

I. Introduction

- A. This site is composed of six small contiguous commercial lots at 113 - 135 Ridge Road, a major arterial in the City of Lackawanna, Erie County. The total area of the site is approximately 0.77 acres. Historically, commercial buildings were present on the site but were subsequently demolished. The City of Lackawanna applied and was accepted into the State's Environmental Restoration Program (ERP) in 2004. A Site Investigation was conducted on the property in 2005 to ascertain the nature and extent of possible contamination by hazardous substances. The investigation determined that the property contained fill material that had elevated levels of chromium. An Interim Remedial Measure was conducted to remove a small area of soil contaminated with chromium in 2006. The excavated material was disposed of offsite at a landfill as solid waste. A Record of Decision requiring a Site Management Plan (SMP) to address residual contamination during development was issued in 2007. An Environmental Easement was placed on the property to ensure the SMP is followed during future development.
- B. The site has not been redeveloped at this point in time; therefore, Engineering Controls have not been implemented.
- C. The site is in compliance with the Institutional Controls (Environmental Easement) placed on the property as part of the Site Management Plan established in the Record of Decision.

II. Site Overview

- A. This site is composed of six small contiguous commercial lots at 113 - 135 Ridge Road, a major arterial in the City of Lackawanna, Erie County. The site has housed a number of different commercial activities dating back to the early 1900's. The Six Vacant Lots site includes the addresses 113, 117, 121, 125, 129 and 135 Ridge Road. The total area of the site is approximately 0.77 acres. The site is located in a mixed industrial, commercial, and residential area of Lackawanna. Historically, commercial buildings were present on the site but were subsequently demolished. The City of Lackawanna applied and was accepted into the State's Environmental Restoration Program (ERP) in 2004.
- B. A Site Investigation was conducted on the property in 2005 to ascertain the nature and extent of possible contamination by hazardous substances. The following activities were conducted during the Site Investigation:
- Research of historical information;

- Excavation of twenty test pits to determine the nature and extent of fill material;
- Installation of three soil borings and three monitoring wells for analysis of soils and groundwater as well as physical properties of soil and hydro geologic conditions;
- Sampling of three monitoring wells;
- Collection of six subsurface soil/fill samples from the test pits. One soil/fill sample was collected on each sub lot;
- A survey of public and private water supply wells in the area around the site.

The investigation determined that the property contained fill material that had elevated levels of chromium. An Interim Remedial Measure was conducted to remove a small area of soil contaminated with chromium in 2006. The excavated material was disposed of offsite at a landfill as solid waste. A Record of Decision (ROD) requiring a Site Management Plan (SMP) to address residual contamination during development was issued in 2007. The ROD contained four elements, including an Environmental Easement was placed on the property to ensure the SMP is followed during future development. Other elements included: a soil cover to be constructed upon development over all areas not covered by pavement or building foundations to prevent exposure to contaminated soils; implementation of a soil/fill management plan to address residual contaminated soils that may be excavated from the site during future redevelopment; and a periodic certification requirement. Additional details on the four elements and their current status are provided in Section VII below.

There have been no changes proposed or undertaken to the selected remedy.

III. Evaluate Remedy Performance, Effectiveness, and Protectiveness

N/A as the Engineering Controls will not be fully implemented until time of site redevelopment.

IV. IC/EC Plan Compliance Report

The Environmental Easement remains in full force on the property. There have been no development activities.

V. Monitoring Plan Compliance Report (if applicable)

N/A

VI. Operation & Maintenance (O&M) Plan Compliance Report

N/A

VII. Overall PRR Conclusions and Recommendations

The Record of Decision for the Six Vacant Lots Environmental Restoration Site (Site No. E915188) establishes a remedy with four elements, which are listed below. After each element, the current status of the site is provided.

1) Upon development, a soil cover will be constructed over all areas not covered by pavement or building foundations to prevent exposure to contaminated soils. The one foot thick cover would consist of clean soil underlain by an indicator such as orange plastic snow fence 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 with no analytes in exceedance of NYSDEC TAGM 4046 soil cleanup objectives or local site background. Other areas such as (buildings, roadways, parking lots, etc) would be covered by a paving system or concrete at least 6 inches in thickness.

STATUS: As there has been no development on the site, this element has not yet been implemented.

2) Implementation of a soil/fill management plan to address residual contaminated soils that may be excavated from the site during future redevelopment. The plan would require soil characterization and, where applicable, disposal/reuse in accordance with NYSDEC regulations.

STATUS: As there has been no development on the site, this element has not yet been implemented.

3) Imposition of an institutional control in the form of an environmental easement that: a) requires compliance with the approved site management plan; b) limits the use and development of the property to restricted commercial or industrial uses only; c) restricts the use of groundwater as a source of potable water, without necessary water quality treatment as determined by NYSDOH; and d) requires the property owner to complete and submit to NYSDEC a periodic certification.

STATUS: The Environmental Easement was recorded in the Erie County Clerk's office on 1/02/2007 at Page# 7803, and the City of Lackawanna has remained in full compliance with that instrument since its recording.

4) The property owner would provide a periodic certification, prepared 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 contain certification that the institutional controls and engineering controls are still in place, allow the Department access to the site, and 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 site management plan.

STATUS: The New York State Department of Environmental Conservation Site Management Periodic Review Report Notice Institutional and Engineering Controls Certification Form is attached to this document.



Enclosure 1

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



Site Details

Site No. E915188

Box 1

Site Name Six Vacant Lots on Ridge Road

Site Address: 113-135 Ridge Road Zip Code: 14218

City/Town: Lackawanna

County: Erie

Site Acreage: 0.8

Reporting Period: March 06, 2007 to July 19, 2011

- | | 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Box 2

- | | YES | NO |
|--------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| 6. Is the current site use consistent with the use(s) listed below?
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.**

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>
141.43-1-10	City of Lackawanna	Ground Water Use Restriction Landuse Restriction O&M Plan Soil Management Plan
141.43-1-11	City of Lackawanna	Ground Water Use Restriction Landuse Restriction O&M Plan Soil Management Plan
141.43-1-6	City of Lackawanna	Ground Water Use Restriction Landuse Restriction O&M Plan Soil Management Plan
141.43-1-7	City of Lackawanna	Ground Water Use Restriction Landuse Restriction O&M Plan Soil Management Plan
141.43-1-8	City of Lackawanna	Ground Water Use Restriction Landuse Restriction O&M Plan Soil Management Plan
141.43-1-9	City of Lackawanna	Ground Water Use Restriction Landuse Restriction O&M Plan Soil Management Plan

Description of Engineering Controls

<u>Parcel</u>	<u>Engineering Control</u>
141.43-1-10	Cover System
141.43-1-11	Cover System
141.43-1-6	Cover System
141.43-1-7	Cover System
141.43-1-8	Cover System
141.43-1-9	Cover System

Control Description for Site No. E915188

Control Description for Site No. E915188

Parcel: 141.43-1-10

Institutional Controls:

- 1) Easement - Filed 11/02/2007
 - "May be used for Commercial use only..."
- 2) Operation, Monitoring and Maintenance Plan (Appendix H of the Site Investigation/Remedial Alternatives Report (May 2006)+ Addendum (April 11, 2008).
 - Soil Cover System of (minimum) one foot clean soil.
 - Groundwater Use prohibition
- 3) Soil/ Fill Management Protocols (Appendix G of the Site Investigation/Remedial Alternatives Report (May 2006)+ Addendum (April 11, 2008).

Parcel: 141.43-1-11

Institutional Controls:

- 1) Easement - Filed 11/02/2007
 - "May be used for Commercial use only..."
- 2) Operation, Monitoring and Maintenance Plan (Appendix H of the Site Investigation/Remedial Alternatives Report (May 2006)+ Addendum (April 11, 2008).
 - Soil Cover System of (minimum) one foot clean soil.
 - Groundwater Use prohibition
- 3) Soil/ Fill Management Protocols (Appendix G of the Site Investigation/Remedial Alternatives Report (May 2006)+ Addendum (April 11, 2008).

Parcel: 141.43-1-6

Institutional Controls:

- 1) Easement - Filed 11/02/2007
 - "May be used for Commercial use only..."
- 2) Operation, Monitoring and Maintenance Plan (Appendix H of the Site Investigation/Remedial Alternatives Report (May 2006)+ Addendum (April 11, 2008).
 - Soil Cover System of (minimum) one foot clean soil.
 - Groundwater Use prohibition
- 3) Soil/ Fill Management Protocols (Appendix G of the Site Investigation/Remedial Alternatives Report (May 2006)+ Addendum (April 11, 2008).

Parcel: 141.43-1-7

Institutional Controls:

- 1) Easement - Filed 11/02/2007
 - "May be used for Commercial use only..."
- 2) Operation, Monitoring and Maintenance Plan (Appendix H of the Site Investigation/Remedial Alternatives Report (May 2006)+ Addendum (April 11, 2008).
 - Soil Cover System of (minimum) one foot clean soil.
 - Groundwater Use prohibition
- 3) Soil/ Fill Management Protocols (Appendix G of the Site Investigation/Remedial Alternatives Report (May 2006)+ Addendum (April 11, 2008).

Parcel: 141.43-1-8

Institutional Controls:

- 1) Easement - Filed 11/02/2007
 - "May be used for Commercial use only..."
- 2) Operation, Monitoring and Maintenance Plan (Appendix H of the Site Investigation/Remedial Alternatives Report (May 2006)+ Addendum (April 11, 2008).
 - Soil Cover System of (minimum) one foot clean soil.
 - Groundwater Use prohibition
- 3) Soil/ Fill Management Protocols (Appendix G of the Site Investigation/Remedial Alternatives Report (May 2006)+ Addendum (April 11, 2008).

Parcel: 141.43-1-9

Institutional Controls:

- 1) Easement - Filed 11/02/2007
 - "May be used for Commercial use only..."
- 2) Operation, Monitoring and Maintenance Plan (Appendix H of the Site Investigation/Remedial Alternatives Report (May 2006)+ Addendum (April 11, 2008).
 - Soil Cover System of (minimum) one foot clean soil.
 - Groundwater Use prohibition
- 3) Soil/ Fill Management Protocols (Appendix G of the Site Investigation/Remedial Alternatives Report (May 2006)+ Addendum (April 11, 2008).

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.**

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. E915188

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 2 and/or 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 Norman L. Pokorski, Jr. at 714 Ridge Road Hicksville, NY
print name print business address 114218
am certifying as Owner (Owner or Remedial Party)

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

Norman L. Pokorski, Jr.
Signature of Owner or Remedial Party Rendering Certification

2-19-11
Date

N/A - has not been implemented

IC/EC CERTIFICATIONS

Box 7

Qualified Environmental Professional 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 _____ at _____
print name print business address

am certifying as a Qualified Environmental Professional for the _____
(Owner or Remedial Party)

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

Stamp
(Required for PE)

Date