



Department of
Environmental
Conservation

State Superfund Program

Citizen Participation Plan for OBI, LLC

May 2019


828188
245-265 Hollenbeck Street, 271 Hollenbeck Street, and 50 Balfour Drive
Rochester
Monroe County, New York

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Note: The information presented in this Citizen Participation Plan was current as of the date of its approval by the New York State Department of Environmental Conservation. Portions of this Citizen Participation Plan may be revised during the site's investigation and cleanup process.

 May 6, 2019
Frank Sowers
NYSDEC Project Manager

Responsible Party: **OBI, LLC (“Responsible Party”)**
Site Name: **OBI, LLC (“Site”)**
Site Address: **245-265 Hollenbeck Street, 271 Hollenbeck Street, 50 Balfour Drive**
Site County: **Monroe County**
Site Number: **828188**

1. What is New York’s State Superfund Program?

New York’s State Superfund Program (SSF) identifies and characterizes suspected inactive hazardous waste disposal sites. Sites that pose a significant threat to public health or the environment, such as the site identified above, undergo a process of investigation, evaluation, cleanup, and monitoring.

The New York State Department of Environmental Conservation (NYSDEC) administers the SSF Program with assistance and input from the New York State Department of Health (NYSDOH). When the parties responsible for the contamination of the site are known (“responsible parties”), they often pay for or perform the investigation and evaluation of cleanup options under an enforceable consent order. At sites where responsible parties cannot be found or are unable or unwilling to fund an investigation, the State pays for the investigation and may try to recover costs from a responsible party after the investigation and cleanup are complete.

The SSF program contains investigation and cleanup requirements, ensuring that cleanups protect public health and the environment. For more information about the SSF program, go online at: <http://www.dec.ny.gov/chemical/8439.html> .

2. Citizen Participation Activities

Why NYSDEC Involves the Public and Why It Is Important

NYSDEC involves the public to improve the process of investigating and cleaning up contaminated sites, and to enable citizens to participate more fully in decisions that affect their health, environment, and social well-being. NYSDEC provides opportunities for citizen involvement and encourages early two-way communication with citizens before decision makers form or adopt final positions.

Involving citizens affected and interested in site investigation and cleanup programs is important for many reasons. These include:

- Promoting the development of timely, effective site investigation and cleanup programs that protect public health and the environment

- Improving public access to, and understanding of, issues and information related to a particular site and that site's remedial process
- Providing citizens with early and continuing opportunities to participate in NYSDEC's site investigation and cleanup process
- Ensuring that NYSDEC makes site investigation and cleanup decisions that benefit from input that reflects the interests and perspectives found within the affected community
- Encouraging dialogue to promote the exchange of information among the affected/interested public, State agencies, and other interested parties that strengthens trust among the parties, increases understanding of site and community issues and concerns, and improves decision making.

This Citizen Participation (CP) Plan provides information about how NYSDEC will inform and involve the public during the investigation and cleanup of the site identified above. The public information and involvement program will be carried out with assistance, as appropriate, from the Responsible Party.

Project Contacts

Appendix A identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site's investigation and cleanup program. The public's suggestions about this CP Plan and the CP program for the site are always welcome. Interested people are encouraged to share their ideas and suggestions with the project contacts at any time.

Locations of Reports and Information

The locations of the reports and information that relate to the site's investigation and cleanup program also are identified in Appendix A. These locations provide convenient access to important project documents for public review and comment. Some documents may be placed on the NYSDEC web site. If this occurs, NYSDEC will inform the public in fact sheets distributed about the site and by other means, as appropriate.

Site Contact List

Appendix B contains the site contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and cleanup process. The site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project. These will include notifications of

upcoming activities at the site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

The site contact list includes, at a minimum:

- chief executive officer and planning board chairperson of each county, city, town and village in which the site is located;
- residents, owners, and occupants of the site and properties adjacent to the site;
- the public water supplier which services the area in which the site is located;
- any person who has requested to be placed on the site contact list;
- the administrator of any school or day care facility located on or near the site for purposes of posting and/or dissemination of information at the facility;
- location(s) of reports and information.

The site contact list will be reviewed periodically and updated as appropriate. Individuals and organizations will be added to the site contact list upon request. Such requests should be submitted to the NYSDEC project contact(s) identified in Appendix A. Other additions to the site contact list may be made at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

Note: The first site fact sheet (usually related to the Remedial Investigation) is distributed both by paper mailing through the postal service and through DEC Delivers, its email listserv service. The fact sheet includes instructions for signing up with the appropriate county listserv to receive future notifications about the site. See <http://www.dec.ny.gov/chemical/61092.html> .

Subsequent fact sheets about the site will be distributed exclusively through the listserv except for households without internet access that have indicated the need to continue to receive site information in paper form. Please advise the NYSDEC site project manager identified in Appendix A if this is the case. Paper mailings may continue during the investigation and cleanup process for some sites, based on public interest and need.

CP Activities

The table at the end of this section identifies the CP activities, at a minimum, that have been and will be conducted during the site's investigation and cleanup program. The flowchart in Appendix D shows how these CP activities integrate with the site investigation and cleanup process. The public is informed about these CP activities through fact sheets and notices distributed at significant points during the program. Elements of the investigation and cleanup process that match up with the CP activities are explained briefly in Section 5.

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up a site.
- **Public forums, comment periods and contact with project managers** provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a site's investigation and cleanup.

The public is encouraged to contact project staff at any time during the site's investigation and cleanup process with questions, comments, or requests for information.

This CP Plan may be revised due to changes in major issues of public concern identified in Section 3 or in the nature and scope of investigation and cleanup activities. Modifications may include additions to the site contact list and changes in planned citizen participation activities.

Technical Assistance Grant

The site identified above poses a significant threat to public health or the environment, so that a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying community group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development/implementation of a remedy.

An eligible community group must certify that its membership represents the interests of the community affected by the site, and that its members' health, economic well-being, or enjoyment of the environment may be affected by a release or threatened release of contamination at the site.

For more information about TAGs, go online at:
<http://www.dec.ny.gov/regulations/2590.html> .

Note: The table identifying the citizen participation activities related to the site's investigation and cleanup program follows on the next page:

Citizen Participation Activities	Timing of CP Activity(ies)
Before Start of Remedial Investigation (RI):	
<ul style="list-style-type: none"> • Prepare site contact list • Establish document repository • Prepare Citizen Participation (CP) Plan • Place approved RI Work Plan in document repository • Distribute fact sheet to site contact list that announces availability of RI Work Plan and describes upcoming RI field work 	<p>Before start of RI. Note: Draft CP Plan must be submitted to NYSDEC within 20 days of effective date of Consent Order. CP Plan must be approved by NYSDEC before distribution.</p>
When NYSDEC Approves Remedial Investigation Report:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes RI results • Place approved RI Report in document repository 	<p>When NYSDEC approves RI Report</p>
When NYSDEC Releases Proposed Remedial Action Plan (PRAP)	
<ul style="list-style-type: none"> • Place PRAP in document repository • Distribute fact sheet to site contact list that describes PRAP and announces 30-day comment period and public meeting • Conduct 30-day public comment period • Hold public meeting about PRAP 	<p>When NYSDEC releases PRAP. Comment period begins/ends as per dates identified in fact sheet. Public meeting is held during the comment period.</p>
When NYSDEC Issues Record of Decision (ROD):	
<ul style="list-style-type: none"> • Place ROD in document repository • Distribute notice to site contact list that announces availability of ROD. ROD includes responsiveness summary of significant comments about PRAP 	<p>When NYSDEC issues ROD</p>
Before Start of Remedial Action:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes upcoming remedial action 	<p>Before start of remedial action at the site</p>
When NYSDEC Certifies Cleanup Requirements Achieved:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that announces cleanup requirements achieved • If Certificate of Completion (COC) is issued, announce in fact sheet • If COC is issued, place copy in document repository 	<p>When NYSDEC certifies cleanup requirements achieved, or within 10 days after NYSDEC issues COC or other similar site closure document</p>
If NYSDEC Reclassifies the Site	
<ul style="list-style-type: none"> • If reclassifying site, may announce in fact sheet announcing achievement of cleanup requirements 	<p>At time NYSDEC proposes to reclassify the site</p>
If NYSDEC Proposes to Delist the Site from the Registry of Contaminated Sites	
<ul style="list-style-type: none"> • Publish notice in Environmental Notice Bulletin about proposal and 30-day public comment period • Distribute notice to site contact list. May announce proposal in fact sheet announcing achievement of cleanup requirements • Conduct 30-day public comment period about proposed delist • Distribute notice to site contact list when site is delisted 	<p>At time NYSDEC proposes to delist the site</p>

3. Major Issues of Public Concern

This section of the CP Plan identifies major issues of public concern that relate to the site. Additional major issues of public concern may be identified during the course of the site's investigation and cleanup process.

Major issues of public concern during additional remedial investigation or during implementation of the remedial action could be noise, odor, and/or dust. However, these impacts will be mitigated through implementation of a Health and Safety Plan which will be designed to minimize these impacts. In addition, a Community Air Monitoring Plan will also be implemented to monitor dust and vapors to ensure the community is not impacted.

4. Site Information

Appendix C contains a map identifying the location of the site.

Site Description

- location - 246-265 Hollenbeck Street, 271 Hollenbeck Street, and 50 Balfour Drive, Rochester, Monroe County, New York
- setting - urban
- site size - approximately 6.4 acres
- adjacent properties – vacant or used for a combination of commercial, industrial, residential, and recreational purposes

History of Site Use, Investigation, and Cleanup

The site was originally developed in 1923 and has been used for various industrial/manufacturing operations that included printing, lithographing, appliance manufacturing, metal plating, sheet metal fabrication, and metal stamping. Prior activities that may have contributed to site contamination include a trichloroethene (TCE) degreaser that was used at the site until approximately 1992.

Various environmental investigations were conducted at the site between 1997 and 2013, including soil sampling, groundwater sampling, and off-site groundwater evaluation. The results of these investigations indicated the presence of TCE contamination and associated degradation products in on-site soil and groundwater.

Also, from 2009 to 2012, the owner [OBI, LLC (OBI)] implemented cleanup actions in an attempt to clean up the site. These measures were designed to enhance the effects of

natural biological processes to reduce the concentrations of contaminants in the groundwater at the site.

OBI's cleanup actions were only partially effective so in November 2013, OBI entered into a consent order with the NYSDEC to develop and implement a remedial program at the site. In November 2014, NYSDEC listed the site on the Registry of Inactive Hazardous Waste Disposal sites and assigned it as a Class 2 site.

5. Investigation and Cleanup Process

Investigation

A detailed study of the site will be performed by the responsible party under a consent order, with oversight by NYSDEC and NYSDOH. This detailed study is called a "Remedial Investigation". A "Remedial Investigation Work Plan" is available for public review at the "Locations of Reports and Information" identified in Appendix A.

The site investigation has several goals:

- 1) define the nature and extent of contamination in soil, surface water (if any), groundwater and any other parts of the environment that may be affected;
- 2) identify the source(s) of the contamination;
- 3) assess the impact of the contamination on public health and the environment; and
- 4) provide information to support the development of a proposed remedy to address the contamination.

The NYSDOH reviews and recommends activities that will be performed during the investigation to ensure that a complete picture of potential health impacts is understood. Such activities include identifying the ways contamination can reach people, such as through direct contact, eating, drinking, or breathing.

The information collected during the site investigation will be summarized in a report.

Feasibility Study

After the site investigation has begun, the responsible party, with oversight by NYSDEC will conduct a "Feasibility Study." This study uses information developed during the site investigation to develop and evaluate potential ways to clean up contamination related to the site.

Proposed Remedy

The evaluation of possible remedies ends with a recommended proposal to eliminate the threat posed by contaminants at the site. NYSDEC approves or prepares this proposal, called a “Proposed Remedial Action Plan” (PRAP). The PRAP describes the remedy preferred by NYSDEC, or a no action or no further action alternative. The PRAP summarizes the decision that led to the recommendation of the preferred remedy by discussing each alternative and the reasons for choosing or rejecting it. The goal of any cleanup plan is to protect public health and the environment. NYSDEC will present the PRAP to the public for its review and comment during a 30-day comment period and at a public meeting.

Selected Remedy

NYSDEC considers public comments as it selects the remedy to address contamination related to the site. The selected remedy will be described in a document called a “Record of Decision” (ROD). The ROD will explain why the remedy was selected and respond to public comments. This document will be placed in the location of reports and information. If the selected remedy is no action or no further action, NYSDEC may then take steps to reclassify the site or remove the site from its list of contaminated sites.

Cleanup Action

If the Record of Decision for the site calls for cleanup action, the project then moves to designing and performing the actions to address the site contamination. When cleanup actions have been completed, NYSDEC will approve or prepare a Final Engineering Report that describes the cleanup actions undertaken and certifies that cleanup requirements have been achieved or will be achieved.

Certificate of Completion

Upon approval of the Final Engineering Report, NYSDEC may issue a Certificate of Completion (COC). The COC would recognize the findings of the Final Engineering Report and note that the cleanup program achieved a cleanup level consistent with specific categories of use for the site. The recipient of the COC would be entitled to limited liability as long as it complied with the terms of the COC, and other conditions.

A COC may be modified or revoked if, for example, the recipient does not comply with the terms of the COC, or if the recipient commits fraud regarding its certification that it has met cleanup levels.

Site Management

Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. Site management may be conducted by NYSDEC, or by the responsible party under NYSDEC oversight, if contamination will remain in place. Site management incorporates any institutional and engineering controls required to ensure that the remedy implemented for the site remains protective of public health and the environment. All significant activities are detailed in a Site Management Plan.

An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction that would prevent or restrict certain uses of the property. An institutional control may be used when the cleanup action leaves some contamination that makes the site suitable for some, but not all uses.

An *engineering control* is a physical barrier or method to manage contamination. Examples include: caps, covers, barriers, fences, and treatment of water supplies.

Site management also may include the operation and maintenance of a component of the remedy, such as a system that pumps and treats groundwater. Site management continues until NYSDEC determines that it is no longer needed. During the site management phase, NYSDEC may also take steps to reclassify the site or delist the site from the Registry.

Appendix A

Project Contacts and Locations of Reports and Information

Project Contacts

For information about the site's investigation and cleanup program, the public may contact any of the following project staff:

New York State Department of Environmental Conservation (NYSDEC):

Frank Sowers, P.E.
Project Manager
NYSDEC, Region 8
Division of Environmental Remediation
6274 East Avon-Lima Road
Avon, New York 14414
(585) 226-5357
frank.sowers@dec.ny.gov

Regina Willis
Public Participation Specialist
NYSDEC, Region 8
6274 East Avon-Lima Road
(585) 226-5324
regina.willis@dec.ny.gov

New York State Department of Health (NYSDOH):

Jacquelyn Nealon
New York State Department of Health
Bureau of Environmental Exposure
Investigation
Empire State Plaza, Corning Tower,
Room 1787
Albany, New York 12237
(518) 402-7860
BEEI@health.state.ny.us

Locations of Reports and Information

The facilities identified below are being used to provide the public with convenient access to important project documents:

Rochester Public Library – Lincoln
Branch
851 Joseph Avenue, Rochester, New
York
Phone: (585) 428-8210

Monday-Wednesday: 10 am – 6 pm
Thursday-Friday: 12 pm – 6 pm
Saturday: 12 pm – 4 pm
Sunday: Closed

NYSDEC Region 8
6274 E Avon-Lima Road
Avon, New York 14414
Attn: Regina Willis
Phone (585) 226-5324

Monday-Friday: 8:45 am – 4:45 pm (call
for appointment)

Appendix B Site Contact List

City of Rochester Chief Executive Officer:

Lovely Warren, Mayor
City Hall, Room 307A
30 Church Street
Rochester, NY 14614

City of Rochester Planning Commission:

David L. Watson, Chair
City Hall, Room 125B
30 Church Street
Rochester, NY 14614

Monroe County Chief Executive Officer:

Cheryl Dinolfo, County Executive
110 County Office Building
39 West Main Street
Rochester, NY 14614

Monroe County Planning Board:

William Santos, Chair
50 West Main Street, Suite 8100
Rochester, NY 14614

Adjacent Properties

City of Rochester
Avenue D Recreation Center
212 Avenue D
Rochester, NY 14621

Current Occupant
19 Balfour Dr.
Rochester, NY 14621

Current Occupant
20 Balfour Dr.
Rochester, NY 14621

Current Occupant
23 Balfour Dr.
Rochester, NY 14621

Current Occupant
29 Balfour Dr.
Rochester, NY 14621

Current Occupant
35 Balfour Dr.
Rochester, NY 14621

Current Occupant
38 Balfour Dr.
Rochester, NY 14621

Current Occupant
41 Balfour Dr.
Rochester, NY 14621

Current Occupant
44 Balfour Dr.
Rochester, NY 14621

Current Occupant
106 Balfour Dr.
Rochester, NY 14621

Current Occupant
434 Conkey Ave.
Rochester, NY 14621

Current Occupant
440 Conkey Ave.
Rochester, NY 14621

Current Occupant
448 Conkey Ave.
Rochester, NY 14621

Current Occupant
480 Conkey Ave.
Rochester, NY 14621

Current Occupant
498 Conkey Ave.
Rochester, NY 14621

Current Occupant
506 Conkey Ave.
Rochester, NY 14621

Current Occupant
508 Conkey Ave.
Rochester, NY 14621

Current Occupant
514 Conkey Ave.
Rochester, NY 14621

Current Occupant
520 Conkey Ave.
Rochester, NY 14621

Current Occupant
191 Hollenbeck St.
Rochester, NY 14621

Current Occupant
210 Hollenbeck St.
Rochester, NY 14621

Current Occupant
212 Hollenbeck St.
Rochester, NY 14621

Current Occupant
215 Hollenbeck St.
Rochester, NY 14621

Current Occupant
218 Hollenbeck St.
Rochester, NY 14621

Current Occupant
229 Hollenbeck St.
Rochester, NY 14621

Current Occupant
241 Hollenbeck St.
Rochester, NY 14621

Current Occupant
250 Hollenbeck St.
Rochester, NY 14621

Current Occupant
255 Hollenbeck St.
Rochester, NY 14621

Current Occupant
256 Hollenbeck St.
Rochester, NY 14621

Current Occupant
262 Hollenbeck St.
Rochester, NY 14621

Current Occupant
282 Hollenbeck St.
Rochester, NY 14621

Current Occupant
177-179 Hollenbeck St.
Rochester, NY 14621

Current Occupant
195-197 Hollenbeck St.
Rochester, NY 14621

Current Occupant
222-224 Hollenbeck St.
Rochester, NY 14621

Current Occupant
233-235 Hollenbeck St.
Rochester, NY 14621

Current Occupant
JC Fibers Inc.
1801 Mt. Read Blvd
285-315 Hollenbeck St.
Rochester, NY 14621

Current Occupant
20 Mazda Terrace
Rochester, NY 14621

Current Occupant
23 Mazda Terrace
Rochester, NY 14621

Current Occupant
25 Mazda Terrace
Rochester, NY 14621

Current Occupant
30 Mazda Terrace
Rochester, NY 14621

Current Occupant
31 Mazda Terrace
Rochester, NY 14621

Current Occupant
36 Mazda Terrace
Rochester, NY 14621

Current Occupant
39 Mazda Terrace
Rochester, NY 14621

Current Occupant
48 Mazda Terrace
Rochester, NY 14621

Current Occupant
49 Mazda Terrace
Rochester, NY 14621

Current Occupant
53 Mazda Terrace
Rochester, NY 14621

Current Occupant
54 Mazda Terrace
Rochester, NY 14621

Current Occupant
63 Mazda Terrace
Rochester, NY 14621

Current Occupant
66 Mazda Terrace
Rochester, NY 14621

Current Occupant
1-3 Mazda Terrace
Rochester, NY 14621

Current Occupant
7-9 Mazda Terrace
Rochester, NY 14621

Current Occupant
24-26 Mazda Terrace
Rochester, NY 14621

Current Occupant
40-42 Mazda Terrace
Rochester, NY 14621

Current Occupant
38 OK Terrace
Rochester, NY 14621

Current Occupant
41 OK Terrace
Rochester, NY 14621

Current Occupant
45 OK Terrace
Rochester, NY 14621

Current Occupant
47 OK Terrace
Rochester, NY 14621

Current Occupant
53 OK Terrace
Rochester, NY 14621

Current Occupant
24-26 OK Terrace
Rochester, NY 14621

Current Occupant
25-27 OK Terrace
Rochester, NY 14621

Current Occupant
31-33 OK Terrace
Rochester, NY 14621

Current Occupant
34-36 OK Terrace
Rochester, NY 14621

Current Occupant
37-39 OK Terrace
Rochester, NY 14621

Current Occupant
46-48 OK Terrace
Rochester, NY 14621

Current Occupant
52-54 OK Terrace
Rochester, NY 14621

Current Occupant
1 Rialto St.
Rochester, NY 14621

Current Occupant
7 Rialto St.
Rochester, NY 14621

Current Occupant
15 Rialto St.
Rochester, NY 14621

Current Occupant
19 Rialto St.
Rochester, NY 14621

Current Occupant
20 Rialto St.
Rochester, NY 14621

Current Occupant
23 Rialto St.
Rochester, NY 14621

Current Occupant
24 Rialto St.
Rochester, NY 14621

Current Occupant
27 Rialto St.
Rochester, NY 14621

Current Occupant
28 Rialto St.
Rochester, NY 14621

Current Occupant
39 Rialto St.
Rochester, NY 14621

Current Occupant
40 Rialto St.
Rochester, NY 14621

Current Occupant
42 Rialto St.
Rochester, NY 14621

Current Occupant
43 Rialto St.
Rochester, NY 14621

Current Occupant
48 Rialto St.
Rochester, NY 14621

Current Occupant
49 Rialto St.
Rochester, NY 14621

Current Occupant
53 Rialto St.
Rochester, NY 14621

Current Occupant
57 Rialto St.
Rochester, NY 14621

Current Occupant
60 Rialto St.
Rochester, NY 14621

Current Occupant
63 Rialto St.

Rochester, NY 14621

Public Water Supplier:

City of Rochester Bureau of Water
10 Felix Street
Rochester, NY 14608

Schools and Day Care Facilities Located Near the Site:

Rochester School for the Deaf
Superintendent/CEO: Antony A L McLetchie
1545 St. Paul St.
Rochester, NY 14621

Eugenio Maria de Hostos Charter School
Executive Director: Magaly Rosario
1069 Joseph Avenue
Rochester, NY 14621

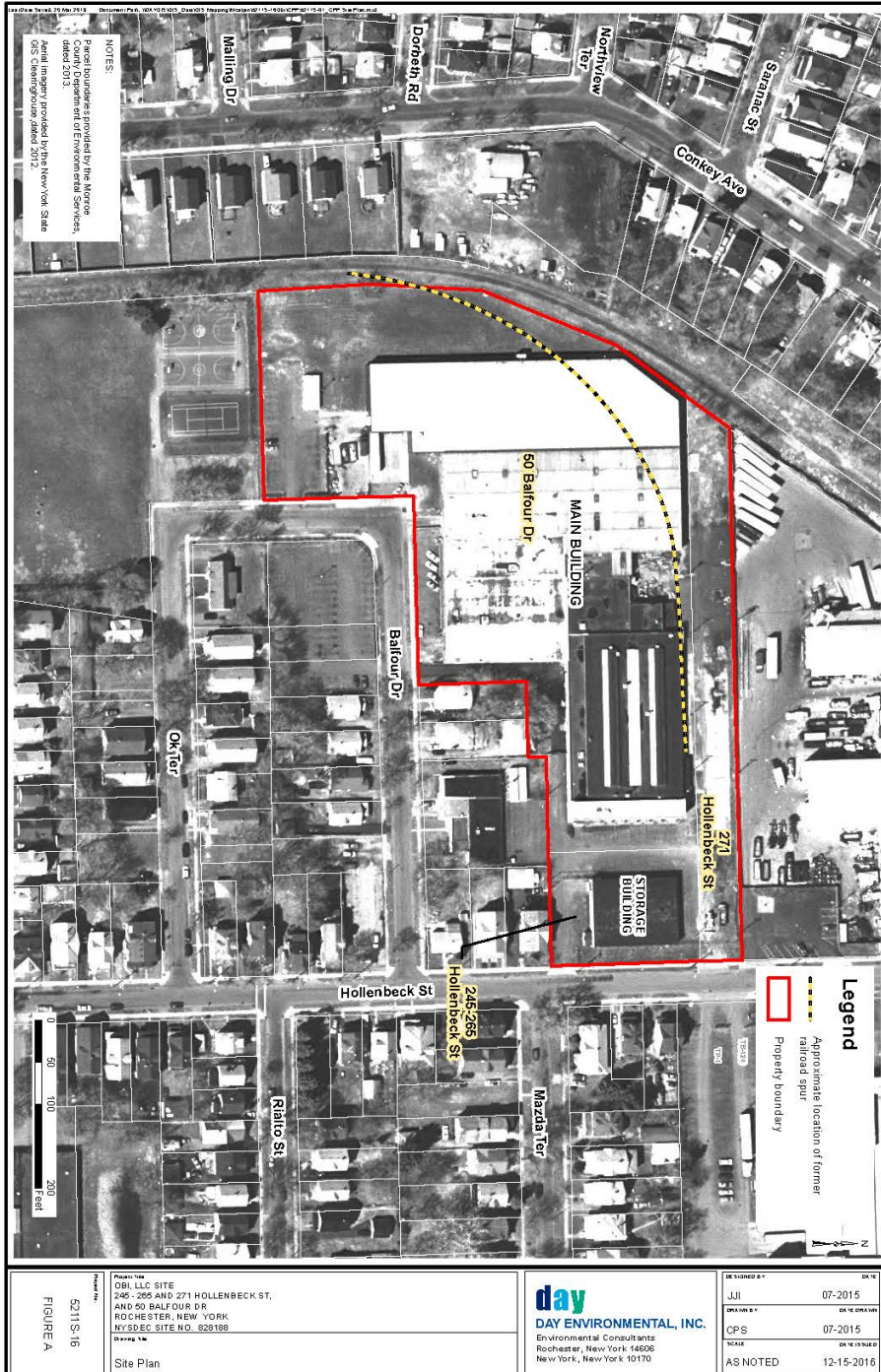
Living Water Childcare Center
Pastor: Sarah McKnairy
299 Norton Street
Rochester, NY 14621

Ortiz Daycare
41 Geneva Street
Rochester, NY 14621

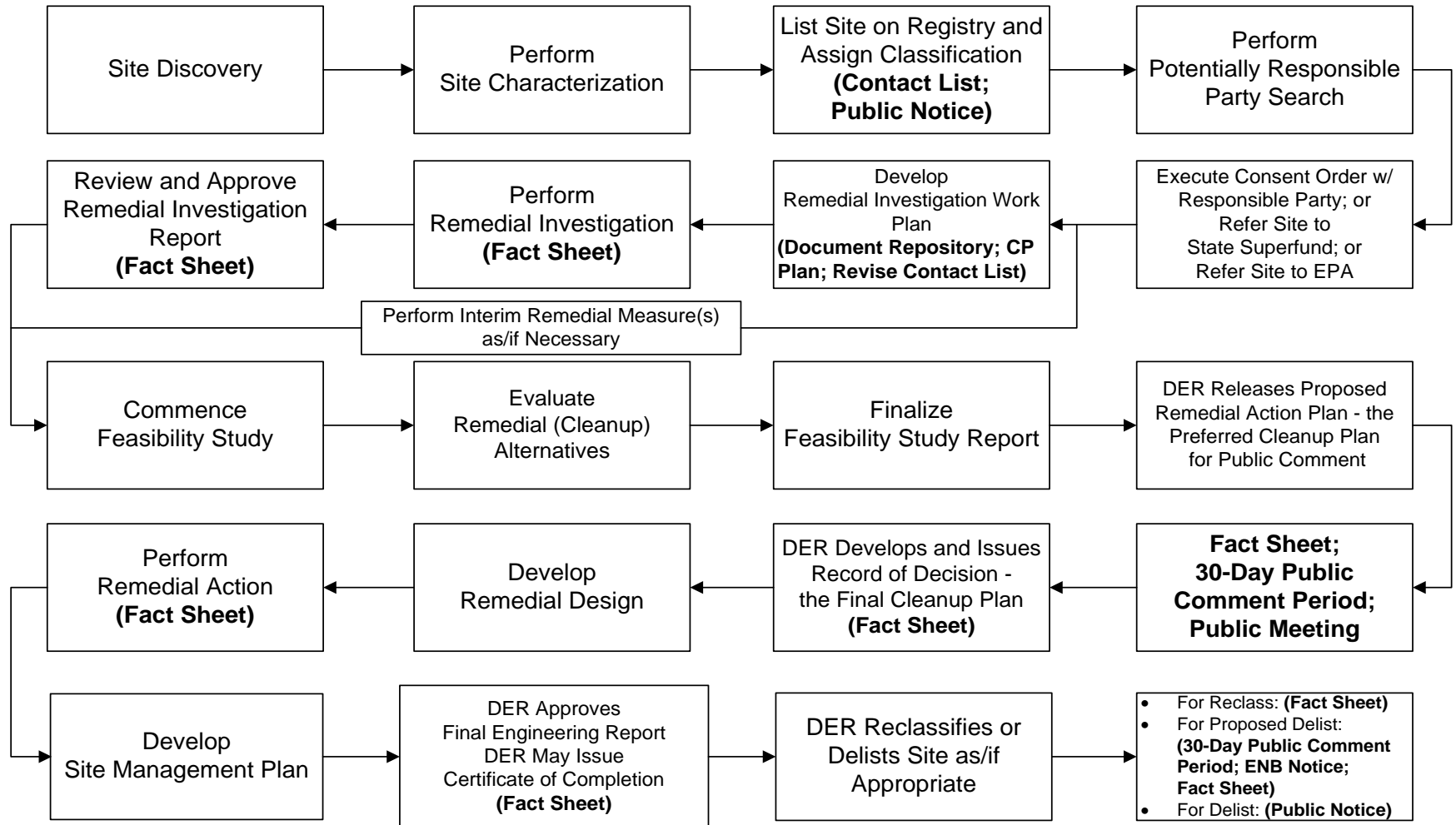
Roberto Clemente School No. 8
Principal: Laurel Avery-Detoy
1180 St. Paul Street
Rochester, NY 14621

Kreative Kids Zone Child Care Center
Program Supervisor: Eletha Williams
1065 N Clinton Ave
Rochester, NY 14621

Appendix C Site Location Map



Appendix D - State Superfund Program Remedial Process



Note: CP Activities are in **Bold**.

