



# FACT SHEET

## Brownfield Cleanup Program

**Receive Site Fact Sheets by *Email*.** See "For More Information" to Learn How.

Site Name: 1440 Empire Boulevard  
DEC Site #: C828135  
Site Address: 1440 Empire Boulevard  
Penfield, NY 14580

November 2012

### **Remedy Proposed for Brownfield Site Contamination; Public Comment Period Announced**

The public is invited to comment on a proposed remedy being reviewed by the New York State Department of Environmental Conservation (NYSDEC or Department) to address contamination related to 1440 Empire Boulevard ("site") located at 1440 Empire Boulevard, Penfield, Monroe County. Please see the map for the site location. Documents related to the cleanup of this site can be found at the location(s) identified below under "Where to Find Information."

**Brownfield Cleanup Program:** New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses include recreation, housing, business or other uses.

A brownfield is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination.

For more information about the BCP, visit:  
<http://www.dec.ny.gov/chemical/8450.html>

Based on the findings of the investigation, NYSDEC in consultation with the New York State Department of Health (NYSDOH) has determined that the site does not pose a significant threat to public health or the environment.

#### **How to Comment**

NYSDEC is accepting written comments about the proposed plan for 45 days, from November 6, 2012 through December 21, 2012. The proposed plan is available for public review at the location(s) identified below under "Where to Find Information." Please submit comments to the project manager listed under Project Related Questions in the "Who to Contact" area below.

#### **Draft Remedial Work Plan and Proposed Decision Document**

The remedy proposed for the site includes:

The alternatives developed for the site and 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 remedy proposed is a Track 4: Restricted use with site-specific soil cleanup objectives remedy. The elements of the proposed remedy, as shown in Figure 2, are as follows:

#### Excavation

On-site soils which exceed site-specific SCOs for PCBs and lead will be excavated and transported off-site for disposal. The site-specific SCOs are:

- Restricted Residential SCOs (400 ppm) for lead, as defined by 6 NYCRR Part 375-6.8 and;
- an acceptable presumptive remedy for Polychlorinated Biphenyls (PCBs) in soil, based on NYSDEC Policy CP-51 / Soil Cleanup Guidance, which includes a soil cleanup level for PCBs of 1 ppm in the surface soils (top two feet) and 10 ppm in the subsurface.

Following the removal of lead and PCB contaminated soils, the management of site soils will be coordinated with the site development. The remaining contaminated soils identified within the BCP site that are disturbed during excavation and grading for development will be stockpiled for use under the cover system described below or disposed of off-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, meeting the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d) for restricted residential use. The soil cover will be placed over a demarcation layer, with the upper six inches of the soil of sufficient quality to maintain a vegetation layer. Any fill material brought to the site will meet the requirements for the identified site use as set forth in 6 NYCRR Part 375-6.7(d).

#### Environmental Easement

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

1. 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);
2. allows the use and development of the controlled property for restricted residential, commercial and industrial uses as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
3. restricts 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;
4. requires compliance with the Department approved Site Management Plan.

#### Site Management Plan

This plan includes, but may not be limited to:

1. an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
2. descriptions of the provisions of the environmental easement including any land use, and groundwater use restrictions;
3. provisions for the management and inspection of the identified engineering controls;
4. maintaining site access controls and Department notification; and
5. the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.
6. an Operation and Maintenance (O&M) Plan to ensure continued operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy. The plan includes, but is not limited to:
  - a. maintaining site access controls and Department notification; and
  - b. providing the Department access to the site and O&M records.

The proposed remedy was developed by Southpoint Cove LLC ("applicant(s)") after performing a detailed investigation of the site under New York's Brownfield Cleanup Program (BCP).

### **Next Steps**

NYSDEC will consider public comments, revise the plan as necessary, and issue a final Decision Document. New York State Department of Health (NYSDOH) must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy. The draft Remedial Work Plan and Proposed Decision Document are revised as needed to describe the selected remedy, and will be made available to the public. The applicant(s) may then design and perform the cleanup action to address the site contamination, with oversight by NYSDEC and NYSDOH.

NYSDEC will keep the public informed throughout the investigation and cleanup of the site.

### **Background**

**Location:** The 1440 Empire Boulevard site is located in a suburban portion of Monroe County at 1440 Empire Boulevard (NYS Route 404) in the Town of Penfield. It is identified by County Tax ID Number 108-060-001-008.2.

**Site Features:** The site is approximately 4.4 acres in size which is part of a larger 16.7 acre parcel. The site is currently a combination of open area and dense brush.

**Current Zoning/Use:** The site is currently vacant and is located in the Lasalle's Landing Development District which current zoning permits moderate density residential development, as well as certain commercial, recreational and open space uses. Woods and vacant land border the site to the north and west. Empire Boulevard borders the site to the south and east. Commercial properties are primarily south and west of the site with residential properties to the east of Empire Boulevard. The east shore of Irondequoit Bay is approximately 700 feet west of the Site.

**Historic Use:** A portion of the site was used as a sand quarry and an unpermitted disposal area for construction and demolition debris from the late 1940s to the early 1980s, which appears to have led to the identified contamination at the site.

**Site Geology and Hydrogeology:** Groundwater has been found at approximately 30 feet below ground surface (bgs) on the east side of the site and 70 feet bgs on the west. Groundwater appears to have a gradient to the west-northwest toward Irondequoit Bay. Perched groundwater has also been found at 10 feet bgs and is assumed to be associated with the connection point between fill materials and native soils.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's website at:

<http://www.dec.ny.gov/cfm/external/derexternal/haz/details.cfm?pageid=3&progno=C828135>

### **FOR MORE INFORMATION**

#### **Where to Find Information**

Project documents are available at the following location(s) to help the public stay informed.

Penfield Public Library  
Attn: Pat Gough  
1985 Baird Road  
Penfield, NY 14526  
phone: 585-340-8720  
(pgough@libraryweb.org)

## Who to Contact

Comments and questions are always welcome and should be directed as follows:

### Project Related Questions

Matthew Gillette  
Department of Environmental Conservation  
Division of Environmental Remediation  
6274 East Avon-Lima Road  
Avon, NY 14414  
585-226-5308  
mpgillet@gw.dec.state.ny.us

### Site-Related Health Questions

Melissa Doroski  
New York State Department of Health  
Empire State Plaza  
Corning Tower Room #1787  
Albany, NY 12237  
518-402-7860  
beei@health.state.ny.us

**We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.**

### **Receive Site Fact Sheets by Email**

Have site information such as this fact sheet sent right to your email inbox. NYSDEC invites you to sign up with one or more contaminated sites county email listservs available at the following web page: <http://www.dec.ny.gov/chemical/61092.html>. It's quick, it's free, and it will help keep you *better informed*.



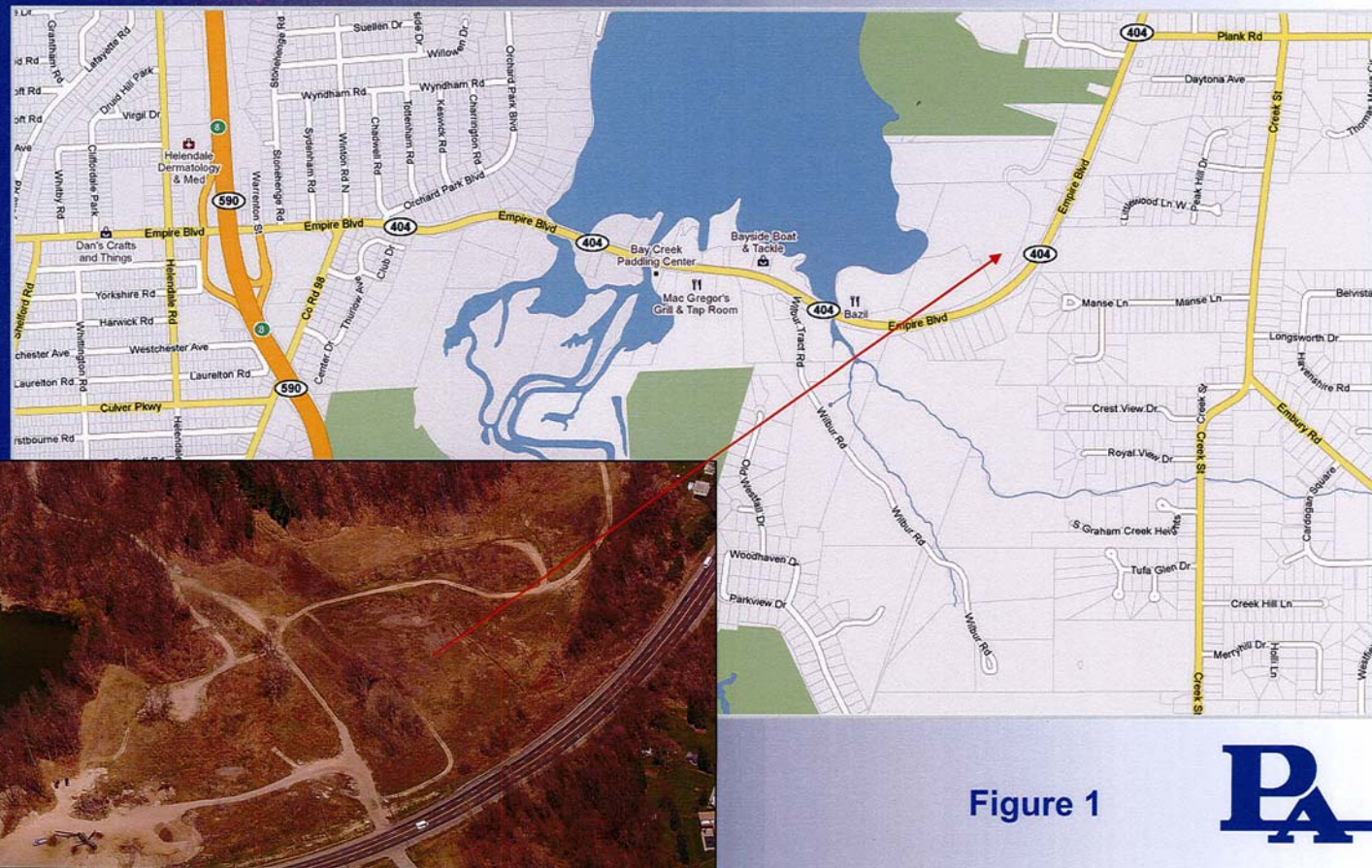
As a listserv member, you will periodically receive site-related information/announcements for all contaminated sites in the county(ies) you select.

You may continue also to receive paper copies of site information for a time after you sign up with a county listserv, until the transition to electronic distribution is complete.

Note: Please disregard if you already have signed up and received this fact sheet electronically.



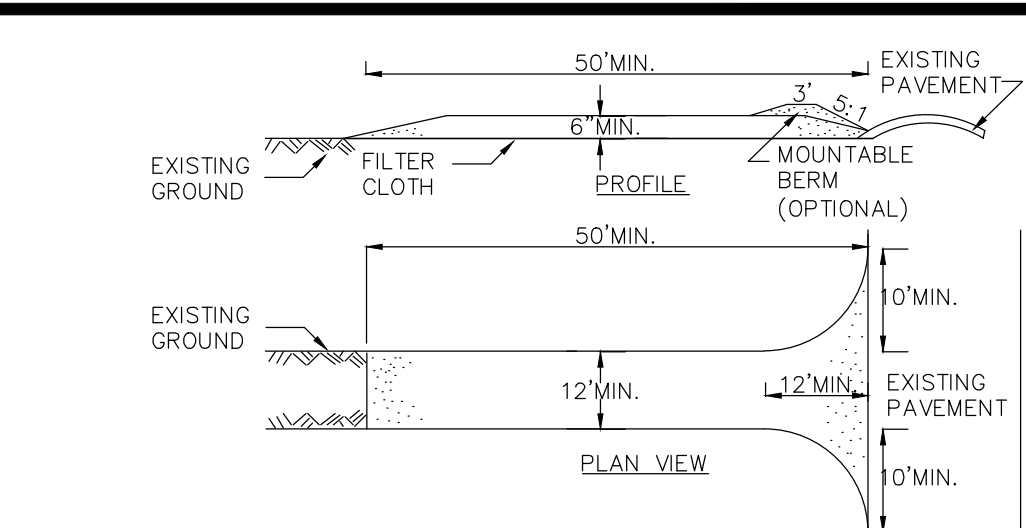
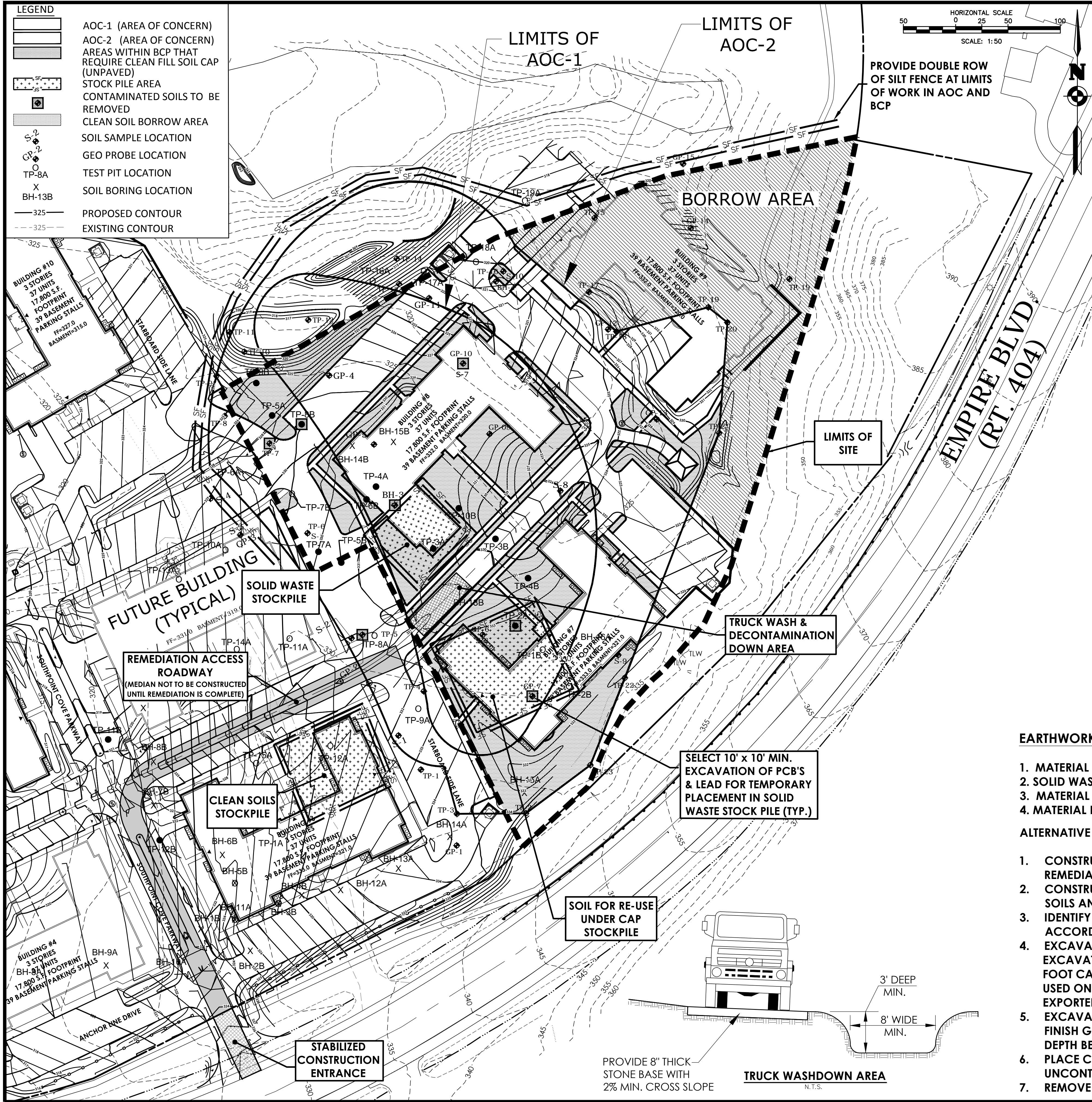
1440 Empire Blvd.  
Town of Penfield, New York



### Figure 1







**Passero Associates**  
Engineering • Architecture  
www.passero.com

**LOCATION SKETCH**

Client: **Southpoint Cove LLC**  
**1170 Pittsford-Victor Road**  
P.O.Box 1660  
Pittsford, NY 14534  
Robert Morgan (585)419-9630

**Passero Associates**  
100 Liberty Pole Way (585) 325-1000  
Rochester, New York 14604 Fax: (585) 325-1601

Principal-in-Charge: John F. Caruso, P.E.  
Project Manager: Jess D. Sudol, P.E.  
Designed by: Carole G. Harvey

**Revisions**

No.	Date	By	Description
1			

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS IN VIOLATION OF STATE EDUCATION LAW ARTICLE 145 SECTION 7200 AND ARTICLE 147 SECTION 7307. THESE PLANS ARE COPYRIGHT PROTECTED. ©

**REMEDIAL ACTION WORK PLAN ALTERNATIVE 4**

**Figure 2**

**SOUTHPOINT COVE APARTMENTS**

Town/City: Penfield  
County: Monroe State: New York

Project No. 20121461.01

Drawing No. Sheet No. 3 of 3

Scale: 1" = 50'

Date: OCTOBER, 2012