



100 Corporate Parkway  
Suite 341  
Amherst, NY 14226

P 716.836.4506  
F 716.834.8785  
www.earthtech.com

September 5, 2007

Mr. Todd Lipa  
New York State Canal Corporation  
455 Cayuga Road  
Cheektowaga, NY 14225-1901

RE: Canal Permit Application  
Use of Canal Lands and surface Waters for Sediment and Surface Water Column Sampling  
Lockport Area (Guterl Specialty Steel Corporation FUSRAP Site), NY

Dear Mr. Lipa:

As discussed by phone previously with members of your organization, Earth Tech, Inc. (Earth Tech) is conducting remedial investigation field activities on behalf of US Army Corps of Engineers, Buffalo District at the former Guterl Specialty Steel Corporation FUSRAP site. A portion of this work includes collection of surface water and sediment samples from the Erie Canal adjacent to the site. Therefore, Earth Tech is submitting the enclosed Canal Permit Application in support of the surface water and sediment sampling effort.

With respect to the requirement for application for a joint application for permit with the NYS Department of Environmental Conservation and US Army Corps of Engineers, Ms. Jennifer Janik (USACE Buffalo) contacted you on our behalf explaining that USACE is aware of the work and has approved the project work plans.

Should you have any questions or require additional information, please do not hesitate to contact me at 716-836-4506, ext. 11.

Very truly yours,

Earth Tech, Inc.

James L. Kaczor  
Project Manager

Enclosure

cc: Mr. Raymond Pilon, USACE Project Manager, Buffalo, NY  
Mr. Dino Zack, Earth Tech, Buffalo, NY  
Project File 100657



# NEW YORK STATE CANAL CORPORATION

## CANAL PERMIT APPLICATION INSTRUCTIONS

Regarding: Water Column and Sediment Sampling

An applicant requesting a Canal Work Permit and/or Canal Use and Occupancy Permit must complete those forms which have been checked below or otherwise provide the following:

- ☒ Canal Permit Application.
- ☒ Non-refundable application fee in the amount of \$25.00 made payable to the "New York State Canal Corporation" by check, bank cashier's check, or money order.
- ☒ Certificate of Insurance in the amount of \$2,000,000.00 naming the People of the State of New York, The New York State Thruway Authority, and The New York State Canal Corporation as additional insureds.
- ☒ Supplemental Insurance Certificate TA-W51343-9 (enclosed).
- ☐ Copy of applicant's deed, lease agreement, Bill of Sale or proof of ownership.
- ☒ Two sets of plans and specifications pertaining to the proposed work. The plans should include a plan view (bird's eye view) and an elevation (side view). The specifications should include the proposed materials and construction methods. If constructing a dock, deck or platform, see special requirements, attached. The Canal boundary must be shown on the plans.
- ☒ Location map showing pertinent structures, Canal land and/or shoreline, Canal boundary line, adjacent properties, bridges, streets, etc.
- ☐ Survey map of applicant's property.
- ☒ A joint application for permit with the Department of Environmental Conservation and the US Army Corps of Engineers will be required. Contact: Department of the Army, Attn: Regulatory Branch, Corps of Engineers, Buffalo District, 1776 Niagara Street, Buffalo NY 14207-3199. (716) 879-4330. The completed permit should be signed and returned to the Department of the Army at the above address.
- ☒ SEQRA Short Environmental Assessment form (enclosed).
- ☐ Special Provisions – Work In Or Over Navigable Waterways Operated By The New York State Canal Corporation (enclosed).
- ☐ Apply for a SPEDES permit for outfall from:  
New York State Department of Environmental Conservation - Region 9  
270 Michigan Avenue  
Buffalo NY 14203-2999  
or call NYSDEC at (716) 851-7165

***Please return all requested forms, documents and fees to:***

**NEW YORK STATE CANAL CORPORATION**

455 Cayuga Road Suite 800  
Buffalo NY 14225-1901  
Office (716) 635-6250 FAX (716) 626-5362



New York State Canal Corporation  
**CANAL PERMIT APPLICATION**

Please enclose non-refundable  
application fee of  
**\$25.00**  
Additional fees may be required upon  
review of Application

**Section 1** **APPLICANT IDENTIFICATION INFORMATION**

Applicant/Company Earth Tech	Work Phone Number ( 716 ) 836-4506 ext. .	Home Phone No. ( )
Contact James Kaczor	Title Project Manager	Fax No. ( 716 ) 834-8785
Street Address 100 Corporate Parkway, Suite 341	State New York	Zip Code 14226
Town/Village/City Amherst	County of Permit Site Erie	Cell Phone No. ( 716 ) 866-0522
E-Mail Address james.kaczor@earthtech.com	Use and Occupancy Permit No. (if pre-existing)	Federal ID No. (for businesses only)
		Canal Plate No. (if pre-existing)

Purpose of Application (Please provide brief description and locations)

Perform sediment (0-6 inches) and water column sampling (12 samples each) in the Lockport, NY area within 1000' feet east of Route 93.

Duration of work (if applicable) From: 9/12/07 Through: 9/12/07

**Section 2** **PROPERTY INFORMATION**

Intended type of use of property (check one)

- ☐ Agricultural      ☐ Municipal      ☐ Residential      ☐ Not for Profit  
☐ Commercial      ☐ Industrial      ☐ Utility  
(Commercial Only)      ☒ Other no permanent use

Specific use (check if applicable)

- ☐ Access      ☐ Beautification      ☐ Boat Launch      ☐ Boathouse  
☐ Camp      ☐ Dock      ☐ Encroachment      ☐ Event  
☐ Fence      ☐ Farming      ☐ Marina      ☐ Mooring  
☐ Parking Lot      ☐ Public Park      ☐ Shore Protection      ☐ Sign  
☐ Slip      ☐ Storage      ☐ Trail      ☐ Vendor  
☐ Water Diversion      ☐ Well      ☒ Other environmental investigation for USACE site

Location and current use of Canal property (if known, please provide address, waterway, buoy number, tax map parcel number and GPS coordinates)

Adjacent to 695 Ohio Street, Lockport, New York; within 1000' feet east of Route 93.

Latitude \_\_\_\_\_

Longitude \_\_\_\_\_

**OFFICIAL USE ONLY**

Parcel:      Side:      Coord:      CL Sta:

CPM:      Buoy:      Tax:

**Permit Type:**      ☐ Work      ☐ Use & Occupancy

## CANAL PERMIT APPLICATION

### Section 3 READ THOROUGHLY BEFORE SIGNING - APPLICANT AFFIRMATION/CERTIFICATION

Canal property is devoted to public use. Permits, therefore, are by sufferance and the duration thereof is at the discretion of the Canal Corporation, regardless of the length of term granted. All permits are, therefore, revocable unilaterally by the Corporation. The permittee will maintain all installations permitted hereunder subject to the risk of relocating or removing them at the permittee's own expense, in accordance with the directions of the Corporation. Violators may be subject to a penalty.

Application is hereby made by the undersigned subject to the RULES AND REGULATIONS OF THE NEW YORK STATE CANAL CORPORATION. This applicant will obtain any other consents or permits that may be necessary to accomplish the purposes set forth above, as it is understood that in granting a permit, the New York State Canal Corporation merely expresses its assent in so far as it is authorized. A charge of \$250 per day shall be imposed for any approved work on the Canal System requiring an on site inspection by Corporation staff.

This Application will become part of the permit. Applicant hereby agrees that if such permit is approved, that as a condition of the issuance of the permit and/or exercise of any rights granted thereunder, the Applicant will comply with any and all RULES AND REGULATIONS OF THE NEW YORK STATE CANAL CORPORATION, any CONDITION RIDER issued with the permit and any subsequent amendments to the PERMIT.

The Applicant affirms and certifies that all information provided by the Applicant to the Corporation is complete, true and accurate.

Dated this 22 day of August 2007.

James Kaczor

Print Name of Applicant

*James I. Kaczor*

Signature of Applicant

Project Manager

Title (if applicable)

Print Name of Co-Applicant

Signature of Co-Applicant

Title (if applicable)

***Please contact the Canal Permit Engineer for the Division to which you are applying for a permit to determine whether supplemental documentation is required.***

### Section 4 SUBMIT APPLICATIONS TO THE APPROPRIATE CANAL CORPORATION PERMIT OFFICE

#### Canal Division Limits

- Albany** - Erie Canal from the Hudson River to the Montgomery/Herkimer County line. Champlain Canal including the Glens Falls Feeder Canal.
- Syracuse** - Erie Canal from the Herkimer/Montgomery County line to the Wayne/Monroe County line. Oswego Canal and Cayuga-Seneca Canal. Reservoirs, Feeders and Adirondack Canal Lands.
- Buffalo** - Erie Canal from the Monroe/Wayne County line to the Niagara River.

#### ADDRESSES AND TELEPHONE NUMBERS

NYS Canal Corporation  
Albany Division  
Canal Permit Engineer  
P.O. Box 833  
Albany, NY 12201-0833  
(518) 471-5033

Overnight mail address:  
Route 9W, Interchange 23  
Bldg. 1  
Albany, NY 12209

NYS Canal Corporation  
Syracuse Division  
Canal Permit Engineer  
P.O. Box 308  
E. Syracuse, NY 13057-0308  
(315) 438-2303

Overnight mail address:  
290 Elwood Davis Road  
Liverpool, NY 13088-2103

NYS Canal Corporation  
Buffalo Division  
Canal Permit Engineer  
455 Cayuga Rd.  
Suite 800  
Cheektowaga, NY 14225  
(716) 635-6250

Overnight mail address:  
Same as above

**MARSH****CERTIFICATE OF INSURANCE**CERTIFICATE NUMBER  
LOS-000587535-01**PRODUCER**Marsh Risk & Insurance Services  
License#: 0437153  
777 S. Figueroa Street  
Los Angeles, CA 90017-5822  
Attn: Helen Shamma (213) 346-5530 Fax (213) 346-5886

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER OTHER THAN THOSE PROVIDED IN THE POLICY. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES DESCRIBED HEREIN.

**COMPANIES AFFORDING COVERAGE**

## COMPANY

**A** American Home Assurance Company

## COMPANY

**B** WORKERS COMPENSATION, SEE ATTACHED SCHEDULE

## COMPANY

**C** LLOYD'S OF LONDON

## COMPANY

**D** N/A

58880 -ETECH-PL-06/07 PL 23228 08 07

**INSURED**EARTH TECH, INC.  
7870 VILLA PARK DRIVE, SUITE 400  
RICHMOND, VA 23228**COVERAGES**

This certificate supersedes and replaces any previously issued certificate for the policy period noted below.

THIS IS TO CERTIFY THAT POLICIES OF INSURANCE DESCRIBED HEREIN HAVE BEEN ISSUED TO THE INSURED NAMED HEREIN FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THE CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, CONDITIONS AND EXCLUSIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	<b>GENERAL LIABILITY</b>	GL 5759120	10/01/06	10/01/07	GENERAL AGGREGATE \$ 2,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS - COMP/OP AGG \$ 2,000,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				PERSONAL & ADV INJURY \$ 2,000,000
	<input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE \$ 2,000,000
					FIRE DAMAGE (Any one fire) \$ 1,000,000
					MED EXP (Any one person) \$ 10,000
A	<b>AUTOMOBILE LIABILITY</b>	CA 5836482 (AOS) CA 5836481 (MA) CA 5836480 (TX) CA 5836479 (VA)	10/01/06	10/01/07	COMBINED SINGLE LIMIT \$ 2,000,000
	<input checked="" type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE \$
	<input checked="" type="checkbox"/> HIRED AUTOS				
	<input checked="" type="checkbox"/> NON-OWNED AUTOS				
	<b>GARAGE LIABILITY</b>				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY: \$
					EACH ACCIDENT \$
					AGGREGATE \$
	<b>EXCESS LIABILITY</b>				EACH OCCURRENCE \$
	<input type="checkbox"/> UMBRELLA FORM				AGGREGATE \$
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM				\$
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>	SEE PAGE TWO	10/01/06	10/01/07	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER \$
	<input type="checkbox"/> THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL				EL EACH ACCIDENT \$ 1,000,000
					EL DISEASE-POLICY LIMIT \$ 1,000,000
					EL DISEASE-EACH EMPLOYEE \$ 1,000,000
C	<b>OTHER</b> Professional Liability	QF 054306 - SIR \$50,000 (PL)	10/15/06	10/15/07	Per Claim 1,000,000 Aggregate 1,000,000

**DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS**

Guterl Steel - Project Number: 100567. The NYS Thruway Authority and the NYS Canal Corporation &amp; People of the State of New York (IS/ARE) NAMED AS ADDITIONAL INSURED FOR GL COVERAGES, BUT ONLY AS RESPECTS WORK PERFORMED BY OR ON BEHALF OF THE NAMED INSURED. BUT ONLY AS RESPECTS WORK PERFORMED BY OR ON BEHALF OF THE NAMED INSURED.

**CERTIFICATE HOLDER**New York State Canal Corp.  
455 Cayuga Road, Suite 800  
Cheektowaga, NY 14225-1901**CANCELLATION**SHOULD ANY OF THE POLICIES DESCRIBED HEREIN BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE INSURER AFFORDING COVERAGE WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED HEREIN, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER AFFORDING COVERAGE, ITS AGENTS OR REPRESENTATIVES, OR THE ISSUER OF THIS CERTIFICATE.

MARSH USA INC.

By: Michael J. Vizio

*Michael J. Vizio*

MM1(3/02)

VALID AS OF: 08/28/07

# ADDITIONAL INFORMATION

LOS-000587535-01

DATE (MM/DD/YY)

08/28/07

**PRODUCER**

Marsh Risk & Insurance Services  
License#: 0437153  
777 S. Figueroa Street  
Los Angeles, CA 90017-5822  
Attn: Helen Shamma (213) 346-5530 Fax (213) 346-5886

58880 -ETECH-PL-06/07 PL 23228 08 07

**INSURED**

EARTH TECH, INC.  
7870 VILLA PARK DRIVE, SUITE 400  
RICHMOND, VA 23228

**COMPANIES AFFORDING COVERAGE**

COMPANY

E

COMPANY

F

COMPANY

G

COMPANY

H

**TEXT****WORKERS COMPENSATION COVERAGE**

10/01/06 - 10/01/07

INSURANCE POLICY #

STATE

(A) AMERICAN HOME ASSURANCE CO.  
WC 2920280

CA

(A) AMERICAN HOME ASSURANCE CO.  
WC 2920285

DE

(A) AMERICAN HOME ASSURANCE CO.  
WC 2920287

FL

(A) AMERICAN HOME ASSURANCE CO.  
WC 2920290

NJ

(A) AMERICAN HOME ASSURANCE CO.  
WC 2920291

PA

(B) NATIONAL UNION FIRE INS. CO.  
WC 2920283

NV

(B) NATIONAL UNION FIRE INS. CO.  
WC 2920284

OR

(B) ILLINOIS NATIONAL INS. CO.  
WC 2920286

IL

(B) ILLINOIS NATIONAL INS. CO.  
WC 2920289

MI

(B) INS. CO. STATE OF PA  
WC 2920288

AR, MA, TN, VA

(B) NEW HAMPSHIRE INS CO.  
WC 2920282

NY, WI

(B) AI SOUTH INSURANCE CO.  
WC 2920281

GA

(A) AMERICAN HOME ASSURANCE CO.  
WC 2920292

ALL OTHER STATES

**CERTIFICATE HOLDER**

New York State Canal Corp.  
455 Cayuga Road, Suite 800  
Cheektowaga, NY 14225-1901

MARSH USA INC. BY

Michael J. Vizio

*Michael J. Vizio*

Page

# EARTH TECH, Inc INSURANCE CERTIFICATE REQUEST

Ms. Helen Shamma (Helen.K.Shamma@marsh.com)  
Marsh Risk & Insurance Services  
777 South Figueroa St.  
Los Angeles, CA 90017 TEL # (213) 346-5962

**FAX # (213) 346-5886**

Page 1 of 1

**Date Certificate Required: 8/28/2007**

**Is Original Required ? : Yes**

**Is the Certificate for a Proposal? Yes: \_\_\_\_\_ NoX**

**Date of Request:** 8/28/2007  
**Requestor:** Taisha Gilliam  
Earth Tech  
7870 Villa Park Dr. Suite 400  
Richmond, VA 23228

**Certificate For:** New York State Canal Corp,  
**(Client)** 455 Cayuga Road, Suite 800  
Cheektowaga, NY 14225-1901

**Phone:** 804-515-8395 **Fax:** 804-515-8315  
**E-mail:** Taisha.Gilliam@earthtech.com

**Phone:** 716-635-6252 **Fax:** \_\_\_\_\_  
**E-mail:** \_\_\_\_\_

**Project Name:** Gutel Steel

**Project Number:** 100567

Insurance Required		Standard Current Limits	Limits Req'd If Non-Standard	Additional Insured (2)	Waiver of Subrogation (1)
<input type="checkbox"/> General Liab.	Gen. Agg.	\$ 5,000,000	2,000,000	<input type="checkbox"/>	<input type="checkbox"/>
	Each Occ.	\$ 2,000,000			
<input type="checkbox"/> Automobile Liab.	CSL	\$ 2,000,000		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Umbrella/Excess	Maximum	\$		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Workers Comp.	Statutory	\$ 1,000,000		N/A	<input type="checkbox"/>
<input type="checkbox"/> Professional Liab.		\$ 1,000,000		N/A	N/A
<input type="checkbox"/> Contractors Pollution Liab		\$ 1,000,000		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other _____		\$		<input type="checkbox"/>	<input type="checkbox"/>
Notice of Cancellation:		30 days	days		

(1) **If Waiver of Subrogation is required:** (For waiver of subrogation, contact a member of the Legal Dept for sign off. Similarly, . ( B. Allen 510-419-6000; M. Blaszk 630-574-3050; B. Bean 562-951-2003; D. Rory 562-951-2342; T. Walsh 562-951-2373)

Signature \_\_\_\_\_

**Railroad Protective Insurance** is required if we are working within 50 feet of a RR right of way. You may request that on this form, Marsh will contact you to secure the special information required for that coverage.

(2) **Additional Insured: (Please List)**

Attach sheet if additional space is needed

1. The NYS Thruway Authority and The NYS Canal Corporation

2. People of the State of New York

(3) **Notes:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If you want the Client to be automatically advised of insurance renewals, indicate the date through which updated certificates should be forwarded: month \_\_\_\_\_ year \_\_\_\_\_.

Check here \_\_\_\_\_ if this request is for a one-time issue.

**Mailing Instructions:**

- ☐ Original to Certificate Holder (Client)  
☒ Original to Requestor  
☐ Original to: \_\_\_\_\_  
☐ Special Instructions: e-mail to james.kaczor@earthtech.com

- ☐ Copy to Requestor  
☒ Copy to: 716-834-8785  
☐ Fax to Client: # \_\_\_\_\_



PROJECT ID NUMBER

617.20

SEQR

APPENDIX C

STATE ENVIRONMENTAL QUALITY REVIEW

**SHORT ENVIRONMENTAL ASSESSMENT FORM**

for UNLISTED ACTIONS Only

**PART 1 - PROJECT INFORMATION** (To be completed by Applicant or Project Sponsor)

1. APPLICANT / SPONSOR Earth Tech	2. PROJECT NAME Guterl Specialty Steel Corporation FUSRAP RI/F
3. PROJECT LOCATION: 695 Ohio Street, Lockport, New York Municipality	Erie County
4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc - or provide map Adjacent to 695 Ohio Street, Lockport, New York; between Route 78 and Route 93. Refer to attached figure.	
5. IS PROPOSED ACTION : <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification / alteration	
6. DESCRIBE PROJECT BRIEFLY: Earth Tech, working under contract with the USACE Buffalo District, proposes to collect 12 sediment samples from the 0-6 inch interval from a small boat using a hand-held ponar sampler. In addition, Earth Tech also proposes to collect 12 water samples from the midpoint of the water column using a Kemmerer sampler at 12 locations. Samples will be analyzed for Uranium and Thorium.	
7. AMOUNT OF LAND AFFECTED: Initially 0 acres Ultimately 0 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly:	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.) <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Park / Forest / Open Space <input type="checkbox"/> Other (describe)	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit / approval:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit / approval:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant / Sponsor Name <u>James Kaczor</u> Date: August 22, 2007 Signature <u>James L. Kaczor</u>	

If the action is a Coastal Area, and you are a state agency,  
complete the Coastal Assessment Form before proceeding with this assessment



**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?      If yes, coordinate the review process and use the FULL EAF. <div style="display: flex; justify-content: space-between;"><span><input type="checkbox"/> Yes</span><span><input type="checkbox"/> No</span></div>	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?    If No, a negative declaration may be superseded by another involved agency. <div style="display: flex; justify-content: space-between;"><span><input type="checkbox"/> Yes</span><span><input type="checkbox"/> No</span></div>	
C. COULD ACTION RESULT IN <b>ANY</b> ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1.	Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div>
C2.	Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div>
C3.	Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div>
C4.	A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div>
C5.	Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div>
C6.	Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div>
C7.	Other impacts (including changes in use of either quantity or type of energy? Explain briefly: <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div>
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?    (If yes, explain briefly: <div style="display: flex; justify-content: space-between;"><span><input type="checkbox"/> Yes    <input type="checkbox"/> No</span><div style="border: 1px solid black; width: 650px; height: 40px; margin-top: 5px;"></div></div>	
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?    If yes explain: <div style="display: flex; justify-content: space-between;"><span><input type="checkbox"/> Yes    <input type="checkbox"/> No</span><div style="border: 1px solid black; width: 650px; height: 40px; margin-top: 5px;"></div></div>	

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

FINAL

# Sampling and Analysis Plan Volume 1 - Field Sampling Plan

*Former Guterl Specialty Steel Corporation FUSRAP Site  
Lockport, New York*

Prepared for

**US Army Corps of Engineers**  
**Buffalo District**  
Contract W912P4-05-D-0001  
Delivery Order 0001



Prepared by

**Earth Tech, Inc.**  
300 Broadacres Drive  
Bloomfield, NJ 07003  
(973) 338-6680



**January 2007**  
**Revised June 14, 2007**

### **5.4.5.2 Trenches, Pipes, and Drains**

Inaccessible surfaces cannot be adequately evaluated by direct measurements on external surfaces alone; therefore those locations that could contain residual radioactive material will be accessed for survey.

Residue will be collected from drain lines using a piece of wire or plumbers “snake” with a strip of cloth attached to the end; deposits on the pipe interior will be loosened by scraping with a hard tipped tool that can be inserted into the drain opening. Particular attention will be given to “low-points” or “traps” where activity would likely accumulate.

Whenever possible, potentially contaminated sanitary sewer lines and drain lines will be surveyed by passing a cable-driven 3/8-inch diameter sodium iodide (NaI(Tl)) radiation detector (Ludlum Model 44-149) through the lines. Static measurements will be taken at 1-m intervals.

The need for further internal monitoring and sampling will be determined on the basis of residue samples and direct measurements at the inlet, outlet, cleanouts, and other access points to the pipe interior.

In the event it appears that field data indicate the potential for contamination to have migrated off-site through pipes, drains, or trenches, Earth Tech will coordinate any follow-up sampling with USACE prior to performance.

### **5.4.5.3 Sediment and Surface Water**

Sediment samples will be collected in accordance with EM 200-1-3 C.5, Sediment Sampling. Sediment samples will be collected from the sediment-water interface to a depth of six inches. Surface water samples will be collected in accordance with EM 200-1-3 C.3, Surface Water Sampling.

#### **5.4.5.3.1 Ponar (Sediment)**

The Ponar sampler will be used to collect sediment samples from 12 locations in the Erie Barge Canal (refer to **Figure 5-17**), and from deep floor trenches (for example, Building 3). The Ponar sampler is a clamshell-type scoop activated by a counter-level system. The shell is opened, latched in place, and slowly lowered to the bottom. When tension is released on the lowering cable, the latch releases and the lifting action of the cable on the lever system closes the clamshell. The Ponar is then slowly raised to the surface and free liquids are allowed to drain, being careful not to lose fine sediments. The Ponar is placed into a stainless steel tray or bowl and opened. This process is repeated until sufficient sample volume is obtained. Sediment then will be homogenized in a stainless steel bowl.

The Ponar sampler will be decontaminated between sample locations as described below in this Section.

#### **5.4.5.3.2 Scoop/Trowel (Sediment)**

The scoop/trowel method will be used for collection of easily accessible dry sediment samples and sediment samples located underwater where the water depth is less than six inches. This collection method will be accomplished using a stainless steel trowel or spoon used to manually dig into the subsurface material to the required depth designated for the sampling location. Five

#### **4.2.2.9 Investigative Area 09 (IA09) – Erie Barge Canal**

This IA was evaluated in the DGAR within IA08; however, during development of the FSP a technical adjustment was made to identify this potentially affected area as a separate IA. The Erie Barge Canal IA is defined as surface water and sediment within the segment of the Erie Barge Canal that is just beyond the most upstream and most downstream IA08 discharge points to the Canal. No prior radiological data were found for surface water or sediment over this potentially impacted segment of the Canal.

#### **4.2.2.10 Investigative Area 10 (IA10) – Tax Lot 4.1 (Lombardi Property)**

This IA was evaluated in the DGAR within IA03 and IA05; however, during development of the FSP a technical adjustment was made to identify this potentially affected area as a separate IA. Lot 4.1 (Tax Map 108.20; Niagara County Real Property Tax Services, 2004) is located immediately north of the northeast portion of IA03, and immediately west of the southwest portion of IA05. This privately owned parcel was partially investigated in 1999 by NYSDEC. Field inspection (NYSDEC, 1999) and analysis of aerial photos (USACE, 2006a) identified the potential for FUSRAP-related materials to have been inadvertently moved onto this IA as a result of land development activity. The IA is defined by the tax lot boundaries for the parcel. In prior reports, this IA has been referred to as the “Lombardi Property.”

locations around the perimeter of the landfill, at a spacing of one sample per 500 ft (refer to **Figure 5-12**), are expected to be collected using this method. Sampled material then will be transferred to a stainless steel bowl for homogenization.

The trowel and bowl will be decontaminated between sample locations as described below in this Section.

#### **5.4.5.3.3 Hand-Held Bottle Method (Surface Water)**

Directly filling a sample container is one of the most efficient methods of surface water collection. Collection of surface water samples using the hand-held bottle method will be used for easily accessible locations (e.g., perimeter of landfill area). The sample will be collected by submerging the appropriate sample container with the cap in place into the body of water. The container will then be slowly and continuously filled using the cap to regulate the rate of sample entry into the container. The sample container should be filled such that a minimum of bubbling (and volatilization) occurs.

#### **5.4.5.3.4 Dipper and Pond Sampler Method (Surface Water)**

Dipper and pond samplers may be used to collect surface water samples from the Erie Barge Canal, the perimeter of the landfill area, and from deep floor trenches. The dipper and pond sampler perform similar functions and vary only in the length of the handle attached to the sampling vessel (usually a beaker). Before beginning sampling, a handle of appropriate length is attached to the dipper or pond sampler. Collection of surface water samples using the dipper or pond sampler method will then be accomplished by slowly submerging the device into the water so that the open end of the device is facing upstream. The sampler device will be retrieved from the water body with minimal disturbance to the sample, which will then be transferred into appropriate sample containers.

The dipper and handle will be decontaminated between sample locations as described in below in this Section

#### **5.4.5.3.5 Decontamination of Sampling Equipment**

Two methods of decontamination will be used to minimize the generation of unnecessary IDW without impacting data quality.

Sampling equipment will be thoroughly decontaminated between sample locations. The equipment will then be rinsed with tap water and soap (e.g., Alconox<sup>®</sup>) followed by a deionized water rinse.

Decontamination liquids will be containerized and treated as IDW.

### **5.4.6 Background Reference Areas**

#### **5.4.6.1 Surfaces**

For the purposes of evaluating gross beta activity on structure surfaces, structures of similar material construction will be identified in non-impacted buildings located on-site. In the event that suitable reference materials cannot be located, reference material values may be assumed

Table 5-12

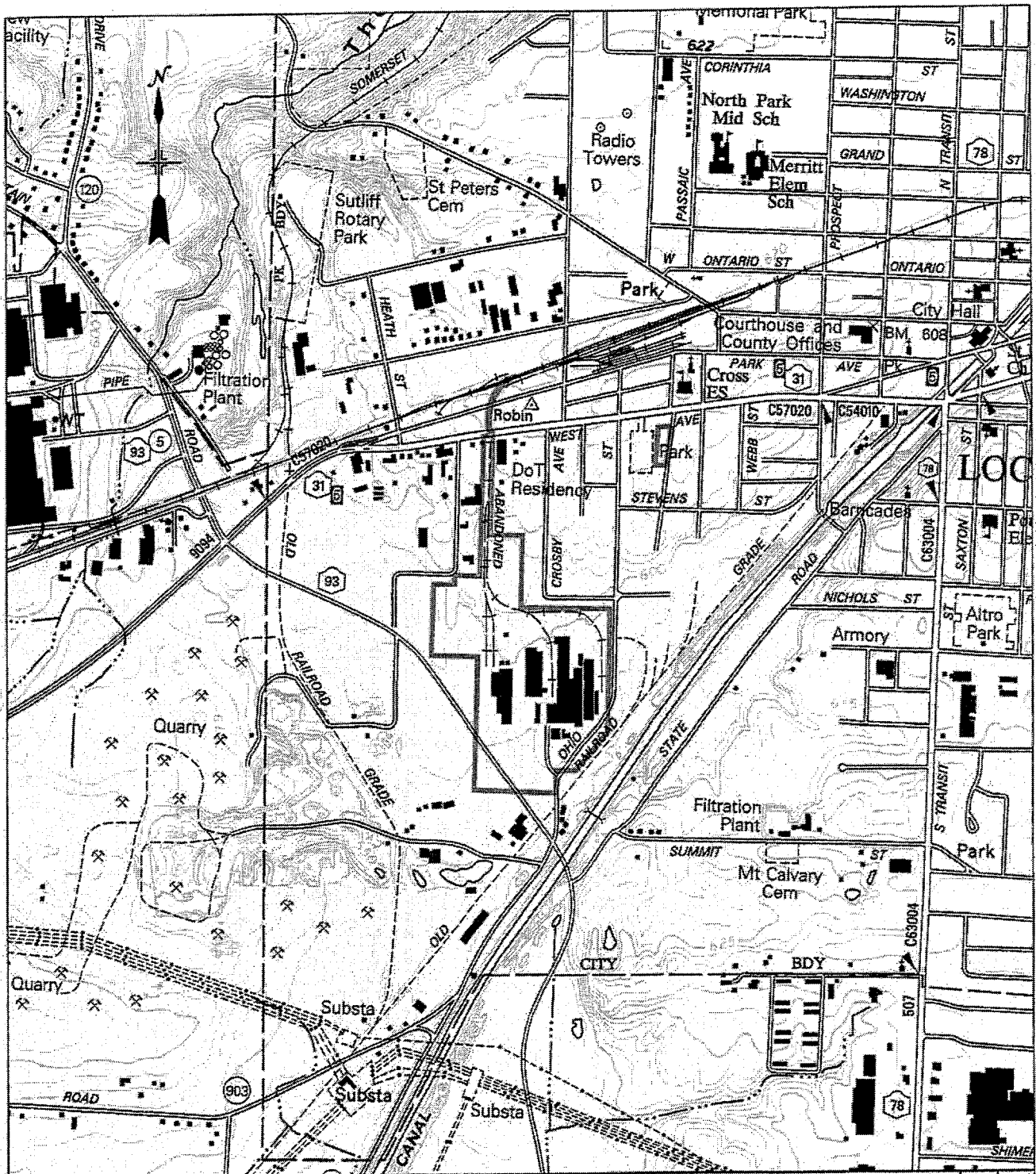
Final Field Sampling Plan  
Former Guterl Specialty Steel Corporation FUSRAP Site

**Estimated Number of Surface Water and Sediment Samples Including QA/QC**

Area	Sample Locations	Surface Water <sup>1,2,3</sup> (aqueous)		Sediment <sup>1,2,4,5</sup> (non-aqueous)			
		Off-site Alpha Spec (U, Th)	Off-site Ra	Off-site Gamma Spec	Off-site Alpha Spec (U, Th)	Off-site Ra	Total Organic Carbon
IA03	6	6	6	6	6	3	3
IA09	12	12	12	12	12	6	6
Subtotal	18	18	18	18	18	9	9
<b>IA08</b>							
IA08 (outside IA01)	6	6	6	6	6	6	0
Building 1 (basement)	4	4	4	4	4	4	0
Building 3 – North Section	4	4	4	4	4	4	0
Building 3 – South Section	4	4	4	4	4	4	0
Building 4/9	4	4	4	4	4	4	0
Building 6	2	2	2	2	2	2	0
Building 8	2	2	2	2	2	2	0
Building 24 – North Area	2	2	2	2	2	2	0
Building 24 – Southeast Area	2	2	2	2	2	2	0
Building 24 – Southwest Area – 6	2	2	2	2	2	2	0
Subtotal	32	32	32	32	32	32	0
Contingency (20%)	10	10	10	10	10	5	5
<b>TOTAL (including contingency)</b>	<b>60</b>	<b>60</b>	<b>60</b>	<b>60</b>	<b>60</b>	<b>46</b>	<b>14</b>
<b>Site-specific QA/QC samples <sup>6</sup></b>							
MS or MD	3	3	3	3	3	3	1
MSD	3	3	3	0	3	3	1
Field duplicate	3	3	3	3	3	3	1
Field blank	3	3	3	3	3	3	1
Total QA/QC	12	12	12	9	12	12	4
<b>Analytical Grand Total</b>	<b>72</b>	<b>72</b>	<b>72</b>	<b>69</b>	<b>72</b>	<b>58</b>	<b>18</b>

## NOTES:

- Quantities and locations for IA01 (except Bldg 1 basement), IA02, IA04, and IA08 are estimates. Sample locations will be determined as part of mobilization / start-up task.
- All surface water and sediment samples will be analyzed at the off-site laboratory.
- 100% of the surface water samples will be analyzed by alpha spectroscopy (standard count) for isotopic U and Th, and by EPA method 903/904 for Ra-226/228.
- For IA08, 100% of the sediment samples will be analyzed by gamma spectroscopy (U, Th, Ra), alpha spectroscopy (U, Th) (standard count), and EPA method 903/904 (Ra-226/228).
- For IA03, IA09, and the contingency samples, 100% of the sediment samples will be analyzed by gamma spectroscopy (U, Th, Ra) and alpha spectroscopy (U, Th) (standard count); and 50% of the samples will be analyzed by EPA 903/904 (Ra-226/228) and for TOC.
- QA/QC sample quantities based on one of each per group of 20 or fewer samples; see QAPP Tables 3-3 and 4-2 and Note 7.
- MS/MSD on alpha spec; site-specific laboratory matrix duplicate (no spike duplicate) for gamma spec (in addition to field duplicate).



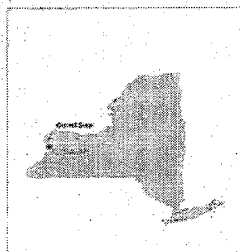
# LEGEND



SITE LOCATION

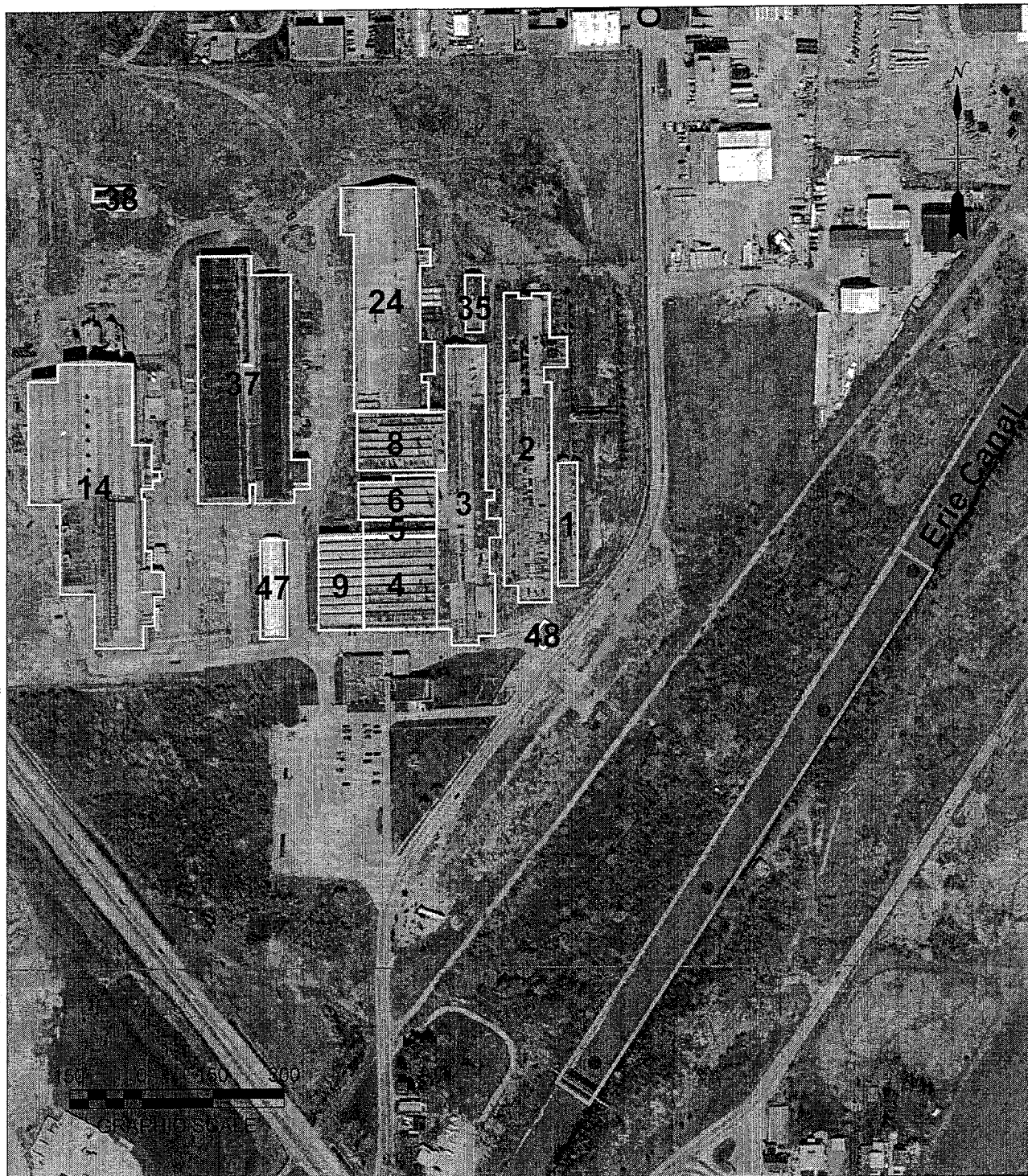
750 0 750 1500

GRAPHIC SCALE



SYMBOL		DESCRIPTIONS		DATE		APPROVED	
Prepared by:		EarthTech		Prepared for:		Gutierrez Steel Corporation	
DESIGNED BY:		DB		DRAWN BY:		DB	
CHECKED BY:		JK		SUBMITTED BY:		JK	
DATE:		May 25, 2006		SCALE:		AS SHOWN	
DRAWING NO.:		FIGURE 1-1		PROJECT:		GUTIERREZ SPECIALTY STEEL CORPORATION LOCKPORT, N.Y.	





# **LEGEND**



IA09 Erie Canal Southeast of Site



24

Guterl Buildings



Collocated Sediment and Surface Water Samples

NOTE: In Erie Canal, three samples on a transect across the Canal will be collected at each location shown.

SYMBOL		DESCRIPTIONS		DATE	APPROVED
REVISIONS					
Prepared by:		Prepared for:			
 <b>EarthTech</b> A Tyco International Ltd. Company					
DESIGNED BY:	DB	GUTERL SPECIALTY STEEL CORPORATION LOCKPORT, N.Y.  <b>IA09 SAMPLE LOCATION PLAN</b>			
DRAWN BY:	DB				
CHECKED BY:	JK				
SUBMITTED BY:	JK	DATE:	NOV. 20, 2006	SCALE:	AS SHOWN
		DRAWING NO.:		FIGURE 5-17	