

September 29, 2011
Empire Project Number BEV-11-022

New York State Department of Environmental Conservation – Region 9
270 Michigan Avenue
Buffalo, NY 14203
Phone: 585-226-2466

Attention: Glenn May

Reference: Report of Initial Information as Part of the
Phase I Preliminary Site Assessment Report
Vacant Site Located at 5565 River Road
Tonawanda, Erie County, New York
NYSDEC Site Number 915239

Dear Glenn:

Empire-Geo Services, Inc. (Empire) has prepared this report of initial information as part of the Phase I Preliminary Site Assessment (PSA) for a vacant parcel of property located at 5565 River Road in the Town of Tonawanda, Erie County, New York. Our work was completed in general accordance with the "Phase I Preliminary Site Assessment Scope of Work" dated May, 2011, prepared by the New York State Department of Environmental Conservation (NYSDEC) Region 9 office. This work was authorized under Call Out ID 119867 on May 26, 2011 under Empire's Standby Remedial Services contract number C100908 with NYSDCE.

I. BACKGROUND INFORMATION

A Phase I Environmental Site Assessment (ESA) completed by others on this 37-acre site in 2009 identified the presence of a significant quantity of industrial fill materials. The site is a deep, narrow rectangle, with approximate dimensions of 460 feet by 3,500 feet. The fill materials are mainly contained in topographic "anomalies" consisting of mounds and ridges that rise up to 15 feet or more above surrounding site grades. The ESA in 2009 also identified 15 to 20 unlabeled, discarded drums near the central portion of the site, with several drums containing a black, tar-like substance.

Review of historical aerial photographs indicates that the fill materials appear to have been placed onsite from approximately the 1960s through the mid- to late-1990s.



CORPORATE/ BUFFALO OFFICE

5167 South Park Avenue
Hamburg, NY 14075
Phone: (716) 649-8110
Fax: (716) 649-8051



ALBANY OFFICE

PO Box 2199
Ballston Spa, NY 12020

5 Knabner Road
Mechanicville, NY 12118
Phone: (518) 899-7491
Fax: (518) 899-7496



CORTLAND OFFICE

60 Miller Street
Cortland, NY 13045
Phone: (607) 758-7182
Fax: (607) 758-7188



ROCHESTER OFFICE

535 Summit Point Drive
Henrietta, NY 14467
Phone: (585) 359-2730
Fax: (585) 359-9668

MEMBER

ACEC New York

America's Council of Engineering Companies of New York

II. INITIAL INFORMATION

The purpose of the Phase I PSA is to determine the nature and extent of contamination at the site (including hazardous vs. nonhazardous waste), to determine the sources of the fill materials, and to quantify the volume of industrial fill at the site. The initial information for the Phase I PSA included in this report includes a site map prepared by a licensed surveyor including an estimate of the fill volume based on topographic estimations, a site reconnaissance to document current site conditions, and interviews with Town of Tonawanda officials and site neighbors for information regarding potential sources of the fill.

III. SITE SURVEY AND MAPPING

A site boundary and topographic survey of the site was completed by WM Schutt Associates (Schutt) of Lancaster, New York under subcontract to Empire. Schutt is a New York State licensed surveying firm.

Schutt prepared a map of the site on the basis of their survey. The survey map is attached and includes topographic contours and volume estimates of the onsite fill materials. The estimated fill volume of the area north of Rattlesnake Creek (designated on the map as "Area A") is 68,789 cubic yards and the estimated fill volume for the area south of the creek (designated on the map as "Area B") is 30,617 cubic yards, for a total estimated fill volume of 99,406 cubic yards.

The surveyors also noted two "Barrel Areas" on the map where 55-gallon drums are present. Each of these two areas contains several drums, with a few drums found in other areas of the site, as discussed in the next section.

IV. SITE RECONNAISSANCE

A site reconnaissance walkover of the site was completed by an Empire Senior Environmental Geologist on July 27, 2011. Captioned photos from the walkover are attached.

Conditions observed during the site reconnaissance were the same as those observed during initial, recent site visits with a few additions as listed below (additional items of interest that were not visible due to the heavy vegetation may be found during future site investigation work).

- Five empty drums were found near the north property line (photos 13, 14, & 15)
- One empty drum was found near the bottom of the western portion of the unnamed creek (photo 4)
- One accumulation of large concrete fragments was found to the northwest of the "Barrel Area" located near the south-central portion of the site (photo 7)
- Another accumulation of large concrete fragments was found near the south end of the north-south trending ridge of fill materials located along the northern half of the west site boundary (photo 9)

Observations made during the site walkover also indicated that the southernmost portion of the fill area may be slightly different than indicated on the survey map. Future subsurface investigation work will help to define the southern limit of the fill materials in this area.

V. SITE HISTORY RESEARCH

Empire obtained historical information from various sources in an attempt to determine the sources of the industrial fill materials present on the site.

Town of Tonawanda Assessor's Office and Erie County Clerk

Information obtained from the Town of Tonawanda Assessor's file appeared to indicate that the 37-acre site previously was part of a 48.6-acre parcel. Information obtained from the Towanda Assessor and the Erie County Clerk's records indicated previous ownership of the site or nearby parcels by the following entities:

- D.F. Magliarditti (property is currently owned by his estate)
- New K Realty, Inc. (James Sandonato) of 1365 Ashland Avenue, Niagara Falls, New York.
- William Strassner
- Charles J. Rich
- Merne E. Rich
- Clayton Rich
- Berdett Rich
- L. Franklin Messer
- John Strassner

Information obtained from the Tonawanda Assessor and the Erie County Clerk also indicated apparent easements or ownership of small parts of the site or nearby parcels by the following entities:

- Lakehead Pipeline Company (1967, 1973; including a new oil pumping station in 1998)
- Goetz Oil
- Shep-Par Trucking, George Shepherd, President (1972)
- Barbara Miller
- Intermountain Terminal Company
- Town of Tonawanda (easement)

Due to the brief nature of the information on file at the Tonawanda Assessor and the Erie County Clerk, it is difficult to ascertain the exact property for each transaction. Therefore some of the entries in each of these two lists may actually pertain to parcels that previously were part of a larger property that included the current site, or may pertain to nearby parcels.

Town of Tonawanda Code Enforcement Officer and Town Engineer

Empire spoke in-person with Mr. Larry Hoffman, Town of Tonawanda Code Enforcement Officer, on June 22, 2011. Mr. Hoffman indicated that he was not aware of permits or enforcement actions regarding the subject property.

Empire spoke via telephone with Mr. Jim Jones, Town of Tonawanda Engineer, on June 22, 2011. Mr. Jones indicated that he was not aware of any activity regarding the subject property.

Neighbors

Empire spoke with Mr. Hollywood of Pariso, Inc. Pariso is a trucking company that owns property adjacent to a portion of the east site boundary. Mr. Hollywood indicated that he thought that some of the fill materials may have been brought to the site by Nichter Construction from the former War Memorial Stadium site in Buffalo, New York in the 1970s. He also thought that it was likely that some of the material may have come from the Niagara Mohawk Power Plant, located a few miles south on River Road, before their fly ash landfill was constructed and opened.

Empire spoke via telephone on September 27, 2011 with Mr. John Podlucky, manager for R&L Carriers, Inc., located at 5555 River Road, directly between the site and River Road. Mr. Podlucky indicated that he has been there for about 11 years and that he has not witnessed dumping at the site in this time period.

Empire was not able to find a contact for Lake Ontario Steel Company, Inc., the reputed owner of the property adjacent to the west site boundary.

Summary

The site history research completed to date essentially **is** inconclusive regarding identification of the sources of the industrial fill materials on the site.

VI. CLOSING

This report has been prepared for the exclusive use of New York State Department of Environmental Conservation for specific application to the subject site in accordance with generally accepted environmental practices. If you have any questions or if we can provide further assistance, please contact our office at (716) 649-8110.

Respectfully Submitted,
EMPIRE GEO SERVICES, INC.



David R. Steiner
Senior Engineering Geologist
Project Manager

Attachments:

Survey Map

Site Reconnaissance Photos

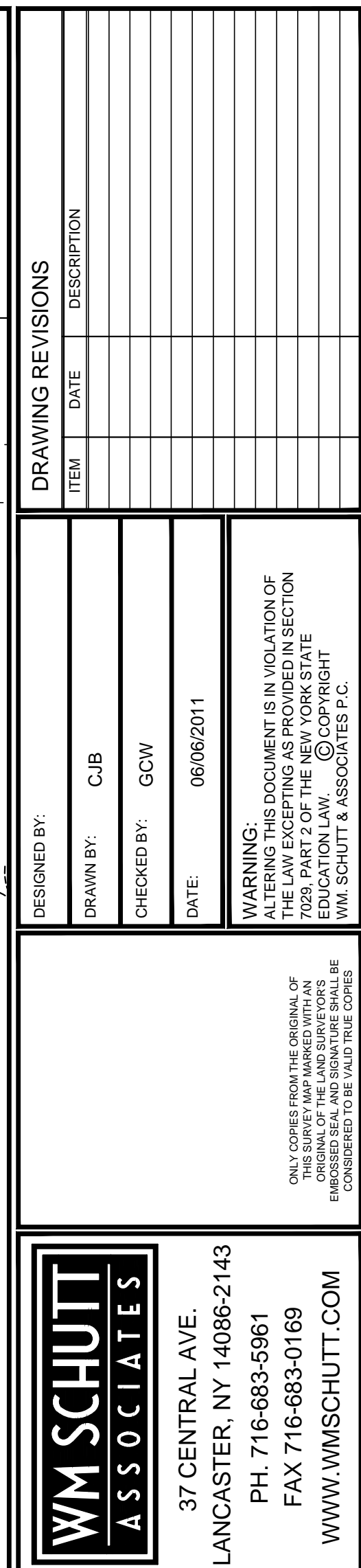




Photo 1 – Railroad ties at northeast corner of the site.



Photo 2 – Southward view of north side of fill bank in the northern portion of the site.



Photo 3 – Northward view of west side of north-south ridge of fill located adjacent to the west site boundary.



Photo 4 – Empty drum near the bottom of the western portion of the “valley” for the unnamed creek.



Photo 5 – Eastward view of “Barrel Area” adjacent to the central portion of the west site boundary.



Photo 6 – Rodent burrow in south bank of southernmost fill accumulation area indicating gray, industrial fill.



Photo 7 – Accumulation of large concrete fragments just south of the unnamed creek, near central portion of the site.



Photo 8 – Southward view of “Barrel Area” located near the central portion of the site, south of the unnamed creek.



Photo 9 – Accumulation of large concrete fragments near south end of the north-south fill ridge along west site boundary.



Photo 10 – Stressed vegetation with black fill near south end of the north-south fill ridge along west site boundary.



Photo 11 – ATV trail indicating fill materials at north end of the north-south fill ridge along west site boundary.



Photo 12 – ATV trail and area of apparent stressed vegetation with black fill materials on top of fill accumulation in the northern portion of the site.



Photo 13 – Two empty drums near northwest corner of the site, at the edge of the fill area.



Photo 14 – Two drums near north edge of small fill area near central portion of north site boundary.



Photo 15 – One empty drum near north edge of small fill area near central portion of north site boundary.