

NYS Office of Parks Recreation & Historic Preservation
Palisades Interstate Park Commission
Administration Building
3006 Seven Lakes Drive
PO Box 427
Bear Mountain, NY 10911-0427
Tel: 845-786-2701
Fax: 845-786-2776



Michael Tesik
Capital Facilities Regional Manager I
Telephone: 845-786-2701 x 225
Fax: 845-786-5367

November 16, 2012

NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Environmental Remediation
Mr. James Candiloro
625 Broadway
Albany, NY 12233-7014

via EMAIL: jxcandil@gw.dec.state.ny.us

RE: Periodic Review Report for the Former Sakmann Restaurant Corp. property located at
706 Route 9W, Town of Highlands, Orange County, New York
Voluntary Cleanup Site Number V-00083-3

Dear Mr. Candiloro:

Attached please find the Periodic Review Report (PRR) including the signed certification forms
for the above-referenced Site.

Please review this document and call me at 845-786-2701, x-228 should you have any questions
or comments.

Sincerely,

A handwritten signature in blue ink that reads "Michael Tesik". The signature is fluid and cursive.

Michael Tesik, P.E.
Capital Facilities Regional Manager

Att: PRR

PERIOD REVIEW REPORT

FORMER "SAKMANN RESTAURANT CORP." PROPERTY

**LOCATED AT U.S. ROUTE 9W
TOWN OF HIGHLANDS
ORANGE COUNTY, NEW YORK**

NYSDEC Voluntary Cleanup Site Number: V-00083-3

November 2012



Prepared by:

**Michael Tesik, P.E.
Capital Facilities Regional Manager I
NYS Office of Parks, Recreation and Historic Preservation
Palisades Interstate Park Commission
3006 Seven Lakes Drive – PO Box 427
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Prepared By:

Michael Tesik

Prepared For:

**Palisades Interstate Park Commission
NYS Office of Parks, Recreation and Historic
Preservation**

The undersigned has reviewed this Periodic Review Report and certifies to Palisades Interstate Park Commission and to the New York State Department of Environmental Conservation (NYSDEC) that the information provided in this document is accurate as of the date of issuance by this office.

The undersigned is **not** a Qualified Environmental Professional as defined by 6NYCRR Part 375-1.2(aj) but is a NYS Professional Engineer. The undersigned possesses sufficient training and experience necessary to exercise professional judgment to develop opinions and conclusions regarding the integrity of the soil cap ground cover and potential soil erosion issues which may impact this site.





Michael Tesik, P.E. 11/16/12
Capital Facilities Regional Manager I
NYS OPRHP Date

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1.0 INTRODUCTION

1.1 Site Overview

This Period Review Report (PRR) details on-going site management actions to address known environmental conditions at the former "Sakmann Restaurant Corp." (hereafter referred to as the "Site"), located at US Route 9W, Town of Highlands, Orange County, New York. The Site entered the New York State Voluntary Cleanup Program (VCP) in November 2003. The reporting period for this PRR is October 30, 2011 through October 30, 2012.

On-site contamination resulted from the historic use of the Site as an automotive repair facility. During a site inspection in 2001, wastewater contaminated with degreasers was observed to be discharging into a floor drain in the basement of an on-site garage structure. Laboratory analysis of subsurface soils in the vicinity of the floor drain documented the presence of multiple volatile organic compounds (VOCs) at concentrations above NYSDEC guidance levels (including BTEX, MTBE and chlorinated hydrocarbons). Based on these findings, a spill event (number 0107005) was reported to the NYSDEC in October 2001.

A Remedial Action Work Plan RAWP developed to address contamination at the Site was approved as a "final" document by the NYSDEC and New York State Department of Health (NYSDOH) in January 2005. The RAWP addressed the removal of an on-site fuel oil UST, demolition of the Garage and remediation of contaminated soil, additional soil and soil vapor characterization, installation of a soil barrier layer, continued monitoring of on-site groundwater monitoring wells.

During the course of the environmental investigation and remediation, NYSDEC personnel requested specific modification to the scope of work presented in the formerly approved RAWP. These changes were incorporated into a subsequently approved Supplemental Work Plan, issued in December 2005, which called for documentation of indoor air quality at the Restaurant and additional soil investigation. Following building demolition and soil removal activities, contractors for the property owner imported soils for use as a barrier layer. A portion of this material was not from an approved source and a Scope of Work for Investigation of Imported Cover Soils (SOW) was developed to document the imported soil quality. The imported soils were documented to be acceptable for use as backfill and were subsequently covered by an approved barrier layer of imported certified clean soil. NYSDEC requested that the Supplemental Work Plan and the SOW be incorporated into a revised RAWP, which was accepted as a Final document in July 2007 and issued in August 2007. Site monitoring wells were decommissioned in April 2012 and annual ground water sampling is no longer required as approved by NYS DEC.

Site and Well Location Maps are included as Appendix B.

1.2 Effectiveness of Remedial Program

Remedial activities, performed under the NYSDEC approved RAWP, included:

- Investigation of soil gas and air quality in the vicinity of the Restaurant;
- Demolition of the former Garage;
- Remediation of contaminated soil beneath the Garage slab;
- Soil investigations at the former septic system location and west of the Garage;
- Removal of the abandoned fuel-oil UST and confirmatory sampling;
- Installation of a soil barrier layer over areas of low-grade soil contamination;
- Post-remediation groundwater sampling events, no longer required as of 4/19/2012;
- Implementation of an approved Site Management Plan; and,
- Implementation of Required Institutional Controls.

These remedial activities were completed in order to allow the southern portion of the Site to be used as a parking lot and the northern portion to remain undeveloped while limiting impacts to human health and the environment. On-site soil contamination consisting of polycyclic aromatic hydrocarbons (PAHs), metals, and areas containing petroleum odors continues to be present in soils and low level volatile organic compound (VOC) concentrations have been detected in on-and off-site groundwater; however, monitoring of the soil cover and groundwater sampling and analysis indicate that remedial efforts have been sufficiently protective.

A Final Engineering Report (FER), documenting the completion of remedial activities at the site was issued in May 2009 and was approved by the NYSDEC in a letter, dated May 18, 2009. The FER includes a Site Management Plan (SMP) which sets forth guidelines for annual inspections of the barrier layer to document SMP compliance, and specifies protocols and reporting requirements for sampling and eventual closure of the monitoring wells. (Monitoring Wells were decommissioned 4/9/2012 and approved by DEC on 4/19/12). The monitoring activities discussed in this PRR are those described in the SMP.

2.0 SITE MANAGEMENT PLAN

After the completion of Site remediation, a SMP, dated October 2007 (Revised January 2009) was prepared which documented operations and maintenance (O&M) plan requirements for the Site. These O&M requirements are to remain in place until the NYSDEC issued a finding that a specific activity or activities can be terminated.

Institutional control/engineering control (IC/EC) requirements are not explicitly stated in the SMP; however, they are specified in the Declaration of Covenants and Restrictions for the Site. IC/EC controls and O&M requirements for the Site are detailed in Sections 2.1 and 2.2, below.

2.1 Institutional Control/Engineering Control Compliance Report

The institutional controls (IC) for the Site include:

- Land use restrictions; and,
- A site management plan.

The sole engineering control at the Site is a soil cover/cap, installed at the time of remediation.

The land use restriction includes the following components:

- No construction, use, or occupancy of the property can result in the disturbance or excavation of the property which threatens the integrity of the soil cap, or which results in unacceptable human exposure to contaminated soils. However, if disturbance of the cap is necessary prior approval of the NYSDEC is required.
- The owner of the property will maintain the cap by maintaining the landscaped cover or by capping the property with another material, with approval of the NYSDEC.
- The property may only be utilized for limited recreational uses including benches, picnic tables, and/or scenic overlooks. In addition, use of the Site will be in conformance with NYSDEC Part 375 (Remedial Program) regulations for "Restricted Commercial Use" and will be not subject to other use without a written waiver from the NYSDEC.

- No construction or site use has resulted in the contravention of applicable land use restrictions following the current owner taking possession of the property in May of 2010. No construction or use of the Site has occurred that has resulted in the disturbance or excavation of the soil cover and none is planned (demolition of the former on-site structure is discussed in Section 2.2.3, below). In the case of a situation which requires excavation (i.e., repair of the on-site utilities), the NYSDEC will be notified and appropriate health, safety and environmental protection measures (i.e., stockpiling excavation soil on and beneath plastic) will be instituted prior to the commencement of excavation. The land use restriction is effective in protecting human health and the environment.
- A soil management plan is included as part of the SMP and addresses the management of any soils generated by potential future soil disturbances (see Section 2.2, below). The plan includes the property monitoring of activities and off-site disposal of any excavated material. Although no on-site excavation has been completed to date, the soil management plan will effectively protect human health and the environment in the event soil needs to be excavated in the future.

Both the deed restrictions on this Site and the SMP have been approved by the NYSDEC.

2.2 Operations and Maintenance Plan Compliance

The O&M plan is detailed in the SMP and includes the following components:

- Groundwater monitoring (no longer necessary as of 4/19/12); and,
- Inspection of the soil cover.

Site monitoring is included as part of the O&M plan, and as such no separate monitoring plan compliance section is included in this PRR. Compliance for each component of the SMP is described below.

2.2.1 Groundwater Monitoring

Monitoring well MW-3D was decommissioned on February 26, 2009 by personnel from Hydro Tech Environmental Corp.

The remaining monitoring wells, MW-1S, MW-1D, MW-2S, MW-2D & MW-4S were closed and decommissioned by Ecosystems Strategies, INC. in April 2012 as in accordance with DEC's standards and the approved Site Management Plan.

2.2.2 Monitoring of Barrier Layer Integrity

As documented in the FER, soil cover had been installed across the northern portion of the Site during June 2007 (Area A). Additional soil cover was installed subsequent to demolition of the restaurant structure during November 2009 (Area B). The two areas of soil cover are depicted on the Well Location Map as produced by Ecosystems Strategies, Inc, dated November 2011 in Appendix B.

On November 8, 2012, Michael Tesik, P.E., employed by the NYS Office of Parks, Recreation and Historic Preservation, inspected all areas of the Site where the soil cover had been previously installed. Overall, these areas were found to be intact; however, visible tire tracks indicated that Area A is being used as a “turn-around” or place to pull off the road and as a result, the vegetation where people are driving has been destroyed and some of the soils have been slightly disrupted (to a depth of approximately 3 inches). Additionally, Area B is sparsely covered with vegetation which appears to be subject to some natural erosion from storm events over the past year (this area slopes drastically to the east). The southern area of the property covered by asphalt is intact, and no on-site activities likely to disrupt or damage the asphalt layer were being conducted.

3.0 CONCLUSIONS and RECOMMENDATIONS

3.1 Compliance with the Site Management Plan

1. All of the requirements of the SMP including groundwater monitoring well closures, and monitoring of the barrier layer have been met during this period of review.
2. All the requirements of the institutional controls (groundwater use restriction, the land use restriction) have been met during this review period.
3. The barrier layer was found to be slightly disrupted. It is recommended that these areas should be filled in with topsoil and reseeded to establish vegetation growth. It is also recommended that areas sparsely vegetated or lacking vegetation should be re-seeded.

It is recommended that inspection frequency of the barrier layer be decreased from annually to every five (5) years as the site soil cover is stable and relatively at low risk to natural occurring erosion based on past performance.

3.2 Performance and Effectiveness of the Remedy

1. Monitoring of the soil cover efforts to date indicate that remedial efforts have been sufficient in protecting human health and the environment.

The Institutional/Engineering Control Certification for the Site is included as Appendix C.

3.3 Future Periodic Review Report Submittals

Recommendation to submit a PRR should be changed from annually to **every five (5) years** for this Site, until it is determined to be no longer necessary based on consultation with the NYSDEC.

APPENDIX A

Photos



Looking South East



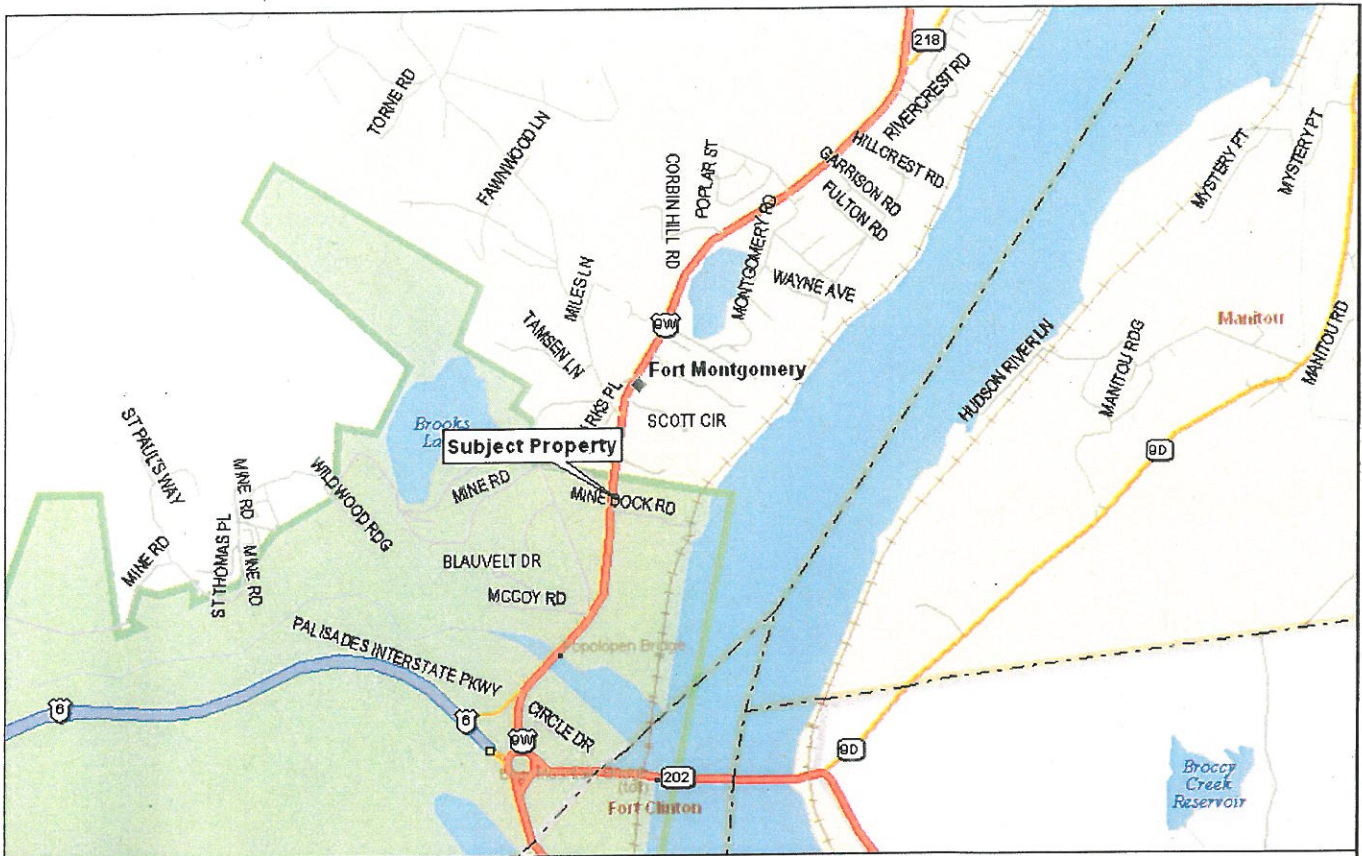
Looking West



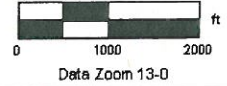
Looking South

APPENDIX B

Maps
(by Ecosystems Strategies, Inc. dated November 2011)



Data use subject to license.
© 2004 DeLorme. Street Atlas USA © 2005.
www.delorme.com



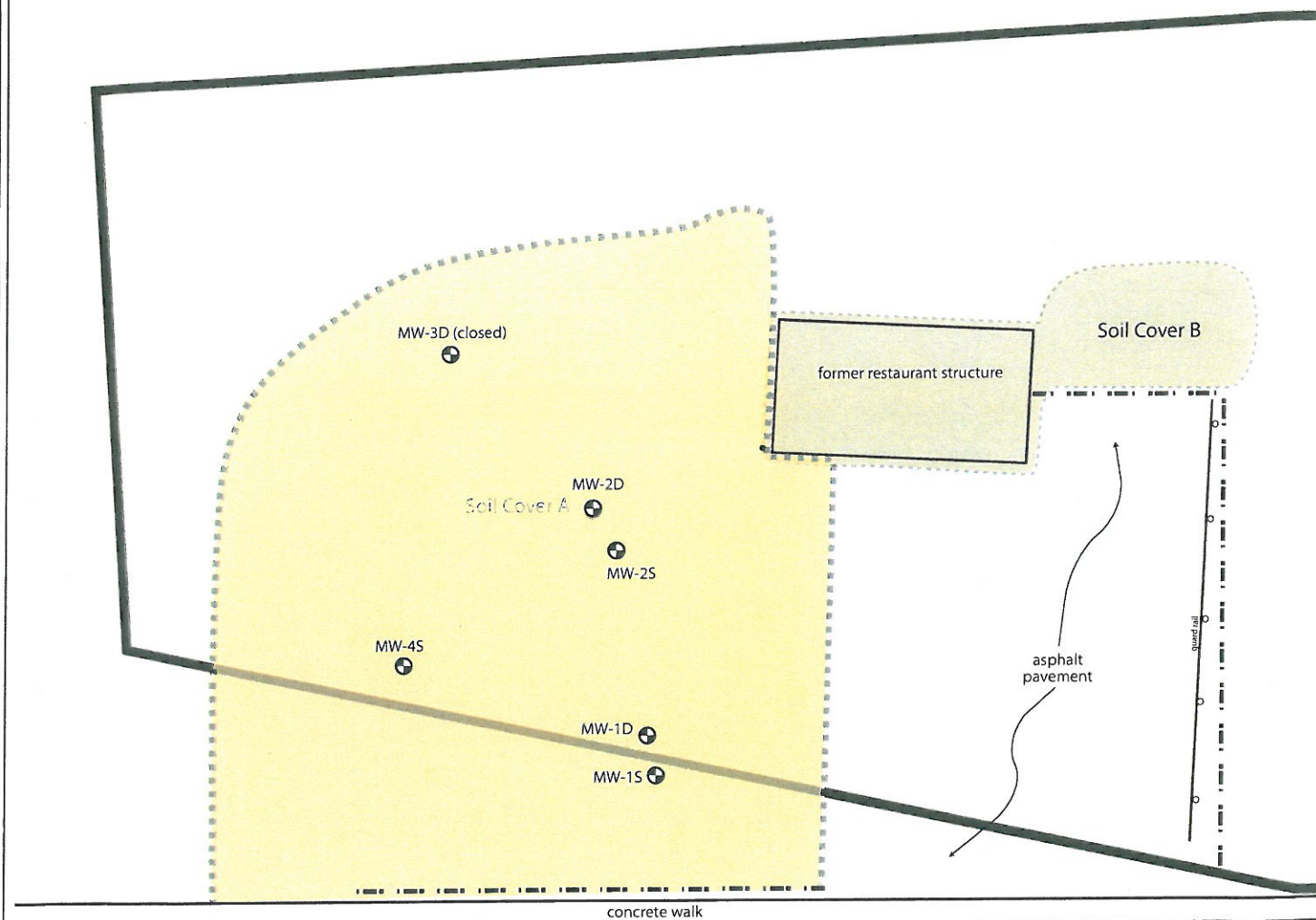
Site Location Map
Former Sakmann Property
U.S. Route 9W
Town of Highlands
Orange County, New York



ESI File: SF01123.71






November 2011

Appendix **B**



U.S. ROUTE 9W

Legend:

-  property
-  monitoring well location
-  edge of
-  Area of im
-  Area of im

* Property border based on the 2003 survey of the Site prepared by Lane & Tully Engineering and Surveying, P.C.

APPENDIX C

Institutional Control/Engineering Control Certification



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. **V00083**

Site Name **Sakmann Corporation Restaurant Property**

Site Address: Route 9W Zip Code: 10922
City/Town: Highlands
County: Orange
Site Acreage: 1.5

Reporting Period: October 30, 2011 to October 30, 2012

- | | 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. 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. V00083

Box 3

Description of Institutional Controls

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
16-3-13	Palisades Interstate Park Commission	Ground Water Use Restriction Site Management Plan

Box 4

Description of Engineering Controls

<u>Parcel</u>	<u>Engineering Control</u>
16-3-13	Cover System

Engineering Control Details for Site No. V00083

Parcel: 16-3-13

The northern half of the site is covered by a barrier layer of at least 18 inches of clean fill topped off with surface vegetation at grade. Also, the site's use is limited to "restricted commercial" & groundwater use is prohibited unless the water is treated appropriately.

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. V00083

Box 6

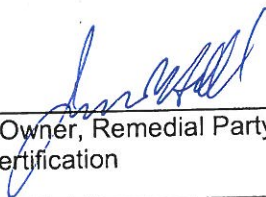
SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

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 JAMES HALL at 3006 SEVEN LAKES DRIVE, BEAR MOUNTAIN NY 10911
print name print business address

am certifying as 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

11/16/12
Date

IC/EC CERTIFICATIONS

Box 7

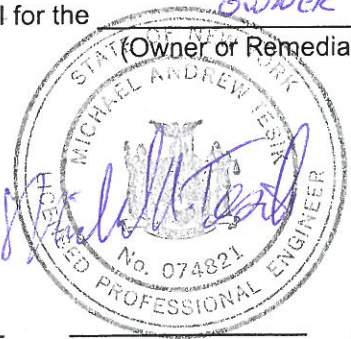
Qualified Environmental Professional Signature

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 MICHAEL TESIK at NYS OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION
3006 SEVEN LAKES DRIVE, BEAR MOUNTAIN, NY 10911
print name print business address

am certifying as a OWNER ~~Qualified Environmental Professional~~ for the PROFESSIONAL ENGINEER
(Owner or Remedial Party)

Michael Tesik P.E.
Signature of ~~Qualified Environmental Professional~~, for
the Owner or Remedial Party, Rendering Certification



Stamp
(Required for PE)

11/16/12
Date