
PERIODIC REVIEW REPORT
for the

NOCO #S41 SITE
(SITE No. C915211)

BUFFALO, NEW YORK

March 2014

0275-013-001

Prepared for:

Inland Diversified Buffalo Genesee, LLC

Prepared By:



TurnKey Environmental Restoration, LLC
2558 Hamburg Turnpike, Suite 300
Buffalo, NY 14218
(716) 856-0635

PERIODIC REVIEW REPORT

NOCO #S41 Site

Table of Contents

1.0	INTRODUCTION	1
1.1	Site Information	1
1.2	Remedial History	1
1.3	Compliance	2
1.4	Recommendations.....	2
2.0	SITE OVERVIEW	3
3.0	REMEDY PERFORMANCE	4
4.0	SITE MANAGEMENT PLAN	5
4.1	Institutional Control Plan.....	5
4.1.1	<i>Excavation Work Plan</i>	5
4.1.2	<i>Site Land Use</i>	5
4.2	Long-Term Groundwater Monitoring (LTGWM) Plan.....	5
4.3	Annual Inspection and Certification Program	5
4.4	Engineering and Institutional Control Requirements and Compliance	6
4.4.1	<i>Engineering Controls</i>	6
4.4.2	<i>Institutional Controls</i>	7
5.0	CONCLUSIONS AND RECOMMENDATIONS	8
6.0	DECLARATION/LIMITATION	9

PERIODIC REVIEW REPORT

NOCO #S41 Site

Table of Contents

FIGURES

Figure 1 Site Location and Vicinity Map

Figure 2 Site Plan

APPENDICIES

Appendix A Site Inspection Forms

Appendix B Site Photograph Log

1.0 INTRODUCTION

TurnKey Environmental Restoration, LLC (TurnKey), has prepared this Periodic Review Report (PRR), on behalf of Inland Diversified Buffalo Genesee, LLC (Inland Diversified), to summarize the post-remedial status of the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) NOCO #S41 Site (Site) C915211. This PRR has been prepared in accordance with the NYSDEC DER-10 *Technical Guidance for Site Investigation and Remediation* (May 2010) and the NYSDEC's Institutional and Engineering Controls (IC/EC) Certification Form has been completed for the Site (see Appendix A).

This report has been prepared for the December 13, 2012 to December 13, 2013 reporting period.

1.1 Site Information

The Site is located in the City of Buffalo, County of Erie, New York and is addressed at 1055 Genesee Street (SBL# 100.76-5-1) on the Erie County Tax Map. The BCP Site is an approximate 0.7-acre parcel located at the corner of Genesee Street and Fillmore Avenue (see Figure 1). The current Site and the adjoining 1067 Genesee Street parcel were redeveloped as a single commercial-retail project in 2011 by the previous owner (1055 Genesee Street, LLC). Inland Diversified acquired the property in April 2012. This PRR and the associated certification are prepared specific to the 1055 Genesee Street parcel only.

1.2 Remedial History

Environmental remediation of the Site was undertaken by a former owner, which executed a Brownfield Cleanup Agreement (BCA) with the NYSDEC in July 2007. A Remedial Investigation/Alternatives Analysis Report/Interim Remedial Measures (RI/AAR/IRM) Work Plan was approved by the Department in November 2007, and the RI/IRM activities were completed at the Site in June 2009. Based on the Alternatives Analysis (AA) evaluation, it was concluded that the IRMs, together with implementation of a Site Management Plan (SMP) satisfied the remedial action objectives and is protective of human health and the environment, and was selected as the final remedial approach for the NOCO #S41 Site. The Final Engineering Report (FER) and SMP for the Site were

approved by the NYSDEC in December 2009. The Certificate of Completion (COC) was issued for the Site on December 24, 2009.

1.3 Compliance

At the time of the Site inspection, the Site was fully compliant with the Institutional Controls as stated in the SMP.

1.4 Recommendations

Based on the results of the annual inspection and certification, TurnKey makes the following recommendations for the Site.

- Update Box 3 of the Certification Form to identify the Site Owner as Inland Diversified Buffalo Genesee, LLC.
- Modification of the certification reporting requirement from annual to triennial (every three years).
- Based on the high probability for snow cover in December, it is recommended that the PRR reporting period end date be changed from December to May. This later date would assure no hindrance at the site inspection due to snow or ice cover.

Beyond those changes described above, no modifications to the current SMP are recommended at this time.

2.0 SITE OVERVIEW

Currently, the Site is occupied by an approximate 10,000 sq-ft commercial-retail store and associated parking area. Historically, the site was used as a gasoline service station from approximately 1950 until 2007. As described above, the remedial activities completed under the BCP were completed from 2007 through 2009, including:

- Removal of three underground storage tanks (USTs), including associated dispensing units and underground product piping. Extraction and off-site disposal of residual product/water mixture from the USTs and associated piping.
- Excavation of petroleum-impacted soil/fill followed by off-site transportation and disposal at a commercial landfill.
- Extraction and treatment of groundwater from the excavation during remediation activities.
- Placement and compaction of backfill.

Redevelopment activities, undertaken by the previous owner, 1055 Genesee Street, LLC, including demolition of the former convenience store building, excavation for new building footers, utility corridors, and parking lot catch basins, and construction of the new building and parking lot were completed between April and September 2011.

3.0 REMEDY PERFORMANCE

Annual inspections have been completed at the Site in accordance with the SMP since 2011. The Site inspection including a walk-over of the entire BCP Site to visually observe and document the use of the Site for Commercial Use, restriction of groundwater use, and conformance with the Site Management Plan (SMP). The March 2014 site inspection indicates that the controls are in-place and functioning as intended in accordance with the SMP. The completed IC/EC Certification form and site photographs are included in Appendix A and Appendix B, respectively.

4.0 SITE MANAGEMENT PLAN

The NOCO #S41 Site's post-remedial SMP was approved by the NYSDEC in December 2009. The SMP provides a detailed description of all procedures required to manage remaining contamination at the Site after completion of the Remedial Action, including: (1) implementation and management of all Institutional Controls; and, (2) performance of periodic inspections, certification of results, and submittal of Periodic Review Reports. A brief description of these SMP components is presented below.

4.1 Institutional Control Plan

As a requirement of the SMP a series of Institutional Controls are required to (1) prevent future exposure to remaining contamination by controlling disturbances of the subsurface contamination; and, (2) limit the use and development of the Site to commercial use or less restricted uses (i.e., industrial).

4.1.1 Excavation Work Plan

The Excavation Work Plan, which is included within the approved-SMP for the Site, provides guidelines for the management of soil and fill materials during any future intrusive activities.

No intrusive activities were completed during this reporting period.

4.1.2 Site Land Use

The Site is currently utilized as a commercial retail operation, and is in compliance with the Site's land use criteria (commercial use).

4.2 Long-Term Groundwater Monitoring (LTGWM) Plan

Cessation of LTGWM was approved by the Department in February 2012, prior to Inland Diversified's acquisition of the property (April 2012).

4.3 Annual Inspection and Certification Program

The Annual Inspection and Certification Program outlines the requirements for the Site, to certify and attest that the institutional controls and/or engineering controls employed

at the Site are unchanged from the previous certification. The Annual Certification will primarily consist of an annual Site Inspection to complete the auto-generated NYSDEC Institutional and Engineering Controls (IC/EC) Certification Form. The site inspection will verify that the IC/ECs:

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

A Site Inspection of the property was conducted by a TurnKey Qualified Environmental Professional (QEP) on March 24, 2014. At the time of the inspection, the property was operating as a commercial retail operation (Dollar General), with surface parking, paved walkways and landscaped areas. The Site is on municipal water supply, and no observable use of groundwater was noted during the site inspection.

The completed Site Management Periodic Review Report Notice – Institutional and Engineering Controls Certification Form is included in Appendix A. A photolog of the site inspection is included in Appendix B.

4.4 Engineering and Institutional Control Requirements and Compliance

As detailed in the Environmental Easements, several Institutional Controls (ICs) need to be maintained as a requirement of the BCA for the Site.

4.4.1 Engineering Controls

No engineering controls are required for the Site.

4.4.2 Institutional Controls

- Groundwater-Use Restriction – the use of groundwater for potable and non-potable purposes is prohibited; and
- Land-Use Restriction: The controlled property may be used for commercial use; and,
- Implementation of the SMP.

5.0 CONCLUSIONS AND RECOMMENDATIONS

Conclusions and recommendations are as follows:

- At the time of the site inspection, the Site was in compliance with the Site Management Plan.

The following modifications are recommended for the Site.

- Update Box 3 of the Certification Form to identify the Site Owner as Inland Diversified Buffalo Genesee, LLC.
- Modification of the certification reporting requirement from annual to triennial (every three years).
- Based on the high probability for snow cover in December, it is recommended that the PRR reporting period end date be changed from December to May. This later date would assure no hindrance at the site inspection due to snow or ice cover.

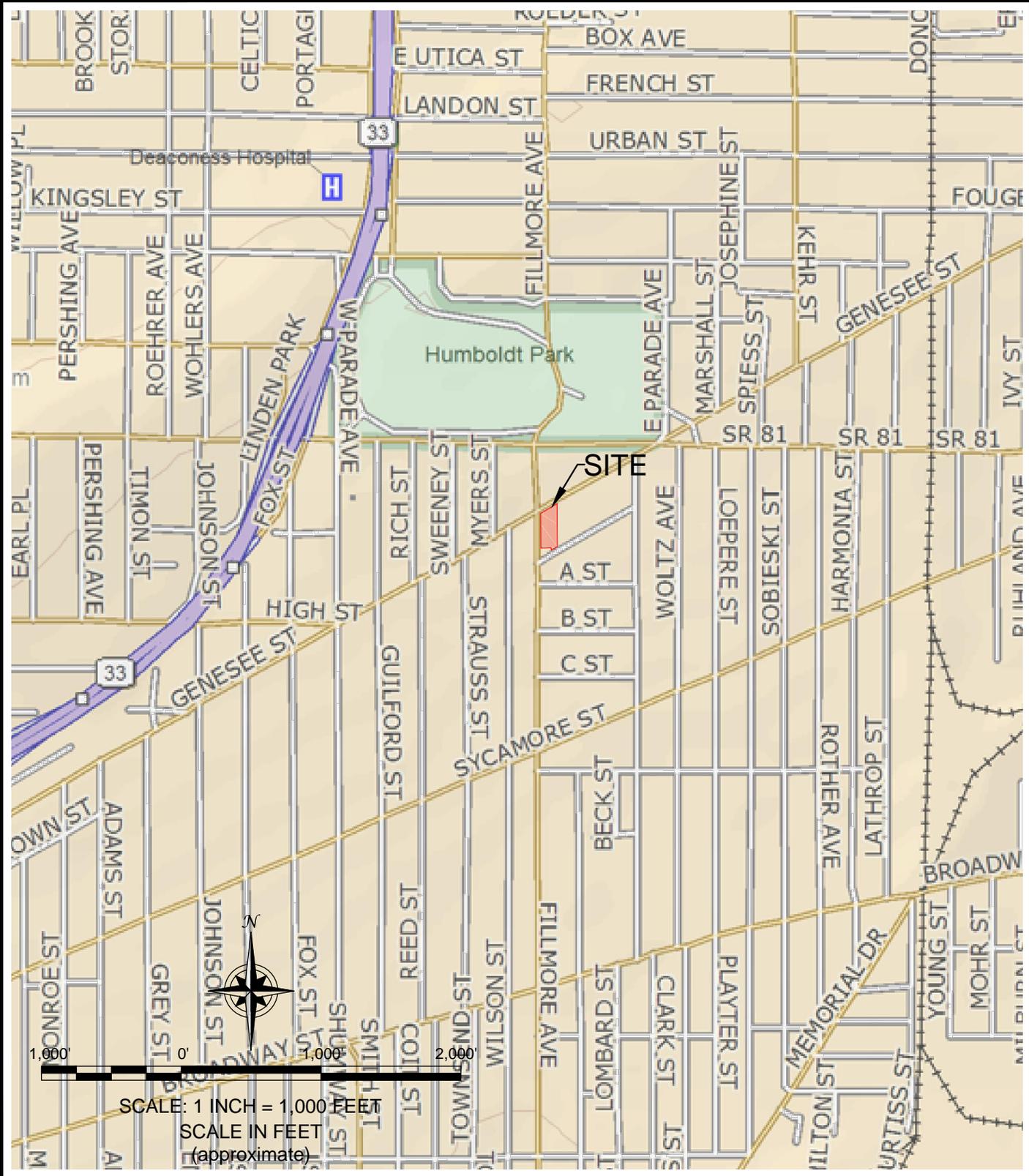
6.0 DECLARATION/LIMITATION

TurnKey Environmental Restoration, LLC personnel conducted the annual site inspections for Brownfield Cleanup Program Site No. C915211, located in Buffalo, New York, according to generally accepted practices. This report complied with the scope of work provided to Inland Diversified Buffalo Genesee, LLC by TurnKey Environmental Restoration, LLC.

This report has been prepared for the exclusive use of Inland Diversified Buffalo Genesee, LLC. The contents of this report are limited to information available at the time of the site inspection. The findings herein may be relied upon only at the discretion of Inland Diversified Buffalo Genesee, LLC. Use of or reliance upon this report or its findings by any other person or entity is prohibited without written permission of TurnKey Environmental Restoration, LLC.

FIGURES

FIGURE 1



2558 HAMBURG TURNPIKE
 SUITE 300
 BUFFALO, NY 14218
 (716) 856-0635

SITE LOCATION AND VICINITY MAP
BCP SITE No. C915211

PERIODIC REVIEW REPORT

NOCO #S41 SITE

BUFFALO, NEW YORK

PREPARED FOR

INLAND DIVERSIFIED BUFFALO GENESEE, LLC

PROJECT NO.: 0275-013-001

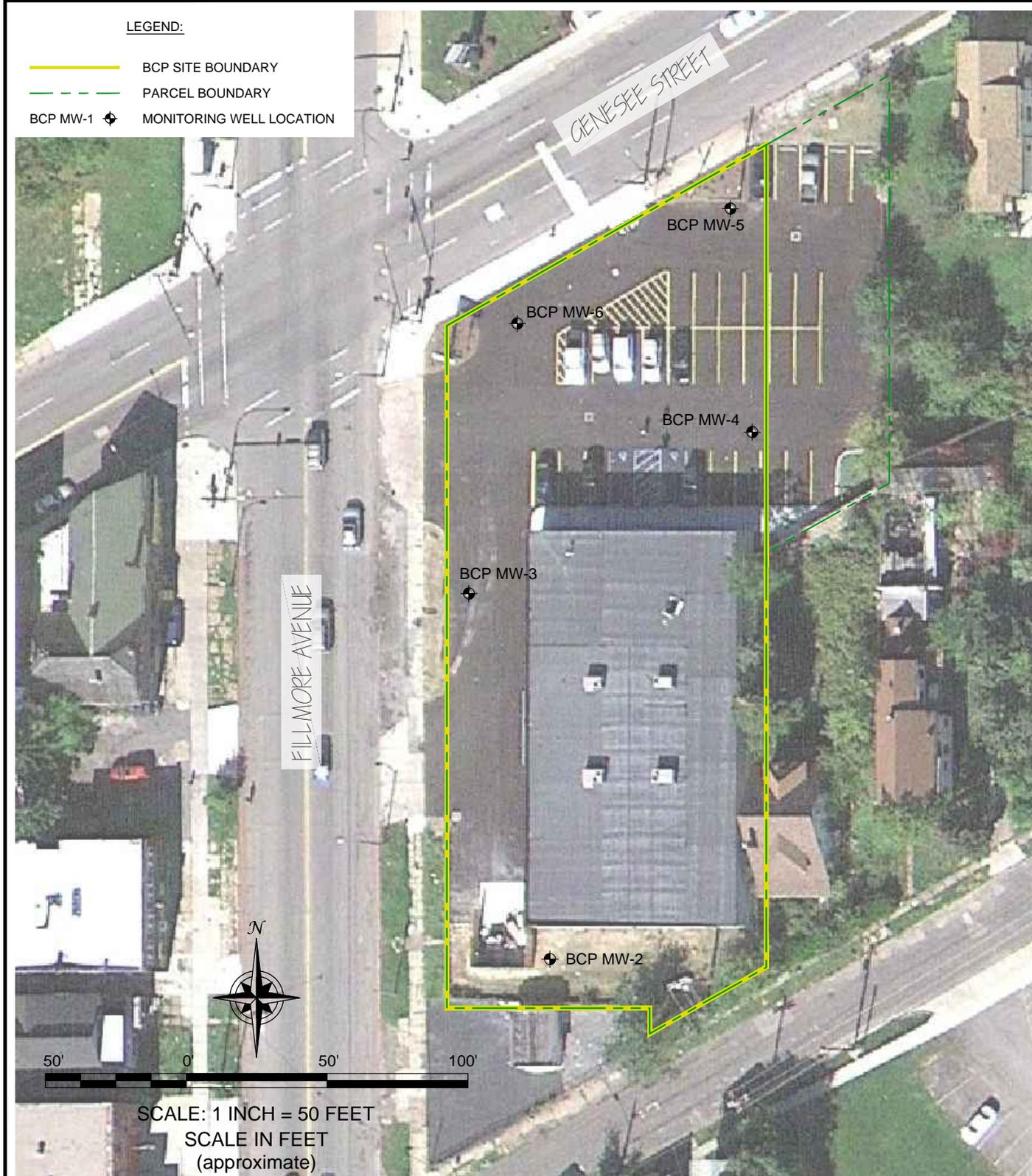
DATE: MARCH 2014

DRAFTED BY: BLR

FIGURE 2

LEGEND:

-  BCP SITE BOUNDARY
-  PARCEL BOUNDARY
-  BCP MW-1 MONITORING WELL LOCATION



50' 0 50' 100'

SCALE: 1 INCH = 50 FEET
SCALE IN FEET
(approximate)



2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0635

SITE PLAN
BCP SITE No. C915211
PERIODIC REVIEW REPORT

NOCO #S41 SITE

BUFFALO, NEW YORK

PREPARED FOR

INLAND DIVERSIFIED BUFFALO GENESEE, LLC

PROJECT NO.: 0275-013-001

DATE: MARCH 2014

DRAFTED BY: BLR

APPENDIX A

INSTITUTIONAL CONTROLS CERTIFICATION FORM



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.	C915211		
Site Name NOCO #S41			
Site Address: 1055 Genesee Street		Zip Code: 14212	
City/Town: Buffalo			
County: Erie			
Site Acreage: 0.7			
Reporting Period: December 13, 2012 to December 13, 2013			
		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. 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

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid? YES NO

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? YES NO
 (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.

Box 3

SITE NO. C915211

Description of Institutional Controls

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
100.76-5-1	1055 Genesee Street, LLC <i>Inland Diversified Buffalo Genesee, LLC</i>	Ground Water Use Restriction Soil Management Plan Landuse Restriction Monitoring Plan Site Management Plan IC/EC Plan

No engineering controls. IC includes Environmental Easement, Site Management Plan, ground water monitoring, and periodic certification.

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. C915211

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 Donald K. Stewart at 2901 Butterfield Rd, Oak Brook, IL
print name print business address 60523
am certifying as Owner (Owner or Remedial Party)

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

[Signature] As Agent for Owner
Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

3/26/14
Date

APPENDIX B

SITE PHOTOGRAPH LOG

SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: Subject Property – Site Location; corner of Genesee Street and Fillmore Ave – (looking southwest).

Photo 2: Subject Property – Site Conditions; north parking area (looking northeast).

Photo 3: Subject Property – Site Conditions; north parking area (looking south).

Photo 4: Subject Property – Site Conditions; monitoring well (looking south).

BCP Site No. C915211
1055 Genesee Street
Buffalo, New York



SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



- Photo 5: Subject Property – Site Conditions; west side of building (looking south).
- Photo 6: Subject Property – Site Conditions along Fillmore Avenue (looking south).
- Photo 7: Subject Property – Site Conditions; south side/rear of building (looking east).
- Photo 8: Subject Property – Site Conditions; monitoring well (looking west).

BCP Site No. C915211
1055 Genesee Street
Buffalo, New York

