



New York State Department of Environmental Conservation

Brownfield Cleanup Program

Citizen Participation Plan
for
5 & 15 Flint Street Site

5 & 15 Flint Street
City of Rochester
Monroe County, New York

June 2011

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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 site's investigation and cleanup process.

Applicant: One Flint Street LLC (“Applicant”)
Site Name: 5 & 15 Flint Street Site (“Site”)
Site Address: 5 & 15 Flint Street, Rochester, New York 14608
Site County: Monroe
Site Number: C828162

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

New York’s Brownfield Cleanup Program (BCP) works with private developers to encourage the voluntary cleanup of contaminated properties known as “brownfields” so that they can be reused and developed. These uses include recreation, housing, and business.

A *brownfield* is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination. 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 a 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 investigation and cleanup activities. An Applicant is a person who has requested to participate in the BCP and has been accepted by NYSDEC. The BCP contains investigation and 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: <http://www.dec.ny.gov/chemical/8450.html> .

2. Citizen Participation Activities

Why NYSDEC Involves the Public and Why It Is Important

NYSDEC involves the public to improve the process of investigating and cleaning up contaminated sites, and to enable citizens to participate more fully in decisions that affect their health, environment, and social well being. NYSDEC provides opportunities for citizen involvement and encourages early two-way communication with citizens before decision makers form or adopt final positions.

Involving citizens affected and interest in site investigation and cleanup programs is important for many reasons. These include:

- Promoting the development of timely, effective site investigation and cleanup programs that protect public health and the environment

- Improving public access to, and understanding of, issues and information related to a particular site and that site's investigation and cleanup process
- Providing citizens with early and continuing opportunities to participate in NYSDEC's site investigation and cleanup process
- Ensuring that NYSDEC makes site investigation and cleanup decisions that benefit from input that reflects the interests and perspectives found within the affected community
- Encouraging dialogue to promote the exchange of information among the affected/interested public, State agencies, and other interested parties that strengthens trust among the parties, increases understanding of site and community issues and concerns, and improves decision making.

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

Project Contacts

Appendix A identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site's investigation and cleanup 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.

Locations of Reports and Information

The locations of the reports and information related to the site's investigation and cleanup program also are identified in Appendix A. These locations provide convenient access to important project documents for public review and comment. Some documents may be placed on the NYSDEC web site. If this occurs, NYSDEC will inform the public in fact sheets distributed about the site and by other means, as appropriate.

Site Contact List

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

- chief executive officer and planning board 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;
- location(s) of reports and information.

The 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 A. Other additions to the site contact list may be made at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

CP Activities

The table at the end of this section identifies the CP activities, at a minimum, that have been and will be conducted during the site's investigation and cleanup program. The flowchart in Appendix D shows how these CP activities integrate with the site investigation and cleanup process. The public is informed about these CP activities through fact sheets and notices distributed at significant points during the program. Elements of the investigation and cleanup process that match up with the CP activities are explained briefly in Section 5.

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up a 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 site's investigation and cleanup.

The public is encouraged to contact project staff at any time during the site's investigation and cleanup process with questions, comments, or requests for information.

This CP Plan may be revised due to changes in major issues of public concern identified in Section 3 or in the nature and scope of investigation and cleanup activities. Modifications may include additions to the site contact list and changes in planned citizen participation activities.

Technical Assistance Grant

NYSDEC must determine if the site poses a significant threat to public health or the environment. This determination generally is made using information developed during the investigation of the site, as described in Section 5.

If the site is determined to be 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 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 site.

For more information about TAGs, go online at <http://www.dec.ny.gov/regulations/2590.html>

Note: The table identifying the citizen participation activities related to the site's investigation and cleanup program follows on the next page:

Citizen Participation Requirements (Activities)	Timing of CP Activity(ies)
Application Process:	
<ul style="list-style-type: none"> • Prepare site contact list • Establish document repositories 	At time of preparation of application to participate in the BCP.
<ul style="list-style-type: none"> • Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period • Publish above ENB content in local newspaper • Mail above ENB content to site contact list • Conduct 30-day public comment period 	When NYSDEC determines that BCP application is complete. The 30-day public comment period begins on date of publication of notice in ENB. End date of public comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice, and notice to the site contact list should be provided to the public at the same time.
After Execution of Brownfield Site Cleanup Agreement:	
<ul style="list-style-type: none"> • Prepare Citizen Participation (CP) Plan 	Before start of Remedial Investigation
Before NYSDEC Approves Remedial Investigation (RI) Work Plan:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan • Conduct 30-day public comment period 	Before NYSDEC approves RI Work Plan. Thirty-day public comment period begins/ends as per dates identified in fact sheet.
After Applicant Completes Remedial Investigation:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes RI results 	Before NYSDEC approves RI Report
Before NYSDEC Approves Remedial Work Plan (RWP):	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list about proposed RWP and announcing 45-day public comment period • Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager) • Conduct 45-day public comment period 	Before NYSDEC approves RWP. Forty-five day public comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day public comment period.
Before Applicant Starts Cleanup Action:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes upcoming cleanup action 	Before the start of cleanup action.
After Applicant Completes Cleanup Action:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that announces that cleanup action has been completed and that summarizes the Final Engineering Report • Distribute fact sheet to site contact list announcing issuance of Certificate of Completion (COC) 	At the time NYSDEC approves Final Engineering Report. These two fact sheets are combined if possible if there is not a delay in issuing the COC.

3. Major Issues of Public Concern

This section of the CP Plan identifies major issues of public concern that relate to the site. Additional major issues of public concern may be identified during the course of the site's investigation and cleanup process.

The highest and best use of this land is either residential and/or mixed-use commercial/residential. However, due to the contamination, which impedes financing, development of the site cannot proceed. As a result, an attractive waterfront site adjacent to the riverside bike path is vacant and run down, encouraging urban decay.

4. Site Information

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

Site Description

The site is located in an urban setting near the western bank of the Genesee River in the southern section of the City of Rochester. The site consists of two properties identified as 5 Flint Street and 15 Flint Street. The two properties cover a total of 7.2 acres. The two properties are separated by a narrow strip of publically owned land that was formerly used as a canal and then a railroad bed. Surrounding properties include a mix of residential and industrial properties along with some vacant properties.

History of Site Use, Investigation, and Cleanup

The site is located wholly within the approximately 40-acre footprint of the former Vacuum Oil Company refinery site which operated from 1866 until 1935. The Vacuum Oil Company is a predecessor of the Exxon Mobil Corporation.

The processing operations involved distilling crude petroleum under pressure to produce a variety of petroleum products. The site was used for operations and petroleum storage and as a barrel prep and storage area. After the Vacuum Oil facility closed, most of the structures were demolished in place and the site was subsequently used as a scrap metal and automotive salvage yard and resource recovery facility.

The sampling performed to date indicates that there is very serious contamination on the site, including petroleum constituents, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, PCBs, and pesticides in both soil and groundwater, from the historic operations at the Site. Contamination has been documented above soil and groundwater standards. Contaminated soil gas is also a concern.

The site and surrounding properties, which make up the former refinery, have been under investigation for over two decades, and thus extensive historical and technical data exists for the site.

In August 1989, an Oil & Hazardous Material Site Evaluation was prepared for the City of Rochester on adjacent property. While the study did not indicate the presence of contaminants it concluded that “the potential for hazardous materials to be present in areas not explored during this investigation appears to be high based on past and present site land use.”

In September 1990, a Detailed Historical Site Assessment of the Vacuum Oil Company’s Facilities and Locations was prepared by the City of Rochester, which describes the property and traces the history of the Vacuum Oil Corporation.

In March 2001, a Site Investigation Report was prepared for NYSDEC, which indicates that in 1999-2000, the NYSDEC conducted an investigation of a 24-acre portion of the former Vacuum Oil facility. The investigation consisted of a soil gas survey, surface and subsurface soil samples, and groundwater samples from three monitoring wells. The results of this investigation indicated widespread petroleum-related contamination in the surface and, subsurface soils, and groundwater. Also found were chlorinated VOCs, metals, and pesticides. On June 13, 2005, a Historic and Current Site Conditions Report was prepared for Exxon Mobil. A variety of petroleum-related compounds and metals were found in surface and subsurface soils and in groundwater wells that were completed in that area from the site during the NYSDEC investigations, with concentrations being somewhat higher in the areas where the former operations occurred.

In April and August 2008, separate Phase I Environmental Site Assessments were prepared for the 15 Flint Street and 5 Flint Street properties respectively, for the City of Rochester. The Reports studied the history of the site and identified a number of environmental concerns related to these properties, including contamination from the refinery.

In October 2008, a Phase II ESA Subsurface Investigation Report for the 15 Flint Street property was prepared for the City of Rochester and on January 19, 2009, a Subsurface Investigation Summary Report was prepared for ExxonMobil. These investigations confirmed the presence of significant levels of contamination at the 5 and 15 Flint Street properties.

5. Investigation and Cleanup 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 onsite, 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 residential or commercial purposes.

To achieve this goal, the Applicant will conduct investigation 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 these activities at the site.

Investigation

The Applicant will conduct an investigation of the site officially called a “remedial investigation” (RI). This investigation will be performed with NYSDEC oversight. The Applicant must develop a remedial investigation workplan, which is subject to public comment.

The site investigation has several goals:

- 1) define the nature and extent of contamination in soil, surface water, groundwater and any other parts of the environment that may be affected;
- 2) identify the source(s) of the contamination;
- 3) assess the impact of the contamination on public health and the environment; and
- 4) provide information to support the development of a proposed remedy to address the contamination or the determination that cleanup is not necessary.

When the investigation is complete, the Applicant will prepare and submit a report that summarizes the results. This report also will recommend whether cleanup action is needed to address site-related contamination. The investigation report is subject to review and approval by NYSDEC.

NYSDEC will use the information in the investigation report to determine if the site poses a significant threat to public health or the environment. If the site is a “significant threat,” it must be cleaned up using a remedy selected by NYSDEC from an analysis of alternatives prepared by the Applicant and approved by NYSDEC. If the site does not pose a significant threat, the Applicant may select the remedy from the approved analysis of alternatives.

Remedy Selection

When the investigation of the site has been determined to be complete, the project likely would proceed in one of two directions:

1. The Applicant may recommend in its investigation report that no action is necessary at the site. In this case, NYSDEC would make the investigation report available for public comment for 45 days. NYSDEC then would complete its review, make any necessary revisions, and, if appropriate, approve the investigation report. NYSDEC would then issue a “Certificate of Completion” (described below) to the Applicant.

or

2. The Applicant may recommend in its investigation report that action needs to be taken to address site contamination. After NYSDEC approves the investigation report, the Applicant may then develop a cleanup plan, officially called a “Remedial Work Plan”. The Remedial Work Plan describes the Applicant’s proposed remedy for addressing contamination related to the site.

When the Applicant submits a proposed Remedial Work Plan for approval, NYSDEC would announce the availability of the proposed plan for public review during a 45-day public comment period.

Cleanup Action

NYSDEC will consider public comments, and revise the draft cleanup plan if necessary, before approving the proposed remedy. The New York State Department of Health (NYSDOH) must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy.

The Applicant may then design and perform the cleanup action to address the site contamination. NYSDEC and NYSDOH oversee the activities. When the Applicant completes cleanup activities, it will prepare a final engineering report that certifies that cleanup requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the cleanup is protective of public health and the environment for the intended use of the site.

Certificate of Completion

When NYSDEC is satisfied that cleanup requirements have been achieved or will be achieved for the site, it will approve the final engineering report. NYSDEC then will issue a Certificate of Completion (COC) to the Applicant. The COC states that cleanup goals have been achieved, and relieves the Applicant from future liability for site-related contamination, subject to certain conditions. The Applicant would be eligible to redevelop the site after it receives a COC.

Site Management

Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. Site management may be conducted by the Applicant under NYSDEC oversight, if contamination will remain in place. Site management incorporates any institutional and engineering controls required to ensure that the remedy implemented for the site remains protective of public health and the environment. All significant activities are detailed in a Site Management Plan.

An institutional control is a non-physical restriction on use of the site, such as a deed restriction that would prevent or restrict certain uses of the property. An institutional control may be used

when the cleanup 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. Examples include: caps, covers, barriers, fences, and treatment of water supplies.

Site management also may include the operation and maintenance of a component of the remedy, such as a system that is pumping and treating groundwater. Site management continues until NYSDEC determines that it is no longer needed.

Appendix A – Project Contacts and Locations of Reports and Information

Project Contacts

For information about the site's investigation and cleanup program, the public may contact any of the following project staff:

New York State Department of Environmental Conservation (NYSDEC):

Frank Sowers
Project Manager
NYSDEC – Region 8
Division of Environmental Remediation
6274 East Avon-Lima Road
Avon, New York 14414
585-226-5357

Linda Vera Citizen
Participation Specialist
NYSDEC Region 8
6274 East Avon-Lima Road
Avon, New York 14414
585-226-5324

New York State Department of Health (NYSDOH):

Melissa Doroski
Project Manager
NYS Department of Health
Flanigan Square
547 River Street
Troy, New York 12180
518 402-7860
1-800-458-1158 Option 6

Monroe County Health Department (MCHD):

Jeffrey Kosmala
Monroe County Health Department
111 Westfall Road - PO Box 92832
Rochester NY 14692
585 753-5470

Locations of Reports and Information

The facilities identified below are being used to provide the public with convenient access to important project documents:

Phillis Wheatley Community Library
33 Dr. Samuel McCree Way
Rochester, New York 14608
Attn: Lori Frankunas, Branch Site Manager
Phone: (585) 428-8212

Appendix B - Site Contact List

ADDRESS
Current Resident One Cottage Street Rochester, New York 14608
City of Rochester City Hall Room 125B 30 Church Street Rochester, New York 14614
Current Resident 13 Cottage Street Rochester, New York 14608
VSJ, LLC 950 Exchange Street Rochester, New York 14608
Current Resident 984 Exchange Street Rochester, New York 14608
Current Resident 990 Exchange Street Rochester, New York 14608
Current Owner 49 Phelps Avenue Rochester, New York 14608
Current Resident 996 Exchange Street Rochester, New York 14608
Central Cities Properties Inc Attn: James Falbo P.O. Box 16193 Rochester, New York 14616
Current Resident 1000 Exchange Street Rochester, New York 14608
Current Resident 1010 Exchange Street Rochester, New York 14608
CNY Homes Holding, LL 11801 Harrington Drive Corning, New York 14830
Current Resident 1014 Exchange Street Rochester, New York 14608
Current Resident 1020 Exchange Street

Rochester, New York 14608
CitiMortgage Inc. 5280 Corporate Drive Frederick, Maryland 21703
U.S. Department of Housing and Urban Development 451 7th Street S.W. Washington, DC 20410
Current Resident 1026 Exchange Street Rochester, New York 14608
Current Owner 450 Hoffman Road Rochester, New York 14622
Current Resident 1032 Exchange Street Rochester, New York 14608
Current Resident 1034 Exchange Street Rochester, New York 14608
Current Owner 7812 County Road 36 2 Naples, New York 14512
Current Resident 1048 Exchange Street Rochester, New York 14608
Current Owner 969 South Plymouth Ave Rochester, New York 14608
Current Owner 1050 Exchange Street Rochester, New York 14608
Current Resident 1052 Exchange Street Rochester, New York 14608
Current Owner P.O. Box 25280 Rochester, New York 14625
Foodlink Foundation Inc. Attn: Executive Director 936 Exchange Street Rochester, New York 14608
Current Resident 22 Flint Street Rochester, New York 14608
Current Resident 7 Flint Street

Rochester, New York 14608
Phillips Process Co. 20 Magnolia Street Rochester, New York 14608
Current Resident 18 Riverview Place Rochester, New York 14608
Current Resident 24 Riverview Place Rochester, New York 14608
Current Resident 28 Riverview Place Rochester, New York 14608
Current Owner 4836 Sunnyside Road Naples, New York 14512
Current Resident 32 Riverview Place Rochester, New York 14608
Current Resident 38 Riverview Place Rochester, New York 14608
Current Resident 42 Riverview Place Rochester, New York 14608
Current Owner P.O. Box 16393 Rochester, New York 14616
Current Resident 48 Riverview Place Rochester, New York 14608
Current Owner P.O. Box 24455 Rochester, New York 14624
Current Resident 52 Riverview Place Rochester, New York 14608
Current Resident 56 Riverview Place Rochester, New York 14608
Current Resident 55 Riverview Place Rochester, New York 14608
Current Resident 102 Violetta Street

Rochester, New York 14608
Thomas S. Richards, Mayor City of Rochester City Hall 30 Church Street Rochester, New York 14614
Bret Garwood, Director of Dev. Services City of Rochester Bureau of Business and Housing Dev. City Hall, Room 0050 30 Church St. Rochester, New York 14614
Mark Gregor, Manager Division of Env. Quality City of Rochester City Hall - 30 Church Street Rochester, New York 14614
Robert Morrison, Director Bureau of Water 10 Felix Street Rochester, NY 14608
Dr. Charles T. Lunsford School No 19 Susan Hasenauer-Curtis, Prin. 465 Seward Street Rochester, New York 14608
City Newspaper 250 North Goodman Street Rochester, New York 14607
Phillis Wheatley Community Library Lori Frankunas, Branch Site Manager 33 Dr. Samuel McCree Way Rochester, New York 14608
Roch. Urban Renewal Agency City Hall, Room 125B 30 Church Street Rochester, New York 14614
Michael Lamarre ExxonMobil Environmental Services Company 1001 Wampanoag Trail Riverside, Rhode I 02915
David Hawkes , Administrator Southwest Neighborhood Service Center

Facilitator, Southwest Quadrant Team 923 Genesee Street Rochester, NY 14611
Adam McFadden, South District 178 Farragut Street Rochester, NY 14611

Lovely A. Warren, President Rochester City Council City Hall, Room 301A 30 Church Street Rochester, New York 14614-1265
Jeffrey Kosmala Monroe County Health Department 111 Westfall Road - PO Box 92832 Rochester NY 14692
Annette Johnson Day Care 11 & 11 1/2 Fenwick Street Rochester, NY 14608

E-Mail Copies Only

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*As per NYSDEC’s confidentiality requirements, the names of property owners and residents are not included herein.

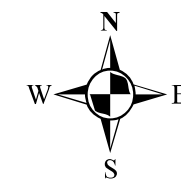
Appendix C – Site Location Map

Y:\One Flint Street LLC\210509\Drawings\Neighbors 3.3.2010_11x17.mxd 8/13/2010 @ 11:26:52 AM



**Brownfield
Cleanup Program**

5 and 15 Flint Street
Rochester, NY



0 200 Feet
1 inch = 200 feet

Legend

- BCP Parcels
- Parcels

Note: Parcel
Information is derived
from the City of
Rochester real property

[209436]

[FIGURE 1]

Appendix D– Brownfield Cleanup Program Process

