



CITY OF BUFFALO
DEPARTMENT OF
PUBLIC WORKS, PARKS & STREETS



BYRON W. BROWN
MAYOR

STEVEN J. STEPNIAK
COMMISSIONER

PETER J. MERLO, P.E.
CITY ENGINEER

January 5, 2012

New York State Department of Environmental Conservation
Office of General Counsel, Region 9
270 Michigan Avenue
Buffalo, New York 14203-7296
Attn: Maura C. Desmond, Senior Attorney, OGC

RE: *Bern Metal Corp./Universal Iron & Metal Site 915135*
22 Bender Street, Buffalo, NY
Operations, Maintenance and Monitoring Plan, March 2003; Revised April/May 2003
(O&M Plan)
Consent Decree 02-CV-0277 (SC) July 19, 2002

Dear Ms. Desmond,

The City of Buffalo is in receipt of your letter dated December 6, 2011 and in response, submits the following comprehensive Corrective Measures Work Plan:

1. As of 12/23/11 the City has filled all apparent woodchuck holes on the site as best as possible at this time. Some of the holes are deep and the soil that was used to fill them continues to settle and the City will return to the site in the Spring of 2012 to fill these holes with more soil as necessary. The City will, in the Spring of 2012, resume monitoring for new burrows on a monthly basis and new holes that are discovered will be filled within 5 business days. The City has, and will continue to, set and maintain three traps for woodchucks at various locations around the subject site. The traps will be monitored daily and any woodchucks that are caught will be removed from the site. These traps will be set and maintained on a daily basis until the City and DEC agree that burrowing of the cover system is no longer a concern. At that point the matter will be readdressed as needed and the frequency of trapping increased or decreased to an agreed upon level to be reasonably satisfactory to the DEC.
2. As of 12/23/11 the City has placed grass seed on all filled/regraded/bare areas of the site. In the growing season of Spring of 2012, the City will place seed again and continue to reapply seed until sufficient vegetative cover is established.
3. As of 12/23/11 the City has removed all plants in the perimeter swale down to the base of the plants.
4. As of 12/23/11 the City has removed all rock and stone that collapsed into the drainage inlets near the site gate.

5. As of 12/23/11 the City has removed trees or other woody growth that was growing into the fencing. At some locations, the trees or woody growth were only removed as much as was possible given that access was limited to the site's side of the fence and in any event will control the trees and woody growth as access to same permits. The City will seek access from adjacent property owners for further removal as necessary.
6. As of 12/23/11 the fencing that was bent along the base has been resecured to the ground by securing the bottom of the fence fabric to stakes that have been driven into the ground. Holes in the fencing have also been repaired as necessary.

Certain inspections and work actions taken by the City over the past several months have been documented on the form included in the site's O&M Plan and are enclosed for the DEC's review. In addition, photos are being included to further document the completed work. All future inspections and work actions taken by the City will be documented and the reports will be submitted to the DEC in the quarterly monitoring report.

Also, the City recognizes that the slope on the western perimeter of the site is indicating signs of potential future instability. In the spring of 2012, the City will enter into a contract with a consulting engineer that will investigate the scope and severity of the potential future instability and design a proposed remedy. The City will share the results of that study with the DEC to gain concurrence of the remedy and a timetable for implementation.

In furtherance of the foregoing and in keeping with the objectives of the OM&M, the quarterly post-closure inspection will continue required under Section 2 of the OM&M and actions will be taken to comply with the maintenance and repair components. In addition, experience at the site has indicated that mowing should take place more than once per year and the City will continue to do the mowing as site conditions warrant.

If you have any questions, please contact me at mfinn@city-buffalo.com or 851-9632.

Very truly yours,

Peter J. Merlo, P.E.
City Engineer

By: 
Michael J. Finn, P.E.
Principal Engineer

PJM:MJF:llf

Cc: file

**Post-Closure Inspection Form for Operation, Maintenance, and Monitoring
Bern Metal/Universal Metal Site
Buffalo, New York**

Date: 6-3-11

Department: BRIDGE REPAIR

Inspector: _____

Inspection Items	Acceptable		Comments/Work Performed
	YES	NO	
1. General Site Conditions			
Gates Locked and Secure			
Perimeter Fence/Warning Signs	✓		PIECZYNSKI - DARTS REPAIRED HOLE IN FENCE
Perimeter Vegetation			
Trash or Litter			
Survey Control Monuments			
2. Maintenance Road Condition			
Surface			
Accessibility			
3. Final Cover Vegetation			
General Grass Growth			
Stressed Vegetation			
Animal Burrows			
Tree or Bush Growth			
Protruding Objects/Settlement			
Ponding Water			
Erosion			
4. Topography Drainage Swales			
Mid-Slope Drainage Swales			
Perimeter Drainage Ditch			
Outlet Drainage Ditch			
Catch Basins			
5. Groundwater Monitoring Wells			
Casings Secure and Locked			
6. Other			
Additional Comments/Remarks			

**Post-Closure Inspection Form for Operation, Maintenance, and Monitoring
Bern Metal/Universal Metal Site
Buffalo, New York**

Date: 12-1-11

Department: BRIDGE REPAIR

Inspector: _____

Inspection Items	Acceptable		Comments/Work Performed
	YES	NO	
1. General Site Conditions			
Gates Locked and Secure			
Perimeter Fence/Warning Signs	✓		PORTER-PIBZYNSKI REPAIR HOLE IN FENCE
Perimeter Vegetation			
Trash or Litter			
Survey Control Monuments			
2. Maintenance Road Conditions			
Surface			
Accessibility			
3. Animal/Coys/Vegetation			
General Grass Growth			
Stressed Vegetation			
Animal Burrows			
Tree or Bush Growth			
Protruding Objects/Settlement			
Ponding Water			
Erosion			
4. Storm Water Drainage System			
Mid-Slope Drainage Swales			
Perimeter Drainage Ditch			
Outlet Drainage Ditch			
Catch Basins			
5. Groundwater Monitoring Wells			
Casings Secure and Locked			
6. Other Items			

Additional Comments/Sketch

Post-Closure Inspection Form for Operation, Maintenance, and Monitoring

Bern Metal/Universal Metal Site

Buffalo, New York

Date: 12-2-11

Department: BRIDGE REPAIR

Inspector: _____

Inspection Items	Acceptable		Comments/Work Performed
	YES	NO	
1. General Site Conditions			
Gates Locked and Secure	✓		NEW LOCK MALONEY
Perimeter Fence/Warning Signs	✓		MALONEY-DANIELS INSTALLED 3 NEW WARNING SIGNS
Perimeter Vegetation	✓		DANIELS-MALONEY CUT TREES GROWING THRU FENCE
Trash or Litter			
Survey Control Monuments			
2. Maintenance Road Conditions			
Surface			
Accessibility			
3. Final Cover Vegetation			
General Grass Growth			
Stressed Vegetation			
Animal Burrows			
Tree or Bush Growth			
Protruding Objects/Settlement			
Ponding Water			
Erosion			
4. Storm Water Drainage System			
Mid-Slope Drainage Swales			
Perimeter Drainage Ditch			
Outlet Drainage Ditch			
Catch Basins			
5. Ground Water Monitoring Wells			
Casings Secure and Locked			
6. Other			

Additional Comments/Work:

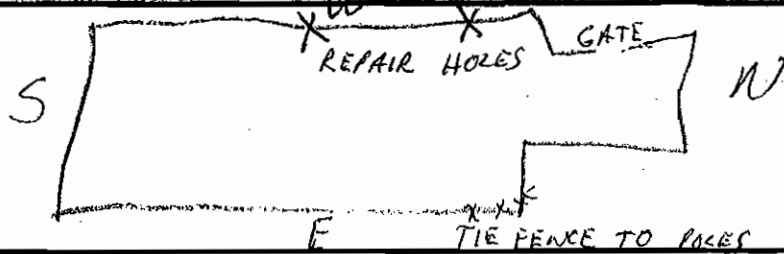
**Post-Closure Inspection Form for Operation, Maintenance, and Monitoring
Bern Metal/Universal Metal Site
Buffalo, New York**

Date: 12-16-11

Department: ENGINEERING - BRIDGE REPAIR Inspector: _____

Inspection Items	Acceptable		Comments/Work Performed
	YES	NO	
1. General Site Conditions			
Gates Locked and Secure			
Perimeter Fence/Warning Signs	✓		REPAIRED TWO HOLES IN FENCE N. EAST SIDE - WIRE TIES EAST SIDE WEST
Perimeter Vegetation			
Trash or Litter			
Survey Control Monuments			
2. Maintenance Road Conditions			
Surface			
Accessibility			
3. Final Cover Vegetation			
General Grass Growth			
Stressed Vegetation			
Animal Burrows			
Tree or Bush Growth			
Protruding Objects/Settlement			
Ponding Water			
Erosion			
4. Storm Water Drainage System			
Mid-Slope Drainage Swales			
Perimeter Drainage Ditch			
Outlet Drainage Ditch			
Catch Basins			
5. Groundwater Monitoring Wells			
Casings Secure and Locked			
6. Other Items			

Additional Comments/Sketch



12-16-11
DAN MALONEY

Post-Closure Inspection Form for Operation, Maintenance, and Monitoring

Bern Metal/Universal Metal Site

Buffalo, New York

Date: 12-22-11

Department: _____

Inspector: _____

Inspection Items	Acceptable		Comments/Work Performed
	YES	NO	
1. General Site Conditions			
Gates Locked and Secure			
Perimeter Fence/Warning Signs	✓		
Perimeter Vegetation			
Trash or Litter			
Survey Control Monuments			
2. Maintenance Road Conditions			
Surface			
Accessability			
3. Final Cover Vegetation			
General Grass Growth			
Stressed Vegetation			
Animal Burrows			
Tree or Bush Growth			
Protruding Objects/Settlement			
Ponding Water			
Erosion			
4. Storm Water Drainage System			
Mid-Slope Drainage Swales			
Perimeter Drainage Ditch			
Outlet Drainage Ditch			
Catch Basins			
5. Groundwater Monitoring Wells			
Casings Secure and Locked			
6. Other Items			

Additional Comment/Sketch

80' OF FENCE WAS CUT DOWN BY VANDALS
 REPAIR ON 12-22-11 AND AREA IS SECURED
 DAN MALONEY

Post-Closure Inspection Form for Operation, Maintenance, and Monitoring
 Bern Metal/Universal Metal Site
 Buffalo, New York

Date: 12/12/2011
 Department: Clean & Seal

Inspector: Jason Shell

Inspection Items	Acceptable		Comments/Work Performed
	YES	NO	
1. General Site Conditions			
Gates Locked and Secure	x		
Perimeter Fence/Warning Signs			
Perimeter Vegetation		x	Removed vegetation from fence
Trash or Litter			
Survey Control Monuments			
2. Maintenance Road Conditions			
Surface			
Accessibility			
3. Final Cover Vegetation			
General Grass Growth			
Stressed Vegetation			
Animal Burrows			
Tree or Bush Growth			
Protruding Objects/Settlement			
Ponding Water			
Erosion			
4. Storm Water Drainage System			
Mid-Slope Drainage Swales			
Perimeter Drainage Ditch		x	cut vegetation
Outlet Drainage Ditch		x	cut vegetation
Catch Basins			
5. Groundwater Monitoring Wells			
Casings Secure and Locked			
6. Other Items			
Additional Comments/Sketch			

More work to be completed. Will return on 12/13/11.

**Post-Closure Inspection Form for Operation, Maintenance, and Monitoring
Bern Metal/Universal Metal Site
Buffalo, New York**

Date: 12/13/2011
Department: Clean & Seal

Inspector: Jason Shell

Inspection Items	Acceptable		Comments/Work Performed
	YES	NO	
1. General Site Conditions			
Gates Locked and Secure	x		
Perimeter Fence/Warning Signs			
Perimeter Vegetation		x	Removed vegetation from fence
Trash or Litter			
Survey Control Monuments			
2. Maintenance Road Conditions			
Surface			
Accessibility			
3. Final Cover Vegetation			
General Grass Growth			
Stressed Vegetation			
Animal Burrows		x	ground frozen, to fill holes in spring.
Tree or Bush Growth			
Protruding Objects/Settlement			
Ponding Water			
Erosion		x	soil and seed to be applied in spring
4. Storm Water Drainage System			
Mid-Slope Drainage Swales			
Perimeter Drainage Ditch		x	cut vegetation
Outlet Drainage Ditch		x	cut vegetation
Catch Basins		x	removed rocks covering drains
5. Groundwater Monitoring Wells			
Casings Secure and Locked			
6. Other Items			

Additional Comments/Sketch
Soil will be applied to fill animal burrows and rebuild low areas in the Spring when the soil thaws. At that time, seed will be applied to these areas as outlined in the O&M plan.
Engineering was contacted regarding two holes in fence which they will repair.
Old drain cover was removed from site.

Post-Closure Inspection Form for Operation, Maintenance, and Monitoring
 Bern Metal/Universal Metal Site
 Buffalo, New York

Date: 12/19/2011
 Department: Clean & Seal

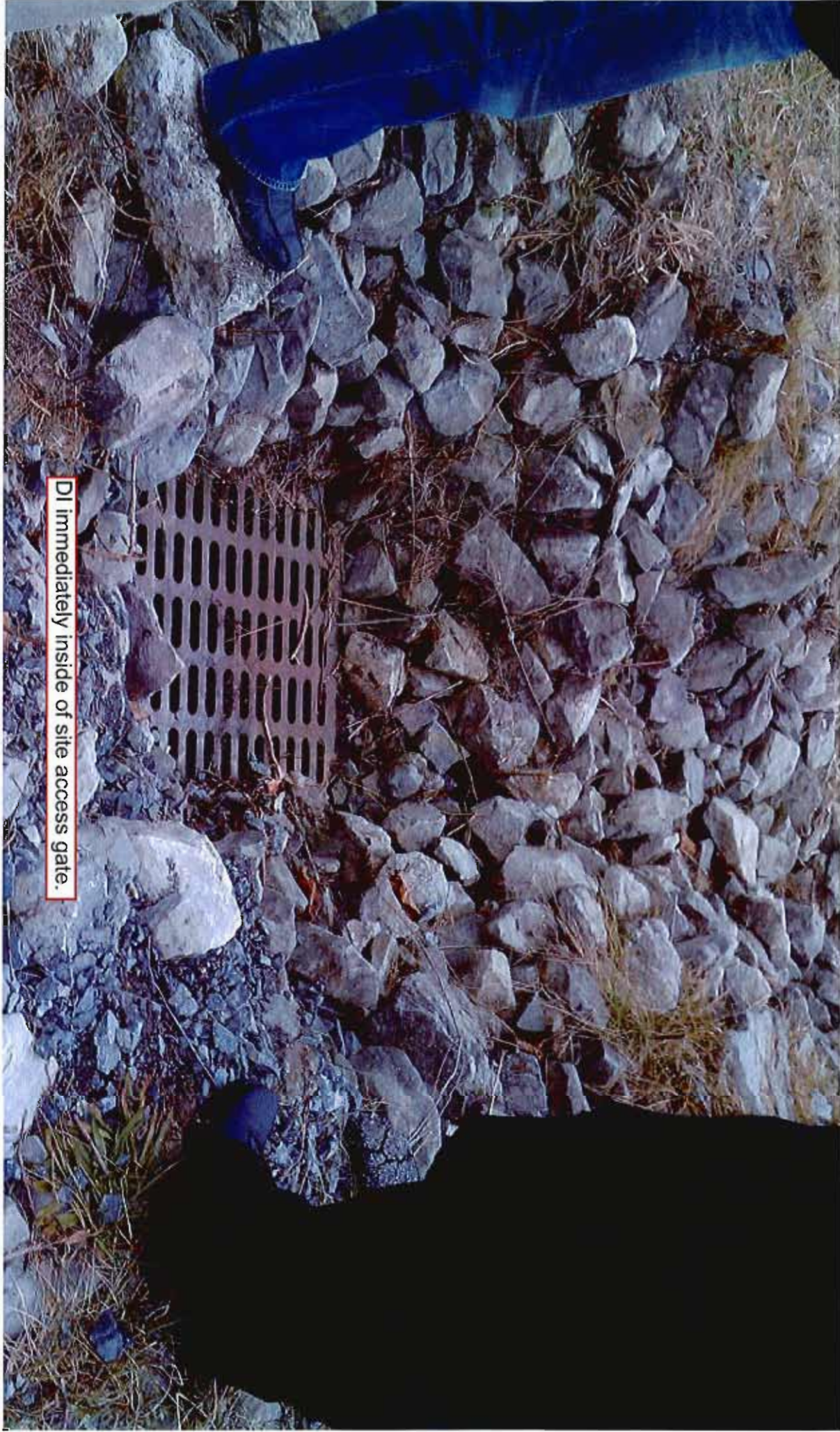
Inspector: Jason Shell

Inspection Items	Acceptable		Comments/Work Performed
	YES	NO	
1. General Site Conditions			
Gates Locked and Secure	x		
Perimeter Fence/Warning Signs			
Perimeter Vegetation		x	Removed vegetation from fence
Trash or Litter			
Survey Control Monuments			
2. Maintenance Road Conditions			
Surface			
Accessibility			
3. Final Cover Vegetation			
General Grass Growth			
Stressed Vegetation			
Animal Burrows		x	ground frozen, to fill holes in spring.
Tree or Bush Growth			
Protruding Objects/Settlement			
Ponding Water			
Erosion			
4. Storm Water Drainage System			
Mid-Slope Drainage Swales			
Perimeter Drainage Ditch			
Outlet Drainage Ditch			
Catch Basins			
5. Groundwater Monitoring Wells			
Casings Secure and Locked			
6. Other Items			

Additional Comments/Sketch
 Soil will be applied to fill animal burrows and rebuild low areas in the Spring when the soil thaws. At that time, seed will be applied to these areas as outlined in the O&M plan.



Trap set immediately outside of site access gate



DI immediately inside of site access gate.



Northern perimeter swale.



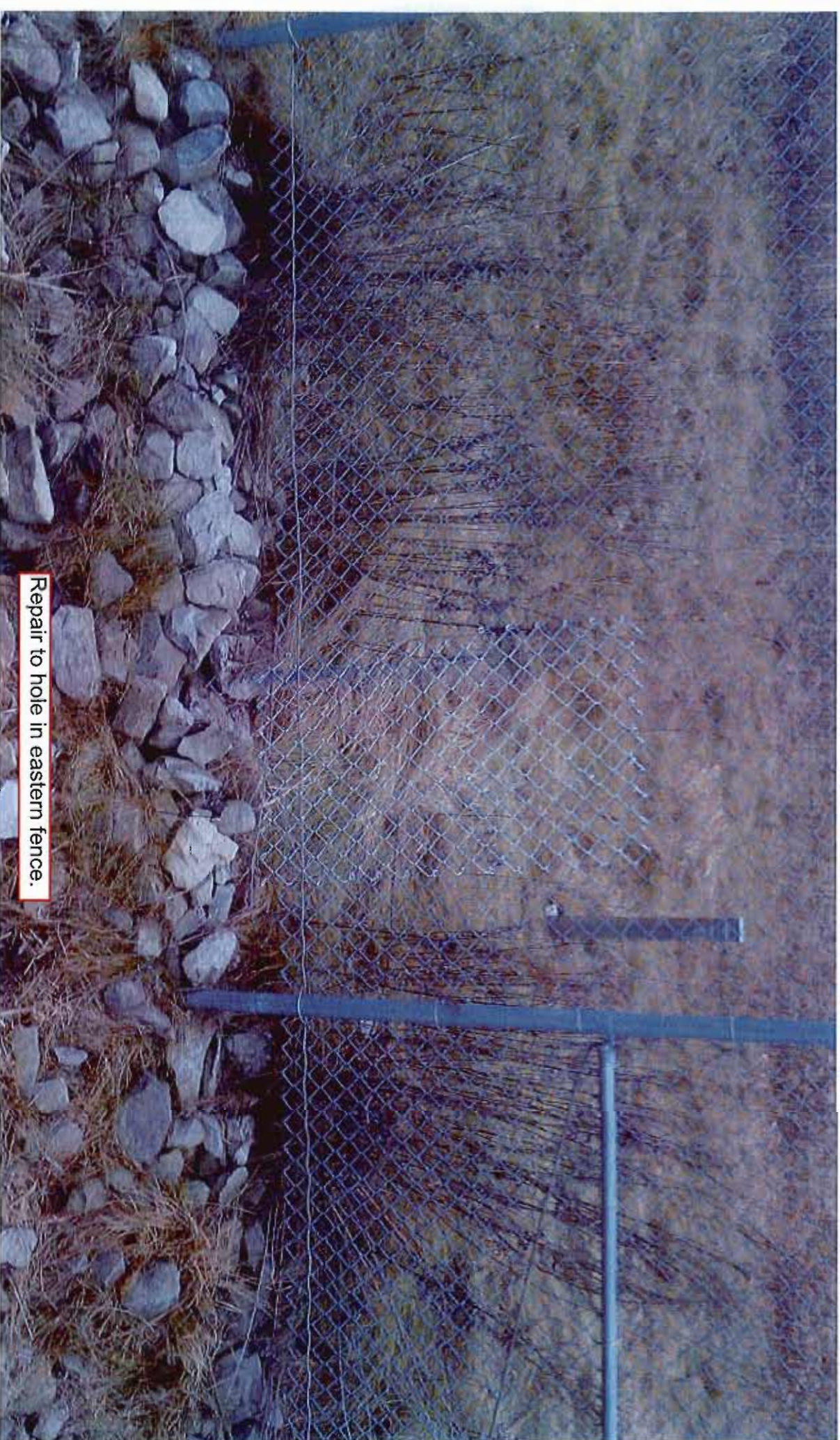
D! North of the end of Bender Ave



Eastern perimeter swale.



Repair to hole in eastern fence.



Repair to hole in eastern fence.



Woodchuck hole filled with soil and seeded.



Woodchuck hole filled with soil and seeded.



Woody vegetation cut down at eastern line.



Southern perimeter swale.



Trap along western edge of the site.



Trap along southern edge of the site.