



September 29, 2010

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

**Subject: 2010 September 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 September 15, 2010. 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 September 15, 2010. No significant signs of soil erosion were noted, and the vegetative cover appears to be growing well across the Site.

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 vegetative cover and soil cap appears to be in good shape with no erosion noticeable.

This latest site inspection fulfills the requirements established by the Periodic Review Report (PPR) as required by Regulation 6NYCRR 375-1.8(3) established by the NYSDEC.

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](mailto:Jeffrey.larock@amec.com) or [howard.miller@amec.com](mailto: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



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		
Owner:	CSX Transportation Inc. Attn: NY Central, 500 Water Street, J910, Jacksonville, FL 32202 George T. Booth & Sons, Inc., PO Box 18, Buffalo, NY 14205		
Reporting Period:	September 01, 2009 to August 31, 2010		

Verification of Site Details		Box 2	
		YES	NO
1.	Is the information in Box 1 correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	If NO, are changes handwritten above or included on a separate sheet?	<input type="checkbox"/>	
2.	Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	<input type="checkbox"/>	
3.	Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	If YES, is documentation (or evidence that documentation has been previously submitted) included with this certification?	<input type="checkbox"/>	
4.	If use of the site is restricted, is the current use of the site consistent with those restrictions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	If NO, is an explanation included with this certification?	<input type="checkbox"/>	
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?	<input type="checkbox"/>	<input type="checkbox"/>
	If YES, is the new information or evidence that new information has been previously submitted included with this Certification?	<input type="checkbox"/>	NA
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)?	<input type="checkbox"/>	<input type="checkbox"/>
	If NO, are changes in the assessment included with this certification?	<input type="checkbox"/>	NA

**SITE NO. 932100**

**Box 3**

**Description of Institutional Controls**

<u>Parcel</u>	<u>Institutional Control</u>
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	Soil Management Plan

**Box 4**

**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 Clerk's 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 engineering practices; and the information presented is accurate and complete.

YES NO

☒ ☐

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

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

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

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

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

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

YES NO

☒ ☐

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.

YES NO

☒ ☐

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

am certifying as CSX TRANSPORTATION, INC. (Owner or Remedial Party)

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

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

9/29/10  
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, Inc

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

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



9/30/2010  
Date

## FIGURES



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

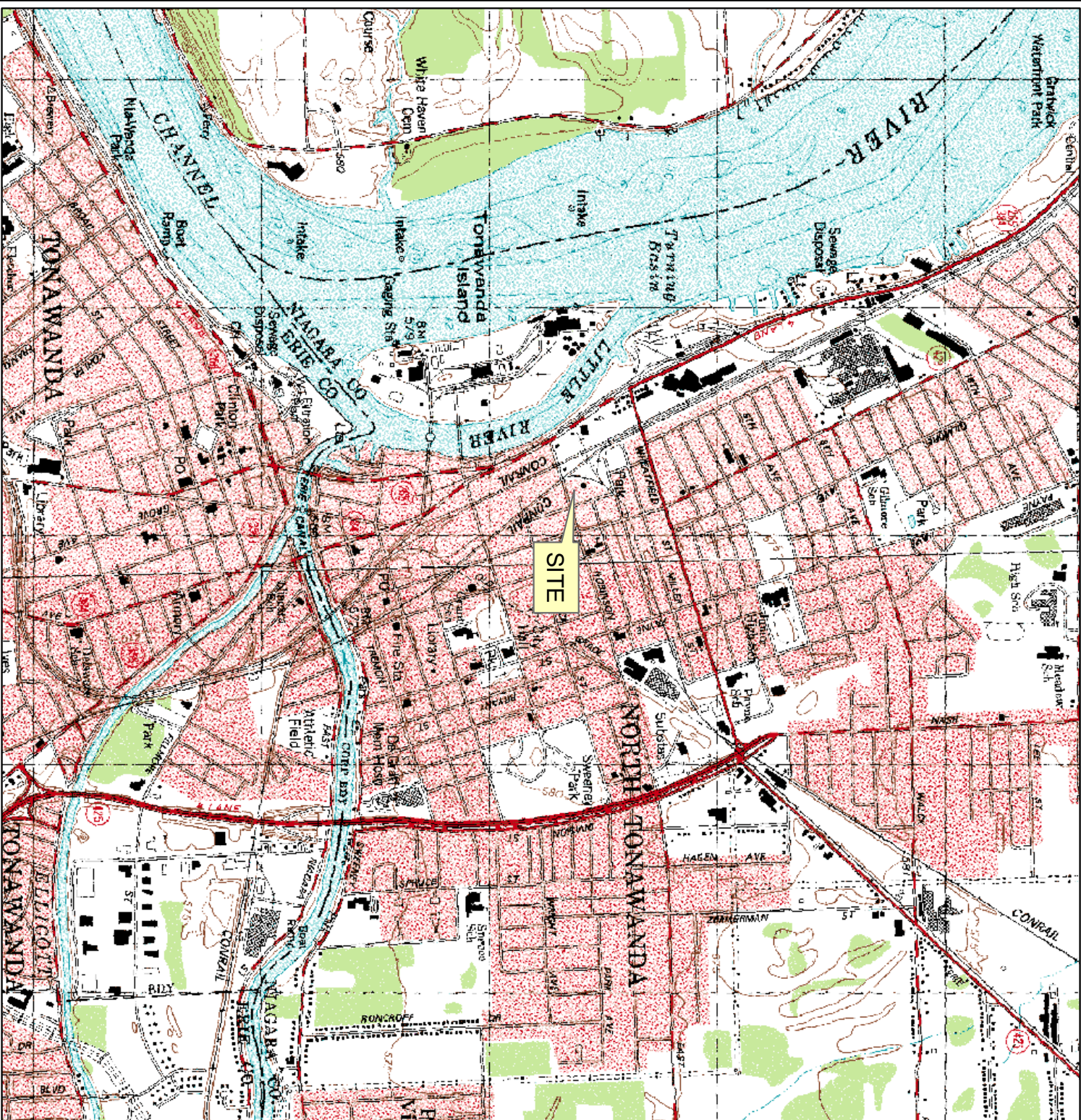
Niagara County New York

**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





## **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

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Jacksonville, FL





**Photo 3**

View of the drainage ditch looking west along the tracks.



**Photo 4**

View of the drainage ditch facing northeast 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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