

Brownfield Cleanup Program Application

for Sonwil Distribution Center

*Buffalo Lakeside Commerce Park Site
Buffalo, New York*

August 2007

0131-001-200

Prepared By:





NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



BROWNFIELD CLEANUP PROGRAM (BCP)

ECL ARTICLE 27 / TITLE 14

7/06

DEPARTMENT USE ONLY
BCP SITE #: _____

Section I. Requestor Information

NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF REQUESTOR'S REPRESENTATIVE

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF REQUESTOR'S CONSULTANT

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF REQUESTOR'S ATTORNEY

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

Requestor Relationship to Property (check one):

Previous Owner

Current Owner

☒

Potential /Future Purchaser

Other

If requestor is not the site owner, requestor will have access to the property throughout the BCP project.

Yes

No

(Note: proof of site access must be submitted for non-owners)

Section II. Property Information Summary Sheet

PROPERTY NAME:

ADDRESS/LOCATION

CITY/TOWN

ZIP CODE

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

COUNTY

SITE SIZE (ACRES)

LATITUDE (degrees/minutes/seconds)

LONGITUDE (degrees/minutes/seconds)

HORIZONTAL COLLECTION METHOD: SURVEY GPS MAP

HORIZONTAL REFERENCE DATUM:

FOR EACH PARCEL, FILL OUT THE FOLLOWING TAX MAP INFORMATION (if more than three parcels, attach additional information)

Parcel Address

Parcel No.

Section No.

Block No.

Lot No.

Acreage

1. Do the property boundaries correspond to tax map metes and bounds?

Yes No

If no, please attach a metes and bounds description of the property.

2. Is the required property map attached to the application? (application will not be processed without map)

Yes No

3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)?

Yes No

For more information go to: http://www.nylovesbiz.com/BrownField_Redevelopment/default.asp.

If yes, identify area (name) _____

50% 100% of the site is in the En-zone (check one)

PROPERTY DESCRIPTION NARRATIVE:

List of Existing Easements (type here or attach information)

Easement Holder

Description

List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

Initials of each Requestor: RA _____

Section III. Current Site Owner/Operator Information

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Section IV. Requestor Eligibility Information (Please refer to ECL § 27-1407)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

- | | | |
|--|-----|----|
| 1. Are any enforcement actions pending against the requestor regarding this site? | Yes | No |
| 2. Is the requestor subject to an existing order relating to contamination at the site? | Yes | No |
| 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? | Yes | No |
| 4. Has the requestor been determined to have violated any provision of ECL Article 27? | Yes | No |
| 5. Has the requestor previously been denied entry to the BCP? | Yes | No |
| 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? | Yes | No |
| 7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? | Yes | No |
| 8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? | Yes | No |
| 9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? | Yes | No |

Section V. Property Eligibility Information (Please refer to ECL § 27-1405)

- | | | |
|--|-----|----|
| 1. Is the property listed on the National Priorities List? | Yes | No |
| 2. Is the property listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites?
If yes, please provide: Site # _____ Class # _____ | Yes | No |
| 3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____ | Yes | No |
| 4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____ | Yes | No |
| 5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment. | Yes | No |

Section VI. Project Description

Please attach a description of the project which includes the following components:

- Purpose and scope of the project
- Estimated project schedule

Section VII. Property's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. Environmental Reports

A phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): Yes No

2. Sampling Data: Indicate known contaminants and the media which are known to have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals					
Pesticides					
PCBs					
Other*					

*Please describe: _____

3. Suspected Contaminants: Indicate suspected contaminants and the media which may have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals					
Pesticides					
PCBs					
Other*					

*Please describe: _____

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS:

Above Ground Pipeline or Tank	Lagoons or Ponds	Underground Pipeline or Tank	Surface Spill or Discharge
Routine Industrial Operations	Dumping or Burial of Wastes	Septic tank/lateral field	Drums or Storage Containers
Adjacent Property	Seepage Pit or Dry Well	Foundry Sand	Electroplating
Coal Gas Manufacture	Industrial Accident	Unknown	
Other: _____			

5. INDICATE PAST LAND USES:

Coal Gas Manufacturing	Manufacturing	Agricultural Co-op	Dry Cleaner	Salvage Yard	Bulk Plant
Pipeline	Service Station	Landfill	Tannery	Electroplating	Unknown
Other: _____					

6. Owners

A list of previous owners with names, last known addresses and telephone numbers (describe requestor's relationship, if any, to each previous owner listed. If no relationship, put "none").

7. Operators

A list of previous operators with names, last known addresses and telephone number (describe requestor's relationship, if any, to each previous operator listed. If no relationship, put "none").

Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and zoning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property.

Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply)

Intended Use: Unrestricted Residential Commercial Industrial

Please check the appropriate box and provide an explanation as an attachment if appropriate. Provide a copy of the local zoning classifications, comprehensive zoning plan designations, and/or current land use approvals.

Yes No

1. Do current historical and/or recent development patterns support the proposed use? (See #12 below re: discussion of area land uses)

2. Is the proposed use consistent with applicable zoning laws/maps?

3. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?

4. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).

5. Are there any federal or state land use designations relating to this site?

6. Do the population growth patterns and projections support the proposed use?

7. Is the property accessible to existing infrastructure?

8. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile?

9. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile?

10. Are there floodplains within ½ mile?

11. Are there any institutional controls currently applicable to the property?

12. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.

13. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas.

14. Describe on attachment the geography and geology of the site.

Statement of Certification and Signatures

(By requestor who is an individual)

I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____ Print Name: _____

(By an requestor other than an individual)

I hereby affirm that I am Randy Anderson (title) of Sonwil Distribution (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 8/20/07 Signature: [Signature] Print Name: Randy Anderson

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- **Two (2)** copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, must be sent to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020
- **One (1)** hard copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices: <http://www.dec.state.ny.us/website/der/index.html>

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

LIST OF APPLICATION ATTACHMENTS

*NYSDEC Brownfield Cleanup Program Application
Sonvil Distribution Center – Buffalo Lakeside Commerce Park Site
Buffalo, New York*

Attachment No.	Description
1	Site Description, Site Location Map and Site Plan
2	Tax Map
3	Project Description and Schedule
4	Proposed Redevelopment Plan Map
5	Phase I Environmental Site Assessment
6	Previous Environmental Investigation/Remediation Reports
7	Listing of Previous Site Operators
8	Listing of Previous Site Owners
9	Contact List Information
10	Document Repository Confirmation Letter
11	Environmental Factors and Historic Land Use Considerations
12	Nearby Land Use and Environmental Sites Maps
13	Groundwater Vulnerability Assessment
14	Description of Site Geography/Geology

ATTACHMENT 1

SITE DESCRIPTION, LOCATION MAP AND SITE PLAN

**Attachment 01
Current Site Description**

**Sonwil Distribution Center
Sonwil Buffalo Lakeside Commerce Park Site
Brownfield Cleanup Program Application**

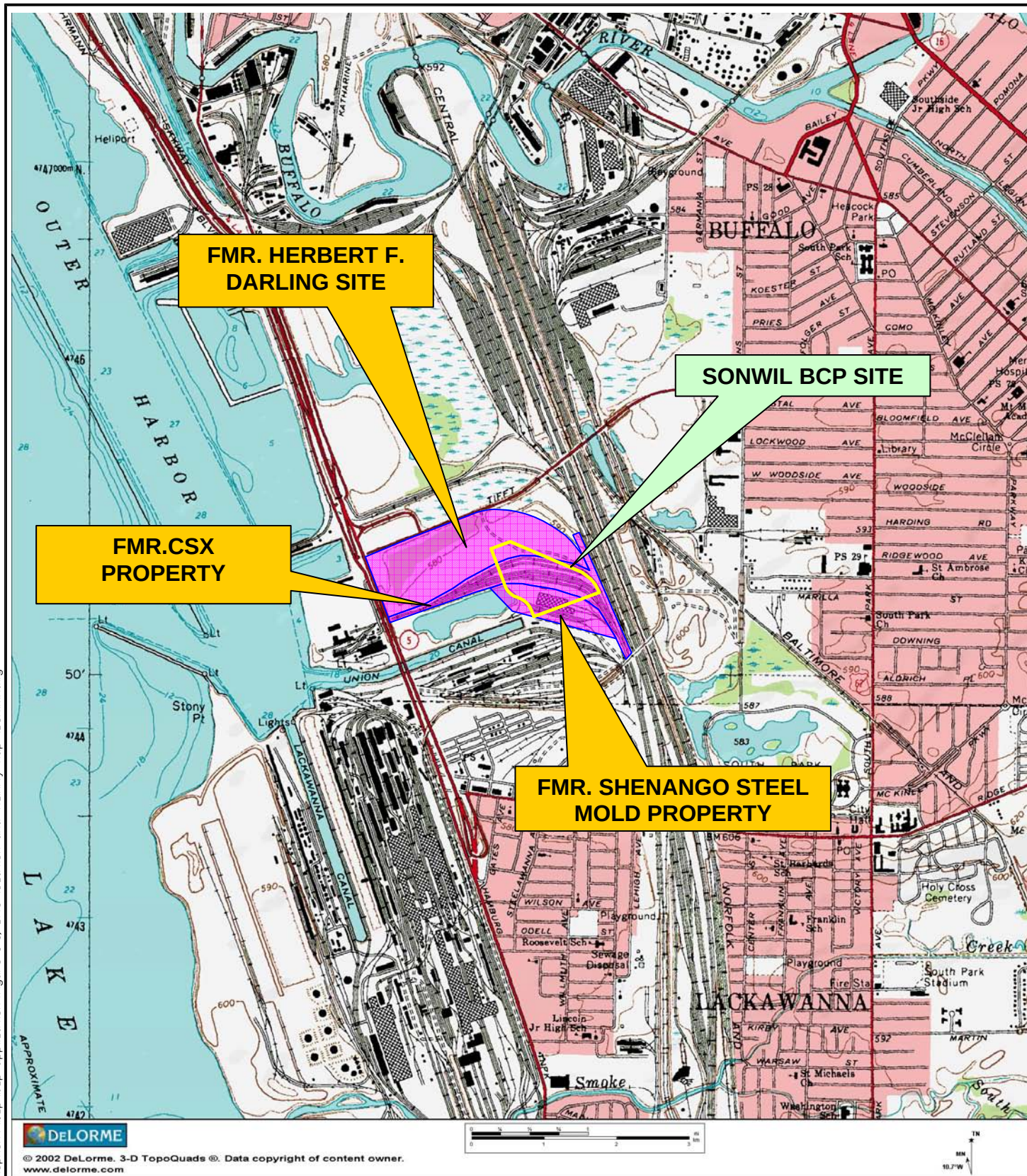
SITE DESCRIPTION

The Sonwil Buffalo Lakeside Commerce Park Site is an approximate 26-acre vacant parcel located at 99 Tiffitt Street in the City of Buffalo (the City), Erie County, New York, within the boundaries of the Buffalo Lakeside Commerce Park. The Sonwil BCP Site is located in an underused and former heavy industrial area near the southern boundary of the City of Buffalo (see Figures 1-1 and 1-2). The Site is surrounded by current and former heavy industrial sites, NYSDEC Inactive Hazardous Waste Sites, NYSDEC Petroleum Spill Sites, and other Brownfield Cleanup Program Sites (see Figure 12-2 in Attachment 12).

The Sonwil BCP Site is comprised of a portion of the following three properties:

- Approximately 2.9 acres of the former Herbert F. Darling (Darling) site, which is vacant undeveloped land generally covered with grass and brush vegetation as well as areas of slag and gravel.
- Approximately 16.0 acres of the former CSX site, which is located in a vacant former railroad corridor and is generally covered with slag and gravel (apparently used as railroad ballast).
- Approximately 7.7 acres of the Shenango Steel Mold (Shenango) site, a former steel manufacturing operation, which is a former NYSDEC Inactive Hazardous Waste Site. The property is currently vacant.

FIGURE 1-1



726 EXCHANGE STREET
SUITE 624
BUFFALO, NEW YORK 14210
(716) 856-635

SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

BUFFALO LAKESIDE COMMERCE PARK
BUFFALO, NEW YORK

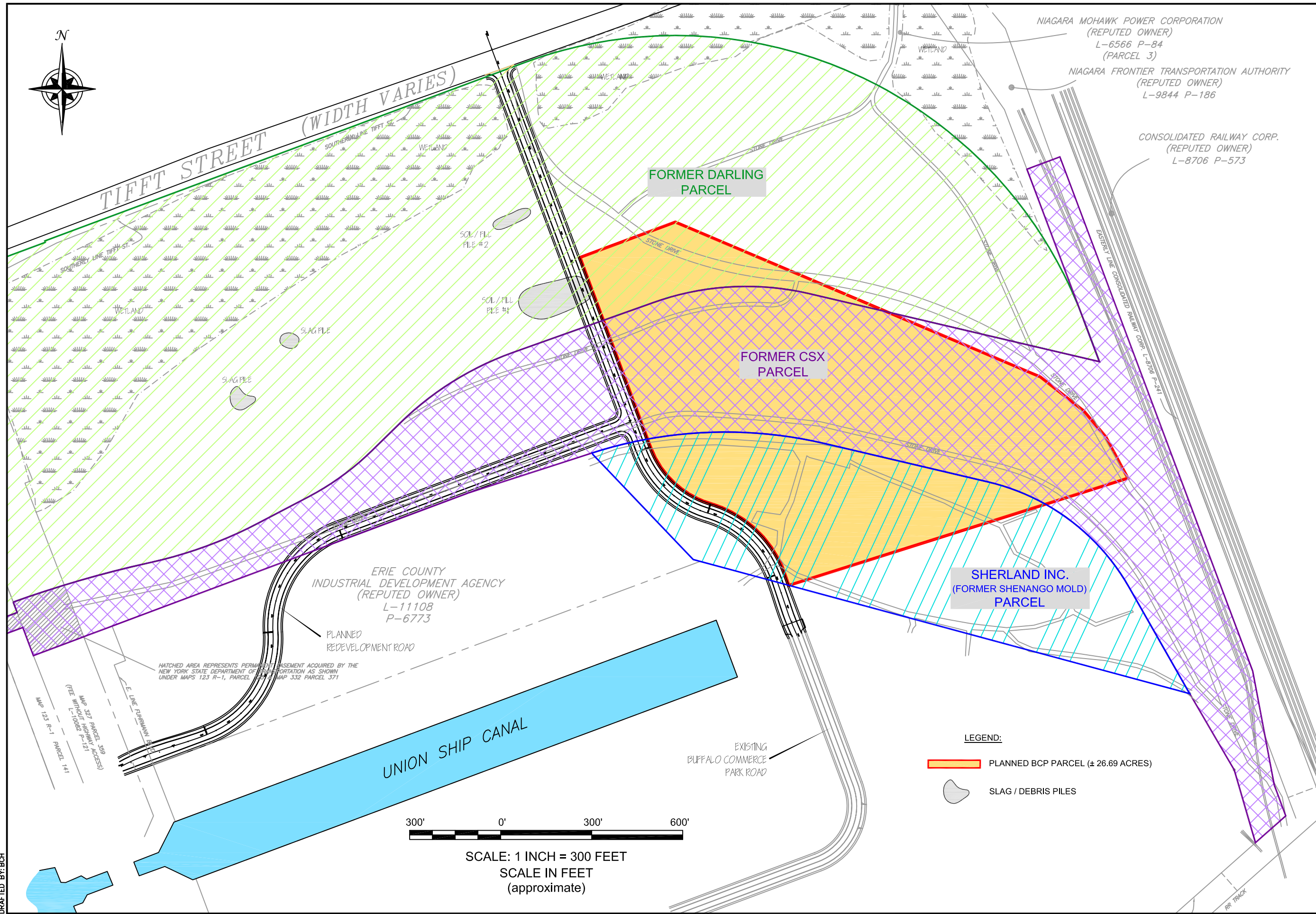
PREPARED FOR
SONWIL DISTRIBUTION

PROJECT NO.: 0131-001-200

DATE: AUGUST 2007

DRAFTED BY: BCH

DATE: AUGUST 2007
DRAFTED BY: BCH



SITE PLAN
BROWNFIELD CLEANUP PROGRAM APPLICATION
BUFFALO LAKESIDE COMMERCE PARK
BUFFALO, NEW YORK

PREPARED FOR
SONWIL DISTRIBUTION

FIGURE 1-2

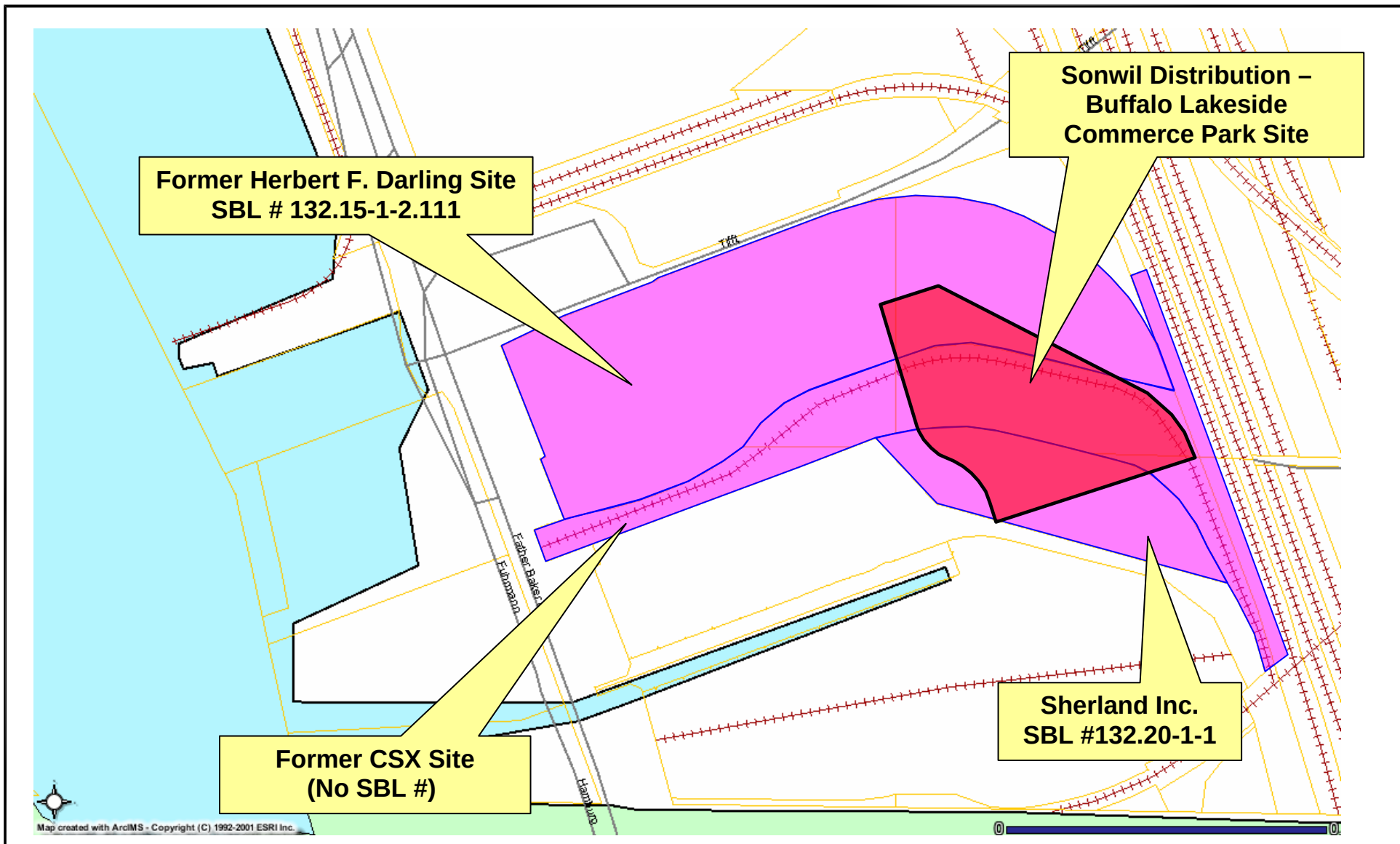
726 EXCHANGE STREET
SUITE 624
BUFFALO, NEW YORK 14210
(716) 856-0635

TURNKEY
ENVIRONMENTAL
RESTORATION, LLC

JOB NO.: 0131-001-200

ATTACHMENT 2

TAX MAP



726 EXCHANGE STREET
SUITE 624
BUFFALO, NEW YORK 14210
(716) 856-0635

PROJECT NO.: 0131-001-200

DATE: AUGUST 2007

DRAFTED BY: BCH

TAX MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

BUFFALO LAKESIDE COMMERCE PARK
BUFFALO, NEW YORK

PREPARED FOR
SONWIL DISTRIBUTION

FIGURE 2-1

ATTACHMENT 3

PROJECT DESCRIPTION AND SCHEDULE

Attachment 03

Project Description

Sonwil Distribution Center Buffalo Lakeside Commerce Park Site Brownfield Cleanup Program Application

PROJECT DESCRIPTION:

The Sonwil Buffalo Lakeside Commerce Park Site is an approximate 26-acre parcel located at 99 Tifft Street in the City of Buffalo (the City), Erie County, New York. The Sonwil BCP Site is located in an underused and former heavy industrial area near the southern boundary of the City of Buffalo (see Figure 1-1 and 1-2 in Attachment 1). The Site is surrounded by current and former heavy industrial sites, NYSDEC Inactive Hazardous Waste Sites, NYSDEC Petroleum Spill Sites, and other Brownfield Cleanup Program Sites (see Figure 12-2 in Attachment 12).

The Sonwil BCP Site is comprised of a portion of the following three properties:

- Approximately 2.9 acres of the former Herbert F. Darling (Darling) site, which is vacant land generally covered with grass and brush vegetation as well as areas of slag and gravel. The site appears to have been utilized as a historic rail corridor. Historic limited investigations have identified groundwater impacted with heavy metals and elevated pH and slag fill up to eight feet below ground surface.
- Approximately 16.0 acres of the former CSX site, which is located in a vacant former railroad corridor and is generally covered with slag (apparently used as railroad ballast). Historic limited investigations have identified groundwater impacted with heavy metals and elevated pH and slag fill up to twelve feet below ground surface.
- Approximately 7.7 acres of the Shenango Steel Mold (Shenango) site, a former steel manufacturing operation, which is a former NYSDEC Inactive Hazardous Waste Site that was remediated in 2006. Historic contaminants of concern include PCBs and semi-volatile organic compounds (SVOCs) in soil. However, PCB were remediated to 10 milligrams per kilogram (mg/kg) and current NYSDEC commercial/industrial SCOs for PCBs is 1 mg/kg. Therefore, PCBs above current applicable SCOs may remain at the site. The property is currently vacant.

The Site is currently owned by the Buffalo Urban Development Corporation. Sonwil Distribution intends to purchase the property and redevelop the Site as a commercial office and warehouse facility (see Figure 4-1 in Attachment 4). The project will include immediate construction of a 300,000 square foot building, with future plans to construct an adjacent 300,000 square foot building. The Site will be serviced by a railroad siding that will be constructed and connected to the existing railroad corridor located to the east of the Site. The project will create over 100 new jobs in the City of Buffalo. Upon completion of the second phase of the project, an additional 50 to 75 jobs will be created.

Attachment 03

Project Description

Sonwil Distribution Center Buffalo Lakeside Commerce Park Site Brownfield Cleanup Program Application

Environmental benefits to development of the Site include: remediation of PCB-impacted soil on a portion of the Site; addressing impacted soil/slag via implementation of a soil/fill management plan; and reducing loading of groundwater impacted with heavy metals and elevated pH to nearby wetlands and the Union Ship Canal via extraction and treatment of contaminated groundwater during Site redevelopment. Adjacent sites (e.g., Buffalo Lakeside Commerce Park Brownfield Site, Shenango Steel and Mold NYSDEC Superfund Site, CertainTeed Brownfield Site, Cobey, LLC Brownfield Site) have encountered industrial fill materials and/or impacted soil and groundwater during investigation, remediation and/or site redevelopment activities. It is expected that similar environmental concerns will be encountered and addressed during Sonwil Distribution's site remediation/redevelopment.

Sonwil is submitting a Remedial Investigation/Alternatives Analysis Report/Interim Remedial Measures (RI/AAR/IRM) Work Plan concurrently with this BCP application to investigate constituents of concern and to characterize the impacts to environmental media. The RI will include soil borings and collection of surface and subsurface soil samples and installation and sampling of groundwater monitoring wells. Sonwil plans to clean-up the Site to NYSDEC Part 375 Restricted-Commercial Soil Cleanup Objectives (SCOs).

PROJECT SCHEDULE

The environmental engineering and consulting tasks associated with the BCP are estimated as follows:

August 2007 - Submit BCP application and Remedial Investigation (RI)/Alternatives Analysis Report (AAR)/Interim Remedial Measures (IRM) Work Plan

October 2007- Complete RI fieldwork

November 2007 to April 2008- Conduct IRM using soil/fill and groundwater management plan

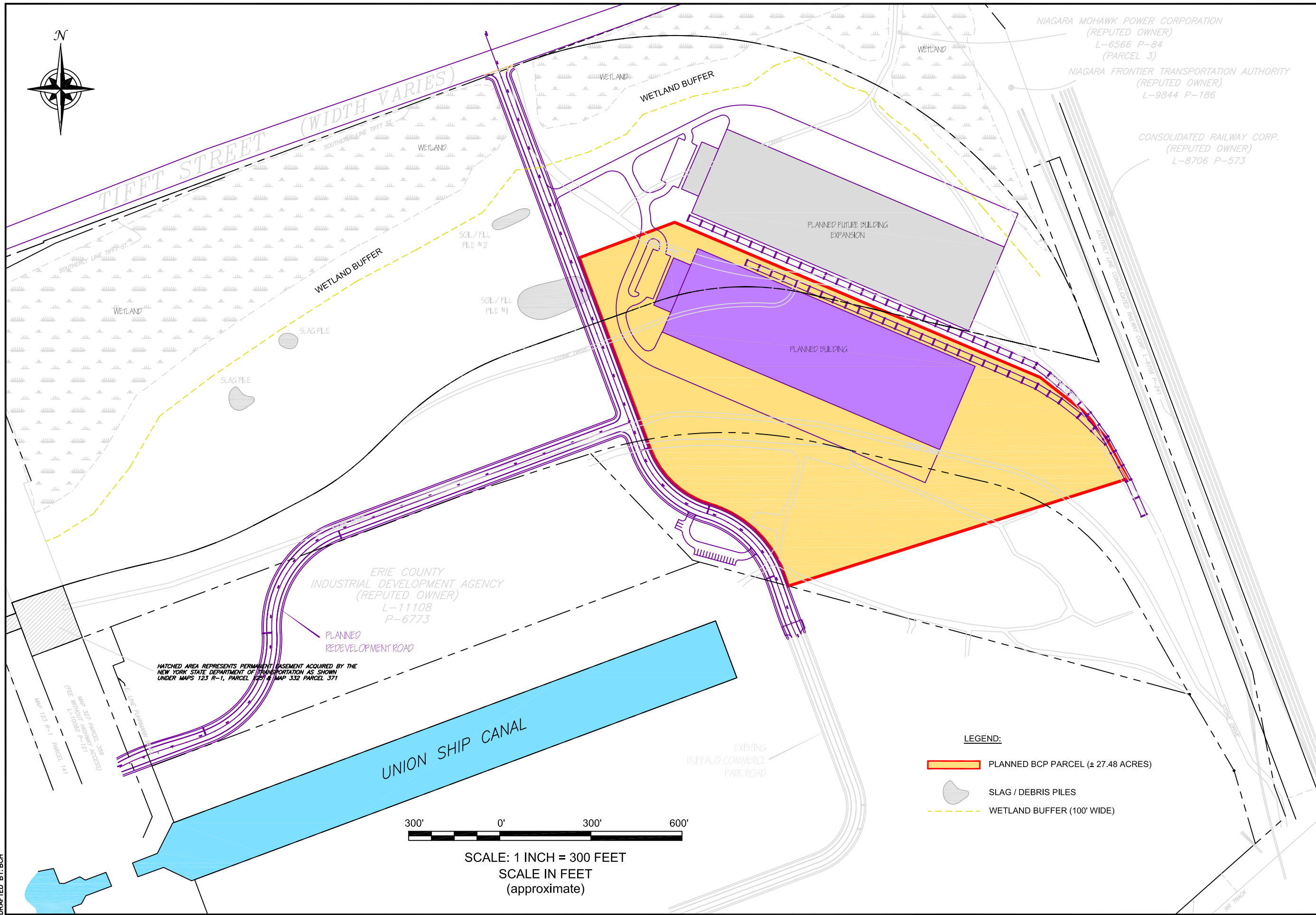
March-April 2008- Excavation of PCB hot spots (concurrent with Site redevelopment)

May 2008- Implement appropriate Institutional and Engineering Controls

ATTACHMENT 4

SITE REDEVELOPMENT PLAN

DATE: AUGUST 2007
DRAFTED BY: BCH



REDEVELOPMENT PLAN
BROWNFIELD CLEANUP PROGRAM APPLICATION
BUFFALO LAKESIDE COMMERCE PARK
BUFFALO, NEW YORK

PREPARED FOR
SONWIL DISTRIBUTION

726 EXCHANGE STREET
SUITE 624
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JOB NO.: 0131-001-200

FIGURE 4-1