

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Region 8

6274 East Avon-Lima Road, Avon, NY 14414-9516

P: (585) 226-5353 | F: (585) 226-8139

www.dec.ny.gov

July 06, 2023

Peter Coons
220 Saltonstall LLC
21 Parrish Street
Canandaigua, NY 14424

Re: Corrective Measures Work Plan
Saltonstall Street
Site No.: 835030
Canandaigua (T), Ontario (C)

Dear Mr. Coons:

The New York State Department of Environmental Conservation (Department) has completed a review of the Corrective Measures Work Plan (Work Plan) dated May 15, 2023, for the Saltonstall Street Site (Site) located at 220 Saltonstall Street, Canandaigua, New York. Based on the information presented in the Work Plan, the Work Plan is conditionally approved based on the clarifications, and modifications presented below.

1. The Site is identified by site number 835030 not C835030. In all future submittals, please use the site number 835030. The cover page should read as, "Corrective Measures Plan NYSDEC Site No. 835030".
2. The Department understands that the groundwater samples collected will be analyzed for TCL VOCs + TICS using USEPA Method 8260.
3. The Department that the laboratory data package will be Cat B and a data usability summary report will be generated and submitted with the Periodic Review Report (PRR).
4. A redevelopment log will be generated if the on-site groundwater monitoring wells undergo redevelopment. The logs will be provided as supporting documentation in the PRR.
5. The Department understands that the in addition to the supporting documentation presented in the Work Plan the PRR will also include, but not limited to, groundwater data packages, summary tables presenting historical and current groundwater data, etc.
6. The Department understands that the corrective measures at the site will be performed by a qualified environmental professional as defined in 6 NYCRR Part



Department of
Environmental
Conservation

375, a Professional Engineer (PE) who is licensed and registered in New York State, or a qualified person who directly reports to a PE who is licensed and registered in New York State as well as in accordance with DER-10 and Part 375.

7. Let the Department know with a 7-day advance notice for any field work to be conduct on site.

The State seeks to resolve the outstanding differences in a mutually agreeable manner, which addresses the requirements of the Brownfield Cleanup Agreement, the Certificate of Completion, and associated Site plans. If you have any questions or concerns regarding this letter or need further assistance with the Site, please feel free to contact me at 585-226-5349 or via e-mail joshua.ramsey@dec.ny.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua J. Ramsey". The signature is fluid and cursive, with the first name "Joshua" being more prominent.

Joshua J. Ramsey
Project Manager

ec:

Dan Noll (LaBella)
Drew Brantner (LaBella)
Justin Deming (NYSDOH)
David Pratt (NYSDEC)
Charlotte Theobald (NYSDEC)



Corrective Measures Work Plan

Location:

NYSDEC Site No. C835030
220 Saltonstall Street
City of Canandaigua, Ontario County, New York

Prepared on Behalf of:

Seager Marine
Canandaigua, New York 14424

LaBella Project No. 2232234

May 15, 2023

CERTIFICATION

"I, Daniel P. Noll, certify that I am currently a NYS registered professional engineer and that this Corrective Measures Work Plan was prepared in accordance with all applicable statutes and regulations and in substantial conformance with the DER Technical Guidance for Site Investigation and Remediation (DER-10)."



NYS PE #081996

A handwritten signature in black ink, appearing to read "D. P. Noll", written over a horizontal line.

Signature



May 15, 2023

Mr. Joshua Ramsey
Assistant Engineer
New York State Department of Environmental Conservation
6274 East Avon-Lima Road
Avon, New York 14414

RE: Corrective Measures Work Plan
220 Saltonstall Street
Canandaigua, New York 14424
NYSDEC Site No. C835030
LaBella Project No. 2232234

Dear Mr. Ramsey,

LaBella Associates, D.P.C. ("LaBella") is submitting this Corrective Measures Work Plan ("Plan") on behalf of 220 Saltonstall Street LLC, for the property located at 220 Saltonstall Street, in the City of Canandaigua, Ontario County, New York; hereinafter referred to as the "Site."

This Plan has been prepared to notify the NYSDEC of the methods proposed to return the Site to compliance with the existing Site Management Plan (SMP).

PROJECT BACKGROUND

Environmental cleanup (i.e., remediation) activities previously occurred at the Site, primarily performed in 2019. The Site is now in the Site Management phase and listed as Class P in the State Superfund Program by the New York State Department of Environmental Conservation (NYSDEC). A summary of remedial activities completed at the Site is found in the Final Engineering Report (FER), dated March 2021. Upon completion of the remedial/cleanup activities, a Site Management Plan (SMP) was established for the Site (also dated March 2021).

Per the requirements of the SMP, a NYSDEC letter dated March 16, 2023, and a meeting with NYSDEC personnel on May 5, 2023, a Periodic Review Report (PRR) for the period since March 25, 2021 is required to be completed for the Site. However, no sitewide inspections or groundwater monitoring has occurred at the Site since the establishment of the SMP. As such, the Corrective Measures described herein are required to be implemented.

***NOTE:** A partially completed certification form indicating the need for Corrective Measures is included as Attachment 1. On the form, Box 1, Question 2 asks "Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?" The questions has been answered "No" based on the stated reporting period (March 25, 2021 to March 25, 2023). However, please note that a 60-Day Change Of Use (COU) notification for a change in ownership was submitted just before the stated reporting period (received by the Department on March 9, 2021). The associated 60-Day COU notification has been included as Attachment 2.*



CORRECTIVE MEASURES PLAN

Task 1 - Site-wide Inspection

Per the SMP, a site-wide inspection is required to be performed at least once per year. A site-wide inspection shall be performed at the earliest available date upon Department approval of this Plan. The inspection shall include:

- an inspection of the stone cover system;
- an inspection of remedial components (i.e., groundwater monitoring wells); and,
- the completion of an inspection form (Attachment 3).

The findings of the site-wide inspection shall be reported in the subsequent PRR (see Task 3 below).

Task 2A - Groundwater Monitoring Event #1

The SMP requires that semi-annual groundwater monitoring occur (i.e., once every six (6) months). Two (2) specific groundwater monitoring wells are required to be monitored: MWGP-01 and MWGP-03. Upon NYSDEC approval of this Plan and the performance of the site-wide inspection (to verify that specified groundwater monitoring wells remain intact and in good/usable condition), a groundwater monitoring event shall occur. The groundwater monitoring event shall adhere to the elements defined in the SMP. Most notably:

- Sampling shall be performed using dedicated bailers.
- Groundwater samples shall be submitted for analysis of NYSDEC Commissioner's Policy (CP)-51 List Volatile Organic Compounds (VOCs) using USEPA Method 8260.
- Analysis shall be performed by a NYS Department of Health (DOH) Environmental Laboratory Approval Program (ELAP) certified laboratory.
- A groundwater sampling log shall be completed for each well (*Note: The SMP does not include a groundwater sampling log. One has been included as Attachment 4 of this Plan*).

If, during the site-wide inspection and/or groundwater monitoring activities, it is discovered that biofouling or silt accumulation has occurred in either monitoring well, the impacted well shall be physically agitated/surged and redeveloped. If the well(s) are unusable, they shall be appropriately decommissioned per NYSDEC CP-43 and new/replacement wells shall be installed to the same depth and having the same screened interval as the former wells (in the nearest available location). The NYSDEC shall be notified prior to any repair, decommissioning, or replacement of groundwater monitoring wells, and the associated activities shall be documented in the subsequent PRR (refer to Task 3).

Task 2B - Groundwater Monitoring Event #2

To satisfy the requirement for semi-annual groundwater monitoring and to ensure sufficient data is collected for decision making, a second groundwater monitoring event shall be performed approximately six (6) months after Event #1. All monitoring conditions described in Groundwater Monitoring Event #1 shall also be adhered to during Groundwater Monitoring Event #2.

Task 3 - Periodic Review Report (PRR)

A PRR including a summary of Tasks 1 & 2 shall be prepared upon receipt of all associated analytical data. Analytical data shall be incorporated into the PRR. The report shall include:



- Identification, assessment, and certification of all ECs/ICs applicable to the Site;
- Result of the site-wide inspection;
- All applicable forms and logs;
- Any new findings regarding site contamination based on inspections and/or monitoring events;
- Recommendations concerning any necessary changes to the remedy; and,
- The overall performance and effectiveness of the remedy.

The report will be certified by a New York State Professional Engineer (PE).

Health and Safety Plan (HASP)

Applicable elements of the Health and Safety Plan (HASP) included in the SMP (Appendix D) will be followed during the implementation of the Corrective Measures Work Plan.

Community Air Monitoring Plan (CAMP)

Activities associated with this plan are non-invasive and do not include any earthwork or subsurface disturbance. As such, the CAMP does not apply to the tasks described herein. *Note: If new/replacement groundwater monitoring wells are required to be installed, the CAMP would be implemented during associated ground-disturbing activities.*

SCHEDULE

Activities are currently scheduled to occur according to the following timeline (subject to Department approval, accessibility, and laboratory turnaround times):

Activity / Deliverable	Date
Submission of Corrective Measures Work Plan	May 15, 2023
NYSDEC Approval of Corrective Measures Work Plan	June 2023
Site-wide Inspection (Task 1) Groundwater Monitoring Event #1 (Task 2A)	June 2023
Groundwater Monitoring Event #2 (Task 2B)	December 2023
PRR (Task 3) Submitted to NYSDEC	January 2024



CLOSING

If you have any questions, or require additional information, please do not hesitate to contact our office at (585) 454-6110, or directly via e-mail at dbrantner@labellapc.com.

Respectfully submitted,

LABELLA ASSOCIATES, D.P.C.

Drew Brantner
Project Manager

Attachments:

- Attachment 1 - Institutional and Engineering Controls Certification Form
- Attachment 2 - 60-Day Change of Use Form (Received by NYSDEC on March 9, 2021)
- Attachment 3 - Site Inspection Form (Blank)
- Attachment 4 - Groundwater Sampling Log (Blank)

CC:

Peter Coons (Seager Marine, Inc.)
Charlotte Theobald (NYSDEC)
Dan Noll (LaBella)

B:\GLOBAL\Projects\Seager Marine Inc\2232234 - 220 Saltonstall St Env. Eng & Consulting\11_Reports\Plan.C835030.2023-05-15.Corrective_Measures_Work_Plan.docx



ATTACHMENT 1

Institutional and Engineering Controls Certification Form



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site Details	Box 1
Site No. 835030 Site Name Saltonstall Street Site Address: 220 Saltonstall Street Zip Code: 14424 City/Town: Canandaigua County: Ontario Site Acreage: 21.003 21.03 Reporting Period: March 25, 2021 to March 25, 2023	
	YES NO
1. Is the information above correct?	<input type="checkbox"/> <input checked="" type="checkbox"/>
If NO, include handwritten above or on a separate sheet. <i>See revised site acreage above</i>	
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	<input type="checkbox"/> <input checked="" type="checkbox"/>
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	<input type="checkbox"/> <input checked="" type="checkbox"/>
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	<input type="checkbox"/> <input checked="" type="checkbox"/>
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.	
5. Is the site currently undergoing development?	<input type="checkbox"/> <input checked="" type="checkbox"/>
	Box 2
	YES NO
6. Is the current site use consistent with the use(s) listed below?	<input type="checkbox"/> <input checked="" type="checkbox"/>
7. Are all ICs in place and functioning as designed?	<input type="checkbox"/> <input checked="" type="checkbox"/>
IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.	
A Corrective Measures Work Plan must be submitted along with this form to address these issues.	
DocuSigned by: Signature of Owner, Remedial Party or Designated Representative	5/15/2023 Date

SITE NO. 835030**Description of Institutional Controls**

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
84.10-1-6.1	RUSHJON LLC	Ground Water Use Restriction Soil Management Plan Landuse Restriction Monitoring Plan Site Management Plan IC/EC Plan

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.

Site Management Plan:

A 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

Engineering Controls: The soil cover

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;
- 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 removal or treatment of the source area located below the on-site building if and when the building is demolished or becomes vacant;
- Descriptions of the provisions of the environmental easement including any land use, and groundwater use restrictions;
- A provision that should a building foundation or building slab be removed in the future, a cover system consistent with the RAWP that 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.

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

- Monitoring of groundwater to assess the performance and effectiveness of the remedy;
- A schedule of monitoring and frequency of submittals to the Department

Description of Engineering Controls

<u>Parcel</u>	<u>Engineering Control</u>
84.10-1-6.1	Cover System

Site Cover:

A site cover will be required to allow for commercial use of the site in areas where the upper one foot of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where a soil cover is to be used it will be a minimum of one foot of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer.

ParcelEngineering Control

Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the site as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may be allowed where such components already exist or are a component of the tangible property to be placed as part of site redevelopment. Such components may include, but are not necessarily limited to: pavement, concrete, paved surface parking areas, sidewalks, and building slabs.

Periodic Review Report (PRR) Certification Statements

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

- a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;
- b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

☐ ☐

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

- (a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;
- (b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;
- (c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;
- (d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and
- (e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

☐ ☐

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. 835030

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I _____ at _____,
print name print business address

am certifying as _____ (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I _____ at _____,
print name print business address

am certifying as a Qualified Environmental Professional for the _____
(Owner or Remedial Party)

Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification

Stamp
(Required for PE)

Date



ATTACHMENT 2

60-Day COU Form

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



**60-Day Advance Notification of Site Change of Use, Transfer of
Certificate of Completion, and/or Ownership**

Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

RECEIVED

MAR 09 2021

Bur. Of Tech. Support

To be submitted at least 60 days prior to change of use to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation, 625 Broadway
Albany NY 12233-7020

I. **Site Name:** 22o Saltonstall **DEC Site ID No.** 8-35-030

II. **Contact Information of Person Submitting Notification:**

Name: Jonathan Kaufman
Address1: 31 Cambridge Drive, Boynton Beach Florida 33436
Address2: _____
Phone: 561-736-8673 E-mail: Kaufmanjonathan90@gmail.com

III. **Type of Change and Date:** Indicate the Type of Change(s) (check all that apply):

- ☒ Change in Ownership or Change in Remedial Party(ies)
☐ Transfer of Certificate of Completion (CoC)
☐ Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy): May 2021

IV. **Description:** Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

Change of ownership from Rishjon LLC. (Jonathan Kaufman) to Seagar Marina (Peter Coons)

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

- V. **Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name:  3/5/21
(Signature) (Date)

Jonathan Kaufman
(Print Name)

Address1: 31 Cambridge Drive, Boynton Beach, Florida 33436
Address2: _____
Phone: 561-736-8673 E-mail: Kaufmanjonathan90@gmail.com

- VI. **Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

☒ Prospective Owner ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: Peter Coons dba Seagar Marina
Address1: 811 South Main street Canandaigua, New York 14424
Address2: _____
Phone: 585-394-1372 E-mail: peter@Seagar Marina.com

Certifying Party Name: Peter Coons
Address1: 811 South Main Street, Canandaigua, N.Y. 14424
Address2: _____
Phone: 585-394-1372 E-mail: peter@seagarmarina.com

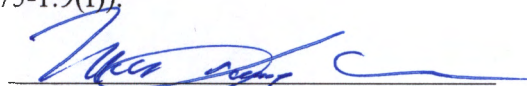
VII. Agreement to Notify DEC after Transfer: If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name:


(Signature)

3-5-21

(Date)

Jonatnan Kaufman

(Print Name)

Address1: 31 Cambridge Drive, Boynton Beach, Florida 33436

Address2:

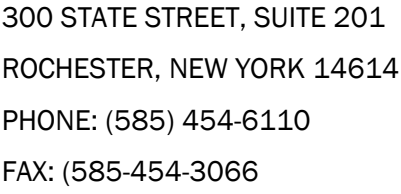
Phone: 561-736-8673

E-mail: Kaufmanjonathan90@gmail.com



ATTACHMENT 3

Site Inspection Form



SITE INSPECTION FORM

PROJECT NAME:	Site Management / Corrective Measures - Saltonstall Street
LOCATION:	220 Saltonstall Street, Canandaigua, NY 14424
PROJECT NO.:	2232234
INSPECTED BY:	
DATE:	
WEATHER:	

COVER TYPE	OVERALL CONDITION	ANY LOCATIONS REQUIRE REPAIR OR MAINTENANCE	PHOTOS TAKEN	COMMENTS
SOIL COVER		YES / NO	YES / NO	
ASPHALT SURFACE		YES / NO	YES / NO	
CONCRETE SURFACE		YES / NO	YES / NO	
BUILDING SLAB		YES / NO	YES / NO	

MONITORING WELL INSPECTION FORM

[illegible]



ATTACHMENT 4

Groundwater Sampling Log



Project Name: Site Management / Corrective Measures - Saltonstall Street

Location: 220 Saltonstall Street, Canandaigua, NY 14424

Project No.: 2232234

Sampled By: _____

Date: _____

Weather: _____

WELL I.D.: _____

WELL SAMPLING INFORMATION

Well Diameter:	Static Water Level:	Sample Name:
Depth of Well:	Length of Well Screen:	Sample Analysis: 8260 VOCs (CP-51)
Measuring Point:	Depth to Top of Pump/Bailer:	Purge Start & End time: /
Pump/Sampling Method: Bailer	Bailer/Tubing Type:	Sample Time:

OBSERVATIONS

Groundwater Color:

Odors:

Sheen: