

Engineering Department



LOCKPORT MUNICIPAL BUILDING
ONE LOCKS PLAZA
LOCKPORT, N.Y. 14094
Phone (716) 439-6758
Fax (716) 439-6605

To:

Brian Sadowski
New York State Department of Environmental Conservation
Division of Environmental Remediation] Region 9 Michigan Ave Buffalo, NY 14203-2999

Date: April 30, 2010
Job No.
Re: Site No. B00154
From: Norman Allen

Norm Allen

Enclosed Are:

Number of Copies	Drawing Number	Description
1		Letter to Jeffery Konsella dated 4/30/10
1		NYS DEC SMP Review Report IC/ EC Cert. Form

Please take action as indicated below:

_____ Note and File

_____ Please Reply Promptly

X

_____ Note and Return to Me

_____ Take Appropriate Action

Comments:

Cc: William Evert
File

Comm. Dev.
Canal St. SMP

RECEIVED
NYSDEC - REGION 9

MAY 03 2010

62/ REL FOIL UNREL



Engineering Department

LOCKPORT MUNICIPAL BUILDING
ONE LOCKS PLAZA
LOCKPORT, N.Y. 14094
Ph. (716) 439-6750
Fax (716) 439-6605

April 30, 2010

Mr. Jeffery Konsella
270 Michigan Avenue
Buffalo, New York 14203-2999
Albany, NY 12201-0189

SUBJECT: Richmond Avenue Project (Canal Street) Annual Report
Site No. B00154

RECEIVED
NYSDEC - REGION 9
MAY 03 2010

FOIL
REL UNREL

Dear Ms. Konsella:

As per the requirements of the Institutional and Environmental Controls for the above referenced Project I hereby offer this report for your review.

All Institutional / Environmental Controls are in place pursuant to the NYSDEC Record of Decision with no known violations.

The City of Lockport did excavate for a cast in place concrete foundation for a small gazebo measuring approximately eighteen feet in diameter. I witnessed the work and did not observe any visual or olfactory evidence of contamination. Clean run of crusher stone was used to backfill both sides of the foundation. Clean topsoil was used to landscape the perimeter of the gazebo.

In closing, I certify that the institutional controls put in place are unchanged and nothing has occurred that would impair the ability of the control to protect public health or the environment or constitute a violation or failure to comply with any operation and maintenance or soil management plan.

Sincerely,

Norman D. Allen
Director of Engineering



Enclosure 1
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.	B00154	
Site Name Richmond Avenue Project		
Site Address: Canal, Church, and Niagara Streets Zip Code: 14094		
City/Town: Lockport		
County: Niagara		
Allowable Use(s) (if applicable, does not address local zoning): Commercial and Industrial		
Site Acreage: 2.0		
Owner: City of Lockport 1 Locks Plaza, Lockport, NY 14094		
Reporting Period: May 31, 2004 to August 17, 2009		

Verification of Site Details		Box 2
	YES	NO
1. Is the information in Box 1 correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If NO, are changes handwritten above or included on a separate sheet?	<input type="checkbox"/>	
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"/>
If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	<input type="checkbox"/>	
3. 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 YES, is documentation (or evidence that documentation has been previously submitted) included with this certification?	<input type="checkbox"/>	
4. If use of the site is restricted, is the current use of the site consistent with those restrictions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If NO, is an explanation included with this certification?	<input type="checkbox"/>	
5. For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?	<input type="checkbox"/>	<input type="checkbox"/> N/A
If YES, is the new information or evidence that new information has been previously submitted included with this Certification?	<input type="checkbox"/>	
6. For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), are the assumptions in the Qualitative Exposure Assessment still valid (must be certified every five years)?	<input type="checkbox"/>	<input type="checkbox"/> N/A
If NO, are changes in the assessment included with this certification?	<input type="checkbox"/>	

SITE NO. B00154

Box 3

Description of Institutional Controls

<u>Parcel</u>	<u>Institutional Control</u>
S_B_L Image: 109.54-2-14	Landuse Restriction Soil Management Plan
S_B_L Image: 109.54-2-15	Landuse Restriction Soil Management Plan
S_B_L Image: 109.54-2-16	Landuse Restriction Soil Management Plan
S_B_L Image: 109.54-2-19	Landuse Restriction Soil Management Plan
S_B_L Image: 109.54-2-24	Landuse Restriction Soil Management Plan
S_B_L Image: 109.54-2-30	Landuse Restriction Soil Management Plan
S_B_L Image: 109.54-2-17	Landuse Restriction Soil Management Plan
S_B_L Image: 109.54-2-18	Landuse Restriction Soil Management Plan
S_B_L Image: 109.54-2-21	Landuse Restriction Soil Management Plan

Box 4

Description of Engineering Controls

None Required

Attach documentation if IC/ECs cannot be certified or why IC/ECs are no longer applicable.
(See instructions)

Control Description for Site No. B00154

Parcel: 109.54-2-14

This property is one of nine adjacent properties that made up the Richmond Avenue ERP project. In accordance with the 2004 ROD, an environmental easement was recorded with Niagara County on May 12, 2009. Additional controls identified include compliance with the approved Soils Management Plan, and periodic certification of remedy effectiveness. The land use restriction in the easement specifies that the property may be used for commercial and industrial uses. The easement also specifies that the existing site surfaces (soils, asphalt, concrete, buildings, etc) be maintained and function as a cover system on the property.

Parcel: 109.54-2-15

This property is one of nine adjacent properties that made up the Richmond Avenue ERP project. In accordance with the 2004 ROD, an environmental easement was recorded with Niagara County on May 12, 2009. Additional controls identified include compliance with the approved Soils Management Plan, and periodic certification of remedy effectiveness. The land use restriction in the easement specifies that the property may be used for commercial and industrial uses. The easement also specifies that the existing site surfaces (soils, asphalt, concrete, buildings, etc) be maintained and function as a cover system on the property.

Control Description for Site No. B00154

Parcel: 109.54-2-16

This property is one of nine adjacent properties that made up the Richmond Avenue ERP project. In accordance with the 2004 ROD, an environmental easement was recorded with Niagara County on May 12, 2009. Additional controls identified include compliance with the approved Soils Management Plan, and periodic certification of remedy effectiveness. The land use restriction in the easement specifies that the property may be used for commercial and industrial uses. The easement also specifies that the existing site surfaces (soils, asphalt, concrete, buildings, etc) be maintained and function as a cover system on the property.

Parcel: 109.54-2-17

This property is one of nine adjacent properties that made up the Richmond Avenue ERP project. In accordance with the 2004 ROD, an environmental easement was recorded with Niagara County on May 12, 2009. Additional controls identified include compliance with the approved Soils Management Plan, and periodic certification of remedy effectiveness. The land use restriction in the easement specifies that the property may be used for commercial and industrial uses. The easement also specifies that the existing site surfaces (soils, asphalt, concrete, buildings, etc) be maintained and function as a cover system on the property.

Parcel: 109.54-2-18

This property is one of nine adjacent properties that made up the Richmond Avenue ERP project. In accordance with the 2004 ROD, an environmental easement was recorded with Niagara County on May 12, 2009. Additional controls identified include compliance with the approved Soils Management Plan, and periodic certification of remedy effectiveness. The land use restriction in the easement specifies that the property may be used for commercial and industrial uses. The easement also specifies that the existing site surfaces (soils, asphalt, concrete, buildings, etc) be maintained and function as a cover system on the property.

Parcel: 109.54-2-19

This property is one of nine adjacent properties that made up the Richmond Avenue ERP project. In accordance with the 2004 ROD, an environmental easement was recorded with Niagara County on May 12, 2009. Additional controls identified include compliance with the approved Soils Management Plan, and periodic certification of remedy effectiveness. The land use restriction in the easement specifies that the property may be used for commercial and industrial uses. The easement also specifies that the existing site surfaces (soils, asphalt, concrete, buildings, etc) be maintained and function as a cover system on the property.

Parcel: 109.54-2-21

This property is one of nine adjacent properties that made up the Richmond Avenue ERP project. In accordance with the 2004 ROD, an environmental easement was recorded with Niagara County on May 12, 2009. Additional controls identified include compliance with the approved Soils Management Plan, and periodic certification of remedy effectiveness. The land use restriction in the easement specifies that the property may be used for commercial and industrial uses. The easement also specifies that the existing site surfaces (soils, asphalt, concrete, buildings, etc) be maintained and function as a cover system on the property.

Parcel: 109.54-2-24

This property is one of nine adjacent properties that made up the Richmond Avenue ERP project. In accordance with the 2004 ROD, an environmental easement was recorded with Niagara County on May 12, 2009. Additional controls identified include compliance with the approved Soils Management Plan, and periodic certification of remedy effectiveness. The land use restriction in the easement specifies that the property may be used for commercial and industrial uses. The easement also specifies that the existing site surfaces (soils, asphalt, concrete, buildings, etc) be maintained and function as a cover system on the property.

Parcel: 109.54-2-30

This property is one of nine adjacent properties that made up the Richmond Avenue ERP project. In accordance with the 2004 ROD, an environmental easement was recorded with Niagara County on May 12, 2009. Additional controls identified include compliance with the approved Soils Management Plan, and periodic certification of remedy effectiveness. The land use restriction in the easement specifies that the property may be used for commercial and industrial uses. The easement also specifies that the existing site surfaces (soils, asphalt, concrete, buildings, etc) be maintained and function as a cover system on the property.

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

☒ ☐

3. If this site has an Operation and Maintenance (O&M) Plan (or equivalent as required in the Decision Document);

I certify by checking "YES" below that the O&M Plan Requirements (or equivalent as required in the Decision Document) are being met.

YES NO

N/A ☐ ☐

4. If this site has a Monitoring Plan (or equivalent as required in the remedy selection document);

I certify by checking "YES" below that the requirements of the Monitoring Plan (or equivalent as required in the Decision Document) is being met.

YES NO

N/A ☐ ☐

IC CERTIFICATIONS
SITE NO. B00154

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 2 and/or 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 Norman D. Allen at 1 Locks Plaza Lockport, NY 14094
print name print business address

am certifying as Owner (Owner or Remedial Party)

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

Norman D. Allen
Signature of Owner or Remedial Party Rendering Certification

4/30/10
Date

IC/EC CERTIFICATIONS

Box 7

QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) 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.

I Norman D. Allen at One Locks Plaza Lockport, NY 14094
print name print business address

am certifying as a Qualified Environmental Professional for the City of Lockport

(Owner or Remedial Party) for the Site named in the Site Details Section of this form.

Norman D. Allen
Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification

Stamp (if Required)

4/29/10
Date