



Enclosure 1  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Periodic Review Report Notice  
Institutional and Engineering Controls Certification Form



(1)

Site Details

Box 1

Site No. V00217

Site Name: Olindo's Import Foods, Inc.

Site Address: 1510 Lyell Avenue Zip Code: 14606-2183

City/Town: Rochester

County: Monroe

Current Use: Commercial

Intended Use: Commercial/Industrial

Verification of Site Details

Box 2

YES NO

1. Are the Site Details above, correct?

☒ ☐

If NO, are changes handwritten above or included on a separate sheet?

☐

2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment since the initial/last certification?

☐ ☒

If YES, is documentation or evidence that documentation has been previously submitted included with this certification?

☐

3. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property since the initial/last certification?

☐ ☒

If YES, is documentation or evidence that documentation has been previously submitted included with this certification?

☐

4. Has a change-of-use occurred since the initial/last certification?

☐ ☒

If YES, is documentation or evidence that documentation has been previously submitted included with this certification?

☐

5. For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), has any new information revealed that assumptions made in the Qualitative Exposure Assessment for offsite contamination are no longer valid?

☐ ☒

If YES, is the new information or evidence that new information has been previously submitted included with this Certification?

☐

6. For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), are the assumptions in the Qualitative Exposure Assessment still valid (must be certified every five years)?

☒ ☐

If NO, are changes in the assessment included with this certification?

☐

SITE NO. V00217

Description of Institutional Control

Olindo Enterprises, Inc.  
1510 Lyell Avenue

S\_B\_L Image: 105.61-1-64

Environmental Easement

Ground Water Use Restriction

Landuse Restriction

Soil Management Plan

YES NO



Description of Engineering Control

Olindo Enterprises, Inc.  
1510 Lyell Avenue  
Environmental Easement

S\_B\_L Image: 105.61-1-64

Asphalt Cover

YES NO



Attach documentation if IC/ECs cannot be certified or why IC/ECs are no longer applicable.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

Control Description for Site No. V00217

Unless prior written approval by the NYSDEC is first obtained, there shall be no construction use or occupancy that results in disturbances or excavation which threatens the integrity of the asphalt cap covering excavation areas 4, 6, or 7, or which results in unacceptable human exposure to contaminated soils;

The asphalt cap in excavation areas 4, 6, and 7 shall be maintained;

The property is restricted to commercial or industrial uses

The use of groundwater beneath the site shall not be used for potable or industrial purposes without treatment and written permission from the NYSDEC;

Any on-site soil excavation shall comply with the approved Soil Management Plan; and

Environmental Easement Agreement made on June 17, 2004

### Control Certification Statement

For each Institutional or Engineering control listed above, I certify by checking "Yes" that all of the following statements are true:

- (a) the Institutional Control and/or Engineering Control employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;
- (b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;
- (c) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and
- (d) 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.
- (e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

IC/EC CERTIFICATIONS  
SITE NO. V00217

Box 5

**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

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

I OLINDO DI FRANCESCO at 1510 LYELL AV ROCHSTER NY 14606  
print name print business address

am certifying as Owner (Owner or Remedial Party)

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

[Signature]  
Signature of Owner or Remedial Party Rendering Certification

2-14-2008  
Date

Box 6

**QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) SIGNATURE**

I certify that all information and statements in Box 4 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 EDWARD G. PARRONE at PARRONE ENGINEERING  
print name print business address

am certifying as a Qualified Environmental Professional for the OLINDO IMPACT FOOD, INC.  
SITE # V00217

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



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

Stamp (if Required)

2-14-08  
Date



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## Enclosure 2

### Certification of Institutional Controls/ Engineering Controls (ICs/ECs) Step-by-Step Instructions, Certification Requirements and Definitions

The Owner, or Remedial Party, and when necessary, a Professional Engineer (P.E.), or the Qualified Environmental Professional (QEP), must review and complete the IC/EC Certification Form, sign the IC/EC Certifications Signature Page, and return it, along with the Periodic Review Report (PRR), within 45 days of the date of this notice.

Please use the following instructions to complete the IC/EC Certification.

#### I. Verification of Site Details (Box 1 and Box 2):

Answer the six questions in the Verification of Site Details Section. Questions 5 and 6 only refer to sites in the Brownfield Cleanup Program. Environmental Conservation Law (ECL) Section 27-1415-7(c) is included in section IV. **IC/EC Certification Requirements**, below. The Owner and/or your P.E. or QEP may include handwritten changes and/or other supporting documentation, as necessary.

#### II. Verification of Institutional / Engineering Controls (Box 3 and Box 4)

Review the listed IC/ECs, confirming that all existing controls are listed, and that all existing controls are still applicable. If there is a control that is no longer applicable the Owner / Remedial Party is to petition the Department requesting approval to remove the control.

2. Select "YES" or "NO" for **Control Certification** for each IC/EC, based on Sections (a)-(e) of the **Control Certification Statement**.
3. If you cannot certify "YES" for each Control, please continue to complete the remainder of this **Control Certification** form. Attach supporting documentation that explains why the **Control Certification** cannot be rendered, as well as a statement of proposed corrective measures, and an associated schedule for completing the corrective measures. Note that this **Control Certification** form must be submitted even if an IC or EC cannot be certified; however, the certification process will not be considered complete until corrective action is conducted.

If the Department concurs with the explanation, the corrective measures, and the proposed schedule, a letter authorizing the implementation of those corrective measures will be issued by the Project Manager. Once the corrective measures are complete, a new Periodic Review Report (with IC/EC Certification) is to be submitted within 45 days to the Department. If the Department has any questions or concerns regarding the PRR and/or completion of the IC/EC Certification, the Project Manager will contact you.

#### III. IC/EC Certification by Signature (Box 5 and Box 6):

1. If you certified "YES" for each Control, please complete and sign the IC/EC Certifications page. To determine WHO signs the **IC/EC Certification**, please use Table 1, Signature Requirements for the IC/EC Certification, below.

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Table 1. Signature Requirements for Control Certification Page		
Type of Control	Example of IC/EC	Required Signatures
IC	Environmental Easement Deed Restriction.	A site or property owner or remedial party.
EC which does not include a treatment system or engineered caps.	Fence, Clean Soil Cover, Individual House Water Treatment System, Vapor Mitigation System	A site or property owner or remedial party, and a QEP. (P.E. license not required)
EC that includes treatment system or an engineered cap.	Pump & Treat System providing hydraulic control of a plume, Part 360 Cap.	A site or property owner or remedial party, and a QEP with a P.E. license.

#### IV. IC/EC Certification Requirements:

ECL requires periodic certification of IC(s) and EC(s) as follows:

Environmental Restoration Program (ERP): ECL Section 56-0503. (Environmental restoration projects; state assistance)

State Superfund Program (SSF): ECL 27-1318. (Institutional and engineering controls)

Brownfields Cleanup Program (BCP): ECL Section 27-1415. (Remedial program requirements)

ECL Section 27-1415-7(c) states:

"At non-significant threat sites where contaminants in groundwater at the site boundary contravene drinking water standards, such certification shall also certify that no new information has come to the owner's attention, including groundwater monitoring data from wells located at the site boundary, if any, to indicate that the assumptions made in the qualitative exposure assessment of offsite contamination are no longer valid. Every five years the owner at such sites shall certify that the assumptions made in the qualitative exposure assessment remain valid. The requirement to provide such certifications may be terminated by a written determination by the Commissioner in consultation with the Commissioner of Health, after notice to the parties on the brownfield site contact list and a public comment period of thirty days."

Voluntary Cleanup Program (VCP): Applicable program guidance.

Response Program - Petroleum Remediation: Applicable program guidance.

Federal Brownfields Program: Applicable program guidance.

Manufactured Gas Plant (MGP) Projects: Applicable division guidance (including non-registry listed MGPs).



(2)

WHERE to mail the signed Certification Form by Friday, February 15, 2008:

New York State Department of Environmental Conservation  
Division of Environmental Remediation

Division of Environmental Remediation  
6274 East Avon-Lima Road  
Avon, NY 14414  
Attn: Todd Caffoe, Project Manager

**Please note that extra postage may be required.**

## V. Definitions

**"Engineering Control" (EC)** means any physical barrier or method employed to actively or passively contain, stabilize, or monitor contamination, restrict the movement of contamination to ensure the long-term effectiveness of a remedial program, or eliminate potential exposure pathways to contamination. Engineering controls include, but are not limited to, pavement, caps, covers, subsurface barriers, vapor barriers, slurry walls, building ventilation systems, fences, access controls, provision of alternative water supplies via connection to an existing public water supply, adding treatment technologies to such water supplies, and installing filtration devices on private water supplies.

**"Institutional Control" (IC)** means any non-physical means of enforcing a restriction on the use of real property that limits human and environmental exposure, restricts the use of groundwater, provides notice to potential owners, operators, or members of the public, or prevents actions that would interfere with the effectiveness of a remedial program or with the effectiveness and/or integrity of operation, maintenance, or monitoring activities at or pertaining to a remedial site.

**"Professional Engineer" (P.E.)** means an individual or firm licensed, or otherwise authorized under article 145 of the Education Law of the State of New York, to practice engineering.

**"Property Owner"** means, for purposes of an IC/EC certification, the actual owner of a property. If the site has multiple properties with different owners, the Department requires that the owners be represented by a single representative to sign the IC/EC Certification.

**"Oversight Document"** means any document the Department issues pursuant to each Remedial Program to define the role of a person participating in the investigation and/or remediation of a site or area(s) of concern. Examples for the various programs are:

**BCP** (after approval of the BCP application by Department) - Brownfield Site Cleanup Agreement.

**ERP** (after approval of the ERP application by Department) - State Assistance Contract.

**Federal Superfund Sites** - Federal Consent Decrees, Administrative Orders on Consent or Unilateral Orders issued pursuant to CERCLA.

**Response Program** - Order on Consent, or Stipulation pursuant to Article 12 of the Navigation Law (and the ECL).

**SSF Program** - Administrative Consent Order, Record of Decision.

**VCP** (after approval of the VCP application by Department) - Voluntary Cleanup Agreement.

**RCRA Corrective Action Sites** - Federal Consent Decrees, Administrative Orders on Consent or

P

permit conditions issued pursuant to RCRA.

**"Qualified Environmental Professional" (QEP)** means a person who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding the presence of releases or threatened releases to the surface or subsurface of a property or off-site areas, sufficient to meet the objectives and performance factors for the areas of practice identified by this Part. Such a person must:

(1) hold a current professional engineer's or a professional geologist's license or registration issued by the State or another state, and have the equivalent of three years of full-time relevant experience in site investigation and remediation of the type detailed in this Part; or

(2) be a site remediation professional licensed or certified by the federal government, a state or a recognized accrediting agency, to perform investigation or remediation tasks consistent with Department guidance, and have the equivalent of three years of full-time relevant experience.

**"Qualitative Exposure Assessment"** means a qualitative assessment to determine the route, intensity, frequency, and duration of actual or potential exposures of humans and/or fish and wildlife to contaminants.

**"Remedial Party"** means a person implementing a remedial program at a remedial site pursuant to an order, agreement or State assistance contract with the Department.

**"Site Management" (SM)** means the activities undertaken as the last phase of the remedial program at a site, which continue after a Certificate of Completion is issued. Site management is conducted in accordance with a site management plan, which identifies and implements the IC/ECs required for a site, as well as any necessary monitoring and/or operation and maintenance of the remedy.

**"Site Management Plan" (SMP)** means a document which details the steps necessary to assure that the institutional and engineering controls required for a site are in-place, and any physical components of the remedy are operated, maintained and monitored to assure their continued effectiveness, developed pursuant to Section 6 of DER-10, *Technical Guidance for Site Investigation and Remediation*.

**"Site Owner"** means the actual owner of a site. If the site has multiple owners of multiple properties with ICs and/or ECs, the Department requires that the owners designate a single representative for IC/EC Certification activities.