

**NEW YORK STATE
DEPARTMENT OF**

**ENVIRONMENTAL
CONSERVATION**

**DIVISION OF HAZARDOUS
WASTE REMEDIATION**

RECORD OF DECISION

GENESEE SCRAP AND TIN BALING

SITE #8-28-081

CITY OF ROCHESTER, MONROE COUNTY

JANUARY 1994

DECLARATION STATEMENT RECORD OF DECISION

**Genesee Scrap and Tin Baling
City of Rochester, Monroe County, New York
Site No. 8-28-081**

Statement of Purpose and Basis

The Record of Decision (ROD) presents the selected remedial action for the Genesee Scrap and Tin Baling (GST) inactive hazardous waste disposal site which was chosen in accordance with the New York State Environmental Conservation Law (ECL). The remedial program selected is not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan of March 8, 1990 (40 CFR 300).

This decision is based upon the Administrative Record and the New York State Department of Environmental Conservation (NYSDEC) for the Genesee Scrap and Tin Baling Site inactive Hazardous Waste Site and upon public input to the Proposed Remedial Action Plan (PRAP) presented by the NYSDEC. A bibliography of the documents included as a part of the Administrative Record is included in Appendix B of the ROD.

Assessment of the Site

Actual or threatened release of hazardous waste constituents from the site have been addressed by implementation of the Interim Remedial Measure. There is no longer a current or potential threat to public health and the environment. This action includes delisting the site from the State's Registry of Inactive Hazardous Waste Sites.

Description of Selected Remedy

The remedial action plan for the GST site is no further action. The PCB oil spill area surrounding the scrap metal compactor was a potential source of contamination to surface water and the nearby sanitary sewer system. The off-site extent of this contamination has now been remediated to levels which are protective of the environment and public health. The on-site extent of contamination has been remediated to levels appropriate for industrial and commercial land usage. The confirmatory soil samples and the results of the discharge from the storm water retention ponds show that all levels are below site cleanup criteria. The site is serviced by public water and sewer and the remediation area has been covered with clean fill and is fenced to restrict access. Therefore, the potential for exposure to site-related contaminants has been minimized. Additionally, groundwater is not used for drinking or bathing in the vicinity of the site.

The remedy includes an engineered storm water retention system that will prevent and contain future oil releases from the site and provide a long-term monitoring program via the Monroe County Department of Pure Waters (MCDPW) pretreatment sewer discharge permit program. Any exceedances of the discharge limit will require further corrective actions. The engineered systems of the IRM are fenced to prevent access to the public. The remaining excavation areas were backfilled with crushed stone to allow for regular salvage yard operations.

The remedial action will be finalized by the placement of deed restrictions on the GST facility. The restrictions will limit current and future activities to industrial and commercial uses only. No residential uses will be allowed. The current site owner/operator has agreed to this restriction in the deed. These restrictions may be lifted based on new information regarding site characterization or changes in cleanup objectives. The lifting of restrictions will require the concurrence of the NYSDOH and NYSDEC. **This alternative includes delisting the site from the State's Registry of Inactive Hazardous Waste Sites.**

New York State Department of Health Assessment

The New York State Department of Health (NYSDOH) concurs with the remedy selection for this site as being protective of human health.

Declaration

This selected remedy is protective of human health and the environment, complies with State and Federal regulation that are legally applicable or relevant and appropriate to the remedial action to the extent practicable, and is cost effective. This remedy utilizes permanent solutions and alternative treatment or resource recovery technologies, to the maximum extent practicable, and satisfies the statutory preference for remedies that reduce toxicity, mobility, or volume as a principal element.

January 28, 1991
Date

Ann Hill DeBarbieri
Ann Hill DeBarbieri
Deputy Commissioner

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RECORD OF DECISION

GENESEE SCRAP AND TIN BALING City of Rochester, Monroe County, New York Site No. 828081 January 1994

SECTION 1: SITE LOCATION AND DESCRIPTION

The Genesee Scrap and Tin Baling site is listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites as a class 2. A class 2 designation indicates that the site poses a potential threat to the environment and/or public health and action is required. The New York State Departments of Environmental Conservation (NYSDEC) and Health (NYSDOH) work together to implement remedial programs for sites listed on the registry.

As shown on Figure 1 (site location) and Figures 2 and 3, the Genesee Scrap and Tin Baling Facility is located at 80 Steel Street in the northwest side of City of Rochester. The facility is located in an industrial/commercial zoned area. Private residences are located on Steel Street, Lombard Street and Adelaide Street within approximately 1/4 mile to the south. The entire area is serviced by public water and sewer provided by Monroe County. The actual site (see Figure 3) is an approximately quarter-acre portion of the facility which is the location of a scrap metal compactor. The site is roughly rectangular in shape. In addition, the remedial action addressed an off-site area running along

a railroad right-of-way.

SECTION 2: SITE HISTORY

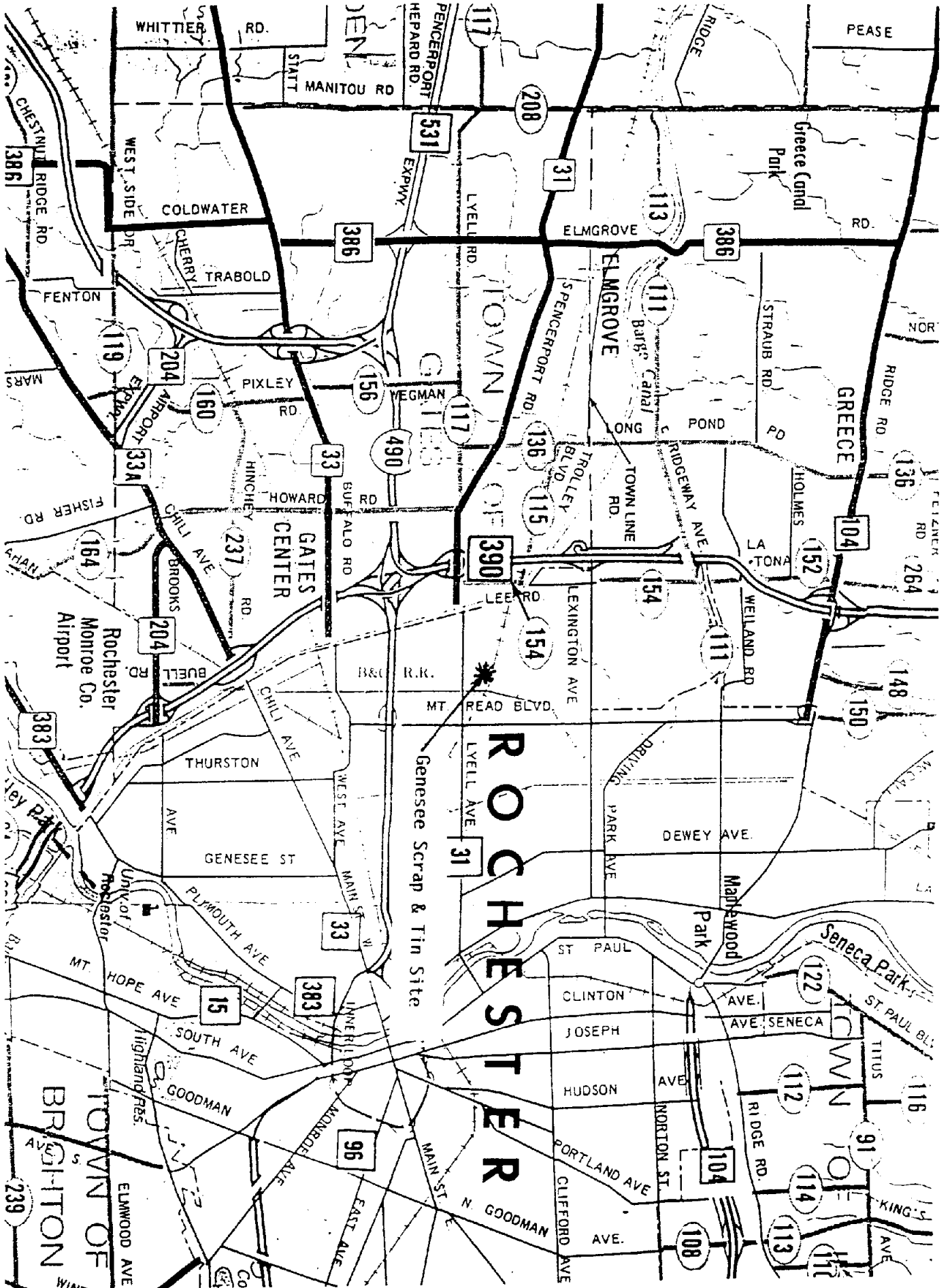
2.1: Operational/Disposal History

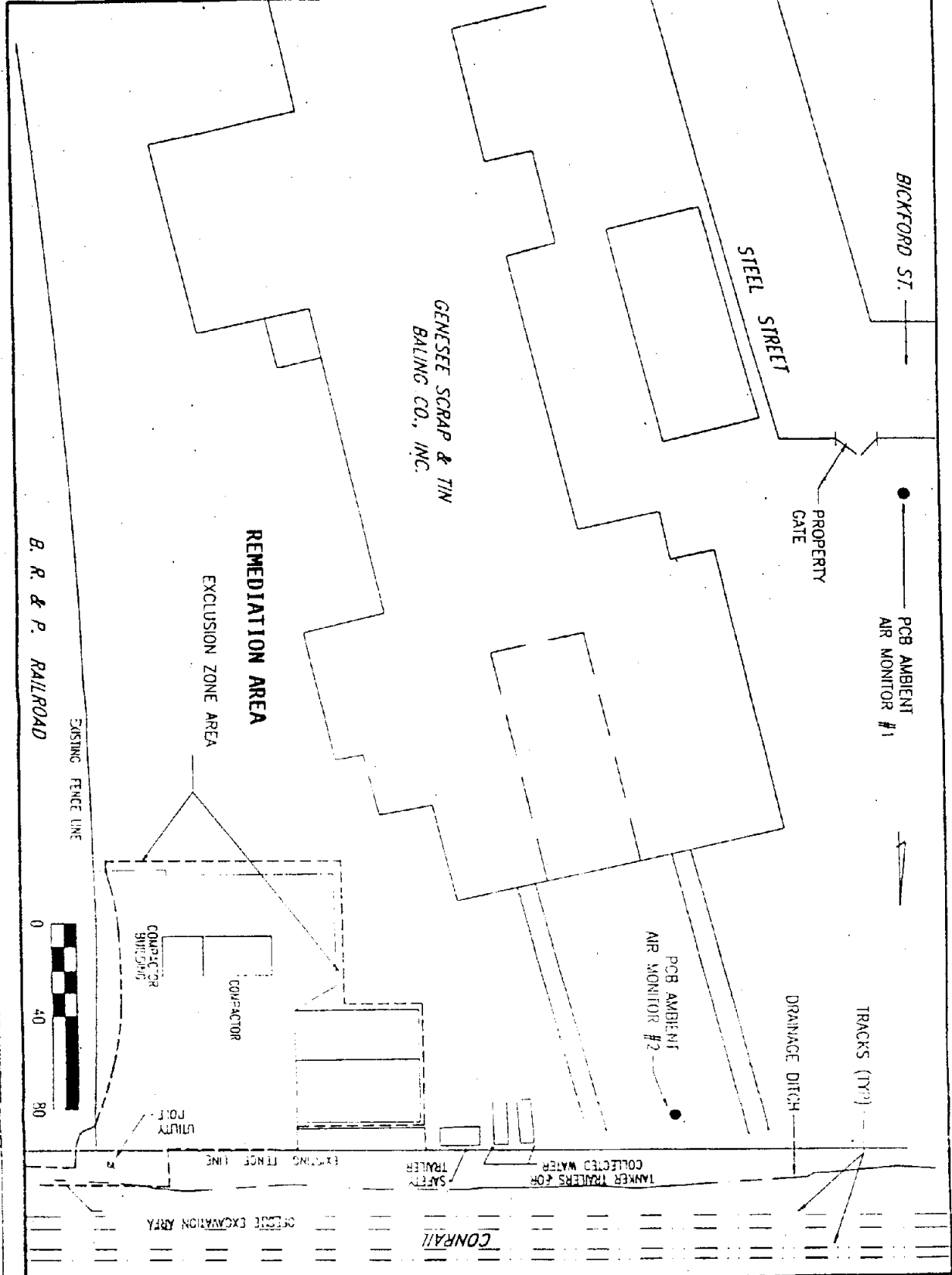
Genesee Scrap and Tin Baling (GST) started operations at the site in August 1977. Prior to GST's purchase of the property, the facility was owned by Leach Steel Corporation. GST is an active salvage yard for ferrous and non-ferrous scrap metals. The scrap metals are segregated, sorted and processed for sale to various markets as raw materials.

The GST facility is located in a topographical lowland. The soils in this area are reported as silty loam and clays and somewhat poorly drained. Prior to the Remedial Action, surface drainage ran north off the facility to a drainage swale on the adjacent Conrail Railroad Right-of-Way. The drainage was then directed east along the swale until it flowed into a culvert, which ran to a combined sewer on Ferraro Street. The flows in combined sewer eventually go to the Monroe County Pure Waters Sewer Authority.

On approximately May 16, 1988, an oil spill occurred when an hydraulic line on a scrap metal compactor ruptured releasing

Figure # 1
Genesee Scrap and Tin Baling Site
Site # 828081, Monroe County



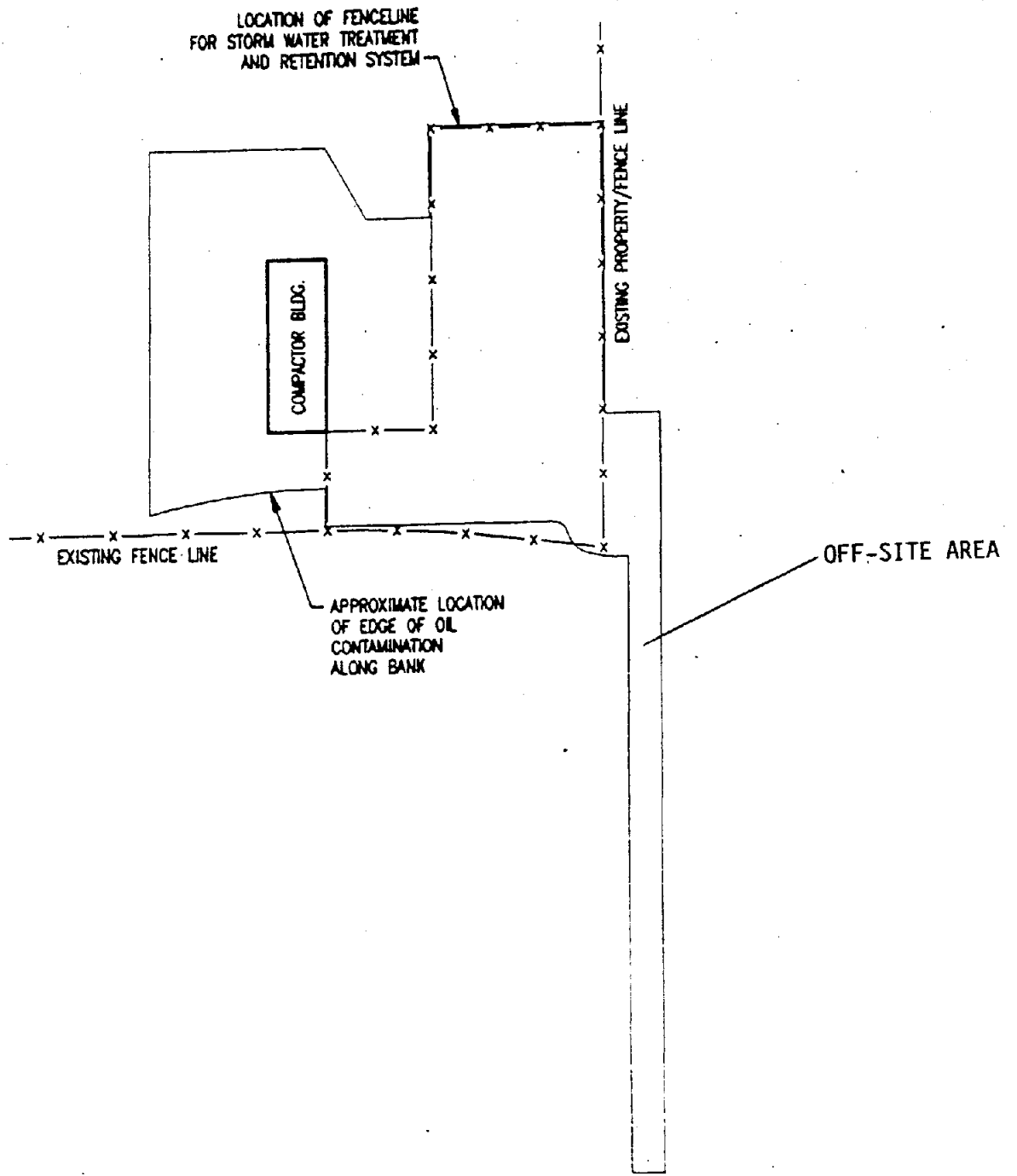


PROJECT NO.
 89-650S
 DRAWING NO.
FIG. 2

PROJECT TITLE
 GENESEE SCRAP & TIN BALING CO., INC.
 INTERIM REMEDIAL
 MEASURE IMPLEMENTATION
 DRAWING TITLE
 PCB AIR MONITOR LOCATIONS

DAY ENGINEERING, P.C.
 ENVIRONMENTAL ENGINEERING CONSULTANTS
 ROCHESTER, NEW YORK

DESIGNED BY CKP	DATE --/--
DRAWN BY JJD	DATE DRAWN 11/22/91
SCALE AS SHOWN	DATE ISSUED 12/23/91



PROJECT NO. 92-1740S	PROJECT TITLE GENESEE SCRAP & TIN BALING CO. ROCHESTER, NEW YORK	DAY ENGINEERING, P.C. <i>ENVIRONMENTAL ENGINEERING CONSULTANTS ROCHESTER, NEW YORK</i>	DATE 4/2/93
FIGURE 3	DRAWING TITLE INTERIM REMEDIAL MEASURE IMPLEMENTATION SITE BOUNDARY MAP		DRAWN BY RJM

approximately 200 gallons of oil into the drainage swale in the northwest corner of the GST facility. The oil flowed to a small pool of standing water where the oil water mixture migrated off-site along the drainage swale on the Conrail Property.

2.2: Remedial History

GST hired an Environmental Response firm to clean up the spill and informed NYSDEC of the incident. Subsequent sampling of the spill oil and soil found polychlorinated biphenyls (PCBs) in excess of regulatory standards. (See Table #1)

Based upon the PCBs contamination, the NYSDEC listed the site on the NYS Registry of Inactive Hazardous as a class 2. NYSDEC and NYSDOH then approached GST to conduct a remedial program. Negotiations between GST and the State were finalized in a workplan to conduct an Interim Remedial Measure (IRM) and a Consent Order. An IRM is implemented when a source of contamination or exposure pathway can be effectively addressed with minimal environmental characterization. A Consent Order is a legal agreement which binds GST to implementing the remedial program.

The Interim Remedial Measure (IRM) workplan was approved on August 22, 1990 and the Consent Order was signed on September 22, 1990. Aspects of the IRM included the following:

- Initial sampling and analysis of potentially contaminated media
- Removal and off-site disposal of PCB contaminated soils and oils. For the purposes of the IRM only, a soils cleanup goal for PCBs of 10 ppm was approved in the workplan
- Ambient Air Sampling

- Confirmatory sampling for all remediated areas to ensure achievement of the cleanup levels
- Construction of a stormwater retention system which consists of an oil/water separator, two lined storage basins and related piping and valves. The discharge of the drainage basins is directly tied into the sanitary sewer on Ferrano Street
- Installation of a roof drainage system on the eastern part of the GST facility to reduce storm water run-off to the remediation area
- Improvements to the compactor to reduce the likelihood of oil spills
- Evaluation of worker exposure to PCBs

The results of the initial soil sampling showed elevated levels of PCBs in and around the compactor area. The results ranged from a high of 298 ppm to low of 24 ppm. The average soil concentration was approximately 200 ppm. Subsequent subsurface soil sampling indicated PCB contamination as high as 2,490 ppm. The sampling adequately characterized the site for the excavation.

In November 1990, the soil and oils in the spill area were removed. The excavation ranged from a depth of 6 inches to 18 inches and was dictated by the initial sampling program and the extent of oil stained soils. An estimated 438 tons of PCB contaminated soil were disposed as hazardous waste at the Chemical Waste Management Facility in Model City, New York. In addition, approximately 252 tons of non-

hazardous oil contaminated soil (PCBs <50 ppm) were disposed at the Modern Landfill Inc. Facility in Model City, New York.

The construction of the stormwater retention system was completed in August of 1992 and the PRP then submitted a final IRM report. On December 1, 1992, the Department formally approved the IRM report and acknowledged that GST performed the work to the satisfaction of the NYSDEC.

SECTION 3: CURRENT STATUS

As part of the IRM, soil samples were collected at the bottom of the excavation to confirm the site cleanup. Analytical results from the confirmatory sampling are shown on Table 2. The sampling showed that the excavation reached the agreed upon action level of 10 ppm in soil.

NYSDOH agreed to a cleanup goal of 10 ppm for PCBs in soil for purposes of the IRM only, but noted that a cleanup goal of 1 ppm or less for PCBs in soil offsite would be considered as final. The confirmatory sampling showed that the excavation reached the agreed upon action level of 10 ppm, and also showed that PCBs had been cleaned up to less than 1 ppm offsite.

Confirmatory split sampling was also conducted by the NYSDEC for PCBs and the full range of the Target Compound List (TCL). The TCL includes a broad range of possible contaminants including volatile and semi-volatile organics, metals and pesticides. The results indicated that the excavation did meet the agreed upon cleanup objectives. Other residual contamination was within acceptable levels and included dichloroethylene at 0.14 ppm, benzo(a) pyrene at 1.4 ppm, chrome at 8.8 ppm and lead at 112 ppm.

As dictated by Monroe County Department of Pure Waters under a sewer use permit, GST is

required to analyze the storm waters in the two collection basins prior to discharge to the sanitary sewer. Table 3 provides the analytical results from the storm water samples and also shows the MCDPW discharge criteria. To date, GST is well within the discharge criteria.

SECTION 4: ENFORCEMENT STATUS

Consent Order

The NYSDEC and Genesee Scrap and Tin Baling entered into a Consent Order on September 10, 1990. The Order obligated GST to implement an Interim Remedial Measure at the site.

Date: 9/10/90, Index No.: B8-0288-89-07

Subject of Order: In the matter of the development and implementation of the Interim Remedial Measure for an Inactive Hazardous Waste Site Pursuant to Article 27, Title 13 of the Environmental Conservation Law of the State of New York by Genesee Scrap and Tin Baling Co. Inc.

The Consent Order was structured on determining the extent of and cleanup up of the spill area. The potential responsible party (PRP) identified for the site is the owner of Genesee Scrap and Tin Baling, 80 Steel Street, Rochester, NY.

SECTION 5: SUMMARY OF THE REMEDIATION GOALS

Goals for the remedial program have been established through the remedy selection process stated in 6NYCRR 375-1.10. These goals are established under the guideline of meeting all standards, criteria, and guidance (SCGs) and protecting human health and the environment. At a minimum, the remedy selected should eliminate or mitigate all significant threats to the

public health and to the environment presented by the hazardous waste disposed at the site through the proper application of scientific and engineering principles.

The overall objective of the remedial action at the Genesee Scrap and Tin Baling Site was to reduce PCB contamination to levels which are protective of human health and the environment. In addition, the remediation eliminated contaminant routes of exposure to the general public and put in place engineered controls to prevent future releases. The site specific goals for the IRM at the GST site can be summarized as follows:

- Reduce soil PCB concentration to less than 10 ppm, therefore, reducing the potential threat to the general public and facility workers
- Control surface run-off and prevent run-off from leaving the site
- Control and collect possible future oil releases

SECTION 6: SUMMARY OF THE EVALUATION OF ALTERNATIVES

No Further Action

The IRM conducted at the site accomplished the goal as identified above in Section 5. Consequently, further investigation and development and evaluation of alternatives are not being proposed for this site. This action recognizes the remediation of the site completed under the IRM has addressed the hazardous waste disposal requiring no further action. Discharge limitations have been established for the stormwater retention system which will be monitored and implemented by the Monroe County Department of Pure Waters. The

NYSDOH concurs with the remedy selected for this site.

Community Acceptance - Concerns of the community regarding the IRM reports and the Proposed Remedial Action Plan were evaluated. A "Responsiveness Summary" has been prepared that describes public comments received and how the Department will address the concerns raised. If the final remedy differed significantly from the findings of no further action, notices to the public would have been issued describing the differences and reasons for the changes.

SECTION 7: SUMMARY OF THE SELECTED REMEDY

The remedial action plan for the GST site is no further action. The PCB oil spill area surrounding the scrap metal compactor was a potential source of contamination to surface water and the nearby sanitary sewer system. The off-site extent of this contamination has now been remediated to levels which are protective of the environment and public health. The on-site extent of contamination has been remediated to levels appropriate for industrial and commercial land usage. The confirmatory soil samples and the results of the discharge from the storm water retention ponds show that all levels are below site cleanup criteria. The area is serviced by public water and sewer and the remediation area has been covered with clean fill and is fenced to restrict access. Therefore, the potential for exposure to site-related contaminants has been minimized. Additionally, groundwater is not used for drinking or bathing in the vicinity of the site.

The remedy includes an engineered storm water retention system that will prevent and contain future oil releases from the site and provide a long-term monitoring program via the MCPW pretreatment sewer discharge permit program. Any exceedances of the discharge limit will require further corrective actions. The

engineered systems of the IRM are fenced to prevent access to the public. The remaining excavation area was backfilled with crushed stone to allow for regular salvage yard operations.

The remedial action will be finalized by the placement of deed restrictions on the GST facility. The restrictions will limit current and future activities to industrial and commercial uses only. No residential uses will be allowed. The current site owner/operator has agreed to this restriction in the deed. These restrictions may be lifted based on new information regarding site characterization or changes in cleanup objectives. The lifting of restrictions will require the concurrence of the NYSDOH and NYSDEC. This alternative includes delisting the site from the State's Registry of Inactive Hazardous Waste Sites.

Cost data was withheld by the PRP. Cost data was not submitted on grounds of commercial confidentiality.

TABLE 1

Before Remediation

**Genesee Scrap and Tin Baling
Summary of Analytical Results
Initial Spill
ppm¹**

September 1988

Media	Range	Maximum	Average
Surface Soil Samples	24-298*	298*	199*
Subsurface Soil Samples	1.6-22	22	9.2
Oil Sample (only one collected)	--	80*	--

*Note: PCB levels above 50 ppm are considered Hazardous Waste in New York State

¹ppm - parts per million - a concentration of 1 ppm means that for any given quantity of the medium (soil, oil, water, etc.) one millionth of it consists of the pollutant being measured.

TABLE 2
After Remediation
Soil Confirmatory Samples

	PCBs-ppm (Range)	Average	Cleanup Objective
On-Site	6.8- < 0.1	3.6	10.0
Off-Site			
0-6" depth	0.57 - < 0.1	0.28	10.0
12-24" depth	2.23 - < 0.1	0.81	10.0

TABLE 3
Storm Water Analysis/Permit Conditions
Genesee Scrap and Tin Baling
Site #828081, Monroe County

Analytes	Sample Results			MCPW Permit Conditions
	3/12/91	8/11/92	11/5/92	
Organics (ppb)				
PCBs	ND	ND	ND	Not detected Total of all eight organics not to exceed 2130 ppb
Benzene	ND	ND	ND	
Toluene	1.8	ND	9.4	
Xylene (total)	ND	ND	24	
Ethylbenzene	ND	ND	ND	
Chlorobenzene	ND	ND	NA	
1,2 DCB	ND	ND	NA	
1,3 DCB	ND	ND	NA	
1,4 DCB	ND	ND	NA	
Oil & Grease (ppm)	3.2	14.2	20.5	100
Inorganics (ppm)				
Antimony	ND	ND	ND	1.0
Arsenic	ND	ND	ND	0.5
Beryllium	ND	ND	ND	5.0
Cadmium	ND	ND	0.0056	1.0
Chromium	ND	ND	0.017	3.0
Copper	ND	ND	0.103	3.0
Lead	ND	ND	0.18	1.0
Mercury	ND	ND	0.0015	0.05
Nickel	ND	ND	0.05	3.0
Selenium	ND	ND	ND	2.0
Silver	ND	ND	ND	2.0
Thallium	ND	ND	ND	1.0
Zinc	0.1	0.179	0.81	5.0

ND = Not Detected
 NA = Not Analyzed
 DCB = Dichlorobenzene

APPENDIX A

Genesee Scrap and Tin Baling
Site No. 8-28-081
Monroe County

RESPONSIVENESS SUMMARY for RECORD OF DECISION

Public Meeting
December 1, 1993
City of Rochester, School #43

This responsiveness summary responds to comments received during the December 1, 1993 public meeting and in writing during the public comment period.

Q: Site Owner: The site owner discussed the need for the Department to develop a revolving fund to assist small business owners to remediate contaminated sites. The site owner's recommendation was to set aside a portion of the bond act which would be available as a low interest loan to small businesses. The owner complained that private financial institutions would not lend the company money to remediate the site because of the registry listing. The proposed program would assist small businesses in relieving the financial hardship involved in funding extensive remedial processes.

It was further suggested that the monies could be paid back over a period of time. This would assist small business to cover the cost of expensive remediation.

A: The Department does not presently have such a program and to implement the plan, the legislators would have to amend the Inactive Hazardous Waste Remediation Law. Under some circumstances, loans for remedial activities may be available with the assistance of the Environmental Facilities Corporation.

Q: Site owner: The NYSDEC should set cleanup standards based on the risk of the contamination. For example, industrial settings should not be held to the same standards as residential areas. The present system does not allow for risk-based cleanup levels.

A: The NYSDEC and DOH believes that the cleanup standards utilized at the GST site were developed to be protective of human health. The PCB clean up goals for the GST facility are considered appropriate for an industrial/ commercial setting. If this was a residential use area a more conservative, site specific clean up goal would be

appropriate. The Departments of Conservation and Health do evaluate the land use setting in the development of site specific Remedial Action Objectives.

- Q: **Site Owner:** The site owner suggested that the Department is perceived as being confrontational in negotiations with PRPs on the remedial action. Although the site owner stated that negotiation on the GST site were pro-active and professional, he maintained there is a belief among the regulated community of inflexibility by the Department in negotiations.
- A: It is our belief that this has not been a problem at this site, but we can understand that negotiations at some sites can be perceived as confrontational. The Department attempts to approach negotiations at each site on the basis of the facts and concerns relevant to the particular site.
- Q: **Monroe County Department of Health:** As regards the Proposed Remedial Action Plan, we continue to object to the limited scope of the investigation performed at the Genesee Scrap and Tin Baling site. To date, the investigation has focused on only surficial soil contamination around the two compactors. Other work and storage areas on the site have been ignored to the best of our knowledge. A through audit of the entire facility should be performed with potential hazardous waste management units/area identified and assessed as to the need for further investigation. Surficial soil sampling for PCBs and metals should be conducted over the entire site. Groundwater wells should be installed and sampled to assess if groundwater contamination has occurred.
- A: The Department maintains that the Interim Remedial Measure (IRM) has addressed the hazardous waste disposal caused by the PCB oil spill and has effectively eliminated the potential threat to the environment and public health. The site, as defined in the NYS Registry, only includes the former PCB oil spill area and the associated IRM structures. It is the NYSDEC, Division of Hazardous Waste Remediation's position that parts of the GST facility outside of the area of known hazardous waste disposal are beyond the scope of this remedial action. It should be noted that the site owner is voluntarily conducting remediation at a car compactor where there are visible oil stained soils. This remediation is being reviewed by the Regional Oil Spills Program. With regards to the lack of groundwater characterization, the Department maintains that because the entire area is serviced by public water and there are no identified use of local groundwater, there are no identified public health or environmental exposures to potentially contaminated groundwater. Further, the PCB soil contamination was remediated to levels which would be considered protective of groundwater and given the chemical characteristics of PCBs, transport in the groundwater would be unlikely.

APPENDIX B

Administrative Record Genesee Scrap and Tin Baling Site # 828081, Monroe County

The following documents constitute the Administrative Record for the Genesee Scrap and Tin Baling Site, Remedial Investigation/Feasibility Study (RI/FS).

- Letter advising GST of SPEDES discharge violations; Nancy Rice and Paul Lindenfelser, NYSDEC to Morris Atkins, Genesee Scrap and Tin Baling; June 7, 1988.
- Letter providing initial spill analytical results to the NYSDEC, James Sprague, Day Engineering to Paul Lindenfelser, NYSDEC, December 22, 1988.
- Letter requesting NYSDEC action on the initial oil spill; Joel Nitzkin, MCHD to Peter Bush, NYSDEC; February 8, 1989.
- Letter responding to MCHD request for Site Registry Listing; Peter Bush, NYSDEC to Joel Nitzkin, MCHD, March 1, 1989.
- Draft Interim Remedial Workplan for the Genesee Scrap and Tin Baling Site; Prepared by Day Engineering; November 1989.
- Letter of notification of site listing on the NYS Registry of Inactive Hazardous Waste Sites; Robert L. Marino, NYSDEC to Morris Atkins, GST; December 27, 1989.
- NYSDEC comment letter on the November 1989 IRM workplan, David Crosby, NYSDEC to David Freeman, Holtzmann, Wise & Shepard; December 1989.
- Letter requesting site delisting and/or reclassification; David J. Freeman, Holtzman, Wise and Shepard to Commissioner Thomas C. Jorling, NYSDEC; dated February 28, 1990.
- Revised Interim Remedial Measure Workplan for the GST Site; Prepared by Day Engineering; July 1990.
- Letter approving the Interim Remedial Measure Workplan; David Crosby, NYSDEC to David Freeman, Holtzman, Wise and Shepard; August 22, 1990.

- Order on Consent, Respondent, Genesee Scrap and Tin Baling Co., Inc., Site #828081, dated September 10, 1990.
- Letter responding to the delisting petition; Michael J. O'Toole, NYSDEC to David J. Freeman, Holtzman, Wise and Shepard; dated September 20, 1990.
- Final report on the Interim Remedial Measure for the GST site; Day Prepared by Day Engineering; September 1992.
- Letter approving the Final Report on the Interim Remedial Measure for the Genesee Scrap and Tin Baling Site; James Van Hoesen, NYSDEC to Clark Price, Day Engineering; December 1, 1992.
- Letter modifying the GST Site Boundary; Robert Marino, NYSDEC to Morris Atkins, Genesee Scrap and Tin; dated June 24, 1993.
- Proposed Remedial Action Plan, Genesee Scrap and Tin Baling, Site No. 8-28-081, prepared by the NYSDEC, November 1993.