

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support

ADDITIONS/CHANGES TO REGISTRY: SUMMARY OF APPROVALS

SITE NAME: Booth Oil

DEC I.D. NUMBER 932100

Current Classification 2

Volunteer Yes No
Sign (7) below

Activity: ☐ Add as Class ☒ Reclassify to 4 ☐ Delist Category ☐ Modify

Approvals:

1. Regional Hazardous Waste Engineer (Lead) Yes ☒ No ☐ 2/13/07
G. Sutton

2. BEEI of NYSDOH - S. Bates Yes ☒ No ☐ 3/13/07
(HA - updated 3/13/07)

3. DEE - D. Dana Yes ☒ No ☐ 3/13/07

4. E. Belmore Remedial Action Yes ☒ No ☐ 4/26/07
Bureau D Bureau Director

Consent order 6/23/03
issued

5. Site Control Section K. Lewandowski Date 3/9/07
K. Lewandowski

6. Director A. English Date 11/11/07
A. English

7. Assistant Division Director Date
(Required only for Class 2 sites)
srh

Completion Checklist for Registry Sites	Completed By:	
	Initials	Date
OWNER NOTIFICATION LETTER?	<input checked="" type="checkbox"/> <u>SH</u>	<u>11/27/07</u>
ADJACENT PROPERTY OWNER NOTIFICATION LETTER?	<input checked="" type="checkbox"/> <u>SH</u>	<u>12/20/07</u>
ENB / LEGAL NOTICE SENT? (For Deletion Only)	<input type="checkbox"/>	<u> </u>
COMMENTS SUMMARIZED / PLACE IN REPOSITORY?	<input type="checkbox"/>	<u> </u>
FINAL NOTIFICATION SENT TO OWNER? (For Deletion Only)	<input type="checkbox"/>	<u> </u>



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Form



10/3/2007

Site Code	932100	Site Name	Booth Oil Co.
City	North Tonawanda	Town	North Tonawanda (c)
Region	9	County	Niagara
Current Classification	02	Proposed Classification	04
Estimated Size (acres)	2.5000	Site Type	Structure, Lagoon
Significant Threat:	Yes	- No	- NA
Priority ranking Score		Project Manager	Michael Hinton

Site Description

The Booth Oil site is a 2.5 acre parcel located at 75 Robinson Street in a commercial/industrial portion of the City of North Tonawanda. The Booth Oil site consists of two parcels separated by railroad tracks and is flat vacant land with the majority of the site owned by Conrail. The Booth Oil site is adjacent to a residential neighborhood to the east (N. Marion Street) and north (Sommer St.) with commercial/industrial property to the west and south. Historically, the Booth Oil site was used to store and process waste oil for resale. Much of the 2.5 acres were saturated with spilled oil, some containing PCBs. Demolition of storage tanks and structures was started in October 1985 and was completed in 1987. A soil sampling program was completed in 1986. A Remedial Investigation / Feasibility Study was completed under State Superfund in March of 1992. Site soil, groundwater and catch basin sediment have been found to be contaminated with volatiles, semi-volatiles, lead and PCBs in significant concentrations. A Record of Decision (ROD) was issued in March 1992. Contaminated sediments in the Little River resulting from storm water discharge were investigated separately. Sediment samples collected in July of 1992 indicated that the contamination resulting from the Booth Oil Site consisted of a small area in close proximity to the storm sewer outfall. The ROD addressing river sediments was issued in March 1993. In November 1996, the PRPs performed additional sampling in preparation of the Remedial Design. Negotiations with the PRPs to complete the Remedial Design led to an Amended ROD which was signed in September of 2002. The AROD selected excavation and offsite disposal of contaminated soil and sediment. The PRP group developed the Remedial Design consistent with the AROD and the remedial design was approved in June 2003. Construction began in July 2003 and was substantially complete by December 2003. Final approval of the Remedial Action Completion Report occurred in September 2004. Long term operation and maintenance of the site is performed by the Booth Oil Site Administrative Group (BOSAG).

Materials Disposed at Site

Quantity Disposed

OU 01

USED TRANSFORMER OIL-SPILLS
PCB
VOC'S
SEMI-VOC'S
LEAD

UNKNOWN
"
"
"
"

OU 01A

BENZENE
ETHYLBENZENE
TOLUENE
XYLENE (MIXED)

UNKNOWN
UNKNOWN
UNKNOWN
UNKNOWN



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Form



10/3/2007

Site Code 932100

Site Name Booth Oil Co.

Analytical Data Available for: Groundwater, Surface Water, Soil, Sediment

Applicable Standards Exceeded for: Groundwater, Surface Water

Assessment of Environmental Problems

Remedial action completed in 2003 removed soil contamination, cleaned storm sewer drainage pathways from the site and removed site related contaminated sediments for the Niagara River. Residual low level PAH contaminated soil was left on site and was covered by clean soil. Long term OMM is performed by BOSAG. Surface water sampling performed as part of the OMM program has indicated no site related contamination present. Since the completion of the remedial action program, the Booth Oil site does not present a significant environmental threat.

Assessment of Health Problems

The site has been remediated and is covered with clean soil. Exposures via drinking water are not expected because area residents are supplied with public water.

Remedy Description and Cost

Remedy Description for Operable Unit 01

An Amended ROD was signed in September of 2002. The AROD selected excavation and offsite disposal of contaminated soil and sediment in lieu of onsite treatment. The PRP group developed the Remedial Design consistent with the AROD with remedial design approval in June 2003. Construction began in July 2003 and was substantially complete by December 2003. Final approval of the Remedial Action Completion report was in September 2004. Long term operation and maintenance of the site is performed by the Booth Oil Site Administrative Group (BOSAG).

Total Cost \$15,000,000

Remedy Description for Operable Unit 01A

Gasoline vapors entered a private home in March 2004 resulting in the temporary evacuation of the adjacent resident. The incident was assigned Spill #0375504. Investigation revealed the presence of significant petroleum contamination in an old tank pit, (tank removed in the 1980's) and three abandoned underground storage tanks. BOSAG excavated and removed contaminated soil and tanks. BOSAG installed a Soil Vapor Extraction System to remove the vapors from the soil and home. Several rounds of indoor air and sub-slab samples were collected by BOSAG. Spill closed on May 5, 2005 with DOH concurrence.

Total Cost \$0



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Form



10/3/2007

Site Code 932100

Site Name Booth Oil Co.

OU

Site Management Plan Approval:

Status:

Basis for Classification Change

Reclass package prepared February 2007 is proposing a change to Class 4 due to the successful completion of the remedial plan and implementation of OM&M program. The BOSAG is conducting the periodic site OM&M activities. Periodic reports are submitted and reviewed. Since the completion of the remedial action program, the Booth Oil site does not present a significant environmental threat.

Organization Approval Dates:

SCS Distribution: 02/26/2007

DOH: 03/13/2007

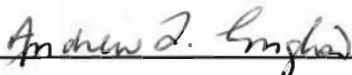
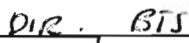

DEE: 03/13/2007

RHWRE: 02/13/2007

SCS Chief: 05/09/2007

CO Remedial Bureau: 04/26/2007

BTS BUR Dir.:

		
Signature (Concurrence with Proposed Classification)	Organization Title	Date



REFERENCE: Base Map USGS 7.5 Min. Quad., East & West Tonawanda, New York 1980.

2000' 0 2000'
Approximate Scale: 1" = 2000'

AREA LOCATION

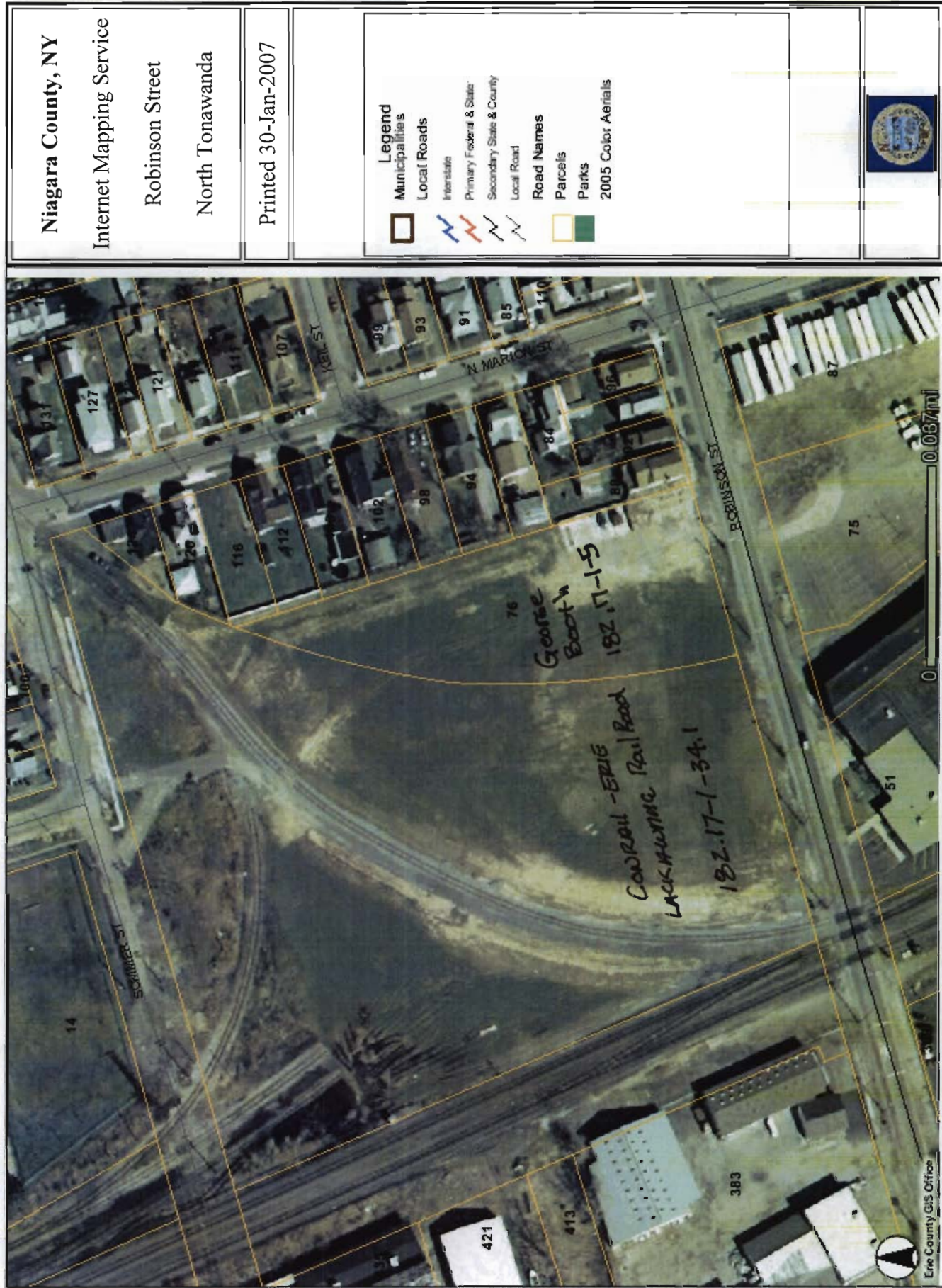


BOOTH OIL SITE ADMINISTRATION GROUP
BOOTH OIL SITE, NORTH TONAWANDA, NEW YORK
FINAL REMEDIAL DESIGN

SITE LOCATION MAP

BBL
BLASLAND, BOUCK & LEE, INC.
engineers & scientists

FIGURE
1





SITE CLASSIFICATION WORKSHEET
STATE SUPERFUND PROGRAM
6 NYCRR 375-2.7



Site Name: Booth Oil

Site ID No. 932100

City/Town: North Tonawanda

County: Niagara County

1. Has remediation been completed in accordance with a ROD including properly addressing institutional controls (ICs)?	<input checked="" type="checkbox"/> Yes (go to 7)	<input type="checkbox"/> No (go to 2)	
2. Has hazardous waste as defined in ECL §27-1301.1 been disposed at the Site?	<input checked="" type="checkbox"/> Yes (go to 3)	<input type="checkbox"/> No (stop)	<input type="checkbox"/> Unsure (go to 11)
3. Does the Site present a current or reasonably foreseeable significant threat to public health or the environment (complete Significant Threat Determination Worksheet)?	<input type="checkbox"/> Yes (go to 4)	<input checked="" type="checkbox"/> No (go to 6)	<input type="checkbox"/> Unsure (go to 11)
4. Is the significant threat causing or presenting an imminent danger of causing irreversible or irreparable damage to public health or the environment?	<input type="checkbox"/> Yes (Class 1)	<input checked="" type="checkbox"/> No (go to 5)	<input type="checkbox"/> Unsure (stop)
5. Is the Site presenting a significant but not imminent threat to public health or the environment?	<input type="checkbox"/> Yes (Class 2)	<input type="checkbox"/> No (reevaluate)	
6. Has hazardous waste been disposed but it does not present a significant threat to public health or the environment and the site is suitable for placement on the Registry?	<input type="checkbox"/> Yes (Class 3)	<input type="checkbox"/> No (go to 10)	
7. Is the site properly remediated but still requires continued active site management to maintain/achieve protectiveness?	<input checked="" type="checkbox"/> Yes (Class 4)	<input type="checkbox"/> No (go to 8)	<input type="checkbox"/> Unsure (stop)
8. Is the site properly remediated, does not require continued active site management, but is not suitable for delisting or a required IC is not yet in place?	<input type="checkbox"/> Yes (Class 5)	<input type="checkbox"/> No (go to 9)	<input type="checkbox"/> Unsure (stop)
9. Is the site properly remediated, required ICs are in place, the site does not require continued active site management, and is suitable for delisting?	<input type="checkbox"/> Yes (Class: C)	<input type="checkbox"/> No (go to 10)	<input type="checkbox"/> Unsure (stop)
10. Based upon investigation, is the degree of contamination such that the Site does not qualify to be placed on the Registry and that additional remedial work is not anticipated at this time?	<input type="checkbox"/> Yes (Class: N)	<input type="checkbox"/> No (reevaluate)	<input type="checkbox"/> Unsure (stop)
11. Does insufficient information exist to properly classify the site?	<input type="checkbox"/> Yes (Class P)	<input type="checkbox"/> No (reevaluate)	<input type="checkbox"/> Unsure (stop)

Current Classification: 2

Proposed Classification: 4

Additional Information to be Considered:

Remedial Action to remove contaminated soil and sediments from the site, adjacent storm sewer system and removal of contaminated sediments from the Niagara River was completed in 2004. Residual contamination remains in the form of low level PAH concentrations. OM&M plan approved as part of the Remedial Action Closure Report dated August 2004. Deed restriction filed with the Niagara County Clerks office for the CSX Railroad portion of the site only. George Booth the owner of a portion of the site did not participate in the remedial action. Therefore no deed restriction was filed on that portion of the site. The OM&M plan and soil management plan prepared by the site PRPs are applicable to the George Booth property.

Michael J Hinton
Project Manager Name/Title - Print

Michael J Hinton
Project Manager Name - Signature

2/12/2007
Date

Gregory P. Sutton
Bureau Director/RHWRE Name/Title - Print

Gregory P. Sutton
Bureau Director/RHWRE Name - Signature

2/12/2007
Date



Significant Threat Worksheet



☒ State Superfund Program
6 NYCRR 375-2.7

☐ Brownfields Cleanup Program
ECL §27-1411.1(c)

Site Name: Booth Oil

Site ID No. 932100

City/Town: North Tonawanda

County: Niagara County

1. Has all available and relevant evidence regarding the Site been reviewed and the factors in §375-2.7(a)(3) considered?	<input checked="" type="checkbox"/> Yes (go to 2)	<input type="checkbox"/> No (stop)	<input type="checkbox"/> Unsure (stop)
2. Does Site contamination result in significant adverse impacts (§375-2.7(a)(1)) to:			
a. species that are endangered, threatened, or of concern?	<input type="checkbox"/> Yes (go to b)	<input checked="" type="checkbox"/> No (go to b)	<input type="checkbox"/> Unsure (go to b)
b. protected streams, tidal/freshwater wetlands, or significant fish and wildlife habitat?	<input type="checkbox"/> Yes (go to c)	<input checked="" type="checkbox"/> No (go to c)	<input type="checkbox"/> Unsure (go to c)
c. flora or fauna from bioaccumulation or leads to a recommendation to limit consumption?	<input type="checkbox"/> Yes (go to d)	<input checked="" type="checkbox"/> No (go to d)	<input type="checkbox"/> Unsure (go to d)
d. fish, shellfish, crustacea, or wildlife from concentrations that cause adverse/chronic effects?	<input type="checkbox"/> Yes (go to e)	<input checked="" type="checkbox"/> No (go to e)	<input type="checkbox"/> Unsure (go to e)
e. the environment due to a fire, spill, explosion, or reaction that generates toxic gases, vapors, fumes, mists or dusts?	<input type="checkbox"/> Yes (go to f)	<input checked="" type="checkbox"/> No (go to f)	<input type="checkbox"/> Unsure (go to f)
f. areas where individuals or water supplies may be present and NYSDOH has determined there to be a significantly increased risk to public health (including from soil vapor)?	<input type="checkbox"/> Yes (go to 3)	<input checked="" type="checkbox"/> No (go to 3)	<input type="checkbox"/> Unsure (go to 3)
3. Does Site contamination result in significant environmental damage (§375-2.7(a)(2))?	<input type="checkbox"/> Yes (go to 4)	<input checked="" type="checkbox"/> No (go to 4)	<input type="checkbox"/> Unsure (stop)
4. If any box in items 2 or 3 have been checked "Yes," the site presents a significant threat to public health or the environment; check here.	Significant threat to: <input type="checkbox"/> Public Health <input type="checkbox"/> Environment		
5. If no boxes in items 2 or 3 have been checked "Yes," the site does not present a significant threat to public health or the environment; check here.	<input checked="" type="checkbox"/> Not a Significant Threat		

Summary of Main Factors Contributing to this Determination:

Remedial Action to remove contaminated soil and sediments from the site, adjacent storm sewer system and removal of contaminated sediments from the Niagara River was completed in 2004. Residual contamination remains in the form of low level PAH concentrations. OM&M plan approved as part of the Remedial Action Closure Replot dated August 2004.

Michael J. Hinton Project Manager Name/Title (Print)	 Project Manager Name (Signature)	<u>2/12/2007</u> Date
Gregory P. Sutton P.E. Bureau Director/RHWRE Name/Title (Print)	 Bureau Director/RHWRE Name (Signature)	<u>2/12/2007</u> Date



432100
Department of Environmental Conservation

Division of Environmental Remediation

Amended Record of Decision
Booth Oil Site
Operable Units No. 1 and No. 2
North Tonawanda, Niagara County
Site Number 9-32-100

August 2002

New York State Department of Environmental Conservation
GEORGE E. PATAKI, *Governor* Erin M. Crotty, *Commissioner*

DECLARATION STATEMENT - AMENDED RECORD OF DECISION

Booth Oil Inactive Hazardous Waste Site Operable Unit Numbers 1 & 2 North Tonawanda, Niagara County, New York Site No. 9-32-100

Statement of Purpose and Basis

The Amended Record of Decision (ROD) presents the selected remedy for the Booth Oil Class 2 inactive hazardous waste disposal site which was chosen in accordance with the New York State Environmental Conservation Law. The remedial program selected is not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan of March 8, 1990 (40CFR300).

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (NYSDEC) for the Booth Oil inactive hazardous waste site and upon public input to the Proposed Amended Record of Decision presented by the NYSDEC. A listing of the documents included as a part of the Administrative Record is included in Appendix B of the Amended ROD.

Assessment of the Site

Actual or threatened release of hazardous waste constituents from this site, if not addressed by implementing the response action selected in this Amended ROD, presents a current or potential significant threat to public health and the environment.

Description of Selected Remedy

Based on the results of the Remedial Investigation/Feasibility Study (RI/FS) for the Booth Oil site and the criteria identified for evaluation of alternatives, the NYSDEC has selected excavation with off-site disposal. The components of the remedy are as follows:

- contaminated soil will be excavated down to the naturally occurring clay layer underlying the site;
- storm sewer sediment will be removed from the Robinson Street storm sewer and its catch basins;
- contaminated sediments in the Little River will be excavated and disposed of with the site soils;
- water produced during dewatering of excavations will be treated onsite prior to discharge;
- all contaminated soils and sediments removed during remediation will be disposed of off-site in a permitted disposal facility;
- excavations will be backfilled and graded with clean fill; and
- deed restrictions and a long-term monitoring program will be established to address any residual contamination.

New York State Department of Health Acceptance

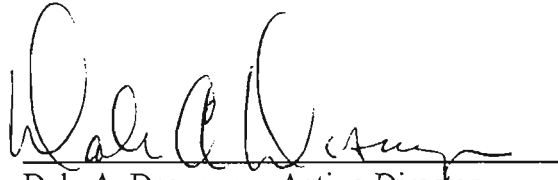
The New York State Department of Health concurs with the remedy selected for this site as being protective of human health.

Declaration

The selected remedy is protective of human health and the environment, complies with State and Federal requirements that are legally applicable or relevant and appropriate to the remedial action to the extent practicable, and is cost effective. This remedy utilizes permanent solutions and alternative treatment or resource recovery technologies, to the maximum extent practicable, and satisfies the preference for remedies that reduce toxicity, mobility, or volume as a principal element.

9-9-02

Date

A handwritten signature in black ink, appearing to read "Dale A. Desnoyers", is written over a horizontal line.

Dale A. Desnoyers, Acting Director
Division of Environmental Remediation

REPORT

Remedial Action Completion Report

**Booth Oil Site
North Tonawanda, New York**

**February 2004
(revised August 2004)**

BBL[®]
BLASLAND, BOUCK & LEE, INC.
engineers, scientists, economists

1. Introduction

1.1 General

Blasland, Bouck & Lee, Inc. (BBL) has prepared this *Remedial Action Completion Report* (RACR) to summarize the remedial action construction activities completed at the Booth Oil Site (site) located in North Tonawanda, New York. The site is listed as a Class 2 site on the New York State Department of Environmental Conservation (NYSDEC) Registry of Inactive Hazardous Waste Disposal Sites as No. 09-32-100. This RACR has been prepared on behalf of the Booth Oil Site Administrative Group (BOSAG), implementing Order of Consent (the Order) Index #B9-0214-96-03 (Appendix A), which was issued by the NYSDEC on June 23, 2003.

The remedial action construction activities were performed at the site in accordance with the Amended Record of Decision (AROD) (NYSDEC, August 2002), the NYSDEC-approved *Final Remedial Design* (FRD) (BBL, March 2003), and the Order. In accordance with the AROD (Appendix B), the remedial action objectives established for the site consisted of the following:

- reduce constituent concentrations present in site soils to eliminate potential risks to human health and the environment and to reduce the potential for offsite migration. The remedial cleanup goals were 10 parts per million (ppm) for polychlorinated biphenyls (PCBs) in subsurface soil (greater than 1 foot in depth), 1 ppm for PCBs in surface soil (upper 1 foot), 100 ppm for total polycyclic aromatic hydrocarbons (PAHs) in subsurface soil, 500 ppm for total semivolatile organic compounds (SVOCs), 10 ppm for total volatile organic compounds (VOCs), and 500 ppm for lead;
- remove impacted sediments from the Robinson Street storm sewer system to eliminate the potential for constituent migration to the Little River;
- remove impacted groundwater and nonaqueous phase liquid (NAPL) to eliminate the potential for offsite migration of constituents; and
- reduce further migration of constituents and reduce potential fish and wildlife contact with impacted sediments.

Based on these objectives, the remedial action construction activities that were implemented at the site generally consisted of the following:

- Clearing work areas at the site and at the adjacent 124 North Marion Street property.
- Abandoning existing site groundwater monitoring wells.
- Excavating surface soils within the former operations area of the site, but outside the primary excavation limits shown in the FRD, to a maximum depth of 1 foot and using this material as backfill for deeper onsite excavations.
- Excavating surface soil at 124 North Marion Street containing lead and PCB concentrations greater than the corresponding remedial cleanup goals.

-
- Excavating impacted onsite soil within the primary excavation limits shown in the FRD, with the depth of excavation extending to the clay layer underlying the site.
 - Excavating surface soil from the former Remedial Investigation (RI) surface sample location SS-20 containing lead and PCB concentrations greater than the corresponding remedial cleanup goals.
 - Excavating exposed surface material (i.e., upper 1 foot) west of the main-line railroad tracks.
 - Testing the excavated soil to determine its offsite treatment/disposal requirements.
 - Transporting excavated soils to an offsite treatment/disposal facility.
 - Dewatering site excavations and managing removed construction fluids. This included extracting NAPL and associated groundwater during the performance of soil excavation activities and treating the extracted NAPL/groundwater using an onsite water treatment system, and discharging the treated water to the City of North Tonawanda sanitary sewer system.
 - Protecting and supporting the AT&T fiber optic line (located to the east of former Track No. 5) and, as needed, the Sprint fiber optic line (located west of Track No. 1) to allow soil excavation and backfilling above, around, and under the existing fiber optic lines.
 - Using onsite surface and subsurface soil that did not contain visual “gross contamination”¹ and met the established remedial cleanup goals as backfill.
 - Collecting verification soil samples from the sidewalls and bottom of the excavated areas and analyzing the samples to determine whether the remedial cleanup goals were achieved.
 - Backfilling excavated areas with onsite soils and/or clean, imported backfill material, and restoring the site surface with topsoil and hydroseed.
 - Constructing a new onsite crossover railroad track to accommodate freight train traffic.
 - Protecting existing onsite freight line railroad tracks during excavation and backfilling activities until the new onsite crossover track was fully constructed by CSX Transportation, Inc. (CSXT).
 - Removing sediment from the Robinson Street storm sewer downstream of the site, including associated catch basin and manhole structures, sealing the interior walls of the existing six catch basin structures associated with the storm sewer directly adjacent to the site, and managing the removed sediments with the onsite soil for subsequent offsite treatment/disposal.
 - Removing sediment from the Little River within the limits shown in the FRD, adjacent to the outfall of the Robinson Street storm sewer, and managing the removed sediments with the onsite soil for subsequent offsite treatment/disposal.
 - Surveying the site, including pre- and post-construction surveying, as well as post-excavation surveying to document the final excavation limits.

¹ NYSDEC defined “gross contamination” as soils or waste materials characterized as “sludge-like” and NAPL-saturated soil.

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- Implementing health and safety activities, including personnel air monitoring, community air monitoring, and dust sampling and analytical testing.

On behalf of BOSAG, BBL first submitted this RACR in February 2004. Subsequent to that submission, additional site drainage controls were designed and installed and additional site grading was performed in the spring of 2004. Also, via letter dated July 6, 2004, the NYSDEC provided comments on the February 2004 RACR. The RACR was then revised by BOSAG to include/address both the updated information on work performed after the February 2004 submission and the NYSDEC's comments in their July 6, 2004 letter.

Finally, beginning in March 2004, BOSAG has responded to a discovered release of gasoline associated with an underground storage tank located outside the limits of remedial excavation on a portion of the site owned by the Booth Oil Company, Inc. The NYSDEC and BOSAG agreed that the spill response activities were not part of the remedial program at the site, and the NYSDEC assigned this gasoline release Spill No. 0375504. Accordingly, the spill response activities are being documented separately and are not addressed in this RACR.

1.2 Site Description

The site is located at 76 Robinson Street in North Tonawanda, New York (Record Drawing No. 1). Residential areas border the site to the east and north, while commercial and industrial areas are located to the west and south. The site occupies approximately 5.4 acres on three parcels of land (Record Drawing No. 2). The site contains both active and inactive railroad tracks, which are operated by CSXT and owned by New York Central, LLC (New York Central), an affiliate of CSXT.² The Booth Oil Company, Inc. (formerly George T. Booth and Son, Inc.) is the property holder of record for most of the eastern parcel of the site. The remainder of the site is owned by New York Central and was previously leased to George T. Booth & Son, Inc.

The western side of the site is bordered by two sets of railroad tracks, designated as Track Nos. 1 and 2 (Record Drawing No. 2). Prior to implementing remedial action construction activities at the site, the remainder of the site was crisscrossed by four freight train tracks (Record Drawing No. 2), designated as Track Nos. 3, 5, 7A, and 7B. During remedial construction, portions of these tracks were removed and abandoned and were replaced with a new crossover railroad track to serve local CSXT customers.

Existing utilities at the site (Record Drawing No. 2) include two underground telephone fiber optic lines that traverse the site from north to south. One line, which is owned and maintained by Sprint, is located west of Track No. 1. The other line, which is owned and maintained by AT&T, is located east of former Track No. 5 and ultimately crosses beneath Track No. 7A.

1.3 Site History

The site had been used for more than 50 years for waste oil refining. During its years of operation, two surface impoundments and several aboveground and underground tanks were used in the process. Waste oil refining operations at the site ceased in the 1980s. As part of the closure at that time, tanks and sludge were removed; two recovery wells were installed to address an oil layer floating on groundwater; and the surface impoundments were drained, backfilled, and covered with clean fill.

² New York Central was formed as a result of the CSXT and Norfolk Southern acquisition of portions of the Consolidated Rail Corporation (Conrail).

In early 1990, Dvirka & Bartilucci (D&B) conducted a Remedial Investigation/Feasibility Study (RI/FS) of the site, on behalf of the NYSDEC, to evaluate site soil and groundwater conditions. The results of the RI were documented in D&B's Phase I/Phase II RI report, dated August 1991, and the results of the FS were documented in D&B's Phase III FS report, dated February 1992. Following preparation of the RI/FS reports, the remedy for the site was selected by the NYSDEC, and the Operable Unit 1 (OU-1) Record of Decision (ROD) was issued in March 1992 (NYSDEC, 1992).

In 1992, at the conclusion of the OU-1 RI/FS, the NYSDEC expanded its investigation to the Little River. This expanded investigation involved collecting sediment samples in the Little River, upstream, downstream, and at the point where the Robinson Street storm sewer discharges to the Little River. The results of this expanded investigation led the NYSDEC to issue a ROD for Operable Unit 2 (OU-2) in March 1993 (NYSDEC, 1993). The OU-2 ROD specified removal of impacted Little River sediment in the immediate vicinity of the Robinson Street outfall.

After issuing the OU-1 ROD, the NYSDEC notified several potentially responsible parties (PRPs) seeking their agreement to implement the identified remedy. Following a series of negotiations with the NYSDEC, these PRPs conducted post-ROD investigations. The results of these post-ROD investigations were documented in Environmental Resources Management Inc.'s (ERM's) report entitled *Design and Verification of Field Record Information Report*, dated May 1997 (ERM, 1997). These post-ROD field investigation and laboratory studies evaluated the relationships between the concentrations of chemicals of concern in site soils and the physical appearance and texture of these soils. During this work, NYSDEC personnel participated in the field observations made to classify soil materials by degree of visual impact. From this study, the results of which were presented to the NYSDEC in May 1997, ERM found no reliable correlation between the physical appearance of the soil and concentrations of VOCs, SVOCs, PCBs, or lead.

Following these post-ROD investigations, the PRPs notified additional parties and thereafter formed BOSAG. BOSAG continued negotiations with the NYSDEC. These negotiations and the resulting refinement of the lateral limits of remediation led to the *Proposed Excavation and Treatment/Disposal Remedial Strategy* (ERM, February 1998). In a letter dated June 29, 1998, the NYSDEC acknowledged that the remedial strategy presented in the aforementioned document would allow for the development of a remedial design that would meet the intent of NYSDEC's OU-1 and OU-2 RODs for the site. To accommodate this change in site remedial strategy and address other technical issues that arose in the course of site remedial planning, the NYSDEC issued the August 2002 AROD.

The approach provided in ERM's February 1998 document was presented in greater detail to the NYSDEC in the *Remedial Design/Remedial Action (RD/RA) Work Plan* (BBL, March 2001). The RD/RA Work Plan provided the 30% remedial design for the selected remedy. NYSDEC provided comments on the RD/RA Work Plan, which were then incorporated into the draft Remedial Design (or *Pre-Final Remedial Action Plan*, BBL, October 2002). The draft Remedial Design provided the 100% remedial design for the selected remedy. NYSDEC provided comments on the draft Remedial Design, which were then incorporated into the FRD (March 2003). The FRD was reviewed and approved by the NYSDEC in a letter to BOSAG dated June 23, 2003 (Appendix C). Subsequent to the issuance of the AROD and NYSDEC's approval of the FRD, the NYSDEC issued the Order on June 23, 2003, which incorporated the FRD.

1.4 Roles and Responsibilities

The remedial action construction activities implemented at the site, as required by the AROD, FRD, and the Order, commenced on July 14, 2003 (mobilization) and were substantially completed on December 24, 2003.

BOSAG contracted with Severson Environmental Services, Inc. (Severson) to provide turnkey services to implement the remedial action construction activities at the site, with BBL, as a subcontractor to Severson, providing onsite construction quality assurance and health and safety services during the implementation of the remedial action construction. The remedial action construction activities performed at the site and adjacent properties were observed and documented by BBL on a full-time basis with such documentation being incorporated in this RACR. Photographs of the progression of work activities performed during the remedial action construction activities are provided in Appendix D.

Other subcontractors retained by Severson during the remedial action construction activities included the following:

- Clear Creek Surveyors (Clear Creek) of Arcade, New York performed site surveying under the direction of a New York State-licensed land surveyor.
- Waste Stream Technology, Inc. (Waste Stream) of Buffalo, New York provided offsite analytical laboratory testing services for imported backfill materials, waste characterization samples, and verification soil samples.
- CWM Chemical Services, LLC (CWM) of Model City, New York provided offsite transportation and treatment/disposal services for Toxic Substances Control Act (TSCA) and Resource Conservation and Recovery Act (RCRA) characteristic hazardous waste.
- Modern Landfill of Model City, New York, and BFIWSAN Niagara Landfill (BFI) of Niagara Falls, New York provided offsite transportation and disposal services for nonhazardous waste.
- Swift River Associates, Inc. (SRA) of Tonawanda, New York provided offsite recycling for surface concrete removed from the site.
- Buffalo Industrial Diving Company, Inc. (BIDCO) of Buffalo, New York performed the sediment removal, monitoring, and surveying activities for the Little River.
- Utility Construction Group, Inc. of Buffalo, New York performed the video camera inspection of the Robinson Street storm sewer.
- Glynn Geotechnical Engineering (Glynn) of Lockport, New York performed geotechnical testing of imported backfill materials used at the site, as well as in-place moisture and density testing for imported backfill materials that were placed onsite.
- Beau Enterprise, Inc. (Beau) of Ransomville, New York provided and applied the hydroseed mix over the areas that were backfilled with topsoil across the site.
- PSC Analytical Services (PSC) of Reading, Pennsylvania performed PCB analytical testing for the documentation air monitoring samples.
- Fox Fence of Niagara Falls, New York performed repairs to the existing chain-link fence along the east side of the site.
- CIR Electrical Construction, Inc. (CIR) of Tonawanda, New York provided the installation of temporary electrical hookup for the site trailers.

BBL retained SJB Services, Inc. (SJB) of Hamburg, New York to abandon existing onsite groundwater monitoring wells onsite using a licensed well driller.

BOSAG's Project Coordinator conducted a Preconstruction Meeting and biweekly Construction Progress Meetings at the site and prepared meeting minutes (Appendix E) that were distributed after each meeting to all meeting attendees, as well as the NYSDEC and BOSAG. In addition, BOSAG's Project Coordinator prepared Monthly Progress Reports (Appendix F) that were submitted to the NYSDEC and BOSAG.

The NYSDEC provided an onsite construction inspector(s) for regulatory oversight during the remedial action construction activities, as well as participation in the Preconstruction Meeting and biweekly progress meetings. The NYSDEC also acted as a liaison with other interested parties, such as the New York State Department of Health (NYSDOH) and local residents during the performance of remedial action construction activities at the site.

Representatives from AT&T and CSXT were also onsite, as necessary, throughout the remedial action construction activities. The AT&T representative was onsite when construction activities were being performed adjacent to the AT&T underground fiber optic line. In addition, a Sprint representative was onsite for a short period of time when construction activities were being performed adjacent to the Sprint underground fiber optic line. CSXT representatives were onsite when construction activities were being performed adjacent to the active main line and freight tracks. CSXT retained Patterson-Stevens, Inc. (Patterson-Stevens) of Tonawanda, New York to construct the new onsite crossover railroad track.

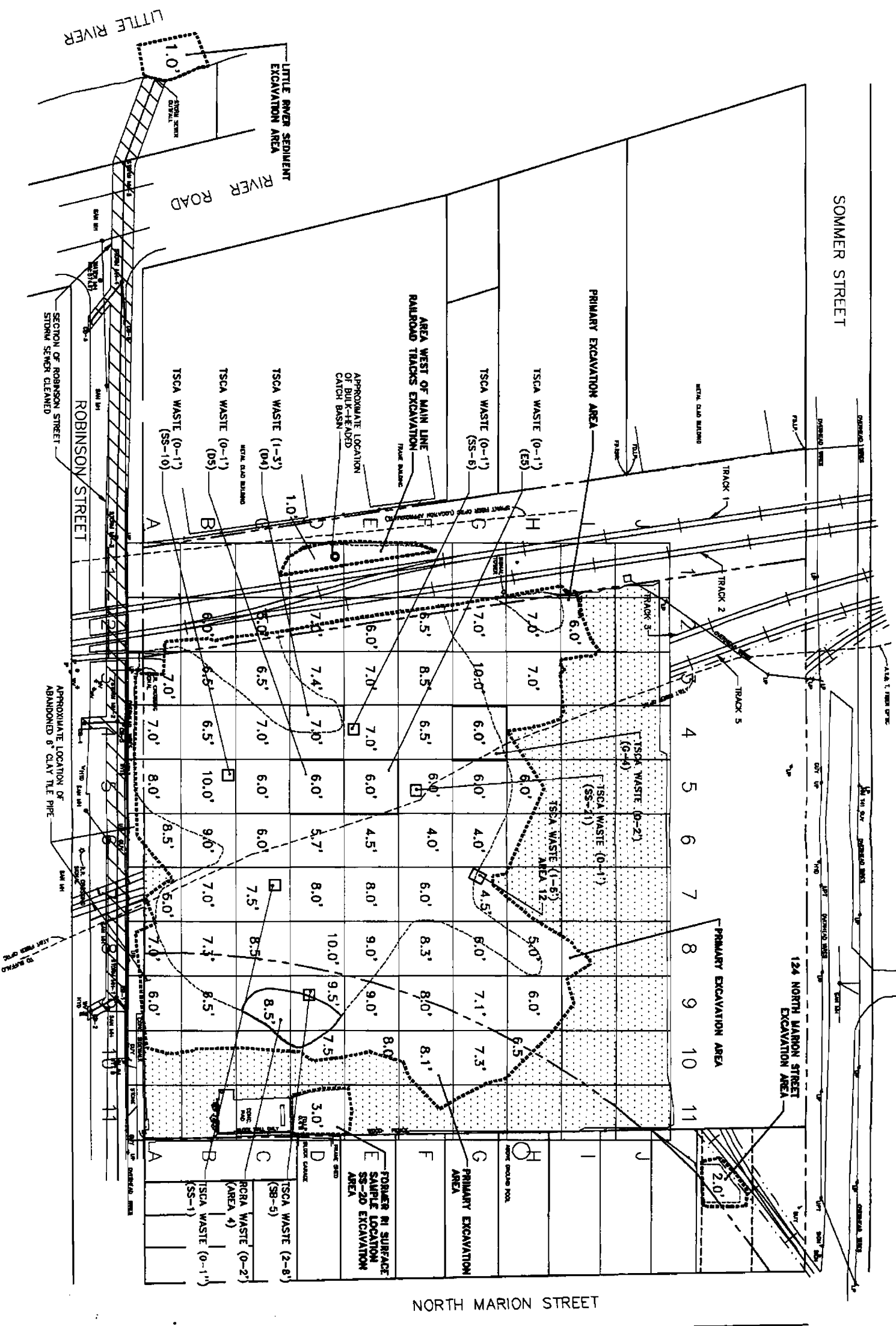
1.5 Purpose and Organization of the Remedial Action Completion Report

This RACR summarizes and documents the activities implemented by BOSAG to comply with the June 23, 2003 Order and FRD. This RACR includes a summary of the work performed; descriptions of analytical, geotechnical, and quality control (QC) testing performed; a summary of the completed remedial action construction activities; a description of modifications to the FRD; and final Record Drawings. This RACR has been organized into the following sections:

- **Section 1 – Introduction:** Provides a brief overview of the construction remedial action activities performed at the site, provides a site description and background information for the site, identifies the roles of the entities involved during the performance of the remedial action construction activities, and describes the organization of the RACR.
- **Section 2 – Mobilization and Site Preparation:** Describes the initial remedial action construction activities performed at the site, including acquisition of permits and access agreements, set-up of the field trailers, site clearing, preliminary field surveying, and groundwater monitoring well abandonment activities.
- **Section 3 – Soil Excavation and Site Restoration:** Presents the soil excavation activities performed to remove impacted soils from the site, former RI surface sample location SS-20, the 124 North Marion Street property, and an area located west of Railroad Track Nos. 1 and 2. Also, summarizes the activities performed to backfill and restore these excavated areas, including the construction of a new onsite crossover railroad track.

-
- Section 4 – Sampling and Analysis Summary: Summarizes the sampling and analyses for imported backfill material, excavated soil that was reused for backfilling, waste characterization soil samples, verification soil samples, miscellaneous verification samples, and treated effluent water samples.
 - Section 5 – Storm Sewer Cleaning and Catch Basin Improvements: Presents the activities performed to clean and televise the existing Robinson Street storm sewer downstream of the site, as well as the improvements performed to the six existing storm sewer catch basins adjacent to the site.
 - Section 6 – Little River Sediment Removal: Presents the sediment excavation activities performed in the Little River in the vicinity of the Robinson Street storm sewer outfall.
 - Section 7 – Health and Safety Summary: Summarizes the health and safety monitoring activities performed at the site to protect onsite workers, as well as the surrounding community. This section also presents personnel monitoring and community air monitoring data.
 - Section 8 – Offsite Transportation and Disposal Summary: Summarizes the waste materials and quantities that were disposed offsite as part of the remedial action construction activities.
 - Section 9 – Post-Construction Activities: Summarizes the various site activities that were performed at the end of the project, which included a pre-final inspection, demobilization, and substantial completion.
 - Section 10 – Field Changes: Summarizes the various field changes that were implemented at the site during the implementation of remedial action construction activities.
 - Section 11 – Completion Requirements for the Remedial Action: Summarizes the various completion requirements identified in the June 23, 2003 Order. These items include the submittal of a detailed post-construction *Operation and Maintenance Plan* (O&M Plan), a final construction engineering report (i.e., this RACR), and certification by a Professional Engineer that all components of the remedial program were conducted in accordance with the NYSDEC-approved FRD.

In addition, various tables, Record Drawings, and appendices are included in this RACR that present details of the information discussed in the above sections, as well as additional documentation of remedial action construction activities performed in accordance with the requirements of the FRD.



- LEGEND:
- PARCEL
 - SUB-LOT
 - PROPERTY LINE
 - DESIGN LIMITS OF EXCAVATION
 - ACTUAL LIMITS OF EXCAVATION
 - RORA AND TSCA EXCAVATION
 - 1' PMH SURFACE SOIL EXCAVATION
 - APPROXIMATE REMOVAL DEPTH
 - 7.5'
 - PORTION OF STORM SEWER CLEANED

Note:
Elevations shown refer to NAVD 88 vertical datum.
Grid shown as provided by contractor.
New York State Plane Horizontal Coordinates shown refer to NAD 83 (1983) NYS Heat Zone.
All dimensions or additional to a survey bearing a licensed surveyor signature or seal is illegal.

Survey by William J. Tucker, II PLS #202859
Civil Engineer, Surveyor
1000 Main St., New York, NY 10009
December 16, 2003 PH 685-482-4178

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Graphic Scale
1"=50'
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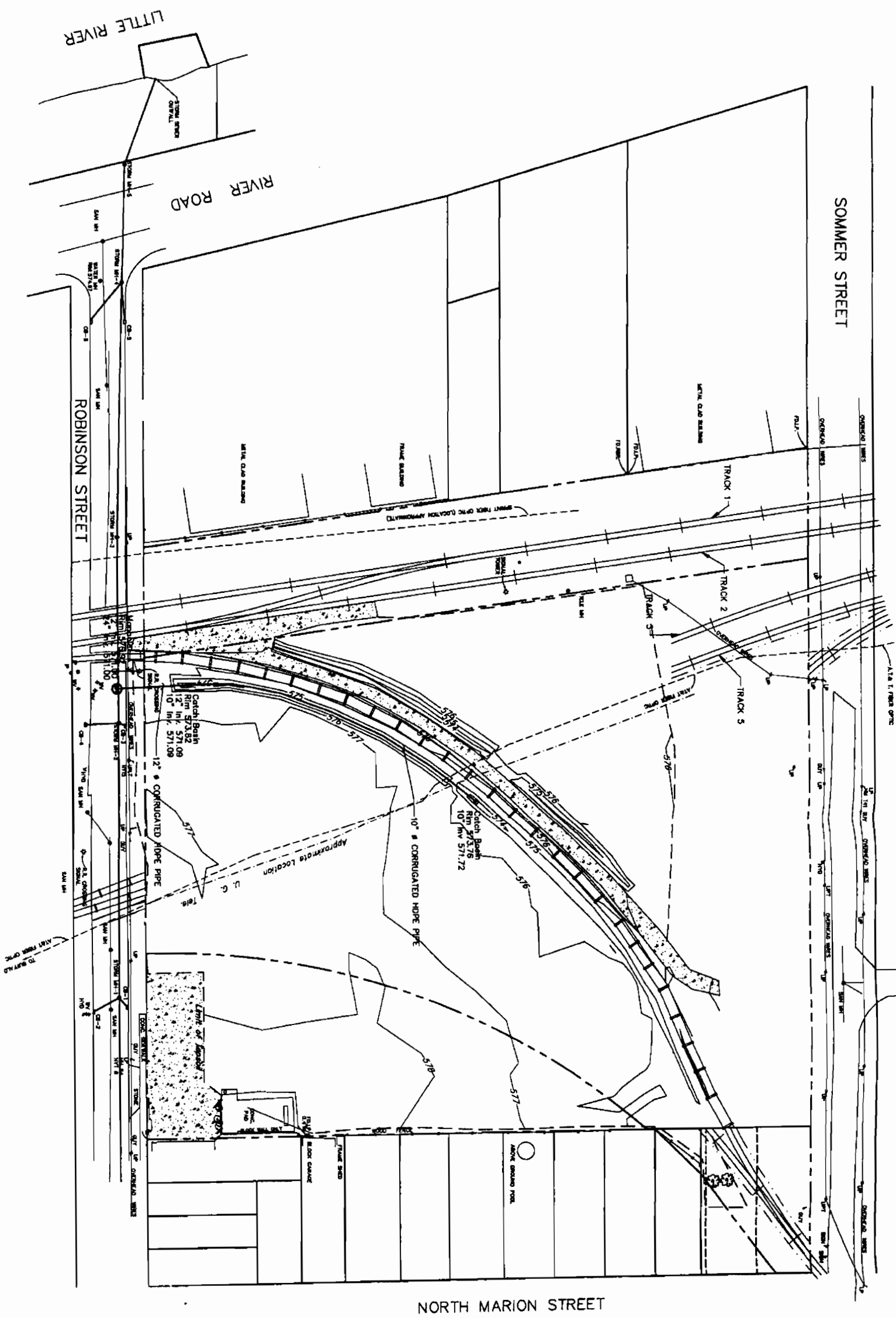
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Checked by: _____
Proj. Eng. _____
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Engineering, Architecture, Interiors

BOOTH OIL SITE ADMINISTRATIVE GROUP - BOOTH OIL SITE, NORTH TOWNWANDA, NEW YORK
FINAL LIMITS OF EXCAVATION
RECORD DRAWING

File Number 840.08	DATE FEBRUARY 2004
BLOOMING BOUT & LEE, INC. Corporate Headquarters 500 Main St., New York, NY 10009 315-445-9120	

3



- LEGEND:
- PARCEL
 - SUB-LOT
 - PROPERTY LINE
 - STONE ROADWAY
 - NEW ON-SITE CROSSOVER RAILROAD TRACK
 - EXISTING RAILROAD TRACKS
 - ELEVATION CONTOUR LINE
 - LIMIT OF TOPSOIL PLACEMENT
 - NEW CATCH BASIN
 - NEW MANHOLE

Notes:
Elevations shown refer to NAVD 83 vertical datum.
Grid shown as provided by contractor.
New York State Plane Horizontal Coordinates shown refer to NAD 83 (1984) NYS West Zone.
Alterations or additions to a survey bearing a licensed surveyor's signature or seal, is illegal.

Survey by William J. Tucker, II PLS #020369
Clear Creek Surveyors
235 Main St., Arcadia, New York 14009
December 16, 2003 ph 565-492-4179

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BBI
BASSANO, BOCK & LEE, INC.
engineers, architects, interior designers

BOOTH OIL SITE ADMINISTRATIVE GROUP • BOOTH OIL SITE, NORTH TONAWANDA, NEW YORK

FINAL SITE CONDITIONS

RECORD DRAWING

File Number	840100
Date	AUGUST 2004
Prepared by	Bassano, Bock & Lee, Inc.
Reviewed by	8773 Tonawanda Road Tonawanda, NY 14214 315-446-9120

11. Completion Requirements for the Remedial Action

11.1 General

This sections summarizes the various completion requirements specified in the June 23, 2003 Order. Based on NYSDEC's established substantial completion date of December 24, 2003 (Section 9.4), the completion requirements specified in Item II (D) of the Order states the following, "Within 45 days after completion of the construction activities identified in the Approved Remedial Design, Respondents shall submit to the Department (1) a detailed post-remedial operation and maintenance plan ('O&M Plan'); (2) 'as-built' drawings and a final engineering report (each including all changes made to the Approved Remedial Design during construction); and (3) a certification by a professional engineer that the Approved Remedial Design was implemented and all construction activities were completed in accordance with its terms. The O&M Plan, 'as-built' drawings, final engineering report, and certification shall be prepared, signed, and sealed by a profession engineer."

The completion requirements for as-built drawings and final engineering report (item 2 above) and a certification by a professional engineer (item 3 above) have been satisfied based on the information included in this RACR. The completion requirement for a detailed O&M Plan is included below.

11.2 Operation and Maintenance Plan

This section discusses the future O&M requirements for the site based on the completion of the remedial action construction activities. This section has been prepared to satisfy Item II (D) of the Order, which includes preparing a detailed post-remedial O&M Plan. Therefore, upon the NYSDEC's approval of this RACR, the O&M requirements identified in this section will be implemented by BOSAG.

Based on the extensive efforts during remedial action construction, the remedial action objectives that were established for the site (Section 1.1) have been completely satisfied based on the removal of the impacted soils, sediments, NAPL, and groundwater. A listing of the remedial action objectives and how they were satisfied during the remedial action construction activities is provided below:

- *Reduce constituent concentrations present in site soils to eliminate potential risks to human health and the environment and to reduce the potential for offsite migration.* Soil materials exceeding the remedial cleanup goals were removed from the site, and based on the analytical results of the verification samples (Sections 4.5 and 4.6), soil materials that remained at the site were below the remedial cleanup goals. In addition, grossly contaminated soil that was observed during the performance of excavation activities was removed in its entirety, beyond what had been anticipated in the AROD and FRD, to the satisfaction of the onsite NYSDEC representative.
- *Remove impacted sediments from the Robinson Street storm sewer system to eliminate the potential for constituent migration to the Little River.* As discussed in Section 5, sediment was removed from the Robinson Street storm sewer to eliminate the potential for constituent migration to the Little River, as documented in Appendix N.
- *Remove impacted groundwater and the oil layer to eliminate the potential for offsite migration of constituents of concern.* During the performance of remedial action construction activities, impacted

groundwater and NAPL were removed from the excavated areas and were treated using the onsite temporary water treatment system (Section 3.6.4). The treated effluent was sampled and analyzed to satisfy the City of North Tonawanda's discharge requirements, and was discharged to the sanitary sewer. In addition, as indicated previously, grossly contaminated soil containing NAPL was removed in its entirety, to the satisfaction of the onsite NYSDEC representative.

- *Reduce further migration of constituents, and potential fish and wildlife contact with impacted sediments.* As discussed in Section 6, sediment was removed from the Little River within the limits delineated in the FRD.

By completely satisfying the remedial action objectives, the future O&M activities at the site will not be as extensive as originally anticipated in Section 8 of the FRD. In its July 6, 2004 comment letter; however, the NYSDEC requested a limited groundwater monitoring program to confirm that the groundwater quality at the site is not significantly impacted by site-related constituents.

11.2.1 Site Inspections and Maintenance

Future O&M requirements that BOSAG proposes for the site involve routine inspections focused on confirming the following:

- Stormwater control structures for the site are functioning properly.
- The soil surface is stable and not subject to excess soil erosion/scour, settlement, or surface water.
- Site activities are consistent with the long-term institutional controls (Section 11.3).

Based on these inspections, corrective measures will be implemented if the stormwater control structures are not functioning properly or there is evidence of excess soil erosion/scour, settlement, or surface-water ponding. The inspections and corrective measures (if necessary) will be documented by BOSAG in a letter that will be submitted to the NYSDEC within 30 days of the completed inspection or corrective measure. BOSAG will also notify the NYSDEC of any perceived conflicts with the long-term institutional controls identified during the inspections.

Inspections will be conducted quarterly during the first year following final completion of the remedial action construction activities and semiannually during the second year. In years 3 through 5, inspections will be conducted annually. Unless conditions indicate that ongoing corrective measures were needed, these inspections would end after the fifth year.

No routine maintenance of the site is required. CSXT will arrange for mowing of the site on a twice-monthly basis in the summer and monthly in the fall to facilitate site inspections and to comply with City ordinances.

11.2.2 Groundwater Monitoring

As requested in the NYSDEC's July 6, 2004 comment letter, BOSAG will install four new monitoring wells at the general locations shown in Appendix EE. These wells will be used to evaluate the presence of NAPL in the shallow (perched) water zone above the clay layer. Final well locations will be surveyed following installation

to determine horizontal location (± 1 foot) and vertical location (ground surface ± 0.1 foot and top of casing ± 0.01 foot).

The monitoring wells will be installed using hollow-stem augers advanced approximately 2 feet into the clay layer. The wells will be constructed of 2-inch-diameter polyvinyl chloride (PVC) risers and 5-foot factory slotted well screens. Typical groundwater monitoring well installation and development procedures, as well as a typical well detail are included in Appendix FF.

After development, the monitoring wells will be gauged to assess groundwater flow direction and for the presence of NAPL. Thereafter, the monitoring wells will be gauged quarterly to assess groundwater flow direction and for the presence of NAPL. Details of the groundwater monitoring are presented in Appendix GG.

The groundwater monitoring program will continue for 3 years. If no NAPL is detected, the monitoring would terminate at that time. If NAPL is detected, the need for and scope of further sampling would be evaluated.

11.2.3 Surface Water Monitoring

BOSAG will conduct sampling of the discharge from the site drainage ditches to the Robinson Street storm sewer. Surface-water samples will be collected from the lower catch basin and will be analyzed for site-related parameters (i.e., PAHs and PCBs) and total suspended solids. Samples will be collected for 2 years, once in the spring and once in the fall, during periods of significant rainwater runoff. Details of surface-water monitoring are presented in Appendix HH.

11.3 Long-Term Institutional Controls

As an owner of a portion of the property, New York Central Lines, LLC has recorded a restrictive covenant on its property limiting future site development and requiring any future owner to maintain site surface soils as a protective cover. The restrictive covenant also limits future site land uses to industrial/commercial (i.e., no residential development). A copy of this restrictive covenant is provided in Appendix II. The restrictive covenant imposed by New York Central Lines, LLC, prohibits, without prior NYSDEC approval, any excavation activities on its property that could disturb the upper soil cover and expose subsurface soils. As such, future site development can only occur with specific NYSDEC approval of the manner in which excavated soils will be managed. New York Central Lines, LLC, has elected this conservative approach in lieu of developing a more generic *Soil Management Plan* (SMP) that would, at this time, define requirements for any future soil excavation.

Booth Oil Company, Inc., as the owner of the remainder of the site property, will need to file restrictive covenants for his portion of the site. It is envisioned that the restrictive covenant on the Booth property will be similar to that filed by New York Central Lines, LLC., in limiting future site development and requiring any future owner to maintain site surface soils as a protective cover. If the restrictive covenants filed for the Booth property do not prohibit excavation without prior NYSDEC approval, the filing of these restrictive covenants will need to be accompanied with the development of an SMP similar to that provided, as an example, in Appendix JJ.

Appendix JJ

Soil Management Plan

1.0 General

The Booth Oil site is currently owned by two parties: New York Central Lines, LLC. and Booth Oil Company, Inc. Appendix EE shows the site boundary and the portioning of the site between these two owners.

New York Central Lines, LLC. has recorded a restrictive covenant on its property limiting future site development and requiring any future owner to maintain site surface soils as a protective cover. The restrictive covenant imposed by New York Central Lines, LLC. (Appendix II), prohibits, without prior New York State Department of Environmental Conservation (NYSDEC) approval, any excavation activities on its property that could disturb the upper soil cover and expose subsurface soils. As such, future site development can only occur with specific NYSDEC approval of the manner in which excavated soils will be managed. New York Central Lines, LLC., has elected this conservative approach in lieu of developing a more generic *Soil Management Plan* (SMP) that would, at this time, define requirements for any future soil excavation.

Booth Oil Company, Inc., as the owner of the remainder of the site property, will need to file restrictive covenants for its portion of the site. It is envisioned that the restrictive covenant on the Booth Oil property will be similar to that filed by New York Central Lines, LLC., in limiting future site development and requiring any future owner to maintain site surface soils as a protective cover. If the restrictive covenants filed for the Booth Oil property do not prohibit excavation without prior NYSDEC approval, the filing of these restrictive covenants will need to be accompanied with the development of an SMP. This appendix provides a sample SMP that might be required at the Booth Oil Company, Inc. property.

2.0 Options for Soil Disposition

Surface soils (i.e., soils at a depth of less than 12 inches below existing grade) that are excavated at the site shall be handled in one of two ways:

- returned as onsite backfill; or
- sent offsite for disposal.

Subsurface soils (i.e., soils at a depth of greater than 12 inches below existing grade) that are excavated at the site shall be handled in one of three ways:

- returned as onsite backfill in the subsurface;
- sent offsite for disposal; or
- used as onsite backfill in an unrestrictive manner provided that materials are tested to demonstrate that they meet site cleanup criteria for surface soil.

3.0 Onsite Soil Handling

Whenever soils at the site are excavated to a depth in excess of 12 inches, surface (i.e., 0- to 12-inch) and subsurface soils (greater than 12 inches) shall be segregated and stockpiled separately. Soils shall be temporarily staged onsite in a manner that minimizes the potential cross-contamination of materials. Removed soils shall not be used to backfill excavations or for any other purpose until testing is completed in accordance with this SMP, and the soil is determined to be acceptable for its intended use. Stockpiles of subsurface soils shall be placed in a lined or paved area and shall be covered with polyethylene, canvass, or similar material to avoid direct contact with clean surface soil.

4.0 Soil Testing

Certain staged soils must be tested to determine their further disposition. If sampling is required, representative samples shall be collected at a minimum frequency of one sample for every 100 cubic yards (cy) excavated or one sample from each discrete excavation area, whichever would yield a greater number of samples.

Type 1 Testing for Onsite Reuse: Type 1 testing is applicable to any subsurface soils being considered for onsite reuse (i.e., as opposed to offsite disposal). In the Type 1 testing, collected soil samples shall be analyzed for the following constituents (on a "totals" basis, not using toxicity characteristic leaching procedure [TCLP] or other leaching procedure) for comparison to the following site-specific soil cleanup criteria:

Constituent	Criteria (mg/kg)	
	Surface	Subsurface
Total target compound list volatile organic compounds (by USEPA Method 8260C)	10	10
Total polycyclic aromatic hydrocarbons (by USEPA Method 8270B)	10	100
Total target compound list semivolatile organic compounds (by USEPA Method 8270C)	50	500
Total polychlorinated biphenyls (by USEPA Method 8280)	1	10
Total lead	500	500

Type 2 Testing for Offsite Disposition: Type 2 testing is applicable to any soil that is to be taken offsite for disposal. Type 2 testing involves whatever material characterization is required for waste acceptance at candidate disposal facilities or, if the soil is proposed for off-site reuse, for attainment of levels given in the latest update NYSDEC Technical and Administrative Guidance Memorandum (TAGM) 4046.

Surface soils being reused onsite and subsurface soils that are being used as onsite subsurface (i.e., greater than 12-inch depth) need not be tested.

5.0 Soil Disposition

The disposition of excavated site soil shall be in accordance with the results of the specified testing program. Any soil found to be soils mixed with petroleum materials (i.e., as evidenced by staining, odor,

and sludge-like appearance) shall be managed as waste and disposed of offsite at permitted facilities, irrespective of testing results. Similarly, any debris found mixed with soils (e.g., bricks, piping, trash) shall be managed as waste and disposed of offsite at permitted facilities. Additional Type 2 testing may be required to determine the appropriate offsite disposal facility for such materials.

6.0 Imported Backfill Materials

Any imported borrow soil to be used as backfill will be tested in advance and confirmed to be uncontaminated. Only soils taken from "virgin" sources (e.g., noncommercial, nonindustrial), offsite borrow soils shall be imported to the site. Such borrow soils shall be analyzed for the constituents identified in the latest update of NYSDEC TAGM 40446 and shown to meet the criteria set forth in TAGM 4046. Imported borrow soils shall be tested at a minimum of 1 sample per source and 1 sample per 5,000 cy if more than 5,000 cy are taken from a single source. The requirements for chemical testing do not apply to processed sand, gravel, or stone materials purchased from a commercial supplier.

7.0 Documentation

The following written documentation shall be provided to the NYSDEC related to any soil removal at the site:

- results of material characterization sampling;
- applicable contractor health and safety plans;
- copies of waste characterization records or other waste approval forms;
- copies of waste shipping papers or manifests;
- measurements showing the limits of soil removal tied to established horizontal and vertical control points;
- results of all laboratory data for soil sampling; and
- analytical laboratory testing of any imported borrow soils used for backfill.

Such documentation shall be submitted not later than 30 days following completion of the soil removal activity.

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BOOK 3245 PAGE 720

NIAGARA COUNTY

ERK

PAGE 02

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NIAGARA COUNTY CLERK RECORDING PAGE
OFFICE OF THE CLERK COUNTY OF NIAGARA
WAYNE F. JAGOW, COUNTY CLERK
County Courthouse, 175 Hawley Street, P.O. Box 461, Lockport, NY 14095
Phone (716) 439-7027 Fax (716) 439-7066

INSTRUMENT DATE _____

DOCUMENT TYPE Declaration of Covenants and Restrictions

Parties: (Print Names in Full)

1st Part Consolidated Rail
Corporation

2nd Part _____

3rd Part North Tonawanda

Subscribed For:

Donald D. Anderson
McGraw-Hill
50 N. Laura St., Ste. 3300
Jacksonville, FL 32202

THIS SPACE RESERVED FOR COUNTY CLERK

MORTGAGE# _____

MORTGAGE AMOUNT _____

☐ One/two family ☐ Other

☐ Check if to be apportioned

DOCUMENT # 1006877
BOOK 3245 PAGE 720 DEEDS
NUMBER OF PAGES 5
RECORDED 08/05/2003 09:26:30 A.M.
RECEIPT # 20302 DOCUMENT TOTAL: \$42.00
PAID - COUNTY CLERK
WAYNE F. JAGOW

RECORDING TAX RECEIPT

ASIC \$ _____
ADDITIONAL \$ _____
SPECIAL \$ _____
TOTAL \$ _____

Dated _____, 20____

State of New York) as
County of Niagara)
I do hereby certify that I have
Received on the within Mortgage, being
the amount of the Recording Tax
Imposed thereon & paid at recording.

REAL ESTATE TRANSFER
TAX

\$ _____

NIAGARA COUNTY

Mortgage Tax Clerk of Niagara County

This sheet constitutes the Clerk's endorsement required by section 319 of the Real Property Law of the State of New York
DO NOT DETACH

Prepared by and return to:
Donald D. Anderson
McGuireWoods LLP
50 N. Laura St., Suite 3300
Jacksonville, FL 32202

DECLARATION OF COVENANTS AND RESTRICTIONS

THIS COVENANT is made the 28th day of July, 2003, by NEW YORK CENTRAL LINES, LLC, a Delaware Limited Liability Company and wholly-owned subsidiary of Consolidated Rail Corporation ("NYCLLC") and having an office for the transaction of business at 500 Water Street, Jacksonville, Florida,

WHEREAS, Booth Oil Site is the subject of a Order On Consent ("Consent") executed by Conrail as part of the New York State Department of Environmental Conservation's (the "Department's") Voluntary Cleanup Program, namely that parcel of real property located on 50 Robinson Street in the City of North Tonawanda, of Niagara County, State of New York, which is part of lands conveyed by Consolidated Rail Corporation to New York Central Lines, LLC by deed dated July 21, 1999 and recorded in the Niagara County Clerk's Office on July 21, 1999 in Library 2944, Page 1 and being more particularly described in Appendix "A," attached to this declaration and made a part hereof, and hereinafter referred to as the "Property"; and

WHEREAS, the Department approved a remedy to eliminate or mitigate all significant threats to the environment presented by the contamination disposed at the Property and such remedy requires that the Property be subject to restrictive covenants.

NOW, THEREFORE, NYCLLC, for itself and its successors and/or assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is as shown on a map attached to this declaration as Appendix "B" and made a part hereof, and consists of the metes and bounds as attached hereto as Appendix "A".

Second, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as the "Relevant Agency," is first obtained, there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property, which threatens the integrity of the soil cap, or which results in unacceptable human exposure to contaminated soils.

Third, the owner of the Property shall maintain the cap covering the Property by maintaining its grass cover or, after obtaining the written approval of the Relevant Agency, by capping the Property with another material.

Fourth, the owner of the Property shall prohibit the Property from ever being used for purposes other than for Manufacturing, Industrial, Light Industrial or Commercial purposes. Any other use may be allowed only upon demonstration to the satisfaction of the Relevant

Agency that any such proposed use will not pose a danger to public health, safety or the environment. Any approval granted by the Relevant Agency for the restricted uses shall be in writing, must contain reference to this instrument and shall be filed with the Niagara County Clerk's Office.

Fifth, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Relevant Agency.

Sixth, the owner of the Property shall continue in full force and effect any institutional and engineering controls required under the Consent and maintain such controls unless the owner first obtains permission to discontinue such controls from the Relevant Agency.

Seventh, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property, and shall provide that the owner and its successors and assigns consent to enforcement by the Relevant Agency of the prohibitions and restrictions that Paragraph XI of the Consent require to be recorded, and hereby covenant not to contest the authority of the Relevant Agency to seek enforcement.

Eighth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

Dated: July 28, 2003 By: J. Randall Evans
Title: VICE PRESIDENT

Printed Name: J. RANDALL EVANS

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 28th day of July, 2003 by J. RANDALL EVANS the VICE PRES of NEW YORK CENTRAL LINES LLC, a DELAWARE LIMITED LIABILITY Corporation, on behalf of the corporation. He/she [is personally known to me or] produced _____ as identification.

Betty D. Jones
BETTY D. JONES

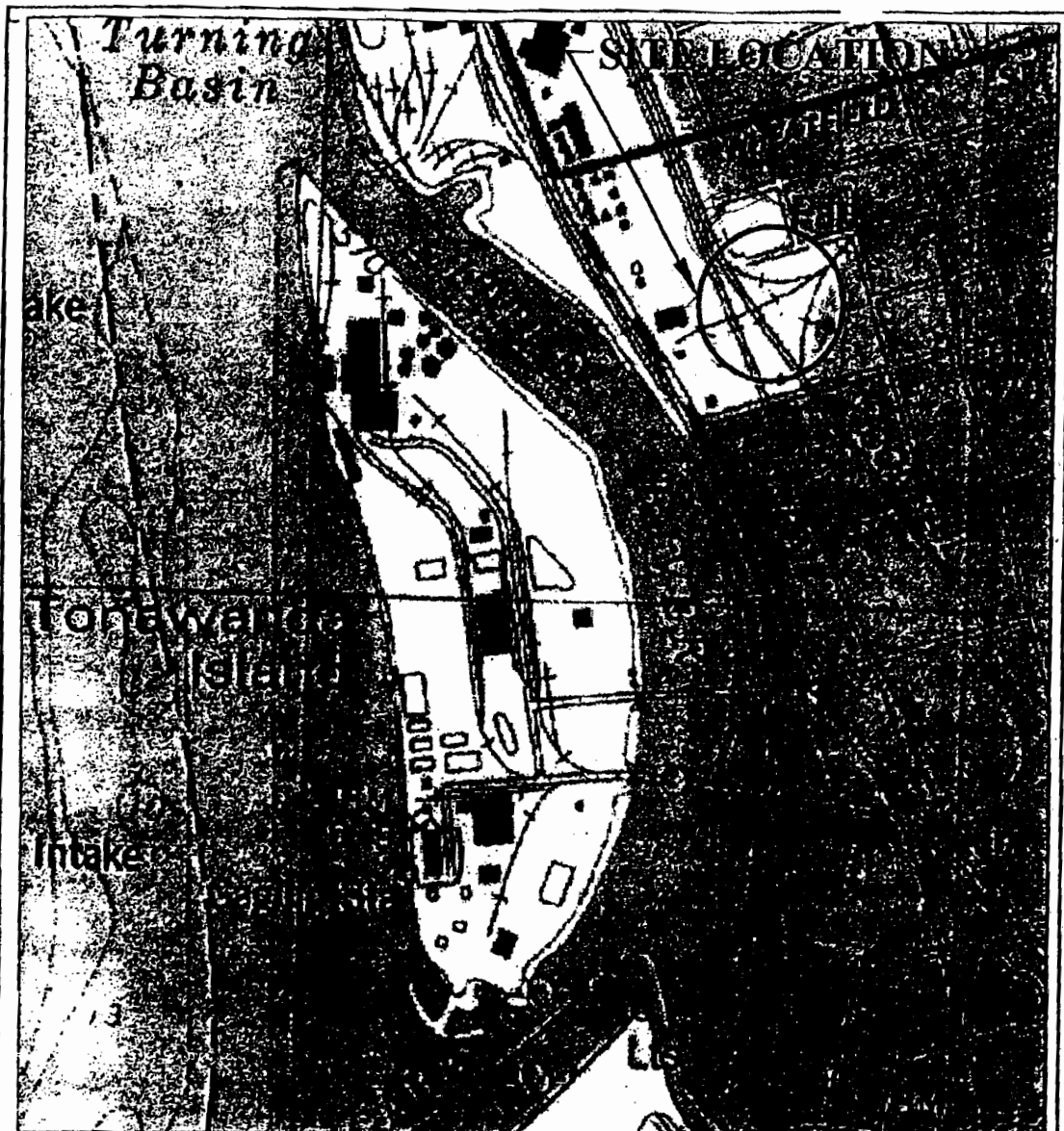
Print Name
Notary Public, State and County aforesaid
Commission No.: _____
Commission Expires: _____



APPENDIX "A"

2.48 Acres in Subdivision Lots 11, 12 & 13, commonly known as 50 Robinson Street, North Tonawanda, Niagara County, New York. SBL #182.17-1-34.1

\\jac\3285\Declaration of Covenants & Restrictions.doc



TONAWANDA WEST, N. Y.

1/4" = 1 MILE
N 4300-97852.57.5

1980

DMA 3770 IN 24-SERIES 724



AREA LOCATION

BOOTH OIL

SITE NO. 9-32-100

New York State Department of
Environmental Conservation



FILE: 9-32-100

DRAWING BY: JEC

SITE LOCATION

DATE: 7/1/80

FIGURE 1

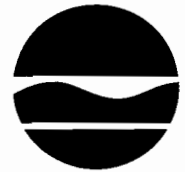
APPENDIX "B"

**New York State Department of Environmental Conservation
Division of Environmental Remediation, Region 9**

270 Michigan Avenue, Buffalo, New York, 14203-2999

Phone: (716) 851-7220 • **FAX:** (716) 851-7226

Website: www.dec.state.ny.us



Erin M. Crotty
Commissioner

November 18, 2004

Mr. Leo M. Brausch, P.E.
Consulting Environmental Engineer
131 Wedgewood Drive
Gibsonia, PA 15044-9795

Dear Mr. Brausch:

Re: Booth Oil Site, Site #932100
North Tonawanda, Niagara County
Remedial Action Completion Report

The New York State Department of Environmental Conservation (NYSDEC) Division of Environmental Remediation has reviewed the Remedial Action Completion Report dated February 2004 and revised August 2004.

This report is acceptable to the NYSDEC and is approved. This project is now complete and has entered the long term Operation and Maintenance Plan phase as outlined in Section 11 of the Remedial Action Completion Report. A copy of the Remedial Action Completion Report must be provided to the Document Repository located at the North Tonawanda Public Library 505 Meadow Drive, North Tonawanda New York 14120.

A final Fact Sheet will be prepared and sent to the community after we receive confirmation that the Remedial Action Completion Report has been provided to the site's document repository.

If you have any questions please call me at 851-7220.

Sincerely,

Michael J. Hinton P.E.
Division of Environmental Remediation
Region 9

cc: Daniel K. King P.E., Division of Environmental Remediation, Region 9
James Tuk, Division of Environmental Remediation, Region 9
Glen Bailey Esq., Division of Environmental Enforcement, Western Field Unit
Michael Ryan P.E., Division of Environmental Remediation, Albany
Matthew Forcucci, New York State Department of Health, Western Field Office, Buffalo

**New York State Department of Environmental Conservation
Division of Environmental Remediation, Region 9**

270 Michigan Avenue, Buffalo, New York, 14203-2999

Phone: (716) 851-7220 • **FAX:** (716) 851-7226

Website: www.dec.state.ny.us



Denise M. Sheehan
Acting
Commissioner

May 5, 2005

Mr. Leo M. Brausch, P.E.
Consulting Environmental Engineer
131 Wedgewood Drive
Gibsonia, PA 15044-9795

Dear Mr. Brausch:

Re: Booth Oil Site, Site #932100
Spill #0375504
88 Robinson Street
North Tonawanda, Niagara County

The New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Health (NYS DOH) have reviewed the data for the above referenced spill response and have determined that no further remedial spill response work will be required.

This determination is based on the following:

1. The February 25, 2005 Completion Report documenting the Booth Oil Site Administrative Group response to the spill event including data on soil, groundwater, soil vapor and indoor air analysis;
2. Sub-slab air monitoring with a photo-ionization detector (with both a PPM and PPB meter) by NYSDEC and NYS DOH staff over the winter and early spring of 2005; and
3. Sampling of groundwater from 2" diameter PVC piezometer by NYSDEC staff on February 2nd and March 31st, 2005.

Please arrange for the restoration of the site including but not limited to the removal of the shed, equipment, piping, grading including topsoil and seed and grouting and sealing of core holes in the basement floor of 88 Robinson Street. Also, please provide a schedule for this restoration activity.

If you have any questions please call me at 716-851-7220.

Sincerely,

Michael J. Hinton P.E.
Division of Environmental Remediation
Region 9

cc: Gregory Sutton P.E., Division of Environmental Remediation, Region 9
Daniel King P.E., Division of Environmental Remediation, Spill response Unit Region 9

Glen Bailey Esq., Division of Environmental Enforcement, Buffalo Field Unit
Michael Ryan P.E., Division of Environmental Remediation, Albany
Matthew Forcucci, New York State Department of Health, Western Field Office, Buffalo
Dale Marshall P.E., City Engineer, City of North Tonawanda
Mrs. Bowers, 88 Robinson Street, North Tonawanda



January 19, 2007

Michael J. Hinton, P.E.
Division of Environmental Remediation
New York State Department of Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203-2999

**Subject: 2006 December Quarterly Report
Booth Oil Site
North Tonawanda, New York
NYSDEC Site No. 9-32-100**

Dear Mr. Hinton:

On behalf of the Booth Oil Site Administrative Group (BOSAG), AMEC Earth and Environmental, Inc. (AMEC) presents this *Quarterly Groundwater Gauging Report* for the above referenced site (**Figure 1**). The groundwater gauging event was performed on December 18, 2006. Work was performed according to the approved site Operations and Maintenance Plan. The following sections of this report discuss the observations and activities completed during the gauging event.

GROUNDWATER GAUGING

Shallow overburden monitoring wells MW-101 through MW-104 were gauged for depth-to-water and light non-aqueous phase liquid (LNAPL) during the December 18, 2006 site visit. A summary of the gauging results is presented in **Table 1**. During the gauging event, two of the wells (MW-102, MW-104) exhibited ground water elevations above the top of screen. Three well volumes were purged from each of these two wells using a peristaltic pump, which allowed the aquifer to flush any potential LNAPL into the well.

The depth-to-water results of the gauging event were utilized to develop a groundwater contour map (**Figure 2**). As illustrated on **Figure 2**, groundwater during the December 2006 monitoring event was projected to flow towards the west.

No LNAPL was observed in any of the wells.

SITE SURFACE CONDITIONS

An inspection of the surface conditions at the Site was conducted during the December 18, 2006 gauging event.

No significant signs of erosion were noted, and the grass was well maintained. A photographic log of the Site conditions has been included as **Attachment 1**.

SURFACE WATER SAMPLING

Surface water runoff was collected and sampled on October 5, 2006. The sample was collected following a rain event and analyzed for polynuclear aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), and total suspended solids (TSS). There were no detections for PAHs, PCBs, or TSS. Samples were analyzed by Severn Trent Laboratories of Amherst, NY. The analytical report has been included as **Attachment 2**.

SUMMARY

The groundwater elevation data indicates groundwater flow is to the west. This is consistent with previous groundwater flow directions which generally range from southwest to northwest. No LNAPL was present in any of the wells gauged. In general, the Site appeared well maintained. During the gauging event, no new erosional features were noted and analytical results for the October 2006 surface water samples from the Site had no detectable concentrations for PAHs, PCBs or TSS.

Should you have any questions or comments concerning this report, please contact Tim Ahrens at (518) 372-0905 or by e-mail at tim.ahrens@amec.com.

Sincerely,
AMEC Earth and Environmental Inc.



Howard G. Miller
Field Engineer



Timothy P. Ahrens
Project Manager

cc: BOSAG Steering Committee
BOSAG Technical Committee
Paul J. Kurzanski, CSXT
Matthew J. Forcucci, NYSDOH



Photo 1

Entering the site Heading
north toward MW-101



Photo 2

Facing west looking
over the site



155 Erie Blvd. Edison Plaza
Schenectady, New York 12305

W.O. 643008553
PROCESSED: HGM
DATE: December 2006
PAGE 1

Booth Oil Site
North Tonawanda, NY
CSX Transportation, Inc.
Jacksonville, FL



Photo 3

Facing northeast
toward MW-101



Photo 4

Drainage pipe
extending southward
from the tracks



155 Erie Blvd. Edison Plaza
Schenectady, New York 12305

W.O. 643008553
PROCESSED: HGM
DATE: December 2006
PAGE 2

Booth Oil Site
North Tonawanda, NY
CSX Transportation, Inc.
Jacksonville, FL



Photo 5

Facing southwest
toward MW-103



Photo 6

Facing east toward
MW-104



155 Erie Blvd. Edison Plaza
Schenectady, New York 12305

W.O. 643008553
PROCESSED: HGM
DATE: December 2006
PAGE 3

Booth Oil Site
North Tonawanda, NY
CSX Transportation, Inc.
Jacksonville, FL

**New York State Department of Environmental Conservation
Division of Environmental Enforcement**

Western Field Unit

270 Michigan Avenue, Buffalo, New York 14203-2999

Phone: (716) 851-7050 • FAX: (716) 851-7067

Website: www.dec.state.ny.us

932100
RA Consent Order file



Erin M. Crotty
Commissioner

June 26, 2003

FOIL
Releasable
Non-Releasable x

Doreen A. Simmons, Esq.
Hancock & Estabrook, LLP
1500 MONY Tower 1
P.O. Box 4976
Syracuse, New York 13221-4976

Re: Booth Oil

Dear Ms Simmons:

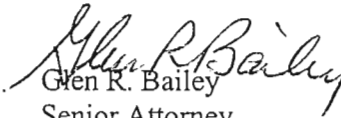
I am pleased to send the enclosed, fully endorsed copies of the Order on Consent for the Booth Oil Site remedial program. The Department has retained a copy with the original signatures of all Respondents. I am returning to you for distribution one copy for each Respondent containing each's original signature and the Department's original signature, with photocopies of the other signatures. Also enclosed is one copy with all signatures photocopied, for retention by the Group.

The effective date of the Order is June 23, 2003. Pursuant to the terms of Paragraph II.A., field work is to commence within 45 days. It is my understanding that the technical representatives have met and established the schedule of activities. If any discrepancy exists between the schedule established via the on-Site meeting and the Order, a separate letter confirming the on-Site schedule will be furnished.

In addition to the commencement of work, Paragraph VIII.A.1 of the Order calls for the initial installment of quarterly payments for costs to be submitted within 120 days of the effective date of the Order, or payment of \$300,000.00 by October 22, 2003.

Thank you to all parties for their persistence and cooperation in bringing this matter to this final stage. Contact me if you have any questions or comments.

Sincerely,


Glen R. Bailey
Senior Attorney

GRB:b:k
A:B260.5
Enclosure

CC: (with copy)
Leo M. Brausch, P.E.
Project Coordinator
131 Wedgewood Drive
Gibsonia, Pennsylvania 15044-9795

R. William Stevens, Esq.
Stephens & Stephens, LLP
410 Main Street
Buffalo, New York 14202

Brian J. Bussa
Ford Motor Land Services Corporation
Suite 200, Corporate Crossings
550 Town Center Drive
Dearborn, Michigan 48126

Michael Ryan, P.E.
Gary Litwin
Daniel King

2/12/2007

**New York State Department of Environmental Conservation
Division of Environmental Remediation**



MEMORANDUM

TO: Kelly Lewandowski, Chief, Site Control Section, Bureau of Technical Support

FROM: Greg Sutton, Section Chief/RHWRE *GS*
Mike Hinton, Project Manager *MH*

THRU: Edward Belmore, Director, Region 9

SUBJECT: Proposed Site Classification Change

Site Name Booth Oil Co.

Site Code 932100

City North Tonawanda

County Niagara

Current Classification 02

Proposed Classification 04

DATE: 2/12/2007

We propose that the classification of this site be changed as indicated above. Please initiate the review and concurrence process for this proposed change. Attached is a Site Classification Form that provides information regarding the site and the basis for the proposed change. Also attached is the support document (in PDF format) that provides a site map, the classification worksheet, and other supporting information.

Attachments

ec w/att: Edward Belmore, Director, Region 9
Greg Sutton, Section Chief/RHWRE
Mike Hinton, Project Manager

RECEIVED

FEB 16 2007

**BUREAU OF
TECHNICAL SUPPORT**



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Form



2/12/2007

Site Code	932100	Site Name	Booth Oil Co.
City	North Tonawanda	Town	North Tonawanda (c)
Region	9	County	Niagara
Current Classification	02	Proposed Classification	04
Estimated Size (acres)	2.5	Site Type	Structure, Lagoon
Significant Threat:	- Yes - No - NA		
Priority ranking Score		Project Manager	Mike Hinton

Site Description

The Booth Oil site is a 2.5 acre parcel located at 75 Robinson Street in a commercial/industrial portion of the City of North Tonawanda. The Booth Oil site consists of two parcels separated by railroad tracks and is flat vacant land with the majority of the site owned by Conrail. The Booth Oil site is adjacent to a residential neighborhood to the east (N.Marion Street) and north (Sommer St.)with commercial/industrial property to the west and south.

Historically, the Booth Oil site was used to store and process waste oil for resale. Much of the 2.5 acres were saturated with spilled oil, some containing PCB's. Demolition of storage tanks and structures was started in October 1985 and was completed in 1987. A soil sampling program was completed in 1986. A Remedial Investigation / Feasibility Study was completed under State Superfund in March of 1992. Site soil, groundwater and catch basin sediment have been found to be contaminated with volatiles, semivolatiles, lead and PCB's in significant concentrations. A Record of Decision (ROD) was issued in March 1992. Contaminated sediments in the Little River resulting from storm water discharge were investigated separately. Sediment samples collected in July of 1992 indicated that the contamination resulting from the Booth Oil Site consisted of a small area in close proximity to the storm sewer outfall. The ROD addressing river sediments was issued in March 1993. In November 1996, the PRPs performed additional sampling in preparation of the Remedial Design. Negotiations with the PRPs to complete the Remedial Design led to an Amended ROD which was signed in September of 2002. The AROD selected excavation and offsite disposal of contaminated soil and sediment. The PRP group developed the Remedial Design consistent with the AROD and the remedial design was approved in June 2003. Construction began in July 2003 and was substantially complete by December 2003. Final approval of the Remedial Action Completion Report occurred in September 2004. Long term operation and maintainance of the site is performed by the Booth Oil Site Administrative Group (BOSAG).

Materials Disposed at Site

Quantity Disposed

OU 01

USED TRANSFORMER OIL-SPILLS

UNKNOWN

PCB

"

VOC'S

"

SEMI-VOC'S

"

LEAD

"

OU 01A

BENZENE

UNKNOWN

ETHYLBENZENE

UNKNOWN



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Form



2/12/2007

Site Code 932100

Site Name Booth Oil Co.

TOLUENE
XYLENE (MIXED)

UNKNOWN
UNKNOWN

Analytical Data Available for : Groundwater, Surface Water, Soil, Sediment

Applicable Standards Exceeded for: Groundwater, Surface Water

Assessment of Environmental Problems

Remedial action completed in 2003 removed soil contamination, cleaned storm sewer drainage pathways from the site and removed site related contaminated sediments for the Niagara River. Residual low level PAH contaminated soil was left on site and was covered by clean soil. Long term OMM is performed by BOSAG. Surface water sampling performed as part of the OMM program has indicated no site related contamination present. Since the completion of the remedial action program, the Booth Oil site does not present a significant environmental threat.

Assessment of Health Problems

The site has been remediated and is covered with clean soil. Exposures via drinking water are not expected because area residents are supplied with public water. PCBs have migrated into the Niagara River through the Robinson Street storm sewer. A NYSDOH Fish Advisory is in effect for the upper Niagara River. A NYS DOH cancer incidence survey of the area around Booth Oil found no statistically significant increases of cancer.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Form



2/12/2007

Site Code 932100

Site Name Booth Oil Co.

Remedy Description and Cost

Remedy Description for Operable Unit 01

An Amended ROD was signed in September of 2002. The AROD selected excavation and offsite disposal of contaminated soil and sediment in lieu of onsite treatment. The PRP group developed the Remedial Design consistent with the AROD with remedial design approval in June 2003. Construction began in July 2003 and was substantially complete by December 2003. Final approval of the remedial Action Completion report was in September 2004. Long term operation and maintainance of the site is performed by the Booth Oil Site Administrative Group (BOSAG).

Total Cost \$15,000,000

Remedy Description for Operable Unit 01A

Gasoline vapors entered a private home in March 2004 resulting in the temporary evacuation of the adjacent resident. The incident was assigned Spill #0375504. Investigation revealed the presence of significant petroleum contamination in an old tank pit, (tank removed in the 1980's) and three abandoned underground storage tanks. BOSAG excavated and removed contaminated soil and tanks. BOSAG installed a Soil Vapor Extraction System to remove the vapors form the soil and home. Several rounds of indoor air and sub-slab samples collected by BOSAG. Spill closed on May 5, 2005 with DOH concurrence.

Total Cost \$0

OU

Site Management Plan Approval:

Status:

Basis for Classification Change

Re-class package prepared February 2007 is proposing a change to Class 4 due to the successful completion of the remedial plan and implementation of OM&M program. The BOSAG is conducting the periodic site OM&M activities. Periodic reports are submitted and reveiwed. Since the completion of the remedial action program, the Booth Oil site does not present a significant environemntal threat.

Organization Approval Dates:

SCS Distribution:

DOH:

DEE:

RHWRE:

SCS Chief:

CO Remedial Bureau:

BTS BUR Dir.:



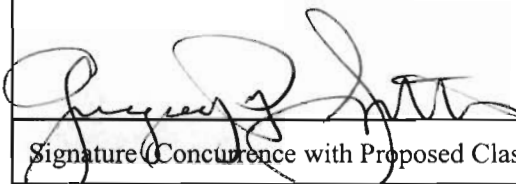
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Form



2/12/2007

Site Code 932100

Site Name Booth Oil Co.

	RHWRE	2/13/07
Signature (Concurrence with Proposed Classification)	Organization Title	Date



STATE OF NEW YORK DEPARTMENT OF HEALTH

Flanigan Square, 547 River Street, Troy, New York 12180-2216

March 13, 2007

Ms. Kelly Lewandowski, Chief
Site Control Section
Division of Environmental Remediation
NYS Dept. of Environmental Conservation
625 Broadway - 11th Floor
Albany, NY 12233-7020

Re: Site Re-classification Package
Booth Oil
Site #932100
North Tonawanda (C), Niagara County

Dear Ms. Lewandowski:

My staff reviewed the site re-classification package for the Booth Oil site, located at 75 Robinson Street, North Tonawanda, Niagara County that proposes reclassifying the site from a Class 2 to a Class 4. Based on that review, I understand that the site is a 2.5 acre parcel where waste oil was stored and re-processed for resale. Much of the site was saturated with spilled oil, some containing PCBs. Volatile organic compounds, semivolatile organic compounds, lead, and PCBs were found in significant quantities on the site and in the storm sewer outfall to the Little River. The site was completely excavated of all contamination and the area of the outfall was dredged. The site is capped and maintained by CSX Transportation. The surrounding properties are residential and industrial. With this information, I concur with the proposal to reclassify the site as a Class 4. The signed decision form is enclosed.

If you have any questions, please contact me or Mr. Fedigan at 402-7870.

Sincerely,

Steven M. Bates, Assistant Director
Bureau of Environmental Exposure Investigation

RECEIVED

MAR 15 2007

**BUREAU OF
TECHNICAL SUPPORT**

Enclosure

cc: G. A. Carlson, Ph.D./A. Grey, Ph.D.
Mr. G. Litwin/ Mr. R. Fedigan/FILE
Mr. M. Forcucci, WRO
Mr. P. Dicky, NCHD
Mr. G. Sutton/Mr. M. Hinton, DEC Region 9
Mr. R. VanHouten - RFO



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Form



2/12/2007

Site Code	932100	Site Name	Booth Oil Co.
City	North Tonawanda	Town	North Tonawanda (c)
Region	9	County	Niagara
Current Classification	02	Proposed Classification	04
Estimated Size (acres)	2.5	Site Type	Structure, Lagoon
Significant Threat:	- Yes - No - NA		
Priority ranking Score		Project Manager	Mike Hinton

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Materials Disposed at Site

Quantity Disposed

OU 01

USED TRANSFORMER OIL-SPILLS

UNKNOWN

PCB

"

VOC'S

"

SEMI-VOC'S

"

LEAD

"

OU 01A

BENZENE

UNKNOWN

ETHYLBENZENE

UNKNOWN



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Form



2/12/2007

Site Code 932100

Site Name Booth Oil Co.

TOLUENE
XYLENE (MIXED)

UNKNOWN
UNKNOWN

Analytical Data Available for : Groundwater, Surface Water, Soil, Sediment

Applicable Standards Exceeded for: Groundwater, Surface Water

Assessment of Environmental Problems

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Form



2/12/2007

Site Code 932100

Site Name Booth Oil Co.

Remedy Description and Cost

Remedy Description for Operable Unit 01

An Amended ROD was signed in September of 2002. The AROD selected excavation and offsite disposal of contaminated soil and sediment in lieu of onsite treatment. The PRP group developed the Remedial Design consistent with the AROD with remedial design approval in June 2003. Construction began in July 2003 and was substantially complete by December 2003. Final approval of the remedial Action Completion report was in September 2004. Long term operation and maintainance of the site is performed by the Booth Oil Site Administrative Group (BOSAG).

Total Cost \$15,000,000

Remedy Description for Operable Unit 01A

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Total Cost \$0

OU

Site Management Plan Approval:

Status:

Basis for Classification Change

Re-class package prepared February 2007 is proposing a change to Class 4 due to the successful completion of the remedial plan and implementation of OM&M program. The BOSAG is conducting the periodic site OM&M activities. Periodic reports are submitted and reveiwed. Since the completion of the remedial action program, the Booth Oil site does not present a significant environemntal threat.

Organization Approval Dates:

SCS Distribution:

DOH:

DEE:

RHWRE:

SCS Chief:

CO Remedial Bureau:

BTS BUR Dir.:



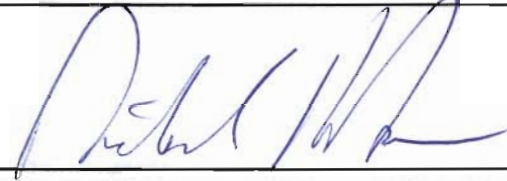
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Form



2/12/2007

Site Code 932100

Site Name Booth Oil Co.

		
TSS, DBE		3/13/07
Signature (Concurrence with Proposed Classification)	Organization Title	Date



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Form



2/12/2007

Site Code	932100	Site Name	Booth Oil Co.
City	North Tonawanda	Town	North Tonawanda (c)
Region	9	County	Niagara
Current Classification	02	Proposed Classification	04
Estimated Size (acres)	2.5	Site Type	Structure, Lagoon
Significant Threat:	- Yes - No - NA		
Priority ranking Score		Project Manager	Mike Hinton

Site Description

The Booth Oil site is a 2.5 acre parcel located at 75 Robinson Street in a commercial/industrial portion of the City of North Tonawanda. The Booth Oil site consists of two parcels separated by railroad tracks and is flat vacant land with the majority of the site owned by Conrail. The Booth Oil site is adjacent to a residential neighborhood to the east (N.Marion Street) and north (Sommer St.)with commercial/industrial property to the west and south.

Historically, the Booth Oil site was used to store and process waste oil for resale. Much of the 2.5 acres were saturated with spilled oil, some containing PCB's. Demolition of storage tanks and structures was started in October 1985 and was completed in 1987. A soil sampling program was completed in 1986. A Remedial Investigation / Feasibility Study was completed under State Superfund in March of 1992. Site soil, groundwater and catch basin sediment have been found to be contaminated with volatiles, semivolatiles, lead and PCB's in significant concentrations. A Record of Decision (ROD) was issued in March 1992. Contaminated sediments in the Little River resulting from storm water discharge were investigated separately. Sediment samples collected in July of 1992 indicated that the contamination resulting from the Booth Oil Site consisted of a small area in close proximity to the storm sewer outfall. The ROD addressing river sediments was issued in March 1993. In November 1996, the PRPs performed additional sampling in preparation of the Remedial Design. Negotiations with the PRPs to complete the Remedial Design led to an Amended ROD which was signed in September of 2002. The AROD selected excavation and offsite disposal of contaminated soil and sediment. The PRP group developed the Remedial Design consistent with the AROD and the remedial design was approved in June 2003. Construction began in July 2003 and was substantially complete by December 2003. Final approval of the Remedial Action Completion Report occurred in September 2004. Long term operation and maintainance of the site is performed by the Booth Oil Site Administrative Group (BOSAG).

Materials Disposed at Site

Quantity Disposed

OU 01

USED TRANSFORMER OIL-SPILLS

UNKNOWN

PCB

"

VOC'S

"

SEMI-VOC'S

"

LEAD

"

OU 01A

BENZENE

UNKNOWN

ETHYLBENZENE

UNKNOWN



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Form



2/12/2007

Site Code 932100

Site Name Booth Oil Co.

TOLUENE
XYLENE (MIXED)

UNKNOWN
UNKNOWN

Analytical Data Available for : Groundwater, Surface Water, Soil, Sediment

Applicable Standards Exceeded for: Groundwater, Surface Water

Assessment of Environmental Problems

Remedial action completed in 2003 removed soil contamination, cleaned storm sewer drainage pathways from the site and removed site related contaminated sediments for the Niagara River. Residual low level PAH contaminated soil was left on site and was covered by clean soil. Long term OMM is performed by BOSAG. Surface water sampling performed as part of the OMM program has indicated no site related contamination present. Since the completion of the remedial action program, the Booth Oil site does not present a significant environmental threat.

Assessment of Health Problems

The site has been remediated and is covered with clean soil. Exposures via drinking water are not expected because area residents are supplied with public water. PCBs have migrated into the Niagara River through the Robinson Street storm sewer. A NYSDOH Fish Advisory is in effect for the upper Niagara River. A NYS DOH cancer incidence survey of the area around Booth Oil found no statistically significant increases of cancer.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Form



2/12/2007

Site Code 932100

Site Name Booth Oil Co.

Remedy Description and Cost

Remedy Description for Operable Unit 01

An Amended ROD was signed in September of 2002. The AROD selected excavation and offsite disposal of contaminated soil and sediment in lieu of onsite treatment. The PRP group developed the Remedial Design consistent with the AROD with remedial design approval in June 2003. Construction began in July 2003 and was substantially complete by December 2003. Final approval of the remedial Action Completion report was in September 2004. Long term operation and maintainance of the site is performed by the Booth Oil Site Administrative Group (BOSAG).

Total Cost \$15,000,000

Remedy Description for Operable Unit 01A

Gasoline vapors entered a private home in March 2004 resulting in the temporary evacuation of the adjacent resident. The incident was assigned Spill #0375504. Investigation revealed the presence of significant petroleum contamination in an old tank pit, (tank removed in the 1980's) and three abandoned underground storage tanks. BOSAG excavated and removed contaminated soil and tanks. BOSAG installed a Soil Vapor Extraction System to remove the vapors form the soil and home. Several rounds of indoor air and sub-slab samples collected by BOSAG. Spill closed on May 5, 2005 with DOH concurrence.

Total Cost \$0

OU

Site Management Plan Approval:

Status:

Basis for Classification Change

Re-class package prepared February 2007 is proposing a change to Class 4 due to the successful completion of the remedial plan and implementation of OM&M program. The BOSAG is conducting the periodic site OM&M activities. Periodic reports are submitted and reveiwed. Since the completion of the remedial action program, the Booth Oil site does not present a significant environemntal threat.

Organization Approval Dates:

SCS Distribution:

DOH:

DEE:

RHWRE:

SCS Chief:

CO Remedial Bureau:

BTS BUR Dir.:




NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Form



2/12/2007

Site Code 932100

Site Name Booth Oil Co.

	Director Remburs D	4/26/07
Signature (Concurrence with Proposed Classification)	Organization Title	Date

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9553 • **FAX:** (518) 402-9595
Website: www.dec.ny.gov



NOV 27 2007

Booth Oil Company
Katherine Street - Box 427
Buffalo, New York 14205

Dear Sir/Madam:

As mandated by Section 27-1305 of the Environmental Conservation Law (ECL), the New York State Department of Environmental Conservation (Department) must maintain a Registry of all inactive disposal sites suspected or known to contain hazardous waste. The ECL also mandates that this Department notify the owner of all or any part of each site or area included in the Registry of Inactive Hazardous Waste Disposal Sites as to changes in site classification.

Our records indicate that you are the owner or part owner of the site listed below. Therefore, this letter constitutes notification of change in the classification of such site in the Registry of Inactive Hazardous Waste Disposal Sites in New York State.

DEC Site No.: 932100
Site Name: Booth Oil
Site Address: 76 Robinson Street, North Tonawanda, NY 14210

Classification change from 2 to 4

The reason for the change is as follows:

- The site has been remediated and is covered with clean soil. Exposures via drinking water are not expected because area residents are supplied with public water.

Enclosed is a copy of the New York State Department of Environmental Conservation, Division of Environmental Remediation, Inactive Hazardous Waste Disposal Site Report form as it appears in the Registry and an explanation of the site classifications. The Law allows the owner and/or operator of a site listed in the Registry to petition the Commissioner of the

New York State Department of Environmental Conservation for deletion of such site, modification of site classification, or modification of any information regarding such site, by submitting a written statement setting forth the grounds of the petition. Such petition may be addressed to:

Alexander B. Grannis
Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1010

For additional information, please contact me at (518) 402-9553.

Sincerely,

A handwritten signature in black ink, reading "Kelly A. Lewandowski". The signature is written in a cursive, flowing style.

Kelly A. Lewandowski, P.E.
Chief
Site Control Section

Enclosures

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9553 • **FAX:** (518) 402-9595
Website: www.dec.ny.gov



NOV 27 2007

Mr. George Booth
P.O. Box 18
Buffalo, New York 14205

Dear Mr. Booth:

As mandated by Section 27-1305 of the Environmental Conservation Law (ECL), the New York State Department of Environmental Conservation (Department) must maintain a Registry of all inactive disposal sites suspected or known to contain hazardous waste. The ECL also mandates that this Department notify the owner of all or any part of each site or area included in the Registry of Inactive Hazardous Waste Disposal Sites as to changes in site classification.

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Booth Oil
Site ID #932100

Page 2

New York State Department of Environmental Conservation for deletion of such site, modification of site classification, or modification of any information regarding such site, by submitting a written statement setting forth the grounds of the petition. Such petition may be addressed to:

Alexander B. Grannis
Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1010

For additional information, please contact me at (518) 402-9553.

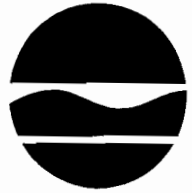
Sincerely,

A handwritten signature in black ink, reading "Kelly A. Lewandowski". The signature is written in a cursive, flowing style.

Kelly A. Lewandowski, P.E.
Chief
Site Control Section

Enclosures

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9553 • **FAX:** (518) 402-9595
Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

NOV 27 2007

CSX Transportation Inc.
c/o Paul J. Kurzanski
Manager Environmental Remediation
500 Water Street, J275
Jacksonville, Florida 32202

Dear Sir/Madam:

As mandated by Section 27-1305 of the Environmental Conservation Law (ECL), the New York State Department of Environmental Conservation (Department) must maintain a Registry of all inactive disposal sites suspected or known to contain hazardous waste. The ECL also mandates that this Department notify the owner of all or any part of each site or area included in the Registry of Inactive Hazardous Waste Disposal Sites as to changes in site classification.

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DEC Site No.: 932100
Site Name: Booth Oil
Site Address: 76 Robinson Street, North Tonawanda, NY 14210

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The reason for the change is as follows:

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Alexander B. Grannis
Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1010

For additional information, please contact me at (518) 402-9553.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly A. Lewandowski". The signature is fluid and cursive, with the first name "Kelly" being more prominent.

Kelly A. Lewandowski, P.E.
Chief
Site Control Section

Enclosures

bec: D. Desnoyers
D. Weigel
A. English
K. Lewandowski
M. Hinton

bec: w/Enc. (Copy of Site Report form only)
R. Dana
G. Litwin, NYSDOH
R. Knizek
M. Brady, Region 9
S. Doleski, Region 9
G. Sutton, Region 9
S. Heigel



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Inactive Hazardous Waste Disposal Report**



Site Code	932100		
Site Name	Booth Oil Co.	Address	76 Robinson Street
Classification	04	City	North Tonawanda
Region	9	Zip	14210
County	Niagara	Town	North Tonawanda
Latitude	43.03	Longitude	-78.88
Estimated Size	2.5000		
Site Type	Structure, Lagoon		

Site Description

The Booth Oil site is a 2.5 acre parcel located at 75 Robinson Street in a commercial/industrial portion of the City of North Tonawanda. The Booth Oil site consists of two parcels separated by railroad tracks and is flat vacant land with the majority of the site owned by Conrail. The Booth Oil site is adjacent to a residential neighborhood to the east (N. Marion Street) and north (Sommer St.) with commercial/industrial property to the west and south.

Historically, the Booth Oil site was used to store and process waste oil for resale. Much of the 2.5 acres were saturated with spilled oil, some containing PCB's. Demolition of storage tanks and structures was started in October 1985 and was completed in 1987. A soil sampling program was completed in 1986. A Remedial Investigation / Feasibility Study was completed under State Superfund in March of 1992. Site soil, groundwater and catch basin sediment have been found to be contaminated with volatiles, semi-volatiles, lead and PCB's in significant concentrations. A Record of Decision (ROD) was issued in March 1992. Contaminated sediments in the Little River resulting from storm water discharge were investigated separately. Sediment samples collected in July of 1992 indicated that the contamination resulting from the Booth Oil Site consisted of a small area in close proximity to the storm sewer outfall. The ROD addressing river sediments was issued in March 1993. In November 1996, the PRPs performed additional sampling in preparation of the Remedial Design. Negotiations with the PRPs to complete the Remedial Design led to an Amended ROD which was signed in September of 2002. The AROD selected excavation and offsite disposal of contaminated soil and sediment. The PRP group developed the Remedial Design consistent with the AROD and the Remedial design was approved in June 2003. Construction began in July 2003 and was substantially complete by December 2003. Final approval of the Remedial Action Completion Report occurred in September 2004. Long term operation and maintenance of the site is performed by the Booth Oil Site Administrative Group (BOSAG).

Materials Disposed at Site

USED TRANSFORMER OIL-SPILLS	UNKNOWN
PCB	"
VOC'S	"
SEMI-VOC'S	"
LEAD	"
BENZENE	UNKNOWN
ETHYLBENZENE	UNKNOWN
TOLUENE	UNKNOWN
XYLENE (MIXED)	UNKNOWN

Analytical Data Available for : Groundwater, Surface Water, Soil, Sediment

Applicable Standards Exceeded for: Groundwater, Surface Water

Assessment of Environmental Problems

Remedial action completed in 2003 removed soil contamination, cleaned storm sewer drainage pathways from the site and removed site related contaminated sediments for the Niagara River. Residual low level PAH contaminated soil was left on site and was covered by clean soil. Long term OMM is performed by BOSAG. Surface water sampling performed as part of the OMM program has indicated no site related contamination present. Since the completion of the remedial action program, the Booth Oil site does not present a significant environmental threat.

Assessment of Health Problems

The site has been remediated and is covered with clean soil. Exposures via drinking water are not expected because area residents are supplied with public water.

Owners**Current Owner(s)**

BOOTH OIL COMPANY

KATHERINE ST. BOX 427

BUFFALO

NY 14205

GEORGE BOOTH

BOOTH OIL COMPANY

P.O. BOX 18

BUFFALO

NY 14205

C/O PAUL J. KURZANSKI

CSX TRANSPORTATION

500 WATER STREET, J275

JACKSONVILLE

FL 32202

Operators**Current Operator(s)**

Booth Oil Company

76 Robinson Street

North Tonawanda

NY 14120

BOOTH OIL COMPANY

76 ROBINSON ST.

NORTH TONAWANDA

NY 14120

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9553 • **FAX:** (518) 402-9595
Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

DEC 20 2007

This letter was sent to the people on the attached list.

Dear :

The New York State Department of Environmental Conservation (Department) maintains a Registry of sites where hazardous waste disposal has occurred. Property located at 76 Robinson Street in the Town of North Tonawanda within Niagara County, and designated as Tax Map Numbers 182.17-1-34.1 and 182.17-1-5, was recently reclassified as a Class 4 in the Registry. The name and site I.D. number of this property as listed in the Registry is Booth Oil, Site ID 932100.

The Classification Code 4 indicates that the site is properly closed -- requires continued management.

We are sending this letter to you and others who own property near the site listed above, as well as the county and town clerks, officials and public water supplier. We are notifying you about these activities at this site because we believe it is important to keep you informed.

If you currently are renting or leasing your property to someone else, please share this information with them. If you no longer own the property to which this letter was sent, please provide this information to the new owner and provide this office with the name and address of the new owner so that we can correct our records.

The reason for this recent classification decision is as follows:

- The site has been remediated and is covered with clean soil. Exposures via drinking water are not expected because area residents are supplied with public water.

Booth Oil
Site ID 932100

Page 2

If you have any questions or seek additional information, please contact me at (518) 402-9553, or in writing using the address given above.

Sincerely,

A handwritten signature in black ink that reads "Kelly A. Lewandowski". The signature is written in a cursive style with a large, stylized 'K' and 'L'.

Kelly A. Lewandowski, P.E.
Chief
Site Control Section

bec: M. Hinton
D. Desnoyers
K. Lewandowski
R. Knizek
G. Sutton, Region 9
S. Doleski, Region 9
M. Gollwitzer, Region 9
G. Litwin
L. Ennist
S. Heigel

Mr. Wayne Jagow
Niagara County Clerk
Courthouse
Lockport, NY 14094

Honorable Robin Schimminger
New York State Assembly
140th District
3514 Delaware Avenue
Kenmore, NY 14217

Honorable Reynolds
United States Congress
500 Essjay Road, Suite 260
Williamsville, NY 14221

Honorable George Maziarz
New York State Senate
2578 Niagara Falls Boulevard - Rm 600
Wheatfield, NY 14304

Mr. James Volkosh, Director
Niagara County Emergency Services
5526 Niagara St. Ext.
Box 496
Lockport, NY 14095

Mr. Joseph Vacanti
Niagara County Legislature - District 9
1175 Moll Street
North Tonawanda, NY 14120

Honorable Lawrence Soos
Mayor
City of North Tonawanda
City Hall - 216 Payne Avenue
North Tonawanda, NY 14120

Alderman Phillip Russel Rizzo-1st Ward
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Mr. Paul Drof
Water Superintendant
City of North Tonawanda
City Hall - 216 Payne Avenue
North Tonawanda, NY 14120

Mr. Cosimo Capozzi
Planning Board Director
City of North Tonawanda
City Hall - 216 Payne Avenue
North Tonawanda, NY 14120

Mr. Thomas Jaccarino
Clerk, City of North Tonawanda
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Honorable Jim Hayes
New York State Assembly
148th District
5555 Main Street
Amherst, NY 14221

Honorable Hillary Rodham-Clinton
New York State Senate
203 Guaranty Bld.
28 Church Street
Buffalo, NY 14202

Mr. Gregory Lewis
Niagara County Manager
59 Park Avenue
Lockport, NY 14094

Mr. James Devald, P.E.
Niagara County Health Department
5467 Upper Mountain Road
Lockport, NY 14094

Mr. Peter Smolinski
Niagara County Legislature - District 10
449 Robert Drive
North Tonawanda, NY 14120

Mr. Brett Sommer, President
North Tonawanda Common Council
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Mr. Kevin Brick, Jr.
Alderman - 2nd Ward
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Mr. Gregory Frank
Director
4495 Zimmerman Street
North Tonawanda, NY 14120

Mr. Donald Evans
Planning Board
City of North Tonawanda
City Hall - 216 Payne Avenue
North Tonawanda, NY 14120

Honorable Francine DelMonte
New York State Assembly
138th District
1700 Pine Avenue
Niagara Falls, NY 14301

Honorable Louise Slaughter
United States Congress
28th District
465 Main Street
Buffalo, NY 14203

Honorable Charles Schumer
New York State Senate
Room 620
111 West Huron Street
Buffalo, NY 14202

Mr. Michael Carney
Clerk
Niagara County Legislature
175 Hawley Street
Lockport, NY 14094

Mr. William Ross, Chairman
Niagara County Legislature
6761 Walmore Road
Niagara Falls, NY 14304

Mr. Malcolm Needler
Niagara County Legislature - District 11
864 Castlebar Drive
North Tonawanda, NY 14120

Ms. Catherine Schwandt
Alderman-At large
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Ms. Nancy Donovan
Alderman - 3rd Ward
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Mr. Dale Marshall, P.E.
City Engineer
City of North Tonawanda
City Hall - 216 Payne Avenue
North Tonawanda, NY 14120

Mr. Joseph Mineo
Planning Board
City of North Tonawanda
City Hall - 216 Payne Avenue
North Tonawanda, NY 14120

Mr. Nathan Marton
Planning Board
City of North Tonawanda
City Hall - 216 Payne Avenue
North Tonawanda, NY 14120

Mr. David Conti
Planning Board
City of North Tonawanda
City Hall - 216 Payne Avenue
North Tonawanda, NY 14120

Ms. Eliabet Kaszubski
North Tonawanda Environmental Com.
1463 Fairfield Drive
North Tonawanda, NY 14120

Mr. Paul Lehman
North Tonawanda Environmental Com.
966 Remington Drive
North Tonawanda, NY 14120

Mr. Arthur Smith
Zoning Board Comm.
City of North Tonawanda
City Hall - 216 Payne Avenue
North Tonawanda, NY 14120

Mr. Fred Wisniewski
Zoning Board Comm.
City of North Tonawanda
City Hall - 216 Payne Avenue
North Tonawanda, NY 14120

WKBW News Channel 7
Attn: Environmental News Desk
7 Broadcast Plaza
Buffalo, NY 14202

WIVB - CH. 4
Attn: Environmental News Desk
2077 Elmwood Avenue
Buffalo, NY 14207

Buffalo News
Attn: Jay Bonfatti
1 News Plaza
Buffalo, NY 14240

News Director
WLVL 1340
P.O. Box 477
Lockport, NY 14095-0477

Mr. Timothy Makai
Planning Board
City of North Tonawanda
City Hall - 216 Payne Avenue
North Tonawanda, NY 14120

Mr. Gary Prezewozny
Planning Board Chair
City of North Tonawanda
City Hall - 216 Payne Avenue
North Tonawanda, NY 14120

Ms. Mary Kate Fonzi
North Tonawanda Environmental Com.
609 Christina Street
North Tonawanda, NY 14120

Ms. Amy Fisk
North Tonawanda Environmental Com.
900 E. Robinson Street
North Tonawanda, NY 14120

Mr. Walter Wrazin
Zoning Board Comm.
City of North Tonawanda
City Hall - 216 Payne Avenue
North Tonawanda, NY 14120

Mr. James Hoffman
Co-Chair
Niagara County EMC
8737 Lake Road
Baker, NY 14102

WBEN Radio 930 & WMJQ
Attn: Environmental News Desk
500 Corporate Parkway
Buffalo, NY 14226

WNED, Environmental News Desk
Attn: Michael Desmond
P.O. Box 1263, Horizons Plaza
Buffalo, NY 14240

The Niagara Gazette
Attn: Aaron Besecker
310 Niagara Street
Niagara Falls, NY 14302

WJYE
Attn: Environmental News Desk
1700 Rand Building
Buffalo, NY 14203

Ms. Joy Kuebler
Planning Board
City of North Tonawanda
City Hall - 216 Payne Avenue
North Tonawanda, NY 14120

Ms. Dawn Vollmer
North Tonawanda Environmental Com.
185 Vandervoort Street
North Tonawanda, NY 14120

Mr. Raymond Gang
North Tonawanda Environmental Com.
77 Wurlitzer Drive
North Tonawanda, NY 14120

Mr. William Paton
Zoning Board Chairman
City of North Tonawanda
City Hall - 216 Payne Avenue
North Tonawanda, NY 14120

Ms. Barbara McCarthy
Zoning Board Comm.
City of North Tonawanda
City Hall - 216 Payne Avenue
North Tonawanda, NY 14120

Mr. Paul Dickey
Niagara County Health Department
5467 Upper Mountain Road
Lockport, NY 14094-1899

WGRZ TV - CH. 2
Attn: Environmental News Desk
259 Delaware Avenue
Buffalo, NY 14202

Business First
Attn: Anne Marie Franczyk
465 Main Street
Buffalo, NY 14203-1793

Mr. Mike Hudson
Editor
Niagara Falls Reporter
1625 Buffalo Avenue
Niagara Falls, NY 14303

Citizens Campaign-Environment
227 McConkey
Tonawanda, NY 14223

WNY Director
Citizens' Environmental Coalition
543 Franklin Street, Room 2
Buffalo, NY 14202-1109

Ms. Joanne Ellsworth
Niagara County EMC
59 Park Avenue
Lockport, NY 14094

Executive Director
Niagara County IDA
Vantage Center Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

Mr. Melvin A. Kumm
411 River Road
North Tonawanda, NY 14120

Mr. Joe Zap
269 Wheatfield Street
North Tonawanda, NY 14120

Mr. Joseph Teresi
108 N. Marion Street
North Tonawanda, NY 14120

Mr. Daniel L. Riley
74 fifth Avenue Upper
North Tonawanda, NY 14120

Mr. Paul L. Overcamp
84 Monroe Drive
Williamsville, NY 14221

Mr. Alexander A. Rossi
94 Robinson Street
North Tonawanda, NY 14120

City of North Tonawanda
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Ms. Jane Jontz
Chairwoman
Sierra Club, Niagara Group
62 Lincoln Road
Snyder, NY 14226

Honorable David E. Wertman
Commissioner
Niagara County Health Department
5467 Upper Mountain Road
Lockport, NY 14094

Mr. Michael Podd
4827 Rogers Road
Hamburg, NY 14075

Mr. Michael Wochowicz
6385 Morningwood Drive
East Amherst, NY 14051

Mr. Joseph Stringaro
112 N. Marion Street
North Tonawanda, NY 14120

Mr. Bruce Holmes
102 N. Marion Street
North Tonawanda, NY 14120

Mr. Robert K. Martin
88 N. Marion Street
North Tonawanda, NY 14120

Mr. Jerome Middaugh
84 N. Marion Street
North Tonawanda, NY 14120

Ms. Jennie Agugliaro
96 Robinson Street
North Tonawanda, NY 14120

City of North Tonawanda
Youth Recreation and Parks Dept.
460 Wheatfield Street
North Tonawanda, NY 14120

Mr. Paul Cozad
Wheatfield Conservatoin Bd.
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