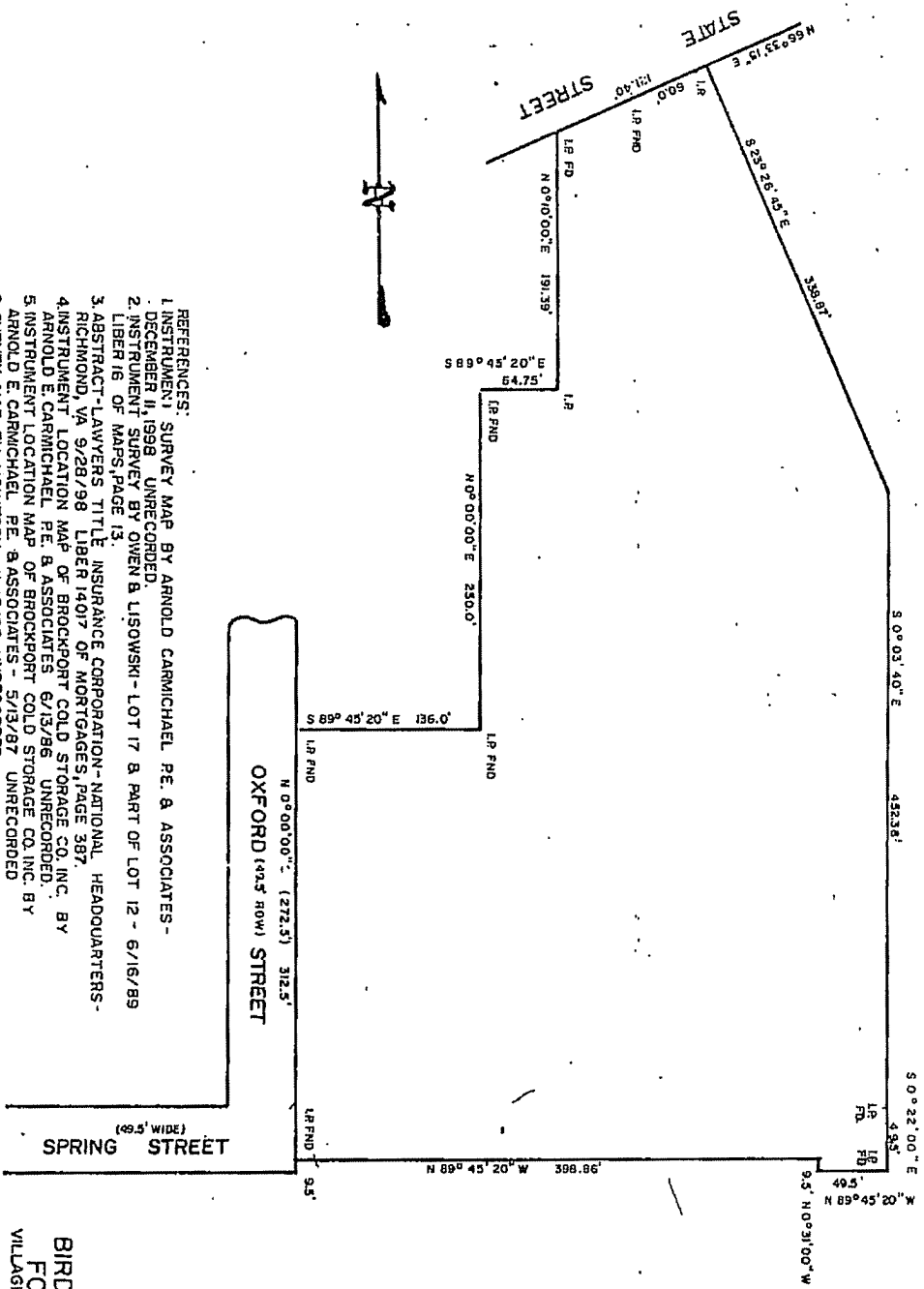
## SCHEDULE A

All that tract or parcel of land situate in the Village of Brockport, County of Monroe, State of New York and being part of Town lot 14 & 15, Township 3, of the Triangle Tract, bounded and described as follows: starting at the intersection of the east line of Oxford Street and the south line of Spring Street which is at the end of both streets; proceeding north 9.5 feet on the east right-of-way of Oxford Street to the point and place of beginning; thence

1. Proceeding due north on the east line of Oxford Street 312.5 feet to an Iron Pin; thence
2. Proceeding S 89° - 45' - 20" E 136.00 feet to an Iron Pin; thence
3. Proceeding due north 250.00 feet to an Iron Pin; thence
4. Proceeding S 89° - 45' - 20" E 64.75 feet to an Iron Pin; thence
5. Proceeding N 0° - 10' - 00" E 191.39 feet to an Iron Pin on the South line of State Street; thence
6. Proceeding N 66° - 33' - 15" E on the South line of State Street 121.40 feet to an Iron Pin; thence
7. Proceeding S 23° - 26' - 45" E 338.87 feet to a point; thence
8. Proceeding S 0° - 03' - 40" E 452.36 feet to an Iron Pin; thence
9. Proceeding S 0° - 22' - 00" E 49.5 feet to an Iron Pin; thence
10. Proceeding N 89° - 45' - 20" W 49.5 feet to a point; thence
11. Proceeding N 0° - 31' - 00" W 9.5 feet to a point; thence
12. Proceeding N 89° - 45' - 20" W 398.86 feet to a point being the place of beginning. All as shown on a Instrument survey map of Curtice Burns Foods - Brockport Facility, made by Arnold E. Carmichael, PE. & Associates, dated May 17th, 2005.

SCHEDULE B

- REFERENCES:
1. SURVEY MAP BY ARNOLD CARMICHAEL P.E. & ASSOCIATES- DECEMBER 11, 1998 UNRECORDED.
  2. INSTRUMENT SURVEY BY OWEN B. LISOWSKI- LOT 17 & PART OF LOT 12 - 6/16/89 LIBER 16 OF MAPS, PAGE 13.
  3. ABSTRACT-LAWYERS TITLE INSURANCE CORPORATION-NATIONAL HEADQUARTERS-RICHMOND, VA 9/28/98 LIBER 14017 OF MORTGAGES, PAGE 387.
  4. INSTRUMENT LOCATION MAP OF BROCKPORT COLD STORAGE CO. INC. BY ARNOLD E. CARMICHAEL, P.E. & ASSOCIATES 6/13/86 UNRECORDED.
  5. INSTRUMENT LOCATION MAP OF BROCKPORT COLD STORAGE CO. INC. BY ARNOLD E. CARMICHAEL, P.E. & ASSOCIATES - 5/13/87 UNRECORDED.
  6. SURVEY MAP BY MCINTOSH - 11/19/85 UNRECORDED.
  7. OTHER REF. MAPS L5 OF MAPS, PAGE 79



NOTE: EXISTING BUILDINGS  
& IMPROVEMENTS ARE NOT  
SHOWN ON THIS MAP



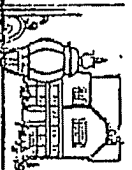
I HEREBY CERTIFY THAT THIS MAP WAS MADE FROM  
THE NOTES OF AN INSTRUMENT SURVEY AND FROM  
THE REFERENCES SHOWN HEREON ON

A.J. BARBA, N.Y.S. P.L.S. NO. 050229  
62 MAIN STREET, BROCKPORT, N.Y. 14420

**INSTRUMENT SURVEY MAP**

DATE: OCTOBER 30, 2006 SCALE: 1" = 100'  
BIRDSEYE FOODS FORMALLY CURTIS BURNS  
FOODS - BROCKPORT FACILITY  
VILLAGE OF BROCKPORT-TOWN OF SWEDEN-COUNTY OF MONROE  
STATE OF NEW YORK

**ARNOLD E. CARMICHAEL, P.E. & ASSOCIATES**  
551 LEXINGTON AVENUE, ROCHESTER, N.Y. 14613  
(716) 647-3557



CIVIL ENGINEERS & LAND SURVEYORS

SCHEDULE C

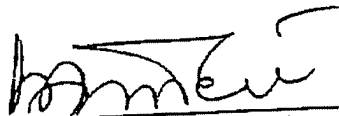
**SITE MANAGEMENT PLAN  
FORMER 3M/DYNACOLOR  
FACILITY, BROCKPORT,  
NEW YORK**

SITE #828066; VILLAGE OF  
BROCKPORT, MONROE COUNTY



Part of a bigger picture

ARCADIS



Moh Mohiuddin, PhD, PE, DEE  
Project Manager

Site Management Plan  
Former 3M/Dynacolor Facility  
Brockport, New York

Site #828066; Village of  
Brockport, Monroe County

Prepared for:  
3M Company

Prepared by:  
ARCADIS G&M, Inc.  
1200 MacArthur Boulevard  
Mahwah  
New Jersey 07430  
Tel 201 236 2233  
Fax 201 236 5110/5112

Our Ref.:  
NJ000461.0008.00002

Date:  
28 October 2004

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# ARCADIS

Site Management Plan,  
Former 3M/Dynacolor  
Facility, Brockport,  
New York

Site #828066; Village of  
Brockport, Monroe County

## 1. Introduction

This Site Management Plan (SMP) has been developed for the former 3M/Dynacolor Facility (Property) to: (a) address residual contaminated soils that may be excavated from the site; (b) evaluate the potential for vapor intrusion for any building developed on site, including a provision for mitigation of any impacts identified; (c) address the potential for vapor intrusion in the existing cold storage building and address the contamination that may be present beneath the cold storage building in the event that the building's use changes substantially or the area beneath the building becomes accessible; and (d) identify any use restrictions. This SMP has been prepared to comply with the requirements made by the New York State Department of Environmental Conservation (NYSDEC) in the Record of Decision (ROD) for Operable Unit No. 1 dated March 2004.

### 1.1 Property Description

For the purpose of this SMP, Site refers to the former 3M/Dynacolor facility, and Property refers to the Site and former residential areas adjacent to the Site that have been acquired by 3M.

The Property is located in the Village of Brockport, Monroe County, New York. A Property location map is presented on Figure 1. The Property is bordered on the west by Oxford Street, on the north by State Street, on the east by the JMT facility (formerly General Electric [GE]/Black and Decker), and on the south by the former location of Spring Street. Immediately north of State Street is the Erie Canal (New York State Barge Canal), flowing approximately west to east. The Site and Property boundaries, existing features, former and existing building footprints, and known shallow historic fill are presented on Figure 2.

In 1986, Brockport Cold Storage (BCS), a division of Curtice Burns Foods acquired ownership of the Site from the Town of Sweden. BCS constructed a frozen-food storage building. The remaining portions of the Site consist of asphalt parking lots and landscaped areas.

3M purchased five residential properties east of Oxford Street and the former Boy Scout Cabin. The structures on these were razed and clean cover materials were added. The area has been graded, seeded, landscaped, and is maintained as a lawn interspersed with trees.

## ARCADIS

Site Management Plan,  
Former 3M/Dynacolor  
Facility, Brockport,  
New York

Site #828066; Village of  
Brockport, Monroe County

### 1.2 Previous Investigations and Existing Soil Conditions

Extensive investigations and removal actions of soil have been performed at the property from 1972 to 2002. Detailed information regarding these investigations and removal actions is provided in the Revised Remedial Investigation Report (ARCADIS, 2001) and Feasibility Study (ARCADIS, 2002).

Existing soil conditions at the property can be described in four categories as described in the following sections.

#### 1.2.1 Excavated Areas

Multiple soil removal actions, as shown on Figure 2, were implemented at the property. All areas of excavation were backfilled with clean fill.

#### 1.2.2 Historic Fill

Previous investigations at the Site uncovered man-made debris, referred to as historic fill, in the overburden. The approximate extent of the shallow historic fill is shown on Figure 2. This historic fill material included copious amounts of slag material, ash, pieces of coal and wood, brick, asphalt, clear glass, ceramic material from plates, wire, copper, and non-corrosive silver-colored metal. Visual inspections will be the primary method to identify historic fill and to determine if an excavation has encountered historic fill.

#### 1.2.3 Area Under BCS Building

It is reported that blue stained soil exists under the northern portion of the new BCS building at the property.

#### 1.2.4 Remaining Areas

Other areas of the property, as shown on Figure 2, excluding excavated areas, historic fill, and the footprint of the new BCS building are defined as remaining areas.

## 2. Soil Excavation Procedure

The purpose of the soil excavation procedure (SEP) is to establish soil excavation and handling procedures to minimize potential exposure to workers and impacts to the

## ARCADIS

Site Management Plan,  
Former 3M/Dynacolor  
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environment. The SEP is developed to include soil characterization and, where applicable, disposal/reuse in accordance with NYSDEC regulations. This SEP shall apply to excavations meeting one of the following criteria:

- Excavations in areas of known shallow historic fill;
- Excavations under the northern portion of the existing cold storage building within the site boundary. This excavation may be undertaken in the event the building's use changes substantially or the area beneath the building becomes accessible or the building is demolished (NYSDEC ROD, March 2004);
- Excavations in remaining areas, where historic fill and/or blue stained soils are observed; and
- Excavations in remaining areas (historic fill and/or stained soils are not observed and former excavation areas).

The SEP shall apply to varying degrees on all excavations conducted at the site. Specific scope of work pertinent to each of the four excavation scenarios, as described above, is summarized in Table 1. The soil excavation procedures will include the following steps:

- Notifications requirements
- Pre-excavation procedures including utility identification, erosion and sedimentation controls, work area security, clearing and removal of vegetation, and work area access;
- Proper soil handling procedures including excavation, characterization, and disposal;
- Environmental air monitoring including dust control measures;
- Implementation of storm water management and dewatering activities; and,
- Restoration of the excavated areas with backfill materials, topsoil, and sod/seeding.

## ARCADIS

Site Management Plan,  
Former 3M/Dynacolor  
Facility, Brockport,  
New York

Site #828066; Village of  
Brockport, Monroe County

### 2.1 Notification Requirements

The NYSDEC will be notified at least five business days in advance of the initiation of any soil excavation at the property. Notification will be forwarded to the following address:

Kelly C. Cloyd, Ph.D.  
NYSDEC  
Region 8  
Division of Environmental Remediation  
6274 East Avon - Lima Road  
Avon, NY 14414-9519  
Telephone: 585-226-5351

Notification for excavation under the BCS building will consist of a written description of the excavation activities and, if available, design plans, and specifications. A simple notification, e.g. telephone call, for routine excavations will be given to NYSDEC.

Additional notifications, including but not limited to Brockport Department of Public Works and utility authorities, may be necessary depending on local rules and regulations.

### 2.2 Supervision

The contractor chosen to perform the work will be qualified in the scope of work planned and will comply with local rules and regulations in addition to the procedures outlined in this SEP.

### 2.3 Site Preparation

#### 2.3.1 Utility Clearance and Identification

The excavation limits will be marked and an underground utility identification conducted prior to any activities. In addition, any monitoring wells or investigation points that need to be protected during field activities will be identified.

## ARCADIS

Site Management Plan,  
Former 3M/Dynacolor  
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New York

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Brockport, Monroe County

### 2.3.2 Erosion and Sedimentation Controls

Soil erosion and sedimentation control measures will be implemented at the Site prior to any clearing activities. The control measures will be implemented in accordance with the New York Guidelines for Urban Erosion and Sediment Control.

Soil erosion control measures may include:

- Silt fence around the perimeter of the areas to be disturbed during the field activities.
- Hay bales around temporarily stockpiled soils.
- Stabilized access route(s) to prevent tracking soil off-site via the ingress and egress of vehicular traffic.
- Sediment control measures in any watercourse to prevent sediment carry over onto other areas of the site.

Following installation of the soil erosion and sediment control measures, the vegetation can be cleared within the limits of the area.

### 2.3.3 Work Area Security

A primary access route will be created to support field activities. A secondary access route may be necessary based on the type of activities being conducted. Access to the work area(s) will be restricted such that only approved personnel are permitted to enter during the work activities. The use of additional security may also be required during non-working hours depending on the activities.

### 2.3.4 Clearing and Removing Vegetation

All brush and trees removed from the work area will be properly disposed.

### 2.3.5 Clean Access Area

Measures will be taken to minimize contact with excavated soils and to remove soils from vehicle tires prior to exiting the site. Crosswalks, streets, and pavements will be kept clean and free from debris at all times. Any materials dropped from construction

## ARCADIS

Site Management Plan,  
Former 3M/Dynacolor  
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New York

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Brockport, Monroe County

vehicles will be cleaned up immediately. Equipment and vehicles that come in contact with impacted soils will be decontaminated in accordance with Section 2.4.9.

### 2.4 Soil Excavation/Grading, Handling, and Disposal During Excavation Activities

#### 2.4.1 Personnel Training

All construction workers will be 40-hour Hazardous Waste Operations and Response trained as per Occupational and Health Administration (OSHA) regulations, Title 29, Code of Federal Regulations, Part 1910.120 (29 CFR 1910.120). Personnel will be familiar with the impacts at the site and the potential hazards associated with the planned field activities. Personnel will be certified in the use of the proposed equipment for the activities.

#### 2.4.2 Equipment

The types of equipment to be used will determine the types of countermeasures that must be taken to minimize impacts outside the work area. Therefore, techniques will be applied to prevent contaminated materials from being spread or tracked to "clean" areas of the site.

#### 2.4.3 Limits of Excavation/Grading

The excavation limits will be identified in the field using stakes, wires, flagging, etc. to make the horizontal limits of the excavation visible to field construction personnel.

During excavation activities, the soils will be observed and if visual inspection warrants (e.g., historic fills, blue stained soils), the excavated soil will be categorized as observed historic fill/blue stained soil.

Based on the type of activities to be performed, a soil-retention system or slope stabilization system may be required along roadways, utility easements, and adjacent to any structures. Details of any systems will include design drawings and specifications and adhere to 29 CFR Part 1926 for excavations.

#### 2.4.4 Handling and Storage of Excavated Material

Excavated materials will be staged outside the limits of the excavation and any dewatering activities, if necessary, will be performed. The soil staging area(s) will be



## ARCADIS

Site Management Plan,  
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the primary location for materials segregation, stockpiling, and loading for disposal. Soils will either be directly loaded into appropriate transport vehicles (e.g., lined dump trailers or roll-offs) or temporarily staged on site in a staging area. Staging areas will be lined with 40 mil high density polyethylene sheeting. A six-inch berm overlain by the polyethylene sheeting will be constructed around the perimeter of the staging area to minimize storm water runoff and runoff.

Staged soils, or those that will remain on site, will be covered with 10 mil reinforced polyethylene sheeting until transported off-site in order to control any potential emissions or runoff. The sheeting will be weighted down by a sufficient amount of sandbags to prevent movement of the cover. The staging area(s) will be continuously covered with the sheeting except while the soils are actively being placed or removed.

### 2.4.5 Exposed Excavations

To the extent possible, excavation activities will not be performed during periods of precipitation. Water that collects in the excavation will be pumped out and disposed of off-site.

### 2.4.6 Site Restoration

Subsequent to completion of soil activities, the excavated area(s) will be filled with certified clean backfill material to match the existing grade. Documentation of the clean fill will be maintained. Grass seed will be planted in the existing grass areas and surface will be paved with asphalt in the existing pavement areas.

### 2.4.7 Characterization of Excavated Material

Soils excavated from under the building, will be sampled in accordance with NYSDEC regulations and the results compared with site-specific criteria. The soils will then be disposed of in accordance with NYSDEC rules and regulations. In addition, any groundwater from dewatering activities, decontamination water, or water pumped from open excavations will be sampled in accordance with NYSDEC regulations and disposed of in accordance with NYSDEC rules and regulations.

### 2.4.8 Off-Site Disposal

Whenever possible, soils will be managed on site. Excavated materials used for backfill in historic fill areas will be replaced at the same depth that the fill was removed

## ARCADIS

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Facility, Brockport,  
New York

Site #828066; Village of  
Brockport, Monroe County

from. Excavations will be restored with sufficient topsoil to allow the establishment of grass cover.

Approval for the off-site disposal of the excavated soil, if necessary, will be obtained prior to initiating field activities.

### 2.4.9 Equipment/Personnel Decontamination

Equipment and/or vehicles that have come in contact with impacted soils excavated from under the building will be decontaminated. The decontamination pads, if necessary, will be bermed and lined with impermeable barrier. The decontamination area will be sloped to a sump to allow for collection of decontamination water. Water collected from the decontamination activities will be containerized and subsequently treated/disposed.

All material used in equipment decontamination, including (but not necessarily limited to) detergent solution, rinsate, rinse water, towels, disposable equipment, and polyethylene sheeting will be collected and disposed of properly.

Specific decontamination areas for personnel, if required, will be designated in the field in accordance with the OSHA regulations. Personal protective equipment will be disposed of in accordance with NYSDEC rules and regulations.

### 2.5 Dust Controls

Air monitoring will be conducted for the protection of the community and site workers during any soil activities. Dust readings will be taken at upwind locations at the start of excavation activities or anytime there is a significant change in wind direction. Downwind locations will be monitored on a continuous basis. If downwind dust particulate levels are greater than  $100 \text{ ug/m}^3$ , appropriate dust control measures will be undertaken. All readings will be recorded and if requested, made available for review by NYSDEC or New York State Department of Health (NYSDOH) personnel.

Dust control measures include wetting soils to mitigate dust generation. The water will be potable water only, and will be continuously applied to the surrounding areas of the excavation.

In the event that dust levels exceed the health and safety action level, continuous monitoring will be performed to observe if levels return to an acceptable range. If a

## ARCADIS

Site Management Plan,  
Former 3M/Dynacolor  
Facility, Brockport,  
New York

Site #828066; Village of  
Brockport, Monroe County

time span of 30 minutes follows without levels returning to an acceptable range, additional engineering controls will be implemented or the activities will be discontinued until dust levels return to an acceptable range.

### 2.6 Additional Air Monitoring

Additional air monitoring will be conducted for excavations underneath the building. An intrinsically safe photo-ionization detector (PID) instrument will be used to measure organic vapors. A colorimetric tube will be used to identify specific compounds in the air such as hydrogen cyanide. Table 1 summarizes the recommended monitoring actions based on the location of the excavation.

Devices will be calibrated in the field or in the laboratory prior to shipment to the site. Readings will be collected at appropriate intervals during field activities and recorded in an air-monitoring log.

### 2.7 Storm Water Management and Dewatering

Prior to initiating any field activities it will be determined whether a contingency plan for storm water management and excavation dewatering are required, based on the type of work to be performed. This section describes the procedures for controlling storm water and performing dewatering activities for larger projects. Specific scope of work pertinent to each of the four excavation scenarios, as previously described, is summarized in Table 1.

#### 2.7.1 Storm Water Management Control

Storm water management controls will be employed to ensure the proper drainage of storm water from the site and adjacent properties. The controls will prevent the ponding of water and direct storm water flow away from the disturbed areas of the site. If required, a bypass system will be implemented to allow up gradient areas to drain around the excavation area to existing storm water structures.

#### 2.7.2 Storm Water Run-on

Storm water that comes in contact with potentially contaminated soils will be considered contaminated. Precaution will be taken to prevent storm water from contacting potentially contaminated soils. Storm water that accumulates in open excavations will be pumped into a holding tank and tested prior to off-site disposal.

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Former 3M/Dynacolor  
Facility, Brockport,  
New York

Site #828066; Village of  
Brockport, Monroe County

### 2.7.3 Dewatering Excavations During Construction Activities

If it is necessary to excavate soils beneath the water table, a dewatering system may be required. Dewatering would consist of a groundwater well system located around the perimeter of the excavation from which water would be pumped to the surface and stored in a temporary storage tank. Any groundwater removed will require sampling to assess water quality with respect to site-specific criteria prior to off-site disposal.

State and/or local permits may be required prior to initiating dewatering activities depending on the size of the excavation, required number of well points, duration of dewatering, and quantity of groundwater expected.

### 2.8 Health and Safety Plan

A Health and Safety Plan (HASP) will be prepared for soil activities conducted under the building in accordance the requirements of OSHA regulations, Title 29, Code of Federal Regulations, 29 CFR Part 1910.120. The HASP will include all potential physical and chemical hazards relating to the activities in order to minimize workers' exposures through personal protective equipment and safe work practices.

During excavation activities, consideration of the slope of the excavation, compaction, need for shoring and shielding, and dewatering will be addressed with respect to health and safety.

## 3. Future Use Considerations

### 3.1 New Development

The potential for vapor intrusion for any building, which may be developed on the Property, will be evaluated. A provision for mitigation of any impacts identified during such a development will be identified.

### 3.2 Brockport Cold Storage Building

The potential for vapor intrusion in the Cold Storage Building in the event that the building's use changes substantially will be reevaluated. The impacted soil that may be present beneath the Cold Storage Building in the event that these soils become accessible during construction or demolition activities will be addressed.

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Former 3M/Dynacolor  
Facility, Brockport,  
New York

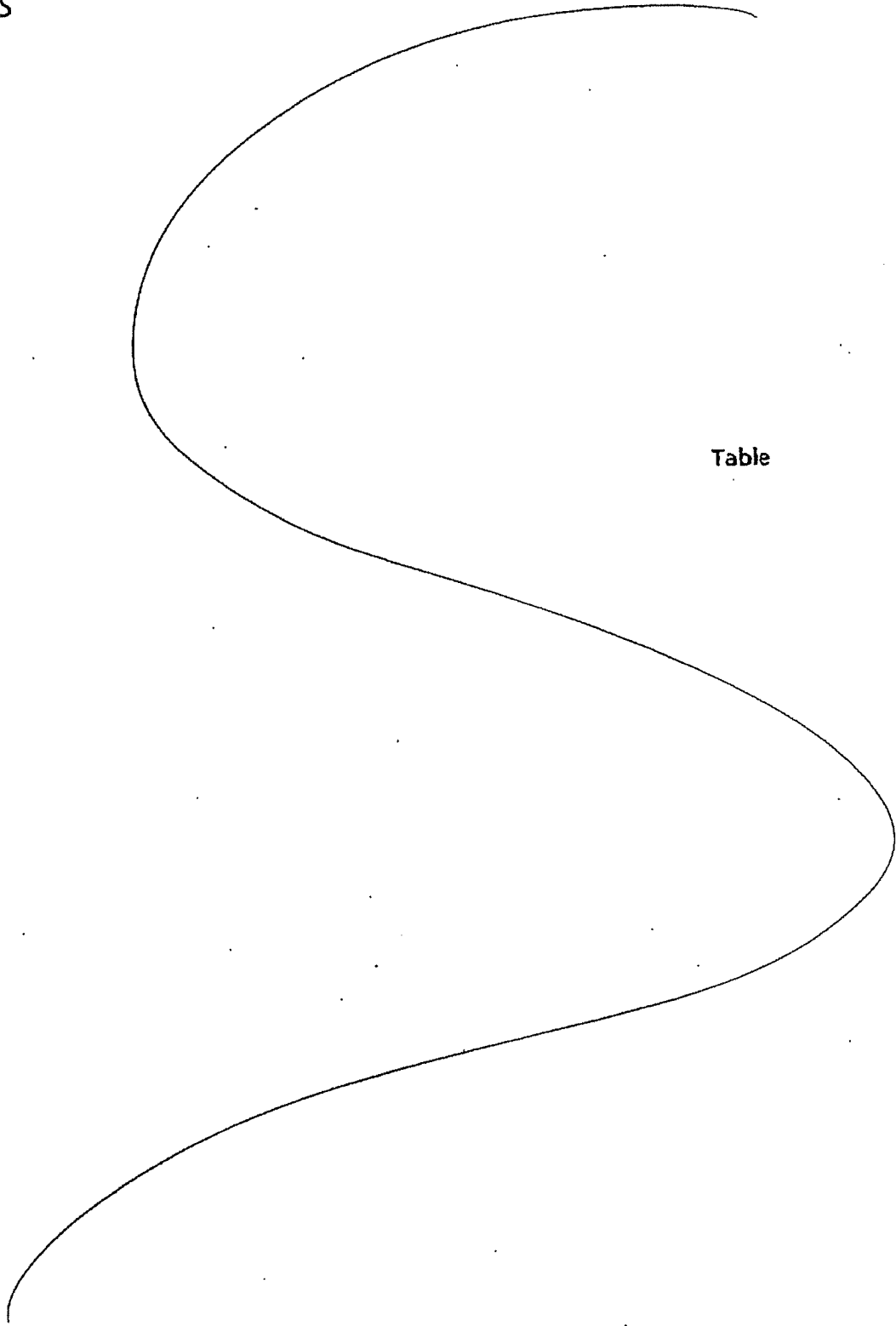
Site #828066; Village of  
Brockport, Monroe County

### 3.3 Property Use Restrictions

The property will be used for industrial/commercial purposes only.

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Table



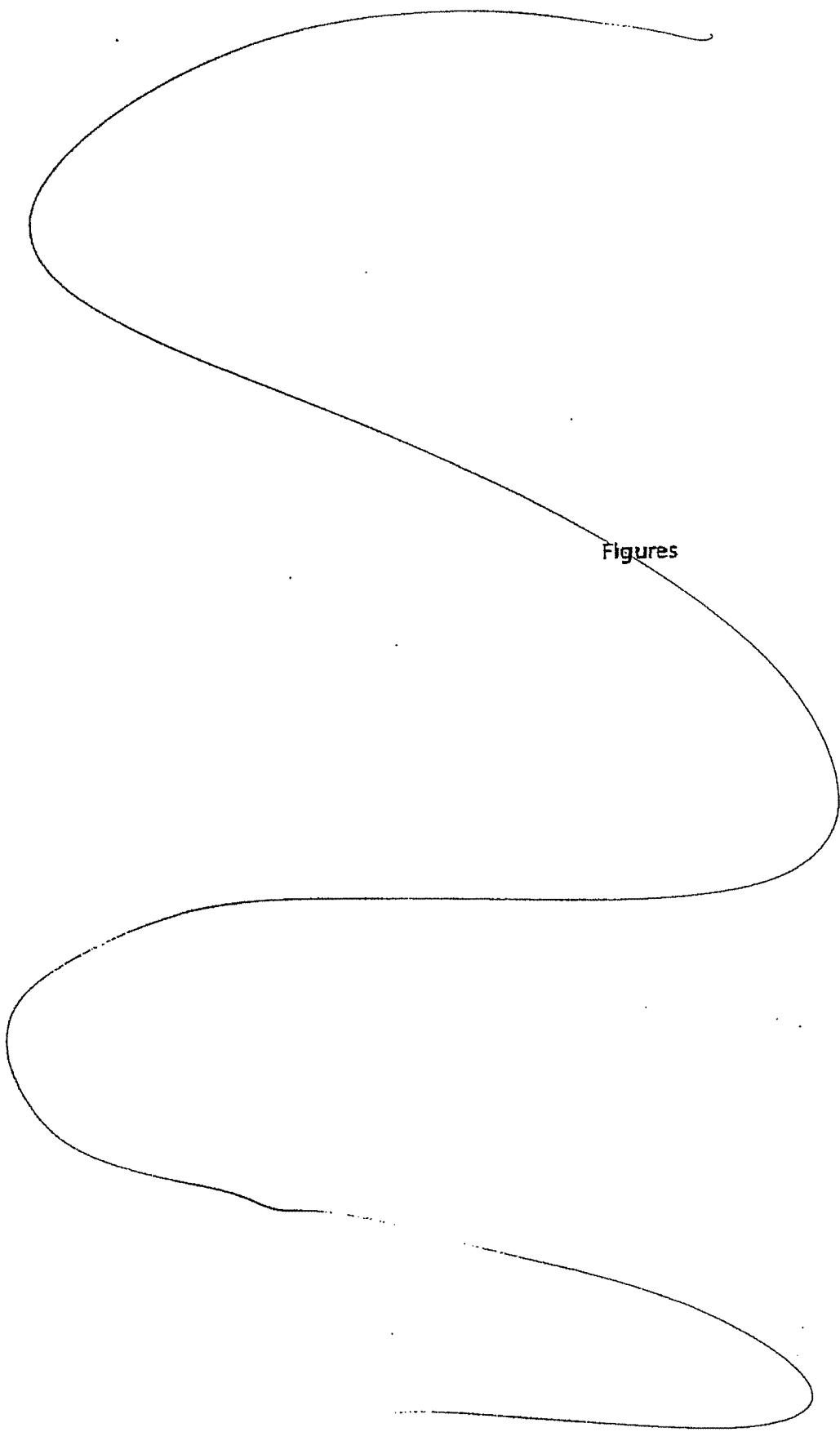
# ARCADIS

Table 1. Soil Excavation Guidance, Former 3M/Dynacolor Facility, Brockport, New York.

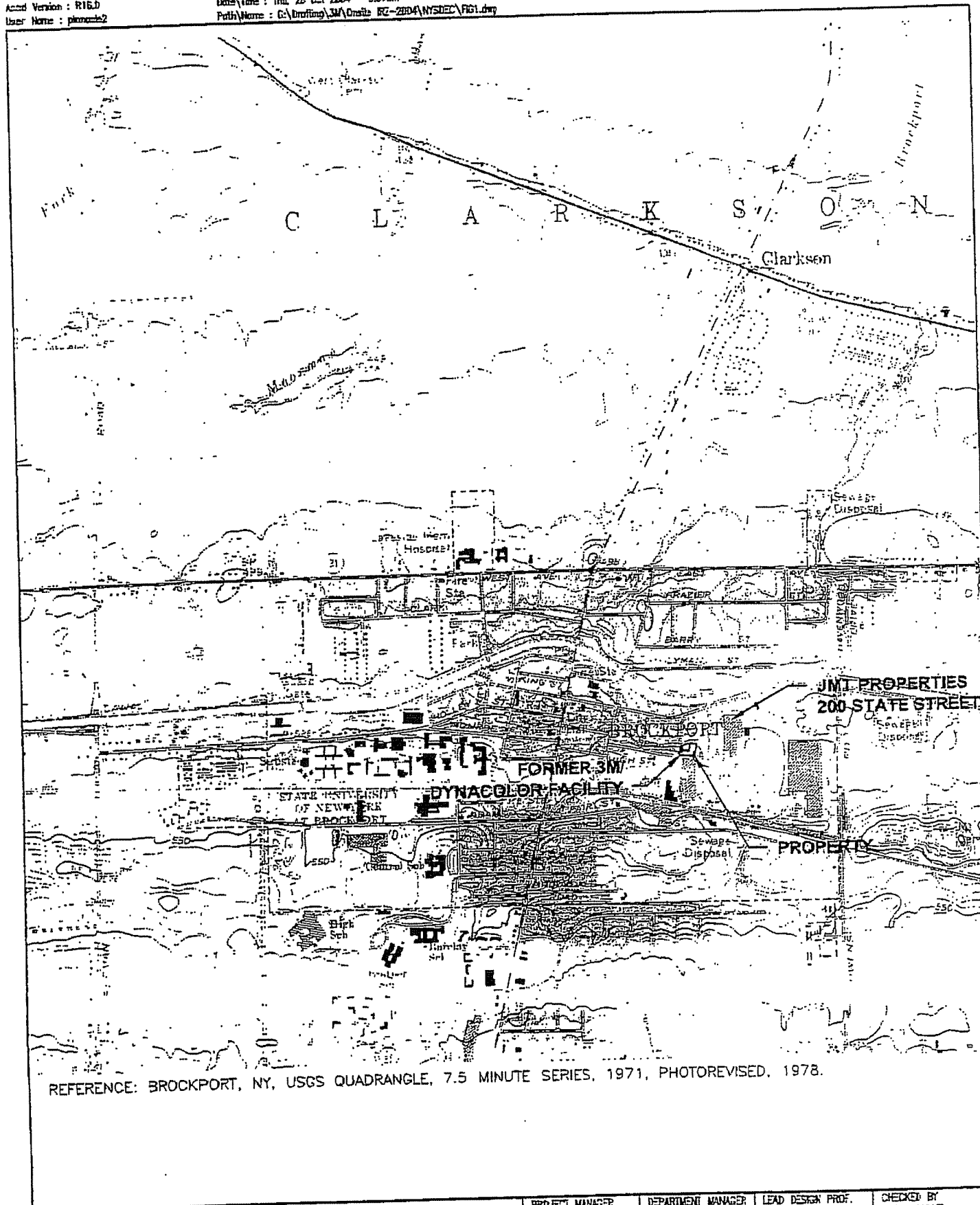
Activities		Excavation Location			
Section No.	Descriptions	Shallow Historic Fill	Under Northern Portion of BCS Building	Observed Historical Fill/ Blue Staining	Remaining Areas
2.1	Notification to NYSDEC	X	X	X	X
2.1	Submission of Workplan		X		
2.3.1	Utility Clearance and Identification	X	X	X	X
2.3.2	Erosion and Sedimentation Controls	X		X	
2.3.3	Work Area Security	X	X	X	
2.3.4	Clearing and Removing Vegetation	X		X	
2.3.5	Clean Access Area	X	X	X	
2.4.1	Personnel Training	X	X	X	
2.4.2	Equipment	X	X	X	
2.4.3	Limits of Excavation/Grading	X	X	X	
2.4.4	Handling and Storage of Excavated Materials	X	X	X	
2.4.5	Exposed Excavations	X	X	X	
2.4.6	Site Restoration	X	X	X	
2.4.7	Characterization of Excavated Material		X		
2.4.9	Equipment/Personnel Decontamination	X	X	X	
2.5	Dust Monitoring	X	X	X	
2.6	Organic Vapor Monitoring		X		
2.6	Hydrogen Cyanide Monitoring		X		
3.1	Storm Water Management Control	X		X	
3.2	Storm Water Runoff	X		X	
3.3	Dewatering Activities During Construction Activities	X	X	X	
4.0	Health and Safety Plan	X	X	X	

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Figures







REFERENCE: BROCKPORT, NY, USGS QUADRANGLE, 7.5 MINUTE SERIES, 1971, PHOTOREVISED, 1978.

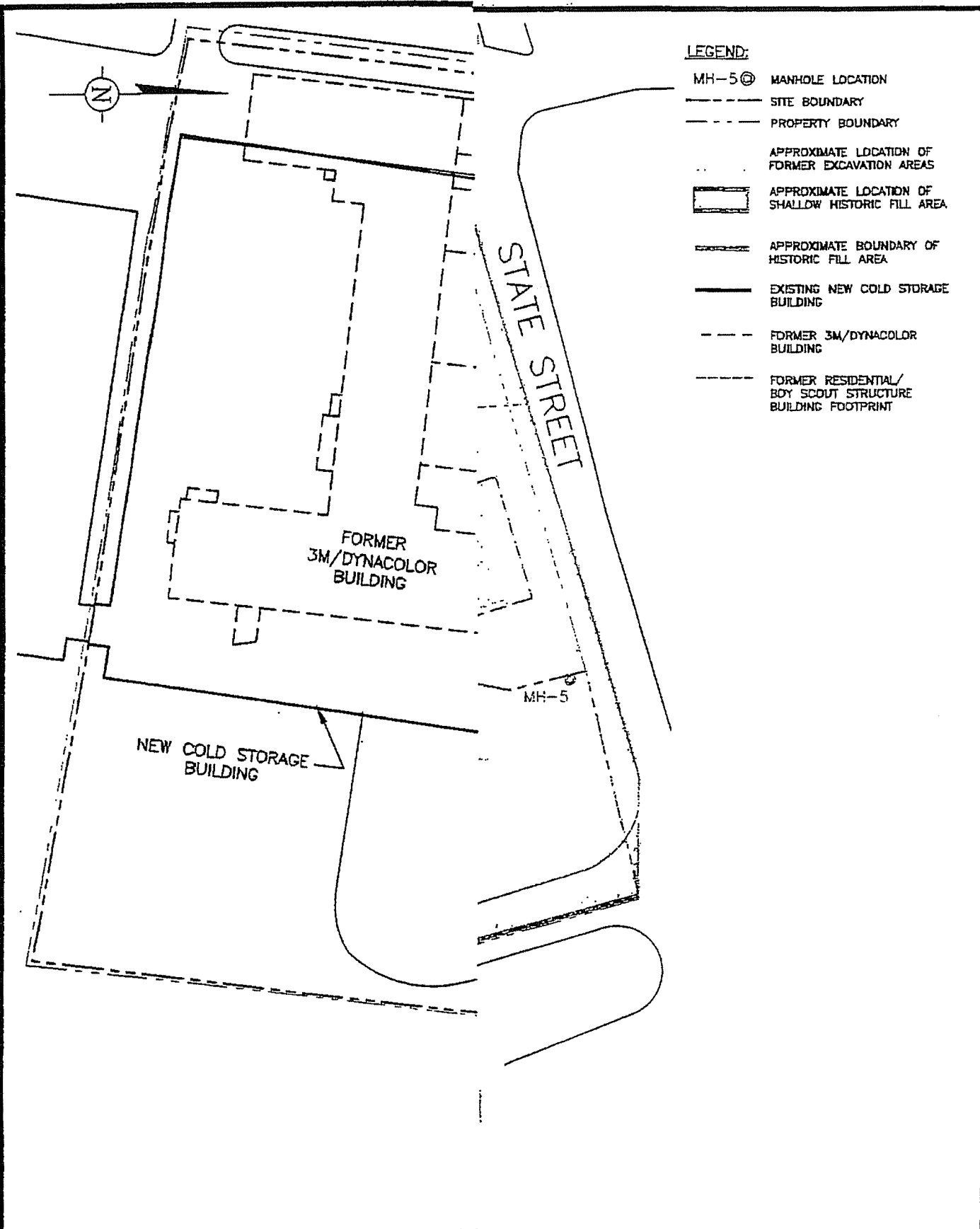
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PROJECT MANAGER M. MOHIUDDIN	DEPARTMENT MANAGER M. MOHIUDDIN	LEAD DESIGN PROF. M. MOHIUDDIN	CHECKED BY S. VOIGHT
SHEET TITLE PROPERTY LOCATION MAP FORMER 3M/DYNACOLOR FACILITY BROCKPORT, NEW YORK		TASK/PHASE NUMBER 00001	DRAWN BY LMC
		PROJECT NUMBER NJ000461.0008	DRAWING NUMBER 1

C:\Draughting\3M\Onsite IRZ-2004\NYSDEC\FIG 2 PROPERTY PLAN.dwg Oct. 28, 2004



<p>Copyright © 2004</p>	<p>0 50</p> <p>1 inch = 50 ft</p>	<p>DRAWN LMC</p> <p>DATE 10/28/04</p> <p>PROPERTY PLAN</p>	<p>PROJECT MANAGER M. MCNUDDEN</p> <p>LEAD DESIGN PROF. M. MCNUDDEN</p> <p>PROJECT NUMBER NJ000451.0008</p>	<p>DEPARTMENT MANAGER M. MCNUDDEN</p> <p>CHECKED S. VOIGHT</p> <p>DRAWING NUMBER 2</p>
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