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# BROWNFIELD CLEANUP PROGRAM

## APPENDIX H-8 SITE MANAGEMENT PLAN

TECUMSEH PHASE II BUSINESS PARK  
NYSDEC SITE NO. C915198H (II-8)  
LACKAWANNA, NEW YORK

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December 2022

0564-021-006

Prepared for:

**Renaissance 8, LLC**

100 Corporate Pkwy, Suite 500  
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Prepared By:



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In Association With:



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**Revisions to Addenda of Final Approved Site Management Plan:**

Revision #	Submitted Date	Summary of Revision	DEC Approval Date

**PHASE II BUSINESS PARK  
SITE MANAGEMENT PLAN: APPENDIX H-8  
SITE II-8 (SITE NO. C915198H)**

**Certification Statement**

I, Lori E. Riker, certify that I am currently a NYS registered professional engineer and that this Site Management Plan was prepared in accordance with all applicable statutes and regulations and in substantial conformance with the DER Technical Guidance for Site Investigation and Remediation (DER-10).

STAMP:



DATE:

12/14/2022

SIGNATURE:

Lori E. Riker

**PHASE II BUSINESS PARK  
SITE MANAGEMENT PLAN: APPENDIX H-8  
SITE II-8 (SITE NO. C915198H)**

**Table of Contents**

<b>1.0</b>	<b>INTRODUCTION.....</b>	<b>1</b>
1.1	BCA Amendments.....	1
1.2	Site Location and Description.....	2
1.3	Remedial Investigation .....	2
1.4	Interim Remedial Measures .....	3
1.5	Summary of Remedial Actions .....	4
1.6	Remaining Contamination .....	4
<b>2.0</b>	<b>ENGINEERING &amp; INSTITUTIONAL CONTROL PLAN.....</b>	<b>6</b>
2.1	Introduction.....	6
2.2	Engineering Control Systems .....	6
2.3	Institutional Controls .....	6
2.4	Inspections and Notifications.....	6
2.5	Contingency Plan.....	6
<b>3.0</b>	<b>SITE MONITORING PLAN .....</b>	<b>8</b>
<b>4.0</b>	<b>OPERATION &amp; MAINTENANCE PLAN.....</b>	<b>9</b>
<b>5.0</b>	<b>INSPECTIONS, REPORTING &amp; CERTIFICATIONS.....</b>	<b>10</b>
<b>6.0</b>	<b>REFERENCES .....</b>	<b>11</b>

**PHASE II BUSINESS PARK  
SITE MANAGEMENT PLAN: APPENDIX H-8  
SITE II-8 (SITE NO. C915198H)**

**Table of Contents**

**LIST OF TABLES**

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Table 1	Summary of Hotspot L Confirmatory Soil Analytical Data
Table 2	Summary of Remaining Soil/Fill Contamination Above USCOs
Table 3	Emergency Contact Numbers (in text)

**LIST OF FIGURES**

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Figure 1	Site Location and Vicinity Map
Figure 2	Site Delineation Map
Figure 3	Completed Remedial Measures
Figure 4	Approximate Locations and Types of Cover System Materials

**ATTACHMENTS**

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Attachment A	Sample EC/IC Certification Form
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## 1.0 INTRODUCTION

The Site Management Plan (SMP) is a required element of the remedial program at the Tecumseh Redevelopment Inc. (Tecumseh) Phase II Business Park (herein referred to as the Controlled Property; see Figure 1) under the New York State (NYS) Brownfield Cleanup Program (BCP) administered by New York State Department of Environmental Conservation (NYSDEC). The purpose of an SMP is to manage the contamination on a site remaining after remedial action.

The January 2014 SMP (Ref. 1) for the Controlled Property was prepared by TurnKey Environmental Restoration, LLC (TurnKey), on behalf of Tecumseh, in accordance with the requirements in NYSDEC DER-10 Technical Guidance for Site Investigation and Remediation (Ref. 2) and the guidelines provided by NYSDEC. Since the Controlled Property was divided into 12 BCP Sites designated as Sites II-1 through II-12 (BCP Site Nos. C915198 through C915199L), the main body of the SMP includes the site management components common to all 12 Sites. Site-specific requirements are included as Appendix H to the SMP. This SMP appendix is specific to Site II-8 (C915198H) identified on the Erie County Tax maps as SBL 141.15-1-6.

### 1.1 BCA Amendments

The Brownfield Cleanup Agreement (BCA) for the Tecumseh Phase II Business Park (Site No. C915198) was signed by NYSDEC on March 14, 2007. Since that time, the following BCA amendments relating to Site II-8 (C915198H) have been signed by NYSDEC:

- Amendment 1 (8/22/2012) subdivided the Phase II Business Park into 12 BCP Sites designated as Sites II-1 through II-12 (BCP Site Nos. C915198 through C915199L).
- Amendment 2 (10/2/2017) added the Erie County Industrial Land Development Corporation (ILDC) as an applicant for Site II-8 in advance of its purchase from Tecumseh.
- Amendment 3 (4/18/2018) transitioned the BCP Site II-8 from Generation 1 to Generation 3.
- Amendment 4 (2/14/2019) transferred 1.14 acres of Site II-8 to BCP Site No. C915197L for construction of the Shoreline Trail (pedestrian bike path), reducing the size of Site II-8 to 10.27 acres.

- Amendment 5 (7/1/2022) excluded a 1.91-acre parcel from Site II-8 for use as a public roadway, creating new BCP Site No. C915198M (Site II-13) and reducing the size of Site II-8 to 8.36 acres.
- Amendment 6 (12/2022) transferred ownership to BLD VII, LLC; changed the name of BLC VII, LLC to Renaissance 8, LLC; and updated the tax parcel number to SBL No. 141.15-1-6.

## 1.2 Site Location and Description

As shown on Figure 2, Site II-8 (approx. 8.36 acres) is bounded by BCP Sites II-9 and II-10 to the west; the Dona Street Extension and BCP Site II-6 to the south; the pedestrian bike path through Site I-12 and NYS Route 5 (aka Hamburg Turnpike) to the east; and BCP Site II-11 to the north. Renaissance 8, LLC redeveloped the Site with a 151,200 square foot, single-story warehouse. Truck deep-docks and at-grade docks were constructed on the west side of the warehouse, accessed by a new public roadway off the Dona Street Extension. The redevelopment includes utility improvements, an on-site storm water management system, and an asphalt parking lot.

The NYSDEC issued the Decision Document for Site II-8 in December 2016 (Ref. 3). The Decision Document specifies, among other requirements, placement of acceptable cover material to allow for commercial use of the Site. Engineering controls (ECs) have been incorporated into the remedy to control exposure to remaining contamination during use of the Site to ensure protection of public health and the environment. An Environmental Easement granted to the NYSDEC by Tecumseh for the entire Phase II Business Park has been recorded with the Erie County Clerk and requires compliance with this SMP and all ECs and institutional controls (ICs) placed on the Site. The ICs place restrictions on site use, and mandate operation, maintenance, monitoring, and reporting measures for all ECs and ICs.

This Appendix addresses the means for implementing the ICs and ECs that are required by the Environmental Easement for Site II-8 of the Controlled Property. This Appendix is not to be used as stand-alone documents but as a component document of the January 2014 SMP (and subsequent updates) for the Controlled Property.

## 1.3 Remedial Investigation

The July 2009 Remedial Investigation/Alternatives Analysis Report (RI/AAR) Work Plan (Ref. 4) identified Site characterization requirements to be completed pursuant to the

BCP and NYSDEC DER-10 guidance across all 12 sites within the Controlled Property. The RI was designed to provide defensible data to identify areas of the Controlled Property potentially requiring remediation, define chemical constituent migration pathways, and qualitatively assess human health and ecological risks to allow for performance of a remedial alternatives evaluation.

Investigative activities specific to Site II-8 were performed in March and April 2010 and included the completion of several test pits on the Site. The nature and extent of contamination at the Site was found to be consistent with the former site use as a steel manufacturing facility. When compared to NYSDEC commercial soil cleanup objectives (CSCOs) per 6NYCRR Part 375-6, polycyclic aromatic hydrocarbons (PAHs) and metal concentrations exceeded CSCOs. Arsenic was detected in one area of the Site at a concentration of 152 parts per million (ppm) within the upper 2-foot depth interval of sample BPAII-TP-40, which exceeds the CSCO of 16 ppm and NYSDEC-approved Site-Specific Action Level (SSAL) of 118 ppm for the Controlled Property. Arsenic was detected below the SSAL at all supplemental test pit location during the RI. Figure 3 shows the location of the original and supplemental test pits. No groundwater monitoring wells exist on Site II-8; however, groundwater on neighboring sites was found to be generally free of impact that would necessitate remedial measures. Site groundwater is not used and is restricted from use for either potable or non-potable purposes without treatment by an Environmental Easement.

The RI/AA Report was submitted to NYSDEC in May 2011, revised, and finalized in March 2012 (Ref. 5). The RI/AA Report recommended remediation of hotspot slag/fill with deferred cover system placement during redevelopment as well as ECs and ICs to limit future use of the Controlled Property to restricted (commercial or industrial) uses and prevent groundwater use for potable purposes (see Section 2.0).

## 1.4 Interim Remedial Measures

The results of the supplemental test pit investigation demonstrated the area of arsenic impact associated with test pit BPAII-TP-40 was contained to an approximate 20-foot by 20-foot by 2-foot deep area identified as Hotspot L. The remedial excavation work for Hotspot L was performed on March 1, 2013 in anticipation of subgrade utility (buried waterline) installation proximate Hotspot L. A total of 49.9 tons of impacted soil/fill was removed from the Site by Zoladz Construction Company on March 19, 2013 and disposed at the Chautauqua

County Landfill in Jamestown, NY. The excavation sidewalls and bottom were tested to verify achievement of the arsenic SSAL, after which the excavation was backfilled with surrounding fill materials meeting the SSAL. Table 1 summarizes the confirmatory soil data. Figure 3 shows the test pit and sampling locations as well as the excavation limits. The remedial work was performed in accordance with the NYSDEC-approved March 2013 Interim Excavation Work Plan (Ref. 6). This Interim Plan was finalized and became the Excavation Work Plan (EWP) for the 2014 SMP (Appendix B); the EWP was subsequently revised in June 2021 (Ref. 7). The remedial work was documented in the Hotspot L Remedial Excavation Letter Report dated April 17, 2013 (Ref. 8).

## 1.5 Summary of Remedial Actions

The final remedial measures for Site II-8 involved placement of the cover system during redevelopment in accordance with the NYSDEC-approved September 2021 Remedial Action Work Plan (RAWP; Ref. 9). An existing portion of Dona Street, including a concrete sidewalk and remediated greenspace within the northern easement area of Dona Street, was completed in 2019. A Construction Completion Report (CCR) was prepared by LiRo Engineers, Inc. (LiRo) to document the actions performed on Site II-8 (Ref. 10). All remedial work is document in the Final Engineering Report (Ref. 11).

## 1.6 Remaining Contamination

The remedial work conducted on Site II-8 has removed all known “source area” (i.e., arsenic-impacted) slag/fill. The remaining soil/fill is generally characterized by widespread exceedance of the Part 375 unrestricted SCOs (USCOs) for several ubiquitous constituents; specifically, PAHs and inorganic compounds (i.e., arsenic, chromium, and lead). Other constituents remaining above USCOs in select areas of the Site include inorganic compounds (i.e., barium, cadmium, and mercury). It is not possible to quantify with any certainty areas that do not exceed one or more of the USCO criteria; therefore, it is assumed that the entire 8.36-acre Site II-8 is impacted above the USCOs to the approximate native soil depth ranging between 7 and 12 fbg. Table 2 summarizes the sample locations remaining above USCOs.

Following grading of Site II-8, a demarcation layer was placed to easily identify the existing Site sub-grade from the cover system material and prevent the potential for inadvertent removal of sub-grade material during possible future intrusive work. The



demarcation layer is comprised of an orange  $\frac{3}{4}$ -inch plastic industrial netting material that was rolled across the sub-grade and overlapped by approximately one foot at the seams.

Groundwater was not sampled on Site II-8 as no monitoring wells or piezometers were installed; however, groundwater on neighboring sites was found to be generally free of impact that would necessitate remedial measures. Site groundwater is not used and is restricted from use for either potable or non-potable purposes without treatment by an Environmental Easement.

## **2.0 ENGINEERING & INSTITUTIONAL CONTROL PLAN**

### **2.1 Introduction**

Since remaining contaminated soil/fill and groundwater exists beneath the Phase II Business Park, ECs and ICs are required to protect public health and the environment. The EC/IC Plan in the January 2014 SMP describes the procedures for the implementation and management of site-wide EC/ICs. The EC/IC Plan is one component of the SMP and subject to revision by NYSDEC. EC/ICs specific to Site II-8 are described below.

### **2.2 Engineering Control Systems**

The cover system for Site II-8 is described in the October 2022 Final Engineering Report (Ref. 11) and shown on Figure 4. In the event the cover system is breached, penetrated, or temporarily removed, the affected cover system shall be repaired in accordance with Section 2.2 of the 2014 SMP and Section 4.0 of the EWP (SMP Appendix B).

### **2.3 Institutional Controls**

The ICs described in Section 2.3 of the 2014 SMP (i.e., Environmental Easement and EWP) must be implemented for Site II-8. There are no site-specific IC requirements for Site II-8.

### **2.4 Inspections and Notifications**

The annual inspections and notifications described in Section 2.4 of the 2014 SMP must be implemented for Site II-8. There are no other site-specific inspection and notification requirements for Site II-8.

### **2.5 Contingency Plan**

Emergencies conditions are addressed in the Emergency Response Plan (ERP), which is an attachment to the HASP (2014 SMP Appendix C). Table 3 lists the emergency contact numbers specific to Site II-8.

**Table 3: Emergency Contact Numbers**

Name: Jeff Benderson Title: Project Manager Company: Uniland Construction	Work: (716) 834-5000 Mobile: (716) 242-9255
Name: Thomas H. Forbes Title: President Company: Benchmark Civil/Environmental Engineering & Geology, PLLC	Work: (716) 856-0599 Mobile: (716) 864-1730

*Note: Contact numbers subject to change and should be updated as necessary*

### 3.0 SITE MONITORING PLAN

The Site Monitoring Plan describes the measures for evaluating the performance and effectiveness of:

- The remedy to reduce or mitigate contamination at the Site;
- The soil cover system; and
- All affected Site media.

Monitoring of the cover system is described in Section 3.2 of the January 2014 SMP. No additional site-specific cover system monitoring is required.

## 4.0 OPERATION & MAINTENANCE PLAN

The remedy for Site II-8 does not rely on any mechanical systems, such as sub-slab depressurization or soil vapor extraction, to protect public health and the environment. Therefore, a site-specific Operation and Maintenance Plan is not required.

## 5.0 INSPECTIONS, REPORTING & CERTIFICATIONS

All inspection, reporting, and certification requirement are described in Section 5.0 of the January 2014 SMP. Attachment A includes a sample EC/IC Certification Form to be completed for Site II-8.

## 6.0 REFERENCES

1. TurnKey Environmental Restoration, LLC. *Site Management Plan for BCP Tecumseh Phase II Business Park, NYSDEC Site No. C915198 through C915198L, Lackawanna, New York*. January 2014.
2. New York State Department of Environmental Conservation. *DER-10/Technical Guidance for Site Investigation and Remediation*. May 3, 2010.
3. New York State Department of Environmental Conservation. *Decision Document, Site II-8 Tecumseh Phase II Business Park, Brownfield Cleanup Program, Lackawanna, Erie County, Site No. C915198H*. December 2016.
4. TurnKey Environmental Restoration, LLC. *Remedial Investigation/Alternatives Analysis Report (RI/AAR) Work Plan, Phase II Business Park Area, Lackawanna, New York*. July 2009.
5. TurnKey Environmental Restoration, LLC. *Remedial Investigation/Alternatives Analysis (RI/AA) Report for Phase II Business Park, Tecumseh Redevelopment Inc., Lackawanna, New York*. Revised March 2012.
6. TurnKey Environmental Restoration, LLC. *Interim Excavation Work Plan, Phase II Business Park Area, Lackawanna, New York*. February 2013, revised March.
7. TurnKey Environmental Restoration, LLC. *SMP Appendix B Excavation Work Plan, Tecumseh Phase II Business Park, NYSDEC Site Numbers: C915198 through C915198L, Lackawanna, New York*. December 2013, revised June 2021.
8. TurnKey Environmental Restoration, LLC. *Hotspot L Remedial Excavation Letter Report, Tecumseh Redevelopment, Business Park Area II Subparcel II-8 (BCP Site No. C915198H), Lackawanna, New York*. April 17, 2013.
9. Benchmark Civil/Environmental Engineering & Geology, PLLC. *Remedial Action Work Plan, Site II-8 (BCP Site No. C915198H), Tecumseh Phase II Business Park, Lackawanna, New York*. September 2021.
10. LiRo Engineers, Inc. *Construction Completion Report, Brownfield Cleanup Program (BCP) Parcels - C915198H and C915198I*. December 2020.
11. TurnKey Environmental Restoration, LLC in association with Benchmark Environmental Engineering & Science, PLLC. *Final Engineering Report, Tecumseh Business Park II, Site II-8, Lackawanna, New York*. October 2022.

## TABLES





TABLE 1

SUMMARY OF HOTSPOT L CONFIRMATORY SOIL ANALYTICAL DATA

SITE MANAGEMENT PLAN

Phase II Business Park, Site II-8  
BLD VII, LLC  
Lackawanna, New York

Parameter <sup>1</sup>	SSAL (mg/kg)	Sample Location				
		SW-1	SW-2	SW-3	SW-4	B-1
Inorganic Compounds - mg/kg						
Arsenic, Total	118	18.8	65.3	6.1	11.1	66.3

Acronym:

SSAL = Site-Specific Action Level



TABLE 2  
SUMMARY OF REMAINING SOIL/FILL CONTAMINATION ABOVE USCOs

SITE MANAGEMENT PLAN

Phase II Business Park, Site II-8  
BLD VII, LLC  
Lackawanna, New York

Parameter <sup>1</sup>	USCO (mg/kg)	Sample Location, Depth Interval (fbgs), and Type								
		TP-40	TP-40R	TP-40N10	TP-40S10	TP-40E10	TP-40W10	TP-45	TP-46	TP-47
		0.0 - 2.0	0.0 - 2.0	0.0 - 1.0	0.0 - 2.0	0.0 - 1.0	0.0 - 2.0	0.0 - 2.0	0.0 - 2.0	2.0 - 4.0
Semi-Volatile Organic Compounds (SVOCs) - mg/kg										
Acenaphthene	20	1.1 DJ	--	--	--	--	--	0.5 DJ	ND	ND
Acenaphthylene	100	0.59 DJ	--	--	--	--	--	3.7 DJ	0.33 DJ	0.18 DJ
Acetophenone	--	ND	--	--	--	--	--	ND	ND	ND
Anthracene	100	3.7 D	--	--	--	--	--	4.2 D	ND	ND
Benzo(a)anthracene	1	12 D	--	--	--	--	--	11 D	1.5 DJB	1.1 DJB
Benzo(b)fluoranthene	1	14 D	--	--	--	--	--	14 D	2.9 DJ	2 D,ID4,J
Benzo(k)fluoranthene	0.8	4.8 D	--	--	--	--	--	6.6 D	1.9 DJ	ND
Benzo(g,h,i)perylene	100	8.7 D	--	--	--	--	--	9.7 D	2 DJB	0.86 DJB
Benzo(a)pyrene	1	12 D	--	--	--	--	--	12 D	2.1 DJ	1 DJ
Bis(2-ethylhexyl) phthalate	1	ND	--	--	--	--	--	ND	ND	ND
Biphenyl	0.33	ND	--	--	--	--	--	0.3 DJ	ND	ND
Chrysene	1	12 D	--	--	--	--	--	12 D	1.4 DJ	0.65 DJ
Dibenzo(a,h)anthracene	0.33	ND	--	--	--	--	--	ND	ND	ND
Dibenzofuran	--	0.47 DJ	--	--	--	--	--	2 DJ	ND	ND
Fluoranthene	100	25 D	--	--	--	--	--	31 D	2.2 DJ	1.4 DJ
Fluorene	30	1.2 DJ	--	--	--	--	--	3.5 DJ	ND	ND
Indeno(1,2,3-cd)pyrene	0.5	8 D	--	--	--	--	--	8.8 D	1.6 DJ	0.71 DJ
2-Methylnaphthalene	--	0.18 DJ	--	--	--	--	--	0.93 DJ	ND	0.19 DJ
Naphthalene	12	0.36 DJ	--	--	--	--	--	2.7 DJ	ND	0.29 DJ
Phenanthrene	100	12 D	--	--	--	--	--	25 D	0.17 DJ	ND
Pyrene	100	23 D	--	--	--	--	--	25 D	2.4 DJ	1.6 DJ
TOTAL SVOCs (mg/kg)	--	139	--	--	--	--	--	173	18.5	9.98
Polychlorinated Biphenyls (PCBs) - mg/kg										
Aroclor 1242	--	ND	--	--	--	--	--	ND	--	--
Aroclor 1248	--	ND	--	--	--	--	--	ND	--	--
Aroclor 1254	--	0.098 J,QSU	--	--	--	--	--	ND	--	--
Aroclor 1260	--	0.064 J,QSU	--	--	--	--	--	ND	--	--
TOTAL PCBs (mg/kg)	0.1	0.162	--	--	--	--	--	0	--	--



TABLE 2  
SUMMARY OF REMAINING SOIL/FILL CONTAMINATION ABOVE USCOs

SITE MANAGEMENT PLAN

Phase II Business Park, Site II-8  
BLD VII, LLC  
Lackawanna, New York

Parameter <sup>1</sup>	USCO (mg/kg)	Sample Location, Depth Interval (fbgs), and Type								
		TP-40	TP-40R	TP-40N10	TP-40S10	TP-40E10	TP-40W10	TP-45	TP-46	TP-47
		0.0 - 2.0	0.0 - 2.0	0.0 - 1.0	0.0 - 2.0	0.0 - 1.0	0.0 - 2.0	0.0 - 2.0	0.0 - 2.0	2.0 - 4.0
<i>Inorganic Compounds - mg/kg</i>										
Arsenic, Total	13	152 J	32.2	11.4	34.9	4.7	88.2	73.6 J	20.5	13.5
Barium, Total	350	158 J	--	--	--	--	--	376 J	60.4	94.4
Cadmium, Total	2.5	4.22 J	--	--	--	--	--	3.3 J	0.805	0.337
Chromium, Total	1	112 J	--	--	--	--	--	46.5 J	29.6 J	13.7 J
Lead, Total	63	656 J	--	--	--	--	--	562 J	425	181
Mercury, Total	0.18	0.0699 J	--	--	--	--	--	1.57 DJ	0.0958	0.0777
Cyanide, Total	27	ND J	--	--	--	--	--	ND J	--	--

Notes:

1. Only those parameters detected at a minimum of one sample location are presented in this table; all other compounds were reported as non-detect.
2. USCO = Unrestricted Soil Cleanup Objective (Protection of Public Health), per NYSDEC 6NYCRR Part 375-6.8(b), Final December 2006.

Definitions:

B = Analyte was detected in associated Method Blank.

D = Dilution required due to high concentration of target analyte, sample matrix effects, sample color, or sample viscosity.

ID4 = Benzo(b)fluoranthene coelutes with Benzo(k)fluoranthene. The reported result is a summation of the isomers and the concentration is based on the response factor of Benzo(b)fluoranthene.

J = Estimated value; result is less than the sample quantitation limit but greater than zero.

ND = parameter not detected above laboratory detection limit.

NJ = The detection is tentative in identification and estimated in value.

QSU = Sulfur (EPA 3660) clean-up performed on extract.

ND J = The analyte was not detected. The associated reported quantitation limit is an estimate and may be inaccurate or imprecise.

" -- " = Not analyzed for this parameter or no individual SCO.

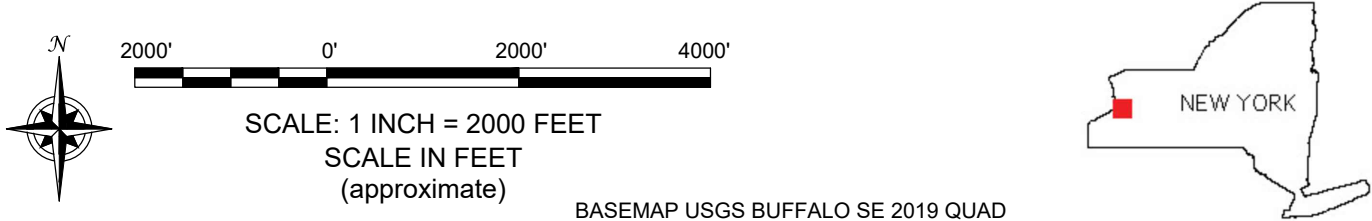
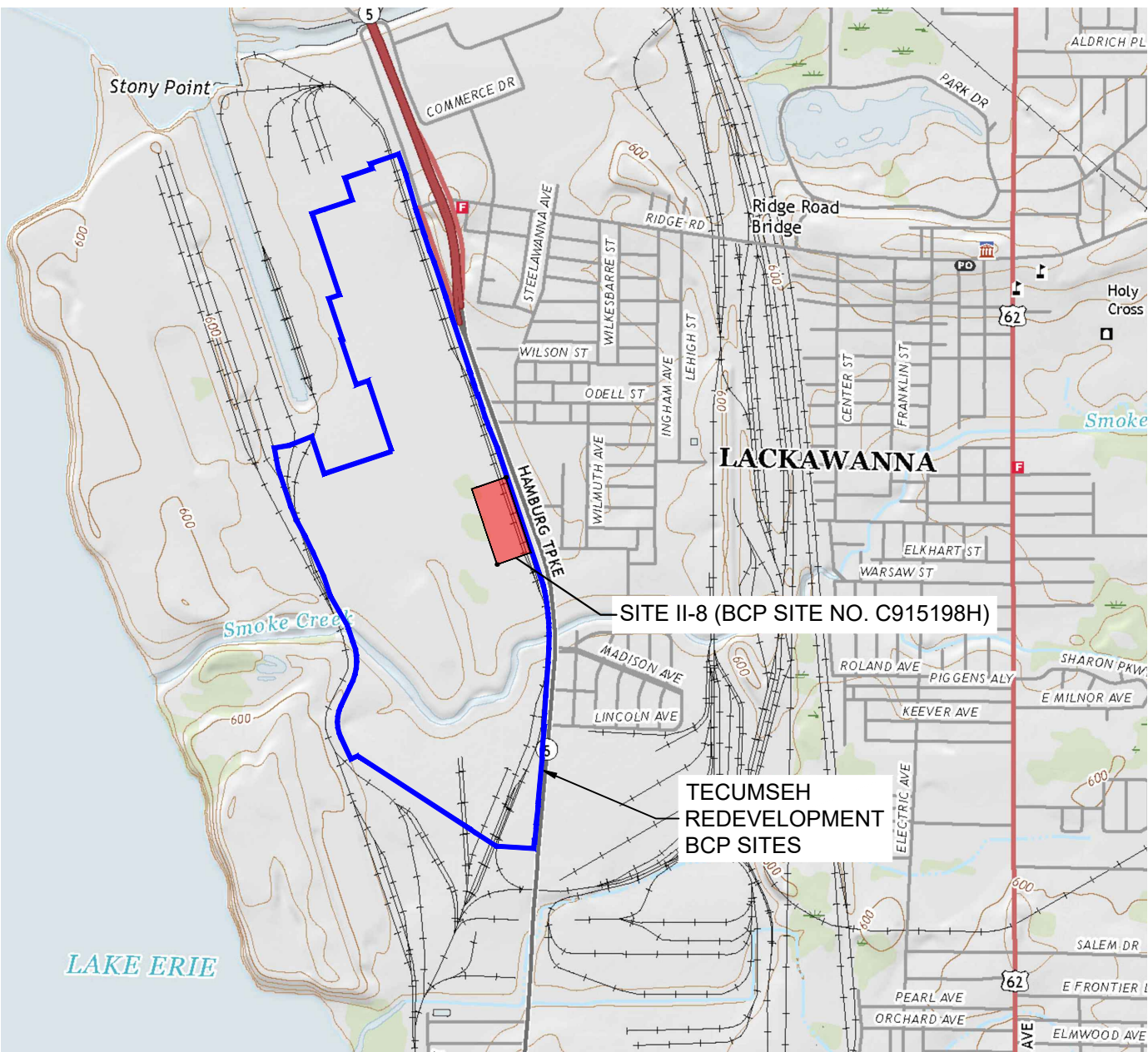
Color Code:

<b>BOLD</b>	= Value exceeds Part 375 Unrestricted Use Soil Cleanup Objectives.
	= Sample location removed during excavation of Hotspot L

## FIGURES

FIGURE 1

F:\CAD\Benchmark\Uniland Development Company\8 Dona Street\SM\Figure 1: Site Location and Vicinity Map.dwg



BASEMAP USGS BUFFALO SE 2019 QUAD



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PROJECT NO.: 0564-021-006

DATE: OCTOBER 2022

DRAFTED BY: CMS

## SITE LOCATION AND VICINITY MAP

SITE MANAGEMENT PLAN - APPENDIX H-8

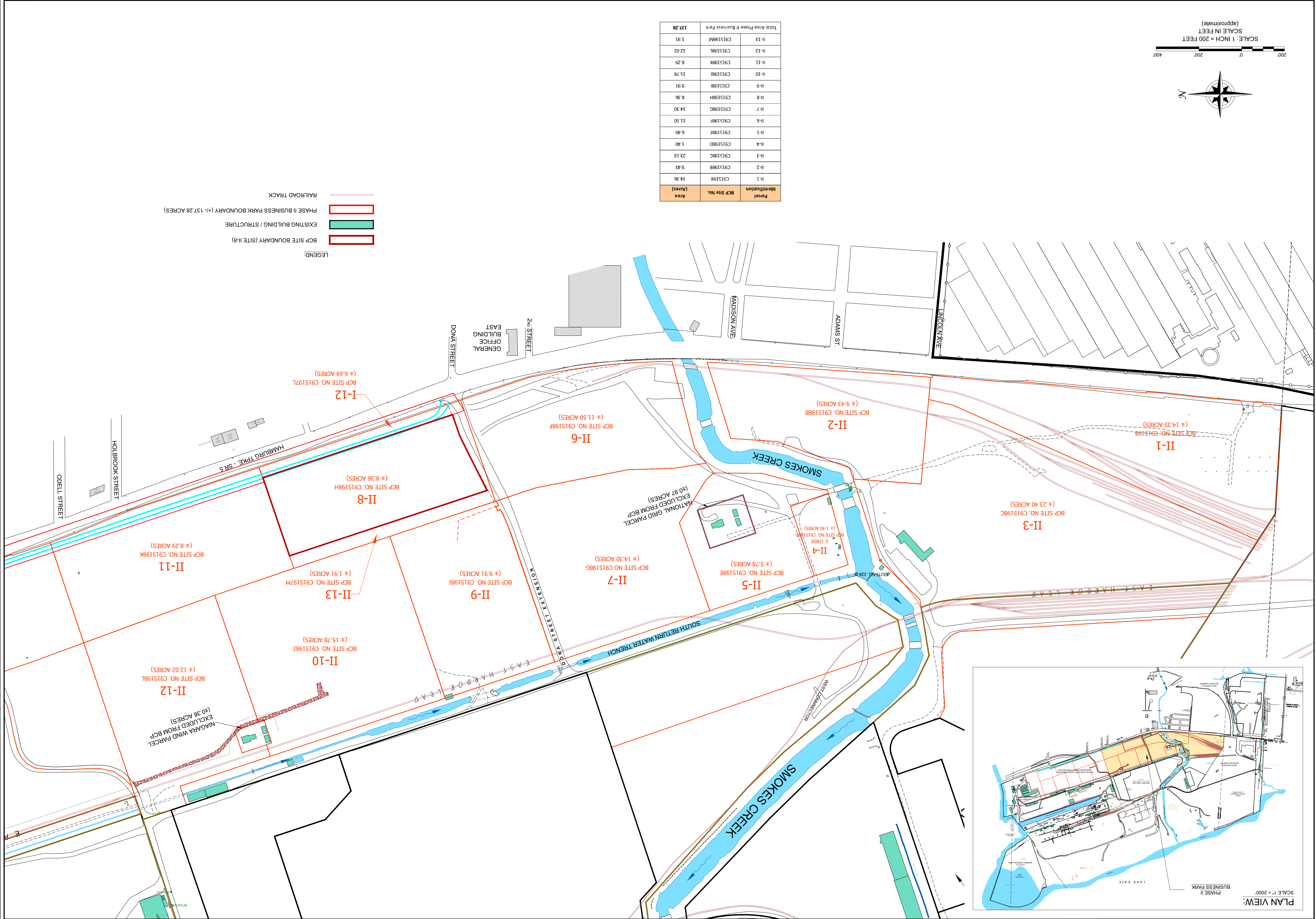
TECUMSEH PHASE II BUSINESS PARK  
NYSDEC SITE NO. C915198H (II-8)  
LACKAWANNA, NEW YORK

PREPARED FOR

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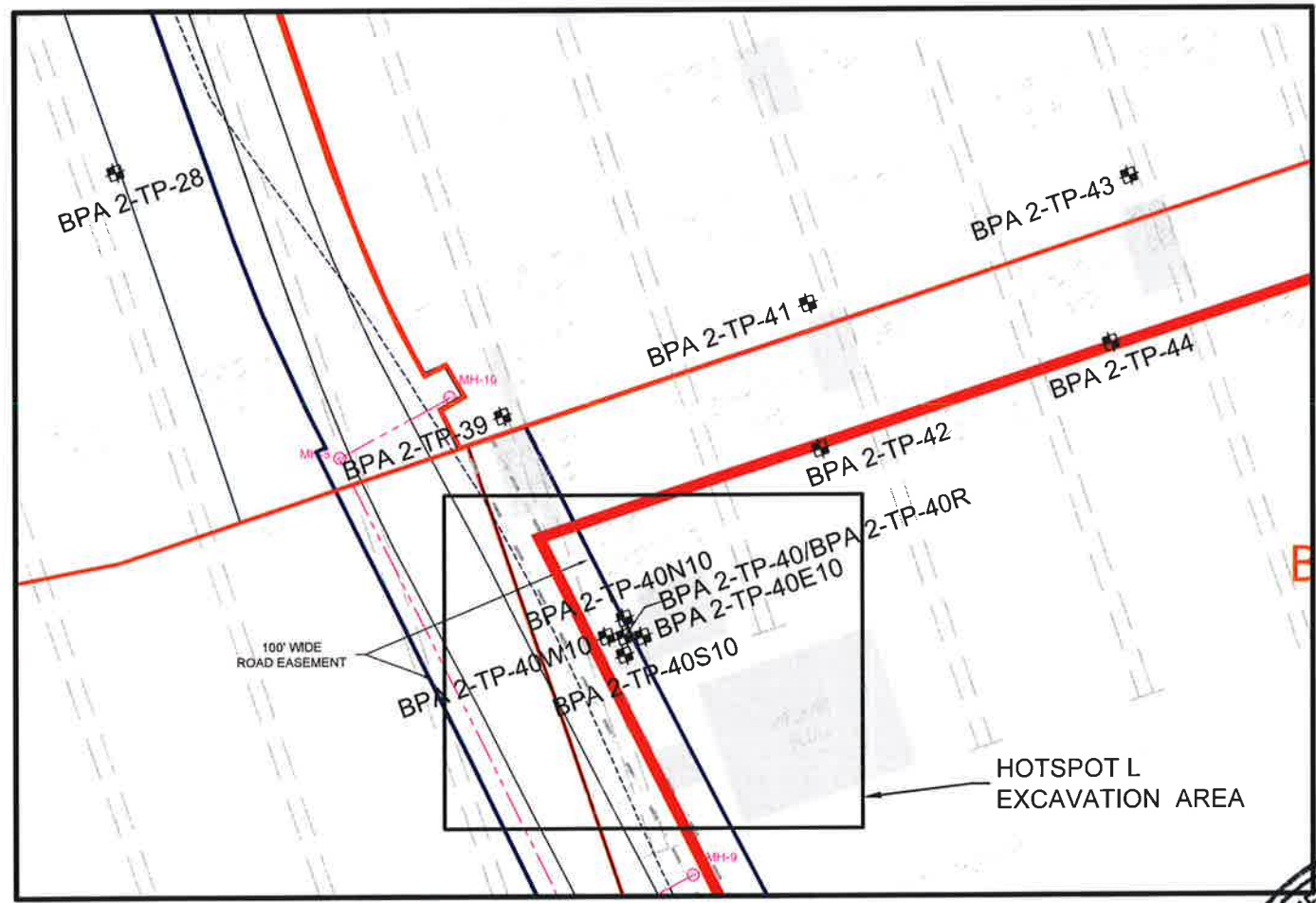
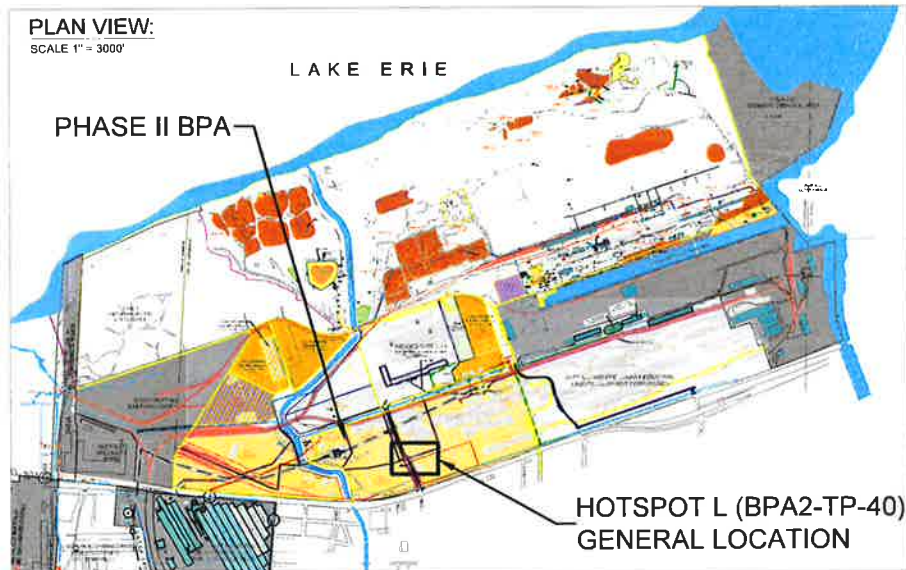






F:\CAD\Benchmark\Uniland Development Company\8 Dona Street\SMP\Figure 3: Completed Remedial Measures.dwg

DATE: OCTOBER 2012  
DRAWN BY: BJC/CMS



GENERAL LOCATION OF HOTSPOT L (BPA2-TP-40)  
(APPROXIMATE SCALE: 1" = 100')



EXCAVATION LIMITS OF HOTSPOT L  
(APPROXIMATE SCALE: 1" = 40')



## COMPLETED REMEDIAL MEASURES

SITE MANAGEMENT PLAN - APPENDIX H-8  
TECUMSEH PHASE II BUSINESS PARK  
NYSDEC SITE NO. C915198H (II-8)  
LACKAWANNA, NEW YORK

PREPARED FOR

RENAISSANCE 8, LLC



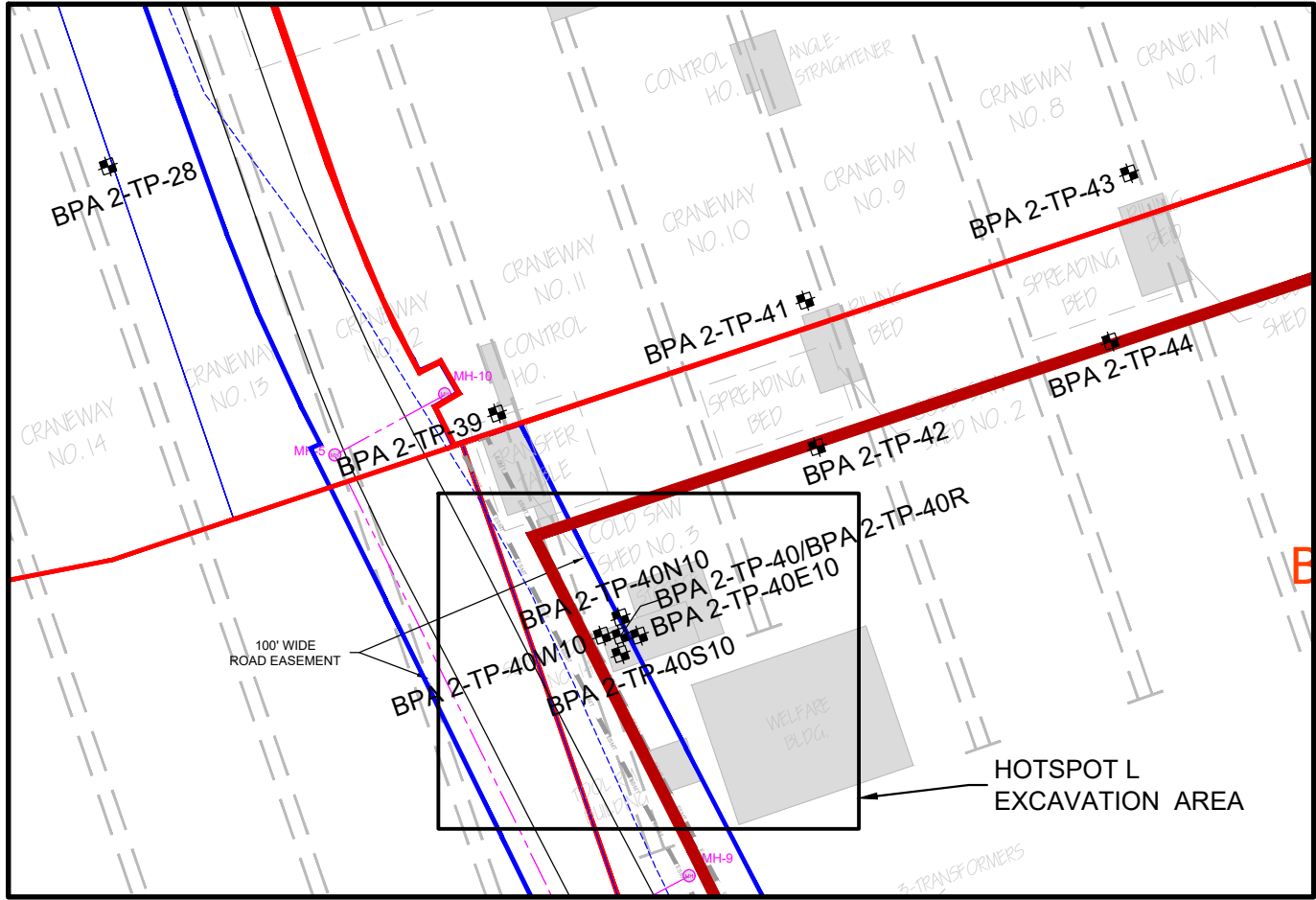
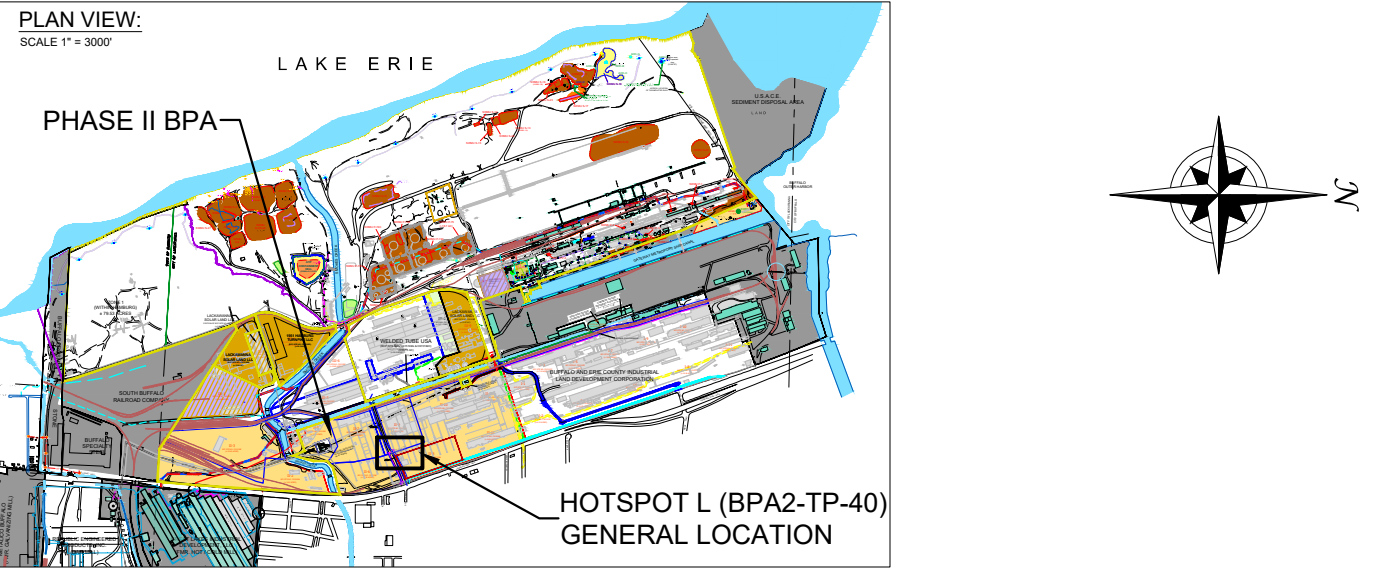
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(716) 856-0599

JOB NO.: 0564-021-006

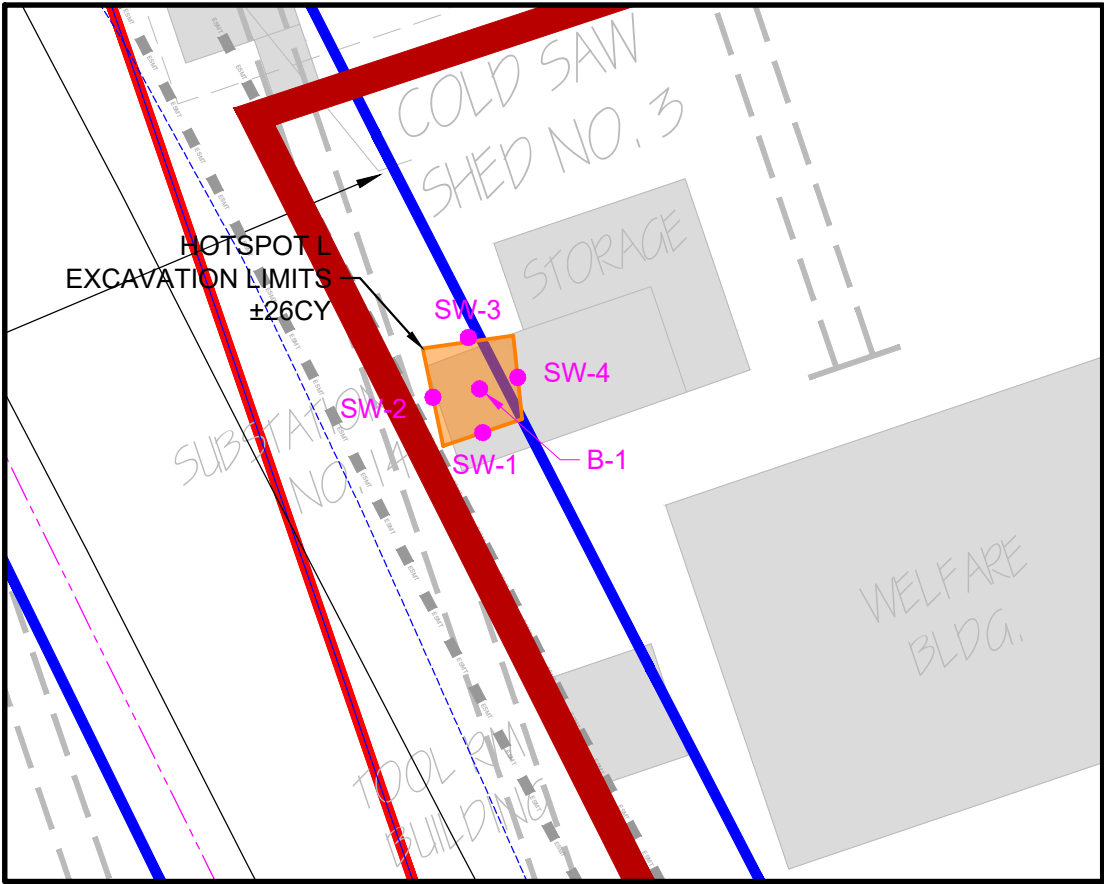
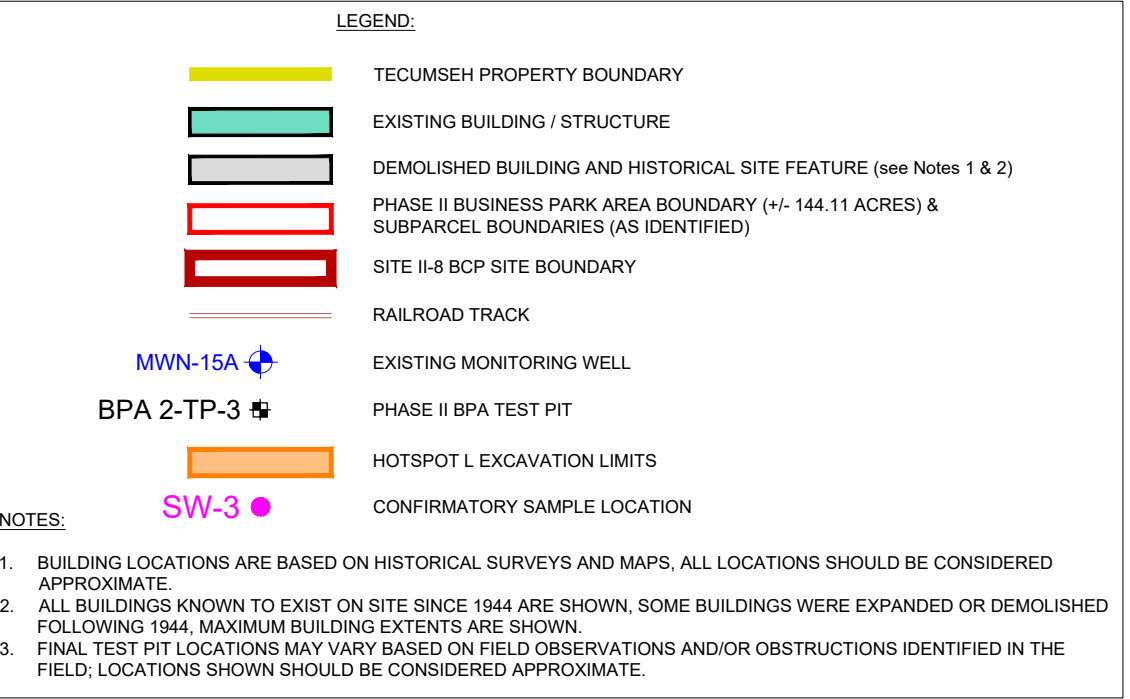
FIGURE 3

DISCLAIMER: PROPERTY OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.





**GENERAL LOCATION OF HOTSPOT L (BPA2-TP-40)**  
(APPROXIMATE SCALE: 1" = 100')



**EXCAVATION LIMITS OF HOTSPOT L**  
(APPROXIMATE SCALE: 1" = 40')

**COMPLETED REMEDIAL MEASURES**

SITE MANAGEMENT PLAN - APPENDIX H-8  
TECUMSEH PHASE II BUSINESS PARK  
NYSDEC SITE NO. C915198H (II-8)  
LACKAWANNA, NEW YORK

PREPARED FOR  
**RENAISSANCE 8, LLC**



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

JOB NO.: 0564-021-006

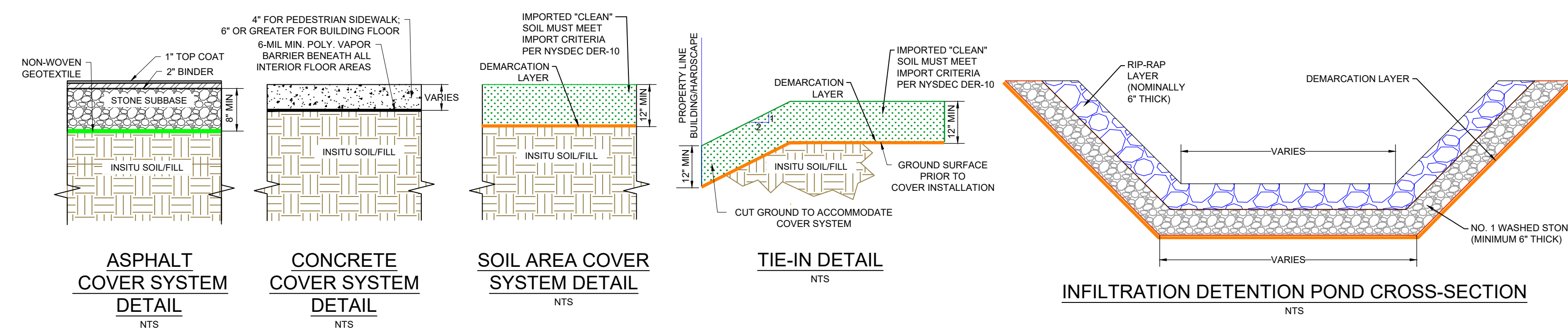
**FIGURE 3**

DISCLAIMER: PROPERTY OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.



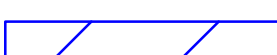




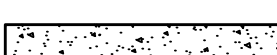








**LEGEND:**

	BCP SITE BOUNDARY (BCP SITE NO. C915198H)
	BCP PARCEL BOUNDARY
	BIKE PATH ROW
	ASPHALT COVER
	DETENTION POND COVER
	BUILDING COVER (CONCRETE SLAB)
	CONCRETE COVER
	SOIL COVER

[illegible]

SEAL

DRAWN BY:	CMS
DATE:	OCTOBER 2022
CHECKED BY:	LER
APPROVED BY:	THF

**APPROXIMATE LOCATIONS AND  
TYPES OF COVER SYSTEM MATERIALS**

### FIGURE 4

# ATTACHMENT A

## SAMPLE EC/IC CERTIFICATION FORM



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



Site Details		Box 1	
<b>Site No. C915198H</b>			
<b>Site Name: Site II-8 Tecumseh Phase II Business Park</b>			
Site Address: 8 Dona Street		Zip Code: 14218	
City/Town: Lackawanna			
County: Erie			
Current Use: Commercial			
Intended Use: Commercial			

Verification of Site Details		Box 2	
		YES	NO
1.	Are the Site Details above, correct?	<input type="checkbox"/>	<input type="checkbox"/>
	If NO, are changes handwritten above or included on a separate sheet?	<input type="checkbox"/>	<input type="checkbox"/>
2.	Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment since the initial/last certification?	<input type="checkbox"/>	<input type="checkbox"/>
	If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	<input type="checkbox"/>	<input type="checkbox"/>
3.	Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property since the initial/last certification?	<input type="checkbox"/>	<input type="checkbox"/>
	If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	<input type="checkbox"/>	<input type="checkbox"/>
4.	Has a change-of-use occurred since the initial/last certification?	<input type="checkbox"/>	<input type="checkbox"/>
	If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	<input type="checkbox"/>	<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 for offsite contamination are no longer valid?	<input type="checkbox"/>	<input type="checkbox"/>
	If YES, is the new information or evidence that new information has been previously submitted included with this Certification?	<input type="checkbox"/>	<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 type="checkbox"/>	<input type="checkbox"/>

**SITE NO. C915198H**

**Box 3**

**Description of Institutional Control Certification**

	<u>YES</u>	<u>NO</u>
1. Compliance with the Site Management Plan (SMP) for the implemented remedy:	<input type="checkbox"/>	<input type="checkbox"/>
2. The groundwater beneath the Site is not used as a potable water source or for any other use without prior written permission of the Department:	<input type="checkbox"/>	<input type="checkbox"/>
3. Groundwater monitoring as specified in the SMP:	<input type="checkbox"/>	<input type="checkbox"/>
4. Operation and maintenance of the ASD system as specified in the SMP:	<input type="checkbox"/>	<input type="checkbox"/>

**Description of Engineering Control Certification**

**Box 4**

	<u>YES</u>	<u>NO</u>
1. Maintenance of the cover systems over the Site:	<input type="checkbox"/>	<input type="checkbox"/>

**Control Certification Statement**

For each Institutional or Engineering control listed above, I certify by checking "Yes" that all of the following statements are true:

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

**IC/EC CERTIFICATIONS  
SITE NO. C915198H**

**Box 5**

**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

I certify that all information and statements in Boxes 2 & 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 \_\_\_\_\_ at \_\_\_\_\_,  
print name print business address

am certifying as \_\_\_\_\_ (Owner or Remedial Party)

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

\_\_\_\_\_  
Signature of Owner or Remedial Party Rendering Certification

\_\_\_\_\_  
Date

**Box 6**

**QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) SIGNATURE**

I certify that all information and statements in Box 4 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 \_\_\_\_\_ at \_\_\_\_\_,  
print name print business address

am certifying as a Qualified Environmental Professional for the \_\_\_\_\_

(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)

\_\_\_\_\_  
Date

## Enclosure 2

### **Certification of Institutional Controls/ Engineering Controls (ICs/ECs) Step-by-Step Instructions, Certification Requirements and Definitions**

The Owner, or Remedial Party, and when necessary, a Professional Engineer (P.E.), or the Qualified Environmental Professional (QEP), must review and complete the IC/EC Certification Form, sign the IC/EC Certifications Signature Page, and return it, along with the Periodic Review Report (PRR), within 45 days of the date of this notice.

Please use the following instructions to complete the IC/EC Certification.

#### **I. Verification of Site Details (Box 1 and Box 2):**

Answer the six questions in the Verification of Site Details Section. Questions 5 and 6 refer to only sites in the Brownfield Cleanup Program. ECL Section 27-1415-7(c) is included in

**IV. IC/EC Certification Requirements.** The Owner and/or your P.E. or QEP may include handwritten changes and/or other supporting documentation, as necessary.

#### **II. Verification of Institutional / Engineering Controls (Box 3 and Box 4)**

Review the listed Institutional / Engineering Controls, confirming that all existing controls are listed, and that all existing controls are still applicable. If there is a control that is no longer applicable the Owner / Remedial Party is to petition the Department requesting approval to remove the control.

2. Select "YES" or "NO" for **Control Certification** for each IC/EC, based on Sections (a)-(e) of the **Control Certification Statement**.

If the Department concurs with the explanation, the corrective measures, and the proposed schedule, a letter authorizing the implementation of those corrective measures will be issued by the Project Manager. If the Department has any questions or concerns regarding the completion of the certification, the Project Manager will contact you.

3. If you cannot certify "Yes" for each Control, please continue to complete the remainder of this **Control Certification** form. Attach supporting documentation that explains why the **Control Certification** cannot be rendered, as well as a statement of proposed corrective measures, and an associated schedule for completing the corrective measures. Note that this **Control Certification** form must be submitted even if an IC or EC cannot be certified; however, the certification process will not be considered complete until corrective action is conducted.

If the Department concurs with the explanation, the corrective measures, and the proposed schedule, a letter authorizing the implementation of those corrective measures will be issued by the Project Manager. Once the corrective measures are complete a new Periodic Review Report (with IC/EC Certification) is to be submitted within 45 days to the Department. If the Department has any questions or concerns regarding the PRR and/or completion of the IC/EC Certification, the Project Manager will contact you.

### III. IC/EC Certification by Signature (Box 5 and Box 6):

1. If you certified "Yes" for each Control, please complete and sign the IC/EC Certifications page. To determine WHO signs the **IC/EC Certification**, please use Table 1. Signature Requirements for the IC/EC Certification, which follows.

Table 1. Signature Requirements for Control Certification Page		
Type of Control	Example of IC/EC	Required Signatures
IC only	Environmental Easement Deed Restriction.	A site or property owner or remedial party.
IC with an EC which does not include a treatment system or engineered caps.	Fence, Clean Soil Cover, Individual House Water Treatment System, Vapor Mitigation System	A site or property owner or remedial party, and a QEP. (P.E. license not required)
IC with an EC that includes treatment system or an engineered cap.	Pump & Treat System providing hydraulic control of a plume, Part 360 Cap.	A site or property owner or remedial party, and a QEP with a P.E. license.

### IV. IC/EC Certification Requirements:

Division of Environmental Remediation Program Policy requires periodic certification of IC(s) and EC(s) as follows:

For Environmental Restoration Projects: N.Y. Env'tl Conserv.Law Section 56-0503  
(Environmental restoration projects; state assistance)

For State Superfund Projects: Env'tl Conserv.Law Section 27-1318.  
(Institutional and engineering controls)

For Brownfields Cleanup Program Projects: Env'tl Conserv.Law Section 27-1415. (Remedial  
program requirements)

Env'tl Conserv.Law Section 27-1415-7(c) states:

- (c) At non-significant threat sites where contaminants in groundwater at the site boundary contravene drinking water standards, such certification shall also certify that no new information has come to the owner's attention, including groundwater monitoring data from wells located at the site boundary, if any, to indicate that the assumptions made in the qualitative exposure assessment of offsite contamination are no longer valid. Every five years the owner at such sites shall certify that the assumptions made in the qualitative exposure assessment remain valid. The requirement to provide such certifications may be terminated by a written determination by the Commissioner in consultation with the Commissioner of Health, after notice to the parties on the brownfield site contact list and a public comment period of thirty days.

Voluntary Cleanup Program: Applicable program guidance.

Petroleum Remediation Program: Applicable program guidance.

Federal Brownfields: Applicable program guidance.



Manufactured Gas Plant Projects: Applicable program guidance (including non-registry listed MGPs).

WHERE to mail the signed Certification Form by March 1<sup>st</sup> of each year (or within 45 days of the date of the Department notice letter):

New York State Department of Environmental Conservation  
Division of Environmental Remediation

Attn: Division of Environmental Remediation – North Section  
NYSDEC  
270 Michigan Avenue  
Buffalo, NY 14203-2999

**Please note that extra postage may be required.**

## V. Definitions

**“Engineering Control”** (EC), means any physical barrier or method employed to actively or passively contain, stabilize, or monitor contamination, restrict the movement of contamination to ensure the long-term effectiveness of a remedial program, or eliminate potential exposure pathways to contamination. Engineering controls include, but are not limited to, pavement, caps, covers, subsurface barriers, vapor barriers, slurry walls, building ventilation systems, fences, access controls, provision of alternative water supplies via connection to an existing public water supply, adding treatment technologies to such water supplies, and installing filtration devices on private water supplies.

**“Institutional Control”** (IC), means any non-physical means of enforcing a restriction on the use of real property that limits human and environmental exposure, restricts the use of groundwater, provides notice to potential owners, operators, or members of the public, or prevents actions that would interfere with the effectiveness of a remedial program or with the effectiveness and/or integrity of operation, maintenance, or monitoring activities at or pertaining to a remedial site.

**“Professional Engineer”** (P.E.) means an individual or firm licensed or otherwise authorized under article 145 of the Education Law of the State of New York to practice engineering.

**“Property Owner”** means, for purposes of an IC/EC certification, the actual owner of a property. If the site has multiple properties with different owners, the Department requires that the owners be represented by a single representative to sign the certification.

**“Oversight Document”** means any document the Department issues pursuant to each Remedial Program (see below) to define the role of a person participating in the investigation and/or remediation of a site or area(s) of concern. Examples for the various programs are as follows:

**BCP** (after approval of the BCP application by DEC) - Brownfield Site Cleanup Agreement.

**ERP** (after approval of the ERP application by DEC) - State Assistance Contract.

**Federal Superfund Sites** - Federal Consent Decrees, Administrative Orders on Consent or Unilateral Orders issued pursuant to CERCLA.

**Oil Spill Program** - Order on Consent, or Stipulation pursuant to Article 12 of the Navigation Law (and the New York Environmental Conservation Law).

**State Superfund Program** - Administrative Consent Order, Record of Decision.

**VCP** (after approval of the VCP application by DEC) - Voluntary Cleanup Agreement.

**RCRA Corrective Action Sites**- Federal Consent Decrees, Administrative Orders on Consent or permit conditions issued pursuant to RCRA.

**“Qualified Environmental Professional”** (QEP), means a person who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding the presence of releases or threatened releases to the surface or subsurface of a property or off-site areas, sufficient to meet the objectives and performance factors for the areas of practice identified by this Part. Such a person must:

(1) hold a current professional engineer’s or a professional geologist’s license or registration issued by the State or another state, and have the equivalent of three years of full-time relevant experience in site investigation and remediation of the type detailed in this Part; or

(2) be a site remediation professional licensed or certified by the federal government, a state or a recognized accrediting agency, to perform investigation or remediation tasks consistent with Department guidance, and have the equivalent of three years of full-time relevant experience.

**“Qualitative Exposure Assessment”** means a qualitative assessment to determine the route, intensity, frequency, and duration of actual or potential exposures of humans and/or fish and wildlife to contaminants.

**“Remedial Party”** means a person implementing a remedial program at a remedial site pursuant to an order, agreement or State assistance contract with the Department.

**“Site Management”** (SM) means the activities undertaken as the last phase of the remedial program at a site, which continue after a Certificate of Completion is issued. Site management is conducted in accordance with a site management plan, which identifies and implements the institutional and engineering controls required for a site, as well as any necessary monitoring and/or operation and maintenance of the remedy.

**“Site Management Plan”** (SMP) means a document which details the steps necessary to assure that the institutional and engineering controls required for a site are in-place, and any physical components of the remedy are operated, maintained and monitored to assure their continued effectiveness, developed pursuant to Section 6 (DER10 Technical Guide).

**“Site Owner”** means the actual owner of a site. If the site has multiple owners of multiple properties with ICs and/or ECs, the Department requires that the owners designate a single representative for IC/EC Certification activities.