FINAL CORRECTIVE MEASURES
AND
RESPONSE TO COMMENTS ON THE STATEMENT OF BASIS

Operable Unit 1
Rochester Gas & Electric Corporation
755 Brooks Avenue, Rochester, New York
Monroe County
EPA No. NYD000818781 / Site No. 828095

Date: June 2014

INTRODUCTION

This document presents the final corrective measures for the Rochester Gas & Electric Corporation, Brooks Avenue Facility. The final corrective measures were selected in accordance with 6 NYCRR 373. This decision is based on the Administrative Record for the New York State Department of Environmental Conservation (the Department) for the Rochester Gas & Electric Corporation and the public's input to the proposed corrective measures presented in the Draft Statement of Basis (SB).

PUBLIC PARTICIPATION AND RESPONSE TO COMMENTS

The public comment period for the Draft SB started on March 5, 2014 and ended on April 21, 2014. The SB is presented as Attachment A. All comments and/or requests for public hearing were required to be submitted no later than April 21, 2014.

Comments received from the public on the corrective measures proposed in the Draft SB, together with the Department's responses are provided in Attachment B. The Administrative Record is presented in Attachment C.

FINAL CORRECTIVE MEASURES

No Further Action

Based on the results of the investigations at the site, the Interim Corrective Measures that have been performed, and the evaluation presented here, the Department has selected No Further Action as the remedy for Operable Unit 1. This No Further Action remedy includes the implementation of Institutional Controls, Engineering Controls and a Site Management Plan. The Department believes that this remedy is protective of human health and the environment and satisfies the remediation objectives described in Section 5.7 of the SB.

The elements of the Interim Corrective Measures already completed and the institutional and engineering controls are listed below:

Interim Corrective Measures completed:

Excavation and off-site disposal of contaminant source areas, including:

- Soils to the extent practical, with the protection of groundwater soil cleanup objective used as the criteria for removal at AOCs 3 and 6, and 1 ppm (PCBs) used as the criteria for removal at AOC 8.

- Removal of petroleum terminal related infra-structure including above-ground storage tank (AST) foundations, concrete drive pads, concrete fire wall foundations and underground AST related piping.

Engineering controls:

- Cover System - A site cover currently exists and will be maintained to allow for commercial or industrial use of the site. The elements of the site cover are shown in Figure 4. Any site redevelopment will maintain a site cover, which may consist either of the structures such as buildings, pavement, sidewalks, vegetation (grass) or a soil cover. Any fill material brought to the site will meet the requirements identified in the Site Management Plan (to be developed).

- Fencing/Site Access - Fencing surrounds the entire facility and site access is restricted to RG&E employees only.

Institutional Controls - Imposition of an institutional control in the form of an environmental easement for the controlled property that:

- Requires periodic certification of institutional and engineering controls in accordance with the Site Management Plan (to be developed);

- Restricts the use and development of the property to commercial and/or industrial uses (as defined by Part 375-1.8(g));

- Restricts 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;

- Requires compliance with the Department approved Site Management Plan.

The current 6NYCRR 373-2 Hazardous Waste Management Permit serves as an additional institutional control.

Site Management Plan - A Site Management Plan will be implemented and will include; provisions to ensure maintenance of all institutional and engineering controls; an excavation plan for management of future excavations in areas of remaining contamination; provisions for further investigation of currently inaccessible areas; and a groundwater monitoring plan to assess the performance and effectiveness of the remedy.

Green Remediation - Green remediation principals and techniques will be implemented to the extent feasible in the site management of the remedy.

Declaration

The selected corrective measure(s) is/are protective of human health and the environment, complies with State and Federal requirements that are legally applicable or relevant, appropriate to the remedial action to the extent practicable, and is/are cost effective. This remedy utilizes permanent solutions and alternative treatment, or resource recovery technologies, to the maximum extent practicable, and satisfies the preference for remedies that reduce toxicity, mobility, or volume as a principal element.

June 9, 2014
Date

Robert W. Schick, P.E.
Director
Division of Environmental Remediation

ATTACHMENT A

STATEMENT OF BASIS

Operable Unit 1

Rochester Gas & Electric Corporation
755 Brooks Avenue, Rochester, New York
Monroe County
EPA No. NYD000818781 / Site No. 828095

Date: June 2014

SECTION 1: INTRODUCTION

The New York State Department of Environmental Conservation (Department) has determined that hazardous wastes and/or hazardous constituents were released into the environment at the facility. This Statement of Basis (SB) addresses soil contamination at the facility. The Department, in consultation with the New York State Department of Health (NYSDOH), has selected final corrective measures for the soil contamination at the facility. Under the authority of a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Management Permit, RG&E has already completed a significant soil removal action, and the Department accepts this action, along with additional remedial controls (described below), as the final remedy for contaminated soils at the facility. In conjunction with the Draft SB, the Department issued a Public Notice for a major permit modification which serves to incorporate the selected remedy into the existing permit. The public comment period has ended, comments received were reviewed and considered and the Department is now finalizing the selected remedy, as described herein. Other impacted areas at the facility (Groundwater Contamination, Erie Canal Bank Seeps and Soil Vapor) will be addressed at a later date under a separate SB.

The purpose of the Draft SB was to provide an opportunity for the public to be informed of and to participate in the selection of the final remedy for this portion of the facility. The Department may modify a proposed remedy or select another remedy based on new information and/or public comments. The SB summarizes and highlights key information from the RCRA Facility Investigation (RFI) and the Corrective Measures Study (CMS) reports, but is not a substitute for these documents. The RFI and CMS reports and the administrative record are more complete sources of information regarding the corrective measure(s).

SECTION 2: CITIZEN PARTICIPATION

The Department encourages the public to review and comment on corrective measures. The Department has addressed all comments received during the public comment period in the Response to Comments (RTC) document, presented in Attachment B. The remedy described in this SB is now a final determination. The RTC will be sent to each person who has submitted written comments and/or who requests such notice.

The public comment period ran from: March 5 to April 21, 2014.

All comments were provided to:

Denise Radtke Engineering Geologist 625 Broadway Albany, New York 12233 (518) 402-9813 dmradtke@gw.dec.state.ny.us	or	Kimberly Merchant Environmental Analyst NYSDEC Avon Office 6274 E. Avon-Lima Road 585-226-5392 kamercha@gw.dec.state.ny.us

The Draft SB indicated that, if there was sufficient interest in this project, based on the comments received, the Department would arrange for a public meeting or public availability session. Two comment letters were received, and neither letter requested a public meeting or public hearing.

Document Availability

This document summarizes information that can be found in greater detail in the administrative record for the facility. The administrative record contains many reports, including investigations and sampling results which the Department used to select the proposed final corrective measures. A list of all reports is referenced in Exhibit C of this SB and the referenced reports are available for review. The public was encouraged to review these documents.

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 http://www.dec.ny.gov/chemical/61092.html.

SECTION 3: FACILITY BACKGROUND

Site Description, Physical Setting and Site History

Location: The facility is located on the western side of the city near the Monroe County airport and is bordered to the north by Brooks Avenue; to the east and southeast by Penn Central right-of-way; and to the west-southwest by the New York State Erie Canal.

Site Features: The facility property is an irregularly shaped triangle that covers 5.44 acres. The entire property is fenced. There are three structures on-site, two of which are currently used by RG&E employees. The closest residential area is located to the northeast of the facility along

Westfield Street and Genesee Park Blvd., with the closest residence located approximately 100 feet from the northeast corner of the facility. There are numerous properties in close proximity to the site that are known to have significant petroleum related contamination, including several major oil storage facilities and the Mobil station located at the corner of Brooks Avenue and Genesee Park Boulevard.

Current Zoning and Land Use(s): The site is currently used for the operation of RG&E's hydroelectric facilities ("Hydro Operations"). RG&E employees occupy the Hydro Operations Building 24 hours a day, 7 days a week. The Storage Building (Former Car Rental Facility) is not continuously staffed. One additional (habitable) structure on the site is unoccupied and is expected to remain unoccupied for the foreseeable future. The facility is currently zoned for commercial/industrial use.

Past Use of the Site: RG&E purchased the property at 755 Brooks Avenue in 1974 from Gulf Oil. Previously, Gulf had stored different types of petroleum products in 12 tanks ranging in size from approximately 15,000 to 1.6 million gallons. Subsequent to the purchase, RG&E used some of the tanks to store No. 2 fuel oil between 1974 and 1991. In June 1991, RG&E dismantled and removed the last remaining bulk storage tank (Tank 104) from the facility. RG&E continued to use five horizontal, bermed 15,000 gallon tanks for PCB oils and waste oils until 1999. Beginning in 1999, the only tanks present on the site were two 5,000 gallon tanks used to hold PCB oils. In 2001, one of these tanks was closed and removed, while the other tank was closed and removed in 2004. RG&E operated a Treatment Storage and/or Disposal Facility (TSDF) for waste storage of petroleum, solvent, mercury, lead and PCB oil on 0.8 acres from 1979 until 2009, when the storage units were certified closed and the permit renewal was issued (effective July 2010) as a Corrective Action Only permit. Currently, there are no oil storage tanks on the property.

Operable Units: The site is divided into five operable units (OUs). An operable unit represents a portion of a remedial program for a site that for technical or administrative reasons can be addressed separately to investigate, eliminate or mitigate a release, threat of release or exposure pathway resulting from site contamination.

Operable Unit 1 is Overburden Soil Contamination.

Operable Unit 2 is Groundwater Contamination.

Operable Unit 3 is Permit Tracking (designated for administrative purposes).

Operable Unit 4 is Canal bank Seeps.

Operable Unit 5 is Soil Vapor.

Operable Unit 1 is the subject of this SB. The remaining Operable Units will be the subject of a future SB(s).

The current permit lists 18 Solid Waste Management Units (SWMUs) and 8 Areas of Concern (AOCs). As described in the permit, many have been determined to require no further action due to remedial actions already implemented, or due to determinations that the SWMU or AOC did not cause any release to the environment.

Site Geology and Hydrology: Geologically, the site lies in glacio-lucustrine silt and sand deposits and is underlain by the Lockport Dolomite. The Lockport Dolomite outcrops in the Erie Canal on the Western portion of the site. The depth to bedrock on the site ranges from 24 to 35 feet below ground surface. Bedrock has been characterized as the Oak Orchard member of the Lockport Dolomite and is fractured at the bedrock surface. Bedrock groundwater flow at the site has been described as erratic, but generally, groundwater flows to the west, toward the Erie Canal. Groundwater flow patterns are influenced by seasonal variation and by controlled water level variations in the Erie Canal. Depth to groundwater ranges from approximately 5 feet in the shallow aquifer to greater than 50 feet in the bedrock aquifer.

A site location map is attached as Figure 1and a facility map is attached as Figure 2.

Description of Areas Addressed in this Statement of Basis:

The subject of this Statement of Basis is Operable Unit 1 which includes AOCs 3 and 6; overburden soils, which were shown to be contaminated with petroleum products; and AOC 8, overburden soils within the former Hazardous Waste Management Area, which were shown to be contaminated with PCBs.

AOC 3 - During the period of 1974 through 1991, RG&E reported two major petroleum related spill incidents. The first occurred in 1977 and involved an overflow of No. 2 fuel oil from a manufacturing valve outside of the secondary containment berm. The spill occurred on frozen snow covered ground that minimized seepage into the ground and flowage away from the spill area. Approximately 4,000 gallons of melted snow and No. 2 fuel oil were recovered. The second spill involved waste oil that flowed over pavement, into a storm water catch basin on RG&E property. The catch basin contents were piped to an outfall on the bank of the Penn Central right-of-way. Approximately 500 gallons of oil were released and recovered.

AOC 6 - In 1974, when RG&E took possession of the Brooks Avenue facility from Gulf Oil Corporation, above ground bulk storage tanks were present on the property. RG&E consolidated the contents of the tanks (various gasoline blends) and sold them to a refinery. Between 1974 and 1991, RG&E used the tanks to store No. 2 fuel oil. In October 1990, all but one of the tanks was dismantled and removed from the facility. In June 1991, the last remaining bulk storage tank (Tank 104) was dismantled and removed from the facility. At this time, contaminated soil was discovered in the vicinity of Tank 104 and identified as No. 2 fuel oil by visual observation.

AOC 8 - Hazardous waste handling activities performed in accordance with RG&E's TSDF permit took place in the Hazardous Waste Management Area (HWMA), a fenced area, approximately 0.8 acres in size, located within the greater Brooks Avenue RCRA facility. Following closure certification of the permitted storage unit, RG&E undertook a soil sampling

program within the HWMA and determined that soils were contaminated. The overburden soils located in this area are referred to as AOC 8.

SECTION 4: ENFORCEMENT STATUS

6NYCRR Part 373 Hazardous Waste Management Permits include requirements for Corrective Action. Owners of RCRA facilities must investigate and, when appropriate, remediate releases of hazardous wastes and/or constituents to the environment. RG&E's 373-2 Hazardous Waste Management Permit was renewed in July 2010 as a Corrective Action Only Permit (Permit ID 8-2614-00452/00001). All remaining corrective action activities will be performed under the authority of the above referenced permit.

SECTION 5: SITE CONTAMINATION

5.1: Summary of the RCRA Facility Investigation Activities

A RCRA Facility Investigation (RFI) has been conducted. The purpose of the RFI was to define the nature and extent of any contamination resulting from previous activities at the site. The field activities and findings of the investigation are described in the RFI and supplemental RFI Reports.

The following general activities are conducted during an RFI:

- Research of historical information
- Test pits, soil borings, and monitoring well installations
- Sampling of waste, surface and subsurface soils, groundwater, and soil vapor
- Sampling of surface water and sediment
- Ecological and Human Health Exposure Assessments

The analytical data collected during the site-wide RFI investigation includes data for:

- groundwater
- soil
- indoor air
- sub-slab vapor
- outdoor air
- sediment sampling
- petroleum product

Samples were collected and analyzed for:

Volatile Organic Compounds
Semi-Volatile Organic Compounds (including Polychlorinated Biphenyls (PCBs))
Metals
Total Petroleum Hydrocarbons

5.2: Standards, Criteria and Guidance (SCGs)

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RFI 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. A complete listing of SCGs can be found at http://www.dec.ny.gov/regulations/61794.html.

5.3: Summary of the RCRA Facility Investigation

The data have identified contaminants of concern. A "contaminant of concern" is a hazardous waste or constituent 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 RFI activities determined that releases to the environment had caused soil at the facility to be contaminated with petroleum products, including fuel oils and gasoline at AOCs 3 and 6. The RFI activities also determined that AOC 8 was contaminated with low levels of PCBs. The RFI reports contain a full discussion of the data.

Contaminant(s) of concern identified in soil at this facility are:

- Fuel oil (and associated contaminants)
- Gasoline (and associated contaminants)
- PCBs

Additional information about contaminants in soil is presented in Exhibit A.

5.4: Interim Corrective Measures

An interim corrective measure (ICM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Statement of Basis. The following ICM(s) has/have been completed at this site based on conditions observed during the RFI.

AOC 3 and AOC 6 - In November 2010, RG&E began implementation of a Department approved Interim Corrective Measures (ICM) work plan to remediate soils contaminated with petroleum products. The work plan called for the following remedial activities:

- Excavation of petroleum impacted soils to the extent practical, with the protection of groundwater soil cleanup objective used as the criteria for removal.
- Removal of petroleum terminal related infra-structure including above-ground storage tank (AST) foundations, concrete drive pads, concrete fire wall foundations and underground AST related piping.
- Disposal of contaminated soils and concrete at an off-site, permitted solid waste facility.

- Regrading and surface restoration, with any necessary backfill material being purchased from a NYSDEC mine permitted sand and gravel pit.

"Practical limits" of excavation encountered in AOCs 3 and 6 consisted of one or a combination of the following criteria: a depth of 25 feet below ground surface (bgs), property boundary, permanent structures currently being used or occupied by other RG&E entities, or the Buckeye pipeline easement (see Figure 3). The activities were completed between November 2010 and July 2012, and more than 53,000 tons of contaminated soil and concrete were removed for off-site disposal.

In addition to the soil removal, sub-slab depressurization systems were installed in 2008 in two occupied structures located on-site to address any soil vapor intrusion concerns (AOC 7).

AOC 8 - Following closure certification of the permitted hazardous waste storage area, soils within the HWMA were sampled for site specific contaminants and the results indicated that soils were contaminated with PCBs at levels that slightly exceeded the clean up criteria of 1 part per million (ppm). Subsequent soil removal and confirmation sampling was performed until all areas within the HWMA met the 1 ppm criterion, and in December 2011, the Department indicated that no further action was necessary at AOC 8, conditional upon the area being closed out administratively through the remedy selection process.

5.5: Summary of Environmental Assessment

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.

This SB addresses soil contamination at a site used for commercial/industrial purposes and there are no fish and wildlife receptors present. Groundwater contamination (OU-2), Erie Canal Bank Seeps (OU-4) and Soil Vapor (OU-5) will be address in a subsequent SB. Based upon the resources and pathways identified and the toxicity of the contaminants of ecological concern at this site, a Fish and Wildlife Resources Impact Analysis (FWRIA) was deemed not to be necessary for OU 01.

Table 1 of Exhibit A (below) presents soil quality data for soil at the site prior to the interim corrective measures. The interim corrective measures have addressed the soil contamination identified within the three AOCs which comprise Operable Unit 1, and the soil concentrations now meet applicable soil clean up objectives.

5.6: Summary of Human Exposure Pathways

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 coming into contact with the contaminated groundwater because the area is served by a public water supply that is not affected by this contamination. Since the entire site is fenced

and majority of the site is covered by asphalt and buildings, people will not come into contact with site-related soil and groundwater contamination unless they dig below the surface. Volatile organic compounds in the groundwater may move into the soil vapor (air between soil particles), which in turn may move into overlying buildings and affect the 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. Sub-slab depressurization systems (systems that ventilate/remove the air beneath the building) have been installed in the two occupied on-site buildings, where indoor air impacts have been identified, to prevent the indoor air quality from being affected by the contamination in soil vapor beneath the buildings. Environmental sampling indicates soil vapor intrusion is not a concern for off-site buildings.

5.7: Summary of the Corrective Measures Objectives

The goal of the corrective measures is to protect public health and the environment and achieve unrestricted use of the site to the extent feasible.

The following corrective measures objectives have been identified for the protection of human health and the environment:

- Remove or prevent contact with contamination in the overburden soil. Contact could be through direct contact with soil, or direct contact with and/or ingestion of overburden groundwater that may be encountered in excavations (drinking water at the site and all surrounding areas is provided by municipal supply).

- Significantly reduce the potential presence of contributing sources of petroleum contamination in the overburden soil that may impact groundwater.

SECTION 6: SUMMARY OF SELECTED FINAL CORRECTIVE MEASURES

Based on the results of the investigations at the site, the ICMs that have been performed, and the evaluation presented here, the Department has made a No Further Action Determination with continued site management. The Department and the NYSDOH have determined that this remedy is protective of human health and the environment.

The elements of the corrective measure include the ICMs already completed and the engineering and institutional controls listed below:

1) Engineering controls

- Cover System - A site cover currently exists and will be maintained to allow for commercial or industrial use of the site. The elements of the site cover are shown in Figure 4. Any site redevelopment will maintain a site cover, which may consist either of the structures such as buildings, pavement, sidewalks, vegetation (grass) or a soil cover. Any fill material brought to the site will meet the requirements identified in the Site Management Plan (to be developed).

- Fencing/Site Access - Fencing surrounds the entire facility and site access is restricted to RG&E employees only.

2) Institutional Control

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

- requires the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with the Site Management Plan (to be developed);
- allows the use and development of the controlled property for commercial and industrial uses (as defined by Part 375-1.8(g)), although land use is subject to local zoning laws;
- restricts 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;
- requires compliance with the Department approved Site Management Plan.

The current 6NYCRR 373-2 Hazardous Waste Management Permit serves as an additional institutional control.

3) Site Management Plan

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

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 Control:

- Environmental Easement

Engineering Controls:

- The continued operation, maintenance and monitoring of the sub-slab depressurization systems in the two on-site occupied structures.
- Maintenance of the existing security fence with restricted access to the site.
- Cover System, as described above in Paragraph 1.

The Site Management Plan will include, 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 for further investigation (if deemed necessary by the Department) to refine the nature and extent of contamination in the following areas where access was previously hindered:

    - under the footprint of the Maintenance Building/Garage (SWMU No. 10), if and when the building should be demolished; and
    - within the pipeline right-of-way, when and if restrictions no longer apply.

- a provision for removal or treatment of the source area or contaminated soil, if deemed necessary by the Department) located:

    - under the Maintenance Building/Garage A if and when the building is demolished; and
    - within the pipeline right-of way, when and if restrictions no longer apply.

- descriptions of the provisions of the environmental easement including any land use, or groundwater use restrictions;
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification of change in use;
- the steps necessary for the periodic reviews and certification of the institutional and engineering controls; and
- a monitoring plan to assess the performance and effectiveness of the remedy. The plan will include, but may not be limited to:

    - monitoring of groundwater to assess the performance and effectiveness of the remedy; and
    - a schedule of monitoring and frequency of submittals to the Department.

4) Green Remediation

Green remediation principals and techniques will be implemented to the extent feasible in the site management of the remedy as per DER-31. The major green remediation components are as follows;

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gas and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste.

Exhibit A

Nature and Extent of Contamination

Table 1 summarizes the results of investigation activities for soil samples collected prior to the implementation of interim corrective measures. The table presents the range of contamination found in soil at Operable Unit 1, and compares the data with the applicable SCGs.

TABLE I
SUMMARY OF HISTORICAL CONSTITUENT CONCENTRATION RANGES[1]
RG&E BROOKS AVE, ROCHESTER, NEW YORK

Detected Constituents	Concentration Range Detected	Total Number of Samples	Unrestricted Use SCO	Frequency Exceeding Unrestricted SCO	Restricted Use Protection of Groundwater SCO	Frequency Exceeding Restricted Use Protection of Groundwater SCO	Restricted Use Residential SCO[6]	Restricted Use Commercial SCO
	(ppm)		(ppm)	%	(ppm)	%	(ppm)	
Volatile organic compounds								
1,1,1-Trichloroethane	ND[2] (<0.01)	66	0.68	0	0.68	0	100	500
1,1-Dichloroethane	ND (<0.01)	66	0.27	0	0.27	0	19	240
1,1-Dichloroethene	ND (<0.01)	66	0.33	0	0.33	0	100	500
1,2-Dichlorobenzene	ND (<0.01)	12	1.1	0	1.1	0	100	500
1,2-Dichloroethane	ND (<0.01) to 0.16	66	0.02	2	0.02	2	2.3	30
cis -1,2-Dichloroethene	ND (<0.01)	66	0.25	0	0.25	0	59	500
trans-1,2-Dichloroethene	ND (<0.01)	66	0.19	0	0.19	0	100	500
1,3-Dichlorobenzene	ND (<0.01)	66	2.4	0	2.4	0	17	280
1,4-Dichlorobenzene	ND (<0.01)	12	1.8	0	1.8	0	9.8	130
1,4-Dioxane	ND (<0.01)	12	0.1	0	0.1	0	9.8	130
Acetone	ND (<0.01) to 78	131	0.05	20	0.05	20	100	500
Benzene	ND (<0.01) to 1.1	136	0.06	5	0.06	5	2.9	44
n-Butylbenzene	ND (<0.011) to 11	70	12	0	12	0	100	500
Carbon tetrachloride	ND (<0.01)	66	0.76	0	0.76	0	1.4	22
Chlorobenzene	ND (<0.01)	66	1.1	0	1.1	0	100	500
Chloroform	ND (<0.01) to 0.062	117	0.37	0	0.37	0	10	350
Ethylbenzene	ND (<0.01) to 110	136	1	27	1	27	30	390
Methyl tert-butyl ether	ND (<0.01)	51	0.93	0	0.93	0	62	500
Methylene chloride	ND (<0.01) to 2.6	117	0.05	6	0.05	6	51	500
n - Propylbenzene	ND (<0.01) to 26	51	3.9	8	3.9	8	100	500
sec-Butylbenzene	ND (<0.011) to 68	70	11	4	11	4	100	500
tert-Butylbenzene	ND (<0.00057) to 0.58	19	5.9	0	5.9	0	100	500
Tetrachloroethene	ND (<0.01)	66	1.3	0	1.3	0	5.5	150
Toluene	ND (<0.01) to 83	136	0.7	7	0.7	7	100	500
Trichloroethene	ND (<0.01)	66	0.47	0	0.47	0	10	200

Detected Constituents	Concentration Range Detected	Total Number of Samples	Unrestricted Use SCO	Frequency Exceeding Unrestricted SCO	Restricted Use Protection of Groundwater SCO	Frequency Exceeding Restricted Use Protection of Groundwater SCO	Restricted Use Residential SCO[6]	Restricted Use Commercial SCO
	(ppm)		(ppm)	%	(ppm)	%	(ppm)	
1,2,4-Trimethylbenzene	ND (<0.011) to 150	70	3.6	17	3.6	17	47	190
1,3,5-Trimethylbenzene	ND (<0.011) to 140	70	8.4	9	8.4	9	47	190
Vinyl chloride	ND (<0.01)	66	0.02	0	0.02	0	0.21	13
Xylene (mixed)	ND (<0.01) to 327	136	0.26	34	1.6	28	100	500
Semivolatile organic compounds								
Acenaphthene	ND (<0.33) to 2.1	69	20	0	98	0	100	98
Acenapthylene	ND (<0.33) to 0.57	69	100	0	107	0	100	107
Anthracene	ND (<0.33) to 1.9	114	100	0	1,000	0	100	500
Benz(a)anthracene	ND(<0.33) to 3.4	73	1	4	1	4	1	5.6
Benzo(a)pyrene	ND (<0.33) to 3.6	110	1	3	22	3	1	1
Benzo(b)fluoranthene	ND (<0.33) to 4.4	112	1	4	1.7	4	1	5.6
Benzo(g,h,i)perylene	ND (<0.33) to 0.16	69	100	0	1,000	0	100	500
Benzo(k)fluoranthene	ND (<0.33) to 0.30	69	0.8	0	1.7	0	1	56
Chrysene	ND (<0.33) to 3.0	73	1	3	1	3	1	56
Dibenz(a,h)anthracene	ND (<0.33)	69	0.33	0	1,000	0	0.33	0.56
Fluoranthene	ND (<0.33) to 1.2	69	100	0	1,000	0	100	500
Fluorene	ND(<0.33) to 4.1	69	30	0	386	0	100	500
Indeno(1,2,3-cd)pyrene	ND (<0.33) to 1.6	110	0.5	2	8.2	0	0.5	5.6
Naphthalene	ND (<0.33) to 63	114	12	4	12	5	100	500
Pentachlorophenol	ND (<0.33) to ND (<0.80)	15	0.8	0	0.8	0	2.4	6.7
Phenanthrene	ND (<0.33) to 13	114	100	0	1,000	0	100	500
Phenol	ND (<0.33)	15	0.33	0	0.33	0	100	500
Pyrene	ND (<0.33) to 0.94	69	100	0	1,000	0	100	500
Metals								
Arsenic	2.7 to 3.5	2	13	0	16	0	16	16
Barium	43.6 to 61.7	2	350	0	820	0	350	400
Beryllium	0.28 to 0.45	2	7.2	0	47	0	14	590
Cadmium	ND[5]	2	2.5	0	7.5	0	2.5	9.3
Chromium, total[3]	9.2 to 15.7	2	1	100	19	0	22	400
Chromium, total[4]	9.2 to 15.7	2	30	0	NS	0	36	1,500
Copper	9 to 13.1	2	50	0	1,720	0	270	270
Lead	5.6 to 220	3	63	33	450	0	400	1,000
Total Mercury	ND[5] to 0.31	8	0.18	13	0.73	0	0.81	2.8
Nickel	8.2 to 15.9	2	30	0	130	0	140	310
Selenium	ND[5]	2	3.9	0	4	0	36	1,500
Silver	ND[5]	2	2	0	8.3	0	36	1,500

Detected Constituents	Concentration Range Detected	Total Number of Samples	Unrestricted Use SCO	Frequency Exceeding Unrestricted SCO	Restricted Use Protection of Groundwater SCO	Frequency Exceeding Restricted Use Protection of Groundwater SCO	Restricted Use Residential SCO[6]	Restricted Use Commercial SCO
	(ppm)		(ppm)	%	(ppm)	%	(ppm)	
Zinc	35.8 to 72.4	2	109	0	2,480	0	2,200	10,000
PCBs								
Total Polychlorinated biphenyls	ND (<0.033) to 33.3	201	0.1	44	3.2	12	1	1

Notes and Abbreviations:

References for compilation of Table 1

a. NYSDEC Part 375 Soil Cleanup Objectives (SCO). See Table 375-6.8(a) for Unrestricted SCO and Table 375-6.8(b) for Restricted Use Protection of Groundwater SCO.
b. Brooks Avenue Facility RCRA Facility Assessment/RFI Report, Prepared by Dvirka and Bartilucci Consulting Engineers, March 2001.
c. RCRA Facility Investigation, Additional RFI Activity Report, RG&E Brooks Avenue TSD Facility, Prepared by Ish Inc. and META Environmental, Inc., December 16, 2004
d. Report on Interim Corrective Measures, 755 Brooks Avenue, Rochester, New York, Prepared by Haley and Aldrich, July 26, 2012.
e. PCBs and select SVOCs only: Rochester Gas and Electric Corporation, Brooks Avenue Hazardous Waste Storage Facility Closure, Corrective Action Soil Investigation Report, Prepared by RG&E, July 15, 2010.
f. PCBs and select SVOCs only: RG&E Brooks Avenue Hazardous Waste Storage Facility Closure, Corrective Action Soil Investigation Report Addendum, Prepared by RG&E, October 1, 2011.

1. ND- Not detected above laboratory detection limit. Detection limit shown in parenthesis.
2. SCO for hexavalent chromium is listed. Samples were analyzed for total chromium. The SCO for hexavalent chromium is considered to be met if the analysis for total chromium is below the hexavalent chromium SCO.
3. SCO for trivalent chromium is listed. Samples were analyzed for total chromium. The SCO for trivalent chromium is considered to be met if the analysis for total chromium is below the trivalent chromium SCO.
4. Detection limit not available.
5. Residential SCOs provided for reference purposes. Institutional controls will restrict site to commercial/industrial use.

NS- Not specified

Exhibit B

Evaluation of Corrective Measure Alternatives

A detailed discussion of the evaluation criteria and comparative analysis is included in the final CMS report. The general performance standards for corrective measures that must be satisfied in order for an alternative to be considered for selection are listed below.

1. Protection of Human Health and the Environment. This criterion is an overall evaluation of each alternative's ability to protect public health and the environment.

2. Achieve Cleanup Objectives for the Contaminated Media. – This criterion evaluates the ability of alternatives to achieve the cleanup objectives established for the facility.

3. Remediate the Sources of Releases. – This criterion evaluates the ability of the alternatives to reduce or eliminate to the maximum extent possible further releases.

4. Comply with Standards for Management of Wastes. – This criterion evaluates how alternatives assure that management of wastes during corrective measures is conducted in a protective manner.

The next five selection criteria are used to compare the positive and negative aspects of each of the remedial alternatives.

5. Long-term Effectiveness and Permanence. This criterion evaluates the long-term effectiveness of the remedial alternatives after implementation. If wastes or treated residuals remain on-site after the selected remedy has been implemented, the following items are evaluated: 1) the magnitude of the remaining risks, 2) the adequacy of the engineering and/or institutional controls intended to limit the risk, and 3) the reliability of these controls.

6. Reduction of Toxicity, Mobility or Volume. Preference is given to alternatives that permanently and significantly reduce the toxicity, mobility or volume of the wastes at the facility.

7. Short-term Impacts and Effectiveness. The potential short-term adverse impacts of the remedial action upon the community, the workers, and the environment during the construction and/or implementation are evaluated. The length of time needed to achieve the cleanup objectives is also estimated and compared against the other alternatives.

8. Implementability. The technical and administrative feasibility of implementing each alternative are evaluated. Technical feasibility includes the difficulties associated with the construction of the remedy and the ability to monitor its effectiveness. For administrative feasibility, the availability of the necessary personnel and materials is evaluated along with potential difficulties in obtaining specific operating approvals, access for construction, institutional controls, and so forth.

9. Cost-Effectiveness. Capital costs and annual operation, maintenance, and monitoring costs are estimated for each alternative and compared on a present worth basis. Although cost-effectiveness is the last balancing criterion evaluated, where two or more alternatives have met the requirements of the other criteria, it can be used as the basis for the final decision.

The basis for the Department's selected corrective measure is as follows:

Technical

The selected corrective measures were evaluated against four technical criteria: performance, reliability, implementability, and safety during implementation and operation.

ICMs for contamination in site overburden are complete and contaminated materials have been successfully removed to the extent practical considering the site configuration and surface/subsurface structures and interferences, contaminant conditions encountered and the ability to excavate them to meet SCOs in most locations, and based on conduct of the work under safe work conditions. The ICMs have significantly reduced or removed the potential for exposure to chemicals of concern. The ICM in AOCs 3 and 6 removed the majority of source residual petroleum concentrations in overburden soil, thus minimizing further impacts to groundwater on site. Remaining petroleum residual contamination that exceeds the work plan clean-up levels (Protection of Groundwater SCOs) is currently located below a cover of asphalt in AOC 3. In AOC 6, remaining soil with petroleum residuals above limited SCOs is located below a layer of clean fill that has been seeded and mulched. These cover systems will prevent or minimize human exposure, infiltration of water, and erosion. In addition, relict infrastructure that could be a potential source or promote migration of petroleum residuals (former tanks, piping, foundations, etc.) was removed. The ICM in AOC 8 resulted in removal of contaminated soil and materials (concrete, asphalt) associated with the permitted storage area and HWMA, thus eliminating future impacts from these materials. In addition, relict infrastructure that could be a potential source was also removed or cleaned in AOC 8. A former 5,000 gallon UST was removed, and the TSDF buildings were cleaned and verified. The ICMs were completed under approved NYSDEC work plans with measures in place for safety of site workers and the community. Most of the key controls of a Site Management Plan are in place and will be documented in a written plan for approval by NYSDEC:

- Maintenance of the security fence is in place and reliable at limiting site access to authorized personnel.
- Maintenance of existing site cover is readily implementable.
- Groundwater quality monitoring is currently part of the ongoing program, and reports are submitted to the NYSDEC. The means and methods for implementation are readily available.
- The sub-slab depressurization systems are already in place as interim corrective measures and are recognized and are accepted by NYSDOH as an acceptable method for mitigating potential exposure to soil vapor inside buildings (see Guidance for Evaluation Soil Vapor Intrusion in the State of New York, NYSDOH, October 2006).
- Institutional controls (i.e., SMP and environmental easement) are readily implementable.

- The management protocols for site excavation, should it be needed for building expansion or utility maintenance, will be developed and incorporated into a SMP along with documentation of the controls above. The management methods for this type of work are fairly common and easily included in a SMP.

Human Health

The potential threat to human health was evaluated based on exposure assessment. The threat to human health is low based on the following current conditions.

Comparison of remaining petroleum concentrations in overburden soil to Part 375 SCOs for Commercial or Industrial sites indicates there are no exceedances of these criteria for use of the property for commercial or industrial purposes (its current and intended future use by RG&E). The permitted storage units have been cleaned and have undergone complete closure with NYSDEC approval. The remaining contamination is currently covered by buildings, asphalt, clean backfill, gravel, and/or vegetation, which would prevent inadvertent direct contact with the limited areas of residual impacted soils.

Site access is restricted to RG&E employees only, by gates and fencing around the perimeter of the property. Occupied buildings have SSD systems installed as interim corrective measures which mitigate the potential for vapor intrusion and the exposure of RG&E employees to potential soil vapor impacts.

Drinking water is provided to the site and surrounding areas by the City of Rochester and a groundwater use restriction will be imposed.

The SMP will provide for safe management of impacted soil should it be encountered. The SMP will also provide for proper maintenance of site cover, security fence, and operation and maintenance of the SSD system. An environmental easement will reduce risk of human exposure by limiting future use of the property to commercial or industrial use and prohibiting groundwater use.

Environmental

Satisfaction of environmental criteria is measured by the ability of the corrective measure to cause the least adverse impact and provide the greatest improvement in environmental conditions over the shortest period of time. Ground-intrusive activities (ICMs) associated with overburden soil are complete and contaminated materials were removed to the extent practical.

This minimizes further impacts to groundwater on-site and limits the spread of dissolved petroleum constituents from overburden soil. Groundwater quality monitoring will continue as described in the Groundwater Monitoring Plan approved by the NYSDEC. Remaining corrective measures will have minimal impact to the environment because they are already in place with low operation and maintenance requirements (i.e., fence, site cover, SSD system) or are administrative (i.e., SMP, environmental easement).

Institutional

The selected corrective measures were evaluated to assess whether they comply with relevant federal, state, and local environmental and public health standards, regulations, criteria, and guidelines. The ICMs completed in AOC 3, 6, and 8 were performed under NYSDEC approved work plans, and the NYSDEC has approved completion of all overburden soil cleanup activities. Soil concentrations meet Part 375 SCOs for the current and intended future use of the site, which is commercial and industrial use. Based on confirmation soil sampling completed as part of the ICMs, remaining soil concentrations also meet Residential SCOs with the exception of areas to the southeast and south of the Hydro Operations building which are now under asphalt (see Figure 3). Soils in this area exceed Residential SCOs for three compounds. The SMP, once implemented, will provide additional institutional controls (as described in Section 6 above) for the management of remaining contamination on site to the extent it is encountered during necessary future intrusive activities.

Exhibit C

References

6NYCRR 373-2 Hazardous Waste management Permit, Issued to Rochester Gas & Electric Corp., RG&E Brooks Avenue Facility, 755 Brooks Avenue, Rochester, New York, 14649, Permit ID 8-2614-00452/00001, Effective Date: 7/7/2010, Expiration Date: 7/6/2015.

Brooks Avenue Facility RCRA Facility Assessment/RFI Report, Prepared by Dvirka and Bartilucci Consulting Engineers, March 2001.

RCRA Facility Investigation, Additional RFI Activity Report, RG&E Brooks Avenue TSD Facility, Prepared by Ish Inc. and META Environmental, Inc., December 16, 2004.

Rochester Gas and Electric Corporation, Brooks Avenue Hazardous Waste Storage Facility Closure, Corrective Action Soil Investigation Report, Prepared by RG&E, July 15, 2010.

Report on Interim Corrective Measures, 755 Brooks Avenue, Rochester, New York, Prepared by Haley and Aldrich, July 26, 2012.

Brooks Avenue Facility RFI Report Supplement – Groundwater Investigation, prepared by Dvirka and Bartilucci Consulting Engineers, March 2001.

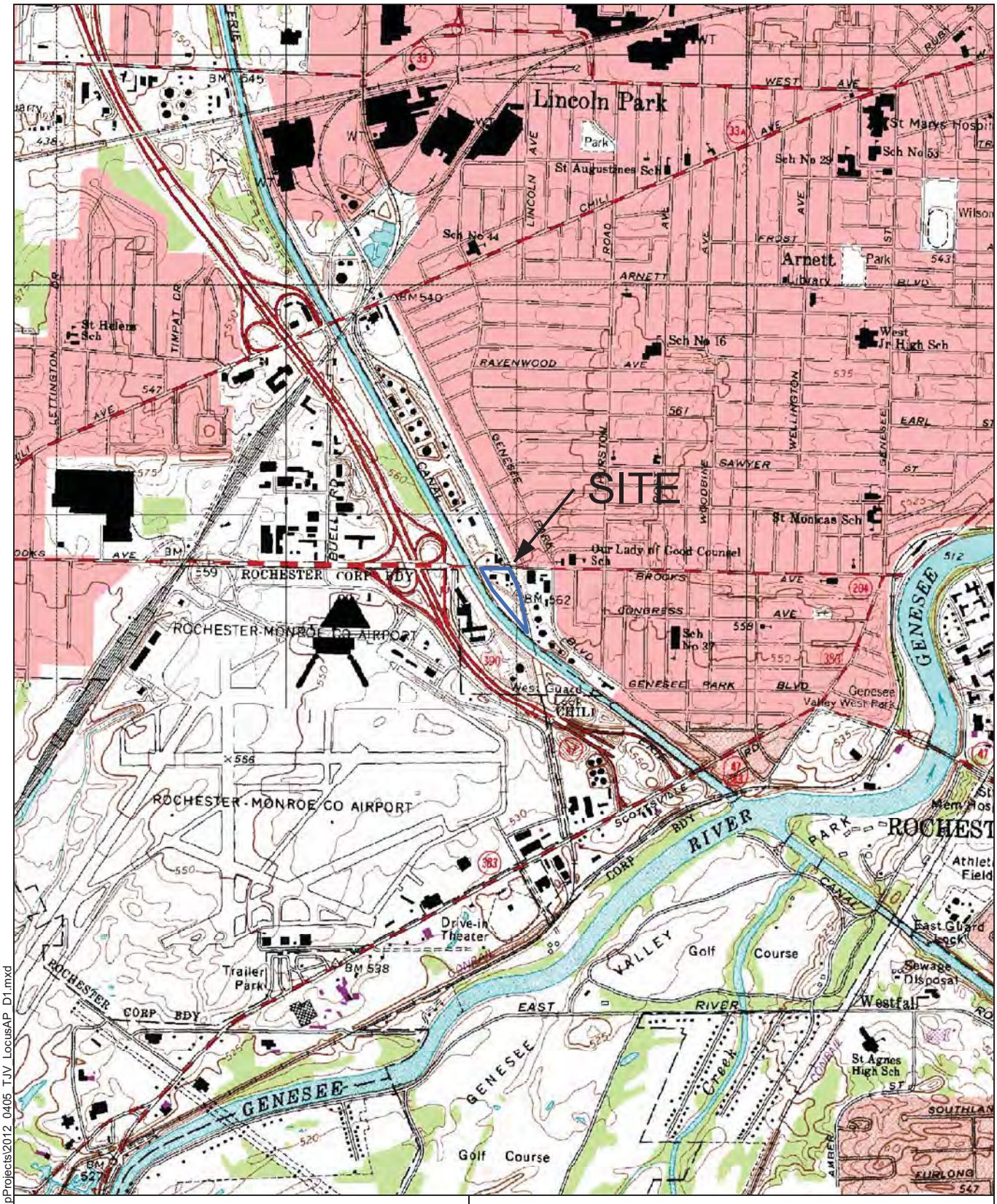
Brooks Avenue Facility, RFI Report Supplement – Groundwater Iinvestigation,
Prepared by Dvirka and Bartilucci Consulting Engineers, February 2003.

RG&E Brooks Avenue Facility, Groundwater Monitoring Plan, prepared by Haley and Aldrich of New York, April 29, 2013.

Rochester Gas and Electric Corporation, Brooks Avenue Hazardous Waste Storage Facility, Final Closure Report, prepared by RG&E, October 14, 2009.

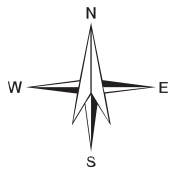
Report on Corrective Measures Study, RG&E Brooks Avenue Facility, Prepared by Haley and Aldrich of New York, January 30, 2013.

FIGURES



SITE COORDINATES:
43°07'48"N 77°39'22"W

U.S.G.S. QUADRANGLE:
ROCHESTER WEST, NEW YORK



0 1,000 2,000

SCALE IN FEET

HALEY & ALDRICH

RG&E
755 BROOKS AVENUE
ROCHESTER, NEW YORK

SITE LOCATION

SCALE: AS SHOWN
APRIL 2012

FIGURE 1

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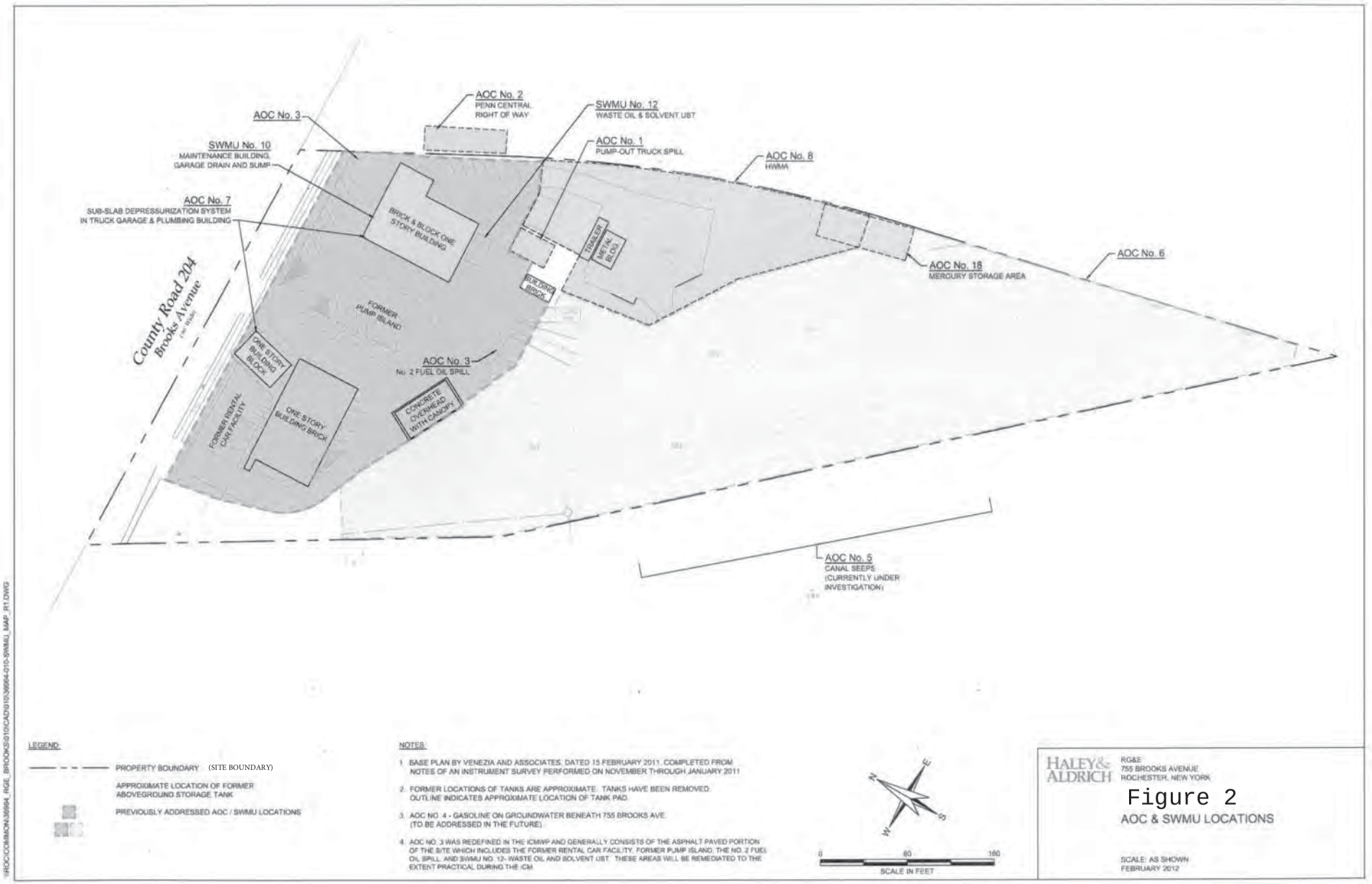


LEGEND:

PROPERTY BOUNDARY (SITE BOUNDARY)

APPROXIMATE LOCATION OF FORMER ABOVEGROUND STORAGE TANK

PREVIOUSLY ADDRESSED AOC / SWMU LOCATIONS

NOTES:

1. BASE PLAN BY VENEZIA AND ASSOCIATES, DATED 15 FEBRUARY 2011, COMPLETED FROM NOTES OF AN INSTRUMENT SURVEY PERFORMED ON NOVEMBER THROUGH JANUARY 2011
2. FORMER LOCATIONS OF TANKS ARE APPROXIMATE. TANKS HAVE BEEN REMOVED. OUTLINE INDICATES APPROXIMATE LOCATION OF TANK PAD.
3. AOC NO. 4 - GASOLINE ON GROUNDWATER BENEATH 755 BROOKS AVE. (TO BE ADDRESSED IN THE FUTURE).
4. AOC NO. 3 WAS REDEFINED IN THE ICMWP AND GENERALLY CONSISTS OF THE ASPHALT PAVED PORTION OF THE SITE WHICH INCLUDES THE FORMER RENTAL CAR FACILITY, FORMER PUMP ISLAND, THE NO. 2 FUEL OIL SPILL, AND SWMU NO. 12- WASTE OIL AND SOLVENT UST. THESE AREAS WILL BE REMEDIATED TO THE EXTENT PRACTICAL DURING THE ICM.

N E S W

0 80 160
SCALE IN FEET

HALEY & ALDRICH

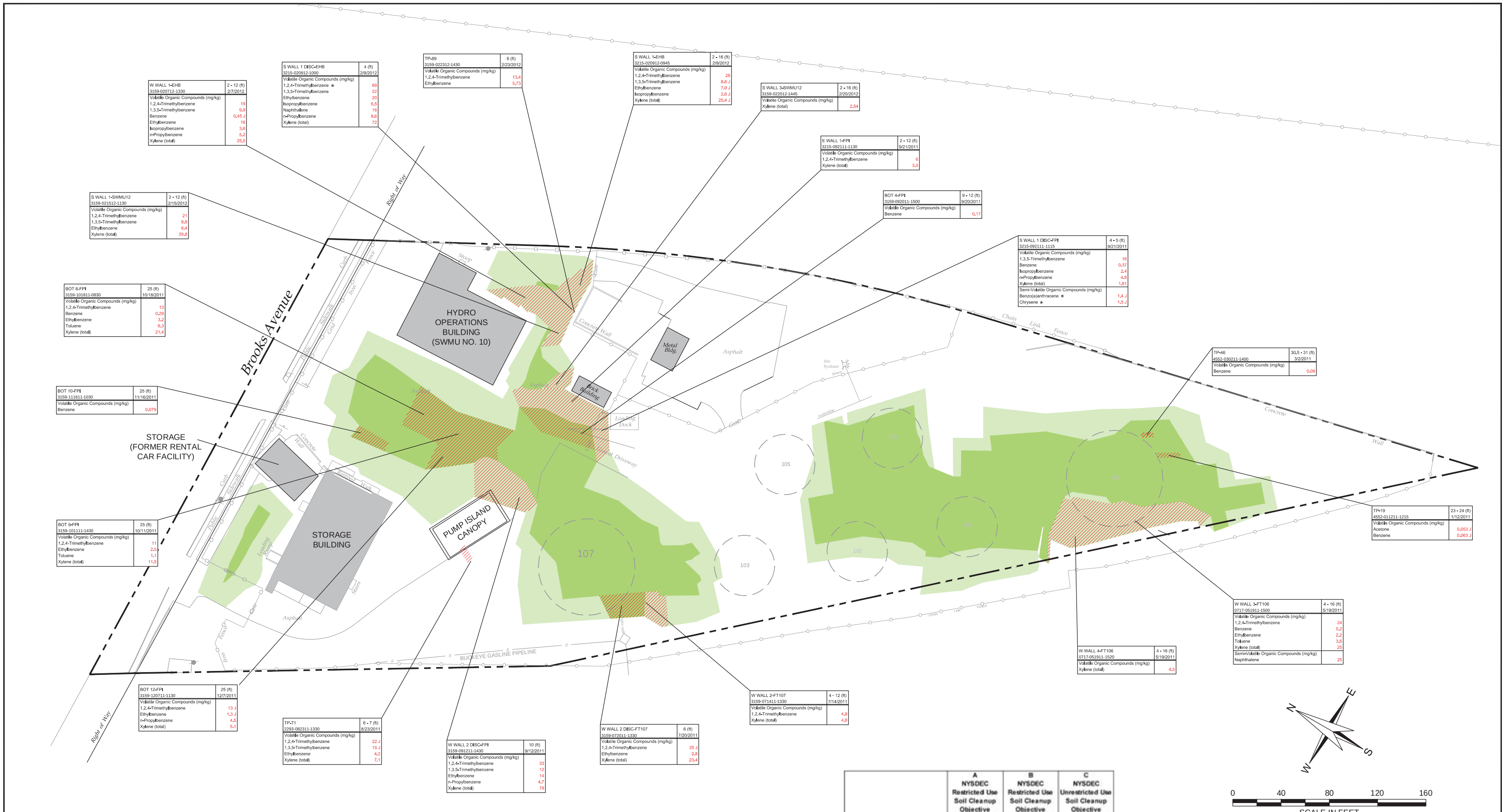
RG&E
755 BROOKS AVENUE
ROCHESTER, NEW YORK

Figure 2

AOC & SWMU LOCATIONS

SCALE: AS SHOWN
FEBRUARY 2012

\\ROC\COMMON\36984_RGE_BROOKS\010\CAD\010\36984-010-SWMU_MAP_R1.DWG



LEGEND:

- PROPERTY BOUNDARY
- APPROXIMATE LOCATION OF FORMER ABOVEGROUND STORAGE TANK
- SIDEWALL CONFIRMATION SAMPLE COLLECTED AND ANALYZED FOR VOCs AND SVOCs
- BOTTOM CONFIRMATION SAMPLE COLLECTED AND ANALYZED FOR VOCs AND SVOCs
- REPRESENTATIVE SAMPLE AREA EXCEEDED CRITERIA AT PRACTICAL LIMIT

NOTES:

1. CONCENTRATIONS ARE IN MG/KG.
2. ONLY CHEMICALS EXCEEDING NYSDEC RESTRICTED USE PROTECTION OF GROUNDWATER (TABLE 375-6.8(b), DECEMBER 2006) ARE SHOWN IN EACH DATABOX.
3. J: ESTIMATED RESULT
4. D: DILUTION
5. /: SAMPLE DUPLICATE
6. "SCREEN" INDICATES SAMPLE WAS ANALYZED FOR VOCs ONLY.
7. *: CHEMICAL EXCEEDS RESTRICTED USE RESIDENTIAL (TABLE 375-6.8(b), DECEMBER 2006).

	A NYSDEC Restricted Use Soil Cleanup Objective Protection of Groundwater	B NYSDEC Restricted Use Soil Cleanup Objective Protection of Public Health Residential	C NYSDEC Unrestricted Use Soil Cleanup Objective
Volatile Organic Compounds (mg/kg)			
1,2,4-Trimethylbenzene	3.6	47	3.6
1,3,5-Trimethylbenzene	8.4	47	8.4
Benzene	0.06	2.9	0.06
Ethylbenzene	1	30	1
Isopropylbenzene	2.3	100	-
Naphthalene	12	100	12
n-Propylbenzene	3.9	100	3.9
Toluene	0.7	100	0.7
Xylene (total)	1.6	100	0.26
Semi-Volatile Organic Compounds (mg/kg)			
Benzo(a)anthracene	1	1	1
Chrysene	1	1	1
Naphthalene	12	100	12

HALEY & ALDRICH

RG&E BROOKS AVE ICM
755 BROOKS AVENUE
ROCHESTER, NEW YORK

PRACTICAL LIMIT CONFIRMATION SAMPLE EXCEEDANCES

SCALE: AS SHOWN
JANUARY 2013

FIGURE 3

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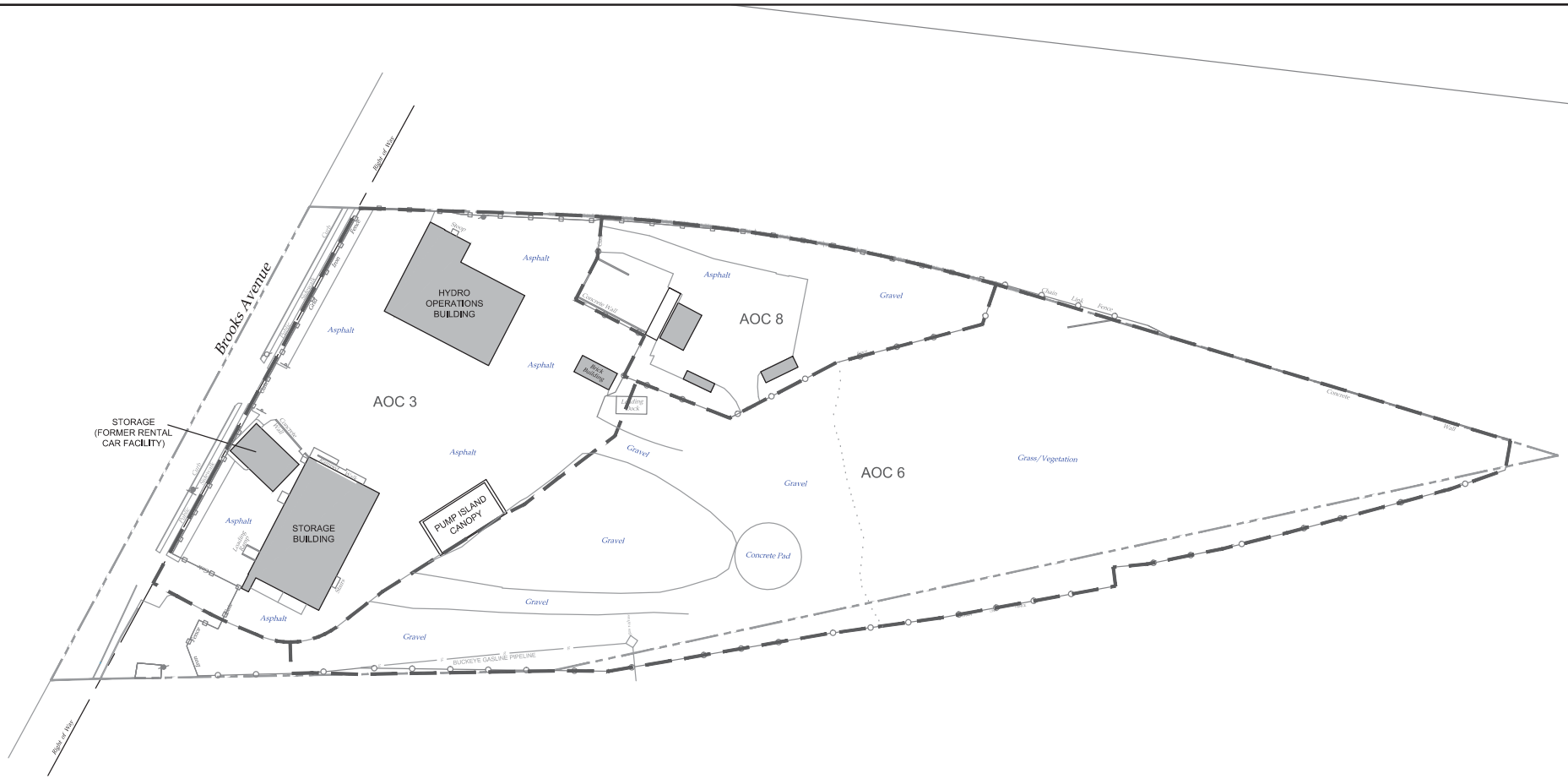

HALEY & ALDRICH

RG&E BROOKS AVENUE ICM
755 BROOKS AVENUE
ROCHESTER, NEW YORK

SITE COVER PLAN

SCALE: AS SHOWN
MAY 2013

FIGURE 4

G:\36964_RGE_BROOKS\GLOBAL\CAD\36964-SITE_COVER_PLAN.DWG

ATTACHMENT B

RESPONSIVENESS SUMMARY

Rochester Gas and Electric Corporation
Operable Unit 01 – Soil and Overburden Contamination
Areas of Concern 3, 6 and 8
Rochester, Monroe County
NYSDEC Site Number 828095
EPA ID#NYD000818781

The draft Statement of Basis (SB) for the referenced site was prepared by the New York State Department of Environmental Conservation (the Department) in consultation with the New York State Department of Health (NYSDOH) and was issued for public comment on March 5, 2013. The draft SB outlined the remedial measures proposed for the referenced operable unit.

The release of the draft SB was announced by sending a fact sheet to the Monroe County public contact list via Listserv informing the public of the opportunity to comment on the proposed remedy. In addition, a fact sheet regarding the proposed action was sent to nearby property owners, and the draft Statement of Basis and associated draft permit modifications were published in the Department's Environmental Notice Bulletin on March 5, 2014.

The SB indicated that if there were sufficient interest in the proposed remedy, a public meeting could be arranged. The Department received two comment letters, neither of which requested a public meeting, nor indicated the need for a public meeting.

The public comment period ran from March 5, 2014 through April 21, 2014. This responsiveness summary responds to written comments provided in two comment letters submitted during the public comment period. (One of the letters was submitted by the Permittee.) These comments have become part of the Administrative Record for this site. The following are the comments received, with the Department's responses:

An email dated March 5, 2014, was received from Misha Cohen, that contained the following comments:

COMMENT 1: I am concerned that the Site Management Plan which is proposed is "to be developed". It seems to me that to be part of a Proposed Remedy, it must be developed. This Proposal is the place where one, it seems to me, describes the developed Site Management Plan. It seems that this Remedy Proposal does not yet exist. (However it may be that the enumerated list is sufficient for a Remedy Proposal.)

RESPONSE 1: The Site Management Plan (SMP) will serve as the mechanism to ensure that the site will be properly managed, now that the interim corrective measures (removal and off-site disposal of contaminated soils) are complete. The SB has outlined, in extensive detail, the elements that must be included in the SMP. The required elements are meant to ensure that necessary controls (both institutional and engineering) remain in place and that these controls continue to be protective of human health and the environment. After a draft SMP is developed, it will be submitted to the Department for review, and will only be approved when it is found to be satisfactory. It should be noted that RG&E will perform all of the above referenced activities under the authority of a Hazardous Waste Management Permit (or Consent Order), and the Permit (or Order) is the legal mechanism that will ensure proper implementation of the SMP.

COMMENT 2: It is also slightly bothering that the Proposed Remedy is "No Further Action". Not acting is not a remedy.

RESPONSE 2: Significant actions to address contamination at this site have already been undertaken. Section 5.4 of the SB describes the interim corrective measures that were implemented to address soil contamination at AOCs 3, 6 and 8. These included the excavation and removal (for off-site disposal) of more than 53,000 tons of contaminated soils. In addition, the SB requires RG&E to develop an SMP that is acceptable to the Department as described in Response 1 above. So "No Further Action" refers to no additional actions beyond the many significant actions described in the SB.

COMMENT 3: It seems to me that the Proposed Remedy is really "continued site management".

RESPONSE 3: See Response 2.

A letter dated April 18, 2014, was received from RG&E, that contained the following comments:

COMMENT 4: *Module 1, page 1 last paragraph; and Module II page 1, first paragraph* – These paragraphs summarize the work that has been completed to date and should be revised. Currently, these paragraphs indicate that the site is in the RFI phase and that a Corrective Measures Study and resulting selection and completion of final remedial measures have yet to be performed. These paragraphs should be revised to indicate the current status of the site, and acknowledge the work that has been completed in the overburden. RG&E requests that the NYSDEC revise these paragraphs to capture the following work completed in the overburden.

- Investigation of overburden conditions is complete.
- Remediation was completed to the extent practical in accordance with the NYSDEC-approved Interim Corrective Measures (ICM) work plan dated September 2010. The ICM report was approved by NYSDEC during November 2012.
- A Corrective Measures Study (CMS) has been completed which incorporates the completed ICM as part of the final remedy. The CMS report was approved by NYSDEC during June 2013.
- NYSDEC has determined No Further Action Required with a Site Management Plan.

RESPONSE 4: The Department acknowledges and agrees with the statements presented in the bullets above as they pertain to Operable Unit 1. Although RG&E has completed the RCRA Facility Investigation (RFI) for Operable Unit 1 and additional Solid Waste Management Units (SWMUs) and/or Areas of Concern (AOCs), additional RFI tasks may be necessary at AOCs 4, 5, and 7, as indicated in Table II-3 of Module II. The paragraphs referenced in Comment 4 have been modified to indicate that corrective actions have been completed at several SWMUs and AOCs.

COMMENT 5: *Module II, page 24, Section E-14(b), Permit Modification for Corrective Measures, financial assurance requirement; and page 25, Section G, Financial Assurance for Corrective Action Activities* – These sections indicate that RG&E will need to provide a revised financial assurance estimate after the permit modification is finalized. The last financial assurance estimate was submitted to the NYSDEC in April 2014 and accounted for the following costs:

- Groundwater monitoring, sample analysis, and reporting in accordance with the NYSDEC-approved Groundwater Management Plan (April 2012).
- Well maintenance, replacement and decommissioning
- Annual system checks and maintenance for the sub-slab depressurization systems

The above cost items are consistent with the No Further Action determination; therefore, a revision to the financial assurance estimate at this time does not appear to be warranted. RG&E plans to submit the next annual financial assurance update by 1 April 2015, as required by Module 1, Section D-8 of the Part 373 Permit.

RESPONSE 5: It is expected that the cost estimate upon which financial assurance is based may change slightly due to activities related to implementation of the approved Site Management Plan. This might include maintenance related to the security fence, maintenance of the site cover and activities that may be needed to address areas that were previously inaccessible. Upon approval of the Site Management Plan, the Department will require an updated cost estimate, which will be used to determine the Financial Assurance to be submitted on the following April 1. The Permit sections referenced in Comment 5 will be modified to clarify the financial assurance requirements.

ATTACHMENT C

Administrative Record

Rochester Gas and Electric Corporation
Operable Unit 01 – Soil and Overburden Contamination
Areas of Concern 3, 6 and 8
Rochester, Monroe County
NYSDEC Site Number 828095
EPA ID#NYD000818781

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RCRA Facility Investigation, Additional RFI Activity Report, RG&E Brooks Avenue TSD Facility, Prepared by Ish Inc. and META Environmental, Inc., December 16, 2004.

Rochester Gas and Electric Corporation, Brooks Avenue Hazardous Waste Storage Facility, Final Closure Report, prepared by RG&E, October 14, 2009.

6NYCRR 373-2 Hazardous Waste management Permit, Issued to Rochester Gas & Electric Corp., RG&E Brooks Avenue Facility, 755 Brooks Avenue, Rochester, New York, 14649, Permit ID 8-2614-00452/00001, Effective Date: 7/7/2010, Expiration Date: 7/6/2015.

Rochester Gas and Electric Corporation, Brooks Avenue Hazardous Waste Storage Facility Closure, Corrective Action Soil Investigation Report, Prepared by RG&E, July 15, 2010.

Report on Interim Corrective Measures, 755 Brooks Avenue, Rochester, New York, Prepared by Haley and Aldrich, July 26, 2012.

Report on Corrective Measures Study, RG&E Brooks Avenue Facility, Prepared by Haley and Aldrich of New York, January 30, 2013.

RG&E Brooks Avenue Facility, Groundwater Monitoring Plan, prepared by Haley and Aldrich of New York, April 29, 2013.