

National Fuel Gas Distribution Corporation

2019 PERIODIC REVIEW REPORT

Former Buffalo Service Station – Off-Site

Site #C915194a

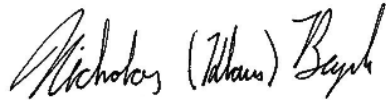
Buffalo, Erie County, New York

January 2020



2019 PERIODIC REVIEW REPORT

Former Buffalo Service Station – Off-Site
Site #C915194a
Buffalo, Erie County, New York



Nicholas (Klaus) Beyrle, PG
Staff Geologist



Scott Powlin, PG
Principle Geologist

Prepared for:

National Fuel Gas Distribution Corporation
6363 Main Street
Williamsville, New York 14221-5887

Prepared by:

Arcadis of New York, Inc.
One Lincoln Center
110 West Fayette Street
Suite 300
Syracuse
New York 13202
Tel 315 446 9120
Fax 315 449 0017

Our Ref.:

30003786

Date:

January 2020

This document is intended only for the use of the individual or entity for which it was prepared and may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any dissemination, distribution or copying of this document is strictly prohibited.

CONTENTS

Acronyms and Abbreviations.....	ii
1 Introduction	1
1.1 Background.....	1
1.1.1 Site Location and History	1
1.1.2 Summary of Impacts and Remedial Actions	1
1.2 Objectives	2
2 IC Effectiveness Monitoring	2
2.1 Site-Wide Inspection.....	2
2.2 Property Owner Interview	3
2.2.1 City of Buffalo	3
2.2.2 NYSTA.....	3
3 Certification	3
4 References.....	4

FIGURES

Figure 1 Site Location Map

Figure 2 Site Map

APPENDICES

Appendix A Site Inspection Form

Appendix B Photographic Log

Appendix C Phone Call Log and FOIA Information

Appendix D PRR Certification Form

ACRONYMS AND ABBREVIATIONS

BSS	Former Buffalo Service Station
IC	Institutional Control
PRR	Periodic Review Report
NYSDEC	New York State Department of Environmental Conservation
NYSTA	New York State Thruway Authority
SMP	Site Management Plan

1 INTRODUCTION

This *Periodic Review Report* (PRR) is required by Section 4.3 of the May 2016 Site Management Plan (SMP; Arcadis, 2016) for the Former Buffalo Service Station (BSS) Off-Site site (hereinafter referred to as the "Site") located in Buffalo, Erie County, New York. The SMP addresses the means for implementing Institutional Controls (ICs) that are required by the Environmental Easement for the portion of the Site owned by the City of Buffalo (City) and an Environmental Notice for the portion of the Site owned by the New York State Thruway Authority (NYSTA). As of the date of this PRR, an Environmental Notice is pending between the New York State Department of Environmental Conservation (NYSDEC) and NYSTA for the portion of the Site owned by the NYSTA. National Fuel submitted a November 21, 2017 letter to the NYSDEC in response to August 2017 comments from the NYSTA on the May 2016 Site Management Plan (SMP). In that letter, National Fuel requested that the NYSDEC provide final approval of the May 2016 SMP and provide NYSTA with an environmental notice for NYSTA's property that comprises the western portion of the site. The NYSDEC provided a revised version of the SMP to National Fuel on January 15, 2019 in response to National Fuel's November 21, 2017 letter. National Fuel is currently reviewing the revised SMP. The certification provided in this PRR assumes that the ICs identified for the portion of the Site owned by the NYSTA will be the same as those identified in the Environmental Easement for the City property.

This PRR has been developed in accordance with Section 6.3 of the Department of Environmental Remediation (DER)-10 Technical Guidance for Site Investigation and Remediation (NYSDEC, 2010). This PRR documents inspection and efficacy of the ICs implemented at the Site during the reporting period of January 1, 2019 to December 31, 2019.

1.1 Background

1.1.1 Site Location and History

The Site is located in the City of Buffalo, County of Erie, New York (Figure 1), and is approximately 120 feet by 180 feet extending from the eastern edge of Fourth Street, under and to the west edge of the New York State Interstate I-190 overpass (Figure 2). The portion of the Site that lies beneath Fourth Street is owned by the City of Buffalo, and the portion beneath the I-190 overpass is owned by the NYSTA. The eastern portion of the Site contains a 6-foot tall galvanized chain-link fence placed by the NYSTA to deter trespassing under the I-190 overpass. The western boundary of the Site is denoted by a chain-link fence that is located between the Site and a railroad. Groundwater in the vicinity of the Site is not used as a drinking water supply (Groundwater Technology, 1996). The Site was historically the location of the confluence between the former Wilkeson Slip and the former Erie Canal (Figure 2).

1.1.2 Summary of Impacts and Remedial Actions

As summarized in the SMP, it is possible that a small region of residual coal tar remains beneath Fourth Street at a depth of approximately 15 to 19 feet below ground surface. Previous investigations indicated that the tar (and related dissolved phase impacts from the tar) does not appear to be present in the portion of the Site west of Fourth Street (underneath the I-190 overpass). The tar likely originated from the former Buffalo Service Station site located adjacent to, and northeast of, the Site (Figure 2).

The remedial action for the site consists of compliance with the Environmental Easement and Environmental Notice (pending) and the ICs described in the SMP. The ICs consist of:

1. The Site may be used for commercial and industrial use.
2. The Site may not be used for a higher level of use, such as unrestricted residential, or restricted residential use as defined in DER-10, without an amendment to each the Environmental Easement and Environmental Notice, respectively, as approved by the NYSDEC.
3. Compliance with the Environmental Easement, and Environmental Notice, and the SMP by the owners of the Site and National Fuel and its successors.
4. ICs identified in the Environmental Easement and Environmental Notice may not be discontinued without an amendment to or extinguishment of the Environmental Easement and/or Environmental Notice, respectively.
5. All future activities on the Site that will disturb remaining impacts must be conducted in accordance with the SMP.
6. Use of the groundwater underlying the Site is prohibited.
7. Vegetable gardens and farming on the Site are prohibited.
8. Data and information pertinent to Site management must be reported at the frequency and in a manner as defined in the SMP.

1.2 Objectives

As described in the SMP, ICs are established for the Site and are required to protect human health and the environment. The purpose of the ICs is to prevent future exposure to remaining impacts by controlling disturbances of the subsurface impacts, and limit use and development of the Site to commercial or industrial uses only.

The Site Monitoring Plan provided in Section 3 of the SMP describes requirements for evaluating the effectiveness and condition of the ICs. National Fuel or its successor is responsible for Site monitoring, including inspections and reporting. Because there is no active remediation system or media sampling required for the Site, performance monitoring is not applicable.

2 IC EFFECTIVENESS MONITORING

This section summarizes effectiveness monitoring of the Site ICs. The effectiveness monitoring consisted of conducting a site-wide inspection and contacting the property owners to conduct interviews regarding compliance with ICs for 2019.

2.1 Site-Wide Inspection

As discussed in Section 3.2 of the SMP, a comprehensive site-wide inspection is required for the first 5 years and once every 3 years thereafter. The site-wide inspection for the 2019 monitoring period was

conducted on January 8, 2020. During the inspection, ICs were observed to be effective at protecting human health and the environment at the Site, as follows:

- Obvious indications of recent intrusive disturbance to the subsurface were not observed on the City or NYSTA properties; and
- Land use was observed to be commercial or industrial, which is consistent with that identified in the SMP.

The completed site inspection form, as required by Section 3.2 of the SMP, is included as Appendix A. A photographic log for photographs taken during the Site inspection is included as Appendix B.

2.2 Property Owner Interview

Arcadis contacted representatives from each property owner comprising the Site to inquire whether potential activities (i.e. intrusive activities) or land-use changes occurred in 2019 that would have violated the ICs. A summary of the correspondence is provided below, and documentation is included as Appendix C.

2.2.1 City of Buffalo

On December 2, 2019 Mr. Nicholas Beyrle of Arcadis submitted a Freedom of Information Act (FOIA) request via email to Mr. Michael Finn from the City of Buffalo Department of Public Works for information to determine whether intrusive activities were conducted on the City of Buffalo portion of the Site in 2019. A copy of the FOIA request is provided in Appendix C. Information received from the FOIA request (also in Appendix C) confirmed that no intrusive activities occurred on the City of Buffalo portion of the Site and that the ICs remained effective during 2019.

2.2.2 NYSTA

On January 9, 2020, Ms. Sierra Tweedie of Arcadis spoke with Mr. Scott Helser from the NYSTA. Mr. Helser indicated that no subsurface work was conducted on the NYSTA portion of the Site by NYSTA or third-party contractors and that no change in use of the property had occurred in 2019. To the best of his knowledge, the ICs remained effective during 2019.

3 CERTIFICATION

Certification for the institutional controls is outlined by site management requirements presented in Section 6.3(b) of DER-10. As noted in Section 4.3 of the SMP, the certification shall be submitted annually for the first five years and then every three years thereafter, or an alternate period of time that NYSDEC may allow. The certification form enclosed in this PRR as Appendix D covers the certification period from January 1, 2019 to December 31, 2019.

4 REFERENCES

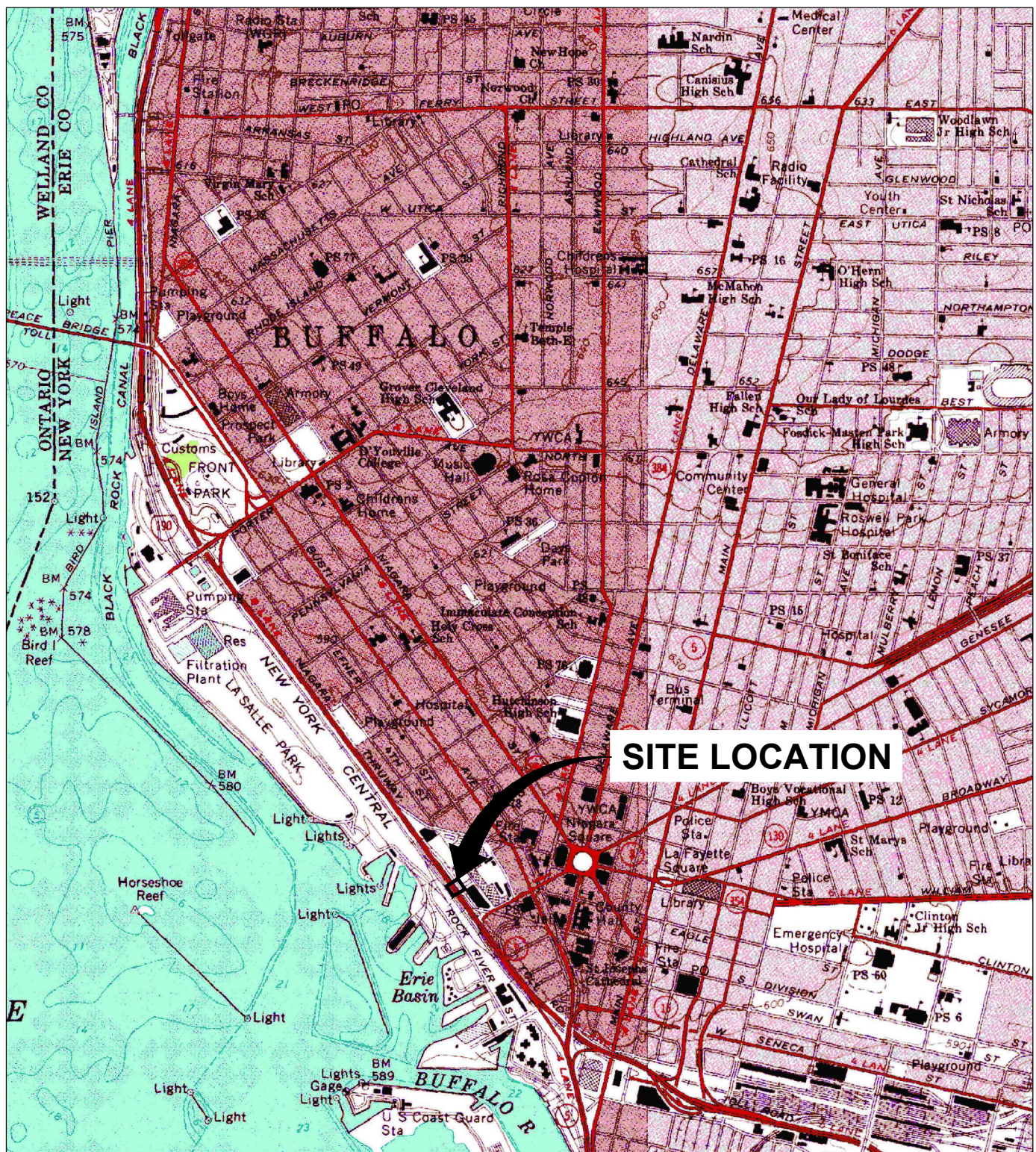
Arcadis, 2016. Site Management Plan, Former Buffalo Service Station – Off-site, New York, May 2016.

Groundwater Technology, 1996. Sensitive Receptor Survey Report National Fuel Gas Distribution Corporation Buffalo Service Center, Buffalo, New York, April 5, 1996.

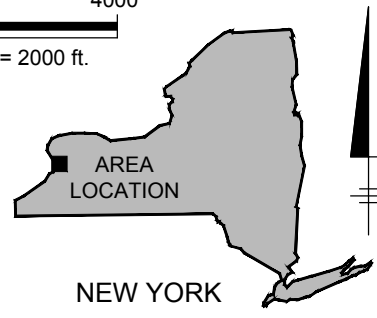
NYSDEC, 2010. DER-10 Technical Guidance for Site Investigation and Remediation, May 2010.

FIGURES





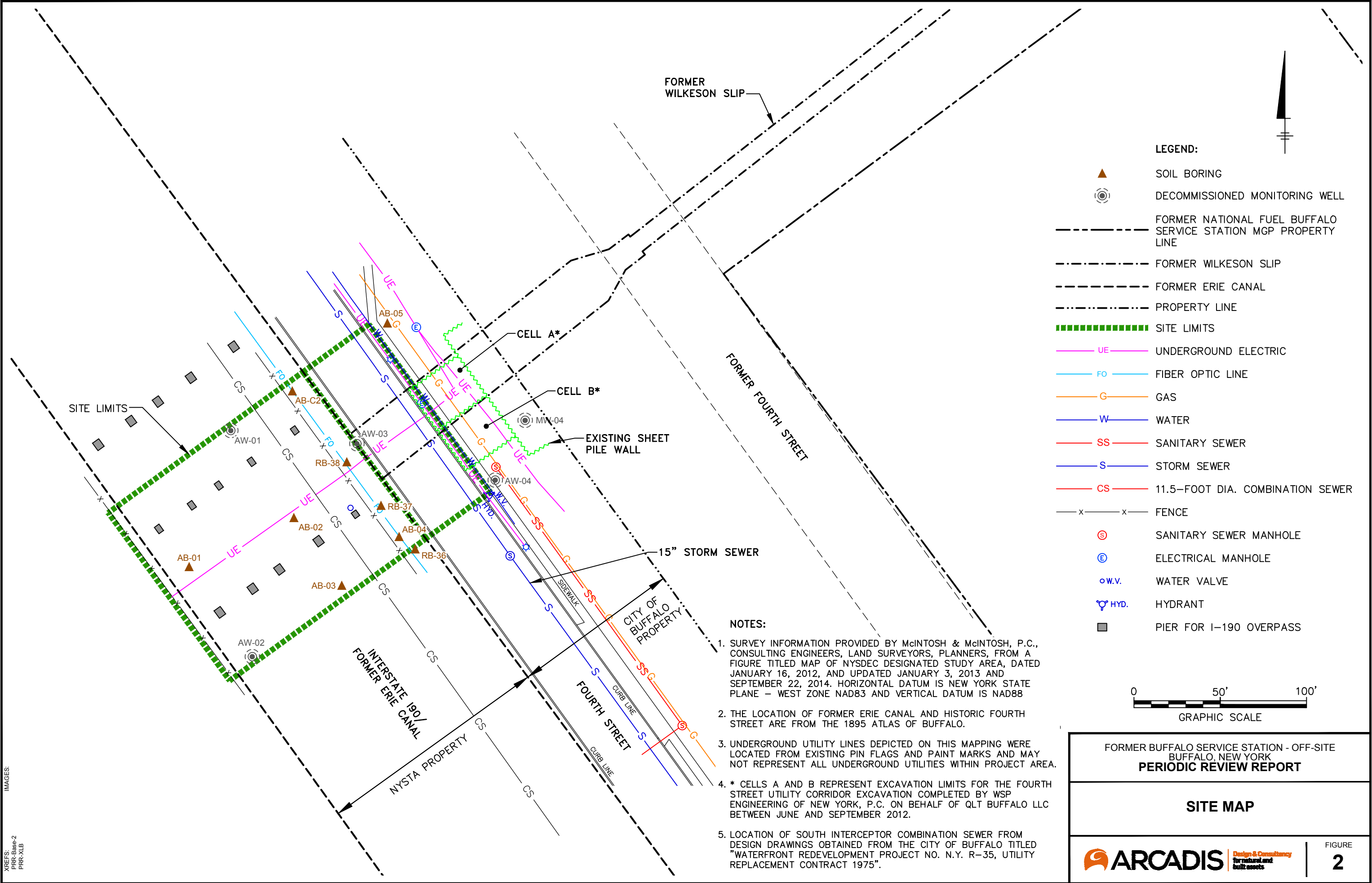
REFERENCE: BASE MAP USGS 7.5. MIN. TOPO. QUADS., BUFFALO NW, NY-ON, AND BUFFALO NE, 1965.



<p>FORMER BUFFALO SERVICE STATION - OFF-SITE BUFFALO, NEW YORK PERIODIC REVIEW REPORT</p>	
<p>SITE LOCATION MAP</p>	
	<p>Design & Consultancy for natural and built assets</p>
<p>FIGURE 1</p>	

CITY:SYRACUSE,NY DIV:GROUP:ENR/IM/DV DBA:Schilling, R. ALLEN LD:(O) PIC:(O) PM:S. POWLIN TM:(O) LVR:(O) ON="OFF" REF="C:\Users\kbarbieri\OneDrive - ARCADIS\BIM\960\Docs\ANA-NATIONAL FUEL\FORMER BUFFALO SERVICE CENTER OFFSITE\2017\B0203310\000001-DWG\PRR-fig2-Site Map.dwg LAYOUT:2 SAVER: 1/8/2018 3:20 PM ACADVER: 20.1S (LMS TECH) PAGES: 21 PLOT: 1/8/2018 3:20 PM BY: SARTORI, KATHERINE

IMAGES:
 PRR-Base-2
 PRR-XLB



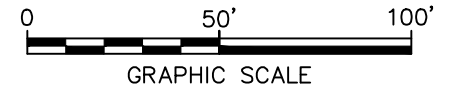
LEGEND:

- SOIL BORING
- DECOMMISSIONED MONITORING WELL
- FORMER NATIONAL FUEL BUFFALO SERVICE STATION MGP PROPERTY LINE
- FORMER WILKESON SLIP
- FORMER ERIE CANAL
- PROPERTY LINE
- SITE LIMITS
- UE UNDERGROUND ELECTRIC
- FO FIBER OPTIC LINE
- G GAS
- W WATER
- SS SANITARY SEWER
- S STORM SEWER
- CS 11.5-FOOT DIA. COMBINATION SEWER
- FENCE
- SANITARY SEWER MANHOLE
- ELECTRICAL MANHOLE
- WATER VALVE
- HYDRANT
- PIER FOR I-190 OVERPASS



NOTES:

1. SURVEY INFORMATION PROVIDED BY McINTOSH & McINTOSH, P.C., CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS, FROM A FIGURE TITLED MAP OF NYSDEC DESIGNATED STUDY AREA, DATED JANUARY 16, 2012, AND UPDATED JANUARY 3, 2013 AND SEPTEMBER 22, 2014. HORIZONTAL DATUM IS NEW YORK STATE PLANE - WEST ZONE NAD83 AND VERTICAL DATUM IS NAD88
2. THE LOCATION OF FORMER ERIE CANAL AND HISTORIC FOURTH STREET ARE FROM THE 1895 ATLAS OF BUFFALO.
3. UNDERGROUND UTILITY LINES DEPICTED ON THIS MAPPING WERE LOCATED FROM EXISTING PIN FLAGS AND PAINT MARKS AND MAY NOT REPRESENT ALL UNDERGROUND UTILITIES WITHIN PROJECT AREA.
4. * CELLS A AND B REPRESENT EXCAVATION LIMITS FOR THE FOURTH STREET UTILITY CORRIDOR EXCAVATION COMPLETED BY WSP ENGINEERING OF NEW YORK, P.C. ON BEHALF OF QLT BUFFALO LLC BETWEEN JUNE AND SEPTEMBER 2012.
5. LOCATION OF SOUTH INTERCEPTOR COMBINATION SEWER FROM DESIGN DRAWINGS OBTAINED FROM THE CITY OF BUFFALO TITLED "WATERFRONT REDEVELOPMENT PROJECT NO. N.Y. R-35, UTILITY REPLACEMENT CONTRACT 1975".



FORMER BUFFALO SERVICE STATION - OFF-SITE
 BUFFALO, NEW YORK
PERIODIC REVIEW REPORT

SITE MAP

ARCADIS Design & Consultancy
For natural and built assets

FIGURE
2

APPENDIX A

Site Inspection Form



Site Inspection Form
Former Buffalo Service Station - Off-Site Area - Buffalo, New York

Date/Time: 01/08/2020

Weather: Partly Cloudy

Personnel: Sinra Twaddie/Nicholas Boyle

Temperature: ~21°F

General Requirements

**Photographs will be attached to document the condition of each inspection item identified below.
 A written description of any item(s) that is considered to be in poor condition is required.**

1. Fourth Street Conditions:

- | | | |
|-------------------------------------|--|--------------------------------|
| Pavement condition | <input checked="" type="checkbox"/> Good | <input type="checkbox"/> Poor* |
| Signs of intrusive activities | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes* |
| Evidence of saw-cut asphalt | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes* |
| Evidence of trenching or excavation | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes* |
| Evidence of Settlement | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes* |

2. Site Security Fencing Around NYSTA Property:

- | | | |
|--------------------------|--|--|
| Condition | <input checked="" type="checkbox"/> Good | <input type="checkbox"/> Poor/Damaged* |
| Gate Locked Upon Arrival | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes* |

3. NYSTA Property Conditions:

- | | | |
|---------------------------------------|--|--|
| Standing Water | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes* |
| Missing Stone/Vegetation | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes* |
| Signs of intrusive activities | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes* |
| Evidence of Settlement | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes* |
| Damage/failure of existing structures | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes* |

4. Notes:

Fourth Street Conditions: Pavement Condition - Some filled potholes and sealed cracks

NYSTA Property Conditions: Standing Water - small puddles observed, appear to be ephemeral, elevated expressway drains to this area.

* Indicates condition should be reported to OM&M Coordinator and NYSDEC.

APPENDIX B

Photographic Log



Project Photographs

Former Buffalo Service Station – Off-Site
Site #C915194A



Photo: 1

Date:

1/8/2020

Description:

Photograph showing City of Buffalo Property within the Site limits. Photograph looking west showing cover materials are in good condition with no observable disturbance to the subsurface (northern portion).

Location: Former Buffalo Service Station – Off-Site, City of Buffalo Property



Photo: 2

Date:

1/8/2020

Description:

Photograph showing City of Buffalo Property within the Site limits. Photograph looking west showing cover materials are in good condition with no observable disturbance to the subsurface (center portion).

Location: Former Buffalo Service Station – Off-Site, City of Buffalo Property

Project Photographs

Former Buffalo Service Station – Off-Site
Site #C915194A



Photo: 3

Date:
1/8/2020

Description:
Photograph showing City of Buffalo Property within the Site limits. Photograph looking west showing cover materials are in good condition with no observable disturbance to the subsurface (southern portion).

Location: Former Buffalo Service Station – Off-Site, City of Buffalo Property



Photo: 4

Date:
1/8/2020

Description:
Photograph showing City of Buffalo Property and NYSTA Property within the Site limits. Photograph looking south showing cover materials are in good condition with no observable disturbance to the subsurface.

Location: Former Buffalo Service Station – Off-Site, City of Buffalo/NYSTA Property

Project Photographs

Former Buffalo Service Station – Off-Site
Site #C915194A



Photo: 5

Date:
1/8/2020

Description:
Photograph showing City of Buffalo Property and NYSTA Property within the Site limits. Photograph looking south showing cover materials are in good condition with no observable disturbance to the subsurface (close-up view).

Location: Former Buffalo Service Station – Off-Site, City of Buffalo/NYSTA Property



Photo: 6

Date:
1/8/2020

Description:
Photograph showing NYSTA Property within the Site limits. Photograph looking west showing cover materials are in good condition with no observable disturbance to the subsurface (northern portion).

Location: Former Buffalo Service Station – Off-Site, NYSTA Property

Project Photographs

Former Buffalo Service Station – Off-Site
Site #C915194A



Photo: 7

Date:
1/8/2020

Description:
Photograph showing NYSTA Property within the Site limits Photograph looking west showing cover materials are in good condition with no observable disturbance to the subsurface (center portion).

Location: Former Buffalo Service Station – Off-Site, NYSTA Property



Photo: 8

Date:
1/8/2020

Description:
Photograph showing NYSTA Property within the Site limits Photograph looking west showing cover materials are in good condition with no observable disturbance to the subsurface (southern portion).

Location: Former Buffalo Service Station – Off-Site, NYSTA Property

APPENDIX C

Phone Call Log and FOIA Information



RECORD OF CONVERSATION

Person Called	Scott Helser	Arcadis of New York, Inc. One Lincoln Center 110 West Fayette Street Suite 300 Syracuse New York 13202 Tel 315 446 9120 Fax 315 449 0017
Title/Position	New York State Thruway Authority (NYSTA) Coordinator of Transportation Development Projects, Buffalo Division	
Phone Number	716.635.6253	
Date of Call	January 9, 2020	
Call Purpose	Verification of work completed at Site	
Site Name	Former Buffalo Service Station – Off-Site	
Client	National Fuel	

Call Log

January 9, 2020, Sierra Tweedie of Arcadis contacted Scott Helser of the NYSTA to inquire whether subsurface work was conducted on the NYSTA property comprising the western portion of the National Fuel Former Buffalo Service Station – Off-Site (Site). Mr. Helser issues permits to third-parties allowing them to conduct work on NYSTA property and is in charge of NYSTA workers conducting subsurface work on NYSTA property. According to Mr. Helser, NYSTA did not conduct subsurface work or issue permits to third-parties to conduct subsurface work on NYSTA property for the parcel comprising a portion of the Site in 2019. In addition, the land use for the site has not changed.



MAYOR
BYRON W. BROWN

CITY OF BUFFALO

FREEDOM OF INFORMATION LAW

RECORD REQUEST FORM



Under the provisions of the New York FREEDOM OF INFORMATION LAW (F.O.I.L.), Article 6 of the Public Officers Law, I hereby request the records or portions thereof that I have reasonably described in Part "B" of this form.

PART A - APPLICANT INFORMATION

1. Name of Applicant: Nicholas Beyrle

2. Company Name: Arcadis

3. Address: One Lincoln Center, 110 West Fayette Street, Syracuse State: NY Zip Code: 13202

4. Type of Business: Environmental Consulting

5. Telephone Number: 585-662-4044 Fax Number: _____

6. E-Mail: nicholas.beyrle@arcadis.com I do not want to receive any information via e-mail.

PART B – INFORMATION REQUESTED

Please reasonably describe the records that you are requesting in the space provided below. Please include as much detail as possible such as the respective department having possession of the records, dates, titles, or any other information that may assist us in locating the record(s) you are seeking. Please be mindful that the record that you are requesting may not exist.

On behalf of National Fuel, Arcadis is requesting information about subsurface activities/disturbances conducted at the Former Buffalo Service Station - Off-Site property located at Former Fourth Street and underneath the New York State Transit Authority Interstate 190 overpass in Buffalo, NY (Site). The New York State Department of Environmental Conservation (NYSDEC) requires National Fuel to certify institutional controls restricting land use and exposure to the subsurface were in place and effective for the period of January 1, 2019 to December 31, 2019. A portion of the Site is on City of Buffalo property. As such, Arcadis is requesting confirmation that no subsurface activities/disturbances ocured on the City of Buffalo portion of the Site during the report period of January 1, 2019 to December 31, 2019. If subsurface activities/disturbances did occur during the report period, additional information and documentation will be requested to be included in the report to the NYSDEC. Attached is a Site map showing the boundaries of the Site (green dashed line) and the portion on City of Buffalo Property.

PART C – METHODS OF REVIEW

I would like an appointment to review the records that I am requesting. If I desire copies, I understand that I will be charged a fee in accordance with the schedule listed below in the section entitled "Fees." I also understand that copies may not be immediately available.

I would like the requested documents mailed to me. I understand that I will be billed for copying charges and will not receive the documents until I have remitted payment to the address listed in the section entitled "Submission of Request." I understand that I will be charged a fee in accordance with the schedule listed below in the section entitled "Fees."

I would like the requested information provided via an electronic format. I understand that I may be charged a fee in accordance with the schedule listed below in the section entitled "Fees."

PART D – FEES

Should you desire copies of records, fees shall apply in accordance with Public Officers Law §87 and City of Buffalo Charter and Code §175-1 Enumeration of Fees. Advance payment is required before records will be released. Please make check or money orders payable to the **City of Buffalo**.

FEES FOR PHOTOCOPIES: Pages up to 9" x 14" are \$.25 per page or the actual cost of reproducing any other record.

The fee for reproducing a record may include the actual cost of the storage device or media; actual cost for engaging outside professional service to reproduce record; hourly salary for employee time used in reproducing the record.

PART E – SUBMISSION OF REQUEST

After you have reasonably described the records you wish to inspect or obtain, please sign this form and return it to the appropriate City department. Requests may be sent via electronic mail, postal mail, or hand delivery. Please note that you do not have to complete this form in order to request records from this Department, however, it will facilitate access to the records.

I hereby affirm that the information I have provided on this request form is correct.

Signature: Nicholas (Hann) Beyrl Print Name: Nicholas Beyrle Date: 12/2/2019

PART F – SOLICITATION OR FUNDRAISING PURPOSES CERTIFICATION & AFFIRMATION

THIS SECTION MUST ONLY BE COMPLETED IF YOU ARE REQUESTING A LIST OF NAMES AND ADDRESSES. In accordance with Public Officers Law §87(2)(b), §89(2)(b)(iii) and §89(3)(a), the City of Buffalo requires a certification from any applicant seeking disclosure of a list of names and addresses that such person will not use such lists of names and addresses for solicitation or fund-raising purposes and will not sell, give or otherwise make available such lists of names and addresses to any other person for the purpose of allowing that person to use such lists of names and addresses for solicitation or fund-raising purposes. By signing below, you certify that such list(s) will not be used for solicitation or fund-raising purpose.

Signature: _____ Print Name: _____ Date: _____

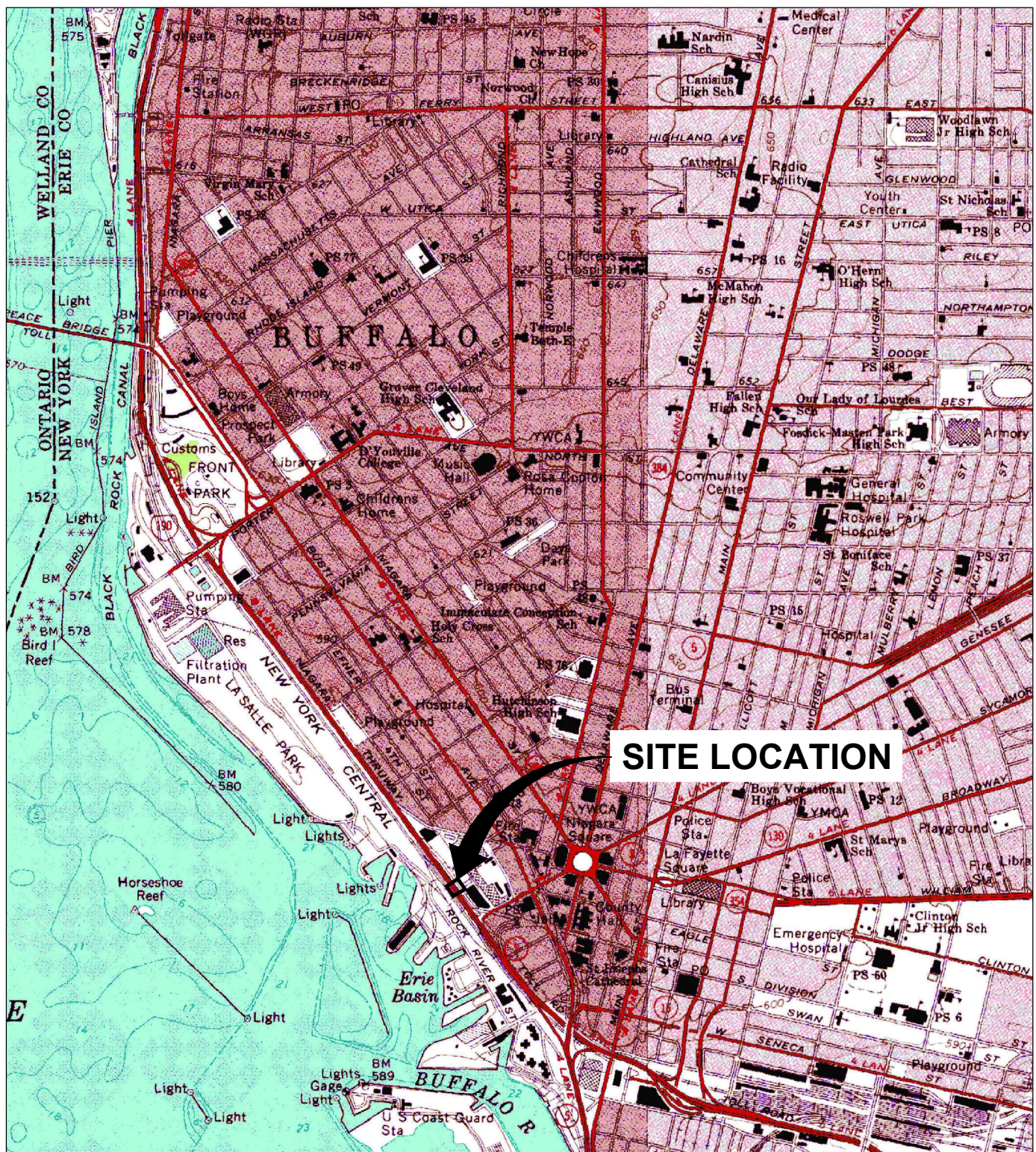
PART G – DISPOSITION OF REQUEST-----DO NOT WRITE BELOW THIS LINE-----

- REQUEST RECEIVED – The Department of _____ is reviewing your request. The Department will notify you as to whether your request will be granted or denied on or about the following date: _____.
- APPROVED – The approximate date the records will be available: _____. To arrange for access to the records, contact: _____
- DENIED – For the reason(s) checked: References are to Section 87 of the NYS Public Officers Law
 - Records are specifically exempted from disclosure by state or federal statute 2(a)
 - Disclosure would constitute an unwarranted invasion of personal privacy 2(b)
 - Disclosure would impair present or imminent contract awards or collective bargaining negotiations 2(c)
 - Records are exempt from disclosure under the Law Enforcement Exemption 2(e)
 - Disclosure could endanger the life or safety of any person 2(f)
 - Records are exempt from disclosure under the Inter/Intra – Agency Materials Exemption 2(g)
 - Other: _____
- MATERIAL REDACTED _____
- UNAVAILABLE – For the reason(s) indicated:
 - Records requested were not described in sufficient detail
 - The records you have requested are not maintained by this department
 - Records could not be located after a diligent search.
 - Other: _____

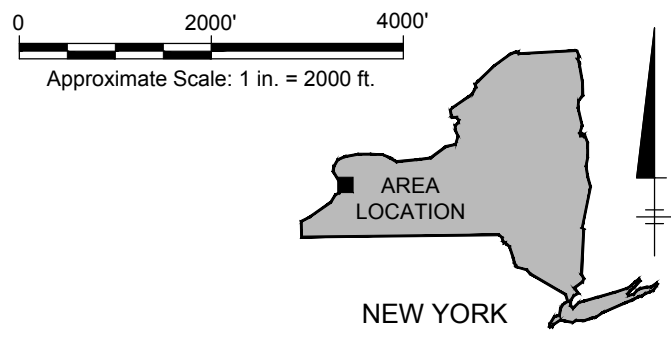
SIGNED: _____ TITLE: _____ DATE: _____

PART H – APPEALS

Any person denied access to a record or portion thereof may within thirty (30) days appeal in writing such denial to the Corporation Counsel, City of Buffalo Law Dept. 1101 City Hall, Buffalo, New York 14202. Please attach a copy of this completed form and the denial letter when filing your appeal. The Appeals Officer will evaluate the appeal and respond to you in writing within ten (10) business days after receipt of the appeal.

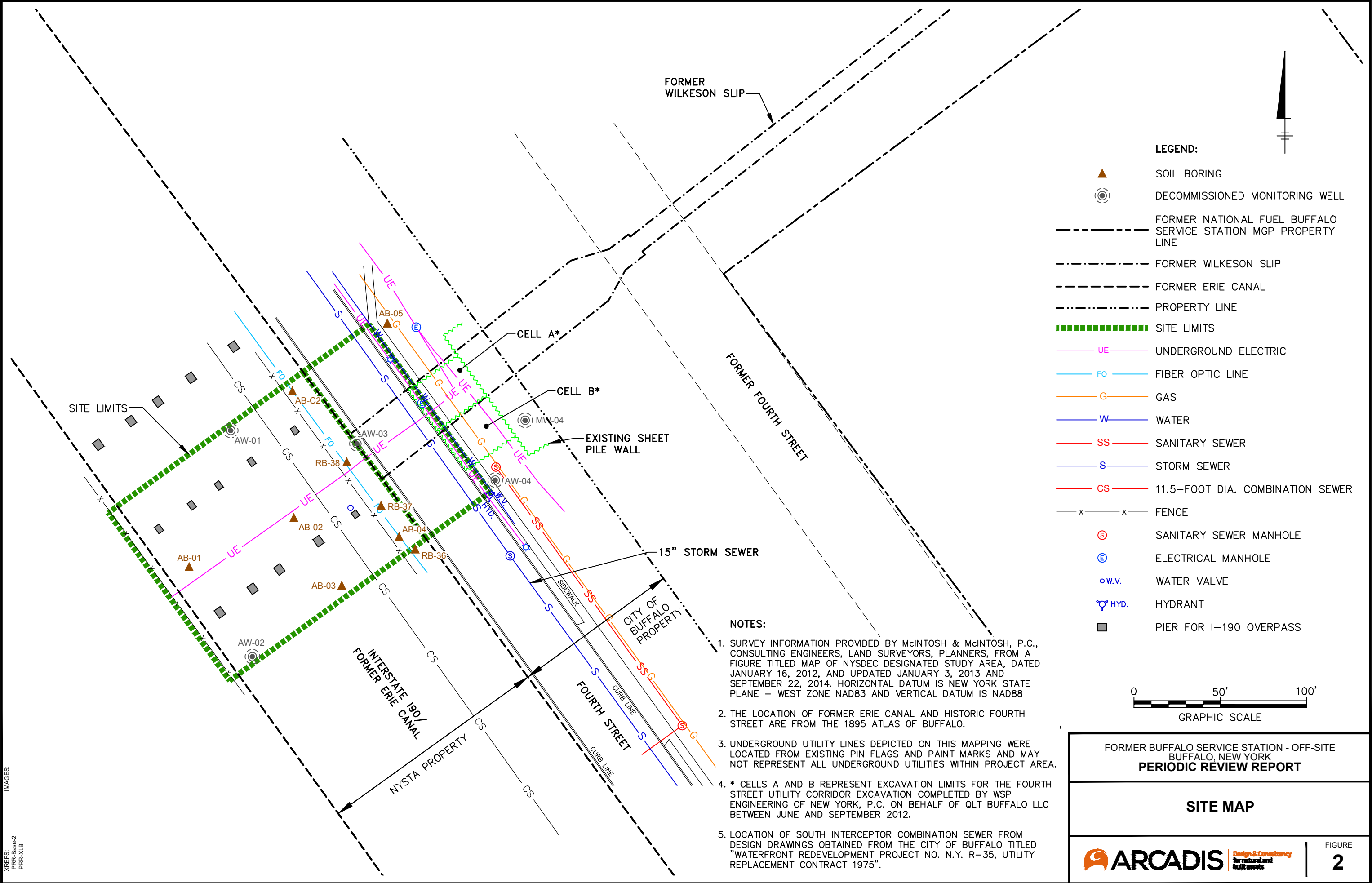


REFERENCE: BASE MAP USGS 7.5. MIN. TOPO. QUADS., BUFFALO NW, NY-ON, AND BUFFALO NE, 1965.



<p>FORMER BUFFALO SERVICE STATION - OFF-SITE BUFFALO, NEW YORK PERIODIC REVIEW REPORT</p>	
<p>SITE LOCATION MAP</p>	
	<p>Design & Consultancy for natural and built assets</p>
<p>FIGURE 1</p>	

CITY:SYRACUSE, NY DIV:GROUP:ENR/IM/DV DBA:Schilling, R. ALLEN LD:(O) PIC:(O) PM:S. POWLIN TM:(O) LVR:(O) ON:"OFF" REF:
 C:\Users\kbarbieri\OneDrive - ARCADIS\BIM\960\Docs\ANA-NATIONAL FUEL\FORMER BUFFALO SERVICE CENTER OFFSITE\2017\B0203310\000001-DWG\PRR-fig2-Site Map.dwg LAYOUT:2 SAVER: 1/8/2018 3:20 PM ACADVER: 20.1S (LMS TECH) PAGES: 21 PLOT: 1/8/2018 3:20 PM BY: SARTORI, KATHERINE
 XREFS: PRR-Base-2 PRR-XLB

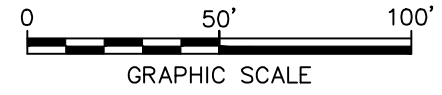


LEGEND:

- SOIL BORING
- DECOMMISSIONED MONITORING WELL
- FORMER NATIONAL FUEL BUFFALO SERVICE STATION MGP PROPERTY LINE
- FORMER WILKESON SLIP
- FORMER ERIE CANAL
- PROPERTY LINE
- SITE LIMITS
- UE UNDERGROUND ELECTRIC
- FO FIBER OPTIC LINE
- G GAS
- W WATER
- SS SANITARY SEWER
- S STORM SEWER
- CS 11.5-FOOT DIA. COMBINATION SEWER
- FENCE
- SANITARY SEWER MANHOLE
- ELECTRICAL MANHOLE
- WATER VALVE
- HYDRANT
- PIER FOR I-190 OVERPASS



- NOTES:**
1. SURVEY INFORMATION PROVIDED BY McINTOSH & McINTOSH, P.C., CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS, FROM A FIGURE TITLED MAP OF NYSDEC DESIGNATED STUDY AREA, DATED JANUARY 16, 2012, AND UPDATED JANUARY 3, 2013 AND SEPTEMBER 22, 2014. HORIZONTAL DATUM IS NEW YORK STATE PLANE - WEST ZONE NAD83 AND VERTICAL DATUM IS NAD88
 2. THE LOCATION OF FORMER ERIE CANAL AND HISTORIC FOURTH STREET ARE FROM THE 1895 ATLAS OF BUFFALO.
 3. UNDERGROUND UTILITY LINES DEPICTED ON THIS MAPPING WERE LOCATED FROM EXISTING PIN FLAGS AND PAINT MARKS AND MAY NOT REPRESENT ALL UNDERGROUND UTILITIES WITHIN PROJECT AREA.
 4. * CELLS A AND B REPRESENT EXCAVATION LIMITS FOR THE FOURTH STREET UTILITY CORRIDOR EXCAVATION COMPLETED BY WSP ENGINEERING OF NEW YORK, P.C. ON BEHALF OF QLT BUFFALO LLC BETWEEN JUNE AND SEPTEMBER 2012.
 5. LOCATION OF SOUTH INTERCEPTOR COMBINATION SEWER FROM DESIGN DRAWINGS OBTAINED FROM THE CITY OF BUFFALO TITLED "WATERFRONT REDEVELOPMENT PROJECT NO. N.Y. R-35, UTILITY REPLACEMENT CONTRACT 1975".



FORMER BUFFALO SERVICE STATION - OFF-SITE
 BUFFALO, NEW YORK
PERIODIC REVIEW REPORT

SITE MAP

ARCADIS Design & Consultancy
For natural and built assets

FIGURE
2



CITY OF BUFFALO
DEPARTMENT OF
PUBLIC WORKS, PARKS & STREETS



BYRON W. BROWN
MAYOR

MICHAEL J. FINN, P.E.
COMMISSIONER

December 31, 2019

Nicholas Beyrle
Arcadis
One Lincoln Center
110 West Fayette Street
Syracuse, NY 13202

RE: FOIL Request and Response
Subsurface activities/ disturbances at former Buffalo Service Station

Dear Mr. Beyrle:

This is in response to your request of December 10, 2019 regarding the above-mentioned subject. Please be advised that the Department of Public Works, Parks and Streets has conducted a diligent search of its records. Said search has revealed no documents responsive to you request.

If you have any questions regarding the information provided, please contact Michael J. Finn, P.E., and Commissioner at 851-5636.

Sincerely,

Michael J. Finn, P.E., Commissioner
Department of Public Works, Parks and Streets

Cc: Daniel Lombardo, Investigator- Department of Public Works, Parks and Streets

APPENDIX D

PRR 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.	C915194A		
Site Name: Former Buffalo Service Station - Off-Site			
Site Address: 249 West Genesee Street Zip Code: 14202			
City/Town: Buffalo			
County: Erie			
Site Acreage: 0.6			
Reporting Period: January 1, 2019 to December 31, 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 Controls

Parcel

Owner

Institutional Control

Ground Water Use Restriction
Site Management Plan
Landuse Restriction

- i) Use of groundwater for potable and non-potable purposes is prohibited.
- ii) Implementation of Soil/Fill Management Plan.
- iii) Property shall remain as commercial/industrial use only

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. C915195

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 LEE E. HARTL at 6363 MAIN STREET, WILLIAMSVILLE, NY
print name print business address

am certifying as Remedial Party (Owner or Remedial Party)

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

 Attorney-in-Fact
Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

1-16-20
Date

Arcadis of New York, Inc.

One Lincoln Center

110 West Fayette Street

Suite 300

Syracuse, New York 13202

Tel 315 446 9120

Fax 315 449 0017

www.arcadis.com