

Periodic Review Report

*251 HOMER STREET REDEVELOPMENT SITE
NYSDEC SITE NUMBER C905037
OLEAN, NEW YORK*



May 2023

0491-021-001

Prepared For:

Olean Solar Land LLC
&
Homeridae LLC

Prepared By:



PERIODIC REVIEW REPORT

251 HOMER STREET REDEVELOPMENT SITE
BCP SITE NO. C905037

OLEAN, NEW YORK

May 2023

0491-023-001

Prepared for:

**Olean Solar Land LLC
&
Homeridae LLC**

Prepared By:



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PERIODIC REVIEW REPORT
251 Homer Street Redevelopment Site
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1.0 INTRODUCTION

Benchmark Civil/Environmental Engineering & Geology, PLLC (Benchmark) has prepared this Periodic Review Report (PRR) on behalf of Olean Solar Land LLC (Owner) and Homeridae LLC (Lessee) to summarize the post-remedial status of New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Site No. C905037 located in Olean, Cattaraugus County, New York (Site; see Figure 1).

This PRR has been prepared for the Site in accordance with NYSDEC DER-10/ Technical Guidance for Site Investigation and Remediation (Ref. 1). Appendix A includes the NYSDEC's Institutional and Engineering Controls (IC/EC) Certification Form completed for the Site.

This PRR has been completed for the post-remedial activities at the Site for the period April 16, 2022 to April 16, 2023. The annual Site inspection was completed by Benchmark on April 14, 2023.

1.1 Site Background

The 251 Homer Street Redevelopment Site was formerly part of the Socony-Vacuum Oil Company Refinery. The property and surrounding area operated as an oil refinery under several different entities between the 1880s and 1950s. Vacuum Oil merged with the Standard Oil Company, Inc. and in 1934 changed its name to Socony-Vacuum Oil Company (Socony); Socony operated until approximately 1954. These companies were predecessors of ExxonMobil Oil Corporation. The Socony refinery was divided into three sections and the #3 Works was the area where most of the refining took place. The 115-acre refinery was purchased by Mr. CJ Simpson in 1954 and ultimately became the Swan Finch Oil Company Olean Industries, which used the refinery tanks for storage of grain. In 1958, Swan Finch declared bankruptcy and in 1964 sold the facility to Felmont Oil, who subsequently removed the old refinery tanks and buildings. Felmont Oil sold the property to the County of Cattaraugus IDA in 1981, who in turn sold it to Benson Construction and Development, LLC (Benson) in 2005.

Benson entered into a Brownfield Cleanup Agreement (BCA) (BCP Site No. C905037) with the NYSDEC on April 20, 2010 to investigate and remediate the approximate 16.68-acre property comprised of one tax parcel identified as 251 Homer Street (SBL#94.032-1-2.11) located in the City of Olean, Cattaraugus County, New York and referred to as the 251 Homer

Street Redevelopment Site (see Figure 1). On July 3, 2014, Homer Street Properties, LLC submitted a BCP application amendment to be added as an additional Applicant (Volunteer) to the existing BCA. On August 30, 2016, Olean Solar Land LLC (as future property owner) and Homeridae LLC (as future lessee) submitted a BCP application amendment to be added as additional applicants (volunteers) to the existing BCA. A 60-day Advance Notification of Change in Ownership was submitted September 1, 2016 to notify the NYSDEC that Olean Solar Land LLC will be the new property owner. Homer Street Properties, LLC/Benson Construction and Development, LLC sold the property to Olean Solar Land LLC on June 28, 2018. A post-transfer of property notice was submitted to NYSDEC on July 12, 2018. Since both parties were named as volunteers on the BCA prior to the sale, no Certificate of Completion (COC) transfer was necessary.

The Site was subdivided per approval by the City of Olean Common Council on December 22, 2015. The subdivision lot lines were amended as approved by the Common Council on November 22, 2016. The Site parcel was divided on the tax maps after the sale took place in June 2018. The original parcel had tax map ID (94.032-1-2.11) was split into two parcels (94.032-1-2.11 and 94.032-1-2.12); however, the overall Site boundaries did not change. Figure 2 shows the two parcels addressed as 231 and 251 Homer Street. The May 2019 PRR includes documentation pertaining to subdivision of the Site.

1.2 Purpose/Scope

The Site Management Plan (SMP) requires, among other things, periodic inspection, and certification that the IC/ECs implemented at the Site remain in place and are functioning as designed. This PRR serves that purpose as well as documenting post-remedial actions taken since the COC was issued.

2.0 SITE OVERVIEW

The approximate 16.68-acre 251 Homer Street Redevelopment Site is bounded by residential properties across Homer Street to the northwest; the Southern Tier Expressway I-86 to the southeast; and industrial/commercial properties to the northeast and southwest. The Site was undeveloped until construction began in August 2018.

The owner of the Site at the time of SMP approval was Benson Construction and Development, LLC and Homer Street Properties, LLC. Currently, Olean Solar Land LLC and Homeridae LLC retain the status and rights as COC holders.

An interim remedial measure (IRM) was performed in accordance with the NYSDEC-approved IRM Work Plan (Ref. 2) between October 2012 and February 2013. An additional IRM was performed in accordance with the NYSDEC-approved Additional IRM Work Plan (Ref. 3) between September 2014 and March 2015. Additional test excavations were completed in the vicinity of Two Mile Creek between January and October 2015, followed by submittal of a Supplemental IRM Work Plan to NYSDEC on November 19, 2015 (Ref. 4). The NYSDEC approved the Supplemental IRM Work Plan on February 23, 2016, and the remedial work was completed in March and April 2016. The Site was remediated to NYSDEC Part 375 Track 4 Commercial soil cleanup objectives (CSCOs) and site-specific action limits (SSALs) for use in a commercial redevelopment capacity. The SMP (Ref. 5) and Final Engineering Report (FER; Ref. 6) were approved by the NYSDEC on November 2, 2016 and December 16, 2016. The COC was recorded on December 20, 2016. An SMP Errata Sheet was submitted to NYSDEC on May 5, 2023 to document the change in ownership, describe the post-COC redevelopment, and incorporate approved modifications to the monitoring requirements. Figure 2 is an aerial view of the Site following remediation. Remedial activities are described in the following sections.

2.1 2012/2013 Interim Remedial Measures (IRM)

During the RI and Supplemental RI, abandoned subsurface piping was observed in several test pits and test trenches across the Site. Certain pipes were tapped and sampled; piping contents consisted of water with traces of oil or heavier oil product. Waste characterization samples were collected from water, pipe scale, and oil within certain pipes.

In accordance with the NYSDEC-approved IRM Work Plan, IRM field activities were conducted October 29, 2012 through February 7, 2013. The IRM activities are fully described in the February 26, 2013 IRM Closeout Report (Ref. 7) and summarized below:

- Approximately 10,644 linear feet of piping ranging in diameter from 2” to 12” was removed and recycled as scrap (approximately 97 tons) at Gateway Materials in Cheektowaga, NY.
- A total of 51, 55-gallon drums containing oil, sludge, and scale from within the pipes were disposed at CWM Chemical Services in Model City, NY.
- Approximately 21,000 gallons of water from within the pipes and perched water encountered during trench excavation was treated with a bag filter and granular activated carbon then discharged to the Olean Publicly Owned Treatment Works (POTW) under a temporary discharge permit issued by the City of Olean Wastewater Treatment Plant.
- Piping that extended to a property boundary was drained to the extent practicable, cut, and capped at the property boundary.

2.2 2014/2015 Additional IRM

An Additional IRM Work Plan was submitted to the NYSDEC in July 2014 (Ref. 3) to excavate and dispose off-site the grossly contaminated soil (GCS) present within the areas described below. The following excavation work was conducted between September 29, 2014 and March 12, 2015:

- **GCS Area 1:** Excavation within the central portion of the Site measured approximately 3.79 acres with depths ranging from 5 to 14 feet below ground surface (fbgs). Approximately 45,775 tons of GCS was removed and disposed of at the Chaffee Landfill. During the IRM piping removal in 2012/2013, GCS was identified near groundwater monitoring well MW-12. Excavation of the “MW-12 GCS Area” extended to the property boundary; a total of 270 tons of GCS were removed and disposed at the Chaffee Landfill. Therefore, approximately 46,045 tons of GCS were removed from these areas.
- **GCS Area 2:** Excavation in September/October 2014 proximate to monitoring well MW-8 measured approximately 11,600 square feet with depths ranging from 6 to 11 fbgs. A total of 3,263 tons of GCS was removed and disposed at the Chaffee Landfill. A small seam (6- to 12-inches thick) of GCS remained along the eastern border of Area 2 due to the proximity of the Two Mile Creek bank. On January 20, 2015, the extent of remaining GCS was further evaluated by excavating two test pits (TP-A & TP-C) between the eastern boundary of Area 2 and Two Mile Creek;

no GCS was observed in those test pits. Therefore, the small seam of GCS previously left along the eastern border of Area 2 was removed in January and February 2015.

- **GCS Area 3:** During the IRM piping removal in 2012/2013, GCS was identified along the northeastern property boundary south of test pit TP-60. The excavation extended partially off-site and measured approximately 1,800 square feet with depths ranging from 4 to 5 fbg. A total of 361 tons of GCS was removed and disposed of at the Chaffee Landfill.

The areas were backfilled with clean imported Beneficial Use Determination (BUD)-approved soil or soil meeting the requirements of 6NYCRR Part 375 USCOs over the demarcation layer. Approximately 250,000 gallons of water encountered during IRM excavation activities were treated on-site and discharged under a temporary discharge permit issued by the City of Olean Wastewater Treatment Plant. The on-site drainage ditch was converted to a closed 30-inch subsurface drainage pipe as discussed with NYSDEC.

2.3 Additional Test Pit Excavations

On January 20, 2015, two test pits west (TP-A and TP-C) and three test pits east (TP-B, TP-D, & TP-E) of Two Mile Creek were excavated and samples were collected for analytical testing to evaluate the potential for Site soil/fill to impact the creek. All results were below CSCOs, and no GCS was observed in any of the test pits.

On March 27, 2015, at the request of the NYSDEC, one test pit (TP-RR01) was excavated near switch gear/signal boxes for the railroad tracks to determine if other electrical equipment (e.g., transformers) may have been historically located nearby. Arsenic was the only constituent detected at a concentration (22.1 mg/kg) slightly above its CSCO.

In October 2015, at the request of NYSDEC and with NYSDEC personnel present, nine additional test pits (TP-F through TP-N) were excavated along the lower approximate 350-foot segment of Two Mile Creek near the culvert under Interstate Route I-86 to evaluate whether impacted soil was present along the creek banks based on field observations and/or analytical data. Four near-surface soil samples were also collected from 0-1 fbg along the creek banks. As summarized on Table 14 of the RI/IRM/AA Report, most soil results from test pits TP-A through TP-N and the near-surface samples were below Commercial and Protection of Ecological Resources (PER) SCOs, with minor exception of two PAHs and certain metals above their respective PER and/or CSCOs. Only two test pits (TP-F and TP-

I) and one near-surface sample (SS-CA1) slightly exceeded the CSCOs. The only PAHs slightly above CSCOs were benzo(a)pyrene (1.9 mg/kg; CSCO=1.0 mg/kg) and dibenz(a,h)anthracene (0.62 mg/kg; CSCO=0.56 mg/kg). Arsenic (17 and 20 mg/kg) was the only metal to exceed its CSCO (16 mg/kg). Field evidence of impact within the test pits completed in the lower (southern) approximate 200 feet of Two Mile Creek included sheen on water and/or strong petroleum-like odors.

2.4 2016 Supplemental IRM – Two Mile Creek (Area 5)

Upon completion of the additional test pits and sampling adjacent to Two Mile Creek, TurnKey Environmental Restoration, LLC (TurnKey) and Homer Street Properties representatives met with NYSDEC on November 5, 2015 to discuss the results and a proposed remedy to address apparent petroleum impacts near Two Mile Creek.

2.4.1 On-Site Work

A Supplemental IRM Work Plan was submitted to NYSDEC on November 19, 2015 to supplement previously completed IRMs and immediately address known environmental impacts adjacent to the lower approximate 200-foot segment of Two Mile Creek. Based on comments received from NYSDEC, TurnKey revised and resubmitted the Work Plan on February 4, 2016; NYSDEC approved the Work Plan on February 23, 2016.

As part of the Work Plan, a Joint Application Form was submitted for the United States Army Corps of Engineers (USACE) Nationwide Permit 38 and NYSDEC 401 Water Quality Certification. In a letter dated December 8, 2015, NYSDEC indicated that no Department permit was identified for the proposed remedial work and affirmed that the Department grants the Section 401 Water Quality Certification to Homer Street Properties. On March 16, 2016, Homer Street Properties, LLC received the Nationwide Permit 38 from USACE. The following remedial work was conducted on-site March 30 to April 20, 2016:

- Earthen dams supported by metal plates were constructed upstream and downstream of the work area. Two trash pumps (6” and 8”) were used to convey water upstream of the dam around the excavation area for discharge downstream of the second dam.
- Approximately 3,099 tons of material were excavated from the Creek bed and banks and disposed of at the Waste Management Chaffee Landfill. Excavation proceeded to native clay, with an average depth of 6.5 fbs.

- Filter fabric was placed on the excavated face and serves as demarcation material.
- A total of 593 tons of gravel aggregate (3"-4") was placed in a 12-inch layer along the Creek bed and up each bank to the ordinary high-water mark (OHWM).
- Approximately 279 tons of clean soil, 1,764 tons of clay soil, and 228 tons of topsoil were used to backfill the Creek bed and banks. A minimum 1-foot-thick layer of the clay soil was placed along the outer extent of the Creek area IRM excavation adjacent to the native soil to prevent migration of residual impacts toward the Creek.
- The soil/topsoil bank area was hydroseeded with a "low grow" seed mix.
- A biodegradable straw erosion control blanket manufactured by Tensar International Corporation (BioNet S150BN) was placed, anchored, and staked.

Between April 27 and 28, 2016, a mixture of riparian shrubs (e.g., buttonbush, hybrid poplar, willow, red oak, and white spruce) were planted through the erosion control blanket on 3-foot centers.

2.4.2 Off-Site Work

On March 29, 2016, TurnKey received approval from ExxonMobil to remediate and restore the off-site portion of Two Mile Creek located in the Department of Transportation (DOT) right-of-way. On behalf of Homer Street Properties, TurnKey prepared the DOT Highway Work Permit Application for Non-Utility Work (PERM 33) and submitted the application package on March 31, 2016 to the DOT Cattaraugus County Residency. The DOT permit was received on April 13, 2016 and expired October 31, 2016.

The following off-site remedial work was performed in accordance with the NYSDEC-approved Supplemental IRM Work Plan:

- Approximately 973 tons of material was excavated from the creek bed and banks and disposed of at the Chaffee Landfill. Excavation proceeded to native clay, with an average depth of 6.5 fbs.
- Filter fabric was placed on the excavated face and serves as demarcation material.
- A total of 197 tons of gravel aggregate (3"-4") was placed in a 12-inch layer along the creek bed and up each bank to the ordinary high-water mark (OHWM).
- Approximately 588 tons of clay soil and 76 tons of topsoil was used to backfill the creek bed and banks. A minimum one-foot-thick layer of the clay soil was placed

along the outer extent of the creek area IRM excavation adjacent to the native soil to prevent migration of residual impacts toward the creek.

- The soil/topsoil bank area was hydroseeded with a “low grow” seed mix.
- A biodegradable straw erosion control blanket manufactured by Tensar International Corporation (BioNet S150BN) was placed, anchored, and staked.

Between April 27 and 28, 2016, a mixture of riparian shrubs (e.g., buttonbush, hybrid poplar, willow, red oak, and white spruce) were planted through the erosion control blanket on 3-foot centers.

2.5 Site Redevelopment Activities

The Site remained undeveloped until August 2018 when construction of the on-site solar electric generation facility began. Construction of the solar facility was completed in 2019. The work was conducted in accordance with the July 18, 2018 Homeridae Solar Facility Development Plan (Ref. 8). The City of Olean issued a building permit for installation of the 4.093 MW ground mounted solar photovoltaic (PV) system on June 25, 2018. NYSDEC issued an Acknowledgement of Notice of Intent under SPDES (NYR11D898) on July 5, 2018. NYS Department of State issued a Certificate of Conformance for the Brownfield Opportunity Area (BOA) on August 27, 2018. The project involved redevelopment of approximately 15.29 acres of the total 16.68 acres. The solar facility includes 11,808 solar modules and associated infrastructure for in-feed to the nearby National Grid commercial electrical systems (grid).

In accordance with the July 2018 Homeridae Solar Facility Development Plan, a soil cover survey was completed in October 2018 to compare subgrade elevations made prior to cover placement. Based on that survey, the area between the billboard and the equipment pad required additional cover soil (see Figure 2). On August 20, 2019, the Department approved a request to import soil from Peck’s Construction Yard in Allegany, NY for the cover system restoration. Benchmark placed the soil in the fall of 2019. On April 17, 2020, Benchmark measured the cover soil thickness to verify a minimum of 12 inches; however, several areas did not meet the 12-inch requirement. Therefore, additional soil was placed April 30 and May 1, 2020. On May 4, 2020, Benchmark confirmed a 12-inch thickness in all areas. Benchmark confirmed establishment of grass in the cover system repair area in July 2020.

3.0 SITE MANAGEMENT PLAN

The SMP was approved by the Department on November 2, 2016. The SMP includes an IC/EC Plan, a Monitoring and Sampling Plan and an Operation & Maintenance (O&M) Plan, an Excavation Work Plan (EWP), and a copy of the Environmental Easement. A brief description of the components of the SMP is presented below.

3.1 IC/EC Plan

As detailed in the Environmental Easement, several IC/ECs need to be maintained as a requirement of the BCA.

3.1.1 Institutional Controls

- Groundwater-Use Restriction: The use of groundwater for potable and non-potable purposes is prohibited.
- Land-Use Restriction: The controlled property may be used for commercial and/or industrial use.
- Implementation of the SMP: The O&M Plan and EWP must be followed.

3.1.2 Engineering Controls

- Vapor Mitigation: There are no buildings on-site and, as such, no sub-slab depressurization system exists.
- Groundwater Monitoring: Groundwater monitoring was completed in June 2021.
- Cover System: The cover system is intact and functioning as intended.

3.1.3 Site Inspection & IC/EC Compliance

On April 14, 2023, Benchmark's Certifying Professional Engineer, Ms. Lori Riker, performed a Site visit and assessment. During this visit, the Site covered by this PRR was found to be compliant with the IC/EC requirements. Appendix A includes the completed and P.E.-certified IC/EC Form for the Site.

3.2 Monitoring and Sampling Plan

The Monitoring and Sampling Plan specifies the methods used for:

- Sampling and analysis of groundwater

- Site-wide inspection
- Evaluating Site information periodically to confirm that the remedy continues to be effective in protecting public health and the environment.

3.2.1 Groundwater Sampling and Analysis

In an email dated June 10, 2022, Benchmark requested that the groundwater sampling frequency be reduced from annual to biennial, which was approved by NYSDEC the same day via email and reiterated in its June 13, 2022 PRR approval letter. Based on this change, groundwater sampling will be conducted in June 2023 with the results being included in the 2023-2024 PRR.

3.2.2 Site-Wide Inspection - Cover System Monitoring

The existing cover system is comprised of a minimum of 12 inches of clean soil (vegetated to prevent erosion) and 12 inches of gravel/stone for the access roads. A demarcation layer, consisting of orange plastic mesh material, provides a visual reference to the top of the remaining contamination zone, which is the zone that requires adherence to special conditions for disturbance of remaining contaminated soils defined in this SMP.

In accordance with the SMP, the cover system must be maintained and replaced in the event it is breached as described in the EWP (SMP Appendix B). The cover is to be inspected on an annual basis and after severe storm events. If frequent areas of distress are noted, they will be repaired based on the following conditions.

If the type of cover system changes from that which exists (i.e., a soil cover is replaced by asphalt), this will constitute a modification of the cover element of the remedy and the upper surface of the remaining contamination. A figure showing the modified surface will be included in the subsequent PRR. The key maintenance concerns and corrective actions are provided below:

- Vegetative Soil Cover Monitoring
 - Areas where erosion problems (i.e., rills or gullies) are observed will be repaired by re-grading the localized area, adding the required fill material and/or topsoil, and reseeded/replanting.
 - If burrowing animals are observed breaching the soil cover, as evidenced by exposed fill material, they will be eradicated by a licensed exterminator.

- Gravel/Stone Cover Monitoring
 - Ruts or erosion along the access roads will be repaired by re-grading the localized area and adding additional material.

At the time of the Site inspection, minor disturbance of the vegetated cover was observed on the south-central portion of the Site; however, these areas will likely fill in as the growing season progresses. If the area does not fill in with grass, it will be re-seeded in the summer. The gravel/stone access roads are in good condition. Appendix B includes a photographic log showing the solar facility, vegetated soil cover system, and general Site conditions at the time of the inspection.

3.3 O&M Plan

The Site remedy does not rely on any mechanical systems (e.g., sub-slab depressurization systems, groundwater pump and treat, or soil vapor extraction systems) to protect public health and the environment; therefore, an Operation and Maintenance (O&M) Plan is not required for the Site.

4.0 CONCLUSIONS AND RECOMMENDATIONS

4.1 Conclusions

Based on observations during the April 14, 2023 inspection, the Site covered by this PRR was fully compliant with the IC/EC requirements. Minor disturbance of the vegetated cover was observed; however, these areas will likely fill in as the growing season progresses or be re-seeded in the summer.

4.2 Recommendations

Areas with little grass cover will be reseeded if growth is not observed by late spring/early summer. The next groundwater monitoring is planned for June 2023.

5.0 DECLARATION/LIMITATION

Benchmark Civil/Environmental Engineering & Geology, PLLC personnel conducted the annual Site inspection for BCP Site No. C905037 in Olean, New York according to generally accepted practices. This report complied with the scope of work provided to Olean Solar Land LLC and Homeridae LLC by Benchmark Civil/Environmental Engineering & Geology, PLLC.

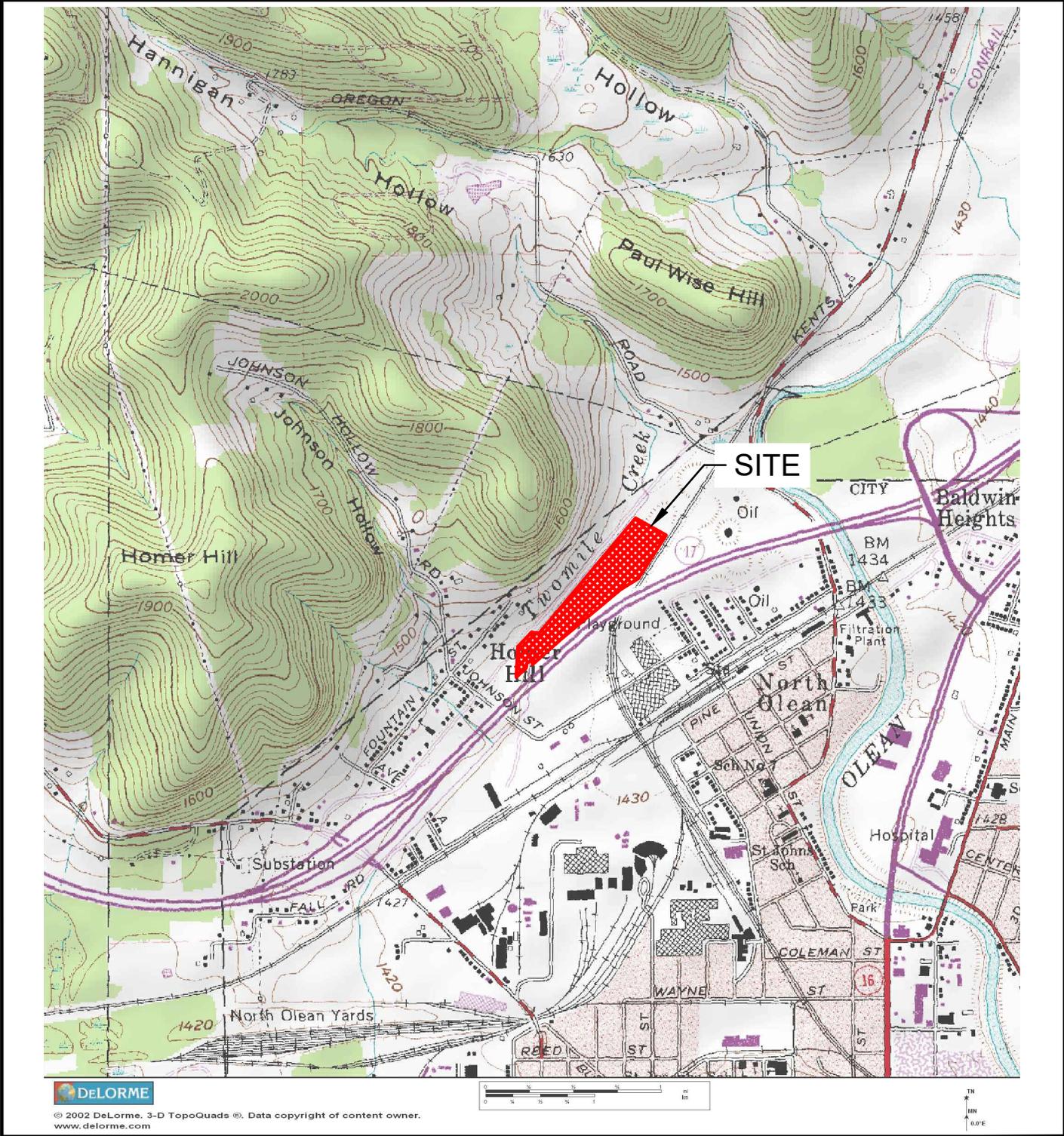
This report has been prepared for the exclusive use of Olean Solar Land LLC and Homeridae LLC. The contents of this report are limited to information available at the time of the Site inspection. The findings herein may be relied upon only at the discretion of Olean Solar Land LLC and Homeridae LLC. Use of or reliance upon this report or its findings by any other person or entity is prohibited without written permission of Benchmark Civil/Environmental Engineering & Geology, PLLC.

6.0 REFERENCES

1. New York State Department of Environmental Conservation. *DER-10/Technical Guidance for Site Investigation and Remediation*. May 2010.
2. TurnKey Environmental Restoration, LLC. *Interim Remedial Measures and Field-Scale Pilot Study Work Plan, 251 Homer Street Redevelopment BCP Site (Site No. C905037)*. September 6, 2012.
3. TurnKey Environmental Restoration, LLC in association with Benchmark Environmental Engineering & Science, PLLC. *Additional Interim Remedial Measures Work Plan, 251 Homer Street Redevelopment Site, Olean, NY, BCP Site No. C905037*. July 2014.
4. TurnKey Environmental Restoration, LLC in association with Benchmark Environmental Engineering & Science, PLLC. *Supplemental Interim Remedial Measures Work Plan, 251 Homer Street Redevelopment, Olean, NY, BCP Site No. C905037*. November 2015; revised February 2016.
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6. Benchmark Environmental Engineering & Science, PLLC in association with TurnKey Environmental Restoration, LLC. *Final Engineering Report, 251 Homer Street Redevelopment, NYSDEC Site Number C905037, Olean, NY*. October 2016.
7. TurnKey Environmental Restoration, LLC. *Interim Remedial Measures Closeout Report, 251 Homer Street Redevelopment BCP Site (Site No. C905037)*. February 26, 2013.
8. Benchmark Environmental Engineering & Science, PLLC. *Homeridae Solar Facility Development Plan (Revised), 231-251 Homer Street Site, Olean, NY, BCP Site No. C905037*. July 18, 2018.

FIGURES

FIGURE 1



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SITE LOCATION AND VICINITY MAP

PERIODIC REVIEW REPORT

251 HOMER STREET REDEVELOPMENT SITE
BCP SITE NO. C905037
OLEAN, NEW YORK

PREPARED FOR

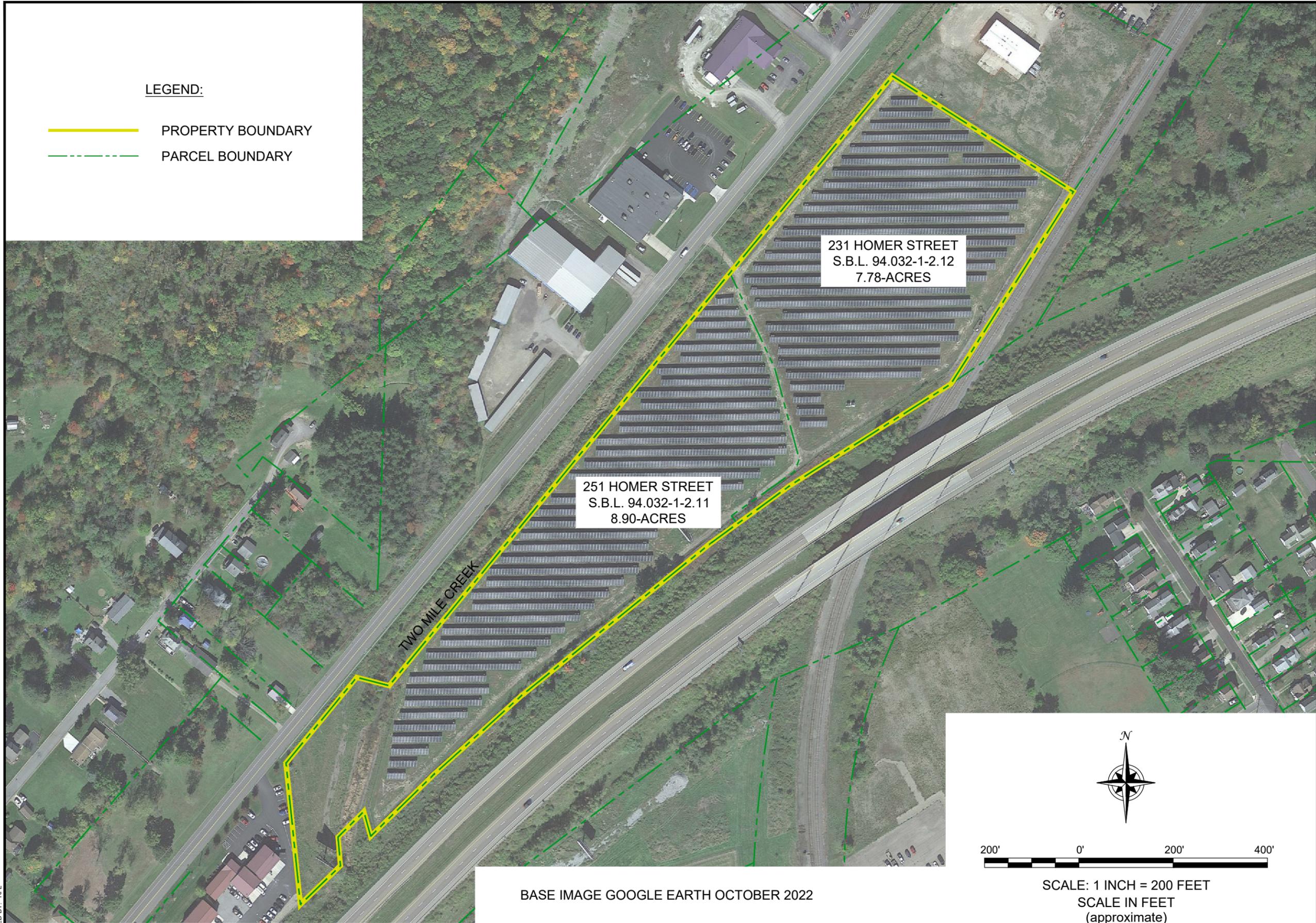
OLEAN SOLAR LAND LLC AND HOMERIDAE LLC

PROJECT NO.: 0491-023-001

DATE: April 2023

DRAFTED BY: RFL

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SITE PLAN (POST-REDEVELOPMENT)

PERIODIC REVIEW REPORT
 251 HOMER STREET REDEVELOPMENT SITE
 BCP SITE NO. C905037
 OLEAN, NEW YORK
 PREPARED FOR
 OLEAN SOLAR LAND LLC AND HOMERIDAE LLC



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FIGURE 2

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APPENDIX A

INSTITUTIONAL & ENGINEERING CONTROLS CERTIFICATION FORM



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



	Site Details	Box 1	
Site No.	C905037		
Site Name 251 Homer Street Development			
Site Address: 251 Homer Street Zip Code: 14760			
City/Town: Olean			
County: Cattaraugus			
Site Acreage: 16.680			
Reporting Period: April 16, 2022 to April 16, 2023			
		YES	NO
1.	Is the information above correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.			
2.	Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	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 you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.			
5.	Is the site currently undergoing development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Box 2	
		YES	NO
6.	Is the current site use consistent with the use(s) listed below? Commercial and Industrial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.	Are all ICs in place and functioning as designed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.			
A Corrective Measures Work Plan must be submitted along with this form to address these issues.			
Signature of Owner, Remedial Party or Designated Representative		Date	

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid? YES NO

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid? YES NO
(The Qualitative Exposure Assessment must be certified every five years)

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C905037

Box 3**Description of Institutional Controls**ParcelOwnerInstitutional Control

94.032-1-2.11

Olean Solar Land LLC

Ground Water Use Restriction
Soil Management Plan
Landuse Restriction
Monitoring Plan
Site Management Plan
IC/EC Plan

Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

- require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allow the use and development of the controlled property for commercial use or industrial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH;
- the potential for vapor intrusion must be evaluated for any buildings developed in the area within the IC boundaries, and any potential impacts that are identified must be monitored or mitigated; and
- require compliance with the Department approved Site Management Plan.

94.032-1-2.12

Olean Solar Land LLC

Soil Management Plan
Ground Water Use Restriction
Landuse Restriction
Monitoring Plan
Site Management Plan
IC/EC Plan

Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

- require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allow the use and development of the controlled property for commercial use or industrial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH;
- the potential for vapor intrusion must be evaluated for any buildings developed in the area within the IC boundaries, and any potential impacts that are identified must be monitored or mitigated; and
- require compliance with the Department approved Site Management Plan.

Box 4**Description of Engineering Controls**

Parcel

Engineering Control

94.032-1-2.11

Cover System

A site cover will be required to allow for commercial or industrial use of the site. The cover will consist either of the structures such as buildings, pavement, sidewalks comprising the site development or a soil cover in areas where the upper one foot of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where the soil cover is required it will be a minimum of one foot of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d).

94.032-1-2.12

Cover System

A site cover will be required to allow for commercial or industrial use of the site. The cover will consist either of the structures such as buildings, pavement, sidewalks comprising the site development or a soil cover in areas where the upper one foot of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where the soil cover is required it will be a minimum of one foot of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d).

Periodic Review Report (PRR) Certification Statements

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

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

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

YES NO

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

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

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

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

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

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

YES NO

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

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

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. C905037

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Paul F. Curran, P.E. at 400 Market Industrial Park, Suite 32
Wappingers Falls, NY 12590,
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.

Paul Curran
Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

5 May 2023
Date

EC CERTIFICATIONS
SITE NO. C905037

Box 7

Professional Engineer 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 Lori E. Riker, P.E. at Benchmark Civil/Environmental Engineering & Geology, PLLC
2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218,
print name print business address

I am certifying as a Professional Engineer for the _____ Owner
(Owner or Remedial Party)

Lori Riker

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



Stamp
(Required for PE)

5/5/23

Date

APPENDIX B

SITE PHOTOGRAPHIC LOG

SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



SITE INSPECTION (APRIL 14, 2023)

- Photo 1: View of the Site from the northwest (looking south)
- Photo 2: View of solar panels and access road (looking east)
- Photo 3: View of solar panels and access road (looking south)
- Photo 4: View of solar panels showing grass cover (looking east)

SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



SITE INSPECTION (APRIL 14, 2023)

Photo 5: View of solar panels from the southern access road (looking northeast)

Photo 6: View of solar panels from the southern access road (looking west)

Photo 7: View of solar panels from the southern access road along fence line (looking northeast)

Photo 8: View of solar panels and grass cover system (looking west)

SITE PHOTOGRAPHS

Photo 9:



Photo 10:



Photo 11:



Photo 12:



SITE INSPECTION (APRIL 14, 2023)

Photo 9: View of solar panels from the southern access road along fence line (looking north)

Photo 10: View of solar panels and vegetated cover (looking west)

Photo 11: View of solar panels along western fence line (looking east)

Photo 12: View of solar panels and vegetated cover (looking west)