Ambient Environmental, Inc.
Building Science and EHS Solutions
NYS Certified WBE,
SBA EDWOSB & DBE

January 27, 2023

Mr. Peter Ouderkirk
New York State Department of Environmental Conservation
317 Washington Street
Watertown, NY 13601
Via email only: peter.ouderkirk@dec.ny.gov

RE: Periodic Review Report
Former Skinner Automotive Site (BCP Site No. C622031-06-12)
700 Mohawk Street, Herkimer, NY 13350
Ambient Project No. 180822ENVA

Dear Mr. Ouderkirk:

In accordance with New York State Department of Environmental Conservation (NYSDEC) Site Management requirements, Ambient Environmental, Inc. (Ambient) has completed the Periodic Review Report (PRR) for the former Skinner property (BCP Site No. C622031-06-12) located at 700 Mohawk Street in Herkimer, NY (the "Site") on behalf of the Site owner, SS Realty, LP (SS Realty). This PRR provides a background of the remedial program implemented at the Site, a discussion of the effectiveness of remedial actions taken, a description of current site conditions, information on the engineering controls and institutional controls, and details of the Monitoring Plan and Operation & Maintenance Plan for the property.

Executive Summary

The Site is a 2.531-acre commercial property developed with a one-story building constructed in 2012 that is operated as a Tractor Supply Co. (TSC) retail store. Prior to redevelopment for its current use, the Site was operated as a car dealership, repair facility and body shop. Site investigation (SI) activities completed prior to and as part of the Brownfield Cleanup Program (BCP) identified 11 areas of concern (AOCs) where surficial and/or subsurface soils contained petroleum-related volatile organic compounds (VOCs) and/or metals at concentrations exceeding the applicable NYSDEC soil cleanup objectives (SCOs) defined in 6NYCRR 375-6 to be protective of human health, groundwater and/or ecological resources. Groundwater sampling also detected elevated concentrations of VOCs in groundwater at one of the AOCs (AOC 3).

In 2012, the Site was remediated in accordance with Brownfield Cleanup Agreement (BCA) Index #C622031-06-12 and the Remedial Action Work Plan (RAWP) prepared by Greystone Envolutions, LLC (Greystone) dated 9 May 2012, which was approved by the NYSDEC and the New York State Department of Health (NYSDOH) on 31 May 2012. Site remediation activities were completed in 2012 and NYSDEC issued a Certificate of Completion (COC) under the BCP to Sphere STP LLC (the Volunteer and prior owner) on 11 December 2012.

Since completion of the remediation, site inspections and groundwater monitoring have been conducted in accordance with the Site Management Plan (SMP) dated August 2012 and last

modified in January 2015. The concentration of VOCs and SVOCs in groundwater collected from AOC 3, the only area of the Site where affected groundwater was detected, have decreased to levels below the applicable NYSDEC Groundwater Quality Standards (GWQS) as defined by 6 NYCRR 703.5. Groundwater samples were most recently collected from monitoring wells MW-1 and MW-4 on 27 August 2014. Based on the total data set related to groundwater monitoring, NYSDEC eliminated the groundwater monitoring requirement and authorized monitoring well closure. Groundwater monitoring results and well closure documents are provided in the PRR dated 30 January 2015

The current SMP as revised in January 2015 remains adequate for monitoring and maintaining the systems developed to remediate the Site.

Site Overview

The Site is located at the northern corner of the intersection of Mohawk Street and Fifth Avenue in the Village of Herkimer, Herkimer County, New York, as depicted on Figure 1. Currently, a TSC retail store is operated on the Site as depicted on Figure 2. The surrounding area is developed with commercial and municipal properties. The Site was operated as a car dealership, repair facility and body shop from at least the early 1920s until 2012 when it was redeveloped under the BCP. In addition, a gasoline filling station was located on the southern portion of the Site from the early 1930s through at least the early 1950s. These operations, conducted by prior owners, led to the on-site presence of VOCs and/or metals in soils and groundwater. To address these impacts, the Site was remediated under the NYSDEC BCP in 2012. Site remediation activities included the following actions.

1. Asbestos abatement, removal of oil-affected sediments in interior trench drains and proper disposal of regulated wastes (e.g. fluorescent light bulbs, paints, light ballasts, used oil, etc.) remaining inside the former car dealership building in preparation for demolition;

2. Proper handling and disposal of oil-stained and paint-stained concrete construction debris from the demolition of the former dealership building;

3. Excavation of soil/fill to sufficient extent and depth to remove all materials that displayed visual or olfactory evidence of contamination and/or that field screening with a photoionization detector (PID) detected elevated concentrations of VOCs with the objective of removing all soil/fill with constituents of concern exceeding the commercial use SCOs listed in 6 NYCRR Part 375-6.8;

4. Removal of sub-grade hydraulic lifts, underground storage tanks (USTs) and other features that could function as sources of contamination to the Site along with any soils impacted by releases from these features;

5. Treatment of VOCs in groundwater through the introduction of chemical oxidants;

6. Construction and maintenance of a cover system consisting of structures such as the new commercial building, asphalt-paved parking areas and driveways, concrete paved display areas, concrete sidewalks or a soil cover to prevent human exposure to contaminated soil/fill remaining at the Site;

7. Installation and activation of a sub-slab depressurization system (SSDS) beneath the slab of the new TSC building to mitigate potential vapor intrusion;

8. Execution and recording of an Environmental Easement to restrict land use and prevent future exposure to any contamination remaining at the Site;

9. Development and implementation of a Site Management Plan (SMP) for long term management of remaining contamination as required by the Environmental Easement, which includes plans for: (a) Institutional and Engineering Controls, (b) monitoring, (c) operation and maintenance and (d) reporting;

10. Periodic certification of the institutional and engineering controls listed above.

Site remediation activities are described in detail in the Final Engineering Report (FER) prepared by Greystone dated November 2012 and approved by NYSDEC on 11 December 2012 in conjunction with the issuance of the COC for the Site under the BCP.

Evaluation of Performance, Effectiveness and Protectiveness of Remedy

In order to evaluate the performance, effectiveness and protectiveness of the remedy at the Site, the information below summarizes the remedial action objectives (RAOs) described in the FER and the ways in which these RAOs were achieved and continue to be protective/effective.

1) RAOs for Public Health Protection

Prevent ingestion of groundwater containing contaminant levels exceeding drinking water standards: Institutional controls, as described in the SMP, remain in-place prohibiting the use of groundwater from the Site without treatment that would render it safe for the intended use. Currently there are no production wells present or in operation on the Site. In addition, as described in the *Monitoring Plan Compliance Report* section below, groundwater monitoring results showed that the concentrations of contaminants of concern in groundwater at the Site have decreased to concentrations less than the 6 NYCRR 703.5 GWQS. Groundwater monitoring has also consistently shown that impacted groundwater has never extended to the downgradient boundaries of the Site. As such, the remedy has been, and continues to be, effective in preventing human ingestion of groundwater containing contaminant levels exceeding drinking water standards that had been present below the Site and have since been eliminated. As a result, groundwater monitoring is no longer required.

Prevent ingestion/direct contact with contaminated soil: A total of 3,544.59 tons of contaminated soil were excavated and properly disposed off-site as part of the remediation under the BCP. Approximately 80 non-duplicate post-excavation soil samples were collected to demonstrate that a sufficient volume of soils were excavated to achieve the remedial objectives. There were no exceedances of the 6 NYCRR Part 375-6.8 Commercial Use SCOs in the post-excavation soil samples that were collected. Of the nearly 80 non-duplicate post-excavation soil samples collected and submitted for laboratory analysis as part of the Site remediation activities, only one of the samples was found to have concentrations of contaminants of concern that exceeded the most restrictive SCOs for the protection of human health (the Part 375-6.8 Residential Use SCOs). Exposure to remaining contamination in soil/fill at the Site is prevented by a cover

system placed over the entire Site. This cover system is comprised of a minimum of 12 inches of clean soil, asphalt pavement, concrete-covered sidewalks, and concrete building slabs. An Excavation Work Plan, which outlines the procedures required in the event the cover system and/or underlying residual contamination are disturbed, is provided in the SMP. As such, the remedy has been, and continues to be, effective in preventing human ingestion/direct contact with contaminated soil at the Site.

Prevent contact with, or inhalation of volatiles emanating from contaminated soil and/or groundwater: As described in the *Monitoring Plan Compliance* section below, groundwater monitoring results showed that the concentrations of contaminants of concern in groundwater at the Site have decreased to concentrations less than the 6 NYCRR 703.5 GWQS, such that the source of volatiles from groundwater has been effectively treated. In addition, onsite soils were remediated to Commercial Use SCOs and in large part to the Unrestricted Use SCOs. Regardless, a SSDS beneath the onsite building is in operation to mitigate any potential vapor intrusion. The manometer on the SSDS standpipe shows that the system continues to draw a vacuum pressure of 2 inches of mercury (Hg), the same pressure the system drew when it was placed online. The concrete slab of the building is in excellent condition without evidence of cracks. As such, the remedy has been, and continues to be, effective in preventing contact with or inhalation of volatiles emanating from groundwater or soils.

2) RAOs for Environmental Protection

Restore groundwater aquifer, to the extent practicable, to pre-disposal/prerelease conditions: As described in the *Monitoring Plan Compliance Report* section below, groundwater monitoring results have shown that the concentrations of contaminants of concern in groundwater at the Site have decreased to concentrations less than the 6 NYCRR 703.5 GWQS. Sources of contaminants to groundwater have been removed from the Site. Therefore, the remedy has been effective in restoring groundwater to near pre-release conditions.

Prevent the discharge of contaminants to surface water: There are no surface water features onsite to which contaminants could discharge. As such, groundwater migration offers the primary vector by which contaminants from the Site could be discharged to surface water. The Mohawk River, located between 500 and 600 feet south-southwest of the Site is the nearest surface water feature. Groundwater monitoring has consistently shown that previously impacted groundwater does not extend to the downgradient boundaries of the Site and, therefore, does not reach the Mohawk River. In addition, as described in the *Monitoring Plan Compliance Report* section below, groundwater monitoring results have shown that the concentrations of contaminants of concern in groundwater at the Site have decreased to concentrations less than the 6 NYCRR 703.5 GWQS. As such, the remedy implemented at the Site has been effective in preventing the discharge of contaminants to surface water.

Remove the source of groundwater contamination and prevent migration of contaminants that would result in groundwater or surface water contamination: Potential sources of contamination to surface water and groundwater were remediated in 2012. The effectiveness of the source removal activities is demonstrated by the significant improvement in groundwater quality during the groundwater monitoring events conducted since the completion of the remediation.

Prevent impacts to biota due to ingestion/direct contact with contaminated soil that would cause toxicity or bioaccumulation through the terrestrial food chain: A total of 3,544.59 tons of impacted soils were excavated and properly disposed off-site as part of the site remediation activities. Exposure to remaining contamination in soil/fill at the Site is prevented by a cover system placed over the entire Site. This cover system is comprised of a minimum of 12 inches of clean soil, asphalt pavement, concrete-covered sidewalks, and concrete building slabs. The soil cover system is inspected for animal holes/burrows, and none have been observed. As such, the remedy has been effective in preventing impacts to biota due to ingestion/direct contact with contaminated soil from the Site.

Additional details on the remediation activities, institutional controls and engineering controls at the Site are provided in the FER and SMP. Overall, the remedial actions completed at the Site have been effective in protecting the public health and environmental receptors from contaminants on the Site.

Institutional Control/Engineering Control Plan Compliance Report

The Site has a number of institutional controls in-place in the form of site restrictions. Adherence to these institutional controls is required by the Environmental Easement. Site restrictions are described below including the status of each institutional control and any conclusions or recommendations for changes.

1) The property may only be used for commercial purposes provided that the long-term engineering controls and institutional controls included in the SMP are employed. **Discussion:** This institutional control is in-place. The Site is currently operated for commercial use as a TSC retail store. The institutional and engineering controls described in the SMP are currently being implemented at the Site.

2) The property may not be used for a higher level of use, such as unrestricted, residential or restricted-residential use without additional remediation and amendment of the Environmental Easement, as approved by the NYSDEC. **Discussion:** The Site is currently operated for commercial use.

3) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP. **Discussion:** To Ambient's knowledge, contaminated material at the Site has not been disturbed since the installation of the final cover system was completed. A copy of the SMP has been provided to TSC to keep onsite. Any future work that will disturb remaining contaminated material will be completed in accordance with the SMP.

4) The use of the groundwater underlying the property is prohibited without treatment rendering it safe for intended use. **Discussion:** There are no production wells located on the Site. Groundwater from the Site is not currently used for any purpose [NOTE- furthermore, groundwater below the Site meets drinking water standards].

5) A sub-slab depressurization system will be operated to mitigate vapor intrusion until sampling data demonstrates the absence of a source of vapors to the indoor air or that the vapor intrusion pathway is not complete from potential sources. **Discussion:** The SSDS is in operation. Additional information on the SSDS is provided below.

6) Vegetable gardens and farming on the property are prohibited. **Discussion:** There are no vegetable gardens or farming on the property.

7) The Site owner will submit to NYSDEC a written statement that certifies, under penalty of perjury, that: (1) controls employed at the Controlled Property are unchanged from the previous certification or that any changes to the controls were approved by the NYSDEC; and, (2) nothing has occurred that impairs the ability of the controls to protect public health and environment or that constitute a violation or failure to comply with the SMP. This certification shall be submitted annually, or an alternate period of time that the NYSDEC may allow and will be made by an expert that the NYSDEC finds acceptable. The NYSDEC retains the right to access such Controlled Property at any time in order to evaluate the continued maintenance of any and all controls. **Discussion:** This PRR is being provided to the NYSDEC to meet the requirements of this institutional control.

The Site also uses two engineering controls, a site cover system and a SSDS, to prevent potential exposure to impacted media remaining on the Site. Exposure to remaining contamination in soil/fill at the Site is prevented by the cover system placed over the Site. This cover system is comprised of a minimum of 12 inches of clean soil, asphalt pavement, concrete-covered sidewalks, and concrete building slabs. Figure 3 shows the location of each cover type built. An Excavation Work Plan, which outlines the procedures required in the event the cover system and/or underlying residual contamination are disturbed, is provided in Appendix A of the SMP.

Ambient's representative inspected the Site cover system in late summer of 2018, 2019, 2020, 2021, and 2022. The completed Site-wide inspection logs are provided in Appendix A. As documented on the completed form, there were no abnormal conditions observed in the site cover system during the 2018-2022 inspections (or any previous inspections, as certified in the January 2017 PRR).

Ambient also completed inspections of the SSDS in late summer of 2018, 2019, 2020, 2021, and 2022. The completed Site-Wide inspection logs are provided in Appendix A. As documented on the completed forms, the condition of the fan and piping for the SSDS and the concrete building slab were found to be in normal condition during the inspection, and the vacuum pressure on the manometer was 2 inches Hg.

The cover system and SSDS engineering controls remain in place. There were no deficiencies in the engineering controls at the Site that required corrective measures. Continued implementation of the Operation Maintenance and Monitoring Plan for the Site will be sufficient to ensure the continued effectiveness of these engineering controls. The Institutional Control/Engineering Control Certification Form is included as Appendix B.

Monitoring Plan Compliance Report

The Monitoring Plan for the Site requires inspection of the engineering controls (i.e. the site cover system and the SSDS), and site-wide inspection to verify compliance with the institutional controls. The site-wide inspections were completed in late summer of 2018, 2019, 2020, 2021, and 2022. During these inspections, the condition of the site cover system and the SSDS were evaluated. The completed Site-wide inspection logs are provided in Appendix A. As documented on the completed inspection forms, there were no abnormal conditions observed in

the site cover system or the SSDS. The site-wide inspections also verified that site usage/activities were in compliance with the institutional controls in place at the Site. Going forward, the SMP requires that site-wide inspections will continue to be completed on an annual basis to inspect the site cover system and SSDS and to verify that the Site is in compliance with the institutional controls. Ambient recommends maintaining this schedule with the next inspection due in August 2023.

NYSDEC removed the groundwater monitoring requirement and authorized monitoring well closure in 2014. All Site monitoring wells were properly closed in December 2014 in accordance with NYSDEC's "Groundwater Monitoring Well Decommissioning Procedures." NYSDEC's 'No Further Groundwater Monitoring' letter dated 22 December 2014 and Ambient's Summary of Monitoring Well Closure dated 31 December 2014 are provided in the Site PRR dated 30 January 2015.

Operation & Maintenance Plan Compliance Report

The Operation and Maintenance Plan for the Site describes the measures necessary to operate, monitor and maintain the SSDS installed beneath the slab of the TSC building. The operation and maintenance requirements for the SSDS generally consist of confirming the blower/fan is operating and that cracks are not forming through the concrete building slab or above-grade piping of the SSDS. The fan is a sealed unit that cannot be serviced in the field. If the fan stops operating, it is unlikely that repairs will be possible and it will require replacement. There are no routine maintenance requirements for the fan. Cracks noted through the concrete floor will be filled with an appropriate sealant or caulk and cracked portions of piping will be sealed or replaced. The primary means for monitoring the performance of the SSDS is by checking the manometer on the above-grade standpipe to verify the system continues to generate a negative pressure beneath the building slab.

The condition of the fan and piping for the SSDS and the concrete building slab were found to be in normal condition during the inspections completed in 2018, 2019, 2020, 2021, and 2022, and the vacuum pressure on the manometer was 2 inches Hg. The completed inspection forms are provided in A. Ambient recommends inspecting the SSDS on annual basis as specified in the SMP with the next inspection due in August 2023.

Overall Conclusions/Recommendations

Based on current Site conditions and plans to continue Site operations 'as is', Ambient recommends proceeding with annual inspections of the site cover system, SSDS and institutional controls in accordance with the SMP.

Sincerely;
Ambient Environmental, Inc.

James F. Blasting

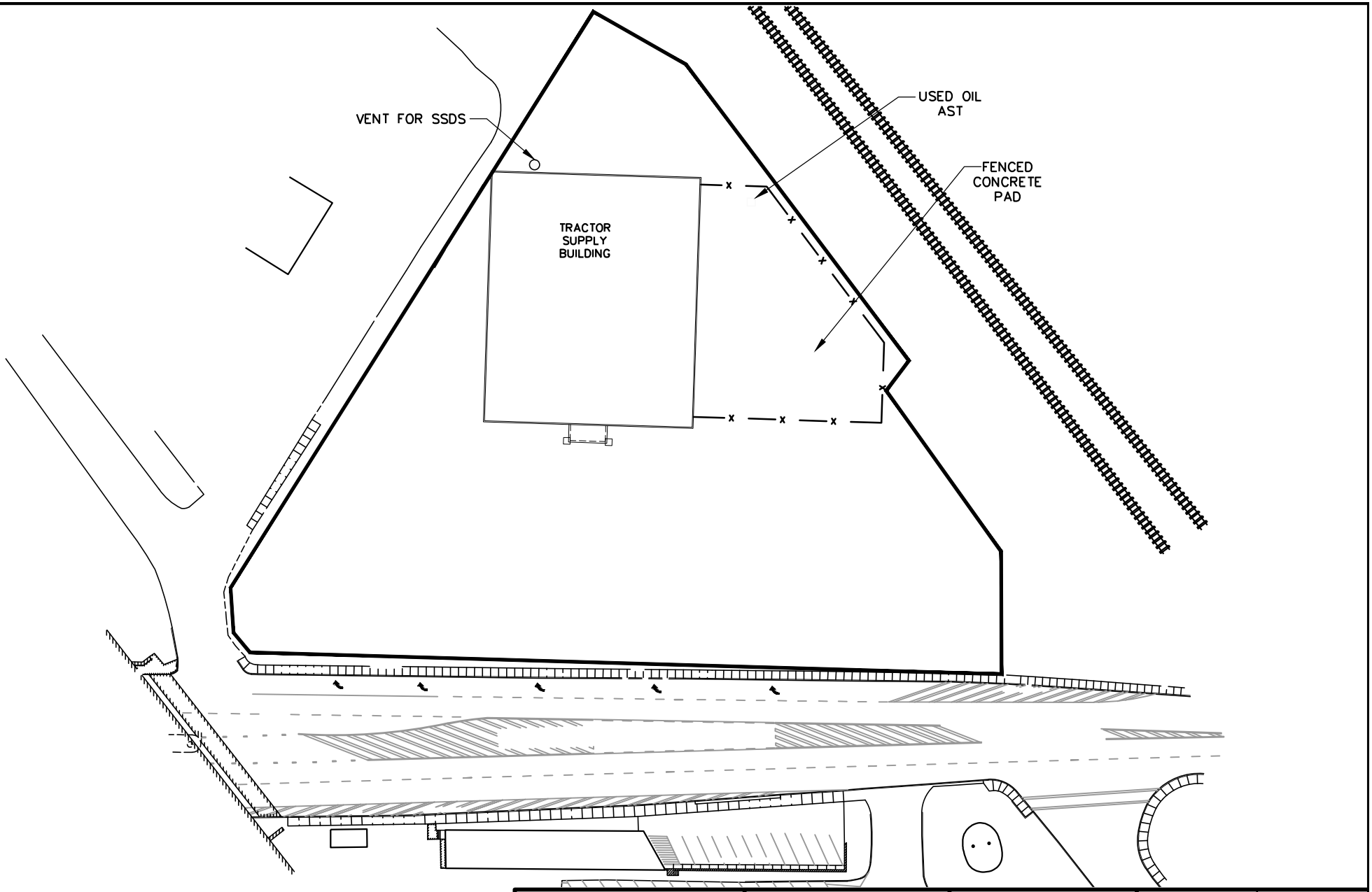
James F. Blasting, PG
Senior Consultant

CC: Mike.mclean@dec.ny.gov
melissa.doroski@health.ny.gov
gregory.rys@health.ny.gov
Ashley Fienberg, SS Realty LP

0 1000'

SCALE (IN FEET)

AMBIENT ENVIRONMENTAL, INC. 828 WASHINGTON AVENUE ALBANY, NEW YORK 12203	PROJECT LOCATION FORMER SKINNER AUTOMOTIVE 700 MOHAWK STREET HERKIMER, NEW YORK	DRAWING TITLE SITE LOCATION MAP	DATE: 12/14/17	SCALE: AS NOTED
			PROJECT No.	171023ENVA
			DRAWN BY:	MTG
			CHECKED BY:	
		PREPARED FOR: SPHERE STP, LLC	DRAWING NO. FIGURE 1	



AMBIENT ENVIRONMENTAL, INC.
828 WASHINGTON AVENUE
ALBANY, NEW YORK 12203

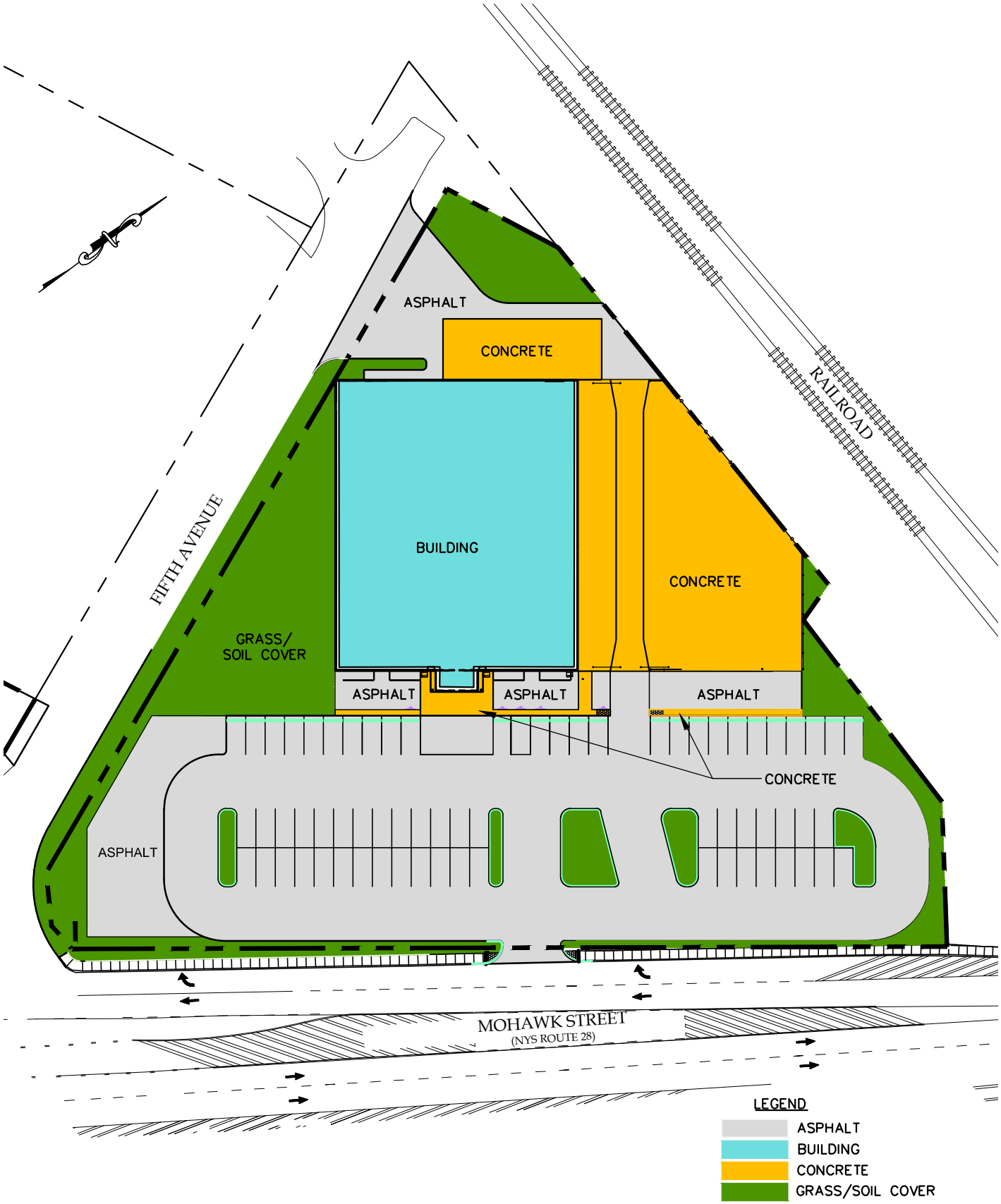
PROJECT LOCATION
FORMER SKINNER AUTOMOTIVE
700 MOHAWK STREET
HERKIMER, NEW YORK

DRAWING TITLE
SITE LAYOUT MAP

PREPARED FOR:
SPHERE STP, LLC

DATE: 12/14/17	SCALE: NONE
PROJECT No.	171023ENVA
DRAWN BY:	MTG
CHECKED BY:	

DRAWING NO.
FIGURE 2



AMBIENT ENVIRONMENTAL, INC. 828 WASHINGTON AVENUE ALBANY, NEW YORK 12203	PROJECT LOCATION FORMER SKINNER AUTOMOTIVE 700 MOHAWK STREET HERKIMER, NEW YORK SITE No. C622031	DRAWING TITLE SITE COVER SYSTEM	DATE: 12/14/17	SCALE: NONE
			PROJECT No.	171023ENVA
			DRAWN BY:	MTG
			CHECKED BY:	
		PREPARED FOR: SPHERE STP, LLC	DRAWING NO. FIGURE 3	

APPENDIX A

Completed Site-wide Inspection Logs

SITE-WIDE INSPECTION LOG
BCP SITE #C622031
700 MOHAWK STREET
HERKIMER, NY

SITE INSPECTION LOG	Date: 25 July 2018
Inspector: James F. Blasting	Time Begin: 4:15 PM
Signature: James F Blasting	Time End: 4:58 PM
Sheet: 1 of 1	Weather: 72° rainy, overcast

Institutional Control Evaluation

Institutional Control Item	Compliant? Yes	Compliant? No	Comments/Corrective Actions
Commercial Site Usage	✓		
Prohibited Groundwater Usage	✓		
Record Keeping/Records Updated	✓		

Engineering Control Evaluation

Specific Item to Inspect	Typical Problems Encountered	Conditions Observed Normal	Conditions Observed Abnormal (Attach Report)	Comments or Corrective Action(s) Implemented and Date(s)
Soil Cover Systems All acceptable	Erosion	☑	☐	
	Vegetation	☑	☐	
	Settling/Ponding	☑	☐	
	Uplift	☑	☐	
	Washouts	☑	☐	
	Rodent Holes	☑	☐	
Pavement Areas All acceptable	Settling/Ponding	☑	☐	
	Uplift	☑	☐	
	Cracks	☑	☐	
	Potholes	☑	☐	
	Deterioration	☑	☐	
Sub-Slab Depressurization System All acceptable	Fan	☑	☐	
	Manometer	☑	☐	
	Piping	☑	☐	
	Concrete Slab	☑	☐	
Groundwater Monitoring Wells	Prot-casing	☐	☐	N/A - All monitoring wells closed per agreement with NYSDEC
	Locked ?	☐	☐	
	Inside cap	☐	☐	
	Surface seal	☐	☐	
Groundwater Monitoring Monitoring wells closed.	Water Levels (measured)	☐	☑	W.L. Req'd: YES ☐ NO ☑
	GW Samples (collected)	☐	☑	Sampling Req'd: : YES ☐ NO ☑ Date Completed: Analysis:

Comments: All conditions acceptable

SITE-WIDE INSPECTION LOG
BCP SITE #C622031
700 MOHAWK STREET
HERKIMER, NY

SITE INSPECTION LOG	Date: 7-9-19
Inspector: JAMES F. BLASTING C-	Time Begin: 3:05 PM
Signature: James F. B	Time End: 3:40 PM
Sheet: 1 of 1	Weather: 85° sunny

Institutional Control Evaluation

Institutional Control Item	Compliant? Yes	Compliant? No	Comments/Corrective Actions
Commercial Site Usage	X		
Prohibited Groundwater Usage	X		
Record Keeping/Records Updated	X		

Engineering Control Evaluation

Specific Item to Inspect	Typical Problems Encountered	Conditions Observed Normal	Conditions Observed Abnormal (Attach Report)	Comments or Corrective Action(s) Implemented and Date(s)
Soil Cover Systems	Erosion	☒	☐	no issues no corrective action needed
	Vegetation	☒	☐	
	Settling/Ponding	☒	☐	
	Uplift	☒	☐	
	Washouts	☒	☐	
	Rodent Holes	☒	☐	
Pavement Areas	Settling/Ponding	☒	☐	no issues. no corrective action needed.
	Uplift	☒	☐	
	Cracks	☒	☐	
	Potholes	☒	☐	
	Deterioration	☒	☐	
Sub-Slab Depressurization System	Fan	☒	☐	operating properly
	Manometer	☒	☐	
	Piping	☒	☐	
	Concrete Slab	☒	☐	
Groundwater Monitoring Wells	Prot-casing	☐	☐	not applicable
	Locked ?	☐	☐	
	Inside cap	☐	☐	
	Surface seal	☐	☐	
Groundwater Monitoring	Water Levels (measured)	☐	☐	W.L. Req'd: YES ☐ NO ☒ Sampling Req'd: : YES ☐ NO ☒ Date Completed: _____ Analysis: _____ not applicable
	GW Samples (collected)	☐	☐	

Comments: _____

SITE-WIDE INSPECTION LOG
BCP SITE #C622031
700 MOHAWK STREET
HERKIMER, NY

SITE INSPECTION LOG	Date: 6-22-20
Inspector: JAMES F. BLASTING	Time Begin: 3:40 PM
Signature: James F Blasting	Time End: 4:05 PM
Sheet: 1 of 1	Weather: Sunny 97°

Institutional Control Evaluation

Institutional Control Item	Compliant? Yes	Compliant? No	Comments/Corrective Actions
Commercial Site Usage	✓		
Prohibited Groundwater Usage	✓		
Record Keeping/Records Updated	✓		

Engineering Control Evaluation

Specific Item to Inspect	Typical Problems Encountered	Conditions Observed Normal	Conditions Observed Abnormal (Attach Report)	Comments or Corrective Action(s) Implemented and Date(s)
Soil Cover Systems	Erosion	☑	☐	
	Vegetation	☑	☐	
	Settling/Ponding	☑	☐	
	Uplift	☑	☐	
	Washouts	☑	☐	
	Rodent Holes	☑	☐	
Pavement Areas	Settling/Ponding	☑	☐	
	Uplift	☑	☐	
	Cracks	☑	☐	
	Potholes	☑	☐	
	Deterioration	☑	☐	
Sub-Slab Depressurization System	Fan	☑	☐	
	Manometer	☑	☐	
	Piping	☑	☐	
	Concrete Slab	☑	☐	
Groundwater Monitoring Wells	Prot-casing	☐	☐	N/A
	Locked ?	☐	☐	
	Inside cap	☐	☐	
	Surface seal	☐	☐	
Groundwater Monitoring	Water Levels (measured)	☐	☐	W.L. Req'd: YES ☐ NO ☑
	GW Samples (collected)	☐	☐	Sampling Req'd: : YES ☐ NO ☑ Date Completed: Analysis:

Comments: ALL ACCEPTABLE

SITE-WIDE INSPECTION LOG
BCP SITE #C622031
700 MOHAWK STREET
HERKIMER, NY

SITE INSPECTION LOG	Date: 22 June 2021
Inspector: James F. Blasting	Time Begin: 3:30 PM
Signature: Jam F Blasting	Time End: 4:00 PM
Sheet: 1 of 1	Weather: overcast, 65°F

Institutional Control Evaluation

Institutional Control Item	Compliant? Yes	Compliant? No	Comments/Corrective Actions
Commercial Site Usage			N/A
Prohibited Groundwater Usage			N/A
Record Keeping/Records Updated			N/A

Engineering Control Evaluation

Specific Item to Inspect	Typical Problems Encountered	Conditions Observed Normal	Conditions Observed Abnormal (Attach Report)	Comments or Corrective Action(s) Implemented and Date(s)
Soil Cover Systems	Erosion	☑	☐	All good condition
	Vegetation	☑	☐	
	Settling/Ponding	☑	☐	
	Uplift	☑	☐	
	Washouts	☑	☐	
	Rodent Holes	☑	☐	
Pavement Areas	Settling/Ponding	☑	☐	Some cracks and deteriaration. Will require maintenance before next inspection.
	Uplift	☑	☐	
	Cracks	☑	☐	
	Potholes	☑	☐	
	Deterioration	☑	☐	
Sub-Slab Depressurization System	Fan	☑	☐	All good condition
	Manometer	☑	☐	
	Piping	☑	☐	
	Concrete Slab	☑	☐	
Groundwater Monitoring Wells	Prot-casing	☐	☐	N/A
	Locked ?	☐	☐	
	Inside cap	☐	☐	
	Surface seal	☐	☐	
Groundwater Monitoring	Water Levels (measured)	☐	☐	W.L. Req'd: YES ☐ NO ☑
	GW Samples (collected)	☐	☐	Sampling Req'd: : YES ☐ NO ☑ Date Completed: Analysis:

Comments:

SITE-WIDE INSPECTION LOG
BCP SITE #C622031
700 MOHAWK STREET
HERKIMER, NY

SITE INSPECTION LOG	Date: June 1, 2022
Inspector: James F. Blasting	Time Begin: 3:15 pm
Signature: James F. Blasting	Time End: 3:50 pm
Sheet: 1 of 1	Weather: overcast; 50°F

Institutional Control Evaluation

Institutional Control Item	Compliant? Yes	Compliant? No	Comments/Corrective Actions
Commercial Site Usage	X		
Prohibited Groundwater Usage	X		
Record Keeping/Records Updated	X		

Engineering Control Evaluation

Specific Item to Inspect	Typical Problems Encountered	Conditions Observed Normal	Conditions Observed Abnormal (Attach Report)	Comments or Corrective Action(s) Implemented and Date(s)
Soil Cover Systems	Erosion	☒	☐	All acceptable
	Vegetation	☒	☐	
	Settling/Ponding	☒	☐	
	Uplift	☒	☐	
	Washouts	☒	☐	
	Rodent Holes	☒	☐	
Pavement Areas	Settling/Ponding	☒	☐	All acceptable
	Uplift	☒	☐	
	Cracks	☒	☐	
	Potholes	☒	☐	
	Deterioration	☒	☐	
Sub-Slab Depressurization System	Fan	☒	☐	All acceptable
	Manometer	☒	☐	
	Piping	☒	☐	
	Concrete Slab	☒	☐	
Groundwater Monitoring Wells	Prot-casing	☐	☐	N/A No groundwater monitoring required
	Locked ?	☐	☐	
	Inside cap	☐	☐	
	Surface seal	☐	☐	
Groundwater Monitoring	Water Levels (measured)	☐	☐	W.L. Req'd: YES ☐ NO ☐
	GW Samples (collected)	☐	☐	Sampling Req'd: : YES ☐ NO ☐ Date Completed: Analysis: N/A

Comments: No action needed

APPENDIX B

Institutional Control/Engineering Control Certification Form

Enclosure 2

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Site Management Periodic Review Report Notice

Institutional and Engineering Controls Certification Form

Site Details **Box 1**

Site No. **C622031**

Site Name Skinner Automotive

Site Address: 700 Mohawk Street Zip Code: 13350
City/Town: Herkimer
County: Herkimer
Site Acreage: 2.531

Reporting Period: December 26, 2017 to December 26, 2022

	YES	NO
1. Is the information above correct?	☒	☐
If NO, include handwritten above or on a separate sheet.		
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	☒	☐
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	☐	☒
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	☐	☒
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.		
5. Is the site currently undergoing development?	☐	☒

Box 2

	YES	NO
6. Is the current site use consistent with the use(s) listed below? Commercial and Industrial	☒	☐
7. Are all ICs in place and functioning as designed?	☒	☐

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

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

By: _____ Jan 24 23

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?	☐	☒

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)	☒	☐

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. C622031 **Box 3**

Description of Institutional Controls

Parcel	Owner	Institutional Control
120.32-2-11	SS Realty, LP	Ground Water Use Restriction Soil Management Plan Landuse Restriction Monitoring Plan Site Management Plan O&M Plan

Institutional Controls:
The Site has a series of Institutional Controls in the form of site restrictions. Adherence to these Institutional Controls is required by the Environmental Easement. Site restrictions that apply to the Controlled Property are:

- The property may only be used for commercial use provided that the long-term Engineering and Institutional Controls included in this Site Management Plan(SMP) are employed.
- The property may not be used for a higher level of use, such as unrestricted, residential or restricted-residential use without additional remediation and amendment of the Environmental Easement, as approved by the NYSDEC;
- All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with this SMP;
- The use of the groundwater underlying the property is prohibited without treatment rendering it safe for intended use;
- A sub-slab depressurization system (SSDS) may need to be operated to mitigate vapor intrusion until sampling data demonstrates the absence of a source of vapors to the indoor air or that the vapor intrusion pathway is not complete from potential sources;
- Vegetable gardens and farming on the property are prohibited;
- The Site owner or remedial party will submit to NYSDEC a written statement that certifies, under penalty of perjury, that: (1) controls employed at the Controlled Property are unchanged from the previous certification or that any changes to the controls were approved by the NYSDEC; and, (2) nothing has occurred that impairs the ability of the controls to protect public health and environment or that constitute a violation or failure to comply with the SMP. NYSDEC retains the right to access such Controlled Property at any time in order to evaluate the continued maintenance of any and all controls. This certification shall be submitted annually, or an alternate period of time that NYSDEC may allow and will be made by an expert that the NYSDEC finds acceptable.

Pursuant to approved SMP, quarterly groundwater monitoring to evalute performance of the remedy was conducted. Based on the quarterly monitoring, the frequency was reduced to annual monitoring of wells MW01 and MW04. Subsequently, on December 22, 2014 groundwater monitoring was discontinued.

Box 4

Description of Engineering Controls

Parcel	Engineering Control
120.32-2-11	Cover System Vapor Mitigation

Engineering Control:
Site Cover System [or Cap]:
Exposure to remaining contamination in soil/fill at the Site is prevented by a cover system placed over the entire Site. This cover system is comprised of a minimum of 12 inches of clean soil, asphalt pavement, concrete-covered sidewalks, or and concrete building slabs. The Excavation Work Plan provided that appears in SMP outlines the procedures required to be implemented in the event the cover system is breached, penetrated or temporarily removed, and any underlying remaining contamination is disturbed. Procedures for the inspection and maintenance of this cover are provided in the Monitoring Plan included in the SMP.

Vapor Mitigation:
Operation of sub slab pressurization system (SSDS) to prevent migration of the vapors into the building from soil and/or ground water. The procedure to operate, inspect and maintain SSDS is provided in Operation and Maintenance Plan provided in approved SMP.

Box 5

Periodic Review Report (PRR) Certification Statements

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

   a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control 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 compete.

YES	NO
☒	☐

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

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

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

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

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

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

YES	NO
☒	☐

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

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

By: _____ Jan 24/23

Signature of Owner, Remedial Party or Designated Representative — Date

IC CERTIFICATIONS
SITE NO. C622031

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 Allan Lyons at 100-132 Sheppard Ave W, North York, Ontario M2N 1M5
print name print business address

am certifying as SS REALTY, LP (Owner or Remedial Party)

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

By: _____ Jan 24 23
Signature of Owner, Remedial Party, or Designated Representative Rendering Certification — Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Luke P. McKenney (print name) at Ambient Environmental, Inc. 828 Washington Ave, Albany, NY 12203 (print business address),

am certifying as a Qualified Environmental Professional for the Owner: SS Realty, LP (Owner or Remedial Party)

Luke P. McKenney — Signature of Qualified Environmental Professional, for the Owner or Remedial Party, Rendering Certification

Stamp (Required for PE)

1/27/2023 — Date