

Engineering Department



LOCKPORT MUNICIPAL BUILDING
ONE LOCKS PLAZA
LOCKPORT, N.Y. 14094
Phone (716) 439-6758
Fax (716) 439-6605

To:

Brian Sadowski
New York State Department of Environmental Conservation
Division of Environmental Remediation Region 9, Michigan Ave. Buffalo, NY 14203-29999

Date: April 15, 2015
Job No.
Re: Site No. B00154
From: Rolando Moreno

A handwritten signature in black ink, appearing to read "Rolando Moreno", with a stylized flourish at the end.

Enclosed Are:

Number of Copies	Drawing Number	Description
1		Canal St. Site Management Annual Report

RECEIVED

Please take action as indicated below:

☒ Note and File

☐ Note and Return to Me

☐ Return with more Details

☐ For your Approval

☐ Approved

☐ Investigate

☐ Please Reply Promptly

☐ Take Appropriate Action

☐ Per your Request

☐ For your Signature

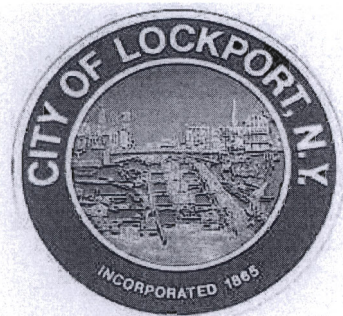
☐ For your Information

☐ Other _____

APR 17 2015

NYS DEC
REGION 9

Comments:



Engineering Department

LOCKPORT MUNICIPAL BUILDING
ONE LOCKS PLAZA
LOCKPORT, N.Y. 14094
Ph. (716) 439-6750
Fax (716) 439-6605

April 13, 2015

Mr. Brian Sadowski
Division of Environmental Remediation
270 Michigan Avenue
Buffalo, New York 14203-2999

SUBJECT: Richmond Avenue Project (Canal Street) Annual Report
Site No. B00154

RECEIVED

APR 17 2015

NYS DEC
REGION 9

Dear Mr. Sadowski:

As per the requirements of the Institutional and Environmental Controls for the above referenced Project I hereby offer this report for your review.

All Institutional / Environmental Controls are in place pursuant to the NYSDEC Record of Decision with no known violations.

According to the Assessor Office of the City of Lockport, the following change has occurred in the parcel configuration of the site property: parcel 109.54-2-19, parcel 109.54-2-21, and parcel 109.54-2-18 have merged with parcel 109.54-2-17 for 2014 roll to form one parcel and to be owned by the City of Lockport, as shown in the attached copy of Sheet 109.54.

I certify that the institutional controls put in place are unchanged and 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 any operation and maintenance or soil management plan.

Sincerely,

Rolando Moreno
Assistant Director of Engineering
City of Lockport



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site No. B00154

Site Details

Box 1

Site Name Richmond Avenue Project

Site Address: Canal, Church, and Niagara Streets Zip Code: 14094
City/Town: Lockport
County: Niagara
Site Acreage: 2.0

Reporting Period: May 02, 2014 to May 02, 2015

RECEIVED

APR 17 2015

NYS DEC
REGION 9

- | | YES | NO |
|---|-------------------------------------|-------------------------------------|
| 1. Is the information above correct? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. 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 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Box 2

- | | YES | NO |
|--|-------------------------------------|--------------------------|
| 6. Is the current site use consistent with the use(s) listed below?
Commercial and Industrial | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Are all ICs/ECs in place and functioning as designed? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

IF THE ANSWER TO EITHER QUESTION 6 OR 7 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

Description of Institutional Controls

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
109.54-2-14	Lake Effect Canal Street, LLC	Soil Management Plan Landuse Restriction

This property is one of nine adjacent properties that made up the Richmond Avenue ERP project. In accordance with the 2004 ROD, an environmental easement was recorded with Niagara County on May 12, 2009. Additional controls identified, include compliance with the approved Soils Management Plan and periodic certification of remedy effectiveness. The land use restriction in the easement specifies that the property may be used for commercial and industrial uses. The easement also specifies that the existing site surfaces (soils, asphalt, concrete, buildings, etc) be maintained and function as a cover system on the property.

109.54-2-15	City of Lockport	Soil Management Plan Landuse Restriction
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This property is one of nine adjacent properties that made up the Richmond Avenue ERP project. In accordance with the 2004 ROD, an environmental easement was recorded with Niagara County on May 12, 2009. Additional controls identified, include compliance with the approved Soils Management Plan and periodic certification of remedy effectiveness. The land use restriction in the easement specifies that the property may be used for commercial and industrial uses. The easement also specifies that the existing site surfaces (soils, asphalt, concrete, buildings, etc) be maintained and function as a cover system on the property.

109.54-2-16	City of Lockport	Soil Management Plan Landuse Restriction
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This property is one of nine adjacent properties that made up the Richmond Avenue ERP project. In accordance with the 2004 ROD, an environmental easement was recorded with Niagara County on May 12, 2009. Additional controls identified, include compliance with the approved Soils Management Plan and periodic certification of remedy effectiveness. The land use restriction in the easement specifies that the property may be used for commercial and industrial uses. The easement also specifies that the existing site surfaces (soils, asphalt, concrete, buildings, etc) be maintained and function as a cover system on the property.

109.54-2-17	City of Lockport	Soil Management Plan Landuse Restriction
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This property is one of nine adjacent properties that made up the Richmond Avenue ERP project. In accordance with the 2004 ROD, an environmental easement was recorded with Niagara County on May 12, 2009. Additional controls identified, include compliance with the approved Soils Management Plan and periodic certification of remedy effectiveness. The land use restriction in the easement specifies that the property may be used for commercial and industrial uses. The easement also specifies that the existing site surfaces (soils, asphalt, concrete, buildings, etc) be maintained and function as a cover system on the property.

109.54-2-18	Garvin Safety Service, LLC	Soil Management Plan Landuse Restriction
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This property is one of nine adjacent properties that made up the Richmond Avenue ERP project. In accordance with the 2004 ROD, an environmental easement was recorded with Niagara County on May 12, 2009. Additional controls identified, include compliance with the approved Soils Management Plan, and periodic certification of remedy effectiveness. The land use restriction in the easement specifies that the property may be used for commercial and industrial uses. The easement also specifies that the existing site surfaces (soils, asphalt, concrete, buildings, etc) be maintained and function as a cover system on the property.

109.54-2-19	City of Lockport	Soil Management Plan Landuse Restriction
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This property is one of nine adjacent properties that made up the Richmond Avenue ERP project. In accordance with the 2004 ROD, an environmental easement was recorded with Niagara County on May 12, 2009. Additional controls identified, include compliance with the approved Soils Management Plan and periodic certification of remedy effectiveness. The land use restriction in the easement specifies that the property may be used for commercial and industrial uses. The easement also specifies that the existing site surfaces (soils, asphalt, concrete, buildings, etc) be maintained and function as a cover system on the property.

109.54-2-21

City of Lockport

Soil Management Plan
Landuse Restriction

This property is one of nine adjacent properties that made up the Richmond Avenue ERP project. In accordance with the 2004 ROD, an environmental easement was recorded with Niagara County on May 12, 2009. Additional controls identified, include compliance with the approved Soils Management Plan and periodic certification of remedy effectiveness. The land use restriction in the easement specifies that the property may be used for commercial and industrial uses. The easement also specifies that the existing site surfaces (soils, asphalt, concrete, buildings, etc) be maintained and function as a cover system on the property.

109.54-2-24

Zimmie's Service, Inc.

Soil Management Plan
Landuse Restriction

This property is one of nine adjacent properties that made up the Richmond Avenue ERP project. In accordance with the 2004 ROD, an environmental easement was recorded with Niagara County on May 12, 2009. Additional controls identified, include compliance with the approved Soils Management Plan and periodic certification of remedy effectiveness. The land use restriction in the easement specifies that the property may be used for commercial and industrial uses. The easement also specifies that the existing site surfaces (soils, asphalt, concrete, buildings, etc) be maintained and function as a cover system on the property.

109.54-2-30

Zimmie's Service, Inc.

Soil Management Plan
Landuse Restriction

This property is one of nine adjacent properties that made up the Richmond Avenue ERP project. In accordance with the 2004 ROD, an environmental easement was recorded with Niagara County on May 12, 2009. Additional controls identified, include compliance with the approved Soils Management Plan and periodic certification of remedy effectiveness. The land use restriction in the easement specifies that the property may be used for commercial and industrial uses. The easement also specifies that the existing site surfaces (soils, asphalt, concrete, buildings, etc) be maintained and function as a cover system on the property.

Description of Engineering Controls

Box 4

None Required

Not Applicable/No EC's

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. B00154

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 ROLANDO MORENO at ONE LOCKS PLAZA, LOCKPORT, NY, 14094
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.


Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

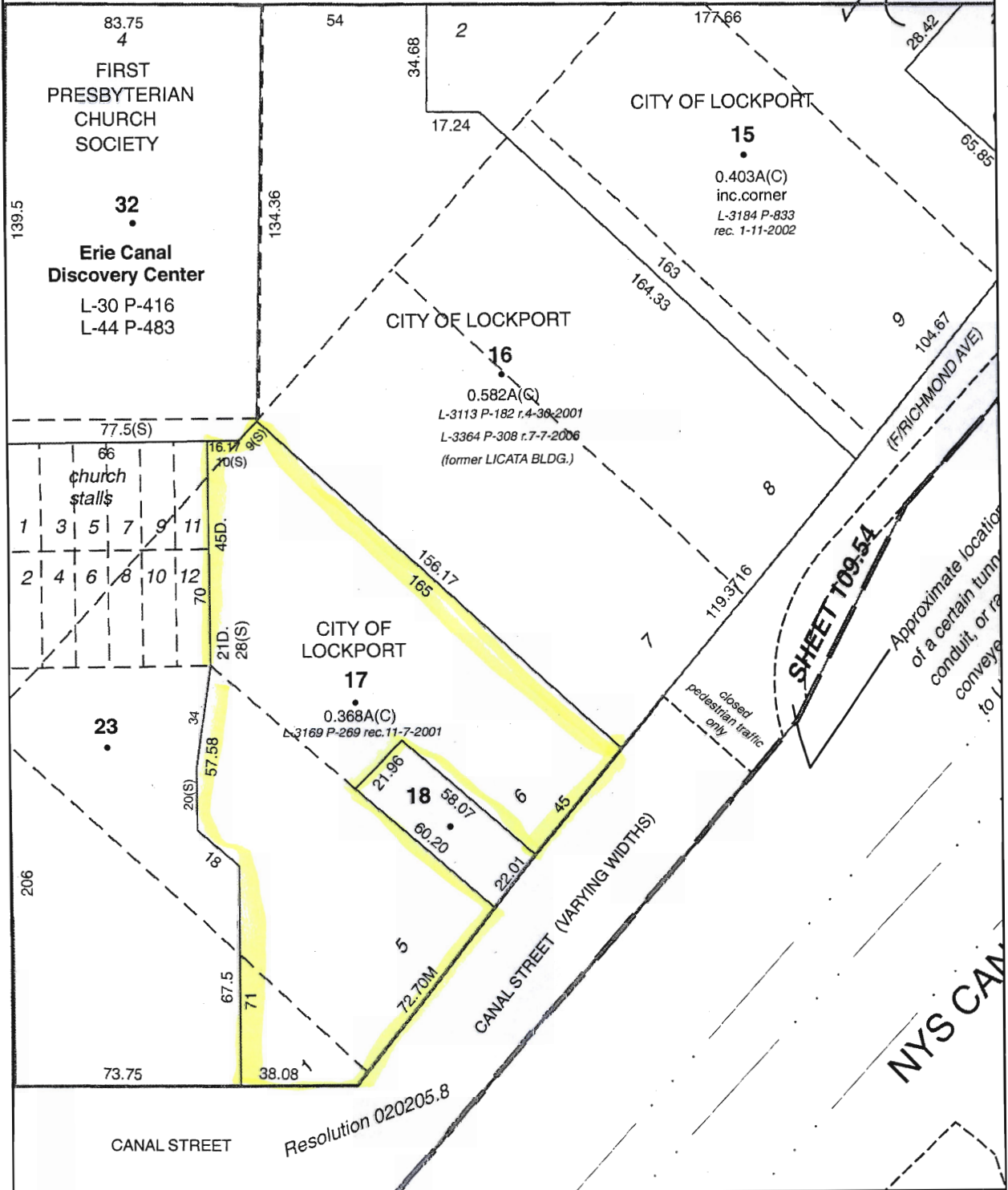
4/13/2015
Date

Richmond Ave Project
 Master Lease by L-3364 P-315 rec.7-7-2006
 Subordination Agreement # 2009-08130 rec. 5-12-2009
 Environmental Easement # 2009-08129 rec. 5-12-2009
 Release of 16-18 Church St: # 2012-24157 rec. 11-14-2012
 Release of 79-81 Canal St: # 2013-07889 rec. 4-24-2013
 Release of 51 Canal St: # 2013-08798 rec. 5-10-2013
Master Lease dated 7/7/06

2

SHEET 109.54

L-3141 P-056
 rec. 8-03-2001

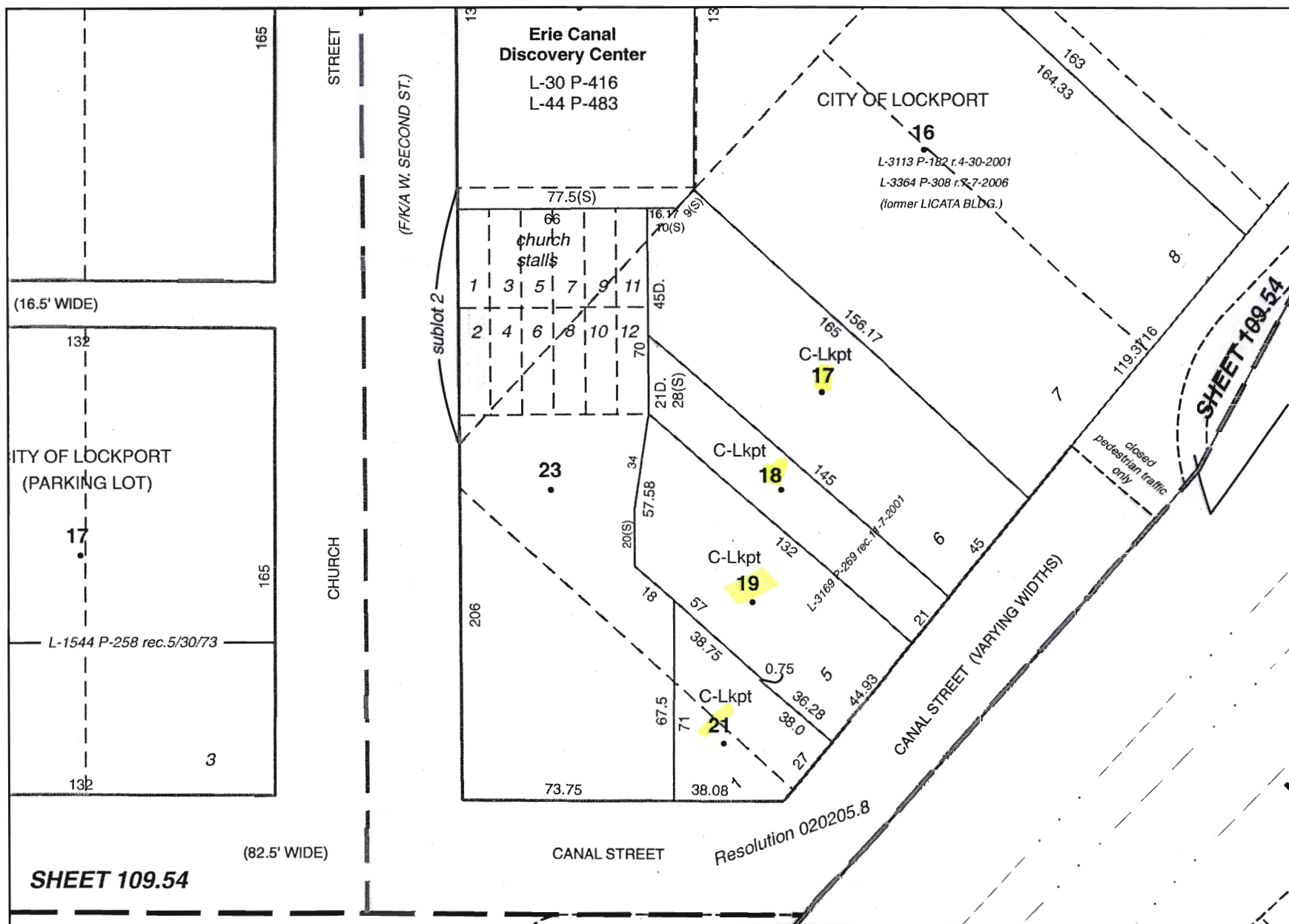


1 in = 50 ft

109.54-2-19 & 109.54-2-21_DELETED 109.54-2-16_REVISED acreage only
 109.54-2-17_REVISED, now as 1118619-1155212
 109.54-2-18_REVISED, now as 1118650-1155171

2014T

S/m #5 (2013)



DELETED 109.54-2-24 AND 109.54-2-30 as per Assessor Merge Request 1/31/2013
REVISED 109.54-2-23, now as 1118538-1155198
City of Lockport as of 2013T roll