

New York State Department of Environmental Conservation

Division of Environmental Remediation

Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • Fax: (518) 402-9020

Website: www.dec.ny.gov



Joe Martens
Commissioner

APR 23 2012

Honorable Gregory J. Edwards
County Executive
Chautauqua County
3 North Erie Street
Mayville, NY, 14757

Re: Certificate of Completion,
SAC Nos.: C301926 and C302808
Former Roblin Steel Site (Dunkirk
City of Dunkirk, Chautauqua County
Site No. B00173

Dear Mr. Edwards:

Congratulations on having satisfactorily completed the Remediation phase of the environmental restoration project that the Chautauqua County undertook with State Assistance funds provided pursuant to the 1996 Clean Water/Clean Air Bond Act. The New York State Department of Environmental Conservation (Department) has determined, based upon our inspection of the above-referenced site and upon our review of the documents you have submitted, that you completed the project in accordance with the terms and conditions of the above-referenced State Assistance Contract (SACs).

As a result, the Department is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above referenced site. Enclosed please find an original, signed COC. Chautauqua County is hereby entitled to the benefit of the liability limitation provisions described in the New York State Environmental Conservation Law (ECL) 56-0509.

Please be advised that the significant benefits described in ECL 56-0509 are contingent upon Chautauqua County fulfilling all continuing obligations set forth in ECL Article 56, Title 5, accompanying regulations, and the above-referenced SACs, including but not limited to, the obligations involving reimbursement to the State if the municipality receives payments or other consideration with respect to the project; disposition of proceeds upon the sale, transfer, or lease of the property; ensuring that Department has access to the property; and providing complete notice of any proposed change of use, as defined in ECL 56-0511.

Please note that in addition to the requirements discussed above, you are required to perform the following tasks:

- Record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC. A standard notice form is attached to this letter;



- Provide a notice of the COC and a fact sheet describing the institutional and engineering controls (IC/EC) that are required at the site to the Site Contact list within 10 days of issuance of the COC; and
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in July 2013. General guidance for preparing a PRR is also attached for your reference.

The final payment will be made after the execution of all SAC amendments which may be required and the issuance of the COC.

If you have any questions, please do not hesitate to contact David Locey, the Department's project manager, at 716-851-7220 or dplocey@gw.dec.state.ny.us.

Sincerely,

Robert W. Schick, P. E.
Acting Director
Division of Environmental Remediation

Enclosure

cc:

K. Anders – NYSDOH
M. Forcucci - NYSDOH
D. Locey
M. Doster
M. Cruden
Y. Ward

NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Chautauqua County

Address

3 North Erie Street, Mayville, NY 14757

SITE INFORMATION

Site No.: B00173 **Site Name:** Former Roblin Steel Site (Dunkirk)

State Assistance Contract No.: C301926
C302808

Site Owner: Chautauqua County

Street Address: 320 South Roberts Road

Municipality: Dunkirk **County:** Chautauqua **DEC Region:** 9

Site Size: 11.830 Acres

Tax Map Identification Number(s): 79.12-4-29, 79.12-4-30

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 56, Title 5 of the New York State Environmental Conservation Law ("ECL") and 6NYCRR 375.

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the State Assistance Contract, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the approved remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the ERP: Commercial and Industrial

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Chautauqua County with recording identifier DE2012001205.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 56-0509. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 56-0509(1) and 6NYCRR Part 375.

CERTIFICATE MODIFICATION/REVOCAION

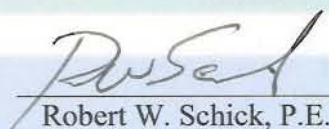
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Municipality or the Municipality's successors or assigns have failed to comply with the terms and conditions of the State Assistance Contract;
 - (2) either the Municipality or the Municipality's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
 - (3) either the Municipality or the Municipality's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the approved remedial work plan were reached;
 - (4) the terms and conditions of the environmental easement, if applicable, have been intentionally violated;
 - (5) the environmental easement as implemented, if applicable, is not protective or enforceable;
- or
- (6) there is good cause for such modification or revocation.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Joseph J. Martens
Commissioner
New York State Department of Environmental Conservation

By:


Robert W. Schick, P.E., Acting Director
Division of Environmental Remediation

Date: April 23, 2012

NOTICE OF CERTIFICATE OF COMPLETION

**Environmental Restoration Program
Pursuant to 6 NYCRR Part 375-1.9(d)**

Former Roblin Steel Site (Dunkirk), Site ID No. B00173

320 South Roberts Road, Dunkirk, New York, 14048

City of Dunkirk, Chautauqua County

Tax Map Identification Numbers 79.12-4-29 and 79.12-4-30

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to Chautauqua County for a parcel approximately 11.83 acres in size located at 320 South Roberts Road in the City of Dunkirk, Chautauqua County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the State Assistance Contract, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 56, Title 5 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Chautauqua County as County recording identifier number DE2012001205.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 56-0509. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

Former Roblin Steel Site (Dunkirk), Site # B00173320 South Roberts Road, Dunkirk, New York, 14048

PLEASE TAKE NOTICE, the Certificate may be only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 9 located at 270 Michigan Avenue, Buffalo, New York by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Chautauqua County

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 2012, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual
taking acknowledgment

Please record and return to:
Chautauqua County
3 North Erie Street
Mayville, New York 14757

12/03/09



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 3/20/2012



SITE DESCRIPTION

SITE NO. B00173

SITE NAME Former Roblin Steel Site (Dunkirk)

SITE ADDRESS: 320 South Roberts Road **ZIP CODE:** 14048

CITY/TOWN: Dunkirk

COUNTY: Chautauqua

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Periodic Review Frequency: 1 year

Periodic Review Report Submittal Date: 06/02/2013

Description of Institutional Control

Chautauqua Co.
 320 South Roberts Road
 Environmental Easement
 Block: 4
 Lot: 29
 Sublot:
 Section: 79
 Subsection: 12
 S_B_L Image: 79.12-4-29
 Ground Water Use Restriction
 IC/EC Plan
 Landuse Restriction
 Monitoring Plan
 Site Management Plan
 Soil Management Plan

Chautauqua County
320 South Roberts Road
Environmental Easement

Block: 4

Lot: 30

Sublot:

Section: 79

Subsection: 12

S_B_L Image: 79.12-4-30

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

Chautauqua Co.
320 South Roberts Road
Environmental Easement

Block: 4

Lot: 29

Sublot:

Section: 79

Subsection: 12

S_B_L Image: 79.12-4-29

Cover System

Vapor Mitigation

Chautauqua County
320 South Roberts Road
Environmental Easement

Block: 4

Lot: 30

Sublot:

Section: 79

Subsection: 12

S_B_L Image: 79.12-4-30

Cover System

Vapor Mitigation

CERTIFICATE OF COMPLETION

Project No. 1000 SUNNYVALE AVENUE, ALBANY, NY
12207-4212

CERTIFICATE OF COMPLETION

Project No. 1000 SUNNYVALE AVENUE, ALBANY, NY
12207-4212

CERTIFICATE OF COMPLETION

The following information is provided for your information and is not intended to be used as a basis for any legal action.

CERTIFICATE OF COMPLETION

EXHIBIT A

The following information is provided for your information and is not intended to be used as a basis for any legal action.

**Former Roblin Steel Site (Dunkirk)
Site # B00173**

The following information is provided for your information and is not intended to be used as a basis for any legal action.

SCHEDULE "A" PROPERTY DESCRIPTION

Property Address: 320 South Roberts Road, Dunkirk, Chautauqua County, NY
Tax Map: 79.12 - 4 - 29 & 79.12 - 4 - 30

COMMONWEALTH LAND TITLE INSURANCE COMPANY

Policy No. Pro Forma policy Draft No. 4 Title No. 292765

Schedule "A" Description

All that tract or parcel of land situate in the city of Dunkirk, county of Chautauqua and state of New York and further bounded and described as follows:

Beginning at a set rebar with cap at the intersection of the northwesterly right of way line of Norfolk Southern Railroad, formerly N & W Railroad, formerly New York, Chicago and St. Louis Railroad with the southerly right of way line of CSXT, formerly Conrail, formerly New York Central Railroad, formerly Erie Railroad, said lands referred to as CSXT being lands conveyed by Consolidated Rail Corporation to New York Central Lines, LLC by quit claim deed dated June 1, 1999 and recorded in the Chautauqua County Clerk's Office in Liber 2418 of deeds at page 623; thence westerly along the southerly line of said line on a curve to the left 642.74 feet to a point, said curve having a radius 5687.65 feet and a chord S86°-15'-29"W, 642.40 feet; thence N08°-30'-04"W along said southerly line, 2.41 feet to a point; thence S81°-30'-00"W and along said southerly line, 378.93 feet to a point; thence S85°-22'-00"W and along said southerly line 121.88 feet to a point; thence S81°-30'-00"W along said southerly line 53.00' to a point at the northeasterly corner of lands conveyed by Stanley A. Star to Edgewood Investments, Inc. by deed dated August 23, 1985 and recorded in the Chautauqua County Clerk's Office August 26, 1985 in Liber 2063 of deeds at page 488; thence S08°-30'-00"E along the southerly line of said Edgewood Investments, Inc., 10.97 feet to a point; thence S81°-30'-00"W and along said southerly line 77.46 feet to a point; thence continuing westerly and along the said southerly line on a curve to the left 76.07 feet to a point at the northeasterly corner of aforementioned New York Central Lines, LLC, said curve having a radius of 260.49 feet and a chord S73°-08'-00"W, 75.80 feet; thence southwestery and along the southeasterly said line on a curve to the left, 419.75 feet to a point, said curve having a radius of 1364.49 feet and a chord S56°-09'-30"W, 418.10 feet; thence continuing southwestery along the southeasterly said line on a curve to the to the left 98.22 feet to a point said curve having a radius of 757.76 feet and a chord S43°-23'-00"W, 98.15 feet; thence S08°-25'-00"E along the said easterly line 62.51 feet to a point; thence S79°-11'-00"W along the said southerly line 8.91 feet to a point at the northeasterly corner of aforementioned Edgewood Investments, Inc.; thence S08°-39'-00"E along the easterly said line, 19.90 feet to a point at the northwesterly corner of lands conveyed by County of Chautauqua Industrial Development Agency to Alumax Extrusions, Inc. by deed dated August 25, 1995 and recorded in the Chautauqua County Clerk's Office in Liber 2351 of deeds at page 874; thence N81°-

Page 2

Schedule A

31'-00"E along the said northerly line 822.00 feet to a point; thence S08°-29'-00"E along the said easterly line 251.95 feet to a point on the northwesterly right of way line of Norfolk Southern Railroad; thence N53°-33'-00"E along the northwesterly said line 172.65 feet to a point; thence N03°-05'-00"E along the northwesterly said line 20.37 feet to a point; thence N53°-33'-00"E along the northwesterly said line 183.89 feet to a point; thence N53°-35'-00"E along the northwesterly said line 524.58 feet to a point; thence along the northwesterly said line on a curve to the right 228.79 feet, said curve having a radius of 2915.00 feet and a chord N55°-38'-00"E, 228.73 feet to the point of beginning.

Environmental Easement Area Description

All that tract or parcel of land situate in the city of Dunkirk, county of Chautauqua and state of New York and further bounded and described as follows:

Beginning at a set rebar with cap at the intersection of the northwesterly right of way line of Norfolk Southern Railroad, formerly N & W Railroad, formerly New York, Chicago and St. Louis Railroad with the southerly right of way line of CSXT, formerly Conrail, formerly New York Central Railroad, formerly Erie Railroad, said lands referred to as CSXT being lands conveyed by Consolidated Rail Corporation to New York Central Lines, LLC by quit claim deed dated June 1, 1999 and recorded in the Chautauqua County Clerk's Office in Liber 2418 of deeds at page 623; thence westerly along the southerly line of said line on a curve to the left 642.74 feet to a point, said curve having a radius 5687.65 feet and a chord S86°-15'-29"W, 642.40 feet; thence N08°-30'-04"W along said southerly line, 2.41 feet to a point; thence S81°-30'-00"W and along said southerly line, 378.93 feet to a point; thence S85°-22'-00"W and along said southerly line 121.88 feet to a point; thence S81°-30'-00"W along said southerly line 53.00' to a point at the northeasterly corner of lands conveyed by Stanley A. Star to Edgewood Investments, Inc. by deed dated August 23, 1985 and recorded in the Chautauqua County Clerk's Office August 26, 1985 in Liber 2063 of deeds at page 488; thence S08°-30'-00"E along the southerly line of said Edgewood Investments, Inc., 10.97 feet to a point; thence S81°-30'-00"W and along said southerly line 77.46 feet to a point; thence continuing westerly and along the said southerly line on a curve to the left 76.07 feet to a point at the northeasterly corner of aforementioned New York Central Lines, LLC, said curve having a radius of 260.49 feet and a chord bearing S73°-08'-00"W, 75.80 feet; thence southwesterly

Schedule A

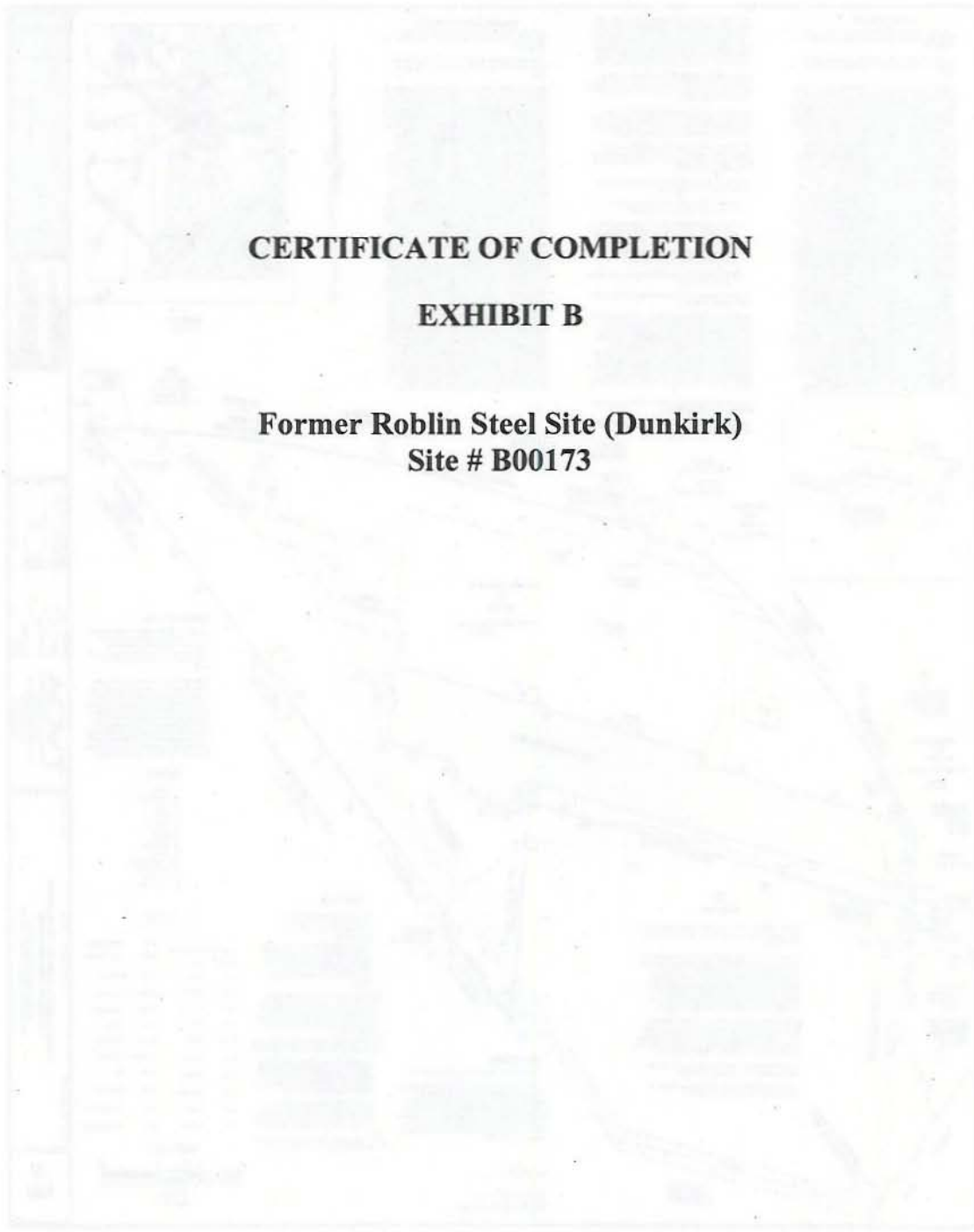
and along the southeasterly said line on a curve to the left, 419.75 feet to a point, said curve having a radius of 1364.49 feet and a chord bearing S56°-09'-30"W, 418.10 feet; thence continuing southwesterly along the southeasterly said line on a curve to the to the left 98.22 feet to a point said curve having a radius of 757.76 feet and a chord bearing S43°-23'-00"W, 98.15 feet; thence S08°-25'-00"E along the said easterly line 62.51 feet to a point; thence S79°-11'-00"W along the said southerly line 8.91 feet to a point at the northeasterly corner of aforementioned Edgewood Investments, Inc.; thence S08°-39'-00"E along the easterly said line, 19.90 feet to a point at the northwesterly corner of lands conveyed by County of Chautauqua Industrial Development Agency to Alumax Extrusions, Inc. by deed dated August 25, 1995 and recorded in the Chautauqua County Clerk's Office in Liber 2351 of deeds at page 874; thence N81°-31'-00"E along the said northerly line 822.00 feet to a point; thence S08°-29'-00"E along the said easterly line 251.95 feet to a point on the northwesterly right of way line of Norfolk Southern Railroad; thence N53°-33'-00"E along the northwesterly said line 172.65 feet to a point; thence N03°-05'-00"E along the northwesterly said line 20.37 feet to a point; thence N53°-33'-00"E along the northwesterly said line 183.89 feet to a point; thence N53°-35'-00"E along the northwesterly said line 524.58 feet to a point; thence along the northwesterly said line on a curve to the right 228.79 feet, said curve having a radius of 2915.00 feet and a chord bearing N55°-38'-00"E, 228.73 feet to the point of beginning.

EXHIBIT B

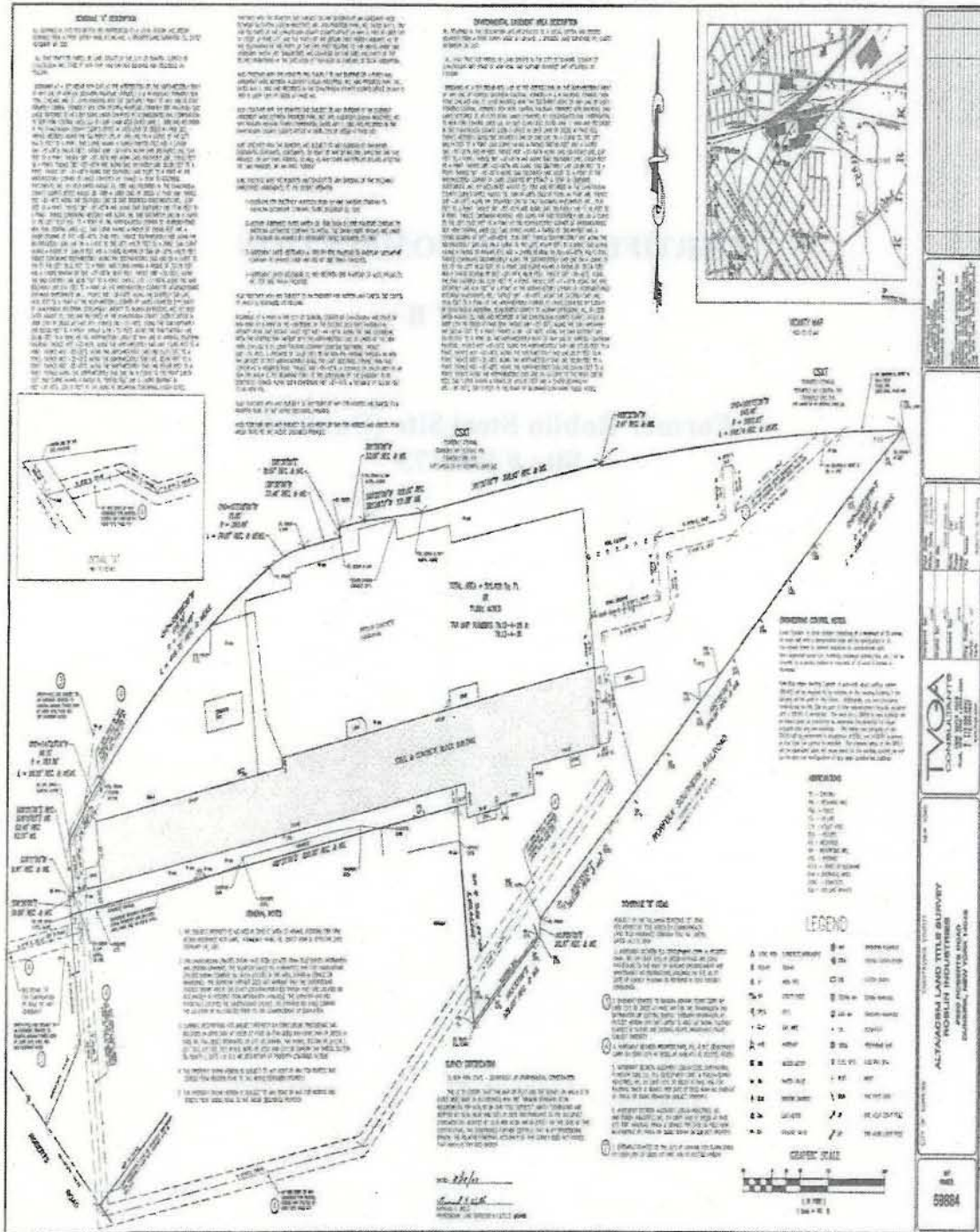
CERTIFICATE OF COMPLETION

EXHIBIT B

**Former Roblin Steel Site (Dunkirk)
Site # B00173**



SURVEY





FACT SHEET

Environmental Restoration Program

Receive Site Fact Sheets by **Email**. See "For More Information" to Learn How.

Site Name: Former Roblin Steel Site (Dunkirk)
DEC Site #: B00173
Site Address: 320 South Roberts Road
Dunkirk, NY 14048

March 2012

NYSDEC Certifies Cleanup Requirements Achieved at Municipal Brownfield Site

The New York State Department of Environmental Conservation (NYSDEC or Department) has determined that the cleanup requirements to address contamination related to Former Roblin Steel Site (Dunkirk) ("site") located at 320 South Roberts Road, Dunkirk, Chautauqua County under New York State's Environmental Restoration Program have been or will be met. Please see the map for the site location.

NYSDEC has issued a Certificate of Completion regarding the site. A copy of the Certificate of Completion is available at the location(s) identified below under "Where to Find Information."

Environmental Restoration Program: New York's Environmental Restoration Program (ERP) reimburses municipalities for their costs to investigate and clean up municipality owned contaminated properties. Once cleaned up, the properties may be redeveloped for commercial, industrial, residential or public use.

A brownfield is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination.

For more information about the ERP, visit:
<http://www.dec.ny.gov/chemical/8444.html>

The cleanup activities were performed with oversight provided by NYSDEC.

Institutional and Engineering Controls

Institutional controls and engineering controls generally are designed to reduce or eliminate exposure to contaminants of concern. An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction, when contamination left over after the cleanup action makes the site suitable for some, but not all uses. An *engineering control* is a physical barrier or method to manage contamination such as a cap or vapor barrier.

The following institutional controls have been put in place on the site:

- Environmental Easement
- Soil Management Plan
- Local Groundwater Restriction
- IC/EC Plan
- Site Management Plan

- Monitoring Plan
- Landuse Restriction

The following engineering controls have been put in place on the site:

- Cover System

Next Steps

NYSDEC issued the Certificate of Completion based on review and approval of a Final Engineering Report. The Final Engineering Report includes: 1) a description of the cleanup activities completed; 2) certification that cleanup requirements have been or will be achieved for the site; 3) a description of any institutional/engineering controls to be used; and 4) a certification that a site management plan for any engineering controls used at the site has been approved by NYSDEC.

A Certificate of Completion may be modified or revoked if, for example, there is a failure to comply with the terms of the order or agreement with NYSDEC.

Background

Site Location

The site's address is 320 South Roberts Road (County Road 136) in the City of Dunkirk. The site is actually located approximately 500 feet northeast of the road.

The 12-acre site is roughly triangular in shape and bounded to north and east by an active rail yard and railroad tracks respectively. The site is also bounded by two other brownfield sites; the former Alumax Extrusions facility (site #V00589) to the south and to the west the Edgewood Warehouse site (#E907032). Lake Erie is located approximately 4,000 feet to the northwest.

Site Features

As part of the completed site remediation, all of the buildings on site were demolished and the entire site covered with a one foot layer of clean soil; the site remains vacant. Vegetation on site is limited to grass. Hyde Creek passes within approximately one hundred feet of the site's northeastern corner.

Current Zoning

The site is located in an area zoned for industrial use. Land use in the site vicinity is characterized by a mixture of commercial, industrial and residential uses.

Residential properties are situated to the northwest and south of the site, beyond the adjoining properties; the nearest home lies approximately 200 feet from the site's southern corner. Mixed commercial and light industrial properties are located further to the north and west of the site, while an undeveloped wooded area to the east.

Historical Uses

The site was initially developed as part of a larger industrial complex operated by the American Locomotive Company in the early 1900s for the manufacture of locomotives. Operations were later converted to the manufacture of process equipment (e.g. heat exchangers, pressure vessels, steel pipe, fittings and conduits). Roblin Steel acquired the property and operated a steel

reclamation business until the 1980's; scrap steel was forged in electric arc furnaces into steel rods. The facility included dust collection baghouses, mills, a compressor house, an electrical substation and a variety of other process equipment. Prior site uses and operations that appear to have led to the site contamination include metal plating, machining, the use of metal cleaning solvents and the storage of fuel oil.

Previous investigations identified soil and groundwater contamination (including chlorinated solvents, heavy metals petroleum and PCBs) and asbestos containing materials in the building. An EPA removal action was completed in 1994 to remove over 700 drums of hazardous waste, piles of hazardous emission control dust, and other hazardous materials. A second EPA removal action was completed in 2004 that included the delineation, excavation and off-site disposal of PCB-impacted concrete and surface soils.

In 2001, Chautauqua County took ownership of the property and applied to New York State for funding to further investigate and remediate the site under the Environmental Restoration Program.

Site Geology and Hydrogeology

Fill material consisting of slag, foundry sand, gravel, brick and concrete is present across the site and extends from directly beneath the one-foot soil cover system to depths ranging from three to eight feet below ground surface. Native soil beneath the fill consists of a heterogeneous mix of fine-grained glacial deposits ranging from clayey silts to silty clays with varying percentages of sand and gravel. Shale bedrock occurs at depths ranging from three to sixteen feet below ground surface. While perched groundwater is occasionally encountered in the fill, the uppermost water-bearing zone at the site occurs within the glacial till and weathered shale bedrock. The direction of groundwater flow varies across the site; in the northern part of the site flow is to the north and northwest, and on the eastern side of the site groundwater flows to the northeast. The depth to groundwater across the site ranges from approximately two to fourteen feet below ground surface.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's website at:

<http://www.dec.ny.gov/cfm/external/haz/details.cfm?pageid=3&progno=B00173>

FOR MORE INFORMATION

Where to Find Information

Project documents are available at the following location(s) to help the public stay informed.

Dunkirk Free Library
536 Central Avenue
Dunkirk, NY 14048
phone: (716) 366-2511

City of Dunkirk
Attn: Dunkirk City Hall
342 Central Avenue
Dunkirk, NY 14048
phone: (716) 366-0452

Who to Contact

Comments and questions are always welcome and should be directed as follows:

Project Related Questions

David Locey
Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Ave
Buffalo, NY 14203-2915
716-851-7220
dplocey@gw.dec.state.ny.us

Site-Related Health Questions

Matthew J. Forcucci
New York State Department of Health
584 Delaware Avenue
Buffalo, NY 14202
(716) 847-4385
mjf13@health.state.ny.us

We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

Receive Site Fact Sheets by Email

Have site information such as this fact sheet sent right to your email inbox. NYSDEC invites you to sign up with one or more contaminated sites county email listservs available at the following web page: <http://www.dec.ny.gov/chemical/61092.html>. It's quick, it's free, and it will help keep you *better informed*.



As a listserv member, you will periodically receive site-related information/announcements for all contaminated sites in the county(ies) you select.

You may continue also to receive paper copies of site information for a time after you sign up with a county listserv, until the transition to electronic distribution is complete.

Note: Please disregard if you already have signed up and received this fact sheet electronically.

NEW YORK
state department of
HEALTH

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

March 30, 2012

Mr. Robert Schick, Acting Director
Division of Environmental Remediation
NYS Dept. of Environmental Conservation
625 Broadway - 12th Floor
Albany, NY 12233-7011

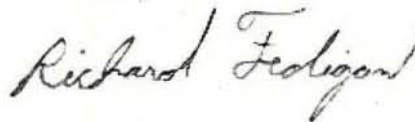
Re: Final Engineering Report
Former Roblin Steel Site
Site # B00173-9
Dunkirk (C), Chautauqua County

Dear Mr. Schick:

I reviewed the November 2010 Final Engineering Report for the Former Roblin Steel Site located in the City of Dunkirk, Chautauqua County, and understand that all remedial components specified in the March 2005 Record of Decision have been successfully implemented as the final remedy. Since contaminated soil and groundwater remains on-Site after completion of the Remedial Action, long-term Institutional and Engineering Controls (IC/ECs) are in place to protect human health and the environment.

Based on this information, I believe the actions taken are protective of human health. If you have any questions, please contact me at (518) 402-7860.

Sincerely,



Richard J. Fedigan, Section Chief
Northern Section
Bureau of Environmental Exposure Investigation

cc: A. Salame-Alfie, Ph.D.
K. Anders, Ph.D.
M. Cruden, DEC Albany
M. Stow, CCHD
M. Doster/D. Locey, DEC Region 9

Notice to Municipality

Date

Name of Official

Name of Municipality

Address

Address

Re: Environmental Easement

Dear Sir or Madam:

Attached please find a copy of an Environmental Easement granted to the New York State Department of Environmental Conservation ("Department")

on _____,
by _____,
for property at _____,
Tax Map No. _____,
NYSDEC Site No: _____.

This Environmental Easement restricts future use of the above-referenced property to restricted (residential, commercial or industrial) _____ uses. It also assures that **(this is an example)** in areas not proposed for future building construction or impervious covering, residually contaminated soils must be covered by a demarcation layer and must be overlain by at least two feet of clean fill cover material. This barrier must be maintained and a passive Soil Vapor Management System (SVMS) must be installed in every new building erected within the Controlled Property. Newly constructed buildings shall also be subjected to a Soil Vapor Intrusion (SVI) Investigation. If the results of this SVI investigation demonstrate ineffectiveness of the passive SVMS, an appropriate active Soil Vapor Management System shall be designed, constructed and maintained. The approved activity must be done in accordance with the Site Management Plan which is incorporated into the Environmental Easement. The remedial party must monitor and maintain groundwater monitoring wells. Department approval is also required prior to any groundwater use.)

Article 71, Section 71-3607 of the New York State Environmental Conservation Law requires that:

1. Whenever the Department is granted an Environmental Easement, it shall provide each affected local government with a copy of such easement and shall also provide a copy of any documents modifying or terminating such environmental easement.
2. Whenever an affected local government receives an application for a building permit or any other application affecting land use or development of land that is subject to an Environmental Easement and that may relate to or impact such easement, the affected

local government shall notify the Department and refer such application to the Department. The Department shall evaluate whether the application is consistent with the Environmental Easement and shall notify the affected local government of its determination in a timely fashion, considering the time frame for the local government's review of the application. The affected local government shall not approve the application until it receives approval from the Department.

An electronic version of every environmental easement that has been accepted by this Department is available to the public at: <http://www.dec.ny.gov/chemical/36045.html>

If you have any questions or comments regarding this matter, please do not hesitate to contact me.

Very truly yours,

Periodic Review Report (PRR) General Guidance

- I. Executive Summary: (1/2-page or less)
 - A. Provide a brief summary of site, nature and extent of contamination, and remedial history.
 - 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
 2. the ultimate ability of the remedial program to achieve the remedial objectives for the site.
 - 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).
 2. Propose steps to be taken and a schedule to correct any areas of non-compliance.
 - D. Recommendations
 1. recommend whether any changes to the SMP are needed
 2. recommend any changes to the frequency for submittal of PRRs (increase, decrease)
 3. recommend whether the requirements for discontinuing site management have been met.
- II. Site Overview (one page or less)
 - A. Describe the site location, boundaries (figure), significant features, surrounding area, and the nature and extent of contamination prior to site remediation.
 - 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 that have been made since remedy selection.
- III. Evaluate Remedy Performance, Effectiveness, and Protectiveness
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 and should be presented simply and concisely.
- IV. IC/EC Plan Compliance Report (if applicable)
 - A. IC/EC Requirements and Compliance
 1. Describe each control, its objective, and how performance of the control is evaluated.
 2. Summarize the status of each goal (whether it is fully in place and its effectiveness).
 3. Corrective Measures: describe steps proposed to address any deficiencies in ICECs.
 4. Conclusions and recommendations for changes.
 - B. IC/EC Certification
 1. The certification must be complete (even if there are IC/EC deficiencies), and certified by the appropriate party as set forth in a Department-approved certification form(s).
- V. Monitoring Plan Compliance Report (if applicable)
 - A. Components of the Monitoring Plan (tabular presentations preferred) - Describe the requirements of the monitoring plan by media (i.e., soil, groundwater, sediment, etc.) and by any remedial technologies being used at the site.
 - B. Summary of Monitoring Completed During Reporting Period - Describe the monitoring tasks actually completed during this PRR reporting period. Tables and/or figures should be used to show all data.
 - C. Comparisons with Remedial Objectives - Compare the results of all monitoring with the remedial objectives for the site. Include trend analyses where possible.
 - D. Monitoring Deficiencies - Describe any ways in which monitoring did not fully comply with the monitoring plan.
 - E. Conclusions and Recommendations for Changes - Provide overall conclusions regarding the monitoring completed and the resulting evaluations regarding remedial effectiveness.
- VI. Operation & Maintenance (O&M) Plan Compliance Report (if applicable)
 - A. Components of O&M Plan - Describe the requirements of the O&M plan including required activities, frequencies, recordkeeping, etc.
 - B. Summary of O&M Completed During Reporting Period - Describe the O&M tasks actually completed during this PRR reporting period.
 - C. Evaluation of Remedial Systems - Based upon the results of the O&M activities completed, evaluate the ability of each component of the remedy subject to O&M requirements to perform as

designed/expected.

- D. O&M Deficiencies - Identify any deficiencies in complying with the O&M plan during this PRR reporting period.
- E. Conclusions and Recommendations for Improvements - Provide an overall conclusion regarding O&M for the site and identify any suggested improvements requiring changes in the O&M Plan.

VII. Overall PRR Conclusions and Recommendations

- A. Compliance with SMP - 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
 - 2. any requirements not met
 - 3. proposed plans and a schedule for coming into full compliance.
- B. Performance and Effectiveness of the Remedy - Based upon your evaluation of the components of the SMP, form conclusions about the performance of each component and the ability of the remedy to achieve the remedial objectives for the site.
- C. Future PRR Submittals
 - 1. Recommend, with supporting justification, whether the frequency of the submittal of PRRs should be changed (either increased or decreased).
 - 2. If the requirements for site closure have been achieved, contact the Departments Project Manager for the site to determine what, if any, additional documentation is needed to support a decision to discontinue site management.

VIII. Additional Guidance

Additional guidance regarding the preparation and submittal of an acceptable PRR can be obtained from the Departments Project Manager for the site.

New York State Department of Environmental Conservation
Division of Environmental Remediation, 12th Floor
Phone: (518) 402-9706 - Fax: (518) 402-9020
Website: www.dec.state.ny.us



ERP CERTIFICATE OF COMPLETION ISSUANCE REQUEST
CONFIDENTIAL/ATTORNEY WORK PRODUCT

TO: Robert Schick, P.E., Director
Division of Environmental Remediation
FROM: Michael Caruso *MC 4/17/12*
Materials Management and Remediation
Bureau

Sign-offs:	Initials	Date
David Locey	<i>DL</i>	3-21-12
Martin Doster	<i>MD</i>	30 March 2012
Michael Cruden	<i>MC</i>	03/30/12
Yvonne Ward	<i>YW</i>	4/17/12

SUBJECT: Certificate of Completion
Applicant: Chautauqua County
Site Name: Former Roblin Steel Site (Dunkirk)
Site No.: B00173
SAC Nos.: C301926 & C302808



DATE: 3/20/2012

We have reviewed the information contained in the attached Certificate of Completion Issuance Request and found same to be current and accurate as of the date of this memo.

Conclusions: The Applicant has met all the requirements of the Remedial Work Plan. The Final Engineering Report and Site Management Plan have been reviewed and meet the guidelines in the PM checklists.

Health Department Concurrence: The NYSDOH has reviewed and accepted the Final Engineering Report.

Registry Status: The Site was not listed, and is not considered a candidate for the Registry of Inactive Hazardous Waste Disposal Sites in New York State.

Site Classification: Upon Certificate of Completion issuance, the Site should be reclassified from Class A to Class C.

Remediation of the Site: The remedial program was conducted in accordance with the work plan and the results of the remedial action are documented in the Final Engineering Report.

Final Engineering Report: The Final Engineering Report (FER) has been reviewed by NYSDEC and NYSDOH technical staff and the FER checklist has been completed recommending approval of the FER. The FER is signed and sealed by a Professional Engineer licensed to practice in New York State.

Certifications of Report Contents: The FER includes all applicable certifications pursuant to DER-10.

UIS Updates: All project-related documents have been stored in eDocs.

Recommendation: We have reviewed the documentation for the completion of this project and recommend that the Final Engineering Report be approved and the attached Certificate of Completion be issued.

cc: Benjamin Conlon
Yvonne Ward
David Locey, Project Manager
Martin Doster, Section Chief
K. Lewandowski

Documents Attached:

- ✓ COC Issuance Request Form
- ✓ COC Cover Letter
- ✓ Signature-ready Certificate of Completion
- ✓ Notice of Certificate of Completion
- ✓ Site Management Form

Supporting Documents in UIS:

- | | |
|--|--|
| ✓ SAC & any Amendments | ✓ Site Management Plan |
| ✓ Remedial Investigation Report | ✓ Final Engineering Report |
| <input type="checkbox"/> Remedial Action Work Plan | <input type="checkbox"/> DOH Concurrence |
| ✓ Remedial Design Documents | ✓ Site Management Plan Checklist |
| ✓ Environmental Easement | ✓ Final Engineering Report Checklist |