

# **New York State Department of Environmental Conservation**

# **Brownfield Cleanup Program**

# **Citizen Participation Plan**

Holtz Porsche, Audi, Mazda

3955 West Henrietta Road Town of Henrietta County of Monroe, New York

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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 sites investigation and cleanup process.

Applicant: Linleigh Realty, L.P. ("Applicant")
Site Name: Holtz Porsche, Audi, Mazda ("Site")

Site Address: 3955 West Henrietta Road, Rochester, NY 14623

Site County: Monroe Site Number: C828181

# 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: <a href="http://www.dec.ny.gov/chemical/8450.html">http://www.dec.ny.gov/chemical/8450.html</a> .

# 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; and
- 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 sites investigation and cleanup program. The publics 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 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 sites 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; and
- 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 sites 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 <a href="http://www.dec.ny.gov/regulations/2590.html">http://www.dec.ny.gov/regulations/2590.html</a>

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><li> Prepare site contact list</li><li> Establish document repositories</li></ul>	At time of preparation of application to participate in the BCP.	
<ul> <li>Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period</li> <li>Publish above ENB content in local newspaper</li> <li>Mail above ENB content to site contact list</li> <li>Conduct 30-day public comment period</li> </ul>	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:		
Prepare Citizen Participation (CP) Plan	Before start of Remedial Investigation	
Before NYSDEC Approves Remedial Investigation (RI) Work Plan:		
<ul> <li>Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan</li> <li>Conduct 30-day public comment period</li> </ul>	Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet. Thirty-day public comment period begins/ends as per dates identified in fact sheet.	
After Applicant Completes Remedial Investigation:		
Distribute fact sheet to site contact list that describes RI results	Before NYSDEC approves RI Report	
Before NYSDEC Approves Remedial Work Plan (RWP):		
<ul> <li>Distribute fact sheet to site contact list about proposed RWP and announcing 45-day public comment period</li> <li>Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager)</li> <li>Conduct 45-day public comment period</li> </ul>	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:		
Distribute fact sheet to site contact list that describes upcoming cleanup action	Before the start of cleanup action.	
After Applicant Completes Cleanup Action:		
<ul> <li>Distribute fact sheet to site contact list that announces that cleanup action has been completed and that summarizes the Final Engineering Report</li> <li>Distribute fact sheet to site contact list announcing issuance of Certificate of Completion (COC)</li> </ul>	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 investigation and cleanup process.

At this time no major issues of public concern have been identified.

#### 4. Site Information

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

Site Description

The site is a 3.93± acre parcel of land that is currently improved with a 26,446± square foot automotive sales and service facility. There is a 1,200± square foot storage building and associated asphalt paved parking areas. The property is in an area zoned by the Town of Henrietta as Commercial. The Site is currently utilized as a Porsche, Audi, and Mazda automobile dealership. See Appendix C, Site Location Map.

The Site is bordered by the following properties:

<u>North:</u> The property immediately to the north is another commercial automobile dealership (Garber Honda) with additional automobile dealerships beyond.

**East:** Immediately to the east lies West Henrietta Road; however, beyond the road there are commercial and residential properties, with additional residential properties beyond. The nearest residential building to the east is approximately 150 feet.

**South:** Four properties border the southern property boundary and each consists of commercial facilities, one of which is currently vacant land. Beyond these properties is Bailey Road with additional commercial and residential properties beyond. The nearest residential property to the south is approximately 300 ft.

<u>West:</u> The property adjacent to the west is listed as a commercial property; however, it is currently vacant. Further west (approximately 800 feet), there are numerous residential properties.

History of Site Use, Investigation, and Cleanup

The property was used for agricultural purposes until 1973 when it was developed and used for automobile sales and service activities.

Contaminants Related to the Site

Based upon investigation conducted to date, the primary contaminants of concern in soil include volatile organic compounds (VOCs) and Polycyclic Aromatic Hydrocarbons (PAHs). Soil

samples have been collected from the top 10 feet of soil and generally confined within the footprint of the on-site structure.

Primary groundwater contaminants of concern above the NYSDEC Part 375-6.8 Unrestricted or Protection of Groundwater Soil Cleanup Objectives (SCO) included petroleum and chlorinated solvent related VOCs. The detections of the contaminants in groundwater are generally located within the footprint of the building.

#### Environmental History

Past environmental investigations and some remediation have been conducted at the Site previously. A summary of the previous work is provided below and these reports have been submitted to NYSDEC under separate cover (with the BCP Application):

- October 2007 Phase I Environmental Site Assessment Report by Osprey Environmental, LLC – The Phase I ESA Report identified several areas of concern at the Site, including the presence of two (2) vent pipes which may have been associated with underground storage tanks (USTs); the presence of an oil/water separator (OWS); and staining of the concrete/asphalt surfaces in the vicinity of aboveground storage tanks. The Phase I ESA Report suggested additional investigation of the former UST locations and the OWS.
- November 2007 (Updated January 2008) Limited Phase II ESA by Kleinfelder East, Inc. –
  The Limited Phase II ESA Report indicates that select metals were identified in
  groundwater samples at concentrations that exceed NYSDEC standards.
- April 2008 Limited Phase II ESA Report by URS Corporation This evaluation consisted of the advancement of eleven (11) soil borings and installation of four (4) monitoring wells. Soil and groundwater sampling identified exceedances of NYSDEC standards.
- April 2008 Phase II ESA Report by Labella This reports included a comprehensive investigation of the Site. The investigation included a geophysical survey, excavation of two (2) test pits, advancement of sixteen (16) soil borings, installation of seven (7) groundwater monitoring wells, and collection and analysis of soil and groundwater samples. The results of the investigation indicate that impacted soil was discovered associated with one of the suspected vent pipes; one (1) waste oil UST was found with associated soil impairment; and petroleum and solvent-related groundwater impacts are present at the Site.
- October 2008 Corrective Action Plan by LaBella The Corrective Action Plan proposed the removal of an orphan UST and any associated impacted soil, removal of impacted soil from a former UST location, and implementing supplemental site characterization work to assess the potential for a source of impacted soil beneath the interior sub slab of the automotive maintenance area of the Site building and identify the general extent of petroleum and solvent-related VOCs in groundwater.

- *July 2009 Corrective Action Report* by LaBella The Corrective Action Report (CAR) documented the remedial work completed to address the NYSDEC Spill. The remedial work included the following:
  - o Removal of approximately 530 gallons of liquid and sludge (including washwaters) from the orphan Underground Storage Tank (UST) on the northern side of the onsite building. The UST did not appear to have been used for petroleum storage; its suspected historical use was for wastewater as well as oil from a hydraulic lift system.
  - o Removal of the 500-gallon orphan UST.
  - o Removal of approximately 161 cubic yards of impacted soil from the apparent former UST area (separate from the orphan UST).
  - o Collection and analysis of five (5) confirmation soil samples from the remedial excavation and an additional five (5) confirmatory soil samples from the orphan UST removal.
  - O Placement of 161 cubic yards of petroleum impacted soil into a biocell for bioremediation at the 3600 West Henrietta Road parcel. The biocell was constructed in accordance with NYSDEC STARs #2 – Biocell and Biopile Designs for Small-Scale Petroleum-Contaminated Soil Projects (Revised May 1996). LaBella performed regular monitoring and maintenance of the biocell until constituents of concern in the soil met NYSDEC Recommended Soil Cleanup Objectives (RSCOs).

The confirmation soil samples taken from the UST removal and the former apparent UST area did not detect VOCs or SVOCs above the NYSDEC Technical and Administrative Guidance Memorandum (TAGM) 4046 RSCOs. In addition, the soils removed from the apparent former UST area were remediated in the biocell between January 2009 and December 2010. A request for closure of the biocell was made in December 2010 and the NYSDEC Spills Group issued a "no further action" letter on January 6, 2011. However, due to chlorinated VOCs in groundwater at the Site, the "no further action" letter indicated that additional work in relation to the chlorinated VOCs would be handled by the NYSDEC's Hazardous Waste Remediation Section.

• February 2010 Supplemental Subsurface Investigation Report – The Supplemental Subsurface Investigation (SSI) Report summarized an investigation at the Site performed in accordance with the Corrective Action Plan. Specifically, 23 borings were advanced at the Site and 15 groundwater monitoring wells were installed. This investigation did not identify a definitive source area of contamination. Groundwater samples submitted for laboratory analysis indicated that petroleum and chemical related VOCs are present in the automotive maintenance area. A potential source of impacts could be due to a break in the concrete trench floor drain inside the automotive repair facility. This was discovered during the course of the SSI during a floor drain inspection and videotaping effort. The

break in the trench drain was observed during the video-taping and was located on the western end of the trench drain. This break in the floor drain was subsequently repaired.

# 5. Investigation and Cleanup Process

# **Application**

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program as a Participant. This means that the Applicant may have been the owner of the site at the time of the disposal or discharge of contaminants or may otherwise be liable for the disposal or discharge of the contaminants. The Participant must fully characterize the nature and extent of contamination onsite, as well as the nature and extent of contamination that has migrated from the site. The Participant also 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 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 has completed a partial site investigation before it entered into the BCP. For the partial investigation, NYSDEC will determine if the data are useable.

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.

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 Applicants 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 investigation and cleanup program, the public may contact any of the following project staff:

# New York State Department of Environmental Conservation (NYSDEC):

Matt Gillette, PE Project Manager NYSDEC Region 8 Division of Environmental Remediation 6274 East Avon-Lima Road Avon, New York 14414 585-226-5308 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): Deborah McNaughton NYSDOH 335 East Main Street Rochester, New York 14604 585-423-8069

# **Adjacent Residents:**

#### North:

Garber Honda 3925 West Henrietta Rochester, NY 14623 (585) 334-0880

#### South:

7-Eleven 3995 West Henrietta Rochester, NY 14623 (585) 359-3314 Owner: Southland Corp. PO Box 711 Dallas, TX 75221

Garber Honda 938 Bailey Rd Rochester, NY 14623 Owner: John D Holtz PO Box 20340 Rochester, NY 1460

# West:

Bailey Rd - Vacant 161.190-0001-003.1 Owner: Dorschel 3817 West Henrietta Rochester, NY 14623

#### East:

Unknown 3922 West Henrietta Rochester, NY 14623 Owner: Joseph Coco 1738 Ridgeway Ave Rochester, NY 14615

Singh Rajwinder 3936 West Henrietta Rochester, NY 14623

Powell Insurance 3950 West Henrietta Rochester, NY 14623 (585) 742-3333 Owner: MDVA LLC

John Berle 3960 West Henrietta Rochester, NY 14623 Owner: John Iaculli 1000 Lehigh Station Rd Henrietta, NY 14467

Dorkat Motel 3990 West Henrietta (585) 334-7000 Owner: ADI Realty Inc 1000 Lehigh Station Rd Henrietta, NY 14467

# **Locations of Reports and Information**

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

Henrietta Public Library 455 Calkins Road Henrietta, New York 14472 Hours:

Monday-Thursday: 10am-9pm

Friday: 11am-6pm Saturday: 10am-2pm Sunday: Closed

NYSDEC Region 8 Office 6274 East Avon-Lima Road Avon, New York 14414-9519

Attn: Matt Gillette Phone: 585-226-5308

Hours:

Monday-Friday: 8:30am-4:30pm

(call for appointment)

# **Appendix B Site Contact List**

#### The Chief Executive Officer:

Maggie Brooks Monroe County Chief Executive 110 County Office Building 39 West Main Street Rochester, New York 14614 (585) 753-1000

# **Monroe County Planning Manager**

Thomas Goodwin Monroe County Planning Division 8100 City Place 50 West Main Street Rochester, New York 14614 (585) 753-2000

# **Town of Henrietta Supervisor**

Michael Yudelson 475 Calkins Road Henrietta, New York 14467 (585) 334-7700

# **Town of Henrietta Planning Board Chair**

Peter Minotti 475 Calkins Road Henrietta, New York 14467 (585) 334-7700

#### **Site Owner:**

Attn. Richard J. Garber, Manager Garber Realty NY, LLC 999 S. Washington, Suite 1 Saginaw, Michigan 48601

# Local news media from which the community typically obtains information:

The Henrietta Post Local Office: 1 Grove Street, Suite 101 Pittsford, New York 14534 (585)381-3300 General Office: 73 Buffalo Street Canandaigua, New York 14424 1-800-724-2099

Democrat and Chronicle 55 Exchange Blvd Rochester, NY 14614

WROC – TV 8 201 Humboldt Street Rochester, NY 14610

R News 71 Mt Hope Ave Rochester, NY 14620

WHEC – TV 10 191 East Ave Rochester, NY 14604

WXXI – TV 21 280 State Street Rochester, NY 14614

WHAM – TV 13 PO Box 20555 Rochester, NY 14602

WXXI – AM 280 State Street Rochester, NY 14614

WHAM – AM PO Box 40400 207 Midtown Plaza Rochester, NY

# The public water supplier that services the area where the site is located:

Monroe County Water Authority 475 Norris Drive Rochester, New York 14610 (585)442-0220

# Any person who has requested to be placed on the contact list.

No one has requested to be put on the list to date.

# The administrator of any school or day care facility located on or near the property.

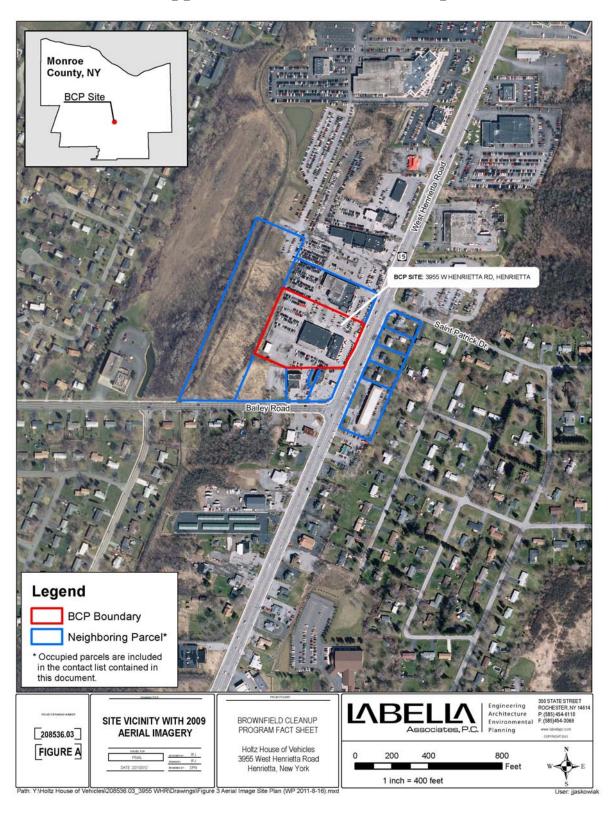
There are no day care centers or schools on or near the Site. The Site is located in a commercial area.

# The location of a document repository for the project (e.g., local library):

Henrietta Public Library 455 Calkins Road Henrietta, New York 14472 (585)359-7092

NYSDEC Region 8 Office 6274 East Avon-Lima Road Avon, New York 14414-9519 (585) 226-5308

# **Appendix C** ■ **Site Location Map**



# **Appendix D– Brownfield Cleanup Program Process**

