



Department of
Environmental
Conservation

State Superfund Program

Citizen Participation Plan

for

Falls Street Incinerator

July 2024

NYSDEC Site No. 828227
52 & 96 Falls Street
City of Rochester
Monroe County, New York

Contents

<u>Section</u>	<u>Page Number</u>
1. What is New York's State Superfund Program?	3
2. Citizen Participation Activities.....	3
3. Major Issues of Public Concern.....	9
4. Site Information.....	10
5. Investigation and Cleanup Process	11
Appendix A - Project Contacts and Locations of Reports and Information	15
Appendix B - Site Contact List.....	17
Appendix C - Site Location Map.....	19
Appendix D – State Superfund Program Process	20

* * * * *

Note: The information presented in this Citizen Participation Plan was current as of the date of its approval by the New York State Department of Environmental Conservation. Portions of this Citizen Participation Plan may be revised during the site's investigation and cleanup process.

Responsible Party: **City of Rochester (“Responsible Party”)**
Site Name: **Falls Street Incinerator (“Site”)**
Site Address: **52 & 96 Falls Street, Rochester, NY 14608**
Site County: **Monroe County**
Site Number: **828227**

1. What is New York’s State Superfund Program?

New York’s State Superfund Program (SSF) identifies and characterizes suspected inactive hazardous waste disposal sites. Sites that pose a significant threat to public health or the environment, such as the site identified above, undergo a process of investigation, evaluation, cleanup, and monitoring.

The New York State Department of Environmental Conservation (NYSDEC) administers the SSF Program with assistance and input from the New York State Department of Health (NYSDOH). When the parties responsible for the contamination of the site are known (“responsible parties”), they often pay for or perform the investigation and evaluation of cleanup options under an enforceable consent order. At sites where responsible parties cannot be found or are unable or unwilling to fund an investigation, the State pays for the investigation and may try to recover costs from a responsible party after the investigation and cleanup are complete.

The SSF program contains investigation and cleanup requirements, ensuring that cleanups protect public health and the environment. For more information about the SSF program, go online at: <http://www.dec.ny.gov/chemical/8439.html> .

2. Citizen Participation Activities

Why NYSDEC Involves the Public and Why It Is Important

NYSDEC involves the public to improve the process of investigating and cleaning up contaminated sites, and to enable citizens to participate more fully in decisions that affect their health, environment, and social well-being. NYSDEC provides opportunities for citizen involvement and encourages early two-way communication with citizens before decision makers form or adopt final positions.

Involving citizens affected and interested in site investigation and cleanup programs is important for many reasons. These include:

- Promoting the development of timely, effective site investigation and cleanup programs that protect public health and the environment
- Improving public access to, and understanding of, issues and information related to a particular site and that site's remedial process
- Providing citizens with early and continuing opportunities to participate in NYSDEC's site investigation and cleanup process
- Ensuring that NYSDEC makes site investigation and cleanup decisions that benefit from input that reflects the interests and perspectives found within the affected community
- Encouraging dialogue to promote the exchange of information among the affected/interested public, State agencies, and other interested parties that strengthens trust among the parties, increases understanding of site and community issues and concerns, and improves decision making.

This Citizen Participation (CP) Plan provides information about how NYSDEC will inform and involve the public during the investigation and cleanup of the site identified above. The public information and involvement program will be carried out with assistance, as appropriate, from the responsible party.

Project Contacts

Appendix A identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site's investigation and cleanup program. The public's suggestions about this CP Plan and the CP program for the site are always welcome. Interested people are encouraged to share their ideas and suggestions with the project contacts at any time.

Locations of Reports and Information

The locations of the reports and information that relate to the site's investigation and cleanup program also are identified in Appendix A. These locations provide convenient access to important project documents for public review and comment. Some documents may be placed on the NYSDEC web site. If this occurs, NYSDEC will inform the public in fact sheets distributed about the site and by other means, as appropriate.

Site Contact List

Appendix B contains the site contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and cleanup process. The site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project. These will include notifications of upcoming activities at the site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

The site contact list includes, at a minimum:

- chief executive officer and planning board chairperson of each county, city, town and village in which the site is located;
- residents, owners, and occupants of the site and properties adjacent to the site;
- the public water supplier which services the area in which the site is located;
- any person who has requested to be placed on the site contact list;
- the administrator of any school or day care facility located on or near the site for purposes of posting and/or dissemination of information at the facility;
- location(s) of reports and information.

The site contact list will be reviewed periodically and updated as appropriate. Individuals and organizations will be added to the site contact list upon request. Such requests should be submitted to the NYSDEC project contact(s) identified in Appendix A. Other additions to the site contact list may be made at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

Note: The first site fact sheet is distributed both by paper mailing through the postal service and through DEC Delivers, its email listserv service. The fact sheet includes instructions for signing up with the appropriate county listserv to receive future notifications about the site. See <http://www.dec.ny.gov/chemical/61092.html> .

Subsequent fact sheets about the site will be distributed exclusively through the listserv except for households without internet access that have indicated the need to continue to receive site information in paper form. Please advise the NYSDEC site project manager identified in Appendix A if this is the case. Paper mailings may continue during the investigation and cleanup process for some sites, based on public interest and need.

CP Activities

The table at the end of this section identifies the CP activities, at a minimum, that have been and will be conducted during the site's investigation and cleanup program. The flowchart in Appendix D shows how these CP activities integrate with the site investigation and cleanup process. The public is informed about these CP activities through fact sheets and notices distributed at significant points during the program. Elements of the investigation and cleanup process that match up with the CP activities are explained briefly in Section 5.

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up a site.
- **Public forums, comment periods and contact with project managers** provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a site's investigation and cleanup.

Documents can also be found on the City of Rochester's webpage:

www.cityofrochester.gov/departments/des/fallsstreetcleanup

The public is encouraged to contact project staff at any time during the site's investigation and cleanup process with questions, comments, or requests for information.

This CP Plan may be revised due to changes in major issues of public concern identified in Section 3 or in the nature and scope of investigation and cleanup activities. Modifications may include additions to the site contact list and changes in planned citizen participation activities.

Technical Assistance Grant

The site identified above poses a significant threat to public health or the environment, so that a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying community group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development/implementation of a remedy.

An eligible community group must certify that its membership represents the interests of the community affected by the site, and that its members' health, economic well-being,

or enjoyment of the environment may be affected by a release or threatened release of contamination at the site.

For more information about TAGs, go online at:
<http://www.dec.ny.gov/regulations/2590.html> .

Note: The table identifying the citizen participation activities related to the site's investigation and cleanup program follows on the next page:

Citizen Participation Activities	Timing of CP Activity(ies)
<p align="center">Before Start of Site Characterization (SC):</p> <ul style="list-style-type: none"> • Prepare site contact list • Establish document repository • Prepare Citizen Participation (CP) Plan • Place approved SC Work Plan in document repository 	
<p align="center">When NYSDEC Approves Site Characterization Report:</p> <ul style="list-style-type: none"> • Place approved SC Report in document repository 	<p>Before start of SC. Note: Draft CP Plan must be submitted to NYSDEC within 20 days of effective date of Consent Order. CP Plan must be approved by NYSDEC before distribution.</p> <p>When NYSDEC approves SC Report</p>
<p align="center">Before Start of Remedial Investigation (RI)</p> <ul style="list-style-type: none"> • Place approved RI Work Plan in document repository • Distribute fact sheet to site contact list that announces availability of RI Work Plan and describes upcoming RI field work 	
<p align="center">When NYSDEC Approves Remedial Investigation Report:</p> <ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes RI results • Place approved RI Report in document repository 	<p>CP Plan must be approved by NYSDEC before distribution.</p> <p>When NYSDEC approves RI Report</p>
<p align="center">When NYSDEC Releases Proposed Remedial Action Plan (PRAP)</p> <ul style="list-style-type: none"> • Place PRAP in document repository • Distribute fact sheet to site contact list that describes PRAP and announces 30-day comment period and public meeting • Conduct 30-day public comment period • Hold public meeting about PRAP 	
<p align="center">When NYSDEC Issues Record of Decision (ROD):</p> <ul style="list-style-type: none"> • Place ROD in document repository • Distribute notice to site contact list that announces availability of ROD. ROD includes responsiveness summary of significant comments about PRAP 	<p>When NYSDEC releases PRAP. Comment period begins/ends as per dates identified in fact sheet. Public meeting is held during the comment period.</p> <p>When NYSDEC issues ROD</p>
<p align="center">Before Start of Remedial Action:</p> <ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes upcoming remedial action 	
<p align="center">When NYSDEC Certifies Cleanup Requirements Achieved:</p> <ul style="list-style-type: none"> • Distribute fact sheet to site contact list that announces cleanup requirements achieved • If Certificate of Completion (COC) is issued, announce in fact sheet • If COC is issued, place copy in document repository 	<p>Before start of remedial action at the site</p> <p>When NYSDEC certifies cleanup requirements achieved, or within 10 days after NYSDEC issues COC or other similar site closure document</p>

Citizen Participation Activities	Timing of CP Activity(ies)
<p align="center">If NYSDEC Reclassifies the Site</p> <ul style="list-style-type: none"> • If reclassifying site, may announce in fact sheet announcing achievement of cleanup requirements 	
<p align="center">If NYSDEC Proposes to Delist the Site from the Registry of Contaminated Sites</p> <ul style="list-style-type: none"> • Publish notice in Environmental Notice Bulletin about proposal and 30-day public comment period • Distribute notice to site contact list. May announce proposal in fact sheet announcing achievement of cleanup requirements • Conduct 30-day public comment period about proposed delist • Distribute notice to site contact list when site is delisted 	

3. Major Issues of Public Concern

This section of the CP Plan identifies major issues of public concern that relate to the site. Additional major issues of public concern may be identified during the course of the site's investigation and cleanup process.

The existing building at the Site and the stack/ chimney adjacent to the building are dilapidated and present a health and safety concern. The City is planning to demolish the building and evaluating options to retain the stack as part of a proposed state park.

The Site is located along the bank of the Genesee River. Ecological concerns will be evaluated during future investigations.

Samples (e.g., soil, groundwater, air) have not yet been collected at the Site; therefore, the presence of contamination in soil, groundwater, and air is unknown at this time. Potential environmental concerns have been identified for the Site as follows:

- Former process equipment associated with the former Garbage Reduction Facility including but not limited to digesters, process tanks, condensers, piping, valves, incinerators, etc.;
- Former and current petroleum storage tanks (i.e., fuel oil, diesel, gasoline);
- Former chemical storage tanks (i.e., solvents);
- Current and former drainage features with unknown discharge locations;
- Waste disposal including apparent construction and demolition debris piles across the Site;
- Current and former chimneys used to dispose of ash from the former incinerators;
- NYSDEC Petroleum Spills associated with leaking vehicles, drums, and visible spills of petroleum spills in former buildings

The environmental concerns listed above will be evaluated as part of the Site Characterization which will evaluate the potential presence of contamination.

4. Site Information

Appendix C contains a map identifying the location of the site.

Site Description

The Site consists of two (2) parcels addressed as 52 and 96 Falls Street which are owned by the City of Rochester and is vacant. The Site is approximately 3.5-acres located along the Genesee River within an urban setting. Adjacent properties include commercial, industrial, and vacant land. One building is present at the northern end of the Site. A chimney/ stack is located adjacent to the building. The structures are in poor condition and the building will be demolished. A majority of the Site is covered in vegetation with concrete former building floor slabs in place. The northern and western portions of the Site have steep slopes. Portions of the southern end of the Site are covered with crushed stone. Refer to Appendix C for a Site Location Map.

History of Site Use, Investigation, and Cleanup

The Site was historically utilized as the City of Rochester Garbage Reduction Facility and Incinerator Plant from approximately 1906 to 1955. Five (5) buildings associated with the garbage reduction process were constructed between 1906 and 1921. All except one (1) building and a stack/chimney associated with the former incinerator have been demolished. Concrete floor slabs from remaining structures are present.

The earlier years of the Garbage Reduction Plant included the use of digesters to breakdown or “cook” garbage using solvents in large tanks. Process equipment was located in buildings on the southern portion of the Site. Several solvent tanks were located in the southeastern portion of the Site. Grease, coal, ash and digested garbage were the biproducts of this process. Later years included two (2) incinerators to burn garbage on the central and northern portions of the Site.

After the Garbage Reduction Facility operations ceased in the mid-1950s, the Site was utilized as the City of Rochester Department of Public Works, Sewer Maintenance Office, and Street Department Storage.

The City of Rochester sold the properties to a private owner in the 1970s. The Site was used as a junk yard from the late 1970s to the 1990s, and for storage of building materials and construction and demolition debris from the 1990s until approximately 2013. Various NYSDEC spills were reported associated with leaking 55-gallon drums, leaking vehicles, and petroleum spills visible in former buildings during this timeframe.

Several petroleum and chemical bulk storage tanks have been located at the Site associated with the Garbage Reduction Facility and the junk yard. Two (2) 10,000-gallon above ground storage tanks used to store fuel oil are located in the current site building (former incinerator building).

No investigation or cleanup activities have been completed at the Site to date. The Site has been vacant since 2013 the City of Rochester purchased the properties in 2022-2023. In April 2024, the City of Rochester signed an Order on Consent with the NYSDEC to investigate and remediate the property. The investigation activities will evaluate the potential presence of chemicals in soil and groundwater associated with historical operations.

5. Investigation and Cleanup Process

Site Characterization

An initial study will be performed by the City of Rochester under a consent order, with oversight by NYSDEC and NYSDOH. This initial study is called a “Site Characterization”. The characterization work plan is called a “Site Characterization Work Plan” and will be available for public review at the “Locations of Reports and Information” identified in Appendix A.

The purpose of the Site Characterization is to determine the presence or absence of subsurface contaminants at the Site in locations of environmental concerns identified during a previous Phase I Environmental Site Assessment. The Site Characterization may identify areas of the Site that warrant further investigation. Additional investigation will be completed in a Remedial Investigation (see below). The information collected during the site characterization will be summarized in a report.

Remedial Investigation

A detailed study of the site will be performed by the City of Rochester under a consent order, with oversight by NYSDEC and NYSDOH. This detailed study is called a “Remedial Investigation”. The investigation work plan is called a “Remedial Investigation

Work Plan” and will be available for public review at the “Locations of Reports and Information” identified in Appendix A.

The site investigation has several goals:

- 1) define the nature and extent of contamination in soil, surface water, groundwater and any other parts of the environment that may be affected;
- 2) identify the source(s) of the contamination;
- 3) assess the impact of the contamination on public health and the environment; and
- 4) provide information to support the development of a proposed remedy to address the contamination.

NYSDOH reviews and recommends activities that will be performed during the investigation to ensure that a complete picture of potential health impacts is understood. Such activities include identifying the ways contamination can reach people, such as through direct contact, eating, drinking, or breathing.

The information collected during the site investigation will be summarized in a report.

Feasibility Study

After the site investigation has begun, the responsible party, with oversight by NYSDEC will conduct a “Feasibility Study.” This study uses information developed during the site investigation to develop and evaluate potential ways to clean up contamination related to the site. Another possibility is that the information collected during the site investigation may support the conclusion that no action, or no further action, is needed to address site-related contamination.

Proposed Remedy

The evaluation of possible remedies ends with a recommended proposal to eliminate the threat posed by contaminants at the site. NYSDEC approves or prepares this proposal, called a “Proposed Remedial Action Plan” (PRAP). The PRAP describes the remedy preferred by NYSDEC, or a no action or no further action alternative. The PRAP summarizes the decision that led to the recommendation of the preferred remedy by discussing each alternative and the reasons for choosing or rejecting it. The goal of any cleanup plan is to protect public health and the environment. NYSDEC will present the PRAP to the public for its review and comment during a 30-day comment period and at a public meeting.

Selected Remedy

NYSDEC considers public comments as it selects the remedy to address contamination related to the site. The selected remedy will be described in a document called a “Record of Decision” (ROD). The ROD will explain why the remedy was selected and respond to public comments. This document will be placed in the location of reports and information. If the selected remedy is no action or no further action, NYSDEC may then take steps to reclassify the site or remove the site from its list of contaminated sites.

Cleanup Action

If the Record of Decision for the site calls for cleanup action, the project then moves to designing and performing the actions to address the site contamination. When cleanup actions have been completed, NYSDEC will approve or prepare a Final Engineering Report that describes the cleanup actions undertaken and certifies that cleanup requirements have been achieved or will be achieved.

Certificate of Completion

Upon approval of the Final Engineering Report, NYSDEC may issue a Certificate of Completion (COC). The COC would recognize the findings of the Final Engineering Report and note that the cleanup program achieved a cleanup level consistent with specific categories of use for the site. The recipient of the COC would be entitled to limited liability as long as it complied with the terms of the COC, and other conditions.

A COC may be modified or revoked if, for example, the recipient does not comply with the terms of the COC, or if the recipient commits fraud regarding its certification that it has met cleanup levels.

Site Management

Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. Site management may be conducted by NYSDEC, or by the responsible party under NYSDEC oversight, if contamination will remain in place. Site management incorporates any institutional and engineering controls required to ensure that the remedy implemented for the site remains protective of public health and the environment. All significant activities are detailed in a Site Management Plan.

An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction that would prevent or restrict certain uses of the property. An institutional

control may be used when the cleanup action leaves some contamination that makes the site suitable for some, but not all uses.

An *engineering control* is a physical barrier or method to manage contamination. Examples include: caps, covers, barriers, fences, and treatment of water supplies.

Site management also may include the operation and maintenance of a component of the remedy, such as a system that pumps and treats groundwater. Site management continues until NYSDEC determines that it is no longer needed. During the site management phase, NYSDEC may also take steps to reclassify the site or delist the site from the Registry.

**Appendix A --
Project Contacts and Locations of Reports and Information**

Project Contacts

For information about the site's investigation and cleanup program, the public may contact any of the following project staff:

New York State Department of Environmental Conservation (NYSDEC):

Mackenzie Osypian, PE
Project Manager
NYSDEC Region 8
Division of Environmental Remediation
6274 East Avon-Lima Road
Avon, NY 14414
585-226-5409
Mackenzie.osypian@dec.ny.gov

Andrea Pedrick
Public Participation Specialist
NYSDEC Region 8
6274 East Avon-Lima Road
Avon, NY 14414-9516
(585)226-5363

New York State Department of Health (NYSDOH):

Anthony Perretta
Project Manager
NYSDOH
Bureau of Environmental Exposure
Investigation
Empire State Plaza
Corning Tower Room 1787
Albany, NY 12237
518 402-1365
Anthony.Perretta@health.ny.gov

Locations of Reports and Information

The facilities identified below are being used to provide the public with convenient access to important project documents:

Central Library of Rochester & Monroe County
115 South Ave
Rochester, NY 14604
Phone: 585-428-7300
Hours: Monday-Thursday 9-7
Friday 9-5
Saturday 10-5
Sunday Closed

NYSDEC Region 8
6274 East Avon-Lima Road
Avon, NY 14414
Attn: Mackenzie Osypian, PE
Phone: 585-226-2466
Hours: Monday-Friday 8:30 am-4:45 pm (call for appointment)

Appendix B -- Site Contact List

Site Owner and Adjacent Property Owners:

Site (52 & 96 Falls Street)
193 Smith Street, 196 Smith Street
City of Rochester
30 Church St
Room 125B
Rochester, NY 14614

100 Falls Street, 172 Smith Street
Rochester Gas & Electric Corp
One City Center
5th Floor
Portland, ME 04101

184-190 Smith Street
Rochesterville Ventures LLC
350 East Ave Ste 203
Rochester, NY 14604

160 Smith Street
State of New York
A E Smith Office Bldg.
Albany, NY 12236

194 Smith Street
194 Smith Street LLC
194 Smith St
Rochester, NY 14608

Public Water Supplier:

City of Rochester Bureau of Water
Director - Geoffrey W. Gugel
10 Felix Street
Rochester, NY 14608
geoffrey.gugel@cityofrochester.gov

**Monroe County and City of Rochester
Chief Executive Officer and Planning
Board Chairperson:**

City of Rochester Mayor
Malik D. Evans
Chief of Staff – Tamara Mayberry
30 Church Street
Rochester, NY 14614
Tamara.Mayberry@CityofRochester.Gov

Monroe County Executive
Adam J. Bello
110 County Office Building
39 W Main Street,
Rochester, NY 14614
Countyexecutive@monroecounty.gov

City of Rochester Planning Commission
Chairperson
David Watson
City Hall- 30 Church Street
Rochester, NY 14614
planningcommission@cityofrochester.gov

Monroe County Planning and Zoning
Chairperson
Jim Rollins
City Place- 50 W Main Street, Suite 1150
Rochester, NY 14614
mcplanning@monroecounty.gov

**Administrator of School or Daycare
within 2,000 ft of the Site:**

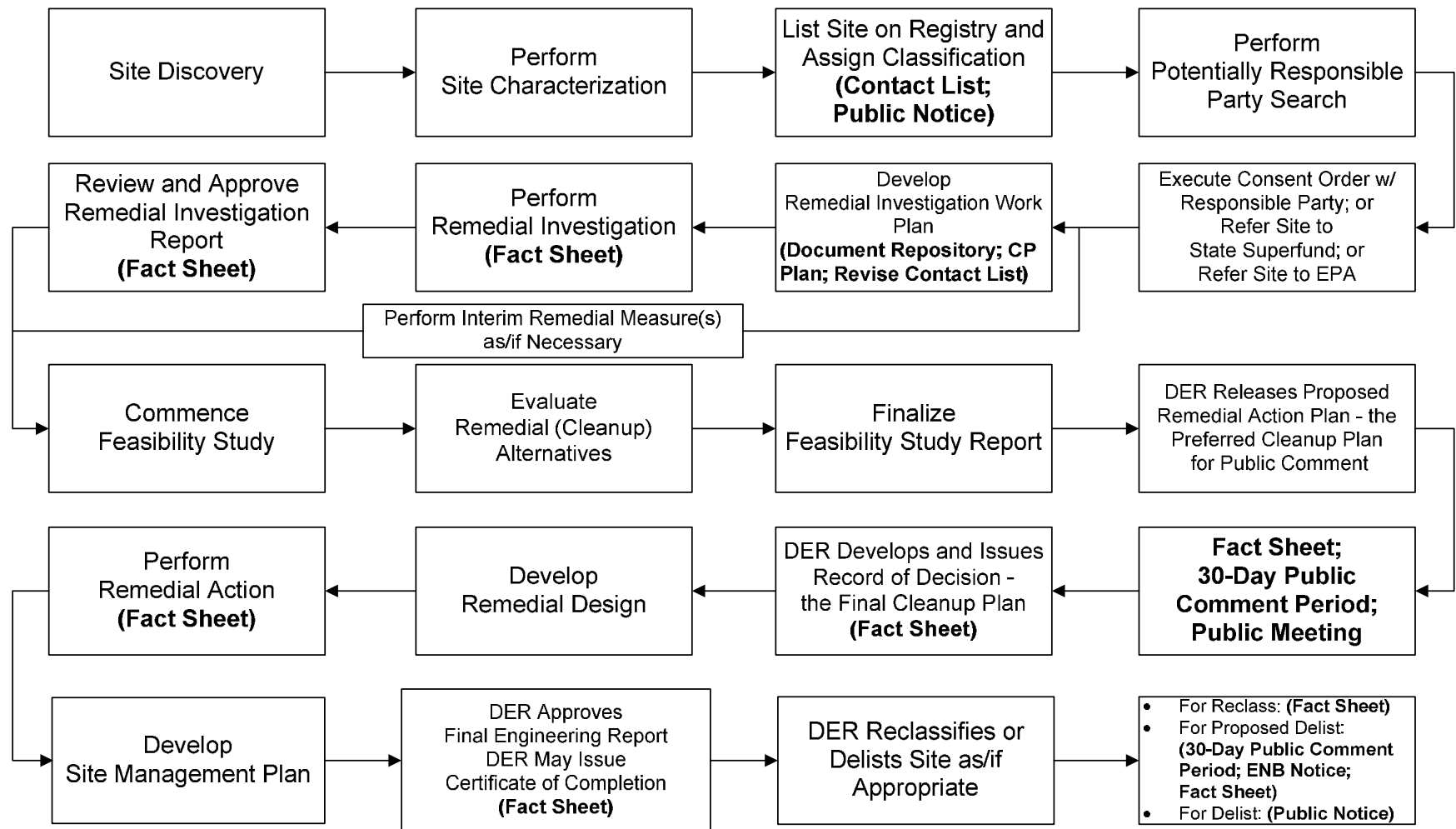
John Williams School No. 5
Tiffany D. Lee
Principal
555 N. Plymouth Ave
Rochester, NY 14608
tiffany.lee@rcsdk12.org

Eugenio Maria De Hostos Charter
School
Sandra Chevalier-Blackman
CEO
343 State Street
Rochester, NY 14608
schevalierblackman@emhcharter.org

Appendix C -- Site Location Map



Appendix D - State Superfund Program Remedial Process



Note: CP Activities are in **Bold**.