Periodic Review Report

Tecumseh Phase II Business Park
Site II-9 (C915198I) & II-10 (C915198J)
Lackawanna, New York

October 2026

Prepared for:

Time Release Properties, LLC

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1. Introduction

Roux Environmental Engineering and Geology, D.P.C. (Roux) has prepared this Periodic Review Report (PRR) to summarize the post-remedial status of New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Site Numbers C915198I and C915198J located at 6 Dona Street in the City of Lackawanna, Erie County, New York (jointly referred to herein as the Site unless specifically called out by BCP site name or number).

This PRR has been prepared for the subject BCP Sites in accordance with NYSDEC DER-10 Technical Guidance for Site Investigation and Remediation (Ref 1). Appendix A includes the Institutional and Engineering Control (IC/EC) Certification Forms completed based on the Site inspection performed on August 5, 2026.

This PRR has been completed on behalf of Time Release Properties, LLC (TRP) for Sites II-9 and II-10 (C915198I and C915198J, respectively). This PRR documents post-remedial activities covered by the January 2014 Site Management Plan (SMP; Ref. 2) and the December 2020 Appendix H-9/10 added thereto by Addendum. The post-remedial period covered by this PRR is August 4, 2025 to September 21, 2026 for both Sites II-9 and II-10.

1.1 Site Background and BCA Amendments

Tecumseh Redevelopment, Inc. (Tecumseh) entered into a Brownfield Cleanup Agreement (BCA) with the NYSDEC in March 2007, to investigate and remediate the approximate 141-acre Tecumseh Phase II Business Park site located in the City of Lackawanna, Erie County, New York (see Figure 1). The property deemed the “Phase II Business Park Site,” is bounded by the Business Parks I and IA to the north; South Buffalo Railroad Company to the south; Business Park III and the South Return Water Trench (SRWT) to the west; and BCP Site No C915197L (Bethlehem Shoreline Trial) and Route 5 to the east. Business Park II is transected by Smokes Creek, which is specifically excluded from the BCP (see Figure 2). To facilitate cleanup and redevelopment the Phase II Business Park BCA was subsequently amended in August 2012 to provide for 12 smaller BCP “sub-parcels” within the Phase II Business Park area, deemed Sites II-1 through II-12. These Sites were alphanumerically designated as BCP Site number C915198 through C915198L. During redevelopment of Sites II-8 and II-11 an access roadway connecting the Dona Street Extension and future Odell Street Extension was established and assigned the newly formed BCP Site II-13 (C915198M), which is included in the Phase II Business Park area.

Site II-9 is situated on an approximately 9.91-acre area having an SBL No. of 141.19-1-2 bounded by BCP Site II-10 to the north; Dona Street to the south; BCP Sites II-8 and II-13 to the east; and the South Return Water Trench (SRWT) and associated non-BCP embankment land to the west (see Figures 1 and 2). Dona Street and an associated easement area (66’ wide right-of-way, total) runs in an east-west direction along the southern boundary of Site II-9. This 66-foot-wide area was covered with BCP-compliant hardscape (asphalt roadway, curbing, and sidewalk) and soil (vegetated lawn area) during roadway construction. A BCA amendment has been drafted to create Site II-14 (C215198N) that will encompass the Dona Street extension totaling 2.2 acres. Once finalized, Site II-14 will form the southern boundary of Site II-9. BCA Amendment No. 3 (11/1/2019) shifted the approximate 2.07-acre area encompassed by the Dona Street extension and remaining southern property within Site II-9 into Site II-7. This resulted in a change to the

size of Site II-9 from 11.98 acres to its present area of 9.91 acres. BCA Amendment No. 3 also modified the address of Site II-9 to 2303 Hamburg Turnpike, forming part of Tax Parcel Number 141.11-1-48.11. BCA Amendment No. 4 (1/24/2020) added the Buffalo and Erie County Industrial Land Development Corporation (ILDC) to the BCA for Site II-9; Tecumseh Redevelopment Inc. conveyed the Site II-9 title to ILDC on December 12, 2019. BCA Amendment No. 5 (1/24/2020) added Time Release Properties, LLC (TRP) to the BCA for Site II-9; TRP obtained title to Site II-9 from ILDC on December 12, 2019. BCA Amendment No. 6 (7/2020) added Time Release Sciences, Inc. (TRS) to the BCA for Site II-9. BCA Amendment No. 7 (11/2020) modified the address of Site II-9 to 6 Dona Street due to the construction of Dona Street and assigned new Tax Parcel Number 141.19-1-2.

Site II-10 is situated on an approximately 15.78-acre area having an SBL No. of 141.15-1-4 bounded by BCP Site II-12 to the north; BCP Site II-9 to the south; BCP Site II-13 to the east; and the SRWT and associated non-BCP embankment land to the west. An electrical substation, which is not part of the Phase II Business Park BCP site, is located adjacent to the northwest corner of the Site. An active rail line (deemed East Harbor Lead) owned by South Buffalo Railroad runs north-south through the west end of Sites II-9 and II-10.

Site II-10 was purchased from Tecumseh by the Buffalo and Erie County Industrial Land Development Corporation (ILDC) and was fully remediated by the ILDC pursuant to the 2016 Decision Document (DD, Ref. 3) as a Track 4 commercial site under “Generation 1” of the BCP. Site II-9 was also purchased from Tecumseh by the Buffalo and Erie County ILDC in December 2019 and simultaneously sold to TRP along with Site II-10. At the time of sale, Site II-9 required cover placement as a final remedial measure pursuant to the 2016 DD (Ref. 4). Because the final remedial measures had not occurred prior to the December 31, 2017 deadline for completion of remedial measures/COC issuance under Generation 1 of the program, Site II-9 transferred to Generation 3 of the BCP in April 2018.

In December 2020, TRP completed redevelopment of Sites II-9 and II-10 with an approximate 280,000 square foot manufacturing facility and attached 9,200 square foot office, as well as related infrastructure and site improvements, including utility services, access drives, parking, storm water detention, and landscaping. The manufacturing facility operates Monday through Thursday in two shifts with approximately 40-50 employees per shift. The office facility operates Monday through Friday with approximately 20 employees.

Redevelopment activities included modification of the cover system on Site II-10 and construction of the cover system on Site II-9. This work was completed in accordance with the Remedial Action Work Plan and Cover System Modification Plan (RAWP/CSMP, Ref 5). An Addendum (Ref. 6) to the RAWP/CSMP allowed for ex-situ biotreatment of certain unexpected, weathered petroleum impacts encountered during building foundation construction activities on Site II-9. The biotreatment work was successfully implemented on a biopad constructed on Site II-10.

A Final Engineering Report (FER, Ref. 7) documented the cover system modifications on Site II-10 and final remedial measures for Site II-9 (i.e., biotreatment of petroleum impacts and cover placement).

1.2 Remedial History

The Phase II Business Park formerly housed several facilities associated with the Bethlehem Steel Corporation’s (BSC’s) steel manufacturing processes. These included a pure oxygen generating station (known as South Linde Area); various mills; a structural shipping yard; a car repair shop; metal storage;

and miscellaneous office production support buildings. Five historical SWMUs (i.e., P-38 through P-42) are present within the Phase II Business Park. BSC performed assessments for these solid waste management units (SWMUs) during a Resource Conservation and Recovery Act (RCRA) Facility Assessment (RFA) and subsequent RCRA Facility Investigation (RFI). Based on the findings, United States Environmental Protection Agency (USEPA) Region II issued "No Further Action" determination for the identified SWMUs within the Phase II Business Park.

1.2.1 Remedial Investigation

Remedial Investigation (RI) field activities on Sites II-9 and II-10 were initiated in March 2010 and substantially completed in April 2010. Investigative activities included the completion of test pits and monitoring wells. Soil and groundwater samples were collected as detailed in the July 2009 Remedial Investigation/Alternatives Analysis Report (RI/AAR) Work Plan (Ref. 8).

The RI identified several Constituents of Concern (COCs) that were generally present across widespread areas of Phase II Business Park Site in site soils and groundwater. The COCs included polyaromatic hydrocarbons (PAHs), arsenic, cadmium, chromium, and lead. Isolated areas of petroleum products were also encountered.

The RI/AAR was submitted to NYSDEC in May 2011, revised, and finalized in March 2012 (Ref. 9). The RI/AAR recommended remediation of hotspot slag/fill with deferred soil cover system placement during redevelopment as well as engineering controls (ECs) and institutional controls (ICs) to limit future use of the Controlled Property to restricted (commercial or industrial) applications and prevent groundwater use for potable purposes (see Section 4.1).

1.2.2 Interim Remedial Measures

The remediation of Sites II-9 and II-10 included IRMs to expedite remedial activities and facilitate redevelopment. In October 2010, Tecumseh submitted to NYSDEC an Interim Remedial Measure (IRM) Work Plan for Railroad Realignment (Ref. 10). The following work was performed in December 2010 and documented in the December 2013 Construction Completion Report, Railroad Realignment, Tecumseh Phase II-III Business Park (Ref. 11):

- Site II-9: Excavation of PCB-impacted slag/fill proceeded to a depth of 2 feet below ground surface (fbgs) over an approximate 50-foot by 50-foot area centered on test pit RR-TP-30 (see Figure 3). The impacted slag/fill was direct loaded onto dump truck trailers and transported by Price Trucking Corp, a licensed hazardous waste transporter (NYSDEC #9A025), to CWM Chemical Services, LLC in Model City, NY. The 258.27 tons of PCB-impacted soil/slag-fill was disposed as regulated hazardous waste under CWM profile NY302140. Post-excavation documentation samples were not collected as the hotspot area was excavated to the pre-determined limits. Imported backfill was comprised of Beneficial Use Determination (BUD) approved steel slag (BUD# 555-9-15) and placed in 1-foot compacted lifts within each test pit excavation. Approximately 2,400 tons of BUD-approved slag was used as backfill material.
- Site II-10: Approximately 60 cubic yards (CY) of arsenic-impacted slag/fill was excavated within the vicinity of test pit RR-TP-42. Excavation proceeded to a depth of 2 fbgs with lateral dimensions of approximately 35 feet N x 75 feet S x 25 feet E x 25 feet W of RR-TP-42. The slag/fill was direct loaded onto dump truck trailers and transported by Zoladz, a licensed solid waste transporter (NYSDEC #9A499) and disposed at the Chautauqua County Landfill (CCLF) in Ellery, NY in accordance with Disposal Permit #CC1201.10S1. Additional documentation samples were not collected as the hotspot area was defined by sampling conducted during the

supplemental investigation. Minor regrading was performed to fill in low spots and achieve subgrade elevations; no backfill was placed.

In April 2017, Tecumseh submitted to NYSDEC an IRM Work Plan for Phase II Business Park Sites II-10 and II-12 (Ref. 12). The IRMs were completed between February 9 and May 17, 2017 in accordance with the NYSDEC-approved IRM Work Plan. The following remedial work performed on Site II-10 is documented in the Final Engineering Report (FER; Ref. 13) and shown on Figure 3:

- **Hotspot A**: Approximately 45 CY of PAH-impacted slag/fill were excavated to a depth of 2 feet below ground surface (fbgs).
- **Hotspot D-1**: Approximately 2,030 CY of petroleum-impacted slag/fill were excavated over a 3-foot interval from 6 to 9 fbgs.
- **Hotspot D-2**: Approximately 220 CY of petroleum-impacted slag/fill were excavated over a 3-foot interval from 5 to 8 fbgs.
- **Hotspot G**: Approximately 90 CY of petroleum-impacted slag/fill were excavated over a 4-foot interval from 5 to 9 fbgs.
- **Biotreatment:** Excavated materials were transported to a biotreatment pad constructed on Site II-9, treated, and tested to meet Site-Specific Action Levels (SSALs), and reused as fill in low spots of the uncovered Business Park.
- **In-Situ Amendment:** To address residual smear zone slag/fill impacts (i.e., sheen) in Hotspot G, approximately 320 pounds of RegenOx ™ and 55 pounds of ORC Advanced® were applied to the bottom and sidewalls of the excavation using an excavator bucket prior to backfilling with clean overburden slag/fill.
- **Backfill:** Following replacement of clean overburden materials and receipt of passing confirmatory results, where applicable, excavations were re-graded with surrounding slag/fill. In the case of Hotspot D, the backfill was supplemented with biotreated soils from other locations within the Tecumseh BCP Business Park Sites that were treated to meet SSALs and approved for use by the NYSDEC as subgrade backfill.

Tecumseh received a letter on June 5, 2017 from NYSDEC that stated the IRM satisfies the requirements for hotspot removal as outlined in the DD for Site II-10.

1.3 Compliance

At the time of the August 5, 2026 Site inspection, all controls were in-place and functioning as intended in accordance with the SMP except for minor cover system disturbances (i.e. tire ruts and bare vegetation areas). Additionally, it was noted that the brush on the west portion of the Site was not cut down as requested by the NYSDEC in the last PRR.

Since the inspection conducted on August 5, 2026, the minor cover system disturbances were addressed. Areas of bare vegetation were reseeded, tire ruts were repaired using the clean #1 stone that was approved for import by the NYSDEC in various areas of the Site, and the brush on the west portion of the Site was cut down. Appendix C includes the import documentation for the approved stone.

1.4 Recommendations

Based on observations recorded during the annual inspection and IC/EC certification, no modifications are recommended at this time.

2. Site Overview

All remediated properties within the Phase II Business Park are subject to a comprehensive, site wide SMP that identifies requirements for monitoring and maintenance of engineering and institutional controls and procedures for post-remedial excavation and related activities. Specific requirements affecting individual Sites within Phase II Business Park are included as appendices to the comprehensive plan. These appendices are prepared once a Phase II Business Park Site is remediated. Final remedial activities undertaken on Sites II-9 and II-10, covered by this PRR, are described below.

2.1 Final Remedial Measures

The Site was remediated in accordance with the remedies selected by the NYSDEC as memorialized in the DD. Roux (formerly Benchmark Civil/ Environmental Engineering & Geology, PLLC) was retained by Tecumseh Redevelopment Inc. to serve as the design-builder and Engineer of Record for the BCP activities.

The factors considered during the selection of the remedies are those listed in 6NYCRR 375-1.8. The following are the components of the selected remedies for Sites II-10 and II-9 (note that several of the listed items below for Site II-10 were completed as IRMs as discussed in Section 1.2.2):

Site II-10

1. Excavation of arsenic-impacted hotspot at RR-TP-42 in advance of a railroad realignment project.
2. Excavation of petroleum/organic-impacted slag/fill from two hotspot areas deemed Hotspots “D” and “G” and PAH-impacted soil from a third area deemed “Hotspot A”. Following completion of the excavation activities, post-excavation documentation samples were required from Hotspot A since slag/fill samples from this area indicated total semi-volatile organic compound (SVOC), specifically PAH, concentrations above the site-specific action level (SSAL) of 500 ppm.
3. Excess slag/fill was utilized on-site to form a landscape berm along the northern portion of Site II-10.
4. Introduction of in-situ treatment amendments (RegenOx ™ and ORC Advanced®) to address residual smear zone impacts in Hotspot G.
5. Backfilling and/or re-grading of the excavations as needed for safety reasons.
6. Sampling of transformer oil from the 54” Mill Roll Shop (former Artmeier Building on Sub-Parcel II-10). All oils were found to be less than 50 ppm.
7. Installation of a vapor barrier and sub-slab radon mitigation piping.
8. Construction and maintenance of a vegetated cover system consisting of a demarcation layer atop the sub-grade soil/fill followed by a minimum 12-inch soil layer in areas not covered by existing competent asphalt, concrete, or railroad bedding/tracks to prevent human exposure to remaining contaminated soil/fill. Existing active East Harbor Lead railroad tracks with wooden ties and stone ballast were left undisturbed as final cover. In addition, an access drive was constructed to service Substation 11A and the Roll Mill Shop. The drive was constructed of 1 foot of No. 2 run of crush stone placed over a geotextile fabric.
9. Upon demolition of the former Roll Mill Building, a minimum 12-inch soil layer was placed and surveyed to confirm the appropriate cover thickness. Cover soils with demarcation layer west

of the former building were not disturbed during redevelopment activities. As such, this area was not resurveyed. East of the former building a large stockpile was created through stripping of the cover on the southern side of Site II-10 that preceded building construction. The stockpile was used as greenspace cover on Site II-9 and the berm along the southern portion of the Site. The stockpile was taken back to original grade/original vegetative layer and reseeded. Since the original 12-inch cover over demarcation layer wasn't removed, this area east of the former building was not resurveyed.

10. Execution and recording of an Environmental Easement to restrict land use and prevent future exposure to any contamination remaining at the Site.
11. Development and implementation of a SMP for long-term management of remaining contamination as required by the Environmental Easement (EE), which includes plans for: (1) institutional and engineering controls, (2) monitoring, (3) operation and maintenance, and (4) reporting.
12. Periodic certification of the institutional and engineering controls listed above.

Site II-9

1. Removal of contaminated soil from source locations, including approximately 30 CY from the Southwest Loading Dock Foundation Excavation Area; approximately 75 cy from Pile E-6 Area; and approximately 75 cy from Pile E-10 Area. These soils were relocated to a biotreatment pad located within the northern portion of Site II-10 in July 2020. Approximately 30 cy of contaminated soil was removed from the Southwest Loading Dock Storm Sewer Excavation Area and placed in a designated staging area in August 2020 and subsequently relocated to the biotreatment pad.
2. Bio-remediated soils were reused for construction of on-site landscape berms. The soil was placed underneath the final clean cover material once the treated soil met remedial objectives and was approved by the Department for reuse.
3. Approximately 99,950-gallon of petroleum-impacted groundwater and surface water was pumped from excavation areas, stored in an on-site frac tank, and transported by Environmental Services Group (ESG) for off-site disposal at American Recyclers Company located in Tonawanda, New York.
4. Excess slag/fill was utilized on-site to form a landscape berm along the eastern portion of Site II-9.
5. Backfilling and/or re-grading of the excavations as needed for safety reasons.
6. Installation of a vapor barrier and sub-slab radon mitigation piping.
7. Implementation of a remedial design program that includes Green remediation principles and techniques to the extent feasible in the design, implementation, and site management. Green remediation components include:
    - Considering the long-term environmental impacts of treatment technologies and remedy stewardship;
    - Reducing direct and indirect emissions of greenhouse gasses and other emissions;
    - Increasing energy efficiency and minimization of non-renewable energy sources;
    - Conservation and management of resources and materials; and
    - Reduction of waste through increasing recycling and reuse of materials.

8. Construction and maintenance of a cover system consisting of one foot of 6NYCRR Part 375-6.7(d) approved cover material in the vegetated area, as well as buildings, pavement, and sidewalks included in the site development to prevent human exposure to remaining contaminated soil/fill remaining at the site;
9. Execution and recording of an Environmental Easement to restrict land use and prevent future exposure to any contamination remaining at the site.
10. Development and implementation of a Site Management Plan for long term management of remaining contamination as required by the Environmental Easement, which includes plans for: (1) Institutional and Engineering Controls, (2) future excavation activities, (3) monitoring, (4) operation and maintenance and (5) reporting, as well as a provision stating that an extension of the existing cover system will be placed if the building foundation/slab is removed, exposing surface soil where the upper foot exceeds CSCOs;
11. Periodic certification of the institutional and engineering controls listed above.

The remedial program was successful in achieving the remedial objectives for Sites II-10 and II-9. Activities completed pursuant to remediation of Site II-10 were documented in the August 2017 Final Engineering Report for Tecumseh Business Park II Sub-Parcels II-10 and II-12. NYSDEC issued a COC for Site II-10 in December 2017. Activities completed pursuant to remediation of Site II-9 as well as cover system modification completed at Site II-10 were documented in the December 2020 Final Engineering Report for Tecumseh Business Park Sub-Parcel II-9. NYSDEC issued a COC for Site II-9 in December 2020.

2.2 Site Redevelopment

Construction of a new manufacturing and packaging facility began November 2019 and was substantially completed December 2020 in accordance with the November 2019 RAWP/CSMP. TRP redeveloped Site II-9 and a portion of Site II-10 for Time Release Sciences, Inc. dba TRS Packaging, a subsidiary of TMP Technologies dedicated to producing custom consumer components including the Mr. Clean Magic Eraser® product line for Procter & Gamble. Redevelopment accommodates an approximate 280,000 square foot (SF) manufacturing facility, 9,200 SF office building, and related infrastructure and site improvements, including utility services, access drives, parking, storm water detention, and landscaping.

3. Remedy Performance

The annual PRR Site inspection was performed on August 5, 2026 to visually observe and document the use of the Site for commercial/industrial use, confirm absence of Site groundwater use, inspect the integrity of the cover system, and verify conformance with other requirements under the SMP. The Site inspection confirmed that the controls are in-place and functioning as intended in accordance with the SMP except for minor cover system disturbances (i.e. tire ruts and bare vegetation areas). Additionally, it was noted that the brush on the west portion of the Site was not cut down as requested by the NYSDEC in the last PRR.

Since the inspection conducted on August 5, 2026, the minor cover system disturbances were addressed. Areas of bare vegetation were reseeded, tire ruts were repaired using the clean #1 stone that was approved for import by the NYSDEC in various areas of the Site, and the brush on the west portion of the Site was cut down. Appendix C includes the import documentation for the approved stone.

4. Site Management Plan

A Site-wide SMP was prepared for the Phase II Business Park in January 2014 and approved by NYSDEC. Parcel-specific SMP requirements for Site II-10 and adjacent Site II-12 were added by Addenda in August 2017 but were separated following joint purchase and redevelopment of Sites II-9 and II-10 by Time Release Properties. Parcel-specific requirements for Sites II-9 and II-10 are now presented in SMP Appendix H-9/H-10. Key components of the SMP are described below.

4.1 Institutional and Engineering Control (IC/EC) Plan

Since remaining contaminated soil/fill and groundwater exist beneath the Phase II Business Park, institutional and engineering controls are required to protect human health and the environment. The IC/EC Plan describes the procedures for the implementation and management of all IC/ECs on the Sites within the Phase II Business Park.

4.1.1 Institutional Controls

The following institutional controls apply to all Sites within the Phase II Business Park:

- The use and development of the property is restricted to commercial and industrial uses as defined by Part 375-1.8(g), although land use is subject to local zoning laws.
- Groundwater cannot be used as a source of potable or process water, without necessary water quality treatment as determined by the New York State Department of Health (NYSDOH) or County DOH.
- All Sites must comply with the NYSDEC-approved SMP.
- The remedial party or site owner must complete and submit to the NYSDEC a periodic certification of institutional and engineering controls in accordance with Part 375-1.8(h)(3.)
- There are no site-specific institutional control requirements.

4.1.2 Engineering Controls

Engineering controls covering Sites within the Phase II Business Park include:

- Cover System: The cover system, including railroad, building foundations, access drive, concrete sidewalks, concrete or asphalt driveways, parking areas, slag, detention ponds, and landscaped vegetated areas, must be maintained in compliance with the SMP.

4.2 Excavation Work Plan

An Excavation Work Plan (EWP) was included in the approved SMP for the Phase II Business Park with final revision in July 2021. The EWP provides guidelines for the management of soil/fill material during any future intrusive activities. Any intrusive work that will penetrate the cover or cap, or encounter or disturb the remaining contamination, including any modifications or repairs to the existing cover system, must be performed in compliance with the EWP and must also be conducted in accordance with a site-specific Health and Safety Plan (HASP) and Community Air Monitoring Plan (CAMP) meeting the minimum requirements of the sample HASP and CAMP included with the SMP.

In general, the EWP includes the following:

- Methods for soil screening, segregation, and stockpiling with guidance for technologically enhanced naturally occurring radioactive material (TENORM);
- Guidance and methodology for excavation, load out, and off-site transportation/ disposal;
- Guidance and methodology for on-site reuse of any excavated materials including, but not limited to, soil/fill, petroleum-impacted soil/fill, debris, or slag;
- Guidance for management of groundwater or truck wash water;
- Guidance and methodology for backfill and restoration of the on-site cover system from off-site sources and on-site reuse materials;
- Guidance and methodology for monitoring and inspections during any intrusive activities including a Stormwater Pollution Prevention Plan (SWPPP), a contingency plan for previously unidentified contaminant sources, CAMP (as previously described), monitoring during intrusive activities within 20 feet of occupied structures or potential receptors, and odor/dust/nuisance control plans.

4.2.1 Site Redevelopment Activities

No Site redevelopment activities were performed during the 2025/2026 reporting period.

4.3 Annual Inspection and Certification Program

The Annual Inspection and Certification Program outlines requirements for certifying and attesting that the IC/ECs employed on the Sites are unchanged from the original design and/or previous certification. The Annual Certification includes a site inspection and completion of the NYSDEC's IC/EC Certification Form. The Site inspection is intended to verify that the IC/ECs:

- Are in place and effective.
- Are performing as designed.
- That nothing has occurred that would impair the ability of the controls to protect the public health and environment.
- That nothing has occurred that would constitute a violation or failure to comply with any operation and maintenance plan for such controls.
- Access is available to the Site to evaluate continued maintenance of such controls.

Inspection of Sites II-9 and II-10 were conducted by Ms. Jessica Dombrowski. of Roux a on August 5, 2026, under the supervision of Mr. Thomas Forbes, P.E., who meets the requirements of a Qualified Environmental Professional (QEP) per 6NYCRR Part 375.12. At the time of the inspection, Sites II-9 and II-10 complied with the SMP except for minor cover system disturbances (i.e. tire ruts and bare vegetation areas). Additionally, it was noted that the brush on the west portion of the Site was not cut down as requested by the NYSDEC in the last PRR.

Since the inspection conducted on August 5, 2026, the minor cover system disturbances were addressed. Areas of bare vegetation were reseeded, tire ruts were repaired using the clean #1 stone that was approved for import by the NYSDEC in various areas of the Site, and the brush on the west portion of the Site was cut down.

Appendix A includes the completed Site Management PRR Notice – Institutional and Engineering Controls Certification Forms. Appendix B includes a PRR photo log.

4.4 Operation, Monitoring and Maintenance Plan

The remedies for Sites II-9 and II-10 do not rely on any mechanical systems such as sub-slab depressurization or soil vapor extraction, to protect public health and the environment. Therefore, an Operation and Maintenance Plan is not required.

4.5 Corrective Measures Plan

No deficiencies were noted during the Site inspection completed on August 5, 2026 except for minor cover system disturbances (i.e. tire ruts and bare vegetation areas) and the brush on the west portion of the Site not being cut down.

Since the inspection conducted on August 5, 2026, the minor cover system disturbances were addressed. Areas of bare vegetation were reseeded, tire ruts were repaired using the clean #1 stone that was approved for import by the NYSDEC in various areas of the Site, and the brush on the west portion of the Site was cut down.

5. Groundwater Monitoring

There are no post-remedial groundwater monitoring requirements for Sites II-9 and II-10 per the NYSDEC-approved SMP.

6. Conclusions and Recommendations

At the time of the August 5, 2026 Site inspection, all controls were in-place and functioning as intended in accordance with the SMP except for minor cover system disturbances (i.e. tire ruts and bare vegetation areas). Additionally, it was noted that the brush on the west portion of the Site was not cut down as requested by the NYSDEC in the last PRR.

Since the inspection conducted on August 5, 2026, the minor cover system disturbances were addressed. Areas of bare vegetation were reseeded, tire ruts were repaired using the clean #1 stone that was approved for import by the NYSDEC in various areas of the Site, and the brush on the west portion of the Site was cut down. Appendix C includes the import documentation for the approved stone.

No modifications to the SMP are recommended.

7. Declaration/Limitation

This PRR has been prepared for the exclusive use of Time Release Properties, LLC. The contents of this PRR are limited to information available at the time of the Site inspection. The findings herein may be relied upon only at the discretion of Time Release Properties, LLC. Use of or reliance upon this PRR or its findings by any other person or entity is prohibited without written permission of Roux Environmental Engineering and Geology, D.P.C.

8. References

1. 1. New York State Department of Environmental Conservation. *DER-10/ Technical Guidance for Site Investigation and Remediation.* May 3, 2013.
2. TurnKey Environmental Restoration, LLC. *Site Management Plan for Tecumseh Phase II Business Park, NYSDEC Site No. C915198 through C915198L, Lackawanna, New York.* January 2014; Appendix H revised December 2020
3. New York State Department of Environmental Conservation. *Decision Document, Site II-10 Tecumseh Phase II Business Park, Brownfield Cleanup Program, Lackawanna, Erie County, Site No. C915198J*. November 2016.
4. New York State Department of Environmental Conservation. *Decision Document, Site II-9 Tecumseh Phase II Business Park, Brownfield Cleanup Program, Lackawanna, Erie County, Site No. C915198I*. December 2016.
5. Benchmark Environmental Engineering & Science, PLLC. *Remedial Action Work Plan and Cover System Modification Plan, Tecumseh Business Park Sites II-9 (C915198I) and II-10 (C915198J), Lackawanna, New York*. Revised November 2019.
6. Benchmark Environmental Engineering & Science, PLLC. *Addendum to the Remedial Action Work Plan and Cover System Modification Plan, Tecumseh Business Park II Sites II-9 (C915198I) and II-10 (C915198J), Lackawanna, New York.* June 30, 2020.
7. Benchmark Environmental Engineering & Science, PLLC. *Final Engineering Report, Tecumseh Phase II Business Park Site II-9, Lackawanna, New York*. December 2020.
8. TurnKey Environmental Restoration, LLC in association with Benchmark Environmental Engineering & Science, PLLC. *Remedial Investigation/Alternatives Analysis Report (RI/AAR) Work Plan, Phase II Business Park, Tecumseh Redevelopment Inc., Lackawanna, New York.* November 2008; revised July 2009.
9. TurnKey Environmental Restoration, LLC and Benchmark Environmental Engineering & Science, PLLC. *Remedial Investigation/Alternatives Analysis (RI/AA) Report, Phase II Business Park, Tecumseh Redevelopment Inc., Lackawanna, New York*. May 2001; revised March 2012.
10. TurnKey Environmental Restoration, LLC and Benchmark Environmental Engineering & Science, PLLC. *Interim Remedial Measures Work Plan, Railroad Realignment, Phase I-III Business Parks, BCP Sites C915197-C915199, Lackawanna, New York*. October 2010.
11. TurnKey Environmental Restoration, LLC in association with Benchmark Environmental Engineering & Science, PLLC. *Construction Completion Report, Railroad Realignment, Tecumseh Phase I-III Business Park, Lackawanna, New York, BCP Site Nos. C915197 – C915199.* December 2013.
12. TurnKey Environmental Restoration, LLC., in association with Benchmark Environmental Engineering & Science, PLLC *Interim Remedial Measures (IRM) Work Plan, Phase II Business Park, Sites II-10, II-11 and II-12, BCP Site Nos. C915198J, C915198K & C915198L, Lackawanna, New York.* February 2017, revised April 2017.
13. TurnKey Environmental Restoration, LLC in association with Benchmark Environmental Engineering & Science, PLLC. *Final Engineering Report, Tecumseh Business Park II, Sub-Parcels II-10 and II-12, Lackawanna, New York*. August 2017.

FIGURES

1. Site Location & Vicinity Map
2. Tecumseh Phase II Business Park Site Plan
3. Completed Remedial Measures
4. Post-Remedial Construction Activities
5. Cover System Plan

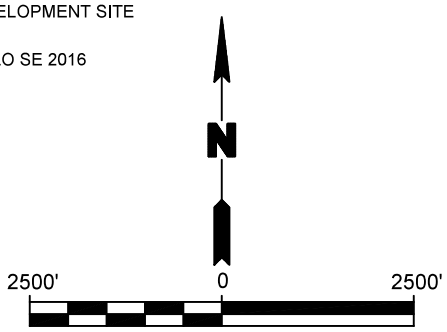


LEGEND:

TRP REDEVELOPMENT SITE

BASE MAP USGS QUAD BUFFALO SE 2016





Title:

SITE LOCATION AND VICINITY MAP

TECUMSEH PHASE II BUSINESS PARK
SITE II-9 (C915198I) & II-10 (C915198J)
LACKAWANNA, NEW YORK

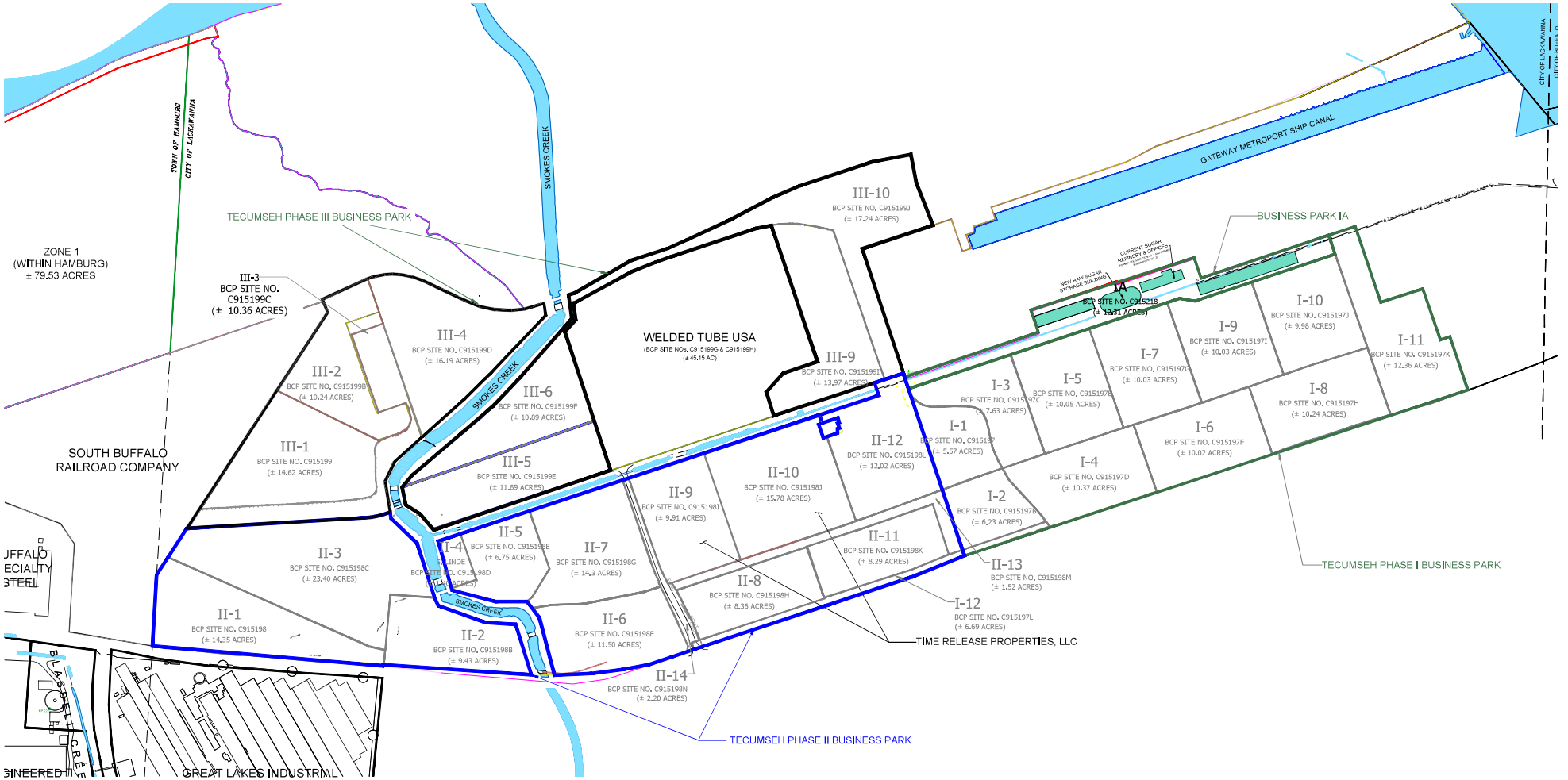
PERIODIC REVIEW REPORT

Prepared for:

TIME RELEASE PROPERTIES, LLC

ROUX	Compiled by: CMS	Date: August 2026	FIGURE 1
	Prepared by: CMS	Scale: AS SHOWN	
	Project Mgr: THF	Project: 0489-019-001	
	File: FIGURE 1; SITE LOCATION & VICINITY MAP-ROUX.DWG		

F:\CAD\BENCHMARK\TMP\PRR\2023\FIGURE 1; SITE LOCATION & VICINITY MAP-ROUX.DWG



F:\CAD\BENCHMARK\TMP\PRR\2023\FIGURE 2; BUSINESS PARK II SITE PLAN-ROUX_REV.DWG

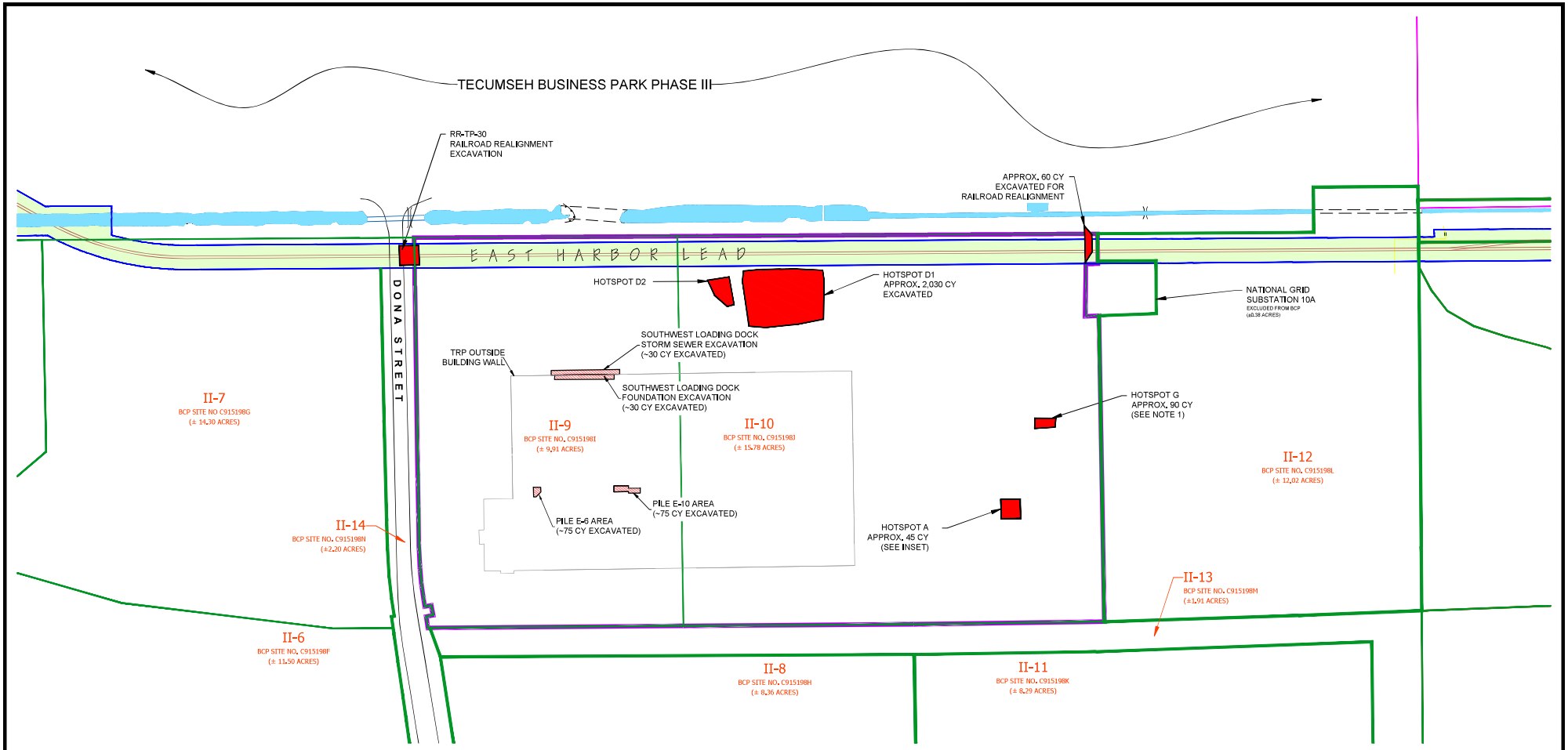
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TECUMSEH PHASE II BUSINESS PARK SITE PLAN
TECUMSEH PHASE II BUSINESS PARK
SITE II-9 (C915198I) & II-10 (C915198J)
LACKAWANNA, NEW YORK

PERIODIC REVIEW REPORT

Prepared for:
TIME RELEASE PROPERTIES, LLC

ROUX

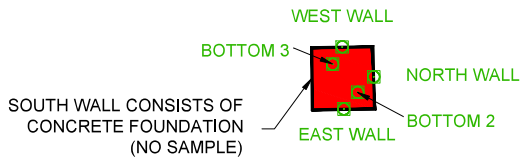
Compiled by: CMS	Date: August 2026	FIGURE
Prepared by: CMS	Scale: AS SHOWN	2
Project Mgr: THF	Project: 0489-019-001	
File: FIGURE 2; BUSINESS PARK II SITE PLAN-ROUX_REV.DWG		



LEGEND:

- TIME RELEASE PROPERTY BOUNDARY
- TECUMSEH BUSINESS PARK II SITE BOUNDARIES
- IMPACTED SOIL/FILL EXCAVATED (HOTSPOT) DURING CONSTRUCTION (2020)
- IMPACTED SOIL/FILL EXCAVATED (HOTSPOT) PRE-CONSTRUCTION
- WEST WALL — CONFIRMATORY SAMPLE LOCATION
- EXISTING EAST HARBOR LEAD RAILROAD TRACK AND ROW

NOTE: 1) REGENOX™ & ORC ADVANCED® APPLIED



SOUTH WALL CONSISTS OF CONCRETE FOUNDATION (NO SAMPLE)

HOTSPOT A
NTS

200' 0 200'

Title:
COMPLETED REMEDIAL MEASURES ON SITE II-9 & II-10
TECUMSEH PHASE II BUSINESS PARK
SITE II-9 (C915198I) & II-10 (C915198J)
LACKAWANNA, NEW YORK
PERIODIC REVIEW REPORT

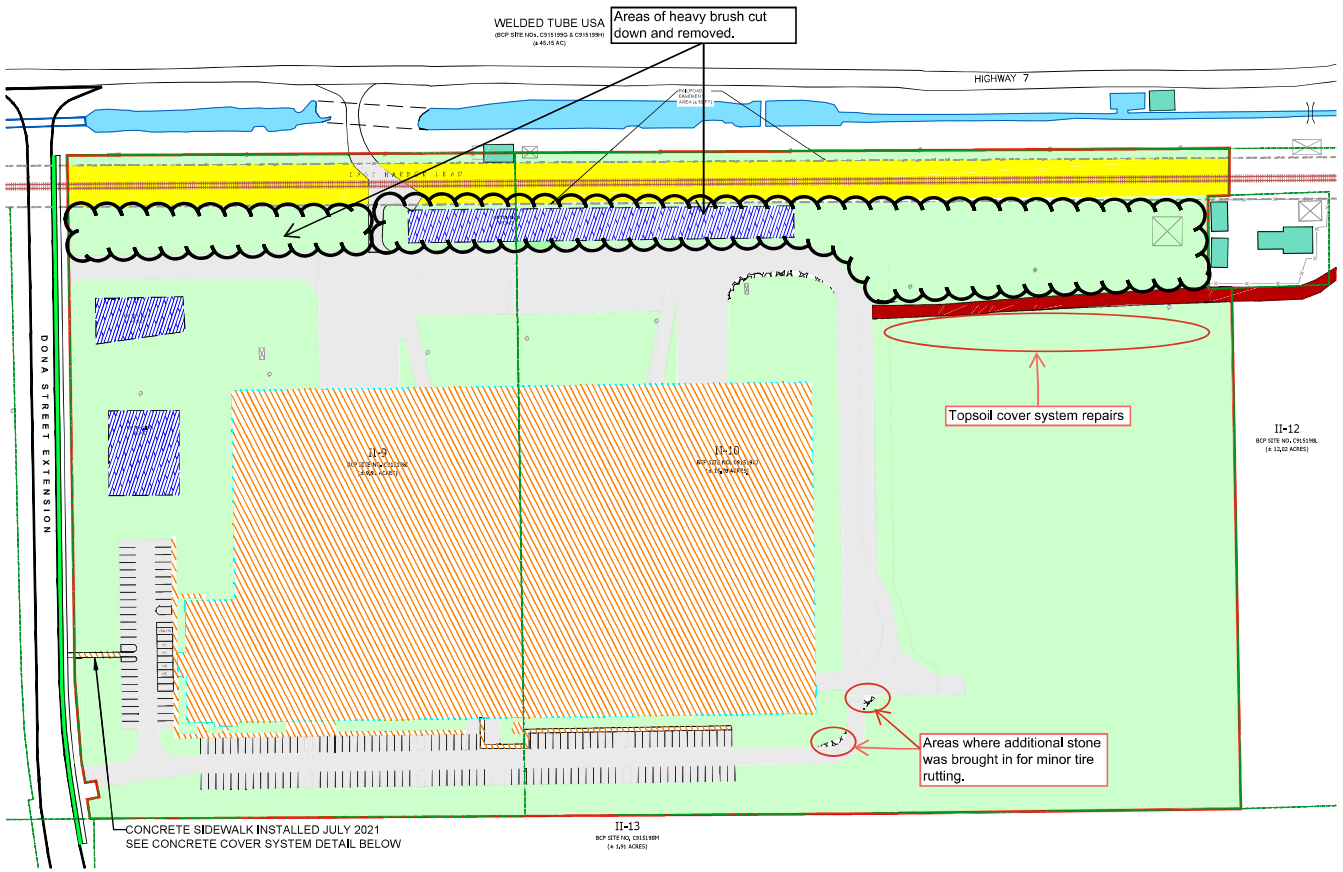
Prepared for:
TIME RELEASE PROPERTIES, LLC

ROUX

Compiled by: CMS	Date: August 2026
Prepared by: CMS	Scale: AS SHOWN
Project Mgr: THF	Project: 0489-019-001
File: FIGURE 3; COMPLETED REMEDIAL MEASURES-ROUX_REV.DWG	

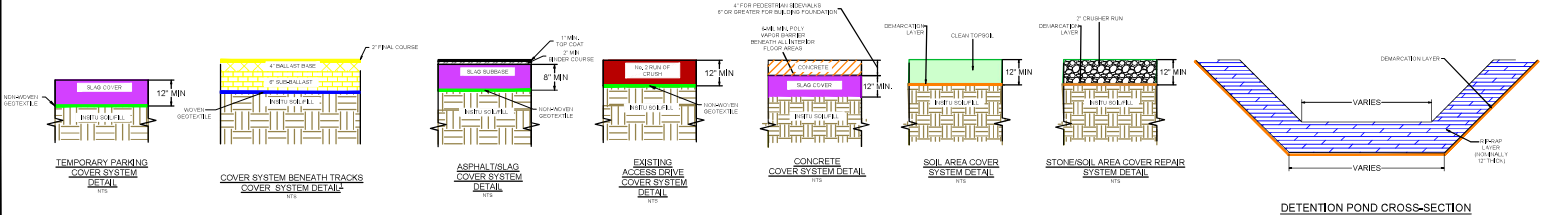
FIGURE 3

F:\CAD\BENCHMARK\TIMP\PRR\2023\FIGURE 3; COMPLETED REMEDIAL MEASURES-ROUX_REV.DWG

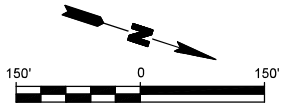


LEGEND:

- BCP BOUNDARY (TRP PROPERTY)
- BCP SITE BOUNDARIES
- RAILROAD TRACK
- RAILROAD EASEMENT BOUNDARY
- ELECTRIC TOWER
- POWER POLE
- STONE COVER
- ASPHALT COVER
- DETENTION POND COVER
- SOIL COVER
- SLAG COVER
- CONCRETE COVER
- RAILROAD COVER SYSTEM
- STONE/SOIL COVER



NOTES:
1. BASED ON RECORD DRAWINGS PROVIDED BY C&S COMPANIES



POST-REMEDIAL CONSTRUCTION ACTIVITIES

TECUMSEH PHASE II BUSINESS PARK
SITE II-9 (C915198I) & II-10 (C915198J)
LACKAWANNA, NEW YORK

PERIODIC REVIEW REPORT

Prepared for:
TIME RELEASE PROPERTIES, LLC

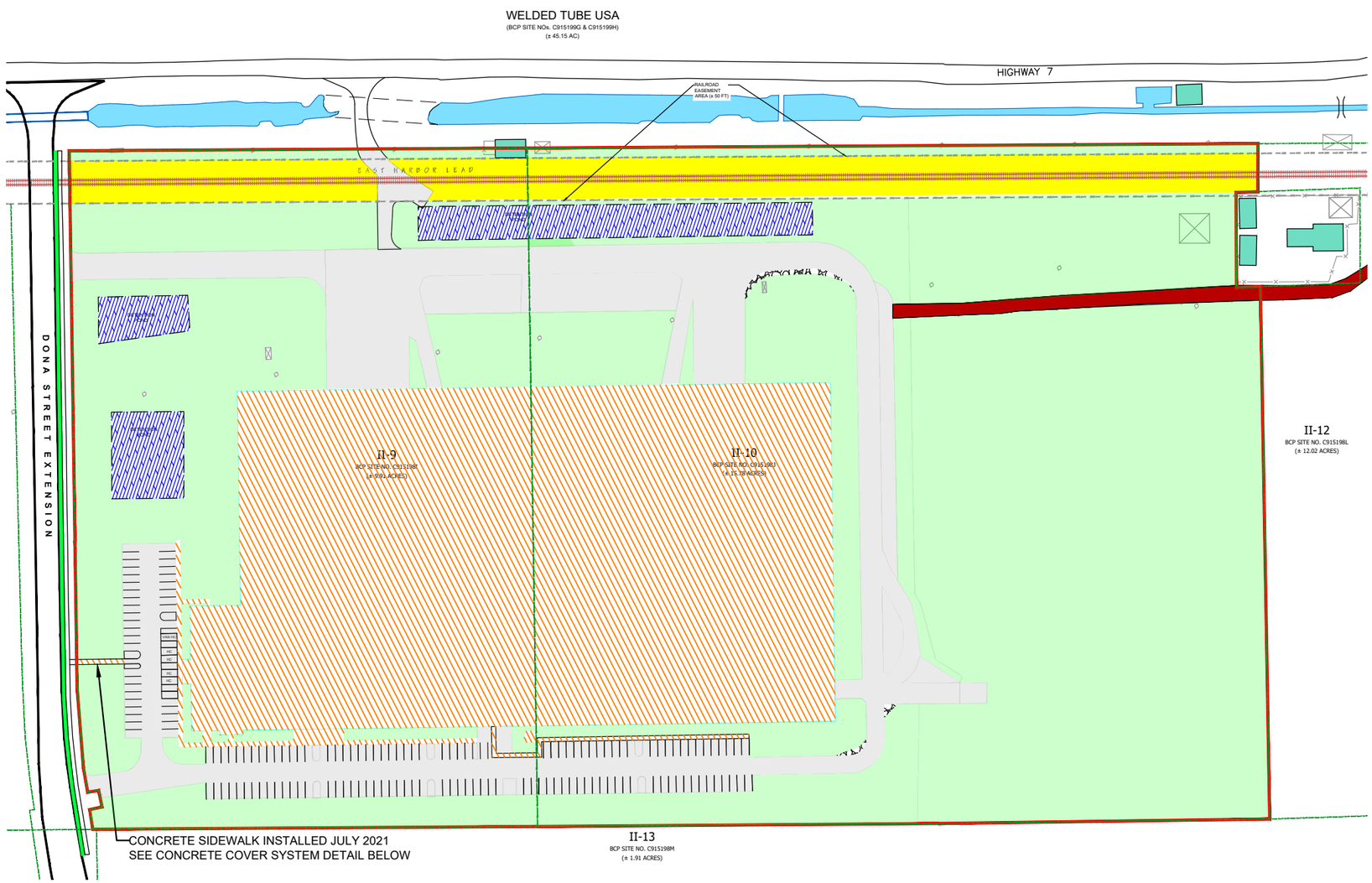
ROUX

Compiled by: CMS	Date: August 2026
Prepared by: CMS	Scale: AS SHOWN
Project Mgr: THF	Project: 0489-019-001
File: FIGURE 5; SITE-WIDE COVER SYSTEM_ROUX_REV.DWG	

FIGURE 4

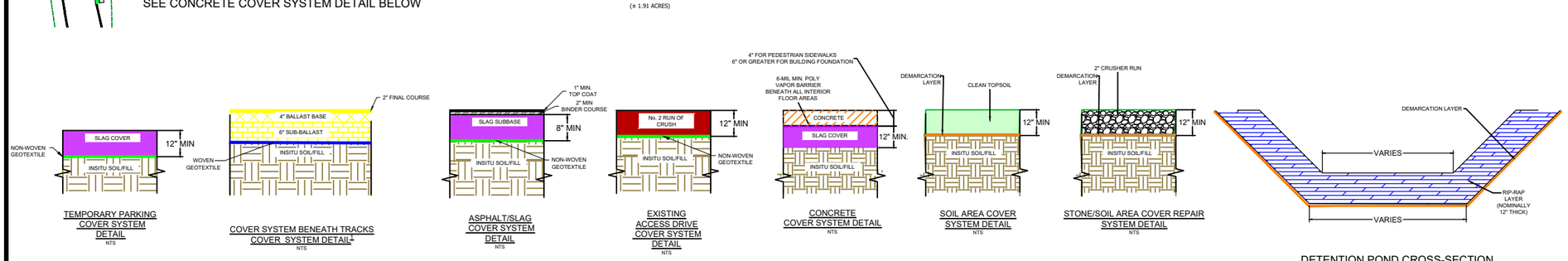
F:\CAD\BENCHMARK\TMP\PRR\2024\FIGURE 5; SITE-WIDE COVER SYSTEM_ROUX_REV.DWG

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LEGEND:

- BCP BOUNDARY (TRP PROPERTY)
- BCP SITE BOUNDARIES
- RAILROAD TRACK
- RAILROAD EASEMENT BOUNDARY
- ELECTRIC TOWER
- POWER POLE
- STONE COVER
- ASPHALT COVER
- DETENTION POND COVER
- SOIL COVER
- SLAG COVER
- CONCRETE COVER
- RAILROAD COVER SYSTEM
- STONE/SOIL COVER



NOTES:
1. BASED ON RECORD DRAWINGS PROVIDED BY C&S COMPANIES

N

150' 0 150'

Title:

COVER SYSTEM PLAN

TECUMSEH PHASE II BUSINESS PARK SITE II-9 (C915198I) & II-10 (C915198J) LACKAWANNA, NEW YORK

PERIODIC REVIEW REPORT

Prepared for:

TIME RELEASE PROPERTIES, LLC

ROUX

Compiled by: CMS	Date: August 2025	FIGURE
Prepared by: CMS	Scale: AS SHOWN	
Project Mgr: THF	Project: 0489-019-001	5
File: FIGURE 5; SITE-WIDE COVER SYSTEM_ROUX_REV.DWG		

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APPENDICES

A. Institutional & Engineering Control Certification Form
B. Site Photographic Log
C. Import Documentation

APPENDIX A

Institutional & Engineering Control 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. C915198I

Site Name Site II-9 Tecumseh Phase II Business Park

Site Address: 6 Dona Street Zip Code: 14218
City/Town: Lackawanna
County: Erie
Site Acreage: 9.910

Reporting Period: August 04, 2025 to ~~August 04, 2026~~
September 21, 2026

	YES	NO
1. Is the information above correct?	X	
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?		X
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?		X
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?		X
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?		X

Box 2

	YES	NO
6. Is the current site use consistent with the use(s) listed below? Commercial and Industrial	X	
7. Are all ICs in place and functioning as designed?	X	

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?	☐	X

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

	YES	NO
9. Are the assumptions in the Qualitative Exposure Assessment still valid? (The Qualitative Exposure Assessment must be certified every five years)	X	☐

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. C915198I **Box 3**

Description of Institutional Controls

Parcel	Owner	Institutional Control
141.19-1-2	TRP, LLC/TRS, Inc.	Ground Water Use Restriction Soil Management Plan Landuse Restriction Monitoring Plan Site 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

Parcel	Engineering Control
141.19-1-2	Cover System

Engineering Control Desription:

Soil cover over 5 acres

Box 5

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 compete.

YES	NO
X	☐

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
X	☐

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. C915198I

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 Robert Laughlin (print name) at Time Release Properties, LLC 1200 Northland Avenue, Buffalo, NY 14215 (print business address),

am certifying as Owner (Owner or Remedial Party)

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

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

10/6/2026
Date

EC CERTIFICATIONS

Qualified Environmental Professional Signature **Box 7**

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 Thomas Forbes, P.E. (print name) at Roux Environmental Engineering and Geology, D.P.C. 2558 Hamburg Turnpike, Suite 200, Buffalo, NY 14218 (print business address),

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)

10-14-26
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. C915198J

Site Name Site II-10 Tecumseh Phase II Business Park

Site Address: 6 Dona Street Zip Code: 14218
City/Town: Lackawanna
County: Erie
Site Acreage: 15.780

Reporting Period: August 04, 2025 to ~~August 04, 2026~~
September 21, 2026

	YES	NO
1. Is the information above correct?	X	
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?		X
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?		X
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?		X
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?		X

Box 2

	YES	NO
6. Is the current site use consistent with the use(s) listed below? Commercial and Industrial	X	
7. Are all ICs in place and functioning as designed?	X	

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. C915198J **Box 3**

Description of Institutional Controls

Parcel	Owner	Institutional Control
141-15-1-4	TRP, LLC/TRS, Inc.	Ground Water Use Restriction Soil Management Plan Landuse Restriction Monitoring Plan Site 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

Parcel	Engineering Control
141-15-1-4	Cover System

Engineering Control Desription:

Soil cover, over 5 acres

Box 5

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 compete.

YES	NO
X	☐

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
X	☐

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. C915198J

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 Robert Laughlin (print name) at Time Release Properties 1200 Northland Avenue, Buffalo, NY 14215 (print business address),

am certifying as Owner (Owner or Remedial Party)

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

Robert Laughlin

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

10/6/2026
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 Thomas Forbes, P.E. (print name) at Roux Environmental Engineering and Geology, D.P.C. 2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218 (print business address),

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

STATE OF NEW YORK
THOMAS H. FORBES
No. 70850-1
LICENSED PROFESSIONAL ENGINEER

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

Stamp (Required for PE)

10-14-26
Date

APPENDIX B

Site Photographic Log

SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Site Photographs (August 5, 2026)

Photo 1: View of the east portion of the Site facing north.

Photo 2: View of the northeast portion of the Site facing west.

Photo 3: View of the north portion of the Site facing west.

Photo 4: View of the northwest portion of the Site (depicting brush area and driveway) facing north. The area proximate to the driveway should be topsoil cover system with grass and should be repaired.

SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



Site Photographs (August 5, 2026)

Photo 5: View of the northwest portion of the Site facing south.

Photo 6: View of the detention pond cover system on the west portion of the Site.

Photo 7: View of jersey barriers along the asphalt driveway cover system on the southwest portion of the Site.

Photo 8: View of the detention pond cover systems on the southwest portion of the Site facing southeast.

SITE PHOTOGRAPHS

Photo 9:



Photo 10:



Photo 11:



Photo 12:



Site Photographs (August 5, 2026 & September 21, 2026)

Photo 9: View of the south portion of the Site facing east.

Photo 10: View of the brush cut down on the west portion of the Site.

Photo 11: View of the northwest portion of the Site depicting repairs to the topsoil/grass cover system. The area was roughed up and grass seed was placed down.

Photo 12: View of stone placed in areas of minor rutting on-site.

APPENDIX C

Import Documentation

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Request to Import/Reuse Fill or Soil

This form is based on the information required by DER-10, Section 5.4(e) and 6NYCRR Part 360.13. Use of this form is not a substitute for reading the applicable regulations and Technical Guidance document.

SECTION 1 – SITE BACKGROUND

Site Name: Sites II-9 & II-10 Tecumseh Phase II Business Park

Site Number: C915198I & C915198J

The allowable site use is: Commercial or Industrial Use

Have Ecological Resources been identified? no

Is this soil originating from the site? no

How many cubic yards of soil will be imported/reused? 0-50

If greater than 1000 cubic yards will be imported, enter volume to be imported:

SECTION 2 – MATERIAL OTHER THAN SOIL

Is the material to be imported gravel, rock or stone? yes

Does it contain less than 10%, by weight, material that passes a size 100 sieve? yes

Is this virgin material from a permitted mine or quarry? yes

Is this material recycled concrete or brick from a DEC registered processing facility? no

SECTION 3 - SAMPLING

Provide a brief description of the number and type of samples collected in the space below:

The material meets the requirements of DER-10 5.4(e)5. No testing is required.

Example Text: 5 discrete samples were collected and analyzed for VOCs. 2 composite samples were collected and analyzed for SVOCs, Inorganics & PCBs/Pesticides.

If the material meets requirements of DER-10 section 5.4(e)5 (other material), no chemical testing needed.

SECTION 3 CONT'D - SAMPLING

Provide a brief written summary of the sampling results or attach evaluation tables (compare to DER-10, Appendix 5):

N/A

Example Text: Arsenic was detected up to 17 ppm in 1 (of 5) samples; the allowable level is 16 ppm.

If Ecological Resources have been identified use the "If Ecological Resources are Present" column in Appendix 5.

SECTION 4 – SOURCE OF FILL

Name of person providing fill and relationship to the source:

Rob's Property Solutions - No Relationship

Name and address of fill source:

County Line Stone Co. Inc., 4515 Crittenden Road, Akron, NY 14001

Location where fill was obtained:

4515 Crittenden Road, Akron, NY 14001

Identification of any state or local approvals as a fill source:

N/A

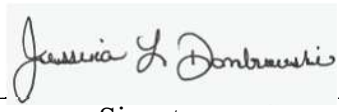
If no approvals are available, provide a brief history of the use of the property that is the fill source:

Long time virgin stone quarry.

Provide a list of supporting documentation included with this request:

Please see the attached sieve analysis.
Please see the attached virgin material letter.

The information provided on this form is accurate and complete.



Signature

9/2/2026

Date

Jessica Dombrowski

Print Name

Roux Environmental Engineering and Geology, D.P.C.

Firm

County Line STONE CO., INC.

4515 CRITTENDEN ROAD, AKRON, N.Y. 14001

Phone 716-542-5435 **Fax 716-542-5442**

ALL SIZES CRUSHED STONE BITUMINOUS CONCRETE AGRICULTURAL LIME

Material No.1 Clean Crushed Stone **Date** 8/17/2026

Sieve	% Passing	Specification
4"(100mm)		
3"(75mm)		
2 1/2"(63mm)		
2"(50mm)		
1 1/2"(37.5mm)		
1"(25mm)	100.0	100
3/4"(19mm)		
5/8"(16.0mm)		
1/2"(12.5mm)	95.3	90-100
3/8"(9.5mm)		
5/16 "(8.0mm)		
1/4"(6.3mm)	10.6	0-15
#4(4.75mm)		
1/8"(3.2mm)	2.7	
#8(2.36mm)		
#16(1.18mm)		
#20(850um)		
#30(600um)		
#40(425um)		
#50(300um)		
#80(180um)		
#100(150um)		
#200(75um)	0.7	0-1.0
PAN		
TOTAL		

New York State Specifications

Size	Screen Sizes											
Designation	4"	3"	2 1/2"	2"	1 1/2"	1"	1/2"	1/4"	1/8"	No 40	No 80	No 200
Screenings							100	90-100				0-1.0
1B								100	90-100		0-15	0-1.0
1A							100	90-100	0-15			0-1.0
1ST							100	0-15				0-1.0
1						100	90-100	0-15				0-1.0
2					100	90-100	0-15					0-1.0
3A				100	90-100	0-15						0-0.7
3			100	90-100	35-70	0-15						0-0.7
4A		100	90-100		0-20							0-0.7
4	100	90-100		0-15								0-0.7
5	90-100	0-15										0-0.7
TYPE 1		100		90-100				30-65		5-40		0-10
TYPE 2				100				25-60		5-40		0-10
TYPE 3	100							30-75		5-40		0-10
TYPE 4				100				30-65		5-40		0-10

Comments: Meets all requirements of NYSDOT Item No. 703-02

NYSDOT Source 5-7R

RT 77

RT 5

County Line STONE Co., Inc.

CRITTENDEN ROAD, P.O. BOX 150, AKRON, NEW YORK 14001

PHONE 716-542-5436 FAX 716-542-5442

ALL SIZES OF CRUSHED STONE BITUMINOUS CONCRETE AGRICULTURAL LIME

April 11th 2023

To whom it may concern,

This letter is to serve as notice that all of the aggregate produced and sold by County Line Stone Company in Akron, NY is free from any known contaminates or additives. Our Aggregate is produced by crushing the mineable virgin limestone from our Akron, NY Quarry. Water may be added to the product for dust control.

Regards,

Eric Lukowski, Quality Control Manager

ERIE COUNTY | GENESEE COUNTY

WYOMING COUNTY

Outlook

RE: Import Request - #1 Stone: Sites II-9 and II-10, Tecumseh Phase II Business Park Sites (NYSDEC BCP Site Nos. C915198I & C915198J)

From Kuczka, Megan E (DEC) <Megan.Kuczka@dec.ny.gov>
Date Wed 9/2/2026 9:44 AM
To Jessica Dombrowski <jdombrowski@rouxinc.com>
Cc Eric Warren <ewarren@rouxinc.com>

This message originated outside your organization. Please use caution!

Jessica –

This material is approved for use onsite. In order to document these repairs in the pending PRR, you can extend the certifying period out to the repair date and document the repairs in the PRR. When do you anticipate the PRR can be wrapped up by?

Sincerely,

Megan Kuczka *(she/her/hers)*
Environmental Program Specialist 2
New York State Department of Environmental Conservation
Division of Environmental Remediation
700 Delaware Avenue, Buffalo, NY 14209
(716) 851-7220 | megan.kuczka@dec.ny.gov
dec.ny.gov | | | | Podcast

NYSDEC has a new File Transfer System. We no longer accept third-party links. You can send me files here: https://mysend.ny.gov:443/nys/send/to/user/megankuczkadecnygov

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From: Jessica Dombrowski <jdombrowski@rouxinc.com>
Sent: Wednesday, September 2, 2026 9:16 AM
To: Kuczka, Megan E (DEC) <Megan.Kuczka@dec.ny.gov>
Cc: Eric Warren <ewarren@rouxinc.com>
Subject: Import Request - #1 Stone: Sites II-9 and II-10, Tecumseh Phase II Business Park Sites (NYSDEC BCP Site Nos. C915198I & C915198J)

Attention: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good morning, Megan:

Please see the attached Import Request to import #1 stone for the TMP properties identified as Sites II-9 and II-10, Tecumseh Phase II Business Park Sites (NYSDEC BCP Site Nos. C915198I & C915198J).

During our inspection on August 5, 2026 associated with the 2026 PRR, the gravel driveway on the northeast portion of the Site was in need of repair due to vehicles driving on the grass cover proximate to the driveway (see attached photo for reference). The Owner is having their landscaper fix the driveway and topsoil/grass cover system, and this is what the #1 stone is being requested for.

This PRR is due tomorrow (9/3), and the landscaper is waiting to get out there for this stone to be approved. If there is any way you can expedite the approval, it would be much appreciated!

Please let me know if you need any additional information or if you have any questions.

Thank you,
Jessica

Jessica Dombrowski | Project Scientist
2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218
Main: 716-856-0599 | Fax: 716-856-0583 | Cell: 716-445-7990
Email: jdombrowski@rouxinc.com | Website: www.rouxinc.com

ROUX

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