

**PORTION OF THE NIAGARA FALLS
MUNICIPAL COMPLEX
NIAGARA COUNTY, NEW YORK**

Site Management Plan

NYSDEC Site Number: C932133

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November 2010

Revisions to Final Approved Site Management Plan:

Revision #	Submitted Date	Summary of Revision	DEC Approval Date
1	1/17/11	Property Size Revision	
2	6/20/11	Property Size and Easement Revision	

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SITE MANAGEMENT PLAN

1.0 INTRODUCTION AND DESCRIPTION OF REMEDIAL PROGRAM

1.1 INTRODUCTION

This document is required as an element of the remedial program at a portion of the new Niagara Falls Municipal Complex (hereinafter referred to as the “Site”) under the New York State (NYS) Brownfield Cleanup Program (BCP), administered by New York State Department of Environmental Conservation (NYSDEC). The Site was remediated in accordance with: Brownfield Cleanup Agreement (BCA) Index# B9-0758-07-11, Site # C932113, which was executed on December 21, 2007 and last amended on September 23, 2009.

1.1.1 General

CLP3, LLC (CLP3) entered into a BCA with the NYSDEC to remediate a 0.803 acre property located in Niagara Falls, New York. This BCA required the Remedial Party, CLP3, to investigate and remediate contaminated media at the Site. A figure showing the Site location and boundaries of this 0.803 acre “Site” is provided in Figures 1 and 2. The boundaries of the Site are more fully described in the metes and bounds Site description that is part of the Environmental Easement.

After completion of the remedial work described in the Remedial Action Work Plan, some contamination was left in the bedrock at this Site, which is hereafter referred to as “remaining contamination.” This Site Management Plan (SMP) was prepared to manage remaining contamination at the Site until the Environmental Easement is extinguished in accordance with ECL Article 71, Title 36. All reports associated with the Site can be viewed by contacting the NYSDEC or its successor agency managing environmental issues in New York State.

This SMP was prepared by Lender Consulting Services, Inc. (LCS) on behalf of CLP3, in general accordance with the requirements in NYSDEC DER-10 Technical Guidance for Site Investigation and Remediation and the guidelines provided by NYSDEC. This SMP addresses the means for implementing the Institutional Controls (ICs) and Engineering Controls (ECs) that are required by the Environmental Easement for the Site.

1.1.2 Purpose

The Site contains contamination left after completion of the remedial action. Engineering Controls have been incorporated into the Site remedy to control exposure to remaining contamination during the use of the Site to ensure protection of public health and the environment. An Environmental Easement granted to the NYSDEC, and recorded with the Niagara County Clerk, will require compliance with this SMP and all ECs and 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 SMP specifies the methods necessary ensure compliance with all ECs and ICs required by the Environmental Easement for contamination that remains at the Site. This plan has been approved by the NYSDEC, and compliance with this plan is required by the grantor of the Environmental Easement and the grantor's successors and assigns. This SMP may only be revised with the approval of the NYSDEC.

This SMP provides a detailed description of all procedures required to manage remaining contamination at the Site after completion of the Remedial Action, including: (1) implementation and management of all Engineering and Institutional Controls; (2) operation and maintenance of all collection systems; (3) performance of periodic inspections and submittal of Periodic Review Reports.

To address these needs, this SMP includes three plans: (1) an Engineering and Institutional Control Plan for implementation and management of EC/ICs; (2) a Monitoring Plan for implementation of Site Monitoring; (3) an Operation and Maintenance Plan for the sub-slab vapor mitigation system.

This plan also includes a description of Periodic Review Reports for the periodic submittal of data, information, recommendations, and certifications to NYSDEC.

It is important to note that:

- This SMP details the Site-specific implementation procedures that are required by the Environmental Easement. Failure to properly implement the SMP is a violation of the environmental easement, which is grounds for revocation of the Certificate of Completion (COC);
- Failure to comply with this SMP is also a violation of Environmental Conservation Law, 6NYCRR Part 375 and the BCA, (Index #B9-0758-07-11; Site #C932133) for the Site, and thereby subject to applicable penalties.

1.1.3 Revisions

Revisions to this plan will be proposed in writing to the NYSDEC's project manager. In accordance with the Environmental Easement for the Site, the NYSDEC will provide a notice of any approved changes to the SMP, and append these notices to the SMP that is retained in its files.

1.2 SITE BACKGROUND

The conditions at the Site that existed before the remedial actions were investigated between July and October 2007. The Site was underlain by fill, soil, and bedrock. Groundwater was mostly contained within the bedrock material at depths ranging from 20 to 35 feet below ground surface (ft. bgs). Groundwater is not used for potable or non-potable purposes at the Site or in the surrounding area of the Site.

Based on the historic investigations, the constituents of potential concern (COPCs) in soil/fill and/or groundwater were identified as petroleum and solvent-based volatile organic compounds (VOCs), and heavy metals.

The Brownfield cleanup was jointly implemented by LCS, LP Ciminelli, Mark Cerrone, Inc., and EnSol, Inc. (EnSol) on behalf of CLP3, LLC.

The Brownfield cleanup of the Site consisted of the following major elements or tasks:

- 1.) Excavation and on-Site staging of non-impacted surface soil at the Site.
- 2.) Excavation of petroleum, solvent, and metals-impacted soil/fill.
- 3.) Temporary on-Site staging of impacted soil/fill.
- 4.) Waste characterization of impacted soil/fill following stockpiling on-Site.
- 5.) Off-Site transportation and disposal of impacted soil at permitted waste disposal facilities (Tonawanda Landfill, Tonawanda, New York, Modern Landfill, Lewiston, New York, EQ Landfill, Bellville, Michigan, WTI, Inc., East Liverpool, Ohio or CWM Model City, New York).
- 6.) Dewatering of the Site and disposal of the water to the sanitary sewer (under permit with the Niagara Falls Water Board)
- 7.) Verification sampling of the remedial excavations.
- 8.) Placement and compaction of non-impacted on-Site and “clean” [i.e., Part 375 (unrestricted use) compliant] soil and gravel from off-Site sources.
- 9.) Placement of crushed stone layer on the bottom of the excavation.
- 10.) Installation of a vapor barrier and sub-slab depressurization system.

Details of the impacted soil removal, disposal and backfilling activities are provided in the Final Engineering Report.

1.2.1 Site Location and Description

The Site is a portion of the new Niagara Falls Municipal Complex, measures approximately 0.803 acres, and includes Tax parcels 144.46-2-44 (915 Cleveland Avenue), 144.46-2-45.2 (913 Cleveland Avenue), 144.46-2-6 (1931 Main Street), 144.46-2-7 (1935 Main Street), 144.46-2-42 (1921 Main Street), 144.46-2-45.1 (1929 Main Street), and 144.46-2-46 (1925 Main Street). The boundaries of the subject property are depicted on Figure 2. For purposes of this report, the area within those boundaries is referred to as the Site. The Site is generally bounded by Cleveland Avenue to the north, Main Street to the west and portions of the new Niagara Falls Municipal Complex to the east and south. At the time the IRM was begun structures previously located on-Site had been razed and was generally flat lying with limited distinguishable Site features. The Site is located in a predominantly commercial and residential area of Niagara Falls, New York. The Site and

surrounding area was historically used for commercial and residential purposes. The boundaries of the Site are more fully described in Appendix A – Metes and Bounds.

1.2.2 Site History

The Site was previously developed as summarized below.

913 Cleveland Avenue

913 Cleveland was developed with a single residential structure in at least 1892, through at least 1950, then with a small unidentified commercial structure thereafter.

915 Cleveland Ave

915 Cleveland Avenue was developed with an apparent automotive repair/service facility from at least 1939 through at least 1949, a drycleaner at least in 1950, a clothing store from at least 1959 to at least 1970, a drycleaner from at least 1979 through at least 1988 and a drycleaner in at least 1994.

1921 Main Street

1921 Main Street was developed with a Millinery from at least 1939 through at least 1949, a Beauty Shop from at least 1949 through at least 1959, and a retail store from at least 1979 through at least 1998.

1925 Main Street

1925 Main Street was developed with a single residential structure from at least 1939 through at least 1949, a retail clothing store from at least 1949 through at least 1959, a vacant structure from at least 1959 through at least 1979, Niagara Hair Styling from at least 1979 through at least 1998, and was vacant from at least 1998 to 2007. Undated municipal records also suggest that this property was occupied by a dry-cleaning establishment.

1929 Main Street

1929 Main Street was occupied by a vacant structure from at least 1939 through at least 1949, a liquor store and tailor shop from at least 1949 through at least 1959, an appliance store from at least 1959 through at least 1969, a jewelers from at least 1969 through at least 1988 and residence from at least 1998 to approximately 2006.

1931 Main Street

1931 Main Street was occupied by a jeweler from at least 1939 through at least 1979 and Ruben's (nature of business unknown) from at least 1998 to approximately 2006.

1935 Main Street

1935 Main Street was occupied by Livingston (nature of business unknown) from at least 1939 through at least 1949, a shoe store and dentist office from at least 1949 through at least 1959, a jeweler, dentist office, and lawyer's office from at least 1959 through at least 1969, a gift shop from at least 1969 through at least 1979, a garden gift shop from at least 1979 through at least 1988, and a beauty supplies shop from at least 1988 through at least 2007.

The historical use of the Site was determined during completion of a Phase I Environmental Site Assessment, dated December 22, 2006. That study included review of historical sources such as Sanborn Fire Insurance Maps, City Directories and municipal records.

Subsequent to the Phase I study, in July 2007, LCS completed a Limited and Focused Soil and Groundwater Investigation at the Site. The Site investigation was completed to better assess the environmental quality of the on-Site soils and groundwater for the presence of volatile organic compound (VOC), semi-volatile organic compound (SVOC) and/or metal contamination. As part of that investigation, analytical soil data was collected from eight locations and analytical groundwater data was collected from four locations at the Site. The results of that investigation showed that while VOCs [benzene, toluene, xylenes, isopropylbenzene, 1,3,5-trimethylbenzene, 1,2,4-trimethylbenzene, sec-butylbenzene, p-isopropyltoluene, n-butylbenzene, tentatively identified compounds (TICs) and tetrachloroethene], SVOCs (phenanthrene, fluoranthene, pyrene, benzo(a)anthracene, chrysene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene and TICs) and metals (arsenic, barium, cadmium, chromium, lead and mercury) were detected, no VOCs or SVOCs were detected at concentrations above Part 375 Recommended Soil Cleanup Objectives (Unrestricted Use). Metals [arsenic (13.5 milligrams per kilogram, mg/kg), mercury (0.557 mg/kg-5.09 mg/kg) and lead (207 mg/kg-520 mg/kg)] were detected at concentrations above Part 375 Recommended Soil Cleanup Objectives (Unrestricted Use) as well as above typical background concentrations. Overburden groundwater was found to contain VOCs (tetrachloroethene, trichloroethene, cis-1,2-dichloroethene, trans-1,2-dichloroethene, 1,1-dichloroethene, 1,1,1-trichloroethane, acetone, chloroform, benzene, toluene, ethylbenzene, and xylenes. Tetrachloroethene (299 micrograms/liter, ug/l) – 17,700 ug/l), trichloroethene, (12ug/l-61 ug/l), cis-1,2-dichloroethene (116 ug/l-20 ug/l), 1,1,1-trichloroethane

(9 ug/l), benzene (1-2 ug/l), ethylbenzene (10 ug/l) and xylenes (9 ug/l) were detected above 6 NYCRR Part 703 (Class GA) groundwater criteria. Based on Site characterization data obtained during LCS' July 2007 study, the extent of the solvent contamination was unknown, but the highest concentrations were noted on the north portion of the Site. The extent of the petroleum-related contamination appeared to be localized to the area of suspected underground storage tanks (USTs), located north of the structure addressed at the 915 Cleveland Avenue portion of the Site.

Supplemental Investigation – September 2007

In September 2007, LCS completed a Supplemental Soil and Groundwater Investigation at the Site. The investigation was completed to better delineate the extent of the contamination within the groundwater above the bedrock, to better determine if groundwater within the bedrock had been impacted, to attempt to locate the source area of the solvent contamination, and to complete additional soil and/or groundwater analyses. All work was completed outside of the on-Site structures. Additional analytical testing for the presence of PCBs and cyanide was also completed in preparation of the Site entering the BCP. As part of that investigation, analytical soil data was collected from six additional locations and analytical groundwater data was collected from five locations (four overburden and one bedrock well) at the Site. The results of that investigation showed the presence of VOCs [methylene chloride, cis-1,2 dichloroethene, benzene, toluene, xylenes, isopropylbenzene, 1,3,5-trimethylbenzene, 1,2,4-trimethylbenzene, sec-butylbenzene, p-isopropyltoluene, n-butylbenzene, tetrachloroethene, ethylbenzene, n-propylbenzene, methylcyclohexane, naphthalene, p-cymene and tentatively identified compounds (TICs)], and SVOCs (naphthalene, 2-methylnaphthalene, fluorene, bis (2 ethylhexyl) phthalate, di-n-octyl phthalate, Caprolactum, phenanthrene, fluoranthene, pyrene, benzo(a)anthracene, chrysene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene and TICs) and metals (arsenic, barium, cadmium, chromium, lead and mercury). Only one VOC [1,2,4-trimethylbenzene (9,500 ug/kg)] and no SVOCs, metals, PCBs or cyanide were detected at concentrations above Part 375 Recommended Soil Cleanup Objectives (Unrestricted Use) or typical background concentrations. Overburden groundwater was found to contain VOCs consisting of vinyl chloride (87 ug/l), acetone (770 ug/l), methylene chloride (1,000 ug/l), trans-1,2-dichloroethene (260 ug/l), tetrachloroethene (11,000 ug/l-16,000 ug/l), trichloroethene, (13 ug/l-310 ug/l), cis-1,2-dichloroethene (220 ug/l), and 1,2,4-trimethylbenzene (160 ug/l) above 6 NYCRR Part 703 (Class GA) groundwater criteria. Bedrock groundwater was found to contain VOCs consisting of methylene chloride (6 ug/l), cis-1,2-dichloroethene (6 ug/l), trichloroethene (15 ug/l), and tetrachloroethene 550 (ug/l), also above 6 NYCRR Part 703 (Class GA) groundwater criteria. Based on Site characterization data obtained during LCS' September 2007

study, the extent of the contamination within the soil and overburden groundwater was unknown, but the highest concentrations were noted on the north portion of the Site and likely beneath one or more of the on-Site structures. Solvent impact to the bedrock was confirmed; the extent of bedrock groundwater contamination was unknown.

IRM Findings – December 2007/January 2008

During initiation of IRM activities, solvent, and to a lesser extent, petroleum impacted soils were discovered beneath each of the former on-Site structures. While analytical testing was not performed beneath the former on-Site structures, sampling of the excavated soils was performed after the soils were staged for subsequent waste characterization testing. That testing indicated up to 773 parts per million (ppm) total petroleum hydrocarbons (TPH) and 2,300 ppm of tetrachloroethene, further supporting the need for implementation of the IRM.

Based on the historic investigations, the constituents of potential concern (COPCs) in soil/fill and/or groundwater were identified as petroleum-based and solvent-based volatile organic compounds (VOCs), and heavy metals

1.2.3 Geologic Conditions

Prior to remediation of the Site, the Site geology generally encountered fill material in all borehole locations to a depth of between approximately 1 and 9 ft. bgs. That material consisted of clayey silt, gravelly silt, gravel, and silt. The fill material was generally underlain by native soils consisting of various combinations of gravel, sand, clay and silt. Suspected groundwater was generally encountered in most boreholes immediately above the bedrock. Equipment refusal (bedrock) was typically encountered between approximately 12.9 and 24.5 ft. bgs. Refer to Figures 3 and 4 for a cross-section of the geology at the Site.

Overburden groundwater was generally observed immediately above bedrock, however, the overburden wells installed, did not yield groundwater. Hydraulic conductivity testing performed during the RI and prior groundwater elevation data indicate a bedrock groundwater transport rate of 0.11 ft/day. Groundwater Flow was determined to be to the northwest. See Figure 5 for a groundwater contour map.

1.3 SUMMARY OF REMEDIAL INVESTIGATION FINDINGS

A Remedial Investigation (RI) was performed to characterize the nature and extent of contamination at the Site. The results of the RI are described in detail in the following reports:

1. *Remedial Investigation Work Plan for Niagara Falls Municipal Complex*, prepared by LCS, Inc., dated August 2007.

Below is a summary of Site conditions when the RI was performed in 2007.

1.3.1 Soil

Generally, the analytical data generated during the RI for the overburden soil show that VOCs, SVOCs, PCBs, and cyanide met Part 375 SCOs (unrestricted).

During implementation of the IRM, large quantities of solvent and some petroleum and metals-impacted soils were removed from the Site. During soil disposal characterization testing indicated up to 2,300 ppm of tetrachloroethene, and up to 773 ppm TPH was present in the on-Site soil. Table 1 presents a comparison of the detected soil parameters to the Part 375 SCOs (unrestricted).

1.3.2 Groundwater

Table 2 presents a comparison of the detected groundwater parameters to the Class GA Groundwater Quality Standards (GWQS) per NYSDEC TOGS 1.1.1 Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations (June 1988, Revised April 2000). The results of the sampling in the new monitoring wells are discussed in the following sections. The samples obtained from the bedrock wells were limited to VOC analysis.

Volatile Organic Compounds

As indicated in Table 2, some solvent based VOCs were reported at concentrations above Class GA GWQS in three of the five bedrock wells sampled. The majority of these wells are located along the north and west Site boundaries, except one formerly located in the former park located south of 1925 Main Street. In the bedrock monitoring wells BCP BRMW2, BCP BRMW3, and BCP BRMW4 trichloroethene and tetrachloroethene were detected above the GWQS. No petroleum-related VOCs were detected within bedrock groundwater. Figure 3 depicts the locations of the groundwater monitoring wells.

Summary

As described above, solvent-based VOCs were detected within BCP BRMW2, BRMW3, and BCP BRMW4. The highest concentrations of solvent-based VOCs were detected in BCP BRMW2, located off-Site within Cleveland Avenue. The SVOCs detected were qualified as estimated or were also present in the method blank in soil samples submitted.

Site-Related Soil Vapor Intrusion

No soil vapor intrusion studies were completed. Rather, an electrically powered sub-slab depressurization system and chemical resistant vapor barrier were installed beneath the entire Niagara Falls Municipal Complex.

Underground Storage Tanks

During excavation of the Site, four single walled steel bare steel USTs were encountered along the northeast property boundary of the Site. Approximately 750 gallons of a petroleum-like product from a UST with the capacity of 10,000 gallons. The product was pumped into drums which were staged on-Site for future disposal. The 3-1,000 gallon USTs were found to be virtually empty. All four of the tanks were staged on HDPE sheeting for cleaning. All of the tanks were cut open, thoroughly cleaned and the contents manually removed, placed into drums and subsequently disposed of off-Site by Mark Cerrone, Inc.

1.4 SUMMARY OF REMEDIAL ACTIONS

The Site was remediated in accordance with the NYSDEC-approved Interim Remedial Measures Work Plan dated December 4, 2007 (Appendix A). The following is a summary of the Remedial Actions performed at the Site:

An IRM was implemented at the Site concurrent with RI activities. Details of the IRM approach are described in the August 2007 IRM Work Plan. Based on the nature and extent of contamination as indicated by prior investigations and the planned redevelopment of the subject property, the IRM Work Plan called for source removal via excavation, with off-Site disposal of impacted soil. The IRM Work Plan was published with the Brownfield Cleanup Program Application for the Site in the September, 2007. The IRM Work Plan was approved in December, 2007.

The IRM work was monitored by LCS on behalf of the Site developer, CLP3. Excavation and backfill activities were contracted by LP Ciminelli to Mark Cerrone, Inc. Surveying activities were contracted by LP Ciminelli to D.A. Naybor, PLS, PC. Remediation was initiated on December 11, 2007 and was substantially completed by January 17, 2008. Some soil characterization and off-Site disposal was completed at a later date.

Impacted soil at the Site that exceeded NYSDEC Part 375 Unrestricted Use SCOs for petroleum and solvent-based volatile organic compounds (VOCs) as well as metals was removed by excavation and transported off-Site for disposal at either the Tonawanda Landfill (Solid Waste Facility No. 15S29), Tonawanda, New York, Modern Landfill (Subtitle D Landfill), Lewiston, New York, EQ Landfill (Treatment, Subtitle C Landfill), Bellville, Michigan, WTI, Inc. (Incineration), East Liverpool, Ohio or CWM Model City (Haz Sub C Landfill), New York, depending upon the characteristics of the waste soil. Specific elements of the IRM included:

- Excavation and on-Site staging of non-impacted surface soil. Approximately 4,400 tons of non-impacted soil was temporarily relocated to an on-Site spoils laydown area for reuse.
- Excavation of petroleum, solvent and metals impacted soil. Approximately 22,000 tons of impacted soils were removed for off-Site disposal.
- Permanent closure of four USTs discovered during the excavation work.
- Verification sampling of the sidewalls and bottom of the excavation. LCS personnel collected 7 bottom and 51 sidewall verification samples within the excavation limits.
- Off-Site transportation and disposal of impacted soil to either the either the Tonawanda Landfill (Solid Waste Facility No. 15S29), Tonawanda, New York, Modern Landfill (Subtitle D Landfill), Lewiston, New York, EQ Landfill (Treatment, Subtitle C Landfill), Bellville, Michigan, WTI, Inc. (Incineration), East Liverpool, Ohio or CWM Model City (Haz Sub C Landfill), New York, depending upon the characteristics of the waste soil. All trucks were lined with polyethylene liners to allow the soil be fully evacuated from the truck.
- Approximately 42,000 gallons of groundwater and snow melt water was collected in the excavation during excavation activities.
- The bottom excavation was scraped using a track-mounted bulldozer.
- Placement and compaction of non-impacted on-Site and “clean” (i.e., Part 375 (unrestricted Use compliant) soil from off-Site sources.
- Placement of a crushed run stone and soil/fill meeting requirements for re-use into the excavation.

1.4.1 Site-Related Treatment Systems

Due to the presence of VOC impact identified during previous studies as well as the RI, the historical contamination in the soil and groundwater and the planned redevelopment of a portion of the Site with the Niagara Falls Municipal Complex, a vapor barrier combined with a sub-slab depressurization system was installed. That system was designed and the installation monitored by EnSol, Inc. That system consists of a full-slab vapor barrier (i.e., Stego Wrap 3™) beneath the entire building footprint (including the portion outside of the Site) and that an active venting system, involving the use of negative pressure blowers to evacuate air from below and around the facility's basement floor slab.

The system was designed using a combination of the existing sub-slab stone drainage layer, a membrane vapor barrier, geotextile cushion/gas venting layer, and a geosynthetic strip-drain and header pipe network. This design was chosen since it allowed for a thinner collection layer that could be placed over the stone. A solid walled PVC header pipe was selected to connect the strip drains to a dual vacuum blower or fan system to be installed on the roof. The blower system was designed with two separate blowers that would each cover approximately half the building. Through the use of a crossover valve the system can also temporarily run on a single blower if one blower is in need of maintenance. Figure 5 depicts the location of location of the vapor mitigation system.

1.4.2 Remaining Contamination

The IRM addressed the on-Site impacted soils. According to the field observations as well as confirmation soil/fill sampling performed, no soil/fill remains at concentrations above Part 375 SCOs (Unrestricted).

Contaminated groundwater may exist within the bedrock on-Site. All liquids to be removed from the Site, including excavation dewatering will be handled, transported and disposed in accordance with applicable local, State, and Federal regulations. Dewatering, will not be recharged back to the land surface or subsurface of the Site, but will be managed off-Site.

Discharge of water generated during large-scale construction activities to surface waters (i.e. a local pond, stream or river) will be performed under a SPDES permit.

2.0 ENGINEERING AND INSTITUTIONAL CONTROL PLAN

2.1 INTRODUCTION

2.1.1 General

Since remaining contaminated groundwater and soil vapor potentially exists beneath the Site, Engineering Controls and Institutional Controls (EC/ICs) are required to protect human health and the environment. This Engineering and Institutional Control Plan describes the procedures for the implementation and management of all EC/ICs at the Site. The EC/IC Plan is one component of the SMP and is subject to revision by NYSDEC.

2.1.2 Purpose

This plan provides:

- A description of all EC/ICs on the Site;
- The basic implementation and intended role of each EC/IC;
- A description of the key components of the ICs set forth in the Environmental Easement;
- A description of the features to be evaluated during each required inspection and periodic review;
- A description of plans and procedures to be followed for implementation of EC/ICs, such as the implementation of the Excavation Work Plan for the proper handling of remaining contamination that may be disturbed during maintenance or redevelopment work on the Site; and
- Any other provisions necessary to identify or establish methods for implementing the EC/ICs required by the Site remedy, as determined by the NYSDEC.

2.2 ENGINEERING CONTROLS

2.2.1 Engineering Control Systems

The IRM activities were successful in removing the contaminated soil from the Site. The soil/fill remaining and used to backfill the remedial excavation was determined to be compliant with Part 375 SCOs (Unrestricted). As such, no special procedures are required to be implemented in the event excavation is required on-Site.

2.2.1.2 Sub-slab Depressurization Systems

Procedures for operating and maintaining the sub-slab depressurization system are documented in the Operation and Maintenance Plan (Section 4 of this SMP). Procedures for monitoring the system are included in the Monitoring Plan (Section 3 of this SMP). The Monitoring Plan also addresses severe condition inspections in the event that a severe condition, which may affect controls at the Site, occurs.

The active SSD system will not be discontinued unless prior written approval is granted by the NYSDEC. In the event that monitoring data indicates that the SSD system is no longer required, a proposal to discontinue the SSD system will be submitted by the property owner to the NYSDEC and NYSDOH.

2.3 INSTITUTIONAL CONTROLS

A series of Institutional Controls is required by the Brownfield Cleanup Agreement to: (1) implement, maintain and monitor Engineering Control systems; (2) prevent future exposure to remaining contamination by controlling disturbances of the subsurface contamination; and, (3) limit the use and development to restricted residential or more restrictive uses only. Adherence to these Institutional Controls on the Site is required by the Environmental Easement and will be implemented under this Site Management Plan. These Institutional Controls are:

- Compliance with the Environmental Easement and this SMP by the Grantor and the Grantor's successors and assigns;
- All Engineering Controls must be operated and maintained as specified in this SMP;

- All Engineering Controls on the Controlled Property must be inspected at a frequency and in a manner defined in the SMP.
- Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in this SMP;

Institutional Controls identified in the Environmental Easement may not be discontinued without an amendment to or extinguishment of the Environmental Easement.

The Site has a series of Institutional Controls in the form of Site restrictions. Adherence to these Institutional Controls is required by the Environmental Easement. Site restrictions that apply to the Controlled Property are:

- The property may only be used for restricted residential or more restrictive uses provided that the long-term Engineering and Institutional Controls included in this SMP are employed.
- The property may not be used for a higher level of use, such as unrestricted use without additional remediation and amendment of the Environmental Easement, as approved by the NYSDEC;
- The use of the groundwater underlying the property is prohibited without treatment rendering it safe for intended use;
- The potential for vapor intrusion must be evaluated for any buildings developed within the boundaries of the Site;
- A qualified environmental professional will submit to NYSDEC a written statement that certifies, under penalty of perjury, that: (1) controls employed at the Controlled Property are unchanged from the previous certification or that any changes to the controls were approved by the NYSDEC; and, (2) nothing has occurred that impairs the ability of the controls to protect public health and environment or that constitute a violation or failure to comply with the SMP. NYSDEC retains the right to access such Controlled Property at any time in order to evaluate the continued maintenance of any and all controls. This certification shall be submitted annually, or an alternate period of time that NYSDEC may allow and will be made by an expert that the NYSDEC finds acceptable.

2.3.1 Excavation Work Plan

The IRM activities were successful in removing the contaminated soil from the Site. As such, there is no exposure to contamination in soil/fill. The soil/fill remaining and used to backfill the remedial excavation was determined to be compliant with Part 375 SCOs (Unrestricted). As such, no special procedures are required to be implemented in the event excavation is required on-Site. A copy of the Extent of Remedial Excavation performed is presented as Figure 7.

2.3.2 Soil Vapor Intrusion Evaluation

Prior to the construction of any enclosed structures located on-Site, a soil vapor intrusion (SVI) evaluation will be performed to determine whether any mitigation measures are necessary to eliminate potential exposure to vapors in the proposed structure. Alternatively, an SVI mitigation system may be installed as an element of the building foundation without first conducting an investigation. This mitigation system will include a vapor barrier and passive sub-slab depressurization system that is capable of being converted to an active system.

Prior to conducting an SVI investigation or installing a mitigation system, a work plan will be developed and submitted to the NYSDEC and NYSDOH for approval. This work plan will be developed in accordance with the most recent NYSDOH “Guidance for Evaluating Vapor Intrusion in the State of New York”. Measures to be employed to mitigate potential vapor intrusion will be evaluated, selected, designed, installed, and maintained based on the SVI evaluation, the NYSDOH guidance, and construction details of the proposed structure.

Preliminary (unvalidated) SVI sampling data will be forwarded to the NYSDEC and NYSDOH for initial review and interpretation. Upon validation, the final data will be transmitted to the agencies, along with a recommendation for follow-up action, such as mitigation.

SVI sampling results, evaluations, and follow-up actions will also be summarized in the next Periodic Review Report.

2.4 INSPECTIONS AND NOTIFICATIONS

2.4.1 Inspections

Inspections of all remedial components installed at the Site will be conducted at the frequency specified in the SMP Monitoring Plan schedule. A comprehensive Site-wide inspection will be conducted annually, regardless of the frequency of the Periodic Review Report. The inspections will determine and document the following:

- Whether Engineering Controls continue to perform as designed;
- If these controls continue to be protective of human health and the environment;
- Compliance with requirements of this SMP and the Environmental Easement;
- If Site records are complete and up to date; and,
- Changes, or needed changes, to the sub-slab depressurization system.

Inspections will be conducted in accordance with the procedures set forth in the Monitoring Plan of this SMP (Section 3). The reporting requirements are outlined in the Periodic Review Reporting section of this plan (Section 5).

2.4.2 Notifications

Notifications will be submitted by the property owner to the NYSDEC as needed for the following reasons:

- 60-day advance notice of any proposed changes in Site use that are required under the terms of the BCA, 6NYCRR Part 375, and/or Environmental Conservation Law.
- Notice within 48-hours of any damage or defect to the foundations structures that reduces or has the potential to reduce the effectiveness of other Engineering Controls and likewise any action to be taken to mitigate the damage or defect.
- Verbal notice the day following any emergency, such as a fire, flood, or earthquake that reduces or has the potential to reduce the effectiveness of Engineering Controls in place at the Site, with written confirmation within 7 days that includes a summary of actions taken, or to be taken, and the potential impact to the environment and the public.

- Follow-up status reports on actions taken to respond to any emergency event requiring on-going responsive action shall be submitted to the NYSDEC within 45 days and shall describe and document actions taken to restore the effectiveness of the ECs.

Any change in the ownership of the Site or the responsibility for implementing this SMP will include the following notifications:

- At least 60 days prior to the change, the NYSDEC will be notified in writing of the proposed change. This will include a certification that the prospective purchaser has been provided with a copy of the BCA, and all approved work plans and reports, including this SMP
- Within 15 days after the transfer of all or part of the Site, the new owner's name, contact representative, and contact information will be confirmed in writing.

2.5 CONTINGENCY PLAN

Emergencies may include injury to personnel, fire or explosion, environmental release, or serious weather conditions.

2.5.1 Emergency Telephone Numbers

In the event of any environmentally related situation or unplanned occurrence requiring assistance the Owner or Owner's representative(s) should contact the appropriate party from the contact list below. For emergencies, appropriate emergency response personnel should be contacted. Prompt contact should also be made to Lender Consulting Services, Inc. or another qualified environmental professional. These emergency contact lists must be maintained in an easily accessible location at the Site.

Emergency Contact Numbers

Medical, Fire, and Police:	911
One Call Center:	(800) 272-4480 (3 day notice required for utility markout)
Poison Control Center:	(800) 222-1222
Pollution Toxic Chemical Oil Spills:	(800) 424-8802
NYSDEC Spills Hotline	(800) 457-7362

Contact Numbers

Lender Consulting Services, Inc.	716-845-6145
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* Note: Contact numbers subject to change and should be updated as necessary

2.5.2 Map and Directions to Nearest Health Facility

Site Location: 1925 Main Street, Niagara Falls, NY

Nearest Hospital Name: Niagara Falls Memorial Medical Center

Hospital Location: 621 10th Street, Niagara Falls, New York

Hospital Telephone: 716-278-4394

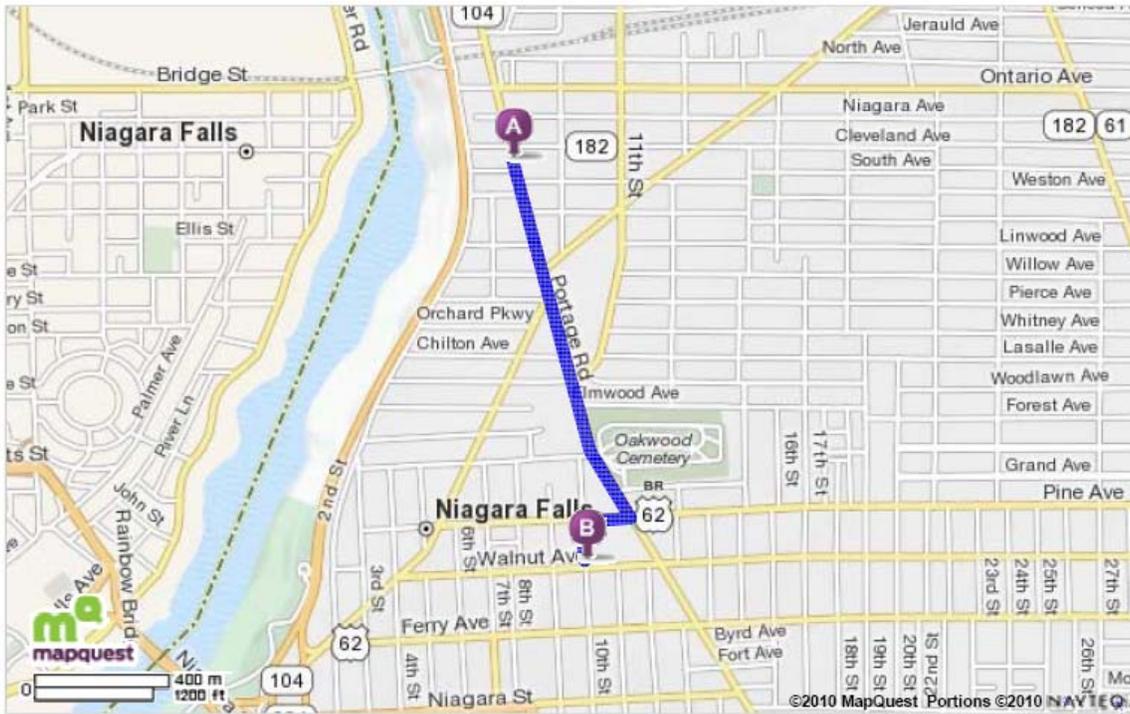
Directions to the Hospital:

1. Start going south on Main Street
2. Veer to the left onto Portage Road
3. Turn right onto Pine Avenue/US-62A
4. Turn left onto 10th Street
5. End at Niagara Falls Memorial Medical Center

Total Distance: 1.07 miles

Total Estimated Time: 3 minutes

Map Showing Route from the Site to the Hospital:



2.5.3 Response Procedures

As appropriate, the fire department and other emergency response group will be notified immediately by telephone of the emergency. The emergency telephone number list is found at the beginning of this Contingency Plan (Section 2.5.1).

3.0 SITE MONITORING PLAN

3.1 INTRODUCTION

3.1.1 General

The Monitoring Plan describes the measures for evaluating the performance and effectiveness of the remedy to reduce or mitigate contamination at the Site and all affected Site media identified below. Monitoring of other Engineering Controls is described in Chapter 4, Operation, Monitoring and Maintenance Plan. This Monitoring Plan may only be revised with the approval of NYSDEC.

3.1.2 Purpose and Schedule

Monthly, the sub-slab depressurization system should be inspected pursuant to a monthly inspection checklist to confirm each of the electric blowers is operating. This can be determined by listening to each of the blowers. If any of the blowers are inoperative, they should be serviced by qualified personnel.

3.2 MONITORING REPORTING REQUIREMENTS

Forms and any other information generated during regular monitoring events and inspections will be kept on file on-Site. All forms, and other relevant reporting formats used during the monitoring/inspection events, will be (1) subject to approval by NYSDEC and (2) submitted at the time of the Periodic Review Report, as specified in the Reporting Plan of this SMP.

Schedule of Monitoring/Inspection Reports

Task	Reporting Frequency*
Sub-slab Depressurization System	Monthly

* The frequency of events will be conducted as specified until otherwise approved by NYSDEC

4.0 OPERATION AND MAINTENANCE PLAN

4.1 INTRODUCTION

This Operation and Maintenance Plan describes the measures necessary to operate, monitor and maintain the mechanical components of the remedy selected for the Site. This Operation and Maintenance Plan:

- Includes the steps necessary to allow individuals unfamiliar with the Site to operate and maintain the sub-slab depressurization system;
- Includes an operation and maintenance contingency plan; and,
- Will be updated periodically to reflect changes in Site conditions or the manner in which the sub-slab depressurization system is operated and maintained.

A copy of this Operation and Maintenance Plan, along with the complete SMP, will be kept at the Site.

4.2 ENGINEERING CONTROL SYSTEM OPERATION AND MAINTENANCE

- Sub-slab Depressurization System

4.2.1 Scope

Monthly, the sub-slab depressurization system should be inspected pursuant to monthly inspection checklist to confirm each of the electric blowers is operating. This can be determined by listening to each of the blowers. If any of the blowers are inoperative, they should be serviced or replaced by qualified personnel. In addition to the monthly blower inspections, periodic (at least annual) inspections of the following additional aspects of the system are performed: all warning devices/alarm indicators, system labeling, vacuum pressure gauges, exhaust stack discharge, and integrity of the vapor barrier, as appropriate. Such can be confirmed by visual observation as well as noting an obvious air discharge. Copies of the Sub Slab Depressurization System As-Built Drawings are presented as Figure 6 and Appendix B. A copy of the system components are presented in Appendix C.

4.2.2 General Equipment Monitoring

A visual inspection of the complete system will be conducted during the monitoring event. Sub-slab depressurization system components to be monitored include, but are not limited to, the following:

- Vacuum blowers; and,
- General exposed system piping.

4.3 MAINTENANCE AND PERFORMANCE MONITORING REPORTING REQUIREMENTS

Maintenance reports and any other information generated during regular operations at the Site will be kept on-file on-Site. All reports, forms, and other relevant information generated will be available upon request to the NYSDEC and submitted as part of the Periodic Review Report, as specified in the Section 5 of this SMP.

4.3.1 Routine Maintenance Reports

Checklists or forms (see Appendix D) will be completed during each routine maintenance event. Checklists/forms will include, but not be limited to the following information:

- Date;
- Name, company, and position of person(s) conducting maintenance activities;
- Maintenance activities conducted;
- Any modifications to the system;
- Where appropriate, color photographs or sketches showing the approximate location of any problems or incidents noted (included either on the checklist/form or on an attached sheet); and,
- Other documentation such as copies of invoices for maintenance work, receipts for replacement equipment, etc., (attached to the checklist/form).

4.3.2 Non-Routine Maintenance Reports

During each non-routine maintenance event, a form will be completed which will include, but not be limited to, the following information:

- Date;
- Name, company, and position of person(s) conducting non-routine maintenance/repair activities;
- Presence of leaks;
- Date of leak repair;
- Other repairs or adjustments made to the system;
- Where appropriate, color photographs or sketches showing the approximate location of any problems or incidents (included either on the form or on an attached sheet); and,
- Other documentation such as copies of invoices for repair work, receipts for replacement equipment, etc. (attached to the checklist/form).

5.0 INSPECTIONS, REPORTING AND CERTIFICATIONS

5.1 SITE INSPECTIONS

5.1.1 Inspection Frequency

All inspections will be conducted at the frequency specified in the schedules provided in Section 3 Monitoring Plan and Section 4 Operation and Maintenance Plan of this SMP. At a minimum, a Site-wide inspection will be conducted annually.

5.1.2 Inspection Forms and Maintenance Reports

All inspections and monitoring events will be recorded on the appropriate forms for the sub-slab depressurization system which are contained in Appendix D. This form is subject to NYSDEC revision.

All applicable inspection forms and system maintenance reports, generated for the Site during the reporting period will be provided in electronic format in the Periodic Review Report.

5.1.3 Evaluation of Records and Reporting

The results of the inspection and Site monitoring data will be evaluated as part of the EC/IC certification to confirm that the:

- EC/ICs are in place, are performing properly, and remain effective;
- The Monitoring Plan is being implemented;
- Operation and maintenance activities are being conducted properly; and, based on the above items,
- The Site remedy continues to be protective of public health and the environment and is performing as designed in the IRM and FER.

5.2 CERTIFICATION OF ENGINEERING AND INSTITUTIONAL CONTROLS

After the last inspection of the reporting period, a qualified environmental professional will prepare the following certification:

For each institutional or engineering control identified for the Site, I certify that all of the following statements are true:

- The inspection of the Site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under my direction;
- The institutional control and/or engineering control employed at this Site is unchanged from the date the control was put in place, or last approved by the Department;
- Nothing has occurred that would impair the ability of the control to protect the public health and environment;
- Nothing has occurred that would constitute a violation or failure to comply with any Site management plan for this control;
- 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;
- Use of the Site is compliant with the environmental easement;
- The engineering control systems are performing as designed and are effective;
- 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 in this report is accurate and complete.
- I certify that all information and statements in this certification form 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, [Environmental Professional, of [Firm], am certifying as the Owner’s Designated Site Representative.

The signed certification will be included in the Periodic Review Report described below.

- No new information has come to my 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 off-Site contamination are no longer valid; and

Every five years the following certification will be added:

- The assumptions made in the qualitative exposure assessment remain valid.

The signed certification will be included in the Periodic Review Report described below.

5.3 PERIODIC REVIEW REPORT

A Periodic Review Report will be submitted to the Department every year, beginning eighteen months after the Certificate of Completion is issued. In the event that the Site is subdivided into separate parcels with different ownership, a single Periodic Review Report will be prepared that addresses the Site described in Appendix A (Metes and Bounds). The report will be prepared in accordance with NYSDEC DER-10 and submitted within 45 days of the end of each certification period. The report will include:

- Identification, assessment and certification of all ECs/ICs required by the remedy for the Site;
- Results of the required annual Site inspections and severe condition inspections, if applicable;
- All applicable inspection forms and other records generated for the Site during the reporting period in electronic format;
- A Site evaluation, which includes the following:
 - The compliance of the remedy with the requirements of the Site-specific IRM;
 - The operation and the effectiveness of the sub-slab depressurization system, including identification of any needed repairs or modifications;
 - Any new conclusions or observations regarding Site contamination based on inspections;
 - Recommendations regarding any necessary changes to the sub-slab depressurization system; and,
 - The overall performance and effectiveness of the remedy.

The Periodic Review Report will be submitted, in hard-copy format, to the NYSDEC Central Office and Regional Office in which the Site is located, and in electronic format to NYSDEC Central Office, Regional Office and the NYSDOH Bureau of Environmental Exposure Investigation.

5.4 CORRECTIVE MEASURES PLAN

If any component of the remedy is found to have failed, or if the periodic certification cannot be provided due to the failure of an institutional or engineering control, a corrective measures plan will be submitted to the NYSDEC for approval. This plan will explain the failure and provide the details and schedule for performing work necessary to correct the failure. Unless an emergency condition exists, no work will be performed pursuant to the corrective measures plan until it is approved by the NYSDEC.

6.0 INSTITUTIONAL CONTROL/ENVIRONMENTAL EASEMENT

An institutional control in the form of an Environmental Easement has been filed with the Niagara County Clerk for the Site. The easement is attached as Appendix E.

TABLES

Table 1
Summary of Soil/Fill Analytical Results
Main Street and Cleveland Avenue Site
Niagara Falls, New York

VOCs in Soil by USEPA SW-846 Method 8260 TCL

Sample ID	BCP BH17	BCP BH18	BCP BH19	BCP BH19	BCP BH20	BCP BH21	DUP1 (BCP BH21)	Part 375 (Unrestricted Use) Soil Cleanup Objectives
Date Sampled	10/16/07	10/30/07	10/18/07	10/18/07	10/18/07	10/17/07	10/17/07	
Sample Depth	14-16.4 ft. bgs	20-22 ft. bgs	16-17 ft. bgs	8-10 ft. bgs	12-12.8 ft. bgs	18-19 ft. bgs	18-19 ft. bgs	ug/kg
Units	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg
Methylene chloride	8	5	7	4 J	4 J	11	14	50
Cis-1,2- Dichloroethene	<5	<5	<5	<6	<5	<6	<7	250
Tetrachloroethene	4 J	37	2 J	3 J	2 J	1 J	2 J	1,300
Cyclohexane	<5	3 J	<5	<6	<5	<6	<7	NL
Ethylbenzene	<5	<5	<5	<6	<5	<6	<7	1,000
Total Xylenes	<15	<16	<16	<17	<15	<17	<21	260
N-Propylbenzene	<5	<5	<5	<5	<5	<6	<7	3,900
1,2,4- Trimethylbenzene	<5	<5	<5	<6	<5	<6	<7	3,600
1,3,5- Trimethylbenzene	<5	<5	<5	<6	<5	<6	<7	8,400
Isopropylbenzene	<5	<5	<5	<6	<5	<6	<7	NL
Methylcyclohexane	<5	4 J	<5	<6	<5	<6	<7	NL
n-butylbenzene	<5	<5	<5	<6	<5	<6	<7	12,000
Naphthalene	<5	<5	<5	<6	<5	<6	<7	12,000
Benzene	<5	<5	<5	<6	<5	<6	<7	60
Toluene	<5	2 J	<5	<6	<5	<6	<7	700
M,p-Xylene	NA	NA	NA	NA	NA	NA	NA	NL
o-Xylene	NA	NA	NA	NA	NA	NA	NA	NL
p-isopropyltoluene	NA	NA	NA	NA	NA	NA	NA	NL
p-cymene	<5	<5	<5	<6	<5	<6	<7	NL

ug/kg = micrograms per kilogram

ft. bgs = feet below ground surface

NA= Not Analyzed

NL = Not Listed

J= Indicates an estimated value

BOLD = Analyte detected above Part 375 (Unrestricted Use) Soil Cleanup Objectives

Table 1

Summary of Soil/Fill Analytical Results

Main Street and Cleveland Avenue Site
Niagara Falls, New York

SVOCs in Soil by USEPA SW-846 Method 8270 TCL

Sample ID	BH18	BCP BH21	DUP1 (BCP BH21)	Part 375 (Unrestricted Use) Soil Cleanup Objectives
Date Sampled	10/30/07	10/17/07	10/17/07	
Sample Depth	20-22ft. bgs	18-19ft. bgs	18-19 ft. bgs	
Units	ug/kg	ug/kg	ug/kg	ug/kg
Naphthalene	44 J	<180	<180	12,000
2-Methylnaphthalene	32 J	<180	<180	NL
Fluorene	97 J	<180	<180	30,000
Phenanthrene	510	<180	<180	100,000
Acenaphthylene	14 J	<180	<180	100,000
Anthracene	150 J	<180	<180	100,000
Acenaphthene	87 J	<180	<180	20,000
Bis (2-ethylhexyl) phthalate	<200	<180	<180	NL
Di-n-octyl phthalate	130 B,J	<180	120 B,J	NL
Dibenzo(a,h)anthracene	30 J	<180	<180	330
Caprolactum	<200	<180	<180	NL
Fluoranthene	440	<180	10J	100,000
Pyrene	330	13J	<180	100,000
Benzo(a)anthracene	220	<180	47 J	1,000
Chrysene	180 J	120J	36 J	1,000
Benzo(b)fluoranthene	220	<180	<180	1,000
Benzo(ghi)perylene	83 J	<180	<180	100,000
Benzo(k)fluoranthene	<200	<180	<180	800
Benzo(a)pyrene	160 J	<180	<180	1,000
Dibenzofuran	54 J	<180	<180	NL
Carbazole	69 J	<180	<180	NL
Indeno(1,2,3-cd)pyrene	84 J	<180	<180	500

ug/kg = micrograms per kilogram

NL = Not Listed

J= Indicates an estimated value

B = This analyte was also detected within the laboratory's method blank and may be the result of laboratory contamination.

BOLD = Analyte detected above Part 375 (Unrestricted Use) Soil Cleanup Objectives

Table 1

Summary of Soil/Fill Analytical Results

Main Street and Cleveland Avenue Site
Niagara Falls, New York

METALS in Soil by USEPA SW-846 METHODS 6010/7471A TAL

Sample ID	BH18	BCP BH21	DUP1 (BCP BH21)	Part 375 (Unrestricted Use) Soil Cleanup Objectives
Date Sampled	10/30/07	10/17/07	10/17/07	
Sample Depth	0-2 ft. bgs	18-19ft. bgs	18-19ft. bgs	
Units	mg/kg	mg/kg	mg/kg	mg/kg
Aluminum- Total	8200	2300	2540	NL
Antimony- Total	0.78 B	<0.52	<0.55	NL
Arsenic- Total	4.9	2.2	2.4	13
Barium- Total	76.5	14.5	17.3	350
Beryllium- Total	0.5	0.33	0.33	7.2
Cadmium- Total	0.91	0.64	5	2.5
Calcium- Total	140,000	196,000	179,000	NL
Chromium- Total	23.7	4.1	5.6	30
Cobalt- Total	4.6	2.5	2.6	NL
Copper- Total	18.9	7.8	10.5	50
Iron- Total	9450	4300	4340	NL
Mercury- Total	0.545	0.028	0.027	0.18
Magnesium- Total	42,900	107,000	97,400	NL
Manganese- Total	579	567	548	1,600
Nickel- Total	14.2	6	6.2	30
Potassium- Total	1060	933	978	NL
Selenium- Total	0.73 B	<0.57	<0.6	3.9
Sodium- Total	512	288	358	NL
Vanadium- Total	22.2	8.5	8.5	NL
Lead- Total	84.6	535	1190	63
Zinc- Total	276	333	2080	109

mg/kg = micrograms per kilogram

NL = Not Listed

B = This analyte was also detected within the laboratory's method blank and may be the result of laboratory contamination.

BOLD = Analyte detected above Part 375 (Unrestricted Use) Soil Cleanup Objectives

Table 1

Summary of Soil/Fill Analytical Results

**Main Street and Cleveland Avenue Site
Niagara Falls, New York**

PCBs in Soil by USEPA SW-846 METHOD 8082

No analytes were detected at or above the laboratory's method detection limits.

Table 2

Summary of Groundwater Analytical Results

Main Street and Cleveland Avenue Site
Niagara Falls, New York

VOCs in Groundwater by USEPA SW-846 METHOD 8260 TCL

Sample ID	BCP BRWM2	BCP BRMW2	DUP2 (BCP BRMW2)	DUP2 (BCP BRMW2)	BCP BRMW3	BCP BRMW4	BCP BRMW5	BCP BRMW6	NYSDEC Groundwater Criteria (Class GA)
Date Sampled	10/31/07	10/31/07	10/31/07	10/31/07	10/31/07	1/14/08	10/31/07	10/31/07	
Units	ug/l	ug/l	Ug/l	ug/l	ug/l	ug/l	ug/l	ug/l	ug/l
Vinyl chloride	<10	<50	<10	<50	<10	<10	<10	<10	2
Acetone	<10	<50	<10	<50	<10	<10	<10	<10	50
Methylene chloride	<10	4 D,J	<10	6 D,J	<10	<10	<10	<10	5
Trans-1,2- Dichloroethene	<10	<50	<10	<50	<10	<10	<10	<10	5
Cis-1,2- Dichloroethene	2 J	<50	2 J	<50	<10	2J	<10	<10	5
Trichloroethene	7 J	6 D,J	7 J	7 D,J	0.5	2J	<10	<10	5
Tetrachloroethene	360 E	320 D	360 E	320 D	13	45	<10	<10	5
1,2,4 Trimethylbenzene	<1	<5	<1	<5	<1	<1	<1	<1	5
1,1-Dichloroethene	<10	<50	<10	<50	<10	<10	<10	<10	5
Chloromethane	<10	<50	<10	<50	<10	<10	<10	<10	5
Chloroform	<10	<50	<10	<50	<10	<10	1 J	<10	7
1,1,1-Trichloroethane	<10	<50	<10	<50	<10	<10	<10	<10	5
Benzene	<10	<50	<10	<50	<10	<10	<10	<10	1
Toluene	<10	<50	<10	<50	<10	<10	<10	<10	5
Ethylbenzene	<10	<50	<10	<50	<10	<10	<10	<10	5
Total Xylenes	<10	<50	<10	<50	<10	<10	<10	<10	5

ug/l = micrograms per liter

NA= Not Analyzed

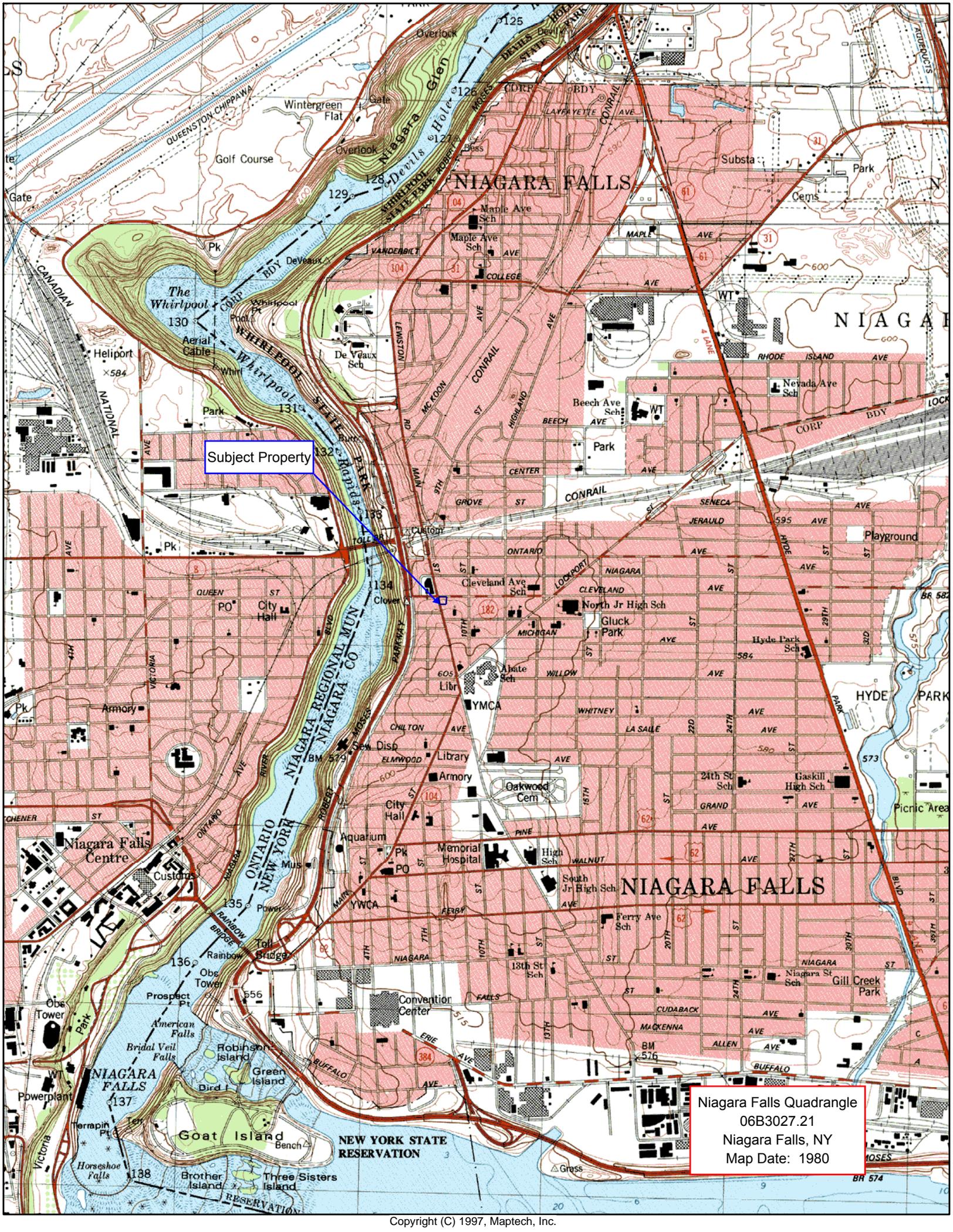
D or DL= Compounds identified at a secondary dilution

J= Indicates an estimated value

E= Identifies compounds whose concentrations exceed the calibration range of the instrument for that particular analysis.

█ = Analyte detected above or 6 NYCRR Part 703 Groundwater (GA) Criteria

FIGURES

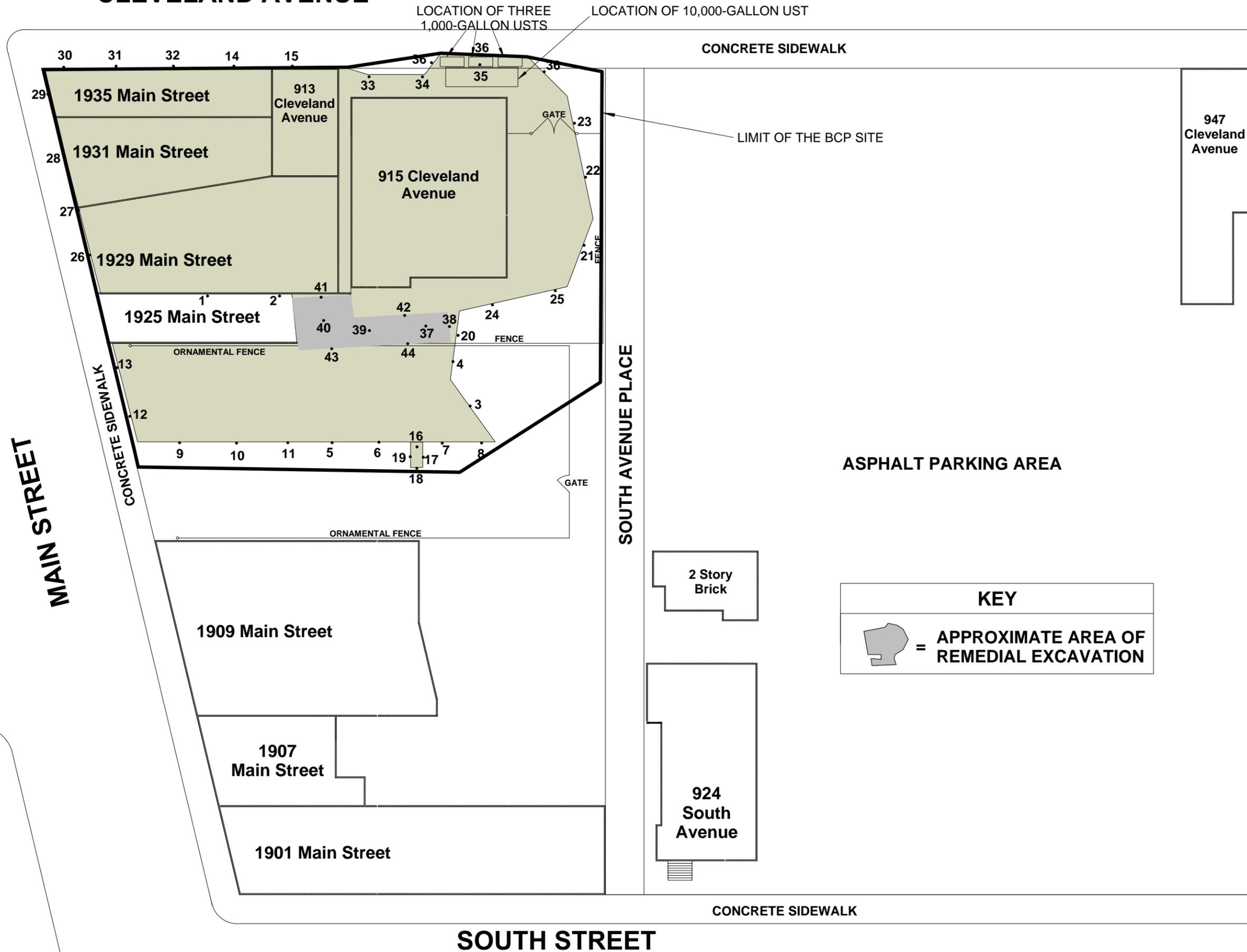


Subject Property

Niagara Falls Quadrangle
06B3027.21
Niagara Falls, NY
Map Date: 1980



CLEVELAND AVENUE



Drawn by: DPS

Checked by: DBR



LCS Project # 06B3027.26

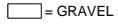
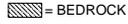
FIGURE 2

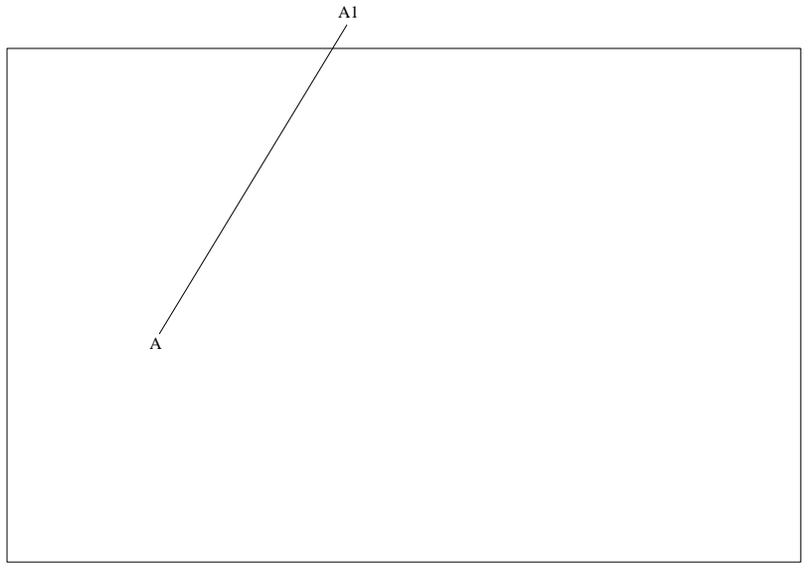
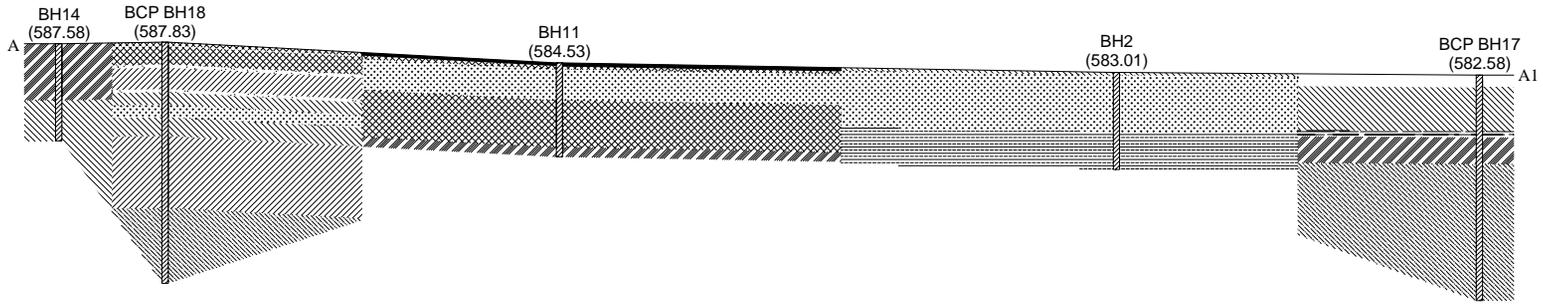
KEY

= APPROXIMATE AREA OF REMEDIAL EXCAVATION

LINCOLN PLACE



-  = NO RECOVERY
-  = SILTY CLAY
-  = SILT
-  = SILTY SANDY CLAY
-  = CLAY
-  = GRAVELLY SANDY SILT
-  = GRAVEL
-  = CONCRETE
-  = BEDROCK
-  = () = ELEVATION
-  = GRAVELLY SILT
-  = CLAYEY SILT
-  = SANDY GRAVEL



Drawn by: AKZ

Checked by: DBR

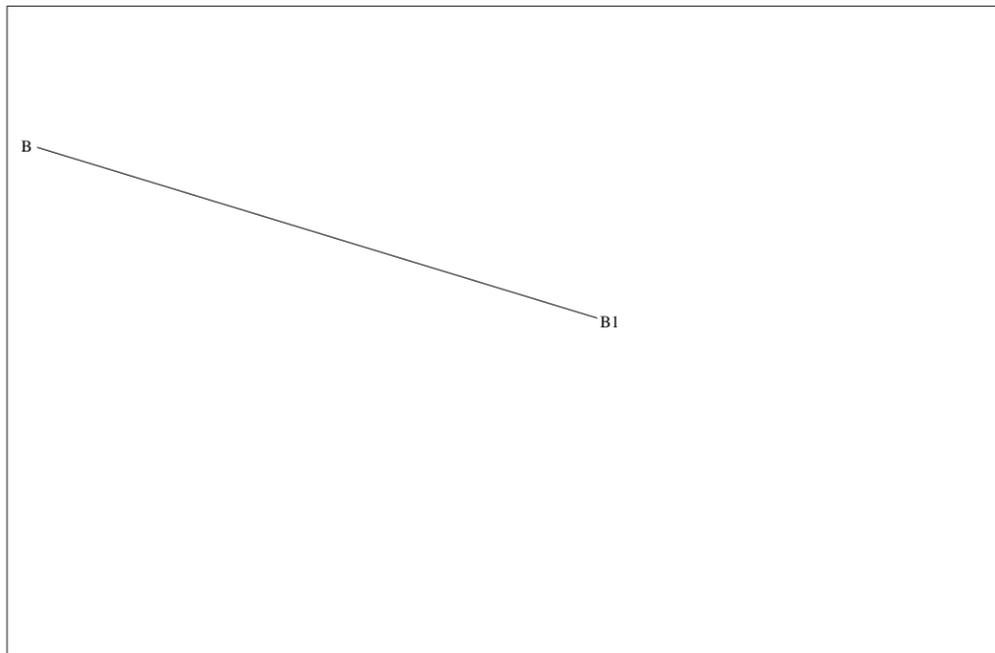
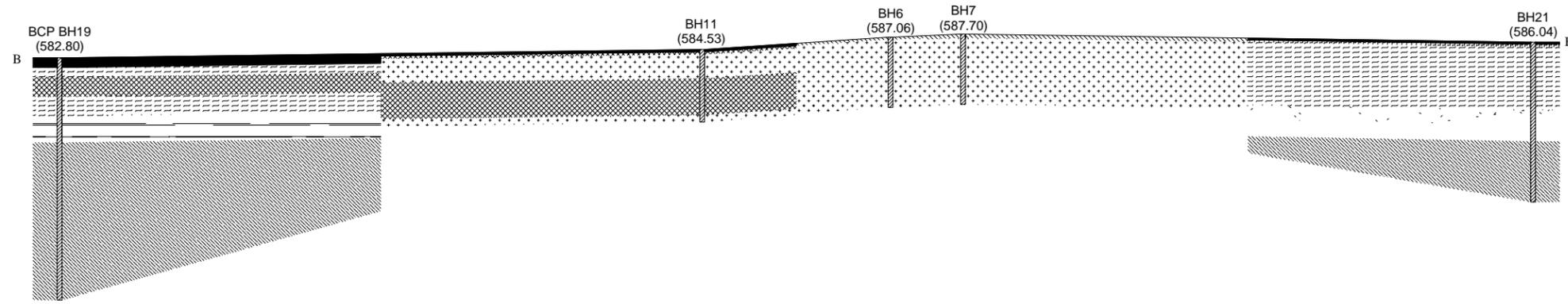


LCS Project # 06N3072.26

FIGURE 3

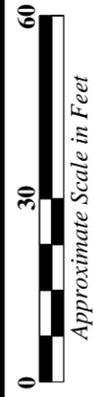


-  = SILT
-  = SILTY CLAY
-  = SANDY GRAVELLY SILT
-  = GRAVELLY SANDY SILT
-  = BEDROCK
-  = ASPHALT/CONCRETE
-  = CLAYEY SILT
-  = SANDY SILT
-  = GRAVELLY SANDY CLAYEY SILT
-  = SILTY GRAVEL
-  = ELEVATION



Drawn by: AKZ

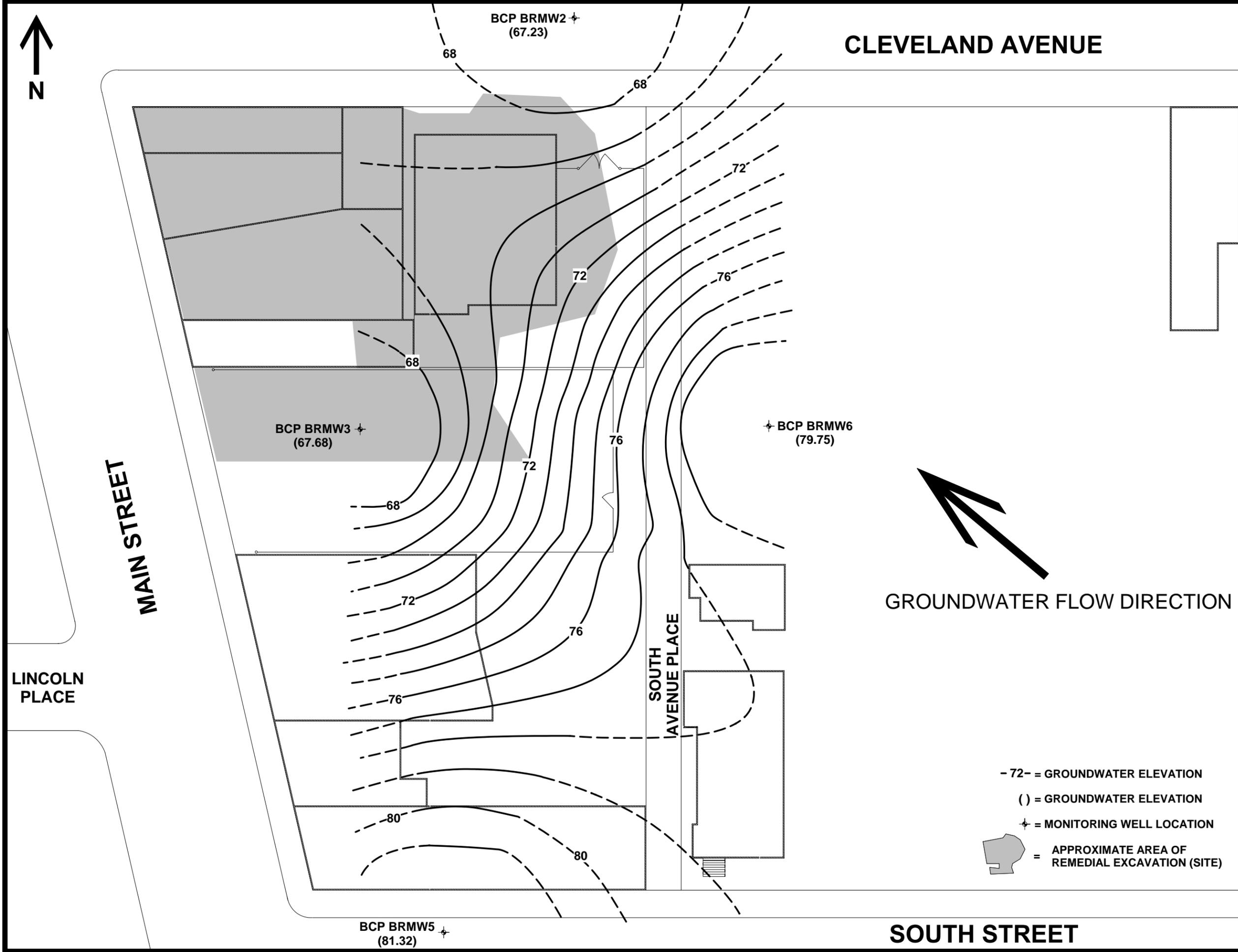
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LCS Project # 06B3027.26

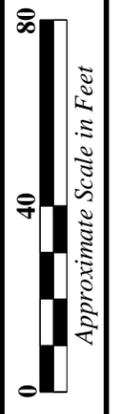
FIGURE 4





Drawn by: DPS

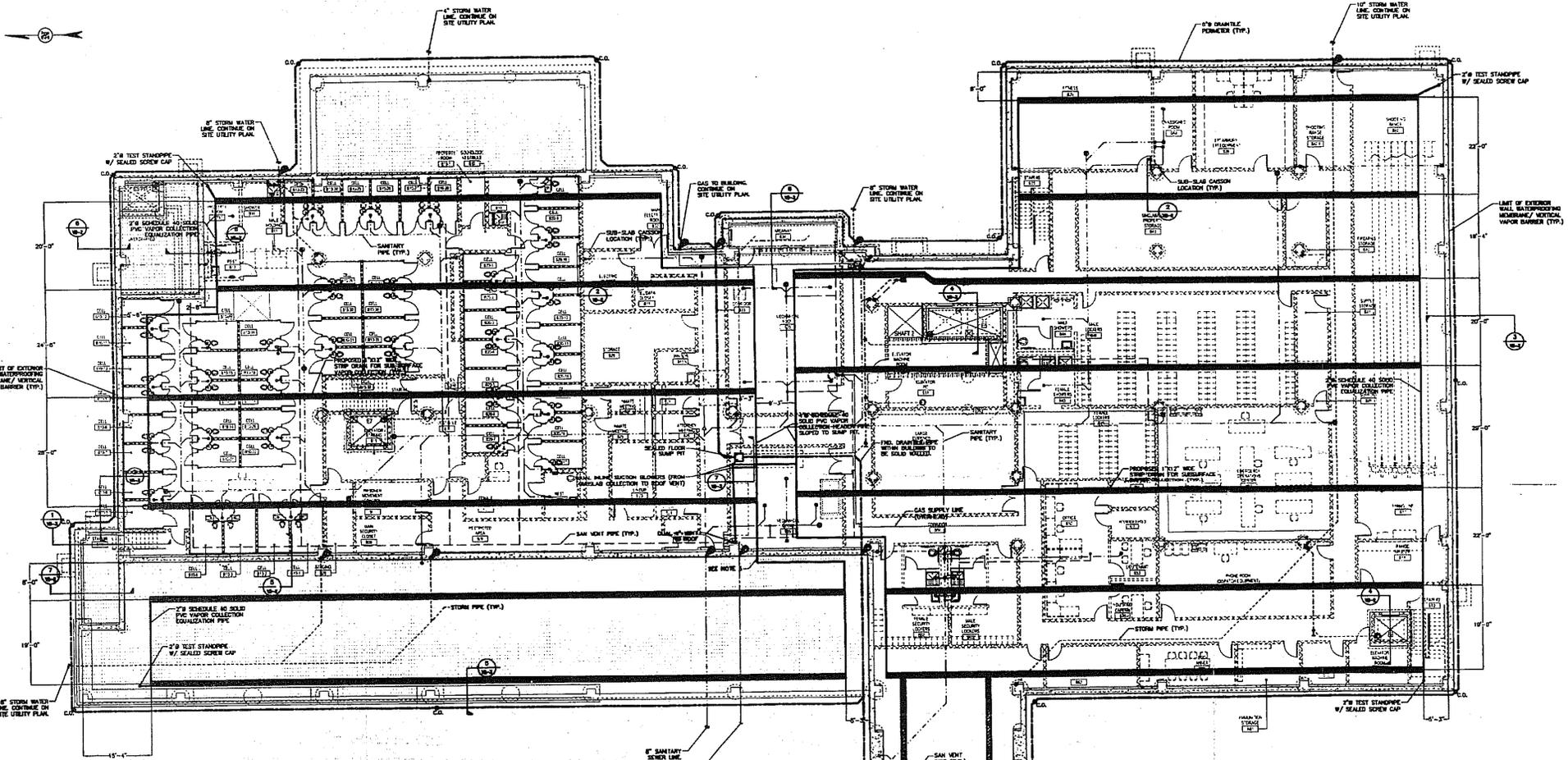
Checked by: DBR



LCS Project # 06B3027.26

FIGURE 5





- NOTES:
- STRIP DRAINS TO BE LAYED HORIZONTALLY AS SHOWN, TO RUN GENERALLY STRAIGHT AND AROUND ALL SUB SLAB STRUCTURES, INCLUDING PIPES AND CONCRETE CHASSIS. VERTICAL ORIENTATION MAY VARY, PROVIDED STRIPS ARE ON TOP OF SUB-SLAB DRAINAGE STONE.
 - HEADER PIPES TO BE PLACED WITHIN DRAINAGE STONE LAYER, ABOVE THE COMPACTED FILL OR SUB GRADE LAYER WITH 2" STONE COVER.
 - STRIP DRAINS TO BE PLACED LEVEL ON DRAINAGE STONE LAYER SURFACE PRIOR TO PLACEMENT OF GEOTEXTILE FABRIC AND VAPOR BARRIER SHEET (SEE DETAIL 1 ON V8-2).
 - TEST STANDPIPES TO BE OF THE SAME SIZE AND TYPE AS HEADER PIPE AND WILL FOLLOW TYPICAL FLOOR PENETRATION DETAIL. STANDPIPES TO BE CAPPED WITH A REMOVABLE VAPOR PROOF SEAL AND KEPT ACCESSIBLE DURING FACILITY OPERATION.
 - AT LOCATION WHERE HEADER PIPE TRANSFERS FROM BASEMENT TO FIRST FLOOR LEVEL, PIPE SHALL BE RUN THROUGH THE GRADE BEAM/WALL, THEN VERTICALLY ALONG THE WALL UNTIL REACHING THE GRAVEL LAYER BENEATH THE FIRST FLOOR SLAB. (SEE DETAIL 5 ON V8-2)
 - ALL MEASUREMENTS FOR LOCATIONS OF STRIP DRAINS ARE TAKEN FROM THE CENTER LINE OF THE DRAIN, AND WHERE A MEASUREMENT TO A WALL IS USED THE MEASUREMENT IS TO THE INTERIOR EDGE OF THE WALL.
 - AT ALL FLOOR PENETRATIONS, THE VAPOR BARRIER IS TO BE BOOTED WITHIN THE THICKNESS OF THE CONCRETE SLAB TO A HEIGHT OF NO MORE THAN 3" FROM BELOW. TOP OF CONCRETE PENETRATION TO BE SEALED WITH POLYURETHANE OR SILICONE CONSTRUCTION GRADE CAULK.
 - ALL CONSTRUCTION AND/OR CONTRACTION CONTROL JOINTS, INCLUDING FLOOR TO WALL ISOLATION JOINTS TO BE SEALED AS PER DETAILS ON DRAWINGS A810 AND 5700.
 - BASE PLAN REPRODUCED FROM DRAWING NO. P100WV, BASEMENT FLOOR PLAN -WASTE AND VENT, PREPARED BY ROBSON WOESE INC. DATED 11/06/07. ALL PIPING IS UNDER SLAB UNLESS NOTED OTHERWISE REFER TO DRAWING NO. P100WV FOR ADDITIONAL INFORMATION.

PIPING LEGEND	
NATURAL GAS	---
POTABLE WATER	---
SANITARY WATER	---
SANITARY VENT	---
STORM SEWER	---
FND. DRAINTILE	---
VAPOR COLLECTION NO BASEMENT LEVEL	---
WALL PENETRATION	○
FLOOR PENETRATION	○

REVISION	NO.	BY

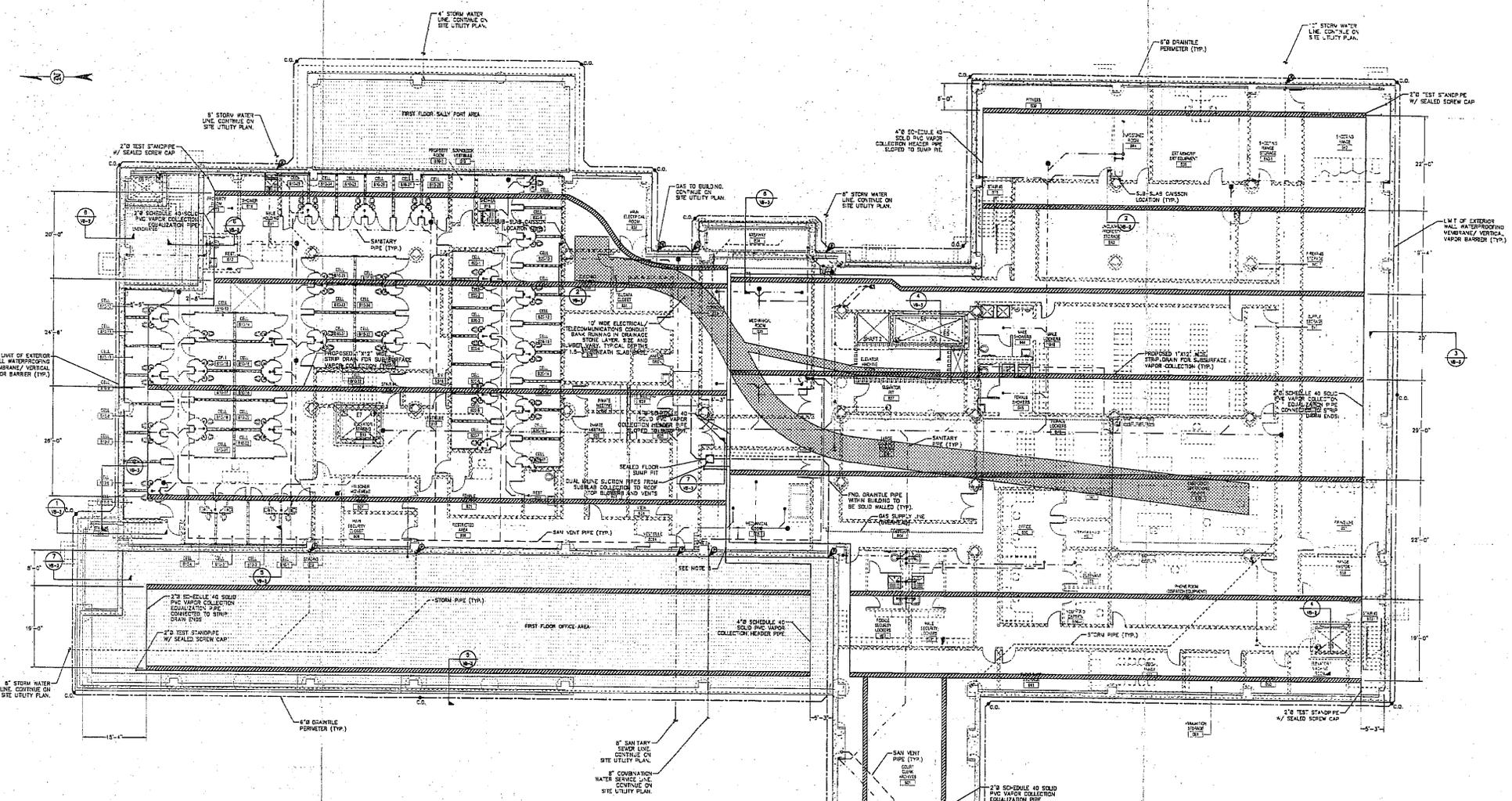


EnSol, Inc.
Environmental Solutions
661 MAIN STREET
NIAGARA FALLS, NY 14301
PHONE (716) 285-3020 FAX (716) 285-3328

PROJECT NO: 07-7021
SCALE: 1"=10'-0"
DWG: 07-7021-001_02-VaporIntrusionRemovalSystem_Civil.dwg
DRAWN BY: TAJ CHECKED BY: BOB
DATE: FEBRUARY 2008

TITLE: SUBSURFACE VAPOR INTRUSION COLLECTION AND REMOVAL SYSTEM
SITE PLAN - BASEMENT AND PARTIAL FIRST FLOOR
PROJECT: NIAGARA FALLS MUNICIPAL COMPLEX
PREPARED FOR: CIMINELLI DEVELOPMENT COMPANY, INC.
CITY OF NIAGARA FALLS COUNTY OF NIAGARA STATE OF NEW YORK

SHEET VB-1



- NOTES:
1. STRIP DRAINS TO BE LAYED HORIZONTALLY AS SHOWN, TO RUN GENERALLY STRAIGHT AND AROUND ALL SUB SLAB STRUCTURES, INCLUDING PILES AND CONCRETE CAISSONS. VERTICAL ORIENTATION MAY VARY, PROVIDED STRIPS ARE ON TOP OF SUB-SLAB DRAINAGE STONE.
 2. HEADER PIPES TO BE PLACED WITHIN DRAINAGE STONE LAYER, ABOVE THE COMPACTED FILL OR SUB GRADE LAYER WITH 2" STONE COVER.
 3. STRIP DRAIN TO BE PLACED LEVEL ON DRAINAGE STONE LAYER SURFACE PRIOR TO PLACEMENT OF GEOTEXTILE FABRIC AND VAPOR BARRIER SHEET (SEE DETAIL 1 ON VB-2).
 4. TEST STANDPIPES TO BE OF THE SAME SIZE AND TYPE AS HEADER PIPE AND WILL FOLLOW TYPICAL FLOOR PENETRATION DETAIL. STANDPIPES TO BE CAPPED WITH A REMOVABLE VAPOR PROOF SEA, AND KEPT ACCESSIBLE DURING FACILITY OPERATION.
 5. AT LOCATION WHERE HEADER PIPE TRANSFERS FROM BASEMENT TO FIRST FLOOR LEVEL, PIPE SHALL BE RUN THROUGH THE SLAB THEN VERTICALLY ALONG THE WALL UNTIL REACHING THE GRAVEL LAYER BENEATH THE FIRST FLOOR SLAB, THEN PENETRATING THROUGH THE WALL TO THE STONE BELOW THE FIRST FLOOR SLAB (SEE DETAIL 5 ON VB-2).
 6. ALL MEASUREMENTS FOR LOCATIONS OF STRIP DRAINS ARE TAKEN FROM THE CENTER LINE OF THE DRAIN, AND WHERE A MEASUREMENT TO A WALL IS USED THE MEASUREMENT IS TO THE INTERIOR EDGE OF THE WALL.
 7. AT ALL FLOOR PENETRATIONS, THE VAPOR BARRIER IS TO BE BOOTED WITHIN THE THICKNESS OF THE CONCRETE SLAB TO A HEIGHT OF NO MORE THAN 3" FROM BELOW TOP OF CONCRETE PENETRATION TO BE SEALED WITH POLYURETHANE OR SILICONE CONSTRUCTION GRADE CAULK.
 8. ALL CONSTRUCTION AND/OR CONTRACTION CONTROL JOINTS, INCLUDING FLOOR TO WALL ISOLATION JOINTS TO BE SEALED AS PER DETAILS ON DRAWINGS ABC AND 5700.
 9. BASE PLAN REPRODUCED FROM DRAWING NO. P1000W, BASEMENT FLOOR PLAN - WASTE AND VENT, PREPARED BY ROBSON WESSE INC. DATED 11/08/07. ALL PIPING IS UNDER SLAB UNLESS NOTED OTHERWISE. REFER TO DRAWING NO. P1000W FOR ADDITIONAL INFORMATION.

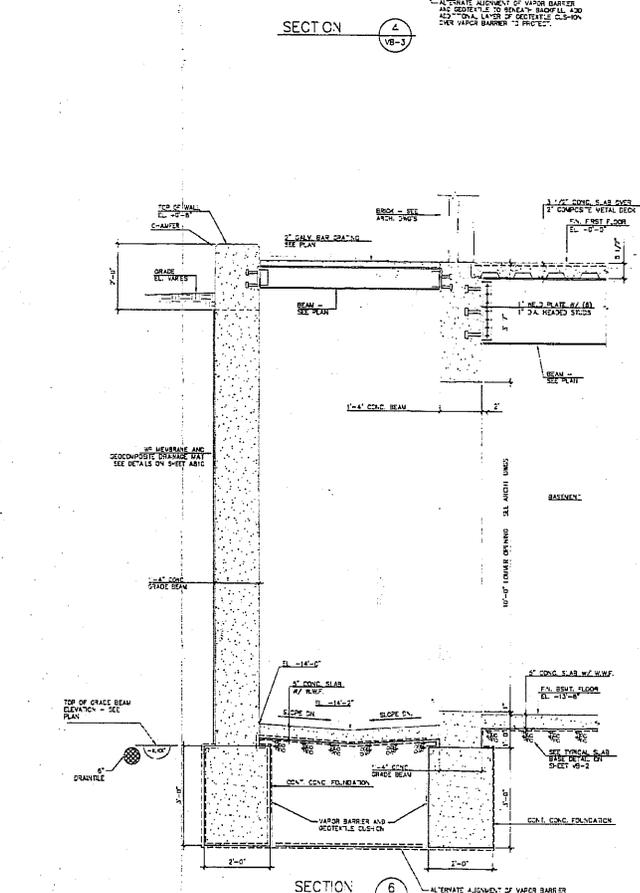
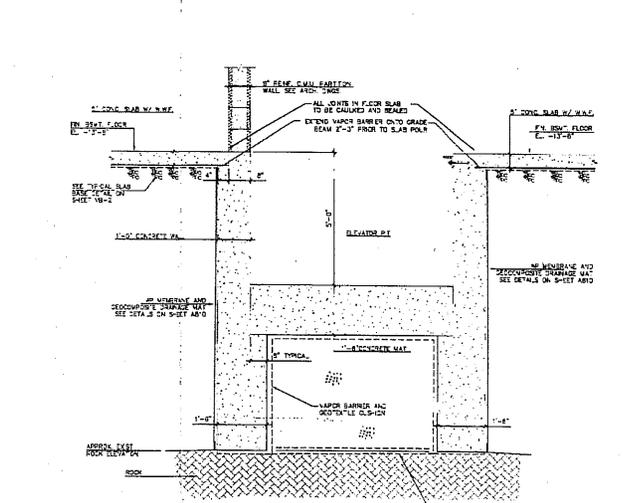
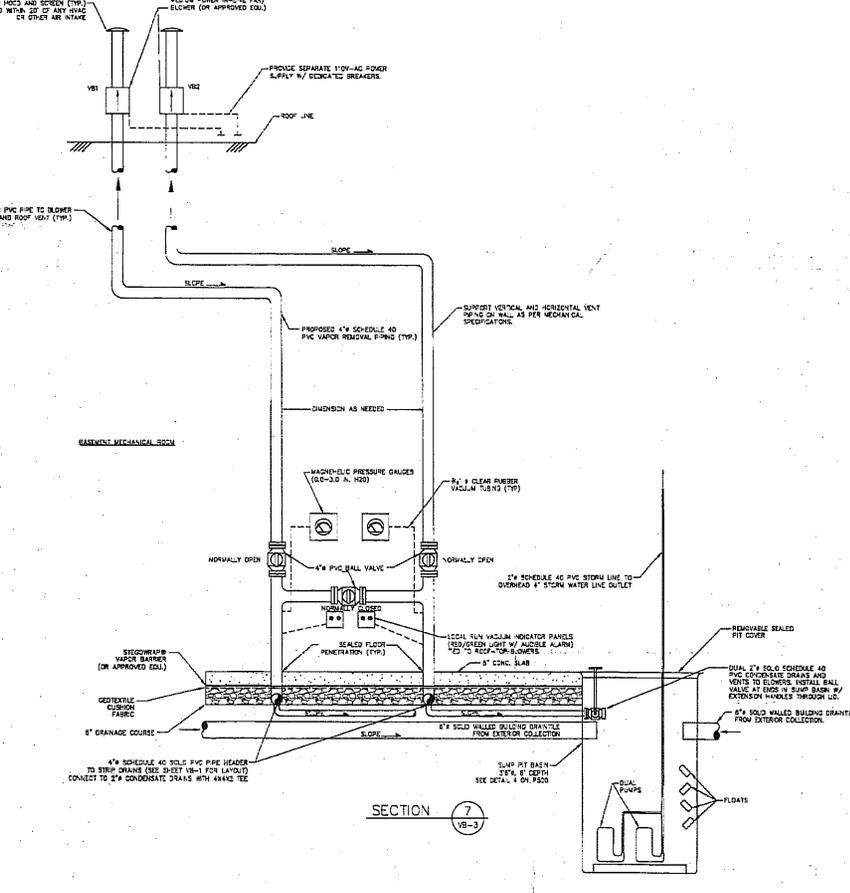
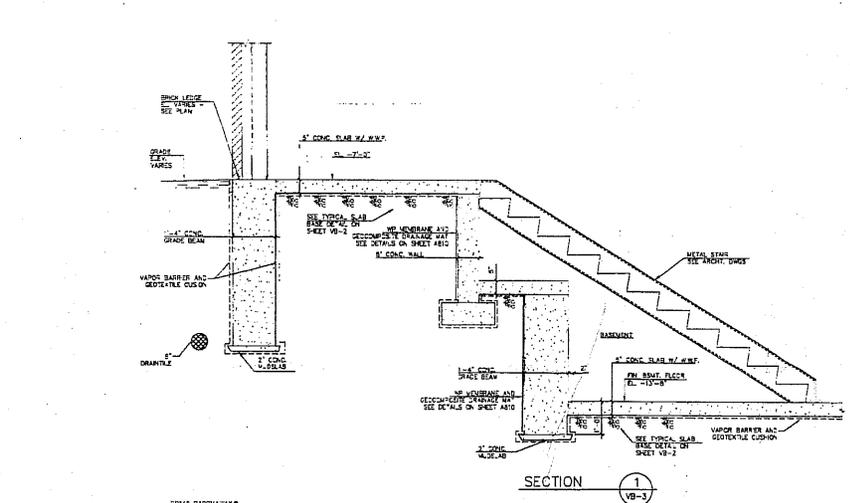
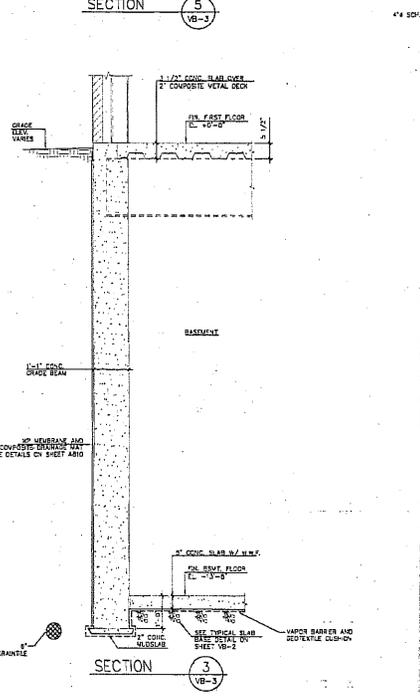
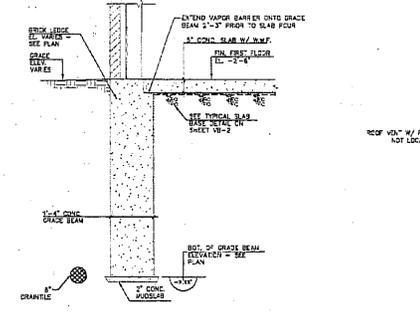
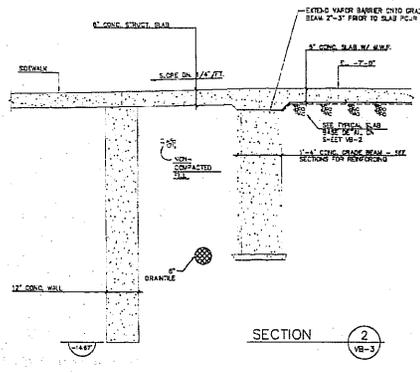
REVISION	NO.	BY	DATE
MOVED HEADER PIPES AND STRIP DRAINS IN ACCORDANCE WITH FIELD CONDITIONS. SHOW CONDUIT BANK RUNNING THROUGH STONE LAYER	1	TAS	5/1/2008
FINAL RECORD REVISIONS AS PER ENSOL CCA MARKUPS	2	TAS	3/28/2009



EnSol, Inc.
Environmental Solutions
881 MAIN STREET
NIAGARA FALLS, NY 14301

PROJECT NO: 07-7021
SCALE: 1/8" = 1'-0"
DRAW: 07-7021-001_02-VaporIntrn_NFNY_Crosswall.dwg
DRAWN BY: TAS CHECKED BY: BGS

TITLE: SUBSURFACE VAPOR INTRUSION COLLECTION AND REMOVAL SYSTEM
SITE PLAN - BASEMENT AND PARTIAL FIRST FLOOR
PROJECT: NIAGARA FALLS MUNICIPAL COMPLEX
PREPARED FOR: CIMINELLI DEVELOPMENT COMPANY, INC.



REVISION	BY	DATE
FINAL RECORD REVISIONS AS PER ENSOL CDA MARKUPS	TAB	3/22/2009



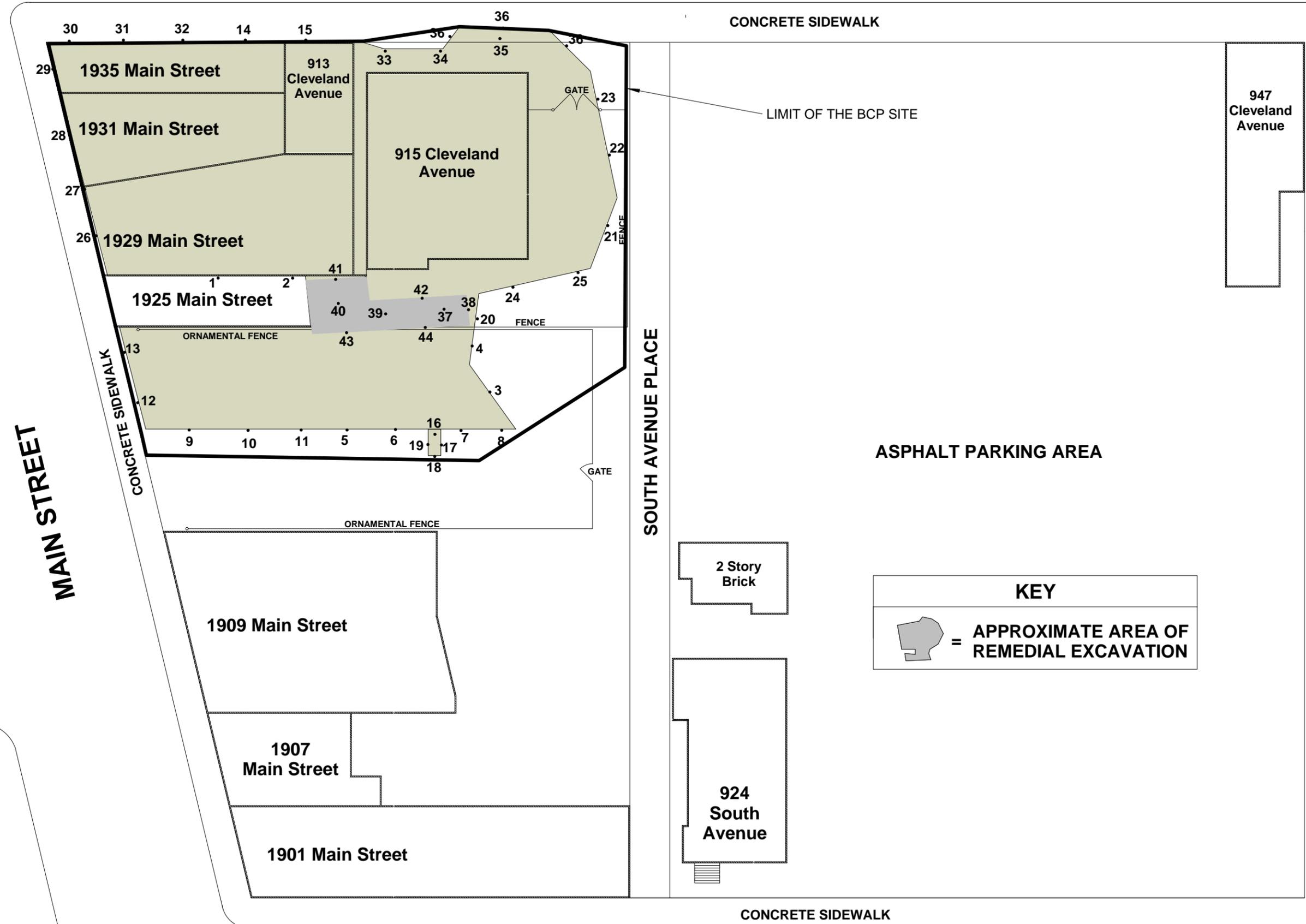
EnSol, Inc.
Environmental Solutions
881 MAIN STREET
NIAGARA FALLS, NY 14301

PROJECT NO: 077021
SCALE: 1/8" = 1'-0" 1/4" = 3'-0" 1/2" = 6'-0"
DWG: 07-7021-VB-02-Vapor Mgmt Details.dwg
DRAWN BY: TAB CHECKED BY: BOB

TITLE: SUBSURFACE VAPOR INTRUSION COLLECTION AND REMOVAL SYSTEM
SECTIONS AND DETAILS
PROJECT: NIAGARA FALLS MUNICIPAL COMPLEX
PREPARED FOR: CIMINELLI DEVELOPMENT COMPANY, INC.



CLEVELAND AVENUE



CONCRETE SIDEWALK

947 Cleveland Avenue

LIMIT OF THE BCP SITE

SOUTH AVENUE PLACE

ASPHALT PARKING AREA

KEY

 = APPROXIMATE AREA OF REMEDIAL EXCAVATION

1909 Main Street

2 Story Brick

924 South Avenue

CONCRETE SIDEWALK

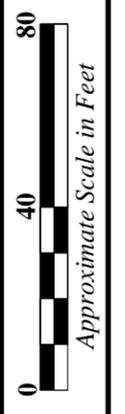
SOUTH STREET

LINCOLN PLACE

MAIN STREET

Drawn by: DPS

Checked by: DBR



LCS Project # 06B3027.26

FIGURE 7



APPENDIX A

ENVIRONMENTAL EASEMENT

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 37 of the Mile Reserve, bounded and described as follows:

BEGINNING at a point on the easterly boundary of Main Street (formerly Lewiston Avenue) (66.0 feet wide) at its intersection with the southerly boundary of Cleveland Avenue (64' wide); thence easterly along said southerly line of Cleveland Avenue a distance of 229.46 feet to the westerly boundary of an Alley known as South Avenue Place (16' wide); thence southerly along the westerly boundary of said alley and being parallel with Tenth Street forming an interior angle of 90°-45'-30" a distance of 166.55 feet to a point on the northerly line of lands conveyed to the City of Niagara Falls and recorded in the Niagara County Clerk's Office in Liber 2651 of Deeds at page 301; thence westerly along said northerly line of Liber 2651 of Deeds at page 301 and a westerly extension of said line, forming an interior angle of 88°-54'-34" a distance of 192.30 feet to a point on the first mentioned easterly boundary of Main Street; thence northerly along said easterly boundary of Main Street forming an interior angle of 103°-43'-29" a distance of 170.04 feet to the point of beginning, containing 0.803 acre more or less.

FORMER ST. ADDRESS 1925 MAIN ST FORMER SBL 144.46-2-46 L.3426, P.692 PARCEL A

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, known as and being SBL # 144.46-2-46, Ward 11 Pro D143, 1925 Main Street, and having Serial No. 359 as contained in the Petition and Notice of Foreclosure filed August 24, 2001 pursuant to Article 11, Title 3 of the Real Property Tax Law of the State of New York.

FORMER ST. ADDRESS 915 CLEVELAND AVE FORMER SBL 144.46-2-44 L.3426, P.692 PARCEL C

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 37 of the Mile Reserve, known as and being 915 Cleveland Avenue, title to which westerly City of Niagara Falls, New York under a certain Order entered under Index Number 131226 in Supreme Court, Niagara County in a proceeding brought pursuant to Eminent Domain Procedure Act, bounded and described as follows:

BEGINNING at a point in the westerly boundary of an Alley known as South Avenue Place (16' wide) at its intersection with the southerly boundary of Cleveland Avenue (formerly Erie Avenue (64' wide)); thence southerly along the westerly boundary of said Alley and being parallel with Tenth Street a distance of 124.85 feet to a point on the northerly line of lands of the City of Niagara Falls as conveyed by Liber 2651 of Deeds at page 303; thence westerly along the northerly line of said Liber 2651 of Deeds at page 303 forming an interior angle of 89°-08'-03" a distance of 60.0 feet to its intersection with the easterly line of lands of the City of Niagara Falls as conveyed by Liber 3317 of Deeds at page 341; thence along said lands the following four (4) courses and distances: 1) northerly parallel with Tenth Street a distance of 33.73 feet to a point; thence 2) westerly parallel with said Cleveland Avenue a distance of 28.16 feet to a point; thence 3) southerly forming an exterior angle of 90° a distance of 2.0 feet to a point; thence 4) westerly parallel with said Cleveland Avenue a distance of 17.50 feet to its intersection with the easterly line of lands conveyed by Liber 3201 of Deeds at page 84; thence northerly parallel with said Tenth Street and along the easterly line of said Liber 3201 of Deeds at page 84 and the easterly line of lands conveyed by Liber 5 of Deeds at page 487 a distance of 83.0 feet to a point on the southerly boundary of said Cleveland Avenue; thence easterly along said southerly boundary a distance of 105.88 feet to the point of beginning.

FORMER ST. ADDRESS 1935 MAIN ST & 913 CLEVELAND AVE FORMER SBL 144.46-2-7 AND 144.46-2-45.2 L.3426, P.697 PARCEL A

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 37 of the Mile Reserve, bounded and described as follows:

BEGINNING at a point in the easterly boundary of Main Street (66.0 feet wide), (formerly Lewiston Avenue) at its intersection with the southerly boundary of Cleveland Avenue (64' wide); thence easterly along the southerly boundary of Cleveland Avenue a distance of 123.80 feet to a point; thence southerly on a line parallel with the westerly boundary of an Alley known as South Avenue Place a distance of 45.0 feet to a point; thence westerly on a line parallel with the southerly boundary of said Cleveland Avenue a distance of 28.0 feet to a point; thence northerly on a line parallel with the westerly boundary of an Alley known as South Avenue Place a distance of 25.03 feet to a point; thence westerly on a line parallel with the southerly boundary of said Cleveland Avenue a distance of 62.91 feet to a point; thence southerly forming an exterior angle of 90° a distance of 0.71 feet to a point; thence westerly on a line parallel with the southerly boundary of said Cleveland Avenue a distance of 5.78 feet to a point; thence northerly forming an interior angle of 90° a distance of 0.71 feet to a point; thence westerly on a line parallel with the southerly boundary of said Cleveland Avenue a distance of 22.62 feet to a point on the first mentioned easterly boundary of Main Street; thence northerly along said boundary a distance of 20.52 feet to the point of beginning.

FORMER ST. ADDRESS 1927-1929 MAIN ST FORMER SBL 144.46-2-45.1 L.3426, P.697 PARCEL B

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 37 of the Mile Reserve, bounded and described as follows:

BEGINNING at a point in the easterly boundary of Main Street (66.0 feet wide) formerly Lewiston Avenue distant 59.89 feet southerly from the intersection of the southerly boundary of Cleveland Avenue (64' wide); thence easterly forming an interior angle of 88°-44'-22" a distance of 83.59 feet to a point; thence southerly from the south line of said Cleveland Avenue; thence easterly on a line parallel with the southerly boundary of said Cleveland Avenue a distance of 28.0 feet to a point; thence southerly on a line parallel with the westerly boundary of an Alley known as South Avenue Place a distance of 48.00 feet to a point; thence westerly forming an interior angle of 89°-13'-48" a distance of 102.80 feet to a point on the first mentioned easterly boundary of Main Street; thence northerly along said boundary a distance of 35.68 feet to the point of beginning.

FORMER ST ADDRESS 1931-1933 MAIN ST FORMER SBL 144.46-2-6 L.3426, P.697 PARCEL G

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 37 of the Mile Reserve and part of Lots Nos. 1 and 2 in Block "Q" as shown upon a map of the Village of Bellevue made for C.B. Stuart in 1847 and filed in the Niagara County Clerk's Office under Map Cover Nos. 90 and 162 bounded as follows:

BEGINNING at a point in the northeast line of Main Street, 60.50 feet southerly from the intersection of said northeast line of Main Street with the south line of Cleveland Avenue (which said point of beginning is the northwest corner of lands conveyed by Eliza Jane Roberts to John C. Striker by Deed recorded in Liber 207 of Deeds at page 309); running thence northerly along the northeast line of Main Street, 39.98 feet to the southwest corner of lands conveyed to Florence E.C. White by Timothy F. McNamee and Mary G. his wife by deed recorded in Liber 493 of Deeds at page 220; thence running along the south line of lands conveyed to Florence E.C. White, aforesaid, the following courses and distances: Easterly 22.62 feet to an angle in the said line, thence southerly at right angles 0.71 feet; thence easterly at right angles 5.78 feet; thence northerly at right angles 0.71 feet; thence easterly 62.9 feet to the west line of lands conveyed by Henrietta F. Pierce and one to Philip Jacob Christian by deed recorded in Liber 163 of Deeds at page 108; running thence southerly along the west line of lands conveyed to Philip Jacob Christian, aforesaid 25.03 feet to the north line of lands conveyed to John C. Striker, aforesaid, 87.25 feet to the place of beginning

FORMER ST ADDRESS 1921 MAIN ST FORMER SBL 144.46-2-42 L.3426, P.697 PARCEL H

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 37 of the Mile Reserve and according to a map of Bellevue made by Daniel Marsh, C.E. in 1853 and filed in the Niagara County Clerk's Office on October 3, 1904 under Cover No. 91 and now in Book 4 of Microfilmed Maps, at pages 304 and 305, is known and distinguished as Subdivision Lots Nos. 4 and 5 in Block "Q", being situate on the easterly side of Main Street, formerly Lewiston Avenue, as shown on said map.

SMP REFERENCE

"THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233. OR AT derweb@gw.dec.state.ny.us

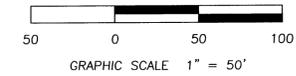
THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW.

ENGINEERING / INSTITUTIONAL CONTROLS

RESTRICTED RESIDENTIAL USE SUB-SLAB DEPRESSURIZATION SYSTEM (COVERS FOOTPRINT OF NEW BUILDING) GROUND WATER USE RESTRICTION COVERS ENTIRE ENVIRONMENTAL EASEMENT AREA EVALUATION FOR POTENTIAL VAPOR INTRUSION OF ANY BUILDINGS IS REQUIRED

WARNING: ALTERING THIS DOCUMENT IS IN VIOLATION OF THE LAW EXCEPTING AS PROVIDED IN SECTION 7209, PART 2 OF THE NEW YORK STATE EDUCATION LAW.

ALL UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE. BEFORE YOU DIG, DRILL, OR BLAST, CALL UPFO AT 1-800-962-7962.



LEGEND table with symbols for ASPH, BLDG, CLF, CO, CONC, D, DI, TCM, FLT, PTV, GP, GW, HYD, INV, IP, L, MB, MW, P, SA MH, ST MH, SW, UP, WV, N, S, W, E, EXIST, CH, PK, M, P.O.B., SBL, X-3, and SUB-SLAB DEPRESSURIZATION SYSTEM.

SURVEYED WITH THE BENEFIT OF

- 1 ABSTRACT OF TITLE PREPARED BY MONROE TITLE INSURANCE CORPORATION NO. 347806A, DATED OCTOBER 19, 2007. (915 CLEVELAND AVE)
2 ABSTRACT OF TITLE PREPARED BY MONROE TITLE INSURANCE CORPORATION NO. 342810A, DATED MARCH 26, 2007. (913 CLEVELAND AVE)
3 ABSTRACT OF TITLE PREPARED BY MONROE TITLE INSURANCE CORPORATION NO. 342811A, DATED MARCH 26, 2007. (1935 MAIN ST)
4 ABSTRACT OF TITLE PREPARED BY MONROE TITLE INSURANCE CORPORATION NO. 346124A, DATED AUGUST 3, 2007. (1931 MAIN ST)
5 ABSTRACT OF TITLE PREPARED BY MONROE TITLE INSURANCE CORPORATION NO. 342812A, DATED MARCH 26, 2007. (1929 MAIN ST)
6 ABSTRACT OF TITLE PREPARED BY TALON GROUP DIVISION OF FIRST AMERICAN TITLE INSURANCE COMPANY OF NEW YORK, NO. 1358728, DATED AUGUST 24, 2007. (1917, 1919 & 1921 MAIN ST)
7 TITLE COMMITMENT REPORT NO. 1015-25047 OR PREPARED BY CHICAGO TITLE INSURANCE CO. DATED SEPT. 30, 2010.

PREMISES MAY BE AFFECTED BY:

- 1) A PERPETUAL EASEMENT GRANTED IN AGREEMENT AND RECORDED IN L.1093, P.334 ON MARCH 17, 1953 FOR SIDEWALK PURPOSES.
2) AN EASEMENT GRANTED TO NIAGARA MOHAWK POWER CORPORATION AND RECORDED IN L. 1623, P. 316 ON SEPT. 18, 1978.

ENVIRONMENTAL EASEMENT

THE ENVIRONMENTAL EASEMENT DESCRIBES THE SAME PARCEL AS THE RECORDED LEGAL DESCRIPTIONS

PROPERTY INFORMATION

REPUTED OWNER OF BELLEVUE LOCAL DEVELOPMENT CORP. WITH REFERENCE TO THE FOLLOWING DEED LIBER AND PAGES L.3426, P.692, RECORDED JANUARY 17, 2008 L.3426, P.697, RECORDED JANUARY 17, 2008 ENVIRONMENTAL EASEMENT IS WITHIN THE BOUNDS OF SUBLIST 1 OF SUBDIVISION MAP PREPARED BY DEBORAH A. NAYBOR, PLS., P.C. RECORDED IN NIAGARA COUNTY CLERK'S OFFICE ON 1/20/2009 IN MICRO FILM BOOK 63, PAGES 6312 AND 6313 CURRENTLY A PORTION OF SBL NO. 144.13-3-24 BELLEVUE LOCAL DEVELOPMENT CORP. (REPUTED OWNER)

CURRENT STREET ADDRESS

1925 MAIN STREET

ZONING INFORMATION

PS- PUBLIC SPACE DISTRICT

POSSIBLE ENCROACHMENTS

- E1: MONITORING WELL IS 2.57'N INTO RIGHT OF WAY.
E2: CONC PAD IS 0.71'N INTO RIGHT OF WAY.
E3: PLANTER IS 1.43'W INTO RIGHT OF WAY.
E4: MONITORING WELL IS 20.22'W INTO RIGHT OF WAY.
E5: PLANTER IS 1.58'W INTO RIGHT OF WAY.
E6: CONC WALK IS 4.93'S
E7: CONC WALK IS 4.87'S

CERTIFICATION

I HEREBY CERTIFY TO: 1) TO THE PEOPLE OF THE STATE OF NEW YORK ACTING THROUGH ITS COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND TO CHICAGO TITLE INSURANCE COMPANY

THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE WITH THE CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS ON JULY 16, 1997

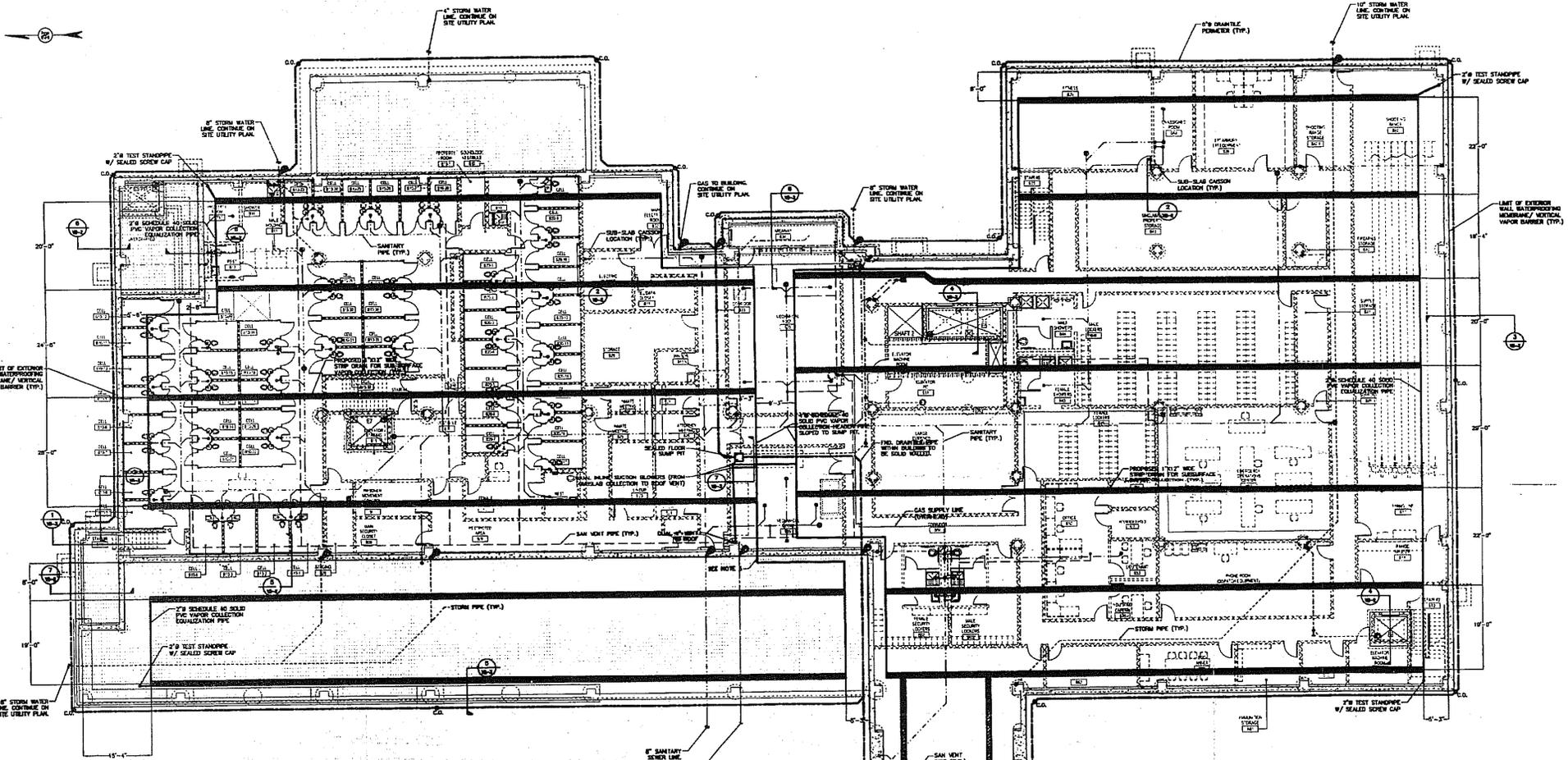
SIGNED: Deborah A. Naybor DATE: 6/9/11 DEBORAH A. NAYBOR NEW YORK STATE LICENSE NO. 49659



Table with columns: DATE OF SURVEY, DATE OF REVISION, COMMENT, INT. Rows include revisions from 7/16/2006 to 7/16/2006.

BOUNDARY SURVEY PART OF LOT 37 MILE RESERVE CITY OF NIAGARA FALLS COUNTY OF NIAGARA STATE OF NEW YORK Deborah A. Naybor PLS, P.C. Land Surveying - Land Planning 1490 Church Street Alden, New York 14004 Ph: (716) 937-9448 Fax: (716) 937-9526 DATE: 7/16/2006 SHEET: 1 OF 1 DWN BY: PDS JOB NO.: 2006095 SCALE: 1" = 20' CHK'D BY: DAN

APPENDIX B



- NOTES:
1. STRIP DRAINS TO BE LAYED HORIZONTALLY AS SHOWN, TO RUN GENERALLY STRAIGHT AND AROUND ALL SUB SLAB STRUCTURES, INCLUDING PIPES AND CONCRETE CHASSIS. VERTICAL ORIENTATION MAY VARY, PROVIDED STRIPS ARE ON TOP OF SUB-SLAB DRAINAGE STONE.
 2. HEADER PIPES TO BE PLACED WITHIN DRAINAGE STONE LAYER, ABOVE THE COMPACTED FILL OR SUB GRADE LAYER WITH 2" STONE COVER.
 3. STRIP DRAINS TO BE PLACED LEVEL ON DRAINAGE STONE LAYER SURFACE PRIOR TO PLACEMENT OF GEOTEXTILE FABRIC AND VAPOR BARRIER SHEET (SEE DETAIL 1 ON V8-2).
 4. TEST STANDPIPES TO BE OF THE SAME SIZE AND TYPE AS HEADER PIPE AND WILL FOLLOW TYPICAL FLOOR PENETRATION DETAIL. STANDPIPES TO BE CAPPED WITH A REMOVABLE VAPOR PROOF SEAL AND KEPT ACCESSIBLE DURING FACILITY OPERATION.
 5. AT LOCATION WHERE HEADER PIPE TRANSFERS FROM BASEMENT TO FIRST FLOOR LEVEL, PIPE SHALL BE RUN THROUGH THE GRADE BEAM/ WALL, THEN VERTICALLY ALONG THE WALL UNTIL REACHING THE GRAVEL LAYER BENEATH THE FIRST FLOOR SLAB. (SEE DETAIL 5 ON V8-2)
 6. ALL MEASUREMENTS FOR LOCATIONS OF STRIP DRAINS ARE TAKEN FROM THE CENTER LINE OF THE DRAIN, AND WHERE A MEASUREMENT TO A WALL IS USED THE MEASUREMENT IS TO THE INTERIOR EDGE OF THE WALL.
 7. AT ALL FLOOR PENETRATIONS, THE VAPOR BARRIER IS TO BE BOOTED WITHIN THE THICKNESS OF THE CONCRETE SLAB TO A HEIGHT OF NO MORE THAN 3" FROM BELOW. TOP OF CONCRETE PENETRATION TO BE SEALED WITH POLYURETHANE OR SILICONE CONSTRUCTION GRADE CAULK.
 8. ALL CONSTRUCTION AND/OR CONTRACTION CONTROL JOINTS, INCLUDING FLOOR TO WALL ISOLATION JOINTS TO BE SEALED AS PER DETAILS ON DRAWINGS A810 AND 5700.
 9. BASE PLAN REPRODUCED FROM DRAWING NO. P1000V, BASEMENT FLOOR PLAN -WASTE AND VENT, PREPARED BY ROBSON WOESE INC. DATED 11/06/07. ALL PIPING IS UNDER SLAB UNLESS NOTED OTHERWISE REFER TO DRAWING NO. P1000V FOR ADDITIONAL INFORMATION.

PIPING LEGEND	
NATURAL GAS	---
POTABLE WATER	---
SANITARY WATER	---
SANITARY VENT	---
STORM SEWER	---
FND. DRAINTILE	---
VAPOR COLLECTION NO BASEMENT LEVEL	---
WALL PENETRATION	○
FLOOR PENETRATION	○

REVISION	NO.	BY



EnSol, Inc.
Environmental Solutions
661 MAIN STREET
NIAGARA FALLS, NY 14301
PHONE (716) 285-3020 FAX (716) 285-3328

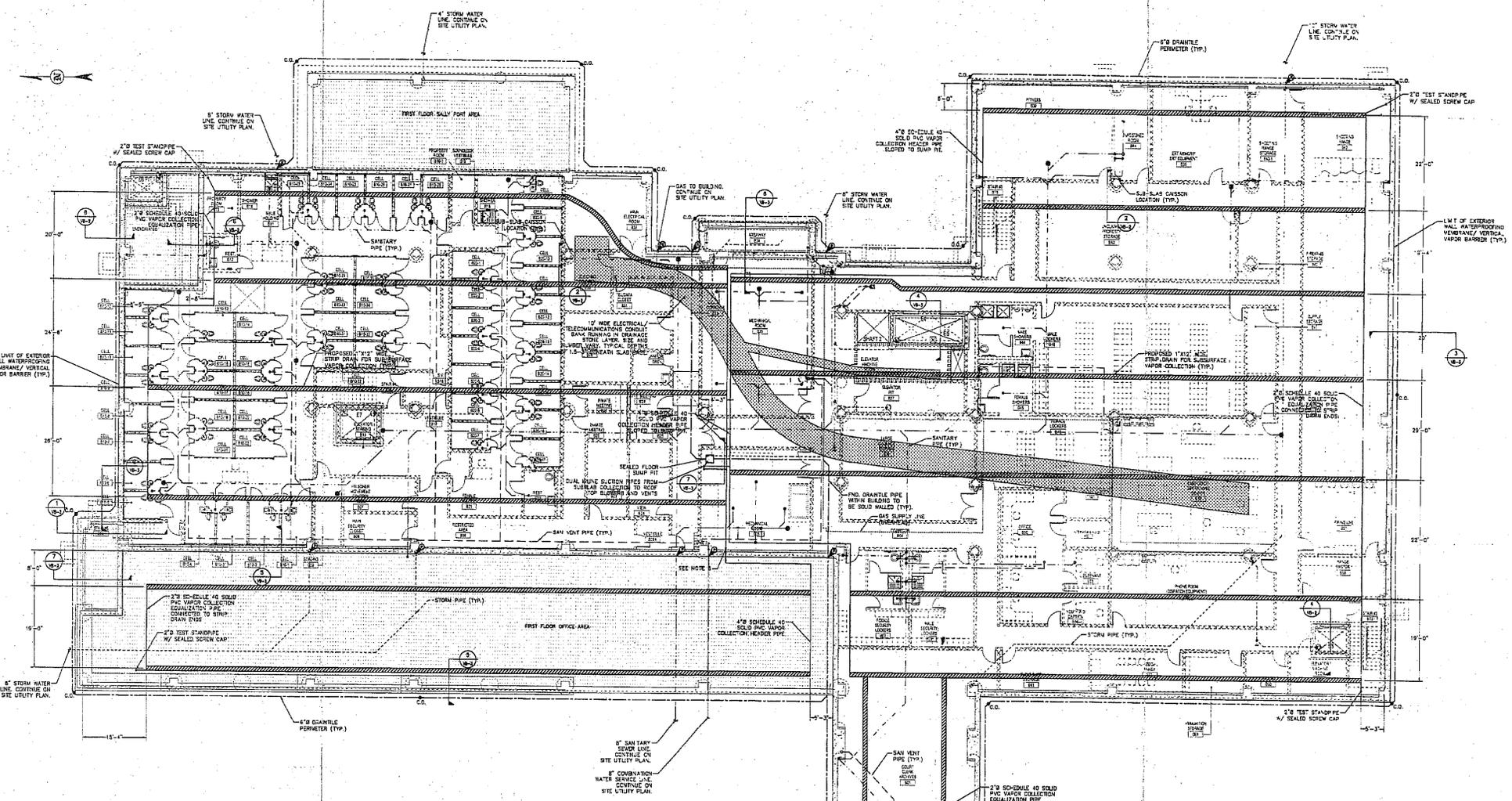
PROJECT NO: 07-7021
SCALE:

TITLE: SUBSURFACE VAPOR INTRUSION COLLECTION AND REMOVAL SYSTEM
SITE PLAN - BASEMENT AND PARTIAL FIRST FLOOR

PROJECT: NIAGARA FALLS MUNICIPAL COMPLEX
PREPARED FOR: CIMINELLI DEVELOPMENT COMPANY, INC.
CITY OF NIAGARA FALLS COUNTY OF NIAGARA STATE OF NEW YORK

DRAWN BY: TAG CHECKED BY: BOB
DATE: FEBRUARY 2008

SHEET VB-1



- NOTES:
1. STRIP DRAINS TO BE LAYED HORIZONTALLY AS SHOWN, TO RUN GENERALLY STRAIGHT AND AROUND ALL SUB SLAB STRUCTURES, INCLUDING PILES AND CONCRETE CAISSONS. VERTICAL ORIENTATION MAY VARY, PROVIDED STRIPS ARE ON TOP OF SUB-SLAB DRAINAGE STONE.
 2. HEADER PIPES TO BE PLACED WITHIN DRAINAGE STONE LAYER, ABOVE THE COMPACTED FILL OR SUB GRADE LAYER WITH 2" STONE COVER.
 3. STRIP DRAIN TO BE PLACED LEVEL ON DRAINAGE STONE LAYER SURFACE PRIOR TO PLACEMENT OF GEOTEXTILE FABRIC AND VAPOR BARRIER SHEET (SEE DETAIL 1 ON VB-2).
 4. TEST STANDPIPES TO BE OF THE SAME SIZE AND TYPE AS HEADER PIPE AND WILL FOLLOW TYPICAL FLOOR PENETRATION DETAIL. STANDPIPES TO BE CAPPED WITH A REMOVABLE VAPOR PROOF SEA, AND KEPT ACCESSIBLE DURING FACILITY OPERATION.
 5. AT LOCATION WHERE HEADER PIPE TRANSFERS FROM BASEMENT TO FIRST FLOOR LEVEL, PIPE SHALL BE RUN THROUGH THE SLAB THEN VERTICALLY ALONG THE WALL UNTIL REACHING THE GRAVEL LAYER BENEATH THE FIRST FLOOR SLAB, THEN PENETRATING THROUGH THE WALL TO THE STONE BELOW THE FIRST FLOOR SLAB (SEE DETAIL 5 ON VB-2).
 6. ALL MEASUREMENTS FOR LOCATIONS OF STRIP DRAINS ARE TAKEN FROM THE CENTER LINE OF THE DRAIN, AND WHERE A MEASUREMENT TO A WALL IS USED THE MEASUREMENT IS TO THE INTERIOR EDGE OF THE WALL.
 7. AT ALL FLOOR PENETRATIONS, THE VAPOR BARRIER IS TO BE BOOTED WITHIN THE THICKNESS OF THE CONCRETE SLAB TO A HEIGHT OF NO MORE THAN 3" FROM BELOW TOP OF CONCRETE PENETRATION TO BE SEALED WITH POLYURETHANE OR SILICONE CONSTRUCTION GRADE CAULK.
 8. ALL CONSTRUCTION AND/OR CONTRACTION CONTROL JOINTS, INCLUDING FLOOR TO WALL ISOLATION JOINTS TO BE SEALED AS PER DETAILS ON DRAWINGS ABC AND 5700.
 9. BASE PLAN REPRODUCED FROM DRAWING NO. P1000W, BASEMENT FLOOR PLAN - WASTE AND VENT, PREPARED BY ROBSON WESSE INC. DATED 11/08/07. ALL PIPING IS UNDER SLAB UNLESS NOTED OTHERWISE. REFER TO DRAWING NO. P1000W FOR ADDITIONAL INFORMATION.

PIPING LEGEND	
NATURAL GAS	---
POTABLE WATER	---
SANITARY SEWER	---
SANITARY VENT	---
STORM SEWER	---
FND. DRAINILE	---
VAPOR COLLECTION	---
NO BASEMENT LEVEL	---
WALL PENETRATION	---
FLOOR PENETRATION	---

REVISION	NO.	BY	DATE
MOVED HEADER PIPES AND STRIP DRAINS IN ACCORDANCE WITH FIELD CONDITIONS. SHOW CONDUIT BANK RUNNING THROUGH STONE LAYER	1	TAS	5/1/2008
FINAL RECORD REVISIONS AS PER ENSOL CCA MARKUPS	2	TAS	3/28/2009

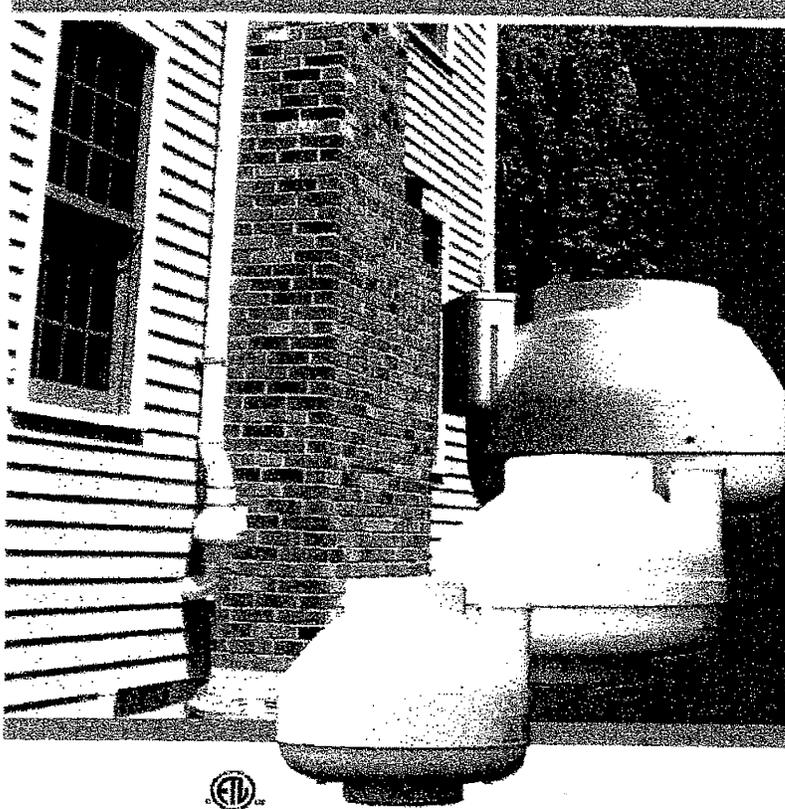


EnSol, Inc.
 Environmental Solutions
 881 MAIN STREET
 NIAGARA FALLS, NY 14201

PROJECT NO: 07-7021
 SCALE: 1/8" = 1'-0"
 DWG: 07-7021-001_02-Vaporing_NFNY_Crosswall.dwg
 DRAWN BY: TAS CHECKED BY: BGS

TITLE: SUBSURFACE VAPOR INTRUSION COLLECTION AND REMOVAL SYSTEM
 SITE PLAN - BASEMENT AND PARTIAL FIRST FLOOR
 PROJECT: NIAGARA FALLS MUNICIPAL COMPLEX
 PREPARED FOR: CIMINELLI DEVELOPMENT COMPANY, INC.

APPENDIX C



Radon Mitigation Fans

All RadonAway fans are specifically designed for radon mitigation. RP Series Fans provide superb performance, run ultra-quiet and are attractive. They are ideal for most sub-slab radon mitigation systems.

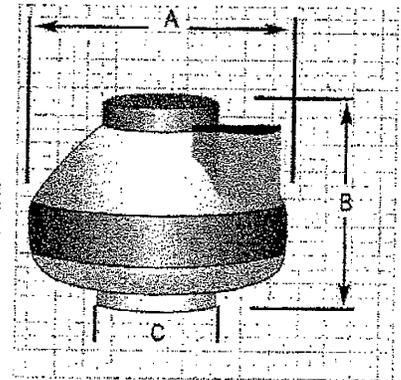
Features:

- ♦ Five-year hassle-free warranty
- ♦ Quiet and attractive
- ♦ Thermally protected
- ♦ Motorized impeller
- ♦ ETL Listed - for indoor or outdoor use
- ♦ Meets all electrical code requirements
- ♦ Rated for commercial and residential use



Typical CFM vs. Static Pressure WC

Model	Watts	Max. Pressure "WC	Typical CFM vs. Static Pressure WC							A"	B"	C"
			0"	.5"	1.0"	1.5"	2.0"					
RP140	14-20	0.8	134	68	-	-	-	9.7	7.9	4		
RP145	37-71	2.1	173	132	94	55	11	9.7	7.9	4		
RP260	52-72	1.8	275	180	105	20	-	11.8	9.9	6		
RP265	86-140	2.5	327	260	207	139	57	11.8	9.9	6		
RP380	103-156	2.3	510	393	268	165	35	13.41	10.53	8		



Choice of model is dependent on building characteristics including sub-slab materials and should be made by a radon professional.

For Further Information Contact:



INSTALLATION & OPERATING INSTRUCTIONS
Instruction P/N IN015 Rev E
FOR CHECKPOINT IIa™ P/N 28001-2 & 28001-3
RADON SYSTEM ALARM

INSTALLATION INSTRUCTIONS
(WALL MOUNTING)

Select a suitable wall location near a vertical section of the suction pipe. The unit should be mounted about four or five feet above the floor and as close to the suction pipe as possible. Keep in mind that with the plug-in transformer provided, the unit must also be within six feet of a 120V receptacle. **NOTE: The Checkpoint IIa is calibrated for vertical mounting, horizontal mounting will affect switchpoint calibration.**

Drill two 1/4" holes 4" apart horizontally where the unit is to be mounted.

Install the two 1/4" wall anchors provided.

Hang the CHECKPOINT IIa from the two mounting holes located on the mounting bracket. Tighten the mounting screws so the unit fits snugly and securely against the wall.

Drill a 5/16" hole into the side of the vent pipe about 6" higher than the top of the unit.

Insert the vinyl tubing provided about 1" inside the suction pipe.

Cut a suitable length of vinyl tubing and attach it to the pressure switch connector on the CHECKPOINT IIa.

CALIBRATION AND OPERATION.

The CHECKPOINT IIa units are calibrated and sealed at the factory to alarm when the vacuum pressure falls below the factory setting and should not normally require field calibration. Factory Settings are:
28001-2 - .25" WC Vacuum
28001-3 - .10" WC Vacuum

To Verify Operation:

With the exhaust fan off or the pressure tubing disconnected and the CHECKPOINT IIa plugged in, both the red indicator light and the audible alarm should be on.

Turn the fan system on or connect the pressure tubing to the fan piping. The red light and the audible alarm should go off. The green light should come on.

Now turn the fan off. The red light and audible alarm should come on in about two or three seconds and the green light should go out.

WARRANTY INFORMATION

Subject to applicable consumer protection legislation, RadonAway warrants that the CHECKPOINT IIa will be free from defective material and workmanship for a period of (1) year from the date of purchase. Warranty is contingent on installation in accordance with the instructions provided. This warranty does not apply where repairs or alterations have been made or attempted by others; or the unit has been abused or misused. Warranty does not include damage in shipment unless the damage is due to the negligence of RadonAway. All other warranties, expressed or written, are not valid. To make a claim under these limited warranties, you must return the defective item to RadonAway with a copy of the purchase receipt. RadonAway is not responsible for installation or removal cost associated with this warranty. In no case is RadonAway liable beyond the repair or replacement of the defective product FOB RadonAway.

THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION ON THE FACE HEREOF. THERE IS NO WARRANTY OF MERCHANTABILITY. ALL OTHER WARRANTIES, EXPRESSED OR WRITTEN, ARE NOT VALID.

For service under these warranties, contact RadonAway for a Return Material Authorization (RMA) number and shipping information. **No returns can be accepted without an RMA.** If factory return is required, the customer assumes all shipping costs to and from factory.

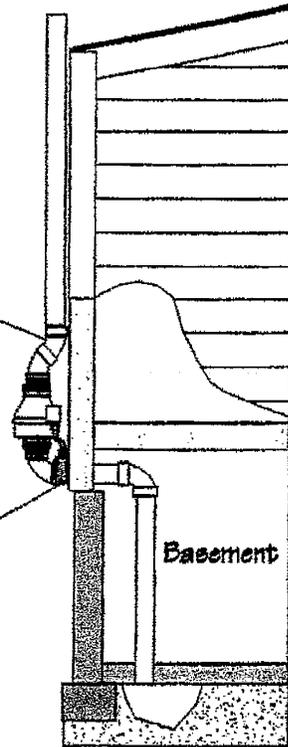
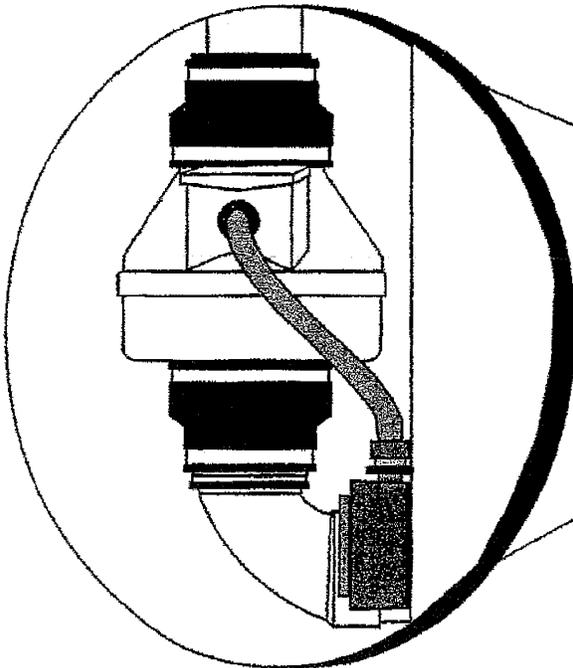


Manufactured by:
RadonAway
Ward Hill, MA
(978)-521-3703

RP Series Installation Instructions

By

RadonAway™



Spruce Environmental Technologies, Inc.
Ward Hill, MA P/N IN020 Rev H



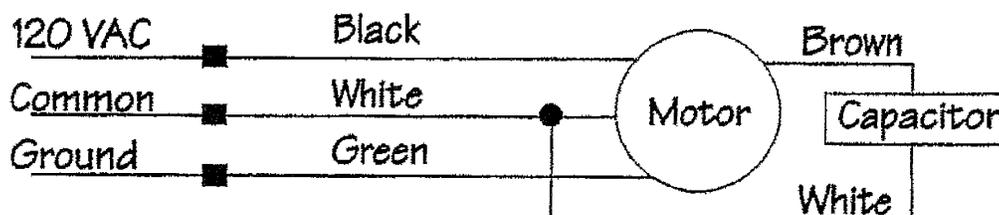
Series Fan Installation Instructions

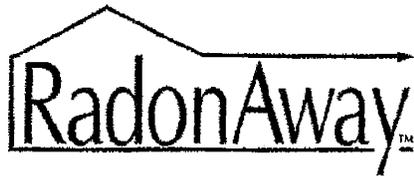
Please Read and Save These Instructions.

**DO NOT CONNECT POWER SUPPLY UNTIL FAN IS COMPLETELY INSTALLED.
MAKE SURE ELECTRICAL SERVICE TO FAN IS LOCKED IN "OFF" POSITION.
DISCONNECT POWER BEFORE SERVICING FAN.**

1. **WARNING!** Do not use fan in hazardous environments where fan electrical system could provide ignition to combustible or flammable materials.
2. **WARNING!** Do not use fan to pump explosive or corrosive gases.
3. **WARNING!** Check voltage at the fan to insure it corresponds with nameplate.
4. **WARNING!** Normal operation of this device may affect the combustion airflow needed for safe operation of fuel burning equipment. Check for possible backdraft conditions on all combustion devices after installation.
5. **NOTICE!** There are no user serviceable parts located inside the fan unit.
Do NOT attempt to open. Return unit to the factory for service.
6. All wiring must be performed in accordance with the National Fire Protection Association's (NFPA) "National Electrical Code, Standard #70"-current edition for all commercial and industrial work, and state and local building codes. All wiring must be performed by a qualified and licensed electrician
7. **WARNING!** Do not leave fan unit installed on system piping without electrical power for more than 48 hours. Fan failure could result from this non-operational storage.

DynaVac RP Series Fan Wiring Diagram





DynaVac - RP Series

RP140 p/n 23029-1

~~RP145 p/n 23030-1~~ ←

RP155 p/n 23031-1

RP260 p/n 23032-1

RP265 p/n 23033-1

RP380 p/n 28208

1.0 SYSTEM DESIGN CONSIDERATIONS

1.1 INTRODUCTION

The DynaVac RP Series Radon Fans are intended for use by trained, professional Radon mitigators. The purpose of this instruction is to provide additional guidance for the most effective use of a DynaVac Fan. This instruction should be considered as a supplement to EPA standard practices, state and local building codes and state regulations. In the event of a conflict, those codes, practices and regulations take precedence over this instruction.

1.2 ENVIRONMENTALS

The RP Series Fans are designed to perform year-round in all but the harshest climates without additional concern for temperature or weather. For installations in an area of severe cold weather, please contact RadonAway for assistance. When not in operation, the fan should be stored in an area where the temperature is never less than 32 degrees F. or more than 100 degrees F.

1.3 ACOUSTICS

The RP Series Fan, when installed properly, operates with little or no noticeable noise to the building occupants. The velocity of the outgoing air should be considered in the overall system design. In some cases the "rushing" sound of the outlet air may be disturbing. In these instances, the use of a RadonAway Exhaust Muffler is recommended.

1.4 GROUND WATER

In the event that a temporary high water table results in water at or above slab level, water may be drawn into the riser pipes thus blocking air flow to the RP Series Fan. The lack of cooling air may result in the fan cycling on and off as the internal temperature rises above the thermal cutoff and falls upon shutoff. Should this condition arise, it is recommended that the fan be turned off until the water recedes allowing for return to normal operation.

1.5 SLAB COVERAGE

The RP Series Fan can provide coverage up to 2000+ sq. ft. per slab penetration. This will primarily depend on the sub-slab material in any particular installation. In general, the tighter the material, the smaller the area covered per penetration. Appropriate selection of the RP Series Fan best suited for the sub-slab material can improve the slab coverage. The RP140/145/155 are best suited for general purpose use. The RP260 can be used where additional airflow is required and the RP265/380 is best suited for large slab, high airflow applications. Additional suction points can be added as required. It is recommended that a small pit (5 to 10 gallons in size) be created below the slab at each suction hole.

1.6 CONDENSATION & DRAINAGE

Condensation is formed in the piping of a mitigation system when the air in the piping is chilled below its dew point. This can occur at points where the system piping goes through unheated space such as an attic, garage or outside. The system design must provide a means for water to drain back to a slab hole to remove the condensation. The RP Series Fan **MUST** be mounted vertically plumb and level, with the outlet pointing up for proper drainage through the fan. Avoid mounting the fan in any orientation that will allow water to accumulate inside the fan housing. The RP Series Fans are **NOT** suitable for underground burial.

For RP Series Fan piping, the following table provides the minimum recommended pipe diameter and pitch under several system conditions.

Pipe Dia.	Minimum Rise per Ft of Run*				
	@25 CFM	@50 CFM	@100 CFM	@200 CFM	@300 CFM
6"	-	3/16	1/4	3/8	3/4
4"	1/8	1/4	3/8	2 3/8	-
3"	1/4	3/8	1 1/2	-	-



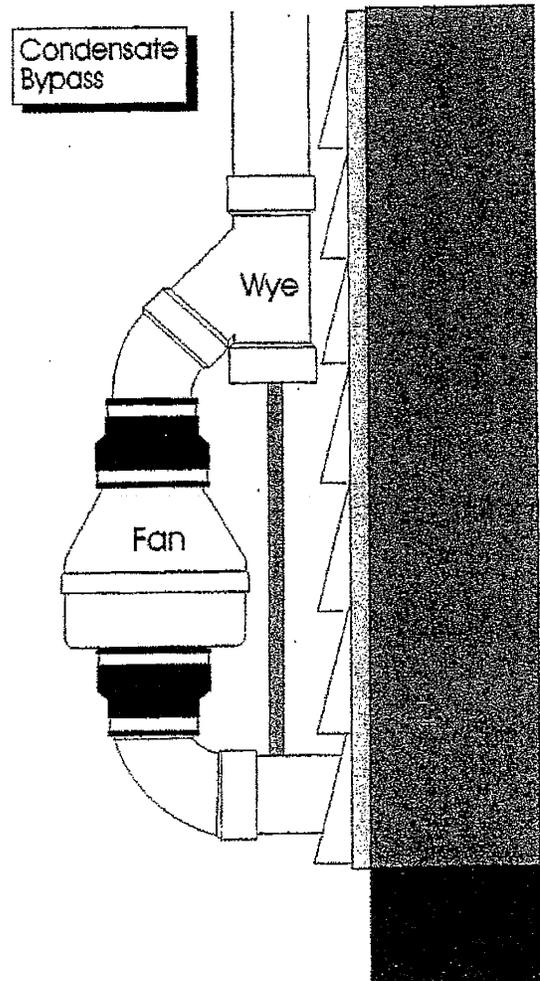
*Typical RP1xx/2xx Series Fan operational flow rate is 25 - 90 CFM on 3" and 4" pipe. (For more precision, determine flow rate by measuring Static Pressure, in WC, and correlate pressure to flow in the performance chart in the addendum.)

Under some circumstances in an outdoor installation a condensate bypass should be installed in the outlet ducting as shown. This may be particularly true in cold climate installations which require long lengths of outlet ducting or where the outlet ducting is likely to produce large amounts of condensation because of high soil moisture or outlet duct material. Schedule 20 piping and other thin-walled plastic ducting and Aluminum downspout will normally produce much more condensation than Schedule 40 piping.

The bypass is constructed with a 45 degree Wye fitting at the bottom of the outlet stack. The bottom of the Wye is capped and fitted with a tube that connects to the inlet piping or other drain. The condensation produced in the outlet stack is collected in the Wye fitting and drained through the bypass tube. The bypass tubing may be insulated to prevent freezing.

1.7 "SYSTEM ON" INDICATOR

A properly designed system should incorporate a "System On" Indicator for affirmation of system operation. A manometer, such as a U-Tube, or a vacuum alarm is recommended for this purpose.



1.8 ELECTRICAL WIRING

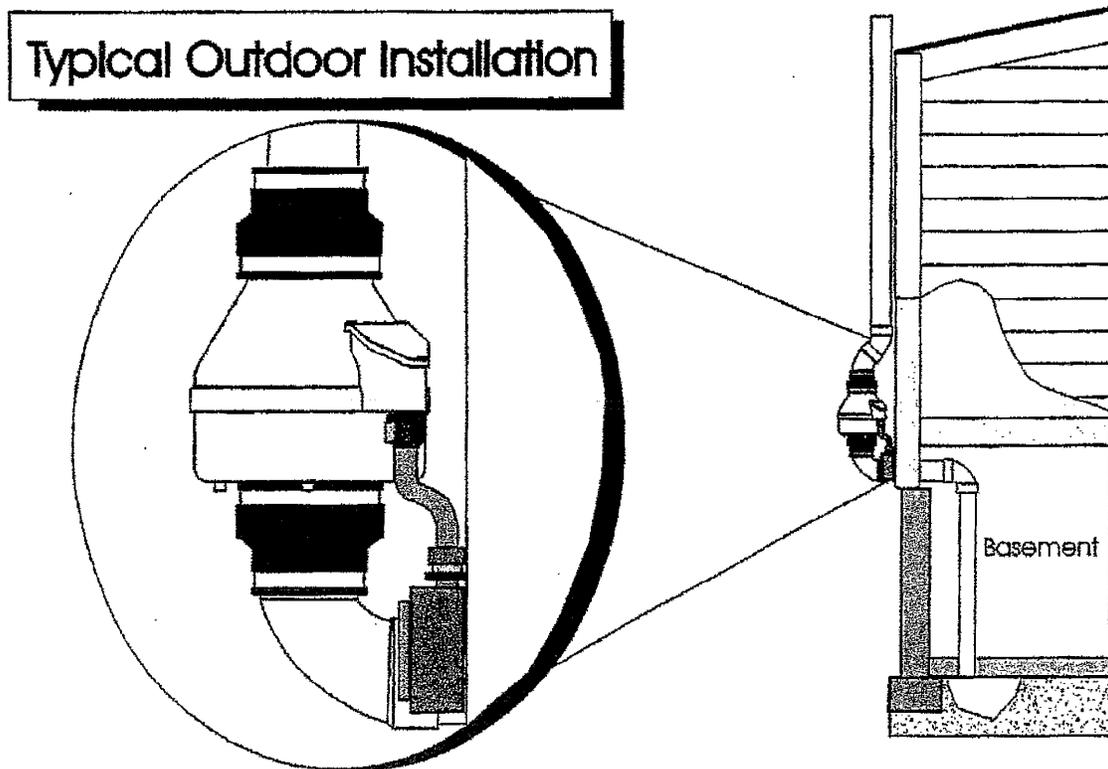
The RP Series Fans operate on standard 120V 60 Hz. AC. All wiring must be performed in accordance with the National Fire Protection Association's (NFPA) National Electrical Code, Standard #70"-current edition for all commercial and industrial work, and state and local building codes. All wiring must be performed by a qualified and licensed electrician. Outdoor installations require the use of a U.L. listed watertight conduit. Ensure that all exterior electrical boxes are outdoor rated and properly caulked to prevent water penetration into the box. A means, such as a weep hole, is recommended to drain the box.

1.9 SPEED CONTROLS

The RP Series Fans are rated for use with electronic speed controls ,however , they are generally not recommended.

2.0 INSTALLATION

The RP Series Fan can be mounted indoors or outdoors. (It is suggested that EPA recommendations be followed in choosing the fan location.) The RP Series Fan may be mounted directly on the system piping or fastened to a supporting structure by means of optional mounting bracket.



2.1 MOUNTING

Mount the RP Series Fan vertically with outlet up. Insure the unit is plumb and level. When mounting directly on the system piping assure that the fan does not contact any building surface to avoid vibration noise.

2.2 MOUNTING BRACKET (optional)

The RP Series fan may be optionally secured with the RadonAway P/N 25007-2 (25033 for RP385) mounting bracket. Foam or rubber grommets may also be used between the bracket and mounting surface for vibration isolation.

2.3 SYSTEM PIPING

Complete piping run, using flexible couplings as means of disconnect for servicing the unit and vibration isolation.

2.4 ELECTRICAL CONNECTION

Connect wiring with wire nuts provided, observing proper connections:

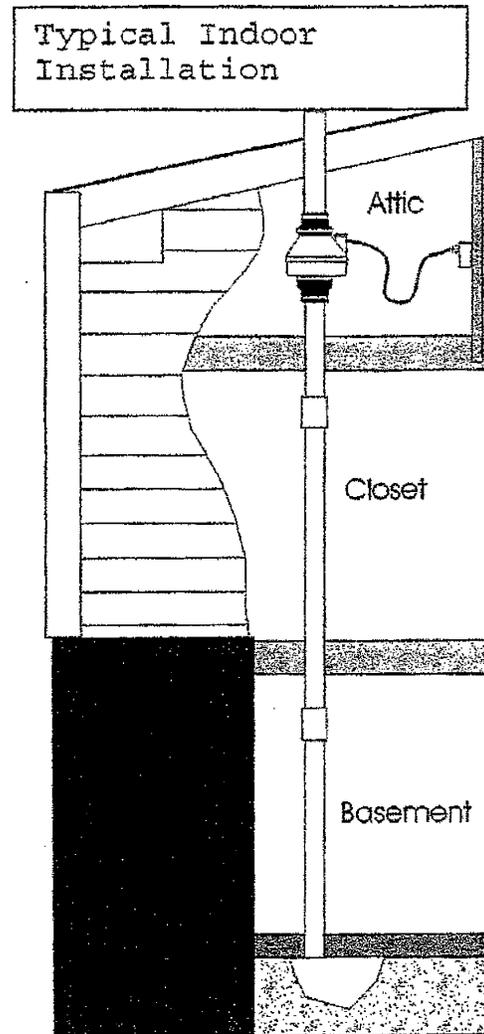
Fan Wire	Connection
Green	Ground
Black	AC Hot
White	AC Common

2.5 VENT MUFFLER (optional)

Install the muffler assembly in the selected location in the outlet ducting. Solvent weld all connections. The muffler is normally installed at the end of the vent pipe.

2.6 OPERATION CHECKS

- _____ Verify all connections are tight and leak-free.
- _____ Insure the RP Series Fan and all ducting is secure and vibration-free.
- _____ Verify system vacuum pressure with manometer. Insure vacuum pressure is less than maximum recommended operating pressure
(Based on sea-level operation, at higher altitudes reduce by about 4% per 1000 Feet.)
(Further reduce Maximum Operating Pressure by 10% for High Temperature environments)
See Product Specifications. If this is exceeded, increase the number of suction points.
- _____ Verify Radon levels by testing to EPA protocol.



RP SERIES PRODUCT SPECIFICATIONS

The following chart shows fan performance for the RP Series Fan:

	Typical CFM Vs Static Pressure "WC								
	0"	.25"	.5"	.75"	1.0"	1.25"	1.5"	1.75"	2.0"
RP140	134	101	68	10	-	-	-	-	-
RP145	173	152	132	115	94	73	55	37	-
RP155	185	161	137	115	94	73	55	37	-
RP260	275	225	180	140	105	70	20	-	-
RP265	327	302	260	230	207	176	139	101	57
RP380*	420	375	330	260	220	170	130	70	30

* Tested with 6" inlet and discharge pipe.

Power Consumption 120 VAC, 60Hz 1.5 Amp Maximum			Maximum Recommended Operating Pressure* (Sea Level Operation)**	
RP140	14 - 20	watts	RP140	0.8" W.C.
RP145	37 - 71	watts	RP145	1.7" W.C.
RP155	37 - 75	watts	RP155	1.7" W.C.
RP260	52 - 72	watts	RP260	1.5" W.C.
RP265	86 - 140	watts	RP265	2.2" W.C.
RP380	95 - 152	watts	RP380	2.0" W.C.

*Reduce by 10% for High Temperature Operation

**Reduce by 4% per 1000 feet of altitude

	Size	Weight	Inlet/Outlet
RP140	8.5H" x 9.7" Dia.	5.5 lbs.	4.5" OD (4.0" PVC Sched 40 size compatible)
RP145	8.5H" x 9.7" Dia.	5.5 lbs.	4.5" OD (4.0" PVC Sched 40 size compatible)
RP155	8.5H" x 9.7" Dia.	5.5 lbs.	5.0" OD
RP260	8.6H" x 11.75" Dia.	5.5 lbs.	6.0" OD
RP265	8.6H" x 11.75" Dia.	6.5 lbs.	6.0" OD
RP380	10.53H" x 13.41" Dia.	11.5 lbs.	8.0" OD

Recommended ducting: 3" or 4" RP1xx/2xx, 6" RP380, Schedule 20/40 PVC Pipe

Mounting: Mount on the duct pipe or with optional mounting bracket.

Storage temperature range: 32 - 100 degrees F.

Normal operating temperature range: -20 - 120 degrees F.

Maximum inlet air temperature: 80 degrees F.

Continuous Duty

Class B Insulation

Thermally protected

3000 RPM

Rated for Indoor or Outdoor Use

LISTED
Electric Fan



Tested to
UL
Std. 507

77728

IMPORTANT INSTRUCTIONS TO INSTALLER

Inspect the GP/XP/XR/RP Series Fan for shipping damage within 15 days of receipt. Notify RadonAway of any damages immediately. Radonaway is not responsible for damages incurred during shipping. However, for your benefit, Radonaway does insure shipments.

There are no user serviceable parts inside the fan. Do not attempt to open. Return unit to factory for service.

Install the GP/XP/XR/RP Series Fan in accordance with all EPA standard practices, and state and local building codes and state regulations.

WARRANTY

Subject to any applicable consumer protection legislation, RadonAway warrants that the GPX01/XP/XR/RP Series Fan (the "Fan") will be free from defects in materials and workmanship for a period of 90 days from the date of purchase (the "Warranty Term").

RadonAway will replace any Fan which fails due to defects in materials or workmanship. The Fan must be returned (at Owner's cost) to the RadonAway factory. Any Fan returned to the factory will be discarded unless the Owner provides specific instructions along with the Fan when it is returned regardless of whether or not the Fan is actually replaced under this warranty. Proof of purchase must be supplied upon request for service under this Warranty.

This Warranty is contingent on installation of the Fan in accordance with the instructions provided. This Warranty does not apply where any repairs or alterations have been made or attempted by others, or if the unit has been abused or misused. Warranty does not cover damage in shipment unless the damage is due to the negligence of RadonAway.

5 YEAR EXTENDED WARRANTY WITH PROFESSIONAL INSTALLATION

RadonAway will extend the Warranty Term of the fan to 5 years from date of manufacture if the Fan is installed in a professionally designed and professionally installed radon system or installed as a replacement fan in a professionally designed and professionally installed radon system. Proof of purchase and/or proof of professional installation may be required for service under this warranty. Outside the Continental United States and Canada the extended Warranty Term is limited to one (1) year from the date of manufacture.

RadonAway is not responsible for installation, removal or delivery costs associated with this Warranty.

EXCEPT AS STATED ABOVE, THE GPX01/XP/XR/RP SERIES FANS ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

IN NO EVENT SHALL RADONAWAY BE LIABLE FOR ANY DIRECT, INDIRECT, SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES ARISING OUT OF, OR RELATING TO, THE FAN OR THE PERFORMANCE THEREOF. RADONAWAY'S AGGREGATE LIABILITY HEREUNDER SHALL NOT IN ANY EVENT EXCEED THE AMOUNT OF THE PURCHASE PRICE OF SAID PRODUCT. THE SOLE AND EXCLUSIVE REMEDY UNDER THIS WARRANTY SHALL BE THE REPAIR OR REPLACEMENT OF THE PRODUCT, TO THE EXTENT THE SAME DOES NOT MEET WITH RADONAWAY'S WARRANTY AS PROVIDED ABOVE.

For service under this Warranty, contact RadonAway for a Return Material Authorization (RMA) number and shipping information. No returns can be accepted without an RMA. If factory return is required, the customer assumes all shipping cost to and from factory.

RadonAway
3 Saber Way
Ward Hill, MA 01835
TEL. (978) 521-3703
FAX (978) 521-3964

Record the following information for your records:

Serial No. _____
Purchase Date _____

369 Franklin Street
Buffalo, NY 14202

PROJECT: 07-828S

NFMC - Demolition

DATE: 12/09/08

TO: Brian Shiah
Ensol Inc.
661 Main St
Niagara Falls, NY 14301

COPIES	DATE	SECTION	PARAGRAPH	DESCRIPTION
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THE FOLLOWING IS TRANSMITTED: For Approval

1	12/04/08	DIV 0		Division 0 John W. Danforth SEQ NO:-17 R0 - Magnehelic Pressure Gage (Attached) Our Reference # 25 Please respond by: 12/09/08
---	----------	-------	--	---

Attached is the product data for a Magnehelic differential pressure Gage- to be used in place of the U-tube manometer.

EnSol, Inc.

- Accepted
- Accepted w/noted changes
- Not Accepted
- Revise and resubmit

Reviewed by: B. Shiah

Date: 12/16/09

Note: Each vacuum fan specified is expected to operate at approximately 0-1.5 in w.c. with a range of 0-2.2. Gauge should read/measure a range of 0-3.0 inches of water. Recommend Dwyer Series 2000 Model No. 2003

REMARKS:

SIGNED: [Signature]

If enclosed are not as noted, kindly notify us at once.



Series 2000

Magnehelic® Differential Pressure Gages

Indicate Positive, Negative or Differential, Accurate within 2%

Patent Nos. 4,030,365
5,012,678

Standard Magnehelic® Pressure Gage has a large, easy-to-read 4" dial.

Dimensions, Standard Series 2000 Magnehelic® Pressure Gages. (Slightly different on medium and high pressure models)

Select the Dwyer® Magnehelic® gage for high accuracy – guaranteed within 2% of full scale – and for the wide choice of 81 models available to suit your needs precisely. Using Dwyer's simple, frictionless Magnehelic® gage movement, it quickly indicates low air or non-corrosive gas pressures – either positive, negative (vacuum) or differential. The design resists shock, vibration and over-pressures. No manometer fluid to evaporate, freeze or cause toxic or leveling problems. It's inexpensive, too.

The Magnehelic® gage is the industry standard to measure fan and blower pressures, filter resistance, air velocity, furnace draft, pressure drop across orifice plates, liquid levels with bubbler systems and pressures in fluid amplifier or fluidic systems. It also checks gas-air ratio controls and automatic valves, and monitors blood and respiratory pressures in medical care equipment.

Note: May be used with Hydrogen. When ordering a Buna-N diaphragm pressures must be less than 35 psi.

MOUNTING. A single case size is used for most models of Magnehelic® gages. They can be flush or surface mounted with standard hardware supplied.



Flush...Surface...or Pipe Mounted

With the optional A-610 Pipe Mounting Kit they may be conveniently installed on horizontal or vertical 1-1/4" - 2" pipe. Although calibrated for vertical position, many ranges above 1" may be used at any angle by simply re-zeroing. However, for maximum accuracy, they must be calibrated in the same position in which they are used. These characteristics make Magnehelic® gages ideal for both stationary and portable applications. A 4-9/16" hole is required for flush panel mounting. Complete mounting and connection fittings plus instructions are furnished with each instrument.

VENT VALVES

In applications where pressure is continuous and the Magnehelic® gage is connected by metal or plastic tubing which cannot be easily removed, we suggest using Dwyer A-310A vent valves to connect gage. Pressure can then be removed to check or re-zero the gage.



HIGH AND MEDIUM PRESSURE MODELS

Installation is similar to standard gages except that a 4-13/16" hole is needed for flush mounting. The medium pressure construction is rated for internal pressures up to 35 psig and the high pressure up to 80 psig. Available for all models. Because of larger case, the medium pressure and high pressure models will not fit in a portable case size. Installation of the A-321 safety relief valve on standard Magnehelic® gages often provides adequate protection against infrequent overpressure.



SPECIFICATIONS

- Service:** Air and non-combustible, compatible gases. (Natural Gas option available.)
 - Wetted Materials:** Consult factory.
 - Housing:** Die cast aluminum case and bezel, with acrylic cover. Exterior finish is coated gray to withstand 168 hour salt spray corrosion test.
 - Accuracy:** ±2% of full scale (±3% on -0, -100 Pa, -125 Pa, 10MM and ±4% on -00, -60 Pa, -6MM ranges), throughout range at 70°F (21.1°C).
 - Pressure Limits:** -20" Hg. to 15 psig.† (-0.677 bar to 1.034 bar); MP option: 35 psig (2.41 bar), HP option: 80 psig (5.52 bar).
 - Overpressure:** Relief plug opens at approximately 25 psig (1.72 bar), standard gages only.
 - Temperature Limits:** 20 to 140°F.* (-6.67 to 60°C).
 - Size:** 4" (101.6 mm) Diameter dial face.
 - Mounting Orientation:** Diaphragm in vertical position. Consult factory for other position orientations.
 - Process Connections:** 1/8" female NPT duplicate high and low pressure taps - one pair side and one pair back.
 - Weight:** 1 lb 2 oz (510 g), MP & HP 2 lb 2 oz (963 g).
 - Standard Accessories:** Two 1/8" NPT plugs for duplicate pressure taps, two 1/8" pipe thread to rubber tubing adapter and three flush mounting adapters with screws. (Mounting and snap ring retainer substituted for 3 adapters in MP & HP gage accessories.)
- *Low temperature models available as special option.
†For applications with high cycle rate within gage total pressure rating, next higher rating is recommended. See Medium and High pressure options at lower left.

OPTIONS AND ACCESSORIES



Transparent Overlays

Furnished in red and green to highlight and emphasize critical pressures.



Adjustable Signal Flag

Integral with plastic gage cover. Available for most models except those with medium or high pressure construction. Can be ordered with gage or separate.



LED Setpoint Indicator

Bright red LED on right of scale shows when setpoint is reached. Field adjustable from gage face, unit operates on 12-24 VDC. Requires MP or HP style cover and bezel.



A-432 Portable Kit

Combine carrying case with any Magnehelic® gage of standard range, except high pressure connection. Includes 9 ft (2.7 m) of 3/16" I.D. rubber tubing, standhang bracket and terminal tube with holder.



A-605 Air Filter Gage Accessory Kit

Adapts any standard Magnehelic® gage for use as an air filter gage. Includes aluminum surface mounting bracket with screws, two 5 ft (1.5 m) lengths of 1/4" aluminum tubing two static pressure taps and two molded plastic vent valves, integral compression fittings on both taps and valves.

Quality design and construction features

Bezel provides flange for flush mounting in panel.

Clear plastic face is highly resistant to breakage. Provides undistorted viewing of pointer and scale.

Precision litho-printed scale is accurate and easy to read.

Red tipped pointer of heat treated aluminum tubing is easy to see. It is rigidly mounted on the helix shaft.

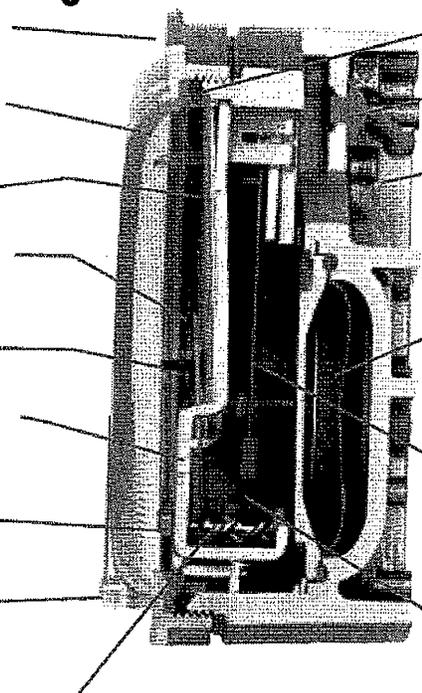
Pointer stops of molded rubber prevent pointer over-travel without damage.

"Wishbone" assembly provides mounting for helix, helix bearings and pointer shaft.

Jeweled bearings are shock-resistant mounted; provide virtually friction-free motion for helix. Motion damped with high viscosity silicone fluid.

Zero adjustment screw is conveniently located in the plastic cover, and is accessible without removing cover. O-ring seal provides pressure tightness.

Helix is precision made from an alloy of high magnetic permeability. Mounted in jeweled bearings, it turns freely, following the magnetic field to move the pointer across the scale.



O-ring seal for cover assures pressure integrity of case.

Blowout plug of silicone rubber protects against overpressure on 15 psig rated models. Opens at approximately 25 psig.

Die cast aluminum case is precision made and iridite-dipped to withstand 168 hour salt spray corrosion test. Exterior finished in baked dark gray hammerloid. One case size is used for all standard pressure options, and for both surface and flush mounting.

Silicone rubber diaphragm with integrally molded O-ring is supported by front and rear plates. It is locked and sealed in position with a sealing plate and retaining ring. Diaphragm motion is restricted to prevent damage due to overpressures.

Calibrated range spring is flat spring steel. Small amplitude of motion assures consistency and long life. It reacts to pressure on diaphragm. Live length adjustable for calibration.

Samarium Cobalt magnet mounted at one end of range spring rotates helix without mechanical linkages.

SERIES 2000 MAGNEHELIC® GAGE — MODELS AND RANGES

The models below will fulfill most requirements. Page V also shows examples of special models built for OEM customers. For special scales furnished in ounces per square inch, inches of mercury, metric units, etc., contact the factory.

Dual Scale English/Metric Models		
Model Number	Range, In. W.C.	Range, Pa or kPa
2000-DD	0-0.5	0-125 Pa
2001D	0-1.0	0-250 Pa
2002D	0-2.0	0-500 Pa
2003D	0-3.0	0-750 Pa
2004D	0-4.0	0-1.0 kPa
2006D	0-6.0	0-1.5 kPa
2008D	0-8.0	0-2.0 kPa
2010D	0-10	0-2.5 kPa

Model Number	Range Inches of Water	Model Number	Range Zero Center Inches of Water	Dual Scale Air Velocity Units				Model Number	Range, CM of Water	Model Number	Range, Pascals
				Model Number	Range in W.C. Velocity, F.P.M.	Model Number	Range, CM of Water				
2000-00NT**	0-0.2	2300-01*	0-25	2000-00AV†**	0-25/300-2000	2000-15CM	0-15	Zero Center Ranges			
2000-001**	0-25	2301	5-0-5	2000-0AV†*	0-50/500-2800	2000-20CM	0-20	2300-60PA	30-0-30		
2000-01*	0-50	2302	1-0-1	2001AV	0-1.0/500-4000	2000-25CM	0-25	2300-100PA	50-0-50		
2001	0-1.0	2304	2-0-2	2002AV	0-2.0/1000-5600	2000-50CM	0-50	2300-120PA	60-0-60		
2002	0-2.0	2310	5-0-5	2010AV	0-10/2000-12500	2000-80CM	0-80	2300-250PA	125-0-125		
2003	0-3.0	2320	10-0-10	For use with pitot tube.		2000-100CM	0-100	2300-500PA	250-0-250		
2004	0-4.0	2330	15-0-15			2000-150CM	0-150				
2005	0-5.0					2000-200CM	0-200				
2006	0-6.0					2000-250CM	0-250				
2008	0-8.0					2000-300CM	0-300				
2010	0-10										
2015	0-15	2201	0-1			Zero Center Ranges					
2020	0-20	2202	0-2	2000-6MM†**	0-6	2300-4CM	2-0-2				
2025	0-25	2203	0-3	2000-10MM†*	0-10	2300-10CM	5-0-5				
2030	0-30	2204	0-4	2000-25MM	0-25	2300-30CM	15-0-15				
2040	0-40	2205	0-5	2000-50MM	0-50						
2050	0-50	2210*	0-10	2000-80MM	0-80						
2060	0-60	2215*	0-15	2000-100MM	0-100						
2080	0-80	2220*	0-20	Zero Center Ranges							
2100	0-100	2230**	0-30	2300-20MM†	10-0-10						
2150	0-150										
Accessories A-299, Surface Mounting Bracket A-300, Flat Flush Mounting Bracket A-310A, 3-Way Vent Valve A-321, Safety Relief Valve A-432, Portable Kit A-605, Air Filter Kit A-610, Pipe Mount Kit				Options — To order, add suffix: I.E. 2001-ASF ASF (Adjustable Signal Flag) HP (High Pressure Option) LT (Low Temperatures to -20°F) MP (Med. Pressure Option) SP (Setpoint Indicator)				Model Number Range, Pascals 2000-60PA1** 0-60 2000-100PA1* 0-100 2000-125PA1* 0-125 2000-250PA 0-250 2000-300PA 0-300 2000-500PA 0-500 2000-750PA 0-750		Model Number Range, Kilopascals 2000-1KPA 0-1 2000-1.5KPA 0-1.5 2000-2KPA 0-2 2000-3KPA 0-3 2000-4KPA 0-4 2000-5KPA 0-5 2000-8KPA 0-8 2000-10KPA 0-10 2000-15KPA 0-15 2000-20KPA 0-20 2000-25KPA 0-25 2000-30KPA 0-30	
Scale Overlays — Red, Green, Mirrored or Combination, Specify Locations				Zero Center Ranges 2300-1KPA 5-0-5 2300-3KPA 1.5-0-1.5							

†These ranges calibrated for vertical scale position.
 * Accuracy +/-3%, ** Accuracy +/-4%

1011R01-0298R

APPENDIX D

APPENDIX E

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

THIS INDENTURE made this 9th day of February, 2011, between Owner(s) Bellevue Local Development Corp., having an office at 745 Main Street, P.O. Box 69, Niagara Falls, NY 14302, (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the address of 1925 Main Street in the City of Niagara Falls, County of Niagara and State of New York, known and designated on the tax map of the County Clerk of Niagara as tax map parcel numbers: Section 144.13 Block 3 Lot 24, being the same as that property conveyed to Grantor by deed dated January 15, 2008 and recorded in the Niagara County Clerk's Office in Book 3426 at Page 0693 and by bargain and sale deed dated, December 4, 2007, recorded in the Niagara County Clerk's Office in Book 3426 at Page 0697 comprising approximately .803 ± acres, and hereinafter more fully described in the Land Title Survey dated July 7, 2006, revised October 5, 2010, October 19, 2010 and January 13, 2011 prepared by Deborah A. Naybor PLS, P.C., which will be attached to the Site Management Plan. The property description and survey (the "Controlled Property") is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of human health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

Please Record & Return to:
Charles W. Malcomb, II, Esq.
140 Pearl Street, Suite 100
Buffalo, NY 14202

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of BCA Index Number: B9-0758-07-11, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement")

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

**Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii),
Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial
as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP.

(4) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(5) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(6) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(7) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP.

(8) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP.

(9) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential purposes, and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

NYSDEC – Region 9
Division of Environmental Remediation
270 Michigan Avenue
Buffalo, NY 14203-2915,
Phone: (716) 851-7220

or

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall annually, or such time as NYSDEC may allow, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:
(i) are in-place;
(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her 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

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a

defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to: Site Number: C 932133
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to: Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

Bellevue Local Development Corp.:

By: Thomas G Pryce

Print Name: Thomas G. Pryce

Title: President Date: February 4, 2011

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF Niagara)

On the 4th day of February, in the year 20 11, before me, the undersigned, personally appeared Thomas G. Pryce, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Thomas M. O'Donnell
Notary Public - State of New York

THOMAS M. O'DONNELL
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN NIAGARA COUNTY
COMMISSION EXPIRES 4/30/2011

THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: Dale A. Desnoyers
Dale A. Desnoyers, Director
Division of Remediation

Grantee's Acknowledgment

STATE OF NEW YORK)
COUNTY OF Albany) ss:

On the 9th day of February, in the year 2011, before me, the undersigned, personally appeared Dale Desnoyers personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

David J. Chiusano
Notary Public - State of New York

David J. Chiusano
~~Notary Public, State of New York~~
No. 01CH5092146
Qualified in Schenectady County
Commission Expires August 22, 2014

SCHEDULE "A" ENVIRONMENTAL EASEMENT
PROPERTY DESCRIPTION

1925 Main Street
Niagara Falls, NY
Tax Map: 144.13-3-24

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 37 of the Mile Reserve, bounded and described as follows:

BEGINNING at a point on the easterly boundary of Main Street (formerly Lewiston Avenue) (66.0 feet wide) at its intersection with the southerly boundary of Cleveland Avenue (formerly Erie Avenue) (64' wide); thence easterly along said southerly line of Cleveland Avenue a distance of 229.48 feet to the westerly boundary of an Alley known as South Avenue Place (16' wide); thence southerly along the westerly boundary of said alley and being parallel with Tenth Street forming an interior angle of $90^{\circ}-45'-30''$ a distance of 166.55 feet to a point on the northerly line of lands conveyed to the city of Niagara Falls and recorded in the Niagara County Clerk's Office in Liber 2651 of Deeds at page 301; thence westerly along said northerly line of Liber 2651 of Deeds at page 301 and a westerly extension of said line, forming an interior angle of $88^{\circ}-54'-34''$ a distance of 192.30 feet to a point on the first mentioned easterly boundary of Main Street; thence northerly along said easterly boundary of Main Street forming an interior angle of $103^{\circ}-43'-29''$ a distance of 170.04 feet to the point of beginning, containing 0.803 acre more or less.

