



Jeremy Wolf
Manager Programs
Projects MGP

February 20, 2017

Mr. Scott Deyette
Project Manager
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7014

Subject: Site Management Periodic Review Report
And IC/EC Certification Submittal (2017)
NYSEG Lockport State Road MGP (Site - 932109)
Lockport, NY

Dear Mr. Deyette,

On behalf of New York State Electric and Gas Corporation (NYSEG), please find the attached Periodic Review Report and IC/EC Certification Submittal for the NYSEG Lockport State Road MGP Site. If you have any questions please contact Mr. Jeremy Wolf of RG&E at (585) 724-8548.

Sincerely,

Jeremy Wolf
Manager Programs/Projects (MGP)

C: Al Lyons - Neu-Velle LLC (by email)



Site Management Periodic Review Report and IC/EC Certification (2017)

Lockport State Road MGP (Site - 932109)
Lockport, New York

Submitted to:

New York State Department of Environmental Conservation
Division of Environmental Remediation, Region 8
Avon, New York

Submitted by:

Neu-velle, LLC
Eastman Business Park
1667 Lake Avenue
Building 59, Suite 101
Rochester, New York 14652

On behalf of:

New York State Electric and Gas Corporation (NYSEG)
89 East Avenue
Rochester, New York

February 19, 2017

Eastman Business Park, 1667 Lake Avenue, Building 59, 1st Floor, Rochester, New York 14615

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I. Executive Summary

A. Site Summary

New York State Electric & Gas Corporation (NYSEG) entered into an Order on Consent with the New York State Department of Environmental Conservation (NYSDEC) to remediate (among other sites) a 2.1-acre site located in City of Lockport, Niagara County, New York. This Order on Consent required NYSEG to investigate and remediate contaminated media at the site.

After completion of the remedial work described in the Record of Decision, some contamination was left in the subsurface at this site, which is hereafter referred to as “remaining contamination.” A Site Management Plan (SMP) (URS Corporation, January 2010) was prepared to manage remaining contamination at the site in perpetuity or until extinguishment of the deed restrictions in accordance with ECL Article 71, Title 36.

The site is comprised of two separate parcels, both owned by NYSEG. Deed restrictions were filed with the Niagara County Clerk’s office on July 12, 2010 and identified by Instrument Numbers 2010-11100 and 2010-11101.

Remedial action work on the site began in May 2008 and was completed the same month. The site was remediated in accordance with the NYSDEC-approved Remedial Design dated November 15, 2007.

The following is a summary of the Remedial Actions for the site:

1. Construction and maintenance of a soil cover system consisting of placement of crushed stone or topsoil over portions of the site to prevent human exposure to remaining contaminated soil/fill remaining at the site;
2. Execution and recording of a deed restriction to restrict land use and prevent future exposure to any contamination remaining at the site;
3. Development and implementation of a Site Management Plan for long term management of remaining contamination as required by the deed restriction,

which includes plans for: (1) Institutional and Engineering Controls; (2) monitoring; (3) operation and maintenance; and (4) reporting.

B. Effectiveness of the Remedial Program

This reporting period covers the period beginning January 17, 2012 and ending January 17, 2017. Progress toward meeting the site remedial objectives during this reporting period included periodic inspection of the cover system and maintenance of the SMP and all its supporting documents (including quarterly notification/reminders to NYSEG's Lockport Division staff of the existence of the SMP).

The remedial program has been effective in achieving the remedial objectives for the site.

C. Compliance

During this reporting period there were no areas of non-compliance regarding the elements of the SMP.

D. Recommendations

Because the engineering control components of the SMP are simple (i.e. a cover system) and the property is owned and controlled by NYSEG, Neu-Velle recommends continuing the frequency of PRR submittals every five (5) years.

II. Site Overview

A. Site Description

The site is located in the City of Lockport, County of Niagara, New York and is identified as Block 4 and Lot 5 on the City of Lockport Tax Map number 109.17. The site is an approximately 2.1-acre area bounded by privately-owned property to the north, High Street to the south, State Road to the east, and the New York State Barge Canal to the west (see [Figure 1A](#)). The boundaries of the site are more fully described in [Appendix A – Metes and Bounds](#).

B. Chronology

The site remedial investigation was completed in September 2006. DEC issued the ROD in March 2007. Remedial actions were conducted during the month of May 2008. The SMP was finalized in January 2010 and Deed Restrictions were recorded in July 2010.

Components of the selected remedy are:

1. Appropriate cover will be placed on the level, upper portion of the site. The one-foot thick cover will consist of crushed stone or similar material, underlain by a demarcation layer to identify the original surface soil. The area within the existing fence, which is to remain to protect NYSEG infrastructure, is already covered

with crushed stone. The amount of additional cover material necessary will be determined as part of the design process.

2. Development of a site management plan (SMP) to: (a) address residual contaminated soils that may be excavated from the site during future redevelopment. The plan will require soil characterization and, where applicable, disposal/reuse in accordance with NYSDEC regulations; (b) evaluate the potential for vapor intrusion for any buildings developed on the site, including provision for mitigation of any impacts identified; (c) identify any use restrictions; and (d) provide for the operation and maintenance of the components of the remedy.
3. Imposition of an institutional control in the form of an environmental easement that will (a) require compliance with the approved site management plan; (b) limit the use and development of the property to commercial or industrial uses only; (c) require the property owner to complete and submit to the NYSDEC periodic certification. The property owner will provide a periodic certification, prepared and submitted by a professional engineer or such other expert acceptable to the NYSDEC, until the NYSDEC notifies the property owner in writing that this certification is no longer needed. This submittal will contain certification that the institutional controls are still in place, allow the NYSDEC access to the site, and that nothing has occurred that would impair the ability of the control to protect public health or the environment, or constitute a violation or failure to comply with the site management plan. Any evidence of foot or vehicle traffic will be reported, as will any indication of erosion. If evidence of foot or vehicular traffic is reported, or if changes of land use significantly increase the potential for public access to this site, then the NYSDEC and NYSDOH will assess whether there is a need for a fence to limit access. Any fence determined necessary would be erected and maintained in compliance with all applicable City codes and/or zoning requirements that apply to such fences.

No changes to the selected remedy have been made since remedy selection.

III. Evaluation of Remedy Performance, Effectiveness, and Protectiveness

The remediation goals for this site are to eliminate or reduce to the extent practicable:

- exposures of persons at or around the site to PAHs in surface and subsurface soil
- environmental exposures of flora or fauna to PAHs in surface and subsurface soil

The cover system has been effective in achieving those goals by preventing exposure of persons, flora, and fauna to “remaining contamination” in surface and/or subsurface soils.

IV. IC/EC Plan Compliance Report

A. IC/EC Requirements and Compliance

i. SMP

a. address residual contaminated soil that may be excavated from the site during future development – this control is evaluated by NYSEG’s ownership of the site; no development can occur on the site without NYSEG’s knowledge and approval. This control is fully in place, is effective, and no corrective measures are required.

b. evaluate the potential for vapor intrusion for any buildings developed on the site – this control is evaluated by NYSEG’s ownership of the site; no buildings may be constructed on the site without NYSEG’s knowledge and approval. This control is fully in place, is effective, and no corrective measures are required.

c. identify any use restrictions – this control is evaluated through the deed restrictions which identify that the property may only be used for commercial or industrial purposes. This control is fully in place, is effective, and no corrective measures are required.

d. provide for the operation and maintenance of the components of the remedy – this control is evaluated through this and future PRR’s which require certification that the components of the remedy remain in place and are effective in meeting the site remedial goals. This control is fully in place, is effective, and no corrective measures are required.

ii. Environmental Easement

a. require compliance with the approved SMP – this control is evaluated through this and future PRR’s which require certification that the components of the remedy remain in place and are effective in meeting the site remedial goals. This control is fully in place, is effective, and no corrective measures are required.

b. limit the use and development of the property to commercial or industrial uses only – this control is evaluated through the deed restrictions which have been filed for the site and through NYSEG’s ownership and control over site use. This control is fully in place, is effective, and no corrective measures are required.

c. require the property owner to complete and submit to the NYSDEC periodic certification - this control is evaluated through this and future PRR’s which require certification that the components of the remedy remain in place and are effective in meeting the site remedial goals. This control is fully in place, is effective, and no corrective measures are required.

B. IC/EC Certification

This certification is provided in Box 7 of the attached PRR Certification Form Provided as [Appendix B](#).

V. Monitoring Plan Compliance Report

Monitoring must be conducted to verify that the cover system remains intact and that there is no evidence of foot or vehicular traffic on parts of the site not intended for such activities. This monitoring occurs informally each time the site is visited by NYSEG employees, and occurs formally in preparation of this and future PRR's. The site-wide inspection form is included as [Appendix C](#).

VI. Operation & Maintenance (O&M) Plan Compliance Report

There is no Operation & Maintenance Plan required for this site.

VII. Overall PRR Conclusions and Recommendations

A. Compliance with SMP

All requirements of the SMP were met during this reporting period.

B. Performance and Effectiveness of the Remedy

The remedial objectives for the site are being met through the effective performance of all remedial components.

C. Future PRR submittals

It is recommended that future PRR's continue to be submitted every five (5) years. Thus, the next PRR would be submitted in February 2022.

APPENDIX A
Metes and Bounds Description

SCHEDULE A

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Lockport, County of Niagara and State of New York, being part of Lot 58, Township 14, and Range 7 of the Holland Land Survey (so-called), bounded and described as follows:

COMMENCING at a point in the centerline of State Road, distant 140.5 feet southwesterly from the north line of Lot 58 as measured along said centerline; thence S 88° 09' 15" W, parallel with the north line of Lot 58 a distance of 46.43 feet to the northwesterly line of State Road and the point of beginning; thence S 42° 51' 15" W, along the northwesterly line of State Road a distance of 666.60 feet; thence S 88° 09' 15" W, parallel with the north line of Lot 58, a distance of 174.22 feet to the Erie Canal Blue Line; thence along said Erie Canal Blue Line the following 3 courses and distances:

- 1) N 43° 08' 18" E, a distance of 164.71 feet;
- 2) N 41° 10' 20" E, a distance of 428.86 feet;
- 3) N 41° 16' 31" E, a distance of 60.26 feet;

thence N 88° 09' 15" E, a distance of 192.63 feet to the point of beginning containing 1.96 acres be the same more or less.

SUBJECT TO a permanent easement appropriated by the People of the State of New York, Map No. 5, Parcel No. 6 recorded in the Niagara County Clerk's Office in Liber 3205 of Deeds at page 77, bounded and described as follows:

COMMENCING at a point in the centerline of State Road, distant 140.5 feet southwesterly from the north line of Lot 58 as measured along said centerline; thence S 88° 09' 15" W, parallel with the north line of Lot 58 a distance of 46.43 feet to the northwesterly line of State Road; thence S 42° 51' 15" W, along the northwesterly line of State Road a distance of 401.13 feet to the point of beginning; thence S 42° 51' 15" W, along said northwesterly line of State Road a map distance of 210 feet more or less and a measured distance of 212.22 feet; thence N 89° 30' 16" W, a map distance of 165 feet more or less and a measured distance of 166.69 feet to the Erie Canal Blue Line; thence, along said Blue Line the following 2 courses and distances:

- 1) N 43° 08' 18" E, a map distance of 99 feet more or less and a measured distance of 101.24 feet;
- 2) N 41° 10' 20" E, a map distance of 210 feet more or less and a measured distance of 210.79 feet;

thence S 43° 16' 44" E, a map distance of 107 feet more or less and a measured distance of 107.38 feet; thence S 89° 30' 16" E, a map distance of 29 feet more or less and 29.40 feet measured to the point of beginning containing 0.73 acres be the same more or less.

APPENDIX B
PRR Certification Form

SITE NO. 932109

Box 3

Description of Institutional Controls

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
109.17-4-5	NYS Electric & Gas Corp	Landuse Restriction

Based on the results of the Remedial Investigation and Feasibility Study (RI/FS) for the NYSEG Lockport State Road site and the criteria identified for evaluation of alternatives, the Department has selected soil cover and institutional controls. The components of the remedy are as follows:

- Appropriate cover would be provided on the level, upper portion of the site. The one foot thick cover would consist of crushed stone or similar material, underlain by a demarcation layer to identify the original surface soil.
- Development of a site management plan to:(a) address residual contaminated soils that may be excavated from the site during future redevelopment. The plan would require soil characterization and, where applicable, disposal/reuse in accordance with NYSDEC regulations; (b) evaluate the potential for vapor intrusion for any buildings developed on the site, including provision for mitigation of any impacts identified; (c) identify any use restrictions; and (d) provide for the operation and maintenance of the components of the remedy.
- Imposition of an institutional control in the form of an Environmental Easement that would (a) require compliance with the approved Site Management Plan; (b) limit the use and development of the property to commercial or industrial uses only; and (c) require the property owner to complete and submit to the NYSDEC periodic certification.

Box 4

Description of Engineering Controls

<u>Parcel</u>	<u>Engineering Control</u>
109.17-4-5	Vapor Mitigation Cover System

Periodic Review Report (PRR) Certification Statements

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

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

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

☒ ☐

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

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

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

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

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

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

YES NO

☒ ☐

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. 932109

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1, 2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Albert G. Lyons, Jr at New-Velle LLC
1667 LAKE AVE, Bldg 59, suite 101
Rochester, NY 14615
print name print business address

am certifying as Owner Designated Representative (Owner or Remedial Party)

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

Albert G Lyons Jr
Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

1/31/17
Date

IC/EC CERTIFICATIONS

Box 7

Qualified Environmental Professional 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 Albert G. Lyons, Jr. at Neu-velle LLC
1665 LAKE AVE, Bldg 59, Suite 101
Rochester, NY 14615
print name print business address

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

Albert G. Lyons, Jr.



1/31/17

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

Stamp
(Required for PE)

Date

APPENDIX C
Site-Wide Inspection Form

APPENDIX D

STATE ROAD FORMER MGP SITE – POST CLOSURE

NYSDEC SITE NO. 9-32-109

SITE-WIDE INSPECTION FORM

Date: 1/27/17

Inspector: Albert G. Lyons, Jr.

Weather: Clear

Signature: Albert G. Lyons, Jr.

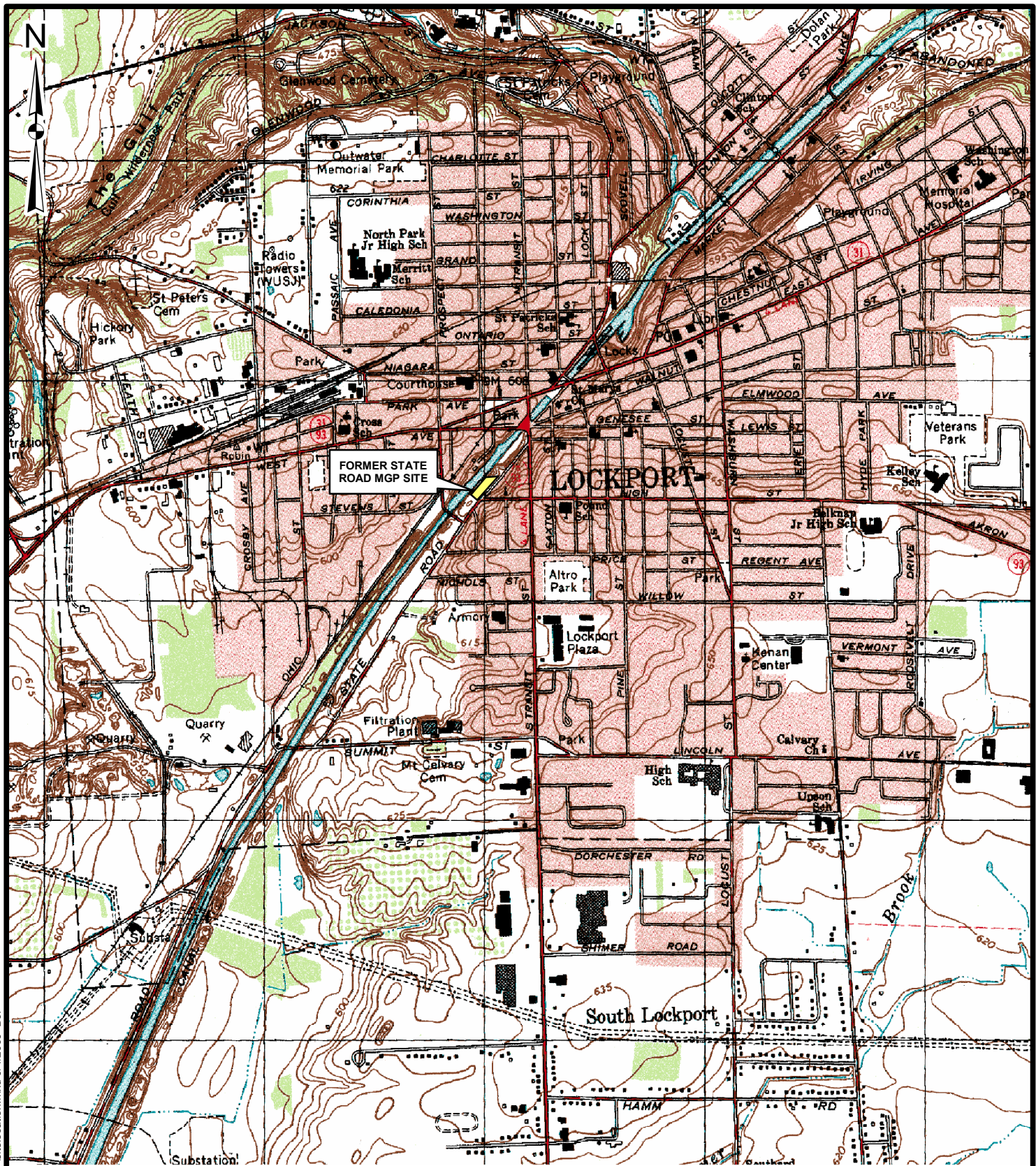
Temperature: 34°F

Company: New-velle, LLC

Type: Winter Spring Summer Fall
(Circle One)

Item Inspected	Maintenance Needed (Y/N)	Comments	Inspector's Initials
Soil Cover Area	N	NO ISSUES observed	aj
Stone Cover Area	N	NO ISSUES observed	aj
Access Road	N	NO ISSUES observed	aj
Gate to Access Road	N	NO ISSUES observed	aj
Other Items: (Specify)	N/A		aj
Other Items: (Specify)	N/A		aj

FIGURE 1A
Site Location



SOURCE: USGS 7.5' Quadrangle: Lockport, New York - 1995

0 1,000 2,000 4,000
Feet

URS

NYSEG - STATE ROAD
FORMER MGP SITE
SITE LOCATION MAP

FIGURE 1A