



February 12, 2016

Mr. Timothy Dieffenbach, Project Manager  
NYS Department of Environmental Conservation  
270 Michigan Ave.  
Buffalo, NY 14203-2915

Re: Site No. C932157 – Tract I - 3123 Highland Ave, Niagara Falls, NY  
Periodic Review Report and IC/EC Certification Submittal

Dear Mr. Dieffenbach,

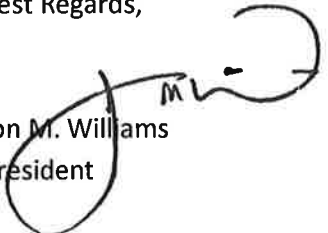
Brightfields Corporation hereby submits the Periodic Review Report for the Tract I BCP site in Niagara Falls, NY. Included in this report are an Executive Summary, a Site Description, the NYSDEC Enclosure 2 forms, and other required supporting documentation.

During the reporting period, there were no significant changes in site controls, uses or features.

Please note that in Section VII of the supporting documentation, we have requested a reduction in the reporting frequency for the site.

Please feel free to contact me at 716-856-3333 or [jmwilliams@oscinc.com](mailto:jmwilliams@oscinc.com) if you have any questions or concerns.

Best Regards,

  
Jon M. Williams  
President

Enclosures

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Brightfields Corporation  
333 Ganson Street • Buffalo, NY 14203  
Phone: (716) 856-3333 • Fax: (716) 842-1785

## I. Executive Summary

This document provides the first Periodic Review Report (PRR) for the Tract I Site (Site No. 932157) located at 3123 Highland Avenue in Niagara Falls, New York. The remediation of the Site to the restricted commercial standard in soil was completed in November of 2014. The Certificate of Completion for the Site was issued by the NYSDEC on December 23, 2014.

During the last year, the only activity on the Site was a small excavation to manage fuel oil discovered on the Tract II site. The proper notifications were made to the NYSDEC for this activity. The SMP required an annual inspection of the site, which is documented in this report. No redevelopment or use activities have occurred on the Site during the first reporting period. The Site is currently in compliance with the Institutional controls and no engineering controls or operation & maintenance was required. The selected remedy for the Site remains effective.

## II. Site Overview

Brightfields Corp. (Brightfields) has prepared this Periodic Review Report (PRR) for the Tract I Site (Site) located at 3123 Highland Avenue in the City of Niagara Falls, Niagara County, New York. This document is a required element of the remedial program 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 #C932157-03-12, Site # C932157, which was executed on April 5, 2012.

The Site is located in the City of Niagara Falls, County of Niagara, New York and is identified as Block 144.06-2-27 and Lot 34 on the City of Niagara Falls Tax Map. The Site is an approximately 5.9-acre area bounded by Tulip Corporation to the north, the Tract II Property to the south, the Tract II Property to the east, and Highland Avenue to the west (see **Figure 1**).

The Site was the location of a lead/acid battery manufacturing plant from approximately 1910 through the 1950s. In the early 1950s, the plant was retooled to produce hard rubber battery casings and for the filling and charging of lead/acid batteries. Manufacturing activities ceased in the 1970s and the Site was used as a warehouse and automotive body shop until the 1980s. By the late 1980s, the Site had been abandoned and various portions were in disrepair. At that time, the City of Niagara Falls (the City) acquired the property via tax foreclosure. In early 1999, the City initiated investigations at the Site under the New York State Environmental Restoration Program (ERP) in order to redevelop the property; the Site was assigned the ERP number B00160. The initial Site characterization was conducted by Ecology and Environment, Inc. (E&E), and presented in a May 2000 Site investigation report. Results from this investigation indicated that lead, PAHs, and PCBs were detected in Site media exceeding the applicable SCOs. The E&E report concluded that additional sampling would be necessary to delineate the extent of these constituents. In late 2007, the NYSDEC contracted EA Engineering, P.C. (EA) to perform additional Site characterization, the results of which, were presented in a May 2009 report. The EA investigation focused on debris inside of the building, and the results indicated that lead, arsenic, mercury, zinc, and PAHs were present in the building in concentrations exceeding the applicable SCOs. Upon completion of the E&E and EA remedial investigations, the City withdrew the Site from the ERP, and in 2011, Brightfields purchased Tract I. In July 2011, Amec implemented a Pre-Design Work Plan to refine the extent of lead identified in surface soil at the site; the results of which were incorporated into the Consolidated Remedial Investigation Report (CRIR). In December 2011, a BCP application was

submitted concurrently with the Draft Interim Remedial Measures Work Plan (IRM WP) for the demolition and decontamination of the building.

In July/August 2012 and February 2013, Amec implemented a Supplemental Remedial Investigation (SRI) Work Plan to complete the site characterization. Results of the SRI were presented in the Supplemental Remedial Investigation Report (SRIR). The SRI defined the nature and extent of the impacted soil and debris on the Site. The majority of the impacted soil was located on the exterior of the former PCW building footprint. This area contained lead and other metals, PAHs, and PCBs, in soil in concentrations above their respective Commercial SCOs. An area of soil containing similar constituents exceeding their respective Commercial SCOs also existed under the northern portion of the former PCW slab. Approximately 42 percent of the lead-impacted soil contained lead at concentrations that also exceeded the Toxicity Characteristic Leaching Procedure (TCLP) standard of 5 milligrams per liter (mg/L). An isolated area underlying the southeastern portion of the slab also contained concentrations of chromium above its Commercial SCO.

In addition to the impacts to Site soil, evaluation of historical documents from the Site indicated that underground storage tanks (USTs) may have been present on the southeastern corner of the building. Subsequent investigation confirmed the presence of the USTs; the removal of which was incorporated into the IRM.

The remedial action at the Site consisted of the excavation and off-site disposal of soils exceeding the restricted commercial SCO throughout the soil column. The remedial action was completed in November of 2014. The Site Management Plan (SMP) and the Final Engineering Report (FER) were approved in November and December of 2015, respectively. On December 23, 2014, the NYSDEC issued the Certificate of Completion for the Site. The COC requires the implementation of the SMP and the submittal of this PRR.

### **III. Evaluate Remedy Performance, Effectiveness, and Protectiveness**

The remedy at the Tract I site was to demolish the buildings, and remove and dispose of all soil that exceeded the Commercial SCOs or the TCLP lead standard. Soil that exceeded the TCLP standard of 5.0 mg/L lead was treated prior to off-site disposal. The excavated areas of the site were backfilled with either crushed construction debris that meets the commercial SCO, or imported fill that meets the applicable Allowable Constituent Levels for Imported Fill or Soil published in 6 NYCRR Part 375. No demarcation layer was required on the Site. After completion of the remediation, the soil met the Commercial SCOs throughout the soil column. A deed restriction was placed on the property forbidding its use for all but commercial and industrial purposes. As of the date of this report, no redevelopment has occurred on the Tract I property.

During the winter of 2015, excavation was required on the Tract I Site to manage fuel oil that was discovered on Tract II. The SMP requires that the owner submit notification to the NYSDEC if excavation is to occur, preparation of an excavation work plan, and a description of the disposition of excavated soil. These activities were completed and any impacted soil was sent off-site for disposal. No other activities have occurred on the Tract I site during the last year.

Given that the remedy was the removal and off-site disposal of soils exceeding the selected standard throughout the soil column, it is performing as intended. The remedy remains effective and is protective of human health under the current exposure conditions.

#### **IV. IC/EC Plan Compliance Report**

##### **A. IC/EC Compliance Report**

The only institutional control (IC) on the Site is a deed restriction filed with the Niagara County Recorder of Deeds for the Tract I property. The IC limits the use of the Site to commercial and/or industrial uses and prohibits its use for residential or unrestricted purposes. The objective of the IC is to limit human exposure to the constituents present exceeding the Unrestricted SCO. The performance of the IC is evaluated by comparing the current use(s) to those specified in the NYSDEC DER-10 Technical Guidance document. The Tract I Site is currently unused, and, as such, meets the requirements of the IC. The IC is fully in place, remains effective, and no corrective measures are required. No changes to the ICs are recommended at this time.

No engineering controls (ECs) were necessary for the Tract I remediation.

##### **B. IC/EC Certification**

#### **V. Monitoring Plan Compliance Report**

The Monitoring Plan requirements for the Site were limited to annual inspection. The Annual Inspection Form was included in the SMP as Appendix F. The annual inspection monitoring was completed once on February 2, 2016. The results of the annual inspection revealed that the Site continues to meet the remedial objectives. The completed Annual Inspection Form is provided in **Attachment 1**.

#### **VI. Operation & Maintenance Plan Compliance Report**

The Tract I remedy required no Operation & Maintenance Plan.

#### **VII. Overall PRR Conclusions and Recommendations**

The conclusions of the PRR are that the Site remains in compliance with the ICs, and that annual monitoring has confirmed that the remedy remains effective. The Site was unused during the past year; however, redevelopment for industrial purposes is planned to begin in the Spring of 2016. Given that the planned use of the Site will be industrial, and that the Site meets the Commercial SCOs throughout the soil column, we recommend that the submittal of future PRRs be limited to once every five years or upon discovery, via the annual Site inspection, that the Site use has changed. If a five year PRR cycle is approved by the NYSDEC, the Site inspections would still be conducted annually; however, the compiled information would be submitted in a five-year PRR unless the Site use changes.



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



**Site No.** C932157

**Site Details**

**Box 1**

**Site Name** Tract I Highland Avenue

Site Address: 3123 Highland Avenue Zip Code: 14305  
City/Town: Niagara Falls  
County: Niagara  
Site Acreage: 5.8

Reporting Period: December 23, 2014 to January 16, 2016

1. Is the information above correct?

YES NO

☒

☐

If NO, include handwritten above or on a separate sheet.

2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?

☐

☒

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

☐

☒

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

☐

☒

**If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.**

5. Is the site currently undergoing development?

☐

☒

**Box 2**

YES NO

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

☒

☐

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

☒

☐

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

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

\_\_\_\_\_  
Signature of Owner, Remedial Party or Designated Representative

\_\_\_\_\_  
Date

**Box 2A**

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

YES NO

☐ ☒

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. C932157****Box 3****Description of Institutional Controls**Parcel

146.06-2-27.1

Owner

Brightfields Corporation

Institutional Control

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

An Environmental Easement, filed with the Niagara County Clerk's Office on September 12, 2014, imposes the following controls on the property:

1. The property may be used for Commercial and Industrial use and shall not be used for Residential or Restricted Residential purposes as described in 6NYCRR 375-1.8(g)(2).
2. The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the New York State Department of Health or the Niagara County Department of Health.
3. Compliance with the Department approved Site Management plan is required.
4. The remedial party or site owner must complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8(h)(3).

**Box 4****Description of Engineering Controls**

None Required

Not Applicable/No EC's

### Periodic Review Report (PRR) Certification Statements

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

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

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

YES NO

☒ ☐

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

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

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

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

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

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

YES NO

☒ ☐

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

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

\_\_\_\_\_  
Signature of Owner, Remedial Party or Designated Representative

\_\_\_\_\_  
Date

IC CERTIFICATIONS  
SITE NO. C932157

Box 6

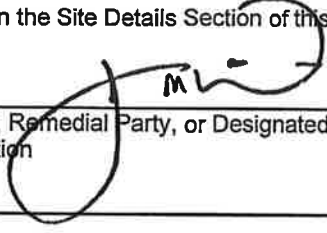
**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

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 Jon M. Williams at 333 Ganson Street, Buffalo, NY 14203  
print name print business address

am certifying as Owner (Owner or Remedial Party)

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

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

2/12/16  
Date

IC/EC CERTIFICATIONS

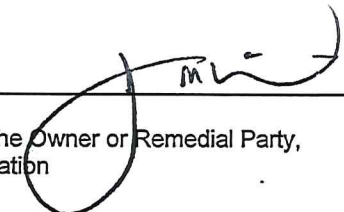
Box 7

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 Jon M. Williams at 333 Ganson Street, Buffalo, NY 14203  
print name print business address

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

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

\_\_\_\_\_  
Stamp  
(Required for PE)

2/12/16  
Date

# Site Inspection Form

Site Name: BRIGHTFIELDS / TRACT I

Weather: PT. CLOUDY / WINDY 30°F

Project Number: 12004

Assessment By: J. YENSAN

Date: 2/2/16

Yes                      No                      N/A

|                          |                                     |                                     |
|--------------------------|-------------------------------------|-------------------------------------|
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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
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| <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

## A. Site Use

1. Evidence of Residential Use?
2. Day Care or Other Non-Permitted Use Present?
3. Evidence of Excavation?
4. Proper Notification for Excavation Made?
5. CAMP and/or HASP Revised for Excavation

|                          |                                     |                          |
|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

## B. Security

1. Signs of Trespassers/Vandalism?
2. Other

|                          |                                     |                                     |
|--------------------------|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

## C. General Site Conditions

1. Vegetation Stress?
2. Mowing Required?
3. Access Road Drivable?
4. Odors?
5. Other

|                          |                                     |                                     |
|--------------------------|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
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## D. Soil Inspection

1. Exposed Waste?
2. Side Slope Stable?
3. Erosion?
4. Leachate Seeps (Discolored Vegetation)?
5. Bare Spots?
6. Presence of Burrowing Animals?
7. Deep Rooted Vegetation?
8. Cracking?
9. Other

|                                     |                                     |                                     |
|-------------------------------------|-------------------------------------|-------------------------------------|
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| <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

## E. Surface Water

1. Obstruction of Flow Ditches?
2. Erosion of Ditches?
3. Silt & Erosion Control?
4. Culverts in Good Condition?
5. Evidence of Overflow or Uncontrollable Flow?
6. Outfalls in Good Condition?
7. Other

Other Comments:

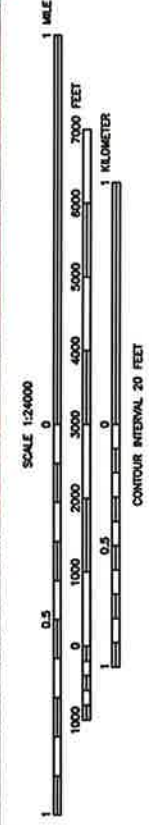
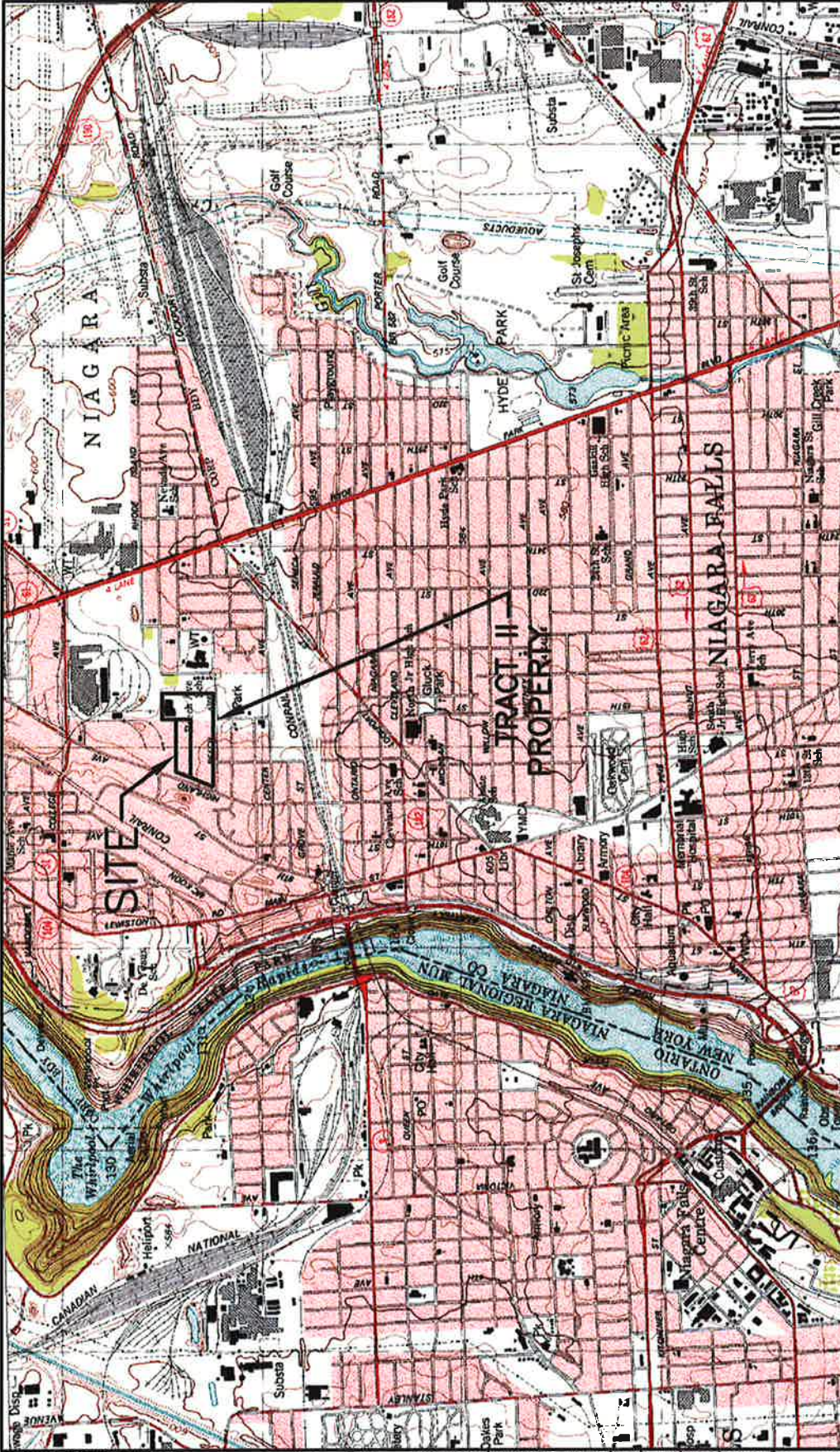
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BRIGHTFIELDS, INC.  
TRACT I SITE  
NIAGARA FALLS, NEW YORK



Environment & Infrastructure - Pittsburgh  
800 North Bell Avenue  
Carnegie, Pennsylvania 15106

SITE LOCATION MAP

1

Project No.: 3410130921

Figure: 1