

The Town of Cheektowaga
275 Alexander Avenue
Cheektowaga New York 14211



Engineering Department
Office: 716-897-7288
Fax: 716-897-7299

PATRICK T. BOWEN, P.E.
TOWN ENGINEER

February 2, 2015

Mr. David Szymanski
Project Manager
New York State Department
of Environmental Conservation
270 Michigan Avenue
Buffalo, New York 14203-2915

RECEIVED

FEB 05 2015

NYS DEC
REGION 9

Re: Site Management Periodic Review Report IC/EC Certification
Site Name: Pfohl Brothers Landfill
Site No: 915043
Site Address: Aero Drive & Transit Road, Cheektowaga, NY 14225

Dear Mr. Szymanski:

The Periodic Review Report for the referenced site is currently being prepared and will be submitted in electronic format together with the institutional controls/engineering controls and IC/EC Certification by the March 14, 2015 deadline date. As requested in your January 14, 2015 letter to this office, we are submitting herewith an original executed paper copy of the IC/EC Certification.

Should you have any questions or require further information, please contact this office at (716) 897-7288.

Very truly yours,

TOWN OF CHEEKTOWAGA

Patrick T. Bowen, P.E.
Town Engineer

PTB/mj

cc: Jon Sundquist w/enc

enc.



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



	Site Details	Box 1	
Site No.	915043		
Site Name Pfohl Brothers Landfill			
Site Address: Aero Drive and Transit Road		Zip Code: 14225	
City/Town: Cheektowaga			
County: Erie			
Site Acreage: 94.0			
Reporting Period: February 12, 2014 to February 12, 2015			
		YES	NO
1.	Is the information above correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	If NO, include handwritten above or on a separate sheet.		
2.	Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.		
5.	Is the site currently undergoing development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Box 2	
		YES	NO
6.	Is the current site use consistent with the use(s) listed below? Closed Landfill	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.	Are all ICs/ECs in place and functioning as designed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.			
A Corrective Measures Work Plan must be submitted along with this form to address these issues.			
Signature of Owner, Remedial Party or Designated Representative		Date	

Description of Institutional Controls

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
81.04-1-26	William A. Pfohl	Ground Water Use Restriction Soil Management Plan Landuse Restriction Building Use Restriction Surface Water Use Restriction

In accordance with the Declaration of Covenants and Restrictions filed with the Erie County Clerk's Office on 4/25/03 and included as Appendix P in the Remedial Action Construction Report, Vol. II, the following Controls are in place:

- A. Entire Site: i) Groundwater use prohibition, ii) Surface water use prohibition.
- B. Capped Area: i) Fencing, ii) No Excavation, iii) Planting trees/shrubs prohibited.
- C. Cleared Portion within the Perimeter Barrier System: i) Only Commercial/Industrial Development is allowed. Construction restrictions.

81.04-1-27	Paul Pfohl	Ground Water Use Restriction Landuse Restriction Building Use Restriction
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81.04-1-28.1	Paul Pfohl	Ground Water Use Restriction Landuse Restriction Building Use Restriction
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81.04-2-10.1	Paul Pfohl	Ground Water Use Restriction Landuse Restriction Building Use Restriction
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81.04-2-11

Paul Pfohl

Ground Water Use Restriction
Landuse Restriction
Building Use Restriction

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81.04-2-9.1

Paul Pfohl

Ground Water Use Restriction
Landuse Restriction
Building Use Restriction

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82.03-4-10

Elizabeth L. McBride

Ground Water Use Restriction
Landuse Restriction
Building Use Restriction

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82.03-4-11

Paul Pfohl

Ground Water Use Restriction
Landuse Restriction
Building Use Restriction

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82.03-4-5

Paul Pfohl

Ground Water Use Restriction
Landuse Restriction
Building Use Restriction

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82.03-4-6

Paul Pfohl

Ground Water Use Restriction
Landuse Restriction
Building Use Restriction

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82.03-4-8

Paul Pfohl

Ground Water Use Restriction
Landuse Restriction
Building Use Restriction

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82.03-4-9.11

Aero Land, Inc. c/o Jerome Hirsh

Ground Water Use Restriction
Landuse Restriction
Building Use Restriction

In accordance with the Declaration of Covenants and Restrictions filed with the Erie County Clerk's Office on 4/25/03 and included as Appendix P in the Remedial Action Construction Report, Vol. II, the following Controls are in place:

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- C. Cleared Portion within the Perimeter Barrier System: i) Only Commercial/Industrial Development is allowed. Construction restrictions.

82.03-4-9.12

Stuart Jenkins

Ground Water Use Restriction
Landuse Restriction
Building Use Restriction

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- C. Cleared Portion within the Perimeter Barrier System: i) Only Commercial/Industrial Development is allowed. Construction restrictions.

82.03-4-9.2

Aero Land, Inc. c/o Jerome Hirsh

Ground Water Use Restriction
Landuse Restriction
Building Use Restriction

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Box 4

Description of Engineering Controls

Parcel

Engineering Control

81.04-1-26

Vapor Mitigation
Fencing/Access Control
Cover System
Leachate Collection

81.04-1-27

Cover System
Leachate Collection
Fencing/Access Control
Vapor Mitigation

For Declaration of Covenants and Restrictions, see Appendix P in the Remedial Action Construction Report, Vol. II

81.04-1-28.1

Vapor Mitigation
Cover System
Leachate Collection
Fencing/Access Control

For Declaration of Covenants and Restrictions, see Appendix P in the Remedial Action Construction Report, Vol. II

81.04-2-10.1

Vapor Mitigation
Cover System

Parcel

Engineering Control

Leachate Collection
Fencing/Access Control

For Declaration of Covenants and Restrictions, see Appendix P in the Remedial Action Construction Report, Vol. II

81.04-2-11

Vapor Mitigation
Cover System
Leachate Collection
Fencing/Access Control

For Declaration of Covenants and Restrictions, see Appendix P in the Remedial Action Construction Report, Vol. II

81.04-2-9.1

Vapor Mitigation
Cover System
Leachate Collection
Fencing/Access Control

For Declaration of Covenants and Restrictions, see Appendix P in the Remedial Action Construction Report, Vol. II

82.03-4-10

Vapor Mitigation
Cover System
Leachate Collection
Fencing/Access Control

82.03-4-11

Vapor Mitigation
Cover System
Leachate Collection
Fencing/Access Control

For Declaration of Covenants and Restrictions, see Appendix P in the Remedial Action Construction Report, Vol. II

82.03-4-5

Vapor Mitigation
Cover System
Leachate Collection
Fencing/Access Control

For Declaration of Covenants and Restrictions, see Appendix P in the Remedial Action Construction Report, Vol. II

82.03-4-6

Vapor Mitigation
Cover System
Leachate Collection
Fencing/Access Control

For Declaration of Covenants and Restrictions, see Appendix P in the Remedial Action Construction Report, Vol. II

82.03-4-8

Vapor Mitigation
Cover System
Leachate Collection
Fencing/Access Control

For Declaration of Covenants and Restrictions, see Appendix P in the Remedial Action Construction Report, Vol. II

82.03-4-9.11

Vapor Mitigation
Cover System
Leachate Collection
Fencing/Access Control

For Declaration of Covenants and Restrictions, see Appendix P in the Remedial Action Construction Report, Vol. II

Parcel

Engineering Control

82.03-4-9.12

Vapor Mitigation
Cover System
Leachate Collection
Fencing/Access Control

For Declaration of Covenants and Restrictions, see Appendix P in the Remedial Action Construction Report, Vol. II

82.03-4-9.2

Vapor Mitigation
Cover System
Leachate Collection
Fencing/Access Control

For Declaration of Covenants and Restrictions, see Appendix P in the Remedial Action Construction Report, Vol. II

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

(a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. 915043

Box 6

O&M MANAGER
SITE ~~OWNER~~ OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Patrick T. Bowen, P.E. at Town of Cheektowaga
275 Alexander Ave, Cheektowaga, NY 14211
print name print business address

am certifying as Site O&M Manager (~~Owner or Remedial Party~~)

for the Site named in the Site Details Section of this form.

Patrick T. Bowen
Signature of ~~Owner, Remedial Party, or Designated Representative~~
Rendering Certification Site O&M MANAGER

2/2/2015
Date

IC/EC CERTIFICATIONS

Box 7

Professional Engineer Signature

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

Patrick T. Bowen, P.E. at 275 Alexander Ave, Cheektowaga, NY 14211, Town of Cheektowaga
print name print business address

am certifying as a Professional Engineer for the Town of Cheektowaga
(Owner or Remedial Party)
Site O&M Provider/Manager



Patrick T. Bowen
Signature of Professional Engineer, for the ~~Owner or Remedial Party~~, Rendering Certification
Site O&M Provider/Manager

2/2/2015
Stamp Date
(Required for PE)