

## **PERIODIC REVIEW REPORT (PRR)**

**Speedway #9886  
2530 Hamburg Turnpike Site  
Lackawanna, New York  
Parcel: 141.67-4-2.21  
BCP Site No. C915191**

May 2025

**Submitted to:**

New York State Department of Environmental Conservation  
Division of Environmental Remediation, Region 9  
700 Delaware Avenue  
Buffalo, New York 14209

**Prepared For:**

Speedway LLC  
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Irving, Texas 75063

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(2022-2025)

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## 1.0 INTRODUCTION

On behalf of Speedway LLC (Speedway), EnviroTrac Ltd. (EnviroTrac) has prepared this 2025 Periodic Review Report (PRR) along with a completed Institutional Controls and Engineering Controls (IC/EC) Certification Form summarizing the post-remedial status of the Site located at 2530 Hamburg Turnpike (Route 5) in the city of Lackawanna, New York. The Site is currently in the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) and is referenced as Site No. C915191.

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).

This report is being submitted as requested by the NYSDEC in its letter dated March 25, 2025 to Samuel J. Kramer of Speedway. The March 2025 letter provided guidelines for preparing the PRR and IC/EC Certification Form and required that the PRR be submitted to the NYSDEC no later than May 31, 2025. The reporting period for this PRR was scheduled for a three (3) year period between May 1, 2022 to May 1, 2025.

In April 2024, Speedway retained EnviroTrac as the environmental consultant for this property. This PRR and the attached IC/EC Certification Form are for the post-remedial activities at the Site and summarize the findings of the March 2025 Site inspection.

### 1.1 Site Description and Background

The 2530 Hamburg Turnpike Site is situated on approximately 1.33 acres and is located on the corner of Dona Street and Hamburg Turnpike (Route 5) in Erie County, New York. The Site is zoned commercial and is occupied by a Speedway gas station. Main site features include a convenience store, gasoline and diesel dispenser islands, and a canopy. The remainder of the site is asphalt-paved with a few grassy areas near rights-of-way.

The property is generally flat with an elevation of approximately 575-feet above mean sea level. Historically, the subsurface consists of asphalt, fill, sandy gravel, and silty clay/clayey silt. Groundwater was historically located at a depth of approximately 8- to 9-feet below grade surface (bgs). Depth to bedrock ranges from 13-feet bgs on the east side to 19-feet on the west side of the property.

As per historical reports, the Site was used as a gasoline station since the 1940s. An office building with a basement was also located on-site until approximately 2005, at which point in time the office building was moved to a property on Dona Street.

Subsequently, the basement was backfilled to grade with clean fill. The Site was vacant with no structures until the early 2000s.

## 1.2 Remedial History

The primary contaminants of concern for the site are petroleum-related volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs) associated with the Site's previous operations as a gasoline dispensing facility and automobile service station. Previous environmental investigations detected petroleum-related VOCs and SVOCs in soil samples collected above soil cleanup objectives (SCOs) and in groundwater samples collected above NYSDEC groundwater quality standards (TAGM and TOGS 1.1.1). A supplemental subsurface soil and groundwater investigation was completed in August 2004 by Iyer Environmental Group, PLLC (IEG). Following the 2004 investigation, NYSDEC Spill # 0475033 was assigned to the Site.

In 2005, a 500-gallon and a 3,000-gallon underground storage tank (UST) were excavated and disposed of off-site. In addition, approximately 5,908 tons of non-hazardous petroleum impacted soils were excavated and disposed of off-site and approximately 573,000-gallons of water from the excavation was treated (bag filters and activated carbon) and discharged at the Erie County Wastewater Treatment Plant.

The Site entered the BCP program as Site No. C915191 in April 2005. Cleanup activities in the form of an Interim Remedial Measure (IRM) were completed to address the environmental contamination at the Site and achieved soil cleanup objectives for Commercial Use. Remediation at the Site is complete. Spill # 0475033 was closed in April 2006 and a certificate of completion (COC) for the Site was issued by the NYSDEC on September 8, 2006. Post-remedial residual contamination is addressed with the site management requirements, including environmental easement restrictions on use, an asphalt cover, this PRR, and associated IC/EC form.

A Site Location Map is provided as **Figure 1** and a Site Plan depicting site features is presented as **Figure 2**.

## 1.3 Compliance

At the time of the Site inspection on March 25, 2025, the site was compliant with the Site Management Plan (SMP).

## 1.4 Recommendation

EnviroTrac is not recommending any changes at this time. The PRR along with certifications will be submitted every three (3) years. The next certification and PRR will be submitted to the NYSDEC by May 2028.

## 2.0 REMEDIAL HISTORY

### 2.1 Early Investigations & BCP Acceptance

The Site was used as an automobile service station from at least the 1940s. To investigate potential contamination related to the historic use of the Site as a gasoline station, several subsurface investigations were completed in April and July 2004 (LCS). Results from these previous investigations revealed the presence of petroleum-related VOCs and SVOCs in soil and groundwater at concentrations above NYSDEC SCOs and groundwater quality standards prompting remediation and limiting redevelopment of the Site. Spill # 0475033 was assigned to the Site on April 19, 2004.

Upon entry into the BCP, 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 and were completed in September 2005. The SI/IRM work plan aimed at collecting data across the entire Site for known contaminants of concern (VOCs and SVOCs) in addition to pesticides, polychlorinated biphenyls (PCBs), heavy metals, and cyanide. The additional contaminants were of concern due to adjacent industrial and commercial use properties. Previous investigations were limited to the southwest portion of the property where the former gas station was located. After completion of the SI field work in June 2005, the IRM work plan consisted of the removal and off-site disposal of contaminated soils. The SI/IRM work plan was amended to include extra soil excavation to address additional areas with SVOCs.

### 2.2 Remedial Activities

As previously mentioned, remedial activities as outlined within the July 2005 SI/IRM work plan were completed between May and September 2005. The following was achieved:

- Approximately 5,908-tons of non-hazardous petroleum impacted soil was excavated and properly disposed of at a permitted landfill;

- Two (2) [one (1) 500-gallon and one (1) 3,000-gallon] USTs were excavated, cleaned, and properly disposed of off-site;
- Approximately 573,000-gallons of water from the excavation area was removed, treated, and discharged to the Erie County wastewater treatment plant;
- All excavation areas were backfilled with NYSDEC-approved backfill;
- Confirmatory soil samples were collected from the excavations; and
- During Site redevelopment, an asphalt surface cover was completed.

Following completion of the IRM, the Site was redeveloped as a gasoline station, which remains the current site use for the reporting period. On April 12, 2006, NYSDEC Spill # 0475033 was closed. The Site Closure Report was approved by the NYSDEC in December 2005 and a Certificate of Completion (COC) for the Site was issued on September 8, 2006.

## 3.0 SITE MANAGEMENT

### 3.1 Site Closure Report

After completion of the IRM, remedial objectives were met by the NYSDEC as outlined within the December 2005 Site Closure Report. The aforementioned report includes sections detailing 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. The following sections describe site-specific Site Management (SM) requirements that must be met to maintain compliance.

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

As described within the O&M and Long-term Monitoring Plan section of the Final Site Closure Report (December 2005), long-term monitoring is not required at the Site given the low concentrations of VOCs in the groundwater at the Site and that the source of the contaminants have been removed and disposed of off-site.

#### 3.1.2 Institutional Controls

The Institutional Controls (ICs) described within the Final Site Closure Report (December 2005) indicates that the Site (Parcel 141.67-4-2.21) will be utilized for

commercial/industrial purposes and that the asphalt surface cover will be maintained to prevent contact with any residual soil contamination that may still exist.

## 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 described in the Environmental Easement, several ICs need to be maintained as a requirement for the Brownfields Cleanup Agreement (BCA) for the Site.

#### 3.2.1.1 Institutional Controls

- The Controlled Property may be used for commercial and industrial use as long as institutional controls are employed;
- 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;
- The Site shall be certified every three (3) years to ensure that institutional and engineering controls are in place, are operating properly, and are protective of human health and the environment.

### 3.2.2 Engineering Controls

There are no engineering controls in effect for the Site.

## 3.3 Site Inspection

On March 25, 2025, EnviroTrac completed a site inspection at the above referenced property. At the time of the inspection, the property was occupied by a Speedway gasoline station and convenience store, which is consistent with the intended/permitted use. Based on EnviroTrac's observations during the March 2025 inspection and based on conversations between EnviroTrac and station personnel, no known intrusive activities have been completed at the Site during this reporting period. No observable use of groundwater was noted during the Site inspection. The connection to the municipal water

system was observed inside the station building. Various areas on-site show normal settling of asphalt; for example, the seam is now noticeable where two (2) large sections of asphalt were installed in 2022. Another area within the forecourt is beginning to degrade, but at this time still appears to be intact. The Site at the time of the inspection was in compliance with the Site ICs. A completed Institutional Control Certification Form is provided in **Appendix A** and photographic documentation of the Site inspection is presented in **Appendix B**.

## 4.0 CONCLUSIONS AND RECOMMENDATIONS

### 4.1 Conclusions

During the March 25, 2025 inspection, the Site was in compliance with the requirements set forth by the SMP:

- ICs including land-use and groundwater-use restrictions were in effect; and,
- The asphalt cover was maintained and in good-condition. Some areas showed minor, normal settling of asphalt and still appear to be intact.

### 4.2 Recommendations

EnviroTrac recommends completing minor repairs to several asphalt areas on-site to preserve the quality of the asphalt cover for longevity. Once approval from the NYSDEC is given, asphalt restorations will be completed. Photo-documentation of site activities will be provided to the NYSDEC after restorations are made to remain in compliance with the SMP.

The PRR and certification form will be submitted to the NYSDEC every three (3) years with the next submittal date by May 2028.

## 5.0 REFERENCES

IGE, PLLC, 2005. Site Closure Report supplemental investigation/interim Remedial Measure 2530 Hamburg Turnpike, Lackawanna, NY, December 2005.



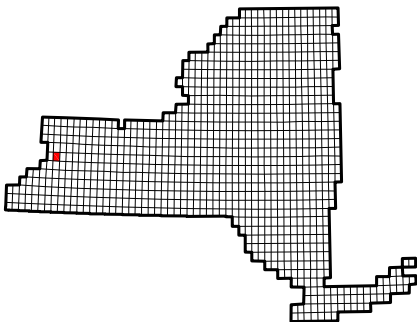
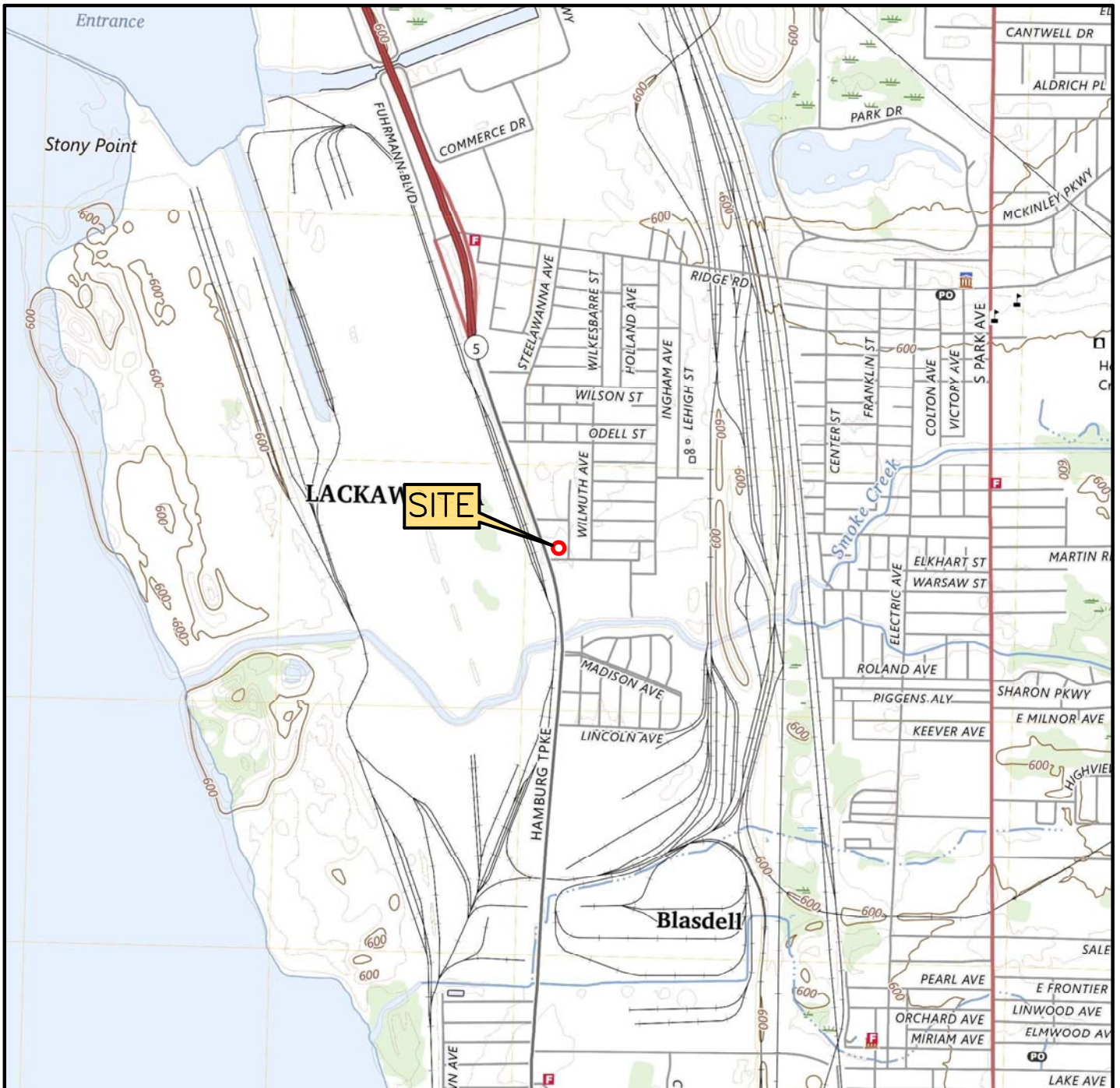
LCS, Inc, 2004a. Report, Limited and Focused Subsurface Soil Investigation, Vacant Commercial Property, 2530 Hamburg Turnpike, April 28, 2004

LCS Inc., 2004b. Report, Supplemental Subsurface Soil and Groundwater Investigation, 2530 Hamburg Turnpike, by July 2004

New York State Department of Environmental Conservation (NYSDEC), 1994. Technical and Administrative Guidance Memorandum (TAGM) 4046: Determination of Soil Cleanup Objectives and Cleanup Levels. Revised January 24, 1994.

NYSDEC 1998. NYSDEC Division of Water Technical and Operational Guidance Series (TOGS) 1.1.1 Class GA groundwater standards [NYSDEC, 1998, with addenda through 2004].

NYSDEC, 2010a. DER-10 Technical Guidance for Site Investigation and Remediation. Issued May 3, 2010.



QUADRANGLE LOCATION:  
BUFFALO SE, NEW YORK

APPROXIMATE ELEVATION:  
575 FT.

SOURCE:  
USGS 7.5 MINUTE SERIES



FIGURE #

1

## SITE LOCATION MAP

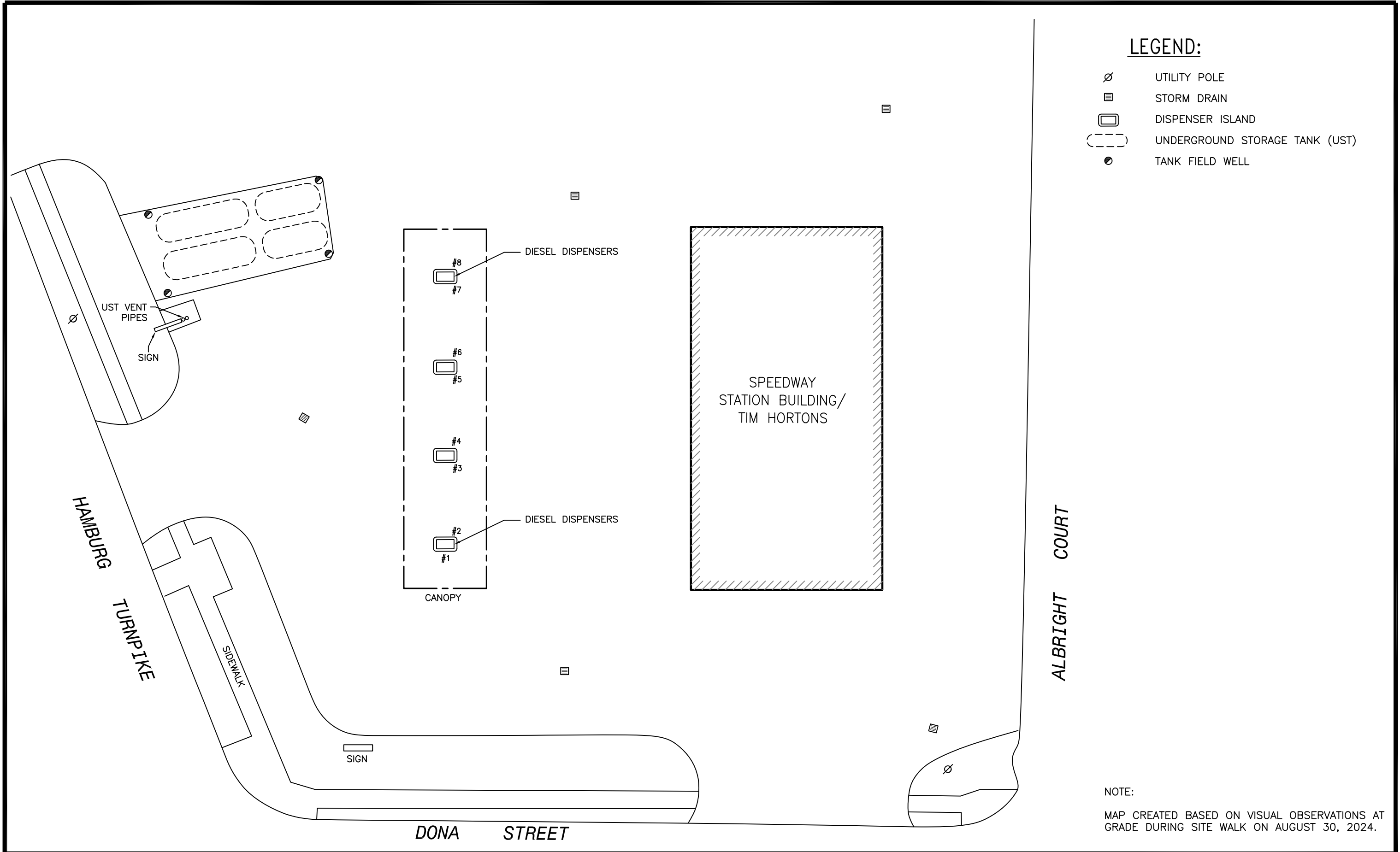
SPEEDWAY #9886  
2530 HAMBURG TURNPIKE  
LACKAWANNA, NEW YORK

DRAWN BY: B.S.

REVISION DATE:  
3/24/2025

**EnviroTrac**  
ENVIRONMENTAL SERVICES

5 OLD DOCK ROAD, YAPHANK, NEW YORK 11980  
PHONE: (631)924-3001 FAX: (631)924-5001



**LEGEND:**

- Ø UTILITY POLE
- STORM DRAIN
- DISPENSER ISLAND
- - - UNDERGROUND STORAGE TANK (UST)
- TANK FIELD WELL

NOTE:  
MAP CREATED BASED ON VISUAL OBSERVATIONS AT  
GRADE DURING SITE WALK ON AUGUST 30, 2024.

# **APPENDIX A**

## **Institutional Controls/Engineering Controls Certification Form (2022-2025)**



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.**            **C915191**

**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, 2022 to May 01, 2025

YES    NO

1. Is the information above correct?



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**

YES    NO

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



7. Are all ICs 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

**Description of Institutional Controls**ParcelOwnerInstitutional Control**141.67-4-2.21**

Speedway 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 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. C915191**

**Box 6**

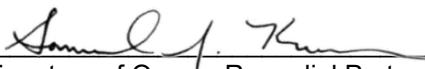
**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

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 Samuel Kramer at 3200 Hackberry Road Irving, TX 75063,  
print name print business address

am certifying as Owner 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

05/22/2025  
Date



# **APPENDIX B**

## **Photographic Log**

**Photographic Log**  
Speedway #9886  
2530 Hamburg Turnpike Site  
Lackawanna, New York  
PRR Site Inspection - March 25, 2025



**Photograph 1:** Rear of building looking south along Albright Court.



**Photograph 2:** View of South side of building, looking East.

**Photographic Log**  
Speedway #9886  
2530 Hamburg Turnpike Site  
Lackawanna, New York  
PRR Site Inspection - March 25, 2025



**Photograph 3:** View of South side of property, looking West.



**Photograph 4:** Forecourt between dispensers and station building, looking north.



**Photographic Log**  
Speedway #9886  
2530 Hamburg Turnpike Site  
Lackawanna, New York  
PRR Site Inspection - March 25, 2025



**Photograph 5:** Northern end of site.



**Photograph 6:** Western side of property.

**Photographic Log**  
Speedway #9886  
2530 Hamburg Turnpike Site  
Lackawanna, New York  
PRR Site Inspection - March 25, 2025



**Photograph 7:** Asphalt seam running West-East on western side of property.



**Photograph 8:** View of canopy and station building.



**Photographic Log**  
Speedway #9886  
2530 Hamburg Turnpike Site  
Lackawanna, New York  
PRR Site Inspection - March 25, 2025



**Photograph 9:** View of the northwestern portion of the Site, looking North.



**Photograph 10:** Municipal water connection inside station building.

**Photographic Log**

Speedway #9886  
2530 Hamburg Turnpike Site  
Lackawanna, New York  
PRR Site Inspection - March 25, 2025



**Photograph 11:** View of water meter on rear exterior of station building.