

New York State Department of Environmental Conservation

## **Brownfield Cleanup Program**

### **Citizen Participation Plan for 500 South Union Street Site Eyezon Associates, Inc.**

500 South Union Street  
Spencerport  
Monroe, New York

November 2009

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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: **Eyezon Associates, Inc. (Applicant)**  
Site Name: **500 South Union Street Site (Site)**  
Site Number: **C828153**  
Site Address: **500 South Union Street, Spencerport, New York 14559**  
Site County: **Monroe**

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

New York’ 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.<sup>1</sup> 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.ny.gov/chemical/brownfields.html](http://www.dec.ny.gov/chemical/brownfields.html)**

## **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

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<sup>1</sup> “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.

or request information about the site's remedial program. The public's suggestions about this CP 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; and
- 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.

### *CP 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 500 South Union Street Site (Site) is located at 500 South Union Street, Town of Ogden, Village of Spencerport, New York. The Site is as an approximate 1.2-acre property improved with one approximate 12,750-square foot building located at the corner of South Union Street (Route 259) and Nichols Street (Route 31) in the Spencerport, New York. The Site building is a mixed-use commercial-retail property, which contains a dry-cleaner; a bakery/deli; a pizzeria; a restaurant/diner; and a hair salon. The Site is located in a highly developed suburban area. A Site location maps are included as Appendix A.

### *Site History*

The Site was historically utilized as a button factory from the 1940s until the 1970s. It was converted to a commercial building in the 1970s, which included a dry-cleaning business. Since that time, additions have been constructed to the original building and it has been occupied by various commercial tenants.

### *Environmental History*

Subsurface soil and groundwater investigations completed in 1998 and 2008 identified the presence of chlorinated volatile organic compounds (VOCs), specifically tetrachloroethylene (PCE) and its chemical breakdown products, in soil and groundwater on-site. PCE is a common dry-cleaning solvent which was historically used on-site. The distribution of PCE and other chlorinated VOCs in groundwater suggests that on-site contamination may have originated from the eastern area of the Site, in the former location of dumpsters into which spent dry cleaning filters were disposed until approximately 1986.

## **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 restricted (commercial) purposes. To achieve this goal, the Applicant will conduct remedial activities at the site with oversight provided by NYSDEC. The Brownfield Cleanup Agreement provides 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 work plan, which is subject to public comments 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 determines whether 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 interests of the community affected by the site, and that its members' health, economic well-being or enjoyment of the environment may be affected by a release or threatened release of contamination at the eligible site.

For more information about the TAG Program and the availability of TAGs, go online at: [www.dec.ny.gov/regulations/2590.html](http://www.dec.ny.gov/regulations/2590.html)

### *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.

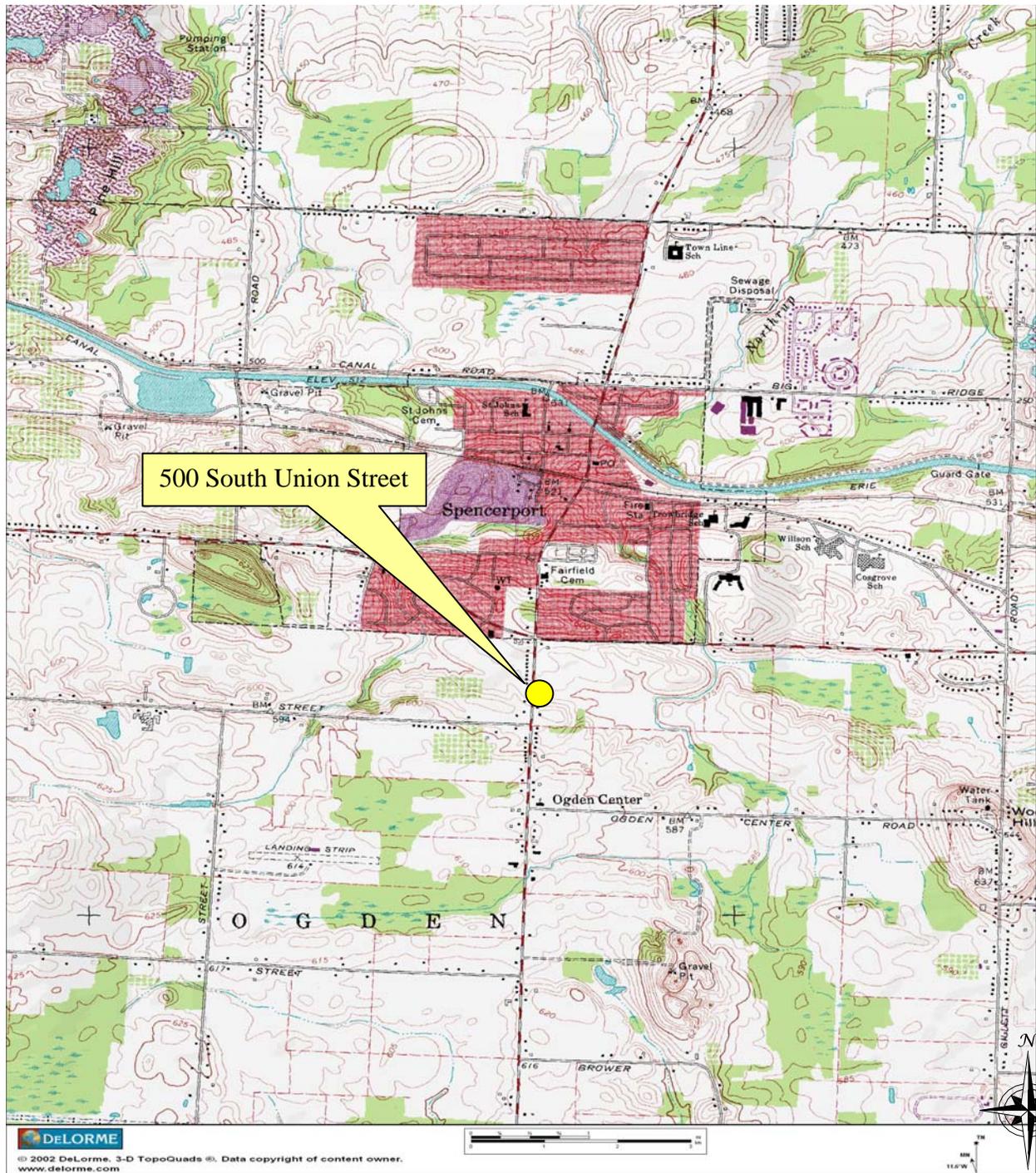
All written materials developed for the public will be reviewed and approved by NYSDEC for clarity and accuracy before they are distributed. Notices and fact sheets can be combined at the discretion, and with the approval, of NYSDEC.

## **6. Major Issue 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.

### *Local Residents*

Potable water is supplied to the Village of Spencerport by the Monroe County Water Authority from the Shoremont Water Treatment Plant (Lake Ontario supply). The site Remediation will be carried out by professionals experienced in performing cleanup activities in densely populated areas. All work will be conducted under a site-wide Health and Safety Plan and Community Air Monitoring Program approved by the NYSDEC and NYSDOH. The site remediation will be conducted over a limited duration and during normal business hours. Soil excavations will be secured to eliminate the risk of injury. The site remediation will be performed with minimal equipment; hence, there will be no change in traffic patterns.



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726 EXCHANGE STREET  
SUITE 624  
BUFFALO, NEW YORK 14210  
(716) 856-0635

**SITE LOCATION AND VICINITY MAP**  
BROWNFIELD CLEANUP PROGRAM APPLICATION

500 SOUTH UNION STREET SITE  
SPENCERPORT, NEW YORK

PREPARED FOR  
EYEZON ASSOCIATES

PROJECT NO.: 0188-001-100

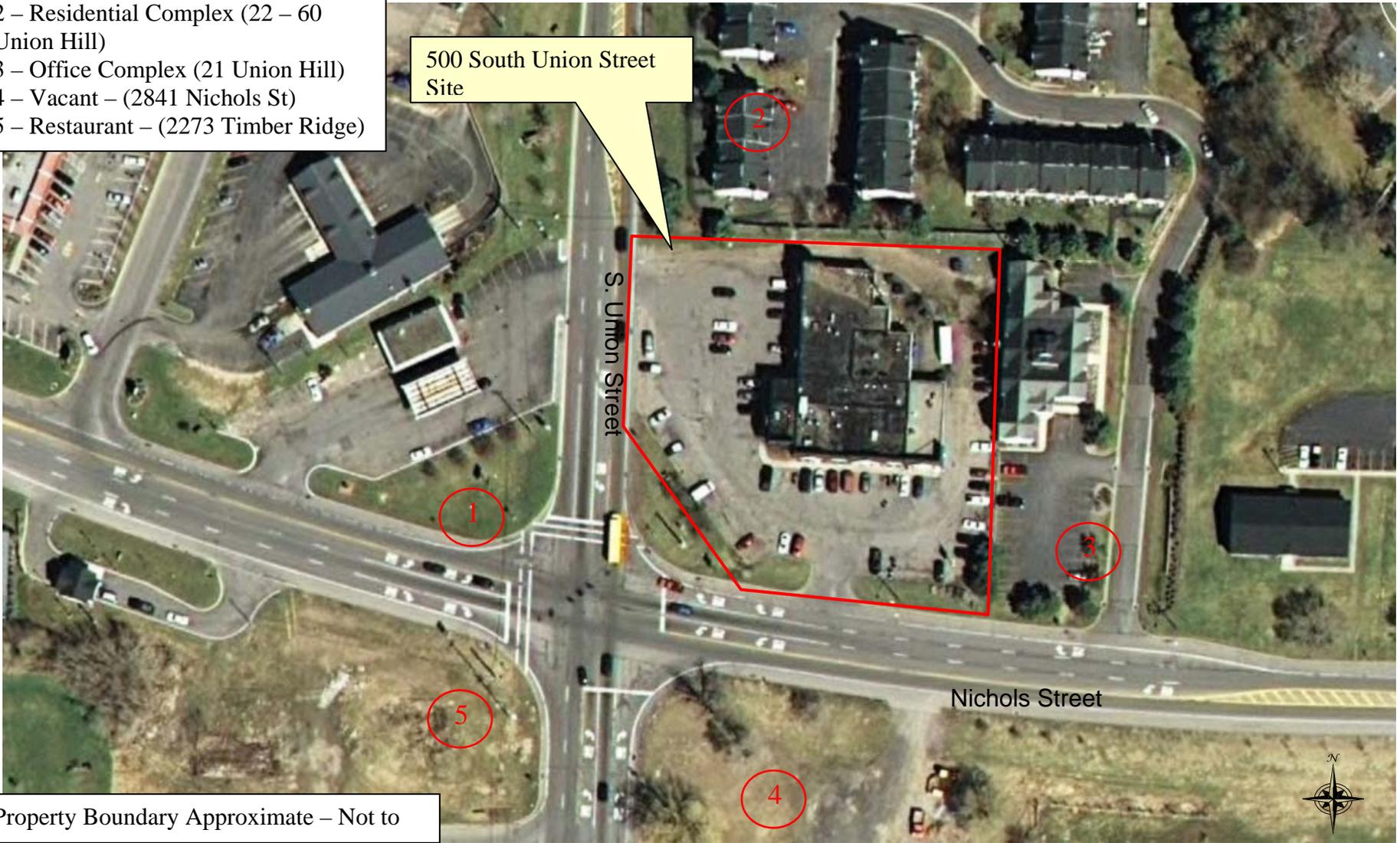
DATE: AUGUST 2008

DRAFTED BY: NTM

Adjacent Properties:

- 1 – Kwik-Fill (501 S. Union Street)
- 2 – Residential Complex (22 – 60 Union Hill)
- 3 – Office Complex (21 Union Hill)
- 4 – Vacant – (2841 Nichols St)
- 5 – Restaurant – (2273 Timber Ridge)

500 South Union Street Site



Property Boundary Approximate – Not to



726 EXCHANGE STREET  
SUITE 624  
BUFFALO, NEW YORK 14210  
(716) 856-0635

PROJECT NO.: 0188-001-100

DATE: AUGUST 2008

DRAFTED BY: NTM

**SITE PLAN**  
BROWNFIELD CLEANUP PROGRAM APPLICATION

500 SOUTH UNION STREET SITE

SPENCERPORT, NEW YORK

PREPARED FOR  
EYEZON ASSOCIATES

FIGURE 1-2

## **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:

Charlotte B. Theobald  
Project Manager  
NYSDEC, Region 8  
Division of Environmental Remediation  
6274 East Avon-Lima Road  
Avon, New York 14414-9519  
(585) 226-5354

Lisa LoMaestro Silvestri  
Citizen Participation Specialist  
NYSDEC, Region 8  
6274 East Avon-Lima Road  
Avon, New York 14414-9519  
585-226-5326

Justin Deming  
Project Manager  
NYSDOH  
Flanigan Square  
547 River Street, Room 300  
Troy, New York 12180-2216  
1-800-458-1158 ext. 27860

Jeffrey Kosmala  
Monroe County Health Department  
Sr. Public Health Engineer  
111 Westfall Road, Room 938  
Rochester, New York 14620  
585-753-5470

### **Document Repositories**

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

Town of Ogden Library  
269 Ogden Center Road  
Spencerport, NY 14559  
Attn: Kay Hughes-Dennett, Director  
Phone: (585) 617-6100  
Hours:  
Mon-Thurs., 10:00am-8:00pm  
Friday and Sat., 10:00am-5:00pm

NYSDEC Region 8 Office  
6274 East Avon-Lima Road  
Avon, New York 14414-9519  
Attn: Ms. Lisa Silvestri  
Phone: (585) 226-5326  
Hours:  
Monday - Friday 8:30-4:45  
Please call for appointment

## **Appendix C – Brownfield Site Contact List**

### Contact List

The following is the contact list information for the subject property. The following contacts will be sent fact sheets throughout the project's duration.

#### **New York State Agency Contacts:**

Captain Michael Van Durme  
NYSDEC, Region 8  
6274 East Avon-Lima Road  
Avon, New York 14414-9516

Bartholomew H. Putzig, P.E.  
Regional Haz. Waste Remediation Engineer  
NYSDEC, Region 8  
6274 East Avon-Lima Road  
Avon, New York 14414-9516

Charlotte Theobald  
NYSDEC, Region 8  
6274 East Avon-Lima Road  
Avon, New York 14414-9516

Lisa LoMaestro Silvestri, CP Specialist  
NYSDEC, Region 8  
6274 East Avon-Lima Road  
Avon, NY 14414-9516

Linda Vera  
Citizen Participation Specialist  
NYSDEC, Region 8  
6274 East Avon-Lima Road  
Avon, NY 14414-9516

Geoffrey Laccetti  
Chief- Central Section  
NYSDOH- Bureau of Environmental  
Exposure Investigation  
547 River St.  
Troy, New York 12180-2269

Justin Deming  
Project Manager  
NYSDOH  
Flanigan Square  
547 River Street  
Troy, New York 12180-2216

#### **Elected Officials:**

Senator Charles Schumer  
3040 Federal Building  
100 State Street  
Rochester, New York 14614-1350

Senator Kirsten Gillibrand  
3040 Federal Building  
100 State Street  
Rochester, New York 14614-1350

Congressman Chris Lee  
26th District, U.S. Congress  
1577 West Ridge Road  
Rochester, New York 14615-3030

Senator George Maziarz  
62nd District, NYS Senate  
350 New Campus Drive  
Brockport, New York 14420-2997

Assemblyman William D. Reilich  
134th District  
2727 West Ridge Road  
Rochester, New York 14626-2800

**Monroe County Contacts:**

Honorable Maggie Brooks  
Monroe County Executive  
39 West Main Street  
Rochester, New York 14614

Monroe County Legislator Robert Colby  
District 20  
261 Colby Street  
Spencerport, New York 14559

Jeffrey M. Kosmala, P.E.  
Monroe County Health Department  
Sr. Public Health Engineer  
111 Westfall Road, Room 938  
Rochester, New York 14620

Terrence Slaybaugh, Director  
County of Monroe Industrial Dev. Agency  
8100 City Place, 50 West Main Street  
Rochester, New York 14614

Judy A. Seil, Director  
Monroe County IDA  
8100 City Place, 50 West Main Street  
Rochester, New York 14614

Mary Louise Meisenzahl, Administrator  
Office of Emergency Management  
1190 Scottsville Road, Suite 200  
Rochester, New York 14624

Louise Hartshorn  
Monroe County Env. Mgmt. Council  
111 Westfall Road, P.O. Box 92832  
Rochester, New York 14692

Joseph Albert  
Monroe County Health Department  
Sr. Public Health Engineer  
111 Westfall Road  
Rochester, New York 14620

Charlie Knauf  
Monroe County Health Department  
111 Westfall Road  
Rochester, New York 14620

**Village of Spencerport/Town of Ogden Contacts:**

Mayor Joyce Lobene  
Village of Spencerport  
27 West Avenue  
Spencerport, New York 14559

Gay H. Lenhard  
Supervisor Town of Ogden  
269 Ogden Center Road  
Spencerport, New York 14559

Doug Nordquist  
Police Chief  
269 Ogden Center Road  
Spencerport, New York 14559

Terry Brown  
Fire Chief  
Village of Spencerport Fire Department  
P.O. Box 359  
Spencerport, New York 14559

Jacqueline Sullivan  
Village Clerk  
27 West Avenue  
Spencerport, New York 14559

**Supplier of Potable Water:**

Edward T. Marianetti  
Executive Director  
Monroe County Water Authority  
475 Norris Drive  
Rochester, New York 14610- 0999

**Local News Media:**

West Side News  
ATTN: Keith Ryan, Publisher  
1776 Hilton-Parma Corners Road  
P.O. Box 106  
Spencerport, New York 14559

Rochester Democrat and Chronicle  
ATTN: News Editor  
55 Exchange Boulevard  
Rochester, New York 14614

R News, Ch. 9  
ATTN: News Director  
71 Mt. Hope Avenue  
Rochester, New York 14620

WHEC-TV, Ch. 10  
ATTN: News Director  
191 East Avenue  
Rochester, New York 14604

13WHAM News  
ATTN: News Director  
4225 West Henrietta Road  
Rochester, New York 14623

WUHF-TV/WROC-TV  
ATTN: News Director  
201 Humboldt Street  
Rochester, New York 14610

WRWB-TV Rochester's WB16  
ATTN: News Director  
126 Andrews Street  
Rochester, New York 14604

1180 WHAM Radio  
ATTN: Randy Gorman, News Director  
207 Midtown Plaza  
Rochester, New York 14604

The Messenger Post  
ATTN: News Editor  
73 Buffalo Street  
Canandaigua, New York 14424

**Document Repository**

Kay Hughes-Dennett, Library Director  
Town of Ogden Library  
269 Ogden Center Road  
Spencerport, New York 14559

**Nearby Schools:**

Superintendent Bonnie Seaburn  
Spencerport Central Schools  
71 Lyell Avenue  
Spencerport, New York 14559

Bernabi Elementary School  
1 Bernabi Road  
Spencerport, New York 14559

Cosgrove Middle School  
2749 Spencerport Road  
Spencerport, New York 14559

Spencerport High School  
2707 Spencerport Road  
Spencerport, New York 14559

**Other Interested Parties:**

Center for Environmental Information, Inc.  
55 St. Paul Street  
Rochester, New York 14604

Citizens Environmental Coalition  
33 Central Avenue  
Albany, New York 12210

Rob Holmes  
HydroQual Inc., 1200  
Scottsville Road, Building C  
Suite 120  
Rochester, New York 14624

## Appendix D – Identification of Citizen Participation Activities

Required Citizen Participation (CP) Activities	CP Activities) Occur at this Point
<b>Application Process:</b>	
<ul style="list-style-type: none"> <li>• Prepare brownfield site contact list (BSCL)</li> </ul>	At time of preparation of application to participate in BCP.
<ul style="list-style-type: none"> <li>• Establish document repositories</li> <li>• Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day comment period</li> </ul>	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.
<b>After Execution of Brownfield Site Cleanup Agreement:</b>	
<ul style="list-style-type: none"> <li>• Prepare citizen participation (CP) plan</li> </ul>	Draft CP Plan must be submitted within 20 days of entering Brownfield Site Cleanup Agreement. CP Plan must be approved by NYSDEC before distribution.
<b>After Remedial Investigation (RI) Work Plan Received:</b>	
<ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL about proposed RI activities and announcing 30-day public comment period on draft RI Work Plan</li> </ul>	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.
<b>After RI Completion:</b>	
<ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL describing results of RI</li> </ul>	Before NYSDEC approves RI Report.
<b>After Remedial Work Plan (RWP) Received:</b>	
<ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL about proposed RWP and announcing 45-day comment period</li> <li>• 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)</li> </ul>	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.
<b>After Approval of RWP:</b>	
<ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL summarizing upcoming remedial construction</li> </ul>	Before the start of remedial construction.
<b>After Remedial Action Completed:</b>	
<ul style="list-style-type: none"> <li>• Mail fact sheet to BSCL announcing that remedial construction has been completed</li> <li>• Mail fact sheet to BSCL announcing issuance of Certificate of Completion (COC)</li> </ul>	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 the COC.

# Appendix E

