

**NYSDEC SUPERFUND STANDBY CONTRACT NO. D003493
ECOLOGY AND ENVIRONMENT ENGINEERING P.C. (E & E)
STATUS REPORT FOR JANUARY 2004**

**Mr. C's Dry Cleaner Site
Remedial Construction Management**

NYSDEC P.M.: David Chiusano

Site No. 9-15-157

E & E P.M.: Michael Steffan

Work Assignment (WA) No. D003493-27

E & E Job No.: NY06

WORK COMPLETED DURING THIS REPORTING PERIOD

Task 1: Work Plan and Background Review:

1. Original Work Plan was completed and accepted by the Department on April 20, 2001.

Task 2: Pre-Award Services

1. All pre-award services under this task have been completed in March 2001.

Task #3 Remedial Construction Management:

1. No progress meetings held in January 2004 or will be expected with the remainder of the contract with the Contractor - The Tyree Organization, Ltd..
2. Separable Part B inspection was performed on September 17, 2003. Completion of Part B was previously established as September 6, 2002. The Certificate of Substantial Completion along with the incomplete list was submitted to NYSDEC on September 22, 2003. Substantial Completion letter was issued by the Department to Tyree for signature on September 25, 2003.
3. Project Final completion is established as November 5, 2003 or sixty days after Substantial Completion of Separable Part B of the Contract. At that time, all incomplete work has been completed and final contract deliverables remain to be submitted by Tyree. In review of the incomplete work list for both Separable Parts A and B for project, as of December 16, 2003, all outstanding item of incomplete work with the contract have been completed. The total amount of incomplete work outstanding is \$0.00.
4. Letter issued to the Department from E&E on December 30, 2003 indicating the project is now complete and the contractor should proceed with the submittal of all project closeout documentation with respect to submitting the affidavits and waiver releases from all mechanics liens from all subcontractors utilized with the project. List for Waiver of Liens regarding the project submitted to Tyree to initiate documentation submittal. As of February 6, 2004, no documentation has been submitted by Tyree.
5. CAP #15 was submitted by Tyree and reviewed and approved by E&E on December 30, 2003. The next payment application will be the final payment to the contractor releasing retention to closeout the contract. As a result of Tyree's delays in the completing all work beyond the 60 day schedule, an additional 41 days of liquidated damages (\$14,350) has been assessed and deducted from Tyree's payment.

Monthly Progress Report
Mr. C's Dry Cleaner Site
Remedial Construction Management
January 2004
Page 2 of 4

6. On November 14, 2003 a site restoration issue was communicated to E&E through the Department. Mr. Pitt of 19 Whaley Avenue contacted the Department regarding problems with his replanted peonie from Tyree. Limited inspection was performed due to winter conditions. The problem will be further assessed in the Spring of 2004.

Task #4 Post Construction Operations and Maintenance Services - 12 months

1. Work plan amendment for 12 months of O&M services was accepted and approved by the Department on October 8, 2003.
2. The Operations and Maintenance phase of the project by E&E with subcontracted services to O&M Enterprises began October 20, 2003. Work assignment amendment and budget were approved by the Department on October 8, 2003. For the month of January 2004, the remedial treatment system continued to operate at a high uptime rate (100%), but overall treatment capacity was down to 25%. The system capacity rate was down as a result of difficulties in operating groundwater pump RW-1. Sampling and analysis occurred in early January for the January O&M report. The December 2003 monthly report was issued to the Department on January 8, 2004. General comments in the report at the time of submittal included:
 - Pump RW-1 was not continually operational and further evaluation is going to be performed.
 - All outside cold air to the air stripper have been disconnected.
 - Air and water results remain in compliance.
3. The initial air monitoring program for the Presbyterian Church was performed by E&E on March 24, 2003. Coordination was performed by E&E with NYSDEC Region 9 and NYSDOH officials to oversee the sampling program. Draft report submitted for review to NYSDEC, Region 9 NYSDEC and NYS Department of Health on May 5, 2003. Acceptance for finalization of the report was given by the Department and the final report was submitted on September 12, 2003.
4. A second round of air monitoring was performed on September 19, 2003. The draft report with recommendations was issued to the Department for review on October 31, 2003. This report and recommendations were finalized on November 25, 2003 and issued to the Department, local DEC Region 9 officials and NYSDOH.
5. On December 5, 2003, indoor air quality equipment was recommended by E&E and submitted to the Department. On December 11, 2003, the Department requested purchase of two air cleaning units to be installed in the designated classrooms of the Presbyterian Church. Confirmation of purchase of the unit was received on December 17, 2003 and the units installed on December 18, 2003. The next round of sampling and analysis was performed on January 26, 2004. Analytical results and review of date will be due in February 2004.

WORK PLANNED FOR NEXT MONTH - February 2004

1. E&E to evaluate the final responses by Tyree to the incomplete work list outstanding with the project. Final completion of all project submittals has been established as 60 days from Substantial Completion of Part B or November 5, 2003.
2. E&E to provide oversight and reporting of the next 12 months of O&M work by O&M Enterprises (O&M) for the Department. All analytical work to be performed by E&E Analytical Service Center. Evaluate compliance and system efficiency of the remedial program over the next 12 months of service. The next O&M report under services provided by E&E is expected to be issued to the in February 2004.
3. E&E to continue submittal of the monthly project status report for the Department.
4. E&E to prepare the draft construction certification report on contract work performed by Tyree.
5. Evaluate and approve any future Final CAP requests provided by Tyree to closeout the project.
6. Perform evaluation of indoor air analysis related to indoor air quality issues in the church. Replace the activated carbon filters in the indoor air units.

BUDGET STATUS

Task 1: Work Plan and Background Review

1. Currently no budget issues with this task. Work is complete.

Task 2: Pre-Award Services

1. Currently no budget issues with this task. Work is complete.

Task 3A: Remedial Construction Management

1. Budget modification costs accepted by the Department on April 22, 2003.

Task 3B: Oversight of Operation and Maintenance of Treatment Equipment

1. Work under budget. Construction project closure reports still need submitted.

Task 4: 12 months of O&M services

1. This task was added and approved to the work assignment on October 8, 2003. The work will be for all O&M and analytical services to maintain remedial system compliance for 12 months. The project manager will evaluate the task order budget as work proceeds along.

CHANGES TO SCOPE OF WORK

1. Task 4 added to perform the next 12 months of O&M services. Budget amendment accepted by the Department 10/8/03.

Previously stated changes that have not yet been formalized in the WA budget are:

1. None

CHANGES TO THE SCHEDULE

1. No changes in the next phase of O&M work.

CHANGES TO PROJECT PERSONNEL

1. E&E has made some limited staffing changes to the project in this year. As a result of other full week assignment duties by Greg Jones, two other available E&E personnel will be performing the monitoring the next phase of O&M work. The interim staff to include Mr. Andy Murphy and Mr. Jim Mays who have both previously work in limited oversight capacities at the Mr. C's site and are familiar with the previous construction and current O&M work.