



Department of
Environmental
Conservation

Brownfield Cleanup Program

Citizen Participation Plan for Vacuum Oil Refinery

February 2017

Site No. C828193
22 Flint Street/ 936 Exchange Street
City of 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.

Approved by: 
Frank Sowers, NYSDEC Project Manager
Date: February 14, 2017

Applicant: **Flint Redevelopment LLC**
Site Name: **Vacuum Oil Refinery**
Site Address: **22 Flint Street/ 936 Exchange Street**
Site County: **Monroe**
Site Number: **C828193**

1. What is New York's Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) works with private developers to encourage the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and developed. These uses include recreation, housing, and business.

A *brownfield* is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination. A brownfield typically is a former industrial or commercial property where operations may have resulted in environmental contamination. A brownfield can pose environmental, legal, and financial burdens on a community. If a brownfield is not addressed, it can reduce property values in the area and affect economic development of nearby properties.

The BCP is administered by the New York State Department of Environmental Conservation (NYSDEC) which oversees Applicants who conduct brownfield site investigation and cleanup activities. An Applicant is a person who has requested to participate in the BCP and has been accepted by NYSDEC. The BCP contains investigation and cleanup requirements, ensuring that cleanups protect public health and the environment. When NYSDEC certifies that these requirements have been met, the property can be reused or redeveloped for the intended use.

For more information about the BCP, go online at:
<http://www.dec.ny.gov/chemical/8450.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 investigation and cleanup 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 Applicant.

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 related 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 draft Remedial Investigation Work Plan) 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 that 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

NYSDEC must determine if the site poses a significant threat to public health or the environment. This determination generally is made using information developed during the investigation of the site, as described in Section 5.

If the site is determined to be a significant threat, a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying 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.

As of the date the declaration (page 2) was signed by the NYSDEC project manager, the significant threat determination for the site had not yet been made.

To verify the significant threat status of the site, the interested public may contact the NYSDEC project manager identified in Appendix A.

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)
Application Process:	
<ul style="list-style-type: none"> • Prepare site contact list • Establish document repository(ies) 	At time of preparation of application to participate in the BCP.
<ul style="list-style-type: none"> • Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period • Publish above ENB content in local newspaper • Mail above ENB content to site contact list • Conduct 30-day public comment period 	When NYSDEC determines that BCP application is complete. The 30-day public comment period begins on date of publication of notice in ENB. End date of public comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice, and notice to the site contact list should be provided to the public at the same time.
After Execution of Brownfield Site Cleanup Agreement (BCA):	
<ul style="list-style-type: none"> • Prepare Citizen Participation (CP) Plan 	Before start of Remedial Investigation Note: Applicant must submit CP Plan to NYSDEC for review and approval within 20 days of the effective date of the BCA.
Before NYSDEC Approves Remedial Investigation (RI) Work Plan:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan • Conduct 30-day public comment period 	Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet. Thirty-day public comment period begins/ends as per dates identified in fact sheet.
After Applicant Completes Remedial Investigation:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes RI results 	Before NYSDEC approves RI Report
Before NYSDEC Approves Remedial Work Plan (RWP):	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list about draft RWP and announcing 45-day public comment period • Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager) • Conduct 45-day public comment period 	Before NYSDEC approves RWP. Forty-five day public comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day public comment period.
Before Applicant Starts Cleanup Action:	

Citizen Participation Activities	Timing of CP Activity(ies)
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes upcoming cleanup action 	<p>Before the start of cleanup action.</p>
<p>After Applicant Completes Cleanup Action:</p>	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that announces that cleanup action has been completed and that NYSDEC is reviewing the Final Engineering Report • Distribute fact sheet to site contact list announcing NYSDEC approval of Final Engineering Report and issuance of Certificate of Completion (COC) 	<p>At the time the cleanup action has been completed. Note: The two fact sheets are combined when possible if there is not a delay in issuing the COC.</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.

There are potential contamination issues of public concern at the site based on the results of the past environmental tests. Section 4 below provides information about the site contaminants. The site is not near a public water supply or private water wells, but it is adjacent to the Genesee River.

Contaminants can become airborne during investigation and cleanup activities. Testing will be performed during these activities to measure the level of contaminants in the air. Action will be taken if the levels get too high.

4. Site Information

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

Site Description

- Location - 22 Flint Street / 936 Exchange Street, Rochester, Monroe County
- Setting - urban area that is a mix of residential, commercial, and industrial properties.
- Site size – 2.89 acres
- Adjacent properties - Mix of residential, commercial, and light industrial properties. Portions of adjacent properties are vacant. The Genesee River is present to the east of the site.

History of Site Use, Investigation, and Cleanup

- Prior and current use(s) – The entire site was formerly a portion of the Vacuum Oil Company Refinery, which distilled oil to kerosene, and contained many on-site structures. ExxonMobil Corporation is the corporate successor of the Vacuum Oil Company. The buildings on the Site include a ~25,000 sq. ft. building at 22 Flint Street, and a ~100,000 sq. ft. building at 936 Exchange Street. Various commercial and industrial operations have occurred on the site since the refinery closed.
- Test results indicate that soil and groundwater are contaminated with a variety of chemicals, including: volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and metals.
- The following is the list of environmental reports for the Site:

1. August 1989, Oil & Hazardous Material Site Evaluation Report, by H&A of New York - detected volatile compounds in soil vapor.
2. September 1990, Detailed Historical Site Assessment of the Vacuum Oil Company's Facilities and Locations, by the City of Rochester - detailed Vacuum Oil's history and resulting contamination.
3. January 1997, Environmental Report, by N.W. HARAN - did not reveal any environmental conditions on the site.
4. March 1997, Phase I Environmental Site Assessment, by Leader Environmental, Inc. - indicated the probable release of petroleum-related compounds in soil and groundwater based on Vacuum Oil's prior use of the site.
5. March 2005, Phase I Environmental Site Assessment, by TriTech Environmental Health and Safety, Inc. - determined various environmental conditions and environmental risks existed on site.
6. April 2016, Draft Phase I Environmental Site Assessment, by Leader Professional Services, Inc. - determined various environmental conditions and environmental risks existed on site.
7. April 2016, Phase II Environmental Site Investigation Report, by Leader Professional Services, Inc. - detected petroleum contamination in the soil and groundwater.
8. June 2016, Supplemental Phase II Site Investigation Report, by Leader Professional Services, Inc. - detected sub-slab vapor contamination, including chlorinated solvents and petroleum-related compounds.

The site is also part of the larger City Vacuum Oil - South Genesee River Corridor Brownfield Opportunity Area (BOA). The BOA program provides resources to plan, design, and begin implementing targeted investment projects which support and enhance on-going revitalization efforts in the study area. The Vacuum Oil BOA project is a community-based planning effort that seeks to integrate ideas generated from residents, business owners, and other stakeholders into the actual development of plan recommendations. Involvement and participation by the public is critical to ensuring the planning processes are successful and the final plans achieve the community's vision. The BOA Master Plans to date call for mixed use development, waterfront and open space improvements, flex space and incubator/workforce training, and commercial and housing redevelopment. The City submitted and was awarded funding in 2015 to proceed with implementation of the final step in the BOA program, which will include refinements to the Master Plan based on findings from additional BOA studies. While the BOA program is run by the NYS Department of State and the BCP is run by the NYS Department of Environmental Conservation, the two programs work together to help revitalize communities.

5. Investigation and Cleanup Process

Application

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program as a Volunteer. This means that the Applicant was not responsible for the disposal or discharge of the contaminants or whose ownership or operation of the site took place after the discharge or disposal of contaminants. The Volunteer must fully characterize the nature and extent of contamination onsite, and must conduct a "qualitative exposure assessment," a process that characterizes the actual or potential exposures of people, fish and wildlife to contaminants on the site and to contamination that has migrated from the site.

The Applicant in its Application proposes that the site will be used for restricted purposes which could include restricted-residential (apartments), commercial, and industrial uses.

To achieve this goal, the Applicant will conduct both investigation and cleanup activities at the site with oversight provided by NYSDEC. The Brownfield Cleanup Agreement executed by NYSDEC and the Applicant sets forth the responsibilities of each party in conducting these activities at the site.

Investigation

The Applicant will conduct an investigation of the site officially called a "remedial investigation" (RI). This investigation will be performed with NYSDEC oversight. The Applicant must develop a remedial investigation workplan, which is subject to public comment.

The site investigation has several goals:

- 1) define the nature and extent of contamination in soil, surface water, 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 or the determination that cleanup is not necessary.

The Applicant submits a draft "Remedial Investigation Work Plan" to NYSDEC for review and approval. NYSDEC makes the draft plan available to the public review during a 30-day public comment period.

When the investigation is complete, the Applicant will prepare and submit a report that

summarizes the results. This report also will recommend whether cleanup action is needed to address site-related contamination. The investigation report is subject to review and approval by NYSDEC.

NYSDEC will use the information in the investigation report to determine if the site poses a significant threat to public health or the environment. If the site is a “significant threat,” it must be cleaned up using a remedy selected by NYSDEC from an analysis of alternatives prepared by the Applicant and approved by NYSDEC. If the site does not pose a significant threat, the Applicant may select the remedy from the approved analysis of alternatives.

Interim Remedial Measures

An Interim Remedial Measure (IRM) is an action that can be undertaken at a site when a source of contamination or exposure pathway can be effectively addressed before the site investigation and analysis of alternatives are completed. If an IRM is likely to represent all or a significant part of the final remedy, NYSDEC will require a 30-day public comment period.

Remedy Selection

When the investigation of the site has been determined to be complete, the project likely would proceed in one of two directions:

1. The Applicant may recommend in its investigation report that no action is necessary at the site. In this case, NYSDEC would make the investigation report available for public comment for 45 days. NYSDEC then would complete its review, make any necessary revisions, and, if appropriate, approve the investigation report. NYSDEC would then issue a “Certificate of Completion” (described below) to the Applicant.

or

2. The Applicant may recommend in its investigation report that action needs to be taken to address site contamination. After NYSDEC approves the investigation report, the Applicant may then develop a cleanup plan, officially called a “Remedial Work Plan”. The Remedial Work Plan describes the Applicant’s proposed remedy for addressing contamination related to the site.

When the Applicant submits a draft Remedial Work Plan for approval, NYSDEC would announce the availability of the draft plan for public review during a 45-day public comment period.

Cleanup Action

NYSDEC will consider public comments, and revise the draft cleanup plan if necessary, before approving the proposed remedy. The New York State Department of Health (NYSDOH) must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy. The selected remedy is formalized in the site Decision Document.

The Applicant may then design and perform the cleanup action to address the site contamination. NYSDEC and NYSDOH oversee the activities. When the Applicant completes cleanup activities, it will prepare a final engineering report that certifies that cleanup requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the cleanup is protective of public health and the environment for the intended use of the site.

Certificate of Completion

When NYSDEC is satisfied that cleanup requirements have been achieved or will be achieved for the site, it will approve the final engineering report. NYSDEC then will issue a Certificate of Completion (COC) to the Applicant. The COC states that cleanup goals have been achieved, and relieves the Applicant from future liability for site-related contamination, subject to certain conditions. The Applicant would be eligible to redevelop the site after it receives a COC.

Site Management

The purpose of site management is to ensure the safe reuse of the property if contamination will remain in place. Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. 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.

**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):

Mr. Frank Sowers
Project Manager
NYSDEC Region 8
Division of Environmental Remediation
6274 Avon-Lima Road,
Avon, NY 14414-9516
(585) 226-5357
Email: frank.sowers@dec.ny.gov

Ms. Linda Vera
Regional Citizen Participation Specialist
NYSDEC Region 8
6274 Avon-Lima Road,
Avon, NY 14414-9516
(585) 226-5324
Email: linda.vera@dec.ny.gov

Ms. Bridgette K. Boyd
Public Health Specialist III
Bureau of Environmental Exposure
Investigation
New York State Department of Health
Empire State Plaza, Corning Tower,
Room 1787
Albany, NY 12237
Phone: (518) 402-7860
Fax: (518) 402-7859
Email: BEEI@health.ny.gov

Locations of Reports and Information

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

Phillis Wheatley Community Library
33 Dr. Samuel McCree Way
Rochester, NY 14608
Phone: (585) 428-8212
Hours: Monday 11 a.m. - 7 p.m.
Tuesday 11 a.m. - 6 p.m.

Wednesday 11 a.m. - 7 p.m.
Thursday 11 a.m. - 6 p.m.
Friday 11 a.m. - 5 p.m.
Saturday 10 a.m. - 2 p.m.
Sunday Closed

Plymouth-Exchange (PLEX) Neighborhood Association
Carlson Commons
70 Coretta Scott Crossing
Rochester, NY 14608
Hours: Tuesday, Wednesday, and Thursdays
Noon - 4pm (subject to change)
PLEX meetings: Second Tuesday of every
month at Carlson Commons.
Phone: (585) 328-6916
Email: info@pl-ex.org

NYSDEC Region 8
6274 Avon-Lima Road (Routes 5 and 20)
Avon, NY 14414-9516
Attn: Linda Vera
Phone: (585) 226-5324
Hours: 8:30 a.m.-4:45 p.m. Monday through
Friday (call for appointment)

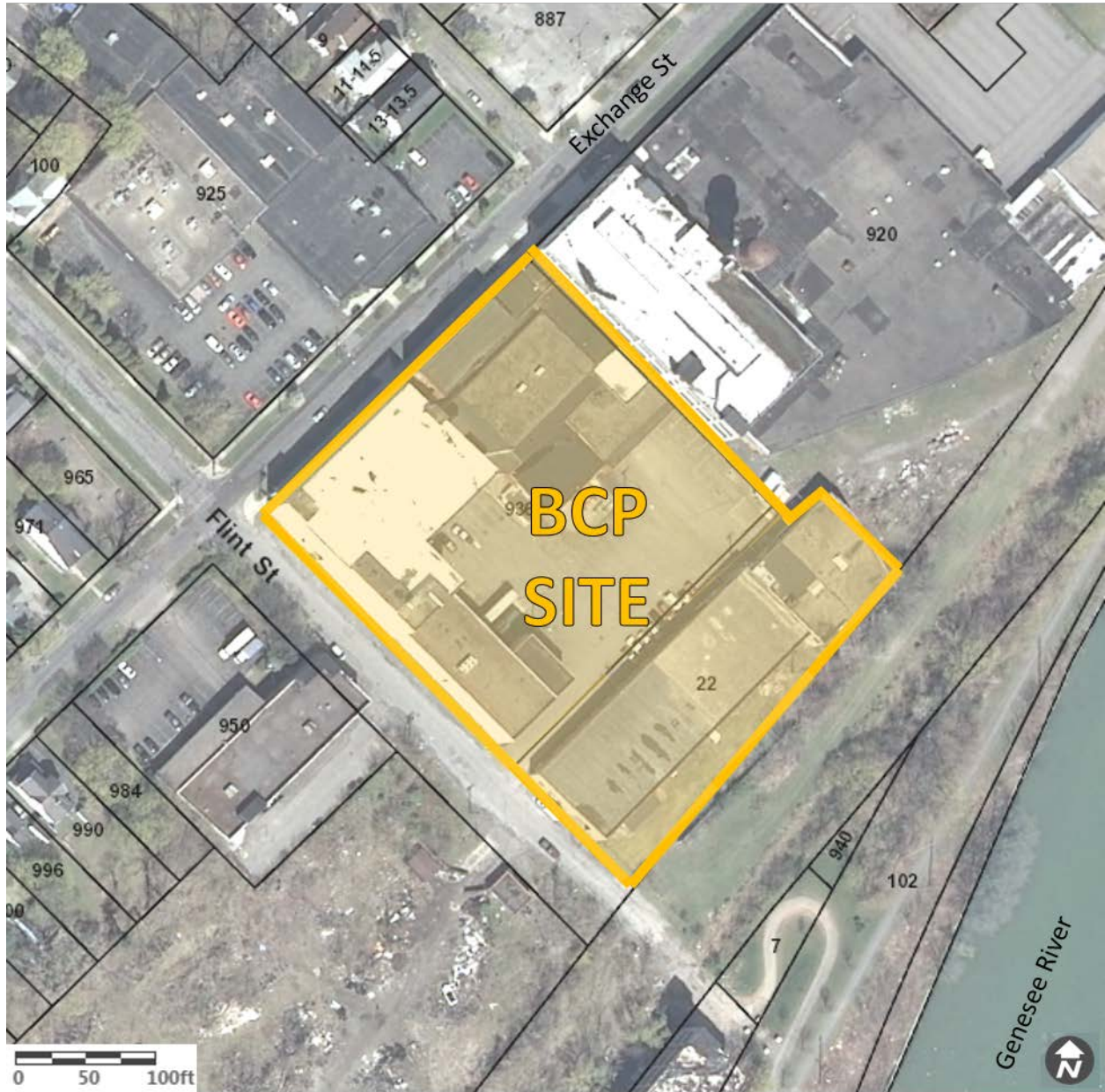
Appendix B - Site Contact List

Name	Title	Address	City	State	Zip
Hon. Kirsten Gillibrand	U.S. Senate	780 Third Ave, Suite 2601	New York	NY	10017
Hon. Charles Schumer	U.S. Senate	780 Third Ave, Suite 2301	New York	NY	10017
Louise M. Slaughter	U.S. House of Representatives	3120 Federal Bldg. 100 State St.	Rochester	NY	14614
Michael H. Ranzenhofer	NYS Senate District: 61	8203 Main Street Suite 4	Williamsville	NY	14221
David F. Gantt	NYS Assembly District: 137	107 Liberty Pole Way	Rochester	NY	14604
Paul A. Johnson	Monroe County Planning and Development, Acting Director	8100 City Place, 50 W. Main St.	Rochester	NY	14614
Cheryl Dinolfo	Monroe County Executive	110 County Office Building, 39 W. Main St.	Rochester	NY	14614
Adam Bello	Monroe County Clerk	101 County Office Building, 39 W. Main St.	Rochester	NY	14614
Jeremy T. Cushman, MD	Interim Commissioner of Monroe County Department of Public Health	111 Westfall Road, Room 952	Rochester	NY	14620
Lovely Warren	The City of Rochester Mayor	City Hall, 30 Church St, Room 308A	Rochester	NY	14614
David L. Watson	The City of Rochester Planning Commission Chair	City Hall, 30 Church St, Room 125B	Rochester	NY	14614
Loretta C. Scott	The City of Rochester Councilmember President	City Hall-30 Church Street, Room 301-A	Rochester	NY	14614
Democrat and Chronicle	Media Newspaper	245 E. Main S.	Rochester	NY	14614

Monroe County Water Authority	Public Water Supplier	475 Norris Dr	Rochester	NY	14610
Phillis Wheatley Community Library	Document Repository	33 Dr. Samuel McCree Way	Rochester	NY	14608
Plymouth-Exchange (PLEX) Neighborhood Association	Document Repository	70 Coretta Scott Crossing	Rochester	NY	14608
Eva J. Thomas	Principal of Dr. Charles T. Lunsford School No. 19 (nearby school)	465 Seward Street	Rochester	NY	14608
One Flint St LLC	Adjacent Property Owner & Occupant of 15 Flint St	620 Park Ave Suite 185	Rochester	NY	14607
VSJ LLC	Adjacent Property Owner & Occupant of 950 Exchange St	950 Exchange St	Rochester	NY	14608
FOODLINK Foundation INC	Adjacent Property Owner & Occupant of 965 Exchange St	1999 MT Read Blvd	Rochester	NY	14615
Canfield & Tack INC	Adjacent Property Owner & Occupant of 925 Exchange St	25 Exchange St	Rochester	NY	14608
John K, and Associates, INC	Adjacent Property Owner & Occupant of 920 Exchange St	5739 Demtrios Way	Avon	NY	14414
City of Rochester	Adjacent Property Owner & Occupant of 1320 S. Plymouth Ave, 1940 Exchange St, 7 Flint St, and 102 Violetta St.	30 Church St	Rochester	NY	14614

R Community Bikes, Inc	Site Occupant	226 Hudson Ave.	Rochester	NY	14605
Saint's Place	Site Occupant	46 S Main St.	Pittsford	NY	14534
Sweet Beez	Site Occupant	78 Woodbine Ave.	Rochester	NY	14619
Rainbow International Restoration and Cleaning of Monroe	Site Occupant	22 Flint St.	Rochester	NY	14608

Appendix C - Site Location Map



Appendix D– Brownfield Cleanup Program Process

