



May 13, 2022

Ms. Megan Kuczka
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**

Ms. Kuczka:

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 April 29, 2019 to April 29, 2022.

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 2022; and
2. Copies of the monthly site management inspection reports completed during the certifying period. Monthly inspections between April 2019 and December 2019 were not completed by LaBella at the site.

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

Respectfully submitted,

LaBella Associates

A handwritten signature in black ink, appearing to read "Rob Napieralski".

Rob Napieralski, CPG
Regional Manager

A handwritten signature in black ink, appearing to read "Andrew Koons".

Andrew Koons
Project Geologist

Attachments

cc: Paul Neureuter, Elk Street Commerce Park, LLC

INSTITUTIONAL AND ENGINEERING CONTORL CERTIFICATION FORM



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site No. **C915201** **Site Details** **Box 1**

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: April 29, 2019 to April 29, 2022

	YES	NO
1. Is the information above correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If NO, include handwritten above or on a separate sheet.

2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.

5. Is the site currently undergoing development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Box 2

	YES	NO
6. Is the current site use consistent with the use(s) listed below? Commercial and Industrial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Are all ICs in place and functioning as designed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

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

Signature of Owner, Remedial Party or Designated Representative

Date

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

YES NO

☒ ☐

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

- (a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;
- (b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;
- (c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;
- (d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and
- (e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

☒ ☐

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

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

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. 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. NEUREUTER at c/o THE KROG GROUP 4 CENTRE DRIVE ORCHARD PARK
print name print business address NY 14127

am certifying as OWNER (Co-Managing Member) (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

5/26/2022

Date

PHOTOGRPAHS



Facing East, 522 Elk Street



Facing North, 522 Elk Street



Facing South, 522 Elk Street



Facing East, 542 Elk Street



Facing North, 542 Elk Street



Facing South, 542 Elk Street

ATTACHMENT 1

Monthly Inspection Forms

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk St.

Date and Time of Inspection: 1/23/20 - 1200

Inspector (Name, Title, and Affiliation): A. Janik, H. Geoghegan / LaBella

Weather Conditions: Sun/Clouds, 30 degrees

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: Minor trash accumulation
outside of site fencing.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: Andrew Janik Date: 1/23/20

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk St.

Date and Time of Inspection: 2/20/20 - 1045

Inspector (Name, Title, and Affiliation): A. Janik, V. Farrugia / LaBella

Weather Conditions: Sun/Clouds, 30 degrees

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: Minor trash accumulation
outside of site fencing.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: Andrew Janik Date: 2/20/20

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542,ELK STREET

Date and Time of Inspection: 3/11/2020 - 9:45

Inspector (Name, Title, and Affiliation): H.Geoghega, V.Farrugia / LaBella

Weather Conditions: Sun / clouds ~25 Degrees

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash around perimeter of fencing

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: H. Geoghegan Date: 3/11/2020

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542, ELK STREET

Date and Time of Inspection: 4/16/2020 - 12:00

Inspector (Name, Title, and Affiliation): H.Geoghegan, J.Torres / LaBella

Weather Conditions: Sun ~35 Degrees

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash around perimeter of fencing

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: H. Geoghegan Date: 4/16/2020

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542, ELK STREET

Date and Time of Inspection: 5/14/2020 - 9:00

Inspector (Name, Title, and Affiliation): H. Geoghegan, J. Torres / LaBella

Weather Conditions: Overcast, ~40 Degrees

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash around perimeter of fencing

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: H. Geoghegan Date: 5/14/2020

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542, ELK STREET

Date and Time of Inspection: 6/11/2020 - 9:00

Inspector (Name, Title, and Affiliation): H.Geoghegan, J.Torres / LaBella

Weather Conditions: Overcast, ~70 Degrees

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash around perimeter of fencing

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: H. Geoghegan Date: 6/11/2020

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542, ELK STREET

Date and Time of Inspection: 7/9/2020 - 12:00

Inspector (Name, Title, and Affiliation): H. Geoghegan, J. Torres / LaBella

Weather Conditions: Sun, ~90-95 Degrees

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash around perimeter of fencing

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: H. Geoghegan Date: 7/9/2020

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542, ELK STREET

Date and Time of Inspection: 8/19/2020 - 9:45

Inspector (Name, Title, and Affiliation): H.Geoghega, V.Farrugia / LaBella

Weather Conditions: Sun / clouds ~80 Degrees

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash around perimeter of fencing

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: H. Geoghegan Date: 8/19/2020

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk Street

Date and Time of Inspection: 9/29/2020 10:20 AM

Inspector (Name, Title, and Affiliation): Brent Miller, Labella

Weather Conditions: Cloudy/Overcast 50's

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash/debris along the fence line.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: Brent Miller Date: 9/29/2020

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk Street

Date and Time of Inspection: 10/22/2020 12:20 PM

Inspector (Name, Title, and Affiliation): Brent Miller, Labella

Weather Conditions: Cloudy/Overcast/Light Rain 50's

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash/debris along the fence line.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: Brent Miller Date: 10/22/2020

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk Street

Date and Time of Inspection: 11/5/2020 10:00 AM

Inspector (Name, Title, and Affiliation): Brent Miller, Labella

Weather Conditions: Partly Cloudy 50's

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash/debris along the fence line.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: Brent Miller Date: 11/5/2020

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk Street

Date and Time of Inspection: 12/3/2020 11:00 AM

Inspector (Name, Title, and Affiliation): Brent Miller, Labella

Weather Conditions: Partly Cloudy 30's

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash/debris along the fence line.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature: _____

Signature: Brent Miller Date: 12/3/2020

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk Street

Date and Time of Inspection: 1/19/2021 10:00 AM

Inspector (Name, Title, and Affiliation): Brent Miller, Labella

Weather Conditions: Partly Cloudy 30's

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash/debris along the fence line.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: Brent Miller Date: 1/19/2021

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk Street

Date and Time of Inspection: 2/12/2021 12:30 PM

Inspector (Name, Title, and Affiliation): Brent Miller, Labella

Weather Conditions: Partly Cloudy 20's

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash/debris along the fence line.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: Brent Miller Date: 2/12/2021

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk Street

Date and Time of Inspection: 3/17/2021 11:30 AM

Inspector (Name, Title, and Affiliation): Brent Miller, Labella

Weather Conditions: Partly Cloudy 30's

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash/debris along the fence line.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature: _____

Signature: Brent Miller Date: 3/17/2021

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk Street

Date and Time of Inspection: 4/15/2021 13:30 AM

Inspector (Name, Title, and Affiliation): Brent Miller, Labella

Weather Conditions: Cloudy 40's

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash/debris along the fence line.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: Brent Miller Date: 4/15/2021

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk Street

Date and Time of Inspection: 5/21/2021 11:30 AM

Inspector (Name, Title, and Affiliation): Brent Miller, Labella

Weather Conditions: Partly Cloudy 70's

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash/debris along the fence line.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: Brent Miller Date: 5/21/2021

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk Street

Date and Time of Inspection: 6/28/2021 10:00 AM

Inspector (Name, Title, and Affiliation): Brent Miller, Labella

Weather Conditions: Partly Cloudy 70's

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash/debris along the fence line.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: Brent Miller Date: 6/28/2021

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk Street

Date and Time of Inspection: 7/28/2021 12:15 PM

Inspector (Name, Title, and Affiliation): Brent Miller, Labella

Weather Conditions: Partly Cloudy 70's

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash/debris along the fence line.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: Brent Miller Date: 7/28/2021

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk Street

Date and Time of Inspection: 8/3/2021 13:00 PM

Inspector (Name, Title, and Affiliation): Brent Miller, Labella

Weather Conditions: Partly Cloudy 70's

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash/debris along the fence line.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: Brent Miller Date: 8/3/2021

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk Street

Date and Time of Inspection: 9/9/2021 11:00 AM

Inspector (Name, Title, and Affiliation): Brent Miller, Labella

Weather Conditions: Partly Cloudy 70's

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash/debris along the fence line.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: Brent Miller Date: 9/9/2021

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk Street

Date and Time of Inspection: 10/26/2021 13:30 PM

Inspector (Name, Title, and Affiliation): Brent Miller, Labella

Weather Conditions: Cloudy Rain 45.

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash/debris along the fence line.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: Brent Miller Date: 10/26/2021

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk Street

Date and Time of Inspection: 11/29/2021 11:00 PM

Inspector (Name, Title, and Affiliation): Brent Miller, Labella

Weather Conditions: Mostly Cloudy Snow 33.

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash/debris along the fence line.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: Brent Miller Date: 11/29/2021

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk Street

Date and Time of Inspection: 12/15/2021 13:00 PM

Inspector (Name, Title, and Affiliation): Brent Miller, Labella

Weather Conditions: Cloudy Rain 43.

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash/debris along the fence line.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: Brent Miller Date: 12/15/2021

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk Street

Date and Time of Inspection: 1/5/2022 11:00 AM

Inspector (Name, Title, and Affiliation): Brent Miller, Labella

Weather Conditions: Cloudy 40's

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash/debris along the fence line.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: Brent Miller Date: 1/5/2022

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk Street

Date and Time of Inspection: 2/25/2022 10:00 AM

Inspector (Name, Title, and Affiliation): Brent Miller, Labella

Weather Conditions: Cloudy/Snow 20's

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash/debris along the fence line.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: Brent Miller Date: 2/25/2022

SITE-WIDE INSPECTION FORM

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

Site Property: ESCP OU-1 / #C915201 / 522,542 Elk Street

Date and Time of Inspection: 3/31/2022 09:00 AM

Inspector (Name, Title, and Affiliation): Brent Miller, Labella

Weather Conditions: Cloudy 50's

General Site Conditions: ☒ Acceptable ☐ Unacceptable; describe: _____

Minor trash/debris along the fence line.

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: _____

ATTACH PHOTOGRAPHS OF DEFICIENT AREAS OR ITEMS OBSERVED DURING THE INSPECTION

Inspector's Signature:

Signature: Brent Miller Date: 3/31/2022

ATTACHMENT 2

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: OU-1/#C915201/ 522 and 542 Elk Street

Date and Time of Inspection: 4/8/2022 9:00 AM

Inspector (Name, Title, and Affiliation): Andrew Koons, Geologist, LaBella Associates

Weather Conditions: Light Rain, 46 degrees 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: Andrew Koehn Date: 4/7/2022