

February 15, 2008

Mr. Dave Szymanski  
New York State Department of Environmental Conservation  
270 Michigan Ave.  
Buffalo, New York 14203-2999

Re: Annual Environmental Inspection Report  
Cobey, LLC Site, BCP Site #C915202  
Buffalo, New York

Dear Mr. Szymanski:

On behalf of the Site owner (Cobey, LLC), Malcolm Pirnie, Inc. (Pirnie) hereby submits the attached Environmental Inspection Report for the above captioned Site. An inspection of the Site cover system was performed as required in the Operations, Maintenance, and Monitoring Work Plan (OMMWP) for this Brownfield Cleanup Program (BCP) Site. The Site inspection was completed on February 5, 2008 by Jim Richert of Malcolm Pirnie, Inc. with accompaniment by you and Mr. Mike Durkin of Cobey. The cover system was inspected both inside and outside of the Site building, and is determined to be in place and performing as intended.

Paved surfaces-both interior and exterior-were observed to be in good condition; soil cover was in place with acceptable vegetative cover where required.

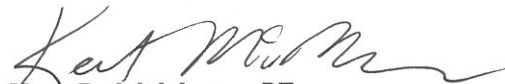
Attached to this letter are the following pertinent items:

- Environmental Inspection Form
- Site Map identifying photo subject locations
- Photo log
- Certification form

If you have any questions or require additional information, please call me at 716-667-6607.

Very truly yours,

MALCOLM PIRNIE, INC.



Kent R. McManus, PE  
Senior Associate  
Board Certified Environmental Engineer

Enclosures

cc: Mike Durkin (Cobey, LLC)  
Jim Richert (Malcolm Pirnie)

F:\Projects\6245001 COBEY, LLC\Draft Documents\Reports\2008 Inspection Report\2008.insp.letter.doc

# ENVIRONMENTAL INSPECTION FORM

**COBEY, LLC**  
**(BCP Site # C915202)**

Property Name: Cobey, LLC Site \_\_\_\_\_ Inspection Date: February 5, 2008 \_\_\_\_\_

Property Address: One Ship Canal Parkway \_\_\_\_\_

City: Buffalo \_\_\_\_\_ State: New York \_\_\_\_\_ Zip Code: 14218 \_\_\_\_\_

Property ID: (Tax Assessment Map)

Section-Block-Lot no's: 132.19-2-1, 132.19-2-2, and 132.20-2-13

Total Acreage: approximately 12.0

Weather (during inspection): Temperature: ~40° F

Conditions: Overcast/fog

## **SIGNATURE:**

The findings of this inspection were discussed with appropriate personnel, corrective actions were identified and implementation was mutually agreed upon:

Inspector: Jim Richert Date: 2/5/08

Next Scheduled Inspection Date: Spring 2009

## SECURITY AND ACCESS

- |   | Yes                    | No            |
|---|------------------------|---------------|
| 1. Access controlled by perimeter fencing?  |                        | NA            |
| Are there sections of the fence material damaged or missing?                                      |                        |               |
| Are the fence or gate post foundations structurally sound?  |                        |               |
| 2. "No Trespass" signs posted in appropriate languages?   |                        | NA            |
| Are the signs securely attached to the fencing or posts?  |                        |               |
| Are there sufficient signs; are the signs adequately spaced around the perimeter of the property? |                        |               |
| 3. Is there evidence of trespassing?  | <u>Y<sup>(1)</sup></u> | <u>      </u> |
| Is there evidence of illegal dumping?   | <u>      </u>          | <u>N</u>      |

## COVER & VEGETATION

- |   |                        |               |
|---|------------------------|---------------|
| 4. Final cover in acceptable condition?                         | <u>Y</u>               | <u>      </u> |
| Is there evidence of sloughing, erosion, ponding or settlement? | <u>Y<sup>(2)</sup></u> | <u>      </u> |
| Is there evidence of unintended traffic; rutting?               | <u>Y<sup>(1)</sup></u> | <u>      </u> |
| Is there evidence of distressed vegetation/turf?                | <u>      </u>          | <u>N</u>      |

	Yes	No
5. Final cover sufficiently covers soil/fill material?	<u>Y<sup>(3)</sup></u>	<u>      </u>
Are there cracks visible in the soil or pavement?	<u>      </u>	<u>  N  </u>
Is there evidence of erosion in the stormwater channels or swales?	<u>      </u>	<u>  N  </u>
Is there damage to the synthetic erosion control fabric in the channels or swales?		NA

#### ACTIVITY ON SITE

6. Any activity on site that mechanically disturbed soil cover?	<u>Y<sup>(4)</sup></u>	<u>      </u>
---	------------------------	---------------

#### ADDITIONAL FACILITY INFORMATION

Development on or near the site? (Specify size and type: e.g., residential, 40 acres, well and septic)

No

#### COMMENTS

##### Item #

<sup>(1)</sup> Vehicles/ATVs have made tracks and ruts at a few locations (See Photos 1 and 2). Recommend covering with top soil and reseeding.

<sup>(2)</sup> Minor ponding observed from recent significant snow melt (see Photo 3), minor erosion from channeled runoff at northwest area of site, see photo #4. Recommend adding top soil and reseeding. Minor erosion from vehicles cutting corners of pavement, see photos # 5 and 6, recommend placing large boulders at inside turns to prevent vehicles from cutting corners. Grass cover impacted at eastern edge of paved loading area where wooden pallets and shipping containers are stored, see photo #7. Recommend improved "house keeping" practices in this area.

<sup>(3)</sup> There are areas with incomplete grass cover that require additional top soil and seed, see Photos 8, 9, 10, and 11 for some examples. Recommend adding top soil and reseeding.

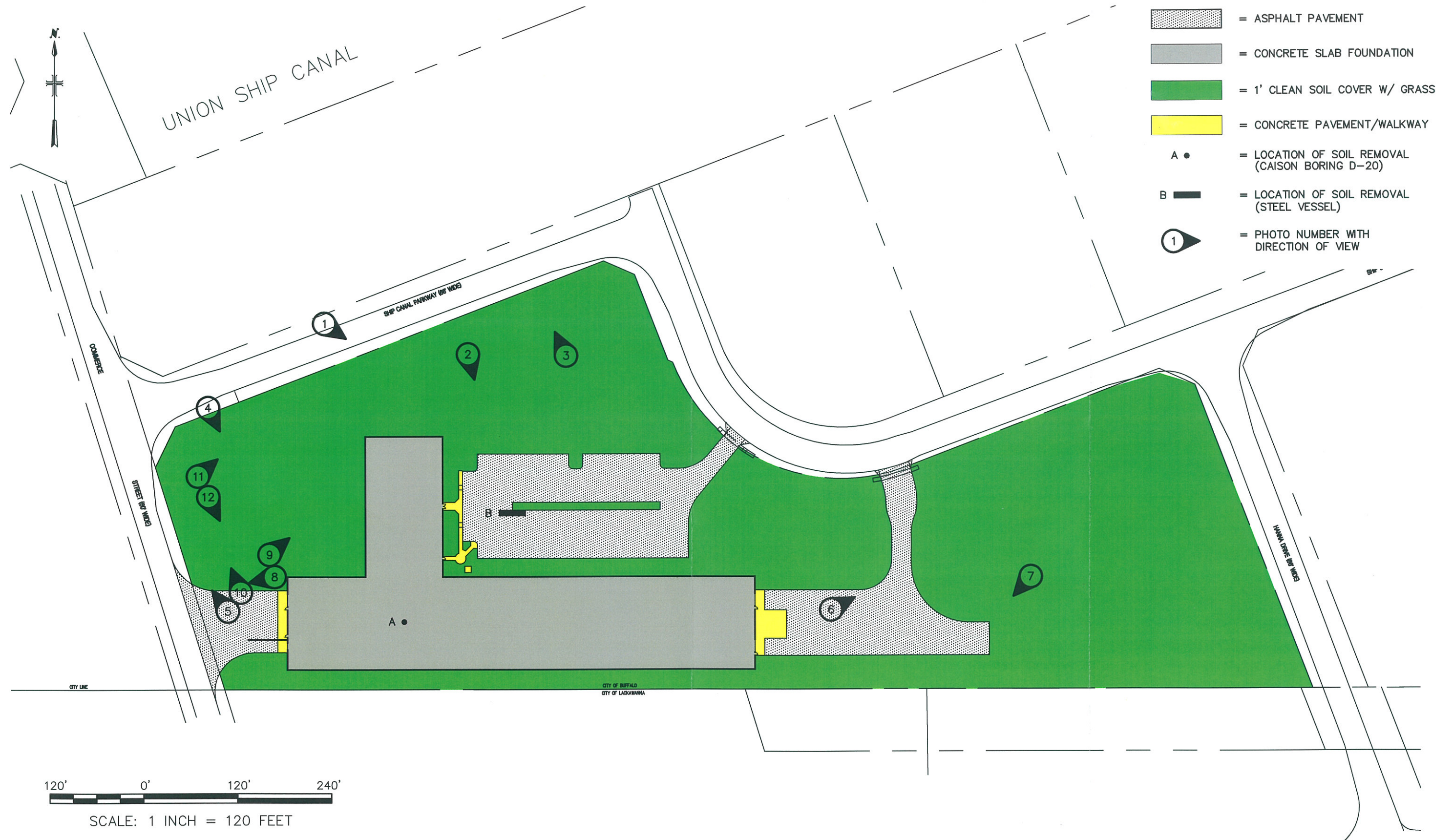
<sup>(4)</sup> At least three woodchuck holes were observed on the top of the western site berm, see Photo 12. Recommend trapping and relocation of woodchuck(s) and filling holes with top soil and seeding.

#### ATTACHMENTS

1. Site Sketch
2. Photographs



User: WELSHANS Spec: PIRNIE STANDARD File: F:\Projects\6245001 COBEY, LLC\CADD\6245F001.DWG Scale: 1:1 Date: 02/07/2008 Time: 11:24 Layout: Layout1





**Project:**

Cobey Annual Inspection of Site Cover System

**Location:**

Buffalo, New York

**Project No.**

6245-001

**Photo No.**

1

**Date:**

2-5-2008

**Direction Photo Taken:**

Southeast

**Description:**Vehicle ruts from  
trespassing driver.**Project:**

Cobey Annual Inspection of Site Cover System

**Location:**

Buffalo, New York

**Project No.**

6245-001

**Photo No.**

2

**Date:**

2-5-2008

**Direction Photo Taken:**

South

**Description:**Vehicle ruts from  
trespassing driver.



**Project:**

Cobey Annual Inspection of Site Cover System

**Location:**

Buffalo, New York

**Project No.**

6245-001

**Photo No.**

3

**Date:**

2-5-2008

**Direction Photo Taken:**

North

**Description:**

Minor ponding from recent snow melt.

**Project:**

Cobey Annual Inspection of Site Cover System

**Location:**

Buffalo, New York

**Project No.**

6245-001

**Photo No.**

4

**Date:**

2-5-2008

**Direction Photo Taken:**

Southeast

**Description:**

Soil erosion from storm water runoff.





**Project:**

Cobey Annual Inspection of Site Cover System

**Location:**

Buffalo, New York

**Project No.**

6245-001

**Photo No.**

5

**Date:**

2-5-2008

**Direction Photo Taken:**

Northwest

**Description:**

Tire ruts/grass erosion from vehicles cutting the corner at western service entrance.

**Project:**

Cobey Annual Inspection of Site Cover System

**Location:**

Buffalo, New York

**Project No.**

6245-001

**Photo No.**

6

**Date:**

2-5-2008

**Direction Photo Taken:**

Northeast

**Description:**

Tire ruts/grass erosion from vehicles cutting the corner at eastern service entrance.





**Project:**

Cobey Annual Inspection of Site Cover System

**Location:**

Buffalo, New York

**Project No.**

6245-001

**Photo No.**

7

**Date:**

2-5-2008

**Direction Photo Taken:**

South/southwest

**Description:**

Soil erosion/grass removed from storage of wooden pallets and shipping containers.

**Project:**

Cobey Annual Inspection of Site Cover System

**Location:**

Buffalo, New York

**Project No.**

6245-001

**Photo No.**

8

**Date:**

2-5-2008

**Direction Photo Taken:**

West

**Description:**

Bare areas of soil cover system in need of top soil and reseeded.





**Project:**

Cobey Annual Inspection of Site Cover System

**Location:**

Buffalo, New York

**Project No.**

6245-001

**Photo No.**

9

**Date:**

2-5-2008

**Direction Photo Taken:**

Northeast

**Description:**

Bare areas of soil cover system in need of top soil and reseeding.

**Project:**

Cobey Annual Inspection of Site Cover System

**Location:**

Buffalo, New York

**Project No.**

6245-001

**Photo No.**

10

**Date:**

2-5-2008

**Direction Photo Taken:**

North

**Description:**

Bare areas of soil cover system in need of top soil and reseeding.





**Project:**

Cobey Annual Inspection of Site Cover System

**Location:**

Buffalo, New York

**Project No.**

6245-001

**Photo No.**

11

**Date:**

2-5-2008

**Direction Photo Taken:**

Northeast

**Description:**

Bare areas of soil cover system in need of top soil and reseeding.

**Project:**

Cobey Annual Inspection of Site Cover System

**Location:**

Buffalo, New York

**Project No.**

6245-001

**Photo No.**

12

**Date:**

2-5-2008

**Direction Photo Taken:**

South

**Description:**

Woodchuck holes in western site berm.





**ANNUAL CERTIFICATION**  
**OF INSTITUTIONAL/ENGINEERING CONTROLS**

**COBEY, LLC**  
**BCP Site # C915202**

**SITE DETAILS**

SITE NO. C915202

SITE NAME Cobey, LLC Site

SITE ADDRESS: One Ship Canal Parkway ZIP CODE: 14218

CITY/TOWN: Buffalo, New York

COUNTY: Erie

PROPERTY ID (Tax Assessment Map):  
Section-Block-Lots: 132.19-2-1, 132.19-2-2, and 132.20-2-13

CURRENT USE: Light Manufacturing

CURRENT CERTIFICATION FREQUENCY: Annually

**VERIFICATION OF SITE DETAILS**

	YES	NO
1. Are the SITE DETAILS above, correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If NO, are changes handwritten above or included on a separate sheet?	<input type="checkbox"/>	
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment since the initial/last certification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	<input type="checkbox"/>	
3. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property since the initial/last certification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	<input type="checkbox"/>	
4. Has a change-of-use occurred since the initial/last certification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If YES, is documentation or evidence that documentation has been previously submitted included with this certification?		



5. Has any new information come to your attention to indicate that assumptions made in the qualitative exposure assessment for offsite contamination is no longer valid (applies to non-significant threat sites subject to ECL 27-1415.7(c))? ☐ ☒
- If YES, is the new information or evidence that new information has been previously submitted included with this certification? ☐
6. Are the assumptions in the qualitative exposure assessment still valid (must be certified every five years for non-significant threat sites subject to ECL 27-1415.7(c))? ☒ ☐
- If NO, are changes in the assessment included with this certification? ☐

### DESCRIPTION OF INSTITUTIONAL/ENGINEERING CONTROL

#### Control Certification

- |  | YES                                 | NO                       |
|--|-------------------------------------|--------------------------|
| • Site is used for commercial/industrial use.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| • The NYSDEC-approved barrier Layer remains in place.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| • Excavation through barrier layer will be pre-approved by NYSDEC and performed in accordance with the Site Management Plan. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| • Groundwater is not used on site.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### CONTROL CERTIFICATION STATEMENT

For each institutional or engineering control listed above, I certify by checking "Yes" that all of the following statements are true:

- (a) the institutional control and/or engineering control employed at this site is unchanged from the date the control was put in-place, or 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) nothing has occurred that would constitute a violation or failure to comply with any Site Management Plan for this control; and
- (d) 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.
- (e) if a financial assurance mechanism is required under the remedial work plan for the site, the mechanism remains valid and sufficient for their intended purpose under the work plan.



## CONTROL CERTIFICATIONS

### SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in this certification form 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 Michael Durkin (print name), Cobey 1 SHIP CANAL PKWY BUFFALO, NY 14218

(print business address), am certifying as OWNER'S DESIGNATED SITE REP. (Owner or

Owner's Designated Site Representative (if the site consists of multiple properties, I have been authorized and designated by all site owners to sign this certification) for the Site named in the Site Details section of this form.

  
Signature of Site Owner or Representative Rendering Certification

2/11/08  
Date

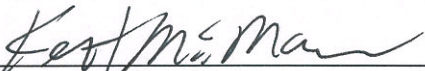
### QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) SIGNATURE

I certify that all information and statements in this Certification form 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 Kent McManus (print name), Malcolm Pirnie, Inc. 50 Fountain Plaza, Suite 600 Buffalo, New York 14202

(print business address), am certifying as a Qualified Environmental Professional for the \_\_\_\_\_

Cobey, LLC (Owner or Owner's Representative) for the Site named in the Site Details section of this form.

  
Signature of Qualified Environmental Professional, for the Owner or the Owner's Representative, Rendering Certification

Stamp (if Required)

2/15/08  
Date

