

Roberta Kloda  
Aurubis Buffalo, Inc.  
P.O. Box 981  
Buffalo, NY 14240  
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R.Kloda@aurubis.com  
June 22, 2013

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 Aurubis 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 were 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. 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.

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 30<sup>th</sup>, 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 not been breached. In mid April the security fences located on the North west side of the property closest to the railroad tracks was removed by the owners for the purpose of removing and repairing an

transformer substation. This area of the fence was guarded at all times and reconstructed at the end of every shift. The purpose of this was to eliminate hazards, restrict access and ensure community safety.

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 2011 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. As required by the SMP the DEC was notified in writing of paving work to be performed in this area in the late summer of 2011. The entrance to Area A was repaired. The area was taken down to the stone base and repaved. The debris to be removed were tested by an outside facility and the levels were determined non-hazardous. This material was kept on site and stock piled in a storage area for future use.

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. 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. 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 the need of some minor repairs to asphalt, concrete and fencing appear effective.

V. MONITORING PLAN COMPLIANCE REPORTING

VI. OPERATIONS AND MAINTENANCE PLAN COMPLIANCE

- a. The components of the operations and maintenance plan are similar to the inspection and maintenance plan in the SMP which 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 winter 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 Aurubis. 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 10<sup>th</sup> 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. Aurubis was not unscathed by this business decisions.

## 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.

Recommendations:

1. Use the supplied tables 3 and 4 to record fall and spring inspections
2. Provide the NYDEC Department with copies of the fall and spring inspections as soon as feasible.
3. Make recommended maintenance repairs listed in Spring 2012 inspection Log and report during summer construction season.

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

4. 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.
5. Send a copy of the reconstruction of Table 5 to the NYSDEC

Regarding Future PRR submittals

6. 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 Area near Northern most rail road tracks. The vegetation is health with no disruption of animal tracks or evidence of broken stalks on vegetation.

#### SUPPORTING DOCUMENTATION



Area J, North Western edge, dead branches against fence and healthy vegetation.



Area J, Damage due to fence at Northern side of Soft ball fields. Fence needs to be straightened and new lock to replace old lock.

SUPPORTING DOCUMENTATION



Area A, repaved in 2011.



Area A, pothole in asphalt, seasonal repair.

**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**

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**Inspection Date:** June 08,2011  
**Inspected By:** 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.
Drainage/ Puddles	NO	NO	
Stormwater Structures, Other	NO	NO	
Other	NO	NO	

**Inspection Date:** 10/20/2011

**Inspected By:** Kloda

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

**Inspection Date:** Kloda

**Inspected By:** 5/11/2012

Inspect For	Inspection Item Identified	Action Required	Comment
Deterioration	YES	YES	water receptacles, work order in to have Ochino replace receptacles
Obstruction/ Debris	NO	NO	
Potholes	NO	NO	

Drainage/ Puddles	YES	YES	
Tie in at Buildings, Stormwater Structures, Other	NO	NO	
Other	YES	YES	Repair and replace of water collection receptacles in Main parking lot, area A

**Inspection Date:** Kloda

**Inspected By:** 10/26/2012

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

**Inspection Date:** Kloda

**Inspected By:** 6/7/2013

Inspect For	Inspection Item Identified	Action Required	Comment
Deterioration	YES	NO	Repairs needed on edges and near telephone poles

Obstruction/ Debris	NO	NO	
Potholes	YES	YES	Work order for repairs
Drainage/ Puddles	NO	NO	
Tie in at Buildings, Stormwater Structures, Other	NO	NO	
Other	NO	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**

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**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 writtenrewest Maintenance repair a broken gate and a hole in the fence
Other	NO	NO	

**Inspection Date:**

10/20/2011

**Inspected By:** 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	NO	Normal damage due to end of season
Animal Holes or Burrows	NO	NO	
Woody Vegetation	YES	NO	
Damaged Bollards	NO	NO	
Damage to Fence Around Area J	NO	NO	
Other	NO	NO	

**Inspection Date:**

5/11/2012

**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	NO	NO	
Animal Holes or Burrows	NO	NO	
Woody Vegetation	NO	NO	

Damaged Bollards	NO	NO	
Damage to Fence Around Area J	YES	YES	Fence damage
Other	NO	NO	

**Inspection Date:** 10/26/2012

**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	NO	
Animal Holes or Burrows	NO	NO	
Woody Vegetation	NO	NO	
Damaged Bollards	NO	NO	
Damage to Fence Around Area J	NO	NO	
Other	NO	NO	

**Inspection Date:** 6/7/2013

**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	NO	NO	
Animal Holes or Burrows	NO	NO	
Woody Vegetation	NO	NO	

Damaged Bollards	NO	NO	
Damage to Fence Around Area J	NO	NO	
Other	YES	YES	Lock needs to be replaced on South gate.

**New York State Department of Environmental Conservation**  
**Division of Environmental Remediation, 11th Floor**  
625 Broadway, Albany, New York 12233  
**Phone:** (518) 402-9553 **Fax:** (518) 402-9577  
**Website:** www.dec.ny.gov

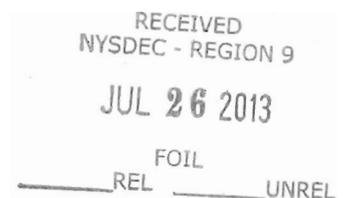


5/23/2013

Roberta Kloda  
Aurubis Buffalo, Inc.  
70 Sayre Street  
Buffalo, NY 14207

**Re: Reminder Notice: Site Management Periodic Review Report and IC/EC Certification Submittal**

**Site Name:** Aurubis Buffalo, Inc.  
**Site No.:** V00314  
**Site Address:** Military Road and Sayre Street  
Buffalo, NY 14207



Dear Roberta Kloda:

This letter serves as a reminder that sites in active Site Management (SM) require the submittal of a periodic progress report. This report, referred to as the Periodic Review Report (PRR), must document the implementation of, and compliance with, site specific SM requirements. Section 6.3(b) of DER-10 *Technical Guidance for Site Investigation and Remediation* (available online at <http://www.dec.ny.gov/regulations/67386.html>) provides guidance regarding the information that must be included in the PRR. Further, if the site is comprised of multiple parcels, then you as the Certifying Party must arrange to submit one PRR for all parcels that comprise the site. The PRR must be received by the Department no later than **July 24, 2013**. Guidance on the content of a PRR is enclosed.

Site Management is defined in regulation (6 NYCRR 375-1.2(at)) and in Chapter 6 of DER-10. Depending on when the remedial program for your site was completed, SM may be governed by multiple documents (e.g., Operation, Maintenance, and Monitoring Plan; Soil Management Plan) or one comprehensive Site Management Plan.

A Site Management Plan (SMP) may contain one or all of the following elements, as applicable to the site: a plan to maintain institutional controls and/or engineering controls ("IC/EC Plan"); a plan for monitoring the performance and effectiveness of the selected remedy ("Monitoring Plan"); and/or a plan for the operation and maintenance of the selected remedy ("O&M Plan"). Additionally, the technical requirements for SM are stated in the decision document (e.g., Record of Decision) and, in some cases, the legal agreement directing the remediation of the site (e.g., order on consent, voluntary agreement, etc.).

When you submit the PRR (by the due date above), include the enclosed forms documenting that all SM requirements are being met. The Institutional Controls (ICs) portion of the form (Box 6) must be signed by you or your designated representative. The Engineering Controls (ECs) portion of the form (Box 7) must be signed by a Qualified Environmental Professional (QEP). If you cannot certify that all SM requirements are being met, you must submit a Corrective Measures Work Plan that identifies the actions to be taken to restore compliance. The work plan must include a schedule to be approved by the Department. The Periodic Review process will not be considered complete until all necessary corrective measures are completed and all required controls are certified. Instructions for completing the certifications are enclosed.

All site-related documents and data, including the PRR, are to be submitted in electronic format to the Department of Environmental Conservation. The Department will not approve the PRR unless all documents and data generated in support of that report have been submitted in accordance with the electronic submissions protocol. In addition, the certification forms are required to be submitted in both paper and electronic formats.

Information on the format of the data submissions can be found at:  
<http://www.dec.ny.gov/regulations/2586.html>

The signed certification forms should be sent to David Szymanski, Project Manager, at the following address:

New York State Department of Environmental Conservation  
270 Michigan Ave  
Buffalo, NY 14203-2915

Phone number: 716-851-7220. E-mail: [dsszyman@gw.dec.state.ny.us](mailto:dsszyman@gw.dec.state.ny.us)

The contact information above is also provided so that you may notify the project manager about upcoming inspections, or for any other questions or concerns that may arise in regard to the site.

#### Enclosures

PRR General Guidance  
Certification Form Instructions  
Certification Forms

cc: w/ enclosures

David Szymanski, Project Manager  
Marty Doster, Hazardous Waste Remediation Engineer, Region 9  
Matthew Forcucci, DOH  
Roberta Kloda, Aurubis Buffalo, Inc.

Enclosure 1

Certification Instructions

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**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 Controls/ Engineering Controls (IC/ECs)(Boxes 3, 4, and 5)**

1.1.1. 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.

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

3. 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:

- For the Institutional Controls on the use of the property, the certification statement in Box 6 shall be completed and may be made by the property owner or designated representative.
- For the Engineering Controls, the certification statement in Box 7 must be completed by a Professional Engineer or Qualified Environmental Professional, as noted on the form.



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



	Site Details	Box 1
Site No. <b>V00314</b>		
<b>Site Name Aurubis Buffalo, Inc.</b>		
Site Address: Military Road and Sayre Street	Zip Code: 14207	
City/Town: Buffalo		
County: Erie		
Site Acreage: 71.0		
Reporting Period: June 03, 2011 to June 03, 2013		
		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"/>
<b>If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.</b>		
5. Is the site currently undergoing development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<b>Box 2</b>
		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"/>
<b>IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.</b>		
<b>A Corrective Measures Work Plan must be submitted along with this form to address these issues.</b>		
_____ Signature of Owner, Remedial Party or Designated Representative		_____ Date

**Description of Institutional Controls**

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

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.

77.66-2-4	Outokumpu American Brass, Inc.	Ground Water Use Restriction Soil Management Plan Landuse Restriction
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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.

77.74-4-1	Outokumpu American Brass, Inc.	Ground Water Use Restriction Soil Management Plan Landuse Restriction
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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.

77.74-4-2	Outokumpu American Brass, Inc.	Ground Water Use Restriction Soil Management Plan Landuse Restriction
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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.

**77.74-4-24** Outokumpu American Brass, Inc.

Ground Water Use Restriction  
Soil Management Plan  
Landuse Restriction

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.

**Box 4**

**Description of Engineering Controls**

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

**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. Otherwise continue.**

**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 1, 2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

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

am certifying as Designated Representative/owner (Owner or Remedial Party)

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

Roberta K Klode  
Signature of Owner, Remedial Party, or Designated Representative  
Rendering Certification

7/22/13  
Date

IC/EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

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

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

am certifying as a Qualified Environmental Professional for the Aurubis Buffalo / Owner  
(Owner or Remedial Party)

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

Stamp  
(Required for PE)

7/23/13  
Date

**Enclosure 3**  
**Periodic Review Report (PRR) General Guidance**

- I. Executive Summary: (1/2-page or less)
  - A. Provide a brief summary of site, nature and extent of contamination, and remedial history.
  - B. Effectiveness of the Remedial Program - Provide overall conclusions regarding;
    1. progress made during the reporting period toward meeting the remedial objectives for the site
    2. the ultimate ability of the remedial program to achieve the remedial objectives for the site.
  - C. Compliance
    1. Identify any areas of non-compliance regarding the major elements of the Site Management Plan (SMP, i.e., the Institutional/Engineering Control (IC/EC) Plan, the Monitoring Plan, and the Operation & Maintenance (O&M) Plan).
    2. Propose steps to be taken and a schedule to correct any areas of non-compliance.
  - D. Recommendations
    1. recommend whether any changes to the SMP are needed
    2. recommend any changes to the frequency for submittal of PRRs (increase, decrease)
    3. recommend whether the requirements for discontinuing site management have been met.
- II. Site Overview (one page or less)
  - A. Describe the site location, boundaries (figure), significant features, surrounding area, and the nature and extent of contamination prior to site remediation.
  - B. Describe the chronology of the main features of the remedial program for the site, the components of the selected remedy, cleanup goals, site closure criteria, and any significant changes to the selected remedy that have been made since remedy selection.
- III. Evaluate Remedy Performance, Effectiveness, and Protectiveness  
Using tables, graphs, charts and bulleted text to the extent practicable, describe the effectiveness of the remedy in achieving the remedial goals for the site. Base findings, recommendations, and conclusions on objective data. Evaluations and should be presented simply and concisely.
- IV. IC/EC Plan Compliance Report (if applicable)
  - A. IC/EC Requirements and Compliance
    1. Describe each control, its objective, and how performance of the control is evaluated.
    2. Summarize the status of each goal (whether it is fully in place and its effectiveness).
    3. Corrective Measures: describe steps proposed to address any deficiencies in ICECs.
    4. Conclusions and recommendations for changes.
  - B. IC/EC Certification
    1. The certification must be complete (even if there are IC/EC deficiencies), and certified by the appropriate party as set forth in a Department-approved certification form(s).
- V. Monitoring Plan Compliance Report (if applicable)
  - A. Components of the Monitoring Plan (tabular presentations preferred) - Describe the requirements of the monitoring plan by media (i.e., soil, groundwater, sediment, etc.) and by any remedial technologies being used at the site.
  - B. Summary of Monitoring Completed During Reporting Period - Describe the monitoring tasks actually completed during this PRR reporting period. Tables and/or figures should be used to show all data.
  - C. Comparisons with Remedial Objectives - Compare the results of all monitoring with the remedial objectives for the site. Include trend analyses where possible.
  - D. Monitoring Deficiencies - Describe any ways in which monitoring did not fully comply with the monitoring plan.
  - E. Conclusions and Recommendations for Changes - Provide overall conclusions regarding the monitoring completed and the resulting evaluations regarding remedial effectiveness.
- VI. Operation & Maintenance (O&M) Plan Compliance Report (if applicable)
  - A. Components of O&M Plan - Describe the requirements of the O&M plan including required activities, frequencies, recordkeeping, etc.
  - B. Summary of O&M Completed During Reporting Period - Describe the O&M tasks actually completed during this PRR reporting period.
  - C. Evaluation of Remedial Systems - Based upon the results of the O&M activities completed, evaluated the ability of each component of the remedy subject to O&M requirements to perform as

- designed/expected.
- D. O&M Deficiencies - Identify any deficiencies in complying with the O&M plan during this PRR reporting period.
  - E. Conclusions and Recommendations for Improvements - Provide an overall conclusion regarding O&M for the site and identify any suggested improvements requiring changes in the O&M Plan.

VII. Overall PRR Conclusions and Recommendations

- A. Compliance with SMP - For each component of the SMP (i.e., IC/EC, monitoring, O&M), summarize;
  - 1. whether all requirements of each plan were met during the reporting period
  - 2. any requirements not met
  - 3. proposed plans and a schedule for coming into full compliance.
- B. Performance and Effectiveness of the Remedy - Based upon your evaluation of the components of the SMP, form conclusions about the performance of each component and the ability of the remedy to achieve the remedial objectives for the site.
- C. Future PRR Submittals
  - 1. Recommend, with supporting justification, whether the frequency of the submittal of PRRs should be changed (either increased or decreased).
  - 2. If the requirements for site closure have been achieved, contact the Departments Project Manager for the site to determine what, if any, additional documentation is needed to support a decision to discontinue site management.

VIII. Additional Guidance

Additional guidance regarding the preparation and submittal of an acceptable PRR can be obtained from the Departments Project Manager for the site.