

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Region 8
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March 18, 2022

Ryan DeBarros
EHS Principal
CooperVision, Inc.
711 North Road
Scottsville, New York 14546

Re: Change of Use Notification
CooperVision, Inc.
Site No.: V00175
Scottsville (T), Monroe (C)

Dear Mr. DeBarros:

The New York State Department of Environmental Conservation (Department) has completed its review of the January 19, 2022 Change of Use (COU) submittal detailing the warehouse expansion at the CooperVision, Inc. site (Site) located at 711 North Road, Scottsville, New York. Based on the information presented in the COU and the current revised Site Management Plan (SMP), under review by the Department, the COU is conditionally approved with the following modifications and clarifications.

With the Site's current SMP (dated November 2021) undergoing review and the Department's current SMP template (updated January 2022), many of the modifications and clarifications presented are associated with the Department's current SMP template which should provide a clearer guide to all entities involved as to what is required during the site management phase.

1. The Department understands that the current Site's SMP (all sections and appendices of the SMP) will be adhered to during the proposed expansion of the on-site building.
2. Prior to any and all fieldwork activities associated with the proposed expansion of the on-site expansion, the Department understands that a Site-specific Health and Safety plan (HASP) will be prepared by a qualified person in accordance with the most recently adopted and applicable general industry (29 CFR 1910) and construction (29 CFR 1926) standards of OSHA, the U.S. Department of Labor, as well as any other Federal, State, or local applicable statutes or regulations. A copy of the Site-specific HASP will be provided to the Department and NYSDOH project manager for review.
3. The Department understands at all groundwater monitoring wells at the Site will be protected from construction activities. If any groundwater monitoring wells are damaged during the construction activities the Department project manager will be notified within 48 hrs. and a plan for re-installation of the groundwater monitoring well will be provided to the Department project manager for review.
4. Table VIII; Other Contact Names: The Department project manager is Charlotte B. Theobald, telephone number: 585-226-5354, e-mail: charlotte.theobald@dec.ny.gov. The NYSDOH project manager is Julia Kenney, telephone number: 518-402-7860, e-mail: julia.kenney@health.ny.gov.



Department of
Environmental
Conservation

5. Section 2.5.2; Soil Screening Methods: The Department understands the following:
 - A qualified environmental professional as defined in 6 NYCRR Part 375, a PE who is licensed and registered in New York State, or a qualified person who directly reports to a PE who is licensed and registered in New York State. The PE or the firm employing the PE will have a current NYS Certificate of Authorization (COA).
 - A screening level of 10 parts per million (ppm) will be used to segregate excavated soil/fill material.
 - Soil/fill material will be segregated based on previous environmental data and field screening results into material that requires off-site disposal and material that requires testing to determine if the material can be reused on-site.
6. Section 2.5.3; Stockpile Methods: The Department understands the following:
 - Stockpiles will be staged on and covered with a minimum of 12 mil poly sheeting.
7. Section 2.5.4.1; Sample Collection and Handling: The Department understands the following:
 - The reference to Section 2.5.4.4 is 2.5.4.3.
 - The reuse of demolition material for reuse on-site must have Department project manager approval prior to reuse.
 - Sampling will be completed by a qualified environmental professional as defined in 6 NYCRR Part 375, a PE who is licensed and registered in New York State, or a qualified person who directly reports to a PE who is licensed and registered in New York State.
 - The sampling detailed in paragraphs 3 and 4 of this section is not for the reuse of soil/fill material on the Site and is exclusively for the off-site disposal at a permitted disposal facility in accordance with all applicable local, State, and Federal regulations.
8. Section 2.5.4.2; Sample Equipment Decontamination: The Department understands that all decontamination fluids will be containerized, characterized, and disposed off-site at a permitted landfill facility in accordance with all applicable local, State, and Federal regulations.
9. Section 2.5.4.3; Laboratory Analysis: The Department understands that the soil characterization laboratory analysis detailed in this section is exclusively for the purpose of off-site disposal at a permitted landfill facility.
10. Section 2.5.5; Material Excavation: The Department understands the following:
 - A qualified environmental professional as defined in 6 NYCRR Part 375, a PE who is licensed and registered in New York State, or a qualified person who directly reports to a PE who is licensed and registered in New York State. The PE or the firm employing the PE will have a current NYS COA.
 - The excavation activities will be in accordance with 29 CFR 1926 Subpart P.
11. Section 2.5.6; Materials Reuse On-Site: It is stated that the soil will be sampled as per Section 2.5.4 of the SMP. It is the Department's understanding that Section 2.5.4 is exclusively for the sampling of soil/fill material to be disposed off-site at a permitted landfill facility. The Department understands the following:
 - A qualified environmental professional as defined in 6 NYCRR Part 375, a PE who is licensed and registered in New York State, or a qualified person who directly reports to a PE who is licensed and registered in New York State. The PE or the firm employing the PE will have a current NYS COA.

- The sampling of stockpiled soil/fill material for reuse on the Site will in accordance with DER-10 Chapter 5.4(e)4 and DER-10 Table 5.4(e)10.
- Proposed materials for reuse on-site must be sampled for full suite analytical parameters including per- and polyfluoroalkyl substances (PFAS) and 1,4-dioxane.
- The sampling frequency will be in accordance with DER-10 Table 5.4(e)10 unless prior approval is obtained from the Department project manager for modification of the sampling frequency.
- Approvals for modifications to the analytical parameters must be obtained from the Department project manager prior to the sampling event.
- The reuse of demolition material for reuse on-site must have Department project manager approval prior to reuse.

12. Section 2.5.7; Materials Disposal Off-Site: The Department understands the following:

- The formal request for proposed unregulated off-site disposal will be submitted to the Department project manager.
- Prior approval must be obtained from the Department project manager before the unregulated materials can be disposed off-site.
- Disposal quantities and all associated documentation will be provided to the Department project manager in the subsequent Periodic Review Report.
- Non-hazardous historic fill and contaminated soils taken off-site will be handled consistent with 6 NYCRR Parts 360, 361, 362, 363, 364, and 365. Material that does not meet Unrestricted SCOs is prohibited from being taken to a New York State C&D debris recovery facility (6 NYCRR Subpart 360-15 registered or permitted facility).

13. Section 2.5.8; Fluids Management: The Department understands the following:

- All liquids to be removed from the site, including but not limited to, excavation dewatering, decontamination waters, and groundwater monitoring well purge and development waters, will be containerized, characterized, handled, and disposed off-site at a permitted facility in accordance with applicable local, State, and Federal regulations.

14. Section 2.5.9; Materials Load Out and Transport Off-Site: The Department understands the following:

- A qualified environmental professional as defined in 6 NYCRR Part 375, a PE who is licensed and registered in New York State, or a qualified person who directly reports to a PE who is licensed and registered in New York State will oversee all load-out of all excavated material.
- Material accumulated from the street cleaning and egress cleaning activities will be disposed off-site at a permitted landfill facility in accordance with all applicable local, State, and Federal regulations.
- Truck wash waters as well as all decontamination water/rinsate will be collected and disposed off-site at a permitted facility in an appropriate manner.
- Material transported by trucks exiting the site will be secured with tight-fitting covers. Loose-fitting canvas-type truck covers will be prohibited. If loads contain wet material capable of producing free liquid, truck liners will be used.
- The truck transport route will prohibit off-site queuing of trucks that are entering the facility.
- The truck transport route will consider overall safety in transport.

15. Section 2.5.11; Backfill From Off-Site Sources: The Department understands the following:

- Qualified environmental professional as defined in 6 NYCRR Part 375.
- A Request to Import/Reuse Fill or Soil form will be prepared and submitted to the Department project manager allowing a minimum of 5 business days for review.

- Soils that meet 'general' fill requirements under 6 NYCRR Part 360.13, but do not meet backfill or cover soil objectives for this site, will not be imported onto the site without prior approval by Department project manager.
- Soil material will also be sampled for 1, 4-dioxane.
- The sampling frequency will be in accordance with DER-10 Table 5.4(e)10 unless prior approval is obtained from the Department project manager for modification of the sampling frequency.
- The results of the chemical analysis of the material being used for backfill material and the basis for acceptance will be provided to the Department project manager as part of the supporting documentation in the subsequent Periodic Review Report.

16. Section 2.5.13; Excavation Contingency Plan: The Department understands the following:

- The Department project manager will be promptly notified of the discovery of any of the circumstances as detailed in the 1st paragraph of this section of the current SMP.
- The sampling detailed in this section will also including 1,4-dioxane and PFAS.
- Any tanks will be closed as per NYSDEC regulations and guidance.
- Identification of unknown or unexpected contaminated media identified by screening during invasive site work will be promptly communicated by phone within two (2) hours to Department's Project Manager.
- The findings will be also included in the subsequent Periodic Review Report.

17. Section 2.5.14; Community Air Monitoring Plan: The Department understands that the monitoring locations will be adjusted on a daily or more frequent basis based on actual wind directions to provide an upwind and at least two downwind monitoring stations. Exceedances of the action levels in the Community Air Monitoring Plan and the Special CAMP (presented below) will be reported the Department and NYSDOH project managers by the close of business of that day but no longer than 24 hours.

In addition to the Community Air Monitoring Plan (CAMP), the following Special CAMP may need to be implemented

Special Requirements for Work Within 20 Feet of Potentially Exposed Individuals or Structures:

When work areas are within 20 feet of potentially exposed populations or occupied structures, the continuous monitoring locations for VOCs and particulates must reflect the nearest potentially exposed individuals and the location of ventilation system intakes for nearby structures. The use of engineering controls such as vapor/dust barriers, temporary negative-pressure enclosures, or special ventilation devices should be considered to prevent exposures related to the work activities and to control dust and odors. Consideration should be given to implementing the planned activities when potentially exposed populations are at a minimum, such as during weekends or evening hours in non-residential settings.

- If total VOC concentrations opposite the walls of occupied structures or next to intake vents exceed 1 part-per-million, monitoring should occur within the occupied structure(s). Depending upon the nature of contamination, chemical-specific colorimetric tubes of sufficient sensitivity may be necessary for comparing the exposure point concentrations with appropriate pre-determined response levels (response actions should also be pre-determined). Background readings in the occupied spaces must be taken prior to commencement of the planned work. Any unusual background readings should be discussed with NYSDOH prior to commencement of the work.

- If total particulate concentrations opposite the walls of occupied structures or next to intake vents exceed 150 micrograms per cubic meter, work activities should be suspended until controls are implemented and are successful in reducing the total particulate concentration to 150 micrograms per cubic meter or less at the monitoring point.
- Depending upon the nature of contamination and remedial activities, other parameters (e.g., explosivity, oxygen, hydrogen sulfide, carbon monoxide) may also need to be monitored. Response levels and actions should be pre-determined, as necessary, for each site.

18. Section 2.5.15; Odor Control Plan: The Department understands that the Odor Control Plan will be capable of controlling emissions of nuisance odors off-site and on-site. Department and NYSDOH project managers will be notified of all odor events as well as of any other complaints about the project activities. Any odor control measures that are implemented will be discussed in the subsequent Periodic Review Report. All necessary means will be employed to prevent on- and off-site nuisances.

19. Section 2.5.16; Dust Control Plan: The Department understands that particulate monitoring must be conducted according to the CAMP provided Appendix C of the SMP. If particulate levels at the site exceed the thresholds listed in the CAMP or if airborne dust is observed on the site or leaving the site, the dust suppression techniques will be employed. The remedial party/site owner will also take measures to prevent dust production on the Site.


20. Section 2.5.17; Other Nuisances: The Department understands that a plan for rodent control will be developed and utilized by the contractor prior to and during site clearing and site grubbing, and during all remedial work.

21. Appendix C; Community Air Monitoring Plan: The Department understands that dependent upon the nature of known or potential contaminants real-time air monitoring for VOCs and particulate level at the perimeter of the exclusion zone or work area will be necessary. All readings will also be made available to County Health personnel to review.

VOC Monitoring, Response Levels, and Actions: Upwind concentrations should be measured at the start of each workday and periodically thereafter to establish background conditions, particularly if wind direction changes.

If you have or your environmental technical team have any question or concerns regarding this letter or need further assistance with the Site, please feel free to contact me via e-mail at charlotte.theobald@dec.ny.gov or via telephone at 585-226-5354. If your legal team has any questions or concerns regarding this letter or need further legal assistance with the Site, please feel free to contact Dusty Tinsley at dusty.tinsley@dec.ny.gov or via telephone at 585-226-5301.

Sincerely,



Charlotte B. Theobald
Assistant Engineer

ec:
Christopher H. Marraro, Esq. (BakerHostetler)

Damaris Santiago Lebron (CooperVision)
Stephen English (CooperVision)
David Olear (CooperVision)
Georgina Contreras (CooperVision)
Dan Noll (Labella)
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CooperVision®

New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany NY 12233-7020

Jan 19, 2022

Attention: Chief, Site Control Section
Charlotte B. Theobald, NYSDEC Project Manager

Subject: CooperVision Notification of Construction
711 North Road (CooperVision)
NYSDEC Site ID: V00175

Dear Chief,

This packet provides notification to NYSDEC of planned construction activities at the above referenced site. Pursuant to section 2.6.2 of the approved Site Management Plan, CooperVision, Inc. provides a change of use form and supporting information for excavation activities in connection with a warehouse expansion project. Site ownership and/or management is not changing.

All planned excavation activities will be on the south end of the existing building. The following notes are based on multiple subsurface investigation reports conducted at the site.

- Construction activities are not within the site zone of contamination.
- Relative to the site zone of contamination, planned excavation areas are crossgradient to groundwater flow direction.
- Subsurface soil and groundwater samples collected near the planned excavation areas have not identified contamination.
- Groundwater monitoring wells included in the semi-annual monitoring plan are outside of the project footprint and will remain intact and undisturbed so that groundwater monitoring may continue uninterrupted.
- Soil management for the project will conform with the Site Management Plan.

Attached is a conceptual site plan showing the warehouse expansion project construction areas. The site plan identifies four (4) main areas that include excavation actions. These excavation areas are discussed below.

1) Warehouse Expansion Foundation

- 5,500 square foot building addition.
- Excavation average depth is two (2) feet over addition footprint and four (4) feet on the perimeter footings.
- Approximately 11,000 cubic feet of material to be excavated. All excavated soils will be removed from the site in accordance with the Site Management Plan.
- Aggregates (base material) will be used to backfill the excavated area. A materials import request (and associated NYSDEC approval) will be completed prior to import. Concrete will be poured on top of the base materials and rebar.

2) Utilities Trench

- Approximate 50-foot-long x 3-foot-wide x 4-foot-deep utility trench.
- Approximately 600 cubic feet of excavated soils. Almost all excavated soils will be used to backfill the trench.
- Upon completion of utility work the trench will be backfilled, leveled, and capped with pavement. Utility bedding material around may need to be imported.

3) Storage Cabinet Relocation

- Relocating existing 600 square foot concrete pad and storage cabinets.
- Excavation for new location will be an average depth of two (2) feet over the footprint or approximately 1,200 cubic feet of material.
- After removal the old location will be backfilled, leveled, and capped with pavement. Based material under the concrete foundation and asphalt may be required.

4) Floor Drain Installation

- Estimated 300 cubic feet of material to be excavated.
- Almost all excavated material will be used as backfill.
- Upon completion of floor drain installation work the associated excavation areas will be backfilled and capped with at least four (4) inches of concrete.

It is understood that a materials import request for materials imported to the Site will be confirmed/approved by NYSDEC prior to import.

Temporary equipment storage areas and temporary work areas are also associated with this project. These temporary facilities will be located on the south end of the Scottsville site property. Temporary facilities do not require excavation activities and will be located for as long as the construction schedule requires. It is anticipated that the construction activities will take no more than nine (9) months to complete.

Please contact the undersigned if there are any questions regarding this change of use notification.

Sincerely,



CooperVision™

Ryan DeBarros, EHS Principal
711 North Road, Scottsville, N.Y. 14546
m: 585-358-1492
ph: 585 756 9044
rdebarros@coopervision.com

CC Damaris Santiago Lebron, Stephen English, David Olear, Georgina Contreras, Christopher Marraro (BakerHostetler), Dan Noll (LaBella Associates), Drew Brantner (LaBella Associates)

Enclosures:

Change of Use Form

Conceptual Site Plan for Warehouse Expansion Project

FedEx Tracking Number: 7757 9943 1220

**60-Day Advance Notification of Site Change of Use, Transfer of
Certificate of Completion, and/or Ownership**

Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation, 625 Broadway
Albany NY 12233-7020

I. Site Name: 711 North Road **DEC Site ID No.** V00175

II. Contact Information of Person Submitting Notification:

Name: Ryan DeBarros
Address1: 711 North Road
Address2: Scottsville, NY 14546
Phone: 585-358-1492 E-mail: rdebarros@coopervision.com

III. Type of Change and Date: Indicate the Type of Change(s) (check all that apply):

- ☐ Change in Ownership or Change in Remedial Party(ies)
☐ Transfer of Certificate of Completion (CoC)
☒ Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy): 03/23/2022**IV. Description:** Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.Warehouse Expansion Project - see attached description and drawings

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

See attached.

- V. **Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name: _____
(Signature) _____
(Date)

(Print Name)

Address1: NOT APPLICABLE - ownership remains the same

Address2: _____

Phone: _____ E-mail: _____

- VI. **Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

☐ Prospective Owner ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: NOT APPLICABLE - ownership remains the same

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

Certifying Party Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

VII. Agreement to Notify DEC after Transfer: If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name: _____
(Signature)

(Date)

(Print Name)

Address1: NOT APPLICABLE - ownership remains the same _____

Address2: _____

Phone: _____ E-mail: _____

