

July 21, 2020

Megan Kuczka
Environmental Program Specialist - 1
New York State Department of Environmental Conservation
270 Michigan Avenue
Buffalo, New York 14203-2915

**Re: Corrective Measures Work Plan
Republic Steel (LTV) (Marilla St. Landfill), Buffalo
Erie County, Site No.: 915047**

Dear Ms. Kuczka:

On behalf of Mr. Gaughan and Buffalo Real, Inc. (formerly Nicklaus Olmstead Buffalo, Incorporated), please accept the following Corrective Measures Work Plan (CMWP) regarding past-due environmental compliance items for the Marilla St. Landfill. As listed in the June 18, 2020 letter from yourself to Mr. Gaughan, there are currently three overdue items included in this CMWP. A brief discussion of each item and a schedule for completing each of these items follows.

1. An EQuIS submittal for the 2017-2018 Periodic Review Report (PRR)

The 2017-2018 PRR was submitted to David Szymanski on March 1, 2019 for a sampling event that occurred between December 4th and 6th, 2018. While not officially within the 2017-2018 Certifying Period of September 12, 2017 to September 12, 2018, the PRR for this sampling event was previously accepted by the Department for the 2017-2018 Certifying Period. The results from this sampling event were never uploaded to EQuIS, the NYSDEC's environmental database.

To close out the 2017-2018 Certifying Period, the appropriate electronic data deliverables (EDDs) will be formatted to input directly into the EQuIS data processor (EDP). The requirements in the "Final Checklist for Submissions of EDDs to NYSDEC" will be met and the formatted EDDs

will be e-mailed to the EQUIS database administrator and the NYSDEC project manager for the site.

2. Implementation of the Site's Emergent Contaminant Work Plan

On March 1, 2019, Daigler Engineering, PC submitted to David Szymanski of the NYSDEC a Work Plan for Sampling Emerging Contaminants at the Marilla St. Landfill on behalf of Mr. Gaughan. The Work Plan described sampling of six select wells for per- and polyfluoroalkyl substances (PFAS) and 1,4-dioxide during the next annual sampling event for the Marilla St. Landfill. This sampling event was expected to occur in April 2019 but was subsequently delayed.

Implementation of the Site's Emergent Contaminant Work Plan will entail a field sampling event, a report to the NYSDEC including a Data Usability Summary Report (DUSR), and submission of the data to EQUIS. These tasks are proposed to be coordinated with the annual sampling event for the current Certifying Period.

3. A PRR for the 2018-2019 Certifying Period

The 2018-2019 Certifying Period covers the period between September 12, 2018 to September 12, 2019, which has already passed. While technically within this Certifying Period, since the December 2018 data described in Item 1 was presented and accepted in the 2017-2018 PRR, it cannot be used to satisfy the requirement for the 2018-2019 Certifying Period. No further sampling was conducted in 2018 or 2019. As such, it is respectfully requested that the current Certifying Period be extended to cover an approximate two-year timeframe of September 12, 2018 to October 12, 2020 to accommodate the sampling schedule (see below).

The monitoring and maintenance of the Marilla St. Landfill operate under the conditions specified in the Site Management Plan (Revised October 2010) and as modified in two adopted modifications dated July 15, 2015 and May 22, 2017 (SMP). Monitoring of surface water and shallow overburden groundwater is to be conducted annually, in addition to mowing of the landfill cap and an overall site and final cover inspection. Monitoring of deep overburden groundwater and pond sediments are to be conducted every third year. The next triennial sampling event was to occur in 2019. Therefore, the sampling event for the extended 2018-2020 Certifying Period will be a full triennial event.

As required by the SMP, mowing of the landfill cap in preparation of the field sampling and inspection activities, will follow the NYSDEC's best management practices for the protection of grassland birds. The PRR for the 2018-2020 Certifying Period, including the IC/EC Certification will be prepared following receipt of the analytical results from the laboratory, followed by EQuIS submission of the EDD.

Compliance Schedule

A compliance schedule to complete the above items and major subtasks, as appropriate is provided below. As the schedule shows, Buffalo Real, Inc. is committed to returning the Marilla St. Landfill to full environmental compliance but requests some leniency regarding typical deadlines as it continues to raise funds and works towards responsible development of the Site.

Compliance Item	Proposed Schedule/ Submission Date
1. EQuIS submittal for the 2017-2018 PRR	8/31/2020
2. Emerging Contaminants Sampling	
a. Field Sampling Event	Early (Q1) 2021*
b. Report to NYSDEC including DUSR	4/16/21
c. EQuIS submittal	4/30/21
3. PRR for the 2018-2020 Certifying Period	
a. Site Preparation/Mowing	9/21/20 – 9/30/20
b. Field Sampling Event and Site Inspection	10/5/20-10/9/20
c. Report to NYSDEC including IC/EC Certification	12/4/2020
d. EQuIS submittal	12/31/2020

*Exact timing is weather dependent.

Thank you for your consideration of the above. As always, please do not hesitate to contact me if you have any questions or concerns above the information provided herein. We look forward to working with the NYSDEC to successfully complete these past-due items and restore environmental compliance at the Marilla St. Landfill.

Sincerely,

DAIGLER ENGINEERING, PC

Bethany Acquisto, Ph.D.
Senior Scientist and Group Manager

cc: Kevin Gaughan – Buffalo Real, Inc.
Andrea Caprio – NYSDEC
Chad Staniszewski -NYSDEC
Maureen Brady – NYSDEC
Benjamin Burge – Rupp, Baase, Pfalzgraf, Cunningham, LLC