

## **Environmental Management Plan**

### **Critical Misrepresentation of site research:**

There appears to be a misrepresentation of the site conditions via two specific documents:

1. Environmental Management Plan
2. Subsurface Investigation Summary

It has been my belief that there is a critical issue to the site which could stop all construction or cost either the city or contractors extreme costs and time to fix. It is my belief that if the marina is opened to the river, thus removing all of the debris from the previous iron mill from the surface of the opening, that the soft soils below will become much less compressed and able to be eroded by the river flow. I have provided referenceable information to the City Council, the contractors and to other municipal officials.

To this point my concerns were centered around the river/marina opening issue.

I have now become aware of very subtle changes in the information presented to the contractors in regards to bid C04070 which appears to be made in an attempt to lead the construction contractors away from the research information supporting the risk to opening the marina to the river.

I will explain them as follows:

#### **1. Site MAP misrepresentation:**

- 1a. Environmental Management Plan - Figure 3 *(MY REFERENCE FIGURES T1, T2):*

at the end of the document labeled boring tests

This figure is portrayed as representative of all of the boring/testing at the site. It has been doctored to make it appear that there was at least one hundred test sites. In reality if you enlarge the figure, it becomes apparent that the labels of the test sites were duplicated over and over to mislead the contractors about the number of test. It also does not list/show the boring tests referenced in the Subsurface Investigation Summary package.

- 1b. Predevelopment Subsurface Conditions Analysis Investigation Report Site Map Page 256 *(MY REFERENCE FIGURE T3, T4):*

In the referenced Predevelopment report there is a full map of the site area similar to Figure 3.

It has all referenceable boring and test pit sites labeled. It is not as cluttered as Figure 3 map.

The main reason is that the map does not duplicate the labels over and over like Figure 3.

## Critical Misrepresentation of site research (continued):

Conclusions drawn from differences:

1. Someone wants to make it appear that at least one hundred tests have been conducted on the site.  
Thus those doing the research know the site well and as researchers would not leave out critical information.  
**Actually a good researcher** would point out any concerns to those reading the document.
2. The map presented to the contractors for bidding purposes has been doctored. We don't know why.
3. A much better site referenced listed above (My figure T3) used by Mr. Gregor, City Engineer was not used for these purposes.  
We do not know why? Mr. Gregor used that site reference in a 2008 Brownfields of Rochester presentation in Detroit.
4. If the boring tests in the "Subsurface Investigation Summary" were extremely significant to the contractors, how come it is not possible to identify those boring test sites on any of the maps of the site provided?

FIGURE T1 - FULL SITE MAP - FIGURE 3 FROM THE ENVIRONMENTAL MANAGEMENT PLAN DISTRIBUTED TO BIDDERS

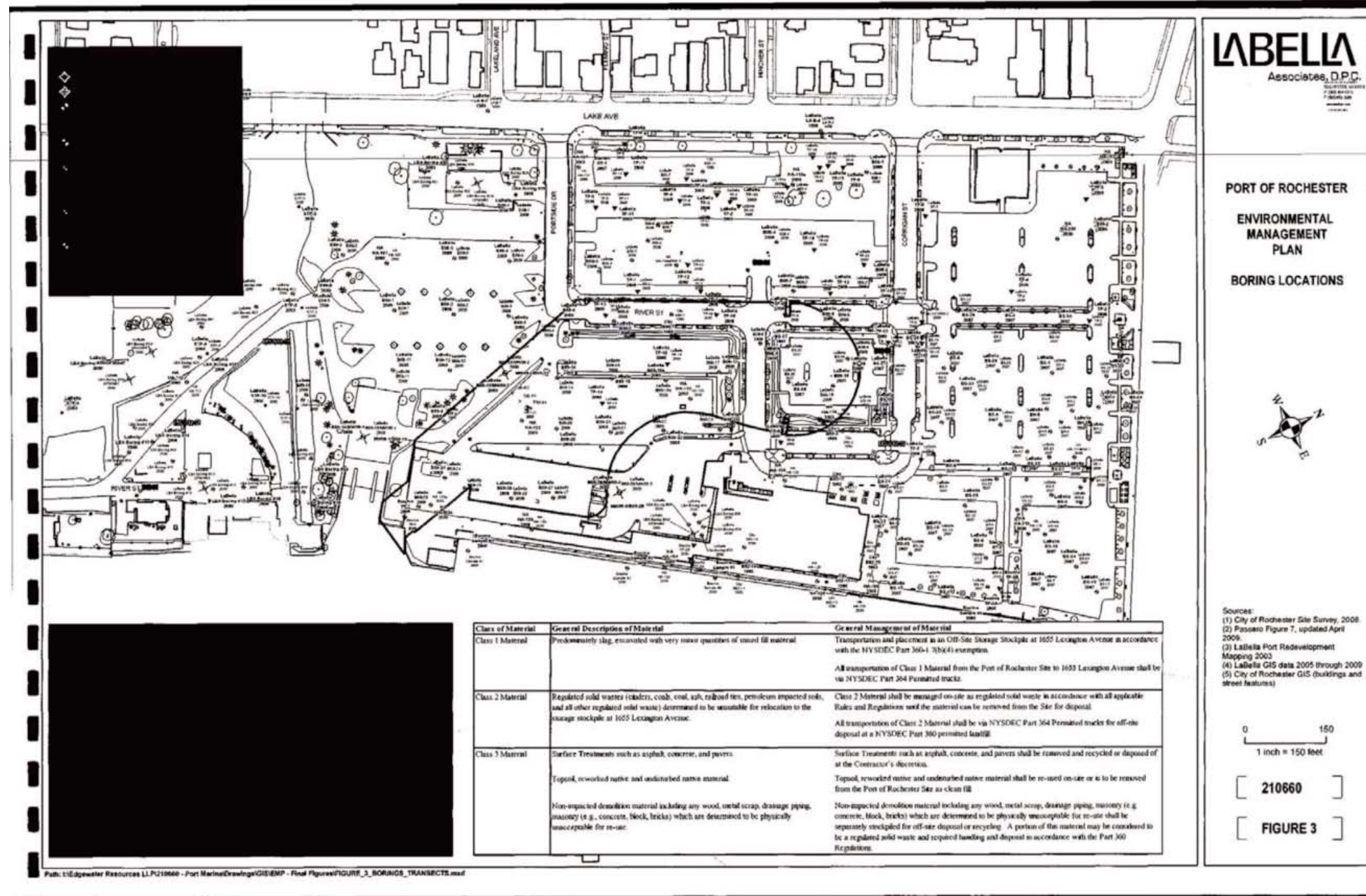
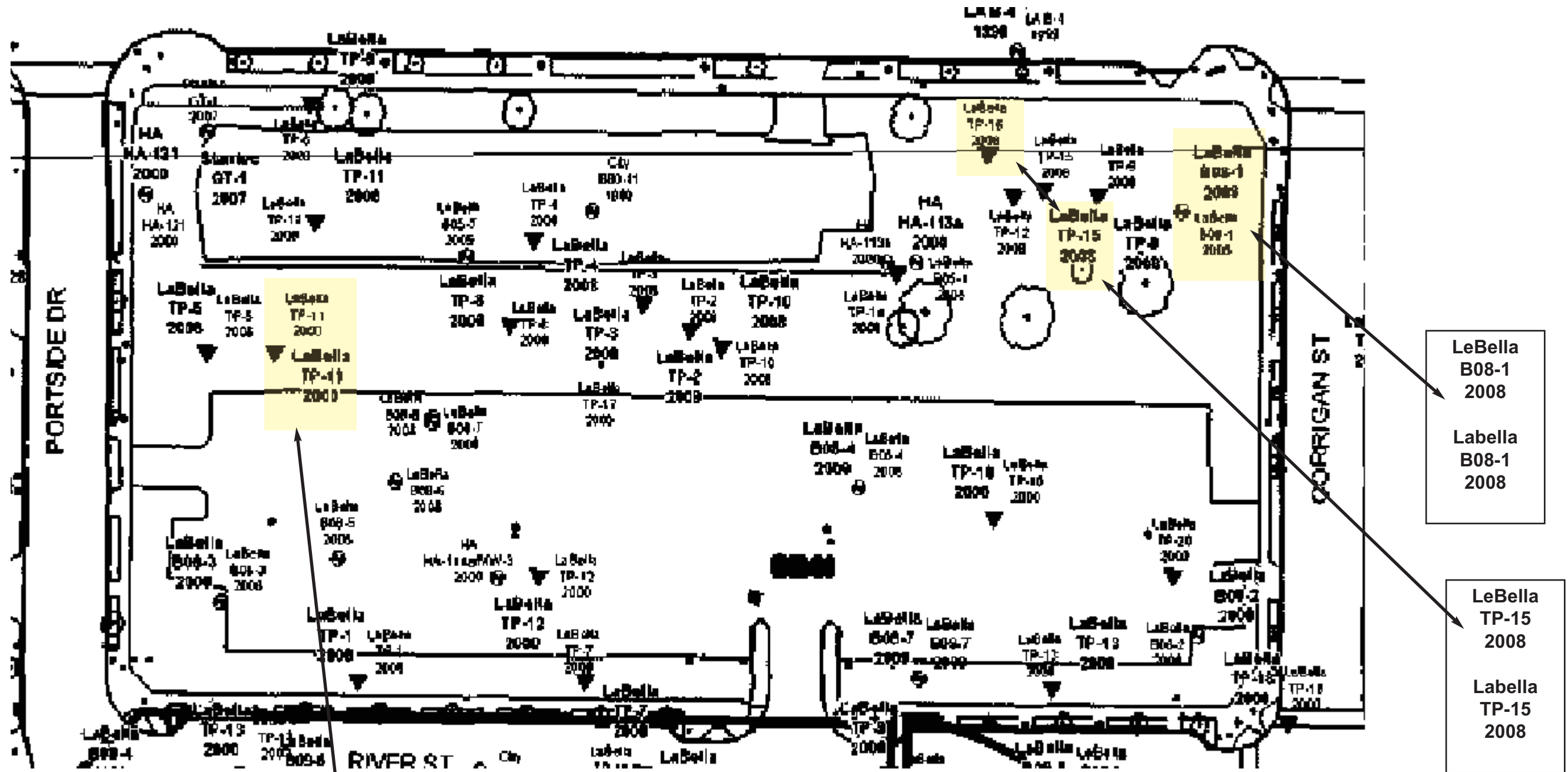


FIGURE T2- Segment of Figure 3 Bordered by Lake Ave, Portside Drive, Corrigan St and River St

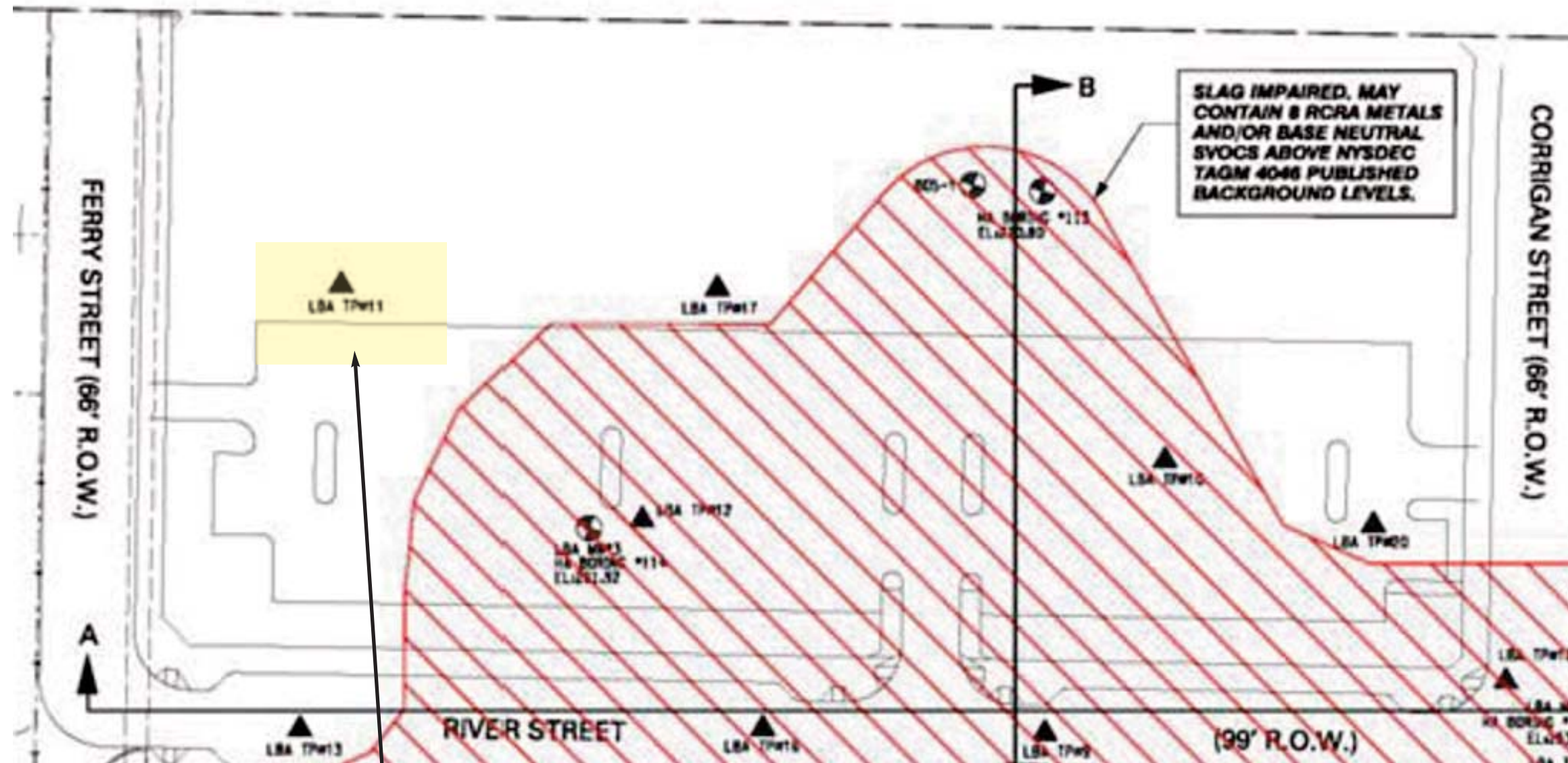


LeBella  
TP-11  
2000

Labella  
TP-11  
2000

I have listed only three of the labeled sites in the map above. Just about every referenced site test has a duplicate label which serves no illustration purpose. There is a document which lists every boring test - many of which are outside the building site area. It is called : **2013 March Port Marina Project Soil Boring Logs**

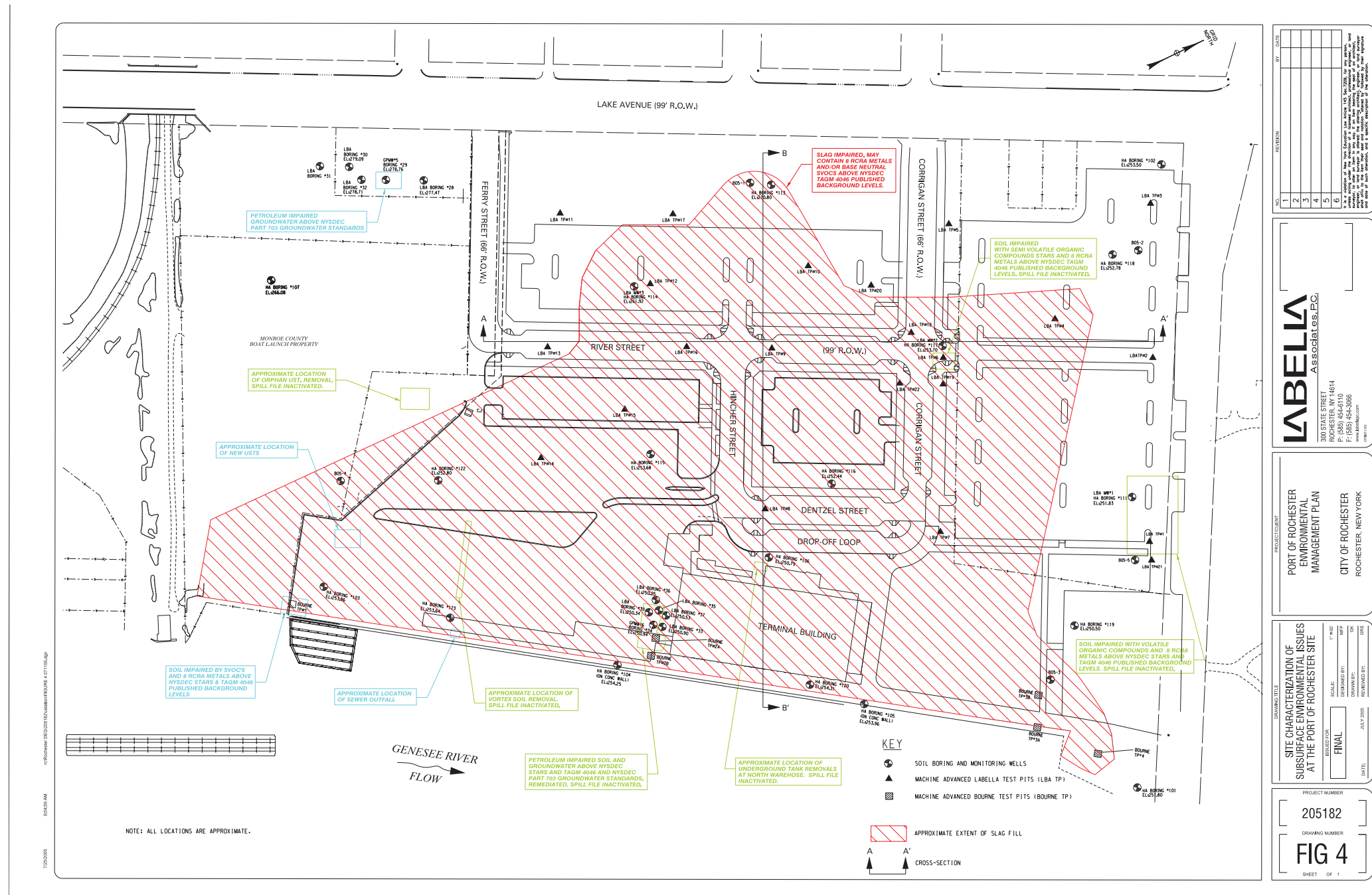
FIGURE T3- Segment of Mr. Gregor's Map Bordered by Lake Ave, Portside Drive, Corrigan St and River St



LBA TP # 11

This is a small section of the Mark Gregor map used for both his presentation in Detroit and as a reference in the Predevelopment Subsurface Conditions Analysis Investigation Report Site Map Page 256. It does not show every single instance of Figure T2, but does illustrate where boring and test sites are. It does list a group of significant boring and test sites not mentioned in the Subsurface Investigation Summary package.

**FIGURE: T4 FULL MAP OF THE MARINA SITE FROM THE MARK GREGOR BROWNFIELD PRESENTATION OF 2008 AND THE Predevelopment Subsurface Conditions Analysis Investigation Report Site Map Page 256**



## Critical Misrepresentation of site research (continued):

### 2. Boring Test Misrepresentation:

2a. The paragraph labeled, "Port of Rochester - Subsurface Investigation Summary Package" in the Environmental Management Plan reads:

"A significant amount of subsurface investigation has been completed across the Port of Rochester complex. To facilitate review of the available subsurface stratigraphy and materials testing data LeBella has created a Subsurface Investigation Summary Package that includes an Investigative Soil Boring & Test Pit Location Figure (*the one I reference above*) and **copies of each** soil boring or test pit logs.

It goes on to make one believe that some of the original information is no longer available (like boring and test pit reports).

2b. It references a separate document, "Port of Rochester - Subsurface Investigation Summary Package". That package includes another site map of test sites.

The labeled site tests on that map are not included with the boring tests pages of this document and some of those test sites have not even been included in previous information in the document, "Predevelopment Subsurface Conditions Analysis Investigation Report - March 2009"

2c. There is an enlarged page of test sites which are on the

"Predevelopment Subsurface Conditions Analysis Investigation Report".

They also are not included with this package. They are even labeled with the test years which are much more current than those test reports included with this package.

2d. The included test reports are from CATOH Environment Companies in 1982 with an unclear end purpose. There are test borings 13 to 17 which all stop at 60 feet without indicating via the data or the reporting that bed rock has been reached. It is also not clear where these specific tests were done. Yet, the Environmental Management Plan references these five borings as critical information for the contractors.

2e. In the "Predevelopment Subsurface Conditions Analysis Investigation Report" on pages 301 through 396 are detailed boring and test pit information not referenced in the EMP or the "Predevelopment Subsurface Conditions Analysis Investigation Report".

This information is much more current 2000 to 2009 and details the subsurface issues in much better detail. Yes this document is referenced on page 5 of the Environmental Management Plan, but the

## Critical Misrepresentation of site research (continued):

### 2. Conclusions from references:

- A. Based on the wording of the paragraph labeled, "Port of Rochester - Subsurface Investigation Summary Package"  
A contractor would probably stop at that report as a complete picture of the site boring tests
- B. All of the truly critical information on boring tests and test pits were left to be found by the contractors starting at page 391 of the "Predevelopment Subsurface Conditions Analysis Investigation Report".
- C. All of the critical warnings about the soil, contamination and actual levels of bedrock are not in any way highlighted in either of these two documents.
- D. Five test borings from 1982 might lead one reading the document to believe that bedrock is just below the 60 feet test borings

**I attended the bidders conference** and ask similar questions about this information.

- 1. On the question about the boring tests of 1982 as being the most significant information available, there was no explanation given by the city officials.
- 2. On the question about the differences in the representation of the boring tests and the possibly of the map being doctored, Mr. Gregor denied that they were doctored, even with me having in my possession evidence to the contrary.
- 3. I followed up with a request for an enlarged version of Figure three to Mr. Steve Metzger of Lebella Associates, on 1/7/2015. I figured if I am wrong about what I saw, they would send along a copy, showing evidence that the figure was not doctored. I have not received any such map.

In summary, I have been providing my research information to the public via the media, the newspapers, Charlotte Community Association, Charlotte Strong, City Council report since the beginning of November. Not once has there been any public response to my research by the City of Rochester administration, the City Engineer Mr. Mark Gregor, Mr. Steve Metzger of Lebella Associates or the City Council members. I am aware of a document written to the City Council from Mr. Gregor in response to my research sent to the City Council, but do not know the content. I have also requested a copy of that document.

Pike walked away from this sizeable contract for a reason and it must have been serious. Mr. Gregor has not publicly indicated how my information is incorrect, so all I can assume, it is correct. What must happen to get the appropriate research done before proceeding with this project? A land collapse, a failed foundation system, a failure of the Terminal Building foundation due to site erosion, or other serious event to get the City and Lebella Associates to finally admit they overlooked their own research?