

May 3, 2019

Mr. Eugene Melnyk  
NYSDEC Region 9  
Division of Environmental Remediation  
270 Michigan Avenue  
Buffalo, New York 14203

**RE: Periodic Review Report/Certification of Institutional Controls  
ExxonMobil Oil - Operable Unit 1 of the Former Buffalo Terminal Site (BCP #C915201)  
522 and 542 Elk Street, Buffalo, NY 14210**

Mr. Melnyk:

On behalf of Elk Street Commerce Park, LLC (ESCP), this Periodic Review Report (PRR) has been prepared for the above referenced site for the reporting period from December 29, 2017 to April 29, 2019. The site was acquired by ESCP from the ExxonMobil Oil Corporation on June 14, 2018, and the Brownfield Cleanup Program (BCP) Certificate of Completion (COC) was transferred to ESCP in accordance with applicable provisions of 6 NYCRR Part 375-1.9(f).

Pursuant to Section 4.2 of the Site Management Plan (SMP) dated December 2017, and in the absence of any changes to the site or data gathered during the certifying period, this PRR consists only of the certification of institutional controls. Said certification is provided herein and is accompanied by:

1. Photographs documenting site conditions observed during the inspection conducted in April 2019;
2. Documentation of the proper conveyance of the title and transfer of the COC from ExxonMobil Oil Corporation to ESCP; and
3. Copies of the monthly site management inspection reports completed during the certifying period.

Please contact the undersigned should you have any questions concerning this submittal.

Respectfully submitted,

**LaBella Associates**



Rob Napieralski, CPG  
Regional Manager



Andrew Benkleman, EIT  
Project Manager

Attachments

cc: Paul Neureuter, Elk Street Commerce Park, LLC



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.**            **C915201**

**Site Name**   **ExxonMobil Oil Former Buffalo Terminal**

Site Address: 522 and 542 Elk Street            Zip Code: 14210  
City/Town: Buffalo  
County: Erie  
Site Acreage: 1.760

Reporting Period: December 29, 2017 to April 29, 2019

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/ECs 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. C915201****Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**123.09-1-10.1**

Elk Street Commerce Park, LLC

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

- Prohibition against well installation (or use of gw without treatment)
- Compliance with the Site Management Plan
- Compliance with the Soils Management Plan
- Highest land use is restricted to commercial use

**123.09-1-27.1**

Elk Street Commerce Park, LLC

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

- Prohibition against well installation (or use of gw without treatment)
- Compliance with the Site Management Plan
- Compliance with the Soils Management Plan
- Highest land use is restricted to commercial use

**Box 4****Description of Engineering Controls**

None Required

Not Applicable/No EC's

**Periodic Review Report (PRR) Certification Statements**

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO



2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

(a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO



**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and  
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

**A Corrective Measures Work Plan must be submitted along with this form to address these issues.**

\_\_\_\_\_  
Signature of Owner, Remedial Party or Designated Representative

\_\_\_\_\_  
Date

IC CERTIFICATIONS  
SITE NO. C915201

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 PAUL R. NEUREUTEIZ at 4 CENTRE DRIVE ORCHARD PARK NY 14127  
print name print business address

am certifying as CO-MANAGER/OWNER (Owner or Remedial Party)

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

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

5/1/2014  
Date

# PHOTOGRAPHS





Locked gate at 542 Elk Street



Typical view of fence around 542 Elk Street



East portion of 542 Elk Street facing north from southeast corner



South portion of 542 Elk Street facing west from southeast corner



542 Elk Street facing north from south boundary



542 Elk Street facing southeast from northwest corner





542 Elk Street facing southwest from northeast corner



Locked gate at 522 Elk Street



Typical view of fence around 522 Elk Street



522 Elk Street from southeast corner facing northwest



East portion of 522 Elk Street facing north



522 Elk Street facing south from north property boundary



# ATTACHMENT 1

**Ownership/Certificate of Completion Transfer Documentation**

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



**60-Day Advance Notification of Site Change of Use, Transfer of  
Certificate of Completion, and/or Ownership**

Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation, 625 Broadway  
Albany NY 12233-7020

**I. Site Name:** ExxonMobil Oil Former Buffalo Terminal **DEC Site ID No.** C915201

**II. Contact Information of Person Submitting Notification:**

Name: Thomas Renauto  
Address1: 4 Centre Drive, Orchard Park, NY 14127  
Address2: \_\_\_\_\_  
Phone: 716-667-1234 E-mail: trenauto@kroggrp.com

**III. Type of Change and Date:** Indicate the Type of Change(s) (check all that apply):

- ☒ Change in Ownership or Change in Remedial Party(ies)  
☒ Transfer of Certificate of Completion (CoC)  
☐ Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy): Jun 14, 2018

**IV. Description:** Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

Change of Ownership of 522 and 542 Elk Street from ExxonMobil Oil to Elk Street Commerce Park, LLC,  
Transfer of CoC from ExxonMobil Oil to Elk Street Commerce Park, LLC

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

- V. **Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name:

Robert W. Jackmore  
(Signature)

7/16/2018

(Date)

Robert W. Jackmore

(Print Name)

Address1: 22777 Springwoods Village / W3.2B, Spring, Texas 77389

Address2: \_\_\_\_\_

Phone: 832-625-6330

E-mail: robert.w.jackmore@exxonmobil.com

- VI. **Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

☒ Prospective Owner ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: Elk Street Commerce Park, LLC

Address1: 4 Centre Drive, Orchard Park, NY 14127

Address2: \_\_\_\_\_

Phone: 716-667-1234

E-mail: pneureuter@kroggrp.com

Certifying Party Name: Elk Street Commerce Park, LLC

Address1: 4 Centre Drive, Orchard Park, NY 14127

Address2: \_\_\_\_\_

Phone: 716-667-1234

E-mail: pneureuter@kroggrp.com

**VII. Agreement to Notify DEC after Transfer:** If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name: \_\_\_\_\_

(Signature)

7/23/2018

(Date)

Paul R. Neureuter

(Print Name)

Address1: 4 Centre Drive, Orchard Park, NY 14127

Address2: \_\_\_\_\_

Phone: 716-667-1234

E-mail: [pneureuter@kroggrp.com](mailto:pneureuter@kroggrp.com)



## ***Elk Street Commerce Park LLC***

August 13, 2018

New York State Department of Environmental Conservation  
DER – Bureau of Technical Support  
625 Broadway, 11<sup>th</sup> Floor  
Albany, New York 12233-7020

Attn: **Ms. Bernadette Anderson**

Re: **ExxonMobil Oil Former Buffalo Terminal  
BCP Site No. C915201**

Subj: **Transfer of Certificate of Completion (COC)**

Dear Ms. Anderson:

Pursuant to Ms. Kelly Lewandowski's letter of July 26, 2018, enclosed please find a copy of the Notice of Transfer of Certificate of Completion including proof that said Notice has been filed with the Erie County Clerk.

We trust this completes the documentation necessary for the transfer.

Very truly yours,  
**Elk Street Commerce Park, LLC**



Paul R. Neureuter  
Co-Manager

Encl.

**NOTICE OF TRANSFER OF CERTIFICATE OF COMPLETION**

**Brownfield Cleanup Program**

**Pursuant to 6 NYCRR Part 375-1.9(f)**

**ExxonMobil Oil Former Buffalo Terminal, Site ID No. C915201**

**522 and 542 Elk Street, Buffalo NY 14210**

**PLEASE TAKE NOTICE**, that pursuant to Article 27, title 14 of the Environmental Conservation Law and 6 NYCRR 375-1.9(f), ExxonMobil Oil Corporation hereby transfer(s) the Certificate of Completion (COC) issued by the Department of Environmental Conservation on (December 29, 2017) for the site described below. Such COC was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, title 14 had been or would be achieved in accordance with the time frame, if any, established in the remedial work plan.

**PLEASE TAKE NOTICE**, that ExxonMobil Oil Former Buffalo Terminal (site) is located at 522 and 542 Elk Street, Buffalo, NY 14210 in the County of Erie, NY. The Site is bearing DEC site number: C915201 and is more fully described on Schedule A attached hereto ("Site"). The Tax Map Identification Number(s) for site is/are: 123.09-1-10.1, 123.09-1-27.1

**PLEASE TAKE NOTICE**, that a Notice of Certificate of Completion for the Site was filed in the Erie County Clerk's Office on June 27, 2018 in Liber 11331 Of Deeds at Page 645.

**PLEASE TAKE NOTICE**, that on June 14, 2018 ExxonMobil Oil Corporation conveyed title to the Site to Elk Street Commerce Park, LLC by Deed recorded in Liber 11330 of Deeds at Page 6069.

**PLEASE TAKE NOTICE**, ExxonMobil Oil Corporation hereby transfers the Certificate to the following new property owner(s) as provided for pursuant to Article 27, title 14 of the Environmental Conservation Law and 6 NYCRR 375-1.9(f):

Elk Street Commerce Park, LLC  
(New Property Owner)

4 Centre Drive, Orchard Park, NY 14127  
(Address)

81-3788458  
(Employer Identification Number)

**FILED**  
AUG 09 2018  
ERIE COUNTY  
CLERK'S OFFICE

**PLEASE TAKE FURTHER NOTICE**, that if there is an environmental easement for this site, that Elk Street Commerce Park, LLC recognize(s) and agree(s) to implement the Department-approved Site Management Plan, and any amendments thereto, and to fully comply with all restrictions and affirmative obligations contained therein as well as in the Environmental Easement for the Site.

**WHEREFORE**, the undersigned have signed this Notice of Transfer of Certificate of Completion as of this 16 of July, 2018.

ExxonMobil Oil Corporation

*Robert W. Johnson*  
*Agent and Attorney in Fact*

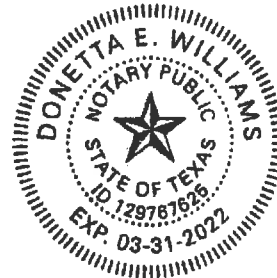
By authorized signator

Sworn to before me this  
(day) of (month, year).

16 of July, 2018

(notary signature)

*Donetta E. Williams*



Elk Street Commerce Park, LLC

*[Signature]*

By authorized signator

Sworn to before me this  
(day) of (month, year).

23 of July, 2018

(notary signature)

*[Signature]*

JANIE M. TROUP  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES AUG. 31, 2021

The SITE

SCHEDULE A

OU-1  
BCA  
915201

522 Elk Street

OU-2  
WEST  
BCA 915201C  
1 Babcock  
Street

OU-2 EAST  
BCA 915201B

503 Elk Street

635 Elk Street

OU-3  
BCA 915201D

625 Elk Street

OU-4  
BCA 915201E

OU-5 Exon-Mobil under separate agreement

Elk Street  
Commerce Park, LLC  
1/31/2018



MICHAEL P. KEARNS, ERIE COUNTY CLERK  
REF:

DATE: 8/9/2018  
TIME: 2:48:50 PM  
RECEIPT: 18143595

HOPKINS SORGI  
ACCOUNT #: 0

ITEM - 01 740  
RECD: 8/9/2018 2:51:35 PM  
FILE: 2018158775 BK/PG 0 11332/9822  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
EXXONMOBIL OIL CORPORATION  
Recording Fees  
Subtotal 60.00 60.00

TOTAL DUE	
PAID TOTAL	\$60.00
PAID CHECK	\$60.00
Check #3519:	\$60.00
	60.00

REC BY: Loretta  
COUNTY RECORDER

## ATTACHMENT 2

Monthly Property Inspection Forms

**Former ExxonMobil Buffalo Terminal - Elk Street Property Area (OU-1)**  
**Monthly Property Inspection Form**

Inspection Date: 1/2/2018 Inspection Time: 1030

Inspector: Brent Miller

Fence Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Locked ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Trash or Debris ☐ YES ☒ NO

If "YES" provide description and note location on sketch.

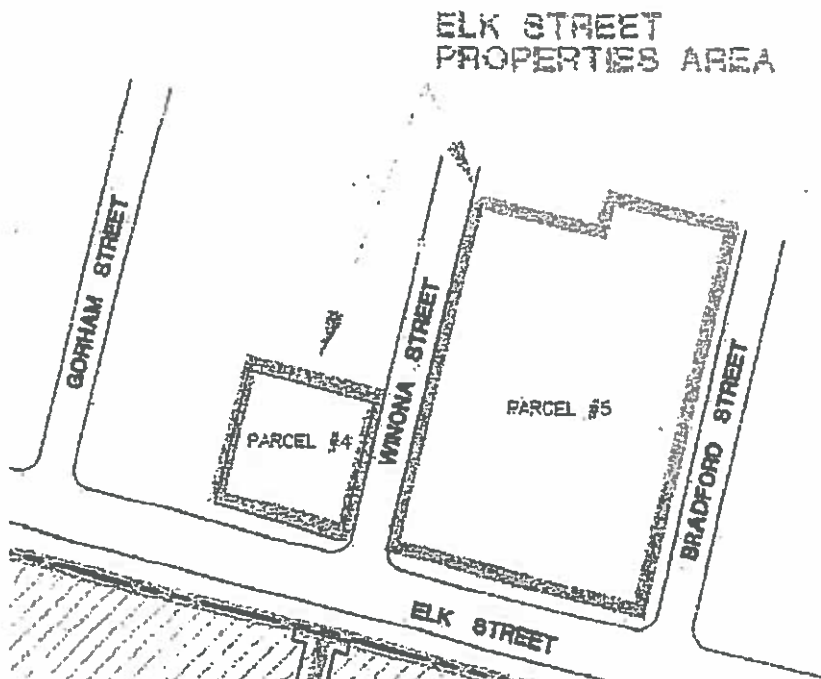
\_\_\_\_\_

\_\_\_\_\_

General Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**Former ExxonMobil Buffalo Terminal - Elk Street Property Area (OU-1)**  
**Monthly Property Inspection Form**

Inspection Date: 2/5/2018 Inspection Time: 1020

Inspector: Brent Miller

Fence Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Locked ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Trash or Debris ☐ YES ☒ NO

If "YES" provide description and note location on sketch.

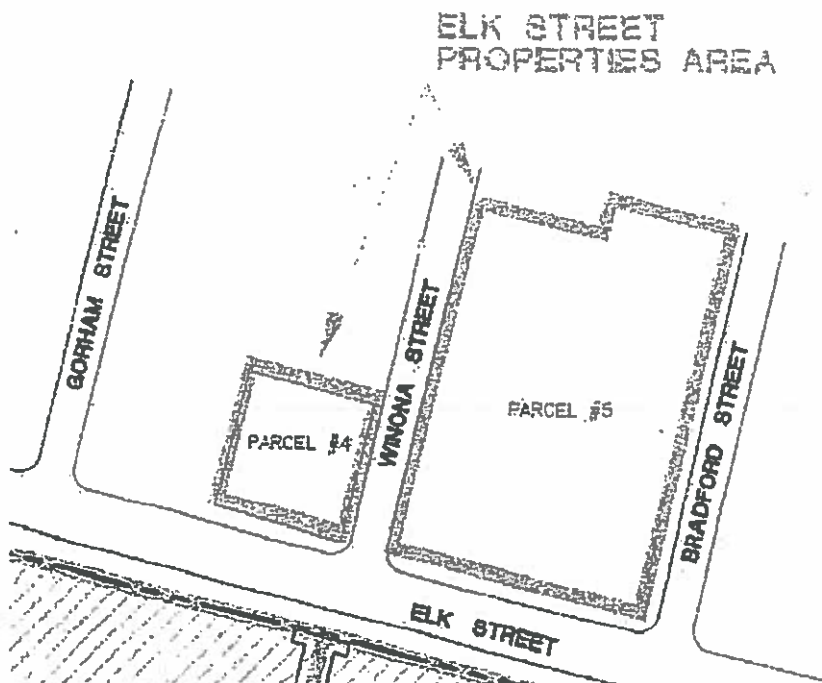
\_\_\_\_\_

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General Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_





**Former ExxonMobil Buffalo Terminal - Elk Street Property Area (OU-1)**  
**Monthly Property Inspection Form**

Inspection Date: 3/5/2018 Inspection Time: 1345

Inspector: Brent Miller

Fence Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Locked ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Trash or Debris ☐ YES ☒ NO

If "YES" provide description and note location on sketch.

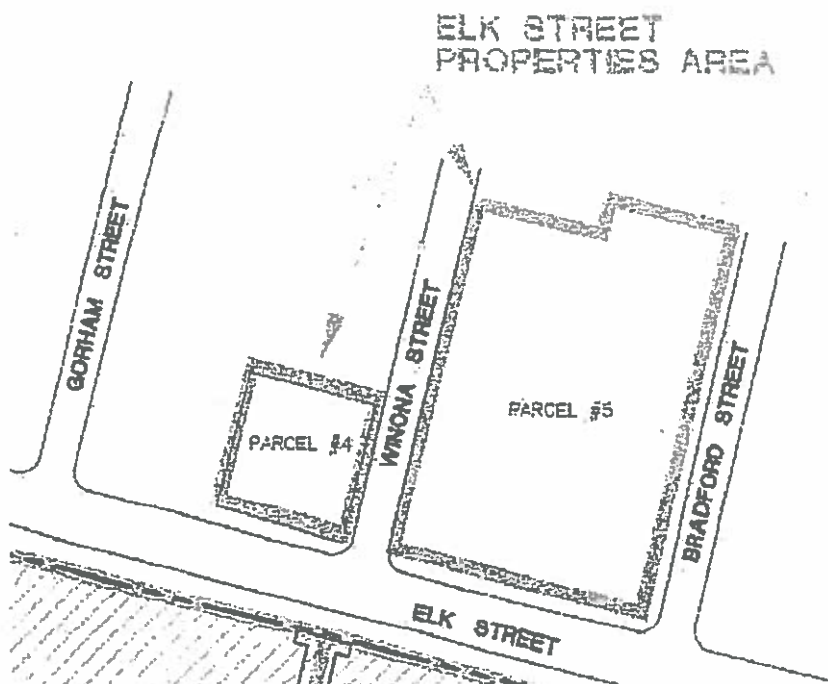
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General Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**Former ExxonMobil Buffalo Terminal - Elk Street Property Area (OU-1)**  
**Monthly Property Inspection Form**

Inspection Date: 4/2/2018 Inspection Time: 1200

Inspector: Brent Miller

Fence Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Locked ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Trash or Debris ☐ YES ☒ NO

If "YES" provide description and note location on sketch.

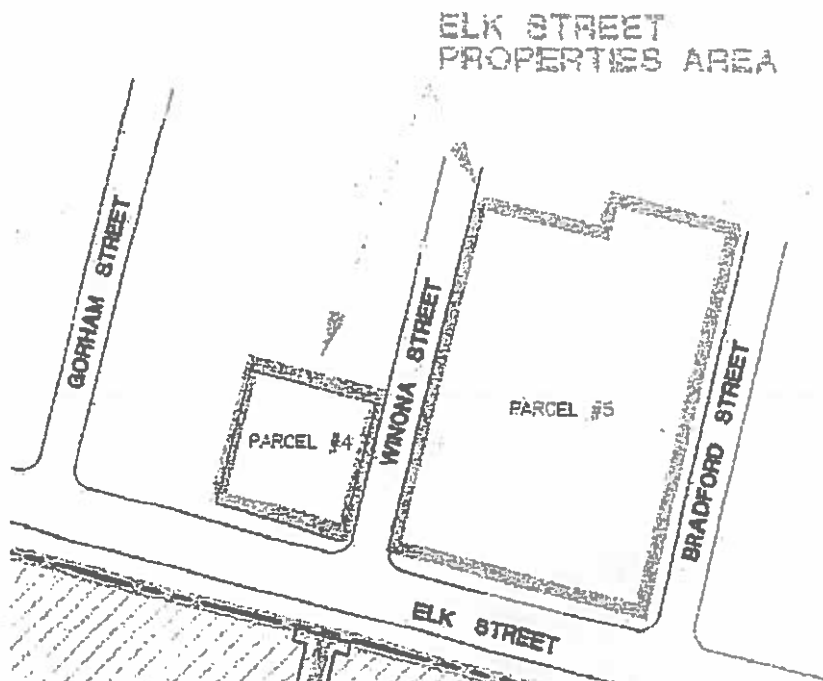
\_\_\_\_\_

\_\_\_\_\_

General Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**Former ExxonMobil Buffalo Terminal - Elk Street Property Area (OU-1)**  
**Monthly Property Inspection Form**

Inspection Date: 5/7/2018 Inspection Time: 1450

Inspector: Brent Miller

Fence Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Locked ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Trash or Debris ☐ YES ☒ NO

If "YES" provide description and note location on sketch.

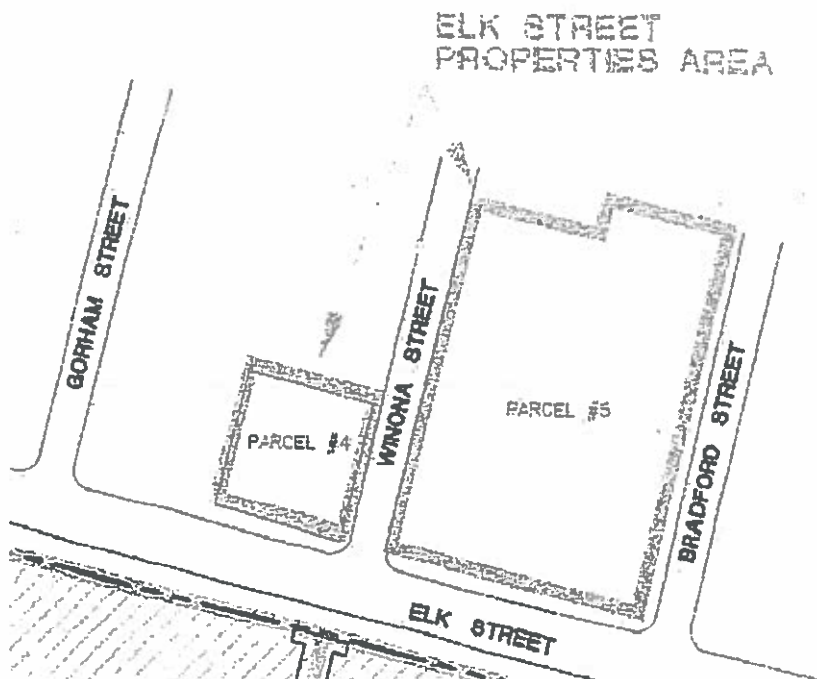
\_\_\_\_\_

\_\_\_\_\_

General Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Former ExxonMobil Buffalo Terminal - Elk Street Property Area (OU-1)  
Monthly Property Inspection Form

Inspection Date: 6/4/2018 Inspection Time: 1300

Inspector: Brent Miller

Fence Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

Gates Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

Gates Locked ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

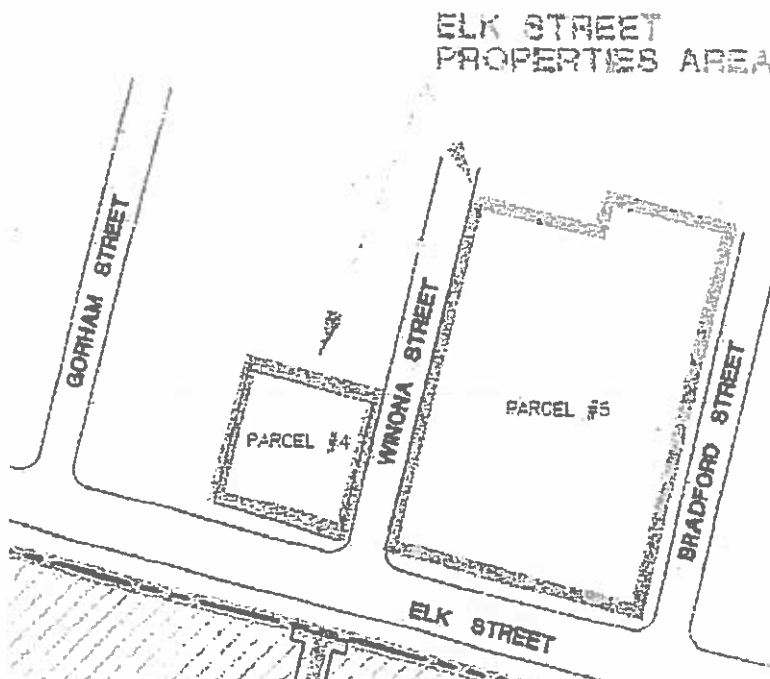
Trash or Debris ☐ YES ☒ NO

If "YES" provide description and note location on sketch.

\_\_\_\_\_

General Comments: \_\_\_\_\_

\_\_\_\_\_



**Former ExxonMobil Buffalo Terminal - Elk Street Property Area (OU-1)**  
**Monthly Property Inspection Form**

Inspection Date: 7/2/2018 Inspection Time: 1020

Inspector: Brent Miller

Fence Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Locked ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Trash or Debris ☐ YES ☒ NO

If "YES" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

General Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_





**Former ExxonMobil Buffalo Terminal - Elk Street Property Area (OU-1)**  
**Monthly Property Inspection Form**

Inspection Date: 8/6/2018 Inspection Time: 0715

Inspector: Brent Miller

Fence Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

Gates Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

Gates Locked ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

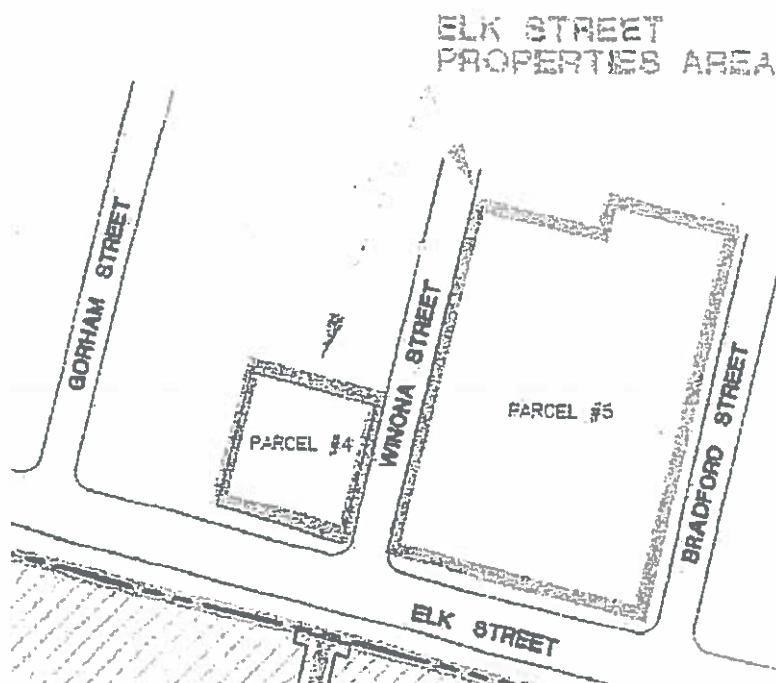
Trash or Debris ☐ YES ☒ NO

If "YES" provide description and note location on sketch.

\_\_\_\_\_

General Comments: \_\_\_\_\_

\_\_\_\_\_



**Former ExxonMobil Buffalo Terminal - Elk Street Property Area (OU-1)**  
**Monthly Property Inspection Form**

Inspection Date: 9/4/2018 Inspection Time: 1050

Inspector: Brent Miller

Fence Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Locked ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Trash or Debris ☐ YES ☒ NO

If "YES" provide description and note location on sketch.

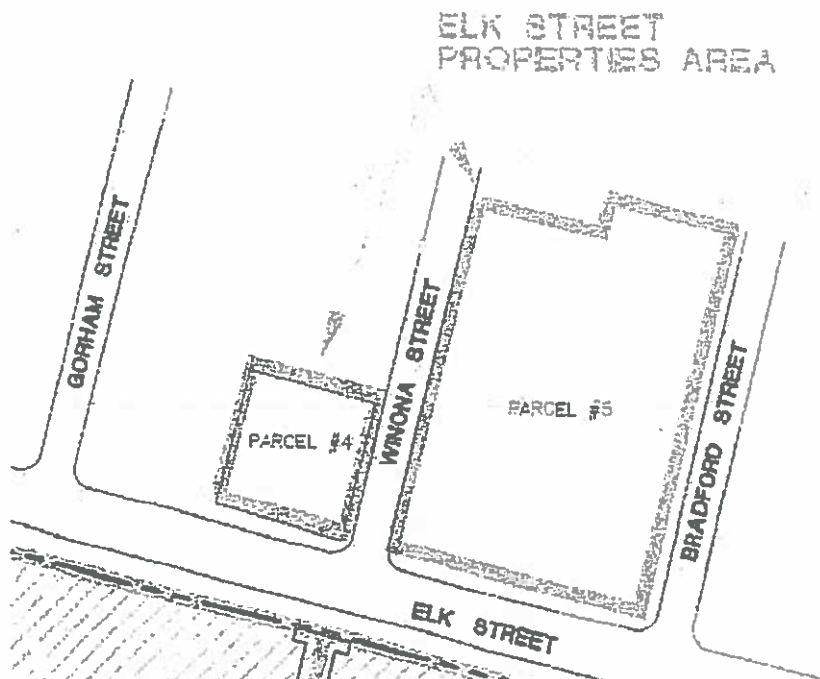
\_\_\_\_\_

\_\_\_\_\_

General Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**Former ExxonMobil Buffalo Terminal - Elk Street Property Area (OU-1)**  
**Monthly Property Inspection Form**

Inspection Date: 10/2/2018 Inspection Time: 1200

Inspector: Brent Miller

Fence Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Locked ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Trash or Debris ☐ YES ☒ NO

If "YES" provide description and note location on sketch.

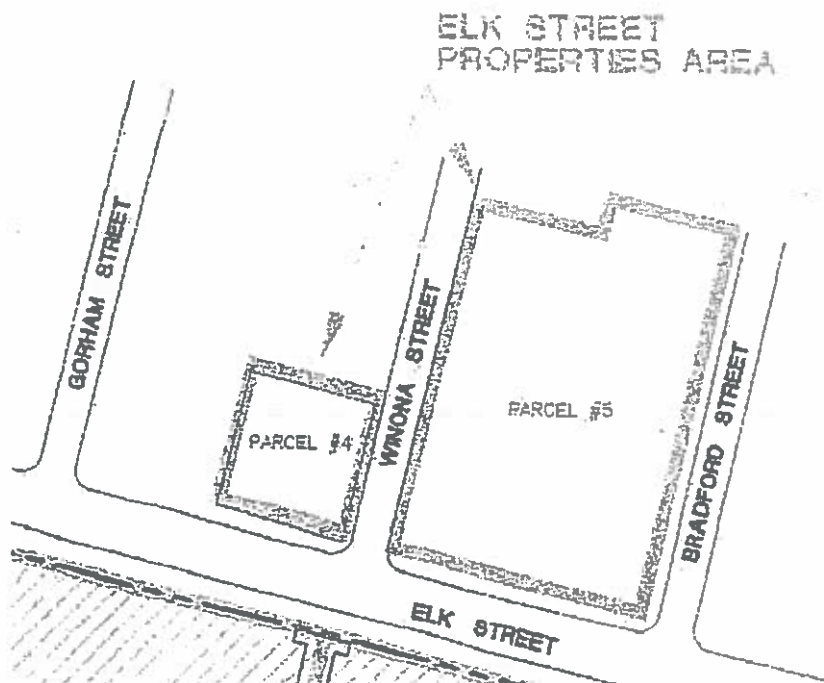
\_\_\_\_\_

\_\_\_\_\_

General Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**Former ExxonMobil Buffalo Terminal - Elk Street Property Area (OU-1)**  
**Monthly Property Inspection Form**

Inspection Date: 11/6/2018 Inspection Time: 1030

Inspector: Brent Miller

Fence Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Locked ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Trash or Debris ☐ YES ☒ NO

If "YES" provide description and note location on sketch.

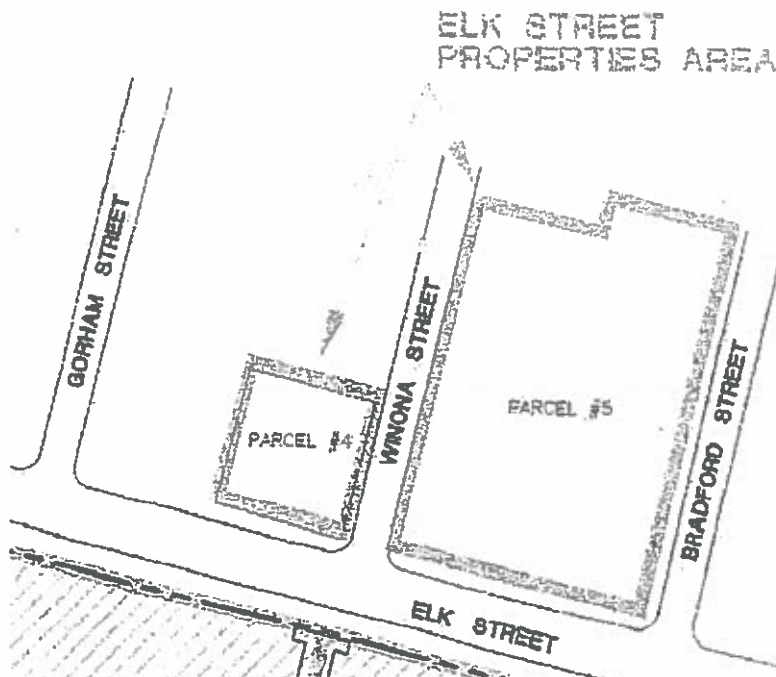
\_\_\_\_\_

\_\_\_\_\_

General Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Former ExxonMobil Buffalo Terminal - Elk Street Property Area (OU-1)  
Monthly Property Inspection Form

Inspection Date: 12/3/2018 Inspection Time: 0940

Inspector: Brent Miller

Fence Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Intacted ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Gates Locked ☒ YES ☐ NO

If "NO" provide description and note location on sketch.

\_\_\_\_\_

\_\_\_\_\_

Trash or Debris ☐ YES ☒ NO

If "YES" provide description and note location on sketch.

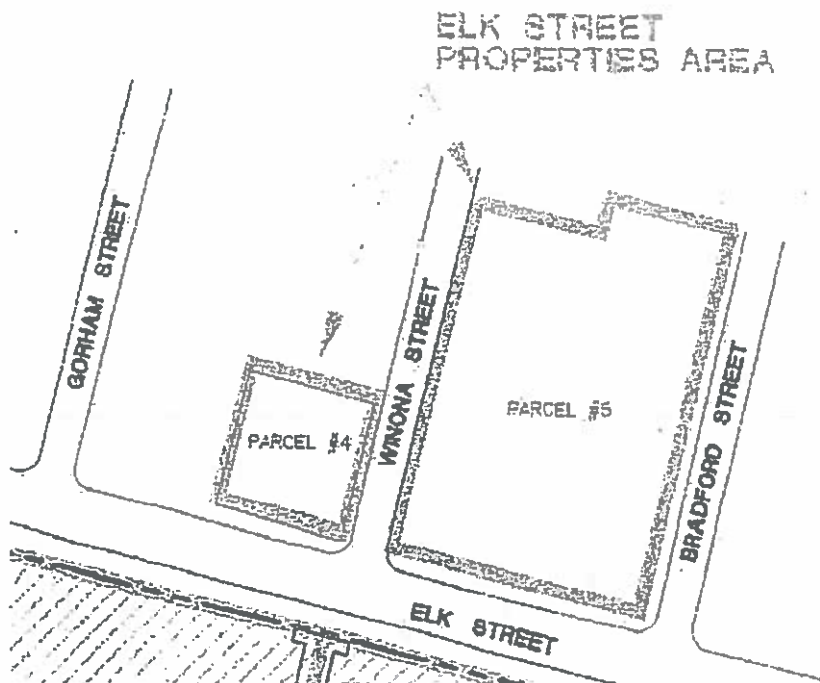
\_\_\_\_\_

\_\_\_\_\_

General Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



IC CERTIFICATIONS  
SITE NO. C915201

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 PAUL R. NEUREUTEIZ at 4 CENTRE DRIVE ORCHARD PARK NY 14127  
print name print business address

am certifying as CO-MANAGER/OWNER (Owner or Remedial Party)

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

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

5/1/2014  
Date

Elk Street Commerce Park – 522 and 542 Elk Street  
Site No. 915201 Operable Unit 1  
Monthly Property Inspection Report

Inspection Date: 1/25/19

Inspection Time: 11:30 AM

Inspector: ADRIE CURINS

Fence Intacted ☒ YES ☐ NO

If "NO" Provide description and note location on sketch.

Gates Intacted ☒ YES ☐ NO

If "NO" Provide description and note location on sketch.

Gates Locked ☒ YES ☐ NO

If "NO" Provide description and note location on sketch.

Trash or Debris ☐ YES ☒ NO

If "YES" Provide description and note location on sketch.

General Comments

SITE WAS SNOW COVERED. NO DEBRIS AT THE SURFACE,  
COULD NOT TELL IF THERE WAS ANY BELOW THE SNOW.





Elk Street Commerce Park – 522 and 542 Elk Street  
Site No. 915201 Operable Unit 1  
Monthly Property Inspection Report

Inspection Date: 2/20/2019

Inspection Time: 2:00 PM

Inspector: Ann B Cubins

Fence Intacted YES NO

If "NO" Provide description and note location on sketch.

Gates Intacted YES NO

If "NO" Provide description and note location on sketch.

Gates Locked YES NO

If "NO" Provide description and note location on sketch.

Trash or Debris YES NO

If "YES" Provide description and note location on sketch.

General Comments

None



Elk Street Commerce Park – 522 and 542 Elk Street  
Site No. 915201 Operable Unit 1  
Monthly Property Inspection Report

Inspection Date: 3/20/19

Inspection Time: 11:00 AM

Inspector: Ann. S. Cousins

Fence Intacted ☒ YES ☐ NO

If "NO" Provide description and note location on sketch.

Gates Intacted ☒ YES ☐ NO

If "NO" Provide description and note location on sketch.

Gates Locked ☒ YES ☐ NO

If "NO" Provide description and note location on sketch.

Trash or Debris YES ☒ NO

If "YES" Provide description and note location on sketch.

General Comments

All snow has melted, property in good condition



Elk Street Commerce Park – 522 and 542 Elk Street  
Site No. 915201      Operable Unit 1  
Monthly Property Inspection Report

Inspection Date: 4/19/2019

Inspection Time: 2:30 PM

Inspector: ANNIE CURINS

Fence Intacted ☒ YES ☐ NO

If "NO" Provide description and note location on sketch.

Gates Intacted ☒ YES ☐ NO

If "NO" Provide description and note location on sketch.

Gates Locked ☒ YES ☐ NO

If "NO" Provide description and note location on sketch.

Trash or Debris ☐ YES ☒ NO

If "YES" Provide description and note location on sketch.

General Comments

SITE IS CLEAN.



# ATTACHMENT 3

Site-Wide Inspection Form

**SITE-WIDE INSPECTION FORM**

**FORMER BUFFALO TERMINAL  
OPERABLE UNIT 1  
CITY OF BUFFALO, ERIE COUNTY, NEW YORK  
SITE NO. C915201**

Site Property: ELK STREET PROPERTY AREA - OU-1 FORMER EXXON MOBIL BUFFALO  
TERMINAL  
Date and Time of Inspection: 3/21/2019 9:00 AM  
Inspector (Name, Title, and Affiliation): ANDREW BENKEMAN, PROJECT MANAGER, LABELLA ASSOCIATES  
Weather Conditions: OVERCAST 50°F  
General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: \_\_\_\_\_

Describe repairs, maintenance, or corrective actions implemented since previous inspection: N/A

ATTACH PHOTOGRAPHS OF AREAS OR ITEMS INSTALLED, REPAIRED, OR REPLACED

Any signs/evidence of use of the Site in a manner inconsistent with the Site Management Plan and environmental easement?

☒ No ☐ Yes; describe: \_\_\_\_\_

ATTACH PHOTOGRAPHS OF AREAS OF NON-COMPLIANCE



Describe any repairs, maintenance, or corrective actions required to correct observed deficiencies:

N/A

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature:



Date:

3/21/2019