



Proactive by Design



**2021 PERIODIC REVIEW REPORT
BUFFALO LAKESIDE COMMERCE PARK
(CertainTeed Site)
BUFFALO, NEW YORK
BROWNFIELD CLEANUP PROGRAM
Site Number C915185**

April 30, 2021

File No. 21.0056854.00



PREPARED FOR:

Ship Certain, L.L.C.
15260 Ventura Boulevard
Suite 1120
Sherman Oaks, CA 91403

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VIA EMAIL

April 30, 2021
File No. 21.0056854.00

Mr. Megan Kuczka
New York State Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Avenue
Buffalo, New York 14203
email: megan.kuczka@dec.ny.gov

Re: 2021 Periodic Review Report
Buffalo Lakeside Commerce Park (CertainTeed Site)
231 Ship Canal Parkway, Buffalo, New York
Brownfield Cleanup Program Site (Number C915185)

Dear Ms. Kuczka:

GZA GeoEnvironmental of New York (GZA) is pleased to submit this Periodic Review Report (PRR) on behalf of Ship Certain LLC., owner and operator of the Buffalo Lakeside Commerce Park Brownfield Cleanup Program (BCP) Site (No. 915185). GZA prepared this PRR in general conformance with the guidelines provided to the former owner (Ship Certain, L.L.C.) in the 45-day reminder notice letter dated February 22, 2021.

If you have any questions or need additional information, please call Jim Richert at (716) 844-7048.

Sincerely,

GZA GEOENVIRONMENTAL OF NEW YORK

James J. Richert, P.G.
Senior Project Manager

Bart A. Klettke, P.E.
Principal

Cc: James Martin (Ship Certain)
George Hicker (Ship Certain)



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FIGURE 2A SITE PLAN WITH PHOTO LOCATIONS (9.28.2018)

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APPENDICES

APPENDIX A SITE INSPECTION FORMS

APPENDIX B PHOTOGRAPH LOGS

APPENDIX C 60-DAY ADVANCED NOTICE OF SITE CHANGE OF USE, TRANSFER OF COC, AND/OR OWNERSHIP

APPENDIX D IC/EC CERTIFICATION FORM



1.0 EXECUTIVE SUMMARY

1.1 BACKGROUND

The Buffalo Lakeside Commerce Park Site (CertainTeed Site or Site) is an active manufacturing facility located on a 25.1-acre parcel with an address of 231 Ship Canal Parkway. The Site is situated within the greater 113-acre Buffalo Lakeside Commerce Park of Buffalo, New York. **(Figure 1)**. The Site is located on what was a railroad yard of the former Hanna Furnace iron manufacturing facility. Environmental Site investigations confirmed the presence of semi-volatile organic compounds (SVOCs) and metals in the soil/fill at concentrations greater than NYSDEC Part 375 Technical and Administrative Guidance Memorandum (TAGM) 4046 soil cleanup objectives. Also, groundwater was determined to have elevated pH. Considering Site contaminants of concern are not volatile, the focus of the Site remedy was to minimize the exposure risks of direct contact and/or inhalation with site contaminants in the soil/fill and the high pH groundwater. The Remedial Action Objectives (RAOs) for the Site included:

- Addressing soils with contaminants above the NYSDEC guidance values in the upper 1-foot;
- Prevention of ingestion or direct contact with groundwater and with soil containing contaminants exceeding the guidance values;
- Implementation and maintenance of engineering and institutional controls.

Institutional Controls Include:

- Property use may include restricted industrial use only;
- Groundwater may not be used without prior treatment and approval of the regulator.

The Engineering Control is:

- Cover System: hardscape and/or imported clean soil (minimum of 12 inches) underlain by a demarcation grid of high visibility yellow ribbon.

The Environmental Easement (EE) which includes greater specificity of the above ICs and ECs was signed by NYSDEC on September 22, 2005.

1.2 EFFECTIVENESS OF THE REMEDIAL PROGRAM

Based upon our annual PRR inspections conducted on September 28, 2018, October 29, 2019, and September 16, 2020 the site cover system was confirmed to be in place and appeared to be complete, in good condition, and functioning as intended. Therefore, the Site remedy continues to be effective at meeting Site RAOs. The need for minor repairs of pavement and re-seeding of grass cover at some locations was identified.

1.3 COMPLIANCE

Ownership of the Site was transferred on April 23, 2021 from Ship Certain, LLC to James Martin. A 60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion, and/or Ownership was submitted to NYSDEC by an owner representative on February 1, 2021.



GZA identified the Site to be in compliance with the SMP. The Institutional Controls and Engineering Controls (IC/ECs) remain in place and there are no active remedial systems requiring monitoring or operation and maintenance.

1.4 RECOMMENDATIONS

GZA and CertainTeed recommend no changes to the SMP nor to the frequency of Site inspections and PRR submittals. Implementation of the SMP, including the Excavation Work Plan and maintenance of the Site cover system will continue as the Site continues operations as a manufacturing facility.

2.0 SITE OVERVIEW

2.1 SITE LOCATION AND FEATURES

The Site is in the southeast corner of the Buffalo Lakeside Commerce Park which is bounded by the Hamburg Turnpike (RT 5) to the west, the boundary between the Cities of Buffalo and Lackawanna to the south, railroad tracks to the east, and wetlands and Tifft Street to the north. The Site is flat and in area of the City that was formerly used for heavy industry but is currently sparsely developed by manufacturing and rail uses. **(Figure 1)**. In 2005 the Site (NYSDEC Site No. C915185) was remediated under the Brownfield Cleanup Program (BCP) for restricted industrial use.

2.2 INVESTIGATION AND REMEDIAL HISTORY

Based on information obtained from environmental Site investigations, SVOCs and metals were identified at concentrations above applicable regulatory guidance (TAGM-4046). Other than elevated pH, no contaminants of concern were identified in the on-Site groundwater.

The Remedial Action Objectives (RAOs) for the Site were:

- Address soils with contaminants above the TAGM-46 levels in the upper 1-foot;
- Prevent ingestion or direct contact with soil contaminants;
- Institute and maintain institutional and engineering controls to assure the Site is not used in a manner inconsistent with the future anticipated use (restricted industrial).

The selected site remedy included placement of a site cover system, made up of either clean soil at a minimum thickness of 1-foot or hardscapes including paved roads, parking lots, sidewalks, and/or building slab foundations.

The Site remedy was completed in 2005 and a Certificate of Completion (COC) was issued by NYSDEC.



3.0 EVALUATION OF REMEDY PERFORMANCE, EFFECTIVENESS, AND PROTECTIVENESS

GZA performed three annual Site Inspections during the reporting period of March 31, 2018 to March 31, 2021. The Site inspections were performed on September 28, 2018, October 29, 2019, and September 16, 2020. The completed Site Inspection Forms are provided in **Appendix A**. Photo logs of each of three inspections are provided in **Appendix B** and maps showing the location and orientation of the Site photos are provided as **Figures 2A, 2B, and 2C**. Since the previous Site inspection and PRR in 2018, the required cover system is being maintained per the SMP and was observed to be providing complete coverage of the Site. The Site remedy, therefore, continues to be effective at meeting the Site RAOs for protection of current and intended future site users.

4.0 INSTITUTIONAL CONTROL/ENGINEERING CONTROL (IC/EC) PLAN COMPLIANCE REPORT

4.1 IC/EC REQUIREMENTS AND COMPLIANCE

IC/ECs for the Site were determined by NYSDEC and specified in the EE issued by NYSDEC on September 22, 2005. Summary lists of the ICs and ECs are provided as follows:

Summary of Site Institutional Controls:

- Property use may include restricted industrial use only;
- Groundwater may not be used without prior treatment and approval of the regulator.

Summary of Site Engineering Control:

- Cover System: hardscape and imported clean soil (minimum of 12 inches) vegetated and underlain by a grid of high visibility yellow ribbon. Hardscapes may include paved roads, parking lots, sidewalks, and/or building slab foundations.

On February 1, 2021, a representative of the Site Owner filed with NYSDEC a completed 60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion, and/or Ownership, indicating a change in ownership and transfer of Certificate of Completion (COC) to Mr. James Martin. A copy of the 60-Day Notice is provided in **Attachment C**. The change of ownership was completed on April 23, 2021.

No significant changes to the Site cover system were reported or observed since submittal of the previous PRR on April 23, 2018.

CertainTeed and their operations appear to be in general compliance with the SMP with a few relatively minor areas in need of improvement as follows:

- The vegetative cover of the soil cover system has a few areas of bare spots due mostly to trucks driving slightly off pavement, cutting corners, and material storage extending off paved surfaces; (see Photos # 1, 2, 3, and 19).
- One area of the paved Site road showed signs of cracking, and weathering; (See Photo # 4).



- Grass cover is missing in areas where product storage extends off of pavement; (See Photo #16).

Based on observations made during GZA's Site inspections Ship Certain is complying with provisions of the SMP relative to IC/ECs. Manufacturing activity continues at the Site and CertainTeed is aware that monitoring and observation by a QEP is required during earth moving activities. Although not a required EC, additional protection of the Site was provided by a six-foot high PVC perimeter fence which was installed in 2018 and restricts access to the Site.

4.2 IC/EC CERTIFICATION

The Site-specific IC/EC Certification Form, for reporting period of March 31, 2018 to March 31, 2021, was provided to Ship Certain as an attachment to the February 22, 2021 Reminder Notice letter sent by NYSDEC. This form has been completed by Ship Certain and Certified by GZA as QEP. The completed and certified IC/EC Certification Form for this reporting period is included in **Appendix D** of this PRR.

5.0 PRR CONCLUSIONS AND RECOMMENDATIONS

5.1 PRR CONCLUSIONS

The IC/ECs remain in place and are performing as intended. There are no active remedial systems requiring operation, monitoring, or maintenance. CertainTeed and their operations appear to be in general compliance with the SMP with a few relatively minor areas in need of improvement as follows:

- The vegetative cover of the soil cover system has a few areas of bare spots due mostly to trucks driving slightly off pavement, cutting corners, and material storage extending off paved surfaces; (see Photos # 1, 2, 3, and 19).
- One area of the paved Site road showed signs of cracking, and weathering; (See Photo # 4).
- Grass cover is missing in areas where product storage extends off of pavement; (See Photo #16).

5.2 PRR RECOMMENDATIONS

GZA and CertainTeed recommend no changes to the SMP nor to the frequency of site inspections (annual) and PRR submittals (Triennial). Implementation of the SMP, including the Excavation Work Plan and maintenance of the Site cover system will continue as Site manufacturing operations continue.

During the spring and summer of 2021, CertainTeed will repair vegetative cover and pavement in the areas mentioned above. The next site inspection is planned for early fall (September/October) of 2021 to demonstrate the above improvements.

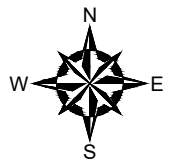


FIGURES



NOTE:
BASE MAP ADAPTED FROM USA TOPO
MAPS USING ArcGIS AUTOCAD PLUGIN

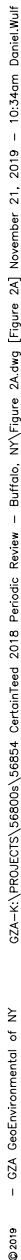
0 3000 6000
APPROXIMATE SCALE IN FEET



NO.		ISSUE/DESCRIPTION		BY	DATE
		BUFFALO LAKESIDE COMMERCE PARK (CERTAINTIED SITE) 231 SHIP CANAL PARKWAY BUFFALO, NEW YORK		FIGURE	
		2021 PERIODIC REVIEW REPORT LOCUS PLAN		1	
PROJ MGR:	JJR	REVIEWED BY:	TB	CHECKED BY:	BAK
DESIGNED BY:	JJR	DRAWN BY:	DEW	DATE:	APRIL 2021
		SCALE: AS SHOWN		PROJECT NO.:	21.0056854.00
				REVISION NO.:	

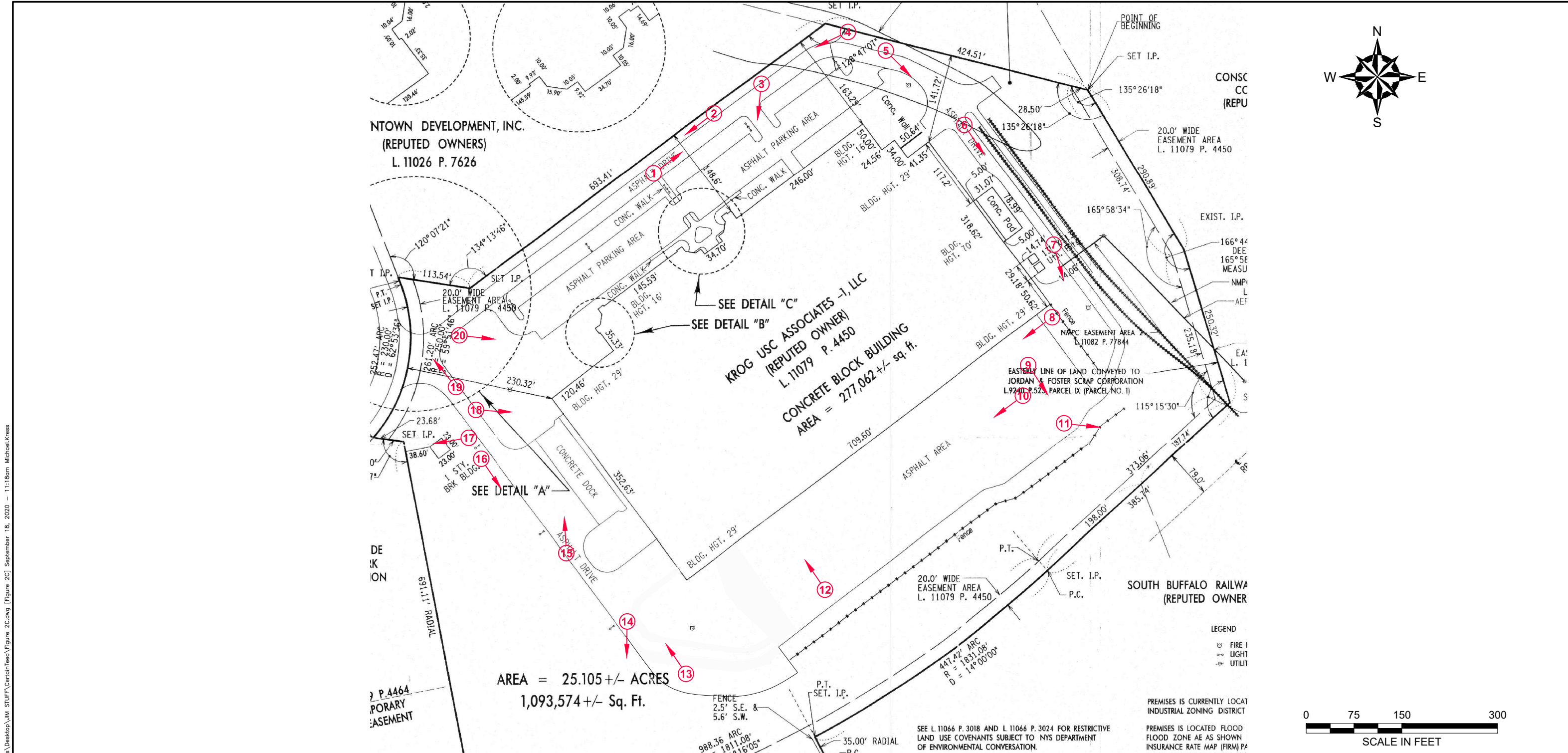
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PREPARED BY:
**GZA GeoEnvironmental of N.Y.
Engineers and Scientists**
BUFFALO, NEW YORK 14202
(716) 685-2300
PREPARED FOR:
CERTAINTIED CORPORATION
BUFFALO, NEW YORK



NO.	ISSUE/DESCRIPTION	BY	DATE
<p>BUFFALO LAKESIDE COMMERCE PARK (CERTAINTIED SITE) 231 SHIP CANAL PARKWAY BUFFALO, NEW YORK</p>			
<p>2021 PERIODIC REVIEW REPORT LOCATION AND ORIENTATION OF SITE PHOTOS</p>			
<p>PREPARED BY: GZA GeoEnvironmental of N.Y. Engineers and Scientists 300 PEARL STREET, SUITE 700 BUFFALO, NEW YORK 14202 (716) 685-2300</p>		<p>PREPARED FOR: CERTAINTIED CORPORATION BUFFALO, NEW YORK</p>	
<p>PROJ MGR: JR</p> <p>DESIGNED BY:</p> <p>DATE SEPTEMBER 2018</p>	<p>REVISED BY: TB</p> <p>DRAWN BY: MDK</p> <p>PROJECT NO. 21.0056854.00</p>	<p>CHECKED BY: BAK</p> <p>SCALE: AS SHOWN</p> <p>REVISION NO.</p>	<p>FIGURE 2A</p>

© 2020 - GZA GeoEnvironmental of NY GZA-C:\Users\michael.kress\Desktop\JIM STUFF\CertainTeed\Figure 2C.dwg [Figure 2C] September 18, 2020 - 11:18am Michael.Kress



NOTES:


1. BASE MAP FROM ALTA/ACSM LAND TITLE SURVEY URBAN CLASSIFICATION KROG USC ASSOCIATES-1, LLC. DRAWING NO. CPM-2, DATED FEB. 14, 2005. PREPARED BY PARSONS TRANSPORTATION GROUP, BUFFALO, NEW YORK.
2. LOCATION AND ORIENTATION OF PHOTOGRAPHS SHOULD BE CONSIDERED APPROXIMATE.

LEGEND:



LOCATION, DESIGNATION AND DIRECTION OF PHOTOGRAPH TAKEN ON 09/16/2020.

UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.

NO.		ISSUE/DESCRIPTION	BY	DATE
BUFFALO LAKESIDE COMMERCE PARK (CERTAINTIED SITE) 231 SHIP CANAL PARKWAY BUFFALO, NEW YORK				
2021 PERIODIC REVIEW REPORT LOCATION AND ORIENTATION OF SITE PHOTOS				
PREPARED BY:  GZA GeoEnvironmental of N.Y. Engineers and Scientists 300 PEARL STREET, SUITE 700 BUFFALO, NEW YORK 14202 (716) 885-2300		PREPARED FOR: CERTAINTIED CORPORATION BUFFALO, NEW YORK		
PROJ MGR: JR	REVIEWED BY: TB	CHECKED BY: BAK	FIGURE 2C	
DESIGNED BY:	DRAWN BY: MDK	SCALE: AS SHOWN		
DATE SEPTEMBER 2020	PROJECT NO. 21.0056854.00	REVISION NO.		



APPENDIX A

SITE INSPECTION FORMS

ENVIRONMENTAL INSPECTION FORM

Hanna Furnace - Former Railroad Yard Area (Subparcel 1)

Property Name: Buffalo Lakeside Commerce Park
Certainteed site # 915185 Inspection Date: Sept. 26, 2018
Property Address: 231 Ship Canal Parkway
City: Buffalo State: NY Zip Code: 14218
Property ID: (Tax Assessment Map)
Section: 132.20 Block: 1 Lot(s): 11
Total Acreage: 25

Weather (during inspection): Temperature: 66° Conditions: cloudy

SIGNATURE:

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

Inspector: Jim Richert
Next Scheduled Inspection Date: Summer 2019

Date: 9-26-18

SECURITY AND ACCESS

- | | Yes | No |
|---|----------|------------|
| 1. Access controlled by perimeter fencing? | <u>X</u> | ___ |
| Are there sections of the fence material damaged or missing? | ___ | <u>N/A</u> |
| Are the fence or gate post foundations structurally sound? | ___ | <u>N/A</u> |
| 2. "No Trespass" signs posted in appropriate languages? | ___ | <u>N/A</u> |
| Are the signs securely attached to the fencing or posts? | ___ | <u>1</u> |
| Are there sufficient signs; are the signs adequately spaced around the perimeter of the property? | ___ | ___ |
| 3. Is there evidence of trespassing? | ___ | <u>X</u> |
| Is there evidence of illegal dumping? | ___ | <u>X</u> |

COVER & VEGETATION

- | | | |
|---|----------|----------|
| 4. Final cover in acceptable condition? | <u>X</u> | ___ |
| Is there evidence of sloughing, erosion, ponding or settlement? | ___ | <u>X</u> |
| Is there evidence of unintended traffic; rutting? | ___ | <u>X</u> |
| Is there evidence of distressed vegetation/turf? | ___ | <u>X</u> |

	Yes	No
5. Final cover sufficiently covers soil/fill material?	<u>X</u>	<u> </u>
Are there cracks visible in the soil or pavement?	<u> </u>	<u>X</u>
Is there evidence of erosion in the stormwater channels or swales?	<u> </u>	<u>X</u>
Is there damage to the synthetic erosion control fabric in the channels or swales?	<u> </u>	<u>N/A</u>

ACTIVITY ON SITE

6. Any activity on site that mechanically disturbed soil cover? X

ADDITIONAL FACILITY INFORMATION

Development on or near the site? (Specify size and type: e.g., residential, 40 acres, well and septic)

Perimeter PVC fence installed during spring & summer of 2018. Fence posts were driven not excavated.

COMMENTS

Item #

Site cover system is complete and well maintained. No issues of concern to report.

ATTACHMENTS

see 2021 PRR

1. Site Sketch
2. Photographs
3. Laboratory Report (s) *e*

ENVIRONMENTAL INSPECTION FORM
Hanna Furnace - Former Railroad Yard Area (Subparcel 1)

Property Name: certainted site ^{C915/85} Inspection Date: Oct. 29, 2019
Property Address: 231 Ship Canal Parkway
City: Buffalo State: NY Zip Code: 14218
Property ID: (Tax Assessment Map)
Section: 132.20 Block: 1 Lot(s): 11
Total Acreage: 25

Weather (during inspection): Temperature: 67°F Conditions: mostly cloudy

SIGNATURE:

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

Inspector: Jim Rickett
Next Scheduled Inspection Date: Summer 2020

Date: 10-29-19

SECURITY AND ACCESS

- | | Yes | No |
|---|----------|-----------|
| 1. Access controlled by perimeter fencing? <u>NOT required</u> | <u>X</u> | ___ |
| Are there sections of the fence material damaged or missing? | ___ | <u>NA</u> |
| Are the fence or gate post foundations structurally sound? | ___ | <u>NA</u> |
| 2. "No Trespass" signs posted in appropriate languages? <u>NOT required</u> | <u>X</u> | ___ |
| Are the signs securely attached to the fencing or posts? | ___ | <u>NA</u> |
| Are there sufficient signs; are the signs adequately spaced around the perimeter of the property? | ___ | <u>NA</u> |
| 3. Is there evidence of trespassing? | ___ | <u>X</u> |
| Is there evidence of illegal dumping? | ___ | <u>X</u> |

COVER & VEGETATION

- | | | |
|---|----------|----------|
| 4. Final cover in acceptable condition? | <u>X</u> | ___ |
| Is there evidence of sloughing, erosion, ponding or settlement? | ___ | <u>X</u> |
| Is there evidence of unintended traffic; rutting? | ___ | <u>X</u> |
| Is there evidence of distressed vegetation/turf? | ___ | <u>X</u> |

	Yes	No
5. Final cover sufficiently covers soil/fill material?	<u>X</u>	<u> </u>
Are there cracks visible in the soil or pavement?	<u> </u>	<u>X</u>
Is there evidence of erosion in the stormwater channels or swales?	<u> </u>	<u>X</u>
Is there damage to the synthetic erosion control fabric in the channels or swales?	<u> </u>	<u>N/A</u>

ACTIVITY ON SITE

6. Any activity on site that mechanically disturbed soil cover?	<u> </u>	<u>X</u>
---	---------------	----------

ADDITIONAL FACILITY INFORMATION

Development on or near the site? (Specify size and type: e.g., residential, 40 acres, well and septic)

COMMENTS

Item #

Site cover system is in good condition, is well maintained.

No issues of concern to report

ATTACHMENTS

1. Site Sketch
2. Photographs
3. ~~Laboratory Report (s)~~ e

see 2021 PRR

ENVIRONMENTAL INSPECTION FORM
Hanna Furnace - Former Railroad Yard Area (Subparcel 1)

Property Name: certainTeed site Inspection Date: sept. 16, 2020
Property Address: 231 Ship Canal Parkway
City: Buffalo State: NY Zip Code: 14218
Property ID: (Tax Assessment Map)
Section: 132.20 Block: 1 Lot(s): 11
Total Acreage: _____

Weather (during inspection): Temperature: 65 Conditions: sunny

SIGNATURE:

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

Inspector: Jeri Rochert Date: 9-16-20
Next Scheduled Inspection Date: SUMMER 2021

SECURITY AND ACCESS

- | | Yes | No |
|---|----------|-----------------|
| 1. Access controlled by perimeter fencing? <u>NOT required</u> | <u>X</u> | _____ |
| Are there sections of the fence material damaged or missing? | _____ | <u>NA</u> _____ |
| Are the fence or gate post foundations structurally sound? | _____ | <u>NA</u> _____ |
| 2. "No Trespass" signs posted in appropriate languages? <u>NOT required</u> | <u>X</u> | _____ |
| Are the signs securely attached to the fencing or posts? | _____ | <u>NA</u> _____ |
| Are there sufficient signs; are the signs adequately spaced around the perimeter of the property? | _____ | <u>NA</u> _____ |
| 3. Is there evidence of trespassing? | _____ | <u>X</u> _____ |
| Is there evidence of illegal dumping? | _____ | <u>X</u> _____ |

COVER & VEGETATION

- | | | |
|---|----------|----------------|
| 4. Final cover in acceptable condition? | <u>X</u> | _____ |
| Is there evidence of sloughing, erosion, ponding or settlement? | _____ | <u>Limited</u> |
| Is there evidence of unintended traffic; rutting? | _____ | <u>Limited</u> |
| Is there evidence of distressed vegetation/turf? | _____ | <u>Limited</u> |

5. Final cover sufficiently covers soil/fill material?

Are there cracks visible in the soil or pavement?

Is there evidence of erosion in the stormwater channels or swales?

Is there damage to the synthetic erosion control fabric in the channels or swales?

Yes

No

X

—

—

— NA —

Limited

X

ACTIVITY ON SITE

6. Any activity on site that mechanically disturbed soil cover?

—

X

ADDITIONAL FACILITY INFORMATION

Development on or near the site? (Specify size and type: e.g., residential, 40 acres, well and septic)

COMMENTS

Item #

Site cover remains in place and in good condition. Areas for improvement include:
- Vegetative cover missing in limited areas due to truck tires or storm products off of pavement. - see photos #1, 2, 16 & 18 & 21
- Asphalt pavement cracked & weathered in limited areas. see photo #4

ATTACHMENTS

1. Site Sketch

2. Photographs

3. Laboratory Report(s) *JA*



APPENDIX B

PHOTO LOGS



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 1	Date: 9-26-18		
Direction Photo Taken: Northeast			
Description: Newly planted trees for landscaping, replaced ash trees that died.			

Photo No. 2	Date: 9-26-18	
Direction Photo Taken: Northeast		
Description: Perimeter road and new perimeter fence at northern end of Site property.		



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 3	Date: 9-26-18		
Direction Photo Taken: Southwest			
Description: Perimeter road – view facing toward site entrance.			

Photo No. 4	Date: 9-26-18	
Direction Photo Taken: South		
Description: View of rear loading docks.		



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 5	Date: 9-26-18	 A photograph showing a gravel-covered area between two rail lines. A large white pipe with a blue cap is in the center. A white support post is on the left, and a train car is visible in the background.	
Direction Photo Taken: Southeast			
Description: Area of removed and planned replacement of concrete pavement (between two rail lines).			

Photo No. 6	Date: 9-26-18	 A photograph of a paved road curving to the right. A white PVC perimeter fence is in the background. A red fire hydrant is on the grass to the right. Power lines and trees are visible in the distance.
Direction Photo Taken: South		
Description: Perimeter road at eastern corner of the property. New PVC perimeter fence in background.		



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 7	Date: 9-26-18		
Direction Photo Taken: East			
Description: Marked (in yellow) areas of planned pavement repairs.			

Photo No. 8	Date: 9-26-18	
Direction Photo Taken: Southwest		
Description: Typical good condition of asphalt pavement, rear product storage lot.		



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 9	Date: 9-26-18		
Direction Photo Taken: Northeast			
Description: Complete vegetative cover between rear product storage lot and rear perimeter fence.			

Photo No. 10	Date: 9-26-18	
Direction Photo Taken: Northeast		
Description: West Side loading dock.		



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 11	Date: 9-26-18		
Direction Photo Taken: Southeast			
Description: Complete vegetative cover of western side of Site. Note new PVC perimeter fence in background.			

Photo No. 12	Date: 9-26-18	
Direction Photo Taken: Northwest		
Description: Perimeter road along west side of site.		



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 13	Date: 9-26-18		
Direction Photo Taken: East			
Description: Site building as seen from Site entrance.			

Photo No. 14	Date: 9-26-18	
Direction Photo Taken: North		
Description: Site Entrance with large boulder to limit trucks from driving over the vegetated soil cover.		



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 1	Date: 10-29-19		
Direction Photo Taken: Southwest			
Description: Site Entrance Road from inside of the Site perimeter fence.			

Photo No. 2	Date: 10-29-19	
Direction Photo Taken: Southeast		
Description: View of lawn at western corner of plant building.		



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 3	Date: 10-29-19		
Direction Photo Taken: Northeast			
Description: Employee parking lot.			

Photo No. 4	Date: 10-29-19	
Direction Photo Taken: East		
Description: Southwestern corner of Site.		



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 5	Date: 10-29-19		
Direction Photo Taken: West			
Description: Concrete block support building at SW corner of the Site.			

Photo No. 6	Date: 10-29-19	
Direction Photo Taken: Southeast		
Description: Western end of property, grass vegetated.		



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 7	Date: 10-29-19		
Direction Photo Taken: Southeast			
Description: Asphalt drive and product storage at western end of fenced area.			

Photo No. 8	Date: 10-29-19	
Direction Photo Taken: South		
Description: View of southern corner of Site. Products and supplies staged on pavement, non-paved area is fully vegetated.		



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 9	Date: 10-29-19		
Direction Photo Taken: Northeast			
Description: Paved exterior product storage.			

Photo No. 10	Date: 10-29-19	
Direction Photo Taken: Southeast		
Description: SE extent of exterior product storage, site perimeter fence.		



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 11	Date: 10-29-19		
Direction Photo Taken: Southwest			
Description: Back of plant building and rear paved exterior product storage area.			

Photo No. 12	Date: 10-29-19	
Direction Photo Taken: Northeast		
Description: Site perimeter road and fence.		



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 13	Date: 10-29-19		
Direction Photo Taken: Southeast			
Description: Rear perimeter road and rail siding.			

Photo No. 14	Date: 10-29-19	
Direction Photo Taken: South		
Description: Eastern corner of site with perimeter road and fence.		



Photographic Log



Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 1	Date: 9-16-20		
Direction Photo Taken: NE			
Description: View along Site Entrance Road. Limited areas of missing grass cover along road edges from vehicle tires.			

Photo No. 2	Date: 9-16-20	
Direction Photo Taken: SW		
Description: Bare patches in grass cover along entrance road.		



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 3	Date: 9-16-20		
Direction Photo Taken: South			
Description: Missing grass by employee parking lot due to vehicle traffic.			

Photo No. 4	Date: 9-16-20	
Direction Photo Taken: SW		
Description: Cracked and weathered asphalt pavement of entrance road. Pavement cover still complete.		



Photographic Log


Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 5	Date: 9-16-20		
Direction Photo Taken: SE			
Description: Materials receiving and storage side of building.			

Photo No. 6	Date: 9-16-20	
Direction Photo Taken: SE		
Description: Perimeter road by materials receiving and storage.		



Photographic Log


Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 7	Date: 9-16-20		
Direction Photo Taken: South			
Description: Outside of NE gate/side of fenced product storage yard.			

Photo No. 8	Date: 9-16-18	
Direction Photo Taken: SW		
Description: Pavement of fenced product storage yard along building.		



Photographic Log


Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 9	Date: 9-16-20		
Direction Photo Taken: SE			
Description: Paved fenced product storage yard.			

Photo No. 10	Date: 9-16-20	
Direction Photo Taken: SW		
Description: Paved fenced product storage yard.		



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 11	Date: 9-16-20		
Direction Photo Taken: East			
Description: Grass cover at rear of fenced product storage yard.			

Photo No. 12	Date: 9-16-20	
Direction Photo Taken: NW		
Description: Paved fenced product storage yard.		



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 13	Date: 9-16-20		
Direction Photo Taken: NW			
Description: Paved, non-fenced, product storage area.			

Photo No. 14	Date: 9-16-20	
Direction Photo Taken: South		
Description: Southern corner of property – fully covered with vegetation.		



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 15	Date: 9-16-20		
Direction Photo Taken: North			
Description: Paved loading dock area.			

Photo No. 16	Date: 9-16-20	
Direction Photo Taken: SE		
Description: Product storage extending off pavement. Missing grass cover observed as a result.		



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 17	Date: 9-16-20		
Direction Photo Taken: West			
Description: Fire suppression building.			

Photo No. 18	Date: 9-16-20	
Direction Photo Taken: East		
Description: Front lawn of property		



Photographic Log

Client Name: CertainTeed Corporation		Site Location: 231 Ship Canal Parkway, Buffalo, NY	Project No. 21.0056854.00
Photo No. 19	Date: 9-16-20		
Direction Photo Taken: NW			
Description: Missing grass cover along Site road to loading docks – caused by truck tires.			

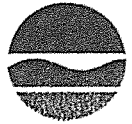
Photo No. 20	Date: 9-16-20	
Direction Photo Taken: East		
Description: Paved site entrance road and parking lot.		



APPENDIX C

60-DAY NOTICE

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



60-Day Advance Notification of Site Change of Use, Transfer of
Certificate of Completion, and/or Ownership
Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation, 625 Broadway
Albany NY 12233-7020

I. Site Name: CertainFeed Site
SHIP CERTAIN DEC Site ID No. C915185

II. Contact Information of Person Submitting Notification:

Name: GEORGE HICKER
Address1: 46 CARDINAL INDUSTRIAL
Address2: 15260 VENTURA BLVD., #120, STEERMAN OAS
Phone: 818-789-5600 E-mail: GEORGE@CARDINDUST.COM
CAL 91403

III. Type of Change and Date: Indicate the Type of Change(s) (check all that apply):

- ☒ Change in Ownership or Change in Remedial Party(ies)
☒ Transfer of Certificate of Completion (CoC)
☐ Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy): 3/25/2021

IV. Description: Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

Sale by Ship Certain, LLC
to James Martin with CertainFeed
remaining on lease until 12/31/29

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

N/A

- V. **Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name: _____

(Signature)

(Date)

(Print Name)

Address1: _____

Address2: _____

Phone: _____

E-mail: _____

- VI. **Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

☒ Prospective Owner ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____

E-mail: _____

Certifying Party Name: _____

Address1: _____

Address2: _____

Phone: _____

E-mail: _____

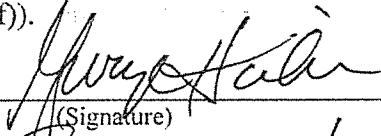
VII. Agreement to Notify DEC after Transfer: If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name:


(Signature)

1/29/2021
(Date)

GEORGE HICKER
(Print Name)

Address1:

C/O CARDINAL IND.

Address2:

15260 VENTURA BL, #1120

SHERMAN OAKS,

Phone:

818 789 9600

E-mail:

GEORGE@CARDINDUST.CAL

com

91403

Continuation Sheet

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____



APPENDIX D

IC/EC CERTIFICATION FORM



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



Site Details **Box 1**

Site No. C915185

Site Name Buffalo Lakeside Commerce Park

Site Address: 231 SHIP CANAL PARKWAY Zip Code: 14218

City/Town: Buffalo

County: Erie

Site Acreage: 25.000

Reporting Period: March 31, 2018 to March 31, 2021

	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"/>
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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"/>
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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 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	<p>Soil Management Plan Landuse Restriction Building Use Restriction</p> <p>Ground Water Use Restriction O&M Plan</p> <p>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.</p>

Description of Engineering Controls

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

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 Engineering Control 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. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

- (a) The 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 James A. Martin at 231 Ship Canal Parkway
print name print business address

am certifying as Owner/Manager (Owner or Remedial Party)

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

Ship Canal Management LLC
By James A. Martin
Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

4/27/2021
Date

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 BART A. KLETTE at 300 PEARL STREET, SUITE 700, BUFFALO, NY 14202
print name print business address

am certifying as a Professional Engineer for the SHIP CERTAIN MANAGEMENT, LLC
(Remedial Party)



Bart A. Klette

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

Stamp
(Required for PE)

4-28-2021

Date



GZA GeoEnvironmental, Inc.