APPENDIX O

Site Management Plan

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Sovereign Specialty Chemicals, Inc.
710 Ohio Street, Buffalo, NY 14203, Erie County
VCP Project No. V00215-9

1. Overview and objectives

The plant property is a 6.3 acre, industrial property currently owned by Sovereign Specialty Chemicals, Inc. (Sovereign). It is situated approximately 1.5 miles southeast of downtown Buffalo and is located in a highly industrialized corridor on Ohio Street. The plant property is bounded on the east by railroad tracks; to the west by Ohio Street; to the south by vacant property; and to the north by Rigidized Metals Corp., a metal processing facility. The facility is less than 500 feet east of a ship canal which connects to the Buffalo Outer Harbor and approximately 600 feet west of the Buffalo River. The entire facility is presently enclosed with a fence. The site itself consists of approximately 1.26 acres of plant property in and around the immediate vicinity of the existing chemical storage tank facility.

The location of the property is shown on Figure 1-1 of the Remedial Action Completion Report (RACR). The site has been characterized during several previous investigations. The user should refer to the previous investigation reports for more detail, as needed.

The objective of this Site Management Plan (SMP) is to set guidelines for management of soil material during any future activities which would breach the cover system at the site. This SMP addresses environmental concerns related to soil management.

2. Nature and extent of contamination

Based on data obtained from previous investigations and the remediation completed at the site, a final Remedial Action Completion Report, dated September 2006 was prepared by URS Corporation.

The constituents of potential concern (COPCs) for soil consist primarily of toluene. Results of water sampling from sumps located directly in the remediation area indicate that constituents in the soil/fill material have impacted the water quality, specifically toluene.

3. Contemplated use

The property will continue to be used for industrial purposes. Specific uses for this zoning category are as follows:

- Research offices and laboratories
- Offices
- Manufacturing

The zoning specifically prohibits residential uses.

4. Purpose and description of surface cover system

A surface cover system was not required at this site. All impacted soils, with the exception of a small area undergoing active remediation, were removed from the site. The excavated area was filled with clean clay.

5. Management of soils/fill and long term maintenance of cover system

The SMP includes the following conditions*:*

X Site soil that is excavated and is intended to be removed from the property must be managed, characterized, and properly disposed of in accordance with NYSDEC regulations and directives (see **Section 5.1**).

X Soil excavated at the site may be reused as backfill material on-site provided it contains no visual or olfactory evidence of contamination.

X Any off-site fill material brought to the site for filling and grading purposes shall be from an acceptable borrow source free of industrial and/or other potential sources of chemical or petroleum contamination. Off-site borrow sources should be subject to collection of one representative composite sample per source. The sample should be analyzed for target compound list (TCL) volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), pesticides, polychlorinated biphenyls (PCBs), and target analyte lists (TAL) metals plus cyanide. The soil will be acceptable for use as provided that all parameters meet the NYSDEC recommended soil cleanup objectives included in Technical Administrative Guidance Memorandum (TAGM) 4046.

X Prior to any construction activities, workers are to be notified of the site conditions with clear instructions regarding how the work is to proceed. Invasive work performed at the property will be performed in accordance with all applicable local, state, and federal regulations to protect worker health and safety.

X The Owner shall complete and submit to the Department an annual report by January 15th of each year. Such annual report shall contain certification that the institutional controls put in place, pursuant to the RACR, are still in place, have not been altered and are still effective; that the remedy has been maintained; and that the conditions at the site are fully protective of public health and the environment.

In addition, deed restrictions have been implemented in accordance with the requirements of the New York State Voluntary Cleanup Program, limiting the future use of the property to industrial.

5.1. Excavated and stockpiled soil/fill disposal

Soil/fill that is excavated at a future time which can not be used as fill will be further characterized prior to transportation off-site for disposal at a permitted facility. For excavated soil/fill with visual evidence of contamination (i.e., staining or elevated photoionization detector (PID) measurements), one composite sample and a duplicate sample will be collected for each 100 cubic yards of stockpiled soil/fill. For excavated soil/fill that does not exhibit visual evidence of contamination but must be sent for off-site disposal, one composite sample and a duplicate sample will be collected for 2,000 cubic yards of stockpiled soil, and a minimum of 1 sample will be collected for volumes less than 2,000 cubic yards.

The composite sample will be collected from five locations within each stockpile. A duplicate composite sample will also be collected. PID measurements will be recorded for each of the five individual locations. One grab sample will be collected from the individual location with the highest PID measurement. If none of the five individual sample locations exhibit PID readings, one location will be selected at random. The composite sample will be analyzed by a New York State Department of Health (NYSDOH) Environmental Laboratory Approval Program (ELAP)-certified laboratory for pH (Environmental Protection Agency (EPA) Method 9045C), TCL SVOCs, pesticides, and PCBs, and TAL metals, and cyanide. The grab sample will be analyzed for TCL VOCs.

Soil samples will be composited by placing equal portions of fill/soil from each of the five composite sample locations into a pre-cleaned, stainless steel (or Pyrex glass) mixing bowl. The soil/fill will be thoroughly homogenized using a stainless steel scope or trowel and transferred to pre-cleaned jars provided by the laboratory. Sample jars will then be labeled and a chain-of-custody form will be prepared.

Additional characterization sampling for off-site disposal may be required by the disposal facility. To potentially reduce off-site disposal requirements/costs, the owner or site developer may also choose to characterize each stockpile individually. If the analytical results indicate that concentrations exceed the standards for Resource Conservation and Recovery Act (RCRA) characteristics, the material will be considered a hazardous waste and must be properly disposed off-site at a permitted disposal facility within 90 days of excavation. If the analytical results indicate that the soil is not a hazardous waste, the material will be properly disposed off-site at a non-hazardous waste facility. Stockpiled soil cannot be transported on or off-site until the analytical results are received.

5.2. Subgrade material

Subgrade material used to backfill excavations or placed to increase site grades or elevation shall meet the following criteria.

- Excavated on-site soil/fill which appears to be visually impacted shall be sampled and analyzed. If analytical results indicate that the contaminants, if any, are present at concentrations below the Site Specific Action Levels (SSALs) shown in Table 2-1 of the RACR (URS, 2005), the soil/fill can be used as backfill on-site.

- Any off-site fill material brought to the site for filling and grading purposes shall be from an acceptable borrow source free of industrial and/or other potential sources of chemical or petroleum contamination.

- Off-site soils intended for use as site backfill cannot otherwise be defined as a solid waste in accordance with 6 New York Codes, Rules and Regulations (NYCRR) Part 360-1.2(a).

- If a source of fill is designated as "virgin" soil, it shall be further documented in writing to be native soil material from areas not having supported any known prior industrial or commercial development or agricultural use.

- Virgin soils should be subject to collection of one representative composite sample per source. The sample should be analyzed for TCL VOCs, SVOCs, pesticides, PCBs, arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, and cyanide. The soil will be acceptable for use as backfill provided that all parameters meet the SSALs.

- Non-virgin soils will be tested via collection of one composite sample per 500 cubic yards of material from each source area. If more than 1,000 cubic yards of soil are borrowed from a given off-site non-virgin soil source area and both samples of the first 1,000 cubic yards meet SSALs, the sample collection frequency will be reduced to one composite for every 2,500 cubic yards of additional soils from the same source, up to 5,000 cubic yards. For borrow sources greater than 5,000 cubic yards, sampling frequency may be reduced to one sample per 5,000 cubic yards, provided all earlier samples met the SSALs.