



Department of  
Environmental  
Conservation

# **Brownfield Cleanup Program**

## **Citizen Participation Plan**

for

## **Former Sherwood Shoe Company**

April 2018

C828201  
625 South Goodman Street  
Rochester  
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 site's investigation and cleanup process.

Applicant: **Highland Grove LLC**  
Site Name: **Former Sherwood Shoe Company**  
Site Address: **625 South Goodman Street, Rochester, New York**  
Site County: **Monroe, New York**  
Site Number: **C828201**

## **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 who 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 interested 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.

**Note:** The first site fact sheet (usually related to the draft Remedial Investigation Work Plan) is distributed both by paper mailing through the postal service and through DEC Delivers, its email listserv service. The fact sheet includes instructions for signing up with the appropriate county listserv to receive future notifications about the site. See <http://www.dec.ny.gov/chemical/61092.html> .

Subsequent fact sheets about the site will be distributed exclusively through the listserv, except for households without internet access that have indicated the need to continue to receive site information in paper form. Please advise the NYSDEC site project manager identified in Appendix A if that is the case. Paper mailings may continue during the investigation and cleanup process for some sites, based on public interest and need.

### *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.

As of the date the declaration (page 2) was signed by the NYSDEC project manager, **the significant threat determination for the site had not yet been made.**

To verify the significant threat status of the site, the interested public may contact the NYSDEC project manager identified in Appendix A.

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 Activities	Timing of CP Activity(ies)
<b>Application Process:</b>	
<ul style="list-style-type: none"> <li>• Prepare site contact list</li> <li>• Establish document repository(ies)</li> </ul>	At time of preparation of application to participate in the BCP.
<ul style="list-style-type: none"> <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.
<b>After Execution of Brownfield Site Cleanup Agreement (BCA):</b>	
<ul style="list-style-type: none"> <li>• Prepare Citizen Participation (CP) Plan</li> </ul>	Before start of Remedial Investigation <b>Note:</b> Applicant must submit CP Plan to NYSDEC for review and approval within 20 days of the effective date of the BCA.
<b>Before NYSDEC Approves Remedial Investigation (RI) Work Plan:</b>	
<ul style="list-style-type: none"> <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.
<b>After Applicant Completes Remedial Investigation:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes RI results</li> </ul>	Before NYSDEC approves RI Report
<b>Before NYSDEC Approves Remedial Work Plan (RWP):</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list about draft 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.
<b>Before Applicant Starts Cleanup Action:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes upcoming cleanup action</li> </ul>	Before the start of cleanup action.
<b>After Applicant Completes Cleanup Action:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that announces that cleanup action has been completed and that NYSDEC is reviewing the Final Engineering Report</li> <li>• Distribute fact sheet to site contact list announcing NYSDEC approval of Final Engineering Report and issuance of Certificate of Completion (COC)</li> </ul>	At the time the cleanup action has been completed. <b>Note:</b> The two fact sheets are combined when 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.

Information gathered from previous investigations has identified the primary contaminants of concern at the Site to be chlorinated volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs) and heavy metals. In addition, low-level pesticide and polychlorinated biphenyl (PCB) impacts have been identified at the Site. The SVOC, heavy metal, pesticide and PCB impacts appear to be limited to areas of urban fill material (ash, cinders, asphalt, bricks, construction and demolition debris, etc.) identified in shallow soils throughout the Site. Chlorinated VOCs were identified in soil and groundwater in the central portion of the Site. The full nature and extent of impacts has not been identified. Groundwater flow at the Site appears to be towards I-490 and away from nearby residential and commercial properties. The Site is located in the City of Rochester, where private potable water wells are banned.

### **4. Site Information**

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

#### *Site Description*

*Location:* The Site is located at 625 South Goodman Street, in the City of Rochester, Monroe County, New York. The Site is located in an urban area and bounded by Karges Place and Uhlen Place to the south along with various residential properties, Interstate 490 to the north, South Goodman Street to the east, and various residential properties and commercial businesses to the east in a predominantly urban area.

*Site Features:* The Site does not have any structures and is currently vacant. The Site is comprised of a gravel parking area at the center with the remainder of the property a lawn with brush along the perimeter.

*Current Zoning and Land Use:* The Site is currently zoned C-2 Community Center District. Surrounding properties are also zoned C-2 with the exception of properties adjacent to the east across South Goodman Street which is zoned Low Density Residential.

*History of Site Use, Investigation, and Cleanup:* A Phase II Environmental Site Assessment (ESA) was completed at the Site in 2016 and included the completion of a geophysical survey to assess for potential metal materials in the ground (e.g., tanks), excavation of test pits, advancement of soil borings and installation of groundwater

monitoring wells. Soil and groundwater samples were collected for laboratory analysis as part of this assessment.

Based on the completion of the 2016 investigation activities, there appear to be two (2) categories of contamination at the Site. Specifically, soil impacts from urban fill material (ash, cinders, etc.) throughout the Site (AOC #1) as well as degreasing solvent impacts to soil and groundwater in the central portion of the Site (AOC #2). A degreasing solvent is a substance that breaks down and dissolves petroleum products, such as oil.

*Past Uses of the Site:* The Site appears to have been generally utilized for shoe manufacturing from approximately 1905 to the late 1930's, various industrial and commercial uses from the late 1930s to the late 1960s and appears to have been vacant since the late 1960s. Site buildings appear to have been demolished in the 1970s. There was a fire at the site on July 1, 1971 that destroyed the remaining buildings. Prior to acquisition of the property by Highland Grove LLC in September 2016, the Site was most recently owned by the NYSDOT and occasionally utilized for staging and/or storage of vehicles, equipment and materials (e.g., crushed stone, asphalt millings). Currently there are no structures at the Site.

Commercial and industrial uses of the Site between the late 1930s and the late 1960s appear to have included a laundry, tool/gear manufacturing, machine shops, lamps and lampshade manufacturing, electrical sales, electrical testing of instruments, photography, printing, laboratory supplies, plastic products and paint sales. A 6,000-gallon #2 fuel oil underground storage tank (UST) appears to have been located to the south of the former main building, adjacent to the former boiler room. This is currently the central portion of the Site.

## **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 restricted purposes.

To achieve this goal, the Applicant will conduct investigation and cleanup 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.

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 submitted a remedial investigation work plan with the BCP Application, which was 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.

### *Interim Remedial Measures*

An Interim Remedial Measure (IRM) is an action that can be undertaken at a site when a source of contamination or exposure pathway can be effectively addressed before the site investigation and analysis of alternatives are completed. If an IRM is likely to represent all or a significant part of the final remedy, NYSDEC will require a 30-day public comment period.

### *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 draft Remedial Work Plan for approval, NYSDEC would announce the availability of the draft 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 selected remedy is formalized in the site Decision Document.

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*

The purpose of site management is to ensure the safe reuse of the property if contamination will remain in place. Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. 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 pumps and treats 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):**

Charlotte Theobald  
Project Manager  
NYSDEC Region 8  
Division of Environmental Remediation  
6274 East Avon-Lima Road  
Avon, New York 14414  
585-226-5354  
charlotte.theobald@dec.ny.gov

Regina Willis  
Citizen Participation Specialist  
NYSDEC Region 8  
Division of Environmental Remediation  
6274 East Avon-Lima Road  
Avon, New York 14414  
585-226-5324  
regina.willis@dec.ny.gov

**New York State Department of Health (NYSDOH):**

Wendy Kuehner.  
Bureau Environmental Exposure Investigation  
Empire State Plaza  
Corning Tower, Room 1787  
Albany, New York 12237  
wendy.kuehner@health.ny.gov  
518-402-7860

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

NYSDEC Region 8  
6274 East Avon-Lima Road  
Avon, New York 14414  
Attn: Charlotte Theobald  
Phone: 585-226-5354  
Hours: Call for appointment

Central Library of Rochester  
115 South Avenue  
Rochester, NY 14604  
Phone: 585-428-7300  
Library Hours:  
Monday 10 a.m. - 8:30 p.m.  
\*Tuesday 10 a.m. - 6 p.m.  
\*Wednesday 10 a.m. - 8:30 p.m.  
Thursday 11 a.m. - 6 p.m.  
\*Friday 10 a.m. - 6 p.m.  
Saturday 10 a.m. - 5 p.m. (closed  
Saturdays from July 7, 2018 through  
September 1, 2018)  
Sunday Closed

## **Appendix B - Site Contact List**

## Appendix B – Site Contact List

1. Chairperson of each county, city, town, and village in which the property is located:

Mayor Lovely Warren City of Rochester Mayor 30 Church Street Rochester, NY 14614	Ms. Cheryl Dinolfo Monroe County Executive 110 County Office Building Rochester, NY 14614
Ms. Loretta C. Scott Rochester City Council President 30 Church Street Rochester, NY 14614	Ms. Jill Wiedrick Senior City Planner 30 Church Street Rochester, NY 14614

2. Residents, owners, and occupants of the property and properties adjacent to the property.

Project Site: 625 South Goodman Street, Rochester, New York 14620

Current Owners: Highland Grove LLC

Current Operators: Not Applicable – Vacant Property

*Residents, owners, and occupants of the properties adjacent to the proposed BCP Site:*

<b>ADDRESS</b>	<b>STREET</b>	<b>DIRECTION</b>	<b>OWNER</b>	<b>OWNER ADDRESS</b>	<b>OWNER CITY, STATE, ZIP</b>
620	Meigs Street	Northwest	Ronald K & Richard Geck	35 Old Country Lane	Fairport, NY 14450
854	South Clinton	Southwest	P-JAG LLC	60 Southern Parkway	Rochester, NY 14618
4	Karges Place	Southwest	P-JAG LLC	60 Southern Parkway	Rochester, NY 14618
5-5.5	Karges Place	South	South Clinton Village LLC	185 Cove Road	W Palm Beach, FL 33413
7	Karges Place	South	South Clinton Village LLC	185 Cove Road	W Palm Beach, FL 33413
9	Karges Place	South	South Clinton Village LLC	185 Cove Road	W Palm Beach, FL 33413
1	Eisenberg Place	Southeast	City of Rochester	30 Church Street, Rm 125B	Rochester, NY 14614
2	Eisenberg Place	East	Edward J. Anderson	2 Eisenberg Place	Rochester, NY 14620

Source – LandMax Data Systems, Inc.

*Local news media:*

Democrat and Chronicle

Attn: Michael G. Kane  
55 Exchange Boulevard  
Rochester, NY 14614

*Public Water Supplier:*

Monroe County Water Authority

475 Norris Drive

Rochester, NY 14610

(585) 442-2000

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

None

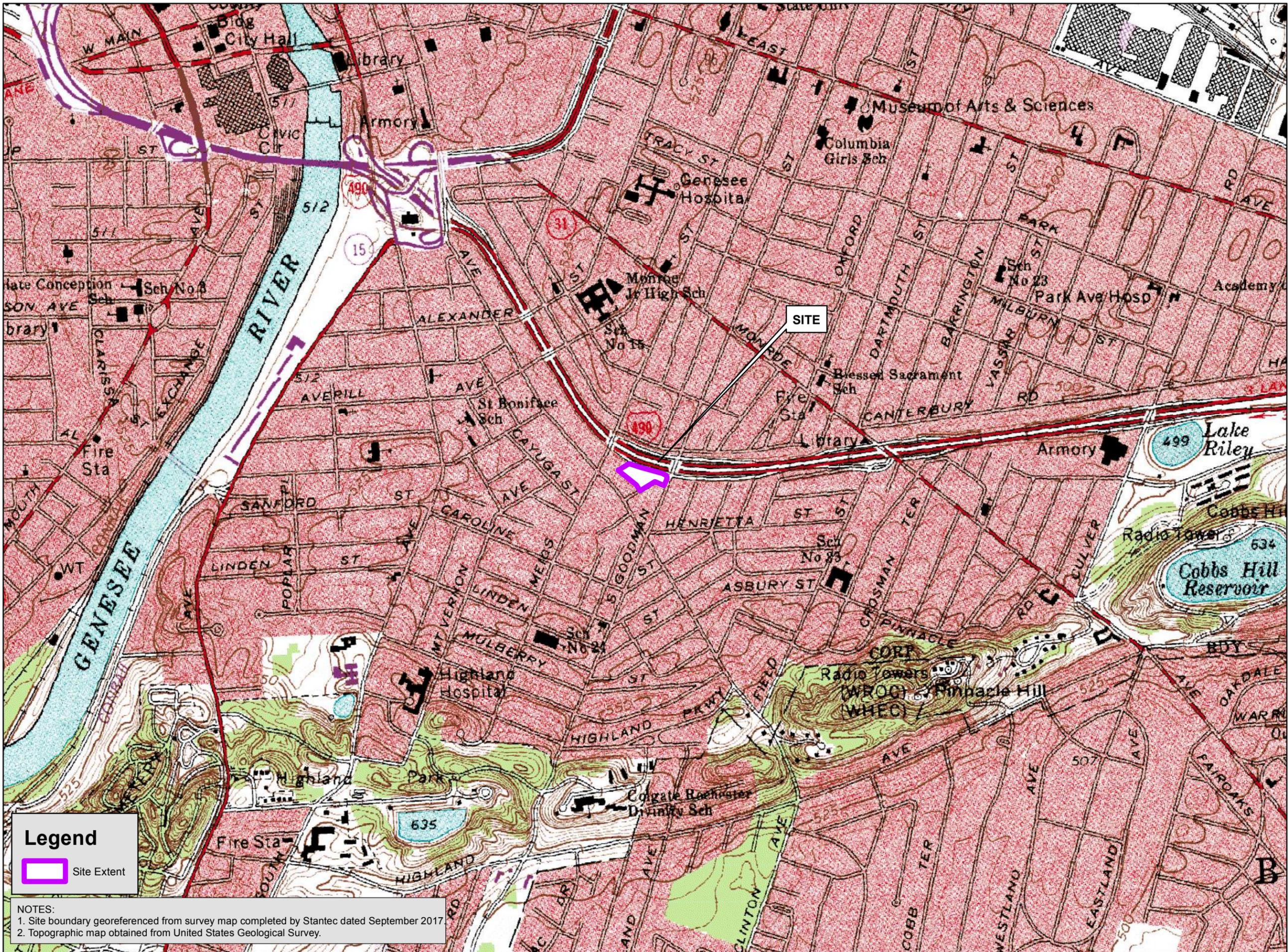
*The administrator of any school or day care facility located on or near the property:*

Nativity Preparatory Academy Principal: Maria Cahill 15 Whalin Street Rochester, New York 14620 Distance ~ 0.3 miles, northwest	Pinnacle School Number 35 Principal: Brenda Torres-Santana 194 Field Street Rochester, New York 14620 Distance ~ 0.4 miles, east
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*Document Repository:*

Central Library of Rochester and Monroe County  
115 South Avenue  
Rochester, NY 14604  
(585)-428-7300

## Appendix C - Site Location Map



0 500 1,000  
Feet  
1 inch = 1,000 feet  
INTENDED TO PRINT AS: 11" X 17"

PROJECT:  
Former Sherwood Shoe Company  
625 South Goodman Street  
Rochester, New York

DRAWING NAME:  
Site Location Map

PROJECT/DRAWING NUMBER:

2172056

APPENDIX C

**Legend**

Site Extent

**NOTES:**

1. Site boundary georeferenced from survey map completed by Stantec dated September 2017.
2. Topographic map obtained from United States Geological Survey.

# Appendix D– Brownfield Cleanup Program Process

