#### NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau E 625 Broadway, 12th Floor, Albany, NY 12233-7017 P: (518) 402-9813 I F: (518) 402-9819 www.dec.ny.gov

August 31, 2017

Mr. Jeffrey Belt Silence Dogood, LLC 211 Franklin Street Olean, New York 14760

> RE: 202 Franklin Street, Site No: C905043, Olean, Cattaraugus County Remedial Investigation/Alternatives Analysis Report & Decision Document

Dear Mr. Belt:

The New York State Department of Environmental Conservation (Department) and the New York State Department of Health (NYSDOH) have reviewed the Remedial Investigation/Alternatives Analysis Report (RI/AAR) for the 202 Franklin Street site, dated July 14, 2017 and prepared by Day Environmental, Inc., on behalf of Mr. Belt. The RI/AAR is hereby approved. Please ensure that a copy of the approved RI/AAR is placed in the document repository. The draft plan should be removed.

Enclosed is a copy of the Department's Decision Document for the site. The remedy is to be implemented in accordance with this Decision Document. Please ensure that a copy of the Decision Document is placed in the document repository.

Please contact the Department's Project Manager, Anthony Lopes, 716-851-7220 at your earliest convenience to discuss next steps.

Sincerely,

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Michael J. Cruden. P.E. Director Remedial Bureau E Division of Environmental Remediation

Enclosure

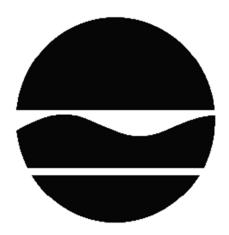
- ec: R. Schick/M. Ryan, DER
  - C. Staniszewski/A. Lopes, Region 9
  - D. Stever, OGC
  - K. Anders/C. Bethoney/K. Kulow, DOH
  - R. Kampff, Day Environmental Inc. RKampff@daymail.net
  - A. Walters, Esq., Phillips Lytle <u>awalters@phillipslytle.com</u>



Department of Environmental Conservation

# **DECISION DOCUMENT**

202 Franklin Street Brownfield Cleanup Program Olean, Cattaraugus County Site No. C905043 August 2017



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

# **DECLARATION STATEMENT - DECISION DOCUMENT**

202 Franklin Street Brownfield Cleanup Program Olean, Cattaraugus County Site No. C905043 August 2017

#### **Statement of Purpose and Basis**

This document presents the remedy for the 202 Franklin Street site, a brownfield cleanup site. The 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.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the 202 Franklin Street site and the public's input to the proposed remedy presented by the Department.

#### **Description of Selected Remedy**

The elements of the selected 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; and

• Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.

## 2. Excavation

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

• an estimated 365 cubic yards of debris (soil/fill, ballast, cylinders, and sheet metal scraps);

• removal of the 8,000-gallon underground storage tank (UST) including any associated piping and any grossly contaminated media (GCM) around the UST that exceed the below referenced criteria;

grossly contaminated media (GCM), as defined in 6 NYCRR Part 375-1.2(u) including soils exhibiting photoionization detector (PID) readings above 100 parts per million (ppm); and
soils that create a nuisance condition as defined in Commissioner Policy CP-51 Section G.

### 3. Backfill

• on-site soil which does not exceed the above excavation criteria may be used below the cover system described in remedy element 4 below to backfill the excavation to the extent that a sufficient volume of on-site soil is available, or:

• clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to replace the excavated soil or complete the backfilling of the excavation and establish the designed grades at the site to accommodate a site cover.

### 4. Cover System

A site cover will be required to allow for commercial use of the site in areas where the upper one foot of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). The site cover may consist of paved surface parking areas, sidewalks, or a soil cover. Where a soil cover is to be used it will be a minimum of one foot of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d). In areas where building foundations or building slabs preclude contact with the soil, the requirements for a site cover will be deferred until such time that they are removed.

### 5. 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 or industrial 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.

### 6. Site Management Plan

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: The Environmental Easement discussed in Paragraph 5 above.

Engineering Controls: The soil cover discussed in Paragraph 4 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;

· descriptions of the provisions of the environmental easement including any land use, groundwater, and surface water use restrictions;

• a provision that should the parking lot, a building foundation, and/or building slab be removed in the future, a cover system consistent with that described in Paragraph 4 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; and

• the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

b. 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; and

• a schedule of monitoring and frequency of submittals to the Department.

#### **Declaration**

The remedy conforms to promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration Department guidance, as appropriate. The remedy is protective of public health and the environment.



Digitally signed by Michael J Cruden Date: 2017.08.24 11:22:24 -04'00'

Date

Michael Cruden, Director Remedial Bureau E

# **DECISION DOCUMENT**

202 Franklin Street Olean, Cattaraugus County Site No. C905043 August 2017

### SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), has selected a remedy for the above referenced site. The disposal of contaminants at the site has resulted in threats to public health and the environment that would be addressed by the remedy. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. Contaminants include hazardous waste and/or petroleum.

The New York State Brownfield Cleanup Program (BCP) is a voluntary program. The goal of the BCP is to enhance private-sector cleanups of brownfields and to reduce development pressure on "greenfields." A brownfield site is real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and 6 NYCRR Part 375. This document is a summary of the information that can be found in the site-related reports and documents.

### SECTION 2: <u>CITIZEN PARTICIPATION</u>

The Department seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comment on the proposed remedy. All comments on the remedy received during the comment period were considered by the Department in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repository:

Olean Public Library 134 North 2nd Street Olean, NY 14760

### **Receive Site Citizen Participation Information By Email**

Please note that the Department's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up

in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program, Voluntary Cleanup Program, and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at <u>http://www.dec.ny.gov/chemical/61092.html</u>

# SECTION 3: SITE DESCRIPTION AND HISTORY

Location: The 202 Franklin Street Site is a 5.159-acre site located in an urban area. The site is at the intersection of N Union Street and Franklin Street. The site is bounded to the north by the Interstate I-86 right-of-way (ROW), to the east by an athletic field, to the south by an industrial facility, and to the west by a railroad ROW.

Site Features: The site is relatively flat and includes a 1.83-acre paved parking lot. The remainder of the site is vacant land covered by brush, small to mature trees, exposed remnants of former buildings (e.g., concrete pads, bricks, etc.), and a small pile of miscellaneous debris (including ballasts, cylinders, and sheet metal).

Current Zoning and Land Use: The site is currently inactive and zoned for commercial and industrial use. The surrounding parcels are presently used for a combination of commercial, light industrial, recreational and utility right-of-ways. The nearest residential area is 0.3 miles to the south and east.

Past Use of the Site: Until 1962 the site was used for manufacturing wastebaskets, vases, etc. from reprocessed waste. Prior uses that appear to have led to site contamination include petroleum/alcohol underground storage tanks, boiler, power plant, painting, wood alcohol, and paper pulp operations.

Site Geology and Hydrogeology: Site soils consist of 0-11 feet of fill (bricks, concrete, pipe, scrap metal, ash, coal fragments and wire intermixed within reworked soil) underlain with clay, sand, and gravel deposits. The depth to groundwater is 18 feet below ground surface (fbgs) and flows east-southeast.

A site location map is attached as Figure 1.

# 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. For this site, alternatives (or an alternative) that restrict(s) the use of the site to commercial use (which allows for industrial use) as described in Part 375-1.8(g) were/was evaluated in addition to an alternative which would allow for unrestricted use of the site.

A comparison of the results of the Remedial Investigation (RI) to the appropriate standards, criteria and guidance values (SCGs) for the identified land use and the unrestricted use SCGs for the site contaminants is available in the RI Report.

# SECTION 5: ENFORCEMENT STATUS

The Applicant(s) under the Brownfield Cleanup Agreement is a/are Volunteer(s). The Applicant(s) does/do not have an obligation to address off-site contamination. However, the Department has determined that this site does not pose a significant threat to public health or the environment; accordingly, no enforcement actions are necessary.

# SECTION 6: SITE CONTAMINATION

# 6.1: <u>Summary of the Remedial Investigation</u>

A remedial investigation (RI) serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the contamination; and
- assess risk to human health and the environment.

The RI is intended to identify the nature (or type) of contamination which may be present at a site and the extent of that contamination in the environment on the site, or leaving the site. The RI reports on data gathered to determine if the soil, groundwater, soil vapor, indoor air, surface water or sediments may have been contaminated. Monitoring wells are installed to assess groundwater and soil borings or test pits are installed to sample soil and/or waste(s) identified. If other natural resources are present, such as surface water bodies or wetlands, the water and sediment may be sampled as well. Based on the presence of contamination. Data collected in the RI influence the development of remedial alternatives. The RI report is available for review in the site document repository and the results are summarized in section 6.3.

The analytical data collected on this site includes data for:

- groundwater - soil

# 6.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. The Department has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs for drinking water and soil vapor intrusion. For a full listing of all SCGs see: <u>http://www.dec.ny.gov/regulations/61794.html</u>

# 6.1.2: <u>RI Results</u>

The data have identified contaminants of concern. A "contaminant of concern" is a contaminant that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified on the property are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized below. Additionally, the RI Report contains a full discussion of the data. The contaminant(s) of concern identified at this site is/are:

benzo(a)anthracene	indeno(1,2,3-CD)pyrene
benzo(a)pyrene	lead
benzo(b)fluoranthene	arsenic
dibenz[a,h]anthracene	

The contaminant(s) of concern exceed the applicable SCGs for:

- groundwater - soil

# 6.2: <u>Interim Remedial Measures</u>

An interim remedial measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Decision Document.

There were no IRMs performed at this site during the RI.

### 6.3: <u>Summary of Environmental Assessment</u>

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water. The RI report presents a detailed discussion of any existing and potential impacts from the site to fish and wildlife receptors.

Nature and Extent of Contamination:

Soil and groundwater were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, polychlorinated biphenyls (PCBs), and pesticides. Based upon investigations conducted to date, the primary contaminants of concern, and the affected media, are as follows:

Surface Soil (0-2 inches below ground surface) - The concentrations of the following poly-cyclic aromatic hydrocarbons (PAH) SVOCs exceed Commercial Use SCO (CSCO): benzo(a)anthracene (up to 8.8 parts per million (ppm) vs 5.6 ppm CSCO); benzo(a)pyrene (up to

4 ppm vs 1 ppm CSCO); benzo(b)fluoranthene (up to 13 ppm vs 5.6 ppm CSCO); dibenzo(a,h)anthracene (up to 1.8 ppm vs 0.56 ppm CSCO); and indeno(1,2,3-cd)pyrene (up to 7.8 ppm vs 5.6 ppm CSCO). Arsenic in surface soil samples (up to 51.6 ppm) exceeded CSCO of 16 ppm.

Pesticide/herbicide and PCB compound concentrations reported in these surface soil samples do not exceed the Commercial Use SCO.

Data does not indicate any off-site impacts in soil related to this site.

Subsurface Soil/Fill - The following metals exceed either CSCOs or protection of groundwater (POGW) SCOs as stated: arsenic (10 samples up to 60.2 ppm vs 16 ppm CSCO/POGW); barium (3 samples up to 872 ppm vs 400 ppm CSCO/820 ppm POGW SCO); copper (2 samples up to 357 ppm vs 270 ppm CSCO); and lead (2 samples up to 1200 ppm vs 1000 ppm CSCO/450 ppm POGW SCO). The following SVOCs also exceed their respective CSCOs: benzo(a)anthracene (4 samples 51.8 ppm vs 5.6 ppm CSCO/1 ppm POGW SCO); benzo(a)pyrene (12 samples up to 88.1 ppm vs 1 ppm CSCO/22 ppm POGW SCO); benzo(b)fluoranthene (3 samples up to 19.8 ppm vs 5.6 ppm CSCO/1.7 ppm POGW SCO); dibenzo(a,h)anthracene (6 samples up to 5.47 ppm vs 5.6 ppm CSCO); and indeno(1,2,3-cd)pyrene (3 samples up to 16.3 ppm vs 5.6 ppm CSCO/8.2 ppm POGW SCO).

Pesticide/herbicide and PCB compound concentrations reported in these sub-surface soil samples do not exceed the Commercial Use SCO.

Data does not indicate any off-site impacts in soil related to this site.

Groundwater – VOCs, SVOCs, pesticides, and PCBs were not detected at concentrations exceeding groundwater standards or guidance values. Arsenic concentrations at MW-D (31.5 - 63.4 parts per billion (ppb)) exceeded the groundwater standard of 25 ppb. Barium at MW-D (1,530 - 2,490 ppb) exceeded the groundwater standard of 1,000 ppb.

The groundwater in the western portion of the site is impacted with petroleum that originated from an off-site location. This impact is generally characterized by elevated VOC and SVOC Tentatively Identifiable Compounds (TICS). The petroleum-impacted groundwater does not degrade further as it migrates across the site, suggesting that the site is not contributing to the further degradation of the groundwater with regard to petroleum-impact. This site is situated immediately downgradient of the former ExxonMobil Refinery footprint with documented petroleum contamination. The soil and groundwater impacts from the former refinery are being addressed under multiple Brownfield Cleanup Program sites and by ExxonMobil through the Department's spills program.

Pesticide/herbicide and PCB compounds were not detected in the groundwater samples tested at concentrations greater than the quantitation limits reported by the analytical laboratory. Data does not indicate any off-site impacts in groundwater related to this site.

# 6.4: <u>Summary of Human Exposure Pathways</u>

This human exposure assessment identifies ways in which people may be exposed to site-related contaminants. Chemicals can enter the body through three major pathways (breathing, touching or swallowing). This is referred to as *exposure*.

People may come into contact with contaminants in soil by walking on the site, digging or otherwise disturbing the soil. Similar contaminants exist in soil on an adjacent parcel. Contaminated groundwater at the site is not used for drinking or other purposes and the site is served by a public water supply that obtains water from a different source not affected by this contamination.

# 6.5: <u>Summary of the Remediation Objectives</u>

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial program is to restore the site to pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

The remedial action objectives for this site are:

# **Groundwater**

## **RAOs for Public Health Protection**

• Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.

# **RAOs for Environmental Protection**

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

# <u>Soil</u>

# **RAOs for Public Health Protection**

Prevent ingestion/direct contact with contaminated soil.

# **RAOs for Environmental Protection**

• Prevent migration of contaminants that would result in groundwater or surface water contamination.

# SECTION 7: ELEMENTS OF THE SELECTED REMEDY

The alternatives developed for the site and the evaluation of the remedial criteria are presented in the Alternative Analysis. The remedy is selected pursuant to the remedy selection criteria set forth in DER-10, Technical Guidance for Site Investigation and Remediation and 6 NYCRR Part 375.

The selected remedy is a Track 4: Restricted use with site-specific soil cleanup objectives remedy.

The selected remedy is referred to as the Track 4 Restricted Commercial Use remedy.

The elements of the selected remedy, as shown in Figure 3, 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;
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• Maximizing habitat value and creating habitat when possible;

• Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals; and

• Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.

# 2. Excavation

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

• an estimated 365 cubic yards of debris (soil/fill, ballast, cylinders, and sheet metal scraps);

• removal of the 8,000-gallon underground storage tank (UST) including any associated piping and any grossly contaminated media (GCM) around the UST that exceed the below referenced criteria;

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soils that create a nuisance condition as defined in Commissioner Policy CP-51 Section G.

# 3. Backfill

• on-site soil which does not exceed the above excavation criteria may be used below the cover system described in remedy element 4 below to backfill the excavation to the extent that a sufficient volume of on-site soil is available, or:

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# 5. 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 or industrial 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.

### 6. Site Management Plan

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: The Environmental Easement discussed in Paragraph 5 above.

Engineering Controls: The soil cover discussed in Paragraph 4 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;

• descriptions of the provisions of the environmental easement including any land use, groundwater, and surface water use restrictions;

• a provision that should the parking lot, a building foundation, and/or building slab be removed in the future, a cover system consistent with that described in Paragraph 4 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;

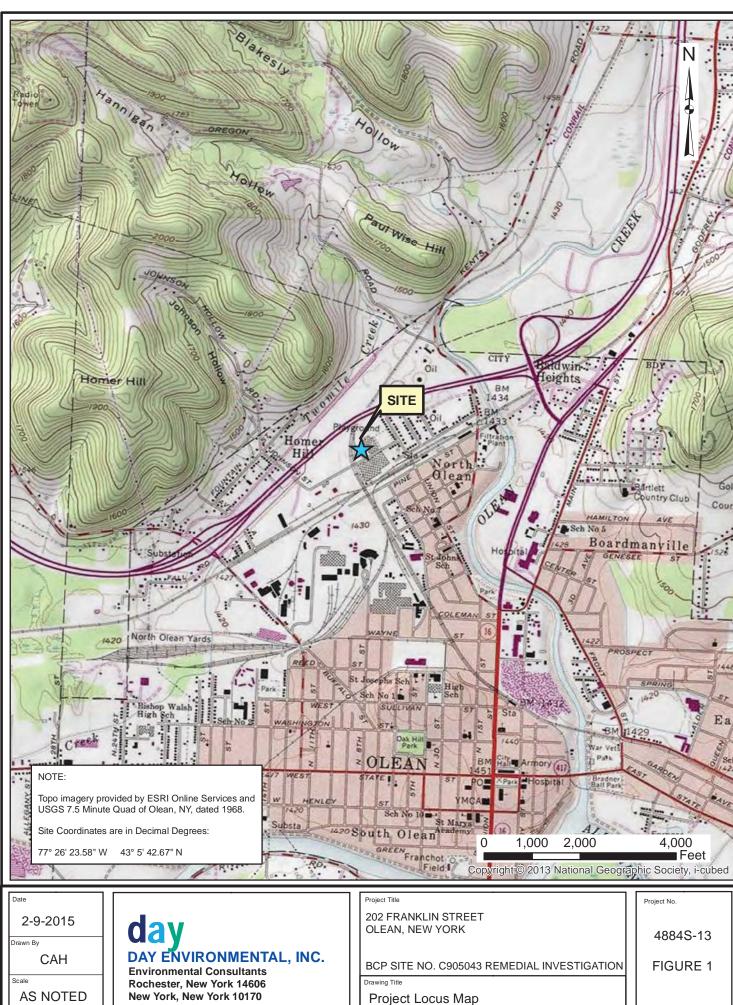
• maintaining site access controls and Department notification; and

• the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

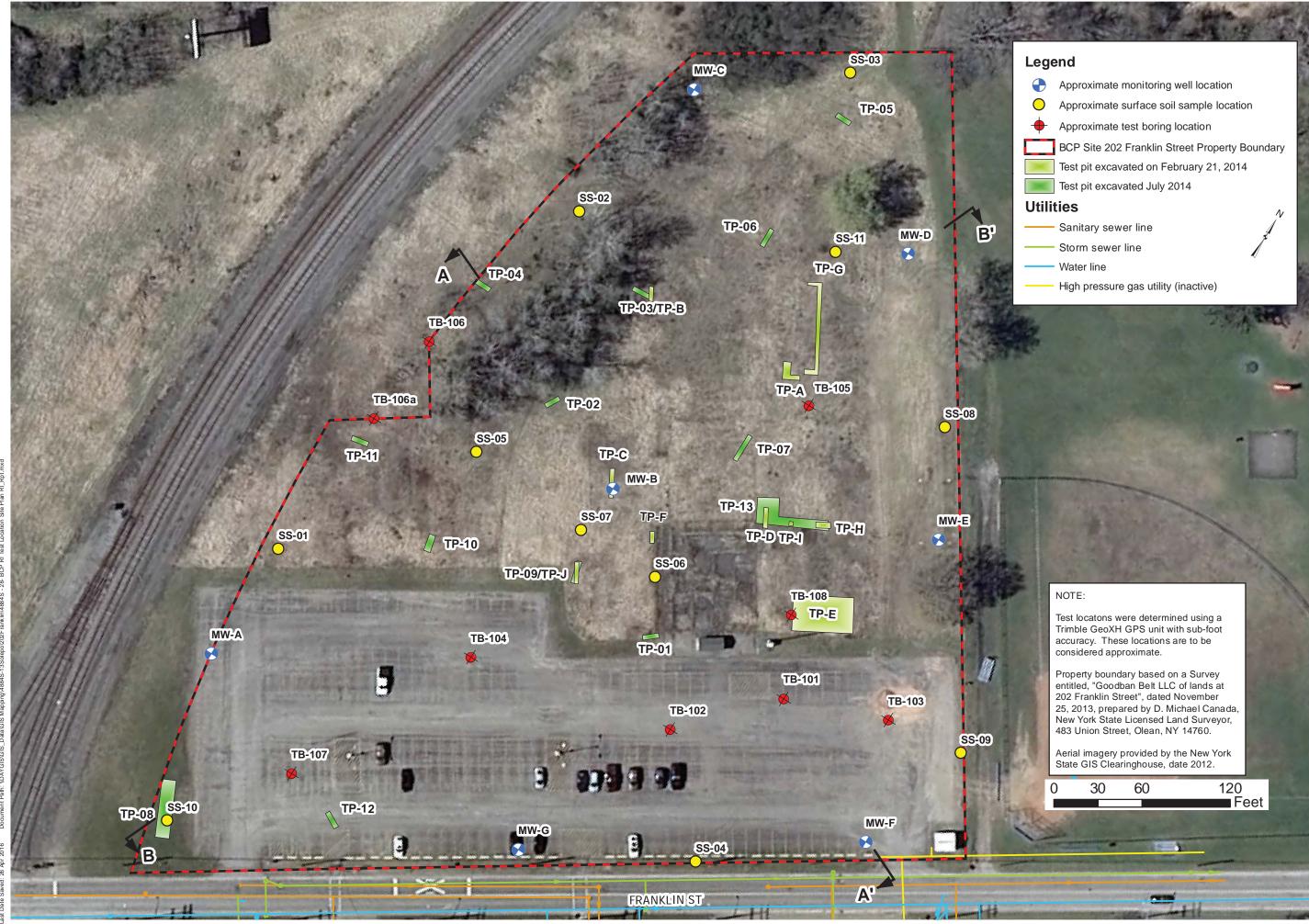
b. a Monitoring Plan to assess the performance and effectiveness of the remedy. The plan

includes, but may not be limited to:

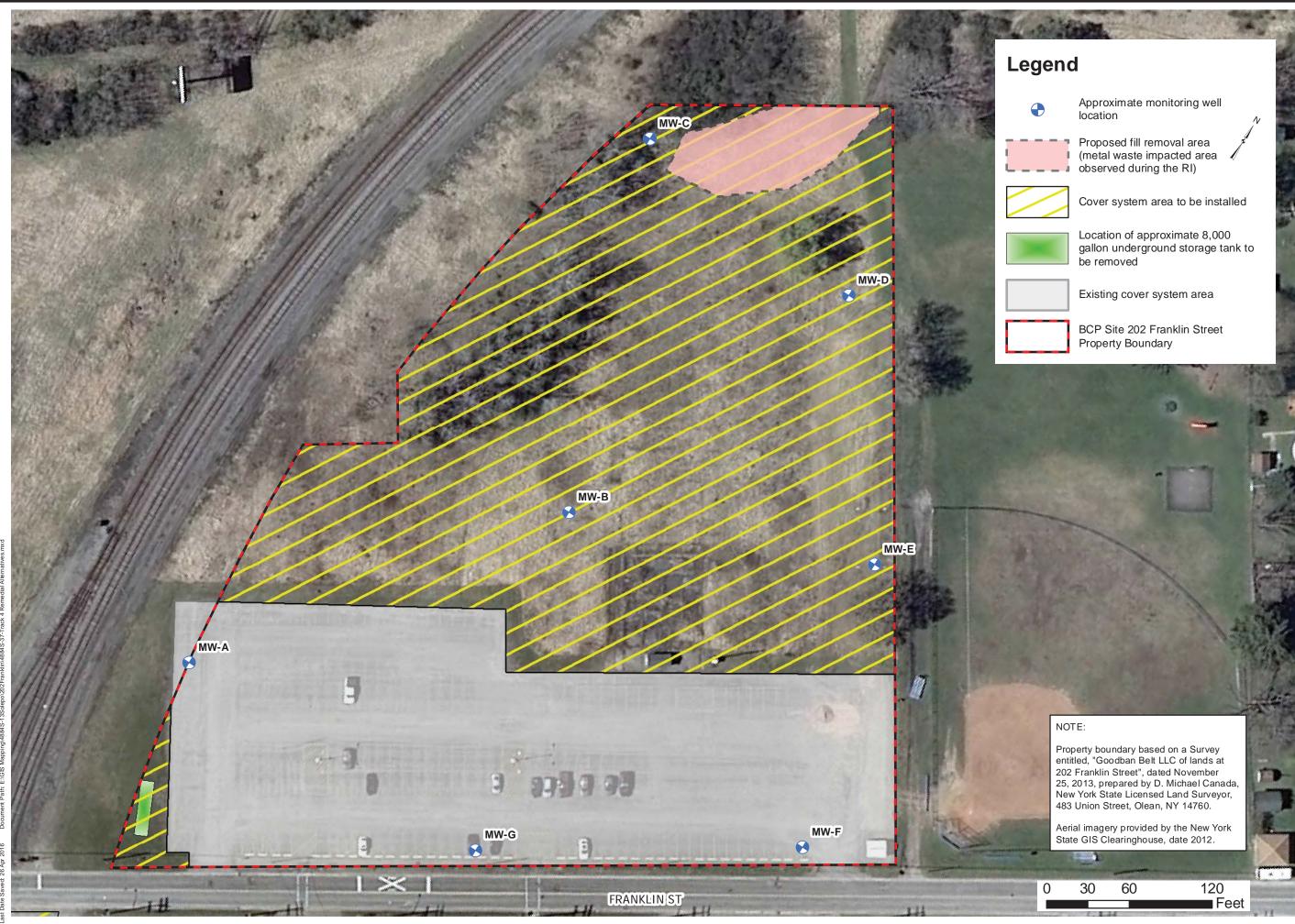
- monitoring of groundwater to assess the performance and effectiveness of the remedy; and
- a schedule of monitoring and frequency of submittals to the Department.



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	Project Title	Project No.
	202 FRANKLIN STREET	
	OLEAN, NEW YORK	4884S-13
	BCP SITE NO. C905043 REMEDIAL INVESTIGATION	FIGURE 1
	Drawing Title	
	Project Locus Map	
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Project No. 4884S-13 FIGURE 2	Polect Title 202 FRANKLIN STREET OLEAN, NEW YORK BCP SITE NO. C905043 REMEDIAL INVESTIGATION Drawing Title	day DAY ENVIRONMENTAL, INC. Environmental Consultants Rochester, New York 14606 New York, New York 10170	DESIGNED BY RLK DRAWNBY CAH SCALE AS NOTED	DATE DATE 01-2015 DATE DRAMN 01-2015 DATE ISSUED 01-19-2015



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	Project Tile 202 FRANKLIN STREET	OLEAN, NEW YORK		BCP SITE NO. C905043 REMEDIAL INVESTIGATION	Drawing Title	Site Plan Depicting Proposed Remedial Measures
	4884S-13 FIGURE 3					