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# **ENVIRONMENTAL MANAGEMENT, LTD.**

56 West Gate Road, Suffern, New York 10901  
(888) 436-5932 • Fax (845) 208-0451



Internet: [www.emlweb.com](http://www.emlweb.com)

Email: [dwanamaker@emlweb.com](mailto:dwanamaker@emlweb.com)

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## **D R A F T**

December 4, 2014

Joshua Haugh, Project Manager  
New York State Department of Environmental Conservation  
Division of Environmental Remediation, BURE  
625 Broadway  
Albany, NY 12233-7017

Re: IC/EC Certification Submittal  
Site Name: Former Kings Electronics  
Site No: V00237  
Site Address: 40 Marbledale Road  
Tuckahoe, NY 10707

Dear Mr. Haugh:

Environmental Management, Ltd. (EML) has been retained by CubeSmart, the current owner/operator of the above referenced site, 40 Marbledale Road, Tuckahoe, New York (the Site), to help prepare and submit an IC/EC certification to the New York State Department of Environmental Conservation (NYSDEC).

Previously, EML was retained by Kings Electronics (Kings) and supervised the above remediation conducted pursuant the New York's Voluntary Cleanup Program (VCP). In January 2006, during the remediation, Kings sold the Site (with NYSDEC's approval) to Marbledale Road LLC to be operated by Storage Deluxe as a storage facility.

NYSDEC approved a final Site Management Plan dated January 5, 2011 (SMP) and issued a Release to Kings on September 21, 2011. The SMP required only two post remediation reporting items. The first report required Kings to submit the results of a January 2014 groundwater sampling event (the one post-closure sampling that was required) along with a DUSR. That report was submitted to NYSDEC ON June 24, 2014 and all groundwater monitoring under the SMP is now complete.

The second reporting item required the Site's *owner or operator* to submit an annual IC/EC certification as set forth in Section 6.4 of the SMP, which reads:

“The Site's owner or operator will submit an annual certification (until no longer required by NYSDEC) that the terms of the Site's recorded Deed Restriction have not been violated, that the identified engineering controls remain in place, and the property owner is in compliance with the SMP.”

CubeSmart acquired the Site on November 3, 2011 and is submitting the attached IC/EC certification, as owner operator of the Site. Based on the SMP requirements, it is completing the Institutional and Engineering Controls Certification Report, including Box 6 (Owner Certification).

~~CubeSmart is not including a Box 7 engineer's certification, as that was not part of the approved SMP reporting requirements. NYSDEC has identified "ground cover" as the engineering control for the site, which should not require an engineer's certification. Moreover, even if the on-site Sub Slab Depressurization (SSD) System is added by NYSDEC to Box 4, as we discussed an engineer was never required to annually certify the SSD system. When annual certifications were specifically required for the on-site SSD system under the superseded May 2008 On-Site SSD OM&M Plan (see SMP Section 6.2.2.1), only a letter on behalf of Kings to NYSDEC from EML (not an engineering firm) was required "affirming" that the SSD system was in place and performing properly (See Section 8 of the May 2008 On-Site SSD OM&M Plan). We note under the OM&M Plan maintenance reports prepared by Mitigation Tech (the SSD installer and maintenance contractor while Kings was responsible for the operations of the SSD system) were required to be submitted. (Please note that Mitigation Tech does not retain an engineer). While Mitigation Tech maintenance reports were required while Kings operated the SSD system, this NYSDEC reporting requirement was **not** included in the SMP, which turned over operation of the SSD system to the Site's owner/operator and expressly superseded the OM&M Plan.~~

Although we do not believe it is required, EML is providing you with a letter certification (in the same format as previously required and submitted) as part of this IC/EC certification. CubeSmart is aware of the need to continue to operate the on-site SSD system and, in fact, retained Mitigation Tech in April 2014 to repair one of the system fans. I am enclosing a copy of the Mitigation Tech invoice for your information. Please advise if you will require a certification from EML each year, or if the Box 6 Owner Certification is sufficient to affirm the continuation of the IC/EC controls for this Site.

CubeSmart is not including any other attached documentation regarding the remediation as it was not involved in the remediation. However, a narrative of the history of the Site, the VCP investigation and successful remediation is included in the SMP. In addition, the NYSDEC approved February and June 2009 Final Engineering Reports are attachments to the SMP and provide further details, if needed.

Please let us know if you need any further information.

Sincerely,

Donald J. Wanamaker,  
President

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## DRAFT

December 5, 2014

Joshua Haugh, Project Manager  
New York State Department of Environmental Conservation  
Division of Environmental Remediation, BURE  
625 Broadway  
Albany, NY 12233-7017

Re: IC/EC Certification Submittal-SSD System

Site Name: Former Kings Electronics

Site No: V00237

Site Address: 40 Marbledale Road

Tuckahoe, NY 10707

Dear Mr. Haugh:

By this certification, Environmental Management, Ltd. (EML) affirms that the sub-slab depressurization system at the above site remains in place, is performing properly, and remains effective.

Please call me if you have any questions or comments.

Very truly yours,

**Environmental Management, Ltd.**

*Donald J. Wanamaker*

Donald J. Wanamaker  
President

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# mitigation tech

*soil vapor intrusion specialists*

## INVOICE

April 8, 2014

Mr. Mark Shortlidge  
Facilities Services Manager  
CubeSmart  
5 Old Lancaster Road  
Malvern, PA 19335  
*Via email: mshortlidge@cubesmart.com*

Re: Soil Vapor Intrusion System Maintenance, April 8, 2014  
(Former Kings Electronics Site)  
40 Marbledale Rd., Tuckahoe, NY 10707

**For work completed April 8, 2014** (per authorizing email, 4/7/14)

- Replace existing HS-5000 fan (office system) with OBAR SOE -76 radial blower
- Upgrade exhaust from 2" PVC to 3" PVC
- Check for proper operation (new gauge reading @ 13.0 wci)
- One year warranty – labor and material

<b>Balance Due</b>	<b>\$2,500.00</b>
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Thank you.

Nicholas E. Mouganis EPA listing # 15415-I; NEHA ID# 100722

Office: 610-535-5451 Cell: 610-635-8847

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**55 SHUMWAY ROAD, BROCKPORT, NEW YORK, 14420 \* OFFICE/FAX 585-637-7430**



Enclosure 2  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Periodic Review Report Notice  
Institutional and Engineering Controls Certification Form



<b>Site No.</b> V00237	<b>Site Details</b>	<b>Box 1</b>
<b>Site Name</b> Kings Electronics		
Site Address: 40 Marbledale Road      Zip Code: 10707-		
City/Town: Tuckahoe		
County: Westchester		
Site Acreage: 1.8		
Reporting Period: June 27, 2011 to October 31, 2014		
		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? <i>On 11/2/2011 STERANE DELUXE was ACQUIRED BY CubeSmart, the current owner/OPERATOR.</i>	<input checked="" type="checkbox"/>	<input 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"/>

	<b>Box 2</b>
	YES    NO
6. Is the current site use consistent with the use(s) listed below? 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

## Description of Institutional Controls

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
68-4-29	Kings Electronics Co. Inc.	Ground Water Use Restriction Landuse Restriction Site Management Plan

## Deed restriction requiring:

- 1) no construction, use or occupancy of the Property that results 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 without Department approval;
- 2) the owner shall maintain the cap covering the Property by maintaining its grass cover or asphalt cover or concrete floor cover, or, obtain written approval for capping the Property with another material;
- 3) prohibit the Property from everbeing used for purposes other than "commercial purposes, other than as a daycare, childcare or medical facility, consistent with the permitted zoning classification of the Site," without written waiver of such prohibition by the Department;
- 4) prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, unless otherwise approved;
- 5) continue in full force and effect any institutional and engineering controls required under the Site Management Plan and maintain such controls unless the owner first obtains permission to discontinue such controls from the Department.

68-4-36E	Kings Electronics Co. Inc.	Ground Water Use Restriction Landuse Restriction Site Management Plan
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## Deed restriction requiring:

- 1) no construction, use or occupancy of the Property that results 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 without Department approval;
- 2) the owner shall maintain the cap covering the Property by maintaining its grass cover or asphalt cover or concrete floor cover, or, obtain written approval for capping the Property with another material;
- 3) prohibit the Property from everbeing used for purposes other than "commercial purposes, other than as a daycare, childcare or medical facility, consistent with the permitted zoning classification of the Site," without written waiver of such prohibition by the Department;
- 4) prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, unless otherwise approved;
- 5) continue in full force and effect any institutional and engineering controls required under the Site Management Plan and maintain such controls unless the owner first obtains permission to discontinue such controls from the Department.

## Description of Engineering Controls

<u>Parcel</u>	<u>Engineering Control</u>
68-4-29	Cover System
68-4-36E	Cover System

**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. V00237


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 MARK SHORTLIDGE at 5 OLD LANCASTER ROAD  
print name print business address MALVERN, PA 19355  
am certifying as OWNER (OF CUBE SMART) (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

12/5/2014  
Date

Mark Shortlidge  
Facility Services  
CubeSmart



IC/EC CERTIFICATIONS

Box 7

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 Robert Zimmer at Excavation Engineering, P.C.  
print name 2016 Rte. 28N, State Hill, NY, 10973  
print business address

am certifying as a for the Cubismart  
(Owner or Remedial Party)

[Signature]  
Signature of, for the Owner or Remedial Party,  
Rendering Certification



12-10-14  
Date