

A. INTRODUCTION

This section presents the findings of Environmental Site Assessments (“ESAs”) that were conducted for the Nation’s seven properties. There are fourteen separate Phase I ESA reports (two for each property) and two Subsurface (“Phase II”) Investigation reports, with each report focusing on an individual tax lot or parcel, or a group of contiguous parcels, so designated by local real property maps (see Appendix G). A total of nine parcels (with correlating tax map I.D. numbers) comprising the Nation’s properties were evaluated. The Phase I ESAs identify any known or potential hazardous materials or conditions, and were prepared in conformance with guidelines set forth by the American Society for Testing and Materials (“ASTM”) Method E1527-00 for the reports prepared by Environmental Compliance Management Corporation (“ECMC”) and Synapse Risk Management, LLC (“Synapse”), and ASTM Method E1527-05 for the reports prepared by AKRF.

ECMC completed a Phase I ESA for three of the nine parcels in March and September 2003. Synapse completed a Phase I ESA for four parcels in October 2005. AKRF completed a Phase I ESA for each of the nine parcels in April 2009 and a Phase II investigation for two parcels in April 2009. A review of each parcel, the company that completed the Phase I ESA and Phase II investigation and the date of report completion are included below:

Phase I ESAs:

- Parcel 36-1-48.1 & 36-1-48.2, Seneca Falls, NY, Synapse, October 2005 and AKRF, April 2009
- Parcel 36-1-49, Seneca Falls, NY, ECMC, September 2003 and AKRF, April 2009
- Parcel 134.17-1-1.21 & 134.17-1-1.121, Springport, NY, ECMC, March 2003 and AKRF, April 2009
- Parcel 134.17-1-1.51, Springport, NY, Synapse, October 2005 and AKRF, April 2009
- Parcel 141.05-1-3, Springport, NY, ECMC, March 2003 and AKRF, April 2009
- Parcel 150.00-1-29.1, Springport, NY, Synapse, October 2005 and AKRF, April 2009
- Parcel 85.00-1-28.1, Montezuma, NY, Synapse, October 2005 and AKRF, April 2009

Phase II ESAs:

- Parcel 36-1-49, Seneca Falls, NY, AKRF, April 2009
- Parcel 134.17-1-1.121, Union Springs, NY, AKRF, April 2009

B. EXISTING CONDITIONS

PHASE I ENVIRONMENTAL SITE ASSESSMENTS

The Phase I ESA used methodology developed by the ASTM to identify the potential presence of hazardous materials or conditions. The methodology includes:

- Investigation of the site's history and characteristics through the analysis of historic maps, local and regional maps, municipal records, and information provided by the property owners' representative(s).
- Review of federal and state computer databases and printed records for documentation of potential liabilities relevant to the subject property.
- Visual inspection of the property conducted by qualified personnel.

This section summarizes the findings of the Phase I ESAs with respect to existing conditions on each of the land trust parcels.

PARCELS 36-1-48.1, 36-1-48.2 & 36-1-49, TOWN OF SENECA FALLS, NEW YORK

These three adjoining parcels comprise the Nation's property in the Town of Seneca Falls property. The parcels comprise approximately 13.99 acres and consist of a former campground, a former boat repair shop, and the Nation's existing Lakeside Trading convenience store and gas station. The property area was bordered by undeveloped land and Eisenhower College to the north, New York State ("NYS") 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. Cayuga Lake was located approximately 1,300 feet east of the subject area. The Seneca Falls Lakeside Trading gas station was located on the southeast section of the property at the intersection of Garden Street Extension and NYS Route 89. The surrounding area consists of agricultural, residential, and recreational use. The surface topography was 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, located approximately 900 feet to the east.

PARCELS 36-1-48.1 & 36-1-48.2

The parcels 36-1-48.1 and 36-1-48.2 comprised approximately 13.30 acres and included a former campground and boat repair shop. Parcel 36-1-48.1 consisted of a 10.4 acre grass covered field that was formerly used as a campground, 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. Parcel 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. At the time of the assessment the former boat repair shop building was being used as storage. Access to the property was gained via entrance roads from Route 89 and the Garden Street Extension. The property was fairly level and there was no evidence of depressions or disturbances that would indicate prior dumping at the parcel. No surface water features including lagoons, ponds or other bodies of water were observed. Based on a review of local records, aerial photographs and historic maps, the former boat repair shop

was previously utilized as a restaurant and bar. No other historical uses were identified for the property. The Phase I ESA revealed evidence of Recognized Environmental Conditions (“RECs”) in connection with the property as summarized below.

Repair activities at the former boat repair building 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 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 floor drains were observed in the boat repair shop. There were no signs of improper disposal and or release of hazardous substances observed near the floor drains. The former owner of the boat repair shop indicated that a waste oil furnace was used to burn used motor oil and any excess oil was placed into drums and properly disposed of by Safety Kleen Corporation.

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 polychlorinated biphenyl (“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. The New York State Electric and Gas Company (“NYSEG”) could not provide information regarding potential PCB content, but did indicate that NYSEG does own and retains liability for the transformers.

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 soil 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 parcel 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.

Two 55-gallon drums containing liquid resembling waste oil were observed at the rear of the campground property. Waste manifest forms produced after the site visit indicated that the drums were removed and disposed of in October, 2005.

The following recommendations were developed for the property based on the RECs documented during the investigation:

- 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.

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- 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*).

PARCEL 36-1-49

The parcel 36-1-49 at 2552 Route 89 comprised approximately 0.7 acres and contained the Seneca Falls Lakeside Trading convenience store, gasoline filling station, and an asphalt-paved surface parking lot. The convenience store building was centrally located on the parcel and consisted of steel and concrete construction with concrete and gypsum board walls, suspended acoustical ceiling tiles, and floors of resilient floor tiles and concrete. The store was used for selling a variety of food products, beverages, cigarettes, Lottery tickets and other miscellaneous sundries. One pump island with a metal awning and support beams housing two gasoline dispensers was located south of the convenience store. Man-way covers for the USTs were observed south of the pump island. A small storage shed was noted on the west of the convenience store and was used for the storage of miscellaneous supplies and maintenance tools. No sheens, staining or petroleum odors were noted throughout the property during the site inspection. The Phase I ESA revealed evidence of RECs in connection with the property as summarized below.

Historical uses of the property include an auto dealership and gasoline filling station, which was reported as operating sometime between 1960 and 1980, and the previous underground tanks were removed and replaced in 1992. Although county records document the current building as being constructed in 1991, a review of historical photographs and reports indicate that the current structures may have been remodeled in stages from the original development. The past and current use of the property as a gasoline filling station could potentially have caused a release of petroleum contamination to soil or groundwater.

The underground storage tank leak detection system reported in the environmental database for the tanks currently in use at the property did not indicate any releases of petroleum; however, undocumented spills could have contaminated soil and groundwater beneath the site. Registration for the current USTs was not up to date with New York State Department of Environmental Conservation (“NYSDEC”). In addition, there was no documentation found for maintenance, leak detection, product inventory records, closure sampling related to the former underground tanks, activities related to the former dealership, or potential structures (dry wells, septic systems) related to the former site building.

Records review by ECMC indicated that three 3,000-gallon gasoline USTs, an abandoned 500-gallon metal tank, a 275-gallon steel tank and a large, partially buried tank were removed from the property in 1992. Laboratory results for soil samples collected during a soil boring investigation (report not available for review) indicated trace levels of toluene, ethylbenzene and xylenes were detected at concentrations well below the NYSDEC guidance values.

The maintenance and storage areas and the public restrooms contained general cleaning chemicals. No odors or observation of releases were noted during the site inspection. Chemicals should be stored properly, in accordance with manufacturers’ specifications and applicable local, state and federal regulations. Suspect ACM were observed, including

fireproofing foam, suspended ceiling tiles, vinyl floor tiles, piping insulation, and window caulking.

The subject parcel was listed with a closed status spill on January 8, 1998. The release was reportedly a surface gasoline release of 3 gallons from a customer's vehicle, was cleaned with speedy dry (absorbent), and the case achieved a closed regulatory status on the same date. This spill is 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.

Several closed status spills were listed within ½-mile of the subject parcel. One spill for the Monteverdi (William) Home, located approximately 250 feet southeast of the Property, was listed for a spill in July of 1995 when a DEC representative noticed various containers and chemicals were being stored at the property and some spillage of an unspecified material. The spill was closed by the DEC in September of 2006. Four spills were listed for the Cayuga Lake State Park, located approximately 720 feet south-southwest of the property. Based on the anticipated groundwater flow direction, the above listed spills, most of which involved minor releases, are not anticipated to have affected subsurface conditions beneath the Property.

The following recommendations were developed for the property based on the RECs documented during the investigation:

- A Phase II investigation was recommended for 2552 Route 89 based upon the current use as a gasoline station and the previous use as a gasoline station and auto dealership. The investigation should include the collection of soil and groundwater samples from areas adjacent to current and/or former underground tanks, dispenser islands, and site structures to determine if a release of petroleum has occurred. A summary of the Phase II investigation performed in March 2009 is described later in this chapter.
- The compliance status of the USTs, including registration with NYSDEC, should be further evaluated and addressed, as warranted.
- Prior to any demolition or renovation activities, all universal wastes and chemicals stored on-site should be disposed of in accordance with all applicable regulations.
- Prior to any renovation or demolition, a comprehensive asbestos survey 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.

PARCELS 134.17-1-1.51, 134.17-1-1.21, 134.17-1-1.121 & 141.05-1-3, UNION SPRINGS, NEW YORK

These four parcels comprise the Nation's property in the Village of Union Springs. The parcels comprise approximately 111.16 acres and consist of vacant land, the Nation's Lakeside Trading convenience store, gasoline filling station, and car wash. The parcels were located in a predominantly rural area, abutted by undeveloped land and residences to the north, NYS Route 90 followed by residences and undeveloped land to the east, wooded land and commercial/residential development to the west, and agricultural land, a municipal building and school to the south. The surrounding area consists of agricultural, residential and recreational use.

PARCEL 134.17-1-1.51

The parcel 134.17-1-1.51 comprised approximately 108 acres of vacant land and contained two small ponds, one on the northwestern side of the property, and the second on the eastern portion. An unpaved right-of way vehicular access road was located on the southeastern portion of the site, extending west from the adjacent Lakeside Entertainment gaming facility to an on-site, chain-link fence enclosed natural gas well used to supply the Union Springs School District. No solid waste, debris or evidence of illegal dumping activity was noted throughout the property. No evidence of material releases, such as stained surfaces, oil sheen, odors, or stressed vegetation were noted at the property and no other significant observations were made. The surface topography was relatively level. Based on reports compiled by the U.S. Geological Survey Springport, New York Quadrangle, the property lies at an elevation of approximately 425 feet above the National Geodetic Vertical Datum of 1929. Groundwater likely flows in a westerly direction toward Cayuga Lake, which is located approximately 500 feet west of the site. The Phase I ESA revealed evidence of RECs in connection with the property as summarized below.

Historical land use maps indicated that a railroad was located adjacent to the western portion of the property since circa 1902. Historically, chemicals such as creosote were applied to railroad ties, which have minor potential to affect conditions at the property. Interviews with knowledgeable site personnel indicated that herbicides and pesticides are applied to portions of the property on an as-needed basis.

According to data compiled in 2008 by the Bureau of Radiation Protection, a division of the New York State Department of Health, Cayuga County has one of the higher average levels of basement radon measurements in New York State at 4.37 picocuries/liter, above the USEPA recommended action level of 4.0 picocuries/liter.

The following recommendations were developed for the property based on the evidence of RECs documented during the investigation:

- A Phase II investigation was not recommended. However if future on-site development requires subsurface disturbance, soil (and groundwater if dewatering were to be required) would need to be 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.
- Radon levels would need to be tested in accordance with applicable regulations for any future on-site development.

PARCELS 134.17-1-1.21 & 134.17-1-1.121

The parcels located at 299 Cayuga Street (Parcel No. 134.17-1-1.121) and 303 Cayuga Street (Parcel No.134.17-1-1.21) together were approximately 2 acres in size. The property, operated by Lakeside Trading, comprised a single-story concrete structure occupied by a convenience store, associated gasoline filling station, a single-story concrete car wash structure, and an asphalt-paved surface parking lot. The convenience store building was centrally located on the southern parcel (134.17-1-1.121) and was of steel and concrete construction with concrete and gypsum board walls, suspended acoustical ceiling tiles, and concrete floors with some areas covered by floor tiles. The store was used for the selling of a variety of food products, beverages,

cigarettes, lottery tickets and other miscellaneous sundries. Three pump islands with a metal awning and support beams housing gasoline, diesel and kerosene dispensers were located immediately east of the convenience store. Man-way covers for the USTs were observed southwest of the pump islands and south of the convenience store. A small storage building was noted on the northwest portion of the asphalt-paved parking lot west of the convenience store and was used for the storage of miscellaneous supplies and maintenance tools. A gravel parking lot and low-lying wetlands were located directly south of the property. The car wash was located on the northern parcel (134.17-1-1.21) of the convenience store/gasoline filling station separated by asphalt/concrete curbs and comprised a concrete structure with exterior walls of ceramic tile and a metal roof. The carwash contained three coin operated washing bays with floor drains in each, which were reported to be connected to the municipal sewer system by site personnel. No sheens, staining, or petroleum odors were noted throughout the property during the site inspection. The surface topography was relatively level. Based on reports compiled by the U.S. Geological Survey Springport, New York Quadrangle, the property lies at an elevation of approximately 450 feet above the National Geodetic Vertical Datum of 1929. Based on the elevation of Cayuga Lake, located approximately one mile to the west, groundwater was expected at a depth of approximately 70 feet. Groundwater most likely flows in a westerly direction toward Cayuga Lake. The Phase I ESA revealed evidence of RECs in connection with the property as summarized below.

The current and past use of the property as a gasoline filling station could potentially have caused a release of petroleum contamination to soil or groundwater. The underground storage tank leak detection system reported in the environmental database for all the tanks currently in use at the property did not indicate any releases of petroleum. Registration for the current USTs was not up to date with NYSDEC. In addition, there was no documentation found for maintenance, leak detection, fluid measurement records, closure sampling related to the former underground tanks, or activities related to the former site building. Historical or undocumented spills could have contaminated soil and groundwater beneath the site.

The subject parcel was listed with a closed status spill in June 2000. The release was reported to have been due to a faulty shutoff valve on a fuel line hose on a customer's vehicle. The quantity spilled was listed as 5 gallons. The release was reported to have been cleaned with speedy dry (absorbent) and the case achieved a closed regulatory status in October 2000. In November 2001, a spill was reported at the subject parcel related to an accidental release of gasoline from a filling nozzle on pavement. The quantity spilled was reported as 8 gallons, cleanup activities were initiated, and the spill was closed later that same month. The facility was also listed with a closed spill in June 2001. The spill file notes indicated that a faulty fuel tank on a customer's car caused a release of petroleum on black top. The quantity spilled was listed as 10 gallons, the release was reported to have been cleaned with speedy dry, and the case achieved a closed regulatory status in April 2002. The above listed spills involved minor surface releases and are not anticipated to have affected subsurface conditions on the Property based on details listed in the database. However, improper documentation of the spills or undocumented releases from this facility may have affected subsurface conditions beneath the Property.

Additional spill were listed within ½-mile of the subject parcel. Union Springs Mobil, located at the intersection of Route 326 and Route 90, and approximately 300 feet north of the Property, was listed with a closed status spill in June of 1989 when gasoline fumes were reported after opening a manhole. The spill was closed on the same day it was reported and no further significant information was given about the incident in the regulatory database. The site was also listed with a closed status spill in March 1991 when approximately 2 gallons of gasoline

were released on the surrounding pavement due to an overfilled fuel tank on a customer's car. Corrective actions were taken and the spill was closed. A spill was reported in August 1988 in the roadway adjacent to the former Mobil facility due to a faulty hydraulic hose on a tanker trailer. The quantity released was listed as 30 gallons. Residual soil contamination noted as a result of the incident was reportedly cleaned following the day of the incident and the spill was closed in June 1989. The above listed spills are not anticipated to have affected the property based on the location and details listed in the database; however, given the proximity of this facility, improper documentation of these spills or undocumented releases have the potential to have affected subsurface conditions beneath the site.

The maintenance and storage areas and the public restrooms contained general cleaning chemicals. No odors or observation of releases were noted during the site inspection. Chemicals should be stored properly, in accordance with manufacturers' specifications and applicable local, state and federal regulations. The Cayuga County Clerk's Office reports the structures to have been constructed in 1994 and 1999, at a time when ACMs were rarely used in construction; however, suspect ACMs may be present such as within pipe chases, behind walls, or in other hidden locations.

According to data compiled in 2008 by the Bureau of Radiation Protection, a division of the New York State Department of Health, Cayuga County has one of the higher average levels of basement radon measurements in New York State at 4.37 picocuries/liter, above the USEPA recommended action level of 4.0 picocuries/liter.

The following recommendations were developed for the property based on the RECs documented during the investigation:

- A Phase II investigation was recommended for 299 Cayuga Street based upon the former and existing use as a gasoline station. The compliance status of the USTs, including registration with NYSDEC, should be further evaluated and addressed, as warranted. A summary of the Phase II investigation conducted in March 2009 is described later in this chapter.
- Prior to any demolition or proposed development activities, all universal wastes and chemicals stored on-site should be disposed of in accordance with all applicable 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.
- Radon levels would need to be tested in accordance with applicable regulations for any future on-site structures.

PARCEL 141.05-1-3

The parcel 141.05-1-3 located at 271 Cayuga Street was approximately 1.4 acres and comprised an unoccupied singly-story structure, formerly used as a gaming facility, and an asphalt-paved surface parking lot. The building, located on the northern portion of the parcel, was constructed in 1998 and consisted of a concrete slab on grade and steel frame construction with metal siding. An unpaved right-of way vehicular access road was located on the northern portion of the site, extending west from the adjacent Lakeside Entertainment gaming facility to a chain-link fence enclosed natural gas well used to supply the Union Springs School District. No solid waste, debris or evidence of illegal dumping activity was noted throughout the property. No evidence of

material releases, such as stained surfaces, oil sheen, odors or stressed vegetation were noted at the property and no other significant observations were made. The surface topography was relatively level. Based on reports compiled by the U.S. Geological Survey Springport, New York Quadrangle, the property lies at an elevation of approximately 440 feet above the National Geodetic Vertical Datum of 1929 (an approximation of mean sea level). Based on the elevation of Cayuga Lake, located approximately 3,000 feet to the west, and local data, groundwater is expected to be greater than 20 feet below grade. Groundwater most likely flows in a westerly or southwesterly direction toward Cayuga Lake. The Phase I ESA revealed no evidence of RECs; however, below is a summary of pertinent findings.

Historical land use maps, the regulatory database search and previous environmental studies at the property and adjacent areas indicated that the property has historically been undeveloped vacant land surrounded by some residences and agricultural or vegetated land.

The Cayuga County Clerk's Office reports the structure to have been constructed in 1998, at a time when ACMs were rarely used in construction; however, suspect ACMs may be present such as within pipe chases, behind walls, or in other hidden locations.

There was no evidence of contamination observed during the inspection, but possible future activities, including gas well maintenance or re-drilling to improve capacity, may present a situation where on-site soil or groundwater could be contaminated near the natural gas well.

According to data compiled in 2008 by the Bureau of Radiation Protection, a division of the New York State Department of Health, Cayuga County has one of the higher average levels of basement radon measurements in New York State at 4.37 picocuries/liter, above the USEPA recommended action level of 4.0 picocuries/liter.

The following recommendations were developed for the property based on the evidence of RECs documented during the investigation:

- A Phase II investigation was not recommended; however if future on-site development requires subsurface disturbance, soil (and groundwater if dewatering were to be required) would need to be 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.
- Radon levels would need to be tested in accordance with applicable regulations for any future on-site development.

PARCEL 150.00-1-29.1, SPRINGPORT, NEW YORK

The parcel 150.00-1-29.1 was approximately 3.7-acres of and consisted of an open, mowed field with some wooded areas on the north, south and western sides of the site. The parcel was located in a predominantly rural area, abutted by residences to the north, NYS Route 90 following by commercial and residential development to the east, an undeveloped wooded lot to the west and residences to the south. No solid waste, debris or evidence of illegal dumping

activity was noted throughout the property. No evidence of material releases, such as stained surfaces, oil sheen, odors or stressed vegetation were noted at the property and no other significant observations were made. The parcel was located on the western side of NYS Route 90 (between Farleys Point Road and Carrs Cover Road). The surface topography was relatively level and slopes toward the west. Based on reports compiled by the U.S. Geological Survey (Union Springs, New York Quadrangle), the parcel lies at an elevation of approximately 395-425 feet above the National Geodetic Vertical Datum of 1929. Based on the elevation of Cayuga Lake, located approximately 600 feet west of the site, groundwater is expected to be approximately 5 to 35 feet below grade. Groundwater most likely flows in a westerly direction toward Cayuga Lake.

The Phase I ESA revealed no evidence of RECs; however, below is a summary of pertinent findings.

Historical land use maps, the regulatory database search and previous environmental studies for the parcel and adjacent areas indicated that the parcel has historically been undeveloped vacant land surrounded by some residences and agricultural or vegetated land.

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 property.

According to data compiled in 2008 by the Bureau of Radiation Protection, a division of the New York State Department of Health, Cayuga County has one of the higher average levels of basement radon measurements in New York State at 4.37 picocuries/liter, above the USEPA recommended action level of 4.0 picocuries/liter.

Synapse reported there was evidence of a septic system or leaching field on the northeast corner of the property. A record of a septic system was found on file at the local health department for the adjacent residential property to the north. The adjacent property was connected to the municipal sewer system in August 2004 and the septic system was put out of service. Synapse concluded it was unlikely for the leaching field to contain petroleum or hazardous materials based on the residential usage.

The following recommendations were developed for the property based on the pertinent findings documented during the investigation:

- Additional Phase II investigations are not recommended at this time, however if future on-site development requires subsurface disturbance, soil would need to be 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.
- Radon levels would need to be tested in accordance with applicable regulations for any future on-site development.

PARCEL 85.00-1-28.1, MONTEZUMA, NEW YORK

The parcel 85.00-1-28.1 consisted of an unfenced, undeveloped parcel approximately 0.018 acres in size and comprises the Nation's Montezuma property. The parcel is located in a predominantly rural area and was abutted by the termination of High Street (a dead end street) followed by residences and undeveloped land to the north and west, the NYS Thruway to the south and southeast, and residences and undeveloped land to the east and northeast. The parcel

was occupied entirely by wooded land with dense tree cover. No vehicular entrances were noted. No solid waste, debris or evidence of illegal dumping activity was noted throughout the property. No evidence of material releases, such as stained surfaces, oil sheen, odors or stressed vegetation were noted at the property and no other significant observations were made. The surface topography is relatively level. Based on reports compiled by the U.S. Geological Survey Montezuma, New York Quadrangle, the property lies at an elevation of approximately 425 feet above the National Geodetic Vertical Datum of 1929. Groundwater most likely flows in a northwesterly direction toward the Seneca River, located approximately ½-mile to the northwest. The Phase I ESA revealed no evidence of RECs; however, below is a summary of pertinent findings.

Historical land use maps, the regulatory database search and previous environmental studies at the parcel and adjacent areas indicated that the parcel has historically been undeveloped vacant land surrounded by some residences and agricultural or vegetated land.

One pole-mounted transformer was located on a utility pole adjacent to the northwest corner of the parcel. 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.

According to data compiled in 2008 by the Bureau of Radiation Protection, a division of the New York State Department of Health, Cayuga County has one of the higher average levels of basement radon measurements in New York State at 4.37 picocuries/liter, above the USEPA recommended action level of 4.0 picocuries/liter.

The following recommendations were developed for the property based on the pertinent findings documented during the investigation:

- A Phase II investigation is not recommended at this time, however if future on-site development requires subsurface disturbance, soil (and groundwater if dewatering were to be required) would need to be 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.
- Radon levels would need to be tested in accordance with applicable regulations for any future on-site development.

SUBSURFACE (PHASE II) INVESTIGATIONS

Using the findings of the Phase I ESAs, two Phase II investigations were conducted at two parcels as summarized below. The Phase II investigation was intended to determine whether current or former on- or off-site activities had adversely affected environmental conditions at the site. The scope of work was based on the findings of the Phase I ESAs.

PARCEL 134.17-1-1.21, 299 CAYUGA STREET, UNION SPRINGS, NY

On March 19, 2009 AKRF conducted a Phase II investigation at 299 Cayuga Street that included the drilling of five soil borings between 4 and 16 feet below grade and the collection of continuous soil samples from each boring, field screening each soil sample for evidence of contamination, and laboratory analysis of a selected soil sample from each boring.

Soil encountered during this investigation consisted of glacial till that contained varying amounts of clay, sand, and gravel. Asphalt and crushed rock were also present in the upper five feet, indicating the presence of fill material. At each boring location, refusal was encountered between 4 and 16 feet below grade, above the groundwater table, mostly due to the density of the glacial till layer and encountering expanding clay and sand. Although additional boring locations were attempted, soil conditions were such that groundwater was not encountered during the investigation. Based on topography, groundwater most likely flows to the west toward Cayuga Lake, located approximately ½-mile west of the Site, and estimated to be encountered approximately 20 to 30 feet below grade.

Field screening results indicated that petroleum staining was not observed and volatile organic compounds (“VOCs”) were not detected with field instrumentation. Laboratory analysis indicated that low levels of petroleum-related VOCs were detected in one soil sample located adjacent to the pump island, at concentrations below the NYSDEC Part 375 Soil Cleanup Objectives (“SCOs”) for Unrestricted Use, which represents the lowest standard for residential use, protection of groundwater, and protection of ecological resources. Acetone, a common laboratory artifact, was detected at a concentration above the Part 375 SCO for Unrestricted Use, but the concentration was not typically reflective of an adverse environmental condition and was not known to be used in current or past on-site operations. The nature and levels of VOCs detected in the samples appear to be attributable to the use of the site as a gas station and do not necessarily indicate a significant release of petroleum in soil. While status of groundwater remains unknown, the investigation data did not identify any areas that have been adversely affected by current or former on-site operations.

PARCEL 36-1-49, 2552 ROUTE 89, SENECA FALLS, NY

Between March 20 and 21, 2009, AKRF conducted a Phase II investigation at 2552 Route 89 that included the drilling of five soil borings to depths ranging from 14 to 23.5 feet below grade, collection of continuous soil samples from each boring, field screening each soil sample for evidence of contamination, and laboratory analysis of a selected soil sample from each boring.

Soil encountered during this investigation consisted of glacial till that contained varying amounts of sand, clay, sand, and gravel. Asphalt and crushed rock were also present in the upper five feet, indicating the presence of fill material. At each boring location, refusal was encountered between 14 and 23.5 feet below grade, above the groundwater table, mostly due to the density of the glacial till layer and encountering expanding clay and sand. Although additional boring locations were attempted, soil conditions were such that groundwater was not encountered during the investigation. Based on topography, groundwater most likely flows to the east toward Cayuga Lake, located approximately 900 feet east of the Site, and estimated to be present approximately 30 feet below grade.

Field screening results indicated that petroleum staining was not observed and VOCs were not detected with field instrumentation. Laboratory analysis indicated that low levels of VOCs, including 1,2,4,5-tetramethylbenzene, 1,2,4-trimethylbenzene, 4-ethyltoluene, ethylbenzene, isopropylbenzene, n-propylbenzene, and xylenes, were detected in SB-1 (located on the downgradient edge of the USTs) at concentrations well below the NYSDEC Part 375 SCOs for Unrestricted Use, which represents the lowest standard for residential use, protection of groundwater, and protection of ecological resources. The nature and levels of VOCs detected in the samples appear to be attributable to the use of the site as a gas station and do not necessarily indicate a significant release of petroleum in soil. While the status of groundwater remains

unknown, the investigation data did not identify any areas that have been adversely affected by current or former on-site operations.