Maintenance and Monitoring Plan for the Northwest Portion of the M. Wallace and Son, Inc. Scrapyard Site

> Cobleskill, New York Site No. 4-48-003

> > February 2006



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### 1. Introduction

#### 1.1 General

This Maintenance and Monitoring Plan for the Northwest Portion of the M. Wallace and Son, Inc. Scrapyard Site (NW Plan) presents a description of the activities required to monitor and maintain the remedy for the northwest portion of the M. Wallace and Son, Inc. Scrapyard Site (Site) located in Cobleskill, New York (Figure 1). The remedy for the Site was selected by the New York State Department of Environmental Conservation (NYSDEC), in consultation with the New York State Department of Health (NYSDOH), as detailed in the NYSDEC's March 1999 Record of Decision (ROD) and May 2000 Explanation of Significant Difference (ESD). Construction of the selected remedy was completed in 2001/2002 by National Grid, and was documented in the June 2003 Remedial Action Report (RA Report) approved by the NYSDEC in a letter dated November 4, 2003.

Operation, maintenance, and monitoring (OM&M) activities are a component of the NYSDEC-selected remedy for the Site. This NW Plan addresses maintenance and monitoring activities for the northwest portion of the Site. NYSDEC's decision granting M. Wallace and Son, Inc. (Wallace) use of the northwest portion of the Site for scrapyard operations was presented in a February 13, 2004 letter, copy provided as Attachment 1. National Grid objected to NYSDEC's decision, as detailed in the March 9, 2004 letter to the State of New York Office of the Attorney General provided in Attachment 2.

As presented in the NYSDEC's February 13, 2004 letter, Wallace's use of the northwest portion of the Site is subject to various conditions. Compliance with those conditions is Wallace's responsibility and subject to NYSDEC oversight and approval. National Grid has and will continue, as necessary, to implement the OM&M requirements associated with those portions of the Site that reportedly will not be part of the active scrapyard. The limits of the active scrapyard are shown on Figure 2, and include the wood frame barn, concrete and metal building, and leachfield area (located south of the concrete and metal building), as well as the northwest portion of Site covered with crusher run. Those limits were surveyed by Joanne Darcy Crum, LS. The metes and bounds description of the active scrapyard that was prepared by Joanne Darcy Crumb, LS, along with the survey map, is provided in Attachment 3.

National Grid's OM&M responsibilities for the Site are described in the June 2004 Operation, Maintenance, and Monitoring Plan (OM&M Plan), prepared on behalf of National Grid by Blasland, Bouck & Lee, Inc. (BBL). As detailed therein, the OM&M Plan addresses only those portions of the Site that are not part of the active scrapyard, as Wallace had previously committed to performing such activities, and the NYSDEC had approved Wallace's doing so in its February 13, 2004 letter. Wallace's commitment to performing the maintenance and monitoring activities was presented in the August 6, 2003 petition and supporting affidavit submitted by Green & Seifter, Attorneys, PLLC, on behalf of Wallace. A copy of those documents is provided in Attachment 4.

In June 2004, National Grid submitted the OM&M Plan describing the scope of the OM&M it is implementing and defining the area to which it applies. Thereafter, the State of New York Office of the Attorney General requested that National Grid provide a plan describing the maintenance and monitoring activities to be implemented by Wallace for the northwest portion of the Site. Accordingly, as requested by the State, BBL prepared this NW Plan on behalf of National Grid to describe the activities required to monitor and maintain the remedy for the northwest portion of the Site. Once approved by the State, compliance with this NW Plan will be solely Wallace's responsibility and subject to NYSDEC oversight and approval. Wallace will also be responsible for compliance with other State requirements, including but not necessarily limited to, those

presented in the NYSDEC's February 13, 2004 letter (copy provided as Attachment 1). National Grid shall not be responsible for carrying out the maintenance and monitoring activities which are the subject of the NW Plan, nor shall National Grid be responsible for ensuring Wallace's compliance with this Plan.

In anticipation of Wallace's reuse of the northwest portion of the Site, as approved by the NYSDEC, National Grid installed a new chain-link fence and two gates to delineate the northwest portion. The proposed location of this new fence was presented in the OM&M Plan and subsequently agreed upon during an August 10, 2005 Site meeting attended by National Grid, Wallace, and BBL. The northwest portion of Site was fenced by National Grid during late August 2005, thereby separating the active scrapyard from the remainder of the Site (Figure 2). There are two common areas within the active scrapyard to provide National Grid with access to conduct NYSDEC-required OM&M activities, including those associated with the onsite quarry pond water treatment systems and light-nonaqueous phase liquid (LNAPL) recovery systems. The common areas are shown on Figure 2. Wallace's activities shall not interfere or impede National Grid's access to these commons areas.

As also shown on Figure 2, there is a number of onsite monitoring and recovery wells, some of which are located within the active scrapyard. National Grid submitted a proposal to NYSDEC to decommission all onsite monitoring wells/bedrock coreholes, except the two coreholes (C-3/MW-8 and C-4) used to actively recover LNAPL. That proposal to NYSDEC was most recently presented in National Grid's July 15, 2005 letter. NYSDEC approved National Grid's proposal in a January 5, 2006 e-mail, with the following exception: monitoring well C-12 will not be decommissioned. This well is located south of the concrete and metal building and in Wallace's leachfield area (Figure 2). NYSDEC identified in its e-mail that monitoring well C-12 is sampled by Wallace, and either Wallace or NYSDEC will maintain that well from January 1, 2006 forward. National Grid is in the process of securing a drilling subcontractor to decommission all onsite monitoring wells, except C-12, C-3/MW-8, and C-4. Until the onsite wells are decommissioned, these wells shall be accessible to National Grid and shall be protected as necessary from damage.

This NW Plan has been organized into the following sections:

| Section Section                                   | Description  |
|---|--|
| Section 1 - Introduction                          | Provides Site background information relevant to Wallace's maintenance and monitoring activities for the northwest portion of the Site.  |
| Section 2 - Maintenance and Monitoring Activities | Identifies the maintenance and monitoring activities associated with the northwest portion of the Site, and the RPZ backflow prevention device installed on the Wallace facility public water supply line. |
| Section 3 - Project Contact List                  | Presents a list of key project management personnel.   |
| Section 4 - References                            | Presents a list of references cited in this maintenance and monitoring plan for the northwest portion of the Site.   |

### 1.2 Background Information

This section provides limited Site background information that may be pertinent to the maintenance and monitoring activities for the northwest portion of Site. For a more detailed description of Site background information, refer to the OM&M Plan and the RA Report.

### 1.2.1 Site Location and Description

The Site is located at the intersection of New York State Route 10 (Elm Street) and Settles Mountain Road (formerly West Street) in the Village of Cobleskill, Schoharie County, New York. The portion of the Wallace property located north of Route 10 is the "Site" and encompasses an area of approximately 6 acres. The Site is bordered by Settles Mountain Road to the west; Route 10 to the south; several apartments and residential housing to the east; and a high school athletic field to the north. The locations of Site features and boundaries are shown on Figure 2.

### 1.2.2 Site History

Wallace is an active salvage business that recovers and resells mechanical parts and materials from various equipment and other items. During the 1950s through the early 1980s, electrical transformers were purchased by the Site operator and transported to the scrapyard. The transformers were disassembled within the electrical equipment gut area to recover copper components, which were then resold. During these scrapping operations, dielectric fluid, some of which contained polychlorinated biphenyls (PCBs) was released to the ground surface.

In June 1983, personnel from NYSDEC Bureau of Enforcement and Criminal Investigation (BECI) collected environmental media samples from the Site. Due to the presence of PCBs identified by BECI's sampling, the Site was listed by the NYSDEC as a Class 2 Inactive Hazardous Waste Site (Site No. 4-48-003).

In response to a lawsuit filed by the State of New York Attorney General, National Grid and M. Wallace and Son, Inc., entered into an Interim Consent Order (Case No. 85-CV-219) in December 1987 to address the presence of PCBs and other chemical constituents in environmental media at the Site. Subsequently, National Grid entered into a Consent Decree with the State of New York to conduct a Remedial Investigation/Feasibility Study (RI/FS) of the Site. That Consent Decree was filed in the United States District Court, Northern District of New York, on August 21, 2000. In accordance with the Consent Decree, National Grid completed the RI/FS, as detailed in the following documents:

- The NYSDEC-approved Remedial Investigation (RI) Report, (BBL, Revised 1996); and
- The NYSDEC-approved Feasibility Study (FS) Report (BBL, 1997).

In March 1999, the NYSDEC issued the ROD for the Site, which was amended by the NYSDEC's May 2000 ESD. As specified in those documents, the remedial action components for the Site generally included: extending the Village of Cobleskill (Village) public water supply, excavation and offsite disposal of Site soils, backfilling the Site with clean fill material and associated Site restoration activities, and installing automatic, LNAPL recovery systems. A brief description of the remedial action components is provided in the following subsection.

Currently, the Site is still listed by the NYSDEC as a Class 2 Inactive Hazardous Waste Site. As presented in the NYSDEC's February 13, 2004 letter, the NYSDEC will begin the process to change the site classification to a Class 4 site upon approval of the plans describing the OM&M activities for the Site, along with a Department-approved restrictive covenant in the chain title. A Class 4 site is one that has been substantially remediated and/or closed, but that requires continued operation, maintenance and/or monitoring.

### 1.2.3 Remedial Action Components

Detailed descriptions of the NYSDEC-selected remedial action components implemented by National Grid are presented in the NYSDEC-approved RA Report. Provided below is a summary of the ROD-required remedial activities for the Site.

#### 1.2.3.1 ROD-Required Remedial Activities

The ROD-required remedial construction activities commenced during November 2001 and were substantively complete in April 2002. The remedial action activities were observed by BBL, as well as a NYSDEC representative. A summary of these activities is provided below.

- Extended the Village's public waterline to serve residences/businesses that previously obtained water from two water supply wells located just west of the Site. Prior to waterline extension groundwater withdrawn from these residential water supply wells was treated using activated carbon water treatment systems that were installed (in 1997) and maintained by National Grid as a precautionary measure. Following completion of public water service connections, those residential water supply wells were abandoned. The Wallace Scrapyard facility, which operates a concrete and metal building located in the southwestern corner of the Site (Figure 2), was also connected to the public water supply. At the Wallace facility, a 1-inch Watts 909 RPZ backflow prevention device was installed after the newly installed water meter. The location of this device is shown on BBL's Record Drawing No. 8, a copy of which is provided as Attachment 5. A complete set of BBL's Record Drawings prepared to document the remedial actions is provided in the RA Report.
- Excavated surface soils (uppermost 12 inches) that contained PCB concentrations greater than or equal to one part per million (ppm), subsurface soils (below the first 12 inches) that contained PCB concentrations greater than or equal to 10 ppm, and an area of soil previously identified to exhibit the hazardous characteristic of toxicity for lead. The excavated material was transported and disposed offsite in accordance with applicable rules and regulations. Upon completion of these soil excavation activities and following receipt of satisfactory post-excavation verification sample results, the excavated areas were restored with backfill.
- Backfilled the excavated areas with at least 12 inches of clean backfill material obtained from Cobleskill Stone Products and appropriately restored the Site. The Site was generally graded to pre-excavation conditions, with additional backfill placed in some areas to promote Site drainage. The 12-inch backfill/topsoil layer specified in the NYSDEC's ROD and was modified based on Hancock & Estabrook, LLP's (Hancock & Estabrook's) January 17, 2002 letter to the NYSDEC regarding placement of crusher run (gravel) in the western section of the upper portion of the Site. That request was subsequently approved in a letter from the New York State Office of the Attorney General, dated January 30, 2002. These letters have been provided as Attachment 6 and Attachment 7, respectively. In lieu of the 9 inches of backfill material and the 3 inches of topsoil, as presented in the ROD, the northwestern portion of the Site was backfilled with 12 inches of crusher run. The limits of the crusher run are shown on Figure 2, as well as the June 2002 as-built survey presented in the RA Report. A copy of that as-built survey is provided as Attachment 8.
- Installed automatic LNAPL recovery systems in existing onsite coreholes C-3/MW-8 and C-4 for continued collection of LNAPL observed in these coreholes. Prior to installation of these automated systems, a biweekly LNAPL monitoring and manual recovery program had been conducted by National Grid since

June 1993, as part of a NYSDEC-approved IRM. National Grid continues to operate and maintain these systems, the locations of which are shown on Figure 2.

In addition to the aforementioned remedial construction components, the NYSDEC-selected remedy presented in the ROD also includes OM&M requirements. These requirements are detailed in the OM&M Plan and this NW Plan. National Grid's OM&M responsibilities for the Site are described in the June 2004 OM&M Plan. This NW Plan describes the maintenance and monitoring activities for the northwest portion of the Site that shall be conducted by Wallace.

The final component of the Site remedy is implementing appropriate institutional controls. As presented in the OM&M Plan, these institutional controls will be detailed in a deed restriction which will (at a minimum): 1) restrict access and/or use of the Site to maintain the integrity of the soil/gravel cover, quarry pond water treatment systems, and LNAPL recovery systems; 2) prohibit the use of groundwater which has been impacted by the Site; 3) prohibit the withdrawal of groundwater at or in the vicinity of the Site if it will effect groundwater flow patterns associated with the Site and increase the potential for offsite migration of the Site-related impacted groundwater; and 4) prohibit the use of quarry pond surface water.

# 2. Maintenance and Monitoring Activities for the NW Portion of the Site

#### 2.1 General

This section identifies the maintenance and monitoring activities for the northwest portion of Site that is covered with crusher run and will be used, monitored and maintained by Wallace. This section also identifies the maintenance and monitoring activities required for the RPZ backflow prevention device installed after the water meter at the Wallace facility, as well as the anticipated reporting requirements for the activities described herein.

#### 2.2 Maintenance of Crusher Run Area

As identified above, placement and maintenance of the crusher run in the northwest portion of the Site has been addressed in various correspondence between the State, Wallace, and National Grid, including Paragraph 13 of Wallace's August 2003 affidavit submitted to the NYSDEC (copy provided in Attachment 4):

"During the early part of 2002, Wallace requested that gravel be substituted for soil as backfill in the northwest portion of the Site to allow for the reuse of that portion for the storage of inert materials. The State of New York Office of the Attorney General, with the concurrence of the Department, approved the substitution of gravel with the express understanding that, as committed by Wallace, that Wallace (1) does not intend to utilize that portion of the Site for the storage of any liquids or hazardous materials; (2) periodically monitors the graveled area to ensure that a minimum thickness of gravel is maintained between the surface and remaining subsurface soils; and (3) is responsible for repairing any damage which occurs solely as a result of its use."

Over National Grid's objections, the NYSDEC approved Wallace's use of the northwest portion of Site in its February 13, 2004 letter. The NYSDEC conditioned its approval as follows:

"...the Department consents to the proposed change of use of this portion of the Site consistent with local laws and ordinances, and in such a manner as will not impede or interfere with the operation and maintenance of the remedy."

Wallace's specific maintenance and repair activities for the area of crusher run will include placement of additional crusher run in areas of excessive settlement and/or erosion, ruts (e.g., as a result of vehicle/equipment tracking, scrapyard operations, snow plowing), within animal burrows, or areas observed to be disturbed. These activities will be conducted by Wallace, as needed, to maintain the 12-inch thickness of crusher run. To verify that the 12-inch thickness of crusher run is in-place, a monitoring program will be conducted by Wallace.

The monitoring program which will be conducted by Wallace will consist, at a minimum, of visual review of the subject area whenever scrapyard operations with the potential to disturb the crusher run are conducted. In addition, visual reviews will be conducted by Wallace at least once per year (or as needed) to identify the presence/absence of excessive settlement, excessive amounts of erosion, presence of unauthorized excavation, animal burrows, and/or any other disturbance of the crusher run. Areas identified where the crusher run is disturbed, based on the visual reviews, will be restored by Wallace as soon as practicable. Any additional

crusher run placed on the Site will be clean material, and will be placed by Wallace in an appropriate manner to restore the area to the grades shown on the June 2002 as-built survey provided in Attachment 8.

#### 2.3 RPZ Backflow Prevention Device

As part of the remedial activities, the Wallace Scrapyard facility was connected to the public water supply and a 1-inch Watts 909 RPZ backflow prevention device was installed after the water meter. After installation, the backflow prevention device was tested by a certified backflow prevention tester. The completed *Report on Test and Maintenance of Backflow Prevention Device*, certified by a BBL professional engineer licensed in the State of New York, was provided in the RA Report and a copy is provided in Attachment 9.

In accordance with NYSDOH requirements presented in the NYSDOH's January 5, 2004 Approval of Completed Works for Public Water Supply Improvement (copy provided as Attachment 10), the backflow prevention device is to be tested every three years (at a minimum) as long as the Wallace establishment remains essentially as an office. Should the activity change, annual testing will be required. This condition has been approved by the Village of Cobleskill Water Superintendent, Mr. Jeffery Pangman. The testing must be conducted by a NYSDOH certified backflow prevention tester, and the results submitted to the Village (i.e., water supplier). The backflow prevention device was tested by a certified backflow prevention tester on June 16, 2005 and the results were transmitted to the Village. A copy of those results is provided in Attachment 11. As long as the Wallace establishment remains essentially as an office, the next scheduled certification would need to be conducted by Wallace during the 2008 calendar year.

### 2.4 Reporting

It shall be the responsibility of Wallace to submit to the NYSDEC a description of the maintenance and monitoring activities conducted by Wallace in periodic letters. Wallace shall provide these letters annually and will include (but may not be limited to) the following information:

- A summary of the maintenance and monitoring activities conducted;
- Confirmation that the 12-inch thickness of crusher run is present in the northwest portion of the Site;
- Submittal of the backflow prevention test results when necessary. These results are also to be submitted to the Village (i.e., water supplier); and
- Identification of the activities planned for the next reporting period.

# 3. Project Contact List

Key project management personnel are identified below:

| * Company/Organization                                  | Name/Title  | Address  | Phone Number   |
|---|---|--|----------------|
| New York State Department of Environmental Conservation | Daniel Lightsey, P.E.<br>Project Manager              | Office of Environmental Quality<br>1150 North Westcott Road<br>Schenectady, New York 12306 | (518) 357-2045 |
| New York State Office of the Attorney General           | David A. Munro, Esq.<br>Assistant Attorney<br>General | Environmental Protection Bureau<br>The Capitol<br>Albany, New York 12224                   | (518) 474-8481 |
| New York Sate Department of Health                      | Joseph Crua   | Flanigan Square<br>547 River Street<br>Troy, NY 12180                                      | (800) 458-1158 |
| Schoharie County<br>Department of Health                | Carl J. Stefanik, P.E.<br>Public Health Director      | P.O. Box 667<br>Main Street<br>Schoharie, New York 12157                                   | (518) 295-8365 |
| Village of Cobleskill                                   | Jeffery Pangman<br>Water Superintendent               | P.O. Box 169<br>Cobleskill, New York 12043   | (518) 234-2195 |
| M. Wallace and Son, Inc.                                | Arthur M. Wallace<br>President                        | Elm Street<br>Cobleskill, New York 12043   | (518) 234-2591 |

### 4. References

- Blasland, Bouck & Lee, Inc. (BBL). 1995 (Revised 1996). Remedial Investigation Report, M. Wallace & Son, Inc. Scrapyard Site.
- BBL. 1997. Feasibility Study Report, M. Wallace & Son, Inc. Scrappard Site.
- BBL. 2003. Remedial Action Report, M. Wallace & Son, Inc. Scrapyard Site.
- BBL. 2004. Operation, Maintenance and Monitoring Plan, M. Wallace & Son, Inc. Scrapyard Site.
- National Grid. Letter dated July 15, 2005 from National Grid to NYSDEC re: proposal to abandon site monitoring wells and coreholes.
- New York State Department of Environmental Conservation (NYSDEC). 1999. Record of Decision, M. Wallace & Son, Incorporated Site, Cobleskill, Schoharie County, Site Number 4-48-003.
- NYSDEC. 2000. Explanation of Significant Difference, M. Wallace & Son, Incorporated Site, Cobleskill, Schoharie County, Site Number 4-48-003.
- NYSDEC. Letter dated February 13, 2004 from the NYSDEC to Green & Seifter, Attorneys, PLLC. re: Wallace's petition to modify the site boundaries and reused the northwest portion of the site for storage of materials.
- New York State Department of Health. 2004. Approval of Completed Works for Public Water Supply Improvements transmittal dated January 5, 2004 to M. Wallace & Son, Inc.

**Figures** 



# **Attachments**



# Figure 1

**Site Location Map** 



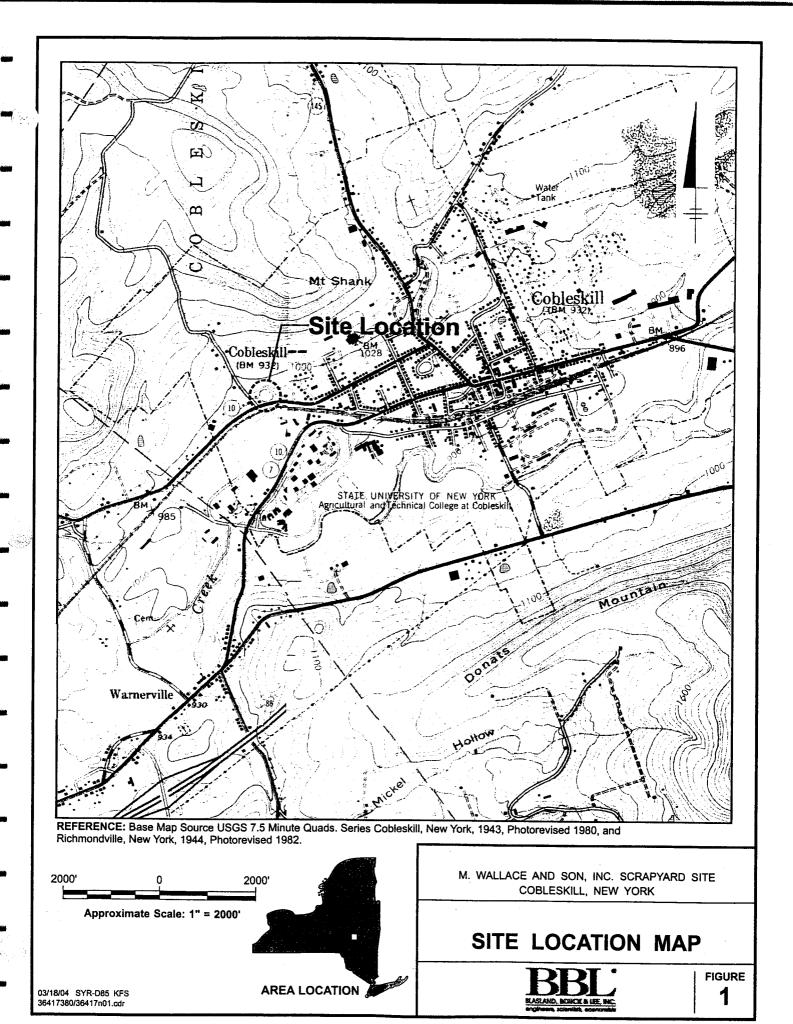
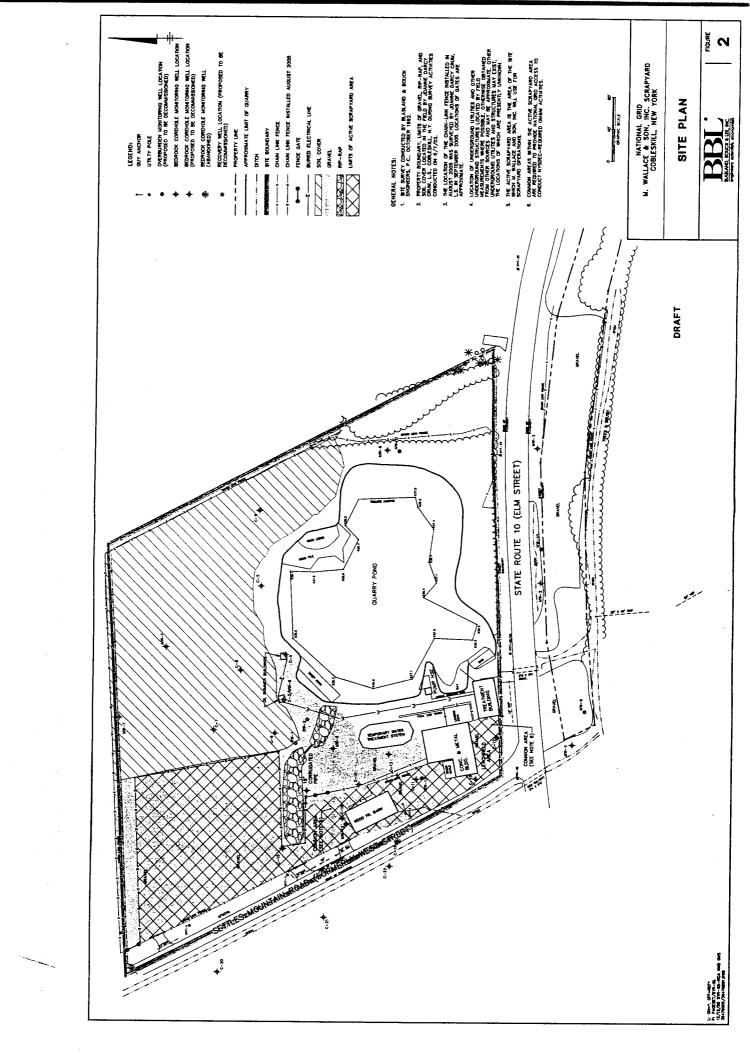


Figure 2

Site Plan





## Attachment 1

February 13, 2004 Letter to Green & Seifter, Attorneys, PLLC from the NYSDEC



# New York State Department of Environmental Conservation Division of Environmental Remediation, 12th Floor

525 Broadway, Albany, New York 12233-7011 Phone: (518) 402-8708 • FAX: (518) 402-9020

Website: www.dec.state.ny.us



February 13, 2004

### Via Fax and Regular Mail

Douglas H. Zamelis, Esq. Groon & Seifter One Lincoln Center Syracuse, NY 13202-1387

> Re: M. Wallace & Son, Inc. Site Site No. 4-48-003

Dear Mr. Zamelis:

This letter is in response to your petition on behalf of M. Wallace and Son Inc., to modify the boundaries of the Inactive Hazardous Waste Disposal Site known as the M. Wallace and Son site (hereinafter the "Site"). The Site is currently listed as a class "2" site on New York's Registry of Inactive Hazardous Waste Disposal Sites.

Initially, it should be noted that while your petition requests a modification of the boundary of the Site (petition, paragraph 3), a boundary modification has the effect to exclude certain areas of the Site from the Registry. The request is, therefore, properly a request for deletion from the Registry pursuant to 6 NYCRR 375-1.9(b). Accordingly, the Department will treat your petition as such.

In support of your petition you rely on the fact that the Site has been remediated under the Department's Superfund Program with all significant threats having been eliminated. Completion of a remedy at a class "2" site is grounds for a re-classification, but not necessarily a deletion from the Registry. In some instances, site remedial programs require continued maintenance and long term monitoring of the Site to ensure that the remedy remains in place and effective. In such cases, site reclassification from "2" to "4" is appropriate. A class "4" site is defined in the regulations as "a site... that requires continued operation, maintenance and/or monitoring." See 6 NYCRR 375-1.8(a)2.

The remedy selected in the Record of Decision for the Wallace Site requires significant long term operation and maintenance. Specifically, the remedy includes the long term recovery of light non-aqueous phase liquid (LNAPL) from the groundwater together with a 300 gallon per minute

Douglas H. Zamelis, Esq. February 13, 2004 page 2

water treatment system. Certain groundwater recovery wells, pump houses and treatment systems are located on or immediately adjacent to the area sought to be excluded. Due to the required access to, and operation of, this system, the Department must deny your request to delete a portion of the property from the Site. Please be advised, however, that upon approval by the Department of the operation, maintenance and monitoring plan for the Site, along with the filing of a Department approved restrictive covenant in the chain of title, the Department will begin the process to change the site classification to a class "4" site.

Finally, the petition and supporting affidavit indicate that the underlying reason for seeking to modify the Site boundary is so that the owner may reuse the northwest portion of the Site for storage of materials. I will accept the petition and supporting papers as a request for a change of use of the Site pursuant to 6 NYCRR 375-1.6. Upon review of these documents as well as the Record of Decision and approved final remedial action report, the Department consents to the proposed change of use of this portion of the Site consistent with local laws and ordinances, and in such a manner as will not impede or interfere with the operation and maintenance of the remedy.

In summary, your petition to modify has been deemed a petition to delist, which has been denied. However, the Department has accepted your petition as a request for a change of use for the northwest portion of the site which request is granted subject to the conditions noted above.

Very truly yours,

Dale A. Desnoyers

Dale A. Desnoyers
Director
Division of Environmental Remediation

# Attachment 2

March 9, 2004 Letter to the State of New York Office of the Attorney General from Hiscock & Barclay



BUFFALD . ROCHESTER . SYRACUSE . ALBANY . NEW YORK

DAVID M. HEHR PARTNER

DIRECT DIAL 716.566.1578
DIRECT FAX 716.846.1206
DHEHR@HISCOCKBARCLAY.COM

1100 M&T CENTER / 3 FOUNTAIN PLAZA BUFFALO / NEW YORK 14203-1414 T 716.856.5400 / F 716.856.0139

March 9, 2004

### **VIA FACSIMILE (518) 473-2534 and U.S. Mail**

David A. Munro, Esq.
State of New York
Office of the Attorney General
Environmental Protection Bureau
The Capitol
Albany, New York 12224

Re: M. Wallace & Son, Inc. Site

Site No. 4-48-003 Our File No. 2805047

Dear David:

We are in receipt of the decision issued by NYSDEC, dated February 13, 2004 (copy enclosed), granting the Petitioner, M. Wallace & Son, Inc. ("Wallace"), a change of use for the northwest portion of the above-referenced site (the "Site"), subject to various specified conditions.

Following NYSDEC's February 13, 2004 decision, Niagara Mohawk received a written demand from Wallace's counsel, to promptly provide access to the northwest portion of the Site, without reference to any of the conditions attached to Site reuse which are spelled out in NYSDEC's written decision.

Please be advised that Niagara Mohawk opposes Wallace's reuse of the northwest portion of the Site at this time.

As an initial matter, we note that Wallace's August 6, 2003 petition and supporting papers sought modification of the Site boundary (delisting) pursuant to 6 N.Y.C.R.R. §375-1.9(b), not a change of use, and therefore did not satisfy the regulatory criteria set forth in 6 N.Y.C.R.R. §375-1.6 for a change of use. Niagara Mohawk opposed Wallace's petition by affidavit submitted to NYSDEC on or about September 13, 2003, but Niagara Mohawk was not given any prior notice of NYSDEC's acceptance of the petition as a request for a change in use.

Even if Wallace's petition had satisfied the notification criteria required under 6 N.Y.C.R.R. §375-1.6 for a change of use, NYSDEC's February 13, 2004 decision granting the change of use is nevertheless premature.

David A. Munro, Esq. March 9, 2004 Page 2

As NYSDEC's decision itself states, the change of use was granted subject to a number of conditions, namely that such change of use is to be undertaken "in such a manner as will not impede or interfere with the operation and maintenance of the remedy." As you know, the Operation and Maintenance ("O&M") Plan for the Site, including the northwest portion, has not yet been completed, although it is currently in the process of being drafted by Niagara Mohawk's environmental engineers. The future activities of both Wallace and Niagara Mohawk at the Site will be defined by the O&M Plan. Until NYSDEC approves the O&M plan, however, Wallace's reuse of any portion of the Site is premature, and Wallace should be precluded from doing so upon the grounds that such reuse and reoccupation would be inherently at odds with the as-yet uncompleted and unapproved O&M Plan. As a practical matter, for example, Wallace's announced intention to promptly reuse the northwest portion of the Site for the storage of piles of scrap metal inevitably will interfere with (and likely will frustrate) the monitoring and maintenance activities which the State presumably will require to be carried out in that portion of the Site.

Finally, Wallace's reuse of the northwest portion of the Site at this time is premature because the subject of Site reuse and reoccupation by Wallace is one of several key issues which are integral to any settlement which may be reached between Niagara Mohawk and Wallace in the current federal court litigation. The grant of change of use to Wallace now jeopardizes any such settlement of this key issue, as it essentially places the cart before the horse. That is, Niagara Mohawk has consistently taken the position (with the concurrence of the State) that satisfactory legal protections between the State and Niagara Mohawk, as well as between Niagara Mohawk and Wallace, must be in place before any reuse of the Site can occur. While it appears that good progress has recently been made in the discussions between Niagara Mohawk and the State concerning the scope of a release from liability in the event of future contamination caused by Wallace's reuse and reoccupation of the Site, an agreement between us has not been finalized. Niagara Mohawk further has taken the position that only upon conclusion of a satisfactory agreement with the State of New York can it enter into meaningful discussions with Wallace, which hopefully will conclude with written agreements providing even further legal protection to Niagara Mohawk in the event of recontamination of the Site resulting from Wallace's reuse thereof.

Only after the foregoing steps are satisfactorily accomplished should Wallace logically be allowed to reoccupy and reuse the Site.

Thank you for your attention. We will follow up with you, as Niagara Mohawk continues to desire resolution of the issues discussed above.

Very truly yours,

David M. Hehr

DMH:tr Enclosure David A. Munro, Esq. March 9, 2004 Page 3

cc: Dale A. Desnoyers, Esq.
Daniel Lightsey, P.E.
Douglas H. Zamelis, Esq.
(all via fax and U.S. Mail)

### Attachment 3

Metes and Bound Description and Survey Map of the Active Scrapyard prepared by Joanne Darcy Crum, LS



# JOANNE DARCY CRUM, L.S. PROFESSIONAL LAND SURVEYOR

21 September 2005 Map A/46E/01 Last revised 2/01/06

### Proposed description for Parcel A

A portion of the lands of M. Wallace & Son, Inc. recorded in Liber 761 of Deeds at Page 348.

All that certain lot, piece or parcel of land lying, situate and being on the easterly side of Settles Mountain Road and the northerly side of Elm Street (a.k.a. NYS Rte 10) in the Village and Town of Cobleskill, County of Schoharie, State of New York bounded and described as follows:

Commencing at a point in the centerline of the traveled track of the said Settles Mountain Road; said point being S 23°57'30" E 21.66' from a point at the northwesterly corner of the lands of said M. Wallace & Son, Inc.; Said Point in the centerline of the said Settles Mountain Road being the Point of Beginning of the lands herein described; thence leaving said point on the following Seven (7) bearings and distances along the remaining lands of the said M. Wallace & Son, Inc. and essentially along a chain link fence

| North 88° 34' 00" East                   | 239.97 Feet passing through an iron pin set in the            |
|--|---|
| base of the said chain link fence 8/05 a | t a distance of 31.04' to an iron pin set in the ground 8/05; |
| South 09° 27' 20" East                   | 189.11 Feet to an iron pin set in the ground 8/05;            |
| South 89°16' 50" West                    | 123.97 Feet to an iron pin set in the ground 8/05;            |
| South 06° 49' 40" East                   | 30.36 Feet to an iron pin set in the ground 8/05;             |
| South 89° 24' 30" East                   | 59.65 Feet to an iron pin set in the ground 8/05;             |
| South 10° 23' 35" East                   | 68.97 Feet to an iron pin set in the ground 8/05; and         |
| South 22° 12' 00" East                   | 93.86 Feet to an iron pin set in the ground 8/05 on           |
| 4h 4h11 1 - C                            | 11 11 11  |

the northerly side of a concrete and metal building located on the lands herein described; thence leaving said pin on the following **Two (2)** bearings and distances essentially 0.2' from said concrete and metal building;

North 80° 42' 50" East 36.20 Feet to a point at the northeasterly corner of the said building; and

### Continued

479 WEST MAIN STREET ◆ COBLESKILL, NEW YORK 12043 TEL (518) 234-4650 ◆ FAX (518) 234-7405 JDCRUM@MIDTEL.NET South 09° 17' 10" East 32.70 Feet to a point 0.2' northerly of the northwesterly corner of a loading dock located on the lands herein described; thence leaving said point on the following Three (3) bearings and distances essentially 0.2' from said loading dock

| North | 81° 54' 40' | "East  | 23.21 Feet to a point;     |
|-------|-------------|--------|----------------------------|
| South | 10° 02' 25' | ' East | 33.54 Feet to a point; and |

South 80° 32' 00" West 24.10 Feet to a point 0.2' from the southwesterly corner of the said loading dock; thence leaving said point

South 25° 15' 20" East 8.04 Feet to a point; thence leaving said point

South 08° 38' 05" East 28.49 Feet essentially 0.1' from the westerly side of the said treatment building to a point on the northerly side of the said Elm Street; thence leaving said point

North 89° 48' 00" West 78.23 Feet along the northerly side of the said Elm Street to a point on the centerline of the said Settles Mountain Road at the southwesterly corner of the lands herein described; thence leaving said point on the following Five (5) bearings and distances along the centerline of the said traveled track Settles Mountain Road

| North 31° 55' 10" West | 26.62 Feet to a point;      |
|------------------------|-----------------------------|
| North 28° 53' 00" West | 51.53 Feet to a point;      |
| North 27° 29' 40" West | 195.94 Feet to a point;     |
| North 25° 30' 00" West | 200.07 Feet to a point; and |

North 23° 57' 30" West 44.66 Feet to the point or place of beginning containing 1.50 ACRES of land, be the same more or less according to a survey run in the field 1988 through 2005 by Joanne Darcy Crum, L.S. 49673 of Cobleskill New York 12043; By Magnetic North 1988 Re: Map and Survey for Sidney Wallace by J.D. Crum, L.S. bearing date of 2/16/88.

All iron pins set being 5/8" x 30" steel rod with yellow cap tagged "J.D. Crum."

MAP A-46E-01R1 BBL-Wallace Fence 2005 final 2-1-06

# Attachment 4

Wallace's August 6, 2003 Petition and Supporting Affidavit



### GREEN



ATTORNEYS, PLLC

LEE ALCOTT MICHAEL J. BALANOFF SARAH LEWIS BELCHER LAURENCE G. BOUSQUET PHILIP S. BOUSQUET DANIEL J. FRENCH DAVID A. HOLSTEIN + VIRGINIA 'A. HOVEMAN" KEVIN B. MCAULIFFE \*\* SHARON A. MCAULIFFE STEVEN A. PAQUETTE FAUL M. PREDMORE LOWELL A. SEIFTER : JOHN L. VALENTINO ROBERT K. WEILER HARRISON V. WILLIAMS, JR. DOUGLAS H. ZAMELIS

August 6, 2003

ALBANY OFFICE
DONALD T. KINSELLA
MANAGING ATYOKNEY
OF COUNSEL:
FOWARD 5. GREEN I:
SIDNEY L. MANES
THOMAS E. TAYLOR\*\*\*
DAVID A. YAFFEE
KIMBERLY M. ZIMMER 11
ROBERT D. MCAULIFFE
1993-1993

CHRISTINE WOODCOCK DETTOR SHARON & FELLOWS DAFNI & KIRITSIS TIMOTHY M. LYNN LAWRENCE M. ORDWAY, JR.

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### **VIA FEDERAL EXPRESS**

Hon. Erin M. Crotty Commissioner NYS Department of Environmental Conservation 625 Broadway Albany, New York 12233-1010 NYS OFFICE OF THE ATTORNEY GENERAL RECEIVED

AUG 07 2003

ENVIRONMENTAL PROTECTION BUREAU
ALBANY

Re: Registry Petition Pursuant to 6 NYCRR §375-1.9 concerning M. Wallace & Son, Inc. Site Site No. 4-48-003

Dear Commissioner Crotty:

On behalf of our client M. Wallace & Son, Inc., enclosed is a Registry Petition for the Modification of the M. Wallace & Son, Inc. Site on the New York State Registry of Inactive Hazardous Waste Disposal Sites. In its Petition, M. Wallace & Son, Inc. seeks the modification of the Site boundary to exclude and except certain portions of the Site which have been remediated and which no longer pose a significant threat to human health or the environment.

We look forward to the Department's determination within 45 days of the receipt of this Petition in accordance with 6 NYCRR §375-1.9(d). Please forward the Department's determination to the undersigned.



Hon. Erin M. Crotty, Commissioner August 6, 2003 Page 2

Thank you very much for your courtesy and consideration.

Very truly yours,

GREEN & SEIFTER, ATTORNEYS, PLLC

Douglas H. Zamelis

DHZ/erb Enclosure

CC:

James H. Ferreira, Esq. (with enclosure)

David A. Munro, Esq. (with enclosure)

M. Wallace & Son, Inc.

Attn: Mr. Arthur M. Wallace (with enclosure)

Edward Wildove, Esq. (without enclosure)

DHZ:263207.1/W0482L.00001

NYS OFFICE OF THE ATTORNEY GENERAL RECEIVED

AUG 07 2003

ENVIRONMENTAL PROTECTION BUREAU ALBANY

CW.7 PCCSC1POICE

LHW DEPT ENV PRUT

STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Petition of:

M. WALLACE & SON, INC.

PETITION

For the Modification of M. Wallace & Son, Inc., Site No. 4-48-003 on the New York State Registry of Inactive Hazardous Waste Disposal Sites Pursuant to 6 NYCRR §375-1.9

M. Wallace & Son, Inc. by and through its attorneys, Green & Seifter, Attorneys, PLLC, respectfully petitions the New York State Department of Environmental Conservation (the "Department") as follows:

- Petitioner M. Wallace & Son, Inc. ("Wallace") is a New York 1. Corporation, having an office at Route 10 and Settles Mountain Road, P.O. Box 266, Cobleskill, New York 12043.
- Wallace is the former and current operator of certain real property 2. located at the corner of Settles Mountain Road and New York State Route 10 in the Village of Cobleskill, Schoharie County, New York, known and referred to as the M. Wallace & Son, Inc. Site (the "Site"), and which is currently classified as Class 2 on the New York Registry of Inactive Hazardous Waste Disposal Sites (the "Registry") as Site Code Number 4-48-003.

-1-

- 3. This Petition is brought by Wallace as the former and current operator of the Site in question pursuant to 6 NYCRR §375-1.9(a), wherein Wallace respectfully seeks that the information concerning the Site in the Registry be modified to except and exclude from the Site boundary those portions of the Site which have been remediated, and which no longer pose a significant threat to the environment including, but not limited to the northern portion of the Site and all active working areas of Wallace.
- 4. As set forth in the Affidavit of Arthur M. Wallace, dated August 5, 2003, which is attached herewith and made a part hereof as Exhibit "A", the Site has been investigated and remediated in accordance with the requirements of the March, 1999 Record of Decision issued by the Department (the "ROD").
- 5. As a result of the investigation and implementation of the selected remedial actions set forth in the ROD and consistent with 6 NYCRR §375-1.10(b), the Site has been restored to pre-disposal conditions to the extent feasible and authorized by law and the remedy implemented at the Site has eliminated or mitigated through the proper application of scientific and engineering principles, all significant threats to the public health and to the environment presented by any waste previously disposed of at the Site.

6. At the request of Wallace, a large portion of the Site has been backfilled with gravel for the express purpose of reuse by Wallace, consistent with the authorization of the New York State Department of Law, and with the concurrence of the Department, as set forth in correspondence from Assistant Attorney General David A. Munro dated January 30, 2002. Copies of Wallace's request and the State of New York's authorization are attached herewith and made a part hereof as Exhibit "B". Accordingly, redefinition of the Site boundary is now appropriate.

WHEREFORE, Wallace respectfully prays that the New York State

Department of Environmental Conservation redefine the boundary of the M. Wallace and Son, Inc. Site, Code Number 4-48-003, to except and exclude areas which have been remediated and which no longer pose a significant threat to the environment, including, but not limited to the northern portion of the Site and all active working areas of Wallace.

Dated: August 6, 2003

GREEN & SEIFTER, ATTORNEYS, PLLC

Douglas H. Zamelis

To: Honorable Erin M. Crotty
Commissioner
New York State Department of
Environmental Conservation
625 Broadway
Albany, New York 12233-1010

James H. Ferreira, Esq. General Counsel New York State Department of Environmental Conservation 625 Broadway Albany, New York 12233-1500

David A. Munro, Esq.
Assistant Attorney General
State of New York Office of
the Attorney General
The Capitol
Albany, New York 12224-7341

DHZ:262896.1/W0482L,00001

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL
CONSERVATION
In the Matter of the Petition of:
M. WALLACE & SON, INC.

**AFFIDAVIT** 

For the Modification of the M. Wallace & Son, Inc., Site No. 4-48-003 on the New York State Registry of Inactive Hazardous Waste Disposal Sites Pursuant to 6 NYCRR §375-1.9

STATE OF NEW YORK ) SS COUNTY OF SCHOHARIE )

ARTHUR M. WALLACE, being duly sworn, deposes and says:

- I. I am President of M. Wallace and Son, Inc. (hereinafter "Wallace"), the Petitioner in the above-captioned matter.
- 2. As President of Wallace, I have direct knowledge of the subject of the statements set forth herein based on day-to-day observations and review of publicly available records.
- 3. Wallace is a New York corporation and maintains an office at Route 10 & Settles Mountain Road, P.O. Box 266, Cobleskill, New York 12043.
- 4. Wallace is the former and current operator of certain real property located at the corner of Settles Mountain Road and New York State Route 10 in the Village of Cobleskill, Schoharie County, New York, known and

-1-

referred to as the M. Wallace and Son, Inc. Site, (the "Site") which Site is currently listed on the New York Registry of Inactive Hazardous Waste Disposal Sites (the "Registry") as Site No. 4-48-003.

- 5. An initial Site investigation of soil, sediment, surface water, and ground water at the Site was performed between 1987 and 1990. Based on the results of the initial Site investigation, various Interim Remedial Measures were implemented between 1991 and 1993.
- 6. A 400-gallon per minute ("gpm") water treatment system was installed at the Site toward the end of 1992, a 100-gpm water treatment system was installed in the spring March of 1994, and a 300-gpm water treatment system was installed in the spring of 1995 for temporary use.
- 7. Between 1992 and 1995 a Remedial Investigation was implemented and a Fish and Wildlife Impact Analysis was completed. A Remedial Investigation Report was submitted to the New York State Department of Environmental Conservation (the "Department") in the summer of 1995.
- 8. A Feasibility Study was submitted to the Department in the fall of 1997.
- 9. Toward the end 1998, the Department issued its Proposed Remedial Action Plan for the Site.

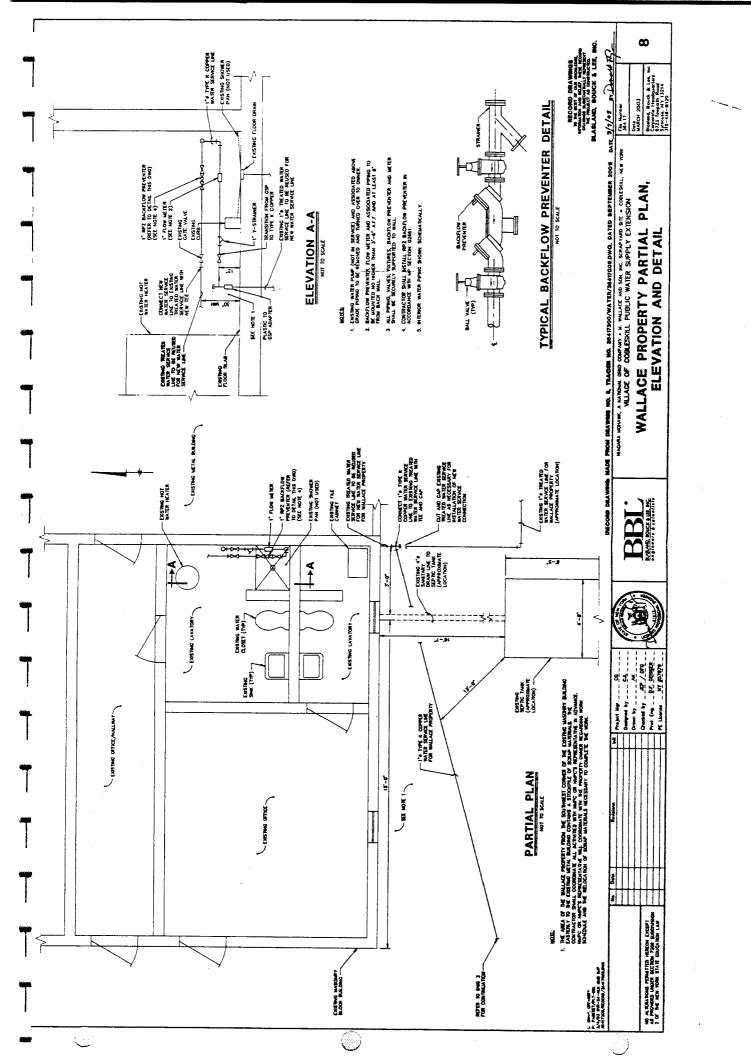
- 10. A Record of Decision was issued for the Site by the Department in the spring of 1999 (the "ROD"), which was subsequently amended by an Explanation of Significant Differences in the spring of 2000.
- and were completed in the spring of 2002, with the exception of establishing a vegetative cover, which now appears substantially complete. Post-remediation biota and ground water monitoring activities were conducted during 2002.
- 12. A Final Remedial Action report for the Site dated June of 2003 (the "Final RA Report") was recently submitted to the Department. The Final RA Report includes certification by a professional engineer duly licensed to practice by the New York State Department of Education, certifying that the remedial action activities were completed in accordance with the Department's approved remedial design and approved modifications.
- 13. During the early part of 2002, Wallace requested that gravel be substituted for soil as backfill in the northwest portion of the Site to allow for the reuse of that portion for the storage of inert materials. The State of New York Office of the Attorney General, with the concurrence of the Department, approved the substitution of gravel with the express understanding that, as committed by Wallace, that Wallace (1) does not intend to utilize that portion of the Site for the storage of any liquids or hazardous materials; (2) periodically monitors the graveled area to

ensure that a minimum thickness of gravel is maintained between the surface and remaining subsurface soils; and (3) is responsible for repairing any damage which occurs solely as a result of its use.

- 14. As shown on the as-built survey which is included as Exhibit "B" to the Final RA Report, gravel (indicated as "crusher run") was used for backfill in the portion of the Site requested by Wallace for reuse.
- 15. Wallace understands that certain remedial activities at the Site, including operation of the water treatment systems and light non-aqueous phase liquid recovery systems, must continue to be operated, maintained, and monitored.
- depth of one foot and portions have been excavated to even greater depths. The entire northwest portion of the Site has been backfilled with clean gravel for the express purpose of reuse by Wallace. Wallace understands the conditions of the State of New York's approval of the use of gravel in the northwest portion of the Site.
- 17. For over ten years, Wallace has restricted its operations to a very small portion of the Site. Now that the soil excavation and backfill has been completed, there is no scientific or technical reason why Wallace should not be allowed to reuse the northwest portion of the Site for the storage of materials in accordance with applicable conditions.

BBL's Waterline Extension Record Drawing No. 8 – Wallace Property Partial Plan, Elevation, and Detail





January 17, 2002 Letter to the NYSDEC from Hancock & Estabrook





January 17, 2002

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> DAVIDE NOCILLY COUNSEL

WALL C MELLIN

M CARROLL COANG STEWART F HANCA K, JR. KEMIN J. ANG ORAJACK CHARLES S. MSOCIRE Daniel R. Lightsey, P.E. NYSDEC - Region IV 1150 Westcott Road Schenectady, New York 12306

Re: M. Wallace & Son, Inc. Site, Cobleskill, New York

Dear Dan:

Consistent with our discussion with Eric Hamilton of your office and David A. Munro, Esq. of the New York State Department of Law on January 8, the following sets forth M. Wallace & Son, Inc.'s (hereinafter "Wallace") request concerning the use of gravel instead of soil for backfill at and return to use of a portion of the area to be remediated at the above referenced Site.

Attached herewith as Exhibit "A" please find a copy of a map showing the area Wallace desires to use subsequent to the completion of the remedial activities and acceptance of the remediation report by NYSDEC. As you can see, Wallace's reasonable request pertains only to a portion of the Site.

The only activity Wallace intends to undertake at the area of the Site identified on Exhibit "A" is the storage of inert materials. In all likelihood, some materials would be post-consumer and some would be pre-consumer materials. Wallace does not intend to utilize that portion of the Site for the storage of any liquids or hazardous materials. Wallace would assume responsibility for maintenance of any areas it uses, including snow removal. Wallace would further be willing to periodically monitor the referenced area to ensure that a minimum thickness of gravel is maintained between the surface and remaining subsurface soils. Wallace would be responsible for repairing any temporary damage which may occur as a result of its use but would not be responsible for repairing damage, including erosion, caused by improper design, compaction, grading, etc.

It is further our understanding that Niagara Mohawk Power Corporation does not object to the use of graven instead of topsoil inasmuch as the gravel can be acquired in

H0073163.1

1500 MONY TOWER I, P.O. BOX 4976, SYRACUSE, NEW YORK 13221-4476.

PHONE (315) 471-3151 • FAX (315) 471-3167

www.harancklaw.com

JAN 18:



Daniel R. Lightsey, P.E. January 17, 2002 Page 2

Schoharie County at a lower cost than soil and only minimal drainage issues are raised thereby.

We trust this adequately sets forth Wallace's intended future use of its real property. Should you have any questions or concerns, please do not hesitate to contact the undersigned. Otherwise, we look forward to NYSDEC's determination regarding Wallace's reasonable request to utilize gravel instead of soil for backfill at certain remediated portions of the Site. Thank you for your courtesy and consideration.

Very truly yours,

HANCOCK & ESTABROOK, LLP

dzamelis@hancocklaw.com

DHZ/hgb

cc:

M. Wallace & Son, Inc.

Attn: Mr. Arthur M. Wallace, President

David A. Munro, Esq. Richard R. Capozza, Esq. John T. Parkinson, Esq. Doreen A. Simmons, Esq.

P. 05

Exhibit A

PROPOSED GRAVEL AREA

January 30, 2002 Letter to Hancock & Estabrook from the New York State Office of the Attorney General





#### STATE OF NEW YORK OFFICE OF THE ATTORNEY GENERAL

ELICT SPITZER
Altomoy General

DIVISION OF PUBLIC ADVOCACY
ENVIRONMENTAL PROTECTION BUREAU

January 30, 2002

Douglas H. Zamelis, Esq. Hancock Estabrook LLP 1500 MONY Tower PO Box 4976 Syracusa, New York 13221

David M. Hehr, Esq.
Hiscock & Barclay, LLP
Suite 301
Key Bank Towers at Key Center
50 Fountain Plaza
Buffalo NY 14202-2291

Re: State of New York v. Niagara Mohawk, et al. (Wallace Site)

Duar Counsclore,

This letter responds to Doug's 1/17/02 letter to DEC on behalf of M. Wallace & Son, Inc. ("Wallace"), requesting that gravel be substituted for soil as backfill material at the Site. We understand that Niagara Mohawk does not oppose Wallace's request. Please he advised that the State approves such substitution, with the express understanding that, as committed to in the 1/17/02 letter, Wallace: (1) does not intend to utilize that portion of the Site for the storage of any liquids or hazardous materials; (2) periodically monitors the graveled area to ensure that a minimum thickness of gravel is maintained between the surface and remaining subsurface soils; and (3) is responsible for repairing any damage which occurs solely as a result of its use.

2.

Finally, please be advised that Wallace must immediately move any scrap materials that may obstruct implementation of the remedy.

Sincerely,

DAVID A. MUNRO

Assistant Attorney General

(518) 474-8481

E-mail: cpadam@oag.state.ny.us

Saul A. Mun

cc: John T. Parkinson, Esq.- Niagara Mohawk Elise Hiller, Esq.- Village of Cobleskill

wollneelel 02counsel

June 2002 As-Built Survey



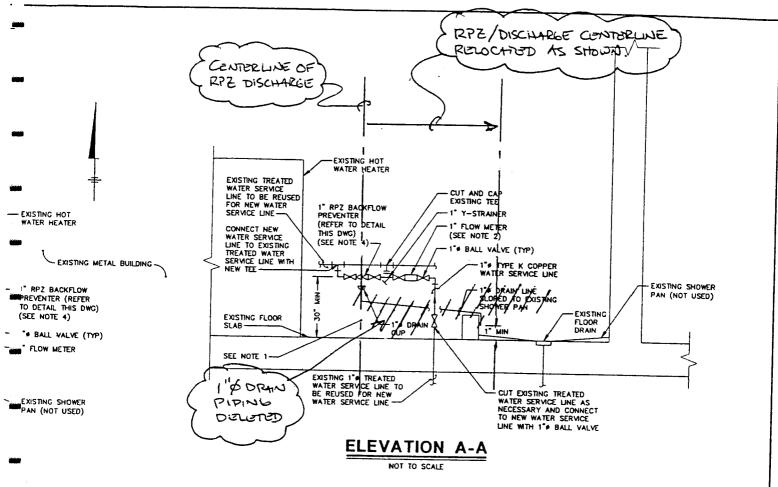
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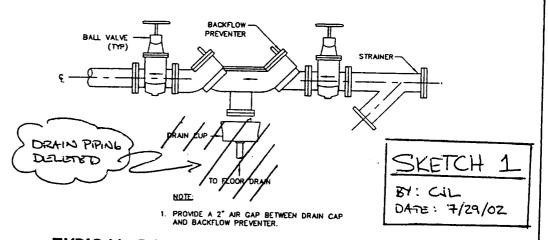
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| ر ما                                  | 4  | data to be come  | <b>¤</b> .                                    |                     |                               |               |                     |             |                            |
| Print Name                            | 1 Kenyon   | 472  | 9   |                     | of le                         | m             | m                   | // 13       | 0103                       |
| Property owns                         | ers (or owners agent) certific                           | Certified Test   | AS Deriormen                                  | Signer              | ture                          |               |                     | Depiration  | Date                       |
| MITTO                                 | - Wallace  | Pres.  |   | 18                  | 1/2/2/                        |               |                     | 110 0       |                            |
| Phnt Name                             |  | Title  |   | Sign                | en e                          |               | {                   | Telephone   | 4-3591                     |
|                                       | rtification that installation is i                       |  |   |                     | (To be completed b            | y the c       | iesign eng          | past of Fr  | critect                    |
| I hereby certif                       | lly that this installation has b                         | een made in acc  | ordance with tr                               | 4 apgrov            | of water supplier.)           |               | ·                   |             |                            |
| DONA                                  | ILD F. GEISSER 1   |  | ESIDENT                                       |                     |                               | 7             | Nr                  | YS DOH      | llon#                      |
| UCHIES NUMB                           | or 57879   | home (215 )  | 146-9120                                      |                     | Date III I                    | ÌЦ            | "   لـ              |             |                            |
| Address (-12                          | BLASIAND, BOUCK &  | LEP. INC   |   | Describe            | minor installatio             | n chi         | ingus               |             |                            |
| City SYRA                             | 23 TOWPATH ROAD, P. CUSE Stan NY                         | ,  |   | MINOR               | HORIZONTAL REI<br>ECTZD TO AN | LOCHE         | ion so t            | THAT REE    | LY WA                      |
| Signature                             | Lonals Q   | Zo 13  | 214   | THE N               | ered for A S                  | 44            | RATE D              | PAIN F      | PIPE                       |
| NOTE: Same                            | 7  |  |   |                     | HITACHED SKI                  |               |                     |             | ì                          |

NOTE: Sens one compared copy to the designated health department representative and one copy to the water suppose water 30 days at besting of the opposition of the part of the copy to the copy to the water suppose water suppose to the copy to the water suppose water suppose water suppose the copy to the water suppose water sup



NOTES:

- EXISTING WATER PUMP (NOT IN SERVICE) AND ASSOCIATED ABOVE GRADE PIPING TO BE REMOVED AND TURNED OVER TO OWNER.
- BACKFLOW PREVENTER, FLOW METER AND ASSOCIATED PIPING TO BE MOUNTED NO HIGHER THAN 3'-6" A.F.F. AND AT LEAST 8" FROM BACK WALL.
- 3. ALL PIPING, VALVES, FIXTURES, BACKFLOW PREVENTER AND METER SHALL BE SECURELY SUPPORTED TO WALL.
- 4. CONTRACTOR SHALL INSTALL RPZ BACKFLOW PREVENTER IN ACCORDANCE WITH MP SECTION 02661.



#### TYPICAL BACKFLOW PREVENTER DETAIL

NOT TO SCALE

G FILE EXISTING TREATED WATER SERVICE LINE TO BE REUSED FOR NEW WATER TERVICE LINE FOR ALLACE PROPERTY CONNECT 1" TYPE K
COPPER WATER SERVICE
"NE TO EXISTING TREATED
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ATER SERVICE
CONNECTION EXISTING 1° TREATED
"'ATER SERVICE LINE FOR
ALLACE PROPERTY PPROXIMATE LOCATION)

V

LEE, INC.

cientists

NIAGARA MOHAWK POWER CORPORATION • M. WALLACE AND SON, INC. SCRAPYARD SITE • COBLESKILL, NEW YORK VILLAGE OF COBLESKILL PUBLIC WATER SUPPLY EXTENSION

WALLACE PROPERTY PARTIAL PLAN, ELEVATION AND DETAIL File Number 364.17.XXF Date SEPTEMBER 2001

Biasiand, Bouck & Lee, Inc. Corporate Headquorters 6723 Towpoth Road Syracuse, NY 13214 315—446—9120 8

NYSDOH's January 2004
Approval of Completed Works for
Public Water Supply
Improvement



# Bureau of Public Water Supply Protection for Public Water Supply Improvement

| Applicant Name M. Wallace &  | Son, Inc.  |  |                |
|--|--|--|----------------|
| (city, town, vil   | <del>-</del> ·   |  |                |
| Location of Works Elm Street   | Cobleskill, NY   | · (* 1)  |                |
| County Schoharie   |  | cific area served)<br>leskill Village              |                |
|  |  | Mo Day Yr  |                |
| Plans for the construction of this p                                   | roject were approved on <u>N</u>   | November 29, 2001                                  | <u> </u>       |
| This approval for completed work                                       | s is issued subject to the foll  | owing conditions                                   |                |
| F F  | is issued subject to the foll  | owing conditions.                                  |                |
| That all conditions of the Noven                                       | nber 30, 2001 approval letter  | be met, except that testing the c                  | levice is      |
| required every three years (next                                       | due in calendar year 2005) as  | s long as the establishment rema                   | ins essentiall |
| as an office. Should the activity                                      | change, annual testing will b  | e required. This condition has                     | been approve   |
| by the Water Superintendent for  | the village of Cobleskill.   |  |                |
|  |  |  |                |
|  | The state of the s |  |                |
| The "as built" plans show that the                                     | ne device has been moved ho  | rizontally toward the existing fl                  | oor drain      |
| The "as built" plans show that the eliminating the need for a separate | ne device has been moved ho rate drain pipe.   | rizontally toward the existing fl                  | oor drain      |
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| eliminating the need for a separ                                       | ne device has been moved ho rate drain pipe.  OR THE STATE COMMIS  |  | oor drain      |
| eliminating the need for a separ                                       | ate drain pipe.  | SIONER OF HEALTH                                   | oor drain      |
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| eliminating the need for a separ                                       | OR THE STATE COMMIS  | SIONER OF HEALTH  Mo Day Yr  January 5, 2004       | oor drain      |
| ISSUED FO  | OR THE STATE COMMIS  | SIONER OF HEALTH  Mo Day Yr                        | oor drain      |
| ISSUED FO  | OR THE STATE COMMIS  | SIONER OF HEALTH  Mo Day Yr  January 5, 2004  Date | oor drain      |
| ISSUED FO  | OR THE STATE COMMIS  , P.E.  | SIONER OF HEALTH  Mo Day Yr  January 5, 2004  Date | oor drain      |

DOH-1032 (4/92)

Niagara Mohawk, James F. Morgan

June 2005 Backflow Prevention Device Certification





Transmitted Via U.S. Mail

September 2, 2005

Mr. Jeffery Pangman Water Superintendent Village of Cobleskill P.O. Box 169 Cobleskill, New York 12043

Re: M. Wallace & Son, Inc.

**Backflow Prevention Device Test Results** 

BBL Project #:

0364.36417 #5

Dear Mr. Pangman:

Please find enclosed, as Attachment 1, the completed DOH-Form 1031 for the backflow prevention device test that was conducted on June 16, 2005 at the M. Wallace & Son, Inc. facility. For your convenience, I have included the *Approval of Completed Works for Public Water Supply Improvements*, dated January 5, 2004, as Attachment 2. If you have any questions, please do not hesitate to contact me at (315) 446-2570 ext. 428.

Sincerely,

BLASLAND, BOUCK & LEE, INC.

Gunther J. Schnorr Project Manager

GJS/jlc Attachments

cc:

James F. Morgan, Niagara Mohawk, a National Grid Company

M. Cathy Geraci, Blasland, Bouck & Lee, Inc.

DOH-Form 1031 - Backflow Prevention Device Test Results



Bureau of Public Water Supply Protection

GE FACILITES MA.

Repr on Test and Maintenance of Lackflow Prevention Device

| Part A                                 | ٠.   | Pleas       | e use a separat          | e form for e      | ach de                                 | vice.        |               | ıltial tost - | ar <u>20e</u><br>Complet<br>t - Complet | e entire for |
|--|--|-------------|--------------------------|-------------------|--|--------------|---------------|---------------|---|--------------|
| Public Water                           | Supply // //                                     |             |                          | Account No.       |  | County       | ,             | Block         |   | ot           |
|  | · Wallaco  | <i>b</i> (  | 1010                     |                   | Lo                                     | cation of D  |               | <u> </u>      | I                                       |              |
| Address                                |  | •           |                          | 1 11/12           | _   _                                  |              |               | 7             |   |              |
| <del></del>                            | Del - M  | 47- C       | ab lesk: []              | 70 / L            | -7-7-                                  | -ur Na       | cel           | 0019          |   | <del></del>  |
| Device<br>Information                  | Manufacturer Walt                                |             | Type (AT RP)             | Model<br>V 909    |  | Size (in in  | ches)         |               | Number                                  | 6            |
|  | SALES AND PROPERTY OF THE PERSON NAMED IN COLUMN |             | CheckValv                |                   | 0.000000000000000000000000000000000000 | ential Pre   |               | 2             | 2019<br>essure 7                        | •            |
| Test                                   | Leaked [   |             | Leaked                   |                   |  | Fellet Valv  |               |               | aszola                                  | ps.          |
| perore:                                | Closed tight                                     |             | Closed tight             |                   | Орепе                                  | d at 2-2     | _psld         | Date          | 06/                                     | 5 05         |
| epan.                                  | Pressure drop acro<br>check valve                |             |                          |                   | . •                                    |              |               |               | m d                                     | y            |
| Deacribes.                             |  | į           |                          |                   |  |              |               | Name          | Repaired                                | ру           |
| materiala                              |  |             |                          | :                 |  |              | •             |               |   |              |
| used                                   |  |             |                          |                   |  |              |               | Lic #         | paired                                  |              |
| Final test                             | Closed tight                                     | 'n          |                          |                   |  | <b></b>      |               |               | m                                       | d y          |
|  | Pressure drop acro                               | 1           | Closed tight             |                   | Opened                                 | at           | psid          | Date          |   |              |
| Water Meter I                          |  | _ psid      | Meter Reading            |                   | Type of S                              | Service: (cl | nack on       |               | m d                                     | , <u>,</u>   |
| No                                     | No   |             | 19960                    |                   |  | estic  Fir   |               | -             |   |              |
| Remarks (Dr                            | escribe deficiencies: bypas                      | ses, oute   | us before the device, co | nnections between | n the device                           | and point of | בצוח , ענות   | ขาg or inaced | tuate sirgap, et                        | (C.)         |
|  |  | ;<br>:<br>: |                          | *.                |  |              |               |               |   |              |
| Centification: 1                       | This device Imee                                 | s, [] de    | pes NOT meet, the        | requirement       | s of an a                              | ccentable    | containn      | nent devic    | a at the tim                            | e of testing |
| 1                                      | hereby certify the to                            | regoing     | data to be correct       |                   |  | //           |               |               | <b>~</b> □ (110 (111)                   | o or reaming |
| Ro ber                                 | 1 Benyon   | <u> </u>    | 472                      | 2                 | -/1                                    | 11/5/19      | m             | <b>-</b> /-   | 1/13                                    | 201200       |
| Print Name                             | are for owners are                               | A) a'd'     | Certified Tests          |                   | Sign                                   | ature        |               |               | Expiration                              |              |
| Acth.                                  | ers (or owners ager<br>- Wallace                 |             | cation that test wa      | is performed:     | 18                                     |              | ///           | 1             |   |              |
| Print Name                             | Dognate  |             | Title                    |                   | 570                                    | nature       |               |               | ( )                                     |              |
| Part Br Co                             | ntification that instal                          | lation is   | in accordance wit        | the approve       |  |              | pleted by     | the design    | Telephon<br>engineer or                 |              |
|  | ifiv that this installate                        | on has b    | seen made in acco        | rdance with t     | he appro                               | ved plans.   | PP161.)       |               |   |              |
| I hereby certi                         | - y  |             |                          |                   |  |              |               |               | 10/0 00                                 | 111#         |
| Name                                   |  |             | Title                    |                   |  | Date         | $\neg \sqcap$ |               | NYS DC                                  | H Log #      |
| Name<br>License Numb                   |  |             |                          |                   |  | Date         |               |               | NYS DC                                  |              |
| Name License Numb Representing         |  |             | Title                    |                   | Descri                                 | -            |               | n change:     |   |              |
| Name<br>License Numb                   | ≻9r  |             | Title Phane ( )          |                   | Descri                                 | m m          |               | n changes     |   |              |
| Name License Numb Representing Address | ≻9r  |             | Title                    |                   | Descri                                 | m m          |               | n changes     |   | H LOG #      |

**Approval of Completed Works for Public Water Supply Improvements** 



# NEW YORK STATE DEPARTMEN. JF HEALTH Approval C. Completed Works Bureau of Public Water Supply Protection for Public Water Supply Improvement

| Applicant Name                        | M. Wallace & So  | on, Inc.   |   |                            |                 |
|---------------------------------------|--|--|---|----------------------------|-----------------|
| Location of Works                     | (city, town, villa<br>Elm Street   | ge)<br>Cobleskill, NY  |   |                            |                 |
| County Schohari                       | е  | Water District   | (specific area ser<br>Cobleskill Villag |                            |                 |
| Plans for the constr                  | uction of this pro   | ject were approved o   | Mo Day Y<br>on November 29              |                            | _               |
| This approval for                     | completed works  | is issued subject to t   | he following condi                      | ions:                      |                 |
| required every that as an office. Sho | ree years (next doubt do | per 30, 2001 approva<br>ue in calendar year 2<br>hange, annual testing<br>he Village of Cobles | 005) as long as the gwill be required.  | establishment rema         | ins essentially |
|                                       | ans show that the  | e device has been mo<br>te drain pipe.   | ved horizontally to                     | ward the existing fl       | oor drain       |
|                                       |  |  |   |                            | •               |
|                                       |  |  |   | •                          |                 |
|                                       |  |  |   |                            |                 |
|                                       |  |  |   |                            |                 |
|                                       | ISSUED FO  | R THE STATE CO   | MMISSIONER O                            | F HEALTH                   |                 |
|                                       | Life   | , P.E  | <b>N</b>                                | lo Day Yr<br>nuary 5, 2004 |                 |
| Designa                               | ISSUED FO  | , P.E  | Jai                                     | Io Day Yr                  |                 |
| Designa<br>Name Carl J. S             | ted Representative   | , P.E  | <b>N</b>                                | lo Day Yr<br>nuary 5, 2004 |                 |

DOH-1032 (4/92)

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