

Periodic Review Report

*Tecumseh Phase III Business Park
Sites III-7 and III-8
NYSDEC Site Nos. C915199G & C915199H*

*2537 Hamburg Turnpike
Lackawanna, New York*

April 2020

0262-020-001

Prepared For:

Welded Tube USA, Inc.

Prepared By:



PERIODIC REVIEW REPORT

**TECUMSEH PHASE III BUSINESS PARK
SITES III-7 & III-8
(BCP SITE No.s C915199G & C915199H)**

LACKAWANNA, NEW YORK

April 2020

0262-020-001

Prepared for:

Welded Tube USA, Inc.

Prepared By:



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

PERIODIC REVIEW REPORT
Tecumseh Phase II Business Park
Sites III-7 & III-8
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1.0 INTRODUCTION

Benchmark Environmental Engineering and Science, PLLC (Benchmark) has prepared this Periodic Review Report (PRR) to summarize the post-remedial status of New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Site No.s C915199G and C915199H, located at 2537 and 2539 Hamburg Turnpike, respectively, in the City of Lackawanna, Erie County, New York (see Figure 1).

This PRR has been prepared for the Subject BCP Sites in accordance with NYSDEC DER-10 *Technical Guidance for Site Investigation and Remediation* (May 2010). The NYSDEC's Institutional and Engineering Controls (IC/EC) Certification Forms have been completed for the Sites (see Appendix A).

Annual PRRs and associated certifications have been completed for the post-remedial activities at the Sites from the time of COC issuance. The post remedial periods covered by this PRR are:

- Site III-7 (C915199G): March 15, 2017 – March 15, 2020
- Site III-8 (C915199H): March 15, 2017 – March 15, 2020

1.1 Site Background

In March of 2007 Tecumseh Redevelopment Inc. (Tecumseh) entered into a Brownfield Cleanup Agreement (BCA) with the New York State Department of Environmental Conservation (NYSDEC) to investigate and remediate an approximate 150-acre property located in Lackawanna, New York. The property, deemed the “Phase III Business Park Site” is located in the County of Erie, New York and encompasses tax parcel numbers 141.15-1-1, 141.15-1-2, 141.15-1-3, 141.19-1-1, 150.07-1-2, and part of tax parcel number 141.11-1-50 per Erie County Tax Map records. The Phase III Business Park Site is bounded by Gateway Metroport Ship Canal and property owned by Gateway Trade Center to the north; the South Buffalo Railroad Company to the south; Phase II Business Park Site and the South Return Water Trench (SRWT) to the east; and other Tecumseh property to the west (see Figures 1 and 2). The 150-acre Phase III Business Park was originally deemed Brownfield Cleanup Program (BCP) Site No. C915199, but was subsequently subdivided into ten smaller parcels to facilitate remediation and redevelopment (see Figure 2). On August 20, 2012, the original BCA for Site C915199 was amended to cover the smaller Site

III-1, with separate BCAs issued and executed for the remaining nine BCP Sites (i.e., Sites III-2 through III-10, having BCP Site Nos. C915199B through C915199J).

In October 2012, Welded Tube USA Realty, LLC¹ acquired from Tecumseh the 39.2-acre Site III-7 to construct a new manufacturing facility, and the adjacent 5.9-acre Site III-8 for future expansion (see Figure 3). Welded Tube USA was added to the Brownfield Cleanup Agreements (BCAs) for these Sites concurrent with transfer of the properties.

1.2 Remedial History

1.2.1 Phase III Business Park

The approximate 150-acre Phase III Business Park was formerly part of the Bethlehem Steel Corporation (BSC) Lackawanna Works and housed several facilities used in BSC's steel manufacturing processes. Specific processes and steel making facilities performed on or proximate to the subject BCP Sites included:

- Open Hearth Furnaces
- Basic Oxygen Furnace
- Mold Warming and Preparation
- Electrical Substations
- Wastewater Treatment

Remedial Investigation (RI) activities on the Phase III Business Park were initiated in August 2008, with additional activities undertaken in late 2009 through early 2010. Some supplemental investigation work was also completed in April 2012.

The RI identified several Constituents of Concern (COCs) that were generally present across widespread areas of the Phase III Business Park site, primarily in site soils and to a lesser extent in groundwater. These included polyaromatic hydrocarbons (PAHs), arsenic, lead, and mercury. Isolated areas of petroleum impact were also encountered. The

¹ Welded Tube USA Realty, LLC (property owner) and Welded Tube USA, Inc. (manufacturing asset owner) are collectively referred to herein as Welded Tube USA

Remedial Investigation/Alternatives Analysis (RI/AA) Report recommended remediation of “hotspot” slag/fill (characterized by more pronounced levels of COCs) and isolated groundwater/saturated soil impacts (affecting only select sites in the Phase III Business Park), with cover placement recommended as the final remedial measure under a Track 4 Cleanup approach. Additional requirements included development and adherence to a Site Management Plan (SMP) and filing of an Environmental Easement to restrict use of the Phase III Business Park property to commercial and industrial applications and to place other limitations on post-redevelopment activities.

1.2.2 Sites III-7 & III-8

Prior to the sale of sites III-7 and III-8 to Welded Tube USA, Tecumseh committed to complete hotspot soil/fill cleanup work on those sites as an Interim Remedial Measure (IRM). The IRM work was substantially completed in late 2012. Decision Documents for Sites III-7 & III-8 were issued by the NYSDEC in May 2013 after completion of Tecumseh’s IRM hotspot soil/fill remedial work. The Decision Documents specified the final/remaining remedial measures including, among other requirements, placement of acceptable cover material in areas not otherwise covered by buildings, pavement, etc.

Cover placement on Site III-7 was completed in 2013. Due to the tight construction schedule and pending winter weather final remedial measures cover placement on Site III-8 was deferred until spring of 2014 and was completed at that time.

1.3 Compliance

At the time of the site inspection (March 19, 2020), the Site was found to be compliant with the NYSDEC- approved SMP dated November 2013 (revised November 2014).

1.4 Recommendations

Based on the results of the annual inspection and certification, no modifications are recommended at this time.

2.0 SITE OVERVIEW

An overview of the remediation and redevelopment activities undertaken on the Sites covered by this PRR is presented below. All of the remediated properties within the Phase III Business Park are subject to a comprehensive, site-wide SMP which identifies requirements for monitoring and maintenance of engineering and institutional controls and procedures for post-remedial excavation and related activities. Specific requirements affecting individual Sites within Phase III Business Park are included as appendices to the comprehensive plan. The SMP is updated as additional Sites within the Phase III Business Park are remediated.

2.1 Site III-7

Site III-7 is presently addressed as 2537 Hamburg Turnpike, Lackawanna, New York 14218. Welded Tube USA redeveloped the Site under the BCP as a tubing manufacturing facility. The remedial activities performed on the Site are listed below:

- Excavation of approximately 210 cubic yards (CY) of arsenic-impacted hotspot slag/fill followed by off-site disposal of these materials at an approved offsite solid waste landfill facility (completed as an IRM by Tecumseh).
- Excavation of approximately 2,640 tons of petroleum-impacted slag/fill followed by onsite bioremediation of the impacted materials (completed as an IRM by Tecumseh).
- Excavation of approximately 795 tons of an odorless, blackish, non-soil material intermingled with slag and partly present within an approximate 10-foot by 10-foot by 10-foot deep sub-grade concrete chamber. Excavated materials were disposed at an approved offsite solid waste landfill facility.
- Installation of a vapor barrier beneath the newly constructed manufacturing building.
- Removal of subgrade coke oven gas piping and residual impacted slag/fill. Impacted materials were disposed at an offsite solid waste landfill facility, with cleaned piping sent offsite for scrap reclamation.
- Placement of a cover system comprised of building, pavement, vegetated soils and imported beneficial use determination (BUD)-approved slag over a demarcation

layer. Imported slag and clean vegetated cover were placed to a minimum thickness of 1 foot.

The remedial program was successful in achieving the remedial objectives for the Site. An Environmental Easement restricting end use of the Site and enforcing adherence to the SMP was filed in November 2013. The Final Engineering Report (FER) was approved in November 2013. A Certificate of Completion (COC) was issued for Site III-7 by the NYSDEC in December 2013.

2.2 Site III-8

Site III-8 is also owned by Welded Tube USA and is similarly addressed as 2537 Hamburg Turnpike, Lackawanna, New York 14218. Welded Tube USA redeveloped the Site under the BCP as an extension of the laydown yard for the tubing manufacturing facility on the adjacent Site III-7 and to facilitate potential future expansion of the manufacturing operation. The remedial activities performed on the Site are listed below:

- Excavation of approximately 30 cubic yards (CY) of arsenic-impacted hotspot slag/fill followed by off-site disposal of these materials at an approved offsite solid waste landfill facility (completed as an IRM by Tecumseh).
- Placement of a cover system comprised of beneficial use determination (BUD)-approved slag over a demarcation layer. Imported slag was placed to a minimum thickness of 1 foot.

The remedial program was successful in achieving the remedial objectives for the Site. An Environmental Easement restricting end use of the Site and enforcing adherence to the SMP was filed in November 2013. The Final Engineering Report (FER) was approved in June 2014. A Certificate of Completion (COC) was issued for Site III-8 by the NYSDEC in August 2014.

3.0 REMEDY PERFORMANCE

An inspection involving a walk-over of the Sites covered by this PRR was performed to visually observe and document the use of the Site for commercial/industrial use, confirm absence of site groundwater use, inspect the cover system integrity, and verify conformance with other requirements under the SMP. As further described in Section 4.3, the site inspection completed during this reporting period indicates that the controls are in-place and functioning as intended in accordance with the SMP.

The completed IC/EC Certification forms and site photographs are included in Appendices A and B, respectively.

4.0 SITE MANAGEMENT PLAN

A site-wide SMP was prepared for the Phase III Business Park and approved by the Department in November 2013. (An addendum to the SMP was prepared and approved in November 2014 to accommodate other Sites not covered by this PRR). Parcel-specific SMP requirements for Sites III-7 and III-8 are presented in Appendix H7/H8 of that report. Key components of the SMP are described below.

4.1 Engineering and Institutional Control (IC/EC) Plan

Since remaining contaminated soil/fill and groundwater exists beneath the Phase III Business Park, Engineering Controls and Institutional Controls (EC/ICs) are required to protect human health and the environment. The Engineering and Institutional Control Plan describes the procedures for the implementation and management of all EC/ICs on the Sites within the Phase III Business Park.

4.1.1 *Institutional Controls*

The following institutional controls apply to all Sites within the Phase III Business Park:

- The use and development of the property is restricted to commercial and industrial uses as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- Groundwater cannot be used as a source of potable or process water, without necessary water quality treatment as determined by the New York State Department of Health (NYSDOH) or County DOH;
- All Sites must comply with the Department approved Site Management Plan; and
- The remedial party or site owner must complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8(h)(3.)

4.1.2 *Engineering Controls*

Engineering controls covering Sites within the Phase III Business Park include:

- Cover System – The cover system, including building foundations, concrete sidewalks, concrete or asphalt driveways, parking areas, and landscaped vegetated areas must be maintained in compliance with the SMP.
- Vapor Barrier (specific to Sites with buildings) - A poly vapor barrier must be installed and remain in-place beneath building concrete floor slab.

At the time of the site inspection, the Sites covered by this PRR were fully compliant with all engineering and institutional control requirements.

4.2 Excavation Work Plan

An Excavation Work Plan (EWP) was included in the approved-SMP for the Phase III Business Park. The Excavation Work Plan provides guidelines for the management of soil and fill material during any future intrusive activities. Any intrusive work that will penetrate the cover or cap, or encounter or disturb the remaining contamination, including any modifications or repairs to the existing cover system, must be performed in compliance with the EWP and must also be conducted in accordance with a site-specific Health and Safety Plan (HASP) and Community Air Monitoring Plan (CAMP) meeting the minimum requirements of the sample HASP and CAMP included with the SMP.

4.2.1 Activities Subject to EWP During Reporting Period

No intrusive activities requiring management of on-Site soil or fill material; placement of backfill materials or disturbance of the cover system occurred on either Site during the reporting period covered by this PRR with the exception of the activities described below.

4.2.1.1 Monitoring Well Maintenance & Bollard Removal (March 2017)

On March 13, 2017, Earth Dimensions, Inc. (EDI) converted five stickup monitoring wells to less intrusive flush mount monitoring wells to avoid potential damage from heavy yard equipment and vehicles. EDI cut the existing monitoring well protective casing below ground surface (but within the cover system layer) and installed at grade road-boxes set into a 1-foot by 1-foot concrete pad. Benchmark personnel oversaw the monitoring well

maintenance and confirmed all road-box installations were within the NYSDEC Part 375 Brownfield Cleanup Program (PCB) cover system without disturbing material beneath the demarcation layer. On March 24, 2017, TurnKey Environmental Restoration removed bollards proximate to each monitoring well. Slag cover material that had previously been mounded around the bollards was placed into the void left by the bollard removal. No materials were imported or exported from the Site. Air monitoring was not required since subgrade soil/fill materials were not exhumed. Copies of daily field logs are included in Appendix C; photo documentation of the work is provided in Appendix B.

4.2.1.2 Water Line Hydrostatic Testing (June 2017)

On June 29, 2017, MKS Plumbing (site contractor) completed an approximate 50' trench to approximately 4.5 feet below grade to allow installation of a water line to service a new hydrostatic pressure testing unit. Initially the upper 12-inch slag cover material was removed and set aside away from work. Subgrade materials were excavated, field screened by Benchmark personnel, and temporarily stockpiled adjacent to work area. Benchmark personnel oversaw ground intrusive activities as required by the SMP. After the new waterline was connected and successfully pressure tested, MKS Plumbing used the screened stockpiled material as subgrade backfill, placed demarcation fabric 12-inches below grade, and repaired the cover with 12-inches of washed no. 1A virgin stone from Gernatt Asphalt Products, Inc. Air monitoring was not performed due to precipitation. Copies of daily field logs are included in Appendix C and a photolog of ground intrusive activities is provided in Appendix B. No materials were exported from the Site.

4.2.1.3 Cover Repairs (November 2017)

On November 16, 2017, Zoladz Construction (site contractor) imported approximately 1850 tons of BUD-approved (BUD #555-9-15) slag from Iron City Recovery to fill low spots on the northeastern portion of the property. Benchmark personnel were on-site to field screen the imported slag material with Ludlum 2x2 gamma meter. Air monitoring was not required since subgrade materials were not disturbed. Copies of daily field logs are included in Appendix C. All gamma readings were at or below 4100 counts per minute (CPM). No materials were exported from the Site.

4.2.1.4 Electric Line Repair Activities (April 2018)

On April 6, 2018, Ferguson Electric (site contractor) completed an excavation to a depth of two feet below grade to replace damaged electrical cable that powers four light poles on the south side of the property near the front guard shack. Benchmark personnel oversaw ground intrusive excavation activities as required by the SMP to ensure segregation of the upper one-foot of slag cover material above the existing demarcation layer and assure no visual or olfactory evidence of impact was encountered. Upon completion of the repair existing clean bedding stone was reused as backfill; the demarcation layer above the clean stone was replaced; and the cover system was restored using existing slag cover material. Air monitoring was not performed due to snow. No materials were imported or exported from the Site. Copies of daily field logs are included in Appendix C and electric line repair activities are photo documented in Appendix B.

4.2.1.5 Minor Sink Hole Repair (June 2018)

On June 18, 2018, a sink hole was identified within the cover system. Zoladz Construction stripped back one-foot of clean cover material surrounding the sink hole, which was attributable to a collapsed void in subgrade fill, placed approximately 1 load of BUD-approved (BUD #555-9-15) slag from Iron City Recovery, replaced the damaged demarcation layer with identical netting material, and to replace the existing cover. Air monitoring was not required since subgrade materials were not disturbed.

4.3 Annual Inspection and Certification Program

The Annual Inspection and Certification Program outlines requirements for certifying and attesting that the institutional controls and engineering controls employed on the Sites are unchanged from the original design and/or previous certification. The Annual Certification includes a Site Inspection and completion of the NYSDEC's IC/EC Certification Form. The Site inspection is intended to verify that the IC/ECs:

- Are in place and effective.
- Are performing as designed.

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

Inspection of Sites III-7 and III-8 was conducted by Mr. Thomas Forbes, P.E. of Benchmark/TurnKey on March 19, 2020. Mr. Forbes is a licensed and registered NY State Professional Engineer meets the requirements of a Qualified Environmental Professional (QEP) per 6NYCRR Part 375.12. At the time of the inspection, the Sites were being used as a pipe manufacturing facility (Welded Tube USA, Inc.), with pipe lay down areas, surface parking, paved walkways and landscaped areas. No observable indication of intrusive activities was noted during the Site inspection. The manufacturing facility utilizes the local municipal water supply, and no observable use of groundwater was noted during the Site inspection.

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

4.4 Operation, Monitoring and Maintenance Plan

The remedy for Sites III-7 and III-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, an Operation and Maintenance Plan is not required.

5.0 GROUNDWATER MONITORING

Per the approved SMP, no post-remedial groundwater monitoring is required for Sites III-7 or III-8.

6.0 CONCLUSIONS AND RECOMMENDATIONS

Conclusions and recommendations are as follows:

- At the time of the Site inspection, Sites III-7 and III-8 were in compliance with the SMP.

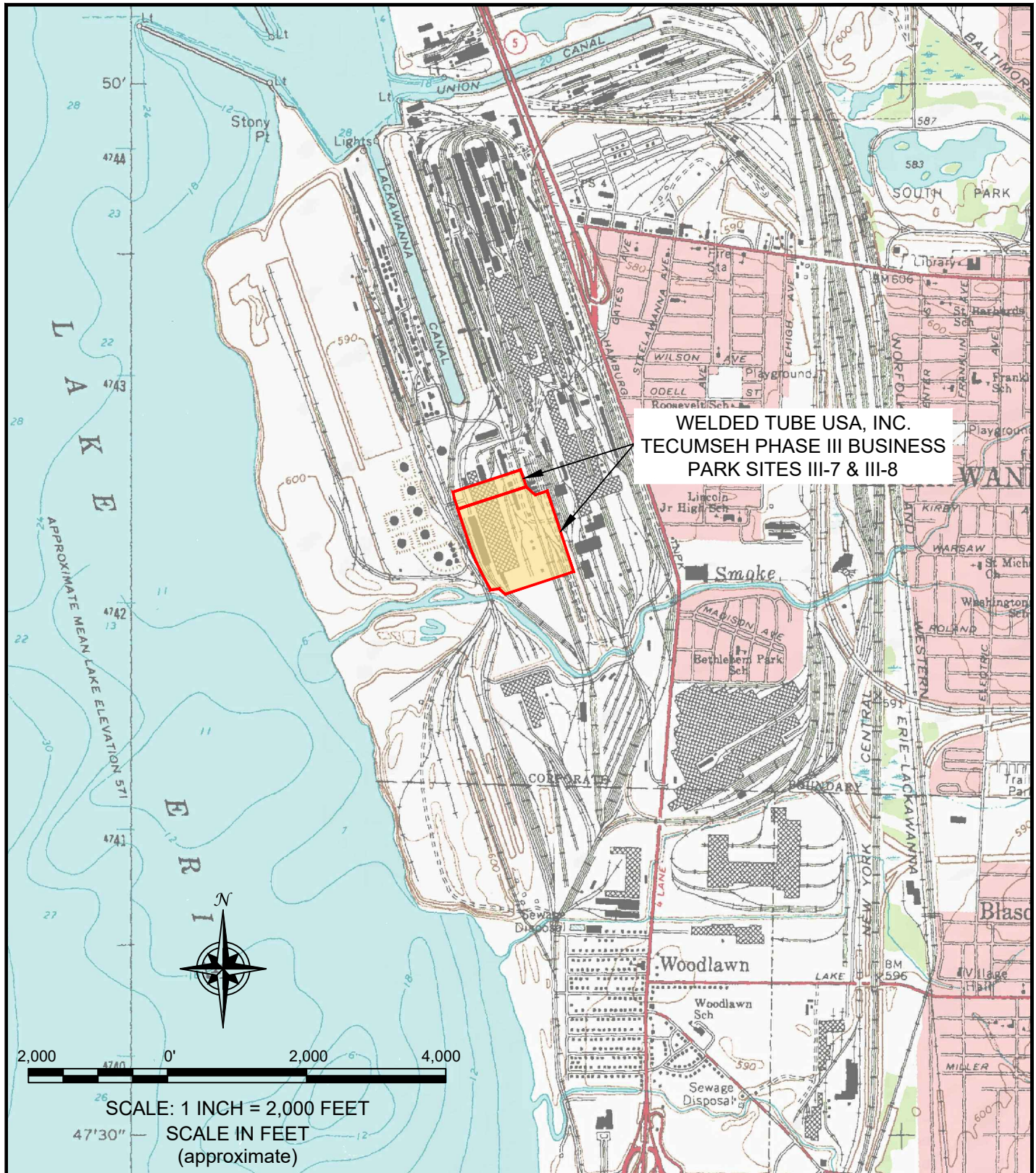
No modifications to the SMP or PRR reporting are recommended at this time.

7.0 DECLARATION/LIMITATION

This report has been prepared for the exclusive use of Welded Tube USA, Inc. 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 Welded Tube USA, Inc. Use of or reliance upon this report or its findings by any other person or entity is prohibited without written permission of Benchmark Environmental Engineering and Science, PLLC.

FIGURES

FIGURE 1



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

SITE LOCATION & VICINITY MAP

2020 PERIODIC REVIEW REPORT

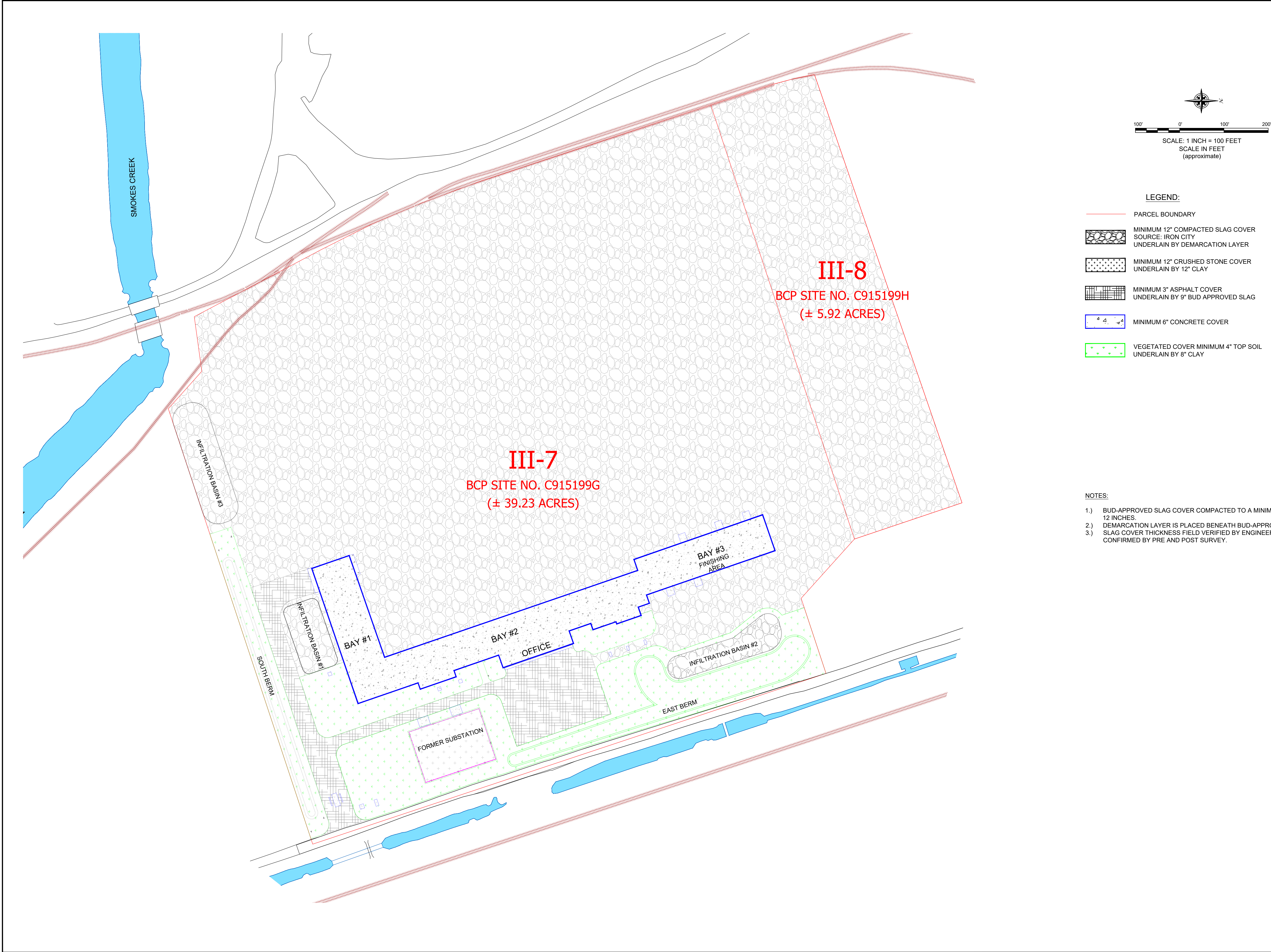
TECUMSEH PHASE III BUSINESS PARK SITES III-7 & III-8
BCP SITE NO.s C915199G & C915199H
LACKAWANNA, NEW YORK
PREPARED FOR
WELDED TUBE USA, INC.

PROJECT NO.: 0262-020-001

DATE: MARCH 2020

DRAFTED BY: CCB

F:\CAD\Benchmark\Welded Tube of Croad\PRR 2020\Figure 3: Site Plan.dwg



LEGEND:

- PARCEL BOUNDARY
- MINIMUM 12" COMPACTED SLAG COVER
SOURCE: IRON CITY
UNDERLAIN BY DEMARCATION LAYER
- MINIMUM 12" CRUSHED STONE COVER
UNDERLAIN BY 12" CLAY
- MINIMUM 3" ASPHALT COVER
UNDERLAIN BY 9" BUD APPROVED SLAG
- MINIMUM 6" CONCRETE COVER
- VEGETATED COVER MINIMUM 4" TOP SOIL
UNDERLAIN BY 8" CLAY

- NOTES:**
- BUD-APPROVED SLAG COVER COMPACTED TO A MINIMUM DEPTH OF 12 INCHES.
 - DEMARCATION LAYER IS PLACED BENEATH BUD-APPROVED SLAG.
 - SLAG COVER THICKNESS FIELD VERIFIED BY ENGINEER AND CONFIRMED BY PRE AND POST SURVEY.

2558 HAMBURG TURNPIKE
SUITE 1300
BUTTE, MT 59717
(716) 856-0589

III-7 & III-8 SITE PLAN (POST-REMEDIATION)

2020 PERIODIC REVIEW REPORT

TECUMSEH PHASE III BUSINESS PARK SITES III-7 & III-8

WELDED TUBE USA, INC.

LACKAWANNA, NEW YORK

PREPARED FOR

WELDED TUBE USA, INC.

FIGURE 3

DRAWN BY:		DATE:	
CCB		MARCH 2020	

CHECKED BY:		DATE:	

APPROVED BY:		DATE:	

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REVISIONS			
NO.	BY	DATE	REMARKS

SEAL

JOB NO.: 0262-020-001

APPENDIX A

INSTITUTIONAL & ENGINEERING CONTROLS CERTIFICATION FORMS

APPENDIX A1

SITE III-7



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. **C915199G**

Site Name **Site III-7 Tecumseh Phase III Business Park**

Site Address: 2537 Hamburg Turnpike Zip Code: 14218
City/Town: Lackawanna
County: Erie
Site Acreage: 39.230

Reporting Period: March 15, 2017 to March 15, 2020

YES NO

1. Is the information above correct? ☐ ☐

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? ☐ ☐

3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? ☐ ☐

4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? ☐ ☐

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? ☐ ☐

Box 2

YES NO

6. Is the current site use consistent with the use(s) listed below?
Commercial and Industrial ☐ ☐

7. Are all ICs/ECs in place and functioning as designed? ☐ ☐

**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?	<input type="checkbox"/>	<input type="checkbox"/>
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? (The Qualitative Exposure Assessment must be certified every five years)	<input type="checkbox"/>	<input type="checkbox"/>
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. C915199G		Box 3
Description of Institutional Controls		
<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
141.15-1-1	Welded Tube USA Realty, LLC.	
		Ground Water Use Restriction Soil Management Plan Landuse Restriction Site Management Plan IC/EC Plan
Institutional Control Description: Adherence to Site Management Plan (SMP) Restriction to commercial re-use Prohibition of groundwater use Allowance for Departmental access Requires a Periodic Review and Report		

		Box 4
Description of Engineering Controls		
<u>Parcel</u>	<u>Engineering Control</u>	
141.15-1-1	Cover System	
Engineering Control Description: Soil cover over 5 acres		

Periodic Review Report (PRR) Certification Statements

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

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

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

YES NO

☐ ☐

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

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

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

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

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

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

YES NO

☐ ☐

**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. C915199G**

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.

**Welded Tube USA, Inc.
2537 Hamburg Turnpike, Lackawanna, NY 14218**

I Robert L. Pike at _____,
print name print business address

am certifying as Owner (Owner or Remedial Party)

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



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

April 6/2020
Date

IC/EC CERTIFICATIONS

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 Thomas H. Forbes, P.E. at Benchmark Environmental Engineering & Science, PLLC
print name 2558 Hamburg Turnpike, Buffalo, NY 14218
print business address

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



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



4-7-20

Date

APPENDIX A2

SITE III-8



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. **C915199H**

Site Name **Site III-8 Tecumseh Phase III Business Park**

Site Address: 2539 Hamburg Turnpike Zip Code: 14218
City/Town: Lackawanna
County: Erie
Site Acreage: 5.920

Reporting Period: March 15, 2017 to March 15, 2020

YES NO

1. Is the information above correct? ☐ ☐

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? ☐ ☐

3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? ☐ ☐

4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? ☐ ☐

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? ☐ ☐

Box 2

YES NO

6. Is the current site use consistent with the use(s) listed below? ☐ ☐
Commercial and Industrial

7. Are all ICs/ECs in place and functioning as designed? ☐ ☐

**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? ☐ ☐

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?
(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. C915199H**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**141.15-1-2**

Welded Tube USA, Inc.

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

Institutional Control Description:

Adherence to Site Management Plan (SMP)
Restriction to commercial re-use
Prohibition of groundwater use
Allowance for Departmental access
Requires a Periodic Review and Report

Box 4**Description of Engineering Controls**ParcelEngineering Control**141.15-1-2**

Cover System

Engineering Control Description:

Soil cover over 5 acres

Periodic Review Report (PRR) Certification Statements

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

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

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

YES NO

☐
☐

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

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

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

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

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

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

YES NO

☐
☐

**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. C915199H

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.

Welded Tube USA, Inc.
2537 Hamburg Turnpike, Lackawanna, NY 14218

I Robert L. Pike at _____,
print name print business address

am certifying as Owner (Owner or Remedial Party)

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



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

Apr. 16 / 2020

Date

IC/EC CERTIFICATIONS

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 Thomas H. Forbes, P.E. at Benchmark Environmental Engineering & Science, PLLC
print name 2558 Hamburg Turnpike, Buffalo, NY 14218
print business address

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

Thomas Forbes

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



Date

APPENDIX B

SITE PHOTO LOG

PHOTOGRAPHIC LOG



Client Name: Welded Tube USA, Inc.		Site Location: Welded Tube - Lackawanna NY Phase III-BP-7 & 8	Project No.: 0262-020-001
Photo No. 1	Date 02/02/17		
Direction Photo Taken: North			
Description: Monitoring Well Maintenance - Conversion of stickup monitoring well to flush mount.			

Photo No. 2	Date 03/13/17	
Direction Photo Taken: West		
Description: Monitoring Well Maintenance - Conversion of stickup monitoring well to flush mount.		

Prepared By: CCB

PHOTOGRAPHIC LOG



Client Name: Welded Tube USA, Inc.		Site Location: Welded Tube - Lackawanna NY Phase III-BP-7 & 8	Project No.: 0262-020-001
Photo No. 3	Date 03/24/17		
Direction Photo Taken: North			
Description: Monitoring Well Maintenance - Conversion of stickup monitoring well to flush mount.			

Photo No. 4	Date 03/24/17	
Direction Photo Taken: North		
Description: Bollard Removal		

Prepared By: CCB

PHOTOGRAPHIC LOG


Client Name: Welded Tube USA, Inc.		Site Location: Welded Tube - Lackawanna NY Phase III-BP-7 & 8	Project No.: 0262-020-001
Photo No. 5	Date 03/24/17		
Direction Photo Taken: NA			
Description: Bollard Removal			

Photo No. 6	Date 03/24/17	
Direction Photo Taken: Southeast		
Description: Bollard Removal		

Prepared By: CCB

PHOTOGRAPHIC LOG



Client Name: Welded Tube USA, Inc.		Site Location: Welded Tube - Lackawanna NY Phase III-BP-7 & 8	Project No.: 0262-020-001
Photo No. 7	Date 06/29/17		
Direction Photo Taken: North			
Description: Water Line Connection/Hydrostatic Testing			

Photo No. 8	Date 06/29/17	
Direction Photo Taken: North		
Description: Water Line Connection/Hydrostatic Testing		

Prepared By: CCB

PHOTOGRAPHIC LOG


Client Name: Welded Tube USA, Inc.		Site Location: Welded Tube - Lackawanna NY Phase III-BP-7 & 8	Project No.: 0262-020-001
Photo No. 9	Date 06/29/17		
Direction Photo Taken: North			
Description: Water Line Connection/Hydrostatic Testing			

Photo No. 10	Date 04/06/18	
Direction Photo Taken: Southeast		
Description: Electric Line Repair Activities - Excavation and placement of demarcation fabric.		

Prepared By: CCB

PHOTOGRAPHIC LOG



Client Name: Welded Tube USA, Inc.		Site Location: Welded Tube - Lackawanna NY Phase III-BP-7 & 8	Project No.: 0262-020-001
Photo No. 11	Date 04/06/18		
Direction Photo Taken: South			
Description: Electric Line Repair Activities - Backfill and compaction.			

Photo No. 12	Date 03/19/20	
Direction Photo Taken: Northwest		
Description: Infiltration basin on south side of building.		

Prepared By: CCB/THF

PHOTOGRAPHIC LOG



Client Name: Welded Tube USA, Inc.		Site Location: Welded Tube - Lackawanna NY Phase III-BP-7 & 8	Project No.: 0262-020-001
Photo No. 13	Date 03/19/20		
Direction Photo Taken: Northeast			
Description: Infiltration basin on south side of building.			

Photo No. 14	Date 03/19/20	
Direction Photo Taken: North		
Description: Laydown yard behind building		

Prepared By: THF

PHOTOGRAPHIC LOG



Client Name: Welded Tube USA, Inc.		Site Location: Welded Tube - Lackawanna NY Phase III-BP-7 & 8	Project No.: 0262-020-001
Photo No. 15	Date 03/19/20		
Direction Photo Taken: West			
Description: Laydown yard behind building.			

Photo No. 16	Date 03/19/20	
Direction Photo Taken: Northeast		
Description: Back west side of building.		

Prepared By: THF

PHOTOGRAPHIC LOG


Client Name: Welded Tube USA, Inc.		Site Location: Welded Tube - Lackawanna NY Phase III-BP-7 & 8	Project No.: 0262-020-001
Photo No. 17	Date 03/19/20		
Direction Photo Taken: Northwest			
Description: Pipe laydown area near northern limit of property.			

Photo No. 18	Date 03/19/20	
Direction Photo Taken: South		
Description: North side of building.		

Prepared By: THF

PHOTOGRAPHIC LOG



Client Name: Welded Tube USA, Inc.		Site Location: Welded Tube - Lackawanna NY Phase III-BP-7 & 8	Project No.: 0262-020-001
Photo No. 19	Date 03/19/20		
Direction Photo Taken: South			
Description: East side of building looking south.			

Photo No. 20	Date 03/19/20	
Direction Photo Taken: Southeast		
Description: Infiltration basin east of building.		

Prepared By: THF

PHOTOGRAPHIC LOG



Client Name: Welded Tube USA, Inc.		Site Location: Welded Tube - Lackawanna NY Phase III-BP-7 & 8	Project No.: 0262-020-001
Photo No. 21	Date 03/19/20		
Direction Photo Taken: East			
Description: Berm east of building.			

Photo No. 22	Date 03/19/20	
Direction Photo Taken: South		
Description: Parking lot & driveway along east side of building.		

Prepared By: THF

PHOTOGRAPHIC LOG



Client Name: Welded Tube USA, Inc.		Site Location: Welded Tube - Lackawanna NY Phase III-BP-7 & 8	Project No.: 0262-020-001
Photo No. 23	Date 03/19/20		
Direction Photo Taken: East			
Description: Transformer Pad.			

Photo No. 24	Date 03/19/20	
Direction Photo Taken: East		
Description: Entrance drive looking east toward Dona Street Extension.		

Prepared By: THF

APPENDIX C

FIELD NOTES

FIELD ACTIVITY DAILY LOG

PROJECT NAME: <u>Monterea well monitor</u>		PROJECT NO. <u>0262-017-002</u>	
PROJECT LOCATION: <u>Leckum NY</u>		CLIENT: <u>Welded Tube USA</u>	
FIELD ACTIVITY: <u>Turned stick up monitoring wells to at grade Flushmounts</u>			
DESCRIPTION OF DAILY ACTIVITIES AND EVENTS:			
TIME	DESCRIPTION		
0845	met Earth Dimensions, (Phil, Harold + Kyle)		
0900 -915	Explaining to Drillers Not to Dig B Remove slag Below Orange mesh, and to Blend Disturbed Loose Slag Back Into the cover, showed Drillers all locations		
0930	left site		
1230	Back on site, spoke w/ Harold one more well needs to be finished		
1430	Received call from Phil work was complete		
VISITORS ON SITE:		CHANGES FROM PLANS AND SPECIFICATIONS, AND OTHER SPECIAL ORDERS AND IMPORTANT DECISIONS:	
NONE		NONE	
WEATHER CONDITIONS:		IMPORTANT TELEPHONE CALLS:	
A.M.: Sunny upper teens wind 0-5 west		NONE	
P.M.: Sunny upper teens wind 0-5 west			
PERSONNEL ON SITE:			
SIGNATURE <u>[Signature]</u>		DATE: <u>3/13/17</u>	

FIELD ACTIVITY DAILY LOG

PROJECT NAME: <u>monitoring well maintain</u>	PROJECT NO. <u>0262-017-002</u>
PROJECT LOCATION: <u>Lackawanna NY</u>	CLIENT: <u>Welded Tube USA</u>
FIELD ACTIVITY: <u>Bollard Removal</u>	

DESCRIPTION OF DAILY ACTIVITIES AND EVENTS:

TIME	DESCRIPTION
1230	met w/ Pacific Weathering and David (TK) located all 6 Bollard locations, method to be employed for Bollard Removal is to loosen Bollard w/ Bucked of loader, the choke Bollard with chain and remove, placing disturbed cover slowly back into Bollard's location
1300	left site
1545	Received call from PWC that work was completed

VISITORS ON SITE: <u>NONE</u>	CHANGES FROM PLANS AND SPECIFICATIONS, AND OTHER SPECIAL ORDERS AND IMPORTANT DECISIONS: <u>NONE</u>
WEATHER CONDITIONS: A.M.: <u>Sunny upper 30's</u> <u>winds 0-5 west</u> P.M.: <u>SLY</u>	IMPORTANT TELEPHONE CALLS: <u>NONE</u>

PERSONNEL ON SITE:	
SIGNATURE <u>[Signature]</u>	DATE: <u>3/24/17</u>

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Location Welded Tube Date 6/29/17Project / Client Hydrostatic testing - water line
overcast on + off showers $\uparrow 60^{\circ} - \downarrow 70^{\circ}$ 8⁰⁰ On-site

No CAMP due to showers

MKS plumbing on-site doing excavation
and water line hookup

dug 1' of clean cover and segregated

dug down to water line cut and
tapped into existing water line
hooked up new section

pressure tested - ok!

brought clean 2a's from gerratt

backfilled non-cap material
placed new delineation fabric
and placed 1' of clean cover

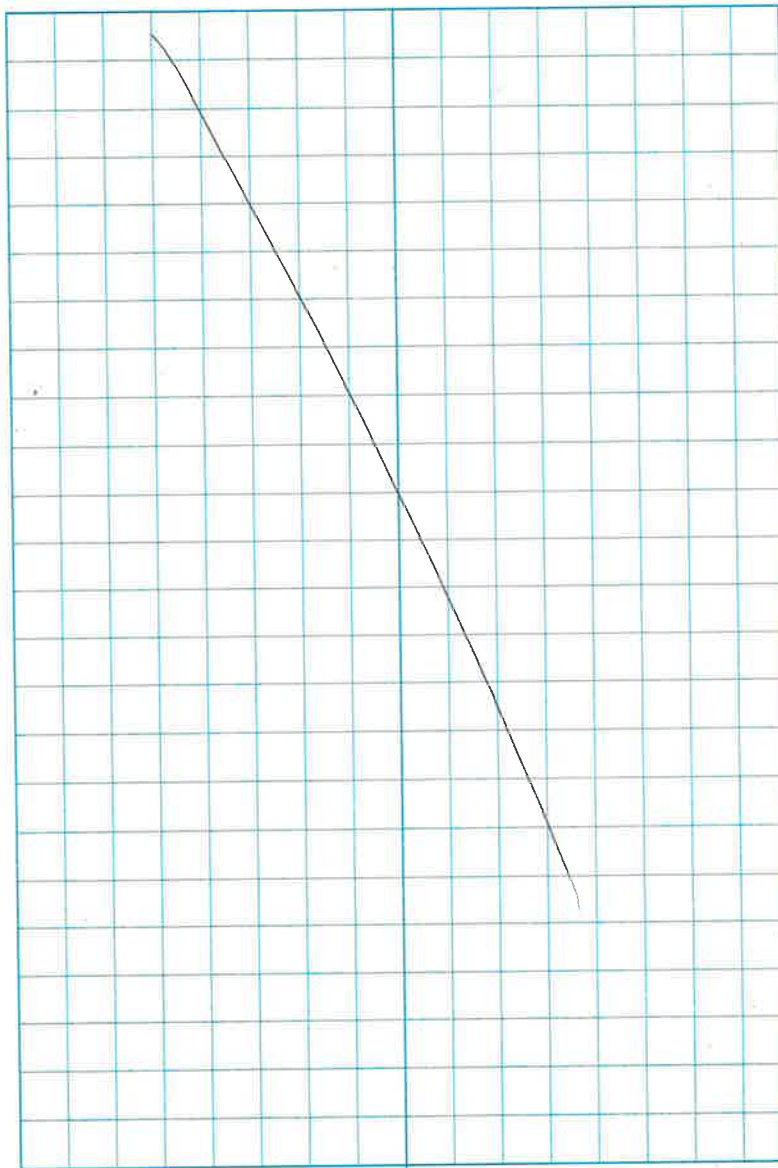
graded + compacted as backfilling

12³⁰ off-site to office

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Location _____ Date _____

Project / Client _____



Rite in the Rain

Location Welded TubeDate 11/16/17

Project / Client _____

Add aggregate to lowspot

PWW on site

Zoladz imported Iron City Aggregate
to fill low spots to North eastern
portion of property

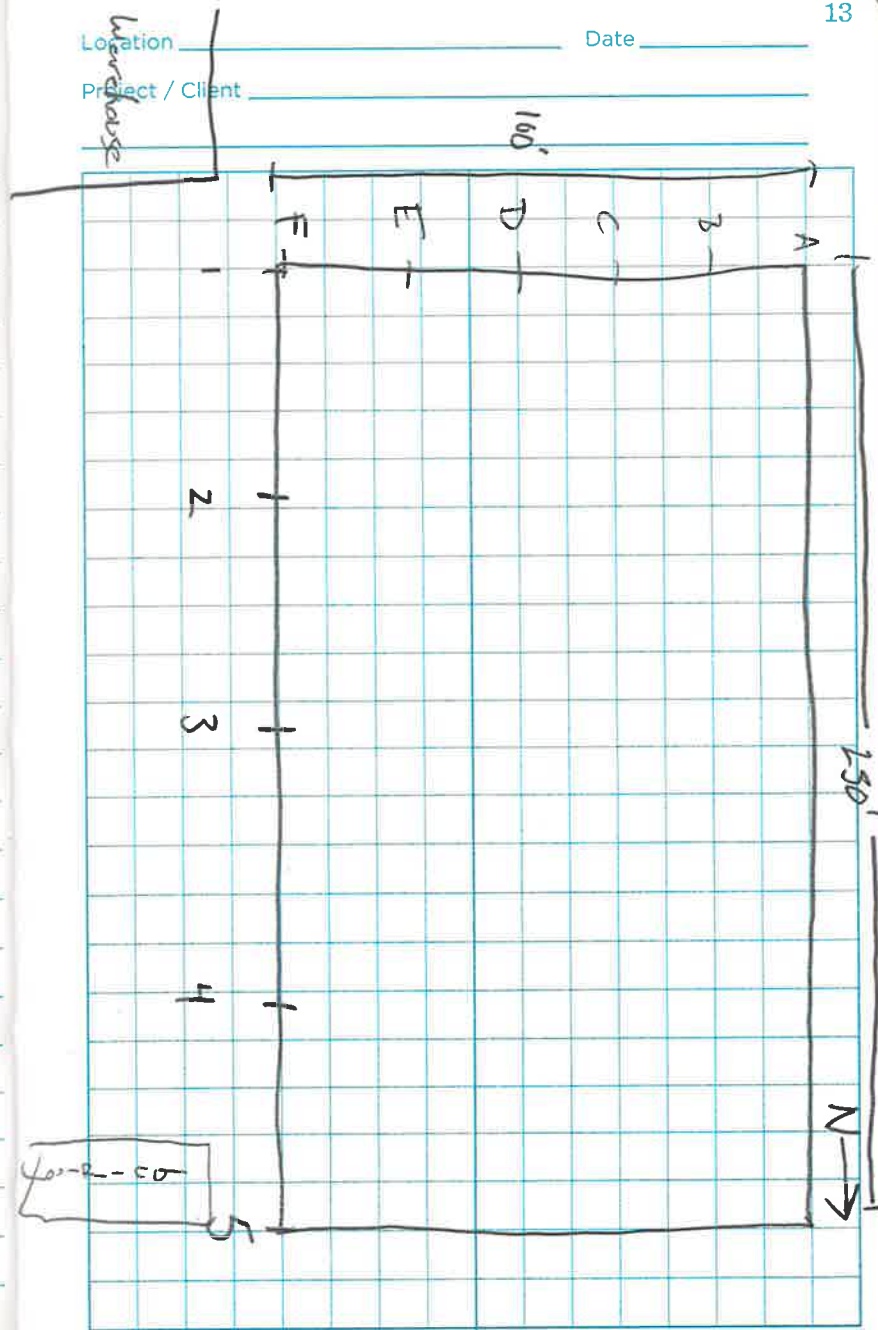
See photos

~~See~~ aggregate added and rolled
area ~ 100' wide x 250' Long2 x 2 readings for entire
area was between
3300 - 4100walked area from A1 to A5 then the same
for B1 to B5 through F1 to F5Walked 1 from F to A, did the
same for 2 through 5

Location _____

Date _____

Project / Client _____



Rite in the Rain

FIELD ACTIVITY DAILY LOG

PROJECT NAME: <u>Welded Tube USA Inc.</u>		PROJECT NO. <u>B0262-018-002</u>	
PROJECT LOCATION: <u>Welded Tube</u>		CLIENT: <u>Welded tube USA</u>	
FIELD ACTIVITY: <u>Electrical Repair.</u>			
DESCRIPTION OF DAILY ACTIVITIES AND EVENTS:			
TIME	DESCRIPTION		
700	<p>On-site w/ Ferguson. No camp due to snow. Began to hand clear near area of electrical damage. Demarc was identified @ 1 ft bgs & conduit was located just beneath surrounded by peat stone. All stone was beneath demarc was separated from clean over material. Ferguson repaired the conduit & back filled w/ removed stone. demarc was replaced at location New demarc was laid on top of the stone & the stockpiled clean fill material was back filled & compressed.</p>		
945	Offsite & back to office		
VISITORS ON SITE: <u>Kari Brennan</u>		CHANGES FROM PLANS AND SPECIFICATIONS, AND OTHER SPECIAL ORDERS AND IMPORTANT DECISIONS:	
WEATHER CONDITIONS: A.M.: <u>33°F Snow</u> <u>SSE 10mph.</u> P.M.: <u></u>		IMPORTANT TELEPHONE CALLS:	
PERSONNEL ON SITE: <u>CCB</u>			
SIGNATURE <u>Carol Bell</u>		DATE: <u>4/6/18</u>	