Panamerican Environmental, Inc.
2390 Clinton Street
Buffalo, New York 14227
Tel: (716) 821-1650
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PANAMERICAN

October 8, 2012

Mr. Anthony M. Kissling
Remington Lofts on the Canal, LLC
298 Main Street
Suite 222
Buffalo, New York 14202

Re: Periodic Review Report and IC/EC Certification Submittal – Site No. C932142 – Remington Rand Building

Dear Mr. Kissling:

Panamerican Environmental, Inc. (PEI) is pleased to submit this Periodic Review Report and the completed Institutional and Engineering Controls Certification Form (IC/EC form – refer to Attached Enclosure 2 Form). This report has been completed in compliance with the requirements stipulated in the NYSDEC approved Site Management Plan (*Site Management Plan-Former Remington Rand Facility; City of North Tonawanda, Niagara County, New York; NYSDEC Site Number C932142; Prepared for: Remington Lofts on the Canal, LLC; Prepared by: Panamerican Environmental, Inc.; Dated: September 2010)*. Additionally, this report generally follows the Periodic Review Report (PPR) General Guidance which was attached to the NYSDEC Reminder Notice: Site Management Periodic Review and IC/EC Certification Submittal letter of July 18, 2012.

I. EECUTIVE SUMMARY

The site is located in the City of North Tonawanda, County of Niagara, New York and is identified as Block 1 and Lot 21 on the Niagara County Tax Map (SBL # 185.09-1-21). The site is an approximately 1.8 acre area bounded by Tremont Street to the north, Sweeney Street to the south, New York Central Railroad property to the east, and Marion Street to the west. The boundaries of the site are more fully described on the ALTA Survey map. The 1.8-acre site includes a slab-on-grade four-story concrete block and brick building. Also, a one-story slab-on-grade brick building adjoins the four-story building on the south. The remainder of the property is occupied by asphalt/concrete and gravel parking areas with some green space. The building area occupies approximately 1.2 acres of the 1.8 acre property.

The following is a summary of the nature and extent of contamination from the remedial investigation and resulting remedial history:

Sub-Slab Vapor Investigation -The sub-slab vapor assessment program resulted in a number of VOC compounds detected in both the indoor/outdoor air samples and in the sub-slab vapor samples. To mitigate the sub slab vapors in an area of elevated VOCs a passive vapor mitigation system was installed under an IRM with provisions to make the system active (In-line fan installed). The vapor mitigation system was sampled per the SMP as part of this periodic inspection and the results are discussed in section V.

Exterior Soils Investigation - Exterior surface and sub-surface soils exhibited elevated concentrations of PAHs and metals that exceeded Part 375 residential and restricted residential soil cleanup objectives. In order for the site to meet Part 375 restricted residential cleanup objectives the top two feet of existing soil across the site, exterior to the building, was removed as an IRM and replaced with clean fill material. The removed soil was disposed off-site at a NYSDEC approved landfill. Most of this open area was then covered with asphalt (driveways/parking), sidewalks and minimal additional landscaping.

Sub-Slab Soils Investigation - Sub-slab soils exhibited only a few PAH and metal compounds that slightly exceeded Part 375 residential and restricted residential soil cleanup objectives. Because of the very low level of contamination detected and the fact that the floor slab is to remain in place for the planned future development no further remediation was recommended for this area.

Floor Drains/Pits Sediment Investigation – The existing building first floor drain/trench system and elevator pits sediment samples exhibited in several samples significant elevated concentrations of a number of metal compounds that exceeded 375 residential and restricted residential soil cleanup objectives. The sediments were removed from the drains/trenches and pits under an IRM and disposed off-site at an approved disposal facility.

Transformer sampling indicated that three of the ten existing transformers and both fluid reservoirs did not have PCB containing oil. Results from the remaining seven transformers indicated various concentrations of PCBs (COC) with the highest being 250 ppm. Some minor staining of soil around specific transformers indicated elevated levels of PCBs in the surface stained areas. Under an IRM all transformers, contents and impacted soil were removed according to regulations and properly disposed of at an approved disposal facility.

Upon completion of the IRMs remnant contamination remains in site soil material below the two foot removal level. The final remedy for the site included the establishing of an environmental easement that restricts future development to restricted residential use and the establishing of engineering and institutional controls for the site as stipulated in the SMP.

The periodic review resulted in no areas of non-compliance regarding the major elements of the SMP.

As a result of this periodic review no changes to the SMP are recommended with the exception of conducting sub slab vapor sampling once per year instead of every six months.

II. SITE OVERVIEW

The site is located in the City of North Tonawanda, County of Niagara, New York and is identified as Block 1 and Lot 21 on the Niagara County Tax Map (SBL # 185.09-1-21). The site is an approximately 1.8 acre area bounded by Tremont Street to the north, Sweeney Street to the south, New York Central Railroad property to the east, and Marion Street to the west. The boundaries of the site are more fully described on the ALTA Survey map (see attachment). The 1.8-acre site includes a slab-on-grade four-story concrete block and brick building. Also, a one-story slab-on-grade brick building adjoins the four-story building on the south. The remainder of the property is occupied by asphalt/concrete and gravel parking areas with some green space. The building area occupies approximately 1.2 acres of the 1.8 acre property.

Nature and Extent of Contamination Prior to Site Remediation (RI Program)

Building sub-slab vapor assessment program resulted in a number of VOC compounds detected in both the indoor/outdoor air samples and in the sub-slab vapor samples. Based on the NYSDOH Guidance for Evaluating Soil Vapor Intrusion in NY State, only one sample had concentrations indicating follow-up remediation.

Building exterior surface and sub-surface soils analytical results confirmed the results of prior assessments completed on the property which indicated elevated concentrations of PAHs and metals (COCs) that exceeded Part 375 restricted residential soil cleanup objectives.

Building sub-slab soils assessment indicated only a few PAH and metal compounds that slightly exceeded Part 375 restricted residential soil cleanup objectives. Because of the very low level of contamination detected and the fact that the floor slab is to remain in place for the planned future development no further remediation was recommended for this area.

Building first floor drain/trench and elevator pit sediment assessment indicated elevated concentrations of a number of metal compounds (COCs) that exceeded 375 restricted residential soil cleanup objectives.

Groundwater assessment indicated that only two metal compounds were detected in two of the unfiltered samples which exceeded the TOGs groundwater standards. No metal compounds exceeded groundwater standards in the filtered samples. Since the site is served by municipal water supply, and groundwater is not planned to be used for the new development, no further action related to groundwater was recommended.

Transformer sampling indicated that three of the ten existing transformers and both fluid reservoirs did not have PCB containing oil. Results from the remaining seven transformers indicated various concentrations of PCBs (COC) with the highest being 250 ppm. Some minor staining of soil around specific transformers indicated elevated levels of PCBs in the surface stained areas.

Remedial Program

The site was remediated in accordance with the remedy selected by the NYSDEC in its decision document dated November 2010. The components of the selected remedy included implementation of Interim Remedial Measures (IRMs) with institutional and engineering controls (IC/EC).

IRMs

Based on the findings of the RI program (see above) the following IRMs were completed:

1. Installed a sub-slab vapor venting system beneath a portion of the ground floor slab of the structure (June and August 2010).

2. Removed the top two feet of impacted soil across the site and replacement with two feet of clean fill and/or cement/asphalt paving sections (April and August 2010).

3. Removed sediments and cleaned building floor drains and elevator shafts (April and June 2010).

4. Removed and disposed of PCB transformer fluids, transformers/enclosures and any impacted soil/materials adjacent/below transformers (March 2010).

ICs/ECs

The final remedy for the site is defined as performing no additional cleanup activities at the Site beyond that which was already performed as IRMs with implementation of ICs and ECs as follows:

- Execution and recording of an Environmental Easement to restrict land use to restricted residential use per NYSDEC Part 375 regulations and prevent future exposure to any contamination remaining at the site.
- Development and implementation of a Site Management Plan (SMP) for long term management of remaining contamination including operation, monitoring and maintenance of the sub-slab vapor venting system as required by the Environmental Easement, which includes plans for Institutional and Engineering Controls.

There have been no changes to the select remedy since remedy selection.

III. EFFECTIVENESS OF THE REMEDIAL PROGRAM AND COMPLIANCE

The current site use effectively meets, and is in compliance with, the ICs/ECs for the site discussed in section IV.

IV. IC/EC COMPLIANCE REPORT

Institutional Controls (IC)

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 use 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 residential use without additional remediation and amendment of the Environmental Easement, as approved by the NYSDEC;
- All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with this SMP;
- The use of the groundwater underlying the property is prohibited without testing and approval of the NYSDEC and NYSDOH;
- Vegetable gardens and farming on the property are prohibited.

The current site use meets all of the IC requirements. There are no recommendations for changes to the ICs.

Engineering Controls (ECs)

The following Engineering Control systems were inspected for compliance to SMP requirements:

Soil Cover

Exposure to remaining contamination in soil/fill at the site will be prevented by a soil cover system placed over the site. This cover system is comprised of a minimum of 24 inches of clean soil, asphalt/concrete pavement sections (12 inches minimum depth) and the existing concrete building slab. Before placement of cover material a geotextile fabric layer was placed as a demarcation between the clean fill and the existing soil. The Excavation Work Plan that appears in Appendix A of the SMP outlines the procedures required to be implemented in the event the cover system is breached, penetrated or temporarily removed and any underlying remaining contamination is disturbed.

The soil cover was inspected and appears to be in place with no disturbances since its initial placement and is in compliance with the requirements of the SMP (refer to attached photos).

Sub-Slab Vapor Depressurization System

A passive sub-slab soil vapor depressurization system was installed below the first floor slab in the rear northeast end of the center section of the structure, south of the courtyard area. The system was designed to allow for conversion to an active sub-slab depressurization system by activating an in-line

fan installed during the IRM. To evaluate the effectiveness of the vent system a sample will be collected from the vent stack sample port along with an ambient air sample within six months of installation and every six months thereafter. Samples will be analyzed for TCL VOCs by EPA Method TO-15. Prior to each sampling event the in-line fan will be turned on to exert the necessary vacuum to collect a representative sub-slab air sample. The TO-15 sample will be collected using a Summa canister through the provided sample port in the vent stack.

The monitoring and sampling of the depressurization system are discussed in sect V- Monitoring Plan Compliance Report.

V. MONITORING PLAN COMPLIANCE REPORT

Soil Cover System Monitoring

The soil cover was inspected and appears to be in place with no disturbances since its initial placement and is in compliance with the requirements of the SMP.

Sub-Slab Vapor Monitoring

A passive soil vapor depressurization system was installed in the rear northeast end of the center section of the structure, south of the courtyard area. The system was designed to allow for conversion to an active sub-slab depressurization system by activating an in-line fan installed during the IRM. To evaluate the effectiveness of the vent system a sample will be collected from the vent stack sample port along with an ambient air sample within six months of installation and every six months thereafter. Samples will be analyzed for TCL VOCs by EPA Method TO-15. Prior to each sampling event the in-line fan will be turned on to exert the necessary vacuum to collect a representative sub-slab air sample. The TO-15 sample will be collected using a Summa canister through the provided sample port in the vent stack.

Air samples were collected from both the ambient air (1 sample) and the stack sample port (1 sample) following the procedures noted above and in the SMP. Samples were collected on September 13, 2012. The analytical results are presented in the attached Table 6 (Revised 9/27/12) from the RI/AAR/IRM report. Changes from the original table are high-lighted in yellow Refer to attached photos).

Using the Matrix I and 2 models from the NYSDOH Guidance for Evaluating Soil Vapor Intrusion in NY State, 10/06 the concentrations of the guidance selected VOCs detected at the site were evaluated as follows:

Matrix 1 - Indoor air concentrations for trichloroethene and is between 0.25 to <1 (refer to table 6) and sub-slab concentrations for this compound is <5 resulting in Action 2 "Take reasonable and practical actions to identify source(s) and reduce exposure". Indoor air concentrations for carbon tetrachloride is below 0.25 to <1 (refer to table 6) and sub-slab concentrations for this compound is <5 resulting in Action 1 "No Further Action".

Matrix 2 – Indoor air concentrations for both tetrachlorothene and 1,1,1-tricloroethane are <3. Sub-slab vapor concentrations for compounds are <100 resulting in Action 1 "No further action".

The September 2012 analytical results for the specific compounds addressed above under the NYSDOH guidance Matrices indicate reduced compound concentrations from the original 2009 sampling program. Three of the four specified compounds now fall into the "No Further Action" category which would indicate that the depressurization system is working adequately. A number of other VOCs were detected at various concentrations in the indoor air sample, the origin of which is presently unknown. The fact that the indoor area sampled is used as a parking garage could lead to the assumption that lingering auto fumes and possible oil/gas stain odors could account for some of the VOCs present in the ambient air.

No corrective measures are proposed to the ICs/ECs. The IC/EC certification forms are attached to this report. Based on the results of this sampling program PEI would recommend that the depressurization system be sampled once per year at the time of the Periodic inspection instead of every six months.

VI. OPERATION & MAINTENENCE (O & M) PLAN COMPLIANCE REPORT

In general, the site remedy does not rely on any mechanical systems; however, an in-line fan has been installed as part of the sub-slab venting system in the vent stack near the ceiling of the first floor of the building. The fan was used to draw a vacuum on the system during this sampling event for assessing the operating efficiency of the system. The in-line fan will also be used if the system is required to become an active system whereby the fan will operate continuously. A one inch sample port has been installed in the six inch PVC vertical vent pipe on the first floor. A vapor sample will be collected through the sample port for analysis and an in-door ambient air sample will also be collected. The sub-slab sample will be collected by using a 6-liter Summa® canister equipped with a pre-calibrated/certified 2-hour flow controller, and particulate filter.

The following sub-slab sampling procedures were followed per the SMP:

Remove the one inch plug from the sampling port and insert a ¼ inch Teflon or polyethylene tube through the port to the center of the 6 inch vent pipe. Seal the tubing at the port opening with a piece of modeling clay. Attach the sample tubing to the end of the flow controller/particulate filter assembly of a 6-liter Summa® canister using a ¼-inch Swagelok nut with appropriate ferrules. With the summa canister valve closed, close the knife valve in the vent line at the vent pipe by-pass and turn on the in-line fan and run for 15 minutes. Turn off the fan and turn on the valve built into the Summa canister. Sample collection will be terminated by shutting off the valve after the vacuum in the canister has reached approximately minus 3 inches of mercury.

Air/vapor sampling and analytical results are discussed in section V.

The maintenance of the in-line fan will be minimal. The installed Fantech HP-220 fan housing is factory sealed to prevent leakage. The fan housing is caulked sealed into the six inch vent pipe. It has a water tight electrical terminal box approved for mounting in wet locations i.e. outdoors. The motor is

totally enclosed for protection and has a high efficiency EBM motorized impeller with automatic reset thermal overload protection. The average life expectancy is 7-10 years under continuous load conditions and has five year full factory warrantee.

During the yearly inspection the knife value will be manually closed and the fan turned on for a minimum of 15 minutes to assure it is operational. This was completed on September 13, 2012 during the periodic field inspection. The caulking seals were also inspected and were deemed satisfactory. No O & M deficiencies were noted during the inspection.

VII. CONCLUSIONS AND RECOMMENDATIONS

PEI conducted a periodic site inspection of the Former Remington-Rand facility on September 13, 2012 to assess compliance with the Site Management Plan (SMP). Based upon inspection of the site cover system, sub-slab vapor system sample analytical results and discussions with the facility ownership PEI concludes that the site is in compliance with the SMP. The performance and effectiveness of the selected remedy appears to continue to achieve the remedial objectives for the site.

PEI also recommends that the sampling of the sub-slab depressurization system be changed from every six months as called for in the SMP to once a year at the time of the Periodic Inspection.

Thank you for the opportunity to be of assistance to you on this project. Please do not hesitate to contact us if you have any questions or require further assistance.

Sincerely,

John B. Berry, PE
Senior Project Manager
Panamerican Environmental, Inc.

Attachments

Enclosure 2 - NYSDEC Institutional and Engineering Controls Certification Form (Boxes 1-7)
Site Photographs

Figures:
Alta Survey Map

Tables:
Table 6 –Remington Rand Sub-Slab Vapor & Ambient Air Analytical Results Rev 9/27/12

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

Site Details **Box 1**

Site No. **C932142**

Site Name Remington Rand Building

Site Address: 184 Sweeney Street Zip Code: 14120
City/Town: North Tonawanda
County: Niagara
Site Acreage: 1.8

Reporting Period: November 30, 2010 to June 29, 2012

	YES	NO
1. Is the information above correct?	☒	☐
If NO, include handwritten above or on a separate sheet.		
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	☐	☒
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	☐	☒
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	☐	☒
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.		
5. Is the site currently undergoing development?	☐	☒

Box 2

	YES	NO
6. Is the current site use consistent with the use(s) listed below? Restricted-Residential, Commercial, and Industrial	☒	☐
7. Are all ICs/ECs in place and functioning as designed?	☒	☐

IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

PE

Signature of Owner, Remedial Party or Designated Representative

10/8/12

Date

Box 2A

	YES	NO
8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?	☐	☒

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid? (The Qualitative Exposure Assessment must be certified every five years)	☒	☐

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C932142 **Box 3**

Description of Institutional Controls

Parcel	Owner	Institutional Control
185.09-1-21	Remington Lofts on the Canal, LLC	Ground Water Use Restriction IC/EC Plan Landuse Restriction Monitoring Plan O&M Plan Site Management Plan

Box 4

Description of Engineering Controls

Parcel	Engineering Control
185.09-1-21	Cover System Vapor Mitigation

Engineering Control Details for Site No. C932142

Parcel: 185.09-1-21

Environmental easement approved 9/1/2010 restricting use of grounwater and placing an Restricted Residential use restriction on the property. Soil cover and/or pavement placed over residual soil contamination. Sub-Slab passive depressurization system placed in a portion of the building to control potential vapor intrusion. Easement requires compliance with the Site Management Plan. Future intrusive activities and soil handling at the facility must be in accordance with the Excavation Work Plan found in the SMP.

Box 5

Periodic Review Report (PRR) Certification Statements

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

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

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

YES	NO
☒	☐

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

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

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

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

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

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

YES	NO
☒	☐

IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

John O Brien PE — Signature of Owner, Remedial Party or Designated Representative

10/8/12 — Date

IC CERTIFICATIONS
SITE NO. C932142

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I John B. Berry (print name) at Panamerican Environmental, Inc 2390 Clinton St. Buffalo, N.Y. 14227 (print business address)

am certifying as Owner Designated Representative (Owner or Remedial Party)

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

John B Berry
Signature of Owner, Remedial Party, or Designated Representative Rendering Certification

10/8/12
Date

IC/EC CERTIFICATIONS

Box 7

Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I John B. Berry (print name) at PanamericanEnvironmental, Inc 2390 Clinton St., Buffalo, N.Y. 14227 (print business address)

am certifying as a for the Owner Designated Representative (Owner or Remedial Party)

STATE OF NEW YORK
JOHN B. BERRY
No. 046600
LICENSED PROFESSIONAL ENGINEER

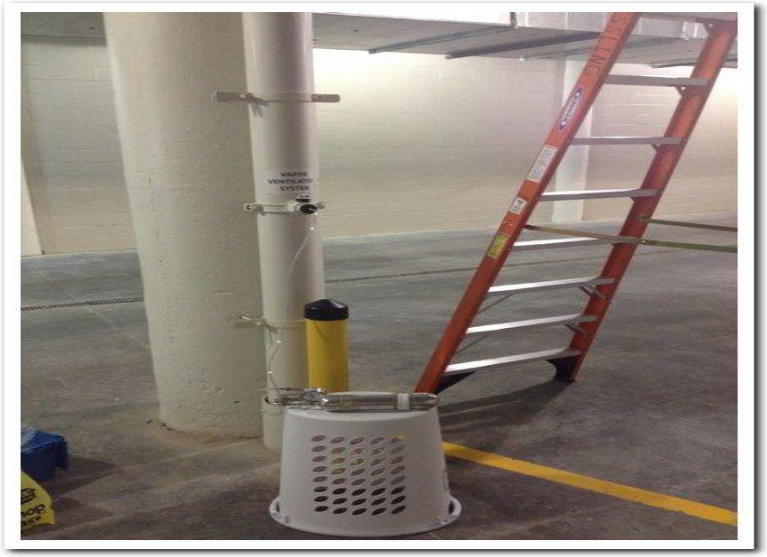
Signature of , for the Owner or Remedial Party, Rendering Certification

Stamp (Required for PE)

10/8/12
Date

1. Indoor air sampling

2. Indoor Air sampling

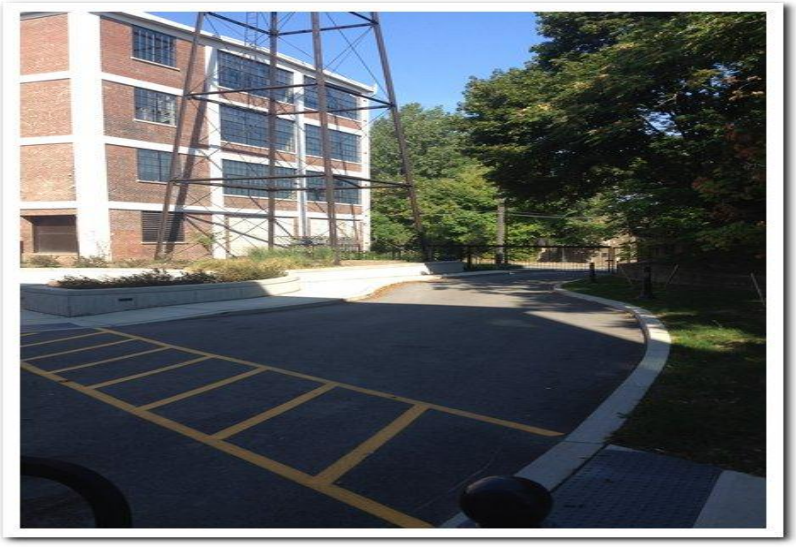


3. Vent Port Vapor Sampling

4. Vent Port Vapor Sampling

5. Ventilation System Fan

6. Site Condition Center Courtyard



7. Site Condition Entrance Rd East side

8. Site Condition Parking Area SE Side

9. Site Condition South Side-Front of Building

10. Site Condition South Side-Front Courtyard

11. Site Condition-West side

12. Site Condition North Side-Rear of Building

Legend of Symbols & Abbreviations

SM	SANITARY MANHOLE	FENCE	CONC. CONCRETE
S	SANITARY CLEAN OUT	SA SANITARY SEWER LINE	REC. RECORD
SD	STORM MANHOLE	G GAS LINE	MEAS. MEASURED
SD	STORM INLET	W WATER LINE	N. NORTH
	WATER VALVE	E ELECTRIC WIRES	S. SOUTH
	FIRE HYDRANT	OH OVERHEAD UTILITY WIRES	E. EAST
	GAS VALVE	GUY WIRE	W. WEST
	GAS REGULATOR		No. NUMBER
G	GAS METER		L. LIBER
	UTILITY POLE		P. PAGE
E	ELECTRIC METER		SQ. FT. SQUARE FEET
T	TELEPHONE MANHOLE		° DEGREES
	MONITOR WELL		' FEET OR MINUTES
			" INCHES OR SECONDS

Soil and Pavement Sections Cover System

Miscellaneous Notes

(MN1) No observed evidence of the location of cemeteries or burial grounds.

(MN2) No designated parking spaces.

(MN3) Institutional and Engineering Controls provided by Panamerican Environmental, Inc.. Revised map on 8/11/10 to show Institutional and Engineering Controls. No field work was performed by James L. Shisler L.S., P.C. and James L. Shisler L.S., P.C. accepts no responsibility as to the accuracy of the statements in the Institutional and Engineering Controls section.

(MN4) Two block buildings and a retaining wall with fence removed 8/21/10. No field work was performed.

(MN5) With the exception of the tower, preexisting site features have been removed as a result of remediation. No field work was performed. Map revised 8/27/10.

Utility Notes

(UN1) The locations of utilities shown hereon were determined from observation of ground appurtenances.

(UN2) The exact locations of utility lines (i.e. electric, telephone, gas, water, sanitary sewer and storm sewer) entering the subject property and the points of entry of such utilities into the subject property's building could not be determined.

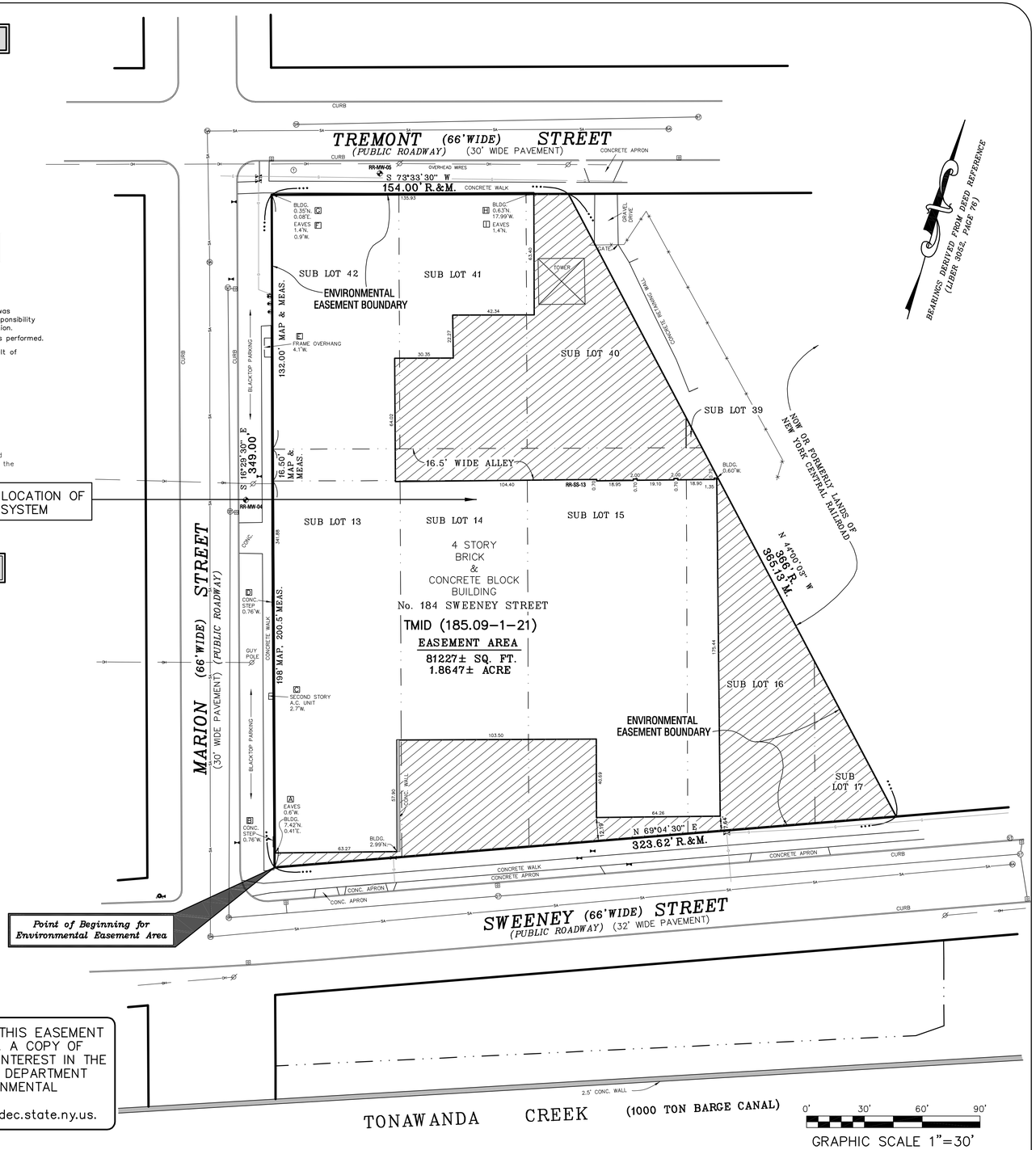
APPROXIMATE LOCATION OF SOIL VENTING SYSTEM

Statement of Possible Encroachments

[A] Subject property's eave encroaches up to 0.6'W.
[B] Subject property's concrete step encroaches up to 0.76'W.
[C] Subject property's second story air conditioning unit encroaches up to 2.7'W.
[D] Subject property's concrete step encroaches up to 0.76'W.
[E] Subject property's frame overhang encroaches up to 4.1'W.
[F] Subject property's eave encroaches up to 0.6'W. & 0.9'W.
[G] Subject property's building encroaches up to 0.35'N.
[H] Subject property's building encroaches up to 0.63'N.
[I] Subject property's eave encroaches up to 1.4'N.

Easements & Right of Ways

No Easements or Right of Ways appeared in Monroe Title Abstract No. 525799 dated December 4, 2009.



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.

ENVIRONMENTAL EASEMENT AREA ACCESS
THE DEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AS SHOWN HEREON THROUGH ANY EXISTING STREET ACCESS OR BUILDING INGRESS/EGRESS ACCESS POINT

0' 30' 60' 90'
GRAPHIC SCALE 1"=30'

0M 10M 20M 30M
GRAPHIC SCALE (METERS)

PART OF BOOK 17 OF MICROFILMED MAPS, PAGE 1687 & PAGE 1642
PART OF LOT NO. 81, MILE RESERVE
CITY OF NORTH TONAWANDA, COUNTY OF NIAGARA AND STATE OF NEW YORK

Legal Description

ENVIRONMENTAL EASEMENT AREA

All that tract or parcel of land, situate in the City of North Tonawanda, County of Niagara and State of New York, being part of Lot No. 81 of the Mile Reserve as shown on a map made by Peter Emslie and filed in the Niagara County Clerk's Office on February 10, 1849, now in Book 17 of Microfilmed Maps at page 1642 and also on a map made by B.F. Betts and filed in the Niagara County Clerk's Office on March 31, 1888, now in Book 17 of Microfilmed Maps at page 1687, bounded and described as follows:

Beginning at the point of intersection of the northerly line of Sweeney Street with the easterly line of Marion Street;

Thence N 69° 04' 30" E along the northerly line of Sweeney Street and along the southerly lines of Subdivision Lot Nos. 13, 14, 15, 16 and 17, a distance of 323.62 feet to the southwesterly line of lands now or formerly owned by the New York Central Railroad;

Thence N 44° 00' 03" W and through Subdivision Lot Nos. 17 and 16, a 16.5 foot alleyway and Subdivision Lot No. 40, a distance of 365.13 feet to the southerly line of Tremont Street;

Thence S 73° 33' 30" W along the southerly line of Tremont Street 154.00 feet to the easterly line of Marion Street;

Thence S 16° 29' 30" E along the easterly line of Marion Street 349.00 feet to the point or place of beginning, containing 1.8647 acres (81,227 square feet) of land more or less.

The above described is the same land as described in Monroe Title Abstract No. 525799, Parcel "A", dated December 4, 2009.

INSTITUTIONAL/ENGINEERING CONTROLS

INSTITUTIONAL CONTROLS

- The property may only be used for restricted residential use 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 or residential use without additional remediation and amendment of the Environmental Easement, as approved by the NYSDEC.
- All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with this SMP.
- The use of the groundwater underlying the property is prohibited without testing and approval of the NYSDEC and NYSDOH.
- Vegetable gardens and farming on the property are prohibited.

ENGINEERING CONTROLS

Soil and Pavement Sections Cover System – Removed the top two feet of existing site soil from all open green areas and a minimum of one foot of soil from areas to be covered with paving sections (roads, sidewalks, etc.). A minimum of two feet of approved clean fill was placed over all green space and a minimum of a one foot thick paving section (stone, concrete/asphalt) placed for roadways, sidewalks, etc. (see cross hatched area).

Sub-Slab Vapor Ventilation System – Venting system to be tested and a vapor and ambient air sample collected at 6 month intervals and results reviewed by NYSDEC.

Soil and Pavement Sections Cover System

ALTA/ACSM Land Title Survey

Remington Rand Site #C932142
184 Sweeney Street, North Tonawanda, N.Y.

JAMES L. SHISLER, L.S., P.C.
PROFESSIONAL LAND SURVEYORS

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Date of Survey: May 15, 2009
Date of Last Revision: August 27, 2010

Job No. 09177
Sheet No. E-2018

Sheet 1 of 1

TABLE 6 - Remington Rand Sub Slab Vapor & Ambient Air Analytical Results REV 9/27/12

Sample Number	RR-AA-01	RR-AA-02	RR-AA-03	RR-AA-04	RR-AA-05	RR-AMP-01	RR-SA-01	RR-SA-02	RR-SA-03	RR-SA-04	RR-SA-05	RR-SA-06	RR-SA-07	RR-PVC-01	NYSDOH (4)	NYSDOH (4)
Sample Date	5/12/2009	5/12/2009	5/12/2009	5/12/2009	5/12/2009	9/13/2012	5/12/2009	5/12/2009	5/12/2009	5/12/2009	5/12/2009	5/12/2009	5/12/2009	9/13/2012	Soil Vapor/Indoor Air	Soil Vapor/Indoor Air
Sample Location	Outdoor	Indoor	Indoor	Indoor	Indoor	Indoor	SubSlab	SubSlab	SubSlab	SubSlab	SubSlab	SubSlab	SubSlab	Vent Port	Matrix 1 (Sub-Vapor)	Matrix 2 (Sub-Vapor)
Compounds	ug/m3	ug/m3	ug/m3	ug/m3	ug/m3	ug/m3	ug/m3	ug/m3	ug/m3	ug/m3	ug/m3	ug/m3	ug/m3	ug/m3	ug/m3	ug/m3
VOCs EPA T0-15																
Ethylbenzcne	ND	ND	0.38	0.44	ND	4.2	1.50.	11.0	4.4	3.7	4.7	7.2	6.0	0.6		
Trichlorofluoromethane	1.4	I.4	2.2.	1.9.	2.1.	ND	83.0.	2.2.	2.0	2,0	8.9	5.8	2.7.	ND		
n-Hexane	ND	0.82	ND	1.1.	ND	ND	1.3.	14.0.	7.9	2.3	5.7	26.0	4.6.	ND		
tert-Butyl alcohol	ND	ND	ND	ND	ND	ND	L2	4.1.	3.8	5.0	5.6	62.0	9.7.	ND		
Methylene chloride	9.3.	1.2.	2.2.	12.0.	2.1.	1.2.	13.0.	3.4.	6.3	2.1	11.0	3.4	1.5.	0.2.		
Benzene	0.6.	1.4.	1.2.	1.1.	0.7.	1.9.	33.0.	84 E	2.9	1.4	3.7	5.8	1.5.	0.5.		
Styrene	ND	ND	9.3.	ND	ND	2.0.	ND	1.7.	0.6	1.6	470 E	5.0	1.0.	0.3.		
Tetrachloroethene	ND	ND	ND	ND	ND	0.3.	8.0.	6.3.	9.0	5.7	5.7	13.0	ND	ND		No Further Action (3)
Toluene	1.6.	2.6.	2.6.	2.5.	1.4.	42.0.	1.0.	55.0.	62.0	6.0	5.5	23.0	7.9.	3.0.		
l ,1,1-Trichloroethane	ND	ND	ND	0.5.	ND	ND	1.5.	8.2.	670 E	92.0	2.8	1.5	5.8	ND		No Further Action (3)
Trichloroethene	ND	0.3.	ND	0.7.	ND	0.5.	2.1.	ND	4.0	3.8	0.6	0,37	ND	0.1	< 5 (1)	
1,2,4-Trimethylbenzene	ND	ND	0.6.	0.5.	ND	1.0.	1.4.	15.0.	3.	2.1	3.1	4.9	2.5	0.4		
1,3,5-Trimethylbenzene	ND	ND	ND	ND	ND	0.4.	0.6.	9.2.	0.97	1.0	1.4	3.0	0.9	0.2		
o-Xylenc	ND	ND	0.6.	0.6.	ND	1.9.	1.9.	2.4.	9.	5.7	5.0	8.7	9.6	0.3		
1,1,2-Trichlorotritluoroethanc	ND	ND	0.7.	ND	ND	ND	0.7.	0,63	ND	0.6	0.8	0.6	0.7	ND		
m-Xylenc & p-Xylene	0.9.	0.6.	1.5.	1.4.	0.7.	6.4.	8.2.	48.0.	18	17.0	18.0	35.0	27.0	1.4		
Bromodichloromethane	ND	ND	ND	ND	ND	ND	0.6.	ND	ND	ND	15.0	1.8	ND	ND		
2-Butanorte (MEK)	1.6.	1.0.	1.2.	2.0.	3.7.	80.0.	4.3.	16.0.	8.	8.7	7.4	12.0	13.0	4.6		
4-Methyl-2-pentanone (MIBK)	ND	ND	ND	ND	ND	4.7.	ND	2.2.	ND	ND	ND	2.9	L2	ND		
Carbon tetrachloride	0.66 J	0.67 J	0.85 J	0.82 J	0.84 J	0.2.	0.75 J	0.62 J	0.84 J	0.7 J	1.5 J	0.73 J	1.4 J	0.7	No Further Action (3)	
Dibromochloromethane	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND		
Chloroform	ND	ND	ND	ND	ND	0.2.	3.2.	0.5.	2.	2.8	120.0	9.5	0.4	ND		
Chloromethane	0.8.	0.9.	1.3.	13.0.	1.5.	0.6.	ND	0.8.	4.	ND	ND	0.5	ND	0.2		
Cyclohe Mine	ND	ND	ND	ND	ND	ND	1.0.	ND	ND	ND	ND	ND	ND	ND		
Cyclohexane	ND	ND	ND	ND	ND	ND	ND	17.0.	19	12.0	5.0	15.0	34.0	ND		
Dichlorodifluoromethane	2.2.	23.0.	2.6.	2.6.	2.8.	ND	4.0.	2.9.	3.	1.3	3.1	2.8	2.3	ND		
1,1-Dichloroethane	ND	ND	ND	ND	ND	1.0.	ND	NO	2.	57.0	ND	ND	ND	0.2		
1,2-Dichloroethane	ND	ND	ND	ND	ND	1.7.	ND	ND	ND	ND	ND	ND	ND	0.19		
4-ethyltoluene	ND	ND	ND	ND	ND	1.0.	ND	ND	ND	ND	ND	ND	ND	0.22		
Acetone	ND	ND	ND	ND	ND	360.0.	ND	ND	ND	ND	ND	ND	ND	46		
Carbon disulfide	ND	ND	ND	ND	ND	11.0.	ND	ND	ND	ND	ND	ND	ND	1.1		
Ethyl acetate	ND	ND	ND	ND	ND	4.6.	ND	ND	ND	ND	ND	ND	ND	0.72		
Freon 12	ND	ND	ND	ND	ND	0.6.	ND	ND	ND	ND	ND	ND	ND	0.14		
Heptane	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	0.70		
Isopropyl alcohol	ND	ND	ND	ND	ND	15.0.	ND	ND	ND	ND	ND	ND	ND	1.8		
Methyl tert-butyl ether	ND	ND	ND	ND	ND	1.4.	ND	ND	ND	ND	ND	ND	ND	0.25		
Tetrahydrofuran	ND	ND	ND	ND	ND	2.6.	ND	ND	ND	ND	ND	ND	ND	0.22		

N/A - Not Applicable ND - Non-detect
E - Estimated result due to exceeding calibration range

(1) - Matrix 1 (Guidance for Evaluating Soil vapor Intrusion in NY State 10/06) indoor air concentration for both Trichloroethene and Carbon Tetrachloride falls between 0.25 to <1 and sub-slab vapor concentrations are less < 5 for all samples results in Action 2 "Take reasonable and practical actions to identify source(s) and reduce exposure".
(2) - Matrix 2 (see reference above) indoor air concentrations for both Tetrachlorothene and 1,1,1-Trichloroethane are < 3. Sub-slab vapor concentrations for Tetrachloroethene in all samples are < 100 resulting in Action 1 "No further action". Sub-slab vapor concentration from sample RR-SA-03 for 1,1,1-Trichloroethane falls between 100 to <1,000 resutls in Action 5 "Monitor"
(3) No further action: Matrix 1- Given that the compound was detected in the indoor air sample at less than 0.25 ug/m3 and that the concentration detected in the sub-slab vapor sample is not expected to significantly affect indoor air quality, no additional actions are needed to address human exposures.
Matrix 2 - **Given that the compound was detected in the indoor air sample at less than 100 ug/m3 and that the concentration detected in the sub-slab vapor sample**