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August 28, 2003

Mr. Bart Putzig, P.E.
New York State Department of Environmental Conservation
Division of Environmental Remediation
6274 East Avon-Lima Road
Avon, New York 14414-9519

**RE: Sub-Slab Soil Gas Survey at St. Simon Terrace
Voluntary Cleanup Agreement
Ward Street Site
NYSDEC Site No. V00271-8
Rochester, NY**

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Dear Bart:

On behalf of Germanow-Simon Corporation and as a follow-up to the Department's April 23, 2003 letter and telephone conversations on May 21, 2003, July 30, 2003 and August 14, 2003 with Mr. Todd Caffoe, Sear-Brown is submitting this letter to confirm the agreed upon scope of work for the supplemental investigation activities at the adjacent St. Simon's Terrace Apartment Buildings. Germanow-Simon Corporation will perform the sump water and sub-slab soil gas sampling in the basement of the high rise at St. Simon Terrace requested in the Department's April 23, 2003 letter. In addition, Germanow-Simon Corporation will drill a hole through the basement floor on the east end of the two story apartment building situated across from the High Falls Brewing Company parking lot on Ward Street to assist the New York State Department of Environmental Conservation (Department), New York State Department of Health (NYSDOH) and/or the Monroe County Department of Health (MCDOH) in collecting a sub-slab soil gas sample in that building.

Background

Based upon the geometry and position of perchloroethylene (PCE) and trichloroethylene (TCE) plumes detected in the soil gas samples, Sear-Brown concluded that there appeared to be an off-Site source of contaminants located on or upgradient to the upgradient former Lilac Laundry parcel to the east of Building B. Six wells (MW-17, MW-17R, MW-18, MW-23, MW-24 and MW-24R) were installed and sampled along Ward Street to investigate the nature of the contamination detected upgradient of the Site along Ward Street. The soil and groundwater data generated from that effort demonstrated the existence of one or more off-Site sources of the PCE and TCE previously detected within the investigation area. The data, including the soil concentrations at MW-23, indicate that there is an upgradient off-Site source located to the east of the Site on the north side of Ward Street. The soil and groundwater data from MW-24 also seemed to indicate that there are one or more other upgradient off-Site sources located to the east of the Site on the south side of Ward Street in the area where an apartment building now exists ("South Ward Street Apartments").

At the request of the Department, Germanow-Simon tested the quality of the indoor air at St. Simon Terrace Apartments which are located across Ward Street from the Site and the South Ward Street Apartments. All of Sear-Brown's samples from those two buildings were non-detect for method reporting limits (MRL) of 36 ppb for TCE and 12 ppb for PCE. Results provided by Mr. Napier from duplicate samples taken by NYSDOH reported the presence of detectable levels of PCE in two of four

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badges deployed. The elevator shaft badge from St. Simons Terrace was reported to contain 6.0 ug/m^3 PCE and the electrical room badge was reported to contain a positive result, but less than 5.0 ug/m^3 PCE. The other two badges, placed in the electric chase room and on the balcony of Room 201, were reported to be non-detect for PCE ($<5.0 \text{ ug/m}^3$). Even if they are not false positives, the NYSDOH results were not samples taken in living space. NYSDOH's own published 100 ug/m^3 action level for continuous lifetime exposure in residential living space clearly suggests that the 6.0 ug/m^3 PCE and the less-than- 5.0 ug/m^3 PCE results from the NYSDOH badges are not indicative of human health concerns. No further work related to the PCE detected in the NYSDOH badges appears to be necessary.

Germanow-Simon, therefore, does not believe that it is, or should be, responsible for further investigation of the apartments' basements, especially since there are several other documented historical industrial and commercial uses upgradient of its Site on both sides of Ward Street that may have contributed to these low reported concentrations. Moreover, the documented soil and/or groundwater impacts on both sides of Ward Street upgradient from the Germanow-Simon and St. Simon's Terrace properties indicate the presence of off-Site sources related to these other historic uses. Nevertheless, in the spirit of the cooperative and voluntary character of the VCA and in order to move the investigative process along, Germanow-Simon has agreed to this final effort and will perform sump water and sub-slab soil gas sampling in the basement of St. Simon Terrace as requested by the Department and drill a hole through the basement floor on the east end of South Ward Street Apartments to assist the Department, NYSDOH and/or MCDOH in collecting a sub-slab soil gas sample in that building.

Scope of Work

During the August 14, 2003 conversation, Sear-Brown inquired if either the Department or the Health Departments had published a protocol for conducting the requested sub-slab soil gas survey. Mr. Caffoe indicated that such a guidance document had not been published yet to the best of his knowledge. Therefore, it was agreed that Sear-Brown would put together this letter confirming the agreed upon scope of work and setting forth a proposed approach to conduct the agreed upon investigation. This letter is intended to serve as modification to the Work Plan for the Voluntary Cleanup Agreement following its review and approval by the Department.

In order to coordinate the agreed upon sampling program with the management of St. Simon's Terrace Apartment Buildings and the two story apartment building situated across from the High Falls Brewing Company parking lot on Ward Street, Sear-Brown will prepare and forward a written notice to the buildings' owner/manager which identifies the purpose of, and schedule for, the supplemental investigation activities. In addition, the supplemental investigation activities will be scheduled in conjunction with Department, NYSDOH and MCDOH personnel.

Sump Water Sampling

An initial survey of the St. Simon Terrace building was conducted during a January 2003 air sampling program. The initial survey determined that there is standing water in a sump in the elevator shaft of the high-rise building.

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One (1) sump water sample from the elevator shaft will be collected and analyzed for Target Compound List (TCL) volatile organic compounds (VOCs) in accordance with ASP Method 95-1. The sample analysis and reporting will follow category B, NYSDEC Analytical Services Protocols (ASP) 1995 or its most current version. Assuming that adequate water volumes are available, MS/MSD samples will be collected and analyzed, and trip blanks will be analyzed for Quality Assurance/Quality Control purposes. The analyses will be performed by a laboratory certified by NYSDEC to provide ASP Category B deliverables. A Data Usability Summary Report (DUSR) will be prepared in accordance with DEC guidance revised September 1997.

Sub-Slab Soil Gas Sampling

Upon access to the basement, air quality will be initially screened with a photoionization detector (PID) equipped with a 10.6 eV lamp. A small diameter borehole will be completed through the concrete floor with a rotary hammer equipped with a carbide drill bit. The location of the borehole will be at the north end of the basement, towards Ward Street, contingent upon approval from the owner's representative and the agency representatives present at the time. Following penetration of the floor, soil gas tubing (i.e. ¼ ID. HDPE) will be installed and sealed with non-shrinking cement grout. The tubing will be installed to a depth that will allow for the soil gas sample to be collected from beneath the concrete floor.

After a minimum 24-hour period to allow for the grout to set, one (1) sub-slab soil gas sample will be collected using a Summa canister capable of attaining low-level detection limits. Analyses will be performed using USEPA Method TO-15. The analyses will be performed for the following VOCs: TCE, tetrachloroethene, 1,1-dichloroethene, trans 1,2-dichloroethene, 1,1-dichloroethane and vinyl chloride. Samples will be submitted to Columbia Analytical Services Air Quality Laboratory, a New York State-approved laboratory (NY Lab Id No: 11221).

Drilling for Two-Story Apartment Sampling Point

Sear-Brown will drill a hole through the basement floor of the two-story apartment building situated across from the High Falls Brewing Company parking lot on Ward Street to assist the NYSDOH, MCDOH and/or the Department in collecting a sub-slab soil gas sample in that building. A small diameter borehole will be completed through the concrete floor with a rotary hammer equipped with a carbide drill bit. The borehole will be located at the east end of the of the two-story apartment building, contingent upon approval from the owner's representative and the agency representatives present at the time. Following penetration of the floor, soil gas tubing (i.e. ¼ ID. HDPE) will be installed and sealed with non-shrinking cement grout. The tubing will be installed to a depth that will allow for a soil gas sample to be collected beneath the concrete floor by the agencies. Germanow-Simon understands that NYSDOH, MCDOH and/or the Department intends to collect a sub-slab soil gas sample at the two-story apartment building. Germanow-Simon will not be collecting a sub-slab soil gas sample at that building.

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Reporting

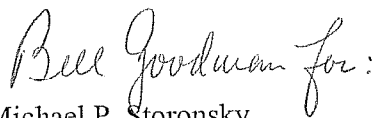
Following receipt of the laboratory data, a letter report will be prepared. The report will describe the results of the sampling program. A copy of the report will be submitted to the Department, MCDOH and NYSDOH. Following review and approval by the Department, a copy of the report will be forwarded to the owner/managers for their information.

Schedule

The written notice to the buildings' owner/manager will be prepared and forwarded within two weeks of approval of this Work Plan modification. Germanow-Simon intends to schedule the field work within two weeks of receipt of the approval to proceed from the owner/manager, contingent on coordination of a suitable date with the Department, MCDOH and NYSDOH. The field work is expected to take two days to complete. The laboratory analysis is expected to take approximately four weeks. A letter report will be prepared and forwarded to the Department and other agencies within approximately two weeks of receipt of the laboratory data. A data usability evaluation will also be prepared. However, in an effort to keep the process moving forward, the letter report will be forwarded in advance of receiving the data usability report. The data usability report will be included in the final Voluntary Investigation Report for the Site. At the time that the letter report is submitted, Germanow-Simon would like to resume discussions regarding a mutually agreeable schedule for performing the outstanding components of the Voluntary Cleanup Agreement Work Plan.

Sear-Brown looks forward to the Department's response to our proposed scope. If you should have any questions, I can be reached at 585-475-1440, ext. 760.

Sincerely,



Michael P. Storonsky
Senior Associate

cc: Todd Caffoe, P.E.
James D. Charles, Esq.
Andrew English
Gary Litwin
Mark Van Valkenberge
Rick Elliott, P.E.
John Dole
Thomas F. Walsh, Esq.