

AMENDED RECORD OF DECISION

235 Metro Park Brighton Town of Brighton, Monroe County, New York Site Number 828150

July 2023



**Department of
Environmental
Conservation**

Prepared by the:

Division of Environmental Remediation
New York State Department of Environmental Conservation

DECLARATION STATEMENT – AMENDED RECORD OF DECISION

235 Metro Park Brighton
Town of Brighton, Monroe County
Site No. 828150
July 2023

Statement of Purpose and Basis

The Amended Record of Decision (AROD) presents the selected remedy for the 235 Metro Park Brighton site, a Class 2 inactive hazardous waste disposal site. The selected remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (6 NYCRR) Part 375 and is not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan of March 8, 1990 (40CFR300), as amended.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the site and the public's input on the Proposed Amendment to the ROD presented by the Department. A listing of the documents included as a part of the Administrative Record is included in Appendix B of the AROD.

Description of Selected Remedy

The elements of the amended remedy are as follows:

1. Remedial Design

A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and 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 gases 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;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings will include, at

a minimum, a 20-mil vapor barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

2. Cover System

A site cover currently exists in areas not occupied by buildings and will be maintained to allow for commercial use of the site. Any site redevelopment will maintain the existing site cover. The site cover may include paved surface parking areas, sidewalks, or soil where the upper one foot of exposed surface soil meets the applicable soil cleanup objectives (SCOs) for commercial use. Any fill material brought to the site will meet the requirements for the identified site use as set forth in 6 NYCRR part 375-6.7(d).

3. Monitored Natural Attenuation

Groundwater contamination will be addressed with monitored natural attenuation (MNA). Groundwater will be monitored for site related contamination and for MNA indicators which will provide an understanding of the (biological activity) breaking down the contamination. It is anticipated that contamination will decrease by an order of magnitude in a reasonable 5 to 10 years. Reports of the attenuation will be provided annually, and active remediation will be proposed if it appears that natural processes alone will not address the contamination. The contingency remedial action will depend on the information collected, but it is currently anticipated that a range of remedial actions from excavation to in-situ thermal treatment would be evaluated.

4. Engineering and Institutional Controls

Imposition of an institutional control in the form of an environmental easement and a Site Management Plan, as described below, will be required. The remedy will achieve a restricted commercial cleanup.

Institutional Control:

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

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

5. Site Management Plan

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

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

Institutional Controls: The Environmental Easement discussed in Paragraph 5 above.

Engineering Controls: The cover system discussed in Paragraph 2 above.

This plan includes, but may not be limited to:

- An Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination.
 - A provision for further investigation and remediation should large scale redevelopment occur, if any of the existing structures are demolished, or if the subsurface is otherwise made accessible. The nature and extent of contamination in areas where access was previously limited or unavailable will be immediately and thoroughly investigated pursuant to a plan approved by the Department. Based on the investigation results and the Department determination of the need for a remedy, a Remedial Action Work Plan (RAWP) will be developed for the final remedy for the site, including removal and/or treatment of any source areas to the extent feasible. Citizen Participation Plan (CPP) activities will continue through this process. Any necessary remediation will be completed prior to, or in association with, redevelopment. This includes the site as a whole and the existing on-site building.
 - A provision for demolition of the on-site building if and when it becomes unsafe or inactive or vacant.
 - A provision should redevelopment occur to ensure no soil exceeding protection of groundwater concentrations will remain below storm water retention basin or infiltration structures.
 - A provision for removal or treatment of the source area located under the on-site building when the building is demolished or becomes vacant.
 - Descriptions of the provisions of the environmental easement including any land use and groundwater use restrictions.
 - A provision for evaluation of the potential for soil vapor intrusion, including sub-slab and indoor air sampling, for any occupied buildings on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion.
 - A provision that should a building foundation or building slab be removed in the future, a cover system consistent with that described in Paragraph 2 above will be placed in any areas where the upper one foot of exposed surface soil exceed the applicable soil cleanup objectives (SCOs).
 - Provisions for the management and inspection of the identified engineering controls.
 - Maintaining site access controls and Department notification.
 - The steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.
- 2) A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
- Monitoring of groundwater to assess the performance and effectiveness of the remedy;
 - A schedule of monitoring and frequency of submittals to the Department; and
 - Monitoring for vapor intrusion for any buildings on the site, as may be required by the Institutional and Engineering Control Plan discussed above.

New York State Department of Health Acceptance

The NYSDOH concurs that the amendment to the remedy for this site is protective of human health.

Declaration

The selected remedy is protective of public health and the environment, complies with State and Federal requirements that are legally applicable or relevant and appropriate to the remedial action to the extent practicable, and is 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.

July 17, 2023

Dave Harrington for

Date

Andrew Guglielmi, Director
Division of Environmental Remediation

RECORD OF DECISION AMENDMENT

235 METRO PARK BRIGHTON SITE



Town of Brighton / Monroe County / Registry No. 828150

July 2023

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

SECTION 1: PURPOSE AND SUMMARY OF THE RECORD OF DECISION AMENDMENT

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), is proposing an amendment to the Record of Decision (ROD) for the above referenced site. The disposal of hazardous wastes at this site, as more fully described in the original ROD document and Section 6 of this document, has caused the contamination of various environmental media. The amendment is intended to attain the remedial action objectives identified for this site for the protection of public health and the environment. This amendment identifies the new information which has led to this amendment and discusses the reasons for the preferred amended remedy.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (6 NYCRR) Part 375 Environmental Remediation Programs. This document is a summary of the information that can be found in the site-related reports and documents in the document repository identified below.

On March 30, 2012, the New York State Department of Environmental Conservation (Department) signed a Record of Decision (ROD) which selected a remedy to clean-up the 235 Metro Park Brighton Site.

The ROD called for injections of biological amendments via direct injections to address the PCE and TCE areas of concern at the Site. In addition, a bench-scale/pilot study was to be completed at the Site to determine Site specific design parameters. The pilot study was conducted at the site indicated that high pressure injections were needed to initiate injections within the subsurface, which would not allow for even distribution of the amendment throughout the formation. Low-pressure injections are typically the preferred mode of injection to obtain solution distribution through the pore space of the subsurface formation; therefore, providing increased contact with the contamination within the groundwater plume. In addition, significant groundwater mounding occurred during the pilot study resulting in groundwater rising near the surface due to the presence of shallow groundwater at the Site (less than 5 feet below ground surface) This resulted in the potential exposure of the contaminated groundwater plume at the site's surface. Pilot test results and observations indicate that enhanced reductive dechlorination (ERD) remedy or other injection-based remedies (e.g., in situ chemical reduction, chemical oxidation) as indicated in the approved ROD are not implementable, not feasible at the Site due to soil conditions, and the depth to groundwater creates a potential exposure scenario at the site's surface.

The modifications/changes to the ROD are as follow:

- Eliminate the remedial element for direct injections into the subsurface.
- Add remedial element for Monitored Natural Attenuation (MNA) to the ROD. Groundwater sampling conducted at the Site appears to be conducive to MNA.

- Update the remedial elements in the ROD to reflect the Department's current language – Remedial Design, Cover System, Engineering and Institutional Controls, and Site Management Plan.

SECTION 2: CITIZEN PARTICIPATION

The Department sought community input on the ROD Amendment. This is an opportunity for public participation in the remedy selection process. The information here is a summary of what can be found in greater detail in reports that have been placed in the Administrative Record for the site. The public was encouraged to review the reports and documents, which are available at the following repositories:

Brighton Town Library
2300 Elmwood Avenue
Rochester, New York 14618
Phone: 585-784-5300
Website: <https://www.brightonlibrary.org/>

New York State Department of Environmental Conservation
Region 8 Office
6274 East Avon-Lima Road
Avon, New York 14414
Phone: 585-226-5354 (Site Project Manager)
E-mail: charlotte.theobald@dec.ny.gov
Please call for an appointment

Site-specific documents may be found online through the Department's DECinfo Locator at: <https://www.dec.ny.gov/data/DecDocs/828150/>

A 30-day public comment period was held from March 1 to March 30, 2023, to provide an opportunity for the public to comment on the proposed remedy. In addition, a virtual public meeting was held on March 16, 2023, at 6:30 PM, to allow the public an opportunity to learn about and discuss the amended remedy for the site. The meeting included a description of the original ROD and the circumstances that led to proposed changes to the remedy were presented. After the presentation, a question-and-answer period was held.

Written comments also could have been sent to:

Charlotte B. Theobald, Project Manager
NYS Department of Environmental Conservation
Region 8 Office
Division of Environmental Remediation
6274 East Avon-Lima Road
Avon, New York 14414
Phone: 585-226-5354
E-mail: charlotte.theobald@dec.ny.gov

A record of any comments received is summarized and addressed in the Responsiveness Summary section of this final version of the Amended ROD. This Amended ROD is the Department's final remedy selection

for the site.

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 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: SITE DESCRIPTION AND HISTORY

Location:

The 3.11-acre 235 Metro Park Brighton site is in a suburban area of Monroe County within the Town of Brighton and occupies tax parcel 149.17-2-7.11 and 149.71-2-7.12. The site is located approximately 4 miles south of downtown Rochester and is due west of Monroe Community College.

Site Features:

The main feature of the site includes a building with a footprint of approximately 20,000 sq. ft. that has a loading dock area and a parking lot. The site also has a vacant grassy area and a landscaped lawn. The site is bound by the Metro Park roadway along the northeastern and northwestern property line.

Current Zoning and Land Use:

The site is currently active and zoned for commercial and light industrial use. The building is being used for label manufacturing and associated office space. The surrounding parcels are used for a combination of commercial, light industrial, and utility rights-of-way. The nearest residential area is an apartment complex known as Rustic Village Apartments about 2 tenths of a mile north of the site.

Past Use of the Site:

A variety of light industrial and commercial enterprises have occupied the site. The building, reportedly constructed in 1968, was used for sales and service of electric motors and transformers until May 2001. The building has been used more recently for label making operations and associated office space. Prior uses that appear to have led to site contamination include the servicing of electric motors, including degreasing, coil stripping, and spray-painting operations.

The site is currently known as 235 Metro Park Brighton (Site Number 828150). The site was previously in the former Voluntary Cleanup Program (VCP), site code V00942.

Site Geology and Hydrogeology:

Borings advanced at the site indicate undifferentiated silt, silty sand, and clay strata extending to approximately 65 to 68 feet below ground surface. Glacio-lacustrine deposits are underlain by a silty sand and to gravelly sand unit that may represent glacial outwash deposits. The glacial outwash deposits extend to approximately 74 feet below ground surface. Beneath the glacial outwash deposits is a very dense undifferentiated glacial till consisting of silty sand which is approximately 3.5 feet thick. The till contacted top of bedrock at 76.5 feet and 84 feet below ground surface.

The saturated water table is typically less than 5 feet below ground surface. Groundwater beneath the site flows radially toward the southwest, north-northeast, and northwest from an elevated groundwater mound in the southeastern portion of the site. A deeper zone of groundwater was encountered at approximately 18.5 - 24 feet below ground surface.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. The 235 Metro Park Brighton site is currently zoned for commercial and light industrial use and is in an area of commercial and light industrial use.

SECTION 5: ENFORCEMENT STATUS

Potentially Responsible Parties (PRPs) are those who may be legally liable for contamination at a site. This may include past or present owners and operators, waste generators, and haulers.

The Voluntary Cleanup Agreement (VCA) with 235 Metro Park Associates, LLC was terminated by the State for failure to comply with the terms of the Agreement effective July 16, 2007. Subsequently, an Order on Consent (Index No.: B8-0778-08-03) was signed by 235 Metro Park Associates, LLC on September 30, 2008. The September 2008 Order on Consent (Index No.: B8-0778-08-03A) was superseded by an Order on Consent signed with Fischbach LLC [the remedial party (RP)] on November 19, 2009. The Order obligates the responsible party to implement a full remedial program.

SECTION 6: SITE CONTAMINATION

6.1: Summary of Environmental Assessment

Nature and Extent of Contamination:

The RP prepared a Remedial Investigation/Feasibility Report dated April 2011, conducted a remedial design investigation, a pilot study for injections (conducted December 2015; report dated August 2016), a groundwater monitoring program, including emergent contaminant sampling (conducted October 2020; report dated July 2021), and an indoor air monitoring program (last conducted 2014). All environmental data collected to date (2004 to 2020) was used in the evaluation of the amended remedy selection process.

Soil and groundwater were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, polychlorinated biphenyls (PCBs), per- and polyfluoroalkyl substances (PFAS), and pesticides. Soil vapor was analyzed for VOCs. Based on investigations conducted to date, the primary contaminants of concern are chlorinated solvents - tetrachloroethene (PCE), trichloroethene (TCE), and associated breakdown products in site soil, groundwater, and soil vapor. The remedial investigation identified two separate plumes of contaminated shallow groundwater in the vicinity of the rear (eastern portion) of the subject building. The contaminated groundwater plumes are contained on-site. Chlorinated solvents exceed the groundwater standards and guidance values. The emergent contaminant groundwater sampling event (October 2020) indicated that 1,4-dioxane and per- and polyfluoroalkyl substances exceeded the Department's standards and guidance values.

Surface Soil:

Surface soil sampling indicated semi-volatile organic compounds (SVOCs) exceeded the commercial soil cleanup objectives (SCOs). Benzo(a)pyrene concentrations ranged from non-detect to 5 parts per million (ppm) [commercial SCO – 1 ppm]. Dibenzo(a,h)anthracene concentrations ranged from non-detect to 0.86 ppm [commercial SCO – 0.56 ppm].

Subsurface Soil:

Subsurface soil sampling indicated arsenic exceeded the commercial SCOs. Arsenic concentrations ranged from non-detect to 39.5 ppm [commercial SCO – 16 ppm].

Groundwater:

Groundwater sampling conducted at the site from 2004 to 2020 indicates chlorinated VOCs, 1,4-dioxane, and PFAS impacted groundwater at the site.

Contaminants of Concern	Concentration Range	NYS Groundwater Standard or Guidance Value
Trichloroethene	ND to 9,400 ppb	5 ppb
Tetrachloroethene	ND to 3,400 ppb	5 ppb
1,1,1-trichloroethane	ND to 260 ppb	5 ppb
1,1-dichloroethane	ND to 480 ppb	5 ppb
1,1-dichloroethene	ND to 240 ppb	5 ppb
cis-1,2-dichloroethene	ND to 2,700 ppb	5 ppb
Vinyl chloride	ND to 970 ppb	0.7 ppb
1,4-dioxane	ND to 39 ppb	0.35 ppb
Perfluorooctane sulfonic acid	ND to 12 ppt	2.7 ppt
Perfluorooctanoic acid	ND to 98 ppt	6.7 ppt
Total PFAS	12.4 to 587 ppt	NA

ND: Non-detect

ppb: parts per billion

ppt: parts per trillion

NA: Not Applicable

Vapor Intrusion:

Vapor intrusion sampling at the site has been conducted [2002 – sub-slab sampling; 2010 sub-slab sampling, and 2014 indoor air and sub-slab sampling]. The sub-slab vapor results indicate trichloroethene, 1,1,1-trichloroethane, carbon tetrachloride, trichloroethene, cis-1,2-dichloroethene, vinyl chloride, and tetrachloroethene were detected in the sub-slab vapor. Carbon tetrachloride, 1,1,1-tetrachloroethane, and tetrachloroethene were detected in the indoor air samples collected in the office area of the on-site building. Perimeter soil vapor results indicated carbon tetrachloride, trichloroethene, 1,1,1-trichloroethane, and tetrachloroethene in soil vapor samples. The concurrent ambient air results indicated 1,1,1-trichloroethane, carbon tetrachloride, and tetrachloroethene though no specific sources were identified. An updated vapor intrusion evaluation will be conducted to inform further actions, if appropriate.

Contaminants of Concern	Sub-slab Concentration Range	Indoor Air Concentration Range
Tetrachloroethene	ND to 240 ^(b) µg/m ³	ND to 0.25 ^(c) µg/m ³
Trichloroethene	ND to 40 ^(a) µg/m ³	ND

Contaminants of Concern	Sub-slab Concentration Range	Indoor Air Concentration Range
Cis-1,2-dichloroethene	ND to 1,800 ^(a) µg/m ³	ND
Vinyl chloride	ND to 6.7 ^(a) µg/m ³	ND
1,1,1-trichloroethane	ND to 7.5 ^(c) µg/m ³	ND to 0.061 ^(b) µg/m ³
Carbon tetrachloride	ND to 0.58 ^(b) µg/m ³	ND to 0.62 ^(b) µg/m ³

ND: Non-detect

µg/m³: micrograms per cubic meter of air

(a): 2002 sampling event; maximum concentration detected

(b)b: 2010 sampling event; maximum concentration detected

(c): 2014 sampling event; maximum concentration detected

6.2: Interim Remedial Measures

An IRM is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Record of Decision. An IRM was conducted under the VCP (V00492) consisting of the removal of an underground storage tank, surficial soil removal, and cleanup of PCBs on flooring slab.

6.3: Summary of Human Exposure Pathways

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. Contact with contaminated soil is unlikely unless persons dig below the ground 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. The potential exists for exposures via soil vapor intrusion in the on-site building and actions have been recommended. Environmental sampling indicates there is no potential for soil vapor intrusion into off-site structures.

SECTION 7: SUMMARY OF ORIGINAL REMEDY AND AMENDMENT

7.1 Original Remedy

The elements of the original selected remedy are as follows:

1. A remedial design program will be implemented to provide the details necessary for the construction, operation, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and 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;
 - Maximizing habitat value and creating habitat when possible;
 - Fostering green and healthy communities and working landscapes that balance ecological, economic, and social goals; and
 - Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.
2. Injections of biological amendments via direct injections will be conducted in the PCE and the TCE areas of concern. The biological amendments are anticipated to be injected to a depth of approximately 20 feet below grade. The injection method and depth will be modified as needed based on site conditions and the remedial design program discussed in item 1 above. Prior to full implementation of this technology, a bench-scale study will be conducted to more clearly define the design parameters. Once the bench-scale study has been completed the full-scale implementation of the remedy will be conducted at the site. Based on the current understanding of the geological and hydrogeological conditions at the site it is anticipated that the injection points will be closely spaced.
 3. A site cover currently exists and will be maintained to allow for commercial use of the site. Any site redevelopment will maintain a site cover, which may consist either of the structures such as buildings, pavement, sidewalks comprising the site development or a soil cover in areas where the upper one foot of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where a soil cover is required, it will be a minimum of one foot of soil, meeting the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d) for commercial use. The soil cover will be placed over a demarcation layer, with the upper six inches of the soil of sufficient quality to maintain a vegetation layer. Any fill material brought to the site will meet the requirements for the identified site use as set forth in 6 NYCRR Part 375-6.7(d).
 4. 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 Part 375-1.8 (h)(3);
 - 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 Monroe County Health Department;
 - Prohibits agriculture or vegetable gardens on the controlled property; and
 - Requires compliance with the Department approved Site Management Plan.
 5. A Site Management Plan is required, which includes the following:
 - a. An Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:
 - Institutional Controls: See item #4 above.

- Engineering Controls: See item #3 above.

This plan includes, but may not be limited to:

- An Excavation Plan which details the provisions for management of future excavations;
 - Descriptions of the provisions of the environmental easement including any land use, and groundwater use restrictions;
 - A provision for evaluation of the potential for soil vapor intrusion or any buildings occupied or developed on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
 - Provisions for the management and inspection of the identified engineering controls;
 - Maintaining site access controls and Department notification; and
 - The steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.
- b. Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
- Groundwater monitoring, primarily sampling for VOCs, will be conducted within the treatment area and downgradient of the treatment area to evaluate the effectiveness of the remedial alternative and determine the need for additional biological amendments;
 - A schedule of monitoring and frequency of submittals to the Department; and
 - Monitoring for vapor intrusion for any buildings occupied or developed on the site, as may be required by the Institutional and Engineering Control Plan discussed in item 5 above.

7.2 Elements of the Remedy Already Performed

Item #2, the pilot study, above is the only element of the remedy that was implemented at the Site.

7.3 New Information

In July 2015, a Remedial Action Work Plan (RAWP) was submitted to the Department detailing the full-scale design and implementation of the biological amendment injections required by the 2012 ROD. The RP requested that the approval of the RAWP be postponed until a pilot injection study was completed to assess the overall feasibility of conducting site-wide injections in low-permeability soil before full-scale remediation activities. A Pilot Study Work Plan was submitted to the Department in November 2015, and the pilot injection study (Study) was conducted December 2015. The Study results indicated that injection-based remediation resulted in shallow groundwater mounding toward the ground surface. In addition, it was noted that the injections created fractures in the low permeability such that the amendments were not entering the soil pore space for full contact with the contaminated groundwater, meaning that the previously selected remedial technology was ineffective. Based on the Study results, the scope of work shifted to evaluating the feasibility of monitored natural attenuation (MNA) as a potential for the groundwater remedy. Subsequent groundwater sampling events in 2014, 2015, and 2020 provide analytical data to support MNA at the site.

There are two contaminated groundwater plumes at the site as presented on Figure 4: one plume associated with MW-04S area (a trichloroethene contaminated groundwater plume), and one plume associated with MW-20 area (a tetrachloroethene contaminated groundwater plume).

MW-04S Area Plume:

Biogeochemical conditions in the MW-04S Area were characterized as follows:

- Total Organic Carbon (TOC): ranged from 1.8 to 114 milligrams per liter (mg/L).
- pH: 6.46 to 9.16 standard units.
- Redox conditions: anoxic dissolved oxygen (DO) ranged from 0.16 to 5.14 mg/L; dissolved iron ranged from non-detect (ND) to 0.155 mg/L; sulfate ranged from 56.3 to 461 mg/L; and methane ranged from 6.1 to 510 µg/L.

MW-04S Plume Area presented moderate TOC, neutral groundwater pH, and sulfate-reducing to methane-producing conditions; therefore, the. The conditions in MW-04S Area Plume are conducive to the biological degradation of chlorinated ethene and ethane compounds as the concentrations of TCE daughter products has increased over time in the MW-04S Plume Area.

MW-20 Area Plume:

Groundwater sampling conducted 2014, 2015, and 2020 indicated the following biogeochemical conditions in the MW-20 Area plume:

- TOC ranged from 1.6 to 14.4 mg/L.
- pH ranged from 7.05 to 7.81 standard units.
- Redox conditions: anoxic DO ranged from 0.19 to 3.36 mg/L; nitrate ranged from ND to 1 mg/L; dissolved iron was ND; sulfate ranged from 24 to 199 mg/L; and methane ranged from 1.2 to 110 µg/L.

MW-20 Plume Area presented moderate TOC, neutral groundwater pH, and sulfate-reducing conditions. The conditions in MW-20 Area Plume are conducive to biological degradation of chlorinated ethene compounds as the concentrations of PCE daughter product have increased over time in the MW-20 Plume area.

7.4 Changes to the Original Remedy

A summary of the changes to the original ROD are shown in the table on the following page:

SUMMARY OF REMEDY CHANGES
235 Metro Park Brighton (No. 828150) Record of Decision Amendment

Media:	March 2012 ROD	Amended ROD
Groundwater	<ol style="list-style-type: none"> 1) Direct injection of biological amendments in areas of PCE and TCE contamination. 2) Long term monitoring. 3) Environmental Easement against use of ground water with treatment and approval. 	<ol style="list-style-type: none"> 1) Groundwater contamination will be addressed with monitored natural attenuation (MNA). Groundwater will be monitored for site related contamination and for MNA indicators which will provide an understanding of the (biological activity) breaking down the contamination. It is anticipated that contamination will decrease in a reasonable period (5 to 10 years). Reports of the attenuation will be provided annually, and active remediation will be proposed if it appears that natural processes alone will not address the contamination. The contingency remedial action will depend on the information collected, but it is currently anticipated that a range of remedial actions from excavation to in-situ thermal treatment would be evaluated. 2) Monitoring of ground water parameters and quality to assess effectiveness of MNA. 3) Long term groundwater monitoring. 4) Environmental Easement to restrict groundwater use.
Soil	<ol style="list-style-type: none"> 1) Use of a site-wide cover system 2) Environmental Easement to limit use of property to commercial/industrial use to restrict exposure. 3) Use of a Site Management Plan (SMP) to maintain IC/ECs at the site. 	There are no changes to the soil remedy via this amendment.
Soil Vapor/ Indoor Air	<ol style="list-style-type: none"> 1) Perform an updated soil vapor intrusion evaluation to inform need for further action (e.g., mitigate, monitor, etc.). 	There are no changes to the soil vapor/indoor air remedy via this amendment.
Other Media	Not Applicable to Site.	Not Applicable to the Site.

SECTION 8: EVALUATION OF CHANGES

8.1 Remedial Goals

Goals for the cleanup of the site were established in the original ROD. The goals selected for this site are:

Groundwater

RAOs for Public Health Protection

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

RAOs for Environmental Protection

- Restore ground water aquifer to pre-disposal/pre-release conditions, to the extent practicable.
- Remove the source of ground or surface water contamination.

Soil

RAOs for Public Health Protection

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

RAOs for Environmental Protection

- Prevent migration of contaminants that result in groundwater or surface water contamination.
- Prevent impacts to biota from ingestion/direct contact with soil causing toxicity or impacts from bioaccumulation through the terrestrial food chain.

Soil Vapor

RAOs for Public Health Protection

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

8.2 Evaluation Criteria

The criteria used to compare the remedial alternatives are defined in the regulation that directs the remediation of inactive hazardous waste sites in New York State (6 NYCRR Part 375). For each criterion, a brief description is provided. A detailed discussion of the evaluation criteria and comparative analysis is contained in the original Feasibility Study.

The first two evaluation criteria are called threshold criteria and must be satisfied for an alternative to be considered for selection.

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

The original ROD selected remedy, in-situ reductive dichlorination, would theoretically satisfy this criterion but the pilot study results indicated that complete contact cannot be made via injections. The pre-disposal condition alternative (pre-disposal alternative) which includes demolition of the on-site building, excavation, and off-site disposal of contaminated soil above

unrestricted soil cleanup objectives, and in-situ thermal remediation, will satisfy this criterion. The amendment to the site's remedy, monitored natural attenuation, complies with this criterion, and will allow the site's use to continue as commercial.

2. **Compliance with New York State Standards, Criteria, and Guidance (SCGs).** Compliance with SCGs addresses whether a remedy will meet environmental laws, regulations, and other standards and criteria. In addition, this criterion includes the consideration of guidance which the Department has determined to be applicable on a case-specific basis.

The amended remedy and the pre-disposal alternative comply with this criterion and will achieve applicable SCGs for the site. The overall timeline for the amended remedy at which the SCGs will be achieved is greater; whereas the overall timeline for the pre-disposal alternative will be shorter but there are components of this alternative that will potentially require a much longer timeline to implement such as demolition of the building, relocation of the tenant, and reconstruction of a new building. While the remedy amendment satisfies the threshold criteria, the remaining criteria are particularly important in selecting the modified remedy for the site. The ROD selected remedy is not feasible; therefore, does not meet this criterion.

The next five "primary balancing criteria" are used to compare the positive and negative aspects of each of the remedial strategies.

3. **Short-term 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 remedial objectives is also estimated and compared against the other alternatives.

The time needed to meet the remediation goals will be shortest with pre-disposal alternative. The pre-disposal alternative will have the greatest impact on the community, the workers, and the environment during the construction and implementation of this alternative. With the increased truck traffic, construction and demolition debris disposal, and amount of energy (fuel) required for building demolition, amount of energy (electricity) for in-situ thermal remediation, and site redevelopment, the pre-disposal alternative is far less effective in the implementation of green remediation principles and techniques. The amended remedy will have smallest impact at the site and the short-term impacts could easily be controlled with alternate schedules/off-hour sampling events and/or notification to tenants to not park over groundwater monitoring wells in the parking lot area. The ROD selected remedy is not feasible; therefore, does not meet this criterion.

4. **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.

Chlorinated volatile organic contaminated groundwater is the primary concern at the site and the remedy amendment for MNA and the pre-disposal alternative will be effective in achieving long-term effectiveness. The long-term effectiveness will be best accomplished by the direct application of heat to the contaminated groundwater plume and removal of the site's contaminated soil (pre-disposal alternative). The amended remedy will achieve the site's groundwater remedial objectives

but will be significantly longer. In addition, the amended remedy does not require the demolition of the on-site building, excavation, off-site transportation and disposal, and the application of thermal energy to achieve the long-term effectiveness. The amended remedy will utilize greener remediation principles and techniques through lower energy usage and will allow continued use of the building during the amended remedy implementation. The ROD selected remedy is not feasible; therefore, does not meet this criterion.

5. **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 site.

The ROD selected remedy for the site will have operated under the parameters effectively for the reduction of the toxicity, mobility, and volume of the dissolved phase chlorinated volatile organic contamination if complete contact could have been achieved. The selected remedy is not feasible; therefore, does not meet this criterion. The pre-disposal alternative (excavation and off-site disposal and in-situ thermal remediation) will reduce the toxicity, mobility, and volume of contaminants in the soil and groundwater; therefore, meets this criterion. The amended remedy will achieve the reduction of the toxicity, or volume of contaminants but will require longer time frames to achieve the site's groundwater remedial objectives but does meet this criterion. The low-permeable soils at the site contributes to the reduced mobility or the lack thereof mobility for the contaminated groundwater plume. Migration off-site of the contaminated groundwater plume is not occurring and has been documented through groundwater sampling events. The amended remedy will also control potential exposures associated with direct contact through institutional and engineering controls.

6. **Implementability.** The technical feasibility 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.

Implementation of the ROD selected remedy has been documented as not feasible; therefore, does not meet this criterion. The pre-disposal alternative is implementable, but the demolition of the building, the volume of soil excavated, and the construction of a replacement building under this alternative will necessitate increased truck traffic on local roads for several months as well as the current business operating in the building will have to relocate. The amended remedy is technically and administrative feasible at the site. The amended remedy requires only routine groundwater monitoring events at the site and contaminant trend analysis to document MNA.

7. **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 costs of the pre-disposal alternative, ROD selected remedy, and the amended remedy vary significantly. Capital costs and annual operation, maintenance, and monitoring costs are estimated and compared on a present worth basis. Although cost-effectiveness is the last balance criteria evaluated, it can be used as the basis for the final decision if two or more remedial technologies

have met the requirements of the other criteria. The pre-disposal alternative includes the demolition of the on-site building, the large volume of soil to be excavated and disposed off-site, the installation of the in-situ thermal system, and the construction of the replacement building, which has the highest present worth cost. The estimated total present worth in 2012 was \$3,167,000. The estimated present worth to complete the original remedy was \$472,000 (in 2012 dollars). The estimated present worth cost to carry out the original remedy is \$536,000 (in 2022 dollars). The amended remedy costs are significantly lower but has a high present worth due to annual cost associated with 20 years of groundwater monitoring. The cost to construct the amended remedy is estimated to be \$0 and the estimated average annual cost for 20 years is \$41,000.

This final criterion is considered a modifying criterion and is considered after evaluating those above. It is focused upon after public comments on the ROD amendment have been received.

8. **Community Acceptance.** Concerns of the community regarding the changes are evaluated. A responsiveness summary will be prepared that describes public comments received and the manner in which the Department will address the concerns raised. If the final remedy differs significantly from the remedy, notices to the public will be issued describing the differences and reasons for the changes.

The anticipated use of the site is to continue as commercial; therefore, the amended remedy will be desirable as there will be minimal impact the current commercial business enterprise located at the property. The amended remedy also satisfies the threshold criteria and provides the best balance of the balancing criterion.

SECTION 9: AMENDED REMEDY

The changes to the selected remedy are summarized in Section 7.3 above. The elements of the amended remedy listed below:

1. Remedial Design

A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and 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 gases 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;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and

sustainable re-development; and

- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings will include, at a minimum, a 20-mil vapor barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

(MODIFIED – Current Standardized Remedial Language-no substantive changes)

2. Cover System

A site cover currently exists in areas not occupied by buildings and will be maintained to allow for commercial use of the site. Any site redevelopment will maintain the existing site cover. The site cover may include paved surface parking areas, sidewalks, or soil where the upper one foot of exposed surface soil meets the applicable soil cleanup objectives (SCOs) for commercial use. Any fill material brought to the site will meet the requirements for the identified site use as set forth in 6 NYCRR part 375-6.7(d).

(MODIFIED – Current Standardized Remedial Language-no substantive changes)

3. Monitored Natural Attenuation

Groundwater contamination will be addressed with monitored natural attenuation (MNA). Groundwater will be monitored for site related contamination and for MNA indicators which will provide an understanding of the (biological activity) breaking down the contamination. It is anticipated that contamination will decrease by an order of magnitude in a reasonable 5 to 10 years. Reports of the attenuation will be provided annually, and active remediation will be proposed if it appears that natural processes alone will not address the contamination. The contingency remedial action will depend on the information collected, but it is currently anticipated that a range of remedial actions from excavation to in-situ thermal treatment would be evaluated.

(NEW)

4. Engineering and Institutional Controls

Imposition of an institutional control in the form of an environmental easement and a Site Management Plan, as described below, will be required. The remedy will achieve a restricted commercial cleanup.

Institutional Control:

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

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

(MODIFIED – Current Standardized Remedial Language-no substantive changes)

5. Site Management Plan

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

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

Institutional Controls: The Environmental Easement discussed in Paragraph 4 above.

Engineering Controls: The cover system discussed in Paragraph 2 above.

This plan includes, but may not be limited to:

- An Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination.
- A provision for further investigation and remediation should large scale redevelopment occur, if any of the existing structures are demolished, or if the subsurface is otherwise made accessible. The nature and extent of contamination in areas where access was previously limited or unavailable will be immediately and thoroughly investigated pursuant to a plan approved by the Department. Based on the investigation results and the Department determination of the need for a remedy, a Remedial Action Work Plan (RAWP) will be developed for the final remedy for the site, including removal and/or treatment of any source areas to the extent feasible. Citizen Participation Plan (CPP) activities will continue through this process. Any necessary remediation will be completed prior to, or in association with, redevelopment. This includes the site as a whole and the existing on-site building.
- A provision for demolition of the on-site building if and when it becomes unsafe or inactive or vacant.
- A provision should redevelopment occur to ensure no soil exceeding protection of groundwater concentrations will remain below storm water retention basin or infiltration structures.
- A provision for removal or treatment of the source area located under the on-site building when the building is demolished or becomes vacant.
- Descriptions of the provisions of the environmental easement including any land use and groundwater use restrictions.
- A provision for evaluation of the potential for soil vapor intrusion, including sub-slab and indoor air sampling, for any occupied buildings on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion.
- A provision that should a building foundation or building slab be removed in the future, a cover system consistent with that described in Paragraph 2 above will be placed in any areas where the upper one foot of exposed surface soil exceeds the applicable soil cleanup objectives (SCOs).
- Provisions for the management and inspection of the identified engineering controls.
- Maintaining site access controls and Department notification.
- The steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

- 4) A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
- Monitoring of groundwater to assess the performance and effectiveness of the remedy;
 - A schedule of monitoring and frequency of submittals to the Department; and
 - Monitoring for vapor intrusion for any buildings on the site, as may be required by the Institutional and Engineering Control Plan discussed above.
- (MODIFIED – Current Standardized Remedial Language-no substantive changes)

SECTION 10: NEXT STEPS

As described above, there was a comment period on the proposed changes to the selected remedy. At the close of the comment period, the Department evaluated the comments received and prepared a responsiveness summary which is incorporated into this document. This signed Amended ROD document describes the Department's final decision on the 235 Metro Park Brighton site.

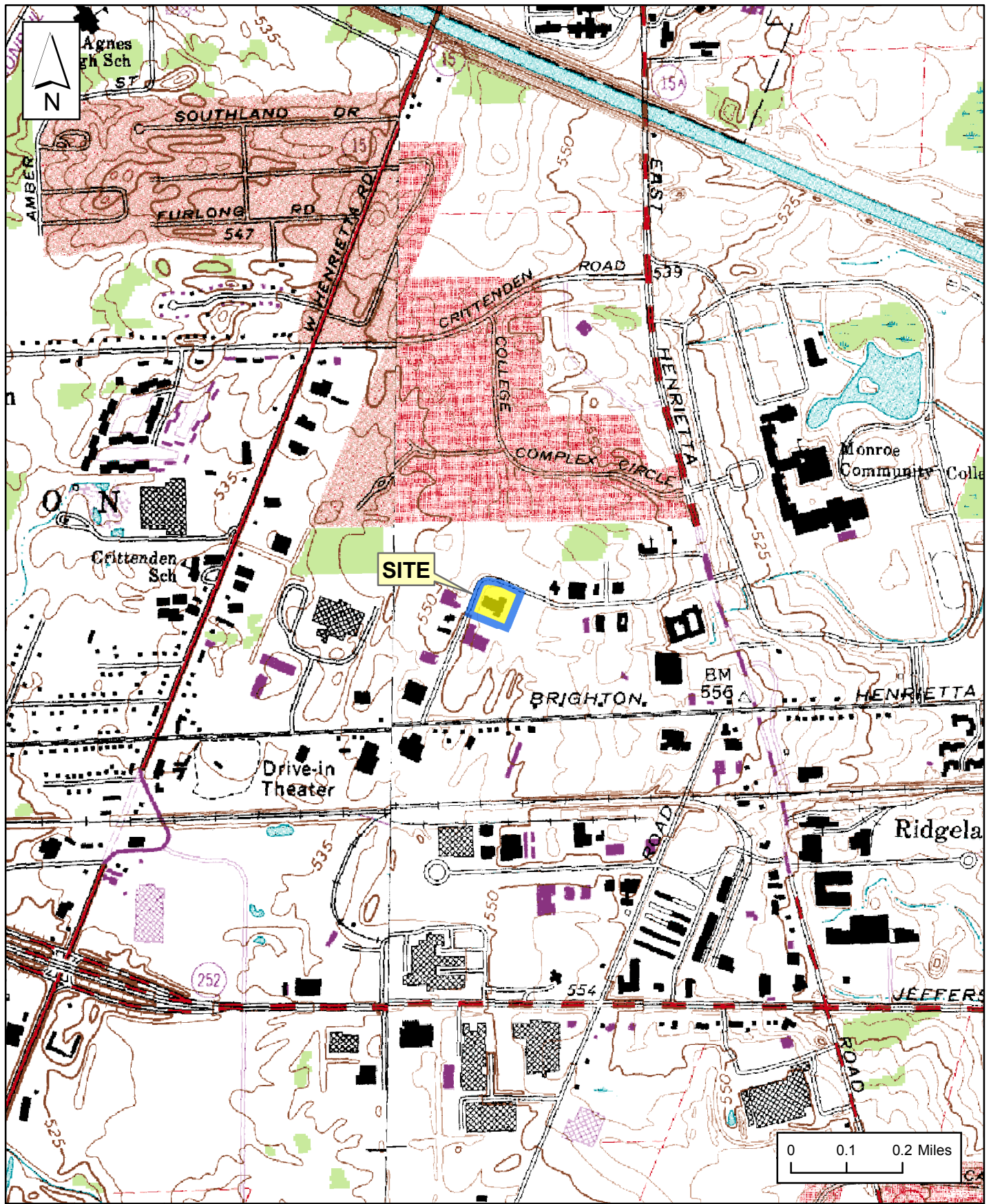
If you have questions or need additional information you may contact any of the following:

Project Related Questions

Charlotte B. Theobald
Project Manager
New York State Department of
Environmental Conservation
Region 8 Office
6274 East Avon-Lima Road
Avon, New York 14414
Phone: 585-226-5354
E-mail: charlotte.theobald@dec.ny.gov

Site-Related Health Questions

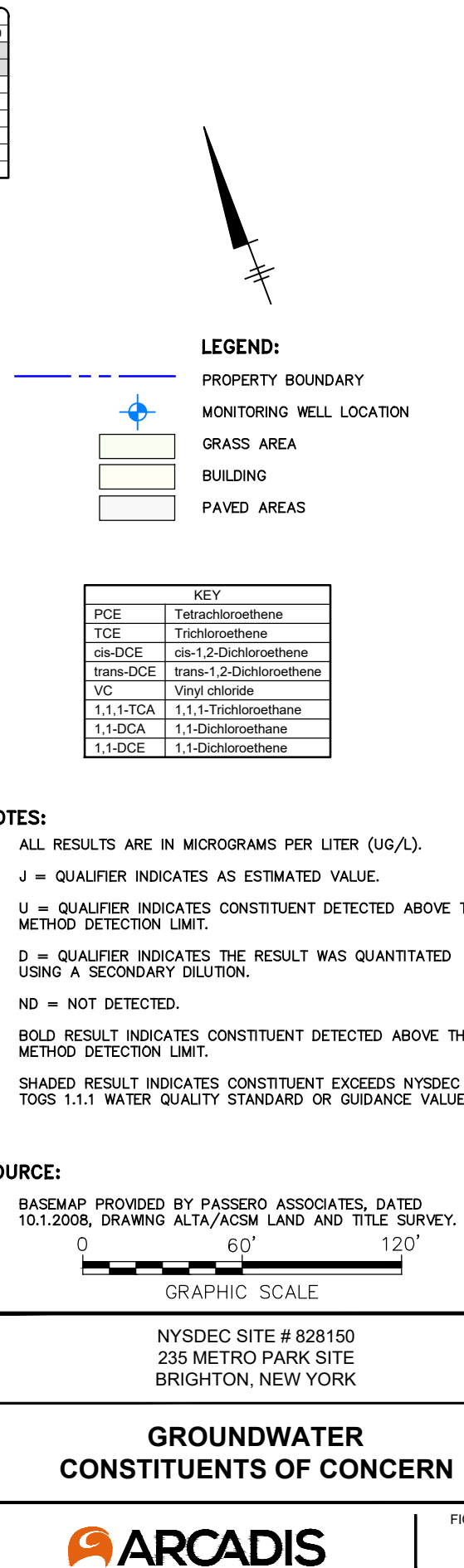
Julia Kenney
Project Manager
New York State Department of Health
Bureau of Environmental Exposure
Investigation Empire State Plaza,
Corning Tower, Room 1787
Albany, New York 12237
Phone: 518-402-7873
E-mail: BEEI@health.state.ny.us



**MALCOLM
PIRNIE**

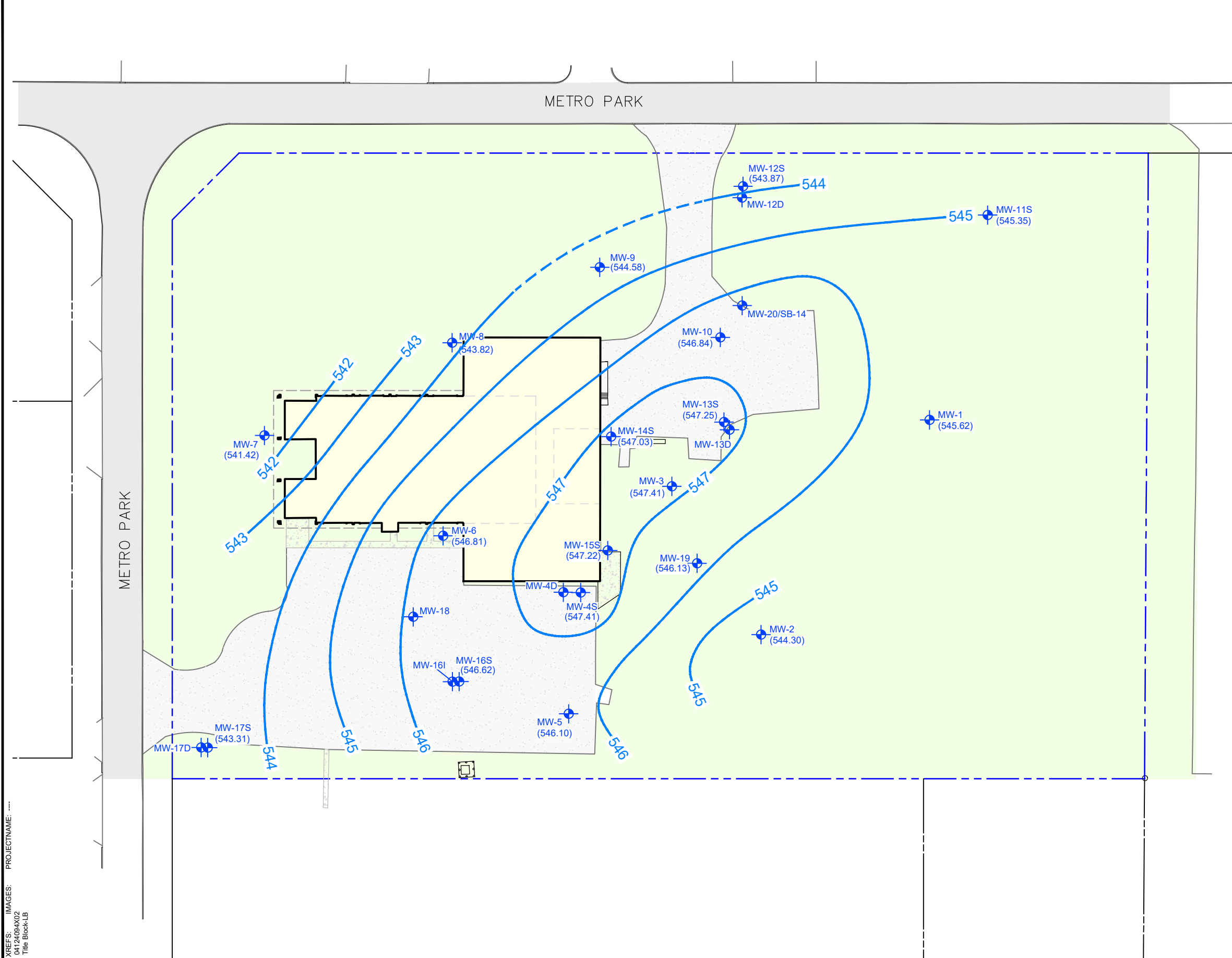
**SITE LOCATION MAP
235 METRO PARK, ROCHESTER, NY**

FIGURE 1



C:\BIM\OneDrive - ARCADIS\BIM 360 Docs\Temp\Delete\04124094\000\100\100\04124094\W01.dwg LAYOUT: 3 SAVED: 5/20/2021 6:53 PM ACADVER: 24.05 (LMS TECH) PAGES: 3 PLOTSTYLETABLE: --- PLOTSETUP: --- PLOTSTYLETABLE: --- PLOTTED: 5/21/2021 8:16 AM BY: KRAHMER, ERIC

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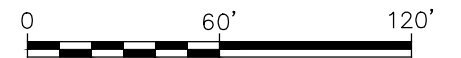


LEGEND:

- PROPERTY BOUNDARY
- MONITORING WELL LOCATION
- GROUNDWATER ELEVATION CONTOUR (DASHED WHERE INFERRED)
- GROUNDWATER ELEVATION (545.62)
- GRASS AREA
- BUILDING
- PAVED AREAS

SOURCE:

- BASEMAP PROVIDED BY PASSERO ASSOCIATES, DATED 10.1.2008, DRAWING ALTA/ACSM LAND AND TITLE SURVEY.



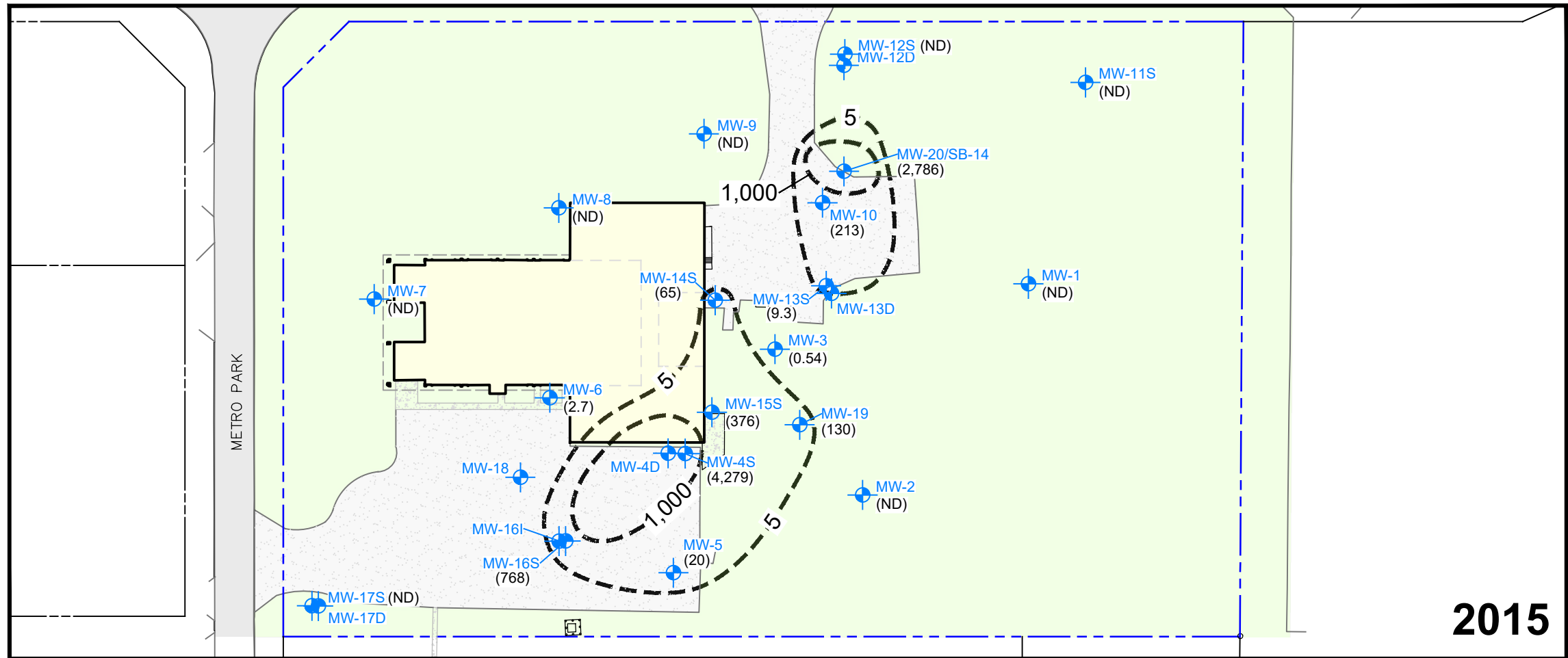
GRAPHIC SCALE

NYSDEC SITE # 828150
235 METRO PARK SITE
BRIGHTON, NEW YORK

**GROUNDWATER ELEVATIONS -
OCTOBER 19, 2020**



FIGURE
3



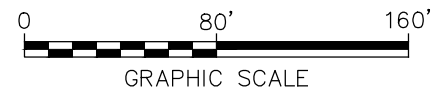
2015

NOTES:

1. CONCENTRATIONS ARE IN MICROGRAMS PER LITER (µg/L).
2. CVOC- CHLORINATED VOLATILE ORGANIC COMPOUND.
3. ND = NOT DETECTED.
4. CONCENTRATIONS PRESENTED ARE TOTAL CVOCS AND ARE THE SUMMATION OF 1,1,1-TRICHLOROETHANE, 1,1-DICHLOROETHANE, 1,1-DICHLOROETHENE, CIS-1,2-DICHLOROETHENE, TRANS-1,2-DICHLOROETHENE, TETRACHLOROETHENE, TRICHLOROETHENE, AND VINYL CHLORIDE.
5. 2015 DATA - DATA FOR LOCATIONS MW-1, MW-3, MW-7, MW-8, MW-9, MW-11S, AND MW-18 ARE FROM APRIL 2014 GROUNDWATER SAMPLING EVENT. ALL OTHER DATA SHOWN IS FROM THE DECEMBER 2015 GROUNDWATER SAMPLING EVENT.
6. 2020 DATA - DATA SHOWN IS FROM THE OCTOBER 2020 GROUNDWATER SAMPLING EVENT.

SOURCE:

1. BASEMAP PROVIDED BY PASSERO ASSOCIATES, DATED 10.1.2008, DRAWING ALTA/ACSM LAND AND TITLE SURVEY.



NYSDEC SITE # 828150
235 METRO PARK SITE
BRIGHTON, NEW YORK

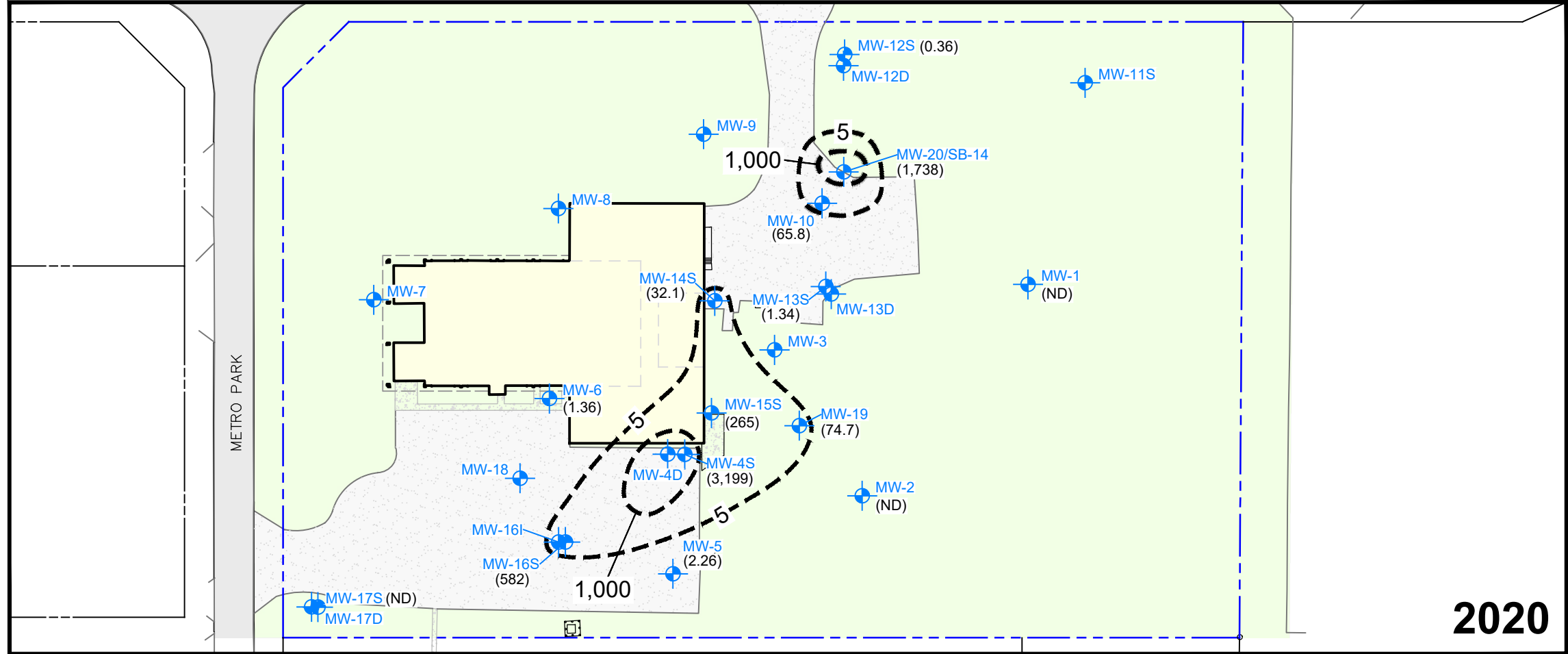
TOTAL CHLORINATED VOLATILE
ORGANIC COMPOUND ISOCONTOURS
(2015 AND 2020)



FIGURE

4

2020



APPENDIX A

RESPONSIVENESS SUMMARY

Responsiveness Summary

**235 Metro Park Brighton
State Superfund Project
Town of Brighton, Monroe, New York
Site No. 828150**

The Amendment to Record of Decision (AROD) for the 235 Metro Park Brighton 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 March 1, 2023. The AROD outlined the proposed amendment to the 2012 ROD for the contaminated soil and groundwater at the 235 Metro Park Brighton site.

The release of the AROD was announced by sending a notice to the public contact list, informing the public of the opportunity to comment on the proposed remedy.

A virtual public meeting was held on March 16, 2023, which included a presentation of the proposed amendments to the 2012 ROD for the 235 Metro Park Brighton. The meeting provided an opportunity for citizens to discuss their concerns, ask questions and comment on the proposed remedy. These comments have become part of the Administrative Record for this site. The public comment period for the AROD ended on March 30, 2023.

This responsiveness summary responds to all questions and comments raised during the public comment period. The following are the comments received, with the Department's responses:

COMMENT 1:

I would like clarification that potential soil vapor intrusion is not a concern for workers at the property. The site investigation tested indoor air quality in 2010 – 2014, and the 2010 results did exceed the NYSDOH guidance values for Trichloroethene and Tetrachloroethene in Warehouse Area Locations.

The Proposed Record of Decision Amendment states that actions have been recommended to address the potential for volatile organic compounds (VOCs) to move from the subsurface into the indoor air of the onsite building, but I do not see specific actions regarding monitoring indoor air quality in the document. The public hearing indicated that the results of the soil vapor intrusion investigation are pending. I would like DEC to provide more specific mitigation plans if VOC concentration values exceed NYSDOH Air Matrix Guidance Values.

RESPONSE 1:

The 2010 soil vapor data results detected in the Warehouse Area location were sub-slab soil vapor samples not indoor air samples. To date, the indoor air sampling data has either been non-detect or below the NYSDOH Air Guideline values.

The responsible party (RP) recently completed another round of indoor air sampling. That data is undergoing validation and once the validation is completed the RP will submit the data to the NYSDEC and NYSDOH for review. Based on the current soil vapor intrusion data and historical

soil vapor intrusion data collected, decisions will be made with respect to if mitigation measures are needed or if additional soil vapor intrusion monitoring is needed.

COMMENT 2:

There is repeated reference to the Site Management Plan” but I did not see the actual plan or any notes about when it will be available. Will the Site Management Plan be made available to the public and if so, when?

RESPONSE 2:

Following execution of the AROD, the RP will develop the Site Management Plan (SMP) using the SMP template found at: <https://www.dec.ny.gov/chemical/48236.html#report>.

Once the Department and NYSDOH approve the SMP it will be placed in the document repository and on the Department’s DecInfo Locator: <https://www.dec.ny.gov/data/DecDocs/828150/>

COMMENT 3:

As part of the Proposed Record of Decision Amendment, there will be an environmental easement on the property that will continue to allow commercial and industrial use on the property. Any digging or disturbance of the soil could reach the contaminated groundwater plumes. The parcel is in Brighton’s Light Industrial District (IG). I identified two permitted uses in this district that I do not think are appropriate for this contaminated site if it ever changed ownership. These are:

- 203-93 B. (7) Plant nurseries
- 203-93 B. (9) Child and adult day-care centers

RESPONSE 3:

An Environmental Easement (EE) will be recorded for the property and will run with the land in perpetuity. The EE provides site land and groundwater use restrictions, and will refer to the SMP that outlines long-term operation, monitoring and maintenance requirements.

6NYCRR Part 375 and the SMP also include “change of use” provisions, requiring the owner to notify the Department 60 days in advance of the proposed change. At that time, the Department, in consultation with NYS Department of Health, would review the proposed change and determine whether further actions were needed to be protective of public health and the environment for the planned use. Further, the SMP will contain an excavation work plan (appendix) that will guide future intrusive work.

The Department’s EE and SMP templates are found at the link provided in Response #2.

COMMENT 4:

What is the content of the environmental easement?

RESPONSE 4:

See Response #3.

APPENDIX B

Administrative Record

Administrative Record

**235 Metro Park Brighton
State Superfund Project
Town of Brighton, Monroe County, New York
Site No. 828150**

Correspondence – Letter dated July 1, 2022 from ARCADIS U.S., MNA Feasibility Study Update
“2021 Monitored Natural Attenuation (MNA) Assessment Report” July 2021, prepared by ARCADIS U.S.

“Emergent Contaminant Form 1” July 2021, prepared by Charlotte B. Theobald, New York State Department of Environmental Remediation.

“Emergent Contaminant Assessment Report” July 2021, prepared by ARCADIS U.S.

Correspondence – Letter dated August 18, 2020 from Charlotte B. Theobald, New York State Department of Environmental Conservation, Approval with Modifications August 2020 Emergent Contaminant Sampling Work Plan.

“Emergent Contaminant Sampling Work Plan” August 2020, prepared by ARCADIS U.S.

“Pilot Test and MNA Assessment Report” August 2016, prepared by ARCADIS U.S.

Correspondence – Letter dated November 6, 2015 from Charlotte B. Theobald, New York State Department of Environmental Conservation, Approval with Modifications October 2015 Pilot Test Work Plan.

“Pilot Test Work Plan” October 2015, prepared by ARCADIS U.S.

Correspondence – Letter dated October 11, 2013 from Charlotte B. Theobald, New York State Department of Environmental Conservation, Approval with Modifications September 2012 Pre-Design Work Plan.

Correspondence – Letter dated September 26, 2013 from Charlotte B. Theobald, New York State Department of Environmental Conservation, Approval with Modifications September 2013 Interim Site Management Plan for Air Monitoring.

“Interim Site Management Plan for Air Monitoring” September 2013, prepared by ARCADIS U.S.

“Pre-Design Work Plan” September 2012, prepared by ARCADIS U.S.

Correspondence – Letter dated November 9, 2012 from Charlotte B. Theobald, New York State Department of Environmental Conservation, Requesting Submittal of Pre-Design Work Plan.

“Remedial Action Work Plan” August 2012, prepared by ARCADIS U.S.

Record of Decision for the 235 Metro Park Brighton site, dated March 2012, prepared by the Department.

Order on Consent, Index No. B8-0778-08-03A, between the Department and Fischbach, LLC., executed on November 19, 2009.

“Supplemental Remedial Investigation Work Plan” March 2010, prepared by Malcolm Pirnie, Inc.

Correspondence – Letter dated April 27, 2010 from Charlotte B. Theobald, New York State Department of Environmental Conservation, Approval with Modifications March 2010 Supplemental Remedial Investigation Work Plan.

“Supplemental Remedial Investigation and Feasibility Study Report”, April 2011, prepared by ARCADIS U.S.