#### NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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December 21, 2016

Mr. Charles L. Caranci, Jr. Morgan-LeChase Development, LLC, et al., Canandaigua Lakefront Development LLC, North Shore P1 LLC, North Shore P1A LLC, North Shore P2 LLC, North Shore P3 LLC, North Shore P4 LLC 205 Indigo Creek Drive Rochester, New York 14626

> RE: Canandaigua Multi-Brownfield Site Redevel. Project Site ID No. C835025, Canandaigua, Ontario County Decision Document

Dear Mr. Caranci:

The New York State Department of Environmental Conservation (Department) and the New York State Department of Health (NYSDOH) have reviewed the Supplemental Remedial Investigation Report (SRIR), Remedial Alternatives Analysis (RAA) and Construction Completion Report (CCR) for the Canandaigua Multi-Brownfield Site Redevel. Project dated December 19, 2016 and prepared by LaBella Associates on behalf of Canandaigua Lakefront, LLC. The SRIR, RAA and CCR have been approved under separate cover. Please ensure that copies of the approved SRIR, RAA and CCR are placed in the document repository. Any draft documents should be removed.

Enclosed is a copy of the Department's Decision Document for the site. The remedy is to be implemented in accordance with this Decision Document. Please ensure that a copy of the Decision Document is placed in the document repository.

Please contact the Department's Project Manager, Timothy Schneider at 585-226-5480 or timothy.schneider@dec.ny.gov at your earliest convenience to discuss next steps.

Sincerely,

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Michael J. Cruden, P.E. Director Remedial Bureau E Division of Environmental Remediation

Enclosure

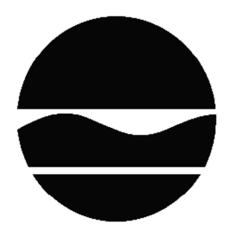
- ec: R. Schick/M. Ryan, NYSDEC
  - B. Schilling/T. Schneider/L. Schwartz, Region 8
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Department of Environmental Conservation

# **DECISION DOCUMENT**

Canandaigua Multi-Brownfield Site Redevel. Project Brownfield Cleanup Program Canandaigua, Ontario County Site No. C835025 December 2016



Prepared by Division of Environmental Remediation New York State Department of Environmental Conservation

# **DECLARATION STATEMENT - DECISION DOCUMENT**

## Canandaigua Multi-Brownfield Site Redevelopment Project Brownfield Cleanup Program Canandaigua, Ontario County Site No. C835025 December 2016

#### **Statement of Purpose and Basis**

This document presents the remedy for the Canandaigua Multi-Brownfield Site Redevelopment Project site, a brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the Canandaigua Multi-Brownfield Site Redevelopment Project site and the public's input to the proposed remedy presented by the Department.

#### **Description of Selected Remedy**

During the course of the investigation certain actions, known as interim remedial measures (IRMs), were undertaken at the above referenced site. An IRM is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before completion of the remedial investigation (RI) or alternatives analysis (AA). The IRM(s) undertaken at this site are discussed in Section 6.2.

Based on the implementation of the IRM(s), the findings of the investigation of this site indicate that the site no longer poses a threat to human health or the environment; therefore No Further Action is the selected remedy. The remedy may include continued operation of a remedial system if one was installed during the IRM and the implementation of any prescribed institutional controls/engineering controls (ICs/ECs) that have been identified as being part of the proposed remedy for the site.

#### Declaration

The remedy conforms to promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration Department guidance, as appropriate. The remedy is protective of public health and the environment.

# Michael J Cruden

Date

Digitally signed by Michael J Cruden DN: cn=Michael J Cruden, o=DER, ou=RBE, email=mjcruden@gw.dec.state.ny.us, c=US Date: 2016.12.21 14:21:01 -05'00'

Michael Cruden, Director Remedial Bureau E

# **DECISION DOCUMENT**

## Canandaigua Multi-Brownfield Site Redevelopment Project Canandaigua, Ontario County Site No. C835025 December 2016

#### SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), has selected a remedy for the above referenced site. The disposal of contaminants at the site resulted in threats to public health and the environment that were addressed by actions known as interim remedial measures (IRMs), which were undertaken at the site. An IRM is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before completion of the remedial investigation (RI) or alternative analysis (AA). The IRMs undertaken at this site are discussed in Section 6.2.

Based on the implementation of the IRM(s), the findings of the investigation of this site indicate that the site no longer poses a threat to human health or the environment. The IRM(s) conducted at the site attained the remediation objectives identified for this site, which are presented in Section 6.5, for the protection of public health and the environment. No Further Action is the selected remedy. A No Further Action remedy may include continued operation of any remedial system installed during the IRM and the implementation of any prescribed controls that have been identified as being part of the remedy for the site. This DD identifies the IRM(s) conducted and discusses the basis for No Further Action.

The New York State Brownfield Cleanup Program (BCP) is a voluntary program. The goal of the BCP is to enhance private-sector cleanups of brownfields and to reduce development pressure on "greenfields." A brownfield site is real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and 6 NYCRR Part 375. This document is a summary of the information that can be found in the site-related reports and documents.

#### SECTION 2: <u>CITIZEN PARTICIPATION</u>

The Department seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comment on the proposed remedy. All comments on the remedy received during the comment period were considered by the Department in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repository:

Wood Library Attn: Jenny Goodemote 134 North Main Street Canandaigua, NY 14424 Phone: 585-394-1381

#### **Receive Site Citizen Participation Information By Email**

Please note that the Department's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program, Voluntary Cleanup Program, and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at <a href="http://www.dec.ny.gov/chemical/61092.html">http://www.dec.ny.gov/chemical/61092.html</a>

#### SECTION 3: SITE DESCRIPTION AND HISTORY

Site Location: The site consists of seven contiguous parcels: 24, 50, 60, 100, 150 Lakeshore Drive and 40 Muar Street along the north shore of Canandaigua Lake in a suburban portion of Ontario County, New York. The site occupies Tax Parcels: 84.18-1-48, 84.18-1-47, 84.18-49, 84.18-46, 84.18-1-10.1 and 84.18-1-10.2 respectively.

Site Features: The majority of the 15.5 acre is secured with a locked fence and is vacant or currently under redevelopment.

Current Zoning: The site is zoned: Planned Unit Development, which includes residential and commercial uses. Adjoining properties are similarly zoned in addition to parks and recreational use. The nearest residential properties are 1/2 mile east and west of the site. The area is serviced by a public water supply.

Past Use of the Site: Previous uses have been residential (houses and two mobile house parks) and commercial such as restaurants, motels, a laundromat, and two gas stations which served the adjacent recreation and tourist areas.

Site Geology and Hydrogeology: The site is relatively flat at an elevation of roughly 690 feet above sea level. Groundwater, encountered a few feet below the surface, generally flows south and discharges to Canandaigua Lake approximately 250 feet from the property boundary. The site was formerly wetlands that were historically reclaimed for development through unregulated filling. As a result, historical fill underlies this site and surrounding properties. Beneath the fill are variable layers of sand/silt/clay; bedrock lies more than 100 feet deep in places.

A site location map is attached as Figure 1.

#### SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, alternatives (or an alternative) that restrict(s) the use of the site to as described in Part 375-1.8(g) were/was evaluated in addition to an alternative which would allow for unrestricted use of the site.

A comparison of the results of the investigation to the appropriate standards, criteria and guidance values (SCGs) for the identified land use and the unrestricted use SCGs for the site contaminants is available in the Remedial Investigation (RI) Report.

#### SECTION 5: ENFORCEMENT STATUS

The Applicant(s) under the Brownfield Cleanup Agreement is a/are Volunteer(s). The Applicant(s) does/do not have an obligation to address off-site contamination. However, the Department has determined that this site does not pose a significant threat to public health or the environment; accordingly, no enforcement actions are necessary.

#### SECTION 6: SITE CONTAMINATION

#### 6.1: <u>Summary of the Remedial Investigation</u>

A remedial investigation (RI) serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the contamination; and
- assess risk to human health and the environment.

The RI is intended to identify the nature (or type) of contamination which may be present at a site and the extent of that contamination in the environment on the site, or leaving the site. The RI reports on data gathered to determine if the soil, groundwater, soil vapor, indoor air, surface water or sediments may have been contaminated. Monitoring wells are installed to assess groundwater and soil borings or test pits are installed to sample soil and/or waste(s) identified. If other natural resources are present, such as surface water bodies or wetlands, the water and sediment may be sampled as well. Based on the presence of contamination. Data collected in the RI influence the development of remedial alternatives. The RI report is available for review in the site document repository and the results are summarized in section 6.3.

The analytical data collected on this site includes data for:

- groundwater

#### 6.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. The Department has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs for drinking water and soil vapor intrusion. For a full listing of all SCGs see: <u>http://www.dec.ny.gov/regulations/61794.html</u>

#### 6.1.2: <u>RI Results</u>

The data have identified contaminants of concern. A "contaminant of concern" is a contaminant that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified on the property are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized below. Additionally, the RI Report contains a full discussion of the data. The contaminant(s) of concern identified at this site is/are:

arsenic	cis-1,2-dichloroethene
lead	vinyl chloride
cadmium	petroleum products
benzo(a)pyrene	mercury
chrysene	dieldrin

Based on the investigation results, comparison to the SCGs, and the potential public health and environmental exposure routes, certain media and areas of the site required remediation. These media were addressed by the IRM(s) described in Section 6.2. More complete information can be found in the RI Report and the IRM Construction Completion Report.

#### 6.2: <u>Interim Remedial Measures</u>

An interim remedial measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Decision Document.

The following IRM(s) has/have been completed at this site based on conditions observed during the RI.

#### Interim Remedial Measure

The Interim Remedial Measures Work Plan was approved in June 2014, with 3 subsequent addendums approved December 2014, June 2015 and January 2016 respectively. IRM activities conducted between June 2014 and June 2016 included:

1.) Excavation and off-site disposal of soil exceeding restricted residential cleanup objectives within the top 2 feet of the surface of the site and potential source areas, including underground storage tanks (USTs), in the following areas:

- 50 Lakeshore Drive (formerly 28 and 30 Lakeshore Drive) – 15 USTs, petroleum contamination in soil and groundwater. Excavations 7-12' below ground surface (bgs.) and the application of an oxygen releasing compound (ORC) amendment to the excavation to enhance groundwater restoration. Historic fill material (HFM) from 25 Booth St. was used to backfill the 0-7' excavation at 28 Lakeshore and 4-12' excavation at 30 Lakeshore. ELAM bank run gravel was imported for backfill 0-4' at 30 Lakeshore. 3,420 cubic yards (cy.) of material was characterized for off-site disposal at a regulated facility;

- 100 Lakeshore Drive (formerly 130 Lakeshore Dr.) - petroleum contamination found in basement of the former Kellogg's Motor Inn Unit #5. Application of an ORC amendment to the excavation to enhance groundwater restoration. 230 cy. of material was characterized for off-site disposal;

- 100 Lakeshore Drive (formerly 130 Lakeshore Dr.) - pesticide and metals contamination in shallow (1-4' bgs) soil. 2480 cy. of material was characterized for off-site disposal;

- 50 Lakeshore Drive (formerly 25 Booth Street) - PCB contamination in surface (0 - 0.5'bgs) soil. 8 cy. of material was characterized for off-site disposal; and

- 150 Lakeshore Drive (formerly 158 Lakeshore Drive) – 2 USTs, petroleum, PAHs and metals contamination in soil (2-8' bgs). 22 cy. of material was characterized for off-site disposal.

Confirmatory sampling was conducted in accordance with DER-10 and clean backfill material was used for excavations at 100 and 150 Lakeshore Drive (formerly 130 and 158 Lakeshore Drive) while HFM was reused as backfill elsewhere on the site. All excavations have been capped with protective cover systems over a demarcation layer including soil cover in accordance with 6NYCRR part 375-6.7(d) for restricted residential site use.

Remaining soil contamination at the site, including HFM at 24, 50, 60, 100, 150 Lakeshore Drive and 40 Muar Street (formerly 25 Booth St., 24, 26, 28, 30 and 158 Lakeshore Drive) has protective cover systems including a demarcation layer installed to meet restricted residential site use.

- 2.) The installation of impervious utility trench plugs was conducted in June / July 2015 to prevent further on-site migration of a volatile organic compound (VOC) contaminant plume encroaching from the northern property line of 100 Lakeshore Drive (formerly 30 Lakeshore Drive).
- 3.) The installation of 2' thick clean soil cover with demarcation layer over the majority of the

site including historic fill material (HFM) and remaining contamination has progressed between June 2014 through June 2016 as part of IRM backfill / restoration activities as well as redevelopment grading. The majority of the 2' soil cover is constructed with imported aggregate for the first foot and imported top soil for the second foot meeting site specific quality requirements in accordance with 6NYCCR part 375-6.7(d). In addition, as part of the IRM Addendum Work Plan dated December 22, 2014, the Department approved approximately 3 acres of existing 2' soil cover meeting 6NYCRR part 375-6.7(d) quality for restricted residential use as final cover at 100 and 150 Lakeshore Drive (formerly 130 and 158 Lakeshore Drive).

IRM activities are documented in the Construction Completion Report for IRMs at the Canandaigua Multi Brownfield Site dated June 2016, revised December 2016, including remaining contamination and cover systems in-place over the entire BCP site.

#### Interim Site Management Plan

An Interim Site Management Plan (ISMP) was developed to facilitate change of use redevelopment activities at the site. These activities included:

- 1.) The installation or modification of cover systems consistent with phased site redevelopment. Cover systems include hard surfaces such as asphalt, concrete and buildings as well as 2' thick soil cover suitable for restricted residential site use overtop a demarcation layer.
- 2.) The installation of sub-slab depressurization system (SSDS) components in newly constructed buildings which have first floor occupancy. Prior to occupancy, an approved post remedial soil vapor intrusion evaluation will be completed to determine if actions recommended to address soil vapor intrusion need to be implemented. In addition, as-built drawings and pressure field extension testing of SSDS must be approved by the Department prior to occupancy. An approved SSDS may be activated without a soil vapor intrusion evaluation.

#### 6.3: <u>Summary of Environmental Assessment</u>

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water. The RI report presents a detailed discussion of any existing and potential impacts from the site to fish and wildlife receptors.

#### Nature and Extent of Contamination:

Soil and groundwater on the site have been analyzed for volatile organic compounds, semi-volatile organic compounds, metals, pesticides/herbicides and PCBs.

Soil: On-site - More than 130 soil samples were analyzed at this 15.5 acre site. The primary site related contaminants of concern (COCs) remaining at the site after the IRMs include arsenic, cadmium, mercury and lead and PAHs below protective site cover systems. COCs include

arsenic concentrations ranging from 16.8 to 21.7 parts per million (ppm), cadmium ranging from 4.4 to 288 ppm, mercury ranging from 1.3 to 12.4 ppm, lead ranging from 574 to 2850 ppm, benzo (a) pyrene ranging from 1.1 to 5.2 ppm; benzo (a) anthracene ranging from 2.3 to 4.7 ppm, benzo (b) fluoranthene ranging from 1.3 to 7.5 ppm, and chrysene ranging from 2.2 to 5.9 ppm. Groundwater in proximity to these contaminants is not impacted. Data does not indicate any off-site impacts in soil related to this site.

Groundwater On-site – VOCs identified were, cis-DCE and VC to 1,100 ppb and are related to an off-site source to be addressed by Parkway Cleaners VCP Site #V00238. The extent of this plume is well defined, IRM activities have been undertaken in 2015 to control further plume migration (impervious utility trench plugs). Petroleum related groundwater contamination was found during the remedial investigation primarily along the southern boundary of 28 and 30 Lakeshore Dr. (BTEX to 210 ppb) and 158 Lakeshore Dr. (MTBE to 32 ppb) near Hess Station spill #93-03037. Metals (lead to 1310 ppb) were found in the vicinity of former USTs. Post IRM (UST excavation and ORC amendments) groundwater data from June 2016 at 28 and 30 Lakeshore Drive is non-detect. Data does not indicate any off-site impacts in groundwater related to this site.

Soil Vapor: A site wide passive soil gas survey detected very low levels of VOCs across the site. Except for a defined VOC groundwater plume migrating on-site across the northern property line, potential site related soil vapor contaminant sources in soil or groundwater were not identified. Because no occupied buildings remained at the site during the RI, sub-slab soil vapor and indoor air data were not collected to evaluate the potential for soil vapor intrusion. Data does not indicate any off-site impacts in soil vapor related to this site.

## 6.4: <u>Summary of Human Exposure Pathways</u>

This human exposure assessment identifies ways in which people may be exposed to site-related contaminants. Chemicals can enter the body through three major pathways (breathing, touching or swallowing). This is referred to as *exposure*.

People are not drinking the contaminated groundwater because the area is served by a public water supply that is not contaminated by the site. People may come into contact with contaminated soil if they trespass on the site or if they dig below the ground surface. Volatile organic compounds in groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect 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. Environmental sampling indicates soil vapor is contaminated on-site and actions have been recommended to address the potential for soil vapor intrusion to occur in future on-site buildings. Off-site soil vapor intrusion sampling is being conducted as part of the Parkway Cleaners site (V00238).

## 6.5: <u>Summary of the Remediation Objectives</u>

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial program is to restore the site to

pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

The remedial action objectives for this site are:

#### **Groundwater**

#### **RAOs for Public Health Protection**

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.
- Prevent contact with, or inhalation of volatiles, from contaminated groundwater.

#### <u>Soil</u>

#### **R**AOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.
- Prevent inhalation of or exposure from contaminants volatilizing from contaminants in soil.

#### <u>Soil Vapor</u>

#### **RAOs for Public Health Protection**

• Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at a site.

## SECTION 7: ELEMENTS OF THE SELECTED REMEDY

The elements of the selected remedy are:

1.) No Further Action

Based on the results of the investigations at the site, the IRMs that have been performed, and the evaluation presented here, the Department is proposing No Further Action as the remedy for the site.

The elements of the IRM already completed are:

- The removal of USTs and petroleum impacted soils in addition to ORC amendments added to excavation prior to backfill;
- The removal of pesticide, petroleum and metals impacted soils above restricted residential soil cleanup objectives;
- Site wide cover systems for Restricted Residential use; and
- Implementation of an interim site management plan (ISMP) during development, to install and/or modify existing cover systems consistent with phased site redevelopment and design and construct sub-slab depressurization system components in new buildings.

#### 2.) Cover System

A site cover currently exists and will be maintained to allow for restricted residential use of

the site. Any site redevelopment will maintain the existing site cover, which consists either of the structures such as buildings, pavement, sidewalks or soil where the upper 2 feet of exposed surface soil meets the applicable soil cleanup objectives (SCOs) for restricted residential use. Any fill material brought to the site will meet the requirements for the identified site use as set forth in 6NYCRR part 375-6.7(d). Cover systems are shown on Figure 2.

#### 3.) Institutional Control

Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

- require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allow the use and development of the controlled property restricted residential use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and
- require compliance with the Department approved Site Management Plan.

## 4.) Site Management Plan

A Site Management Plan is required, which includes the following:

a.) an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:

Institutional Controls: The Environmental Easement discussed above.

Engineering Controls: The soil cover discussed above.

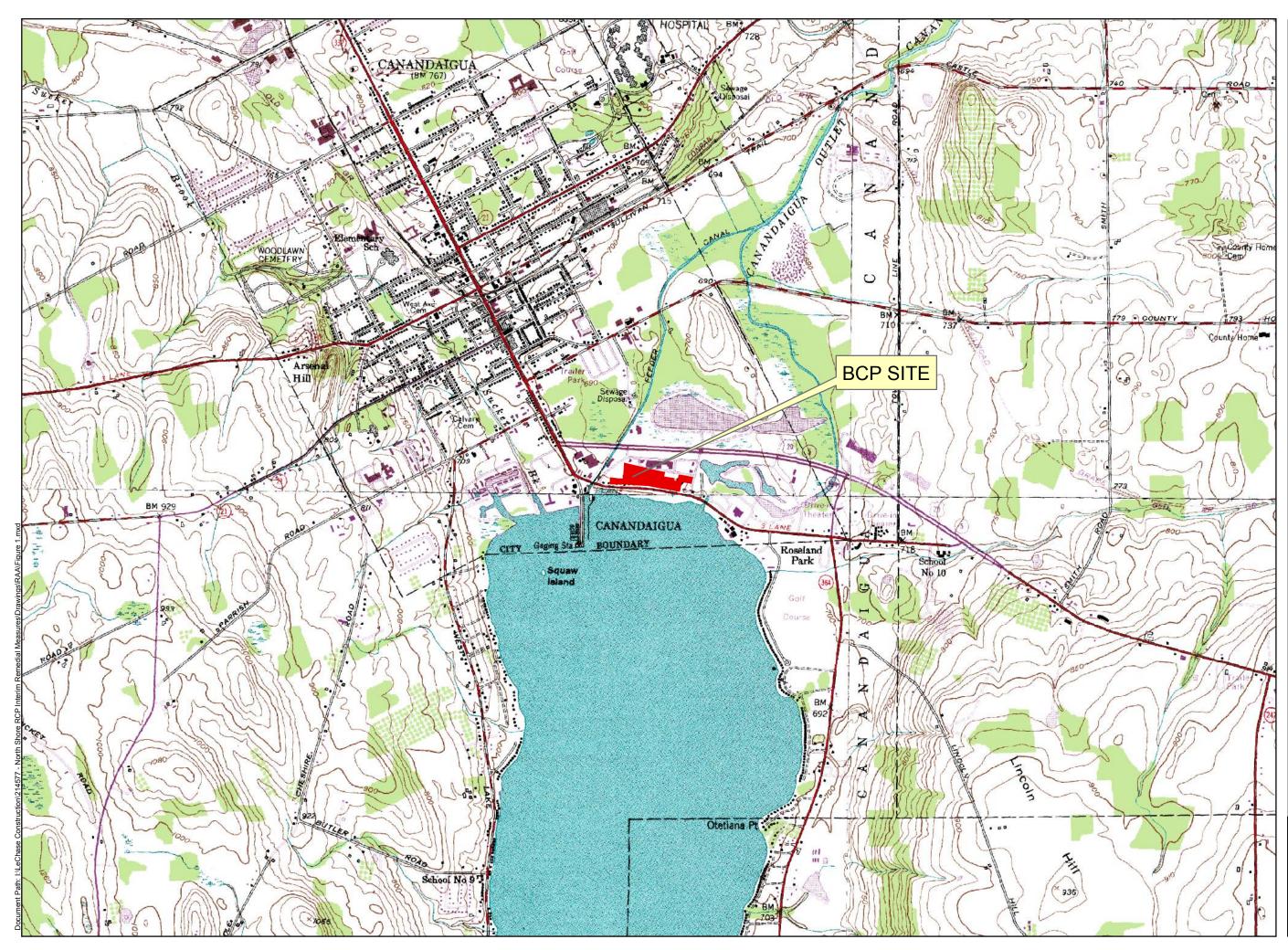
This plan includes, but may not be limited to:

- an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
- a provision should redevelopment occur to ensure no soil exceeding protection of groundwater concentrations will remain below storm water retention basin or infiltration structures.
- descriptions of the provisions of the environmental easement including any land use, and groundwater use restrictions;
- a provision for evaluation of the potential for soil vapor intrusion if future buildings are developed on the site, including provision for implementing actions recommended to address exposures related to soil vapor;
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and

• the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

b.) a Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:

- monitoring of groundwater to assess the performance and effectiveness of the remedy/IRM;
- a schedule of monitoring and frequency of submittals to the Department;
- monitoring for vapor intrusion for any future buildings developed on the site, as may be required by the Institutional and Engineering Control Plan discussed above.





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Remedial Alternatives Analysis

Canandaigua Multi-Brownfield Site, New York

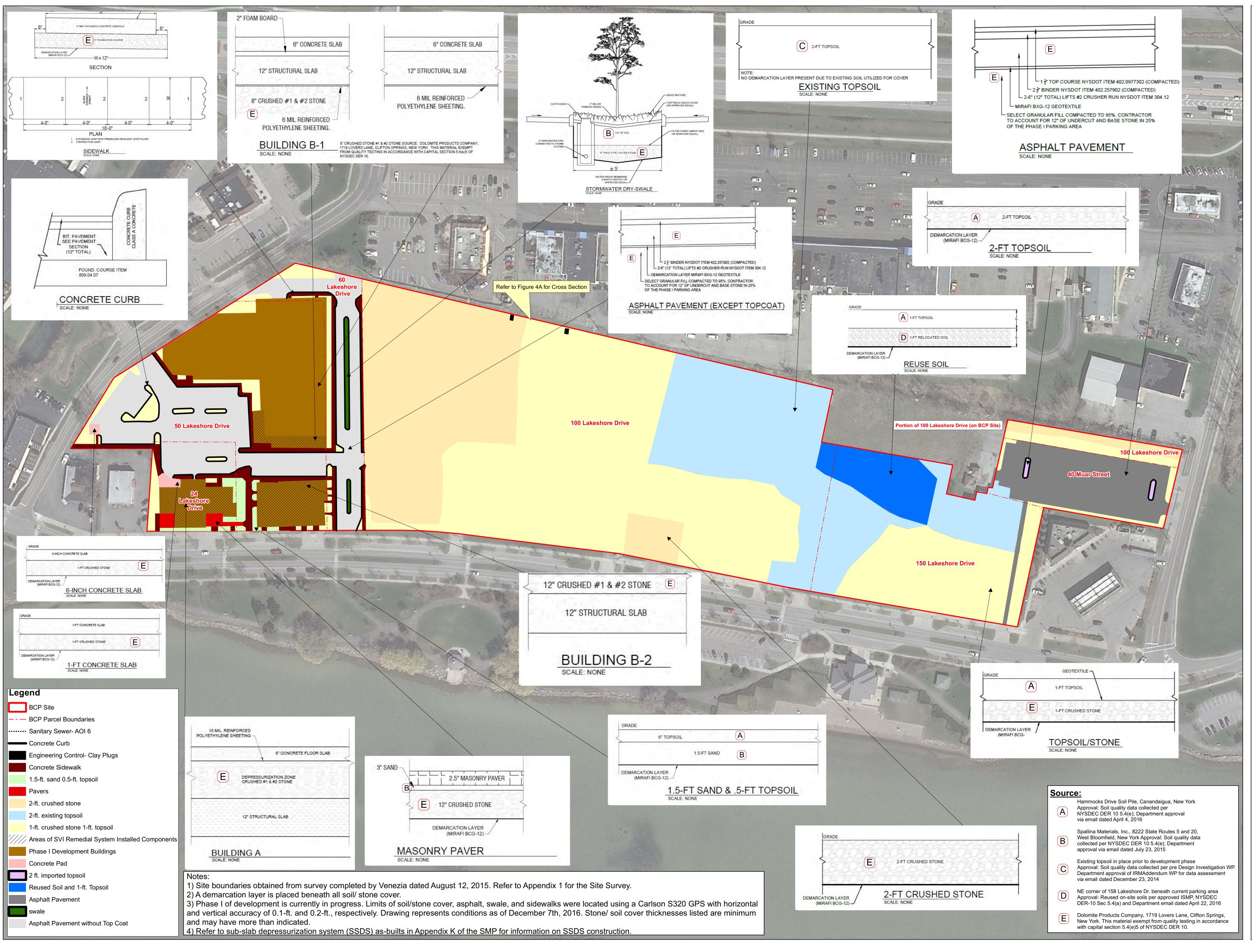
> NYSDEC BCP #C835025

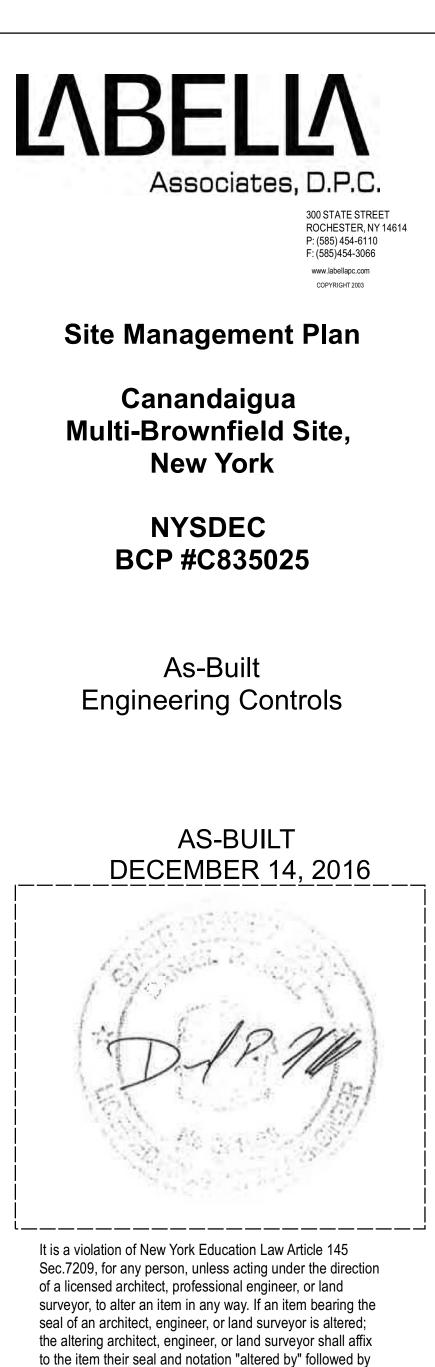
Site Location Map USGS Topographic Map

> 0 2,000 Feet 1 inch = 2,000 feet Intended to print as 11x17



NYSDEC Decision Document **FIGURE 1** 





150 75 Feet

their signature and date of such alteration, and a specific

description of the alteration.

1 inch = 75 feet Intended to print as ARCH D Site boundaries obtained from survey completed by Venezia dated August 12, 2015.



NYSDEC **Decision Document** FIGURE 2