

PERIODIC REVIEW REPORT

for the

**47 UTICA STREET SITE
Village of Hamilton
Madison County, New York
DEC Site Number E727011**

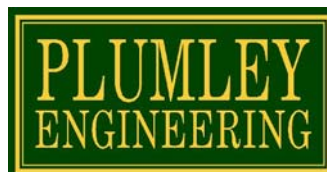
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Project No. 2023007

April 2023

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INSTITUTIONAL AND ENGINEERING CONTROLS CERTIFICATION FORM

EXECUTIVE SUMMARY

Plumley Engineering was retained by 47 Utica Street, LLC to prepare a Periodic Review Report (PRR) for the 47 Utica Street Site in the Village of Hamilton, Madison County, New York. The Site consists of one parcel totaling approximately 0.27 acres and is currently vacant.

A single-family residence was located on the Site until the mid-1970's. The Site was then converted for commercial use by a gasoline service station for at least 25 years and was most recently also utilized for an automobile repair shop. The Site has been vacant since 2000. The Site was initially investigated under the New York State Department of Environmental Conservation (DEC) Spills Program prior to the Site's entry into the Environmental Restoration Program (ERP).

47 Utica Street, LLC acquired the Site from Madison County in September 2014. 47 Utica Street, LLC maintained responsibility for the monitoring and inspections required under the 2013 Site Management Plan (SMP) as part of the ownership transfer. The SMP requirements have been met for this reporting period as detailed in this PRR.

INTRODUCTION AND OVERVIEW

Plumley Engineering was retained by 47 Utica Street, LLC to prepare a Periodic Review Report (PRR) for 47 Utica Street in the Village of Hamilton, Madison County, New York (the Site). The Site consists of one parcel totaling approximately 0.27 acres and is currently vacant. The current Site Owner, 47 Utica Street, LLC, acquired the Site from Madison County, Inc. in September 2014.

PRRs are required by the New York State Department of Environmental Conservation (DEC) to verify adherence to the requirements outlined in the Site Management Plan (SMP). This PRR covers the period of October 5, 2015 to January 11, 2023.

A single-family residence was located on the Site until the mid-1970's. The Site was then converted for commercial use by a gasoline service station for at least 25 years and was most recently also utilized for an automobile repair shop. The Site has been vacant since 2000. Madison County, the previous Site owner, entered into an Agreement with the DEC under the Environmental Restoration Program (ERP) to investigate and remediate the site.

The Site was remediated in accordance with the DEC-approved Interim Remedial Measure (IRM) Work Plan (Stearns & Wheler, August 2005) and the DEC-approved Interim Remedial Measure-2 Work Plan (Stearns & Wheler, June 2007). The results of the remedial work are summarized in the following reports:

- Final Engineering Report by GHD Consulting Services, Inc. dated June 2015, and
- New York State Department of Environmental Conservation Record of Decision (ROD), March 2014.

The following is a summary of the Remedial Actions performed at the Site:

- Excavation of surface soil/fill exceeding Commercial Use Soil Cleanup Objectives (SCOs) for semi-volatile organic compounds (SVOCs) in a discrete area west of the Site building to a depth of 1-foot.

- Decommissioning and removal of two underground storage tanks (USTs) near the southwest corner of the building.
- Removal of the former fuel dispenser island, supply lines and associated soil to a depth of 2 feet.
- Removal of a hydraulic lift and associated hydraulic fluid tank from inside the Site building.
- Removal of nine 55-gallon drums from inside the Site building.
- Investigation and removal of a suspected waste oil pipe from inside the Site building.
- Investigation and cleaning of two floor sumps located inside the Site building.
- Removal of oil stains from building floor and walls.
- Removal of a fuel oil aboveground storage tank (AST) located inside the Site building.
- Maintenance of a soil cover system consisting of the existing on-Site building and paved areas to prevent human exposure to remaining contaminated soil/fill remaining at the Site.
- Decommissioning of all on-Site and off-Site groundwater monitoring wells and soil vapor wells, with the exception of the ones located within the Site building since access could not be obtained.
- Execution and recording of an Environmental Easement to restrict land use, Site groundwater use, and prevent future exposure to any contamination remaining at the Site.
- Development and implementation of an SMP for long-term management of remaining contamination, which includes plans for: (1) Institutional and Engineering Controls, (2) maintenance and (3) reporting.

Remedial activities were conducted at the Site while IRMs were completed in 2005 and 2007.

Institutional controls and engineering controls (ICs/ECs) in the SMP include:

- Soil Cover.
- Soil Vapor Mitigation Evaluation.
- Commercial Use Limitation.
- Vegetable gardens and farming on the property are prohibited.
- Groundwater Use Restrictions.

Refer to the SMP prepared by GHD, dated August 2013 for additional information.

INSTITUTIONAL / ENGINEERING CONTROL PLAN COMPLIANCE

The SMP includes the following ECs:

Soil Cover

Exposure to remaining contamination in soil/fill at the Site is prevented by the soil cover system placed over the Site. This cover system is comprised of a minimum of 12 inches of clean soil underlain by a demarcation layer, asphalt pavement and concrete building slab. 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. No evidence of any site disturbance or breach of the cover system was observed during the 2023 inspection.

Soil Vapor Mitigation System

If new buildings are constructed at the Site, it will be necessary to either 1) design and install a soil vapor mitigation system that will preclude soil vapor intrusion in on-Site buildings or 2) conduct an evaluation of soil vapor, indoor air and sub-slab vapor in accordance with New York

State Department of Health (NYSDOH) guidance to determine appropriate measures to be taken. These systems will be built into the foundation and/or sub-slab of the building, if required. The site is currently vacant.

Commercial Use, Vegetable Gardens and Farming and Groundwater Use Limitations

The site is currently vacant, and no evidence of farming or groundwater use was observed during the 2023 inspection.

CONCLUSIONS AND RECOMMENDATIONS

No areas of non-compliance with the remedial program have been identified.

No additional remedial measures or other improvements are recommended.

The requirements for the site for this reporting period have been met. Refer to the attached *Institutional and Engineering Controls Certification Form* for additional information.

CERTIFICATION

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

- The institutional controls employed at this site are unchanged from the date the controls were put in place or last approved by the DEC.
- Nothing has occurred that would impair the ability of the control to protect the public health and environment.
- Nothing has occurred that would constitute a violation or failure to comply with any site management plan for this control.

- Access to the site will continue to be provided to the DEC to evaluate the remedy, including access to evaluate the continued maintenance of this control.
- If a financial assurance mechanism is required under the oversight document for the site, the mechanism remains valid and sufficient for the intended purpose under the document.
- Use of the site is compliant with the deed restriction.
- The information presented in this report is accurate and complete.

I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law. I, Dale R. Vollmer, P.E., of Plumley Engineering, P.C., 8232 Loop Road, Baldwinsville, New York 13027, am certifying as 47 Utica Street, LLC's Designated Site Representative for the site.



Signature

April 21, 2023

Date

ATTACHMENT

Site Details

Site No. E727011

Box 1

Site Name Utica St./Hamilton

Site Address: 47 Utica Street - Route 12B Zip Code: 13346
City/Town: Hamilton
County: Madison
Site Acreage: 0.282

Reporting Period: October 05, 2015 to January 11, 2023

YES NO

- | | | | |
|----|--|-------------------------------------|-------------------------------------|
| 1. | Is the information above correct? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. | Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. | Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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 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 _____

Description of Institutional Controls

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
153.83-1-13	47 Utica Street, LLC	Ground Water Use Restriction Soil Management Plan Landuse Restriction Site Management Plan IC/EC Plan
<ul style="list-style-type: none"> Prohibition of the Site from ever being used for purposes other than a commercial use without expressed written waiver of such prohibition by the Department, or if at such time the Department no longer exists, any New York State Department, Bureau, or other entity replacing the Department. The property may not be used for a higher level of use, such as Unrestricted, Residential, or Restricted Residential Uses without additional remediation and amendment of the Environmental Easement, as approved by the NYSDEC. Prohibition of the use of groundwater underlying the Site without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless user first obtains permission to do so from the Department, or if at such time the Department no longer exists, any New York State Department, Bureau, or other entity replacing the Department. The implementation of a Site Management Plan (SMP) that specifies the use of soil cover systems, and management of soils that may be excavated at the Site during future development. - Soil Management Plan The Site has been remediated for restricted Commercial or Industrial Use. Any future intrusive work that will penetrate the soil cover or cap, or encounter or disturb the remaining contamination, including any modifications or repairs to the existing cover system will be performed in compliance with the Soil Management Plan. The potential for vapor intrusion must be evaluated if the current building on-Site becomes occupied or if any buildings are developed on-Site, and any potential impacts that are identified must be monitored or mitigated. Vegetable gardens and farming on the property are prohibited. - NYSDEC retains the right to access such Controlled Property at any time in order to evaluate the continued maintenance of any and all controls. 		

Description of Engineering Controls

<u>Parcel</u>	<u>Engineering Control</u>
153.83-1-13	Cover System
<p>Soil Cover</p> <p>Exposure to remaining contamination in soil/fill at the Site is prevented by the soil cover system placed over the Site. This cover system is comprised of a minimum of 12-inches of clean soil underlain by a demarcation layer, asphalt pavement, and concrete building slab. The Soil Management Plan that appears in Appendix B 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.</p> <p>The soil cover system for the Site will need to meet the following criteria:</p> <ul style="list-style-type: none"> The Grantor, or its successors in title, must maintain the cover system of 12-inches of clean soil underlain by a demarcation layer, or 6-inches of asphalt pavement, or 6-inches of concrete building slabs; Any on-Site soil that is used to create a future soil cover system will meet the Commercial Use SCOs identified in 6NYCRR Part 375-6.8(b) for protection of human health; and 	

ParcelEngineering Control

- Any off-Site soil that is used for the soil cover system will meet the lower of the SCOs for Commercial Use, or the protection of groundwater as identified in 6NYCRR Part 375-6.8(b). The maintenance of the soil cover system includes the following requirements, which apply to development of the Site and future activities at the Site that may disturb the underlying soils:
- Any proposed soil excavation on the Site requires prior notification, and prior approval by NYSDEC in accordance with this Site Management Plan approved by NYSDEC for the Site. The excavated soil must be managed, characterized, and properly disposed of in accordance with applicable NYSDEC regulations and directives; and
- Any area of soil excavation below the barrier layer that is to be returned to vegetated soil (i.e., not concrete, asphalt or buildings) must be backfilled with a minimum of one (1) foot of clean fill underlain by a demarcation layer in accordance with 6 NYCRR Part 375-3.8(e)(4)(iii).

Procedures for monitoring the system are included in the Monitoring Plan (Section 3 of this SMP).

Procedures for inspecting and maintaining the soil cover system are documented in the Operation and Maintenance Plan included in Section 4 of this SMP. The Monitoring Plan also addresses severe condition inspections in the event that a severe condition, which may affect controls at the Site, occurs.

Composite Cover System

The composite cover system is a permanent control and the quality and integrity of this system will be inspected at defined, regular intervals in perpetuity, or until such time NYSDEC confirms in writing that such inspections are no longer warranted.

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 Engineering Control 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

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☐

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The 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

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☐

**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. E727011**

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 Christian Brunelle at 47 Utica Street, LLC,
print name print business address

am certifying as Owner's Representative (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

04/21/2023
Date

EC CERTIFICATIONS

Box 7

Professional Engineer 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 Dale R. Vollmer, P.E. at PLUMLEY ENGINEERING, P.C.
print name print business address
8232 Loop Road, Baldwinsville, NY 13027,

am certifying as a Professional Engineer for the 47 Utica Street, LLC
(Owner or Remedial Party)

Dale Vollmer

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



04/17/2023
Date

(Required for PE)