



# Site Management Periodic Review Report and IC/EC Certification (2023)

Penn Yan Jackson Street Former MGP (Site - 862008)  
Penn Yan, New York

**Submitted to:**

New York State Department of Environmental Conservation  
Division of Environmental Remediation (BURC)  
625 Broadway  
Albany, New York

**Submitted by:**

NEU-VELLE, LLC  
10 Jones Avenue  
Rochester, New York 14608

**On behalf of:**

New York State Electric & Gas Corporation  
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Rochester, New York 14604

May 31, 2023

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## **1. Introduction and Site Overview**

### **1.1 Introduction**

NEU-VELLE, LLC (NEU-VELLE) is submitting this Periodic Review Report (PRR) for New York State Electric & Gas Corporation (NYSEG) Jackson Street Former Manufactured Gas Plant (MGP) site [New York State Department of Environmental Conservation (NYSDEC) Site No. 862008], located at Linden Street and Court Street in Penn Yan, Yates County, New York (referred to herein as the “Site”), as depicted on **Figure 1**. This PRR was prepared in response to the NYSDEC Reminder Notice dated May 12, 2023. This PRR was prepared in accordance with Section 6.3(b) of DER-10 Technical Guidance for Site Investigation and Remediation to document implementation and compliance with the Site Management Plan (SMP) (AMEC Geomatrix Inc., 2011).

### **1.2 Site Location and History**

The Site is a former MGP located on Linden Street (formerly known as Jackson Street) in the Village of Penn Yan, New York (see **Figure 1**). The Site is 0.7 acres and is comprised of three separately-listed parcels. Parcel 1 is located on the northern half of the property and is bordered by a residential property to the north and Parcel 2 to the South. Parcel 2 is bordered to the South by the Yates County Correctional Facility. Both parcels are bordered to the East by Jacobs Brook and to the West by Linden Street. Parcel 3 is situated along Linden Street between Parcels 1 and 2 and contains a storage garage and paved driveway. Parcels 1 and 2 are owned by NYSEG. Parcel 3 is owned by a private individual residing on Linden Street. A Site plan is provided as **Figure 2**.

The site was utilized as a manufactured gas plant (MGP) from 1860 to approximately 1903. Following the cessation of MGP operations at the site, the buildings which housed the MGP were demolished by 1909. These buildings included the gas holder foundation, the former gas purifier house, retort, coal storage area, machine shop area, naphtha storage tank area, and refuse wells. The property subsequently was converted to residential use. NYSEG purchased the property, consisting of three separate parcels between 1936 and 1994. In 1994 NYSEG razed the dwelling, and currently only a privately owned garage and a NYSEG storage building occupy the Site.

### **1.3 Regulatory Setting**

NYSEG conducted a Task 1 Site Screening Investigation in 1991 and a Task 2 Site Investigation in 1993. During the Task 2 Investigation a small area containing purifier waste was observed and removed by hand excavation and off-Site disposal. Subsequent soil sampling in that area showed no remaining contamination.

The NYSDEC and NYSEG entered into a Consent Order on March 30, 1994 to investigate and, where necessary, remediate a group of 33 former MGP sites statewide. In December 2016 the Consent Order was amended and restated and is known as the Amended and Restated Multi-Site Consent Order. It retains the index number as the original Consent Order. The Jackson Street Site is one of

the sites included in the consent order. The Order obligates NYSEG to implement a full remedial program.

Site and remedial investigations conducted between 1991 and 2009 identified impacts to subsurface soil and groundwater associated with MGP waste. Benzene, toluene, ethylbenzene and xylenes (BTEX), polynuclear aromatic hydrocarbons (PAHs), coal tar, and select metals as well as total cyanide, were identified as the contaminants of concern.

NYSDEC, in consultation with the New York State Department of Health (NYSDOH), selected the Site remedy in the Record of Decision (ROD) for the Site (NYSDEC, 2011). The selected remedy included the following:

- Maintenance of the engineering controls (EC) that include the existing site cover (grass/turf) and two storage buildings;
- Imposition of institutional controls (IC) in the form of an environmental easement;
- Development and implementation of an SMP; and
- Periodic certification of institutional and engineering controls

Post-remediation groundwater monitoring, which includes the continuing monitoring of the continuing natural attenuation remedy for the Site. The groundwater contaminants detected at the Site are subject to decay by ordinary soil bacteria. Dissolved oxygen concentrations are sufficiently high to support the growth of these bacteria, and it appears that the degradation process is taking place. No off-Site migration of contaminated groundwater has been identified, and no such migration is likely to occur.

The selected remedy was chosen to address impacts to soil at concentrations greater than 6 NYCRR Part 375-6.8(b) Restricted Use Soil Cleanup Objectives (SCOs); Protection of Public Health: Commercial. The executed remedy is discussed in Section 2.

## **2. Effectiveness of Remedial Program**

The selected remedy as described above includes the development and implementation of an SMP to address long-term management of on-Site contaminants and includes plans for ICs and ECs, Site monitoring and maintenance, and periodic reporting. The Site SMP, developed by AMEC Geomatrix, Inc., was approved by the NYSDEC in December 2011.

As part of the SMP development, an Environmental Easement granted to the NYSDEC, and recorded with the Yates County Clerk, requires compliance with this SMP and all ECs and ICs placed on the Site. The metes and bounds of the Controlled Property are provided as Appendix A to the SMP and depicts the property lines subject to the Environmental Easement.

The SMP was prepared to maintain and manage the residual groundwater impacts in a condition that is protective of public health and the environment for its intended use in accordance with New York Environmental Conservation Law (ECL) Article 71, Title 36. The SMP provides a detailed description of procedures required to manage residual groundwater impacts at the Site, including:

1. Implementation of an Environmental Easement;
2. Groundwater monitoring; and
3. Periodic inspections and reporting of the institutional controls/engineering controls (IC/ECs). Please note that the residual impacts in groundwater continue to undergo a monitored natural attenuation (MNA) remedy with periodic groundwater monitoring.

### **3. Compliance**

#### **3.1 Engineering Controls**

The Site remedy does not rely on any mechanical or passive systems or barriers to contain, stabilize or restrict the movement of residual contaminants or on any systems such as sub-slab depressurization systems or air sparging/soil vapor extraction systems to protect public health and the environment. The residual impacts (i.e., constituents of concern) in soil and groundwater are being remedied by MNA and monitoring will continue until the groundwater standards for the respective constituents of concern are met and the Site received NYSDEC approval to cease monitoring.

A cover system, consisting of thick, well-maintained turf currently exists and will be maintained to allow for the current use of the site. In addition to turf, two storage buildings cover the surface of the site. If the site is redeveloped in the future, an equivalent cover system will be established which will consist either of the structures such as buildings, pavement, sidewalks comprising the site development or a soil cover in areas where the upper one foot of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). In areas where such a soil cover is required, it will consist of 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. 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). The Excavation Work Plan that appears in Appendix B of the SMP outlines the procedures required to be implemented in the event work activities penetrate surface soils. Procedures for the inspection and maintenance of the ground surface cover are provided in the SMP.

The cover was observed during a Site visit completed by NEU-VELLE on May 8, 2023 as part of the preparation of this Report. The integrity of the cover and changes, if any, are noted during these events. The Site cover was found to be in good condition with no deficiencies noted during the May 8, 2023 Site inspection. NEU-VELLE's observations are documented in the Site Inspection Form and photographic log provided as **Attachment B**.

The existing groundwater monitoring well network was also inspected and found in the same condition as the previous inspection reported in the previous PRR. The recommendations of the monitoring well inspection report have not yet been implemented as of the submittal of this PRR; however, NYSEG plans to implement any repairs necessary to maintain the monitoring well network for future sampling events.

### **3.2 Institutional Controls**

The ICs for the Site, as detailed in the SMP, are as follows:

- implement, maintain and monitor the ECs;
- prevent future exposure to contamination by controlling disturbances of the subsurface contamination; and,
- limit the use and development of the Site for non-residential use only.

Adherence to these ICs on the Site is required by the Environmental Easement and will be implemented under the SMP. These ICs are:

- Compliance with the Environmental Easement and this SMP by the Grantor and the Grantor's successors and assigns;
- All ECs must be operated and maintained as specified in this SMP;
- All ECs on the Site must be inspected at a frequency and in a manner defined in the SMP;
- Groundwater monitoring must be performed as defined in this SMP; and
- Data and information pertinent to Site Management of the Site must be reported at the frequency and in a manner defined in this SMP.

ICs identified in the Environmental Easement may not be discontinued without an amendment to or extinguishment of the Environmental Easement. The Site has a series of ICs in the form of site restrictions. Adherence to these ICs is required by the Environmental Easement. Restrictions that apply to the three parcels comprising the Site are:

- Imposition of an IC in the form of an environmental easement that:

- (a) requires the Site owner (NYSEG) to complete and submit to the NYSDEC a periodic certification of ICs and ECs in accordance with Part 375-1.8(h)(3);
  - (b) allows the use and development of the Site for commercial and industrial uses as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
  - (c) restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDEC, NYSDOH or County DOH;
  - (d) prohibits agriculture or vegetable gardens on the Site; and
  - (e) requires compliance with the NYSDEC-approved SMP.
- The Site owner will submit to NYSDEC a written statement that certifies, under penalty of perjury, that:
    - (a) controls employed at the Site are unchanged from the previous certification or that any changes to the controls were approved by the NYSDEC; and,
    - (b) nothing has occurred that impairs the ability of the controls to protect public health and environment or that constitute a violation or failure to comply with the SMP.

NYSDEC retains the right to access such controlled property at any time in order to evaluate the continued maintenance of any and all controls. This certification shall be submitted annually, or an alternate period of time that NYSDEC may allow and will be made by an expert that the NYSDEC finds acceptable.

The SMP details a Groundwater Management Plan and Soil Management Plan to provide procedures for the protection of workers, public health, and the environment during future work at the Site.

Implementation of the Soil and Groundwater Management Plans has not been required at this time. However, should subsurface work occur at the Site, NYSEG will comply with the requirements of the plans.

Additionally, the SMP includes a Proposed Post-Remediation Groundwater Monitoring Work Plan (Appendix C to the SMP), which details the procedures for periodic sampling of the monitoring wells at the Site. The wells are also inspected and maintained prior to each sampling event so that they remain suitable for this purpose.

Periodic groundwater monitoring was initiated in December 2021 following discussions between NYSEG and the NYSDEC and the receipt of the NYSDEC Corrective Measures and Reminder Notice dated November 18, 2021. The second (2<sup>nd</sup>) Post-Remediation Groundwater Monitoring sampling event was performed in April/May of 2023 and the findings will be presented in the forthcoming Second (2<sup>nd</sup>) Post-Remediation Groundwater Monitoring Report.

The periodic (every 15 months) GWMP sampling will continue as described in the SMP (the next groundwater sampling event is scheduled for June 2024) and will continue to assess the groundwater quality beneath the Site.

NYSEG also performed a multimedia (surface water, pore water, and sediment) sampling event of Jacobs Brook in November 2022 at the request of the NYSDEC. The purpose of this sampling event was to evaluate if Site contaminants in groundwater were migrating downgradient and off-Site to the adjacent Jacobs Brook. Findings of this sampling event were presented in a letter report to the NYSDEC dated April 2023 and did not present clear evidence of off-Site migration of on-Site contaminants.

#### **4. Conclusions and Recommendations**

NYSEG is currently in compliance with the SMP, which includes implementation of the Environmental Easement, active post-remediation groundwater monitoring, and maintenance and implementation of the IC/ECs. Continued compliance with the SMP ensures that the remedy will continue to effectively protect public health and the environment by managing residual MGP-impacts at the Site. Completed IC/EC Certification Forms are included as **Attachment A**.

No changes are recommended to the Environmental Easement at this time.

Periodic inspections of the Site cover and monitoring well network, as well as the annual Periodic Review Report (PRR), will continue on an annual basis the as described in the SMP.

**Attachment A**  
**Institutional Control/Engineering Control Certification Forms**





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



**Site No.**                      **862008**                      **Site Details**                      **Box 1**

**Site Name** NYSEG - Penn Yan Jackson St. MGP

Site Address: Linden St      Zip Code: 14527

City/Town: Penn Yan

County: Yates

Site Acreage: 0.670

Reporting Period: ~~August 28, 2020~~ to April 12, 2023  
March 1, 2022

- |   | 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.  |                          |                                     |
| 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?<br>Commercial and Industrial | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Are all ICs in place and functioning as designed?   | <input checked="" type="checkbox"/> | <input 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.**

\_\_\_\_\_  
Signature of Owner, Remedial Party or Designated Representative

\_\_\_\_\_  
Date

**Description of Institutional Controls**ParcelOwnerInstitutional Control**49.5-1-4**

NYSEG

Ground Water Use Restriction  
 Soil Management Plan  
 Landuse Restriction  
 Monitoring Plan  
 Site Management Plan  
 O&M Plan  
 IC/EC Plan

**49.5-1-5**

NYSEG

Ground Water Use Restriction  
 Soil Management Plan  
 Landuse Restriction  
 Monitoring Plan  
 Site Management Plan  
 O&M Plan  
 IC/EC Plan

**49.5-2-1**

Michael S. Schrouder

Monitoring Plan  
 Ground Water Use Restriction  
 Soil Management Plan  
 Landuse Restriction  
 Site Management Plan  
 O&M Plan  
 IC/EC Plan

The assessment of the groundwater quality and natural attenuation processes will be evaluated through the collection of groundwater samples from the network of monitoring wells.

**Description of Engineering Controls**ParcelEngineering Control**49.5-1-4**

Cover System

**49.5-1-5**

Cover System

**49.5-2-1**

Cover System

The cover system consists of the existing soil cover and the associated vegetation (trees, shrubs and grass).

### 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. 862008

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 Albert G. Lyons, Jr at new velle LLC  
10 JONES AVE  
ROCHESTER, NY 14608  
print name print business address

am certifying as Owner Representative (Owner or Remedial Party)

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

Albert G Lyons 5/31/23  
Signature of Owner, Remedial Party, or Designated Representative Date  
Rendering Certification

EC CERTIFICATIONS

Box 7

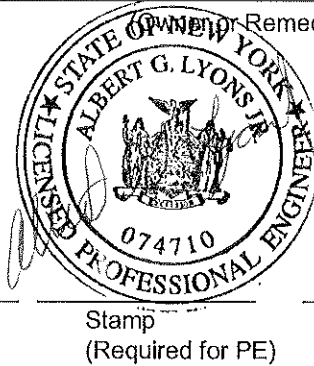
Professional Engineer Signature

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 Albert G. Lyons, Jr. at Redwelle LLC  
10 Jones Ave  
Rochester, NY 14608  
print name print business address

am certifying as a Professional Engineer for the owner (Owner or Remedial Party)

Albert G. Lyons, Jr.  
Signature of Professional Engineer, for the Owner or  
Remedial Party, Rendering Certification



5/31/23  
Date

Stamp  
(Required for PE)

**Attachment B**  
**Site Inspection form and Photograph Log**



**Table 2**  
**SOIL COVER INSPECTION AND MAINTENANCE LOG**  
**JACKSON STREET FORMER MGP SITE**  
**Site Management Plan**

[illegible]

# **Site Inspection Photographs**

## **NYSEG Jackson St Former MGP Site, Penn Yan, NY – May 8, 2023**

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**On site storage, purged water - viewing south**



**Two-sided garage on edge of property - viewing north**

# **Site Inspection Photographs**

## **NYSEG Jackson St Former MGP Site, Penn Yan, NY – May 8, 2023**

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**South side of property facing towards linden street – viewing west**



**Southern side of property from linden street - viewing east**

# **Site Inspection Photographs**

## **NYSEG Jackson St Former MGP Site, Penn Yan, NY – May 8, 2023**

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**Overgrown vegetation behind two-sided garage - viewing west**



**MW-1 - viewing northwest**

# **Site Inspection Photographs**

## **NYSEG Jackson St Former MGP Site, Penn Yan, NY – May 8, 2023**

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**NYSEG building front - viewing east**



**NYSEG building looking towards Jacobs Creek and MW4S and 4D - viewing northeast**

**Site Inspection Photographs**  
**NYSEG Jackson St Former MGP Site, Penn Yan, NY – May 8, 2023**

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**Side of NYSEG building looking at MW6 - viewing east**



**Side of NYSEG building - viewing east**

# **Site Inspection Photographs**

## **NYSEG Jackson St Former MGP Site, Penn Yan, NY – May 8, 2023**

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**Site looking towards Jacobs Creek - viewing southeast**



**Site looking towards correctional facility – viewing south**

**Site Inspection Photographs**  
**NYSEG Jackson St Former MGP Site, Penn Yan, NY – May 8, 2023**

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**MW4S and 4D area – viewing east**



**Jacob's creek bank – viewing southeast**

# **Site Inspection Photographs**

## **NYSEG Jackson St Former MGP Site, Penn Yan, NY – May 8, 2023**

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**Jacob's creek bank – viewing northeast**



**Property view from MW 3A - viewing south**

# **Site Inspection Photographs**

## **NYSEG Jackson St Former MGP Site, Penn Yan, NY – May 8, 2023**

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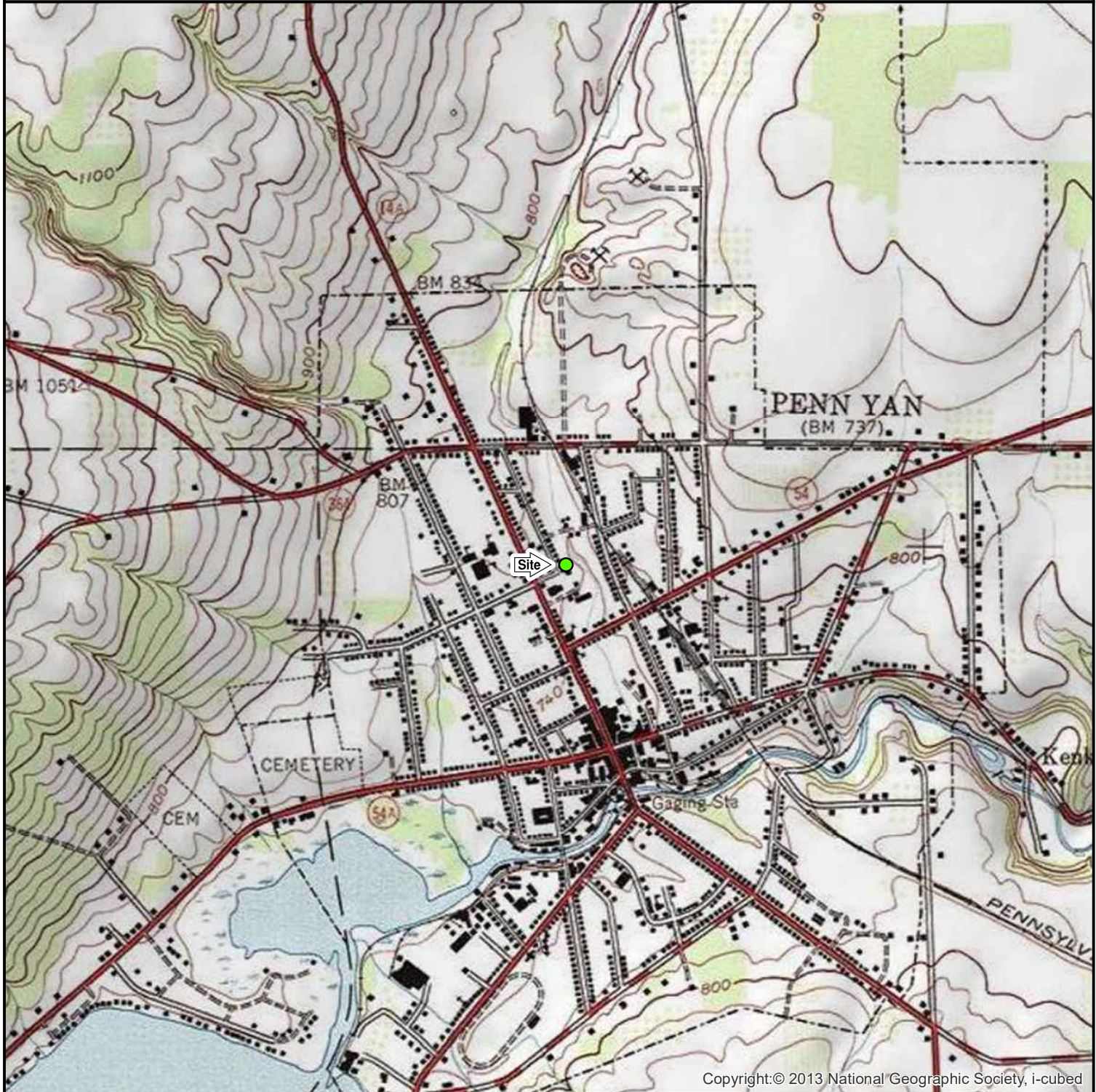
**MW1 – viewing south**



**MW-2D area – viewing east**

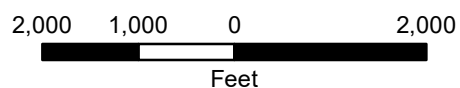
**Figure 1**  
**Site Location Map**

FIGURE 1



NEW YORK STATE ELECTRIC & GAS CORPORATION  
JACKSON STREET FORMER MGP SITE  
PENN YAN, NEW YORK

## SITE LOCATION



MAY 2023



**Figure 2**  
**Site Plan**  
**(Adapted from SMP)**

Put network path and drawing No. information here

