

Theobald, Charlotte B (DEC)

From: Gregor, Mark <Mark.Gregor@CityofRochester.Gov>
Sent: Wednesday, May 03, 2017 8:25 AM
To: Theobald, Charlotte B (DEC)
Cc: Biondolillo, Joseph J.; Brawn, Vicki L.; Schilling, Bernette (DEC)
Subject: RE: Davidson Collision - C828091 - Site Management PRR and IC/EC Certification Submittal
Attachments: 2017 399 Gregory Street PRR report.C828091.2017-04-28.PRR2.pdf; 2017 signed PRR IC EC forms.pdf; 2017 April PRR attachment to ECIC questionnaire.doc; 2017 april 17 permit screen printout for 399 Gregory Street.pdf; 2016 Easement to Tricky DOC (004).pdf; Mark Gregor.vcf

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Charlotte,

As required I am submitting the required attached PRR and IC/EC certification, as well as the supporting documents that we recently discussed for the Davidson Collision site at 399 Gregory Street. We will send along hard copies as well.

In the course of preparing the documents we did notice that under Box 3, item 10, of the IC/EC forms there is still a reference to monitored natural attenuation for groundwater. Since we have discontinued groundwater monitoring with the NYSDEC's approval we were wondering if that item should be removed from the certification and whether we need to formally modify the SMP or if the existing correspondence ending the monitoring will suffice.

Please let us know if you have any questions or need additional information. Thanks very much for your assistance.

Mark

Mark Gregor

Manager of Environmental Quality
Department of Environmental Services
City of Rochester, New York
30 Church Street Room 300B
Rochester, New York 14614

Work (585) 428-5978
mark.gregor@cityofrochester.gov

From: Theobald, Charlotte B (DEC) [mailto:charlotte.theobald@dec.ny.gov]
Sent: Wednesday, February 22, 2017 10:13 AM
To: Gregor, Mark <Mark.Gregor@CityofRochester.Gov>
Subject: FW: Davidson Collision - C828091 - Reminder Notice: Site Management PRR and IC/EC Certification Submittal

Good Morning Mark.

I want to give you a heads up that you will be receiving the attached letter via USPS.

Best Regards,
Charlotte

From: Ridner, Terina L (DEC)
Sent: Wednesday, February 22, 2017 9:24 AM
To: Theobald, Charlotte B (DEC) <charlotte.theobald@dec.ny.gov>; Schilling, Bernette (DEC) <bernette.schilling@dec.ny.gov>
Cc: Zinoman, Leonard S (DEC) <leonard.zinoman@dec.ny.gov>
Subject: Davidson Collision - C828091 - Reminder Notice: Site Management PRR and IC/EC Certification Submittal

Hello,

Attached is your electronic copy of the Periodic Review Report Reminder Notice for the subject site that was mailed today.

Thank you,

Terina L. Ridner

Office Assistant 1- Bureau of Technical Support
NYS Department of Environmental Conservation
625 Broadway Albany NY 12207
Phone: 518-402-9564
Email: Terina.ridner@dec.ny.gov

This e-mail may contain information that is privileged or confidential. If this e-mail was clearly not intended for you or is in obvious error, please delete the e-mail and any attachments and notify me immediately.
Thank you.



Stantec Consulting Services Inc.

61 Commercial Street Suite 100, Rochester NY 14614-1009

April 28, 2017
File: 190500951

Attention: Mark Gregor, CHMM

Manager, Division of Environmental Quality, Department of Environmental Services
City of Rochester
City Hall, Room 300B
30 Church Street
Rochester, New York, 14614-1278

**Reference: Periodic Review Report #2
Brownfield Site Cleanup
Former Davidson Collision Site No. C828091
399-409 Gregory Street, Rochester, NY**

Dear Mark,

Stantec has prepared this letter on behalf of the City of Rochester (City) to serve as a Periodic Review Report (PRR) for 399-409 Gregory Street, Rochester, New York (the Site). Petroleum and metals contamination at the Site were remediated under the New York State Department of Conservation (NYSDEC) Brownfield Cleanup Program (BCP) (Site Number C828091). The remedial objectives were met for Restricted Residential use, and associated groundwater monitoring ceased in 2010 with permission of the NYSDEC.

This report covers the period from May 1, 2012 through March 31, 2017.

Site Overview and Background

The 0.46-acre site was operated by Davidson Collision as an auto body shop from the early 1960s until it went out of business in March 1993. In June 1993, the auto body shop reopened for a brief period under new management and the name of Southwedge Collision. The City acquired the Site in November 2004 through delinquent tax foreclosure. The Former Davidson Collision building was previously demolished and the site has been vacant since that time.

The 399 Gregory Street parcel is zoned Community Center District (C-2). Gregory Street and residential structures are located north of the Site. Residential properties and a distribution facility are located east of the site. A residential house and garage are located south of the Site. Cayuga Street, residential properties, and a four-story commercial and residential building are located west of the Site.



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**Reference: Periodic Review Report #2
Brownfield Site Cleanup
Former Davidson Collision Site No. C828091
399-409 Gregory Street, Rochester, NY**

Investigations at the site between 1991 and 1994 identified the presence of soil contamination by paint waste, including paint thinner, that had been released from a pipe leading from a paint booth inside the former collision shop to a storage container outside the building. In January 1993, some soil contaminated with volatile organic compounds (VOCs) from the waste disposal area was excavated and disposed offsite. These activities were performed without NYSDEC approval or oversight.

In 1994, NYSDEC conducted an investigation and determined that the 1993 excavation did not remove all of the subsurface contamination. NYSDEC conducted an investigation in 2000-2002 to further characterize the nature and extent of contamination and to determine if the contamination represented a significant threat to human health or the environment. NYSDEC concluded there was a small, highly VOC-impacted source area, but adjacent and nearby residential properties were not impacted. After obtaining a United States Environmental Protection Agency Brownfield Assessment Grant to investigate the Site, the City foreclosed on the property in 2004 and entered the Site into the BCP.

Remediation and related groundwater monitoring was completed in June 2009. The following is a summary of the remediation activities completed:

1. Removal of the concrete slab (floor), most of the foundation footers of the former building, and removal of select portions of the adjacent asphalt parking lot.
2. Excavation of contaminated soil from the three remedial areas of concern at the site. Soils at the site were contaminated by petroleum products and metals such as arsenic, cadmium, copper, lead, and selenium. The contaminated soils were disposed off-site at a permitted landfill. The soil removal protected public health and the environment by eliminating potential exposure to contaminated soil and removed the source of the groundwater contamination at the site. Laboratory analysis of confirmatory soil samples collected after the soil removal was completed demonstrated that restricted residential soil cleanup objectives established by NYSDEC had been achieved.
3. Application of an oxygen-releasing bioremediation agent to the open excavation where the petroleum contaminated soils were removed, prior to backfilling. This product was designed to promote and accelerate the naturally-occurring breakdown of residual contaminant compounds in groundwater.



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4. Backfill of the remedial excavation area with clean soil, and placement of crushed stone at the surface. Crushed stone was also placed in the area where the former concrete floor slab had been removed, to match surrounding grade.
5. Development and implementation of a Site Management Plan (SMP) approved by NYSDEC for long-term management of potential unidentified remaining contamination. The SMP contains the following:
 - An Excavation Work Plan (EWP) with guidance for future excavation activities that may be conducted during construction or underground utility work at the site.
 - A Groundwater Monitoring Plan with specifications for periodic groundwater sampling which confirmed that groundwater cleanup requirements for Area 1 had been achieved. NYSDEC approved discontinuation of the groundwater monitoring program on May 10, 2010, following the February 2010 sampling round, based on several rounds of satisfactory results.
 - Flagging of the site property in the City's Building Information System (BIS) such that all future permit applications will be reviewed by the City Division of Environmental Quality (DEQ) for compliance with the SMP.
 - A conceptual design for a sub-slab depressurization system that may be required for future proposed structures to minimize the potential for exposure to VOCs via soil vapor intrusion (SVI).
6. The BCP Certificate of Completion was issued by NYSDEC in October 2010.

Evaluate Remedy Performance, Effectiveness, and Protectiveness

Based on the data previously submitted to the NYSDEC concerning the VOC-impacted soil removal, application of bioremediation agent, and followup groundwater sampling, the Restricted Residential site use remedial objective was met.

Institutional Control/Engineering Control Plan Compliance

The Site is subject to Institutional and Engineering Controls (IC/EC) as detailed in an Environmental Easement which was granted to NYSDEC and which includes an SMP; these ICs/ECs include groundwater use restriction, land use restriction to Restricted Residential, and implementation of an SMP to address potential human exposure. Design of future buildings must also incorporate an



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**Reference: Periodic Review Report #2
Brownfield Site Cleanup
Former Davidson Collision Site No. C828091
399-409 Gregory Street, Rochester, NY**

evaluation of the need for an SVI mitigation system. The Site is flagged in the City's BIS such that future permit applications must be reviewed by the City DEQ for compliance with the SMP.

Based on a current review of these project elements, the IC/ECs are performing as expected, and no issues have been identified.

Monitoring Plan Compliance Report

According to City representatives, the Site use has not changed during the reporting period, and no development has occurred at the Site. A site inspection was performed on April 12, 2017. The surface conditions appeared to be essentially unchanged since the last inspection, and no evidence of significant change to or disturbance of the Site cover was observed (see attached photos, Appendix B). The monitoring wells that remain on or adjacent to the site have locks. It was noted that the gate latch mechanism on the Cayuga street gate is not functional.

Overall PRR Conclusions and Recommendations

Based on the City's knowledge of the Site and the recent Site inspection, compliance with the SMP has been achieved for this reporting period. It is recommended that the latch on the Cayuga Street gate be repaired or replaced.

Closing

If you have any questions or require further information, please contact me.

Regards,

STANTEC CONSULTING SERVICES INC.



Michael Storonsky
Managing Principal
585-413-5266
michael.storonsky@stantec.com

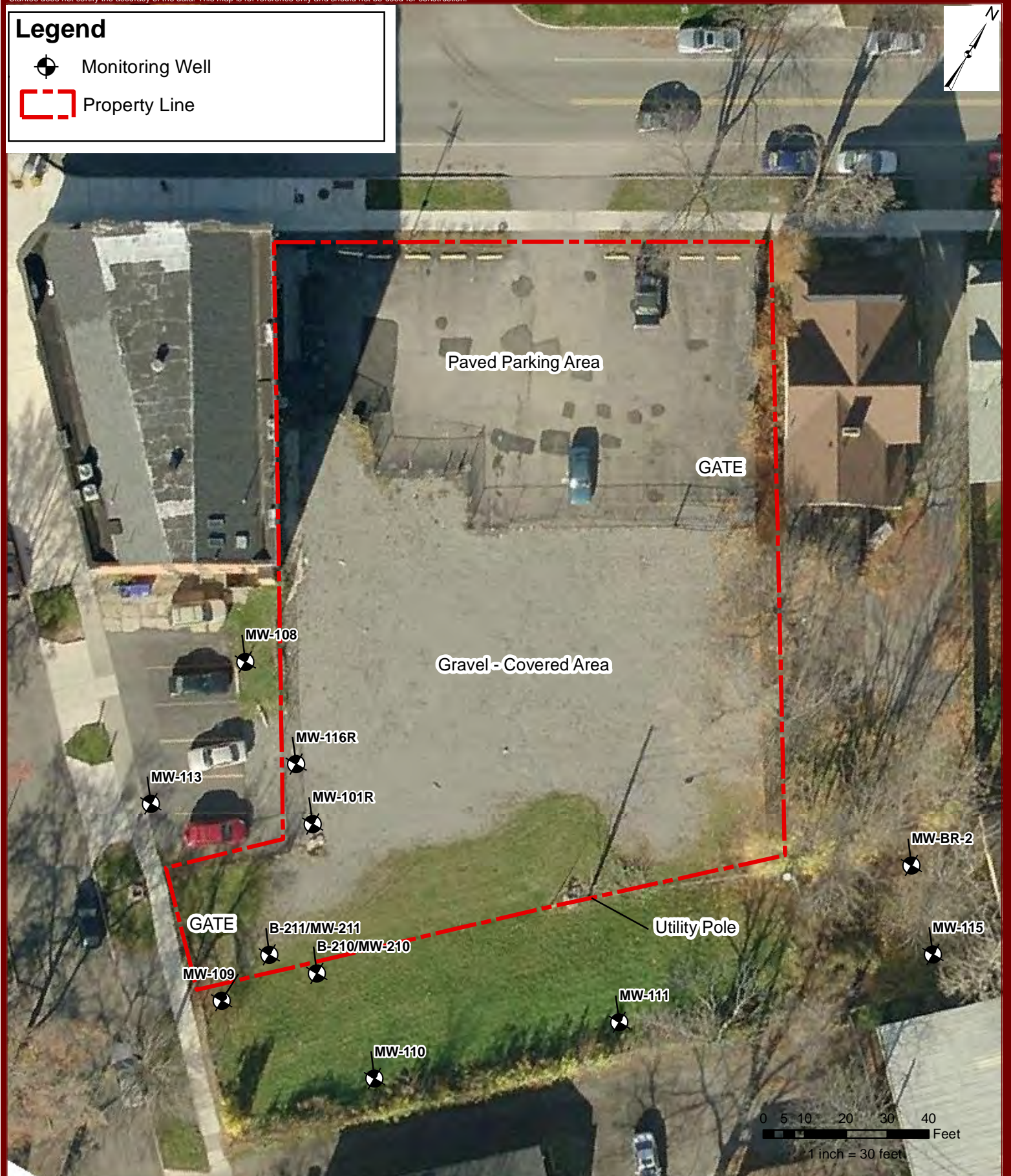
Robert Mahoney, P.G.
Senior Environmental Geologist
585-413-5301
bob.mahoney@stantec.com

Figure 1: Site Plan
Attachment 1: Site Photos

u:\190500951\05_report_deliv\deliverables\reports\pr_2017\let.399gregorst_prr_2017.04.30.docx

Legend

-  Monitoring Well
-  Property Line



Path: U:\190500951\05_report_deliv\deliverables\reports\PRR 2017\GIS\Fig1_Groundwater_Monitoring Wells_04_2012.mxd



Stantec Consulting Services Inc.

61 Commercial Street Suite 100, Rochester NY 14614-1009

ATTACHMENT 1

SITE PHOTOS



Photo 1: View north from southeast corner of the Site.



Photo 2: View northwest from southeast corner of the Site.



Photo 3: View west from northeast corner of fenced portion of the Site.



Photo 4: View north along western boundary of the Site.



Photo 5: View east along the southern boundary of the Site.



Photo 6: View toward Cayuga Street gate.



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



Site No. C828091

Site Details

Box 1

Site Name Davidson Collision

Site Address: 399 Gregory Street **Zip Code:** 14620
City/Town: Rochester
County: Monroe
Site Acreage: 0.5

Reporting Period: April 05, 2012 to April 05, 2017

YES NO

1. Is the information above correct? ☒ ☐

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? ☐ ☒

3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? ☐ ☒

4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? **SEE ATTACHMENT** ☒ ☐

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? ☐ ☒

Box 2

YES NO

6. Is the current site use consistent with the use(s) listed below?
Restricted-Residential, Commercial, and Industrial ☒ ☐

7. Are all ICs/ECs in place and functioning as designed? ☒ ☐

IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and 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.

- NOT APPLICABLE -

Signature of Owner, Remedial Party or Designated Representative

Date

Enclosure 1

Certification Instructions

I. Verification of Site Details (Box 1 and Box 2):

Answer the three questions in the Verification of Site Details Section. The Owner and/or Qualified Environmental Professional (QEP) may include handwritten changes and/or other supporting documentation, as necessary.

II. Certification of Institutional Controls/ Engineering Controls (IC/ECs)(Boxes 3, 4, and 5)

1.1.1. Review the listed IC/ECs, confirming that all existing controls are listed, and that all existing controls are still applicable. If there is a control that is no longer applicable the Owner / Remedial Party should petition the Department separately to request approval to remove the control.

2. In Box 5, complete certifications for all Plan components, as applicable, by checking the corresponding checkbox.

3. If you cannot certify "YES" for each Control listed in Box 3 & Box 4, sign and date the form in Box 5. Attach supporting documentation that explains why the **Certification** cannot be rendered, as well as a plan of proposed corrective measures, and an associated schedule for completing the corrective measures. Note that this **Certification** form must be submitted even if an IC or EC cannot be certified; however, the certification process will not be considered complete until corrective action is completed.

If the Department concurs with the explanation, the proposed corrective measures, and the proposed schedule, a letter authorizing the implementation of those corrective measures will be issued by the Department's Project Manager. Once the corrective measures are complete, a new Periodic Review Report (with IC/EC Certification) must be submitted within 45 days to the Department. If the Department has any questions or concerns regarding the PRR and/or completion of the IC/EC Certification, the Project Manager will contact you.

III. IC/EC Certification by Signature (Box 6 and Box 7):

If you certified "YES" for each Control, please complete and sign the IC/EC Certifications page as follows:

- For the Institutional Controls on the use of the property, the certification statement in Box 6 shall be completed and may be made by the property owner or designated representative.
- For the Engineering Controls, the certification statement in Box 7 must be completed by a Professional Engineer or Qualified Environmental Professional, as noted on the form.

Box 2A

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

YES NO

☐☒

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

☒☐

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C828091**Box 3****Description of Institutional Controls**

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>				
121.650-0001-053.000	City of Rochester	Site Management Plan Ground Water Use Restriction Soil Management Plan Landuse Restriction IC/EC Plan Monitoring Plan				
<p>The Controlled Property may be used for restricted residential use as described within 6 NYCRR Part 375- 1.8 (g) (2) (ii), as long as the following long-term engineering controls are employed and the land use restrictions specified below are adhered to:</p> <p>(1) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP).</p> <p>(2) All Engineering Controls on the Controlled Property must be inspected at a frequency and in a manner defined in the SMP.</p> <p>(3) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP.</p> <p>(4) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP.</p> <p>(5) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP.</p> <p>(6) The use of the groundwater underlying the property is prohibited without treatment rendering it safe for its intended use.</p> <p>(7) The potential for vapor intrusion must be evaluated for any buildings developed on the property, and any potential impacts that are identified must be monitored or mitigated.</p> <p>(8) The site will be entered into the City of Rochester Building Information flagging system such that all future permit applications will need to be reviewed by the Division of Environmental Quality for compliance with the conditions identified herein.</p> <p>(9) Sub-slab Depressurization System (SSDS) - If a SSDS is installed, the SSDS will not be discontinued unless prior written approval is granted by the NYSDEC. In the event that monitoring data indicates that the SSDS is no longer required, a proposal to discontinue the SSDS will be submitted by the property owner to the NYSDEC and New York State Department of Health.</p> <p>(10) Monitored Natural Attenuation - Groundwater monitoring activities to assess natural attenuation will continue, as determined by the NYSDEC, if groundwater contaminant levels become asymptotic at a level that is not acceptable to the NYSDEC, additional source removal, treatment and/or control measures will be evaluated as defined in the SMP.</p>						
Box 4						
<p align="center">Description of Engineering Controls</p> <table border="1"> <thead> <tr> <th><u>Parcel</u></th> <th><u>Engineering Control</u></th> </tr> </thead> <tbody> <tr> <td>121.650-0001-053.000</td> <td>Vapor Mitigation</td> </tr> </tbody> </table>			<u>Parcel</u>	<u>Engineering Control</u>	121.650-0001-053.000	Vapor Mitigation
<u>Parcel</u>	<u>Engineering Control</u>					
121.650-0001-053.000	Vapor Mitigation					

Periodic Review Report (PRR) Certification Statements

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

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

YES NO

☒ ☐

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

- (a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;
- (b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;
- (c) 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.

NOT APPLICABLE

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. C828091

Box 6

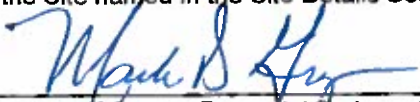
SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

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 MARK D. GREGOR at 30 CHURCH ST. ROOM 300B ROCHESTER NY 14625
print name print business address

am certifying as representative of the City of Rochester, NY (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

4-28-2017
Date

IC/EC CERTIFICATIONS


Box 7

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 MARK D. GREGOR at 30 CHURCH ST ROOM 300B ROCHESTER, NY 14625
print name print business address

am certifying as a OWNER'S REPRESENTATIVE
(Owner or Remedial Party)


Signature of, for the Owner or Remedial Party,
Rendering Certification

Stamp
(Required for PE)

4-28-2017
Date

Enclosure 3
Periodic Review Report (PRR) General Guidance

- I. **Executive Summary: (1/2-page or less)**
 - A. Provide a brief summary of site, nature and extent of contamination, and remedial history.
 - B. Effectiveness of the Remedial Program - Provide overall conclusions regarding:
 1. progress made during the reporting period toward meeting the remedial objectives for the site
 2. the ultimate ability of the remedial program to achieve the remedial objectives for the site.
 - C. Compliance
 1. Identify any areas of non-compliance regarding the major elements of the Site Management Plan (SMP, i.e., the Institutional/Engineering Control (IC/EC) Plan, the Monitoring Plan, and the Operation & Maintenance (O&M) Plan).
 2. Propose steps to be taken and a schedule to correct any areas of non-compliance.
 - D. Recommendations
 1. recommend whether any changes to the SMP are needed
 2. recommend any changes to the frequency for submittal of PRRs (increase, decrease)
 3. recommend whether the requirements for discontinuing site management have been met.
- II. **Site Overview (one page or less)**
 - A. Describe the site location, boundaries (figure), significant features, surrounding area, and the nature and extent of contamination prior to site remediation.
 - B. Describe the chronology of the main features of the remedial program for the site, the components of the selected remedy, cleanup goals, site closure criteria, and any significant changes to the selected remedy that have been made since remedy selection.
- III. **Evaluate Remedy Performance, Effectiveness, and Protectiveness**

Using tables, graphs, charts and bulleted text to the extent practicable, describe the effectiveness of the remedy in achieving the remedial goals for the site. Base findings, recommendations, and conclusions on objective data. Evaluations and should be presented simply and concisely.
- IV. **IC/EC Plan Compliance Report (if applicable)**
 - A. IC/EC Requirements and Compliance
 1. Describe each control, its objective, and how performance of the control is evaluated.
 2. Summarize the status of each goal (whether it is fully in place and its effectiveness).
 3. Corrective Measures: describe steps proposed to address any deficiencies in ICECs.
 4. Conclusions and recommendations for changes.
 - B. IC/EC Certification
 1. The certification must be complete (even if there are IC/EC deficiencies), and certified by the appropriate party as set forth in a Department-approved certification form(s).
- V. **Monitoring Plan Compliance Report (if applicable)**
 - A. Components of the Monitoring Plan (tabular presentations preferred) - Describe the requirements of the monitoring plan by media (i.e., soil, groundwater, sediment, etc.) and by any remedial technologies being used at the site.
 - B. Summary of Monitoring Completed During Reporting Period - Describe the monitoring tasks actually completed during this PRR reporting period. Tables and/or figures should be used to show all data.
 - C. Comparisons with Remedial Objectives - Compare the results of all monitoring with the remedial objectives for the site. Include trend analyses where possible.
 - D. Monitoring Deficiencies - Describe any ways in which monitoring did not fully comply with the monitoring plan.
 - E. Conclusions and Recommendations for Changes - Provide overall conclusions regarding the monitoring completed and the resulting evaluations regarding remedial effectiveness.
- VI. **Operation & Maintenance (O&M) Plan Compliance Report (if applicable)**
 - A. Components of O&M Plan - Describe the requirements of the O&M plan including required activities, frequencies, recordkeeping, etc.
 - B. Summary of O&M Completed During Reporting Period - Describe the O&M tasks actually completed during this PRR reporting period.
 - C. Evaluation of Remedial Systems - Based upon the results of the O&M activities completed, evaluated the ability of each component of the remedy subject to O&M requirements to perform as

designed/expected.

- D. O&M Deficiencies - Identify any deficiencies in complying with the O&M plan during this PRR reporting period.
- E. Conclusions and Recommendations for Improvements - Provide an overall conclusion regarding O&M for the site and identify any suggested improvements requiring changes in the O&M Plan.

VII. Overall PRR Conclusions and Recommendations

- A. Compliance with SMP - For each component of the SMP (i.e., IC/EC, monitoring, O&M), summarize;
 - 1. whether all requirements of each plan were met during the reporting period
 - 2. any requirements not met
 - 3. proposed plans and a schedule for coming into full compliance.
- B. Performance and Effectiveness of the Remedy - Based upon your evaluation of the components of the SMP, form conclusions about the performance of each component and the ability of the remedy to achieve the remedial objectives for the site.
- C. Future PRR Submittals
 - 1. Recommend, with supporting justification, whether the frequency of the submittal of PRRs should be changed (either increased or decreased).
 - 2. If the requirements for site closure have been achieved, contact the Departments Project Manager for the site to determine what, if any, additional documentation is needed to support a decision to discontinue site management.

VIII. Additional Guidance

Additional guidance regarding the preparation and submittal of an acceptable PRR can be obtained from the Departments Project Manager for the site.



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on April 20, 2016 and Approved by the Mayor of the City of Rochester, and was deemed duly adopted on April 21, 2016 in accordance with the applicable provisions of law.

Ordinance No. 2016-100

Authorizing the grant of access easement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the granting of a permanent easement over a portion of a City-owned property located at 399-409 Gregory Street (SBL# 121.65-01-053) comprising approximately 0.011 acres, to John T. Trickey, Jr., for the benefit of the adjoining property located at 389-395 Gregory Street (SBL# 121.65-01-052) in return for the sum of \$2,000.

Section 2. The easement shall contain or be contingent upon such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

Angela Washington

City Clerk

**EASEMENT PURCHASE
AND SALE AGREEMENT**

This agreement is made the 26 day of April, 2016 by and between these parties:

"CITY": CITY OF ROCHESTER, a municipal corporation with offices at City Hall, 30 Church Street, Rochester, New York 14614; and

"PURCHASER": JOHN T. TRICKEY, JR., with a mailing address of PO Box 18491, Rochester, New York 14618.

RECITALS:

WHEREAS, Purchaser owns the following parcel of land ("the Purchaser's Property") in the City of Rochester, New York:

389-395 Gregory Street SBL No. 121.65-1-52; and

WHEREAS, the City owns the following parcel of land ("the City Property") adjacent to Purchaser's property:

399-409 Gregory Street SBL No. 121.65-1-53; and

WHEREAS, Purchaser wishes to purchase an easement over a portion of the City property for access to the Purchaser's property,

NOW, THEREFORE, in consideration of the premises and the mutual covenants the City and Purchaser agree:

SECTION 1. PURCHASE OF EASEMENT

A. The City agrees to sell and Purchaser agrees to purchase an easement for ingress and egress over that portion of the City Property described in **Schedule A** on these terms and conditions ("the City Easement"). The City easement is approximately 464 square feet. The City will convey the City Easement to Purchaser by instrument in the form attached as **Exhibit A**. Purchaser will accept the City Easement subject to all covenants, easements and restrictions of record in the Monroe County Clerk's Office. Purchaser will pay for all recording and filing fees and transfer tax. There will be no closing adjustments.

B. Purchaser agrees to pay the City **TWO THOUSAND DOLLARS (\$2,000.00)** for the City Easement, payable by attorney's trust check, or Purchaser corporate check at Closing.

SECTION 2. CLOSING

- A.** The transfer of the City Easement or such other location as may be mutually determined, by **March 1, 2016**, or such later date(s) agreed to in writing by the parties.
- B.** Possession of the City Easement will be delivered to Purchaser at Closing.

SECTION 3. APPROVAL BY CITY COUNCIL

This Agreement is contingent upon adoption of an Ordinance by City Council approving the sale. This contingency must be satisfied by **February 28, 2016** or such later date(s) agreed to in writing by the parties.

SECTION 4. CLOSING ADJUSTMENTS

There will be no closing adjustments.

SECTION 5. PREPARATION FOR CLOSING

The Purchaser will be responsible, at Purchaser's sole cost and expense, for obtaining all documentation, including fully guaranteed tax and U.S. searches, and/or abstract of title as Purchaser may deem desirable or necessary.

Purchaser will pay for the continuation of any searches to and including the time of Closing. The cost of recording all instruments will be borne by Purchaser. Purchaser will pay any transfer tax applicable to conveyance of the City Easement to Purchaser.

SECTION 6. REJECTION OF TITLE

If Purchaser raises written objections to the City's title to the City Easement which, if valid, would render the title uninsurable at standard rates, or if there are liens or encumbrances which would prevent the intended use of the City Easement by Purchaser, Purchaser may cancel this Agreement by giving written notice of such cancellation to the City, and all liability of the parties to each other by this Agreement will cease. However, if Purchaser raises any title objections and the City will be able to cure such objection prior to the date set for closing, or the City secures a commitment of title insurance at standard rates acceptable to Purchaser this agreement will remain and continue in full force and effect. The City will not be liable because of any title defect.

SECTION 7. "AS IS" CONDITION; ENVIRONMENTAL

Purchaser acknowledges that the City makes no guarantee, representation or warranty regarding the physical or environmental condition of the City Easement, and the City expressly disclaims all obligation and liability to Purchaser regarding any defects which may exist regarding the condition of the City Easement.

SECTION 8. FORCE MAJEURE

All dates, time limits, and obligations of the parties in this Agreement are and will be subject to the rules of force majeure so the failure to meet any date or time limit or the inability to perform any obligation will be excused for the reasonable time duration of the causes set forth, where any such failure or inability is the result, in whole or in part, of causes beyond the control of either party, including shortage or inability to obtain labor, fuel, steam, water, electricity or materials, acts of God, enemy action, civil commotion, fire, or other casualty.

SECTION 9. BROKER'S COMMISSION

Purchaser and the City agree and represent that no broker or other real estate agent brought about the transfer of the City Easement, and that the parties have dealt directly with each other as principals, and each agrees to indemnify the other for any misrepresentation.

SECTION 10. AGREEMENT BINDING

This Agreement will bind the City and the Purchaser, and their respective successors and assigns.

SECTION 11. NOTICE

All notices, demands and requests which may be given or must be given by either party to the other must be in writing. All notices, demands and requests by the City or Purchaser will be personally delivered or forwarded by United States certified mail, return receipt requested, postage prepaid and addressed :

Purchaser:	John T. Trickey, Jr. PO Box 18491 Rochester, New York 14618
CITY:	City of Rochester Director of Real Estate City Hall 30 Church Street, Room 125B Rochester, New York 14614
copy to:	Corporation Counsel City Hall 30 Church Street, Room 400A Rochester, New York 14614

Notices, demands and requests in the aforesaid manner will be deemed served or given for all purposes when such notice, demand or request is personally delivered or

mailed.

SECTION 12. ENTIRE CONTRACT

This agreement contains the entire agreement between the parties and may be amended only by a document in writing signed by the parties and properly acknowledged.

SECTION 13. APPLICABLE LAW

This Agreement will be governed by the laws of the State of New York. Any action or proceeding regarding this Agreement will be brought in the Supreme Court, State of New York, Monroe County.

SECTION 14. RULES OF CONSTRUCTION

In this Agreement:

- (a) "Includes," "including," and similar terms are not limiting;
- (b) "May not" and similar terms are prohibitive and not permissive;
- (c) The singular includes the plural and is not exclusive; and
- (d) Any reference to a form, plan, policy, procedure, guideline, instruction, title, code, law, statute, ordinance, rule, regulation, order, or other governmental provision, or any part, will include the same as it may from time to time be amended.

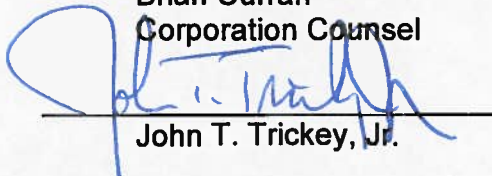
[END OF PAGE - SIGNATURES FOLLOW IMMEDIATELY ON NEXT PAGE]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

CITY OF ROCHESTER

By: 

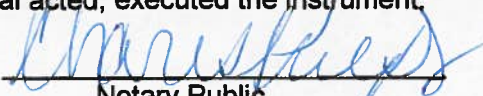
Brian Curran
Corporation Counsel



John T. Trickey, Jr.

STATE OF NEW YORK)
COUNTY OF MONROE) ss:

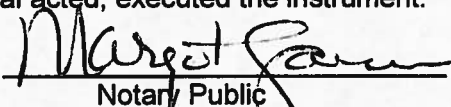
On the 26th day of April in the year 2016 before me, the undersigned, a Notary Public in and for said State, personally appeared **Brian Curran**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

CHARIS PHELPS
NOTARY PUBLIC - MONROE COUNTY
NEW YORK STATE
COMMISSION EXPIRES 9/27, 20 17

STATE OF NEW YORK)
COUNTY OF MONROE) ss:

On the 29 day of February in the year 2016 before me, the undersigned, a Notary Public in and for said State, personally appeared **John T. Trickey, Jr.**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

MARGOT GARCIA
Notary Public, State of New York
No. 4930172
Qualified in Monroe County 2019
Commission expires April 15, 2019

Schedule A
Legal Description

**LEGAL DESCRIPTION OF PROPOSED
PERMANENT ACCESS EASEMENT
PART OF #399-409 GREGORY STREET
PART OF T.A. #121.650-01-053**

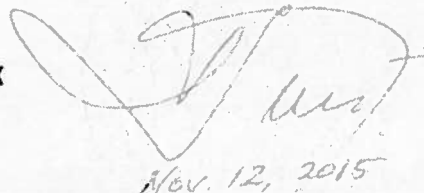
All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 60, Township 13, Range 7 and being part of Lot 8 of the S. Hamilton Subdivision, as filed in the Monroe County Clerk's Office in Liber 108 of Deeds, Page 514, and being more particularly bounded and described as follows: Beginning at a point on the southerly ROW line of Gregory Street (66' ROW), 61.46 feet east of the easterly ROW line of Cayuga Street (60' ROW), said point being the Point or Place of Beginning; thence

- 1) N 59° 21' 05" E, along said ROW line of Gregory Street, a distance of 5.00 feet to a point; thence
- 2) S 31° 28' 11" E, through lands of the City of Rochester, a distance of 90.00 feet to a point; thence
- 3) S 58° 31' 49" W, a distance of 5.00 feet to a point on the westerly line of said lands of the City of Rochester; thence
- 4) N 31° 28' 11" W, along said westerly line of lands of the City of Rochester, a distance of 90.07 feet to the said ROW line of Gregory Street, being the Point or Place of Beginning.

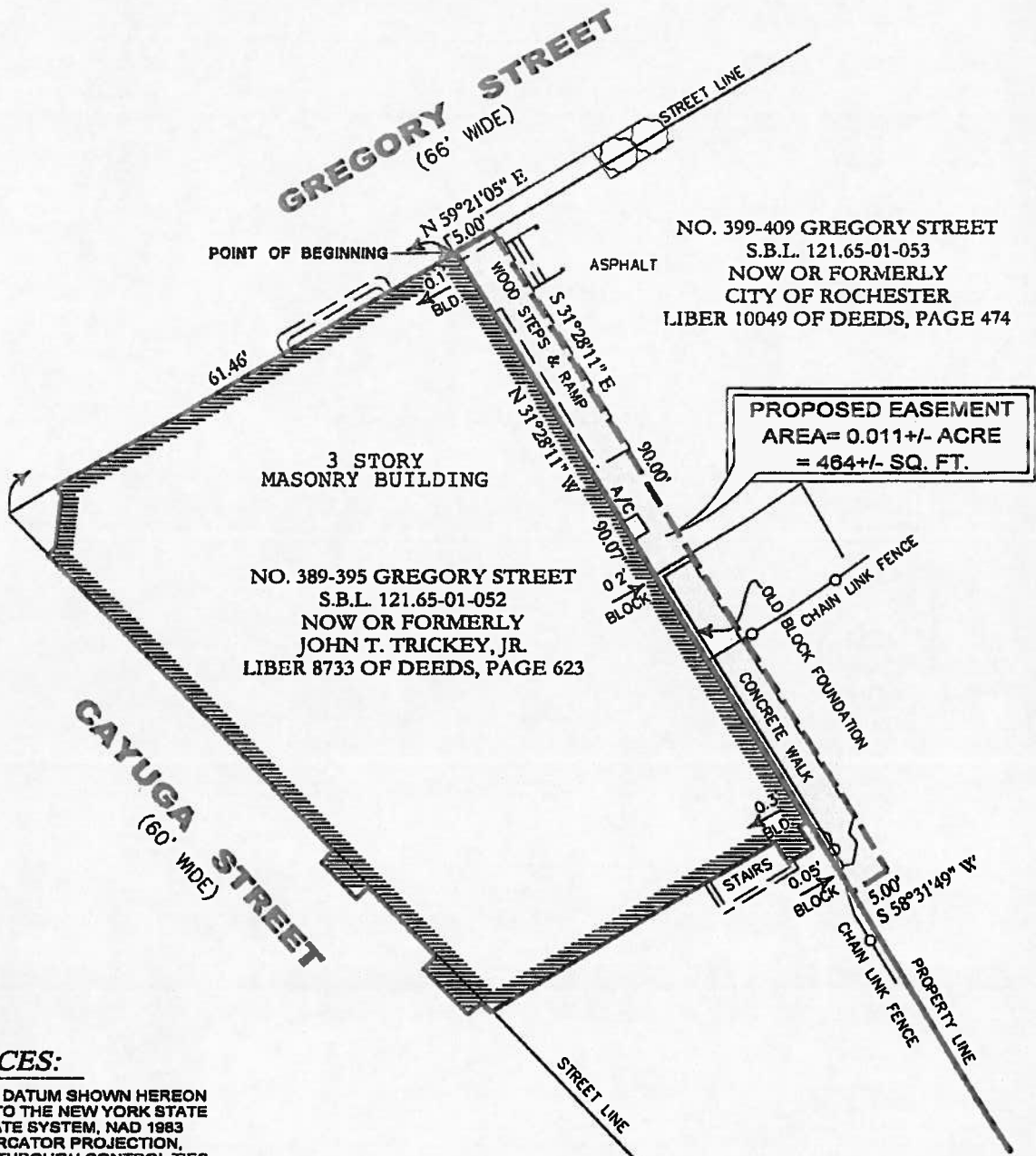
Hereby intending to describe a parcel of land containing 464 square feet, more or less, all as shown on a map entitled "Proposed Permanent Easement For Access Purposes", dated November 9, 2015, prepared by Jacek M. Szymanski, L.S. City Surveyor.

November 12, 2015

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Handwritten signature and date: 11/12/2015



REFERENCES:

THE HORIZONTAL DATUM SHOWN HEREON IS REFERENCED TO THE NEW YORK STATE PLANE COORDINATE SYSTEM, NAD 1983 TRANSVERSE MERCATOR PROJECTION, WESTERN ZONE, THROUGH CONTROL TIES TO THE CITY SURVEY PROJECT NUMBER 2005-027 IN CONJUNCTION WITH THE NOTES OF A SURVEY COMPLETED ON NOVEMBER 2, 2015

PART OF LOT 8 OF S. HAMILTON SUBDIVISION
(LIBER 108 OF DEEDS, PAGE 514)
BEING PART OF TOWN LOT 60, TOWNSHIP 13, RANGE 7

PROPOSED PERMANENT EASEMENT FOR ACCESS PURPOSES

399-409 GREGORY STREET
CITY OF ROCHESTER, COUNTY OF MONROE

Prepared by: CITY OF ROCHESTER, MAPS & SURVEYS
Project Surveyor: JACEK M. SZYMANSKI, L.S.
Mapping: JOHN D. METZGER, L.S.

SCALE: 1" = 20'

PROJECT NO. 2015-011

DATE: November 9, 2015



Department of Environmental Services
Architecture and Engineering Services
Maps and Surveys Office
City of Rochester, New York

Exhibit A
Form of Easement

EASEMENT

THIS EASEMENT is granted the ____ day of _____, 2016, by **CITY OF ROCHESTER ("City")** a municipal corporation with an address of **30 Church Street, Rochester, New York 14614**, to **JOHN T. TRICKEY, JR.**, with an address of **PO Box 18491, Rochester, New York 14618 ("Grantee")**

RECITALS:

WHEREAS, Grantee owns the following parcel of land in the City of Rochester, New York ("the Grantee's Property"):

389-395 Gregory Street SBL No. 121.65-1-52; and

WHEREAS, the City owns the following parcel of land ("the City Property") adjacent to Grantee's property:

399-409 Gregory Street SBL No. 121.65-1-53

WHEREAS, Rochester City Council has authorized granting this easement over a portion of the City Property, as described in **Schedule A**, by Ordinance No. 2016-100 adopted April 20, 2016.

NOW THEREFORE in consideration of **Two Thousand and No/100ths Dollars (\$2,000.00)** and other good and valuable consideration, the City does grant, release, and forever convey unto the Grantee, the Grantee's successors and assigns forever:

A PERMANENT EASEMENT for ingress and egress on, over, above, in, and through the premises described on **Schedule A**, and as shown on the map attached as **Exhibit A ("Easement Area")**, for access to and from the Grantee's Property. This easement will **not** include the right to install any subsurface utilities or structures of any kind. This easement shall run with the land.

GRANTEE COVENANTS to defend, indemnify and hold harmless the City, its agents, representatives and employees, to the extent permitted by law, against any and all claims, suits, costs, expenses (including reasonable attorney's fees), liabilities, damages or causes of action for damages of every kind and nature, and against any orders or decrees or judgments which may be entered therein, brought for damages or alleged damages resulting from any injury to person and/or property sustained in the Easement Area as a result of the Grantee's exercise of the rights set forth herein, except to the extent caused by the intentional or negligent act or omission of the City, and the agents, contractors and employees of the City. If such damages or alleged

damages result from the joint negligence or intentional acts of the City and Grantee, Grantee's duty of indemnification shall be in proportion to its allocable share of such joint negligence or intentional act(s).

ANY NOTICE, demand or request required or agreed to be given under this easement by either party will be sufficiently given or served if in writing and signed by the party giving it and either personally delivered or mailed by Certified Mail, Return Receipt Requested, addressed to the party to be notified:

GRANTEE: John T. Trickey, Jr.
PO Box 18491
Rochester, New York 14618

CITY: City of Rochester
Director of Real Estate
City Hall
30 Church Street, Room 125B
Rochester, New York 14614

copy to: Corporation Counsel
City Hall
30 Church Street, Room 400A
Rochester, New York 14614

or to such other address as Grantee or the City may from time to time designate by giving notice in writing. Service will be complete upon such mailing except in the case of a notice to change an address in which case service will be complete when the notice is received by the addressee.

BEING PART OF the following premises owned by the City:

399-409 Gregory Street

SBL No. 121.65-1-53

TO HAVE AND TO HOLD the above-described permanent, non-exclusive easement unto the Grantee, the Grantee's successors and assigns forever.

[END OF PAGE - SIGNATURES FOLLOW IMMEDIATELY ON NEXT PAGE]

IN WITNESS WHEREOF, the parties have executed this instrument as of the date first above written.

CITY OF ROCHESTER

By:


Brian Curran
Corporation Counsel


John T. Trickey, Jr.

STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

On the 27th day of April, 2016 before me, the undersigned, a Notary Public in and for said State, personally appeared Brian Curran, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

CHARIS PHELPS
NOTARY PUBLIC - MONROE COUNTY
NEW YORK STATE
COMMISSION EXPIRES 4/27, 20 17

STATE OF NEW YORK)
COUNTY OF MONROE) ss:

On the 29 day of February, 2016 before me, the undersigned, a Notary Public in and for said State, personally appeared John T. Trickey, Jr., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

MARGOT GARCIA
Notary Public, State of New York
Charis Phelps, Notary Public
COMMISSION EXPIRES 2019

Schedule A

**LEGAL DESCRIPTION OF
PROPOSED PERMANENT EASEMENT
PART OF 399-409 Gregory Street SBL No. 121.65-1-53**

**LEGAL DESCRIPTION OF PROPOSED
PERMANENT ACCESS EASEMENT
PART OF #399-409 GREGORY STREET
PART OF T.A. #121.650-01-053**

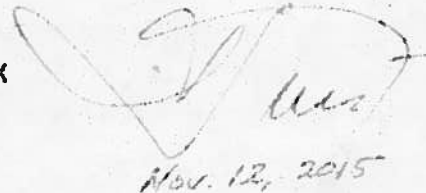
All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 60, Township 13, Range 7 and being part of Lot 8 of the S. Hamilton Subdivision, as filed in the Monroe County Clerk's Office in Liber 108 of Deeds, Page 514, and being more particularly bounded and described as follows: Beginning at a point on the southerly ROW line of Gregory Street (66' ROW), 61.46 feet east of the easterly ROW line of Cayuga Street (60' ROW), said point being the Point or Place of Beginning; thence

- 1) N 59° 21' 05" E, along said ROW line of Gregory Street, a distance of 5.00 feet to a point; thence
- 2) S 31° 28' 11" E, through lands of the City of Rochester, a distance of 90.00 feet to a point; thence
- 3) S 58° 31' 49" W, a distance of 5.00 feet to a point on the westerly line of said lands of the City of Rochester; thence
- 4) N 31° 28' 11" W, along said westerly line of lands of the City of Rochester, a distance of 90.07 feet to the said ROW line of Gregory Street, being the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 464 square feet, more or less, all as shown on a map entitled "Proposed Permanent Easement For Access Purposes", dated November 9, 2015, prepared by Jacek M. Szymanski, L.S. City Surveyor.

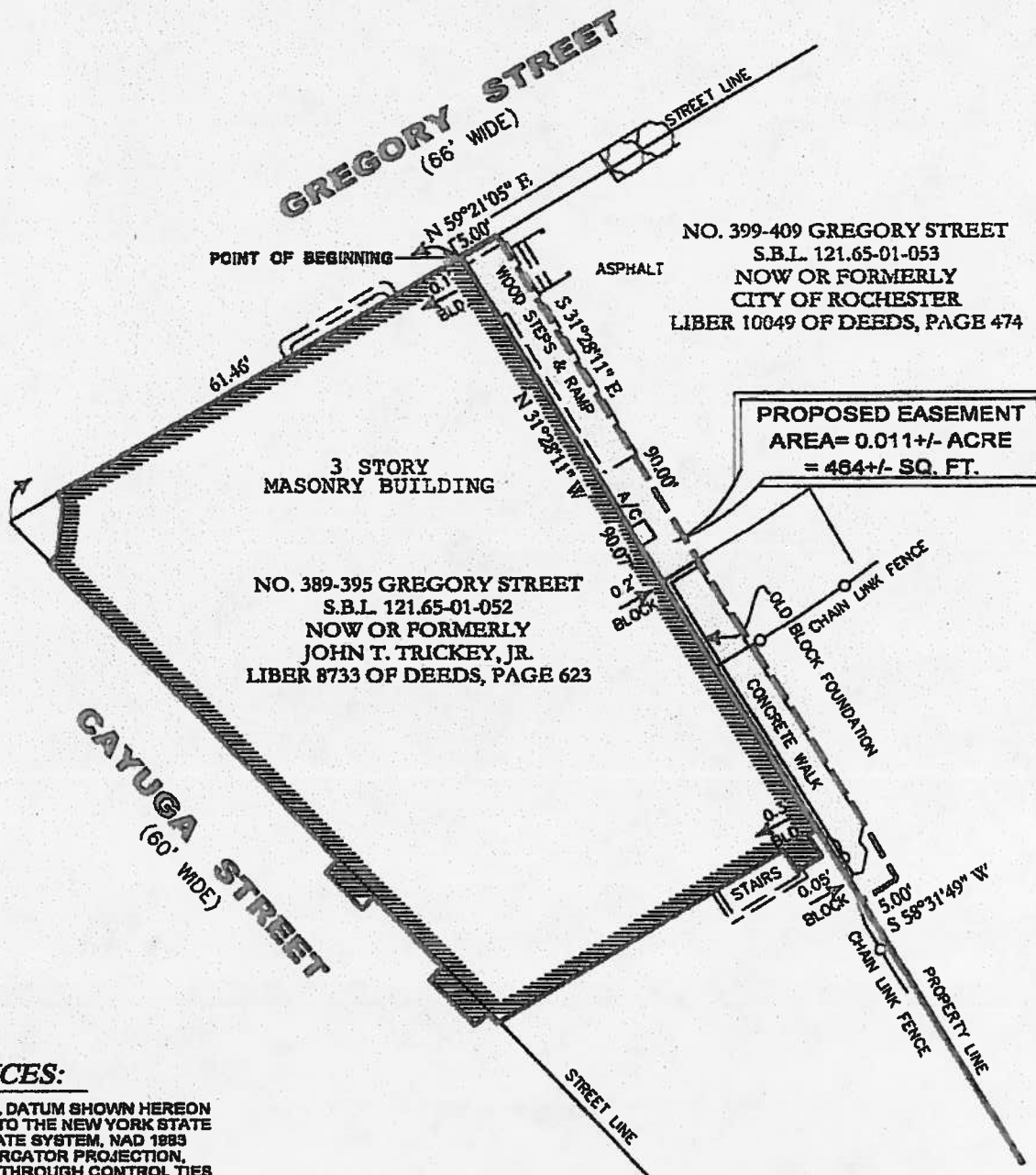
November 12, 2015

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Handwritten signature and date: Nov. 12, 2015

Exhibit A
Map of Permanent Easement conveyed to Grantee



NO. 399-409 GREGORY STREET
S.B.L. 121.65-01-053
NOW OR FORMERLY
CITY OF ROCHESTER
LIBER 10049 OF DEEDS, PAGE 474

PROPOSED EASEMENT
AREA= 0.011 +/- ACRE
= 484 +/- SQ. FT.

NO. 389-395 GREGORY STREET
S.B.L. 121.65-01-052
NOW OR FORMERLY
JOHN T. TRICKEY, JR.
LIBER 8733 OF DEEDS, PAGE 623

REFERENCES:

THE HORIZONTAL DATUM SHOWN HEREON
IS REFERENCED TO THE NEW YORK STATE
PLANE COORDINATE SYSTEM, NAD 1983
TRANSVERSE MERCATOR PROJECTION,
WESTERN ZONE, THROUGH CONTROL TIES
TO THE CITY SURVEY PROJECT NUMBER
2005-027 IN CONJUNCTION WITH THE NOTES
OF A SURVEY COMPLETED ON NOVEMBER 2, 2016



PART OF LOT 8 OF S. HAMILTON SUBDIVISION
(LIBER 108 OF DEEDS, PAGE 514)
BEING PART OF TOWN LOT 60, TOWNSHIP 13, RANGE 7

PROPOSED PERMANENT EASEMENT FOR ACCESS PURPOSES

399-409 GREGORY STREET
CITY OF ROCHESTER, COUNTY OF MONROE

Prepared by: CITY OF ROCHESTER, MAPS & SURVEYS
Project Surveyor: JACEK M. SZYMANSKI, L.S.
Mapping: JOHN D. METZGER, L.S.

SCALE: 1" = 20'

PROJECT NO. 2015-011

DATE: November 6, 2015



Department of Environmental Services
Architecture and Engineering Services
Maps and Surveys Office
City of Rochester, New York

 COPY

EASEMENT

THIS EASEMENT is granted the 26 day of April, 2016, by CITY OF ROCHESTER ("City") a municipal corporation with an address of 30 Church Street, Rochester, New York 14614, to JOHN T. TRICKEY, JR., with an address of PO Box 18491, Rochester, New York 14618 ("Grantee")

RECITALS:

WHEREAS, Grantee owns the following parcel of land in the City of Rochester, New York ("the Grantee's Property"):

389-395 Gregory Street SBL No. 121.65-1-52; and

WHEREAS, the City owns the following parcel of land ("the City Property") adjacent to Grantee's property:

399-409 Gregory Street SBL No. 121.65-1-53

WHEREAS, Rochester City Council has authorized granting this easement over a portion of the City Property, as described in **Schedule A**, by Ordinance No. 2016-100 adopted April 20, 2016.

NOW THEREFORE in consideration of Two Thousand and No/100ths Dollars (\$2,000.00) and other good and valuable consideration, the City does grant, release, and forever convey unto the Grantee, the Grantee's successors and assigns forever:

A PERMANENT EASEMENT for ingress and egress on, over, above, in, and through the premises described on **Schedule A**, and as shown on the map attached as **Exhibit A** ("Easement Area"), for access to and from the Grantee's Property. This easement will **not** include the right to install any subsurface utilities or structures of any kind. This easement shall run with the land.

GRANTEE COVENANTS to defend, indemnify and hold harmless the City, its agents, representatives and employees, to the extent permitted by law, against any and all claims, suits, costs, expenses (including reasonable attorney's fees), liabilities, damages or causes of action for damages of every kind and nature, and against any orders or decrees or judgments which may be entered therein, brought for damages or alleged damages resulting from any injury to person and/or property sustained in the Easement Area as a result of the Grantee's exercise of the rights set forth herein, except to the extent caused by the intentional or negligent act or omission of the City, and the agents, contractors and employees of the City. If such damages or alleged

damages result from the joint negligence or intentional acts of the City and Grantee, Grantee's duty of indemnification shall be in proportion to its allocable share of such joint negligence or intentional act(s).

ANY NOTICE, demand or request required or agreed to be given under this easement by either party will be sufficiently given or served if in writing and signed by the party giving it and either personally delivered or mailed by Certified Mail, Return Receipt Requested, addressed to the party to be notified:

GRANTEE: John T. Trickey, Jr.
PO Box 18491
Rochester, New York 14618

CITY: City of Rochester
Director of Real Estate
City Hall
30 Church Street, Room 125B
Rochester, New York 14614

copy to: Corporation Counsel
City Hall
30 Church Street, Room 400A
Rochester, New York 14614

or to such other address as Grantee or the City may from time to time designate by giving notice in writing. Service will be complete upon such mailing except in the case of a notice to change an address in which case service will be complete when the notice is received by the addressee.

BEING PART OF the following premises owned by the City:

399-409 Gregory Street

SBL No. 121.65-1-53

TO HAVE AND TO HOLD the above-described permanent, non-exclusive easement unto the Grantee, the Grantee's successors and assigns forever.

[END OF PAGE - SIGNATURES FOLLOW IMMEDIATELY ON NEXT PAGE]

IN WITNESS WHEREOF, the parties have executed this instrument as of the date first above written.

CITY OF ROCHESTER

By:


Brian Curran
Corporation Counsel


John T. Trickey, Jr.

STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

On the 27th day of April, 2016 before me, the undersigned, a Notary Public in and for said State, personally appeared Brian Curran, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

CHARIS PHELPS
NOTARY PUBLIC - MONROE COUNTY
NEW YORK STATE
COMMISSION EXPIRES 7/27, 20 17

STATE OF NEW YORK)
COUNTY OF MONROE) ss:

On the 29 day of February, 2016 before me, the undersigned, a Notary Public in and for said State, personally appeared John T. Trickey, Jr., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

MARGOT GARCIA
Notary Public, State of New York
Commission Expires 2019

Schedule A

**LEGAL DESCRIPTION OF
PROPOSED PERMANENT EASEMENT
PART OF 399-409 Gregory Street SBL No. 121.65-1-53**

**LEGAL DESCRIPTION OF PROPOSED
PERMANENT ACCESS EASEMENT
PART OF #399-409 GREGORY STREET
PART OF T.A. #121.650-01-053**

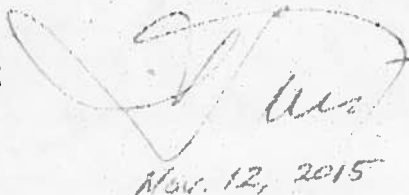
All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 60, Township 13, Range 7 and being part of Lot 8 of the S. Hamilton Subdivision, as filed in the Monroe County Clerk's Office in Liber 108 of Deeds, Page 514, and being more particularly bounded and described as follows: Beginning at a point on the southerly ROW line of Gregory Street (66' ROW), 61.46 feet east of the easterly ROW line of Cayuga Street (60' ROW), said point being the Point or Place of Beginning; thence

- 1) N 59° 21' 05" E, along said ROW line of Gregory Street, a distance of 5.00 feet to a point; thence
- 2) S 31° 28' 11" E, through lands of the City of Rochester, a distance of 90.00 feet to a point; thence
- 3) S 58° 31' 49" W, a distance of 5.00 feet to a point on the westerly line of said lands of the City of Rochester; thence
- 4) N 31° 28' 11" W, along said westerly line of lands of the City of Rochester, a distance of 90.07 feet to the said ROW line of Gregory Street, being the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 464 square feet, more or less, all as shown on a map entitled "Proposed Permanent Easement For Access Purposes", dated November 9, 2015, prepared by Jacek M. Szymanski, L.S. City Surveyor.

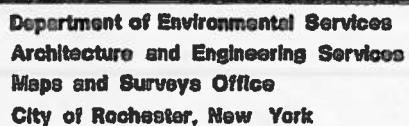
November 12, 2015

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Nov. 12, 2015

Exhibit A
Map of Permanent Easement conveyed to Grantee





City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **January 17, 2017** and Approved by the Mayor of the City of Rochester, and was deemed duly adopted on **January 18, 2017** in accordance with the applicable provisions of law.

Ordinance No. 2017-4

Authorizing the sale of real estate and amending Ordinance No. 2016-359

Section 1. The Council hereby approves the negotiated sale of the following parcels of vacant land with proposal:

Address	SBL#	Lot Size	Sq. Ft.	Price	Purchaser
3-3.5 Diamond Pl	107.53-1-35	33 x 118	3,894	\$50	Rochester Housing Charities
12 Diamond Pl	107.53-1-28.1	133 x 108	9,968	\$550	Rochester Housing Charities
15 Diamond Pl	107.53-1-30.1	52 x 118	6,136	\$475	Rochester Housing Charities
399-409 Gregory St	121.65-1-53	120 x 148	19,981	\$37,500	John T. Trickey, Jr.

Section 2. The Council hereby approves of the negotiated sale of the following parcels of vacant land:

Address	SBL#	Lot Size	Sq. Ft.	Price	Purchaser
2056 Clifford Av	107.23-1-19	55 x 120	6,600	\$475	Vivid Properties, LLC

64 Columbia Av	121.61-2-72	40 x 173	6,879	\$475	Richard C. Turner, Sr. ; Valerie Miller Turner Dana K. Miller, Freda Burch Miller
24 Durnan St	091.73-3- 47.1	105 x 80	8,400	\$525	Gabriel Rosario
44 Oakman St	106.46-1- 23.2	40 x 110	4,420	\$425	Frank Howard

Section 3. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address	SBL#	Lot Size	Sq. Ft.	Purchaser
564 Clifford Av	106.31-2- 56.2	15 x 96	1,527	Flairine C. Creve-Coeur
37 Durnan St	091.81-1- 17.1	76 x 83	6,360	Patricia L. Walker
457 Hawley St	120.75-2- 8.2	16 x 152	2,524	Ivy M. D-Lyston
95 Mohawk St	091.75-2- 38	36 x 96	3,483	Eddie & Bounleua Phouthasack
149 Salisbury St	107.30-2- 16	10 x 90	906	Priscella Burch

Section 4. Section 1 of Ordinance No. 2016-359 is hereby amended to read in its entirety as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

Address	SBL#	Lot Size	Use	Price	Purchaser
345 Avenue B	106.22-1-12	40 x 64	1 Family	400	Angel Diaz
215-217 Avenue C	106.21-3-3	40 x 120	2 Family	3,000	Marvalyn Napier
<u>±219 Avenue C</u>	<u>106.21-3-4</u>	<u>40 x 120</u>	<u>Vacant Lot</u>		
751-753 Avenue D	091.80-3-37	36 x 100	2 Family	2,000	Paul Anastasi
<u>±755-757 Avenue D</u> <u>western half</u>	<u>091.80-3- 37.1</u>	<u>36 x 100</u>	<u>Vacant Lot</u>		
245 Bay St	106.51-1-11	40 x 110	3 Family	3,600	Cory E. Bell
32 Centennial St	120.25-3-30	40 x 85	2 Family	11,500	Walter Gerula
252 Clay Ave	090.50-2-46	33 x 120	1 Family	700	Kabongo Kasongo
436 Columbia Ave	120.67-3-54	36 x 115	1 Family	5,900	Musliha Ahmed
35 Conkey Ave	106.37-2-25	40 x 100	1 Family	2,200	Angel Diaz
330 Conkey Ave	091.77-3-26	40 x 125	1 Family	4,200	Yvan DelValle

3 Dake St	106.50-2-31	41 x 120	2 Family	2,500	Edmond N. Toub
8 Elizabeth Pl	106.42-2-59	35 x 63	1 Family	3,400	Belkis Sanchez
<u>16 Elizabeth Pl</u>	<u>106.42-2-58</u>	<u>35 x 63</u>	<u>Vacant Lot</u>		
6 Englert St	106.43-4-58	40 x 120	1 Family	2,500	Joseph Raskin
59 Epworth St	120.51-4-20	30 x 63	1 Family	1,700	Umenzi Thompson
70 Ernestine St	135.31-2-46	40 x 110	1 Family	13,000	Nikki Nacole Bell
23-25 Fair Pl	106.68-1-8	40 x 76	2 Family	3,200	Muhammed Khan
‡ 21 Fair Pl	106.68-1-9	40 x 78	Vacant Lot		
14 Fern St	105.66-2-47	78 x 89	1 Family	1,200	Jerry Perkins
24 Florence St	120.67-3-42	33 x 139	1 Family	1,400	Keisha Wright
515 Hayward Av	107.69-1-9	40 x 125	1 Family	12,000	Marvalyn Napier
90 Nichols St	106.28-2-31	59 x 100	1 Family	21,000	Pablo A. Vazquez
					Yaneisy Blat &
84 Northland Av	091.84-3-80	51 x 124	1 Family	7,800	Ronald Gamboa
396 Pullman Av	090.33-2-19	53 x 104	2 Family	14,000	Joseph A. Tasse
402 Ravine Av	105.33-2-36	35 x 71	1 Family	2,500	Walter Gerula
32 Ries St	105.82-3-14	49 x 110	1 Family	7,500	Znovia Hill Meeks
184 Sixth St	106.52-2-82	40 x 120	2 Family	6,000	Pablo A. Vazquez
	120.35-3-				
15 Terry St	56.1	49 x 144	1 Family	2,200	Joseph Raskin
190 Weaver St	091.72-1-38	40 x 119	2 Family	29,000	Musliha Ahmed
63 Woodward St	106.65-3-27	40 x 133	1 Family	23,500	Lydell Strickland

‡ Indicates vacant lot sold in conjunction with the structure listed above it

Section 5. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 6. This ordinance shall take effect immediately.

Underlining indicates new text.

Passed by the following vote:

**Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, Ortiz, Patterson,
Spaul - 7**

Nays - None - 0.

Vice President Miller abstained due to a professional relationship

Attest

Wayne Washington

City Clerk

BPPMTQY BIS - BUILDING - PERMITS ISSUED DATE: 04/17/2017 >
MORE PERMITS ARE AVAILABLE FOR PARCEL - PRESS PF 8

APPLIC. ADDRESS: 0399 GREGORY ST PERMIT NO.: _____
SBL NO.: 121 . 650 - 0001 - 053 . 000 / 0000
PMT#/SFX APL DTE ISS DTE EST COST STATUS/DATE
0399 GREGORY ST
1156393 11/23/15 05/18/16 6000 PMT COMPLETED/ WITH INSP 16/08/12
INSTALL BACK-UP GENERATOR IN 5FT EASEMENT AREA FOR GENESEE CO-OP FCU, LOCATED
IN ADJACENT BUILDING. (395 GREGORY ST)

1074768 07/13/07 00/00/00 PERMIT COMPLETE-CZC ONLY 07/09/25
TO CONTINUE THE USE OF AN 18 SPACE ANCILLARY PARKING LOT TO SERVE THE
BUILDING AT 389-395 GREGORY STREET (VALID UNTIL CITY LEASE AGREEMENT EXPIRES

1064000 05/25/06 00/00/00 PERMIT COMPLETE-CZC ONLY 06/06/30
TO CONTINUE THE USE OF AN 18 SPACE ANCILLARY PARKING LOT TO SERVE THE
GENESEE CO-OP FEDERAL CREDIT UNION

1052975 04/28/05 06/12/06 60000 WAITING CONTRACTR CONTACT 06/06/12
DEMOLISH 1 STORY MASONRY COMMERCIAL BLDG

PF14-STAT LIST PF15-PMT DETL PF16-PMT EVTS PF17-PMT CONDS
PF18-PROP SUMM PF19-ADDR LIST PF20-CFO LIST PF21-PND/CANC

**Attachment to PRR Institutional and Engineering Controls Certification Form
399 Gregory Street (828091)**

April 28, 2017

Box 1 Question 4 Issue 1.

On September 27, 2012 the Mark Gregor of the City Division of Environmental Quality (DEQ) learned that a street construction contractor under contract with the City had been given informal permission by the City to use 399 Gregory Street for parking and the storage of piping and stone for a street curb replacement project one block away on Weider Street. The contractor was ordered off the property immediately and DEQ notified NYSDEC Region 8 of the order to the contractor to vacate the property. After the contractor left the site DEQ inspected the site and found no impacts of concern to the integrity of the site remedy or to the required institutional and engineering controls associated with the site.

Box 1 Question 4 Issue 2.

While reviewing 2012 to 2017 City permit records for 399 Gregory Street the Division of Environmental identified that a permit had been issued on May 18, 2016 for the installation of a propane gas fueled back-up electrical generator for the Genesee Co-op Federal Credit Union. On April 17, 2017 Mark Gregor of the City DEQ visited the site and took photos (enclosed below) of the generator and propane tanks which were mounted on an existing concreted section that was present prior to and during the site remediation. After checking with the City Real Estate Office it was identified that on April 26, 2016 a five foot easement had been granted to John Tricky, the owner of 389-395 Gregory Street, for the purpose of allowing his tenant, the Genesee Co-op Federal Credit Union, the ability to place the generator and propane tanks on the pre-existing concrete section immediately adjacent to building 389-395 Gregory Street. The easement also legalized the existence of the handicap access ramp and air conditioner unit next to the building that have been used by the Credit union at 389-395 Gregory Street, but located on 389 Gregory Street. The access ramp and air conditional unit are located on the parking lot portion of 399 Gregory Street that has been leased to John Tricky since the beginning of the BCP investigation and during the cleanup project. After inspecting the site, City DEQ's evaluation is that the placement and existence of the generator and propane tanks on the existing concrete section does not harm, threaten or interfere with the integrity of the completed remedy at the site and the required engineering and institutional controls associated with the site.

DEQ is currently working with the City Permit Office and Real Estate Office to ensure that, consistent with the City's institutional control mechanism, advanced notice is provided to both DEQ and the NYSDEC of any such property or permit changes in the future as required under the 6NYCRR Part 375, the Site Management Plan, and the Environmental Easement.



April 17, 2017 Site Photos of Generator and Propane Tanks on Concrete Section at 399 Gregory Street (828091)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation

625 Broadway, 11th Floor, Albany, NY 12233-7020

P: (518)402-9543 | F: (518)402-9547

www.dec.ny.gov

2/22/2017

Mark Gregor
Manager, Div. Of Environmental Quality
CITY OF ROCHESTER
30 CHURCH STREET
ROOM 300B
Rochester, NY 14614

Re: Reminder Notice: Site Management Periodic Review Report and IC/EC Certification Submittal

Site Name: Davidson Collision

Site No.: C828091

Site Address: 399 Gregory Street
Rochester, NY 14620

Dear Mark Gregor:

This letter serves as a reminder that sites in active Site Management (SM) require the submittal of a periodic progress report. This report, referred to as the Periodic Review Report (PRR), must document the implementation of, and compliance with, site specific SM requirements. Section 6.3(b) of DER-10 *Technical Guidance for Site Investigation and Remediation* (available online at <http://www.dec.ny.gov/regulations/67386.html>) provides guidance regarding the information that must be included in the PRR. Further, if the site is comprised of multiple parcels, then you as the Certifying Party must arrange to submit one PRR for all parcels that comprise the site. The PRR must be received by the Department no later than **May 05, 2017**. Guidance on the content of a PRR is enclosed.

Site Management is defined in regulation (6 NYCRR 375-1.2(at)) and in Chapter 6 of DER-10. Depending on when the remedial program for your site was completed, SM may be governed by multiple documents (e.g., Operation, Maintenance, and Monitoring Plan; Soil Management Plan) or one comprehensive Site Management Plan.

A Site Management Plan (SMP) may contain one or all of the following elements, as applicable to the site: a plan to maintain institutional controls and/or engineering controls ("IC/EC Plan"); a plan for monitoring the performance and effectiveness of the selected remedy ("Monitoring Plan"); and/or a plan for the operation and maintenance of the selected remedy ("O&M Plan"). Additionally, the technical requirements for SM are stated in the decision document (e.g., Record of Decision) and, in some cases, the legal agreement directing the remediation of the site (e.g., order on consent, voluntary agreement, etc.).

When you submit the PRR (by the due date above), include the enclosed forms documenting that all SM requirements are being met. The Institutional Controls (ICs) portion of the form (Box 6) must be signed by you or your designated representative. If you cannot certify that all SM requirements are being met, you must submit a Corrective Measures Work Plan that identifies the actions to be taken to restore compliance. The work plan must include a schedule to be approved by the Department. The Periodic Review process will not be considered complete until all necessary corrective measures are completed and all required controls are certified. Instructions for completing the certifications are enclosed.



Department of
Environmental
Conservation

All site-related documents and data, including the PRR, are to be submitted in electronic format to the Department of Environmental Conservation. The Department will not approve the PRR unless all documents and data generated in support of that report have been submitted in accordance with the electronic submissions protocol. In addition, the certification forms are required to be submitted in both paper and electronic formats.

Information on the format of the data submissions can be found at:
<http://www.dec.ny.gov/regulations/2586.html>

The signed certification forms should be sent to Charlotte Theobald, Project Manager, at the following address:

New York State Department of Environmental Conservation
6274 East Avon-Lima Road
Avon, NY 14414

Phone number: 585-226-5354. E-mail: charlotte.theobald@dec.ny.gov

The contact information above is also provided so that you may notify the project manager about upcoming inspections, or for any other questions or concerns that may arise in regard to the site.

Enclosures

PRR General Guidance
Certification Form Instructions
Certification Forms

ec: w/ enclosures

Charlotte Theobald, Project Manager
Bernette Schilling, Hazardous Waste Remediation Engineer, Region 8

Enclosure 1

Certification Instructions

I. Verification of Site Details (Box 1 and Box 2):

Answer the three questions in the Verification of Site Details Section. The Owner and/or Qualified Environmental Professional (QEP) may include handwritten changes and/or other supporting documentation, as necessary.

II. Certification of Institutional Controls/ Engineering Controls (IC/ECs)(Boxes 3, 4, and 5)

1.1.1. Review the listed IC/ECs, confirming that all existing controls are listed, and that all existing controls are still applicable. If there is a control that is no longer applicable the Owner / Remedial Party should petition the Department separately to request approval to remove the control.

2. In Box 5, complete certifications for all Plan components, as applicable, by checking the corresponding checkbox.

3. If you cannot certify "YES" for each Control listed in Box 3 & Box 4, sign and date the form in Box 5. Attach supporting documentation that explains why the **Certification** cannot be rendered, as well as a plan of proposed corrective measures, and an associated schedule for completing the corrective measures. Note that this **Certification** form must be submitted even if an IC or EC cannot be certified; however, the certification process will not be considered complete until corrective action is completed.

If the Department concurs with the explanation, the proposed corrective measures, and the proposed schedule, a letter authorizing the implementation of those corrective measures will be issued by the Department's Project Manager. Once the corrective measures are complete, a new Periodic Review Report (with IC/EC Certification) must be submitted within 45 days to the Department. If the Department has any questions or concerns regarding the PRR and/or completion of the IC/EC Certification, the Project Manager will contact you.

III. IC/EC Certification by Signature (Box 6 and Box 7):

If you certified "YES" for each Control, please complete and sign the IC/EC Certifications page as follows:

- For the Institutional Controls on the use of the property, the certification statement in Box 6 shall be completed and may be made by the property owner or designated representative.
- For the Engineering Controls, the certification statement in Box 7 must be completed by a Professional Engineer or Qualified Environmental Professional, as noted on the form.



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



Site No. **C828091** **Site Details** **Box 1**

Site Name **Davidson Collision**

Site Address: 399 Gregory Street Zip Code: 14620
City/Town: Rochester
County: Monroe
Site Acreage: 0.5

Reporting Period: April 05, 2012 to April 05, 2017

- | | YES | NO |
|--|--------------------------|--------------------------|
| 1. Is the information above correct? | <input type="checkbox"/> | <input 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 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 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 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 type="checkbox"/> |

Box 2

- | | YES | NO |
|---|--------------------------|--------------------------|
| 6. Is the current site use consistent with the use(s) listed below?
Restricted-Residential, Commercial, and Industrial | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Are all ICs/ECs in place and functioning as designed? | <input 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

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

☐ ☐

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

☐ ☐

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C828091**Box 3****Description of Institutional Controls**

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
121.650-0001-053.000	City of Rochester	Site Management Plan Ground Water Use Restriction Soil Management Plan Landuse Restriction IC/EC Plan Monitoring Plan
<p>The Controlled Property may be used for restricted residential use as described within 6 NYCRR Part 375- 1.8 (g) (2) (ii), as long as the following long-term engineering controls are employed and the land use restrictions specified below are adhered to:</p> <p>(1) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP).</p> <p>(2) All Engineering Controls on the Controlled Property must be inspected at a frequency and in a manner defined in the SMP.</p> <p>(3) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP.</p> <p>(4) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP.</p> <p>(5) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP.</p> <p>(6) The use of the groundwater underlying the property is prohibited without treatment rendering it safe for its intended use.</p> <p>(7) The potential for vapor intrusion must be evaluated for any buildings developed on the property, and any potential impacts that are identified must be monitored or mitigated.</p> <p>(8) The site will be entered into the City of Rochester Building Information flagging system such that all future permit applications will need to be reviewed by the Division of Environmental Quality for compliance with the conditions identified herein.</p> <p>(9) Sub-slab Depressurization System (SSDS) - If a SSDS is installed, the SSDS will not be discontinued unless prior written approval is granted by the NYSDEC. In the event that monitoring data indicates that the SSDS is no longer required, a proposal to discontinue the SSDS will be submitted by the property owner to the NYSDEC and New York State Department of Health.</p> <p>(10) Monitored Natural Attenuation - Groundwater monitoring activities to assess natural attenuation will continue, as determined by the NYSDEC, if groundwater contaminant levels become asymptotic at a level that is not acceptable to the NYSDEC, additional source removal, treatment and/or control measures will be evaluated as defined in the SMP.</p>		
Box 4		
Description of Engineering Controls		
<u>Parcel</u>	<u>Engineering Control</u>	
121.650-0001-053.000	Vapor Mitigation	

Periodic Review Report (PRR) Certification Statements

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

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

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

YES NO

☐ ☐

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

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

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

(c) 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. C828091**

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

IC/EC CERTIFICATIONS

Box 7

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 _____
(Owner or Remedial Party)

Signature of _____, for the Owner or Remedial Party,
Rendering Certification

Stamp
(Required for PE)

Date

Enclosure 3
Periodic Review Report (PRR) General Guidance

- I. Executive Summary: (1/2-page or less)
 - A. Provide a brief summary of site, nature and extent of contamination, and remedial history.
 - B. Effectiveness of the Remedial Program - Provide overall conclusions regarding;
 1. progress made during the reporting period toward meeting the remedial objectives for the site
 2. the ultimate ability of the remedial program to achieve the remedial objectives for the site.
 - C. Compliance
 1. Identify any areas of non-compliance regarding the major elements of the Site Management Plan (SMP, i.e., the Institutional/Engineering Control (IC/EC) Plan, the Monitoring Plan, and the Operation & Maintenance (O&M) Plan).
 2. Propose steps to be taken and a schedule to correct any areas of non-compliance.
 - D. Recommendations
 1. recommend whether any changes to the SMP are needed
 2. recommend any changes to the frequency for submittal of PRRs (increase, decrease)
 3. recommend whether the requirements for discontinuing site management have been met.
- II. Site Overview (one page or less)
 - A. Describe the site location, boundaries (figure), significant features, surrounding area, and the nature and extent of contamination prior to site remediation.
 - B. Describe the chronology of the main features of the remedial program for the site, the components of the selected remedy, cleanup goals, site closure criteria, and any significant changes to the selected remedy that have been made since remedy selection.
- III. Evaluate Remedy Performance, Effectiveness, and Protectiveness

Using tables, graphs, charts and bulleted text to the extent practicable, describe the effectiveness of the remedy in achieving the remedial goals for the site. Base findings, recommendations, and conclusions on objective data. Evaluations and should be presented simply and concisely.
- IV. IC/EC Plan Compliance Report (if applicable)
 - A. IC/EC Requirements and Compliance
 1. Describe each control, its objective, and how performance of the control is evaluated.
 2. Summarize the status of each goal (whether it is fully in place and its effectiveness).
 3. Corrective Measures: describe steps proposed to address any deficiencies in ICECs.
 4. Conclusions and recommendations for changes.
 - B. IC/EC Certification
 1. The certification must be complete (even if there are IC/EC deficiencies), and certified by the appropriate party as set forth in a Department-approved certification form(s).
- V. Monitoring Plan Compliance Report (if applicable)
 - A. Components of the Monitoring Plan (tabular presentations preferred) - Describe the requirements of the monitoring plan by media (i.e., soil, groundwater, sediment, etc.) and by any remedial technologies being used at the site.
 - B. Summary of Monitoring Completed During Reporting Period - Describe the monitoring tasks actually completed during this PRR reporting period. Tables and/or figures should be used to show all data.
 - C. Comparisons with Remedial Objectives - Compare the results of all monitoring with the remedial objectives for the site. Include trend analyses where possible.
 - D. Monitoring Deficiencies - Describe any ways in which monitoring did not fully comply with the monitoring plan.
 - E. Conclusions and Recommendations for Changes - Provide overall conclusions regarding the monitoring completed and the resulting evaluations regarding remedial effectiveness.
- VI. Operation & Maintenance (O&M) Plan Compliance Report (if applicable)
 - A. Components of O&M Plan - Describe the requirements of the O&M plan including required activities, frequencies, recordkeeping, etc.
 - B. Summary of O&M Completed During Reporting Period - Describe the O&M tasks actually completed during this PRR reporting period.
 - C. Evaluation of Remedial Systems - Based upon the results of the O&M activities completed, evaluated the ability of each component of the remedy subject to O&M requirements to perform as

designed/expected.

- D. O&M Deficiencies - Identify any deficiencies in complying with the O&M plan during this PRR reporting period.
- E. Conclusions and Recommendations for Improvements - Provide an overall conclusion regarding O&M for the site and identify any suggested improvements requiring changes in the O&M Plan.

VII. Overall PRR Conclusions and Recommendations

- A. Compliance with SMP - For each component of the SMP (i.e., IC/EC, monitoring, O&M), summarize;
 - 1. whether all requirements of each plan were met during the reporting period
 - 2. any requirements not met
 - 3. proposed plans and a schedule for coming into full compliance.
- B. Performance and Effectiveness of the Remedy - Based upon your evaluation of the components of the SMP, form conclusions about the performance of each component and the ability of the remedy to achieve the remedial objectives for the site.
- C. Future PRR Submittals
 - 1. Recommend, with supporting justification, whether the frequency of the submittal of PRRs should be changed (either increased or decreased).
 - 2. If the requirements for site closure have been achieved, contact the Departments Project Manager for the site to determine what, if any, additional documentation is needed to support a decision to discontinue site management.

VIII. Additional Guidance

Additional guidance regarding the preparation and submittal of an acceptable PRR can be obtained from the Departments Project Manager for the site.