synapse

# SOILS MANAGEMENT PLAN

## ROD MILL PARCEL - Parcel 5
## OLD GENERAL CABLE SITE
## ROME, NEW YORK

**VCA INDEX NO. D6-0001-97-07**
**NYSDEC SPILL NOS. 02-12777 & 02-12778**

**Prepared for:**

**Charles A. Gaetano**
**311 Turner Street**
**Utica, NY 13501**

**Prepared by:**

**Synapse Risk Management, LLC**
**400 University Building**
**120 East Washington Street**
**Syracuse, NY 13202**
**(315) 475-3700**

**November 2005**

# TABLE OF CONTENTS

## 1.0 OVERVIEW AND OBJECTIVES

Overview

The site is a 6.098-acre vacant former industrial parcel currently owned by Charles A. Gaetano (herein after "the Property"). The Property is identified herein and is commonly referred to in other documents as the Rod Mill Parcel, or Parcel No. 5 of the Old General Cable Site in the City of Rome, New York. The location of the Property is shown on Figure 1 - Site Location Plan.

The Property has been investigated and remediated under New York State's Voluntary Cleanup Program (VCP), pursuant to a Voluntary Cleanup Agreement (VCA) between Mr. Gaetano and the New York State Department of Environmental Conservation (NYSDEC). The investigation and remediation of the Property and environmental condition have been documented in the following reports and workplans:

- Phase II Investigation of the East Rome Business Park Core Area, Rome, New York, Remediation Technologies, Inc. (July 1997);
- Remedial Action Work Plan, Rod Mill Parcel, Central Core East Rome Business Park, Rome, New York, Jack Eisenbach Engineering, P.C. (May 5, 1998);
- Rod Mill Parcel Environmental Remediation Closure Report, Jack Eisenbach Engineering, P.C. (April 26, 2001);
- Rod Mill Parcel Remedial Action Closure Report (Amendment to Environmental Remediation Closure Report April 26, 2001), Jack Eisenbach Engineering, P.C. (May 30, 2003);
- Voluntary Cleanup Agreement Closure Workplan, Rod Mill Parcel, Synapse Risk Management, LLC (January 2005); and
- Voluntary Cleanup Agreement Closure Report, Rod Mill Parcel, Synapse Risk Management, LLC (August 2005).

Objective

The objective of this Soils Management Plan (SMP) is to: (1) set forth guidance for management of soil during future Property activities including redevelopment that could potentially breach the current cover system at the Property and (2) provide for establishing modified cover systems that are compatible with the redevelopment plans. This SMP addresses environmental concerns related to soil management, and has been reviewed and approved by NYSDEC, as provided in Exhibit 1.

## 2.0 NATURE AND EXTENT OF IMPACTS

The environmental condition of the Property has been investigated and remediated pursuant to a VCA with the NYSDEC, as detailed in the above-referenced documents. The following provides an overview of the residual environmental conditions at the Property that are set forth in greater detail in the above reports.

### 2.1 Soil

The constituents of potential concern (COPCs) in soil based on information obtained from the Phase II Investigation (Jack Eisenbach Engineering, P.C. May 5, 1998) and the VCA Closure Report are summarized as follows:

Analytical results from soil boring SB-3 collected on December 16, 1996 from the northern portion of the former Rod Mill Building indicated the following:

- Low levels of benzene, toluene, trichloroethylene, and 1,1-dichloroethylene (each less than 0.025 milligrams per kilograms [mg/kg]) were identified in the soil at a depth of 4 feet below ground surface. These detected concentrations are below the respective Recommended Soil Cleanup Objectives (RSCOs) set forth in NYSDEC Technical and Administrative Guidance Memorandum: Determination of Soil Cleanup Objectives and Cleanup Levels, HWR-94-4046, January 24, 1994 (TAGM 4046). These constituents were not present in groundwater or soil gas samples obtained at this location.

Analytical results from soil samples SSB-2 and SSB-4 collected on February 23, 2005 from the 2003 Aboveground Storage Tank Remedial Action (AST RA) east and west sidewalls, respectively, indicated the presence of two VOCs and one SVOC at concentrations that exceed the NYSDEC RSCOs:

- Methylene chloride was detected at an estimated concentration of 4 mg/kg in soil sample SSB-2. The methylene chloride RSCO is 0.1 mg/kg. Methylene chloride is a common laboratory contaminant; and
- Acetone was detected at a concentration of 25 mg/kg in soil sample SSB-4. The acetone RSCO is 0.2 mg/kg. Acetone is a common laboratory contaminant.
- One SVOC, phenol, was detected in the four sidewall and one blind duplicate QA/QC sample at estimated concentrations ranging from 0.045 to 0.120 mg/kg, which exceeds the phenol RSCO of 0.03 mg/kg. Phenol was also identified in the method blank and therefore may be an indication of laboratory contamination.

Laboratory analytical data from the two soil samples collected west of the storm drain (SSB-5 and SSB-6) on February 23, 2005 did not identify concentrations of VOCs, SVOCs or respective TICs above NYSDEC RSCOs, with the following clarifications.

- The presence of one VOC at a concentration that exceed the NYSDEC RSCO.
    - Methylene chloride was detected at an estimated concentration of 4 mg/kg in soil samples SSB-5 and SSB-6. Methylene chloride has not historically been identified at the Property and is a common laboratory contaminant.

- One SVOC, phenol, was detected at estimated concentrations of 0.072 and 0.038 mg/kg in soil samples SSB-5 and SSB-6, respectively. Phenol was also identified in the method blank as well as the soil samples and therefore may be an indication of laboratory contamination.

The risk from exposure to the COPCs will be minimized through the maintenance of existing cover systems and construction of modified cover systems associated with future development plans in accordance with this Soils Management Plan. This Soils Management Plan will be attached to the recorded Deed Restriction for the property as an Exhibit. The Deed Restriction and Soils Management Plan may be modified only by an amendment approved by NYSDEC.

## 2.2 Groundwater

The COPCs for groundwater, as set forth in the VCA Closure Report, are summarized as follows:

- Laboratory analytical data from the groundwater samples collected from TMW-5 identified one VOC, one SVOC and no respective TICs above NYSDEC groundwater quality standards set forth in Technical Operational Guidance Series (TOGS) 1.1.1.
    - One VOC, cis-1,2-DCE, was detected at a concentration 32 and 33 micrograms per liter (ug/l) respectively, in the primary sample and its blind duplicate sample collected from temporary monitoring well TMW-5. The NYSDEC groundwater quality standard is 5 ug/l.
    - One SVOC, dibenzofuran, was detected at a concentration of 15 ug/l and an estimated concentration of 6 ug/l respectively, in the primary sample and the blind duplicate sample collected from temporary monitoring well TMW-5. There is no NYSDEC groundwater quality standard for dibenzofuran.

Cis-1,2-DCE has a low to moderate solubility and mobility in groundwater. Natural degradation of cis-1,2-DCE is anticipated to continue, and mobility will be reduced via placement and management of the existing cover systems, and construction of modified cover systems associated with future development plans. Recorded Deed Restriction for the Property will restrict future groundwater use.

## 3.0 CONTEMPLATED FUTURE USE

Following NYSDEC's written approval of the VCA Closure Report and issuance of its Assignable Release and Covenant Not to Sue, the Property is to be conveyed to the City of Rome as part of the redevelopment project that will support the Rome Community Recreational Center as depicted in Exhibit 2 – Rome Community Center Massing Diagram (Full Build-Out Option). As part of this redevelopment project, the Property has been identified as green space in support of the new center.

The Deed Restriction for the property shall prohibit the Property from being used for purposes other than commercial or industrial, without the express written waiver of such prohibition by NYSDEC.

## 4.0 PURPOSE AND DESCRIPTION OF SURFACE COVER SYSTEMS

### 4.1 Purpose

The purpose of a surface cover system is to minimize the potential for human contact with impacted material and the potential for impacted runoff from the Property. The surface cover systems that exist at the time of completion of Remedial Activities at the Property (See Figure 1) will be utilized and they consist of one of the following types of material:

- Soil: A minimum of six inches of clean soil or fill and vegetation cover in areas where asphalt or concrete are not present.

- Asphalt: a minimum of six inches of material (asphalt and subbase material) in areas that will become roadways, sidewalks, and parking lots. Actual cross sections will be determined based on the intended use of the area.

- Concrete: a minimum of six inches of material (concrete and subbase material) in areas that will become slab-on-grade structures or for roadways, sidewalks, and parking lots in lieu of asphalt. For slab-on-grade structures, engineering controls will be placed beneath the concrete. Actual cross sections will be determined based on the intended use of the area.

### 4.2 Existing Surface Cover System

As of the completion of the VCA closure activities in August 2005, greater than approximately 95% of the Property has a concrete or asphalt cover system. A soil cover system is located in the southeast corner of the Property in the vicinity of the former AST remediation area. This area currently maintains a clean soil cover greater than six inches that is predominantly vegetated.

### 4.2 Future Surface Cover System

The proposed future use of the Property is to incorporate the Property into the redevelopment project for the Rome Community Recreational Center. Redevelopment plans propose the construction and enhancement of the existing cover system at the Property, including the placement of a six inch layer of soil in select areas that will be hydro-seeded and covered with mulch.

## 5.0 MANAGEMENT OF SOILS/FILL AND LONG TERM MAINTENANCE OF COVER SYSTEM

This section presents environmental guidelines for management of subsurface soils/fill, and for the long-term maintenance of the cover systems. The intent of the existing and future cover systems are to be maintained without breach. In the event that future intrusive work breaches the cover system, the following conditions will be obligatory:

- Any breach of the cover system, including for the purposes of construction or utilities work, must be replaced or repaired using an acceptable borrow source that requires no regulatory approval for use at the property. The repaired area must be covered with material from an acceptable borrow source and reseeded or covered with impervious product such as concrete or asphalt, as described in Section 4, to prevent erosion in the future.

- Control of surface erosion and run-off of the Property at all times, including during construction activities. This includes proper maintenance of the vegetative cover established on the Property, as needed.

- Soil that is excavated and is intended to be removed from the Property must be managed, characterized, and properly disposed of in accordance with NYSDEC regulations and directives.

- Soil excavated at the Property may be reused as backfill material on-site provided it contains no visual or olfactory evidence of contamination, and it is placed beneath a cover system component as described in Section 4.

- Any off-site fill material brought to the Property for filling and grading purposes shall be from an acceptable borrow source that requires no regulatory approval for use at the property. Off-site borrow sources shall be subject to collection of one representative composite sample per source. The sample should be analyzed for Target Compound List (TCL) VOCs, SVOCs, pesticides, polychlorinated biphenyls (PCBs), and Target Analyte List (TAL) metals plus cyanide. The soil will be acceptable for use provided that all parameters meet the NYSDEC RSCOs

- Prior to any construction activities, workers are to be notified of the site conditions with clear instructions regarding how the work is to proceed. Invasive work performed at the property will be performed in accordance with all applicable local, state, and federal regulations to protect worker health and safety.

### 5.1 Annual Certification

The fee owner of the Property, as of December 31 of the calendar year, shall complete and submit to NYSDEC an annual report by March 31st of the following year. Such annual report shall contain a certification that the institutional controls put in place, pursuant to the Deed Restriction, are still in place and the cover system on the Property has not been modified except in accordance with this Soils Management Plan or in a matter approved by NYSDEC.

If the cover system has been breached during the year covered by that Annual Report, the owner of the Property shall include in that annual report a certification that all work was performed in conformance with this SMP.

The first annual report shall be submitted by March 31 of the following calendar year when the Deed Restriction is recorded.

### 5.2 Management of the Excavated Soil/Fill for Off-site Disposal.

Soil/fill that is excavated during redevelopment activities that can not be used as fill below the cover system will be further characterized prior to transportation off-site for disposal at a permitted facility.

For excavated soil/fill with visual evidence of contamination (i.e., staining or elevated PID measurements), one composite sample and a duplicate sample will be collected for each 100 cubic yards of stockpiled soil/fill. For excavated soil/fill that does not exhibit visual evidence of contamination but must be sent for off-site disposal, one composite sample and one duplicate sample will be collected for each 2,000 cubic yards of stockpiled soil, and a minimum of 1 composite sample will be collected for volumes less than 2,000 cubic yards.

Composite samples of stockpiled soil will be collected from five locations within each stockpile. A duplicate composite sample will also be collected. PID measurements will be recorded for each of the five individual locations. One grab sample will be collected from the individual location with the highest PID measurement. If none of the five individual sample locations exhibit PID readings, one location will be selected at random. The composite sample will be analyzed by a NYSDOH ELAP-certified laboratory for pH (EPA Method 9045C), TCL SVOCs, pesticides, and PCBs, and TAL metals, and cyanide. The grab sample will be analyzed for TCL VOCs.

Soil samples will be composited by placing equal portions from each of the five composite sample locations into a pre-cleaned, stainless steel (or Pyrex glass) mixing bowl. The soil/fill will be thoroughly homogenized using a stainless steel scoop or trowel and transferred to dedicated sample containers provided by the laboratory. Samples will then be transported to the laboratory utilizing standard chain-of-custody protocols.

Additional characterization for off-site disposal may be required by the selected disposal facility. To potentially reduce off-site disposal requirements/costs, the owner or site developer may also choose to characterize each stockpile individually. If the analytical results indicate that concentrations exceed the standards for RCRA characteristics, the material will be considered a hazardous waste and must be properly disposed off-site at a permitted disposal facility within 90 days of excavation. If analytical results indicate that the soil is not a hazardous waste, the material may be properly disposed off-site at a non-hazardous waste facility. Stockpiled soil cannot be transported off-site prior to receipt of analytical results.

### 5.3 Management of Subgrade Material

Subgrade material to be used as excavation backfill, or placed to increase site grades or elevation, shall meet the following criteria:

- Excavated on-site soil/fill which appears to be visually impacted shall be characterized as discussed in the preceding Section 5.2. If analytical results indicate that COPCs, if any, are present at concentrations below the RSCOs set forth in TAGM 4046, the soil/fill can be used as backfill on-site.

- Off-site fill material brought to the Property for filling and grading purposes shall be from a borrow source that requires no regulatory approval for use at the property.

- "Virgin" soil sources shall be documented in writing to be native soil material from areas not having supported any known prior industrial or commercial development or agricultural use.

- Virgin soils shall also be subject to collection of one representative composite sample per source. The sample should be analyzed for TCL VOCs, SVOCs, pesticides, PCBs, arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, and cyanide. The soil will be acceptable for use as backfill provided that all parameters meet the TAGM 4046 RSCOs.

- Non-virgin soils will be tested via collection of one composite sample per 500 cubic yards of material from each source area. If more than 1,000 cubic yards of soil are borrowed from a given off-site non-virgin soil source area, and both samples of the first 1,000 cubic yards meet TAGM 4046 RSCOs, the sample collection frequency will be reduced to one composite sample for every 2,500 cubic yards of additional soils from the same source, up to 5,000 cubic yards. For borrow sources greater than 5,000 cubic yards, sampling frequency may be reduced to one sample per 5,000 cubic yards, provided all earlier samples met the TAGM 4046 RSCOs.

synapse

# SOILS MANAGEMENT PLAN

## ROD MILL PARCEL - Parcel 5
## OLD GENERAL CABLE SITE
## ROME, NEW YORK

**VCA INDEX NO. D6-0001-97-07**
**NYSDEC SPILL NOS. 02-12777 & 02-12778**

**Prepared for:**

**Charles A. Gaetano**
**311 Turner Street**
**Utica, NY 13501**

**Prepared by:**

**Synapse Risk Management, LLC**
**400 University Building**
**120 East Washington Street**
**Syracuse, NY 13202**
**(315) 475-3700**

**November 2005**

## TABLE OF CONTENTS



**LIST OF FIGURES**



**LIST OF EXHIBITS**

## 1.0 OVERVIEW AND OBJECTIVES

Overview

The site is a 6.098-acre vacant former industrial parcel currently owned by Charles A. Gaetano (herein after "the Property"). The Property is identified herein and is commonly referred to in other documents as the Rod Mill Parcel, or Parcel No. 5 of the Old General Cable Site in the City of Rome, New York. The location of the Property is shown on Figure 1 - Site Location Plan.

The Property has been investigated and remediated under New York State's Voluntary Cleanup Program (VCP), pursuant to a Voluntary Cleanup Agreement (VCA) between Mr. Gaetano and the New York State Department of Environmental Conservation (NYSDEC). The investigation and remediation of the Property and environmental condition have been documented in the following reports and workplans:

- Phase II Investigation of the East Rome Business Park Core Area, Rome, New York, Remediation Technologies, Inc. (July 1997);
- Remedial Action Work Plan, Rod Mill Parcel, Central Core East Rome Business Park, Rome, New York, Jack Eisenbach Engineering, P.C. (May 5, 1998);
- Rod Mill Parcel Environmental Remediation Closure Report, Jack Eisenbach Engineering, P.C. (April 26, 2001);
- Rod Mill Parcel Remedial Action Closure Report (Amendment to Environmental Remediation Closure Report April 26, 2001), Jack Eisenbach Engineering, P.C. (May 30, 2003);
- Voluntary Cleanup Agreement Closure Workplan, Rod Mill Parcel, Synapse Risk Management, LLC (January 2005); and
- Voluntary Cleanup Agreement Closure Report, Rod Mill Parcel, Synapse Risk Management, LLC (August 2005).

Objective

The objective of this Soils Management Plan (SMP) is to: (1) set forth guidance for management of soil during future Property activities including redevelopment that could potentially breach the current cover system at the Property and (2) provide for establishing modified cover systems that are compatible with the redevelopment plans. This SMP addresses environmental concerns related to soil management, and has been reviewed and approved by NYSDEC, as provided in Exhibit 1.

## 2.0 NATURE AND EXTENT OF IMPACTS

The environmental condition of the Property has been investigated and remediated pursuant to a VCA with the NYSDEC, as detailed in the above-referenced documents. The following provides an overview of the residual environmental conditions at the Property that are set forth in greater detail in the above reports.

### 2.1 Soil

The constituents of potential concern (COPCs) in soil based on information obtained from the Phase II Investigation (Jack Eisenbach Engineering, P.C. May 5, 1998) and the VCA Closure Report are summarized as follows:

Analytical results from soil boring SB-3 collected on December 16, 1996 from the northern portion of the former Rod Mill Building indicated the following:

- Low levels of benzene, toluene, trichloroethylene, and 1,1-dichloroethylene (each less than 0.025 milligrams per kilograms [mg/kg]) were identified in the soil at a depth of 4 feet below ground surface. These detected concentrations are below the respective Recommended Soil Cleanup Objectives (RSCOs) set forth in NYSDEC Technical and Administrative Guidance Memorandum: Determination of Soil Cleanup Objectives and Cleanup Levels, HWR-94-4046, January 24, 1994 (TAGM 4046). These constituents were not present in groundwater or soil gas samples obtained at this location.

Analytical results from soil samples SSB-2 and SSB-4 collected on February 23, 2005 from the 2003 Aboveground Storage Tank Remedial Action (AST RA) east and west sidewalls, respectively, indicated the presence of two VOCs and one SVOC at concentrations that exceed the NYSDEC RSCOs:

- Methylene chloride was detected at an estimated concentration of 4 mg/kg in soil sample SSB-2. The methylene chloride RSCO is 0.1 mg/kg. Methylene chloride is a common laboratory contaminant; and
- Acetone was detected at a concentration of 25 mg/kg in soil sample SSB-4. The acetone RSCO is 0.2 mg/kg. Acetone is a common laboratory contaminant.
- One SVOC, phenol, was detected in the four sidewall and one blind duplicate QA/QC sample at estimated concentrations ranging from 0.045 to 0.120 mg/kg, which exceeds the phenol RSCO of 0.03 mg/kg. Phenol was also identified in the method blank and therefore may be an indication of laboratory contamination.

Laboratory analytical data from the two soil samples collected west of the storm drain (SSB-5 and SSB-6) on February 23, 2005 did not identify concentrations of VOCs, SVOCs or respective TICs above NYSDEC RSCOs, with the following clarifications.

- The presence of one VOC at a concentration that exceed the NYSDEC RSCO.
    - Methylene chloride was detected at an estimated concentration of 4 mg/kg in soil samples SSB-5 and SSB-6. Methylene chloride has not historically been identified at the Property and is a common laboratory contaminant.

- One SVOC, phenol, was detected at estimated concentrations of 0.072 and 0.038 mg/kg in soil samples SSB-5 and SSB-6, respectively. Phenol was also identified in the method blank as well as the soil samples and therefore may be an indication of laboratory contamination.

The risk from exposure to the COPCs will be minimized through the maintenance of existing cover systems and construction of modified cover systems associated with future development plans in accordance with this Soils Management Plan. This Soils Management Plan will be attached to the recorded Deed Restriction for the property as an Exhibit. The Deed Restriction and Soils Management Plan may be modified only by an amendment approved by NYSDEC.

## 2.2 Groundwater

The COPCs for groundwater, as set forth in the VCA Closure Report, are summarized as follows:

- Laboratory analytical data from the groundwater samples collected from TMW-5 identified one VOC, one SVOC and no respective TICs above NYSDEC groundwater quality standards set forth in Technical Operational Guidance Series (TOGS) 1.1.1.
    - One VOC, cis-1,2-DCE, was detected at a concentration 32 and 33 micrograms per liter (ug/l) respectively, in the primary sample and its blind duplicate sample collected from temporary monitoring well TMW-5. The NYSDEC groundwater quality standard is 5 ug/l.
    - One SVOC, dibenzofuran, was detected at a concentration of 15 ug/l and an estimated concentration of 6 ug/l respectively, in the primary sample and the blind duplicate sample collected from temporary monitoring well TMW-5. There is no NYSDEC groundwater quality standard for dibenzofuran.

Cis-1,2-DCE has a low to moderate solubility and mobility in groundwater. Natural degradation of cis-1,2-DCE is anticipated to continue, and mobility will be reduced via placement and management of the existing cover systems, and construction of modified cover systems associated with future development plans. Recorded Deed Restriction for the Property will restrict future groundwater use.

## 3.0 CONTEMPLATED FUTURE USE

Following NYSDEC's written approval of the VCA Closure Report and issuance of its Assignable Release and Covenant Not to Sue, the Property is to be conveyed to the City of Rome as part of the redevelopment project that will support the Rome Community Recreational Center as depicted in Exhibit 2 – Rome Community Center Massing Diagram (Full Build-Out Option). As part of this redevelopment project, the Property has been identified as green space in support of the new center.

The Deed Restriction for the property shall prohibit the Property from being used for purposes other than commercial or industrial, without the express written waiver of such prohibition by NYSDEC.

## 4.0 PURPOSE AND DESCRIPTION OF SURFACE COVER SYSTEMS

### 4.1 Purpose

The purpose of a surface cover system is to minimize the potential for human contact with impacted material and the potential for impacted runoff from the Property. The surface cover systems that exist at the time of completion of Remedial Activities at the Property (See Figure 1) will be utilized and they consist of one of the following types of material:

- Soil: A minimum of six inches of clean soil or fill and vegetation cover in areas where asphalt or concrete are not present.
- Asphalt: a minimum of six inches of material (asphalt and subbase material) in areas that will become roadways, sidewalks, and parking lots. Actual cross sections will be determined based on the intended use of the area.
- Concrete: a minimum of six inches of material (concrete and subbase material) in areas that will become slab-on-grade structures or for roadways, sidewalks, and parking lots in lieu of asphalt. For slab-on-grade structures, engineering controls will be placed beneath the concrete. Actual cross sections will be determined based on the intended use of the area.

### 4.2 Existing Surface Cover System

As of the completion of the VCA closure activities in August 2005, greater than approximately 95% of the Property has a concrete or asphalt cover system. A soil cover system is located in the southeast corner of the Property in the vicinity of the former AST remediation area. This area currently maintains a clean soil cover greater than six inches that is predominantly vegetated.

### 4.2 Future Surface Cover System

The proposed future use of the Property is to incorporate the Property into the redevelopment project for the Rome Community Recreational Center. Redevelopment plans propose the construction and enhancement of the existing cover system at the Property, including the placement of a six inch layer of soil in select areas that will be hydro-seeded and covered with mulch.

## 5.0 MANAGEMENT OF SOILS/FILL AND LONG TERM MAINTENANCE OF COVER SYSTEM

This section presents environmental guidelines for management of subsurface soils/fill, and for the long-term maintenance of the cover systems. The intent of the existing and future cover systems are to be maintained without breach. In the event that future intrusive work breaches the cover system, the following conditions will be obligatory:

- Any breach of the cover system, including for the purposes of construction or utilities work, must be replaced or repaired using an acceptable borrow source that requires no regulatory approval for use at the property. The repaired area must be covered with material from an acceptable borrow source and reseeded or covered with impervious product such as concrete or asphalt, as described in Section 4, to prevent erosion in the future.
- Control of surface erosion and run-off of the Property at all times, including during construction activities. This includes proper maintenance of the vegetative cover established on the Property, as needed.
- Soil that is excavated and is intended to be removed from the Property must be managed, characterized, and properly disposed of in accordance with NYSDEC regulations and directives.
- Soil excavated at the Property may be reused as backfill material on-site provided it contains no visual or olfactory evidence of contamination, and it is placed beneath a cover system component as described in Section 4.
- Any off-site fill material brought to the Property for filling and grading purposes shall be from an acceptable borrow source that requires no regulatory approval for use at the property. Off-site borrow sources shall be subject to collection of one representative composite sample per source. The sample should be analyzed for Target Compound List (TCL) VOCs, SVOCs, pesticides, polychlorinated biphenyls (PCBs), and Target Analyte List (TAL) metals plus cyanide. The soil will be acceptable for use provided that all parameters meet the NYSDEC RSCOs
- Prior to any construction activities, workers are to be notified of the site conditions with clear instructions regarding how the work is to proceed. Invasive work performed at the property will be performed in accordance with all applicable local, state, and federal regulations to protect worker health and safety.

### 5.1 Annual Certification

The fee owner of the Property, as of December 31 of the calendar year, shall complete and submit to NYSDEC an annual report by March 31st of the following year. Such annual report shall contain a certification that the institutional controls put in place, pursuant to the Deed Restriction, are still in place and the cover system on the Property has not been modified except in accordance with this Soils Management Plan or in a matter approved by NYSDEC.

If the cover system has been breached during the year covered by that Annual Report, the owner of the Property shall include in that annual report a certification that all work was performed in conformance with this SMP.

The first annual report shall be submitted by March 31 of the following calendar year when the Deed Restriction is recorded.

### 5.2 Management of the Excavated Soil/Fill for Off-site Disposal.

Soil/fill that is excavated during redevelopment activities that can not be used as fill below the cover system will be further characterized prior to transportation off-site for disposal at a permitted facility.

For excavated soil/fill with visual evidence of contamination (i.e., staining or elevated PID measurements), one composite sample and a duplicate sample will be collected for each 100 cubic yards of stockpiled soil/fill. For excavated soil/fill that does not exhibit visual evidence of contamination but must be sent for off-site disposal, one composite sample and one duplicate sample will be collected for each 2,000 cubic yards of stockpiled soil, and a minimum of 1 composite sample will be collected for volumes less than 2,000 cubic yards.

Composite samples of stockpiled soil will be collected from five locations within each stockpile. A duplicate composite sample will also be collected. PID measurements will be recorded for each of the five individual locations. One grab sample will be collected from the individual location with the highest PID measurement. If none of the five individual sample locations exhibit PID readings, one location will be selected at random. The composite sample will be analyzed by a NYSDOH ELAP-certified laboratory for pH (EPA Method 9045C), TCL SVOCs, pesticides, and PCBs, and TAL metals, and cyanide. The grab sample will be analyzed for TCL VOCs.

Soil samples will be composited by placing equal portions from each of the five composite sample locations into a pre-cleaned, stainless steel (or Pyrex glass) mixing bowl. The soil/fill will be thoroughly homogenized using a stainless steel scoop or trowel and transferred to dedicated sample containers provided by the laboratory. Samples will then be transported to the laboratory utilizing standard chain-of-custody protocols.

Additional characterization for off-site disposal may be required by the selected disposal facility. To potentially reduce off-site disposal requirements/costs, the owner or site developer may also choose to characterize each stockpile individually. If the analytical results indicate that concentrations exceed the standards for RCRA characteristics, the material will be considered a hazardous waste and must be properly disposed off-site at a permitted disposal facility within 90 days of excavation. If analytical results indicate that the soil is not a hazardous waste, the material may be properly disposed off-site at a non-hazardous waste facility. Stockpiled soil cannot be transported off-site prior to receipt of analytical results.

### 5.3 Management of Subgrade Material

Subgrade material to be used as excavation backfill, or placed to increase site grades or elevation, shall meet the following criteria:

- Excavated on-site soil/fill which appears to be visually impacted shall be characterized as discussed in the preceding Section 5.2. If analytical results indicate that COPCs, if any, are present at concentrations below the RSCOs set forth in TAGM 4046, the soil/fill can be used as backfill on-site.

- Off-site fill material brought to the Property for filling and grading purposes shall be from a borrow source that requires no regulatory approval for use at the property.

- "Virgin" soil sources shall be documented in writing to be native soil material from areas not having supported any known prior industrial or commercial development or agricultural use.

- Virgin soils shall also be subject to collection of one representative composite sample per source. The sample should be analyzed for TCL VOCs, SVOCs, pesticides, PCBs, arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, and cyanide. The soil will be acceptable for use as backfill provided that all parameters meet the TAGM 4046 RSCOs.

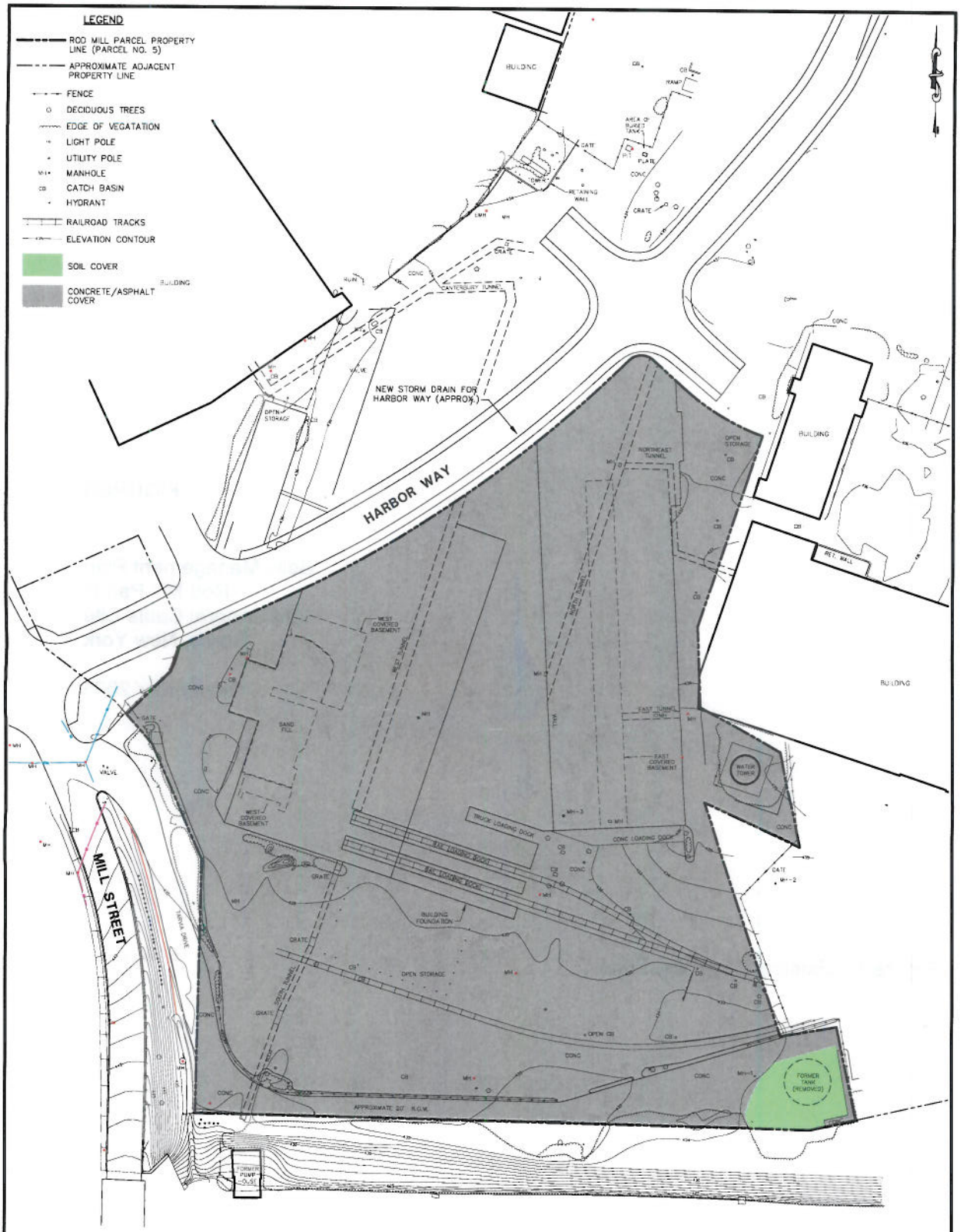
- Non-virgin soils will be tested via collection of one composite sample per 500 cubic yards of material from each source area. If more than 1,000 cubic yards of soil are borrowed from a given off-site non-virgin soil source area, and both samples of the first 1,000 cubic yards meet TAGM 4046 RSCOs, the sample collection frequency will be reduced to one composite sample for every 2,500 cubic yards of additional soils from the same source, up to 5,000 cubic yards. For borrow sources greater than 5,000 cubic yards, sampling frequency may be reduced to one sample per 5,000 cubic yards, provided all earlier samples met the TAGM 4046 RSCOs.

**FIGURES**

Soils Management Plan
Rod Mill Parcel
Old General Cable Site
Rome, New York

November 2005

Figure 1 – Existing Cover Systems




NOTES:

1. BASE MAP MODIFIED FROM ELECTRONIC COPY OF SURVEYS BY LAFAVE, WHITE, & MCGIVERN, L.S., P.C. ENTITLED "SUBDIVISION MAP PROPERTY OF EAST ROME BUSINESS PARK CHARLES A. GAETANO – OWNER", DATED 12/20/96.
2. UTILITY LOCATIONS ARE APPROXIMATE, AND ALL UTILITIES MAY NOT BE SHOWN.

0 80' 160'
GRAPHIC SCALE

P: BL
8/4/05
SYNAPSE/MP/GAET 01-04/GAETB27.DWG

synapse
SYNAPSE RISK MANAGEMENT, LLC
400 UNIVERSITY BUILDING
120 EAST WASHINGTON STREET
SYRACUSE, NEW YORK 13202

SOILS MANAGEMENT PLAN
ROD MILL PARCEL
OLD GENERAL CABLE SITE
ROME, NEW YORK

# EXISTING COVER SYSTEMS

PROJECT NO.: GAET 02-04-01
DATE: AUGUST 2005
FIGURE NO.: 1

**EXHIBIT 1**
**NYSDEC APPROVAL LETTER**

Soils Management Plan
Rod Mill Parcel
Old General Cable Site
Rome, New York

November 2005

**New York State Department of Environmental Conservation**
**Division of Environmental Remediation, Region 6**
Dulles State Office Building, 317 Washington Street, Watertown, New York 13601-3787
**Phone:** (315) 785-2513 • **FAX:** (315) 785-2422
**Website:** www.dec.state.ny.us

Denise M. Sheehan
Acting Commissioner



November 7, 2005

Ms. Vita DeMarchi, P.G.
SYNAPSE
400 University Building
120 East Washington Street
Syracuse, New York 13202

RE: Voluntary Cleanup Agreement Closure Report
Index No. D6-0001-97-07 - Spills #02-12777 & #02-12778

Dear Ms. DeMarchi:

The Department has reviewed the following materials and would like to offer the following comments as it pertains to the above-referenced site.

**Declaration of Restrictive Covenants, Rod Mill Parcel**

1. Section (b) of "Use Restrictions" should include a reference that use of groundwater is prohibited without treatment to render it safe for use as drinking water or industrial purposes as determined by NYSDEC.

2. "Use restrictions" should also include a provision whereby the property owner will be required to complete and submit to the NYSDEC an annual certification that the institutional and engineering controls put in place are unchanged from the previous certification and that nothing has occurred that would impair the ability of the controls to protect public health or the environment or constitute a violation or failure to comply with the site management plan.

**Soils Management Plan**

1. Based upon the data presented in Section 2.1 of the Soils Management Plan, no surface soil contamination was identified. However, in the event of discovering surface contamination during future redevelopment of the site (i.e., removal of historic foundations), the New York State Department of Environmental Conservation and the New York State Department of Health should be notified within 30 days.

**Voluntary Cleanup Agreement Closure Report**

1. The August 2005 Volunteer Agreement Closure Report for the Rod Mill Parcel at the Old General Cable site located in Rome, Oneida County, has adequately addressed the NYSDEC and the NYSDOH. In addition, the work which has been conducted satisfies the requirements of the approved Voluntary Cleanup Agreement Work Plan dated January 2005.

2. Spill No. 02-12778 will be closed meeting standards as of the date of this letter.

3. Spill No. 02-12777 will be closed meeting standards as of the date of this letter.

**Canterbury Parcel Declaration of Restrictive Convenants**

1. Section (6), in addition to Item (1) "Use Restrictions", please add:

   a. Use of groundwater is prohibited without treatment to render it safe for use as drinking water or industrial purposes as determined by NYSDEC.

   b. The property owner will be required to complete and submit to the NYSDEC an annual certification that the institutional and engineering controls put in place are unchanged from the previous certification and that nothing has occurred that would impair the ability of the controls to protect public health or the environment or constitute a violation or failure to comply with the site management plan.

2. Please provide a soil management plan for the Canterbury Parcel as was done and similar to the Rod Mill.

Please revise the above documents and file the final papers with the Oneida County Clerk. Once the papers have been filed, please provide a copy of the certified papers, along with an electronic file to this office and the NYSDOH representatives office. If you have any questions, please feel free to contact me.

Sincerely,

Peter S. Ouderkirk, P.E.
Project Manager

PSO:als

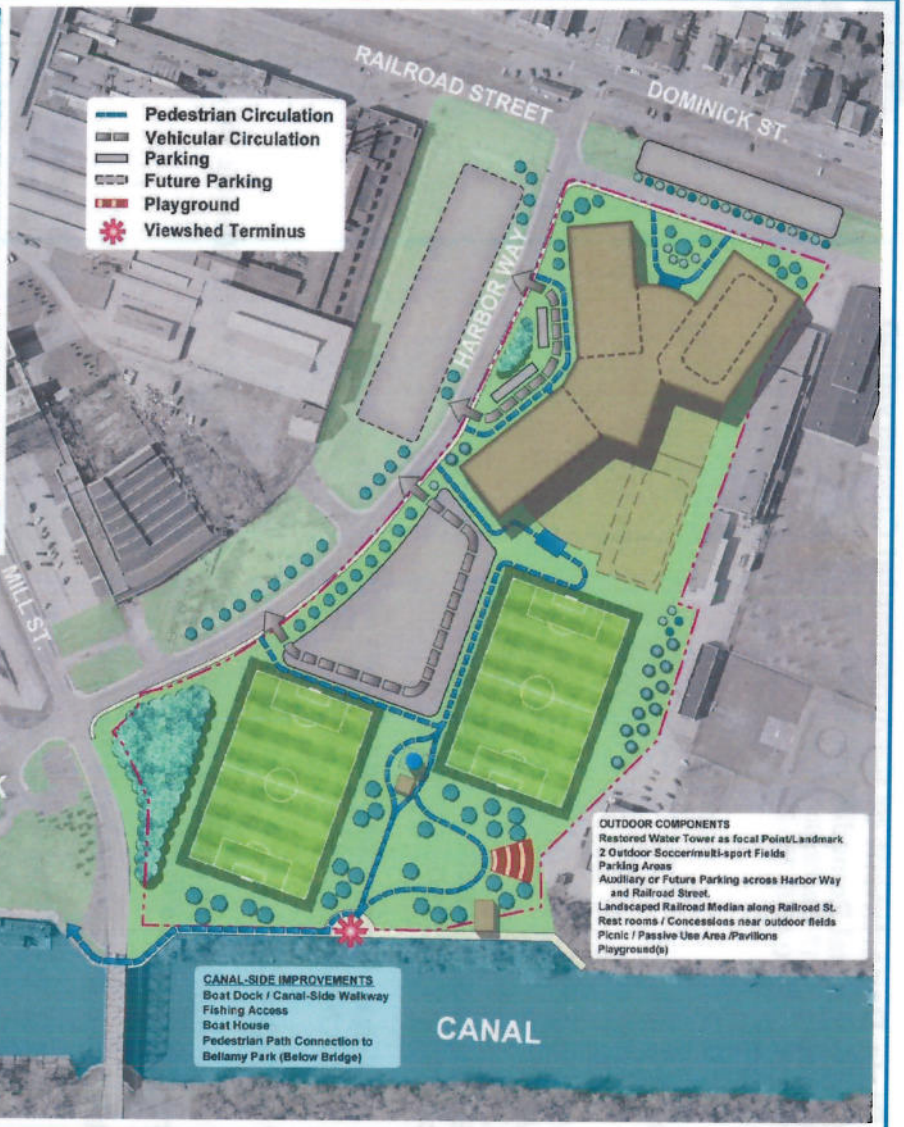
cc: Darrell M. Sweredoski
Katherine Comerford - NYSDOH - Troy
Fay Navratil - NYSDOH - Troy

**EXHIBIT 2**
**ROME COMMUNITY CENTER MASSING DIAGRAM (FULL BUILD-OUT OPTION)**

Soils Management Plan
Rod Mill Parcel
Old General Cable Site
Rome, New York

November 2005

Artist's Concept of Indoor Facilities (View from Dominick Street)




# Rome Community Center
## Massing Diagram (Full Build-Out Option)
## Rome, New York

GRAPHIC SCALE

October 18, 2004

CLOUGH HARBOUR SPORTS

CHA

N

**New York State Department of Environmental Conservation**
**Division of Environmental Remediation, Region 6**
Dulles State Office Building, 317 Washington Street, Watertown, New York 13601-3787
**Phone:** (315) 785-2513 • **FAX:** (315) 785-2422
**Website:** www.dec.state.ny.us

Denise M. Sheehan
Acting Commissioner

November 7, 2005



Ms. Vita DeMarchi, P.G.
SYNAPSE
400 University Building
120 East Washington Street
Syracuse, New York 13202

RE: Voluntary Cleanup Agreement Closure Report
Index No. D6-0001-97-07 - Spills #02-12777 & #02-12778

Dear Ms. DeMarchi:

The Department has reviewed the following materials and would like to offer the following comments as it pertains to the above-referenced site.

**Declaration of Restrictive Covenants, Rod Mill Parcel**

1. Section (b) of "Use Restrictions" should include a reference that use of groundwater is prohibited without treatment to render it safe for use as drinking water or industrial purposes as determined by NYSDEC.

2. "Use restrictions" should also include a provision whereby the property owner will be required to complete and submit to the NYSDEC an annual certification that the institutional and engineering controls put in place are unchanged from the previous certification and that nothing has occurred that would impair the ability of the controls to protect public health or the environment or constitute a violation or failure to comply with the site management plan.

**Soils Management Plan**

1. Based upon the data presented in Section 2.1 of the Soils Management Plan, no surface soil contamination was identified. However, in the event of discovering surface contamination during future redevelopment of the site (i.e., removal of historic foundations), the New York State Department of Environmental Conservation and the New York State Department of Health should be notified within 30 days.

**Voluntary Cleanup Agreement Closure Report**

1. The August 2005 Volunteer Agreement Closure Report for the Rod Mill Parcel at the Old General Cable site located in Rome, Oneida County, has adequately addressed the NYSDEC and the NYSDOH. In addition, the work which has been conducted satisfies the requirements of the approved Voluntary Cleanup Agreement Work Plan dated January 2005.

2. Spill No. 02-12778 will be closed meeting standards as of the date of this letter.

3. Spill No. 02-12777 will be closed meeting standards as of the date of this letter.

**Canterbury Parcel Declaration of Restrictive Convenants**

1. Section (6), in addition to Item (1) "Use Restrictions", please add:

   a. Use of groundwater is prohibited without treatment to render it safe for use as drinking water or industrial purposes as determined by NYSDEC.

   b. The property owner will be required to complete and submit to the NYSDEC an annual certification that the institutional and engineering controls put in place are unchanged from the previous certification and that nothing has occurred that would impair the ability of the controls to protect public health or the environment or constitute a violation or failure to comply with the site management plan.

2. Please provide a soil management plan for the Canterbury Parcel as was done and similar to the Rod Mill.

Please revise the above documents and file the final papers with the Oneida County Clerk. Once the papers have been filed, please provide a copy of the certified papers, along with an electronic file to this office and the NYSDOH representatives office. If you have any questions, please feel free to contact me.

Sincerely,

Peter S. Ouderkirk, P.E.
Project Manager

PSO:als

cc: Darrell M. Sweredoski
Katherine Comerford - NYSDOH - Troy
Fay Navratil - NYSDOH - Troy