

October 14, 2013

Mr. David Szymanski  
Environmental Program Specialist I  
**New York State Department of Environmental Conservation**  
Division of Environmental Remediation  
270 Michigan Avenue  
Buffalo, New York 14203

Re: Republic Steel (LTV) (Marilla Street Landfill) Site No. 915047  
2013 Institutional Controls/Engineering Controls (IC/EC) Certification

Dear Mr. Szymanski:

In your August 27, 2013 letter to Richard Palumbo of Steelfields, LTD, (SF) you indicated the Periodic Review Report (PRR) and the annual Institutional Controls/Engineering Controls (IC/ECs) Certification for the Marilla Street Landfill was to be submitted to the New York State Department of Environmental Conservation (NYSDEC or Department) no later than October 15, 2013. For the PRR, the Site inspections and sampling/data analysis are to be consistent with the requirements of the IC/EC Certification forms and the Post Closure Monitoring and Maintenance Plan for Republic Steel/LTV Marilla Street Landfill last revised October 2010 (Site Management Plan, or SMP).

The PRR is to report site activities, the site inspection and the evaluation of site data; including laboratory results and analysis of groundwater, surface water and sediment quality. However, groundwater, surface water and sediment sampling has just recently been completed, and laboratory analysis is still underway. Subsequent to your August 27, 2013 letter, the Department agreed that the laboratory reports and quality analysis can be submitted at a later date, but no later than December 31, 2013.

The Department does require a site inspection report and the annual IC/ECs Certification by October 15, 2013. To that end Daigler Engineering, PC completed initial Site inspections on September 10 and September 18, 2013. We forwarded our inspection report to SF, and on October 8, 2013, their field staff completed all repairs and maintenance items identified by the inspection report. Table 1 summarizes the inspection items listed in Section 7.1.1 of the SMP,

the Site conditions identified during the two site inspections, and the remedial steps taken by SF on October 8, 2013 as confirmed by DE's October 9, 2013 re-inspection.

**TABLE 1 – INSPECTION ITEMS AND REMEDIAL MEASURES TAKEN**

<b>INSPECTION ITEM</b>	<b>RELATED SITE CONDITION</b>	<b>ACTION TAKEN</b>
<b>Visible Debris, Litter and Waste</b>	Debris pile, plastic bag, and pasty substance found at locations shown on the site inspection plan.	Collected/disposed of debris. Removed decomposed plastic bag/pasty substance.
<b>Integrity of Drainage Ditches</b>	All drainage features in good working order.	No action required.
<b>Integrity of access roads, gates and fences</b>	Access roads in good condition, gate and fence areas in need of repair in areas shown on attached initial site inspection plan. No evidence of trespassing.	Repaired fence corner, added chain link fence, replaced pin in gate hinge with bolt, provided keyed alike locks at gates, checked/confirmed no unauthorized access.
<b>Integrity of groundwater monitoring system</b>	Protective well casing at MW-14BR bent, excess vegetation at some well clusters.	Straightened casing at MW-14BR, cut excess vegetation at well clusters.
<b>Integrity of landfill cap system</b>	Vigorous vegetation, minor erosion rills, two small abandon animal burrows, damaged gas vents in areas shown on the site inspection plan.	Repaired two burrows, repaired goosenecks on two gas vents.

Note that where significant vegetative growth restricts access where the perimeter fence has been damaged or is missing, the Department has agreed that the thick vegetation provides for a suitable barrier; however, SF plans to complete a Spring, 2014 inspection to determine whether any sign of unauthorized access is evident. SF also agrees to a Spring, 2014 inspection for erosion of the cap, and to remove woody vegetation along the competent fence line and at the MW-15 well cluster.

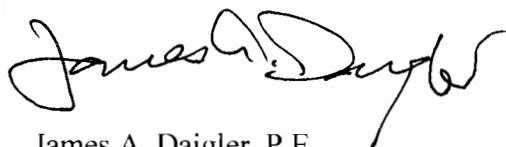
Also noteworthy is that a small pile of steel railroad materials remains on-site near the active rail line that traverses the property. This material is assumed needed by the railroad company, and will not be removed by SF.

Photographs taken during the October 9, 2013 site re-inspection documents the remedial activity completed in support of this certification are provided in the Attachment 1. The signed and stamped IC/EC Certification Form is provided in Attachment 2.

Please do not hesitate to call me if you have any questions or comments regarding the information provided above or in the Attachments.

Sincerely,

**Daigler Engineering, P.C.**



James A. Daigler, P.E.  
NYSPE License No. 061689

RECEIVED  
10/14/2013  
10/16/2013  
DAIGLER ENGINEERING, P.C.

Attachments



**ATTACHMENT 1**  
**RE-INSPECTION PHOTOGRAPHS**

10/16/2014

10/16/2014



FENCE CORNER REPAIR NORTH OF CENTRAL GATE



ADDED FENCING NORTH OF CORNER REPAIR

**MARILLA STREET LANDFILL IC/EC CERTIFICATION**  
October 9, 2013 Re-inspection

**Inspection  
Photographs**

1





STRAIGHTENED CASING AT MW-14BR



TYPICAL CUTTING OF EXCESS VEGETATION (shown at MW-3 cluster)

**MARILLA STREET LANDFILL IC/EC CERTIFICATION**  
October 9, 2013 Re-inspection

Inspection  
Photographs

2



BACKFILLED, SEEDED AND MULCHED BURROW LOCATION (on slope)



BACKFILLED, SEEDED AND MULCHED BURROW LOCATION (top of landfill)

**MARILLA STREET LANDFILL IC/EC CERTIFICATION**  
October 9, 2013 Re-inspection

**Inspection  
Photographs**

3





REPAIRED GAS VENT GOOSE NECK (west)



REPAIRED GAS VENT GOOSE NECK (east)

**MARILLA STREET LANDFILL IC/EC CERTIFICATION**  
October 9, 2013 Re-inspection

Inspection  
Photographs

4

**ATTACHMENT 2**  
**SIGNED AND STAMPED**  
**IC/EC CERTIFICATION FORM**



Enclosure 2  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Periodic Review Report Notice  
Institutional and Engineering Controls Certification Form



Site No. 915047 Site Details Box 1

Site Name Republic Steel (LTV) (Marilla St. LF)

Site Address: Marilla Street and Hopkins Street Zip Code: 14220

City/Town: Buffalo

County: Erie

Site Acreage: 110.0

Reporting Period: November 22, 2010 to September 15, 2013

1. Is the information above correct? YES NO  
☒ ☐

If NO, include handwritten above or on a separate sheet:

2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period? ☐ ☒
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? ☐ ☒
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? ☐ ☒

If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.

5. Is the site currently undergoing development? ☐ ☒

No, but the site is being considered for development as a golf course

Box 2

6. Is the current site use consistent with the use(s) listed below? YES NO  
Closed Landfill ☒ ☐
7. Are all ICs/ECs in place and functioning as designed? ☒ ☐

IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

Richard A. Palis, V.P.

10.6.13



**Description of Institutional Controls**

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
132.16-1-11.2	Steelfields LTD	

Record of Decision: 3/27/1997

The Final Post-Closure Monitoring and Maintenance Plan (Revised November 2010) was approved on 11/22/2010. The Plan requires:

1. Maintenance and Monitoring of the landfill caps.
2. Groundwater Monitoring.
3. Surface water and sediment sampling.
4. Maintenance of fence around the site.
5. Periodic Reporting of Site activities and evaluation of Site data.

132.16-1-13	Steelfields LTD
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Record of Decision: 3/27/1997

The Final Post-Closure Monitoring and Maintenance Plan (Revised November 2010) was approved on 11/22/2010. The Plan requires:

1. Maintenance and Monitoring of the landfill caps.
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3. Surface water and sediment sampling.
4. Maintenance of fence around the site.
5. Periodic Reporting of Site activities and evaluation of Site data.

132.16-1-14	Steelfields LTD
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Record of Decision: 3/27/1997

The Final Post-Closure Monitoring and Maintenance Plan (Revised November 2010) was approved on 11/22/2010. The Plan requires:

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2. Groundwater Monitoring.
3. Surface water and sediment sampling.
4. Maintenance of fence around the site.
5. Periodic Reporting of Site activities and evaluation of Site data.

132.16-1-9	Steelfields LTD
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Monitoring Plan

Record of Decision: 3/27/1997

The Final Post-Closure Monitoring and Maintenance Plan (Revised November 2010) was approved on 11/22/2010. The Plan requires:

1. Maintenance and Monitoring of the landfill caps.
2. Groundwater Monitoring.
3. Surface water and sediment sampling.
4. Maintenance of fence around the site.
5. Periodic Reporting of Site activities and evaluation of Site data.

132.20-1-2.2	Steelfields LTD
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Record of Decision: 3/27/1997



The Final Post-Closure Monitoring and Maintenance Plan (Revised November 2010) was approved on 11/22/2010. The Plan requires:

1. Maintenance and Monitoring of the landfill caps.
2. Groundwater Monitoring.
3. Surface water and sediment sampling.
4. Maintenance of fence around the site.
5. Periodic Reporting of Site activities and evaluation of Site data.

**132.20-1-9**                      Steelfields LTD

Record of Decision: 3/27/1997

The Final Post-Closure Monitoring and Maintenance Plan (Revised November 2010) was approved on 11/22/2010. The Plan requires:

1. Maintenance and Monitoring of the landfill caps.
2. Groundwater Monitoring.
3. Surface water and sediment sampling.
4. Maintenance of fence around the site.
5. Periodic Reporting of Site activities and evaluation of Site data.

**133.13-1-8**                      Steelfields LTD

Monitoring Plan

Record of Decision: 3/27/1997

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2. Groundwater Monitoring.
3. Surface water and sediment sampling.
4. Maintenance of fence around the site.
5. Periodic Reporting of Site activities and evaluation of Site data.

**133.17-1-1**                      Steelfields LTD

Monitoring Plan

Record of Decision: 3/27/1997

The Final Post-Closure Monitoring and Maintenance Plan (Revised November 2010) was approved on 11/22/2010. The Plan requires:

1. Maintenance and Monitoring of the landfill caps.
2. Groundwater Monitoring.
3. Surface water and sediment sampling.
4. Maintenance of fence around the site.
5. Periodic Reporting of Site activities and evaluation of Site data.

**133.17-1-10**                      Steelfields LTD

Record of Decision: 3/27/1997

The Final Post-Closure Monitoring and Maintenance Plan (Revised November 2010) was approved on 11/22/2010. The Plan requires:

1. Maintenance and Monitoring of the landfill caps.
2. Groundwater Monitoring.
3. Surface water and sediment sampling.
4. Maintenance of fence around the site.
5. Periodic Reporting of Site activities and evaluation of Site data.

5. Periodic Reporting of Site activities and evaluation of Site data.

133.17-1-2

Steelfields LTD

Monitoring Plan

Record of Decision: 3/27/1997

The Final Post-Closure Monitoring and Maintenance Plan (Revised November 2010) was approved on 11/22/2010. The Plan requires:

1. Maintenance and Monitoring of the landfill caps.
2. Groundwater Monitoring.
3. Surface water and sediment sampling.
4. Maintenance of fence around the site.
5. Periodic Reporting of Site activities and evaluation of Site data.

133.17-1-6

Steelfields LTD

Record of Decision: 3/27/1997

The Final Post-Closure Monitoring and Maintenance Plan (Revised November 2010) was approved on 11/22/2010. The Plan requires:

1. Maintenance and Monitoring of the landfill caps.
2. Groundwater Monitoring.
3. Surface water and sediment sampling.
4. Maintenance of fence around the site.
5. Periodic Reporting of Site activities and evaluation of Site data.

133.17-1-9

Steelfields LTD

Monitoring Plan

Record of Decision: 3/27/1997

The Final Post-Closure Monitoring and Maintenance Plan (Revised November 2010) was approved on 11/22/2010. The Plan requires:

1. Maintenance and Monitoring of the landfill caps.
2. Groundwater Monitoring.
3. Surface water and sediment sampling.
4. Maintenance of fence around the site.
5. Periodic Reporting of Site activities and evaluation of Site data.

Box 4

**Description of Engineering Controls**

Parcel

Engineering Control

132.16-1-11.2

Fencing/Access Control  
Cover System

132.16-1-13

Cover System  
Fencing/Access Control

132.16-1-14

Cover System  
Fencing/Access Control

132.16-1-9

Cover System  
Fencing/Access Control

<u>Parcel</u>	<u>Engineering Control</u>
132.20-1-2.2	Cover System Fencing/Access Control
132.20-1-9	Cover System Fencing/Access Control
133.13-1-8	Cover System Fencing/Access Control
133.17-1-1	Cover System Fencing/Access Control
133.17-1-10	Cover System Fencing/Access Control
133.17-1-2	Cover System Fencing/Access Control
133.17-1-6	Cover System Fencing/Access Control
133.17-1-9	Cover System Fencing/Access Control

### Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

☐ ☐

PERIODIC REVIEW REPORT TO BE SUBMITTED  
NO LATER THAN 12-31-13 JAD 6-11-13

2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

(a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

☒ ☐

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and  
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

**A Corrective Measures Work Plan must be submitted along with this form to address these issues.**

\_\_\_\_\_  
Signature of Owner, Remedial Party or Designated Representative

\_\_\_\_\_  
Date

IC CERTIFICATIONS  
SITE NO. 915047

Box 6

**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

I certify that all information and statements in Boxes 1, 2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I JAMES A. DAIGLER at DAIGLER ENGINEERING, PC  
print name print business address  
1711 GRAND ISLAND BVD, GRAND ISLAND  
NEW YORK 14072

am certifying as DESIGNATED REPRESENTATIVE (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

James Daigler  
Signature of Owner, Remedial Party, or Designated Representative  
Rendering Certification

10-11-13  
Date



IC/EC CERTIFICATIONS

Box 7

Professional Engineer Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I JAMES A. DAIGLER at DAIGLER ENGINEERING, PC  
print name 1711 GRAND ISLAND BLVD, GRAND ISLAND, NY  
print business address 14072

am certifying as a Professional Engineer for the OWNER (Owner or Remedial Party)



James A. Daigler  
Signature of Professional Engineer, for the Owner or  
Remedial Party, Rendering Certification

Stamp  
(Required for PE)

10-11-13  
Date