EXPLANATION OF SIGNIFICANT DIFFERENCE
OPERABLE UNITS NUMBER: 01 & 02
OLD UPPER MOUNTAIN ROAD

City of Lockport / Niagara County / Site No. 932112 / July 2022

Prepared by the New York State Department of Environmental Conservation Division of Environmental Remediation

1.0 INTRODUCTION

The purpose of this notice is to describe the progress of the cleanup at the Old Upper Mountain Road Site and to inform you about a change in the site remedy for Operable Units Numbers: 01 & 02: Landfill- Old Upper Mountain Road Parcel and Gulf Creek, respectively. The site has been separated into three Operable Units (OUs). The operable units are the Landfill – Old Upper Mountain Road Parcel (OU01), Gulf Creek (OU02), and Landfill – Otto Park Place Parcel (OU03). OUs 01 and 03 are the site of the former landfill that is divided into two operable units by the Somerset Railroad. OU01 is located north of the Somerset Railroad and is approximately six (6) acres in size. OU03 is located between the active Somerset and CSX railroads, and the rail spur. This OU is approximately one (1) acre in size and is owned by New York State Electric and Gas (NYSEG). OU02 is approximately 4,400 linear feet of contaminated Gulf Creek sediment between the site and Niagara Street to the north and is adjacent to the Closed City of Lockport Landfill (Site No. 932010). For discussion purposes, OU02 was further subdivided into Area 1 (upstream Gulf Creek) and Area 2 (downstream gulf creek). The location of the site is shown on Figure 1. The OUs and areas are shown on Figure 2.

A Record of Decision (ROD) was issued for OU01 and OU02 in March 2013 and for OU03 in March 2012. Operable Units OU01 and OU02 are the subject of this document.

On March 29, 2013, the New York State Department of Environmental Conservation (Department) signed a ROD which selected a remedy to address contamination related to the formerly operated municipal landfill by the City of Lockport from 1921 through 1950. The contaminants of concern associated with OU01 and OU02 are benzo(a)pyrene, benz(a)anthracene, beno(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenz[a,h]anthracene, indeno(1,2,3-cd)pyrene, phenanthrene, arsenic, barium, cadmium, chromium, lead, mercury, nickel in the groundwater, surface water, soil, and sediment.

The original remedy proposed transporting sediment material from OU02 to OU01, placing the material within a constructed containment cell in OU01, and covering with a Part 360 Landfill Cap. Placement of OU02 sediment within the proposed OU01 containment cell is deemed a viable option; however, it was determined during the remedial design that dredged sediment can be placed at the Lockport City Landfill (landfill), which is adjacent to OU02. The use of the landfill as a final disposal location would reduce the truck traffic in the area, construction time, and construction costs, aligning with the NYSDEC guidance CP-49, Climate Change and DEC Action, Green Remediation Implementation of DER-31, and CP-75 DEC Sustainability (January 2022). The new placement location will meet the intent of the ROD remedial element 1, “Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31.” Placement of the dewatered

contaminated sediment at the landfill was determined to be a viable option that would achieve the goals of the March 2013 ROD while decreasing costs, time, and integrating green remediation components.

During evaluation of the remedy modification, it was determined that a leachate seep emanating from the Closed City of Lockport Landfill and discharging into the adjacent Gulf Creek could be addressed. As a result of this seep, contaminated water is flowing into Gulf Creek. During remedy implementation, the seep will be addressed with placement of a passive treatment barrier.

2.0 SITE DESCRIPTION AND ORIGINAL REMEDY

2.1 Site History, Contamination, and Selected Remedy

The Old Upper Mountain Road Site is approximately seven (7) acres in size and located on a relatively flat-lying plateau separated by the Somerset Railroad, which is approximately 10 feet higher than the surrounding topography. The topography slopes steeply to the north into Gulf Creek and there is an approximately 80-foot difference in elevation between the site and the base of the ravine. A portion of this ravine underlies the site and has been filled in with waste material. Gulf Creek, a narrow stream largely fed by groundwater, emerges at the west side of the site and flows north along the bottom of the ravine, eventually discharging into Eighteenmile Creek approximately one mile to the northeast.

The Old Upper Mountain Road Site consists of fifteen parcels owned by eight individuals, municipalities and corporations. Different parcels of the site are zoned for residential, commercial, industrial and public utility use. Eight parcels contain active rail lines, one parcel contains a single-family dwelling, and six parcels are vacant.

From 1921 through the 1950s, the Old Upper Mountain Road Site was reportedly operated as a municipal dumping site by the City of Lockport. The dumping site was accessed from a viaduct under the CSX Railroad just north of Old Upper Mountain Road (now known as Otto Park Place). In later years, a gate was placed at the viaduct in an attempt to control unauthorized dumping. This gate is no longer present. Incinerator ash from garbage and other wastes was apparently dumped at the landfill and then pushed into the ravine. It has also been reported that local companies dumped their wastes directly into the dumping site.

The Old Upper Mountain Road Site has been subdivided into three Operable Units (OUs). An operable unit represents a portion of a remedial program for a site that for technical or administrative reasons can be addressed separately to investigate, eliminate or mitigate a release, threat of release or exposure pathway resulting from the site contamination. The three OUs identified for the Old Upper Mountain Road Site are defined as follows: OU01: Former Dumping Site - Old Upper Mountain Road Parcel, OU02: Gulf Creek (including the associated riparian area), and OU03: Former Dumping Site - Otto Park Place Parcel. OUs 01 and 03 are the former landfill/dumping site that is divided into two operable units by the Somerset Railroad. OU01 is located northwest of the Somerset Railroad and is approximately six (6) acres in size. OU03 is located between the active Somerset and CSX railroads, and the abandoned rail spur. This operable unit is approximately one (1) acre in size. OU02 consists of approximately 4,400 linear feet of contaminated Gulf Creek sediment between the site and Niagara Street to the north. For administrative and discussion purposes, OU02 is further subdivided into Area 1 (upstream Gulf Creek) and Area 2 (downstream gulf creek). Area 2 contains the material to be placed at the Lockport City Landfill.

A Remedial Investigation was conducted to define the nature and extent of any contamination from previous activities at the site. Analytical data from surface water, soil and sediments throughout the Gulf Creek Corridor show impacts of heavy metals and semi-volatile organic compounds (SVOCs). The sediments found in Gulf Creek were compared against the NYS Freshwater Sediment Guidance Values (SGVs) and are classified as Class C, meaning they are considered "highly contaminated and likely to pose a risk to aquatic life." Similarly, historic and recent soil samples collected in the surface and sub-surface showed exceedances of heavy metals and SVOCs

The major components of the March 2013 Original Remedy were listed as follows:

For OU01:

1. A remedial design program will be implemented to provide the details necessary for the construction, operation, maintenance, and monitoring of the remedial program. Green remediation principals and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:
    - Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
    - Reducing direct and indirect greenhouse gas and other emissions
    - Increasing energy efficiency and minimizing use of non-renewable energy;
    - Conserving and efficiently managing resources and materials;
    - Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
    - Maximizing habitat value and creating habitat when possible;
    - Fostering green and healthy communities and working landscapes which balance ecological, economic, and social goals; and
    - Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.

2. To prepare for the construction of a multi-layer cap (Part 360 cap or a modified Part 360 Cap; item 4 below) over ash waste that exceeds the unrestricted soil cleanup objectives, relocation and contouring of the ash waste will be necessary to achieve the 3:1 slope required for cap stability. This material will be placed into the open ravine at the base of OU 01 to extend the current footprint of the landfill farther into the ravine. To accomplish this an approximate 800-foot-long section of Gulf Creek (approximately 1.75 acres) will be diverted to allow for the relocation of ash to the ravine. Mitigation to offset the loss of the stream and any associated wetland areas from the filling will be required elsewhere in Gulf Creek or the Eighteenmile Creek watershed. This mitigation will be detailed in a mitigation plan which, at a minimum, will replace the area of lost stream/wetland at a 1:1 ratio and be consistent with the requirements of 6 NYCRR Part 608.

3. Prior to extending the landfill into the open ravine, a groundwater drainage and diversion system will be installed to convey groundwater that naturally flows down the filled portion of the ravine to Gulf Creek at a fixed point(s) along the toe of the extended landfill. Groundwater drainage and diversion is necessary to keep it from building up under the cap and eventually causing cap failure. Construction of the diversion system will require the use of filter fabrics or other means to filter the groundwater entering this system to achieve surface water quality discharge limits for site-related contaminants, before discharge. The flow from the extended culvert will flow down an

armored diversion swale constructed across the top of the extended landfill.

4. The site cap will be constructed to allow for commercial use of the site. The cap will consist of either the structures, such as buildings, pavement and sidewalks comprising site development, or a multi-layer cap (Part 360 cap or a modified Part 360 Cap) in areas where the upper one foot of exposed surface soil exceeds the applicable soil cleanup objectives (SCOs). Any fill material brought to the site will meet the requirements for the commercial use SCOs on the upland areas and the protection of ecological resources SCOs in the ravine area, as set forth in 6 NYCRR Part 375-6.7(d).

5. Imposition of an institutional control in the form of an Environmental Easement for the controlled property that:

    - Requires the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 372-1.8 (h)(3);
    - Allows the use and development of the controlled property for commercial and industrial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
    - Restricts the use of groundwater as a source of potable or process water without necessary water quality treatment as determine by the NYSDOH or County DOH;
    - Prohibits agriculture or vegetable gardens on the controlled property; and
    - Requires compliance with the Department approved Site Management Plan.

6. A Site Management Plan that includes the following:
    - An Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:
        i. Institutional Controls: The Environmental Easement discussed in Paragraph 5 above; and
        ii. Engineering Controls: The cap discussed in Paragraph 4 above.
    - This plan includes, but may not be limited to:
        i. An Excavation Plan that details the provisions for management of future excavations in areas of remaining contamination;
        ii. Descriptions of the provisions of the environmental easement including any land use and groundwater restrictions;
        iii. Provisions for the management and inspection of the identified engineering controls;
        iv. Maintaining site access controls and Department notification; and
        v. The steps necessary for periodic reviews and certification of the institutional and engineering controls.
    - A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
        i. Monitoring of sediment, surface water, biota, groundwater and the creek restoration actions to assess the performance and effectiveness of the remedy;
        ii. Monitoring of the discharge from the diversion system to ensure that surface water quality discharge standards for site-related contaminants are achieved; and
        iii. A schedule of monitoring and frequency of submittals to the Department.

For OU02:

1. A remedial design program to provide the details necessary for the construction, operation, maintenance, and monitoring of the remedial program, including the full delineation of sediment requiring removal, the re-routing of a sewer line that underlies the creek, improvement of access roads into the ravine, and diversion of creek flow during remedial action. A floodplain and hydraulic study will be completed to help with a design for a creek restoration plan that optimizes aquatic and riparian habitat. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are the same as described for OU 01 above.

2. The complete excavation of all contaminated sediment in Gulf Creek between the site and Niagara Street that exceeds the sediment SCGs (approximately 18,100 cubic yards). All excavated sediment will be dewatered at a facility constructed at the site before being placed in OU 01 prior to the construction of the multi-layer cap (Part 360 cap or a modified Part 360 Cap) proposed for OU 01 (Landfill Capping with a Part 360 Cap – Extended Landfill Footprint).

3. Following removal of all contaminated sediments, the excavation area will be restored to its original grade. To the extent possible, restoration will be with material similar to the existing substrate. A restoration plan will be developed during design and will meet the substantive requirements of Article 15 and 6 NYCRR Part 608.

4. Monitoring of sediment, surface water, biota, groundwater and the creek restoration actions as described for the proposed remedy of OU 01.

3.0 STATUS

The remediation project is a multi-year construction project and is anticipated to begin in 2023 and be completed in the 2024 construction season with minor restoration activities potentially scheduled for the following year. In 2021 the first phase of the project began, the relocation of the sewer line that runs underneath Gulf Creek. The sewer line work is anticipated to be completed in the Summer of 2022.

4.0 DESCRIPTION OF SIGNIFICANT DIFFERENCE

4.1 New Information

Implementation of a pre-design investigation identified additional contaminated sediment in OU02 than specified in the ROD (approximately 41,500 cubic yards as compared to the ROD- specified estimate of 18,100 cubic yards). During the completion of the Remedial Design for the selected remedy, consideration of green remediation principles and sustainability directives to minimize the environmental footprint of Department activities were reexamined. Utilizing these concepts, a plan to use of the adjacent closed City of Lockport Landfill (Site No. 932010) for placement of approximately 26,000 cubic yards of sediment from OU02 Area 2 was developed. The use of the City of Lockport Landfill as a final disposal location will decrease the truck traffic in the area, reducing greenhouse gas emissions and fuel usage. This also decreases amount of time required to implement the remedy and reduces construction costs. These actions align with the Department guidance documents CP-49, Climate Change and DEC Action, Green Remediation Implementation of DER-31, and CP-75 DEC Sustainability (January 2022).

In accordance with DER-31 as stated by the original 2013 ROD, the remedy is being modified to promote the following critical principles:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gas and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals; and
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.

In addition, the revised remedy will incorporate the below key concepts from CP-49, which are intended to integrate climate change considerations into Department activities:

1. The Department should act as a statewide and national role model in responding to climate change encouraging jurisdictions to take the action needed to reduce greenhouse gas ("GHG") emissions and to protect the environment, human health, and safety.
    a. All programs are expected to:
        i. Assess their policies on a regular basis in light of climate change considerations and the requirements of Climate Leadership and community Protection Act (CLCPA) and Community Risk and Resilience Act 2014 (CRRA);
        ii. Comply with Departmental direction regarding the CLCPA and CRRA;
        iii. Participate in the assessment, planning and implementation of new or revised State policies; and
        iv. Seek opportunities to further reduce GHG emissions and enhance the State's resilience to climate change through collaborations with other Programs, state entities, and stakeholders.

As part of its annual planning process, each Department, Division, Office and Region is directed to identify the specific actions that will be taken to further this Policy's climate change goals and objectives for both mitigation and adaptation, and to report progress of the prior year's climate-related actions.

In addition to the placement of material on the Landfill, information obtained during the pre-design investigation indicated other elements of the remedy should be modified as described further below.

OU01

ROD Element 2 of OU01 is modified to reduce the infilling of Gulf Creek to approximately 220 feet or 0.24 acres which was determined to be sufficient to provide space and create the required slopes for stability. This reduction in the infilling and placement of material on the Lockport City Landfill is less than the estimated 1.75 acres (800 feet) prescribed in the ROD. The resulting total loss of wetland habitat due to 1) infilling for the containment cell is 0.24 acres and 2) restoration of a functional stream system (e.g., conversion of wetland to open water) is 1.23 acres. The resulting total loss of open water due to conversion of open water to wetland in restoration of a functional stream system is 0.86 acres. Mitigation for these losses as specified in the previous ROD will be achieved by creating new wetland

acreage and stream channel in OU2 at a 1:1 ratio, as shown in Figure 3. Additionally, ROD element 2 is being modified to include the use of a stone drainage layer (clean aggregate) in lieu of the previously proposed culvert to convey groundwater under fill material. This means of conveyance is being designed to be more efficient and implementable.

ROD Element 6 of OU01 is modified to include the site management activities for the Closed City of Lockport Landfill, Site No. 932010. A revised comprehensive Site Management Plan (SMP) for both the Old Upper Mountain Road Site and the Closed City of Lockport Landfill will be created subsequent to the implementation of the remedy and will include all the items listed in both RODs such as mowing, sampling of monitoring wells, institutional controls/engineering controls (IC/EC) inspections, etc. for both sites.

OU02

ROD Element 2 of OU02 previously incorporated the complete excavation and dewatering of all contaminated sediment in Gulf Creek between the Site and Niagara Street that exceeds SGVs before being placed in OU01 under a constructed multi-layered cap (Part 360 or modified Part 360 cap) proposed for OU01. During design it was determined that based upon the minimal volume of contaminated sediment within the middle section of OU02 and the exposed bedrock compounded with the inaccessibility of the sediments, the Department determined remediation of this section unnecessary to meet the remedial action objectives, reducing the volume of sediments to be dredged by approximately 500 cubic yards and eliminating disturbance of and need for access to approximately 1,400 linear feet of Gulf Creek. In this area five sediment samples were collected, lead concentrations ranged from 86 ppm to 250 ppm all within the top 1-foot or less due to lack of deeper sediment present. No groundwater samples were taken in this area and no surface water impacts were identified in OU2.

The original remedy is also modified to place excavated material located in OU02 Area 2 of Gulf Creek at the adjacent closed City of Lockport Landfill (Site No. 932010) rather than transporting the material to be placed in the OU01 containment cell. Prior to the placement of sediment at the landfill, the landfill will be prepared by stripping back the current landfill cap to allow for material to be placed in the landfill cell. Following placement of the dredged material, a modified Part 360 cap will be installed which meets or exceeds the requirements of the ROD for Site 932010. Stormwater drainage features will be constructed, and gas vents extended or newly installed to meet required stormwater and surface water drainage needs. The excavation, dewatering, and material stockpiling of the 18,000 cubic yards of material from OU02 remains unchanged. Placement of material in this location at the landfill instead of OU2 Area 1 will eliminate approximately 1,900 truck trips amounting to approximately 7,600 miles across the temporary landfill access road and adjacent roadways, which amounts to 1,500 gallons of diesel fuel and 26,000 pounds of CO2 reductions. Based upon a life cycle analysis conducted, the emissions savings are as follows a 16.6% reduction in greenhouse gas emissions (metric ton), 7% reduction in NO_x (metric ton), 16.5% reduction in SO_x (metric ton) and Total PM_{10} Emissions (metric ton) reduction by approximately 10%.

Since the area will be accessible during construction activities an identified seep from the landfill found to contain elevated levels of Per- and Polyfluoroalkyl Substances (PFAS) and discharge into the Gulf Creek will be addressed. The work includes excavation of the bank to a 2H:1V slope and restoration with riprap bedding stone for stabilization purposes, cut back and abandonment of approximately 30 feet of an existing 36-inch outfall, and installation of an approximately 50-foot collection trench at the toe of the

seep that feeds into a pre-cast granular activated carbon vault for passive treatment of PFAS prior to discharge into the stabilized bank for reentry to the Gulf Creek system.

Overall, the size and scope of the new containment cell constructed at the Old Upper Mountain Road Site will be reduced through the use of the existing landfill space, approximately 0.24 acres will be infilled for the containment cell. Mitigation will be detailed in a mitigation plan which, at a minimum will replace the area of lost stream/wetland at a 1:1 ratio and be consistent with the requirements of 6 NYCRR Part 608. Modification to the Closed City of Lockport Landfill site is being handled under 6 NYCRR Part 375 requirements for a change of use.

The original 2013 ROD estimated the remedy to cost $10,202,000. However, when costs are adjusted for 2022 based on information developed during the design, the estimate for the original remedy is more accurately reflected as $20,000,000. The modified remedy is expected to reduce earthwork costs and construction duration by 90 days and result in an estimated remedial cost of $17,000,000.

4.2 Comparison of Changes with Original Remedy

A summary of the changes to the original ROD as modified in this document are shown below. The 2013 ROD element is described, followed by any modifications or additions made by this ESD. If a remedial element is not mentioned in the ESD changes column it remains unchanged from the original proposed remedy.

SUMMARY OF REMEDY CHANGES
Old Upper Mountain Road (No. 932112) ESD for OU1 and OU2

2013 ROD	ESD Changes
For OU1	
1. A remedial design program will be implemented to provide the details necessary for the construction, operation, maintenance, and monitoring of the remedial program. Green remediation principals and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows; • Considering the environmental impacts of treatment technologies and remedy stewardship over the long term; • Reducing direct and indirect greenhouse gas and other emissions; • Increasing energy efficiency and minimizing use of non-renewable energy; • Conserving and efficiently managing resources and materials; • Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste; • Maximizing habitat value and creating habitat when possible;	*No Change*

• Fostering green and healthy communities and working landscapes which balance ecological, economic goals; and • Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.	
2. To prepare for the construction of a multi-layer cap (Part 360 cap or a modified Part 360 Cap; item 4 below) over ash waste that exceeds the unrestricted soil cleanup objectives, relocation and contouring of the ash waste will be necessary to achieve the 3:1 slope required for cap stability. This material will be placed into the open ravine at the base of OU 01 to extend the current footprint of the landfill farther into the ravine. To accomplish this an approximate 800-foot-long section of Gulf Creek (approximately 1.75 acres) will be culverted to allow for the relocation of ash to the ravine. Mitigation to offset the loss of the stream and any associated wetland areas from the filling will be required elsewhere in Gulf Creek or the Eighteenmile Creek watershed. This mitigation will be detailed in a mitigation plan which, at a minimum, will replace the area of lost stream/wetland at a 1:1 ratio and be consistent with the requirements of 6 NYCRR Part 608.	*Modified* • The design incorporates infilling approximately 220 ft of Gulf Creek (approximately 0.24 acre), which is less than the estimated 1.75 acres (800 feet) prescribed in the ROD. The 0.24 acres is sufficient to provide the needed space to create 3:1 or flatter slopes. • A stone drainage layer (clean aggregate) will be constructed in lieu of culvert to convey groundwater under fill material. This layer will also establish the elevation of waste material associated with the 320 ft of Gulf Creek that will be infilled above the base flood elevation (i.e. during a flooding scenario, in-filled waste will be above the flood elevation). • Mitigation ratio requirements of 1:1 will be met in OU2 during the site restoration, see Figure 3. .
3. Prior to extending the landfill into the open ravine, a groundwater drainage and diversion system will be installed to convey groundwater that naturally flows down the filled portion of the ravine to Gulf Creek at a fixed point(s) along the toe of the extended landfill. Groundwater drainage and diversion is necessary to keep it from building up under the cap and eventually causing cap failure. Construction of the diversion system will require the use of filter fabrics or other means to filter the groundwater entering this system to achieve surface water quality discharge limits for site-related contaminants, before discharge. The flow from the extended culvert will flow down an armored diversion swale constructed across the top of the extended landfill.	*No change*
4. The site cap will be constructed to allow for commercial use of the site. The cap will consist of either the structures, such as buildings, pavement and sidewalks comprising site development, or a multi-layer cap (Part 360 cap or a modified Part 360 Cap) in areas where the upper one foot of exposed surface soil exceeds the applicable soil cleanup objectives (SCOs). Any fill material brought to the site will meet the requirements for the commercial use SCOs on the upland areas and the protection of ecological resources SCOs in the ravine area, as set forth in 6 NYCRR Part 375-6.7(d).	*No Change*
5. Imposition of an institutional control in the form of an Environmental Easement for the controlled property that:	*No Change*

• Requires the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3); • Allows the use and development of the controlled property for commercial and industrial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws; • Restricts the use of groundwater as a source of potable or process water without necessary water quality treatment as determined by the NYSDOH or County DOH; • Prohibits agriculture or vegetable gardens on the controlled property; and Requires compliance with the Department approved Site Management Plan.	
6. A Site Management Plan that includes the following: • An Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective: • Institutional Controls: The Environmental Easement discussed in Paragraph 5 above; and • Engineering Controls: The cap discussed in the ROD • This plan includes, but may not be limited to: • (1) An Excavation Plan that details the provisions for management of future excavations in • areas of remaining contamination; • (2) Descriptions of the provisions of the environmental easement including any land use and • groundwater restrictions; • (3) Provisions for the management and inspection of the identified engineering controls; • (4) Maintaining site access controls and Department notification; and • (5) The steps necessary for periodic reviews and certification of the institutional and engineering controls. • A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to: • (a) Monitoring of sediment, surface water, biota, groundwater and the creek restoration actions to assess the performance and effectiveness of the remedy; • (b) Monitoring of the discharge from the diversion system to ensure that surface water quality discharge standards for site-related contaminants are achieved; and	*Modification* • Site management activities for the Closed City of Lockport Landfill, Site No. 932010 will be included and conducted in the Site Management Plan for the Old Upper Mountain Road site. This includes mowing, sampling of monitoring wells, IC/EC inspections, etc.

For OU2	
1. A remedial design program will be implemented to provide the details necessary for the construction, operation, maintenance, and monitoring of the remedial program. Green remediation principals and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows; • Considering the environmental impacts of treatment technologies and remedy stewardship over the long term; • Reducing direct and indirect greenhouse gas and other emissions; • Increasing energy efficiency and minimizing use of non-renewable energy; • Conserving and efficiently managing resources and materials; • Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste; • Maximizing habitat value and creating habitat when possible; • Fostering green and healthy communities and working landscapes which balance ecological, economic goals; and • Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.	*No Change*
2. The complete excavation of all contaminated sediment in Gulf Creek between the site and Niagara Street that exceeds the sediment SCGs (approximately 18,100 cubic yards). All excavated sediment will be dewatered at a facility constructed at the site before being placed in OU 01 prior to the construction of the multi-layer cap (Part 360 cap or a modified Part 360 Cap) proposed for OU 01 (Landfill Capping with a Part 360 Cap - Extended Landfill Footprint).	*Modified* 2. The excavation of all contaminated sediment in the Gulf Creek between the site and Niagara Street that exceeds the sediment SCGs (approximately 41,500 cubic yards). Sediment from OU2 Area 2 (approximately 26,000 cubic yards) will be dewatered at a facility constructed at the site before being placed on top of the closed City of Lockport Landfill. Prior to placement the existing cap will be prepped to accept the sediment through several actions including stripping back the topsoil and top layer of the existing cap. Following the placement of material on the Landfill, a multi-layer cap (Part 360 or a modified Part 360 Cap) will be constructed. Based on the de minimis volume of contaminated Gulf Creek sediment within the middle section of OU-2 due to exposed bedrock and access challenges to this portion of the site, remediation of this section is deemed unnecessary.

3. Following removal of all contaminated sediments, the excavation area will be restored to its original grade. To the extent possible, restoration will be with material similar to the existing substrate. A restoration plan will be developed during design and will meet the substantive requirements of Article 15 and 6 NYCRR Part 608.	*Modified* 3. The intent of the ROD in regard to the material and meeting the requirements of Article 15 and 6 NYCRR 608 will be maintained; however, the final restoration grades proposed may deviate from original grade in order to successfully restore functional wetlands at the site which encompasses creating of topographical relief, stream channel design, and habitat elements will also be created.
4. Monitoring of sediment, surface water, biota, groundwater and the creek restoration actions as described for the proposed remedy of OU 01.	*No Change*

5.0 SCHEDULE AND MORE INFORMATION

This Explanation of Significant Difference (ESD) will become part of the Administrative Record for this Site. The information here is a summary of what can be found in greater detail in documents that have been placed in the following repositories:

Lockport Public Library
23 East Avenue
Lockport, NY 14094
(716) 433-5935

Stay Informed With DEC Delivers Sign up to receive site updates by email: http://www.dec.ny.gov/chemical/61092.html

DECInfo Locator Interactive map to access DEC documents and public data about the environmental quality of specific sites: https://www.dec.ny.gov/pubs/109457.html

Although this is not a request for comments, interested persons are invited to contact the Department's Project Manager for this site to obtain more information or have questions answered. The Project Manager's contact information is:

Brianna Scharf, Project Manager
NYS Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, NY 12233-7017
(518) 402-5987
brianna.scharf@dec.ny.gov

Site-Related Health Questions

Stephanie Selmer
New York State Department of Health

Bureau of Environmental Exposure Investigation Empire State Plaza,
Corning Tower, Room 1787
Albany, NY 12237
(518) 402-7860
BEEI@health.ny.gov

Receive Site Citizen Participation Information By Email

Please note that the Department's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program, Voluntary Cleanup Program, and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at http://www.dec.ny.gov/chemical/61092.html.

7/18/2022
Date

Brianna Scharf, Project Manager
Remedial Section C, Remedial Bureau E

7/18/2022
Date

Sarah Saucier, P.E., Section Chief
Remedial Section C, Remedial Bureau E

7/19/2022
Date

Michael Cruden, P.E., Bureau Director
Remedial Bureau E

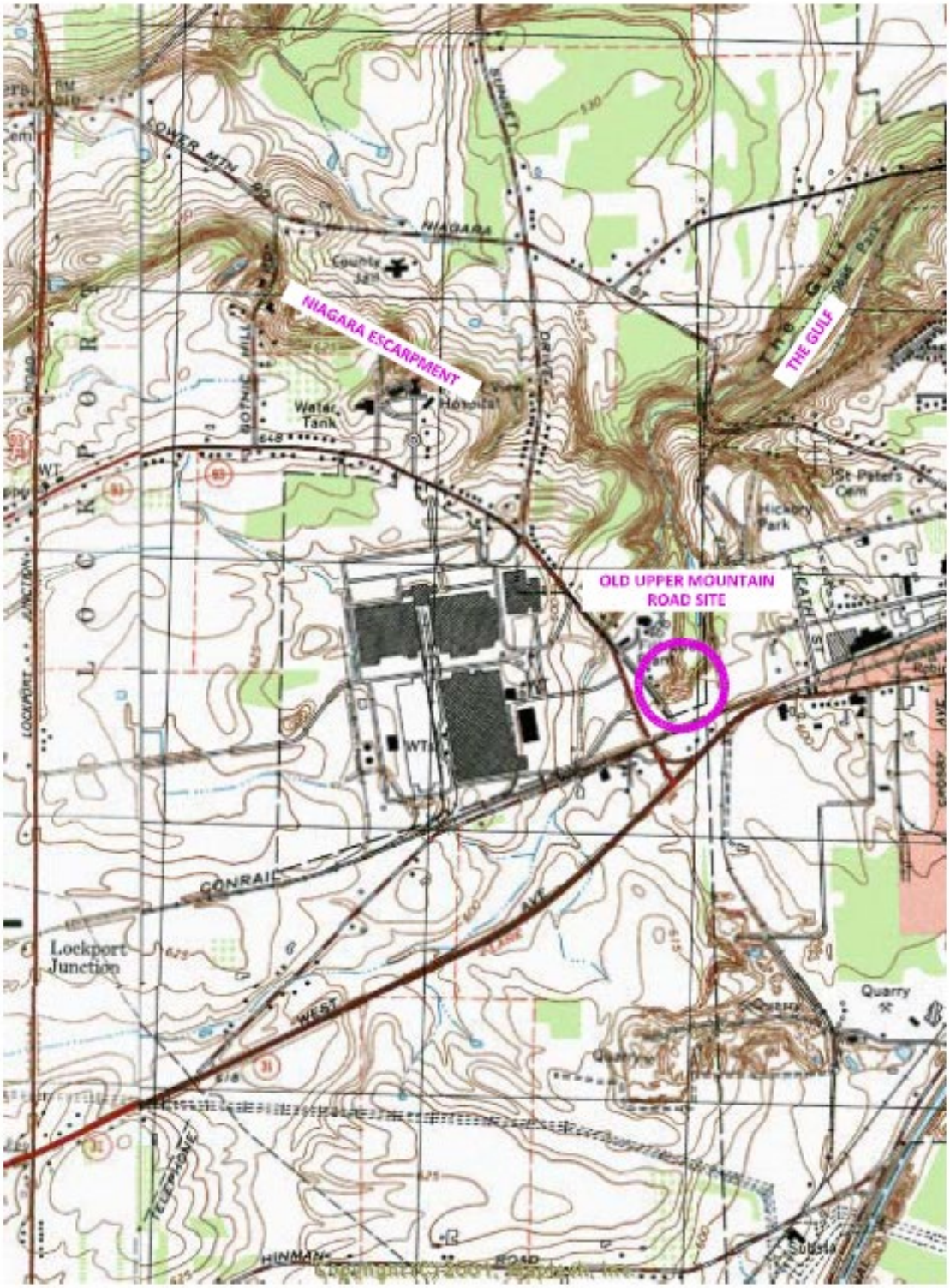
7/19/2022
Date

for Andrew Guglielmi

Andrew Guglielmi, Division Director
Division of Environmental Remediation

DECLARATION

The selected remedy is protective of public health and the environment, complies with State and Federal requirements that are legally applicable or relevant and appropriate to the remedial action to the extent practicable, and is cost effective. This remedy utilizes permanent solutions and alternative treatment or resource recovery technologies, to the maximum extent practicable, and satisfies the preference for remedies that reduce toxicity, mobility, or volume as a principal element



Cambria & Lockport Quadrangles

Scale Depends on Final Plotted Size

SITE LOCATION MAP

DIVISION OF ENVIRONMENTAL REMEDIATION

DATE: 06/21/11

DRAWING: Site Location Map.dwg

SITE: OLD UPPER MOUNTAIN ROAD SITE

FIGURE 1

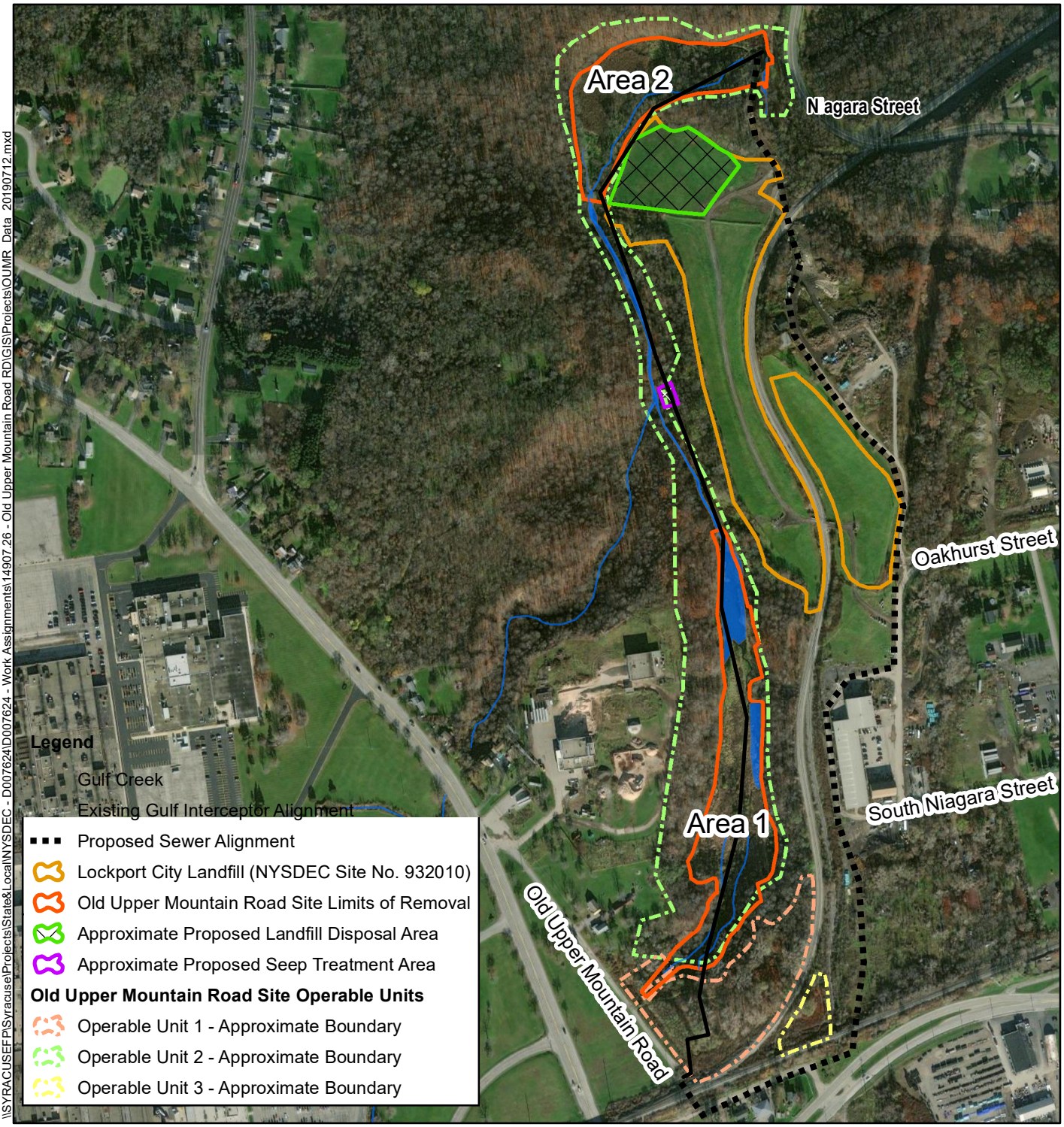


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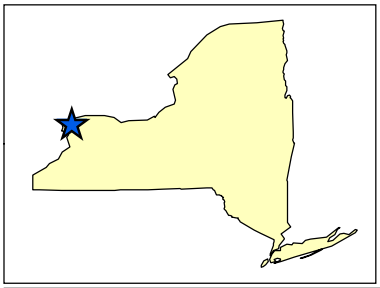
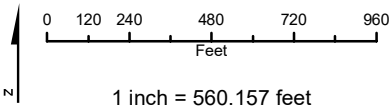
Figure 1
Old Upper Mountain Road Site and Lockport City Landfill
Old Upper Mountain Road (932112)
Lockport, New York





Map Date: 4/11/2022
Projection: NAD 1983 StatePlane New York West FIPS 3103 Feet

NEW YORK STATE OF OPPORTUNITY. Department of Environmental Conservation

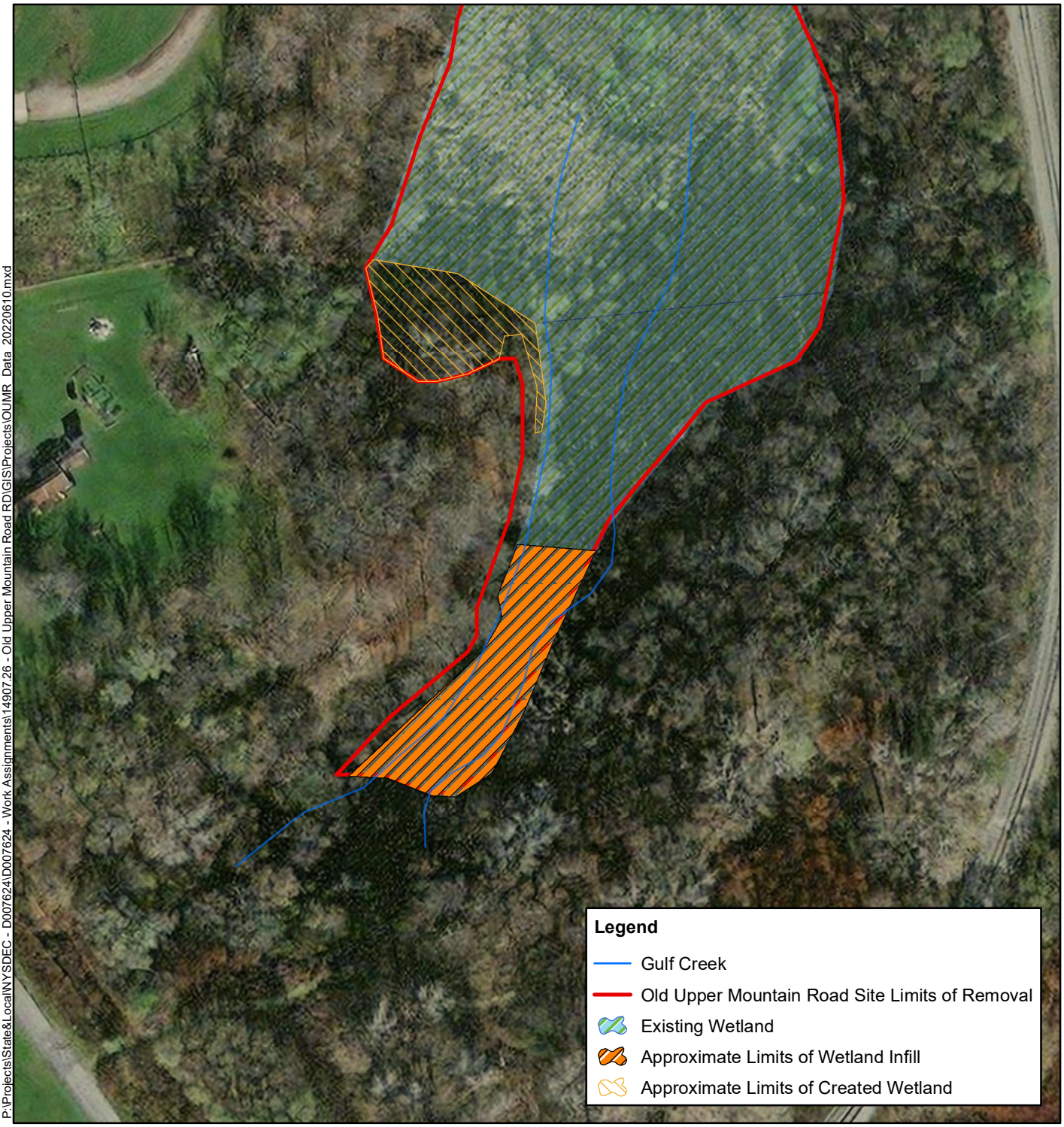


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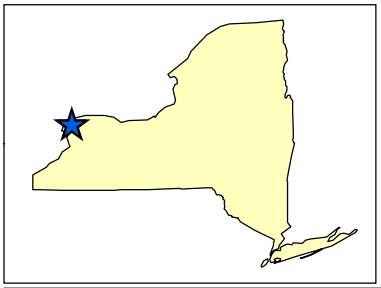
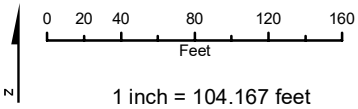
Figure 3
Wetland Infill and Restoration/Mitigation
Old Upper Mountain Road (932112)
Lockport, New York

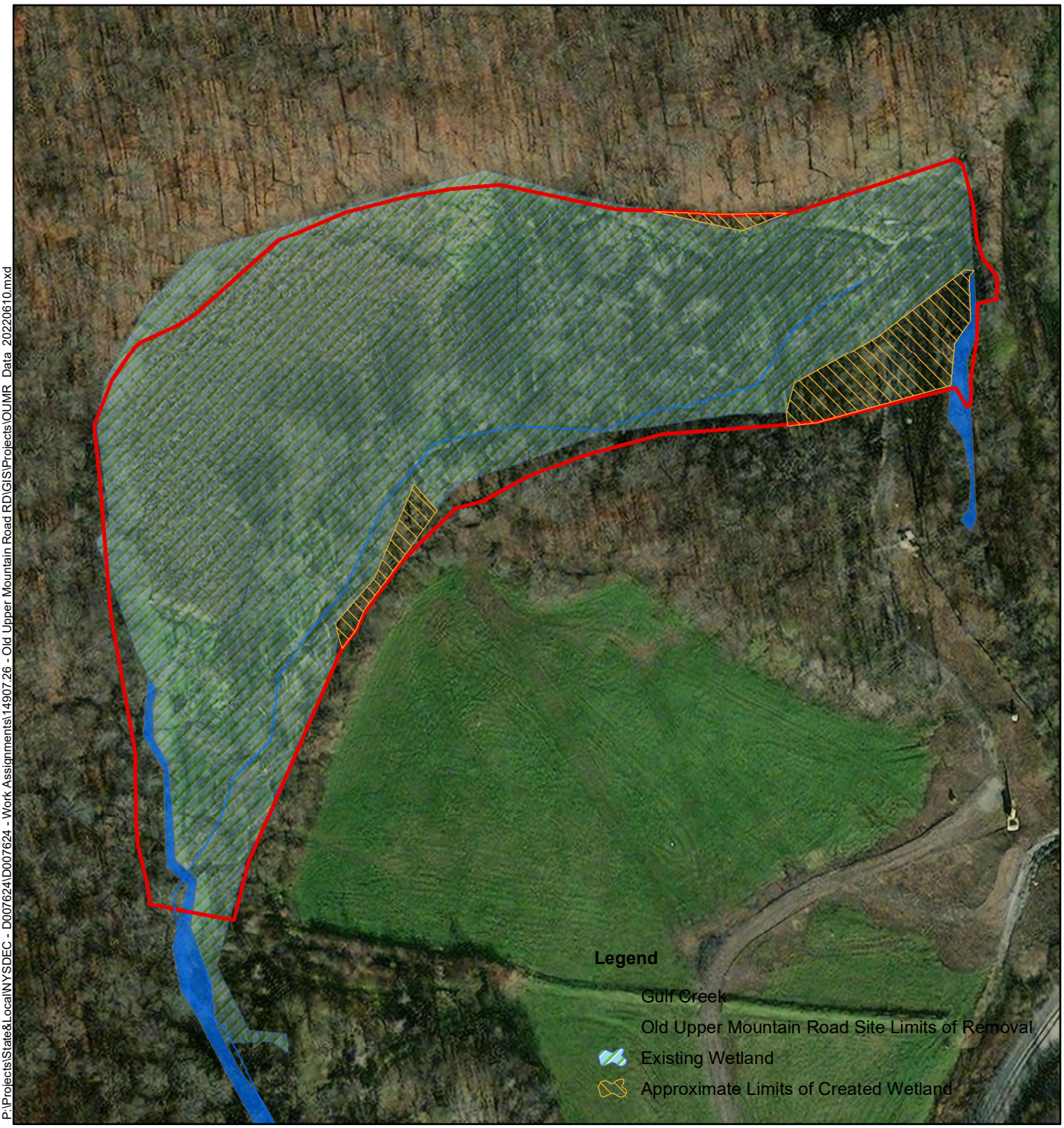




1 inch = 104.167 feet

Map Date: 6/10/2022
Projection: NAD 1983 StatePlane New York West FIPS 3103 Feet

NEW YORK STATE OF OPPORTUNITY. Department of Environmental Conservation



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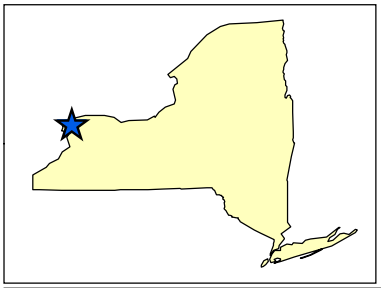

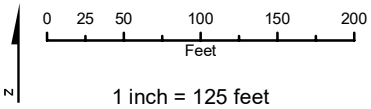

Map Date: 6/10/2022
Projection: NAD 1983 StatePlane New York West FIPS 3103 Feet

NEW YORK STATE OF OPPORTUNITY. Department of Environmental Conservation