

PERIODIC REVIEW REPORT (PRR)
For
December 31, 2018 Through December 31, 2020

BROWNFIELD CLEANUP PROGRAM

River Park Commons (Tower Property)
185 Mount Hope Avenue
Rochester, New York, 14620
NYSDEC Site #C828124

I. Introduction

A. Executive Summary

- The Site is improved with a multi-story apartment building. Former uses include a rail yard, canal feeder, and gasoline station.
- Petroleum-related volatile organic compound (VOC) and semi-volatile organic compound (SVOC) contamination was identified in subsurface soils and groundwater at highest concentrations on the northeast portion of the Site.
- A random distribution of polyaromatic hydrocarbon (PAH) SVOCs, metals, and the pesticide gamma chlordane that appear attributable to historic fill were detected in subsurface soil, fill and groundwater at concentrations exceeding regulatory criteria.
- Remedial actions were performed at the Site in accordance with a NYSDEC-approved Remedial Work Plan (RWP). Remedial actions taken included:
 - A source area soil removal on the northeast portion of the Site;
 - Placement of Regenesys' Oxygen Release Compound-Advanced® (ORC-A) into the excavation prior to backfilling;
 - Performance of a first-round groundwater monitoring event; and
 - Development of a Site Management Plan (SMP) and an Environmental Easement. As part of the SMP, additional in-situ soil and groundwater treatment utilizing Regenesys' RegenOx™ for chemical oxidation and ORC-Advanced® for aerobic bioremediation was performed at injection points outside select parts of the former source removal excavation.

A revised SMP dated June 20, 2019 was submitted to the NYSDEC to reflect the following changes to SMP requirements as approved during a March 1, 2019 meeting with the NYSDEC and the NYSDOH:

- Additional in-situ treatment is not warranted.
- The frequency of periodic certification and Periodic Review Report submittal can be reduced to every two years.
- The next Periodic Review Report is due in January 2021.
- A representative of Genesee Hamilton, LP can prepare Periodic Review Reports.

- The preparer/certifier of Periodic Review Reports is no longer required to be a professional engineer or qualified environmental professional.
 - Groundwater monitoring is no longer required. As such, the groundwater monitoring wells associated with the Site were decommissioned on June 6, 2019. A well decommissioning data package was provided to the NYSDEC on June 20, 2019.
- B. Effectiveness of the Remedial Program
1. No work was required during the reporting period to show progress in meeting remedial objectives for the Site.
 2. The work completed to date has shown that the remedial program has generally achieved the remedial objectives for the Site.
- C. Compliance
1. There are no areas of non-compliance with the revised SMP dated June 20, 2019.
 2. As such, no steps were needed to correct areas of non-compliance.
- D. Recommendations
1. No changes to the June 20, 2019 SMP are needed.
 2. No change to the frequency for submittal of PRRs (i.e., every two years) is recommended.
 3. Since residual contamination remains on the Site, it is recommended that site management requirements be continued.

II. Site Overview

- A. The Site is an approximate 1.105-acre parcel addressed as 185 Mt. Hope Avenue, Rochester, New York (refer to Figure 1). The Site is improved with an apartment building with an associated paved parking lot. Prior to the residential development in about 1975, past uses of the Site included commercial and warehouse uses. Portions of a feeder canal and rail yards, and possibly a gasoline station, were also once located on the Site.

The Site is located in a mixed-use urban area. The Site is bounded to the north by open parkland, to the east by Mt. Hope Avenue with commercial and residential properties beyond, to the south by residential properties, and to the west by the Genesee Gateway Park with the Genesee River beyond.

A summary of environmental conditions exceeding regulatory criteria at the Site is provided below.

- Subsurface Soil and Groundwater: Petroleum contamination exceeding regulatory criteria was encountered in soil and groundwater.
- Fill Material: Fill material may be contributing to a random distribution of some detected polycyclic aromatic hydrocarbon (PAH) semi-volatile organic compounds (SVOCs), some metals, the pesticide gamma chlordane, and cyanide that were detected in select subsurface soil and/or groundwater samples at the Site at concentrations exceeding regulatory criteria.

B. Chronology

- In April 2008, a source area removal of petroleum-contaminated soil was completed on the northeast portion of the Site. In addition, a total of 300 pounds of Regenesi's Oxygen Release Compound-Advanced® (ORC-A) was placed in the bottom of the excavation prior to backfilling.
- Between December 2008 and January 2009, approximately 1910 pounds of Regenesi's RegenOx™ (for chemical oxidation) and 500 pounds of ORC-Advanced® (for aerobic bioremediation) were injected at 16 injection points located outside select areas of the source removal excavation on the northeast portion of the Site in accordance with the SMP.
- Cleanup goals for groundwater are NYSDEC TOGS 1.1.1 Groundwater Standards and Guidance Values.
- Cleanup or re-use goals for soil are NYSDEC Part 375 Track 2 Restricted Residential Use Soil Cleanup Objectives (SCOs).
- No significant changes to the selected remedy and Site have been made since remedy selection.

III. Evaluation of Remedy

A. Effectiveness of Remedies

- Per a March 1, 2019 meeting with the NYSDEC and the NYSDOH, groundwater monitoring is no longer required to evaluate the effectiveness of the remedy. Based on the cumulative test results through the last monitoring event conducted in December 2018, the remedy is shown to be effective at achieving the remedial goals for the Site.

IV. IC/EC Compliance Report

A. IC/EC Requirements/Compliance

1. A description of each control, its objective, and how performance of the control is evaluated is provided below:
 - Site Management Plan (SMP): Perform limited in-situ treatment; provide groundwater and use restrictions; contain an Environmental Management Plan (or Soil Management Plan) for management of soil and historic fill material during any future activities that would breach the soil cover system, including management of the existing cover system; address the potential for vapor intrusion on new structures; and implement groundwater monitoring. Performance of the control is evaluated through periodic certification. Per the revised SMP dated June 20, 2019, additional in-situ treatment is not warranted, groundwater monitoring is no longer required and periodic certification can be submitted every two years.
 - Environmental Easement: Restricts use of property; restricts use of groundwater; requires implementation of the SMP; requires cover system; requires evaluation of soil vapor intrusion on new buildings, and mitigation, if needed; requires providing SMP to all persons who acquire any interest in the Site. Performance of the control is evaluated through periodic certification.

- City Code Restricting Groundwater Use: Prohibits groundwater within the City of Rochester limits from use as a source of potable water. Performance of the control is evaluated through periodic certification.

2. Status

Each control is fully in place, is being adhered to, and is effective.

3. Corrective Measures

None Required.

4. Conclusions and Recommendations for Changes

The controls are effective at protecting human health and the environment from, and proper management of, residual contaminants at the Site. No changes to IC/EC requirements are recommended.

B. Certification

Certification included as Attachment A.

V. Monitoring Plan Compliance Report

A. Components

- Groundwater Monitoring Plan: Per the revised SMP dated June 20, 2019, groundwater monitoring is no longer required.
- Environmental Management Plan: An Environmental Management Plan is included as part of the SMP for management of soil and historic fill material during activities which would breach the cover system that consists of existing surface and near surface soil, concrete and asphalt paved surfaces, and the apartment building itself.

B. Summary of Monitoring Completed

- Groundwater Monitoring Plan: No longer applicable.
- Environmental Management Plan: During the reporting period, no components of the Environmental Management Plan were required at the Site.

C. Comparison with Remedial Objectives

- Groundwater Monitoring Plan: No longer applicable.
- Environmental Management Plan: Not Applicable for this specific PRR.

D. Monitoring Deficiencies

There are no monitoring deficiencies.

E. Conclusions and Recommendations for Changes

No changes are recommended to the monitoring outlined in the revised SMP dated June 20, 2019.

VI. Operation & Maintenance (O&M) Plan Compliance Report

Not Applicable.

VII. Overall PRR Conclusions and Recommendations

A. Compliance with SMP

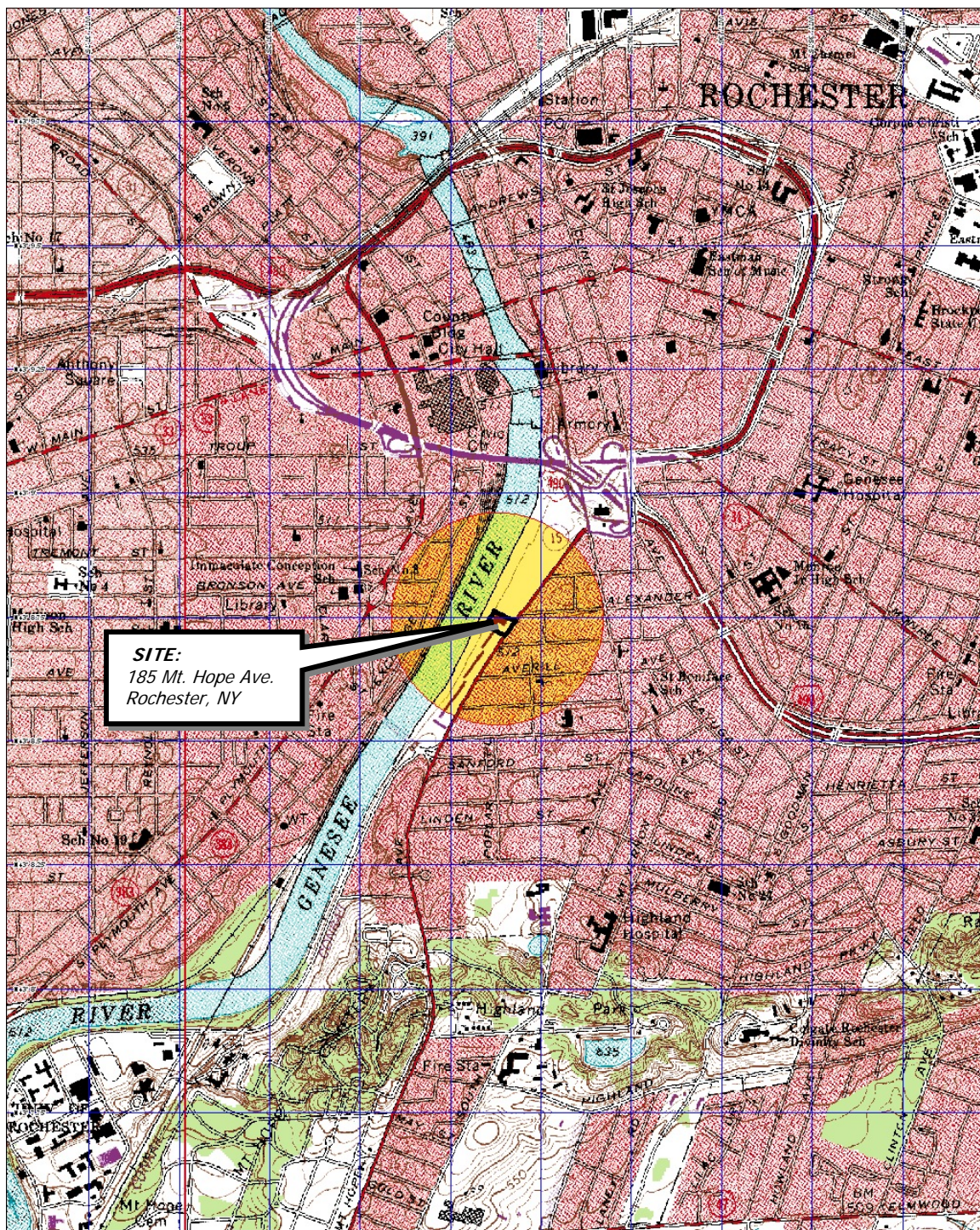
1. The requirements of the following plans were met during the reporting period:
 - IC/EC requirements.
 - Monitoring Plan requirements.
2. No activities at the Site resulted in new completed exposure pathways or unacceptable risk to human health or the environment.
3. Since the Site is in full compliance, no corrective measures are required.

B. Performance and Effectiveness of Remedy: An evaluation of the components of the SMP during this reporting period indicated that the EC/IC controls were protective of human health and the environment, that the monitoring plan sufficiently monitored the performance of the remedy, and that the work completed to date has shown that the remedial program has generally achieved the remedial objectives for the Site.

C. Future PRR submittals:

1. No changes to the frequency of PRR submittals is recommended. PRRs will continue to be submitted every two years.
2. Since residual contaminants remain under the cover system (e.g., in historic fill, etc.), it is recommended that related aspects of the SMP continue to be implemented at this Site.

FIGURE



3-D TopoQuads Copyright © 1999 DeLorme Yarmouth, ME 04096 Source Data: USGS

550 ft Scale: 1" = 19,200' Detail: 14-0' Datum: WGS84

Drawing Produced From: 3-D TopoQuads, DeLorme Map Co., referencing USGS quad maps Rochester East (NY) 1995 and Rochester West (NY) 1995. Site Lat/Long: N43d-8.75' – W77d-36.62'

DATE
11-05-2007

DRAWN BY
RJM

SCALE
1" = 2000'



DAY ENVIRONMENTAL, INC.
ENVIRONMENTAL CONSULTANTS
ROCHESTER, NEW YORK 14623-2700

PROJECT TITLE

**185 MT. HOPE AVENUE
ROCHESTER, NEW YORK**

BROWNFIELD CLEANUP PROGRAM

DRAWING TITLE

PROJECT LOCUS MAP

PROJECT NO.

4003R-07

FIGURE 1

ATTACHMENT A

Institutional and Engineering Controls Certification Form



Enclosure 1
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site Details

Box 1

Site No. C828124

Site Name River Park Commons - Tower

Site Address: 185 Mt. Hope Avenue **Zip Code:** 14620

City/Town: Rochester

County: Monroe

Allowable Use(s) (if applicable, does not address local zoning): Restricted-Residential, Commercial, and Industrial

Site Acreage: 1.1

Owner: Genesee Hamilton, LP

1000 University Ave., Suite 500, Rochester, NY 14607

Reporting Period: December 31, 2018 Through December 31, 2020

Verification of Site Details

Box 2

- | | YES | NO |
|--|-------------------------------------|-------------------------------------|
| 1. Is the information in Box 1 correct? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If NO, are changes handwritten above or included on a separate sheet? | <input checked="" type="checkbox"/> | |
| 2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If YES, is documentation or evidence that documentation has been previously submitted included with this certification? | <input type="checkbox"/> | |
| 3. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If YES, is documentation (or evidence that documentation has been previously submitted) included with this certification? | <input type="checkbox"/> | |
| 4. If use of the site is restricted, is the current use of the site consistent with those restrictions? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If NO, is an explanation included with this certification? | <input type="checkbox"/> | |
| 5. For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If YES, is the new information or evidence that new information has been previously submitted included with this Certification? | <input type="checkbox"/> | |
| 6. For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), are the assumptions in the Qualitative Exposure Assessment still valid (must be certified every five years)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If NO, are changes in the assessment included with this certification? | <input type="checkbox"/> | |

Description of Institutional ControlsParcel

S_B_L Image: 121.55-01-059

Institutional Control

Building Use Restriction
Ground Water Use Restriction
Landuse Restriction
Site Management Plan
Soil Management Plan

Description of Engineering ControlsParcel

S_B_L Image: 121.55-01-059

Engineering Control

Cover System
Vapor Mitigation

Attach documentation if IC/ECs cannot be certified or why IC/ECs are no longer applicable.
(See instructions)

Control Description for Site No. C828124**Parcel: 121.55-01-059**

The Property may be used for restricted residential use, as long as the following long-term engineering controls are employed:

- i) The property shall not be used to grow crops or livestock for human consumption unless approved by the department;
- ii) the groundwater may not be used for potable or non-potable purposes;
- iii) the Site Management Plan(SMP), dated June 2008, must be implemented;
- iv) the SMP includes requirements for the characterization, handling, and disposal/re-use of residual contaminated media (e.g., soil, fill, groundwater) and requirements for soils imported to the site;
- v) the existing surface and near surface soil, asphalt-paved surfaces, concrete-paved surfaces, and the building itself, act as a cover system. Disturbances and incidental damage to this cover system shall be repaired upon discovery with one or more of the components listed above or other approved cover materials;
- vi) the potential for vapor intrusion for any new buildings developed on the Controlled Property must be evaluated and mitigation shall be implemented, if needed, prior to occupancy.
- vii) the owner must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the Site Management Plan.

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

☒ ☐

3. If this site has an Operation and Maintenance (O&M) Plan (or equivalent as required in the Decision Document);

I certify by checking "YES" below that the O&M Plan Requirements (or equivalent as required in the Decision Document) are being met.

Not Applicable

YES NO

☐ ☐

4. If this site has a Monitoring Plan (or equivalent as required in the remedy selection document);

I certify by checking "YES" below that the requirements of the Monitoring Plan (or equivalent as required in the Decision Document) is being met.

YES NO

☒ ☐

**IC CERTIFICATIONS
SITE NO. C828124**

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 2 and/or 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 Michael DiBiase at 1000 University Ave., Suite 500, Rochester, NY 14607
print name print business address

am certifying as Genesee Hamilton, LP (Owner or Remedial Party)

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

Michael DiBiase
Signature of Owner or Remedial Party Rendering Certification

1/4/2021
Date

IC/EC CERTIFICATIONS

Box 7

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 Michael DiBiase at 1000 University Ave., Suite 500, Rochester, NY 14607
print name print business address

am certifying as a representative of the Owner.

(Owner or Remedial Party) for the Site named in the Site Details Section of this form.

Michael DiBiase
Signature

1/4/2021
Date