

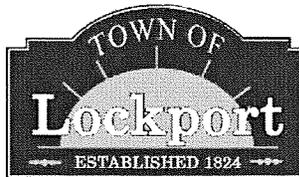
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FORMER ELECTRUK BATTERY SITE
4922 IDA PARK DRIVE
TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK

SITE MANAGEMENT PLAN

NYSDEC SITE NO. E932132

Prepared for:



Town of Lockport
6560 Dysinger Road
Lockport, New York

Prepared by:



ENGINEERING • LAND SURVEY • MAPPING • ENVIRONMENTAL

WE DESIGN WITH CONSCIENCE. WE ACT WITH PURPOSE.

2007.0262.00

August 2009

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TABLE OF CONTENTS

1.0	INTRODUCTION AND DESCRIPTION OF REMEDIAL PROGRAM	1
1.1	Introduction	1
	1.1.1 General	1
	1.1.2 Purpose	1
	1.1.3 Revisions	2
1.2	Site Background	3
	1.2.1 Site Location and Description	3
	1.2.2 Site History	3
	1.2.3 Geologic Conditions	5
1.3	Summary of Remedial Investigation Findings	6
1.4	Summary of Remedial Actions	8
	1.4.1 Removal of Contaminated Materials from the Site	9
	1.4.2 Site-Related Treatment Systems	10
	1.4.3 Remaining Contamination	10
2.0	ENGINEERING AND INSTITUTIONAL CONTROL PLAN	10
2.1	Introduction	10
	2.1.1 General	10
	2.1.2 Purpose	11
2.2	Engineering Controls	11
2.3	Institutional Controls	11
	2.3.1 Excavation Work Plan	12
	2.3.2 Soil Vapor Intrusion Evaluation	13
2.4	Inspection and Notifications	13
	2.4.1 Inspections	13
	2.4.2 Notifications	14
2.5	Contingency Plan	14
	2.5.1 Emergency Telephone Numbers	14
	2.5.2 Map and Directions to Nearest Health Facility	15
	2.5.3 Response Procedure	16
3.0	MONITORING PLAN	16
3.1	Introduction	16
4.0	OPERATION AND MAINTENANCE PLAN	16
4.1	Introduction	16
5.0	INSPECTIONS, REPORTING AND CERTIFICATIONS	16
5.1	Site Inspections	16
	5.1.1 Inspection Frequency	16
	5.1.2 Inspection Forms	16
	5.1.3 Evaluation of Records and Reporting	17
5.2	Certification of Institutional Controls	17
5.3	Periodic Review Report	17
5.4	Corrective Measures Plan	18

LIST OF TABLES

Table 1	Nature and Extent of Contamination
Table 2	Emergency Contact Numbers
Table 3	Contact Numbers

LIST OF FIGURES

Figure 1	Site Location Map
Figure 2	Boundary Survey
Figure 3	1999 USEPA Removal Action Post Excavation Sampling Results
Figure 4	Monitoring Well Location and Groundwater Contour Map
Figure 5	Surface Investigation Map
Figure 6	Subsurface Investigation Map
Figure 7	Areas of Remaining Contamination

LIST OF APPENDICES

Appendix A	Excavation Work Plan
Appendix B	Metes and Bounds Description
Appendix C	Environmental Easement
Appendix D	Sample Health and Safety Plan
Appendix E	Master Erosion Control Plan
Appendix F	Community Air Monitoring Plan
Appendix G	NYSDEC TAGM 4031: Fugitive Dust Suppression and Particulate Monitoring Program at Inactive Hazardous Waste Sites
Appendix H	Engineering Control / Institutional Control Certification Form

1.0 INTRODUCTION AND DESCRIPTION OF REMEDIAL PROGRAM

1.1 Introduction

This document is required as an element of the remedial program at the Former Electruk Battery Site (hereinafter referred to as the "Site") under the New York State (NYS) Environmental Restoration Program (ERP) administered by New York State Department of Environmental Conservation (NYSDEC). The Site was remediated in accordance with the State Assistance Contract (SAC) No. C303480, Site No. E932132 which was executed on September 4, 2007.

1.1.1 General

Town of Lockport entered into a SAC with the NYSDEC to remediate a 1.4-acre property located in the Town of Lockport, in Niagara County, New York. This SAC requires the Town of Lockport to investigate and remediate contaminated media at the Site. A map showing the location of the Site is provided in Figure 1 and the boundaries of this 1.4-acre Site are provided in Figure 2. The boundaries of the Site are more fully described in the metes and bounds site description included as Appendix B. The Environmental Easement for the Site has not yet been prepared; however, it will be included as Appendix C once it is prepared.

After completion of the Interim Remedial Measures (IRMs) described in the Record of Decision (ROD), some contamination was left in the surface at this Site, which is hereafter referred to as 'remaining contamination'. This Site Management Plan (SMP) was prepared to manage remaining contamination at the Site in perpetuity or until the Environmental Easement is extinguished in accordance with ECL Article 71, Title 36. All reports associated with the Site can be viewed by contacting the NYSDEC or its successor agency managing environmental issues in New York State.

This SMP was prepared by TVGA Consultants (TVGA), on behalf of Town of Lockport, in accordance with the requirements in NYSDEC DER-10 Technical Guidance for Site Investigation and Remediation, dated December 2002, and the guidelines provided by NYSDEC. This SMP addresses the means for implementing the Institutional Controls (ICs) that are required by the Environmental Easement for the Site.

1.1.2 Purpose

The Site contains contamination left after completion of the remedial action. Institutional Controls have been incorporated into the site remedy to provide proper management of remaining contamination in the future to ensure protection of public health and the environment. An Environmental Easement

will be granted to the NYSDEC, and recorded with the Niagara County Clerk, will require compliance with this SMP and all Institutional Controls placed on the Site. The ICs place restrictions on site use, and mandate operation, maintenance, monitoring and reporting measures for all ICs. This SMP specifies the methods necessary ensure compliance with all ICs required by the Environmental Easement for contamination that remains at the Site. This plan has been approved by the NYSDEC, and compliance with this plan is required by the grantor of the Environmental Easement and the grantor's successors and assigns. This SMP may only be revised with the approval of the NYSDEC.

This SMP provides a detailed description of all procedures required to manage remaining contamination at the Site after completion of the Remedial Action, including: (1) implementation and management of all Institutional Controls; and (2) performance of periodic inspections and submittal of Periodic Review Reports.

To address these needs, this SMP includes an Institutional Control Plan for implementation and management of ICs, which includes a reporting plan for the submittal of data, information, recommendations, and certifications to NYSDEC.

This plan also includes a description of Periodic Review Reports for the periodic submittal of data, information, and certification to the NYSDEC.

It is important to note that:

- This SMP details the site-specific implementation procedures that are required by the Environmental Easement. Failure to properly implement the SMP is a violation of Environmental Conservation Law and the Environmental Easement, which is grounds for revocation of the Certificate of Completion (COC);
- Failure to comply with this SMP is also a violation of 6NYCRR Part 375 and the SAC No. C303480 (Site No. E932132) for the Site, and thereby subject to applicable penalties.

At the time the SMP was prepared, the SMP and all site documents related to Remedial Investigation and Remedial Action were maintained at the NYSDEC Region 9 office in Buffalo, New York.

1.1.3 Revisions

Revisions to this plan will be proposed in writing to the NYSDEC's project manager. In accordance with the Environmental Easement for the site, the NYSDEC will provide a notice of any approved changes to the SMP, and append these notices to the SMP that is retained in its files.

1.2 Site Background

1.2.1 Site Location and Description

The site is located in the Town of Lockport County of Niagara, New York and is identified as Block 0001 and Lot 055 on the Town of Lockport Tax Map. The site is an approximately 1.4-acre area bounded by undeveloped land and commercial business to the north and west, Enterprise Drive to the south, Polycom-Huntsman Inc. to the east across IDA Drive (see Figures 1 and 2). The boundaries of the site are more fully described in Appendix B – Metes and Bounds.

1.2.2 Site History

Operational History

The Site was first developed as the Electruk Battery Enterprises site that manufactured lead acid batteries from 1990 to 1996. The facility was damaged by a six-alarm fire in January 1995, which caused a significant disruption to the business. As a result, Electruk Battery was not able to recover from the damages and was forced into Chapter 7 bankruptcy in October 1996. In early October 1996, Key Bank was permitted by order of the US Bankruptcy Court to secure the site to preserve the assets and collateral in which it had security interests. Electruk Battery then abandoned the Site, leaving behind numerous drums of acids, lead components, and solvents.

The County commenced an in rem tax foreclosure proceeding in July 2003 and subsequently took ownership of the Site. The Town filed and was granted a Notice of Motion in the Niagara County Courthouse to obtain temporary incidents of ownership of the Site for the sole purpose of entering the Site and conducting an environmental remedial investigation. Following the completion of the RI/AA and subsequent remedial tasks, if any, the County has agreed to transfer title to the Site free of any tax liens to the Town.

Investigation History

In October 1996, Key Bank retained an environmental consultant to perform a Phase I Environmental Site Assessment (ESA) at the Site. A Phase II ESA was then performed in June 1997 by the same consultant on behalf the Town of Lockport Industrial Development Agency. The Phase II ESA revealed approximately twenty 55-gallon drums and two vats identified as containing lead sludge located outside of the building which were left open to the elements along with four 30-gallon drums of sulfuric acid, one of which was cracked and only half full. The interior of the building was found to be covered with lead dust and several areas of lead contaminated surface soil were documented. The 1995 fire had exacerbated the spread of lead contamination throughout the facility, which

likely had already been contaminated with lead from the battery manufacturing process. Inside the building were drums of methyl ethyl ketone, sulfuric acid, and xylene along with many smaller containers of paint related items. Two bulk acid storage tanks were also present.

In June 1998, the Niagara County Health Department requested that the NYSDEC consider the site for an emergency removal action under the State superfund program. In July 1998, the NYSDEC requested that the U.S. Environmental Protection Agency (EPA) perform an emergency removal at the Site. Under Superfund, EPA is charged with responding to the release or threatened release of contamination into the environment with enforcement responsibilities, including the recovery of costs associated with its response. After performing a removal assessment in August 1998, EPA confirmed the presence of hazardous materials on the Site.

EPA subsequently commenced a Superfund removal action to address the contamination. That action was completed in June 1999. The removal action included the identification, removal, and disposal of all hazardous wastes from the Site, with the exceptions noted below. Material removed from the Site included 24 roll-off containers (695 cubic yards) of building debris and contaminated equipment, 99 drums of miscellaneous wastes, nine roll-off containers (180 cubic yards) of lead contaminated soil, three tanker loads (8,634 gallons) of hazardous liquids, 21 pallets (27.45 tons) of batteries and battery components and 3 cubic yards of spent sorbent and personal protective equipment. All materials were transported to permitted off-site disposal facilities.

Wipe sampling data collected by EPA after the decontamination of the building floor and ceiling beams confirmed the removal of gross contamination. However, some residual lead concentrations that meet EPA's removal criteria but exceed the residential guidelines used by the U.S. Department of Housing and Urban Development remain on the floor and ceiling beams. The lead concentrations remaining are indicative of lead bonded to surfaces in a manner that would require extensive, repetitive cleaning for removal or encapsulation prior to reuse of the building. It was therefore recommended that potential buyers or renters be informed that these surfaces should be encapsulated (e.g., by application of paint and/or insulation on the ceiling beams and either painting the floor or covering it with a fresh layer of concrete or other material) prior to utilizing the building.

EPA's action level for excavation of lead-contaminated soil at industrial sites was 750 parts per million (ppm). Although EPA removed all identified lead contaminated soil with concentrations above that level. Lead contamination at concentrations exceeding the NYSDEC's soil cleanup objective for Unrestricted Use, which is 63 ppm, remains in the on-site soils. The highest levels remaining

are found against the building foundation and concrete storage pad. Figure 3 depicts the locations and analytical results of the post excavation sampling performed by the EPA. After reviewing the July 22, 1999 *Delineation of Lead Contamination by X-Ray Fluorescence* letter report prepared by Roy F. Weston Inc., the NYS Department of Health (NYSDOH) concluded that the remaining lead levels should not pose any exposure problems as long as the Site remains in its current intended use (commercial/industrial) and the areas remain undisturbed. Because the lead concentrations remain above Unrestricted Use cleanup guidelines, the NYSDOH also recommended the placement of a formal deed restriction on the property to prevent the use of the site for residential or day care purposes.

EPA determined that no further Superfund action by EPA was needed and that it would not seek to recover the costs incurred while performing the removal action from the Town of Lockport.

1.2.3 Geologic Conditions

The results of the remedial investigation indicate that soil/fill overlies the native soil across the entire Site. The overburden stratigraphy can be divided into three significant units, which in descending order and include a soil/fill material; a rework native material; and native material.

A thin layer of soil/fill material that ranges in thickness from less than one inch to two feet was typically present as the uppermost overburden layer throughout the Site. The soil/fill material primarily consists of two types of material that include topsoil and gravel. The topsoil, which ranged in thickness from less than one inch to a foot, generally consisted of dark brown clayey silt with varying amounts of organic material and was observed generally in high grass areas located throughout the site. Additionally, plastic pieces and pieces of metal siding were encountered within the topsoil layer in the southwest portion of the site. In areas not overlain by topsoil, the uppermost soil/fill material consisted of a thin layer of gray gravel. This material was located in low areas surrounding the concrete pad and near the driveway area along IDA Park Drive.

A layer of reworked native material was encountered immediately below the soil/fill material in the more than half of the test pits. It was determined that this material was native material based on comparisons to subsurface soil encountered at greater depths and was determined to be reworked based on the chaotic layering and the presence of anthropogenic materials (viz., concrete block, gravel, wood, metal, broken PVC pipes and floor mats). This material ranges in thickness from 0.2 to 1 foot and primarily consists of the native soils described in the following section, which were encountered during the subsurface investigation.

Native soil underlies the reworked native material or soil/fill material (where reworked native material was not present) and consists of red to brown and sometimes gray silty clay with varying amounts of sand and/or gravel. The native material was found across the Site and was encountered at the majority of the subsurface sampling locations.

Generally, the groundwater was present in the native soils at depths 1 to 2 feet below the existing ground surface. Static water levels in the wells were measured on April 30, 2008. These measurements and resulting groundwater contours are shown on Figure 4. The groundwater elevation data indicates that the groundwater flow direction is generally to the southwest.

1.3 Summary of Remedial Investigation Findings

A Remedial Investigation program (RI) was performed to characterize the nature and extent of contamination at the Site. The results of the RI are described in detail in the *Final Remedial Investigation/Alternatives Analysis (RI/AA) Report*, TVGA Consultants January 2009.

The RI confirmed the presence of contaminated surface soil above NYSDEC's December 2006 6NYCRR Part 375 Residential Use Soil Cleanup Objectives (SCOs) (Part 375 - Subpart 6.8) and sediment within on-site trenches above the Commercial Use SCOs. Additionally, contaminants were detected in the surface water within the trenches at concentrations exceeding NYSDEC's June 1998 Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations in the Technical and Operational Guidance Series (TOGS) 1.1.1. Contaminants detected in the surface soil were limited to lead, while the contaminants of concern in the trench sediment included one or more of the eight RCRA metals. Elevated lead within the surface water of one of the trenches was the contaminant of concern in this media.

Below is a summary of site conditions when the RI was conducted. Table 1 summarizes the degree of contamination for the contaminants of concern and compares the data with the Standards Criteria and Guidance values (SCGs) applicable to each medium sampled. The locations of surface and subsurface media sampled during the RI are shown in Figures 5 and 6. The approximate location and the estimated areal extent of contaminated surface soil as well as the locations of the trenches addressed during the IRM are depicted on Figure 7.

Soil

Surface Soil

Lead was detected in the surface soil samples at concentrations well below the Residential Use SCOs. The slightly elevated lead

concentrations in several of these samples is likely related to historical operations involving lead-acid battery manufacturing and releases caused by a combination of the 1995 fire and poor housekeeping practices.

The results of the 221 post excavation samples collected by the EPA following the 1999 removal action were also reviewed. This review revealed that lead was detected in the surface soil at concentrations exceeding the Residential Use SCO but below the Commercial Use SCO. Verification sample SS-10, collected from 9 to 12 inches below the ground surface at the same location and depth as the EPA's post excavation sample CC3, revealed a lead concentration well below the Residential Use SCO. The locations and analytical results of the post excavation sampling performed by the EPA are depicted on Figure 3.

Subsurface Soil

Although a few VOCs and SVOCs were detected, which consisted primarily of tentatively identified compounds (TICs), they were detected at concentrations well below Residential Use SCOs. The concentrations of metals were below the applicable SCGs. Lastly, no PCBs or pesticides were detected in the subsurface soil samples.

Site-Related Groundwater

No pesticides or PCBs were detected in the groundwater samples. One or more VOCs were detected in each of the groundwater samples; however, only the concentrations of benzene and toluene detected in MW-2 minimally exceeded the applicable SCGs. The only two SVOCs detected were 3+4-methylphenol, detected in MW-1 at a concentration slightly above the applicable SCG, and bis(2-ethylhexyl)phthalate, detected in MW-3 at a concentration below the applicable SCG.

The concentrations of metals were well below the applicable SCGs.

Site-Related Soil Vapor Intrusion

Soil vapor samples were not collected as part of the RI conducted at the Site.

Underground Storage Tanks

No underground structures such as tanks, foundations, or vaults are known to exist in the subsurface of the Site.

Surface Water

VOCs, pesticides and PCBs were not detected in any of the surface water samples. SVOCs consisting of TICs were identified in SW-1, SW-2 and SW-3 at concentrations below applicable SCGs. With the exception of lead in SW-4, which was detected at a concentration more than six times the applicable SCG, the concentrations of metals in the surface water samples were well below the applicable SCGs.

Sediments

No pesticides or PCBs were detected in the sediment samples. VOCs were detected in SED-2 and SED-5, however; the concentrations were well below the Residential Use SCOs. Each of the sediment samples contained one or more SVOCs, which consisted primarily of TICs, however; the detected concentrations were well below Residential Use SCOs.

The concentrations of metals in SED-1 and SED-3, collected from the exterior ditches, were well below the Residential Use SCOs. The concentrations of arsenic, barium and lead in SED-2, SED-4 and SED-5 exceeded Commercial Use SCOs, while the concentrations of cadmium, chromium and mercury in these three samples exceeded Residential Use SCOs. The elevated metals concentrations, specifically lead, are likely related to historical operations involving lead-acid battery manufacturing and releases caused by a combination of the 1995 fire and poor housekeeping practices. The results of the TCLP analysis revealed that SED-5 contained a hazardous concentration of lead.

Sub-Slab Soil

Four sub-slab soil samples were collected from the locations adjacent to the trenches and were analyzed for total lead. As reflected in Table 1 the concentrations of lead detected the sub-slab soil samples were well below the Residential Use SCO.

1.4 Summary of Remedial Actions

The Site was partially remediated in accordance with the NYSDEC-approved Interim Remedial Measure Work Plan that was prepared in December 2008 to describe the specific remedial activities that would be implemented at the Site.

The following is a summary of Remedial Action performed at the site:

- Removal and proper disposal of contaminated water found in the three on-site concrete trenches,

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- Removal and proper disposal of contaminated sediments found in the three on-site concrete trenches,
 - Pressure washing the concrete surfaces of the three on-site concrete trenches, and
 - Filling the concrete trenches with a flowable fill to prevent re-accumulation of water and sediment.

Remedial activities were completed at the site in January 2009.

1.4.1 Removal of Contaminated Materials from the Site

As previously indicated the SCGs applicable to this project are as follows:

- Soil/Fill: NYSDEC's December 2006 6NYCRR Part 375 Residential and Commercial Use Soil Cleanup Objectives (SCOs) (Part 375 - Subpart 6.8)
- Groundwater: Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations in the Technical and Operational Guidance Series (TOGS) 1.1.1
- Soil/Fill analyzed by TCLP: 40 CFR Part 261

A vacuum truck was used to remove all standing water from Trenches 1 and 3. The remaining sediment and ice within these trenches were removed with shovels and placed into 55-gallon drums.

Based on the hazardous concentration of lead in the sediment in Trench 2, an electric drum vacuum (i.e. a wet/dry vacuum connected to a 55-gallon drum) was used to remove the water and sediment from this trench.

Following the removal the water and sediment, the exposed surfaces within the trenches were cleaned utilizing high pressure power washing equipment. Upon completion, the wash water was removed with the vacuum truck or drum vacuum. All solids and water were disposed off-site.

A total of 1,414 gallons of water was removed from Trenches 1 and 3 for disposal as non-hazardous liquid waste. Additionally, the following materials were removed the trenches:

- Trench 1: Three 55-gallon drums of hazardous ice/sediment/wash water.
- Trench 2: One 55-gallon drum of hazardous ice/sediment/wash water.
- Trench 3: Eight 55-gallon drums non-hazardous ice/sediments/wash water.

The non-hazardous liquids and solids were disposed at the EPS facility in Syracuse, New York and the hazardous liquids and solids were disposed at the Cycle Chem Inc. facility in Lewisberry, Pennsylvania.

A list of the soil cleanup objectives (SCOs) for the primary contaminants of concern (COCs) and applicable land use for this site is provided in Table 1.

1.4.2 Site-Related Treatment Systems

No long-term treatment systems were installed as part of the site remedy.

1.4.3 Remaining Contamination

The remaining contamination left on the Site encompasses surface soil/fill areas across the Site. The analytical results indicate that the contaminant of concern in the surface soil is lead. Concentrations ranged from 19.4 to 1,180 ppm. The locations of the sample with the concentration of 1,180 ppm was detected in EPA sample CC3 which was collected from 9 to 12 inches below the ground surface in the north east corner of the site. However, sample SS-10 collected August 2008 from the same location and depth as CC3 attempted to identify and verify the reported lead concentration, revealed a lead concentration of 48.4 ppm, below the Unrestricted Use SCO. Therefore, while lead concentrations in the surface soil exceed the Residential Use SCO, these concentrations are below the Commercial Use SCO. The extent of lead contaminated surface soil based on the EPA and NYSDEC investigations exceeding the Residential Use SCO are depicted in Figure 7.

2.0 ENGINEERING AND INSTITUTIONAL CONTROL PLAN

2.1 Introduction

2.1.1 General

Since remaining contaminated soil exists beneath the site, Engineering Controls and Institutional Controls (EC/ICs) are required to protect human health and the environment. This Engineering and Institutional Control Plan describes the procedures for the implementation and management of all EC/ICs at the site. The EC/IC Plan is one component of the SMP and is subject to revision by NYSDEC.

2.1.2 Purpose

This plan provides:

- A description of all EC/ICs on the site;
- The basic implementation and intended role of each EC/IC;
- A description of the key components of the ICs set forth in the Environmental Easement;
- A description of the features to be evaluated during each required inspection and periodic review;
- A description of plans and procedures to be followed for implementation of EC/ICs, such as the implementation of the Excavation Work Plan for the proper handling of remaining contamination that may be disturbed during maintenance or redevelopment work on the site; and
- Any other provisions necessary to identify or establish methods for implementing the EC/ICs required by the site remedy, as determined by the NYSDEC.

2.2 Engineering Controls

The site remedy does not rely on a soil cover system or any mechanical systems to protect the public health and the environment. Therefore, Engineering Controls are not included in this SMP.

2.3 Institutional Controls

A series of Institutional Controls is required by the ROD to: (1) prevent future exposures to remaining contamination by controlling disturbances; and (2) limit the use and development of the Site to commercial or industrial uses only. Adherence to these Institutional Controls on the Site is required by the Environmental Easement and will be implemented under this Site Management Plan. These Institutional Controls are:

- Compliance with the Environmental Easement by the Grantor and the Grantor's successors and assigns with all elements of this SMP;
- Limit the use and development of the property to commercial or industrial uses only;
- Restrict use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the New York State Department of Health;
- Require the property owner to complete and submit to the NYSDEC an Institutional Control certification on a periodic basis determined by the Department; and

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- Data and information pertinent to Site Management for the Site will be reported at the frequency and in a manner defined in this SMP.

Institutional Controls identified in the Environmental Easement may not be discontinued without an amendment to or extinguishment of the Environmental Easement.

The Site has a series of Institutional Controls in the form of site restrictions. Adherence to these Institutional Controls is required by the Environmental Easement. Site restrictions that apply to the Controlled Property are:

- The use of groundwater underlying the property is prohibited without treatment, rendering it safe for intended use;
- All future activities on the property that would disturb remaining contaminated material must be conducted in accordance with this SMP;
- The property may be used for commercial or industrial use, provided that the long-term Engineering and Institutional Controls included in this SMP are employed;
- The property may not be used for a higher level of use, such as unrestricted or residential, use without additional remediation and amendment of the Environmental Easement by the Commissioner of NYSDEC;
- The site owner or remedial party will submit to NYSDEC a written statement that certifies, under penalty of perjury, that: (1) controls employed at the Site are unchanged from the previous certification or that any changes to the controls were approved by the NYSDEC; and, (2) nothing has occurred that impairs the ability of the controls to protect public health and environment or that constitute a violation or failure to comply with the SMP. NYSDEC retains the right to access such Site at any time in order to evaluate the continued maintenance of any and all controls. This certification shall be submitted in a period of time that NYSDEC may allow and will be made by an expert that the NYSDEC finds acceptable; and
- Vegetable gardens and farming on the property are prohibited

2.3.1 Excavation Work Plan

The site remedy allows for commercial or industrial use. Any future intrusive work that will penetrate, encounter or disturb the remaining contamination will be performed in compliance with this Excavation Work Plan (EWP). Intrusive construction work must also be conducted in accordance with the procedures defined in a Health and Safety Plan (HASP) and Community Air Monitoring Plan (CAMP) prepared for the site. A sample HASP is attached as Appendix D to this SMP that is in current compliance with DER-10, and 29 CFR 1910, 29 CFR 1926,

and all other applicable Federal, State and local regulations. Based on future changes to State and federal health and safety requirements, and specific methods employed by future contractors, the HASP and CAMP will be updated and re-submitted with the notification provided in the Excavation Work Plan (Appendix A) section A-1. Any intrusive construction work will be performed in compliance with the EWP, HASP and CAMP, and will be included in the periodic inspection and certification reports submitted under the Site Management Periodic Review Report as outlined in Section 5.3.

The site owner and associated parties preparing the remedial documents submitted to the State, and parties performing this work, are completely responsible for the safe performance of all intrusive work, the structural integrity of excavations, proper disposal of excavation de-water, control of runoff from open excavations into remaining contamination, and for structures that may be affected by excavations (such as building foundations and bridge footings). The site owner will ensure that site development activities will not interfere with, or otherwise impair or compromise, the engineering controls described in this SMP.

2.3.2 Soil Vapor Intrusion Evaluation

The potential for soil vapor intrusion (SVI) was not identified during the remedial investigation at the site. Therefore an SVI evaluation will not be necessary prior to any construction on the project site.

2.4 Inspection and Notifications

2.4.1 Inspections

A comprehensive site-wide inspection will be conducted annually. The inspections will determine and document the following:

- If these controls continue to be protective of human health and the environment;
- Compliance with requirements of this SMP and the Environmental Easement;
- If site records are complete and up to date; and

The reporting requirements are outlined in the Periodic Review Reporting section of this plan (Section 5).

If an emergency, such as a natural disaster or an unforeseen incident that affects the site, an inspection of the site will be conducted within 5 days of the event to verify the effectiveness of the ICs implemented at the site by a qualified environmental professional as determined by the NYSDEC.

2.4.2 Notifications

Notifications will be submitted by the property owner to the NYSDEC as needed for the following reasons:

- 60-day advance notice of any proposed changes in site use that are required under the terms of the State Assistance Contract (SAC), 6NYCRR Part 375, and/or Environmental Conservation Law.
- 15-day advance notice of any proposed ground-intrusive activities pursuant to the Excavation Work Plan.

Any change in the ownership of the site or the responsibility for implementing this SMP will include the following notifications:

- At least 60 days prior to the change, the NYSDEC will be notified in writing of the proposed change. This will include a certification that the prospective purchaser has been provided with a copy of the State Assistance Contract (SAC), and all approved work plans and reports, including this SMP
- Within 15 days after the transfer of all or part of the site, the new owner's name, contact representative, and contact information will be confirmed in writing.

2.5 Contingency Plan

Emergencies may include injury to personnel, fire or explosion, environmental release, or serious weather conditions.

2.5.1 Emergency Telephone Numbers

In the event of any environmentally related situation or unplanned occurrence requiring assistance the Owner or Owner's representative(s) should contact the appropriate party from the contact list below. For emergencies, appropriate emergency response personnel should be contacted. Prompt contact should also be made to Marc Smith: Town Supervisor. These emergency contact lists must be maintained in an easily accessible location at the site.

Table 2: Emergency Contact Numbers

Medical, Fire, and Police:	911
One Call Center:	(800) 272-4480 (3 day notice required for utility markout)
Poison Control Center:	(800) 222-1222
Pollution Toxic Chemical Oil Spills:	(800) 424-8802
NYSDEC Spills Hotline	(800) 457-7362

Table 3: Contact Numbers

Marc Smith: Town Supervisor	(716) 439-9520

* Note: Contact numbers subject to change and should be updated as necessary

2.5.2 Map and Directions to Nearest Health Facility

Site Location: 4922 IDA Park Drive, Town of Lockport, NY 14094

Nearest Hospital Name: Lockport Memorial Hospital

Hospital Location: 521 East Avenue, Lockport, NY 14094

Hospital Telephone: (716) 514-5700

Directions to the Hospital:

1. Head north on IDA Park Drive
2. Turn right at NY-93 Upper Mountain Rd.
3. Turn left at NY-31 West Ave.
4. Turn left at NY-31 Washburn St.
5. Turn right at NY-31 East Ave.
6. End at 521 East Ave.

Total Distance: 4.9 miles

Total Estimated Time: 13 min.

Map Showing Route from the site to the Hospital:

Map of route to form the site to the hospital is provided as Figure 1 in the Sample Health and Safety Plan as Appendix D.

2.5.3 Response Procedure

As appropriate, the fire department and other emergency response group will be notified immediately by telephone of the emergency. The emergency telephone number list is found at the beginning of this Contingency Plan (Table 2). The list will also posted prominently at the site and made readily available to all personnel at all times.

Spill procedure and other emergency procedures are described in the Sample Health and Safety Plan in Appendix D. An Excavation Work Plan is also provided as Appendix A.

3.0 MONITORING PLAN

3.1 Introduction

The remedy for this site does not require any engineering controls; therefore no monitoring plan has been established in this SMP.

4.0 OPERATION AND MAINTENANCE PLAN

4.1 Introduction

The site remedy does not rely on any mechanical systems, such as sub-slab depressurization systems or air sparge/ soil vapor extraction systems to protect public health and the environment. Therefore, the operation and maintenance of such components is not included in this SMP.

5.0 INSPECTIONS, REPORTING AND CERTIFICATIONS

5.1 Site Inspections

5.1.1 Inspection Frequency

The remedy for this site does not require any engineering controls; therefore, no inspections of the site will be required.

5.1.2 Inspection Forms

Because inspections are not required this section is not applicable.

5.1.3 Evaluation of Records and Reporting

Because inspections are not required this section is not applicable.

5.2 Certification of Institutional Controls

For each institutional identified for the site, I certify that all of the following statements are true:

- The institutional control employed at this site is unchanged from the date the control was put in place, or last approved by the Department;
- Nothing has occurred that would impair the ability of the control to protect the public health and environment;
- Nothing has occurred that would constitute a violation or failure to comply with any site management plan for this control;
- Access to the site will continue to be provided to the Department to evaluate the remedy, including access to evaluate the continued maintenance of this control;
- If a financial assurance mechanism is required under the oversight document for the site, the mechanism remains valid and sufficient for the intended purpose under the document;
- Use of the site is compliant with the environmental easement;
- The information presented in this report is accurate and complete; and
- 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, Marc Smith, of 6560 Dysinger Road, Lockport, New York, am certifying as Owner's Designated Site Representative: I have been authorized and designated by all site owners to sign this certification for the site.

The signed certification will be included in the Periodic review report described below.

5.3 Periodic Review Report

A Periodic Review Report will be submitted to the Department every year, beginning eighteen months after the Certificate of Completion is issued. In the event that the site is subdivided into separate parcels with different ownership, a single Periodic Review Report will be prepared that addresses the site described in Appendix B (Metes and Bounds). The report will be prepared in accordance with NYSDEC DER-10 and submitted within 45 days of the end of each certification period. The report will include:

-
- Identification, assessment and certification of all ECs/ICs required by the remedy for the site;
 - Results of the required annual site inspections and severe condition inspections, if applicable;
 - All applicable inspection forms and other records generated for the site during the reporting period in electronic format;
 - A site evaluation, which includes the following:
 - The compliance of the remedy with the requirements of the site-specific RAWP, ROD or Decision Document;
 - The overall performance and effectiveness of the remedy.

The Periodic Review Report will be submitted, in hard-copy format, to the NYSDEC Regional 9 Office and in electronic format to NYSDEC Central Office, Regional Office and the NYSDOH Bureau of Environmental Exposure Investigation.

5.4 Corrective Measures Plan

If any component of the remedy is found to have failed, or if the periodic certification cannot be provided due to the failure of an institutional or engineering control, a corrective measures plan will be submitted to the NYSDEC for approval. This plan will explain the failure and provide the details and schedule for performing work necessary to correct the failure. Unless an emergency condition exists, no work will be performed pursuant to the corrective measures plan until it is approved by the NYSDEC.

TABLES

TABLE 1
Nature and Extent of Contamination

SURFACE SOIL	Contaminants of Concern	Concentration Range Detected (ppm)^a	SCG^b (ppm)^a	Frequency of Exceeding SCG
	pH	6.8 – 7.7		
	Lead (RI Samples)	19.4 – 296	400	0/10
	Lead (EPA samples) ^c	93 to 1,1180	400	42/221

SUBSURFACE SOIL	Contaminants of Concern	Concentration Range Detected (ppm)^a	SCG^b (ppm)^a	Frequency of Exceeding SCG
Volatile Organic Compounds (VOCs)	Carbon Disulfide	ND - 13	100	0/4
	TICs	13 - 41	NS	
Semivolatile Organic Compounds (SVOCs)	TICs	160 - 770	NS	
Metals	Arsenic	3.1 – 4.2	16	0/4
	Barium	78.9 - 161	350	0/4
	Chromium	9.3 – 27.4	36	0/4
	Lead	7.8 – 12.9	400	0/4
	Mercury	0.014 – 0.039	.81	0/4
	Selenium	ND – 3.1	36	0/4
pH	pH	7.2 - 8		

SEDIMENTS	Contaminants of Concern	Concentration Range Detected (ppm)^a	SCG^b (ppm)^a	Frequency of Exceeding SCG
Volatile Organic Compounds (VOCs)	Carbon Disulfide	ND - 13	200	0/5
	Methylene Chloride	ND - 32	.05	0/5
	TICs	ND - 46	NS	
Semivolatile Organic Compounds (SVOCs)	Acetophenone	ND - 210	500	0/5
	Benzaldehyde	ND - 320	500	0/5
	bis(2-ethylhexyl)phthalate	ND - 15,000	500	0/5
	Dimethylphthalate	ND - 560	500	0/5
	Fluoranthene	ND - 180	100	0/5
	Phenol	ND - 140	0.33	0/5
	Pyrene	ND - 140	100	0/5
	TICs	390 - 10,820	NS	
Metals	Arsenic	3 - 77.5	13	3/5
	Barium	90.5 - 839	350	3/5
	Cadmium	.614 - 6.54	2.5	3/5
	Chromium	14.8 - 91.3	30	3/5
	Lead	39.5 - 74,900	63	3/5
	Mercury	0.019 - 2.6	0.18	3/5
	Selenium	ND - 12.8	3.9	1/5
	Silver	ND - 11.7	2	2/5
	Lead (TCLP)	ND - 64.4	5	1/2
pH	pH	6.5 - 8.8		

SURFACE WATER	Contaminants of Concern	Concentration Range Detected (ppb)^a	SCG^b (ppb)^a	Frequency of Exceeding SCG
Semivolatile Organic Compounds (SVOCs)	TICs	ND – 23.6	NS	
Metals	Barium	15.1 – 31.4	1,000	0/4
	Chromium	1.4 – 4.22	50	0/4
	Lead	7.4 - 302	50	1/4
	Silver	ND – 8.26	50	0/4
pH	pH	6.88 – 8.24		

GROUNDWATER	Contaminants of Concern	Concentration Range Detected (ppb)^a	SCG^b (ppb)^a	Frequency of Exceeding SCG
Volatile Organic Compounds (VOCs)	Acetone	ND - 22	50	0/3
	Benzene	ND – 4.2	1	1/3
	Bromodichloromethane	ND - 0.75	50	0/3
	Chloroform	ND - 6.1	7	0/3
	2-Butanone	ND – 4.2	50	0/3
	Cyclohexane	ND – 1.8	NS	0/3
	Toluene	ND - 6	5	1/3
	m/p-Xylenes	ND – 3.2	5	0/3
	o-Xylene	ND – 1.4	5	0/3
Semivolatile Organic Compounds (SVOCs)	3+4-Methylphenols	ND – 2.5	1	1/3
	Bis(2-ethylhexyl)phthalate	ND – 4.1	5	0/3
	TICs	ND - 23	NS	

GROUNDWATER	Contaminants of Concern	Concentration Range Detected (ppb) ^a	SCG ^b (ppb) ^a	Frequency of Exceeding SCG
Metals	Barium	43.7 - 87	1,000	0/3
	Chromium	2.56 – 2.87	50	0/3
	Lead	ND – 6.74	25	0/3
	Silver	ND – 2.42	50	0/3
pH	pH	7.11 – 7.97		

SUB-SLAB	Contaminants of Concern	Concentration Range Detected (ppm) ^a	SCG ^b (ppm) ^a	Frequency of Exceeding SCG
Metals	Lead	12.1 - 174	400	0/4

^a ppb = parts per billion, which is equivalent to micrograms per liter, ug/L, in water;
ppm = parts per million, which is equivalent to milligrams per kilogram, mg/kg, in soil;
ug/m³ = micrograms per cubic meter

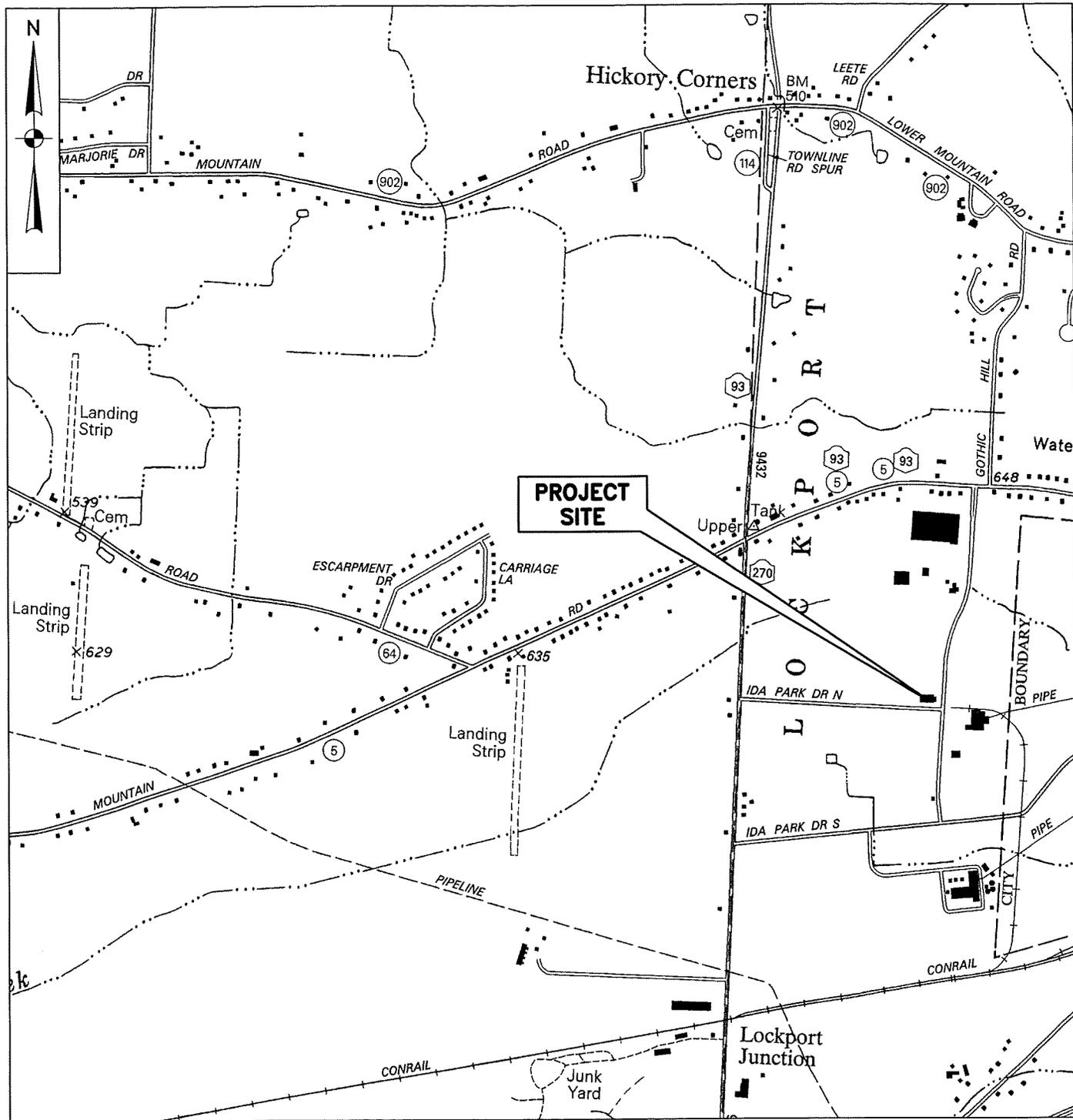
^b SCG = standards, criteria, and guidance values for surface and sub-surface soil are from 6NYCRR Part 375.68(b) Environmental Remediation Programs December 2006 Edition using the Residential Soil Cleanup Objective while the sediment samples were compared to Commercial Soil Cleanup Objectives, SCG for groundwater were derived from NYS Ambient Water Quality Standards TOGS 1.1.1 (Source of Drinking Water, Groundwater); for soil samples analyzed for TCLP metals 40 CRF Part 261.24 is the source of the regulatory value, which lists the maximum contaminant levels for the toxicity characteristic for determining if a solid waste is defined as a hazardous waste.

^c The EPA sample results were obtained from July 22, 1999 *Delineation of Lead Contamination by X-Ray Fluorescence* letter report prepared by Roy F. Weston Inc.

ND Compound not detected
NS No Standard

FIGURES

File: N:\2007.0262.00-500 for Electruk Site Grant Application\Engineering\CADD\SMP\FIGURES 1 SITE LOCATION.dwg, Plot Date: 8/5/2009, By: BENKLEMAN ANDREW T., Plot Style: HALF-BLACK.CTB



U.S.G.S LOCKPORT QUADRANGLE
CAMBRIA QUADRANGLE

PROJECT SITE LOCATION MAP



1000 MAPLE ROAD
 ELMA, NEW YORK 14059-9530
 P. 716.655.8842
 F. 716.655.0937
 www.tvga.com

SITE MANAGEMENT PLAN
 FORMER ELECTRUK BATTERY SITE
 4922 IDA DRIVE
 LOCKPORT, NEW YORK 14094

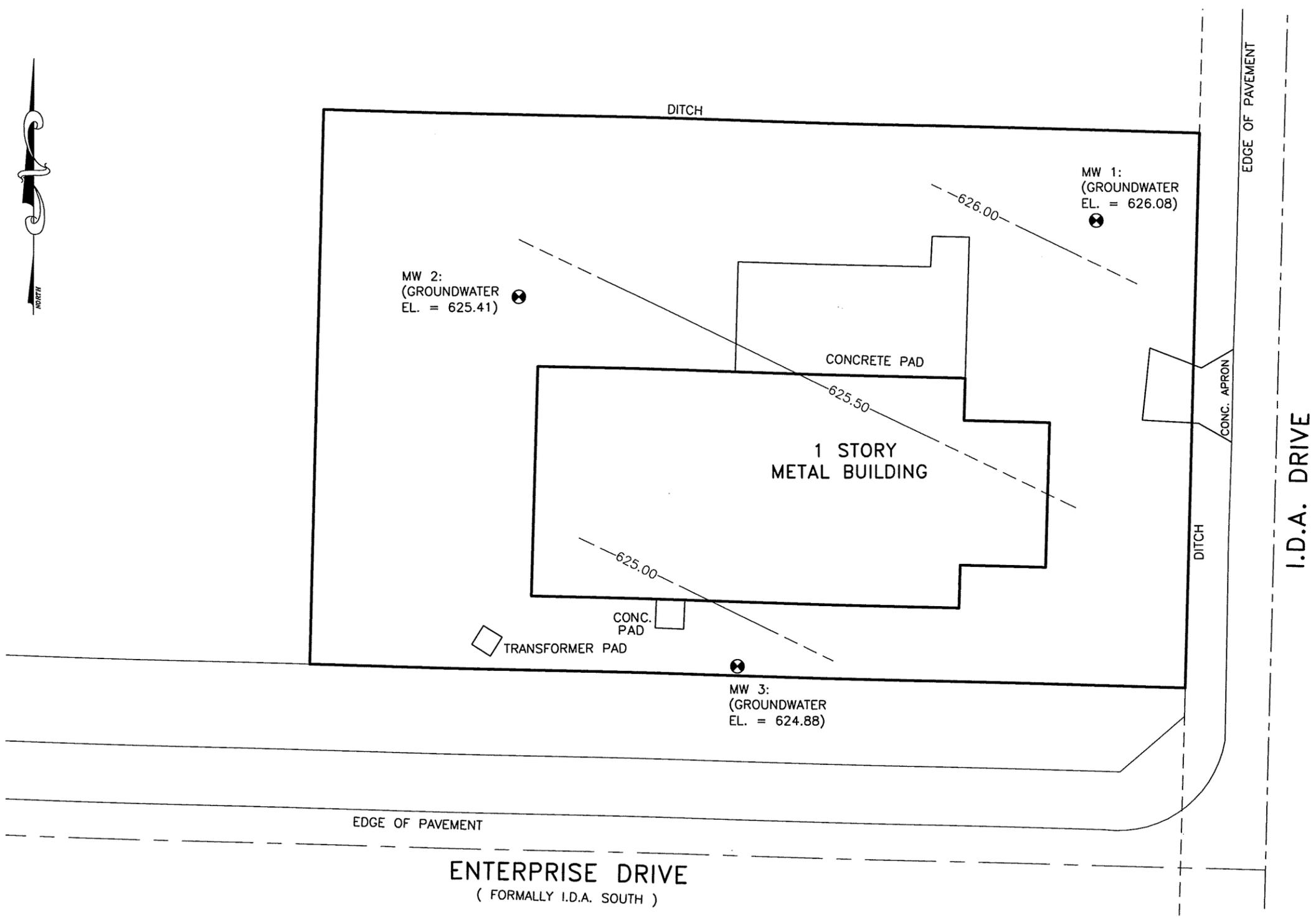
PROJECT NO. 2007.0262.00

SCALE: 1" = 500'

DATE: AUGUST 2009

FIGURE NO. 1

File: N:\2007.0262.00-S00 for Electruk Site Grant Application\Engineering\CADD\SMP\FIGURE 4 GROUNDWATER.dwg, Plot Date: 8/6/2009, By: BENKLEMAN ANDREW T., Plot Style: FULL-BLACK.CTB



LEGEND

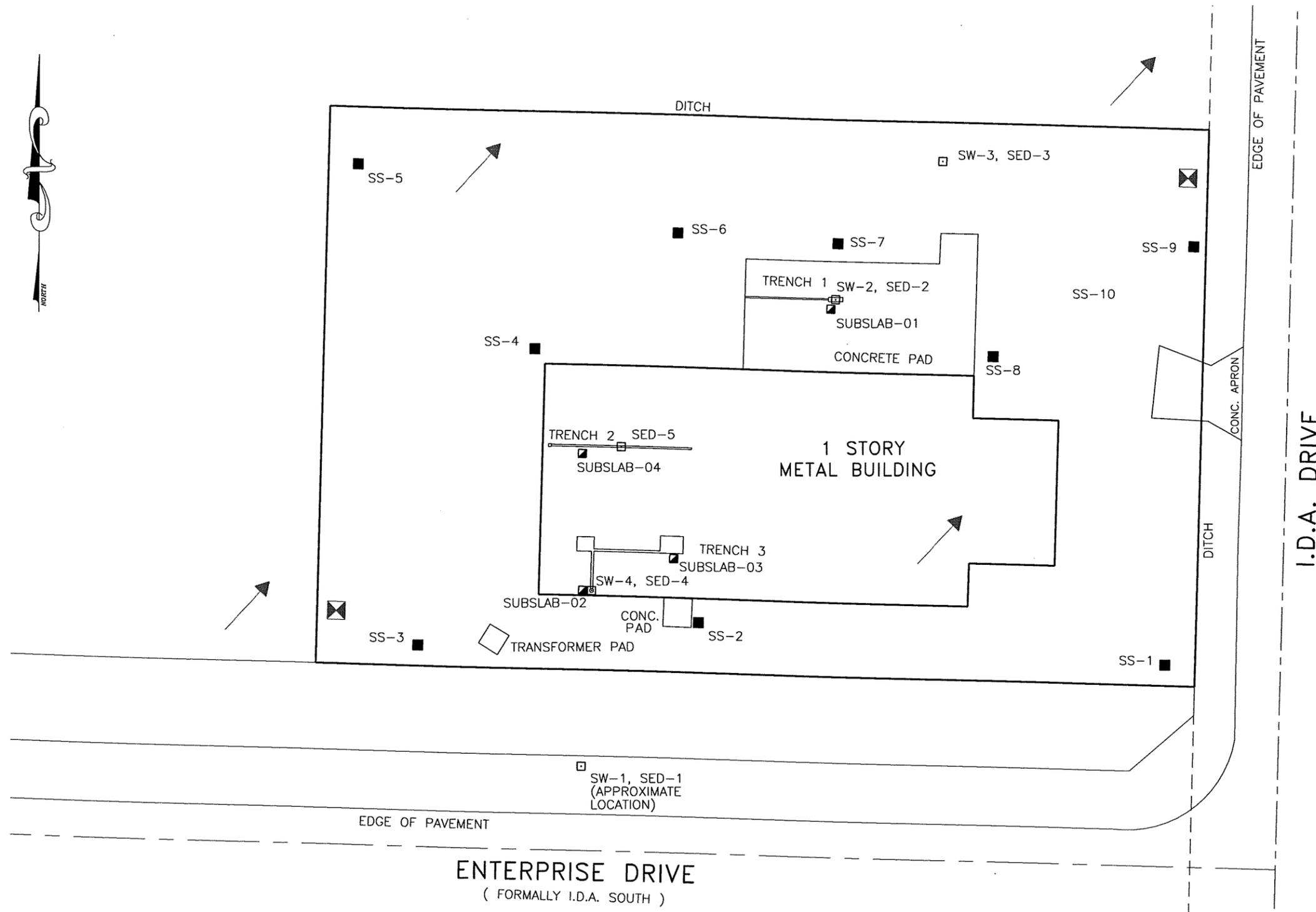
- ⊗ MONITORING WELL (GW) LOCATION
- 626.00--- GROUNDWATER COUNTOUR LINE

NOTE:

GROUNDWATER ELEVATIONS ARE BASED ON NAVD88 DATUM. BENCHMARK DESCRIPTION NORTH BONNETT BOLT OF FIRE HYD AT SOUTHWEST CORNER OF I.D.A. DRIVE AND ENTERPRISE DRIVE. ELEVATION = 630.34'. THE GROUNDWATER ELEVATIONS ARE MEASURED FROM THE TOP OF THE PVC RISER PIPE BY SUBTRACTING THE DEPTH TO GROUNDWATER.

MONITORING WELL LOCATION AND GROUNDWATER CONTOUR MAP			
 TVGA CONSULTANTS 1000 MAPLE ROAD ELMA, NEW YORK 14059-9530 P. 716.655.8842 F. 716.655.0937 www.tvga.com		SITE MANAGEMENT PLAN FORMER ELECTRUK BATTERY SITE 4922 IDA DRIVE LOCKPORT, NEW YORK 14094	
PROJECT NO. 2007.0262.00	SCALE: 1" = 40'	DATE: AUGUST 2009	FIGURE NO. 4

File: N:\2007.0262.00-500 for Electruk Site Grant Application\Engineering\CADD\SMP\FIGURE 5 SURFACE.dwg, Plot Date: 8/6/2009, By: BENKLEMAN ANDREW T., Plot Style: HALF-BLACK.CTB



LEGEND

- SURFACE SOIL (SS) LOCATION
- SURFACE WATER (SW) / SEDIMENT (SED) LOCATION
- ▣ SUBSLAB SOIL (SUBSLAB) LOCATION
- ⊠ AIR SAMPLING STATION LOCATIONS
- ➔ PREVAILING WIND DIRECTION

NOTE: THE SPECIFIC LOCATIONS OF THE AIR SAMPLING STATIONS WILL BE BASED ON THE LOCATION OF INVASIVE ACTIVITIES AND PREVAILING WINDS AT THE TIME THE WORK IS PERFORMED.

SURFACE INVESTIGATION MAP

TVGA
CONSULTANTS

1000 MAPLE ROAD
ELMA, NEW YORK 14059-9530
P. 716.655.8842
F. 716.655.0937
www.tvga.com

SITE MANAGEMENT PLAN
FORMER ELECTRUK BATTERY SITE
4922 IDA DRIVE
LOCKPORT, NEW YORK 14094

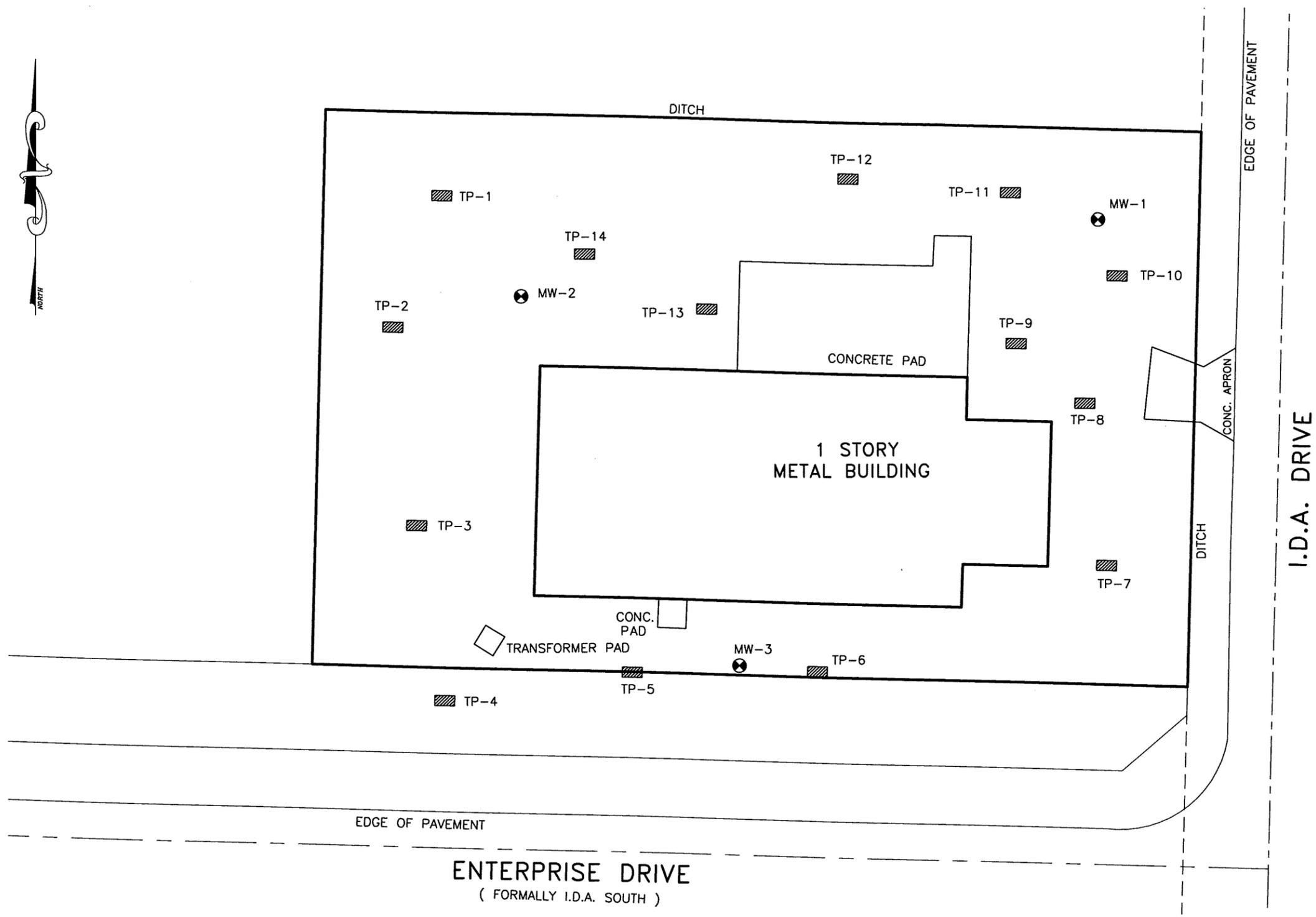
PROJECT NO. 2007.0262.00

SCALE: 1" = 40'

DATE: AUGUST 2009

FIGURE NO. 5

File: N:\2007.0262.00-SOQ for Electruk Site Grant Application\Engineering\CADD\SMP\FIGURE 6 SUBSURFACE.dwg, Plot Date: 8/6/2009, By: BENKLEMAN ANDREW T., Plot Style: FULL-BLACK.CTB

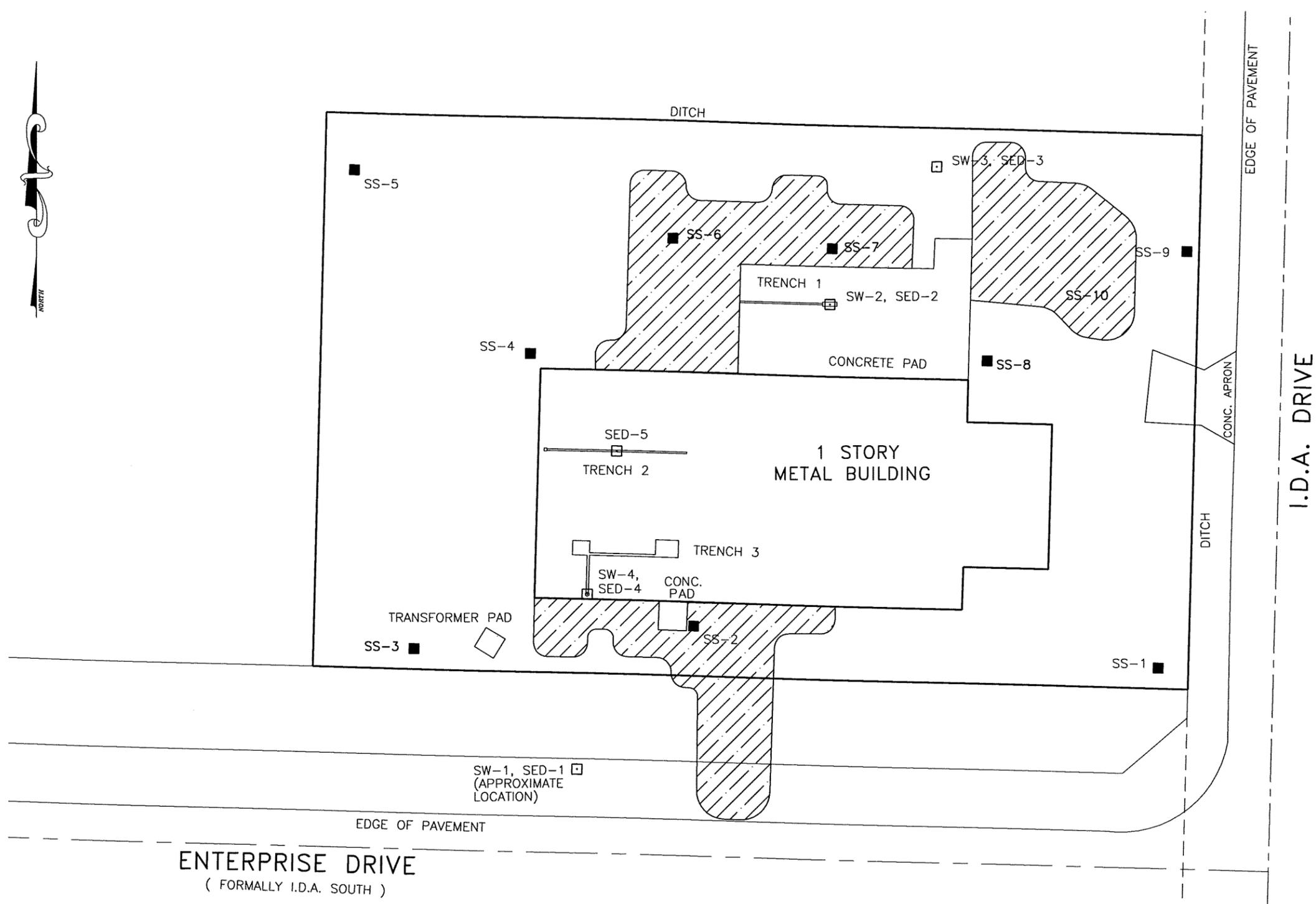


LEGEND

- TEST PIT (TP) LOCATION
- MONITORING WELL (MW) LOCATION

SUBSURFACE INVESTIGATION MAP			
<p>TVGA CONSULTANTS</p> <p>1000 MAPLE ROAD ELMA, NEW YORK 14059-9530 P. 716.655.8842 F. 716.655.0937 www.tvga.com</p>		<p>SITE MANAGEMENT PLAN FORMER ELECTRUK BATTERY SITE 4922 IDA DRIVE LOCKPORT, NEW YORK 14094</p>	
PROJECT NO. 2007.0262.00	SCALE: 1" = 40'	DATE: AUGUST 2009	FIGURE NO. 6

File: N:\2007.0262.00-S00 for Electruk Site Grant Application\Engineering\CADD\SMP\FIGURE 7 REMAINING CONTAMINATION.dwg, Plot Date: 8/6/2009, By: BENKLEMAN ANDREW T., Plot Style: HALF-BLACK.CTB



LEGEND

- SURFACE SOIL (SS) LOCATION
- SURFACE WATER (SW) / SEDIMENT (SED) LOCATION
- ▨ HATCHED AREAS REPRESENT AREAL EXTENT OF SUSPECTED SURFACE SOIL CONTAMINATION

NOTES:

- SOIL RESULTS ARE REPRESENTED IN mg/Kg,
- THE AERIAL EXTENT OF SUSPECTED SURFACE SOIL CONTAMINATION ARE BASED ON THE RESULTS OF THE 1999 USEPA REMOVAL ACTION SAMPLING INCLUDED IN FIGURE 4.

AREAS OF REMAINING CONTAMINATION			
<p>TVGA CONSULTANTS</p> <p>1000 MAPLE ROAD ELMA, NEW YORK 14059-9530 P. 716.655.8842 F. 716.655.0937 www.tvga.com</p>	<p>SITE MANAGEMENT PLAN FORMER ELECTRUK BATTERY SITE 4922 IDA DRIVE LOCKPORT, NEW YORK 14094</p>		
PROJECT NO. 2007.0262.00	SCALE: 1" = 40'	DATE: AUGUST 2009	FIGURE NO. 7

APPENDIX A

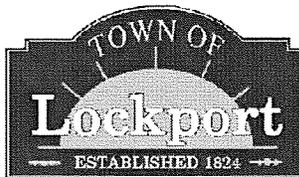
EXCAVATION WORK PLAN

FORMER ELECTRUK BATTERY SITE
4922 IDA PARK DRIVE
TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK

EXCAVATION WORK PLAN

NYSDEC SITE NO. E932132

Prepared for:



Town of Lockport
6560 Dysinger Road
Lockport, New York

Prepared by:



ENGINEERING • LAND SURVEY • MAPPING • ENVIRONMENTAL
WE DESIGN WITH CONSCIENCE. WE ACT WITH PURPOSE.

**FORMER ELECTRUK BATTERY SITE
4922 IDA PARK DRIVE
TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK**

EXCAVATION WORK PLAN

TABLE OF CONTENTS

Appendix A – Excavation Work Plan	1
A-1 NOTIFICATION	1
A-2 SOIL SCREENING METHODS	1
A-3 STOCKPILE METHODS	2
A-4 MATERIALS EXCAVATION AND LOAD OUT	2
A-5 MATERIALS TRANSPORT OFF-SITE	3
A-6 MATERIALS DISPOSAL OFF-SITE	4
A-7 MATERIALS REUSE ON-SITE	4
A-8 FLUIDS MANAGEMENT	5
A-9 COVER SYSTEM RESTORATION	6
A-10 BACKFILL FROM OFF-SITE SOURCES	6
A-11 STORMWATER POLLUTION PREVENTION	7
A-12 CONTINGENCY PLAN	9
A-13 COMMUNITY AIR MONITORING PLAN	9
A-14 ODOR CONTROL PLAN	10
A-15 DUST CONTROL PLAN	10

TABLES

Tables A-1 Allowable Constituent Levels for Imported Fill or Soil

FIGURES

Figure A-1 Truck Route

APPENDIX A – EXCAVATION WORK PLAN

A-1 NOTIFICATION

At least 15 days prior to the start of any activity that is reasonably anticipated to encounter remaining contamination, the site owner or their representative will notify the Department. Currently, this notification will be made to:

Michael Hinton, P.E., Environmental Engineer II
270 Michigan Avenue
Buffalo, NY 14203-2999
(716)851-7220

This notification will include:

- A detailed description of the work to be performed, including the location and areal extent, plans for site re-grading, intrusive elements or utilities to be installed below the soil cover, or any work that may impact an engineering control;
- A summary of environmental conditions anticipated in the work areas, including the nature and concentration levels of contaminants of concern, potential presence of grossly contaminated media, and plans for any pre-construction sampling;
- A schedule for the work, detailing the start and completion of all intrusive work;
- A summary of the applicable components of this EWP;
- A statement that the work will be performed in compliance with this EP and 29 CFR Part 1910.120;
- A copy of the contractor's health and safety plan, in electronic format;
- Identification of disposal facilities for potential waste streams; and
- Identification of sources of any anticipated backfill, along with all required chemical testing results.

A-2 SOIL SCREENING METHODS

A scientist or engineer with experience in environmental site investigation and remediation will inspect soil/fill all excavations or disturbances on behalf of the Site owner. The excavated soil/fill will be inspected for staining or discoloration, and will be field screened for the presence of VOCs with a photoionization detector (PID) that is calibrated as per the manufacturer's requirements. Excavated soil/fill that is visibly stained, discolored, or produces elevated PID readings (i.e., sustained readings of 5 parts per million (ppm) above background or greater) will be stockpiled in accordance with the methods identified in Section A-3 below in an area away from the primary work activities. Soils will be segregated based on previous environmental data and screening results into material that requires off-site disposal, material that requires testing,

material that can be returned to the subsurface, and material that can be used as cover soil.

The stockpiled material will be sampled in accordance with the protocols delineated in Section A-7 for reuse or off-site disposal. The length of time that potentially impacted soil can be temporarily stockpiled while awaiting analytical results shall be limited to 90 days. Analyzed soil/fill that is determined to contain one or more constituents in excess of the Part 375-6.8(b) Residential Use Soil Cleanup Objectives (SCOs) shall be treated on-site according to an NYSDEC-approved treatment plan or transported off-site to a permitted waste management facility for disposal. Soil/fill that exhibits no staining, discoloration, or elevated PID readings, or soil/fill that has been analyzed and found to be within the SCOs may be reused on-site as subgrade backfill. No excavated soil/fill may be removed from the Site except for off-site disposal as defined in Section A-6.

A-3 STOCKPILE METHODS

An important element of soil and fill management on the Site is the mitigation and control of surface erosion from storm water runoff. For this reason, a Master Erosion Control Plan (MECP) to be used by all contractors and developers has been prepared and incorporated as Appendix E. The MECP describes the erosion and sedimentation controls for handling material stockpiles on the Site. A summary of key elements of stockpile handling include:

- Soil stockpiles will be continuously encircled with a berm and/or silt fence. Hay bales will be used as needed near catch basins, surface waters and other discharge points.
- Stockpiles will be kept covered at all times with appropriately anchored tarps. Stockpiles will be routinely inspected and damaged tarp covers will be promptly replaced.
- Stockpiles will be inspected at a minimum once each week and after every storm event. Results of inspections will be recorded in a logbook and maintained at the Site and available for inspection by NYSDEC.

A-4 MATERIALS EXCAVATION AND LOAD OUT

A qualified environmental professional or person under their supervision will oversee all invasive work and the excavation and load-out of all excavated material. The owner of the property and its contractors are solely responsible for safe execution of all invasive and other work performed under this Plan.

The presence of utilities and easements on the Site will be investigated by the qualified environmental professional. It will be determined whether a risk or impediment to the planned work under this SMP is posed by utilities or easements on the Site.

A truck wash will be operated on-site. The qualified environmental professional will be responsible for ensuring that all outbound trucks will be washed at the truck wash before leaving the Site until the activities performed under this section are complete. Loaded vehicles leaving the Site will be appropriately lined, tarped, securely covered, manifested, and placarded in accordance with appropriate Federal, State, local, and NYSDOT requirements (and all other applicable transportation requirements). Locations where vehicles enter or exit the Site shall be inspected daily for evidence of off-site soil tracking. The qualified environmental professional will be responsible for ensuring that all egress points for truck and equipment transport from the Site are clean of dirt and other materials derived from the site during intrusive excavation activities. Cleaning of the adjacent streets will be performed as needed to maintain a clean condition with respect to site-derived materials.

A-5 MATERIALS TRANSPORT OFF-SITE

All transport of materials will be performed by licensed haulers in accordance with appropriate local, State, and Federal regulations, including 6 NYCRR Part 364. Haulers will be appropriately licensed and trucks properly placarded. Material transported by trucks exiting the site will be secured with tight-fitting covers. Loose-fitting canvas-type truck covers will be prohibited. If loads contain wet material capable of producing free liquid, truck liners will be used. All trucks will be washed prior to leaving the site. Truck wash waters will be collected and disposed of off-site in an appropriate manner.

Truck transport routes are as follows: Head east on IDA Park Dr. N. to NY-290 Lockport Junction Rd., a map is provided as Figure A-1. All trucks loaded with site materials will exit the vicinity of the site using only these approved truck routes. This is the most appropriate route and takes into account: (a) limiting transport through residential areas and past sensitive sites; (b) use of city mapped truck routes; (c) prohibiting off-site queuing of trucks entering the facility; (d) limiting total distance to major highways; (e) promoting safety in access to highways; and (f) overall safety in transport; [(g) community input [where necessary]]

Trucks will be prohibited from stopping and idling in the neighborhood outside the project site.

Egress points for truck and equipment transport from the site will be kept clean of dirt and other materials during site remediation and development.

Queuing of trucks will be performed on-site in order to minimize off-site disturbance. Off-site queuing will be prohibited.

A-6 MATERIALS DISPOSAL OFF-SITE

Except as provided in Section A-7 below, all soil/fill/solid waste excavated and removed from the Site will be treated as contaminated and regulated material and will be transported and disposed in accordance with all local, State (including 6NYCRR Part 360) and Federal regulations. If disposal of soil/fill from this site is proposed for unregulated off-site disposal (i.e. clean soil removed for development purposes), a formal request with an associated plan will be made to the NYSDEC. Unregulated off-site management of materials from this site will not occur without formal NYSDEC approval.

Off-site disposal locations for excavated soils will be identified in the pre-excavation notification. This will include estimated quantities and a breakdown by class of disposal facility if appropriate, (i.e. hazardous waste disposal facility, solid waste landfill, petroleum treatment facility, construction and demolition debris recycling facility, etc.). Actual disposal quantities and associated documentation will be reported to the NYSDEC in the Periodic Review Report. This documentation will include: waste profiles, test results, facility acceptance letters, manifests, bills of lading and facility receipts.

Non-hazardous historic fill and contaminated soils taken off-site will be handled, at minimum, as a Municipal Solid Waste pursuant to 6NYCRR Part 360-1.2. Material that does not meet the lower of the SCOs for residential use or groundwater protection will not be taken to a New York State recycling facility (6NYCRR Part 360-16 Registration Facility) without a beneficial use determination issued by NYSDEC.

A-7 MATERIALS REUSE ON-SITE

The qualified environmental professional will ensure that procedures defined for materials reuse in this SMP are followed and that unacceptable material does not remain on-site. Contaminated on-site material, including historic fill and contaminated soil, that is acceptable for re-use on-site will be placed below the demarcation layer or impervious surface, and will not be reused within a cover soil layer, within landscaping berms, or as backfill for subsurface utility lines.

Excavated soil/fill that is visibly stained, discolored, or produces elevated PID readings will be sampled and classified for reuse, treatment, or off-site disposal. A tiered approach based upon the volume of soil/fill being excavated will be used to determine the frequency of sampling. A minimum of one composite sample will be collected for each 500 cubic yards up to 1,000 cubic yards of material excavated. If more than 1,000 cubic yards of soils are excavated from the same general vicinity and all samples of the first 1,000 cubic yards meet the Residential Use Allowable Constituent Levels for Imported Fill or Soil (ACL) in Table A-1, the sample collection frequency may be reduced to one composite for each additional 2,500 cubic yards of soil from the same general vicinity, up to 5,000 cubic yards. For excavations that generate greater than 5,000

cubic yards, sampling frequency may be reduced to one sample per 5,000 cubic yards, providing all earlier samples met the SCOs.

A minimum of five grab samples will be collected for each composite sample. Approximately equal fractions of the grab samples will be composited in the field using a stainless steel trowel and bowl. The trowel and bowl shall be decontaminated with alconox or liquinox and potable water mixture, then triple-rinsed with deionized water between sampling locations. The composite sample will be analyzed by a NYSDOH ELAP certified laboratory for Target Compound List (TCL) VOCs, SVOCs, and PCB/pesticides, as well as the metals listed on Table A-1. In addition, one sample jar will be filled and sent to the laboratory for possible characterization analysis, as described below. All analyses shall be performed using methods acceptable to NYSDEC at the time of analysis.

VOCs may be excluded from the analysis provided that the soil/fill does not exhibit elevated PID readings. Any excavated soil that produces elevated PID readings will be separately stockpiled in 1,000 cubic yard or smaller piles. A single grab sample will be collected from the stockpile from the zone displaying the most elevated field PID reading. The grab sample will be analyzed by a NYSDOH ELAP-certified laboratory for TCL VOCs using a method acceptable to NYSDEC at the time of analysis. If the analysis of the soil/fill samples reveals concentrations greater than one or more of the SCOs, then a duplicate sample will be extracted using the Toxicity Characteristic Leaching Procedure (TCLP) method for analysis of the particular contaminant in question to determine the appropriate off-site disposal method. If the TCLP hazardous waste characteristic values are exceeded, the soil/fill will be disposed of in a permitted hazardous waste disposal facility. If the TCLP analytical results are below the hazardous waste characteristic values, the soil/fill will be disposed of off-site in accordance with Section A-6.

Any demolition material proposed for reuse on-site will be sampled for asbestos and the results will be reported to the NYSDEC for acceptance. Concrete crushing or processing on-site will not be performed without prior NYSDEC approval. Organic matter (wood, roots, stumps, etc.) or other solid waste derived from clearing and grubbing of the site will not be reused on-site.

A-8 FLUIDS MANAGEMENT

Depending on the time of the year that site redevelopment activities are performed, the management of water may be a necessary component of any invasive work conducted. Water management may be required for dewatering during the excavation activities, utility installations and subsurface remedial areas that may be identified during site redevelopment.

Contractors performing subsurface work at the Site will be required to provide temporary dewatering to handle groundwater and storm water run-in to excavations during invasive activities. Dewatering methods may include the use of sumps, pumps, or the installation of well points. The water will be pumped or hauled from the collection points to the ground surface at on-site locations downgradient of the excavation, where it will be allowed to infiltrate back into the porous soil/fill. No water that is collected will be allowed to run off or be discharged off-site (i.e. no water will be discharged to the storm sewers or surface water bodies located on or adjacent to the Site). Additionally, it should be noted that there are currently no active sanitary systems on the Site.

If the groundwater or storm water that collects in the excavations exhibits evidence of contamination (i.e., sheen, odor, etc.), it may be necessary to treat the water prior to surface discharge or discharge the water into the sanitary sewer system. This would likely involve pumping the water into clean holding tanks and analyzing the water for contamination. Based on the analytical results, the water may be discharged directly to the surface or into sanitary sewer system. Alternately, the water may require some type of treatment (i.e., activated carbon) prior to discharge. Any treatment plans and/or discharges to the sanitary sewer system will not be performed without prior NYSDEC approval. Additionally, all liquids to be removed from the site, including excavation dewatering and groundwater monitoring well purge and development waters, will be handled, transported and disposed in accordance with applicable local, State, and Federal regulations.

Discharge of water generated during large-scale construction activities to surface waters will be performed under a SPDES permit.

A-9 COVER SYSTEM RESTORATION

A cover system is not part of the remedy for this site.

A-10 BACKFILL FROM OFF-SITE SOURCES

Subgrade material from off-site sources used to backfill excavations or placed to increase site grades or elevation shall meet the following criteria:

- All materials proposed for import onto the site will be approved by the qualified environmental professional and will be in compliance with provisions in this SMP, applicable regulations (6NYCRR 375-6.7(d)) and guidance (DER-10) prior to receipt at the site.
- Material from industrial sites, spill sites, or other environmental remediation sites or potentially contaminated sites will not be imported to the Site
- All imported soils will meet the backfill and cover soil quality standards established in 6NYCRR 375-6.7(d). Based on an evaluation of the land use,

protection of groundwater and protection of ecological resources criteria, the resulting soil quality standards for imported backfill are listed in Table A-1.

- Off-site borrow soils will be documented as having originated from locations having no evidence of disposal or release of hazardous, toxic or radioactive substances, wastes or petroleum products.
- Off-site soils intended for use as site backfill cannot otherwise be defined as a solid waste in accordance with 6NYCRR Part 360-1.2(a).
- If the contractor designates a source as "virgin" soil, it shall be further documented in writing to be native soil material from areas not having supported any known prior industrial or commercial development or agricultural use.
- Virgin soils should be subject to collection of one representative composite sample per source. The sample should be analyzed for TCL VOCs, SVOCs, pesticides, and PCBs, plus the metals listed in Table A-1. The soil will be acceptable for use as backfill provided that all parameters meet the maximum concentration limits listed in this table.
- Non-virgin soils will be tested via collection of one composite sample per 500 cubic yards of material from each source area. If more than 1,000 cubic yards of soil are borrowed from a given off-site non-virgin soil source area and both samples of the first 1,000 cubic yards meet the maximum contaminant concentrations listed in Table A-1, the sample collection frequency will be reduced to one composite for every 2,500 cubic yards of additional soils from the same source, up to 5,000 cubic yards. For borrow sources greater than 5,000 cubic yards, sampling frequency may be reduced to one sample per 5,000 cubic yards, provided all earlier samples met the maximum contaminant concentrations listed in Table A-1.
- Trucks entering the site with imported soils will be securely covered with tight fitting covers. Imported soils will be stockpiled separately from excavated materials and covered to prevent dust releases.

A-11 STORMWATER POLLUTION PREVENTION

Stormwater management is an important component of the remedial construction at the project site. Therefore, the following Stormwater Pollution Prevention Plan (SWPPP) to control runoff and pollutants from the Site during construction activities was developed as part of this SMP. The following subsections comprise the SWPPP, which was developed in accordance with the requirements listed the NYSDEC's *Instruction Manual for Stormwater Construction Permit*, July 2004. All work will comply with applicable local, state, and federal regulations including, but not limited to, the provisions set forth in the NYSDEC, SPDES General Permit for Stormwater Discharge GP-08-01.

A-11.1 Stormwater Management Objectives

The principal objective of this SWPPP is to comply with the NYSDEC SPDES Stormwater Permit for construction activities by planning and implementing the following practices:

- Reduction and/or elimination of erosion and sediment loading to waterbodies during construction; and
- Maintenance of stormwater controls during construction.

Based on the fact that the ultimate design for site redevelopment has not yet been established, the design of permanent stormwater management facilities has not been incorporated into this plan.

A-11.2 Post-Remediation Conditions

The IRM activities performed at the Site left it generally unchanged. No changes were made to the existing topography and drainage characteristics of the site. Based on the fact that the ultimate design for site redevelopment has not yet been established, stormwater drainage issues relating to site redevelopment will be addressed during the design of the redevelopment in accordance with all applicable regulations.

A-11.3 Erosion and Sediment Controls

Every effort will be made to minimize erosion and sediment runoff during construction. Measures described in the MECP, included as Appendix E will be implemented to control the migration of both contaminated and non-contaminated sediment off of the Site. Key elements of the MECP include the following:

- Barriers and hay bale checks will be installed and inspected once a week and after every storm event. Results of inspections will be recorded in a logbook and maintained at the site and available for inspection by NYSDEC. All necessary repairs shall be made immediately.
- Accumulated sediments will be removed as required to keep the barrier and hay bale check functional.
- All undercutting or erosion of the silt fence toe anchor shall be repaired immediately with appropriate backfill materials.
- Manufacturer's recommendations will be followed for replacing silt fencing damaged due to weathering.
- Erosion and sediment control measures identified in the SMP shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain

-
- whether erosion control measures are effective in preventing significant impacts to receiving waters
 - Silt fencing or hay bales will be installed around the entire perimeter of the remedial construction area.

A-12 CONTINGENCY PLAN

If underground tanks or other previously unidentified contaminant sources are found during post-remedial subsurface excavations or development related construction, excavation activities will be suspended until sufficient equipment is mobilized to address the condition. Soil/fill contamination may be encountered during intrusive activities associated with site maintenance or reconstruction including infrastructure construction (i.e. roads, waterlines, sewers, electric cables, etc.) or foundation excavation and site grading. Therefore, the excavation, handling, analytical and backfilling requirements as well as the notification/reporting requirements and the appropriate control measures will be conducted in accordance with Sections A-1 through A-10 of this Excavation Work Plan.

Any water encountered on the Site will be handled in accordance with procedures identified in Section A-8. The removal of other fluids from any tanks or other containers that may be identified during intrusive would be dependent upon the type, quantity and location of the encountered fluid. However, removal methods could employ the use of vacuum trucks or drum vacuums.

Sampling will be performed on product, sediment and surrounding soils, etc. as necessary to determine the nature of the material and proper disposal method. Chemical analysis will be performed for full a full list of analytes (TAL metals; TCL volatiles and semi-volatiles, TCL pesticides and PCBs), unless the site history and previous sampling results provide a sufficient justification to limit the list of analytes. In this case, a reduced list of analytes will be proposed to the NYSDEC for approval prior to sampling.

Identification of unknown or unexpected contaminated media identified by screening during invasive site work will be promptly communicated by phone to NYSDEC's Project Manager. Reportable quantities of petroleum product will also be reported to the NYSDEC spills hotline. These findings will be also included in daily and periodic electronic media reports.

A-13 COMMUNITY AIR MONITORING PLAN

Real time air monitoring will be performed at downwind locations during site redevelopment activities. A Community Air Monitoring Plan (CAMP) is included as Appendix F. This plan is consistent with the requirements for community air monitoring at remediation sites as outlined in NYSDOH's generic Community Air Monitoring Plan

(June 20, 2000) and NYSDEC TAGM 4031: Fugitive Dust Suppression and Particulate Monitoring Program at Inactive Hazardous Waste Sites presented in Appendix G.

A map showing the location of air sampling stations based generally on prevailing wind conditions in Lockport, NY is shown in Figure 5. The actual locations of air sampling stations will be based on the locations of invasive activities as well as generally prevailing wind conditions at the time the work is performed. Locations will be adjusted on a daily or more frequent basis based on actual wind directions to provide an upwind and at least two downwind monitoring stations.

Exceedances of action levels listed in the CAMP will be reported to NYSDEC and NYSDOH Project Managers.

A-14 ODOR CONTROL PLAN

This odor control plan is capable of controlling emissions of nuisance odors off-site and on-site. While there will be no specific odor control methods used on a routine basis, monitoring for VOCs and particulates will be performed during all intrusive activities (i.e., excavations, utility installations, etc.). If nuisance odors are identified at the site boundary, or if odor complaints are received, work will be halted and the source of odors will be identified and corrected. Work will not resume until all nuisance odors have been abated. NYSDEC and NYSDOH will be notified of all odor events and of any other complaints about the project. Implementation of all odor controls, including the halt of work, is the responsibility of the property owner's Remediation Engineer, and any measures that are implemented will be discussed in the Periodic Review Report.

All necessary means will be employed to prevent on- and off-site nuisances. At a minimum, these measures will include: (a) limiting the area of open excavations and size of soil stockpiles; (b) shrouding open excavations with tarps and other covers; and (c) using foams to cover exposed odorous soils. If odors develop and cannot be otherwise controlled, additional means to eliminate odor nuisances will include: (d) direct load-out of soils to trucks for off-site disposal; (e) use of chemical odorants in spray or misting systems; and, (f) use of staff to monitor odors in surrounding neighborhoods.

If nuisance odors develop during intrusive work that cannot be corrected, or where the control of nuisance odors cannot otherwise be achieved due to on-site conditions or close proximity to sensitive receptors, odor control will be achieved by sheltering the excavation and handling areas in a temporary containment structure equipped with appropriate air venting/filtering systems.

A-15 DUST CONTROL PLAN

Particulate monitoring will be performed along the downwind perimeter of the site during subgrade excavation, grading, and handling activities in accordance with the Community Air Monitoring Plan (Appendix F) as well as in accordance with NYSDEC

TAGM 4031 (Fugitive Dust Suppression and Particulate Monitoring Program at Inactive Hazardous Waste Sites) presented in Appendix G.

Dust suppression techniques will be employed as necessary to mitigate fugitive dust from unvegetated or disturbed soil/fill to the extent practicable during post-remediation construction and redevelopment. Such techniques shall be employed even if the community air monitoring results indicate particulate levels are below action levels. Fugitive dust suppression techniques will include the following minimum measures:

- Dust suppression will be achieved through the use of a dedicated on-site water truck for road wetting. The truck will be equipped with water cannon capable of spraying water directly onto off-road areas including excavations, equipment and stockpiles.
- Clearing and grubbing of larger sites will be done in stages to limit the area of exposed, unvegetated soils vulnerable to dust production.
- Gravel will be used on roadways to provide a clean and dust-free road surface.
- On-site roads will be limited in total area to minimize the area required for water truck sprinkling.
- Excavated stockpiles from intrusive activities that generate unacceptable dust levels will be seeded, covered with synthetic materials (e.g., tarps, membranes, etc.), or watered to reduce dust generation to acceptable levels.
- Stockpiles of soil/fill from intrusive activities that are potentially contaminated (i.e. are visually stained, discolored or produce elevated PID readings) and awaiting analytical results should be covered with tarps or polyethylene membranes at the end of each day's work activities.
- All fill materials leaving the site will be hauled in properly covered containers or trucks.

Additional dust suppression efforts may be required as discussed in the CAMP included in Appendix F.

TABLES

Table A-1

Allowable Constituent Levels for Imported Fill or Soil Subdivision 5.4(e)

Source: This table is derived from the soil cleanup objective tables in 6NYCCR375. Table 375-6.8(a) is the source for unrestricted use and Table 375-6.8(b) is the source for restricted use.

Constituent	Unrestricted Use	Residential Use	Restricted Residential Use	Commercial or Industrial Use	If Ecological Resources are Present
Metals					
Arsenic	13	16	16	16	13
Barium	350	350	400	400	433
Beryllium	7.2	14	47	47	10
Cadmium	2.5	2.5	4.3	7.5	4
Chromium, Hexavalent ¹	1 ³	19	19	19	1 ³
Chromium, Trivalent ¹	30	36	180	1500	41
Copper	50	270	270	270	50
Cyanide	27	27	27	27	NS
Lead	63	400	400	450	63
Manganese	1600	2000	2000	2000	1600
Mercury (total)	0.18	0.73	0.73	0.73	0.18
Nickel	30	130	130	130	30
Selenium	3.9	4	4	4	3.9
Silver	2	8.3	8.3	8.3	2
Zinc	109	2200	2480	2480	109
PCBs/Pesticides					
2,4,5-TP Acid (Silvex)	3.8	3.8	3.8	3.8	NS
4,4'-DDE	0.0033 ³	1.8	8.9	17	0.0033 ³
4,4'-DDT	0.0033 ³	1.7	7.9	47	0.0033 ³
4,4'-DDD	0.0033 ³	2.6	13	14	0.0033 ³
Aldrin	0.005	0.019	0.097	0.19	0.14
Alpha-BHC	0.02	0.02	0.02	0.02	0.04 ⁴
Beta-BHC	0.036	0.072	0.09	0.09	0.6
Chlordane (alpha)	0.094	0.91	2.9	2.9	1.3
Delta-BHC	0.04	0.25	0.25	0.25	0.04 ⁴
Dibenzofuran	7	14	59	210	NS
Dieldrin	0.005	0.039	0.1	0.1	0.006
Endosulfan I	2.4 ²	4.8	24	102	NS
Endosulfan II	2.4 ²	4.8	24	102	NS
Endosulfan sulfate	2.4 ²	4.8	24	200	NS
Endrin	0.014	0.06	0.06	0.06	0.014
Heptachlor	0.042	0.38	0.38	0.38	0.14
Lindane	0.1	0.1	0.1	0.1	6
Polychlorinated biphenyls	0.1	1	1	1	1

Constituent	Unrestricted Use	Residential Use	Restricted Residential Use	Commercial or Industrial Use	If Ecological Resources are Present
Semivolatile Organic Compounds					
Acenaphthene	20	98	98	98	20
Acenaphthylene	100	100	100	107	NS
Anthracene	100	100	100	500	NS
Benzo(a)anthracene	1	1	1	1	NS
Benzo(a)pyrene	1	1	1	1	2.6
Benzo(b)fluoranthene	1	1	1	1.7	NS
Benzo(g,h,i)perylene	100	100	100	500	NS
Benzo(k)fluoranthene	0.8	1	1.7	1.7	NS
Chrysene	1	1	1	1	NS
Dibenz(a,h)anthracene	0.33 ³	0.33 ³	0.33 ³	0.56	NS
Fluoranthene	100	100	100	500	NS
Fluorene	30	100	100	386	30
Indeno(1,2,3-cd)pyrene	0.5	0.5	0.5	5.6	NS
m-Cresol(s)	0.33 ³	0.33 ³	0.33 ³	0.33 ³	NS
Naphthalene	12	12	12	12	NS
o-Cresol(s)	0.33 ³	0.33 ³	0.33 ³	0.33 ³	NS
p-Cresol(s)	0.33	0.33	0.33	0.33	NS
Pentachlorophenol	0.8 ³	0.8 ³	0.8 ³	0.8 ³	0.8 ³
Phenanthrene	100	100	100	500	NS
Phenol	0.33 ³	0.33 ³	0.33 ³	0.33 ³	30
Pyrene	100	100	100	500	NS
Volatile Organic Compounds					
1,1,1-Trichloroethane	0.68	0.68	0.68	0.68	NS
1,1-Dichloroethane	0.27	0.27	0.27	0.27	NS
1,1-Dichloroethene	0.33	0.33	0.33	0.33	NS
1,2-Dichlorobenzene	1.1	1.1	1.1	1.1	
1,2-Dichloroethane	0.02	0.02	0.02	0.02	10
1,2-Dichloroethene(cis)	0.25	0.25	0.25	0.25	NS
1,2-Dichloroethene(trans)	0.19	0.19	0.19	0.19	NS
1,3-Dichlorobenzene	2.4	2.4	2.4	2.4	NS
1,4-Dichlorobenzene	1.8	1.8	1.8	1.8	20
1,4-Dioxane	0.1 ³	0.1 ³	0.1 ³	0.1 ³	0.1
Acetone	0.05	0.05	0.05	0.05	2.2
Benzene	0.06	0.06	0.06	0.06	70
Butylbenzene	12	12	12	12	NS
Carbon tetrachloride	0.76	0.76	0.76	0.76	NS
Chlorobenzene	1.1	1.1	1.1	1.1	40
Chloroform	0.37	0.37	0.37	0.37	12
Ethylbenzene	1	1	1	1	NS
Hexachlorobenzene	0.33 ³	0.33 ³	1.2	3.2	NS
Methyl ethyl ketone	0.12	0.12	0.12	0.12	100
Methyl tert-butyl ether	0.93	0.93	0.93	0.93	NS
Methylene chloride	0.05	0.05	0.05	0.05	12

Constituent	Unrestricted Use	Residential Use	Restricted Residential Use	Commercial or Industrial Use	If Ecological Resources are Present
Volatile Organic Compounds (continued)					
Propylbenzene-n	3.9	3.9	3.9	3.9	NS
Sec-Butylbenzene	11	11	11	11	NS
Tert-Butylbenzene	5.9	5.9	5.9	5.9	NS
Tetrachloroethene	1.3	1.3	1.3	1.3	2
Toluene	0.7	0.7	0.7	0.7	36
Trichloroethene	0.47	0.47	0.47	0.47	2
Trimethylbenzene-1,2,4	3.6	3.6	3.6	3.6	NS
Trimethylbenzene-1,3,5	8.4	8.4	8.4	8.4	NS
Vinyl chloride	0.02	0.02	0.02	0.02	NS
Xylene (mixed)	0.26	1.6	1.6	1.6	0.26

All concentrations are in parts per million (ppm)

NS = Not Specified

Footnotes:

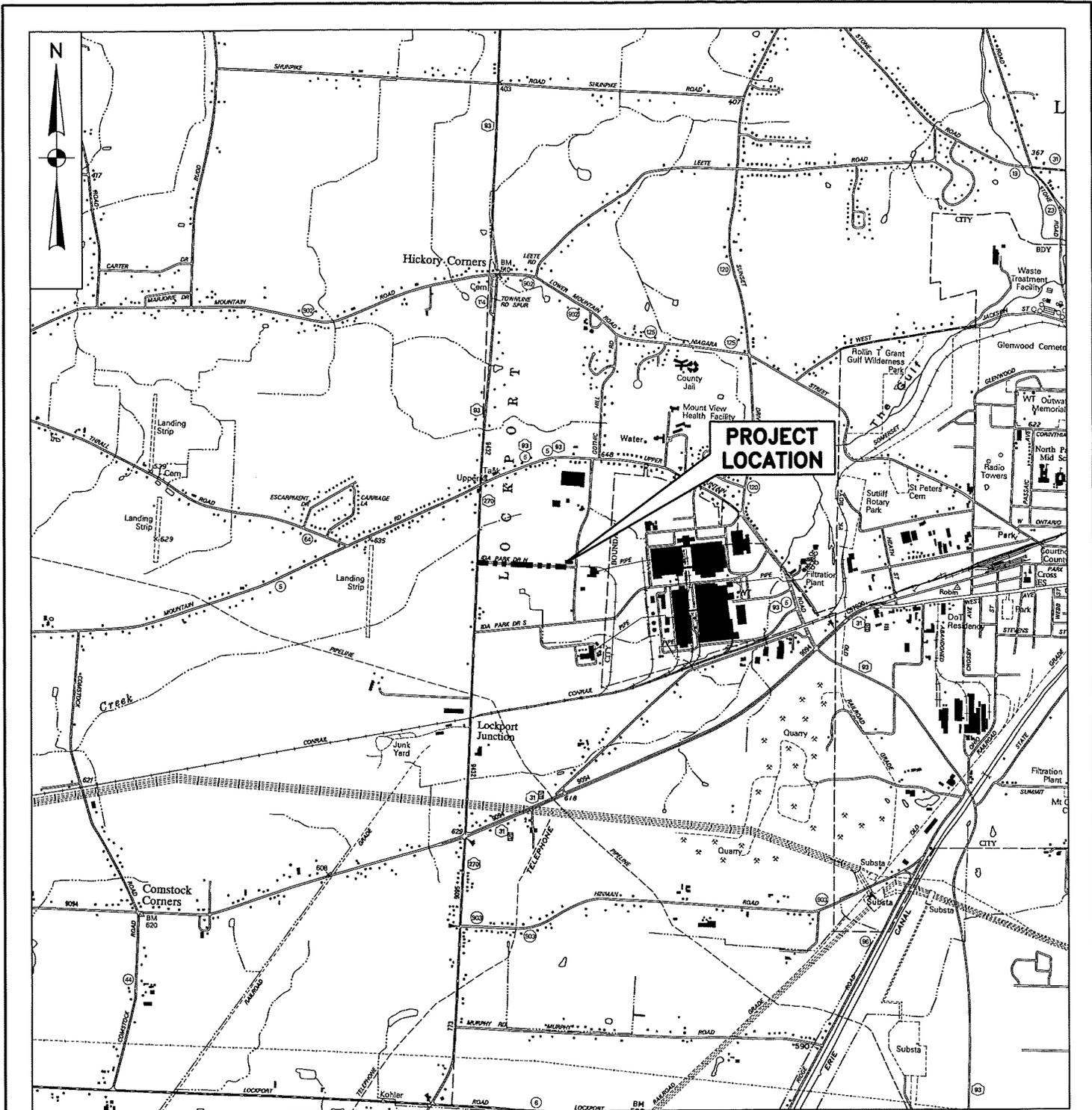
¹ The SCO for Hexavalent or Trivalent Chromium is considered to be met if the analysis for the total species of this contaminant is below the specific SCO for Hexavalent Chromium.

² The SCO is the sum of endosulfan I, endosulfan II and endosulfan sulfate.

³ For constituents where the calculated SCO was lower than the contract required quantitation limit (CRQL), the CRQL is used as the Track 1 SCO value.

⁴ This SCO is derived from data on mixed isomers of BHC.

FIGURES



U.S.G.S LOCKPORT QUADRANGLE
 CAMBRIA QUADRANGLE

TRUCK ROUTE



1000 MAPLE ROAD
 ELMA, NEW YORK 14059-9530
 P. 716.655.8842
 F. 716.655.0937
 www.tvga.com

EXCAVATION WORK PLAN
 FORMER ELECTRUK BATTERY SITE
 4922 IDA DRIVE
 LOCKPORT, NEW YORK 14094

PROJECT NO. 2007.0262.00

SCALE: 1" = 1,000'

DATE: AUGUST 2009

FIGURE NO. A-1

APPENDIX B

METES AND BOUNDS DESCRIPTION

TICOR TITLE INSURANCE COMPANY

SEARCH NO. 5209-00718

PARCEL "A"

All that tract or parcel of land, situate in the Town of Lockport, County of Niagara and State of New York, being part of Lot 12, Township 14, Range 7 of the Holland Land Company's Survey, bounded and described as follows: Beginning at a point in the west line of lands dedicated to the Town of Lockport by instrument recorded in Liber 1868 of Deeds at page 268, distant 10 feet northerly from the intersection with the north line of lands dedicated to the Town of Lockport by instrument recorded in Liber 2287 of Deeds at page 49; thence northerly along the west line of I.D.A. Drive, a distance of 193.99 feet to a point; thence westerly at right angles, a distance of 308.25 feet to a point; thence southerly at an interior angle of $89^{\circ} 51' 06''$, a distance of 193.99 feet to a point; thence easterly at an interior angle of $90^{\circ} 08' 54''$ and parallel with the north line of the lands dedicated by the latter dedication hereinabove described, a distance of 307.75 feet to the point or place of beginning