SITE MANAGEMENT PLAN

Environmental Restoration Program Project
For the Bush Site Number: E905029
Village of Cattaraugus

Prepared for:

Village of Cattaraugus
14 Main Street
Cattaraugus, New York 14719

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February 2009

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1.0 INTRODUCTION

1.1 Site Management Plan requirements

The final remedy for the site included the implementation of an IRM to excavate and dispose off site petroleum impacted soils identified during a 2006 site investigation as part of the Site Investigation/Remedial Alternatives Report (SI/RAR). Upon completion of the IRM in January 2008, the final remedy proposed "No Further Action" with institutional/engineering controls (IC/EC) for future site development.

This SMP provides a description of these controls including ICs for an environmental easement with site classification restrictions and ECs for soils management requirements to mitigate human exposure to slightly impacted site soils during future development. The SMP also requires a Site Monitoring Plan and Operation and Maintenance Plan when required by the final remedy. However, since no further remediation of the site is recommended and there are no on-going remedial treatment systems to monitor, neither of these plans are required as part of the SMP for the Bush Site

1.2 Background

1.2.1 Site History and Description

The Bush Site is the location of the former Setter Brothers/Bush Industries property, located at 1 North Main Street in the Town of New Albion, Village of Cattaraugus, Cattaraugus County, New York. Vacant since about 1989, the property consists of approximately 4.43-acres and is currently owned by the Village of Cattaraugus (refer to attached DWG 1).

Prior to the SI/RAR, the site contained the remnants of a former manufacturing facility including parts of the building shell and building rubble from a partial demolition by a previous owner. As part of the SI/RAR, the remaining shell and building rubble were removed 2007 to the foundation level. Concrete slab foundations from former buildings covered much of the west end of the Site up to and immediately adjacent Main Street. Prior to Setter Brothers/Bush Industries use of the entire site, historical maps of the property indicated that a Standard Oil facility, an apple evaporator, and gasoline service were formerly associated with portions of the west end of the site adjacent to Main Street. These were located on the site prior to the Bush facility which eventually expanded and took over the entire site. A more detailed history of the site is contained in the SI/RAR report.

1.2.2 Site Investigations

In 2005, the Village of Cattaraugus contracted Panamerican Environmental, Inc. (PEI) and its teaming partner URS Corporation (URS) to conduct the SI and prepare a RAR under the New York State Department of Environmental Protection (DEC) Environmental Restoration Program

(ERP -under the 1996 Clean Water/Clean Air Bond Act ECL Article 56 - 6NYCRR 375-4). The goal of44
the program was to complete focused environmental investigations to accurately assess the potential for contamination, its source, nature and extent, and to develop sufficient data to support the development of long-term remedial alternatives at the site. The final SI/RAR (*Site Investigation and Remedial Action Report, Former Bush industries Site No. E905029, prepared for: Village of Cattaraugus, prepared by; PEI/URS, April 2008)* concluded that petroleum impacted soils existed in the area of the former Standard Oil facility with volatile organic compound (VOC) concentrations that exceeded soil cleanup guidelines (SCGs) established for the site (NYSDEC TAGM 4046 and/or 6 NYCRR Part 375 Restricted Residential Soil Cleanup Guidance Values). To remove this contaminate source, a work plan was completed and approved in August 2007 for an IRM to excavate and dispose off site the impacted soils.

1.2.3 Remedial Actions

An IRM to excavate and dispose off site petroleum impacted soils identified during a 2006 site investigation as part of the SI/RAR was completed between December 2007 and January 2008 (refer to attached Figure 7).

The IRM remedial actions consisted of:

- The excavating and stockpiling of the surface concrete slab covering the area of impacted soil;
- The excavation, transportation, and landfill disposal of 3,397 tons of petroleum impacted soils;
- The pumping of groundwater (after testing) encountered during excavation and disposal of this groundwater to the ground downgradient of the excavation;
- The backfilling of the excavation to grade with the stockpiled concrete, an estimated 750 tons of on-site fill, and 3,402 tons of approved imported clean fill.

Details of the IRM program will be provided in the Final Engineering Report (FER) to be issued upon the final acceptance of the Record of Decision (ROD).

2.0 SITE MANAGEMENT PLAN DETAILS

2.1 Institutional/Engineering Controls (IC/EC)

2.1.1 Institutional Controls

An environmental easement (EE) has been imposed on the site as an institutional control (IC). The EE will require: (a) limiting the use and development of the property within the easement

area (refer to DWG 1) to industrial use with the contingency remedies of commercial and restricted residential; (b) compliance with this SMP; (c) restricting the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the New York State Department of Health (NYSDOH); (d) The property owner to complete and submit to the NYSDEC a periodic certification (refer to section 2.2) of institutional and engineering controls.

2.1.2 Engineering Controls

Due to slightly elevated levels of metals and polycyclic aromatic hydrocarbons (PAHs) in the site soils (refer to the SI/RAR for details) engineering controls (EC) will be required for future development (industrial, commercial or restricted residential) to mitigate human exposure of construction workers and/or site occupants to the site soils.

In accordance with NYSDEC Part 375-3.8, for industrial land use no soil cover is required and the site is shovel ready in its current state. If the contingency remedy is commercial use, a one-foot thick cover of clean soil underlain by an indicator such as a geotextile liner or orange plastic snow fence will be placed to demarcate the cover soil from the subsurface soil. The top six inches of soil would be of sufficient quality to support vegetation. Clean soil would constitute soil that meets the Division of Environmental Remediation's criteria for backfill (DER-10) or with NYCRR Part 375 Section 6.7. Non-vegetated areas (buildings, roadways, parking lots, etc.) would be covered by a paving system or concrete at least 6 inches thick. For restricted residential use, a two-foot thick cover will be required with the same details as for commercial use.

Along with the soil cover requirements EC also include the preparation of a soils management plan to mitigate exposure of construction workers, site occupants and/or the public during future development activities where any disturbance to the site soil will be required. A description of the soils management plan is provided in Section 2.1.3.

2.1.3 Soils Management Plan

Due to the prior site history, and slightly elevated soil contamination levels, a soils management plan has been prepared as part of the ECs for handling site soils during future development of the site within the environmental easement area. The soils at the property pose minimal potential risk to construction workers and/or future site users, however, this potential risk can be further reduced or eliminated if proper soil management strategies are employed.

A site specific soils management plan designed to describe the proper soil management and handling procedures directed at reducing exposure of site soils during future development and use of the site is presented in Appendix A. The plan covers topics such as: existing site conditions; nature and extent of soil contamination; soil management handling procedures during development (foundation excavations, utility trenches, grading, etc.); fill requirements; future use/restrictions, contractor requirements; etc.

2.2 IC/EC Periodic Certification

2.2.1 Certification Period

The property owner will provide a periodic certification of institutional and engineering controls every three years, prepared and submitted by a professional engineer or such other expert acceptable to the NYSDEC, until the NYSDEC notifies the property owner in writing that this certification is no longer needed. The NYSDEC will also have the right to access the site for their own verification of compliance.

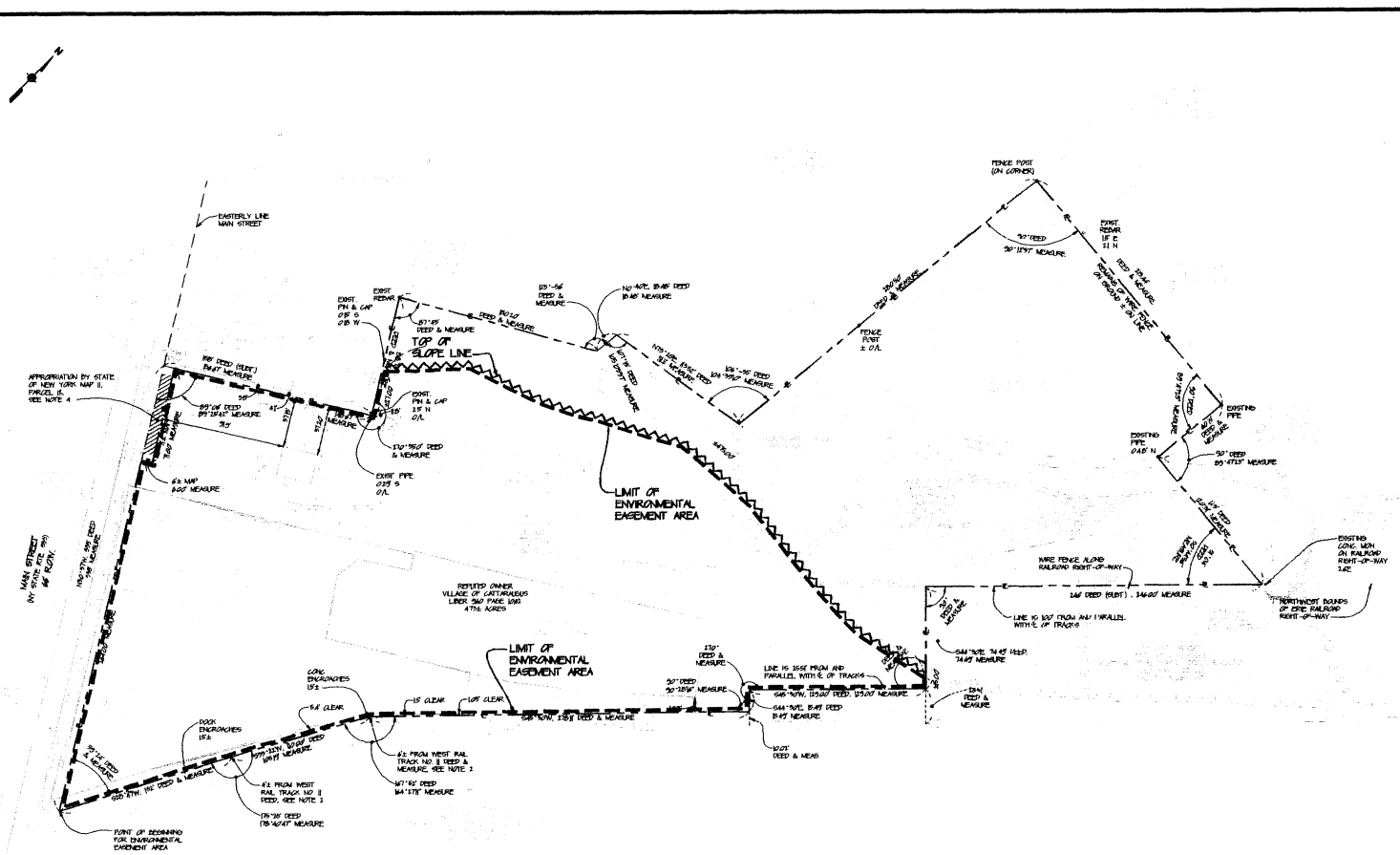
2.2.2 IC/EC Effectiveness

The certification will state that the institutional/engineering controls put in place are still in place and are either still effective and unchanged from the previous certification or are compliant with NYSDEC-approved modifications and 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 NYSDEC.

2.2.3 Certification Report Requirements

A site management certification report will be prepared by a professional engineer or other qualified environmental professional at the completion of each certification period. The report will state that the environment professional/engineer has reviewed the condition of the site and certifies that the IC/EC employed at the site are as follows:

- Unchanged from previous certification;
- In place and effective;
- Performing as designed; and
- Nothing has occurred that would impair the ability of the controls to protect the public health and environment



NOTES:

1) SUBJECT PARCEL IS COMPRISED OF SEVERAL SMALLER PARCELS ACQUIRED BY THE VILLAGE OF CATTARAUGUS AS SHOWN BY A TITLE SEARCH MADE BY CATTARAUGUS ABSTRACT CORP. AND NAMED TITLE SEARCH NO. 34834. INTERIOR LOT LINES ARE SHOWN APPROXIMATELY AS A REFERENCE.

2) NO RAIL WAS RECOVERED IN THIS AREA. THERE ARE PILES OF DEBRIS AND BROKEN CONCRETE PILED ALONG BUILDING FOUNDATION.

3) ALL BEARINGS SHOWN ON THIS SURVEY ARE REFERENCED FROM THE DEEDS AS THEY WERE WRITTEN.

4) THE SURVEY BASELINE USED IN 1949 TO ESTABLISH THE APPROPRIATION AS SHOWN ON MAP 11 PARCEL 15 WAS NOT ABLE TO BE ESCHEATED IN THIS FIELD. THE APPROPRIATION IS SHOWN AS ESTABLISHED BY THE RIGHT OF WAY OF MAIN STREET AS IT INTERSECTS THE NORTHERLY PROPERTY LINE OF SAID PARCEL.

5) PRESENCE OF UTILITY POLES ON PARCEL ARE EVIDENCE OF A POTENTIAL EASEMENT, NO SUCH DOCUMENT WAS RECOVERED OR SUPPLIED IN TAX SEARCH COMPLETED BY CATTARAUGUS ABSTRACT CORP. (SEARCH #34834 DATED MAY 16, 2005).

6) NO PINS WERE SET AT THE BOUNDARY CORNERS AT THIS TIME.

7) ENVIRONMENTAL EASEMENT AREA CONTAINS ±2.78 ACRES.

LEGEND:

TOP OF SLOPE LINE

LIMIT OF ENVIRONMENTAL EASEMENT AREA

40' 0 40'

SCALE: 1"= 40'

WARNING: IT IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW FOR ANY PERSON OTHER THAN A LICENSED ENGINEER TO ALTER THIS DRAWING IN ANY WAY. IF THIS DRAWING IS ALTERED, THE ALTERING ENGINEER SHALL AFFIX TO THE ITEM HIS SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

NO.	MADE BY	APPROVED BY	DATE	DESCRIPTION
1	RAL	RH	3/26/08	ADDED LIMIT OF ENVIRONMENTAL EASEMENT AREA AND TOP OF SLOPE LINE

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CATTARAUGUS COUNTY
TOWN OF NEW ALBION
VILLAGE OF CATTARAUGUS
SURVEY LOCATED IN
LOT 23, TOWNSHIP 4, RANGE 8
OF THE HOLLAND LAND
COMPANY SURVEY
TAX ID# 35.081-1-16

SURVEY OF A PORTION OF LANDS OWNED BY THE VILLAGE OF CATTARAUGUS AND DESCRIBED IN LIBER 960 AT PAGE 1062

BOUNDARY SURVEY AND ENVIRONMENTAL EASEMENT

Scale: AS SHOWN | Date: MARCH 2008 | DWG. NO. 1

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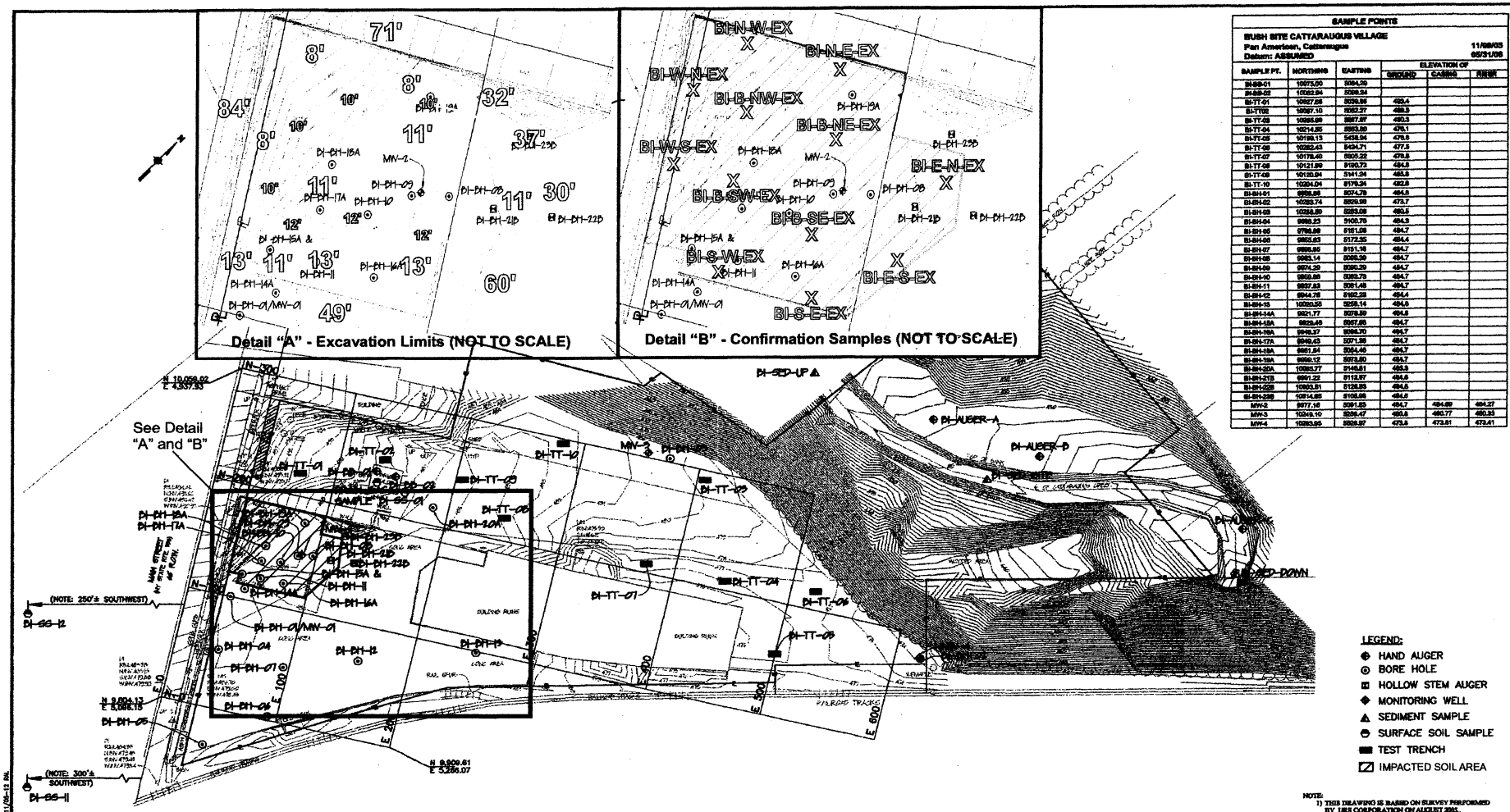

SAMPLE POINTS

BUSH SITE CATTARAUGUS VILLAGE
Pan American, Cattaraugus
Datum: ASSUMED
11/08/05
05/31/06

SAMPLE PT.	NORTHING	EASTING	ELEVATION OF GROUND	CASING	RISER
BI-SB-01	10075.00	5064.20			
BI-SB-02	10062.94	5098.24			
BI-TT-01	10027.58	5039.99	469.4		
BI-TT02	10097.10	5067.37	468.3		
BI-TT-03	10095.68	5087.97	480.3		
BI-TT-04	10214.85	5063.89	476.1		
BI-TT-05	10199.13	5438.94	479.8		
BI-TT-06	10282.43	5434.71	477.5		
BI-TT-07	10178.46	5805.22	478.8		
BI-TT-08	10121.99	5190.73	484.8		
BI-TT-09	10120.84	5141.24	485.8		
BI-TT-10	10284.04	5179.34	482.8		
BI-BH-01	9958.98	5074.79	484.8		
BI-BH-02	10083.74	5209.98	473.7		
BI-BH-03	10258.89	5283.08	480.5		
BI-BH-04	9988.23	5100.76	484.3		
BI-BH-05	9788.88	5161.08	484.7		
BI-BH-06	9865.63	5172.35	484.4		
BI-BH-07	9899.86	5191.16	484.7		
BI-BH-08	9963.14	5095.39	484.7		
BI-BH-09	9974.29	5060.29	484.7		
BI-BH-10	9869.86	5083.75	484.7		
BI-BH-11	9857.83	5061.48	484.7		
BI-BH-12	9944.76	5162.28	484.4		
BI-BH-13	10090.58	5258.14	484.6		
BI-BH-14A	9921.77	5078.89	484.8		
BI-BH-15A	9829.48	5057.86	484.7		
BI-BH-16A	9918.37	5096.70	484.7		
BI-BH-17A	9949.43	5071.36	484.7		
BI-BH-18A	9861.84	5064.46	484.7		
BI-BH-19A	9899.12	5073.80	484.7		
BI-BH-20A	10080.77	5146.61	485.8		
BI-BH-21B	9991.22	5115.97	484.8		
BI-BH-22B	10003.51	5128.85	484.6		
BI-BH-23B	10014.85	5108.98	484.6		
MW-2	9977.16	5091.55	484.7	484.09	484.37
MW-3	10049.10	5096.47	480.8	480.77	480.33
MW-4	10060.95	5068.97	473.8	473.81	473.41

NO.	MADE BY	REVISED BY	DATE	DESCRIPTION

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CATTARAUGUS COUNTY
TOWN OF NEW ALBION
VILLAGE OF CATTARAUGUS

SI/RAR BUSH SITE
SITE INVESTIGATION
EXCAVATED SOIL AREA

Scale: AS SHOWN | Date: DEC. 2005 | **FIGURE 7**

APPENDIX A

SOILS MANAGEMENT PLAN

SOILS MANAGEMENT PLAN

Environmental Restoration Program Project
For the Bush Site Number: E905029
Village of Cattaraugus

Prepared for:

Village of Cattaraugus
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October 2008

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1.0 INTRODUCTION

1.1 Site History

The Bush Site is the location of the former Setter Brothers/Bush Industries property and is located at1North Main Street in the Town of New Albion, Village of Cattaraugus, Cattaraugus County, New York. Vacant since about 1989, the property consists of approximately 4.43-acres and is currently owned by the Village of Cattaraugus (refer to Figure 1).

To assess the potential for environmental contamination at the Bush site, a Site Investigation (SI) was completed and a draft Remedial Action Report (RAR) prepared in 2006. The final SI/RAR was completed in March 2008 (*Site Investigation and Remedial Action Report, Former Bush industries Site No. E905029, prepared for: Village of Cattaraugus, prepared by; PEI/URS, March 2008).* The SI/RAR concluded that petroleum impacted soils existed in an area of the site identified as the former Standard Oil facility and that site soils had slightly elevated semi-volatile organic compounds (SVOCs), primarily polycyclic aromatic hydrocarbons (PAHs), and metal compounds across the site in surface and subsurface soil. A Work Plan was completed and approved in August 2007 to perform an Interim Remedial Measure (IRM) to excavate and dispose off site the impacted soils from the Standard Oil area. The IRM was completed in January 2008 resulting in the removal of all petroleum impacted soil from the former Standard Oil area and backfilling of the area with clean soil from an approved off site source.

As stated, a portion of the remainder of the site has slightly elevated levels of metals and PAHs in site soils (refer to Section 2.2 Nature and Extent of Contamination). Since the site is currently unoccupied, disturbance of the soils by human contact is minimal. However, future development of the site may result in human contact (dust inhalation/dermal absorption) with these slightly impacted soils by construction workers or future site users. To mitigate this exposure pathway, this soils management plan, which addresses disturbance of the site soils, is an Engineering Control (EC) imposed upon the environmental easement area of the site. The environmental easement includes restrictions on development use within the easement (refer to DWG 1 for easement area).

1.2 Site Description

The 4.43-acre property is slightly irregular in shape and is located on the east side of and fronts on Main Street (refer to DWG 1). The northern and northeastern border of the property descends gradually, then at an increasingly greater slope to a very steep slope into a ravine to a creek bed/floodway. This is a branch of Cattaraugus Creek that winds along the eastern-northeastern border of the parcel. The property above the ravine and along the bank of the steep slope appears to have been filled with fill and construction and demolition (C&D) debris. Some C&D debris are visible in the side banks of the slope and on the surface over the bank towards the creek. The property is bordered to the south-southwest by a rail line. Concrete and asphalt parking areas (former facility concrete floor) are located along the western portions of the property (the side of the property along Main Street). Some of this was removed during the IRM. Fill material is visible in the grassy northern and eastern portions of the property. The remainder of the property is grass/weed covered with some bare spots and fill areas consisting of stone, crushed concrete and brick, asphalt and other C&D materials.

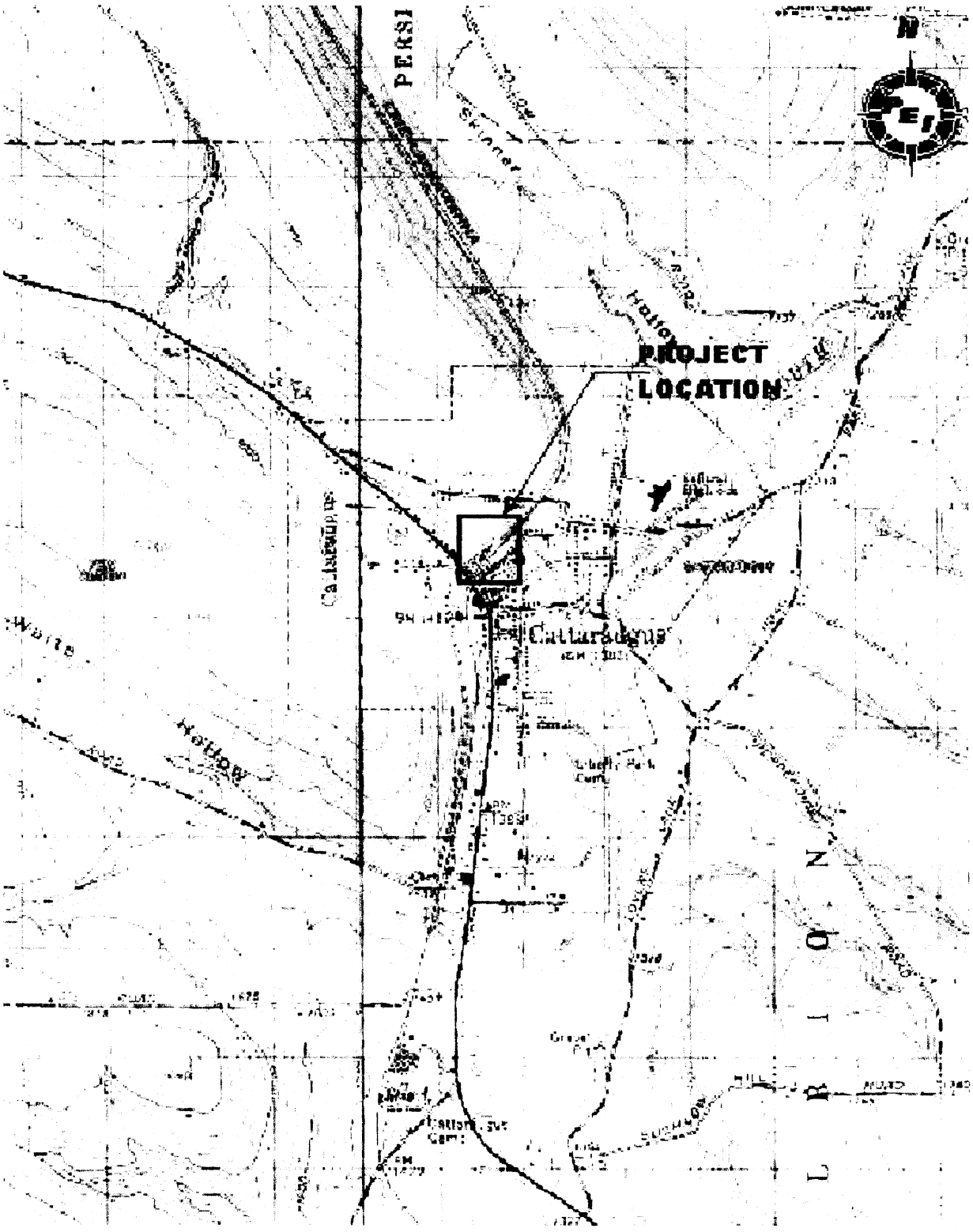
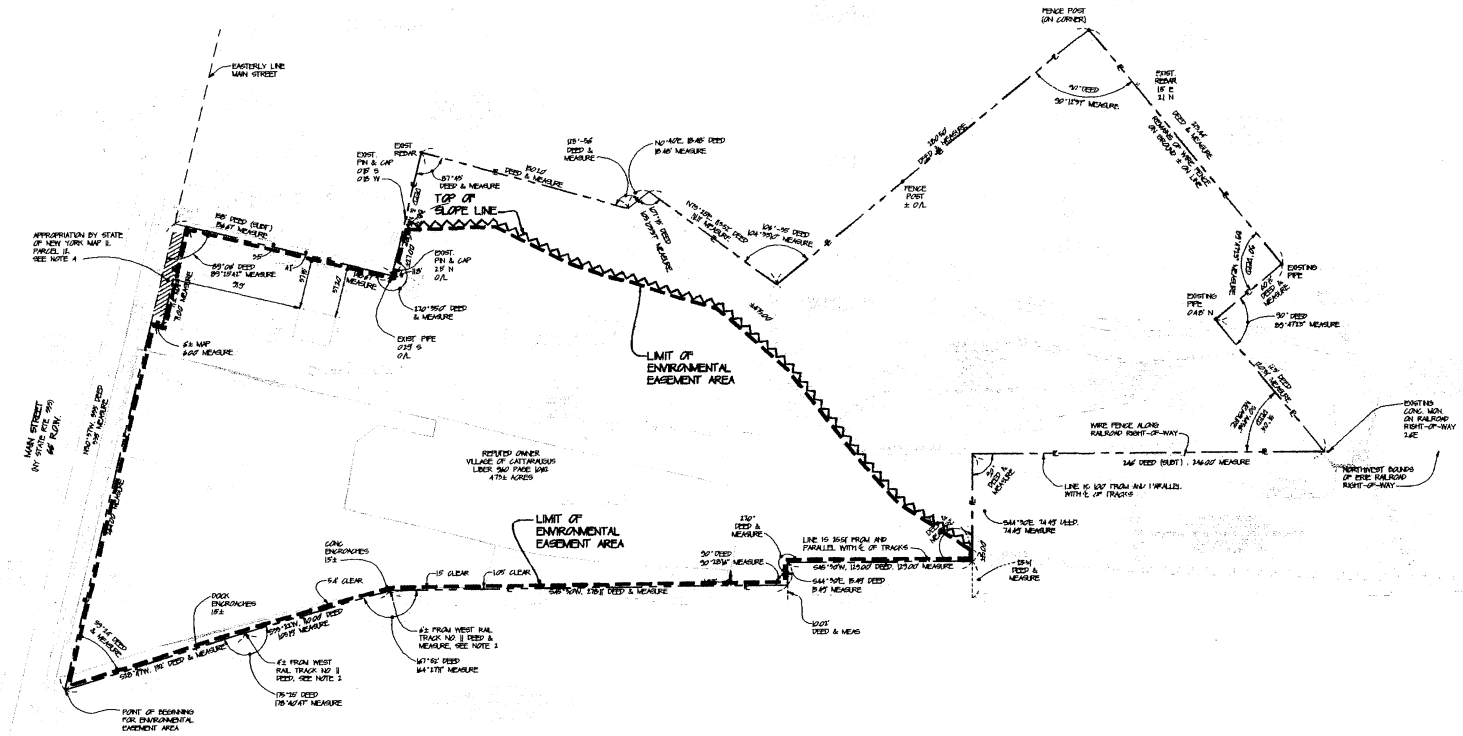


Figure 1. Project location within the Village of Cattaraugus, Cattaraugus County, New York *(USGS 7.5' Quadrangle, Cattaraugus, NY).*



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TOP OF SLOPE LINE

LIMIT OF ENVIRONMENTAL EASEMENT AREA

40' 0 40'

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NO.	MADE BY	APPROVED BY	DATE	DESCRIPTION
1	RAL	RH	3/26/08	ADDED LIMIT OF ENVIRONMENTAL EASEMENT AREA AND TOP OF SLOPE LINE

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CATTARAUGUS COUNTY
TOWN OF NEW ALBION
VILLAGE OF CATTARAUGUS
SURVEY LOCATED IN
LOT 23, TOWNSHIP 4, RANGE 8
OF THE HOLLAND LAND
COMPANY SURVEY
TAX ID# 35.081-1-16

SURVEY OF A PORTION OF LANDS OWNED BY THE VILLAGE OF CATTARAUGUS AND DESCRIBED IN LIBER 960 AT PAGE 1062

BOUNDARY SURVEY AND ENVIRONMENTAL EASEMENT

Scale: AS SHOWN | Date: MARCH 2008 | **DWG. NO. 1**

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1.3 Objectives of the Soils Management Plan

This soils management plan describes the proper soil management and handling procedures directed at reducing exposure of site soils during future development and use of the site. The Plan covers topics such as: existing site conditions; nature and extent of soil contamination; soil management handling procedures during development (foundation excavations, utility trenches, grading, etc.); fill requirements; future use/restrictions, contractor requirements; etc.

1.4 Organization of the Soils Management Plan

Section 2 presents an overview of existing site conditions and discusses the nature and extent of contaminants detected in the site soils. The soils management strategies are outlined in Section 3 and contractor requirements are outlined in Section 4.

2.0 EXISTING SITE CONDITIONS

2.1 Soil and Fill Materials

The results of the soil investigation conducted in 2006 as part of the SI indicates that the subsurface geology consists of an approximate 6 inch topsoil layer underlain by 6 to 20+ feet of overburden fill material consisting of pieces of brick, concrete, wood, coarse to fine gravel and medium to fine sand in most subsurface areas. Large pieces of concrete and other C&D material exists in the subsurface and along the banks of the slope at the north and east ends of the site. The stratigraphy from 6 to 20 feet below ground surface, where overburden/fill material does not exist, consists of layered and soft silty clay with traces of medium to fine sand and course to fine gravel. Below this material, the soil consists of brown and grey, stiff (tight) silty clay with traces of medium to fine sand. Below the silty clay, to the groundwater interface, lies grey, moist clayey silt with medium to fine sand. A detailed description of soils is provided in boring logs presented in the site investigation report (*Site Investigation and Remedial Action Report, Former Bush industries Site No. E905029, prepared for: Village of Cattaraugus, prepared by; PEI/URS, April 2008);* a copy of which is on file at the Village of Cattaraugus Municipal Building.

2.2 Nature and Extent of Contamination

During the SI, sample analytical results indicated the presence of a number of SVOCs, primarily PAHs, and metal compounds across the site in surface and subsurface soil. Some concentrations of PAH and metal compounds slightly exceeded the soil cleanup guidelines (SCGs) established for the site (Technical and Administrative Guidance Memorandum (TAGM) # 4046 Cleanup Levels and/or 6 NYCRR PART 375 Restricted Residential cleanup levels). Analytical results for all samples are provided in the SI/RAR. The slightly elevated levels of PAH and metal compounds are most likely the result of the nature of the fill material (concrete/asphalt slabs, rebar, scrap metal, etc.) found at the site and the local areas long history of commercial and railroad use and burning of fossil fuels.

3.0 SOILS MANAGEMENT STRATEGIES

3.1 General

This section presents a discussion of the soil management strategies that will be utilized in conjunction with future development activities at the Site. Whereas the soils at the site pose only minimal potential risk to construction workers and/or the public, this potential risk can be further reduced and/or eliminated if proper soil management strategies are employed.

The primary potential exposure routes associated with the PAHs, and metals in the onsite soils include:

- Dermal contact
- Ingestion
- Inhalation

The potential exposure of workers and the public/site occupants to fill materials at the site via the above exposure routes is low. Metals and PAHs compounds are typically bound up in the soil/fill materials and are not very mobile. In general, potential for exposure to the fill materials at the site will be limited to future development that may require onsite excavations (i.e., utilities, foundations, roadways, etc.) and/or fugitive dust generated at the site during construction activities. Also, future site users/occupants could potentially come in contact with soils at or near the surface.

For this property, soil management strategies will be guided by and are developed in concert with the IC environmental easement requirements related to site use and soil cover. These require that clean soil cover will be required over all green space resulting from future site development which will be restricted to the following classifications: restricted residential; commercial and industrial.

In accordance with NYSDEC Part 375-3.8, within the environmental easement, the restricted residential use classification requires a two-foot thick cover of clean soil underlain by an indicator such as a geotextile liner to demarcate the cover soil from the subsurface soil. The top six inches of soil would be of sufficient quality to support vegetation. Clean soil would constitute soil that meets the Division of Environmental Remediation's criteria for backfill (DER-10) or NYCRR Part 375 Section 6.7. Non-vegetated areas (buildings, roadways, parking lots, etc.) would be covered by a paving system or concrete at least 6 inches thick. Also, commercial final use requires a one-foot thick cover. An industrial final use requires no soil cover and the site is shovel ready in its current state.

Soils management strategies and handling procedures focus on reducing or eliminating the potential for workers and the public/site occupants to come in contact with the slightly elevated impacted site soils. Based the requirements listed above, the following general approach will be utilized in managing impacted soils at the site:

- Until the site is developed, existing areas of the site which are covered with asphalt/concrete or have well established grass should be maintained to the maximum

extent practicable. Well-established and maintained grass cover usually minimizes human exposures to soil by acting as a barrier to direct contact with the soil.

- All soil materials excavated at the site should be managed as if they have slightly elevated levels of metals and PAHs. This means that any fill materials excavated at the site should be disposed offsite, after testing, at a facility permitted to accept non-hazardous contaminated soils or should be utilized in regrading the site and capped with clean soil (depth depends on classification use) and/or concrete/asphalt.

- All imported fill materials should be obtained from approved sources and tested to ensure they are clean by sampling and analyzing for the compounds listed in the NYSDEC DER-10 Imported Fill Requirements NYCRR Part 375 Section 6.7.

- If possible, no basements or other unnecessary excavations should be incorporated in the development. Utilities should be "bundled" and run in dedicated corridors as much as possible to minimize soil excavation. All utility trenches should be backfilled with clean soils meeting the requirements stipulated above.

- Dust control measures with full-time air monitoring (work areas and site perimeter) should be implemented during all intrusive activities to minimize inhalation exposures and create a public record.

- Full-time oversight should be provided during all intrusive activities to provide air monitoring and to document compliance with the soils management plan. A final construction monitoring report should be prepared upon project completion attesting compliance with the soil management plan.

- Where possible, the existing site grade should be raised rather than lowered for future development using clean soils from off-site sources as described above.

3.2 Soil Management/Handling Procedures

In accordance with the requirements of NYSDEC Part 375-3.8, soil management/handling procedures will depend on the ultimate use classification as follows:

Restricted Residential Use Classification will require a two-foot thick cover of clean soil across the useable portion of the property. This will be underlain by an indicator such as a geotextile liner to demarcate the cover soil from the subsurface soil. The top six inches of soil would be of sufficient quality to support vegetation. Clean soil would constitute soil that meets the Division of Environmental Remediation s criteria for backfill (DER-10) or NYCRR Part 375 Section 6.7. Non-vegetated areas (buildings, roadways, parking lots, etc.) would be covered by a paving system or concrete at least 6 inches thick.

Commercial Use Classification will require a one-foot thick cover.

Industrial Use Classification requires no soil cover and the site is shovel ready in its current state.

Specific soil management/handling procedures to be implemented at the site are described below. Additionally, prior to the commencement of any construction activities, the contractor shall develop, for review by the Village of Cattaraugus and NYSDEC, a site specific Health and Safety Plan.

3.2.1 Building Foundations

Due to the depth of fill material at the site, excavation for foundations will most likely encounter existing fill materials. The fill materials will be managed as if they are non-hazardous contaminated soils. Consequently, the fill materials will be transported and disposed offsite, after testing, at an approved permitted disposal facility. Alternatively, the fill materials may be utilized onsite (subsurface only) to re-grade the site. If the fill materials are retained onsite, placement during regrading will be limited to those areas of the site that will be capped with clean soil, and/or concrete/asphalt, in order to limit potential exposure to future workers and the public. The depth of cover will adhere to the requirements of the environmental easement and development classification as discussed above.

3.2.2 Utility Trenches

To ensure worker safety during installation and for future repair of buried Utility services, the following procedures have been established to ensure proper management of the soils:

Fill materials will be excavated to create a minimum two foot wide trench and one foot below the proposed invert elevation of the deepest utility. The fill materials maybe utilized onsite for backfilling and/or regrading (see restrictions in 3.2.1) as applicable and/or, after testing, disposed offsite at an approved landfill;

The resultant trench will be backfilled and compacted with clean soils (as defined above) imported from an approved offsite source;

The utilities may be installed prior to backfilling and/or through the clean compacted soils, as necessary.

3.2.3 Site Grading

In areas to be re-graded, the existing soils/fill will be excavated and repositioned as necessary to achieve the desired subgrade. The subgrade elevation will be maintained one foot (commercial) or two foot (restricted residential) below the final design elevations except in areas that will be capped with asphalt and/or concrete (minimum 6 inches). In these areas the subgrade and final grade elevations will be the same. The upper one foot (commercial) or two foot (restricted residential) in the remaining areas will be filled to final grade with clean soils/topsoil (top 6 inches) imported from offsite sources.

Under no circumstances will the site fill materials occupy the final elevation at the end of construction in any area of the site, except under asphalt or concrete covered areas for restricted residential or commercial development.

3.2.4 Clean Fill Requirements

All imported fill materials should be obtained from approved sources and tested to ensure they are clean by sampling and analyzing for the compounds listed in the NYSDEC DER-10 Imported Fill Requirements or NYCRR Part 375 Section 6.7.

3.2.5 Manifesting of Excavated Fill Materials

The SI/RAR analytical data indicates that the fill materials are slightly impacted by PAHs and metals and are non-hazardous. Consequently, the fill materials will be handled as contaminated, non-hazardous soil. Should it be determined that any of the excavated fill materials are to be disposed off site, the material will be tested to meet the landfill's requirements and each truck will be provided with a "bill of lading" indicating that the soil/fill is non-hazardous and the name of the approved landfill where the material is being disposed.

3.2.6 Construction Observation

For future development, an on-site, independent environmental inspector should be provided throughout any excavation and grading activities to evaluate the soil/fill materials encountered, and verify compliance with this soils management plan. This individual will be experienced with identification and screening of non-hazardous contaminated soils. The primary role will be to monitor the movement of site soils to assure compliance with the soils management plan requirements. Additionally, the inspector will monitor air quality (fugitive dust) to document conditions during construction activities involving movement of soils.

Implementation of a dust control program and/or a perimeter air quality monitoring program will be required. If required, perimeter air quality will be measured at upwind and downwind locations to determine the potential offsite impact from onsite construction activities. At a minimum, monitoring for fugitive dust will be required. Real-time fugitive dust monitors should be used continuously throughout the work day. If downwind levels exceed 150 mg/m^3 above ambient levels, dust suppression measures shall be implemented.

Throughout construction (soil movement activities), the inspector will prepare daily field reports that document activities performed, equipment and manpower onsite, screening and/or testing results, weather conditions, progress, changes or variances from the soil management plan, etc.

Following completion of construction activities related to the soil management plan, a brief Certification Report will be prepared. This report will summarize the construction activities and certify that the work was performed in accordance with the approved soil management plan. The field reports and other supporting documentation will be appended as necessary.

4.0 CONTRACTOR REQUIREMENTS

During construction, the Contractor will be required to provide an onsite representative who will be responsible for the implementation of this soils management plan. The responsibilities of the contractor include:

- The contractor will coordinate all excavation/soil movement activities with the independent environmental inspector.

- Prior to the start of construction, the contractor will be required to prepare a site-specific Health and Safety Plan (HASP). The HASP must be prepared in accordance with applicable NYSDEC, Occupational Safety and Health Administration (OSHA), American Council of Government Industrial Hygienists (ACGIH), and National Institute of Occupational Safety and Health (NIOSH) standards. The HASP should focus on reducing or eliminating the potential for workers/local residents to come in contact with contaminated soils and/or inhale fugitive dust during construction. The HASP must address all the normal items related to construction activities as well as the environmental issues specific to this project. Additionally, the contractor will need to determine the appropriate level of safety training required for personnel working on this project with respect to the contaminated nature of the materials to be excavated. It is recommended that the contractor's supervisory personnel, at a minimum, be trained and experienced in working with contaminated soils. The contractor must provide a qualified Health and Safety Officer onsite during all excavation and disposal operations.

- The contractor may be responsible for conducting his own air quality monitoring, or other monitoring for his own workers, as deemed necessary by the HASP. This will be independent of any perimeter air monitoring performed by the independent environmental inspector.

- The Contractor must also address erosion/sediment control procedures to be implemented in order to prevent runoff from contaminated areas from impacting adjacent areas.

- The Contractor must develop a work plan which details the excavation, handling, testing and disposal procedures he will utilize to meet the objectives of this soil management plan. This plan must be reviewed and approved by the Village of Cattaraugus and the NYSDEC prior to moving soil material on site.