



Department of  
Environmental  
Conservation

# FACT SHEET

March 2018

Brownfield Cleanup Program  
NYSDEC REGION 8

Vacuum Oil Refinery Sites  
Plymouth-Exchange Neighborhood  
Rochester, NY 14608

**SITE NOS.: C828162; C828190; C828193**

## Where to Find Information:

*Project documents are available at the following locations:*

### **Phillis Wheatley Community Library**

33 Dr. Samuel McCree Way  
Rochester, NY 14608  
phone: (585) 428-8212

### **Plymouth-Exchange (PLEX) Neighborhood Assoc.**

Attn: Dorothy Hall  
Carlson Commons  
70 Coretta Scott Crossing  
Rochester, NY 14608  
phone: (585) 328-6916  
info@PL-EX.org

## Who to Contact:

*Comments and questions are always welcome:*

### **Project Related Questions**

Frank Sowers  
NYSDEC- Region 8 Office  
6274 East Avon-Lima Road  
Avon, NY 14414  
585-226-5357  
frank.sowers@dec.ny.gov

### **Public Health Questions:**

Sara Bogardus  
NYSDOH  
Empire State Plaza  
Corning Tower  
Albany, NY 12237  
(518) 402-7880  
[beei@health.ny.gov](mailto:beei@health.ny.gov)

**For additional information on the  
New York's Brownfield Cleanup  
Program, visit:**

[www.dec.ny.gov/chemical/8450.html](http://www.dec.ny.gov/chemical/8450.html)

## **Update on Vacuum Oil Refinery Brownfield Sites**

This Fact Sheet provides the following information:

- general information about the Brownfield Cleanup Program (BCP) to address questions and concerns recently raised by the public and the media; and
- updates on the status of each of the three BCP sites within the footprint of the former Vacuum Oil refinery.

**Brownfield Cleanup Program Overview:** 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 site is any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by NYSDEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.

**Cleanup Levels and Cleanup Tracks:** Under the BCP, cleanup levels are based on the intended future use of the site. Uses include:

- Unrestricted Use;
- Residential Use  
(does not allow for raising live stock or producing animal products for human consumption);
- Restricted-Residential Use  
(requires common ownership or a single owner managing entity);
- Commercial Use; and
- Industrial Use.

Cleanup tracks represent pathways that can be followed to achieve a cleanup level that is protective of public health and the environment for the intended future use of the site. There are four cleanup tracks identified as Track 1, 2, 3 and 4. More information about cleanup tracks is available at: <https://www.dec.ny.gov/chemical/8450.html>

While NYSDEC does not determine the site reuse, some members of the public have expressed a desire for redevelopment of the BCP sites to include certain businesses, such as a supermarket or a hardware store. The public also expressed concerns that these businesses would not be allowed unless a Track 1, unrestricted use cleanup was achieved. This

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is incorrect. These businesses are commercial activities and are allowed at any cleanup level except industrial use.

Cleanup levels must also be consistent with local zoning. For example, a property zoned for industrial use can be cleaned up to the residential use level, but a property zoned for residential use cannot be cleaned up to the commercial or industrial use levels.

## More About Track 4

Track 4 cleanups generally include some combination of techniques to: remove or treat contaminants; control the spread of contaminants; prevent contact with contaminants; restrict the use of the property, and provide for the proper management of the site into the future. Where the intended future use includes apartments, Track 4 does allow living space on the ground floor.

Track 4 is the most common cleanup track in the BCP. According to NYSDEC's annual remediation report (available at <http://www.dec.ny.gov/about/53234.html>). Track 4 represents more than 70 percent of all BCP cleanups completed to date across the State.

## Cleanup Plan Selection and Design:

NYSDEC has not received or approved proposals for the development, cleanup levels or cleanup tracks to achieve these levels for the three BCP sites within the footprint of the former Vacuum Oil refinery. Nor has NYSDEC made any recommendations regarding a specific final cleanup level or cleanup track for any of the three BCP sites.

For each BCP site, the remedial party (the owner or developer doing the cleanup) will evaluate a number of alternatives before they propose a cleanup plan. At a minimum an alternative for unrestricted use must be considered. These evaluations must consider the following criteria:

- Overall protectiveness of public health and the environment. **All cleanups are required to be protective of public health and the environment for the intended use of the property.**
- Conformance with standards, criteria, and guidance;

- Long-term effectiveness and permanence;
- Reduction in toxicity, mobility, or volume of contamination through treatment;
- Short-term impacts and effectiveness;
- Implementability;
- Cost-effectiveness;
- Community acceptance; and
- Land use (includes zoning and flood impacts).

All cleanup work will be done in accordance with a plan approved by NYSDEC, in consultation with the New York State Department of Health (NYSDOH).

**NYSDEC will provide the public with an opportunity to review and comment on all proposed final cleanup plans associated with each BCP site. There will also be public meetings to discuss the proposed plans during the public comment periods.** NYSDEC will consider public comments received on the proposed cleanup plan and ultimately issue a final Decision Document.

The cleanup plans will include a Community Environmental Response Plan (CERP) that provides the measures that will be used to protect the community and environment during the remedial action. CERPs typically address the following:

- Community air monitoring;
- Dust and odor control;
- Noise and vibration management;
- Site security;
- Erosion control;
- Waste management;
- Cleaning of trucks and equipment leaving the site;
- Water management and treatment;
- Traffic control; and
- Off-site trucking routes and emergency procedures.

## BCP SITE UPDATES

**Site Name and No.: 5 & 15 Flint Street (#C828162)**

**Remedial Party: One Flint St., LLC**

The environmental investigation of the site is complete. The results are documented in the Remedial Investigation Report dated October 7, 2016. Based on these results, One Flint St., LLC proposed a Track 1

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unrestricted use cleanup of the site. This proposed plan was made available for public comment and NYSDEC held a public meeting in June 2017 to discuss the proposed plan. One Flint St., LLC then withdrew their proposal and has not yet submitted a new plan.

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

<http://www.dec.ny.gov/cfm/xtapps/derexternal/haz/de tails.cfm?pageid=3&progno=C2828162>

**Site Name and No.: Portion of Former Vacuum Oil Refinery (#C828190)**

**Remedial Party: City of Rochester**

Field activities associated with the environmental investigation of the site are complete. One of the objectives of the City's BCP investigation is to evaluate the potential for contaminants to be migrating into the Genesee River. This evaluation will be included in the Remedial Investigation Report that the City is currently developing. For petroleum sites, the typical indicator of contamination to a water body is the presence of an iridescent sheen on the top of the water. These sheens are caused by oil floating on the top of the water. No sheens have been observed during the course the environmental investigations. The Remedial Investigation Report will be available to the public when it is final.

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

<http://www.dec.ny.gov/cfm/xtapps/derexternal/haz/de tails.cfm?pageid=3&progno=C828190>

**Site Name and No.: Vacuum Oil Refinery (#C828193)**  
**Remedial Party: Flint Redevelopment LLC**

NYSDEC and NYSDOH are reviewing a work plan to perform an environmental investigation of the site.

A separate work plan to install sub-slab ventilation systems on all buildings on the site is also under review. The work plan for installing the sub-slab ventilation systems will be available to the public when it is final. A fact sheet will also be distributed to notify the public when this work, referred to as an Interim Remedial Measure, is about to begin.

Volatile organic compounds in the soil vapor may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. The potential exists for people to inhale contaminants on-site in indoor air due to soil vapor intrusion and actions have been recommended. Additional evaluation is needed to evaluate the potential for soil vapor intrusion off-site.

Sub-slab ventilation systems will be installed in the buildings on the site to address potential exposures from soil vapor intrusion. Sub-slab ventilation systems use fan-powered vents and piping to draw vapors from the soil beneath the building's slab and discharge them to the outdoor air above the building's roof.

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

<http://www.dec.ny.gov/cfm/xtapps/derexternal/haz/de tails.cfm?pageid=3&progno=C2828193>

***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: [www.dec.ny.gov/chemical/61092.html](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.

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

# BCP Site Locations

