

CITY OF ONEIDA

DEPARTMENT OF HIGHWAYS AND PUBLIC WORKS

JAMES W. BACHER, P.E.
City Engineer



109 North Main Street

Oneida, New York 13421

Tel: 315-363-7222

Fax: 315-363-9558

E-mail: jwbacher@oneidacity.com

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

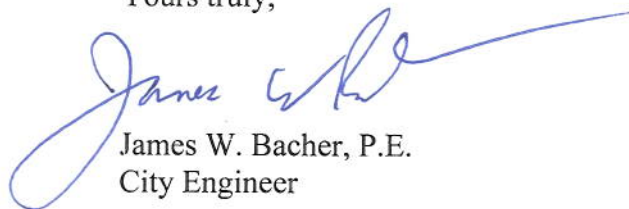
May 23, 2011

William Daigle, Project Manager
NYS Department of Environmental Conservation
Division of Environmental Remediation, 11th Floor
625 Broadway
Albany, New York 12233-7011

Re: 2011 Site Management Periodic Review 129 Cedar Street, Site No. B00077

Enclosed please find the Site Management Periodic Review Report & Institutional and Engineering Controls Certification Form for 129 Cedar Street, Site No. B00077 for the period June 21, 2010 to June 21, 2011.

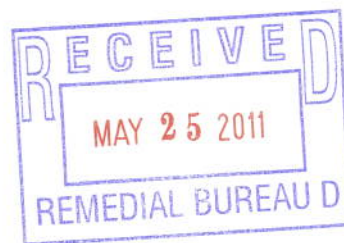
Yours truly,



James W. Bacher, P.E.
City Engineer

Encl

1. Periodic Review Report
2. Institutional and Engineering Controls Certification Form



Periodic Review Report (PRR)
129 Cedar Street, Oneida, NY 13421
Site No. B00077

I. Introduction:

A. *Provide a brief summary of site, nature and extent of contamination, and remedial history.*

Site Summary: 2.57 acre now vacant parcel situated within an area of mixed residential and commercial development. Zoned for commercial or light industrial development.

Identified past uses: tannery, industrial facility, and auto sales & service.

Contamination Characterization: semivolatile organic compounds [SVOCs] in underlying soil and inorganics contaminants [metals] in groundwater.

Remedial History:

Soil Cap Placement [1994]. The City of Oneida purchased 129 Cedar Street in 1994. At that time the parcel was overgrown with weed trees and littered with trash. The City of Oneida's Department of Public Works was assigned to clear and grub the site, after which fill was placed, graded and leveled; followed by top soil and grass seed placement. Although this work was undertaken before the 1996 Clean Water/Clean Air Bond Act project [1997 - 2000], it became part of the selected remedy reflected in the October 2000 Record of Decision for this parcel.

Spill # 02-11253 [February 2003 to July 2003]: On February 10, 2003 the City of Oneida Water Department responded to a broken water main on Linden Street, abutting the northeast side of 129 Cedar Street. Upon excavation a strong petroleum smell was evident and there was a sheen on the ground water. This discovery was reported to the Spill Hotline. Spill # 02-11253 was assigned. City entered into a stipulation order to remediate the spill, retained environmental consulting services, and was in the process of contracting for remedial services when by a June 27, 2003 letter the Department's Bureau of Western Remedial Action directed the City to take no further action. The Department had concluded that the source of the spill was emanating from 129 Cedar Street, a parcel subject to the 1996 Clean Water/Clean Air Bond Act which was successfully completed in March 2001¹. In November/December 2003 the Department undertook a contract remediation effort under the direction of its Region 7 Spill Prevention and Response Section. A written report of the contractor's efforts was provided to Region 7 on February 6, 2004. The Department's Spill Incidents Database reflects that the spill was closed on January 27, 2010.

¹ Referenced letter does state "...completed in March 2001." However, the ROD for this project was issued in October 2000.

B. *Effectiveness of the Remedial Program - Provide overall conclusions regarding;*

- 1. *Progress made during the reporting period toward meeting the remedial objectives for the site***
Not applicable. Except for the efforts reported above in Section 1A, "Remedial History", no other remedial work is\was required.
- 2. *The ultimate ability of the remedial program to achieve the remedial objectives for the site.***
Not applicable. Except for the efforts reported above in Section 1A, "Remedial History", no other remedial work is\was required.

C. *Compliance*

- 1. *Identify any areas of non-compliance regarding the major elements of the Site Management Plan (SMP, i.e., the Institutional/Engineering Control (IC/EC) Plan, the Monitoring Plan, and the Operation & Maintenance (O&M) Plan).***
Only IC/EC Plan is applicable - all areas are in compliance.
- 2. *Propose steps to be taken and a schedule to correct any areas of non-compliance.***
Not applicable.

D. *Recommendations*

- 1. *Recommend whether any changes to the SMP are needed.***
No recommendation.
- 2. *Recommend any changes to the frequency for submittal of PRRs (increase, decrease)***
Decrease.
- 3. *Recommend whether the requirements for discontinuing site management have been met.***
Not at this time.

II. *Site Overview*

- A. *Describe the site location, boundaries (figure), significant features, surrounding area, and the nature and extent of contamination prior to site remediation.***
Parcel centroid 43° 05' 45"N - 75° 38' 55"W. Bounded by Cedar Street [northwest], Linden Street [northeast], Stoddard Street [southeast] and 153 Cedar Street [southwest]. [153 Cedar Street is Site No. B00076.] See Record of Decision March 2000.

Nature and extent of contamination prior to remediation: See Section 1A Remedial History above.

- B. *Describe the chronology of the main features of the remedial program for the site, the components of the selected remedy, cleanup goals, site closure criteria, and any significant changes to the selected remedy and site that have been made since remedy selection.***

Main remedial program features: See Section 1A Remedial History above.

Components of selected remedy: Selected remedy components were: [1] "No Further Action", [2] implement an Institutional Control & [3] implement Engineer Controls.

Cleanup goals: Not Applicable.

Site Closure Criteria: None specified in Record of Decision.

Significant changes to the selected remedy and site that have been made since remedy selection: None. Site remains undeveloped.

III. *Evaluate Remedy Performance, Effectiveness, and Protectiveness*

- A. *Using tables, graphs, charts and bulleted text to the extent practicable, describe the effectiveness of the remedy in achieving the remedial goals for the site. Base findings, recommendations, and conclusions on objective data. Evaluations should be presented simply and concisely.***

From Section 6 of the ROD, remediation goals for this site were:

- Eliminate the potential for direct human or animal contact with the contaminated soils on-site.
✓ Achieved by placement of 12" clean fill cover.
- Reduce, control or eliminate to the extent practicable, the contamination present within the soils on site.
✓ Achieved by placement of 12" clean fill cover

IV. *IC/EC Requirements and Compliance*

- A.1. *Describe each control, its objective, and how performance of the control is evaluated.***

Institutional Control [from Environmental Deed Restriction]:

"...The property shall not be used for any purpose other than an industrial, commercial and business use. The commercial use of the property will exclude activities such as day care centers..."

Objective: Eliminate potential for direct human or animal contact with the contaminated soils and fill material on-site

Performance: Site remains undeveloped. Only on-site activity is mowing the grass.

Engineering Controls [from Environmental Deed Restriction]:

"...Municipality and successors in title shall implement the following engineering controls over the property:

- “1. Site soil that is excavated and is intended to be removed from the property must be managed, characterized, and properly disposed of in accordance with NYSDEC regulations and directives. Soil excavated at the site may be reused as backfill material provided it contains no visual or olfactory evidence of contamination, and it is placed beneath a minimum 12" clean soil cover or impervious product such as asphalt or concrete.
- “2. Any soil areas on the property that are not covered by an impervious product such as concrete or asphalt must be covered with a minimum of one foot of clean soil and seeded.
- “3. Property owners shall annually certify to the NYSDEC that the remedy continues to be maintained in accordance with the ROD...”.

Objective: Eliminate potential for direct human or animal contact with the contaminated soils and fill material on-site

Performance: Site remains undeveloped—> no soil excavation. 12" soil cover visually inspected annually in conjunction with annual certification requirement. Certifications provided annually.”

A.2 Summarize the status of each goal.

Each goal at IV.A.1 is in place and is effective.

A.3 Corrective Measures.

None required

A.4 Conclusions and recommendations for changes.

None

B.1 Certification must be complete and certified by the appropriate party as set forth in a Department approved certification form.

This PRR is accompanied by a Department Institutional and Engineering Controls Certification Form.

V. Monitoring Plan Compliance Report.

Not applicable

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

Not applicable

VII. Overall PRR Conclusions and Recommendations

A. For each component of the SMP (i.e., IC/EC, monitoring, O&M), summarize;

- 1. Whether all requirements of each plan were met during the reporting period.***
IC/EC - full compliance
Monitoring Plan - Not Applicable
O&M Plan - Not Applicable
- 2. Any requirements not met such as new completed exposure pathways resulting in unacceptable risk.***
Not Applicable
- 3. Proposed plans and a schedule for coming into full compliance.***
Not Applicable

B. Performance and Effectiveness of the Remedy - Based upon your evaluation of the components of the SMP,

- 1. Recommend, with supporting justification, whether the frequency of the submittal of PRRs should be changed (either increased or decreased).***
No recommendation.
- 2. If the requirements for site closure have been achieved, contact the Department's Project Manager for the site to determine what, if any, additional documentation is needed to support a decision to discontinue site management.***
Not Applicable

C. Future PRR Submittals.

No recommendations.

VIII. Additional Guidance

None sought.



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. **B00077**

Site Name 129 Cedar Street

Site Address: 129 Cedar Street ~~and 141 Cedar Street~~

Zip Code: 13421-

City/Town: Oneida [C]

County: Madison

Site Acreage: ~~2.7~~ 2.57

Reporting Period: June 21, 2010 to June 21, 2011

YES NO

1. Are the Site Details above, correct?

☐ ☒

If NO, include handwritten above ~~or on a separate sheet.~~

2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?

☐ ☒

3. Has there been any change in use at the site during this Reporting Period
(See 6NYCRR 375-1.11 (d) ?

☐ ☒

4. 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 you answered YES to questions 2 thru 4, include documentation or evidence
That documentation has been previously submitted with this certification form.**

5. Is the site currently undergoing development?

☐ ☒

Box 2

YES NO

6. Is the current use consistent with the uses listed below?

Commercial and Industrial

☒ ☐

7. Are all ICs/ECs in place and functioning as designed?

☒ ☐

**IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM**

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

Not Applicable

Signature of Owner, Remedial Party or Designated Representative

Date

SITE NO. B00077

Box 3

Description of Institutional Controls

Parcel

Owner

Institutional Control

30.72-2-20

City of Oneida

Landuse Restriction

Box 4

Description of Engineering Controls

Parcel

Engineering Control

30.72-2-20

Cover System

Control Description for Site No. B00077

Parcel: 30.72-2-20

The Grantor agrees to the following conditions with respect to the use of the real property described herein:

(a) the property shall not be used for any purpose other than an industrial, commercial and business use. The commercial use of the property will exclude activities such as day care centers.

(b) the Municipality and successors in title shall implement the following engineering controls over the property:

1. Site soil that is excavated and is intended to be removed from the property must be managed, characterized, and properly disposed of in accordance with NYSDEC regulations and directives. Soil excavated at the site may be reused as backfill material provided it contains no visual or olfactory evidence of contamination, and it is placed beneath a minimum 12" clean soil cover or impervious product such as asphalt or concrete.

2. any soil areas on the property that are not covered by an impervious product such as concrete or asphalt must be covered with a minimum of one foot of clean soil and seeded.

3. property owners shall annually certify to the NYSDEC that the remedy continues to be maintained in accordance with the ROD.

The Grantor hereby declares that the real property described herein and being conveyed by this instrument shall be held, sold and conveyed subject to each and every term, covenant, condition and restriction set forth in the afore-mentioned law, regulations, contracts, and ROD. All such terms, covenants, conditions, and restrictions shall constitute covenants that shall run with the land and shall be binding on all parties including heirs, successors, and assigns having any right, title or interest in this real property, or any part thereof, and may not be released or modified without the prior written approval of the NYSDEC. The Grantor further declares that any use or occupancy of the real property conveyed herein by this deed is limited to the uses identified up above. Any "change in use" which includes, but is not limited to, construction on or conveyance of the real property, is defined in ECL 56-0511 (3)(i), and is subject to the requirements set forth in section 56-0511 of the ECL, which requirements minimally include the prior notice and approval of NYSDEC or its successor. The Grantor additionally promises that every deed, subsequent to this deed, shall contain this restrictive covenant and all subsequent owners shall be deemed to covenant by acceptance of a deed to be bound by these restrictive covenants. The Grantor also declares that the State of New York, NYSDEC, as well as its successors or assigns, shall be entitled to enforce the terms of this restrictive covenant.

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

X O

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. [N/A]

YES NO

X O

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

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

Not Applicable

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. B00076

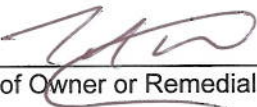
Box 6

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, LEO MATZKE at 109 N. Main Street, Oneida, NY 13421
print name print business address

am certifying as MAYOR OF CITY OF ONEIDA, NEW YORK for the Site named
(Owner or Remedial Party)
in the Site Details Section of this form.


Signature of Owner or Remedial Party, Rendering Certification

5/23/11
Date

IC/EC CERTIFICATIONS

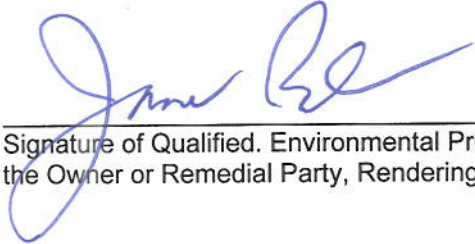
Box 7

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, JAMES W. BACHER at 109 N. Main Street, Oneida, NY 13421
print name print business address

am certifying as a Qualified Environmental Professional for the City of Oneida, New York
(Owner or Remedial Party)
for the Site named in the Site Details Section of this form.


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



Required for PE

5/23/11
Date