



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

February 27, 2012

Brian Sadowski, Project Manager
New York State Department of Environmental Conservation
270 Michigan Ave.
Buffalo, New York 14203-2915

Re: Excelsior Steel Ball, Site No: V00685

Dear Mr. Sadowski:

Enclosed is the Periodic Review Report (PRR) for the Excelsior Steel Ball property at 303 Woodward Avenue in the Town of Tonawanda. A site visit has been performed to confirm the current status and the report has been stamped by a licensed professional engineer.

Please let me know if there is any additional information needed.

Very truly yours,

A handwritten signature in blue ink, which appears to read "Kenneth J. Swanekamp", is written over the typed name.

KENNETH J. SWANEKAMP

Director of Business Assistance

Enclosure

C: Maria Whyte, Commissioner
Paul Kranz
Joseph Maciejewski, Real Property
James Jones, Town of Tonawanda Engineer



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



Site No. **V00685** Site Details **Box 1**

Site Name Excelsior Steel Ball Company

Site Address: 303 Woodward Avenue Zip Code: 14150
City/Town: Tonawanda
County: Erie
Site Acreage: 2.2

Reporting Period: January 11, 2011 to January 01, 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

Description of Institutional Controls

ParcelOwnerInstitutional Control

65.12-1-1

Kenneth J. Swanekamp

Ground Water Use Restriction
 Landuse Restriction
 Site Management Plan
 Soil Management Plan

Description of Engineering Controls

ParcelEngineering Control

65.12-1-1

Cover System

Engineering Control Details for Site No. V00685

Parcel: 65.12-1-1

Two foot Cover System:

Unless prior written approval by the Department; there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property which results in unacceptable human exposure to contaminated soils.

Institutional Control Details for Site No. V00685

Parcel: 65.12-1-1

Voluntary Agreement No. B9-0468-03-10

Declaration of Covenants and Restrictions filed January 5, 2011. Summarized and pertains to and as follows:

1. Parcel: 65.12-1-1 as bounded and described on the survey; in portion or whole to current and future owners.
2. Unless prior written approval by the Department; there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property which results in unacceptable human exposure to contaminated soils.
3. Owner of the Property shall prohibit the Property from ever being used for purposes other than industrial/commercial use (day care, child care, and medical care uses shall not be allowed) without written waiver of such from the Department or Relevant Agency.
4. Owner of the Property shall prohibit the use of the groundwater without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains to do so from the Relevant Agency or the Department.
5. Owner shall continue in full force and in effect with maintenance of any and all Institutional and Engineering Controls including compliance with the Soils Management Plan.
6. Owner shall allow the Department, its agents, employees, or other representatives of the State to enter and inspect the Property in a reasonable manner and at reasonable times to assure compliance with the above stated restrictions.

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. V00685

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 KENNETH SWANEKAMP at ERIE COUNTY, 95 FRANKLIN STREET,
print name print business address

am certifying as PROJECT MANAGER FOR ERIE COUNTY (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

2/22/12
Date

IC/EC CERTIFICATIONS

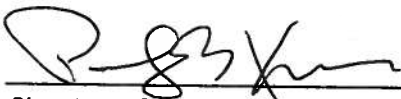
Box 7

Qualified Environmental Professional Signature

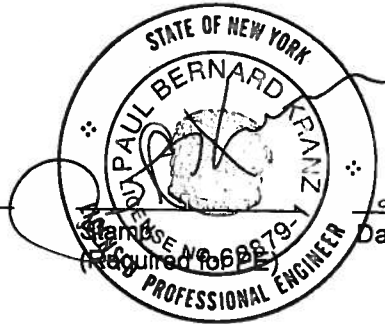
I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I PAUL KRANZ at ERIE COUNTY, 95 FRANKLIN STREET
print name print business address

am certifying as a Qualified Environmental Professional for the COUNTY OF ERIE
(Owner or Remedial Party)



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



2/27/12
Date

**NYSDEC Voluntary Cleanup Program Report
303 Woodward Ave.
Town of Tonawanda, NY 14150
February 17, 2012**

1. Summary

The 303 Woodward Ave. site was remediated under the supervision of NYSDEC in the 2002 to 2004 timeframe. The site was a 100+ year old ball bearing manufacturing facility that had been abandoned.

Erie County and the Town of Tonawanda demolished the vacant structures and remediated the soils on the site.

II Site Overview

The site is an approximately 2 acre, flag lot located at 303 Woodward Avenue in the Town of Tonawanda. The site is surrounded on the north, west and south sides by the Praxair Tonawanda facility. The east side of the site is bounded by the CSX rail line. Frontage on Woodward Avenue is approximately 20 feet. The site is zone commercial – industrial.

III Evaluate Remedy Performance

The remedy was removal of soil on the entire site to a depth of two feet. A two foot thick layer of soil or crushed stone was used to cover the site.

At the two foot level, exceedences of any contaminants were minimal and it was determined that further excavation was not cost effective.

A site inspection on January 31, 2012 determined that no change has occurred to the cover. Vegetation is in place, no illegal dumping has occurred and therefore the remedy has been effective.

IV. Institutional Controls/Engineering Controls

Institutional controls limiting uses to commercial/industrial remain in place.

V. Monitoring Report

Not Applicable, no monitoring is required.

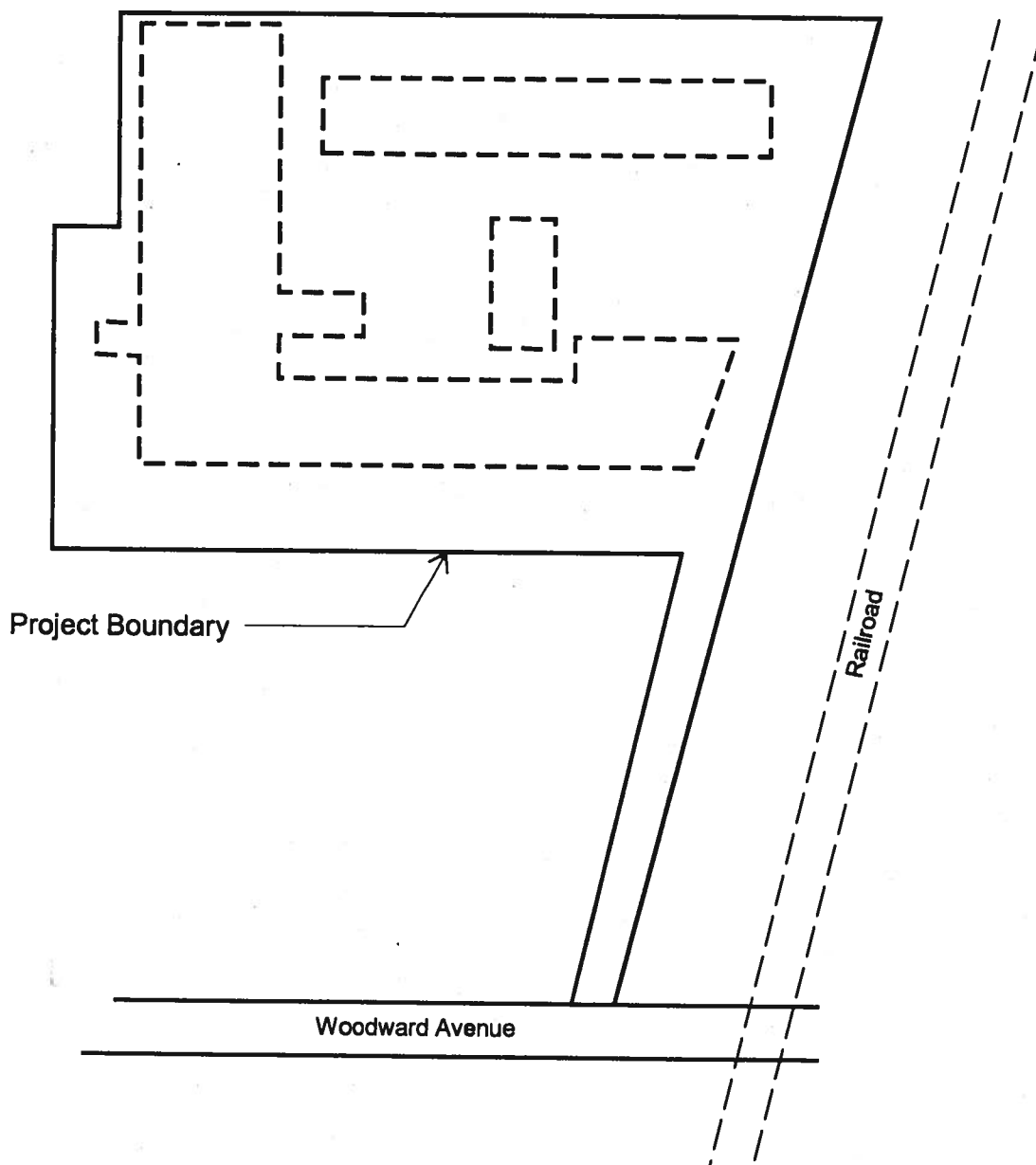
VI. Operation and Maintenance Plan

Investigation of the site took place on January 31, 2012. No disturbances were noted.

VII. Overall Periodic Review Report Conclusions

Requirements of the Soils Management Plan and the Institutional Controls have been met. No additional controls are necessary.

One item that was noted on the site visit was the installation of a 1" diameter PVC pipe approximately 12' from the western property line. It would appear to be for some sampling purpose. It is unknown who installed this item on the site.



EXCELSIOR STEEL BALL

Tonawanda(T), Erie County

NYSDEC Voluntary Cleanup Program

Site Map / Project Boundary

not to scale

