



New York State Department of Environmental Conservation

Brownfield Cleanup Program

Citizen Participation Plan

for

37 Bittner Street

37 Bittner Street
City of Rochester
Monroe County, New York

February 2006

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Note: The information presented in this Citizen Participation Plan was current as of the date of its approval by the New York State Department of Environmental Conservation. Portions of this Citizen Participation Plan may be revised during the brownfield site’s remedial process.

Applicant: **234-250 Andrews Street, LLC (“Applicant”)**
Site Name: **37 Bittner Street (“site”)**
Site Address: **37 Bittner Street, Rochester, New York 14604**
Site County: **Monroe County**
Site Number: **C828127**

1. What is New York’s Brownfield Cleanup Program?

New York’s Brownfield Cleanup Program (BCP) is designed to encourage the private sector to investigate, remediate (clean up) and redevelop brownfields. A brownfield is any real property where redevelopment or reuse may be complicated by the presence or potential presence of a contaminant. A brownfield typically is a former industrial or commercial property where operations may have resulted in environmental contamination. A brownfield can pose environmental, legal and financial burdens on a community. If the brownfield is not addressed, it can reduce property values in the area and affect economic development of nearby properties.

The BCP is administered by the New York State Department of Environmental Conservation (NYSDEC) which oversees Applicants that conduct brownfield site remedial activities.¹ An Applicant is a person whose request to participate in the BCP has been accepted by NYSDEC. The BCP contains investigation and remediation (cleanup) requirements, ensuring that cleanups protect public health and the environment. When NYSDEC certifies that these requirements have been met, the property can be reused or redeveloped for the intended use.

For more information about the BCP, go online at: **www.dec.state.ny.us/website/der/bcp**

2. Citizen Participation Plan Overview

This Citizen Participation (CP) Plan provides members of the affected and interested public with information about how NYSDEC will inform and involve them during the investigation and remediation of the site identified above. The public information and involvement program will be carried out with assistance, as appropriate, from the Applicant.

Appendix A contains a map identifying the location of the site.

Project Contacts

Appendix B identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site’s remedial program. The public’s suggestions about this CP

¹ “Remedial activities”, “remedial action” and “remediation” are defined as all activities or actions undertaken to eliminate, remove, treat, abate, control, manage, or monitor contaminants at or coming from a brownfield site.

Plan and the CP program for the site are always welcome. Interested people are encouraged to share their ideas and suggestions with the project contacts at any time.

Document Repositories

The locations of the site's document repositories also are identified in Appendix B. The document repositories provide convenient access to important project documents for public review and comment.

Site Contact List

Appendix C contains the brownfield site contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and remediation process. The brownfield site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project, including notifications of upcoming remedial activities at the site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

The brownfield site contact list includes, at a minimum:

- Chief executive officer and zoning chairperson of each county, city, town and village in which the site is located;
- Residents, owners, and occupants of the site and properties adjacent to the site;
- The public water supplier which services the area in which the site is located;
- Any person who has requested to be placed on the site contact list;
- The administrator of any school or day care facility located on or near the site for purposes of posting and/or dissemination of information at the facility;
- Document repositories.

Where the site or adjacent real property contains multiple dwelling units, the Applicant will work with the Department to develop an alternative method for providing such notice in lieu of mailing to each individual. For example, the owner of such a property that contains multiple dwellings may be requested to prominently display fact sheets and notices required to be developed during the site's remedial process. This procedure would substitute for the mailing of such notices and fact sheets, especially at locations where renters, tenants and other residents may number in the hundreds or thousands, making the mailing of such notices impractical.

The brownfield site contact list will be reviewed periodically and updated as appropriate. Individuals and organizations will be added to the site contact list upon request. Such requests should be submitted to the NYSDEC project contact(s) identified in Appendix B. Other

additions to the brownfield site contact list may be made on a site-specific basis at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

Citizen Participation Activities

Appendix D identifies the CP activities, at a minimum, that have been and will be conducted during the site's remedial program. The flowchart in Appendix E shows how these CP activities integrate with the site remedial process. The public is informed about these CP activities through fact sheets and notices developed at significant points in the site's remedial process.

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a brownfield site, and the nature and progress of efforts to investigate and remediate a brownfield site.
- **Public forums, comment periods and contact with project managers** provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a brownfield site's investigation and remediation.

The public is encouraged to contact project staff anytime during the site's remedial process with questions, comments, or requests for information about the remedial program.

This CP Plan may be revised due to changes in major issues of public concern identified in Section 6. or in the nature and scope of remedial activities. Modifications may include additions to the site contact list and changes in planned citizen participation activities.

3. Site Information

Site Description

The 37 Bittner Street parcel is located on the west side of Bittner Street, City of Rochester, Monroe County, adjacent to the north side of the Kirstein Building parcel at 242 Andrews Street. The site is located in an urban setting and is 0.315 acres in size. A site location map and an aerial photograph is presented in Appendix A.

Site History

Prior to the City reconfiguring streets in the subject area in circa 1980, Bittner Street was the northern extension of Franklin Street. The subject site is currently used as a public parking lot. The historic Sanborn Fire Insurance maps and Polk City directories indicate that this parcel was historically comprised of two parcels listed as 191 and 201 Franklin Street. The northern parcel (201 Franklin Street) was utilized as a public gas station from at least 1930 through 1960; it was listed as the Franklin Street parking lot and gas station, Monroe Union Oil Co., Inc. gas station, and John J. DeCamilla gas station.

Environmental History

In November and December 2004, an environmental investigation was performed by Day Environmental, Inc. (Day) on the Site, which identified petroleum-related soil and groundwater contamination on the north side of the subject Site relative to the historic gas station operations present from the 1930's through the 1960's. The petroleum contamination occurs at depths of 8.5 feet below ground surface to approximately 14 feet below ground surface. Day stated that the area of gasoline-impacted soils is approximately 65 feet long parallel to Bittner Street and approximately 50 feet wide. During test pitting at the Site, the apparent remains of a hydraulic lift system were identified. No underground storage tanks (USTs) were encountered during the test pitting investigation.

There is no documentation that USTs were ever removed from the public gas station that occupied the north portion of the subject site for at least 30 years. The City of Rochester did not produce any records relative to this historic gas station in response to our Freedom of Information Law (F.O.I.L). request.

4. Remedial Process

Note: See Appendix E for a flowchart of the brownfield site remedial process.

Application

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program as a Volunteer. This means that the Applicant was not responsible for the disposal or discharge of the contaminants or whose ownership or operation of the site took place after the discharge or disposal of contaminants. The Volunteer must fully characterize the nature and extent of contamination on-site, and must conduct a "qualitative exposure assessment," a process that characterizes the actual or potential exposures of people, fish and wildlife to contaminants on the site and to contamination that has migrated from the site.

The Applicant in its Application proposes that the site will be used for commercial and residential purposes.

To achieve this goal, the Applicant will conduct remedial activities at the site with oversight provided by NYSDEC. The Brownfield Cleanup Agreement executed by NYSDEC and the Applicant sets forth the responsibilities of each party in conducting a remedial program at the site.

Investigation

If the Applicant conducts a remedial investigation (RI) of the site, it will be performed with NYSDEC oversight. The Applicant must develop a remedial investigation workplan, which is subject to public comment as noted in Appendix D. The goals of the investigation are as follows:

1. Define the nature and extent of contamination in soil, surface water, groundwater and any other impacted media;
2. Identify the source(s) of the contamination;
3. Assess the impact of the contamination on public health and/or the environment; and
4. Provide information to support the development of a Remedial Work Plan to address the contamination, or to support a conclusion that the contamination does not need to be addressed.

The Applicant will prepare an RI Report after it completes the RI. This report will summarize the results of the RI and will include the Applicant's recommendation of whether remediation is needed to address site-related contamination. The RI Report is subject to review and approval by NYSDEC. Before the RI Report is approved, a fact sheet that describes the RI Report will be sent to the site's contact list.

NYSDEC will determine if the site poses a significant threat to public health and/or the environment. If NYSDEC determines that the site is a "significant threat," a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying community group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development/implementation of a remedy.

An eligible community group must certify that its membership represents the interest of the community affected by the site, and that its members' health, economic well-being or enjoyment of the environment are potentially threatened by the site.

For more information about the TAG Program and the availability of TAGs, go online at: **www.dec.state.ny.us/website/der**

Remedy Selection

After NYSDEC approves the RI Report, the Applicant will be able to develop a Remedial Work Plan if remediation is required. The Remedial Work Plan describes how the Applicant would address the contamination related to the site.

The public will have the opportunity to review and comment on the draft Remedial Work Plan. The site contact list will be sent a fact sheet that describes the draft Remedial Work Plan and announces a 45-day public comment period. NYSDEC will factor this input into its decision to approve, reject or modify the draft Remedial Work Plan.

A public meeting may be held by NYSDEC about the proposed Remedial Work Plan if requested by the affected community and if significant substantive issues are raised about the draft Remedial Work Plan. Please note that, in order to request a public meeting, the health, economic well-being or enjoyment of the environment of those requesting the public meeting must be threatened or potentially threatened by the site. In addition, the request for the public meeting should be made within the first 30 days of the 45-day public comment period for the draft Remedial Work Plan. A public meeting also may be held at the discretion of the NYSDEC project manager in consultation with other NYSDEC staff as appropriate.

Construction

Approval of the Remedial Work Plan by NYSDEC will allow the Applicant to design and construct the alternative selected to remediate the site. The site contact list will receive notification before the start of site remediation. When the Applicant completes remedial activities, it will prepare a final engineering report that certifies that remediation requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the remediation is protective of public health and the environment for the intended use of the site. The site contact list will receive a fact sheet that announces the completion of remedial activities and the review of the final engineering report.

Certificate of Completion and Site Management

Once NYSDEC approves the final engineering report, NYSDEC will issue the Applicant a Certificate of Completion. This Certificate states that remediation goals have been achieved, and relieves the Applicant from future remedial liability, subject to statutory conditions. The Certificate also includes a description of any institutional and engineering controls or monitoring required by the approved remedial work plan. If the Applicant uses institutional controls or engineering controls to achieve remedial objectives, the site contact list will receive a fact sheet that discusses such controls.

An institutional control is a non-physical restriction on use of the brownfield site, such as a deed restriction that would prevent or restrict certain uses of the remediated property. An institutional control may be used when the remedial action leaves some contamination that makes the site suitable for some, but not all uses.

An engineering control is a physical barrier or method to manage contamination, such as a cap or vapor barrier.

Site management will be conducted by the Applicant as required. NYSDEC will provide appropriate oversight. Site management involves the institutional and engineering controls

required for the brownfield site. Examples include: operation of a water treatment plant, maintenance of a cap or cover, and monitoring of groundwater quality.

5. Citizen Participation Activities

CP activities that have already occurred and are planned during the investigation and remediation of the site under the BCP are identified in Appendix D: Identification of Citizen Participation Activities. These activities also are identified in the flowchart of the BCP process in Appendix E. NYSDEC will ensure that these CP activities are conducted, with appropriate assistance from the Applicant.

All CP activities are conducted to provide the public with significant information about site findings and planned remedial activities, and some activities announce comment periods and request public input about important draft documents such as the Proposed Remedial Work Plan.

All written materials developed for the public will be reviewed and approved by NYSDEC for clarity and accuracy before they are distributed. Notices and fact sheets can be combined at the discretion, and with the approval of, NYSDEC.

6. Major Issues of Public Concern

This section of the CP Plan identifies major issues of public concern, if any, that relate to the site. Additional major issues of public concern may be identified during the site's remedial process.

No major issues of public concern are identified for the 37 Bittner Street site.

Appendix A – Site Location Map

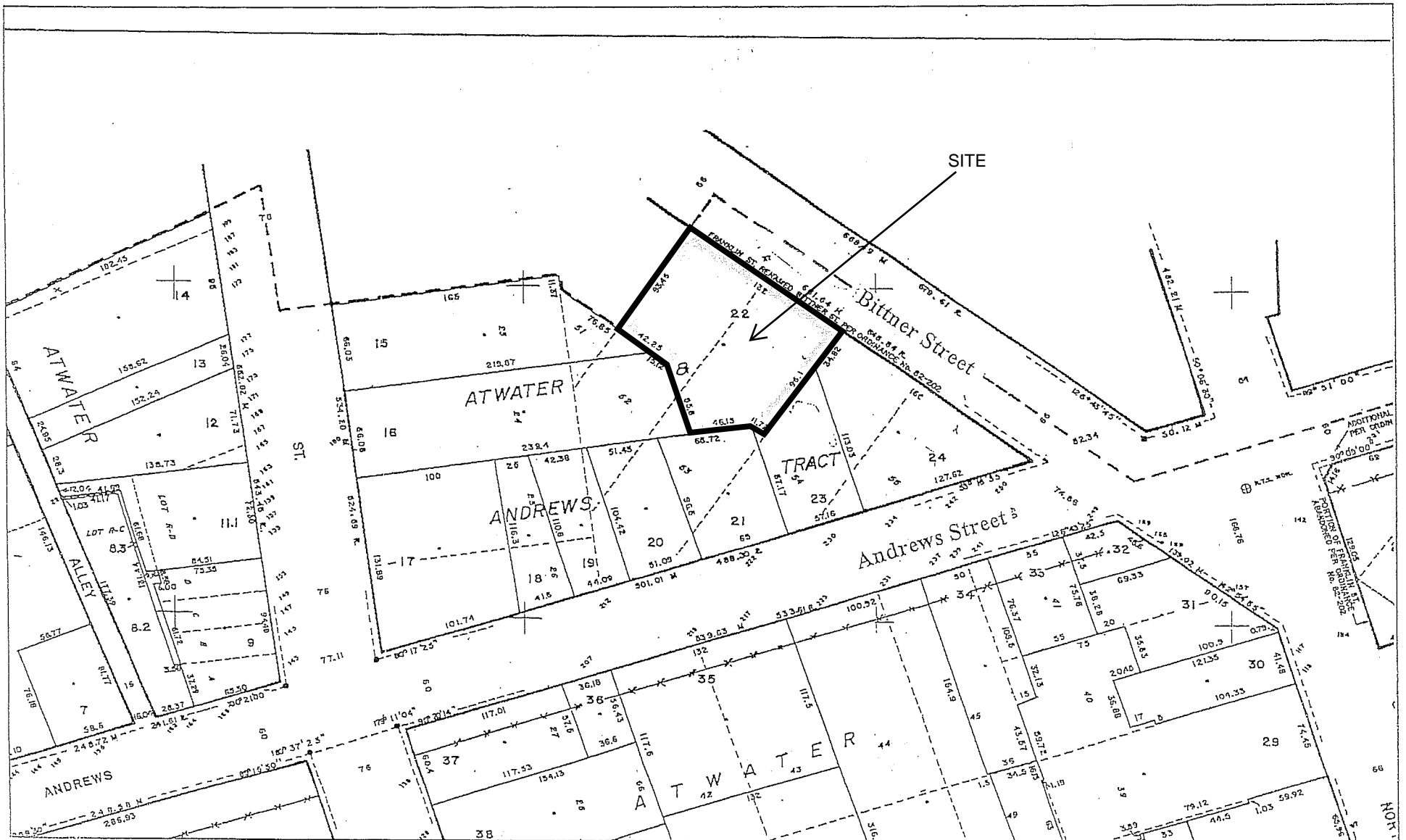


Figure 1 Site Location Map/Tax Map

37 Bittner Street
 Rochester, New York 14604

Site# C828127



Prepared by:
 PASSERO ASSOCIATES
 100 LIBERTY POLE WAY
 ROCHESTER, NY 14604





FIGURE 1A

Appendix B – Project Contacts and Document Repositories

Project Contacts

For information about the site’s remedial program, the public may contact any of the following project staff:

New York State Department of Environmental Conservation (NYSDEC):

Charlotte B. Theobald
Project Manager
NYSDEC Region 8
Division of Environmental Remediation
6274 East Avon-Lima Road
Avon, New York 14414
585-226-5354

Lisa LoMaestro Silvestri
Citizen Participation Specialist
NYSDEC Region 8
6274 East Avon-Lima Road
Avon, New York 14414
585-226-5326

New York State Department of Health (NYSDOH):

Debby McNaughton
Public Health Specialist
New York State Department of Health
335 East Main Street
Rochester, New York 14604
Telephone: 585-423-8069

Document Repositories

The document repositories identified below have been established to provide the public with convenient access to important project documents:

City of Rochester Rundel Library
115 South Avenue
Rochester, NY 14604
Phone: 585-428-7300
Hours:
Mon., Thur.: 9 AM - 9 PM
Tues., Wed., Fri.: 9 AM - 6 PM
Sat.: 9 AM - 5 PM

NYSDEC Region 8
6274 East Avon-Lima Road
Avon, New York 14414
Attn: Charlotte B. Theobald
Phone: 585-226-5354
Hours: 8:30 AM - 4:45 PM
(call for appointment)

Appendix C – Brownfield Site Contact List

Media

News Director
WROC-TV
201 Humboldt Street
Rochester, New York 14610

Assignment Desk
R News Channel 9
71 Mt. Hope Avenue
Rochester, New York 14620

Assignment Editor
WHEC-TV 10
191 East Avenue
Rochester, New York 14604

Assignment Editor
13WHAM TV
4225 West Henrietta Road
Rochester, New York 14623

News Director
WXXI-TV 21
280 State Street
P.O. Box 30021
Rochester, New York 14603-3021

News Director
WUHF Fox 31
360 East Avenue
Rochester, New York 14604

News Director
WHAM-AM
207 Midtown Plaza
Rochester, New York 14604

News Director
WXXI-AM
280 State Street
P.O. Box 30021
Rochester, New York 14603-3021

Metro Desk
Democrat & Chronicle
55 Exchange Boulevard
Rochester, New York 14614

Misty Edgecomb
Democrat & Chronicle
55 Exchange Boulevard
Rochester, New York 14614-2001

News Editor
City Newspaper
250 North Goodman Street
Suite 1
Rochester, New York 14607

Elected Officials

The Honorable Louise M. Slaughter
US House of Representatives
3110 Federal Building
100 State Street
Rochester, New York 14614

The Honorable Hillary Rodham Clinton
United States Senate
Kenneth B. Keating Federal Office Building
100 State Street
Room 3280
Rochester, New York 14614

The Honorable Charles Schumer
United States Senate
Kenneth B. Keating Federal Office Building
100 State Street
Room 3040
Rochester, New York 14614

David Gantt
New York State Assembly
74 University Avenue
Rochester, New York 14605

The Honorable Joseph E. Robach
New York State Senate
2300 West Ridge Road
Rochester, New York 14626

Robert J. Stevenson, Northwest District
City Council Office
City Hall, Room 301-A
30 Church Street
Rochester, New York 14614

Lois J. Giess, East District
Council President
City Council Office
City Hall, Room 301-A
30 Church Street
Rochester, New York 14614

Benjamin L. Douglas, Northeast District
City Council Office
City Hall, Room 301-A
30 Church Street
Rochester, New York 14614

Adam McFadden, South District
City Council Office
City Hall, Room 301-A
30 Church Street
Rochester, New York 14614

Mark Gregor
Division of Environmental Quality
City of Rochester
City Hall, Room 300-B
Rochester, New York 14614

Monroe County Sheriff
Public Safety Building
Civic Center Plaza
130 Plymouth Avenue
Rochester, New York 14614

Rochester Fire Chief
Rochester Fire & Rescue Department
185 Exchange Boulevard
Suite 665
Rochester, New York 14614

Office of the Chief
City Public Safety Building
185 Exchange Boulevard
Rochester, New York 14614

Cheryl Dinolfo
Monroe County Clerk
Office of the Monroe County Clerk
39 West Main Street
Room 101
Rochester, New York 14614

Wayne Zyra
President of the Legislature
Monroe County
407 County Office Building
39 West Main Street
Rochester, New York 14614-1476

Mayor Robert Duffy
City Hall
30 Church Street
Rochester, New York 14614

Maggie Brooks
Monroe County Executive
County Office Building, Room 110
39 West Main Street
Rochester, New York 14614

Agency Officials

Margaret O'Neill, Executive Director
Cornell Cooperative Extension Monroe County
249 Highland Avenue
Rochester, New York 14620

Muffy Meisenzahl, Administrator
Monroe County Office of Emergency Preparedness
1190 Scottsville Road
Rochester, New York 14624

Louise Hartshorn
Monroe County Environmental Management Council
111 Westfall Road
P.O. Box 92832
Rochester, New York 146928932

Joe Albert
Monroe County Health Department
P.O. Box 92832
111 Westfall Road
Rochester, New York 14692

Richard Elliott
Monroe County Health Department
P.O. Box 92832
111 Westfall Road
Rochester, New York 14692

Theresa Mazzullo, Chairman
County of Monroe Industrial Development Agency
City Place
Suite 8100
50 West Main Street
Rochester, New York 14614

Terrance G. Slaybaugh, Director
Monroe County Department of Planning & Development
50 West Main Street
Suite 8100
Rochester, New York 14614

Caroline Myers
Soil & Water Conservation District Monroe County
1200A Scottsville Road, Suite 160
Rochester, New York 14624

Current Director
Center for Environment Information., Inc.
55 St. Paul Street
Rochester, New York 14604

Charlie Knauf
Monroe County Water Quality Coordinating Committee
111 Westfall Road - Room 976
Rochester, New York 14620

Thomas T. Mooney
President
Greater Rochester Metro Chamber of Commerce
55 St. Paul Street
Rochester, New York 14604-1391

Interested Parties

Michael Schade
Citizens' Environmental Coalition
Western New York Office
543 Franklin Street, Suite 2
Buffalo, New York 14202

League of Women Voters
45 Exchange Boulevard
Suite 508
Rochester, New York 14614

Rochester Comm/Scientific Info., Inc.
CPU 276 766
River Campus Station
Rochester, New York 14627

William Larsen, P.E.
Rochester Institute of Technology
James Booth Building
78 Lomb Memorial Drive
Rochester, New York 14623

Molly Clifford
Net Office
City Hall
30 Church Street
Rochester, New York 14614

Lisa LoMaestro Silvestri
NYSDEC
6274 East Avon-Lima Road
Avon, New York 14414

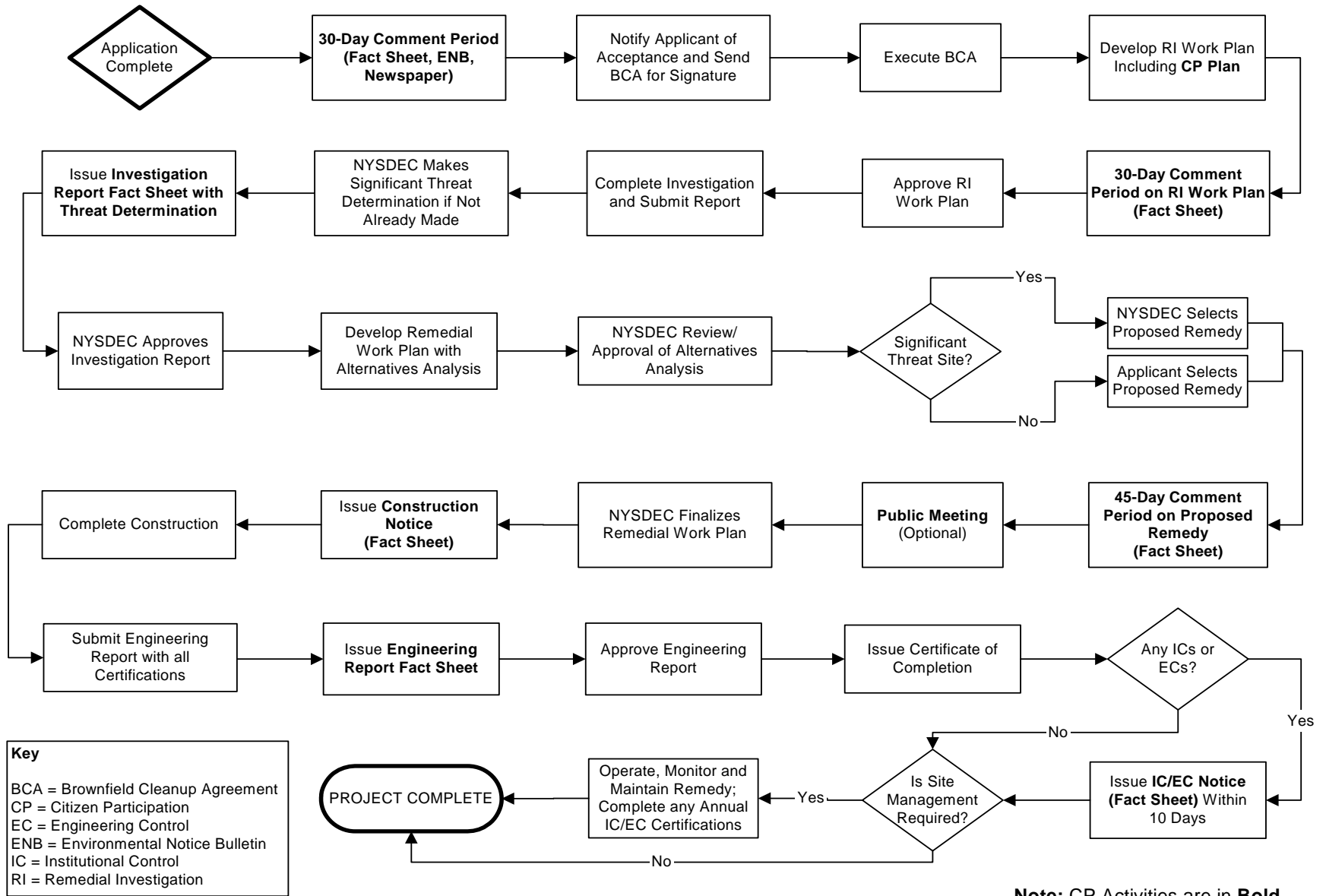
Linda Vera
NYSDEC
6274 East Avon-lima Road
Avon, New York 14414

Bart Putzig
NYSDEC
6274 East Avon-Lima Road
Avon, New York 14414

Appendix D – Identification of Citizen Participation Activities

| Required Citizen Participation (CP) Activities | CP activity(ies) occur at this point |
|--|---|
| <p>Application Process:</p> <ul style="list-style-type: none"> • Prepare brownfield site contact list (BSCL). • Establish document repositories. | At time of preparation of application to participate in BCP. |
| <ul style="list-style-type: none"> • Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day comment period. • Publish above ENB content in local newspaper. • Mail above ENB content to BSCL. | When NYSDEC determines that BCP application is complete. The 30-day comment period begins on date of publication of notice in ENB. End date of comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice and notice to the BSCL should be provided to the public at the same time. |
| <p>After Execution of Brownfield Site Cleanup Agreement:</p> <ul style="list-style-type: none"> • Prepare citizen participation (CP) plan. | Draft CP Plan must be submitted within 20 days of entering Brownfield Site Cleanup Agreement. CP Plan must be approved by NYSDEC before distribution |
| <p>After Remedial Investigation (RI) Work Plan Received:</p> <ul style="list-style-type: none"> • Mail fact sheet to BSCL about proposed RI activities and announcing 30-day public comment period on draft RI Work Plan. | Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, comment periods will be combined and public notice will include fact sheet. 30-day comment period begins/ends as per dates identified in fact sheet. |
| <p>After RI Completion:</p> <ul style="list-style-type: none"> • Mail fact sheet to BSCL describing results of RI. | Before NYSDEC approves RI Report. |
| <p>After Remedial Work Plan (RWP) Received:</p> <ul style="list-style-type: none"> • Mail fact sheet to BSCL about proposed RWP and announcing 45-day comment period. • Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager in consultation with other NYSDEC staff as appropriate). | Before NYSDEC approves RWP. 45-day comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day comment period. |
| <p>After Approval of RWP:</p> <ul style="list-style-type: none"> • Mail fact sheet to BSCL summarizing upcoming remedial construction. | Before the start of remedial construction. |
| <p>After Remedial Action Completed:</p> <ul style="list-style-type: none"> • Mail fact sheet to BSCL announcing that remedial construction has been completed. • Mail fact sheet to BSCL announcing issuance of Certificate of Completion (COC). | At the time NYSDEC approves Final Engineering Report. These two fact sheets should be combined when possible if there is not a delay in issuance of COC. |

Appendix E – Brownfield Cleanup Program Process



Note: CP Activities are in **Bold**