

2013 PRR

**Periodic Review Report
Site No: V00077**

**East Rome Business Park
Former General Cable Site
Rome, New York**

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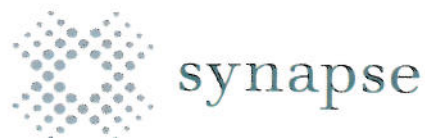


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1.0 INTRODUCTION

The former General Cable property is located along the City of Rome's waterfront within a 500-acre Brownfield Opportunity Area, formerly referred to as the East Rome Business Park. The East Rome Business Park's industrial history dates back to the early 1900's, and included the tenure of General Cable Corporation, a leading wire and cable manufacturer. General Cable ceased its Rome operations in the early 1970's, and the property has been primarily vacant since that time.

The previous owner of the Property, Charles A. Gaetano ("Gaetano"), acquired the 17-acre site from General Cable Corporation in 1975. Gaetano's efforts to redevelop the site for commercial/industrial use never materialized, and in the mid-1990's the City of Rome expressed interest in the Property to facilitate new redevelopment opportunities.

In 1997, the City of Rome Planning Board approved a subdivision of the 17-acre former General Cable site into seven separate parcels to facilitate redevelopment. Areas of the seven parcels are set forth below and are shown on Figure 1 – *Aerial Property Plan*, attached hereto.

▪ Parcel 1:	Northern Redevelopment Area	(1.5 acres)	
▪ Parcel 2:	Northern Redevelopment Area	(2.019 acres)	
▪ Parcel 3:	Northern Redevelopment Area	(1.458 acres)	
▪ Parcel 4:	Northern Redevelopment Area	(2.758 acres)	2.578
▪ Parcel 5:	Rod Mill Parcel	(6.098 acres)	
▪ Parcel 6:	Canterbury Parcel	(0.866 acres)	
▪ Parcel 7:	Roadway Right-of-Way Parcel	(2.566 acres)	

2.0 SITE OVERVIEW

The East Rome Business Park is located along the City of Rome's waterfront and bounded by the Barge Canal to the south, Railroad Street to the north, Harbor Way to the west and industrial development to the east.

Multiple environmental site assessments and site investigations were conducted on the seven parcels. Initially a Phase I Environmental Site Assessment ("Phase I ESA"), was prepared by ReTec (ReTec, 1995) on behalf of the City of Rome Industrial Redevelopment Agency and included a broad assessment of the East Rome Business Park. The Phase I ESA identified certain environmental concerns at the former General Cable Property, as follows:

- Historic industrial use, with operations consisting of a wide range of metalworking activities (i.e. machining, plating, pickling, and coating with rubber, asbestos, and paints);
- Potential presence of underground storage tanks (“USTs”) on site;
- Presence of demolition debris piles and 55-gallon drums on portions of the site.
- Presence of a 150,000 gallon aboveground storage tank (“AST”) on the southeast corner of the property (removed in 1996);
- Storm sewer system that discharges into the New York State Barge Canal located to the south of the Rod Mill Parcel;
- Presence of chlorinated volatile organic compounds in groundwater at concentrations exceeding New York groundwater standards; and
- Presence of underground utility tunnels across the property.

Based on the findings of the Phase I ESA, a Phase II Investigation of the 17-acre former General Cable site (aka the East Rome Business Park Core Area) was conducted to characterize the extent of impact at the site (“Phase II Investigation”) (ReTec, 1997). The Phase II Investigation included surface soil samples, soil borings, soil gas samples, installation of new monitoring wells, indoor ambient air sampling, and a subsurface structure and utility survey.

2.1 NYSDEC Voluntary Cleanup Program

In order to address environmental conditions identified in the Phase I ESA and Phase II Investigation, Gaetano entered into a Voluntary Remedial Agreement, Index No. D6-0001-97-07 (“NYSDEC Order”) with NYSDEC on March 8, 1999.

The NYSDEC Order outlined the investigation and remediation objectives of the former General Cable Property pursuant to a NYSDEC-approved Remedial Action Work Plan (Jack Eisenbach Engineering, P.C.). The seven parcels were treated individually throughout the regulatory process and the remedial objectives for the former General Cable Property, included the following for each of the parcels:

Northern Redevelopment Area (NRA) – Parcels 1 – 4

- Prevention of migration of polychlorinated biphenyls (“PCBs”) and copper to the Barge Canal and Mohawk River;
- Prevention of off-site migration of impacted groundwater via man-made conduits;
- Prevention of migration of contaminants onto the City-owned Roadway Parcel to the south.

Former Rod Mill Parcel

- Cleanout of an oil sump located in Building 11, followed by remediation of petroleum impacted soil;
- Clean out of certain storm drain lines; and
- Investigation and remediation of petroleum impacted soil associated with the former 150,000 gallon fuel oil AST and pump house.

Former Canterbury Parcel

- Clean out and closure of storm drains associated with Building 9 and 38;
- Asbestos abatement associated with Buildings 11, 13 and 38;
- Removal of an Underground Storage Tank (UST) and petroleum impacted soil adjacent to Building 11; and
- Demolition of Buildings 11, 13 and 38.

3.0 REMEDIAL ACTIVITIES

3.1 *Northern Redevelopment Area*

Pursuant to the NYSDEC Remedial Agreement, the NYSDEC-approved NRA Work Plan set forth the following proposed remedial actions that were completed from May 1999 through July 2000:

- Cleaning of storm sewer and utility lines on the NRA, and abandonment of unused lines;
- Cleaning of concrete sump located to the west of Building 37, and disposal of generated wastewater;
- Removal of water and debris from the three test bath structures located in Building 50;
- Asbestos abatement activities, including the removal of approximately 740 tons of construction and debris piles containing asbestos materials;
- Inspection, cleaning, and abandonment of underground tunnels on the NRA; and
- Registration and removal of a 2,000 gallon heating oil UST discovered during cleanout of the storm sewer, and removal of associated contaminated soil in the vicinity of the UST.

The City of Rome entered into a State Assistance Contract with NYSDEC under the Clean Water/Clean Air Bond Act of 1996 and conducted an investigation and remediation of the adjacent Roadway Parcel, including certain remedial activities that overlapped with the remediation of the NRA. These activities are documented in JEE's

Northern Redevelopment Area Closure Report ("NRA Closure Report") (July 18, 2000), and include the following:

- Cleanout and abandonment of storm sewer utility lines upgradient of the property line;
- Removal of tunnel structures; and
- Cleanout of the storm sewer line beneath building 39.

3.2 Rod Mill Parcel

Pursuant to the NYSDEC Remedial Agreement, the NYSDEC-approved Rod Mill Parcel Work Plan set forth the following proposed remedial actions:

- Cleanout of an oil sump located in Building 11, followed by remediation of petroleum impacted soil;
- Clean out of certain storm drain lines; and
- Investigation and remediation of petroleum impacted soil associated with the former 150,000 gallon fuel oil AST and pump house.

The above activities, with the exception of the petroleum impacted soil remediation associated with the former AST (discussed below), were completed in 2000.

In addition to the remedial activities undertaken by Mr. Gaetano, additional remediation activities were conducted by the City of Rome relative to the adjacent City-owned Roadway Parcel. The City entered into a State Assistance Contract with NYSDEC under the Clean Water/Clean Air Bond Act of 1996 and conducted an investigation and remediation of the Roadway Parcel, including certain remedial activities that overlapped with the remediation of the Rod Mill Parcel:

- Asbestos abatement in Buildings 11 and 13;
- Sump cleanout in Building 13; and
- Storm drain cleanout and abandonment of lines that drained to the Roadway Parcel.

Former 150,000 Gallon AST Remediation

The 1998 Rod Mill Remedial Action Workplan prepared by JEE recommended for further remediation of petroleum impacts in the vicinity of the former 150,000 gallon fuel oil AST that was removed from the property in 1996.

The former AST remedial action was subsequently completed in 2003, and summarized in the Rod Mill Parcel Remedial Action Closure Report - Amendment (May 30, 2003) prepared by JEE.

The former AST remedial action consisted of the following:

- Excavation and off-site disposal of approximately 2,155 tons of petroleum-impacted soil in the vicinity of the former AST to a maximum depth of twenty (20) feet below ground surface; and
- Removal and off-site disposal of approximately 7,000 gallons of petroleum-impacted wastewater from the former AST excavation.

Subsequent to the former AST remedial action, an oily sheen was observed at a storm drain outlet to the Barge Canal, south of the Rod Mill Parcel. As a result NYSDEC, assigned a spill file to the property (Spill No. 0212777). At that time, a second spill file (Spill No. 0212778) was assigned to the property associated with the 2003 remedial action of the AST.

In 2005, Synapse Risk Management conducted investigative and remedial activities to address remaining issues associated with the two open spill files at the property. Satisfying the individual closure requirements for each spill concurrently satisfied the remaining closure requirements for the NYSDEC Remedial Agreement.

Closure of these two open petroleum spill files was described in a Voluntary Cleanup Agreement Closure Report for the Rod Mill Parcel dated August 2005 ("VCA Closure Report"), prepared by Synapse Risk Management, LLC ("Synapse"). Additional remedial activities relative to cleanout of the storm sewer line and confirmation sampling in the vicinity of the former AST excavation were described in the VCA Closure Report.

3.3 *Canterbury Parcel*

Pursuant to the NYSDEC Remedial Agreement, the NYSDEC-approved Canterbury Parcel Remedial Workplan set forth the following proposed remedial actions that were subsequently completed and described in a July 2000 Canterbury Parcel Closure Report that included following:

- Clean out and closure of storm drains associated with Building 9 and 38;
- Asbestos abatement associated with Buildings 11, 13 and 38;
- Removal of an UST and petroleum impacted soil adjacent to Building 11; and
- Demolition of Buildings 11, 13 and 38.

4.0 INSTITUTIONAL AND ENGINEERING CONTROLS

4.1 Northern Redevelopment Area

On January 5, 2001, NYSDEC approved the NRA Closure Report and issued an Assignable Release and Covenant Not to Sue (the "Release") for the NRA, which was subsequently recorded in the Oneida County Clerk's Office.

The Release required the recording of an appropriate notice and deed restriction for the NRA parcels. Declaration of Restrictive Covenants ("NRA Deed Restriction"), was filed and recorded on January 26, 2001.

The NRA Deed Restriction describes the regulatory status of the NRA and sets forth certain use restrictions that are intended to run with the land:

- The NRA parcels are prohibited from being developed for purposes other than commercial or industrial use without the express written waiver of NYSDEC; and
- A prohibition on the use of groundwater underlying the NRA parcels without permission from NYSDEC.

4.2 Rod Mill Parcel

On November 7, 2005, NYSDEC approved the VCA Closure Report for the Rod Mill Parcel and issued a spill closure letter for Spill Nos. 0212777 and 0212778 associated with the former AST.

NYSDEC subsequently issued an Assignable Release and Covenant Not to Sue (the "Release") for the Rod Mill Parcel, which was recorded in the Oneida County Clerk's Office on January 23, 2006.

Institutional Controls

The Release required an appropriate notice and deed restriction for the Rod Mill Parcel. A Declaration of Restrictive Covenants ("Rod Mill Deed Restriction") was recorded on December 2, 2005.

The Rod Mill Deed Restriction describes the regulatory status of the Rod Mill Parcel and sets forth certain use restrictions that are intended to run with the land:

- The Rod Mill Parcel is prohibited from being developed for purposes other than commercial or industrial use without the express written waiver of NYSDEC;
- A prohibition on the use of groundwater underlying the Rod Mill Parcel without permission from NYSDEC;

- Future development must be conducted in accordance with the Soil Management Plan (SMP). A 2005 SMP was prepared by Synapse and recorded with the deed restriction; and
- The fee owner of the Rod Mill Parcel must submit an annual certification as to ongoing compliance with the deed restriction and SMP requirements.

Engineering Controls – Cover System

The Rod Mill Parcel currently has a cover system that provides a physical barrier to soil, thereby minimizing potential exposure pathways. The cover system consists of concrete and asphalt with a thickness of 6 inches or greater encompassing approximately 95% of the Property. An unpaved 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 6 inches that is predominantly vegetated. The management plan for soils and the maintenance of the cover system will be set forth in a SMP.

4.3 Canterbury Parcel

On July 28, 2000, NYSDEC approved the Canterbury Parcel Closure Report prepared by JEE.

NYSDEC subsequently issued an Assignable Release and Covenant Not to Sue (the “Release”) for the Canterbury Parcel on October 3, 2000. The deed restriction was recorded in the Oneida County Clerk’s Office on January 23, 2006.

Institutional Controls

The Release required an appropriate notice and deed restriction for the Canterbury Parcel. A Declaration of Restrictive Covenants (“Canterbury Deed Restriction”) was recorded on January 23, 2006.

The Canterbury Deed Restriction describes the regulatory status of the Canterbury Parcel and sets forth certain use restrictions that are intended to run with the land as follows:

- The Canterbury Parcel is prohibited from being developed for purposes other than commercial or industrial use without the express written waiver of NYSDEC;
- A prohibition on the use of groundwater underlying the Canterbury Parcel without permission from NYSDEC;
- Future development must be conducted in accordance with the SMP. A 2005 SMP was prepared by Synapse and recorded with the deed restriction; and
- The fee owner of the Canterbury Parcel must submit an annual certification as to ongoing compliance with the deed restriction and SMP requirements.

Engineering Controls – Cover System

The Canterbury Parcel currently has a cover system that provides a physical barrier to soil, thereby minimizing potential exposure pathways. The cover system consists of concrete with a thickness of 6 inches or greater encompassing approximately 95% of the Property. A soil cover system is located in the northeast corner of the Property adjacent to Harbor Way. This area currently maintains a clean soil cover greater than six inches that is predominantly vegetated. This area currently maintains a clean soil cover greater than 6 inches that is predominantly vegetated. The management plan for soils and the maintenance of the cover system will be set forth in a SMP.

5.0 CONCLUSIONS AND RECOMMENDATIONS

Northern Redevelopment Area (NRA)

In contemplation of future redevelopment, the NRA parcels were investigated and remediated under the oversight of NYSDEC. In 2001, NYSDEC issued the Release for the NRA and a Deed Restriction was filed that sets forth two use restrictions that run with the land.

During June through August 2008, the concrete overlying the NRA parcels was rubblized under a Restore New York grant thereby facilitating redevelopment of the parcels and the retention of a core City of Rome business (American Alloy). On September 10, 2008 the City of Rome adopted the Ordinance 8385A that authorized the conveyance of the NRA to the Rome Industrial Development Agency (RIDA). In October 2008, the RIDA conveyed the NRA parcels to Chickadee Properties, L.P., a Texas Limited Partnership qualified to do business in New York State as American Alloy Steel, with a place of business at 6230 N. Houston Rosslyn Road, Houston, Texas. In the fall of 2008 American Alloy began construction of a new steel manufacturing facility that was completed in summer of 2009 and relocated its operations to the NRA parcels.

During spring/summer 2012, work was completed on an 18,000 square foot addition to the south end of the structure. Attached is the site plan for the addition.

Rod Mill Parcel

Multiple environmental site investigation and remedial actions were completed at the Rod Mill Parcel in contemplation of future redevelopment. These investigations and remedial actions were conducted under the oversight of NYSDEC through New York's Voluntary Cleanup Program.

The former General Cable buildings (Building 11 and Building 13) located on the Rod Mill Parcel have been demolished to grade. Approximately ninety-five percent (95%) of the property is currently covered with either concrete or asphalt.

Future development of the Rod Mill Parcel shall be conducted in accordance with requirements of the SMP and environmental deed restriction. The institutional and engineering controls in place allow for commercial or industrial redevelopment of the Property.

Throughout the Rod Mill Parcel surface voids are present in the concrete overlying tunnels and basements. While these voids have no bearing on the integrity of the cover system, they do represent a potential safety hazard and liability to the City as egress to the Rod Mill Parcel is not restricted. It is recommended that access the Rod Mill Parcel be restricted by placement of security fencing and appropriate signage and/or the voids should be filled to grade.

Upon completion of the Voluntary Cleanup Program, the Rod Mill Parcel was transferred to the City of Rome to facilitate redevelopment. In 2010, the City of Rome completed the "Rod Mill Reuse Strategy" in cooperation with the Department of State and the NYS DEC as an Implementation Strategy of the Downtown Rome Brownfield Opportunity Area (BOA). The reuse strategy outlines a series of capital projects that include rubblization of the concrete slab/foundations, public parking, greenspace, tree planting, and future commercial development opportunity.

In 2010, the Rod Mill Reuse Strategy was reviewed by the NYS DEC and it was determined that the proposed redevelopment was in accordance with the Site Management Plan. Attached is the current site plan for the Rod Mill Site as well as the letter from Patrick Cleary, dated December 9, 2010.

In 2012, work began on the parcel to transform the Rod Mill Site into a mixed use waterfront development area. DEC representatives continue to periodically visit the site to ensure project compliance. Work will continue through 2013 to grade, pave, and landscape the area; with construction of the pavilion to commence in fall of 2013 and continue through 2014.

Canterbury Parcel

Future development of the Canterbury Parcel shall be conducted in accordance with requirements of the SMP and environmental deed restriction. The institutional controls and engineering in place allow for commercial or industrial redevelopment of the Property.

It should be noted that the "Rossi Site" immediately adjacent to this parcel was recently purchased and redeveloped by MSP, Inc. Currently, a 22,000 square foot clean manufacturing facility is being constructed in accordance with the SMP.

6.0 REFERENCES

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