

PERIODIC REVIEW REPORT

Realty Income Buffalo Genesee LLC
Site No. C915211
(Former NOCO #S41)
1055 Genesee Street
Buffalo, New York

Prepared For:

Realty Income Corporation
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San Diego, CA 92130

SCS ENGINEERS

SCS File No. 02220052.00 | January 20, 2021
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1 EXECUTIVE SUMMARY

SCS Engineers performed a Periodic Review and prepared this Periodic Review Report (PRR), in general conformance with New York State Department of Environmental Conservation (NYSDEC) requirements, for the property located at 1055 Genesee Street, Buffalo, NY. The site is developed with an active Dollar General store, and the property is owned by Realty Income Buffalo Genesee LLC. The property is identified as Site No. C915211 in the NYSDEC records.

This PRR covers the monitoring period from August 2017 through November 2020, and is based on:

- Field observations made during a site reconnaissance performed on November 20, 2020.
- Discussions with the store representative during the site reconnaissance.
- Review of the 2017 PRR prepared by SCS Engineers, and the 2014 PRR prepared by TurnKey Environmental Restoration LLC.
- Review of the December 2009 Site Management Plan (SMP) prepared by Benchmark Environmental Engineering & Science PLLC. An updated SMP is under development.

Conclusions

- **Site Maintenance** – the site is currently occupied by an operating Dollar General store. The site grounds consist of a paved parking area and landscaped areas. The site pavement appeared to be in good condition. Four monitoring wells were identified on-site and appear to be intact. Scattered trash was noted on site, particularly around the dumpster in the southwest corner of the property and along the southern property boundary. The accumulated surface trash is considered a housekeeping matter.
- **Engineering Controls** – no engineering controls have been established for this Site.
- **Institutional Controls** – the property continues to be utilized for commercial purposes, with municipal water and sewer connections. No evidence of land disturbance activities that potentially could have encountered residual subsurface contaminated material was identified. No food gardens or farming was being conducted at the property.

In summary, no areas of non-compliance with the current (2009) Site Management Plan were identified.

Recommendations

The following modifications and recommendations are offered by SCS:

- Recommend no modifications to the current triennial inspection and certification reporting requirements. The next PR inspection should be performed in 2020.
- Recommend notification to NYSDEC for approval to abandon the existing groundwater monitoring wells at the Site.

2 INTRODUCTION

SCS Engineers was retained by Realty Income Corporation to perform a Periodic Review and prepare a Periodic Review Report (PRR), in accordance with NYSDEC DER-10 Technical Guidance for Site Investigations and Remediation, for the property located at 1055 Genesee Street, Buffalo, New York (the “Site”). A location map for the Site is included as Figure 1 in **Appendix A**.

The Site is located in the Buffalo, Erie County, New York and is referenced in the Erie County tax records as Square 100.76, Block 5, Lot 1.1. The Site is developed as an active Dollar General store that opened in 2011. The Site previously operated as a gasoline service station from around 1950 through 2007.

This PRR covers the period from August 2017 through November 2020, and is based on a periodic “site-wide” inspection performed on November 20, 2020 for overall compliance and adherence to the current Site Management Plan (SMP). The SMP was approved by NYSDEC in December 2009. The December 2009 SMP outlined the post-remedial steps required to manage the residual contamination at the Site, including the performance of a Periodic Review.

Per the NYSDEC request on October 15, 2020, SCS is developing an updated SMP for the Site, which will be submitted under separate cover.

Purpose

The Periodic Review process is used to evaluate whether a site remedy continues to be properly managed, as set forth in the guidance documents for the Site, and is protective of human health and the environment. The objectives of the Periodic Review for sites in the NYSDEC Brownfield Cleanup Program (BCP) are as follows:

- Assess whether the remedy remains in place, is performing properly and effectively, and is protective of public health and the environment.
- Evaluate compliance with the SMP.
- Evaluate the condition of the remedy.
- Verify, if appropriate, that the intent of Institutional Controls (IC) continues to be met, and that Engineering Controls (EC), if any, remain in place, are effective and protective of public health and the environment.
- Evaluate the effectiveness of the remedy(ies) implemented at the Site in progressing the Site to closure.
- Evaluate appropriateness of any remedial and monitoring costs.

Special Terms and Conditions

This report has been prepared specifically for our Client’s use. The report has been prepared in accordance with the care and skill generally exercised by reputable professionals, under similar circumstances, in this or similar localities. No other warranty, express or implied, is made as to the professional opinions presented herein.

No other party, known or unknown to SCS, is intended as a beneficiary of this work product, its content, or information embedded therein. The Client may choose to share the contents of this report with any third party. However, third parties use and rely on this report at their own risk.

Certain limitations could affect the accuracy and completeness of this report, such as:

- **Access Limitations** – none; the public accessible interior portion of the Dollar General store was observed. The small stockroom at the rear store, intended for employee access only, was not accessed.
- **Physical Obstructions to Observations** – none.
- **Other (describe)** – n/a.

3 SITE OVERVIEW

The Site is located at 1055 Genesee Street in Buffalo, Erie County, New York. The Erie County tax records identify the Site on Square 100.76, Block 5, Lot 1.1. The current site owner is listed as Realty Income Buffalo Genesee LLC. A site plan is included as Figure 2, and the county tax map is included as Figure 3 in **Appendix A**.

The Site covers approximately 0.7 acres and is developed with a one-story commercial building operating as a Dollar General store. The exterior portions of the Site consist of asphalt-paved parking. The Site topography is relatively flat.

Site History and Remedial Program

Based on review of previous records (e.g., 2014 and 2017 PRRs), the Site was formerly a gasoline service station that operated from approximately 1950 until 2007. As described in Section 1 (above) and further summarized in the 2009 SMP, remedial activities were completed under the BCP from 2007 through 2009, including:

- Removal of three 8,000-gallon underground storage tanks (USTs), including associated dispensing units and underground product piping, as well as removal and disposal of residual product/water mixture from the USTs and associated piping.
- Excavation and off-site disposal of petroleum-impacted soil/fill. An estimated 1,212 tons of material were excavated and disposed at Modern Landfill, Model City, New York. The post-excavation soil sample results were below the Part 375 Commercial Soil Cleanup Objectives (SCOs) in effect at the time.
- Pump and treat of impacted groundwater from the excavation during remediation activities. An estimated 17,790 gallons of groundwater were extracted, treated, and discharged to the City of Buffalo municipal sanitary sewer under authorization from the Buffalo Sewer Authority.
- Placement and compaction of backfill within the resulting excavation.
- Execution and recording of an Environmental Easement to restrict land use and prevent future exposure of residual contamination at the Site.
- Completion of multi-phased environmental investigations from 2008 to 2009.

Redevelopment activities undertaken by the previous owner, 1055 Genesee Street, LLC, included:

- Demolition of the former convenience store building.
- Excavation for new building footers, utility corridors, and parking lot catch basins.
- Construction of the new building and parking lot, which were completed in 2011.

4 REMEDY PERFORMANCE EVALUATION

An evaluation of the remedy performance, effectiveness, and protectiveness was performed as part of this Periodic Review process. This included a review of the 2014 PRR prepared by TurnKey, review of the 2017 PRR prepared by SCS, and observations made by SCS during the site inspection on November 20, 2020.

The 2014 PRR indicated that annual inspections were completed at the Site from 2009 (when the final SMP was approved by NYSDEC) through 2014. Based on the 2014 PRR site inspection, site conditions were found to be in conformance with the SMP, and it was recommended to modify the inspection frequency to triennial (every three years). NYSDEC approved of the request for triennial monitoring. SCS subsequently performed a PRR site inspection in August 2017.

November 2020 Site Inspection

The SMP included plans to establish and maintain institutional controls (ICs), and for conducting periodic inspections of the Site.

For this periodic review under the existing SMP, a site inspection was conducted on November 20, 2020 by Mr. John Tabella, PG, LEED AP of SCS Engineers. The inspection included a walk-over of the exterior portions of the property and accessible interior portions of the Site structure.

No areas of non-compliance with the SMP were identified, based on SCS's site inspection. Surficial debris was observed on the exterior portion of the Site (i.e., around the trash dumpster and generally along the southern property boundary). This is considered a housekeeping matter, rather than an issue of compliance with the SMP.

The store representative indicated to SCS that the wooden fencing around the trash dumpster recently caught fire, and a new wooden enclosure was installed in October 2020. From SCS's site inspection, remnant pieces of charred wood were noted around the dumpster. The new enclosure used the existing metal supports, which are anchored in the ground. There were no indications that the pavement or ground surface were disturbed, for example, for the installation of new fence posts.

A copy of the completed Institutional and Engineering Controls (IC/EC) Certification Form is included in **Appendix C**.

Institutional Control Plan

The Institutional Control (IC) Plan within the current SMP addressed the following specific institutional controls:

- **Excavation Work Plan** – an Excavation Work Plan was developed that provided guidance on handling potentially impacted soils encountered during future intrusive activities. No signs of

intrusive activities were observed, nor reported for the monitoring period. Therefore, there has been no requirement for the development of a specific Excavation Work Plan over the monitoring period.

- **Site Land Use** – the Site use is currently commercial. No changes in site use were identified.

Long-term Groundwater Monitoring Plan

The SMP required post-remedial groundwater monitoring on an annual basis. However, cessation of the long-term groundwater monitoring plan outlined in the current SMP was approved by NYSDEC in 2012, and no additional groundwater monitoring has been performed.

Four groundwater monitoring wells were identified at the Site during SCS's November 20, 2020 site inspection. The wells appeared to be intact. A fifth groundwater monitoring well in the southwest corner of the property had been identified by SCS during the August 2017 site inspection. Due to overgrowth and surface debris in this area, the suspect groundwater monitoring well in the southwest corner of the property was not located during SCS's November 20, 2020 site inspection.

5 REMEDY COMPLIANCE EVALUATION

Based on the current SMP, and the 2014 and 2017 PRRs, the Site has several ICs that require to be maintained. These include:

- **Groundwater Use Restriction** – use of groundwater on-site for potable and non-potable purposes is prohibited. Based on the November 20, 2020 compliance inspection, groundwater is not being used for potable or non-potable purposes.
- **Land Use Restriction** – the property may be used for commercial purposes only. Based on the November 20, 2020 compliance inspection, the use of the property has remained commercial (Dollar General store).
- **Implementation of SMP** – the SMP was approved in 2009 and, based on the November 20, 2020 compliance inspection, is being followed. As noted above, SCS is currently updating the SMP to reflect the current property ownership and other aspects of the plan that are out of date.

No Engineering Controls (ECs) are required for the Site.

6 CONCLUSIONS AND RECOMMENDATIONS

Based on SCS's November 20, 2020 site inspection and background records review, SCS presents the following conclusions for this PRR:

- No areas of non-compliance with the current (2009) SMP were identified at the Site. As discussed, SCS is currently preparing an updated SMP for submission to NYSDEC.

The following modifications and recommendations (if any) are offered by SCS:

- Recommend no modifications to the current triennial inspection and certification reporting requirements. The next PR inspection should be performed in 2023.

- Recommend notification to NYSDEC for approval to abandon the remaining groundwater monitoring wells at the Site. Six wells had been installed during previous site investigations; however, only four wells were identified during SCS's November 20, 2020 site inspection.

7 REFERENCES

Periodic Review Report for the NOCO #S41 Site (Site No. C915211). Prepared by SCS Engineers, dated August 2017.

Periodic Review Report for the NOCO #S41 Site (Site No. C915211). Prepared by TurnKey Environmental Restoration LLC, dated March 2014.

Site Management Plan for the NOCO #S-41 Site, BCP Site No. C915211, 1055 Genesee Street, Buffalo, New York. Prepared by Benchmark Environmental Engineering & Science PLLC, dated December 2009.

Technical Guidance for Site Investigation and Remediation. New York State Department of Environmental Conservation (NYSDEC), Department of Environmental Remediation (DER) guidance document DER-10, http://www.dec.ny.gov/docs/remediation_hudson_pdf/der10.pdf

APPENDICES



Appendix A

Figures

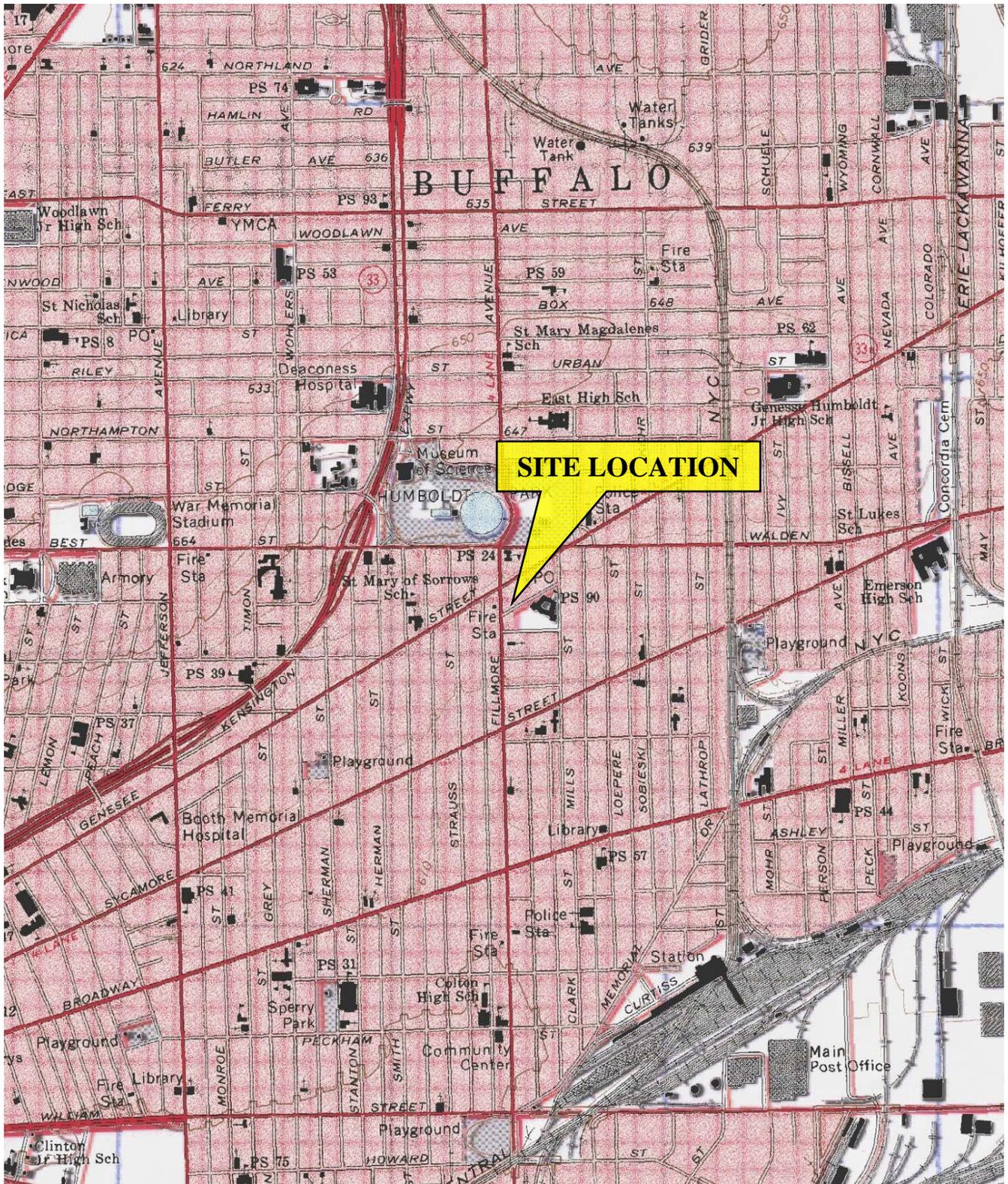


Figure 1. Site Location Map
1055 Genesee Street, Buffalo, NY 14211
File No. 02220052.00

Source: Mytopo (www.mytopo.com), USGS topographic quadrangle



Dumpster
(new wood enclosure
after recent fire)

Monitoring Well
NOT Located

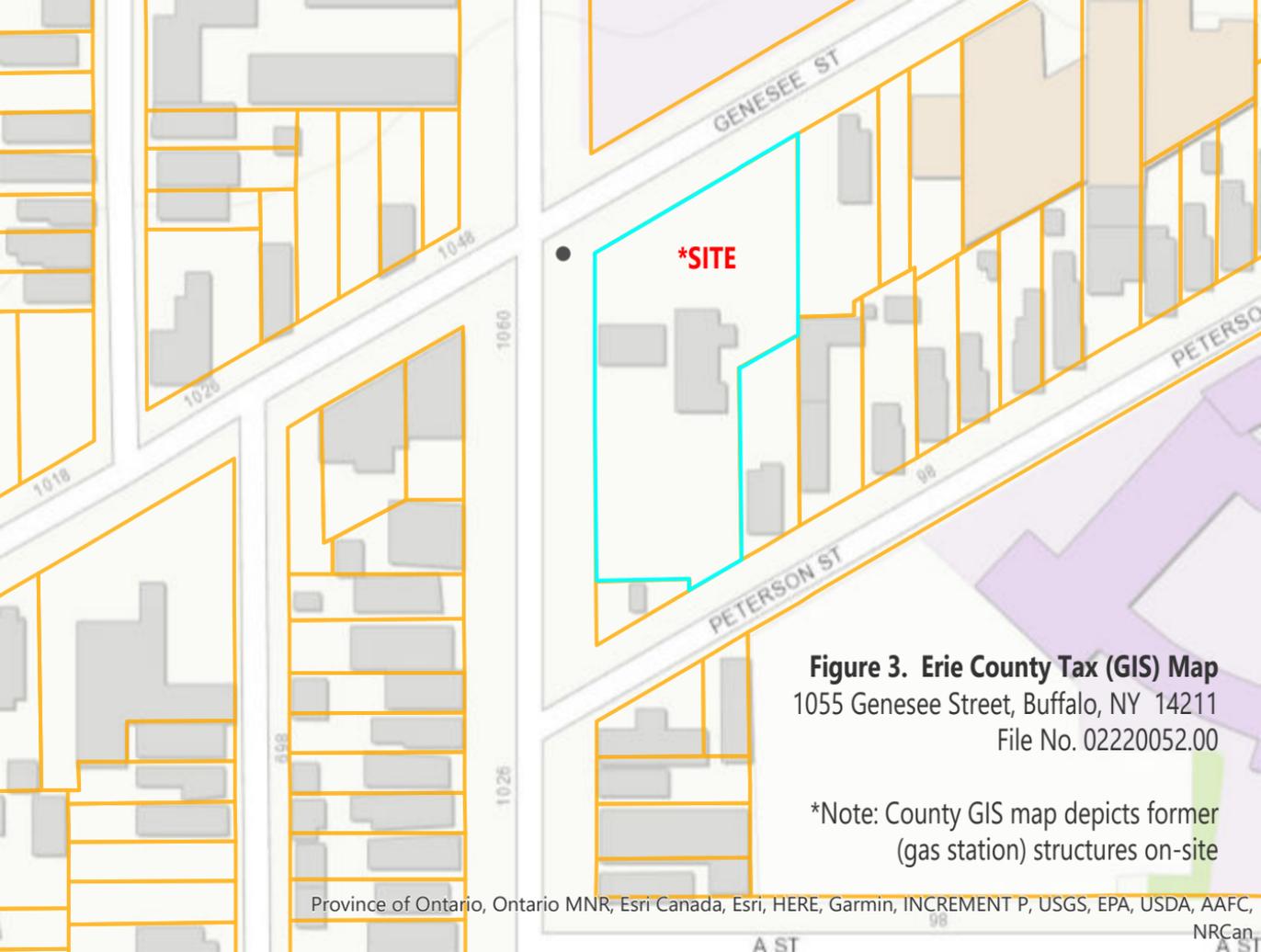


— Property Boundary (approx.)

● Existing Monitoring Wells (approx.)

Figure 2 – Site Plan
1055 Genesee Street, Buffalo, NY
November 2020
SCS File No. 02220052.00

Source: Google Earth



***SITE**

Figure 3. Erie County Tax (GIS) Map
1055 Genesee Street, Buffalo, NY 14211
File No. 02220052.00

*Note: County GIS map depicts former
(gas station) structures on-site



Appendix B

Site Photographs

Dollar General (Former NOCO #S41)
1055 Genesee Street, Buffalo, New York

SCS Project #02220052.00
Site Visit: November 20, 2020



Photo 1: View of Site, looking south from along Genesee Street.



Photo 2: Existing groundwater monitoring well in parking area on north side of building.

Dollar General (Former NOCO #S41)
1055 Genesee Street, Buffalo, New York

SCS Project #02220052.00
Site Visit: November 20, 2020



Photo 3: Existing groundwater monitoring well along northern property boundary (along Genesee Street).



Photo 4: Existing groundwater monitoring well in northwestern portion of parking lot.

Dollar General (Former NOCO #S41)
1055 Genesee Street, Buffalo, New York

SCS Project #02220052.00
Site Visit: November 20, 2020



Photo 5: Existing groundwater monitoring well on western side of building.



Photo 6: New wooden enclosure around dumpster in southwest portion of site.

Dollar General (Former NOCO #S41)
1055 Genesee Street, Buffalo, New York

SCS Project #02220052.00
Site Visit: November 20, 2020



Photo 7: Surficial debris in southwestern corner of Site. Unable to locate monitoring well in this area.



Photo 8: View looking east along southern property boundary.

Dollar General (Former NOCO #S41)
1055 Genesee Street, Buffalo, New York

SCS Project #02220052.00
Site Visit: November 20, 2020

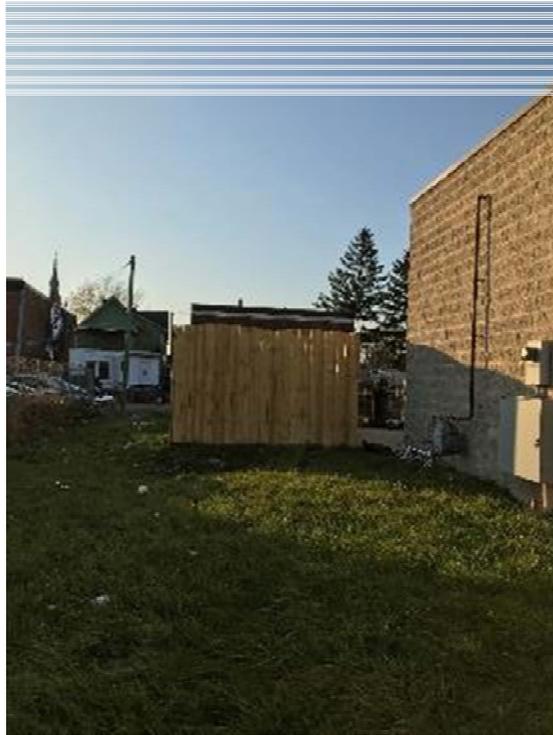


Photo 9: View looking west along southern property boundary.



Photo 10: Surface debris in dumpster enclosure.

Dollar General (Former NOCO #S41)
1055 Genesee Street, Buffalo, New York

SCS Project #02220052.00
Site Visit: November 20, 2020



Photo 11: View of Site, looking southeast from front parking area.



Photo 12: View looking north across Genesee Street from front parking area.



Appendix C

Institutional and Engineering Controls (IC/EC) 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, 2013 to January 10, 2018 August 10, 2017 to November 20, 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. 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?	<input type="checkbox"/> <input checked="" type="checkbox"/>
<p>If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.</p>		
9.	Are the assumptions in the Qualitative Exposure Assessment still valid? (The Qualitative Exposure Assessment must be certified every five years)	<input checked="" type="checkbox"/> <input type="checkbox"/>
<p>If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.</p>		

SITE NO. C915211	Box 3	
Description of Institutional Controls		
<u>Parcel</u> 100.76-5-1	<u>Owner</u> Realty Income Buffalo Genesee, LLC	<u>Institutional Control</u> Ground Water Use Restriction Soil Management Plan Landuse Restriction Monitoring Plan Site Management Plan IC/EC Plan
<p>No engineering controls. IC includes Environmental Easement, Site Management Plan, ground water monitoring, and periodic certification. Updated Site Management Plan to be submitted to DEC on behalf of Owner.</p>		

	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 John E. Tabella at 11260 Roger Bacon Drive, #300, Reston, VA 20190,
print name print business address

am certifying as Agent for Owner (Realty Income Buffalo Genesee LLC) (Owner or Remedial Party)

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

John E. Tabella (Agent for Owner)

1/27/2021

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

Date