

June 7th, 2011

New York State Department of Conservation
Attn: David Szymanski, Project Manager
270 Michigan Ave
Buffalo, NY 14203-2999

Dear Mr. Szymanski,

This is the Periodic Review Report for Site No. V00314, previously known as "Outokumpu American Brass (OAB) Facility" but now operating under the name Luvata Buffalo, Inc, located @ Military and Sayre St. Buffalo, NY 14207.

I. INTRODUCTION

This 71-acre parcel has an active plant, which occupies approximately 1.2 million square feet. It has operated as a copper based alloy production facility since 1907. Previous site investigations suggested remedial action be taken for heavy metals in 5 onsite areas designated as A, C, D, M and J (shown on attachments). Areas A, C, D and M have an asphalt or concrete pavement cover system. Approximately 0.75 acres of area J was covered with 12 inches of clean soil and demarcated with 8 bollards. The plant site including Area J, is fenced to prevent unauthorized access. In addition, a Declaration of Covenants and Restrictions was recorded against the site. The restrictive covenants limit the use of the property, prohibit the use of groundwater and require adherence to a Site Management Plan or known as SMP. The SMP calls for periodic inspection and maintenance of the covers and fences that make up the remedy.

The covers and fences have been completed before the submission of the 2009 Periodic Review Report, and continue to be successful in meeting the goals of preventing exposure to and migration of material offsite. The rigorous recording and reporting of inspection/monitoring efforts in strict compliance with the SMP has been deficient. Cover inspections have been conducted in the Spring and Fall of each year as part of routine facilities maintenance, as well as by safety service orders. They were not entered on the inspection report form called for in the SMP and were not sent to the NYSDEC. This was also the case as per this periodic review. Due to administrative cuts and the general state of the economy, department were combined and this spring and fall report were not sent as is in accordance with the SMP. This is currently being corrected by the company, which has hired an environmental engineer to monitor issues such as these. The needed repairs have been completed in a timely fashion. When the repairs were completed, they were marked complete on the Safety Service Order list rather utilizing the Table 5 Site Maintenance log provided in the SMP. The fencing has also been inspected on a regular basis for breach of integrity by the plant security force. To address this deficiency, a formal monitoring and logging was conducted on June 8th of 2009. Formal spreadsheets tables were prepared for the Luvata Environment and Safety Department for this monitoring event, and for future events.

the Table 5 Site Maintenance log provided in the SMP. The fencing has also been inspected on a regular basis for breach of integrity by the plant security force. To address this deficiency, a formal monitoring and logging was conducted on June 8th of 2009. Formal spreadsheets tables were prepared for the Luvata Environment and Safety Department for this monitoring event, and for future events.

The owner will produce a Maintenance log for the relevant period using a separate documentation in the possession on this correct table form and forward it to the Department. These forms will be used in the future and will formalize the recording and reporting of these monitoring events associated Maintenance activities.

II. SITE OVERVIEW

Attached are reproductions of maps submitted with the 2009 Periodic Review Report. These maps show various areas and features on the site map as well as locations and description of identified areas. The remedial history of the site is as follows:

Ecology & Environment, Inc. completed a preliminary Site Investigation in 1989. A Remedial Investigation of the site, which was completed by E&E in 1991. McLaren/ Hart completed a supplemental Remedial Investigation in 1995; they also completed a feasibility study in 1996. Based on the metal impacted soils found to have concentrations above background in spots over a number of areas that were mostly paved over and one small-unpaved area that had samples showing arsenic above 30mg/kg, the following remedial measures were adopted:

- Areas A, C, D and M to have asphalt or concrete cover system.
- Areas J to have a secure perimeter fencing to prevent unauthorized entry.
- A 0.75-acre subset of J to have construction of a vegetated soil cover system and to be delineated with bollards
- Implementation of an O & M program (Operation and Maintenance program) to maintain the integrity of the vegetated soil cover and security fence in area J.
- Deed restrictions associated with these measures to be filed with Erie County.

The Remedial Action Completion Report in regard to the paving of Areas A, C, D, M was submitted to the NYSDEC on May 30th, 2002. The area J interim Remedial measures requiring the secure fencing and soil cover was approved by the NYSDEC in March of 2005. A deed restriction associated with Areas A, C, D, M and J reflecting these measures was filed Aug 24, 2006 and refilled March 2, 2007.

III. REMEDY PERFORMANCE/ EFFECTIVENESS/ PROTECTIVENESS

The goals of this action are to continue to prevent exposure of offsite migration of residual industrial contaminants.

The effectiveness of the soil cap and security measures in area J are revealed by the complete vegetation coverage of the site with healthy cover plants that continue to prevent both wind dispersal or rain wash out.

There is no evidence of rutting, washout or unevenness (no puddles formed on the site cap during or after a rainstorm event) of the cover suggesting any potential breach of the cover that would foster outward migration of contaminants. There are no foot print paths worn through the vegetation coverage. The security fence has been observed to be breached in two separate spots, during an inspection of the areas. The first occurrence, is located SW of the parking lot directly behind the baseball diamond. The gatepost has been bent; this prevents the gate from latching allowing entrance into area J through the baseball fields. The second location is approximately 50 meters farther down the fence traveling toward the direction of the bollard area. This breach in the fence shows signs of the fence being physically cut, by someone to gain access. The area around the breach does not show signs of entrance by people or animals. The vegetation is very healthy; there are no ruts or paths worn to indicate that people or animals are entering this restricted area. To correct this problem maintenance has been notified and a work order has been issued, the fence will be repaired as soon as feasible. To prevent this from happening in the future, a weekly inspection schedule will be followed and performed by the security staff, this will then be logged on the above described spreadsheet and reviewed monthly by the environmental department.

The eight original bollards defining the soil cap perimeter are all present and clearly visible as was observed in past reports. Plant personnel were aware of their presence and purpose. There were no trees suggesting deep roots breaching the cap nor were there signs of any animal burrows.

The deed restrictions are in place preserving caps of contaminated areas and perimeter fencing as well as preclusion of non-industrial occupancy or use of groundwater for wells. The procedures for any construction activity, maintenance activity and isolation and testing of any soils from activities in these areas are understood by the plant Environment and Safety Department and management is well aware of the need to notify the department of any activity generating soil or debris from these areas.

The asphalt and concrete covers over areas A, C, D, and M with the minor exceptions mentioned in the attached spring 2009 monitoring report is intact and receive regular plant maintenance. Potential for either wind or rain driven dispersal of soils in these areas is quite limited.

Plant site perimeter fencing with entrances only in areas observed by plant security augmented by security cameras around the perimeter strongly suggests the effectiveness of keeping unauthorized people away from the entire plant site. The requirements for sign in by all contractors and acknowledgement of contractor rules impacting waste materials as well as requirement of a plant project engineer for all activity on plant property shows control over activity on plant property. The facility has adopted plant wide the Soil and Waste Management Plan procedures for the area covered by this Site

Management Plan. The Environment and Safety Dept. which has a copy of this Site Management Plan, is the only group authorized to approve movement of soils offsite or onsite. This should prevent inadvertent offsite movement of contaminated soils. This facility's Environment and Safety Department has a well-established procedure for segregation and lay down on polyethylene sheeting of any excavated soils followed by inspection and testing prior to their authorizing any action regarding soil.

The requirements in the Health and Safety Plan regarding personal protective equipment with the exception of long sleeved shirts are addressed by requiring these items for all plant personnel and contractors while working on site. Tank tops are restricted plant wide. This is part of their Shop and Safety Rules for in plant personnel and part of the Contractors rules for outside personnel. The rubber boots and disposable coveralls called for in wet and muddy circumstances are regular storeroom items at the plant.

IV. IC/EC PLAN COMPLIANCE REPORT

The purpose of institutional controls and Engineering Controls in this facility is to reduce direct contact with metal impacted soils, to reduce storm water contact with transport of metal impacted soils, reduce airborne transport of metal impacted soils and reduce leaching potential of metal impacted soils to perched water. The institutional controls for clean up site are the following:

1. Ground water use restriction. Its performance is evaluated based on evidence of the filing of the deed of restriction and the lack of any evidence of wells in use on the property or its environs. The deed covenant filed March 2, 2009 is documented and date stamped by the Erie County Clerks Office. There was no evidence of ground water use observed.
2. Land use restriction to industrial use only. This is to reduce direct contact with metal impacted soils by the public or private parties through residential use. Effectiveness of this requirement is also evaluated by means of the deed restrictions and observed use of the land.
3. Soil Management Plan-The purpose of this institutional control is to assure that routine and reasonably foreseeable O&M activities and minor construction activities that may be conducted and that could result in the disturbance of potentially contaminated soils are done in a manner consistent with the purpose of the IC/EC goals and compliance with regulatory requirements. The details of this plan are covered in Section 2.2.2.1 of the Site Management Plan in possession of the Department to wit:
 - a. Repair or replacement of deteriorated asphalt pavement or concrete over 1000 sq.ft. Requires NYSDEC notification 10 days in advance.
 - b. Emergency O&M construction that could result in disturbance of contaminated soils beneath a cover system will be conducted in a manner to disturb contaminated soils as little as feasible. Clean

cover material will be kept separate from contaminated soils and contaminated soils should be returned to the excavation or sent for off site treatment. NYDEC is to be notified as soon as practical of the nature of the emergency work.

- c. If the surface of exposed underlying site soil is dry and the area of exposed soil relatively flat, it is to be wetted to control dust.
- d. In area J the contaminated soil that is removed from the site not returned in 12 hours must be covered with polyethylene to prevent dispersal. Such soil as cannot be returned to the area J site will be sampled and tested.
- e. Where contaminated soil from area J is exposed after the O&M work, clean cover material will be placed in advance of construction equipment covering the contaminated soil with clean soil and grading and revegetation will be conducted.

Evaluation of these measures in the future would be determined by evidence from Maintenance Logs and by observation of damage to covers, bare spots in vegetation, or asphalt or concrete that appeared new relative to the surrounding material suggesting that activities that would require implementation of soil and waste management practices has occurred. If it were over 1000 feet documentation of notification would be requested. In this evaluation and certification round, the Maintenance logs were in the form of Safety Service Order List and completions notices; which are solely produced by the manager of Safety, Paul Bodekor. Therefore, for this round, interviews on Maintenance activities affecting the relevant area were again conducted with Mr. Bodekor in addition to the direct observation that there was no damage to covers beyond normal seasonal maintenance issues, an area right inside the gate that leads to the baseball diamond, SW of the parking lot for the baseball diamond an area approximately 10 ft wide by 20 ft wide was observed to be barren of vegetation. There were no large areas of new materials suggesting soil removal.

The engineering controls are the fencing to prevent uncontrolled access and the following cover requirements:

Area A, C, D —4 inch thick asphalt

Area M—6inches-crushed stone overlain by 4 inches of thick asphalt.

Area J —within limits of vegetated area only, -6 inch thick common fill overlain by 6 inch thick vegetated topsoil layer.

As stated elsewhere in this report, the Institutional and Engineering Controls are in place and except for need of some minor repairs to asphalt, concrete and fencing appear effective.

V. INSPECTION AND MAINTENANCE

- a. The components of the inspection and maintenance plan in the SMP are:
 - 1. Inspect all areas every six months and record the observation relevant to issues cited in Tables 1 and 2 of the SMP or other

items detracting from the goals of the voluntary clean up. The field notes from the inspection are to be retained. This is to consist of a site walk over and visual observation of the asphalt pavement and concrete surfaces at Areas A, C, D, and M and the vegetated soil cover system and security fence at area J.

2. All Maintenance activities relating to the areas covered under the SMP are to be recorded in a Site Maintenance Log.

During the two-year period covered in this PRR, inspections of the paved area and grounds were conducted under the plants previously long established routine. This consisted of Yard audits in the fall to clear all obstructions from the plant parking lots, roads ect. Inspections of paved areas to note damage to pavements that needed repair from the stand point of safety (vehicles, foot traffic and road plowing) and preserve the integrity of the pavement with recognition of winters weather propensity for freeze and thaw damage to flawed pavement surfaces. In the spring, the yard audit focuses on repairs of damage from winter weather, removal of obstructive materials that accumulate during the cold months and potholes that can damage vehicles. These observations and recommendations included digital photos and written safety service orders that enter the facilities computerized maintenance management system. Once completed, service orders are returned and the items are duly marked complete. The reports in an AS400 maintenance management system are not in a form to send to the NYSDEC and were not sent.

Fencing is regularly inspected for integrity by the security force at Luvata. Any breeches are promptly marked, reported and repaired (Metal theft alone is ample motivation to complete this task.) Again, while this was done much more frequently than required by the SMP, it was recorded in typical security force logs and reports rather than in the semi annual inspection logs in Table 3 and 4. They were also not in a form that would be sent to the NYSDEC Dept. and they were not sent. This practice was unfortunately not implemented, soon after this report was written the environmental department was downsized and this new strategy was not implemented. The above stated practices will begin to be implemented immediately. The company and staff have shown good faith of this behavior. The Company has hired an environmental engineer, to begin immediate implementation of the above procedures. The staff has begun the above inspection and inspection reports along with photos that will be included in this report.

While there is an established routine, and these procedures are clearly functional, their focus is toward more purposes than those in the SMP and did not make use of the forms provided for the purpose. The Spring 2011 inspection conducted on June 08, 2011 through the 10th will be included in table 3 and 4 with this report as prescribed in the SMP.

Another component of the Inspection and Maintenance portion of the SMP is the use of Table 5 maintenance log for all activities that might affect compliance with the Soils and Waste Management Plan.

As with the Inspection Log, such activities were recorded via service orders on the computerized Maintenance system rather than on the Table 5 form provided in the SMP. The facility has had a long established practice that all soils facility wide that are moved from the ground have to put on an impervious surface and protected from rain washing it away until it is either returned to the original hole or undergoes testing for determination of offsite disposal in accordance with regulatory requirements and internal good management practices.

This procedure has begun and current data from 2011 will be recorded with this report and will be kept up to date from this point forward. This did not happen in the past as was prescribed in the SMP due to the economic down turn across the United States. As you are aware many companies were forced to combine departments to lower operating cost. Luvata was not unscathed by this business decisions. To correct this problem, I was currently hired as the environmental engineer and will be responsible for these forms, as far as ensuring that NYSDEC receives the proper paperwork to fulfill the Site Management Plan.

VI.OVERALL PERIODIC REVIEW REPORT CONCLUSSIONS AND RECOMMENDATIONS

Such information as has been available combined with observations suggests that the capping systems applied at this location are doing the job that was intended. The public is protected from wind and water dispersal of contaminants and all persons; public, contractors and employees in the facility are responsibly protected. However, not all formal recording requirements were met during this review period. This was stated earlier in the report and has already been addressed at this time.

Recommendations:

1. Use the supplied table 5 to record relevant maintenance activities and be sure to note in the comments that the provisions of the Soil and Waste Management Plan were being correctly complied.
2. Use the supplied tables 3 and 4 to record fall and spring inspections
3. Provide the NYDEC Department with copies of the fall and spring inspections as soon as feasible.
4. Make recommended maintenance repairs listed in Spring 2011 inspection Log and report during summer construction season.

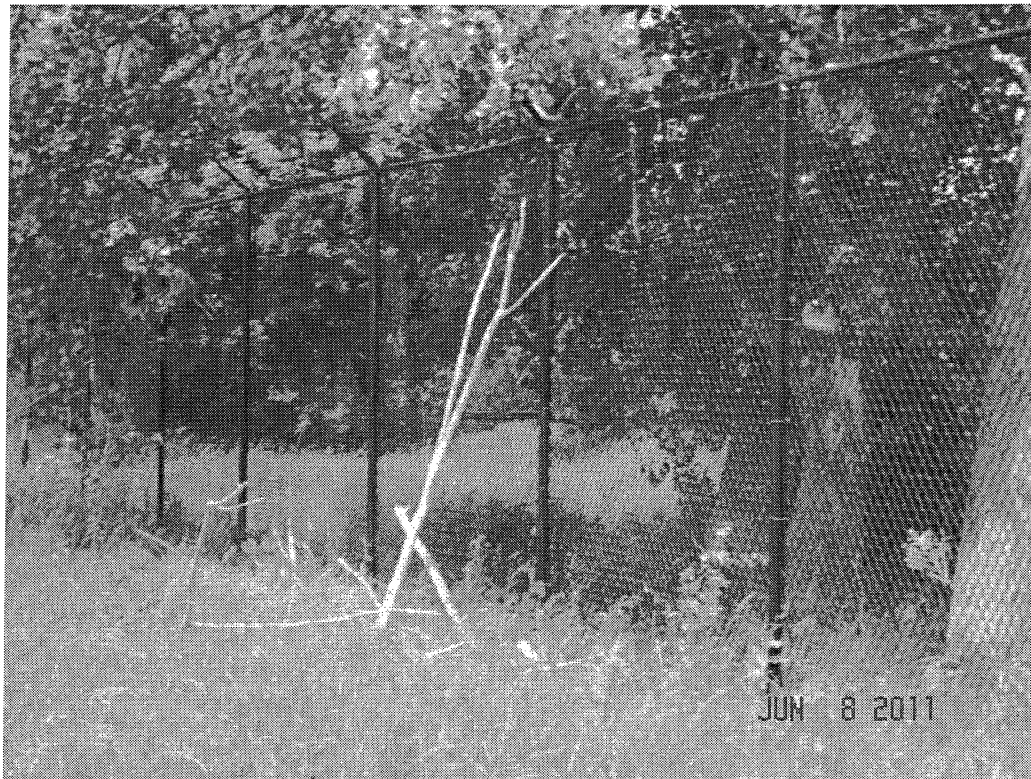
Redial Effort to bring the facility into compliance from past reporting period

5. Review and update the maintenance records to reproduce (to the degree possible) a complete Maintenance Log for the past period and record it on the Table 5 form provided.
6. Send a copy of the reconstruction of Table 5 to the NYSDEC

Regarding Future PRR submittals

7. I do not believe the frequency of the submittals of PRR's should be changed at this time. The system seems to work well and will be monitored very closely with back up paperwork being sent to the NYSDEC for maintenance logs in tables 3, 4 and 5.

SUPPORTING DOCUMENTATION

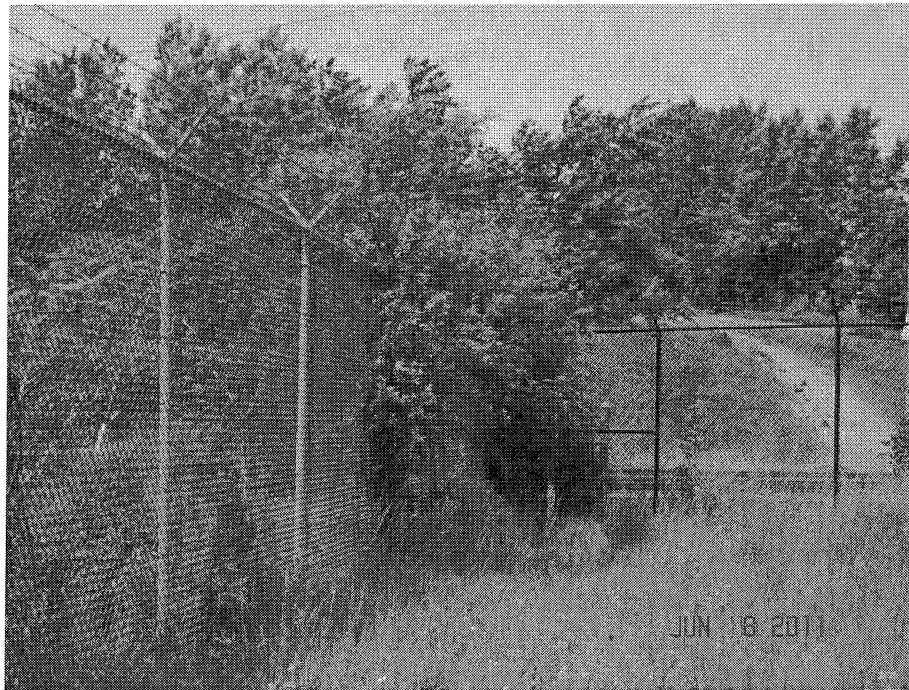


Area J, North West corner near railroad tracks. The fence is shown to be in good to excellent shape with minimal intrusion of vegetation or debris. The trees on the fence are dead branches.

SUPPORTING DOCUMENTATION



Area J, North West area, healthy vegetation, no footpaths present, fence in excellent condition.



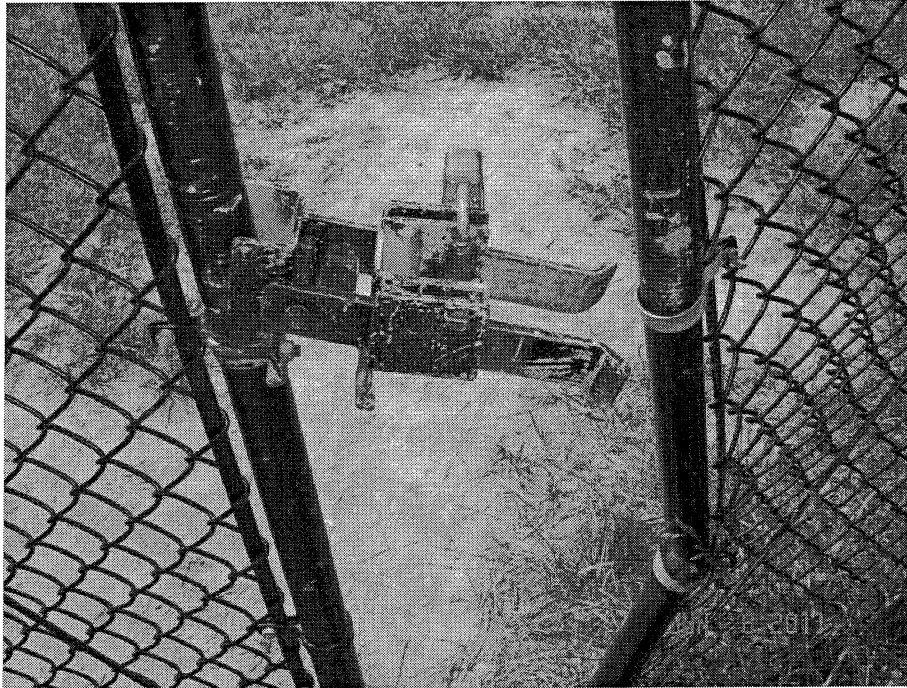
Area J, North West corner, next to railroad tracks. This photo shows necessity of minor landscaping maintenance to ensure the strength and effectiveness of fence.

SUPPORTING DOCUMENTATION



Area J, South West corner, behind baseball field. This photo shows a fence that has been cut allowing access to Area J. The fences are inspected weekly by

security and this repair immediately turned over to maintenance and documented with a work order and also is recorded in Table 4 in the spreadsheet.



Area J, South West area, behind baseball fields, this photo shows the gate has been damaged by landscaping equipment. As with other damage the fences are inspected weekly by maintenance and this damage has been turned over to maintenance for repair and has been logged in Table 4 in the spreadsheet.
SUPPORTING DOCUMENTATION



Area A, cracks and gaps in concrete, seasonal repair.



Area A, pothole in asphalt, seasonal repair.

SUPPORTING DOCUMENTATION



Area A, potholes in asphalt, seasonal repair.



Enclosure 1
NEW YORK STATE DEPARTMENT OF ENVIR
Site Management Periodic Review
Institutional and Engineering Contr

resubmit 7/10/11
w/new
forms sent
by DEC



Site Details

Page 1

Site No. V00314

Site Name Luvata Buffalo Inc.

Site Address: Military Road and Sayre Street Zip Code: 14207

City/Town: Buffalo

County: Erie

Site Acreage: ~~19.8~~ 71 acres RKK

Reporting Period: June 30, 2009 to June 03, 2011

- | | YES | NO |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| 1. Is the information above correct? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If NO, include handwritten above or on a separate sheet. | | |
| 2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form. | | |
| 5. Is the site currently undergoing development? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Box 2

- | | YES | NO |
|-----------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| 6. Is the current site use consistent with the use(s) listed below?
Industrial | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Are all ICs/ECs in place and functioning as designed? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

Description of Institutional Controls

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
77.66-2-4	Outokumpu American Brass, Inc.	Ground Water Use Restriction Landuse Restriction Soil Management Plan
77.74-4-1	Outokumpu American Brass, Inc.	Ground Water Use Restriction Landuse Restriction Soil Management Plan
77.74-4-2	Outokumpu American Brass, Inc.	Ground Water Use Restriction Landuse Restriction Soil Management Plan
77.74-4-24	Outokumpu American Brass, Inc.	Ground Water Use Restriction Landuse Restriction Soil Management Plan
77.59-6-1.1	Outokumpu American Brass, Inc.	Ground Water Use Restriction Landuse Restriction Soil Management Plan

Description of Engineering Controls

<u>Parcel</u>	<u>Engineering Control</u>
77.66-2-4	Cover System Fencing/Access Control
77.74-4-1	Cover System Fencing/Access Control
77.74-4-2	Cover System Fencing/Access Control
77.74-4-24	Cover System Fencing/Access Control
77.59-6-1.1	Cover System Fencing/Access Control

Control Description for Site No. V00314**Parcel: 77.59-6-1.1**

This parcel is the largest of several parcels at the site and portions contains Areas A, C, D and J.

Areas A (7.16 acres), C (0.71 acres), and D (1.06 acres) were paved with asphalt and concrete covers. Area J consists of 7.78 acres. Only a 0.91 acre portion of Area J was regraded and covered with a vegetated soil cover. All remediation areas are enclosed within the industrial plant security fencing.

A Site Management Plan was included with the FER and consists of periodic inspection of remediation areas, periodic maintenance of remediation areas, and a soils management plan during intrusive activities in remediation areas.

Periodic inspections and reviews are scheduled on a bi-annual basis.

Control Description for Site No. V00314

Parcel: 77.66-2-4

The parcel constitutes a portion of Area A.

Area A (7.16 acres) was paved with asphalt and concrete covers. All remediation areas are enclosed within the industrial plant security fencing.

A Site Management Plan was included with the FER and consists of periodic inspection of remediation areas, periodic maintenance of remediation areas, and a soils management plan during intrusive activities in remediation areas.

Periodic inspections and reviews are scheduled on a bi-annual basis.

Parcel: 77.74-4-1

The control for this parcel applies to Area M (1.11 acres) which is paved with asphalt and concrete covers. All remediation areas are enclosed within the industrial plant security fencing.

A Site Management Plan was included with the FER and consists of periodic inspection of remediation areas, periodic maintenance of remediation areas, and a soils management plan during intrusive activities in remediation areas.

Periodic inspections and reviews are scheduled on a bi-annual basis.

Parcel: 77.74-4-2

The parcel constitutes a portion of Area M.

Area M (1.11 acres) was paved with an asphalt cover. All remediation areas are enclosed within the industrial plant security fencing.

A Site Management Plan was included with the FER and consists of periodic inspection of remediation areas, periodic maintenance of remediation areas, and a soils management plan during intrusive activities in remediation areas.

Periodic inspections and reviews are scheduled on a bi-annual basis.

Parcel: 77.74-4-24

The parcel constitutes a portion of Area M (1.11 acres) and was paved with an asphalt cover.

A Site Management Plan was included with the FER and consists of periodic inspection of remediation areas, periodic maintenance of remediation areas, and a soils management plan during intrusive activities in remediation areas.

Periodic inspections and reviews are scheduled on a bi-annual basis.

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

☒ ☐

2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

(a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

☒ ☐

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. V00314

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

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

I Paul J. Bodekon at 70 Sayre St. Buffalo, NY 14207
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.

Paul J. Bodekon
Signature of Owner or Remedial Party Rendering Certification

7/5/11
Date

IC/EC CERTIFICATIONS

Box 7

Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Roberta Kloda at 70 Sayre St. Buffalo, NY 14207
print name print business address

am certifying as a for the Owner
(Owner or Remedial Party)

Roberta Kloda
Signature of , for the Owner or Remedial Party,
Rendering Certification

Stamp
(Required for PE)

7/05/11
Date

Enclosure 2

Certification Instructions

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

Answer the three questions in the Verification of Site Details Section. The Owner and/or Qualified Environmental Professional (QEP) may include handwritten changes and/or other supporting documentation, as necessary.

II. Certification of Institutional / Engineering Controls (Boxes 3, 4, and 5)

1. 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 should petition the Department separately to request approval to remove the control.

In Box 5, complete certifications for all Plan components, as applicable, by checking the corresponding checkbox.

If you cannot certify "YES" for each Control listed in Box 3 & Box 4, sign and date the form in Box 5. Attach supporting documentation that explains why the **Certification** cannot be rendered, as well as a plan of proposed corrective measures, and an associated schedule for completing the corrective measures. Note that this **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 completed.

If the Department concurs with the explanation, the proposed corrective measures, and the proposed schedule, a letter authorizing the implementation of those corrective measures will be issued by the Department's Project Manager. Once the corrective measures are complete, a new Periodic Review Report (with IC/EC Certification) must 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 6 and Box 7):

If you certified "YES" for each Control, please complete and sign the IC/EC Certifications page as follows:

- Where the only control is an Institutional Control on the use of the property, the certification statement in Box 6 shall be completed and may be made by the property owner.
- Where the site has Institutional and Engineering Controls, the certification statement in Box 7 must be completed by a Professional Engineer or Qualified Environmental Professional, as noted on the form.

TABLE 1

SUMMARY OF POTENTIAL PROBLEMS AND RECOMMENDED CORRECTIVE ACTIONS
 ASPHALT PAVEMENT AND CONCRETE SURFACES AT AREAS A, C, D, AND M
 OUTOKUMPU AMERICAN BRASS PLANT
 BUFFALO, NEW YORK
 NYSDEC SITE NO.: 915007
 VCP AGREEMENT NO.: V00314-9

<i>Potential Problems</i>	<i>Concern</i>	<i>Corrective Action</i>
Potholes and cracks	<ul style="list-style-type: none"> • Deterioration of asphalt pavement or concrete • Safety hazard 	<ul style="list-style-type: none"> • Use cold mix or hot mix asphalt and liquid bituminous material to patch, repair, or replace asphalt • For concrete, select repair method based on type and extent of damage
Ponding water	<ul style="list-style-type: none"> • Rutting of asphalt • Migration of water through asphalt pavement or concrete to metal-impacted soils • Safety hazard 	<ul style="list-style-type: none"> • No action required if ponding is minor • If ponding is significant, asphalt resurfacing or concrete repair in vicinity of ponding may be required
Obstructions	<ul style="list-style-type: none"> • Potential damage to asphalt pavement or concrete • Safety hazard 	<ul style="list-style-type: none"> • Remove obstructions as soon as possible

TABLE 2

SUMMARY OF POTENTIAL PROBLEMS AND RECOMMENDED CORRECTIVE ACTIONS
 AREA J VEGETATED SOIL COVER SYSTEM AND SECURITY FENCE
 OUTOKUMPU AMERICAN BRASS PLANT
 BUFFALO, NEW YORK
 NYSDEC SITE NO.: 915007
 VCP AGREEMENT NO.: V00314-9

<i>Potential Problems</i>	<i>Concern</i>	<i>Corrective Action</i>
Erosion	<ul style="list-style-type: none"> • Deterioration of integrity of vegetated soil cover • Washed out grass and topsoil 	<ul style="list-style-type: none"> • Backfill with additional imported topsoil or common fill as necessary • Reseed with vegetation consistent with existing conditions • If persistent erosion occurs, erosion control mats or riprap placement may be required in selected areas
Bare areas	<ul style="list-style-type: none"> • Potential for erosion 	<ul style="list-style-type: none"> • If an area of the vegetated cover system is bare and shows signs of erosion, or is located at an area susceptible to erosion, loosen existing topsoil or add additional topsoil as necessary. Reseed and mulch.
Ponding	<ul style="list-style-type: none"> • Vegetation may become distressed 	<ul style="list-style-type: none"> • If ponding is minor, no action or grading of topsoil may be sufficient. If significant ponding is present, add additional topsoil to restore grades. Check final elevation to ensure adequate drainage. Reseed and mulch.
Distressed vegetation	<ul style="list-style-type: none"> • Potential for erosion of underlying materials 	<ul style="list-style-type: none"> • Till topsoil, reseed, and mulch
Animal holes/burrows	<ul style="list-style-type: none"> • Potential for soil cover erosion • Safety hazard 	<ul style="list-style-type: none"> • Contact appropriate wildlife control agency regarding trapping and relocation of persistent rodents. Seal all holes with common fill or topsoil and compact. Replace topsoil, seed, and mulch.
Woody vegetation present	<ul style="list-style-type: none"> • Deterioration of integrity of vegetative soil cover 	<ul style="list-style-type: none"> • Remove woody vegetation and root system by pulling, or cut as low as possible if root system cannot easily be removed. Application of herbicides may be conducted if woody vegetation becomes a persistent problem.
Damage to demarcation bollards	<ul style="list-style-type: none"> • Loss of demarcation of limits of vegetated soil cover system 	<ul style="list-style-type: none"> • Repair or replace bollards as appropriate to maintain demarcation of vegetated soil cover system
Damage to fence	<ul style="list-style-type: none"> • Potential access to Area J and vegetated soil cover system by unauthorized persons 	<ul style="list-style-type: none"> • No action if damage is minor and does not allow access by unauthorized persons • Repair fence if appropriate

Table 3
 Site Inspection Log
 Asphalt Pavement and Concrete Surfaces at Areas A,C,D, and M
 Luvata, Buffalo, Inc.
 Buffalo, New York
 NYSDEC SITE # 915007
 VCP AGREEMENT #V00314-9

Inspection Date: 6/08/11
 Inspected By: R. Kloda

Inspect For	Inspection Item Identified	Action Required	Comment
Deterioration	NO	NO	
Obstruction/ Debris	NO	NO	
Potholes	YES	YES	A work order was filed to fill potholes, this work will be completed as weather allows. See attached photos
Drainage/ Puddles	NO	NO	
Stormwater Structures, Other	NO	NO	
Other	NO	NO	

Inspection Date: *Sept 2011*
Inspected By:

Inspect For	Inspection Item Identified		Action Required		Comment
Deterioration	YES	NO	YES	NO	
Obstruction/ Debris	YES	NO	YES	NO	
Potholes	YES	NO	YES	NO	
Drainage/ Puddles Tie in at Buildings, Stormwater Structures, Other	YES	NO	YES	NO	
Other	YES	NO	YES	NO	

Table 4
Site Inspection Log
AREA J Vegetated Soil Cover System and Security fence
Luvata, Buffalo Inc.
Buffalo, New York
NYSDEC SITE # 915007
VCP Agreement # V00314-9

Inspection Date: June 8, 2011
Inspected By: R. Kloda

<i>Inspect For</i>	<i>Inspected Item Identified</i>	<i>Action Required</i>	<i>Comment</i>
Erosion	NO	NO	
Bare Areas	NO	NO	
Ponding	NO	NO	
Distressed Vegetation	YES	YES	A work order was written requesting Maintenance to repair small area where water was puddling
Animal Holes or Burrows	NO	NO	
Woody Vegetation	NO	NO	
Damaged Bollards	NO	NO	
Damage to Fence Around Area J	YES	YES	A work order was written requesting Maintenance repair a broken gate and a hole in the fence
Other	NO	NO	

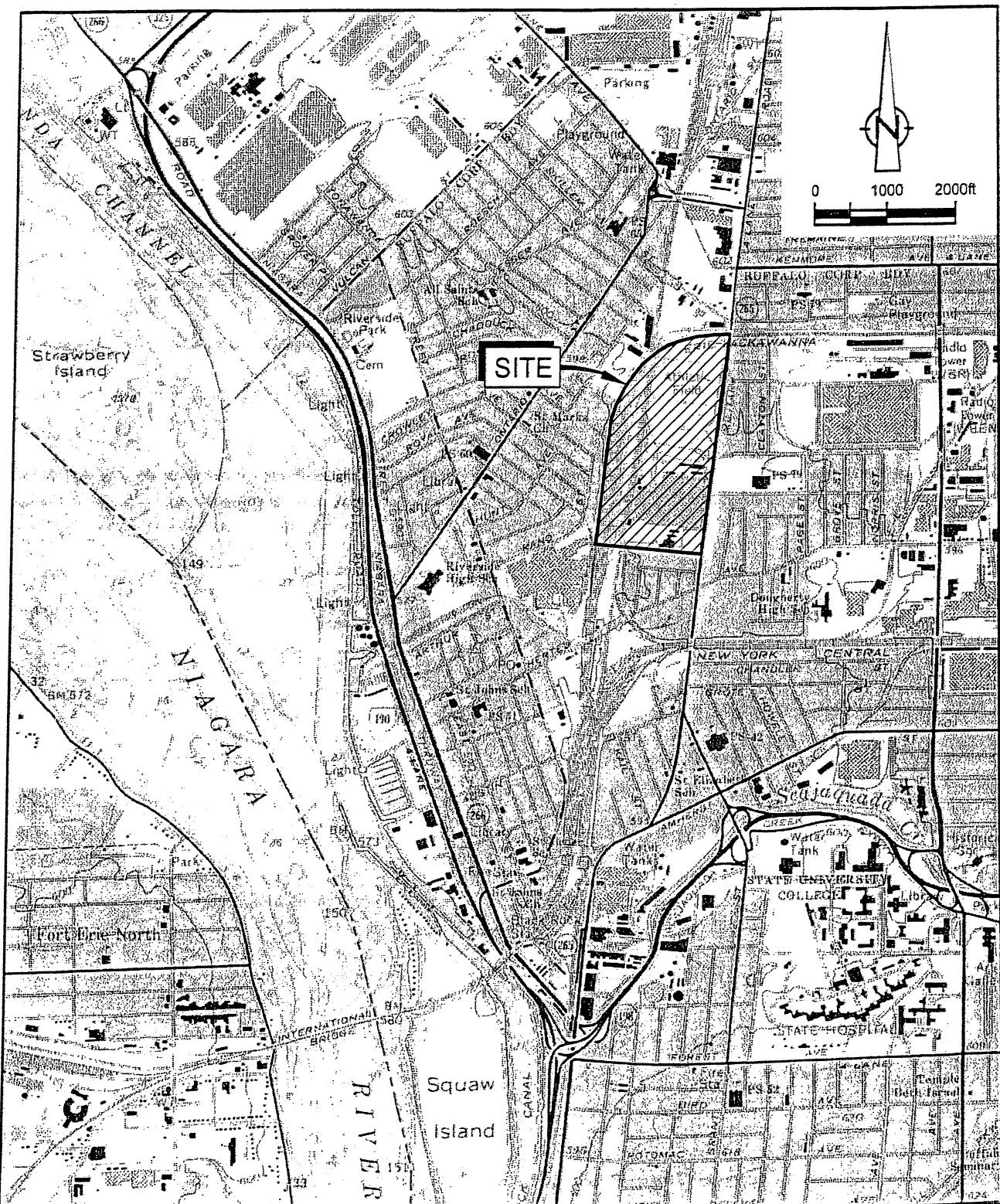
Inspection Date: *Sept 2011*
 Inspected By:

<i>Inspect For</i>	<i>Inspected Item Identified</i>		<i>Action Required</i>		<i>Comment</i>
Erosion	YES	NO	YES	NO	
Bare Areas	YES	NO	YES	NO	
Ponding	YES	NO	YES	NO	
Distressed Vegetation	YES	NO	YES	NO	
Animal Holes or Burrows	YES	NO	YES	NO	
Woody Vegetation	YES	NO	YES	NO	
Damaged Bollards	YES	NO	YES	NO	
Damage to Fence Around Area J	YES	NO	YES	NO	
Other	YES	NO	YES	NO	

Summary of Potential Problems and recommended corrective actions
Asphalt Pavement and Concrete Surfaces at Areas A, C, D, M
Luvata Buffalo Inc.
Buffalo, New York

NYSDEC SITE # 915007
VCP AGREEMENT # V00314-9

Date/ inspector	Maintenance Performed and Location	Performed by	Comments
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SOURCE: USGS QUADRANGLE MAP;
BUFFALO NW, NEW YORK

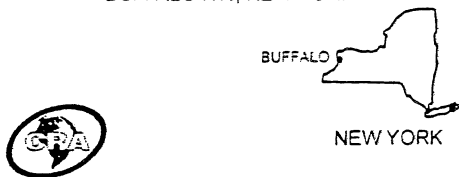


figure 1
SITE LOCATION
OUTOKUMPU AMERICAN BRASS
Buffalo, New York



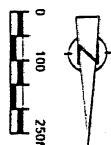
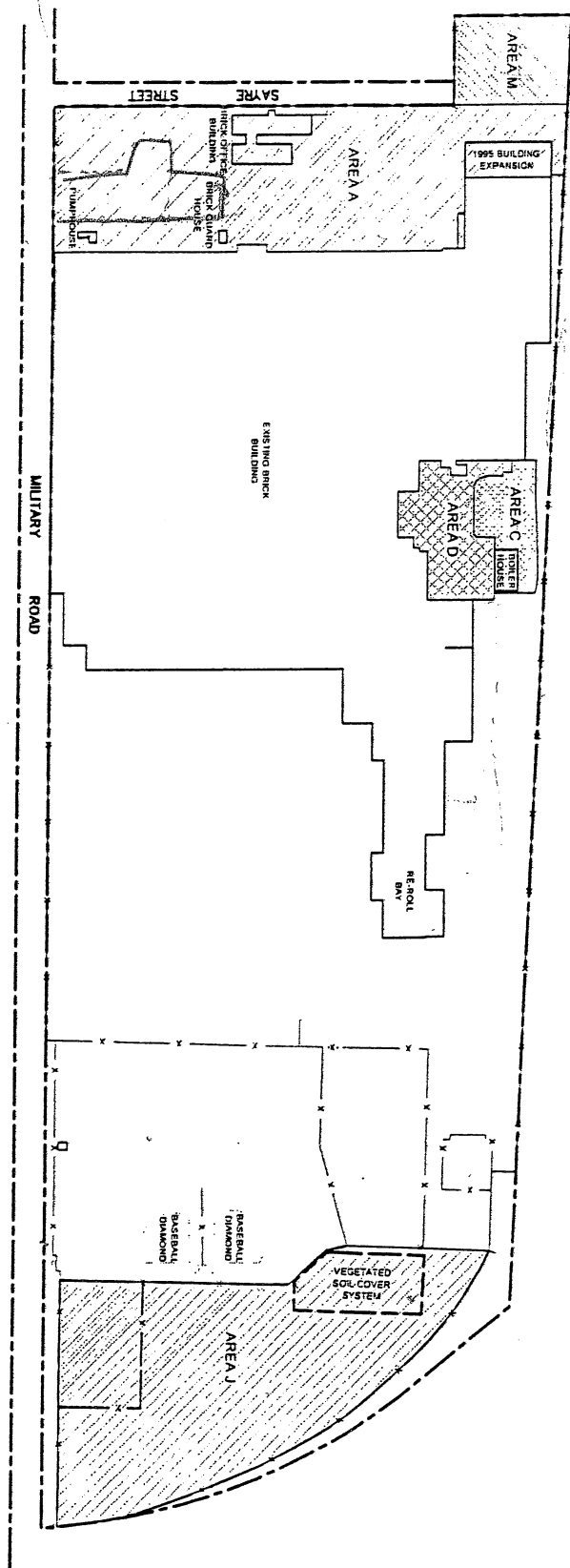
43033-000001GN-WA002 JUL 14/2006

LEGEND
--- NEW AREA J SECURITY FENCE
--- PRE-EXISTING SECURITY FENCE
--- PROPERTY LINE

NOTE: NOT ALL BUILDING FEATURES WITHIN PROPERTY BOUNDARY ARE SHOWN.

SOURCE: SITE PLAN BY SOMMERINGER LAND SURVEYOR, PLAN I.

figure 2
SITE PLAN
OUTOKUMPU AMERICAN BRASS
Buffalo, New York





43033-00(004)GN-WA003 MAY 30/2006

SOURCE
MCLAREN HART - OUTOKUMPU COPPER, INC.
DRAWING NUMBER 31538077, AND ECOLOGY
AND ENVIRONMENT BUFFALO, NEW YORK

LEGEND
— X — FENCE
— — — GUARDRAIL
— — — PROPERTY LINE
— — — PRE-EXISTING PAVED OR CONCRETE
ROADWAYS AND PARKING AREAS
— — — LIMITS OF AREA PAVED IN
ACCORDANCE WITH RAMP
— — — LIMITS OF 6" SUB-BASE COURSE
UNDER ASPHALT PAVEMENT

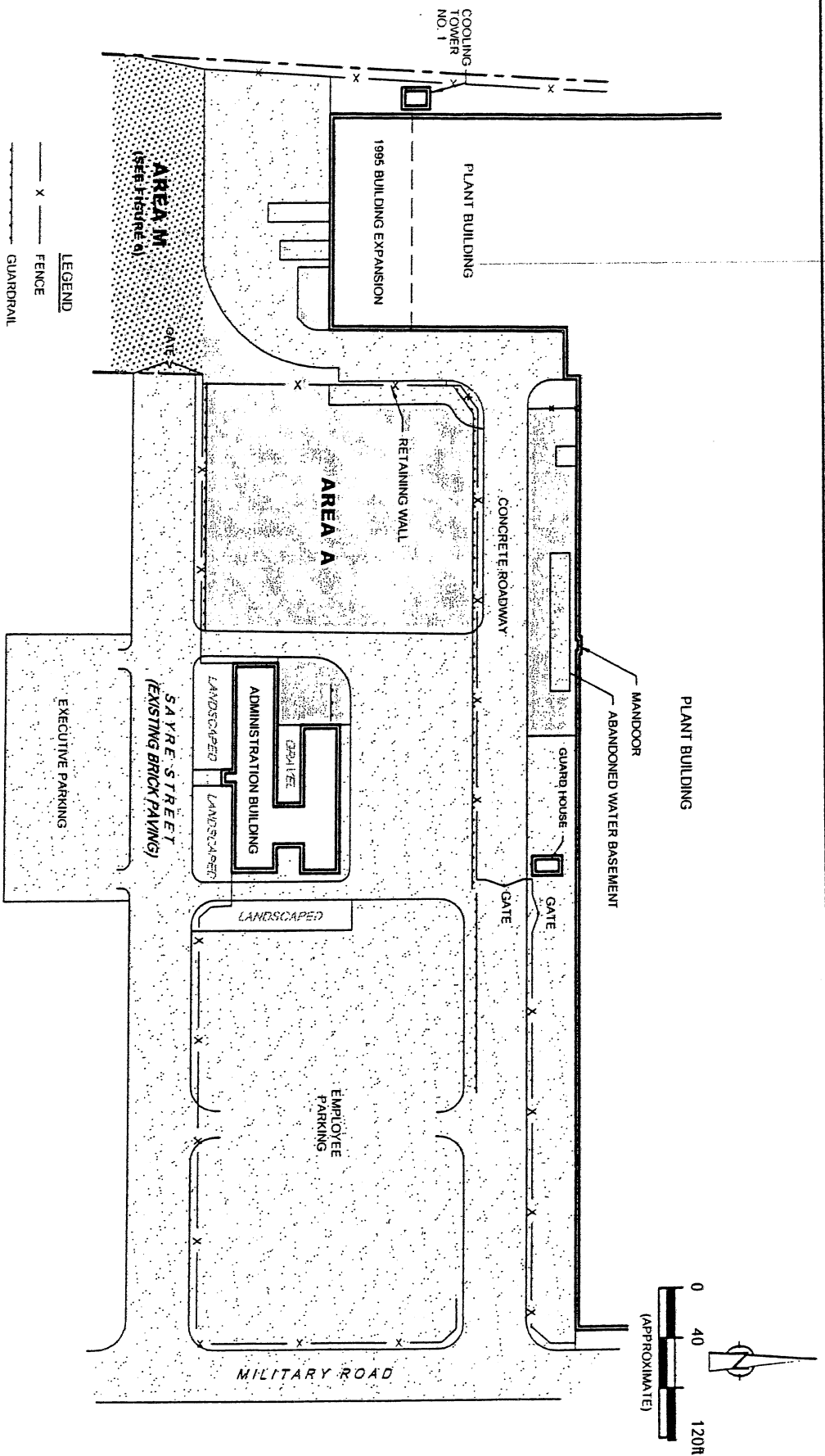
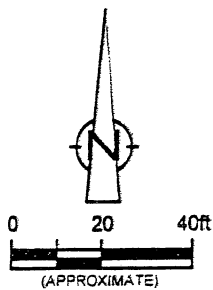


figure 3
LIMITS OF NEW ASPHALT PAVEMENT - AREA A
OUTOKUMPU AMERICAN BRASS
Buffalo, New York



SOURCE
McLAREN HART - OUTOKUMPU COPPER, INC
DRAWING NUMBER 31536011, AND
ECOLOGY AND ENVIRONMENT
BUFFALO, NEW YORK

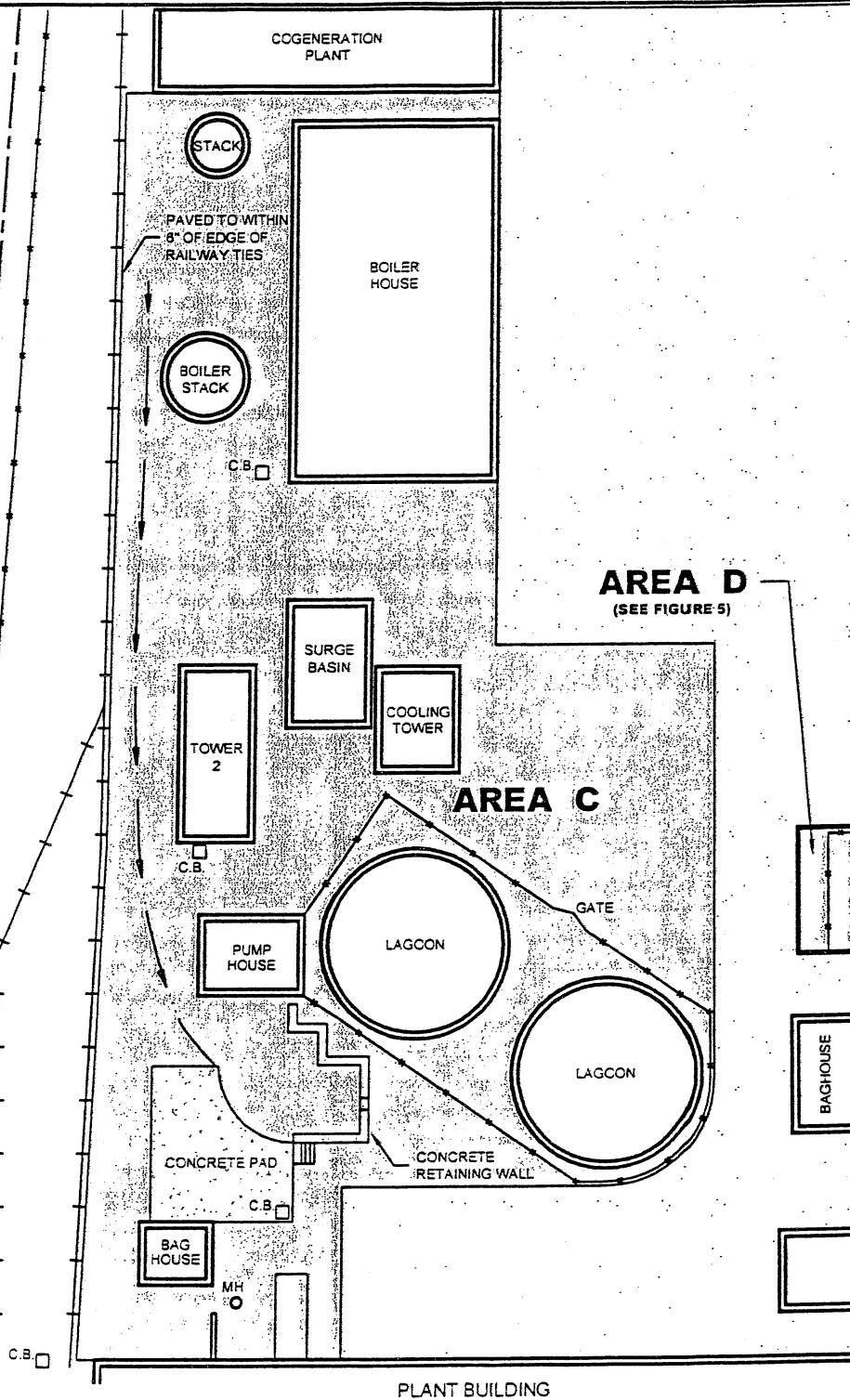
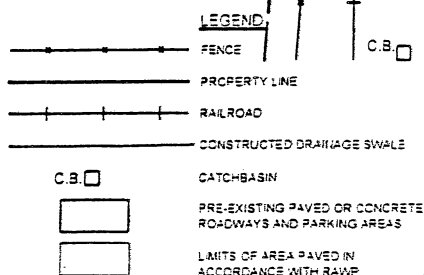
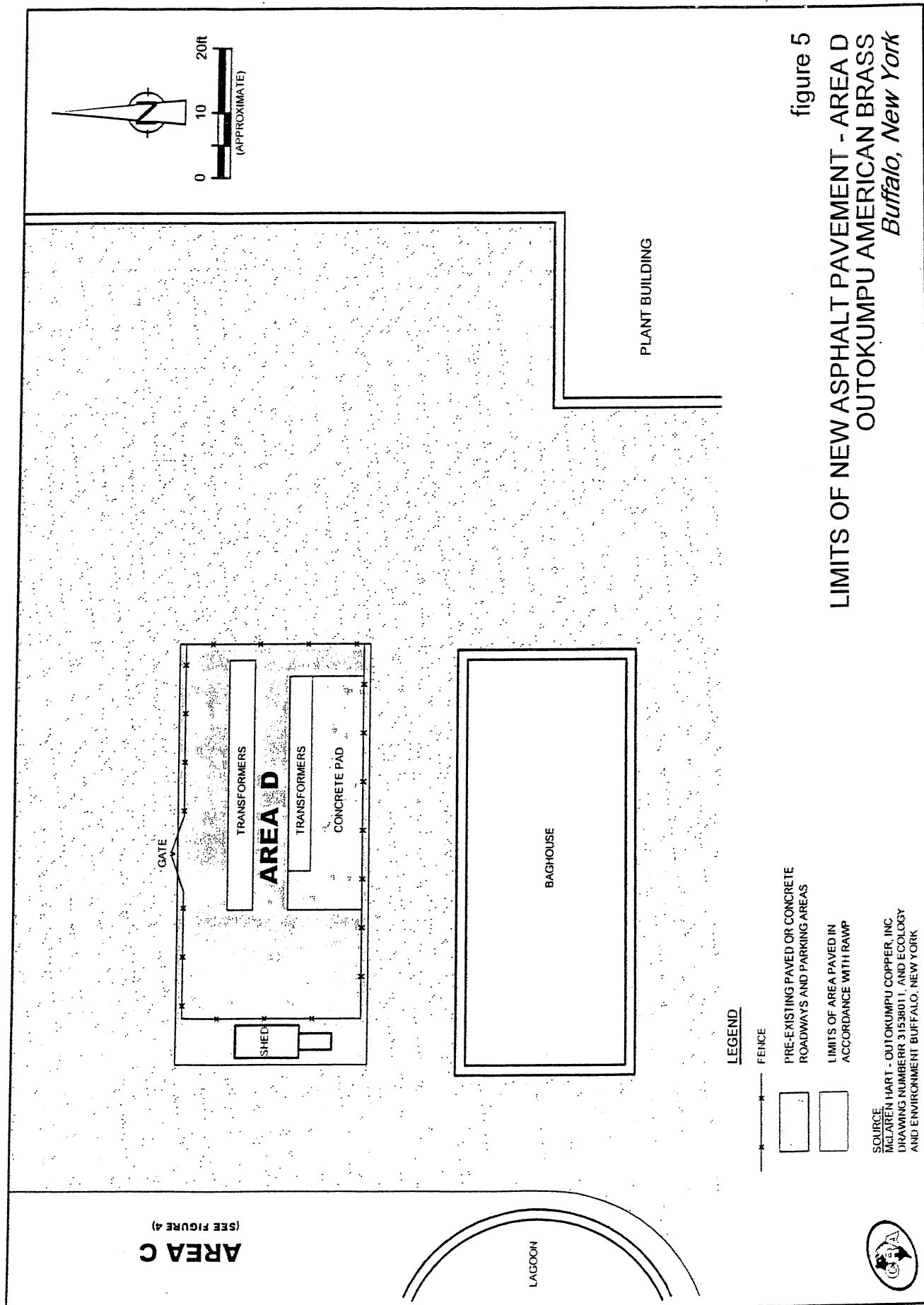


figure 4

LIMITS OF NEW ASPHALT PAVEMENT - AREA C
OUTOKUMPU AMERICAN BRASS
Buffalo, New York








AREA C
(SEE FIGURE 4)

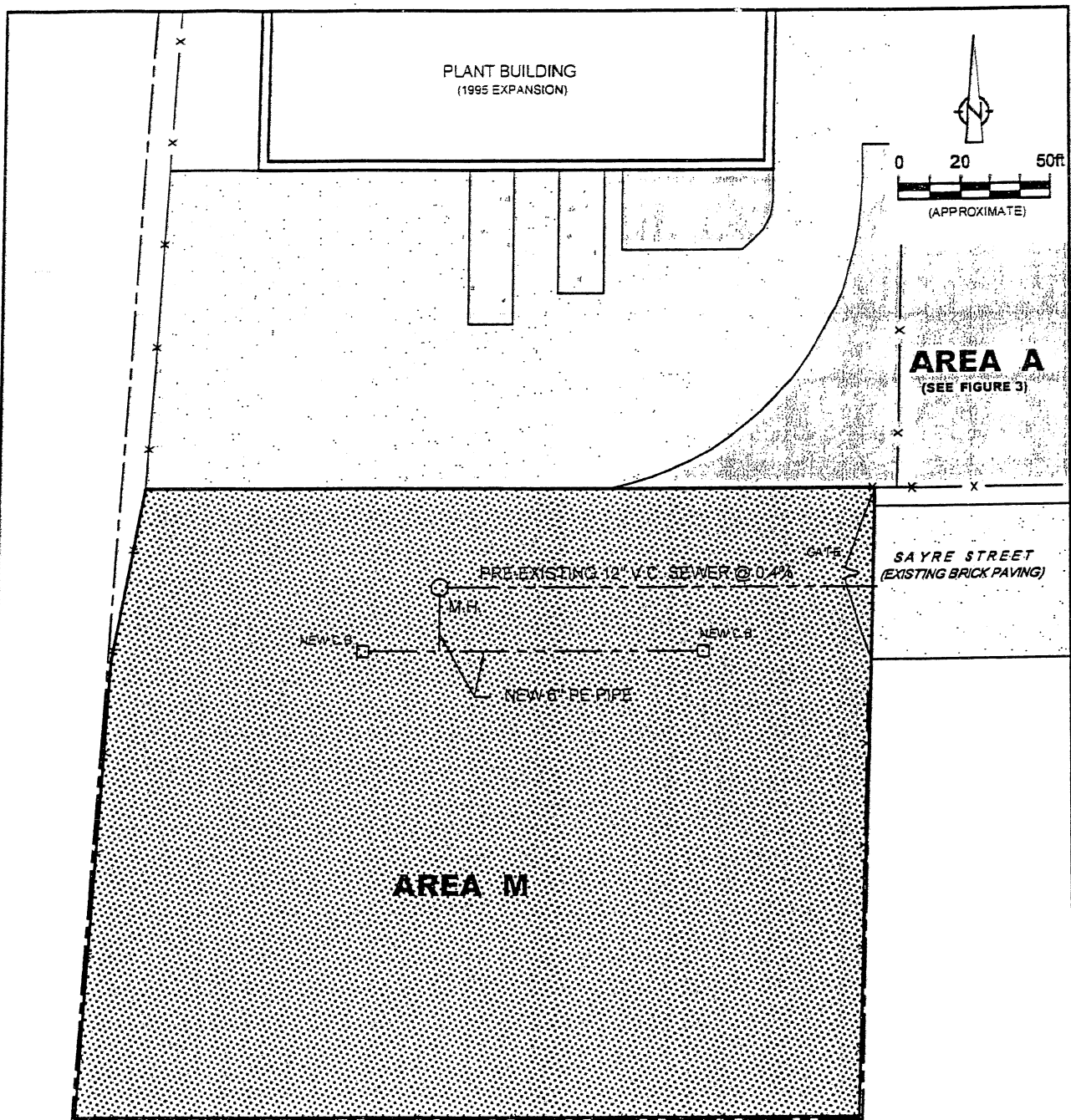
figure 5
LIMITS OF NEW ASPHALT PAVEMENT - AREA D
OUTOKUMPU AMERICAN BRASS
Buffalo, New York

LEGEND

-  FENCE
-  PRE-EXISTING PAVED OR CONCRETE ROADWAYS AND PARKING AREAS
-  LIMITS OF AREA PAVED IN ACCORDANCE WITH RAMP

SOURCE:
MCLAREN HART - OUTOKUMPU COPPER, INC.
DRAWING NUMBER 31538011, AND ECOLOGY
AND ENVIRONMENT BUFFALO, NEW YORK





LEGEND			
— X —	FENCE		PRE-EXISTING PAVED OR CONCRETE ROADWAYS AND PARKING AREAS
- - -	PROPERTY LINE		LIMITS OF AREA PAVED IN ACCORDANCE WITH RA/WP
- - -	SEWER		LIMITS OF 8\" SUB-BASE COURSE UNDER ASPHALT PAVEMENT
M.H. ○	PRE-EXISTING MANHOLE		
C.B. □	CATCHBASIN		

figure 6

LIMITS OF NEW ASPHALT PAVEMENT - AREA M OUTOKUMPU AMERICAN BRASS *Buffalo, New York*



SOURCE
McLAREN HART - OUTOKUMPU COPPER, INC.
DRAWING NUMBERS 31538077, AND ECOLOGY
AND ENVIRONMENT BUFFALO, NEW YORK



LEGEND

- X — NEW AREA J SECURITY FENCE
- X — PRE-EXISTING SECURITY FENCE
- — — PROPERTY LINE
- MONITORING WELL

CONRAIL LANDS

MILITARY ROAD

AREA J

LIMIT OF VEGETATED
SOIL COVER SYSTEM

VEGETATED SOIL COVER SYSTEM

BOLLARD

BOLLARD

BOLLARD

BOLLARD

BOLLARD

BOLLARD

BOLLARD

BOLLARD

BOLLARD

BOLLARD

BOLLARD

BOLLARD

BOLLARD

BOLLARD

BOLLARD

BOLLARD

BOLLARD

BOLLARD

BOLLARD

12.8' GATE

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12.8' GATE

12.8' GATE

12.8' GATE

BASEBALL
DIAMOND

BASEBALL
DIAMOND

BASEBALL
DIAMOND

BASEBALL
DIAMOND

BASEBALL
DIAMOND

BASEBALL
DIAMOND

4.8' GATE

4.8' GATE

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4.8' GATE

4.8' GATE

4.8' GATE

4.8' GATE

4.8' GATE

SOURCE: PERIMETER SURVEY BY SONNENBERGER LAND SURVEYOR, PLAN 6.



43033-00(004)GN-WA007 MAY 30/2006

figure 7

LIMITS OF VEGETATED SOIL COVER SYSTEM
AND SECURITY FENCE - AREA J
OUTOKUMPU AMERICAN BRASS
Buffalo, New York