



**CONESTOGA-ROVERS
& ASSOCIATES**

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May 11, 2015

Reference No. 631146

Mr. David Szymanski
New York State Department of Environmental Conservation
Region 9
270 Michigan Avenue
Buffalo, New York 14203-2999

Dear Mr. Szymanski:

Re: Periodic Review Report
Buffalo Lakeside Commerce Park (CertainTeed Site)
Brownfield Cleanup Program Site #C915185
Buffalo, New York

Conestoga-Rovers & Associates (CRA) is submitting this Periodic Review Report (PRR) on behalf of Ship Certain, L.L.C. (Ship Certain) at the CertainTeed Buffalo Lakeside Commerce Park site (Site) for the reporting period 11/4/11 through 11/4/14. The previous PRR, submitted by ARCADIS, requested a modification of the submittal frequency from annual to triennial. The request was approved by the New York State Department of Environmental Conservation (NYSDEC) in a letter dated December 28, 2011. The approval letter requested that Ship Certain continue to conduct annual inspections to ensure that the requirements of the Site Management Plan (SMP) are being met.

The CertainTeed Site is situated within Subparcel 1 (the Former Rail Yard) of The Hanna Furnace Site. The Hanna Furnace Site surrounds the eastern portion of the Union Ship Canal, and encompasses approximately 113 acres, including Subparcel 1. The Hanna Furnace Site is bordered to the west by New York State Route 5, to the south by the Lackawanna Commerce Park, to the east by railroad tracks, and to the north by wetland areas and the Shenango Steel property. Subparcel 1 occupies approximately 43 acres in the southern portion of the Hanna Furnace Site. CertainTeed occupies 25 acres of Subparcel 1. A voluntary cleanup of the Subparcel 1 allowed for the redevelopment for commercial and industrial purposes.

A cover system consisting of clean soil for outdoor, vegetated areas, asphalt for roads and parking lots, and concrete for sidewalks, buildings, and heavy use areas was installed to prevent direct contact with contaminants at the Site. The Site contaminants are metals and polycyclic aromatic hydrocarbons in soil and high pH in groundwater. The cover system eliminates the potential for direct contact with soil and is therefore protective of human health and the environment. Groundwater use is prohibited at the Site and therefore no direct contact with elevated pH groundwater is anticipated except during invasive construction activities.

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ISO 9001
ENGINEERING DESIGN



A Site inspection was conducted on April 17, 2015 in accordance with the Operation, Monitoring, and Maintenance Work Plan – Hanna Furnace Site, The Former Railroad Yard Area (Subparcel 1) dated February 2002. A Site map is provided as Figure 1. The completed inspection form is provided as Attachment 1. Photographs are provided as Attachment 2. The photograph locations are shown on Figure 1.

The following issues were identified during the Site inspection:

1. Annual Inspections were not completed/documented: CertainTeed did not document formal annual inspections as requested by the NYSDEC. The lack of formal annual inspections using the Environmental Inspection Form was an oversight on CertainTeed's part. Although formal annual inspections were not documented, CertainTeed has a regular maintenance program for the Site that includes inspecting and maintaining paved areas and landscaping. During regular maintenance activities in 2014, two areas of pavement settling were milled and repaved, deteriorated areas around two catch basins were replaced with concrete aprons, and a grass area on the east side of the Site at the base of the silos was newly paved. These activities are documented in Attachment 2, photographs 1 through 5.

Corrective Action: CertainTeed will conduct formal annual inspections. The inspections will be added to CertainTeed's Environmental Compliance Calendar. If the inspections identify the need for corrective action and/or maintenance, an inspection report will be submitted to NYSDEC documenting the issues and corrective actions.

2. Unintended Traffic Rutting: Two areas of unintentional traffic rutting were observed. The first was on the north side of the main entrance apron (see Photograph #6), and appears to be a result of trucks turning left into the entrance from Ship Canal Parkway. The second area of rutting was in the grass at the southern end of the building (see Photograph #7). This rutting is believed to be a result of snow removal activities during the unprecedented snow storm in November 2014.

Corrective Action: To address the rutting at the main entrance apron, CertainTeed will place topsoil and seed the area. A boulder or other large object will be placed on top of the repaired area to prevent trucks from driving over it. The ruts in the grass area at the south end of the building will be re-graded, covered with top soil and seeded.

3. Distressed Vegetation: Areas of apparent distressed vegetation were observed along the southeast side of the Storage Yard between the paved area and the fence (see Photographs #9 and #10). Other areas of distressed vegetation were also observed along the sides of roads (see Photographs #11 through #13). All of the areas were locations where snow builds up during plowing. These areas had been snow covered until 4 weeks prior to the Site inspection, and had not had time to regenerate.



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& ASSOCIATES**

May 11, 2015

3

Reference No. 631146

Corrective Action: Each of the areas identified as having distressed vegetation will be re-inspected by CertainTeed's Environmental Manager during a follow-up inspection to be conducted no later than June 5, 2015. Any areas that have not regenerated will be covered with top soil and seeded within two weeks of the follow-up inspection.

4. Cracks in Pavement: Areas of cracked or settled pavement were observed at locations on the north side of the road along the east side of the Site (see Photograph #13), at the main entrance (see Photograph #14), and in the Storage Yard (see Photographs #15 and #16).

Corrective Action: CertainTeed has a paving program scheduled for summer 2015 as part of its regular maintenance program. The areas of cracked pavement identified during the Site inspection will be repaired/repaved as part of the 2015 paving program.

Certification forms are included as Attachment 3.

Please do not hesitate to contact me at (716) 856-2142 if you have any questions.

Yours truly,

CONESTOGA-ROVERS & ASSOCIATES

Robert G. Adams, P.E.
Project Manager

RGA/CMB/ck/631146-Szymanski-001

G. Hicker, Ship Certain, LLC
J. Marciniak, CertainTeed
C. Barton, CRA
J. Wilfrom, CRA

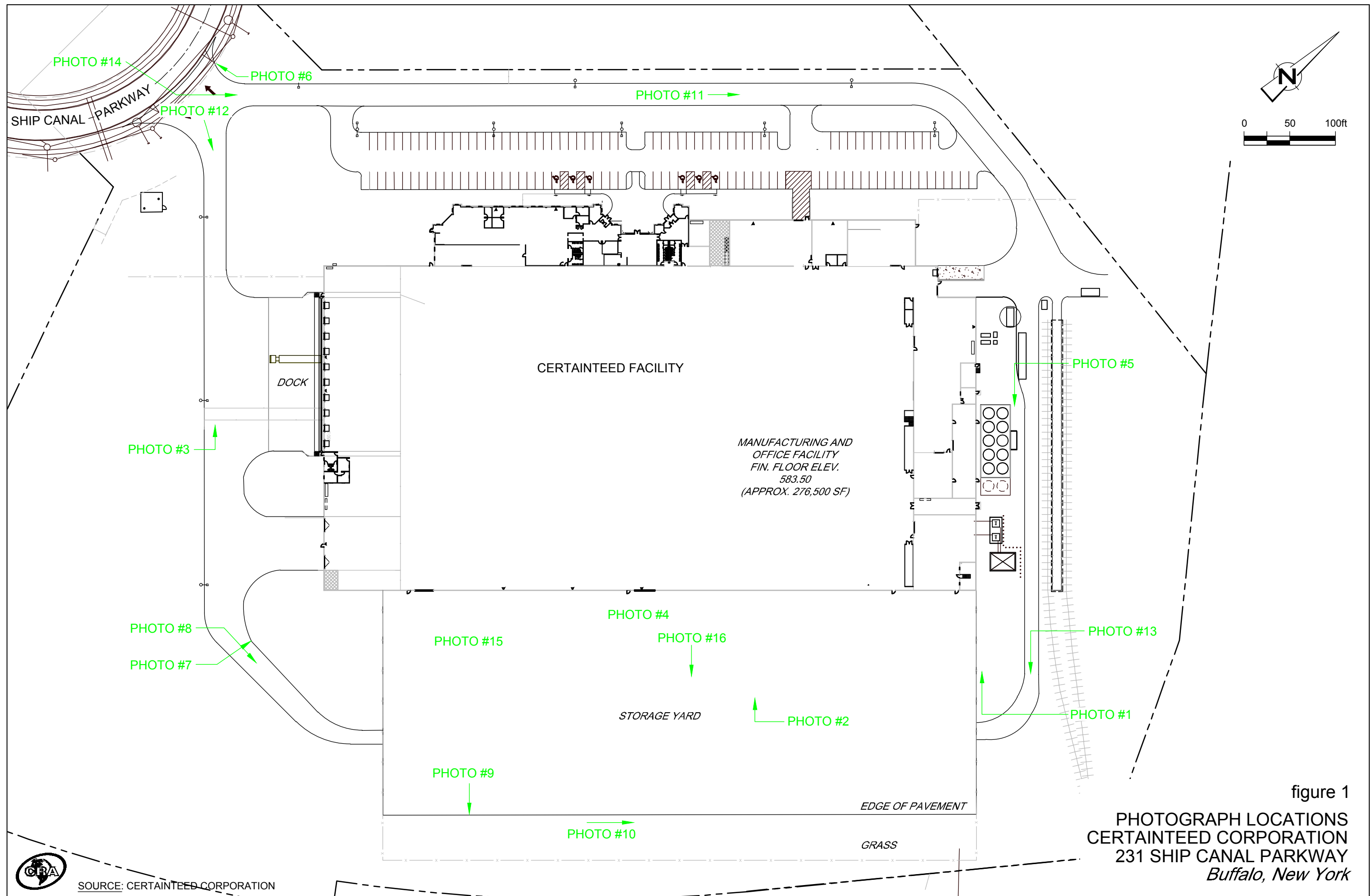


figure 1
 PHOTOGRAPH LOCATIONS
 CERTAINTIED CORPORATION
 231 SHIP CANAL PARKWAY
 Buffalo, New York

ENVIRONMENTAL INSPECTION FORM

Site Name: Buffalo Lakeside Commerce Park (CertainTeed Site)

Site Number: C915185

Inspection Date: April 17, 2015

Property Address: 231 Ship Canal Parkway, Buffalo, New York 14218

Site Owner: Ship Certain LLC, 15260 Ventura Boulevard, Sherman Oaks, California 91403

Property ID: (Tax Assessment Map) Section: 132.20 Block: 1 Lot: 11

Total Site Acreage: 25 Acres

Weather During Inspection: Temperature: 45° Conditions: Fog and light mist

SIGNATURE

The findings of this inspection were discussed with appropriate personnel, corrective actions were identified, and implementation was mutually agreed upon:

Inspector Signature: Christina Barton Date: 4/17/15

Next Scheduled Inspection: April 20/16

INDOOR AREAS

1. Are there settled or uneven areas? YES NO N/A

SECURITY AND ACCESS

2. Access controlled by perimeter fencing? YES NO N/A
Are there sections of the fence material damaged or missing? YES NO N/A
Are the fence or gate post foundations structurally sound? YES NO N/A
3. "No Trespass" signs posted in appropriate languages? YES NO N/A
Are the signs securely attached to the fencing or posts? YES NO N/A
Are there sufficient signs? YES NO N/A
Are the signs adequately spaced around the perimeter of the property? YES NO N/A

- | | | | | |
|----|---------------------------------------|-----|-----------|-----|
| 4. | Is there evidence of trespassing? | YES | <u>NO</u> | N/A |
| | Is there evidence of illegal dumping? | YES | <u>NO</u> | N/A |

COVER & VEGETATION

- | | | | | |
|----|--|------------|-----------|------------|
| 5. | Final cover in acceptable condition? | <u>YES</u> | NO | N/A |
| | Is there evidence of sloughing, erosion, ponding, or <u>settlement?</u> | <u>YES</u> | NO | N/A |
| | Is there evidence of unintended traffic; rutting? | <u>YES</u> | NO | N/A |
| | Is there evidence of distressed vegetation/turf? | <u>YES</u> | NO | N/A |
| 6. | Final cover sufficiently covers soil/fill material? | <u>YES</u> | NO | N/A |
| | Are there cracks visible in the soil or pavement? | <u>YES</u> | NO | N/A |
| | Is there evidence of erosion in the stormwater channels or swales? | YES | <u>NO</u> | N/A |
| | Is there damage to the synthetic erosion control fabric in the channels or swales? | YES | NO | <u>N/A</u> |

Storage Yard

ACTIVITY ON SITE

- | | | | | |
|----|--|-----|-----------|-----|
| 7. | Any evidence of on-Site activity that has mechanically disturbed soil cover? | YES | <u>NO</u> | N/A |
|----|--|-----|-----------|-----|

ADDITIONAL FACILITY INFORMATION

8. Development on or near the site (Specify size and type: e.g., residential, 40 acres, well and septic)
NONE

COMMENTS

See PRR letter and photographs. Some settled and cracked pavement in the Storage Yard, along north road, and at main entrance. Some vegetated areas that have not regenerated yet after winter snow melt in Storage Yard and along roads. Rutting at main entrance apron and in grass area at southeast corner of building.

ATTACHMENTS

1. Figure showing locations of photographs
2. Photographs



Photograph 1 – Area on east side of Storage Yard milled and repaved 2014



Photograph 2 – New catch basin apron installed 2014



Photograph 3 – at south end of building looking west at new catch basin apron installed 2014



Photograph 4 – Area in central Storage Yard milled and repaved in 2014



Photograph 5 – Area newly paved in 2014



Photograph 6 – Traffic rutting on north side of main entrance apron



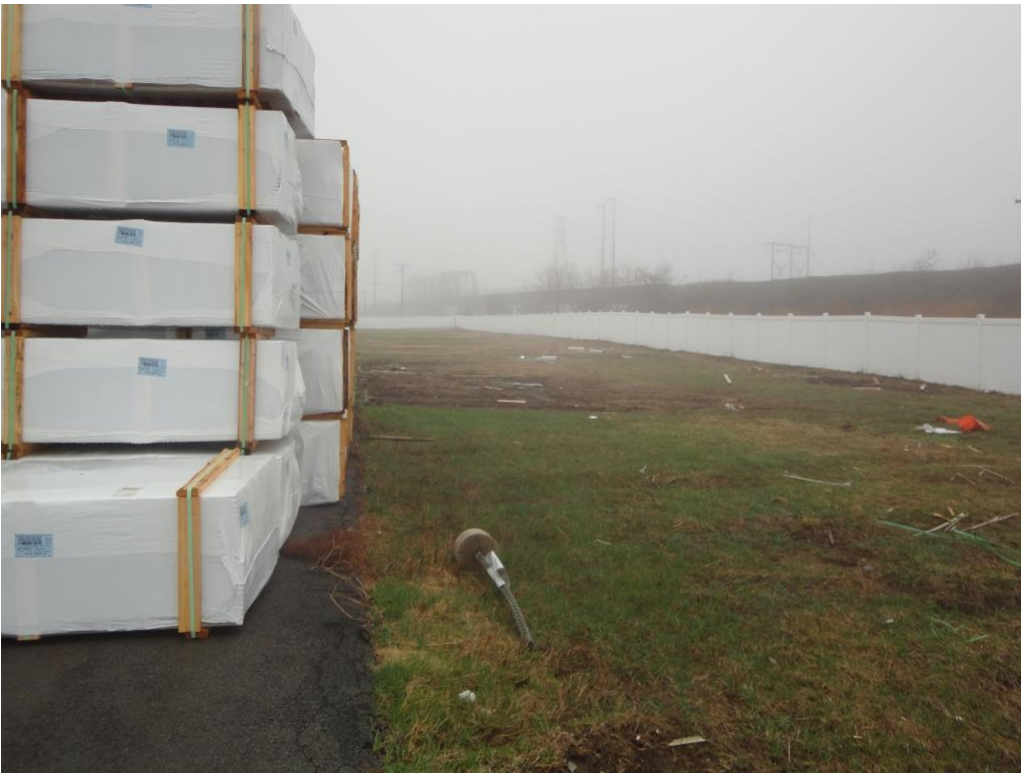
Photograph 7 – Ruts in grass at south end of building



Photograph 8 – Ruts in grass at south end of building



Photograph 9 –Distressed vegetation in Storage Yard



Photograph 10 – Distressed vegetation in Storage Yard



Photograph 11 – Distressed vegetation at end of grass island in parking lot



Photograph 12 – Distressed vegetation along edge of main entrance road heading to loading docks



Photograph 13 – Distressed Vegetation on the south side of road and cracked asphalt pavement on the north side of road.



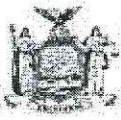
Photograph 14 – Cracked pavement at main entrance



Photograph 15 – Area of cracked pavement in Storage Yard



Photograph 16 – Settled/cracked area scheduled for repaving in 2015



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



	Site Details	Box 1	
Site No.	C915185		
Site Name Buffalo Lakeside Commerce Park			
Site Address: 231 Ship Canal Parkway Zip Code: 14218			
City/Town: Buffalo			
County: Erie			
Site Acreage: 25.0			
Reporting Period: November 04, 2011 to November 04, 2014			
		YES	NO
1.	Is the information above correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.			
2.	Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.			
5.	Is the site currently undergoing development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Box 2	
		YES	NO
6.	Is the current site use consistent with the use(s) listed below? Commercial and Industrial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.	Are all ICs/ECs in place and functioning as designed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.			
A Corrective Measures Work Plan must be submitted along with this form to address these issues.			
_____ Signature of Owner, Remedial Party or Designated Representative		_____ Date	

Description of Institutional Controls

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
132.20-1-11	Ship Certain LLC	Soil Management Plan Landuse Restriction Building Use Restriction Ground Water Use Restriction O&M Plan

1. Commercial/industrial site use only, commercial day care, child care or medical care prohibited.
2. Site cover to include pavement, structures, or minimum of 12 inches of clean soil with vegetative growth. Existing soil excavated from beneath cover is to be managed, characterized and disposed in accordance with the soil management plan.

Description of Engineering Controls

<u>Parcel</u>	<u>Engineering Control</u>
132.20-1-11	Cover System

1. Commercial/industrial site use only, commercial day care, child care or medical care prohibited.
2. Site cover to include pavement, structures or minimum of 12 inches of clean soil. Existing soil excavated from beneath cover is to be managed, characterized and disposed in accordance with the so

Periodic Review Report (PRR) Certification Statements

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

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

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

(a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

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

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

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. C915185

Box 6


SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

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

I JOE BEGANSKY at 231 SHIP CANAL PARKWAY
print name print business address

am certifying as REMEDIAL PARTY (Owner or Remedial Party)

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


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

5/8/15
Date

IC/EC CERTIFICATIONS

Box 7

Professional Engineer Signature

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

I ROBERT G. ADAMS at CPA INFRASTRUCTURE & ENGINEERING INC.
285 DELAWARE AVE, BUFFALO, NY
print name print business address 14202

am certifying as a Professional Engineer for the REMEDIAL PARTY
(Owner or Remedial Party)

Robert G. Adams

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



5/11/15
Date