



ENGINEERING +
ENVIRONMENTAL

EnSol, Inc.
661 Main St.
Niagara Falls, NY 14301
716.285.3920

ensolinc.com

Transmitted Via Electronic Mail

December 28, 2021

Mr. Jaspal S. Walia
Project Manager
NYSDEC Region 9, Division of Env. Remediation
270 Michigan Ave.
Buffalo, NY 14203

Re: Summary Report: Select Over-Excavation of Residential Property Lines
837 Bailey Ave. Site, Site No.: C915298

On behalf of Near Dingens, LLC (Near Dingens), EnSol, Inc. (EnSol) is pleased to provide you with this summary of over-excavation work that was completed at select areas of the shared site/residential property line at the above referenced site. All work was completed in accordance with the Workplan dated September 29, 2021, which is summarized in Figure 1 of the workplan which is included as **Attachment 1** to this summary report for reference. The objective of the work was to remove shallow black ash/cinder fill materials at select areas of the shared site/residential property line as identified by the Department during recent work completed at the residential properties.

On November 2, 2021 EnSol completed a survey event to confirm the fences remain located upon the property lines and to markout the extents of all excavation areas as depicted in Attachment 1. Stakes were placed at all excavation corners as well as at the depth change (from two to five feet below grade) along the Dingens-side excavation.

On November 16 and 17, 2021 all select over-excavation activities were completed by The Environmental Service Group of Tonawanda, NY (ESG) in accordance with the Department-approved workplan. Excavations were completed at both the northern (Dingesn) and southern (Peru) property lines shared with residential properties to the dimensions and depths specified by the Workplan and as staked out by the prior survey event.

All cover system soils were first removed from the excavation areas and separately stockpiled for re-construction of the cover system after excavation and backfilling activities were completed.

All underlying fill materials were then removed to the depths prescribed by the Workplan; two feet below grade along the entire length of the Peru-side excavation, and either two or five feet below grade along the Dingens-side excavation. Excavated materials were stockpiled upon, and covered by, poly sheeting for temporary staging prior to off-site transportation for final disposal. Excavations were then backfilled with clay which was compacted with a walk-behind tamper.

The prior segregated cover system materials were then re-installed for restoration of the excavation areas. Re-seeding of the excavation areas was also completed, however, due to the time of year in which the work was completed it is anticipated that additional re-seeding/restoration activities will be required in the Spring of 2022 to ensure complete re-vegetation of the excavation areas.

Photo-documentation of all excavation, backfilling, and restoration activities is included as **Attachment 2**.

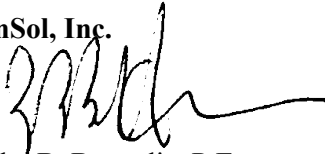
EnSol, Inc.

X:\AAA\pj\ESG\012-B0001-01 837 Bailey Addt'l Excavation\Summary Report\837 Bailey Res. P.L. Exc. Summary Rpt.docx

On December 21, 2021 all excavated fill materials (72.80 tons) were transported to the Town of Tonawanda Landfill by Pariso Logistics (9A-826) for final disposal. Copies of all waste disposal manifests are included as **Attachment 3**.

Please confirm that the work is completed to the Department's satisfaction and that there is no resulting effect on the previously issued Brownfield Cleanup Program (BCP) Certificate of Completion (COC).

Sincerely,

EnSol, Inc.


John B. Battaglia, P.E.
President

Cc: Andrea E. Caprio, P.E. – NYSDEC
John Sullivan – Near Dingens
Tom Krug – Near Dingens
Brian D. Shiah, P.E. – EnSol
Jeremiah M. Smith, P.G. – EnSol

Attachments:

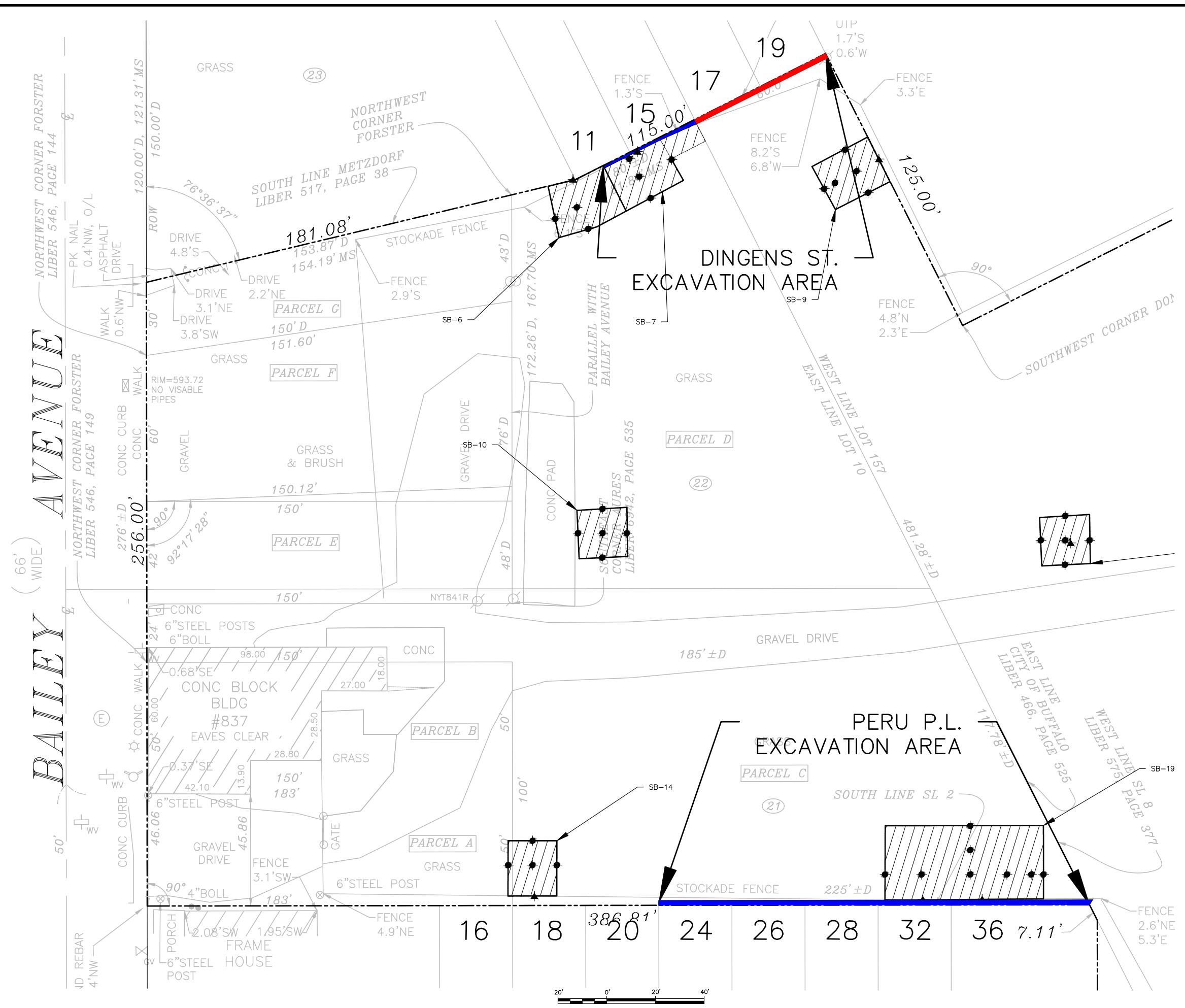
Attachment 1 – Figure 1: Over-Excavation Work Plan
Attachment 2 – Photo-Documentation
Attachment 3 – Waste Disposal Documentation

Attachment 1

EnSol, Inc.

ENGINEERING + ENVIRONMENTAL

Figure 1: Over-Excavation Work Plan



- LEGEND:**
- PROPERTY LINE
 - PROPOSED OVER EXCAVATION AREAS - 2 FEET DEEP
 - PROPOSED OVER EXCAVATION AREAS - 5 FEET DEEP
 - PREVIOUS IRM EXCAVATION LIMITS
 - RI SOIL BORING LOCATION ("HOT SPOT")
 - IRM DELINEATION SOIL BORING (END POINT SAMPLE)
 - IRM EXCAVATION CONFIRMATORY SAMPLE

- NOTES:**
1. SITE TOPOGRAPHIC AND SURVEYED DATA SHOWN ADAPTED FROM FOIT ALBERT ASSOCIATES DRAWING TITLED "BOUNDARY AND TOPOGRAPHIC SURVEY" PROJECT NUMBER 14001.14 DATED JULY 21, 2015.
 2. RECORD SAMPLING POINT LOCATIONS BASED UPON SURVEYS CONDUCTED BETWEEN MARCH 3 AND 7, 2016 BY ENSOL, INC.
 3. THE IRM INCLUDED THE EXCAVATION OF SIGNIFICANTLY IMPACTED SOIL/FILL MATERIAL AT INDICATED LOCATION ("HOT SPOTS"). ONLY SPECIFIC ZONES (i.e., C&D LAYER, ASH/CINDER LAYER) WERE TARGETED FOR REMOVAL BASED UPON CHARACTERIZATION DATA.
 4. AN APPROXIMATE 2-FOOT WIDE EXCAVATION WILL BE CONDUCTED AT THE SHARED PROPERTY WITH RESIDENTIAL PROPERTIES AS INDICATED. ALL FILL MATERIALS WILL BE REMOVED TO A FINAL DEPTH AS INDICATED BY FIRST ENCOUNTER WITH NATIVE SOILS (APPROXIMATELY 2 TO 8 FEET BELOW GRADE). THE EXCAVATION WILL BE BACKFILLED WITH CLEAN, COMPACTED CLAY.

| | |
|---|--|
| OVER EXCAVATION WORK PLAN | |
| 837 BAILEY AVE. SITE | |
| NEAR DINGENS, LLC. | |
| EnSol, Inc. Environmental Solutions | 661 MAIN STREET NIAGARA FALLS, NY 14301 PHONE (716) 285-3920 FAX (716) 285-3928 |
| SEPTEMBER 2021 | PN: 036-A0002 |

FIGURE
1



Attachment 2

EnSol, Inc.

ENGINEERING + ENVIRONMENTAL

Photo-Documentation



Photo #1: Excavation in progress at Dingens property line



Photo #2: Excavation in progress at Dingens property line



EnSol, Inc.
 661 Main St.
 Niagara Falls, NY 14301
 716.285.3920
 ensolinc.com

Excavation Photodocumentation

**Select Over-Excavation of Residential Property Lines
 at
 837 Bailey Avenue
 Buffalo, NY**

**PROJECT
 PHOTOGRAPHS**

By: JMS
 Date: 11/17/21

1
 Page No.

PN: 012-B0001-01



Photo #3: Excavation in progress at Dingens property line / staging of excavated materials



Photo #4: Excavation in progress at Dingens property line / staging of excavated materials



EnSol, Inc.
 661 Main St.
 Niagara Falls, NY 14301
 716.285.3920
 ensolinc.com

Excavation Photodocumentation

**Select Over-Excavation of Residential Property Lines
 at
 837 Bailey Avenue
 Buffalo, NY**

**PROJECT
 PHOTOGRAPHS**

By : JMS
 Date: 11/17/21

2

Page No.

PN: 012-B0001-01



Photo #5: Backfilling and compaction at Dingens property line excavation



Photo #6: Re-construction of Dingens property line excavation



EnSol, Inc.
 661 Main St.
 Niagara Falls, NY 14301
 716.285.3920
 ensolinc.com

Excavation Photodocumentation

**Select Over-Excavation of Residential Property Lines
 at
 837 Bailey Avenue
 Buffalo, NY**

**PROJECT
 PHOTOGRAPHS**

By: JMS
 Date: 11/17/21

3

Page No.

PN: 012-B0001-01



Photo #7: Completion / re-seeding of Dingens property line excavation



Photo #8: Temporary staging of excavated materials from Dingens property line excavation



EnSol, Inc.
 661 Main St.
 Niagara Falls, NY 14301
 716.285.3920
 ensolinc.com

Excavation Photodocumentation

**Select Over-Excavation of Residential Property Lines
 at
 837 Bailey Avenue
 Buffalo, NY**

**PROJECT
 PHOTOGRAPHS**

By : JMS
 Date: 11/17/21

4

Page No.

PN: 012-B0001-01



Photo #9: Excavation in progress at Peru property line excavation



Photo #10: Excavation in progress at Peru property line excavation



EnSol, Inc.
 661 Main St.
 Niagara Falls, NY 14301
 716.285.3920
 ensolinc.com

Excavation Photodocumentation

**Select Over-Excavation of Residential Property Lines
 at
 837 Bailey Avenue
 Buffalo, NY**

**PROJECT
 PHOTOGRAPHS**

By: JMS
 Date: 11/17/21

5

Page No.

PN: 012-B0001-01



Photo #11: Excavation in progress at Peru property line excavation



Photo #12: Re-construction of Peru property line excavation



EnSol, Inc.
 661 Main St.
 Niagara Falls, NY 14301
 716.285.3920
 ensolinc.com

Excavation Photodocumentation

**Select Over-Excavation of Residential Property Lines
 at
 837 Bailey Avenue
 Buffalo, NY**

**PROJECT
 PHOTOGRAPHS**

By: JMS
 Date: 11/17/21

6

Page No.

PN: 012-B0001-01



Photo #13: Re-seeding of Peru property line excavation



Photo #14: Re-construction of Peru property line excavation



EnSol, Inc.
 661 Main St.
 Niagara Falls, NY 14301
 716.285.3920
 ensolinc.com

Excavation Photodocumentation

**Select Over-Excavation of Residential Property Lines
 at
 837 Bailey Avenue
 Buffalo, NY**

**PROJECT
 PHOTOGRAPHS**

By : JMS
 Date: 11/17/21

7

Page No.

PN: 012-B0001-01

Attachment 3

EnSol, Inc.

ENGINEERING + ENVIRONMENTAL

Waste Disposal Documentation

| | | | | | |
|--|--|-------------------------------|---|---|---------------------------------------|
| NON-HAZARDOUS WASTE MANIFEST | | 1. Generator ID Number N/A | 2. Page 1 of | 3. Emergency Response Phone 716-285-3920 | 4. Waste Tracking Number FS-465266 |
| 5. Generator's Name and Mailing Address Near Dingens, LLC, , 837 Bailey Avenue, Buffalo NY 14206, Nick Halliday | | | Generator's Site Address (if different than mailing address) Near Dingens, LLC, , 837 Bailey Avenue, Buffalo NY 14206, Nick Halliday | | |
| Generator's Phone: 716-695-6720 | | | U.S. EPA ID Number | | |
| Transporter 1 Company Name Pariso Logistics 37 716-875-6169 | | | U.S. EPA ID Number 9A 826 | | |
| Transporter 2 Company Name | | | U.S. EPA ID Number | | |
| 8. Designated Facility Name and Site Address Town of Tonawanda Landfill Closure East Park Road Tonawanda NY Facility's Phone: 716-285-3920 | | | U.S. EPA ID Number N/A | | |
| 9. Waste Shipping Name and Description | | 10. Containers | | 11. Total | 12. Unit |
| | | No. | Type | Quantity | Wt./Vol. |
| 1. Non RCRA, Non D.O.T. Regulated Material, AGM Soil, , , | | 001 | T | 22 | T |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 13. Special Handling Instructions and Additional Information | | | | | |
| Emergency Contact: Ensol. Inc. Nick Morreale | | | Weight Ticket No.: 141149 | | |
| Ensol. Inc. Project ID Number: 21-3245-143T | | | Gross Weight: 59926 | | |
| Truck ID: 99826 | | | Tare Weight: 27500 | | |
| Truck Lic.: 44307MJ | | | | | |
| 14. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. | | | | | |
| Generator's/Offoror's Printed/Typed Name Glenn Coverly AS Agent | | | Signature Glenn Coverly agent | | Month Day Year 12 21 21 |
| 15. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: Date leaving U.S.: | | | | | |
| 16. Transporter Acknowledgment of Receipt of Materials | | | | | |
| Transporter 1 Printed/Typed Name Jordan White | | | Signature J. White | | Month Day Year 12 21 21 |
| Transporter 2 Printed/Typed Name | | | Signature | | Month Day Year |
| 17. Discrepancy | | | | | |
| 17a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection | | | | | |
| Item #13 Estimated. Actual Weight = 16.21 | | | Manifest Reference Number: 465266 | | |
| 17b. Alternate Facility (or Generator) Facility's Phone: | | | U.S. EPA ID Number | | |
| 17c. Signature of Alternate Facility (or Generator) | | | | | |
| 18. Designated Facility Owner or Operator. Certification of receipt of materials covered by the manifest except as noted in Item 17a | | | | | |
| Printed/Typed Name Sen Sudi | | | Signature [Signature] | | Month Day Year 12 21 21 |

GENERATOR

TRANSPORTER

DESIGNATED FACILITY

DESIGNATED FACILITY TO GENERATOR

11

NON-HAZARDOUS WASTE MANIFEST

1. Generator ID Number

N/A

2. Page 1 of

3. Emergency Response Phone

716-285-3920

4. Waste Tracking Number

ES-465267

5. Generator's Name and Mailing Address

Near Dingens, LLC, , 837 Bailey Avenue, Buffalo NY 14206, Nick Halliday

Generator's Site Address (if different than mailing address)

Near Dingens, LLC, , 837 Bailey Avenue, Buffalo NY 14206, Nick Halliday

Generator's Phone:

716-695-6720

Transporter 1 Company Name

Pariso Logistics

716-875-6168

#242

U.S. EPA ID Number

9A 826

U.S. EPA ID Number

6. Designated Facility Name and Site Address

Town of Tonawanda Landfill Closure
East Park Road
Tonawanda NY

U.S. EPA ID Number

N/A

Facility's Phone:

716-285-3920

9. Waste Shipping Name and Description

10. Containers

No.

Type

11. Total Quantity

12. Unit Wt./Vol.

1. Non RCRA, Non D.O.T. Regulated Material, AGM Scil, , ,

001

T

22

2.

3.

4.

13. Special Handling Instructions and Additional Information

Emergency Contact: Ensol. Inc. Nick Morreale
Ensol. Inc. Project ID Number: 21-3245-143T
Truck ID: #242
Truck Lic.: 28362-MC

Weight Ticket No.: 141154
Gross Weight: 57800
Tare Weight: 24860

14. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable International and national governmental regulations.

Generator's/Offoror's Printed/Typed Name

Glenn Casely AS Agent

Signature

Glenn Casely agent

Month Day Year

12 21 21

15. International Shipments

Import to U.S.

Export from U.S.

Port of entry/exit:

Date leaving U.S.:

16. Transporter Acknowledgment of Receipt of Materials

Transporter 1 Printed/Typed Name

Sherrin M. Abdou

Signature

[Signature]

Month Day Year

12 21 21

Transporter 2 Printed/Typed Name

Signature

Month Day Year

17. Discrepancy

17a. Discrepancy Indication Space

Quantity

Type

Residue

Partial Rejection

Full Rejection

Item #13 Estimated. Actual Weight =

Manifest Reference Number:

465267

17b. Alternate Facility (or Generator)

16, 17

U.S. EPA ID Number

Facility's Phone:

17c. Signature of Alternate Facility (or Generator)

Month Day Year

18. Designated Facility Owner or Operator: Certification of receipt of materials covered by the manifest except as noted in Item 17a

Printed/Typed Name

Sen Suda

Signature

[Signature]

Month Day Year

12 21 21

NON-HAZARDOUS WASTE MANIFEST

1. Generator ID Number

N/A

2. Page 1 of

3. Emergency Response Phone

716-285-3920

4. Waste Tracking Number

ES-465268

5. Generator's Name and Mailing Address

Near Dingens, LLC, , 837 Bailey Avenue, Buffalo NY 14206, Nick Halliday

Generator's Site Address (if different than mailing address)

Near Dingens, LLC, , 837 Bailey Avenue, Buffalo NY 14206, Nick Halliday

Generator's Phone:

716-695-6720

Transporter 1 Company Name

Pariso Logistics

716-875-6168

37

U.S. EPA ID Number

9A 826

U.S. EPA ID Number

8. Designated Facility Name and Site Address

Town of Tonawanda Landfill Closure East Park Road Tonawanda NY

U.S. EPA ID Number

N/A

Facility's Phone:

716-285-3920

9. Waste Shipping Name and Description

1. Non RCRA, Non D.O.T. Regulated Material, AGM Soil, , ,

10. Containers

No. Type

001 T

11. Total Quantity

22

12. Unil Wt./Vol.

T

13. Special Handling Instructions and Additional Information

Emergency Contact: EnSol. Inc. Nick Morzeale EnSol. Inc. Project ID Number: 21-3245-143T Truck ID: 99826 Truck Lic.: 44307MJ

Weight Ticket No.: 141157 Gross Weight: 6500 Tare Weight: 27500

14. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.

Generator's/Offlor's Printed/Typed Name

Glenn Coverly AS Agent

Signature

Glenn Coverly

Month Day Year

12 21 21

15. International Shipments

Import to U.S.

Export from U.S.

Port of entry/exp.

Date leaving U.S.:

16. Transporter Acknowledgment of Receipt of Materials

Transporter 1 Printed/Typed Name

Jordan White

Signature

J. White

Month Day Year

12 21 21

Transporter 2 Printed/Typed Name

Signature

Month Day Year

17. Discrepancy

17a. Discrepancy Indication Space

Quantity

Type

Residue

Partial Rejection

Full Rejection

Item #13 Estimated. Actual Weight = 18.90

Manifest Reference Number:

465268

17b. Alternate Facility (or Generator)

U.S. EPA ID Number

Facility's Phone:

17c. Signature of Alternate Facility (or Generator)

Month Day Year

18. Designated Facility Owner or Operator: Certification of receipt of materials covered by the manifest except as noted in Item 17a

Printed/Typed Name

Sean Sivad

Signature

Sean Sivad

Month Day Year

12 21 21

GENERATOR

INTL

TRANSPORTER

DESIGNATED FACILITY

(2)

| | | | | | |
|--|--|-------------------------------|--|---|---------------------------------------|
| NON-HAZARDOUS WASTE MANIFEST | | 1. Generator ID Number H/A | 2. Page 1 of | 3. Emergency Response Phone 716-285-3920 | 4. Waste Tracking Number ES-465269 |
| 5. Generator's Name and Mailing Address Near Dingers, LLC, 837 Bailey Avenue, Buffalo NY 14206, Nick Halliday | | | Generator's Site Address (if different than mailing address) Near Dingers, LLC, 837 Bailey Avenue, Buffalo NY 14206, Nick Halliday | | |
| Generator's Phone: 716-695-6720 | | | | | |
| 6. Transporter 1 Company Name Paris Logistics #242 716-875-6166 | | | U.S. EPA ID Number 9A 826 | | |
| 7. Transporter 2 Company Name | | | U.S. EPA ID Number | | |
| 8. Designated Facility Name and Site Address Town of Tonawanda Landfill Closure East Park Road Tonawanda NY | | | U.S. EPA ID Number N/A | | |
| Facility's Phone: 716-285-3920 | | | | | |
| 9. Waste Shipping Name and Description | | 10. Containers | | 11. Total Quantity | 12. Unit Wt./Vol. |
| | | No. | Type | | |
| 1. Non RCRA, Non D.O.T. Regulated Material, AGH Soil, . . . | | 001 | T | 22 | T |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 13. Special Handling Instructions and Additional Information | | | | | |
| Emergency Contact: EnSol, Inc. Nick Morzeale | | | Weight Ticket No.: 141162 | | |
| EnSol, Inc. Project ID Number: 21-3245-143T | | | Gross Weight: 67900 | | |
| Truck ID: #242 | | | Tare Weight: 24860 | | |
| Truck Lic.: 28362-MC | | | | | |
| 14. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. | | | | | |
| Generator's/Offoror's Printed/Typed Name Glenn Caverly AS Agent | | | Signature Glenn Caverly agent | | Month Day Year 12 21 21 |
| 15. International Shipments <input checked="" type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: Date leaving U.S.: | | | | | |
| 16. Transporter Acknowledgment of Receipt of Materials | | | | | |
| Transporter 1 Printed/Typed Name Shannon M. Abruzzi | | | Signature [Signature] | | Month Day Year 12 21 21 |
| Transporter 2 Printed/Typed Name | | | Signature | | Month Day Year |
| 17. Discrepancy | | | | | |
| 17a. Discrepancy Indication Space <input checked="" type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection | | | | | |
| Item #13 Estimated. Actual Weight = | | | Manifest Reference Number: 465269 | | |
| 17b. Alternate Facility (or Generator) 2152 | | | U.S. EPA ID Number | | |
| Facility's Phone: | | | | | |
| 17c. Signature of Alternate Facility (or Generator) Month Day Year | | | | | |
| 18. Designated Facility Owner or Operator. Certification of receipt of materials covered by the manifest except as noted in Item 17a | | | | | |
| Printed/Typed Name Sen Sida | | | Signature [Signature] | | Month Day Year 12 21 21 |

GENERATOR

INT'L

TRANSPORTER

DESIGNATED FACILITY