

December 15, 2023

Kelly Duval, P.E.  
New York State Department of Environmental Conservation  
Office of Environmental Quality, Region 5  
232 Golf Course Road  
Warrensburg, New York 12885

Re: Site Management Periodic Review Report (PRR) Comment Letter 36 Elm St.  
Site No.: E557019 Glens Falls (C), Warren County

File: 1032.008.003

Dear Ms. Duval:

Barton & Loguidice, D.P.C. (B&L) has reviewed the New York State Department of Environmental Conservation (DEC) and New York State Department of Health (DOH) comments received October 23, 2023, pertaining to the Periodic Review Report (PRR) and IC Certification submitted to the department(s) for the period of July 2, 2017 to July 2, 2020. Please review the following responses, and let us know if you have additional questions or comments regarding this PRR submittal.

Comment No. 1: Per DER-10 Section 6.3(b)(5), include a site figure.

**Response No. 1: Comment noted. Please see attached Site figures included in the updated PRR submittal.**

Comment No. 2: Section 2.4.1 of the Site Management Plan (SMP) requires that annual site inspections be performed by the City, regardless of the frequency of the Period Review Reports. Please provide copies of the Site-Wide Inspection Forms for the annual inspections performed during the certification period.

**Response No. 2: Information available from past Site inspections performed by the City during the previous reporting period are included in the PRR submittal. Site inspections will be conducted on an annual basis, as per the Department's request.**

Comment No. 3: Per the Environmental Easement, the basement and first floor cannot be used for residential purposes. Please confirm that this requirement was maintained during the certification period.

**Response No. 3: Comment noted. The basement and first floor have not been used for residential purposes, as per the Environmental Easement. As such, this requirement was confirmed to have been maintained during the certification period.**



Comment No. 4: Please provide Box 7 of the IC/EC Certification Form.

**Response No. 4:** **Box 7 applies to engineering controls which are not included as a part of the Site remedy. As such, Box 7 has been omitted from this submittal. Please review the Department's June 5, 2020 PRR reminder notice, which did not include a Box 7 certification.**

Comment No. 5: If available, please provide photos of the observed sediment, soil, and wetness in the basement.

**Response No. 5:** **Comment noted. Photos of previously noted basement conditions (i.e., sediment, wet floor) are included as a part of this submittal.**

Comment No. 6: The City has indicated that there is a purchase agreement for the future sale of property. Please refer to 6 NYCRR Part 375-1.11 for the required notifications for change in ownership.

**Response No. 6:** **Comment noted. Required notifications as per 6 NYCRR Part 375-1.11 will be provided to the department, as appropriate.**

If you have any questions or comments regarding this matter, please feel free to contact me at 518-218-1801 or [struex@bartonandloguidice.com](mailto:struex@bartonandloguidice.com).

Sincerely,

BARTON & LOGUIDICE, D.P.C.

A handwritten signature in blue ink, appearing to read 'ST' followed by a stylized flourish.

Stefan Truex, P.G.  
Managing Hydrogeologist

ST/jms

ec: B. Huyck – NYSDEC  
J. Kenney – NYSDOH  
J. Deming – NYSDOH  
P. Dowd – Glens Falls Local Development Corporation

Attachments: Periodic Review Report (June 23, 2020)  
PRR Addendum (Figures, Basement Photographs)

June 23, 2020

Mr. Brian Huyck, P.E.  
Hazardous Waste Remediation Supervisor  
New York State Department of Environmental Conservation  
1115 State Route 86  
P.O. Box 296  
Ray Brook, New York 12977-0296

Re: Periodic Review Report  
36 Elm Street  
Glens Falls, NY 12801  
NYSDEC Site Number E557019

File: 1032.008.003

Dear Mr. Huyck:

Enclosed is the Periodic Review Report (PRR) prepared by Barton & Loguidice, D.P.C. (B&L) for the 36 Elm Street site located in the City of Glens Falls, Warren County, New York. This is the third PRR that has been prepared by B&L for this Environmental Restoration Program (ERP) site which is owned by the Greater Glens Falls Local Development Corporation (GGFLDC). Therefore, the reader is referred to the initial PRR prepared by B&L dated October 11, 2016 for additional information regarding the subject property.

### **Annual Site Inspection**

As stipulated in the ROD, the current owner of the property must prepare and submit a PRR to the NYSDEC on a periodic basis. Therefore, at the request of the GGFLDC, Mr. Stephen Le Fevre of B&L conducted a site inspection of the 36 Elm Street site on June 18, 2020, and subsequently prepared this PRR. In addition, B&L completed the enclosed Institutional and Engineering Controls Certification Form provided by the NYSDEC.

The site inspection included a visual inspection of the property exterior, surrounding property exteriors, and the basement of the property building. In particular, Mr. Le Fevre inspected the condition of the concrete slab that had been previously installed in the basement area to prevent the occurrence of standing water. Mr. Le Fevre determined that the concrete slab was serving its intended purpose, as the concrete slab was observed to be dry. However, Mr. Le Fevre did observe that the floor in the eastern portion of the basement floor was moist and predominantly covered with dirt, while the floor in the central and western portions of the basement was dry and generally dirt free. Based upon the site inspection, it was not possible to determine the source of the wetness.

The two piles of sediment located adjacent to the west wall of the building that Mr. Le Fevre had originally observed during the initial site inspection on September 1, 2016 were still present. However, a

Mr. Brian Huyck  
NYSDEC  
June 23, 2020  
Page 2

more widespread area of sediment accumulation currently exists on the basement floor than what was observed during the August 20, 2017 site inspection, and it appears that the sediment was water laden when it was deposited on the basement floor, i.e. the sediment had a delta-like appearance to it. As B&L noted in the prior PRR dated September 21, 2017, the sediment apparently originated outside of the 36 Elm Street building structure and migrated into the basement area via two small cracks/fissures that were observed to exist in the basement wall immediately adjacent to the sediment piles. According to information provided by the City of Glens Falls, the water line supplying the sprinkler system in the adjacent building had frozen at some point, ruptured, and flooded the basement of the adjacent building. The flooding apparently rose to a level that caused the water to leak from the basement of the adjacent building and enter the basement of the 36 Elm Street building structure under a pressurized condition. B&L theorizes that the water entering the building was sediment laden, thereby resulting in the creation of the two soil piles that were initially observed by B&L on September 1, 2016.

In addition to the above, Mr. Le Fevre also observed that several wooden support posts have been installed in the western portion of the basement. It appears that the wooden support posts were installed to provide structural support to the flooring on the first floor. Mr. Edward Bartholomew of the City of Glens Falls was unaware that the wooden support posts had been installed in the basement.

**Site Management Periodic Review Report Notice**

The Institutional and Engineering Controls Certification Form for the 36 Elm Street site has been completed by B&L and is included as an attachment herein.

**Conclusions**

The site inspection of the 36 Elm Street site institutional controls is complete. There were no deficiencies in regard to the institutional controls identified during the inspection. In addition, no activities occurred during the past year requiring the implementation of additional institutional or engineering controls.

Very truly yours,

BARTON & LOGUIDICE, D.P.C.



Stephen B. Le Fevre, P.G., C.P.G.  
Senior Managing Hydrogeologist

SBL/tmj  
Attachments



Periodic Review Report

# **Institutional and Engineering Controls Certification Form**



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.**            **E557019**

**Site Name** 36 Elm Street

Site Address: 36 Elm Street      Zip Code: 12801  
City/Town: Glens Falls  
County: Warren  
Site Acreage: 0.140

Reporting Period: July 02, 2017 to July 02, 2020

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.**

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

\_\_\_\_\_  
Date

**SITE NO. E557019**

**Box 3**

**Description of Institutional Controls**

Parcel

Owner

Institutional Control

**309.28-1-13**

City of Glens Falls

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

**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. E557019

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.

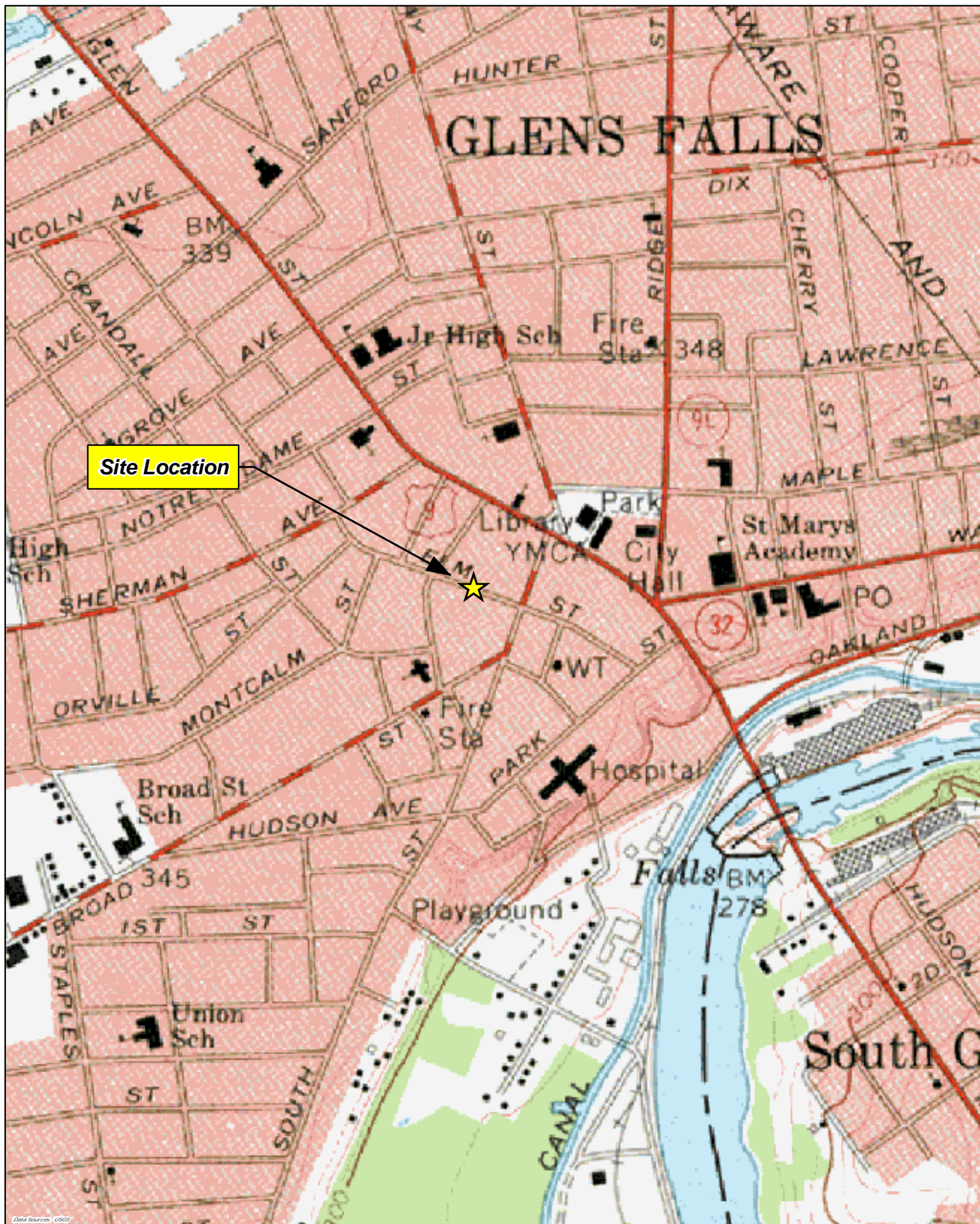
Edward Bartelmeu at City of Glen Falls 42 Ridge Street  
print name print business address Glen Falls NY 12801

am certifying as representative of owner (Owner or Remedial Party)

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

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

6/18/2020  
Date

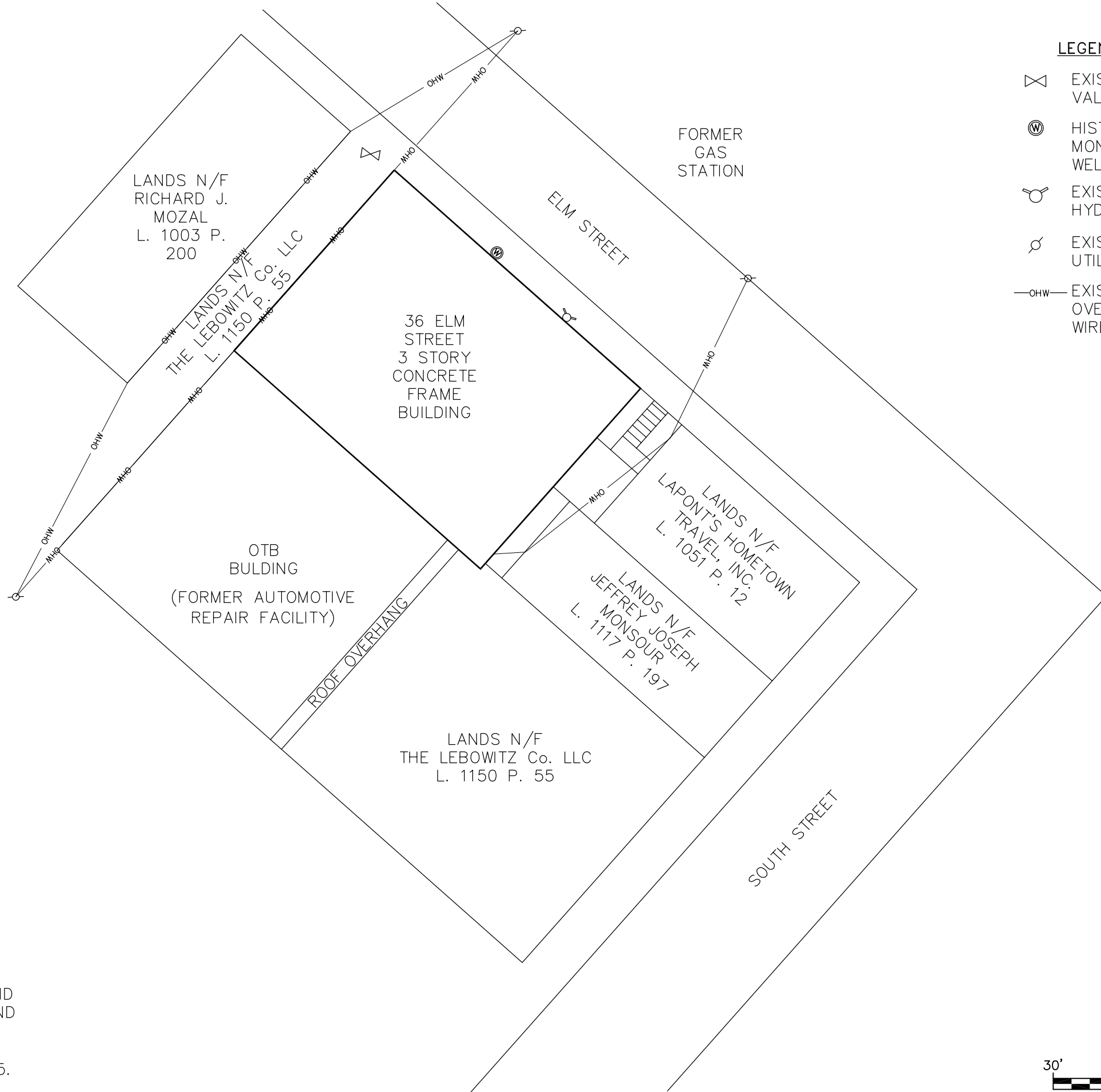




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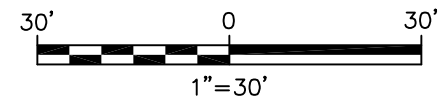
MAP REFERENCE:

MAP PROVIDED BY BOLSTER AND ASSOCIATES PROFESSIONAL LAND SURVEYORS, ENTITLED GREATER GLENS FALLS DEVELOPMENT CORPORATION, DATED 10/12/05.



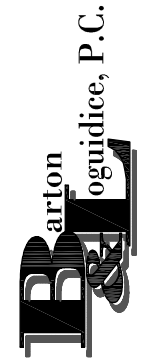
LEGEND:

- EXISTING GAS VALVE
- HISTORIC MONITORING WELL
- EXISTING HYDRANT
- EXISTING UTILITY POLE
- EXISTING OVERHEAD WIRE



GREATER GLENS FALLS LOCAL DEVELOPMENT CORPORATION (GGFLDC)  
36 ELM STREET

LOCATION PLAN



Date  
JUNE, 2008

Scale  
AS SHOWN

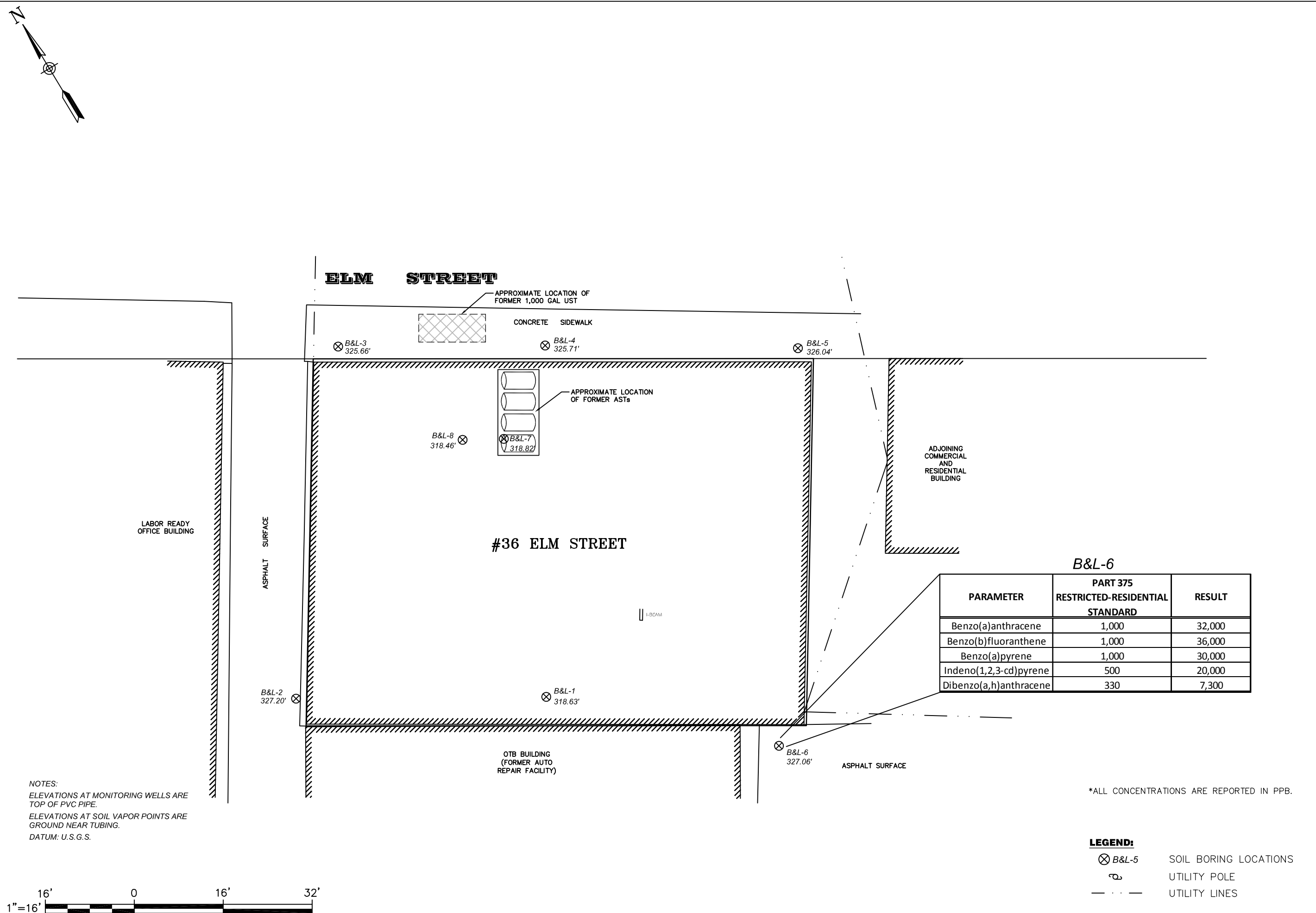
Figure Number  
2

Project Number  
1032.001

CITY OF GLENS FALLS

WARREN COUNTY, NEW YORK

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CITY OF GLENS FALLS  
36 ELM STREET

IRM/SUBSURFACE SOIL CONTAMINANTS

WARREN COUNTY, NEW YORK

Date  
JUNE, 2008

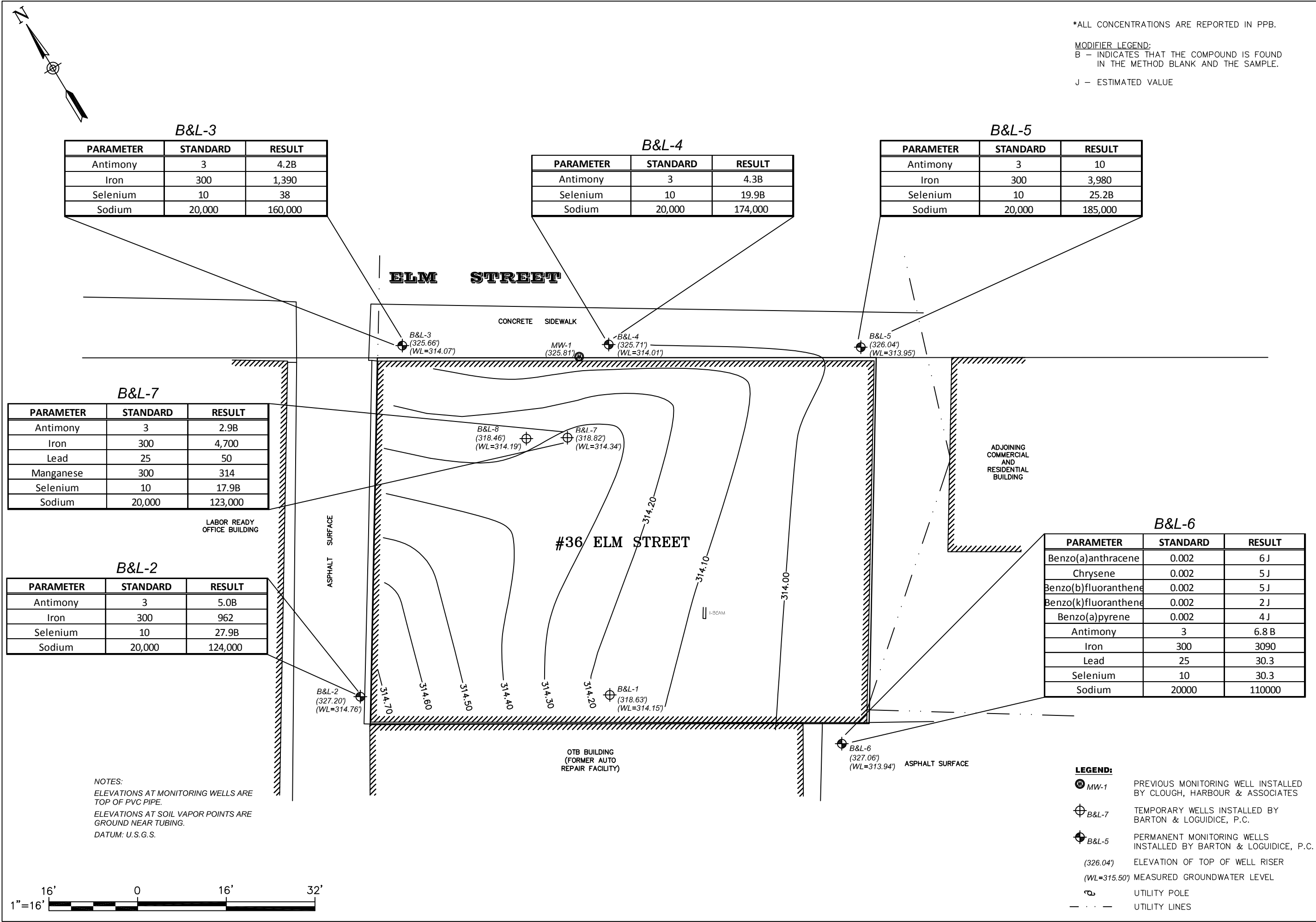
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Figure Number  
3

Project Number  
1032.001-A



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CITY OF GLENS FALLS  
36 ELM STREET

GROUNDWATER CONTAMINANTS WITH  
SEPTEMBER 20, 2007 GROUNDWATER LEVEL CONTOURS  
CITY OF GLENS FALLS  
WARREN COUNTY, NEW YORK

**Barton & Loguidice, P.C.**

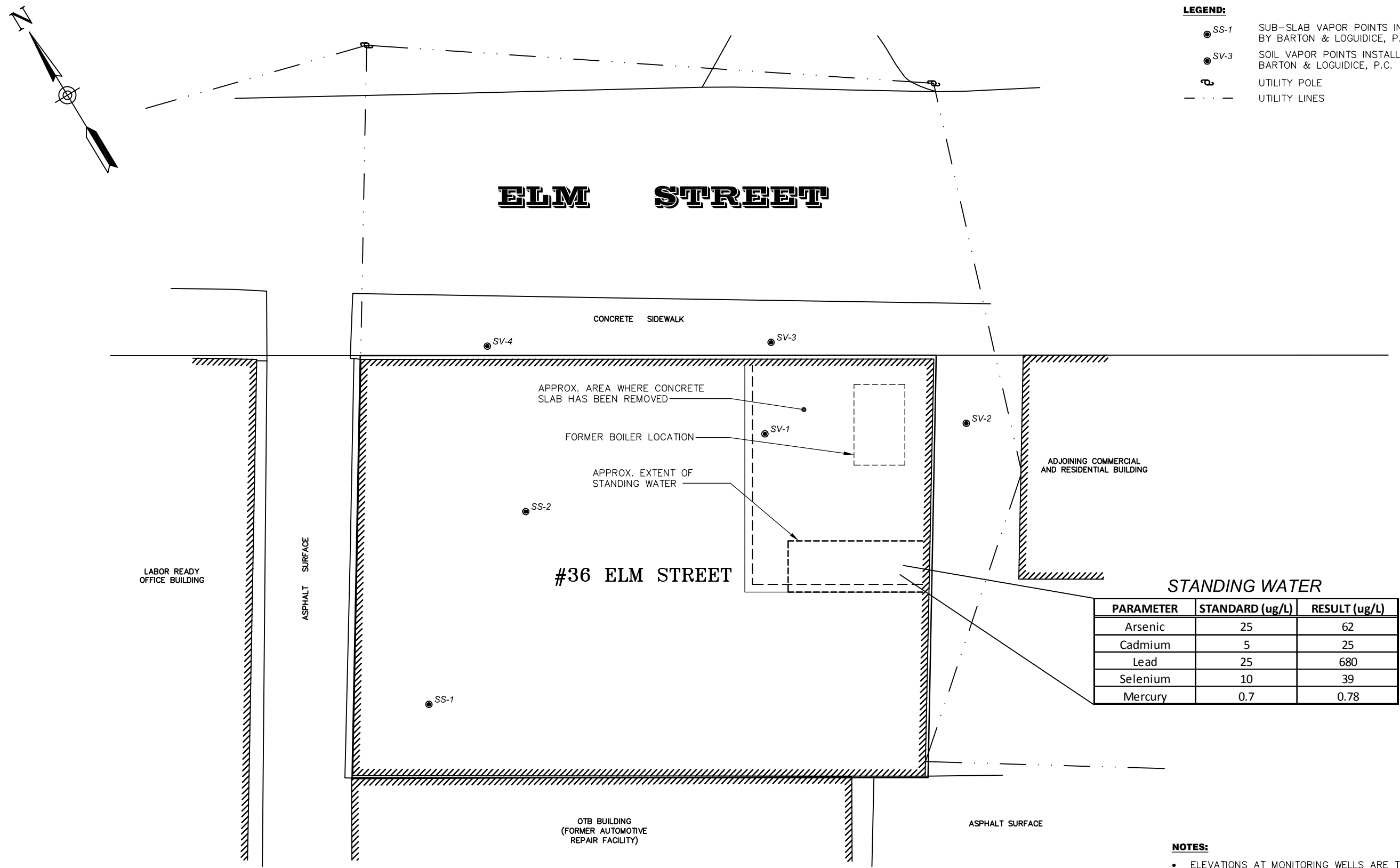
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JUNE, 2008

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Figure Number  
4

Project Number  
1032.001-A

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**LEGEND:**

- SS-1 SUB-SLAB VAPOR POINTS INSTALLED BY BARTON & LOGUIDICE, P.C.
- SV-3 SOIL VAPOR POINTS INSTALLED BY BARTON & LOGUIDICE, P.C.
- ⊕ UTILITY POLE
- - - UTILITY LINES

**STANDING WATER**

PARAMETER	STANDARD (ug/L)	RESULT (ug/L)
Arsenic	25	62
Cadmium	5	25
Lead	25	680
Selenium	10	39
Mercury	0.7	0.78

**NOTES:**

- ELEVATIONS AT MONITORING WELLS ARE TOP OF PVC PIPE.
- ELEVATIONS AT SOIL VAPOR POINTS ARE GROUND NEAR TUBING.
- DATUM: U.S.G.S.
- ELEVATION OF STANDING WATER IS APPROXIMATLY EQUAL TO STATIC WATER LEVEL IN MONITORING WELLS.



**SITE PLAN**  
SCALE: 1"=16'-0"

GREATER GLENS FALLS LOCAL DEVELOPMENT CORPORATION (GGFLDC)

36 ELM STREET

STANDING WATER, SOIL VAPOR AND  
SUB-SLAB VAPOR MONITORING POINTS

WARREN COUNTY, NEW YORK

CITY OF GLENS FALLS



Date  
JULY, 2008

Scale  
1" = 16'

Figure Number  
5

Project Number  
1032.001-A







