

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9553 • FAX: (518) 402-9577
Website: www.dec.state.ny.us



MEMORANDUM

TO: Greg MacLean, Project Manager, Region 8
Ed Belmore, NYSDEC - DER Remedial Bureau D
Gary Litwin, NYSDOH - DEHI Bureau of Environmental Exposure Investigation
Bart Puytzig, Regional Hazardous Waste Remediation Engineer, Region 8
Anthony Quartararo, NYSDEC - DEE Superfund and Voluntary Cleanup Bureau
Joseph Ryan, DEE Program Attorney, Region 8
Christina Dowd, NYSDEC - DFWMR Bureau of Habitat
Anne Hohenstein, NYSOSC
Susanne Wither, NYSDEC, Bureau of Technical Support

FROM: Kelly Lewandowski, NYSDEC - DER Bureau of Technical Support *Kelly Lewandowski*

SUBJECT: Brownfield Cleanup Program Application
Volunteers of America Back Lot Site, C828126

DATE: MAR 16 2005

The attached Brownfield Cleanup Program Application for remedial work at the subject site has been forwarded to you for your records and/or processing according to the established Brownfield Cleanup Program procedures. If you require additional copies or the complete series of the related application's attachments, please contact the project manager, Greg MacLean, at 585-226-5356.

The Time and Activity Code for the subject site is: N-777 (on-site)
N-778 (off-site)

Attachments

Distribution

Original (with all attachments):

Greg MacLean, NYSDEC - Region 8

Copy (with all attachments):

Gary Litwin, NYSDOH - DEHI Bureau of Environmental Exposure Investigation

Bart Putzig, NYSDEC Region 8

Ed Belmore, NYSDEC, Remediation Bureau D

Anne Hohenstein, NYSOSC

Susanne Wither, NYSDEC, BTS

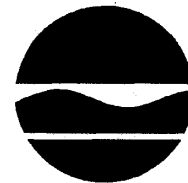
Copy (without attachments):

Anthony Quartararo, NYSDEC - DEE Superfund and Voluntary Cleanup Bureau

Christina Dowd, NYSDEC - DFWMR Bureau of Habitat

Joseph Ryan, DEE Program Attorney, Region 8

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9543 • **FAX:** (518) 402-9595
Website: www.dec.state.ny.us



Denise M. Sheehan
Acting
Commissioner

Ms. Loretta Darling
President/CEO
Volunteers of America of Western New York, Inc.
214 Lake Avenue
Rochester, NY 14614

Re: Brownfield Cleanup Application
Volunteers of America Back Lot Site
BCP No. C828126

Dear Ms. Darling:

The New York State Department of Environmental Conservation (Department) is in receipt of your application for participation in the Brownfield Cleanup Program (BCP) pursuant to ECL Section 27-1400 et seq. As you know, the BCP is a cooperative approach between the Department and lenders, developers, and current and prospective owners. The program fosters private-sector remediation of brownfields and reduces development pressures on "greenfields." We are pleased to advise you that your application has been determined to be complete.

Pursuant to ECL Section 27-1407(5), a 30 day public comment period is to be commenced upon the Department's determination that an application is complete. During the comment period the Department will be evaluating the eligibility of the project and determine the status regarding this as soon as possible. The party seeking to participate in the BCP is required under the BCP to notify in writing the chief executive officer and zoning board of each county, city, town and village in which the proposed brownfield site is located, as well as residents of the site, the public water supplier which services the area, any person who has requested to be placed on the brownfield site contact list, and the administrator of any school or day care facility located adjacent to or near the site. Further, the Department will publish a similar notice in the Environmental Notice Bulletin.

In order to facilitate the notifications, the Department has prepared the enclosed Public Notice for you to utilize and the instructions for placing and mailing the notifications as well as the document repository location and contents. As the applicant you are responsible for making available a copy of the application and copies of all other related attached documents such as any assessment and investigation reports and/or investigation or remedial work plans. Also, you must use this Department-approved Public Notice form and cannot provide any other or additional information when fulfilling your obligation to provide a legal notice for the newspaper of the application and comment period. The enclosed form should be provided to a local newspaper servicing the area including the brownfield site for publication no later than March 23, 2005. Additionally, all of the above-mentioned mailings should be completed no later than March 22, 2005. To the extent that the mailings and publications are not

completed in accordance with these time frames, the Department will extend the comment period for a period sufficient to comply with the required thirty day notice requirement running from the latest of the mailings or publication.

A certificate of mailing, on the enclosed form, is required to be submitted within three days of the mailing. Further, the proof of publication provided by the newspaper must be submitted within three days of your receipt of such document. These documents should be submitted to the Department's project manager at:

New York State Department of Environmental Conservation
Region Office 8
6274 East Avon-Lima Road
Avon, New York 14414-8519
ATTN: Greg MacLean

The Department will make every effort to determine your eligibility and status under the BCP forty-five days from the date of this letter. We look forward to working cooperatively with you to address the environmental conditions at the brownfield site and to return this property back to productive use.

Sincerely,



Kelly A. Lewandowski, P.E.
Chief
Site Control Section

Enclosures

Electronic copies w/enclosures:

G. MacLean, Region 8
G. Litwin, NYSDOH
A. Quartararo
L. Shaw, Esq.
S. Withers

Copy w/o enclosures:

S. Bolesky

Instructions to Applicant Regarding Placing and Mailing of Notification Regarding Completeness Determination

1) The enclosed notice must be provided, without modification, by the applicant to a local newspaper of general circulation servicing the area including the brownfield site for publication no later than the date specified in the cover letter. The notice must be located prominently in the community bulletin section or similar local section of the newspaper. The notice must be published in English and in any other language spoken by significant numbers of people within the community.

2) The enclosed notice must be mailed, without modification, by the applicant to the brownfield site contact list as identified in the applicant's application. The mailing must be performed by the date specified in the cover letter. No other materials can be mailed with this notice.

3) The applicant must complete and submit to the Department the attached certificate of mailing within the time frame specified in the cover letter.

4) The applicant must forward to the Department proof of publication by the newspaper of the newspaper notice within the time frame specified in the cover letter.

5) The applicant must make available a copy of the application and all other related documents (i.e., Phase Assessment Reports, Remedial Investigation Work Plans and Reports and Remedial Design Work Plans) at the document repository specified in the public notice.

Instructions to Newspapers Regarding Printing the Public Notice

The enclosed legal notice announces the receipt of an application by the New York State Department of Environmental Conservation to the Department's Brownfield Cleanup Program. Pursuant to ECL Section 27-1407(5), the notice must be located prominently in the community bulletin section, legal classified section, or similar local section of the newspaper. The notice must be published in English and in any other language spoken by significant numbers of people within the community.

Instructions to Individuals Receiving the Public Notice

The enclosed notice announces the receipt of an application by the New York State Department of Environmental Conservation to the Department's Brownfield Cleanup Program (BCP). Pursuant to ECL Section 27-1407(5), upon the Department's determination that a BCP application is complete, the applicant must send notice of the application to individuals on a site contact list. Please read the enclosed notice for further information and instructions.

Site Information

SITE NAME - Volunteers of America Back Lot Site

SITE ADDRESS - 214 Lake Avenue CITY/TOWN - Rochester, New York ZIP CODE - 14614

COUNTY - Monroe SITE SIZE (ACRES) - approximately 3 acres

LATITUDE - 43° 10' 6.931" North LONGITUDE - 77° 37' 33.848" West

PLEASE ATTACH A COUNTY TAX MAP WITH IDENTIFIER NUMBERS, ALONG WITH ANY FIGURES NEEDED TO SHOW THE LOCATION AND BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 7.5 MINUTE QUAD MAP IN WHICH THE SITE IS LOCATED.

- 1. DO THE SITE BOUNDARIES CORRESPOND TO TAX MAP METES AND BOUNDS?
IF NO, PLEASE ATTACH A METES AND BOUNDS DESCRIPTION OF THE SITE. YES NO
- 2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY AREA PURSUANT TO GML970-R? IF YES, IDENTIFY AREA (NAME) * This area is part of a pending Brownfield Opportunity Area (BOA) application for a planning grant submitted on June 24, 2004 for the Lyell-Lake-State Street (LYLAKS) BOA Area. YES NO*
- 3. IS THE SITE PART OF A DESIGNATED EN-Zone PURSUANT TO TL § 21(b)(6)?
IF YES, IDENTIFY AREA (NAME) CENSUS TRACK 23 YES NO

Applicant Eligibility Information (Please refer to ECL § 27-1407)

- 1. ARE ANY ENFORCEMENT ACTIONS PENDING AGAINST THE APPLICANT REGARDING THIS SITE? YES NO
- 2. IS THE APPLICANT SUBJECT TO AN OUTSTANDING CLAIM BY THE SPILL FUND FOR THIS SITE? YES NO
- 3. HAS THE APPLICANT VIOLATED ANY PROVISION OF ECL ARTICLE 27? YES NO
- 4. HAS THE APPLICANT BEEN PREVIOUSLY DENIED ENTRY TO THE BCP? YES NO
- 5. HAS THE APPLICANT COMMITTED A NEGLIGENT OR INTENTIONALLY TORTIOUS ACT REGARDING HAZARDOUS WASTE OR PETROLEUM? YES NO
- 6. HAS THE APPLICANT BEEN CONVICTED OF A CRIMINAL OFFENSE THAT INVOLVES A VIOLENT FELONY, FRAUD, BRIBERY, PERJURY, THEFT, OR OFFENSE AGAINST PUBLIC ADMINISTRATION? YES NO
- 7. HAS THE APPLICANT KNOWINGLY FALSIFIED STATEMENTS OR CONCEALED MATERIAL FACTS IN A MATTER RELATED TO THE DEPARTMENT? YES NO
- 8. HAS THE APPLICANT, BASED ON THE PROVISIONS OF ECL ARTICLE 27-1407 (OR A SIMILAR PROVISION OF FEDERAL OR STATE LAW), COMMITTED AN ACT OR FAILED TO ACT, AND SUCH ACT OR FAILURE TO ACT COULD BE THE BASIS FOR DENIAL OF A BCP APPLICATION? YES NO

Site Eligibility Information (Please refer to ECL § 27-1405)

- 1. DOES THE SITE MEET THE DEFINITION OF A BROWNFIELD SITE (REAL PROPERTY, THE REDEVELOPMENT OR REUSE OF WHICH MAY BE COMPLICATED BY THE PRESENCE OR POTENTIAL PRESENCE OF A HAZARDOUS WASTE, PETROLEUM, POLLUTANT, OR CONTAMINANT)? YES NO
- 2. IS THE SITE LISTED ON THE NATIONAL PRIORITIES LIST? YES NO
- 3. IS THE SITE LISTED ON THE NYS REGISTRY OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES?
IF YES, PLEASE PROVIDE: SITE # _____ CLASS # _____ YES NO
- 4. IS THE SITE SUBJECT TO A PERMIT UNDER ECL ARTICLE 27, TITLE 9, OTHER THAN AN INTERIM STATUS FACILITY? YES NO
- 5. IS THE SITE SUBJECT TO A CLEANUP ORDER UNDER NAVIGATION LAW ARTICLE 12 OR ECL ARTICLE 17 TITLE 10? YES NO
- 6. IS THE SITE SUBJECT TO A STATE OR FEDERAL ENFORCEMENT ACTION RELATED TO HAZARDOUS WASTE OR PETROLEUM? YES NO

Project Description

PLEASE ATTACH A DESCRIPTION OF THE PROJECT WHICH INCLUDES THE FOLLOWING COMPONENTS:

- PURPOSE AND SCOPE OF THE PROJECT SEE ATTACHMENT "A" ATTACHED HERETO: ITEM 2
- ESTIMATED PROJECT SCHEDULE SEE ATTACHMENT "A" ATTACHED HERETO" ITEM 3

Site Environmental History

TO THE EXTENT THAT EXISTING INFORMATION/STUDIES/REPORTS ARE AVAILABLE TO THE APPLICANT, PLEASE ATTACH THE FOLLOWING:

1. ENVIRONMENTAL DATA

A PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT PREPARED IN ACCORDANCE WITH ASTM 3 1527 (American Society for Testing Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), AND ALL ENVIRONMENTAL REPORTS RELATED TO CONTAMINANTS ON OR EMANATING FROM THE SITE. SEE ATTACHMENT "A" ATTACHED HERETO: ITEM 4 & REPORTS IF A FINAL INVESTIGATION REPORT IS INCLUDED, INDICATE WHETHER IT MEETS THE REQUIREMENTS OF ECL ARTICLE 27-1415(2):
 ___ YES X NO

2. OWNERS

A LIST OF PREVIOUS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER LISTED. IF NO RELATIONSHIP, PUT "NONE"). SEE ATTACHMENT "A" ATTACHED HERETO: ITEM 5

3. OPERATORS

A LIST OF PREVIOUS OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBER (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OPERATOR LISTED. IF NO RELATIONSHIP, PUT "NONE"). SEE ATTACHMENT "A" ATTACHED HERETO: ITEM 5

Contact List Information

PLEASE ATTACH, AT A MINIMUM, THE NAMES AND ADDRESSES OF THE FOLLOWING:

1. THE CHIEF EXECUTIVE OFFICER AND ZONING BOARD CHAIRPERSON OF EACH COUNTY, CITY, TOWN AND VILLAGE IN WHICH THE SITE IS LOCATED. SEE ATTACHMENT "A" ATTACHED HERETO: ITEM 6 FOR ALL CONTACT LIST INFORMATION RESPONSES
2. RESIDENTS, OWNERS, AND OCCUPANTS OF THE SITE AND PROPERTIES ADJACENT TO THE SITE.
3. LOCAL NEWS MEDIA FROM WHICH THE COMMUNITY TYPICALLY OBTAINS INFORMATION.
4. THE PUBLIC WATER SUPPLIER WHICH SERVICES THE AREA IN WHICH THE SITE IS LOCATED.
5. ANY PERSON WHO HAS REQUESTED TO BE PLACED ON THE SITE CONTACT LIST.
6. THE ADMINISTRATOR OF ANY SCHOOL OR DAY CARE FACILITY LOCATED ON OR NEAR THE SITE.
7. THE LOCATION OF A DOCUMENT REPOSITORY FOR THE PROJECT (E.G., LOCAL LIBRARY)

Contaminant Information

INDICATE KNOWN OR SUSPECTED CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN OR SUSPECTED TO HAVE BEEN AFFECTED:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents					
Other VOC's	✓				
SVOC's	✓				
Metals	✓	✓			
Pesticides					
PCBs					
Other *					

* Please describe: _____

Land Use Factors (Please refer to ECL § 27-1415(3))

Current Use: Residential Commercial Industrial Other _____

Future Use: Residential Commercial Industrial Other _____

Please check the appropriate boxes and provide an explanation as an attachment if appropriate.

	Yes	No	Unknown
1. Do current historical and/or recent development patterns support the proposed use? SEE ATTACHMENT "A" ATTACHED HERETO: ITEM 7	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the proposed use consistent with applicable zoning laws/maps? SEE ATTACHMENT "A" ATTACHED HERETO: ITEM 7	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Is the proposed use consistent with applicable brownfield opportunity area designations? (See GML 970-r)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, other adopted land use plans?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Are there any federal or state land use designations relating to this site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Do the population growth patterns and projections support the proposed use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Is the site accessible to existing infrastructure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species proximate to the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Are there floodplains proximate to the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Are there any institutional controls currently applicable to the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas. SEE ATTACHMENT "A" ATTACHED HERETO: ITEM 7			
14. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas. SEE ATTACHMENT "A" ATTACHED HERETO: ITEM 7			
15. Describe on attachment the geography and geology of the site. SEE ATTACHMENT "A" ATTACHED HERETO: ITEM 7			
(Note: the 16 th criteria relates to comments from the public, which would not be received at the time of application)			

Statement of Certification

(By applicant who is an individual)
I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: [Signature] Print Name: _____

(By an applicant other than an individual)
I certify that I am President/CEO (title) of Volunteers of America of WA 4 INC (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 2/4/05 Signature: [Signature] Print Name: Loretta Darling

SUBMITTAL INFORMATION:
Four (4) complete copies, one with original signatures, are required.

- Three (3) of the copies, one with original signatures, must be sent to:
Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020
- One (1) copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices: <http://www.dec.state.ny.us/website/der/index.html>

FOR DEPARTMENT USE ONLY

BCP SITE NO: _____ BCP SITE T&A CODE: _____ PROJECT MANAGER: _____

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION

ECL ARTICLE 27 / TITLE 14

#0828126

10/9/03

Applicant Information

NAME - Volunteers of America of Western New York, Inc.		
ADDRESS - 214 Lake Avenue		
CITY/TOWN - Rochester		ZIP CODE - 14614
PHONE - 585-647-2481	FAX - 585-647-2177	E-MAIL - ldarling@voawny.org
NAME OF APPLICANT'S REPRESENTATIVE - Linda R. Shaw, Esq., Knauf Shaw LLP		
ADDRESS - 1125 Crossroads Building		
CITY/TOWN - Rochester, New York		ZIP CODE - 14614
PHONE - 585-546-8430	FAX - 585-546-4324	E-MAIL - lshaw@nyenvlaw.com

THE APPLICANT MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

<p><input type="checkbox"/> PARTICIPANT</p> <p>An applicant who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p>	<p><input checked="" type="checkbox"/> VOLUNTEER</p> <p>An applicant other than a participant, including an applicant whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p> <p>NOTE: By checking this box, the applicant certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking Reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.</p>
--	---

Applicant Relationship to Property (check one):

Previous Owner
 Current Owner
 Potential / Future Purchaser
 Other - The Volunteers of America is a long term lessee of the County Industrial Development Agency, which holds title to the Site.

Current Owner / Operator Information

OWNER'S NAME (if different from applicant) - Monroe County Industrial Development Agency		
ADDRESS - City Place, Suite 8100, 50 West Main Street		
CITY/TOWN - Rochester		ZIP CODE - 14614
PHONE - (585) 428-5260	FAX - (585) 428-5336	E-MAIL
OPERATOR'S NAME (if different from applicant) - Volunteers of America is the current tenant of the Site.		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL

10/9/03

SUBMITTED

ATTACHMENT A

BROWNFIELD CLEANUP PROGRAM APPLICATION SUPPORT

"SITE" DESCRIPTION

ITEM 1: SITE ADDRESSES AND CURRENT/FORMER USES

The "Back Lot" or Site" that will be the subject of this application is made up of approximately 3 acres in the City of Rochester, Monroe County, New York. The Site is bounded to the west by the Volunteers of America (VOA) Human Service Complex, which includes VOA's administrative offices, a VOA thrift store and a day care center that serves the local community, to the north by a Monroe County right-of-way to the Purewaters Tunnel Structure 41, to the east by the former RAE Oil Company facility and to the south by Ambrose Street. The Site is essentially a vacant lot used for parking and a roadway to access the rear of the VOA Complex.

The address of the Site is 214 Lake Avenue, Rochester, New York 14614. This address includes not only the Back Lot Site in question for this application (the eastern portion of the property) but also the western portion of the property which houses the VOA Human Service Complex discussed above. Prior to the submission of this application to the NYSDEC, the western portion of the property, which houses the VOA Human Service Complex, was the subject of a significant remediation project. On April 23, 2002, at the conclusion of that remediation effort by VOA, the NYSDEC issued a Spill Closure Letter indicating that the remediation of the western portion of the site was completed, and as such, no further action was required. A copy of the letter is attached as Exhibit A. Because of this "no further action letter" the Site proposed for this application only includes the uninvestigated and unremediated eastern back portion of 214 Lake Avenue.

See Exhibit B, including Tax Map and figures attached to the July 2, 2004 Remedial Investigation Work Plan prepared by GeoQuest Environmental Inc.

PROJECT DESCRIPTION

ITEM 2: PURPOSE AND SCOPE OF THE PROJECT

Currently, the forecasted final use of the VOA site will be to house a storage warehouse. VOA is a not-for-profit charitable organization that accepts donations of items such as clothing, toys and household items. VOA also accepts donations of larger items such as household appliances (i.e. refrigerators, stoves, washer/dryers) and automobiles. VOA hopes to eventually raise enough money to construct a warehouse on the Site, which could house these larger donations under their Vehicle Donation Program and subsequently be sold in

one of their many local retail centers. There is no projected financial information regarding the final use of the site since VOA currently does not have the funding to construct this facility.

With the creation of the new Brownfield Cleanup Program (BCP), and elimination of the Voluntary Cleanup Program (VCP), VOA has elected to work through the only available process for investigating and remediating a site of this nature. As a not-for-profit organization, VOA is not currently eligible for any of the tax credits offered by the BCP and is primarily seeking the liability limitation that comes with the successful completion of a project under this program.

The City of Rochester is in favor of this project. In fact, the City has submitted to the State a Brownfields Opportunity Area, Lyell-Lake-State Street Corridor Pre-Nomination Study Grant application, which includes this Site. Therefore, this project is consistent with the City's comprehensive plan for this portion of the City.

ITEM 3: ESTIMATED PROJECT SCHEDULE

Attached is a copy of a proposed Remedial Investigation Work Plan (RIWP) for the Site, which is scheduled to take approximately 18 weeks. The work proposed in the Remedial Investigation Work Plan will begin as soon as the Brownfield Cleanup Program Application for the Site is approved, the Brownfield Cleanup Agreement (BCA) is signed and the Department approves the Scope of Work in the RIWP. These initial approval steps in the program are statutorily scheduled to take approximately 2 to 2 ½ months. Therefore, investigation work on the Site should begin in approximately mid-April of 2005.

ITEM 4: ENVIRONMENTAL DATA

Three environmental studies have been performed on the Site and are attached hereto. The goal of the proposed additional investigation work is to meet the site investigation requirements of ECL Title 14 Section 27-1415(2) by filling in all remaining data gaps. The previous reports include:

1. **MRB Phase I Environmental Site Assessment, December 28, 1992:** This report summarizes an investigation into any known or potential items of noncompliance with applicable local, state or federal law as well as the apparent presence or absence of potential environmental concerns. This report concludes, among other things, that the former coal storage area on the eastern portion of the subject property (the portion that is the subject of this application) may contain poly-aromatic hydrocarbons, which break down into tar substances.
2. **GZA Phase II Environmental Site Assessment, June 1996:** This report summarizes an assessment of the Site, which included subsurface borings,

installation of groundwater monitoring wells, groundwater level measurements, and collection and analysis of soil and groundwater samples. This report concludes that VOC and metals compounds were detected in soil samples at levels exceeding NYSDEC TAGM 4046 guidelines; metals were detected in groundwater samples at concentrations exceeding Class GA guidelines; and a heavy weight petroleum hydrocarbon identified as "Lube Oil" was detected in soil samples.

3. **GZA Supplemental Phase II Site Assessment, January 1997:** This report summarizes an assessment of the Site, which included subsurface borings and collection and analysis of soil and groundwater samples. This report concludes that SVOC's were detected in soil samples at levels exceeding NYSDEC TAGM 4046 standards; and that RCRA 8 Metals were detected in soil samples at levels exceeding Site cleanup guidelines and/or site background levels.

ITEM 5: OWNERS AND OPERATORS

A list of previous owners and operators was essentially included in the June 1996 Phase II Report beginning on page 3, and has been summarized below:

According to Sanborn maps:

1892 - Many residential structures are apparent on the Site.

1911 - Similar to the 1892 map, with more residential structures.

1950 - The Rochester Gas & Electric Pipe yard is present on the Site. Areas identified as "coal piles" are located on the site.

1971 - Coal piles and barrel storage is present on the site.

In addition to this information, a company named Kaplan Container was present on a portion of the Site, and the former Heinrich Chevrolet and subsequent Bill Gordon car dealerships (which occupied the buildings on the western portion of the 214 Lake Avenue real estate parcel) parked cars on the Site.

ITEM 6: CONTACT LIST INFORMATION

1. The Chief Executive Officer:

Mayor William A. Johnson, Jr.
City Hall
30 Church Street
Rochester, New York 14614

2. The City Zoning Bureau:

Bureau of Building and Zoning
Division of Zoning
City Hall

3. Residents, owners, and occupants of the site and properties adjacent to the site:

See attached BCP Neighborhood Contact List, attached in Exhibit C.

4. Local news media from which the community typically obtains information:

The Democrat and Chronicle
55 Exchange Boulevard
Rochester, New York 14614

5. The public water supplier that services the area where the site is located:

Rochester Water and Lighting Bureau
10 Felix Street
Rochester, New York 14608
Public Water Supply ID# NY 2704518

6. Any person who has requested to be placed on the site contact list:

No one has requested to be put on the list to date. However, we intend to voluntarily send information regarding this project to the adjacent property owners listed in Exhibit C.

7. The administrator of any school or day care facility located on or near the site:

Day Care Facility
Volunteer's of America Children's Center
214 Lake Avenue
Rochester, New York 14614
(Located on the western, remediated portion of the real estate)

8. The location of a document repository for the project (e.g., local library):

Rochester Public Library
115 South Avenue
Rochester, New York 14604

ITEM 7: LAND USE FACTORS

- 1. Do current historical and/or recent development patterns support the proposed use?**

Yes. The City of Rochester supports this project. The applicant believes the current historical and/or recent development patterns in the City of Rochester support the proposed use. Enhancement of the downtown area is specifically being encouraged by the City as evidenced by the Brownfields Opportunity Area, LYLAKS Pre-Nomination Study Grant application submitted by the City.

- 2. Is the proposed use consistent with applicable zoning laws/maps?**

Yes. The Site is currently zoned for commercial and industrial uses.

- 3. Is the proposed use consistent with applicable brownfield opportunity area designations?**

Yes. The proposed Site and use is consistent with the applicable brownfield opportunity area ("BOA") designated 970-r because the Site is located in an area of former industrial properties, is located within one of the State's new Environmental Zones, and is part of the Brownfields Opportunity Area, LYLAKS Pre-Nomination Study Grant application submitted by the City of Rochester.

- 4. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, other adopted land use plans?**

Yes. The City of Rochester has always been interested in revitalizing the area in which the Site is located. The VOA Complex significantly revitalized this portion of Lake Avenue. In addition, the project is consistent with the City Renaissance 2010 Comprehensive Plan, which establishes environmental stewardship goals and strategies that guide land use and redevelopment decisions.

- 5. Are there any Environmental Justice Concerns (See §27-1415(3)(p)).**

There are no Environmental Justice Concerns pursuant to §27-1415(3)(p). The Site is located in a low income high poverty area, which is the reason VOA is present at this location. However, VOA has no intention of creating a future industrial use that would create environmental justice concerns.

- 6-10. Are answered as "yes" or "no" on the application form itself.**

- 11. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands or critical habitats of endangered or threatened species proximate to the site?**

Yes. To the east of the Site, but not adjacent to the Site, is the Genesee River which flows directly into Lake Ontario.

- 12. Are there flood plains proximate to the site?**

No. The Site is located on a large bluff above the river.

- 13. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.**

There are principally urban, industrial and commercial uses in close proximity to the Site. There are no agricultural or recreational uses adjacent to this site. There are a few residential houses across Lake Avenue but not adjacent to this Site.

- 14. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge.**

No active municipal water supply wells, wellhead protection or groundwater recharge areas are located on or near the subject property. The Purewaters Tunnel is adjacent to the Site in subsurface soils but VOA's understanding is that this is a storm water not drinking water tunnel. Therefore, there is little potential that groundwater from the Site could affect either municipal water supply wells or recharge areas. Groundwater contamination in overburden groundwater has already been found. Off-site ground water issues are outside the scope of this volunteer's responsibility pursuant to the BCP.

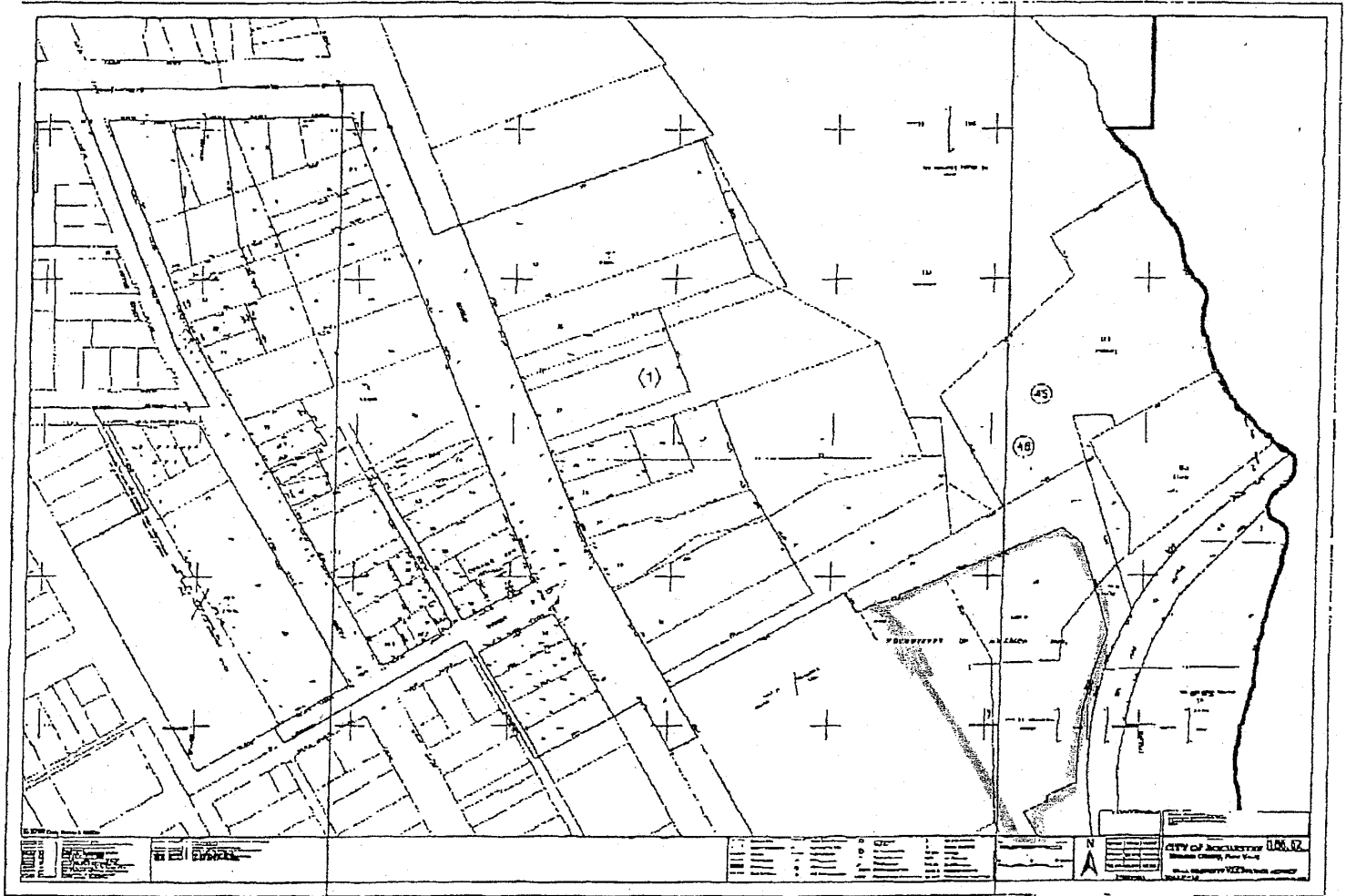
- 15. Describe on attachment the geography and geology of the site.**

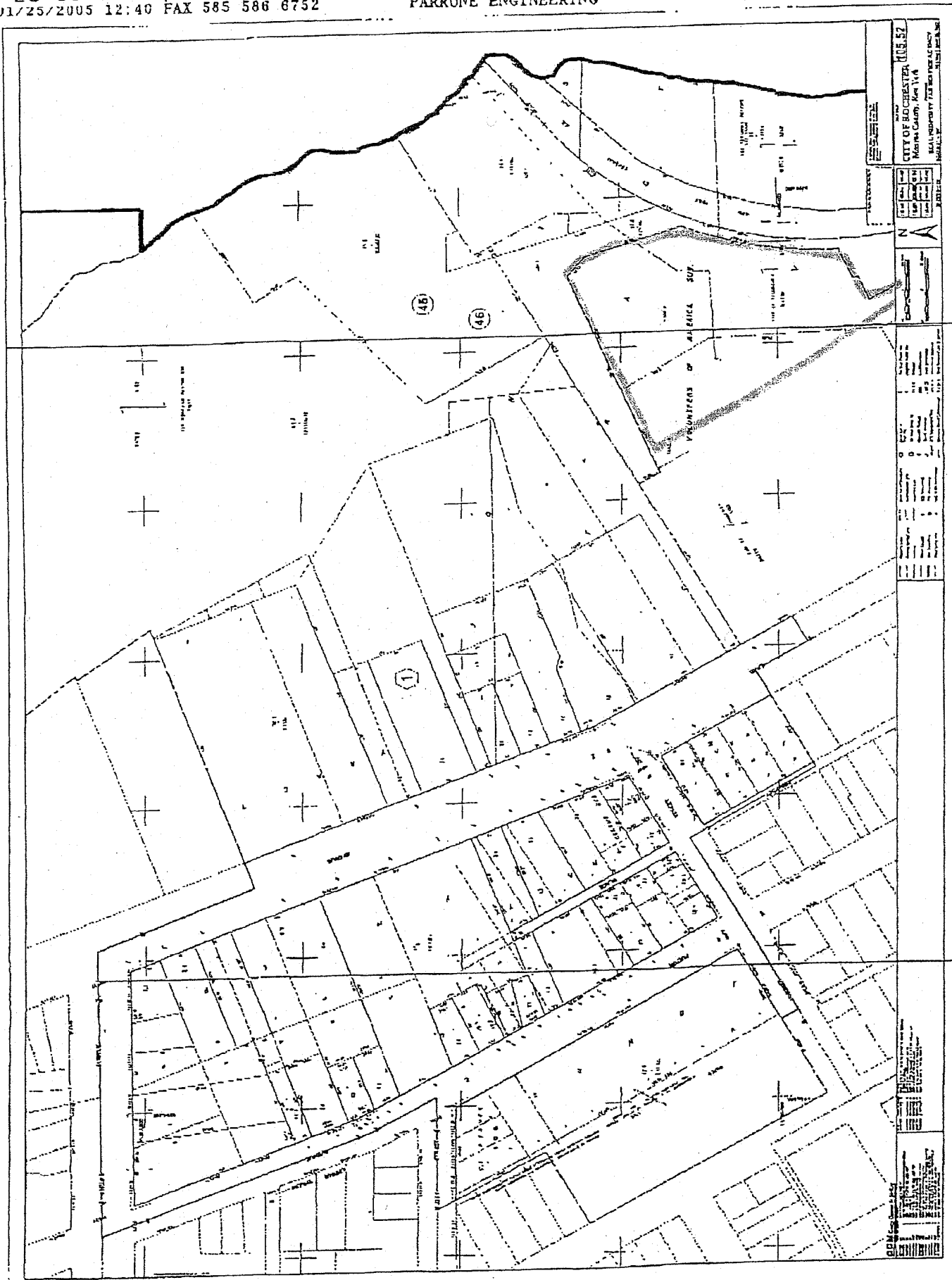
According to the environmental reports prepared to date, the overburden soils at the Site generally consist of fill soils, lacustrine deposits, and glacial till. The fill soils generally consist of coarse to fine sand, little gravel, trace silt and clay with various amounts of brick, glass, metal, wood, cinders, coal fragments and ash. The thickness of the fill deposit ranges from approximately 2 to 6 feet along the west end of the Site to approximately 18 to 19 feet along the east end of the Site.

The lacustrine deposit generally underlies the fill deposit and consists of course to fine sand with occasional silt and clay layers. The lacustrine deposit ranges in thickness from approximately 6 to 14 feet. The glacial till deposit generally underlies the lacustrine deposit. The glacial till generally consists of course to fine gravel, some silt, little clay or coarse to fine sand, some silt, and fine gravel.

The depth to the top of the bedrock varies from approximately 4 feet to greater than approximately 30 feet below the ground surface at the Site. The bedrock encountered is the Rochester Shale, which consists of weathered, light brown to gray shale. In general, the bedrock formations below the Site are part of the Clinton Group.

Groundwater on the Site flows in a northeasterly direction across the site towards the Genesee River.







GeoQuest Environmental, Inc.
 4 Titus Avenue
 Rochester, NY 14617-2411
 Phone: (585) 467-1696
 Fax: (585) 266-4269
 Website: www.geocquestenv.com

Drawn By: KAT - GeoQuest Environmental, Inc.
 Checked By: SJD - GeoQuest Environmental, Inc.
 Status: Final
 Date: 7/2/04

Rev	Description	Date	By

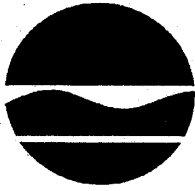
PROJECT TITLE:
 Remedial Investigation Work Plan
 Eastern Portion of Parcel A and Parcel B
 214 Lake Avenue
 Rochester, New York

DRAWING TITLE:
 Site Vicinity Map

Project Number
 41802

Drawing Number
 Figure 1

NEW YORK STATE
DEPARTMENT OF



ENVIRONMENTAL
CONSERVATION

**Remedial Investigation Work
Plan Available for Review
and Comment**

What Happens Next: This notice is simply intended to inform you that the New York State Department of Environmental Conservation (Department), working cooperatively with the New York State Department of Health (NYSDOH), are currently reviewing for approval a Brownfield Cleanup Program application and draft Remedial Investigation Work Plan (RI WP) submitted by Applicant Volunteers of America of Western New York, Inc. (VOA) regarding the back lot on its otherwise fully remediated and redeveloped headquarters parcel located at 214 Lake Avenue, Rochester, New York (the Site), as well as a draft remedial investigation work plan (RI WP) to investigation this Site. However, the back lot requires additional investigation and possibly remediation work. The RI WP describing the work that will be performed to investigate the Site, is available for review at the NYSDEC Region 8 Office at the address below or in the Rochester Public Library. The comment period for written and oral comments expressing objection or opposition to the work plan will commence on February __, and close on March __, 2005. However, the public is able to submit substantive comments to the Department at any time on the work being performed at the Site through the identification of any specific grounds which could lead the Department to impose changes to the work implementation. Based on these comments, the NYSDEC may require the Participant to change their work practices.

Document Repositories:

NYSDEC Region 8 Office
6274 East Avon-Lima Road
Avon, New York 14414-9519
Telephone: (585)226-5350
Attn.: _____, Project Manager

Rochester Public Library
115 South Avenue
Rochester, New York 14604
585-428-7300

FACT SHEET

February 2005

Volunteers of America Back
Lot Site
214 Lake Avenue
Rochester, New York
Site No: _____
NYSDEC Region 8

**Remedial Investigation Work Plan Available for Comment
Volunteers of America Back Lot Site
214 Lake Avenue, Rochester, New York 14614**

Public Announcement

The New York State Department of Environmental Conservation (NYSDEC), working cooperatively with the New York State Department of Health (NYSDOH), is currently providing an opportunity for the public to comment on a Brownfield Cleanup Program Application and draft Remedial Investigation Work Plan (RI WP) between February __ - March __, 2005 to further investigate contamination on the approximately 3 acre back lot of 214 Lake Avenue, Rochester, New York 14614 (the Site). A map showing the Site location is attached. Volunteers of America of Western New York, Inc. (Volunteer), has previously remediated and redeveloped the front lot of the 214 Lake Avenue site into a Headquarters office building, thrift store and day care center complex. Plans to commence the subsurface remedial investigation of the back lot are tentatively scheduled to begin in late April 2005 after the close of this public comment period and consideration of all comments received.

The Proposed Action: - The purpose of the upcoming Remedial work is to remove petroleum contamination in the parking lot area east of the on-site building. At the end of this IRM work, anticipated to be completed in approximately November 2004, the Volunteer must prepare a Final Interim Remedial Measures Engineering Report, summarizing the remedial work performed. In addition, the Participant must take confirmatory samples at the bottom of the excavation to insure that the remaining soil meets certain cleanup standards, and prepare a Final Remedial Investigation Report, summarizing all of the remedial investigation work performed in and around the perimeter of the property not being excavated. Once the NYSDEC, NYSDOH, and the public have a full opportunity to review both of these final reports, a determination will be made as to whether: (1) the nature and extent of contamination was fully defined on the Site; (2) there are any other areas requiring remediation, and (3) to insure that no contamination is emanating from this site into the neighborhood. This determination will be made after the conclusion of the respective public comment periods and once the NYSDEC and NYSDOH have approved the Final Reports after consideration of your comments.

Your Opportunity to Comment on the Proposed Work: The public can provide either the NYSDEC or the NYSDOH with comments during the implementation of the IRM Work. The full IRM WP describing the work to be performed is available for your review at the document repositories listed in the column to the left. Your comments are important and strongly encouraged. Please direct comments to :

_____, Project Manager
NYSDEC
Division of Environmental Remediation
6274 East Avon-Lima Road
Avon, New York 14414-9519
Telephone: 585-226-5350

_____, Public Health Specialist
NYSDOH
Bureau of Environmental Exposure Investigation
335 E. Main St.
Rochester, N.Y. 14604-2127
Telephone: 585-423-8069

BOB KIRK NEWS DIRECTOR
WROC-TV 8
201 HUMBOLDT ST
ROCHESTER NY 14610

ASSIGNMENT DESK
R NEWS CHANNEL 9
71 MT HOPE AVE
ROCHESTER NY 14620

BOB HITCHCOCK ASSIGNMENT EDITOR
WHEC-TV 10
191 EAST AVE
ROCHESTER NY 14604

SHAWN MCNAMARA
WOKR-TV 13
PO BOX 20555
ROCHESTER NY 14602-0555

GARY WALKER NEWS DIRECTOR
WXXI-TV 21
280 STATE ST
ROCHESTER NY 14614

ASSIGNMENT EDITOR
WUHF FOX 31
360 EAST AVE
ROCHESTER NY 14604

BRAN SMITH NEWS DIRECTOR
WHAM-AM
207 MIDTOWN PLAZA
PO BOX 40400
ROCHESTER NY 144604

BUD LOWELL NEWS DIRECTOR
WXXI-AM
280 STATE ST
ROCHESTER NY 14614

CORYDON IRELAND
DEMOCRAT & CHRONICLE
55 EXCHANGE BLVD
ROCHESTER NY 14614-2001

CITY NEWS
250 NORTH GOODMAN
ROCHESTER NY 14607

ROCHESTER BUSINESS JOURNAL
55 ST PAUL ST
ROCHESTER NY 14604

THE HONORABLE LOUISE M
SLAUGHTER
U.S. HOUSE OF REPRESENTATIVES
3120 FEDERAL BUILDING
100 STATE ST
ROCHESTER NY 14614

THE HONORABLE HILLARY RODHAM
CLINTON UNITED STATES SENATE
100 STATE ST
ROOM 3280
ROCHESTER NY 14614

THE HONORABLE CHARLES SCHUMER
UNITED STATES SENATE
304 FEDERAL BLDG.
100 STATE ST
ROCHESTER NY 14614

THE HONORABLE DAVID F GANTT
NYS ASSEMBLY
74 UNIVERSITY AVE
ROCHESTER NY 14605-2928

THE HONORABLE JOSEPH E ROBACH
NYS SENATE
2300 W RIDGE RD
ROCHESTER NY 14626

MAYOR WILLIAM JOHNSON
CITY OF ROCHESTER
CITY HALL
30 CHURCH ST
ROCHESTER NY 14614

LOIS GIESS
CITY COUNCIL
ROOM 301 A CITY HALL
ROCHESTER NY 14614

BOB STEVENSON
CITY COUNCIL
ROOM 301 A CITY HALL
ROCHESTER NY 14614

MIKE FRASER
ASST. COMMISSIONER
NYSDEC
625 BROADWAY
ALBANY NY 12233

BART PUTZIG, P.E.
NYSDEC REGION 8
6274 EAST AVON LIMA RD
AVON NY 14414

SEAN HANNA
REGIONAL DIRECTOR
NYSDEC REGION 8
6247 EAST AVON LIMA RD
AVON NY 14414

CAPT. STEVE GEROULD
NYSDEC REGION 8
6274 EAST AVON LIMA RD
AVON NY 14414

LINDA VERA
NYSDEC REGION 8
6274 EAST AVON LIMA RD
AVON NY 14414

LISA SILVESTRI
NYSDEC REGION 8
6274 EAST AVON LIMA RD
AVON NY 14414

ART IENTILLUCCI, ZONING
CITY OF ROCHESTER
CITY HALL
30 CHURCH ST
ROCHESTER NY 14614

MARK VAN VALKENBURG
BUREAU OF ENV INVESTIGATION
NYS DEPARTMENT OF HEALTH
FLANIGAN SQUARE ROOM 300
547 RIVER STREET
TROY NY 12180

CALVIN LEE JR
25th DISTRICT CO LEGISLATOR
19 SHELTER ST
ROCHESTER NY 14611

WAYNE ZYRA, PRESIDENT
MONROE COUNTY LEGISLATURE
RM 407 COUNTY OFFICE BLDG.
39 W MAIN ST
ROCHESTER NY 14614-1476

CHERYL DINOLFO
MONROE COUNTY CLERK
101 COUNTY OFFICE BLDG.
39 W MAIN ST
ROCHESTER NY 14614

JEAN KASE
VP OF GOVT RELATIONS
GREATER ROCHESTER METRO
CHAMBER OF COMMERCE
55 ST PAUL ST
ROCHESTER NY 14604
LOUISE HARTSHORN
TECHNICAL DIRECTOR
MONROE COUNTY EMC
111 WESTFALL ROAD
PO BOX 92832
ROCHESTER NY 14692

RICK ELLIOTT
MONROE COUNTY HEALTH DEPT
PO BOX 92832
111 WESTFALL RD
ROCHESTER NY 14692-8932

PATRICK O'FLYNN MONROE COUNTY
SHERIFF
130 S PLYMOUTH AVE
ROCHESTER NY 14614

MARK GREENE CHAIRPERSON
MONROE COUNTY SOIL & WATER
CONSERVATION DISTRICT
249 HIGHLAND AVE
ROCHESTER NY 14620

CENTER FOR ENVIRONMENTAL INFO
53 ST PAUL ST
ROCHESTER NY 14604

Central Library of Rochester and Monroe
County
Reynolds Information Center
115 South Avenue,
Rochester, New York 14604-1896

MAGGIE BROOKS
MONROE CO. EXEC.
101 COUNTY OFFICE BLDG.
39 W MAIN ST
ROCHESTER NY 14614

ROCCO DIGIOVANNI EXEC DIRECTOR
MONROE COUNTY IDA
8100 CITY PLACE
50 W MAIN ST
ROCHESTER NY 14614

ROBERT DUFFY POLICE CHIEF
CITY OF ROCHESTER
PUBLIC SAFETY BLDG.
185 EXCHANGE ST
ROCHESTER NY 14614

MARK GREGOR
DIV OF ENVIRONMENTAL QUALITY
CITY OF ROCHESTER
CITY HALL RM 300B
ROCHESTER NY 14614

MICHAEL SCHADE
CITIZEN'S ENVIRONMENTAL
COALITION
WESTERN NEW YORK OFFICE
543 FRANKLIN ST SUITE 2
BUFFALO NY 14202

Margaret Corbin
or Current Occupant
150 Lake Ave.
Rochester, NY 14608
Add: 238 Lake, 296 Lake, 24 Spencer st

MARY LOUIS MEISENZAHL
ADMINISTRATOR
MONROE COUNTY OFFICE OF
EMERGENCY PREPAREDNESS
1190 SCOTTSVILLE RD SUITE 200
ROCHESTER NY 14624 IP
JOE ALBERT
MONROE COUNTY HEALTH DEPT
PO BOX 92832
111 WESTFALL RD
ROCHESTER NY 14692-8932

BONNIE PEDRICK-COLES
CHAIRPERSON
MONROE COUNTY PLANNING DEPT
8100 CITY PLACE
50 W MAIN ST
ROCHESTER NY 14614
CITY FIRE CHIEF
CITY OF ROCHESTER
PUBLIC SAFETY BLDG.
185 EXCHANGE ST
ROCHESTER NY 14614

ROD COX COOPER
NET OFFICES
CITY HALL
30 CHURCH ST
ROCHESTER NY 14614

WILLIAM LARSEN, P.E.
ASSOCIATE PROFESSOR
CIVIL ENGINEERING TECHNOLOGY
RIT JAMES BOOTH BLDG.
78 LOMB MEMORIAL DR
ROCHESTER NY 14623-5604

Olindo & Sandra Nardone
16 Circle Wood Rd
Rochester, NY 14625