NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau E
625 Broadway, 12th Floor, Albany, NY 12233-7017
P: (518) 402-9813 I F: (518) 402-9819
www.dec.ny.gov

March 31, 2016

Ms. Jeri G. Rombaut
Interim President, CEO, & CFO
Volunteers of America of Western New York, Inc.
214 Lake Avenue
Rochester, New York 14614

RE: Volunteers of America Back Lot Site
Site ID No. C828126, City of Rochester, Monroe County
Decision Document

Dear Ms. Rombaut:

The New York State Department of Environmental Conservation (Department) and the New York State Department of Health (NYSDOH) have finalized the selected remedy for the Volunteers of America Back Lot site. Enclosed is a copy of the final Decision Document for the site. The remedy is to be implemented in accordance with this Decision Document. Please ensure that a copy of the Decision Document is placed in the document repository(ies) within seven (7) days of the date of this letter.

Please contact the Department's Project Manager, Charlotte B. Theobald, at 585-226-5354 or charlotte.theobald@dec.ny.gov at your earliest convenience to discuss next steps. Please recall the Department requires seven (7) days' notice prior to the start of field work.

Sincerely,

Michael J. Cruden, P.E.
Director
Remedial Bureau E
Division of Environmental Remediation

Enclosure

ec: R. Schick/M. Ryan, DER
B. Schilling/C. Theobald/J. Mahoney, Region 8
K. Anders/J. Deming/M. Doroski, NYSDOH
L. Shaw, Knauf Shaw LLP
S. DeMeo, Bergmann Associates

DECISION DOCUMENT

Volunteers of America Back Lot Site
Brownfield Cleanup Program
Rochester, Monroe County
Site No. C828126
March 2016

Prepared by
Division of Environmental Remediation
New York State Department of Environmental Conservation

DECLARATION STATEMENT - DECISION DOCUMENT

Volunteers of America Back Lot Site
Brownfield Cleanup Program
Rochester, Monroe County
Site No. C828126
March 2016

Statement of Purpose and Basis

This document presents the remedy for the Volunteers of America Back Lot Site, a brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the Volunteers of America Back Lot Site and the public's input to the proposed remedy presented by the Department.

Description of Selected Remedy

The elements of the selected remedy are as follows:

1. Remedial Design
   A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows;
   - Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
   - Reducing direct and indirect greenhouse gases and other emissions;
   - Increasing energy efficiency and minimizing use of non-renewable energy;
   - Conserving and efficiently managing resources and materials;
   - Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
   - Maximizing habitat value and creating habitat when possible;
   - Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals; and
   - Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.

2. Excavation
   Excavation and off-site disposal of contaminant source areas, including grossly

contaminated soil, as defined in 6 NYCRR Part 375-1.2(u) and soils that create a nuisance condition, as defined in Commissioner Policy CP-51 Section G. Approximately 1,000 cubic yards of soil is estimated to be removed from the site including source areas.

On-site soil which does not exceed SCOs for the restricted residential use and/or the protection of groundwater may be used to backfill excavations to the extent that a sufficient volume of on-site soil is available and establish the designed grades at the site below the cover system described in remedy element #3.

Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to complete the backfilling of the excavation and establish the designed grades at the site.

The site will be re-graded to accommodate installation of a cover system as described in remedy element #3. Soil derived from the re-grading which meets the reuse criteria described above may be used to backfill any remaining excavation areas.

3. Site Cover System
A site cover will be required to allow for restricted residential use of the site. The cover will consist either of the structures such as buildings, pavement, sidewalks comprising the site development or a soil cover in areas where the upper two feet of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where the soil cover is required it will be a minimum of two feet of soil placed over a demarcation layer, with the upper six inches of the soil of sufficient quality to maintain a vegetation layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d).

4. Institutional Control
Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

- requires the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allows the use and development of the controlled property for restricted residential as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and
- require compliance with the Department approved Site Management Plan.

5. Site Management Plan
A Site Management Plan is required, which includes the following:

A. An Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:

Institutional Controls: The environmental easement discussed in remedy element #4.

Engineering Controls: The soil cover system discussed in remedy element #3.

This plan includes, but may not be limited to:

- An Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
- descriptions of the provisions of the environmental easement including any land use and groundwater use restrictions;
- a provision for evaluation of the potential for soil vapor intrusion for any buildings developed on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

B. A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:

- monitoring of groundwater to assess the performance and effectiveness of the remedy;
- a schedule of monitoring and frequency of submittals to the Department; and
- monitoring for vapor intrusion for any future buildings developed on the site, as may be required by the Institutional and Engineering Control Plan discussed above.

Declaration

The remedy conforms with promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration Department guidance, as appropriate. The remedy is protective of public health and the environment.

Michael J Cruden

Digitally signed by Michael J Cruden
DN: cn=Michael J Cruden, o=DER, ou=RBE, email=mjcruden@gw.dec.state.ny.us, c=US
Date: 2016.03.31 09:35:44 -04'00'

Date

Michael Cruden, Director
Remedial Bureau E

DECISION DOCUMENT

Volunteers of America Back Lot Site
Rochester, Monroe County
Site No. C828126
January 2016

SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), has selected a remedy for the above referenced site. The disposal of contaminants at the site has resulted in threats to public health and the environment that would be addressed by the remedy. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. Contaminants include hazardous waste and/or petroleum.

The New York State Brownfield Cleanup Program (BCP) is a voluntary program. The goal of the BCP is to enhance private-sector cleanups of brownfields and to reduce development pressure on "greenfields." A brownfield site is real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and 6 NYCRR Part 375. This document is a summary of the information that can be found in the site-related reports and documents.

SECTION 2: CITIZEN PARTICIPATION

The Department seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comment on the proposed remedy. All comments on the remedy received during the comment period were considered by the Department in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repository:

Central Library of Rochester and Monroe County
115 South Ave.
Rochester, NY 14604
Phone: 585-428-8000

Receive Site Citizen Participation Information By Email

Please note that the Department's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs.

Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program, Voluntary Cleanup Program, and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at http://www.dec.ny.gov/chemical/61092.html

SECTION 3: SITE DESCRIPTION AND HISTORY

Location: This site is located on the rear parcel of 214 Lake Avenue in an urban area of the City of Rochester, Monroe County.

Site Features: The site includes portions of a paved parking lot and vacant vegetated land associated with the adjacent Volunteers of America Human Services Complex. There are no buildings on the site. Other surrounding parcels include various commercial and industrial properties.

Current Zoning and Land Use: The site is currently inactive, and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial and light industrial uses.

Past Use of the Site: A former deep ravine, which extends through roughly the center of the site from south to north, has been backfilled with historic fill. There are reports of landfilling at the site by Rochester Gas & Electric (RG&E). The site has also been used in the past for coal pile storage by RG&E, storage of parked cars by a former adjacent automobile dealership, and the storage and cleaning of empty containers by Kaplan Container Corporation.

Site Geology and Hydrogeology: The site consists of historic fill from the ground surface to depths ranging from 14 feet to greater than 45 feet below ground. A native glacial till is present below the historic fill and overlies the carbonate bedrock. The top of the groundwater table is present at depths ranging from about 18 to 43 feet below grade at the site. Overburden groundwater flows toward the former ravine from the west and east sides of the site and northerly through the ravine.

A site location map is attached as Figure 1.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, alternatives that restrict the use of the site to restricted residential use as described in Part 375-1.8(g) were evaluated in addition to an alternative which would allow for unrestricted use of the site.

A comparison of the results of the Remedial Investigation (RI) to the appropriate standards, criteria and guidance values (SCGs) for the identified land use and the unrestricted use SCGs for the site contaminants is available in the RI Report.

SECTION 5: ENFORCEMENT STATUS

The Applicant(s) under the Brownfield Cleanup Agreement is a Volunteer. The Applicant does not have an obligation to address off-site contamination. The Department has determined that this site does not pose a significant threat to public health or the environment; accordingly, no enforcement actions are necessary.

SECTION 6: SITE CONTAMINATION

6.1: Summary of the Remedial Investigation

A remedial investigation (RI) serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the contamination; and
- assess risk to human health and the environment.

The RI is intended to identify the nature (or type) of contamination which may be present at a site and the extent of that contamination in the environment on the site, or leaving the site. The RI reports on data gathered to determine if the soil, groundwater, soil vapor, indoor air, surface water or sediments may have been contaminated. Monitoring wells are installed to assess groundwater and soil borings or test pits are installed to sample soil and/or waste(s) identified. If other natural resources are present, such as surface water bodies or wetlands, the water and sediment may be sampled as well. Based on the presence of contaminants in soil and groundwater, soil vapor will also be sampled for the presence of contamination. Data collected in the RI influence the development of remedial alternatives. The RI report is available for review in the site document repository and the results are summarized in section 6.3.

The analytical data collected on this site includes data for:

- groundwater
- soil

6.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. The Department has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs for drinking water and soil vapor intrusion. For a full listing of all SCGs see: http://www.dec.ny.gov/regulations/61794.html

6.1.2: RI Results

The data have identified contaminants of concern. A "contaminant of concern" is a contaminant that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified on the property are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized below. Additionally, the RI Report contains a full discussion of the data. The contaminant(s) of concern identified at this site is/are:

Arsenic
Copper
Lead
Mercury
Nickel
Polycyclic Aromatic Hydrocarbons (PAHs)
Ethyl benzene

The contaminant(s) of concern exceed the applicable SCGs for:

- Groundwater
- Soil

6.2: Interim Remedial Measures

An interim remedial measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Decision Document.

There were no IRMs performed at this site during the RI.

6.3: Summary of Environmental Assessment

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water. The RI report presents a detailed discussion of any existing and potential impacts from the site to fish and wildlife receptors. Soil and groundwater were analyzed for VOCs, SVOCs, metals, and PCB/pesticides.

The nature and extent of contamination, as defined under the remedial investigation performed to date, includes the presence of certain metals and PAHs in historic fill deposited throughout the site. This historic fill extends further north, it is believed roughly one quarter mile beyond the site.

Soils: Metals that exceed soil cleanup objectives (SCOs) for Restricted Residential Use or Protection of Groundwater include arsenic (up to 140 ppm), lead (up to 2,540 ppm), copper (up to 467 ppm), mercury (up to 149 ppm), and nickel (up to 144 ppm). Seven PAH compounds were detected at concentrations (up to 56 ppm) that exceed SCOs for Restricted Residential Use or Protection of Groundwater. These contaminants are likely also present in historic fill off-site. A limited area of black stained soils was identified at the northern end of site and contains elevated levels of VOCs, including ethyl benzene at 27 ppm. This black stained soil is contained on the site.

Groundwater: Overburden groundwater at the site is similarly impacted with metals and PAHs. The metals with the most significantly exceeding groundwater standards are arsenic (up to 160 ppb), lead (up to 6,600 ppb), and mercury (up to 193 ppb). The most impacted wells are located in the deeper fill areas approaching the northern property line. Therefore, off-site groundwater is likely similarly impacted. The four wells that had previously exhibited the highest concentrations of metals in groundwater were resampled in December 2012 using an ultra-low-flow technique. The mercury result in MW-103 (previously 193 ppb) was 0.49 ppb (0.73 ppb in a duplicate), which approximates the groundwater standard of 0.7 ppb. Lead in MW-103 was 52 ppb (groundwater standard is 25 ppb), and arsenic was not detected. Concentrations of arsenic, lead and mercury in the other three wells were less than the groundwater standards. PAHs were detected at a maximum concentration of 10 ppb in overburden groundwater. Levels of metals exceeding groundwater standards were not detected in bedrock groundwater.

6.4: Summary of Human Exposure Pathways

This human exposure assessment identifies ways in which people may be exposed to site-related contaminants. Chemicals can enter the body through three major pathways (breathing, touching or swallowing). This is referred to as *exposure*.

People are not drinking contaminated groundwater because the area is served by a public water supply that obtains its water from a different source. People who enter the site could contact contaminants in the soil by walking on the soil, digging or otherwise disturbing the soil. Volatile organic compounds in the groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. Inhalation of site contaminants in indoor air due to soil vapor intrusion does not represent a concern for the site in its current condition because there is no on-site building. However, the potential exists for the inhalation of site contaminants due to soil vapor intrusion for any future on-site development. In addition, sampling indicates soil vapor intrusion is not a concern for off-site buildings.

6.5: Summary of the Remediation Objectives

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial program is to restore the site to pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

The remedial action objectives for this site are:

Groundwater

RAOs for Public Health Protection

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.

- Prevent contact with contaminated groundwater.

RAOs for Environmental Protection

- Restore ground water aquifer to pre-disposal/pre-release conditions, to the extent practicable.
- Remove the source of ground or surface water contamination.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.
- Prevent inhalation of or exposure from contaminants volatilizing from soil.

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater or surface water contamination.

Soil Vapor

RAOs for Public Health Protection

- Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at a site.

SECTION 7: ELEMENTS OF THE SELECTED REMEDY

The alternatives developed for the site and the evaluation of the remedial criteria are presented in the Alternative Analysis. The remedy is selected pursuant to the remedy selection criteria set forth in DER-10, Technical Guidance for Site Investigation and Remediation and 6 NYCRR Part 375.

The selected remedy is a Track 4: Restricted use with site-specific soil cleanup objectives remedy.

The selected remedy is referred to as the Soil Excavation and Site-Wide Cover System remedy.

The elements of the selected remedy, as shown in Figure 2, are as follows:

1. Remedial Design

   A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows;

   - Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
   - Reducing direct and indirect greenhouse gases and other emissions;
   - Increasing energy efficiency and minimizing use of non-renewable energy;
   - Conserving and efficiently managing resources and materials;

- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals; and
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.

2. Excavation

Excavation and off-site disposal of contaminant source areas, including grossly contaminated soil, as defined in 6 NYCRR Part 375-1.2(u) and soils that create a nuisance condition, as defined in Commissioner Policy CP-51 Section G. Approximately 1,000 cubic yards of soil is estimated to be removed from the site including source areas.

On-site soil which does not exceed SCOs for the restricted residential use and/or the protection of groundwater may be used to backfill excavations to the extent that a sufficient volume of on-site soil is available and establish the designed grades at the site below the cover system described in remedy element #3.

Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to complete the backfilling of the excavation and establish the designed grades at the site.

The site will be re-graded to accommodate installation of a cover system as described in remedy element #3. Soil derived from the re-grading which meets the reuse criteria described above may be used to backfill any remaining excavation areas.

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A site cover will be required to allow for restricted residential use of the site. The cover will consist either of the structures such as buildings, pavement, sidewalks comprising the site development or a soil cover in areas where the upper two feet of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where the soil cover is required it will be a minimum of two feet of soil placed over a demarcation layer, with the upper six inches of the soil of sufficient quality to maintain a vegetation layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d).

4. Institutional Control

Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

- requires the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allows the use and development of the controlled property for restricted residential as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH;

and
- require compliance with the Department approved Site Management Plan.

5. Site Management Plan
A Site Management Plan is required, which includes the following:

A. An Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:

Institutional Controls: The environmental easement discussed in remedy element #4.

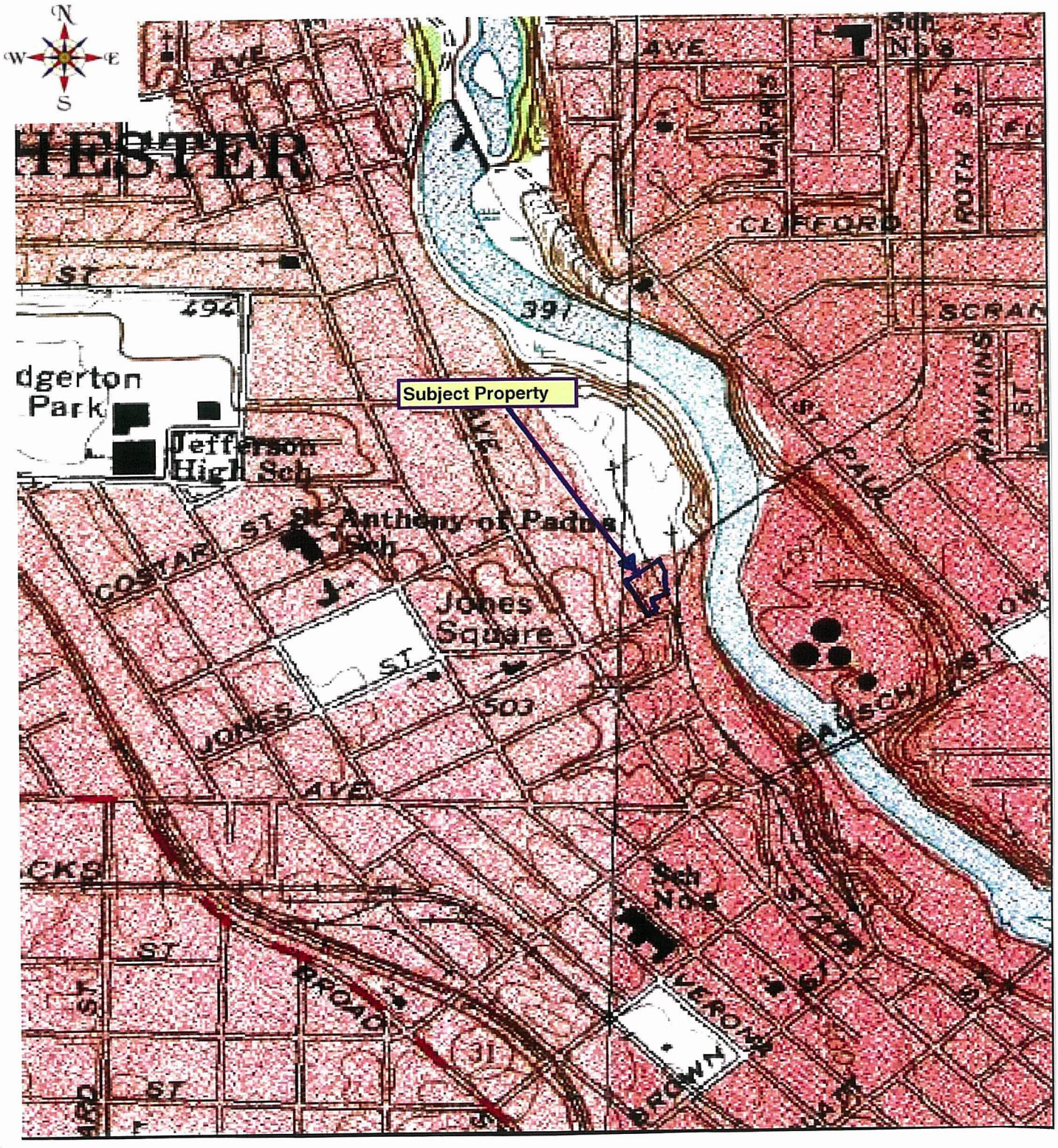
Engineering Controls: The soil cover system discussed in remedy element #3.

This plan includes, but may not be limited to:

- An Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
- descriptions of the provisions of the environmental easement including any land use and groundwater use restrictions;
- a provision for evaluation of the potential for soil vapor intrusion for any buildings developed on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

B. A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:

- monitoring of groundwater to assess the performance and effectiveness of the remedy;
- a schedule of monitoring and frequency of submittals to the Department; and
- monitoring for vapor intrusion for any future buildings developed on the site, as may be required by the Institutional and Engineering Control Plan discussed above.



JM

Bergmann associates

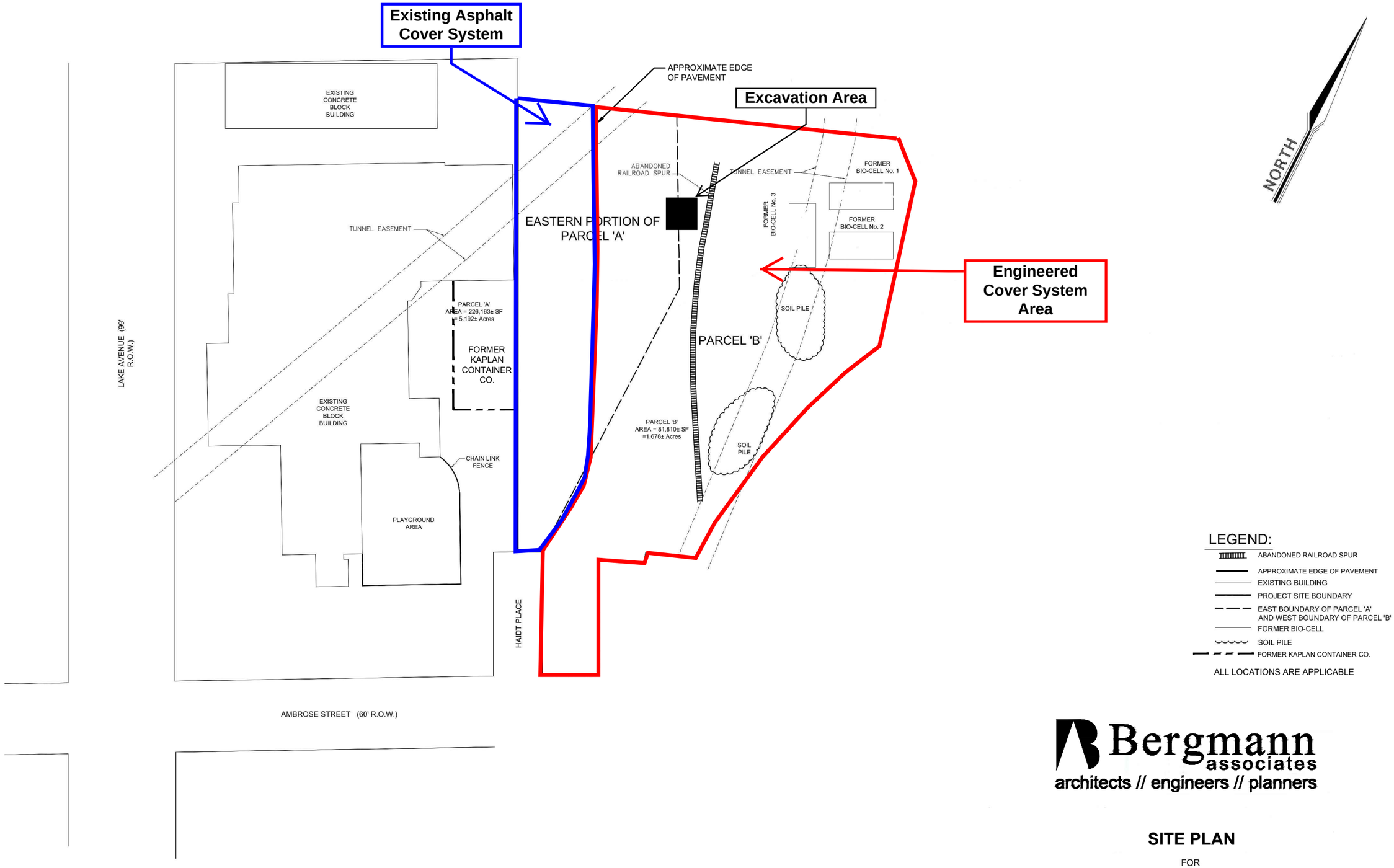
Alternatives Analysis Report
Volunteers of America of Western New York
214 Lake Avenue

Site Vicnity Map

Bergmann Associates

Date
November-12

Figure
1



LEGEND:

- ABANDONED RAILROAD SPUR
- APPROXIMATE EDGE OF PAVEMENT
- EXISTING BUILDING
- PROJECT SITE BOUNDARY
- EAST BOUNDARY OF PARCEL 'A' AND WEST BOUNDARY OF PARCEL 'B'
- FORMER BIO-CELL
- SOIL PILE
- FORMER KAPLAN CONTAINER CO.

ALL LOCATIONS ARE APPLICABLE

Bergmann associates
architects // engineers // planners

SITE PLAN

FOR

ALTERNATIVES ANALYSIS REPORT

EASTERN PORTION OF PARCEL A AND PARCEL B
214 LAKE AVENUE
ROCHESTER, NEW YORK
SEPTEMBER 22, 2009

FIG. 2