
PERIODIC REVIEW REPORT
for the
NIAGARA STREET AND PENNSYLVANIA AVENUE SITE
(SITE NO. C915223)
BUFFALO, NEW YORK

February 2023

0136-013-010

Prepared for:

1093 Group, LLC

Prepared By:



TurnKey Environmental Restoration, LLC
2558 Hamburg Turnpike, Suite 300
Buffalo, NY 14218

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Niagara Street and Pennsylvania Avenue Site
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1.0 INTRODUCTION

TurnKey Environmental Restoration, LLC (TurnKey), has prepared this Periodic Review Report (PRR), on behalf of 1093 Group, LLC, to summarize the post-remedial status of New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Niagara Street and Pennsylvania Avenue Site (Site) (C915223). 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 PRR and the associated inspections form have been completed for the post-remedial activities at the Site for the June 24, 2019 to June 24, 2022 reporting period.

1.1 Site Background

The Site encompasses approximately 0.27 acres property that was redeveloped as part of a larger commercial retail operation (Family Dollar) in the City of Buffalo, New York (see Figure 1). The Site was formerly comprised of two separate adjoining tax parcels which were historically used as a filling station and automobile service operation. Those historic operations impacted on-Site soil and groundwater.

1.2 Remedial History

1093 Group, LLC, entered into a Brownfield Cleanup Agreement (BCA) (Index #B9-0759-07-11, Site #C915223) with the New York State Department of Environmental Conservation (NYSDEC) in October 2008. 1093 Group, LLC completed the investigation and remediation of the Site under the supervision of the NYSDEC and NYSDOH.

The Remedial Investigation/Interim Remedial Measures (RI/IRM) Work Plan was approved by the NYSDEC on November 18, 2008. Remedial activities were performed at the Site between February and July 2009. The remedial program was successful in achieving the remedial objectives for the Site, and the Site Management Plan (SMP) and Final Engineering Report (FER) were approved by the Department in December 2009. The NYSDEC issued a COC for the Site on December 24, 2009.

1.3 Compliance

At the time of the Site inspection, the Site was compliant with the SMP.

1.4 Recommendations

No modifications are recommended at this time.

2.0 SITE OVERVIEW

The Niagara Street and Pennsylvania Avenue Site (Site) is located in the City of Buffalo, County of Erie, New York and is addressed at 517 Niagara Street (SBL# 110.27-5-1.1) on the Erie County Tax Map. The Site is located on the southeast corner of Niagara Street and Pennsylvania Avenue, and bordered by Reynolds Alley, Pennsylvania Avenue, and Niagara Street.

The remedial activities were completed from February through July 2009. The remedial activities included:

- Demolition of the former service station building and product dispenser canopy;
- Removal of five (5) 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 the in-ground lift.
- Excavation of petroleum-impacted soil/fill followed by off-site transportation and disposal at a commercial landfill.
- Excavation and disposal of surface soil/fill with slightly elevated SVOCs (above restricted-residential SCOs) across the southeast portion of the Site. That material was also transported off-Site and disposed of at a commercial landfill.
- Extraction and treatment of groundwater from the excavation during remediation activities.
- Placement and compaction of backfill.

Remedial activities were completed in July 2009. The FER and SMP for the Site were approved by the Department in December 2009. The COC was issued for the Site on December 24, 2009.

3.0 REMEDY PERFORMANCE

The completed remedial measures, as identified above, and more fully detailed in the FER, removed the former UST system and petroleum impacted on-Site soil/fill to the property boundary along Niagara Street and Pennsylvania Avenue, and/or achieved a Track 2 Restricted Residential Use cleanup. Redevelopment activities included the construction of a new commercial building (see Figure 2 and photolog).

Post-remedial monitoring has been completed at the Site in accordance with the SMP (2009). The Site inspection including a walk-over of the entire BCP Site to visually observe and document the use of the Site, restriction of groundwater use, and conformance with the Site Management Plan (SMP). Cessation of groundwater monitoring was approved by the Department in 2016, and the groundwater monitoring wells were decommissioned in 2019.

The site inspections indicate 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 Niagara Street and Pennsylvania Avenue Site 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; and, (2) limit the land use and development of the Site to restricted-residential use or more restricted uses (i.e., commercial or industrial).

4.1.1 Institutional Controls

- Land-Use Restriction: The controlled property may be used for restricted residential, commercial and/or industrial use;
- Groundwater-Use Restriction – the use of groundwater is prohibited; and,
- Implementation of the SMP.

4.1.2 Engineering Controls

- Cover System – The cover system, including building foundations, concrete sidewalks, concrete or asphalt driveways and parking areas, and landscaped vegetated areas are being maintained in compliance with the SMP.

4.2 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.

Annual site inspections were completed on April 9, 2021 and November 9, 2022. No site inspection was completed during 2020 due to conditions related to the novel coronavirus.

At the time of the inspection, the property was being used as a commercial retail operation (Family Dollar), 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.

Ongoing maintenance of the asphalt cover system was noted during the 2021 site inspection (areas of asphalt degradation), and asphalt patching during the 2022 site inspection. No excavation or subgrade backfill was imported to the Site during the reporting period.

It should be noted that during the 2022 site inspection, the adjacent 507 Niagara Street property is undergoing redevelopment. Additional offsite modification of structures along Reynolds Alley were also noted (see photolog).

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.

4.3 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.

4.3.1 Engineering Controls

No engineering controls are required for the Site.

4.3.2 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 restricted-residential, commercial and/or industrial use; and,
- Implementation of the SMP.

6.0 CONCLUSIONS AND RECOMMENDATIONS

Conclusions and recommendations are as follows:

- Based on the site inspections, the Site was in compliance with the Site Management Plan.

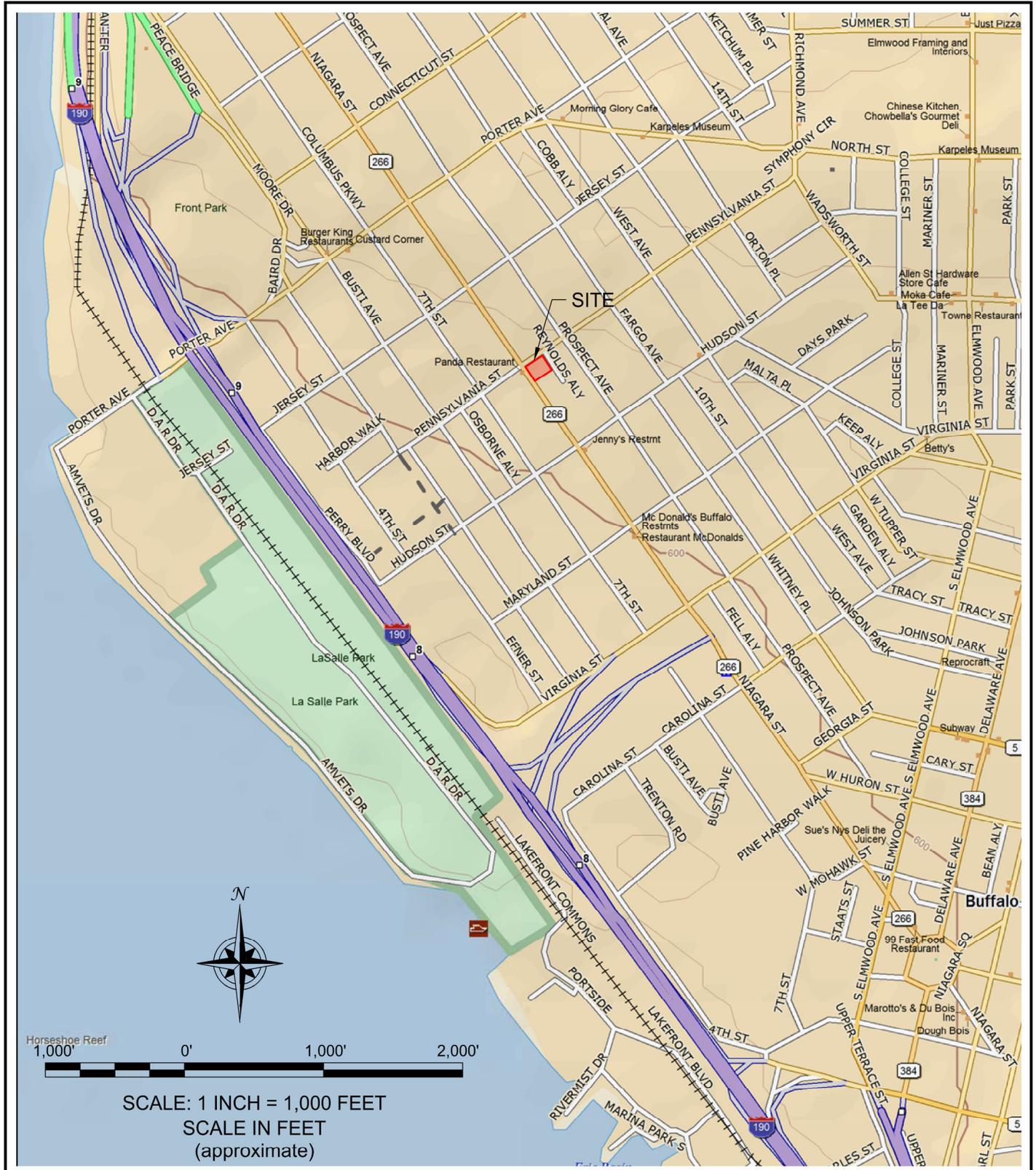
7.0 DECLARATION/LIMITATION

TurnKey Environmental Restoration, LLC personnel conducted the annual site inspections for the Niagara Street and Pennsylvania Avenue Site No. C915223, located in Buffalo, New York, according to generally accepted practices. This report complied with the scope of work provided to 1093 Group, LLC by TurnKey Environmental Restoration, LLC.

This report has been prepared for the exclusive use of 1093 Group, 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 1093 Group, 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



F:\CAD\TurnKey\Elliott\Development\517 Niagara Street BCP\PRR\2023 PRR\Figure 1: Site Location and Vicinity Map.dwg, 2/10/2023 1:04:33 PM, Adobe PDF

SITE LOCATION AND VICINITY MAP

PERIODIC REVIEW REPORT

NIAGARA STREET AND PENNSYLVANIA AVENUE SITE

BCP SITE No. C915223
BUFFALO, NEW YORK

PREPARED FOR
1093 GROUP, LLC



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

PROJECT NO.: 0136-013-010

DATE: FEBRUARY 2023

DRAFTED BY: CEH



2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0835

PROJECT NO.: 0136-002-600

DATE: FEBRUARY 2023

DRAFTED BY: CEH

SITE PLAN (AERIAL)
PERIODIC REVIEW REPORT

NIAGARA STREET AND PENNSYLVANIA AVENUE SITE
BCP SITE NO. C915223
BUFFALO, NEW YORK
PREPARED FOR
1093 GROUP, LLC

FIGURE 2

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.	C915223		
Site Name Niagara Street and Pennsylvania Avenue Site			
Site Address: 517 Niagara Street		Zip Code: 14201	
City/Town: Buffalo			
County: Erie			
Site Acreage: 0.270			
Reporting Period: June 24, 2019 to June 24, 2022			
		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? Restricted-Residential, Commercial, and Industrial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.	Are all ICs 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.			
<hr/>		<hr/>	
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?

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?
(The Qualitative Exposure Assessment must be certified every five years)

YES NO

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915223

Box 3**Description of Institutional Controls**ParcelOwnerInstitutional Control

110.27-5-1.1

1093 Group, LLC

Ground Water Use Restriction
Soil Management Plan
Landuse Restriction
Site Management Plan
IC/EC Plan

No engineering controls. Institutional controls include an Environmental Easement (EE), and a Site Management Plan, and periodic certification. EE restricts site to "restricted residential" use, ground water is prohibited for consumptive use, and SMP is required.

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 Engineering Control 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. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The 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. C915223

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 William Saladino at 295 Main St, Ste 700, Buffalo NY
print name print business address 14203

am certifying as Owner 1093 Group, LLC Mgr (Owner or Remedial Party)

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


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

2/15/23
Date

APPENDIX B

SITE PHOTOGRAPH LOG

SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



- Photo 1: Subject Property (Looking north along Niagara Street)
Photo 2: Subject Property (Parking area – looking northeast from Niagara Street)
Photo 3: Subject Property (Side parking area – looking west toward Niagara St.)
Photo 4: Subject Property (Rear alley-driveway – looking south to Pennsylvania Avenue)

Niagara Street and Pennsylvania Avenue Site
Buffalo, New York
November 9, 2022



SITE PHOTOGRAPHS

Photo 5:



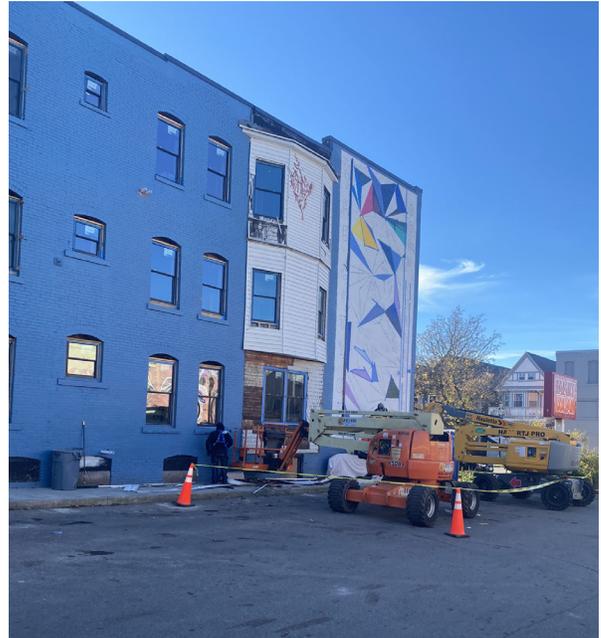
Photo 6:



Photo 7:



Photo 8:



- Photo 5: Subject Property (Rear alley looking north from Pennsylvania Avenue)
Photo 6: Subject Property (looking west along Pennsylvania Avenue)
Photo 7: PVC well pipe and metal casing being removed from MW-4
Photo 8: Adjacent Property – Redevelopment activities

Niagara Street and Pennsylvania Avenue Site
Buffalo, New York
November 9, 2022

