URS

October 21, 2013

New York State
Department of Environmental Conservation
270 Michigan Avenue
Buffalo, New York 14203

Attn: Mr. David Szymanski
Project Manager

Re: Periodic Review Report and IC/EC Certification Submittal
318 Urban Street Site
Buffalo, New York
NYSDEC Site Number: 915151

Dear Mr. Szymanski:

On behalf of General Electric Company (GE), URS Corporation – New York (URS) has enclosed one electronic copy on disc and one hard copy of the Periodic Review Report (PRR) for the 318 Urban Street site (Site Number 915151), along with certification forms signed by the Responsible Party and Professional Engineer with original signatures. Please note that the data provided is based on the observations of GE and URS during a site visit and property owner interview on October 17, 2013.

On October 17, 2013, Mr. Sweeney answered GE's questions regarding site use, near-term plans for the site, and whether there had been any disturbance to the cover materials since GE and URS were last on-site in 1999. Mr. Sweeney was not prepared to sign any part of the certifications without first consulting with his lawyer. Therefore, the certifications requested by New York State Department of Environmental Conservation have been amended to include only the statements to which GE can certify as the Responsible Party.

If you have any questions, please call us or Mr. Tom Antonoff of GE at 518-862-2720.

Sincerely,
URS CORPORATION – NEW YORK

Karen Peppin
Project Manager

Enclosure

cc: Mr. Tom Antonoff – GE
Mr. Sweeny – Pyramid Steel Corporation
Mr. Don Porterfield – URS

3 Corporate Drive, Suite 203
Clifton Park, NY 12065
Tel: 518-688-0015
Fax: 518-688-0022

318 Urban Street Site

ERIE COUNTY, NEW YORK

Periodic Review Report

For

September 2012 through October 2013

NYSDEC Site Number: 9-15-151

Prepared for:

General Electric Company
319 Great Oaks Boulevard
Albany, New York 12203

Prepared by:

URS Corporation – New York
3 Corporate Drive, Suite 203
Clifton Park, New York 12065
(518) 688-0015

OCTOBER 2013

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1.0 EXECUTIVE SUMMARY

The New York State Department of Environmental Conservation (NYSDEC) became involved in the 318 Urban Street site (NYSDEC site # 915151) after an environmental site assessment performed in conjunction with a planned property transfer identified that the site was impacted by polychlorinated biphenyls (PCBs). A previous owner, the General Electric Company (GE), had operated the site from 1921 to 1968 and GE's activities included the service of electrical equipment with PCB-containing dielectric fluid.

Between 1990 and 1993, investigations found PCBs on the building and equipment surfaces, in the on-site soil, and in the on-site sewers. Additionally, off-site soils and the public sewer system were found to contain PCBs. GE entered into an Order on Consent (Index # B9-0388-91-09) with the NYSDEC in September 1996. The NYSDEC required remediation of on- and off-site sewers, decontamination of the building, and excavation and off-site disposal of PCB-containing soil. In accordance with the Order on Consent, GE implemented remedial actions at the site during the period of 1997 through 1999.

Engineering Controls (ECs) and Institutional Controls (ICs) were established to address the residual impacts that remained at the site following completion of the remedial work. The residually impacted material contain concentrations of contaminants greater than the unrestricted use criteria but less than industrial use criteria, with the exception of small area where further remedial actions could not be undertaken without undermining the building foundation.

The ECs and ICs established at the site include:

- Cover systems;
- Access controls
- Environmental Notice; and
- Site Management Plan.

A Site Management Plan (SMP) was prepared to manage the residual impacts at the site following implementation of the remedial actions and requires than site inspections to assess the ECs be performed at least annually. This Periodic Review Report (PRR) is required by the SMP to document the assessment of site conditions and certify the ECs ICs required by the remedy for the site are in place and operating as designed, or identify corrective actions needed.

On behalf of GE, URS Corporation – New York (URS), participated in a site meeting and inspection with GE and Mr. Mike Sweeney of Pyramid Steel Corporation, the site owner, on October 17, 2013. This site meeting was the first time that GE and URS personnel had access to the site since remedial work was substantially completed in December 1999. Therefore, our evaluation is based largely upon information regarding site changes provided by Mr. Sweeney. Based on our interview with Mr. Sweeney and observations of current conditions the ECs (soil, concrete and asphalt covers, and fencing) are present and operating as intended. In addition, the owner reported no subsurface disturbances in the past 14 years and there were no visual indications of disturbances. Observations indicated that the site activities are in compliance with the ICs.

2.0 SITE OVERVIEW

2.1 SITE LOCATION AND DESCRIPTION

The site is located in the City of Buffalo, County of Erie, New York and is identified as tax parcel number 101.46-3-1 on the Erie County Tax Map. The site is an approximately 2.25-acre area bounded by residential homes along French Street to the north, Urban Street to the south, apartments and a playground to the east, and railroad tracks to the west (see Figure 1).

The site is located in a developed area of relatively flat land in an urban section of Buffalo. The property contains a brick building. As shown in Figure 1, more than half the site is either paved (asphalt cover) or covered by the building. The remainder of the site is covered with a 12 inch soil cover stabilized with turf grass.

The surface soils consist primarily of poorly drained silts and clays. The depth to groundwater and bedrock has not been determined as neither groundwater nor bedrock were encountered in borings advanced 32 feet below ground surface, the total depth of exploration. Based on the USGS topographic map, there are no surface water bodies within a one-mile radius of the site. The nearest surface water body shown on the map is Scajaquada Creek, which is one and one-half miles northwest of the site. The creek flows northwest, away from the site, and ultimately discharges into Lake Erie.

Storm water runoff enters on-site catch basins and is directed through the combined storm and sanitary sewer to the public sewer on French Street. During normal flow conditions, the flow is discharged to the publicly-owned treatment works (POTW) on Squaw Island. During heavy storms, the flow discharges directly to Scajaquada Creek.

2.2 REMEDIAL PROGRAM

Remedial actions were performed to address PCBs located throughout the interior of the building and in both on-site and off-site soil outside the building. To address the PCBs, in September 1996, GE signed an Order on Consent with the NYSDEC. The remediation cleanup goals for the property are summarized below.

Remediation Cleanup Goals

Media	Remediation Goal
Impervious non-porous surfaces, including machinery and equipment, windows, painted walls, and ceiling, and the Johnson Heater Unit	10 microgram per 100 square centimeters (µg/100 cm^2) PCBs
Impervious porous surfaces, including concrete floors and the walls and floor of the transformer pit	10 µg/100 cm^2 PCBs (wall wipe samples) 50 mg/kg PCBs (concrete chip samples) 100 µg/100 cm^2 PCBs and encapsulation (concrete floor wipe samples)
Soil from 0 to 1 foot in depth	1 mg/kg PCBs
Soil at depths greater than 1 foot	10 mg/kg PCBs
Soil along the foundation of the building that contains more than 10 mg/kg PCBs	Covered with an HDPE barrier and the area backfilled with clean soil
Soil near the former fuel oil UST	NYSDEC STARS Memo #1 guidance levels
Sewers	Cleaned and sediment removed

Remedial actions undertaken at the site included decontamination of the building, soil removal and construction of cover systems. The remediation work was conducted in two phases. The first phase, conducted in 1997, included roof cleaning, on-site sewer cleaning and replacement, and the demolition of a steel storage shed. The second phase of remediation began in May 1997 and was substantially completed by December 1999, with the sewer work completed in 2007. The second phase of remediation included demolition and disposal of portions of the main building, replacement of the building's concrete floor, excavation and off-site disposal of 7,000 tons of soil, asphalt paving of 31,000 square feet of parking lots, and cleaning of on and off-site sewers.

As part of the selected remedy engineering and institutional controls were put into place to protect human health and the environment. Engineering controls to prevent exposure to residually impacted soil at the site include a cover system placed over the site. The cover system is comprised of a minimum of 12 inches of clean soil and/or asphalt pavement, depending on the location, and the concrete building slab. Institutional controls include adherence to the Environmental Notice and SMP for the site. The EC/ICs are described further in Section 4.0.

3.0 REMEDY EVALUATION

3.1 REMEDY SUMMARY

Remedial actions at the site were performed in accordance with the remedial work plans and subsequent NYSDEC-approved modifications. The cleanup goals were achieved with the exception of an area along the south property boundary where soil with one semi-volatile organic compound (SVOC), naphthalene, was present in the sidewall sample from the former underground storage tank excavation at a concentration greater than STARS criteria.

Contaminants remaining at the site include soil with residual concentrations of PCBs underneath a cover layer throughout the property and a limited area with soils containing volatile organic compounds (VOCs). The areas of impact are shown on Figure 1. Specifically the remaining impacts and their corresponding protective measures include:

1. **Exterior Areas:** Soils containing PCBs at levels above one mg/kg and less than or equal to 10 mg/kg are covered with a 12 inch cover layer comprised of soil and/or asphalt pavement, depending on the specific location.

2. **Exterior Area, adjacent to southern wall of the building:** VOCs greater than unrestricted use values are located in an area 50 feet long by two feet wide adjacent to the building foundation. A geotextile fabric and 12 or more inches of soil cover this area.

3. **Main Building Area:** Soils in this area and reinforced concrete associated with a former transformer pit contain PCBs at concentrations greater than one mg/kg and less than or equal to 10 mg/kg. This area is covered with reinforced concrete flooring.

A Site Management Plan (SMP) was prepared to manage the residual impacts at the site following implementation of the remedial actions and requires that site inspections be performed at least annually to assess the Engineering Controls (ECs). The site inspections are to be documented in Periodic Review Reports (PRRs) to document the assessment of site conditions and certify all Engineering Controls (ECs)/Institutional Controls (ICs) required by the remedy for the site are in place and operating as designed, or identify corrective actions needed.

3.2 2013 REMEDY REVIEW

On behalf of GE, URS Corporation – New York (URS), participated in a site meeting and inspection with GE and Mr. Mike Sweeney of Pyramid Steel Corporation, the site owner on October 17, 2013. This inspection was the first time that GE and URS personnel had access to the site since remedial work was substantially completed in December 1999. Therefore, our

evaluation is based largely upon information regarding site changes provided by Mr. Sweeney. Based on our interview with Mr. Sweeney and observations of current conditions the ECs (soil, concrete and asphalt covers, and fencing) are present and operating as intended. In addition, the owner reported no subsurface disturbances in the past 14 years and there was no visual indications of disturbances.

The site is currently vacant. The property owner indicated that his near-term intentions were to clean up the property and then put it back up for sale. Brush growing through the fence has been cut and piled pending pickup by the City of Buffalo. The prior tenant had not mowed the western portion of the property. Instead of a being covered with turf grass, this area contained vegetation three to four feet tall and more typically found in a roadside meadow. Mr. Sweeney indicated that he was discussing with the City of Buffalo whether the city could perform an initial mowing of the area to return the vegetation to a manageable state.

Observations and discussions with the owner suggest that the site activities are in compliance with the ICs. The property owner indicated that:

- No parts of the property had been sold, subdivided, or otherwise undergone a tax map amendment;
- No changes in site use had occurred since remedy construction was completed in 1999;
- That no federal, state, or local permits had been obtained; and
- That when put back up for sale, the property would be marketed for industrial use.

4.0 INSTITUTIONAL CONTROL/ENVIRONMENTAL CONTROL COMPLIANCE REPORT

Since soil with residual impacts exists beneath the site, Engineering Controls and Institutional Controls (EC/ICs) are required to protect human health and the environment. The remainder of this section provides descriptions of the ECs and ICs implemented at the site. The last part of this section provides an assessment of compliance with the ECs and ICs.

4.1 ENGINEERING CONTROLS

Engineering controls at the site include:

- Cover systems; and
- Access controls.

Exposure to residually impacted soil/fill at the site is prevented by a cover system placed over the site. This cover system is comprised of a minimum of 12 inches of clean soil and/or asphalt pavement, dependent on the location, and the concrete building slab. Disruption of the cover systems is prevented by controlled access to the site. Access controls consist of a six-foot high chain link fence and lockable gate. The location of each control is shown on Figure 1.

In order to evaluate the effectiveness of the engineering controls, a visual inspection of the cover system and fence is required to be completed at least once a year. The inspection includes documenting areas that might need repair, such as areas of the grass torn up by traffic or plowing activities, deteriorated pavement, and portions of fence damaged that may allow access to the site by unauthorized personnel.

4.2 INSTITUTIONAL CONTROLS

A series of Institutional Controls are required by the Environmental Notice and are implemented under the Site Management Plan. Restrictions that apply to the site are:

- The property may only be used for industrial, manufacturing, and all ancillary or related uses without additional remediation and amendment of the Environmental Notice, as approved by the NYSDEC;
- All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

- The use of the groundwater underlying the property is prohibited without treatment rendering it safe for intended use;

- Vegetable gardens and farming on the property are prohibited; and

- The site owner will submit to NYSDEC a written statement that certifies, under penalty of perjury, that: (1) controls employed at the Controlled Property are unchanged from the previous certification or that any changes to the controls were approved by the NYSDEC; and, (2) nothing has occurred that impairs the ability of the controls to protect public health and environment or that constitute a violation or failure to comply with the SMP. NYSDEC retains the right to access such Controlled Property at any time in order to evaluate the continued maintenance of any and all controls. This certification shall be submitted with the Periodic Review Report every two years and will be certified by a Professional Engineer.

4.3 EC/IC COMPLIANCE

To ensure compliance with EC/IC controls, site-wide inspections are to be performed on a regular scheduled at a minimum of once a year and after all severe weather conditions, emergencies, or site work that may affect ECs. A walk-through and visual inspection was conducted at the site on October 17, 2013. The Inspection Form, which includes a photographic record, is included in Appendix A. Observations made during the October 17, 2012 site walk indicate that:

- There is no longer turf grass growing on the western portion of the site. This area is well vegetated, and there were no indications of subsurface disturbance.

- The turf grass south of the building is intact and maintained. There was no evidence of disturbance.

- The asphalt pavement is in generally good condition and there was no indication (such as patching) that the pavement has been disturbed. A small area of deteriorated pavement was observed near the concrete pad to the loading dock. This area of pavement is underlain with additional concrete pad structure and no soil is exposed. The deterioration should be monitored. Repair may be necessary in the future.

- The concrete floor slab within the building is intact and there were no indications (such as patching) that the slab had been disturbed. Minor cracking and chipping was observed at some expansion joints and along seam with the old floor slab, but the slab is intact and effectively serving as a cover.

- The fence and gate are present and currently functioning as intended. It appears that the fence fabric has been reattached. Several of the fence posts are damaged (bent) and the fence condition should continue to be monitored.

Observations made during the October 17, 2012 site walk indicate that the site is in compliance with the restrictions on site use (industrial use only, no groundwater use, and no vegetable gardening or farming). Mr. Sweeney indicated that he would not be willing to sign the certifications required by NYSDEC without consultation with his lawyer. The certifications attached to this PRR include only those items to which the Responsible Party and Qualified Environmental Consultant can attest.

The engineering controls continue to perform as intended and are protective of human health and the environment. The property owner reports that cover materials remain in place and the residual impacted material is undisturbed. No deficiencies were noted. The Inspection Form, including site photographs, is included in Appendix A. The Institutional and Engineering Controls Certification Form is included in Appendix B.

5.0 SITE MONITORING PLAN

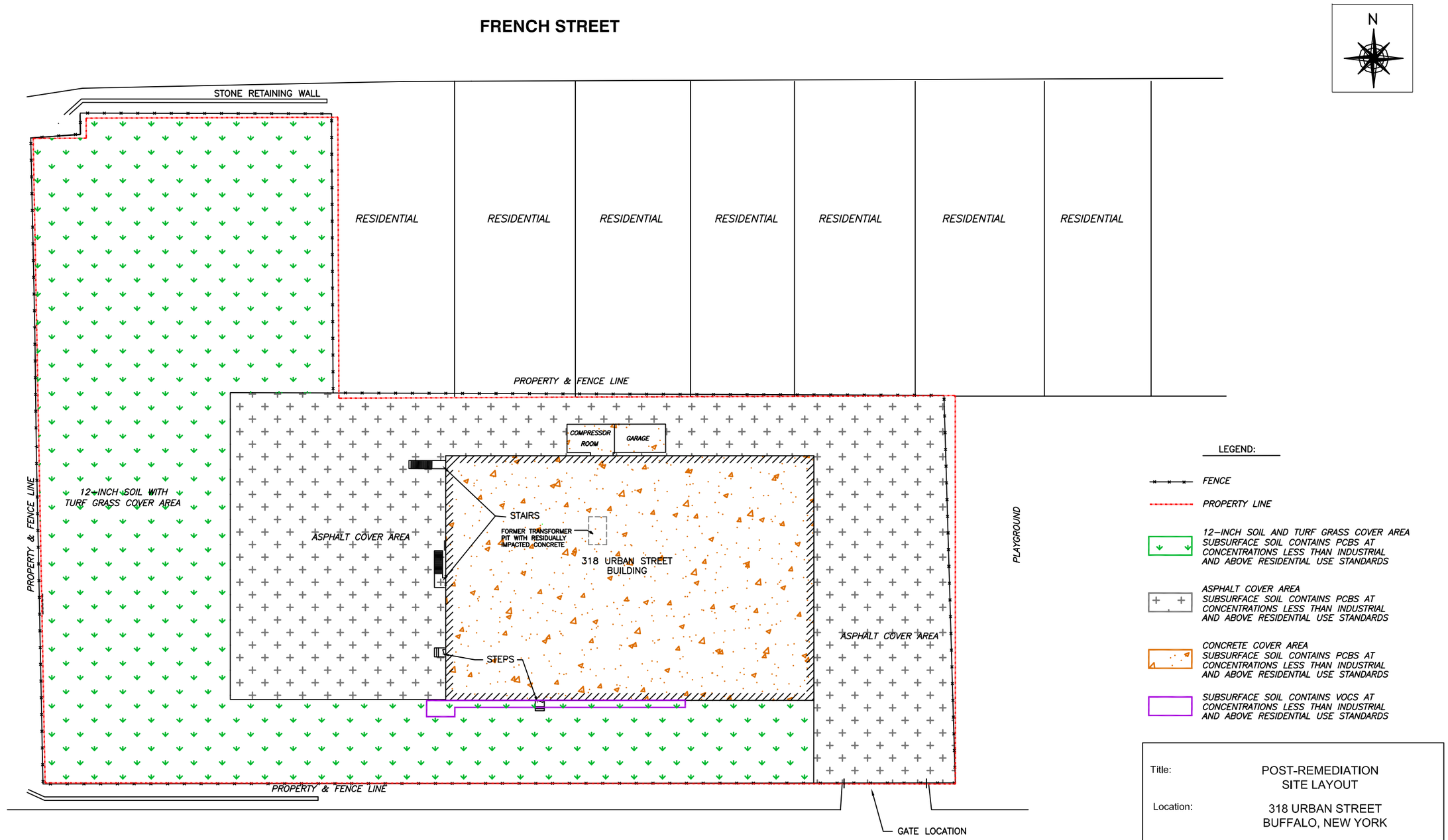
The Monitoring Plan describes the measures for evaluating the performance and effectiveness of the cover system to mitigate potential affects of the residually impacted materials. Monitoring of site media is not required. Monitoring of active Engineering Controls is not required at this site because the site remedy does not rely on active systems or controls.

The Site Monitoring Plan includes a visual inspection of the complete cover system and access controls (site fencing) to be conducted at least once a year and after all severe weather conditions, emergencies, or site work that may effect the ECs.

As part of the Site Monitoring Plan, a site-wide inspection was completed on October 17, 2013. The inspection confirmed the effectiveness of the ECs and compliance with all ICs, including site usage. This PRR documents the first inspection completed at the site. Site inspection forms will be maintained on-site beginning with the October 17, 2013 inspection. It is anticipated that the next inspection will be completed in October 2014.

6.0 CONCLUSIONS AND RECOMMENDATIONS

This PRR was generated to document the implementation of, and compliance with, the site-specific SMP. In order to confirm that IC/ECs are in place and remain effective, a site-wide inspection was conducted on October 17, 2013. Based on the site inspection and an interview with Mr. Sweeney of Pyramid Steel Corporation, the owner, it was concluded that the engineering and institutional controls at the site remain intact and effective. Therefore, based on the above items, the site remedy continues to be protective of public health and the environment and is performing as intended.



SOURCE: "FINAL EXCAVATION PLAN", OCTOBER 20, 1997 (REVISED NOVEMBER 10, 1997) BAC KILLAM CONSULTING ENGINEERS, BUFFALO, NEW YORK.

0 25 50
GRAPHIC SCALE IN FEET

Title: POST-REMEDIATION SITE LAYOUT

Location: 318 URBAN STREET BUFFALO, NEW YORK

Client: GENERAL ELECTRIC COMPANY

URS Corporation
3 Corporate Drive, Suite 203
Clifton Park, New York 12065

Drafter: KP | Date: October 2013
Drg. Size: 11 x 17 | Job No.: 38394784.20000

FIGURE 1

J:\38394784 GE Urban Street 2011\SMP\REVISED FINAL SMP- published May 2012\Final Files\Fig 1 Site Layout.dwg User:carrie_szczeponski Oct 21, 2013 - 10:23am

APPENDIX A

INSPECTION FORM AND PHOTOGRAPHIC RECORD

Inspection Form

318 Urban Street, Buffalo, New York
NYSDEC Site Number: 9-15-151

Inspection Performed by: KAREN PEPPIN (Name) ENVIRONMENTAL ENGINEER (Title)

URS CORPORATION - NEW YORK (Company) 518 688-0015 (Phone No.) 3 Corporate Drive, Suite 203 Clifton Park, NY 12065 (Address)

Reason for Inspection: (Annual) ★(1) Severe Weather Emergency Site Work

Describe Site Use: Unoccupied

Is site use compliant with Institutional Controls? (Yes) No

Describe General Site Conditions: Pavement in generally good shape. Site is fenced. Site is well vegetated. Concrete slab is in generally good condition.

Site Records Up To Date: No records present. This is first inspection (2) (Yes) No

Cover System Status

12-Inch Soil and Turf Grass Area Condition: Is cover effective? (Yes) No
- Is cover intact? (Yes) No
- Does cover need maintenance? (Yes) No

Asphalt Cover Area and Exterior Concrete Slab Condition: Is cover effective? (Yes) No
- Is cover intact? (Yes) No
- Does cover need maintenance? Yes (No)

Interior Concrete Slab Condition: Is cover effective? (Yes) No
- Is cover intact? (Yes) No

Site Security: Is security effective? (Yes) (3) No
- Fence and Gate Condition:
  - Is fencing functional? (Yes) No
  - Is maintenance needed? Yes (No)

Recommendations for maintenance:
Monitor condition of deteriorated pavement and damaged fence post. These items may require corrective action in the future. Sealing cracks near southeast building corner may ~~extend life of pavement~~ (4) post-pone the need for repairs.

Additional comments:
(1) First access in 14 years. No evidence of surface disruption was observed. Property owner interview relied upon regarding site use and changes since 1999.
(2) First inspection. Therefore, no records needed to be maintained at the site up to this point.
(3) Site has been broken into. Owner is maintaining fence and fence fabric has been reattached

Corrective Measures necessary? Another copy of the site management plan will be provided to owner to be kept at the site.

Residually impacted material remains undisturbed? (Yes(1)) No
Engineering controls continue to protective of human health and the environment? (Yes(1)) No
Site compliant with SMP and Deed Restriction? (Yes(1)) No

Signature

10/17/2013 (Inspection Date)

Attachments: Additional Comments Site Map with Notations (Photographs)

PHOTOGRAPHIC RECORD		
2013 Site Observations		
URS Project No.: **38394784**	**Site No.: 915151** **318 Urban Street** **Buffalo, New York**	**Client Name:** **General Electric Company**

PHOTO NO: 1

Date: 10/17/13

Direction:

Northwest

Description:

Site entrance with secured gate.

PHOTO NO: 2

Date: 10/17/13

Direction:

Southwest

Description:

Pavement deterioration observed at junction of asphalt pavement and concrete pad. Soil is not exposed. Additional concrete underneath pavement.

PHOTOGRAPHIC RECORD		
2013 Site Observations		
URS Project No.: **38394784**	**Site No.: 915151** **318 Urban Street** **Buffalo, New York**	**Client Name:** **General Electric Company**

PHOTO NO: 3

Date: 10/17/13

Direction:

Southeast

Description:

Owner has trimmed brush along fence lines and is reportedly coordinating with the City of Buffalo to have the brush picked up.

PHOTO NO: 4

Date: 10/17/13

Direction:

Northeast

Description:

Brush removed from property perimeter. Larger equipment stored along fence.

PHOTOGRAPHIC RECORD		
2013 Site Observations		
URS Project No.: **38394784**	**Site No.: 915151** **318 Urban Street** **Buffalo, New York**	**Client Name:** **General Electric Company**

PHOTO NO: 5

Date: 10/17/13

Direction:

North northeast

Description:

Pavement and catch basin in northeast portion of site.

PHOTO NO: 6

Date: 10/17/13

Direction:

West

Description:

View along fence line north of building.

PHOTOGRAPHIC RECORD		
2013 Site Observations		
URS Project No.: **38394784**	**Site No.: 915151** **318 Urban Street** **Buffalo, New York**	**Client Name:** **General Electric Company**

PHOTO NO: 7 **Date:** 10/17/13 **Direction:** Northwest **Description:** Pavement around trees along northern fence line.	
PHOTO NO: 8 **Date:** 10/17/13 **Direction:** West **Description:** Pavement and pile of removed brush in northwestern portion of paved area.	

PHOTOGRAPHIC RECORD		
2013 Site Observations		
URS Project No.: **38394784**	**Site No.: 915151** **318 Urban Street** **Buffalo, New York**	**Client Name:** **General Electric Company**

PHOTO NO: 9 **Date:** 10/17/13 **Direction:** Southwest **Description:** Pavement near northwest building corner.	
PHOTO NO: 10 **Date:** 10/17/13 **Direction:** Northwest **Description:** Grass in western portion of site has been allowed to grow.	

PHOTOGRAPHIC RECORD		
2013 Site Observations		
URS Project No.: **38394784**	**Site No.: 915151** **318 Urban Street** **Buffalo, New York**	**Client Name:** **General Electric Company**

PHOTO NO: 11 **Date:** 10/17/13 **Direction:** West **Description:** Large equipment stored along western pavement boundary with tall grass beyond the paved area.	
PHOTO NO: 12 **Date:** 10/17/13 **Direction:** Southwest **Description:** Pavement condition in southwestern portion of paved area with high grass beyond pavement.	

PHOTOGRAPHIC RECORD		
2013 Site Observations		
URS Project No.: **38394784**	**Site No.: 915151** **318 Urban Street** **Buffalo, New York**	**Client Name:** **General Electric Company**

PHOTO NO: 13

Date: 10/17/13

Direction:

East

Description:

Pavement seams along west building wall.

PHOTO NO: 14

Date: 10/17/13

Direction:

Southeast

Description:

Condition of pavement near southwest building corner. Mowed grass is present along south side of building.

PHOTOGRAPHIC RECORD		
2013 Site Observations		
URS Project No.: **38394784**	**Site No.: 915151** **318 Urban Street** **Buffalo, New York**	**Client Name:** **General Electric Company**

PHOTO NO: 15

Date: 10/17/13

Direction:

Southwest

Description:

Floor slab in building. Occasional small cracks near expansion joints were observed. Concrete slab intact.

PHOTO NO: 16

Date: 10/17/13

Direction:

North

Description:

Condition of concrete floor slab over former transformer pit.

Door to concrete block portion of building is shown for reference.

PHOTOGRAPHIC RECORD		
2013 Site Observations		
URS Project No.: **38394784**	**Site No.: 915151** **318 Urban Street** **Buffalo, New York**	**Client Name:** **General Electric Company**

PHOTO NO: 17

Date: 10/17/13

Direction:

Southwest

Description:

Building interior.

PHOTO NO: 18

Date: 10/17/13

Direction:

West northwest

Description:

Condition of joint between old slab and slab constructed in 1999. Minor cracking and chipping observed.

PHOTOGRAPHIC RECORD		
2013 Site Observations		
URS Project No.: **38394784**	**Site No.: 915151** **318 Urban Street** **Buffalo, New York**	**Client Name:** **General Electric Company**

PHOTO NO: 19

Date: 10/17/13

Direction:

West southwest

Description:

Grass along south side of building.

PHOTO NO: 20

Date: 10/17/13

Direction:

West northwest

Description:

Grass on south side of building.

APPENDIX B

CERTIFICATION FORMS

CERTIFICATION OF ENGINEERING AND INSTITUTIONAL CONTROLS

318 Urban Street Site

Buffalo, New York

NYSDEC Site No. 9-15-151

For each institutional or engineering control identified for the site, I certify that all of the following statements are true:

- The inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under my directions;
- The institutional control and/or engineering control employed at this site is unchanged from the date the control was put in place, or last approved by the Department;
- Nothing has occurred that would impair the ability of the control to protect the public health and the environment;
- Nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this control;
- Use of the site is compliant with the Environmental Notice;
- The engineering control systems are performing as intended and are effective;
- 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
- The information presented in this report is accurate and complete.

I certify that all information and statements in this certification 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, Don Porterfield, P.E., of URS Corporation – NY, 3 Corporate Drive, Clifton Park, NY 12065, am certifying as Owner's Qualified Environmental Consultant for the site.

Signed _____

Date Oct-21-2013

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

Site Details **Box 1**

Site No. 915151

Site Name 318 Urban Street

Site Address: 318 Urban Street Zip Code: 14211
City/Town: Buffalo
County: Erie
Site Acreage: 2.5

Reporting Period: August 30, 2012 to August 30, 2013

To the best of my knowledge and belief, and based on a site visit and property owner interview on October 17, 2013, the responses are as follows:

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

Box 2

	YES	NO
6. Is the current site use consistent with the use(s) listed below? Commercial and Industrial	☑	☐
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

SITE NO. 915151 **Box 3**

Description of Institutional Controls

Parcel	Owner	Institutional Control
101.46-3-1	Pyramid Steel Corp. (Sweeney Steel Srvc)	IC/EC Plan Ground Water Use Restriction Building Use Restriction Landuse Restriction Soil Management Plan Site Management Plan

An Environmental Notice that references a Site Management Plan. The Site Management Plan includes:
- An Engineering and Institutional Controls Plan. Engineering Controls at the site include a cover system to isolate residual contamination from surface exposure and containment, and site security to prevent unauthorized individuals from site entry.
Institutional controls at the site will include groundwater use restrictions and land use restrictions of the Site to restricted use (i.e. commercial/industrial purposes).
- A Soil/Fill Management Plan to assure that future intrusive activities and soil/fill handling at the Site are completed in a safe and environmentally responsible manner.
- A Site-wide Inspection program to assure that the Engineering and Institutional controls have not been altered and remain effective.

Box 4

Description of Engineering Controls

Parcel	Engineering Control
101.46-3-1	Cover System Fencing/Access Control

Box 5

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 compete.

	YES	NO
	☑	☐

To the best of my knowledge and belief, and based on a site visit and property owner interview on October 17, 2013,

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.

[as to (a), (b), and (e) only]	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. 915151

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1, 2, and 3, as modified, 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 THOMAS D. ANTONOFF (print name) at GE, 319 GREAT OAKS BLVD, ALBANY, NY 12203 (print business address)

am certifying as REMEDIAL PARTY (Owner or Remedial Party)

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

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

10-21-13
Date