

Site Management Plan

Auburn Community Hotel Brownfield Cleanup Program

City of Auburn, Cayuga County, New York

NYSDEC BROWNFIELD SITE # C706017

Prepared for
Auburn Community Hotel, LP

By



C&S Engineers, Inc.
499 Col. Eileen Collins Blvd.
Auburn, New York 13212

Revised and Finalized

November 2012

TABLE OF CONTENTS

Section 1 - Introduction	3
1.1 General	3
1.2 Purpose.....	4
Section 2 - Site Background	7
2.1 Site Description.....	7
2.2 Site History	7
2.3 Summary of the Remedial Activities	8
2.4 Residual Contamination.....	9
Section 3 - Engineering and Institutional Control Plan	11
3.1 Purpose and Definitions.....	11
3.2 Site Specific Engineering Controls.....	12
3.3 Site Specific Institutional Controls	12
3.4 Soil Management Plan	13
3.4.1 Overview and objectives	13
3.4.2 Nature and extent of contamination	13
3.4.3 Contemplated use	13
3.4.4 Purpose and description of surface cover system.....	14
3.4.5 Management of soils/fill and long-term maintenance of cover system	14
3.4.6 Excavated and stockpiled soil/fill disposal	16
3.4.7 Subgrade material.....	17
3.4.8 Notification.....	18
3.4.9 Site dewatering.....	18
3.4.10 Stormwater management.....	19
Section 4 - Site Monitoring Plan.....	19
4.1 Introduction.....	19

4.1.1 General	19
4.1.2 Purpose	19
4.2 Monitoring Reporting Requirements	20
Section 5 - Operations and Maintenance Plan	21
5.1 Introduction.....	21
5.2 Positive Pressure Building Systems.....	21
5.3 Pavement and Concrete Surfaces.....	23
Section 6 - Site Monitoring Reporting Plan.....	24
6.1 Introduction.....	24
6.2 Certification of Engineering and Institutional Controls	24
6.3 Site Inspections	25
6.3.1 Inspection frequency	25
6.3.2 Inspection forms, sampling data, and maintenance reports	25
6.3.3 Evaluation of records and reporting.....	25
6.4 Site Management Report.....	26

APPENDICES

Appendix A	Soil Management Plan Forms
Appendix B	List of Acronyms
Appendix C	Environmental Easement
Appendix D	Residual Contamination Figure
Appendix E	HVAC Initial Inspection Form
	HVAC Inspection and Certification Form
	Paved and Concrete Surfaces Inspection Form

AUBURN COMMUNITY HOTEL, LP BROWNFIELD PROJECT

SITE MANAGEMENT PLAN

SECTION 1 - INTRODUCTION

1.1 General

This Site Management Plan (SMP) has been prepared by C&S Engineers, Inc. (C&S) on behalf of Auburn Community Hotel, LP for the Auburn Community Hotel Brownfield Site (Site), located in Auburn, New York in accordance with New York State Department of Environmental Conservation's (NYSDEC) *Technical Guidance for Site Investigation and Remediation*, dated May 3, 2010 (DER-10). This SMP addresses the means for implementation of Institutional Controls (ICs) and Engineering Controls (ECs), which are required by the Environmental Easement for the Site. A copy of the signed Easement is included in Appendix C.

After completion of the site investigation and limited remedial work described in the RI/RAA Report, some contamination was left in the subsurface at this Site, which is hereafter referred to as "residual contamination." Such residual contamination consists of soil that is one or more feet below grade and groundwater that is also below grade. This Site Management Plan was prepared to manage residual contamination at the Site in perpetuity or until extinguishment of the Environmental Easement in accordance with 6 NYCRR Part 375. The RI and limited remedial work on the Site began in January 2011 and was completed in August 2011. All reports associated with the Site can be viewed by contacting the NYSDEC or its successor agency managing environmental issues in New York State.

In an effort to avoid direct and indirect future human or environmental exposure to potential residually contaminated soil and groundwater located at the Site, several measures and procedures will be implemented by Auburn Community Hotel, LP and remain in effect until such time as the NYSDEC and the property owner agree that measures are no longer required. It

will be the responsibility of Auburn Community Hotel, LP to notify property lessees or operators and contractors of these measures and procedures prior to any on-site maintenance or construction activities. The exception to this would be an emergency repair that needed to be made. In such an emergency situation, the contractor performing the work must notify the property owner.

It should be noted that this document is intended to be a “living” document and data collected in the future, changes in site conditions, and/ or changes in methods or procedures will be incorporated as appendices to this document.

1.2 Purpose

The Site contains residual contamination left after completion of the RI and limited remedial work performed under the BCP. ECs have been incorporated into the Site remedy to provide proper management of residual contamination in the future to ensure protection of public health and the environment. A site-specific Environmental Easement has been recorded with the Cayuga County Clerk that provides an enforceable means to ensure the continued and proper management of residual contamination and protection of public health and the environment. It requires strict adherence to all ECs and ICs placed on this Site by NYSDEC by the grantor of the Environmental Easement and any and all successors and assigns of the grantor. ICs provide restrictions on Site usage and mandate operation, maintenance, monitoring, and reporting measures for all ECs and ICs. This SMP includes all methods necessary to ensure compliance with all ECs and ICs required by the Environmental Easement for residual contamination at the Site. The SMP has been approved by the NYSDEC, and compliance with this Plan is required by the grantor of the Environmental Easement and grantor’s successors and assigns.

Site management is the last phase of the remedial process and is triggered by the approval of the Final Engineering Report and issuance of the Certificate of Completion (COC) by NYSDEC. The SMP continues in perpetuity or until extinguished in accordance with 6 NYCRR Part 375. It

is the responsibility of the Environmental Easement grantor, and its successors and assigns to ensure that all Site Management responsibilities under this plan are performed.

The SMP provides a detailed description of procedures required to manage residual contamination at the Site in accordance with the Brownfield Cleanup Agreement (BCA) with the NYSDEC. This includes:

- 1) development, implementation, and management of ECs and ICs;
- 2) development of a plan to operate and maintain a positive pressure indoor environment in the first floor of each building on the property;
- 3) submittal of Site Management Reports, performance of inspections and certification of results, and demonstration of proper communication of Site information to NYSDEC;

To address these needs, this SMP includes four plans:

- 1) an Engineering and Institutional Control Plan for implementation and management of EC/ICs;
- 2) a Monitoring Plan for implementation of Site Monitoring;
- 3) an Operation and Maintenance Plan for implementation of control systems; and
- 4) a Site Management Reporting Plan for submittal of data, information, recommendations, and certifications to NYSDEC.

Site Management activities, reporting, and EC/IC certification will be scheduled on a certification period basis. The certification period will be annual.

Important notes regarding this SMP are as follows:

- This SMP defines site-specific implementation procedures as required by the Environmental Easement. The penalty for failure to implement the SMP is revocation of the COC;
- The BCA for the Site requires conformance with this SMP, and therefore, serves as a contractual binding authority under which this SMP is to be implemented. The BCP law itself also requires the preparation of a SMP in ECL 27-1415 and 27-1419.

Therefore, the BCA is a binding contract and the BCP law is statutory authority under which this SMP is required and is to be implemented.

- At the time this report was prepared, the SMP and all Site documents related to the Remedial Investigation and Remedial Action are maintained at the NYSDEC Region 7 offices in Syracuse. At the time of SMP submission, the Site documents can also be found in the repositories established for this project, as listed below:

City of Auburn

Planning and Economic Development Office

24 South Street

Auburn, NY 13021

Attn: Stephen Selvek

Seymour Public Library

176-178 Genesee St.

Auburn, NY 13021

Phone: (315) 252-2571

SECTION 2 - SITE BACKGROUND

2.1 Site Description

The site, as illustrated on Figure 1, is situated on the east side of State Street (NY Route 38), bisected by Water Street, and between the east and west bound lanes of NY Routes 5 & 20 in the City of Auburn, New York. The Owasco Lake Outlet borders the property along the northern property line. The 2.2 acre site is comprised of the following four parcels:

- 76 - 78 State Street, tax parcel 71 and 82, situated on approximately 1.2 acres, and previously occupied by a 13,000-square foot vacant building (former T&K Lumber Company).
- 25 - 27 Water Street, tax parcel 84, consisting of 0.27 acres of vacant land.
- 72 State Street, tax parcel 70, 0.45 acres formerly occupied by a 45,000-square foot three-story structure used as a restaurant and apartments. At the onset of the BCP, the majority of this structure was unoccupied.
- A portion of Water Street (approx. 0.28 acres) which the City of Auburn has conveyed to Auburn Community Hotel, L.P.

The developed use of the property is as a multi-story low rise hotel. Relevant to development as a hotel, the site is visible to transient traffic on the aforementioned highways, and within easy walking distance to downtown Auburn.

2.2 Site History

Within one block of Auburn's main thoroughfare, the site has been part of the developed urban environment for nearly 200 years. Land use on and around the site has been varied and includes small industrial manufacturing, auto repair shops, gasoline station, dry cleaner, print shop, painting operations among others described in the BCP Application. Given the location of the Owasco Lake Outlet, local shallow groundwater appears to migrate towards this water course.

Local groundwater is not a potable source and the property and adjoining lands are supplied by a municipal water system. Although the presence of public water does not eliminate all potential groundwater concerns, groundwater vulnerability in the context of wellhead protection and groundwater recharge zones do not apply to this property.

As part of the BCP application, historical land use and business occupancy information within the proposed site was obtained via a series of Sanborn Fire Insurance Maps compiled by Environmental Data Resources of Milford Connecticut and a review of historic City of Auburn Directories located within the City of Auburn Library. Presented in detail in Section VII of the BCP application, historical land uses on and near the subject property included:

- Feed, seed/farm supply store primarily along Water Street
- Auto repair shops, machine shops, auto dealer sales and repair at various locations on Water Street, Dill Street, and State Street
- Dry cleaning operations located on State Street and Water Street.
- Gasoline filling station at 70 State Street
- Printing and sign shop/sign painter on State Street, Dill Street, and Water Street
- Rail line/spur parallel to Owasco Lake Outlet

2.3 Summary of the Remedial Activities

During the Remedial Investigation (RI) and demolition activities, limited subsurface areas impacted by petroleum and chlorinated volatile organic compounds were discovered. The term *chlorinated volatile organic compounds* (CVOCs) refers to the suite of compounds made up of tetrachloroethene (PCE), trichloroethene (TCE), vinyl chloride (VC), cis-1,2-dichloroethene (cis-1,2-DCE), and trans-1,2-dichloroethene (trans-1,2-DCE).

During demolition of the building slabs, direct action was taken to remove petroleum impacted soils and subsurface structures. Information regarding activities undertaken during the slab demolition was documented in the RI/RAA Report, prepared by C&S. Appendix F of that report provides disposal documentation for 23.6 tons of soils associated with removal of a hydraulic lift

and with sampling-derived wastes exhibiting low levels of CVOCs (maximum detection of 75 µg/l). These limited removal actions were undertaken following consultation with the on-site NYSDEC representative and did not represent a formal Interim Remedial Measure.

2.4 Residual Contamination

Residual Soil and Groundwater Contamination

As identified and discussed in Section 4 (Nature and Extent of Contamination) and Section 5 (Human Health Risk Assessment) of the SI/RAA Report, subsurface soil contaminants at the Auburn Community Hotel BCP site include:

- VOCs, SVOCs, pesticides, and inorganic parameters at levels exceeding Unrestricted Use Soil Cleanup Objectives (SCOs)¹; and
- SVOCs and inorganic parameters at levels that also exceeded the Commercial Use SCOs.

With respect to groundwater:

- Benzene was detected at 1.5 µg/L in the February 2011 sample from MW-3 (Class GA Groundwater Standard for benzene is 1 µg/L);
- Tetrachloroethene (PCE) was detected at 7 µg/L in the July 2011 sample from MW-6 (Class GA groundwater Standard for PCE is 5 µg/L);
- Four inorganic parameters (iron, manganese, magnesium, and sodium) were detected at levels exceeding Class GA Groundwater Standards in groundwater monitoring well samples; and
- PCB Aroclor 1254 was detected at 0.16 µg/L in the July 2011 sample collected from monitoring well MW-2 (Class GA groundwater Standard for total PCBs is 0.09 µg/L).

The locations and detections outlined above are presented in *Appendix D – Residual Contamination Figure*. It should be noted that the detected presence of benzene and PCB Aroclor 1254 in groundwater samples did not occur at those same locations (monitoring wells

¹ 6 NYCRR Subpart 375-6: Remedial Program Soil Cleanup Objectives

MW-2 and MW-3) during the other round of groundwater sampling at those same monitoring wells.

SECTION 3 - ENGINEERING AND INSTITUTIONAL CONTROL PLAN

3.1 Purpose and Definitions

Institutional and engineering controls are utilized on sites where the potential exists for contact with residual contamination in the soil and/or groundwater. Definitions for ECs and ICs as provided in the NYSDEC's *Draft Technical Guidance for Site Investigation and Remediation* (Draft DER-10) are provided below:

"Engineering controls" means any physical barrier or passive mechanism to contain or stabilize contamination, ensure the effectiveness of a remedial action or eliminate potential exposure pathways from any contaminated medium. Engineering controls may include, without limitation, caps, covers, vapor barriers, fences, slurry walls, access controls and demarcation barriers (e.g., geonets or other fabric). Engineering controls are used in conjunction with institutional controls, to ensure that the engineering controls remain effective.

"Institutional controls" means non-physical mechanisms which restrict the use of a site, limit human exposure, or prevent any actions which would threaten the effectiveness, operation, or maintenance of a remedy at or pertaining to the site. Institutional controls apply when contaminants remain at a site at levels which would not allow unrestricted human use of the property. Institutional controls may include, without limitation, restrictions on the use of structures, land and groundwater as well as deed notices and covenants.

Access to the site will continue to be provided to the NYSDEC to evaluate the remedy, including access to evaluate the continued maintenance of such controls.

Auburn Community Hotel, LP has developed several ECs and ICs for this Site. These ECs and ICs are further elaborated on below.

3.2 Site Specific Engineering Controls

Positive pressure building HVAC system – Positive pressure will be maintained within the interior environment within the first floor of all existing and future buildings on the Site. The designs and system performance requirements will be in accordance with manufacturer’s specifications and applicable regulations and/or guidance.

Public water supply - The site and surrounding properties receive their domestic water from municipal service connections supplied by the City of Auburn. The source of the municipal water supply is surface water from Owasco Lake.

Paved and concrete surfaces - Site cover – The vast majority of surfaces outside of the building footprints are paved or covered with conventional asphalt or concrete. Areas beneath the asphalt and/or concrete pavement received one foot of clean Type 1 or 2 crushed limestone from an approved quarry (i.e., T. H. Kinsella, Hansen).

Landscaped Areas - Areas outside of buildings and paved areas a combination of clean crushed limestone fill, and/or clean topsoil to a minimum depth of one foot, with a minimum topsoil depth of six inches. The clean crushed limestone fill and/or topsoil will be maintained as installed utilizing a demarcation layer of woven fabric so that there will be no direct contact with pre-existing urban fill material and native soils.

3.3 Site Specific Institutional Controls

Annual Certification - As required by ECL 27-1415 and the Brownfield Cleanup Agreement for the site, Auburn Community Hotel, LP will submit an annual certification that the aforementioned Engineering Controls are in operation and working effectively to the NYSDEC.

Environmental Easement - Auburn Community Hotel, LP will grant the NYSDEC an environmental easement for the Site to ensure that use restrictions or engineering controls remain in place and will be binding to future owners and lessees or operators, or until modified,

extinguished, or amended by a written instrument executed by the Commissioner of the NYSDEC.

Groundwater Use Restriction - The use or discharge of untreated groundwater for any purpose will not be permitted at the Site without necessary water quality treatment as determined by the NYSDOH, County DOH, or applicable successor agency.

Soil Management Plan - A site specific soil management plan will be implemented at this Site. The soil management plan is presented in Section 3.4 below.

3.4 Soil Management Plan

3.4.1 Overview and objectives

The objective of this Soil Management Plan (SoMP) is to set guidelines for management of soil material during any future activities which would breach the cover system at the site. The SoMP addresses environmental concerns related to soil management and has been reviewed and approved by the NYSDEC.

3.4.2 Nature and extent of contamination

Section 2 above describes the residual contamination at the site subsequent to the site Remedial Investigation and limited removal actions completed in July 2011.

3.4.3 Contemplated use

The site has been significantly redeveloped with a multi-story hotel and convention center. No additional future commercial development is anticipated to take place.

3.4.4 Purpose and description of surface cover system

As part of the site redevelopment, the vast majority of the site is covered by the buildings or has been paved for roadways and parking lots. In addition, a considerable portion of the site has been cover with clean crushed stone fill to bring the facility to grade for development. While not specifically designed as a surface cover system, the effect of the structures, pavements, and fill is the same; they reduce the potential for human contact with the existing urban fill material and mitigate the potential for contaminated runoff from the property. The paving and fill consists of the following:

- **Fill and Subbase:** Run of Crush limestone fill was imported to elevate grades to pre-pavement depths.
- **Asphalt:** a minimum of three inches of material in areas of driveways, sidewalks, and parking lots. Actual cross sections were determined based on the intended use of the area.
- **Concrete:** a minimum of four inches of material in areas that were slab-on-grade structures or for driveways, sidewalks, and parking lots in lieu of asphalt. Actual cross sections were determined based on the intended use of the area.
- **Lanscaped Areas (plantings or grass):** a minimum of one foot thick cover, including a minimum of six inches topsoil.

The hotel operator will perform a semiannual inspection of the cover system.

3.4.5 Management of soils/fill and long-term maintenance of cover system

The purpose of this section is to provide environmental guidelines for management of subsurface soils/fill and the long-term maintenance of the cover system during any future intrusive work which breaches the cover system.

The SoMP includes the following conditions:

- Any breach of the paving and fill (including for the purposes of construction or utilities work) must be replaced or repaired using existing material or an acceptable borrow source free of industrial and/or other potential sources of chemical or petroleum contamination. The repaired area must be covered with existing material or soil from an acceptable borrow source free of industrial and/or other potential sources of chemical or petroleum contamination, and reseeded or covered with impervious product such as concrete or asphalt to prevent erosion in the future.
- Control of surface erosion and run-off of the entire property at all times, including during construction activities. This includes proper maintenance of the vegetative cover established on the property.
- Site soil that is excavated and is intended to be removed from the property must be managed, characterized, and properly disposed of in accordance with NYSDEC regulations and directives.
- Soil excavated at the site may be reused as backfill material on-site provided it contains no visual or olfactory evidence of contamination, and it is placed beneath a cover system component. After excavating such soils, they must be staged within lined and covered stockpiles prior to re-use to prevent potential spread of residual contamination.
- Any off-site fill material brought to the Site for filling and grading purposes shall be from an acceptable borrow source free of industrial and/or other potential sources of chemical or petroleum contamination. Off-site borrow sources should be subject to collection of one representative composite sample per source. The sample should be analyzed for Target Compound List (TCL) volatiles, semivolatiles, pesticides, PCBs, and inorganics. The soil will be acceptable for use as cover material provided that all parameters meet the NYSDEC recommended soil cleanup objectives included in DER-10.
- All liquids to be removed from the Site, including dewatering fluids, will be handled, transported and disposed in accordance with applicable local, state, and federal regulations.
- Prior to any construction activities, the contractor is to be notified of the site conditions with clear instructions regarding how the work is to proceed. The contractor will be

instructed that invasive work performed at the property must be performed in accordance with all applicable local, state, and federal regulations to protect worker health and safety.

- Any damage to demarcation fabrics resulting from intrusive activities will be repaired prior to backfilling or renovating the area disturbed.

3.4.6 Excavated and stockpiled soil/fill disposal

Soil/fill that is excavated as part of development and which cannot be used as fill below the fill and paving will be further characterized prior to transportation off-site for disposal at a permitted facility. For excavated soil/fill with visual evidence of contamination (i.e., staining or elevated PID measurements), one composite sample and a duplicate sample will be collected for each 100 cubic yards of stockpiled soil/fill. For excavated soil/fill that does not exhibit visual evidence of contamination but must be sent for off-site disposal, one composite sample and a duplicate sample will be collected for 2,000 cubic yards of stockpiled soil, and a minimum of one sample will be collected for volumes less than 2,000 cubic yards.

If the analytical results indicate that concentrations exceed the standards for RCRA characteristics, the material will be considered a hazardous waste and must be properly disposed off-site at a permitted disposal facility within 90 days of excavation. If the analytical results indicate that the soil is not a hazardous waste, the material will be properly disposed off-site at a non-hazardous waste facility. Stockpiled soil cannot be transported on or off-site until the analytical results are received.

Stockpiles will be inspected at a minimum once each week and after every significant storm event. Results of inspections will be recorded in a logbook and maintained at the Site and available for inspection by NYSDEC. Soil stockpiles will be continuously encircled with silt fences. Hay bales will be used as needed near catch basins, surface waters and other discharge points. Stockpiles will be underlain with polyethylene sheeting and kept covered at all times with appropriately anchored tarps or polyethylene sheeting. Damaged covers will be promptly replaced.

3.4.7 Subgrade material

Subgrade material used to backfill excavations or placed to increase site grades or elevation shall meet the following criteria. Note that this requirement does not apply to materials placed during site development that has already occurred.

- Excavated on-site soil/fill which appears to be visually impacted will be sampled and analyzed. If analytical results indicate that the contaminants, if any, are present at concentrations below the Commercial Use SCOs, the soil/fill can be used as backfill on-site.
- Any off-site fill material brought to the Site for filling and grading purposes shall be from an acceptable borrow source free of industrial and/or other potential sources of chemical or petroleum contamination.
- Off-site soils intended for use as site backfill cannot otherwise be defined as a solid waste in accordance with 6 NYCRR Part 360-1.2(a).
- If the contractor designates a source as "virgin" soil, it shall be further documented in writing to be native soil material from areas not having supported any known prior industrial or commercial development or agricultural use.
- Virgin soils that appear contaminated should be subject to collection of one representative composite sample per source. The sample should be analyzed for TCL volatiles, semivolatiles, pesticides, PCBs, arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, and cyanide. The soil will be acceptable for use as backfill provided that all parameters meet the SCOs.
- Imported non-virgin soils that appear contaminated will be tested via collection of one composite sample per 500 cubic yards of material from each source area. If more than 1,000 cubic yards of soil are borrowed from a given off-site non-virgin soil source area and both samples of the first 1,000 cubic yards meet SCOs, the sample collection frequency will be reduced to one composite for every 2,500 cubic yards of additional soils from the same source, up to 5,000 cubic yards. For borrow sources greater than

5,000 cubic yards, sampling frequency may be reduced to one sample per 5,000 cubic yards, provided all earlier samples met the SCOs.

3.4.8 Notification

The Contractor must notify Auburn Community Hotel, LP prior to any earthwork including excavation and/or borings through or under the Auburn Community Hotel Site. During routine activities, spoil materials generated are normally expected to be classified as construction/demolition debris and presumed to be non-hazardous. The Contractor should be familiar with these types of materials and will handle them in accordance with their standard operating procedures. The health and safety of the Contractor's personnel on-site is the responsibility of the Contractor and is not addressed as part of this plan. The contractor may need to prepare a Health and Safety Plan and a Community Air Monitoring Plan if excavation into original site materials is anticipated.

3.4.9 Site dewatering

If the discovery of residual material involves contaminated waters existing within site utility conveyances or open excavations, similar response activities will take place as those described above. When dealing with contaminated waters however, options for disposal will be limited to containerizing with off-site disposal or discharge to the Publicly Owned Treatment Works (POTW) with adequate characterization and pretreatment acceptable to the Control Authority. Characterization for off-site disposal will vary by site, but will involve the same types of analyses listed previously. The City of Auburn regulates the discharge of contaminated groundwater to the sewer system through the Industrial Wastewater Pretreatment Program and has developed specific guidance for disposal to the sewer. Prior to pumping of any waters from site utility conveyances or open excavations to the public sewer, Auburn Community Hotel, LP will coordinate with the City of Auburn to determine the analytical requirements needed to confirm the acceptability of these discharges.

Options for handling the waters will be a function of the quantity and quality of the waters encountered, the nature of the contaminant and the options for treatment and/or disposal of the wastes.

3.4.10 Stormwater management

The project has a statewide SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01) as well as a Stormwater Pollution Prevention Plan (SWPPP) in place. Additionally, the SWPPP will remain in place until site stabilization has been achieved and a “Notice of Termination” has been submitted and approved by the NYSDEC. Any future disturbances that compromise the stabilization of the site will comply with NYSDEC storm water pollution control requirements.

SECTION 4 - SITE MONITORING PLAN

4.1 Introduction

4.1.1 General

The Monitoring Plan describes the measures for evaluating the performance and effectiveness of the implemented ECs in reducing or mitigating contamination at the Site. This Monitoring Plan is subject to revision by NYSDEC.

4.1.2 Purpose

This Monitoring Plan describes the methods to be used for:

- Evaluating Site information periodically to confirm that the remedy continues to be effective as per the design; and
- Preparing the necessary reports for the various monitoring activities.

To adequately address these issues, this Monitoring Plan provides information on:

- Reporting requirements; and
- Annual inspection and certification.

Semiannual monitoring of the site cover systems and annual monitoring of the building HVAC systems will be conducted to demonstrate the continued effectiveness of these ECs

4.2 Monitoring Reporting Requirements

Forms and any other information generated during regular inspections will be kept on file. All forms, and other relevant reporting formats used during the monitoring/inspection events, will be subject to approval by NYSDEC and submitted at the time of the Site Management Report, as specified in the Reporting Plan of the SMP. All monitoring results will be reported to NYSDEC on an Annual basis in the Site Management Report. The report will include, at a minimum:

- Date(s) of inspections or activities;
- Description of the activities performed;
- Type of samples collected (if any);
- Copies of field forms completed;
- Sampling results in comparison to appropriate standards/criteria;
- A figure illustrating sample type and sampling locations;
- Copies of laboratory data sheets and the required laboratory data deliverables required for all points sampled (also to be submitted electronically in the NYSDEC-identified format);
- Any observations, conclusions, or recommendations.

Data will be reported in hard copy or digital format as determined by NYSDEC.

SECTION 5 - OPERATIONS AND MAINTENANCE PLAN

5.1 Introduction

The Operation and Maintenance Plan describes the measures necessary to operate and maintain mechanical components of the remedy selected for the Site (e.g., positive pressure building systems). This Operation and Maintenance Plan includes the steps necessary to allow individuals unfamiliar with the Site to operate and maintain the systems. The plan also includes an operation and maintenance contingency plan. The plan will be updated periodically (if necessary) to reflect changes in Site conditions or the manner in which the systems are operated and maintained.

This Operation and Maintenance Plan is not to be used as a stand-alone document, but as a component document of the SMP. The Operation and Management Plan is subject to NYSDEC revision.

5.2 Positive Pressure Building Systems

The building HVAC systems shall be operational at all times in any building that is occupied. Those HVAC systems function to maintain a positive pressure within the first floor building environment. The building HVAC systems provide minimum ventilation rates in accordance with the 2010 New York State Building Code (which exceed the requirements of ASHRAE Standard 62), and maintain the first floor building areas at a slightly positive pressure, inhibiting potential vapor intrusion. The mechanical HVAC components are rated for continuous service.

Initial Commissioning

Prior to building occupancy, a design professional verified that the systems were operating satisfactorily to maintain a positively pressured first-floor building environment, and that:

- All HVAC control systems were operational.

- The absence of backdraft conditions in HVAC equipment venting systems was confirmed.
- The building operator was made aware that proper function of the HVAC system is necessary for maintaining positive pressure within the indoor building environment.
- Positive pressure at four separate locations on the first floor (conference room, pre-function, main lobby, and restaurant) was confirmed via differential pressure measurements with respect to an outdoor reference.

Appendix E provides the design professional's report for the initial commissioning of the HVAC system.

Operation and Maintenance

Verification of continued normal operating status by visual/physical observation of the HVAC system by the operator shall be executed and recorded on a weekly basis.

Routine maintenance will be performed every 12 months and include:

- Visual inspection of above grade components;
- Verification that no building intakes have been added;
- As appropriate, preventative maintenance, repairs, and/or adjustments shall be made to the system to ensure its continued effectiveness; and
- If significant changes are made to the building, the HVAC system will be modified and/or expanded to properly ensure the system is functioning properly.

In the event of fan failure, as evidenced by the building conditions, the building operator shall immediately engage the services of a commercial HVAC service organization to restore the system to normal operation within 24 hours of the event. The building operator shall not attempt to repair or modify the fan or any of the HVAC system components. Once the system has been restored to normal operating status, the service organization shall provide documentation that the system is functional as designed. The written documentation associated with all repairs, modifications, and/or re-commissioning after system failure shall be retained on site.

Annual Inspection and Certification

An annual HVAC inspection and certification report shall be prepared and certified by a professional engineer or an environmental professional that shall document:

- That the building HVAC system remains fully functional, and performs properly; and
- Positive pressure at a minimum of four separate locations on the first floor is confirmed via differential pressure measurements with respect to an outdoor reference.

The HVAC inspection and certification report will be included in the annual Site Management Report. The Site Management Report shall also contain the documentation of weekly monitoring, modifications and repairs. A copy of the form to be used to record the inspection data is provided in Appendix E.

5.3 Pavement and Concrete Surfaces

All paved and concreted surfaces are to be maintained such that extensive perforations or cracks are sealed or repaired on an on-going basis. The Property Operator will perform a semiannual inspection of the cover system.

SECTION 6 - SITE MONITORING REPORTING PLAN

6.1 Introduction

A Site Management Report will be submitted by March 1st annually to NYSDEC. The Site Management Report will be prepared consistent with NYSDEC Draft DER-10 *Technical Guidance for Site Investigation and Remediation* requirements. This Site Management Reporting Plan and its requirements are subject to revision by NYSDEC. The annual report will include the following:

- Identification of all required EC/ICs required by the Remedial Work Plan for the Site;
- An evaluation of the Engineering and Institutional Control Plan and the Monitoring Plan for adequacy in meeting remedial goals;
- Assessment of the continued effectiveness of all Institutional and Engineering Controls for the Site;
- Certification that the EC/ICs remain in place;
- Results of the required periodic Site Inspections; and
- All deliverables generated during the reporting period, as specified in this SMP.

6.2 Certification of Engineering and Institutional Controls

Information on EC/ICs can be found in the Engineering and Institutional Control Plan portion of the SMP. Inspection of the EC/ICs will occur at a frequency described in the Monitoring Plan and the Operation and Maintenance Plan. After the last inspection of the reporting period, a qualified environmental professional and/or a Professional Engineer licensed to practice in New York State will sign and certify the document. The document will certify that institutional controls and/or engineering controls employed at such site are:

- unchanged from the previous certification (or describes changes which were approved by the Department);
- in place and effective;
- performing as designed; and
- that nothing has occurred that would impair the ability of the controls to protect the public health and environment; or constitute a violation or failure to comply with any element of the SMP for such controls.

6.3 Site Inspections

6.3.1 Inspection frequency

Inspections will be conducted:

- Semiannually;
- Whenever a severe condition has taken place, such as erosion or a flooding event, that may affect the ECs.

6.3.2 Inspection forms, sampling data, and maintenance reports

Inspections and monitoring events will be recorded on the appropriate forms for their respective system. Additionally, a general Site-wide inspection form will be completed during the Site-wide inspection.

Applicable inspection forms and other records (including all sampling data of any media at the Site and system maintenance reports) generated for the Site during the calendar year will be included in the Report.

6.3.3 Evaluation of records and reporting

The results of the inspection and Site monitoring data will be evaluated as part of the EC/IC certification to confirm that the:

- EC/ICs are in place, are performing properly, and remain effective;
- The Monitoring Plan is being implemented;
- Operation and maintenance activities are being conducted properly; and, based on the above items,
- The Site remedy continues to be protective of public health and the environment and is performing as designed in the Remedial Action Work Plan and Final Engineering Report.

6.4 Site Management Report

The Site Management Report will be submitted annually and will be submitted by March 1 of the year following the reporting period. The report will include:

- A certification that ECs/ICs remain in place;
- All applicable inspection forms and other records generated for the Site during the reporting period;
- Cumulative data summary tables and/or graphical representations of contaminants of concern by media, which include a listing of all compounds analyzed along with the applicable standards, with all exceedances highlighted;
- Results of all analyses, copies of all laboratory data sheets, and the required laboratory data deliverables required for all points sampled during the calendar year (also to be submitted electronically in the NYSDEC-specified format);
- A Site evaluation, which will address the following:
 - The compliance of the remedy with the requirements of the Remedial Action Work Plan and Final Engineering Report;
 - The performance and effectiveness of the remedy;
 - The operation and the effectiveness of the HVAC system, including identification of any needed repairs or modifications;
 - Any new conclusions or observations regarding Site contamination based on inspections or data generated by the Monitoring Plan for the media being monitored; and

- Recommendations regarding any necessary changes to the remedy and/or Monitoring Plan.
- A figure showing sampling locations, and significant analytical values at sampling locations; and
- Comments, conclusions, and recommendations, based on an evaluation of the information included in the report, regarding EC/ICs at the Site.

The Site Management Report will be submitted, in hard-copy format, to the Region 7 NYSDEC offices, located at 615 Erie Blvd. West, Syracuse, New York 13204-2400, and in electronic format to NYSDEC and the New York State Department of Health.

F:\Project\C81 - Pioneer Development\C81.013.001 RI Auburn\closeout\SMP TomB- rev1.doc

Appendix A
Soil Management Plan Forms

AUBURN COMMUNITY HOTEL, LP
WASTE NOTIFICATION FORM

1. Date: _____ Event No. _____

2. Time of Discovery: _____

3. Name of Person Who Discovered Waste: _____

4. Method of Discovery: _____

5. Name of Person Reporting: _____

6. Description of Waste:

a. Physical Characteristics _____ liquid _____ solid _____ semi-solid (sludge)

Brief Description: _____

b. Estimated Quantity of Waste (based on visual observation): _____

c. Color: _____

d. Odor (describe if noticeable odor was present): _____

7. Location of Waste: _____

8. Response Action Taken Prior to Notification: _____

9. Persons Notified: _____

AUBURN COMMUNITY HOTEL, LP
WASTE STORAGE AREA INSPECTION FORM

Inspector Name: _____ Weather Conditions: _____

Date of Inspection: _____ Temperature: _____

Time of Inspection: _____

	Yes	No
Is area secured and are signs posted?	_____	_____
Are all wastes within containment area covered with polyethylene?	_____	_____
Is there any visual evidence of surface staining or discoloration originating from the containment area?	_____	_____
Are exposed liner and cover surfaces in good condition?	_____	_____
Is there any visual evidence of vandalism, tampering or any other deteriorating condition?	_____	_____
Does visual inspection indicate repair work is required? (<i>Explain</i>)	_____	_____
Were photographs taken? If yes, by whom? <i>Name</i> _____	_____	_____
Indicate photo log numbers.	_____	_____

Remarks/Comments: _____

Appendix B

List of Acronyms

List of Acronyms

ASP	Analytical Services Protocol
BCA	Brownfield Cleanup Agreement
BCP	Brownfield Cleanup Program
C/D	Construction / demolition
CFR	Code of Federal Regulations
COC	Certificate of Completion
CVOC	Chlorinated volatile organic compound
DCE	Dichloroethene
DER	Division of Environmental Remediation
EC	Engineering control
ECL	Environmental Conservation law
IC	Institutional control
IRM	Interim Remedial Measure
NYCRR	New York Codes Rules and Regulations
NYSDEC	New York State Department of Environmental Conservation
PCB	Polychlorinated biphenyls
PCE	Tetrachloroethene (aka perchloroethene)
PID	Photoionization detector
POTW	Publicly Owned Treatment Works
RI	Remedial Investigation
SMP	Site Management Plan
SoMP	Soil Management Plan
SWPPP	Stormwater Pollution Prevention Plan
TCE	Trichloroethene
VC	Vinyl chloride
VOC	Volatile organic compound

Appendix C

Environmental Easement

Recorded Oct 23, 2012
Doc# 30129488
Time 10:05A
Book 1491
Page 47
Receipt # 60717
Susan M. Dwyer
CAYUGA COUNTY CLERK

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

THIS INDENTURE made this 4th day of October, 2012 between Owner(s) Auburn Real Estate Company, Inc., having an office at 333 West Washington Street, Suite 600, Syracuse, County of Onondaga, State of New York (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the address of 74 State Street in the City of Auburn, County of Cayuga and State of New York, known and designated on the tax map of the County Clerk of Cayuga as tax map parcel numbers: Section 115.52 Block 1 Lot 81, being the same as that property conveyed to Grantor by deed dated November 12, 2010; November 8, 2010; July 16, 2010; February 24, 2011 and April 4, 2011 and recorded in the Cayuga County Clerk's Office in Liber and Page 1430, 321; 1432, 181; 1433, 263; 1439, 82 and 1442, 160. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 2.659 +/- acres, and is hereinafter more fully described in the Land Title Survey dated as of May 22, 2012 prepared by Ianuzi & Romans Land Surveying, P.C. (Hal R. Romans, L.L.S., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation

[2/12]

established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Index Number: C706017-11-10, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement")

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv) .

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP.

(4) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(5) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(6) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(7) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP.

(8) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP.

(9) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential or Restricted Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i) and (ii), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall annually, or such time as NYSDEC may allow, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

- (1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).
- (2) the institutional controls and/or engineering controls employed at such site:
 - (i) are in-place;
 - (ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and
 - (iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;
- (3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;
- (4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;
- (5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;
- (6) to the best of his/her 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
- (7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be

defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to: Site Number: C706017
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to: Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the [2/12]

recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

AUBURN REAL ESTATE COMPANY, INC.:

By: 

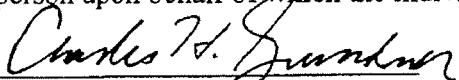
Print Name: David R. Norcross

Title: Vice President Date: 9/26/2012

Grantor's Acknowledgment


STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 26th day of October, in the year 20 12, before me, the undersigned, personally appeared DAVID R. NORCROSS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


Notary Public - State of New York

CHARLES H. GRUNDNER
Notary Public, State of New York
Qualified in Onondaga County, No. 4696268
Commission Expires May 31, 2015

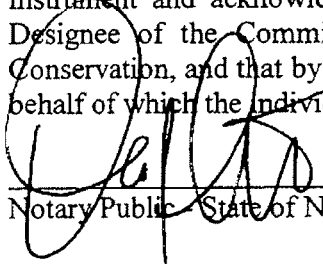
THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: 
Robert W. Schick, Director
Division of Environmental Remediation

Grantee's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

On the 4th day of October, in the year 2012 before me, the undersigned, personally appeared Robert Schick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2014

SCHEDULE "A" PROPERTY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Auburn, County of Cayuga and State of New York, bounded and described as follows:

BEGINNING at the intersection of the east line of State Street with the south line of Water Street;

1) Thence N 29° 29' 28" W, along the east line of State Street being the west end of this part of Water Street, a distance of 87.61 feet to the north line of Water Street;

2) Thence N 29° 29' 28" W, along the east line of State Street, a distance of 71.30 feet to a point;

3) Thence N 60° 53' 31" E, a distance of 99.92 feet to a point;

4) Thence N 29° 06' 29" W, a distance of 28.55 feet to the south line of the west bound lane of New York State Route 5 and U.S. Route 20;

5) Thence N 79° 45' 01" E, along said south line, a distance of 172.10 feet to the lands of the City of Auburn;

6) Thence S 57° 23' 18" E, along said City lands, a distance of 285.30 feet to the lands of the State of New York Department of Transportation;

7) Thence S 13° 05' 43" W, along said State lands, a distance of 113.65 feet to the northerly line of the east bound lane of New York State Route 5 and U.S. Route 20;

Thence along said northerly line,

8) S 72° 10' 23" W, and along the apparent east end of said Water Street, a distance of 125.52 feet to a point;

9) S 12° 46' 41" W, a distance of 31.64 feet to a point;

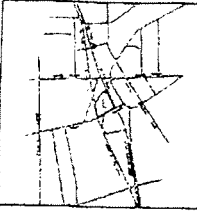
10) S 65° 10' 42" W, a distance of 53.24 feet to a point;

11) S 84° 41' 24" W, a distance of 39.63 feet to a point; and

12) S 61° 32' 37" W, a distance of 85.79 feet to the east line of State Street;

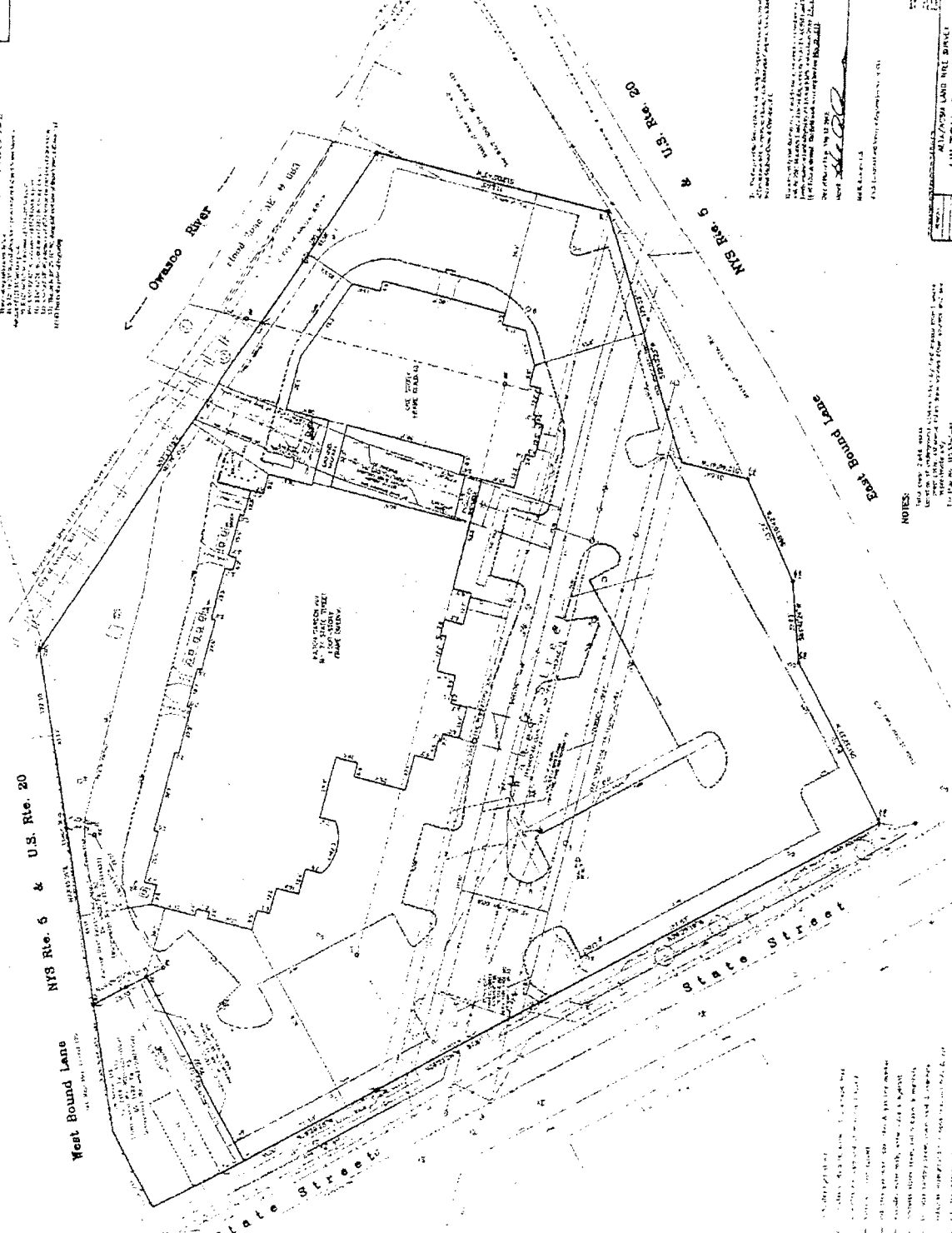
13) Thence N 29° 29' 10" W, along said east line of State Street, a distance of 181.67 feet to the point of beginning.

SURVEY



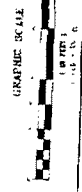
LOCATION PLAN
M 18 - 106

ENVIRONMENTAL IMPACT STATEMENT
 THE STATE OF ALABAMA
 DEPARTMENT OF HIGHWAYS
 BUREAU OF TRAVEL AND TOURISM
 1000 BANKERS BUILDING
 MONTEGOMERY, ALABAMA 36102
 PROJECT: HILTON GARDEN INN
 LOCATION: 74 STATE STREET, ALABAMA CITY, ALABAMA
 DATE: 10/15/81



HILTON GARDEN INN
 (TAX PARCEL NO. 11852-1-01)
 74 STATE STREET
 CITY OF ALABAMA
 COUNTY OF CHAMBERLAIN, ALABAMA

NOTES:
 1. SEE SHEET 100-106 FOR THE LOCATION OF THIS PROJECT.
 2. THE PROPOSED IMPROVEMENTS TO STATE STREET AND U.S. ROUTE 20 WILL BE CONSTRUCTION OF A FOUR-LANE HIGHWAY WITH SHOULDER AND INTERSECTION IMPROVEMENTS.
 3. THE PROPOSED IMPROVEMENTS TO STATE STREET WILL BE CONSTRUCTION OF A FOUR-LANE HIGHWAY WITH SHOULDER AND INTERSECTION IMPROVEMENTS.
 4. THE PROPOSED IMPROVEMENTS TO U.S. ROUTE 20 WILL BE CONSTRUCTION OF A FOUR-LANE HIGHWAY WITH SHOULDER AND INTERSECTION IMPROVEMENTS.
 5. THE PROPOSED IMPROVEMENTS TO WEST BOUND LANE WILL BE CONSTRUCTION OF A TWO-LANE HIGHWAY WITH SHOULDER AND INTERSECTION IMPROVEMENTS.
 6. THE PROPOSED IMPROVEMENTS TO THE HILTON GARDEN INN WILL BE CONSTRUCTION OF A FOUR-UNIT HOTEL WITH 100 ROOMS AND A RESTAURANT.
 7. THE PROPOSED IMPROVEMENTS TO THE HILTON GARDEN INN WILL BE CONSTRUCTION OF A FOUR-UNIT HOTEL WITH 100 ROOMS AND A RESTAURANT.
 8. THE PROPOSED IMPROVEMENTS TO THE HILTON GARDEN INN WILL BE CONSTRUCTION OF A FOUR-UNIT HOTEL WITH 100 ROOMS AND A RESTAURANT.
 9. THE PROPOSED IMPROVEMENTS TO THE HILTON GARDEN INN WILL BE CONSTRUCTION OF A FOUR-UNIT HOTEL WITH 100 ROOMS AND A RESTAURANT.
 10. THE PROPOSED IMPROVEMENTS TO THE HILTON GARDEN INN WILL BE CONSTRUCTION OF A FOUR-UNIT HOTEL WITH 100 ROOMS AND A RESTAURANT.



LEGEND:
 1. EXISTING IMPROVEMENTS
 2. PROPOSED IMPROVEMENTS
 3. PROPOSED IMPROVEMENTS
 4. PROPOSED IMPROVEMENTS
 5. PROPOSED IMPROVEMENTS
 6. PROPOSED IMPROVEMENTS
 7. PROPOSED IMPROVEMENTS
 8. PROPOSED IMPROVEMENTS
 9. PROPOSED IMPROVEMENTS
 10. PROPOSED IMPROVEMENTS
 11. PROPOSED IMPROVEMENTS
 12. PROPOSED IMPROVEMENTS
 13. PROPOSED IMPROVEMENTS
 14. PROPOSED IMPROVEMENTS
 15. PROPOSED IMPROVEMENTS
 16. PROPOSED IMPROVEMENTS
 17. PROPOSED IMPROVEMENTS
 18. PROPOSED IMPROVEMENTS
 19. PROPOSED IMPROVEMENTS
 20. PROPOSED IMPROVEMENTS
 21. PROPOSED IMPROVEMENTS
 22. PROPOSED IMPROVEMENTS
 23. PROPOSED IMPROVEMENTS
 24. PROPOSED IMPROVEMENTS
 25. PROPOSED IMPROVEMENTS
 26. PROPOSED IMPROVEMENTS
 27. PROPOSED IMPROVEMENTS
 28. PROPOSED IMPROVEMENTS
 29. PROPOSED IMPROVEMENTS
 30. PROPOSED IMPROVEMENTS
 31. PROPOSED IMPROVEMENTS
 32. PROPOSED IMPROVEMENTS
 33. PROPOSED IMPROVEMENTS
 34. PROPOSED IMPROVEMENTS
 35. PROPOSED IMPROVEMENTS
 36. PROPOSED IMPROVEMENTS
 37. PROPOSED IMPROVEMENTS
 38. PROPOSED IMPROVEMENTS
 39. PROPOSED IMPROVEMENTS
 40. PROPOSED IMPROVEMENTS
 41. PROPOSED IMPROVEMENTS
 42. PROPOSED IMPROVEMENTS
 43. PROPOSED IMPROVEMENTS
 44. PROPOSED IMPROVEMENTS
 45. PROPOSED IMPROVEMENTS
 46. PROPOSED IMPROVEMENTS
 47. PROPOSED IMPROVEMENTS
 48. PROPOSED IMPROVEMENTS
 49. PROPOSED IMPROVEMENTS
 50. PROPOSED IMPROVEMENTS
 51. PROPOSED IMPROVEMENTS
 52. PROPOSED IMPROVEMENTS
 53. PROPOSED IMPROVEMENTS
 54. PROPOSED IMPROVEMENTS
 55. PROPOSED IMPROVEMENTS
 56. PROPOSED IMPROVEMENTS
 57. PROPOSED IMPROVEMENTS
 58. PROPOSED IMPROVEMENTS
 59. PROPOSED IMPROVEMENTS
 60. PROPOSED IMPROVEMENTS
 61. PROPOSED IMPROVEMENTS
 62. PROPOSED IMPROVEMENTS
 63. PROPOSED IMPROVEMENTS
 64. PROPOSED IMPROVEMENTS
 65. PROPOSED IMPROVEMENTS
 66. PROPOSED IMPROVEMENTS
 67. PROPOSED IMPROVEMENTS
 68. PROPOSED IMPROVEMENTS
 69. PROPOSED IMPROVEMENTS
 70. PROPOSED IMPROVEMENTS
 71. PROPOSED IMPROVEMENTS
 72. PROPOSED IMPROVEMENTS
 73. PROPOSED IMPROVEMENTS
 74. PROPOSED IMPROVEMENTS
 75. PROPOSED IMPROVEMENTS
 76. PROPOSED IMPROVEMENTS
 77. PROPOSED IMPROVEMENTS
 78. PROPOSED IMPROVEMENTS
 79. PROPOSED IMPROVEMENTS
 80. PROPOSED IMPROVEMENTS
 81. PROPOSED IMPROVEMENTS
 82. PROPOSED IMPROVEMENTS
 83. PROPOSED IMPROVEMENTS
 84. PROPOSED IMPROVEMENTS
 85. PROPOSED IMPROVEMENTS
 86. PROPOSED IMPROVEMENTS
 87. PROPOSED IMPROVEMENTS
 88. PROPOSED IMPROVEMENTS
 89. PROPOSED IMPROVEMENTS
 90. PROPOSED IMPROVEMENTS
 91. PROPOSED IMPROVEMENTS
 92. PROPOSED IMPROVEMENTS
 93. PROPOSED IMPROVEMENTS
 94. PROPOSED IMPROVEMENTS
 95. PROPOSED IMPROVEMENTS
 96. PROPOSED IMPROVEMENTS
 97. PROPOSED IMPROVEMENTS
 98. PROPOSED IMPROVEMENTS
 99. PROPOSED IMPROVEMENTS
 100. PROPOSED IMPROVEMENTS

Appendix D

Residual Contamination Figure



C&S Engineers, Inc.
499 Col. Eileen Collins Blvd.
Syracuse, New York 13212
Phone: 315-455-2000
Fax: 315-455-9667
www.cscos.com

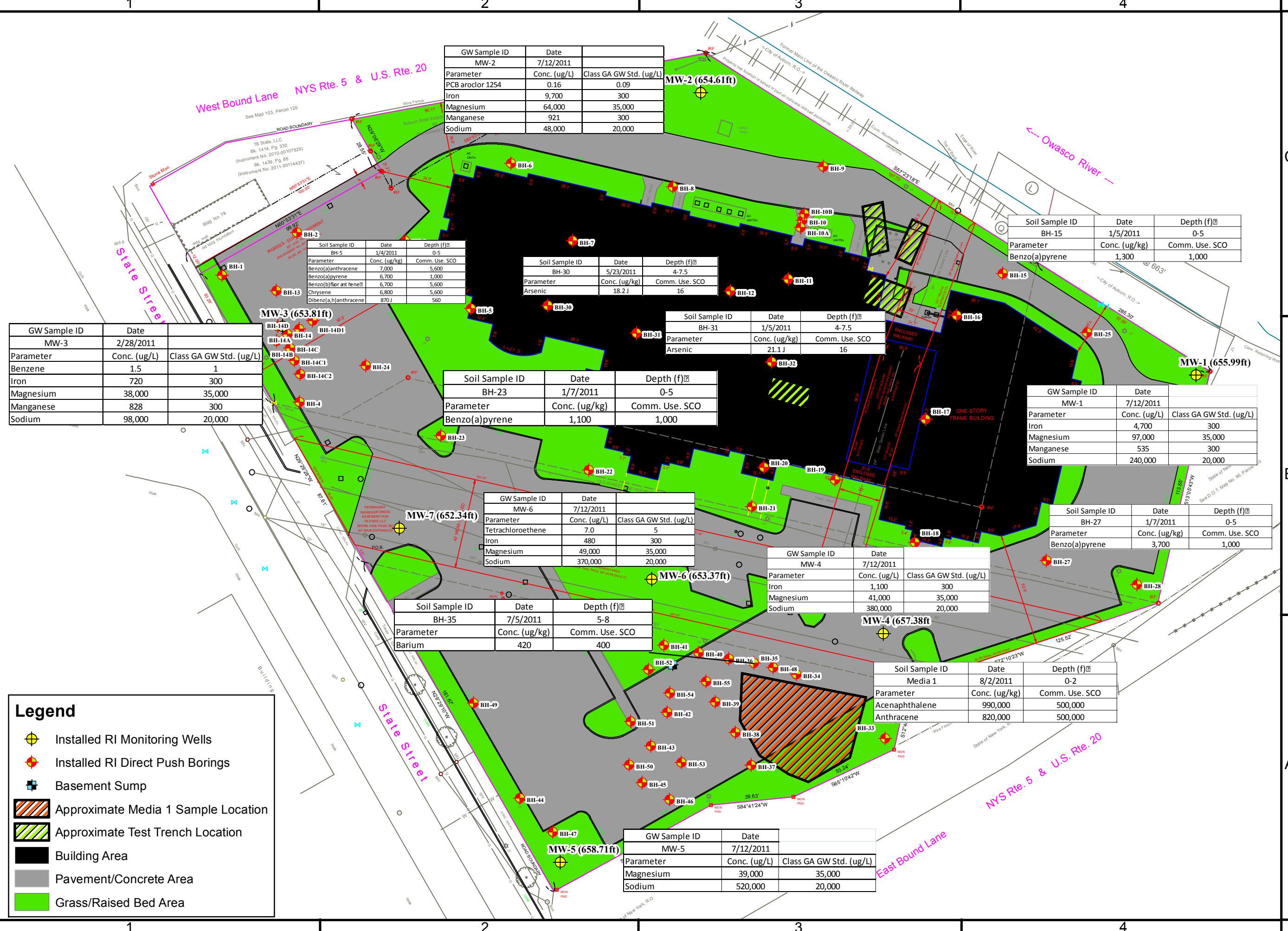


0 40
Feet

Auburn Community Hotel Project
Brownfield Cleanup Program
Site No. C706017
City of Auburn, Cayuga County, New York

PROJECT NO:	C81
DATE:	September 14, 2012
SCALE:	AS SHOWN
DRAWN BY:	WNR
DESIGNED BY:	WNR
CHECKED BY:	SMV

Appendix D
Residual
Contamination Figure



GW Sample ID	Date	
MW-2	7/12/2011	
Parameter	Conc. (ug/L)	Class GA GW Std. (ug/L)
PCB aroclor 1254	0.16	0.09
Iron	9,700	300
Magnesium	64,000	35,000
Manganese	921	300
Sodium	48,000	20,000

Soil Sample ID	Date	Depth (f)
BH-5	1/4/2011	0-5
Parameter	Conc. (ug/kg)	Comm. Use. SCO
Benzo(a)anthracene	7,000	5,600
Benzo(a)pyrene	6,700	1,000
Benzo(b)fluorantene	6,700	5,600
Chrysene	6,800	5,600
Dibenz(a,h)anthracene	870	560

Soil Sample ID	Date	Depth (f)
BH-30	5/23/2011	4-7.5
Parameter	Conc. (ug/kg)	Comm. Use. SCO
Arsenic	18.2 J	16

Soil Sample ID	Date	Depth (f)
BH-31	1/5/2011	4-7.5
Parameter	Conc. (ug/kg)	Comm. Use. SCO
Arsenic	21.1 J	16

Soil Sample ID	Date	Depth (f)
BH-23	1/7/2011	0-5
Parameter	Conc. (ug/kg)	Comm. Use. SCO
Benzo(a)pyrene	1,100	1,000

GW Sample ID	Date	
MW-6	7/12/2011	
Parameter	Conc. (ug/L)	Class GA GW Std. (ug/L)
Tetrachloroethene	7.0	5
Iron	480	300
Magnesium	49,000	35,000
Sodium	370,000	20,000

GW Sample ID	Date	
MW-4	7/12/2011	
Parameter	Conc. (ug/L)	Class GA GW Std. (ug/L)
Iron	1,100	300
Magnesium	41,000	35,000
Sodium	380,000	20,000

Soil Sample ID	Date	Depth (f)
BH-35	7/5/2011	5-8
Parameter	Conc. (ug/kg)	Comm. Use. SCO
Barium	420	400

Soil Sample ID	Date	Depth (f)
Media 1	8/2/2011	0-2
Parameter	Conc. (ug/kg)	Comm. Use. SCO
Acenaphthalene	990,000	500,000
Anthracene	820,000	500,000

GW Sample ID	Date	
MW-5	7/12/2011	
Parameter	Conc. (ug/L)	Class GA GW Std. (ug/L)
Magnesium	39,000	35,000
Sodium	520,000	20,000

Soil Sample ID	Date	Depth (f)
BH-15	1/5/2011	0-5
Parameter	Conc. (ug/kg)	Comm. Use. SCO
Benzo(a)pyrene	1,300	1,000

GW Sample ID	Date	
MW-1	7/12/2011	
Parameter	Conc. (ug/L)	Class GA GW Std. (ug/L)
Iron	4,700	300
Magnesium	97,000	35,000
Manganese	535	300
Sodium	240,000	20,000

Soil Sample ID	Date	Depth (f)
BH-27	1/7/2011	0-5
Parameter	Conc. (ug/kg)	Comm. Use. SCO
Benzo(a)pyrene	3,700	1,000

GW Sample ID	Date	
MW-3	2/28/2011	
Parameter	Conc. (ug/L)	Class GA GW Std. (ug/L)
Benzene	1.5	1
Iron	720	300
Magnesium	38,000	35,000
Manganese	828	300
Sodium	98,000	20,000

Legend

- Installed RI Monitoring Wells
- Installed RI Direct Push Borings
- Basement Sump
- Approximate Media 1 Sample Location
- Approximate Test Trench Location
- Building Area
- Pavement/Concrete Area
- Grass/Raised Bed Area

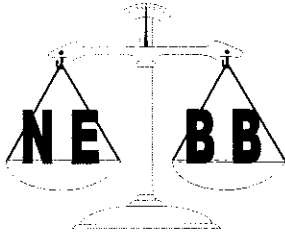
Appendix E

HVAC Initial Inspection Form

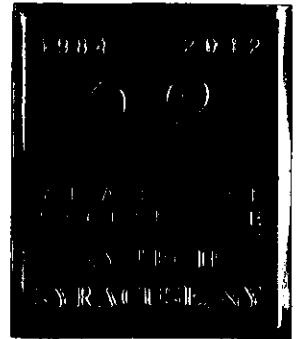
HVAC Inspection and Certification Form

Paved and Concrete Surfaces Inspection

Form



**BUILDING PRESSURE
TEST REPORT**



Date: 10/26/12

PROJECT: HILTON GARDEN INN

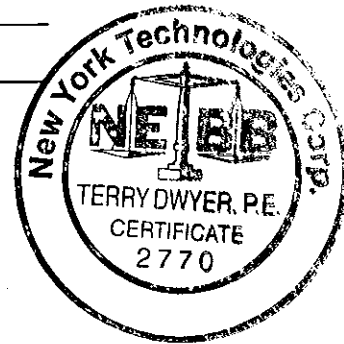
ADDRESS: AUBURN, NEW YORK

ENGINEER: MR. JOHN O'BRIEN

ARCHITECT: NA

HVAC CONTRACTOR: NA

NEBB TAB CONTRACTOR: NEW YORK TECHNOLOGIES CORP.
180 FOREST HILL DRIVE
SYRACUSE, NY 13206
PHONE: (315) 432-1917
FAX: (315) 432-5627



Terry Dwyer

National Environmental Balancing Bureau
Report Not Valid Unless Cover Sheet Stamped With
NEBB Certification Seal

New York Technologies Corporation
180 Forest Hill Drive
Syracuse, New York 13206
Phone: 315-432-1917
FAX: 315-432-5627
E-Mail: TDNYTECH@MSN.com

New York Technologies

PROJECT: HILTON GARDEN INN – AUBURN, NEW YORK

TABLE OF CONTENTS

Building Pressure Report..... 1 page

Notes:

The data presented in this report is a record of system measurements and final adjustments that have been obtained in accordance with the current edition of the NEBB Procedural Standards for Testing, Adjusting, and Balancing of Environmental Systems. Any variances from design quantities, which exceed NEBB tolerances, are noted in the Test-Adjust-Balance Report.



BUILDING PRESSURE TEST REPORT

PROJECT: HILTON GARDEN INN - AUBURN, NEW YORK SYSTEM: FIRST FLOOR

OUTLET MANUFACTURER: — TEST APPARATUS: SHORTRIDGE ADM MODEL # 850

AREA/ARM # SERVED	OUTLET				DESIGN		PRELIMINARY				ROOM PRESSURE		REMARKS
	NO.	TYPE	SIZE	AK	VEL	CFM	CFM	CFM	CFM	CFM	DIFFERENTIAL *		
CONFERENCE RM	1											+ 0.0145"	TO OUTDOOR
													REFERENCE
PRE-FUNCTION	2											+ 0.0088"	
MAIN LOBBY	3											+ 0.0110"	
RESTAURANT	4											+ 0.0064"	

REMARKS: These are all 1st floor area's measured with reference to the outside, all are positive to the outside, that is air is flowing out of the building.
 * Measured in inches water column, with a Shortridge air data meter.
 Building conditions: All HVAC equipment on.

TEST DATE: 10/23/12 READINGS BY: AL RENAUD

AUBURN COMMUNITY HOTEL, LP

HVAC INSPECTION AND CERTIFICATION FORM

Inspector Name: _____ Weather Conditions: _____
 Date of Inspection: _____ Temperature: _____
 Time of Inspection: _____ Inspector: _____
 Type of Inspection: weekly _____ annual _____
 Test Apparatus: _____

Area/Rm# Served	OUTLET				PRELIMINARY				ROOM PRESSURE		REMARKS
	NO	TYPE	SIZE	AK	CFM	CFM	CFM	CFM	DIFFERENTIAL		

Remarks:

Certifiers Seal (annual inspection only):

AUBURN COMMUNITY HOTEL, LP
PAVED AND CONCRETE SURFACES INSPECTION FORM

Inspector Name: _____ Weather Conditions: _____

Date of Inspection: _____ Temperature: _____

Time of Inspection: _____ Inspector: _____

Type of Inspection: semi-annual _____

Area	Condition	Action	Remarks

Signature of Inspector: _____

