**Generic Template for Final Engineering Report**

**Instructions**

This document is a generic template for development of a Final Engineering Report (FER) for projects performed under the management of NYSDEC, Division of Environmental Remediation. This document is intended to expedite development of the FER. By providing format and general content guidelines, it is intended to increase the predictability of format and content required for agency approval; shorten the document preparation time by Applicants in the program; improve the quality of draft FER submittals; shorten the review time by NYSDEC; and streamline and expedite the process for FER approval by NYSDEC. This is a generic and non-site-specific guide that does not address all possible NYSDEC or NYSDOH issues. It is not intended to replace DER-10 (Tech Guide), DER-31 Green Remediation, or to act as a substitute for the agency review and comment process. This template may also be used for development of a Construction Completion Report (CCR).

 This document contains blue text, green text and highlighted bracketed items. Blue text indicates text that is generally acceptable to NYSDEC for use in the site-specific FER. While it must be applied to each site in a manner that is suitable for site-specific conditions, use of this blue text with minimal changes will generally promote a more timely acceptance of the FER by NYSDEC. Green text provides guidance on the recommended content in each of the specific sections of the FER and should be deleted from this template prior to submittal. Items highlighted in blue brackets are variable and should be entered in a manner that is self-explanatory and specific to each case.

It is strongly recommended that the draft FER submittal to NYSDEC adhere to the following conventions:

* + - Retain the original blue text color for all blue text that is not changed.
		- Use black text for all new text, including any changes to blue text.
		- Delete all green text
		- Remove highlights and brackets
		- A track changes redline/strikeout method should be used for all removal and replacement of blue text.
		- The redline/strikeout document should be submitted (with blue text strikeouts in the text and not in the margins) along with a clean copy of the draft FER to NYSDEC.

While this approach is not mandatory, it may greatly shorten the review time required by NYSDEC staff and approval of the document.

The following document is a draft and will be modified and improved periodically. Comments and suggestions for improvement are welcome. Redline/strikeout edits of the template are also welcome. Contact the NYSDEC’s project manager if you would like to make sure that you have the most recent version.

**[Site Name]**

**[County], New York**

**Final Engineering Report**

**NYSDEC Site Number: xxxxxx**

**Prepared for:**

[Remedial Party Name]

[Address]

**Prepared by:**

[Name]

[Address]

[Phone]

**[Month Year]**

CERTIFICATIONS

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, am currently a registered professional engineer licensed by the State of New York, I had primary direct responsibility for implementation of the remedial program activities, and I certify that the [Remedial Action Work Plan or Remedial Design] was implemented and that all construction activities were completed in substantial conformance with the Department-approved [Remedial Action Work Plan or Remedial Design].

The following certifications are only required for Final Engineering Reports, and are not applicable to Construction Completion Reports

I certify that the data submitted to the Department with this Final Engineering Report demonstrates that the remediation requirements set forth in the [Remedial Action Work Plan or Remedial Design] and in all applicable statutes and regulations have been or will be achieved in accordance with the time frames, if any, established for the remedy.

For sites other than Track 1 or unrestricted cleanups, include the following two certifications:

I certify that all use restrictions, Institutional Controls, Engineering Controls, and/or any operation and maintenance requirements applicable to the Site are contained in an environmental easement created and recorded pursuant ECL 71-3605 and that all affected local governments, as defined in ECL 71-3603, have been notified that such easement has been recorded.

I certify that a Site Management Plan has been submitted for the continual and proper operation, maintenance, and monitoring of all Engineering Controls employed at the Site, including the proper maintenance of all remaining monitoring wells, and that such plan has been approved by the Department.

If financial assurance is required, also include the following sentence:

I certify that any financial assurance mechanisms required by the Department pursuant to Environmental Conservation Law have been executed.

For all certifications, both CCRs and FERs, include the following:

I certify that all documents generated in support of this report have been submitted in accordance with the DER's electronic submission protocols and have been accepted by the Department.

For reports submitted after July 1, 2011, also include the following:

I certify that all data generated in support of this report have been submitted in accordance with the Department's electronic data deliverable and have been accepted by the Department.

I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class “A” misdemeanor, pursuant to Section 210.45 of the Penal Law. I, [name], of [business address], am certifying as Owner’s Designated Site Representative (and if the site consists of multiple properties): [and I have been authorized and designated by all site owners to sign this certification] for the site.

NYS Professional Engineer # Date Signature

Note: include PE stamp

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Final Engineering Report

1.0 Background and site description

Progress with respect to green and sustainable remediation metrics will be tracked during implementation of the remedial action and reported in the Final Engineering Report (FER), including a comparison to the goals established during the remedial program.

The remedial program will include a climate change vulnerability assessment, to evaluate the impact of climate change on the project site and the remedy.  Potential vulnerabilities associated with extreme weather events (e.g., hurricanes, lightning, heat stress and drought), flooding, and sea level rise will be identified, and the remedial program will incorporate measures to minimize the impact of climate change on potential identified vulnerabilities. The outcome of the climate change evaluation and mitigation will be reported in the FER and incorporated into the Site Management Plan (SMP).

The following language should be included in this section:

[Applicant name(s)] entered into a [Brownfield Cleanup Agreement (BCA, State Assistance Contract (SAC), Order on Consent, or Voluntary Cleanup Agreement (VCA)] with the New York State Department of Environmental Conservation (NYSDEC) in [month, year], to investigate and remediate a [size]-acre property located in [village, county, city], New York. The property was remediated to [unrestricted, restricted residential, commercial, industrial] use [if known, enter the following: , and will be used for *give specific use*] .

The site is located in the County of [county], New York and is identified as [a portion of] Block xxxx and Lot xxx on the [municipality] Tax Map # [tax map number]. The site is situated on an approximately [x]-acre area bounded by [road or feature] to the north, [road or feature] to the south, [road or feature] to the east, and [road or feature] to the west (see Figure 1). The boundaries of the site are fully described in Appendix A: Survey Map, Metes and Bounds [add if applicable: and Appendix C: Environmental Easement].

[Note: If the boundaries of the project site in the legal agreement don’t match the tax map boundaries, this should be discussed. Landmarks or other physical boundaries of the project site should be provided. The survey should identify permanent survey markers for horizontal and vertical control of site features.

The site boundaries in detailed in Appendices A and C must match the boundaries in the legal agreement.]

An electronic copy of this FER with all supporting documentation is included as Appendix B.

**2.0 summary of site remedy**

2.1 remedial action objectives

Based on the results of the Remedial Investigation, the following Remedial Action Objectives (RAOs) were identified for this site.

Include all RAOs that are appropriate and delete sections that are not applicable. These can be drawn from the RAWP.

 Include a list of green/sustainable elements considered during design and implementation of the remedy. This list should consider the recommended remedial alternative and green measures listed in ASTM E2893 ‐ Industry Standard for Greener Cleanups Table 3.1. Best Management Practice analysis and a footprint analysis, and related information, should have been used to inform the green and sustainable remediation evaluation during the remedial program.

Consider EPA’s BMPs related to green remediation (<https://clu-in.org/greenremediation/bmps>) for the applicable program elements: Site investigation; Excavation and surface restoration; Soil vapor extraction and air sparging technologies; Pump and treat technologies; Bioremediation; In situ thermal technologies; Landfill cover systems and associated energy production; Materials and waste management. EPA also has climate resiliency fact sheets (<https://www.epa.gov/superfund/superfund-climate-resilience>) related to: Sediment cleanups; Containment remedies Groundwater treatment remedies. Other guidance may be developed and released over time.

2.1.1 Groundwater RAOs

RAOs for Public Health Protection

* Prevent ingestion of groundwater containing contaminant levels exceeding drinking water standards.
* Prevent contact with, or inhalation of, volatiles emanating from contaminated groundwater.

RAOs for Environmental Protection

* Restore ground water aquifer, to the extent practicable, to pre-disposal/pre-release conditions.
* Prevent the discharge of contaminants to surface water.
* Remove the source of ground or surface water contamination.

2.1.2 Soil RAOs

RAOs for Public Health Protection

* Prevent ingestion/direct contact with contaminated soil.
* Prevent inhalation of, or exposure to, contaminants volatilizing from contaminated soil.

RAOs for Environmental Protection

* Prevent migration of contaminants that would result in groundwater or surface water contamination.
* Prevent impacts to biota due to ingestion/direct contact with contaminated soil that would cause toxicity or bioaccumulation through the terrestrial food chain.

2.1.3 Surface Water RAOs

RAOs for Public Health Protection

* Prevent ingestion of contaminated water.
* Prevent contact or inhalation of contaminants from impacted water bodies.
* Prevent surface water contamination that may result in fish advisories.

RAOs for Environmental Protection

* Restore surface water to ambient water quality standards for each contaminant of concern.
* Prevent impacts to biota due to ingestion/direct contact with contaminated surface water that would cause toxicity or bioaccumulation through the marine or aquatic food chain.

2.1.4 Sediment RAOs

RAOs for Public Health Protection

* Prevent direct contact with contaminated sediments.
* Prevent surface water contamination that may result in fish advisories.

RAOs for Environmental Protection

* Prevent release(s) of contaminant(s) from sediments that would result in surface water levels in excess of (ambient water quality criteria).
* Prevent impacts to biota due to ingestion/direct contact with contaminated sediments that would cause toxicity or bioaccumulation through the marine or aquatic food chain.

2.2 Description of selected remedy

The site was remediated in accordance with the remedy selected by the NYSDEC in the [ROD, RAWP or Decision Document] dated [month day year] and [add the type (minor modification, explanation of significant difference, ROD/DD amendment) and date of any revisions to the decision document here].

The factors considered during the selection of the remedy are those listed in 6NYCRR 375-1.8. The following are the components of the selected remedy:

This section should include a comprehensive and concise summary of the remedy selected for the Site and should include a numbered bullet list of remedial elements. This should follow the remedy description provided in Section 8 of the ROD, or applicable section of the RAWP or Decision Document, and any revisions. Examples are listed below and may be used, if appropriate:

1. A remedial program was implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques were implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:
* Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
* Reducing direct and indirect greenhouse gases and other emissions;
* Increasing energy efficiency and minimizing use of non-renewable energy;
* Conserving and efficiently managing resources and materials;
* Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
* Maximizing habitat value and creating habitat when possible;
* Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
* Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
* Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings shall be constructed, at a minimum, to meet the 2020 Energy Conservation Construction Code of New York (or most recent edition) to improve energy efficiency as an element of construction.

As part of the remedial program, to evaluate the remedy with respect to green and sustainable remediation principles, an environmental footprint analysis was completed.  The environmental footprint analysis was completed using an accepted environmental footprint analysis calculator such as SEFA (Spreadsheets for Environmental Footprint Analysis, USEPA), SiteWise(TM) (available in the Sustainable Remediation Forum [SURF] library) or similar Department accepted tool.   Water consumption, greenhouse gas emissions, renewable and non-renewable energy use, waste reduction and material use will be estimated, and goals for the project related to these green and sustainable remediation metrics, as well as for minimizing community impacts, protecting habitats and natural and cultural resources, and promoting environmental justice, was incorporated into the remedial program, as appropriate.  The project included detailed requirements to achieve the green and sustainable remediation goals.  Further, progress with respect to green and sustainable remediation metrics were tracked during implementation of the remedial action and reported in this Final Engineering Report (FER), including a comparison to the goals established during the remedial program.

Additionally, the remedial program included a climate change vulnerability assessment, that evaluated the impact of climate change on the project site and the proposed remedy.  Potential vulnerabilities associated with extreme weather events (e.g., hurricanes, lightning, heat stress and drought), flooding, and sea level rise were identified, and the remedial program incorporated measures to minimize the impact of climate change on potential identified vulnerabilities.

1. Excavation of soil/fill exceeding [unrestricted, restricted residential, commercial, industrial] SCOs listed in Table [x], [add: to a depth of x feet or bedrock, as applicable];
2. Construction and maintenance of a soil cover system consisting of [summary of cover types] to prevent human exposure to remaining contaminated soil/fill remaining at the site;
3. [Other primary remedial action elements, such as extraction and/or treatment systems, stabilization, restoration, etc. listed here];
4. [Other primary engineering controls listed here];
5. Execution and recording of an Environmental Easement to restrict land use and prevent future exposure to any contamination remaining at the site.
6. [Other institutional controls listed here];
7. Development and implementation of a Site Management Plan for long term management of remaining contamination as required by the Environmental Easement, which includes plans for: (1) Institutional and Engineering Controls, (2) monitoring, (3) operation and maintenance and (4) reporting;
8. Periodic certification of the institutional and engineering controls listed above.

3.0 iNTERIM REMEDIAL MEASURES, OPERABLE UNITS AND REMEDIAL CONTRACTS

Interim remedial measures shall comply with DER-31 Green Remediation and address any climate vulnerabilities. Progress with respect to green and sustainable remediation metrics will be tracked during implementation of the interim remedial measure and reported in the Construction Completion Report (CCR), including a comparison to the goals established during the interim remedial program.

The interim remedial program will include a climate change vulnerability assessment, to evaluate the impact of climate change on the project site and the interim remedy.  Potential vulnerabilities associated with extreme weather events (e.g., hurricanes, lightning, heat stress and drought), flooding, and sea level rise will be identified, and the interim remedial program will incorporate measures to minimize the impact of climate change on potential identified vulnerabilities. The outcome of the climate change evaluation and mitigation will be reported in the CCR and incorporated into the interim site management plan (ISMP).

The purpose of this chapter is to summarize work performed as IRMs, operable units or under separate remedial construction contracts that were previously documented in individual Construction Completion Reports. This includes IRMs which result in no further remedial action.

If none of these circumstances apply, delete the following sections and state:

The remedy for this site was performed as a single project, and no interim remedial measures, operable units or separate construction contracts were performed. Each section below should provide a detailed summary of any IRMs, operable unit remedies, or individual remedial contracts that were performed at the site. These should include the time frames, names of contractor and certifying engineering firm, and title and date of each Construction Completion Report (CCR). For each referenced CCR state: The information and certifications made in the [date, report title] were relied upon to prepare this report and certify that the remediation requirements for the site have been met.

3.1 interim remedial Measures

3.2 OPERABLE UNITS

3.3 rEMEDIAL cONTRACTS4.0 Description of Remedial Actions performed

DER-31: Green Remediation provides the framework for DER's approach to remediating sites in the context of the larger environment, a concept known as “Green Remediation”. Green Remediation (or greener cleanups) can be defined as “the practice of considering all environmental effects of remedy implementation and incorporating options to minimize the environmental footprint of cleanup actions.” It is intended to be a holistic approach which improves the overall sustainability of remedial cleanups by promoting the use of more sustainable practices and technologies. Such practices and technologies are less disruptive to the environment, generate less waste, increase reuse and recycling, and emit fewer pollutants, including greenhouse gases (GHGs), to the atmosphere. The approach also recognizes the potential for positive economic and social benefits of site reuse and supports coordination of site reuse and remediation to affect the most beneficial and sustainable reuse of the site, as appropriate. Please note that final end use is dictated by local zoning codes. DEC’s role is to ensure that the remedy is protective for the intended end use.

The FER should detail specific sustainable or greener cleanup activities evaluated and implemented during the remedy. These examples are provided to assist in developing appropriate reporting in the CCR and/or FER and are not to be considered exhaustive. Site specific evaluations and approaches are welcome and should be presented to the NYSDEC PM during the remedial program for review and approval.

Some examples:

* Requiring a Green Remediation Implementation Plan submittal from the selected Contractor to detail procedures and tracking of these items;
* For sites susceptible to climate change, requiring a Climate Resiliency Plan, which will incorporate findings and recommendations from the climate resiliency evaluation;
* During construction activities and associated landscape alteration activities, green building strategies such as those outlined in the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) that were considered. LEED includes guidelines and recommendations for new construction, and existing building operations and management that fall under six categories important for reducing the environmental impact of facilities of all types:

• Sustainable sites

• Water efficiency

• Energy and atmosphere

• Materials and resources

• Indoor environmental quality

• Innovation in operations

* As noted across the LEED categories, resources other than energy that can be conserved include water, raw materials for materials consumed, topsoil, paper for reports and landfill space. Conserving one resource typically conserves other resources and has other sustainability benefits. For example, recycling of construction and demolition debris or metal will reduce consumption of landfill space and may also save energy and reduce air emissions by reducing material transportation. Another example is the use of waste‐to energy plants for waste disposal rather than landfills in states where these plants are currently operating. This also reduces the consumption of landfill space and results in energy production from the waste processing. Other examples of resource conservation include treated water reinjection, the reuse of treated soil onsite, and the beneficial reuse of sediments.
* The use of “green” construction and project management products and materials such as ecofriendly concrete or the use of native plants for site restoration also advances the sustainability objectives of the project. It is important to understand that green remediation implies minimizing the entire footprint of the remediation project, which includes the environmental impacts of products and materials associated with the project. For example, eco‐friendly concrete generally refers to concrete that is produced with a certain percentage of fly‐ash (a waste product from the coal‐ firing process). This type of “green” concrete takes a problematic substance out of the waste stream and reduces the cumulative amount of energy associated with the production of concrete. The use of native plants for site restoration helps to conserve water and eliminate the need for potentially harmful fertilizers and pesticides.

Other approaches or considerations may be approved by NYSDEC on a case-by-case basis.

Remedial activities completed at the Site were conducted in accordance with the NYSDEC-approved [Remedial Design (RD) or Remedial Action Work Plan (RAWP)] for the [Site Name] site ([month, year]). All deviations from the [RD or RAWP] are noted below.

4.1 Governing Documents

Governing documents should be introduced and discussed generally as in the RD or RAWP. Highlights of these documents should be included here. If specific plans listed below were not included in the RD/RAWP, omit and re-number.

4.1.1 Site Specific Health & Safety Plan (HASP)

The following text should be included somewhere in this section:

All remedial work performed under this Remedial Action was in full compliance with governmental requirements, including Site and worker safety requirements mandated by Federal OSHA.

The Health and Safety Plan (HASP) was complied with for all remedial and invasive work performed at the Site.

4.1.2 Quality Assurance Project Plan (QAPP)

The QAPP was included as Appendix X of the [Remedial Design (RD) or Remedial Action Work Plan (RAWP)] approved by the NYSDEC. The QAPP describes the specific policies, objectives, organization, functional activities and quality assurance/ quality control activities designed to achieve the project data quality objectives.

4.1.3 Construction Quality Assurance Plan (CQAP)

The Construction Quality Assurance Plan(s) (CQAPs) managed performance of the Remedial Action tasks through designed and documented QA/QC methodologies applied in the field and in the lab. The CQAP provided a detailed description of the observation and testing activities that were used to monitor construction quality and confirm that remedial construction was in conformance with the remediation objectives and specifications.

These plans should be briefly described and should include:

* Responsibilities and authorities of the organizations and key personnel involved in the design and construction of the remedy.
* The observations and tests that were used to monitor construction and the frequency of performance of such activities.
* The sampling activities, sample size, sample locations, frequency of testing, acceptance and rejection criteria, and plans for implementing corrective measures as addressed in the plans and specifications.
* Requirements for project coordination meetings between the Applicant and its representatives, the Construction Manager, Excavation Contractor, remedial or environmental subcontractors, and other involved parties.
* Description of the reporting requirements for quality assurance activities including such items as daily summary reports, schedule of data submissions, inspection data sheets, problem identification and corrective measures reports, evaluation reports, acceptance reports, and final documentation.
* Description of the final documentation retention provisions.

There may be separate plans for each component of the remedy.

 4.1.4 Soil/Materials Management Plan (S/MMP)

Summarize the detailed plans for managing all soils/materials that were disturbed at the site, including excavation, handling, storage, transport and disposal. Include all of the controls that were applied to these efforts to assure effective, nuisance free performance in compliance with all applicable Federal, State and local laws and regulations.

4.1.5 Storm-Water Pollution Prevention Plan (SWPPP)

The following text should be included somewhere in this section:

The erosion and sediment controls for all remedial construction were performed in conformance with requirements presented in the New York State Guidelines for Urban Erosion and Sediment Control and the site-specific Storm Water Pollution Prevention Plan [provide date and/or contractor submittal #].

4.1.6 Community Air Monitoring Plan (CAMP)

Summarize the CAMP monitoring approach, instruments, action levels, response measures, etc. Actual CAMP results and response actions are provided in a later section.

4.1.7 Contractors Site Operations Plans (SOPs)

The following text should be included somewhere in this section:

The Remediation Engineer reviewed all plans and submittals for this remedial project (i.e. those listed above plus contractor and subcontractor submittals) and confirmed that they were in compliance with the [RD or RAWP]. All remedial documents were submitted to NYSDEC and NYSDOH in a timely manner and prior to the start of work.

4.1.8 Community Participation Plan

This Section should summarize the pertinent elements of the Community Participation Plan that were performed during the Remedial Action and those elements that pertain to the remainder of the remedial program.

4.2 Remedial Program elements

4.2.1 Contractors and Consultants

* Listing of contractors who performed work and their associated tasks;
* Identity of certifying Engineer of Record responsible for inspection of the work.

For the following Sections, add approximate time frames/dates for performance of all work.

4.2.2 Site Preparation

Generally describe the work performed in the following areas:

* Mobilization;
* Grubbing, fencing, truck wash construction, etc.;
* Erosion and sedimentation controls;
* Utility marker layout;
* Acquisition of agency approvals, permits, etc.
	+ A complete list of agency approvals, substantive technical requirements, and non-agency permits should be provided as defined in the RAWP.
* Pre-construction meeting with NYSDEC;

The following text should be included somewhere in this section:

A pre-construction meeting was held with NYSDEC and all contractors on [date].

Documentation of agency approvals required by the [RD or RAWP] is included in Appendix [x]. Other non-agency permits relating to the remediation project are provided in Appendix [x].

All SEQRA requirements and all substantive compliance requirements for attainment of applicable natural resource or other permits were achieved during this Remedial Action.

A NYSDEC-approved project sign was erected at the project entrance and remained in place during all phases of the Remedial Action.

4.2.3 General Site Controls

Generally describe the following:

* Site security;
* Job site record keeping.
* Erosion and sedimentation controls;
* Equipment decontamination and residual waste management;
* Soil screening results;
* Stockpile methods;
* Problems encountered;

4.2.4 Nuisance controls

Briefly describe the procedures for:

* Truck wash and egress housekeeping,
* dust control,
* odor control,
* truck routing,
* responding to complaints.

4.2.5 CAMP results

Briefly summarize the monitoring results, exceedance of action levels and response actions. If action levels were exceeded and response actions were taken on multiple days, the dates should be listed, and a general description of the pattern of exceedance and response should be given.

The following text should be included somewhere in this section:

Copies of all field data sheets relating to the CAMP are provided in electronic format in Appendix [x].

4.2.6 Best Management Practices

Describebest management practices (BMPs) implemented at the site to reduce the environmental footprint.

4.2.7 Reporting

Briefly describe the responsibility for, and process of, preparing and distributing daily and monthly reports.

* Daily reports (include electronically in full in Appendix);
* Monthly reports (electronically in full in Appendix).

The following text should be included somewhere in this section:

All daily and monthly reports are included in electronic format in Appendix [x].

The digital photo log required by the [RD or RAWP] is included in electronic format in Appendix [x].

4.3 contaminated materials Removal

These examples are provided to assist in developing appropriate reporting in the CCR and/or FER and are not to be considered exhaustive. Site specific evaluations and approaches are welcome and should be presented to the NYSDEC PM during the remedial program for review and approval. Materials and Waste Management should have considered greener and sustainable approaches related to both the purchase of greener products and material reuse or recycling versus disposal wherever practical.

In the purchase of greener products consider:

* Exploring options for reusing materials onsite or available from local sources;
* Purchasing from local vendors who accept unused materials upon project completion;
* Designing for optimized product sizing and product ordering and for future reuse or repurposing; and
* Choosing environmentally preferable products

For material reuse or recycling versus disposal consider:

* Verifying acceptable reuse of C&D materials with regulators;
* Screening recyclers and waste haulers;
* Evaluating environmental trade-offs;
* Specifying requirements and goals in service contracts;
* Salvaging uncontaminated demolition and other materials with value for reuse/recycling, resale, or donation;
* Onsite or offsite reuse of industrial materials such as crushed concrete and shredded scrap tires for remedy construction;
* Recycling routine single-use items;
* Minimizing direct or indirect use of fossil fuels during activities such as product purchasing or waste transfer; and
* Planning treatment process optimization and monitoring that includes sustainable materials management.

Other approaches and/or considerations may be implemented with the approval of NYSDEC’s Project Manager.

Field generation of contaminated or uncontaminated dust and mobilization of volatile organic compounds, for example, may reduced by new and traditional BMPs such as:

* Covering excavated areas with biodegradable fabric that also can control erosion and serve as a substrate for favorable ecosystems, or with synthetic material that can be reused for other onsite or offsite purposes;
* Spraying water in vulnerable areas, in conjunction with water conservation and runoff management techniques;
* Securing and covering material in open trucks while hauling excavated material, and reusing the covers;
* Revegetating excavated areas as quickly as possible; and
* Limiting onsite vehicle speeds to 10 miles per hour.

Other approaches implemented with the approval of NYSDEC’s Project Manager.

Diesel fuel consumption by heavy construction machinery and equipment can be conserved by:

* Selecting suitably sized and typed equipment for tasks;
* Instructing workers to avoid engine idle and using machinery with automatic idle-shutdown devices;
* Employing auxiliary power units to power cab heating and air conditioning when a machine is unengaged;
* Performing routine, on-time maintenance such as oil changes to improve fuel efficiency; and
* Repowering an engine or replacing it with a newer, more efficient model.

Fuel consumed during transfer of excavated soil or other materials to landfills can be reduced by:

* Selecting the closest waste receiver;
* Investigating alternate shipping methods such as rail lines; and
* Identifying opportunities for resource sharing with other waste haulers

Greenhouse gas (GHG) and particulate matter (PM) emissions from mobile sources can be reduced through use of:

* Equipment retrofits involving low-maintenance multi-stage filters for cleaner engine exhaust;
* Cleaner fuel such as ultra-low sulfur diesel, wherever available (and as required by engines with PM traps); and
* Biodiesel, particularly if made from recycled byproducts.

Other approaches and/or considerations may be implemented with the approval of NYSDEC’s Project Manager.

This section should describe the removal activities for all contaminated media (soils, water, structures, USTs, etc.) during the remedial action and should describe:

* The soil cleanup objectives (SCOs) for the site (eg., Track 4 BCP SCOs for restricted commercial use);
* Other remedial performance criteria (eg., removal of source material)
* Type and quantities of materials removed;
* Locations the materials were removed from:
	+ Figures of excavation areas and materials removed.

The following text should be included somewhere in this section:

A list of the soil cleanup objectives (SCOs) for the contaminants of concern for this project is provided in Table [x].

A figure of the location of original sources and areas where excavations were performed is shown in Figure [x].

Note: there should be separate sub-sections for each medium or waste stream removed according to logical lines of division for reporting purposes (eg., USTs, soil, NAPL, groundwater, sediments, etc.). Each section should describe, as appropriate (items in blue text should remain as sub-headings in this FER section)

4.3.[x] [Name of contaminated media/material removed]

* Type/media removed;
* On-Site locations from which materials were removed;
* Figures of excavation and materials removed;
* Cut/Fill thickness figures as appropriate for soil and sediments.

The following text should be included somewhere in this section:

Contour maps of estimated cut and fill thicknesses for remedial activities at the site are included in Figures [x and x].

4.3.[x].1 Disposal Details

Narrative should include:

* Time frames;
* Total quantities removed:
* Disposal facility name(s) (TSDFs);
* Summary of waste characterization sampling. Description of sampling approach (number of grabs/composites, locations, etc.) and table of results.
* Transporter names and license numbers;

Appendices should include:

* Letter from Applicant to disposal facility describing material type and source (with data summary);
* Letter from facility stating it is approved to accept;
* Manifests, bills of lading (electronic format);

The following text should be included somewhere in this section:

Table [x] shows the total quantities of each category of material removed from the site and the disposal locations. A summary of the samples collected to characterize the waste, and associated analytical results are summarized on Table(s) [x].

Letters from Applicants to disposal facility owners and acceptance letters from disposal facility owners are attached in Appendix [x].

Manifests and bills of lading are included in electronic format in Appendix [x].

4.3.[x].2 On-Site Reuse

Describe:

* Procedure for segregating, storing and testing;
* Approvals;
* Description of material reused, quantities, analytical results, placement location and horizon/depth (include a figure, see fill figures, above).

4.4 Remedial performance/documentation sampling

This section should describe the methodology and results of end-point sampling to demonstrate that SCOs were achieved and to document what levels of contamination remain and will be managed under the Site Management Plan. This should include a summary of:

* Sampling approach and methodology;
* Results;
* QA/QC;
* DUSR – discuss and attach electronically;
* Table;
* Figure.

Include the following text somewhere in this section:

A table and figure summarizing all end-point sampling is included in Table [x] and Figure [x], respectively, and all exceedances of SCOs are highlighted.

Data Usability Summary Reports (DUSRs) were prepared for all data generated in this remedial performance evaluation program. These DUSRs are included in Appendix [x], and associated raw is provided electronically in Appendix [x].

4.5 imported Backfill

Describe:

* Volumes and sources;
* On-site placement locations, both horizontal and vertical:
* Sampling results.
* Approvals.

The following text should be included somewhere in this section:

A table of all sources of imported backfill with quantities for each source is shown in Table [x]. Tables summarizing chemical analytical results for backfill, in comparison to allowable levels, are provided in [Table or Appendix number]. A figure showing the site locations where backfill was used at the site is shown in Figure [x].

4.6 Contamination Remaining at the site

* A narrative description of the remaining contamination, including:
* A description of the material and depth of the demarcation layer;
* A description of the depths at which the demarcation layer or surface of remaining contamination will be encountered, and at which contamination is no longer expected. If the upper surface of the remaining contamination zone varies due to differing cover types, a figure showing the elevations of top of remaining contamination zone should be included. Similarly the thickness of the remaining contamination zone may be shown on a figure.
* If certain areas of the site contain source areas or higher levels of contamination than others, these should be described.
* If active utility lines or other subsurface infrastructure are present at the site, contaminant levels in these areas must be described, so that future maintenance activities can be properly planned.
* If contamination was not remediated due to the presence of buildings or critical infrastructure, and the decision document required this contamination to be removed if such infrastructure is replaced, this must be discussed. Alternatively, if this contamination is not to be remediated, this should also be identified.
* A summary of all contaminated soil and structures left on-site after remedy is complete. Include the following as applicable:
	+ Table of exceedances of unrestricted SCOs (Part 375-6) after Remedial Action;
	+ Figure of exceedances of unrestricted SCOs (Part 375-6) after Remedial Action (i.e., below the cover system);
	+ Figure of areas complying with unrestricted SCOs (Part 375-6) after Remedial Action;

 The following text should be included somewhere in this section:

Table [x] and Figure [x] summarize the results of all soil samples remaining at the site after completion of Remedial Action that exceed the Track 1 (unrestricted) SCOs.

Figure [x] summarizes the results of all soil samples remaining at the site after completion of the remedial action that meet the SCOs for unrestricted use of the site.

Since contaminated soil [and groundwater/soil vapor] remains beneath the site after completion of the Remedial Action, Institutional and Engineering Controls are required to protect human health and the environment. These Engineering and Institutional Controls (ECs/ICs) are described in the following sections. Long-term management of these EC/ICs and residual contamination will be performed under the Site Management Plan (SMP) approved by the NYSDEC.

4.7 soil cover [or cap] system

These examples are provided to assist in developing appropriate reporting in the CCR and/or FER and are not to be considered exhaustive. Site specific evaluations and approaches are welcome and should be presented to the NYSDEC Project Manager during the remedial program for review and approval. Green remediation BMPs for designing and installing a conventional cover system include:

* Design in ways that mimic rather than alter the site’s natural setting, to improve the cover’s long-term performance and protect ecosystem services such as potable water, wildlife habitat, and carbon storage;
* Design a cover accounting for potential effects of climate change, which could involve changes in onsite soil development or increased vulnerability to flooding;
* Use uncontaminated soil or sediment from onsite excavation instead of imported soil/sediment for the cover’s frost prevention and erosion control layers; similarly, uncontaminated sand, gravel, and rocks from onsite instead of offsite areas may be used for drainage;
* Apply low impact development strategies such as installing earthen berms to manage stormwater;
* Choose geotextile fabric or drainage tubing composed of 100% recycled materials rather than virgin materials for lining, erosion control, and drainage;
* Select materials with biobased content for daily activities during cover construction;
* Use clean fuel and emission control technologies for routine field vehicles and machinery such as backhoes and bulldozers to reduce fuel consumption and emission of air pollutants such as GHGs and particulate matter; and
* Investigate onsite solar and wind resources to power equipment such as leachate pumps and flare units.

For alternative cover designs

* Consider using asphalt rubber (containing recycled tires) where the cover system includes a layer of asphalt;
* Substitute concrete with high albedo pavement, which reflects sunlight and heat away from the cover surface and may aid growth of nearby vegetation; and
* Consider using concrete containing a high percentage of industrial waste by-products as a substitute for cement, if tests show no contaminant leaching.

In addition to BMPs that apply to conventional covers, BMPs for designing and installing an ET cover include:

* Choose recycled (crushed) concrete for biobarriers or capillary breaks instead of natural rock
* Select native drought-resistant plants for the upper vegetative layer to reduce maintenance needs;
* Preserve biodiversity and related ecosystem services by installing a suitable mix of native shrubs, grasses, and forbs; and
* Use non-synthetic amendments such as compost instead of chemical fertilizers if the soil or vegetation is found to need supplementation over time.

Other approaches and/or considerations may have been implemented with the approval of NYSDEC’s Project Manager.

Describe the construction of the soil cover or cap on the site. This should include any buildings and/or paving which are considered part of the covered/capped area. The following sample language may be used:

Exposure to remaining contamination in soil/fill at the site is prevented by a soil cover system placed over the site. This cover system is comprised of a minimum of [12 inches or 24 inches] of clean soil, asphalt pavement, concrete-covered sidewalks, and concrete building slabs [add other components as appropriate]. Figure [x] shows the as-built cross sections for each remedial cover type used on the site. Figure [x] shows the location of each cover type built at the Site. An Excavation Work Plan, which outlines the procedures required in the event the cover system and/or underlying residual contamination are disturbed, is provided in Appendix A of the SMP.

4.8 OTHER ENGINEERING CONTROLS

These examples are provided to assist in developing appropriate reporting in the CCR and/or FER and are not to be considered exhaustive. Site specific evaluations and approaches are welcome and should be presented to the NYSDEC PM during the remedial program for review and approval. Treatment systems described below represent a significant opportunity to implement green and sustainable remediation approaches.

Incorporation of broad BMPs during project planning can help minimize the environmental footprint of a treatment system throughout its life. Relevant BMPs include:

* Integrate one or more onsite photovoltaic (PV) or wind energy systems to supply electricity for groundwater extraction and treatment equipment or for offsetting grid-supplied electricity used for this purpose. The systems may be scaled up or configured in a modular fashion to additionally meet electricity demands of ongoing site activities or anticipated site reuse.
* Identify onsite or offsite non-potable uses for the treated water, such as building operations, dust and fire suppression, plant irrigation, wetlands restoration or recreational impoundments.
* Choose the nearest facilities at which to dispose of or recycle anticipated wastes.
* Use existing structures that are unused or underutilized to house remediation and monitoring equipment and supplies.
* Incorporate green requirements into applicable service and product procurements.

Other BMPs can be incorporated into detailed design of a treatment system, such as:

* Maximize automation of mechanical and electronic equipment to minimize in-person monitoring.
* Implement a telemetry system to reduce frequency of site visits and responses to non-critical alarms.
* Use multi‐port sampling systems rather than well clusters to collect groundwater samples from multiple depths, which minimizes the number of monitoring wells needing to be installed.
* Rely on gravity flow where feasible to minimize the number of pumps required for groundwater transfer or effluent discharge.
* Use closed-loop rather than open-loop treatment processes to reduce the need for fresh water and raw materials and potentially improve treatment system efficiency.
* Reclaim uncontaminated byproducts for potential recycling, such as precipitated metals, solids and spent activated carbon.

Lifecycles and environmental tradeoffs within and among treatment projects may vary considerably. Considerations might include aspects such as:

* The natural resources used to manufacture or process chemicals and other treatment materials.
* Fuel usage and air emissions associated with transporting goods or wastes and commuting workers.
* Coinciding increases in energy efficiency and energy demand associated with pre-heating extracted groundwater prior to treatment.
* The potential for treatment chemicals or treatment byproducts to exist in the treatment system effluent.

Other approaches and/or considerations may have been implemented with the approval of NYSDEC’s Project Manager.

Since remaining contaminated soil [source material, groundwater/soil vapor, sediments, and/or other media] exists beneath the site, Engineering Controls (EC) are required to protect human health and the environment. The site has the following primary Engineering Controls, as described in the following subsections.

Or:

The remedy for the site did not require the construction of any other engineering control systems.

Describe all on-site and off-site engineering controls in separate subsections below.

A subsection should be dedicated to each Engineering Control or mitigation system, such as sub-slab depressurization systems; air sparging/soil vapor extraction systems; in-situ solidification systems; NAPL collection systems; etc. Each section should include a description of both on-site and off-site components of the EC, including:

* Conceptual remedial approach;
* System design and installation:
	+ Components, materials and layout;
	+ Locations of systems (figures)
	+ Operating conditions;
	+ Treatment systems installed;
	+ Processes and materials employed;
* Appendices should provide details:
	+ Support documentation;
	+ As-built drawings and diagrams;
	+ Calculations;
	+ Manufacturer documentation.
* System OM&M;
	+ Refer to OM&M plan for full details.

The following text should be added at the end of each EC sub-section:

Procedures for monitoring, operating and maintaining the [remedial system name] system are provided in the Operation and Maintenance Plan in Section 4 of the Site Management Plan (SMP). The Monitoring Plan also addresses inspection procedures that must occur after any severe weather condition has taken place that may affect on-site ECs.

4.9 Institutional Controls

The site remedy requires that an environmental easement [or deed restriction] be placed on the property to (1) implement, maintain and monitor the Engineering Controls; (2) prevent future exposure to remaining contamination by controlling disturbances of the subsurface contamination; and, (3) limit the use and development of the site to [usage type] uses only.

The environmental easement for the site was executed by the Department on [date], and filed with the [County] County Clerk on [date]. The County Recording Identifier number for this filing is [number]. A copy of the easement and proof of filing is provided in Appendix [x].

4.9 deviations from the Remedial Action Work Plan

This section should provide a complete description of:

* Each deviation from the approved RD or RAWP during the Remedial Action;
* Original requirement in the RAWP;
* Action taken;
* Reason for change;
* Approval for action;
* Effect of action.

LIST OF TABLES

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Soil /Waste Characterization Documentation

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* Disposal Facility Approval and Approval Letters
* Facility Permit Certificates
* Tabulated Load Summaries
* Waste Manifests or Bills of Lading (CD)
* Liquid Disposal Manifests (CD)

CAMP Field Data Sheets and Air Monitoring Data (Incl. CD)

Raw Analytical Laboratory Data (Incl. CD)

DUSRs For All Endpoint Samples (Incl CD)

EC As-Built Drawings, Documentation and Drawings

Imported Materials Documentation

Remediation and Costs (State Superfund and Environmental Restoration Projects only)