

# Phase I Environmental Site Assessment

## Location:

4752 Lake Avenue  
Rochester, New York 14612

## Prepared for:

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LaBella Project No. 2182289

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LaBella Associates, D.P.C. (LaBella) has been contracted by The City of Rochester to perform an All Appropriate Inquiry (AAI) Phase I Environmental Site Assessment (ESA) report for 4752 Lake Avenue, City of Rochester, Monroe County, New York, 14612, (047.550-0001-001.004/000) hereinafter referred to as the “Site”.

The findings of this report are based upon a preliminary assessment of the condition of the Site within the Scope of Work and objective described below as of the date of our Site observations and documentation review. This assessment was prepared according to the American Society for Testing and Materials (ASTM) Standard Practice E1527-13 to satisfy the due diligence requirements set for The City of Rochester. The information contained in this report is considered privileged and confidential and is intended solely for the use of The City of Rochester as it applies to the Site.

## 1.0 EXECUTIVE SUMMARY

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Based on the results of this assessment, no apparent Recognized Environmental Conditions (RECs), Historical Recognized Environmental Conditions (HRECs), or de minimis have been identified associated with the Site at this time.

Based on the results of this assessment, the following Controlled Recognized Environmental Condition (CREC) has been identified associated with the Site at this time.

### **SECTION # 5.1 – Slag on Site**

The Site is a portion of the Port of Rochester. In the mid to late 1880s, a steel mill was constructed at the Port of Rochester. A portion of the former footprint of the steel mill falls within the boundaries of the Site. The blast furnaces associated with the steel production appear to have been mainly located on the southern area of the Site and a possible coal storage area may have been located on the southeastern area of the Site. In addition, several rail spurs extended onto the Site. The steel mill operations were terminated in the mid-1920s and the buildings were subsequently demolished.

Based on previous subsurface investigations conducted at the Port of Rochester, it has been documented that slag, cinders, foundry waste, re-worked soil, construction and demolitions debris (C&D), and other man-made fill has been placed as backfill within the Site boundaries. Representative samples of slag materials from the Port of Rochester have been analyzed for VOCs, SVOCs, eight RCRA metals, cyanide, and Polychlorinated Biphenyls (PCBs). Results of analysis indicate that the slag materials are not representative of hazardous waste. The only compounds detected in these slag samples were arsenic, cadmium, and barium. Arsenic was the only compound that appeared to be consistently elevated above eastern USA background levels as published in the NYSDEC TAGM 4046. In addition to elevated concentrations of arsenic there is the potential for elevated levels of additional heavy metals and SVOCs.

An Environmental Management Plan (EMP) was created in 2005 and updated in 2013 to provide guidance regarding the characterization and management of subsurface impacted soil, groundwater, and man-made industrial derived fill materials generated during development activities at the Port of Rochester site.



Based on the results of this assessment, no further investigation appears warranted at this time; however, the following is recommended:

- In the event that future structures are constructed in areas of the Site where slag would remain in the subsurface, the installation of a sub-slab vapor intrusion mitigation system is recommended. Typical sulfur-like odors were observed to be associated with the slag deposits on-site. Additionally, it is likely that the New York State Department of Health (NYSDOH) and/or the Monroe County Health Department (MCHD) would require the installation of this type of system within future on-site structures.
- LaBella recommends the development of a site-specific EMP for the Site to assist with managing subsurface materials. The EMP should be designed to guide the on-site re-use or off-site reuse and/or off-site disposal of Regulated Solid Waste during development. An EMP would also provide suggestions on how to properly dewater, handle and dispose of groundwater, if encountered, during development activities. Furthermore an EMP would indicate the required monitoring and documentation to be conducted during such activities.

## 2.0 INTRODUCTION

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### 2.1 Purpose

This investigation was requested to identify, to the extent feasible, Recognized Environmental Conditions in connection with the Site, including the identification of conditions indicative of releases and threatened releases of hazardous substances on, or in the vicinity of, the Site. This AAI Phase I ESA report was conducted in general conformance with the Scope and Limitations of ASTM Standard Practice E1527-13.

The performance of ASTM Standard Practice E1527-13 is intended to reduce, but not eliminate, uncertainty regarding the potential for RECs (defined below) and the potential liability for contamination to be present in connection with the Site recognizing reasonable limits of time and cost. It is also intended to add protection from Comprehensive Environmental Response Compensation and Liability Act (CERCLA) liability for innocent landowner defense, bona fide prospective purchaser, contiguous property owners and grantors who meet certain statutory requirements.

The objective of this AAI Phase I ESA was to determine the following, using our professional judgment, by means of the Scope of Work hereafter described.

1. A general description of the Site.
2. The current and historical use of the Site and adjacent properties.
3. Whether RECs exist or have the potential to exist at the Site.
4. Whether Site conditions suggest further evaluation based on the presence or probable presence of such RECs.
5. Provide information which may assist the City of Rochester in evaluating the fair market value of the Site.



The term “Recognized Environmental Condition” is defined by ASTM as the presence or likely presence of any hazardous substances (as currently defined by the CERCLA including pollutants and contaminants) or petroleum products (excluded from the definition of hazardous substance and controlled substances; or the presence of petroleum products as defined by the Resource Conservation and Recovery Act, the Oil Pollution Act of 1990, and the Clean Water Act) in, on, or at a property due to release to the environment, under conditions indicative of a release to the environment, or under conditions that pose a material threat of a future release to the environment.

The term “Historical Recognized Environmental Condition” is defined by ASTM as a past release of any hazardous substance or petroleum product that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls.

The term “Controlled Recognized Environmental Condition” is defined by ASTM as resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls.

The term “REC” is not intended to include “de minimis” conditions, which generally do not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis conditions are not RECs or CRECs.

The term “data gap” means lack or inability to obtain information required by the standards and practices as defined in ASTM Standard Practice E1527-13 despite good faith efforts by the Environmental Professional and Environmental Analyst.

The term “Environmental Professional” is defined by ASTM as a person who possesses sufficient specific education, training, and experience necessary to exercise professional judgement to develop opinions and conclusions regarding conditions indicative of releases or threatened releases on, at, in, or to a property, sufficient to meet the objectives and performance factors defined in the ASTM Standard Practice E1527-13 and §312.20 of 40 CFR §31.

## **2.2 Scope of Work**

The major components of an AAI Phase I ESA report in conformance with ASTM Standard Practice E1527-13 include a visual inspection of the Site and adjacent properties; interviews and review of documents from past and present owners, occupants, managers, representatives and neighbors to the extent necessary; interviews with tribal and local government agency representatives; review of tribal, local, and state records relative to the Site; and a review of tribal, local, state, and federal standard environmental record sources relative to the Site. The findings and conclusions presented in this report are based on information gathered and limitations set forth in this report.

The Scope of Work performed in this assessment is limited to the areas described as follows:

1. Interview with the owner representative, Mr. Joe Biondolillo, to evaluate for potential environmental contamination to be present at the Site. Mr. Biondolillo has reportedly been associated with the Site for approximately 22 years.
2. Interviews with and/or record reviews of each of the following to obtain information directly regarding environmental concerns at, or in the immediate vicinity of, the Site, which is available directly by file or through general knowledge of the individual being interviewed. Information sources include:



- a. United States Environmental Protection Agency (USEPA)
  - b. New York State Department of Environmental Conservation (NYSDEC), Region 8
  - c. Monroe County Health Department (MCHD)
  - d. City of Rochester Fire Marshal, Code Enforcement Officer, Assessor, and Clerk
3. Review of the following federal, state, and local environmental records and databases to aid in the identification of conditions at or related to the Site and properties adjacent to, or in the immediate vicinity of, the Site, including:
- a. USEPA National Priority List (NPL) – 1.0 mile
  - b. USEPA Delisted NPL – 0.5 mile
  - c. USEPA Superfund Enterprise Management System (SEMS) and SEMS Archived Sites – 0.5 mile
  - d. USEPA Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) – 0.5 mile
  - e. USEPA CERCLIS No Further Remedial Action Planned (NFRAP) – 0.5 mile
  - f. USEPA Resource Conservation and Recovery Act (RCRA) Corrective Action Sites (CORRACTS) – 1.0 mile
  - g. USEPA RCRA non-CORRACTS Treatment, Storage, and Disposal Facility List (TSD) Facilities – 0.5 mile
  - h. USEPA RCRA Large Quantity Generator (LQG), Small Quantity Generator (SQG), and Conditionally Exempt Small Quantity Generator (CESQG) Listings – Site and adjacent properties
  - i. National Response Center (NRC) Emergency Response and Notification System Listing (ERNS) – Site only
  - j. Federal, state, and local Institutional Controls/Engineering Controls and Land Use Restrictions – Site only
  - k. NYSDEC Listed Facilities with Institutional Controls and/or Engineering Controls – Site only
  - l. NYSDEC Registry of Inactive Hazardous Waste Disposal Sites (IHWDS) (state equivalent of NPL Sites) – 1.0 mile
  - m. NYSDEC Registry of Brownfield Cleanup Program (BCP), Voluntary Cleanup Program (VCP), Environmental Restoration Program (ERP), Sites – 0.5 miles
  - n. NYSDEC Hazardous Substance Waste Disposal Sites (state equivalent of SEMS Sites) – 0.5 mile
  - o. NYSDEC Solid Waste Facilities and Landfills (SWIMS) – 0.5 mile
  - p. NYSDEC Inventory of Hazardous Substance Waste Disposal Sites – 0.5 mile
  - q. NYSDEC Listing of Spills and Leaking Storage Tanks – 0.5 miles
  - r. NYSDEC Listing of Registered Petroleum Bulk Storage Facilities (PBS), Chemical Bulk Storage Facilities (CBS), and Major Oil Storage Facilities (MOSF) – Site and adjacent properties
  - s. United States Geological Survey (USGS) Topographic Quadrangle Map Rochester East OE N, New York
  - t. United States Department of Agriculture (USDA) Monroe County Soil Survey obtained from the Natural Resource Conservation Service (NRCS) website
  - u. Property survey map prepared by the City of Rochester Department of Environmental Services dated March 2012





- v. Port of Rochester Environmental Management Plan prepared by LaBella dated July 2005 and Predevelopment Subsurface Conditions Report prepared by LaBella dated October 2017
- w. Sanborn Fire Insurance maps
- x. Aerial photographs of the area
- y. Historical atlases
- z. Local street directories

Due to the limited timeframe available to conduct this assessment, not all responses have been received from the Freedom of Information Law (FOIL) requests that were submitted as a part of this report as of the date of this report submission. Any pertinent information obtained as part of the FOIL requests will be included in a Letter of Addendum (refer to Section 8.2.2).

- 4. Site visit on September 4, 2018 by Ms. Jamie Douthit of LaBella to photograph the Site and to visually identify areas of concern as defined in the agreement.
- 5. Completion of LaBella's AAI Phase I ESA Site Reconnaissance Report.

### **2.3 Subsurface Risks/Unanticipated Hazardous Materials**

The work for this report has been performed in accordance with generally accepted environmental engineering practices for the applicable region. The conclusion and recommendations of this report are based upon the opinion and judgment of an Environmental Professional (EP), and are dependent upon LaBella's knowledge, information supplied by the present owner and managers of the Site, and data and information solicited from governmental agencies. LaBella makes no other warranty or representation, either expressed or implied, nor is one intended to be included as part of its services, proposals, contracts, or reports.

In addition, LaBella cannot provide guarantees, certifications, or warranties that the property is or is not free of environmental impairment without a subsurface investigation involving drilling, vapor analysis, laboratory soil analysis, groundwater monitoring well installation, and laboratory groundwater analysis. Even with such a program, the data and samples from any given soil boring or monitoring well will indicate conditions that apply only at that particular location, and such conditions may not necessarily apply to the general Site as a whole.

### **2.4 Significant Assumptions**

No significant assumptions were made within the scope of this assessment.

### **2.5 Limitations and Exceptions of Assessment**

ASTM Standard Practice E1527-13 expressly recognized the fact that no ESA can wholly eliminate uncertainty regarding the potential for RECs in connection with a property. LaBella's work is intended to reduce, but not eliminate, uncertainty regarding the potential for RECs in connection with the Site, and its Scope of Work reflects recognition of the reasonable limits of time and cost.

The actual presence of radon, lead-based paint, contaminants in drinking water [e.g., lead, volatile organic compounds (VOCs), "perfluorinated" compounds (PFCs), etc.], mold-related issues, electromagnetic frequencies, asbestos-containing building materials, polychlorinated biphenyl (PCB) caulk, wetlands, cultural and historic resources, ecological resources, and endangered species are not included in the Scope of Work of this assessment. Additionally, regulatory compliance, industrial hygiene, health and safety, indoor air quality, and drinking water quality are not included in the Scope of Work of this assessment. Should The City of Rochester want these services, LaBella can complete them; however, they are not included in the Scope of Work of the Phase I ESA.



In addition, NYSDEC Part 360 Regulations indicate that fill material is defined as “soil and similar material excavated for the purpose of construction or maintenance”. The user should be aware that this Phase I ESA has not assessed the Site for fill materials. Any fill material generated as part of a construction project is subject to NYSDEC Part 360 Regulations, which could include chemical testing.

It is further noted that due to post 9/11 terrorist-related concerns, the NYSDEC has limited the availability of PBS, CBS, and MOSF details, and detailed spill information to the public. However, LaBella does have access to the addresses of current PBS, CBS, and MOSF locations accessed from the database from the NYSDEC website. In addition, this information can usually be acquired by a FOIL to the regulating agency to attempt to obtain this relevant and reasonably ascertainable environmental information for AAI Phase I ESA reports. If this information is not obtainable, then it will be discussed as a data gap in Section 8.2.

## **2.6 Special Terms and Conditions**

The City of Rochester and LaBella have agreed that the Scope of Work described in Section 2.2, and the Limitations and Exceptions described in Section 2.5 above, are acceptable to you and that to the fullest extent permitted by law, LaBella shall not be liable to you for limiting its investigation to the Scope of Work described. Based on the engagement and Scope of Work agreed upon, our evaluation of the Site is as presented herein.

## **2.7 User Reliance**

The City of Rochester may rely upon the findings of this report and should be aware of the agreed upon Scope of Work and the limitations associated with this Scope of Work.

## **3.0 SITE DESCRIPTION**

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The Site is a 2.823-acre portion of a larger 3.6-acre tax parcel located north of Portside Drive, east of Lake Avenue, south of Corrigan Street, and west of North River Street. The Site is developed with two gravel parking lots and maintained landscaped areas. The Site is located in a commercial and residential urban area.

### **3.1 Site Location and Legal Description**

The parcel that comprises the Site is outlined in the table below. Property boundaries for the purpose of this assessment were determined by the survey map supplied by LaBella Associates, dated April 20, 2016, and tax parcel information obtained from the Monroe County GIS website (located in the Figures section of the Appendix). It should be noted that the current parcel as depicted on Figure 2 in the Appendix, is in the process of being subdivided. Copies of the survey map of the parcel subdivision prepared by LaBella Associates and the current parcel boundaries as delineated on the Monroe County GIS website are included in the Figures and Photographs Appendix of this report.

<b>Legal Address</b>	<b>Tax Account Number</b>	<b>Property Use Code</b>	<b>Acreage</b>
4752 Lake Avenue	047.550-0001-001.004/000	963 – City Park	3.6*

\*The Site consists of a 2.823 acre portion of the greater 3.6 acre parcel.



### 3.2 Site and Vicinity Characteristics

The Site is located within an urban area. According to the 7.5-minute Rochester East OE N, New York quadrangle USGS Map, the Site consists of slightly sloping land to the northeast. The USGS map indicates that the nearest water body is the Genesee River located approximately 550 feet east of the Site. Based on interpretation of the USGS topographic map, groundwater flow at the Site appears to be to the northeast. According to the USDA Monroe County Soil Survey, soils at the Site consist mainly of Collamer silt loam. The Collamer series consists of very deep, moderately well drained soils formed in silty glacio-lacustrine sediments. A copy of the soil map is included in Appendix 6.

### 3.3 Present Ownership and Use

Based on assessment information obtained from the City of Rochester, the Site is currently owned by the City of Rochester. The Site is developed with parking lots.

### 3.4 Site Improvements

#### 3.4.1 Structures and Improvements

The Site is currently developed with parking lots.

#### 3.4.2 Roads

The Site is bordered by the following public thoroughfares.

Direction	Public Thoroughfare
North	Corrigan Street
East	North River Street
South	Portside Drive
West	Lake Avenue

#### 3.4.3 Current Site Utilities

The Site is not currently developed with structures; however, public utilities are available at the Site.

#### 3.4.4 Current Use of the Adjacent Properties

The Site is bordered by the following properties.

Direction	Occupant (Address)
North	LDR Char Pit restaurant (4753-4759 Lake Avenue) Parking Lot (4640 Lake Avenue)
East	Port of Rochester and marina (1000 North River Street)
South	Labor Center (4600 and 4650 Lake Avenue) Parking lot (4630 Lake Avenue)
Southeast	Parking lot (4653 and 4665-4667 Lake Avenue)
West	Residential (4699-4671, 4679, 4681, 4693, 4721-4723, 4725, 4731, and 4739 Lake Avenue) Restaurants (4695-4697, 4699-4703, and 4705 Lake Avenue)

Refer to Section 5.2 for additional information regarding the east, southwest, and south adjacent properties.



## 4.0 USER PROVIDED INFORMATION

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### 4.1 Reason for Performing Phase I ESA

In accordance with the ASTM E1527-13, a “User” is defined as the party seeking to complete an environmental site assessment of the property. If the user is aware of any specialized knowledge or experience that is material to RECs in connection with the Site, it is the user's responsibility to communicate any information based on such specialized knowledge or experience to the Environmental Professional. The User Questionnaire was completed by Rick Rynski of the City of Rochester. A copy of the User Questionnaire is included in Appendix 7.

### 4.2 Title Records

According to the ASTM Standard Practice E1527-13, “the user should either engage a title company or title professional to undertake a review of reasonably ascertainable land title records and lien records for environmental liens or activity and use limitations currently recorded against or relating to the property or to negotiate such an engagement of a title company or title professional as an addition to the Scope of Work to be performed by the Environmental Professional.”

ASTM Standard Practice E1527-13 User Questionnaire Question	Reported by User
Are land title records available for review?	The User is unaware if land title records are available for review.

### 4.3 Environmental Liens or Activity and Use Limitations

ASTM Standard Practice E1527-13 User Questionnaire Question	Reported by User
Did a search of <i>recorded land title records</i> identify any environmental liens filed or recorded against the <i>property</i> under federal, tribal, state or local law?	The User did not report environmental liens currently recorded against or relating to the property. In addition, the User did not report any activity or use limitations currently recorded against or relating to the property.
Did a search of <i>recorded land title records</i> identify any AULs, such as <i>engineering controls</i> , land use restrictions or <i>institutional controls</i> that are in place at the <i>property</i> and/or have been filed or recorded against the <i>property</i> under federal, tribal, state or local law?	The User is aware that the City zoning code is the marina district, which includes a provision for a “civic square” on the property.

### 4.4 Specialized Knowledge

ASTM Standard Practice E1527-13 User Questionnaire Question	Reported by User
Does the <i>User</i> of this <i>ESA</i> have any specialized knowledge or experience related to the <i>property</i> or nearby properties? For example, is the <i>User</i> involved in the same line of business as the current or former <i>occupants</i> of the <i>property</i> or an <i>adjacent property</i> so that the <i>User</i> would have specialized knowledge of the chemicals and processes used by this type of business?	The User does not have any specialized knowledge or experiences related to the property or nearby properties.



#### 4.5 Commonly Known or Reasonably Ascertainable Information

ASTM Standard Practice E1527-13 User Questionnaire Question	Reported by User
Is the <i>User</i> aware of commonly known or <i>reasonably ascertainable</i> information about the <i>property</i> that would help identify conditions indicative of releases or threatened releases?	The User is aware of prior industrial use on the property as indicated by analytical documents available for the Site.
Based on the <i>User's</i> knowledge and experience related to the <i>property</i> are there any <i>obvious</i> indicators that point to the presence or likely presence of releases at the <i>property</i> ?	Based on the User's knowledge and experiences related to the Site, the User of this ESA is not aware of obvious indicators that point to the presence or likely presence of contamination at the Site.

#### 4.6 Valuation Reduction for Environmental Issues

ASTM Standard Practice E1527-13 User Questionnaire Question	Reported by User
Does the purchase price being paid for the <i>property</i> reasonably reflect the fair market value of the <i>property</i> ?	The User did not report a below fair market value.
If the <i>User</i> concluded that there is a difference, has the <i>User</i> considered whether the lower purchase price is because contamination is known or believed to be present at the <i>property</i> ?	The User did not report a below fair market value.

#### 4.7 Reason for Performing Phase I ESA

According to ASTM E1527-13, either the User shall make known to the Environmental Professional the reason why the User wants to have the Phase I ESA performed or, if the User does not identify the purpose of the Phase I ESA, the Environmental Professional shall assume the purpose is to qualify for the Landowner Liability Protections under the Brownfields Amendments. The User indicated that the Phase I ESA is being conducted as part of a potential sale.

### 5.0 STANDARD ENVIRONMENTAL RECORD SOURCES – FEDERAL AND STATE

The government records search included a review of federal, state, and local government databases of known or suspected inactive hazardous waste facilities; petroleum and chemical bulk storage tank facilities; reported spills, including leaking underground storage tanks (USTs); and hazardous waste generation facilities. Environmental Risk Information Services (ERIS), an independent research firm, was contracted to perform an ASTM compliant government records search. The ERIS report is included in Appendix 1. Additional information was obtained from the MCHD and is included in Appendix 1.



## 5.1 Site Listings

Regulatory listings were identified associated with the Site. Copies of the listings are included in Appendix 1. The listings are summarized in the table below.

Listing	Facility Name – Identification # (Address)
Facility Registry System (FRS)	City of Rochester Port Terminal - #110019700509 (4752 Lake Ave on Genesee River)
Monroe County Confirmed Waste Site	4752 Lake Avenue – RO-25 (4752 Lake Avenue)
State Listed Spill/Leaking Underground Storage Tank (LUST)	Port of Rochester – Spill #9970601 (inactive) (4752 Lake Avenue)

The USEPA Facility Registry System (FRS) is a centrally managed database that identifies facilities or places subject to environmental regulations or of environmental interest. FRS creates high-quality, accurate, and authoritative facility identification records through rigorous verification and management procedures that incorporate information from program national systems, state master facility records, and data collected from USEPA's Central Data Exchange registrations and data management personnel. The Site is identified in the FRS database in association with the New York Facility Information System (FIS) listings.

The majority of the Port of Rochester, including the Site, is listed as a suspect fill site by the Monroe County Environmental Management Council (MCEMC), as it reportedly contains ash, cinder, and slag fill. The designation of the Site as a waste disposal site by the MCEMC may impact future development as any new re-development plan may need to be reviewed and approved of by a state, county, and/or local governing body. Refer to Section 5.4.1 for information on an EMP developed for the Port of Rochester.

### NYSDEC Spill #9970601 (inactive)

According to the inactive NYSDEC Spill Report Form, dated January 12, 2000, last updated July 8, 2014, suspect petroleum contaminated soils were encountered at four to five feet bgs on the greater Port of Rochester which was historically occupied by a steel mill and blast furnace until the late 1920s. The spill report indicates semi-volatile organic compounds (SVOCs) were detected at concentrations above Technical and Administrative Guidance Memorandum (TAGM) guidance and methyl tert-butyl ether (MTBE) was detected in groundwater at a concentration of 81 parts per billion (ppb) on the southern portion of the investigation area. Elevated concentrations of volatile organic compounds (VOCs) and SVOCs exceeded TAGM levels at the north portion of the investigation area, although a specific location was not specified. Approximately 600-tons of soils were excavated from this area. A note dated January 29, 2002, indicated a no further action letter was sent to the City of Rochester and LaBella from the NYSDEC for a northern portion of the Site identified as LBATP#1 and LBATP#6 based upon future use and Petroleum Spill Site Investigation (PSSI) evaluation. The letter states that if Site usage changes, the areas are excavated, or new information becomes available, then the NYSDEC may require remediation.

Two underground storage tanks (USTs) were reportedly removed at a north warehouse, located in "Area #1." This area is not located on the Site. Approximately 622 tons of soil were excavated in "Area #1." A coagulated layer of slag was discovered in this area at approximately five feet bgs. SVOCs above TAGM guidance were detected in the north, south, and west sidewalls of the excavation area. One analyte was detected within the west sidewall at a concentration exceeding PSSI policy values.



The NYSDEC concluded that based on the work performed, a majority of the sampling results are below TAGM guidance. Residual contaminants do not appear to pose a threat to human health and safety or the environment. The improvements in the areas of concern include a paved parking lot, a concrete sidewalk, and a building for picking up baggage from the fast ferry (a vapor barrier is installed in the baggage pick up building). Based on the work performed, the sampling results, and the intended use of the area, no further action was required by the NYSDEC and the spill was inactivated on June 14, 2004.

Based on the available information, a majority of the contamination associated with Spill #9970601 appears to have been located off-Site. However, based on the historical use of the Site as a steel mill, slag remains in the subsurface of the Site. Refer to Section 5.5.7 for additional information.

## 5.2 Adjacent Property Listings

### Adjacent East – Port of Rochester Ferry Terminal (1000 North River Street)

Regulatory listings were identified associated with the north adjacent property addressed as 1000 North Rive Street. The property is listed as the Port of Rochester Ferry Terminal. Copies of the listings are included in Appendix 1. The apparent flow of groundwater at the property appears to be to the east and away from the Site. The listings are summarized in the table below.

Listing	Identification # (Facility Name: Address)
Alternative Fueling Stations	#61213 (Rochester NY: 1000 N River St)
State Listed Registered PBS Facility	#8-601020 (Port of Rochester Ferry Terminal: 1000 North River Street)
State Listed Spill Site	Dumpster – Spill #1004628 (closed) (1000 North River Street) Port of Rochester Ferry Terminal – Spill #1215613 (closed) (1000 North River Street) Port of Rochester– Spill #1703438 (inactive) (1000 North River Street)

List of alternative fueling stations made available by the US Department of Energy's Office of Energy Efficiency & Renewable Energy. The property included an Electric Vehicle Supply Equipment (EVSE). The National Renewable Energy Laboratory (NREL) obtains information about new stations from trade media, Clean Cities coordinators, Submit New Station form on the Station Locator website, and through collaborating with infrastructure equipment and fuel providers, original equipment manufacturers (OEMs), and industry groups.



**NYSDEC PBS #8-601020**

The following table summarizes the NYSDEC PBS Facility Information listing associated with the property.

Tank No.	Location	Capacity (gallons)	Product Stored	Tank Type	Secondary Containment	Date Installed	Status
001	Underground (UST)	20,000	Diesel	Fiberglass Coated Steel	Double-Walled (Underground)	03/04/2004	Closed – Removed (08/23/2012)
002	Underground (UST)	20,000	Diesel	Fiberglass Coated Steel	Double-Walled (Underground)	03/04/2004	Closed – Removed (08/23/2012)

**NYSDEC Spill #1004628 (closed)**

According to the NYSDEC Spill Report Form #1004628, dated July 23, 2010, last updated August 2, 2010, a release of an unknown green liquid was observed originating from a dumpster at the property. Rochester and Monroe County HazMat were mobilized to the property. No further action was required by the NYSDEC Spills unit. The Spill was closed by the NYSDEC on July 23, 2010.

**NYSDEC Spill #1215613 (closed)**

According to the closed spill listing, dated August 23, 2012, last updated March 12, 2013, a PBS closure for two 20,000 gallon diesel USTs reported minor hits of 1,2,4 trimethylbenzene from analytical sampling. During tank excavation there were no traces of petroleum contamination detected in the disturbed soils or tank and piping excavation limits. Two composite groundwater samples were obtained from the tank excavation pit. No soil samples were obtained due to the presence of shore piling at the tank excavation limits. The groundwater samples were analyzed for VOCs by EPA Spill Technology and Remediation Series (STARS) 8260 method and for SVOC by EPA STARS 8270 method. The analysis indicated minor hits of 1,2,4 trimethylbenzene, however, both values were below the NYSDEC soil cleanup objectives for groundwater protection. The NYSDEC deemed no further action was required and closed the spill on March 12, 2013.

**NYSDEC Spill #1703438 (inactive)**

According to the inactive NYSDEC Spill Report Form, dated July 9, 2017, last updated July 10, 2017, a jet ski sunk in the harbor. The jet ski was removed from the water. A small amount of oil and gasoline spilled. A sheen was observed on the water when draining water from the hull of the jet ski. The NYSDEC deemed no further action was required and inactivated the spill on July 10, 2017.

Based on the closed/inactive statuses of the spills and the apparent flow of groundwater to the east and away from the Site, there are no apparent RECs related to regulatory records identified associated with the east adjacent property at this time.

**Adjacent Southwest – Lake Avenue and Beach Street**

Regulatory listings were identified associated with the southwest adjacent property addressed as Lake Avenue and Beach Street. Copies of the listings are included in Appendix 1. The apparent flow of groundwater at the property appears to be to the northeast and towards the Site. The listings are summarized in the table below.

Listing	Identification # (Facility Name: Address)
State Listed Spill Site	Lake Ave and Beach Street – Spill #8401037 (closed) (Lake Ave and Beach Ave) Lake Rd & Beach Ave – Spill #9002280 (closed) (Lake Ave & Beach Ave)





NYSDEC Spill #8401037 (closed)

According to the closed spill listing, dated July 16, 1984, last updated February 16, 2001, a fuel tank of a mobile generator leaked approximately 50 gallons of #2 fuel oil throughout the night. The oil was reportedly absorbed with sand and was to be transported to an appropriate facility. The spill was closed on June 1, 1986.

NYSDEC Spill #9002280 (closed)

According to the closed spill listing, dated May 28, 1990, last updated June 6, 1990, a motor vehicle accident resulted in the rupture of a gasoline tank, spilling approximately 10 gallons of gasoline. The owner of the vehicle reportedly took responsibility for the disposal of the gasoline, which was cleaned up by the fire department. The spill was closed on May 28, 1990.

Based on the nature of the spill listings and the closed statuses of the spills, there are no apparent RECs related to regulatory records identified associated with the southwest adjacent property at this time.

However, if the subsurface of the Site is disturbed due to future development or construction activities and stained, discolored, or odorous soil and groundwater is encountered, such should be handled properly at that time.

**Adjacent South – Ontario Beach Park Maintenance Center (4650 Lake Avenue)**

One regulatory listing was identified associated with the south adjacent property addressed as 4650 Lake Avenue. The property is listed as Ontario Beach Maintenance Center. A copy of the listing is included in Appendix 1. The apparent flow of groundwater at the property appears to be to the northeast and towards the Site. The listing is summarized in the table below.

Listing	Identification # (Facility Name: Address)
State Listed Registered PBS Facility	#8-407526 (Ontario Beach Park Maintenance Center: 4650 Lake Avenue)

NYSDEC PBS #8-407526

The following table summarizes the NYSDEC PBS Facility Information listing associated with the property.

Tank No.	Location	Capacity (gallons)	Product Stored	Tank Type	Secondary Containment	Date Installed	Status
001	Underground	1,000	Gasoline	Steel	None	Not listed	Closed – removed on 1/1/2000
002	Aboveground	250	Diesel	Steel	None	Not listed	Closed – removed on 1/1/2000
003	Aboveground	250	#2 Fuel oil	Steel	None	Not listed	Closed – removed on 1/1/1999
004	Aboveground	1,000	Gasoline/ethanol	Steel	Double-walled	4/1/1999	In service
005	Aboveground	500	Diesel	Steel	Double-walled	4/1/1999	In service



Based on a lack of NYSDEC spill listings associated with the property, no apparent RECs have been identified with the regulatory listing associated with the south adjacent property at this time.

### 5.3 ASTM Standard Regulatory Database Listings

#### 5.3.1 USEPA National Priority List

##### Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
0	1.0 mile	No listings	No listings

#### 5.3.2 USEPA Delisted National Priority List

##### Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
0	0.50 mile	No listings	No listings

#### 5.3.3 USEPA SEMS

##### Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
0	0.50 mile	No listings	No listings

#### 5.3.4 USEPA SEMS ARCHIVED

##### Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
0	0.50 mile	No listings	No listings

#### 5.3.5 USEPA CERCLIS

##### Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
2	0.50 mile	1	Rochester Landfill - #NYD980774046 (North of Pattonwood Drive)
		2	Rochester Landfill - #NYD980535108 (South of Pattonwood Drive)

##### Detailed Summary

Reference Number	Approximate Distance from Site (feet) – Direction	Groundwater Flow – Towards/Away From the Site	REC (Yes/No)	Additional Information/Rationale
1	2,400 - Southeast	Northeast – Away from the Site	No	The listing does not appear to represent a REC to the Site based on the flow of groundwater to the northeast and away from the Site and the distance of this facility from the Site.



Reference Number	Approximate Distance from Site (feet) – Direction	Groundwater Flow – Towards/Away From the Site	REC (Yes/No)	Additional Information/Rationale
2	2,900 - Southeast	Northeast – Away from the Site	No	The listing does not appear to represent a REC to the Site based on the flow of groundwater to the northeast and away from the Site and the distance of this facility from the Site.

Copies of the listings are included in Appendix 1.

### 5.3.6 USEPA CERCLIS NFRAP

#### Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
0	1.0 mile	No listings	No listings

### 5.3.7 USEPA RCRA CORRACTS

#### Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
0	1.0 mile	No listings	No listings

### 5.3.8 RCRA Treatment, Storage, and Disposal Facilities – non-CORRACTS

#### Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
0	0.50 mile	No listings	No listings

### 5.3.9 USEPA RCRA Generators

#### Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # - CESQG/SQG/LQG (Address)
0	Site and Adjacent Properties	No listings	No listings

### 5.3.10 National Response Center ERNS

#### Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
0	Site only	No listings	No listings



### 5.3.11 Federally Listed Sites with Institutional and/or Engineering Controls

#### Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
0	Site only	No listings	No listings

### 5.3.12 State Listed Facilities with Institutional and/or Engineering Controls

#### Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – State Identification # (Address)
0	Site only	No listings	No listings

### 5.3.13 State Listed Inactive Hazardous Waste Disposal Facilities

#### Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – State Identification # (Address)
2	1.0 mile	1	Old Rochester City Landfill – Pattonwood – 828009 (Pattonwood Drive)
		2	Green Leaf Meadows Apartments – 828020 (500 Green Leaf Road)

#### Detailed Summary

Reference Number	Approximate Distance from Site (feet) – Direction	Groundwater Flow – Towards/Away From the Site	REC (Yes/No)	Additional Information/ Rationale
1	2,400 – South	Northeast – Away from the Site	No	The listing does not appear to represent a REC to the Site based on the apparent flow of groundwater to the northeast and away from the Site and the distance of this facility from the Site.
2	4,800 – West	Northeast – Away from the Site	No	The listing does not appear to represent a REC to the Site based on the apparent flow of groundwater to the northeast and away from the Site and the distance of this facility from the Site.

Copies of the listings are included in Appendix 1.

### 5.3.14 State Listed Voluntary Cleanup Program Facilities

#### Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – State Identification # (Address)
1	0.50 mile	1	CSXT – Rochester NY - #V00524 (480 River Street)



Detailed Summary

Reference Number	Approximate Distance from Site (feet) – Direction	Groundwater Flow – Towards/Away From the Site	REC (Yes/No)	Additional Information/ Rationale
1	1,600 – South	Northeast – Away from the Site	No	The listing does not appear to represent a REC to the Site based on the apparent flow of groundwater to the northeast and away from the Site and the distance of this facility from the Site.

A copy of the listing is included in Appendix 1.

**5.3.15 State Listed Brownfield Cleanup Program Facilities**

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – State Identification # (Address)
2	0.50 mile	1	Lighthouse Pointe Inland - #C828141 (North of Pattonwood Drive)
		2	Lighthouse Pointe Riverfront - #C828140 (South of Pattonwood Drive)

Detailed Summary

Reference Number	Approximate Distance from Site (feet) – Direction	Groundwater Flow – Towards/Away From the Site	REC (Yes/No)	Additional Information/ Rationale
1	2,400 - Southeast	Northeast – Away from the Site	No	The listing does not appear to represent a REC to the Site based on the flow of groundwater to the northeast and away from the Site and the distance of this facility from the Site.
2	2,900 - Southeast	Northeast – Away from the Site	No	The listing does not appear to represent a REC to the Site based on the flow of groundwater to the northeast and away from the Site and the distance of this facility from the Site.

Copies of the listings are included in Appendix 1.

**5.3.16 State Listed Environmental Restoration Program Facilities**

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – State Identification # (Address)
0	0.50 mile	No listings	No listings

**5.3.17 State Listed Hazardous Substance Waste Disposal Sites**

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – State Identification # (Address)
1	0.50 mile	1	Old Rochester Landfill – HS8041 (North of Pattonwood Drive)



Detailed Summary

Reference Number	Approximate Distance from Site (feet) - Direction	Groundwater Flow - Towards/Away From the Site	REC (Yes/No)	Additional Information/ Rationale
1	2,400 - Southeast	Northeast - Away from the Site	No	The listing does not appear to represent a REC to the Site based on the flow of groundwater to the northeast and away from the Site and the distance of this facility from the Site.

A copy of the listing is included in Appendix 1.

**5.3.18 State Listed Part 360 Solid Waste Disposal Facilities**

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name - State Identification # (Address)
0	0.50 mile	No listings	No listings

**5.3.19 Local Inventory of Solid Waste Disposal Locations**

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name - Monroe County Identification # (Address)
6	0.50 mile	1	RO-25 - Slag
		2	RO-69 - Municipal Landfill NYSDEC BCP #C828140
		3	RO-147 - Dredge Sediment
		4	RO-204 - Acetone, Methylene Chloride, Petroleum NYSDEC VCP #V00524
		5	IR-4 - Municipal and Industrial Landfill NYSDEC BCP #C828141
		6	GR-60 - Pesticides, Commercial Detergents NYSDEC State Superfund Program #828020

Detailed Summary

Reference Number	Approximate Distance from Site (feet) - Direction	Groundwater Flow - Towards/Away From the Site	REC (Yes/No)	Additional Information/ Rationale
1	Site	Northeast	No	Refer to Section 5.1.
2	2,850 - Southeast	Northeast - Away from the Site	No	The listing does not appear to represent a REC to the Site based on the apparent flow of groundwater to the northeast and away from the Site and the distance of this facility from the Site.
3	820 - West	Northeast - Away from the Site	No	The listing does not appear to represent a REC to the Site based on the apparent flow of groundwater to the northeast and away from the Site and the distance of this facility from the Site.



Reference Number	Approximate Distance from Site (feet) – Direction	Groundwater Flow – Towards/Away From the Site	REC (Yes/No)	Additional Information/ Rationale
4	1,600 – South	Northeast – Away from the Site	No	The listing does not appear to represent a REC to the Site based on the apparent flow of groundwater to the northeast and away from the Site and the distance of this facility from the Site.
5	2,400 - Southeast	Northeast – Away from the Site	No	The listing does not appear to represent a REC to the Site based on the apparent flow of groundwater to the northeast and away from the Site and the distance of this facility from the Site.
6	4,900 – West	Northeast – Away from the Site	No	The listing does not appear to represent a REC to the Site based on the apparent flow of groundwater to the northeast and away from the Site and the distance of this facility from the Site.

It should be noted that a FOIL request was submitted to the MCHD on August 15, 2018. A response has not yet been received from the MCHD. The above information was obtained from the MCHD on March 4, 2013. Copies of the listings are included in Appendix 1.

### 5.3.20 NYSDEC Major Oil Storage Facilities

#### Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – MOSF Identification # (Address)
0	Site and Adjacent Properties	No listings	No listings

### 5.3.21 NYSDEC Chemical Bulk Storage Facilities

#### Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – CBS Identification # (Address)
0	Site and Adjacent Properties	No listings	No listings

### 5.3.22 NYSDEC Petroleum Bulk Storage Facilities

#### Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – PBS Identification # (Address)
2	Site and Adjacent Properties	1	(Port of Rochester Ferry Terminal - #8-601020 (1000 North River Street)
		2	Ontario Beach Park Maintenance Center - #8-407526 (4650 Lake Avenue)



### Detailed Listings

Reference Number	Distance from Site (feet) – Direction	Overburden Groundwater Flow Direction	REC (Yes/No)	Additional Information and/or Rationale
1	East adjacent	Northeast – Away from the Site	No	Refer to Section 5.2 for additional information.
2	South adjacent	Northeast – Towards the Site	No	Refer to Section 5.2 for additional information.

Copies of the NYSDEC PBS Facility Information Reports are included in Appendix 1.

### 5.3.23 NYSDEC Active and Closed/Inactive Spill Listings

#### Listing Summary

Number of Listed Sites	Search Radius	Listing Number	Facility Name – Spill # (status) (Address)
6 closed/inactive  0 active	Active listings: 0.50 mile  Closed/inactive listings: Site and Adjacent Properties	1	Port of Rochester – Spill #9970601 (inactive) (4752 Lake Avenue)
		2	Dumpster – Spill #1004628 (closed) (1000 North River Street)
		3	Port of Rochester Ferry Terminal – Spill #1215613 (closed) (1000 North River Street)
		4	Port of Rochester – Spill #1703438 (inactive) (1000 North River Street)
		5	Lake Ave and Beach Street – Spill #8401037 (closed) (Lake Ave and Beach Ave)
		6	Lake Rd & Beach Ave – Spill #9002280 (closed) (Lake Ave & Beach Ave)

#### Detailed Summary

Reference Number	Approximate Distance from Site (feet) – Direction	Overburden Groundwater Flow Direction	REC (Yes/No)	Additional Information and/or Rationale
1	Site	Northeast	No	Refer to Section 5.1 for additional information.
2-4	East adjacent	Northeast – Away from the Site	No	Refer to Section 5.2 for additional information.
5 and 6	Southwest adjacent	Northeast – Towards the Site	No	Refer to Section 5.2 for additional information.

Review of the NYSDEC Spills/Leaking Storage Tank (LST) database identified four closed/inactive NYSDEC Spills within a 0.5-mile radius of the Site that did not occur on the Site or adjacent properties. As spills assigned a closed or inactive status by the NYSDEC typically suggests that the spill has been remediated to the satisfaction of the NYSDEC, these spills do not appear to represent an environmental concern related to the Site.

#### Unplottable Listings

A total of 40 unmapped facilities from various databases, of which 31 were attributed to closed/inactive spills are potentially located within a 0.5-mile radius of the Site. These listings are considered “unmapped” as such have an incomplete or inaccurate address; therefore, the specific location of the listings could not be determined. Based on the limited address information available for the listings, they do not appear to be located on the Site or adjacent properties.





### 5.3.24 Assessment of the Potential for Soil Vapor Intrusion

Vapor intrusion is the entry of VOCs to indoor air from underlying contamination in soil and groundwater. Based on the results of this assessment, slag has been identified in the subsurface soils at the Site. In the event that future structures are constructed in areas of the Site where slag would remain in the subsurface, the installation of a sub-slab vapor intrusion mitigation system is recommended. Refer to Section 5.4.1 for additional information.

## 5.4 Additional Environmental Record Sources

### 5.4.1 Review of Previous Environmental Reports

LaBella reviewed the following environmental reports. Copies of the reports are included in Appendix 8.

- Geotechnical Site Characterization, Port of Rochester Harbor Improvement and Harbor Ferry Terminal, Rochester, New York, Haley & Aldrich, Inc., September 2000.
- Phase II Environmental Site Assessment (ESA): Preliminary Site Characterization Report, LaBella Associates, P.C., Bourne Consulting Engineering, BTA Architects, Inc., Cavendish Partnership, Erdman Anthony & Associates, Haley & Aldrich, Inc., May 31, 2001.
- Port of Rochester Environmental Management Plan (EMP) prepared by LaBella dated July 2005
- Remedial Investigation Report, LaBella Associates, P.C., March 2007
- Geothermal Test Bores and Formation Thermal Conductivity Report, Stantec Consulting Services, Inc., December 4, 2007
- Predevelopment Subsurface Conditions Analysis Investigation Report, LaBella Associates, P.C. dated March 2009
- Phase I ESA prepared by LaBella dated May 20, 2013
- Port of Rochester Environmental Management Plan, LaBella Associates, P.C., July 2005 and May 2013
- Predevelopment Subsurface Conditions Report prepared by LaBella dated October 2017

Based on the contents of the above reports, the following reports were reviewed in detail in order to best summarize information regarding the Site:

- Port of Rochester Environmental Management Plan (EMP) prepared by LaBella dated July 2005
- Phase I ESA prepared by LaBella dated May 20, 2013
- Predevelopment Subsurface Conditions Report prepared by LaBella dated October 2017

### Port of Rochester EMP

The purpose of the EMP created for the Port of Rochester, which includes the Site and surrounding parcels, is to identify solid waste impacted media, as the subsurface of the area may include slag, railroad ties, railroad ballast, C&D debris from industrial uses, ash, cinders, railroad lines, and coal, and identification of petroleum impacted media. Should impacted media be encountered, such should be appropriately handled at that time through the protocols of the EMP. The EMP identified the potential for various but limited areas of petroleum impacted soil and groundwater and widespread iron manufacturing ash/cinder and slag waste, and widespread miscellaneous fill materials such as bricks, concrete, and railroad ties.



Representative samples of slag materials from the Port of Rochester have been analyzed for VOCs, SVOCs, eight RCRA metals, cyanide, and Polychlorinated Biphenyls (PCBs). Results of analysis indicate that the slag materials are not representative of hazardous waste. The only compounds detected in these slag samples were arsenic, cadmium, and barium. Arsenic was the only compound that appeared to be consistently elevated above eastern USA background levels as published in the NYSDEC TAGM 4046. In addition to elevated concentrations of arsenic there is the potential for elevated levels of additional heavy metals and SVOCs.

It should be noted that the Port of Rochester EMP is available on the City of Rochester's Environmental Institutional Control webpage. The City of Rochester (City) has developed an Environmental Institutional Control (IC) system which "flags" properties which have undergone environmental cleanups, but still contain residual contamination. The IC system consists of a warning flag which is installed on affected properties within the City's computerized Building Information System (BIS) that is utilized by the City's Bureau of Planning and Zoning when an individual applies for a City permit for activities such as new construction, new building additions or alterations of existing buildings, new fencing, plumbing work, demolition, or any other activity which requires a City permit. This flag initially prohibits issuance of a City permit to the applicant for those properties which contain an Environmental Institutional Control until a preliminary environmental review is completed.

#### Phase I ESA

Based on the report, The Site is part of a larger parcel of land and consists of approximately 2.823 acres of land developed as two surface parking lots. The report identified the historic steel mill as a HREC and noted that in the event that future structures are constructed in areas containing subsurface slag, vapor mitigation systems should be installed within those structures.

#### Predevelopment Subsurface Conditions Report

LaBella reviewed a Predevelopment Subsurface Conditions Report prepared by LaBella dated October 2017 for the Site provided by Mr. Joe Biondolillo of the City of Rochester. Reports reviewed within this report included:

- Geotechnical Site Characterization, Port of Rochester Harbor Improvement and Harbor Ferry Terminal, Rochester, New York, Haley & Aldrich, Inc., September 2000.
- Phase II Environmental Site Assessment (ESA): Preliminary Site Characterization Report, LaBella Associates, P.C., Bourne Consulting Engineering, BTA Architects, Inc., Cavendish Partnership, Erdman Anthony & Associates, Haley & Aldrich, Inc., May 31, 2001.
- Remedial Investigation Report, LaBella Associates, P.C., March 2007
- Geothermal Test Bores and Formation Thermal Conductivity Report, Stantec Consulting Services, Inc., December 4, 2007
- Port of Rochester Environmental Management Plan, LaBella Associates, P.C., July 2005 and May 2013
- Predevelopment Subsurface Conditions Analysis Investigation Report, LaBella Associates, P.C. dated March 2009

Based on the contents of these reports a portion of the Charlotte Iron Works steel mill, constructed in the late 1800s was located on the Site. Waste products (e.g. foundry sand and slag) generated from the steel mill's operations were used to expand the shoreline eastward toward the Genesee River. This type of waste disposal was also utilized across areas of the Site. By 1924, the Corrigan-McKinney Steel Company was operating on what are now areas of the Site. Most of the infrastructure associated with this operation appears to have been located within the southern area of the Site.



The blast furnaces associated with the steel production also appear to have been mainly located on the southern area and a possible coal storage area may have been located on the southeastern area of the Site. Several rail spurs also extended into the Site. The steel mill operations were terminated in the mid-1920s, and the buildings were subsequently demolished.

Based on previous environmental investigations conducted at the Port of Rochester, it has been documented that slag, cinders, foundry waste, re-worked soil, construction and demolitions debris (C&D), and other man-made fill has been placed as backfill within the Site boundaries. The fill materials and historical utilization of the Site for industrial purposes represents an environmental and geotechnical concern for redevelopment of the Site. On August 7, 2008, LaBella retained the services of Geomatrix to conduct a geophysical evaluation of the Site. Geomatrix conducted an electromagnetic survey using a Geonics EM61 unit, a high-sensitivity, high-resolution, time domain electromagnetic (TDEM) metal detector that can detect both ferrous and nonferrous metallic objects to an approximate depth of 10 feet bgs. Slag was encountered on eastern half of the Site. A test pit investigation was completed to investigate significant magnetic anomalies observed in the geophysical data. Soils from the test pits were continuously assessed for visible impairment, both non-slag containing fill materials and slag fill materials, olfactory indications of impairment, and/or indications of detectable VOCs on a Photo-Ionization Detector (PID) total VOC meter.

A typical subsurface profile consists of fill material over lake deposits, glacial till, then bedrock. The area of the Site that historically contained the former foundry complex may contain some large foundations left in place. The fill material consists of earth fill from re-grading the old foundry, construction debris from the foundry plant demolitions, and waste by-products from the former foundry operation. Debris laden fills primarily consists of brick and concrete rubble likely from the former engine room and some stacks that are roughly five to eight feet deep and tend to be concentrated in the southwest area of the development parcel. Some of the slag is fused together making excavating through the material challenging. Waste fill material can be up to 18 feet deep. It is suspected that the slag fill was placed in an old marsh along the former edge of the river and the limit of the fill materials representing the former shoreline of the Genesee River. The lake deposits range from 10 to 40 feet thick becoming thicker toward the south and west.



Environmentally pertinent considerations included the following:

- In the event that future structures are constructed in areas of the Site where slab would remain in the subsurface, the installation of a sub-slab vapor intrusion mitigation system is recommended. Typical sulfur-like odors were observed to be associated with the slag deposits on-Site. Additionally, it is likely that the NYSDOH and/or MCHD would require the installation of this type of system within future on-Site structures.
- LaBella recommends the development of a site-specific EMP for the Site to assist with managing subsurface materials. The EMP should be designed to guide the on-site re-use or off-site reuse and/or off-site disposal of Regulated Solid Waste during development. An EMP would also provide suggestions on how to properly dewater, handle and dispose of groundwater, if encountered, during development activities. Furthermore an EMP would indicate the required monitoring and documentation to be conducted during such activities.
- In addition to an EMP, a beneficial use determination (BUD) of the Regulated Solid Waste (or portions thereof, e.g., slag) materials could be applied for to the NYSDEC in order to minimize off-site disposal costs. A BUD is a designation made by the NYSDEC that allows the beneficial reuse of regulated solid waste material. The developer should be aware that the slag may be comingled with other material (e.g. foundry sand) that may affect the reuse or management under a BUD. If the NYSDEC grants a BUD, the regulated solid waste material (e.g. slag) could not be considered as solid waste for the purposes of 6 NYCRR Part 360 regulations, when used as described in the BUD. Since BUDs involve determinations over the jurisdiction of the solid waste permit program, BUDs differ slightly from permits. Accordingly, compliance with 6 NYCRR Part 617 State Environmental Quality Review and 6 NYCRR Part 621 Uniform Procedures do not apply to the BUD process. A developer may consider evaluating whether the cost/benefit of a BUD would be beneficial for construction at the development site.
- Given that the large quantities of regulated solid waste generated as part the Marina Development Project consists primarily of slag, the City of Rochester negotiated an agreement with the NYSDEC such that the excavation, handling, transportation, and off-site placement of slag fills met the definition of non-hazardous solid waste. The City of Rochester reached an agreement with the NYSDEC regarding the beneficial reuse of slag material as New York State Department of Transportation (NYSDOT) Item 203.03-Embankment in Place and NYSDOT 304.2.02-Type 2 Subbase Course. Slag material as part of the Port of Rochester Marina Development Project was approved for relocation and reuse in accordance with NYSDEC Beneficial Use Determination (BUD) approval BUD #995-8-28.

#### 5.4.2 Other Records

No other records were obtained or were reasonably ascertainable for review.



## 5.5 Historical Use Information on the Property and Adjacent Properties

LaBella attempted to review reasonably ascertainable and readily available standard sources of historical information as defined by the ASTM Standard Practice E1527-13 in order to identify all obvious uses of the Site back to the first developed use or 1940, whichever is earlier (i.e., the historical research objective according to ASTM). Uses of the properties adjacent to the Site are identified in this report only to the extent that this information is revealed in the course of researching the Site itself and were determined at the discretion of the Environmental Analyst. As such, LaBella reviewed only as many of these sources as necessary to achieve the historical research objective. It should be noted that the lack of availability of reasonably ascertainable and readily available standard ASTM required sources have the potential to affect the findings of this assessment and can impact the ability of the Environmental Professional or Analyst to identify RECs and may result in a data failure (defined in Section 8.2.1 of this report). A data failure may represent a significant data gap. Data failures and data gaps are identified, defined, and evaluated for their significance in Section 8.2 of this report.

Standard historical sources LaBella attempted to review are outlined in the table below.

Section	Historical Source	Date(s)	Source/Comments
5.5.1	Sanborn Fire Insurance Maps	1924 and 1950	Erie County Public Library website
5.5.2	Aerial Photographs	1930, 1951, 1961, 1970, 1980, 1988, 1993, 1996, 1999, 2005, and 2009	Monroe County GIS website and Google Earth Pro
5.5.3	Municipal Records	1995, 1996, 1998, 1999, 2001, 2008, 2003, and 2018	City of Rochester
5.5.4	Recorded Land Title Records	Not consulted	Not provided to LaBella for review
5.5.5	Historical Atlases	1872, 1902, 1926, and 1936	Monroe County Public Library
5.5.6	Local Street Directories	1918, 1922, 1926, 1931, 1936, 1941, 1946, 1951, 1956, 1961, 1966, 1971, 1976, 1981, 1986, 1991, 1994, 1997, 2002, 2005, 2006 and 2011	Monroe County Public Library

### 5.5.1 Sanborn Fire Insurance Maps

The apparent historical use of the Site, as depicted by the Sanborn maps, is summarized in the table below.

Apparent Address	Date	Apparent Use(s)/Occupant(s)
4734 Lake Avenue	1924	The Site is developed with a portion of the McKinney Steel Company. Various structures are located on Site, including several large furnaces, the cast house, and various railroad spurs. The northern portion of the Site is developed with a residential dwelling.
4680 and 4734 Lake Avenue	1950	The majority of the Site appears undeveloped. Several railroad spurs are visible at the east portion of the Site.

### Adjoining Properties

The apparent usages of properties, as depicted by the Sanborn Maps, located adjacent to the Site are summarized in the tables below. Addresses associated with the parcels are noted as they are depicted on the Sanborn Map. The current address associated these adjoining properties may differ from the historical addresses.



### 1924 Sanborn Map

Property/Address	Apparent Usage(s)/Occupant(s)
North Adjoining	Partially undeveloped and one unidentified structure
South Adjoining	Railroad spurs, laboratory, supply house, scales, shed, and office
East Adjoining	Railroad spurs, residential dwellings, associated storages structures, shed, and stable
West Adjacent beyond Lake Ave.	Residential dwellings, stores, and hotels

### 1950 Sanborn Map

Property/Address	Apparent Usage(s)/Occupant(s)
North Adjoining	Partially undeveloped and one unidentified structure
South Adjoining	Partially undeveloped and several railroad spurs
East Adjoining	Several railroad spurs, City of Rochester Department of Commerce Municipal Dock Terminal Building, and warehouses
West Adjacent beyond Lake Ave.	Restaurants, residential dwellings, and stores

Copies of the Sanborn maps are included in Appendix 2.

### 5.5.2 Aerial Photography

The table below outlines observations of the Site and adjacent properties obtained from the review of aerial photographs.

Date	Observations
1930	The majority of the Site appears undeveloped. The central and south portions of the Site appear disturbed, as if cleared for future development. An apparent structure is visible at the northwest portion of the Site along Lake Avenue. Surrounding properties to the north, south, and east appear undeveloped. The properties adjacent to the west of the Site beyond Lake Avenue appear developed for apparent residential purposes.
1951	The Site appears undeveloped. Apparent trees and shrubbery are located at the northwest portion of the Site along Lake Avenue. Grassy areas are visible throughout the Site. Properties surrounding the Site to the north, south beyond Portside Drive, and east appear undeveloped. A disturbed area of land is visible adjacent to the northwest of the Site. The properties adjacent to the west of the Site beyond Lake Avenue appear developed for apparent residential purposes.
1961	The Site appears undeveloped and consists of grassy areas throughout. Properties surrounding the Site to the north and east appear undeveloped. The adjacent east property appears disturbed. The property adjacent to the south beyond Portside Drive appears developed with one structure. The properties adjacent to the west of the Site beyond Lake Avenue appear developed for apparent residential purposes.
1970	The Site appears undeveloped. The northeast portion of the Site appears disturbed, as if for future development. A dark patch is visible along the east perimeter of the Site. The property adjacent to the east appears undeveloped. Properties adjacent to the south beyond Portside Drive and south appear partially developed. The properties adjacent to the west of the Site beyond Lake Avenue appear developed for apparent residential purposes.
1980	Due to the poor quality of this aerial photograph, the Site, surrounding properties and their associated structures are indiscernible. However, the Site appears located in a partially developed area.



Date	Observations
1988	The Site appears undeveloped. The northeast and south portions of the Site appear disturbed. The property adjacent to the east appears undeveloped. Properties adjacent to the south beyond Portside Drive and south appear partially developed. The properties adjacent to the west of the Site beyond Lake Avenue appear developed for apparent residential purposes.
1993, 1996, and 1999	The Site appears undeveloped. An apparent access way bisects the north portion of the Site. The property adjacent to the east appears undeveloped. Properties adjacent to the south beyond Portside Drive and south appear partially developed. The properties adjacent to the west of the Site beyond Lake Avenue appear developed for apparent residential purposes.
2005 and 2009	The Site appears undeveloped and utilized as paved parking areas. Grassy areas are located at the northwest and central portion of the Site. The property adjacent to the east is utilized as a paved parking area. Properties adjacent to the north beyond Corrigan Street and south beyond Portside Drive appear partially developed. The properties adjacent to the west of the Site beyond Lake Avenue appear developed for apparent residential and commercial purposes.

Copies of the aerial photographs are included in Appendix 3.

### 5.5.3 Municipal Records

A FOIL request was submitted to the City of Rochester Records Access Officer, Mr. James Smith, on August 15, 2018 requesting copies of assessment, building department, and fire marshal records on file for the Site. A response was received from the City of Rochester on August 22, 2018.

Review of the assessment information obtained from the City of Rochester indicated the Site is currently owned by the City of Rochester. Permits were issued between 1995 and 2008 related to construction, demolition, and improvements to structures and buildings on the greater parcel. A permit dated September 10, 2003 indicated the removal of a 500-gallon UST located at the south end of the warehouse. Based on the review of previous environmental reports, it is believed that this did not occur on the Site. No permits of concern were on file for the Site. One fire call is on file for the Site relating to a small brush fire in July 2012, which was extinguished.

Copies of the records obtained from the City of Rochester are included in Appendix 6.

### 5.5.4 Recorded Land Title Records

Review of the abstract of title for the Site indicated the Site has consisted of multiple parcels of land. It appears that the Site has been historically owned by Rochester Iron Manufacturing Company and ownership was transferred to The Rome, Watertown and Ogdensburg Railroad Company in 1875. The Site was also historically owned by The McKinney Steel Company and ownership was transferred to The City of Rochester in 1923. It also appears that a portion of the Site was owned by private individuals and ownership was transferred to the City of Rochester in 1929. It appears that agreements were made by the City of Rochester for the use of the Site by Rochester-Monroe County Port Authority and Pittston Stevedoring Corp. in 1960. The Site is currently owned by the City of Rochester. In addition, no Environmental Liens have been found in association with the Site. A copy of the abstract of title is included in Appendix 2.



### 5.5.5 Historical Atlases

The table below outlines observations of the Site and adjacent properties obtained from the review of available historical atlases.

Date	Observations
1902	The Site was comprised of several individual parcels owned by private individuals. Several apparent residential dwellings are depicted at the northwest portion of the Site along Lake Avenue. Several apparent commercial and/or industrial structures, along with smaller associated structures, are visible at the central portion of the Site. Railroad spurs are visible at the Site leading to the larger structures. Apparent residential dwellings and commercial structures are depicted to the west beyond Lake Avenue and north of the Site. Properties surrounding the Site to the east and south appear undeveloped, with the exception of railroad lines bisecting the properties.
1926	The Site was comprised of a portion of a larger parcel which appears to be owned by "Quinnese Iron Mining Co." and "McKinney Steel Company." Railroad spurs are visible throughout the Site. Multiple large structures are located at the southwest portion of the Site. Apparent storage containers are visible at the central portion of the Site. An apparent residential dwelling and associated storage structure are located at the northwest portion of the Site. An "Iron Furnace" is located at/or adjacent to the east of the Site. Properties surrounding the Site to the east and south appear developed with small structures and bisected by railroad lines. Properties surrounding the Site to the west beyond Lake Avenue and north appear residentially and commercially developed.
1936	Review of this map indicates the Site was comprised of a portion of a larger parcel which appears to be owned by the "Port of Rochester" and is largely undeveloped. A baseball diamond is depicted at the north east portion of the Site. The property adjacent to the west is developed with "Transit Shed No. 1," "U.S. Customs Port of Entry," and "Canada Steamship Lines LTD." A small structure is located at the property adjacent to the south of the Site depicted as "L.C. Langie Coal Co." The property adjacent to the north of the Site appears developed as a parking area. Properties adjacent to the west of the Site beyond Lake Avenue appear commercially and residentially developed.

Copies of the historical atlases are included in Appendix 2.

### 5.5.6 Local Street Directories

Listings identified associated with the Site in the Polk City of Rochester street directories are detailed in the table below.

Year	Historical Use
1918 and 1922	The Site is not listed.
1926	The Site is occupied by a private individual.
1931, 1936, 1941, 1946, 1951, 1956, 1961, 1966, 1971, 1976, 1981, 1986, 1991, 1994, 1997, 2002, 2005, 2006 and 2011	The Site is not listed.

Review of the street directories indicated that properties surrounding the Site were historically utilized commercial and residential purposes. No adjacent properties of concern were identified in local street directories.





Copies of the street directories are included in Appendix 2.

### 5.5.7 Summary of Historical Information

It appears that the Site was first developed between 1872 and 1902 and has been historically utilized for industrial purposes. Occupants and/or owners of the Site appear to have included steel mill operations including McKinney Steel Company in 1924 and Quinnesee Iron Mining Company in 1926. The steel mill operations appear to have been discontinued and the structures demolished in the mid-1920s. Prior to the steel mill operations, it appears that the Site was undeveloped and consisted of multiple railroad tracks. The railroad tracks appear to have existed on the Site from at least 1872 to 1936. After the apparent discontinuation of the steel mill operations in the mid-1920s, it appears that the Site was owned and/or occupied by multiple private individuals. However, based on the review of historical aerial photographs, it appears that the majority of the Site remained undeveloped. The Site appears to have been paved with parking areas from the early 2000s to the present.

The adjacent properties appear to have been historically utilized for residential and mixed-use commercial purposes with occupants including grocery stores, hotels, apartments, restaurants and a park maintenance building.

Based on the results of the Predevelopment Subsurface Conditions report (refer to Section 5.4), there are no apparent RECs associated with the Site at this time. However, soils at the Site consist of slag, cinders, foundry waste, re-worked soil, construction and demolition (C&D) waste, and other man-made fill. As such, in the event that future structures are constructed in areas containing subsurface slag, vapor mitigation systems should be installed within those structures.

## 6.0 SITE RECONNAISSANCE

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Conducted by: Ms. Jamie Douthit, Environmental Analyst

Date of site visit: September 4, 2018

Representative photographs from the site visit are included in the Figures and Photographs section of this report. In addition, observations discussed in this Section are outlined on Figure 3 in the Figures and Photographs section of this report. Site visit limitations are outlined in Section 2.5 above. Copies of the field notes taken during the site visit are included in Appendix 4.

### 6.1 Interior Observations

The Site is undeveloped and therefore interior observations were not completed in the Scope of Work of this assessment.

### 6.2 Exterior Observations

#### 6.2.1 Historical Use

Observed	Additional Information
No	No apparent indicators (i.e., signs, equipment, etc.) were observed on the exterior of the Site at the time of the site visit that would indicate historical uses of the Site.



### 6.2.2 Hazardous Substances and Petroleum Products in Connection with Identified Uses

Observed	Additional Information
No	No apparent hazardous substances or petroleum products were observed on the exterior of the Site at the time of the site visit.

### 6.2.3 Storage Tanks

Observed	Additional Information
No	No apparent indications of aboveground or underground storage tanks (e.g., fill ports, vent pipes, access ways) were observed on the exterior of the Site at the time of the Site visit.

### 6.2.4 Odors

Observed	Additional Information
No	No apparent strong, pungent, or noxious odors were noted on the exterior of the Site at the time of the site visit.

### 6.2.5 Pools of Liquid(s)

Observed	Additional Information
No	No apparent pools, sumps, or standing water containing liquids likely to be hazardous substances or petroleum products were observed on the exterior of the Site at the time of the site visit.

### 6.2.6 Unidentified Substance Containers

Observed	Additional Information
No	No apparent unidentified substance containers were observed on the exterior of the Site at the time of the site visit.

### 6.2.7 Pits, Ponds, or Lagoons

Observed	Additional Information
No	No apparent pits, ponds, or lagoons were observed at the Site at the time of the site visit.

### 6.2.8 Stained Soil or Pavement

Observed	Additional Information
No	No apparent stained soils or pavement were observed at the Site at the time of the site visit.

### 6.2.9 Stressed Vegetation

Observed	Additional Information
No	No apparent stressed vegetation was observed at the time of the site visit.

### 6.2.10 Solid Waste

Observed	Additional Information
No	No apparent solid waste disposal areas were observed on the exterior of the Site at the time of the site visit.



### 6.2.11 Wastewater

Observed	Additional Information
No	Wastewater does not appear to be discharged on the exterior of the Site.

### 6.2.12 Wells

Observed	Additional Information
No	No apparent wells were observed on the exterior of the Site at the time of the site visit or reported to be located on the Site.

### 6.2.13 Septic Systems

Observed	Additional Information
No	No apparent indications of on-Site septic systems or cesspools were observed on the Site at the time of the site visit.

### 6.2.14 PCBs-Containing Equipment

Observed	Additional Information
No	No apparent electrical or hydraulic equipment reportedly containing PCBs were observed on the exterior of the Site at the time of the site visit.

## 7.0 INTERVIEWS

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### 7.1 Owner Representative

Mr. Joe Biondolillo, was interviewed as part of this assessment. According to information obtained through the interview, remnants of former buildings on the Site are present in the subsurface. Monitoring wells were utilized on the Site for the Predevelopment Subsurface Conditions Report completed by LaBella. The Site is listed on the city of Rochester Institutional Control database. Refer to Section 5.4.1 for additional information. The Site has never been utilized agriculturally. The Phase I ESA is being completed as a part of a potential sale. The notes from the interview are included in Appendix 5.

### 7.2 Local Government Officials

A FOIL request was submitted to the City of Rochester Records Access Officer, Mr. James Smith on August 15, 2018 requesting copies of building department, assessment, and fire marshal records on file for the Site with the City of Rochester. A response was received from the City of Rochester on August 22, 2018. Refer to Section 5.5.3 for historical information obtained from the City of Rochester. Refer to Sections 3.3., 3.4 and 3.4.3 for current records associated with the Site.

A copy of the FOIL request is included in Appendix 6.

### 7.3 Tribal Records

There do not appear to be any Native American Sovereign Territories on or within one mile of the Site. In accordance with ASTM Standard Practice E1527-13, tribal records will only be reviewed if the subject Site falls on or within one mile of Native American Sovereign Territory. Therefore, tribal government representatives were not contacted as part of this AAI Phase I ESA report.



#### **7.4 New York State Department of Environmental Conservation**

A FOIL request was submitted to the NYSDEC on August 15, 2018. A letter dated August 15, 2018 stated that the NYSDEC received LaBella's FOIL request and had initiated a records search. As of the date of this report submission, a complete response has not been received from the NYSDEC. Any pertinent information received as a result of this FOIL request will be included as a Letter of Addendum. A copy of the FOIL request is included in Appendix 6.

A FOIL request was submitted to the NYSDEC on August 15, 2018 requesting spill and remediation documentation for the Site and adjacent properties. A response was received from the NYSDEC on August 17, 2018. Refer to Sections 5.1 and 5.2 for additional information regarding the FOIL response. Copies of the FOIL request and response are included in Appendix 1 and Appendix 6.

#### **7.5 Monroe County Health Department**

A FOIL request was submitted to the MCHD on August 15, 2018. As of the date of this report submission, a response has not been received from the MCHD. Any pertinent information received as a result of this FOIL request will be included as a Letter of Addendum. A copy of the FOIL request is included in Appendix 6.

## **8.0 FINDINGS, OPINIONS AND CONCLUSIONS**

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We have performed a Phase I ESA in conformance with the scope and limitations of ASTM Practice E1527-13 for 4752 Lake Avenue, City of Rochester, Monroe County, New York, 14612: the Site.

### **8.1 Findings**

Any exceptions to, or deletions from, this practice are described in Section 2.5 of this report. Based on the results of this assessment, no apparent RECs have been identified associated with the Site at this time.

#### **8.1.1 Additional Findings**

Based on the results of this assessment the following CREC has been identified associated with the Site at this time.

#### **SECTION # 5.1 – Slag on Site**

The Site is a portion of the Port of Rochester. In the mid to late 1880s, a steel mill was constructed at the Port of Rochester. A portion of the former footprint of the steel mill falls within the boundaries of the Site. The blast furnaces associated with the steel production appear to have been mainly located on the southern area of the Site and a possible coal storage area may have been located on the southeastern area of the Site. In addition, several rail spurs extended onto the Site. The steel mill operations were terminated in the mid-1920s and the buildings were subsequently demolished.

Based on previous subsurface investigations conducted at the Port of Rochester, it has been documented that slag, cinders, foundry waste, re-worked soil, construction and demolitions debris (C&D), and other man-made fill has been placed as backfill within the Site boundaries. Representative samples of slag materials from the Port of Rochester have been analyzed for VOCs, SVOCs, eight RCRA metals, cyanide, and Polychlorinated Biphenyls (PCBs). Results of analysis indicate that the slag materials are not representative of hazardous waste.



The only compounds detected in these slag samples were arsenic, cadmium, and barium. Arsenic was the only compound that appeared to be consistently elevated above eastern USA background levels as published in the NYSDEC TAGM 4046. In addition to elevated concentrations of arsenic there is the potential for elevated levels of additional heavy metals and SVOCs.

An Environmental Management Plan (EMP) was created in 2005 and updated in 2013 to provide guidance regarding the characterization and management of subsurface impacted soil, groundwater, and man-made industrial derived fill materials generated during development activities at the Port of Rochester site.

## **8.2 Data Failures and Data Gaps**

### **8.2.1 Data Failures**

ASTM E1527-13 defines a data failure as a failure to achieve the historical research objectives of AAI even after reviewing the standard historical sources that are reasonably ascertainable and likely to be useful. Specifically, the historical research objectives include identifying all obvious uses of the Site from the present, back to the Site's first developed use, or back to 1940, whichever is earlier.

A data failure was not encountered within Scope of Work of this assessment.

### **8.2.2 Data Gaps**

ASTM E1527-13 defines a data gap as a lack of or an inability to obtain information required by this practice despite *good faith* efforts by the *Environmental Professional* to gather such information. Data gaps may result from incompleteness in any of the activities required by this practice, including, but not limited to site reconnaissance, interviews, data failure, or lack of a User Questionnaire.

A data gap was encountered within the Scope of Work of this assessment. The data gap includes the lack of FOIL response from the NYSDEC and the MCHD. The receipt of relevant environmental information as a result of FOIL requests has the ability to change the Findings and Conclusions of this report.

## **8.3 Opinion of Findings**

Based on the results of this assessment, no further investigation appears warranted at this time; however, the following is recommended:

- In the event that future structures are constructed in areas of the Site where slag would remain in the subsurface, the installation of a sub-slab vapor intrusion mitigation system is recommended. Typical sulfur-like odors were observed to be associated with the slag deposits on-site. Additionally, it is likely that the New York State Department of Health (NYSDOH) and/or the Monroe County Health Department (MCHD) would require the installation of this type of system within future on-site structures.
- LaBella recommends the development of a site-specific EMP for the Site to assist with managing subsurface materials. The EMP should be designed to guide the on-site re-use or off-site reuse and/or off-site disposal of Regulated Solid Waste during development. An EMP would also provide suggestions on how to properly dewater, handle and dispose of groundwater, if encountered, during development activities. Furthermore an EMP would indicate the required monitoring and documentation to be conducted during such activities.



## 9.0 DEVIATIONS

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No deviations were made to the report, other than the Limitations and Exceptions as stated in Section 2.5.

## 10.0 ADDITIONAL SERVICES

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No additional services were provided or agreed upon as part of this assessment.

## 11.0 SIGNATURES OF ENVIRONMENTAL PROFESSIONALS

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We declare that, to our knowledge and belief, we meet the definition of Environmental Professional as defined in ASTM Standard Practice E1527-13 and §312.20 of 40 CFR §312. We have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting at the subject property.

We have developed and performed the Scope of Work for this assessment in conformance with the standards, practices, and limitations set forth in ASTM Standard Practice E1527-13.

**Rhiannon Leonhardt**  
*Phase I Technical Manager*  
*Environmental Professional*

The following representative of LaBella assisted in the completion of this report.

**Jamie Douthit**  
*Environmental Analyst*

rl/jd



## 12.0 QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONALS

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### **Rhiannon Leonhardt | Phase I Technical Manager (Environmental Professional)**

Rhiannon is the Phase I ESA Technical Manager responsible for the development and training of Phase I Analysts as well as providing efficient analysis and assisting in the completion of environmental reports required for property transactions. The site assessments include evaluation of environmental liability associated with properties such as warehouses, gas stations, auto repair facilities, manufacturing facilities, farms, commercial, and residential. Rhiannon has over six years of experience preparing, reviewing, and/or editing Phase I and Phase II Environmental Site Assessments.

### **Gabrielle Krawiec | Phase I Business Manager**

Gabrielle is the Phase I ESA Business Manager responsible for client management, business development, and the coordination of Phase I Environmental Site Assessments. Working with financial institutions, attorneys and private developers, Gabby provides efficient analysis and completion of environmental reports required for property transactions. The site assessments include evaluation of environmental liability associated with properties such as warehouses, gas stations, auto repair facilities, manufacturing facilities, farms, commercial, and residential.

### **Jamie Douthit | Environmental Analyst**

Jamie is an Environmental Analyst and is responsible for the preparation of Phase I Environmental Site Assessments. The site assessments include evaluation of environmental liability associated with properties, and Jamie provides efficient analysis and completion of environmental reports for financial institutions, attorneys and private developers.

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# FIGURES AND PHOTOGRAPHS