April 28, 2009

Mr. Clint Halftown
Cayuga Indian Nation
P.O. Box 11
Versailles, NY 14168

Re: Phase I Environmental Site Assessment
3149 Garden Street Extension/Rt. 89,
Seneca County Tax Map No.36-1-48.1 and 36-1-48.2
Town of Seneca Falls, New York 13148
AKRF Project Number 40212

Dear Mr. Halftown:

AKRF, Inc. is pleased to submit this Phase I Environmental Site Assessment Report for the above-referenced site. This report includes the findings of a site inspection, an evaluation of available historical information, the interpretation of selected federal and state environmental databases, and a review of selected Seneca County records. AKRF, Inc. met the requirements of American Society for Testing and Materials (ASTM) as established by ASTM Standard E1527-05 unless noted otherwise in Section 7: "Limitations".

We appreciate the opportunity to provide you with our services. If you should have any questions or comments regarding the enclosed report, please do not hesitate to contact us.

Sincerely,
AKRF, Inc.

Marc S. Godick, LEP
Senior Vice President

Kerry Gallagher
Environmental Scientist

Enc.

EXECUTIVE SUMMARY

AKRF, Inc. (AKRF) was retained by the Cayuga Indian Nation of New York State to perform a Phase I Environmental Site Assessment of the property located at 3149 Garden Street Extension/Rt. 89, Town of Seneca Falls, Seneca County, New York. The subject property was comprised of two parcels:

- Seneca County Tax Map No. 36-1-48.1 consisted of a 10.4 acre grass covered field that was formerly used as a camping park and included a one-story double-wide mobile home used as Lakeside Enterprises of the Cayuga Nation offices, and a vacant wood storage/construction building of approximately 1,000 square feet.
- Seneca County Tax Map 36-1-48.2 consisted of a 2.9 acre grass covered lot that contained a gravel drive and a vacant commercial building formerly used as a boat repair shop. The building was being used for storage.

The subject property was rectangular shaped, approximately 13.3 acres in size, and was located in a predominantly rural area with frontage along Garden Street Extension and State Route 89. The property was abutted by undeveloped land and Eisenhower College to the north, New York State Route 89 followed by commercial and residential development to the east, the Garden Street Extension followed by Cayuga Lake State Park to the south, and undeveloped and agricultural land to the west. A gasoline station was located immediately southeast-adjacent to the study site at the intersection of Garden Street Extension and Route 89.

The objective of this assessment was to identify any potential environmental concerns associated with the site resulting from past or current site usage or usage of neighboring properties. This Phase I Environmental Site Assessment was performed in accordance with customary principles and practices in the environmental consulting industry, and in conformance with the scope and limitations of ASTM Standard E1527-05, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice*. Any exceptions to, or deletions from, this practice are described in Section 7.0 of this report. This assessment revealed the following evidence of recognized environmental conditions in connection with the property:

- The subject property was formerly used as a boat repair shop. Repair activities are likely to have included boat motor tune-ups, fluid (gasoline, motor oil, and gear oil) changes, boat painting, and general maintenance. Improper storage, handling, or dumping of raw or waste fluids during maintenance activities may have resulted in releases to the soil or groundwater at the subject property. The repair shop building contained a floor trench in the maintenance area that was filled with gravel. There was no information indicating if the trench was used as a collection pit or if it contained a drain to transfer fluids outside the building. There were no areas of staining observed on the floor or outside the building.
- Two pole-mounted transformers were located on a utility pole adjacent to the northeast corner of the former boat maintenance building. The age of the transformers was unknown and there is a potential for the transformers to have utilized PCB-containing fluids. Any release of oil due to transformer failure would spill to the underlying ground surface. There were no areas of stained soil or stressed vegetation beneath the transformers.
- A filling station was located southeast-adjacent to the study site. Three closed-status surface spills (10 gallons or less in size), which are not likely to affect subsurface conditions on the subject property, were reported at this station. The two in-service underground storage tanks used by the filling station

were equipped with leak detection systems, and the results of tank and line tightness tests in 2006 did not indicate any leaks.

- Interviews with knowledgeable site personnel indicated that herbicides and pesticides are applied to the mowed portions of the site on an as-needed basis, which may have affected shallow soils and/or surface waters at the site.
- Suspect asbestos-containing materials (ACM) were observed, including, but not limited to suspended ceiling tiles, pipe insulation, vinyl floor tiles beneath carpeting, and window caulking.
- Based on the age of the structure on Seneca County Tax Map No. 36-1-48.2, lead-based paint may be present, including under more recently painted surfaces. Lead based paint may have also been used if boats were repainted. The existing painted surfaces were observed to be in good to damaged condition.

Recommendations:

- Although there was no contamination documented during the investigation, the only way to verify if any boat maintenance or repair activities have resulted in a release of contamination to soil or groundwater at the site soil is to complete a subsurface investigation. If future on-site development requires subsurface disturbance, soil would need to be tested and managed in accordance with applicable local, state and federal requirements. If any unforeseen fuel oil tanks or evidence of contaminated soil (stains or odors) are encountered during site development, these materials (and all other materials requiring off-site disposal) should be disposed of in accordance with applicable federal, state and local regulations.
- Prior to any renovation or demolition, a comprehensive asbestos survey of the affected areas should be conducted. If materials prove to contain asbestos, they should be properly removed and disposed of in accordance with all state and federal requirements by a licensed asbestos abatement contractor.
- Renovation or demolition activities with the potential to disturb lead-based paint must be performed in accordance with the applicable Occupational Safety and Health Administration regulation (OSHA 29 CFR 1926.62—*Lead Exposure in Construction*).

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APPENDICES

1.0 INTRODUCTION

AKRF, Inc. (AKRF) was retained by the Cayuga Indian Nation of New York State to perform a Phase I Environmental Site Assessment of the property located at 3149 Garden Street Extension/Rt. 89, Town of Seneca Falls, Seneca County, New York. The subject property comprised two parcels:

- Seneca County Tax Map No. 36-1-48.1 consisted of a 10.4 acre grass covered field that was formerly used as a camping park and included a one-story double-wide mobile home used as Lakeside Enterprises of the Cayuga Nation offices, and a vacant wood storage/construction building of approximately 1,000 square feet.
- Seneca County Tax Map 36-1-48.2 consisted of a 2.9 acre grass covered lot that contained a gravel drive and a vacant commercial building formerly used as a boat repair shop. The building was being used for storage.

The subject property was approximately 13.3-acres in size (Tax Map No. 36-1-48.1 is 10.4 acres and Tax Map No. 36-1-48.2 is 2.9 acres) and was located in a predominantly rural area. The property was abutted by undeveloped land and Eisenhower College to the north, New York State Route 89 followed by commercial and residential development to the east, the Garden Street Extension followed by Cayuga Lake State Park to the south, and undeveloped and agricultural land to the west. A gasoline station was located immediately southeast-adjacent to the study site at the intersection of Garden Street Extension and Route 89.

The scope of services for this assessment was in conformance with ASTM Standard E1527-05 (*Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice*), with any exceptions to, or deletions from, this practice described in Section 7.0: "Limitations and Data Gaps." AKRF's scope addressed the ASTM scope by conducting the following:

- Observations of the Property (reconnaissance) were made to identify potential sources or indications of hazardous substances, including: aboveground storage tanks (ASTs); underground storage tanks (USTs); tank vents and fill ports; transformers and other items that could contain polychlorinated biphenyls (PCBs), drums or areas where hazardous materials were used, stored, or disposed; stained surfaces and soils; stressed vegetation, leaks, odors. In addition, where possible, neighboring properties were viewed, but only from public rights-of-way, to identify similar concerns.
- Readily available geological and groundwater (hydrogeological) information were evaluated to assist in determining the potential for contamination migration within, from and onto the Property.
- Historical topographic maps and aerial photographs for the Property and adjacent properties were reviewed to evaluate historic land uses.
- The following federal regulatory databases were reviewed to determine the regulatory status of the Property and properties within the ASTM-specified radii: National Priority List (NPL); Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS); Emergency Response Notification System (ERNS); Toxic Chemical Release Inventory System (TRIS); the Permit Compliance System of Toxic Wastewater Discharges (WWD); the Air Discharge Facilities Index (ADF) the USEPA Civil Enforcement Docket. The federal listing of facilities which are subject to corrective action under the Resource Conservation and Recovery Act (CORRACTS) is discussed with the State databases of RCRA listings.
- The following state regulatory databases were reviewed to determine the regulatory status of the Property and properties within the ASTM-specified radii, hazardous material spills (SPILLS);

Resource Conservation and Recovery Act Notifiers (RCRA); Chemical Bulk Storage (CBS); Solid Waste Facilities (SWF); Petroleum Bulk Storage (PBS); State Inactive Hazardous Waste Disposal Sites (SHWS); Major Oil Storage Facilities (MOSF); Historic Utility Sites; Environmental Restoration Program (ERP); Voluntary Cleanup Program (VCP); and Brownfield Cleanup Program (BCP).

- A review of pertinent local (obtained at the County Clerk's Office of Seneca County, NY) and online records for the Property was conducted.

In addition to the ASTM Scope items, AKRF's scope (unless noted in Section 7.0) included:

- A state database of radon concentrations was used to determine whether indoor radon levels in the area (data are by county) generally comply with United States Environmental Protection Agency (USEPA) guidelines.

2.0 PHYSICAL SITE DESCRIPTION

Visual inspection of the site and adjacent areas was performed on March 17, 2009 by Kerry Gallagher of AKRF. At the time of the inspection, the weather was sunny and approximately 40 º F and the visibility good. The site was inspected for the presence of stained surfaces and soils, stressed vegetation, storage tanks, drums, leaking pipes, transformers, suspect asbestos-containing materials, suspect lead-containing paint, and any other evidence of hazardous material usage and storage on-site. Photographs documenting the site inspection are included in Appendix A.

2.1 General Site Conditions

Parcel No. 36-1-48.1 (10.4 acres) comprised a former camping park that was vacant with grass cover. A one-story double-wide mobile home occupied the southern portion of the Property and was used as Lakeside Enterprises of the Cayuga Nation offices. A vacant building of approximately 1,000 square feet and wood construction was located directly south of the mobile home. The building was reported to be constructed in 1980 and used for storage.

Parcel No. 36-1-48.2 (2.9 acres) was comprised of a grass covered lot that contained a gravel drive and a commercial building located the southern portion of the parcel. The building consisted of a concrete slab on grade and steel frame construction, with a variation of concrete block, brick, and metal siding walls, and a metal roof. The building was reported to have been constructed in 1965. An overhead door and exterior-adjacent concrete pad was located on the southern side of the building. A standard doorway and exterior-adjacent concrete pad was located on the northern side of the building. The building was formerly used as a boat repair shop and was reported to be currently used for storage. The concrete floor was covered in tile and was observed to be in good condition with no major cracking or staining. The floor contained a trench approximately 8 feet long that was filled with gravel. It was unknown if the trench served as a fluid collection point or if it contained a drain that discharged outside the building. The remainder of the parcel is vacant and open.

Interviews with knowledgeable site personnel indicated that herbicides and pesticides are applied to the mowed portions of the site on an as-needed basis. No solid waste, debris or evidence of illegal dumping activity was noted throughout the property. No evidence of material releases, i.e. stained surfaces, oil sheen, odors or stressed vegetation were noted at the property and no other significant observations were made.

2.2 Topography and Hydrogeology

The surface topography is relatively level. Based on reports compiled by the U.S. Geological Survey (Seneca Falls, New York Quadrangle), the property lies at an elevation of approximately 465 feet above the National Geodetic Vertical Datum of 1929 (an approximation of mean sea level). Groundwater likely flows in an easterly direction toward Cayuga Lake, which is located approximately 900 feet east of the study site. However, actual groundwater flow at the site can be affected by many factors including subsurface openings or obstructions such as basements, bedrock geology, tidal fluctuations, and other factors beyond the scope of this study.

2.3 Storage Tanks

2.3.1 Underground Storage Tanks (USTs)

During the site inspection, no evidence, such as vent pipes, fill caps, or concrete patches, was observed that would indicate past or present underground storage tanks (USTs) being located at the Property. A review of the State regulatory records did not cite any below ground storage tanks (USTs) for the subject property. The Seneca County Clerks Office did not contain any information indicating USTs were used on the subject property. Off-site USTs are discussed in Section 4.2.2.

2.3.2 Aboveground Storage Tanks (ASTs)

No evidence, such as concrete foundations, containment walls, pedestals, or steel support structures, was observed during the site visit to indicate that aboveground storage tanks (ASTs) were located on-site either at the time of the inspection or in the past. A review of the State regulatory records did not cite any ASTs for the subject property. Fire Department and/or Borough Buildings Department records were not reviewed for the subject property as part of this assessment. Off-site ASTs are discussed in Section 4.2.2.

2.4 Polychlorinated Biphenyls (PCBs)

Prior to 1979, polychlorinated biphenyls (PCBs) were widely used for their cooling properties in electrical equipment such as transformers, capacitors, switches and voltage regulators. Two pole-mounted transformers were located on a utility pole adjacent to the northeast corner of the former boat maintenance building. The age of the transformers was unknown and there is a potential for the transformers to have utilized PCB-containing fluids. Any release of oil due to transformer failure would spill to the underlying ground surface. There were no areas of stained soil or stressed vegetation beneath the transformers.

2.5 Lead-Based Paint

The use of lead-based paint in commercial structures was severely restricted by the Consumer Products Safety Commission in 1977. Lead-based paint is potentially hazardous when in a deteriorating condition (i.e. chipped, broken, crumbling, pulverized); lead is potentially harmful to humans, particularly children, if ingested, inhaled or otherwise absorbed.

The site report for Seneca County Tax Map 36-1-48.1 reported that the property was improved with the shed structure and the mobile home in 1980 and 1993 respectively. Based on the age of the structures, lead-based paint is not likely to be present. Painted surfaces of the on-site structures were in good condition and no peeling or flaking was noted. At the time of the site inspection, the structures did not include a child care center or other facility where the extended presence of young children would be typical.

The structure on Seneca County Tax Map No. 36-1-48.2 included a former boat repair shop constructed prior to 1977; therefore, lead-based paint may be present on building surfaces, or may have been used if boats were painted as a part of the repair activities. Painted surfaces of the on-site structures were in good condition and no peeling or flaking was noted. At the time of the site inspection, the structures did not include a child care center or other facility where the extended presence of young children would be typical. Demolition activities with the potential to disturb lead-based paint must be performed in accordance with the applicable Occupational Safety and Health Administration regulation (OSHA 29 CFR 1926.62—Lead Exposure in Construction).

2.6 Utilities

The Property was provided with natural gas heat by New York State Electric and Gas Company (NYSEG) and serviced by the municipal water and sewer system of the Town of Seneca Falls.

2.7 Waste Management and Chemical Handling

Solid waste was collected in trash receptacles throughout the property and removed weekly by a private hauler. No hazardous waste storage or generation was noted during the site visit.

2.8 Radon

Radon is a colorless, odorless gas produced by the radioactive decay of certain elements. The most common sources of radon are igneous and metamorphic rocks containing uranium (such as pitchblende), granite, shale, or phosphate, as well as soils or sediments derived from these parent materials. Radon may also be found in soils contaminated with certain industrial wastes (such as uranium or phosphate mine tailings) or in earth-derived building products which include industrial wastes that contain phosphate slag. In areas where the potential for radon accumulation is high, special ventilation systems may offset potential health hazards.

According to data compiled in 2008 by the Bureau of Radiation Protection, a division of the New York State Department of Health, Seneca County has lower average levels of basement radon measurements in New York State at 2.93 picocuries/liter, below the USEPA recommended action level of 4.0 picocuries/liter.

2.9 Asbestos-Containing Materials (ACM)

Asbestos, a known human carcinogen, is a generic name assigned to a group of naturally occurring minerals exhibiting high tensile strength and possessing excellent fire resistance and insulating properties. These minerals include chrysotile, amosite, crocidolite, actinolite, tremolite, and anthophyllite. Asbestos is commonly found as a component of building materials including: thermal system insulation (TSI), pipe insulation, spray-applied fireproofing, spray- or trowel-applied surfacing materials, vinyl asbestos floor tiles and sheeting, plaster, sheetrock/joint compound, ceiling tiles, fire door fill, roofing materials, thermal gaskets, mastics, caulks and a range of other products.

Building materials containing greater than one percent asbestos are considered to be asbestos-containing materials (ACM). ACM are classified as friable or non-friable. Friable ACM are those which can be crumbled, pulverized, or reduced to powder when dry by hand or other mechanical pressure. Friable ACM, such as thermal system insulation and spray-applied fireproofing, are generally associated with a higher risk of releasing asbestos fibers than non-friable ACM, such as vinyl floor tiles and built-up roofing materials.

The Cayuga County Clerk's Office reports that the double-wide mobile home used as Lakeside Enterprises of the Cayuga Nation offices was constructed in 1993 when ACM were rar4ely used in construction. The one-story and the vacant wood construction building on Seneca County Tax Map 36-1-48.2 was reported to have been constructed in 1980 and may have utilized ACM. The structure on Seneca County Tax Map No. 36-1-48.1 included a former boat repair shop constructed in 1965, during the time that ACMs were used in construction. Suspect ACMs observed during the site visit suspended ceiling tiles, pipe insulation, vinyl floor tiles beneath carpeting, and window caulking. Additional suspect ACMs may be present within pipe chases, behind walls, or in other hidden locations.

3.0 ADJACENT LAND USE

The Lakeside gasoline station and convenient store was located immediately southeast-adjacent to the study site at the intersection of Garden Street Extension and Route 89. A mix of small commercial and residential properties was observed to the east and across Route 89 that extended down to Cayuga Lake. The subject was abutted by undeveloped land and Eisenhower College to the north, the Garden Street Extension followed by Cayuga Lake State Park to the south, and undeveloped and agricultural land to the west.

4.0 PROPERTY HISTORY AND RECORDS REVIEW

4.1 Prior Ownership and Usage

4.1.1 Historical Maps

Historical Sanborn Insurance map coverage was unavailable for the Property and surrounding area. Historical U.S. Geological Survey Topographic maps covering the Property were viewed online for evidence of prior land usage. Specifically, U.S. Geological Survey Topographic maps from the years 1899 and 1978 were reviewed. Historical maps of the subject Property are included in Appendix B and as Figure 1.

1899

The Property was shown as undeveloped and located in a rural area with little surrounding development. An electric railroad and an unnamed road are located south of the Property and both run approximately parallel to southern boundary of the Property.

1978

The Property was mapped as a campground. Route 89 abutted the eastern portion of the Property and Garden Street Road was located to the south. Cayuga Lake State Park was located across Garden Street Road to the south of the Property. The Property location remains rural but additional residences were shown in the surrounding areas.

To summarize, the Property was undeveloped from at least 1899 and by 1978 the former campground was in use. The Property is currently mapped as a campground although the Property was no longer used for that purpose and was vacant at the time of the inspection. The surrounding properties were mainly vacant with some residential and commercial development noted.

4.1.2 Historical Aerial Photographs

Aerial photographs of the subject site and adjacent areas dating to 1938 included in a previous environmental investigation were reviewed (discussed further in Section 6.0).

Specifically, aerial photographs from 1978, 1996, 2003 and 2007 were reviewed and are summarized below. Historical aerial photographs of the subject Property are included in Appendix B and as Figure 2.

1978

The photograph showed the former boat repair shop and campground occupied by vehicles on some portions of the Property. The southeast-adjacent property contained the gas station. Residential and agricultural use properties were shown in the surrounding area.

1996 and 2003

No significant changes were noted from the 1978 photograph, the Property was shown in use as the former campground and boat repair facility. The surrounding properties were mainly residential and commercial with some wooded areas (Cayuga Lake State Park) south of Garden Street.

2007

No significant changes were noted from the 1996 and 2003 photographs except the campground was shown as vacant with no vehicles.

To summarize, historical aerial photographs indicated that the Property was historically used as a campground and boat repair facility. No evidence of dumping and/or industrial use on-site was apparent in any of the aerial photographs.

4.1.3 Property Tax Files and Zoning Records

Electronic information provided by the Seneca County Tax Assessor's Office identified the Property as Tax Map Parcel No.36-1-48.1 and 36-1-48.2. The Property is zoned for commercial use by the Town of Seneca Falls Zoning Department.

4.1.4 Recorded Land Title Records

The Property was transferred from B.E.P. Properties, Inc. to Cayuga Nation of New York in February 2005. Prior to the purchase by B.E.P Properties, previous transactions were identified as being non-commercial single family ownership. Documentation from the Cayuga County Clerk's office is included in Appendix C.

4.2 Regulatory Review

Toxics Targeting, Inc. of Ithaca, New York, was contracted to obtain information regarding the regulatory status of the property and the surrounding area. This information included records from databases maintained by the USEPA and New York State Department of Environmental Conservation (NYSDEC). AKRF reviewed these records to identify the use, generation, storage, treatment and/or disposal of hazardous material and chemicals, or releases of such materials which may impact the Property. All applicable regulatory databases meet ASTM guidelines requesting utilization of information within 90 days' receipt from the appropriate agency. Copies of the pertinent sections of the Toxics Targeting, Inc. report are included in Appendix D.

4.2.1 Federal Review

The federal databases searched included the National Priority List (NPL); Comprehensive Environmental Response, Compensation, and Liability Information

System (CERCLIS); Emergency Response Notification System (ERNS); Toxic Chemical Release Inventory System (TRIS); the Permit Compliance System of Toxic Wastewater Discharges (WWD); the USEPA Civil Enforcement Docket.; and the Air Discharge Facilities (ADF) The federal listing of facilities which are subject to corrective action under the Resource Conservation and Recovery Act (CORRACTS) is discussed with the State databases of RCRA listings.

National Priority List (NPL)

The NPL is the USEPA's database of some of the most serious uncontrolled or abandoned hazardous waste sites identified for probable remedial action under the Superfund Program. NPL sites can pose a significant risk of stigmatizing surrounding properties and thus impacting property values.

No NPL sites were identified within one-mile of the Property.

Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS)

CERCLIS is a compilation of sites which the USEPA has investigated, or plans to investigate, pursuant to the Superfund Act of 1980 (CERCLA). As such, some of these sites may ultimately present concerns and others may not (but could still pose a perceived threat, thus affecting property values).

No CERCLIS sites were identified within a ½-mile of the Property.

Emergency Response Notification System (ERNS)

This federal database, compiled by the Emergency Response Notification System, records and stores information on certain reported releases of petroleum and other potentially hazardous substances.

The Property was listed as a potential ERNS site in the regulatory database for one spill located on Route 89 in Seneca Falls, although it was not mapped on the February 20, 2009 Toxics Targeting report:

- Route 89 in Seneca Falls was listed with a spill on June 25, 1987. The spill was reported to have been due to a 5 gallon bucket leaking from a freight truck on the highway. The quantity spilled was listed as 5 gallons of corrosive liquid nitrogen. No material was released into surrounding waterways.

The above listed spills are not anticipated to have affected the Property based on details listed in the database information.

Toxic Chemical Release Inventory System (TRIS)

The TRIS contains information reported by a variety of industries on their annual estimated releases of certain chemicals. No TRIS sites were identified within ⅛-mile of the Property.

Permit Compliance System of Toxic Wastewater Discharge (WWD)

This database includes certain sites which discharge wastewater containing potentially hazardous chemicals.

No WWD facilities were reported within ⅛-mile of the Property.

United States Environmental Protection Agency Civil Enforcement Docket

This database tracks civil judiciary cases filed on behalf of the USEPA by the Department of Justice.

No facilities were listed in the USEPA's Civil Enforcement Docket within ⅛-mile of the Property.

Air Discharge Facilities (ADF) Index

This federal database includes information on certain air emission sources.

No ADF facilities were identified within a ⅛-mile radius of the Property.

4.2.2 State Review

The state records reviewed included listings of hazardous material spills; Resource Conservation and Recovery Act (RCRA) Notifiers; Chemical Bulk Storage (CBS); Solid Waste Facilities (SWF); Petroleum Bulk Storage (PBS); State Inactive Hazardous Waste Disposal Sites (SHWS); State Hazardous Substance Waste Disposal Sites (SHSWDS); Major Oil Storage Facilities (MOSF); Brownfield Sites; Historic Utility Sites.; Environmental Restoration Program (ERP) sites; Voluntary Cleanup Program (VCP) sites and Brownfield Cleanup Program (BCP) sites.

New York SPILLS Database

This database includes releases reported to the NYSDEC, including tank test failures (for USTs only) and tank failures.

Six closed status spills were reported within a ½-mile radius of the Property. The gasoline station located southeast adjacent to the Property was cited with one spill:

- Seneca Falls Quickway #38, located southeast adjacent to the Property, was listed with a closed status spill on January 8, 1998. The release was reported to have been due to a gasoline release from a customer's vehicle. The quantity spilled was listed as 3 gallons. The release was reported to have been cleaned with speedy dry (absorbent) and the case achieved a closed regulatory status on the same date. The above listed spills are not anticipated to have affected the Property based on details listed in the database information, however, undocumented releases from this facility have the potential to have affected subsurface conditions beneath the Property

One spill was listed for the Monteverdi (William) Home located at the intersection of Route 89 and Garden Street:

- Monteverdi (William) Home, located approximately 250 feet southeast of the Property was listed with a closed status spill in July of 1995 when a DEC representative noticed various containers and chemicals were being stored at the property and some spillage had occurred. No material information was given for the spill. Based on the limited information available, past site inspection, and the age of the spill, no further action was required. The spill was closed in September of 2006.

Four spills were listed for the Cayuga Lake State Park in the surrounding area:

- Cayuga Lake State Park, located at 2664 Lower Lake Road approximately 720 feet south-southwest of the Property, was listed with a closed status tank failure in June of 1998. A 1,000-gallon underground storage tank was noticed to be leaking.

Contaminated soil was properly disposed and the UST was replaced by a 500-gallon aboveground storage tank. The spill was closed in February of 1992.

- A spill was reported in February of 1999 due to a closure report of a 1,000-gallon gasoline tank storage removal that included laboratory results of soil sample levels above laboratory detection limits but below NYSDEC STARS guidance values. The closure report was reviewed and no further action was deemed necessary. The spill was closed in June of 1999. A spill was also reported in July of 2003 due to a report that an unknown person places washed clothes in a sewer line which clogged the line and caused it to overflow from a manhole. Based on a review of the database, no further action was deemed necessary. The spill was closed in October of 2003. The site was also listed with a closed status spill in March of 1996 when 3 gallons of hydraulic oil were released onto the surrounding land and a storm sewer when the hydraulic line on a lumber truck broke. The spill was cleaned up with sawdust and impacted leaves were collected. No sheen was detected on the lake, no further action was deemed necessary, and the spill was closed on the same day.

The above listed spills involved minor releases and are not anticipated to have affected the Property based on details listed in the database information, however, given the proximity of this facility in a potentially upgradient groundwater flow location, undocumented releases have the potential to have affected subsurface conditions beneath the Property.

Resource Conservation and Recovery Act (RCRA) Notifiers Listings

This database lists sites that have filed notification forms regarding hazardous waste activity, including: treatment, storage and disposal facilities (TSDs); small-quantity generator (SQG) and large-quantity generators (LQG); and transporters regulated under RCRA. The discussion below includes any CORRACTS listings of facilities which are subject to corrective action under RCRA.

No CORRACTS facilities were identified within a one-mile radius of the Property. No RCRA TSD facilities were identified within a ½-mile radius of the Property. No RCRA Generators/Transporters were reported within a ⅛-mile radius of the Property.

Chemical Bulk Storage (CBS) Database

The CBS lists facilities that store regulated non-petroleum substances in aboveground tanks with capacities greater than 185 gallons and/or in underground tanks of any size.

No CBS facilities are listed within ⅛-mile of the Property.

Solid Waste Facilities (SWF)

This database includes a listing of landfills, incinerators, transfer stations, recycling centers, and other sites which manage solid waste.

No Solid Waste Facilities were identified within a ½-mile radius of the Property.

Petroleum Bulk Storage (PBS) Database

This database lists facilities that registered having either aboveground or underground petroleum tanks with total storage less than 400,000 gallons. Facilities with more than 400,000 gallons appear on the Major Oil Storage Facilities (MOSF) database instead.

Two PBS facilities, one located southeast adjacent to the Property and one located south of the Property, were identified within a ¼-mile radius of the Property. Details of these facilities are detailed in the following table:

Table 1

Area Petroleum Bulk Storage Facility Data

Location	Capacity (gallons)	Product Stored	Status	Install Date
Seneca Falls Quickway #28 (southeast adjacent to the Property)	10,000 UST	Gasoline	In Service	6/1992
	5,000 UST	Gasoline	In Service	6/1992
	15,000 UST	Unleaded Gasoline	In Service*	6/1992
NYS Office of Parks, Recreation, and Historic Preservation at Cayuga Lake State Park (810 feet south-southwest of the Property)	1,000 UST	Gasoline	Closed Prior to Micro Conversion, 03/91	12/1960
	1,000 UST	Gasoline	Closed-Removed	12/1980
	1,000 UST	Other	Closed Prior to Micro Conversion, 03/91	N/A
	1,000 UST	Other	Closed Prior to Micro Conversion, 03/91	N/A
	500 AST	Diesel	Closed-Removed	N/A
	1,000 AST	Gasoline	In Service	10/1998
	500 AST	Diesel	In Service	10/1998

Notes: AST - aboveground storage tank
UST - underground storage tank
* - Estimated that this listing was reassigned as two tanks (1-10,000 and 1-5,000 gallon).

State Inactive Hazardous Waste Disposal Site (SHWS) Registry

This program (also known as State Superfund) lists information regarding a variety of sites likely requiring cleanup.

No State Inactive Hazardous Waste Disposal Sites were reported within a one-mile radius of the Property.

State Hazardous Substance Waste Disposal Site (SHSWDS) Study

This database tracks certain sites that were not listed on SHWS, but may still require investigation and/or cleanup.

No SHSWDS were identified within a one-mile radius of the Property.

Major Oil Storage Facilities (MOSF) Database

These facilities have petroleum storage of 400,000 gallons or more.

No Major Oil Storage Facilities were listed within ⅛-mile of the Property.

Historic Utility Sites

This is an inventory of selected power generating facilities, manufactured gas plants and storage facilities, utility maintenance yards and other gas and electric utility sites identified in various historical documents, maps and annual reports from 1898 to 1950.

No Historic Utility Sites were listed within ⅛-mile of the Property.

Environmental Restoration Program

These sites (which are generally municipally-owned) are receiving New York State funding for site investigation and/or remediation. Some sites in this program have known contamination, whereas others have not had sufficient investigation to determine whether contamination is present.

No ERP sites were listed within ½-mile of the Property.

Voluntary Cleanup Program

The Voluntary Cleanup Program is a NYSDEC program for investigation and/or remediation of (generally) privately-owned sites. Some sites have known contamination, whereas others have not had sufficient investigation to determine whether contamination is present.

No VCP facilities were listed within ½-mile of the Property.

Brownfield Cleanup Program

This NYSDEC program is the successor to the Voluntary Cleanup Program. Again, some sites have known contamination, whereas others have not had sufficient investigation to determine whether contamination is present.

No BCP sites were listed within ½-mile radius of the Property.

4.2.3 Local Review

County Clerk's Office

Personnel interviewed at the Cayuga County Town Clerk's office declined to report on the current and historical use of the Property.

4.2.4 Additional Record Sources

To enhance the search, ASTM requires that additional local records be checked when, in judgment of the environmental professional, such records are: 1) reasonably ascertainable; 2) useful, accurate and complete in light of the objective of the records review; and 3) are obtained in initial ESAs. These records include:

- Local Brownfields Lists
- Local Lists of Landfill/solid waste disposal sites
- Local Lists of Hazardous Waste/Contaminated Sites

- Local Land Records (for activity use limitations)
- Records of emergency release reports
- Records of contaminated public wells

Sources for these records may include:

- Department of Heath/Environmental Division
- Building Permit/Inspection Department
- Local/Regional Pollution Control Agency
- Local/Regional Water Quality Agency
- Local Electric Utility (for PCB records)

In AKRF's judgment, no such additional local records (beyond those described in the immediately preceding section) are pertinent for the Property.

5.0 USER-PROVIDED INFORMATION

In preparing this Phase I ESA, AKRF requested that the client provide any pertinent information regarding the Property, specifically:

- The reason for performing the Phase I ESA;
- Whether they were aware of any pertinent current or historic activities at or near the Property, including but not limited to: hazardous substances or petroleum, waste management practices, filling or disposal drains, septic/sewer systems, and potable and non-potable wells;
- Owner and occupant information and whether they were aware of any previous Phase I ESAs or other potentially pertinent reports, plans or information;
- Whether any *environmental liens* or *activity and land use limitations* are in place or filed or recorded against the Property or whether there was pending, threatened, ongoing or past violations, litigation or enforcement action relevant to hazardous substances or petroleum products;
- Whether they had any specialized knowledge or experience related to the Property or nearby properties (e.g., specialized knowledge of the chemicals used by this type of business);
- Whether the (anticipated) purchase price reflects that the Property is or could be contaminated; and
- Whether they were aware of commonly known or reasonably ascertainable information about environmental conditions of the Property including current/past uses of the Property and adjacent properties.

Ms. B.J. Radford, Chief Operating Officer for the Cayuga Indian Nation, provided pertinent information related to the site's historical use. According to Ms. Radford, this Phase I Environmental Site Assessment was being performed to evaluate the site as part of due diligence related to its proposed fee-to-trust acquisition. Ms. Radford provided previous environmental studies conducted on the Property, discussed further in Section 6.0. Ms. Radford indicated that the Property was historically used for agricultural crops and was unaware of any previous development at the site. Ms. Radford was not aware of any environmental liens or activity use limitations on the Property. To the extent that pertinent additional information was provided, it has been summarized elsewhere in this report.

6.0 PREVIOUS STUDIES

The following reports were provided to AKRF for review:

Phase I Environmental Site Assessment, Quickway Store, 2552 State Route 89, Town of Seneca Falls, Seneca County, New York, Environmental Compliance Management Corporation, *September 2003.*

In September 2003, Environmental Compliance Management Corporation (ECMC) conducted a Phase I Environmental Site Assessment at the southeast-adjacent gasoline station property. The site consisted of a two-story commercial building, covered gasoline pumps, asphalt parking lots, and small grass plots buffering the site from adjacent roadways. One underground gasoline storage tank with a leak detection system was reportedly used on the Property. Interviews indicated that the property was developed with an auto dealership, a filling station and an ice cream shop in the 1960s; the filling station reportedly ceased operating in the 1970s and resumed operating in the 1990s. Three underground storage tanks were removed in 1992 during the installation of the new tank. While the site uses could be associated with petroleum contamination and ECMC observed limited staining on paved parking areas, ECMC found soil contaminant levels detected by soil sampling in 1994 to be within acceptable limits; concentrations of volatile organic compounds (VOCs) were well below NYSDEC Technical and Administrative Guidance Memorandum #4046 (TAGM) guidelines. ECMC noted that there was no record of spills or leaks at the site.

Phase I Environmental Site Assessment, Former Campground and Boat Repair Shop, Seneca County Tax Map Parcel Nos. 36-1-48.1 & 36-1-48.2, Seneca Falls, New York 13148, Synapse Risk Management, LLC, *October 2005.*

In October 2005, Synapse Risk Management, LLC (SRM) conducted a Phase I Environmental Site Assessment at the subject property. The site comprised two parcels (Tax Map Nos. 36-1-48.1 and 36-1-48.2) occupied by a double-wide mobile home, wooden storage building, and vacant open land previously used as a campground. No Recognized Environmental Conditions were identified and no further study was recommended by SRM.

7.0 LIMITATIONS AND DATA GAPS

This assessment met the requirements of the American Society for Testing and Materials (ASTM) as established by ASTM Standard E1527-05 at the time it was performed, with the following limitations and data gaps:

- Interviews and user provided information were limited to those discussed in Section 5.0. To the extent that interviews were not conducted with the list of interviewees cited in the ASTM Standard (past and present owners, operators, and occupants of the Property and local government officials), AKRF does not believe that this represents a significant data gap likely to result in additional or significantly changed recognized environmental conditions or conclusions.
- The Property area history was not conducted in five-year intervals. However, sufficient information about the history of the site and surrounding area could be obtained from the available historical aerial photographs, local records, and interviews, and this data gap is not likely to alter the conclusions of this report.

- In the judgment of AKRF, none of these limitations or data gaps are likely to have affected the ability to identify Recognized Environmental Conditions (RECs).

8.0 CONCLUSIONS AND RECOMMENDATIONS

AKRF, Inc. (AKRF) was retained by the Cayuga Indian Nation of New York State to perform a Phase I Environmental Site Assessment of the property located at 3149 Garden Street Extension/Rt. 89, Town of Seneca Falls, Seneca County, New York. The subject property was comprised of two parcels:

- Seneca County Tax Map No. 36-1-48.1 consisted of a 10.4 acre grass covered field that was formerly used as a camping park and included a one-story double-wide mobile home used as Lakeside Enterprises of the Cayuga Nation offices, and a vacant wood storage/construction building of approximately 1,000 square feet.
- Seneca County Tax Map 36-1-48.2 consisted of a 2.9 acre grass covered lot that contained a gravel drive and a vacant commercial building formerly used as a boat repair shop. The building was being used for storage.

The subject property was rectangular shaped, approximately 13.3 acres in size, and was located in a predominantly rural area with frontage along Garden Street Extension and State Route 89. The property was abutted by undeveloped land and Eisenhower College to the north, New York State Route 89 followed by commercial and residential development to the east, the Garden Street Extension followed by Cayuga Lake State Park to the south, and undeveloped and agricultural land to the west. A gasoline station was located immediately southeast-adjacent to the study site at the intersection of Garden Street Extension and Route 89.

The objective of this assessment was to identify any potential environmental concerns associated with the site resulting from past or current site usage or usage of neighboring properties. This Phase I Environmental Site Assessment was performed in accordance with customary principles and practices in the environmental consulting industry, and in conformance with the scope and limitations of ASTM Standard E1527-05, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice*. Any exceptions to, or deletions from, this practice are described in Section 7.0 of this report. This assessment revealed the following evidence of recognized environmental conditions in connection with the property:

- The subject property was formerly used as a boat repair shop. Repair activities are likely to have included boat motor tune-ups, fluid (gasoline, motor oil, and gear oil) changes, boat painting, and general maintenance. Improper storage, handling, or dumping of raw or waste fluids during maintenance activities may have resulted in releases to the soil or groundwater at the subject property. The repair shop building contained a floor trench in the maintenance area that was filled with gravel. There was no information indicating if the trench was used as a collection pit or if it contained a drain to transfer fluids outside the building. There were no areas of staining observed on the floor or outside the building.
- Two pole-mounted transformers were located on a utility pole adjacent to the northeast corner of the former boat maintenance building. The age of the transformers was unknown and there is a potential for the transformers to have utilized PCB-containing fluids. Any release of oil due to transformer failure would spill to the underlying ground surface. There were no areas of stained soil or stressed vegetation beneath the transformers.
- A filling station was located southeast-adjacent to the study site. Three closed-status surface spills (10 gallons or less in size), which are not likely to affect subsurface conditions on the subject property, were reported at this station. The two in-service underground storage tanks used by the filling station

were equipped with leak detection systems, and the results of tank and line tightness tests in 2006 did not indicate any leaks.

- Interviews with knowledgeable site personnel indicated that herbicides and pesticides are applied to the mowed portions of the site on an as-needed basis, which may have affected shallow soils and/or surface waters at the site.
- Suspect asbestos-containing materials (ACM) were observed, including, but not limited to suspended ceiling tiles, pipe insulation, vinyl floor tiles beneath carpeting, and window caulking.
- Based on the age of the structure on Seneca County Tax Map No. 36-1-48.2, lead-based paint may be present, including under more recently painted surfaces. Lead based paint may have also been used if boats were repainted. The existing painted surfaces were observed to be in good to damaged condition.

Recommendations:

- Although there was no contamination documented during the investigation, the only way to verify if any boat maintenance or repair activities have resulted in a release of contamination to soil or groundwater at the site soil is to complete a subsurface investigation. If future on-site development requires subsurface disturbance, soil would need to be tested and managed in accordance with applicable local, state and federal requirements. If any unforeseen fuel oil tanks or evidence of contaminated soil (stains or odors) are encountered during site development, these materials (and all other materials requiring off-site disposal) should be disposed of in accordance with applicable federal, state and local regulations.
- Prior to any renovation or demolition, a comprehensive asbestos survey of the affected areas should be conducted. If materials prove to contain asbestos, they should be properly removed and disposed of in accordance with all state and federal requirements by a licensed asbestos abatement contractor.
- Renovation or demolition activities with the potential to disturb lead-based paint must be performed in accordance with the applicable Occupational Safety and Health Administration regulation (OSHA 29 CFR 1926.62—*Lead Exposure in Construction*).

9.0 SIGNATURE PAGE

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR 312.

I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Property for which the assessment was performed. I have performed all the appropriate inquiries in conformance with standards and practices set forth in 40 CFR Part 312.

Marc S. Godick, LEP
Senior Vice President

Kerry Gallagher
Environmental Scientist

10.0 QUALIFICATIONS

The purpose of this assessment was to convey a professional opinion about the potential presence or absence of contamination, or possible sources of contamination on the Property, and to identify existing and/or potential environmental problems associated with the Property including *Recognized Environmental Conditions* as defined in ASTM Standard E1527-05, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice*.

The assessment was performed in accordance with customary principles and practices in the environmental consulting industry, and in accordance with the above-referenced ASTM Standard, except as noted otherwise in Section 7.0. It should only be used as a guide in determining the possible presence or absence of hazardous materials on the Property at the time of the reconnaissance, as it is based upon the review of readily available records relating to both the Property and the surrounding area, as well as a visual reconnaissance of current conditions.

This Phase I Assessment is not, and should not be construed as, a guarantee, warranty, or certification of the presence or absence of hazardous substances, which can be made only with testing, and contains no formal plans or recommendations to rectify or remediate the presence of any hazardous substances which may be subject to regulatory approval. This report is not a regulatory compliance audit.

This report is based on services performed by AKRF, Inc. professional staff and observation of the Property and its surroundings. We represent that observations made in this assessment are accurate to the best of our knowledge, and that no findings or observations concerning the potential presence of hazardous substances have been withheld or amended. The research and reconnaissance have been carried to a level that meets accepted industry and professional standards. Nevertheless, AKRF and the undersigned shall have no liability or obligation to any party other than the Cayuga Indian Nation of New York State and AKRF's obligations and liabilities to the above, is limited to fraudulent statements made, or grossly negligent or willful acts or omissions.

11.0 REFERENCES

1. New York State Department of Health, Office of Public Health, "Environmental Radiation," *Short Term Basement Radon Measurements by County* October 2008.
2. Toxics Targeting, Inc., "Seneca Falls – State Route 89, Seneca Falls, New York 13148," *Regulatory Radius Search,* February 20, 2009.
3. U.S. Geological Survey; *Seneca Falls Quadrangle*; 7.5 minute Series (Topographic); Scale 1:24,000; 1953; Photorevised 1978.
4. U.S. Geological Survey; *Geneva Quadrangle*; 15 minute Series (Topographic); Scale 1: 62,500; 1902; via http://historical.mytopo.com/
5. Environmental Compliance Management Corporation, *Phase I Environmental Site Assessment, Quickway Store, 2552 State Route 89, Town of Seneca Falls, Seneca County, New York,* September 2003.
6. Synapse Risk Management, LLC, *Phase I Environmental Site Assessment, Former Campground and Boat Repair Shop, Seneca County Tax Map Parcel Nos. 36-1-48.1 & 36-1-48.2, Seneca Falls, New York,* October 2005.

FIGURES

APPENDIX A
PHOTOGRAPHIC DOCUMENTATION

APPENDIX B
HISTORICAL MAPS /AERIAL PHOTOGRAPHS

APPENDIX C
LOCAL RECORDS

APPENDIX D
REGULATORY RECORDS REVIEW