Aztech Environmental TECHNOLOGIES

Woman Owned Business

Periodic Review Report

Tim Bayly Property

800 Broadway
Rensselaer, Rensselaer County, New York

Covering the Time Period from
November 30, 2017 through March 30, 2019

NYSDEC Site No. C442043

April 29, 2019

Prepared for:
Tim Bayly Development, LLC
800 Broadway
Rensselaer, New York 12144

REMEDIATION SOLUTIONS

ENVIRONMENTAL CONSULTING

DRILLING APPLICATIONS

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
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Institutional and Engineering Controls Certification Form

Site Details	Box 1	
Site No. C442043		
Site Name Tim Bayly Property		
Site Address: 800 Broadway Zip Code: 12144 City/Town: Rensselaer County: Rensselaer Site Acreage: 0.081		
Reporting Period: November 30, 2017 to March 30, 2019		
	YES	**NO**
1. Is the information above correct?	**X**	
If NO, include handwritten above or on a separate sheet.		
2. Has some or all of the property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period ?		**X**
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d)) ?		**X**
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?		**X**
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?		**X**

	Box 2	
	YES	**NO**
6. Is the current site use consistent with the use(s) listed below? Restricted-Residential, Commercial, and Industrial	**X**	
7. Are all ICs/ECs in place and functioning as designed?	**X**	

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

	Box 2A YES	NO
8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid ?		X
If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.		
9. Are the assumptions in the Qualitative Exposure Assessment still valid ? (The Qualitative Exposure Assessment must be certified every five years)	X	
If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.		

Site No. C442043 **Box 3**

Description of Institutional Controls

Parcel	Owner	Institutional Control
143.52-3-18	Tim Bayly Development, LLC	Ground Water Use Restriction Soil Management Plan Land Use Restriction Building Use Restriction Monitoring Plan Site Management Plan O&M Plan IC/EC Plan

An institutional control in the form of an environmental easement will:

* require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8(h)(3);
* allow use and development of the controlled property for restricted residential as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
* restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and
* require compliance with the Department approved Site Management Plan

Description of Engineering Controls **Box 4**

Parcel	Engineering Control
143.52-3-18	Vapor Mitigation Cover System Monitoring Wells

The following engineering controls will be maintained at the site:

* Site Cover: A site cover will be required to allow for restricted residential use of the site in areas where the upper two feet of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). The site cover may consist of paved surface parking areas, sidewalks or a soil cover. Where a soil cover is to be used it will be a minimum of two feet of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material as set forth in 6NYCRR Part 375-6.7(d). In areas where building foundations or building slabs preclude contact with the soil, the requirements for a site cover will be deferred until such time that they are removed.
* Sub-slab depressurization system: Any on-site buildings will be required to have a sub-slab depressurization system, or other acceptable measures, to mitigate the migration of vapors into the building from soil and/or groundwater.

Periodic Review Report (PRR) Certification Statements **Box 5**

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	

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 the 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
X	

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. 411016 **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 Timothy Bayly (print name) at Tim Bayly Development, LLC
360 West 34th Street
New York, NY 10001

am certifying as Owner (Owner or Remedial Party)

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

Signature of Owner, Remedial Party or Designated Representative Rendering Certification — Date 4/26/19

IC/EC CERTIFICATIONS
SITE NO. C442043

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 Randolph H. Hoose at Aztech Environmental Technologies
5 McCrea Hill Road
Ballston Spa, New York 12020

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

Signature of Qualified Environmental Professional, for the Owner or Remedial Party, Rendering Certification	Stamp (Required for PE)	Date
		4-29-2019

EXECUTIVE SUMMARY

This document is required as an element of the remedial program associated with Tim Bayly Development, LLC (TBD-LLC) for the property located at 800 Broadway, Rensselaer, New York (the "Site"). The Site is currently in the New York State (NYS) Brownfield Cleanup Program (BCP) which is administered by the New York State Department of Environmental Conservation (NYSDEC). The Site is listed under the BCP as Site No. C442043.

TBD-LLC entered into a Brownfield Cleanup Agreement (BCA) with the NYSDEC on July 11, 2014. Under the BCA, TBD-LLC would investigate and remediate the site, an approximately 0.08-acre parcel that includes a 3,248 ft^2 building and approximately 300 ft^2 of "open" area. The Site is located in a neighborhood characterized as urban mixed residential/commercial and is zoned as "Downtown Mixed Use" (MU-1). TBD-LLC re-developed the Site as a retail wine and liquor store.

The investigations performed at the Site have identified several "contaminants of concern" (COCs) in soil, soil vapor and/or groundwater. These include the volatile organic compounds (VOCs) trichloroethene (TCE); tetrachloroethene (PCE); cis-1,2-dichloroethene (DCE) and vinyl chloride (VC); the pesticide DDT, and; the metals lead, mercury and chromium. These COCs have demonstrated exceedances of the applicable standards, criteria and guidance (SCGs) established by NYSDEC with respect to soil, soil vapor and/or groundwater. Based on their concentration and distribution, the Site has been sub-divided into two (2) areas of concern (AOCs). AOC-1 is an approximately 300 ft^2 portion of an open alleyway adjacent to the east side of the Site building; AOC-2 encompasses the entire 3,428 ft^2 footprint of the Site building.

Institutional and Engineering Controls (ICs/ECs) have been implemented in order to control exposure to site-related COCs identified within soil, soil vapor and groundwater and to assist with the protection of human health and the environment. ICs for this site include (but are not limited to) an Environmental Easement and development of a Site Management Plan (SMP); ECs for the Site are a cover system over AOC-1 to restrict access to residually impacted soil; a sub-slab depressurization (SSD) system to mitigate potential intrusion of vapor-phase COCs into the site building from soil beneath AOC-2, and; groundwater monitoring via one (1) on-site and two (2) off-site monitoring wells.

Effectiveness and Protectiveness of Remedial Program

Groundwater Monitoring

- Based on the dissolved PCE concentrations in groundwater samples collected from on-site and off-site monitoring wells, overall groundwater quality is trending toward the remedial goals for the Site. That is, downward trends of total VOC concentration in groundwater are documented. Based on the dissolved total VOC concentrations in the groundwater samples collected from the off-site monitoring wells, the overall groundwater quality is trending toward the remedial goals for the Site. As such, the groundwater monitoring program for

the site is effective and protective of human health and the environment.

Sub-Slab Depressurization (SSD) System

- The SSD system was fully operational on October 31, 2017 with imposed vacuum beneath the basement slab documented at that time. Sometime between system activation and February 13, 2018, one of the two (2) RadonAway Fans (Fan-2) failed and, the sealant used for the expansion joints in the basement concrete slab separated and allowed the imposed vacuum to short-circuit. Fan-1 remained operational throughout this time period.

  Repairs were subsequently made and on February 28, 2018, the SSD system was fully restored to operational status. This included re-sealing the expansion joints in the basement slab and replacement of Fan-2 with a functioning unit. On re-starting the SSD system, sub-slab vacuum was verified via the vacuum monitoring points. The SSD system has been operating uninterrupted since that time.

- The annual SSD system inspections have found that measurable induced vacuum is verifiable beneath the basement slab; the SSD system is capturing VOCs (as confirmed via screening with a PID), and; the verification of indoor air quality sampling conducted on March 22, 2018 did not record any concentrations of site related COCs. These facts collectively demonstrate that the SSD system is both effective and protective of human health and the environment

Annual Site-Wide Inspections

- The annual site-wide inspections are typically conducted in conjunction with the annual SSD system inspection. Additionally, general site conditions are observed (and noted as appropriate) during each quarterly groundwater monitoring event.

- To date, no issues have been identified regarding the general use, condition or, status of the site or any of the associated ICs/ECs.

Compliance

- The Site is in compliance with the established ICs and ECs. This includes the groundwater monitoring, operation of the SSD system and annual site wide inspections as specified in the October, 2017 SMP.

Recommendations

Changes to the SMP:

- No changes to the SMP are recommended at this time.

Frequency of PRR Submittal:

- The October, 2017 SMP directs that PRRs for the site be submitted annually. Aztech believes that submission of PRRs annually is appropriate for the Site at this time.

Requirements for Discontinuing Site Management:

- The requirements for discontinuing Site management have not been met. As such, Site monitoring as directed by the SMP should continue at this time.

1.0 INTRODUCTION

This document is required as an element of the remedial program associated with Tim Bayly Development, LLC (TBD-LLC) for the property located at 800 Broadway, Rensselaer, New York (hereinafter referred to as the "Site"). The Site is currently in the New York State (NYS) Brownfield Cleanup Program (BCP) which is administered by the New York State Department of Environmental Conservation (NYSDEC). The Site is listed under the BCP as Site No. C442043.

TBD-LLC entered into a Brownfield Cleanup Agreement with the NYSDEC on July 11, 2014. Under the BCA, TBD-LLC would investigate and remediate the site, an approximately 0.08-acre parcel located at 800 Broadway in the City of Rensselaer, New York (**Figure 1**). This parcel includes a 3,248 ft^2 building and approximately 300 ft^2 of "open" area located in a neighborhood characterized as urban mixed residential/commercial. The Site is zoned as "Downtown Mixed Use" (MU-1) and, was re-developed by TBD-LLC as a retail wine and liquor store.

Prior to its current use, the Site was used as a dry cleaning operation during the period from at least 1958 to 1978. The Former dry cleaning operation is considered to be the source of the soil, soil vapor and groundwater impacts that have been identified during the investigations associated with the Site. The investigations performed at the Site have identified several "contaminants of concern" (COCs) in soil, soil vapor and/or groundwater. These include the volatile organic compounds (VOCs) trichloroethene (TCE); tetrachloroethene (PCE); cis-1,2-dichloroethene (DCE) and vinyl chloride (VC); the pesticide DDT, and; the metals lead, mercury and chromium. These COCs have demonstrated exceedances of the applicable standards, criteria and guidance (SCGs) established by NYSDEC with respect to soil, soil vapor and/or groundwater. Based on their concentration and distribution, the Site has been sub-divided into two (2) areas of concern (AOCs). AOC-1 is an approximately 300 ft^2 portion of an open alleyway adjacent to the east side of the Site building; AOC-2 encompasses the entire 3,428 ft^2 footprint of the site building (**Figure 2**).

Engineering controls (ECs) have been implemented for the Site in order to control exposure to site-related COCs identified within soil, soil vapor and/or groundwater and, to assist with the protection of human health and the environment. The ECs for the site include a cover system to restrict access to residually impacted soil within AOC-1 and, a sub-slab depressurization (SSD) system to address intrusion of vapor phase COCs into the site building from soil beneath AOC-2. Groundwater monitoring, via a one (1) on-site and two (2) off-site monitoring wells is also included as one of the ECs for the Site (**Figure 3**).

The NYSDEC has established the periodic review process in order to determine if a site is being managed in accordance with the remedies established for that site in its governing documents. The governing document for completing this Periodic Review Report (PRR) is the October 30, 2017 Site Management Plan (SMP). The SMP directs all future management of the site.

The PRR seeks to evaluate site-specific inspection, monitoring, and other related data, that will help to assess whether the remedies (engineering and/or institutional controls) for a site are being implemented properly. In particular, the PRR seeks to compile and review pertinent site-related data and evaluate whether the Remedial Action Objectives (RAOs) for the Site are being met. The PRR also seeks to verify that the remedies established for the Site remain protective of human health and the environment.

Based on the results of the investigations associated with the Site, the following RAOs were established for this site.

Soil

- RAOs for Public Health Protection:
  - ✓ Prevent ingestion/direct contact with soil impacted with COCs.
  - ✓ Prevent inhalation of or exposure to COCs emanating from impacted soil.

- RAOs for Environmental Protection:
  - ✓ Prevent migration of COCs that would result in groundwater or surface water contamination.

Soil Vapor

RAOs for Public Health Protection:

- ✓ Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at the site.

The remedial program for the site achieves the aforementioned RAOs via Institutional and Engineering Controls. This includes the execution and recording of an environmental easement, implementation of the SMP, maintaining the cover system for AOC-1, operating the SSD system to mitigate soil vapor intrusion into the site building (AOC-2), and; groundwater monitoring.

2.0 SITE BACKGROUND AND HISTORY

The Site was most recently used as a dry cleaning operation from at least 1958 to 1978, and has remained vacant until TBD-LLC commenced with the BCA, and subsequent re-development of the property, in 2014. The Site is currently a retail liquor store.

2.1 Nature and Extent of Contamination

The investigations performed at the site have identified four (4) of the chlorinated VOCs (PCE, TCE, DCE and VC) associated with the former dry cleaning operation, as well as three (3) metals (lead, chromium and mercury) and one (1) pesticide (DDT) at isolated locations. Based on the concentration and distribution of the COCs identified, the site has been sub-divided into AOC-1 (an approximately 300 ft^2 portion of a paved, open alleyway adjacent to the east side of the site building), and; AOC-2 (the entire 3,248 ft^2 footprint of the site building).

The findings relating to the various media are as follows:

2.1.1 Soil

Surface soil samples collected from two (2) locations in the area east of the site building (AOC-1) indicated concentrations of chromium, lead and mercury in excess of restricted-residential SCOs (but, below the commercial SCOs).

Subsurface soils are described as fill and/or re-worked native soil from grade to anywhere from 2.0 feet to 9.0 feet below grade. This layer of soil is underlain by silty clay to clay. The silty clay and clay is varved or laminated, with small seams of silt and fine grained sand interbedded with the clay. Clay generally predominates as depth increases. Soil borings at the site were advanced to a depth of 20 feet below grade; bedrock was not encountered.

Sub-surface soil samples were obtained at several locations via soil borings advanced adjacent-to and within the footprint for the site building. Concentrations of PCE were identified in excess of the soil cleanup objective (SCO) for residential soil (but below the restricted-residential SCO) in the sub-surface soil beneath the building footprint (AOC-2) and within the City of Rensselaer Right-of-Way (ROW) south of AOC-2. Mercury was also found in a sample collected from beneath the building footprint in excess of the SCO for commercial use. The locations of these elevated concentrations of COCs are consistent with what is presumed to be the base of old dry cleaning equipment, as well as breaks identified in a former sewer lateral.

2.1.2 Groundwater

Groundwater depth can range anywhere from approximately 5.0 feet below grade to almost 20 feet below grade (depending on location). Groundwater flow appears to be toward the west.

Groundwater sampling indicated concentrations of PCE, TCE, DCE and/or VC in the area south of AOC-2 (i.e. within the City of Rensselaer ROW) that were in excess of the NYSDEC standards

for class GA groundwater. Subsequent groundwater sampling confirmed these results and identified on-site and off-site locations where concentrations of the site-related COCs were in excess of the class GA groundwater standards.

2.1.3 Soil Vapor and Soil Vapor Intrusion

Soil vapor Intrusion sampling conducted at the site in May, 2013 identified PCE at a concentration of 5,100 micrograms per cubic meter (ug/m^3) in a sub-slab vapor sample collected from beneath the building footprint (AOC-2). According to the decision matrices (Decision Matrix B) of the New York State Department of Health's (NYSDOH) October, 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York (with addendums), mitigation was the appropriate course of action to address the interior of 800 Broadway.

2.2 Summary of Remedial Actions

The following is a summary of the Remedial Actions performed at the site:

1. Execution and recording of an Environmental Easement to restrict land use and prevent future exposure to impacted media remaining at the site.
2. Development and implementation of a SMP for long term management of the site as required by the Environmental Easement, which includes plans for: (1) Institutional and Engineering Controls, (2) monitoring, (3) operation and maintenance and (4) reporting;
3. Installation of a cover system to restrict access to residually impacted soil within AOC-1;
4. Installation and operation of a SSD system to mitigate soil vapor intrusion issues beneath the footprint of 800 Broadway (AOC-2), and;
5. Sampling and analysis of on-site and off-site groundwater monitoring wells.

2.2.1 Environmental Easement

The Site remedy requires that an Environmental Easement (EE) be placed on the property to limit the use and development of the Site. The EE references the SMP, which details the activities required for ensuring that human health and the environment are protected from the remaining impacted soil and groundwater at the Site. The EE is established pursuant to Article 71, Title 36 of the New York State Environmental Conservation Law (ECL) and will remain in effect until it can be extinguished under ECL Article 71, Title 36.

The EE for the Site was executed by the Department on October 27, 2017 and filed with the Rensselaer County Clerk on that same date. The County Recording Identifier number for this filing is 2017-00523795.

2.2.2 Site Management Plan

The October 30, 2017 SMP was prepared by Aztech Environmental Technologies, on behalf of TBD-LLC (owner of the property), in accordance with the requirements in NYSDEC DER-10 Technical Guidance for Site Investigation and Remediation of June, 2010 (DER-10), and the site-specific criteria and guidelines provided or established by NYSDEC. The SMP addresses the

means for implementing the institutional and engineering controls (ICs/ECs) that are required by NYSDEC via the EE for the Site. Failure to properly implement the SMP is a violation of the EE, which is grounds for revocation of the Certificate of Completion.

2.2.3 Cover System (AOC-1)

The cover system was placed over an approximately 300 ft^2 undeveloped area in the eastern portion of the property (AOC-1). Its purpose is to prevent exposure to residually impacted soil underlying AOC-1. The cover system is a composite that consists of 12-to-36-inches of compacted silty/sandy/gravelly sub-base placed on top of a geotextile fabric demarcation layer. The compacted sub-base is capped with an approximately 6.0-inch thick layer of asphalt. The cover system was designed to accommodate the loading associated with delivery trucks that service the facility. The location of the cover system (AOC-1) on the site is shown on Figure 2; its installation was completed on September 15, 2017.

2.2.4 Sub Slab Depressurization (SSD) System (AOC-2)

Installation of the SSD system was completed on August 29, 2017 and became fully operational on October 31, 2017. The SSD system was constructed in accordance with the April 2017 Alternatives Analysis Report and Remedial Action Work Plan (RAWP) for the Site. As specified in the RAWP, a total of 15 sub-slab vapor extraction laterals were attached via three (3) manifold legs to two (2) RadonAway HS-2000 fans installed on the north-facing exterior wall of the building. The location of each SSD lateral (and associated manifolding) is shown on **Figure 4**; SSD system manifold leg and vacuum extraction lateral associations are summarized below on T**able 1**.

Table 1
SSD System Manifold Leg and Vacuum Extraction Lateral Associations

Manifold Leg	Location	Vacuum Extraction Laterals	Fan
Leg-1	Central Portion	LAT-1; LAT-2; LAT-3; LAT-4; LAT-5	Fan-1
Leg-2	Northern Side	LAT-6; LAT-7; LAT-8	
Leg-3	Southern Side	LAT-9, LAT-10; LAT-11; LAT-12; LAT-13; LAT-14; LAT-15	Fan-2

Note:
SSD system driven by two (2) RadonAway HS-5000 fans/blowers

Six (6) sub-slab vacuum monitoring points were also installed at selected locations within AOC-2. These are permanent, re-sealable perforations in the basement concrete slab that are used to verify that the SSD system is operating in a manner that satisfies the criteria specified by NYSDOH in their Guidance for Evaluating Soil Vapor Intrusion in the State of New York. That is, verifying that the active SSD system imposes an induced vacuum of 0.004-inches of water column (H_2O) throughout the sub-slab area. Vacuum monitoring point locations are shown on Figure 4.

2.2.5 Groundwater Monitoring

The SMP requires that groundwater monitoring activities to assess natural attenuation will continue, as determined by the NYSDEC, until residual groundwater concentrations are found to be consistently below NYSDEC standards or, have become asymptotic at an acceptable level over an extended period. Groundwater monitoring will continue until permission to discontinue is granted in writing by the NYSDEC. If site-related COCs dissolved in groundwater become asymptotic at concentrations that are not acceptable to the NYSDEC, then, additional source removal, treatment and/or control measures will be evaluated.

The monitoring wells included in the groundwater monitoring program are well MW-7, located within AOC-1, and wells MW-5 and MW-6 located off-site within the City of Rensselaer ROW and adjacent to AOC-2. The completion specifications for each monitoring well are included in Table 2; monitoring well locations are included on Figure 3.

Table 2
Monitoring Well Specifications

Well ID	TOC Elevation	Borehole Depth	DTW	Screened Interval	Sand Pack	Bentonite Seal	GPS Coordinates	
							Northing	Easting
MW-5	45.45	19	10	8.0 - 18	6.0 - 18	Grade – 6.0	42.646190	-73.739408
MW-6	44.70	20	DRY	10 - 20	8.0 - 20	2.0 – 8.0	42.646426	-73.739608
MW-7	44.50	20	13.2	10 - 20	8.0 - 20	2.0 – 8.0	42.646252	-73.739322

Note:
All Depths in FEET below grade
DTW as observed during borehole advancement
TOC = Top of well casing

2.3 Institutional/Engineering Controls

Since impacted soil, soil vapor and groundwater are present beneath the Site, ICs/ECs are required to protect human health and the environment.

2.3.1 Institutional Controls

The purpose of the ICs established for the Site is to prevent future exposure of the public to site-related COCs in soil, groundwater and/or soil vapor. This is accomplished by controlling disturbances of the subsurface. Furthermore, the ICs (and associated site restrictions) may not be discontinued without approval by the NYSDEC. The restrictions that apply to the Site include (but, are not limited to) the following:

- The property may be used for Restricted Residential, Commercial and/or Industrial use;
- All future activities on the property that will disturb remaining impacted material must be conducted in accordance with the SMP;
- The use of groundwater underlying the property is prohibited without necessary water quality treatment, as determined by the NYSDOH or the Rensselaer County Department of Health, to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

- The potential for vapor intrusion must be evaluated for any buildings developed in the area within the IC boundaries and, any potential impacts that are identified must be monitored or mitigated;
- Vegetable gardens and farming on the Site are prohibited, and;
- A provision for removal or treatment of the source area located under the on-site building if and when the building is demolished or becomes vacant.

Additional provisions of the ICs established for the Site are listed in Section 3.1 of the October, 2017 SMP.

The Site is in compliance with the established ICs and associated provisions/restrictions as specified in the SMP.

2.3.2 Engineering Controls

The Site has three (3) ECs implemented. This includes a cover system to restrict access to residually impacted soil within AOC-1; an SSD system to address vapor intrusion of COCs into the site building from soil beneath AOC-2, and; groundwater monitoring via the three (3) monitoring wells.

3.0 REMEDY COMPLIANCE, PERFORMANCE, EFFECTIVENESS AND PROTECTIVENESS

The current monitoring program for the Site, which is governed by the October 2017 SMP, is outlined in **Table 3** below.

Table 3
Monitoring/Inspection Schedule

Monitoring Program	Frequency*	Matrix	Analysis
On-Site/Off-Site Groundwater	Quarterly**	Groundwater via wells MW-5, MW-6, MW-7	VOCs (full list) via USEPA Method 8260
On-Site/Off-Site Groundwater	Quarterly**	Groundwater via wells MW-5, MW-6, MW-7	Water Quality Field Parameters (temperature, SC, DO, pH, eH)
SSD System: Blower	Annual	Blower Effluent	PID Screening; Airspeed
SSD System: Sub-Slab	Annual	Induced Vacuum	Manometer/Magnehelic
Site Wide Inspection	Annual	Composite Cover; SSD System and monitoring well network	Overall visual Inspection of site, composite cover system, SSD system and monitoring well network

Notes:
* The frequency of events will be conducted as specified until otherwise approved/required by NYSDEC and NYSDOH
** Groundwater monitoring will be conducted on a quarterly basis for a minimum of 8 quarters following the effective date of the Certificate of Completion. Sampling frequency may be reduced to every five quarters (5/4 sampling) if data indicates favorable conditions and if approved by the NYSDEC.

This PRR will evaluate the various components of the monitoring program in terms of compliance, performance and, effectiveness and protectiveness with respect to the goals of the October, 2107 SMP.

3.1 Groundwater Monitoring

The October, 2017 SMP established quarterly groundwater monitoring to evaluate the natural attenuation of VOCs in groundwater associated with the Site.

3.1.1 Compliance

Groundwater samples were collected from monitoring wells at the Site on three (3) occasions during the time period reported herein. These dates include: February 13, 2018 (winter quarter); June 14, 2018 (spring quarter) and February 14, 2019 (winter quarter). Based on the quarterly monitoring schedule, three (3) of five (5) groundwater sampling events have been conducted during the time period reported herein. As such, the number of actual groundwater sampling events is not in compliance with the number of required sampling events for this time period. However, quarterly sampling events have been resumed starting with the February 14, 2019 groundwater sampling event. The next groundwater sampling event for the Site (spring, 2019) is scheduled for May, 2019.

3.1.2 Performance

Groundwater sampling is conducted via low flow methods. Prior to commencing with the low flow sampling, depth to groundwater is measured in each well from the top of casing. Subsequent to measuring depth to water (DTW), dedicated teflon-lined polyethylene tubing is placed in each well and purging commences via a peristaltic pump. During purging, the water quality field parameters (WQFPs) temperature, specific conductance (SC), dissolved oxygen (DO), potential hydrogen (pH) and oxidation/reduction potential (eH) are monitored using a flow-thru cell. Each well is purged until stabilization of WQFPs is demonstrated.

Once stabilization occurs, the sample is collected upstream of the flow thru cell. Groundwater samples are placed in pre-preserved, laboratory-supplied sampling vials containing dilute hydrochloric acid. Once the samples are collected, they are placed on ice in a cooler and transported by laboratory courier following chain of custody protocols to the analytical laboratory for analysis. The samples for this site were transported to ALS Environmental (ALS) of Rochester, New York where they were analyzed for the full Target Compound List (TCL) of VOCs via Environmental Protection Agency (EPA) analytical method 8260.

The depth to water measurements obtained prior to well purging associated with each of the three (3) sampling events conducted during the time period reported herein are used in conjunction with previously established top of well casing elevations in order to determine the groundwater elevations for each monitoring well and date of measurement. The depth to water/groundwater elevations determined for each date reported herein are included on **Table 4** below.

Table 4
Depth to Water Measurements/Groundwater Elevations
November 30, 2017 thru March 30, 2019

Date	Well ID	MW-5	MW-6	MW-7
	TOC Elevation	45.45	44.70	44.50
2-13-18	DTW	10.51	17.90	9.44
	GW Elev.	34.94	26.80	35.06
6-14-18	DTW	11.41	17.46	9.52
	GW Elev.	34.04	27.24	34.98
2-14-19	DTW	11.00	17.33	9.20
	GW Elev.	34.45	27.37	35.30

Note:
All measurements/elevations in FEET

Groundwater elevations were established for each date/monitoring well. The groundwater elevations determined via the most recent set of DTW measurements (February 14, 2019) were used to prepare groundwater contour map presented as **Figure 5**. The groundwater elevations determined for this date are considered representative of the two (2) previous sets of groundwater elevation data for the Site. As shown on Figure 5, the direction of groundwater flow is to the west toward the Hudson River. This groundwater flow direction is consistent with historic groundwater elevation/flow direction for the Site.

The laboratory analytical results for the sampling events reported herein are summarized in **Table 5** below. Concentrations of PCE, TCE and/or DCE have been identified in excess of the NYSDEC Division of Water Technical and Operational Guidance Series 1.1.1 (TOGS 1.1.1) groundwater standard of 5.0 micrograms per liter (ug/l) in well MW-5. During the most recent groundwater monitoring event (February 14, 2019) VC was identified in well MW-6 at a concentration (1.2 ug/l) that is in excess of the 0.3 ug/l standard (TOGS 1.1.1). Site-related COCs were not identified in well MW-7 during any of the sampling events reported herein.

Table 5
Summary of Groundwater Analytical Results
November 30, 2017 thru March 30, 2019

Compound	GW STND	Monitoring Well		
		MW-5	MW-6	MW-7
February 13, 2018				
Tetrachloroethene	5.0	4.8	< 1.0	< 1.0
Trichloroethene	5.0	2.1	< 1.0	< 1.0
DCE (Total)	5.0	1.7	< 1.0	< 1.0
Vinyl Chloride	0.3	< 1.0	< 1.0	< 1.0
Total VOC:		8.6	1.4	< 40
June 14, 2018				
Tetrachloroethene	5.0	**19**	< 1.0	< 1.0
Trichloroethene	5.0	**9.4**	< 1.0	< 1.0
DCE (Total)	5.0	**8.4**	< 1.0	< 1.0
Vinyl Chloride	0.3	< 1.0	< 1.0	< 1.0
Total VOC:		37	< 5.0	< 5.0
February 14, 2019				
Tetrachloroethene	5.0	**22**	< 1.0	< 1.0
Trichloroethene	5.0	**16**	< 1.0	< 1.0
DCE (Total)	5.0	**15**	1.2	< 1.0
Vinyl Chloride	0.3	< 1.0	**1.2**	< 1.0
Total VOC:		53	2.4	< 40

NOTES:
Concentrations in micrograms per liter (ug/l)
Groundwater Standard from NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1
Concentrations in Bold exceed Groundwater Standard
< indicates that this compound was not detected at the concentration shown

The distribution of the four (4) primary chlorinated compounds of concern (PCE, TCE, DCE and VC) in groundwater for the sampling dates reported herein is presented in **Figure 6**.

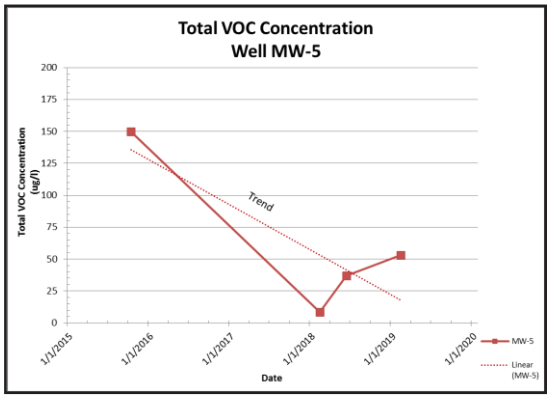
3.1.3 Effectiveness and Protectiveness

The October, 2017 SMP established quarterly groundwater monitoring to evaluate the natural attenuation of site-related COCs in groundwater. As such, the effectiveness of the groundwater monitoring program is gauged by documenting the reduction in the concentration of site-related compounds in groundwater; protectiveness is gauged by groundwater quality progressing toward satisfying the standards, criteria and guidance for Class GA groundwater.

As indicated in Table 5 above, well MW-5 indicated concentrations of PCE, TCE and DCE in each of the three (3) sampling events reported herein. In two (2) of those events, the concentrations

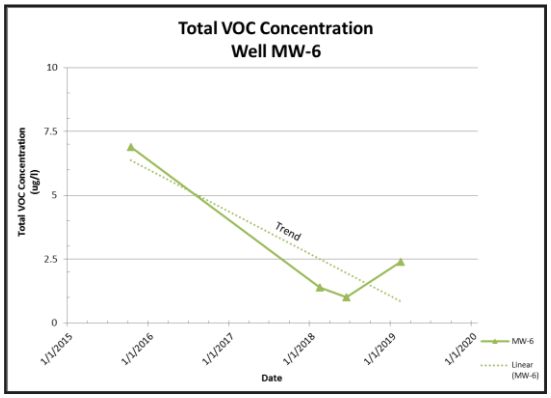
of each of these compounds were in excess of the NYSDEC standards for class GA groundwater (TOGS 1.1.1). Well MW-6 indicated VC, at a concentration in excess of the 0.3 ug/l standard for class GA groundwater in the sample collected February 14, 2019. VC was not detected in well MW-6 during the previous sampling events (February 13, 2018 & June 14, 2018). The fact that the degradation by-products 1,2-DCE and VC have been identified in the groundwater samples suggests that natural attenuation is occurring in the off-site groundwater.

The chart to the right includes the total VOC concentration for off-site monitoring well MW-5 for the three (3) sampling events reported herein. The starting point, for comparative purposes, is represented by the total VOC concentration recorded in this well during the remedial investigation; specifically, the October 29, 2015 groundwater sampling event. As indicated thereon, the concentration trend for well MW-5 is declining when the October 29, 2015 starting point is included in the trend analysis.



Likewise, a declining trend is indicated for off-site well MW-6. However, the starting point for the total VOC concentrations in well MW-6 is approximately one order-of-magnitude lower than that of well MW-5.

On-site monitoring well MW-7 does not indicate concentrations of VOCs above the method detection limit in any of the sampling events reported herein.



Based on the dissolved total VOC concentrations in the groundwater samples collected from the off-site monitoring wells (MW-5 & MW-6), overall groundwater quality is trending toward the remedial goals for the Site. As such, the groundwater monitoring program for the Site is effective and protective of human health and the environment. However, based on the fact that concentrations of site-related COCs (PCE, TCE, DCE and VC) are currently in excess of the standards, criteria and guidance for Class GA groundwater (TOGS 1.1.1), Aztech concludes that groundwater monitoring at the Site should continue.

3.2 Sub-Slab Depressurization System

The October, 2017 SMP included installation of an SSD system that would mitigate potential soil vapor intrusion issues associated with 800 Broadway (AOC-2). Installation of the SSD system was completed on August 29, 2017 and became fully operational on October 31, 2017.

3.2.1 Verification of Indoor Air Quality

Verification of indoor air quality was originally scheduled to be conducted within 30 days of SSD system activation (October 31, 2017). On that date, recordable vacuum was documented throughout the sub-slab area. However, because construction activities were ongoing past the date the SSD system was activated, NYSDOH/NYSDEC agreed to allow the verification of indoor air quality to be conducted under the SMP.

Verification of indoor air quality was via an air sampling event conducted on March 22, 2018. This event included collection of one indoor air sample and one outdoor sample of ambient air. The verification sampling results, summarized in **Table 6** below, indicate that no site-related COCs (PCE, TCE, DCE or VC) were identified via the TO-15 analysis for the samples collected March 22, 2018. The March 22, 2018 results for the site-related COCs are compared to the previous indoor air samples collected from the basement of 800 Broadway during the Phase II investigation in 2013. These previous indoor air sampling results are included in Table 6.

Table 6
Summary of Historic Indoor Air Analytical Results

Site-Related COC	COC USEPA/OSWER Vapor Intrusion Guidance	Phase II Investigation (August, 2013)			Indoor Air Verification (March, 2018)	
		BRO-IA-02 4-22-2013	BRO-IA-02 5-29-2013	BRO-AA-02 5-29-2013	IA-1801 3-22-2018	OA-1801 3-22-2018
PCE	30+	0.64	1.0	0.26	< 1.0	< 1.0
TCE	2.0+	< 0.15	< 0.15	< 0.14	< 1.0	< 1.0
DCE	35	< 0.15	< 0.15	< 0.14	< 0.8	< 0.8
VC	28	< 0.15	< 0.15	< 0.14	< 0.5	< 0.5

Notes:
Concentrations in micrograms per cubic meter (ug/m^3)
USEPA Vapor Intrusion Guidance = Target Indoor Air and Target Shallow Soil Gas concentrations per Table 2A – OSWER Draft Guidance for Evaluating Intrusion to Indoor Air Pathway from Groundwater and Soils (Subsurface Vapor Intrusion Guidance) – November, 2002
+ indicates NYSDOH Air Guidance Value; Guidance for Evaluating Soil Vapor Intrusion in the State of New York (October, 2006) as amended.

3.2.2 Compliance

The monitoring schedule established by the SMP for the SSD system directs that annual inspections be conducted in order to verify proper operation. Annual inspections include checking the vacuum associated with each manifold leg and, recording the airspeed and total VOC concentration of the SSD system discharge. The annual SSD system inspections also include measurement of sub-slab vacuum at the monitoring points distributed throughout the basement slab. The SMP directs that any necessary adjustments/modifications will be made to the SSD system as appropriate and, as approved by NYSDEC/NYSDOH.

Two (2) annual SSD system inspections were conducted during the time period reported herein. This includes annual inspections that were conducted on March 22, 2018 and February 14, 2019. Based on the monitoring schedule for the SSD system outlined in the SMP, the frequency of the SSD system inspections is in compliance with the SMP.

3.2.3 Performance

As indicated previously, the SSD system was fully operational on October 31, 2017 with imposed vacuum beneath the basement slab documented at that time. Sometime between system activation and the February 13, 2018 site visit, one of the two (2) RadonAway Fans (Fan-2) failed and, the sealant used for the expansion joints in the basement concrete slab separated and allowed the imposed vacuum to short-circuit. Fan-1 remained operational throughout this time period.

On February 28, 2018, the SSD system was fully restored to operational status. This included re-sealing the expansion joints in the basement slab and replacement of Fan-2 with a functioning unit. Sub-slab vacuum was verified via the vacuum monitoring points. The SSD system has been operating uninterrupted since that time.

3.2.4 Effectiveness and Protectiveness

Measurement of the effectiveness and protectiveness of the SSD system gives consideration to its operational history, the measurable vacuum imposed beneath the basement slab and, the quality of indoor air as documented via the indoor air verification sampling.

Operational data collected from the SSD system during the period between its completion and the end of the reporting period covered by this PRR (March 30, 2019) is summarized in **Table 7** below. This includes observed vacuum data from August 29, 2017 (after installation of the SSD system was completed). Also included is the observed vacuum data from February 13, 2018 (when operational issues with the SSD system were noted); February 28, 2018 (when operational issues with the SSD system were repaired) and both of the annual SSD system inspections reported herein (March 22, 2018 and February 14, 2019).

Table 7
Summary of Observed Vacuum Measurements

Monitoring Point	Date				
	8-29-2017	2-13-2018	2-28-2018	3-22-2018	2-14-2019
VP-1	0.087	0.062	0.038	0.040	0.024
VP-2	0.014	0.000	0.045	0.047	0.025
VP-3	0.077	0.000	0.018	0.021	0.009
VP-4	0.071	0.000	0.045	0.047	NA
VP-5	0.107	0.000	0.067	0.065	0.055
VP-6	0.033	0.000	0.020	0.019	0.023

Notes:
Observed vaccum measurements reported in inches of water column.
NA – Not Accessible

Figure 7 represents the observed vacuum measured at the Site during the most recent annual SSD system inspection (February 14, 2019). As indicated thereon, observed vacuum in excess of the NYSDOH criteria (0.004 inches of water column) were recorded at five (5) of the six (6) monitoring points; one (1) monitoring point (VP-4) was not accessible beneath a storage rack at that time. As such, an observed vacuum measurement was not obtained from that location.

In addition to collecting observed vacuum measurements, each SSD system inspection also includes screening the discharge of the system with a photoionization detector (PID) that records total VOC concentration in units of parts per billion (ppb). As indicated in **Table 8** below, the SSD system is capturing sub-slab vapors containing detectable concentrations of VOCs and discharging them to the atmosphere before they have the opportunity to enter the indoor area above AOC-2 (800 Broadway). It should be noted that the elevated total VOC concentrations identified in the SSD system discharge on August 29, 2017 and February 28, 2018 are likely biased high as a result of glue used to solvent weld the PVC manifolding/piping.

Table 8
Summary of SSD System Discharge

Date	Total VOC Concentration	
	Fan-1	Fan-2
8-29-2017	3,500	4,063
2-13-2018	91	Not Operating
2-28-2018	8,949	282
3-22-2018	250	280
2-14-2019	0.00	11

Note:
Concentrations in parts per billion (ppb)
Fan-1 draws soil vapor from manifold Leg-1 and Leg-2
Fan-2 draws soil vapor from manifold Leg-3

Measurable induced vacuum is verifiable beneath the basement slab; the SSD system is capturing VOCs (as confirmed via screening with a PID), and; the verification of indoor air quality sampling conducted on March 22, 2018 did not record any concentrations of site-related COCs. These facts collectively demonstrate that the SSD system is both effective and protective of human health and the environment.

3.3 Annual Site Wide Inspection

In addition to the groundwater monitoring and operation/maintenance of the SSD system as described herein, the SMP requires that an annual site wide inspection be conducted.

During the annual site wide inspection, information is gathered to assess:

- compliance with all ICs, including site usage;
- the condition and continued effectiveness of ECs;
- general site conditions at the time of the inspection;
- that site management activities are being conducted;
- compliance with permits and schedules included in the Operation and Maintenance Plan, and;
- confirm that site records are up to date.

The annual inspections are typically conducted in conjunction with the annual SSD system inspection. Additionally, general site conditions are observed (and noted as appropriate) during each quarterly groundwater monitoring event. To date, no issues have been identified regarding the general use, condition or, status of the Site or any of the associated ICs/ECs.

4.0 CONCLUSIONS AND RECOMMENDATIONS

4.1 Compliance with Site Management Plan

4.1.1 Institutional Controls

- ICs are established for the Site in order to prevent future exposure of the public to site-related COCs in soil, groundwater and/or soil vapor. This is accomplished by controlling disturbances of the subsurface via implementation of ICs and other site restrictions.
- The Site is in compliance with the established ICs and associated provisions/restrictions specified in the SMP.

4.1.2 Groundwater Monitoring

- Groundwater samples were collected from monitoring wells at the Site on three (3) of a possible five (5) occasions during the time period reported herein.
- The number of actual groundwater sampling events is not in compliance with the number of required sampling events for this time period as specified in the SMP. However, quarterly sampling events have resumed with the winter, 2019 sampling event in February. The next groundwater sampling event for the Site (spring, 2019) is scheduled for May, 2019.

4.1.3 Sub-Slab Depressurization System

- Two (2) annual SSD system inspections were conducted during the time period reported herein. Additional Site visits were made in February, 2018 in order to rectify issues associated with an inoperative SSD fan (Fan-2) and re-sealing expansion joints cut into the basement slab.
- Based on the monitoring schedule for the SSD system, the frequency of the SSD system inspections is in compliance with the October, 2017 SMP.

4.1.4 Annual Site Wide Inspection

- Site wide inspections are conducted annually in order to establish that the Site is being managed in compliance with all ICs (including site usage); to evaluate the condition and continued effectiveness of ECs; evaluate general site conditions and compliance with permits and schedules included in the Operation and Maintenance Plan, and; confirm that site records are up to date. The site wide inspection is typically conducted in conjunction with the annual SSDS inspection.
- The frequency of the annual site wide inspections is in compliance with the October, 2017 SMP.

4.2 Effectiveness and Protectiveness

4.2.1 Institutional Controls

- ICs are established for the Site in order to prevent future exposure of the public to site-related COCs in soil, groundwater and/or soil vapor and may not be discontinued without approval by the NYSDEC.
- The ICs (and associated restrictions) established for the Site are effective and protective of human health and the environment.

4.2.2 Groundwater Monitoring

- Based on the overall declines in dissolved total VOC concentrations in the groundwater samples collected from the off-site monitoring wells (MW-5 & MW-6), groundwater quality is trending toward the remedial goals for the Site.
- Based on the downward trends of dissolved total VOC concentrations documented in groundwater, the groundwater monitoring program established in the October, 2017 SMP for the Site is effective and protective of human health and the environment.

4.2.3 Sub-Slab Depressurization System

- The SSD system was fully operational on October 31, 2017 with imposed vacuum beneath the basement slab documented at that time. Sometime between system activation and the February 13, 2018 site visit, one of the two (2) RadonAway Fans (Fan-2) failed and the sealant used for the expansion joints in the basement concrete slab separated (allowing the imposed vacuum to short-circuit). Fan-1 remained operational throughout this time period.

  The SSD system was restored to full operational status on February 28, 2018. This included re-sealing the expansion joints in the basement slab and replacement of Fan-2 with a functioning unit. Sub-slab vacuum was verified via the vacuum monitoring points.

  The SSD system has been operating uninterrupted since February 28, 2018 with imposed vacuum throughout the sub-slab area documented. Additionally, the analytical results for the indoor air verification samples collected on March 22, 2018 indicate that no site-related COCs (PCE, TCE, DCE or VC) were identified via the TO-15 analysis.
- These facts collectively demonstrate that the SSD system is both effective and protective of human health and the environment.

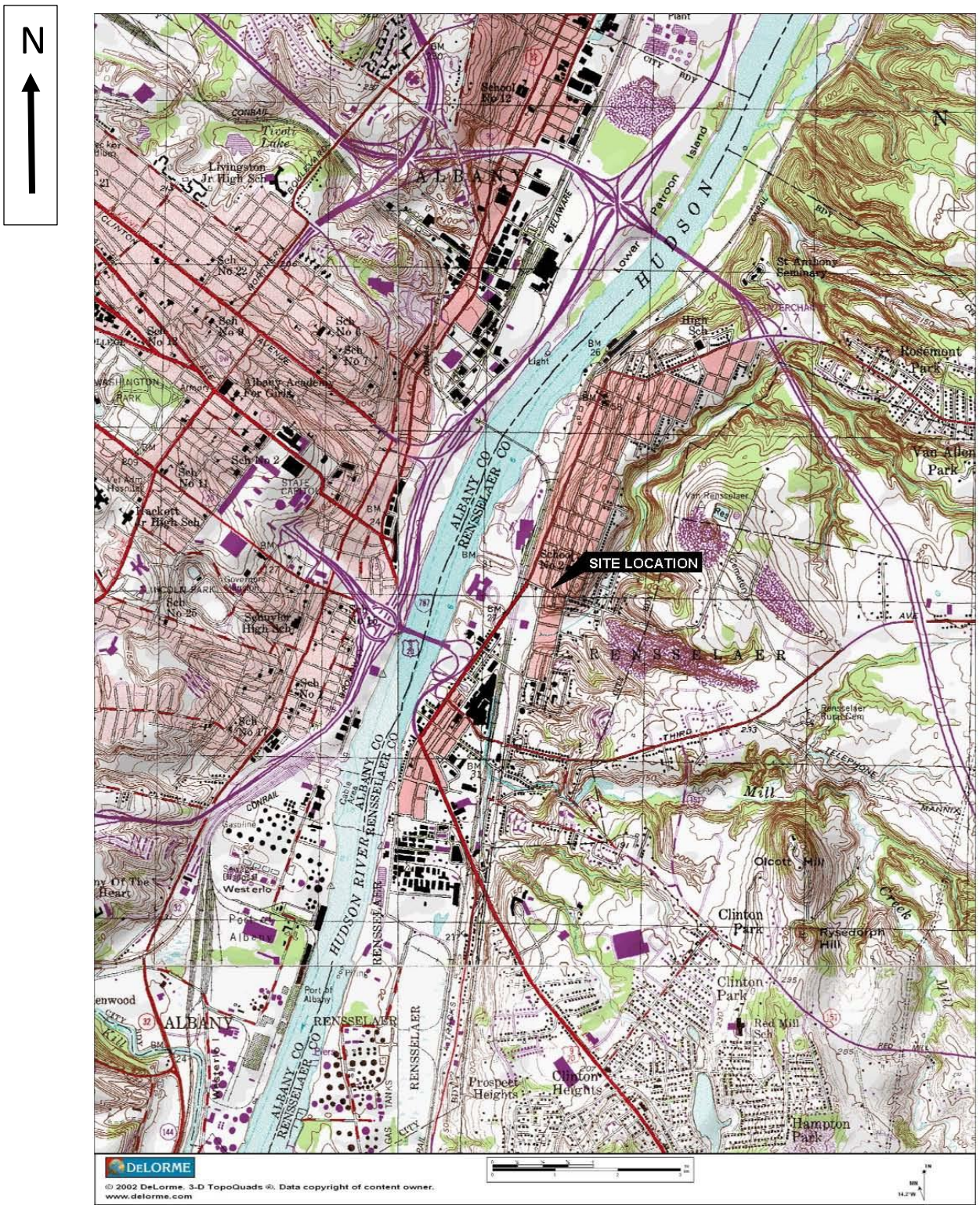
4.2.4 Annual Site Wide Inspection

- The annual site wide inspections are conducted in order to verify that the Site is being managed in accordance with the ICs and ECs established for the Site. The ICs and ECs are established to be protective of human health and the environment.
- Based on the fact that the frequency of annual site wide inspections is in compliance with the October, 2017 SMP, the annual site wide inspections are protective of human health and the environment.

4.3 Future Periodic Review Report Submittals

- The October, 2017 SMP directs that PRRs for the Site be submitted annually. Aztech believes that submission of PRRs annually is appropriate for the Site at this time.
- The requirements for discontinuing site management have not been met. As such, site monitoring as directed by the SMP should continue at this time.

FIGURES



Source: DeLorme Maps/Hanson Van Vleet Remedial Action Work Plan

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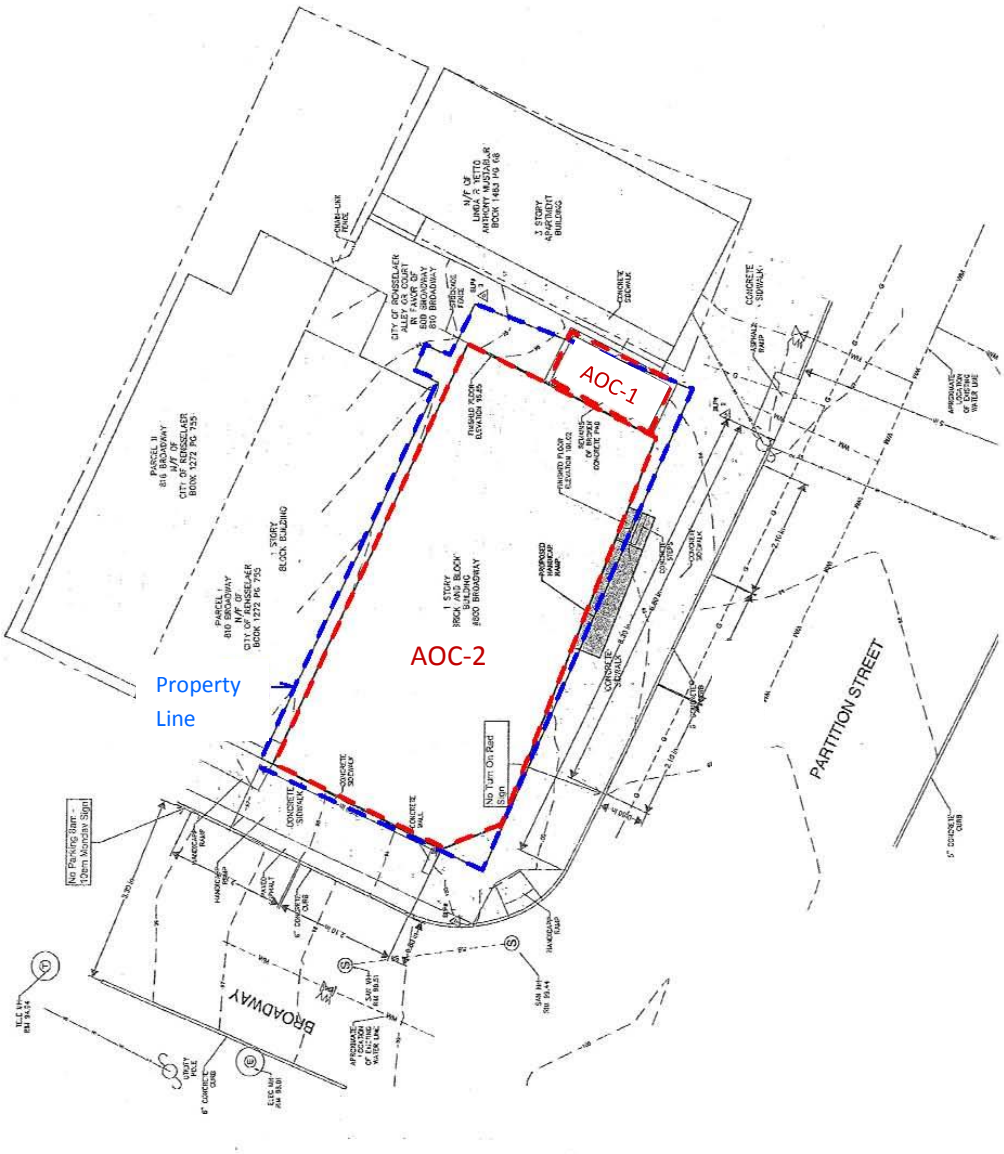
Woman Owned Business
Aztech Environmental
TECHNOLOGIES

SITE: Tim Bayly Property
800 Broadway
Rensselaer, New York
Site No. C442043

FIGURE 1

Site Location Map

North



Source: Hanson Van Vleet Remedial Action Work Plan

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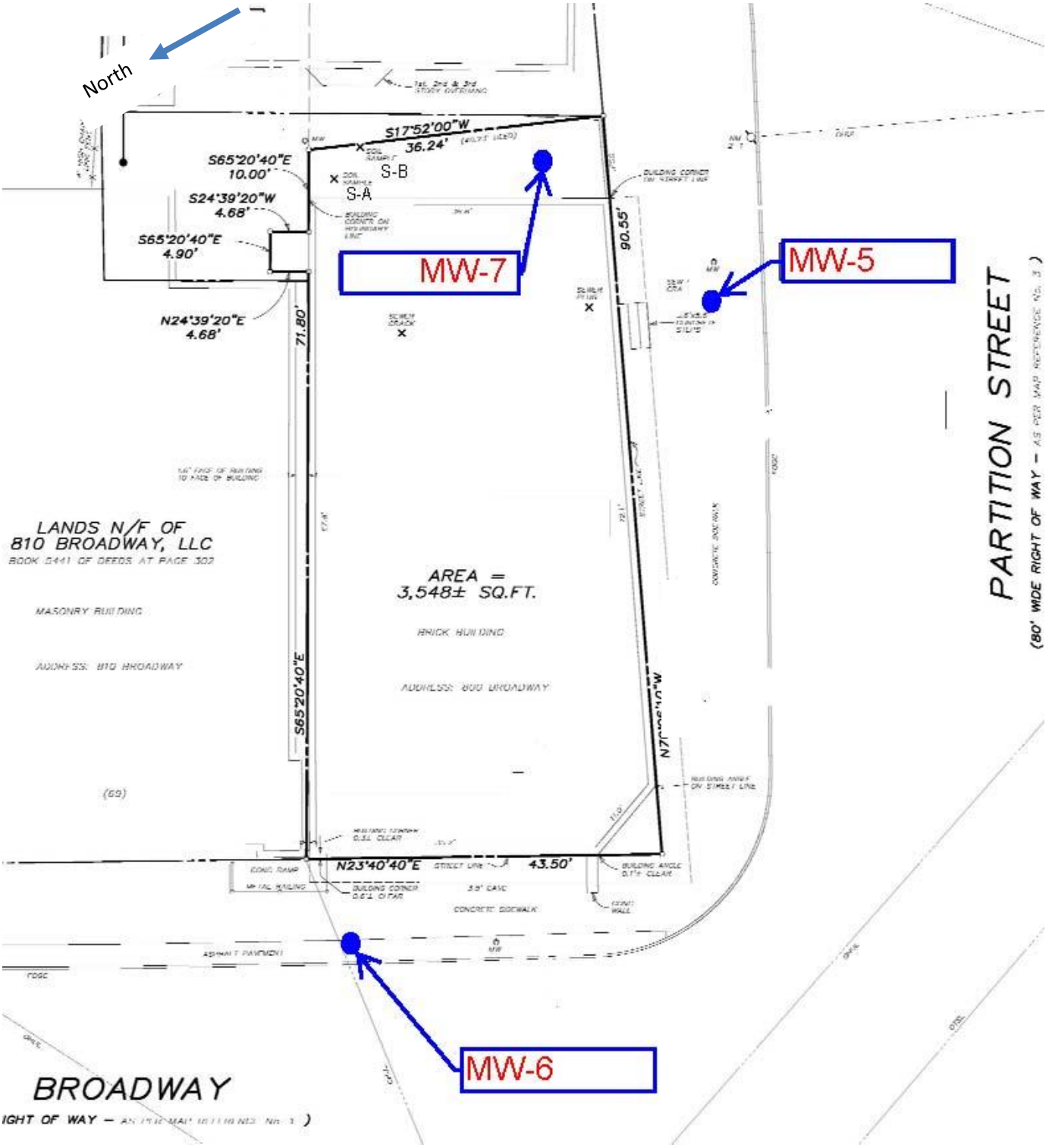
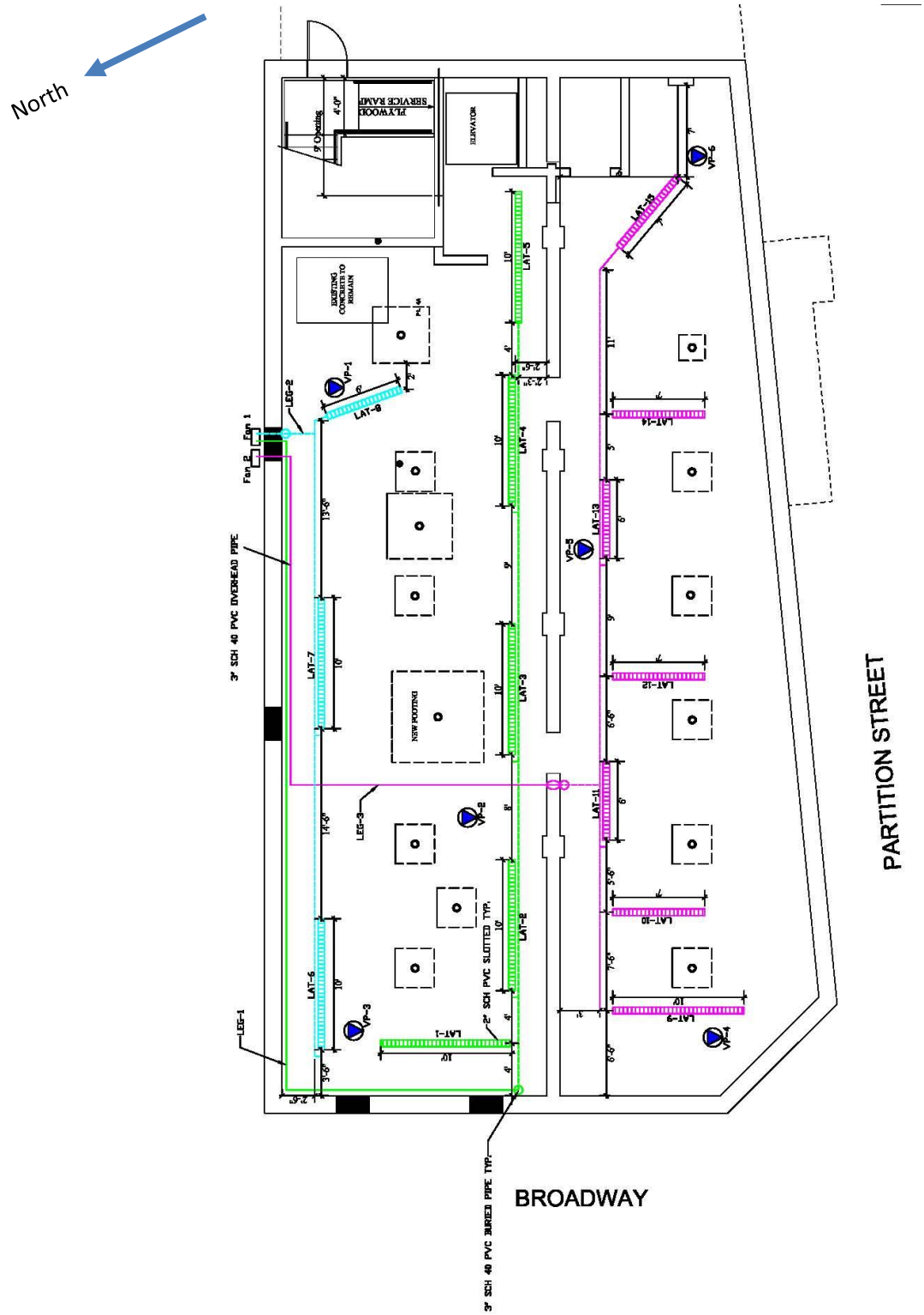
FIGURE 2

Areas of Concern



Source: Hanson Van Vleet Remedial Action Work Plan

Remediation • Environmental • Drilling Woman Owned Business Aztech Environmental TECHNOLOGIES	**SITE: Tim Bayly Property** 800 Broadway Rensselaer, New York Site No. C442043	Current Monitoring Well Locations
	FIGURE 3	



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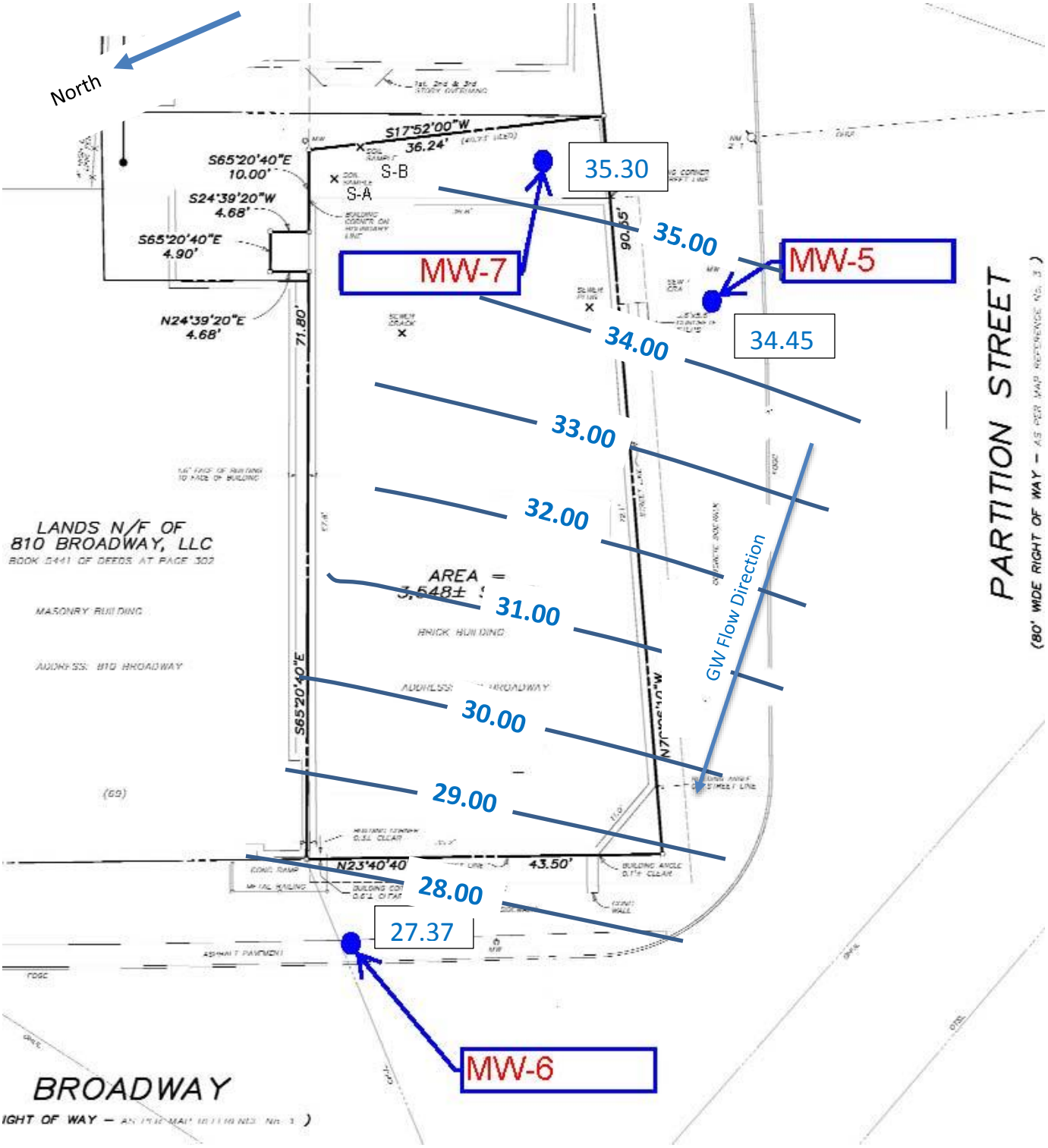
Site No. C442043

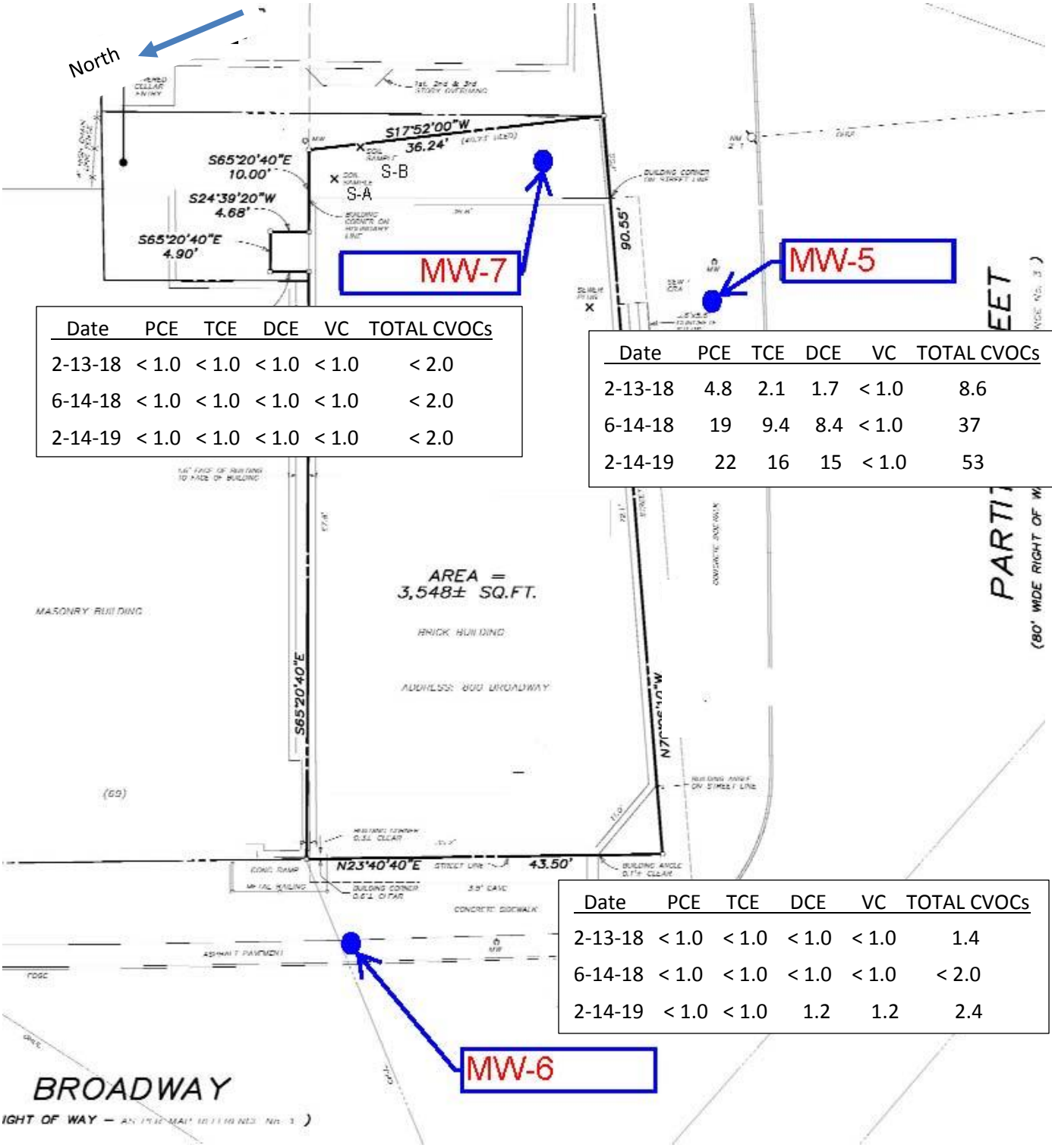
FIGURE 4

SSD System Layout



Source: Hanson Van Vleet Remedial Action Work Plan

Remediation • Environmental • Drilling Woman Owned Business Aztech Environmental TECHNOLOGIES	**SITE: Tim Bayly Property** 800 Broadway Rensselaer, New York Site No. C442043	Groundwater Contour Map February 14, 2019
	FIGURE 5	



Date	PCE	TCE	DCE	VC	TOTAL CVOCs
2-13-18	< 1.0	< 1.0	< 1.0	< 1.0	< 2.0
6-14-18	< 1.0	< 1.0	< 1.0	< 1.0	< 2.0
2-14-19	< 1.0	< 1.0	< 1.0	< 1.0	< 2.0

Date	PCE	TCE	DCE	VC	TOTAL CVOCs
2-13-18	4.8	2.1	1.7	< 1.0	8.6
6-14-18	19	9.4	8.4	< 1.0	37
2-14-19	22	16	15	< 1.0	53

Date	PCE	TCE	DCE	VC	TOTAL CVOCs
2-13-18	< 1.0	< 1.0	< 1.0	< 1.0	1.4
6-14-18	< 1.0	< 1.0	< 1.0	< 1.0	< 2.0
2-14-19	< 1.0	< 1.0	1.2	1.2	2.4

Source: Hanson Van Vleet Remedial Action Work Plan

CVOCs = Chlorinated VOCs

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SITE: Tim Bayly Property
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Rensselaer, New York
Site No. C442043

FIGURE 6

Summary of Groundwater Analytical Results – CVOCs for Site-Related COCs
February 13, 2018
June 14, 2018
February 14, 2019

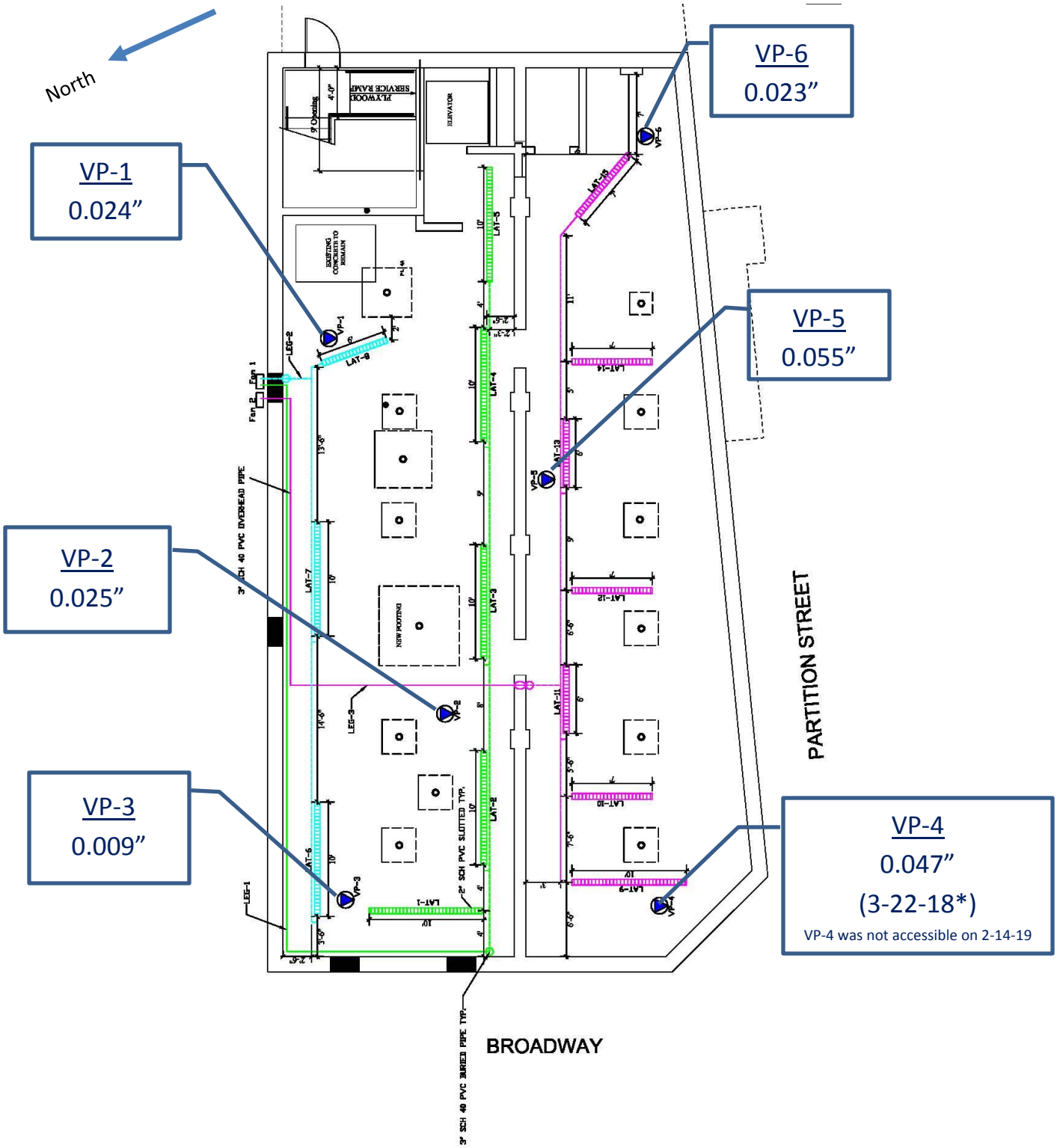

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FIGURE 7

Observed Vacuum
February 14, 2019