

Brownfield Cleanup Program Application

*351 FRANKLIN STREET SITE
OLEAN, NEW YORK*

Revised August 2020

0510-019-001

Prepared For: 351 FRANKLIN STREET LLC &
PSF of WNY, LLC



Prepared By:



2558 Hamburg Turnpike, Suite 300, Buffalo, New York | phone: (716) 856-0635 | fax: (716) 856-0583



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

☐ Yes

☒ No

If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 10*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME 351 Franklin Street LLC

ADDRESS 1 Blue Bird Square

CITY/TOWN Olean

ZIP CODE 14760

PHONE (716)-372-1893

FAX (716)-372-8645

E-MAIL dbenson@benson-construction.com

Is the requestor authorized to conduct business in New York State (NYS)?

☒ Yes ☐ No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. **See Appendix A; Section I**

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.** **See Appendix A; Section I**

Section II. Project Description

1. What stage is the project starting at?

☒ Investigation

☐ Remediation

NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.

2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☐ No **Not Applicable**

3. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and **See Appendix A; Section II**
- the date the Certificate of Completion is anticipated. **See Figure 5**



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

☐ Yes

☒ No

If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 10*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME PSF of WNY, LLC

ADDRESS P.O. Box 504, 430 North 7th Street

CITY/TOWN Olean

ZIP CODE 14760

PHONE (716)-262-9966

FAX (716)-372-3102

E-MAIL mike@piercesteeel.com

Is the requestor authorized to conduct business in New York State (NYS)?

☒ Yes ☐ No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. **See Appendix A; Section I**

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.** **See Appendix A; Section I**

Section II. Project Description

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2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☐ No **Not Applicable**

3. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and **See Appendix A; Section II**
- the date the Certificate of Completion is anticipated. **See Figure 5**

Section III. Property's Environmental History**See Appendix A; Section III**

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit the information requested in this section in electronic format only***):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Please submit a separate electronic copy of each report in Portable Document Format (PDF).**

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum	X		
Chlorinated Solvents			
Other VOCs			
SVOCs	X		
Metals	X		
Pesticides			
PCBs			
Other*	X		

***Please describe:** Grossly Contaminated Media (significant NAPL in the form of staining, sheening, and/or presence of petroleum globules)

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:

- **SAMPLE LOCATION**
- **DATE OF SAMPLING EVENT**
- **KEY CONTAMINANTS AND CONCENTRATION DETECTED**
- **FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE**
- **FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5**
- **FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX**

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner |
| <input type="checkbox"/> Salvage Yard | <input type="checkbox"/> Bulk Plant | <input type="checkbox"/> Pipeline | <input type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: portion of Oil Refinery

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME 351 Franklin Street Site				
ADDRESS/LOCATION 351 Franklin Street				
CITY/TOWN Olean		ZIP CODE 14760		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): City of Olean				
COUNTY Cattaraugus		SITE SIZE (ACRES) 6.26		
LATITUDE (degrees/minutes/seconds) 42 ° 5 ' 36.33 "		LONGITUDE (degrees/minutes/seconds) -78 ° 26 ' 35.72 "		
Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column.ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address	See Appendix A; Section IV	Section No.	Block No.	Lot No. Acreage
351 Franklin Street		94.040	1	29.1 6.26
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach an accurate map of the proposed site.				
2. Is the required property map attached to the application? See Figures 2, 3 & 4 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <div style="text-align: center; margin-top: 5px;"> Not Applicable If yes, identify census tract : _____ </div> <div style="margin-top: 5px;"> Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input type="checkbox"/> 100% </div>				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?
If yes, identify here and attach appropriate information. ☐ Yes ☒ No

Easement/Right-of-way Holder

Description

None

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

None

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.** See Appendix A; Section IV

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?

☒ Yes ☐ No

Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? ☐ Yes ☐ No

If yes, requestor must answer questions on the supplement at the end of this form.

Not Applicable

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? ☐ Yes ☐ No

Not Applicable

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? ☐ Yes ☐ No

Not Applicable

NOTE: If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: _____

BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Mr. R. Donald Benson			
ADDRESS 1 Blue Bird Square			
CITY/TOWN Olean		ZIP CODE 14760	
PHONE (716)-372-1893	FAX (716)-372-8645	E-MAIL dbenson@benson-construction.com	
NAME OF REQUESTOR'S CONSULTANT Mr. Michael Lesakowski			
ADDRESS 2558 Hamburg Turnpike, Suite 300			
CITY/TOWN Buffalo		ZIP CODE 14218	
PHONE (716)-856-0635	FAX (716)-856-0583	E-MAIL mlesakowski@turnkeyllc.com	
NAME OF REQUESTOR'S ATTORNEY Mr. Craig Slater, Esq.			
ADDRESS 500 Seneca Street, Suite 504			
CITY/TOWN Buffalo		ZIP CODE 14204	
PHONE (716)-845-6760	FAX (716)-845-6764	E-MAIL cslater@cslaterlaw.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME 351 Franklin Street LLC		OWNERSHIP START DATE: 6/12/2020	
ADDRESS 1 Blue Bird Square			
CITY/TOWN Olean		ZIP CODE 14760	
PHONE (716)-372-1893	FAX (716)-372-8645	E-MAIL dbenson@benson-construction.com	
CURRENT OPERATOR'S NAME Same as owner			
ADDRESS Same as owner			
CITY/TOWN Same as owner		ZIP CODE Same as owner	
PHONE Same as owner	FAX Same as owner	E-MAIL Same as owner	
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE". See Appendix B; Section VI			
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407) See Appendix B; Section VII			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Mr. Mike Derosé			
ADDRESS P.O. Box 504, 430 North 7th Street			
CITY/TOWN Olean		ZIP CODE 14760	
PHONE (716)-262-9966	FAX (716)-372-3102	E-MAIL mike@piercesteel.com	
NAME OF REQUESTOR'S CONSULTANT Mr. Michael Lesakowski			
ADDRESS 2558 Hamburg Turnpike, Suite 300			
CITY/TOWN Buffalo		ZIP CODE 14218	
PHONE (716)-856-0635	FAX (716)-856-0583	E-MAIL mlesakowski@turnkeyllc.com	
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CITY/TOWN Same as owner		ZIP CODE Same as owner	
PHONE Same as owner	FAX Same as owner	E-MAIL Same as owner	
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Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407) See Appendix B; Section VII			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. ☐ Yes ☒ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? ☐ Yes ☒ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? ☐ Yes ☒ No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? ☐ Yes ☒ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☒ No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? ☐ Yes ☒ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☒ No

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW: **See Appendix B; Section VII**

☐ PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

☒ VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

☐ Previous Owner ☒ Current Owner ☒ Potential /Future Purchaser ☐ Other _____

Current Owner: 351 Franklin Street LLC; Potential/Future Purchaser: PSF of WNY, LLC - See Appendix B; Section VII

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted**. Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?

☒ Yes ☐ No

See Appendix B; Section VII

Note: a purchase contract does not suffice as proof of access.

Section VIII. Property Eligibility Information - See Instructions for Further Guidance

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☐ Yes ☒ No
If yes, please provide: Site # _____ Class # _____
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☐ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? ☐ Yes ☒ No
If yes, please provide: Order # _____ **Not Applicable**
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No
If yes, please provide explanation as an attachment.

Section IX. Contact List Information

See Appendix B; Section IX

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [*DER-23 / Citizen Participation Handbook for Remedial Programs*](#). Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

See Figure 9

Section X. Land Use Factors**See Appendix B; Section X**

1. What is the current municipal zoning designation for the site? I - Industrial

What uses are allowed by the current zoning? (Check boxes, below)

☐ Residential ☒ Commercial ☒ Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: ☐ Residential ☒ Commercial ☐ Industrial ☐ Vacant ☐ Recreational (check all that apply)

Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.

3. Reasonably anticipated use Post Remediation: ☐ Residential ☒ Commercial ☒ Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing?

☐ Yes ☐ No

Not Applicable

4. Do current historical and/or recent development patterns support the proposed use?

☒ Yes ☐ No

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

See Appendix B, Section X

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

See Appendix B, Section X

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____

Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Managing Member (title) of 351 Franklin Street LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 5/8/2020

Signature: R. Donald Benson

Print Name: R. Donald Benson

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
 - Chief, Site Control Section
 - New York State Department of Environmental Conservation
 - Division of Environmental Remediation
 - 625 Broadway
 - Albany, NY 12233-7020

FOR DEC USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

XI. Statement of Certification and Signatures

(By requestor who is an individual)

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Date: _____

Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am President (title) of PSF of WNY, LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 5/5/20

Signature: Mike DeRose

Print Name: Mike DeRose

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
 - Chief, Site Control Section
 - New York State Department of Environmental Conservation
 - Division of Environmental Remediation
 - 625 Broadway
 - Albany, NY 12233-7020

FOR DEC USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY. Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

BCP App Rev 10

Not Applicable

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>From ECL 27-1405(31):</p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p> <p>From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p> <p>375-3.2:</p> <p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>	

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). **Check appropriate box, below:**

- ☐ Project is an Affordable Housing Project - Regulatory Agreement Attached;
- ☐ Project is Planned as Affordable Housing, But Agreement is Not Yet Available*
(*Checking this box will result in a “pending” status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);
- ☐ This is Not an Affordable Housing Project.

From 6 NYCRR 375- 3.2(a) as of August 12, 2016:

(a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

BCP Application Summary (for DEC use only)

Site Name: 351 Franklin Street Site
City: Olean

Site Address: 351 Franklin Street
County: Cattaraugus **Zip:** 14760

Tax Block & Lot

Section (if applicable): 94.040 **Block:** 1 **Lot:** 29.1

Requestor Name: 351 Franklin Street LLC
City: Olean

Requestor Address: 1 Blue Bird Square
Zip: 14760 **Email:** dbenson@benson-construction.com

Requestor's Representative (for billing purposes)

Name: Mr. R. Donald Benson **Address:** 1 Blue Bird Square
City: Olean **Zip:** 14760

Email: dbenson@benson-construction.com

Requestor's Attorney

Name: Mr. Craig Slater, Esq. **Address:** 500 Seneca Street, Suite 504
City: Buffalo **Zip:** 14204

Email: cslater@cslaterlaw.com

Requestor's Consultant

Name: Mr. Michael Lesakowski **Address:** 2558 Hamburg Turnpike, Suite 300
City: Buffalo **Zip:** 14218

Email: mlesakowski@turnkeyllc.com

Percentage claimed within an En-Zone: ☒ 0% ☐ <50% ☐ 50-99% ☐ 100%

DER Determination: ☐ Agree ☐ Disagree

Requestor's Requested Status: ☒ Volunteer ☐ Participant

DER/OGC Determination: ☐ Agree ☐ Disagree
Notes:

For NYC Sites, is the Requestor Seeking Tangible Property Credits: ☐ Yes ☐ No

Does Requestor Claim Property is Upside Down: ☐ Yes ☐ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Property is Underutilized: ☐ Yes ☐ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Affordable Housing Status: ☐ Yes ☐ No ☐ Planned, No Contract

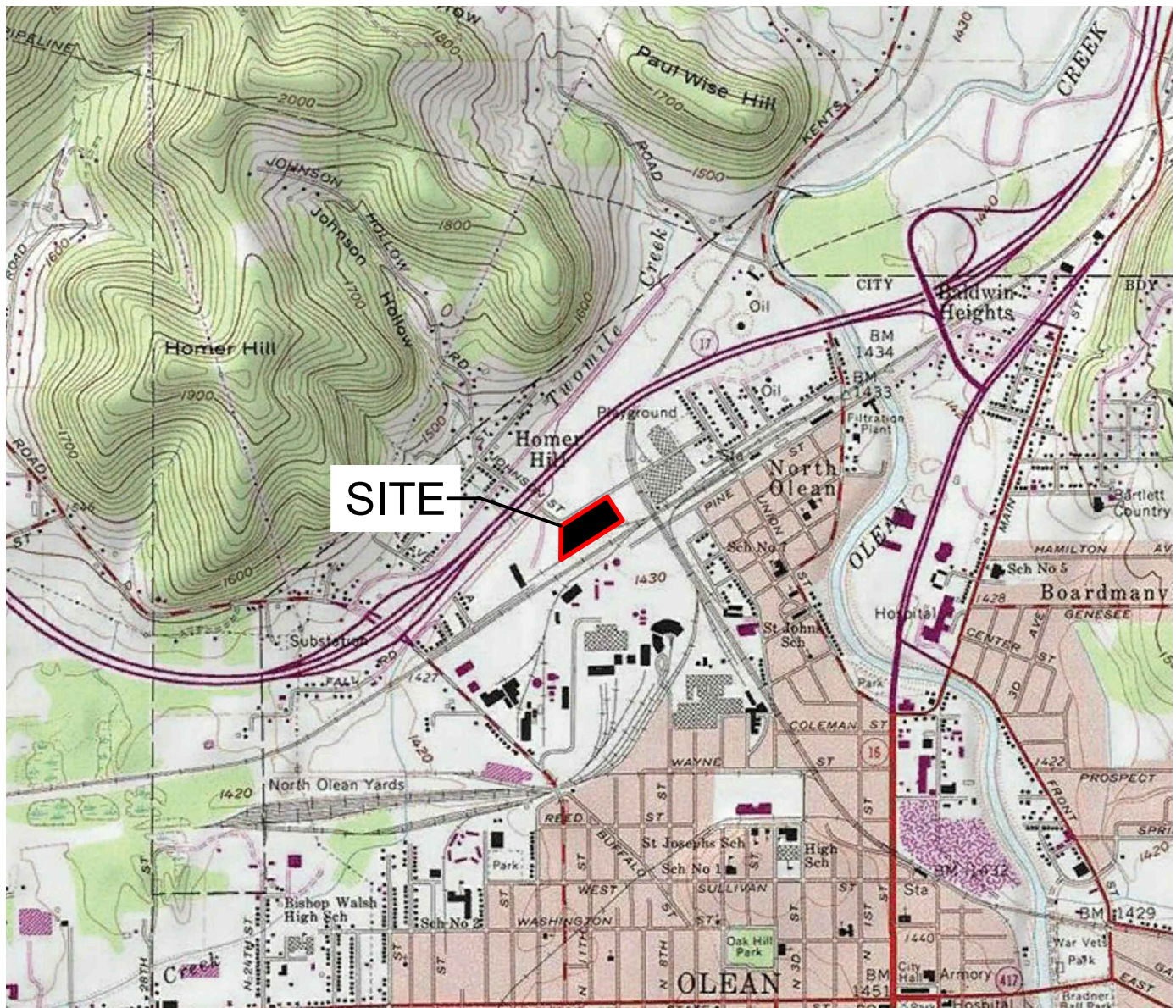
DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

FIGURES

- | | |
|-----------|--|
| Figure 1 | Site Location and Vicinity Map |
| Figure 2 | Site Plan (Aerial) |
| Figure 3 | Tax Map |
| Figure 4 | Property Base Map (1,000' Setback) |
| Figure 5 | Preliminary Project Schedule |
| Figure 6 | Conceptual Project Plan |
| Figure 7 | Investigation Locations & Areas of Concern |
| Figure 8 | Brownfield Opportunity Area Map |
| Figure 9 | Adjacent Property Owners |
| Figure 10 | Zoning Map |
| Figure 11 | USDA Soil Type Map |
| Figure 12 | Wetlands and Floodplains Map |

FIGURE 1



SCALE: 1 INCH = 2000 FEET
SCALE IN FEET
(approximate)



IN ASSOCIATION WITH



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

PROJECT NO.: T0510-019-001

DATE: APRIL 2020

DRAFTED BY: CMS

SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION




351 FRANKLIN STREET SITE
OLEAN, NEW YORK

PREPARED FOR

351 FRANKLIN STREET LLC & PSF OF WNY, LLC

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FIGURE 2	SITE PLAN (AERIAL)	  <p>IN ASSOCIATION WITH</p>	
	BROWNFIELD CLEANUP PROGRAM APPLICATION 351 FRANKLIN STREET SITE OLEAN, NEW YORK	2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599 JOB NO.: T0510-019-001	

PREPARED FOR
351 FRANKLIN STREET LLC & PSF OR WNY, LLC

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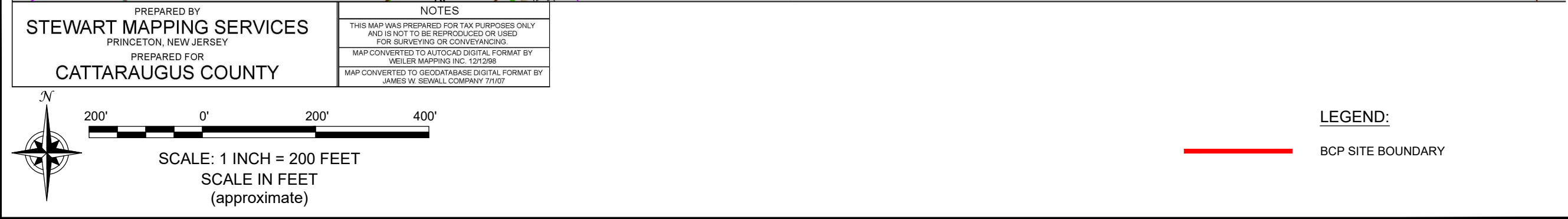
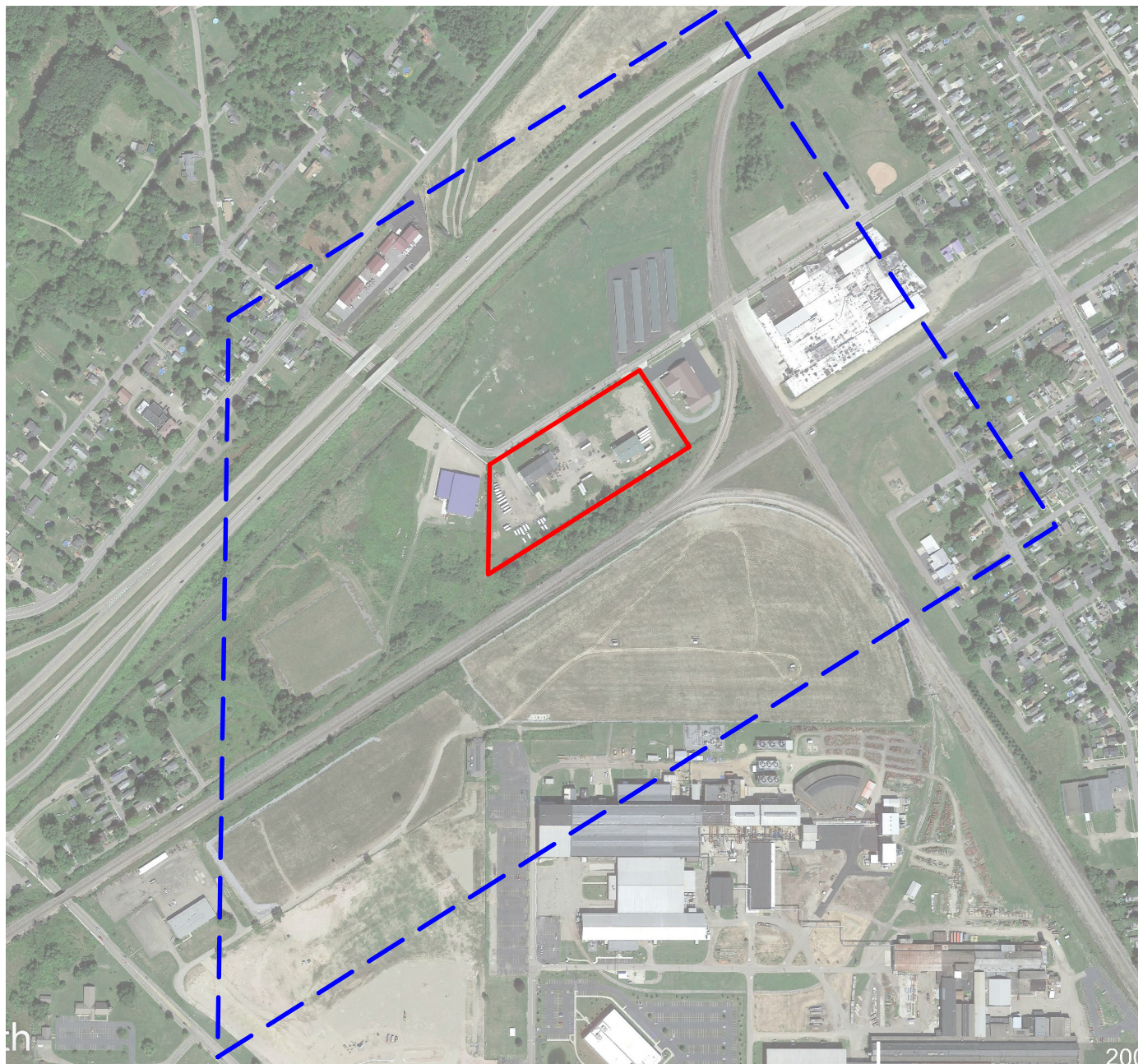


FIGURE 4



600' 0' 600' 1200'

SCALE: 1 INCH = 600 FEET
SCALE IN FEET
(approximate)

LEGEND:

- BCP SITE BOUNDARY
- - - 1000' SETBACK



IN ASSOCIATION WITH



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

PROJECT NO.: T0510-019-001

DATE: APRIL 2020

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PROPERTY BASE MAP (1000' SETBACK)

BROWNFIELD CLEANUP PROGRAM APPLICATION

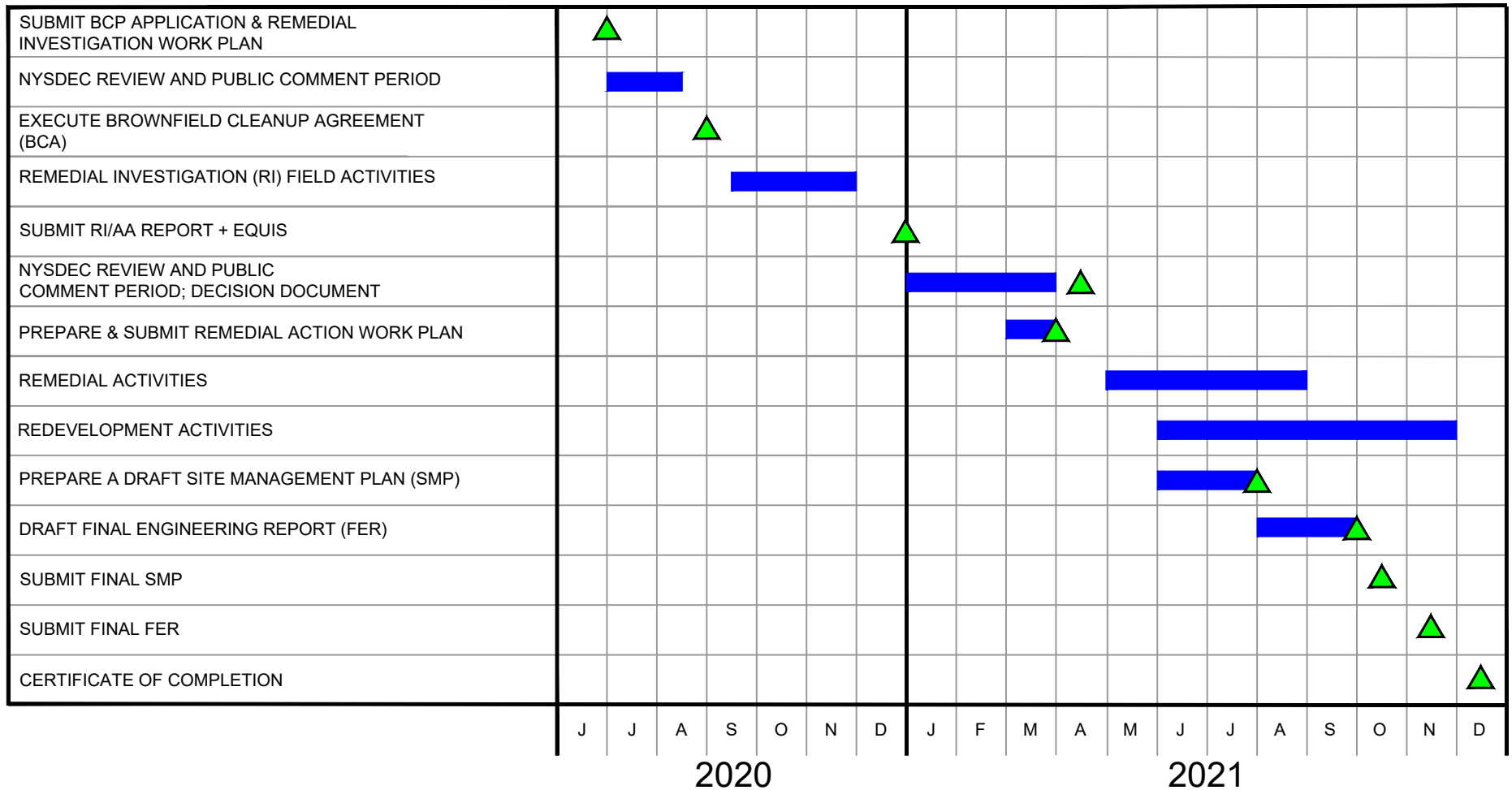
351 FRANKLIN STREET SITE
OLEAN, NEW YORK

PREPARED FOR

351 FRANKLIN STREET LLC & PSF OF WNY, LLC

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PROJECT TASKS:



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

PROJECT NO.: 0510-019-001

DATE: JUNE 2020

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PRELIMINARY PROJECT SCHEDULE

BROWNFIELD CLEANUP PROGRAM APPLICATION

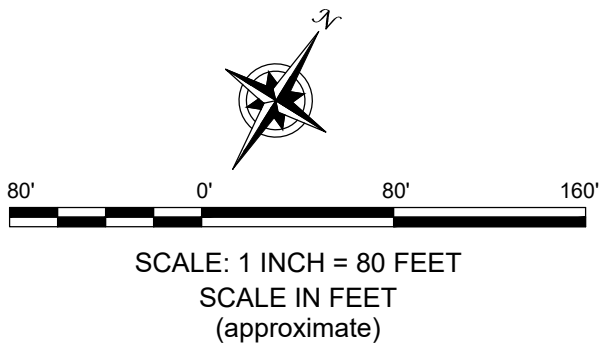
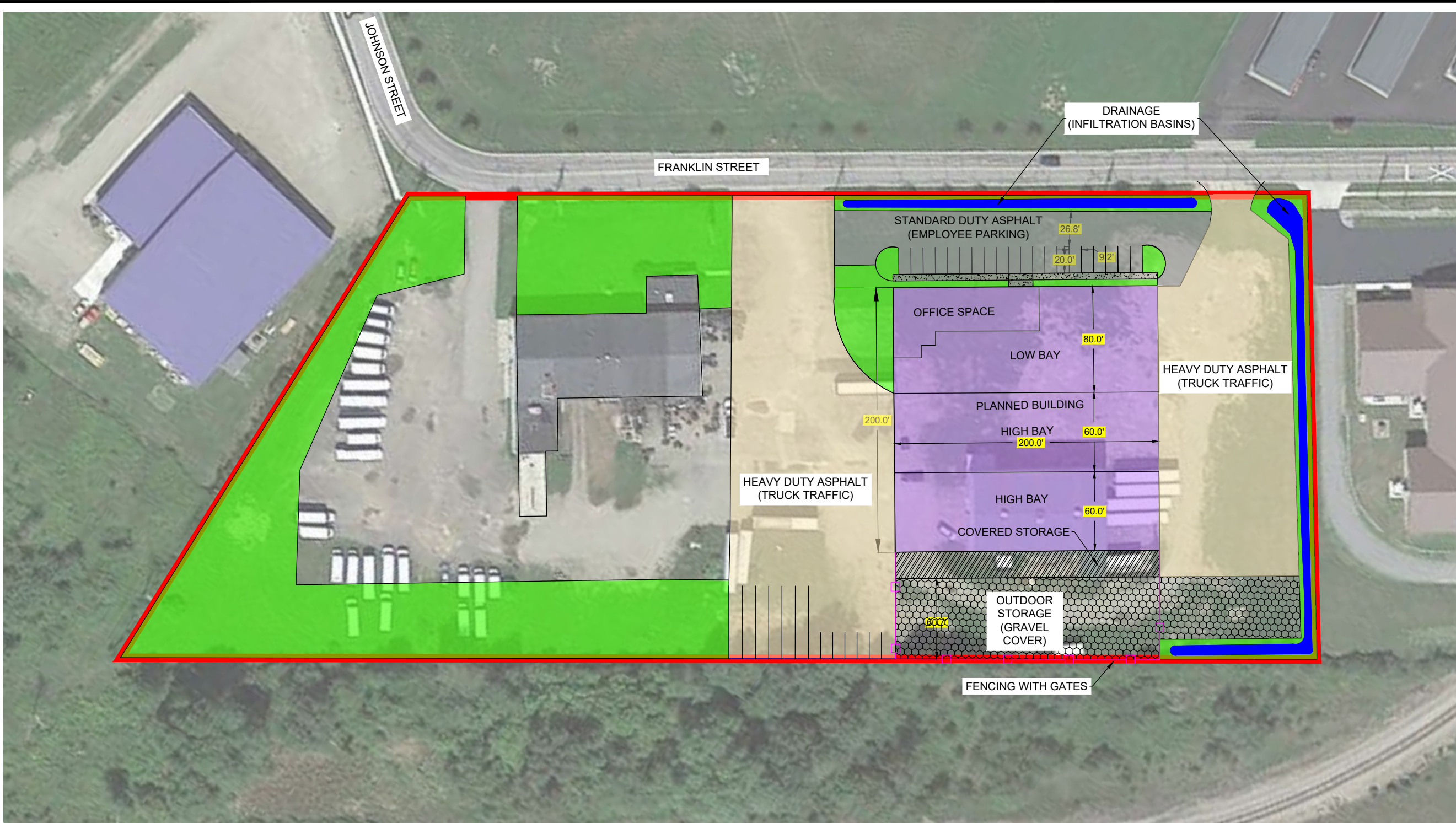
351 FRANKLIN STREET SITE
OLEAN, NEW YORK

PREPARED FOR

351 FRANKLIN STREET LLC & PSF OF WNY, LLC

FIGURE 5

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LEGEND:	
	BCP SITE BOUNDARY
	HEAVY DUTY ASPHALT
	STANDARD DUTY ASPHALT
	GREEN SPACE
	GRAVEL COVER
	FENCING

CONCEPTUAL PROJECT PLAN

BROWNFIELD CLEANUP PROGRAM APPLICATION
351 FRANKLIN STREET SITE
OLEAN, NEW YORK

PREPARED FOR
351 FRANKLIN STREET LLC & PSF OF WNY, LLC



JOB NO.: T0510-019-001

FIGURE 6

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F:\CAD\TurnKey\351 Franklin Street, LLC\BCP Application\Figure 7 - Investigation Locations and Areas of Concern.dwg
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BCP SITE BOUNDARY

PARCEL BOUNDARY

SRS Area-1

●

SAMPLE LOCATIONS (BY ROUX, 2015)

END-100

●

SAMPLE LOCATION (BY ROUX, 2016)

TP-302

●

SAMPLE LOCATION (BY ROUX, 2017)

SS-005

●

SAMPLE LOCATION (BY ROUX, 2017)

EXCAVATION EXTENT OF PIPE REMOVAL

PIPES ABANDONED IN-PLACE

GCM REMOVED (BY ROUX, 2015 AND 2016)

SOIL IMPACTED BY GCM

POTENTIAL PRESENCE OF GCM

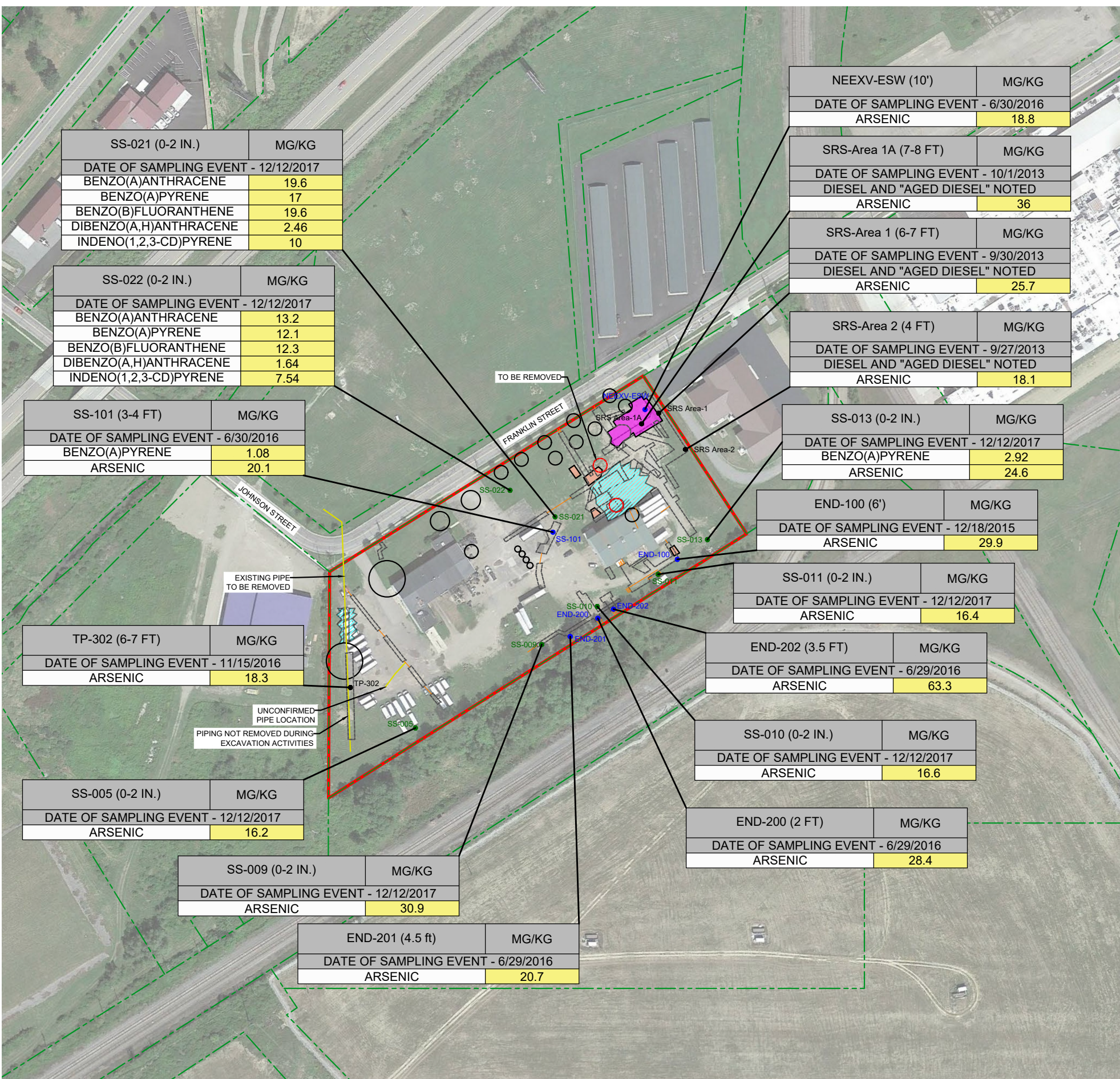
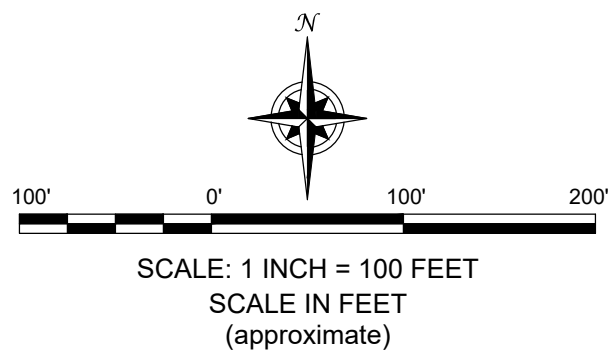
HISTORIC TANK LOCATION

EXISTING UNDERGROUND STRUCTURE

VALUES PER 6 NYCRR PART 375 SOIL CLEANUP OBJECTIVES (SCOs):

EXCEEDS PART 375 COMMERCIAL USE SCOs

- NOTES:
- AREAS OF GCMs, PIPING EXCAVATION EXTENTS, ABANDONED PIPE LOCATIONS, NOTED EXCAVATION AREAS, AND EXISTING UNDERGROUND STRUCTURES PER ROUX ASSOCIATES, INC. (ROUX) REPORTS TITLED "PIPING INVESTIGATION SUMMARY REPORT", APRIL 14, 2015; "TEST PIT AND PIPING INVESTIGATION SUMMARY REPORT", JUNE 14, 2016; "REVISED TEST PIT AND PIPING INVESTIGATION LETTER REPORT", NOVEMBER 3, 2016 AND; "TEST PIT AND PIPING INVESTIGATION SUMMARY REPORT", JULY 6, 2017
 - HISTORIC TANK LOCATION PER HISTORIC AERIAL PHOTOGRAPHS.
 - SURFACE SOIL LOCATIONS PER ROUX FIGURE TITLED "SURFACE SOIL SAMPLE LOCATIONS", FEBRUARY 9, 2018.
 - AERIAL BASE MAP PER GOOGLE EARTH, AUGUST 26, 2016.
- DEFINITIONS:
- GCM = GROSSLY CONTAMINATED MEDIA



INVESTIGATION LOCATIONS AND AREAS OF CONCERN

BROWNFIELD CLEANUP PROGRAM APPLICATION
351 FRANKLIN STREET SITE
OLEAN, NEW YORK

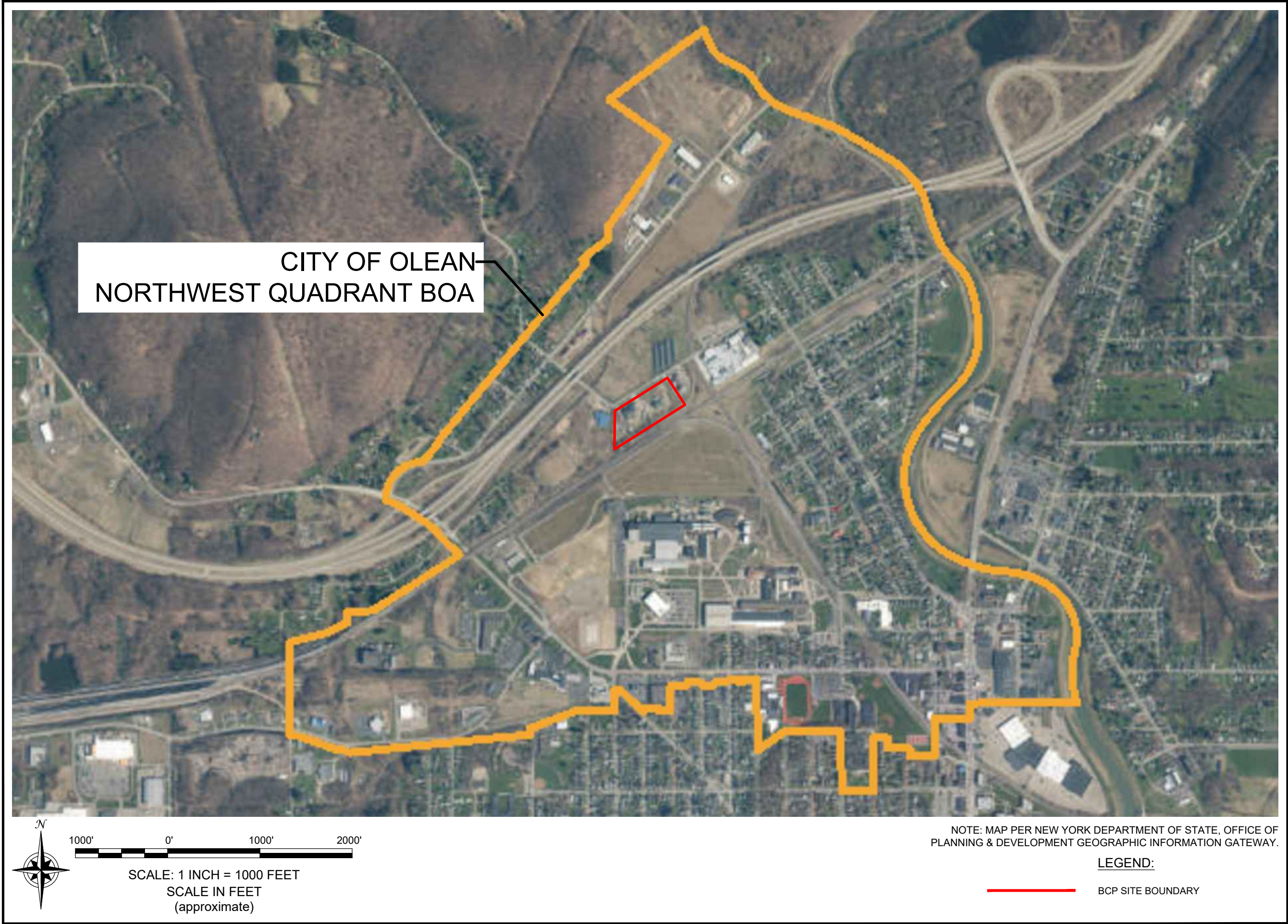
PREPARED FOR
351 FRANKLIN STREET LLC & PSF OR WNY, LLC



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599
JOB NO.: T0510-019-001

FIGURE 7

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BROWNFIELD OPPORTUNITY AREA MAP	<div><div><div><div><div><div></div><div>TURNKEY</div><div>Environmental Restoration, LLC</div></div><div>IN ASSOCIATION WITH</div><div><div><div></div><div>BENCHMARK</div><div>ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC</div></div></div></div></div></div></div>	2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599 JOB NO.: T0510-019-001
	<div>BROWNFIELD CLEANUP PROGRAM APPLICATION 351 FRANKLIN STREET SITE OLEAN, NEW YORK PREPARED FOR 351 FRANKLIN STREET LLC & PSF OR WNY, LLC</div>	DISCLAIMER: PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.

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ADJACENT PROPERTY ADDRESS			PROPERTY OWNER MAILING ADDRESS
NO.	STREET	PROPERTY USE	
301	FRANKLIN STREET	LIGHT INDUSTRIAL MANUFACTURING AND PROCESSING	DST PROPERTIES NY, LLC 13829 JAY STREET NW ANDOVER, MN 55304
302	FRANKLIN STREET	COMMERCIAL: OTHER STORAGE, WAREHOUSE AND DISTRIBUTION FACILITIES	ALL WEATHER SELF-STORAGE, INC. P.O. BOX 125 OLEAN, NY 14760
310	FRANKLIN STREET	VACANT INDUSTRIAL	ALL WEATHER SELF-STORAGE, INC. P.O. BOX 125 OLEAN, NY 14760
350	FRANKLIN STREET	VACANT INDUSTRIAL	MJ PAINTING CONTRACTOR CORPORATION 291 HOMER STREET OLEAN, NY 14760
—	RAILROAD	PUBLIC SERVICES: NONCEILING RAILROAD	SOUTHERN TIER RAIL AUTHORITY 4039 ROUTE 219 STE. 200
1601	JOHNSON STREET	INDUTRIAL MANUFACTURING AND PROCESSING	NIPPERLAND PROPERTIES, LLC 3835 WEST BRANCH ROAD ALLEGANY, NY 14706

—

LEGEND:

BCP SITE BOUNDARY

PARCEL BOUNDARY

N

300'

0'

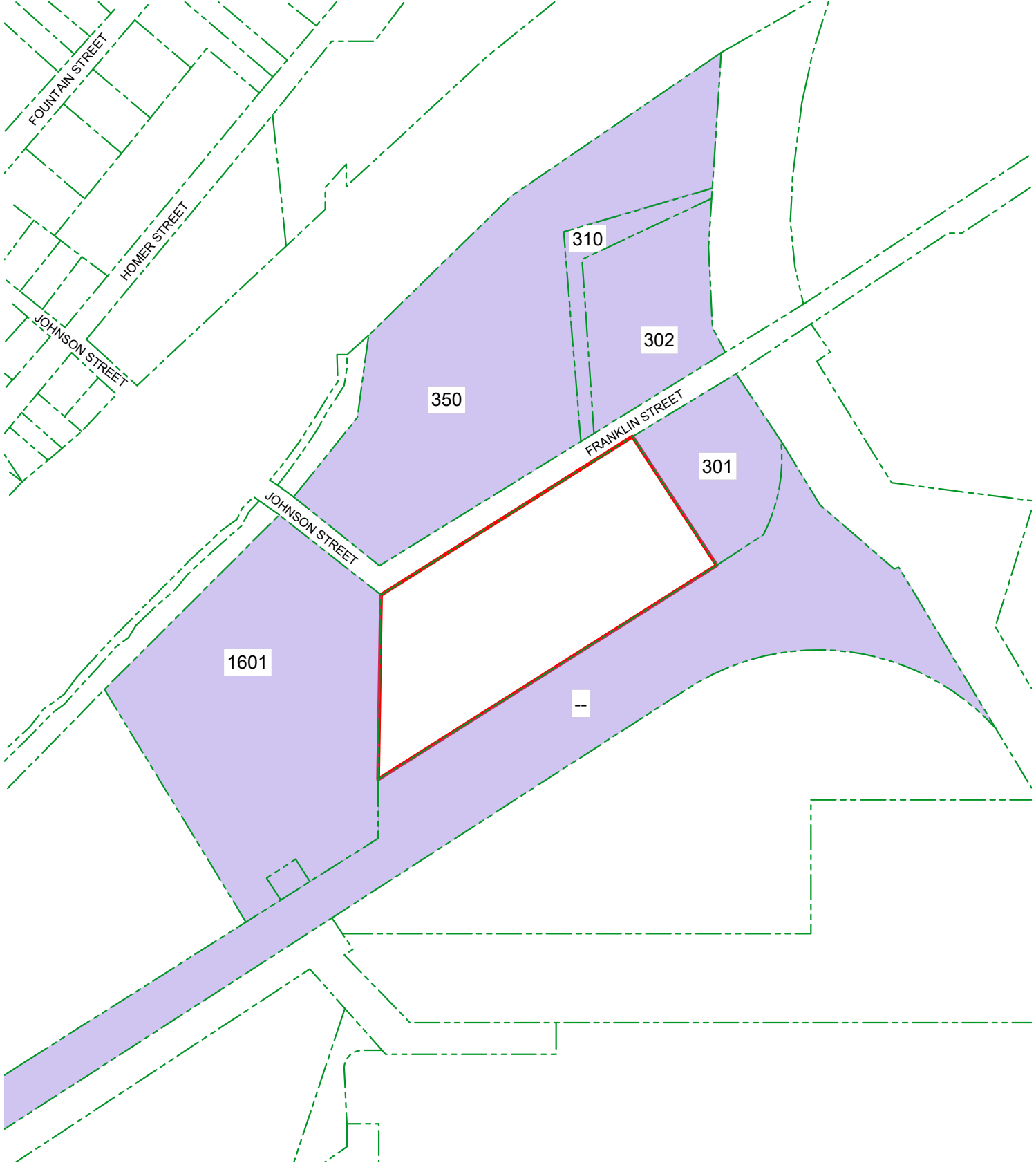
300'

600'

SCALE: 1 INCH = 300 FEET

SCALE IN FEET

(approximate)



ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PROGRAM APPLICATION
351 FRANKLIN STREET SITE
OLEAN, NEW YORK

PREPARED FOR
351 FRANKLIN STREET LLC & PSF OR WNY, LLC



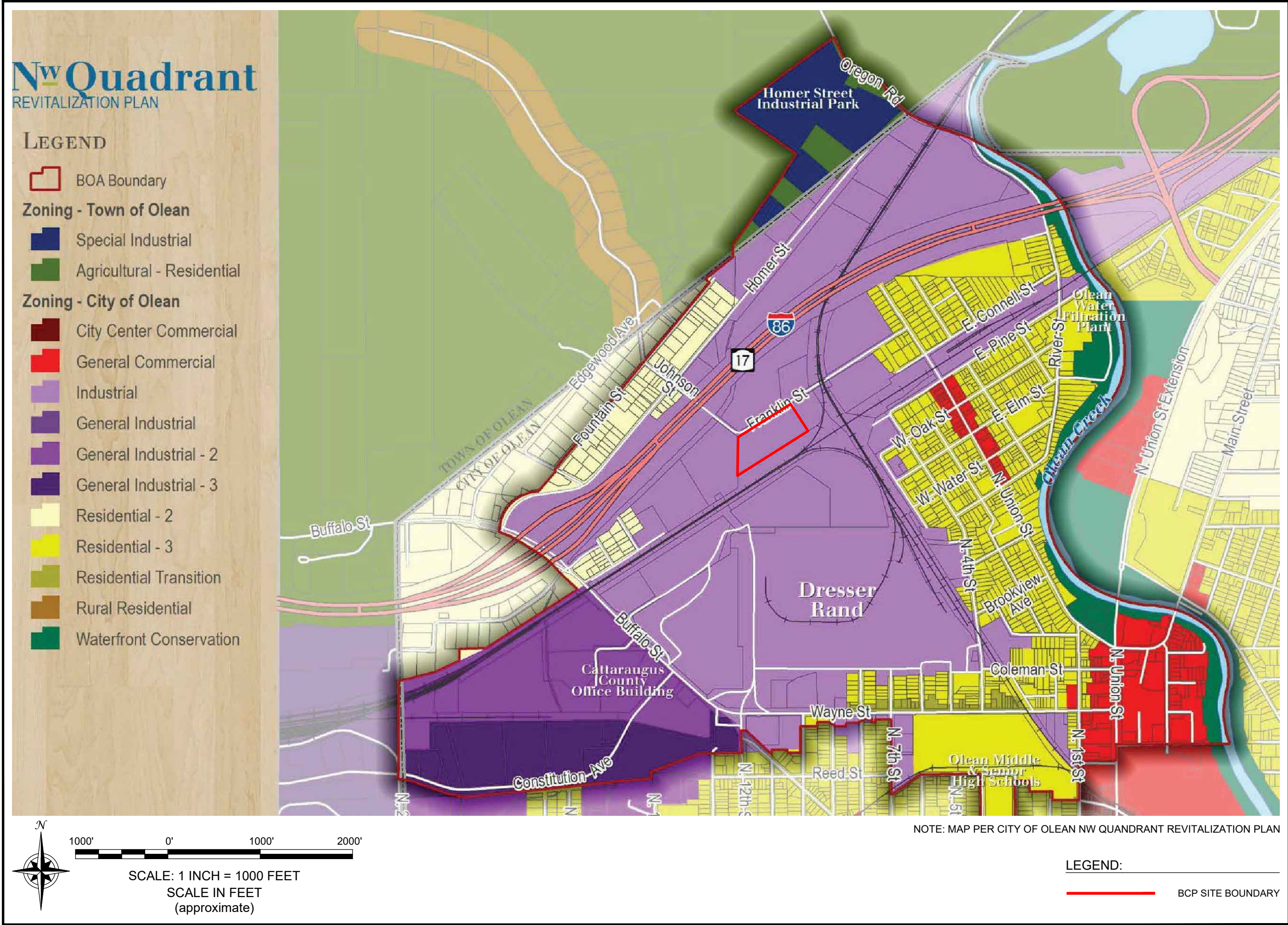
2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

JOB NO.: T0510-019-001

FIGURE 9

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F:\CAD\TurnKey\351 Franklin Street LLC\BCP Application\Figure 10 - Zoning Map.dwg



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JOB NO.: T0510-019-001

ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

351 FRANKLIN STREET SITE
OLEAN, NEW YORK

PREPARED FOR

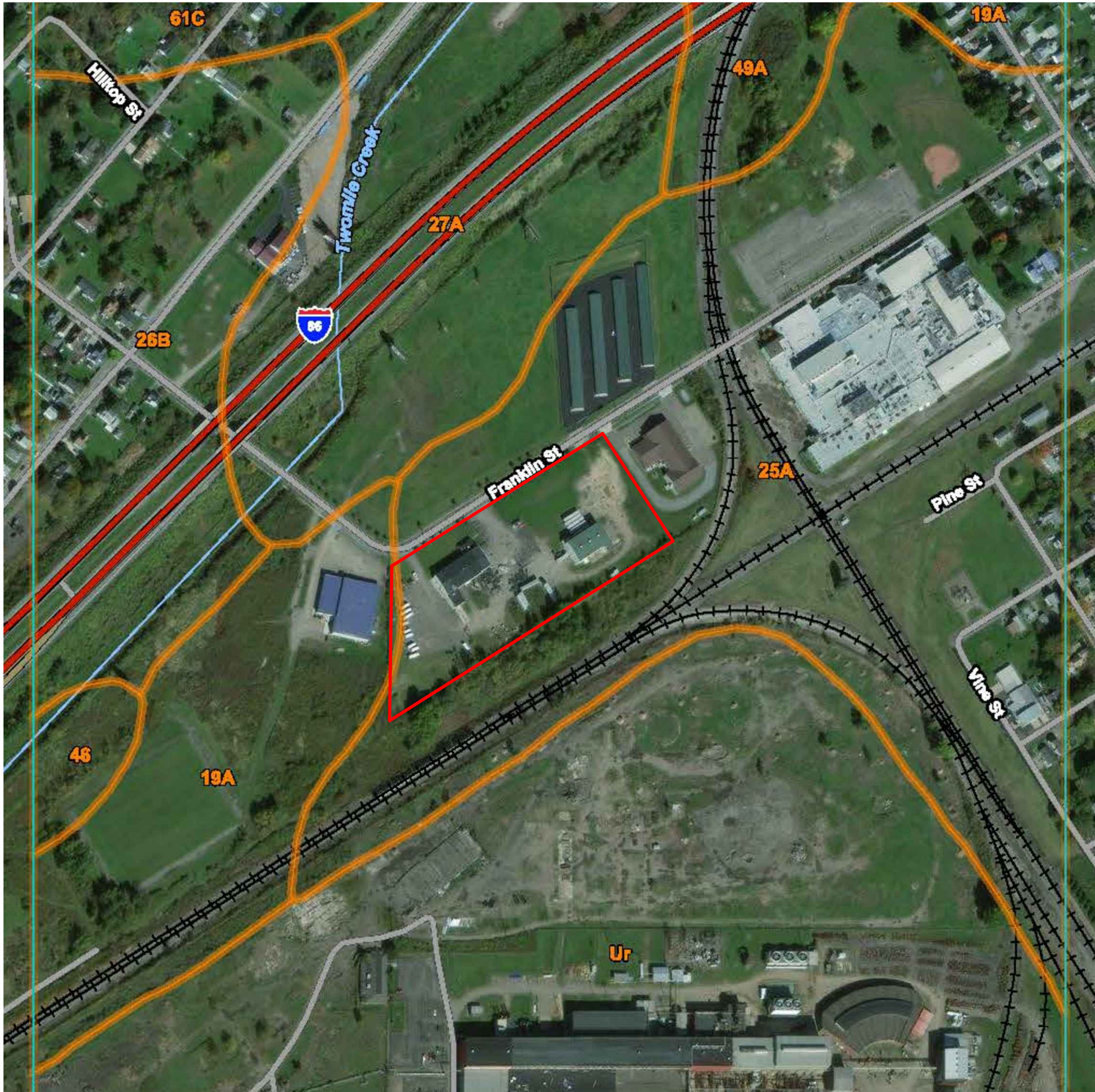
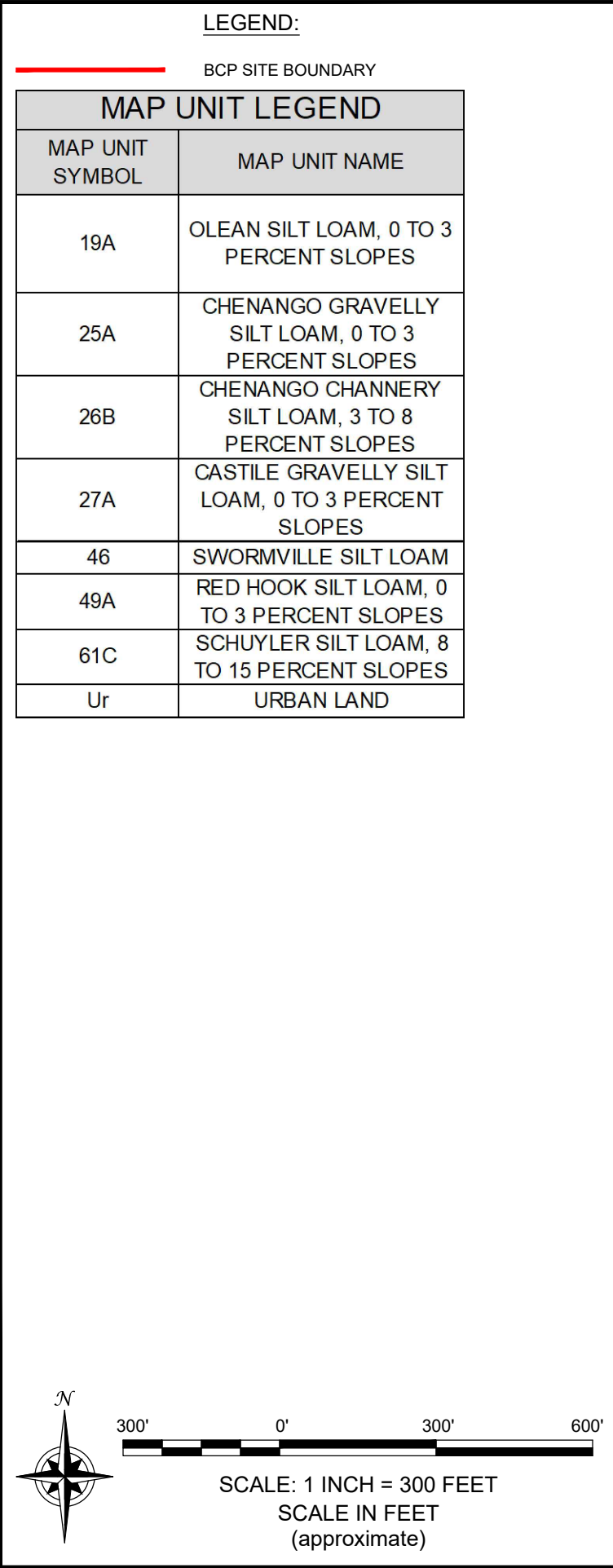
351 FRANKLIN STREET LLC & PSF OR WNY, LLC

FIGURE 10

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F:\CAD\TurnKey\351 Franklin Street, LLC\BCP Application\Figure 11 - USDA Soil Type Map.dwg

DATE: APRIL 2020
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IN ASSOCIATION WITH

2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

JOB NO.: T0510-019-001

USDA SOIL TYPE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

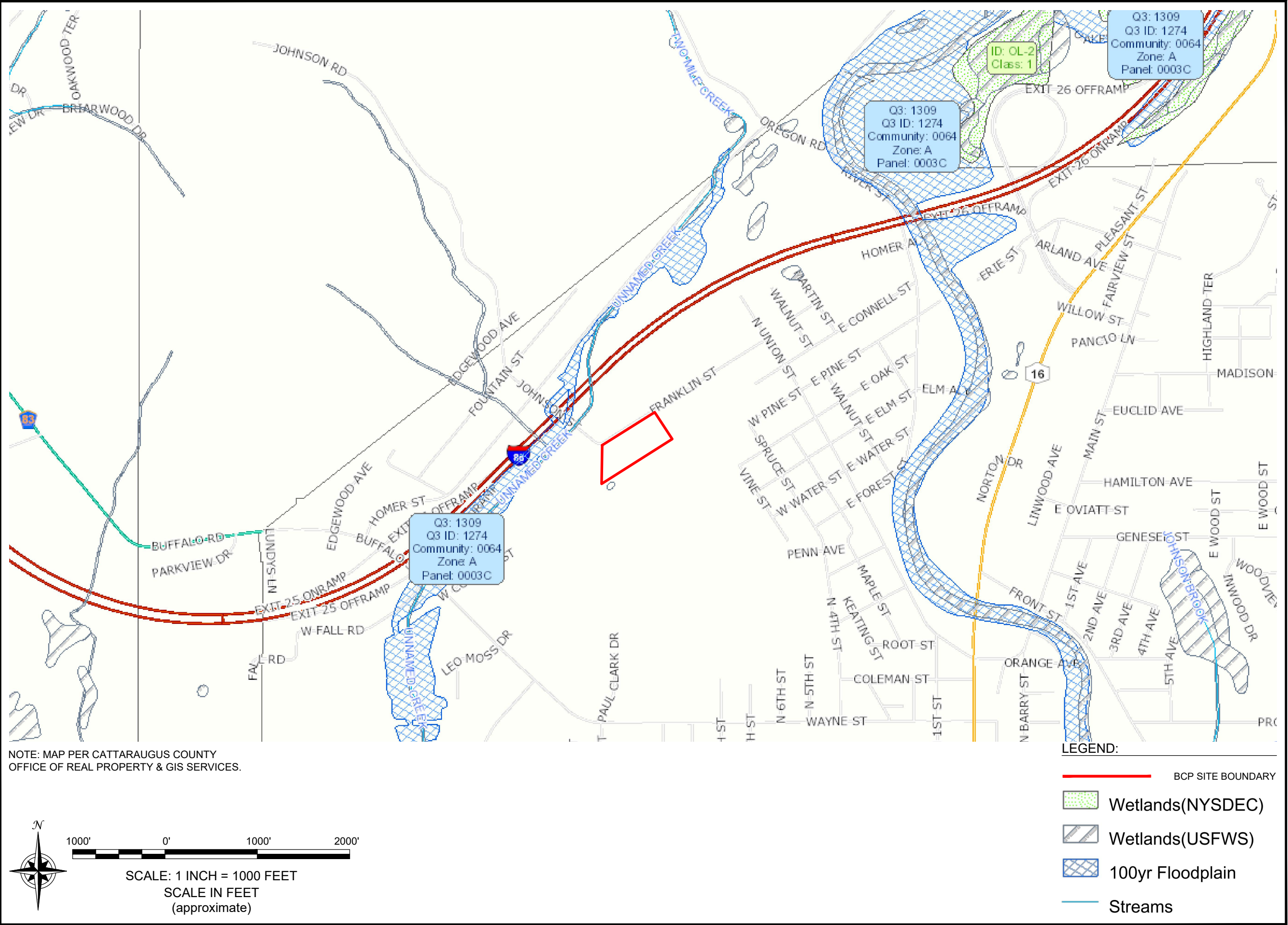
351 FRANKLIN STREET SITE
OLEAN, NEW YORK

PREPARED FOR

351 FRANKLIN STREET LLC & PSF OR WNY, LLC

FIGURE 11

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IN ASSOCIATION WITH

TURNKEY

Environmental Restoration, LLC

BENCHMARK

ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

PREPARED FOR

351 FRANKLIN STREET LLC & PSF OR WNY, LLC

FIGURE 12

WETLANDS AND FLOODPLAINS MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

351 FRANKLIN STREET SITE

OLEAN, NEW YORK

2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

JOB NO.: T0510-019-001

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SECTION I – REQUESTOR INFORMATION

351 Franklin Street LLC (351 Franklin) and PSF of WNY, LLC (PSF) are authorized to do business in New York State.

351 Franklin Street LLC

351 Franklin Street LLC is 50% owned by North Olean Commercial, LLC and 50% owned by 351 Franklin Street TK LLC. R. Donald Benson is the authorized member to sign documents on behalf of 351 Franklin Street LLC as evidenced by the attached Joint Unanimous Written Consent. The New York State Department of State (NYSDOS) Division of Corporations Entity Information for 351 Franklin Street LLC is attached. 351 Franklin Street LLC will manage the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) process through Certificate of Completion.

PSF of WNY, LLC

PSF of WNY, LLC is 100% owned by Mike DeRose, who is therefore the authorized member to sign documents on behalf of PSF of WNY, LLC as evidenced by attached Joint Unanimous Written Consent. The NYSDOS Division of Corporations Entity Information for PSF of WNY, LLC is attached. PSF of WNY, LLC is a prospective purchaser and will redevelop the Site.

Benchmark Environmental Engineering & Science, PLLC (Benchmark), a registered New York State (NYS) engineering firm, and licensed NYS Professional Engineer (PE) will be acting as the Engineer of Record for this NYSDEC BCP project.

SECTION II – PROJECT DESCRIPTION

351 Franklin and PSF, acting as Volunteers, are willing to complete additional investigation and remediate the Site (see Figures 1-4) under the NYS BCP, and are submitting this application for eligibility acceptance into the BCP.

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Previous Investigations have been conducted at 351 Franklin Street by Roux Environmental Engineering and Geology, D.P.C (Roux). 351 Franklin has prepared a Remedial Investigation (RI) Work Plan for concurrent submittal with the BCP Application. Figure 5 is a preliminary project schedule.

The project will result in the remediation of an environmentally impacted Site located on Franklin Street at the corner of Franklin Street and Johnson Street in the City of Olean, Cattaraugus County, New York. The Site will be developed into a metal fabricating shop and associated offices. The easternmost building will be deconstructed to the steel frame, and a new larger building will be constructed/re-constructed in its place. The westernmost building will remain as is. The structures will be surrounded by asphalt and gravel driveways and parking areas, and greenspace. See Figure 6 for the preliminary project rendering.

SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY

A summary of the previous environmental investigations completed for the 351 Franklin Street Site (hereinafter, the “Site”) are provided below. Figure 7 shows previous investigation locations.

April 2006 – Historic and Current Site Conditions Report, Former Socony-Vacuum Oil Company, Inc., Refinery Site, Olean, New York

AMEC Earth & Environmental, Inc. (AMEC) completed a report summarizing historic conditions at and surrounding the former location of a petroleum refinery facility in the City of Olean, NY for ExxonMobil Refining & Supply Global Remediation in April 2006. AMEC concluded the following:

- North Olean has a history of industrial activities including petroleum storage and refining, leather tanneries, heavy and light manufacturing, chrome plating, fertilizer manufacturing, and railroad facilities.
- Two refineries existed in North Olean from 1876 to 1902, Acme Oil Company (Acme) and Vacuum Oil Company (Vacuum). In 1902, Acme and Vacuum merged

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under the name Vacuum Oil Company. In 1931, Vacuum merged with the Standard Oil Company of New York (Socony), creating the Socony-Vacuum Oil Company, Inc., (Socony-Vacuum) which would later become ExxonMobil Corporation.

- The Socony-Vacuum petroleum refinery was divided into three sections, #1 Works (administration, research, central power house, central shops building), #2 Works (bulk oil loading, treating, storage), and #3 Works (primary distillation/refining operations and crude oil storage).
- The oil refinery shut down in 1954. Various entities owned parcels within the former refinery footprint shut down. A portion of the #3 Works section, including the subject Site, was purchased by Blue Bird Industrial Park, Inc. (Blue Bird) in approximately 1989.

April 2015 – Piping Investigation Summary Report

Roux Associates, Inc. (Roux) completed a Work Plan in July 2013 to investigate abandoned piping extending from the adjacent Scott Rotary Seals BCP site (BCP Site No. C905036) located at 301 Franklin Street, pursuant to a letter from the New York State Department of Environmental Conservation (NYSDEC) to ExxonMobil Environmental Services Company (ExxonMobil) in April 2013. Roux submitted a report in April 2015 summarizing field activities completed at the Site and the Scott Rotary Seals BCP site pursuant to the work plan in September, October, and December 2013, and July and October 2014. Field activities consisted of:

1. Preliminary excavation activities at four locations (SRS-Area-1, SRS-Area-2, SRS-Area-3, and SRS-Area-4) to locate the abandoned refinery piping;
2. Collection of three soil samples within the on-Site areas surrounding the pipes (SRS-Area 1/6-7, SRS-Area 1A/7-8, and SRS-Area 2/4);
3. Excavation, cleaning, and removal of refinery piping from SRS-Area-1 and SRS-Area 2;
4. Abandonment of pipes located under the easternmost building;
5. Excavation of grossly contaminated material (GCM) from SRS-Area-1, including the collection of two confirmatory endpoint samples (SRS_END-1/11 and SRS_END-2/15); and,

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6. A geophysical survey to locate additional abandoned piping.

Findings of the investigation are detailed below:

- Arsenic was observed exceeding 6 NYCRR Part 375 Commercial Soil Cleanup Objective (CSCOs) of 16 mg/kg at SRS-Area 1/6-7 (25.7 mg/kg), SRS-Area 1A/7-8 (36 mg/kg), and SRS-Area 2/4 (18.1 mg/kg).
- Fingerprinting indicated Diesel and “Aged Diesel” at SRS-Area 1/6-7 and SRS-Area 1A/7-8 and Motor Oil at SRS-Area 2/4.
- 1,993 ft of abandoned piping was excavated, cleaned, and removed from the Site and the adjacent Scott Rotary Seals BCP site. Pipe cleaning sludge was disposed of as hazardous waste, oil/water was disposed of as non-hazardous waste, and the piping was disposed of as non-hazardous waste or recycled.
- The pipe located under the easternmost building was cut, filled with concrete, and abandoned in place.
- 358.98 tons of non-hazardous GCM was excavated and disposed of as non-hazardous waste. Endpoint confirmatory samples indicated volatile organic compounds (VOCs) and metals below CSCOs.
- Anomalies were detected during a geophysical survey that did not correspond with known utility locations.

Roux concluded that all known piping had been removed but piping and GCM likely remained. The geophysical survey was completed to determine the locations of future test pits planned for 2015.

October 2015 – Test Pit Investigation Summary Report

Roux completed an investigation report in October 2015 to summarize test pit activities completed at the Site in June 2015. The work was not done under a work plan, with the permission of the NYSDEC, but a formal work plan was requested after the submission of the October 2015 report. Findings directed further piping and GCM excavation.

June 2016 – Test Pit and Piping Investigation Summary Report (Revised October 2016)

Roux completed a Work Plan December 2015 to further investigate abandoned piping and GCM at the Site. Roux completed an investigation report in June 2016 to summarize

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additional activities completed at the Site in June, November, and December 2015. The investigation conducted at the Site consisted of:

1. Targeted excavations and subsequent cleaning and removal of refinery piping;
2. Abandonment of pipes located under the easternmost building and extending off-site; and,
3. Excavation of GCM, and the collection of five piping/GCM endpoint confirmatory samples (END-100 through END-104).

Findings of the investigation are detailed below:

- 1,922 ft of abandoned piping was excavated, cleaned, and removed from the Site. 10 cubic yards of concrete and 400 square feet of metal debris were also removed. Pipe cleaning sludge was disposed of as hazardous waste, oil/water was disposed of as non-hazardous waste, and the piping was recycled.
- Pipes located under the easternmost building or extending off-site were cut, filled with concrete, and abandoned in place.
- 286.81 tons of non-hazardous GCM was excavated and disposed of as non-hazardous waste. Endpoint confirmatory samples indicated VOCs and semi-volatile organic compounds (SVOCs) below CSCOs, and metals below CSCOs except arsenic at END-100, which exceeded its CSCO (16 mg/kg) with a concentration of 29.9 mg/kg.
- The maximum photoionization detector (PID) measurement was 376 ppm at END-102.

At the end of the report, Roux included a revised version of the December 2015 work plan for future pipe location investigations, pipe removal, GCM excavation, and soil sampling. Roux included a definition of GCM in the revised version as requested by the NYSDEC. Roux stated the following:

“For the purposes of this revised work plan, GCM will be defined at the Site through visual confirmation of significant NAPL [non-aqueous phase liquid] in the form of staining, sheening, and/or presence of petroleum globules.”

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November 2016 – Revised Test Pit and Piping Investigation Letter Report

Roux completed an investigation letter report in November 2016 to summarize additional activities completed at the Site in June, July, and September 2016. Investigation activities were completed according to the work plan included in the June 2016 investigation report. The investigation consisted of:

1. Five test pit excavations (TP-200 through TP-204), and subsequent cleaning and removal of located refinery piping;
2. Abandonment of pipes extending off-site or proximate to utility lines;
3. Endpoint confirmatory sampling under areas where piping was removed (END-203, SS-100, and SS-101) and beneath pipes extending off-Site (END-200 through END-202);
4. GCM excavation including the collection of eight endpoint confirmatory samples (NEEXV-ESW, NEEXV-ESW-2, NEEXV-NSW-1, NEEXV-NSW-2, NEEXV-SSW-1, NEEXV-WSW-1, NEEXV-BOT-1, AND NEEXV-BOT-2); and,
5. Advancement of four soil borings (SB-001, SB-001A, SB002, and SB-003) proximate to two underground metal structures (Structure 1 and Structure 2) observed proximate to the easternmost building.

Findings are detailed below:

- Suspected GCM was observed in two test pits from 5 to 10 fbgs (TP-200) and from 17 to 18 fbgs (TP-202).
- The maximum PID measurement was 1,636 ppm at TP-202. A PID measurement of 618 ppm was observed at TP-200.
- 1,020 ft of abandoned piping was excavated, cleaned, and removed from the Site. The piping was disposed of as non-hazardous waste or recycled. No liquid/petroleum sludge was encountered.
- Pipes extending off-site or too close to utilities were cut, filled with concrete, and abandoned in place.
- 886.65 tons of non-hazardous GCM was excavated and disposed of as non-hazardous waste.
- Test pit samples indicated no VOCs, SVOCs, or metals exceeding CSCOs.

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- Endpoint confirmatory samples under areas where piping was removed indicated Benzo(a)pyrene exceeding its CSCO (1 mg/kg) with a concentration of 1.08 mg/kg, and arsenic exceeding its CSCO (16 mg/kg) with a concentration of 20.1 mg/kg at SS-101. No other VOCs, SVOCs, or metals exceeding CSCOs were observed.
- Endpoint confirmatory samples under pipes extending off-Site indicated arsenic exceeding its CSCO (16 mg/kg) at all three samples, END-200, END-201, and END-202, with concentrations of 28.4 mg/kg, 20.7 mg/kg, and 63.3 mg/kg, respectively. No other VOCs, SVOCs, or metals exceeding CSCOs were observed.
- Endpoint confirmatory samples from the GCM excavation indicated arsenic exceeding its CSCO (16 mg/kg) at NEEXV-ESW with a concentration of 18.8 mg/kg. No other VOCs, SVOCs, or metals exceeding CSCOs were observed.
- Two underground structures were observed proximate to Building 2. Both structures were observed to have a diameter of 20 ft and extend to a depth greater than 17 fbs. Both structures had an open top and were filled with a lightweight ash-like material. Structure 1 is located 12 ft north of the easternmost building, Structure 2 is located 70 ft north of the easternmost building. Soil boring samples surrounding the structures indicated no VOCs, SVOCs, or metals exceeding CSCOs.

Roux concluded that further investigations would be completed, in accordance with the revised work plan included in the June 2016 report, to further investigate piping, GCM, and the two underground metal structures identified in this November 2016 report.

July 2017 – Test Pit and Piping Investigation Summary Report

Roux completed an investigation report in July 2017 to summarize additional activities completed at the Site in November and December 2016. Investigation activities were completed according to the revised work plan included in the June 2016 investigation report. The investigation was conducted at the Site and an adjacent site located at 350 Franklin Street. The investigation included excavation of piping and GCM at five Excavation Zones. A portion of Excavation Zone 5 was within the Site, the remaining Excavation Zones were fully located within the adjacent site. The following activities were completed at the Site:

1. Excavation of GCM from the on-Site portion of Excavation Zone 5, including nine confirmatory samples (TP-300 through TP-308);

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2. Advancement of five soil borings in the vicinity of Structure 1 (SB-100 through SB-104) and nine soil borings in the vicinity of Structure 2 (SB-105 to SB-113);
3. Advancement of three soil borings (SB-114 through SB-116) in the location of TP-202 where GCM was previously observed; and
4. Advancement of three soil borings (SB-117 through SB-119) in the location of END-100 where GCM was previously observed.

Findings are detailed below:

- No piping was removed or abandoned from the on-Site portion of Excavation Zone 5.
- 20 tons of non-hazardous GCM was excavated from the on-Site portion of Excavation Zone 5 and disposed of as non-hazardous waste.
- Endpoint confirmatory samples indicated arsenic exceeding its CSCO (16 mg/kg) at TP-302 with a concentration of 18.3 mg/kg. A PID measurement of 0.4 ppm was observed at this location.
- Structure 1 was originally planned to be left in place due to its proximity to the easternmost building, whereas Structure 2 was planned to be excavated. However, Roux observed that the diameter of Structure 2 was 30 ft (originally believed to be 20 ft) and that the structure extended to a depth of 22 fbs. Due to the diameter, depth, and proximity to Building 2, both Structure 1 and Structure 2 were left in place.
- Soil boring samples indicated no VOCs, SVOCs, or metals exceeding CSCOs.

December 2017 – Surface Soil Investigation

Between December 12 and 14, 2017 Roux collected 24 representative surface soil samples based on a 90 by 90 foot grid encompassing the exposed surface soil area across the Site. Samples were submitted for laboratory analysis of VOCs, SVOCs, metals, and PCBs. The following summarizes findings of the surface soil investigation:

- Arsenic was detected exceeding its ISCO (16 mg/kg) at five (5) sample locations across the southern portion of the Site (SS-005, SS-009 through SS-011, and SS-013).
- Benzo(a)pyrene was detected exceeding its ISCO (1.1 mg/kg) at SS-013.

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- Benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, and dibenzo(a,h)anthracene were detected exceeding their respective ISCOs and indeno(1,2,3-cd)pyrene was detected above its respective CSCO at SS-021 and SS-022 within the northern portion of the Site.

Investigation locations and findings are shown on Figure 7.

Previous investigation reports are provided electronically on the enclosed CD.

SECTION IV – PROPERTY INFORMATION

Legal Parcel Description

The 351 Franklin Street Site (Site), subject to this BCP application, is in a highly developed commercial and industrial area in the City of Olean, Cattaraugus County, New York (see Figures 1 - 3). The 6.26-acre Site consists of one tax parcel as follows:

- 351 Franklin Street: SBL No. 94.040-1-29.1

The Site is located within the Olean Northwest Quadrant Brownfield Opportunity Area (BOA, See Figure 8). This area includes former and current commercial and industrial properties in the City of Olean. The City of Olean submitted a nomination study titled “Northwest Quadrant Revitalization Plan” in October 2015 to address redevelopment goals for BOA sites and enhance economic growth and quality of life in the area.

Appendix A includes the Cattaraugus County tax parcel detail report for the Site. According to NYSDEC Environmental Zone (EN-Zone) mapping, the Site is not located within an EN-Zone.

NYSDEC Spill Record

A spill located at the Site referred to as “Offsite Scott Rotary Seal BCP Site,” was recorded on August 31, 2012. The spill record was recorded due to abandoned refinery pipes observed extending from the adjacent Scott Rotary Seals BCP site (C905036). The NYSDEC

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ordered any pipes associated with former refining operations at the Site to be located, excavated, and cleaned, and that all materials be disposed of properly. The timeline of activities conducted pursuant to NYSDEC spill response requirements is as follows:

- August 31, 2012 – Spill called in by TurnKey Environmental Restoration, LLC (TurnKey). Spill Number 1300859 recorded by the NYSDEC.
- April 25, 2013 – Final Engineering Report (FER) submitted by TurnKey to the NYSDEC for the adjacent Scott Rotary Seals BCP site. The FER noted that abandoned refinery pipes extended offsite. TurnKey located, excavated, cleaned, and properly disposed of the pipes on the adjacent BCP site, and cut and capped the pipes at the property boundary.
- April 26, 2013 – “Spiller Notification to Start Cleanup” letter issued to ExxonMobil by the NYSDEC for the Site, indicating ExxonMobil as the responsible party. An RI work plan was requested within 30 days.
- May 28, 2013 – Roux (on behalf of ExxonMobil) requested an extension to complete the RI work Plan by June 28, 2013. The extension was approved by the NYSDEC.
- July 31, 2013 – Roux submitted Abandoned Piping Investigation Work Plan to the NYSDEC. The work plan was approved August 7, 2013.
- April 14, 2015 – Roux submitted Piping Investigation Summary Report to the NYSDEC summarizing activities completed September, October, and December 2013, and July and October 2014 according to the work plan submitted July 31, 2013.
- October 23, 2015 – Roux submitted Test Pit Investigation Summary Report to the NYSDEC, summarizing activities completed in June 2015. The NYSDEC requested a formal work plan be submitted but allowed remedial activities to continue.
- December 18, 2015 – Roux submitted Work Plan for Piping Investigation & Removal and GCM Excavation to the NYSDEC.
- February 12, 2016 – NYSDEC Requested a comprehensive work plan summarizing completed activities, the extent of piping and GCM removal, and a chemical definition of GCM.
- June 14, 2016 – Roux submitted Test Pit and Piping Investigation Summary Report to the NYSDEC, summarizing activities completed in November and December 2015 according to the work plan submitted December 18, 2015. This report also included a revised version of the December 2015 work plan for future activities

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planned at the Site. Revisions were based on comments submitted by the NYSDEC on February 12, 2016.

- November 3, 2016 – Roux submitted a Revised Test Pit and Piping Investigation Letter Report to the NYSDEC, summarizing activities completed in June, July, and September 2016 according to the work plan submitted with the June 14, 2016 investigation summary report.
- March 2, 2017 – Representatives from the NYSDEC, ExxonMobil, and Roux discussed completing remediation by entering the Site into the BCP during a phone call.
- July 6, 2017 – Roux submitted Test Pit and Piping Investigation Summary Report to the NYSDEC, summarizing additional activities completed in November and December 2016 according to the work plan submitted with the June 14, 2016 investigation summary report.
- August 9, 2017 – Representatives from the NYSDEC and Roux discussed options and requirements for entering into the BCP. Roux noted that no further remedial action was planned at the time.
- December 12 to 14, 2017 – Roux completed a surface soil investigation to evaluate surface soil condition across the Site.
- November 20, 2019 – Roux submitted a Work Plan for Subsurface Investigation Activities to the NYSDEC.

There are two additional NYSDEC Spills associated with the Site. Spill Number 9201686 was recorded May 11, 1992 by the Olean Fire Department in response to a tar tank fire that occurred at Blue Bird's former property on Franklin Street. The tank was filled with waste oil/used oil. The fire was caused by human error and resulted in some injuries. The NYSDEC investigated the site and observed a light sheen on water pooled at the site, but no indication that run-off occurred or would occur. No action was taken, and the spill was closed May 11, 1992. Spill Number 0811100 was recorded January 1, 2009. The spill was reported by a citizen, who observed petroleum-contaminated soils being excavated between 351 and 211 Franklin Street and dumped off of Route 16 in Ischua, NY. The NYSDEC investigated and found that a Phase II investigation was being completed at the Scott Rotary

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Seals BCP site by Neeson-Clark Associates, Inc, and that remediation would be pursued under the BCP. The spill was closed February 16, 2010.

Adjacent/Nearby BCP Sites

The Site and surrounding area were formerly occupied by a large refinery operation, and other industrial activities. As a result of this industrial history, multiple sites surrounding the subject Site have previously been or are currently being remediated under the BCP. A summary of BCP sites surrounding 351 Franklin Street is included in the table below:

Adjacent BCP Sites		
Site Code	Site Name	Address
C905036	Scott Rotary Seals	301 Franklin Street (adjacent)
C905046	350 Franklin Street	350 Franklin Street (adjacent)
Nearby BCP Sites		
C905031	Olean Redevelopment Parcel 1	1404-1406 & 1420 Buffalo Street
C905032	Olean Redevelopment Parcel 2	1470 Buffalo Street
C905033	Olean Redevelopment Parcel 3	1404-1406R, 1420 Buffalo Street
C905037	251 Homer Street Development	251 Homer Street
C905038	211 Franklin Street	211 Franklin Street
C905042	291 Homer Street	291 Homer Street
C905043	202 Franklin Street	202 Franklin Street
C905044	229 Homer Street	229 Homer Street
C905045	Oregon Road Site	Homer Street Extension

Easements and Permits

Utilities are in the right-of-way along Franklin Street and Johnson Street. The Site has access to municipal sanitary sewer, electric, natural-gas, and public potable water. Active utility lines including water, gas, telephone, drain, electric, and sewer have been identified across the Site during previous investigations.

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The Applicants are not aware of any other formal enforcement action, civil judicial, or administrative enforcement cases in connection with the Site. In addition, based on information gathered to date, there are no institutional controls recorded for the Site.

Location

The Site is located on Franklin Street at the corner of Franklin Street and Johnson Street in a highly developed commercial, and industrial area in the City of Olean, Cattaraugus County, New York. The Site is bordered by Franklin Street to the northwest, industrial properties to the north/northeast, railroad to the south/east, and industrial properties to the west/southwest. Figure 9 identifies adjacent property owners and uses.

Site Features

The Site is developed with two structures. The westernmost structure is occupied by First Transit, Inc., and the easternmost structure has been vacant since January 2019 (previously occupied by Southern Tier Moving & Storage, LLC). The structures are surrounded and separated by paved or gravel parking areas and access roads. The remaining area is covered with vegetation.

Zoning and Land Use

The current use of the Site is commercial land. According to the City of Olean Zoning Map, the project area is classified as I - Industrial, which allows for commercial and industrial use (see Figure 10). The surrounding parcel land uses are as follows:

- North – vacant industrial, commercial, industrial
- South – railroad, industrial
- East – industrial, railroad
- West – industrial, vacant industrial

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Past Use of Site

The Site was included in a larger petroleum refining facility from 1876-1954. From 1876 to 1902, two separate oil refineries operated at and around the Site, Vacuum Oil Company (Vacuum) and Acme Oil Company (Acme). Vacuum and Acme merged in 1902 under the name Vacuum Oil Company. Vacuum and Standard Oil Company of New York (Socony) merged in 1931 and became Socony-Vacuum Oil Company, Inc. (Socony-Vacuum). Through a series of subsequent mergers, Socony-Vacuum eventually became ExxonMobil Corporation. The Socony-Vacuum refinery consisted of three sections: #1 Works (administration, research, central powerhouse, central shops building), #2 Works (bulk oil loading, treating, storage), and #3 Works (primary distillation/refining operations and crude oil storage). The Site is located in the area of the former #3 Works area of the Socony-Vacuum petroleum refining facility. In 1954 the oil refinery shut down and Swan Finch Oil Company Olean Industries, Inc. (Swan Finch) purchased the refinery property to store corn and wheat in the existing refinery tanks and buildings. Swan Finch sold the property to the Felmont Oil Corporation (Felmont) and Agway, Inc. (Agway) in 1964, and the tanks and buildings associated with the former petroleum refinery were removed and replaced with an anhydrous ammonia operation run by Felmont and an associated fertilizer plant run by Agway in the former #1 and #2 Works areas. The #3 Works area remained vacant during this time. The plants were dismantled in 1984 and the land was split into several individual parcels. Blue Bird purchased the Site in 1989 for commercial/industrial use.

Attributable to the former presence of a petroleum refining facility at and surrounding the Site, previous investigations have observed SVOCs and metals in the soil at concentrations exceeding CSCOs as well as GCM. Interim remedial activities have been completed to remove some of the refinery piping and GCM, but piping, GCM, and contaminated soil above CSCOs remain at the Site.

Site Geology and Hydrogeology

The Site is located within the glaciated Allegheny Plateau. The Allegheny Plateau is an eroded plateau typified by sharp relief with highly varied elevations ranging from 4,000 feet

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in the unglaciated Allegheny Plateau, to less than 100 feet in the glaciated Allegheny Plateau. The surficial geology of the glaciated Allegheny Plateau has developed from glacial till. The overburden geology is generally described as brown to orange fine to coarse sand with fill (brick and metal) from 0 to 10 fbgs, underlain by native gray to brown sand and silt with clay, gravel, cobbles, and iron staining to approximately 22 fbgs. A layer of clay was observed from 22 to 25 fbgs. GCM was identified ranging from 4 to 25 fbgs at excavations, test pits, and soil borings located throughout the Site. The Site overlies the Conneaut group, which is identified as Upper Devonian-aged shale, sandstone, and siltstone with a thickness of 250-600 feet. Bedrock was not encountered during previous investigations at the Site. According to the Comprehensive Remedial Investigation/Alternatives Analysis (RI/AA) Report prepared for the proximate Olean Redevelopment Parcels 1, 2, and 3, depth to bedrock is estimated at 220 to 260 fbgs in the area.

According to the United States Department of Agriculture (USDA) Web soil survey, Site soils are characterized primarily as Chenango gravelly silt loam (25A) with a small portion of the Site soils characterized as Olean silt loam (19A). Chenango silt loam is characterized as a well-drained soil with 0 to 3 percent slopes. The Olean silt loam is characterized as a moderately well drained soil with 0 to 3 percent slopes (see Figure 11).

Groundwater was encountered at the Site in the unconfined sand layer from 20 to 22 fbgs, above the clay confining layer observed from 22 to 25 fbgs. Regional groundwater likely flows southwest toward the Allegheny River. Local groundwater at the Scott Rotary Seals BCP site was observed flowing south/southeast toward the Olean Creek and the Allegheny River. Additional work is required to investigate groundwater flow direction and quality at the Site. Installation of monitoring wells to assess and characterize overburden and deep groundwater flow patterns and quality are planned for the RI.

The Site is located within 0.1 miles of the 100-year floodplain of the Two Mile Creek, a tributary to the Allegheny River. The Site is also within 0.5 miles of national regulated

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wetlands (freshwater forested/shrub wetland and freshwater emergent wetland) and within one mile of a NYSDEC regulated wetland. See Figure 12 for wetlands and floodplains proximate to the Site.

Environmental Assessment Narrative

Metals, polycyclic aromatic hydrocarbons (PAHs) and GCM were identified as the primary contaminants of concern due to impacts in on-site soil, reasonably attributable to historical petroleum refining operations. Additionally, abandoned subsurface piping is present on-Site. Figure 7 summarizes the environmental impacts identified in the previous investigations.

Soil – High PID readings were observed across the Site including 1,636 ppm at TP-202 and 618 ppm at TP-200. GCM was observed throughout the Site and remains on Site after IRM GCM excavations. Laboratory analytical results indicate elevated metals and PAHs in the soil at the Site. Arsenic was detected exceeding its CSCO of 16 mg/kg at seven existing on-site locations (END-100, SS-101, END-200, END-201, END-202, NEEXV-ESW, and TP-302). END-100, END-200, END-201, and END-202 are all located along the southeast border, SS-101 is located toward the center of the Site, NEEXV-ESW is located in the northern corner, and TP-302 is located at the southwest border. The highest concentration of arsenic was observed at END-202, with a concentration of 63.3 mg/kg. Benzo(a)pyrene was also detected at SS-101 exceeding its CSCO (1 mg/kg) with a concentration of 1.08 mg/kg.

Historic documents and previous investigation reports are provided electronically on the enclosed CD.

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through October 25, 2019.

Selected Entity Name: 351 FRANKLIN STREET LLC

Selected Entity Status Information

Current Entity Name: 351 FRANKLIN STREET LLC

DOS ID #: 5586952

Initial DOS Filing Date: JULY 15, 2019

County: CATTARAUGUS

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

R. DONALD BENSON
423 W RIVERSIDE DRIVE
OLEAN, NEW YORK, 14760

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
-------------	---------------	--------------------

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JUL 15, 2019	Actual	351 FRANKLIN STREET LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through December 20, 2019.

Selected Entity Name: PSF OF WNY, LLC

Selected Entity Status Information

Current Entity Name: PSF OF WNY, LLC

DOS ID #: 5670144

Initial DOS Filing Date: DECEMBER 11, 2019

County: CATTARAUGUS

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

PSF OF WNY, LLC

P.O. BOX 504

430 NORTH 7TH STREET

OLEAN, NEW YORK, 14760

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
DEC 11, 2019	Actual	PSF OF WNY, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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351 FRANKLIN STREET, LLC

Volunteer Applicant - Property Owner

351 Franklin Street LLC

423 W RIVERSIDE DRIVE
OLEAN, NEW YORK, 14760

50% North Olean Commercial, LLC

(Managing Member- R. Don Benson)

50% 351 Franklin Street TK LLC

(Managing Member- Paul Werthman)

351 FRANKLIN STREET LLC

**JOINT UNANIMOUS WRITTEN CONSENT
OF THE SHAREHOLDERS AND OFFICERS**

May 1, 2020

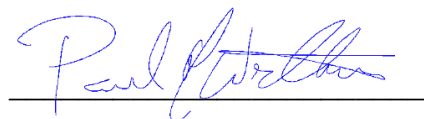
The undersigned and Managing Members of **351 Franklin Street LLC**, a New York limited corporation (the “Company”), hereby jointly consent to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company.

RESOLVED, that R. DONALD BENSON (an “Authorized Person”) be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Corporation, to execute the Brownfield Cleanup Program (BCP) Application, the Brownfield Cleanup Agreement (BCA), or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation’s Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property owned by the Company located at 351 Franklin Street, Olean, New York; and be it further

RESOLVED, that the Authorized Person is hereby authorized, empowered and directed to take all such action on behalf of the Corporation as they may deem necessary, appropriate or advisable to carry out the intent and purposes of the foregoing resolution; and be it further

RESOLVED, that any acts of any officer of the Corporation and of any persons designated and authorized to act by any such officer of the Corporation, which acts would have been authorized by the foregoing resolutions except that such acts were taken prior to the adoption of such resolutions, are hereby severally ratified, confirmed, approved and adopted as acts of the Corporation.

IN WITNESS WHEREOF, the undersigned have executed this Joint Unanimous Written Consent as of the date set forth above.



Name: Paul H. Werthman

Managing Member



Name: R. Donald Benson

Managing Member

PSF of WNY, LLC

**JOINT UNANIMOUS WRITTEN CONSENT
OF THE SHAREHOLDERS AND OFFICERS**

May 1, 2020

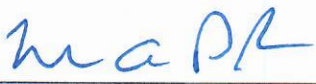
The undersigned and Sole Member of **PSF of WNY, LLC**, a New York limited corporation (the "Company"), herby jointly consent to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company.

RESOLVED, that **Michael DeRose** (an "Authorized Person") be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Corporation, to execute the Brownfield Cleanup Program (BCP) Application, the Brownfield Cleanup Agreement (BCA), or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation's Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property located at 351 Franklin Street, Olean, New York; and be it further

RESOLVED, that the Authorized Person is hereby authorized, empowered and directed to take all such action on behalf of the Corporation as they may deem necessary, appropriate or advisable to carry out the intent and purposes of the foregoing resolution; and be it further

RESOLVED, that any acts of any officer of the Corporation and of any persons designated and authorized to act by any such officer of the Corporation, which acts would have been authorized by the forgoing resolutions except that such acts were taken prior to the adoption of such resolutions, are hereby severally ratified, confirmed, approved and adopted as acts of the Corporation.

IN WITNESS WHEREOF, the undersigned have executed this Joint Unanimous Written Consent as of the date set forth above.



Name: Michael DeRose

Sole Member



Property Description Report For: 351 Franklin St, Municipality of City of Olean



Total Acreage/Size: 6.26
Land Assessment: 2019 - \$102,600
Full Market Value: 2019 - \$202,128
Equalization Rate: ----
Deed Book: 11738
Grid East: 1186215

Status: Active
Roll Section: Taxable
Swis: 041200
Tax Map ID #: 94.040-1-29.1
Property Class: 449 - Other Storage
Site: COM 1
In Ag. District: No
Site Property Class: 449 - Other Storage
Zoning Code: -
Neighborhood Code: 12402
School District: Olean
Total Assessment: 2019 - \$190,000
Property Desc:
Deed Page: 5001
Grid North: 762702

Owners

Blue Bird Industrial Park
 One Blue Bird Sq
 Olean NY 14760

Sales

No Sales Information Available

Utilities

Sewer Type:	Comm/public	Water Supply:	Comm/public
Utilities:	Gas & elec		

Inventory

Overall Eff Year Built:	1971	Overall Condition:	Normal
Overall Grade:	Average	Overall Desirability:	3

Buildings

AC%	Sprinkler%	Alarm%	Elevators	Basement Type	Year Built	Condition	Quality	Gross Floor Area (sqft)	Stories
0	0	0	0		1971	Normal	Average	10835	1
0	0	0	0		1971	Normal	Average	6200	1

Site Uses

Use	Rentable Area (sqft)	Total Units
Dstr wrhouse	17,035	0

Improvements

Structure	Size	Grade	Condition	Year
-----------	------	-------	-----------	------

Land Types

Type	Size
Primary	1.00 acres
Residual	5.26 acres

Special Districts for 2019

No information available for the 2019 roll year.

Taxes

Year	Description	Amount
2019	County	\$2,516.52
2018	City	\$2,871.20
2018	County	\$2,702.33
2018	School	\$4,908.79

*** Taxes reflect exemptions, but may not include recent changes in assessment.**

Detailed Facility Report

Facility Summary

FIRST TRANSIT INC

351 FRANKLIN ST, OLEAN, NY 14760

FRS (Facility Registry Service) ID: 110040093190

EPA Region: 02

Latitude: 42.093

Longitude: -78.443

Locational Data Source: NPDES

Industry: Local And Suburban Transit

Indian Country: N

Enforcement and Compliance Summary

Statute	CWA
Insp (5 Years)	--
Date of Last Inspection	--
Current Compliance Status	No Violation Identified
Qtrs with NC (of 12)	0
Qtrs with Significant Violation	0
Informal Enforcement Actions (5 years)	--
Formal Enforcement Actions (5 years)	--
Penalties from Formal Enforcement Actions (5 years)	--
EPA Cases (5 years)	--
Penalties from EPA Cases (5 years)	--

Regulatory Information

Clean Air Act (CAA): No Information

Clean Water Act (CWA): Minor, Permit Expired (NYR00E541)

Resource Conservation and Recovery Act (RCRA): No Information

Safe Drinking Water Act (SDWA): No Information

Other Regulatory Reports

Air Emissions Inventory (EIS): No Information
Greenhouse Gas Emissions (eGGRT): No Information
Toxic Releases (TRI): No Information
Compliance and Emissions Data Reporting Interface (CEDRI): No Information

Known Data Problems

Facility/System Characteristics

Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110040093190					N	42.093	-78.443
ICIS-NPDES	CWA	NYR00E541	Minor: General Permit Covered Facility	Expired	Storm Water Industrial	09/30/2017	N	42.093	-78.443

Facility Address

System	Statute	Identifier	Facility Name	Facility Address
FRS		110040093190	FIRST TRANSIT INC	351 FRANKLIN ST, OLEAN, NY 14760
ICIS-NPDES	CWA	NYR00E541	FIRST TRANSIT INC #57222	351 FRANKLIN ST, OLEAN, NY 14760

Facility SIC (Standard Industrial Classification) Codes

System	Identifier	SIC Code	SIC Description
ICIS-NPDES	NYR00E541	4111	Local And Suburban Transit
NPDES	NYR00E541	4111	Local And Suburban Transit

Facility NAICS (North American Industry Classification System) Codes

System	Identifier	NAICS Code	NAICS Description
No data records returned			

Facility Industrial Effluent Guidelines

Identifier	Effluent Guideline (40 CFR Part)	Effluent Guideline Description
No data records returned		

Facility Tribe Information

Reservation Name	Tribe Name	EPA Tribal ID	Distance to Tribe (miles)
Oil Springs Reservation	Seneca Nation of Indians	100000267	11.16
Allegany Reservation	Seneca Nation of Indians	100000267	6.35

Enforcement and Compliance

Compliance Monitoring History (5 years)

Statute	Source ID	System	Activity Type	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
No data records returned							

Entries in italics are not counted in EPA compliance monitoring strategies or annual results.

Compliance Summary Data

Statute	Source ID	Current SNC (Significant Noncompliance)/HPV (High Priority Violation)	Current As Of	Qtrs with NC (Noncompliance) (of 12)	Data Last Refreshed
CWA	NYR00E541	No	12/31/2019	0	04/17/2020

Three-Year Compliance History by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12	QTR 13+
CWA (Source ID: NYR00E541)		01/01-03/31/17	04/01-06/30/17	07/01-09/30/17	10/01-12/31/17	01/01-03/31/18	04/01-06/30/18	07/01-09/30/18	10/01-12/31/18	01/01-03/31/19	04/01-06/30/19	07/01-09/30/19	10/01-12/31/19	01/01-04/17/20
	Facility-Level Status	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	Undetermined
	Quarterly Noncompliance Report History	Resolved	Resolved	Resolved	Resolved	Resolved	Resolved	Resolved	Resolved					

Informal Enforcement Actions (5 Years)

Statute	System	Source ID	Type of Action	Lead Agency	Date
No data records returned					

Entries in italics are not counted as "informal enforcement actions" in EPA policies pertaining to enforcement response tools.

Formal Enforcement Actions (5 Years)

Statute	System	Law/Section	Source ID	Action Type	Case No.	Lead Agency	Case Name	Issued/Filed Date	Settlements/Actions	Settlement/Action Date	Federal Penalty	State/Local Penalty	SEP Cost	Comp Action Cost
No data records returned														

Environmental Conditions

Water Quality

Permit ID	Combined Sewer System?	Number of CSO (Combined Sewer Overflow) Outfalls	12-Digit WBD (Watershed Boundary Dataset) HUC (RAD (Reach Address Database))	WBD (Watershed Boundary Dataset) Subwatershed Name (RAD (Reach Address Database))	State Water Body Name (ICIS (Integrated Compliance Information System))	Impaired Waters	Impaired Class	Causes of Impairment(s) by Group(s)	Watershed with ESA (Endangered Species Act)-listed Aquatic Species?
NYR00E541			050100010504	Fourmile Creek-Upper Allegheny River		No			Yes

Water Body Designated Uses

Reach Code	Water Body Name	Exceptional Use	Recreational Use	Aquatic Life Use	Shellfish Use	Beach Closure Within Last Year	Beach Closure Within Last Two Years
05010001000554	Twomile Creek	No	No	No	No	No	No

Air Quality

Nonattainment Area?	Pollutant(s)	Applicable Nonattainment Standard(s)
No	Ozone	
No	Lead	
No	Particulate Matter	
No	Carbon Monoxide	
No	Nitrogen Dioxide	
No	Sulfur Dioxide	

Pollutants

Toxics Release Inventory History of Reported Chemicals Released in Pounds per Year at Site

TRI Facility ID	Year	Total Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs (Publicly Owned Treatment Works)	Underground Injections	Releases to Land	Total On-site Releases	Total Off-site Transfers
No data records returned								

Toxics Release Inventory Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name
No data records returned

Demographic Profile

EJSCREEN EJ Indexes

Eleven primary environmental justice (EJ) indexes of EJSCREEN, EPA's screening tool for EJ concerns. EPA uses these indexes to identify geographic areas that may warrant further consideration or analysis for potential EJ concerns. The index values below are for the Census block group in which the facility is located. Note that use of these indexes does not designate an area as an "EJ community" or "EJ facility." EJSCREEN provides screening level indicators, not a determination of the existence or absence of EJ concerns. For more information, see the [EJSCREEN home page](#).

Census Block Group EJ Indexes (percentile)	
Particulate Matter (PM 2.5)	41.7
Ozone NATA Diesel PM	38.6
NATA Air Toxics Cancer Risk	45.9
NATA Respiratory Hazard Index (HI)	47
Traffic Proximity	15.4
Lead Paint Indicator	5.6
Superfund Proximity	11.1
Risk Management Plan (RMP) Proximity	1.1
Hazardous Waste Proximity	17
Wastewater Discharge Proximity	19.6

Number of EJ Indexes Above 80th Percentile
0

[View EJSCREEN Report](#)

Demographic Profile of Surrounding Area (3 Miles)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 U.S. Census and 2006-2010 American Community Survey 5-Year Summary and are accurate to the extent that the facility latitude and longitude listed below are correct. EPA’s spatial processing methodology considers the overlap between the selected radii and the census blocks (for U.S. Census demographics) and census block groups (for ACS demographics) in determining the demographics surrounding the facility. For more detail about this methodology, see the [DFR Data Dictionary](#).

General Statistics	
Total Persons	20,561
Population Density	749/sq.mi.
Percent Minority	10%
Households in Area	8,397
Housing Units in Area	9,243
Households on Public Assistance	282
Persons Below Poverty Level	6,958
Geography	
Radius of Selected Area	3 mi.
Center Latitude	42.093
Center Longitude	-78.443
Land Area	98%
Water Area	2%
Income Breakdown - Households (%)	
Less than \$15,000	1,689 (19.63%)
\$15,000 - \$25,000	1,207 (14.03%)
\$25,000 - \$50,000	2,310 (26.84%)

Age Breakdown - Persons (%)	
Children 5 years and younger	1,181 (6%)
Minors 17 years and younger	4,197 (20%)
Adults 18 years and older	16,365 (80%)
Seniors 65 years and older	3,171 (15%)
Race Breakdown - Persons (%)	
White	18,788 (91%)
African-American	672 (3%)
Hispanic-Origin	465 (2%)
Asian/Pacific Islander	332 (2%)
American Indian	122 (1%)
Other/Multiracial	648 (3%)
Education Level (Persons 25 & older) - Persons (%)	
Less than 9th Grade	404 (3.07%)
9th through 12th Grade	832 (6.32%)
High School Diploma	4,639 (35.22%)
Some College/2-year	3,910 (29.68%)
B.S./B.A. (Bachelor of Science/Bachelor of Arts) or More	3,387 (25.71%)

Income Breakdown - Households (%)	
\$50,000 - \$75,000	1,528 (17.76%)
Greater than \$75,000	1,871 (21.74%)

APPENDIX B

BCP APPLICATION PART B – SECTION V - XI

SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

SECTION VII – REQUESTOR ELIGIBILITY

SECTION IX – CONTACT LIST

SECTION X – LAND USE FACTORS

RIGHT OF ACCESS LETTER

DOCUMENT REPOSITORY CONFIRMATION

APPENDIX B
BCP Application – Part B
Section V – Section X
351 Franklin Street Site

SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Reasonable attempts were made to attain complete information regarding current and previous site owners and operators. Information for the previous and current owners/operators is provided in the table below, as available.

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
351 Franklin Street¹			
Current Owner			
351 Franklin Street LLC 423 West Riverside Drive Olean, New York 14760	Commercial	June 2020 to Present	Owner Co-Applicant
Current Operator			
First Transit Inc. 600 Vine Street Cincinnati, OH 45202	Commercial	After 2013 to Present	Operator No Relationship
Previous Owners/Operators			
Southern Tier Moving and Storage, LLC 351 Franklin Street Olean, NY 14760	Commercial	After 2013 to January 2019	Operator No Relationship
Valley Tire Company 226 North Union Street Olean, NY 14760	Commercial	Prior to 2013 to After 2017	Operator No Relationship
Blue Bird Industrial Park, Inc. One Blue Bird Square Olean, NY 14760	Commercial	1989 to May 2020	Owner No Relationship
Charter Enterprise Associates, Inc. Three Tobey Brook Pittsford, NY 14534	Industrial/ Commercial	1986 to 1989	Owner No Relationship
Olean Development Corporation V 201 North Union Street Olean, NY 14760	Industrial/ Commercial	1971 to 1986	Owner No Relationship

¹ Note that until 2009, 351 Franklin Street and 301 Franklin Street (Scott Rotary Seals BCP site) were combined into one parcel. In 2009, the parcels split; 301 Franklin Street was sold to DST Properties NY, LLC and 351 Franklin Street was kept under the ownership of Blue Bird Industrial Park, Inc.

APPENDIX B
BCP Application – Part B
Section V – Section X
351 Franklin Street Site

Felmont Oil Corporation 6 East 43 rd Street New York, New York	Vacant Industrial	1964 to 1971	Owner No Relationship
C.J. Simpson Grain Company, Inc./ Swan Finch Oil Company Olean Industries Inc. 1446 Buffalo Street Olean, NY 14760	Commercial	1954-1964	Owner No Relationship
Socony-Vacuum Oil Company ²	Industrial	1931-1954	Owner No Relationship
Vacuum Oil Company ²	Industrial	1902-1931	Owner No Relationship
Acme Oil Company ²	Industrial	1876-1902	Owner No Relationship
Unknown Owner	Unknown Use	Prior to 1876	Owner No Relationship

SECTION VII – REQUESTOR ELIGIBILITY INFORMATION

The Applicants, 351 Franklin Street, LLC (351 Franklin) and PSF of WNY, LLC (PSF), qualify as “Volunteers” in accordance with NY ECL 27-1405(1)(b) and 6NYCRR 375-3.2(b)(2) based on the following:

- 351 Franklin recently purchased the property (June 2020) and is unrelated to previous owners;
- PSF is a prospective purchaser and unrelated to previous owners;
- the metals, SVOCs, the grossly contaminated material (GCM) in the soil/fill is reasonably attributable to the historic oil refinery operations at the Site from 1876-1954; and,
- the Applicants became involved with the property after the disposal or discharge of contaminants.

² Predecessors to the existing ExxonMobil Corporation.

APPENDIX B
BCP Application – Part B
Section V – Section X
351 Franklin Street Site

PSF has approval from the current owner and co-applicant, 351 Franklin, to access the Site in order to complete the Site investigation and remediation under the BCP. A Right of Access letter signed by the authorized member of 351 Franklin allowing PSF access to 351 Franklin Street to complete investigation and remediation activities under the BCP is attached to this Appendix B.

Based on the information herein, 351 Franklin and PSF are entitled to Volunteer status under NY ECL27-1405(1)(b).

SECTION IX – CONTACT LIST INFORMATION

Site Contact List

The following is the contact list for the subject property. Each contact will be sent fact sheets throughout the project's duration.

Cattaraugus County Contacts:

Mr. John R. Searles
Cattaraugus County Administrator
1 Leo Moss Drive, Suite 0123
Olean, NY 14760

Cattaraugus County Legislator Hon. Frank Higgins
District 8
303 Court Street
Little Valley, NY 14755

Director Crystal J. Abers
Cattaraugus County Economic
Development, Planning & Tourism
303 Court Street, 2nd Floor
Little Valley, NY 14755

Mr. Richard Helmich Jr., Chair
Cattaraugus County Legislative Committee
of Strategic Planning
303 Court Street
Little Valley, NY 14755

Mr. John R. Searles
Cattaraugus County Legislature Clerk
303 Court Street
Little Valley, NY 14755

Mr. Charles W. Couture, Chairman
Cattaraugus County Planning Board
303 Court Street
Little Valley, NY 14755

APPENDIX B
BCP Application – Part B
Section V – Section X
351 Franklin Street Site

Director Kevin D. Watkins, MD, MPH
Cattaraugus County Health Department
1 Leo Moss Drive, Suite 4010
Olean, NY 14760

Mr. Chris Baker
Director and County Fire Coordinator
Cattaraugus County Emergency Services
303 Court Street
Little Valley, NY 14755

City of Olean Contacts:

Mr. William J. Aiello, Mayor
City of Olean
101 East State Street
Olean, NY 14760

Councilman Brian George
Olean Common Council, Ward 7
101 East State Street
Olean, NY 14760

Councilman Paul Gonzalez, Chair
Committee of Strategic Planning
101 East State Street
Olean, NY 14760

Supplier of Potable Water:

City of Olean Water Division
Department of Public Works
101 East State Street
Olean, NY 14760

Local News Media:

Buffalo News
ATTN: Mr. Aaron Besecker
1 News Plaza
Buffalo, NY 14240

Olean Times Herald
ATTN: Mr. Jim Eckstrom
639 Norton Drive
Olean, NY 14760

APPENDIX B
BCP Application – Part B
Section V – Section X
351 Franklin Street Site

WGRZ TV - Ch. 2
ATTN: Ms. Maria Sisti
259 Delaware Avenue
Buffalo, NY 14202

WKBW News Channel 7
ATTN: Ms. Melanie Pritchard
7 Broadcast Plaza
Buffalo, NY 14202

WNLO - Ch. 4
ATTN: Ms. Lisa Fullone
2077 Elmwood Avenue
Buffalo, NY 14207

Spectrum News
ATTN: Buffalo Newsroom
355 Chicago Street
Buffalo, NY 14204

WBEN News Radio 930
Entercom Radio of Buffalo
500 Corporate Pkwy, Suite 200
Buffalo, NY 14226

WNED, Environmental News Desk
ATTN: Mr. Michael Desmond
P.O. Box 1263, Horizons Plaza
Buffalo, NY 14240

Business First
ATTN: Anne Marie Franczyk
465 Main Street
Buffalo, NY 14203-1793

Nearby Schools:

Mr. Dwight Coords, Headmaster
New Life Christian School
102 West Forest Avenue
Olean, NY 14760

Ms. Lauren Stuff, Principal
Washington West Elementary School
1626 Washington Street
Olean, NY 14760

Mr. Jeffrey L. Andreano, Principal
Olean High School
410 West Sullivan Street
Olean, NY 14760

Mr. Joel Whitcher, Principal Grades 4-5
Mr. Gerald Trietley, Principal Grades 6-7
Olean Intermediate Middle School
410 West Sullivan Street
Olean, NY 14760

APPENDIX B
BCP Application – Part B
Section V – Section X
351 Franklin Street Site

Other Interested Parties:

WNY Director
Citizens Environmental Coalition
543 Franklin Street
Buffalo, NY 14202-1109

First Transit Inc.
Tenant/Operator
600 Vine Street
Cincinnati, OH 45202

Document Repository:

Kim Mahar
Olean Public Library
134 N. 2nd Street
Olean, NY 14760

APPENDIX B
BCP Application – Part B
Section V – Section X
351 Franklin Street Site

Adjacent Property Owners

Information for the residents, owners, and occupants of the properties adjacent to the Site is provided in the table below (see Figure 9).

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
301	Franklin Street	Light Industrial Manufacturing and Processing	DST Properties NY, LLC 13829 Jay Street NW Andover, MN 55304
302	Franklin Street	Commercial: Other Storage, Warehouse and Distribution Facilities	All Weather Self-Storage, Inc. P.O. Box 125 Olean, NY 14760
310	Franklin Street	Vacant Industrial	All Weather Self-Storage, Inc. P.O. Box 125 Olean, NY 14760
350	Franklin Street	Vacant Industrial	MJ Painting Contractor Corporation 291 Homer Street Olean, NY 14760
--	Railroad	Public Services: Nonceiling Railroad	Southern Tier Rail Authority 4039 Route 219 Ste 200 Salamanca, NY 14779
1601	Johnson Street	Industrial Manufacturing and Processing	Nipperland Properties, LLC 3835 West Branch Road Allegany, NY 14706

Document Repository

The Olean Public Library of the Chautauqua-Cattaraugus Library System has agreed to act as the document repository for the proposed BCP Site. A letter of acknowledgement from the repository is included in this Appendix B.

APPENDIX B
BCP Application – Part B
Section V – Section X
351 Franklin Street Site

SECTION X – LAND USE FACTORS

1 – Current Zoning

The current zoning for the Site is I – Industrial consistent with the City of Olean Zoning Map (see Figure 10), which allows for commercial and industrial use. The planned redevelopment is consistent with current and future zoning.

2 – Current Use

The current use of the Site is commercial. The Site is developed with two structures. The westernmost structure is occupied by First Transit, Inc., and the easternmost structure has been vacant since January 2019 (previously occupied by Southern Tier Moving & Storage, LLC).

The Site was included in a larger petroleum refining facility from 1876-1954. From 1876 to 1902, two separate oil refineries operated at and around the Site, Vacuum Oil Company (Vacuum) and Acme Oil Company (Acme). Vacuum and Acme merged in 1902 under the name Vacuum Oil Company. Vacuum and Standard Oil Company of New York (Socony) merged in 1931 and became Socony-Vacuum Oil Company, Inc. (Socony-Vacuum). Through a series of subsequent mergers, Socony-Vacuum eventually became ExxonMobil Corporation. The Socony-Vacuum refinery consisted of three sections: #1 Works (administration, research, central powerhouse, central shops building), #2 Works (bulk oil loading, treating, storage), and #3 Works (primary distillation/refining operations and crude oil storage). The Site is located in the area of the former #3 Works area of the Socony-Vacuum petroleum refining facility. In 1954 the oil refinery shut down and Swan Finch Oil Company Olean Industries, Inc. (Swan Finch) purchased the refinery property to store corn and wheat in the existing refinery tanks and buildings. Swan Finch sold the property to the Felmont Oil Corporation (Felmont) and Agway, Inc. (Agway) in 1964, and the tanks and buildings associated with the former petroleum refinery were removed and replaced with an anhydrous ammonia operation run by Felmont and an associated fertilizer plant run by Agway in the former #1 and #2 Works areas. The #3 Works area remained vacant during

APPENDIX B
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this time. The plants were dismantled in 1984 and the land was split into several individual parcels. Blue Bird Industrial Park, Inc. purchased the Site in 1989 for commercial/industrial use.

Attributable to the former presence of a petroleum refining facility at and surrounding the Site, previous investigations have observed SVOCs and metals in the soil at concentrations exceeding CSCOs as well as GCM. Remedial activities have been completed to remove abandoned refinery piping and GCM, but piping, GCM, and contaminated soil above CSCOs remain at the Site.

3, 4, 5 and 6 – Planned Future Use

The Volunteer plans to redevelop the Site for commercial/industrial use. The Site will be developed into a metal fabricator facility. The easternmost building will be deconstructed down to the steel frame, and a new building will be constructed/re-constructed in its place. The westernmost building will remain as is. See Figure 6 for the preliminary project rendering.

The Site is included in the Olean Northwest Quadrant Brownfield Opportunity Area (BOA, See Figure 8). A Northwest Quadrant Revitalization Plan was published by the City of Olean outlining the results of a draft nomination study completed for the BOA. The goal of the study was to determine how to develop sites in the BOA to improve the local economy and quality of life. The planned development for the Site is consistent with the key findings of this study. The planned development is also consistent with the current and future zoning as presented in the City of Olean Zoning Map.

351 Franklin Street LLC

July 20, 2020

Ms. Lexy Servis
Environmental Program Specialist 1, Site Control
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway, 11th Floor, Albany, NY 12233-7020

**RE: Right of Access for PSF of WNY, LLC
351 Franklin Street
Olean, New York**

Dear Ms. Servis:

Please be advised that the property located at 351 Franklin Street, Olean, New York (Site) is currently owned by 351 Franklin Street, LLC, an entity that is also a co-applicant to a New York Brownfield Cleanup Program (BCP) application for the Site. 351 Franklin Street, LLC is granting right of access to the property to co-applicant PSF of WNY, LLC and its agents to complete activities related to obtaining a Certificate of Completion for the Site under the BCP, including placing an easement on the Site, should one be necessary.

If you have any questions whatsoever, please do not hesitate to contact me at (716) 244-0999.

Regards,



R. Donald Benson
Managing Member
351 Franklin Street, LLC

December 19, 2019

Kim Mahar
Olean Public Library
134 N. 2nd Street
Olean, New York 14760

Re: Document Repository for Brownfield Cleanup Program
351 Franklin Street Site
Olean, New York

Dear Ms. Mahar:

On behalf of our client, Benchmark Environmental Engineering & Science, PLLC in association with TurnKey Environmental Restoration, LLC (Benchmark-TurnKey) would like to request the Chautauqua-Cattaraugus Library System – Olean Public Library to act as the document repository for the above-referenced Site. In the future, we will be sending various documents relating to the Site that should be made available for public review upon request.

Please contact me if you have questions or require additional information.

Sincerely,
Benchmark Environmental Engineering & Science, PLLC
TurnKey Environmental Restoration, LLC



Chelsea Kanaley
Geologist

File: B0510-019-001

Strong Advocates, Effective Solutions, Integrated Implementation

www.benchmarkturnkey.com

2558 Hamburg Turnpike, Suite 300 | Buffalo, NY 14218
phone: (716) 856-0599 | fax: (716) 856-0583

From: [Kim Mahar](#)
To: [Chelsea N. Kanaley](#)
Subject: Re: 351 Franklin Street Site Document Repository Request
Date: Thursday, December 19, 2019 4:37:39 PM

The Olean Public Library will act as a repository for the Brownfield Cleanup Program.

Kim Mahar
Assistant Director
Olean Public Library
134 N. 2nd St.
Olean, NY 14760
716-372-0200

From: Chelsea N. Kanaley <ckanaley@bm-tk.com>
Sent: Thursday, December 19, 2019 4:19 PM
To: Kim Mahar <kmahar@oleanlibrary.org>
Subject: 351 Franklin Street Site Document Repository Request

Dear Ms. Mahar,

Please see the attached document repository request for the Brownfield Cleanup Program.

Thank you,
Chelsea Kanaley

Chelsea N. Kanaley
Geologist
ckanaley@bm-tk.com

TurnKey Environmental Restoration, LLC
www.benchmarkturnkey.com
2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218
Phone: (716) 856-0635, Mobile: (716) 220-1093, Facsimile: (716) 856-0583

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