

Panamerican
Environmental, Inc.

1270 Niagara St.
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**PERIODIC REVIEW REPORT
PERIOD OCTOBER 31, 2016-OCTOBER 31, 2017
FORMER AMERON SITE
113&119 COLGATE AVENUE
CITY OF BUFFALO, ERIE COUNTY, NEW YORK
NYSDEC SITE NO. C915133**



**Prepared for:
113-119 Colgate Avenue II LLC
1255 Niagara St.
Buffalo, NY 14213**

**Prepared by:
Panamerican Environmental, Inc.
Brydges - Environment, Engineering, Energy
1270 Niagara Street
Buffalo, New York 14213
Tel: (716) 249-6880**



**Brydges –
environment,
engineering,
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November 2017

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Buffalo, NY 14213**

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BE3 Corp./Panamerican
1470 Niagara Street
Buffalo, New York 14213**

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1.0 INTRODUCTION

Panamerican Environmental, Inc., has prepared this Periodic Review Report (PRR) for the Former Ameron Site located at 113 and 119 Colgate Avenue, Buffalo, New York (refer to figures). The PRR is required by the Site Management Plan (*Site Management Plan, Colgate Avenue Site, Buffalo NY, NYSDEC # 915133*); prepared for Ameron International; prepared by Benchmark Environmental Engineering and Science, Dated: Final August 2012). This PRR which is required to be submitted to the NYSDEC every year covers the certification period of October 31, 2016 through October 31, 2017.

This PRR has been completed in accordance with NYSDEC's DER-10 Technical Guidance for Site Investigation and Remediation" and includes the results of the site wide inspection conducted on October 20, 2017. The NYSDECs Institutional and Engineering Controls Certification forms have been prepared for the site (refer to Appendix A).

1.1 Site Background and Description

The site is located in the City of Buffalo, County of Erie, New York and is identified as 113-119 Colgate Avenue (SBL Nos. 133.62-2-1.11 and 133.62-2-25.11) on the Erie County tax map. The two parcel site is an approximately 3.2-acre area bounded by Colgate Avenue to the north, light industrial properties to the south, residential properties along Colgate Avenue to the east and commercial and industrial properties to the west (refer to attached Figures). The 133 and 119 Colgate Avenue properties are vacant adjacent former industrial properties south of Colgate Avenue.

The subject 113 Colgate parcel is a vacant 1.22-acre industrial property. The 119 Colgate Avenue property is a vacant 1.94 acre manufacturing parcel that contains a mostly empty 2-story building. Both the 113-119 Colgate parcels were owned by Amercoat Corporation and are now owned by 113-119 Colgate Avenue II LLC. Immediately adjacent to the east of the 113-119 Colgate parcels are residential properties. Northeast and north are commercial/industrial properties including Ortlepp Machine (adjacent east of the 122 Colgate parcel), Grove Roofing and Hogan Glass/West Metal Works. South, west and northwest are vacant former commercial/industrial properties. The current zoning is industrial. The surrounding parcels are currently used for a combination of commercial, light industrial, and residential. The nearest residential area is adjacent to the east boundary of the site.

Historically, the 113-119 Colgate Avenue property was occupied as early as 1917 by the Commercial Electrolytic Corporation. A review of historic Sanborn maps and records indicates that the existing structure was constructed in 1917. By 1950, the Nukem Products Corporation occupied an expanded structure on the 113-119 Colgate Avenue property. Nukem was listed as manufacturer of acid resistant cement. The Ameron Protective Coating Division operated the facility from the 1960's through the mid 1980's. Until 1982 the site was used for manufacturing protective coating products. Prior uses that appear to have led to site contamination include storage and handling of solvents and other chemicals.

Currently, the 113-119 Colgate Avenue site includes one approx. 15,000 sq. ft. building surrounded by open land, several concrete slabs, foundations and roadways. About one third of the site is open grass covered land with piles of debris which includes cement and asphalt. Slag was also observed across the property. Trees and brush cover the southwestern area where rail tracks are located.

The contamination identified previously at the 113-119 Colgate Avenue property appears to have been adequately investigated and remediated but residual soil contamination remains above unrestricted use levels. There are two different environmental easements covering the Site. These easements were put on the property because of the residual contamination.

The easement institutional controls for the property are:

- Property only used for restricted–commercial/industrial with a Site Management Plan (SMP)
- SMP adherence required for any future disturbance in contaminated areas including Excavation work plan
- Use of Groundwater prohibited unless treated
- Soil Vapor barrier and passive vapor system required for any new building with upgrade to active system if necessary. Prior to installation a work plan is required with NYSDEC review
- Vegetable gardens and farming prohibited
- Periodic certifications required annually or on NYSDEC schedule
- Notifications and Emergency Response Plans
- Site monitoring – Groundwater Monitoring per the plan is no longer necessary

Historical summary associated with the current SMP is as follows:

- 1986 Ameron entered into Order on Consent with NYSDEC to install and operate a sub-slab soil vapor extraction system under the two western rooms of Plant 1 for a period of 10-years. The system was operated through 1999.
- A total of eleven underground storage tanks (USTs) were removed in 2004-2005 from the western portion of the property which included disposal of 2,839 tons of petroleum impacted soil in a landfill.
- Ameron entered into an order on consent in 2004 to complete a remedial investigation/feasibility study (RI/FS).
- In 2009 a fire destroyed a portion of Plant #1. And structures were demolished with the exception of a 2-story structure on the eastern portion of the property.
- In 2010 the site was remediated which included excavation of 75-tons of soil that exceeded lead and PCB levels; placement of an environmental easement to restrict land use; remediation of groundwater using compounds to reduce/remediate chlorinated solvents and petroleum compounds near specific wells/portions of the property; Development and implementation of a SMP for long term management of the property.

See Figures

2.0 SITE ENVIRONMENTAL OVERVIEW

In 1986 an environmental investigation revealed the presence of volatile organic compound contamination on the western portion of the site. A vapor extraction system was constructed and operated from 1989 to 1999. In 2001, several underground storage tanks were discovered. The tanks and impacted soils were removed in 2004. An Order on Consent Index #B9-0690-04-011 was issued on December 15, 2004. A Remedial Investigation was implemented from 2006 to 2009. The Remedial Investigation and Feasibility Study Report concluded that additional soil and groundwater remediation was required. A Decision Document was issued June 2010. Remedial action, including soil removal and groundwater treatment using enhanced bio-degradation, was completed October 1, 2010.

The 113-119 Colgate Avenue property was delisted from the registry of Inactive Hazardous Waste Sites on September 3, 2013. Previous requirement to monitor groundwater has been removed by the NYSDEC and is no longer required. There are still environmental requirements/institutional controls for the property as listed above and covered in Section 3.0 Site Management Plan.

3.0 SITE MANAGEMENT PLAN

A Site Management Plan (SMP) was prepared by Benchmark Environmental Engineering and Science (Benchmark) for Ameron and approved by NYSDEC in August 2012. The SMP included:

- A Groundwater Monitoring Plan;
- An Excavation Work Plan;
- An Engineering and Institutional Control Plan; and
- A copy of an Environmental Easement.

3.1 Groundwater Monitoring Plan

As part of the original remedial investigation a network of groundwater monitoring wells were installed to monitor site groundwater. As part of the post remedial requirements a SMP was developed which included the requirement to sample and analyze specific wells on a semi-annual basis. This lasted for two years and resulted in four sampling events. The results of the groundwater monitoring were submitted to NYSDEC after each event and summarized in the PRR for the period of October 31, 2012 through October 31, 2013. Based on the data which indicated no upward trending or significant offsite impact, the NYSDEC agreed to terminate groundwater monitoring following the December 2012 event. As such, groundwater monitoring is no longer required for this property and is therefore not contained in this PRR.

3.2 Site Delisting

On September 3, 2013 the site was delisted from the registry of NY State Inactive Hazardous Waste Sites in accordance with all State public notice protocol.

3.3 Monitoring Well Decommissioning

All the remaining onsite and offsite groundwater monitoring wells and piezometers were decommissioned in February 2014. The wells were decommissioned by Earth Dimensions, Inc., a professional welling drilling contractor following NYSDEC Groundwater Monitoring Decommissioning Policy CP-43. The work was overseen by Benchmark.

3.4 Excavation Work Plan

As part of the requirements of the SMP, an Excavation Work Plan (EWP) was developed and is contained in the SMP. The EWP provides the guidance and procedures for the property going forward for the management of soil and fill materials during any future intrusive activities and soil/fill disturbances.

PEI completed a site reconnaissance during a Phase I Environmental Site Assessment (ESA) completed in October 2015 for property ownership transfer and again in December 2016 and in October 2017 to complete last years and this years PRR. No evidence of intrusive activities, soil disturbances or fill placement was observed during either reconnaissance and the property was observed to be the same in terms of ground topography from the 2015 through the 2017 site visits.

3.5 Institutional Control Requirements and Compliance

There are two different environmental easements covering the Site. These easements were put on the property because of the residual contamination. The easements are to the People of the State of New York and give the DEC power to enforce certain “rules” applicable to the Site. As detailed in the easements, several Institutional Controls (ICs) are associated with the property

The ICs for the property are:

- Land Use restriction - property only used for commercial/industrial use with a SMP;
- SMP adherence required including for any future disturbance in contaminated areas including Excavation work plan;
- Use of Groundwater prohibited unless treated as approved by DEC/DOH;
- Soil Vapor barrier and passive vapor system required for any new building with upgrade to active system if necessary. Prior to installation a work plan is required with NYSDEC review;
- Vegetable gardens and farming prohibited;
- Periodic certifications required annually or on NYSDEC schedule;

- Notifications and Emergency Response Plans required; and
- Site monitoring – Groundwater Monitoring per the plan is no longer necessary.

4.0 SITE EVALUATION

A Site Wide Inspection was completed by PEI on October 20, 2016. Previous site wide inspection were completed by PEI during December 2016 and October 2015 for the Phase I ESA associated with property transfer. The results of the inspection coupled with the observations made during the Phase I ESA are provided in PEI's Site Wide Inspection Form provided in Appendix B. The inspection concluded that the Site was in compliance with all IC/EC for the site.

5.0 CONCLUSIONS

All components of the SMP (IC/EC, monitoring, O & M) were in compliance with SMP requirements during the reporting period. The cover system has not been disturbed since initially placement. The soil cover, grass areas and concrete and asphalt areas are undisturbed. No excavations into the cover system have occurred since initial placement.

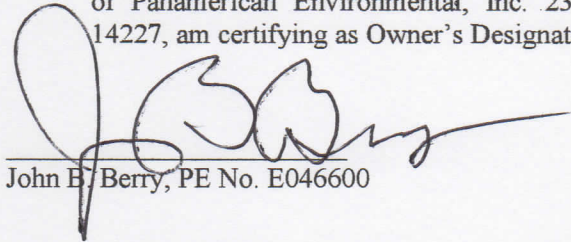
6.0 CERTIFICATION OF ENGINEERING AND INSTITUTIONAL CONTROLS

Below is the signed certification. Also, attached in Appendix A are the executed NYSDEC Site Management Periodic Review Report Notice Institutional and Engineering Controls Certification Form.

For each institutional or engineering control identified for the site, I certify that all of the following statements are true:

- The inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under my direction;
- The institutional control and/or engineering control employed at this site is unchanged from the date the control was put in place, or last approved by the Department;
- Nothing has occurred that would impair the ability of the control to protect the public health and environment;
- Nothing has occurred that would constitute a violation or failure to comply with any site management plan for this control;
- Access to the site will continue to be provided to the Department to evaluate the remedy, including access to evaluate the continued maintenance of this control;
- If a financial assurance mechanism is required under the oversight document for the site, the mechanism remains valid and sufficient for the intended purpose under the document;
- Use of the site is compliant with the environmental easement;

- The engineering control systems are performing as designed and are effective;
- To the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program and generally accepted engineering practices; and
- The information presented in this report is accurate and complete.
- I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law. I, John B. Berry, PE, of Panamerican Environmental, Inc. 2390 Clinton Street, Buffalo New York 14227, am certifying as Owner's Designated Site Representative for the site.



John B. Berry, PE No. E046600

FIGURES

Historical Topographic Map

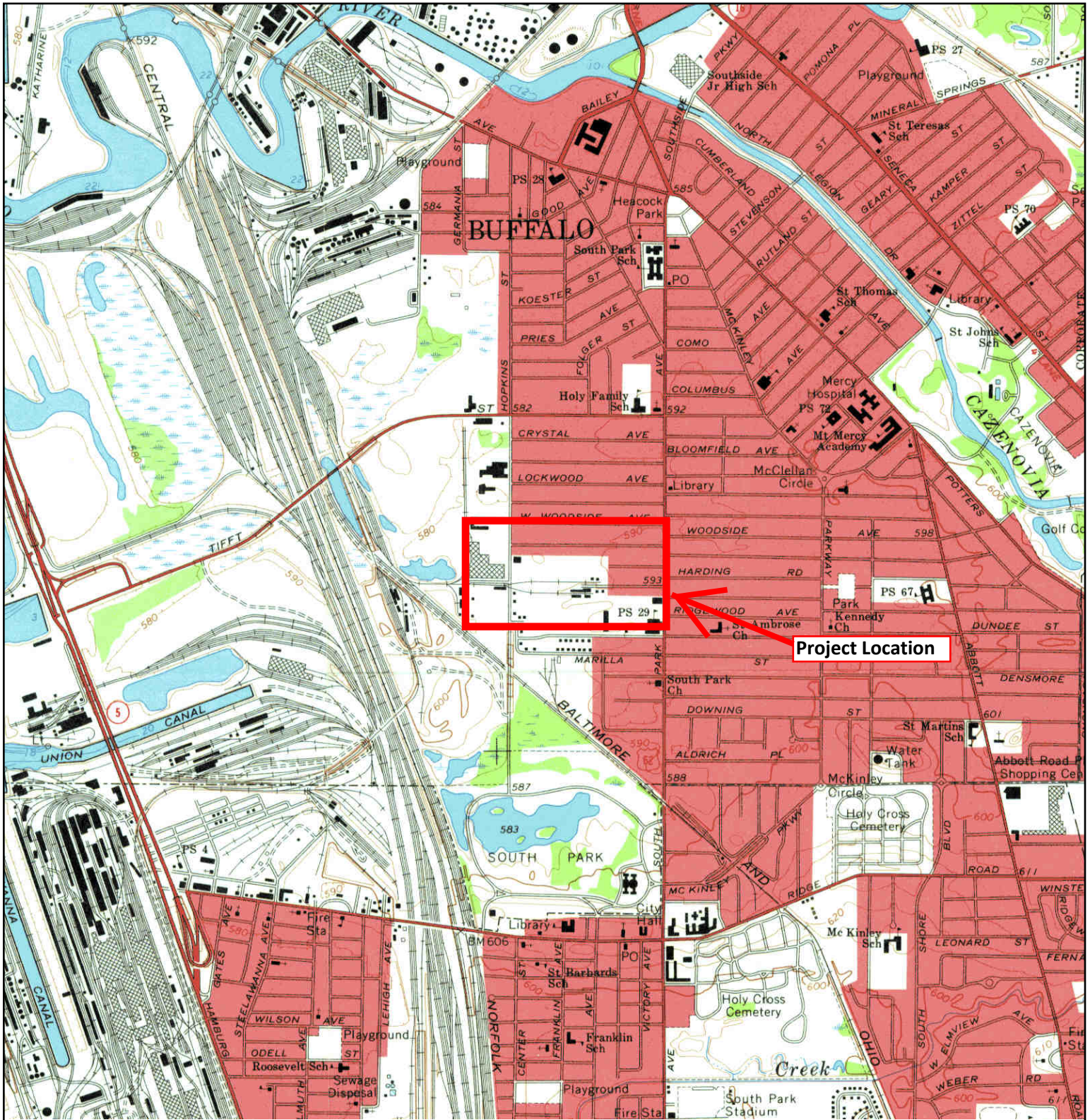


Figure: Property Location

<p>N ↑</p>	<p>TARGET QUAD NAME: BUFFALO SE MAP YEAR: 1965 SERIES: 7.5 SCALE: 1:24000</p>	<p>CLIENT: Panamerican Environmental, Inc CONTACT: Peter J Gorton INQUIRY#: 4247799.10 RESEARCH DATE: 03/30/2015</p>
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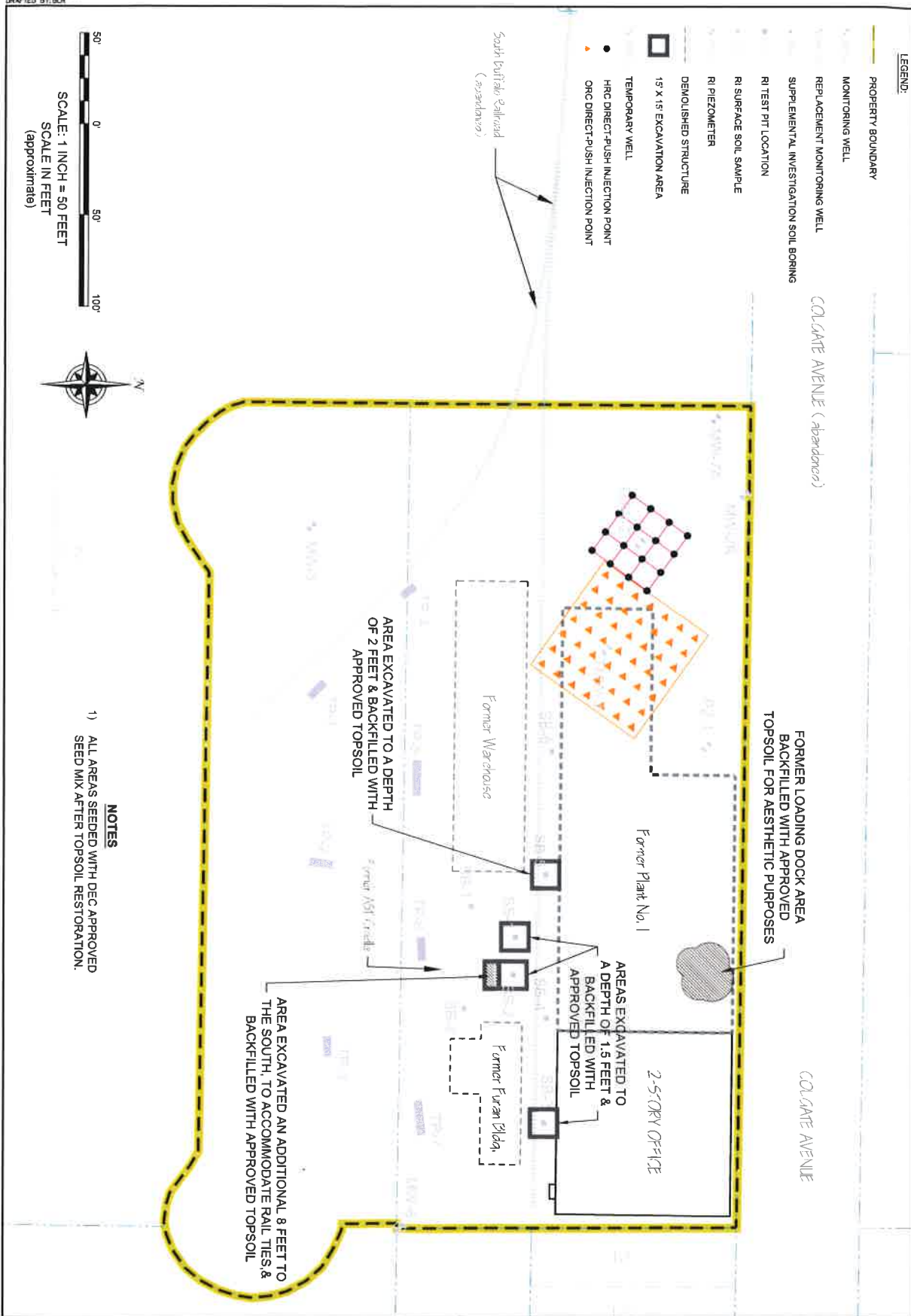


Figure: Property Areas of Previous Remediation

Source:



2556 HAMBURG TURNPIKE
 SUITE 300
 BUFFALO, NEW YORK 14218
 (716) 856-0599

From PRR October 2014-October 2015 Report

JOB NO.: 0100-014-003

APPENDIX A

IC/EC Certification Form



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site Details	Box 1
Site No. 915133	
Site Name Ameron	
Site Address: 113 and 119 Colgate Avenue Zip Code: 14220 City/Town: Buffalo County: Erie Site Acreage: 3.2	
Reporting Period: October 31, 2016 to October 31, 2017	
	YES NO
1. Is the information above correct?	<input checked="" type="checkbox"/> <input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.	
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	<input type="checkbox"/> <input checked="" type="checkbox"/>
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	<input type="checkbox"/> <input checked="" type="checkbox"/>
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	<input type="checkbox"/> <input checked="" type="checkbox"/>
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.	
5. Is the site currently undergoing development?	<input type="checkbox"/> <input checked="" type="checkbox"/>

	Box 2
	YES NO
6. Is the current site use consistent with the use(s) listed below? Commercial and Industrial	<input checked="" type="checkbox"/> <input type="checkbox"/>
7. Are all ICs/ECs in place and functioning as designed?	<input checked="" type="checkbox"/> <input type="checkbox"/>
IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.	
A Corrective Measures Work Plan must be submitted along with this form to address these issues.	
_____ Signature of Owner, Remedial Party or Designated Representative	_____ Date

Description of Institutional ControlsParcelOwnerInstitutional Control**133.62-2-1.11**

113-119 Colgate Avenue LLC

Landuse Restriction
Soil Management Plan
IC/EC Plan
Site Management Plan

Control is in the form of two easements one for 113 Colgate Street and a second for 119 Colgate. Both indentures dated 07/25/2012 and filed by the Erie County Clerk's office 9/20/2012.

Use Restriction - commercial
SMP

Annual Reporting
Groundwater Use Prohibited
Gardens prohibited

133.62-2-25.11

113-119 Colgate Avenue LLC

Soil Management Plan
Landuse Restriction
Site Management Plan
IC/EC Plan

Control is in the form of two easements one for 113 Colgate Street and a second for 119 Colgate. Both indentures dated 07/25/2012 and filed by the Erie County Clerk's office 9/20/2012.

Use Restriction - commercial
SMP

Annual Reporting
Groundwater Use Prohibited
Gardens prohibited

Description of Engineering Controls

None Required

Not Applicable/No EC's

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

- a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;
- b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

X

2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

- (a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;
- (b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;
- (c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;
- (d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and
- (e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

X

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. 915133

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1, 2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Paul J Rubino at 111 Colgates Ave Buffalo
print name print business address

am certifying as Owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.


Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

10/20/17
Date

IC/EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

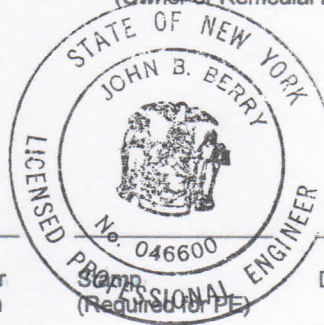
I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I John B. Berry at BE3/Panamerican
print name 1270 Niagara Street
print business address Buffalo, NY 14213

am certifying as a Qualified Environmental Professional for the owner
(Owner or Remedial Party)

JB Berry

Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification



Date

Oct 27, 2017

APPENDIX B

Photographs



1. View of southcentral area of property facing east -10-2017



2. View of north side of the subject property along Colgate Avenue facing west- 10-2017



3. View from middle of property facing east - 10-2017



4. View of west end of the property from the middle facing west - 10-2017



5. View across the subject property at the adjacent southern property from north facing south - 10-217



6. South-middle side of property facing east- 10-2017



7. View along south side from southeast corner facing northwest 10-2017



8. View of west side of the property from building facing west - 10-2017



9. View of building from northwest facing southeast 10-2017



11. View of west side of Colgate property 12-2016



12. View of west side of property facing west 12-2016



13. View of south side of property facing east 12-2016



14. View of south side of property facing west 12-2016

APPENDIX C

Field Inspection Report

FIELD INSPECTION REPORT

POST-REMEDIAL OPERATIONS & MAINTENANCE PLAN

Property Name: **Ameron Site**

Client: **113-119 Colgate Avenue II LLC**

Property Address: **113-119 Colgate Avenue, Buffalo, NY**

Property ID: (SBL Number) **133.62-2-1.11 & 133.62-2-25**

Preparer: **Peter J. Gorton**

Date: **October 27, 2017**

Property Access

- | | | | |
|--|---|--|--|
| 1) Is the access to facility available/suitable? | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> NA |
| 2) Sufficient signage posted (no Trespassing)? | <input type="checkbox"/> yes | <input type="checkbox"/> no | <input checked="" type="checkbox"/> NA |
| 3) Any noted or reported access/security issues | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> NA |

Describe any property access issues/irregularities or changes in access/security: **There were no irregularities noted during this inspection. Access to the property is controlled by fencing along Colgate Street and entrance into the structure is controlled**

Final Surface Cover/Vegetation

The integrity of the vegetative soil cover or other surface coverage/hardscape (e.g., asphalt, concrete) over the property or specific areas of the property must be maintained.

- 1) Final Cover is in place and in good condition ☐yes ☐no ☒NA

Describe Cover: **Engineered cover is not required; however, the property is covered with vegetative soil and vegetation in places or competent concrete pads**

- | | | | |
|--|------------------------------|--|-----------------------------|
| 2) Evidence of erosion? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> NA |
| 3) Cracks visible in pavement? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> NA |
| 4) Evidence of distressed vegetation/turf? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> NA |
| 5) Evidence of unintended traffic or rutting? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> NA |
| 6) Evidence of uneven settlement and/or ponding? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> NA |
| 7) Damage to any surface coverage? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> NA |

If yes to any question above, please provide more information below:

Gas Vent System Monitoring and Maintenance

- 1) Are there signs of stressed vegetation around gas vents? _yes _no **XNA**
- 2) Are the gas vents currently intact and operational? _yes _no **XNA**
- 3) Has regular maintenance/monitoring been documented? _yes _no **XNA**

Groundwater Monitoring

- 1) Is there a plan in place and currently being followed? _yes _no **XNA**
- 2) Are the wells currently intact and operational? _yes ☐_no **XNA**
- 3) When was the most recent sampling event report/submittal? Date: **December 2012**
- 4) When is next scheduled sampling event? Date: **NA - Wells Decommissioned Feb. 2014 after DEC removed requirement**

Property Use Changes/Site Development

- 1) Has property use/ownership Changed? Site Re-Developed? **Xyes** _no _NA

If yes, please describe and include dates: **Ownership change in October 2015 to 113-119 Colgate Avenue II LLC**

New Information

- 1) Has any new information been brought to the owner/engineers attention? Regarding any and/or all engineering and institutional controls and their operation and effectiveness? _yes **Xno** _NA

Comments:**None**

Additional Notes and Comments

None

Certification

The results of this inspection were discussed with the site owner. Any corrective actions required have been identified and noted in the report. If necessary, plans for any required corrective actions have been discussed with the property owner and will be formalized in a corrective Action Plan for NYSDEC review and be documented in a corrective action report when completed.

Preparer/Inspector: **Peter J Gorton**

Signature: 

Date: 10-27-2017

Next Scheduled Inspection date: **October 2018**

Attachment: Photographs