

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Region 8  
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March 18, 2022

Ryan DeBarros  
EHS Principal  
CooperVision, Inc.  
711 North Road  
Scottsville, New York 14546

Re: Change of Use Notification  
CooperVision, Inc.  
Site No.: V00175  
Scottsville (T), Monroe (C)

Dear Mr. DeBarros:

The New York State Department of Environmental Conservation (Department) has completed its review of the January 19, 2022 Change of Use (COU) submittal detailing the warehouse expansion at the CooperVision, Inc. site (Site) located at 711 North Road, Scottsville, New York. Based on the information presented in the COU and the current revised Site Management Plan (SMP), under review by the Department, the COU is conditionally approved with the following modifications and clarifications.

With the Site's current SMP (dated November 2021) undergoing review and the Department's current SMP template (updated January 2022), many of the modifications and clarifications presented are associated with the Department's current SMP template which should provide a clearer guide to all entities involved as to what is required during the site management phase.

1. The Department understands that the current Site's SMP (all sections and appendices of the SMP) will be adhered to during the proposed expansion of the on-site building.
2. Prior to any and all fieldwork activities associated with the proposed expansion of the on-site expansion, the Department understands that a Site-specific Health and Safety plan (HASP) will be prepared by a qualified person in accordance with the most recently adopted and applicable general industry (29 CFR 1910) and construction (29 CFR 1926) standards of OSHA, the U.S. Department of Labor, as well as any other Federal, State, or local applicable statutes or regulations. A copy of the Site-specific HASP will be provided to the Department and NYSDOH project manager for review.
3. The Department understands at all groundwater monitoring wells at the Site will be protected from construction activities. If any groundwater monitoring wells are damaged during the construction activities the Department project manager will be notified within 48 hrs. and a plan for re-installation of the groundwater monitoring well will be provided to the Department project manager for review.
4. Table VIII; Other Contact Names: The Department project manager is Charlotte B. Theobald, telephone number: 585-226-5354, e-mail: [charlotte.theobald@dec.ny.gov](mailto:charlotte.theobald@dec.ny.gov). The NYSDOH project manager is Julia Kenney, telephone number: 518-402-7860, e-mail: [julia.kenney@health.ny.gov](mailto:julia.kenney@health.ny.gov).

5. Section 2.5.2; Soil Screening Methods: The Department understands the following:
  - A qualified environmental professional as defined in 6 NYCRR Part 375, a PE who is licensed and registered in New York State, or a qualified person who directly reports to a PE who is licensed and registered in New York State. The PE or the firm employing the PE will have a current NYS Certificate of Authorization (COA).
  - A screening level of 10 parts per million (ppm) will be used to segregate excavated soil/fill material.
  - Soil/fill material will be segregated based on previous environmental data and field screening results into material that requires off-site disposal and material that requires testing to determine if the material can be reused on-site.
6. Section 2.5.3; Stockpile Methods: The Department understands the following:
  - Stockpiles will be staged on and covered with a minimum of 12 mil poly sheeting.
7. Section 2.5.4.1; Sample Collection and Handling: The Department understands the following:
  - The reference to Section 2.5.4.4 is 2.5.4.3.
  - The reuse of demolition material for reuse on-site must have Department project manager approval prior to reuse.
  - Sampling will be completed by a qualified environmental professional as defined in 6 NYCRR Part 375, a PE who is licensed and registered in New York State, or a qualified person who directly reports to a PE who is licensed and registered in New York State.
  - The sampling detailed in paragraphs 3 and 4 of this section is not for the reuse of soil/fill material on the Site and is exclusively for the off-site disposal at a permitted disposal facility in accordance with all applicable local, State, and Federal regulations.
8. Section 2.5.4.2; Sample Equipment Decontamination: The Department understands that all decontamination fluids will be containerized, characterized, and disposed off-site at a permitted landfill facility in accordance with all applicable local, State, and Federal regulations.
9. Section 2.5.4.3; Laboratory Analysis: The Department understands that the soil characterization laboratory analysis detailed in this section is exclusively for the purpose of off-site disposal at a permitted landfill facility.
10. Section 2.5.5; Material Excavation: The Department understands the following:
  - A qualified environmental professional as defined in 6 NYCRR Part 375, a PE who is licensed and registered in New York State, or a qualified person who directly reports to a PE who is licensed and registered in New York State. The PE or the firm employing the PE will have a current NYS COA.
  - The excavation activities will be in accordance with 29 CFR 1926 Subpart P.
11. Section 2.5.6; Materials Reuse On-Site: It is stated that the soil will be sampled as per Section 2.5.4 of the SMP. It is the Department's understanding that Section 2.5.4 is exclusively for the sampling of soil/fill material to be disposed off-site at a permitted landfill facility. The Department understands the following:
  - A qualified environmental professional as defined in 6 NYCRR Part 375, a PE who is licensed and registered in New York State, or a qualified person who directly reports to a PE who is licensed and registered in New York State. The PE or the firm employing the PE will have a current NYS COA.

- The sampling of stockpiled soil/fill material for reuse on the Site will in accordance with DER-10 Chapter 5.4(e)4 and DER-10 Table 5.4(e)10.
- Proposed materials for reuse on-site must be sampled for full suite analytical parameters including per- and polyfluoroalkyl substances (PFAS) and 1,4-dioxane.
- The sampling frequency will be in accordance with DER-10 Table 5.4(e)10 unless prior approval is obtained from the Department project manager for modification of the sampling frequency.
- Approvals for modifications to the analytical parameters must be obtained from the Department project manager prior to the sampling event.
- The reuse of demolition material for reuse on-site must have Department project manager approval prior to reuse.

12. Section 2.5.7; Materials Disposal Off-Site: The Department understands the following:

- The formal request for proposed unregulated off-site disposal will be submitted to the Department project manager.
- Prior approval must be obtained from the Department project manager before the unregulated materials can be disposed off-site.
- Disposal quantities and all associated documentation will be provided to the Department project manager in the subsequent Periodic Review Report.
- Non-hazardous historic fill and contaminated soils taken off-site will be handled consistent with 6 NYCRR Parts 360, 361, 362, 363, 364, and 365. Material that does not meet Unrestricted SCOs is prohibited from being taken to a New York State C&D debris recovery facility (6 NYCRR Subpart 360-15 registered or permitted facility).

13. Section 2.5.8; Fluids Management: The Department understands the following:

- All liquids to be removed from the site, including but not limited to, excavation dewatering, decontamination waters, and groundwater monitoring well purge and development waters, will be containerized, characterized, handled, and disposed off-site at a permitted facility in accordance with applicable local, State, and Federal regulations.

14. Section 2.5.9; Materials Load Out and Transport Off-Site: The Department understands the following:

- A qualified environmental professional as defined in 6 NYCRR Part 375, a PE who is licensed and registered in New York State, or a qualified person who directly reports to a PE who is licensed and registered in New York State will oversee all load-out of all excavated material.
- Material accumulated from the street cleaning and egress cleaning activities will be disposed off-site at a permitted landfill facility in accordance with all applicable local, State, and Federal regulations.
- Truck wash waters as well as all decontamination water/rinsate will be collected and disposed of off-site at a permitted facility in an appropriate manner.
- Material transported by trucks exiting the site will be secured with tight-fitting covers. Loose-fitting canvas-type truck covers will be prohibited. If loads contain wet material capable of producing free liquid, truck liners will be used.
- The truck transport route will prohibit off-site queuing of trucks that are entering the facility.
- The truck transport route will consider overall safety in transport.

15. Section 2.5.11; Backfill From Off-Site Sources: The Department understands the following:

- Qualified environmental professional as defined in 6 NYCRR Part 375.
- A Request to Import/Reuse Fill or Soil form will be prepared and submitted to the Department project manager allowing a minimum of 5 business days for review.

- Soils that meet 'general' fill requirements under 6 NYCRR Part 360.13, but do not meet backfill or cover soil objectives for this site, will not be imported onto the site without prior approval by Department project manager.
- Soil material will also be sampled for 1, 4-dioxane.
- The sampling frequency will be in accordance with DER-10 Table 5.4(e)10 unless prior approval is obtained from the Department project manager for modification of the sampling frequency.
- The results of the chemical analysis of the material being used for backfill material and the basis for acceptance will be provided to the Department project manager as part of the supporting documentation in the subsequent Periodic Review Report.

16. Section 2.5.13; Excavation Contingency Plan: The Department understands the following:

- The Department project manager will be promptly notified of the discovery of any of the circumstances as detailed in the 1<sup>st</sup> paragraph of this section of the current SMP.
- The sampling detailed in this section will also including 1,4-dioxane and PFAS.
- Any tanks will be closed as per NYSDEC regulations and guidance.
- Identification of unknown or unexpected contaminated media identified by screening during invasive site work will be promptly communicated by phone within two (2) hours to Department's Project Manager.
- The findings will be also included in the subsequent Periodic Review Report.

17. Section 2.5.14; Community Air Monitoring Plan: The Department understands that the monitoring locations will be adjusted on a daily or more frequent basis based on actual wind directions to provide an upwind and at least two downwind monitoring stations. Exceedances of the action levels in the Community Air Monitoring Plan and the Special CAMP (presented below) will be reported the Department and NYSDOH project managers by the close of business of that day but no longer than 24 hours.

In addition to the Community Air Monitoring Plan (CAMP), the following Special CAMP may need to be implemented

Special Requirements for Work Within 20 Feet of Potentially Exposed Individuals or Structures:

When work areas are within 20 feet of potentially exposed populations or occupied structures, the continuous monitoring locations for VOCs and particulates must reflect the nearest potentially exposed individuals and the location of ventilation system intakes for nearby structures. The use of engineering controls such as vapor/dust barriers, temporary negative-pressure enclosures, or special ventilation devices should be considered to prevent exposures related to the work activities and to control dust and odors. Consideration should be given to implementing the planned activities when potentially exposed populations are at a minimum, such as during weekends or evening hours in non-residential settings.


- If total VOC concentrations opposite the walls of occupied structures or next to intake vents exceed 1 part-per-million, monitoring should occur within the occupied structure(s). Depending upon the nature of contamination, chemical-specific colorimetric tubes of sufficient sensitivity may be necessary for comparing the exposure point concentrations with appropriate pre-determined response levels (response actions should also be pre-determined). Background readings in the occupied spaces must be taken prior to commencement of the planned work. Any unusual background readings should be discussed with NYSDOH prior to commencement of the work.

- If total particulate concentrations opposite the walls of occupied structures or next to intake vents exceed 150 micrograms per cubic meter, work activities should be suspended until controls are implemented and are successful in reducing the total particulate concentration to 150 micrograms per cubic meter or less at the monitoring point.
  - Depending upon the nature of contamination and remedial activities, other parameters (e.g., explosivity, oxygen, hydrogen sulfide, carbon monoxide) may also need to be monitored. Response levels and actions should be pre-determined, as necessary, for each site.
18. Section 2.5.15; Odor Control Plan: The Department understands that the Odor Control Plan will be capable of controlling emissions of nuisance odors off-site and on-site. Department and NYSDOH project managers will be notified of all odor events as well as of any other complaints about the project activities. Any odor control measures that are implemented will be discussed in the subsequent Periodic Review Report. All necessary means will be employed to prevent on- and off-site nuisances.
19. Section 2.5.16; Dust Control Plan: The Department understands that particulate monitoring must be conducted according to the CAMP provided Appendix C of the SMP. If particulate levels at the site exceed the thresholds listed in the CAMP or if airborne dust is observed on the site or leaving the site, the dust suppression techniques will be employed. The remedial party/site owner will also take measures to prevent dust production on the Site.
20. Section 2.5.17; Other Nuisances: The Department understands that a plan for rodent control will be developed and utilized by the contractor prior to and during site clearing and site grubbing, and during all remedial work.
21. Appendix C; Community Air Monitoring Plan: The Department understands that dependent upon the nature of known or potential contaminants real-time air monitoring for VOCs and particulate level at the perimeter of the exclusion zone or work area will be necessary. All readings will also be made available to County Health personnel to review.

VOC Monitoring, Response Levels, and Actions: Upwind concentrations should be measured at the start of each workday and periodically thereafter to establish background conditions, particularly if wind direction changes.

If you have or your environmental technical team have any question or concerns regarding this letter or need further assistance with the Site, please feel free to contact me via e-mail at [charlotte.theobald@dec.ny.gov](mailto:charlotte.theobald@dec.ny.gov) or via telephone at 585-226-5354. If your legal team has any questions or concerns regarding this letter or need further legal assistance with the Site, please feel free to contact Dusty Tinsley at [dusty.tinsley@dec.ny.gov](mailto:dusty.tinsley@dec.ny.gov) or via telephone at 585-226-5301.

Sincerely,



Charlotte B. Theobald  
Assistant Engineer

ec:

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