day
DAY ENVIRONMENTAL, INC.

ENVIRONMENTAL CONSULTANTS
AN AFFILIATE OF DAY ENGINEERING, P.C.

July 30, 2009

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

RE: NYSDEC Site #C828125
225-405 Mount Hope Avenue
Rochester, New York

Dear Mr. Putzig:

This letter constitutes an addendum to the March 2009 Remedial Work Plan (RWP) that was prepared by Day Environmental, Inc. (DAY) on behalf of Erie Harbor, LLC for the Erie Harbor Site located at 225-405 Mt. Hope, Rochester NY (NYSDEC Site #C828125). A Project Locus Map is enclosed as Figure 1. This addendum to the March 2009 RWP is being submitted to address comments regarding the March 2009 RWP that were received from the New York State Department of Environmental Conservation (NYSDEC) in a letter dated March 24, 2009 and in an email dated June 29, 2009.

Standards, Criteria and Guidance Values

Semi-volatile organic compound (SVOC) analytical laboratory test results for soil samples will not be compared to SVOC background data associated with the City of Rochester APCO site. Soil data will only be compared to applicable Soil Cleanup Objectives (SCOs) referenced in the NYSDEC document titled "6 NYCRR Part 375, Environmental Remediation Programs" dated December 14, 2006.

Topsoil

Currently, there is approximately 81,324 square feet (i.e., about 1.87 acres) of topsoil area at the Site. As documented in the Remedial Investigation/Remedial Alternatives Analysis (RI/RAA) report dated February 2009, one or more semi-volatile organic compound (SVOC) was detected in 7 of 8 surface soil samples at concentrations exceeding Part 375 SCOs for Restricted Residential Use (refer to the enclosed Figure 2). These surface soil samples consisted of topsoil collected from an approximate 0-2 inch depth interval during the Remedial Investigation.

Two areas of topsoil located east of the existing buildings are being addressed (i.e., removed and disposed off-site at a regulated landfill) under an Interim Remedial Measure Work Plan (IRM Work Plan) dated January 27, 2009, as approved with modification by the NYSDEC in a letter dated March 19, 2009. These areas are represented by previous surface soil sample locations DAYSS-04 and

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DAYSS-06 shown on the enclosed Figure 2. Sample DAYSS-04 contained some SVOCs and mercury, and Sample DAYSS-06 contained some SVOCs, at concentrations exceeding Part 375 SCOs for Restricted Residential Use. The IRM is being performed to facilitate the building demolition work.

On May 29, 2009, twelve pre-remedial confirmatory soil samples (designated as 003/S-2, 004/S-1, 005/S-3, 006/S-4, 007/S-5, 008/S-6, 009/S-7, 010/S-8, 011/S-9, 012/S-10, 013/S-11, and 014/S-12) were collected and analyzed in accordance with DAY's May 19, 2009 letter as approved by the NYSDEC in a letter dated May 22, 2009. The locations of these samples are shown on the enclosed Figure 3. Soil samples were taken immediately below the bottom of the topsoil layer at depths ranging from 4 to 15 inches.

[Note: With the exception of a subsurface fill sample from an area that will be removed under the March 2009 RWP, previous sampling and analytical testing completed during the Remedial Investigation and earlier studies documented that soils between 15" below the ground surface and deeper are below the Part 375 SCOs for Restricted Residential Use. Therefore, based on the cumulative testing completed, two feet of subsoil beneath the topsoil across the Site will meet Part 375 SCOs for Restricted Residential Use once the scope of work outlined in the March 2009 RWP and this addendum are completed.]

The analytical laboratory test results show the samples to be below Part 375 SCOs for Restricted Residential Use. The test results that have been validated with a Data Usability Summary Report (DUSR) are summarized on the enclosed Table A, which also includes a comparison to the Part 375 SCOs for Restricted Residential Use. An electronic copy of the analytical laboratory report and executed chain-of-custody for these samples, and the associated DUSR, are available upon request. Since the test results are below the Part 375 SCOs for Restricted Residential Use, they are considered useable as pre-remedial confirmatory samples, and no further confirmatory testing is planned in relation to addressing the existing topsoil at the Site.

The remaining topsoil (i.e., surface soil) across the Site (i.e., topsoil not removed under the IRM Work Plan) will be removed and disposed off-site in accordance with applicable regulations. The average thickness of the topsoil is about six inches. Currently, topsoil is present on approximately 81,324 square feet of the Site. Using the average thickness, it is estimated that approximately 1,506 cubic yards (or 2,485 tons using a conversion factor of 1.65 ton/cubic yard) of topsoil are present at the Site. The topsoil will be removed, transported off-site on Part 364 permitted trucks, and disposed at a regulated landfill facility.

Based on the cumulative analytical laboratory testing conducted for this Site, and once the topsoil is remediated (i.e., removed and disposed off-site at a regulated landfill facility) under the IRM Work Plan and this Addendum to the March 2009 RWP, the top two feet of soil across the Site will meet Part 375 SCOs for Restricted Residential Use.

Additional Subsurface Petroleum-Contaminated Soils

On June 4, 2009, an area of unanticipated subsurface petroleum-contaminated soil was encountered on the southern part of the property during the removal of a foundation associated with a former sign for the apartment complex that is currently being demolished. The approximate location is shown on the enclosed Figure 3. The top of the petroleum-contaminated soil was observed approximately three feet below the ground surface. Based on the previous cumulative investigative testing completed at the Site, the extent of petroleum-contaminated soil in this area appears limited. Additional subsurface evaluation was not performed at the time of discovery since demolition activities were on-going and the area is located within or close to a 30-foot easement that runs along the west side of Mt. Hope Avenue, and this area of the Site will be accessible at a later date.

It is anticipated that this area of petroleum-contaminated soil will be addressed utilizing one or more of the following options:

- Investigate the area of petroleum-contaminated soil with test pits or test borings.
- Test samples of the petroleum-contaminated soil for VOCs and SVOCs, and evaluate if the petroleum-contaminated soil exceeds Part 375 SCOs for Restricted Residential Use.
- If the petroleum-contaminated soil exceeds Part 375 SCOs for Restricted Residential Use, then implement one or more of the following:
    - Remove, transport and dispose of petroleum-contaminated soil off-site at a regulated landfill facility.
    - Conduct in-situ treatment similar to that described for this general area in the March 2009 RWP (i.e., Regenesis' RegenOx™ and ORC-Advanced®) to remediate the petroleum-contaminated soil in-place.
    - Manage the petroleum-contaminated soil on-site under a Site Management Plan. Since the top of the petroleum-contaminated soil was observed at approximately three feet below the ground surface, a cover system is not required.

Prior to starting any work to address this unanticipated petroleum-contaminated soil, the actual scope of work proposed will be submitted to the regulatory agencies for review and approval.

North End of Site

An area of the north end of the Erie Harbor Site as shown on the enclosed Figure 4 is to be cut and redeveloped as paved parking lot that will be incorporated for use on the adjoining Hamilton apartment complex project located to the north and addressed as 185 Mt. Hope Avenue.

In accordance with the approach specified above, the topsoil will be removed, transported off-site using Part 364-permitted trucks, and be disposed at a regulated landfill in accordance with applicable regulations. It is reiterated that no new confirmatory soil samples will be collected or analyzed since the pre-remedial subsoil samples collected immediately beneath the topsoil did not exceed Part 375 SCOs for Restricted Residential Use.

It has been reported that part of this area will require up to an approximately three-foot cut that involves displacement of subsoil and/or fill material. Based on analytical testing conducted to date, the subsoil material is not above Part 375 SCOs for Restricted Residential Use. The displaced subsoil material will either be: 1) re-used on-site; or 2) transported and disposed off-site at an appropriate landfill in accordance with applicable regulations.

Prior to starting any work to address displaced subsoil material from the northern end of the Erie Harbor Site, the actual method proposed for addressing this displaced material will be submitted to the regulatory agencies for review and approval.

Excavation Demarcation and Backfill

If confirmatory soil samples from an excavation are shown to not meet Part 375 SCOs for Restricted Residential Use, then a demarcation layer will be installed at the bottom of the excavation to mark the extent of soil removal prior to backfilling.

Excavations will be backfilled with clean soil that meet the NYSDEC's backfill criteria for Restricted Residential Use of the Site. This criteria is outlined in Section 2.4.4 of the March 2009 RWP.

Engineering Controls

As identified in the Executive Summary (page ii) and in Section 1.2 (pages 5, 6, and 12) of the March 2009 RWP, the volatile organic compounds (VOCs) trichloroethene (TCE) and dichlorodifluoromethane are present in soil vapor and groundwater on the central portion of the Site at concentrations that may have the potential for vapor intrusion into new structures. As discussed in Section 2.7 (page 28) of the March 2009 RWP, engineering controls will be designed, implemented, operated and monitored for new buildings to be constructed within the area on the central portion of the Site. The objective of the engineering controls is to mitigate the potential for vapor intrusion of VOCs (generally consisting of the TCE and dichlorodifluoromethane) into future on-site buildings on this portion of the Site.

Target Cleanup Goals for Groundwater

As shown in Section 1.5 (page 16) of the March 2009 RWP, applicable SCGs to be used for the remediation project include groundwater standards and guidance values as referenced in the NYSDEC Division of Water Technical and Operational Guidance Series 1.1.1 document titled "*Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations*" (TOGS 1.1.1), June 1998 (as amended by an April 2000 addendum). These standards and guidance

values are the target cleanup goal for groundwater. As stated in Section 2.6.1 (page 26), Section 2.6.3 (page 28), and Section 2.9, page 31), groundwater samples collected as part of this remediation project will be compared to these TOGS 1.1.1 groundwater standards and guidance values.

It is requested that the NYSDEC provide a response on whether it approves the March 2009 RWP as modified by this Addendum to the March 2009 RWP. Erie Harbor, LLC would like to start the remediation work in the near future once the demolition work is complete.

If there are any questions, please contact this office.

Very truly,
Day Environmental, Inc.

Jeffrey A. Danzinger
Project Manager

Timothy K. Hampton, P.E.
Vice President

JAD/s

Enclosures

cc: Kelly Cloyd, Ph.D. (NYSDEC)
Robert Knizek, P.E. (NYSDEC)
Julia Kenney (NYSDOH)
Jeffrey Kosmala, P.E. (MCDPH)
Allen Handelman (Erie Harbor, LLC)
Danàe Phillips (Erie Harbor, LLC)

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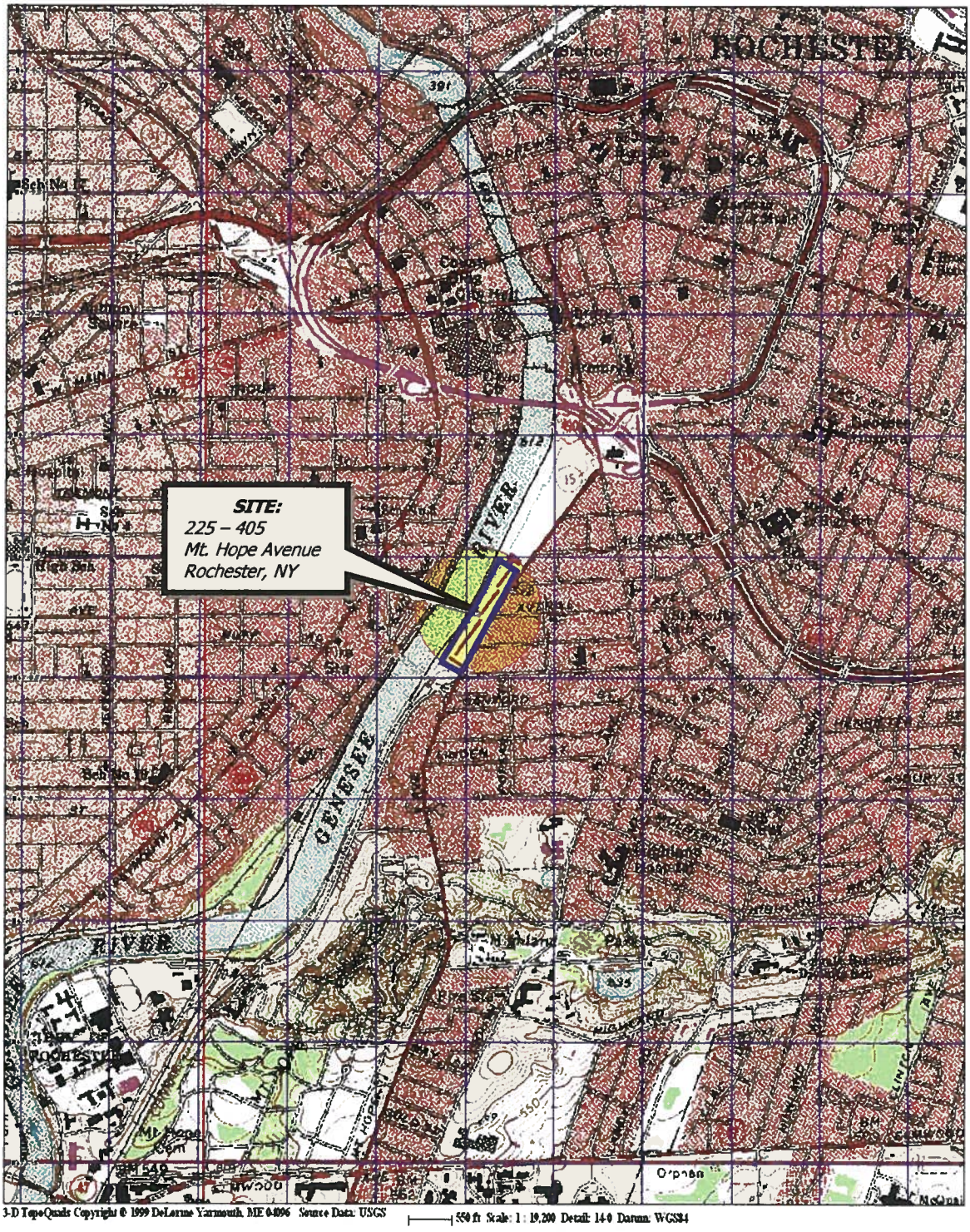

Drawing Produced From: 3-D TopoQuads, DeLorme Map Co., referencing USGS quad maps Rochester East (NY) 1995 and Rochester West (NY) 1995. Site Lat/Long: N43d-8.65' – W77d-36.70'

DATE 01-19-2009 DRAWN BY CPS SCALE 1" = 2000'	day DAY ENVIRONMENTAL, INC. ENVIRONMENTAL CONSULTANTS ROCHESTER, NEW YORK 14623-2700	PROJECT TITLE 225 - 405 MT. HOPE AVENUE ROCHESTER, NY BROWNFIELD CLEANUP PROGRAM DRAWING TITLE PROJECT LOCUS MAP	PROJECT NO. 4155R-09 FIGURE 1

NOTES:

1. This drawing was adapted from a drawing by the City of Rochester, DCD–Housing & Project Development, titled "River Park Commons" dated August 28, 2000. No boundary survey was performed.
2. Detected concentrations of constituents that exceed NYSDEC Part 375 Track 2 Soil Cleanup Objectives For Restricted Residential Use are provided as shown.

N

GENESEE RIVER

RIVER WALL, TYPICAL

DAYSS–01

DAYSS–02

DAYSS–03
Benzo(a)anthracene 1.1 mg/kg
Benzo(b)Fluoranthene 2.2 mg/kg
Benzo(a)pyrene 1.3 mg/kg

DAYSS–04
Benzo(a)anthracene 27 mg/kg
Chrysene 34 mg/kg
Benzo(b)Fluoranthene 41 mg/kg
Benzo(k)Fluoranthene 19 mg/kg
Benzo(a)pyrene 27 mg/kg
Indeno(1,2,3–cd)pyrene 12 mg/kg
Dibenzo(a,h)anthracene 3.4 mg/kg
Mercury 3.1 mg/kg

DAYSS–05
Benzo(a)anthracene 5.2 mg/kg
Chrysene 7.5 mg/kg
Benzo(b)Fluoranthene 7.7 mg/kg
Benzo(a)pyrene 5.1 mg/kg
Indeno(1,2,3–cd)pyrene 1.1 mg/kg
Dibenzo(a,h)anthracene 0.37 mg/kg

DAYSS–06
Benzo(a)anthracene 8.9 mg/kg
Chrysene 10 mg/kg
Benzo(b)Fluoranthene 19 mg/kg
Benzo(k)Fluoranthene 6.9 mg/kg
Benzo(a)pyrene 10 mg/kg
Indeno(1,2,3–cd)pyrene 2.9 mg/kg
Dibenzo(a,h)anthracene 1.1 mg/kg

DAYSS–07
Benzo(b)Fluoranthene 1.4 mg/kg

DAYSS–08
Benzo(a)anthracene 1.1 mg/kg
Benzo(b)Fluoranthene 2.3 mg/kg
Benzo(a)pyrene 1.3 mg/kg

54" Storm (Abandoned)

30' Drainage Easement

78" R.C.P. Storm

30' Drainage Easement

78" R.C.P. Storm

MT. HOPE AVENUE

GREGORY ST.

HICKORY ST.

AVERILL AVE.

HAMILTON ST.

LEGEND:

✖ Surface Soil Sample Location (Collected July 25, 2006 During Remedial Investigation)

SITE PLAN
1" = 100'

0' 100' 200' 300'

FIELD VERIFIED BY	JAD
DATE	07-2009
DRAWN BY	RJM
DATE DRAWN	07-16-2009
SCALE	As Noted
DATE ISSUED	07-16-2009

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PROJECT TITLE
225 - 405 MT. HOPE AVENUE
ROCHESTER, NEW YORK
BROWNFIELD CLEANUP PROGRAM

DRAWING TITLE
Remedial Investigation Surface Soil Sample Locations

PROJECT NO.
4155R-09

FIGURE 2

Ref1:
Ref2:
Ref3:

Xerox432AnsiB–2; 11 x 17
Layout Name: Layout1
Pen Setting File: 800psFullcolor.ctb

Time Plotted: Thursday, July 30, 2009 9:01:46 AM
File Name: U:\McPhee\Drawings\Brownfield\4155R–09ErieHa\4155R–09–10.dwg

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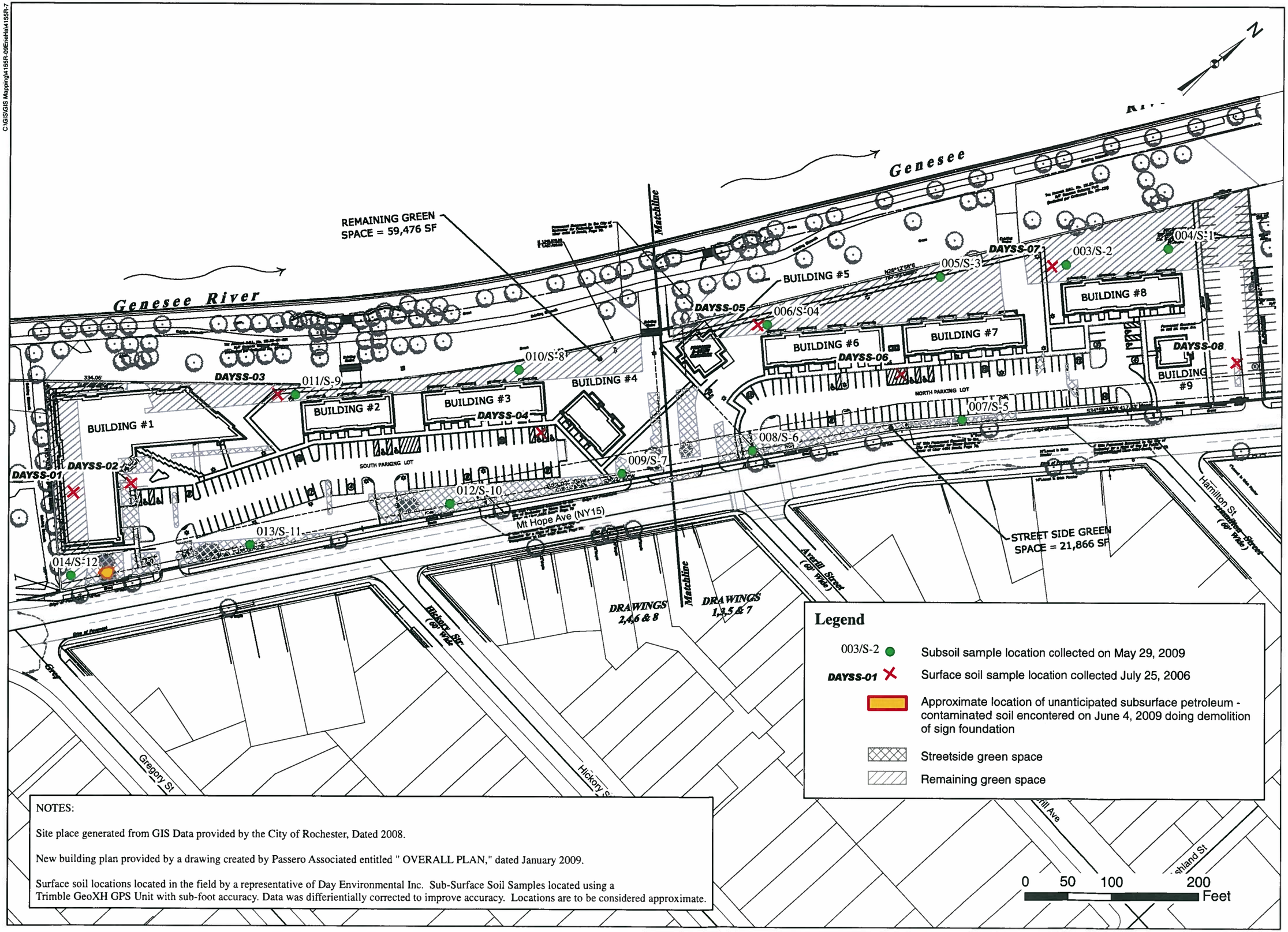

NOTES:

Site place generated from GIS Data provided by the City of Rochester, Dated 2008.

New building plan provided by a drawing created by Passero Associated entitled " OVERALL PLAN," dated January 2009.

Surface soil locations located in the field by a representative of Day Environmental Inc. Sub-Surface Soil Samples located using a Trimble GeoXH GPS Unit with sub-foot accuracy. Data was differientially corrected to improve accuracy. Locations are to be considered approximate.

Date	Drawn By	Scale
07-16-2009	CPS	AS NOTED

Project Title

225-405 MT HOPE AVENUE
ROCHESTER, NEW YORK

BROWNFIELD CLEANUP PROGRAM

Drawing Title

Site Plan with Subsoil Sample Locations and Approximate Location of Unanticipated Subsurface Petroleum - Contaminated Soil

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New York, New York 10165-1617

Project No.

4155R-09

FIGURE 3

C:\GIS\GIS Mapping\4000R-07\Conham\4155R-8.mxd

Genesee River

Portion of Erie Harbor Site to be redeveloped as paved parking lot for use on the adjoining Hamilton Apartment Complex (185 Mt Hope Avenue) to the North

Approximate property boundary of the Hamilton Project

225-405 Mt Hope Avenue (Erie Harbor Site)

185 Mt Hope Avenue (Hamilton)

Mt Hope Ave (NY15)

Hamilton St

0 25 50 100 Feet

N

LEGEND

- Parcel boundary
- Building footprint
- Surface soil to be removed and disposed off-site at regulated landfill facility

Date	Drawn By	Scale
07-17-2009	CPS	AS NOTED

Project Title
185 & 225-405 MT HOPE AVENUE
ROCHESTER, NEW YORK

BROWNFIELD CLEANUP PROGRAM

Drawing Title
North end of Erie Harbor Site to be redeveloped as paved parking lot for use by adjoining Hamilton Apartment Complex

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Project No.
4155R-09

FIGURE 4

Table A
225-405 Mt. Hope Avenue, Rochester, New York
NYSDEC Site #C828125

Summary of Detected Semi-Volatile Organic Compounds (SVOCs)
in mg/Kg or Parts Per Million (ppm)

May 29, 2009 Subsurface Soil Samples

Detected Compound	Restricted Residential SCO (1)	003 / S-2 (9"-15")		004 / S-1 (5"-11")		005 / S-3 (5"-11")		006 / S-4 (5"-11")		007 / S-5 (5"-11")		008 / S-6 (7"-13")		009 / S-7 (4"-10")		010 / S-8 (5"-11")		011 / S-9 (6"-12")		012 / S-10 (5"-11")		013 / S-11 (4"-10")		014 / S-12 (4"-10")	
Benzaldehyde	NA		UJ		UJ		UJ		UJ		UJ		UJ		UJ		UJ	0.057	J		UJ	0.041	J		UJ
Acenaphthylene	100		U	0.051	J	0.061	J	0.079	J	0.059	J		U		U	0.075	J	0.045	J		U		U		U
Acenaphthene	100		U		U		U		U	0.052	J		U		U		U	0.05	J		U		U		U
Dibenzofuran	59		U		U		U		U	0.056	J		U		U		U	0.054	J		U		U		U
Fluorene	100		U		U		U		U	0.044	J		U		U		U	0.088	J		U		U		U
Phenanthrene	100	0.29	J	0.15	J	0.26	J	0.32	J	0.86		0.17	J	0.11	J	0.22	J	0.81		0.059	J	0.23	J	0.073	J
Anthracene	100	0.081	J	0.053	J	0.067	J	0.083	J	0.17	J		U		U	0.067	J	0.15	J		U		U		U
Carbazole	NA		U		U	0.043	J	0.046	J	0.099	J		U		U		U	0.079	J		U		U		U
Fluoranthene	100	0.56		0.43		0.65		0.86		1.4		0.35	J	0.28	J	0.73		1.2		0.18	J	0.46		0.14	J
Pyrene	100	0.48		0.39	J	0.56		0.71		1.1		0.27	J	0.22	J	0.65		0.96		0.15	J	0.33	J	0.13	J
Benzo(a)anthracene	1	0.27	J	0.22	J	0.3	J	0.39	J	0.59		0.15	J	0.12	J	0.34	J	0.46		0.081	J	0.18	J	0.083	J
Chrysene	3.9	0.27	J	0.26	J	0.35	J	0.46		0.71		0.18	J	0.15	J	0.41		0.51		0.11	J	0.23	J	0.097	J
Bis(2-Ethylhexyl)phthalate	NA	0.043	J		U		U	0.1	J	0.11	J	0.068	J	0.1	J	0.062	J	0.13	J	0.058	J	1			U
Benzo(b)fluoranthene	1	0.29	J	0.3	J	0.41		0.52		0.81		0.22	J	0.18	J	0.47		0.52		0.13	J	0.27	J	0.1	J
Benzo(k)fluoranthene	3.9	0.11	J	0.11	J	0.16	J	0.23	J	0.36	J	0.092	J	0.067	J	0.19	J	0.23	J	0.045	J	0.089	J	0.042	J
Benzo(a)pyrene	1	0.25	J	0.21	J	0.28	J	0.35	J	0.59		0.13	J	0.12	J	0.33	J	0.39		0.084	J	0.18	J	0.084	J
Indeno(1,2,3-cd)pyrene	0.5	0.13	J	0.12	J	0.2	J	0.22	J	0.39		0.11	J	0.088	J	0.21	J	0.25	J	0.07	J	0.14	J	0.052	J
Dibenzo(a,h)anthracene	0.33		U		U	0.065	J	0.075	J	0.12	J		U		U	0.064	J	0.08	J		U		U		U
Benzo(g,h,i)perylene	100	0.12	J	0.12	J	0.19	J	0.2	J	0.33	J	0.099	J	0.065	J	0.14	J	0.1	J		U	0.059	J		U
TOTAL SVOCS	NA	2.894	J	2.414	J	3.596	J	4.643	J	7.85	J	1.839	J	1.50	J	3.958	J	6.163	J	0.967	J	3.209	J	0.801	J
TOTAL TICS	NA	1.366	NJ	1.562	NJ	2.421	NJ	2.311	NJ	3.172	NJ	1.885	NJ	1.63	NJ	3.124	NJ	3.429	NJ	2.827	NJ	3.381	NJ	1.73	NJ
TOTAL SVOCS AND TICS	NA	4.26	NJ	3.796	NJ	6.017	NJ	6.954	NJ	11.022	NJ	3.724	NJ	3.13	NJ	7.082	NJ	9.592	NJ	3.794	NJ	6.59	NJ	2.531	NJ

(1) = Restricted Residential Soil Cleanup Objective (SCO) as referenced in 6 NYCRR Part 375 dated December 14, 2006.

TIC = Tentatively identified compound

U = Not detected at concentration above reported analytical laboratory detection limit

N = Indicates presumptive evidence of tentatively identified compound

J = Estimated value

NA = Not available

Results of Data Usability Summary Report are incorporated