



**Periodic Review Report
1 January – 31 December 2023
Davis-Howland Oil Corporation Site
Rochester, New York
NYSDEC Site No. 828088**

Prepared for

New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233



Prepared by

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May 2025
Version: FINAL
EA Project No. 16025-34-00-CP

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A handwritten signature in black ink, appearing to read "Donald Conan".

May 15, 2025

Donald Conan, P.E., P.G., Program Manager

Date

A handwritten signature in black ink, appearing to read "Adam Etringer".

May 15, 2025

Adam Etringer, Project Manager

Date

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LIST OF ACRONYMS AND ABBREVIATIONS

°	Degrees
amsl	Above mean sea level
AS	Air sparge
DER	Division of Environmental Remediation
DHOC	Davis-Howland Oil Corporation
E & E	Ecology and Environment Engineering and Geology, P.C.
EA	EA Engineering and Geology, P.C.
EC	Engineering control
EEEP	Ecology and Environment, P.C.
EPA	U.S. Environmental Protection Agency
FS	Feasibility Study
ft	Foot (feet)
IC	Institutional control
ID	Identification
in.	Inch(es)
NA	Not applicable
No.	Number
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
OU	Operable unit
PDB	Passive diffusion bag
P.E.	Professional Engineer
P.G.	Professional Geologist
PRR	Periodic Review Report
RI	Remedial investigation
ROD	Record of Decision
Site	Davis-Howland Oil Corporation (DHOC) Site
SMP	Site Management Plan
SSD	Sub-slab depressurization
SVE	Soil vapor extraction
SVOC	Semivolatile organic compound
VOC	Volatile organic compound

ES. EXECUTIVE SUMMARY**Table ES-1. Site Summary**

Category	Summary/Results
Site Number/Site Name	Davis-Howland Oil Corporation Site (828088)
Institutional Controls	• Site Management Plan • Soils Management Plan • Environmental Easement/Environmental Notices • Monitoring Plan • Operations and Management Plan • Groundwater Use Restrictions • Land Use Restriction • IC/EC Plan
Engineering Controls	• Monitoring wells • Piezometers • Vapor mitigation (Three SSD systems)
Site Management Plan	Site Management Plan Revision 1 (Ecology and Environment Engineering and Geology, P.C. [E & E] 2020)
Certification/Reporting Period	This report covers the period 1 January – 31 December 2023.
Period (2022) Period Review Report Recommendations	• Repair the damaged wells identified in the Site Management Plan. • Request permission from property owner to allow E & E to temporarily store containerized purge water collected from future sampling events inside the building pending analytical results to prevent vandals from tampering with the investigation derived waste prior to its proper disposal. • Continue the long-term monitoring program. Continue long-term groundwater monitoring to monitor volatile organic compound contamination at the site. It is recommended that sampling be conducted every 15 months so that seasonal variations in concentrations can be assessed. The monitoring well network should be evaluated to determine whether some of the existing wells can be abandoned and whether new wells should be installed to better monitor the extent of the remaining contamination.
Inspection	Frequency
Site Inspection	Every 15 months
Monitoring	Frequency
Groundwater	Every 15 months
Site Activities	Description
Site Management Activities	• Site inspection on 31 March 2023 • SSD system inspection on 27 July 2023 • Monitoring well inspection on 27 September 2023
Site Inspection Finding/Concerns	The site inspection checklist, daily field reports, and photographic logs can be found in Appendix B. During the site inspection, the site was found to be in compliance with institutional controls and engineering controls. During the 31 March 2023 site inspection, not all applicable monitoring wells were located. On 27 July 2023, all four on-site SSD system fans were inspected from the exterior to verify that the systems were on and running. During the 27 September 2023 inspection, the condition of the monitoring wells was documented for repair at the next monitoring event.

Table ES-1. Site Summary

Category	Summary/Results
Site Number/Site Name	Davis-Howland Oil Corporation Site (828088)
2023 Period Review Report Recommendations	• Analyze groundwater samples for volatile organic compounds by U.S. Environmental Protection Agency Method 8260D. • Continue long-term monitoring every 15 months so that seasonal variations in concentrations can be assessed. The next PRR will be due in 2027. Moving the PRR to every 5 years.

1. INTRODUCTION

EA Engineering and Geology, P.C. (EA) was tasked by the New York State Department of Environmental Conservation (NYSDEC) under State Superfund Standby Contract Work Assignment Number (No.) D009806-34 to prepare a Periodic Review Report (PRR) for the Davis-Howland Oil Corporation (DHOC) Site (Site No. 828088) (Site) that covers activity for the year 2023. The purpose of this PRR is to certify the engineering controls (ECs) and institutional controls (ICs) required by the remedy, report the results of the site inspection and groundwater sampling, and summarize and evaluate the remedy implemented at the site, relative to the requirements of the Record of Decision (ROD) dated March 1997 and March 1998 (NYSDEC 1997 and 1998). This report was prepared in accordance with the NYSDEC Division of Environmental Remediation (DER)-10, Technical Guidance for Site Investigation and Remediation (NYSDEC 2010). A site summary and applicable remedial program information are summarized in the following sections.

1.1 SITE LOCATION, OWNERSHIP, AND DESCRIPTION

The Site is a Class 4 Inactive Hazardous Waste Disposal Site located in Rochester, Monroe County, New York (**Figure 1**). The approximate 2-acre site contains an adjoining row of DHOC buildings and asphalt pavement and is immediately adjacent to a railroad. The Site consists of two operable units (OUs): OU1 encompasses shallow groundwater, surficial soil, and subsurface soil; and OU2 encompasses bedrock groundwater. The Site is in an area of residential, commercial, and industrial properties and is bounded by Anderson Avenue to the south, CSX Transportation tracks and a right-of way to the north and east, and light industrial/commercial/retail buildings to the west.

The Site is comprised of eight tax parcels (**Figure 2**), which are described in the environmental easement of the Site Management Plan (SMP) (Ecology and Environment Engineering and Geology, P.C. [E & E] 2020). The owner(s) of the Site parcel(s) at the time of issuance of this PRR are:

- 106.84-1-11: Goodman Yard LLC
- 106.84-1-4.002: Gary I & Marcia Stern
- 106.84-1-5: Punnn Properties
- 106.84-1-6: Punnn Properties
- 106.84-1-7: Punnn Properties
- 107.77-1-28.1: New York Central Lines, CSX Transportation
- 121.28-2-4: Allan Stern
- 121.28-2-5: Allan Stern

The Site had reportedly contained industrial commercial chemical product operations since 1942. Between 1942 and 1972, the Site was used for production of industrial chemicals, oils, greases, and other lubricants. DHOC operated the business from 1972 to 1994, when operations began to decrease significantly and ceased. Several reports of spills and releases of materials, including waste oil, mineral oil, hydraulic acid, and sulfuric acid on-site were reported to NYSDEC during

DHOC's operational period. Between 1974 and early 1990s, there were many reports to NYSDEC of released of materials, ranging from waste oil and mineral oil to hydrochloric and sulfuric acids, at the Site. However, there was no single occurrence that can account for the majority of contamination that is now found at the Site.

1.2 INVESTIGATION AND REMEDIATION HISTORY

In June 1991, NYSDEC performed a site inspection and identified numerous drums, some of which were leaking. A follow-up inspection included a collection of soil samples, inventory of waste, and containerization of several hundred leaking drums. Analytical results showed that surficial soil was contaminated with petroleum products and solvents. Subsequent site activities included soil investigations (Dunn GeoScience Corporation 1991), drum removal, and surface soil excavation for off-site disposal (Clean Harbors of Kingston, Inc. 1992).

In 1993, the Site was listed on the New York State Registry of Inactive Hazardous Disposal Site Remedial Program Registry as a Class 2 Site. The Site was defined as a single parcel (Identification No. 106.84-1-6) located at 192 through 200 Anderson Avenue. In December 1994, NYSDEC sampled the Site's groundwater monitoring wells to assist in the development of the Remedial Investigation (RI)/Feasibility Study (FS) Work Plan. The results were consistent with the Clean Harbors of Kingston, Inc. Groundwater Report of September 1992. In April 1995, NYSDEC made the following conclusions, based on report results (E & E 2020):

- All monitoring well analytical results from the Site exceeded the NYSDEC Class GA groundwater standards for volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), and metals.
- Additional deep bedrock and shallow monitoring wells were needed to characterize the Site.
- The designated groundwater chemicals of concern included VOCs, SVOCs, pesticides, polychlorinated biphenyls, and metals.

In April 1995, based on the review of previous technical studies, the Site was listed on the New York State Registry of Inactive Hazardous Waste Sites (Site No. 8-28-088), indicating that it posed a significant threat to human health and the environment.

From 1995 to 1997, NYSDEC conducted a multi-phased RI to define the nature and extent of any contamination resulting from previous activities at the Site (Lawler, Matusky Skelly Engineers, LLP and Galson/Lozier Engineers 1996, 1997a, 1997b). Between July 1995 and October 1996, Phase I of the RI focused on the soil and shallow groundwater contamination of OU1. Phase I RI activities included the installation of 8 shallow and 15 bedrock monitoring wells. The Phase I RI concluded that site soils were impacted with VOCs, SVOCs, and metals; and shallow groundwater was impacted with VOCs. The focus of Phase II of the RI was OU-2 and bedrock groundwater, along with limited soil sampling to further define OU1. Phase II RI activities included installation

and development of six bedrock and four overburden monitoring wells, and sample collection of groundwater.

After the completion of the RI, NYSDEC issued a ROD for OU1 in 1997 and a ROD for OU2 in 1998. The selected remedy of OU1 included several air sparging (AS) points, soil vapor extraction (SVE) points beneath the Site buildings and as needed, soil excavation and removal, vapor phase treatment system for extracted VOCs, installation of a fence to protect onsite equipment, and implementation of long-term monitoring (NYSDEC 1997). The selected remedy for OU2 groundwater was No Further Action with groundwater monitoring. The OU2 remedy included additional testing and a contingency plan in the event that monitoring does not confirm the anticipated decrease in bedrock contamination once the OU1 remedy was implemented. The contingency plan included limited groundwater pump and treat focused on source areas, treatment and discharge to the publicly owned treatment works of extracted groundwater, and appropriate supplemental groundwater monitoring (NYSDEC 1998). A comprehensive plan was formalized as the remedial design, which reached completion by September 2000 (Ecology and Environment Engineering, P.C. [EEEPC] 2000).

Remedial actions were performed and remedial systems (AS/SVE and groundwater treatment systems) were installed at the Site. Construction of the remedial treatment systems began on 7 June 2001 (EEEPC 2006). Remedial activities were completed at the Site in August 2003. Remedial site optimization conducted in 2016 and 2017 determined that the AS/SVE systems were no longer effective at removing contamination from the Site (EEEPC 2018). In 2018, NYSDEC decommissioned the active treatment system, since the evaluation indicated that both the AS/SVE and pumping well/air stripper treatment systems had reached asymptotic states and were no longer efficiently removing contamination from the Site. The groundwater treatment system (treatment trailer) and AS/SVE system (interior piping and AS/SVE points) were decommissioned between July and September 2018 (E & E 2019). Subsequently, sub-slab depressurization (SSD) systems were installed in the on-site buildings: 190 Anderson Avenue, 192 through 200 Anderson Avenue, and 220 Anderson Avenue. The SSD systems are intended to mitigate potential sub-slab soil vapors that may enter each building via soil vapor intrusion, while also reducing operating costs by switching from AS/SVE to SSD systems (LaBella Associates, D.P.C. 2018, 2019).

Following the remedial action and remedial site optimization, residual chlorinated VOCs contamination remained in the bedrock groundwater, specifically in the vicinity of MW-8R. In Fall 2020, an ISCO pilot study was conducted at MW-8R and MW-17R to determine the effectiveness of ISCO to decrease the chlorinated VOC concentrations in the bedrock groundwater. From 27 to 29 October 2020, Regenesis PersulfOx[®] reagent was injected into MW-8R and MW-17R (E & E 2021).

1.3 REMEDIAL ACTION OBJECTIVES

The remediation goals outlined in the RODs included the following for OU1:

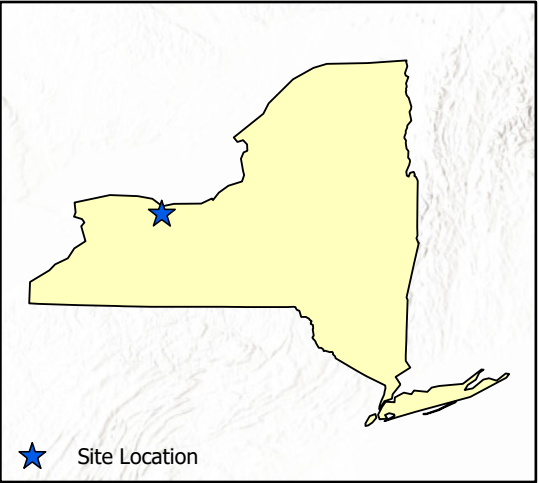
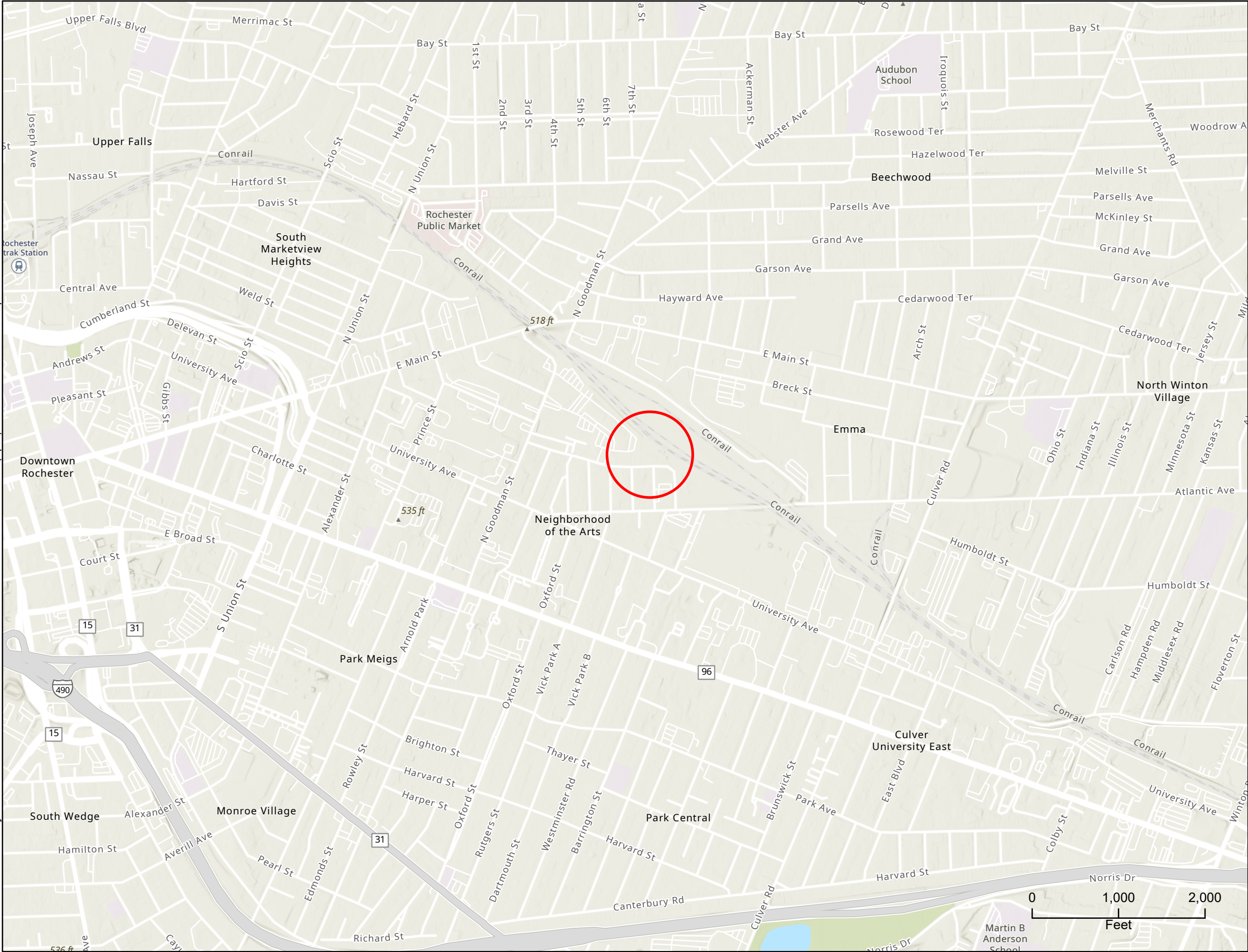
- Eliminate the potential for direct human contact with the contaminated soils on-site

- Mitigate the impacts of contaminated groundwater to the environment, to the extent practicable
- Prevent, to the extent practicable, migration of soil contaminants to groundwater
- Provide for attainment of Standards, Criteria, and Guidance for groundwater quality at the limits of the area of concern to the extent practicable.

The remediation goals for OU-2 include the following:

- Be protective of human health and the environment and meet all Standards, Criteria, and Guidance
- Eliminate or mitigate the impacts of contaminated groundwater to the environment, to the extent practicable.

Figure 1. Site Location



Legend

 Site Location

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Figure 1
Site Location
Former Davis-Howland Oil Corporation (828088)
Rochester, New York

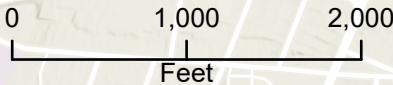
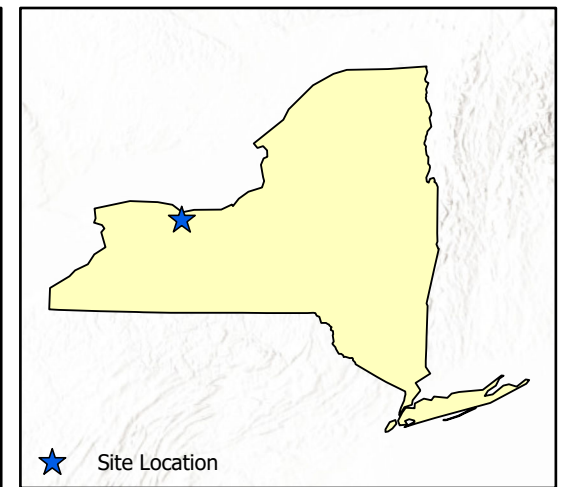


Figure 2. Site Layout

Path: \\SYRACUSE\FPI\Syracuse\GISdata\StateandLocal\Davis Howland\PROJECTS\ArcPro (aprx)\PRR 2023\PRR 2023.aprx



- ### Legend
- Site Boundary
 - Excavation Areas
 - SSD System
 - Monitoring Well
 - Decommissioned Monitoring Well
 - Piezometers
 - Purge Discharge Manhole
 - City of Rochester Tax Parcel Boundary

Map Date: 2/8/2024
Projection: NAD83 New York West State Plane US Feet
Source: ESRI, NYS



Figure 2
Site Layout
Former Davis-Howland Oil Corporation (828088)
Rochester, New York

2. INSTITUTIONAL AND ENGINEERING CONTROL PLAN COMPLIANCE

Due to remaining contaminated groundwater and soil exists beneath the Site, IC/ECs are required to protect human health and the environment. ICs are required to: (1) ensure unimpeded operation of the EC systems (SSDS systems); and (2) limit the reuse of the Site to commercial uses. No ICs were required by the two RODs issued for the Site; however, in accordance with 6 New York Codes, Rules, and Regulations Part 375, NYSDEC required that ICs be applied to the DHOC Site. Programmatically, the ICs that are necessary to provide for the effectiveness of this phase of the remedial action include an SMP and environmental easements (E & E 2023).

2.1 INSTITUTIONAL CONTROLS

In accordance with 6 New York Codes, Rules, and Regulations Part 375, NYSDEC required that ICs be applied to the Site. Programmatically, the ICs that are necessary to provide for the effectiveness of the remedial actions include the SMP and Environmental Easements. The following are currently listed as ICs for the Site on Engineering Controls Certification (**Appendix A**):

- SMP
- Soils Management Plan
- Monitoring Plan
- Operations and Management Plan
- Groundwater Use Restrictions
- Land Use Restriction
- IC/EC Plan

Under the terms of the Environmental Easement dated 4 February 2018, the ICs include the following:

- The Site may be used for restricted residential, commercial, and industrial purposes, as described in 6 New York Codes, Rules and Regulations Part 375-1.8(g)(2).
- All ECs must be operated and maintained as specified in the SMP.
- All ECs must be inspected at a frequency and in a manner defined in the SMP.
- The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the New York State Department of Health (NYSDOH) or the Monroe County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must firstly notify and obtain written approval to do so by NYSDEC.
- Groundwater and other environmental or public health monitoring must be performed as defined in the SMP.

- Data and information pertinent to site management of the Site must be reported at the frequency and in a manner defined in the SMP.
- All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP.
- Monitoring to assess the performance of the remedy must be performed as defined in the SMP.
- Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP.
- Access to the Site must be provided to agents, employees, or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified.

2.2 ENGINEERING CONTROLS

The ECs that support remedial operations at the Site are consistent with the SMP regarding operations, maintenance, and monitoring of the Site. The following are currently listed as ECs for the Site on the Engineering Controls Certification (**Appendix A**) included with this report:

- A groundwater monitoring well network consisting of both overburden and bedrock monitoring wells
- SSD systems were installed in three buildings: 190 Anderson Avenue, 192-200 Anderson Avenue, and 220 Anderson Avenue.

2.2.1 Groundwater Monitoring Network

The groundwater monitoring network includes overburden and bedrock monitoring wells as well as piezometers that are located on-site and off-site. The condition of groundwater monitoring network is described in Section 3.

2.2.2 Vapor Mitigation

Following the decommissioning of the active remedial systems, SSD systems were installed at 190, 192-200, and 220 Anderson Avenue in 2018. Locations of these systems are shown on **Figure 2**. The SSD systems were installed between 6-13 August 2018, in accordance with the NYSDOH Guidance for Evaluating Soil Vapor Intrusion (NYSDOH 2006). Following installation, indoor and outdoor air sampling was performed on 11 December 2018. These samples did not detect VOC concentrations in indoor air that exceeded NYSDOH air guidance values nor the U.S. Environmental Protection Agency (EPA) Building Assessment and Survey Evaluation Database 90th percentile values.

On 1–2 March 2022, E & E performed soil vapor intrusion sampling in a structure to the west of the Site.

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3. MONITORING AND SAMPLING PLAN COMPLIANCE

The SMP (E & E 2020) was prepared to set guidelines for management of soil, and groundwater during future site activities at the Site. The SMP states that monitoring/inspection will occur at an annual frequency to maintain the ECs and ICs at the Site. The monitoring program for the Site was directed by the SMP and the NYSDEC Project Manager. This PRR will evaluate the monitoring components of the monitoring program as directed by the 2020 SMP in terms of compliance, performance, effectiveness, and protectiveness of the goals outlined in the RODs.

3.1 GROUNDWATER MONITORING

Based on the recommendations of the NYSDEC-approved 2022 PRR (E & E 2023), the sampling frequency changed to every five quarters. Previously, sampling was conducted annually as defined in the 2020 SMP. Groundwater was sampled in January 2024, and those results will be presented in the subsequent PRR.

3.2 INVESTIGATION-DERIVED WASTE MANAGEMENT

Four 55-gallon drums that contained a total of approximately 130 gallons of purge water were staged on-site following the field events of 2022. The water was sampled, analyzed for VOCs, and approved for on-site discharge by Monroe County (E & E 2023). The 13-gallons of purge water was discharged on 7 April 2023 at the previously approved location inside 190 Anderson Avenue.

Future sampling events will comply with the County of Monroe Sewer Use Permit (effective date 1 June 2022), which allows investigation-derived wastewater to be discharged to the publicly-owned treatment works manhole adjacent to the Site that is identified on **Figure 2**. The permit is provided in **Appendix C**.

3.3 SITE-WIDE INSPECTION

ICs/ECs have been established for the Site and require annual inspection and certification. The site-wide inspection requires confirmation that ICs are adhered to and ECs, include groundwater monitoring network and vapor mitigation, are operating as intended.

3.3.1 Compliance

Multiple site inspections were conducted throughout 2023, and the Site is in compliance with the annual monitoring schedule established by the SMP.

3.3.2 Inspection Performance

Site inspections were performed on 31 March, 27 July, and 27 September 2023. The daily field reports for the inspections are included in **Appendix B**. No evidence of demolition or construction activities, disturbances to the Site, or changes to designated site use were observed during the site inspections. The SSD systems were assessed from the exterior of the building to confirm that the fans were operating. The SSD system fans were running as expected. SSD system operation and

maintenance are the responsibility of the property owner. Therefore, conclusions as to their operation and effectiveness cannot be made for the reporting year of 2023.

During the monitoring well network assessment, wells and piezometers were assessed for general conditions; specifically, well casings, collars, labels, locks, covers, caps, risers, and annular spaces were inspected. The condition of the monitoring well network was documented for repair at the next sampling event. In addition, multiple wells were not located because of debris, stockpiles, and vegetation on-site. The conditions of the monitoring network are presented in **Table 1**. Well repairs were conducted with the groundwater sampling event of January 2024 which will be discussed in the subsequent PRR.

Table 1. Monitoring Well Specifications (27 September 2023)

Monitoring Well ID	Latitude	Longitude	Well Diameter (in.)	Ground Elevation (ft amsl)	Inspection Observations ¹
Overburden Wells					
MW-1S	43.157306 °N	77.580401 °W	2	500.23	Needs 2 eyelets rethreaded
MW-2S	43.157678 °N	77.57962 °W	2	496.03	Casing filled with water; needs 1 bolt
MW-9S	43.157841 °N	77.580298 °W	2	497.94	Needs bolts and potentially new cover
MW-12S	43.158465 °N	77.580712 °W	NA	NA	Could not be located; likely covered by soil and debris
MW-13S	43.158233 °N	77.580348 °W	2	496.24	Could not be located; likely covered piles
MW-14S	43.15774 °N	77.579364 °W	2	495.48	Needs bolts; bailer in well
PZ-1	NA	NA	1	497.21	Needs 3 eyelets rethreaded
PZ-2	NA	NA	1	497.13	Could not be located; likely buried under pile
PZ-3	NA	NA	1	497.87	Needs lock and 3 bolts
PZ-4	NA	NA	1	497.76	Needs 2 eyelets rethreaded
Bedrock Wells					
MW-2R	43.157688 °N	77.579657 °W	4	497.72	Needs J-plug, lock and bolts
MW-5R	43.157854 °N	77.580645 °W	4	498.63	In good shape, bailer in well
MW-8R	43.157734 °N	77.579912 °W	4	498.09	Could not located; likely under pile
MW-10R	43.156937 °N	77.581119 °W	4	497.81	In good shape, bailer in well
MW-12R	43.158476 °N	77.580732 °W	NA	NA	Could not be located; likely covered by soil and debris
MW-14R	43.15776 °N	77.57941 °W	4	495.44	Needs well cap; bailer in well
MW-15R	43.157201 °N	77.579025 °W	4	494.5	Needs 2 eyelets rethreaded, bailer in well
MW-16R	43.156952 °N	77.579383 °W	4	493.43	Broken well cap, no bolt eyelets, missing bolts, no lock, bailer in well
MW-17R	43.15785 °N	77.579881 °W	4	497.81	In good shape
IW-01	43.1578 °N	77.579879 °W	4	497.99	In good shape
PW-1	NA	NA	8	498.02	Potentially needs cap

Notes:

1. Inspection was performed on 27 September 2023.

° = Degrees

amsl = Above mean sea level

ft = Foot (feet)

ID = Identification

in. = Inch(es)

N = North

NA = Not applicable

W = West

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4. GREEN REMEDIATION AND CLIMATE CHANGE RESILIENCE

Consistent with NYSDEC DER-31 Green Remediation Policy, this section provides a brief summary and qualitative assessment of the overall environmental impacts or environmental footprint of the Site for the current reporting period. In accordance with the NYSDEC's Executive Order No. 24, consideration has been given to reducing the consumption of energy and materials; and thereby, reducing the production of greenhouse gases, in the operation and maintenance of the Site. Implementation of NYSDEC DER-31 and Executive Order No. 24 have not compromised the selected remedy's protectiveness of public health and the environment, nor has it hindered achievement of the remedial goals established for the Site.

As each discrete step of any site operation and maintenance activity consumes resources and energy, consideration has been given to reducing/eliminating those activities which may not be critical to the protectiveness of the selected remedy.

A climate vulnerability assessment was completed during this certifying period. This assessment will generally be utilized to evaluate the potential consequences climate changes may have on a site, as well as any ongoing site management activities.

4.1 GREEN REMEDIATION ASSESSMENT

In accordance with the NYSDEC's DER-31 Green Remediation policy, the following section provides a qualitative assessment of the overall environmental impacts or environmental footprint associated with the remedy.

4.1.1 Energy Usage

Implementation of the selected remedy uses electricity to operate the SSD systems.

4.1.2 Emissions

Implementation of the selected remedy does not directly use fossil fuels as part of site management; however, fossil fuels are indirectly used during the completion of maintenance and monitoring activities associated with the groundwater monitoring well network.

Indirect fossil fuel use results from completion of the following site-related activities:

- Transportation to and from the Site for monitoring, sampling, and well rehabilitation.
- Off-site transportation and shipment of samples collected for laboratory analysis.
- Disposal of waste generated at the Site.

4.1.3 Water Usage

Implementation of the selected remedy does not directly require the use of water at this Site. However, a *de minimis* quantity of water is used during sampling events for equipment decontamination.

4.1.4 Air Emissions

Implementation of the selected remedy emits a *de minimis* quantity of VOCs indirectly through the operation of the SSD systems. The remedy emits contaminants to the air through the combustion of fossil fuels in vehicles and use in generators, as described above.

4.1.5 Consumption of Materials and Generation of Waste

Monitoring, maintenance, and reporting activities associated with groundwater sampling events result in material consumption and the generation of waste. A summary of the current material consumption and waste generation activities for the Site are summarized below:

- Personal protective equipment associated with groundwater sampling, such as nitrile gloves, etc.
- Consumables associated with groundwater sampling such as polyethylene tubing, paper towels, trash bags, etc.
- Packaging material and ice used to pack and preserve samples to be submitted for laboratory analysis.
- Paper and office supplies associated with site logs, monitoring logs, and report preparation.
- Repair and replacement of equipment associated with the monitoring well network.

4.2 CLIMATE CHANGE VULNERABILITY ASSESSMENT

Increases in both the severity and frequency of storms and weather events, an increase in sea-level elevations along with accompanying flooding impacts, shifting precipitation patterns and wide temperature fluctuations, resulting from global climate change and instability, have the potential to significantly impact the performance, effectiveness, and protectiveness of a given site remedy. The intent of this vulnerability assessment is to provide information to allow the site remedy to better prepare for the impacts of the increasing frequency and intensity of severe storms, weather events, and associated flooding brought on by global climate changes and instabilities, in order to ultimately enhance the remedy's resilience to such events.

This section briefly summarizes the vulnerability of the Site and/or the remedy to severe storms, weather events and associated flooding.

This assessment included consideration of the following:

- **Flood Plain**—Given the site topography, the current monitoring well network is not at risk of flooding at the Site.
- **Site Drainage and Storm Water Management**—The Site drains by overland flow and municipal storm sewers.
- **Erosion**—There is no evidence of erosion at the Site, though the slopes of the drainage ditch may be susceptible to erosion during periods of severe rain events. Any erosion at these areas should not impact the monitoring well network.
- **High Wind**—The monitoring wells at the Site are not stick-ups and are not susceptible to damage from falling trees resulting from periods of high winds.
- **Electricity**—The remedial systems are vulnerable to power loss and/or dips/surges. The SSD system fans rely on electricity to operate correctly and reduce the impact of vapor intrusion inside the on-site buildings.
- **Spill/Contaminant Release**—The remedial systems may be susceptible to spill/contaminant release in the event that the SSD systems are not operating properly.

4.3 CONSIDERATIONS FOR OPTIMIZATION OF PHYSICAL SYSTEMS

Environmental and energy conservation measures and other methods to reduce energy consumption, resource usage, waste generation, and water usage have been considered and are described below. For future events, the use of HydraSleeves or passive diffusion bags (PDBs) would significantly reduce or negate the need for purging observation wells and would reduce or negate the need for associated equipment and energy/fuel consumption. VOCs in groundwater will diffuse across the bag material until constituent concentrations within the bag reach equilibrium with concentrations in the surrounding groundwater. The advantage of PDB samplers is that they are inexpensive and have the potential to eliminate or substantially reduce the amount of purge water associated with sampling. The samplers are easy to deploy and recover. Because PDB samplers are disposable, there is no down-hole equipment to be decontaminated between wells. The limitation of the PDB bags is that the bags cannot be used to collect groundwater samples for the analysis of emerging contaminants, metals, or pesticides.

The SSD system fans that run off of the normal electric grid via the buildings that contain them could possibly be powered by solar panels on the roofs of the existing buildings, in the interest of utilizing an alternative energy source. However, since SSD systems are negatively affected in lag times from being powered down, alternative power via solar panels could pose an exposure risk caused by low electric generation occurrences associated with solar panels.

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5. CONCLUSIONS AND RECOMMENDATIONS

5.1 CONCLUSIONS

The 2023 inspections confirmed compliance with all ICs and all aspects of ECs to be in good condition.

5.2 RECOMMENDATIONS

Based on site observations, the following changes to site management activities are recommended. A summary of the recommended monitoring and inspection schedule is presented in **Table 2** and below in the following sections. Recommendations will be incorporated into the SMP pending NYSDEC approval.

Table 2. Monitoring Program Summary and Recommendations

Monitoring Program	Frequency*	Matrix	Current Analysis	Recommendations
Groundwater	Annual	Groundwater	- VOCs (EPA Method 601/602) - pH (EPA Method 150.1)	- Frequency to every 5 quarters/15 months - Analysis to VOCs (EPA 8260D)
Sitewide Inspection	Annual	NA	- Compliance with all ICs including site usage. - Monitoring well and piezometer integrity and water levels - Evaluation of the effectiveness of the ECs (including the SSD systems) - Confirmation that site records are up to date	Frequency to every 5 quarters/15 months
Periodic Review Report	Every 5 years	NA	NA	No change

Notes:

* The frequency of events will be conducted as specified until otherwise approved by NYSDEC.

5.2.1 Groundwater Monitoring

It is recommended that groundwater sampling continue at a rate of every 5 quarters or 15 months to assess the effectiveness of the remedial action and capture the seasonally variability of the groundwater. Additional recommendations include conducting groundwater analysis for VOCs via EPA Method 8260D rather than the analyses listed in the SMP (E & E 2020) and utilizing the monitoring well network to the extent possible rather than limiting to the wells listed in the SMP (E & E 2020).

5.2.2 Inspections and Maintenance

With no major deficiencies of the ICs noted at the Site, it is recommended that all of the inspection items shown in the Executive Summary and in **Table 2** be synchronized with the 15-month frequency for groundwater sampling. This change would facilitate the reduction of the environmental footprint associated with semi-annual Site visits.

5.2.3 Periodic Review Reporting

The PRR is required to be completed every 5 years, and the next PRR reporting period of the years 2024 to 2029 will contain groundwater data from the January 2024 and subsequent sampling events. The requirements for discontinuing site management activities have not been met. Therefore, the monitoring schedule set forth by the SMP for the Site will continue.

6. FUTURE SITE ACTIVITIES

Based on the recommendations in Section 5, the following site management activities will be completed during the next PRR reporting period (1 January 2024 to 31 December 2029):

- Site Inspection – Annual (planned for first quarter 2024)
- On-site maintenance (i.e., fence repair, building structures, monitoring wells) – as needed
- Groundwater sampling – 15-month (planned for first quarter 2024)
- PRR – Every 5 years (next reporting period; 1 January 2024 to 31 December 2029)

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7. REFERENCES

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- . 2018. *2017 Periodic Review Report, Former Davis-Howland Oil Corporation Site, NYSDEC Site No. 8-28-088, City of Rochester, Monroe County, New York*. February.
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———. 1998. *Record of Decision Davis-Howland Oil Company Operable Unit 2, City of Rochester, Monroe County, Site No. 828088*. March.

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Appendix A

Engineering Controls Certification



Site No.	Site Details	Box 1
828088		
Site Name Davis-Howland Oil Corporation		
Site Address: 200 ANDERSON AVENUE		Zip Code: 14607
City/Town: Rochester		
County: Monroe		
Site Acreage: 2.0		
Reporting Period: January 1 to December 31, 2023		
		YES NO
1. Is the information above correct?	☒	☐
If NO, include handwritten above or on a separate sheet.		
2. To your knowledge has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	☐	☒
3. To your knowledge has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	☐	☒
4. To your knowledge have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	☐	☒
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.		
5. To your knowledge is the site currently undergoing development?	☐	☒
Box 2		
	YES	NO
6. Is the current site use consistent with the use(s) listed below? Restricted-Residential, Commercial, and Industrial	☒	☐
7. Are all ICs/ECs in place and functioning as designed?	☒	☐
IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and contact the DEC PM regarding the development of a Corrective Measures Work Plan to address these issues.		
_____ Signature of Standby Consultant/Contractor		_____ Date



Enclosure 1
Engineering Controls - Standby Consultant/Contractor Certification Form



Response to Question 7:

EA's IC/ECs certification does not include the sub-slab depressurization (SSD) systems. Pursuant to the 2017 Consent Orders, the Department has no obligation to maintain the SSD systems in each building; therefore, EA cannot, and does not, certify that the vapor mitigation systems are in place and functioning.

Description of Institutional ControlsParcelOwnerInstitutional Control**106.84-1-11**

Goodman Yard LLC

Soil Management Plan
Monitoring Plan
Site Management Plan
O&M Plan

The site has two records of decision (RODs) dating from March 1997 and March 1998.

106.84-1-4.002

Gary I & Marcia Stern

Soil Management Plan
Monitoring Plan
Site Management Plan
O&M Plan

The site has two records of decision (RODs) dating from March 1997 and March 1998.

106.84-1-5

John Nacca, Esq.

Soil Management Plan
Site Management Plan
O&M Plan

Ground Water Use Restriction
Landuse Restriction
Monitoring Plan
IC/EC Plan

An Environmental Easement was signed on 5/11/2018. The Controls requires:

No disturbance that threatens the integrity of the Engineering controls, no disturbance of the engineering controls, adherence to the Site Management Plan, allowance of access by the NYSDEC, land use is to be used for industrial use only, and no groundwater water is to be used for drinking water unless properly treated.

106.84-1-6

John Nacca

Ground Water Use Restriction
Landuse Restriction
IC/EC Plan

Monitoring Plan
Site Management Plan

An Environmental Easement was signed on 5/11/2018. The Controls requires:

No disturbance that threatens the integrity of the Engineering controls, no disturbance of the engineering controls, adherence to the Site Management Plan, allowance of access by the NYSDEC, land use is to be used for industrial use only, and no groundwater water is to be used for drinking water unless properly treated.

106.84-1-7

Anderson Acquisitions, llc

Soil Management Plan
Site Management Plan
O&M Plan

Ground Water Use Restriction
Landuse Restriction
Monitoring Plan
IC/EC Plan

Environmental Easement originally signed on July 27, 2017. Updated on Feb. 4, 2019.

107.77-1-28.1

New York Central Lines, CSXT

The site has two records of decision (RODs) dating from March 1997 and March 1998.

121.28-2-4

Allan Stern

Monitoring Plan
Site Management Plan
O&M Plan

The site has two records of decision (RODs) dating from March 1997 and March 1998.

121.28-2-5

Allan Stern

Monitoring Plan
Site Management Plan
O&M Plan

The site has two records of decision (RODs) dating from March 1997 and March 1998.

Box 4

Description of Engineering Controls

Parcel

Engineering Control

106.84-1-11

Monitoring Wells

In 2018, it was shown that the groundwater treatment system and the air sparge/soil vapor extraction system had reached their performance limits whereby they were no longer cleaning up the groundwater. The treatment systems were shutdown and decommissioned in 2018. Groundwater monitoring wells are the only remaining engineering control.

106.84-1-4.002

Monitoring Wells

In 2018, it was shown that the groundwater treatment system and the air sparge/soil vapor extraction system had reached their performance limits whereby they were no longer cleaning up the groundwater. The treatment systems were shutdown and decommissioned in 2018. Groundwater monitoring wells are the only remaining engineering control.

106.84-1-5

Vapor Mitigation

A sub-slab depressurization system is the only remaining engineering control.

106.84-1-6

Vapor Mitigation
Monitoring Wells

Groundwater monitoring wells and a sub-slab depressurization system are the only remaining engineering control.

106.84-1-7

Vapor Mitigation

A sub-slab depressurization system is the only remaining engineering control.

107.77-1-28.1

Monitoring Wells

In 2018, it was shown that the groundwater treatment system and the air sparge/soil vapor extraction system had reached their performance limits whereby they were no longer cleaning up the groundwater. The treatment systems were shutdown and decommissioned in 2018. Groundwater monitoring wells and piezometers are the only remaining engineering control.

121.28-2-5

Monitoring Wells

Monitoring wells are the only engineering control on this property.

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification, including data and material prepared by previous contractors for the current certifying period, if any;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

☒ ☐

2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

(a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) nothing has occurred that would constitute a failure to comply with the Site Management Plan, or equivalent if no Site Management Plan exists.

EA's ICs/ECs certification does not include the SSD systems. Pursuant to the 2017 Consent Orders, the Department has no obligation to maintain the SSD systems in each building; therefore, EA cannot, and does not, certify that the vapor mitigation systems are in place and functioning as designed.

YES NO

☒ ☐

IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and contact the DEC PM regarding the development of a Corrective Measures Work Plan to address these issues.

Signature of Standby Consultant/Contractor

Date

IC/EC CERTIFICATIONS**Professional Engineer Signature**

I certify that all information in Boxes 2 through 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Donald Conan at EA Engineering and Geology, P.C.
print name

333 W Washington Street, Suite 300

Syrcause, New York 13202
(print business address)

am certifying as a Professional Engineer.

Signature of Professional Engineer

Final to be stamped

Date: 6 April 2024

Appendix B

Daily Field and Inspection Reports

DAILY INSPECTION REPORT
(Davis Howland), Site No. 828088

Page 1 of 10
Date: 03/31/2023

NYSDEC Division of Environmental Remediation		 NEW YORK STATE		Department of Environmental Conservation		Contract No. D009806 DEC PM – J.Stefansky Engineer PM – J.Oliver Engineer Insp. – N.Peck	
Site Location: 200 Anderson Ave, Rochester 14607							
Weather Conditions							
General Description	Rain, Overcast	AM				PM	
Temperature	40F	AM				PM	
Wind	N/A	AM				PM	
Health & Safety If any box below is checked "Yes", provide explanation under "Health & Safety Comments".							
Were there any changes to the Health & Safety Plan?						*Yes	No X NA
Were there any exceedances of the perimeter air monitoring reported on this date?						*Yes	No NA X
Were there any nuisance issues reported/observed on this date?						*Yes	No X NA
Health & Safety Comments							
Onsite property covered in tall grass/concrete/pavement, debris pile, and concrete barriers. Lots of slips, trips, fall hazards and potential puncture hazards (needles, sharp glass). Would recommend puncture-proof insoles or boots.							
Summary of Work Performed		Arrived at site:		930AM	Departed Site:		1030AM
Joshua Oliver, Nicole Peck, and Noah Robinson, (EA), onsite at (930AM) met up with Jasmine Stefansky and Payson Long (NYSDEC) and Jill G. (WSP) onsite at Site 828088. Onsite property covered in pavement/concrete and overgrown brush. Lots of slips, trips, fall hazards and potential puncture hazards (needles, sharp glass). EA and NYSDEC did not find all applicable monitoring wells for the Site. Many wells were in disrepair and will need to be repaired during the next groundwater gauging event (curb boxes filled with soil, missing/stripped bolts, missing j-plugs, covers missing, surface completions broken/cracked beyond use). Four purge water drums were left onsite (not labeled) from previous site sampling activities. Talked to property tenant that allows access to building to discharge purge water into county piping. He would like more notification on when we would need to access inside the building going forward.							
NYSDEC, EA, and WSP left Site around 1030AM							
Equipment/Material Tracking If any box below is checked "Yes", provide explanation under "Material Tracking Comments".							
Were there any vehicles which did not display proper D.O.T numbers and placards?						*Yes	No NA X
Were there any vehicles which were not tarped?						* Yes	No NA X
Were there any vehicles which were not decontaminated prior to exiting the work site?						* Yes	No NA X
Personnel and Equipment							
Individual		Company		Trade		Total Hours	
Joshua Oliver		EA		Project Manager		1	
Noah Robinson		EA		Scientist		1	
Nicole Peck		EA		Engineer		1	
Jasmine Stefansky		NYSDEC		Project Manager		1	
Payson Long		NYSDEC		Project Manager		1	
Jill Gulczewski		WSP		Task Manager		1	
Equipment Description		Contractor/Vendor			Quantity	Used	
Material Description		Imported/ Delivered to Site	Exported off Site	Waste Profile (If Applicable)	Source or Disposal Facility (If Applicable)	Daily Loads	Daily Weight (tons)*
*On-Site scale for off-site shipment, delivery ticket for material received							
Equipment/Material Tracking Comments:							
Visitors to Site							
Name		Representing			Entered Exclusion/CRZ Zone		

DAILY INSPECTION REPORT
(Davis Howland), Site No. 828088

Page 2 of 10
Date: 03/31/2023

None		Yes	No
		Yes	No
Site Representatives			
Name		Representing	
No property owners onsite			
Project Schedule Comments			
None.			
Issues Pending			
Lots of hazards/well maintenance issues onsite. Will need to address prior to next sampling event.			
Interaction with Public, Property Owners, Media, etc.			
Discussion with adjacent building tenant (Kyle) (woodworking business) to get access inside of building. He would like more notification prior to purge water discharge activities.			



Include (insert) figures with markups showing location of work and job progress

Site Photographs (Descriptions Below)	
	
Photo 1: Northwest entrance to site is not gated	Photo 2: Site looking southeast
	
Photo 3: Site looking east	Photo 4: MW-13S
	
Photo 5: PZ-3	Photo 6: PZ-1 could not be located, but should be in this area



Photo 7: PZ-5



Photo 8: MW-9S



Photo 9: MW-5R



Photo 10: PW-1



Photo 11: PZ-2



Photo 12: Staging pile of stone that has been asked to be removed



Photo 13: Pile of debris and brush in the middle of the site that has been asked to be removed



Photo 14: Pile of debris and brush in the middle of the site that has been asked to be removed



Photo 15: PZ-4



Photo 16: MW-8R



Photo 17: PZ-6



Photo 18: MW-2R



Photo 19: MW-2S



Photo 20: MW-14S



Photo 21: MW-14R



Photo 22: Looking southeast away from site



Photo 23: Unlabeled drums of purge water left onsite



Photo 24: Rear entrance door to the woodworking tenant who grants access to county piping to discharge purge water



Photo 25: Piping to discharge purge water inside woodworking tenant



Photo 26: Piping to discharge purge water inside woodworking tenant



Photo 27: One of the MW-3 cluster's well



Photo 28: Front view of Anderson Ave buildings with entrance gate to site to the left. Gate has a lock but was unlocked and able to access



Photo 29: MW-16R



Photo 30: MW-15R

DAILY INSPECTION REPORT
(Davis Howland), Site No. 828088

Page 8 of 10
Date: 03/31/2023



Photo 31: MW-10R

WELL MONITORING TABLE: N/A

Well ID	DTW	DTB	Notes

Site Inspector(s): Josh Oliver, Nicole Peck, and Noah Robinson

Date: 3/31/23

Videos of discreet operations have been provided to the DEC Project Manager to facilitate understanding of the ongoing work? Yes ☐ No ☐ N/A ☒



Department of
Environmental
Conservation

REMEDIAL ACTIVITIES AT PROPERTIES

1. Does anyone at this location have any symptoms of a respiratory infection (e.g., cough, sore throat, fever, or shortness of breath)?	Yes ☐	No ☒
2. Have anyone at this location been tested and confirmed to have COVID-19?	Yes ☐	No ☒
3. Were personal protective gloves, masks, and eye protection being used?	Yes ☐	No ☒
4. Does the Department and its contractors have your permission to enter the property at this time?	Yes ☐	No ☐
5. If Yes to 1 or 2, follow the latest NYSDOH COVID-19 guidance: https://coronavirus.health.ny.gov/home	Yes ☐	No ☐
Comments: N/A		

ON-SITE WASTE STORAGE

Drums, roll offs and piles are staged in secure areas?	Yes ☐	No ☒	N/A ☐
Liners and berms have been installed if necessary to prevent cross contamination of clean areas?	Yes ☐	No ☐	N/A ☒
Containers are in good condition or properly overpacked?	Yes ☐	No ☒	N/A ☐
Waste materials are scheduled to be properly characterized and disposed of prior to demobilization?	Yes ☐	No ☒	N/A ☐
Complying with RCRA 90 day storage limitation for hazardous waste?	Yes ☐	No ☐	N/A ☒
Piles are securely covered when not in use?	Yes ☐	No ☐	N/A ☒
Containers are closed when not in use?	Yes ☐	No ☐	N/A ☒
Staging areas should be inspected periodically and any issues addressed immediately?	Yes ☐	No ☐	N/A ☒
Signage and labeling comply with RCRA requirements for all staging areas and containers?	Yes ☐	No ☐	N/A ☒
If any issues noted, has Contractor been notified?	Yes ☐	No ☐	N/A ☒
Comments: 4 unlabeled purge water drums onsite. WSP (contractor) was onsite and let us know they would be disposed of soon.			

NUISANCE CHECKLIST

Were there any community complaints related to work on this date?	Yes ☐	No ☒	N/A ☐
Were there any odors detected on this date?	Yes ☐	No ☒	N/A ☐
Was noise outside specification and/or above background on this date?	Yes ☐	No ☒	N/A ☐
Were vibration readings outside specification and/or above background on this date?	Yes ☐	No ☐	N/A ☒
Any visible dust observed beyond the work perimeter on this date?	Yes ☐	No ☐	N/A ☒
Any visible contrast (turbidity) beyond engineering controls observed on this date?	Yes ☐	No ☐	N/A ☒
Was turbidity checked at the outfall(s)?	AM ☐	PM ☐	N/A ☒
Were any property owners NOT provided advance notice for work performed on this property on this date?	Yes ☐	No ☐	N/A ☒

DAILY INSPECTION REPORT
(Davis Howland), Site No. 828088

Page 10 of 10
Date: 03/31/2023

Was the temporary fabric structure closed at the end of the day?	Yes ☐	No ☐	N/A ☒
Has Contractor failed to protect all foundations and structures adjacent to and adjoining the site which are affected by the excavations or other operations connected with performance of the Work?	Yes ☐	No ☐	N/A ☒
If yes, has Contractor been notified?	Yes ☐	No ☐	N/A ☒
<u>Comments:</u> N/A			

RESILIENCE/GREEN REMEDIATION CHECKLIST

Is site power procured from renewable energy sources (e.g., solar, wind, geothermal, biomass and biogas)?	Yes ☐	No ☐	N/A ☒
Is the Contractor employing 2007 or newer or retrofitted (BART*) diesel on-road trucks and non-road equipment?	Yes ☐	No ☐	N/A ☒
Is vehicle idling adequately reduced per 6NYCRR Part 217-3?	Yes ☐	No ☐	N/A ☒
Have equipment operators been trained in the idling requirements of 6NYCRR Part 217-3?	Yes ☐	No ☐	N/A ☒
Is BART-equipped equipment properly maintained and working?	Yes ☐	No ☐	N/A ☒
Is work being sequenced to avoid double handling?	Yes ☐	No ☐	N/A ☒
Is there an onsite recycling program for CONTRACTOR-generated wastes and is it complied with?	Yes ☐	No ☐	N/A ☒
Are office trailer heating and cooling systems maintained at efficient set points, have programable thermostats been installed?	Yes ☐	No ☐	N/A ☒
Are products and materials used in performance of the work appropriately certified (e.g., LEED, Energy Star, Sustainable Forestry Initiative®, etc.)?	Yes ☐	No ☐	N/A ☒
Are resiliency features included in the design, or completed remedy properly installed and/or maintained (flood control, storm water controls, erosion measures, etc.)?	Yes ☐	No ☐	N/A ☒
Are green remediation elements included in the design, or completed remedy properly installed and/or maintained (e.g., porous pavement, geothermal, variable speed drives, native plantings, natural stream bank restoration, etc.)?	Yes ☐	No ☐	N/A ☒
Has Contractor been notified of any deficiencies?	Yes ☐	No ☐	N/A ☒
Are remote/call in job meetings being held in lieu of meeting in person where possible?	Yes ☐	No ☐	N/A ☒
<u>Comments:</u> N/A			

* BART – Best Available Retrofit Technology

DAILY INSPECTION REPORT
(Davis Howland), Site No. 828088

Page 1 of 6
Date: 7/27/2023

NYSDEC Division of Environmental Remediation				Department of Environmental Conservation		Contract No. D009806 DEC PM – J.Stefansky Engineer PM – J.Oliver	
Site Location: 200 Anderson Ave, Rochester 14607							
Weather Conditions							
General Description	Rain, Overcast	AM				PM	
Temperature	70F	AM				PM	
Wind	N/A	AM				PM	
Health & Safety If any box below is checked "Yes", provide explanation under "Health & Safety Comments".							
Were there any changes to the Health & Safety Plan?					*Yes	No X	NA
Were there any exceedances of the perimeter air monitoring reported on this date?					*Yes	No	NA X
Were there any nuisance issues reported/observed on this date?					*Yes	No X	NA
Health & Safety Comments Onsite property covered in tall grass/concrete/pavement, debris pile, and concrete barriers. Lots of slips, trips, fall hazards and potential puncture hazards (needles, sharp glass). Would recommend puncture-proof insoles or boots.							
Summary of Work Performed		Arrived at site:	820 AM	Departed Site:	1000 AM		
Joshua Oliver and Philomena Coles-Carruthers, (EA), onsite at (820AM) met up with Donald Wolf (Monroe County) onsite at Site 828088. Onsite property covered in pavement/concrete and overgrown brush. Lots of slips, trips, fall hazards and potential puncture hazards (needles, sharp glass). EA inspected SSDS systems from the exterior, all (4) are currently on and running. No interior access right now to perform system tests. EA and Monroe County onsite to locate a replacement discharge point for future purge water and discuss modifications to current discharge permit through Monroe County. Located multiple potential discharge points on Parcel 106.84-1-11. Monroe County will conduct dye test in coming weeks and only contact EA if test fails. Monroe County said a new permit would not be required and it would be a permit modification only. No additional fees, minimal paperwork on their end. EA, and Monroe County left Site around 1000 AM							
Equipment/Material Tracking If any box below is checked "Yes", provide explanation under "Material Tracking Comments".							
Were there any vehicles which did not display proper D.O.T numbers and placards?					*Yes	No	NA X
Were there any vehicles which were not tarped?					* Yes	No	NA X
Were there any vehicles which were not decontaminated prior to exiting the work site?					* Yes	No	NA X
Personnel and Equipment							
Individual		Company		Trade		Total Hours	
Joshua Oliver		EA		Project Manager		1.5	
Philomena Coles-Carruthers		EA		Scientist		1.5	
Don Wolf		Monroe County		Engineer		1	
Equipment Description		Contractor/Vendor			Quantity	Used	
Material Description		Imported/ Delivered to Site	Exported off Site	Waste Profile (If Applicable)	Source or Disposal Facility (If Applicable)	Daily Loads	Daily Weight (tons)*
*On-Site scale for off-site shipment, delivery ticket for material received							
Equipment/Material Tracking Comments:							

DAILY INSPECTION REPORT
(Davis Howland), Site No. 828088

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Date: 7/27/2023

Visitors to Site			
Name	Representing	Entered Exclusion/CRZ Zone	
None		Yes	No
		Yes	No
Site Representatives			
Name	Representing		
No property owners onsite			
Project Schedule Comments			
None.			
Issues Pending			
Lots of hazards/well maintenance issues onsite. Will need to address prior to next sampling event.			
Interaction with Public, Property Owners, Media, etc.			
Discussion with adjacent building tenant (Kyle) (woodworking business) to get access inside of building if necessary.			



Include (insert) figures with markups showing location of work and job progress

Site Photographs (Descriptions Below)



Photo 1: Looking West, manhole west of Site



Photo 2: Looking East, manhole west of Site

WELL MONITORING TABLE: N/A

Well ID	DTW	DTB	Notes

DAILY INSPECTION REPORT
(Davis Howland), Site No. 828088

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Date: 7/27/2023

Site Inspector(s): Josh Oliver, Philomena Coles-Carruthers

Date: 7/27/23

Videos of discreet operations have been provided to the DEC Project Manager to facilitate understanding of the ongoing work?

Yes ☐ No ☐ N/A ☒



Department of
Environmental
Conservation

REMEDIAL ACTIVITIES AT PROPERTIES

1. Does anyone at this location have any symptoms of a respiratory infection (e.g., cough, sore throat, fever, or shortness of breath)?	Yes ☐	No ☒
2. Have anyone at this location been tested and confirmed to have COVID-19?	Yes ☐	No ☒
3. Were personal protective gloves, masks, and eye protection being used?	Yes ☐	No ☒
4. Does the Department and its contractors have your permission to enter the property at this time?	Yes ☐	No ☐
5. If Yes to 1 or 2, follow the latest NYSDOH COVID-19 guidance: https://coronavirus.health.ny.gov/home	Yes ☐	No ☐
Comments: N/A		

ON-SITE WASTE STORAGE

Drums, roll offs and piles are staged in secure areas?	Yes ☐	No ☒	N/A ☐
Liners and berms have been installed if necessary to prevent cross contamination of clean areas?	Yes ☐	No ☐	N/A ☒
Containers are in good condition or properly overpacked?	Yes ☐	No ☒	N/A ☐
Waste materials are scheduled to be properly characterized and disposed of prior to demobilization?	Yes ☐	No ☒	N/A ☐
Complying with RCRA 90 day storage limitation for hazardous waste?	Yes ☐	No ☐	N/A ☒
Piles are securely covered when not in use?	Yes ☐	No ☐	N/A ☒
Containers are closed when not in use?	Yes ☐	No ☐	N/A ☒
Staging areas should be inspected periodically and any issues addressed immediately?	Yes ☐	No ☐	N/A ☒
Signage and labeling comply with RCRA requirements for all staging areas and containers?	Yes ☐	No ☐	N/A ☒
If any issues noted, has Contractor been notified?	Yes ☐	No ☐	N/A ☒
Comments: 4 unlabeled purge water drums onsite. WSP (contractor) was onsite and let us know they would be disposed of soon.			

NUISANCE CHECKLIST

Were there any community complaints related to work on this date?	Yes ☐	No ☒	N/A ☐
Were there any odors detected on this date?	Yes ☐	No ☒	N/A ☐
Was noise outside specification and/or above background on this date?	Yes ☐	No ☒	N/A ☐
Were vibration readings outside specification and/or above background on this date?	Yes ☐	No ☐	N/A ☒
Any visible dust observed beyond the work perimeter on this date?	Yes ☐	No ☐	N/A ☒
Any visible contrast (turbidity) beyond engineering controls observed on this date?	Yes ☐	No ☐	N/A ☒
Was turbidity checked at the outfall(s)?	AM ☐	PM ☐	N/A ☒
Were any property owners NOT provided advance notice for work performed on this property on this date?	Yes ☐	No ☐	N/A ☒

DAILY INSPECTION REPORT
(Davis Howland), Site No. 828088

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Date: 7/27/2023

Was the temporary fabric structure closed at the end of the day?	Yes ☐	No ☐	N/A ☒
Has Contractor failed to protect all foundations and structures adjacent to and adjoining the site which are affected by the excavations or other operations connected with performance of the Work?	Yes ☐	No ☐	N/A ☒
If yes, has Contractor been notified?	Yes ☐	No ☐	N/A ☒
<u>Comments:</u> N/A			

RESILIENCE/GREEN REMEDIATION CHECKLIST

Is site power procured from renewable energy sources (e.g., solar, wind, geothermal, biomass and biogas)?	Yes ☐	No ☐	N/A ☒
Is the Contractor employing 2007 or newer or retrofitted (BART*) diesel on-road trucks and non-road equipment?	Yes ☐	No ☐	N/A ☒
Is vehicle idling adequately reduced per 6NYCRR Part 217-3?	Yes ☐	No ☐	N/A ☒
Have equipment operators been trained in the idling requirements of 6NYCRR Part 217-3?	Yes ☐	No ☐	N/A ☒
Is BART-equipped equipment properly maintained and working?	Yes ☐	No ☐	N/A ☒
Is work being sequenced to avoid double handling?	Yes ☐	No ☐	N/A ☒
Is there an onsite recycling program for CONTRACTOR-generated wastes and is it complied with?	Yes ☐	No ☐	N/A ☒
Are office trailer heating and cooling systems maintained at efficient set points, have programable thermostats been installed?	Yes ☐	No ☐	N/A ☒
Are products and materials used in performance of the work appropriately certified (e.g., LEED, Energy Star, Sustainable Forestry Initiative®, etc.)?	Yes ☐	No ☐	N/A ☒
Are resiliency features included in the design, or completed remedy properly installed and/or maintained (flood control, storm water controls, erosion measures, etc.)?	Yes ☐	No ☐	N/A ☒
Are green remediation elements included in the design, or completed remedy properly installed and/or maintained (e.g., porous pavement, geothermal, variable speed drives, native plantings, natural stream bank restoration, etc.)?	Yes ☐	No ☐	N/A ☒
Has Contractor been notified of any deficiencies?	Yes ☐	No ☐	N/A ☒
Are remote/call in job meetings being held in lieu of meeting in person where possible?	Yes ☐	No ☐	N/A ☒
<u>Comments:</u> N/A			

* BART – Best Available Retrofit Technology

DAILY INSPECTION REPORT
(Davis Howland), Site No. 828088

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NYSDEC Division of Environmental Remediation				Department of Environmental Conservation		Contract No. D009806 DEC PM – J.Stefansky Engineer PM – J.Oliver Engineer Insp. – K. Katzer	
Site Location: 200 Anderson Ave, Rochester 14607							
Weather Conditions							
General Description	Sunny	AM	Sunny	PM			
Temperature	53F	AM	60F	PM			
Wind	Calm	AM	Calm	PM			
Health & Safety If any box below is checked "Yes", provide explanation under "Health & Safety Comments".							
Were there any changes to the Health & Safety Plan?					*Yes	No X	NA
Were there any exceedances of the perimeter air monitoring reported on this date?					*Yes	No	NA X
Were there any nuisance issues reported/observed on this date?					*Yes	No X	NA
Health & Safety Comments Onsite property covered in tall grass/concrete/pavement, debris pile, and concrete barriers. Lots of slips, trips, fall hazards and potential puncture hazards (needles, sharp glass). Would recommend puncture-proof insoles or boots.							
Summary of Work Performed		Arrived at site:		1050	Departed Site:		1305
(1050) EA onsite (C.Badman, A. Stoogenke). (1055) Begin well inspections. (1057) MW-16R well cap broken, no bolt eyelets, missing bolts, no lock, bailer in well. (1102) MW-15R needs 2 eyelets rethreaded, bailer in well. (1108) MW-1S needs 2 eyelets rethreaded. (1112) MW-10R in good shape, bailer in well. (1130) Search for MW-12R and MW-12S, could not locate. Likely covered by soil and debris. (1135) CHI-1 needs J-plug and lock. (1137) MW-5R in good shape, bailer in well. (1140) PZ-5 needs lock and 2 bolts. (1142) MW-9S needs bolts and new cover potentially. (1147) CHI-5 unable to locate, possibly paved over. (1153) PW-1 potentially needs cap. (1155) PZ-3 needs lock and 3 bolts. (1158) PZ-6 needs J-plug, lock and 2 bolts. (1209) MW-13S unable to locate, buried under piles. (1215) PZ-1 needs 3 eyelets rethreaded. (1220) PZ-2 not located, buried under pile. (1225) MW-17R in good shape. (1230) PZ-4 needs 2 eyelets rethreaded. (1232) IW-01 in good shape. (1240) CHI-6 needs 1 bolt. (1245) MW-8R not located, buried under pile. (1247) MW-2R needs J-plug, lock, and bolts. (1249) MW-2S casing filled with water, needs 1 bolt. (1253) MW-14S needs bolts, bailer in well. (1255) MW-14R needs well cap, bailer in well. (1305) EA offsite.							
Equipment/Material Tracking If any box below is checked "Yes", provide explanation under "Material Tracking Comments".							
Were there any vehicles which did not display proper D.O.T numbers and placards?					*Yes	No	NA X
Were there any vehicles which were not tarped?					* Yes	No	NA X
Were there any vehicles which were not decontaminated prior to exiting the work site?					* Yes	No	NA X
Personnel and Equipment							
Individual		Company		Trade		Total Hours	
Cody Badman		EA		Scientist		2.25	
Alex Stoogenke		EA		Scientist		2.25	
Equipment Description		Contractor/Vendor			Quantity	Used	
Material Description		Imported/ Delivered to Site	Exported off Site	Waste Profile (If Applicable)	Source or Disposal Facility (If Applicable)	Daily Loads	Daily Weight (tons)*
*On-Site scale for off-site shipment, delivery ticket for material received							
Equipment/Material Tracking Comments:							
Visitors to Site							
Name		Representing			Entered Exclusion/CRZ Zone		
None					Yes		No

DAILY INSPECTION REPORT
(Davis Howland), Site No. 828088

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Date: 09/27/2023

		Yes	No
Site Representatives			
Name		Representing	
No property owners onsite			
Project Schedule Comments			
None.			
Issues Pending			
Lots of hazards/well maintenance issues onsite. Will need to address prior to next sampling event.			
Interaction with Public, Property Owners, Media, etc.			
None			

Include (insert) figures with markups showing location of work and job progress

Site Photographs (Descriptions Below)	
	
Photo 1: MW-16R	Photo 2: MW-15R
	
Photo 3: MW-1S	Photo 4: MW-10R
	
Photo 5: MW-12R and MW-12S could not be located, possibly buried under soils	Photo 6: CHI-1



Photo 7: MW-5R



Photo 8: PZ-5



Photo 9: MW-9S



Photo 10: Unable to locate CHI-5, possibly paved over



Photo 11: PW-1



Photo 12: PZ-3



Photo 13: PZ-6



Photo 14: Unable to locate MW-13S, should be in this area



Photo 15: PZ-1



Photo 16: PZ-2 not located, possibly buried under pile



Photo 17: MW-17R



Photo 18: PZ-4



Photo 19: IW-01



Photo 20: CHI-6



Photo 21: MW-8R buried under pile



Photo 22: MW-2R



Photo 23: MW-2S



Photo 24: MW-14S

DAILY INSPECTION REPORT
(Davis Howland), Site No. 828088

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Date: 09/27/2023



Photo 25: MW-14R

WELL MONITORING TABLE: N/A

Well ID	DTW	DTB	Notes

Site Inspector(s): Cody Badman, Alex Stoogenke

Date: 9/27/23

Videos of discreet operations have been provided to the DEC Project Manager to facilitate understanding of the ongoing work?

Yes ☐ No ☐ N/A ☒



Department of
Environmental
Conservation

REMEDIAL ACTIVITIES AT PROPERTIES

1. Does anyone at this location have any symptoms of a respiratory infection (e.g., cough, sore throat, fever, or shortness of breath)?	Yes ☐	No ☒
2. Have anyone at this location been tested and confirmed to have COVID-19?	Yes ☐	No ☒
3. Were personal protective gloves, masks, and eye protection being used?	Yes ☐	No ☒
4. Does the Department and its contractors have your permission to enter the property at this time?	Yes ☐	No ☐
5. If Yes to 1 or 2, follow the latest NYSDOH COVID-19 guidance: https://coronavirus.health.ny.gov/home	Yes ☐	No ☐
Comments: N/A		

ON-SITE WASTE STORAGE

Drums, roll offs and piles are staged in secure areas?	Yes ☐	No ☒	N/A ☐
Liners and berms have been installed if necessary to prevent cross contamination of clean areas?	Yes ☐	No ☐	N/A ☒
Containers are in good condition or properly overpacked?	Yes ☐	No ☒	N/A ☐
Waste materials are scheduled to be properly characterized and disposed of prior to demobilization?	Yes ☐	No ☒	N/A ☐
Complying with RCRA 90 day storage limitation for hazardous waste?	Yes ☐	No ☐	N/A ☒
Piles are securely covered when not in use?	Yes ☐	No ☐	N/A ☒
Containers are closed when not in use?	Yes ☐	No ☐	N/A ☒
Staging areas should be inspected periodically and any issues addressed immediately?	Yes ☐	No ☐	N/A ☒
Signage and labeling comply with RCRA requirements for all staging areas and containers?	Yes ☐	No ☐	N/A ☒
If any issues noted, has Contractor been notified?	Yes ☐	No ☐	N/A ☒
Comments: 4 unlabeled purge water drums onsite. WSP (contractor) was onsite and let us know they would be disposed of soon.			

NUISANCE CHECKLIST

Were there any community complaints related to work on this date?	Yes ☐	No ☒	N/A ☐
Were there any odors detected on this date?	Yes ☐	No ☒	N/A ☐
Was noise outside specification and/or above background on this date?	Yes ☐	No ☒	N/A ☐
Were vibration readings outside specification and/or above background on this date?	Yes ☐	No ☐	N/A ☒
Any visible dust observed beyond the work perimeter on this date?	Yes ☐	No ☐	N/A ☒
Any visible contrast (turbidity) beyond engineering controls observed on this date?	Yes ☐	No ☐	N/A ☒
Was turbidity checked at the outfall(s)?	AM ☐	PM ☐	N/A ☒
Were any property owners NOT provided advance notice for work performed on this property on this date?	Yes ☐	No ☐	N/A ☒

DAILY INSPECTION REPORT
(Davis Howland), Site No. 828088

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Date: 09/27/2023

Was the temporary fabric structure closed at the end of the day?	Yes ☐	No ☐	N/A ☒
Has Contractor failed to protect all foundations and structures adjacent to and adjoining the site which are affected by the excavations or other operations connected with performance of the Work?	Yes ☐	No ☐	N/A ☒
If yes, has Contractor been notified?	Yes ☐	No ☐	N/A ☒
<u>Comments:</u> N/A			

RESILIENCE/GREEN REMEDIATION CHECKLIST

Is site power procured from renewable energy sources (e.g., solar, wind, geothermal, biomass and biogas)?	Yes ☐	No ☐	N/A ☒
Is the Contractor employing 2007 or newer or retrofitted (BART*) diesel on-road trucks and non-road equipment?	Yes ☐	No ☐	N/A ☒
Is vehicle idling adequately reduced per 6NYCRR Part 217-3?	Yes ☐	No ☐	N/A ☒
Have equipment operators been trained in the idling requirements of 6NYCRR Part 217-3?	Yes ☐	No ☐	N/A ☒
Is BART-equipped equipment properly maintained and working?	Yes ☐	No ☐	N/A ☒
Is work being sequenced to avoid double handling?	Yes ☐	No ☐	N/A ☒
Is there an onsite recycling program for CONTRACTOR-generated wastes and is it complied with?	Yes ☐	No ☐	N/A ☒
Are office trailer heating and cooling systems maintained at efficient set points, have programable thermostats been installed?	Yes ☐	No ☐	N/A ☒
Are products and materials used in performance of the work appropriately certified (e.g., LEED, Energy Star, Sustainable Forestry Initiative®, etc.)?	Yes ☐	No ☐	N/A ☒
Are resiliency features included in the design, or completed remedy properly installed and/or maintained (flood control, storm water controls, erosion measures, etc.)?	Yes ☐	No ☐	N/A ☒
Are green remediation elements included in the design, or completed remedy properly installed and/or maintained (e.g., porous pavement, geothermal, variable speed drives, native plantings, natural stream bank restoration, etc.)?	Yes ☐	No ☐	N/A ☒
Has Contractor been notified of any deficiencies?	Yes ☐	No ☐	N/A ☒
Are remote/call in job meetings being held in lieu of meeting in person where possible?	Yes ☐	No ☐	N/A ☒
<u>Comments:</u> N/A			

* BART – Best Available Retrofit Technology

Appendix C

Purge Water Discharge Permit

COUNTY OF MONROE
SEWER USE PERMIT RENEWAL

Firm Name: NYSDEC Division of Environmental Remediation
200 Anderson Avenue

Mailing Addr: 625 Broadway, 12th Floor
Albany, NY 12233-7013

Permit Number: IWC-864

Fee: ~~\$ 75.00~~

Effective: June 01, 2022

Expiration: May 31, 2025

W/C Expire: N/A 5/1/2022
District No: 8575

Has there been any revision to the plant sewer system or any change in industrial wastes discharged to the public sewer in the past twelve months

Yes: ☐ No: ☒ If yes, please explain in a separate letter.

Average monthly consumption for the past twelve (12) months:

Water Account No.(s) N/A (cu ft/gal) N/A

In consideration of the granting of this renewal permit the undersigned agrees to comply with all the requirements in the Initial Permit as listed under II.

Name of person to be contacted for inspection & sampling purposes:

Type or Print: Jill Gulczewski,
Ecology & Environment Phone No: 716-684-8060

YOUR PERMIT MUST BE SIGNED AS FOLLOWS:

1. For a corporation by a responsible corporate officer. A corporate officer means:
 - (a) A president, secretary, treasurer or vice - president of the corporation in charge of a principal business function, or any other person who performs similar policy - or decision - making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second - quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures
2. For a partnership or sole proprietorship by a general partner or the proprietor, respectively, or
3. By a duly authorized representative of the individual designated in items (1) or (2) above if:
 - (a) The authorization is made in writing by the individual described in items (1) or (2).
 - (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying named position), and
 - (c) The written authorization is submitted to this Department.

Print or Type: Jenelle Gaylord

Phone No: 518-402-9791

Signature: [Signature]

Date: 3/17/22

Title: Project Manager

Renewal Approved by:

[Signature]
Michael J. Garland, P.E.
Director of Environmental Services-PureWaters
Monroe County

Issued this 18 day of MAY 20 22

**COUNTY OF MONROE
SEWER USE PERMIT ENCLOSURE**

NYSDEC Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, NY 12233-7013

PERMIT NUMBER: 864
DISTRICT NUMBER: 8575

TYPE OF BUSINESS: Groundwater Remediation
LOCATION: Davis Howland Oil Co. Site – 200 Anderson Ave.
Rochester, NY

SAMPLE POINT: IWC-864.2 – Monitoring Well Purge Water

REQUIRED MONITORING & EFFLUENT LIMITS

SAMPLE POINT: IWC-864.2 – Monitoring Well Purge Water

SELF-MONITORING FREQUENCY: **Each and Every Batch Discharge**

SAMPLING PROTOCOL: Sampling and analysis shall be performed in accordance with the techniques prescribed in 40CFR part 136 and amendments thereto. In the absence of 40 CFR Part 136 testing methodology, a New York State Department of Health, approved method is acceptable. A grab sample, collected from the above noted sample point shall be analyzed for the following:

<u>Parameter</u>	<u>Sewer Use Limit</u>	<u>Action Level</u>
Purgeable Aromatics		2.13 mg/L*
Purgeable Halocarbons		2.13 mg/L*
Acetone	(monitor only)	

DISCHARGE LIMITATIONS: The summation of purgeable aromatics and purgeable halocarbons greater than 10 µg/L shall not exceed 2.13 mg/L.

SPECIAL CONDITION:

Quarterly flow summaries shall be submitted for billing purposes. It is imperative these summaries are submitted in a timely manner. If there is no discharge for a given quarter, then a letter must be submitted stating so.

TERMS AND CONDITIONS

GENERAL REQUIREMENTS:

- A.** The permittee agrees to accept and abide by all provisions of the Sewer Use Law of Monroe County (MCSUL) and of all pertinent rules or regulations now in force or shall be adopted in the future.
- B.** In addition to the parameters/limits outlined, the total facility discharge shall meet all other concentration values listed within the MCSUL and as described in Article III, Section 3.3(d) of the Law.
- C.** Included in Article II, Section 2.1 of the MCSUL, is the definition of "Normal Sewage". "Normal Sewage" may be discharged to the sewer system in excess of the concentrations outlined in the definition, however, the facility will be subject to the imposition of a sewer surcharge and possible self-monitoring requirements as a result. Surcharging procedures are outlined in Article X of the MCSUL.
- D.** Regulatory sampling for analytes not specified under "required monitoring" shall be conducted by Monroe County at a minimum frequency of once every three (3) years.
- E.** This permit is not assignable or transferable. The permit is issued to a specific user and location.
- F.** Per Article IX, section 9.9 of the MCSUL, a violation by the permittee of the permit conditions may be cause for revocation or suspension of the permit after a Hearing by the Administrative Board, or if the violation is found to be within the emergency powers of the Director under Section 9.6. The revocation is immediate upon receipt of notice to the Industrial User. If the revocation or suspension is issued under Section 9.6, a Hearing shall be held as soon as possible.
- G.** As provided under Article VI, Section 6.1 of the MCSUL, the Director and/or his duly authorized representatives shall gain entry on to private lands by permission or duly issued warrant for the purpose of inspection, observation, measurement sampling and testing in accordance with the provisions of this law and its implementing Rules and Regulations. The Director or his representatives shall not have authority to inquire into any processes used in any industrial operation beyond that information having a direct bearing on the kind and source of discharge to the sewers or the on-site facilities for waste treatment. While performing the necessary work on private lands, referred to above, the Director or his duly authorized representative shall observe all safety rules applicable to the premises as established by the owner and/or occupant.
- H.** All required monitoring shall be analyzed by a New York State Department of Health certified laboratory. All sampling and analysis must be performed in accordance with Title 40 Code of Federal Regulations Part 136.
- I.** The pH range for this permit is 5.0 – 12.0 su. This range is specifically permitted by the Director as allowed under Article III, Section 3.3(b) of the MCSUL. pH must be analyzed within 15 minutes of the time of collection as specified in 40 CFR, part 136.
- J.** Discharges of wax, fats, oil or grease shall not exceed 100 mg/L as imposed by the Director under Article III, Section 3.3 of the MCSUL.

SURCHARGE CONCENTRATIONS:

Concentration and/or characteristics of normal sewage:

“Normal Sewage” shall mean sewage, industrial wastes or other wastes, which when analyzed, show concentration values with the following characteristics based on daily maximum limits:

a. B. O. D.	300 mg/L
b. Total Suspended Solids	300 mg/L
c. Total Phosphorus, as P	10 mg/L

Annual average concentrations above normal sewage are subject to surcharge as defined in Article X, section 10.7 of the MCSUL.

DISCHARGE LIMITATIONS (SEWER USE LIMITS)

Permissible concentrations of toxic substances and/or substances the Department wishes to control:

The concentration in sewage of any of the following toxic substances and/or substances the Department wishes to control shall not exceed the concentration limits specified when discharged into the County Sewer System; metal pollutants are expressed as total metals in mg/L (ppm): the following pollutant limits are based on daily maximum values:

a. Antimony (Sb)	1.0 mg/L
b. Arsenic (As)	0.5 mg/L
c. Barium (Ba)	2.0 mg/L
d. Beryllium (Be)	5.0 mg/L
e. Cadmium (Cd)	1.0 mg/L
f. Chromium (Cr)	3.0 mg/L
g. Copper (Cu)	3.0 mg/L
h. Cyanide (CN)	1.0 mg/L
i. Iron (Fe)	5.0 mg/L
j. Lead (Pb)	1.0 mg/L
k. Manganese (Mn)	5.0 mg/L
l. Mercury (Hg)	0.05 mg/L
m. Nickel (Ni)	3.0 mg/L
n. Selenium (Se)	2.0 mg/L
o. Silver (Ag)	2.0 mg/L
p. Thallium (Tl)	1.0 mg/L
q. Zinc (Zn)	5.0 mg/L

REPORTING REQUIREMENTS:

- A. Per the requirements of 40 CFR, Part 403.12, Significant Industrial Users must submit Periodic Reports on Continued Compliance to the Control Authority on a biannual (2/yr) basis. Deadline dates of submission for these reports will be August 15 and February 15, respectively.
- B. Discharge monitoring reports shall be submitted to the Control Authority upon receipt from the permittee's testing laboratory. Reports submitted from industrial users identified as Significant Industrial Users (SIU) must be accompanied by a certification statement as required by 40 CFR part 403 and the MCSUL, Article VI, section 6.12.
- C. Any Industrial User subject to the reporting requirements of the General Pretreatment Regulations shall maintain records of all information resulting from any monitoring activities required by 40 CFR, part 403.12 for a minimum of three (3) years. These records shall be available for inspection and copying by the Control Authority. This period of retention shall be extended during the course

of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the POTW Pretreatment Program or when requested by the Director or the Regional Administrator.

- D. Pursuant to Article VI, Section 6.10 (4) of the MCSUL and the reporting requirements of the Code of Federal Regulations 40 CFR part 403.12, if a permitted user elects to perform monitoring at compliance monitoring locations more often than required and uses approved laboratory procedures, the results of all such additional monitoring and any additional flow measurements shall be reported to the Director on a timely basis and shall be included in reports as outlined in the MCSUL section 6.10(1)-(4).

NOTIFICATION REQUIREMENTS:

- A. Pursuant to Article VI, Section 6.10(5), the permittee shall notify the Department within 24 hours of becoming aware that discharge monitoring is in violation of any permit limit. This notification shall be directed to the Industrial Waste Section at 585-753-7600 Option 4. The User shall also repeat sampling and analysis for the analyte in non-compliance and submit the results of the repeat analysis to Monroe County within 30 days after becoming aware of the violation.
- B. Notify the Director in writing when considering a revision to the plant sewer system or any change in industrial waste discharges to the public sewers. The later encompasses either an increase or decrease in average daily volume or strength of waste or new wastes.
- C. Notify the Director immediately of any accident, negligence, breakdown of pretreatment equipment or other occurrence that occasions discharge to the public sewer of any waste or process waters not covered by this permit.

SLUG CONTROL

An Industrial User shall be required to report any/all slug discharges to the Monroe County sewer system by calling 585-753-7600 option 4. For the purpose of this permit enclosure, a slug discharge shall be identified as any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. Following a review process, the Control Authority (Monroe County) shall determine the applicability of a facility slug control plan. If the Control Authority decides that a Slug Discharge Control Plan (SDCP) is needed, the plan shall contain, at a minimum, the following elements:

1. Description of discharge practices, including non-routine batch discharges.
2. Description of stored chemicals.
3. Procedures for immediately notifying the Control Authority of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5 (b), with procedures for follow up written notification within five (5) days.
4. If necessary, procedures to prevent adverse impact from accidental spills, including, but not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency purposes.

SNC DEFINITION:

In accordance with 40 CFR 403.8 (f) (vii), an Industrial User is in significant noncompliance (SNC) if its violations meet one or more of the following criteria:

- A.** Chronic violations of wastewater discharge limits – defined as those which 66% or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter (ref. Article IX, section 9.19 – MCSUL). This criteria does NOT apply to the following Monroe County surchargeable parameters: Biochemical Oxygen Demand, Total Suspended Solids, Chlorine Demand and Total Phosphorus.
- B.** Technical review criteria (TRC) violations – defined as those in which 33% or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit times the applicable TRC (ref. Article IX, section 9.19 – MCSUL). This criteria does NOT apply to the following Monroe County surchargeable parameters: Biochemical Oxygen Demand, Total Suspended Solids, Chlorine Demand and Total Phosphorus.
- C.** Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health or POTW personnel or the general public).
- D.** Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (t)(1)(vi)(8) of 40 CFR part 403 to prevent such a discharge.
- E.** Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction or attaining final compliance.
- F.** Failure to provide, within 30 days after the due date, required reports such as BMRs, 90 day compliance reports, periodic reports on continued compliance.
- G.** Failure to accurately report noncompliance.
- H.** Any other violation or group of violations that the Control Authority determines will adversely affect the operation and implementation of the local Pretreatment Program.

PENALTIES

Should the facility be considered in Significant Non-Compliance (SNC), based on the above mentioned criteria, the minimum enforcement response by Monroe County will be the publication of the company name in the Gannett Rochester newspaper. The company will be published as an Industrial User in Significant Non-Compliance (SNC). Fines and criminal penalties may follow this publication (ref. Article IX – MCSUL).

Nothing in this permit shall be construed to relieve the permittees from civil/criminal penalties for noncompliance under Article IX, Section 9.7(a)(5) MCSUL. Article IX provides that any person who violates a permit condition is subject to a civil penalty not to exceed \$25,000 for any one case and an additional penalty not to exceed \$25,000 for each day of continued violation.