AMENDED RECORD OF DECISION

24 Seneca Avenue
City of Rochester, Monroe County, New York
Site Number 828132

June 2023

Prepared by the:

Division of Environmental Remediation
New York State Department of Environmental Conservation

DECLARATION STATEMENT – AMENDED RECORD OF DECISION

24 Seneca Avenue
City of Rochester, Monroe County
Site No. 828132
June 2023

Statement of Purpose and Basis

The Amended Record of Decision (AROD) presents the selected remedy for the 24 Seneca Avenue site, a Class 2 inactive hazardous waste disposal site. The selected remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (6 NYCRR) Part 375 and is not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan of March 8, 1990 (40CFR300), as amended.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the site and the public's input on the Amendment to the ROD presented by the Department. A listing of the documents included as a part of the Administrative Record is included in Appendix B of the AROD.

Description of Selected Remedy

The elements of the amended remedy are as follows:

1. Remedial Design
   A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:
   - Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
   - Reducing direct and indirect greenhouse gases and other emissions;
   - Increasing energy efficiency and minimizing use of non-renewable energy;
   - Conserving and efficiently managing resources and materials;
   - Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
   - Maximizing habitat value and creating habitat when possible;
   - Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
   - Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
   - Additionally, to incorporate green remediation principles and techniques to the extent

feasible in the future development at this site, any future on-site buildings will include, at a minimum, a 20-mil vapor barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

2. Excavation
   All soils in the upper foot which exceed the commercial SCOs will be excavated and transported off-site for disposal.

3. Backfill
   Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to replace the excavated soil and establish the designed grades at the site.

4. Cleaning and Closure of Structures
   Two underground storage tanks and associated piping will be cleaned and closed in place in accordance with Department guidance and regulations. The drainage structures will be cleaned.

5. Cover System
   A site cover currently exists in areas not occupied by buildings and will be maintained to allow for commercial use of the site. Any site redevelopment will maintain the existing site cover. The site cover may include paved surface parking areas, sidewalks, or soil where the upper one foot of exposed surface soil meets the applicable soil cleanup objectives (SCOs) for commercial use. Any fill material brought to the site will meet the requirements for the identified site use as set forth in 6 NYCRR part 375-6.7(d).

6. In-Situ Thermal Treatment
   In-situ thermal treatment will be implemented to destroy or volatilize volatile organic compounds (VOCs) in the source area located in the central portion of the site building. The gases produced by the thermal treatment will be collected by vapor extraction wells and treated in an ex-situ treatment unit. Effluent vapors will be treated.

7. Vapor Mitigation
   Any on-site buildings and off-site buildings impact by the site will be required to have a sub-slab depressurization system, or other acceptable measures, to mitigate the migration of vapors into the building(s) from soil and/or groundwater.

8. Engineering and Institutional Controls
   Imposition of an institutional control in the form of an environmental easement and a Site Management Plan, as described below, will be required. The remedy will achieve a restricted commercial cleanup.

   Institutional Control:
   Imposition of an institutional control in the form of an environmental easement for the controlled property which will:
   - Require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
   - Allow the use and development of the controlled property for commercial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;

- Restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and
- Require compliance with the Department-approved Site Management Plan.

9. Site Management Plan

A Site Management Plan is required, which includes the following:

1) An Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:

Institutional Controls: The Environmental Easement discussed in Paragraph 8 above.

Engineering Controls: The soil cover discussed in Paragraph 5 and the sub-slab depressurization system discussed in Paragraph 7 above.

This plan includes, but may not be limited to:

- an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
- descriptions of the provisions of the environmental easement including any land use, and/or groundwater use restrictions;
- a provision for further investigation and remediation should large scale redevelopment occur, if any of the existing structures are demolished, or if the subsurface is otherwise made accessible. The nature and extent of contamination in areas where access was previously limited or unavailable will be immediately and thoroughly investigated pursuant to a plan approved by the Department. Based on the investigation results and the Department determination of the need for a remedy, a Remedial Action Work Plan (RAWP) will be developed for the final remedy for the site, including removal and/or treatment of any source areas to the extent feasible. Citizen Participation Plan (CPP) activities will continue through this process. Any necessary remediation will be completed prior to, or in association with, redevelopment;
- a provision should redevelopment occur to ensure no soil exceeding protection of groundwater concentrations will remain below storm water retention basin or infiltration structures;
- a provision for demolition of the onsite building if and when it becomes unsafe or inactive or vacant;
- a provision for evaluation of the potential for soil vapor intrusion for any occupied buildings on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
- a provision that should a building foundation or building slab be removed in the future, a cover system consistent with that described in Paragraph 5 above will be placed in any areas where the upper one foot of exposed surface soil exceeds the applicable soil cleanup objectives (SCOs);
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and

- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

2) A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
   - monitoring of groundwater and indoor air to assess the performance and effectiveness of the remedy;
   - a schedule of monitoring and frequency of submittals to the Department; and
   - monitoring for vapor intrusion for any buildings on the site as may be required by the Institutional and Engineering Control Plan discussed above.

New York State Department of Health Acceptance

The NYSDOH concurs that the amendment to the remedy for this site is protective of human health.

Declaration

The selected remedy is protective of public health and the environment, complies with State and Federal requirements 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 preference for remedies that reduce toxicity, mobility, or volume as a principal element.

June 22, 2023
Date

Andrew Guglielmi
Andrew Guglielmi, Director
Division of Environmental Remediation

SECTION 1: PURPOSE AND SUMMARY OF THE RECORD OF DECISION AMENDMENT

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), is amending the Record of Decision (ROD) for the above referenced site. The disposal of hazardous wastes at this site, as more fully described in the original ROD document and Section 6 of this document, has caused the contamination of various environmental media. The amendment is intended to attain the remedial action objectives identified for this site for the protection of public health and the environment. This amendment identifies the new information which has led to this amendment and discusses the reasons for the preferred remedy.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (6 NYCRR) Part 375 Environmental Remediation Programs. This document is a summary of the information that can be found in the site-related reports and documents in the document repository identified below.

On March 10, 2016, the Department issued a ROD which selected a remedy to clean up the 24 Seneca Avenue site. The site investigation and ROD remedy were implemented under the Department's Environmental Restoration Program (ERP). The Department searched for a Responsible Party (RP) to implement the site's ROD.

In 2020, Stanley Black & Decker (SBD), a responsible party (RP), signed an Order on Consent with the Department to complete a pre-design investigation at the site prior ROD implementation. The goal of the pre-design investigation was to further define the nature and extent of chlorinated solvents in groundwater and collect baseline data on geochemistry and microbial ecology for the in-situ enhanced bioremediation component of the ROD. In addition to the pre-design investigation, SBD completed a structural evaluation of the on-site building to assess potential issues associated with the building if the ROD's selected remedial element, excavation, occurred within and adjacent to the building.

The results of the pre-design investigation provided a more comprehensive understanding of the chlorinated solvent source area at the site. Based on the pre-design investigation and the structural evaluation, certain elements of the ROD selected remedy have been modified and/or removed. The modifications and changes to the ROD selected remedy are presented in the following table.

Modifications/Changes		
2016 ROD	**Basis for ROD Amendment**	**ROD Amendment**
Excavation of subsurface soils from sample location areas SB-03, SB-10, SB-11, SB-43, and TP-03 which exceed the protection of groundwater soil cleanup objectives for those contaminants found in groundwater.	Semi-volatile organic compounds (SVOCs) were detected in these borings/test pits from 2 to 11 feet below ground surface. The structural evaluation indicates the on-site building's exterior is severely deteriorated, falling debris will pose a safety hazard, and excavation activities could impact the building's integrity. The evaluation also indicated several concerns regarding excavations throughout the property.	Excavation and off-site disposal of all surface soils in the upper foot which exceed the restricted commercial and protection of groundwater soil cleanup objectives (SCOs).
Excavation of sample location area SB-33 soils.	Excavation within the on-site building will not be feasible due to the building's condition and occupancy.	Future excavation activities will be managed in accordance with site's Site Management Plan and Excavation Work Plan.
Removal of drainage structures DW-1, DW-2, DW-3, and DW-4.	DW-3 and DW-4 did not have detections above SCOs. Removal of DW-1 and DW-2 will not feasible due to the building's condition.	DW-1 and DW-2 will be cleaned using hand tools and a combination of a pressure washer and high-powered vacuum. Additional sampling conducted did not indicate remedial actions for DW-3 and DW-4 are warranted.
Excavation and removal of two underground storage tanks along with associated piping near sample locations TP-05 and TP-06.	The underground storage tanks are located adjacent to the on-site building, sidewalk, and a loading dock. Excavation will not feasible due to the building's condition. Removal potentially impacts the buildings structural integrity.	The underground storage tanks will be closed in place and associated piping will be addressed in accordance with State regulations and guidance.
Enhanced Bioremediation	The pre-design investigation identified shallow soil impacts in the source area under the building. Enhanced bioremediation will not have remediated these soils; contaminants will continue to migrate into the aquifer.	In-situ thermal remediation will be implemented to destroy or volatilize impacts in the source area. In-situ thermal remediation will address impacts in subsurface soil, overburden groundwater, and groundwater in fractured bedrock.

Modifications/Changes		
2016 ROD	**Basis for ROD Amendment**	**ROD Amendment**
Monitor vapor intrusion in the machine shop area at the southern end of the site and in the adjacent off-site property to the north.	Based on pre-design investigation data, vapor intrusion is likely occurring at the site.	A sub-slab depressurization system will be installed in the on-site buildings to address exposures related to soil vapor intrusion. Operation and maintenance, of the sub-slab depressurization system will be in accordance with a Site Management Plan. A soil vapor intrusion evaluation will be completed in any re-occupied existing on-site building(s) (e.g., machine shop area) or future buildings developed on the site. A soil vapor intrusion evaluation will also be completed at the adjacent off-site property to the north of the site. The evaluation will include a provision for implementing actions to address exposures related to soil vapor intrusion.

SECTION 2: CITIZEN PARTICIPATION

The Department sought community input on the ROD Amendment. This is an opportunity for public participation in the remedy selection process. The information here is a summary of what can be found in greater detail in reports that have been placed in the Administrative Record for the site. The public was encouraged to review the reports and documents, which are available at the following repositories:

Rochester Public Library – Lincoln Branch
851 Joseph Avenue
Rochester, New York 14621
Contact: Mr. Jason Gogniat
Phone: 585-428-8210

NYSDEC Region 8 Office
6274 East Avon-Lima Road
Avon, New York 14414
Contact: Charlotte Theobald
Phone: 585-226-5354 (by appointment only)

Access the AROD and other project documents online through the DECinfoLocator:
https://www.dec.ny.gov/data/DecDocs/828132/ and
https://www.dec.ny.gov/data/DecDocs/E828132/

The public comment period was held from March 1 to March 30, 2023 for comments on the ROD amendment. A virtual public meeting was held March 23, 2023 beginning at 6:30 PM.

At the meeting, a description of the original ROD and the circumstances that led to changes in the ROD was presented. After the presentation, a question-and-answer period was held. Written comments could have been sent to:

Charlotte Theobald, Project Manager
New York State Department of Environmental Conservation
Division of Environmental Remediation
6274 East Avon-Lima Road, Avon, New York 14414
Phone: 585-226-5354
E-mail: charlotte.theobald@dec.ny.gov

A record of any comments received is summarized and addressed in the responsiveness summary section of this final version of the ROD Amendment. This ROD Amendment is the Department's final selection of the remedy for the site.

Receive Site Citizen Participation Information by E-mail
Please note that the Department's Division of Environmental Remediation (DER) has "gone paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program, and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at http://www.dec.ny.gov/chemical/61092.html.

SECTION 3: SITE DESCRIPTION AND HISTORY

Location:
This site is located at 24 Seneca Avenue, City of Rochester, Monroe County. The site is in a mixed-use urban area consisting of commercial, industrial, and residential properties. The property is approximately 2.77 acres and is bordered by 76 Seneca Avenue parcel to the north, Seneca Avenue to the west, Bremen Street to the east, and Norton Street to the south.

Site Features:
The property consists of one structure of approximately 121,000 square feet which covers most of the site property. The southern section of the property is primarily paved with limited grass area.

Current Zoning and Land Use:
The site is currently zoned M-1 Industrial District under City of Rochester zoning code. The site is occupied by commercial and manufacturing businesses.

Past Use of the Site:
The current building configuration was completed between 1920 and 1945. The site has been used for a variety of historical operations including lock, electric motor, and other metal parts manufacturing.

Discharge to floor drains, the use of various degreasing chemicals, and housekeeping practices appears to have led to the identified site contamination.

Site Geology and Hydrogeology:
Overburden geology at the site is characterized as fine/medium grained silty sand alternating with dense clay/silty clay to approximately 10 feet below ground surface (bgs).

Bedrock was encountered onsite approximately 10 feet bgs. Between 10-15 feet bgs, weathered shale was observed, then a competent dolomitic shale was encountered to approximately 25 feet bgs, followed by a fractured dolomitic shale to approximately 35 feet bgs. The bedrock was generally fractured, in various orientations, as observed throughout the length of core samples collected during the investigation.

Overburden groundwater levels range from approximately 5 to 9.5 feet bgs across the site with seasonal variation. Overburden groundwater flows towards the north/northwest mimicking regional topography, which dips slightly to the west/northwest towards the Genesee River.

Bedrock water levels range between 14 and 24 feet bgs. Bedrock groundwater at the site flows towards the west and northwest. There is a component of bedrock groundwater flow towards the south/southwest on the southern end of the site.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. The 24 Seneca Avenue site is currently zoned M-1 Industrial District under City of Rochester zoning code. The site is in an area of mixed use consisting of commercial, industrial, and residential properties.

SECTION 5: ENFORCEMENT STATUS

Potentially Responsible Parties (PRPs) are those who may be legally liable for contamination at a site. This may include past or present owners and operators, waste generators, and haulers.

A former owner and operator at the site, Sargent & Greenleaf, was acquired by Stanley Black & Decker, Inc. An Order on Consent was executed on September 24, 2020, with Stanley Black & Decker to complete a pre-design investigation at the site. On December 7, 2021, the Department executed a modification to the Order on Consent with Stanley Black & Decker in which the reductive dechlorination pilot study would not be implemented. A pre-remedial design investigation report and remedy evaluation shall be submitted to the Department for approval. Within 30 days of the Department's issuance of the amended ROD, Stanley Black & Decker shall notify the Department in writing whether it will implement the amended ROD.

SECTION 6: SITE CONTAMINATION

6.1 Summary of Environmental Assessment

The primary contaminants of concern are chlorinated volatile organic compounds (cVOCs): trichloroethene (TCE) and associated breakdown products in soil, groundwater, and indoor air. Semi-volatile organic compounds (SVOCs) and metals have been identified above soil cleanup objectives (SCOs) in soil and above groundwater standards and guidance values. Pesticides were identified above groundwater standards and guidance values.

Surface Soil:
Surface soil sampling indicated SVOCs and copper that exceeded the commercial and protection of groundwater SCOs. Benzo(a)pyrene concentrations ranged from 1.3-5.8 parts per million (ppm) [commercial SCO – 1 ppm]. Benzo(b)fluoranthene concentrations ranged from 1.7 to 8.4 ppm [protection of groundwater SCO – 1.7 ppm]. Copper concentrations ranged from 102 to 337 ppm [commercial SCO – 270 ppm]. Surface soil data does not indicate a potential for off-site impacts in soil.

Subsurface Soil:
Subsurface sampling indicated VOCs and SVOCs were detected above the protection of groundwater SCOs. SVOCs and copper were detected above the commercial use and protection of groundwater SCOs. TCE concentrations ranged from 0.007 to 340 ppm [protection of groundwater SCO – 0.47 ppm]. Cis-1,2-dichloroethene concentrations ranged from 0.003 to 2.1 ppm [protection of groundwater SCO – 0.25 ppm]. Vinyl chloride concentrations ranged from 0.004 to 0.092 ppm [protection of groundwater SCO – 0.02 ppm]. Chrysene concentrations ranged from 0.012 to 7 ppm [protection of groundwater SCO – 1 ppm]. Benzo(a)anthracene concentrations ranged from 0.017 to 6.8 ppm [protection of groundwater SCO – 1 ppm]. Benzo(b)fluoranthene concentrations ranged from 0.016 to 15 ppm [protection of groundwater SCO – 1.7 ppm]. Benzo(k)fluoranthene concentrations ranged from 0.015 to 5.4 ppm [protection of groundwater SCO – 1.7 ppm]. Benzo(a)pyrene concentrations ranged 0.017 to 10 ppm [commercial SCO – 1 ppm]. Copper concentrations ranged from 0.2 to 3,660 ppm [commercial SCO – 270 ppm].

On-Site Groundwater:
Groundwater sampling conducted on- and off-site indicated chlorinated VOCs, petroleum related VOCs, SVOCs, and metals that exceeded the State's standards and guidance values in overburden and bedrock groundwater.

VOCs:

Contaminants of Concern	Concentration Range	NYS Groundwater Standard or Guidance Value
Acetone	ND to 2,400 ppb	50
Benzene	ND to 290 ppb	1
Cis-1,2-dichloroethene	ND to 11,000 ppb	5
Ethylbenzene	ND to 10 ppb	5
2-Hexanone	ND to 300 ppb	50
Isopropyl benzene	ND to 19 ppb	5
Methyl Tertiary Butyl Ether	ND to 260 ppb	10
Toluene	ND to 14 ppb	5

Contaminants of Concern	Concentration Range	NYS Groundwater Standard or Guidance Value
Trans-1,2-dichloroethene	ND to 65.6 ppb	5
Trichloroethene	ND to 92,000 ppb	5
Vinyl Chloride	ND to 1,600 ppb	2
Xylenes (Total)	ND to 9 ppb	5

ND: Non-detect
ppb: parts per billion

SVOCs:

Contaminants of Concern	Concentration Range	NYS Groundwater Standard or Guidance Value
Chrysene	ND to 14 ppb	0.002
Benzo(a)anthracene	ND to 10 ppb	0.002
Benzo(b)fluoranthene	ND to 22 ppb	0.002
Benzo(k)fluoranthene	ND to 7 ppb	0.002
Indeno(1,2,3-cd)pyrene	ND to 14 ppb	0.002
M-dichlorobenzene	ND to 9 ppb	3
1,2-dichlorobenzene	ND to 9 ppb	3
1,4-dichlorobenzene	ND to 9 ppb	3
Phenol	ND to 8.02 ppb	1

ND: Non-detect
ppb: parts per billion

Metals:

Contaminants of Concern	Concentration Range	NYS Groundwater Standard or Guidance Value
Antimony	ND to 8 ppb	3
Arsenic	ND to 97.3 ppb	25
Beryllium	ND to 4.3 ppb	3
Cadmium	ND to 11.4 ppb	5
Chromium	ND to 212 ppb	50
Copper	ND to 2,300 ppb	200
Lead	ND to 911 ppb	25
Nickel	ND to 300 ppb	100
Thallium	ND to 0.52 ppb	0.5
Zinc	4 to 3,490 ppb	2,000

ND: Non-detect
ppb: parts per billion

Pesticides:
Dieldrin was detected in one well at a concentration of 0.02 ppb [groundwater standard - 0.004 ppb].

Off-Site Groundwater:
Off-site groundwater monitoring wells have been sampled in the following years: 2008, 2009, 2011, and

2021. The off-site groundwater monitoring wells are located north, east, south, and west of the site.

VOCs:

Contaminants of Concern	Concentration Range	NYS Groundwater Standard or Guidance Value
Cis-1,2-dichloroethene	ND to 2,000 ppb	5
Trichloroethene	ND to 4,900 ppb	5
Vinyl Chloride	ND to 212 ppb	2

ND: Non-detect
ppb: parts per billion

Building Interior:
PCBs were also detected in samples collected from the interior surfaces of the building where the storage of PCB containing equipment was identified. Asbestos containing materials were identified within the existing structure.

On-Site Sub-slab Vapor and Indoor Air:
Sub-slab and indoor air sampling were performed in the southern extension of the main building and in the adjacent north building. TCE was the chlorinated VOC detected at the highest concentrations in the northern building at 0.27 to 0.48 micrograms per cubic meter ($\mu g/m^3$) in indoor air and at 230 to 490 $\mu g/m^3$ in sub-slab vapor. TCE was detected in the southern building extension at 2.8 to 25 $\mu g/m^3$ in indoor air, which exceeds both the NYSDOH air guideline for TCE in air (2 $\mu g/m^3$) and the level at which immediate actions are recommended to reduce exposures (20 $\mu g/m^3$). TCE was detected at 5.2 to 12 $\mu g/m^3$ in sub-slab vapor samples from this same area.

Off-Site Soil Vapor:
Soil vapor sampling was completed at vacant land located east of the site. The highest concentration of TCE detected was 7,100 $\mu g/m^3$. This warranted a soil vapor intrusion evaluation at off-site properties in this area. Soil vapor intrusion sampling was offered to property owners at 10 off-site buildings in 2013. Four of the 10 property owners accepted the State's offer to complete soil vapor intrusion sampling. Following the sampling and review of the data, actions to address soil vapor intrusion were not needed at any of the 4 off-site residential properties.

6.2 Interim Remedial Measures

An IRM is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Record of Decision.

There were no IRMs performed at this site during the RI.

6.3 Summary of Human Exposure Pathways

People are not drinking contaminated groundwater because the area is served by a public water supply that is not affected by site-related contamination. People may come into contact with contaminants in soils if they contact surface soils or dig below the surface. Volatile organic compounds in the groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and

affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. The potential exists for the inhalation of site contaminants due to soil vapor intrusion in the on-site building and in any buildings developed on-site in the future. Environmental sampling conducted to date indicates soil vapor intrusion concerns are limited to one off-site building; however, additional sampling may be necessary to evaluate other off-site structures in the event that access is granted.

SECTION 7: SUMMARY OF ORIGINAL REMEDY AND AMENDMENT

7.1 Original Remedy

The elements of the original selected remedy are as follows:

1. Remedial Design
   A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:
   - Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
   - Reducing direct and indirect greenhouse gases and other emissions;
   - Increasing energy efficiency and minimizing use of non-renewable energy;
   - Conserving and efficiently managing resources and materials;
   - Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
   - Maximizing habitat value and creating habitat when possible;
   - Fostering green and healthy communities and working landscapes which balance ecological, economic, and social goals; and
   - Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.

2. Excavation
   Excavation and off-site disposal of contaminant source areas, including:
   - Two USTs along with underground piping or other structures will be excavated and removed from the west side of the main building in the area of sample locations TP-05 and TP-06.
   - Surface soils will be excavated to a depth of 1 foot in the area of surface soil sample locations SS-01, SS-02, and SS-03 to address SVOC and metals concentrations in soils which exceed the soil cleanup objectives (SCOs) for commercial use, as defined by 6 NYCRR Part 375-6.8, for those contaminants found in surface soils above standards.
   - Removal of drainage structures DW-1, DW-2, DW-3, and DW-4 to address SVOC concentrations in soils which exceed the SCOs for commercial use, as defined by 6 NYCRR Part 375-6.8, for those contaminants found in surface soils above standards.
   - Sub-surface soils will be excavated from the area of sample locations SB-03, SB-10, SB-11, SB-33, SB-43, and TP-03 to address VOC and SVOC contamination in soils which exceed the

protection of groundwater SCOs, as defined by 6 NYCRR Part 375-6.8, for those contaminants found in site groundwater above standards. Excavation areas include areas from beneath the floor of the existing structure.

Approximately 2000 cubic yards of contaminated soil will be removed from the site. Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to replace the excavated soil and establish the designed grades at the site. The site will be re-graded to accommodate installation of a cover system as described in remedy element #3.

3. Cover System
   A site cover will be required to allow for commercial use of the site. The cover will consist either of the structures such as buildings, pavement, sidewalks comprising the site development or a soil cover. Where the soil cover is required, it will be a minimum of one foot of soil, meeting the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d) for commercial use. The soil cover will be placed over a demarcation layer, with the upper six inches of the soil of sufficient quality to maintain a vegetation layer. Any fill material brought to the site will meet the requirements for the identified site use as set forth in 6 NYCRR Part 375-6.7(d).

4. Enhanced Bioremediation
   In-situ enhanced biodegradation will be employed to treat chlorinated volatile organic compounds (CVOCs) in groundwater in the area surrounding the source area located under southern end of the main building that includes sampling location SB-33, MW-7, MW-9, and MW-10. The biological breakdown of contaminants through anaerobic reductive dechlorination will be enhanced by the injection of a lactate, vegetable oil, and water solution into the subsurface to promote microbe growth via injection wells. The method and depth of injection will be determined during the remedial design.

5. Vapor Intrusion
   Continued monitoring for vapor intrusion within the machine shop area at the southern end of the 24 Seneca Avenue property, as well as in the adjacent property to the north, 76 Seneca Avenue.

6. Institutional Controls
   Imposition of an institutional control in the form of an environmental easement for the controlled property which will:
   - Require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
   - Allow the use and development of the controlled property for commercial use or industrial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
   - Restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and
   - Require compliance with the Department approved Site Management Plan.

   Site Management Plan
   1. Site Management Plan is required, which includes the following:
      an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure

the following institutional and/or engineering controls remain in place and effective:

- Institutional Controls: The Environmental Easement discussed above.
- Engineering Controls: The cover system discussed above.

This plan includes, but may not be limited to:

- An Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
- Provisions for the additional delineation of soil source area contamination if site structures are demolished;
- Descriptions of the provisions of the environmental easement including any land use and groundwater use restrictions;
- A provision for evaluation of the potential for soil vapor intrusion in any reoccupied existing or future buildings developed on the site, or when site-related chemicals of concern are no longer in use in the on-site buildings, and/or when areas inside the existing buildings become more easily accessible, including provisions for implementing actions recommended to address exposures related to soil vapor intrusion;
- Provisions for the management and inspection of the identified engineering controls;
- Maintaining site access controls and Department notification; and
- The steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.
- Should the off-site residential property owners that previously declined soil vapor intrusion sampling request to have their properties sampled in the future, the NYSDEC, in consultation with the NYSDOH, shall determine if soil vapor intrusion sampling is still appropriate. If necessary, additional off-site groundwater and soil vapor sampling will be completed and actions to address exposures related to soil vapor intrusion will be implemented.

2. A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
    - Monitoring of groundwater, indoor air, sub-slab soil vapor, and/or soil vapor to assess the performance and effectiveness of the remedy;
    - A schedule of monitoring and frequency of submittals to the Department.

7.2 Elements of the Remedy Already Performed

The remedy implementation has not begun.

7.3 New Information

On July 30, 2019, the Department approved the Pre-design Investigation and Pilot Scale Study Work Plan contingent upon execution of the Order on Consent. The goal of the pre-design investigation was to further delineate the nature and extent impacts (vertically and horizontally) underneath the on-site building and the associated parking lot, as well as to obtain necessary parameters for the design of the enhanced bioremediation remedy, such as injection point spacing, injection pressures and rates, and to determine if the subsurface environment would be conducive to the injection amendment and enhanced bioremediation. During the pre-design investigation, trichloroethene was detected in soils from 0.5-1 foot bgs at concentrations above SCOs. The highest TCE concentration detected at 0.5 to 1 foot bgs was 340

ppm at SP31 which is above the protection of groundwater SCO of 0.47 ppm. Enhanced bioremediation would not be effective in treating the subsurface soils as the depth to groundwater ranges from 5 to 9.5 feet bgs because the injected amendment would not have contact with the impacted subsurface soils at this shallow depth. An additional remedial alternatives analysis was completed evaluating in-situ thermal remediation. In-situ thermal remediation would be able to address the shallow subsurface soil chlorinated volatile organic compound impacts/source area underneath the on-site building.

As part of the pre-design investigation, a structural evaluation of the on-site building was completed by a Professional Engineer in July 2022 to evaluate if excavations within and adjacent to the on-site building were feasible. The structural evaluation determined that excavations within and adjacent to the on-site building were not feasible due to the potential impact to the building's structural integrity, the unknown location of the building's foundation(s), and the proximity of the proposed excavations to the sidewalks and loading docks.

7.4 Changes to the Original Remedy

A summary of the changes to the original ROD are shown in the table below:

SUMMARY OF REMEDY CHANGES

24 Seneca Avenue (Site No. 828132) Record of Decision Amendment

Media:	2016 ROD	Amended ROD
Groundwater	1) Enhanced bioremediation to treat chlorinated volatile organic compounds in the site building and south end of the site in the parking lot. 2) Long term monitoring. 3) Environmental Easement to restrict groundwater use.	1) In-situ thermal treatment to destroy or volatilize volatile organic compounds in the source areas and the groundwater plume. 2) Long term groundwater monitoring. 3) Environmental Easement to restrict site use and groundwater use.
Soil	1) Excavation and off-site disposal of contaminant source areas, including: two underground storage tanks and underground piping from the west side of the main building; surface soils to 1 foot to address SVOC and metal concentrations which exceed commercial SCOs; subsurface soils to address VOC and SVOC contamination in soils which exceed POGW SCOs. Approximately 2,000 cubic yards will be removed. 2) A site cover system which will consist of structures, pavement, sidewalks, or a 1-foot soil cover. 3) Environmental Easement to limit use of property to industrial/commercial use to restrict exposure unless otherwise approved by the Department. 4) Use of a Site Management Plan (SMP) to maintain institutional controls/engineering controls (ICs/ECs) at the site.	1) Excavation and off-site disposal of all surface soils in the upper foot which do not meet the Department's requirements for cover. 2) The underground storage tanks and all associated piping will be closed in place. 3) A site cover system which will consist of structures, pavement, sidewalks, or a 1-foot soil cover. 4) In-situ thermal treatment will also be used to destroy or volatilize organic compounds in the source areas on-site. 5) Environmental Easement to limit use of property to commercial/industrial use to restrict exposure unless otherwise approved by the Department. 6) Use of a Site Management Plan to maintain institutional controls/engineering controls at the site and to manage future excavation activities.

SUMMARY OF REMEDY CHANGES
24 Seneca Avenue (Site No. 828132) Record of Decision Amendment

Media:	2016 ROD	Amended ROD
Soil Vapor/ Indoor Air	1) Monitor for vapor intrusion within the machine shop area at the southern end of the property as well as in the adjacent property to the north.	1) A sub-slab depressurization system will be installed in the on-site building(s) to address exposures related to soil vapor intrusion. A soil vapor intrusion evaluation will be completed in any re-occupied existing areas or future building(s) developed on the site. A soil vapor evaluation will also be completed at the adjacent off-site property to the north of the site. The evaluation will include a provision for implementing actions to address exposures related to soil vapor intrusion. 2) An Operation and Maintenance Plan to maintain vapor mitigation systems installed.
Other Media	1) Remove drainage structures DW-1, DW-2, DW-3, and DW-4 to address SVOC concentrations in soils which exceed commercial SCOs.	1) Drainage structures DW-1 and DW-2 will be cleaned. Additional sampling conducted does not indicate that DW-3 and DW-4 warrant remedial actions to be completed.

SECTION 8: EVALUATION OF CHANGES

8.1 Remedial Goals

Goals for the cleanup of the site were established in the original ROD. The goals selected for this site are:

Groundwater

RAOs for Public Health Protection

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.
- Prevent contact with, or inhalation of volatiles, from contaminated groundwater.

RAOs for Environmental Protection

- Restore groundwater aquifer to pre-disposal/pre-release conditions, to the extent practicable.
- Remove the source of ground or surface water contamination.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.
- Prevent inhalation of or exposure from contaminants volatilizing from contaminants in soil.

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater or surface water contamination.

Soil Vapor

RAOs for Public Health Protection

- Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at a site.

8.2 Evaluation Criteria

The criteria used to compare the remedial alternatives are defined in the regulation that directs the remediation of inactive hazardous waste sites in New York State (6 NYCRR Part 375). For each criterion, a brief description is provided. A detailed discussion of the evaluation criteria and comparative analysis is contained in the original Feasibility Study.

The first two evaluation criteria are called threshold criteria and must be satisfied in order for an alternative to be considered for selection.

1. **Protection of Public Health and the Environment.** This criterion is an overall evaluation of each alternatives ability to protect public health and the environment.

   The ROD selected remedy [Excavation, Capping, In-situ Groundwater Treatment with Bioremediation and Site Management] will satisfy this criterion. The pre-disposal alternative evaluated will also satisfy this criterion [demolition of all on-site structures, the removal of all underground storage tanks and drainage features, the excavation of all soil/fill material the exceeds the unrestricted use soil cleanup objectives (SCOs), and treatment of the contaminated groundwater plume to meet State standards and guidance values]. The amended remedy [in-situ thermal remediation, underground storage tank closure in-place, cover system, soil vapor mitigation, site management with long-term groundwater monitoring] will satisfy this criterion.

2. **Compliance with New York State Standards, Criteria, and Guidance (SCGs).** Compliance with SCGs addresses whether a remedy will meet environmental laws, regulations, and other standards and criteria. In addition, this criterion includes the consideration of guidance which the Department has determined to be applicable on a case-specific basis.

   The ROD selected remedy, the pre-disposal alternative, and the amended remedy comply with this

criterion and will achieve applicable SCGs for the site. The overall timeline for each of the remedies will vary. The ROD selected remedy will take longer to achieve the site's SCGs whereas pre-disposal and amended remedy will achieve the site's SCGs, theoretically, in a shorter timeframe. The pre-disposal alternative will have longer timeframes for implementing the remedy as building demolition and the excavation component will take longer to implement. All the remedies satisfy the threshold criteria; therefore, the remaining criteria are particularly important in selecting the modified remedy for the site.

The next five "primary balancing criteria" are used to compare the positive and negative aspects of each of the remedial strategies.

3. **Short-term Effectiveness.** The potential short-term adverse impacts of the remedial action upon the community, the workers, and the environment during the construction and/or implementation are evaluated. The length of time needed to achieve the remedial objectives is also estimated and compared against the other alternatives.

   The pre-disposal remedy will have significant adverse short-term impacts to the community and the surrounding area including the tenants in the building. The pre-disposal remedy will have increased truck traffic, demolition debris removal, increased energy usage (fuel), and increased off-site disposal of soil/fill material and demolition debris. The pre-disposal remedy is less effective in the implementation of green remediation principles and techniques. The ROD selected remedy and the amended remedy both have short-term impacts, but those impacts can be addressed through alternate work schedules and working with the building tenants during implementation. The ROD selected and amended remedy both have the potential for implementation of green remediation principles and techniques.

4. **Long-term Effectiveness and Permanence.** This criterion evaluates the long-term effectiveness of the remedial alternatives after implementation. If wastes or treated residuals remain on-site after the selected remedy has been implemented, the following items are evaluated: 1) the magnitude of the remaining risks, 2) the adequacy of the engineering and/or institutional controls intended to limit the risk, and 3) the reliability of these controls.

   Chlorinated volatile organic compounds (cVOCs) and semi-volatile organic compounds (SVOCs) are the contaminants of concern at the site and all three remedies will be effective in achieving long-term effectiveness. The long-term effectiveness of the pre-disposal and the amended remedy is greater than the ROD selected remedy. The ROD selected remedy will take longer to achieve the site's remedial goals, whereas the pre-disposal will achieve long-term effectiveness by source removal of source material and impacted soil/fill material as well as treatment of any residual groundwater contamination. The amended remedy will achieve long-term effectiveness but will take longer than the pre-disposal alternative. The amended remedy addresses the following:

   - Soil/fill material and groundwater cVOC impacts thorough application of heat to the subsurface,
   - Soil vapor will be addressed by mitigation measures,
   - Underground storage tanks will be addressed as per NYSDEC regulations and filled with flowable fill, and
   - SVOCs are relatively immobile, and exposures will be addressed through excavation of the surface

soils (0-1 foot) and cover system and site management, in particular the Excavation Work Plan.

The amended remedy will allow for achievement of the site's remedial goals while allowing the continued use of the building during the implementation of the amended remedy.

5. **Reduction of Toxicity, Mobility or Volume.** Preference is given to alternatives that permanently and significantly reduce the toxicity, mobility, or volume of the wastes at the site.

   The pre-disposal alternative effectively removes source area material, all impacted soil/fill material that exceeds the unrestricted SCOs and addresses any residual groundwater contamination through groundwater treatment. The ROD selected remedy does reduce the mobility and volume of contamination although it will be at a longer timeframe and will potentially require multiple injections to address source area material and the groundwater plume. The amended remedy will also reduce the toxicity, mobility, and volume of contamination at the site. The application of a heat source to the subsurface addresses the CVOC impacted soil/fill and groundwater. The application of heat to the subsurface will also have influence the naturally occurring microorganisms that biodegrade the CVOCs by providing optimal temperature conditions for population growth. The excavation of the SVOC impacted soils will reduce the mobility and volume at the site. The closing in-place of the underground storage tanks in accordance with NYSDEC regulations and filling with flowable fill will reduce the mobility and volume of contamination. All three remedies being discussed in this AROD reduced the toxicity, mobility, and volume of contamination; therefore, meet this criterion but varying timeframes to achieve the site's remediation goals.

6. **Implementability.** The technical feasibility and administrative feasibility of implementing each alternative are evaluated. Technical feasibility includes the difficulties associated with the construction of the remedy and the ability to monitor its effectiveness. For administrative feasibility, the availability of the necessary personnel and materials is evaluated along with potential difficulties in obtaining specific operating approvals, access for construction, institutional controls, and so forth.

   The implementation of all three remedies being discussed can be achieved but with varying timeframes and challenges. The pre-disposal remedy will require the demolition of the on-site structures, disposal of the construction and demolition debris, excavation of all soil/fill material that exceeds the unrestricted SCOs, and treatment of any residual groundwater contamination. The ROD selected remedy will require significant excavation of approximately 2,000 cubic yards soil/fill material to depths of 11 feet below ground surface, removal of the underground storage tanks, and potential impacts to the integrity of the on-site structures due to location of excavations and underground storage tanks which will potentially require shoring and vibration monitoring to ensure the structural integrity of the on-site building is not impacted. The groundwater component of the ROD selected remedy is implementable. The amended remedy will be implementable at the site. The installation of the thermal remediation technology will require only drilling within the on-site structures and the excavation of the SVOC impacted surface soil/fill material is 0-1 foot will not impact the structural integrity of the on-site structures. The closing in-place of the underground storage tanks in accordance with NYSDEC regulations and filling with flowable fill does impact the on-site structures integrity.

7. **Cost-Effectiveness.** Capital costs and annual operation, maintenance, and monitoring costs are estimated for each alternative and compared on a present worth basis. Although cost-effectiveness is

the last balancing criterion evaluated, where two or more alternatives have met the requirements of the other criteria, it can be used as the basis for the final decision.

The original remedy was estimated to cost $2,282,000 to implement (2016 dollars) and the amended remedy will cost approximately $5,985,000 to implement. The amended remedy will cost more to implement; however, the amended remedy will significantly reduce the volume of soil/fill material and groundwater disposed off-site, a reduction in the amount of truck traffic implementing the remedy and will address the source area underneath the on-site building.

This final criterion is considered a modifying criterion and is considered after evaluating those above. It is focused upon after public comments on the ROD amendment have been received.

8. **Community Acceptance.** Concerns of the community regarding the changes are evaluated. A responsiveness summary is attached to this ROD as Appendix A that describes public comments received and the Department's response. If the final remedy differed significantly from the remedy, notices to the public would be issued describing the differences and reasons for the changes.

   The anticipated use of the site is to continue as commercial; therefore, the amended remedy will be desirable as there will be minimal impact to the current commercial business enterprise located at the property in comparison to the ROD selected remedy or the pre-disposal remedy. The amended remedy also satisfies the threshold criteria and provides the best balance of the balancing criterion.

SECTION 9: AMENDED REMEDY

The Department has amended the Record of Decision (ROD) for the 24 Seneca Avenue site. The changes to the selected remedy are summarized in Section 7.4 above.

The estimated cost to complete the original remedy was $2,282,000, in 2016 dollars. The present worth total lifecycle cost for the amended remedy is estimated to be $5,985,000 (30 years of site management).

The elements of the amended remedy listed below are identified as ***modified or new*** when compared to the March 2016 remedy:

1. Remedial Design
   A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:
   - Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
   - Reducing direct and indirect greenhouse gases and other emissions;
   - Increasing energy efficiency and minimizing use of non-renewable energy;
   - Conserving and efficiently managing resources and materials;
   - Reducing waste, increasing recycling and increasing reuse of materials which would

otherwise be considered a waste;

- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings will include, at a minimum, a 20-mil vapor barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

(MODIFIED – Current Standardized Remedial Language - No Substantive Changes)

2. Excavation
   All soils in the upper foot which exceed the commercial SCOs will be excavated and transported off-site for disposal.
   (MODIFIED - Current Standardized Remedial Language - Substantive Changes*)*

3. Backfill
   Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to replace the excavated soil and establish the designed grades at the site.
   (MODIFIED – Current Standardized Remedial Language - No Substantive Changes)

4. Cleaning and Closure of Structures
   Two underground storage tanks and associated piping will be cleaned and closed in place in accordance with Department guidance and regulations. The drainage structures will be cleaned.
   (New)

5. Cover System
   A site cover currently exists in areas not occupied by buildings and will be maintained to allow for commercial use of the site. Any site redevelopment will maintain the existing site cover. The site cover may include paved surface parking areas, sidewalks, or soil where the upper one foot of exposed surface soil meets the applicable soil cleanup objectives (SCOs) for commercial use. Any fill material brought to the site will meet the requirements for the identified site use as set forth in 6 NYCRR part 375-6.7(d).
   (MODIFIED - Current Standardized Remedial Language - No Substantive Changes*)*

6. In-Situ Thermal Treatment
   In-situ thermal treatment will be implemented to destroy or volatilize volatile organic compounds (VOCs) in the source area located in the central portion of the site building. The gases produced by the thermal treatment will be collected by vapor extraction wells and treated in an ex-situ treatment unit. Effluent vapors will be treated.
   (New)

7. Vapor Mitigation
   Any on-site buildings and off-site buildings impacted by the site will be required to have a sub-slab depressurization system, or other acceptable measures, to mitigate the migration of vapors into the building(s) from soil and/or groundwater.
   (MODIFIED - Current Standardized Remedial Language - Substantive Changes)

8. Engineering and Institutional Controls
   Imposition of an institutional control in the form of an environmental easement and a Site Management Plan, as described below, will be required. The remedy will achieve a restricted commercial cleanup.

   Institutional Control:
   Imposition of an institutional control in the form of an environmental easement for the controlled property which will:
   - Require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
   - Allow the use and development of the controlled property for commercial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
   - Restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and
   - Require compliance with the Department approved Site Management Plan.

   (MODIFIED - Current Standardized Remedial Language - No Substantive Changes)

9. Site Management Plan
   A Site Management Plan is required, which includes the following:
   1) An Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:

      Institutional Controls: The Environmental Easement discussed in Paragraph 8 above.

      Engineering Controls: The soil cover discussed in Paragraph 5 and the sub-slab depressurization system discussed in Paragraph 7 above.

      This plan includes, but may not be limited to:
      - an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
      - descriptions of the provisions of the environmental easement including any land use, and/or groundwater use restrictions;
      - a provision for further investigation and remediation should large scale redevelopment occur, if any of the existing structures are demolished, or if the subsurface is otherwise made accessible. The nature and extent of contamination in areas where access was previously limited or unavailable will be immediately and thoroughly investigated pursuant to a plan approved by the Department. Based on the investigation results and the Department determination of the need for a remedy, a Remedial Action Work Plan (RAWP) will be developed for the final remedy for the site, including removal and/or

treatment of any source areas to the extent feasible. Citizen Participation Plan (CPP) activities will continue through this process. Any necessary remediation will be completed prior to, or in association with, redevelopment;

- a provision should redevelopment occur to ensure no soil exceeding protection of groundwater concentrations will remain below storm water retention basin or infiltration structures;
- a provision for demolition of the onsite building if and when it becomes unsafe or inactive or vacant;
- a provision for evaluation of the potential for soil vapor intrusion for any occupied buildings on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
- a provision that should a building foundation or building slab be removed in the future, a cover system consistent with that described in Paragraph 5 above will be placed in any areas where the upper one foot of exposed surface soil exceeds the applicable soil cleanup objectives (SCOs);
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

2) A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:

- monitoring of groundwater and indoor air to assess the performance and effectiveness of the remedy;
- a schedule of monitoring and frequency of submittals to the Department; and
- monitoring for vapor intrusion for any buildings on the site as may be required by the Institutional and Engineering Control Plan discussed above.

(MODIFIED - Current Standardized Remedial Language - Substantive Changes)

SECTION 10: NEXT STEPS

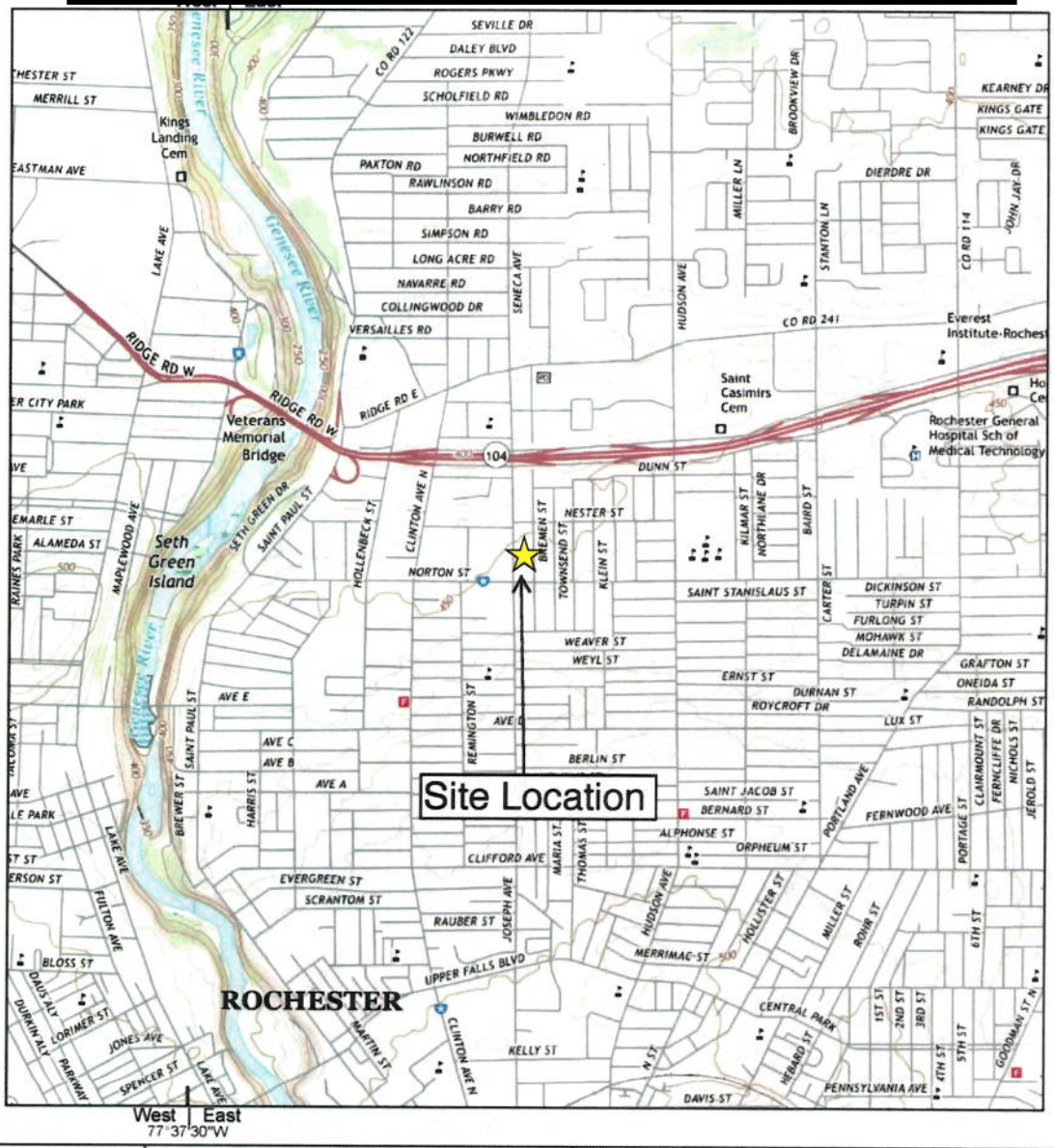
As described above, there was a comment period on the proposed changes to the selected remedy. At the close of the comment period, the Department evaluated the comments received and prepared a responsiveness summary which is incorporated into this document. This signed Amended ROD document describes the Department's final decision on the 24 Seneca Avenue site.

If you have questions or need additional information you may contact any of the following:

Project Environmental Related Questions
Charlotte Theobald, Project Manager
New York State Department of
Environmental Conservation
6274 East Avon-Lima Road
Avon, New York 14414
585-226-5354
charlotte.theobald@dec.ny.gov

Site-Related Health Questions
Mark Sergott, P.G., Project Manager
New York State Department of Health
Bureau of Environmental Exposure Investigation
Empire State Plaza, Corning Tower, Room 1787
Albany, New York 12237
518-402-7860
BEEI@health.state.ny.us

Amended Record of Decision
Figure 1



2016	0 Distance in Miles 1 1: 24,000 (1"=2,000') NAD 1983 UTM Zone 18N	Site information: Former Sargent & Greenleaf 24 Seneca Avenue Rochester, NY 14621
Unified maps show subdued modern topo features where corresponding maps of the same year were not published.	Gnarus Advisors project #SGROCNY-18023.00 HIG #2015773 completed: 05/07/2018	

Zone	Topographic Map Name	Publisher	Map Size	Base Map	Aerial Photo Topo Updates Photo Year	Inspected	Revised
East	Rochester East, NY	USGS	7½' x 7½'	2016	--	--	--
West	Rochester West, NY	USGS	7½' x 7½'	2016	--	--	--

FIGURE 1	Site Location Map 24 Seneca Avenue, Rochester, New York	

Amended Record of Decision
Figure 2

FIGURE

LEGEND

- SUB-SLAB VAPOR INTRUSION SAMPLING POINT
- INDOOR AIR SAMPLE POINT
- AMBIENT AIR SAMPLE POINT
- 574 NORTON STREET PARCEL (SEE NOTE 2 BELOW)
- BUILDING FOOTPRINT
- APPROXIMATE PROPERTY BOUNDARY
- APPROXIMATE LOCATION OF INTERIOR WALLS

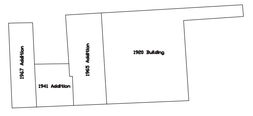
NOTES

1. All locations are approximate.
2. Hatched area (574 Norton Street) near southwest corner of Site is not part of the 24 Seneca Avenue parcel but was included in the Remedial Investigation.
3. Interior wall locations identified are based upon O'Brien & Gere field observations conducted on 12/18/07.
4. Map Source: NYSGIS Clearinghouse, 2005

30 0 60

1"=30'

Building Addition Detail



SOIL VAPOR INTRUSION SAMPLING LOCATIONS

24 SENECA AVENUE
CITY OF ROCHESTER
MONROE COUNTY, NEW YORK

FILE NO. 11862.41933
APRIL 2010

O'BRIEN & GERE

I:\Rochester-C.11862\41933.24-Seneca-Ri-Aa\Docs\DWG\2010-05-04_SVI_Figure_1.dwg

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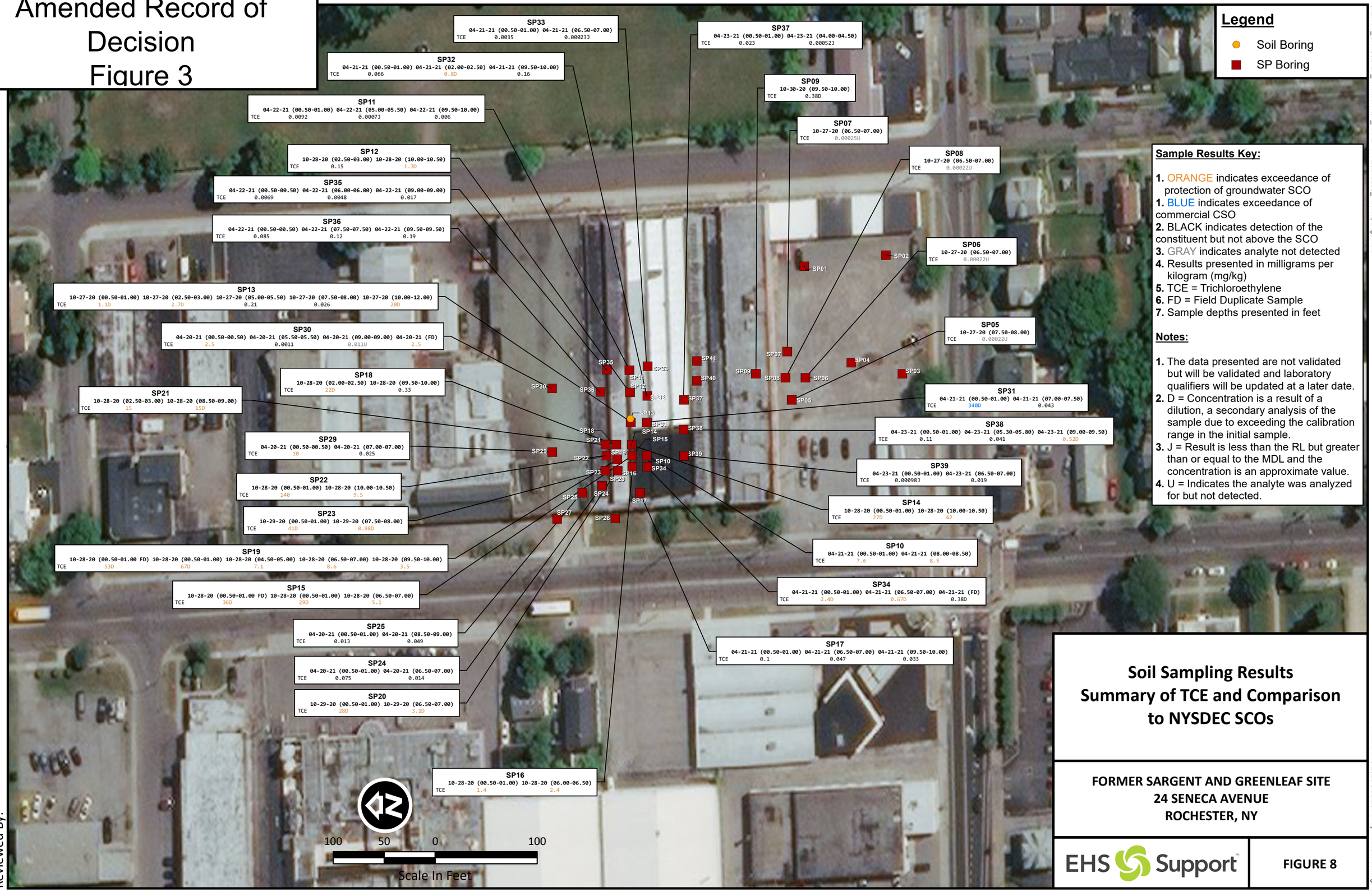
Amended Record of Decision
Figure 3



Legend

- Soil Boring
- SP Boring

Sample Results Key:

1. ORANGE indicates exceedance of protection of groundwater SCO
1. BLUE indicates exceedance of commercial CSO
2. BLACK indicates detection of the constituent but not above the SCO
3. GRAY indicates analyte not detected
4. Results presented in milligrams per kilogram (mg/kg)
5. TCE = Trichloroethylene
6. FD = Field Duplicate Sample
7. Sample depths presented in feet

Notes:

1. The data presented are not validated but will be validated and laboratory qualifiers will be updated at a later date.
2. D = Concentration is a result of a dilution, a secondary analysis of the sample due to exceeding the calibration range in the initial sample.
3. J = Result is less than the RL but greater than or equal to the MDL and the concentration is an approximate value.
4. U = Indicates the analyte was analyzed for but not detected.

Soil Sampling Results
Summary of TCE and Comparison to NYSDEC SCOs

FORMER SARGENT AND GREENLEAF SITE
24 SENECA AVENUE
ROCHESTER, NY

EHS Support™

FIGURE 8

Reviewed By:

J:\EHSS_GIS\CO2727_Rochester01_ANALYSIS\20210205_SiteMapFig8.mxd

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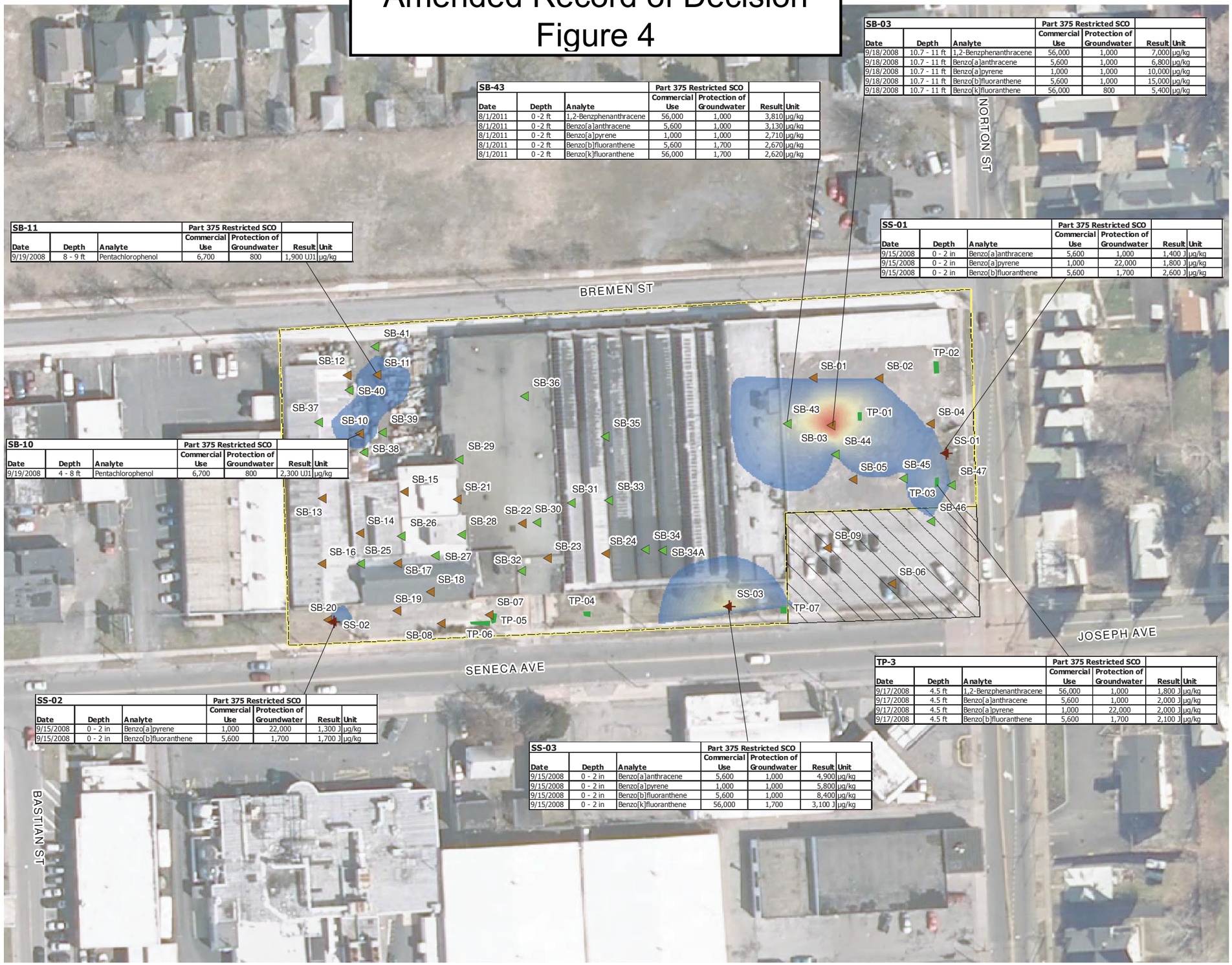
Amended Record of Decision
Figure 4

FIGURE 2D



SB-43			Part 375 Restricted SCO			
Date	Depth	Analyte	Commercial Use	Protection of Groundwater	Result	Unit
8/1/2011	0 - 2 ft	1,2-Benzphenanthracene	56,000	1,000	3,810	µg/kg
8/1/2011	0 - 2 ft	Benzo[a]anthracene	5,600	1,000	3,130	µg/kg
8/1/2011	0 - 2 ft	Benzo[a]pyrene	1,000	1,000	2,710	µg/kg
8/1/2011	0 - 2 ft	Benzo[b]fluoranthene	5,600	1,700	2,670	µg/kg
8/1/2011	0 - 2 ft	Benzo[k]fluoranthene	56,000	1,700	2,620	µg/kg

SB-03			Part 375 Restricted SCO			
Date	Depth	Analyte	Commercial Use	Protection of Groundwater	Result	Unit
9/18/2008	10.7 - 11 ft	1,2-Benzphenanthracene	56,000	1,000	7,000	µg/kg
9/18/2008	10.7 - 11 ft	Benzo[a]anthracene	5,600	1,000	6,800	µg/kg
9/18/2008	10.7 - 11 ft	Benzo[a]pyrene	1,000	1,000	10,000	µg/kg
9/18/2008	10.7 - 11 ft	Benzo[b]fluoranthene	5,600	1,000	15,000	µg/kg
9/18/2008	10.7 - 11 ft	Benzo[k]fluoranthene	56,000	800	5,400	µg/kg

SB-11			Part 375 Restricted SCO			
Date	Depth	Analyte	Commercial Use	Protection of Groundwater	Result	Unit
9/19/2008	8 - 9 ft	Pentachlorophenol	6,700	800	1,900 UJ1	µg/kg

SS-01			Part 375 Restricted SCO			
Date	Depth	Analyte	Commercial Use	Protection of Groundwater	Result	Unit
9/15/2008	0 - 2 in	Benzo[a]anthracene	5,600	1,000	1,400 J	µg/kg
9/15/2008	0 - 2 in	Benzo[a]pyrene	1,000	22,000	1,800 J	µg/kg
9/15/2008	0 - 2 in	Benzo[b]fluoranthene	5,600	1,700	2,600 J	µg/kg

SB-10			Part 375 Restricted SCO			
Date	Depth	Analyte	Commercial Use	Protection of Groundwater	Result	Unit
9/19/2008	4 - 8 ft	Pentachlorophenol	6,700	800	2,300 UJ1	µg/kg

SS-02			Part 375 Restricted SCO			
Date	Depth	Analyte	Commercial Use	Protection of Groundwater	Result	Unit
9/15/2008	0 - 2 in	Benzo[a]pyrene	1,000	22,000	1,300 J	µg/kg
9/15/2008	0 - 2 in	Benzo[b]fluoranthene	5,600	1,700	1,700 J	µg/kg

TP-3			Part 375 Restricted SCO			
Date	Depth	Analyte	Commercial Use	Protection of Groundwater	Result	Unit
9/17/2008	4.5 ft	1,2-Benzphenanthracene	56,000	1,000	1,800 J	µg/kg
9/17/2008	4.5 ft	Benzo[a]anthracene	5,600	1,000	2,000 J	µg/kg
9/17/2008	4.5 ft	Benzo[a]pyrene	1,000	22,000	2,000 J	µg/kg
9/17/2008	4.5 ft	Benzo[b]fluoranthene	5,600	1,700	2,100 J	µg/kg

SS-03			Part 375 Restricted SCO			
Date	Depth	Analyte	Commercial Use	Protection of Groundwater	Result	Unit
9/15/2008	0 - 2 in	Benzo[a]anthracene	5,600	1,000	4,900	µg/kg
9/15/2008	0 - 2 in	Benzo[a]pyrene	1,000	1,000	5,800	µg/kg
9/15/2008	0 - 2 in	Benzo[b]fluoranthene	5,600	1,000	8,400	µg/kg
9/15/2008	0 - 2 in	Benzo[k]fluoranthene	56,000	1,700	3,100 J	µg/kg

N

LEGEND

- AUGUST 2011 GEOPROBE® SOIL BORING
- SURFACE SOIL SAMPLE LOCATION
- SEPTEMBER 2008 GEOPROBE® SOIL BORING
- TEST PIT

TOTAL SVOC RESULTS (ppb)

48000
36000
24000
12000
0

- 574 NORTON STREET PARCEL
- APPROXIMATE PROPERTY BOUNDARY

NOTES:

1. SCO: NYSDEC PART 375 RESTRICTED COMMERCIAL USE AND/OR PROTECTION OF GROUNDWATER
2. ONLY ANALYTICAL RESULTS EXCEEDING SCO WERE USED FOR INTERPOLATION; DATA USED FOR INTERPOLATION ARE SHOWN IN DATABOX.
3. ALL LOCATIONS ARE APPROXIMATE
4. 574 NORTON STREET PARCEL IS NOT PART OF THE 24 SENECA AVENUE PARCEL BUT IS INCLUDED IN THE RI.
5. AERIAL IMAGERY SOURCE: NYS GIS CLEARINGHOUSE, DATE APRIL 2009.

CITY OF ROCHESTER
SUPPLEMENTAL
RI REPORT
24 SENECA AVENUE
ROCHESTER, NEW YORK

GEOPROBE® SOIL BORING LOCATIONS AND SUBSURFACE SOIL SAMPLE SEMI-VOLATILE ORGANIC COMPOUND ANALYTICAL EXCEEDANCES (PART 375 RESTRICTED USE)

0 40 80 160
Feet

MAY 2012
11862.47362

O'BRIEN & GERE

This document was developed in color. Reproduction in B/W may not represent the data as intended.

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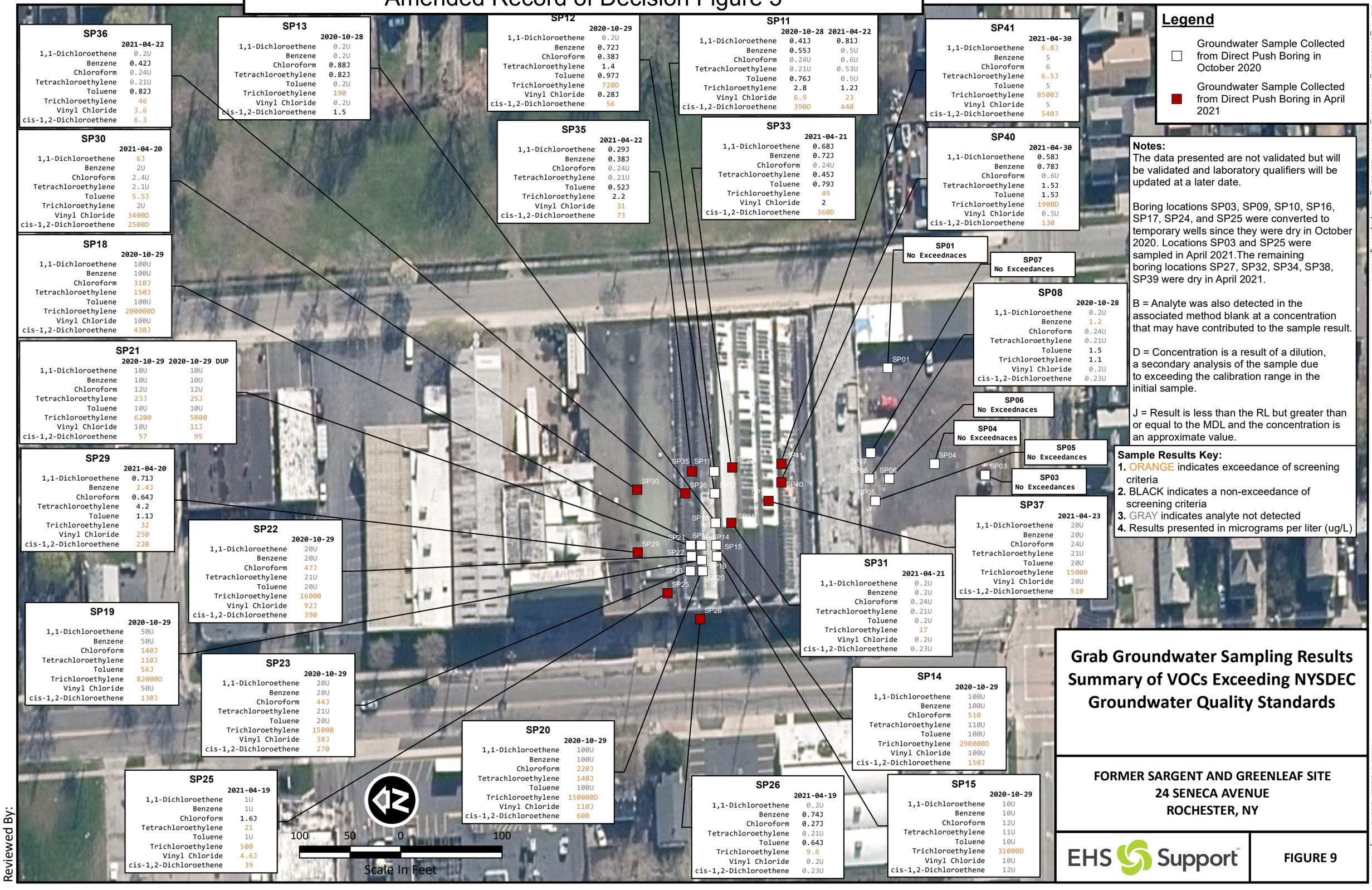
Amended Record of Decision Figure 5



SP36	2021-04-22
1,1-Dichloroethene	0.2U
Benzene	0.42J
Chloroform	0.24U
Tetrachloroethylene	0.21U
Toluene	0.82J
Trichloroethylene	46
Vinyl Chloride	3.6
cis-1,2-Dichloroethene	6.3

SP30	2021-04-20
1,1-Dichloroethene	6J
Benzene	2U
Chloroform	2.4U
Tetrachloroethylene	2.1U
Toluene	5.5J
Trichloroethylene	2U
Vinyl Chloride	3400D
cis-1,2-Dichloroethene	2500D

SP18	2020-10-29
1,1-Dichloroethene	100U
Benzene	100U
Chloroform	310J
Tetrachloroethylene	150J
Toluene	100U
Trichloroethylene	200000D
Vinyl Chloride	100U
cis-1,2-Dichloroethene	430J

SP21	2020-10-29	2020-10-29 DUP
1,1-Dichloroethene	10U	10U
Benzene	10U	10U
Chloroform	12U	12U
Tetrachloroethylene	23J	25J
Toluene	10U	10U
Trichloroethylene	6200	5800
Vinyl Chloride	10U	11J
cis-1,2-Dichloroethene	57	95

SP29	2021-04-20
1,1-Dichloroethene	0.71J
Benzene	2.4J
Chloroform	0.64J
Tetrachloroethylene	4.2
Toluene	1.1J
Trichloroethylene	32
Vinyl Chloride	250
cis-1,2-Dichloroethene	220

SP13	2020-10-28
1,1-Dichloroethene	0.2U
Benzene	0.2U
Chloroform	0.88J
Tetrachloroethylene	0.82J
Toluene	0.2U
Trichloroethylene	190
Vinyl Chloride	0.2U
cis-1,2-Dichloroethene	1.5

SP12	2020-10-29
1,1-Dichloroethene	0.2U
Benzene	0.72J
Chloroform	0.38J
Tetrachloroethylene	1.4
Toluene	0.97J
Trichloroethylene	720D
Vinyl Chloride	0.28J
cis-1,2-Dichloroethene	56

SP35	2021-04-22
1,1-Dichloroethene	0.29J
Benzene	0.38J
Chloroform	0.24U
Tetrachloroethylene	0.21U
Toluene	0.52J
Trichloroethylene	2.2
Vinyl Chloride	31
cis-1,2-Dichloroethene	73

SP11	2020-10-28	2021-04-22
1,1-Dichloroethene	0.41J	0.81J
Benzene	0.55J	0.5U
Chloroform	0.24U	0.6U
Tetrachloroethylene	0.21U	0.53U
Toluene	0.76J	0.5U
Trichloroethylene	2.8	1.2J
Vinyl Chloride	6.9	23
cis-1,2-Dichloroethene	390D	440

SP33	2021-04-21
1,1-Dichloroethene	0.68J
Benzene	0.72J
Chloroform	0.24U
Tetrachloroethylene	0.45J
Toluene	0.79J
Trichloroethylene	49
Vinyl Chloride	2
cis-1,2-Dichloroethene	360D

SP41	2021-04-30
1,1-Dichloroethene	6.8J
Benzene	5
Chloroform	6
Tetrachloroethylene	6.5J
Toluene	5
Trichloroethylene	8500J
Vinyl Chloride	5
cis-1,2-Dichloroethene	540J

SP40	2021-04-30
1,1-Dichloroethene	0.58J
Benzene	0.78J
Chloroform	0.6U
Tetrachloroethylene	1.5J
Toluene	1.5J
Trichloroethylene	1900D
Vinyl Chloride	0.5U
cis-1,2-Dichloroethene	130

SP01
No Exceednaces

SP07
No Exceedances

SP08	2020-10-28
1,1-Dichloroethene	0.2U
Benzene	1.2
Chloroform	0.24U
Tetrachloroethylene	0.21U
Toluene	1.5
Trichloroethylene	1.1
Vinyl Chloride	0.2U
cis-1,2-Dichloroethene	0.23U

SP06
No Exceednaces

SP04
No Exceednaces

SP05
No Exceedances

SP03
No Exceedances

SP37	2021-04-23
1,1-Dichloroethene	20U
Benzene	20U
Chloroform	24U
Tetrachloroethylene	21U
Toluene	20U
Trichloroethylene	15000
Vinyl Chloride	20U
cis-1,2-Dichloroethene	510

SP22	2020-10-29
1,1-Dichloroethene	20U
Benzene	20U
Chloroform	47J
Tetrachloroethylene	21U
Toluene	20U
Trichloroethylene	16000
Vinyl Chloride	92J
cis-1,2-Dichloroethene	390

SP19	2020-10-29
1,1-Dichloroethene	50U
Benzene	50U
Chloroform	140J
Tetrachloroethylene	110J
Toluene	56J
Trichloroethylene	82000D
Vinyl Chloride	50U
cis-1,2-Dichloroethene	130J

SP23	2020-10-29
1,1-Dichloroethene	20U
Benzene	20U
Chloroform	44J
Tetrachloroethylene	21U
Toluene	20U
Trichloroethylene	15000
Vinyl Chloride	38J
cis-1,2-Dichloroethene	270

SP20	2020-10-29
1,1-Dichloroethene	100U
Benzene	100U
Chloroform	220J
Tetrachloroethylene	140J
Toluene	100U
Trichloroethylene	150000D
Vinyl Chloride	110J
cis-1,2-Dichloroethene	600

SP31	2021-04-21
1,1-Dichloroethene	0.2U
Benzene	0.2U
Chloroform	0.24U
Tetrachloroethylene	0.21U
Toluene	0.2U
Trichloroethylene	17
Vinyl Chloride	0.2U
cis-1,2-Dichloroethene	0.23U

SP14	2020-10-29
1,1-Dichloroethene	100U
Benzene	100U
Chloroform	510
Tetrachloroethylene	110U
Toluene	100U
Trichloroethylene	290000D
Vinyl Chloride	100U
cis-1,2-Dichloroethene	150J

SP25	2021-04-19
1,1-Dichloroethene	1U
Benzene	1U
Chloroform	1.6J
Tetrachloroethylene	21
Toluene	1U
Trichloroethylene	500
Vinyl Chloride	4.6J
cis-1,2-Dichloroethene	39

SP26	2021-04-19
1,1-Dichloroethene	0.2U
Benzene	0.74J
Chloroform	0.27J
Tetrachloroethylene	0.21U
Toluene	0.64J
Trichloroethylene	9.6
Vinyl Chloride	0.2U
cis-1,2-Dichloroethene	0.23U

SP15	2020-10-29
1,1-Dichloroethene	10U
Benzene	10U
Chloroform	12U
Tetrachloroethylene	11U
Toluene	10U
Trichloroethylene	31000D
Vinyl Chloride	10U
cis-1,2-Dichloroethene	12U

SP01 SP07 SP08 SP06 SP04 SP03 SP05 SP35 SP11 SP33 SP41 SP30 SP36 SP12 SP40 SP13 SP34 SP21 SP18 SP14 SP15 SP29 SP22 SP19 SP23 SP20 SP31 SP25 SP26

100 50 0 100
Scale In Feet

Legend

- ☐ Groundwater Sample Collected from Direct Push Boring in October 2020
- ■ Groundwater Sample Collected from Direct Push Boring in April 2021

Notes:
The data presented are not validated but will be validated and laboratory qualifiers will be updated at a later date.

Boring locations SP03, SP09, SP10, SP16, SP17, SP24, and SP25 were converted to temporary wells since they were dry in October 2020. Locations SP03 and SP25 were sampled in April 2021.The remaining boring locations SP27, SP32, SP34, SP38, SP39 were dry in April 2021.

B = Analyte was also detected in the associated method blank at a concentration that may have contributed to the sample result.

D = Concentration is a result of a dilution, a secondary analysis of the sample due to exceeding the calibration range in the initial sample.

J = Result is less than the RL but greater than or equal to the MDL and the concentration is an approximate value.

Sample Results Key:
1. ORANGE indicates exceedance of screening criteria
2. BLACK indicates a non-exceedance of screening criteria
3. GRAY indicates analyte not detected
4. Results presented in micrograms per liter (ug/L)

Grab Groundwater Sampling Results
Summary of VOCs Exceeding NYSDEC
Groundwater Quality Standards

FORMER SARGENT AND GREENLEAF SITE
24 SENECA AVENUE
ROCHESTER, NY

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FIGURE 9

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Amended Record of Decision
Figure 6

Legend

- Bedrock Monitoring Well Location
- Destroyed Bedrock Monitoring Well Location
- Shallow Monitoring Well Location
- Destroyed Shallow Monitoring Well Location

RIZ-3
No Exceedances

RIZ-2

MW-14

	2021-05-12
1,1-Dichloroethane	2.1
1,1-Dichloroethene	60J
1,2-Dichloroethane	3.9
Benzene	2.3
Carbon Disulfide	0.45J
Chloroform	0.26J
Chloromethane	0.28J
Ethylbenzene	0.25J
Methylene Chloride	5.1
O-Xylene (1,2-Dimethylbenzene)	0.6J
Tetrachloroethylene	5.3
Toluene	2.8
Trichloroethylene	92000J
Vinyl Chloride	170
cis-1,2-Dichloroethene	11000J
trans-1,2-Dichloroethene	100J

MW-11
Paved Over

RIZ-1

MW-12
No Exceedances

MW-8

	2021-04-27
Tetrachloroethylene	0.3J
Trichloroethylene	31
Vinyl Chloride	1.7
cis-1,2-Dichloroethene	25
trans-1,2-Dichloroethene	0.31J

MW-7

	2021-04-27
Trichloroethylene	440
cis-1,2-Dichloroethene	270
trans-1,2-Dichloroethene	1J

MW-13

	2021-05-12
1,1-Dichloroethane	0.24J
1,1-Dichloroethene	140J
Benzene	0.98J
Tetrachloroethylene	0.56J
Toluene	0.34J
Trichloroethylene	3800D
Vinyl Chloride	1600D
cis-1,2-Dichloroethene	9200D
trans-1,2-Dichloroethene	72J

MW-9

	2021-04-28
Chloroform	0.52J
Trichloroethylene	140
Vinyl Chloride	1.1J
cis-1,2-Dichloroethene	91
trans-1,2-Dichloroethene	3.1

RIZ-5

MW-2

MW-1
No Exceedances

RIZ-4
No Exceedances

OW-101
No Exceedances

RIZ-6

MW-10

	2021-04-28
Chloroform	180J
Trichloroethylene	16000
cis-1,2-Dichloroethene	670

MW-15

	2021-05-12	2021-05-12 DUP
1,1-Dichloroethene	7.9J	8.3J
Chloromethane	0.42J	0.42J
Tetrachloroethylene	0.52J	0.51J
Trichloroethylene	770D	710D
Vinyl Chloride	80	87
cis-1,2-Dichloroethene	890D	840D
trans-1,2-Dichloroethene	9.6J	9.4J

RIZ-9
No Exceedances

RIZ-7
No Exceedances

RIZ-8
Trichloroethylene 20.6
(Last Sampled in 1996; well no longer present)

MW-3

	2021-04-28	2021-04-28 DUP
Benzene	4.1	4.1
Isopropylbenzene (Cumene)	7.6	7.7
O-Xylene (1,2-Dimethylbenzene)	0.48J	0.51J
Toluene	1.1	0.97J
Vinyl Chloride	0.86J	0.9J
cis-1,2-Dichloroethene	1.1	1.1

MW-4

	2021-04-28
1,1-Dichloroethene	1J
Benzene	1
Trichloroethylene	15
Vinyl Chloride	100
cis-1,2-Dichloroethene	190D

MW-6
No Exceedances

MW-5
No Exceedances

Sample Results Key:
1. ORANGE indicates exceedance of screening criteria
2. BLACK indicates a non-exceedance of screening criteria
3. Results presented in micrograms per liter (ug/L)

Notes:

The data presented are not validated but will be validated and laboratory qualifiers will be updated at a later date.

D = Concentration is a result of a dilution, a secondary analysis of the sample due to exceeding the calibration range in the initial sample.

J = Result is less than the RL but greater than or equal to the MDL and the concentration is an approximate value.

100 50 0 100
Scale In Feet

Monitoring Well Groundwater Sampling Results Summary of VOCs Compared to NYSDEC Groundwater Quality Standards

FORMER SARGENT AND GREENLEAF SITE
24 SENECA AVENUE
ROCHESTER, NY

EHS Support™

FIGURE 10

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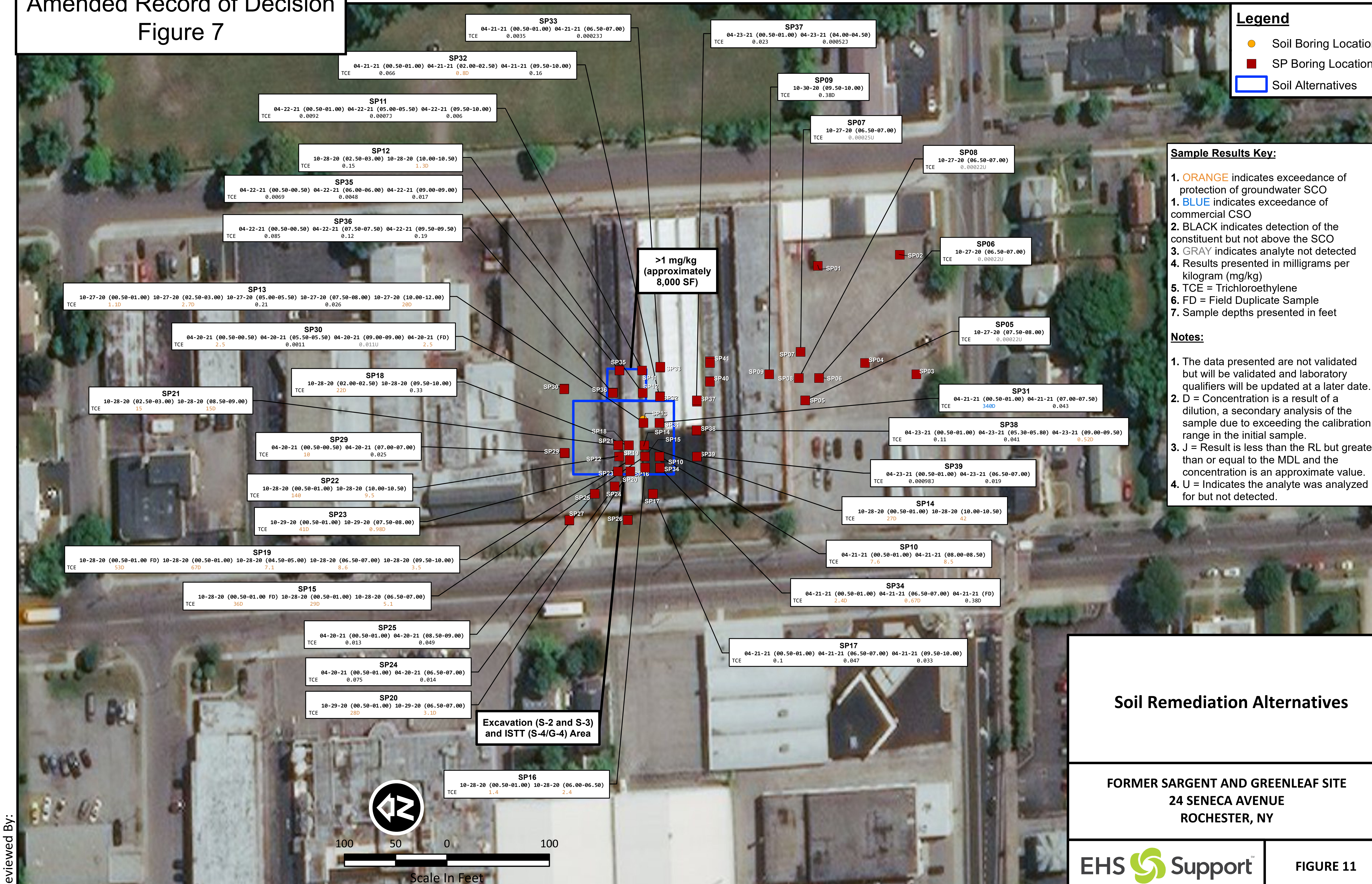
Amended Record of Decision
Figure 7



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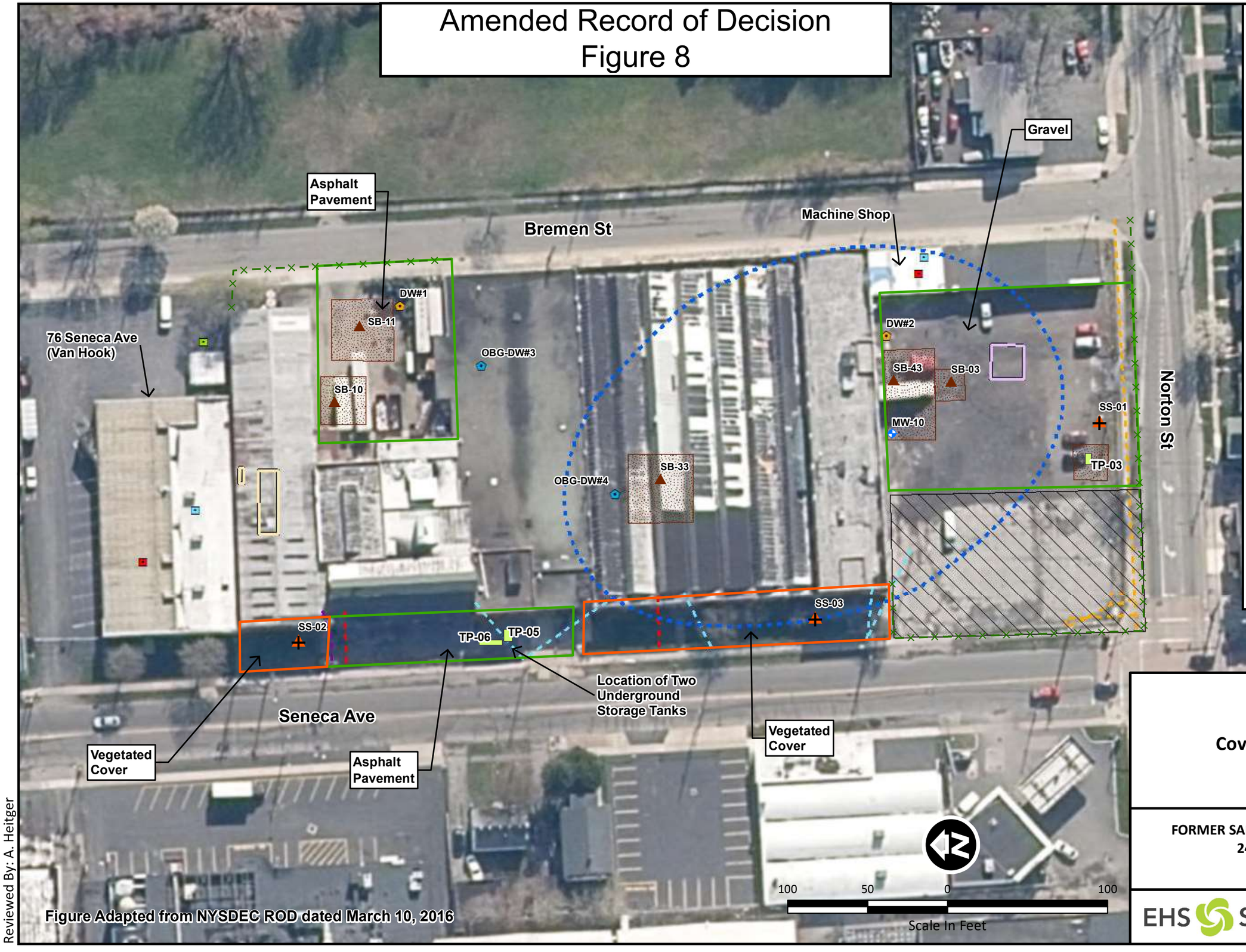
Reviewed By:

Amended Record of Decision
Figure 8



Legend

- Remove Existing Surface (8") & Replace with New Asphalt Cap
- Replace or Rehabilitate Existing Chain Link Fence
- Remove & Replace Existing Topsoil Cover (1')
- Bedrock Monitoring Well
- Grossly Impacted Soil Borings (Excavate)
- Impacted Surface Soil Samples (Excavate)
- Test Pits
- Approximate Limits of Excavation
- Approximate In-Situ Treatment Area for VOC Groundwater Plume
- 574 Norton Street Parcel

Proposed Sample Locations

- Proposed Ambient Air
- Proposed Indoor Air
- Proposed Sub-Slab Vapor Sample

Impacted Storm Drain Features

- To be Removed
- To be Rehabilitated or Replaced

Underground Features

- Vault
- Former UST/Gas Station

Utilities

- Electric
- Fiber
- Gas
- Overhead

Figure Adapted from NYSDEC ROD dated March 10, 2016

Cover System Areas

FORMER SARGENT AND GREENLEAF SITE
24 SENECA AVENUE
ROCHESTER, NY

EHS Support

FIGURE 1

Reviewed By: A. Heitger

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APPENDIX A

RESPONSIVENESS SUMMARY

Responsiveness Summary

24 Seneca Avenue
State Superfund Project
Town of Brighton, Monroe, New York
Site No. 828150

The Amendment to Record of Decision (AROD) for the 24 Seneca Avenue site, was prepared by the New York State Department of Environmental Conservation (the Department) in consultation with the New York State Department of Health (NYSDOH). The AROD outlines the selected amendment to the 2016 ROD for the contaminated soil and groundwater at the 24 Seneca Avenue site.

The release of the AROD was announced by sending a notice to the public contact list, informing the public of the opportunity to comment on the proposed remedy.

A virtual public meeting was held on March 23, 2023, which included a presentation of the proposed amendments to the 2016 ROD for the 24 Seneca Avenue. The meeting provided an opportunity for citizens to discuss their concerns, ask questions and comment on the proposed remedy. These comments have become part of the Administrative Record for this site. The public comment period for the AROD ran from March 1 through March 30, 2023.

This responsiveness summary responds to all questions and comments raised during the public comment period. The following comments were received, followed by the Department's responses:

COMMENT 1:
I represent Dark Hardware, which is occupies the building. I have a site with TCE contamination where thermal treatment worked really well. It had very high levels and the treatment took it down by orders of magnitude. However, the contractor informed my client next door not to do any excavations or drilling or anything because of an electrical charge. Are theree any restrictions for us on the site?

RESPONSE 1:
In-situ thermal treatment contractors perform appropriate safety checks to ensure the remedy is implemented safely.

COMMENT 2:
Will you be putting in points inside the building?

RESPONSE 2:
It’s anticipated that there will be heating points inside the building; however, spacing will be determined during the design phase.

COMMENT 3:
Is Stanley Black and Decker committed to paying for the remediation of the site?

RESPONSE 3:
As noted in Section 5: Enforcement Status of the AROD, in accordance with the December 2021 Order on Consent, within 30 days of the Department's issuance of the AROD, Stanley Black & Decker shall notify the Department in writing whether it will implement the amended ROD.

COMMENT 4:
What's the timetable here ?

RESPONSE 4:
Following issuance of the AROD, there will be a design phase. When the design is complete and approved by the Department, a contractor will be procured to implement the remedy. The schedule will become more definitive as this progress progresses. The Department will issue a fact sheet on listserv prior to the start of remedy implementation.

COMMENT 5:
The Proposed AROD does not include a discussion of access issues and the potential impact on the timing of the remedy. The current tenant stores equipment and supplies throughout the central warehouse of the Site where the in situ thermal treatment is to be implemented, which, unless the inventory is moved, will make it impracticable to implement the in situ thermal treatment remedy. The in situ thermal treatment remedy was thoroughly evaluated in the Chlorinated Volatile Organic Pre-Design Investigation Report and Remedy Evaluation, EHS Support and Gnarus Advisors LLC (Jan. 2022) (the PDI and Remedy Evaluation Report), which is incorporated by reference herein. In situ thermal treatment was recommended (along with other remedial alternatives) based on the remedial evaluation on the condition that it would not be implemented until adequate access is obtained. The AROD should expressly provide that the in situ thermal treatment can be delayed until the building is vacated or demolished or adequate access will be provided by the tenant to allow the work to be performed efficiently without interference.

RESPONSE 5:
The Department is aware of the situation regarding the tenant of the site. A site's remedy as presented in a ROD or AROD is a framework for the remedy but does not provide specific details associated with the implementation of the remedy. If details are too specific in ARODs and RODs, then there is the potential for numerous amendments as the site goes through remedial design and implementation because remedial elements may need to be modified. Therefore, a schedule is not presented in the AROD. A project implementation schedule is part of the Remedial Action Work Plan (RAWP). The Department's DER-10 5.2 and 5.3 provides the substantial requirements for a remedial design and RAWP.

COMMENT 6:
The Proposed AROD includes a requirement that the Site Management Plan include, "A provision for further investigation and remediation should large scale redevelopment occur, if any of the existing structures are demolished, or if the subsurface is otherwise made accessible. The nature and extent of contamination in areas where access was previously limited or unavailable will be immediately and thoroughly investigated pursuant to a plan approved by the Department." The remedial investigation, which was approved by NYSDEC before the 2016 ROD was issued, and the subsequent pre-design investigation reported in the PDI and Remedy Evaluation Report covered all the suspected source areas at the Site and there is no need for further investigation, even if access at the Site is improved. During the

pre-design investigation, the tenant moved equipment and supplies to facilitate access and the investigation was thorough. The requirement for additional investigation after building demolition or improved access was in the 2016 ROD; however, the pre-design investigation adequately addressed the investigation of the source area soils. This requirement should be removed from the AROD.

RESPONSE 6:
The Department understands the responsible party's position. This is standardized language used for all remedies where on-site buildings exist and the responsible party performing the remedial work does not own the site, and all or a portion of the property cannot be fully investigated/remediated due to the overlying structures. Given the site's operational history, size, and access issues that are noted by the commenter, there is a potential for additional areas of unknown contamination underneath the building slab. Previously unknown areas of contamination can be found once a building's slab has been removed.

COMMENT 7:
The proposed AROD includes a requirement that the Site Management Plan include "A provision for demolition of the onsite building if and when it becomes unsafe or inactive or vacant." There is no justification for requiring demolition merely because the building becomes inactive or vacant and such requirement is outside the scope of NYSDEC's authority under the New York State Environmental Conservation Law (ECL) and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375 Environmental Remediation Programs (Part 375). NYSDEC has also exceeded its authority under the ECL and Part 375 by requiring that the building be demolished if it becomes "unsafe." NYSDEC's Site Management Plan Template (January 2022) does not contain any such requirements. Furthermore, this provision was not in the original ROD and is not included in the table listing modifications to the 2016 ROD. In fact, the 2016 ROD specifically states, in response to Comment 21, that demolition of the building is not necessary and there is no basis to modify that conclusion. Finally, the AROD does not specify whether the property owner or operator or a responsible party would be responsible for the building demolition. A responsible party that does not own the property is not legally responsible for the condition of the building or for its demolition if it "becomes unsafe or inactive or vacant." If this requirement is included in the AROD, NYSDEC should clarify that building demolition will be the owner's or operator's responsibility.

RESPONSE 7:
The Department understands the responsible party's position. This is the current standardized language for all remedies where on-site building(s) are present with inaccessible contamination beneath them. The Department acknowledges that the original 2016 Record of Decision did not have this language. The Department does acknowledge that there would need to be extenuating circumstances (e.g., abandoned, condemned) in which a building(s) would be demolished. The Department understands that temporary vacancy is not a reasonable or just cause for demolition.

COMMENT 8:
The 2016 ROD included a fence; however, a fence is not referenced in the Proposed AROD and is not needed for the protection of human health or the environment. The remaining soil contamination will be under pavement or a vegetated cover system. The site cover system specified in the AROD is sufficiently protective of workers, trespassers, and other site occupants; therefore, a fence is not necessary. Also, it would be impracticable to install a fence along Seneca Avenue because it would need to abut (i.e., directly

adjacent to) the sidewalk, which would interfere with the use of the sidewalk. The AROD should specify that the fence is not required as a modification to the 2016 ROD.

RESPONSE 8:
The fence was not a specific element in the 2016 ROD as detailed in Section 7 – Summary of Selected Remedy on pages 13-16. The reference to fencing presented in 2016 ROD in Exhibit B Alternative 3 and Exhibit D was for site access control, as well as Figure 2 of the 2016 ROD mentioned replacement or repair of the existing fence. The site-wide cover will prevent direct contact with the impacted surface soil at the site. If fencing is needed for security or site access purposes, it should meet the building and permitting requirements for the City of Rochester.

COMMENT 9:
The Proposed AROD includes a requirement for conducting a vapor intrusion investigation at 76 Seneca Avenue. SBD would like to note that this investigation may be completed before the Final ROD is published.

RESPONSE 9:
The Department acknowledges the potential. The AROD indicates vapor mitigation is needed within the building. The Department understands that mitigation of the building will be based on validated data collected in accordance with NYSDOH guidance and Department approved work plans.

APPENDIX B

Administrative Record

Administrative Record

24 Seneca Avenue
State Superfund Project
City of Rochester, Monroe County, New York
Site No. 828132

1. Chlorinated Volatile Organic Compound Pre-Design Investigation Report and Remedy Evaluation Addendum for 24 Seneca Avenue site, dated December 2022, prepared by EHS Support GNARUS Advisors LLC for Stanley Black and Decker.

2. Structural Evaluation Report prepared for 24 Seneca Avenue site, dated August 22, 2022, prepared by AECOM for Stanley Black and Decker.

3. Technical Memorandum Work Plan, Chlorinated Volatile Organic Compound Vapor Intrusion Work Plan for 24 Seneca Avenue site, dated November 11, 2022, prepared by EHS Support for Stanley Black and Decker.

4. Letter dated June 24, 2022 from GNARUS Advisors LLC on behalf of Stanley Black and Decker, SVOC Contaminant Source and Remedy Evaluation for 24 Seneca Avenue site.

5. Letter dated May 16, 2022 from GNARUS Advisors LLC on behalf of Stanley Black and Decker, 2016 Record of Decision Evaluation for 24 Seneca Avenue site.

6. Chlorinated Volatile Organic Compound Pre-Design Report and Remedy Evaluation for 24 Seneca Avenue site, dated January 2022, prepared by EHS Support GNARUS for Stanley Black and Decker.

7. First Modification Order on Consent, Department and Stanley Black and Decker, Index No. R8-20180112-6, December 7, 2021.

8. The Department and Stanley Black and Decker entered an Order on Consent, Index No. R8-20180112-6, September 24, 2020.

9. Chlorinated Volatile Organic Compound Pre-Design Investigation and Reductive Dechlorination Pilot Scale Study Work Plan for 24 Seneca Avenue site, dated June 2019, prepared by EHS Support Nathan for Stanley Black and Decker.

10. Site Classification Report Class 2 Package for 24 Seneca Avenue site, dated November 6, 2017, prepared by the Department.

11. Proposed Remedial Action Plan for the 24 Seneca Avenue site, dated November 2015, prepared by the Department.

12. Alternatives Analysis, dated November 2014, prepared by O'Brien & Gere Engineers.

13. Supplemental Soil and Vapor Intrusion Sampling Report, dated December 2013, prepared by O'Brien & Gere Engineers.

14. Supplemental Soil and Vapor Intrusion Sampling Work Plan, dated March 2013, prepared by O'Brien & Gere Engineers.

15. Supplemental Remedial Investigation Report, dated May 2012, prepared by O'Brien & Gere Engineers.

16. Soil Vapor Intrusion Report, dated September 2011, prepared by O'Brien & Gere Engineers.

17. Supplemental Remedial Investigation Work Plan, dated April 2011, prepared by O'Brien & Gere Engineers.

18. Letter dated March 10, 2011 from the City of Rochester. Soil Vapor Intrusion Sampling.

19. Remedial Investigation Report, dated February 2011, prepared by O'Brien & Gere Engineers.

20. Soil Vapor Intrusion Report, dated October 2010, prepared by O'Brien & Gere Engineers.

21. Supplemental Remedial Investigation Work Plan, dated July 2010, prepared by O'Brien & Gere Engineers.

22. Remedial Investigation Work Plan Addendum, dated January 2010, prepared by O'Brien & Gere Engineers.

23. Remedial Investigation Work Plan, dated April 2008, prepared by O'Brien & Gere Engineers.

24. Citizen Participation Plan, dated January 2008, prepared by the City of Rochester.

25. The Department and the City of Rochester entered a State Assistance Contract, Contract No. C303145, November 6, 2006.