
PERIODIC REVIEW REPORT

**2530 HAMBURG TURNPIKE SITE
SITE No. C915191**

LACKAWANNA, NEW YORK

May 2019

0112-019-003

Prepared for:

2530 HTP LLC

Prepared By:



TurnKey Environmental Restoration, LLC
2558 Hamburg Turnpike, Suite 300
Buffalo, NY 14218
(716)856-0635

PERIODIC REVIEW REPORT

2530 Hamburg Turnpike Site

Table of Contents

1.0	INTRODUCTION.....	1
1.1	Site Background.....	1
1.2	Remedial History	1
1.3	Compliance	2
1.4	Recommendations.....	2
2.0	BCP SITE OVERVIEW	3
3.0	SITE MANAGEMENT	4
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>5</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>
4.0	CONCLUSIONS AND RECOMMENDATIONS	6
4.1	Conclusions.....	6
4.2	Recommendations.....	6
5.0	DECLARATION/LIMITATION	7

PERIODIC REVIEW REPORT
2530 Hamburg Turnpike Site
Table of Contents

FIGURES

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

APPENDICIES

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 May 1, 2016 to May 1, 2019.

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. 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

At the time of the Site inspection, the Site was fully compliant with the Department's approved SMP.

1.4 Recommendations

TurnKey makes the following recommendation:

- Modification of Certification and PRR submittal requirements to every five (5) years.

Beyond those changes described above, no modifications to the current SMP are recommended at this time.

2.0 BCP SITE OVERVIEW

The Site is bounded by Hamburg Turnpike (NYS Route 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.

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 (ICs) 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 for designated 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 April 3, 2019. At the time of the inspection, the property was being used as a gasoline station 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 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 Institutional Controls including land-use restrictions, groundwater-use restrictions, and the asphalt cover was being properly maintained.

4.2 Recommendations

TurnKey makes the following recommendation:

- Modification of Certification and PRR submittal requirements to every five (5) years.

Beyond those changes described above, no modifications to the current SMP are recommended at this time.

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.

FIGURES

FIGURE 1



DeLORME

© 2002 DeLorme, 3-D TopoQuade. Data copyright of content owner.
www.delorme.com



**2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0835**

SITE LOCATION AND VICINITY MAP

PERIODIC REVIEW REPORT

2530 HAMBURG TURNPIKE SITE

LACKAWANNA, NEW YORK

**PREPARED FOR
2530 HTP, LLC**

PROJECT NO.: 0112-019-003

DATE: APRIL 2019

DRAFTED BY: CEH



Base Map per Google Maps
Not to Scale

LEGEND

— — — — — APPROXIMATE SITE BOUNDARY



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

PROJECT NO.: 0112-019-003

DATE: APRIL 2019

DRAFTED BY: CEH

SITE PLAN (AERIAL)

PERIODIC REVIEW REPORT
2530 HAMBURG TURNPIKE SITE

LACKAWANNA, NEW YORK
PREPARED FOR
2530 HTP, LLC

FIGURE 2

APPENDIX A

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: 1.330		
Reporting Period: May 01, 2016 to May 01, 2019		
		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 ControlsParcelOwnerInstitutional Control

141.67-4-2.2

2530 HTP LLC

Ground Water Use Restriction
Landuse Restriction

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 three years to ensure that institutional and engineering controls are in place, are operating properly, and are protective of human health and the environment.

Description of Engineering Controls

None Required

Not Applicable/No EC's

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 2530 Hamburg Turnpike
print name print business address

am certifying as Designated Representative (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

5-14-19
Date

APPENDIX B

SITE PHOTLOG

SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: Site Conditions - (looking north from Dona Street)

Photo 2: Site Conditions - Canopy and asphalt surface (looking south)

Photo 3: Site Conditions - Building and Asphalt surface (looking south)

Photo 4: Site Conditions - Asphalt surface (north side of property)

SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



Photo 5: Building (looking north)

Photo 6: Asphalt surface and grass area (looking west)

Photo 7: Canopy and asphalt surface (looking north)

Photo 8: Asphalt surface (looking southeast)