



# **2021 PERIODIC REVIEW REPORT**

NORTHTOWN INC. SITE 3097 SHERIDAN DRIVE AMHERST, NEW YORK BCP Site Number C915292

May 14, 2021 File No. 21.0056687.33



#### **PREPARED FOR:**

Northtown Property Owner L.L.C. 33 Boylston Street Chestnut Hill, MA 02467

#### **GZA GeoEnvironmental of New York**

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#### **VIA EMAIL**

May 14, 2021 File No. 21.0056687.33

Steven Moeller
New York State Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Avenue
Buffalo, New York 14203
email: steven.moeller@dec.ny.gov

Re: 2021 Periodic Review Report

Northtown Inc.

3097 Sheridan Drive, Amherst, New York

Brownfield Cleanup Program Site (Number C915292)

Dear Mr. Moeller:

GZA GeoEnvironmental of New York (GZA) submits this Periodic Review Report (PRR) on behalf of Northtown Property Owner LLC (Northtown). Northtown is the owner and operator of the Northtown Inc. Brownfield Cleanup Program (BCP) Site (No. 915292). GZA prepared this PRR in general conformance with Section 6.3(b) of DER-10 *Technical Guidance for Site Investigation and Remediation* as well as the guidelines provided to Northtown in the 45-day reminder notice letter dated March 1, 2021.

If you have any questions or need additional information, please call Jim Richert at (716) 844-7048.

Sincerely,

GZA GEOENVIRONMENTAL OF NEW YORK

m Richart

James J. Richert, P.G.

Senior Project Manager

Bart A. Klettke, P.F.

Principal

Cc: Stanley Radon (NYSDEC Region 9)
Jeffrey Curley (Northtown)



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APPENDIX B PHOTOGRAPH LOG

APPENDIX C IC/EC CERTIFICATION FORM



#### 1.0 EXECUTIVE SUMMARY

#### 1.1 BACKGROUND

The Northtown Inc. Brownfield Cleanup Program (BCP) Site (Site) is comprised of three Areas of Interest (AOIs) the combined total area of which is 1.424 acres within the approximately 19-acre former Northtown Plaza. The former plaza is located at 3097 Sheridan Drive in the Town of Amherst, Erie County, New York and is undergoing a major modernization transformation which includes demolition of existing buildings and construction of new buildings and related amenities. The AOIs of the BCP Site were remediated of fuel oil and chlorinated organic constituents in soil. However, the presence of buildings at the AOIs at the time limited the areal extents of site remediation. This resulted in placement of Institutional and Engineering Controls (IC/ECs), required by the New York State Department of Environmental Conservation (NYSDEC). The IC/ECs are intended to protect current and future Site users from exposure to contaminants that remain in the subsurface. The current ICs and ECs are summarized below:

#### **Institutional Controls Include:**

- Property use may include restricted commercial and restricted industrial use only
- Groundwater may not be used without prior treatment and approval of the regulator
- Compliance with the Site Management Plan is required; and
- Periodic certification of institutional and engineering controls is required.

#### The Engineering Control is:

• Operation of sub-slab depressurization (SSD) systems in Building 2 (when occupied) and tenant space No. 14 of (former) Building 3, (when occupied).

The Environmental Easement (EE), which includes greater specificity of the above ICs and EC, was signed by NYSDEC on September 15, 2016. Since issuance of the EE, the former on-Site plaza buildings have been demolished and removed and construction of new buildings under Phase 2 of Site redevelopment began Summer 2019 but was paused in March of 2020 due to the Covid-19 pandemic. The SMP will be amended as appropriate to reflect the Site changes after completion of Site redevelopment.

#### 1.2 EFFECTIVENESS OF THE REMEDIAL PROGRAM

GZA has been under contract to Northtown to assist with the implementation of the SMP during redevelopment activities to date, providing compliance assistance with earthwork, soil management, importation, and disposal, and implements the Community Air Monitoring Plan (CAMP). Considering that during the current construction pause the site has been inactive, completely covered with clean soil and/or stone, and fully secured by fencing with locked gates, GZA identifies the Site as in compliance with the SMP. The Site use continues as commercial, the Site remedy continues to be effective at meeting Site RAOs, and the Institutional Controls and Engineering Controls (ICs/ECs) are meeting their objective.



#### 1.3 **RECOMMENDATIONS**

GZA and Northtown recommend no changes to the frequency of Site inspections and PRR submittals. Implementation of the SMP will continue when Phase 2 redevelopment activities resume. Once Site redevelopment has been completed, GZA will submit a progress report of the work completed, relative to the SMP, along with supporting documentation. That progress report will also be attached to the PRR the year of completion.

GZA and Northtown will also work with NYSDEC to amend the SMP as appropriate to reflect the changed Site conditions including areas that have undergone further soil remediation, removed buildings and new buildings that have SSD systems.

#### 2.0 SITE OVERVIEW

#### 2.1 SITE LOCATION BOUNDARIES AND FEATURES

The former Northtown Plaza is in the Town of Amherst, Erie County (see Figure 1) and is bounded as follows:

- Sheridan Drive to the north;
- Eggert Road to the south;
- commercial and residential properties to the east; and
- commercial properties to the west.

The BCP Site consists of three Areas of Interest (AOIs), collectively comprising 1.424 acres of the approximately 19-acre former Northtown Plaza (see Figure 2).

#### 2.2 INVESTIGATION AND REMEDIAL HISTORY

In 2013, a Phase I Environmental Site Assessment (ESA) of the Northtown Plaza identified Recognized Environmental Concerns (RECs) including heating oil underground storage tanks (USTs) and hazardous waste generation related to the historic use of chlorinated solvents by an on-site dry-cleaning operation.

In 2014, a Phase II ESA was completed of the plaza to investigate the above RECs. The Phase II included sampling of subsurface soil, groundwater, indoor air, and sub-slab soil vapor. Environmental impacts were identified, including:

- impacted soil associated with the two abandoned heating oil underground storage tanks (USTs);
- soil impacted by tetrachloroethylene (PCE) associated with former dry-cleaning operations;
- Indoor air impacted by PCE above its respective air guidance value (AGV) in and adjacent to the dry cleaner.



#### Brownfield Cleanup Program:

In 2014, Northtown Associates LLC (predecessors of Northtown Property Owner LLC), applied to NYSDEC for admittance into the voluntary BCP. In the BCP application, three areas of interest (AOIs) were identified based on findings from the Phase II. AOIs 1 and 2 are associated with former fuel oil tanks, one (AOI 1) at the southern exterior of former Building #4 and the other (AOI 2) at the western exterior of former Building 3. AOI 3 is associated with the former dry cleaner that occupied the southernmost tenant unit of former Building 3 (See Figure 2).

Once admitted into the BCP, Northtown completed two additional investigations in 2015 to delineate the vertical and lateral extent of chlorinated volatile organic compounds (CVOCs) at concentrations above the commercial use soil cleanup objectives (SCOs) at AOI 3. After completion of the additional investigations and assessment of potential environmental risks, Remedial Action Objectives (RAOs) for each environmental media were defined.

The RAOs identified for the Site were:

#### Groundwater:

- Prevent ingestion of groundwater containing contaminant levels exceeding drinking water standards
- Prevent contact with, or inhalation of, volatiles emanating from contaminated groundwater.
- Remove the source of ground or surface water contamination.

#### Soil:

- Prevent ingestion/direct contact with contaminated soil;
- Prevent inhalation of, or exposure to, contaminants volatilizing from contaminated soil;
- Prevent migration of contaminants that would result in groundwater or surface water contamination.

#### Soil Vapor:

 Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at a site.

In 2015 and 2016, three Interim Remedial Measures (IRMs) were completed at the Site under the BCP, these IRMs included the following:

- Removal of the two USTs and associated petroleum-impacted soils within AOI 1 and AOI 2;
- Removal of solvent-impacted subsurface soil in areas exterior of the building at AOI 3; and
- Installation of SSD systems within tenant space No. 14 (the former dry-cleaner) of former Building 3 and within off-site Building 2 (former Total Automotive service facility).

The IRMs were successful in meeting the Remedial Action Objectives (RAOs) for the Site and NYSDEC accepted the Final Engineering Report by issuing a Certificate of Completion (COC) on December 15, 2016.



Significant changes as part of the second phase of redevelopment of the former plaza began in Summer 2019 but were paused in March 2020 due to the Covid-19 pandemic. Most plaza buildings have been demolished and removed and new buildings are in various stages of construction. Thus, the two SSD systems installed and operated in 2016 are either gone (former Building 3) or are inactive because the building is no longer occupied (Building 2). New Buildings A and B are located partly within AOI 3 and each will have an SSD system installed as part of their construction. Details of these systems and other work completed that is relevant to the SMP will be reported to NYSDEC upon completion of Phase 2 redevelopment work.

#### 3.0 EVALUATION OF REMEDY PERFORMANCE, EFFECTIVENESS, AND PROTECTIVENESS

On April 14, 2021, GZA performed a Site Inspection within the PRR reporting period of April 15, 2020 to April 15, 2021. The completed Site Management Form (Appendix A) shows the results of the site inspection. Conditions of the Site were also photo documented (Appendix B). The locations and orientations of the Site photos are illustrated on Figure 2.

As part of the Phase 2 Site redevelopment work to date, impacted soils were managed in accordance with the SMP and with NYSDEC approvals. The original Site buildings have been demolished and removed and Building 2 is unoccupied. New buildings have not yet been completed and therefore there are no occupied buildings on the Site. The Site remedy, therefore, continues to be effective at meeting the Site RAOs for protection of current and intended future site users.

#### 4.0 INSTITUTIONAL CONTROL/ENGINEERING CONTROL (IC/EC) PLAN COMPLIANCE REPORT

#### 4.1 IC/EC REQUIREMENTS AND COMPLIANCE

IC/ECs for the Site were determined by NYSDEC and specified in the EE issued by NYSDEC on September 15, 2016. A summary list of the ICs and ECs for the BCP Site is provided as follows:

#### **Institutional Controls:**

- Property use may include restricted commercial and industrial uses only,
- Groundwater may not be used without prior treatment and approval of the regulators,
- Compliance with the Site Management Plan is required,
- Periodic certification of institutional and engineering controls is required.

#### **Engineering Control:**

 Operation of sub-slab depressurization systems in Building 2 (when occupied) and tenant space No. 14 of Building 3, (when occupied).

Since receipt of COC, the two tenant spaces in which SSD systems were installed have been either demolished and removed (Building 3 in which the dry cleaner was located) or has remained vacant (Total Automotive in Building 2). New buildings being built on AOI 3 (Buildings A and B) will include SSD systems, the design and





Northtown Inc. Site, BCP Site No. C915292 – 2021 Periodic Review Report

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monitoring of which have been approved by NYSDEC. Therefore, the EC for this Site remains in compliance with the EE.

The Site-specific IC/EC Certification Form, for reporting period of April 15, 2020 to April 15, 2021, was provided to Northtown as an attachment to the March 1, 2021 45-Day Reminder Notice letter sent by NYSDEC. This form has been completed by Northtown and Certified by GZA as QEP. The completed and certified IC/EC Certification Form for this reporting period is included in **Appendix C** of this PRR.

#### 5.0 PRR CONCLUSIONS AND RECOMMENDATIONS

#### 5.1 PRR CONCLUSIONS

The Site has undergone significant changes as part of the Phase 2 Site redevelopment with more changes to come once construction resumes after the current pandemic pause. The SMP will be implemented throughout the redevelopment with concurrence of the NYSDEC Project Manager. The overall Site conditions and current Site use comply with the SMP.

#### 5.2 PRR RECOMMENDATIONS

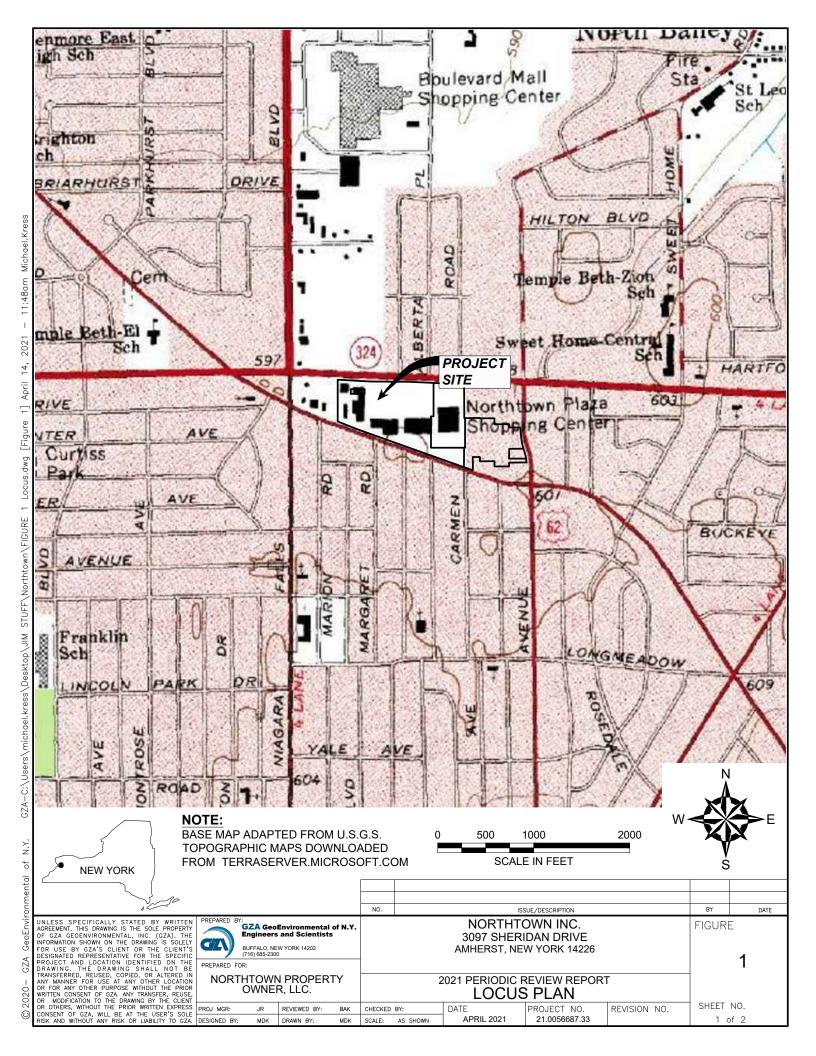
GZA and Northtown recommend no changes to the annual frequency of site inspections and PRR submittals.

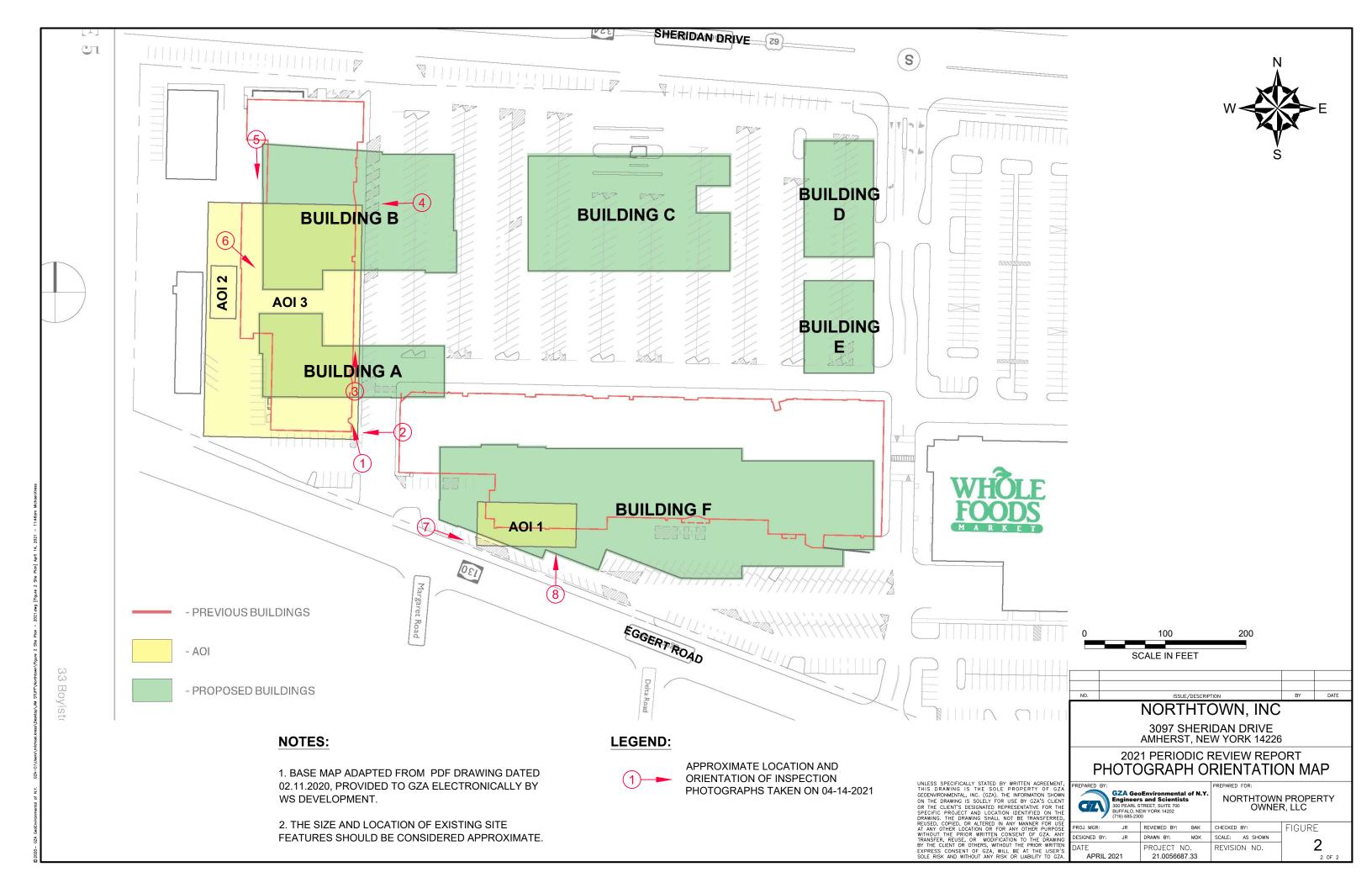
Once Site redevelopment resumes and is completed, GZA will prepare a progress report of the work completed relative to the SMP along with supporting documentation. That progress report will be attached to the PRR for that year.

GZA and Northtown will also work with NYSDEC to amend the SMP as appropriate to reflect the changed conditions of the Site including areas that have undergone further soil remediation and new buildings that have SSD systems and related monitoring.



**FIGURES** 







#### **APPENDIX A**

**SITE INPECTION FORM** 

Northtown Inc. BCP Site No.: C915292 Site Management Form

CITE DETAIL C			
SITE DETAILS			
Site No.: C915292 Site Name: Northtown Inc.			
Site Address: 3097 Sheridan Drive, Amherst, New York			
PERSON PERFORMING INSPECTION			
Name: Jim Richert Email: james.richert@gza.com			
Company: GZA GeoEnvironmental of New York Phone Number: 716/844-7048			
Others Present: N/A			
INSPECTION DATE AND SITE CONDITIONS			
Insepction Date: April 14, 2021 Inspection Time: 8:10 AM			
Weather Conditions: Sunney, SW Winds 5-10 MPH, 47 degrees F.			
REASON FOR SITE INSPECTION			
Type of Inspection: ✓ Annual Inspection ☐ Routine Maintenance Inspection ☐ Non-Routine Inspection			
Inspection after a Severe Condition that could effect Site control Ves No			
Describe severe condition triggering inspection:			
N/A			
VERIFICATION OF SITE DETAILS			
Current Site Owner: Northtown Property Owner LLC			
Current Site Operator: Northtown Property Owner LLC			
Describe Current Site Use (check all that apply)  ☐ Industrial ☐ Commercial ☐ Residential ☐ Other			
Briefly describe observed site uses:			
Phase 2 of Site redevelopment currently paused due to Covid.			
See Photo Log.			
Note any additional pertinent information to Verification of Site Details (use additional pages if necessary.			
DESCRIPTION OF ENGINEERING CONTROLS			
Are the Engineering Controls still in place: ☐ Yes ☐ No			
If No, explain:			
Is the Site Management Plan still in place:			
If No, explain:			
AREAS IN NEED OF REPAIR OR MAINTENANCE			
Area discussed in this section must be shown on a figure and have photographic documentation.			
N/A			
INTRUSIVE ACTIVITIES PERFORMED AT SITE DURING INSPECTION PERIOD			
Location: None Date: N/A			
Description of activities being performed:			
Are Site records being properly generated and maintained: ☑ Yes ☐ No			
Provide a summary of recordkeeping review and adeuacy:			
Provide a summary of recordkeeping review and adeuacy:			
ADDITIONAL NOTES & COMMENTS			
Site owner has paused Phase 2 of the Site redevelopment due to Covid. DEC will be pre-notified when construction			
activities resume. Where relevent construction activities are conducted on the BCP Site, implementation of the Excavation			
Work Plan, the SVI Work Plan and other provisions of the Site Management Plan will be followed.			
INSPECTION CERTIFICATION			
I hereby certify that the information included in this report is complete and accurate to the best of my knowledge			
I hereby certify that the information included in this report is complete and accurate to the best of my knowledge  Inspector Signature: Date: April 14, 2021			



**APPENDIX B** 

**PHOTO LOG** 



# **Photographic Log**

Client Name: Northtown Property Owner

LLC

Site Location: 3097 Sheridan Drive, Amherst, NY

**Project No.** 21.0056687.33

Photo No. Date: 1 4-14-21

**Direction Photo Taken:** 

NNW

**Description:** 

View of AOI3 from the SE corner of the AOI.



Photo No. Date: 2 4-14-21

**Direction Photo Taken:** 

West

Description:

Footer of south wall of Building A.







Photo No.

**Date:** 4-14-21

**Direction Photo Taken:** 

North

### Description:

View of eastern edge of AOI3 from south wall of Building A.



Photo No.

4

**Date:** 4-14-21

**Direction Photo Taken:** 

West

#### **Description:**

Stone covered footers of Building B.







Photo No.

**Date:** 4-14-21

**Direction Photo Taken:** 

South

#### **Description:**

Stone covered footers of west walls of Building A and B.



Photo No.

**Date:** 4-14-21

**Direction Photo Taken:** 

Southeast

#### **Description:**

View of AOI3 from NW to SE.





# **Photographic Log**

Photo No. 7

**Date:** 4-14-21

**Direction Photo Taken:** 

Southeast

#### Description:

Stone ground cover outside and behind Building F at AOI1.

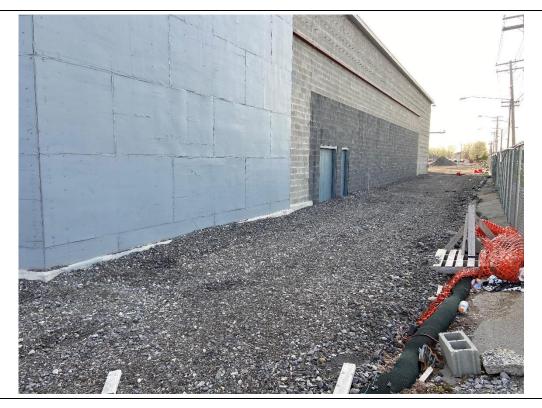


Photo No.

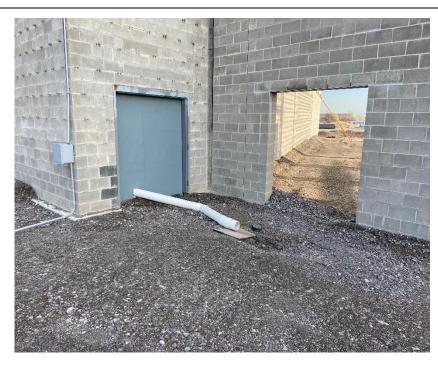
**Date:** 4-14-21

**Direction Photo Taken:** 

North

#### Description:

Stone ground cover of Building F exterior and interior.





#### APPENDIX C

IC/EC CERTIFICATION FORM



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



Sit	e No.	C915292	Site Details		Box 1	
Sit	e Name No	orthtown Inc.				
Cit Co	e Address: y/Town: An unty:Erie e Acreage:		Zip Code: 14226			
Re	porting Peri	od: April 15, 2020 to Apr	ril 15, 2021			
					YES	NO
1.	Is the infor	mation above correct?			X	
	If NO, inclu	ıde handwritten above o	r on a separate sheet.			
2.		or all of the site property nendment during this Re	been sold, subdivided, merged, porting Period?	or undergone a		X
3.		been any change of use RR 375-1.11(d))?	at the site during this Reporting	Period		X
4.		ederal, state, and/or loca e property during this Re	al permits (e.g., building, dischard porting Period?	ge) been issued		X
	-	-	s 2 thru 4, include documentate viously submitted with this ce			
5.	Is the site	currently undergoing dev	elopment?			X
					Box 2	
					YES	NO
6.		ent site use consistent wi al and Industrial	th the use(s) listed below?		X	
7.	Are all ICs	in place and functioning	as designed?	X		
	IF TI		R QUESTION 6 OR 7 IS NO, sign HE REST OF THIS FORM. Other		and	
Α (	Corrective N	leasures Work Plan mus	t be submitted along with this fo	orm to address tl	nese iss	ues.
Sic	nature of Ov	ner, Remedial Party or D	esignated Representative	Date		

		Box 2	A
		YES	NO
8.	Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?		X
	If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.		
9.	Are the assumptions in the Qualitative Exposure Assessment still valid? (The Qualitative Exposure Assessment must be certified every five years)	X	
	If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.		

SITE NO. C915292 Box 3

#### **Description of Institutional Controls**

Parcel Owner Institutional Control

Portion of 67.10-1-10 Northtown Property Owner LLC

Monitoring Plan
O&M Plan

**Ground Water Use Restriction** 

Landuse Restriction
Site Management Plan

IC/EC Plan

Soil Management Plan

An Environmental Easement, filed with the Erie County Clerk's Office on October 12, 2016, imposes the following controls on the property:

- 1. The property may be used for Commercial and Industrial use and shall not be used for Residential or Resticted Residential purposes as described in 6NYCRR 375-1.8(g)(2).
- 2. The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the New York State Department of Health or the Erie County Department of Health.
- 3. Compliance with the Department approved November 28, 2016 Site Management plan is required.
- 4. The remedial party or site owner must complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8(h)(3).

Box 4

#### **Description of Engineering Controls**

Parcel Engineering Control

Portion of 67.10-1-10

Vapor Mitigation

1. Continued operation of the sub-slab depressurization systems installed in 2 tenant spaces.

R	ΛV	5

Periodic Review Report (PRR) Certification Statements			
I certify by checking "YES" below that:			
a) the Periodic Review report and all attachments were prepared under the direct reviewed by, the party making the Engineering Control certification;	ction of,	and	
b) to the best of my knowledge and belief, the work and conclusions described in this care in accordance with the requirements of the site remedial program, and generally accompanies practices; and the information presented is accurate and company.			
	YES	NO	
	X		
For each Engineering control listed in Box 4, I certify by checking "YES" below that all following statements are true:	of the		
(a) The 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 Dep	oartmen	t;	
(b) nothing has occurred that would impair the ability of such Control, to protect the environment;	public h	ealth and	
(d) nothing has occurred that would constitute a violation or failure to comply wit Site Management Plan for this Control; and	h the		
	YES	NO	
	X		
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 the	nese iss	sues.	
Signature of Owner, Remedial Party or Designated Representative Date			
	a) the Periodic Review report and all attachments were prepared under the direct reviewed by, the party making the Engineering Control certification; b) to the best of my knowledge and belief, the work and conclusions described in are in accordance with the requirements of the site remedial program, and genering engineering practices; and the information presented is accurate and compete.  For each Engineering control listed in Box 4, I certify by checking "YES" below that all following statements are true:  (a) The 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 Depth of the environment;  (b) nothing has occurred that would impair the ability of such Control, to protect the environment;  (c) access to the site will continue to be provided to the Department, to evaluate 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 Site Management Plan for this Control; and  (e) if a financial assurance mechanism is required by the oversight document for mechanism remains valid and sufficient for its intended purpose established in the Control Complete the Rest of this Form. Otherwise continue.  A Corrective Measures Work Plan must be submitted along with this form to address the corrective Measures Work Plan must be submitted along with this form to address the corrective Measures work Plan must be submitted along with this form to address the corrective Measures work Plan must be submitted along with this form to address the corrective Measures work Plan must be submitted along with this form to address the corrective Measures work Plan must be submitted along with this form to address the corrective Measures work Plan must be submitted along with this form to address the corrective Measures work Plan must be submitted along with this form to address the correction of the correction of the correction of the correction of	I certify by checking "YES" below that:  a) the Periodic Review report and all attachments were prepared under the direction of, reviewed by, the party making the Engineering Control certification;  b) to the best of my knowledge and belief, the work and conclusions described in this control are in accordance with the requirements of the site remedial program, and generally accongineering practices; and the information presented is accurate and compete.  YES  X  For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:  (a) The 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 his 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 mechanism remains valid and sufficient for its intended purpose established in the document for the site mechanism remains valid and sufficient for its intended purpose established in the document for COMPLETE THE REST OF THIS FORM. Otherwise continue.  A Corrective Measures Work Plan must be submitted along with this form to address these issues.	

#### IC CERTIFICATIONS SITE NO. C915292

Box 6

## 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 ERIC SMOOKLER print name	at 3097 SHERIDAN DRIVE	,		
am certifying as	OWNER	(Owner or Remedial Party)		
for the Site named in the Site Details Section of this form.				
Tric Smookler		MAY 3, 2021		
Signature of Owner, Remedial Party, or Designated Representative Date  Rendering Certification				

#### **EC CERTIFICATIONS**

Box 7

## **Qualified Environmental Professional 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.

am certifying as a Qualified Environmental Professional for the North Town Profession Party Dwise, LLC (Owner or Remedial Party)

Signature of Qualified Environmental Professional, for the Owner or Remedial Party, Rendering Certification



GZA GeoEnvironmental, Inc.