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DRAFT

WORK PLAN

For

REMEDIAL INVESTIGATION

710 NIAGARA STREET SITE

SITE # 932159
710 NIAGARA STREET
NIAGARA FALLS, NEW YORK 14303

Prepared For:

Bajwa Property Holdings LLC
C/o Hampton Group LLC
Pittsford, New York 14534

Prepared By:

Panamerican Environmental, Inc.
2390 Clinton Street
Buffalo, New York 14227

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1.0 INTRODUCTION

This document presents details of a work plan designed to support a Remedial Investigation (RI) at the 710 Niagara Street Site (NYSDEC Site #C932159) located at 710 Niagara Street, Niagara Falls, New York 14303 (refer to Figure 1). Bajwa Property Holdings LLC owns the property (for this work plan will be designated as "owner") and will conduct a remedial investigation and remediate the site under New York's Brownfield Cleanup Program (BCP). The owner plans, upon completion of remediation, to redevelop the site. The planned property use is for a combination gasoline sales and convenient store operation which will include a restaurant franchise operation.

An environmental subsurface investigation (refer to Section 3.0) completed at the site in 2010 concluded site soils have been impacted with petroleum related compounds. The objectives of the RI include: further assessing the extent of impacted soils, particularly adjacent to the existing structure; assess the quality/depth of fill material in the eastern half of the site; and assess groundwater quality through installing/sampling groundwater monitoring wells

The remaining sections of the work plan discuss: goals and objectives of the investigation (Section 2.0); the investigation scope of work (Section 5.0); supplemental field investigations (Section 6.0) that maybe required as a result of the RI results; a qualitative exposure assessment (Sections 7.0); oversight and reporting requirements (Section 8.0); and, work plan PE certification (Section 9.0). Appendix A provides a site specific Health and Safety Plan (HASP); Appendix B Citizens Participation Plan; Appendix C-Quality Assurance Quality Control Plan; Appendix D-Field Sampling Plan; Appendix E-Project Schedule; Appendix F-Historic Environmental Report Excerpts and Appendix G DER-10 Appendix 3C Fish and Wildlife Decision Key.

1.1 Site History and Description

The subject property (710 Niagara Street) is actually a combination of three adjacent parcels including 702, 714, and 716 Niagara Street which together total just over 0.3-acres. Located in the City of Niagara Falls on the northwest corner of 8th Street and Niagara Street, the property is just west of the intersection of John Daily Blvd. and Niagara Street (refer to Figures). The general area is historically mixed residential/commercial. The Seneca Niagara Casino and Hotel is just west along the opposite side of Niagara Street.

The property contains a one-story masonry building (connected) which formerly functioned as a gasoline service station and vehicle repair facility. The property contains three 6,000-gallon gasoline USTs and one 250-gallon AST waste oil/used oil tank.

The original building was constructed in 1941, which included installation of four tanks. Texaco received a permit to install three 6,000 gallon tanks on November 13, 1979. The initial 1941 Texas Company lease was for only 710 Niagara with the second lease to Texaco, Inc., in 1968 probably covering all three addresses. Both leases were form a term of ten years and probably had renewal options. The 1968 Texaco, Inc. lease also contained a purchase option; however it would appear that it was not exercised.

The following regulatory information exists for 710 Niagara Street:

- Petroleum Bulk Storage Records – Site No. 9-387304 under site name BAJWA Parkway Services – Includes a 250-gallon above ground waste oil/used oil tank; Three 6,000-gallon underground storage tank;
- NYSDEC Spill Reports – Spill # 0905868 – active; Spill # 9806329- closed 9-4-2002; Spill # 0906251 – closed 11-27-2009

1.2 Contemplated Use of the Site

The planned property use is for a combination gasoline sales and convenient store operation which will include a restaurant franchise operation.

1.3 Project Organization

The following are the lead personnel on the project team:

Project Manager - Peter J. Gorton, CHCM
Project/Remedial Engineer(s) - John Berry, P.E. and John Gorton, Jr.
Project Geologist – Justin Ryszkiewicz
Project Health and Safety - Peter J. Gorton, CHCM
Project QA/QC - Frank Schieppati, Ph.D.

Analytical Laboratory – to be determined
Drilling/Excavation subcontractors – to be determined

2.0 GOALS AND OBJECTIVES

2.1 Overall RI Objectives

In general, a remedial investigation has the following overall objectives as described in NYCRR Part 375-1.8(e):

- Delineation of the areal and vertical extent of the contamination at, and emanating from all media at the Site and the nature of that contamination;
- Characterization of the surface and subsurface characteristics of the site, including topography, surface drainage, stratigraphy, depth to groundwater, and any aquifers that have been impacted or have the potential to be impacted;
- Identification of the sources of contamination, the migration pathways and actual or potential receptors of contaminants;
- Evaluation of actual and potential threats to public health and the environment; and,
- Production of data of sufficient quality and quantity to support the necessity for, and the proposed extent of, remediation and to support the evaluation of proposed alternatives.

The scope and goals specific to this work plan are summarized below and are based on the results of investigations completed to date and those remaining to satisfy the objectives above. If necessary, the RIWP will be supplemented with additional work plans, as needed, to meet the overall objectives of the RI.

2.2 Specific RI Objectives

Specific objectives of the RI are as follows:

- Advance as many borings as possible during a one working day period (a minimum of approximately 12-15 soil borings) throughout the eastern portion of the site and along the north an east side of the site building to assess subsurface impacts and nature of the fill material.

- Install and sample three (3) overburden groundwater monitoring wells and one bedrock groundwater monitoring well to assess groundwater quality in both the overburden groundwater and the bedrock groundwater in the vicinity of the USTs.

The scope of work to complete these objectives is presented in Section 5.0.

2.3 Contaminates of Concern

Based on the findings related to historic use of the Site and the results of the previous Phase II Environmental Site Assessment (ESA) investigation known contaminates of concern (COCs) in the soils are petroleum related volatile organic compounds (VOCs). However, in keeping with DER-10 guidance for Brownfield investigations, the complete list of brownfield constituents as identified in 6NYCRR Part 375 Soil Cleanup Objectives (SCOs) will be analyzed for soil samples collected during the RI. Groundwater samples will also be analyzed for the complete brownfield list of constituents.

3.0 ENVIRONMENTAL CONDITIONS/PAST INVESTIGATIONS

June 2010 – Phase II Subsurface Investigation Report - In June 2010, Nature's Way Environmental Consultants & Contractors, Inc. (Nature's Way) conducted a Phase II Environmental Investigation. The objective of this investigation was to evaluate subsurface soils in the vicinity of the existing underground petroleum storage tanks with respect to the presence of petroleum constituent compounds

A summary is as follows:

- A Phase II ESA was completed in 2010
- Objective was to evaluate subsurface soils with a total of 15 borings
- Elevated PID readings (over 3,000 ppm in some locations) were observed in 7 of the borings. The higher PID readings were noted to be near the south end of the UST field and west of the pump island.
- Four soil samples were collected and analyzed for STARS VOCs only. The results

indicated levels below STARS but the report indicated they were not from the worst areas.

- The report concluded that the area of impact encompassing the entire UST installation, extending southwest to include the western portion of the pump island, covering an area approximately 75 feet north-south to depth of 10.5 feet. For the most part bedrock was only about 4 feet except near the USTs and pump island where depth to bedrock was as deep as 10.5 feet. USTs were most likely excavated into bedrock. The report noted that petroleum impacted soils were identified along the southwestern portion of the site building and could extend beneath the building.

The results are fully described in the associated report including figures showing the impacted areas and site areas in general (refer to Attachment F).

4.0 INTERIM REMEDIAL MEASURES (IRM)

Following this remedial investigation a remedial action work plan (RAWP) will be developed to complete an IRM to remove the UST and remediate the impacted soils.

5.0 INVESTIGATION SCOPE OF WORK

5.1 Introduction

The investigation scope of work will concentrate on soil assessment and installation and sampling of groundwater monitoring wells. The scope of work to accomplish each of these objectives is provided in the following sections.

5.2 Environmental Media Investigation

5.2.1 Surface and Subsurface Soil Assessment

PEI proposes to advance as many borings as possible during a one working day period (a minimum of approximately 12-15 soil borings) throughout the eastern portion of the site and along the north an east side of the site building to assess subsurface impacts and the nature/depth of the fill material. The tentative locations of borings are shown on Figure 2.

Based on the past investigation, it is assumed that borings will be advanced to an average depth of between 3-10 feet below ground surface (bgs) to bedrock using Geoprobe direct push technology. Continuous soil sampling will be conducted using the Geoprobe with a two-inch diameter sampler with four-foot lengths.

A field geologist/technician will log all samples and perform visual and field screening of all soil samples for volatile organic compound (VOC) concentrations using a photoionization detector (PID). Prior to any intrusive activities, subsurface utilities will be located and marked out at the boring locations. The locations of the soil borings will be field located and are subject to accessibility and the location of underground utility lines. All soil borings will be advanced at a minimum distance of 2.5 feet away from marked utilities, where present, to

reduce the possibility of accidentally damaging an underground line. All probe holes will be filled with indigenous soil or clean sand prior to leaving the location. An asphalt patch will be placed as necessary.

A record of soil stratigraphy and soil gas readings (PID) will be recorded**.** PEI will collect up to two (2) surface and two (2) subsurface soil samples for laboratory analysis from borings. Samples will be collected from locations showing the highest PID reading and/or visual/olfactory observations; and/or based on location.

A PEI geologist/technician will be in attendance at the drilling rig at all times in order to:

- log samples as required;
- prepare field logs based on observations;
- perform air monitoring;
- Properly label, package, and handle samples;
- supervise operations; and
- Complete trench records

All excavated soil will be visually described and classified using the Unified Soil Classification System, inspected for signs of contamination, and screened with a PID for the presence of organic vapors.

The Onsite Coordinator/Supervising Geologist will keep the Project Manager updated on daily progress and the results of the subsurface investigation. No major changes in the subsurface investigations will be carried out unless approved by the Project Manager. The Project Manager will likewise keep the Client/NYSDEC informed of project developments. No major changes in the subsurface investigations will be carried out unless approved by the Client/NYSDEC. A detailed description of the sampling methods is provided in Appendix D.

All samples will be analyzed for the full Part 375 Brownfields constituent list including volatile (VOCs) and semi-volatile organic compounds (SVOCS) plus TICs, metals, pesticides, and PCBs. Surface soil samples will not be analyzed for VOCs. The soil samples will be analyzed by a NYSDOH ELAP certified laboratory and a full Contract Laboratory Program (CLP), NYSDEC Category B, or full CLP-type analytical data package deliverables will be provided as required by the BCP.

5.2.2 Groundwater Investigation

A total of three (3) overburden groundwater monitoring wells and one (1) bedrock groundwater monitoring well will be install using a conventional truck mounted drill rig using hollow stem auger drilling techniques. The bedrock well will be located as near as possible to the UST locations since a portion of the bedrock appears to have been excavated to accommodate the tanks and bedrock groundwater may have been impacted in the area of the tanks.

Each well will consist of a 2-inch inside diameter, schedule 40 PVC casing equipped with a

ten-foot screen or less depending on well depth and solid PVC riser pipe extending to the surface. Screens will be positioned to straddle the groundwater surface and will be extended to the bottom of the boring to ensure assessment potential for contaminants associated with the property. For the bedrock well, once auger refusal is encountered, A steel casing will be installed a minimum of two feet into the bedrock. Rock coring will continue (3-inch nominal rock core) until the bedrock fracture and upper most water bearing zone is encountered (maximum 10 feet into the bedrock). Once the boring is complete the well will be constructed using the 2-inch I.D. PVC screen and riser piping. Filter pack will be placed around the screen to a minimum of one foot above the screen with a bentonite/cement grout above the filter pack. All wells will be completed with a flush mounted protective casing in a concrete pad or an above grade protective casing if the well will only be temporary.

For each well soil types, rock depth, groundwater depth will be logged by PEI's geologist. Installation of wells will also adhere to the requirements provided in the Field Sampling Plan provided in Appendix D. Boring logs and well completion diagrams will be provided in the RI report.

One groundwater sample will be collected from each of the 4 wells. Well development and sampling will be in accordance with the Appendix D Field Sampling Plan. Groundwater samples will be submitted to a New York State approved laboratory and analyzed for the same Part 375 brownfield constituents as the soil samples.

All field work will adhere to the Health and Safety Plan provided in Appendix A.

All sample analysis will be in accordance with ASP, Cat B requirements and all data will be validated. QA/QC requirements for all sample analysis are provided in Appendix C Quality Assurance/Quality Control Plan. Table 1 in Appendix C summarizes the number of Groundwater and soil samples to be collected.

5.3 Soil Vapor Assessment

A soil vapor assessment will be completed across the property by monitoring soil during borings and installation of each monitoring well using a PID. The PID will be used to scan soil borings and a recording of PID results will be made.

6.0 ADDITIONAL SUPPLEMENTAL FIELD INVESTIGATION

All the data generated during the RI will be evaluated to determine if additional investigation activities are needed to fill data gaps and/or assess unexpected environmental concerns resulting from the RI.

7.0 QUALITATIVE EXPOSURE ASSESSMENT

A qualitative exposure assessment will be completed in accordance with DER-10 sections 3.3(c) 3 & 4. The assessment will include what impacts site contaminates may have, if any, on all media (ground/surface water, soil, soil vapor, ambient air and biota). Human health and

ecological exposure impacts will be assessed as outlined in DER-10 Appendix 3B Qualitative Human Health Exposure Assessment and Appendix 3C Fish and Wildlife Resources Impact Analysis Decision Key. The Appendix 3C Fish and Wildlife resources Impact Analysis (FWRIA) Decision Key is provided in Appendix G. No FWRIA is needed based on the completed decision key process. This determination is based on the following:

- The Site was a commercial property located in the heart of the city of Niagara Falls;
- There is no habitat of an endangered, threatened or special concern species present on site; and
- There are no ecological resources present on the site.

The qualitative human health exposure assessment will evaluate the five elements (DER-10 Appendix 3B) associated with exposure pathways, and describe how each of these elements pertains to the Site. The exposure pathway elements that will be addressed include:

- A description of the contaminant source(s) including the location of the contaminant release to the environment (any waste disposal area or point of discharge) or if the original source is unknown, the contaminated environmental medium (soil, indoor or outdoor air, biota, water) at the point of exposure;
- An explanation of the contaminant release and transport mechanisms to the exposed population;
- Identification of all potential exposure point(s) where actual or potential human contact with a contaminated medium may occur;
- Description(s) of the route(s) of exposure (i.e., ingestion, inhalation, dermal absorption); and
- A characterization of the receptor populations who may be exposed to contaminants at a point of exposure.

As called for in DER-10 for volunteers in the BCP, sufficient field information and sampling data will be provided to identify the presence of contamination, if any, that maybe leaving the site to support qualitative off-site exposure assessments by others.

8.0 OVERSIGHT AND REPORTING

A Remedial Investigation report will be prepared in accordance with the applicable requirements of DER-10 and Part 375. A schedule is provided in Appendix E. We anticipate that upon completion of the 30 day public comment period we would conduct the RI immediately and complete field activities in approximately 2-3 weeks,

9.0 WORK PLAN CERTIFICATION

I, John B. Berry, certify that I am currently a NYS registered professional engineer as defined in 6 NYCRR Part 375 and that this Remedial Investigation Work Plan was prepared in accordance with all applicable statutes and regulations and in substantial conformance with the DER Technical Guidance for Site Investigation and Remediation (DER-10).

_____

John B Berry, PE

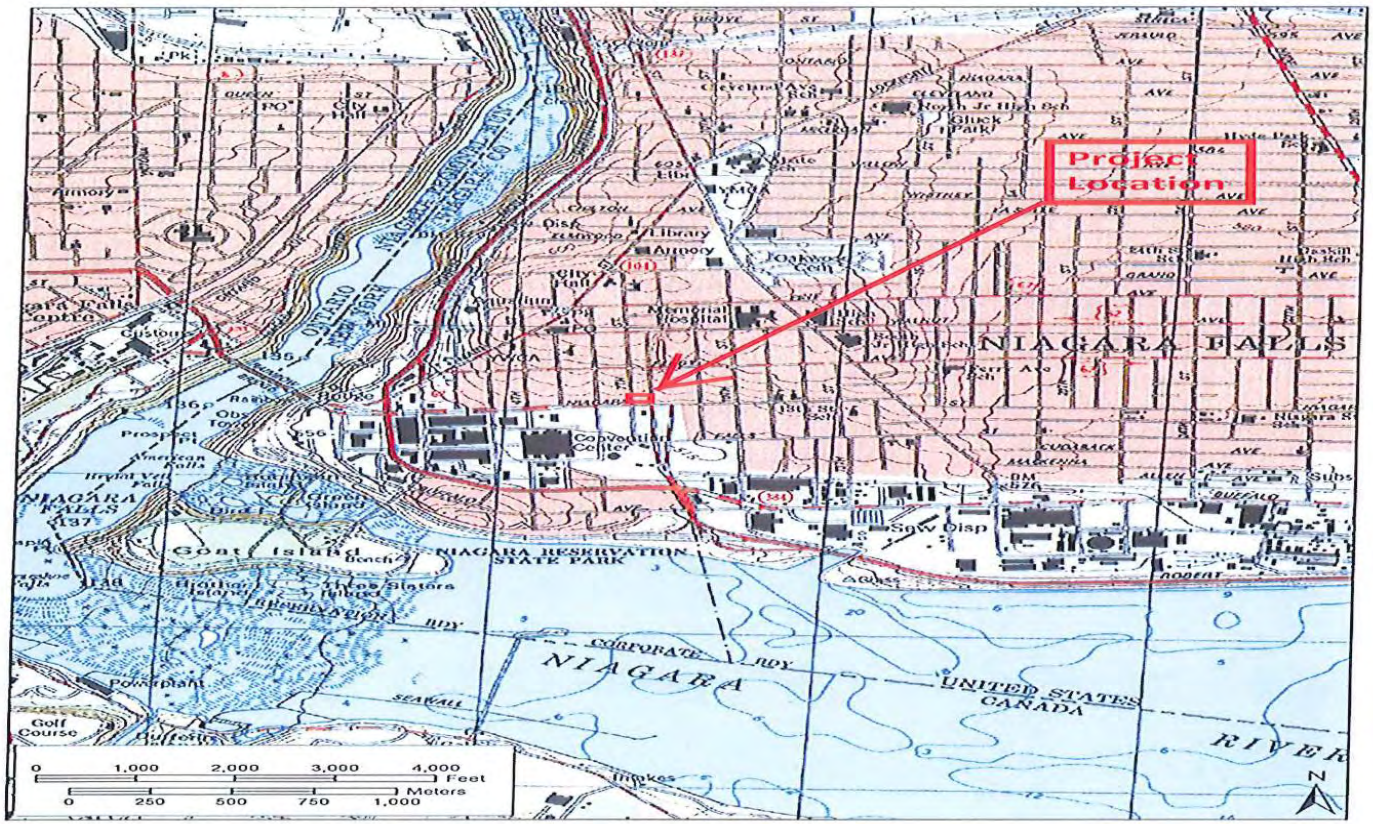

Figure 1– Project Location

Source: USGS Quad. 7.5 Minute Series

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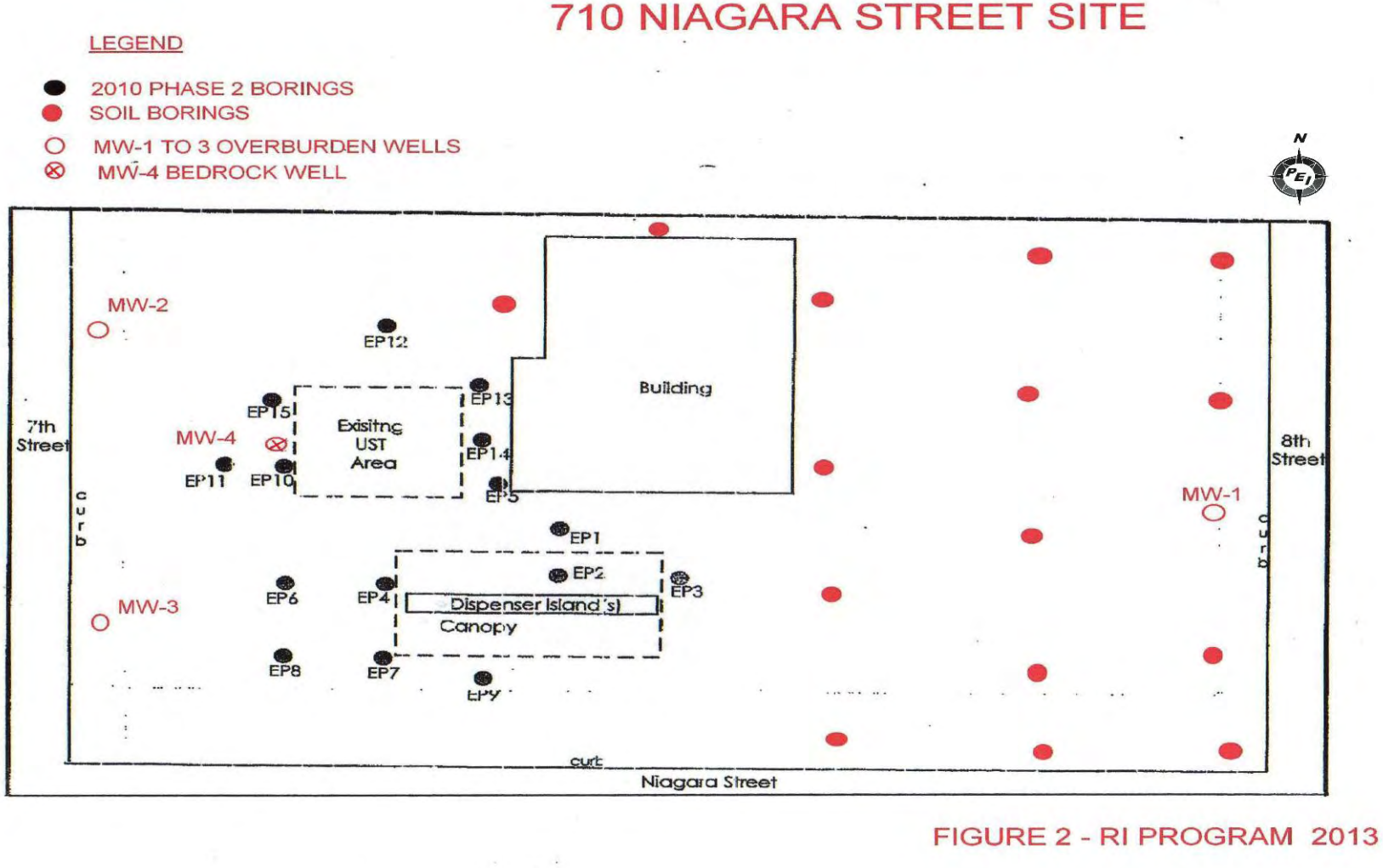

Figure 2 – RI Boring Locations

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APPENDIX A

HEALTH & SAFETY PLAN

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HEALTH AND SAFETY PLAN

SITE INVESTIGATIONS
AND
REMEDIAL OVERSIGHT

SITE # 932159
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May 2013

Peter J. Gorton, MPH, CHCM
PEI Safety Officer

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HEALTH AND SAFETY PLAN

1.0 INTRODUCTION

The following health and safety procedures will be followed by PEI personnel and their immediate subcontractors performing the activities described in the RI Work Plan. Please note, however, contractors are required to develop and follow their own plans meeting these requirements minimally or adopt this plan.

1.l Purpose

Directed at protecting the health and safety of the field personnel during field activities, the following site-specific Health and Safety Plan (HASP) was prepared to provide safe procedures and practices for personnel engaged in conducting the field activities associated with this plan. The plan has been developed using the Occupational Safety and Health Administration (OSHA) 1910 and 1926 regulations and NYSDEC Brownfields DER-10 as guidance. The purpose of this HASP is to establish personnel protection standards and mandatory safety practices and procedures for this task specific effort. This plan assigns responsibilities, establishes standard operating procedures, and provides for contingencies that may arise during the field efforts.

1.2 Applicability

The provisions of the plan are mandatory for all personnel engaged in field activities. All personnel who engage in these activities must be familiar with this plan and comply with its requirements. The plan is based on available information concerning the project area and planned tasks. If more data concerning the project area becomes available which constitute safety concerns, the plan will be modified accordingly. One crew member of each contractor will be designated Field Safety Officer and will be responsible for in-field safety. Any necessary modifications to the plan will be made by the Field Safety Officer after discussion with the PEI Project Manager and Safety Manager. All modifications will be documented in the HASP plan and field book and provided to the Project Manager and the Health and Safety Manager for approval. A copy of this plan will be available for review by all on- site personnel. In addition, a copy of the plan will be provided to all subcontractors prior to their initial entry onto the site.

Before field activities begin, all personnel will be required to read the plan. All personnel must agree to comply with the minimum requirements of the site-specific plan, be responsible for health and safety, and sign the Statement of Compliance for all on-site employees before site work begins.

1.3 Field Activities

The work includes remedial investigations including assessment of subsurface conditions to include soil and groundwater.

Field Investigations

Field investigations will be conducted which will include test trenches/soil borings, possibly monitoring well installation, groundwater sampling and soil sampling. Specific health and safety

requirements to be adhered to for these tasks are covered in this HASP.

1.4 Personnel Requirements

Key personnel are as follows:

Project Manager and Corporate health and Safety - Peter J. Gorton, MPH, CHCM
Project Engineer - John B. Berry, P.E.
Project Geologists – Justin Ryszkiewicz
Field Inspection/Health and Safety – Peter J. Gorton
Project QA/QC – John C. Gorton, Jr.
Analytical Laboratory - To be named - DEC and ELAP Approved

Site personnel and their duties are outlined below.

The Project Manager will be responsible for all PEI personnel and their subcontractors' on-site duties.

The Project Manager has the primary responsibility for:

1. Assuring that personnel are aware of the provisions of the HASP and are instructed in the work practices necessary to ensure safety for planned procedures and in emergencies;
2. Verifying that the provisions of this plan are implemented;
3. Assuring that appropriate personnel protective equipment (PPE), if necessary, is available for and properly utilized by all personnel;
4. Assuring that personnel are aware of the potential hazards associated with site operations;
5. Supervising the monitoring of safety performances by all personnel to ensure that required work practices are employed; and,
6. Maintaining sign-off forms and safety briefing forms.

Field Health and Safety/oversight Inspector:

1. Monitor safety hazards to determine if potential hazards are present;
2. Determine changes to work efforts or equipment needed to ensure the safety of personnel;
3. Evaluate on-site conditions and recommend to the Project Manager modifications to work plans needed to maintain personnel safety;
4. Determine that appropriate safety equipment is available on-site and monitor its proper use;
5. Monitor field personnel and potential for exposure to physical hazards, such as heat/cold stress, safety rules near heavy equipment and borings;
6. Halt site operations if unsafe conditions occur or if work is not being performed in compliance with this plan:
7. Monitor performance of all personnel to ensure that the required safety procedures are followed. If established safety rules and practices are violated, a report of the incident will be filed and sent to the Project Manager within 48 hours of the incident; and,
8. Conduct safety meetings as necessary.

Field Personnel: The responsibility of each field crew member is to follow the safe work practices of this HASP and be familiar with and comply with the Contractor's HASP and in general to:

1. Be aware of the procedures outlined in this plan;
2. Take reasonable precautions to prevent injury to him/herself and to his/her co-workers;
3. Perform only those tasks that he/she believes can be done safely and
4. Immediately report any accidents or unsafe conditions to the safety personnel and Project Manager;
5. Notify the safety personnel and Project Manager of any special medical problems (i.e., allergies or medical restrictions) and make certain that on-site personnel are aware of any such problems;
6. Think Safety First prior to and while conducting field work; and,
7. Do not eat, drink or smoke in work areas.

Each crew member has the authority to halt work should he deem conditions to be unsafe. Visitors will be required to report to the construction manager or designee and follow the requirements of this plan and the Contractor's HASP.

2.0 SITE DESCRIPTION AND HAZARDS/SAFETY CONCERNS

2.1 Site Background And Description

The subject property (710 Niagara Street) is actually a combination of three adjacent parcels including 702, 714, and 716 Niagara Street which together total just over 0.3-acres. Located in the City of Niagara Falls on the northwest corner of 8th Street and Niagara Street, the property is just west of the intersection of John Daily Blvd. and Niagara Street (refer to Figures). The general area is historically mixed residential/commercial. The Seneca Niagara Casino and Hotel is just west along the opposite side of Niagara Street.

The property contains a one-story masonry building (connected) which formerly functioned as a gasoline service station and vehicle repair facility. The property contains three 6,000-gallon gasoline USTs and one 250-gallon AST waste oil/used oil tank.

The original building was constructed in 1941, which included installation of four tanks. Texaco received a permit to install three 6,000 gallon tanks on November 13, 1979. The initial 1941 Texas Company lease was for only 710 Niagara with the second lease to Texaco, Inc., in 1968 probably covering all three addresses. Both leases were form a term of ten years and probably had renewal options. The 1968 Texaco, Inc. lease also contained a purchase option; however it would appear that it was not exercised.

The following regulatory information exists for 710 Niagara Street:

- Petroleum Bulk Storage Records – Site No. 9-387304 under site name BAJWA Parkway Services – Includes a 250-gallon above ground waste oil/used oil tank; Three 6,000-gallon underground storage tank;

- NYSDEC Spill Reports – Spill # 0905868 – active; Spill # 9806329- closed 9-4-2002; Spill # 0906251 – closed 11-27-2009

2.2 Hazard Evaluation

Specific health and safety concerns particular to the project tasks include working around low levels of petroleum related in soils and groundwater. Physical hazards include those associated with working near open excavations, as well as working adjacent manual/mechanical operation of field equipment. Contractors will have separate detailed health and safety procedures/requirements for soil excavations and/or the removal and disposal of impacted soil which will meet or exceed requirements in this plan. Their plans will be attached to this plan.

2.2.1 Chemical Hazards

Chemical hazards at the site may include petroleum related chemical compounds.

Petroleum related compounds. Some chemicals that may be found in petroleum products include hexane, jet fuels, mineral oils, benzene, toluene, xylenes, naphthalene, and fluorine, as well as other petroleum compounds and gasoline components.

How might someone be exposed to petroleum hydrocarbons?

- Everyone is exposed to petroleum hydrocarbons from many sources.
- Breathing air at gasoline stations, using chemicals at home or work, or using certain pesticides.
- Drinking water contaminated with petroleum hydrocarbons.
- Working in occupations that use petroleum products.
- Living in an area near a spill or leak of petroleum products.
- Touching soil contaminated with petroleum hydrocarbons.

Potential routes of exposure include:

- Skin contact;
- Inhalation of vapors or particles;
- Ingestion; and,
- Entry of contaminants through cuts, abrasions or punctures.

The anticipated levels of personnel protection will include Level D personal protective equipment:

1. Long sleeve shirt and long pants (recommended),
2. Work boots,
3. Hard hats, if work is conducted around heavy equipment or overhead hazards,
4. Safety Glasses
5. Gloves to include work gloves and chemical resistant gloves when sampling potentially contaminated materials.

Modifications may include chemically resistant gloves, boots/booties, and overalls. If monitoring levels indicate levels requiring respiratory protection (sustained PID readings at or above 5 ppm above a daily established background), work will be halted pending discussions with field and office management. If any readings are recorded above background, work will proceed with caution and breathing zone monitoring will be conducted.

2.2.2 Other Physical Hazards

Depending on the time of year, weather conditions or work activity, some of the following potential physical hazards could result from project activities:

1. Noise
2. Heat Stress
3. Cold Stress
4. Slips, trips, and falls
5. Exposure to moving machinery or stored energy, particularly during Lime removal and drilling
6. Physical eye hazards
7. Lacerations and skin punctures
8. Back strain from lifting equipment
9. Electrical storms and high winds
10. Contact with overhead or underground utilities

Slips, Trips, and Falls. Field personnel shall become familiar with the general terrain and potential physical hazards which would be associated with accidental risk of slips, trips, and/or falls. Special care shall be taken when working near demolition operations or demolition material stockpiles. Workers will observe all pedestrian and vehicle rules and regulations. Extra caution will be observed while working near roadways and while driving in reverse to ensure safety.

Noise. All personnel shall wear hearing protection devices, such as ear muffs or ear plugs, if work conditions warrant. These conditions would include difficulty hearing while speaking to one another at a normal tone within three feet. If normal speech is interfered with due to work noise, the field safety officer will initiate the mandatory use of hearing protection around the backhoe, or other noise-producing equipment or events.

Heat/Cold Stress. Heat stress work modification may be necessary during ambient temperatures of greater than 29° C (85° F) while wearing normal clothing or exceeding 21' C (70° F) while wearing personnel protective clothing. Because heat stress is one of the most common and potentially serious illnesses at work sites, regular monitoring and preventive measures will be utilized should conditions warrant. This may include additional rest periods, supplemental fluids, restricted consumption of drinks containing caffeine or alcohol, use of cooling vests, or modification of work practices.

Most of the work to be conducted during the oversight and monitoring operations is expected to consist of light manual labor and visual observation. Given the nature of the work and probable temperatures, heat stress hazards are not anticipated.

If work is to be conducted during winter conditions, cold stress may be a concern to the health and safety of personnel. Wet clothes combined with cold temperatures can lead to hypothermia. If air temperature is less than 40° F (4° C) and an employee perspires, the employee must change to dry clothes. The following summary of the signs and symptoms of cold stress are provided as a guide for field and safety personnel.

Incipient frostbite is a mild form of cold stress characterized by sudden blanching or whitening of the skin.

Chilblain is an inflammation of the hands and feet caused by exposure to cold moisture. It is characterized by a recurrent localized itching, swelling, and painful inflammation of the fingers, toes, or ears. Such a sequence produces severe spasms, accompanied by pain.

Second-degree frostbite is manifested by skin with a white, waxy appearance and the skin is firm to the touch. Individuals with this condition are generally not aware of its seriousness because the underlying nerves are frozen and unable to transmit signals to warn the body. Immediate first aid and medical treatment are required.

Third-degree frostbite will appear as blue blotchy skin. The tissue is cold, pale, and solid. Immediate medical attention is required.

Hypothermia develops when body temperature falls below a critical level. In extreme cases, cardiac failure and death may occur. Immediate medical attention is warranted when the following symptoms are observed:

1. Involuntary shivering
2. Irrational behavior
3. Slurred speech
4. Sluggishness

Fire and Explosion. These hazards will be minimal for activities associated with this project. All heavy equipment will be equipped with a fire extinguisher.

Trenching and Excavations. There are a variety of potential health and safety hazards associated with excavations. These include:

- Surface encumbrances, such as structures, fencing, stored materials, etc., may interfere with safe excavations;
- Below- and above-ground utilities, such as water and sewer lines, gas lines, power lines, telephones, and optical cable lines, etc.;
- Overhead power lines and other utilities which may be contacted by the excavation equipment;
- Vehicle and heavy equipment traffic around the excavations;
- Falling loads from lifting or digging equipment;
- Water accumulation within excavations;
- Hazardous atmospheres, such as oxygen deficiency, flammable gases or vapors, and toxic

gases which may occur in excavations,

- Falling into or driving equipment or vehicles into unprotected or unmarked excavations; and,
- Cave-in of loose rocks and soil/lime at the excavation face.

OSHA requirements for trenching and excavations are contained in 29 CFR, subpart P, 1926:650 thru 1926.652.

Basic minimum excavation requirements should include:

- Personnel entry into excavations should be minimized, whenever possible and no entry will occur in pits below 4 feet in depth.
- Sloping, shoring or some other equivalent means should be utilized, as required. Surface encumbrances such as structures, fencing, piping, stored material etc. which may interfere with safe excavations should be avoided, removed or adequately supported prior to the start of excavations. Support systems should be inspected daily.
- Underground utility locations should be checked and determined and permits as necessary should be in place prior to initiating excavations. Local utility companies will be contacted at least two days in advance, advised of proposed work, and requested to locate underground installations. When excavations approach the estimated location of utilities, the exact location should be determined by careful probing or hand digging and when it is uncovered, proper supports should be provided.
- A minimum safe distance of 15 feet should be maintained when working around overhead high-voltage lines or the line should be de-energized following appropriate lock-out and tag-out procedures by qualified utility personnel.
- Excavations five feet or more deep if entered will require an adequate means of exit, such as a ladder, ramp, or steps and located so as to require no more than 25 feet of lateral travel. Under no circumstances should personnel be raised using heavy equipment.
- Personnel working around heavy equipment, or who may be exposed to public vehicular traffic should wear a traffic warning vest. At night, fluorescent or other reflective material is recommended to be worn.
- Heavy equipment or other vehicles operating next to or approaching the edge of an excavation will require that the operator have a clear view of the edge of the excavation, or that warning systems such as barricades, hand or mechanical signals, or stop logs be used. If possible the surface grade should slope away from the excavation.
- Personnel should be safely located in and around the trench/excavation face and should not work underneath loads handled by lifting or digging equipment.
- Hazardous atmospheres, such as oxygen deficiency (atmospheres containing less than 19.5% oxygen), flammable gases or vapors (airborne concentrations greater than 20% of the lower explosive limit), and toxic gases or vapors (airborne concentrations above the OSHA Permissible Exposure Limit or other exposure limits) may occur in excavations. Monitoring should be conducted for hazardous atmospheres prior to entry and at regular intervals. Ventilation or respiratory protection may be provided to prevent personnel exposures to oxygen deficient or toxic atmospheres. Periodic retesting (at least each shift) of the excavation will be conducted to verify that the atmosphere is acceptable. A log or field book records should be maintained.
- Personnel should not work in excavations that have accumulated water or where water is

accumulating unless adequate precautions have been taken. These precautions can include special support or shield systems, water removal systems such as pumps, or safety harnesses and lifelines. Groundwater entering the excavation should be properly directed away and down gradient from the excavation.

- Safety harnesses and lifelines should be worn by personnel entering excavations that qualify as confined spaces.
- Excavations near structures should include support systems such as shoring, bracing, or underpinning to maintain the stability of adjoining buildings, walls, sidewalks, or other structures endangered by the excavation operations.
- Loose rock, excavated or other material, and spoils should be effectively stored and retained at least two and preferably 5 feet or more from the edge of the excavation. Barriers or other effective retaining devices may be used in order to prevent spoils or other materials from falling into the excavation.
- Walkways or bridges with standard guardrails that meet OSHA specifications will be provided where employees, the public, or equipment are required to cross over excavations.
- Adequate barrier physical protection should be provided and excavations should be barricaded or covered when not in use or left unattended. Excavations should be backfilled as soon as possible when completed.
- Safety personnel should conduct inspections prior to the start of work and as needed throughout the work shift and after occurrence that increases the hazard of collapse (i.e., heavy rain, vibration from heavy equipment, freezing and thawing, etc.).
- Personnel working in excavations should be protected from cave-ins by sloping and/or benching of excavation walls, a shoring system or some other equivalent means in accordance with OSHA regulations. Soil type is important in the determination of the angle of repose for sloping and benching, and the design of shoring systems.

2.2.3 Biological Hazards

Biological hazards can result from encounters with mammals, insects, snakes, spiders, ticks, plants, parasites, and pathogens. Mammals can bite or scratch when cornered or surprised. The bite or scratch can result in local infection with systemic pathogens or parasites. Insect and spider bites can result in severe allergic reactions in sensitive individuals. Exposure to poison ivy, poison oak or poison sumac results in skin rash. Ticks are a vector for a number of serious diseases. Dead animals, organic wastes, and contaminated soil and water can harbor parasites and pathogens. These hazards will be reduced to non-existent if work is conducted during late fall and winter months. The following are highlighted because they represent more likely concerns for the site-specific tasks and location:

Bees, Ants, Wasps and Hornets. Sensitization by the victim to the venom from repeated stings can result in anaphylactic reactions. If a stinger remains in the skin, it should be removed by teasing or scraping, rather than pulling. An ice cube placed over the sting will reduce pain. An analgesic corticosteroid lotion is often useful. People with known hypersensitivity to such stings should consult with their doctor about carrying a kit containing an antihistamine and aqueous epinephrine in a pre-filled syringe when in endemic areas. Nests and hives for bees, wasps, hornets and yellow jackets often occur in the ground, trees and brush. Before any nests or hives are disturbed, an

alternate sampling location should be selected. If the sample location cannot be relocated, site personnel who may have allergic reactions shall not work in these areas.

Storm Conditions. When lightening is within 10 miles of the work site, all personnel should evacuate to a safe area.

Sun. When working in the sun, personnel should apply appropriate sun screening lotions (30 sun screen or above), and/or wear long sieve clothing and hats.
Field personnel should refrain from handling any foreign objects such as hypodermic needles, glass, etc.

2.2.4 Activity Hazard Analysis

Table 1 presents a completed activity hazard analysis for the performance of IRM and RI

Table 1. Activity Hazard Analysis

PRINCIPAL STEPS	POTENTIAL SAFETY/ HEALTH HAZARDS	RECOMMENDED CONTROLS
1. RI soil/groundwater investigation	1. Potential exposure to low levels of petroleum products, heavy metals and PAH compounds	Covers all hazards 1. Use of administrative controls (site control and general safety rules), work cloths, dust suppression 2. Use of real-time monitoring and action levels 3. Use Physical Hazards SOPs
EQUIPMENT TO BE USED	INSPECTION REQUIREMENTS	TRAINING REQUIREMENTS
Excavation and other heavy equipment, Backhoe and/or Geoprobe	1. Daily inspection of equipment 2. Continuous safety oversight	1. Safety plan review 2. Routine safety briefings

3.0 MONITORING

The purpose of air monitoring is to monitor for potential airborne contaminants and to verify that protection levels are suitable. Monitoring will be performed for dust/particulates and volatile organic compounds during excavation activities. Daily background and calibration readings will be recorded prior to the start of field activities. All monitoring equipment used during this investigation will be maintained and calibrated and records of calibration and maintenance will be kept in accordance with 29 CFR 1910.120(b)4(11)E. The Community Air Monitoring Program (CAMP) is discussed in Section 9.0.

3.1 Particulate Monitoring

PEI will obtain real-time air monitoring readings from upwind and downwind locations in accordance with DER-10 for community air-monitoring (refer to Section 9.0).

PEI will complete daily field reports that document activities performed equipment and manpower onsite, screening and/or monitoring results, general conditions and weather conditions.

Air Monitoring for Worker Protection

Real time air monitoring will be conducted during any building demolition, UST removal and when site soils are disturbed including during, excavation and grading and other activities. A real time personal aerosol monitor (i.e., TSI SidePak AM5 10 Personal Aerosol monitor or equivalent) will be used. This monitor is a laser photometer which measures data as both real-time aerosol mass-concentration and 8-hour time weighted average (TWA). For this project the monitor will be used to measure real-time concentrations in milligrams per meter cubed (mg/m^3). Action levels are based on potential exposure to calcium carbonate and will be as follows:

- 15 mg/m^3 total dust
- 5 mg/m^3 respirable fraction for nuisance dusts

Dust suppression techniques should be employed prior to exceeding the action levels. However, if these if these levels are exceeded work will be halted and additional dust suppression techniques employed until safe levels are reached.

3.2 Total Volatile Organics Monitoring

Monitoring of volatile organic compounds will be conducted using a photo-ionization detector (PID). If a sustained reading of 5 ppm above background occurs, work will be halted and personnel will evacuate the work area. Levels will be allowed to stabilize and another reading will be taken in the breathing zone. If background levels continue to be exceeded, work will not continue at that location and the project manager will be notified of the situation. Action levels will remain the same.

4.0 SAFE WORKING PRACTICES

4.1 General Practices

The following general safe work practices apply:

- Eating, drinking, chewing gum or tobacco and smoking are prohibited within the work area as part of safe work practices.
- Contact with potentially contaminated substances should be avoided. Puddles, pools, mud, etc. should not be walked through if possible. Kneeling, leaning, or sitting on equipment or on the ground should be avoided whenever possible.
- Upon leaving the work area, hands, face and other exposed skin surfaces should be thoroughly

washed.

- Unusual site conditions shall be promptly conveyed to the site manager and safety personnel as well as the project management for resolution.
- A first-aid kit shall be available at the site.
- Field personnel should use all their senses to alert themselves to potentially dangerous situations (i.e., presence of strong, irritating, or nauseating odors).
- Personal hygiene practices such as no eating, drinking or smoking will be followed.
- If severe dusty conditions hazardous to the crew are present, soils will be dampened to mitigate dust. All equipment will be cleaned before leaving the work area.
- Field personnel must attend safety briefings and should be familiar with the physical characteristics of the investigation, including:
  - Accessibility to associates, equipment, and vehicles.
  - Areas of known or suspected contamination.
  - Site access.
  - Routes and procedures to be used during emergencies.
- Personnel will perform all investigation activities with a buddy who is able to:
  - Provide his or her partner with assistance.
  - Notify management / emergency personnel if emergency help is needed.
- Excavation activities shall be terminated immediately in event of thunder and/or electrical storm.
- The use of alcohol or drugs at the site is strictly prohibited.

5.0 PERSONAL SAFETY EQUIPMENT AND SITE CONTROL

5.1 Personal Safety Equipment

As required by OSHA in 29 CFR 1920.132, this plan constitutes a workplace hazard assessment to select personal protective equipment (PPE) to perform the site investigation.

The PPE to be donned by on-site personnel during this investigation are those associated with the industry standard of level D. Protective clothing and equipment to initiate the project will include:

- Work clothes
- Work boots
- Work gloves as necessary
- Hard hat if work is conducted in areas with overhead danger
- Hearing protection as necessary

Modifications may include chemically resistant gloves, boots/booties, and overalls. If monitoring levels indicate levels requiring respiratory protection (sustained readings at or above action levels above a daily established background), work will be halted pending discussions with field and office management.

5.2 Site Control

Site control will be established near each work zone by the Contractor. The purpose is to control access to the immediate work areas from individuals not associated with the project. Site control

limits will be established by the Contractor in his HASP. All work zones will be fenced off with controlled access and appropriately designated as an exclusion area.

5.2.1 Work Zones (For excavations/drilling using heavy equipment or deeper than 3 feet)

Each excavation will be set up in work zones to include an exclusion area and support zone. Exact configuration of each zone is dependent upon location, weather conditions, wind direction and topography. The Contractor's safety manager will establish the control areas daily at each excavation.

An area of 10 feet (as practical) around each excavation will be designated as the exclusion area. This is the area where potential physical hazards are most likely to be encountered by field personnel. The size of the exclusion area may be altered to accommodate site conditions and the drilling/excavation location. If levels of protection higher than level D are used, this plan will be modified to include decontamination procedure. The Site excavation contractor will be required to have eye/face wash equipment/means available on-site.

A support area will be defined for each field activity. Support equipment will be located in this clean area. Normal work clothes are appropriate within this area. The location of this area depends on factors such as accessibility, wind direction (upwind of the operation.), and resources (i.e., roads, shelter, utilities). The location of this zone will be established daily.

Excavation areas will be filled and or secured (fencing) to prevent access from the general public.

6.0 EMERGENCY INFORMATION

In the event of an emergency, the field team members or the site safety manager will employ emergency procedures. A copy of emergency information will be kept in the field vehicle and will be reviewed during the initial site briefing. Copies of emergency telephone numbers and directions to the nearest hospital will be prominently posted in the field vehicle.

6.1 Emergency Medical Treatment and First Aid

A first aid kit large enough to accommodate anticipated emergencies will be kept in the PEI field vehicle. If any injury should require advanced medical assistance, emergency personnel will be notified and the victim will be transported to the hospital. The Contractor will establish his own first aid station and details will be provided in his HASP.

In the event of an injury or illness, work will cease until the field safety and oversight inspector has examined the cause of the incident and taken appropriate corrective action. Any injury or illness, regardless of extent, is to be reported to the project manager.

6.2 Emergency Telephone Numbers and Hospital

Emergency telephone numbers for medical and chemical emergencies will be posted in the field vehicle are listed below:

Ambulance	911
Fire	911
Police - NYS Troopers	911
Poison Control Center	1-800-888-7655
NYSDEC Spills Hotline	1-800-457-7362

PEI Project Manager, Mr. Peter J. Gorton: Work 716 - 821-1650 & Cellular 716-308-8220
PEI H & S & Oversight Inspector, Justin Ryzkiewicz Cell 716-465-7970
NYSDEC Project Manager, Mr. Mike Hinton (716) 851-7220
NYSDOH (716) 847-4357
Hampton Group, LLC – Mr. Basil Elmer 585-303-6868

Niagara Falls Memorial Medical Center
501 10th Street, Niagara Falls, NY 14301

See Attachment 3 map for route to the Hospital Facility.

Verbal communications between workers or use of a site vehicle horn repeated at intervals of three short beeps shall be used to signal all on-site personnel to immediately evacuate the area and report to the vehicle parking area.

6.3 Emergency Standard Operating Procedures

The following standard operating procedures are to be implemented by on-site personnel in the event of an emergency. The Contractor's field safety manager along with PEI oversight Inspector shall manage response actions.

Upon notification of injury to personnel, the designated emergency signal shall be sounded, if necessary. All personnel are to terminate their work activities and assemble in a safe location. The emergency medical service and hospital emergency room shall be notified of the situation. If the injury is minor, but requires medical attention, the field safety manager shall accompany the victim to the hospital and provide assistance in describing the circumstances of the accident to the attending physician.

Upon notification of an equipment failure or accident, the field safety manager shall determine the effect of the failure or accident on site operations. If the failure or accident affects the safety of personnel or prevents completion of the scheduled operations, all personnel are to leave the area until the situation is evaluated and appropriate actions taken.

Upon notification of a natural disaster, such as tornado, high winds, flood, thunderstorm or earthquake, on-site work activities are to be terminated and all personnel are to evacuate the area.

6.4 Emergency Response Follow-Up Actions

Following activation an Emergency Response, PEI Oversight inspector shall notify the PEI project manager regarding any emergency involving PEI personnel. The Contractor's field safety manager shall submit a written report documenting the incident to PEI and Norstar site representatives

6.5 Medical Treatment for Site Accidents/Incidents

The Contractor's field safety manager shall be informed of any site-related injury, exposure or medical condition resulting from work activities. All personnel are entitled to medical evaluation and treatment in the event of a site accident or incident.

6.6 Site Medical Supplies and Services

The Contractor's field safety manager or a trained first aid crew member shall evaluate all injuries at the site and render emergency first-aid treatment as appropriate. If an injury is minor but requires professional medical evaluation, the field safety manager shall escort the employee to the appropriate emergency room. For major injuries occurring at the site, emergency services shall be requested.

A first-aid kit shall be available, readily accessible and fully stocked. The first-aid kit shall be located within specified vehicles used for on-site operations.

6.7 Universal Precautions

Universal precautions shall be followed on-site at all times. This consists of treating all human blood and certain body fluids as being infected with Human Immune Deficiency Virus (HIV), Hepatitis B virus (HBV), and other blood borne pathogens. Clothing and first-aid materials visibly contaminated with blood or other body fluids will be collected and placed into a biohazard bag. Individuals providing first aid or cleanup of blood- or body-fluid contaminated items should wear latex gloves. If providing CPR, a one-way valve CPR device should be used. Biohazard bags, latex gloves, and CPR devices will be included in the site first-aid kits.

Work areas visibly contaminated with blood or body fluids shall be cleaned using a 1:10 dilution of household bleach. If equipment becomes contaminated with blood or body fluids, and can not be sufficiently cleaned, the equipment shall be placed in a plastic bag and sealed.

Any personnel servicing the equipment shall be made aware of the contamination, so that proper precautions can be taken.

7.0 RECORD KEEPING

The Contractor's field manager and safety manager are responsible for site record keeping. Prior to the start of work, they will review this Plan along with the Contractor's HASP.

A Site Safety Briefing will be completed prior to the initiation of investigation activities. This shall be recorded in the field log book An Accident Report should be completed by the Field Manager in the event that an accident occurs and forwarded to the office administrative manager.

8.0 PERSONNEL TRAINING REQUIREMENTS

8.1 Initial Site Entry Briefing

Prior to initial site entry, the Contractor's field safety manager shall provide all personnel (including site visitors) with site-specific health and safety training. A record of this training shall be maintained. This training shall consist of the following:

- Discussion of the elements contained within this plan
- Discussion of responsibilities and duties of key site personnel
- Discussion of physical, biological and chemical hazards present at the site
  Discussion of work assignments and responsibilities
- Discussion of the correct use and limitations of the required PPE
- Discussion of the emergency procedures to be followed at the site
- Safe work practices to minimize risk
- Communication procedures and equipment
- Emergency notification procedures

8.2 Daily Safety Briefings

The Contractor's field safety manager will determine if a daily safety briefing with all site personnel is needed. The briefing shall discuss the specific tasks scheduled for that day and the following topics:

- Specific work plans
- Physical, chemical or biological hazards anticipated
- Fire or explosion hazards
- PPE required
- Emergency procedures, including emergency escape routes, emergency medical treatment, and medical evacuation from the site
- Weather forecast for the day
- Buddy system
- Communication requirements
- Site control requirements
- Material handling requirements

9.0 COMMUNITY AIR MONITORING PROGRAM (CAMP)

A Community Air Monitoring Plan (CAMP) requires real-time monitoring for volatile organic compounds (VOCs) and particulates (i.e., dust) at the upwind and downwind perimeter of each designated work area when certain activities are in progress at contaminated sites. The CAMP is not intended for use in establishing action levels for worker respiratory protection. Rather, its intent is to provide a measure of protection for the downwind community (i.e., off-site receptors including residences and businesses and on-site workers not directly involved with the subject work activities) from potential airborne contaminant releases as a direct result of investigative and remedial work activities.

The generic CAMP presented in Attachment 4 from *NYSDEC DER-10* titled *Appendix 1A-New York State Department of Health Generic Community Air Monitoring Plan* will be followed and adhered to for the building demolition, IRMs and similar applicable areas.

A program for suppressing fugitive dust and particulate matter monitoring will also be conducted in accordance *NYSDEC DER-10* titled *Appendix 1B Fugitive Dust and Particulate Monitoring* which is also provided in Attachment 4. The fugitive dust suppression and particulate monitoring program will be employed at the site during building demolition, IRM site remediation and other intrusive activities which warrant its use.

Both the CAMP and the fugitive dust suppression and particulate monitoring program will be carried out be PEI the Owner's consultant. Monitoring results of the CAMP will be reported to the New York State Department of Health on a daily basis for review.

10.0 POTENTIAL HAZARDS AND OSHA STANDARDS

A table of Potential Hazards and OSHA Standards for Consideration during the building demolition and IRMs is provided in Attachment 5.

ATTACHMENT 1

Heat Stress management Program & procedures

ATTACHMENT 2

Trenching & Excavating H & S Requirements

ATTA CHMENT 3

Map to Hospital

ATTACHMENT 4

NYSDEC DER-10
Appendix 1A & Appendix 1B

Appendix 1A
New York State Department of Health
Generic Community Air Monitoring Plan

Overview

A Community Air Monitoring Plan (CAMP) requires real-time monitoring for volatile organic compounds (VOCs) and particulates (i.e., dust) at the downwind perimeter of each designated work area when certain activities are in progress at contaminated sites. The CAMP is not intended for use in establishing action levels for worker respiratory protection. Rather, its intent is to provide a measure of protection for the downwind community (i.e., off-site receptors including residences and businesses and on-site workers not directly involved with the subject work activities) from potential airborne contaminant releases as a direct result of investigative and remedial work activities. The action levels specified herein require increased monitoring, corrective actions to abate emissions, and/or work shutdown. Additionally, the CAMP helps to confirm that work activities did not spread contamination off-site through the air.

The generic CAMP presented below will be sufficient to cover many, if not most, sites. Specific requirements should be reviewed for each situation in consultation with NYSDOH to ensure proper applicability. In some cases, a separate site-specific CAMP or supplement may be required. Depending upon the nature of contamination, chemical- specific monitoring with appropriately-sensitive methods may be required. Depending upon the proximity of potentially exposed individuals, more stringent monitoring or response levels than those presented below may be required. Special requirements will be necessary for work within 20 feet of potentially exposed individuals or structures and for indoor work with co-located residences or facilities. These requirements should be determined in consultation with NYSDOH.

Reliance on the CAMP should not preclude simple, common-sense measures to keep VOCs, dust, and odors at a minimum around the work areas.

Community Air Monitoring Plan

Depending upon the nature of known or potential contaminants at each site, real-time air monitoring for VOCs and/or particulate levels at the perimeter of the exclusion zone or work area will be necessary. Most sites will involve VOC and particulate monitoring; sites known to be contaminated with heavy metals alone may only require particulate monitoring. If radiological contamination is a concern, additional monitoring requirements may be necessary per consultation with appropriate DEC/NYSDOH staff.

Continuous monitoring will be required for all ground intrusive activities and during the demolition of contaminated or potentially contaminated structures. Ground intrusive activities include, but are not limited to, soil/waste excavation and handling, test pitting or trenching, and the installation of soil borings or monitoring wells.

Periodic monitoring for VOCs will be required during non-intrusive activities such as the collection of soil and sediment samples or the collection of groundwater samples from existing monitoring wells. "Periodic" monitoring during sample collection might reasonably consist of taking a reading upon arrival at a sample location, monitoring while opening a well cap or

overturning soil, monitoring during well baling/purging, and taking a reading prior to leaving a sample location. In some instances, depending upon the proximity of potentially exposed individuals, continuous monitoring may be required during sampling activities. Examples of such situations include groundwater sampling at wells on the curb of a busy urban street, in the midst of a public park, or adjacent to a school or residence.

VOC Monitoring, Response Levels, and Actions

Volatile organic compounds (VOCs) must be monitored at the downwind perimeter of the immediate work area (i.e., the exclusion zone) on a continuous basis or as otherwise specified. Upwind concentrations should be measured at the start of each workday and periodically thereafter to establish background conditions, particularly if wind direction changes. The monitoring work should be performed using equipment appropriate to measure the types of contaminants known or suspected to be present. The equipment should be calibrated at least daily for the contaminant(s) of concern or for an appropriate surrogate. The equipment should be capable of calculating 15-minute running average concentrations, which will be compared to the levels specified below.

1. If the ambient air concentration of total organic vapors at the downwind perimeter of the work area or exclusion zone exceeds 5 parts per million (ppm) above background for the 15-minute average, work activities must be temporarily halted and monitoring continued. If the total organic vapor level readily decreases (per instantaneous readings) below 5 ppm over background, work activities can resume with continued monitoring.

2. If total organic vapor levels at the downwind perimeter of the work area or exclusion zone persist at levels in excess of 5 ppm over background but less than 25 ppm, work activities must be halted, the source of vapors identified, corrective actions taken to abate emissions, and monitoring continued. After these steps, work activities can resume provided that the total organic vapor level 200 feet downwind of the exclusion zone or half the distance to the nearest potential receptor or residential/commercial structure, whichever is less - but in no case less than 20 feet, is below 5 ppm over background for the 15-minute average.

3. If the organic vapor level is above 25 ppm at the perimeter of the work area, activities must be shutdown.

4. All 15-minute readings must be recorded and be available for State (DEC and NYSDOH) personnel to review. Instantaneous readings, if any, used for decision purposes should also be recorded.

Particulate Monitoring, Response Levels, and Actions

Particulate concentrations should be monitored continuously at the upwind and downwind perimeters of the exclusion zone at temporary particulate monitoring stations. The particulate monitoring should be performed using real-time monitoring equipment capable of measuring particulate matter less than 10 micrometers in size (PM-10) and capable of integrating over a period of 15 minutes (or less) for comparison to the airborne particulate action level. The equipment must be equipped with an audible alarm to indicate exceedance of the action level. In addition, fugitive dust migration should be visually assessed during all work activities.

1. If the downwind PM-10 particulate level is 100 micrograms per cubic meter (mcg/m^3) greater than background (upwind perimeter) for the 15-minute period or if airborne dust is observed leaving the work area, then dust suppression techniques must be employed. Work may continue with dust suppression techniques provided that downwind PM-10 particulate levels do not exceed 150 mcg/m^3 above the upwind level and provided that no visible dust is migrating from the work area.

2. If, after implementation of dust suppression techniques, downwind PM-10 particulate levels are greater than 150 mcg/m^3 above the upwind level, work must be stopped and a re-evaluation of activities initiated. Work can resume provided that dust suppression measures and other controls are successful in reducing the downwind PM-10 particulate concentration to within 150 mcg/m^3 of the upwind level and in preventing visible dust migration.

3. All readings must be recorded and be available for State (DEC and NYSDOH) and County Health personnel to review.

December 2009

Appendix 1B
Fugitive Dust and Particulate Monitoring

A program for suppressing fugitive dust and particulate matter monitoring at hazardous waste sites is a responsibility on the remedial party performing the work. These procedures must be incorporated into appropriate intrusive work plans. The following fugitive dust suppression and particulate monitoring program should be employed at sites during construction and other intrusive activities which warrant its use:

1. Reasonable fugitive dust suppression techniques must be employed during all site activities which may generate fugitive dust.

2. Particulate monitoring must be employed during the handling of waste or contaminated soil or when activities on site may generate fugitive dust from exposed waste or contaminated soil. Remedial activities may also include the excavation, grading, or placement of clean fill. These control measures should not be considered necessary for these activities.

3. Particulate monitoring must be performed using real-time particulate monitors and shall monitor particulate matter less than ten microns (PM10) with the following minimum performance standards:

(a) Objects to be measured: Dust, mists or aerosols;
(b) Measurement Ranges: 0.001 to 400 mg/m3 (1 to 400,000 :ug/m3);
(c) Precision (2-sigma) at constant temperature: +/- 10 :g/m3 for one second averaging; and +/- 1.5 g/m3 for sixty second averaging;
(d) Accuracy: +/- 5% of reading +/- precision (Referred to gravimetric calibration with SAE fine test dust (mmd= 2 to 3 :m, g= 2.5, as aerosolized);
(e) Resolution: 0.1% of reading or 1g/m3, whichever is larger;
(f) Particle Size Range of Maximum Response: 0.1-10;
(g) Total Number of Data Points in Memory: 10,000;
(h) Logged Data: Each data point with average concentration, time/date and data point number
(i) Run Summary: overall average, maximum concentrations, time/date of maximum, total number of logged points, start time/date, total elapsed time (run duration), STEL concentration and time/date occurrence, averaging (logging) period, calibration factor, and tag number;
(j) Alarm Averaging Time (user selectable): real-time (1-60 seconds) or STEL (15 minutes), alarms required;
(k) Operating Time: 48 hours (fully charged NiCd battery); continuously with charger;
(l) Operating Temperature: -10 to 50° C (14 to 122° F);
(m) Particulate levels will be monitored upwind and immediately downwind at the working site and integrated over a period not to exceed 15 minutes.

4. In order to ensure the validity of the fugitive dust measurements performed, there must be appropriate Quality Assurance/Quality Control (QA/QC). It is the responsibility of the remedial party to adequately supplement QA/QC Plans to include the following critical features: periodic instrument calibration, operator training, daily instrument performance (span) checks, and a record keeping plan.

5. The action level will be established at 150 ug/m3 (15 minutes average). While conservative,

this short-term interval will provide a real-time assessment of on-site air quality to assure both health and safety. If particulate levels are detected in excess of 150 ug/m3, the upwind background level must be confirmed immediately. If the working site particulate measurement is greater than 100 ug/m3 above the background level, additional dust suppression techniques must be implemented to reduce the generation of fugitive dust and corrective action taken to protect site personnel and reduce the potential for contaminant migration. Corrective measures may include increasing the level of personal protection for on-site personnel and implementing additional dust suppression techniques (see paragraph 7). Should the action level of 150 ug/m3 continue to be exceeded work must stop and DER must be notified as provided in the site design or remedial work plan. The notification shall include a description of the control measures implemented to prevent further exceedances.

6. It must be recognized that the generation of dust from waste or contaminated soil that migrates off-site, has the potential for transporting contaminants off-site. There may be situations when dust is being generated and leaving the site and the monitoring equipment does not measure PM10 at or above the action level. Since this situation has the potential to allow for the migration of contaminants off-site, it is unacceptable. While it is not practical to quantify total suspended particulates on a real-time basis, it is appropriate to rely on visual observation. If dust is observed leaving the working site, additional dust suppression techniques must be employed. Activities that have a high dusting potential--such as solidification and treatment involving materials like kiln dust and lime--will require the need for special measures to be considered.

7. The following techniques have been shown to be effective for the controlling of the generation and migration of dust during construction activities:

(a) Applying water on haul roads;
(b) Wetting equipment and excavation faces;
(c) Spraying water on buckets during excavation and dumping;
(d) Hauling materials in properly tarped or watertight containers;
(e) Restricting vehicle speeds to 10 mph;
(f) Covering excavated areas and material after excavation activity ceases; and
(g) Reducing the excavation size and/or number of excavations.

Experience has shown that the chance of exceeding the 150ug/m3 action level is remote when the above-mentioned techniques are used. When techniques involving water application are used, care must be taken not to use excess water, which can result in unacceptably wet conditions. Using atomizing sprays will prevent overly wet conditions, conserve water, and provide an effective means of suppressing the fugitive dust.

8. The evaluation of weather conditions is necessary for proper fugitive dust control. When extreme wind conditions make dust control ineffective, as a last resort remedial actions may need to be suspended. There may be situations that require fugitive dust suppression and particulate monitoring requirements with action levels more stringent than those provided above. Under some circumstances, the contaminant concentration and/or toxicity may require additional monitoring to protect site personnel and the public. Additional integrated sampling and chemical analysis of the dust may also be in order. This must be evaluated when a health and safety plan is developed and when appropriate suppression and monitoring requirements are established for protection of health and the environment.

ATTACHMENT 5

Table of Potential Hazards & OSHA Standards

APPENDIX B

CITIZEN PARTICIPATION PLAN

New York State Department of Environmental Conservation

Brownfield Cleanup Program

Citizen Participation Plan
For
710 Niagara Street Site

Site # 932159
710 Niagara Street
Niagara Falls, New York 14303

May 2013

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*** * * * ***

Note: The information presented in this Citizen Participation Plan was current as of the date of its approval by the New York State Department of Environmental Conservation. Portions of this Citizen Participation Plan may be revised during the site s investigation and cleanup process.

Applicant: **Bajwa Property Holdings LLC ("Applicant")**
Site Name: **710 Niagara Street Site ("site")**
Site Address: **170 Niagara Street, Niagara Falls, NY 14303**
Site County: **Niagara County**
Site Number: **C932159**

1. What is New York's Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) works with private developers to encourage the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and developed. These uses include recreation, housing, and business.

A *brownfield* is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination. A brownfield typically is a former industrial or commercial property where operations may have resulted in environmental contamination. A brownfield can pose environmental, legal, and financial burdens on a community. If a brownfield is not addressed, it can reduce property values in the area and affect economic development of nearby properties.

The BCP is administered by the New York State Department of Environmental Conservation (NYSDEC) which oversees Applicants that conduct brownfield site investigation and cleanup activities. An Applicant is a person who has requested to participate in the BCP and has been accepted by NYSDEC. The BCP contains investigation and cleanup requirements, ensuring that cleanups protect public health and the environment. When NYSDEC certifies that these requirements have been met, the property can be reused or redeveloped for the intended use.

For more information about the BCP, go online at:
http://www.dec.ny.gov/chemical/8450.html.

2. Citizen Participation Activities *Why NYSDEC?*

Involves the Public and Why It Is Important

NYSDEC involves the public to improve the process of investigating and cleaning up contaminated sites, and to enable citizens to participate more fully in decisions that affect their health, environment, and social wellbeing. NYSDEC provides opportunities for citizen involvement and encourages early two-way communication with citizens before decision makers form or adopt final positions.

Involving citizens affected and interest in site investigation and cleanup programs is important for many reasons. These include:

- Promoting the development of timely, effective site investigation and cleanup programs that protect public health and the environment

- Improving public access to, and understanding of, issues and information related to a particular site and that site's investigation and cleanup process
- Providing citizens with early and continuing opportunities to participate in NYSDEC's site investigation and cleanup process
- Ensuring that NYSDEC makes site investigation and cleanup decisions that benefit from input that reflects the interests and perspectives found within the affected community
- Encouraging dialogue to promote the exchange of information among the affected/interested public, State agencies, and other interested parties that strengthens trust among the parties, increases understanding of site and community issues and concerns, and improves decision making.

This Citizen Participation (CP) Plan provides information about how NYSDEC will inform and involve the public during the investigation and cleanup of the site identified above. The public information and involvement program will be carried out with assistance, as appropriate, from the Applicant.

Project Contacts

Appendix A identifies NYSDEC project contact(s) to which the public should address questions or request information about the site's investigation and cleanup program. The public's suggestions about this CP Plan and the CP program for the site are always welcome. Interested people are encouraged to share their ideas and suggestions with the project contacts at any time.

Locations of Reports and Information

The locations of the reports and information related to the site's investigation and cleanup program also are identified in Appendix A. These locations provide convenient access to important project documents for public review and comment. Some documents may be placed on the NYSDEC web site. If this occurs, NYSDEC will inform the public in fact sheets distributed about the site and by other means, as appropriate.

Site Contact List

Appendix B contains the site contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and cleanup process. The site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project. These will include notifications of upcoming activities at the site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.
The site contact list includes, at a minimum:

- chief executive officer and planning board chairperson of each county, city, town and village in

which the site is located;

- residents, owners, and occupants of the site and properties adjacent to the site;
- the public water supplier which services the area in which the site is located;
- any person who has requested to be placed on the site contact list;
- the administrator of any school or day care facility located on or near the site for purposes of posting and/or dissemination of information at the facility;
- Location (s) of reports and information.

The site contact list will be reviewed periodically and updated as appropriate. Individuals and organizations will be added to the site contact list upon request. Such requests should be submitted to the NYSDEC project contact(s) identified in Appendix A. Other additions to the site contact list may be made at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

CF Activities

The table at the end of this section identifies the CP activities, at a minimum, that have been and will be conducted during the site s investigation and cleanup program. The flowchart in Appendix D shows how these CP activities integrate with the site investigation and cleanup process. The public is informed about these CP activities through fact sheets and notices distributed at significant points during the program. Elements of the investigation and cleanup process that match up with the CP activities are explained briefly in Section 5.

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up a site.

- **Public forums, comment periods and contact with project managers** provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a site s investigation and cleanup. The site developer has established a website (www.eastmancommons.org/resources/links.php) that describes the planned development activities at the site.

The public is encouraged to contact project staff at any time during the site s investigation and cleanup process with questions, comments, or requests for information.

This CP Plan maybe revised due to changes in major issues of public concern identified in Section 3 or in the nature and scope of investigation and cleanup activities.

Technical Assistance Grant

NYSDEC must determine if the site poses a significant threat to public health or the environment. This determination generally is made using information developed during the investigation of the site, as described in Section 5.

If the site is determined to be a significant threat, a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development/implementation of a remedy.

An eligible community group must certify that its membership represents the interests of the community affected by the site, and that its members' health, economic well-being or enjoyment of the environment may be affected by a release or threatened release of contamination at the site.

For more information about TAGs, go online at http://www.dec.ny.gov/regulations/2590.html

Note: The table identifying the citizen participation activities related to the site's investigation and cleanup program follows on the next page:

Note: The table identifying the citizen participation activities related to the site's investigation and cleanup program follows on the next page:

Citizen Participation Requirements (Activities)	Timing of CP Activity(ies)
Application • Prepare site contact list • Establish document repositories • Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period • Publish above ENB content in local newspaper • Mail above ENB content to site contact list • Conduct 30-day public comment period	**Process:** At time of preparation of application to participate in the BCP. When NYSDEC determines that BCP application is complete. The 30-day public comment period begins on date of publication of notice in ENB. End date of public comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice, and notice to the site contact list should be provided to the public at the same time.
After Execution of Brownfield Site Cleanup Agreement: • Prepare Citizen Participation (CP) Plan	Before start of Remedial Investigation
Before NYSDEC Approves Remedial • Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan • Conduct 30-day public comment period	**Investigation (RI) Work Plan:** Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet. Thirty-day public comment period begins/ends as per dates identified in fact sheet.
After Applicant Completes • Distribute fact sheet to site contact list that describes RI results	**Remedial Investigation:** Before NYSDEC approves RI Report
Before NYSDEC Approves • Distribute fact sheet to site contact list about proposed RWP and announcing 45-day public comment period • Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager) • Conduct 45-day public comment period	**Remedial Work Plan (RWP):** Before NYSDEC approves RWP. Forty-five day public comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day public comment period.
Before Applicant Starts • Distribute fact sheet to site contact list that	**Cleanup Action:** Before the start of cleanup action.
After Applicant Completes • Distribute fact sheet to site contact list that announces that cleanup action has been completed and that summarizes the Final Engineering Report • Distribute fact sheet to site contact list announcing issuance of Certificate of Completion (COC)	**Cleanup Action:** At the time NYSDEC approves Final Engineering Report. These two fact sheets are combined if possible if there is not a delay in issuing the COC.

3. Major Issues of Public Concern

This section of the CP Plan identifies major issues of public concern as they relate to the site Additional major issues of public concern may be identified during the site's remedial process.

At this juncture the public has not identified major concerns with the project. In the event major concerns are expressed, future communication addressing those concerns will be issued to stakeholders.

4. Site Information

Site Description

The subject property (710 Niagara Street) is actually a combination of three adjacent parcels including 702, 714, and 716 Niagara Street which together total just over 0.3-acres. Located in the City of Niagara Falls on the northwest corner of 8th Street and Niagara Street, the property is just west of the intersection of John Daily Blvd. and Niagara Street (refer to Figures). The general area is historically mixed residential/commercial. The Seneca Niagara Casino and Hotel is just west along the opposite side of Niagara Street.

The property contains a one-story masonry building (connected) which formerly functioned as a gasoline service station and vehicle repair facility. The property contains three 6,000-gallon gasoline USTs and one 250-gallon AST waste oil/used oil tank.

Contemplated Use of the Site

The planned property use is for a combination gasoline sales and convenient store operation which will include a restaurant franchise operation.

History of Site Use

The property contains a one-story masonry building (connected) which formerly functioned as a gasoline service station and vehicle repair facility. The property contains three 6,000-gallon gasoline USTs and one 250-gallon AST waste oil/used oil tank.

The original building was constructed in 1941, which included installation of four tanks. Texaco received a permit to install three 6,000 gallon tanks on November 13, 1979. The initial 1941 Texas Company lease was for only 710 Niagara with the second lease to Texaco, Inc., in 1968 probably covering all three addresses. Both leases were form a term of ten years and probably had renewal options. The 1968 Texaco, Inc. lease also contained a purchase option; however it would appear that it was not exercised.

The following regulatory information exists for 710 Niagara Street:

- Petroleum Bulk Storage Records – Site No. 9-387304 under site name BAJWA Parkway Services – Includes a 250-gallon above ground waste oil/used oil tank; Three 6,000-gallon underground storage tank;
- NYSDEC Spill Reports – Spill # 0905868 – active; Spill # 9806329- closed 9-4-2002; Spill # 0906251 – closed 11-27-2009

Environmental History

June 2010 – Phase II Subsurface Investigation Report - In June 2010, Nature's Way Environmental Consultants & Contractors, Inc. (Nature's Way) conducted a Phase II Environmental Investigation. The objective of this investigation was to evaluate subsurface soils in the vicinity of the existing underground petroleum storage tanks with respect to the presence of petroleum constituent compounds

A summary is as follows:

- A Phase II was completed in 2010
- Objective was to evaluate subsurface soils with a total of 15 borings
- Elevated PID readings (over 3,000 ppm in some locations) were observed in 7 of the borings. The higher PID readings were noted to be near the south end of the UST field and west of the pump island.
- Four soil samples were collected and analyzed for STARS VOCs only. The results indicated levels below STARS but the report indicated they were not from the worst areas.
- The report concluded that the area of impact encompassing the entire UST installation, extending southwest to include the western portion of the pump island, covering an area approximately 75 feet north-south to depth of 10.5 feet. For the most part bedrock was only about 4 feet except near the USTs and pump island where depth to bedrock was as deep as 10.5 feet. USTs were most likely excavated into bedrock. The report noted that petroleum impacted soils were identified along the southwestern portion of the site building and could extend beneath the building.

5 Remedial Cleanup Process

Application

The Applicant is applying for acceptance into New York's Brownfield Cleanup Program as a Volunteer. This means that the Applicant is not responsible for the disposal or discharge of the contaminants or whose ownership or operation of the site took place after the discharge or disposal of contaminants. The Volunteer must fully characterize the nature and extent of contamination onsite, and must conduct a qualitative exposure assessment, a process that characterizes the actual or potential exposures of people, fish and wildlife to contaminants on the site and to contamination that has migrated from the site.

The Applicant in its Application proposes that the site will be used for restricted purposes.

To achieve this goal, the Applicant will conduct investigation and/or cleanup activities at the site with oversight provided by NYSDEC. The Brownfield Cleanup Agreement to be executed by NYSDEC and the Applicant sets forth the responsibilities of each party in conducting these activities at the site.

Investigation

The Applicant will complete a RI as part of the BCP. NYSDEC will use the information in the investigation report to determine if the site poses a significant threat to public health or the environment. If the site is a significant threat, it must be cleaned up using a remedy selected by NYSDEC from an analysis of alternatives prepared by the Applicant and approved by NYSDEC. If the site does not pose a significant threat, the Applicant may select the remedy from the approved analysis of alternatives.

Remedy Selection

The Applicant will recommend in its application that action needs to be taken to address site contamination. Pending approval of the investigation report by the NYSDEC, the Applicant has proposed a remediation of impacted soil to meet at least restricted residential use.

The RI results will help develop a remedial approach which may include an IRM. When the Applicant submits the proposed Remedial (IRM) Work Plan for approval, NYSDEC will announce the availability of the proposed plan for public review during a 45-day public comment period.

Cleanup Action

NYSDEC will consider public comments, and revise the draft Remedial (IRM) Work Plan if necessary, before approving the proposed remedy. The New York State Department of Health (NYSDOH) must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy.

The Applicant may then design and perform the cleanup action to address the site contamination. NYSDEC and NYSDOH will oversee the activities. When the Applicant completes cleanup activities, it will prepare a final engineering report that certifies that cleanup requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the cleanup is protective of public health and the environment for the intended use of the site.

Certificate of Completion

When NYSDEC is satisfied that cleanup requirements have been achieved or will be achieved for the site, it will approve the final engineering report. NYSDEC then will issue a

Certificate of Completion (COC) to the Applicant. The COC states that cleanup goals have been achieved, and relieves the Applicant from future liability for site-related contamination, subject to certain conditions. The Applicant would be eligible to redevelop the site after it receives a COC.

Site Management

Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. Site management may be conducted by the Applicant under NYSDEC oversight, if contamination will remain in place. Site management incorporates any institutional and engineering controls required to ensure that the remedy implemented for the site remains protective of public health and the environment. All significant activities are detailed in a Site Management Plan.

An institutional control is a non-physical restriction on use of the site, such as a deed restriction that would prevent or restrict certain uses of the property. An institutional control may be used when the cleanup action leaves some contamination that makes the site suitable for some, but not all uses.

An engineering control is a physical barrier or method to manage contamination. Examples include: caps, covers, barriers, fences, and treatment of water supplies.

Site management also may include the operation and maintenance of a component of the remedy, such as a system that is pumping and treating groundwater. Site management continues until NYSDEC determines that it is no longer needed.

Appendix A
Project Contacts and Locations of Reports and Information

Project Contacts

For information about the site's investigation and cleanup program, the public may contact any of the following project staff:

New York State Department of Environmental Conservation (NYSDEC):

Mr. Michael Hinton, PE
Project Manager
270 Michigan Avenue
Buffalo, New York 14203-2999
716-851-7220

Citizen Participation Specialist
Division of Public Affairs
New York State Department of
Environmental Conservation
Region 9
(716)-851-7220

New York State Department of Health (NYSDOH):

New York State Department of Health
584 Delaware Avenue
Buffalo, NY 14202
(716) 847-4501

Public Repository for Reports and Information:

Niagara Falls Library,
1425 Main Street,
Niagara Falls, NY 14305
(716) 286-4894.

Contact list, **Locations of Reports and Information**

Appendix B Site Contact List

1. The chief executive officer and planning board/dept. chair of each county, city, town and village in which the property is located.

Niagara County

County Manager: Jeffrey M. Glatz
Philo J. Brooks Co. Office Bldg., 2nd Floor
59 Park Ave.
Lockport, NY 14094
Phone: (716) 439-7006

County Economic Development
Commissioner: Samuel M. Ferraro
Vantage Center, Suite One
6311 Inducon Corporate Dr.
Sanborn, NY 14132
Telephone: (716) 278-8750
Fax: (716) 278-8757

County Public Health
Public Health Director: Daniel J. Stapleton, MBA
Division of Environmental Health
Mountview Campus – Shaw Building
5467 Upper Mountain Road Suite 100
3rd Floor
Lockport, NY 14094-1894
Phone: (716) 439-7444

City of Niagara Falls

Mayor – Mr. **Paul A. Dyster**
745 Main Street
P.O. Box 69

Niagara Falls, NY 14302-0069
Mayor's Office Telephone: 716-286-4310
Mayor's Office Fax: 716 -286-4349

Department of Planning and Environmental
The City of Niagara Falls Planning Office
745 Main Street
P.O. Box 69
Niagara Falls, NY 14302-0069
(716) 286-4470

2. Residents, owners, and occupants of the property and properties adjacent to the property.

Niagara Street – North Side

		Alternate/Owner Mailing Address
606	Niagara Street	
610-612	Owner/Occupant	420 54th Street, New York, NY 10022
614	Owner/Occupant	315 Fulton, Brooklyn, NY 11208
616	Owner/Ocupant	396 Vine Ln., Amherst, NY 14228
624	Owner/Occupant	Niagara 624 Niagara LLC - 420 54th St., NY, NY 10022
702	Owner/Occupant	
714	Owner/Occupant	
716	Owner/Occupant	
818	Owner/Occupant	Brown Bark I LP-4100 Greenbriar, Stafford, TX

Niagara Street – South Side

765	Owner/Occupant	Seneca Niagara Falls Gaming-310 4th St., NFL, NY 14303
833	Owner/occupant	Eleventh Street Properties LLC-1625 Buffalo Ave., NFL, NY 14303
414	Owner/Occupant	603 70th St., Niagara Falls, NY 14304
416	Owner/Occupant	City of Niagara Falls-745 Main St., Niagara Falls, NY 14302
420	Owner/Occupant	City of Niagara Falls-745 Main St., Niagara Falls, NY 14302
422	Owner/Occupant	148 Madison St., New York, NY 10002

7th Street – West Side, starting at the intersection of Niagara St., going North

411	Owner/Occupant	710 Niagara St., Niagara Falls, NY 14303
417	Owner/Occupant	2919 Birch Ave., Niagara Falls, NY 14305
419	Owner/Occupant	City of Niagara Falls-745 Main St., Niagara Falls, NY 14302

8th Street – East Side, starting at the intersection of Niagara St., going North

412	Owner/Occupant	710 Niagara St., Niagara Falls, NY 14303
414	Owner/Occupant	City of Niagara Falls-745 Main St., Niagara Falls, NY 14302
420	Owner/Occupant	130 Parker Dr., McDonough, GA 30253

8th Street – West Side, starting at the intersection of Niagara St., going North

407	Owner/Occupant	Main Street Niagara Falls LLC-4500 Indian Hill Rd., Lewiston, NY 14092

3. Local news media from which the community typically obtains information.

1) News Papers

NIAGARA GAZETTE
310 Niagara Street
P.O. Box 549
Niagara Falls, NY 14302-0549
Phone: 716-282-2311 Main

The Buffalo News
One News Plaza
PO Box 100
Buffalo, NY 14240
Phone: Niagara County Bureau - 849-4601

The Niagara Falls Reporter
POB 3083, Niagara Falls, N.Y. 14304
E-mail: info@niagarafallsreporter.com

2) TV

The following is a directory of television stations in the Buffalo, NY area.

WGRZ-TV 2NBC 259 Delaware Ave, Buffalo, NY 14202. 716-849-2222.

WIVB-TV 4, WNLO-TV. 2077 Elmwood Avenue, Buffalo, NY 14207. 716-874-4410

WKBW-TV 7 Broadcast Plaza, Buffalo, NY 14202. 716-845-6100. Fax: 716-842-1855.

WNED-TV 17 PBS. 140 Lower Terrace Street, Buffalo, NY 14202. 716-845-7000

YNN Buffalo , 355 Chicago St., Buffalo, NY 14204 716) 558-8999 Option 2

4. The public water supplier which services the area in which the property is located.

Niagara Falls Water Board
5815 Buffalo Ave.
Niagara Falls, NY 14304
716.283.9770x201

Niagara County Water District
Administrative Director: Herbert A. Downs
Location: 5450 Ernest Rd., PO Box 315, Lockport, NY 14095-0315
Telephone: (716) 434-8835 / **Fax**: (716) 434-8836

5. Any person who has requested to be placed on the contact list.

None

6. The administrator of any school or day care facility located on or near the property.

There are no schools or day cares located near the property. The 10th Street School is no longer in operation.

The closest school is the Niagara Street School located over a mile away at

Niagara Street School - 2513 Niagara Street, City of Niagara Falls. Mrs. Paulette A. Pierce is the Principle

7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property.

Niagara Falls Library
1425 Main Street, Niagara Falls, NY 14305
(716) 286-4894 niagarafallspubliclib.org

APPENDIX C

Figure 1 – Site Location Plan

Figure 2 – Remediation/Investigation Area Plan

APPENDIX C

QUALITY ASSURANCE/ QUALITY CONTROL PLAN

APPENDIX D

FIELD SAMPLING PLAN
SOIL AND WATER

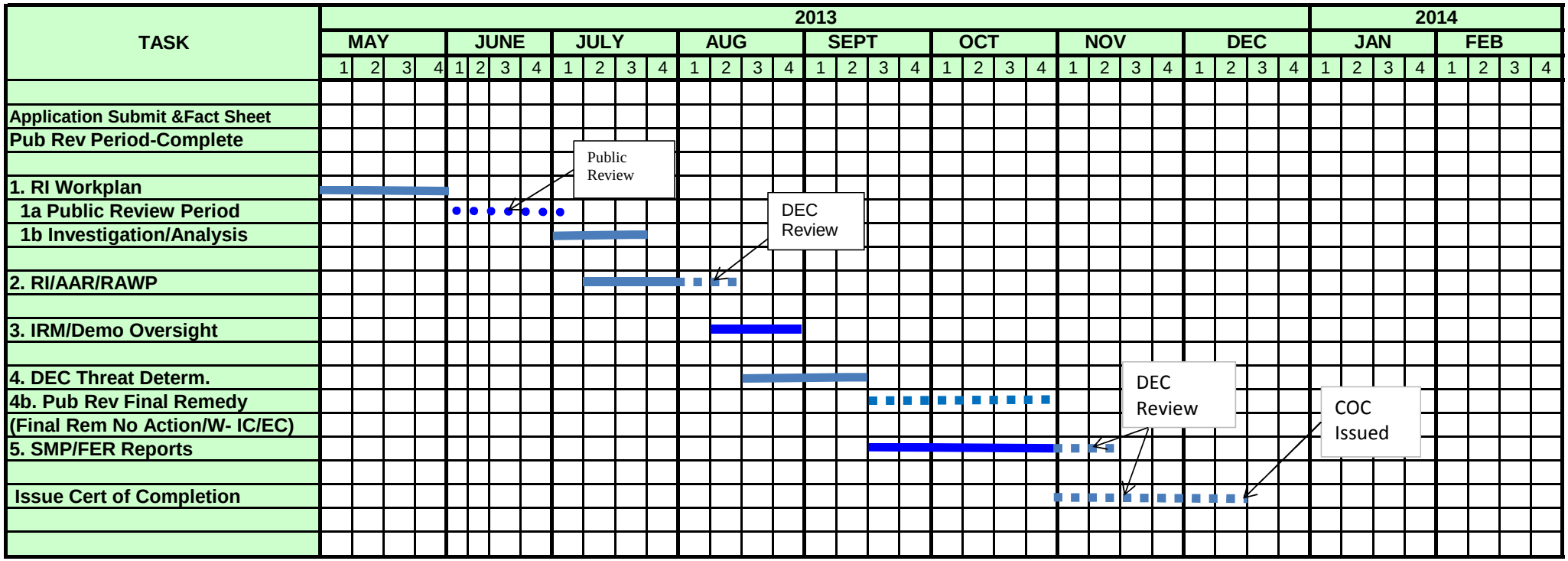
APPENDIX E

PROJECT SCHEDULE

PRELIMINARY PROJECT SCHEDULE **REV 5/7/13**

710 NIAGARA STREET PROJECT

(ASSUMES: IRM With IC/EC IS FINAL REMEDY)



APPENDIX F

HISTORICAL INVESTIGATIONS ENVIRONMENTAL REPORT EXCERPTS

ENVIRONMENTAL CONSULTANTS & CONTRACTORS, INC.

CRITTENDEN
(716) 937-6527

SYRACUSE
(315) 668-1031

June 23, 2010

Subsurface Investigation Report
710 Niagara Street
Niagara Falls, New York

Introduction
A focused subsurface investigation was conducted on June 1, 2010, by Nature's Way Environmental Consultants & Contractors, Inc. (NWEC&C) on behalf of Mr. Surgit Singh, within the vicinity of the existing UST area at the property located at 710 Niagara Street, City of Niagara Falls, Niagara County, New York.

Objectives
The objective of this investigation was to evaluate subsurface soils in the vicinity of the existing underground petroleum storage tanks with respect to the presence of petroleum constituent compounds.

Subsurface Investigation Methodology
Investigation was accomplished by continuously sampling the soil column at locations proximate to the UST and dispensing pumps, with soil samples evaluated for the presence of petroleum impact. Borings were positioned radiating outward from the installation until field measurements indicated that impact was no longer present, or site limitations/obstructions were encountered (i.e: site building). A total of fifteen (15) borings were advanced as depicted on the Soil Boring Location Map (Figure #1).

A Simco 200 Earthprobe was utilized to advance soil borings and secure continuous soil samples. Four-foot macro-core soil samplers equipped with disposable acetate liners were advanced to refusal depths, to a maximum of 10.5' below ground surface (bgs). At the completion of every 4.0' sample interval, the macro-core samplers were decontaminated by a rinse wash combined with a concentrated surfactant and a second rinse to complete decontamination. Collected soil samples were examined and classified by a NWEC&C, staff geologist on site.

After geologic classification, samples were stored aside for a minimum fifteen minutes at approx. 75 F, to allow concentrations of volatile organic compounds (VOC) to accumulate. A Phocheck+ 1000 Photo-Ionization Detector (PID) was utilized to quantify VOC concentrations within the sample jar head space and provide an objective basis for comparison of relative contaminant levels.

Sample Submission
Based on field observation and results of PID headspace screening, soil samples from selected borings were submitted to Environmental Science Corporation, and analyzed for the presence of NYSDEC STARS List volatile organic compounds (VOC) by EPA Method 8260. Results of this testing were compared with Guidance Values (Recommended Soil Cleanup Objectives) published in NYSDEC TAGM # 4046.

Findings of Subsurface Investigation

Geologic Description

With the exception of EP 2, at which concrete was encountered at the surface, the remaining borings were advanced through asphalt underlain by gravel sub-base. A relatively thick sequence of fill material was identified beneath the sub-base in borings performed in the vicinity of the existing UST's (EP 5,EP 10, EP 12 and EP 14), extending to depths ranging from 3.4' to 9.0' bgs. The fill material at EP 5 and EP 10 predominantly consisted of a (Clayey-Silt) texture with pockets of sand, which extended to 6.0 and 3.5' bgs, respectively. Fill material encountered at EP 12 and EP 14 (positioned north and east of the UST's) consisted of gravel fill to a depth of 3.0' to 5.0' bgs, below which variable textured fill ranging from (Clayey-Silt) with varying amounts of gravel to (Sandy-Silt) was encountered to a maximum depth of 9.0' bgs. A (Clayey-Silt) textured lake sediment underlain by glacial till was encountered in the remaining borings to refusal. Samples recovered at the refusal point in several of the borings contained hard dolostone rock. Depth to rock was found to be drastically greater in the immediate area of the UST's and dispenser island areas, indicating that rock removal had been completed to allow for UST and piping installation as evidenced by the thicker fill sequence.

VOC Headspace Screening Results

Positive response to PID screening was observed at nearly all boring locations. Elevated headspace readings (greater than 50 ppm) were recorded in seven of the boring locations; EP4, EP5, EP6, EP7, EP10, EP12 and EP 14, the majority of the which were located near the south end of the UST field and west of the fuel island pad. By far the highest readings were recorded for the 2'-4' interval of EP 10 (3,271ppm) and the intervals comprising 6'-10' of EP 14 (3,000 ppm). Headspace screening readings are summarized as follows:

VOC Headspace Screening Readings (results in ppm)

	EP 1	EP 2	EP 3	EP 4	EP 5	EP 6	EP 7	EP 8	EP 9	EP 10	EP 11	EP 12	EP 13	EP 14	EP 15
0'-2'	0		13	21	0	85	0	0	0	0	0	0	0	0	0
2'-4'	0		3	36	65	75	41	38	0	**3270**	0	21	0	0	0
4'-6'			41	74	460	**215**	17		19			30		300	42
6'-8'				53	450		68		0			198		**3000**	
8'-10'				275			404							**3000**	
Refusal Depth (BGS)	3.9'	surface	4.5'	10.5'	7.8'	4.6'	9.0'	3.9'	7.1'	3.9'	3.1'	7.8'	3.5'	9.0'	4.5'

Bold = Highest reading at each boring location
Shaded=submitted for laboratory analysis

Laboratory Analytical Results - Soil

Based upon headspace screening readings and boring location, soil samples from four borings (EP3, EP6, EP7 and EP12) were submitted for laboratory analysis. Only one target compound (Benzene) was identified for the EP 6 sample location. Results of VOC analysis for all other samples were below laboratory detection limits; therefore below applicable Guidance Values. While it is unusual for a sample associated with a gasoline installation with at PID reading greater than 100 ppm to have no STARS List VOC's detected, these results may in part be explained by the relatively coarse material of the sample. Analytical results for all samples are summarized in the following table, with a copy of the laboratory report included as Appendix #2.

STARS List VOC Analytical Results (results in ppb)

Parameter	EP 3 (4'-4.5')	EP 6 (2'-4')	EP 7 (8'-9')	EP12 (6'-7.8')	TAGM RSCO
Benzene	*	13	*	*	60
n-butylbenzene	*	*	*	*	10000
sec-Butylbenzene	*	*	*	*	10000
tert-Butylbenzene	*	*	*	*	10000
Ethylbenzene	*	*	*	*	5500
Isopropylbenzene	*	*	*	*	2300
p-Isopropyltoluene	*	*	*	*	10000
MTBE	*	*	*	*	120
Napthalene	*	*	*	*	10000
n-Propylbenzene	*	*	*	*	3700
1,2,4-Trimethylbenzene	*	*	*	*	10000
1,3,5,-Trimethylbenzene	*	*	*	*	3300
Toluene	*	*	*	*	1500
O xylene	*	*	*	*	1200
M&p xylene	*	*	*	*	
Total 8260 STARS	BDL	13	BDL	BDL	10000

BDL / * = Below Laboratory Detection Limits

Summary

In consideration of the data obtained from this investigation, it is evident that a release of petroleum has occurred in the vicinity the UST installation. Samples from roughly half of the borings advanced exhibited both elevated PID readings and nuisance characteristics of petroleum impact (discernable petroleum odor nuisance). The area of impacted soil, as defined by elevated PID readings and nuisance characteristics, is roughly rectangular in shape, encompassing the entire UST installation, and extending southward to include the western portion of the dispensing island, covering an area approximately 40' in an east-west direction and approximately 75'north-south, to depths of up to 10.5' deep. It should be noted that petroleum impacted soils were identified along the southwestern portion of the site building and could extend beneath the building.

Bulk Storage Database Search Details

Facility Information

Site No.: 9-387304
Status: Active
Expiration Date: 04/09/2011
Site Type: PBS
Site Name: BAJWA PARKWAY SERVICE
Address: 710 NIAGARA ST
Locality: NIAGARA FALLS
State: NY
Zipcode: 14301
unty: Niagara

Owner(s) Information

Owner: SURJIT SINGH
710 NIAGARA STREET . NIAGARA FALLS, NY. 14301
Mail Contact: BAJWA PARKWAY SERVICE
710 NIAGARA ST . NIAGARA FALLS, NY. 14301

Tank Information

4 Tanks Found

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Bulk Storage Database Search Details

Tank Information

Next Tank Last Tank

Site No: 9-387304
Site Name: BAJWA PARKWAY SERVICE
Tank No: 001
Tank Location: Aboveground - No Contact (on saddles, legs, rack, cradle, etc.)
Tank Status: In Service
Tank Install Date:
Tank Closed Date:
Tank Capacity: 250 gal.
Product Stored: Waste Oil/Used Oil
Percentage: 100%
Tank Type: 01 - Steel/Carbon Steel/Iron
Tank Internal Protection: None
Tank External Protection: None
Tank Secondary Containment: None
Tank Leak Detection: Interstitial - Electronic Monitoring
Overfill: Product Level Gauge (A/G)
Spill Prevention: None
Dispenser: None
Pipe Location: Aboveground
Pipe Type: Galvanized Steel
Pipe External Protection: None
Piping Secondary Containment: None
Piping Leak Detection: None
Tank Next Test Due:
Tank Last Test:
Tank Test Method: Testing Not Required

Refine Current Search

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Bulk Storage Database Search Details

Tank Information

First Tank | Previous Tank | Next Tank | Last Tank

Site No: 9-387304
Site Name: BAJWA PARKWAY SERVICE
Tank No: 1
Tank Location: Underground
Tank Status: In Service
Tank Install Date: 06/01/1977
Tank Closed Date:
Tank Capacity: 6000 gal.
Product Stored: Gasoline
Percentage: 100%
Tank Type: 01 - Steel/Carbon Steel/Iron
Tank Internal Protection: None
Tank External Protection: Retrofitted Sacrificial Anode
Tank Secondary Containment: None
Tank Leak Detection: Groundwater Well
Overfill: None
Spill Prevention: Catch Basin
Dispenser: Submersible
Pipe Location: Underground/On-ground
Pipe Type: Galvanized Steel
Pipe External Protection: Retrofitted Sacrificial Anode
Piping Secondary Containment: None
Piping Leak Detection: None
Tank Next Test Due: 11/09/2010
Tank Last Test: 11/09/2005
Tank Test Method: Horner EZY3/EZY3 Locator Plus

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Bulk Storage Database Search Details

Tank Information

First Tank | Previous Tank | Next Tank | Last Tank

Site No: 9-387304
Site Name: BAJWA PARKWAY SERVICE
Tank No: 2
Tank Location: Underground
Tank Status: In Service
Tank Install Date: 06/01/1977
Tank Closed Date:
Tank Capacity: 6000 gal.
Product Stored: Gasoline
Percentage: 100%
Tank Type: 01 - Steel/Carbon Steel/Iron
Tank Internal Protection: None
Tank External Protection: Retrofitted Sacrificial Anode
Tank Secondary Containment: None
Tank Leak Detection: Groundwater Well
Overfill: None
Spill Prevention: Catch Basin
Dispenser: Submersible
Pipe Location: Underground/On-ground
Pipe Type: Galvanized Steel
Pipe External Protection: Retrofitted Sacrificial Anode
Piping Secondary Containment: None
Piping Leak Detection: None
Tank Next Test Due: 11/09/2010
Tank Last Test: 11/09/2005
Tank Test Method: Horner EZY3/EZY3 Locator Plus

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Bulk Storage Database Search Details

Tank Information

First Tank | Previous Tank

Site No: 9-387304
Site Name: BAJWA PARKWAY SERVICE
Tank No: 3
Tank Location: Underground
Tank Status: In Service
Tank Install Date: 06/01/1977
Tank Closed Date:
Tank Capacity: 6000 gal.
Product Stored: Gasoline
Percentage: 100%
Tank Type: 01 - Steel/Carbon Steel/Iron
Tank Internal Protection: None
Tank External Protection: Retrofitted Sacrificial Anode
Tank Secondary Containment: None
Tank Leak Detection: Groundwater Well
Overfill: None
Spill Prevention: Catch Basin
Dispenser: Submersible
Pipe Location: Underground/On-ground
Pipe Type: Galvanized Steel
Pipe External Protection: Retrofitted Sacrificial Anode
Piping Secondary Containment: None
Piping Leak Detection: None
Tank Next Test Due: 11/09/2010
Tank Last Test: 11/09/2005
Tank Test Method: Horner EZY3/EZY3 Locator Plus

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NYSDEC SPILL REPORT FORM

DEC REGION: 9 | SPILL NUMBER: 0905868

SPILL NAME: BAJWA GAS STATION | DEC LEAD: SACALAND

CALLER NAME: JOHN GRAMZ | NOTIFIER'S NAME:

CLR'S AGENCY: PRIME TIME | NOTIFIER'S AGENCY:

CALLER'S PHONE: (585) 202-5572 | NOTIFIER'S PHONE:

SPILL DATE: 08/19/2009 | SPILL TIME: 3:00 pm | DISPATCHER:

CALL RECEIVED DATE: 08/19/2009 | RECEIVED TIME: 4:00 pm

SPILL LOCATION

PLACE: BAJWA GAS STATION | COUNTY: Niagara

STREET: 710 NIAGARA STREET | TOWN/CITY: Niagara Falls (c)

COMMUNITY: NIAGARA FALLS

CONTACT: | CONTACT PHONE:

CONT. FACTOR: Equipment Failure | SPILL REPORTED BY: Tank Tester

FACILITY TYPE: Gasoline Station | WATERBODY:

CALLER REMARKS:

DURING LINE TEST, FAILURE WAS NOTED ON REGULAR GAS TO 6000 GALLON TANK. LINE WILL BE REWORKED AND TESTED AGAIN ON 8/20. PRODUCT WILL BE TRANSFERED TO OTHER REGULAR TANK. TANK TESTS HAVE NOT BEEN COMPLETED YET.

MATERIAL	CLASS	SPILLED	RECOVERED	RESOURCES AFFECTED
Gasoline	Petroleum			

POTENTIAL SPILLERS

COMPANY	ADDRESS	CONTACT
BAJWA GAS STATION	1710 NIAGARA STREET NIAGARA FALLS NY	SURJIT SING (716) 282-9639

Tank No.	Tank Size	Material	Cause	Source	Test Method	Leak Rate	Gross Failure

DEC REMARKS:

8/28/09:RECEIVED SPILL REPORT REGARDING TANK TEST FAILURE - SPILL NUMBER 0906251.

9/10/09:SAC TELECON TED GINTHER - PRIMETIME SERVICES. MR. GINTHER SAID HE BELIEVES REPAIRS TO THE RISER PIPE AND THE SUBMERSIBLE PUMPS WERE OR ARE BEING DONE. HE BELIEVES THEY MAY BE A NOCO DEALERSHIP. JOHN GRAMZ IS ON VACATION AND WILL BE BACK NEXT WEEK.

SAC TELECON MIKE YOUNT. MR. YOUNT ASKED WITHIN HIS COMPANY THAT THEY HAVE A DEALERSHIP AGREEMENT WITH THE OWNER TO SUPPLY THE STATION FUEL AND GIVE THEM DIRECTION REGARDING DIFFERENT SERVICE CONTRACTORS BUT THE OWNERS OF THE STATION PAY FOR THE SERVICES.

11/27/09:SAC TELECON JOHN GRAMZ - ONLY ONE TANK TEST FAILED AND THE REST PASSED. MR. GRAMZ BELIEVES THERE MAY HAVE BEEN A GASKET ISSUE WHERE WATER MAY HAVE ENTERED THE TANK. MR. GRAMZ

DOES NOT BELIEVE THE TANK WAS RETESTED.

1/14/10:AES, SAC INSPECT SITE. AES DID PBS INSPECTION. LETTER TO BE DRAFTED.

2/5/10:AES DRAFTED LETTER, INCLUDING SPILL SITE REQUIREMENTS.

5/17/10:SAC SPOKE TO AES. AES SPOKE TO THE MR. SINGH'S (THE RP) NEPHEW REGARDING SITE. RP'S NEPHEW CLAIMS THAT HE DOES NOT HAVE MONEY FOR CLEAN UP OF SITE. AES GAVE HIM THE POSSIBLE OPTION OF RETESTING TANKS TO DETERMINE IF FURTHER WORK WILL BE NECESSARY.

5/26/10:SAC TELECON GREG WEBER - NATURE'S WAY. THEY HAVE BEEN HIRED TO PERFORM A SUBSURFACE SITE INVESTIGATION BY INSTALLING GEOPROBES. THE WORK IS SCHEDULED FOR TUESDAY, 6/1/10.

6/1/10:SAC INSPECT SITE. MET W/DALE GRAMZA - NATURE'S WAY. MR. GRAMZA SAID THEY ARE MEETING REFUSAL AT 3 TO 4 FEET OUTSIDE THE TANK AND PIPING AREAS WHICH WOULD BE INDICATIVE OF A HIGH BEDROCK. THERE WAS CONTAMINATION IN ONE BORING THAT THEY WERE ABLE TO ADVANCE DEEPER NEAR THE PUMP ISLAND.

8/17/10:SAC CALLED DALE GRAMZA. LEFT MESSAGE FOR A CALL BACK.

8/25/10:SAC TELECON DALE GRAMZA. HE COMPLETED PHASE II REPORT AND SENT IT TO MR. SINGH A FEW WEEKS AFTER COMPLETING THE ON-SITE WORK. HE WILL SEE WHAT THE STATUS IS AND POSSIBLY SEND A COPY OF THE REPORT TO SAC.

8/27/10:RECEIVED PHASE II REPORT FROM NATURE'S WAY.

8/30/10:SAC SPOKE TO AES. AES HAS NOT RECEIVED RESPONSES TO ALL THE ITEMS IN HER LETTER INCLUDING THE RETESTING OF THE TANKS. SHE DID RECEIVE NOTIFICATION THAT THEY ARE IN THE PROCESS OF ADDRESSING THESE ITEMS. WILL WAIT FOR ABOUT 30 DAYS TO SEE IF THEY PROVIDE THE RESPONSE.

5/13/11:SAC TELECON VINCE GRANDINETTI. MR. GRANDINETTI SAID HE HAS BEEN HIRED BY A PROSPECTIVE PURCHASER OF THE PROPERTY WHO WOULD BE LOOKING TO REMOVE THE PRESENT TANK SYSTEM AND REPLACE IT WITH AN ENTIRELY NEW SYSTEM. THE PRESENT STATION IS NOW CLOSED.

6/1/11:SAC TELECON VINCE GRANDINETTI. THE PROSPECTIVE BUYER AND HE ARE MEETING WITH THE OWNER AT THE END OF THIS WEEK. HE SAID ALTHOUGH THE TANKS ARE NOT IN USE, IT IS STILL BEING USED AS REPAIR SHOP.

SAC SPOKE TO AES. AES HAS STILL NOT RECEIVED RESPONSES TO ALL ITEMS IN HER LETTER. ALTHOUGH SHE HAS NOT RECEIVED A RESPONSE, IT WAS AGREED THAT BASED ON RESULTS OF NATURE'S WAY'S WORK PLAN, SAC TO SEND LETTER REQUIRING WORK PLAN FOR THE CONTAMINATION.

SAC DRAFTED LETTER REQUESTING CLEAN UP WORK PLAN BY 8/15/11.

6/28/11:RECEIVED LETTER FROM BASIL ELMER - HAMPTON GROUP, LLC. THEY ARE PROCESSING AN APPLICATION FOR FINANCING THE OWNER OF THE PROPERTY. THE FINANCING PACKAGE WILL PROVIDE FOR THE REMOVAL OF THE UST SYSTEMS, CLEAN UP OF THE SITE, AND THE INSTALLATION OF THE NEW UST SYSTEMS. RMEDIATION PLAN WILL BE SUBMITTED PRIOR TO ANY CONSTRUCTION BEGINNING. THERE WAS NO SCHEDULE SUPPLIED IN RELATION TO WHAT WAS OUTLINED IN THE LETTER.

11/30/11:SAC CALLED BASIL ELMER. LEFT MESSAGE FOR A CALL BACK.

12/6/11:SAC TELECON BASIL ELMER. MR. ELMER SAID THE FINANCING IS BEING PUT TOGETHER FOR THE REMOVAL OF THE TANKS AND HE ANTICIPATES THE WORK WILL BEGIN IN MARCH OR APRIL OF 2012. TRITECH

NYSDEC SPILL REPORT FORM

DEC REGION: 9 SPILL NUMBER: 0905868

SPILL NAME: BAJWA GAS STATION DEC LEAD: SACALAND

CONSTRUCTION FROM WEBSTER, NY WILL BE DOING THE WORK. HE SAID HE SENT A LETTER TO AES REGARDING THE WORK.

SAC SPOKE TO AES. SHE DID RECEIVE COPY OF A LETTER. SAC PU T COPY OF THE LETTER INTO THE FILE.

PIN T & A COST CENTER

CLASS: CLOSE DATE: MEETS STANDARDS: False

Spill Incidents Database Search Results

Record Count: 19 Rows: 1 to 19

Export XLS | Export CSV

	Spill Number	Date Spill Reported	Spill Name	County	City/Town	Address
1.	8702290	06/20/1987	METAL PARTICLES IN AIR	Niagara	NIAGARA FALLS	800 NIAGARA STREET
2.	8703860	08/10/1987	NATIONAL FUEL GAS	Niagara	NIAGARA FALLS	NIAGARA STREET
3.	8904817	08/15/1989	GROSS PLUMBING & HEATING	Niagara	NIAGARA FALLS	2104 NIAGARA STREET
4.	9706749	09/05/1997	NIAGARA FALLS SCHOOL DIST	Niagara	NIAGARA FALLS	NIAGARA ST AT 25TH ST
5.	9806317	08/20/1998	NYSDOT PROJECT/MARINE MID	Niagara	NIAGARA FALLS	313-319 NIAGARA STREET
6.	9806328	08/20/1998	NYSDOT PROJECT/DRY CLEAN	Niagara	NIAGARA FALLS	502 NIAGARA STREET
7.	9806329	08/20/1998	NYSDOT PROJECT/GUY GAS ST	Niagara	NIAGARA FALLS	710-720 NIAGARA STREET
8.	9906444	08/30/1999	DAIRY QUEEN	Niagara	NIAGARA FALLS	NIAGARA ST AND 25TH ST
9.	0075376	06/01/2000	ABANDONED TANK IN DOT ROW	Niagara	NIAGARA FALLS	NIAGARA STREET AT 5TH STR
10.	0075651	08/23/2000	FORMER PAT'S AUTOMOTIVE	Niagara	NIAGARA FALLS	2330 NIAGARA STREET
11.	0075340	08/31/2000	CONTAINER IN HOUSE	Niagara	NIAGARA FALLS	1102 NIAGARA STREET
12.	0108958	12/09/2001	RAINBOW BRIDGE	Niagara	NIAGARA FALLS	1 NIAGARA ST

13. 0405619	08/23/2004	LEAKING HYD. LINE ON TRUC	Niagara	NIAGARA FALLS	209 NIAGARA STREET
14. 0475255	08/23/2004	HYDRAULIC LINE FAILURE	Niagara	NIAGARA FALLS	209 NIAGARA STREET
15. 0502407	05/29/2005	RAINBOW BRIDGE	Niagara	NIAGARA FALLS	NIAGARA ST & RAINBOW ST
16. 0751382	01/25/2008	FELLOWSHIP HOUSE RESIDENCE	Niagara	NIAGARA FALLS	1204 NIAGARA ST.
17. 0905868	08/19/2009	BAJWA GAS STATION	Niagara	NIAGARA FALLS	710 NIAGARA STREET
18. 0906251	08/28/2009	BAJWA PARKWAY SERVICE STATION	Niagara	NIAGARA FALLS	710 NIAGARA ST
19. 0909329	11/19/2009	NATIONAL GRID	Niagara	NIAGARA FALLS	1928 NIAGARA STREET

Refine Current Search

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 9
Spill Number: 9806329

Spill Date/Time

Spill Date: 08/01/1998 **Spill Time:** 12:00:00 PM
Call Received Date: 08/20/1998 **Call Received Time:** 12:00:00 PM

Location

Spill Name: NYSDOT PROJECT/GUY GAS ST
Address: 710-720 NIAGARA STREET
City: NIAGARA FALLS **County:** Niagara

Spill Description

Material Spilled	Amount Spilled	Resource Affected
LEAD	UNKNOWN	Soil

Cause: Unknown
Source: Institutional, Educational, Gov., Other
Waterbody:

Record Close

Date Spill Closed: 09/04/2002

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the Regional Office where the incident occurred.

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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 9
Spill Number: 0905868

Spill Date/Time

Spill Date: 08/19/2009 **Spill Time:** 03:00:00 PM
Call Received Date: 08/19/2009 **Call Received Time:** 04:00:00 PM

Location

Spill Name: BAJWA GAS STATION
Address: 710 NIAGARA STREET
City: NIAGARA FALLS **County:** Niagara

Spill Description

Material Spilled	Amount Spilled	Resource Affected
Gasoline	UNKNOWN	Unknown

Cause: Equipment Failure
Source: Gasoline Station
Waterbody:

Record Close

ıte Spill Closed: Not closed

If you have questions about this reported incident, please contact the Regional Office where the incident occurred.

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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 9
Spill Number: 0906251

Spill Date/Time

Spill Date: 08/28/2009 **Spill Time:** 03:08:00 PM
Call Received Date: 08/28/2009 **Call Received Time:** 04:08:00 PM

Location

Spill Name: BAJWA PARKWAY SERVICE STATION
Address: 710 NIAGARA ST
City: NIAGARA FALLS **County:** Niagara

Spill Description

Material Spilled	Amount Spilled	Resource Affected
Gasoline	UNKNOWN	Unknown

Cause: Tank Test Failure
Source: Gasoline Station
Waterbody:

Record Close

ate Spill Closed: 11/27/2009

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

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APPENDIX G

DER-10 APPENDIX 3C
FISH & WILDLIFE DECISION KEY

710 Niagara Street Site

Appendix 3C Fish and Wildlife Resources Impact Analysis Decision Key	If YES Go to:	If NO Go to:
1. Is the site or area of concern a discharge or spill event?	13	2
2. Is the site or area of concern a point source of contamination to the groundwater which will be prevented from discharging to surface water? Soil contamination is not widespread, or if widespread, is confined under buildings and paved areas.	13	3
3. Is the site and all adjacent property a developed area with buildings, paved surfaces and little or no vegetation?	4	9
4. Does the site contain habitat of an endangered, threatened or special concern species?	Section 3.10.1	5
5. Has the contamination gone off-site?	6	14
6. Is there any discharge or erosion of contamination to surface water or the potential for discharge or erosion of contamination?	7	14
7. Are the site contaminants PCBs, pesticides or other persistent, bioaccumulable substances?	Section 3.10.1	8
8. Does contamination exist at concentrations that could exceed ecological impact SCGs or be toxic to aquatic life if discharged to surface water?	Section 3.10.1	14
9. Does the site or any adjacent or downgradient property contain any of the following resources? i. Any endangered, threatened or special concern species or rare plants or their habitat ii. Any DEC designated significant habitats or rare NYS Ecological Communities iii. Tidal or freshwater wetlands iv. Stream, creek or river v. Pond, lake, lagoon vi. Drainage ditch or channel vii. Other surface water feature viii. Other marine or freshwater habitat ix. Forest x. Grassland or grassy field xi. Parkland or woodland xii. Shrubby area xiii. Urban wildlife habitat xiv. Other terrestrial habitat	11	10
10. Is the lack of resources due to the contamination?	3.10.1	14
11. Is the contamination a localized source which has not migrated and will not migrate from the source to impact any on-site or off-site resources?	14	12
12. Does the site have widespread surface soil contamination that is not confined under and around buildings or paved areas?	Section 3.10.1	12
13. Does the contamination at the site or area of concern have the potential to migrate to, erode into or otherwise impact any on-site or off-site habitat of endangered, threatened or special concern species or other fish and wildlife resource? (See #9 for list of potential resources. Contact DEC for information regarding endangered species.)	Section 3.10.1	14
14. No Fish and Wildlife Resources Impact Analysis needed.		