



August 24, 2009

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

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**Subject: 2009 August Site Inspection Report
Site Management Periodic Review Report
Booth Oil Site
76 Robison Street
North Tonawanda, New York
NYSDEC Site No. 9-32-100**

Dear Mr. Sadowski:

On behalf of the Booth Oil Site Administrative Group (BOSAG), AMEC Earth and Environmental, Inc. (AMEC) presents this *Site Management Periodic Review Report* for the above-referenced site (**Figure 1**). The site inspection was performed on August 5, 2009. The following sections of this report discuss the observations and activities completed during the inspection event.

SITE SURFACE CONDITIONS

AMEC personnel conducted a visual inspection of the site, including surface conditions and its surroundings, on August 5, 2009. No significant signs of soil erosion were noted, and the grass was well maintained.

The drainage ditch that runs along the perimeter of the site has been cleaned and remains free of debris. There were no encroachments from neighboring properties noted at the time of the site inspection. There consistently have been no signs of significant soil erosion during recent site inspections, and further soil erosion control measures are not required. A photographic log of the site conditions is included as **Attachment 1**.

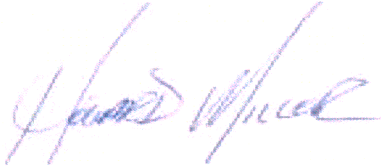
SUMMARY

In general, the Site appeared well maintained. The only current site activities are continued lawn maintenance during the growing season.

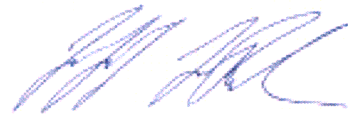
This latest site inspection represents the final inspection as specified for operation and maintenance (O&M) requirements in the Remedial Action Completion Report, as approved by the NYSDEC on November 18, 2004. Based on the conditions observed during this final inspection, as well as prior inspections, no further monitoring or maintenance activities are necessary at the site and the specified O&M program is now completed.

Should you have any questions or comments concerning this report, please contact Jeff LaRock or myself at (518) 372-0905 or by e-mail at Jeffrey.larock@amec.com or howard.miller@amec.com.

Sincerely,
AMEC Earth and Environmental Inc.



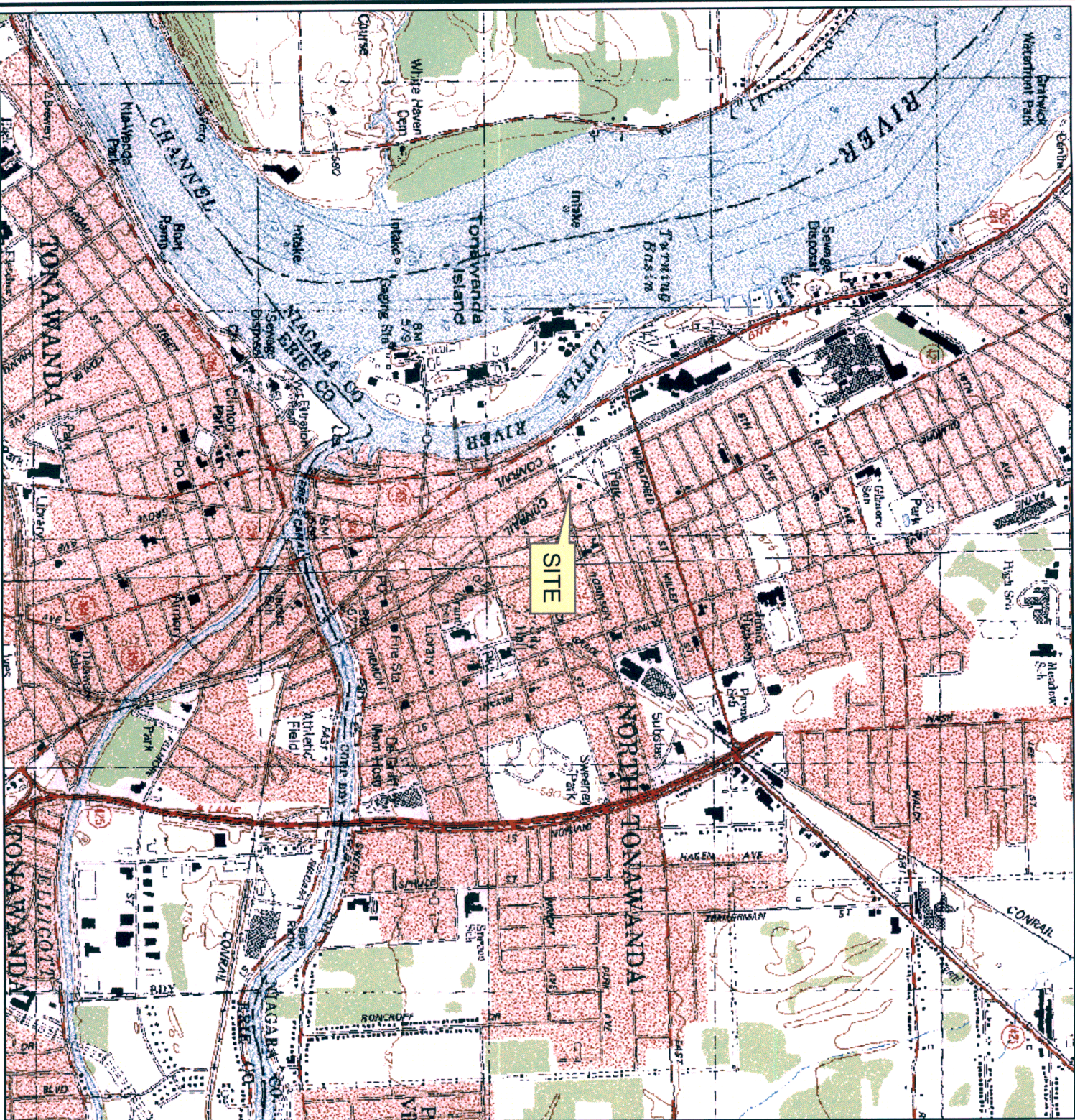
Howard G. Miller
Environmental Engineer



Jeffrey W. LaRock
Project Manager

cc: BOSAG Steering Committee
BOSAG Technical Committee
Paul J. Kurzanski, CSXT
Michael Hinton, NYSDEC
Greg Sutton, NYSDEC
Gary Litwin, NYSDOH

FIGURES

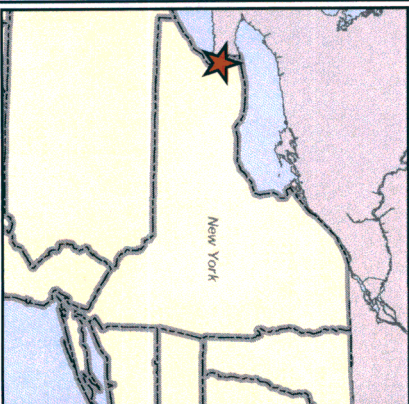


Public Safety
& Environment

Booth Oil Site
76 Robinson Street
North Tonawanda, NY
Site Location Map

Niagara County New York

LOCATOR



NOTES & SOURCES

Quadrangle Name: Tonawanda East NY
Map Source Date: 1 July 1995
Source: USGS
Projection: NAD 83 UTM Zone 17N
Map Created: 4 May 2005



AMEC Earth & Environmental, Inc.
Westford, Massachusetts

FIGURE

1

ATTACHMENTS



Photo 1

Facing northwest looking across the site.



Photo 2

Looking west along Robinson Street.



155 Erie Blvd. Edison Plaza
Schenectady, New York 12305

W.O. 64300-8701
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DATE: August 5, 2009
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CSX Transportation, Inc.
Jacksonville, FL



Photo 3

View of the drainage ditch looking west along the tracks.



Photo 4

View of the drainage ditch facing southwest following the tracks.



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Photo 5

Facing northeast
looking across the
Site.



Photo 6

Facing west looking
across the site.



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Enclosure 1
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site Details

Box 1

Site No. 932100

Site Name Booth Oil Co.

Site Address: 76 Robinson Street **Zip Code:** 14210

City/Town: North Tonawanda

County: Niagara

Allowable Use(s) (if applicable, does not address local zoning):

Site Acreage: 2.5

Verification of Site Details

Box 2

YES NO

1. Are the Site Details above, correct?



If NO, are changes handwritten above or included on a separate sheet?



2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment since the initial/last certification?



If YES, is documentation or evidence that documentation has been previously submitted included with this certification?



3. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property since the initial/last certification?



If YES, is documentation (or evidence that documentation has been previously submitted) included with this certification?



4. If use of the site is restricted, is the current use of the site consistent with those restrictions?



If NO, is an explanation included with this certification?



5. For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?



NA

If YES, is the new information or evidence that new information has been previously submitted included with this Certification?



6. For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), are the assumptions in the Qualitative Exposure Assessment still valid (must be certified every five years)?



NA

SITE NO. 932100

Description of Institutional Controls

Parcel

Institutional Control

S_B_L Image: 182.17-34.1

Ground Water Use Restriction
Landuse Restriction
Soil Management Plan

S_B_L Image: 182.17-1-5

Decision Document
Soil Management Plan

Description of Engineering Controls

None Required

Attach documentation if IC/ECs cannot be certified or why IC/ECs are no longer applicable.
(See instructions)

Control Description for Site No. 932100

Parcel: 182.17-1-5

The current property owner of the Booth Oil site is not cooperative and did not take part in the remedial work performed on the site. Consequently the site owner will not be filing the requested Deed notification. The location or status of the property owner is unknown.

The Booth Oil site is currently listed on the Registry of Inactive hazardous Waste Sites in New York as site #932100.

An Operation and Maintenance plan has been developed and implemented by CSX Transportation.

The site is along an active railroad corridor and is zoned as industrial property.

Deed restrictions and a long-term monitoring program to address any residual contamination were required in accordance with the Amended Record of Decision (ROD) dated September 9, 2002. An Operation and Maintenance plan has been developed and implemented by CSX Transportation, however, the current property owner is uncooperative and did not take part in the remedial work performed at the site. Consequently, the required Deed Restriction has not been filed by the site owner. Efforts to have the Deed Restriction prepared and filed are ongoing with the Office of General Council and the owners representative.

Parcel: 182.17-34.1

The controls identified in the Declaration of Covenants and Restrictions, recorded with Niagara County on August 5, 2003, include: no construction, use or occupancy of the Property that results in the disturbance or excavation of the property without the Department's prior written approval; maintenance of the grass cover on the property; the property cannot be used for purposes other than for manufacturing industrial, light industrial or commercial use; the use of groundwater underlying the property is prohibited without treatment to render it safe for use. These restrictive covenants are binding and shall run with the land.

The Con-Rail property is part of the Booth Oil site and is currently listed on the Registry of Inactive Hazardous Waste Sites in New York as site #932100. A Declaration of Covenants and Restrictions was filed with the Niagara County Clerks Office (L3245, P720) on July 28, 2003.

The property is an active railroad corridor and is zoned as industrial property.

An Operation and Maintenance plan has been developed and implemented by CSX Transportation.

Periodic Review Report (PRR) Certification Statements

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

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

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted

YES NO

☒ ☐

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

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

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

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

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

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

YES NO

☒ ☐

3. If this site has an Operation and Maintenance (O&M) Plan (or equivalent as required in the Decision Document);

I certify by checking "YES" below that the O&M Plan Requirements (or equivalent as required in the Decision Document) are being met.

☒ ☐

4. If this site has a Monitoring Plan (or equivalent as required in the remedy selection document);

I certify by checking "YES" below that the requirements of the Monitoring Plan (or equivalent as required in the Decision Document) is being met.

YES NO

☒ ☐

IC CERTIFICATIONS
SITE NO. 932100

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

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

I PAUL J. KURZANSKI at 500 WATER ST., JACKSONVILLE, FL 32202
print name print business address

am certifying as OWNER (Owner or Remedial Party)

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

Paul J. Kurzanski
Signature of Owner or Remedial Party Rendering Certification

8/27/09
Date

IC/EC CERTIFICATIONS

Box 7

QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) SIGNATURE

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

I Michael Sykes at 155 Erie Blvd, Schenectady, NY
print name print business address

am certifying as a Qualified Environmental Professional for the CSX Transportation

(Owner or Remedial Party) for the Site named in the Site Details Section of this form.

Michael Sykes
Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification



Stamp (if Required)

08-27-09
Date