



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.:	E905029	
Site Name: Bush Industries Site		
Site Address: 1 North Main St Zip Code: 14719		
City/Town: Cattsburg		
County: Cattaraugus		
Site Acreage: 4.7		
Reporting Period: October 22, 2010 to April 22, 2012		
		YES NO
1. Is the information above correct?	<input type="checkbox"/>	<input checked="" 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Box 2
		YES NO
6. Is the current site use consistent with the use(s) listed below? Restricted-Residential, Commercial, and Industrial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Are all ICs/ECs in place and functioning as designed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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. E905029

Box 3

Description of Institutional Controls

Parcel

Owner

Institutional Control

35.081-1-16

Village of Cattaraugus

Ground Water Use Restriction  
Landuse Restriction  
Soil Management Plan

Box 4

Description of Engineering Controls

None Required

Not Applicable/No EC's

Engineering Control Details for Site No. E905029

Parcel: 35.081-1-16

Industrial - shovel ready

Commercial - 1 foot of fill

Restricted Residential - 2 feet of fill

## 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. E905029

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 PATRICK J. Cullen 24 Main Street, Castamagus, NY.  
print name print business address

am certifying as William Anderson, 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

5/17/12  
Date

## Periodic Review Report (PRR)

Site E905029

5/17/2012

I. A. The site is a 4.43 acre site that formerly housed a gas station that closed approximately 80 years ago. Interim Remedial Measures conducted by the New York State Department of Environmental Conservation included excavation and off site disposal of 3,397 tons of petroleum impacted soil. End of project samples collected determined that all petroleum impacted soils had been removed.

B. No remedial program was required or undertaken.

C. 1. No areas of non-compliance were noted with regard to our SMP.

2. No steps are currently proposed.

D. 1. None

2. We recommend that PRRs be required less frequently if at all.

3. We recommend that since the site cleanup has been so thorough, and that 12 test wells have shown no contamination, and since the site is served by municipal water and sewer systems .... discontinuing PRRs may be in order.

II. See: Environmental Restoration, Record of Decision, Site Number E905029, Bush Industries Site, Village of Cattaraugus

III. No remedial action was mandated. "The Department believes that the IRM has accomplished the remediation goals and satisfied the SCGs for the subsurface petroleum contamination at the site."

IV. "No Institutional Controls/Engineering Controls (ICs/ECs) will be initiated."

V. Monitoring Plan.

A monthly site inspection has been conducted on the first of each month since acquisition and no changes have been noted. The site has been fenced in and the public does not have access. Since the site remediation goals have been satisfied and continuous monthly monitoring has been negative for contamination, we respectfully request that this be conducted less frequently or not at all.

VI. No Operation and Maintenance Plan has been required or implemented.

---

VII. The PRR Conclusions and Recommendations are contained in the December 2008 Environmental Restoration report. Since no remedial action was mandated and there exist Cattaraugus Village mandatory water and sewer systems, we believe that it would be appropriate to discontinue site management.