

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau E
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March 4, 2019

Mr. Will Lindheimer
LAND Remediation, Inc. 74
Hudson River Road Waterford,
New York 12188
wpl@land-remediation.com

RE: Saranac Lake Gas Co. OU-2 and OU-3,
Village of Saranac Lake, Essex County
Site No. 516008, Contract No. D010663
Certificate of Substantial Completion

Dear Mr. Lindheimer:

Representatives from the New York State Department of Environmental Conservation (Department), LAND Remediation, Inc. (LAND), MACTEC Engineering and Consulting, P.C. (MACTEC), and representatives from interested parties including the Village of Saranac Lake, New York State Department of Transportation, New York State Snowmobile Association, and Skyward Hospitality performed site walk-throughs on Thursday, November 29th and Friday, November 30th 2019 to identify items to be completed for Substantial Completion of the above-referenced project.

Based on the walk-throughs and additional work completed thereafter, the field effort was determined to be Substantially Complete on Tuesday, December 18, 2019; however, a number of outstanding project tasks and submittal items still need to be provided before obtaining final project completion. These outstanding items are critical to closure of the project and including final submittals as well as final restoration. The outstanding tasks and submittal items are included on the "Punch List" provided as Attachment "A" to the Substantial Completion certificate.

Per the Contract, outstanding incomplete work items are listed with an assigned value relevant to completion of the project. These costs are summarized and doubled and thereafter made part of the certificate of approval for final project completion. These costs are held by the New York State Comptroller against any future payment requests by the Contractor. A schedule for completion of each outstanding item is required to be submitted by LAND and is made part of the final Certificate of Substantial Completion. The MACTEC Site Representative receives these completed items and reviews them with the Department as a means to obtain final project completion within the Contract time.




Department of
Environmental
Conservation

As of Tuesday, December 18, 2018, LAND Remediation, Inc. has achieved substantial completion of the project. A copy of the Certificate of Substantial Completion is enclosed for signature approval by LAND. The punch list will be used as the guide for release of funds held against the Contract value as noted on line five of the Contractors Application for Payment (CAP).

Please sign and return the Certificate of Substantial Completion, with Schedule, for final execution of the Project's Substantial Completion Certificate by the Department. Your copy will be returned by mail after execution by all parties. If you have any questions, I may be reached at (518) 402-9675 or sarah.saucier@dec.ny.gov.

Sincerely,

A handwritten signature in black ink that reads "Sarah Saucier". The signature is fluid and cursive, with the first name "Sarah" and last name "Saucier" clearly distinguishable.

Sarah Saucier, P.E.
Project Manager
Remedial Section A, Remedial Bureau E
Division of Environmental Remediation

Enclosures

ec: M. Cruden, DER
D. Harrington, DER
J. Welch, MACTEC

New York State Department of Environmental Conservation Division of Environmental Remediation

CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner: New York State Department of Environmental Conservation (Department)
625 Broadway
Albany, NY 12233

Engineer: MACTEC Engineering and Consulting, P.C.
511 Congress Street, Suite 200
Portland, ME 04101

Contractor: LAND Remediation Inc.
74 Hudson River Road
Waterford, New York 12188

Contract No.: D010663

Site Name: Saranac Lake Gas Company

Site No.: 516008

Specified Part shall include: Substantial Completion of Contract No. D010663.

Definition of Substantial Completion: The Work, or specified part thereof, has progressed to the point where, in the opinion of the Department as evidenced by the Department's definitive Certificate of Substantial Completion, it is sufficiently complete, in accordance with the Contract Documents (with the exception of the minor items identified during inspection described in Paragraph 13.6 of the General Conditions), so that it can be utilized continuously for the purposes for which it is intended.

Date of Substantial Completion: December 18, 2018.

Written mutual agreements upon which the date of Substantial Completion has been mutually agreed upon are as follows:

1. Agreement to Substantial Completion by the Department will in no way affect the obligations of the Contractor under the terms and provisions of the Contract with respect to uncompleted work.
2. The Contractor shall subsequently satisfactorily complete or correct all unfinished items


in the work accepted by the Department as substantially satisfactorily complete.

3. The Department and Contractor made an inspection of the work on November 29, 2018 and, following this inspection, the Department advised the Contractor of remaining items to be completed or corrected to achieve Substantial Completion, which was achieved on December 18, 2019. Work Remaining beyond Substantial Completion is included in the following Estimate of Work Remaining. The Contractor shall endorse said Estimate of Work Remaining as evidence of agreement and provide the Department with a mutually acceptable schedule for completion of remaining work.
4. The Contractor shall provide a guarantee for all punch-list items for a period of one year from the date of Final Inspection.


ESTIMATE OF WORK REMAINING
(ATTACHED)

COMPLETION OF SUBSTANTIAL COMPLETION


LAND Remediation Inc.

By: 
Title: General Manager
Date: 3/5/2019

MACTEC Engineering and Consulting, P.C.

By: 
Title: Project Manager
Date: 2/13/2019

New York State Department of Environmental Conservation

By: 
Title: Professional Engineer 1 (Environmental)
Date: 2/21/19

SARANAC LAKE GAS CO. SITE – REMEDIAL ACTION
CONTRACT NUMBER: D010663 NYSDEC SITE # 516008

PUNCHLIST ITEMS AND ESTIMATED COST:

Item No.	Substantial Completion / Punchlist Description	Due Date	Estimated Cost in (\$)
OU-3			
1	Pontiac Bay & OU3 Work Area – Spring 2019 (see also 2-A and 2-B): <ul style="list-style-type: none"> ○ All disturbed areas seeded ○ Final as-built surveys completed ○ Remove temporary erosion control measures ○ Submission of Sampling Reports - Electronic Data Deliverable (EDD) and Data Usability Summary Report (DUSR) ○ Provide vegetation warranty of 1 year from date of planting: 1 year for plants, minimum 80% coverage for seeded areas. 	7/2/2019	\$6,765
2	Village of Saranac Lake Property – Spring 2019 <ul style="list-style-type: none"> ○ Check for any areas along the banks of the bay for wash outs, fill as necessary. ○ Conduct sampling under former decontamination pad ○ Finish grading ○ Place final topsoil per Village Plan ○ All topsoil seeded ○ Plant Trees per Village Plan ○ Remove erosion controls ○ Remove survey/grade stakes ○ Remove sign ○ Final Inspection with Property to ensure restoration is to their satisfaction. 	7/2/2019	\$38,751
3	In-Situ Stabilization Area – Spring 2019 <ul style="list-style-type: none"> ○ Final Topsoil and Seed impacted areas based on overlay of planned parking area ○ Plant Trees & Shrubs. For removed trees that were leaning step away from bank ○ Final Inspection with Property owner to ensure restoration is to their satisfaction 	7/2/2019	\$27,516
4	DEC Boat Ramp – Spring 2019 <ul style="list-style-type: none"> ○ Full depth and overlay pavement and pavement markings/stripping 	7/2/2019	Retainage will be withheld later as work is proposed to be completed spring 2019

Saranac Lake Gas Co. Site – Remedial Action
Substantial Completion Punchlist

Item No.	Substantial Completion / Punchlist Description	Due Date	Estimated Cost in (\$)
	<ul style="list-style-type: none"> ○ Replace kiosk, invasive species drop box, signage, new parking wheel stops, and install wood fence along property line. ○ Final Inspection with property owner to ensure restoration is to their satisfaction. 		
5	<p>Nonna Fina – Spring 2019</p> <ul style="list-style-type: none"> ○ Final Inspection with property owner to ensure restoration is to their satisfaction. 	7/2/2019	Inspection completed with rental agency. No additional work anticipated.
OU-1/OU-2			
6	<p>OU-1/OU-2 Work / Staging Area – Spring 2019:</p> <ul style="list-style-type: none"> ○ Remove excess fill, trees, wood mulch, stone, and debris ○ Site free of rubbish, surplus and discarded material and debris. ○ Remove construction equipment, conex and job boxes Remove survey rover and base station ○ Remove trailers, generators, pumps, piping, and tanks ○ Final grading, stabilization and restoration, including access road ○ Disturbed areas seeded ○ Remove temporary erosion control ○ Remove port-a-jon and dumpsters ○ Leave power drop in place, transfer account to DEC 	7/2/2019	\$17,002
7	<p>Brandy Brook – Spring 2019</p> <ul style="list-style-type: none"> ○ Provide as-built excavation survey ○ Provide as-built backfill survey ○ Address any settlement from placement of fill during freezing weather ○ Replace any eroded topsoil ○ Disturbed areas seeded ○ Plants/Shrubs Replaced ○ Submission of Sampling Reports - Electronic Data Deliverable (EDD) and Data Usability Summary Report (DUSR) ○ Trim and remove damaged tree branches and/or trees along crane mats. 	7/2/2019	\$31,290
8	<p>Railroad Bed and Culvert – Spring 2019</p> <ul style="list-style-type: none"> ○ Trim and remove damaged tree branches and/or trees along tracks ○ Conduct repair of Railroad Culvert 	7/2/2019	\$8,150

Saranac Lake Gas Co. Site – Remedial Action
Substantial Completion Punchlist

Item No.	Substantial Completion / Punchlist Description	Due Date	Estimated Cost in (\$)
	<ul style="list-style-type: none"> ○ Final Inspection with Property owner to ensure restoration is to their satisfaction 		
9	Residential Properties – Spring 2019 <ul style="list-style-type: none"> ○ Address any settlement from placement of fill during freezing weather ○ Replace any eroded topsoil ○ Pave driveways ○ Seed impacted areas ○ Remove temporary erosion control measures ○ Final Inspection with Property owners to ensure restoration is to their satisfaction. 	7/2/2019	\$6,564
10	Overall Project <ul style="list-style-type: none"> ○ Record Drawings ○ Bonds and Insurance ○ Project Closeout ○ Final Site Cleanup 	7/2/2019	Included in above items
Estimated Cost Subtotal (Note 1)			\$136,038
2 X Estimated Contract Amount			\$272,076

Note:

1. Estimated cost of work item to be completed was calculated using one or more of the following methods:
 - a. LRI Bid Breakdown – MACTEC estimated percent complete for the applicable LRI Bid Breakdown Item;
 - b. Potential Change Orders – MACTEC estimated costs based on PCOs provided by LRI.
 - c. MACTEC Estimate – MACTEC estimated total cost.

Saranac Lake Gas Co. Site - OU02 / OU03 Remedial Action

Contract Number: D010663 NYSDEC Site #516008

Date of Final Walk Through: November 7, 2019

Attendance: Matt Warren, Land
 Jamie Welch, Mactec
 Brianna Scharf, NYSDEC
 Russ Hyuck, NYSDEC

Post Warrantee Period Walk Through: June 24, 2020

Attendance: Matt Warren, Land
 Jamie Welch, Mactec
 Kaitlyn Chick, NYSDEC

Item No.	Substantial Completion / Punchlist Description	Date Complete	Comments
OU03 and Surrounding Areas			
1	Pontiac Bay & OU03 Laydown Area		
	o All disturbed areas seeded	6/6/2019	
	o Final as-Built surveys completed	5/20/19-6/12/19	
	o Remove temporary erosion control measures		Still there as of 11/7/2019
	o Submission of sampling reports: Electronic data deliverable (EDD) Data usability summary reports (DUSR)	EDD: 06/06/19 DUSR: 04/21/19	o MACTEC Submitted Final EDD. o DUSR Submittal number 36A
	o Provide vegetation warranty: 1 year from planting	Through June 2020	
2	VLS Property		
	o Check for washouts, fill as necessary	NA	No washouts
	o Conduct sampling under former decon pad	06/06/19	Cleanup objectives met
	o Finish grading	05/22/19	
	o Place final topsoil per Village Plan	05/23/19	
	o Seed topsoil	06/06/19	
	o Plant trees Per Village Plan	06/04/19	
	o Remove erosion controls	06/24/20	Removed after 1 year warranty
	o Remove survey/grade stakes	06/01/19	
	o Remove sign	06/01/19	
	o Final inspection with property owner	06/25/19	NYSDEC met with VSL
	o Remove barrels		Removed as of 11/7/2019
3	ISS Area		
	o Final topsoil and seed in areas based on overlay of planned parking areas	NA	Due to Hotel construction schedule, two loads of topsoil was delivered on 6/13/19 to the property for them to spread at a later date.
	o Plant trees and shrubs	6/3/19 - 6/4/19	
	o Final inspection with property owner	NA	Nothing official, various correspondences during restoration work.
4	DEC Boat Ramp		
	o Full depth and overlay pavement and pavement markings/stripping	Paving: 5/29/19 Markings/Striping: 5/31/19	Per field order FO13, only a small section of the parking area was paved.
	o Replace kiosk, invasive species drop box, signage, new parking wheel stops, and install wood fence along property line.	6/5/2019 - 6/14/19	New wheel stops not installed based on revised paving scheme.
	o Final Inspection with property owner	11/07/19	
5	Nonna Fina		
	o Seal coat and/or restripe parking area	NA	Not required in agreement nor mentioned in the final walk through.
	o Final inspection with property owner	12/28/18	
OU01, OU02 and Surrounding Areas			
6	OU01/OU02 Work/Staging Area		
	o Remove excess fill, trees, wood mulch, stone, and debris	6/14/2019	Final items taken from Site.
	o Site free of rubbish, surplus and discarded material and debris.		Final items taken from Site on June 14, 2019. A couple items were left outside of fenced area for future pickup.
	o Remove construction equipment, conex and job boxes	6/14/2019	Date of last pieces of equipment to be demobilized.
	o Remove survey rover and base station	6/13/2019	
	o Remove trailers, generators, pumps, piping, and tanks		
	o Final grading, stabilization and restoration, including access road	5/22/19 - 5/23/19	
	o Disturbed areas seeded	5/29/2019	
	o Remove temporary erosion control		Still there as of 11/7/2019
	o Remove port-a-jon and dumpsters	6/13/2019	

Item No.	Substantial Completion / Punchlist Description	Date Complete	Comments
OU03 and Surrounding Areas			
	o Leave power drop in place, transfer account to DEC	NA	Power was turned off instead of transferring to DEC.
7	Brandy Brook		
	o Provide as-built excavation survey	9/29/2019	Included in Rev1 of Submittal 51
	o Provide as-built backfill survey	9/29/2019	Included in Rev1 of Submittal 51
	o Address any settlement from placement of fill during freezing weather	5/22/19 - 5/30/19	Replaced a few sections of riprap that eroded over the winter with larger riprap.
	o Replace any eroded topsoil	5/28/2019 - 5/30/2019	
	o Disturbed areas seeded	5/29/2019	
	o Replace standpipes within Brandy Brook with sampling well points.	6/11/2019	This item was omitted from the substantial completion punch list.
	o Plants/Shrubs/Trees Replaced	5/28/19 - 6/13/2019	
	o Remove Wire Wraps from Trees		This item was omitted from the substantial completion punch list.
	o Submission of Sampling Reports - Electronic Data Deliverable (EDD) and Data Usability Summary Reports (DUSR)	EDD: 06/06/19 DUSR: 04/21/19	o MACTEC Submitted Final EDD. o DUSR Submittal number 36A
	o Trim and remove damaged tree branches and/or trees along crane mats.	NA	None identified or removed during restoration.
8	Railroad Bed and Culvert		
	o Trim and remove damaged tree branches and/or trees along tracks	NA	None identified or removed during restoration.
	o Conduct repair of Railroad Culvert	6/10/2019	
	o Final Inspection with Property owner to ensure restoration is to their satisfaction	7/2/2019	Photos send to Ken Bibbins at NYSDOT on July 2, 2019.
9	Residential Properties		
	o Address any settlement from placement of fill during freezing weather	5/22/19 - 5/30/19	Replaced a few sections of riprap that eroded over the winter with larger riprap.
	o Replace any eroded topsoil	5/28/2019 - 5/30/2019	
	o Pave driveways	5/28/2019 - 5/29/2019	Also installed a railing over the culvert at 42 Brandy Brook Road.
	o Seed impacted areas	5/29/2019	
	o Remove temporary erosion control measures		Complete as of 11/7/2019
	o Final Inspection with Property owners to ensure restoration is to their satisfaction.	NA	Information discussions with residents
10	Overall Project		
	o Final As-Built Drawings (Including CAD Drawings)	9/29/2019	Rev.1 Submitted
	o Final Site Cleanup	6/14/2019	

Final Comments:

Sedimentation controls and wire wraps around trees removed during June 2020 inspection, during which 9 trees were identified at dead. Trees were replaced on October 14, 2020