

C915111

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October 16, 2012

Mr. Dave Szymanski  
NYSDEC  
270 Michigan Avenue  
Buffalo, New York 14203

RECEIVED  
NYSDEC - REGION 4

OCT 17 2012


Re: Periodic Review Report – 2530 Hamburg Turnpike Site  
Site No. C915191  
Lackawanna, New York

Dear Mr. Szymanski:

TurnKey Environmental Restoration, LLC has prepared this correspondence on behalf of our client, 2530 HTP, LLC, to transmit the annual Periodic Review Report (PRR) for the above addressed property.

Please contact us if you have any questions or require additional information.

Sincerely,  
TurnKey Environmental Restoration, LLC

  
Michael Yount  
Senior Environmental Specialist

C: T. Boyle (2530 HTP LLC)  
File: 0112-012-103

# Periodic Review Report for 2530 Hamburg Turnpike Site (BCP Site No. C915191)

*Lackawanna, New York*

October 2012

RECEIVED  
WASPEC - REGION 11

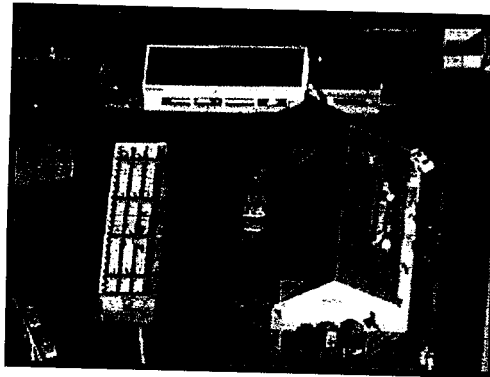
OCT 17 2012

FOR  
RES. ...

0112-012-106

Prepared For:

**2530 HTP LLC**



Prepared By:



2558 Hamburg Turnpike, Suite 300, Buffalo, New York 14218 | phone: (716) 856-0635 | fax: (716) 856-0583

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# PERIODIC REVIEW REPORT

**2530 HAMBURG TURNPIKE SITE  
(BCP SITE No. C915191)**

**LACKAWANNA, NEW YORK**

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October 2012

0112-012-106

Prepared for:

**2530 HTP LLC**

Prepared By:



TurnKey Environmental Restoration, LLC  
2558 Hamburg Turnpike, Suite 300  
Buffalo, NY 14218  
(716)856-0599

**PERIODIC REVIEW REPORT**  
**2530 Hamburg Turnpike Site**  
**Table of Contents**

<b>1.0</b>	<b>INTRODUCTION.....</b>	<b>1</b>
1.1	Site Background.....	1
1.2	Remedial History .....	1
1.3	Compliance and Recommendations.....	2
<b>2.0</b>	<b>BCP SITE OVERVIEW .....</b>	<b>3</b>
<b>3.0</b>	<b>SITE MANAGEMENT .....</b>	<b>4</b>
3.1	Site Closure Report.....	4
3.1.1	<i>Operation and Maintenance and Long-term Monitoring Plan.....</i>	<i>4</i>
3.1.2	<i>Institutional Controls .....</i>	<i>4</i>
3.2	Environmental Easement .....	4
3.2.1	<i>Engineering and Institutional Control Requirements and Compliance .....</i>	<i>4</i>
3.2.2	<i>Institutional Controls .....</i>	<i>4</i>
3.2.3	<i>Engineering Controls.....</i>	<i>5</i>
3.3	Reporting Period Compliance.....	5
3.3.1	<i>Site Inspection.....</i>	<i>5</i>
<b>4.0</b>	<b>CONCLUSIONS AND RECOMMENDATIONS .....</b>	<b>6</b>
4.1	Conclusions.....	6
<b>5.0</b>	<b>DECLARATION/LIMITATION .....</b>	<b>7</b>

**PERIODIC REVIEW REPORT**  
**2530 Hamburg Turnpike Site**  
**Table of Contents**

**FIGURES**

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Figure 1	Site Location and Vicinity Map
Figure 2	Site Plan (Aerial)

**APPENDICIES**

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Appendix A	Site Inspection Forms
Appendix B	Site Photolog

## 1.0 INTRODUCTION

TurnKey Environmental Restoration, LLC (TurnKey) has prepared this Periodic Review Report (PRR), on behalf of 2530 HTP LLC, to summarize the post-remedial status of New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Site No. C915191, referred to as the 2530 Hamburg Turnpike Site.

This PRR has been prepared for the 2530 Hamburg Turnpike Site in accordance with NYSDEC DER-10 *Technical Guidance for Site Investigation and Remediation* (May 2010). The NYSDEC's Institutional and Engineering Controls (IC/EC) Certification Form has been completed for the Site (see Appendix A).

This PRR and the associated inspection form have been completed for the post-remedial activities at the Site for the period from September 22, 2010 to September 22, 2012.

### 1.1 Site Background

The 2530 Hamburg Turnpike Site encompasses approximately 1.3-acres of land which was redeveloped to include a gasoline pump island and canopy, convenience store and car wash facility in Lackawanna, New York (see Figure 1). The Site was historically used as a gasoline service station, which impacted the Site with volatile organic compounds (VOCs) and semivolatile organic compounds (SVOCs) related to the former underground storage tanks (USTs) and automobile service operation.

### 1.2 Remedial History

The Site was used as an automobile service station from at least 1940's. An office building was also located on-Site until 2005, at which time the building was donated to a local church and moved off of the Site.

Previous investigations were completed in April 2004 and July 2004 to investigate potential contamination related to the historic use of the Site as a gasoline station. The results of those investigations indicated that petroleum-related VOCs and SVOCs were present in soil and groundwater at concentrations above NYSDEC recommended soil cleanup objectives (RSCOs) and groundwater quality standards (GWQS) that required remediation. A NYSDEC Spill file was opened for the site (No. 0475033).

After acceptance into the New York State BCP in April 2005, a Supplemental Investigation and Interim Remedial Measures (SI/IRM) Work Plan was prepared in April 2005, and amended in July 2005. Remedial activities began in May 2005, with completion of fieldwork in September 2005. Remedial activities are described below in Section 2.0.

The remedial program was successful in achieving the remedial objectives for the Site, and the Site Closure Report was approved by the Department in December 2005. The NYSDEC issued a Certificate of Completion (COC) for the Site on September 8, 2006.

### **1.3 Compliance and Recommendations**

At the time of the Site inspection (October 11, 2012), the Site was fully compliant with the Department's approved Institutional and Engineering Controls. No modifications to the current SMP are recommended at this time.

## 2.0 BCP SITE OVERVIEW

The Site is bounded by Hamburg Turnpike (Rt. 5) to the west, Dona Street to the south, Albright Court to the east, and commercial properties to the north. The Site was vacant in 2005 when BCP remedial activities began.

Environmental site investigations were conducted in 2004 which revealed that the Site had been impacted by VOCs and SVOCs which inhibited redevelopment of the parcel. 2530 Hamburg Turnpike, LLC entered into a Brownfield Cleanup Agreement (BCA) with the NYSDEC in April 2005 to remediate and redevelop the site as a gasoline and convenience store. The remedial activities began in May 2005 and were completed by September 2005.

The remedial activities included:

- Excavation and off-site disposal of approximately 5,908-tons of non-hazardous petroleum impacted soil at a permitted solid waste landfill;
- Excavation, cleaning, and disposal for scrap of two abandoned USTs;
- Extraction, treatment and permitted-discharge of approximately 573,000-gallons of excavation waters to the Erie County wastewater treatment plant;
- Backfill of the excavation areas with DEC approved backfill;
- Collection of confirmatory soil samples; and
- Completion of asphalt surface cover during Site redevelopment.

Based on the results of the remedial activities, Spill No. 0475033 was closed in April 2006. The Site Closure Report was approved by the Department in December 2005. The NYSDEC issued a COC for the Site on September 8, 2006. The initial annual inspection was completed in October 2006, and all ICs were in compliance at that time.



### **3.0 SITE MANAGEMENT**

A Final Site Closure report was prepared for the Site, and approved by the Department in December 2005. The Site Closure Report includes sections which detail Operation and Maintenance (O&M) and Long-term Monitoring, and Institutional Controls (ICs) for the Site. An Environmental Easement was filed with Erie County which details the requirements of the property owner. A brief description of the components of the Site Closure Report and the Environmental Easement are presented below.

#### **3.1 Site Closure Report**

##### ***3.1.1 Operation and Maintenance and Long-term Monitoring Plan***

The O&M and Long-term Monitoring Plan provided as a section of the Final Site Closure Report (December 2005) indicates that no long-term monitoring is required for the Site based on the extensive remedial activities completed at the Site.

##### ***3.1.2 Institutional Controls***

The Institutional Controls described within the Final Site Closure Report (December 2005) indicates that the Site will be utilized for commercial purposes and that the asphalt surface cover will be maintained to prevent contact with underlying residual soil contamination.

#### **3.2 Environmental Easement**

An Environmental Easement was filed with Erie County (File No. 2006147264) on July 5, 2006 for the Site.

##### ***3.2.1 Engineering and Institutional Control Requirements and Compliance***

As detailed in the Environmental Easements, several ICs need to be maintained as a requirement of the BCA for the Site.

### ***3.2.2 Institutional Controls***

- Groundwater-Use Restriction – the use of groundwater for potable purposes is prohibited;
- Surface Maintenance – the asphalt surface must be maintained to prevent any contact with the underlying residual soil contamination;
- Land-Use Restriction - the controlled property may be used for commercial and/or industrial use; and
- Certification – the controlled property shall be certified every two years for institutional controls.

### ***3.2.3 Engineering Controls***

No Engineering controls are utilized on-Site

## **3.3 Reporting Period Compliance**

### ***3.3.1 Site Inspection***

A Site Inspection of the property was conducted by TurnKey on October 11, 2012. At the time of the inspection, the property was being used as a gasoline station, car wash and convenience store. No observable indication of intrusive activities was noted during the Site Inspection. The property is on municipal water supply, and no observable use of groundwater was noted during the site inspection. The Site at the time of the site inspection was in full compliance with the Site ICs. A completed Institutional Control Certification Form is provided in Appendix A. A photolog of the Site inspection is presented in Appendix B.

## 4.0 CONCLUSIONS AND RECOMMENDATIONS

### 4.1 Conclusions

- At the time of the Site inspection, the Site was in compliance with the Environmental Easement. Specifically, the Site is fully compliant with the Institutional Controls including land-use restrictions, groundwater-use restrictions, and the asphalt was being properly maintained.
- The next PRR will be completed in October 2014.

## 5.0 DECLARATION/LIMITATION

TurnKey Environmental Restoration, LLC, personnel conducted the annual site inspection for Brownfield Cleanup Program Site No. C915191, located in Lackawanna, New York, according to generally accepted practices. This report complied with the scope of work provided to 2530 HTP LLC by TurnKey Environmental Restoration, LLC.

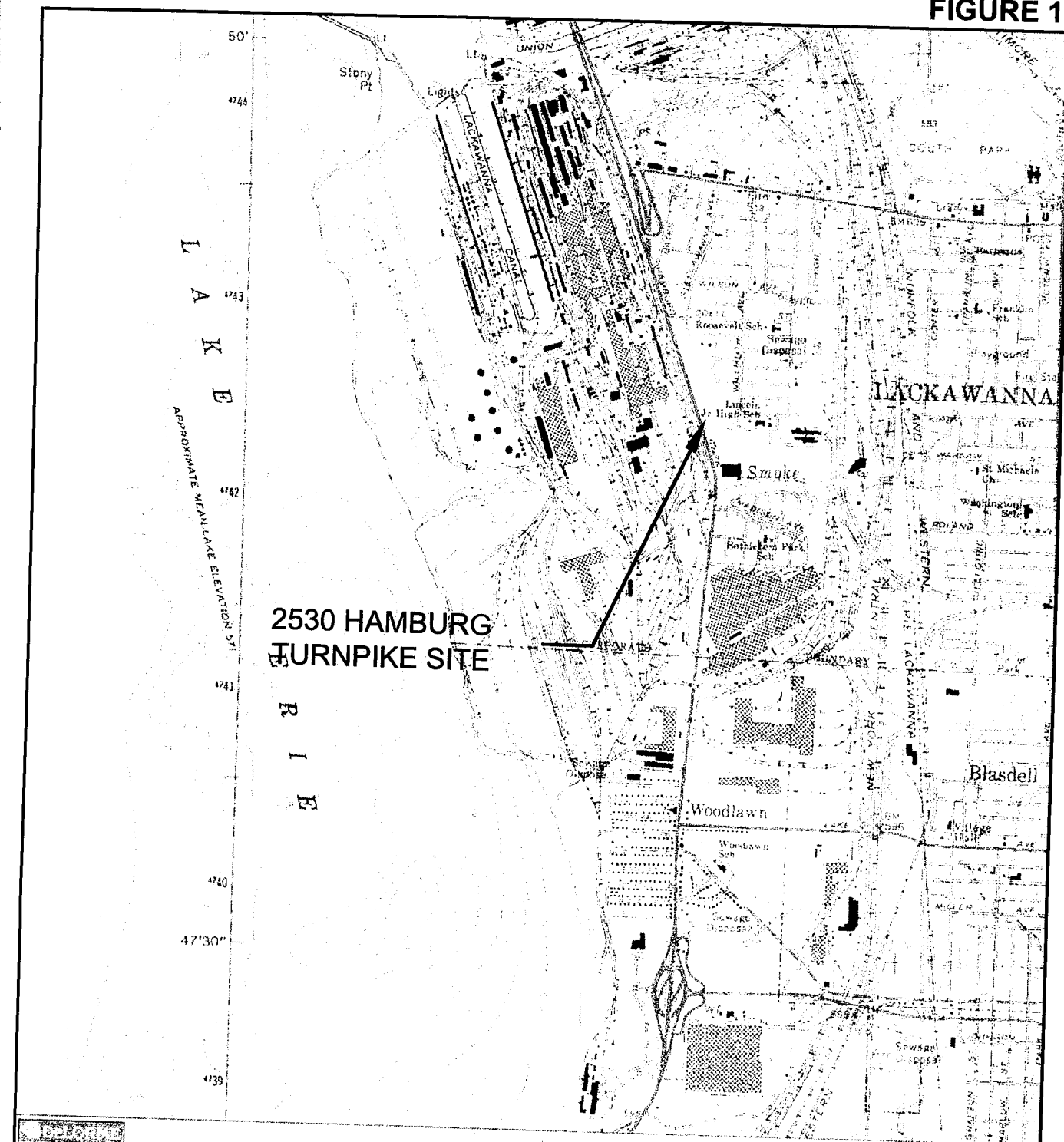
This report has been prepared for the exclusive use of 2530 HTP LLC. The contents of this report are limited to information available at the time of the site inspection. The findings herein may be relied upon only at the discretion of 2530 HTP LLC. Use of or reliance upon this report or its findings by any other person or entity is prohibited without written permission of TurnKey Environmental Restoration, LLC.

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## FIGURES

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**FIGURE 1**



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www.delorme.com



2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0635

## SITE LOCATION AND VICINITY MAP

PERIODIC REVIEW REPORT

2530 HAMBURG TURNPIKE SITE

LACKAWANNA, NEW YORK

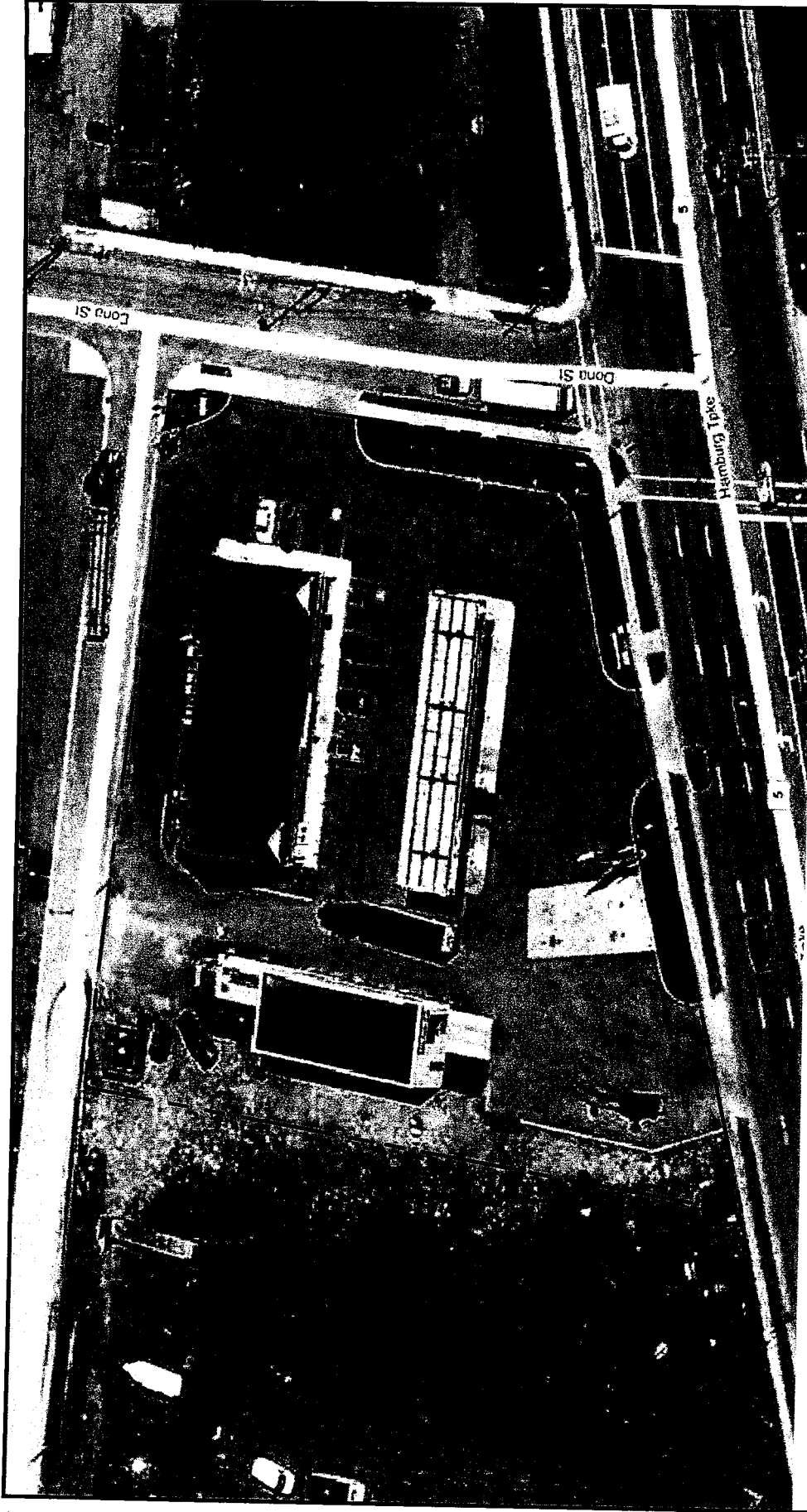
PREPARED FOR

2530 HTP, LLC

PROJECT NO.: 0112-012-106

DATE: OCTOBER 2012

DRAFTED BY: JCT



Base Map per Bing Maps  
Not to Scale

**LEGEND**

----- APPROXIMATE SITE BOUNDARY



2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0635

PROJECT NO.: 0112-012-106

DATE: OCTOBER 2012

DRAFTED BY: JCT

**FIGURE 2**

**SITE PLAN (AERIAL)**  
PERIODIC REVIEW REPORT

2530 HAMBURG TURNPIKE SITE

LACKAWANNA, NEW YORK

PREPARED FOR  
2530 HTP, LLC

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## APPENDIX A

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### INSTITUTIONAL & ENGINEERING CONTROLS CERTIFICATION FORM





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



Site No. C915191

Site Details

Box 1

Site Name 2530 Hamburg Turnpike Site

Site Address: 2530 HAMBURG TURNPIKE Zip Code: 14218  
City/Town: Lackawanna  
County: Erie  
Site Acreage: 1.3

Reporting Period: September 22, 2010 to September 22, 2012

1. Is the information above correct?

YES NO

☒ ☐

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?

☐ ☒

3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?

☐ ☒

4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?

☐ ☒

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?

☐ ☒

Box 2

6. Is the current site use consistent with the use(s) listed below?  
Commercial and Industrial

YES NO

☒ ☐

7. Are all ICs/ECs in place and functioning as designed?

☒ ☐

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

SITE NO. C915191

Box 3

**Description of Institutional Controls**

Parcel

Owner

Institutional Control

141.67-4-2.2

2530 HTP LLC

Ground Water Use Restriction  
Landuse Restriction

Box 4

**Description of Engineering Controls**

None Required

Not Applicable/No EC's

**Engineering Control Details for Site No. C915191**

**Parcel: 141.67-4-2.2**

The following Ground Water Use Restrictions and Landuse Restrictions were identified in the Environmental Easement filed with the Erie County Clerk on 7/5/08:

1. The Controlled Property may be used for commercial and industrial use as long as institutional controls are employed.
2. The groundwater beneath the site cannot be used as a potable water source. The asphalt cover must be maintained to prevent any contact with the underlying residual soil contamination.
3. The site shall be certified every two years to ensure that institutional and engineering controls are in place, are operating properly, and are protective of human health and the environment.

# 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. C915191

Box 6

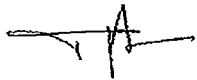
SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

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 Tim Boyle at 2440 Sheridan Drive, Tonawanda NY  
print name print business address

am certifying as 2530 HTP LLC (Owner or Remedial Party)

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



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

10-15-12  
Date