

May 19, 2010

Ms. Charlotte Theobald
Environmental Engineer I
New York State Department of
Environmental Conservation
Division of Environmental Remediation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414-9519

Re: Seneca Market I, LLC Site
Periodic Review Report

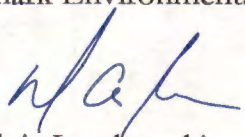
Dear Ms. Theobald:

Benchmark Environmental Engineering & Science, PLLC (Benchmark) has prepared this correspondence on behalf of our client, Seneca Market I, LLC, to transmit the Periodic Review Report (PRR) for the above addressed property.

Benchmark is recommending a modification of the annual reporting PRR reporting period be changed from February 13th to June 15th annually. This later date would allow proper inspection of the cover system and avoid potential limitations due to snow or ice cover.

Please contact us if you have any questions or require additional information.

Sincerely,
Benchmark Environmental Engineering & Science, PLLC



Michael A. Lesakowski
Project Manager

C: T. Costello (Seneca Market I, LLC) (w/attachment)
P. Sheedy (Seneca Market I, LLC) (w/attachment)

File: 0212-002-600

RECEIVED
MAY 20 2010
DER/HAZ. WASTE REMED
REGION 8

iii. IC/EC Certification:

- if an IC cannot be applied at a State-funded Superfund site or a federally-funded NPL site, the PRR includes a statement indicating that the intent of the IC is being met; EC is certified by the appropriate party, as set forth in Table 3, below, and was returned with the PRR to the DER PM;
- IC/ EC is certified by the appropriate party, as set forth in Table 3, below, and was returned with the PRR to the DER PM; and

Table 3. Signature Requirements for the IC/EC Certification		
Type of Control	Example of IC/EC	Required Signatures
IC	Environmental Easement Deed Restriction.	The Site (or property) Owner ¹ .
EC that does not include a treatment system or engineered caps.	Fence, Clean Soil Cover, Individual-House Water Treatment System, Vapor Mitigation System.	The Site (or property) Owner ¹ , and a Qualified Environmental Professional (QEP). (P.E. license not required.)
EC that includes a treatment system or an engineered cap.	Pump & Treat System providing hydraulic control of a plume, Part 360 Cap.	The Site (or property) Owner ¹ , and a QEP with a P.E. License.

¹ Site Owner means the actual owner of the site. If a site is comprised of multiple properties or parcels, the Department requires that one of the property owners submits one PRR, including a consolidated IC/EC Certification for all IC/ECs on all properties that comprise the site.

- is supported by documentation confirming that:
 - the IC/EC(s) applied at the site is (are) in-place and unchanged from the previous certification,
 - nothing has occurred that would impair the ability of such control(s) to protect the public health and the environment, or constitute a violation or failure to comply with any element of the SMP for such controls;
 - access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of such controls; and
 - if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose set forth in the document.

The following are additional responsibilities of the PM in reviewing the IC/EC Certification and any attachments:

- Confirm that the certifying party has answered the 6 questions in the Verification of Site Details section of the IC/EC Certification Form, including submitting handwritten changes and/or other supporting documentation, as necessary;
- Confirm that there is no indication that a control exists which is not listed, (if there is a control that was not listed, then the PM should update the UIS;)

PERIODIC REVIEW REPORT

**SENECA MARKET I, LLC SITE
(BCP SITE No. C849004)**

WATKINS GLEN, NEW YORK

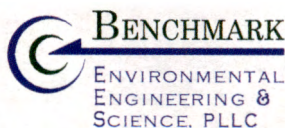
May 2010

0211-002-600

Prepared for:

Seneca Market I, LLC

Prepared By:



Benchmark Environmental Engineering & Science, PLLC
2558 Hamburg Turnpike, Suite 300
Buffalo, NY 14218
(716)856-0599

PERIODIC REVIEW REPORT

Seneca Market I, LLC Site

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PERIODIC REVIEW REPORT

Seneca Market I, LLC Site

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1.0 INTRODUCTION

Benchmark Environmental Engineering and Science, PLLC (Benchmark) has prepared this Periodic Review Report (PRR), on behalf of Seneca Market I, LLC to summarize the post-remedial status of New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Site No. C849004, located in the Village of Watkins Glen, Schuyler County, New York (Site; see Figure 1).

This PRR has been prepared for the Seneca Market I, LLC Site in accordance with NYSDEC draft DER-10 *Technical Guidance for Site Investigation and Remediation* (November 2009). The NYSDEC's Institutional and Engineering Controls (IC/EC) Certification Form has been completed for the Site (see Appendix A).

This PRR and the associated inspections form has been completed for the post-remedial activities at the Site for the period from December 31, 2008 to May 16, 2010. It should be noted that the Certificate of Completion (COC) for the Site was issued on December 31, 2008, and as such the Site is subject to the requirements of site management on that date.

1.1 Site Background

The Seneca Market I, LLC Site encompasses approximately 2.3-acres of land which was redeveloped as a hotel complex in Watkins Glen, New York (see Figure 1). The Site was formerly comprised of four separate adjoining tax parcels which were historically used as a dry cleaning facility, a bus garage, an automobile museum, a grape processing facility, and an asphalt company. Figure 2 shows the former parcels and buildings prior to remediation.

On-Site soil and groundwater were contaminated by chlorinated volatile organic compounds (cVOCs) related to the dry cleaning operation, and petroleum hydrocarbons related to the former underground storage tanks (USTs) and automobile repair operations.

1.2 Remedial History

Between 1994 and 1999, multiple remedial efforts were implemented by the NYSDEC across the Site including soil vapor extraction (SVE), groundwater pump and treat system, and soil excavation. Though the remedial activities employed were successful in

reducing contaminant levels, remaining soil and groundwater contamination requiring further remedial efforts was necessary for redevelopment of the Site.

After acceptance into the New York State BCP in November 2005, a Remedial Design (RD) Work Plan was prepared and subsequently approved by the NYSDEC. Remedial activities began in October 2006 and were completed in November 2008. Remedial activities are described below in Section 2.0. The remedial program was successful in achieving the remedial objectives for the Site, and the Site Management Plan (SMP) and Final Engineering Report (FER) were approved by the Department in December 2008. The NYSDEC issued a COC for the Site on December 31, 2008.

1.3 Compliance and Recommendations

At the time of the Site inspection (May 10, 2010), the Site was fully compliant with the Department's approved SMP.

Though not technically within the reporting period noted on the Department's auto-generated 45-Day Reminder Notice (September 30, 2008 – February 13, 2010) a modification request of the approved-SMP was made in February 2010, requesting that future groundwater analysis be limited to Target Compound List (TCL) volatile organic compounds (VOCs) via method 8260B and that future groundwater sampling methods be changed to allow for the use of passive diffusion bags (PDBs). The Department's correspondence dated March 31, 2010 approved the modification for the limited TCL VOC list. Department approval is pending regarding the request for use of passive diffusion bags with minor modification of the existing Field Operating Procedure (FOP) related to PDBs in the SMP. The modified FOP was submitted to the NYSDEC for final approval in April 2010. At the time of writing this report, approval from the NYSDEC related to PDBs was not yet granted.

Beyond those changes described above, no modifications to the current SMP are recommended at this time.

2.0 SITE OVERVIEW

The Site is located within the block bounded by Franklin, First, Decatur Streets, and the Finger Lakes Railway right-of-way in the Village of Watkins Glen, Schuyler County, New York (see Figures 1 and 2). Four adjacent parcels were collectively remediated and redeveloped under the BCP Program. The parcels have a history of use that dates back to the 1860s. The Site was historically used as a dry cleaning facility, a bus garage, an automobile museum, a grape processing facility, and an asphalt company. The portion of the Site formerly addressed at 20 North Franklin Street was historically occupied by a dry cleaning facility and was formerly identified as an inactive Class 2 hazardous waste site by the NYSDEC. That portion of the Site was further remediated, and is currently managed under the BCP.

Environmental site investigations were conducted between 1991 and 1993 confirmed contamination of the Site's soil and groundwater. In 1994 the NYSDEC issued a Record of Decision (ROD) which determined the remedial approach for the former dry cleaning site. Remedial measures including SVE, and groundwater treatment were initiated in 1996, and subsequently suspended in 1998, pending the need for further investigation.

Seneca Market I, LLC entered into a Brownfield Cleanup Agreement (BCA) with the NYSDEC in 2005 to remediate and redevelop the site as a hotel complex. The remedial activities began in October 2006 and were completed in November 2008. The remedial activities included:

- Decommissioning of historic monitoring wells;
- Excavation and off-site disposal of soil impacted with chlorinated volatile organic compounds (cVOCs) within the former dry cleaner area;
- Extraction and treatment of groundwater from the cVOC excavation;
- Delivery of hydrogen release compounds (HRC) to the cVOC excavation to enhance degradation of residual cVOCs in saturated soil and groundwater;
- Removal of an underground storage tank (UST) encountered in the area of the former dry cleaner;
- Removal of two in-ground lifts and one UST and excavation and off-site disposal of petroleum-impacted soil in the area of the former bus garage;
- Implementation of a Soil/Fill Management Plan (SFMP) during Site redevelopment;

- Installation of a vapor barrier and an active sub-slab depressurization (ASD) system beneath the newly constructed hotel; and
- Placement of a soil cover system.

Remedial activities were completed in November 2008. The FER and SMP for the Site were approved by the Department in December 2008. The COC was issued for the Site on December 31, 2008.

3.0 SITE MANAGEMENT PLAN

A SMP was prepared for the Site, and approved by the Department in December 2008. The SMP includes an Operation, Monitoring and Maintenance (OM&M) Plan, a Soil/Fill Management Plan (SFMP), and a copy of the Environmental Easements. A brief description of the components of the SMP is presented below.

3.1 Operation, Monitoring and Maintenance Plan

The OM&M Plan consists of three major components, including the Active Sub-slab Depressurization System (ASD); the Long-Term Groundwater Monitoring (LTGWM) Plan; and the Annual Inspection & Certification Program.

3.1.1 Active Sub-slab Depressurization System

An ASD system was installed within the newly constructed hotel building. As required by the Department approved SMP, the ASD system must: (1) be operated continuously to provide a negative pressure field; (2) be visually inspected periodically to verify proper operation; and (3) annually inspected and certified that the system is performing properly and remains an effective engineering control (EC).

During the annual Site Inspection, the inspector verified that the ASD system was operating properly, as indicated by the readings on both of the magnahelic vacuum gauges (0.75 and 0.90 inches water column (WC), respectively), and an alarm response of the indicator lights when the system was manually tripped. Copies of the ASD periodic visual inspection logs are included in Appendix C.

3.1.2 Long-Term Groundwater Monitoring Plan

A LTGWM Plan is required to monitor the effectiveness of the source area removals, treatment, and controls implemented in accordance with the BCA.

Quarterly groundwater monitoring was conducted during this reporting period. Groundwater monitoring was conducted in February, May, September, and December 2009. Copies of the quarterly groundwater monitoring reports are provided in Appendix D of the electronic copy of the PRR.

Based on the results of the year-long groundwater monitoring, Seneca Market I, LLC, requested to reduce groundwater monitoring to a semi-annual basis, with a modification of the analysis parameters to TCL VOCs, and no longer test for water quality parameters from MW-3SR. As stated above, the requested modifications were approved by the Department in March 31, 2010 correspondence. Additionally, a final determination to modify the groundwater sampling method to allow passive diffusion bags is currently under review by the Department.

Continued semi-annual groundwater monitoring is recommended, with the next monitoring event to be conducted in the second quarter of 2010.

3.1.3 Annual Inspection and Certification Program

The Annual Inspection and Certification Program outlines the requirements for the Site, to certify and attest that the institutional controls and/or engineering controls employed at the Site are unchanged from the previous certification. The Annual Certification will primarily consist of an annual Site Inspection to complete the NYSDEC's IC/EC Certification Form. The Site inspection will verify that the IC/ECs:

- Are in place and effective.
- Are performing as designed.
- That nothing has occurred that would impair the ability of the controls to protect the public health and environment.
- That nothing has occurred that would constitute a violation or failure to comply with any operation and maintenance plan for such controls.
- Access is available to the Site to evaluate continued maintenance of such controls.

A Site inspection of the property was conducted by a Benchmark Scientist who meets the requirements of a Qualified Environmental Professional (QEP) on May 10, 2010. At the time of the inspection, the property was being used as a hotel complex (Seneca Harbor Hotel), with surface parking, paved walkways and landscaped areas. No observable indication of intrusive activities was noted during the Site inspection. The hotel complex

utilizes the local municipal water supply, and no observable use of groundwater was noted during the Site inspection.

The completed Site Management Periodic Review Report Notice – Institutional and Engineering Controls Certification Form is included in Appendix A. A photolog of the Site inspection is included in Appendix B.

3.2 Soil/Fill Management Plan

A SFMP was included in the approved-SMP for the Site. The SFMP provides guidelines for the management of soil and fill material during any future intrusive activities.

No intrusive activities requiring management of on-Site soil or fill material; or the placement of backfill materials occurred during the monitoring period.

3.3 Engineering and Institutional Control Requirements and Compliance

As detailed in the Environmental Easements, several IC/ECs need to be maintained as a requirement of the BCAs for the Site.

3.3.1 Institutional Controls

- Groundwater-Use Restriction – the use of groundwater for potable and non-potable purposes is prohibited; and
- Land-Use Restriction: The controlled property may be used for commercial and/or industrial use; and
- Implementation of the SMP including the OM&M Plan and SFMP.

3.3.2 Engineering Controls

- Vapor Mitigation – ASD System has been operated continuously and properly maintained.
- Cover System – The cover system, including building foundations, concrete sidewalks, concrete or asphalt driveways and parking areas, and landscaped vegetated areas are all being maintained in compliance with the SMP.

At the time of the site inspection, the Site was fully compliant with all engineering and institutional control requirements.

4.0 CONCLUSIONS AND RECOMMENDATIONS

- At the time of the Site inspection, the Site was in compliance with the SMP. Specifically, the Site is fully compliant with the Institutional Controls including land-use restrictions, groundwater-use restrictions, and the soil/fill management plan component; and fully compliant with the Engineering Controls including maintaining the cover system and continuous operation of the ASD System.
- Long-term groundwater monitoring will be continued, with the next semi-annual monitoring event to occur in the second quarter of 2010.
- Based on the high probability for snow cover in February, it is recommended that the PRR reporting period be changed from February 13th to June 15th annually. This later date would allow proper inspection of the cover system and avoid potential limitations due to snow or ice cover.
- Contact information for Seneca Market I, LLC has changed. All future correspondence with Seneca Market I, LLC should be sent to the attention of:

Mr. Timothy Costello
Seneca Market I, LLC
617 Dingens Street
Buffalo, NY 14206

- The zip code of the Site address on the 45-Day Reminder and IC/EC Certification form should be changed to 14891.

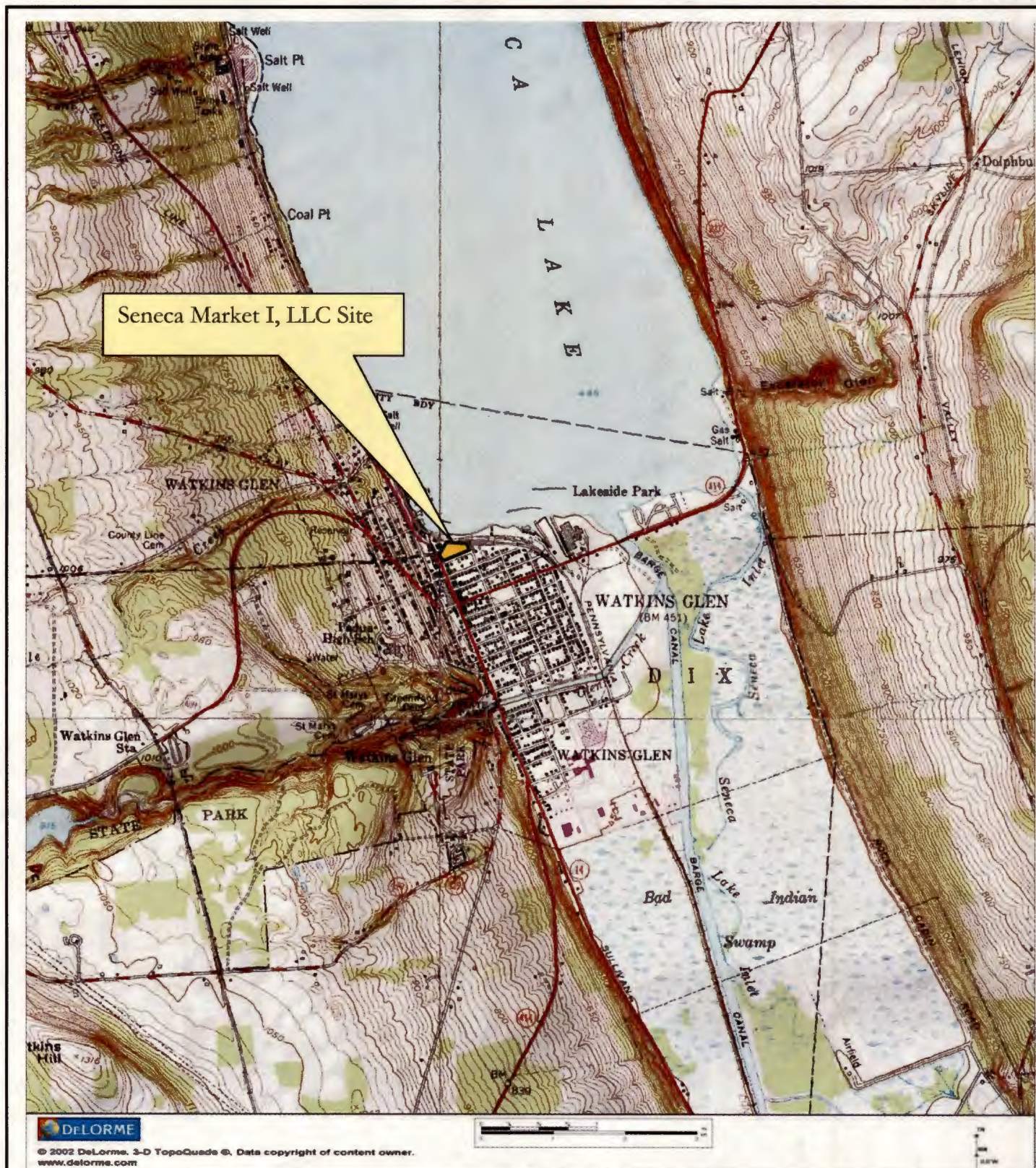
5.0 DECLARATION/LIMITATION

Benchmark Environmental Engineering and Science, PLLC, personnel conducted the annual site inspections for Brownfield Cleanup Program Site No. C849004, Watkins Glen, New York, according to generally accepted practices. This report complied with the scope of work provided to Seneca Market I, LLC by Benchmark Environmental Engineering and Science, PLLC.

This report has been prepared for the exclusive use of Seneca Market I, LLC. The contents of this report are limited to information available at the time of the site inspection. The findings herein may be relied upon only at the discretion of Seneca Market I, LLC. Use of or reliance upon this report or its findings by any other person or entity is prohibited without written permission of Benchmark Environmental Engineering and Science, PLLC.

FIGURES

FIGURE 1



2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0599

PROJECT NO.: 0212-001-600

DATE: MAY 2010

DRAFTED BY: NTM

SITE LOCATION AND VICINITY MAP

PERIODIC REVIEW REPORT
SENECA MARKET I, LLC SITE

WATKINS GLEN, NEW YORK
PREPARED FOR
SENECA MARKET I, LLC

DATE: MAY 2010
DRAFTED BY: BCH/NTM



SITE PLAN (PRE-REMEDIATION)

PERIODIC REVIEW REPORT

SENECA MARKET I, LLC SITE

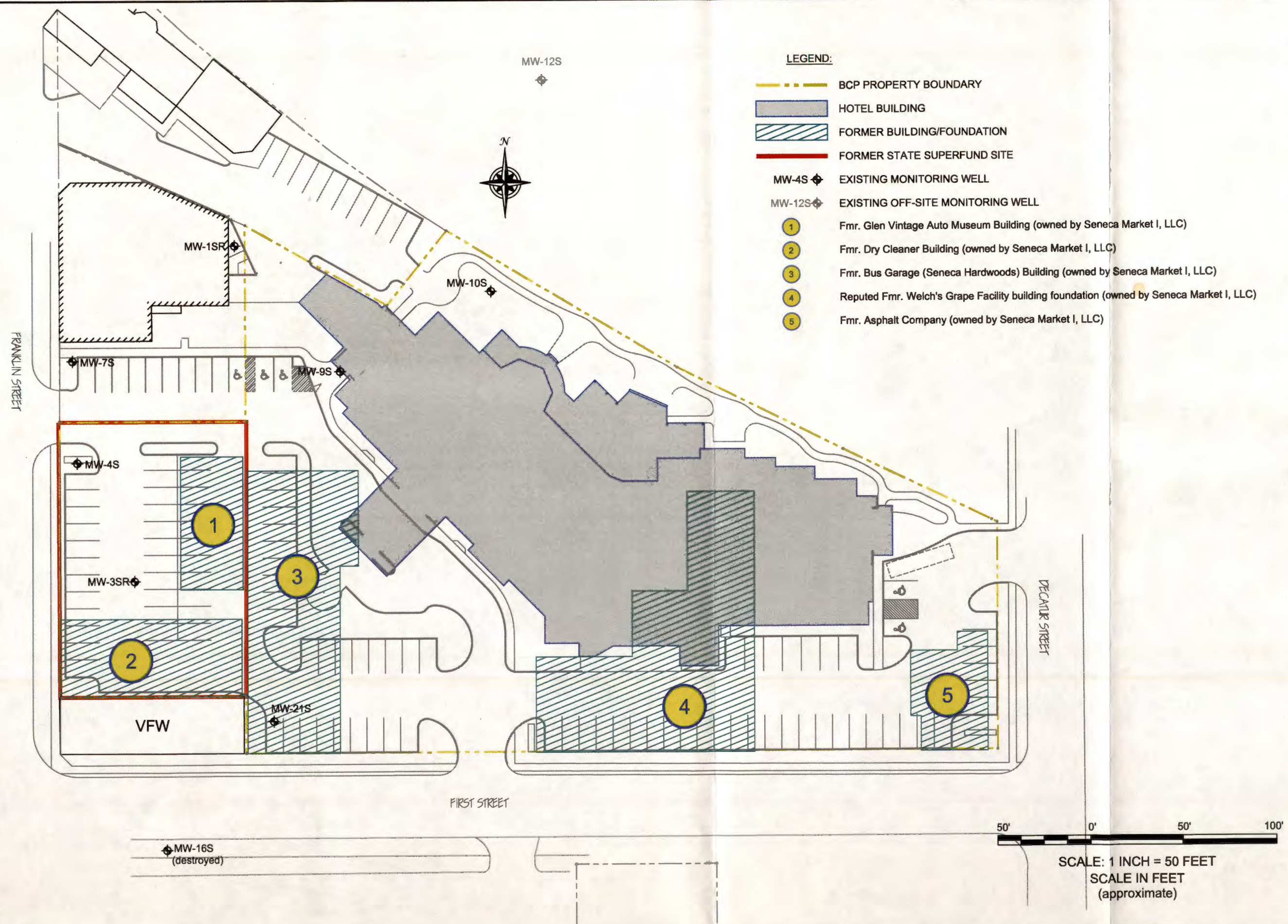
WATKINS GLEN, NEW YORK

PREPARED FOR

SENECA MARKET I, LLC

FIGURE 2

DATE: MAY 2010
DRAFTED BY: BCH/NTM



- LEGEND:**
- BCP PROPERTY BOUNDARY
 - HOTEL BUILDING
 - FORMER BUILDING/FOUNDATION
 - FORMER STATE SUPERFUND SITE
 - MW-4S EXISTING MONITORING WELL
 - MW-12S EXISTING OFF-SITE MONITORING WELL
 - 1 Fmr. Glen Vintage Auto Museum Building (owned by Seneca Market I, LLC)
 - 2 Fmr. Dry Cleaner Building (owned by Seneca Market I, LLC)
 - 3 Fmr. Bus Garage (Seneca Hardwoods) Building (owned by Seneca Market I, LLC)
 - 4 Reputed Fmr. Welch's Grape Facility building foundation (owned by Seneca Market I, LLC)
 - 5 Fmr. Asphalt Company (owned by Seneca Market I, LLC)

SITE PLAN (POST-REMEDIATION)
PERIODIC REVIEW REPORT
SENECA MARKET I, LLC SITE
WATKINS GLEN, NEW YORK
PREPARED FOR
SENECA MARKET I, LLC

BENCHMARK
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC
2556 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 866-0599

JOB NO.: 0212-001-600

FIGURE 3

APPENDIX A

INSTITUTIONAL & ENGINEERING CONTROLS CERTIFICATION FORM



Enclosure 1
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site No. C849004 Site Details Box 1

Site Name Seneca Market 1, LLC site

Site Address: 16 Franklin Street Zip Code: ~~14810~~
City/Town: Watkins Glen 14891
County: Schuyler
Allowable Use(s) (if applicable, does not address local zoning): Commercial and Industrial
Site Acreage: 2.3
Owner: Seneca Market 1, LLC
~~4 Centre Drive, Orchard Park, NY 14127~~
617 Dingers Street Buffalo NY 14206
Reporting Period: September 30, 2008 to February 13, 2010

Verification of Site Details

Box 2

- | | YES | NO |
|--|-------------------------------------|-------------------------------------|
| 1. Is the information in Box 1 correct? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If NO, are changes handwritten above or included on a separate sheet? | <input checked="" type="checkbox"/> | |
| 2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If YES, is documentation or evidence that documentation has been previously submitted included with this certification? | <input type="checkbox"/> | |
| 3. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If YES, is documentation (or evidence that documentation has been previously submitted) included with this certification? | <input type="checkbox"/> | |
| 4. If use of the site is restricted, is the current use of the site consistent with those restrictions? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If NO, is an explanation included with this certification? | <input type="checkbox"/> | |
| 5. For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If YES, is the new information or evidence that new information has been previously submitted included with this Certification? | <input type="checkbox"/> | |
| 6. For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), are the assumptions in the Qualitative Exposure Assessment still valid (must be certified every five years)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If NO, are changes in the assessment included with this certification? | <input type="checkbox"/> | |

Description of Institutional Controls

<u>Parcel</u>	<u>Institutional Control</u>
S_B_L Image: 65.09-2-56	Ground Water Use Restriction Landuse Restriction Site Management Plan Soil Management Plan
S_B_L Image: 65.09-2-58	Ground Water Use Restriction Landuse Restriction Site Management Plan Soil Management Plan
S_B_L Image: 65.09-2-59.1	Ground Water Use Restriction Landuse Restriction Site Management Plan Soil Management Plan
S_B_L Image: 65.09-2-61.2	Ground Water Use Restriction Landuse Restriction Site Management Plan Soil Management Plan

Description of Engineering Controls

<u>Parcel</u>	<u>Engineering Control</u>
S_B_L Image: 65.09-2-56	Cover System Vapor Mitigation
S_B_L Image: 65.09-2-58	Cover System Vapor Mitigation
S_B_L Image: 65.09-2-59.1	Cover System Vapor Mitigation
S_B_L Image: 65.09-2-61.2	Cover System Vapor Mitigation

Attach documentation if IC/ECs cannot be certified or why IC/ECs are no longer applicable.
(See instructions)

Control Description for Site No. C849004**Parcel: 65.09-2-56**

The sub-slab depressurization system under the building structure at the site.

A composite cover system consisting of concrete building foundation, concrete sidewalks, a vapor barrier beneath the building one foot of topsoil cover in areas not covered with the building, concrete or asphalt, and asphalt parking surfaces.

Use of groundwater underlying the controlled property is prohibited without treatment.

Controlled property may be used for commercial and industrial use.

Parcel: 65.09-2-58

The sub-slab depressurization system under the building structure at the site.

A composite cover system consisting of concrete building foundation, concrete sidewalks, a vapor barrier beneath the building one foot of topsoil cover in areas not covered with the building, concrete or asphalt, and asphalt parking surfaces.

Use of groundwater underlying the controlled property is prohibited without treatment.

Controlled property may be used for commercial and industrial use.

Control Description for Site No. C849004

Parcel: 65.09-2-59.1

The sub-slab depressurization system under the building structure at the site.

A composite cover system consisting of concrete building foundation, concrete sidewalks, a vapor barrier beneath the building one foot of topsoil cover in areas not covered with the building, concrete or asphalt, and asphalt parking surfaces.

Use of groundwater underlying the controlled property is prohibited without treatment.

Controlled property may be used for commercial and industrial use.

Parcel: 65.09-2-61.2

The sub-slab depressurization system under the building structure at the site.

A composite cover system consisting of concrete building foundation, concrete sidewalks, a vapor barrier beneath the building one foot of topsoil cover in areas not covered with the building, concrete or asphalt, and asphalt parking surfaces.

Use of groundwater underlying the controlled property is prohibited without treatment.

Controlled property may be used for commercial and industrial use.

Periodic Review Report (PRR) Certification Statements

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

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

☒ ☐

2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

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

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

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

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

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

YES NO

☒ ☐

3. If this site has an Operation and Maintenance (O&M) Plan (or equivalent as required in the Decision Document);

I certify by checking "YES" below that the O&M Plan Requirements (or equivalent as required in the Decision Document) are being met.

YES NO

☒ ☐

4. If this site has a Monitoring Plan (or equivalent as required in the remedy selection document);

I certify by checking "YES" below that the requirements of the Monitoring Plan (or equivalent as required in the Decision Document) is being met.

YES NO

☒ ☐

IC CERTIFICATIONS
SITE NO. C849004

Box 6

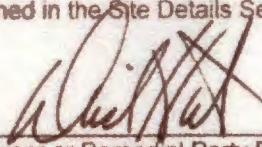
SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 2 and/or 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 DAVID P. HART at 617 Diggins St. Buffalo, NY 14206
print name print business address

am certifying as OWNER (Owner or Remedial Party)

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


Signature of Owner or Remedial Party Rendering Certification

5/17/10
Date

IC/EC CERTIFICATIONS

Box 7

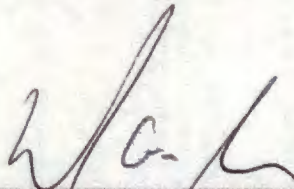
QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) SIGNATURE

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 Michael Lesakowski at 2558 Hamburg Turnpike
print name print business address

am certifying as a Qualified Environmental Professional for the Owner

(Owner or Remedial Party) for the Site named in the Site Details Section of this form.


Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification

Stamp (if Required)

5/19/10
Date

APPENDIX B

SITE PHOTLOG

SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:

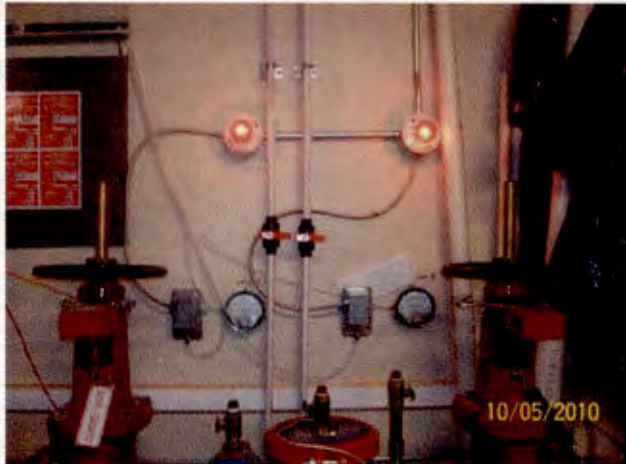


Photo 4:



Photo 1: Magnahelic gauge (0.9 inches WC indicated – line 10)

Photo 2: Magnahelic gauge (0.75 inches WC indicated – line 5)

Photo 3: ASD System (red light on indicates vacuum)

Photo 4: ASD exterior fans and vents (west side of building)

Note: Picture dates are day/month/year

Seneca Market I, LLC
Watkins Glen, New York
 May 10, 2010

BENCHMARK
 ENVIRONMENTAL
 ENGINEERING &
 SCIENCE, PLLC

SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



- Photo 5: Site conditions parking area (looking west adjacent to First St.)
- Photo 6: Site conditions parking area (looking north)
- Photo 7: Site conditions (looking southeast adjacent to Seneca Market bldg.)
- Photo 8: Landscaping (adjacent to Franklin St.)

Note: Picture dates are day/month/year

Seneca Market I, LLC
Watkins Glen, New York
 May 10, 2010

BENCHMARK
 ENVIRONMENTAL
 ENGINEERING &
 SCIENCE, PLLC

SITE PHOTOGRAPHS

Photo 9:



Photo 10:



Photo 11:



Photo 12:



Photo 9: Condition of asphalt parking area (looking south toward First St.)

Photo 10: Landscaping

Photo 11: Exterior site conditions (north side of building looking west at Seneca Market Building)

Photo 12: Exterior site conditions (north side of building looking east)

Note: Picture dates are recorded in day/month/year annotation

Seneca Market I, LLC
Watkins Glen, New York
May 10, 2010

 **BENCHMARK**
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

APPENDIX C

ASD PERIODIC VISUAL INSPECTION LOGS

#10 15 Fluvatione

DATE DEC

LINE 5

LINE 10

TIME

Jan 09

1-3-09 Drilled hole
Line and Drilled water

DATE	LINE 5	LINE 10	TIME
21	.80	1.15	7:15am
22	.80	.80	7:15am
23	1.0	.80	7:45am
24	.80	.80	7:20am
25	.80	.80	7:15am
26	.80	.80	7:10am
27	.80	.80	7:05am
28	.80	.80	7:00am
29	.80	.80	6:55am
30	.80	.80	6:50am
31	.80	.80	6:45am

Date	Line 5	Line 10	Time
1	.80		7:00am
2	.80	"	7:00am
3	.80	1.0	7:20am
4	.80	.95	7:15am
5	.80	.95	7:10am
6	.80	.95	7:05am
7	.75	.95	7:00am
8	.75	.95	6:55am
9	.75	.95	6:50am
10	.75	.95	6:45am
11	.75	.95	6:40am
12	.75	.95	6:35am
13	.75	.95	6:30am
14	.75	.95	6:25am
15	.75	.95	6:20am
16	.75	.95	6:15am
17	.75	.95	6:10am
18	.75	.95	6:05am
19	.75	.95	6:00am
20	.75	.95	5:55am

Jan. 09

DATE

Take	Lines	Line 10	Time
21	.75	.95	7:25 PM
22	.75	.95	7:45 PM
23	.76	.95	7:15 PM
24	.75	.95	7:15 PM
25	.75	.95	7:15 PM
26	.75	.95	7:15 PM
27	.75	.95	7:20 PM
28	.75	.95	8:00 PM
29	.75	.95	7:10 PM
30	.75	.95	7:30 PM
31	.75	.95	7:00 PM

Feb. 09

DATE

Date	Line 5	Line 10	Time
1	.75	.95	7:15
2	.75	.95	7:15
3	.75	.95	7:20
4	.75	.95	7:30
5	.75	.95	8:20
6	.75	.95	8:20
7	.75	.95	7:45
8	.75	.95	7:15
9	.75	.95	7:15
10	.75	.95	6:50
11	.75	.95	6:55
12	.75	.95	7:25
13	.75	.95	7:35
14	.75	.95	7:00
15	.75	.95	7:25
16	.75	.95	7:15
17	.75	.95	7:40
18	.75	.95	8:20
19	.75	.95	7:01
20	.75	.95	7:15

Feb 09

DATE

Date

Lines Line 10 Time

21 175 95 7:45 PM 1

22 175 95 7:15 AM 2

23 175 95 7:15 AM 3

24 175 95 7:40 PM 4

25 175 95 2:30 PM 5

26 175 95 2:00 PM 6

27 175 95 7:00 AM 7

28 175 95 7:00 AM 8

Mar. 09

DATE

Date Lines Line 10 Time

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

Feb. 09

Date	Line 5	Line 10	Time
1	.75	.95	7:15 A
2	.75	.95	7:15 A
3	.75	.95	7:15 A
4	.75	.95	7:20 AM
5	.75	.95	7:30 PM
6	.75	.95	8:20 PM
7	.75	.95	8:20 AM
8	.75	.95	7:45 AM
9	.75	.95	7:15 AM
10	.75	.95	7:15 AM
11	.75	.95	6:50 AM
12	.75	.95	6:55 AM
13	.75	.95	7:25 AM
14	.75	.95	7:25 AM
15	.75	.95	7:00 AM
16	.75	.95	7:25 AM
17	.75	.95	7:55 AM
18	.75	.95	7:40 AM
19	.75	.95	8:20 AM
20	.75	.95	7:01 PM
	.75	.95	7:15 AM

Feb 09

Date	Line 5	Line 10	Time
21	.75	.95	7:45 AM
22	.75	.95	7:15 AM
23	.75	.95	7:15 AM
24	.75	.95	7:40 PM
25	.75	.95	7:30 PM
26	.75	.95	7:00 PM
27	.75	.95	7:00 PM
28	.75	.95	6:50 PM

Mar. 09

Date	Line 5	Line 10	Time
1	.75	.95	7:15 AM
2	.75	.95	7:15 AM
3	.75	.95	8:30 AM
4	.75	.95	7:20 AM
5	.75	.95	7:00 AM
6	.75	.95	7:10 AM
7	.75	.95	7:05 AM
8	.75	.95	7:45 AM
9	.75	.95	7:25 AM
10	.75	.95	7:40 AM
11	.75	.95	7:45 AM
12	.75	.95	7:15 AM
13	.75	.95	7:10 AM
14	.75	.95	7:20 AM
15	.75	.95	7:15 AM
16	.75	.95	7:15 AM
17	.75	.95	7:45 AM
18	.75	.95	7:20 AM
19	.75	.95	7:30 AM
20	.75	.95	6:58 AM

DATE

Date	Line 5	Line 10	Time
21	.75	.95	7:00 AM
22	.75	.95	7:15 AM
23	.75	.95	7:15 AM
24	.75	.95	7:40 AM
25	.75	.95	7:30 AM
26	.75	.95	7:10 AM
27	.75	.95	7:20 AM
28	.75	.95	6:55 AM
29	.75	.95	7:15 AM
30	.75	.95	7:15 AM
31	.75	.95	7:30 AM

April 2009

Date	Line 5	Line 10	Time
1	.75	.95	7:15 Am
2	.75	.95	7:30 Am
3	.75	.95	7:35 Am
4	.75	.95	7:05 Am
5	.75	.95	7:15 Am
6	.75	.95	7:15 Am
7	.75	.95	7:35 Am
8	.75	.95	7:45 Am
9	.75	.95	7:20 Am
10	.75	.95	7:20 Am
11	.75	.95	7:15 Am
12	.75	.95	7:15 Am
13	.75	.95	7:15 Am
14	.75	.95	7:35 Am
15	.75	.95	7:05 Am
16	.75	.95	6:55 Am
17	.75	.95	7:20 Am
18	.75	.95	7:05 Am
19	.75	.95	7:15 Am
20	.75	.95	7:15 Am

April 09

Date	Lines	Line 10	Time
21	.75	.95	7:35 AM
22	.75	.95	7:15 AM
23	.25	.95	7:00 AM
24	.75	.95	7:15 PM
25	.25	.95	6:50 AM
26	.75	.95	7:15 AM
27	.75	.95	7:15 AM
28	.75	.95	7:50 PM
29	.75	.95	7:05 PM
30	.75	.95	7:25 PM

MAY 09

Date	Line 5	Line 10	Time
1	.75	.95	8:00am
2	.75	.95	7:10am
3	.75	.95	7:15am
4	.75	.95	7:15am
5	.75	.95	7:15am
6	.75	.95	7:05am
7	.75	.95	7:00am
8	.75	.95	8:00am
9	.75	.95	7:00am
10	.75	.95	7:15am
11	.75	.95	7:15am
12	.75	.95	7:15am
13	.75	.95	7:20am
14	.75	.95	7:25am
15	.75	.95	7:10am
16	.75	.95	7:05am
17	.75	.95	7:15am
18	.75	.95	7:15am
19	.75	.95	7:50am
20			

Nov. 09

DATE

Date Line 8 Line 10 Time

21	.75	.95	7:30am
22	.75	.95	7:15am
23	.75	.95	7:15am
24	.75	.95	7:15am
25	.75	.95	7:35am
26	.75	.95	7:00am
27	.75	.95	8:10am
28	.75	.95	7:55am
29	.75	.95	7:15am
30	.75	.95	7:15am

Dec. 09

DATE

Date Line 8 Line 10 Time

1	.75	.95	7:15pm
2	.75	.95	2:20am
3	.75	.95	7:30am
4	.75	.95	8:10am
5	.75	.95	7:50am
6	.75	.95	7:18am
7	.75	.95	7:15am
8	.75	.95	7:15am
9	.75	.95	7:35am
10	.75	.95	7:20am
11	.75	.95	7:40am
12	.75	.95	7:15am
13	.75	.95	7:15am
14	.75	.95	7:15am
15			
16			
17			
18			
19			
20			

DATE

Nov. 29

DATE

Date	Line#	Line#	Line#	Time
21	75	95	75	7:15 AM
22	75	95	75	7:15 AM
23	75	95	75	7:20 AM
24	75	95	75	7:20 AM
25	75	95	75	7:15 AM
26	75	95	75	7:15 AM
27	75	95	75	7:25 AM
28	75	95	75	7:10 AM
29	75	95	75	7:15 AM
30	75	95	75	7:15 AM
31	75	95	75	7:20 AM
				7:20 AM
				7:05 AM
				8:00 AM
				7:25 AM
				8:00 AM
				7:27 AM
				7:20 AM
				7:15 AM
				7:15 AM
				8:40 AM

Sept. 09

DATE

OCT. 09

DATE

Date	Lines	Line 10	Time	Date	Lines	Line 10	Time
21	.75	.95	7:15 AM	1	.25	.95	7:05 AM
22	.75	.95	7:15 AM	2	.25	.95	8:05 AM
23	.75	.95	7:20 AM	3	.25	.95	7:20 AM
24	.75	.95	7:25 AM	4	.19	.95	7:15 AM
25	.75	.95	7:15 AM	5	.75	.95	7:15 AM
26	.75	.95	7:10 AM	6	.25	.95	7:25 AM
27	.75	.95	7:15 AM	7	.25	.95	7:30 AM
28	.75	.95	7:15 AM	8	.25	.95	7:30 AM
29	.75	.95	6:50 AM	9	.25	.95	7:10 AM
30	.75	.95	7:10 AM	10	.75	.75	7:10 AM
				11	.75	.95	7:15 AM
				12	.75	.95	7:15 AM
				13	.75	.95	7:15 AM
				14	.25	.95	7:45 AM
				15	.25	.95	7:40 AM
				16	.75	.95	8:25 AM
				17	.75	.95	7:10 AM
				18	.75	.95	7:15 AM
				19	.75	.95	7:15 AM
				20	.75	.95	7:15 AM

DATE

Dec. 09

DATE

Line 5	Line 10	Time	Date	Line 5	Line 10	Time
75	.95	7:30am	1	.75	.95	7:15am
75	.95	7:15am	2	.75	.95	7:20am
75	.95	7:15am	3	.75	.95	7:30am
75	.95	7:15am	4	.75	.95	8:10am
75	.95	7:35am	5	.75	.95	7:50am
75	.95	7:00am	6	.75	.95	7:15am
75	.95	8:10am	7	.75	.95	7:15am
75	.95	7:55am	8	.75	.95	7:15am
75	.95	7:15am	9	.75	.95	7:35am
75	.95	7:15am	10	.75	.95	7:20am
			11	.75	.95	7:40am
			12	.75	.95	7:15am
			13	.75	.95	7:15am
			14	.75	.95	7:15am
			15	.74	.94	7:50am
			16	.75	.95	7:30am
			17	.75	.95	7:30am
			18	.75	.95	7:55am
			19	.75	.95	7:25am
			20	.75	.95	7:15am

DEC 01

DATE

DATE	LINE 5	LINE 10	TIME
21	.74	.92	8:00 AM
22	.75	.95	7:25 PM
23	.75	.95	8:10 PM
24	.75	.95	7:40 PM
25	.75	.95	7:15 PM
26	.75	.95	7:15 AM
27	.75	.95	7:15 AM
28	.75	.95	7:15 AM
29	.75	.95	7:15 PM
30	.75	.95	7:20 AM
31	.75	.95	7:30 AM

Jan.

10

DATE

Jan. 10

Date	Line 5	Line 10	Time
1	.75	.95	7:15 AM
2	.75	.95	7:25 AM
3	.75	.95	7:15 AM
4	.75	.95	7:15 AM
5	.75	.95	7:30 AM
6	.75	.95	7:15 AM
7	.75	.95	7:15 PM
8	.75	.95	8:45 PM
9	.75	.95	7:25 AM
10	.75	.95	7:15 AM
11	.75	.95	7:15 AM
12	.75	.95	8:00 AM
13	.75	.95	7:15 PM
14	.75	.95	7:15 PM
15	.75	.95	7:45 AM
16	.75	.95	7:15 PM
17	.75	.95	7:15 AM
18	.75	.95	7:15 AM
19	.75	.95	7:30 AM
20	.75	.95	7:30 AM

Date	Line 5	Line 10
21	.75	.95
22	.75	.95
23	.75	.95
24	.75	.95
25	.75	.95
26	.75	.95
27	.75	.95
28	.75	.95
29	.75	.95
30	.75	.95
31	.50	.95

Jan. 10

DATE

Date	Line 5	Line 10	Time
21	.25	.95	7:10 Am
22	.25	.95	7:15 Am
23	.25	.95	7:30 Am
24	.75	.95	7:15 Am
25	.75	.95	7:15 Am
26	.25	.95	7:15 Am
27	.25	.95	7:20 Am
28	.25	.95	7:20 Am
29	.25	.95	7:15 Am
30	.25	.95	7:30 Am
31	.50	.95	7:15 Am

FEB 10

DATE

DATE	LINE 5	LINE 10	TIME
1	.75	.95	7:15 AM
2	.75	.95	7:25 PM
3	.75	.95	7:30 PM
4	.75	.95	7:30 AM
5	.75	.95	7:30 PM
6	.75	.95	7:40 PM
7	.75	.95	7:45 AM
8	.75	.95	7:15 AM
9	.75	.95	7:20 AM
10	.75	.95	7:30 AM
11	.75	.95	9:20 AM
12	.75	.95	8:00 AM
13	.75	.95	7:30 AM
14	.75	.95	7:15 AM
15	.75	.95	7:15 PM
16	.75	.95	7:50 AM
17	.75	.90	7:30 AM
18	.75	.90	7:15 AM
19	.75	.90	8:05 AM
20	.75	.90	7:25 AM

FEB 10

DATE

DATE	LINES	LINES	Time
21	.75	.95	7:15 AM
22	.75	.95	7:15 AM
23	.75	.90	7:40 AM
24	.75	.90	7:50 AM
25	.75	.90	7:05 PM
26	.75	.90	10:00 AM
27	.75	.90	2:15 PM
28	.75	.90	7:15 AM

MAR. 12

DATE

Duke Lines Line 10 Time

1	.75	.95	7:15 AM
2	.75	.95	7:15 PM
3	.75	.95	7:30 PM
4	.75	.95	6:20 AM
5	.75	.95	6:15 PM
6	.75	.95	7:15 PM
7	.75	.95	7:15 AM
8	.75	.95	7:15 AM
9	.75	.95	7:15 PM
10	.75	.95	8:45 PM
11	.75	.95	6:25 AM
12	.75	.95	6:25 AM
13	.75	.95	7:15 PM
14	.75	.95	7:15 AM
15	.75	.95	7:15 AM
16	.75	.95	7:30 PM
17	.75	.95	7:30 PM
18	.75	.95	6:30 AM
19	.75	.95	8:45 PM
20	.75	.95	7:15 PM

Mar. 10

DATE

Date	Line 5	Line 10	Time
21	.75	.95	7:15 Am
22	.75	.95	7:15 Am
23	.75	.95	7:15 Am
24	.75	.95	7:15 Am
25	.75	.95	7:15 Am
26	.75	.95	7:15 Am
27	.75	.95	7:30 Am
28	.75	.95	7:00 pm
29	.75	.95	7:15 Am
30	.75	.95	7:15 Am
31	.75	.95	7:15 Am
			8:00 Am

April 2010

DATE

DATE	LINE 5	LINE 10	TIME
1	.75	.95	6:00AM
2	.75	.95	6:00AM
3	.25	.95	7:15AM
4	.75	.95	7:15AM
5	.75	.95	7:15AM
6	.75	.95	7:30AM
7	.75	.95	7:30AM
8	.75	.95	6:00AM
9	.75	.95	6:00AM
10	.75	.95	7:15AM
11	.75	.95	7:15AM
12	.75	.95	7:15AM
13	.75	.95	7:15AM
14	.75	.95	7:15AM
15	.75	.95	6:15AM
16	.75	.95	6:30AM
17	.75	.95	7:00AM
18	.75	.95	7:15AM
19	.75	.95	7:15AM
20	.75	.95	7:30AM

April 2010

DATE

Date	Line 5	Line 10	Time
21	.75	.95	7:30 AM
22	.75	.95	8:15 AM
23	.75	.95	6:30 AM
24	.75	.95	7:00 AM
25	.75	.95	7:15 AM
26	.75	.95	7:15 AM
27	.75	.95	7:30 AM
28	.75	.95	8:30 AM
29	.75	.95	6:45 AM
30	.75	.95	6:15 AM

MAY 2010

DATE

Date	Line 5	Line 10	Time
1	.75	.95	8:00AM
2	.75	.95	7:15AM
3	.75	.95	7:15AM
4	.75	.95	7:30PM
5	.75	.95	8:00AM
6	.75	.95	6:30A
7	.75	.95	6:30A
8	.75	.95	7:15AM
9	.75	.95	7:15AM
10	.75	.95	7:15AM
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

APPENDIX D

GROUNDWATER MONITORING REPORTS

(PROVIDED ELECTRONICALLY)