

Ms. Megan Kuczka
Project Manager
New York State Department of Environmental Conservation
270 Michigan Avenue
Buffalo, New York 14203-2915

Arcadis of New York, Inc.
50 Fountain Plaza
Suite 600
Buffalo
New York 14202
Tel 716 667 0900
Fax 716 842 2612
www.arcadis.com

Subject:
Periodic Review Report
Cobey, Inc. Site, BCP Site #C915202
Buffalo, New York

ENVIRONMENT

Date:
July 8, 2020

Dear Mr. Szymanski:

Contact:
Michael Higgins, PE

On behalf of the Site owner (Cobey, Inc.), Arcadis of New York, Inc. (Arcadis) hereby submits the enclosed Periodic Review Report (PRR) for the above referenced 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, as well as interviews of site personnel, was completed on June 11, 2020 by Arcadis, and the cover system is determined to be in place and performing as intended.

Phone:
315.671.9545

Email:
Michael.Higgins@arcadis.com

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

Enclosed with this letter is the PRR which includes the following:

- Environmental inspection form
- Photograph log
- Institutional controls/engineering controls (IC/EC) certification form

If you have any questions or require additional information, please contact me at 315.671.9545 or Michael.Higgins@arcadis.com.

Ms. Megan Kuczka
July 8, 2020

Sincerely,

Arcadis of New York, Inc.

A handwritten signature in black ink that reads "Michael Higgins Jr." in a cursive script.

Michael Higgins, PE
Principal Environmental Engineer
Professional Engineer licensed in NY

Enclosures

Copies:


Michael Durkin, Cobey, Inc. (electronic copy only)
Michael Grover, Cobey, Inc. (electronic copy only)
George Wallenfels, Cobey, Inc. (electronic copy only)
Ben Girard, Arcadis of New York, Inc. (electronic copy only)
Kate Clubine, Arcadis of New York, Inc. (electronic copy only)
Andrei Romei, Arcadis of New York, Inc. (electronic copy only)

Cobey, Inc.

PERIODIC REVIEW REPORT

Cobey, Inc. Site
Buffalo, New York
BCP Site #C915202

July 2020

A large, solid orange geometric shape, resembling a stylized triangle or a section of a larger triangle, is positioned in the bottom right corner of the page. It is composed of two overlapping triangles, creating a complex, angular form. A thin white line runs diagonally through the shape, and a horizontal white line intersects it near the bottom.

PERIODIC REVIEW REPORT



Michael Higgins, PE
Principal Engineer

PERIODIC REVIEW REPORT

Cobey, Inc. Site, Buffalo, New York BCP
Site #C915202

Prepared for:

Cobey, Inc.

One Ship Canal Parkway
Buffalo, New York 14218

Prepared by:

Arcadis of New York, Inc.

50 Fountain Plaza

Suite 600

Buffalo

New York 14202

Tel 716 667 0900

Fax 716 842 2612

Our Ref.:

30054194

Date:

July 2020

This document is intended only for the use of the individual or entity for which it was prepared and may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any dissemination, distribution or copying of this document is strictly prohibited.

CONTENTS

Acronyms and Abbreviations	ii
1. Introduction	1
2. Site Overview	2
3. Remedy Performance	3
4. Institutional Controls/Engineering Controls Plan Compliance Report	4
4.1 Soil/Fill Management Plan	4
4.2 Operation, Monitoring, and Maintenance Work Plan	4
4.3 Environmental Easement	4
4.4 Institutional Controls/Engineering Controls Conclusions and Recommendations	5

FIGURES

Figure 1. Site Location Map

Figure 2. Buffalo Lakeside Commerce Park Parcel Map

Figure 3. Site Cover System Inspection Photographs

APPENDICES

A. Environmental Inspection Form

B. Photograph Log

C. Certification Form

PERIODIC REVIEW REPORT

ACRONYMS AND ABBREVIATIONS

BCP	Brownfield Cleanup Program
BLCP	Buffalo Lakeside Commerce Park
BUDC	Buffalo Urban Development Corporation
DEC	New York State Department of Environmental Conservation
IC/EC	Institutional Controls and Engineering Controls
PRR	Periodic Review Report
RSCO	Recommended Soil Cleanup Objective
S/FMP	Soil/Fill Management Plan
SVOC	Semi-volatile Organic Compounds
TAGM	Technical and Administrative Guidance Memorandum

1. INTRODUCTION

Arcadis of New York, Inc. (Arcadis) has prepared this Periodic Review Report (PRR) for the Cobey, Inc. (Cobey) site, referred to herein as the “Site”, as a requirement of the New York State Department of Environmental Conservation (DEC) Brownfield Cleanup Program (BCP). The Site is part of the Buffalo Lakeside Commerce Park (BLCP) in Buffalo, New York. The Site is located along the southern perimeter of the BLCP and consists of approximately 12.3 acres. The location of the Site is shown on Figure 1.

Previous investigations have determined that on-site surface and subsurface soil/fill is identified as the single media of concern. The remedial investigation of the Site performed under the BCP determined that the soil/fill contained semi-volatile organic compounds (SVOC) at concentrations in excess of regulatory criteria applicable at that time (DEC Technical and Administrative Guidance Memorandum (TAGM) 4046 Recommended Soil Cleanup Objectives (RSCO)), and or urban background concentrations. Also, the metals arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, and cyanide were detected at concentrations above the TAGM RSCOs and/or expected background concentrations. The presence, concentration, and distribution of these constituents appear to be attributable to the contents of the soil/fill material underlying the entire Site rather than a former or current on-Site containment source.

The remedial program at the Site consisted of covering the entire site to isolate the underlying soil/fill material. The cover materials consist of asphalt in areas of paved parking lots and Site driveways, concrete slab foundation beneath the Site building, concrete walkways, and a 12-inch thick layer of clean soil, in low use green-space areas.

The cover system inspection indicates that the various cover system components are in-place and functioning as intended. A few areas of the existing soil cover system require minor action to prevent the functionality and effectiveness of the cover system from being compromised over time. Based on the preceding annual inspections (2008 through 2011), inspections were changed to occur every three years, with the first triennial inspection occurring in 2014. Each previous inspection, including the current 2020 triennial inspection, indicates that the cover system is in good condition and is well maintained.

As provided in the Site Management Plan, the Site owner is obligated to comply with the Soil/Fill Management Plan (S/FMP); the Operation, Monitoring, and Maintenance Work Plan; and the Environmental Easement.

2. SITE OVERVIEW

The Site is a 12.3-acre parcel located in the southwestern corner of the BLCP. As shown on Figure 2, the Site is bordered on the west by New York State Route 5, to the south by the Lackawanna Commerce Park, to the east by CSX railroad tracks, and north by property owned by the Buffalo Urban Development Corporation (BUDC).

Previous investigations of the on-site surface and subsurface soil/fill identified elevated SVOC concentrations in excess of DEC guidance criteria in place at the time of investigation (TAGM 4046 RSCOs, and/or urban background concentrations). Also, metals that included arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, and cyanide were detected at concentrations above the TAGM RSCOs and/or accepted background concentrations.

As a prerequisite for occupancy, one or more institutional and/or engineering controls were implemented. Accordingly, the entire Site was covered with a final cover system as required in the Remedial Action Work Plan (Malcolm Pirnie, 2006). This cover system was installed to eliminate the potential for human contact with the soil/fill material. The cover material at the Site consists of a barrier layer that may include a combination of one or more of the following protective layers:

- Minimum of 12 inches of clean soil
- Four inches of asphalt
- Four inches of concrete with a minimum gravel subbase thickness of six inches placed in newly paved areas of the Site, including the Site building.

During advancement of the Cobey building foundation footers using a caisson drill, oily soil/fill material was observed at one of the caisson borings identified as location D-20. The impacted soil/fill was stockpiled, characterized, and disposed of offsite with DEC approval at a permitted landfill. The location of where the impacted soil/fill was encountered is illustrated as point A on Figure 3.

A remnant of a buried steel vessel was encountered during Site development activities that included the excavation of utility trenches and building footers. In accordance with the soil handling protocols indicated in the DEC-approved S/FMP, the vessel and surrounding impacted soil/fill were removed as part of the Site redevelopment. The volume of soil/fill removal from within and around the steel vessel was approximately 51 tons. Figure 3 illustrates the approximate location from where the vessel and related impacted soil/fill were removed. A combined total of 67.68 tons of impacted soil were removed and disposed off-Site at a permitted landfill. The removal work was completed with DEC oversight and approval.

The entire Site was covered to isolate the underlying soil/fill material using asphalt, concrete, or a 12-inch thick layer of clean soil.

The soil cover was installed in areas where vehicular use is not anticipated. Prior to placement of the soil cover, a demarcation layer was rolled out over the entire area. The demarcation layer is composed of a fine polypropylene mesh made by Internet® that is bright orange in color with a mesh size of 3/4 inches by 5/8 inches. The soil cover system installed at the Site is comprised of borrow soil from off-Site locations that were tested and confirmed “clean” in accordance with the S/FMP.

3. REMEDY PERFORMANCE

Until 2011, annual inspections had been conducted at the Site since 2008. In 2011, the frequency of inspections at the Site was changed by DEC to once every three years. Each Site inspection consisted of a visual Site walk-through to observe and photograph the integrity of the cover systems, including sloughing, cracks, settlement, erosion, distressed vegetation, and damaged cover system. The June 11, 2020 Site inspection indicates that the various cover system components are functioning as intended. Major deficiencies in the cover system were not observed, however there were some areas observed and identified for minor improvements. The Site inspection report and photographs are included as Appendix A and Appendix B, respectively.

4. INSTITUTIONAL CONTROLS/ENGINEERING CONTROLS PLAN COMPLIANCE REPORT

Institutional Controls and Engineering Controls (IC/EC) currently enacted at the Site include the following:

- Soil/Fill Management Plan (S/FMP)
- Operation, Monitoring, and Maintenance Work Plan
- Environmental Easement

4.1 Soil/Fill Management Plan

The S/FMP is designed to provide for the protection of human health and the environment during redevelopment and use of the Site. The S/FMP documents known Site background information and describes requisite handling procedures for subsurface contamination, if encountered. The S/FMP establishes protocols to be implemented during the following events for redevelopment and infrastructure improvements; the protocols provide for and include:

- Sampling, handling, excavation and grading of on-Site soils
- Standards for soil/fill acceptability from off-Site sources for use as on-Site backfill, subgrade fill, or cover material
- Erosion and dust control
- Installation of fencing and other Site access control devices
- Health and safety procedures for Site construction work

Any construction or redevelopment activities that take place at the Site will follow the protocols outlined in the S/FMP.

4.2 Operation, Monitoring, and Maintenance Work Plan

The Operation, Monitoring, and Maintenance Work Plan describes the conditions and procedures for maintaining the physical components of the completed Site redevelopment and defines requisite elements for this triennial inspection and certification. These elements are set forth on the Environmental Inspection Form in Appendix A.

4.3 Environmental Easement

An Environmental Easement pursuant of Title 36 to Article 71 of the New York State Environmental Conservation Law, and the DEC was granted for the Site. The easement was signed on June 26, 2006 and accepted by the State of New York on September 6, 2006. The easement stipulates that the property can be used for commercial and industrial purposes contingent upon the long-term implementation of the IC/ECs summarized below:

PERIODIC REVIEW REPORT

- Site (Controlled Property) soil/fill must be covered with a DEC-approved barrier layer that may include structures, concrete, asphalt, or a minimum of 12-inches of clean soil.
- Site (Controlled Property) soil/fill that is excavated below the barrier layer on the Controlled Property will be managed, characterized, and properly disposed of in accordance with DEC regulations, directives, and the S/FMP.
- Site (Controlled Property) groundwater may not be used unless rendered safe for drinking or industrial use, as appropriate, subsequent to obtaining permission from the regulatory agency.
- Use of the Controlled Property for day care, child, or medical care is prohibited without an express written waiver from the governing regulatory agency.
- The above stated engineering controls may not be discontinued and use of the Controlled Property will not be elevated to an unrestricted or residential property without an amendment or extinguishment of the Environmental Easement.
- Until such time that the Environmental Easement is extinguished, the property deed and all instruments of conveyance related to the Controlled Property will state in 15-point bold font type that "This property is subject to an environmental easement held by the New York State Department of Environmental Conservation pursuant of Title 36 to Article 71 of the Environmental Conservation Law."
- All leases, licenses, or other instruments granting use of the Controlled Property will be subject to the Environmental Easement.
- The owner of the Controlled Property will submit a written statement to the DEC that certifies that all approved engineering controls are unchanged and have remained in effect. Currently this is required triennially.

4.4 Institutional Controls/Engineering Controls Conclusions and Recommendations

All IC/ECs for the Cobey Site have been implemented in accordance with the DEC-approved Environmental Easement. To date, eight inspections conducted at the Site during 2008, 2009, 2010, 2011, 2014, 2017, and 2020 indicate that the cover system is intact and functioning as intended. It is recommended that the additional steps indicated below be taken to maintain the integrity of the soil cover system:

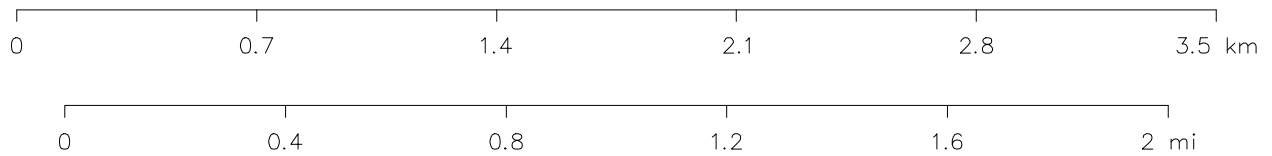
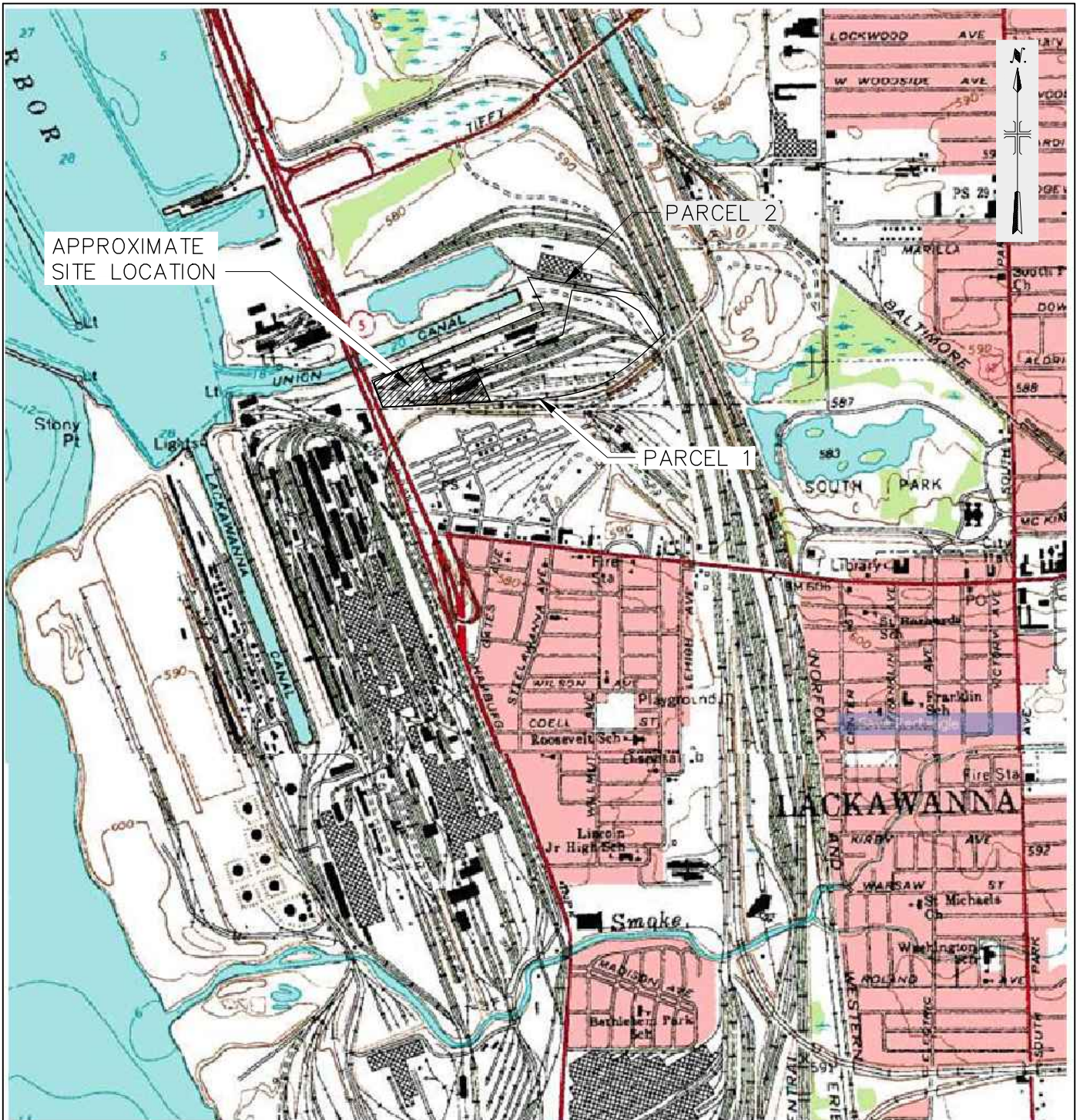
- Providing additional pavement at the pavement edge along the turn of the entrance to the east loading dock to prevent vehicles from driving off paved surfaces and causing damage to vegetative cover. Refer to Photo No. 14 in Appendix B.
- Restoring vegetation or providing additional paved walking surfaces along the south side of the building near the dust collector and re-seeding around the trees located adjacent to the Ship Canal Parkway and Commerce Drive intersection. Refer to Photo Nos. 16, 18, 19, and 27 in Appendix B.

PERIODIC REVIEW REPORT

- Filling the cracks observed in the asphalt and sealing the surface to maintain the impermeable surface and prevent infiltration from potential spills from vehicle and equipment traffic. Refer to Photo Nos. 3, 4, 5, 8, 23, 32, and 33 in Appendix B.
- Clearing silt and debris buildup around storm drain adjacent to the light pole north of the east loading dock. Refer to photo no. 18 in Appendix B.

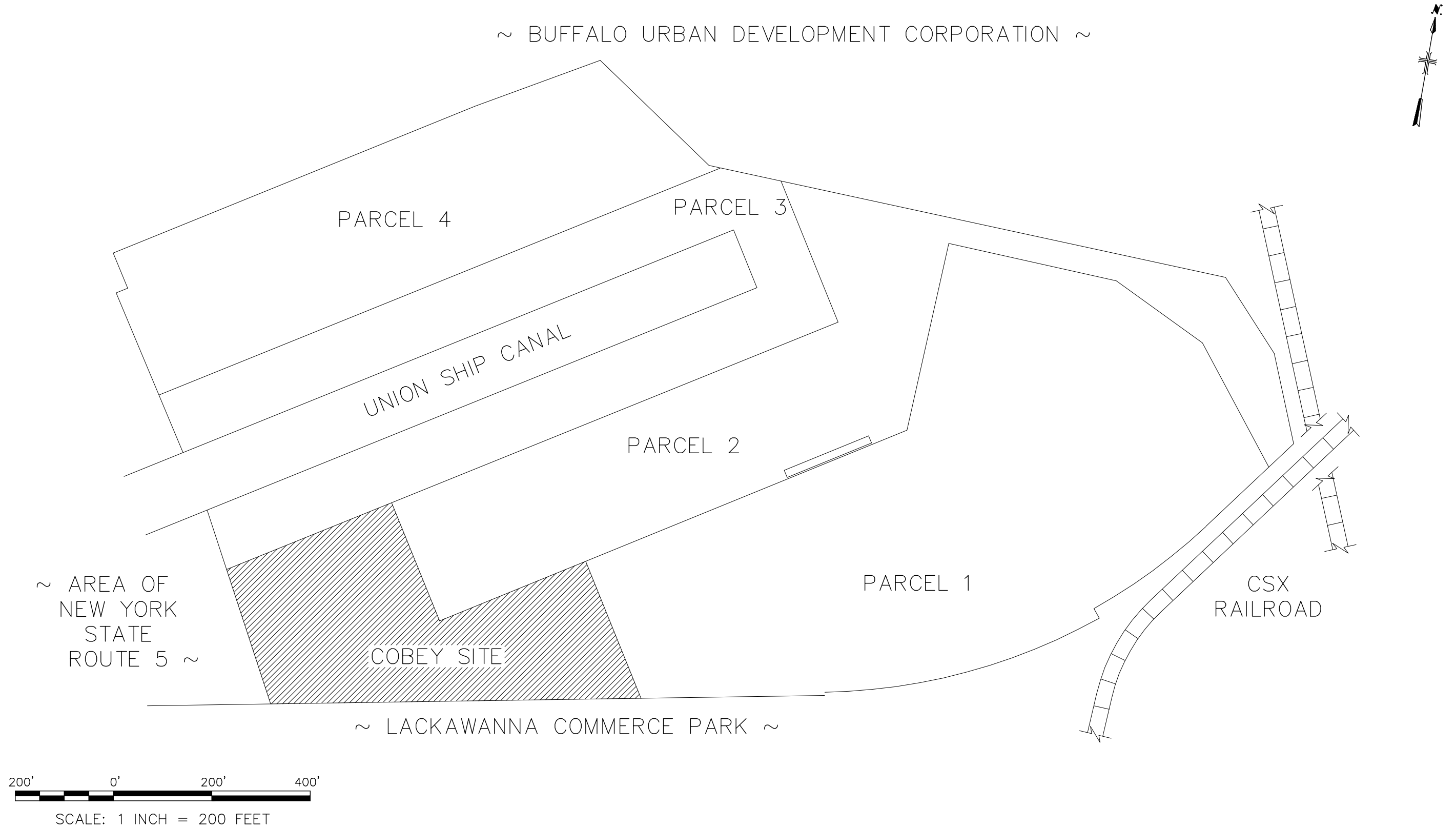
FIGURES





 06/20 30054194	COBEY, INC. PERIODIC REVIEW REPORT BUFFALO, NEW YORK	FIGURE 1 SITE LOCATION MAP
--	--	-------------------------------

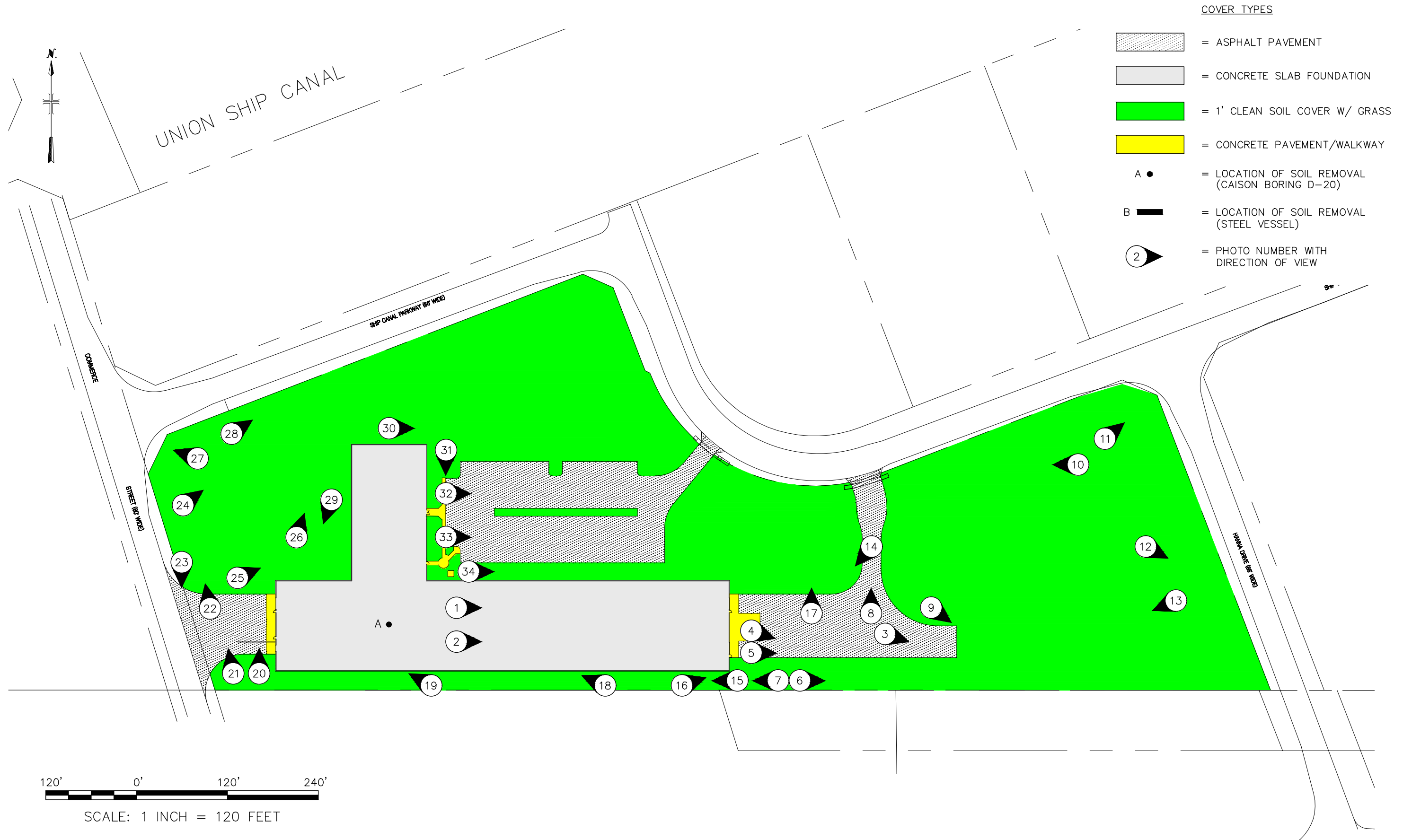
User: KKASPEREK Spec: AUS-NCSMOD Filer G: \PROJECTS\30054194_COBEY\CADD\3198F008.DWG Scale: 1:1 SavedDate: 6/22/2020 Time: 13:41 Plot Date: Kasperek, Katie; 6/22/2020; 13:56 ; Layout: LAYOUT1



COBEY, INC.
PERIODIC REVIEW REPORT
BUFFALO, NEW YORK

FIGURE 2
BUFFALO LAKESIDE COMMERCE PARK
PARCEL MAP

User: KKASPEREK Spec: AUS-NCSMOD File: G:\PROJECTS\30054194_COBEY\CADD\6245F005.DWG Scale: 1:1 SavedDate: 6/22/2020 Time: 13:56 Plot Date: Kasperek, Katie: 6/30/2020; 11:15 ; Layout: LAYOUT1



APPENDIX A

Environmental Inspection Form



ENVIRONMENTAL INSPECTION FORM

COBEY, INC.
(BCP Site # C915202)

Property Name: Cobey, Inc. Site Inspection Date: June 11, 2020

Property Address: One Ship Canal Parkway

City: Buffalo State: New York Zip Code: 14218

Property ID: (Tax Assessment Map)

Section-Block-Lot Nos: 132.19-2-1, 132.19-2-2, and 132.20-2-13

Total Acreage: Approximately 12.3

Weather (during inspection): Temperature: 68-deg. F Conditions: Sunny, clear

SIGNATURE:

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

Inspector: *Michael Higgins Jr.* Date: 6/11/2020

Michael Higgins, PE

Next Scheduled Inspection Date: Summer 2023

SECURITY AND ACCESS

- | | <u>Yes</u> | <u>No</u> |
|---|---------------|--------------|
| 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> </u> | <u> X </u> |
| Is there evidence of illegal dumping? | <u> </u> | <u> X </u> |

COVER & VEGETATION

- | | | |
|---|--------------------------|---------------|
| 4. Final cover in acceptable condition? | <u> X </u> | <u> </u> |
| Is there evidence of sloughing, erosion, ponding or settlement? | <u> </u> | <u> X </u> |
| Is there evidence of unintended traffic; rutting? | <u> X¹ </u> | <u> </u> |
| Is there evidence of distressed vegetation/turf? | <u> X² </u> | <u> </u> |

- | | | |
|--|--------------------------|---------------|
| 5. Final cover sufficiently covers soil/fill material? | <u> X </u> | <u> </u> |
| Are there cracks visible in the soil or pavement? | <u> X³ </u> | <u> </u> |
| Is there evidence of erosion in the stormwater channels or swales? | <u> X⁴ </u> | <u> </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> </u> | <u> X </u> |
|---|---------------|--------------|

ADDITIONAL FACILITY INFORMATION

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

None.

COMMENTS

Item

- (1) Minor erosion/rutting from vehicles cutting corners of pavement. Refer to Photo No. 14. Arcadis recommends that Cobey provide additional paving at the pavement edge of this turn to prevent vehicles from driving off paved surfaces to prevent cover damage.
- (2) Minor worn or distressed areas of vegetation. Refer to Photo Nos. 16, 18, 19, and 27. Arcadis recommends that Cobey re-seed areas and/or provide additional paved walking paths to prevent cover damage.
- (3) Minor cracks in pavement of parking areas. Refer to Photo Nos. 3, 4, 5, 8, 23, 32, and 33. Arcadis recommends that Cobey fill in the cracks and seal the asphalt to maintain the impermeable surface and prevent infiltration from potential spills from vehicle and equipment traffic.
- (4) Silt and debris buildup around storm drain. Refer to Photo No. 18. Arcadis recommends that Cobey clear the silt and debris from around the storm drain to prevent clogging the storm drain and/or site material into the runoff.

ATTACHMENTS

1. Site Sketch (Figure 3)
2. Photographs (Appendix B)

APPENDIX B

Photograph Log



PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 1

Description:

Worn paint on north side of facility floor, about to be repainted.

Direction of photo:

East

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 2

Description:

Fresh paint on the south side of facility floor.

Direction of photo:

East

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 3

Description:
Cracks in asphalt
pavement of east
loading dock.

Direction of photo:
Southeast

Photograph taken by:
M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 4

Description:
Cracks in asphalt
pavement of east
loading dock.

Direction of photo:
Southeast

Photograph taken by:
M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 5

Description:

Cracks in asphalt pavement of east loading dock.

Direction of photo:

East

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 6

Description:

Grass cover south of
east loading dock.

Direction of photo:

East

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 7

Description:

Grass cover south of
east loading dock and
south side of building.

Direction of photo:

West

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 8

Description:

East loading dock
access from Ship Canal
Parkway.

Direction of photo:

North

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 9

Description:

Landscaped area on
east side of Cobey Site.

Direction of photo:

Southeast

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 10

Description:

Landscaped area along
Hanna Drive on east
side of Cobey Site.

Direction of photo:

West

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 11

Description:

Landscaped area on east side of Cobey Site at the corner of Hanna Drive and Ship Canal Parkway.

Direction of photo:

Northeast

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 12

Description:

Landscaped area on southeast side of Cobey Site along Hanna Drive.

Direction of photo:

Southeast

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 13

Description:

Landscaped area along
Hanna Drive on east
side of Cobey Site.

Direction of photo:

Southwest

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 14

Description:

Damaged grass cover
from traffic cutting
corner at east loading
dock.

Direction of photo:

South

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 15

Description:

Grass cover along south edge of the building.

Direction of photo:

West

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 16

Description:

Worn grass cover along southeast corner of the building.

Direction of photo:

Northeast

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 17

Description:

Silt and debris buildup on storm drain adjacent to the light pole north of the east loading dock.

Direction of photo:

North

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 18

Description:

Worn grass cover by the south man-door of the building.

Direction of photo:

Northwest

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 19

Description:

Worn grass cover by the dust collector on the south side of the building.

Direction of photo:

Northwest

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 20

Description:

Asphalt pavement and
grass cover at west
loading dock.

Direction of photo:

North

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 21

Description:

Asphalt pavement and
grass cover at west
loading dock.

Direction of photo:

Northwest

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 22

Description:

Grass cover to the west
of the building along
Commerce Drive.

Direction of photo:

Northwest

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 23

Description:

Cracks in asphalt
pavement of west
loading dock access
from Commerce Drive.

Direction of photo:

South

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 24

Description:

Landscaped area on
west side of Cobey Site.

Direction of photo:

Northeast

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 25

Description:

Landscaped area on
west side of Cobey Site.

Direction of photo:

East

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 26

Description:

Landscaped area on
west side of Cobey Site.

Direction of photo:

Northeast

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 27

Description:

Worn grass cover along north side of Cobey Site at the corner of Ship Canal Parkway and Commerce Drive.

Direction of photo:

Northwest

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 28

Description:

Grass cover on north side of Cobey Site along Ship Canal Parkway.

Direction of photo:

East

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 29

Description:

Repaired monitoring
well on west side of
building.

Direction of photo:

Southeast

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 30

Description:

Landscaped area on
north side of Cobey Site.

Direction of photo:

Southeast

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 31

Description:

Grass cover west of main parking lot along east side of building.

Direction of photo:

South

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 32

Description:

Asphalt pavement in main parking lot.

Direction of photo:

East

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 33

Description:

Asphalt pavement in
main parking lot.

Direction of photo:

East

Photograph taken by:

M. Higgins

Date: 6/11/2020

PHOTOGRAPH LOG

Cobey, Inc.
2020 Periodic Review Report
Buffalo, New York



Photograph: 34

Description:

Grass cover south of
main parking lot, along
north side of building.

Direction of photo:

East

Photograph taken by:

M. Higgins

Date: 6/11/2020

APPENDIX C

Certification Form





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



Site No. C915202

Site Details

Box 1

Site Name Cobey-Buffalo Lakeside Commerce Park-Parcels 1&2

Site Address: 1 Ship Canal Parkway Zip Code: 14218
City/Town: Buffalo
County: Erie
Site Acreage: 12.3

Reporting Period: June 08, 2017 to June 08, 2020

- | | 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"/> |

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/ECs 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.**

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

SITE NO. C915202

Box 3

Description of Institutional Controls

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
132.19-1-13	9505 Main Street LLC	Site Management Plan Ground Water Use Restriction Soil Management Plan Landuse Restriction Building Use Restriction

Institutional Controls: Environmental Easement - Site Management Plan; Ground water use restriction; Land use restriction; Soil Management Plan; Building Use Restriction.

Engineering Controls: Cover System.

132.19-2-1	9505 Main Street LLC	Building Use Restriction Site Management Plan Ground Water Use Restriction Soil Management Plan Landuse Restriction
------------	----------------------	---

Institutional Controls: Environmental Easement - Site Management Plan; Ground water use restriction; Land use restriction; Soil Management Plan; Building Use Restriction.

Engineering Controls: Cover System.

132.19-2-2	9505 Main Street LLC	Ground Water Use Restriction Soil Management Plan Landuse Restriction Building Use Restriction
------------	----------------------	---

Institutional Controls: Environmental Easement - Site Management Plan; Ground water use restriction; Land use restriction; Soil Management Plan; Building Use Restriction.

Engineering Controls: Cover System.

Box 4

Description of Engineering Controls

<u>Parcel</u>	<u>Engineering Control</u>
132.19-1-13	Cover System
132.19-2-1	Cover System
132.19-2-2	Cover System

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.**

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. C915202

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 MICHAEL DUNKIN at 1 SHIP CANAL PKWY, BUFFALO, NY 14218
print name print business address

am certifying as OWNER (Owner or Remedial Party)

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

M.F. Dunkin
Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

7/8/2020
Date

IC/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 MICHAEL HIGGINS at ARCADIS 50 FOUNTAIN PLAZA
print name print business address
SUITE 600 BUFFALO NY 14202

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

Michael Higgins

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



7/8/2020
Date

Arcadis of New York, Inc.

50 Fountain Plaza

Suite 600

Buffalo, New York 14202

Tel 716 667 0900

Fax 716 842 2612

www.arcadis.com