

C.T. MALE ASSOCIATES

Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

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518.786.7400 FAX 518.786.7299 ctmale@ctmale.com



October 29, 2019

Mr. Michael Komoroske, P.E.
NYS Dept. of Environmental Conservation
Division of Remediation
625 Broadway, 12th Floor
Albany, NY 12233-7016

Re: 2019 Periodic Review Report
314 Clinton Street Site (#E-447036)
City of Schenectady, Schenectady County
C.T. Male Project No. 05.5551

Dear Mr. Komoroske:

C.T. Male Associates Engineering, Surveying, Architecture, Landscape Architecture & Geology D.P.C. (C.T. Male) has prepared this Periodic Review Report (PRR) on behalf of Schenectady Metroplex Development Authority (Metroplex) and 245 Broadway LLC. The completed NYSDEC Site Management PRR Notice – Institutional and Engineering Controls Certification Forms for each property are included as Attachment A.

As noted in the attached Site Management Periodic Review Report Notice Institutional and Engineering Controls Certification Form for the 245 Broadway LLC, Questions 2-4, a portion of the initial 2.02 acre parcel (0.56 acres) was subdivided and sold to 245 Broadway LLC in 2013. A survey map showing the approximate boundaries 245 Broadway LLC parcel is included as Attachment B. In 2013-14, 245 Broadway LLC redeveloped the lands within this subdivided parcel with a new commercial- restricted residential building. The building contains commercial space on the first floor and restricted residential space on the upper floors. These uses are consistent with the approved Environmental Easement for the property. Subdivision of the site was completed as a Minor Subdivision, Lands of Schenectady Metroplex Development Authority, dated October 30, 2012. Additionally, permits and approvals were obtained from the City of Schenectady for the project.

C.T. Male completed an inspection on August 29, 2019 to visually observe the integrity of the cover system as the sole engineering control provided for in the SMP. This report addresses both the 1.46 acre lot (Tax No. 39.80-3-1.3) retained by Metroplex and the 0.56 acre lot (Tax No. 39.80-3-47) subdivided and conveyed to 245 Broadway LLC.

C.T. MALE ASSOCIATES

October 29, 2019

Mr. Michael Komoroske

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On August 29, 2019, the Site was traversed on foot to observe the condition and adequacy of the surface cover system (i.e., barrier to contact with existing soil). The surface cover systems consist of asphalt and concrete surfaces, and areas landscaped with vegetation and mulch.

The asphalt and concrete surfaces appeared intact and there was no visible evidence that these surfaces had been breached. The landscaped areas appeared to be stable and consisted primarily of grass and mulch covered landscaped areas with an interspersing of plants and thickets located within, and at the perimeter, of the parking lots. There was no evidence of substantial erosion, animal holes, or other surface disturbances or areas of deterioration observed.

Copies of the site-wide inspection forms are included as Attachment C. Representative photographs of the cover systems are included as Attachment D.

The next Periodic Site-Wide Inspection and Report will be completed in August 2020 and submitted to NYSDEC. If you have any questions, please contact me at (518) 786-7502 or k.moline@ctmale.com.

Sincerely,

C.T. MALE ASSOCIATES



Kirk Moline

Project Manager

ATTACHMENTS

Attachment A:	NYSDEC Site Management PRR Notice - Institutional and Engineering Controls Certification Forms
Attachment B:	Site Survey Map
Attachment C:	SMP Site Wide Inspection Forms
Attachment D:	Representative Site Photographs

c: John Luke Hodorowski, 245 Broadway LLC
Jayme Lahut, Schenectady Metroplex
Michael Sterthous, Esq.

C.T. MALE ASSOCIATES

ATTACHMENT A

**NYSDEC Site Management PRR Notice – Institutional and
Engineering Controls Certification Forms**

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

Site No. E447036 **Site Details** **Box 1**

Site Name 314 Clinton Street Site

Site Address: 314 Clinton Street Zip Code: 12305
City/Town: Schenectady
County: Schenectady
Site Acreage: 1.46 (Tax Map No. 39.80-3-1.3)

Reporting Period: August 2, 2018 to August 29, 2019

	YES	NO
1. Is the information above correct?	X	

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?		X
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?		X
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?		X

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?	<input type="checkbox"/>	X
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Box 2

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

**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

Jayme Lahut, Executive Director

Date

Description of Institutional ControlsParcelOwnerInstitutional Control

39.80-3-1.3

SCHENECTADY METROPLEX

Ground Water Use Restriction
 Land Use Restriction
 Site Management Plan
 IC/EC Plan
 Monitoring Plan
 Soil Management Plan

1. A cover over all exposed soils not meeting the Division of Environmental Remediation's criteria for backfill as described in Part 375-6.7(d) for residential use to prevent exposure to contaminated soils. The site cover will either be a soil cover as described herein or buildings or pavement. The soil cover will be two feet thick and consist of clean soil underlain by an indicator, such as geotextile fabric, to demarcate the cover soil from the subsurface soil. The top four inches of soil will be of sufficient quality to support vegetation. Clean soil will constitute soil that meets the above specified criteria for backfill. Alternatively, buildings, roadways, parking lots, etc. can be used; such areas will need to be covered by a paving system or concrete at least 6 inches thick.

2. Environmental easement (a) limiting the use and development of the property to restricted residential use, which would also permit commercial and industrial use; (b) requiring compliance with the approved site management plan; (c) restricting the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by NYSDOH; and (d) requiring the property owner to complete and submit to the Department a periodic certification of institutional and engineering controls.

3. Implementation of a site management plan which includes, among other things, the following institutional and engineering controls: (a) management of the final cover system to restrict excavation below the soil cover's demarcation layer, pavement, or buildings; (b) management of all excavated soils. Excavated soil will be tested, properly handled to protect the health and safety of workers and the nearby community, and will be properly managed in a manner acceptable to the Department; (c) continued evaluation of the potential for vapor intrusion for any buildings developed on the site, including provision for mitigation of any impacts identified; (d) use restrictions on the site; and (e) provisions for the continued proper operation and maintenance of the components of the remedy.

4. The property owner will provide a periodic certification of institutional and engineering controls, prepared and submitted by a professional engineer or such other expert acceptable to the Department, until the Department notifies the property owner in writing that this certification is no longer needed. This submittal would: (a) contain certification that the institutional controls and engineering controls are either unchanged from the previous certification or are compliant with Department-approved modifications; (b) allow the Department access to the site; and (c) state that nothing has occurred that would impair the ability of the control to protect public health or the environment, or constitute a violation or failure to comply with the site management plan unless otherwise approved by the Department.

Description of Engineering Controls**Box 4**ParcelEngineering Control

39.80-3-1.3

Cover System

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

X

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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 to the best of my knowledge and belief:

(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

X

☐

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

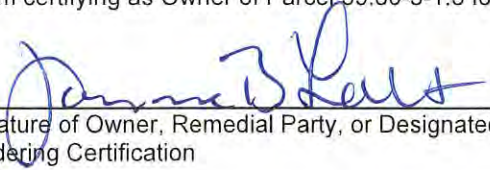
IC CERTIFICATIONS
SITE NO. E447036
Parcel# 39.80-3-1.3

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1, 2, and 3 are accurate and complete to the best of my knowledge and belief. 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, Jayne Lahut at Schenectady County Metroplex Development Authority, 433 State Street, Schenectady, NY 12305, am certifying as Owner of Parcel 39.80-3-1.3 for the Site named in the Site Details Section of this form.



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

Nov 13, 2019

Date

IC/EC CERTIFICATIONS

SITE NO. E447036

Parcel# 39.80-3-1.3

Box 7

Signature

I certify that all information in Boxes 4 and 5 are accurate and complete to the best of my knowledge and belief and the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices. 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, Kirk Moline at C.T. Male Associates Engineering, Surveying, Architecture, Landscape Architecture & Geology, DPC, am certifying as a Qualified Environmental Professional (QEP) for the Schenectady County Metroplex Development Authority.



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

Stamp
(Required for PE)

Date

Site Details		Box 1
Site No.	E447036	
Site Name	314 Clinton Street Site	
Site Address:	314 Clinton Street	
City/Town:	Schenectady	
County:	Schenectady	
Site Acreage:	0.56 (Tax Map No. 39.80-3-47)	
Reporting Period:	March 3, 2012 to August 29, 2019	

1. Is the information above correct? X

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

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

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

5. Is the site currently undergoing development? ☐ ☒

YES NO

6. Is the current site use consistent with the use(s) listed below? X
 Restricted-Residential, Commercial, and Industrial

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

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

Date _____

Description of Institutional Controls

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
39.80-3-47	245 BROADWAY, LLC	Ground Water Use Restriction Land Use Restriction Site Management Plan IC/EC Plan Monitoring Plan Soil Management Plan
<p>1. A cover over all exposed soils not meeting the Division of Environmental Remediation's criteria for backfill as described in Part 375-6.7(d) for residential use to prevent exposure to contaminated soils. The site cover will either be a soil cover as described herein or buildings or pavement. The soil cover will be two feet thick and consist of clean soil underlain by an indicator, such as geotextile fabric, to demarcate the cover soil from the subsurface soil. The top four inches of soil will be of sufficient quality to support vegetation. Clean soil will constitute soil that meets the above specified criteria for backfill. Alternatively, buildings, roadways, parking lots, etc. can be used; such areas will need to be covered by a paving system or concrete at least 6 inches thick.</p> <p>2. Environmental easement (a) limiting the use and development of the property to restricted residential use, which would also permit commercial and industrial use; (b) requiring compliance with the approved site management plan; (c) restricting the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by NYSDOH; and (d) requiring the property owner to complete and submit to the Department a periodic certification of institutional and engineering controls.</p> <p>3. Implementation of a site management plan which includes, among other things, the following institutional and engineering controls: (a) management of the final cover system to restrict excavation below the soil cover's demarcation layer, pavement, or buildings; (b) management of all excavated soils. Excavated soil will be tested, properly handled to protect the health and safety of workers and the nearby community, and will be properly managed in a manner acceptable to the Department; (c) continued evaluation of the potential for vapor intrusion for any buildings developed on the site, including provision for mitigation of any impacts identified; (d) use restrictions on the site; and (e) provisions for the continued proper operation and maintenance of the components of the remedy.</p> <p>4. The property owner will provide a periodic certification of institutional and engineering controls, prepared and submitted by a professional engineer or such other expert acceptable to the Department, until the Department notifies the property owner in writing that this certification is no longer needed. This submittal would: (a) contain certification that the institutional controls and engineering controls are either unchanged from the previous certification or are compliant with Department-approved modifications; (b) allow the Department access to the site; and (c) state that nothing has occurred that would impair the ability of the control to protect public health or the environment, or constitute a violation or failure to comply with the site management plan unless otherwise approved by the Department.</p>		

Description of Engineering Controls

Box 4

<u>Parcel</u>	<u>Engineering Control</u>
39.80-3-47	Cover System

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

X

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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 to the best of my knowledge and belief:

(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

X

☐

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. E447038
Parcel# 39,80-3-47

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1, 2, and 3 are accurate and complete to the best of my knowledge and belief. 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 Luke Hodoroski at 255 Broadway, LLC, 796 Burdeck St., Schenectady, NY 12306, am certifying as Owner of Parcel 39,80-3-47 for the Site named in the Site Details Section of this form.



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

11/18/19

Date

IC/EC CERTIFICATIONS

SITE NO. E447036

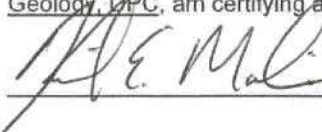
Parcel# 39.80-3-47

Box 7

Signature

I certify that all information in Boxes 4 and 5 are accurate and complete to the best of my knowledge and belief and the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices. 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, Kirk Moline at C.T. Male Associates Engineering, Surveying, Architecture, Landscape Architecture & Geology, DPC, am certifying as a Qualified Environmental Professional (QEP) for 245 Broadway, LLC.



11/19/2019

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

Stamp
(Required for PE)

Date

C.T. MALE ASSOCIATES

ATTACHMENT B

Site Survey Map

C.T. MALE ASSOCIATES

ATTACHMENT C

SMP Site Wide Inspection Forms

314 CLINTON STREET PARKING LOT ERP SITE (Parcel 39.80-3-1.3)
SMP Site Inspection Form

Date: August 29, 2019

Inspection Personnel: Kirk Moline

Weather Conditions: Sunny, ±70°F.

Near-surface and subsurface soil/fill at the Site is contaminated by semi-volatile organic compounds and metals at levels exceeding restricted residential SCOs. Currently, protection of public health and the environment to contaminated media is provided by the Site's existing asphalt, concrete, vegetated and mulched covering, which is conducive with the Site's present and historic use as a parking lot.

The Site's Engineering Control consists of existing asphalt pavement, concrete surfaces, and vegetated and mulched areas; which serve as a protective barrier to underlying impacted soil and fill. The Site is currently being utilized as a public parking lot.

This SMP Site Inspection Form will be utilized to inspect the 314 Clinton Street Parking Lot ERP Site to ensure that current Site conditions remain protective to public health and the environment and the Engineering Controls are intact and are serving to protect public health and the environment from underlying contamination.

Cover System Inspection

Has the overall condition of the cover system changed from the previous inspection (if first inspection, respond with N/A) Yes____ No X

If Yes, provide detail and identify on Site Plan

Is there evidence that the cover system has been eroded (i.e., visible cracks, potholes, pooling of water etc.) Yes____ No X

If Yes, identify locations and provide detail on attached Site Plan

Is there evidence that the cover system has been breached Yes____ No X
(i.e., areas where surface appears patched, signs of excavation)

If Yes, identify locations and provide detail on attached Site Plan

Where any limitations experienced during the Site Inspection Yes____ No X
(i.e., snow cover, parked cars, etc.)

If Yes, identify locations and provide detail on attached Site Plan

Have photographs been taken of the cover system Yes X No____
for inclusion in the site inspection report.

If No, give reason

314 CLINTON STREET PARKING LOT ERP SITE (Parcel 39.80-3-47)
SMP Site Inspection Form

Date: August 29, 2019

Inspection Personnel: Kirk Moline

Weather Conditions: Sunny, $\pm 70^{\circ}\text{C}$.

Near-surface and subsurface soil/fill at the Site is contaminated by semi-volatile organic compounds and metals at levels exceeding restricted residential SCOs. Currently, protection of public health and the environment to contaminated media is provided by the Site's existing asphalt, concrete, vegetated and mulched covering, which is conducive with the Site's present and historic use as a parking lot.

The Site's Engineering Control consists of existing asphalt pavement, concrete surfaces, and vegetated and mulched areas; which serve as a protective barrier to underlying impacted soil and fill. The Site is currently being utilized as a public parking lot.

This SMP Site Inspection Form will be utilized to inspect the 314 Clinton Street Parking Lot ERP Site to ensure that current Site conditions remain protective to public health and the environment and the Engineering Controls are intact and are serving to protect public health and the environment from underlying contamination.

Cover System Inspection

Has the overall condition of the cover system changed from the previous inspection (if first inspection, respond with N/A) Yes____ No X

If Yes, provide detail and identify on Site Plan

Is there evidence that the cover system has been eroded (i.e., visible cracks, potholes, pooling of water etc.) Yes____ No X

If Yes, identify locations and provide detail on attached Site Plan

Is there evidence that the cover system has been breached Yes____ No X
(i.e., areas where surface appears patched, signs of excavation)

If Yes, identify locations and provide detail on attached Site Plan

Where any limitations experienced during the Site Inspection Yes____ No X
(i.e., snow cover, parked cars, etc.)

If Yes, identify locations and provide detail on attached Site Plan

Have photographs been taken of the cover system Yes X No____
for inclusion in the site inspection report.

If No, give reason

C.T. MALE ASSOCIATES

ATTACHMENT D

Representative Site Photographs



NORTHERN SECTION OF PUBLIC PARKING LOT



EASTERN SECTION OF PUBLIC PARKING LOT



EASTERN SECTION OF PUBLIC PARKING LOT ALONG CLINTON STREET



SOUTHERN END OF PUBLIC PARKING LOT ALONG HAMILTON STREET



SOUTHEASTERN CORNER OF PUBLIC PARKING LOT



SOUTHERN CORNER OF PUBLIC PARKING LOT



WESTERN PORTION OF PUBLIC PARKING LOT



EASTERN SECTION OF PRIVATE PARKING LOT AREA - 245 BROADWAY LLC



ENTRANCE TO EASTERN PARKING AREA OF 245 BROADWAY LLC



WESTERN SIDE OF 245 BROADWAY LLC ON BROADWAY



SOUTHERN SIDE OF 245 BROADWAY LLC ON HAMILTON STREET



NORTHERN SECTION OF 245 BROADWAY LLC