



July 25, 2018

Mr. Brian Sadowski
Division of Environmental Remediation, Region 9
New York State Department of Environmental Conservation
270 Michigan Avenue
Buffalo, New York 14203-2999

Re: Periodic Review Report (July 2017 to July 2018)
Former "Our Cleaners" Site
3163 Eggert Road
Tonawanda, Erie County, New York 14150
Order on Consent Index #B9-0740-07-03

Dear Mr. Sadowski:

Environmental Products & Services of Vermont, Inc. (EPSVT) hereby submits the enclosed Periodic Review Report (PRR) for the former "Our Cleaners" site in Tonawanda, NY. This report is in compliance with section 6.3 (b) of DER-10 which requires Sites with an active Site Management (SM) prepare and submit a Periodic Review Report. This PRR provides documentation of SM activities conducted during the period from July 2017 to July 2018. This report has been submitted on behalf of SRK Colvin-Eggert Plaza Associates LP (SRK).

This PRR was reviewed by Mark Wilder, P.G. New York State Licensed Geologist, license number 450.

Please feel free to contact our office with any questions or comments.

Sincerely,

Environmental Products & Services of Vermont, Inc.

Mark D. Wilder
Geoscience Manager

Enc.

Cc: Mr. Fred Back – Benchmark Management Corp.
Mr. Randy Klosko – EPSVT
Mr. Matt Forcucci – NYSDOH

Periodic Review Report

(Covering Period July 2017 through July 2018)

Former “Our Cleaners” Site
3163 Eggert Road
Tonawanda, New York 14150
Index# B9-0740-07-03

Prepared For:

SRK Colvin-Eggert Plaza Associates LP
4053 Maple Road, Suite 200
Amherst, New York 14226

Prepared By:

Environmental Products & Services of Vermont, Inc.
4429 Walden Avenue
Lancaster, New York 14086
(716) 597-0001
EPSVT Project No. B5062



July 25, 2018

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Periodic Review Report

(July 2017 to July 2018)

Former “Our Cleaners” Site
Index #B9-0740-07-03

1.0 Executive Summary

1.1 Site Summary and Remedial History

The site is located at 3161 - 3185 Eggert Road in the Town of Tonawanda, County of Erie, State of New York (see **Figure 1**). The site is part of two parcels (tax ID numbers 53.11-2-31.1 [southern parcel] and 53.11-2-31.2 [northern parcel]) and consists of the area immediately around and beneath the former “Our Cleaners” location in the former West Shops Building and the area to the north-northeast extending to the Buffalo Athletic Club for Women (BACW) property. The southern parcel is approximately six-acres improved with two slab-on-grade buildings.

1.2 Effectiveness of Remedial Programs

1.3 Compliance

Since remaining groundwater contamination exists beneath the site, Engineering Controls and Institutional Controls (EC/ICs) are required to protect human health and the environment. The Engineering and Institutional Control Plan contained within the SMP describes the procedures for the implementation and management of all EC/ICs at the site (see **Appendix B**).

During the time period discussed in this PRR, the EC/IC’s procedure and management of the deed restricted area were in compliance with the NYSDEC requirements for implementation and monitoring. No corrective measures were necessary during this Periodic Review Reporting period.

1.4 Recommendations

Continue operating the sub-slab depressurization system at the site. Continue monitoring the onsite monitoring wells on an approved schedule. The next groundwater sampling event is scheduled for May 2021.

2.0 Site Overview

The site is located at 3161 - 3185 Eggert Road in the Town of Tonawanda, County of Erie, State of New York. The site is part of two parcels (tax ID numbers 53.11-2-31.1 [southern parcel] and 53.11-2-31.2 [northern parcel]) and consists of the area immediately around and beneath the former “Our Cleaners” location in the former West Shops Building and the area to the north-

northeast extending to the Buffalo Athletic Club for Women (BACW) property. The southern parcel is approximately six-acres improved with two slab-on-grade buildings. The site is located in a commercial/residential area of the Town of Tonawanda. A Site Location Map is attached as **Figure 1**. A site map is shown as **Figure 2**.

In April 1998, Sear-Brown Group completed a Phase I Environmental Site Assessment (ESA) of the property as it was defined at the time. The Phase I ESA identified environmental concerns which showed that a dry cleaning business had been in operation in the West Shops building on site for approximately 10 years. Although there was no physical evidence of any spilling, soil sampling was recommended to determine if there was any impact because of the dry cleaning operations. Several Phase II ESAs were implemented and identified several areas of concern. Soil samples collected from several soil borings indicated PCE at levels above NYSDEC TAGM 4046 guidance values. Several temporary groundwater monitoring wells (i.e., TW-1 through TW-7) were installed and groundwater analytical results indicated PCE levels above NYSDEC TOGS 1.1.1 standards were present, in particular, under the former “West Shops” building and migrating onto the northern portion of the property.

2.1 Chronology of Remedial Program During this Annual PRR

September 25 – 28, 2017 Well Abandonment activities.

May 24, 2018 Annual Site Inspection including Institutional Inspection.

2.2 Criteria for Site Closure

Generally, remedial processes are considered completed when effectiveness monitoring indicates the remedy has achieved the remedial action objectives identified by the decision document. The framework for determining when remedial processes are complete is provided in Section 6.6 of NYSDEC DER-10.

3.0 Evaluation of Remedy Effectiveness

Chlorinated solvent contaminant mass calculations indicate there has been an overall reduction of 95.5% in chlorinated solvent concentrations from February 2009 to June 2016 (see **Periodic Report Review dated August 2016** for more details). Groundwater sampling was not required during the period that this Annual PPR covers. The next groundwater sampling event is scheduled for the year 2021.

3.1 Monitoring and Natural Attenuation

The next 5-year groundwater sampling event is scheduled for June 2021.

4.0 IC/EC Plan Compliance Report

4.1 General

Since remaining groundwater contamination exists beneath the site, Engineering Controls and Institutional Controls (EC/ICs) are required to protect human health and the environment. The Engineering and Institutional Control Plan describes the procedures for the implementation and management of all EC/ICs at the site. The EC/IC plan is one component of the SMP and is subject to revision by NYSDEC.

4.1.1 Purpose

The EC/ICs plan provides:

- A description of all EC/ICs on the Site;
- The basic implementation and intended role of each EC/IC;
- A description of the key components of the ICs set forth in the deed restriction;
- A description of the features to be evaluated during each required inspection and periodic review;
- A description of plans and procedures to be followed for implementation of EC/ICs, such as the implementation of the Excavation Work Plan for proper handling of remaining contamination that may be disturbed during maintenance or redevelopment work on the site. Even though the near surface contaminated soils have been removed at the Site, it is prudent to follow certain precautions if and when any future excavation activities are undertaken in the restricted area of the Site; and,
- Any other provisions necessary to identify or establish methods for implementing the EC/ICs required by the site remedy, as determined by the NYSDEC

4.2 Engineering Controls

- **Asphalt Cap**

The site is covered with an asphalt paved surface parking lot with a storm water collection system (See Periodic Review Report dated August 2016).

- **Sub-Slab Depressurization System**

Based on NYSDEC request, a sub-slab depressurization system (SSDS) was installed to prevent potential migration of contaminated soil vapor to the interior of the northern portion of the “East Shops” structure. Procedures for operating and maintaining the SSDS system are documented in the Operation and Maintenance Plan (**Sections 3 and 4 of the SMP**). The Monitoring Plan also

addresses severe condition inspections in the event that a severe condition, which may affect controls at the site, occurs.

4.3 Criteria for Completion of Remediation/Termination of Remedial Systems

Generally, remedial processes are considered completed when effectiveness monitoring indicates the remedy has achieved the remedial action objectives identified by the decision document. The framework for determining when remedial processes are complete is provided in Section 6.6 of NYSDEC DER-10.

4.3.1 Sub-Slab Depressurization System (SSDS)

The active SSDS will not be discontinued unless prior written approval is granted by NYSDEC. In the event that future monitoring data indicates the SSDS is no longer required, a proposal to discontinue the SSDS will be submitted by the property owner to NYSDEC and NYSDOH. The SSDS is currently not sampled as the system is operating as a preventative measure and post system start-up data revealed results below any relevant guidance value.

The system is monitored on a monthly basis and inspected on an Annual basis. See **Appendix A** for a copy of the monthly inspection reports covering July 2017 through July 2018. No deficiencies have been recorded or observed regarding the operation of this system.

4.3.2 Monitoring and Natural Attenuation

The next 5-year groundwater sampling event is scheduled for June 2021.

4.4 Institutional Controls

A series of Institutional Controls are required by the deed restriction to:

- Implement, maintain, and monitor Engineering Control Systems;
- Prevent possible future exposure to contamination by controlling disturbances of the subsurface contamination; and,
- Limit the use and development of the Site to Commercial or Industrial uses only;

These Institutional Controls are:

- Compliance with the deed restriction and the SMP by the Grantor and the Grantor's successors and assigns;
- All Engineering Controls must be operated and maintained as specified in the SMP;
- All Engineering Controls on the Controlled Property must be inspected at a frequency and in a manner defined in the SMP;
- Groundwater and soil vapor and other environmental or public health monitoring must be performed as defined in the SMP;
- Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and manner defined in the SMP.

4.4.1 Institutional Control Implementation

In conformance with Institutional Control requirements for the SRK Colvin-Eggert Plaza Site, documentation of well abandonment activities are documented here within the Annual PRR.

During the May 24, 2018 annual site inspection, site observations indicated that no additional activities requiring notification to NYSDEC were performed in the deed restricted area of the site, or any other areas of the site between May 30, 2017 and May 24, 2018.

The NYSDEC approved the abandonment of several onsite monitoring wells. From September 25, 2017 through September 28, 2017, EPSVT decommissioned a total of 31 monitoring wells, which included six 1-inch CMT monitoring wells, four 2-inch monitoring wells, eighteen 2-inch injection wells, and three 4-inch Soil Vapor Extraction wells. The decommissioned wells are shown on **Figure 2**.

Monitoring wells clusters which remain onsite include: MW-1S,D; MW-3S,D, MW-8S,D; MW-10S,D; MW-11S,D; MW-12S,D. However, the monitoring wells which will be sampled in 2021 in accordance with NYSDEC requirements are the following: MW-1S; MW-3S,D; MW-8S, MW-10S; MW11D; and MW-12D.

On May 24, 2018, a survey of all of the well road boxes in the asphalt parking lot was performed.

A list of deficiencies with the current road box installations is as follows:

- MW-1S&D (**Photo 6**) – Spalled concrete pad, lid bolts missing, stripped bolt receiving tabs.

See **Appendix A** for more details on the well abandonment activities in September 2017.

4.4.2 Excavation Work Plan

The site has been remediated for commercial and industrial use. Any future intrusive work that will penetrate the asphalt paving, or encounter or disturb the remaining contamination, will be performed in compliance with the Excavation Work Plan (EWP). The EWP was not implemented during this Periodic Review Reporting period.

4.4.3 Soil Vapor Intrusion Evaluation

Prior to the construction of any enclosed structures located over areas that contain remaining contamination and the potential for soil vapor intrusion (SVI) has been identified, an evaluation of SVI potential will be performed to determine whether any mitigation measures are necessary to eliminate potential exposure to vapors in the proposed structure.

No SVI investigations and therefore no mitigation systems were installed during the Periodic Review Reporting period.

4.5 Inspections and Notifications

4.5.1 Inspections

Inspections of all remedial components installed at the site were conducted on May 24, 2018 (see **Appendix A** for more details). The inspection goal was to determine and document the following:

- Whether Engineering Controls continue to perform as designed;
- If these controls continue to be protective of human health and the environment;
- Compliance with requirements of the SMP and the deed restriction;
- Achievement of remedial performance criteria;
- Sampling and analysis of appropriate media during monitoring events;
- If site records are complete and up to date; and
- If changes were made, or if changes are needed, to the remedial or monitoring system.

Inspections were conducted in accordance with the procedures set forth in the Monitoring Plan of the SMP. No emergency inspections or sudden changes in site conditions occurred during the Periodic Review Reporting period.

4.5.2 Notifications

No other notifications or changes in ownership were identified during this Periodic Review Reporting period.

5.0 Site Monitoring Plan

5.1 General

The Monitoring Plan describes the measures for evaluating the performance and effectiveness of the remedy to reduce or mitigate contamination at the site, the soil cover system, and all affected site media.

5.2 Soil Cover System Asphalt (Cap) Monitoring

The site does not have an engineered soil cover system. Currently the area of the deed restriction at the site is covered with an asphalt paved surface parking lot. Repairs to the asphalt parking lot will be made by the Property Owner when deemed necessary by the property owner. Repairs to the asphalt will not trigger the Excavation Work Plan (EWP).

5.3 Media Monitoring System

5.3.1 Groundwater Monitoring

No monitoring well sampling activities were conducted during the timeframe that this PRR covers.

5.3.2 Monitoring Well Repairs, Replacement and Decommissioning

See section 4.4.1

5.3.3 Surface Water Monitoring

Surface water at the site is directed via asphalt paved surfaces to the storm water catch basins, which discharge to adjacent municipal storm drains. No surface water monitoring is necessary at the site.

5.3.4 Soil Monitoring

Excavation should be conducted under the guidelines of the SMP with proper notification to SRK Associates and NYSDEC. Any excavated soil will require proper handling, management, sampling, analysis, and disposal methods. All excavated soils within the deed restricted area of the site must be at a minimum, staged on plastic sheeting and covered. Representative soil samples will be collected of the excavated soil. The number of samples collected will be determined by the volume of excavated soil following NYS DER 10 regulations. Samples will be submitted for laboratory analysis via USEPA Method 8260 Full List Parameters, if needed, based on screening results.

No excavation work was conducted during the timeframe that this PRR covers.

5.4 Site-Wide Inspection

A site-wide inspection was performed on May 24, 2018 (See **Appendix A**).

5.5 Monitoring Quality Assurance/Quality Control

A formal Quality Assurance Project Plan (QAPP) has not been prepared for the site. All sampling at the site will follow industry accepted standard sampling protocols.

5.6 Monitoring Reporting Requirements

Forms and any other information generated during regular monitoring events and inspections will be kept on file at SRK and EPSVT. All forms, and other relevant reporting formats used during the monitoring/inspection events, will be:

- Subject to approval by NYSDEC; and,

- Submitted for the Periodic Review Reporting period, as specified in the Reporting Plan of the SMP.

All monitoring results will be reported to NYSDEC on a periodic basis in the Periodic Review Report. This PRR document is in compliance with the NYSDEC requirement to summarize and submit on an annual report.

Additionally, a letter report will also be prepared subsequent to each sampling event, as required by NYSDEC. The Report (or letter) will include, at a minimum:

- Date of event;
- Personnel conducting sampling;
- Description of the activities performed;
- Type of samples collected (e.g., sub-slab vapor, groundwater, soil, etc.);
- Copies of all field forms completed (e.g., well sampling logs, chain-of-custody documentation, etc.);
- Sampling results in comparison to appropriate standards/criteria;
- A figure illustrating sample type and sampling locations;
- Copies of all laboratory data sheets and the required laboratory data deliverables required for all points sampled (to be submitted electronically in the NYSDEC identified format);
- Any observations, conclusions, or recommendations;
- A determination as to whether groundwater conditions have changed since the last reporting event; and
- Data will be reported in hard copy or digital format as determined by NYSDEC.

A summary of the monitoring program deliverables are summarized in **Table 5.6** below.

Table 5.6: Schedule of Monitoring/Inspection Reports

Task	Reporting Frequency*
<i>Groundwater Sampling</i>	5 year intervals
<i>Annual Site-wide Inspection</i>	Annually
<i>Institutional Control Inspection</i>	5 years intervals

** The frequency of events will be conducted as specified until otherwise approved by NYSDEC*

5.7 Certification of Engineering and Institutional Controls

After the last inspection of the reporting period, Environmental Products & Services of Vermont, Inc. will prepare the following certification:

I certify that all information and statements in this certification form 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. Environmental Products & Services of Vermont, Inc., certifying as SRK Colvin-Eggert Plaza Associates, LP (SRK) Designated Site Representative has been

authorized and designated by the site owners to sign this certification for the site. The signed certification is included in this Periodic Review Report described below.

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

- The institutional 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 environment;
- Nothing has occurred that would constitute a violation or failure to comply with any site management plan for this control;
- 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;
- Use of the site is compliant with the deed restriction.

The information presented in this report is accurate and complete. The EC/IC certification is in **Appendix B** of this Report.

6.0 Operation and Maintenance Plan

6.1 Introduction

This Operation and Maintenance Plan describes the measures necessary to operate, monitor and maintain the mechanical components of the remedy selected for the site. Currently, the only engineering control in effect at the Site is a SSDS system operating in the northern portion of the East Shops (US Renal Care). This Operation and Maintenance Plan:

- Includes the steps necessary to allow individuals unfamiliar with the site to operate and maintain the SSDS system;
- Includes an operation and maintenance contingency plan; and,
- Will be updated periodically to reflect changes in site conditions or the manner in which the SSDS systems are operated and maintained.

Information on non-mechanical Engineering Controls (i.e. soil cover system) is provided in Section 4 of this Report. A copy of this Operation and Maintenance Plan, along with the complete SMP, will be kept at SRK and EPSVT. This Operation and Maintenance Plan is not to be used as a stand-alone document, but as a component document of the SMP.

6.2 Engineering Control System Operation and Maintenance

The SSDS system currently operating in the northern portion of the East Shops building requires no periodic maintenance, other than a periodic check to ensure the system is operational. The blower which powers the system is typically used in radon reduction systems, and is a continuous duty in-line fan. Two in-line fans are installed in a steel housing located on the roof of the East Shops (above the US Renal Care tenant).

Monthly inspections of the SSDS system are conducted. See attached Annual Inspection Report in **Appendix A**.

7.0 Conclusions and Recommendations

The site is in compliance with the ECIC plan contained in the approved SMP

8.0 Attachments

Figures

Figure 1 – Site Location Map

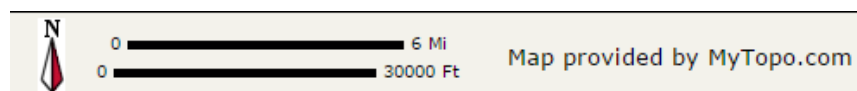
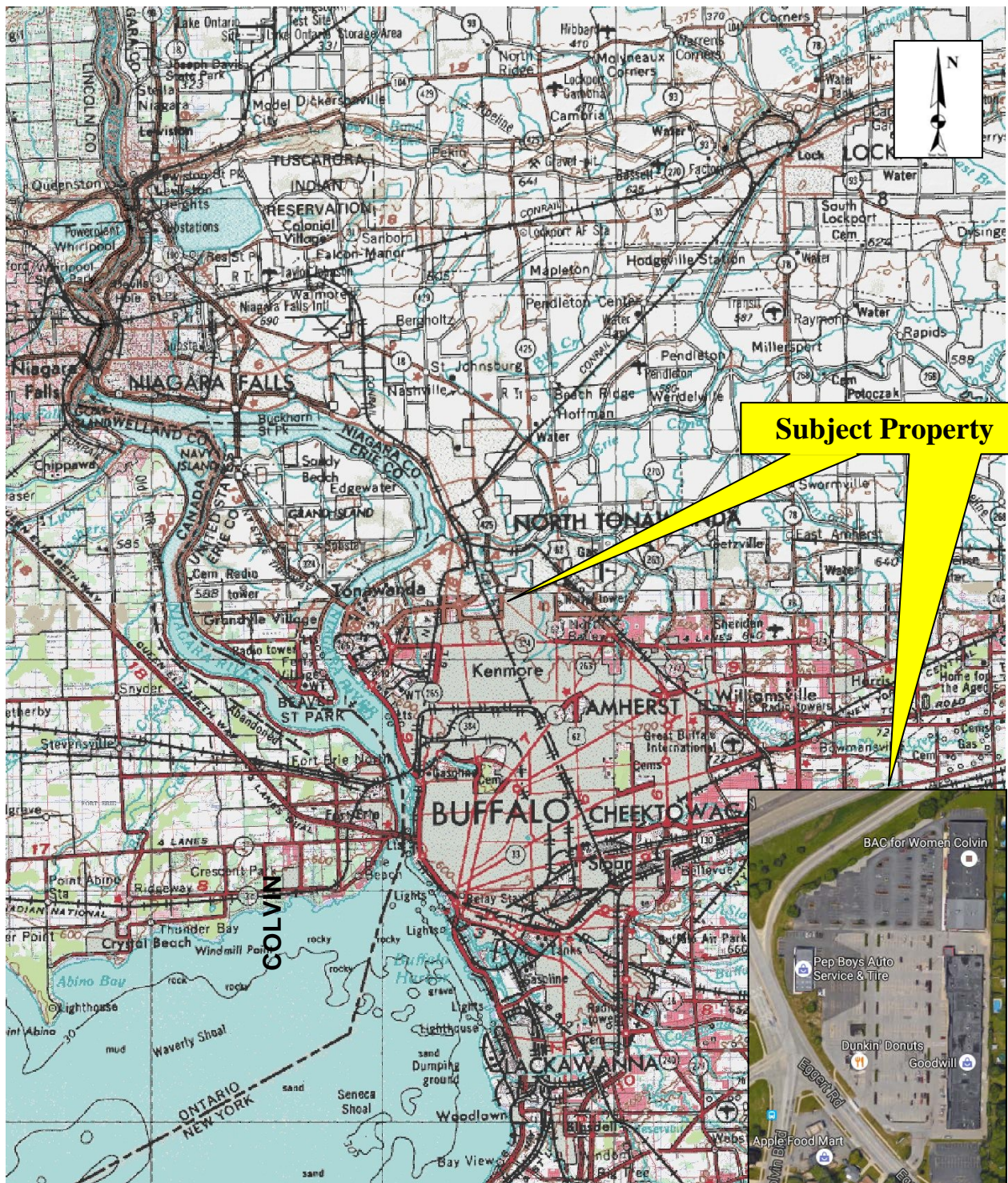
Figure 2 – Well Abandonment Map Dated July 2018

Appendices

Appendix A – Annual Inspection Report

Appendix B - EC/IC Certification

Figures



SITE LOCATION MAP
SRK Colvin Eggert Plaza Assoc.
Colvin Plaza BCP Site
Tonawanda, Erie County, NY

Project No. B5062
 Date: July 2018
 Figure No.: 1

Appendix A

4429 Walden Avenue
Lancaster, NY 14086



Phone: 716-597-0001
Fax: 716-597-0505

July 18, 2018

Mr. Brian Sadowski
Division of Environmental Remediation
New York State Department of Environmental Conservation
270 Michigan Avenue
Buffalo, New York 14203-2999

**Re: Annual Site Inspection Report
Former "Our Cleaners" Site
3163 Eggert Road
Tonawanda, Erie County, New York 14150
Order on Consent Index #B9-0740-07-03**

Dear Mr. Sadowski:

Environmental Products & Services of Vermont, Inc. (EPSVT) hereby submits this Annual Site Inspection Report for the above referenced site on behalf of SRK Colvin-Eggert Plaza Associates LP (SRK). An annual site inspection is required by the Site Management Plan (SMP), during which Engineering Controls (ECs) and Institutional Controls (ICs) established in the SMP are verified to be in-place and effective. The annual site inspection was performed on May 24, 2018. The relevant site inspection forms and several photos documenting site activities on May 24, 2018 are attached to this letter report. Below is a summary of the findings from the May 24, 2018 site inspection.

Institutional Controls

During the May 24, 2018 annual site inspection, site observations indicated that no additional activities requiring notification to NYSDEC were performed in the deed restricted area of the site, or any other areas of the site between May 30, 2017 and May 24, 2018.

The NYSDEC approved the abandonment of several onsite monitoring wells. From September 25, 2017 through September 28, 2017, EPSVT decommissioned a total of 31 monitoring wells, which included six 1-inch CMT monitoring wells, four 2-inch monitoring wells, eighteen 2-inch injection wells, and three 4-inch Soil Vapor Extraction wells (see **Photos 1 through 5**).

Monitoring wells clusters which remain onsite include: MW-1S,D; MW-3S,D, MW-8S,D; MW-10 S,D; MW-11S,D; MW-12S,D. However, the monitoring wells which will be sampled in accordance with NYSDEC requirements are the following: MW-1S; MW-3S,D; MW-8S, MW-10S; MW11D; and MW-12D.

On May 24, 2018, a survey of all of the well road boxes in the asphalt parking lot was performed.

A list of deficiencies with the current road box installations is as follows:

- MW-1S&D (**Photo 6**) – Spalled concrete pad, lid bolts missing, stripped bolt receiving tabs.

Engineering Controls

On May 24, 2018, an inspection was performed of the Sub Slab Depressurization System (SSDS) system currently operating at the US Renal Care Business in the deed restricted area. **Photo 7** depicts the dual SSDS blower system in a weather tight enclosure on the roof top above the US Renal Care office. SRK has had maintenance personnel inspect the roof top SSDS blower assembly on a monthly basis in lieu of an inspection of vacuum gauges on SSDS piping located in interior walls of the US Renal Care office space (see attached inspection log). During the May 24th inspection of the SSDS blowers, both blowers were fully operational, and a PID measurement of the effluent air stream from the SSDS blowers was recorded at 0.1 PPM (See **Photo 8**).

Please feel free to contact our office with any questions or comments.

Sincerely,

Environmental Products & Services of Vermont, Inc.



Randy Klosko
Senior Project Geologist

Attachments

Cc: Mr. Fred Back - Benchmark Management Corp.
Mr. Matt Forcucci – NYSDOH
Mr. Mark Wilder - EPSVT



Photo #1: Well Abandonment Activities September 25, 2017 through September 28, 2017.



Photo #2: Well Abandonment Activities September 25, 2017 through September 28, 2017.



Photo #3: Well Abandonment Activities September 25, 2017 through September 28, 2017.



Photo #4: Well Abandonment Activities September 25, 2017 through September 28, 2017.



Photo #5: Well Abandonment Activities September 25, 2017 through September 28, 2017.



Photo #6: MW-1S,D. EPSVT recommends monitoring well repair work to be done.











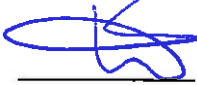


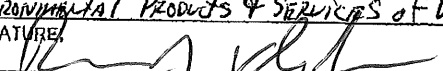
Photo #7: SSDS continues to operate.



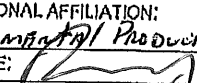
Photo #8: PID meter reading 0.1 ppmv

Colvin-Eggert Plaza
Sub Slab Depressurization System (SSDS)

<u>Date</u>	<u>Log</u>		<u>Inspected by:</u>
<u>8/15/17</u>	Blower running. No damage observed.	<u>✓</u> <u>✓</u>	<u></u>
<u>9/13/17</u>	Blower running. No damage observed.	<u>✓</u> <u>✓</u>	<u></u>
<u>10/23</u>	Blower running. No damage observed.	<u>✓</u> <u>✓</u>	<u></u>
<u>11/22</u>	Blower running. No damage observed.	<u>✓</u> <u>✓</u>	<u></u>
<u>12/15</u>	Blower running. No damage observed.	<u>✓</u> <u>✓</u>	<u></u>
<u>1/18</u>	Blower running. No damage observed.	<u>✓</u> <u>✓</u>	<u></u>
<u>2/19</u>	Blower running. No damage observed.	<u>✓</u> <u>✓</u>	<u></u>
<u>3/15/18</u>	Blower running. No damage observed.	<u>✓</u> <u>✓</u>	<u></u>
<u>4/20/18</u>	Blower running. No damage observed.	<u>✓</u> <u>✓</u>	<u></u>
<u>5/16/18</u>	Blower running. No damage observed.	<u>✓</u> <u>✓</u>	<u></u>
<u>6/18/18</u>	Blower running. No damage observed.	<u>✓</u> <u>✓</u>	<u></u>
<u> </u>	Blower running. No damage observed.	<u> </u> <u> </u>	<u> </u>
<u> </u>	Blower running. No damage observed.	<u> </u> <u> </u>	<u> </u>

ANNUAL SITE-WIDE INSPECTION FORM		APPENDIX D: NYS DEC - SITE MONITORING PLAN	
PROJECT NAME: Former "Our Cleaners" Site		PROJECT CODE: B9-0740-07-03	
PROPERTY OWNER: SRK Colvin-Eggert Plaza Associates LP			
PROJECT ADDRESS: 3163 Eggert Rd.			
CITY: Tonawanda		COUNTY: Erie	
INSPECTION CONTACT NAME: Randy Klosko		INSPECTION CONTACT TELEPHONE: 716 597-0001	
INSPECTION FREQUENCY: Annual		CURRENT PROPERTY ZONING: Commercial	
SECTION I: VERIFICATION OF RESTRICTIONS			
1. Has unauthorized construction or excavation occurred?		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
2. Continuous compliance with all ICs, including site usage		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>	
3. Compliance with schedules included in the Operation and Maintenance Plan		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>	
4. Water wells are intact and operational		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>	
5. All permanent survey markers, benchmarks, and monitoring stations are in place as designated		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>	
6. Site records are up to date		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>	
7. The property is not being used for restricted agricultural activities, as defined in the L.C.		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>	
8. Land use type: (check all that apply)		Res. <input type="checkbox"/> COMM. <input checked="" type="checkbox"/> Reg. <input type="checkbox"/> Ag. <input type="checkbox"/> Ind. <input type="checkbox"/> VACANT <input type="checkbox"/>	
9. Property zoning excludes residential use		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>	
10. Has property ownership changed?		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
If yes, new property owner:			
11. Is the property being leased?		YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
If yes, new property lessee:			
SECTION II: SITE DESCRIPTION [ATTACH PHOTOS FOR INCLUSION WITH THIS REPORT]			
BRIEFLY DESCRIBE THE CURRENT CONDITION AND USE OF THE PROPERTY: Strip plaza / commercial use, site is in good condition, no new construction projects during this reporting period			
GENERAL SITE CONDITIONS AT THE TIME OF THE INSPECTION & SITE MANAGEMENT ACTIVITIES BEING CONDUCTED: Site is used as zoned, commercial, retail sales and service			
EVALUATE OF THE CONDITION AND EFFECTIVENESS OF ECs: EC's are effective, SSDS is operating normally			
DESCRIBE ANY NEED FOR REPAIRS TO PROTECTIVE STRUCTURES, MONITORING STATIONS, & BENCHMARKS (EROSION, CRACKING, SETTLEMENT, SUBSIDENCE, ETC.): Road box removal and replacement should be performed at MW-1 S & D.			
SECTION III: INSPECTOR INFORMATION			
INSPECTOR NAME: Randy Klosko		PROFESSIONAL AFFILIATION: Environmental Products & Services of VT, Inc	
INSPECTION DATE: 5/24/2018		SIGNATURE: 	

[illegible]

INSTITUTIONAL CONTROL INSPECTION FORM		APPENDIX F: NYS DEC - SITE MONITORING PLAN	
PROJECT NAME: Former "Our Cleaners" Site		PROJECT CODE: B9-0740-07-03	
PROPERTY OWNER: SRK Colvin-Eggert Plaza Associates LP			
PROJECT ADDRESS: 3163 Eggerd Rd.			
CITY: Tonawanda		COUNTY: Erie	
INSPECTION CONTACT NAME: Randy Klosko		INSPECTION CONTACT TELEPHONE:	
INSPECTION FREQUENCY: Annual		CURRENT PROPERTY ZONING:	
SECTION I: VERIFICATION OF RESTRICTIONS			
1. Unauthorized construction or excavation has not occurred		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>	
2. Vegetation is present and in acceptable condition?		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>	
3. Water wells not used for restrictive purposes as defined in the Institutional Control		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>	
4. All permanent survey markers, benchmarks, and monitoring stations are in place as designated		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>	
5. Site security measures include: (check all that apply)		SIGNS <input type="checkbox"/> FENCES <input type="checkbox"/> GATES <input type="checkbox"/> SECURITY GUARD <input type="checkbox"/> N/A	
6. The property is used for non-residential purposes only		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>	
7. The property is not being used for restricted agricultural activities, as defined in the I.C.		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>	
8. Land use type: (check all that apply)		RES. <input type="checkbox"/> COMM. <input checked="" type="checkbox"/> REC. <input type="checkbox"/> AG. <input type="checkbox"/> IND. <input type="checkbox"/> VACANT <input type="checkbox"/>	
9. Property zoning excludes residential use		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>	
10. Property zoning has not changed since issuance of IC		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>	
11. IC is recorded at the state register of deeds		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>	
12. The name of property owner on file with the NYS DEC matches the owner listed on the deed		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>	
13. Has property ownership changed?		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
If yes, new property owner:			
14. Is the property being leased?		YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
If yes, new property lessee:			
SECTION II: SITE DESCRIPTION [ATTACH PHOTOS FOR INCLUSION WITH THIS REPORT]			
BRIEFLY DESCRIBE THE CURRENT CONDITION AND USE OF THE PROPERTY: Strip Plaza / Commercial USE, SITE IS IN GOOD CONDITION			
DESCRIBE ANY IMPROVEMENT MADE TO PROPERTY SINCE PREVIOUS INSPECTION: 5 th Annual Inspection Event. No new site improvements during this reporting period.			
DESCRIBE ANY NEED FOR REPAIRS TO PROTECTIVE STRUCTURES, MONITORING STATIONS, BENCHMARKS, OR OTHER FEATURES (EROSION, CRACKING, SETTLEMENT, SUBSIDENCE, ETC.): Road box removal and replacement should be performed at MW-1 S&D.			
SECTION III: INSPECTOR INFORMATION			
INSPECTOR NAME: Randy Klosko		PROFESSIONAL AFFILIATION: Environmental Products & Services of VT, Inc.	
INSPECTION DATE: 5/24/18		SIGNATURE: 	

Appendix B



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



Site No. 915212	Site Details	Box 1
Site Name Colvin Eggert Plaza - Our Cleaners Site		
Site Address: 3163 Eggert Road Zip Code: 14150 City/Town: Tonawanda County: Erie Site Acreage: 1.9		
Reporting Period: January 14, 2014 to January 29, 2016 July 31, 2017 to July 31, 2018		
		YES NO
1. Is the information above correct?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Box 2
	YES NO
6. Is the current site use consistent with the use(s) listed below? Commercial and Industrial	<input checked="" type="checkbox"/> <input type="checkbox"/>
7. Are all ICs/ECs in place and functioning as designed?	<input checked="" type="checkbox"/> <input type="checkbox"/>

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

7/12/18
Date

SITE NO. 915212

Box 3

Description of Institutional Controls

Parcel

Owner

Institutional Control

53.11-2-31.1

SKR Colvin-Eggert Associates, LP

Site Management Plan
Soil Management Plan
Landuse Restriction
Monitoring Plan
O&M Plan
IC/EC Plan

Deed restriction filed August 22, 2013 in Liber Book 11251 on page 8894.

Box 4

Description of Engineering Controls

Parcel

Engineering Control

53.11-2-31.1

Vapor Mitigation

Sub-Slab de-pressurization system installed in north unit of building.

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

☒ ☐

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

7/12/18
Date

IC CERTIFICATIONS
SITE NO. 915212

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 MARK D. WILDER at 532 State Fair Blvd., Syracuse, NY
print name 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

7/12/18
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 MARK D. WILDER at 532 State Fair Blvd., Syracuse, NY
print name print business address

am certifying as a ~~Professional Engineer~~ for the Owner
Qualified (Owner or Remedial Party)
Environmental
Professional


NYS PE #450
Signature of Professional Engineer, for the Owner or
Remedial Party, Rendering Certification

Stamp
(Required for PE)

7/12/18
Date