NEW YORK STATE | Department of Environmental Conservation

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

October 29, 2025

Jane Forbes
Division of Environmental Quality
City Hall
30 Church Street, Room 300B
Rochester, New York 14614

Re: Soil Sampling and Analysis Work Plan
Mt. Hope Cemetery
Portion of Vacuum Oil Refinery Site
Site No.: C828190
City of Rochester, Monroe (C)

Dear Ms. Forbes:

The New York State Department of Environmental Conservation (Department) has completed a review of the October 9, 2025 Soil Sampling and Analysis Work Plan (Work Plan) for the proposed soil sampling event at the Mt. Hope Cemetery to be used for the Beneficial Use Determination (BUD) petition. The Work Plan is approved with the following clarifications and modifications.

1. The Department understands that the analytical laboratory will have the appropriate ELAP certifications for the analytical methods to be completed.

2. The Department understands that the soil samples collected will be analyzed for TCL VOCs plus TICs and TCL SVICs plus TICs.

3. The Department understands that the reporting limits for PFOA and PFOS as presented in the Department's April 2023 guidance.

4. The Department understands that the analytical results will be compared to DER-10 Appendix 5 Allowable Constituent Levels for Imported Fill or Soil Subdivision 5.4(e) and the Department's April 2023 PFOA and PFOS guidance document.

Within fifteen (15) days of the date of this letter and prior to any fieldwork activities, the Applicant must elect in writing (electronic notification is acceptable) one of the following options:

- Option A: Accept the modified work plan;
- Option B: Invoke dispute resolution as set forth in 6 NYCRR Part 35-1.5(b)(2); or
- Option C: Terminate the Brownfield Cleanup Agreement in accordance with 6 NYCRR Part 375-3.5.

If the Applicant chooses to accept Option A then this letter becomes part of the approved Soil Sampling and Analysis Work Plan dated October 9, 2025 for Mt. Hope Cemetery. Also, if Option A is chosen then a copy of the approved Soil Sampling and Analysis Work Plan for Mt. Hope Cemetery along with this

letter attached must be placed in the document repository within 1 week of accepting Option A and prior to any fieldwork activities. Please provide notification to the Department that the Soil Sampling and Analysis Work Plan for Mt. Hope Cemetery and a copy of this letter have been placed in the document repository (electronic notification is acceptable).

NYSDEC seeks to resolve outstanding differences in a mutually agreeable manner which addresses the requirements of the Brownfield Cleanup Agreement, Part 375, and all applicable laws, regulations, and guidance. If you or your technical team have any questions or concerns regarding this request, please contact me via email at charlotte.theobald@dec.ny.gov or at 585-226-5354. If your legal team have any questions or concerns regarding this request, please feel free to contact Deborah Gorman via e-mail at Deborah.Gorman@dec.ny.gov or at 518-402-9525 and Kyle Pero at kyle.pero@dec.ny.gov.

Sincerely,

Charlotte B. Theobald
Assistant Engineer

ec:
Anne Spaulding (City of Rochester)
Greg Andrus (Lu Engineering)
Jeff Danzinger (Day Environmental)
Justin Deming (NYSDOH)
Julia Kenney (NYSDOH)
Christopher Budd (NYSDOH)
Starr O'Neil (MCHD)
Dr. Velez De Brown (MCHD)
Kyle Pero (NYSDEC)
Deborah Gorman (NYSDEC)
David Pratt (NYSDEC)
Michael Ormanoski (NYSDEC)

SOIL SAMPLING AND ANALYSIS PLAN

SITE #2
MT. HOPE CEMETERY
1133 MT. HOPE AVENUE
ROCHESTER, NEW YORK

Prepared for:	City of Rochester Division of Environmental Quality 30 Church Street, Room 300B Rochester, New York 14614
Prepared by:	Lu Engineers 200 East Broad Street Rochester, New York 14606 And Day Environmental, Inc. 1563 Lyell Avenue Rochester, New York 14606
Project No.:	6254S-25
Date:	October 9, 2025

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FIGURES

1.0 INTRODUCTION

The City of Rochester (City) is proposing to complete sampling and analysis of a source of soil at the Mt. Hope Cemetery, 1133 Mt. Hope Avenue, Rochester, New York (Site #2). A Locus Map is included as Figure 2-1. The viability of using this soil as a source of imported material at the City-owned former Vacuum Oil Brownfield Cleanup Program (BCP) Site (NYSDEC BCP Site #C828190) is being considered.

On August 29, 2025, Marques and Associates, P.C. (Marques) surveyed the location and elevation of a soil pile at the Mt. Hope Cemetery. The soil pile at Site #2 consists of previously undisturbed surplus native soils that were generated as a result of grave excavations. The horizontal and vertical survey data collected by Marques was entered into a geographic information system (GIS) by Day Environmental, Inc. (DAY). Figure 2-2 shows the survey points and 3-D Analyst modeled topographic contours of the soil pile. In addition, a lower raster to represent a bottom cut elevation surface beneath the soil pile was prepared based on "toe" survey points around the perimeter of the pile. GIS Spatial Analyst was subsequently used to calculate a volume of the soil pile above the lower raster. As provided on Figure 2-2, the available volume above the lower raster was calculated to be 2,913 cubic yards (CY).

As required by the New York State Department of Environmental Conservation (NYSDEC), the soil pile at Site #2 needs to be chemically characterized to determine possible uses at the NYSDEC BCP Site #C828190.

2.0 SAMPLING AND ANALYSIS PLAN

NYSDEC Part 360.13(e) and Section 5.4(e) of NYSDEC DER-10 provide guidance on number of samples based on volume, and test parameters to characterize a proposed source. Since the Site is in the BCP, guidance from Section 5.4(e) of NYSDEC DER-10 takes precedence, and is used along with input from the NYSDEC Project Manager for BCP Site #C828190 given the history and nature of Site #2. Based on a volume of 2,913 CY and with input from the NYSDEC Project Manager, it is planned to collect six (6) discrete soil samples and two (2) composite soil samples from six (6) test pit locations. The six planned test pit locations are shown on Figure 2-3.

A subcontractor will be retained to excavate six (6) test pits to the desired depths using a mini-excavator. Soil samples will be collected using the mini-excavator bucket. The excavator bucket will be decontaminated using an Alconox and water wash/water rinse prior to use at each location.

A representative of DAY or LU will observe, document, and screen the soil samples and associated headspace soil samples in the field for total volatile organic compounds (VOCs) using a photoionization detector (PID). In addition, the representative will observe the samples for visual and olfactory evidence of apparent environmental impact (e.g., odors, staining, and free product). The representative will collect portions of samples for analytical laboratory testing. The samples submitted for testing will be biased towards the portions of the specific depth interval that have the highest field evidence of apparent impact. For test locations with no field evidence of apparent impact, portions of samples for analytical laboratory testing will be collected from random depths within the selected depth interval to be tested at the specific test pit. Test pit logs will be prepared that describe pertinent information (e.g., PID measurements, evidence of contamination, lithology, sample moisture, sample depth intervals, depths, evidence of groundwater, etc.).

The test pits excavated during this task will be located via tape measure by reference to existing site features and/or using a global positioning system (GPS) unit. Upon completion of the work, the test pits will be backfilled with soil cuttings.

Discrete soil samples are anticipated to be collected from each test pit from the targeted depth intervals in parentheses provided below:

TP2-1 (3-6 ft below the ground surface [bgs])

TP2-2 (0-3 ft bgs)

TP2-3 (6-9 ft bgs)

TP2-4 (0-2 ft bgs)

TP2-5 (0-3 ft bgs)

TP2-6 (0-2 ft bgs)

A separate aliquot for compositing will be collected at each test location's planned sample depth interval, which will be composited into the following composite laboratory samples:

Sample 2-1,2,3: Composite aliquots from locations TP2-1, TP2-2 and TP2-3

Sample 2-4,5,6: Composite aliquots from locations TP2-4, TP2-5 and TP2-6

ALS Environmental (ALS) will complete the analytical laboratory testing of discrete samples and composite samples of the surplus soil. ALS is a New York State Department of Health (NYSDOH) Environmental Laboratory Approval Program (ELAP)-certified analytical laboratory (ELAP #10145). The samples will be submitted to ALS under chain-of-custody

control, and testing program, including that for associated quality assurance/quality control samples, is provided below.

Field Samples

The six (6) discrete soil field samples will be tested for:

a. Target Compound List (TCL) VOCs via United States Environmental Protection Agency (USEPA) Method 8260.

The two (2) composite soil field samples will be tested for:

a. TCL semi-volatile organic compounds (SVOCs) via USEPA Method 8270.
b. Target Analyte List (TAL) Metals via USEPA Method 6010/7470/7471.
c. Polychlorinated biphenyls (PCBs) via USEPA Method 8082.
d. Pesticides via USEPA Method 8081.
e. Herbicides via USEPA Method 8151.
f. Cyanide via USEPA Method 9012.
g. Per- and polyfluoroalkyl substances (PFAS) via USEPA Method 1633 [submit samples under a separate chain of custody].
h. 1,4-dioxane via USEPA Method 8270 SIM [submit samples under a separate chain of custody].

Quality Assurance/Quality Control (QA/QC) Samples

a. Matrix spike/matrix spike duplicate (MS/MSD) on one (1) discrete sample will be tested for:
    - TCL VOCs via USEPA Method 8260.
b. MS/MSD on one (1) composite sample will be tested for:
    - TCL SVOCs via USEPA Method 8270.
    - TAL Metals via USEPA Method 6010/7470/7471.
    - PCBs via USEPA Method 8082.
    - Pesticides via USEPA Method 8081.
    - Herbicides via USEPA Method 8151.
    - Cyanide via USEPA Method 9012.
    - PFAS via USEPA Method 1633 [submit sample under a separate chain of custody].
    - 1,4-dioxane via USEPA Method 8270 SIM [submit sample under a separate chain of custody].
c. Blind field duplicates on one (1) discrete sample will be tested for:
    - TCL VOCs via USEPA Method 8260.
d. Blind field duplicate on one (1) composite sample will be tested for:
    - TCL SVOCs via USEPA Method 8270.
    - TAL Metals via USEPA Method 6010/7470/7471.

- PCBs via USEPA Method 8082.
- Pesticides via USEPA Method 8081.
- Herbicides via USEPA Method 8151.
- Cyanide via USEPA Method 9012.
- PFAS via USEPA Method 1633 [submit sample under a separate chain of custody].
- 1,4-dioxane via USEPA Method 8270 SIM [submit sample under a separate chain of custody].

e. One (1) equipment blank will be tested for PFAS via USEPA Method 1633 [submit sample under a separate chain of custody].

ALS will report its findings in analytical services protocol (ASP) Category B deliverables and NYSDEC Equis EXCEL EDD in approximately 10 to 15 business days after receipt of the samples.

Initially, a Data Usability Summary Report (DUSR) will not be completed on the Category B deliverables for the analytical laboratory test results. If subsequent to review of the test results the City decides to pursue a BUD to propose use of the soil from this Site at BCP Site #C828190, the NYSDEC project manager for BCP Site #C828190 will be contacted to determine if NYSDEC requires a DUSR be performed on the test results. If required by the NYSDEC, then a DUSR will be completed and components of the Data Package outlined in Section 3.0 will be updated accordingly.

3.0 DATA PACKAGE

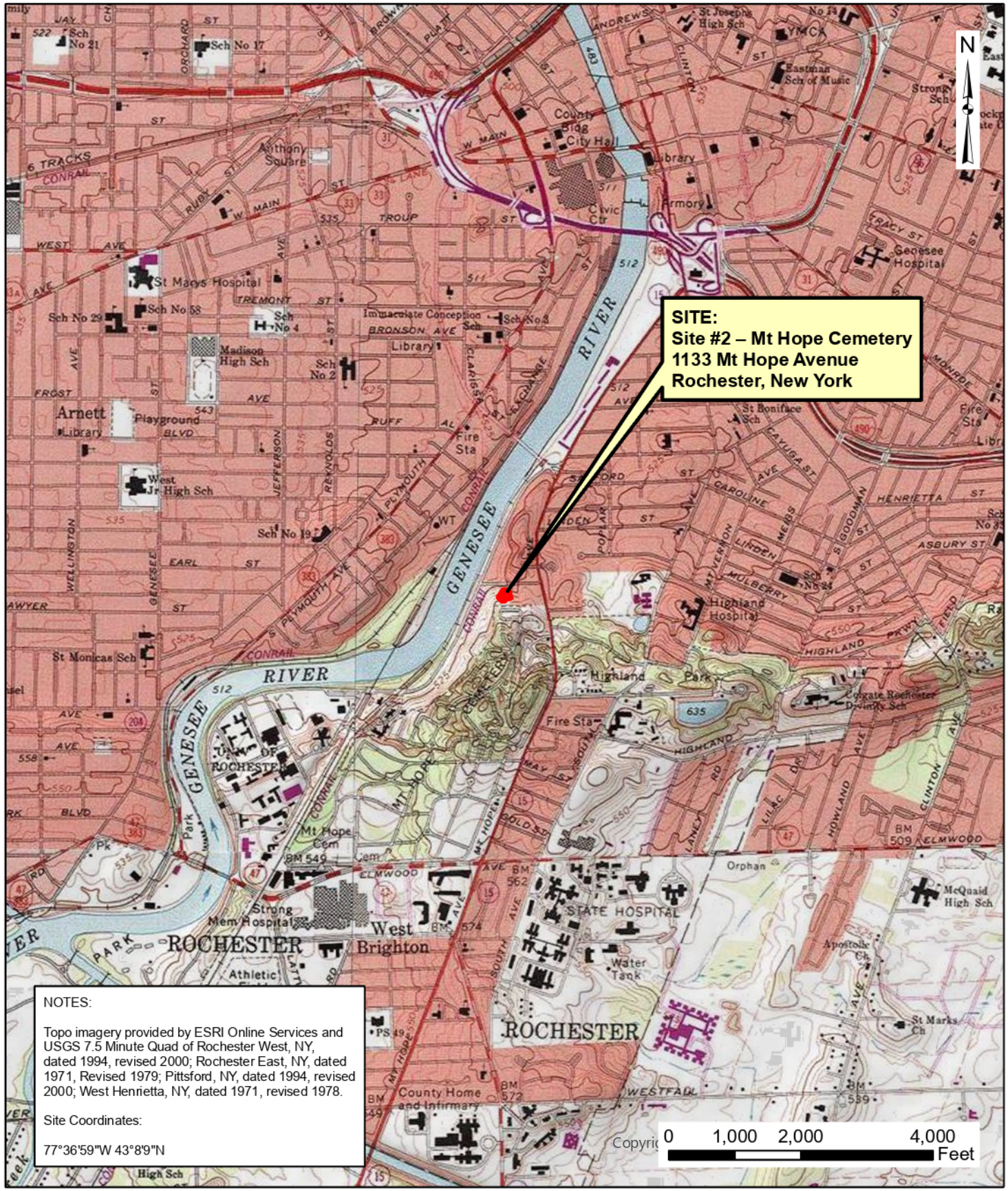
Subsequent to receipt of the analytical laboratory results, a data package will be prepared that includes, a project locus map, a figure depicting test locations in relation to pile topography, the analytical laboratory report, field logs for each test location that include a description of soil lithology, sample intervals, peak PID readings on sample intervals screened, observations concerning environmental impact (if present), and one or more data table that include comparison of field sample test results to NYSDEC Restricted Residential Use soil cleanup objectives (RRSCOs) and Protection of Groundwater soil cleanup objectives (PGSCOs) as set forth in Table 375-6.8(b) of 6 New York Codes, Rules and Regulations (NYCRR) Part 375. These SCOs are the criteria that need to be met for imported materials at BCP Site #C828190.

The resulting sampling and analysis information and data in the data package may subsequently be used in a Beneficial Use Determination (BUD) petition for NYSDEC BCP Site #C828190.

4.0 LIST OF ACRONYMS AND ABBREVIATIONS

ALS	ALS Environmental
ASP	Analytical Services Protocol
BCP	Brownfield Cleanup Program
BGS	Below the Ground Surface
BUD	Beneficial Use Determination
City	City of Rochester
CY	Cubic Yard
DAY	Day Environmental, Inc.
ELAP	Environmental Laboratory Approval Program
GIS	Geographic Information System
GPS	Global Positioning System
Marques	Marques and Associates, P.C.
MS/MSD	Matrix Spike/Matrix Spike Duplicate
NYCRR	New York Codes, Rules and Regulations
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
PCB	Polychlorinated Biphenyl
PFAS	Per- and polyfluoroalkyl substances
PGSCO	Protection of Groundwater Soil Cleanup Objective
PID	Photoionization Detector
QA/QC	Quality Assurance/Quality Control
RRSCO	Restricted Residential Use Soil Cleanup Objective
SVOC	Semi-Volatile Organic Compound
TAL	Target Analyte List
TCL	Target Compound List
USEPA	United States Environmental Protection Agency
VOC	Volatile Organic Compound

FIGURES



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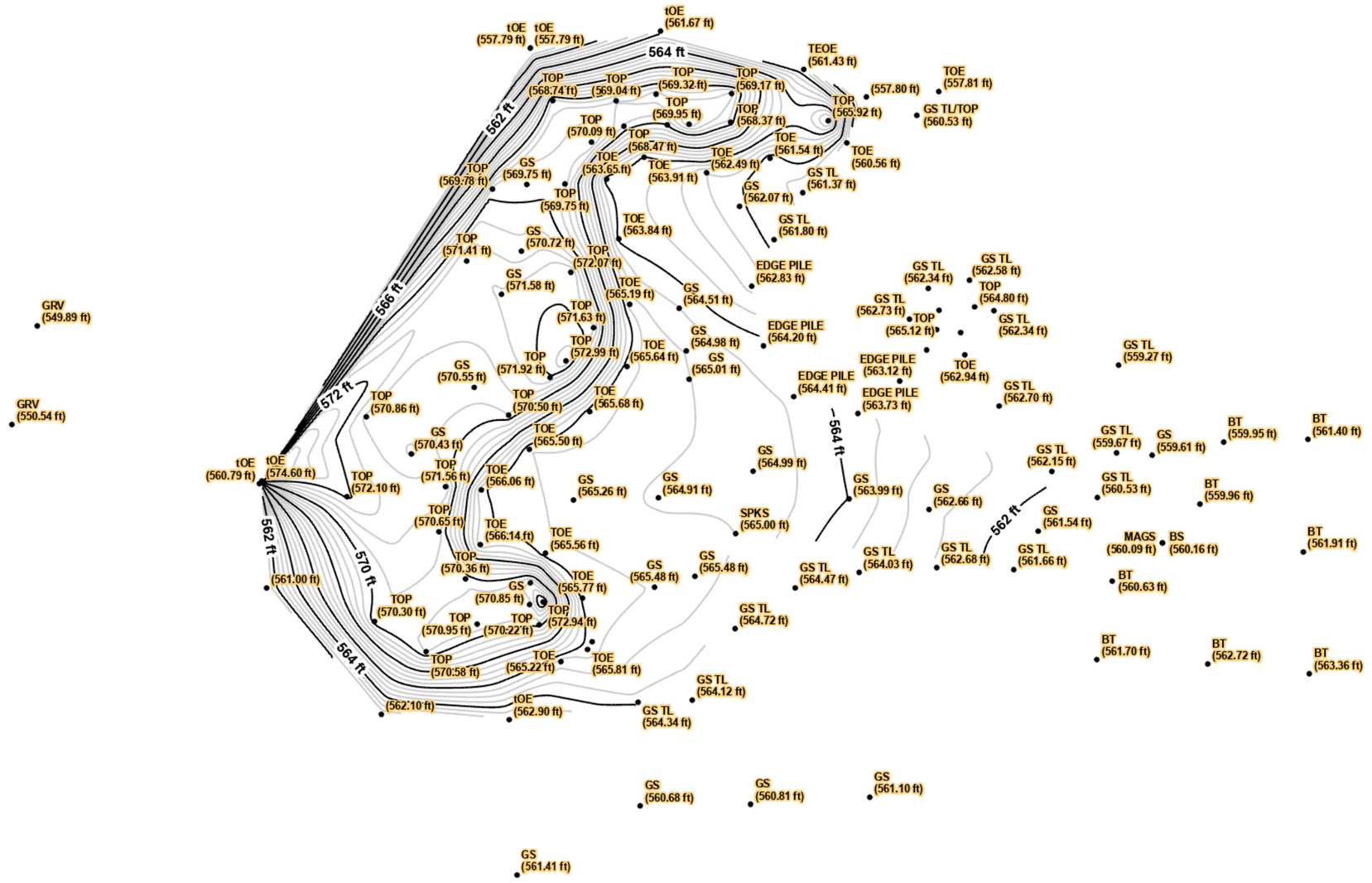
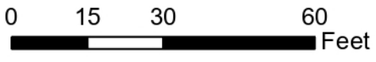
Name of Map: 2-1 - Mt Hope Locus

Last Date Saved: 9/12/2025 4:33 PM

Date: 09-12-2025 Drawn By: CPS Scale: AS NOTED	**DAY ENVIRONMENTAL, INC.** Environmental Consultants Rochester, New York 14606	Project Title: SITE #2 – MT HOPE CEMETERY 1133 MT HOPE AVENUE ROCHESTER, NEW YORK SOIL SAMPLING AND ANALYSIS PLAN Drawing Title: Project Locus Map	Project No. 6254S-25 FIGURE 2-1

Soil Pile
Volume: 78,654 cu.ft., 2,913 cu.yds.





Legend

- Surveyed elevation data
- Contour line
- Primary contour line

N

PROJECT MANAGER	DATE	DATE DRAWN	DATE ISSUED
JAD	09-2025	CPS 09-2025	SCALE AS NOTED 09-17-2025

DAY ENVIRONMENTAL, INC.
Environmental Consultants
Rochester, New York 14606

Project Title
SITE #2 – MT HOPE CEMETERY
1133 MT HOPE AVENUE
ROCHESTER, NEW YORK
SOIL SAMPLING AND ANALYSIS PLAN

Drawing Title
Soil Pile Elevation Data

Project No.
6254R-25

FIGURE 2-2

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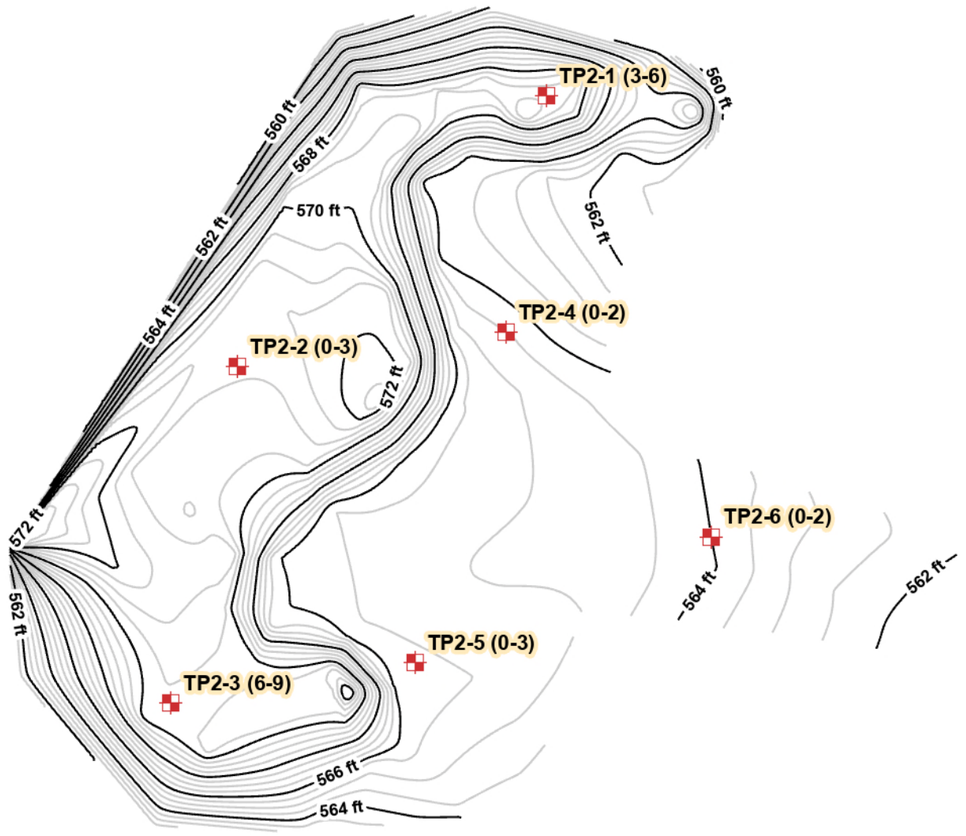
Soil Pile
Volume: 78,654 cu.ft., 2,913 cu.yds.



Legend
- Test pit location
- Contour line
- Primary contour line

N

0 15 30 60 Feet

PROJECT MANAGER	DATE
JAD	10-2025
CPS	DATE DRAWN 10-2025
AS NOTED	SCALE / DATE ISSUED 10-09-2025

DAY ENVIRONMENTAL, INC.
Environmental Consultants
Rochester, New York 14606

Project Title
SITE #2 – MT HOPE CEMETERY
1133 MT HOPE AVENUE
ROCHESTER, NEW YORK
SOIL SAMPLING AND ANALYSIS PLAN

Drawing Title
Soil Pile Test Locations

Project No.
6254R-25

FIGURE 2-3

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