FINAL ENGINEERING REPORT

Portion of the Niagara Falls Municipal Complex
913 Cleveland Avenue
915 Cleveland Avenue
1921 Main Street
1925 Main Street
1929 Main Street
1931 Main Street
1935 Main Street
Niagara Falls, New York

September 2010 LCS#06B3027.26

Prepared for:

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1.0 INTRODUCTION

In September 2007, Hodgson Russ LLP on behalf of CLP3, LLC, submitted an application for participation in the NYSDEC BCP for remedial investigation/remedial action at the Site (BCP No. C932133) (see Figure 1), as the non-responsible party (volunteer) per ECL 27-1405. Lender Consulting Services, Inc. (LCS) subsequently developed a Remedial Investigation Work Plan (Ref. 1) to supplement existing Site data and complete characterization of the Site. RI field activities were implemented in October 2007. Concurrent with RI Work Plan LCS developed an Interim Remedial Measures (IRM) Work Plan (Ref. 2) recommending excavation and off-Site disposal of petroleum, solvent-related volatile organic compounds (VOCs) and metals impacted soil/fill proximate to 915 Cleveland Avenue. The IRM was initially intended to address 915 Cleveland Avenue; however, the limits of the Site were expanded following discovery of impacted soil/fill on adjoining properties, also to be developed with a portion of the Niagara Falls Municipal Complex. As a result of impacted soil/fill extending beyond the 915 Cleveland Ave property, Hodgson Russ LLP on behalf of CLP3, LLC, submitted an amended application to expand the limits of the Site. The revised Site limits follow the limits of the remedial excavation. (See Figure 2). IRM Site work was initiated in December 2007 and substantially completed by late January 2008. Off-site disposal of the stockpiled impacted soil/fill was completed through March 2008.

The IRM work was overseen by LCS on behalf of the Site developer, CLP3. Excavation, waste soil/fill disposal and backfill activities were contracted by LP Ciminelli to Mark Cerrone, Inc. Surveying activities were contracted by LP Ciminelli to D.A. Naybor, PLS, PC. Installation of the vapor barrier and sub slab depressurization system was completed was contracted by LP Ciminelli to EnSol, Inc. (EnSol).

Impacted soil/fill at the Site that exceeded NYSDEC Part 375 SCOs for petroleum and solvent-based volatile organic compounds (VOCs) as well as metals was removed by excavation and transported off-Site for disposal at either the Tonawanda Landfill (Solid Waste Facility No. 15S29), Tonawanda, New York, Modern Landfill (Subtitle D Landfill), Lewiston, New York, EQ Landfill (Treatment, Subtitle C Landfill), Bellville, Michigan, WTI, Inc. (Incineration), East Liverpool, Ohio or CWM Model City (Haz Sub C Landfill), New York, depending upon the characteristics of the waste soil/fill.

Specific elements of the IRM included:

- Excavation and on-Site staging of non-impacted surface soil/fill. Approximately 4,400 tons of non-impacted soil/fill was temporarily relocated to an on-Site spoils laydown area for reuse.

- Excavation of petroleum, solvent and metals impacted soil/fill. Approximately 21,722.19 tons of impacted soil/fill was removed for off-Site disposal.

- Permanent closure of four USTs discovered during the excavation work.

- Verification sampling of the sidewalls and bottom of the excavation. LCS personnel collected 3 bottom (bedrock was present below most of the excavation, precluding the sampling of soil) and 41 sidewall verification samples within the excavation limits.

- Off-Site transportation and disposal of impacted soil/fill to the Tonawanda Landfill, Tonawanda, New York, Modern Landfill, Lewiston, New York, EQ Landfill, Bellville, Michigan, WTI, Inc., East Liverpool, Ohio or CWM Model City, New York. All trucks were lined with polyethylene liners so allow the soil/fill be fully evacuated from the truck. Approximately 42,000 gallons of groundwater and snow melt water was collected in the excavation during excavation activities and disposed of under permit to the Niagara Falls Water Board sanitary sewer system.

- The bottom excavation was scraped using a track-mounted bulldozer.

- Placement and compaction of non-impacted on-Site and "clean" (i.e., Part 375 (Unrestricted Use compliant) soil/fill from off-Site sources.

- Placement of a minimum 12-inch layer of No. 2 crusher run stone to the bottom of the excavation to provide a firm base for placement of the backfill soils. The crushed stone originated from the LaFarge Stone Quarry in the town of Niagara Falls, NY.
- Installation of a chemical resistant soil vapor barrier and installation of a sub slab depressurization system beneath the entire Niagara Falls Municipal Complex structure.

This Final Engineering Report (FER) has been prepared on behalf of CLP3, LLC, to document the IRM activities performed at the Site.

1.1 Background

1.1.1 Site Description

The Site is a portion of the recently built Niagara Falls Municipal Complex, measures approximately 0.75 acres, and includes portions of Tax parcels 144.46-2-44 (915 Cleveland Avenue), 144.46-2-45.2 (913 Cleveland Avenue), 144.46-2-6 (1931 Main Street), 144.46-2-7 (1935 Main Street), 144.46-2-42 (1921 Main Street), 144.46-2-45.1 (1929 Main Street), and 144.46-2-46 (1925 Main Street). The boundaries of the subject property are depicted on Figure 3. For purposes of this report, the area within those boundaries is referred to as the Site. The Site is generally bounded by Cleveland Avenue to the north, Main Street to the west and portions of the recently built Niagara Falls Municipal Complex to the east and south. At the time the IRM was begun structures previously located on-site had been razed and was generally flat lying with limited distinguishable Site features. The Site is located in a predominantly commercial and residential area of Niagara Falls, New York. The Site and surrounding area was historically used for commercial and residential purposes.

1.1.2 Site History

The Site and surrounding area was historically used for commercial and residential purposes. The Site was previously developed as summarized below:

<u>913 Cleveland Avenue</u>

913 Cleveland was developed with a single residential structure in at least 1892, through at least 1950, then with a small unidentified commercial structure thereafter.

915 Cleveland Ave

915 Cleveland Avenue was developed with an apparent automotive repair/service facility from at least 1939 through at least 1949, a drycleaner at least in 1950, a clothing store from at least 1959 to at least 1970, a drycleaner from at least 1979 through at least 1988 and a drycleaner in at least 1994.

1921 Main Street

1921 Main Street was developed with a Millinery from at least 1939 through at least 1949, a Beauty Shop from at least 1949 through at least 1959, and a retail store from at least 1979 through at least 1998.

1925 Main Street

1925 Main Street was developed with a single residential structure from at least 1939 through at least 1949, a retail clothing store from at least 1949 through at least 1959, a vacant structure from at least 1959 through at least 1979, Niagara Hair Styling from at least 1979 through at least 1998, and was vacant from at least 1998 to 2007. Undated municipal records also suggest that this property was occupied by a dry-cleaning establishment.

1929 Main Street

1929 Main Street was occupied by a vacant structure from at least 1939 through at least 1949, a liquor store and tailor shop from at least 1949 through at least 1959, an appliance store from at least 1959 through at least 1969, a jewelers from at least 1969 through at least 1988 and residence from at least 1998 to approximately 2006.

1931 Main Street

1931 Main Street was occupied by a jeweler from at least 1939 through at least 1979 and Ruben's (nature of business unknown) from at least 1998 to approximately 2006.

1935 Main Street

1935 Main Street was occupied by Livingston (nature of business unknown) from at least 1939 through at least 1949, a shoe store and dentist office from at least 1949 through at least 1959, a jeweler, dentist office, and lawyer's office from at least 1959 through at least 1969, a gift shop from at least 1969 through at least 1979, a garden gift shop from at least 1979 through at least 1988, and a beauty supplies shop from at least 1988 through at least 2007.

1.2 Purpose and Scope

The purpose of this final Engineering Report is to document IRM cleanup activities performed at the Site. This report includes the following: field observations; laboratory and field tests; data sheets; surveys; sketches, and record drawings. Field reports were prepared by LCS personnel on a daily basis describing activities performed as part of the remediation project. Copies of the Daily Field Reports are presented in Appendix B of this report.

1.3 Summary of Interim Remedial Measures

The Brownfield cleanup was jointly implemented by LCS, LP Ciminelli, Mark Cerrone, Inc., and EnSol on behalf of CLP3, LLC.

The Brownfield cleanup of the Site consisted of the following major elements or tasks:

1.) Excavation and on-Site staging of non-impacted surface soil/fill at the Site.
2.) Excavation of petroleum, solvent, and metals-impacted soil/fill.
3.) Temporary staging of impacted soil/fill.
4.) Waste characterization of impacted soil/fill following stockpiling.
5.) Off-Site transportation and disposal of impacted soil/fill at permitted waste disposal facilities (Tonawanda Landfill, Tonawanda, New York, Modern Landfill, Lewiston, New York, EQ Landfill, Bellville, Michigan, WTI, Inc., East Liverpool, Ohio or CWM Model City, New York).
6.) Dewatering of the Site and disposal of the water to the sanitary sewer (under permit with the Niagara Falls Water Board)
7.) Verification sampling of the remedial excavations.
8.) Placement and compaction of non-impacted on-Site and "clean" [i.e., Part 375 (unrestricted use) compliant] soil/fill and gravel from off-Site sources.
9.) Placement of a crushed stone layer on the bottom of the excavation.
10.) Installation of a vapor barrier and sub-slab depressurization system.

Details of the impacted soil/fill removal and disposal activities are provided in Section 2.0. A description of the placement of the backfill and crushed stone layer are provided in section 2.0.

A copy of the waste disposal record for each of the disposal facilities is provided in Appendix B. Representative project photograph logs are included in Appendix N. Project record drawings are included in Appendix A.

2.0 SOIL/FILL REMOVAL AND REPLACEMENT

2.1 General

Impacted soil/fill at the Site that exceeded Part 375 Recommended Soil Cleanup Objectives (unrestricted use) for petroleum and solvent-based volatile organic compounds (VOCS) and heavy metals was removed by excavation and transported off-Site for disposal at either the Tonawanda Landfill (Solid Waste Facility No. 15S29), Tonawanda, New York, Modern Landfill (Subtitle D Landfill), Lewiston, New York, EQ Landfill (Treatment, Subtitle C Landfill), Bellville, Michigan, WTI, Inc. (Incineration), East Liverpool, Ohio or CWM Model City (Haz Sub C Landfill), New York, depending upon the characteristics of the waste soil/fill. Excavation work initially involved removal and staging of non-impacted, overburden soil/fill, followed by excavation of impacted soil/fill. Excavation extended vertically until bedrock was encountered, generally to an average depth of approximately 16 feet below ground surface (bgs). The excavation did not extend past the property boundaries with the exception of a portion of the northern border, where excavation was extended as to facilitate the permanent closure (removal) of four petroleum bulk storage underground storage tanks (USTs) and accessible petroleum and solvent impacted soil/fill surrounding the USTs.

After the lateral and vertical excavation limits were achieved or the feasible limits of excavation were encountered, verification sampling was performed on the sidewalls and bottom to verify that the excavation met the soil cleanup objectives. All verification samples collected were placed in laboratory-supplied bottles using dedicated sampling equipment and transferred under chain of custody to Test America Laboratories, Inc. for analysis of NYSDEC STARS plus TCL List VOCs in accordance with USEPA SW-846 methodology. A total of 58 verification samples were collected following the remedial work.

2.2 Existing Topographic Survey

Prior to soil/fill removal activities, a topographic survey was performed on the existing Site conditions by the contractor's licensed surveyor (D A Naybor, PLS, PC). Record drawings are presented in Appendix A.

2.3 Soil/Fill Excavation, Handling and Disposal

Excavation of impacted soil/fill began on December 11, 2007, and was substantially completed on January 19, 2008. Prior to excavation of impacted soil/fill, a temporary haul road was prepared using bricks from the demolition of the on-site structures and imported gravel fill. The purpose of the haul road was to prevent the dump-trucks from collecting potentially impacted materials on their tires and transporting it to other areas on or adjoining the Site. A hydraulic excavator was used to excavate impacted soil/fill and load dump trucks for on-Site staging. Site soil/fill was screened with a PID (photoionization detector) during excavation to provide guidance to the excavator operator. Soil/fill exhibiting visual or olfactory evidence of impact (i.e. staining, chemical odors, etc.) was removed from the Site. Data from previous studies was also used to identify impacted soil/fill.

A hydraulic excavator was used to excavate soil/fill and load dump trucks for staging on an adjoining property which was also part of the Niagara Falls Municipal Complex. Site soils were screened with a PID during excavation to provide guidance to the excavator operator. Soil/fill with chemical impact identified through previous testing or exhibiting visual or olfactory evidence of impact (i.e. staining, chemical odors, etc.) were also segregated from non-impacted soil/fill. Upon excavation, either impacted or non-impacted soils were placed directly into dump trucks. The driver was then informed if the load was of impacted or non-impacted soil/fill and directed to dump the load in a predesignated "clean" soil/fill staging area or an impacted soil/fill staging area. Handheld radios were also used to communicate with personnel monitoring the dumping of the excavated soil/fill to ensure the truck driver dumped their load in the correct staging area. All excavated soil/fill from the Site were stockpiled on an adjoining property also owned by the city of Niagara Falls. Soil/fill was subsequently tested for re-use or disposal.

The first area of impacted soil/fill to be remediated consisted of a portion of the Site containing elevated concentrations of heavy metals (lead and mercury) located immediately south of the structure located at 915 Cleveland Avenue. That area is referred to as Excavation #2. Following excavation the soil/fill was loaded onto tri-axle dump trucks, transported to the soil/fill staging area and placed on and covered with 6 mil thick plastic sheeting. Prior to collection of the initial verification samples for Excavation #1, that excavation measured approximately 14 feet by 51 feet by 4.5 feet deep. Following receipt of the verification test results, it was determined that additional excavation was necessary to the east and north walls. On December 18, 2007, additional excavation was completed and additional verification samples were collected from the new east and north sidewalls. Once that excavation was deemed complete, excavation of the remainder of the Site was performed. The excavation of the remainder of the Site is referred to as Excavations #1, #3, and #4 (It should be noted that the Site was divided into Excavations #1, #3 and #4 for management purposes; however, Excavations #1, #3, and #4 ultimately resulted in a combined excavation.)

Excavation continued along the west portion of the Site in order to determine the extent of the impacted soil/fill to the south. Excavation was completed from the ground surface until the top of bedrock was encountered. Once the excavation was deemed complete to the south, the excavation proceeded north along Main Street until the south foundation wall to 1925 Main Street was encountered. That foundation extended to the top of bedrock. The excavation continued east along the south foundation wall of 1925 Main Street until the east foundation wall of 1925 Main Street was encountered. That foundation wall did not extend to the top of bedrock and was subsequently removed to facilitate continued removal of impacted soil/fill. The excavation then proceed west into the former 1925 Main Street structure until another foundation wall was encountered and extended to the top of bedrock. Excavation then proceeded along the north foundation wall of 1925 Main Street until the boundary of the Site was reached. In an effort to confirm the foundation walls associated with the former 1925 Main Street structure prevented the migration of chemical impact to the soil/fill remaining below the remainder of the former 1925 Main Street structure, two test pits were advanced between the foundation walls and verification samples collected. The excavation was then continued to the north until the intersection with Cleveland Avenue was reached. The excavation then proceeded to the east to a point approximately five feet west of South Avenue Place.

Due to the discovery of four underground storage tanks (USTs) along the northeast boundary of the Site and the presence of impacted soil/fill extending off-Site, the excavation was continued to the north until there was concern that underground utilities and a nearby utility pole may have become damaged. The NYSDEC confirmed further excavation of impacted soil/fill beyond the Site boundary was not necessary. (See Figure 3.) Once excavation was deemed complete, a dozer was utilized to scrape the top of the bedrock to further remove the small amount of soils that could not be removed by the excavator alone. The final excavation measured approximately 159 feet by 227 feet by 16 feet deep. Approximately 13,920 cubic yards of impacted soil/fill were removed for off-Site disposal. A total volume of 10,105 cubic yards of the excavation after removing the volume the building occupied. A total of 6,634 cubic yards of imported stone was used as backfill in the excavation. The remaining 3,471 cubic yards of soil/fill meeting Part 375 Recommended Soil Cleanup Objectives (unrestricted use) were used to backfill the remaining volume of the excavation. A total of 6,634 tons of imported gravel fill meeting Part 375 Recommended Soil Cleanup Objectives (unrestricted use) was used to complete backfilling of the excavation with the exception of the portion of the excavation occupied by the portion of the subsequently constructed Niagara Falls Municipal Complex structure. (See Record Drawings in Appendix A).

The total mass of soil/fill disposed at Tonawanda Landfill was 18,645.58 tons, at Modern Landfill was 2,392.09 tons, at EQ Landfill was 74.64 tons, at WTI, Inc., was 77.60 tons and at CWM was 532.28 tons. Disposal receipts are presented in Appendix D.

2.4 Water Handing and Disposal

During excavation work, small pockets of perched water formed at the bottom of the excavation from various processes (i.e. snow melt, rain runoff, etc.). An on-Site treatment system encompassing a settling (Baker) tank, perched water was pumped and approximately two Baker Tanks were filled. All water was subsequently discharged to the Sanitary sewer system under a permit issued by the Niagara Falls Water Board. The disposal permit and associated logs and test results are located in Appendix E.

2.5 Soil/Fill Characterization and Disposal

The soil/fill excavated from the Site was systematically removed and staged in approximate 1,000 ton quantities. Soil/fill volumes were estimated based on the capacity of the dump-trucks and typical weights hauled. Following staging of each 1,000 ton+/- volume of soil/fill, a composite soil/fill sample was collected and subsequently analyzed by Test America Laboratories, Inc. Each sample was analyzed for TCLP VOCs, TCLP SVOCs, TCLP metals, PCBs, TPH, reactivity, corrosivity and ignitability in accordance with test methods 1311/8260, 1311/8270, 1311/6010 and 7471, 8082, 1664, Section 7.3, Section 7.3 and 1010, as required by the Tonawanda Landfill. As a result of the level of contamination encountered, soil/fill was handled and disposed of as non-hazardous contaminated waste and hazardous waste.

EnSol was contracted by Cerrone to provide services that included transportation coordination, and disposal of impacted soil/fill. EnSol was retained by Cerrone to manage what was initially characterized as non-hazardous impacted soil/fill. As noted above, soil/fill was excavated from the site, monitored by LCS for evidence of chemical impact and segregated into one of two piles, "clean" soil/fill and impacted soil/fill. Waste characterization samples were required for soil/fill presumed to be impacted.

Most of the excavated soil/fill was characterized, transported, and disposed of at the Tonawanda Landfill. LCS collected the waste characterization samples, transported the samples under standard chain-of-custody procedures to Test America, Inc. for analysis, and forwarded the analytical results to Cerrone and EnSol for preparation of the characterization paperwork. Characterization paperwork included waste profiles, manifest documents, approvals from disposal facilities and the NYSDEC, and obtaining signatures from the city of Niagara Falls (as the generator of the wastes).

Of the approximately 21,722.19 tons of soils disposed of at landfills, approximately 1,000 tons (Referenced as Soil Mound #17) that was initially disposed of at the Tonawanda Landfill. Subsequently, the NYSDEC determined that that soil/fill should not have been disposed of at the Tonawanda Landfill; at least not without further testing, under the presumption that the solvent impacted to the soil/fill was the result of a discharge of solvents from the historic on-Site dry-cleaning operation(s).

Waste Technology Services, Inc. ("WTS"), was retained by LP Ciminelli to assist with the proper disposal of the remaining 2,000 tons+/- of waste stockpiled proximate to the Site and the 1,000 tons (Soil Mound #17) at the Tonawanda Landfill. Subsequently, the NYSDEC informed the parties that the soil/fill remaining proximate to the Site and the 1,000 tons (Soil Moud#17) located at the Tonawanda Landfill needed to be analyzed under a total analysis protocol.

The soil/fill sampling and additional testing under total analysis was required by the NYSDEC to determine whether a contained-in determination or exemption could be obtained. The NYSDEC indicated to representatives of WTS and LCS that a contained-in determination would be granted if the total analysis demonstrated that the contaminant of concern (tetrachloroethene) was reported less than 12ppm.

In an effort to determine if the remaining stockpile soil/fill from the Site and the 1,000 tons of soil/fill (Soil Mound #17) in question at the Tonawanda Landfill would be granted a contained-in determination was sought. That determination required a statistical analysis and subsequent extensive sampling of the stockpiled soil/fill proximate to the Site and the 1,000 tons (Soil Mound #17) in question at the Tonawanda Landfill. (See Figure 4 and Figure 5.)

Subsequent to the additional testing the NYSDEC granted a contained-in determination for the majority of the soil/fill remaining at the site. Indicating that that nearly all the remaining soil/fill staged on-Site (approximately 2,232 tons) could be disposed of in a non-hazardous landfill under that determination. All but approximately 100 tons of the soil/fill previously transported to the Tonawanda Landfill (Soil Mound #17) were allowed remain at that landfill. However the approximately 100 tons was subsequently removed and disposed of at Modern Landfill under a contained-in determination. Approximately 557 tons of soil/fill required disposal as hazardous waste. The Contained Summary prepared by WTS is located in Appendix G.

2.6 Underground Storage Tank Removal

During excavation of the Site, four single walled steel bare steel USTs were encountered along the northeast property boundary of the Site. Trec Environmental Inc. (Trec) of Spencerport, New York pumped approximately 750 gallons of a petroleum-like product from a UST with the capacity of 10,000 gallons. The product was pumped into drums which were staged on-Site for future disposal. Following the removal of the petroleum-like product, Trec tested the internal conditions of the UST using a Lower Explosive Limits (LEL) instrument. This test indicated that the internal environment of the tank was non-explosive. Upon completion of the LEL test, Trec with assistance from Mark Cerrone Inc, removed a 10,000-gallon UST then 3-1,000 gallon USTs from the ground proximate to former address 915 Cleveland Avenue. All four of the tanks were staged on HDPE sheeting for cleaning. All of the tanks were cut open, thoroughly cleaned and the contents manually removed, placed into drums and subsequently disposed of off-Site by Mark Cerrone, Inc for disposal. The clean tank certification is located in Appendix C.

2.7 Verification Sampling

2.7.1 Bottom Excavation Samples – Metals Impacted Area and UST Area

LCS personnel collected two bottom verification samples within the metals impacted soil/fill excavation limits from December 13, 2007 for Total Lead and Mercury. The samples were collected at a minimum frequency of approximately one per every 900 square feet of excavation bottom (See Figure 3). In addition, one bottom verification sample was collected beyond the north boundary of the Site, following removal of the USTs and accessible impacted soil/fill. A summary of the verification samples results; with a comparison to Part 375 (Unrestricted) Recommended Soil Cleanup Objectives (RSCOs) is presented in Tables 1 through Table 4.

Results of the bottom verification samples for the metals impacted area indicated compliance with Part 375 RSCOs; results of the bottom verification samples for the UST area indicate non-compliance with Part 375 RSCOs. In that sample, tetrachloroethene was detected at a concentration of 6.3 ppm; however, as the impact was beyond the limits of the

Site, the NYSDEC confirmed further work was not required by the Volunteer. As such, removal of the petroleum and solvent impacted soil/fill was deemed complete.

The verification samples met the Part 375 RSCOs are summarized in Tables 1 through 4. A copy of laboratory analytical data report is included in Appendix H.

2.7.2 Sidewall Excavation Samples

LCS personnel collected a total of 41 sidewall verification samples within the excavation limits. Samples were collected between December 13, 2007 and January 17, 2008. Per the IRM Work Plan, the samples were collected at a frequency of approximately one per 30 linear feet of sidewall (See Figure 3). A summary of the verification sample results, with a comparison to Part 375 RSCOs, is presented on Tables 1 through 4.

Results of some of the sidewall verification samples indicated elevated concentrations of Lead and Mercury above RSCOs in metals impacted soil/fill excavation East Wall and North Wall A samples. Those sidewall samples represented the northeast and east edge of the metals remedial excavation (located south of the former 915 Cleveland Avenue structure) and were collected following excavation as laid out in the IRM. Excavation of those areas was extended and additional sidewall samples were taken. The analytical results for the subsequent sidewall verification samples were analyzed and found to meet Part 375 RSCOs. As such, removal of the metals impacted soil/fill was deemed complete.

The remaining verification samples collected from the limits of the larger remedial excavation (i.e., limits of the Site) met RSCOs with the exception of the sample collected beyond the north boundary of the Site, following removal of the USTs. In that sample, tetrachloroethene was detected at a concentration of 4.2 ppm. The NYSDEC confirmed further work was not required by the Volunteer. As such, removal of the petroleum and solvent impacted soil/fill was deemed complete.

The verification test results are summarized in Tables 1 through 4. A copy of laboratory analytical data report is included in Appendix H.

2.8 Backfill

2.8.1 Backfill Soils

All areas excavated were restored with compacted backfill. Generally, the backfill was obtained from three sources: non-impacted Site overburden, which was comprised of stockpiled soils within the spoils laydown area (described above), additional soil/fill generated immediately south of the Site from the excavation for the basement of the subsequently constructed Niagara Falls Municipal Complex, with the balance being made up with imported stone from an off-Site gravel pit (Lafarge gravel pit) located on Hinman Street in Lockport, New York. Following placement of the select fill, the backfill soils were placed in 12-inch lifts with a dozer and compacted. In-place density was performed on each compacted lift by SJB Services, Inc. on-site personnel in accordance with ASTM D2922-81 & D2017-78. A Troxler 3411 nuclear densitometer was used to measure the in-place dry density of the recompacted soil material. The in-place density was considered acceptable when the dry density was not less than 95% of the maximum modified proctor dry density. In-place density results are presented in Appendix K. All density tests were above 95% of the maximum modified proctor dry density during compaction activities. A total of 96 in-place density test were performed. Placement of backfill was completed in January 2008. Following backfill activities, the contractor's third party licensed surveyor performed a topographic survey of the site for purposes of estimating backfill quantities (see Record Drawings in Appendix A). Approximately 13,920 cubic yards of impacted soil/fill were removed for off-Site disposal. A total volume of 10,105 cubic yards of volume remained after removing the volume the building occupied. A total of 6,634 cubic yards of imported stone was used as backfill in the excavation. The remaining 3,471 cubic yards of soil/fill meeting Part 375 Recommended Soil Cleanup Objectives (unrestricted use) were used to backfill the remaining volume of the excavation. Clean soil certification for the imported stone and analytical results generated from testing of the soil reused from on-Site as well as the soil/fill used from immediately south of the Site/excavation for the basement of the Niagara Falls Municipal Complex. The clean fill certification, on-Site and off-Site impacted soil/fill analytical report is located in Appendix J.

3.0 COMMUNITY AIR MONITORING

Real-time community air monitoring was performed during soil removal activities at the Site. A monitoring station was set downwind and upwind of the excavation areas during the excavation activities. Community air monitoring documentation and weather data is provided in Appendix L.

3.1 Organic Vapor Monitoring

Real-time air monitoring for organic vapors was performed using a Mini Rae Model 2000 photoionization detector (PID). The instrument was calibrated to trigger an alarm level if organic vapor concentrations exceeded 25 ppm during a 15-minute running average. PID readings were automatically logged at 15-minute intervals throughout the day.

As shown by the data provided in Appendix L, the 15-minute average downwind and upwind ambient air concentration of total organic vapors at the Site perimeter did not exceed 25 ppm above background levels during any of the Site excavation activities.

3.1.1 Particulate Monitoring

Real-time particulate air monitoring was measured using a DustTrak Aerosol Monitor. The instrument was calibrated to trigger an alarm if particulate concentrations exceeded 100 micrograms per cubic meter (ug/m3) greater than background for a 15-minute running average. Particulate readings were automatically logged at 15-minute intervals throughout the day.

As shown by the data provided in Appendix L, the 15-minute average perimeter downwind particulate concentration did not exceed the 100 ug/m3 above background during any Site excavation activities.

4.0 VAPOR MITIGATION

Due to the presence of VOC impact identified during previous studies as well as the RI, the historical contamination in the soil and groundwater and the planned redevelopment of a portion of the Site with the Niagara Falls Municipal Complex, installation of a vapor barrier and sub-slab depressurization system was completed. That system was designed and the installation monitored by EnSol. That system consisted of a full-slab vapor barrier (i.e., Stego Wrap 3™) beneath the entire building footprint (including the portion outside of the Site) and that an active venting system, involving the use of negative pressure blowers to evacuate air from below and around the facility's basement floor slab. This approach provides maximum protection of human health for facility occupants.

The final system was designed using a combination of the existing sub-slab stone drainage layer, a membrane vapor barrier, geotextile cushion/gas venting layer, and a geosynthetic strip-drain and header pipe network. This design was chosen since it allowed for a thinner collection layer that could be placed over the stone. A traditional design with perforated header pipes would have required additional thickness of stone placed to allow room for the pipes. The geosynthetics can also be curved and turned to avoid sub-slab pipes and other obstacles without the use of elbows or joints. A solid walled PVC header pipe was selected to connect the strip drains to a dual vacuum blower or fan system to be installed on the roof. This would remove all sub-slab vapors and disperse them to the atmosphere where they would dissipate. The blower system was designed with two separate blowers that would each cover approximately half the building. Through the use of a crossover valve the system can also temporarily run on a single blower if one blower is in need of maintenance.

4.1 Collection System and Vapor Barrier Installation

Construction of the vapor barrier system started on February 10, 2008 with the placement of the vapor barrier and geotextile fabric beneath the exterior basement footer and walls. The vapor barrier was placed prior to the concrete pour, with enough extra material left to later connect to the vapor barrier to be placed on the interior of the perimeter walls beneath the slab and to the vertical waterproofing to be placed on the

exterior of the perimeter walls. EnSol observed the vapor barrier installation on both the interior and exterior of the perimeter wall. The connection of the exterior wall water proofing membrane to the sub-slab vapor barrier was made by overlapping the materials and using the specified flexible synthetic sealant for the water-proofing membrane. Several additional inspections were made by EnSol throughout March and April 2008 to observe the above work.

On May 1, 2008 EnSol returned to observe the header and equalization pipes installed in the south end of the building. The header pipe was observed to be the required four inch schedule 40 PVC. All joints had been glued and the pipe was placed in the stone layer with tee connections to connect to the strip drains. One strip drain had to be relocated due to a series of conduits in the path of the drain. The strip was simply shifted to the side to allow for it to pass around the conduits. The installation was approved and work was allowed to continue.

On May 5, 2008 EnSol returned again to inspect the vapor barrier that had been installed in the southeast corner of the building. The barrier had been installed to the specifications with all panels overlapping a minimum of twelve inches. All joints were taped to provide a continuous seal. The barrier was penetrated numerous times by various utility pipes. These penetrations were sealed using the vapor barrier material and approved tape to ensure a continuous barrier. The vapor barrier material was inspected by EnSol for holes and all holes found were patched with a square piece of vapor barrier material taped over the hole. The installation was approved and work as allowed to continue.

Throughout May 2008 EnSol continued to monitor the installation of the collection system and vapor barrier. Each time a new section was installed, EnSol was called on site to document its correct installation. The method for securing the vapor barrio around the building supports, caissons, footer, etc. was as shown on the EnSol design drawings. The vapor barrier material was brought up around each caisson and attached to the top around the base plate, such that the secondary concrete diamond pour would seal the vapor barrier edge to the top of the concrete caisson surface.

A potential problem arose when it was discovered that a large number of electrical and telecommunications conduits were going to be running through the stone layer directly in the path of a portion of the header pipe. A timely redesign of the location of the header

pipe was done to allow for them to pass beneath the conduit. The headers were relocated directly along side of each other and moved deeper into the stone as to pass beneath the conduit bank. This re-design was discovered early and caused no delay in construction.

A final inspection of the basement floor slab system on May 21, 2008 was conducted to inspect the vapor barrier on the north end and the header pipes running to the sump basin and up through the slab. The vapor barrier was installed in accordance with all manufacturer specifications and the header pipes were installed in accordance with the EnSol design. The approval was given by EnSol to pour the rest of the concrete slab.

On June 17, 2008, a visit was made to inspect the installation of the collection system and vapor barrier on the first floor level on the northwest part of the building. EnSol arrived and inspected the header pipes, and remained on-Site while the vapor barrier was installed. A minor change to the system had to be made as the pipe connecting the header pipe of this section to the rest of the system in the basement was not installed prior to the perimeter wall. The pipe which was initially to be placed on the exterior of the wall was moved to the interior of the wall. The vapor barrier was installed as required and approval was given by EnSol to pour the final slab.

On March 10, 2009 EnSol returned to the site to conduct the final inspection. The full system including the blowers, pressure gauges, alarms, and valves had all been installed and were running prior to EnSol's visit. The sump basin lid had also been installed and sealed and the system was ready for a final inspection. Upon initial arrival the system was operating at a pressure of 0.65 inches of water. Opening the valve into the sump basin dropped this to 0.5 inches of water. The valve into the sump basin was set at half open and the four test standpipes were each tested with a smoke test kit. This produced a small draw at two of the test points and no observable draw at the other two test points. The sump had no draw and a slightly larger draw at the other points. When the valve to the sump was opened fully this created a large draw on the perimeter drain tile clean-out points when smoke tested. The alarm activated and, after the cross over valve was opened the pressure equalized at roughly 0.15 inches of water and the alarm stopped.

Items to be added and changed were discussed at this time. Threaded nipples on all pressure gauges and alarm tubing connections were to be added along with rubber grommets to seal around electrical wires entering the sump basin. All valves were to be labeled with

on/off positions and labeled as to the normal operating position. It was decided that EnSol would provide a sheet detailing normal operating conditions and maintenance instructions to be laminated and hung on the wall near the pressure gauges in the mechanical rooms (see Appendix M for complete Vapor Barrier and Collection System Installation report).

5.0 DEVIATIONS AND NOTIFICATIONS

Initially, impacted soil/fill was to be transported to Tonawanda Landfill (Solid Waste Facility No. 15S29), Tonawanda, New York. However, due to the characteristic of the waste soil, additional disposal facilities were also utilized. Modern Landfill (Subtitle D Landfill), Lewiston, New York, EQ Landfill (Treatment, Subtitle C Landfill), Bellville, Michigan, WTI, Inc. (Incineration), East Liverpool, Ohio or CWM Model City (Haz Sub C Landfill), New York, all received impacted soil generated from implementation of the IRM. soil. The characterization and disposal is described in Section 2.5.

During the removal of the two suspected USTs located north of the former 915 Cleveland Avenue structure, LCS along with Mark Cerrone Inc. discovered two additional tanks. Following approval from CLP3, LLC, the additional tanks were removed, cleaned, and disposed of for recycling. The tank removal is described in Section 2.6

The deviations did not compromise the remedial objectives; the remedial requirements identified in the Work Plan have been achieved. The Site Management Plan details the requirements for maintaining the integrity of the remedial action taken.

6.0 DECLARATIONS/LIMITATIONS

LCS personnel observed all construction activities associated with Interim Remedial Measures at the Niagara Falls Municipal Complex Site – Niagara Falls, New York according to generally accepted engineering practices. Based on the field observations made by LCS, field and laboratory test data, the construction activities performed at the Site complied with the approved Interim Remedial Measures Work Plan provided to/by CLP3, LLC.

This construction monitoring report has been prepared for the exclusive use of CLP3, LLC. The contents of this report are limited to information available at the time of the construction activities and to data referenced herein. No warranty, expressed or implied is made. The findings herein may be relied upon only at the discretion of CLP3, LLC. Use of or reliance upon this report or its findings by any other person or entity is prohibited without written permission of Lender Consulting Services, Inc.

7.0 CERTIFICATION STATEMENT

I certify that I am currently a registered professional engineer, I had primary direct responsibility for the implementation of the subject construction program, and I certify that the Remedial Work Plan was implemented and that all construction activities were completed, unless noted, in substantial conformance with the DEC-approved Remedial Work Plan.

The data submitted to the DEC demonstrates that the remediation requirements set forth in the Remedial Work Plan and applicable statutes and regulations have been or will be achieved in accordance with the time frames, if any, established in the work plan or revised schedules approved by the NYSDEC.

All use restrictions, institutional controls, engineering controls and/or any operation and maintenance requirements applicable to the site are contained in the environmental easement, created and recorded pursuant to ECL 71-3605 and that any affected local governments, as defined in ECL 71-3603, have been notified that such easement has been recorded.

A Site Management Plan has been submitted for the continual and proper operation, maintenance, and monitoring of any engineering controls employed at the site including the proper maintenance of any remaining monitoring wells, and that such plan has been approved by the DEC.

Prepared by:_____ Date:_____

Prepared by:_____ Date:_____

Professional Engineer:_____ Date:_____

8.0 REFERENCES

1. *Remedial Investigation Work Plan for Niagara Falls Municipal Complex*, prepared by LCS, Inc., dated August 2007.
2. *Interim Remedial Measures Work Plan (IRM) for Niagara Falls Municipal Complex Site, Niagara Falls, New York,* prepared by LCS, Inc. August 2007 and revised in December 2007.

TABLES

Table 1

Verification Sampling
Soil Analytical Data Summary

VOCs in Soil by USEPA SW-846 Method 8260

Sample ID	BCP EX 1 Bottom 1	BCP EX 1 Bottom 2	BCP EX 1 E Wall A	BCP EX 1 E Wall B	BCP EX 1 E Wall B DL	BCP EX 1 S Wall A	BCP EX 1 S Wall B	BCP EX 1 S Wall C	BCP EX 1 S Wall D	BCP EX 1 S Wall E	BCP EX 1 S Wall F	BCP EX 1 S Wall G	BCP EX 1 S Wall G Dupe	BCP EX 1 W Wall A	BCP EX 1 W Wall B	Part 375 (Unrestricted Use) Soil Cleanup Objectives
Figure 3 Reference Number	**1**	**2**	**3**	**4**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**11**	**12**	**13**	
Date Sampled	**1/2/08**	**1/2/08**	**12/26/07**	**1/8/08**	**1/8/08**	**12/19/07**	**12/19/07**	**12/26/07**	**12/26/07**	**12/31/07**	**12/31/07**	**12/31/07**	**12/31/07**	**12/12/07**	**12/31/07**	
Units	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**
Methylene chloride	<6	<6	6	<6	<31	12	9	6	<6	15 B	5 J	6	6	3 J	5 J	50
Tetrachloroethene	<6	<6	3 J	520 E	1000 D	<6	<6	<6	<6	<6	<6	<6	<6	<5	<6	1,300
Ethylbenzene	<6	<6	<6	<6	<31	<6	<6	<6	<6	<6	1 J	<6	<6	<5	<6	1,000
Total Xylenes	<19	<19	<19	<18	<94	<19	<19	<19	<18	<19	8 J	4 J	<17	<16	<18	260
N-Propylbenzene	<6	<6	<6	<6	<31	<6	<6	<6	<6	<6	<6	<6	<6	<5	<6	3,900
Sec- Butylbenzene	<6	<6	<6	<6	<31	<6	<6	<6	<6	<6	2 J	<6	<6	1 J	<6	11,000
1,2,4- Trimethylbenzene	<6	<6	<6	<6	<31	<6	<6	<6	<6	<6	3 J	1 J	<6	<5	<6	3,600
1,3,5- Trimethylbenzene	<6	<6	<6	<6	<31	<6	<6	<6	<6	<6	<6	<6	<6	<5	<6	8,400
Isopropylbenzene	<6	<6	<6	<6	<31	<6	<6	<6	<6	<6	<6	<6	<6	<5	<6	NL
Methylcyclohexane	<6	<6	<6	<6	<31	<6	<6	<6	<6	<6	<6	<6	<6	<5	<6	NL
n-butylbenzene	<6	<6	<6	<6	<31	<6	<6	<6	<6	<6	<6	<6	<6	<5	<6	12,000
Naphthalene	<6	<6	<6	<6	<31	<6	<6	<6	<6	<6	2 J	<6	<6	<5	<6	12,000
Toluene	<6	<6	<6	<6	<31	<6	<6	<6	<6	<6	3 J	2 J	<6	<5	<6	700
Acetone	12 BJ	11 BJ	<31	7 Bj	<160	17 BJ	32 B	7 J	7 J	20 BJ	10 J	8 J	7 J	6 J	10 J	NL
p-cymene	<6	<6	<6	<6	<31	<6	<6	<6	<6	<6	<6	<6	<6	<5	<6	NL

ug/kg = micrograms per kilogram
(TAGM Part 375 = Recommended Soil Cleanup Objective
NL = Not Listed
J= Indicates an estimated value
D or DL = Compounds analyzed at secondary dilution factor.
E= Identifies compounds whose concentrations exceed the calibration range of the instrument for that particular analysis.
N= Indicates presumptive evidence of a compound. This flag is used only for Tentatively Identified Compounds, where the identification is based on the Mass Spectral library search. It is applied to all TIC results.
B= This analyte was also detected within the laboratory's method blank and may be the result of laboratory contamination.
Bold = Analyte detected above Part 375 (Unrestricted Use) Soil Cleanup Objectives.

Table 2

Verification Sampling
Soil Analytical Data Summary

VOCs in Soil by USEPA SW-846 Method 8260

Sample ID	BCP EX 4 N Wall D	BCP EX 4 N Wall E	BCP EX 3 Floor	BCP EX 3 E Wall	BCP EX 3 S Wall	BCP EX 3 W Wall	BCP EX 4 E Wall A	BCP EX 4 E Wall A DL	BCP EX 4 E Wall B	BCP EX 4 E Wall C	BCP EX 4 E Wall D	BCP EX 4 S Wall A	BCP EX 4 S Wall B	BCP EX 4 W Wall A	BCP EX 4 W Wall B	Part 375 (Unrestricted Use) Soil Cleanup Objectives
Figure 3 Reference Number	**14**	**15**	**16**	**17**	**18**	**19**	**20**	**20**	**21**	**22**	**23**	**24**	**25**	**26**	**27**	
Date Sampled	**1/8/08**	**1/8/08**	**1/2/08**	**1/2/08**	**1/2/08**	**1/2/08**	**1/12/08**	**1/12/08**	**1/12/08**	**1/12/08**	**1/14/08**	**1/12/08**	**1/12/08**	**1/3/08**	**1/3/08**	
Units	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**
Methylene chloride	<6	<6	3 BJ	3 BJ	<6	3 BJ	<6	<32	4 J	<6	<6	5 J	2 J	2 BJ	4 BJ	50
Tetrachloroethene	1 J	10	<6	<6	<6	<5	350 E	260 D	23	<6	<6	31	15	<6	<6	1,300
Ethylbenzene	<6	<6	<6	<6	<6	<5	<6	<32	<6	<6	<6	<6	<5	<6	<6	1,000
Total Xylenes	<18	<18	<18	<16	<19	<16	<17	<94	<18	<19	<17	<18	<16	<16	<17	260
N-Propylbenzene	<6	5 J	<6	<6	<6	<5	<6	<32	<6	<6	<6	<6	<5	<6	<6	3,900
Sec- Butylbenzene	<6	6	<6	<6	<6	<5	<6	<32	<6	<6	<6	<6	<5	<6	<6	11,000
1,2,4- Trimethylbenzene	6	87	<6	<6	<6	<5	<6	<32	<6	<6	<6	<6	<5	<6	<6	3,600
1,3,5- Trimethylbenzene	<6	16	<6	<6	<6	<5	<6	<32	<6	<6	<6	<6	<5	<6	<6	8,400
Isopropylbenzene	<6	2 J	<6	<6	<6	<5	<6	<32	<6	<6	<6	<6	<5	<6	<6	NL
Methylcyclohexane	<6	5 J	<6	<6	<6	<5	<6	<32	<6	<6	<6	<6	<5	<6	<6	NL
n-butylbenzene	2 J	17	<6	<6	<6	<5	<6	<32	<6	<6	<6	<6	<5	<6	<6	12,000
Naphthalene	5 J	39	<6	<6	<6	<5	<6	<32	<6	<6	<6	<6	<5	<6	2 J	12,000
Toluene	<6	<6	<6	<6	<6	<5	<6	<32	<6	<6	<6	<6	<5	<6	<6	700
Acetone	7 BJ	9 BJ	9 BJ	8 BJ	11 BJ	8 BJ	7 J	<160	<30	10 J	<28	12 J	7 J	13 BJ	12 BJ	NL
p-cymene	<6	7	<6	<6	<6	<5	<6	<32	<6	<6	<6	<6	<5	<6	<6	NL

ug/kg = micrograms per kilogram
(TAGM Part 375 = Recommended Soil Cleanup Objective
NL = Not Listed
J= Indicates an estimated value
D or DL = Compounds analyzed at secondary dilution factor.
E= Identifies compounds whose concentrations exceed the calibration range of the instrument for that particular analysis.
N= Indicates presumptive evidence of a compound. This flag is used only for Tentatively Identified Compounds, where the identification is based on the Mass Spectral library search. It is applied to all TIC results.
B= This analyte was also detected within the laboratory's method blank and may be the result of laboratory contamination.
Bold = Analyte detected above Part 375 (Unrestricted Use) Soil Cleanup Objectives.

Table 3

Verification Sampling
Soil Analytical Data Summary

VOCs in Soil by USEPA SW-846 Method 8260

Sample ID	BCP EX 4 W Wall C	BCP EX 4 W Wall D	BCP EX 4 N Wall A	BCP EX 4 N Wall B	BCP EX 4 N Wall C	DUP 4 BCP EX 4 N Wall C	BCP EX 4 N Wall F	BCP EX 4 N Wall G	DUP 5 BCP EX 4 N Wall G	BCP Off-Site Floor CMP	BCP Off-Site Floor CMP DL	BCP Off-Site Wall CMP	BCP Off-Site Wall CMP DL	Part 375 (Unrestricted Use) Soil Cleanup Objectives
Figure 3 Reference Number	**28**	**29**	**30**	**31**	**32**	**32**	**33**	**34**	**34**	**35**	**35**	**36**	**36**	
Date Sampled	**1/3/08**	**1/3/08**	**1/7/08**	**1/7/08**	**1/7/08**	**1/7/08**	**1/17/08**	**1/17/08**	**1/17/08**	**1/18/08**	**1/18//08**	**1/18/08**	**1/18/08**	
Units	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**	**ug/kg**
Methylene chloride	<6	<6	<6	<5	<6	<6	2 J	3 J	2 J	4 J	<140	3 J	<130	50
Tetrachloroethene	<6	<6	<6	<5	<6	<6	<6	4 J	4 J	**5,700 E**	**6,300 D**	**3,500 E**	**4,200 D**	1,300
Ethylbenzene	<6	<6	<6	<5	<6	<6	<6	<5	<6	<6	<140	<6	<130	1,000
Total Xylenes	<17	<18	<17	3 J	3 J	<18	3 BJ	<16	<17	<17	<410	<16	<390	260
N-Propylbenzene	<6	<6	<6	<5	<6	<6	<6	<5	<6	<6	<140	<6	<130	3,900
Sec- Butylbenzene	3 J	<6	<6	<5	<6	<6	<6	<5	<6	<6	<140	<6	<130	11,000
1,2,4- Trimethylbenzene	<6	<6	<6	1 J	<6	<6	<6	<5	<6	1 J	<140	<6	<130	3,600
1,3,5- Trimethylbenzene	<6	<6	<6	<5	<6	<6	<6	<5	<6	<6	<140	<6	<130	8,400
Isopropylbenzene	<6	<6	<6	<5	<6	<6	<6	<5	<6	<6	<140	<6	<130	NL
Methylcyclohexane	<6	<6	<6	<5	<6	<6	<6	<5	<6	<6	<140	<6	<130	NL
n-butylbenzene	<6	<6	<6	<5	<6	<6	<6	<5	<6	<6	<140	<6	<130	12,000
Naphthalene	5 J	<6	<6	<5	<6	<6	<6	<5	1 BJ	3 J	<140	2 J	28 DJ	12,000
Toluene	<6	<6	<6	3 J	2 J	2 J	2 BJ	2 BJ	<6	<6	<140	<6	<130	700
Acetone	15 BJ	7 BJ	8 BJ	6 BJ	7 BJ	17 BJ	<28	<26	6 J	22 J	<690	25 J	<650	NL
p-cymene	<6	<6	<6	<5	<6	<6	<6	<5	<6	<6	<140	<6	<130	NL

ug/kg = micrograms per kilogram
(TAGM Part 375 = Recommended Soil Cleanup Objective
NL = Not Listed
J= Indicates an estimated value
D or DL = Compounds analyzed at secondary dilution factor.
E= Identifies compounds whose concentrations exceed the calibration range of the instrument for that particular analysis.
N= Indicates presumptive evidence of a compound. This flag is used only for Tentatively Identified Compounds, where the identification is based on the Mass Spectral library search. It is applied to all TIC results.
B= This analyte was also detected within the laboratory's method blank and may be the result of laboratory contamination.
Bold = Analyte detected above Part 375 (Unrestricted Use) Soil Cleanup Objectives.

Table 4

Verification Sampling
Soil Analytical Data Summary

METALS in Soil by USEPA SW-846 METHODS 6010/7471A

Sample ID	BCP EX 2 E Wall	BCP EX 2 E Wall 2	BCP EX 2 Floor	BCP EX 2 N Wall A	BCP EX 2 N Wall A2	BCP EX 2 N Wall B	BCP EX 2 S Wall A	BCP EX 2 S Wall B	Part 375 (Unrestricted Use) Soil Cleanup Objectives
Figure 3 Reference Number	37	38	39	40	41	42	43	44	
Date Sampled	12/13/07	12/18/07	12/13/07	12/13/07	12/18/07	12/13/07	12/13/07	12/13/08	
Units	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg
Mercury- Total	**0.504** N	0.045	0.08 N	**0.464 N**	0.071	0.01 B,N	0.142 N	0.043	0.18
Lead- Total	**216 N**	11.7	14.8 N	**223 N**	24.3	5.7 N	36.7 N	17.9 N	63

mg/kg = milligrams per kilogram

(TAGM Part 375 = Recommended Soil Cleanup Objective

N= Indicates presumptive evidence of a compound. This flag is used only for Tentatively Identified Compounds, where the identification is based on the Mass Spectral library search. It is applied to all TIC results.

B= This analyte was also detected within the laboratory's method blank and may be the result of laboratory contamination.

Bold = Analyte detected above Part 375 (Unrestricted Use) Soil Cleanup Objectives.

FIGURES

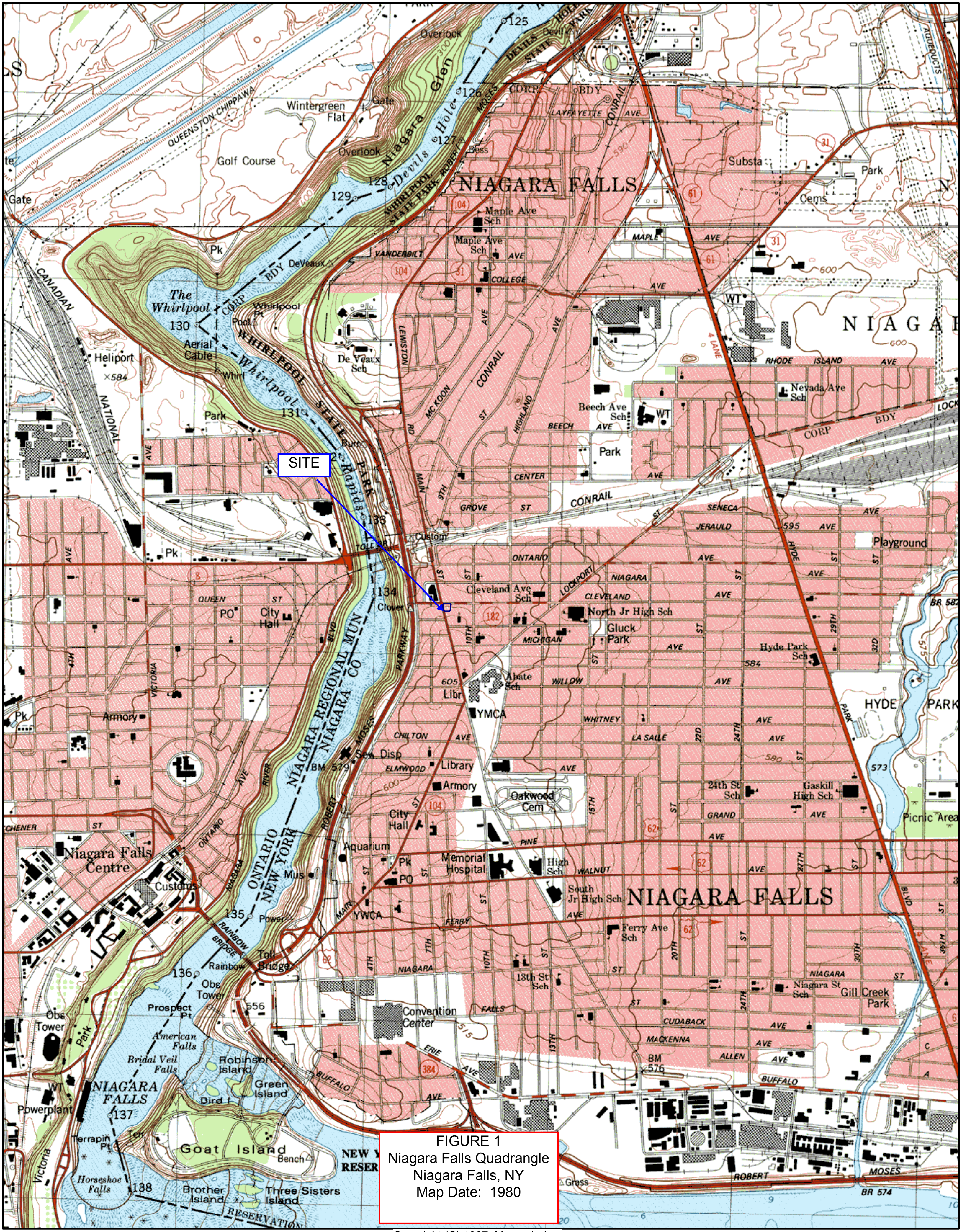


FIGURE 1
Niagara Falls Quadrangle
Niagara Falls, NY
Map Date: 1980


SITE
104
Cleveland Ave
182
Lincoln Pl
South Ave
10th St
© 2008 Tele Atlas
Google
Pointer 43°06'23.24" N 79°03'10.47" W
Streaming
44%
Eye alt 917 ft

FIGURE 2

CLEVELAND AVENUE

N

LOCATION OF THREE 1,000-GALLON USTS

LOCATION OF 10,000-GALLON UST

CONCRETE SIDEWALK

LIMIT OF THE BCP SITE

1935 Main Street

913 Cleveland Avenue

1931 Main Street

915 Cleveland Avenue

1929 Main Street

1925 Main Street

947 Cleveland Avenue

GATE

FENCE

ORNAMENTAL FENCE

ASPHALT PARKING AREA

MAIN STREET

CONCRETE SIDEWALK

SOUTH AVENUE PLACE

LINCOLN PLACE

1909 Main Street

1907 Main Street

1901 Main Street

2 Story Brick

924 South Avenue

ORNAMENTAL FENCE

GATE

CONCRETE SIDEWALK

SOUTH STREET

KEY	
	= APPROXIMATE AREA OF REMEDIAL EXCAVATION

Drawn by: DPS

Checked by: DBR

0 40 80

Approximate Scale in Feet

LCS Project # 06B3027.26

FIGURE 3 - VERIFICATION SAMPLE LOCATIONS

LCS INC.

N

CLEVELAND AVENUE

BCP BRMW2
(67.23)

BCP BRMW3
(67.68)

BCP BRMW6
(79.75)

BCP BRMW5
(81.32)

MAIN STREET

LINCOLN PLACE

SOUTH AVENUE PLACE

SOUTH STREET

68

72

76

80

GROUNDWATER FLOW DIRECTION

– 72 – = GROUNDWATER ELEVATION

( ) = GROUNDWATER ELEVATION

= MONITORING WELL LOCATION

= APPROXIMATE AREA OF REMEDIAL EXCAVATION (SITE)

Drawn by: DPS

Checked by: DBR

0 40 80

Approximate Scale in Feet

LCS Project # 06B3027.26

FIGURE 4 - GROUNDWATER FLOW SITE PLAN

LCS INC.

MICHIGAN AVENUE

18-1 2 ppm	18-8 <3 ppm	★ 18-2 * 120 ppm	18G-3 9 ppm	★ 18F-3 * 44 ppm	18-3 7 ppm	★ 18-4 * 33 ppm	★ 18-5 * 33 ppm	★ 18-6 * 13 ppm	18-7 4 ppm
	★ 18-15 * 17 ppm	★ 18-9 * 14 ppm	★ 18G-1 * 51 ppm	18F-4 4 ppm	18-10 6 ppm	18-11 3 ppm	18-12 3 ppm	18-13 5 ppm	18-14 4 ppm
	18-22 2 ppm	★ 18-16 * 13 ppm	★ 18G-4 * 45 ppm	★ 18F-1 * 110 ppm	18-17 11 ppm	18-18 4 ppm	18-19 7 ppm	18-20 2 ppm	18-21 7 ppm
		★18-23 * 29 ppm	★ 18G-2 * 260 ppm	18F-5 4 ppm	★ 18-24 * 17 ppm	★18-25 * 51 ppm	★18-26 * 14 ppm	18-27 7 ppm	★18-28 * 22 ppm
		18-30 4 ppm	18G-5 2 ppm	★ 18F-2 * 1,600 ppm	★18-31 * 410 ppm	18-32 3 ppm 32	18-33 4 ppm	★18-34 * 21 ppm	18-35 2 ppm
		18-37 5 ppm	18-38 6 ppm	18-39 7 ppm	★ 21-40 * 92 ppm	★ 21-41 * 43 ppm	★ 21-42 * 2,300 ppm	21-43 6 ppm	21-44 7 ppm
								18-29 10 ppm	18-36 <2 ppm

	19-53 7 ppm	19-52 <2 ppm	19-51	19-50 <2 ppm	19-49	19-48 <2 ppm	19-47	19-46	19-45
19-63	19-62 <2 ppm	19-61 <2 ppm	19-60 <2 ppm	19-59 <2 ppm	19-58	19-57 <2 ppm	19-56 <2 ppm	19-55	19-54 <2 ppm
19-73	19-72	19-71	19-70 <2 ppm	19-69 <2 ppm	19-68 <2 ppm	19-67	19-66	19-65 <2 ppm	19-64 <2 ppm
20-83 <2 ppm	20-82	19-81	19-80 2 ppm	19-79 <2 ppm	19-78 <2 ppm	19-77 2 ppm	19-76	19-75 <2 ppm	19-74
20-91	20-90 <2 ppm	20-89 <2 ppm	20-88 <2 ppm	20-87	20-86 <2 ppm	20-85 4 ppm	20-84		
20-98	20-97 <2 ppm	20-96 <2 ppm	20-95 <2 ppm	20-94 <2 ppm	20-93	20-92 <2 ppm			
20-105	20-104 <2 ppm	20-103 <2 ppm	20-102	20-101	20-100 <2 ppm	20-99 * 34 ppm			
20-112 <2 ppm	20-111	20-110	20-109 2 ppm	20-108	20-107	20-106			
22-119 <2 ppm	22-118	20-117	20-116	20-115 <2 ppm	20-114	20-113 2 ppm			
22-122 <2 ppm	22-121 <2 ppm	22-120							
22-124	22-123 <2 ppm								
22-127 <2 ppm	22-126 <2 ppm	22-125							
22-131 <2 ppm	22-130	22-129	22-128						
22-135	22-134 <2 ppm	22-133	22-132 <2 ppm						
22-138	22-137 <2 ppm	22-136 <2 ppm							
22-142 <2 ppm	22-141 <2 ppm	22-140	22-139 <2 ppm						

22-145 <2 ppm	22-144	22-143 <2 ppm			
22-150	22-149 <2 ppm	22-148 <2 ppm	22-147 <2 ppm	22-146 <2 ppm	

10TH STREET

= SOIL MOUNDS SAMPLED AND ANALYZED

* = SOIL MOUNDS EXHIBITING CONCENTRATION OF TOTAL TETRACHLOROETHENE ABOVE 12 PPM

PPM = PARTS PER MILLION

★ = SOIL MOUNDS DISPOSED OF AS HAZARDOUS MATERIAL

N

SOUTH AVENUE

LCS INC.

FIGURE 5 - CONTAINED-IN DETERMINATION SAMPLE LOCATIONS AND RESULTS (SOIL MOUND #17)

Drawn by: SM

Checked by: DBR

LCS Project # 06B3027.26

NOT TO SCALE

APPENDIX A

ENTIRE PARCEL

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 37 of the Mile Reserve, bounded and described as follows:

BEGINNING at a point on the easterly boundary of Main Street (formerly Lewiston Avenue) (66.0 feet wide) at its intersection with the southerly boundary of Cleveland Avenue (formerly Erie Avenue) (64' wide); thence easterly along said southerly line of Cleveland Avenue a distance of 229.48 feet to the westerly boundary of an Alley known as South Avenue Place (16' wide); thence southerly along the westerly boundary of said alley and being parallel with Tenth Street forming an interior angle of 90°-45'-30" a distance of 166.55 feet to a point on the northerly line of lands conveyed to the city of Niagara Falls and recorded in the Niagara County Clerk's Office in Liber 2651 of Deeds at page 303; thence westerly along said northerly line of Liber 2651 of Deeds at page 303 and a westerly extension of said line, forming an interior angle of 88°-54'-34" a distance of 192.30 feet to a point on the first mentioned easterly boundary of Main Street; thence northerly along said easterly boundary of Main Street forming an interior angle of 103°-43'-29" a distance of 170.04 feet to the point of beginning, containing 0.803 acre more or less.

L.3413, 341

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 37 of the Mile Reserve, bounded and described as follows:

BEGINNING at a point in the easterly boundary of Main Street (formerly Lewiston Avenue) (66.0 feet wide) at its intersection with the southerly boundary of Cleveland Avenue (66' wide); thence easterly along the southerly boundary of Cleveland Avenue a distance of 123.80 feet to a point; thence southerly on a line parallel with the westerly boundary of an Alley known as South Avenue Place a distance of 45.0 feet to a point; thence westerly on a line parallel with the southerly boundary of said Cleveland Avenue a distance of 28.0 feet to a point; thence northerly on a line parallel with the westerly boundary of an Alley known as South Avenue Place a distance of 25.03 feet to a point; thence westerly on a line parallel with the southerly boundary of said Cleveland Avenue a distance of 62.91 feet to a point; thence southerly forming an exterior angle of 90° a distance of 0.71 feet to a point; thence westerly on a line parallel with the southerly boundary of said Cleveland Avenue a distance of 5.78 feet to a point; thence northerly forming an interior angle of 90° a distance of 0.71 feet to a point; thence westerly on a line parallel with the southerly boundary of said Cleveland Avenue a distance of 22.62 feet to a point on the first mentioned easterly boundary of Main Street; thence northerly along said boundary of Main Street a distance of 20.52 feet to the point of beginning.

L.3415, 608

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 37 of the Mile Reserve and part of Lots Nos. 1 and 2 in Block "Q" as shown upon a map of the Village of Bellevue made for C.B. Stuart in 1847 and filed in the Niagara County Clerk's Office under Map Cover Nos. 90 and 162 bounded as follows;

BEGINNING at a point in the northeast line of Main Street, 60.50 feet southeasterly from the intersection of said northeast line of Main Street with the south line of Cleveland Avenue (which said point of beginning is the northwest corner of lands conveyed by Eliza Jane Roberts to John C. Striker by Deed recorded in Liber 207 of Deeds at page 309); running thence northwesterly along the northeast line of Main Street, 39.98 feet to the southwest corner of lands conveyed to Florence E.C. White by Timothy F. McKenna and Mary G., his wife by deed recorded in Liber 493 of Deeds at page 220; thence running along the south line of lands conveyed to Florence E.C. White, aforesaid, the following courses and distances: Easterly22.62 feet to an angle in the said line; thence southerly at right angles 5.78 feet; thence northerly at right angles 0.71 feet; thence easterly 62.9 feet to the west line of lands conveyed by Henrietta F. Pierce and one to Philip Jacob Ehrisman by Deed recorded in Liber 163 of Deeds at page 108; running thence southerly along the west line of lands conveyed to Philip Jacob Ehrisman, aforesaid 25.03 feet to the north line of lands conveyed to John C. Striker, aforesaid, 87.25 feet to the place of beginning

L.3411, P.215

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 37 of the Mile Reserve, bounded and described as follows:

BEGINNING at a point in the easterly boundary of Main Street (formerly Lewiston Avenue) (66.0 feet wide) distant 59.89 feet southerly from the intersection of the southerly boundary of Cleveland Avenue (66' wide); thence easterly forming an interior angle of 85°-44'-22" a distance of 83.59 feet to a point 45.0 feet southerly from the south line of said Cleveland Avenue; thence easterly on a line parallel with the southerly boundary of said Cleveland Avenue a distance of 28.0 feet to a point; thence southerly on a line parallel with the westerly boundary of an Alley known as South Avenue Place a distance of 48.00 feet to a point; thence westerly forming an interior angle of 89°-13'-48" a distance of 102.90 feet to a point on the first mentioned easterly boundary of Main Street; thence northerly along said boundary of Main Street a distance of 35.68 feet to the point of beginning.

L.3419, P.327

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 37 of the Mile Reserve, bounded and described as follows:

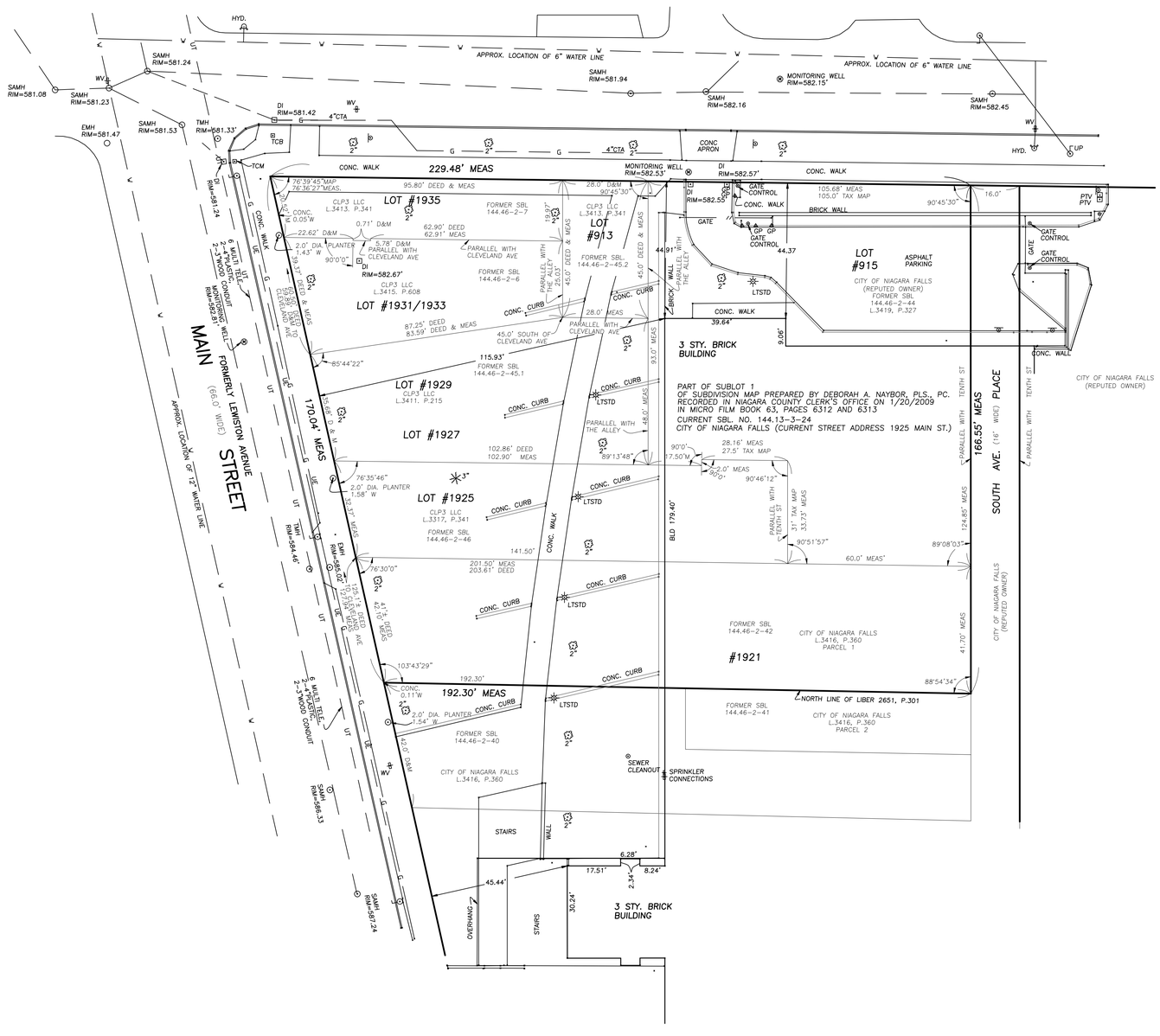
BEGINNING at a point in the westerly boundary of an Alley known as South Avenue Place (16' wide) at its intersection with the southerly boundary of Cleveland Avenue (formerly Erie Ave Avenue (66' wide); thence southerly along the westerly boundary of said Alley and being parallel with Tenth Street a distance of 124.85 feet to a point on the northerly line of lands of the City of Niagara Falls as conveyed by Liber 2651 of Deeds at page 303; thence westerly along the northerly line of said Liber 2651 of Deeds at page 303 forming an interior angle of 89°-08'-03" a distance of 60.0 feet to its intersection with the easterly line of lands of the City of Niagara Falls as conveyed by Liber 3317 of Deeds at page 341; thence along said lands the following four (4) courses and distances; 1) northerly parallel with Tenth Street a distance of 33.73 feet to a point; thence 2) westerly parallel with Cleveland Avenue a distance of 28.16 feet to a point; thence 3) southerly forming an exterior angle of 90° a distance of 2.0 feet to a point; thence 4) westerly parallel with said Cleveland Avenue a distance of 17.50 feet to its intersection with the easterly line of lands conveyed by Liber 3201 of Deeds at page 64; thence northerly parallel with said Tenth Street and along the easterly line of said Liber 3201 of Deeds at page 64 and the easterly line of lands conveyed by Liber 5 of Deeds at page 487 a distance of 93.0 feet to a point on the the southerly boundary of said Cleveland Avenue; thence easterly along said southerly boundary a distance of 105.68 feet to the point of beginning.

PART OF L.3317, P.342

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, know as and being SBL # 144.46-2-46, Ward 11, Pro 0143, 1925 Main Street, with a frontage of 31.00 feet and a depth of 144.98 feet, and having Serial No. 359 as contained in the Petition and Notice of Foreclosure filed August 24, 2001 pursuant to Article 11, Title 3 of the Real Property Tax Law of the State of New York.

L.3416, P.361 PARCEL 1

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 37 of the Mile Reserve and according to a map of Bellevue made by Daniel Marsh, C.E. in 1853 and filed in the Niagara County Clerk's Office on October 3, 1904 under Cover No. 91 and now in Book 4 of Microfilmed Maps, at pages 304 and 305, is known and distinguished as Subdivision Lots Nos. 4 and 5 in Block "Q", being situate on the easterly side of Main Street , formerly Lewiston Avenue, as shown on said map.



50 0 50 100

GRAPHIC SCALE 1" = 50'

N

LEGEND		
ASPH		ASPHALT
BLDG		BUILDING
CLF	—×—	CHAIN LINK FENCE
CO	○	CLEAN OUT
CONC		CONCRETE
D		DEED
DI	□	DRAINAGE INLET
TCM	□	TRAFFIC CONTROL DEVICE
FLT		FLOOD LIGHT
PTV	□	POWER VAULT
GP	△	GUIDE POST
GW	—\—	GUY WIRE
HYD		HYDRANT
INV	(	INVERT ELEVATION
IP	○	IRON PIPE
L		LIBER
MB	□	MAILBOX
MW	○	MONITORING WELL
P		PAGE
SA MH	○	SANITARY MANHOLE
ST MH	○	STORM MANHOLE
SW		SIDEWALK
UP	⌀	UTILITY POLE
WV	⊲	WATER VALVE
N		NORTH
S		SOUTH
W		WEST
E		EAST
EXIST.		EXISTING
CH		SURVEYORS CHAIN (66.0 FEET)
PK		MASONRY NAIL
M		MEASURED
P.O.B.		POINT OF BEGINNING
SBL		TAX MAP: SHEET-BLOCK-LOT

SMP REFERENCE

"THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233.

ENVIRONMENTAL EASEMENT

THE ENVIRONMENTAL EASEMENT DESCRIBES THE SAME PARCEL AS THE RECORDED LEGAL DESCRIPTIONS

NOTE

1) THE PREMISES AS SHOWN ARE CURRENTLY RECORDED ON THE TAX ROLLS AS SBL: NO. 144.13-3-24 WITH A REPUTED OWNER OF CITY OF NIAGARA FALLS WITH REFERENCE TO THE FOLLOWING DEED LIBER AND PAGES
L.3419, P.327, RECORDED SEPT. 18, 2007
L.3416, P.360, RECORDED OCT. 12, 2007
L.3317, P.341, RECORDED MAY 16, 2005
L.3411, P.215, RECORDED AUG. 30, 2007
L.3413, P.341, RECORDED SEPT. 18, 2007
L.3415, P.608, RECORDED OCT. 9, 2007

CURRENT STREET ADDRESS

1925 MAIN STREET

ZONING INFORMATION

PS- PUBLIC SPACE DISTRICT

CERTIFICATION

I HEREBY CERTIFY TO:

1) TO THE PEOPLE OF THE STATE OF NEW YORK ACTING THROUGH ITS COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND TO TICOR TITLE INSURANCE COMPANY

THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE WITH THE CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS ON JULY 18, 1997

SIGNED_____DATE_____
DEBORAH A. NAYBOR
NEW YORK STATE LICENSE NO. 49659

preliminary

DATE OF SURVEY	DATE OF REVISION	COMMENT	INT.

BOUNDARY SURVEY
PART OF LOT 37 MILE RESERVE
CITY OF NIAGARA FALLS
COUNTY OF NIAGARA
STATE OF NEW YORK

Deborah A. Naybor PLS, P.C.
Land Surveying - Land Planning
1490 Church Street
Alden, New York 14004
Ph: (716) 937-9448 Fax: (716) 937-9526

DATE : 7/16/2006 SHEET : 1 OF 1 DWN BY : PDS
JOB NO.: 2006095 SCALE : 1" = 20' CHK'D BY : DAN

WARNING: ALTERING THIS DOCUMENT IS IN VIOLATION OF THE LAW EXCEPTING AS PROVIDED IN SECTION 7209, PART 2 OF THE NEW YORK STATE EDUCATION LAW.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATEMENT OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

ALL UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE. BEFORE YOU DIG, DRILL, OR BLAST, CALL UFPO AT 1-800-962-7962.

CADD2006 \2006095\ 2006095NYSDEC.DWG

LEGEND

		FENCE UNLESS NOTED
		DOUBLE SIGN
		SIGN
		GUARD POSTS
		TREE DECIDUOUS
		TREE CONIFEROUS
UG		UNDERGROUND GAS LINE
G		GAS LINE
GAS		GAS METER
GV		GAS VALVE
GHS		GAS SERVICE
DI		DRAINAGE INLET
STMH		STORM MANHOLE
SAMH		SANITARY MANHOLE
CO		CLEANOUT
FNC		FENCE
FC		FILLER CAP
SP		SIGNAL SUPPORT POLE
TCB		TRAFFIC CONTROL BOX
LT		LIGHT STANDARD
EM		ELECTRIC METER
EMH		ELECTRIC MANHOLE
EO		ELEC. OUTLET
UP		UTILITY POLE
UPL		UTILITY POLE W/ LIGHT
OHW		OVERHEAD WIRES
UE		UNDERGROUND ELECTRIC
		GUY WIRE
UT		UNDERGROUND TELEPHONE
TMH		TELEPHONE MANHOLE
W		WATER LINE
WV		WATER VALVE
HYD		HYDRANT
WHS		WATER SERVICE
INV		INVERT ELEVATION
WCR		WHEEL CHAIR RAMP
CONC		CONCRETE
APPROX		APPROXIMATE
TC		TOP OF CURB
SW		SIDEWALK
EP		EDGE OF PAVEMENT
ASPH		ASPHALT
FA		FIRE ALARM
CC		CURB ENTRANCE CUT
BH#		TEST BORE W/ ELEVATION
FE		FIRE ESCAPE
BLK		BLOCK
BLDG		BUILDING
BRK		BRICK
M		MEASURED
L		LIBER
P		PAGE
PO		PORCH
ADA		THRESHOLD ELEVATION
FF		FINISHED FLOOR ELEVATION
EHH		ELECTRIC HANDHOLE

UTILITY INFORMATION:

NATURAL GAS
NAME/TITLE: GERALD M. SCOTT, JR., MANAGER–SURVEY
COMPANY/DEPT.: NATIONAL FUEL GAS SUPPLY CORPORATION
ADDRESS: 6363 MAIN STREET, WILLIAMSVILLE NY 14221
TELEPHONE: 716–857–7076

ELECTRIC COMPANY
NAME/TITLE: THOMAS W. SMYERS, ELECTRIC PLANNER
COMPANY/DEPT.: NIAGARA MOHAWK
ADDRESS: 144 KENSINGTON AVENUE, BUFFALO, NY 14214–2799
TELEPHONE: 716–831–7579

TELEPHONE COMPANY
NAME/TITLE: DEBORAH WIGGINS, OUTSIDE PLANT ENGINEER
COMPANY/DEPT.: VERIZON
ADDRESS: 65 FRANKLIN STREET–ROOM 602, BUFFALO, NY 14202
TELEPHONE: 716–840–8642

PUBLIC UTILITIES (WATER)
NAME/TITLE: DANA W. SYKES
COMPANY/DEPT.: NIAGARA FALLS WATER BOARD
ADDRESS: 5815 BUFFALO AVENUE, NIAGARA FALLS, NY 14304
TELEPHONE: 716–283–9770

NAME/TITLE:
COMPANY/DEPT.: CITY OF NIAGARA FALLS ENGINEERING DEPT.
ADDRESS: CITY HALL, 745 MAIN ST., RM 303, NIAGARA FALLS, NY 14302
TELEPHONE: 716–

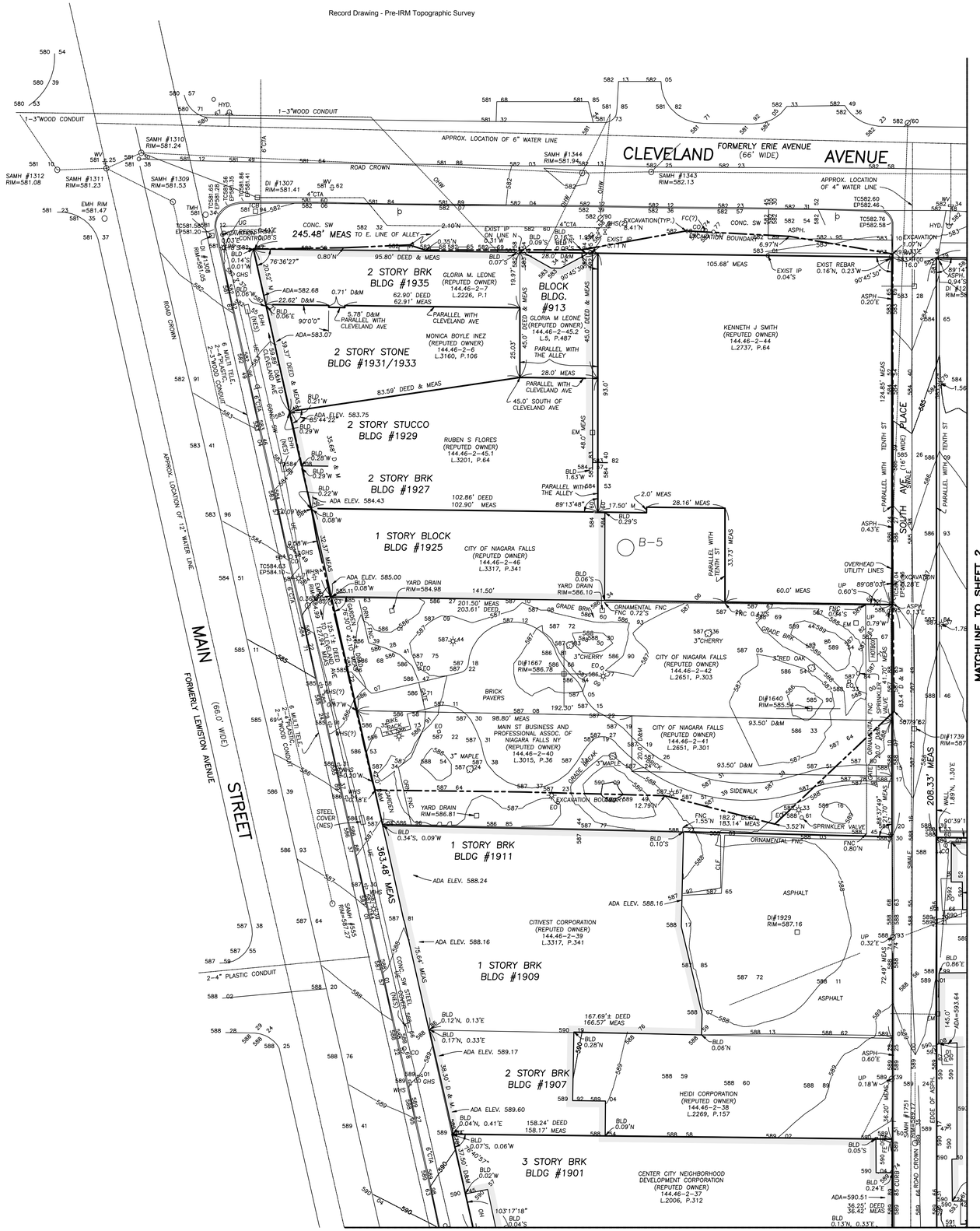
THE FOLLOWING UTILITY COMPANIES WERE REQUESTED TO PROVIDE THE LOCATION OF THEIR FACILITIES WITHIN THE LIMITS OF THIS SURVEY.

UTILITY COMPANY/AGENCY	RESPONDED	AFFECTED
NATIONAL FUEL GAS	YES	YES
NIAGARA MOHAWK, NATIONAL GRID COMPANY	NO	–
NIAGARA COUNTY SEWER DISTRICT #1	YES	NO
NIAGARA FALLS WATER BOARD	YES	YES
VERIZON TELEPHONE	YES	YES
CITY OF NIAGARA FALLS ENGINEERING DEPT.	YES	YES

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATEMENT OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

WARNING: ALTERING THIS DOCUMENT IS IN VIOLATION OF THE LAW EXCEPTING AS PROVIDED IN SECTION 7209, PART 2 OF THE NEW YORK STATE EDUCATION LAW.

Record Drawing - Pre-IRM Topographic Survey



N

PROJECT BENCHMARKS:

FOUND ALUMINUM DISC SET IN CONC WALK AT THE SOUTHEAST CORNER INTERSECTION OF LOCKPORT AVENUE & SIXTEENTH STREET. THIS CITY OF NIAGARA FALLS DISC IS STAMPED SMC–44.
ELEVATION = 593.81'

BM#1 – SET MARK, TOP SHUTOFF VALVE OF HYDRANT AT SOUTHEAST CORNER OF CLEVELAND AVENUE & TENTH STREET.
ELEVATION = 585.39'

BM#2 – SET MARK, TOP SHUTOFF VALVE OF HYDRANT AT NORTHEAST CORNER OF CLEVELAND AVENUE & MAIN STREET.
ELEVATION = 583.70'

BM#3 – SET MARK, TOP SHUTOFF VALVE OF HYDRANT ON WEST SIDE OF MAIN STREET, OPPOSITE SOUTH AVENUE, IN FRONT OF #1812 1/2.
ELEVATION = 593.91'

BM#4 – SET MARK, TOP SHUTOFF VALVE OF HYDRANT AT SOUTHEAST CORNER OF MAIN STREET & MICHIGAN AVENUE.
ELEVATION = 601.00'

BM#5 – SET CUT AT THE NORTHWEST CORNER OF WATER TABLE FOR BRIDGE STATION POST OFFICE, LOCATED AT THE SOUTHEAST CORNER OF SOUTH AVENUE & TENTH STREET.
ELEVATION = 592.27

FINAL

ALL UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE. BEFORE YOU DIG, DRILL, OR BLAST, CALL DIG SAFELY NEW YORK AT 1–800–962–7962.

DATE OF SURVEY	DATE OF REVISION	COMMENT	INT.
6/16/2006	8/22/2006	ADD ELECTRIC LINES	PS
6/16/2006	8/22/2006	ADD STORM/SAN. LINES & NOTE	FMN

TOPOGRAPHIC SURVEY

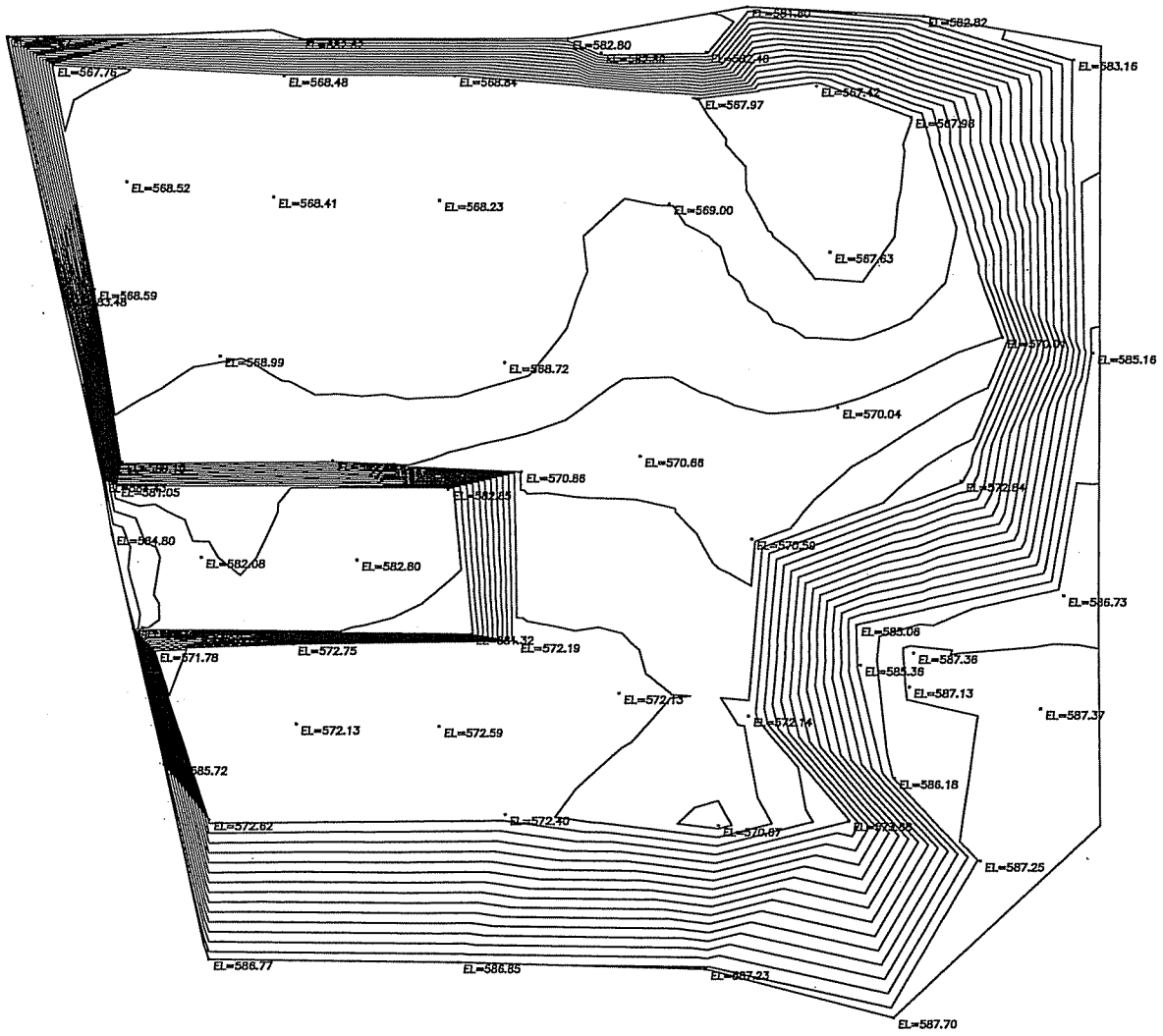
PART OF LOT 37 MILE RESERVE
CITY OF NIAGARA FALLS
COUNTY OF NIAGARA
STATE OF NEW YORK

Deborah A. Naybor PLS, P.C.
Land Surveying - Land Planning
1490 Church Street
Alden, New York 14004
Ph: (716) 937–9448 Fax: (716) 937–9526

DATE : 6/16/2006 | SHEET : 1 OF 3 | DWN BY : PS, MC, FN
JOB NO.: 2006095 | SCALE : 1" = 20' | CHK'D BY :

CADD2006: \ 2006095 \ 2006095.DWG

Record Drawing - Post Excavation



Campanella, Steve

From: nayborsurvey@aol.com
Sent: Tuesday, January 22, 2008 2:16 PM
To: Campanella, Steve
Subject: N.F.Complex Volumes

Hi Steve,

Attached is a pdf file showing the area which the volumes calculations were taken, and a text file showing how many cu. yds. were taken out.
Let me know if you have any questions.

Pete

Deborah A. Naybor, PLS, PC
1490 Church Street
Alden, New York 14004
Phone: 716-937-9448
Fax: 716-937-9526

VOLUMES:

Volumes reported in cu. yds

Using 0.037 cubic units/cu. yds

Volume of SURFACE1-SURFACE2 based on a planar tin.

Area	Net Volume	Plan Area	Average Value
Positive Volume	Negative Volume		
13950.362	13920.998 -29.363	41356.877	0.337

Section Cut & Fill Report

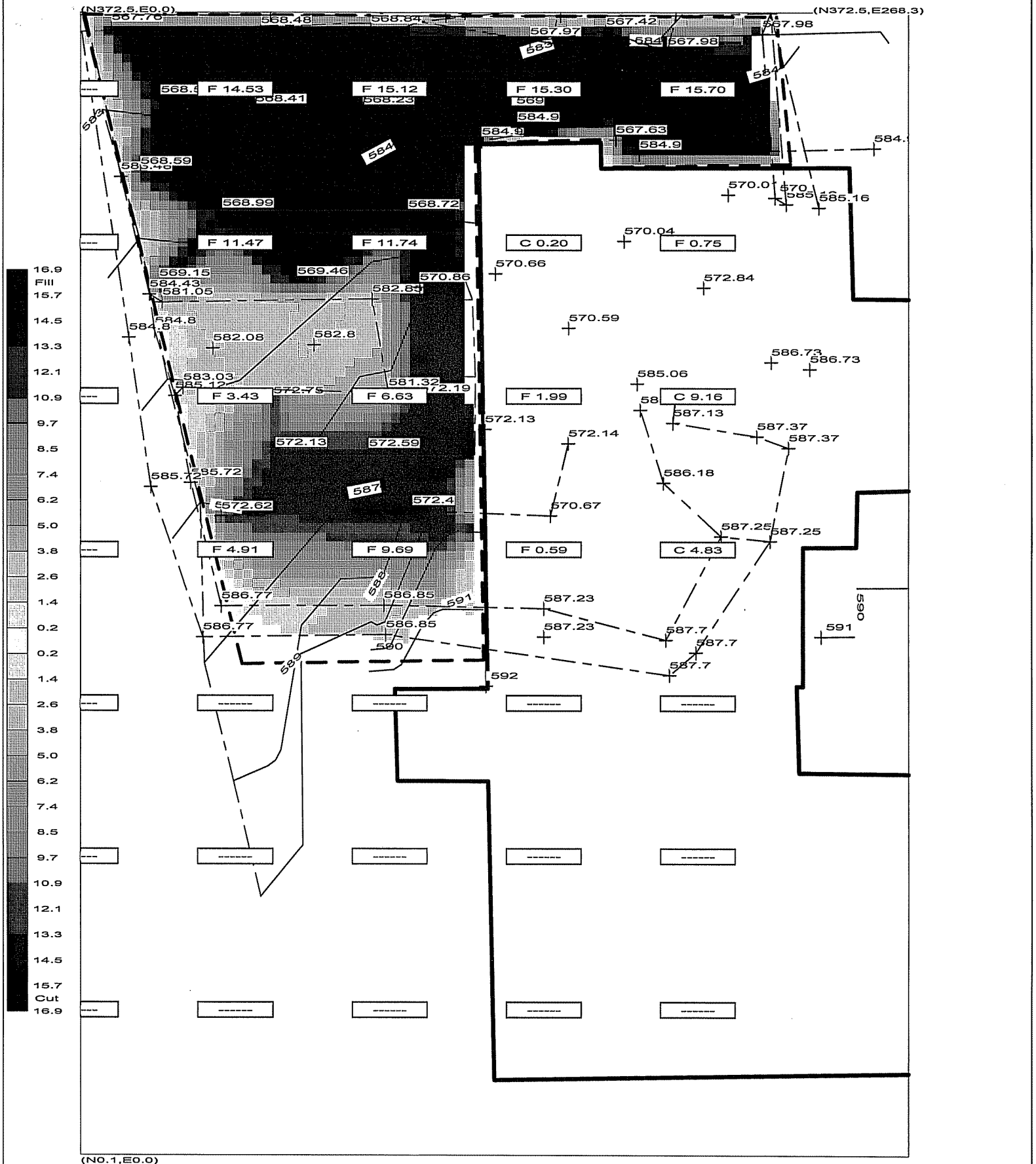
JOB: 1234 NFMC HOLE SECTION: A1 Excav. _ Backfill
Grid Size:3.X3.Ft Subgrid Size:1.5X1.5
Section Size: 268.3 X 372.5Ft

Section Balance Analysis

	Bank (CY)	Compacted (CY)	Expanded (CY)
Fill Required		10106	
Repl Topsoil Rqd		0	
Stripping Total	0	0	0
Cut Total	1	1	1
Fill Obtained On Site	1	1	1
Repl Topsoil Obtained On Site	0	0	0
Import Repl Topsoil		0	
Import Fill		10105	
Export Stripping		0	0
Export Fill		0	0
Total Export		0	0

Shrinkage and Expansion

Shrinkage (%)	0
Expansion (%)	0
Repl Topsoil Shrink (%)	0



Existing GRIDS:
Cut & Fill Depth
Proposed

JOB: 1234 NFMC HOLE
SECTION: A1 Excav. _ Backfill
X-SCALE: 40.9 ft/in (Auto)
Y-SCALE: 40.9 ft/in (Auto)
RUN DATE: 01-23-2008 RUN TIME: 10:55:21
COMPANY:
ESTIMATOR:

Campanella, Steve

From: nayborsurvey@aol.com
Sent: Thursday, January 31, 2008 1:11 PM
To: Campanella, Steve
Subject: N.F. COMPLEX VOLUMES

Hi Steve,

Attached please find volume calculations, pdf file showing the new contours,
and the most recently shot points (3531-3588).
In the volume calcs. the 4946 cu.yds would represent fill
and the 915 cu.yds representing cu. yds taken away from the previous surface.
Let me know if you have any questions.

Pete Snyder

Deborah A. Naybor, PLS, PC
1490 Church Street
Alden, New York 14004
Phone: 716-937-9448
Fax: 716-937-9526

```
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3568,5327.60,4583.08,575.80,SEL:VARIOUS BACKFILL
3569,5329.42,4537.04,577.19,SEL:VARIOUS BACKFILL
3570,5370.29,4524.02,575.60,SEL:VARIOUS BACKFILL
3571,5371.26,4566.61,575.08,SEL:VARIOUS BACKFILL
3572,5364.05,4592.45,575.45,SEL:VARIOUS BACKFILL
3573,5370.29,4639.69,574.20,SEL:STONE
3574,5374.46,4670.78,574.23,SEL:STONE
3575,5347.30,4673.73,573.85,SEL:STONE
3576,5326.55,4658.68,574.21,SEL:STONE
3577,5340.54,4633.27,573.70,SEL:STONE
3578,5297.02,4630.06,574.48,SEL:STONE
3579,5254.16,4635.25,575.16,SEL:STONE
3580,5229.61,4664.80,576.45,SEL:STONE
3581,5215.86,4697.90,577.38,SEL:STONE
3582,5206.90,4733.46,581.40,SEL:STONE
3584,5282.74,4610.73,574.80,ELB:
3585,5336.96,4605.78,573.66,ELB:
3586,5367.62,4607.81,574.23,ELB:
3587,5395.82,4608.85,572.96,ELB:
3588,5468.44,4409.50,580.95,HPT:#1273
```

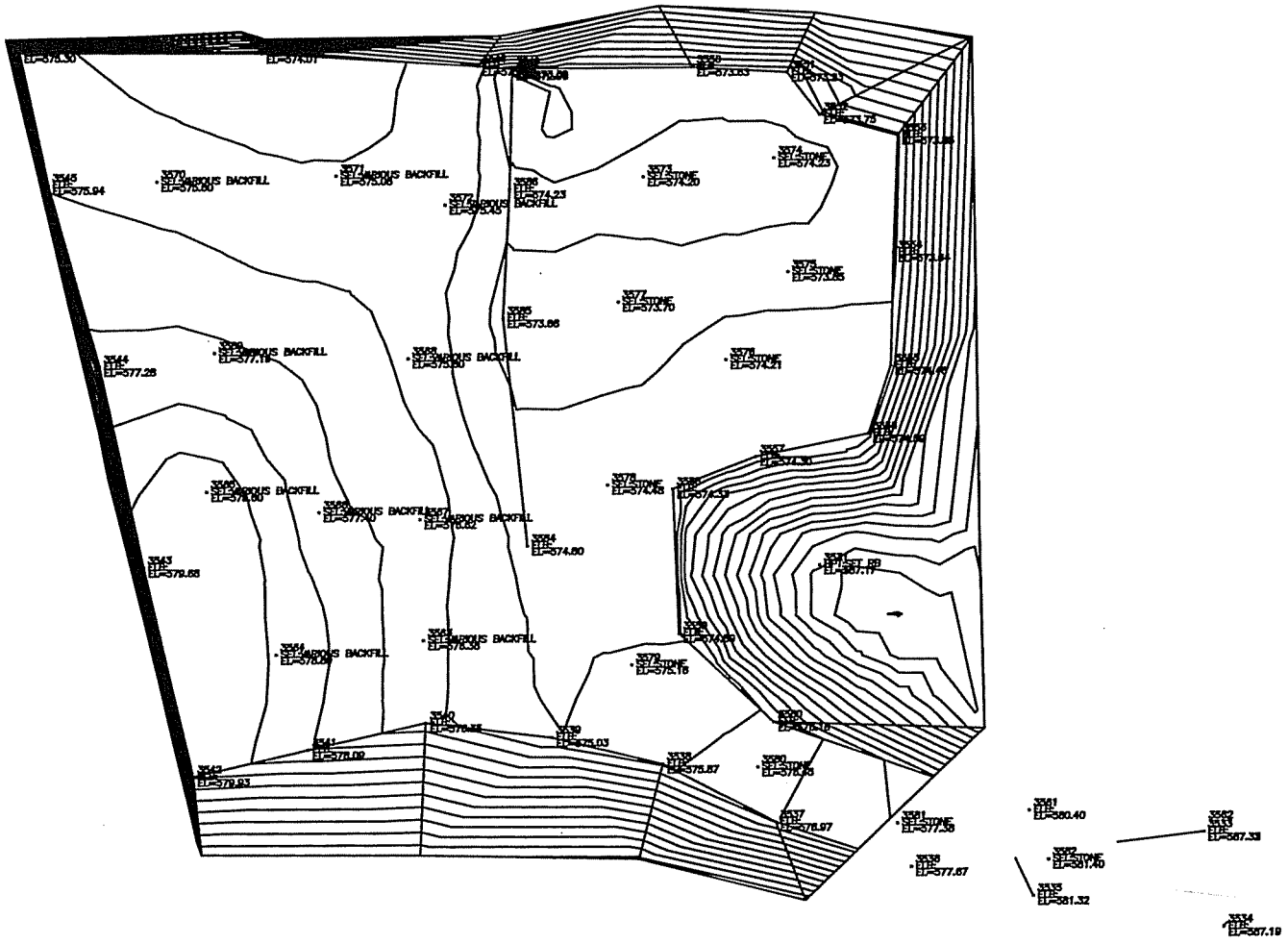
VOLUMES:SURFACE7 and SURFACE2

Reported in CU.YDS

Using 0.037 cubic units/CU.YDS

Volume of Current based on a planar tin.

Area	Positive Volume	Negative Volume	Net Volume
	4946.242	-915.044	4031.198



Mark Cerrone Inc.

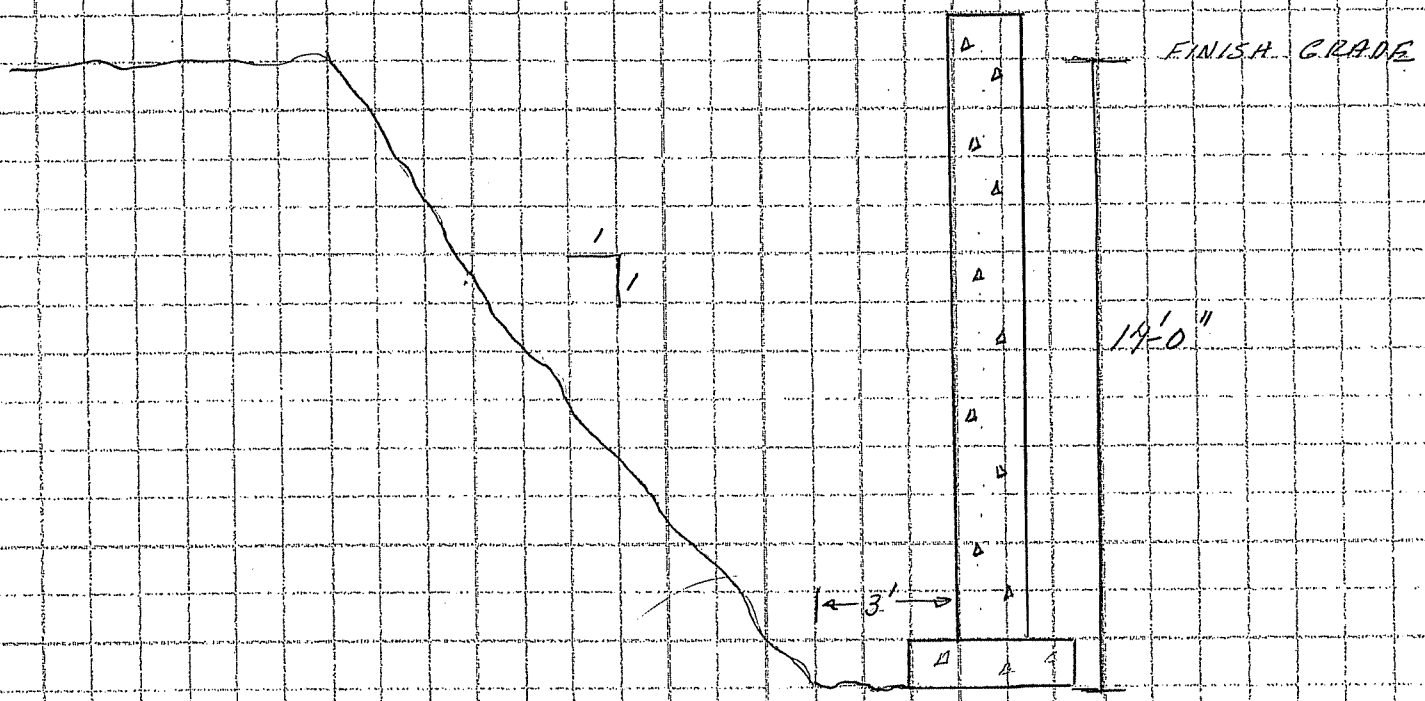
Date	Description	QTY (TON)	Unit Price	Extended Price
1/30/2008	2" ROC	679.91	10.70	7,275.04
1/31/2008	2" ROC	612.99	10.70	6,558.99
2/6/2008	2" ROC	103.44	10.70	1,106.81
2/7/2008	2" ROC	252.25	10.70	2,699.08
2/8/2008	2" ROC	389.56	10.70	4,168.29
2/9/2008	2" ROC	606.15	10.70	6,485.81
2/11/2008	2" ROC	468.33	10.70	5,011.13
2/12/2008	2" ROC	800.72	10.70	8,567.70
2/13/2008	2" ROC	783.68	10.70	8,385.38
2/14/2008	2" ROC	265.09	10.70	2,836.46
2/15/2008	#1 Stone	18.06	14.50	261.87
Total Cerrone		*4,980.18*		*$53,356.55*

LP Ciminelli

Date	Description	QTY (TON)	Unit Price	Extended Price
1/24/2008	Flowable Fill	99.00	29.68	2,938.32
5/9/2008	2" ROC	1,471.70	7.55	11,111.34
5/12/2008	2" ROC	870.05	7.55	6,568.88
Total LP Ciminelli		*2,440.75*		*$20,618.53*

Combined Total	7,420.93	$73,975.09

DESCRIPTION NFMC - FOUNDATION STONE @ REMEDIATION JOB NUMBER 01-07-8415.



TYPICAL FOUNDATION DETAIL

CALC.

3 X 14' = 42 SF

14 X 14/2 = 98 SF

140.5 SF X 287 LF = 40180 / 27 = 1488 CY.

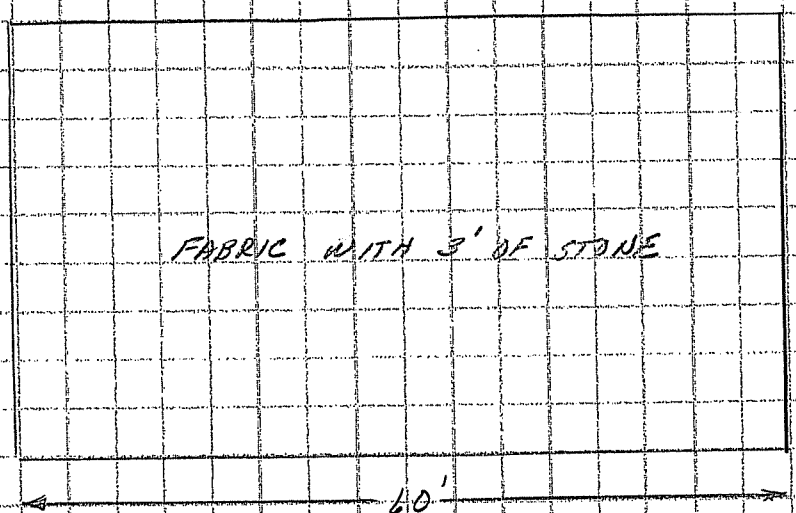
NOTES

LPCiminelli

369 Franklin Street
Buffalo, New York 14202

DESCRIPTION: NFMC - CRANE PAD @ REMEDIATION

JOB NUMBER: 01-07-1870



CRANE PAD

CALC

3 x 30 x 60 = 5400 / 27 = 200 CY

NOTES

LPCiminelli

369 Franklin Street
Buffalo, New York 14202

Campanella, Steve

From: nayborsurvey@aol.com
Sent: Wednesday, January 23, 2008 9:13 AM
To: Campanella, Steve
Subject: N.F. complex volumes

Hi Steve,

atttached please find volumes for the 2 stock piles Lou shot on Tuesday.

Pete

Deborah A. Naybor, PLS, PC
1490 Church Street
Alden, New York 14004
Phone: 716-937-9448
Fax: 716-937-9526

VOLUMES:NORTH STOCKPILE

Volumes reported in Cu.Yds.

Using 0.037 cubic units/Cu.Yds.

Volume of Current based on a planar tin.

Area	Net Volume		Plan Area	Average Value
Positive Volume		Negative Volume		
0.000	878.028	-878.028	4969.603	-0.177

VOLUMES:SOUTH STOCKPILE

Volumes reported in Cu.Yds.

Using 0.037 cubic units/Cu.Yds.

Volume of SURFACE5-SURFACE6 based on a planar tin.

Area	Net Volume	Plan Area	Average Value
Positive Volume	Negative Volume		
0.000	551.151 -551.151	3709.361	-0.149

APPENDICES B - N