



2025 Periodic Review Report

(Reporting Period: April 28, 2024 to April 28, 2025)

Location:

Tecumseh Phase I Business Park – Sites I-1, I-3, I-5,
I-7, I-9, & I-11
2303 Hamburg Turnpike, Lackawanna, New York
NYSDEC Site Nos. C915197, C915197C, C915197E,
C915197G, C915197I, and C915197K

Prepared for:

Buffalo & Erie County Industrial Land Development
Corporation
95 Perry Street, Suite 403
Buffalo, New York

LaBella Project No. 2210164.09

October 2025 (Revised November 2025)

Table of Contents

1.0	EXECUTIVE SUMMARY	1
1.1	Site Summary	1
1.2	Effectiveness of Remedial Program.....	2
1.3	Non-Compliance	2
1.4	Recommendations	2
2.0	SITE OVERVIEW	2
2.1	Site Description	2
2.2	Summary of Remedial Actions	3
3.0	PERFORMANCE, EFFECTIVENESS & PROTECTIVENESS OF THE REMEDY	4
4.0	INSTITUTIONAL/ENGINEERING CONTROL (IC/EC) PLAN COMPLIANCE REPORT	4
4.1	IC/EC Requirements and Compliance	4
4.1.1	IC Requirements-Site Restrictions	4
4.1.2	Engineering Control-Soil Cover System	5
4.2	IC/EC Certification.....	6
5.0	MONITORING PLAN COMPLIANCE REPORT	6
5.1	Requirements.....	6
5.2	Comparisons with Remedial Objectives	7
5.3	Monitoring Deficiencies	7
5.4	Monitoring Conclusions and Recommendations	7
6.0	OPERATION AND MAINTENANCE PLAN	7
7.0	CONCLUSIONS AND RECOMMENDATIONS.....	7
8.0	LIMITATIONS.....	8
9.0	REFERENCES.....	8

Figures	Figure 1 – Site Location Map
	Figure 2 – Phase I Business Park Site Plan
	Figure 3 – PRR Site Boundaries
	Figure 4 – Cover Systems
Appendix 1	Cover Inspection Forms
Appendix 2	Photographs
Appendix 3	Water and Sewer Extension Project Figure
Appendix 4	Site Management Periodic Review Report-Institutional and Engineering Controls Certification Forms

1.0 EXECUTIVE SUMMARY

This Periodic Review Report (PRR) is a required element of the approved Site Management Plan (SMP) for the Tecumseh Phase I Business Park Sites. This New York State Brownfield Cleanup Program (BCP) site was remediated in accordance with Brownfield Cleanup Agreement (BCA) Index No. B9-0696-05-06(A), which was executed on December 12, 2005 and amended on August 22, 2012 and December 12, 2017. The BCA for Site I-9 include amendments on August 22, 2012, November 10, 2017, and December 20, 2017. The BCA for Site I-11 includes amendments on August 22, 2012, November 10, 2017, and December 13, 2017. At the request of the New York State Department of Environmental Conservation (NYSDEC) the PRRs for Tecumseh Phase I Business Park Sites I-1, I-3, I-5, I-7, I-9, and I-11 (BCP Site Nos. C915197, C915197C, C915197E, C915197G, C915197I, and C915197K) have been combined and are summarized within this report. Site I-10 (BCP Site No: C915197J) has been recently sold to Sucro Sourcing since the previous (2024) PRR. Therefore, Site I-10 has been removed from this periodic review report.

1.1 Site Summary

The six individual parcels included in this PRR (hereafter referred to as the “Sites”) encompass approximately 54.88 acres of a former industrial site in the City of Lackawanna, Erie County New York that was historically occupied by an integrated steel mill operated by the Bethlehem Steel Corporation (BSC). The Sites include a portion of the former BSC property acquired by the Buffalo and Erie County Industrial Land Development Corporation (ILDC) for redevelopment and use as a business park. Historically, the Sites were part of a large industrial complex that contained numerous buildings and facilities, none of which currently remain on the Sites. The BSC property was the subject of assessments and investigations under the Resource Conservation and Recovery Act (RCRA) and the area containing the Sites received a “No Further Assessment” designation from the U.S. Environmental Protection Agency (USEPA) in the early 1990s and was excluded from the RCRA Order by USEPA in 2001. In 2005, Tecumseh Redevelopment Inc. (Tecumseh) entered an approximate 102-acre portion of the BSC property containing the Sites and referred to as the Phase I Business Park in the BCP. The table below summarizes the IDs, BCP numbers, and associated acreages of each of the Sites included in this PRR.

ID	BCP No.	Acreage
I-1	C915197	5.57
I-3	C915197C	7.63
I-5	C915197E	10.05
I-7	C915197G	10.03
I-9	C915197I	10.01
I-11	C915197K	11.59

The Remedial Investigation (RI) conducted on the Phase I Business Park property between 2006 and 2008 revealed that contamination associated with historical steel mill operations had impacted the soil/fill on the property, necessitating remedial action. The RI did not identify groundwater impacts on the Phase I Business Park property. Remedial actions were undertaken in 2009 for Business Park I in accordance with a NYSDEC-approved Interim Remedial Measures (IRM) Work Plan. Following completion of the remedial work, some contamination was left in the soil/fill of the Sites, which is hereafter referred to as the “remaining contamination”. The remaining contamination was generally characterized by widespread exceedances of the 6 New York Codes, Rules and Regulation

(NYCRR) Part 375 Soil Cleanup Objectives (SCOs) for un-restricted use for certain metals and polycyclic aromatic hydrocarbons (PAHs) to the approximate native soil depth of 8 feet below the ground surface. The remedial efforts also included development of a SMP to manage the remaining contamination at the Sites in perpetuity or until extinguishment of the Environmental Easement that was placed on the Sites in accordance with Environmental Conservation Law (ECL) Article 71, Title 36. The placement of a cover system comprised of 12 inches of clean soil, stone or NYSDEC-approved material, with a demarcation layer in all areas that are not paved or covered by concrete, or structures was prescribed for the Sites prior to occupancy.

With NYSDEC's approval, Tecumseh subsequently subdivided Business Park I into 11 individual BCP sites (Sites I-1, I-2, I-3, I-4, I-5, I-6, I-7, I-8, I-9, I-10, and I-11) in 2012. The original BCA was amended to cover Site I-1, with separate BCAs executed for the remaining 10 BCP sites (i.e., Sites I-2 through I-11). In 2018 the BCA for the Bethlehem Shoreline Trail Site No. C915197L was executed. The Bethlehem Shoreline Trail site is located along the east side of Business Park Phase I. In 2017, the cover system was placed on Sites I-1, I-3, I-5, I-7, I-9, I-10, and I-11, the Sites were acquired by the ILDC and a BCP Certificate of Completion (COC) was issued, signifying satisfactory completion of the remedial program and acceptance of the Final Engineering Report (FER) for the Sites.

1.2 Effectiveness of Remedial Program

Based on a recent inspection of the Sites, the engineering and institutional controls are generally in place, are performing properly, and remain effective and protective of public health and the environment. An area of disturbance was identified on the northwest portion of Site I-9. Further investigation and evaluation of this area is required, and cover system repairs are likely needed.

1.3 Non-Compliance

No areas of non-compliance regarding the major elements of the SMP were identified during the preparation of this PRR with the exception of the area of disturbance observed on the northwest portion of Site I-9.

1.4 Recommendations

Overall, the remedial program is viewed to be effective in achieving the remedial objectives for the Sites. No changes to the SMP or the frequency of PRR submissions are recommended at this time. Further investigation and evaluation of the disturbed area on Site I-9 are required at this time.

2.0 SITE OVERVIEW

2.1 Site Description

The Sites are part of a larger property owned by the ILDC and located at 2303 Hamburg Turnpike in the City of Lackawanna, New York. Figure 1 shows the approximate location of the ILDC property, Figure 2 depicts the configuration of the Phase I Business Park and all 11 individual BCP sites, and Figure 3 illustrates the configuration of the six Sites included in this PRR totaling approximately 54.88 acres. The Sites are bounded to the north and west by the Gateway Trade Center property; to the east by undeveloped land including BCP Site I-2, I-4, I-6, and I-8, the Bethlehem Shoreline Trail site, and Fuhrmann Boulevard; to the south by undeveloped land comprising portions of the Phase II Business Park; and to the southeast by BCP Site II-11 developed with a manufacturing building. Active industrial property is located west of the Site beyond the adjoining parcels, while commercial

and residential properties are located east of the Site, beyond Fuhrmann Boulevard and the Hamburg Turnpike (NY Route 5). Lake Erie is situated approximately 4,054 feet to the west of the Sites, while Smoke Creek is located approximately 2,000 feet south of the Sites.

Contaminant source areas in soil/fill on the Sites were remediated and the remaining soil/fill on the Sites was characterized as generally impacted by the historical industrial usage of the BSC property. These impacts were characterized as widespread exceedances of the 6 NYCRR Part 375 SCOs for un-restricted use for certain metals and PAHs to the approximate native soil depth of 8 feet below the ground surface. The impacted soil/fill constitutes the remaining contamination on the Sites. No groundwater contamination necessitating remediation was identified on the Sites.

2.2 Summary of Remedial Actions

In accordance with a NYSDEC-approved IRM Work Plan, an IRM was completed at Site I-3, I-5, I-7, I-9, and I-11 in 2009 to address “source area” soil/fill. The IRM activities conducted at each of the Sites are summarized below.

- Site I-3: Excavation of approximately 968 cubic yards of petroleum-impacted soil/fill from two areas of the Site and treatment in a temporary bio-treatment area constructed on the northern portion of Business Park I. The resulting excavations were backfilled with steel slag authorized by NYSDEC under Beneficial Use Determination (BUD) #555-9-15, bio-remediated fill and non-impacted crushed asphalt.
- Site I-5: Excavation of approximately 250 cubic yards of petroleum-impacted soil/fill from one area of the Site and treatment in a temporary bio-treatment area constructed on the northern portion of Business Park I.
- Site I-7: Excavation of approximately 250 cubic yards of petroleum-impacted soil/fill from one area of the Site and treatment in a temporary bio-treatment area constructed on the northern portion of Business Park I.
- Site I-9: Excavation and proper off-site disposal of approximately 46 tons of lead-impacted soil/fill from one area of the Site.
- Site I-11: Removal of two Underground Storage Tanks (USTs) from the Site;
- Excavation of approximately 10,200 cubic yards of petroleum-impacted soil/fill from Sites I-9, and I-11 and treatment in a temporary bio-treatment area constructed on the northern portion of Business Park I.

Excavations were backfilled with steel slag authorized by NYSDEC under Beneficial Use Determination (BUD) #555-9-15, bio-remediated fill, and non-impacted crushed asphalt.

The final remedy implemented at the Sites in 2017 involved the installation of a cover system in accordance with the NYSDEC-approved Remedial Action Work Plan (RAWP). The cover system installed at the Sites consists of a minimum of 12 inches of steel slag, authorized by NYSDEC under Beneficial Use Determination (BUD) #555-9-15, placed over a demarcation layer on Sites I-1 and I-3, and a minimum of 12 inches of NYSDEC-approved soil, placed over a demarcation layer on Sites I-5, I-7, I-9, and I-11, in areas that are not otherwise covered by rail lines. The cover system installed in the area of the rail lines consists of a minimum of 12 inches of railroad ballast. The existing asphalt and sub-base material associated with the access road that extends along the boundary between Site I-1 and I-3 is also considered a component of the cover system for the Sites. The areas of the different cover systems across the Sites are depicted on Figure 4.

In addition to the cover system, an environmental easement was placed on the Sites, recorded with the Erie County Clerk and mandates compliance with the NYSDEC-approved SMP and all engineering and institutional controls placed on the Sites. The SMP specifies the procedures required to manage the remaining contamination on the Sites post remediation, including (1) implementation and management of all engineering and institutional controls; (2) media monitoring, if applicable; (3) operation and maintenance of treatment, collection, containment or recover systems, if applicable; (4) performance of periodic inspections, certification of results and submittal of PRRs; and (5) defining criteria for termination of any remaining treatment system operations.

3.0 PERFORMANCE, EFFECTIVENESS & PROTECTIVENESS OF THE REMEDY

All remedial actions prescribed in the RAWP for the Sites were completed and the remedial goals were accomplished through the installation of the Site-wide cover systems to prevent exposure to remaining contamination in the subsurface.

As indicated below in Section 4.1.2, the cover systems were inspected on March 28, 2025. Based on the inspections, the cover systems are generally intact, functioning effectively throughout the Sites and are protective of public health and the environment. An area of disturbance was identified on the northwest portion of Site I-9. Further investigation and evaluation of this area is required, and cover system repairs are likely needed.

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

4.1 IC/EC Requirements and Compliance

4.1.1 IC Requirements-Site Restrictions

In accordance with the SMP, a series of Institutional Controls (ICs) have been established for the Sites. Adherence to these ICs is required by the Environmental Easements. These ICs are:

- Compliance with the environmental easement and the SMP by the Owner and the Owner's successors and assigns;
- All Engineering Controls (ECs) must be installed, operated and maintained as specified in the SMP;
- All ECs on the Sites must be inspected at a frequency and in a manner defined in the SMP;
- Environmental or public health monitoring must be performed as defined in the SMP; and
- Data and information pertinent to site management of the Sites must be reported at the frequency and in a manner defined in the SMP.

Institutional Controls identified in the environmental easements may not be discontinued without an amendment to or extinguishment of the environmental easement.

The Sites have a series of ICs in the form of restrictions. Site restrictions that apply are as follows:

- The Sites may only be used for commercial or industrial purposes as defined by Part 375-1.8(g), and that conform to local zoning laws;

- The use of groundwater underlying the Sites is restricted as a source of potable or process water, without necessary water quality treatment, as determined by the New York State Department of Health or Erie County Health Department;
- Compliance with the SMP is required; and
- The owner of the Sites is required to provide an IC/EC certification, prepared and submitted by a professional engineer or environmental professional acceptable to the NYSEC annually or for a period to be approved by the NYSDEC, which will certify that the ICs and ECs put in place are unchanged from the previous certification or that any changes to the controls were approved by the NYSDEC; and, nothing has occurred that impairs the ability of the controls to protect public health and environment or that constitute a violation or failure to comply with the SMP.

LaBella has concluded that the ICs are in force and are being adhered to with respect to the condition and use of the Sites and activities conducted thereon.

4.1.2 Engineering Control-Soil Cover System

Exposure to the remaining contamination in soil/fill at the Sites is prevented by the cover systems that were previously placed over the Sites. The cover systems for Sites I-1 and I-3 are comprised of a minimum of 12 inches of BUD #555-9-15 material overlaying a demarcation layer (orange plastic mesh material) over the entire surface of the Sites that is not covered by existing asphalt and sub-base materials associated with the access road located along the boundary between Sites I-1 and I-3. Areas proximate the railroad track along the western margin of Site I-3 consist of a minimum of 12 inches of railroad ballast. The cover systems for Sites I-5, I-7, I-9, and I-11 are comprised of a minimum of 12 inches of NYSDEC-approved soil material overlaying a demarcation layer (orange plastic mesh material) in all areas of the Sites that are not covered by railroad ballast associated with the rail lines that extend along the western margin of the Sites. The Excavation Work Plan, which appears in Appendix B of the SMP, outlines the procedures that are required to be implemented in the event the cover system is breached, penetrated, or temporarily removed, and any underlying remaining contamination is disturbed. The cover system is a permanent control, and the quality and integrity of this system will be inspected at defined, regular intervals in perpetuity.

On March 28, 2025, Ms. Abbey Beres of LaBella conducted the annual Site inspections, which included traversing the Sites on foot to observe the current conditions. The Cover Inspection Forms are included herein as Appendix 1. Appendix 2 includes photographs taken during the Site inspection.

With the exception of the access road corridor that extends along the Site I-1 and I-3 boundary and the rail corridor located along the western margin of the Sites, the Sites are generally vacant and undeveloped, with slag or vegetated soil cover occurring at the ground surface. The cover systems at the time of the Site inspections were observed to be generally intact and functioning as intended. Furthermore, the asphalt road surface was observed to be in good condition. The vegetated site cover was mowed in September and will be mowed annual to facilitate observations during site inspections.

During the cover inspection on Site I-9, an area approximately 10-20 feet in diameter was observed to be depleted in vegetation, and there was suspect fill material at the surface. At the time of the site inspection it could not be determined if the fill material was place on top of the cover system or if the cover system was breached. LaBella reached out to the property owner to discuss the disturbance.

Buffalo & Erie County Industrial Land Development has reached out to the adjacent property owner to discuss this area and a subsequent meeting is pending.

During the cover system inspection, it was noted that utility construction was still ongoing at the Site. The utility construction was observed in the southeast portion of Site I-1 proximate to Phase II Site 12. Temporary fencing surrounded this area, and it appears to still be a work in progress. Utility construction was also observed in the northeast portion of Site I-9. Similar to Site I-1, there was temporary fencing surrounding this utility work, and it appears to be unfinished. Photographs of the utilities can be found in Appendix 2. The construction activities are being overseen by C&S Companies (C&S). C&S has indicated that all construction activities are being conducted in accordance with the SMP and EWP. The site cover system will be restored when the utility installation work is complete. The construction activities will be summarized by C&S in a Construction Completion Report at the end of the project. A figure is included in Appendix 3 showing the approximate locations of the sewer and water line installations and details of the Water & Sewer Extension project. Ridge Road is planned to be extended into the site. A Remedial Action Work Plan has been submitted for the construction of the roadway and a Change of Use form for the roadway construction is forthcoming.

4.2 IC/EC Certification

The IC/EC Certification Forms for the Sites were completed in their entirety for Sites I-1, I-3, I-5, I-7, and I-11 as all ICs/ECs are in place for the Sites per the SMP. The IC/EC Certification Form for Site I-9 was partially completed with Item 2 in Box 5 indicating not all engineering controls are currently unchanged due to the disturbed area observed on the Site. Appendix 4 includes the signed NYSDEC Site Management Periodic Review Report Notice-Institutional and Engineering Controls Certification Forms.

5.0 MONITORING PLAN COMPLIANCE REPORT

5.1 Requirements

The Monitoring Plan is included in Section 3.0 of the SMP and describes the measures for evaluating the performance and effectiveness of: the remedy to reduce or mitigate contamination at the Sites, the soil cover systems, and all affected Site media.

The Monitoring Plan describes the methods to be used for:

- Monitoring the cover system;
- Assessing achievement of the remedial performance criteria;
- Evaluating Site information periodically to confirm that the remedy continues to be effective in protecting public health and the environment; and,
- Preparing the necessary reports for the various monitoring activities.

To adequately address these issues, the Monitoring Plan provides information on:

- Annual inspection and periodic certification.

5.2 Comparisons with Remedial Objectives

Cover system monitoring was performed in accordance with the SMP, and included the annual visual inspection of the cover system components. As described in Section 4.1.2, the cover system was observed to be generally intact and functioning as intended, and is continuing to satisfy the remedial objectives for the Sites with the exception of the area on the northwest portion of Site I-9.

5.3 Monitoring Deficiencies

No monitoring deficiencies were noted or experienced during the inspection of the cover system or completion of the PRR with the exception of the area on the northwest portion of Site I-9.

5.4 Monitoring Conclusions and Recommendations

The procedures utilized to evaluate the performance and effectiveness of the cover system were conducted in accordance with the SMP and verified that the cover system is generally functioning as intended. Only exception observed was an area on the northwest portion of Site I-9. No changes to the monitoring plan are recommended.

6.0 OPERATION AND MAINTENANCE PLAN

The remedy for the Sites does not rely on mechanical systems to protect public health and the environment. Therefore, no operation and maintenance requirements apply to the Sites.

7.0 CONCLUSIONS AND RECOMMENDATIONS

Annual inspection of the Sites was performed on March 28, 2025 by LaBella Associates, DPC as prescribed in the SMP. As a result of this inspection, LaBella has determined that the Sites are in compliance with all elements of the SMP, including the Engineering & Institutional Control Plan, the Site Monitoring Plan and the Operations & Maintenance Plan with the exception of Site I-9. No deficiencies or failures to satisfy the requirements of the SMP were identified with the exception of the area on the northwest portion of Site I-9.

As reflected by the signed Institutional and Engineering Controls Certification Forms (Appendix 4), LaBella has concluded that:

- The required EC/ICs are in place, are performing properly, and remain effective for Sites I-1, I-3, I-5, I-7, and I-11;
- The Site Monitoring Plan is being implemented;
- Operation and Maintenance activities are being conducted properly; and
- The remedy continues to be protective of public health and the environment and is performing as specified in the RAWP and FER.
- A disturbed area was observed on the northwest portion of Site I-9. Further investigation and evaluation of this area is required, and cover system repairs are likely needed.

No changes to the inspection, reporting or certification frequency prescribed in the SMP are recommended.

8.0 LIMITATIONS

The conclusions presented in this report are based on information gathered in accordance with generally acceptable professional consulting principles and practices. All conclusions reflect observable conditions existing at the time of the Site inspection. Information provided by outside sources (individuals, agencies, laboratories, etc.) as cited herein, was used in the assessment of the Site. The accuracy of the conclusions drawn from this assessment is, therefore, dependent upon the accuracy of information provided by these sources. Furthermore, LaBella is not responsible for the impacts of any changes in environmental standards, practices, or regulations subsequent to the performance of services.

This report is based upon the application of scientific principles and professional judgment to certain facts with resultant subjective interpretations. Professional judgments expressed herein are based upon the facts currently available with the limits of the existing data, scope of services, budget and schedule. To the extent that more definitive conclusions are desired by the Client than are warranted by the current available facts, it is specifically LaBella's intent that the conclusions and recommendations stated herein will be intended as guidance and not necessarily a firm course of action except where explicitly stated as such. LaBella makes no warranties, expressed or implied including without limitation, warranties as to merchantability or fitness of a particular purpose. Furthermore, the information provided in this report is not be construed as legal advice.

This inspection and report have been completed and prepared on behalf of and for the exclusive use of the Buffalo and Erie County Industrial Land Development Corporation. Any reliance on this report by a third party is at such party's sole risk.

9.0 REFERENCES

DER-10/Technical Guidance for Site Investigation and Remediation, NYSDEC, May 3, 2010

Site Management Plan for BCP Tecumseh Phase I Business Park, NYSDEC Site No. C915197 through C915197K, Turnkey Environmental Restoration, LLC, January 2014

Appendix E - Site Management Plan for Tecumseh Phase I Business Park, NYSDEC Site No. C915197 through C915197K, Turnkey Environmental Restoration, LLC, November 2017

Remedial Action Work Plan – Tecumseh Business Parks I and II, Turnkey Environmental Restoration, LLC in associations with Benchmark Environmental Engineering & Science, PLLC, June 2017

FIGURES

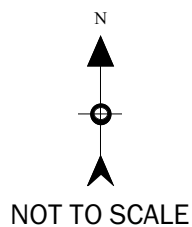


FIGURE 1

SITE LOCATION MAP

**Brownfield Cleanup Program
Tecumseh Phase I Business Park
Lackawanna, New York**



PROJECT NO. 2210164.08



PROJECT #/DRAWING #/ DATE 2210164.08 FIGURE 2 7/16/2024	DRAWING NAME: PHASE I BUSINESS PARK	PROJECT: BROWNFIELD CLEANUP PROGRAM TECUMSEH PHASE I BUSINESS PARK LACKAWANNA, NEW YORK	0 200 400 Feet 1:3,500 INTENDED TO PRINT AS: 11" X 17" LaBella Powered by partnership.
---	---	---	--



PROJECT #/DRAWING #/ DATE 2210164.08 FIGURE 3 5/16/2025	DRAWING NAME: Cover Systems	PROJECT: BROWNFIELD CLEANUP PROGRAM TECUMSEH PHASE I BUSINESS PARK LACKAWANNA, NEW YORK	N W E S 0200400 Feet 1:3,500 INTENDED TO PRINT AS: 11" X 17" LaBella Powered by partnership.
---	---	---	---



PROJECT #/DRAWING #/ DATE 2210164.08 FIGURE 4 5/16/2025	DRAWING NAME: Cover Systems	PROJECT: BROWNFIELD CLEANUP PROGRAM TECUMSEH PHASE I BUSINESS PARK LACKAWANNA, NEW YORK	N W S E 0200400 Feet 1:3,500 INTENDED TO PRINT AS: 11" X 17" LaBella Powered by partnership.
---	---	---	---



APPENDIX 1

Cover Inspection Forms

Former Bethlehem Steel Business Park Area 1 – Site I-1
2303 Hamburg Turnpike, Lackawanna, New York
NYSDEC Site No. C915197

Weather: 45 °F, Overcast

[illegible]

Groundwater is not used

2. An evaluation of the condition and continued effectiveness of the ECs:

SITE COVER CONDITION: Good, Fair, or Poor

Good. Utility construction activities on going. The construction activities are being overseen
by C&S. To our knowledge all work is being conducted in accordance with the SMP and
EWP.

SITE COVER EFFECTIVENESS: As Intended or Needs Repair

As Intended

3. General site conditions at the time of the inspection:

Acceptable: X Unacceptable: describe:

Former Bethlehem Steel Business Park Area 1 – Site I-3
2303 Hamburg Turnpike, Lackawanna, New York
NYSDEC Site No. C915197C

Weather: 45 °F, Overcast

[illegible]

Groundwater is not used

Site is in compliance with SMP

2. An evaluation of the condition and continued effectiveness of the ECs:

SITE COVER CONDITION: Good, Fair, or Poor

Good

SITE COVER EFFECTIVENESS: As Intended or Needs Repair

As Intended

3. General site conditions at the time of the inspection:

Acceptable: X Unacceptable describe:

Annual Site Inspection Form

**Former Bethlehem Steel Business Park Area 1 – Site I-5
2303 Hamburg Turnpike, Lackawanna, New York
NYSDEC Site No. C915197E**

Date: March 28, 2025

Inspector: Abbey Beres

Weather: 45° F, Overcast

1. Compliance with all ICs, including site usage:

SITE USAGE: Use of the Site is limited to Commercial & Industrial Uses. Indicate if any other type of use is occurring at the Site.

Undeveloped

GROUNDWATER USAGE: Use of groundwater underlying the Site is prohibited without treatment. Indicate whether groundwater use is occurring at the Site along with any treatment measures being applied.

Groundwater is not used

COMPLIANCE WITH SMP: List Site activities and indicate compliance or non-compliance with SMP.

Site is in compliance with SMP. It was noted that there seems to be some driving along the west side of parcel next to the train tracks and continues to the end of I-11. However, this does not seem to be affecting the integrity of the cover system. These tracks are likely from the sewer/water line installation last year.

2. An evaluation of the condition and continued effectiveness of the ECs:

SITE COVER CONDITION: Good, Fair, or Poor

Good

SITE COVER EFFECTIVENESS: As Intended or Needs Repair

As Intended

3. General site conditions at the time of the inspection:

Acceptable: ☒ Unacceptable: ☐ describe:

Former Bethlehem Steel Business Park Area 1 – Site I-7
2303 Hamburg Turnpike, Lackawanna, New York
NYSDEC Site No. C915197G

Weather: 45 ° F, Overcast

[illegible]

Groundwater is not used

Site is in compliance with SMP

2. An evaluation of the condition and continued effectiveness of the ECs:

SITE COVER CONDITION: Good, Fair, or Poor

Good

SITE COVER EFFECTIVENESS: As Intended or Needs Repair

As Intended

3. General site conditions at the time of the inspection:

Acceptable: ☒ Unacceptable: ☐ describe:

Annual Site Inspection Form

**Former Bethlehem Steel Business Park Area 1 – Site I-9
2303 Hamburg Turnpike, Lackawanna, New York
NYSDEC Site No. C915197I**

Date: March 28, 2025

Inspector: Abbey Beres

Weather: 45° F, Overcast

1. Compliance with all ICs, including site usage:

SITE USAGE: Use of the Site is limited to Commercial & Industrial Uses. Indicate if any other type of use is occurring at the Site.

Undeveloped

GROUNDWATER USAGE: Use of groundwater underlying the Site is prohibited without treatment. Indicate whether groundwater use is occurring at the Site along with any treatment measures being applied.

Groundwater is not used

COMPLIANCE WITH SMP: List Site activities and indicate compliance or non-compliance with SMP.

Sewer and water line installation activities were completed on the east portion of
the Site. To our knowledge the work was conducted on accordance with the SMP and
EWP.

On the western portion of the site, proximate to the train tracks, there appears to be depleted
vegetation, and exposed soil with suspect fill material on top in an area approximately 10 feet in
diameter.

2. An evaluation of the condition and continued effectiveness of the ECs:

SITE COVER CONDITION: Good, Fair, or Poor

Good. Exception including area on west portion of the site. Further evaluation and investigation
required. To our knowledge the utility line construction activities were conducted in accordance with
the SMP and EWP.

SITE COVER EFFECTIVNESS: As Intended or Needs Repair

As Intended. Exception with area on west portion of site _____

3. General site conditions at the time of the inspection:

Acceptable: X Unacceptable _____ describe:



PROJECT #/DRAWING #/ DATE 2210164.08 FIGURE 2 7/16/2024	DRAWING NAME: PHASE I BUSINESS PARK	PROJECT: BROWNFIELD CLEANUP PROGRAM TECUMSEH PHASE I BUSINESS PARK LACKAWANNA, NEW YORK	N W E S 0200400 Feet 1:3,500 INTENDED TO PRINT AS: 11" X 17" LaBella Powered by partnership.
---	---	---	---

Former Bethlehem Steel Business Park Area 1 – Site I-11
2303 Hamburg Turnpike, Lackawanna, New York
NYSDEC Site No. C915197K

Weather: 45 °F, Overcast

[illegible]

Groundwater is not used

Site is in compliance with SMP

2. An evaluation of the condition and continued effectiveness of the ECs:

SITE COVER CONDITION: Good, Fair, or Poor

Good

SITE COVER EFFECTIVENESS: As Intended or Needs Repair

As Intended

3. General site conditions at the time of the inspection:

Acceptable: ☒ Unacceptable: ☐ describe:



APPENDIX 2

Photographs



I-1 facing east



I-1 facing southeast



I-1 facing west
Utility construction with fencing



I-1 facing southeast



I-3 facing north
Showing access road between I-1 and I-3



I-3 facing northeast



I-3 facing east



I-5 facing north



I-5 facing northwest



I-5 facing south



I-5 facing north near train tracks



I-7 facing southeast



I-7 facing north



I-7 facing southwest



I-7 facing northwest



I-9 facing southeast



I-9 facing east



I-9 facing northwest



I-9 facing south
Utilities constructed on site



I-9 facing west
Utility constructed on site



Disturbed area on west portion of I-9



I-11 north boundary



I-11 facing north



I-11 facing southeast



I-11 facing west



Typical View of railroad tracks (near I-3)



Typical View of railroad tracks (near I-5)



APPENDIX 3

Water and Sewer Extension Project Figure

Mar 31, 2023 - 2:02pm
F:\Project\135F - Erie County LDC\135F001001 - Bethlehem Water & Sewer\Design\CADD\Sheet Files\135F001001_C1001.dwg



NOTES:

- THE FOLLOWING BROWNFIELD CLEANUP (BCP) SITES HAVE RECEIVED A CAP: I-1, I-3, I-5, I-7, I-8, I-10, II-12, & THE BIKE PATH ALONG NYS ROUTE 5.
- IN AREAS WHERE SELECT BACKFILL IS NOT INDICATED ON THE PLANS, ANY EXCAVATED MATERIALS THAT ARE NOT USED TO BACKFILL TRENCHES SHALL BE REMOVED FROM THE SITE AND DISPOSED OF AT A DEC APPROVED LANDFILL.



0 100' 200'



C&S Engineers, Inc.
141 Elm Street, Suite 100
Buffalo, New York 14203
Phone: 716-847-1630
Fax: 716-847-1454
www.cscos.com

**FORMER BETHLEHEM STEEL
PUBLIC SANITARY SEWER AND
WATER LINE EXTENSIONS
LACKAWANNA, NY**

MARK	DATE	DESCRIPTION
△	01/27/2023	ROAD B COORDINATION & RFI
△	08/28/2022	ADDENDUM #1
REVISIONS		
EDA PROJECT NO: 01-79-15063		
C&S PROJECT NO: 135F.001.001		
DATE: JULY 27, 2022		
DRAWN BY: MRO		
DESIGNED BY: MRO		
CHECKED BY: VJO		
NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 7209 SUBDIVISION 2 OF THE NEW YORK EDUCATION LAW		

OVERALL PLAN

C1001



APPENDIX 4

**Site Management Periodic Review Report Notice-Institutional and
Engineering Controls Certification Forms**



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. **C915197**

Site Name **Site I-1 Tecumseh Phase I Business Park**

Site Address: 2303 Hamburg Turnpike Zip Code: 14218
City/Town: Lackawanna
County: Erie
Site Acreage: 5.570

Reporting Period: April 28, 2024 to April 28, 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

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

☐ ☒

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

☒ ☐

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915197**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**Portion of 141.11-1-52**

Buffalo & Erie Co. ILDC

Ground Water Use Restriction
Monitoring Plan
Site Management Plan

Landuse Restriction
Soil Management Plan
IC/EC Plan

Institutional Control Description:

Adherence to Site Management Plan (SMP)
Restriction to commercial re-use
Prohibition of groundwater use
Allowance for Departmental access
Requires a Periodic Review and Report

Box 4**Description of Engineering Controls**ParcelEngineering Control**Portion of 141.11-1-52**

Cover System

Engineering Control Description:

BUD Slag Cover, over 5 acres

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. C915197

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 John Cappellino at 95 Perry St. Buffalo, NY 14203
print name print business address

am certifying as Owner (Owner or Remedial Party)

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

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

5/2/25
Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I ANDREW BENKLEMAN at LABELLA ASSOCIATES 300 PEARL ST
print name print business address BUFFALO, NY

am certifying as a Qualified Environmental Professional for the OWNER
(Owner or Remedial Party)



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

Stamp
(Required for PE)

4/30/25
Date



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. **C915197C**

Site Name **Site I-3 Tecumseh Phase I Business Park**

Site Address: 2303 Hamburg Turnpike Zip Code: 14218
City/Town: Lackawanna
County: Erie
Site Acreage: 7.630

Reporting Period: April 28, 2024 to April 28, 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

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

☐☒

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

☒☐

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915197C**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**Portion of 141.11-1-52**

Buffalo & Erie Co. ILDC

IC/EC Plan
Soil Management Plan
Ground Water Use Restriction
Landuse Restriction
Monitoring Plan
Site Management Plan

Institutional Control Description:

Adherence to Site Management Plan (SMP)
Restriction to commercial re-use
Prohibition of groundwater use
Allowance for Departmental access
Requires a Periodic Review and Report

Box 4**Description of Engineering Controls**ParcelEngineering Control**Portion of 141.11-1-52**

Cover System

Engineering Control Description:

BUD Slag cover, over 5 acres

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. C915197C

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 John Cappellino at 95 Perry St. Buffalo, NY 14203,
print name print business address

am certifying as Owner (Owner or Remedial Party)

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

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

5/2/25
Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I ANDREW BENKLEMAN at LABELLA ASSOCIATES 300 PEARL ST
print name print business address BUFFALO, NY

am certifying as a Qualified Environmental Professional for the OWNER
(Owner or Remedial Party)



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

Stamp
(Required for PE)

4/30/25
Date



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. **C915197E**

Site Name **Site I-5 Tecumseh Phase I Business Park**

Site Address: 2303 Hamburg Turnpike Zip Code: 14218

City/Town: Lackawanna

County: Erie

Site Acreage: 10.050

Reporting Period: April 28, 2024 to April 28, 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

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

☐☒

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

☒☐

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915197E**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**Portion of 141.11-1-52**

Buffalo & Erie Co. ILDC

Soil Management Plan
IC/EC Plan
Ground Water Use Restriction
Landuse Restriction
Monitoring Plan
Site Management Plan

Institutional Control Description:

Adherence to Site Management Plan (SMP)
Restriction to commercial re-use
Prohibition of groundwater use
Allowance for Departmental access
Requires a Periodic Review and Report

Box 4**Description of Engineering Controls**ParcelEngineering Control**Portion of 141.11-1-52**

Cover System

Engineering Control Description:

Soil cover, over 5 acres

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. C915197E

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 John Cappellino at 95 Perry St. Buffalo, NY 14203,
print name print business address

am certifying as Owner (Owner or Remedial Party)

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

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

5/2/25
Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I ANDREW BENKLEMAN at LABELLA ASSOCIATES 300 PEARL ST
print name print business address BUFFALO, NY

am certifying as a Qualified Environmental Professional for the OWNER
(Owner or Remedial Party)



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

Stamp
(Required for PE)

4/30/25
Date



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. **C915197G**

Site Name **Site I-7 Tecumseh Phase I Business Park**

Site Address: 2303 Hamburg Turnpike Zip Code: 14218
City/Town: Lackawanna
County: Erie
Site Acreage: 10.030

Reporting Period: April 28, 2024 to April 28, 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

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

☐☒

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

☒☐

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915197G**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**Portion of 141.11-1-52**

Buffalo & Erie Co. ILDC

Soil Management Plan
IC/EC Plan
Ground Water Use Restriction
Landuse Restriction
Monitoring Plan
Site Management Plan

Institutional Control Description:

Adherence to Site Management Plan (SMP)
Restriction to commercial re-use
Prohibition of groundwater use
Allowance for Departmental access
Requires a Periodic Review and Report

Box 4**Description of Engineering Controls**ParcelEngineering Control**Portion of 141.11-1-52**

Cover System

Engineering Control Description:

Soil cover, over 5 acres

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. C915197G

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 John Cappellino at 95 Perry St. Buffalo, NY 14203
print name print business address

am certifying as Owner (Owner or Remedial Party)

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

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

5/2/25
Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I ANDREW BENKLEMAN at LABELLA ASSOCIATES 300 PEARL ST
print name print business address BUFFALO, NY

am certifying as a Qualified Environmental Professional for the OWNER
(Owner or Remedial Party)



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

Stamp
(Required for PE)

4/30/25
Date



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. **C9151971**

Site Name **Site I-9 Tecumseh Phase I Business Park**

Site Address: 2303 Hamburg Turnpike Zip Code: 14218

City/Town: Lackawanna

County: Erie

Site Acreage: 10.010

Reporting Period: April 28, 2024 to April 28, 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

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

☐☒

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

☒☐

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915197I**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**Portion of 141.11-1-52**

Buffalo & Erie Co. ILDC

Soil Management Plan
Monitoring Plan
IC/EC Plan
Ground Water Use Restriction
Landuse Restriction
Site Management Plan

Institutional Control Description:

Adherence to Site Management Plan (SMP)
Restriction to commercial re-use
Prohibition of groundwater use
Allowance for Departmental access
Requires a Periodic Review and Report

Box 4**Description of Engineering Controls**ParcelEngineering Control**Portion of 141.11-1-52**

Cover System

Engineering Control Description:

Soil cover, over 5 acres

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

Disturbed area identified on the west portion of the site. Further investigation, evaluation, and repairs are required.

☐ ☒

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

10/14/2025

Date



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. **C915197K**

Site Name **Site I-11 Tecumseh Phase I Business Park**

Site Address: 2303 Hamburg Turnpike Zip Code: 14218
City/Town: Lackawanna
County: Erie
Site Acreage: 11.590

Reporting Period: April 28, 2024 to April 28, 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

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

☐☒

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

☒☐

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915197K**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**Portion of 141.11-1-52**

Buffalo & Erie Co. ILDC

Soil Management Plan
Monitoring Plan
IC/EC Plan
Ground Water Use Restriction
Landuse Restriction
Site Management Plan

Institutional Control Description:

Adherence to Site Management Plan (SMP)
Restriction to commercial re-use
Prohibition of groundwater use
Allowance for Departmental access
Requires a Periodic Review and Report

Box 4**Description of Engineering Controls**ParcelEngineering Control**Portion of 141.11-1-52**

Cover System

Engineering Control Description:

Soil cover, over 5 acres

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. C915197K

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 John Cappellino at 95 Perry St. Buffalo, NY 14203,
print name print business address

am certifying as Owner (Owner or Remedial Party)

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

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

5/2/25
Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I ANDREW BENKLEMAN at LABELLA ASSOCIATES 300 PEARL ST
print name print business address BUFFALO, NY

am certifying as a Qualified Environmental Professional for the OWNER
(Owner or Remedial Party)



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

Stamp
(Required for PE)

4/30/25
Date