

National Fuel Gas Distribution Corporation

2018 PERIODIC REVIEW REPORT

Former Buffalo Service Station – Off-Site Site #C915194a
Buffalo, Erie County, New York

January 2019

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2018 PERIODIC REVIEW REPORT

Former Buffalo Service Station – Off-Site Site #C915194a
Buffalo, Erie County, New York

Prepared for:

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Date:

January 2019

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2018 PERIODIC REVIEW REPORT

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2018 PERIODIC REVIEW REPORT

ACRONYMS AND ABBREVIATIONS

BSS Former Buffalo Service Station

IC Institutional Control

PRR Periodic Review Report

NYSDEC New York State Department of Environmental Conservation

NYSTA New York State Thruway Authority

SMP Site Management Plan

1 INTRODUCTION

This Periodic Review Report (PRR) is required by Section 4.3 of the May 2016 Site Management Plan (SMP; Arcadis, 2016) for the Former Buffalo Service Station (BSS) Off-Site site (hereinafter referred to as the "Site") located in Buffalo, Erie County, New York. The SMP addresses the means for implementing Institutional Controls (ICs) that are required by the Environmental Easement for the portion of the Site owned by the City of Buffalo (City) and an Environmental Notice for the portion of the Site owned by the New York State Thruway Authority (NYSTA). As of the date of this PRR, an Environmental Notice is pending between the New York State Department of Environmental Conservation (NYSDEC) and NYSTA for the portion of the Site owned by the NYSTA. National Fuel submitted a November 21, 2017 letter to the NYSDEC in response to August 2017 comments from the NYSTA on the May 2016 Site Management Plan (SMP). In that letter, National Fuel requested that the NYSDEC provide final approval of the May 2016 SMP and provide NYSTA with an environmental notice for NYSTA's property that comprises the western portion of the site. The NYSDEC provided a revised version of the SMP to National Fuel on January 15, 2019 in response to National Fuel's November 21, 2017 letter. National Fuel is currently reviewing the revised SMP. The certification provided in this PRR assumes that the ICs identified for the portion of the Site owned by the NYSTA will be the same as those identified in the Environmental Easement for the City property.

This PRR has been developed in accordance with Section 6.3 of the Department of Environmental Remediation (DER)-10 Technical Guidance for Site Investigation and Remediation (NYSDEC, 2010). This PRR documents inspection and efficacy of the ICs implemented at the Site during the reporting period of January 1, 2018 to December 31, 2018.

1.1 Background

1.1.1 Site Location and History

The Site is located in the City of Buffalo, County of Erie, New York (Figure 1), and is approximately 120 feet by 180 feet extending from the eastern edge of Fourth Street, under and to the west edge of the New York State Interstate I-190 overpass (Figure 2). The portion of the Site that lies beneath Fourth Street is owned by the City of Buffalo, and the portion beneath the I-190 overpass is owned by the NYSTA. The eastern portion of the Site contains a 6-foot tall galvanized chain-link fence placed by the NYSTA to deter trespassing under the I-190 overpass. The western boundary of the Site is denoted by a chain-link fence that is located between the Site and a railroad. Groundwater in the vicinity of the Site is not used as a drinking water supply (Groundwater Technology, 1996). The Site was historically the location of the confluence between the former Wilkeson Slip and the former Erie Canal (Figure 2).

1.1.2 Summary of Impacts and Remedial Actions

As summarized in the SMP, it is possible that a small region of residual coal tar remains beneath Fourth Street at a depth of approximately 15 to 19 feet below ground surface. Previous investigations indicated that the tar (and related dissolved phase impacts from the tar) does not appear to be present in the portion of the Site west of Fourth Street (underneath the I-190 overpass). The tar likely originated from the former Buffalo Service Station site located adjacent to, and northeast of, the Site (Figure 2).

The remedial action for the site consists of compliance with the Environmental Easement and Environmental Notice (pending) and the ICs described in the SMP. The ICs consist of:

- 1. The Site may be used for commercial and industrial use.
- 2. The Site may not be used for a higher level of use, such as unrestricted residential, or restricted residential use as defined in DER-10, without an amendment to each the Environmental Easement and Environmental Notice, respectively, as approved by the NYSDEC.
- 3. Compliance with the Environmental Easement, and Environmental Notice, and the SMP by the owners of the Site and National Fuel and its successors.
- ICs identified in the Environmental Easement and Environmental Notice may not be discontinued without an amendment to or extinguishment of the Environmental Easement and/or Environmental Notice, respectively.
- 5. All future activities on the Site that will disturb remaining impacts must be conducted in accordance with the SMP.
- 6. Use of the groundwater underlying the Site is prohibited.
- 7. Vegetable gardens and farming on the Site are prohibited.
- 8. Data and information pertinent to Site management must be reported at the frequency and in a manner as defined in the SMP.

1.2 Objectives

As described in the SMP, ICs are established for the Site and are required to protect human health and the environment. The purpose of the ICs is to prevent future exposure to remaining impacts by controlling disturbances of the subsurface impacts, and limit use and development of the Site to commercial or industrial uses only.

The Site Monitoring Plan provided in Section 3 of the SMP describes requirements for evaluating the effectiveness and condition of the ICs. National Fuel or its successor is responsible for Site monitoring, including inspections and reporting. Because there is no active remediation system or media sampling required for the Site, performance monitoring is not applicable.

2 IC EFFECTIVENESS MONITORING

This section summarizes effectiveness monitoring of the Site ICs. The effectiveness monitoring consisted of conducting a site-wide inspection and contacting the property owners to conduct interviews regarding compliance with ICs for 2018.

2.1 Site-Wide Inspection

As discussed in Section 3.2 of the SMP, a comprehensive site-wide inspection is required for the first 5 years and once every 3 years thereafter. The site-wide inspection for the 2018 monitoring period was

conducted on January 8, 2019. During the inspection, ICs were observed to be effective at protecting human health and the environment at the Site, as follows:

- Obvious indications of recent intrusive disturbance to the subsurface were not observed on the City or NYSTA properties; and
- Land use was observed to be commercial or industrial, which is consistent with that identified in the SMP.

The completed site inspection form, as required by Section 3.2 of the SMP, is included as Appendix A. A photographic log for photographs taken during the Site inspection is included as Appendix B.

2.2 Property Owner Interview

Arcadis contacted representatives from each property owner comprising the Site to inquire whether potential activities (i.e. intrusive activities) or land-use changes occurred in 2018 that would have violated the ICs. A summary of the correspondence is provided below, and documentation is included as Appendix C.

2.2.1 City of Buffalo

On January 8, 2019, Mr. Nicholas Beyrle of Arcadis submitted a Freedom of Information Act (FOIA) request via email to Mr. Michael Finn from the City of Buffalo Department of Public Works for information to determine whether intrusive activities were conducted on the City of Buffalo portion of the Site in 2018. A copy of the FOIA request is provided in Appendix C. Information received from the FOIA request (also in Appendix C) confirmed that no intrusive activities occurred on the City of Buffalo portion of the Site and that the ICs remained effective during 2018.

2.2.2 **NYSTA**

On January 8, 2019, Mr. Nicholas Beyrle of Arcadis spoke with Mr. Paul Zakrzewski from the NYSTA. Mr. Zakrzewski indicated that no subsurface work was conducted on the NYSTA portion of the Site by NYSTA or third-party contractors and that no change in use of the property had occurred in 2018. To the best of his knowledge, the ICs remained effective during 2018.

3 CERTIFICATION

Certification for the institutional controls is outlined by site management requirements presented in Section 6.3(b) of DER-10. As noted in Section 4.3 of the SMP, the certification shall be submitted annually for the first five years and then every three years thereafter, or an alternate period of time that NYSDEC may allow. The certification form enclosed in this PRR as Appendix D covers the certification period from January 1, 2018 to December 31, 2018.

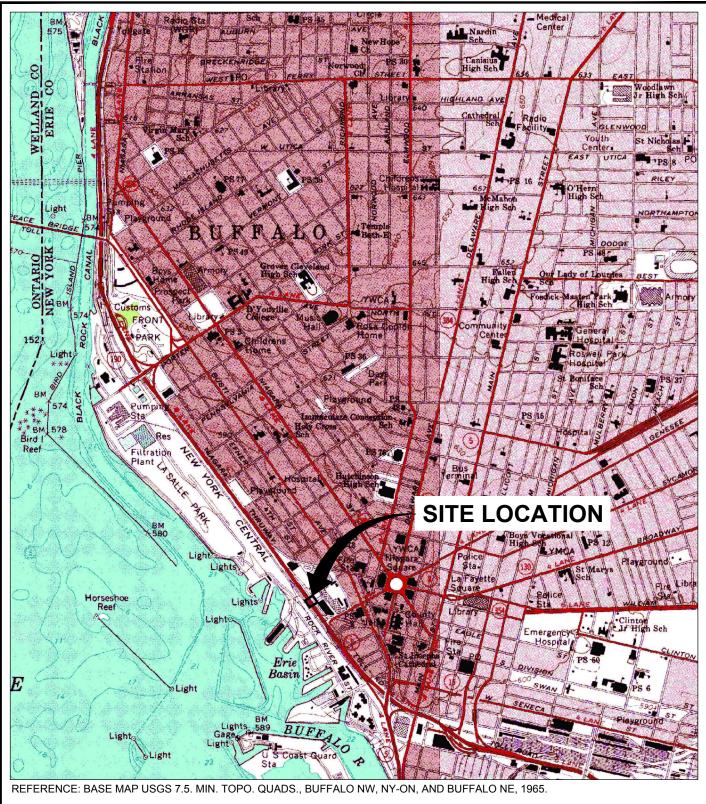
4 REFERENCES

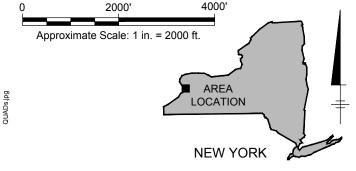
Arcadis, 2016. Site Management Plan, Former Buffalo Service Station – Off-site, New York, May 2016.

Groundwater Technology, 1996. Sensitive Receptor Survey Report National Fuel Gas Distribution Corporation Buffalo Service Center, Buffalo, New York, April 5, 1996.

NYSDEC, 2010. DER-10 Technical Guidance for Site Investigation and Remediation, May 2010.

FIGURES





FORMER BUFFALO SERVICE STATION - OFF-SITE BUFFALO, NEW YORK PERIODIC REVIEW REPORT

SITE LOCATION MAP



FIGURE

1

APPENDIX A

Site Inspection Form

Site Inspection Form Former Buffalo Service Station - Off-Site Area - Buffalo, New York

Pavement condition	D	Date/Time: 🗷 /೦৪/ ೩೦/৭		Weathe	er: Ouchcast
Photographs will be attached to document the condition of each inspection item identified below. A written description of any item(s) that is considered to be in poor condition is required. 1. Fourth Street Conditions: Pavement condition	Ρ	Personnel: Nichdas Beyrle		Temperatur	re: ~40°F
Photographs will be attached to document the condition of each inspection item identified below. A written description of any item(s) that is considered to be in poor condition is required. 1. Fourth Street Conditions: Pavement condition Signs of intrusive activities Pavement condition Signs of intrusive activities Poor Poor* Signs of intrusive activities Poor Poor* Signs of intrusive activities No Yes* Evidence of Settlement No Yes* 2. Site Security Fencing Around NYSTA Property: Condition Gate Locked Upon Arrival No Yes* 3. NYSTA Property Conditions: Standing Water Missing Stone/Vegetation No Yes* Signs of intrusive activities No Yes* Evidence of Settlement No Yes* Evidence of Settlement No Yes* Evidence of Settlement No Yes* A Notes: Fourth Street Conditions: Standing Water No Yes* Damage/failure of existing structures No Yes*			Consul Box		
Pavement condition		Photographs will be attached to de A written description of any it	ocument the cond	dition of each in	spection item identified below. poor condition is required.
Signs of intrusive activities	1.	Fourth Street Conditions:			
Evidence of saw-cut asphalt Evidence of trenching or excavation No Yes* Evidence of Settlement No Yes* Evidence of Settlement No Yes* Evidence of Settlement No Poor/Damaged* Condition Gate Locked Upon Arrival No Yes* 3. NYSTA Property Conditions: Standing Water Missing Stone/Vegetation Signs of intrusive activities No Yes* Evidence of Settlement No Yes* Evidence of Settlement No Yes* Damage/failure of existing structures No Yes* A. Notes: Fourth Sheet Conditions of Pasknest Conditions — Some filled in potholes and scaled Cracks.		Pavement condition	⊠ Good	☐ Poor*	
Evidence of trenching or excavation No Yes* Evidence of Settlement No Yes* 2. Site Security Fencing Around NYSTA Property: Condition Seate Locked Upon Arrival No Yes* 3. NYSTA Property Conditions: Standing Water No Yes* Missing Stone/Vegetation No Yes* Signs of intrusive activities No Yes* Evidence of Settlement No Yes* Damage/failure of existing structures No Yes* 4. Notes: Evidence of Settlement Conditions No Yes* A Notes:		Signs of intrusive activities	⊠ No	☐ Yes*	
Evidence of Settlement No Yes* 2. Site Security Fencing Around NYSTA Property: Condition		Evidence of saw-cut asphalt	⊠ No	☐ Yes*	
2. Site Security Fencing Around NYSTA Property: Condition Gate Locked Upon Arrival		Evidence of trenching or exca	avation 🔀 No	☐ Yes*	
Condition Gate Locked Upon Arrival No Yes* No Yes* No Yes* Standing Water Missing Stone/Vegetation Signs of intrusive activities Evidence of Settlement Damage/failure of existing structures No Yes* No Yes* No Yes* Evidence of Settlement No Yes* Damage/failure of existing structures No Yes* No Yes* A. Notes:		Evidence of Settlement	⊠ No	☐ Yes*	
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Signs of intrusive activities No Yes* Evidence of Settlement No Yes* Damage/failure of existing structures No Yes* 4. Notes: Fourth Street Conditions & Pavennet Conditions - Some filled in potholes and scaled Cracks.		Standing Water	⊠ No	☐ Yes*	
Evidence of Settlement No Yes* Damage/failure of existing structures No Yes* 4. Notes: Fourth Street Conditions & Pavenust Conditions - Some filled in pothdes and sealed Cracks.		Missing Stone/Vegetation	⊠ No	☐ Yes*	
Damage/failure of existing structures No Yes* 4. Notes: Fourth Street Conditions & Pavement Conditions - Some filled in patholes and scaled Cracks.		Signs of intrusive activities	⊠ No	☐ Yes*	
Fourth Street Conditions & Pavement Conditions - Some filled in potholes and sealed cracks.		Evidence of Settlement	⊠ No	☐ Yes*	
Fourth Street Conditions & Pavement Conditions - Some filled in potholes and scaled cracks.		Damage/failure of existing struc	tures 🔞 No	☐ Yes*	
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^{*} Indicates condition should be reported to OM&M Coordinator and NYSDEC.

APPENDIX B

Photographic Log



Former Buffalo Service Station – Off-Site Site #C915194A





Photo: 1

Date: 1/8/2019

Description:

Photograph showing City of Buffalo Property within the Site limits. Photograph looking west showing cover materials are in good condition with no observable disturbance to the subsurface (northern portion).

Location: Former Buffalo Service Station – Off-Site, City of Buffalo Property

Photo: 2

Date: 1/8/2019

Description:

Photograph showing City of Buffalo Property within the Site limits. Photograph looking west showing cover materials are in good condition with no observable disturbance to the subsurface (center portion).

Location: Former Buffalo Service Station – Off-Site, City of Buffalo Property



Former Buffalo Service Station - Off-Site Site #C915194A





Photo: 3

Date: 1/8/2019

Description:

Photograph showing City of Buffalo Property within the Site limits. Photograph looking west showing cover materials are in good condition with no observable disturbance to the subsurface (southern portion).

Location: Former Buffalo Service Station - Off-Site, City of Buffalo Property

Photo: 4

Date: 1/8/2019

Description:

Photograph showing City of **Buffalo Property and NYSTA** Property within the Site limits. Photograph looking south showing cover materials are in good condition with no observable disturbance to the subsurface.

Location: Former Buffalo Service Station - Off-Site, City of **Buffalo/NYSTA Property**



Former Buffalo Service Station - Off-Site Site #C915194A





1/8/2019

Photo: 5

Description:

Photograph showing City of **Buffalo Property and NYSTA** Property within the Site limits. Photograph looking south showing cover materials are in good condition with no observable disturbance to the subsurface (close-up view).

Location: Former Buffalo Service Station - Off-Site, City of **Buffalo/NYSTA Property**

Photo: 6

Date:

1/8/2019

Description:

Photograph showing NYSTA Property within the Site limits Photograph looking west showing cover materials are in good condition with no observable disturbance to the subsurface (northern portion).

Location: Former Buffalo Service Station - Off-Site, NYSTA **Property**





Former Buffalo Service Station – Off-Site Site #C915194A



Photo: 7

Date: 1/8/2019

Description:

Photograph showing NYSTA Property within the Site limits Photograph looking west showing cover materials are in good condition with no observable disturbance to the subsurface (center portion).

Location: Former Buffalo Service Station – Off-Site, NYSTA Property



Photo: 8

Date: 1/8/2019

Description:

Photograph showing NYSTA Property within the Site limits Photograph looking west showing cover materials are in good condition with no observable disturbance to the subsurface (southern portion).

Location: Former Buffalo Service Station – Off-Site, NYSTA Property

APPENDIX C Phone Call Log and FOIA Information





Person Called	Paul Zakrzewski
Title/Position	New York State Thruway Authority (NYSTA)
	Coordinator of Transportation Development Projects, Buffalo Division
Phone Number	716.635.6253
Date of Call	January 8, 2019
Call Purpose	Verification of work completed at Site
Site Name	Former Buffalo Service Station – Off-Site
Client	National Fuel

Arcadis of New York, Inc.
One Lincoln Center
110 West Fayette Street
Suite 300
Syracuse
New York 13202
Tel 315 446 9120
Fax 315 449 0017

Call Log

January 8, 2019, Nicholas Beyrle of Arcadis contacted Paul Zakrzewski of the NYSTA to inquire whether subsurface work was conducted on the NYSTA property comprising the western portion of the National Fuel Former Buffalo Service Station – Off-Site (Site). Mr. Zakrzewski issues permits to third-parties allowing them to conduct work on NYSTA property and also is in charge of NYSTA workers conducting subsurface work on NYSTA property. According to Mr. Zakrzewski, NYSTA did not conduct subsurface work or issue permits to third-parties to conduct subsurface work on NYSTA property for the parcel comprising a portion of the Site in 2018. In addition, the land use for the site has not changed.



JAMES COMERFORD JR.

COMMISSIONER

CITY OF BUFFALO **DEPARTMENT OF PERMIT & INSPECTION SERVICES**

RECORD REQUEST FORM

Under the provisions of the New York FREEDOM OF INFORMATION LAW (F.O.I.L.), Article 6 of the Public Officers Law, I hereby request the records or portions thereof that I have reasonably described in Part "B" of this form.

. Company Name:		
. Address:	State:	Zip Code:
Type of Business:		
Telephone Number:	Fax Number:	
o. E-Mail:	I do not want to receive	ve any information via e-mail.
ART B – INFORMATION REQUESTE		
s dates, titles, or any other information that n hat the record or document that you are reque		
ART C – METHODS OF REVIEW		_

PART D – FEES

If you should desire copies of records, the following fees will apply in accordance with 16 NYCRR §6-1.2. Advanced payment
is required before records will be released. Please make check or money orders payable to the City of Buffalo.
CHARGES FOR COPYING:
D 00 100 005 D 00 100 050

Pages up to 9" x 14" \$.25 ea. Pages over 9" x 14" \$.70 ea.

The fee for special reproductions such as photocopies for large items shall be based upon the average unit cost of copying a record, excluding fixed costs of the department, such as operator salaries.

PART E – SUBMISSION OF REQUEST

After you have reasonably described the records you wish to inspect or obtain, please sign this form and return it to the address listed below. Requests may be mailed or hand delivered. Please note that you do not have to complete this form in order to request records from this Department, however, it will facilitate access to the records.

CITY OF BUFFALO DEPARTMENT OF ECONOMIC DEVELOPMENT, PERMIT & INSPECTION SERVICES

ATTN: RECORDS ACCESS OFFICER

65 NIAGARA SQUARE, CITY HALL ROOM 301

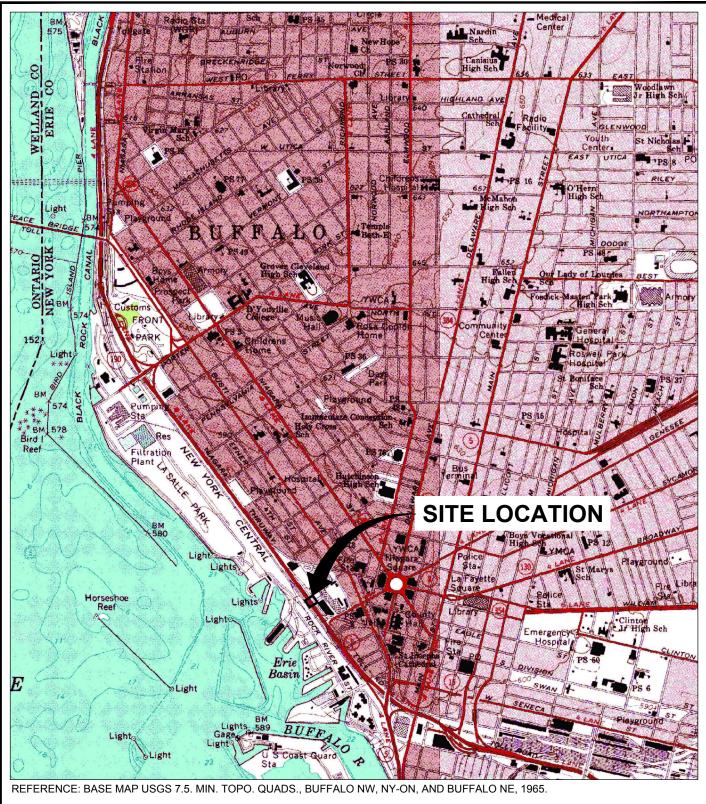
BUFFALO, NEW YORK 14202

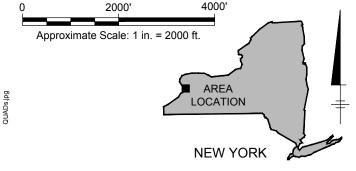
PART F – COMMERCIAL PURPOSES CERTIFICATION & AFFIRMATION

that such list(s) will not be used for comme Public Officers Law permit the City of Buf addresses, that such list will not be used for	rcial or fundraising purpose. Section 8 falo to seek a certification from an appl commercial or fundraising purposes.	AMES AND ADDRESSES. By signing below, I certify 7(2)(b) and 89(2)(b)(iii) of the New York State icant seeking disclosure of a list of names and
Signature:	Print Name:	Date:
I hereby affirm that the information I have	provided on this request form is correct	
		Date:
PART G – DISPOSITION OF REC	QUESTDO NOT	WRITE BELOW THIS LINE
The Department will notify you as to v APPROVED – The approximate date is	whether your request will be granted or the records will be available:	t & Inspection Services is reviewing your request. denied on or about the following date: To arrange for access to the records, contact:
Records are specifically exempted Disclosure would constitute an un Disclosure would impair present of Records are exempt from disclosur Disclosure could endanger the life Records are exempt from disclosur	References are to Section 87 of the NY from disclosure by state or federal stat warranted invasion of personal privacy or imminent contract awards or collective re under the Law Enforcement Exempts or safety of any person 2 (f) re under the Inter/Intra – Agency Mater	ute 2 (a) 2(b) re bargaining negotiations 2 (c) fon 2 (e) rials Exemption 2 (g)
MATERIAL REDACTED		
☐ This Department maintains the red☐ Other:	ribed in sufficient detail re not maintained by this department cords you have requested, but the record	Is could not be located after a diligent search.
SIGNED:	TITLE:	DATE:

PART H - APPEALS

If you are denied access to records or portions of records, you may submit a written appeal the Commissioner of Economic Development, Permit & Inspection Services, City Hall, Room 324. Such appeal must be made within **thirty (30) days** after you receive the denial. Please attach a copy of this completed form when filing your appeal. The Appeals Officer will evaluate the appeal and respond to you in writing within **ten (10) business days** after receipt of the appeal.





FORMER BUFFALO SERVICE STATION - OFF-SITE BUFFALO, NEW YORK PERIODIC REVIEW REPORT

SITE LOCATION MAP



FIGURE

1

APPENDIX D

Certification Form



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



Site	e Details	Box 1
Site No. C915194A		
Site Name: Former Buffalo Service Station	- Off-Site	
Site Address: 249 West Genesee Street Zi City/Town: Buffalo County: Erie Site Acreage: 0.6	p Code: 14202	
Reporting Period: January 1, 2018 to December	er 31, 2018	
		YES NO
4. In the information of our course		
Is the information above correct?		
If NO, include handwritten above or on a s	eparate sheet.	
Has some or all of the site property been s tax map amendment during this Reporting		
3. Has there been any change of use at the s (see 6NYCRR 375-1.11(d))?	ite during this Reporting Period	
4. Have any federal, state, and/or local permi for or at the property during this Reporting		
If you answered YES to questions 2 thruthat documentation has been previously		
5. Is the site currently undergoing developme	ent?	
		Box 2
		YES NO
6. Is the current site use consistent with the u	use(s) listed below?	× □
7. Are all ICs/ECs in place and functioning as	s designed?	\nearrow
	TION 6 OR 7 IS NO, sign and date below a T OF THIS FORM. Otherwise continue.	and
A Corrective Measures Work Plan must be sul	omitted along with this form to address the	nese issues.
Signature of Owner, Remedial Party or Designate	ed Representative Date	

SITE NO. C915195 Box 3 **Description of Institutional Controls** <u>Parcel</u> <u>Owner</u> **Institutional Control Ground Water Use Restriction** Site Management Plan Landuse Restriction i)Use of groundwater for potable and non-potable purposes is prohibited. ii)Implementation of Soil/Fill Management Plan. iii) Property shall remain as commercial/industrial use only Box 4 **Description of Engineering Controls** None Required Not Applicable/No EC's

Box	5
-----	---

	Periodic Review Report (PRR) Certification Statements		
1.	I certify by checking "YES" below that:		
	a) the Periodic Review report and all attachments were prepared under the directive reviewed by, the party making the certification;	ction of,	and
	b) to the best of my knowledge and belief, the work and conclusions described in are in accordance with the requirements of the site remedial program, and generating programs are the information programs are applied.		
	engineering practices; and the information presented is accurate and compete.	YES	NO
		×	
2.	If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that following statements are true:		
	(a) the Institutional Control and/or Engineering Control(s) employed at this site is the date that the Control was put in-place, or was last approved by the Department		nged since
	(b) nothing has occurred that would impair the ability of such Control, to protect the environment;	public h	ealth and
	(c) access to the site will continue to be provided to the Department, to evaluate including access to evaluate the continued maintenance of this Control;	the rer	nedy,
	(d) nothing has occurred that would constitute a violation or failure to comply wit Management Plan for this Control; and	th the S	ite
	(e) if a financial assurance mechanism is required by the oversight document fo mechanism remains valid and sufficient for its intended purpose established in the		
		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 the	nese iss	sues.
	Signature of Owner, Remedial Party or Designated Representative Date		

IC CERTIFICATIONS SITE NO. C915195

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.

print name		at <u>C. 3C. 3</u> MAIN SKINT, WILL, print business address		
m certifying as				(Owner or Remedial Party
or the Site named in the	Site Details Sect	ion of this form.		
				1-22-19
				1000



Arcadis of New York, Inc.

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