

David Szymanski, Project Manager
New York State Department of Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203-2915

Arcadis of New York, Inc.
50 Fountain Plaza
Suite 600
Buffalo, New York 14202
Tel 716.667.0900

Subject:
Flexo Transparent, LLC - BCP Site C915228
Periodic Review Report and Institutional Control Certification

ENVIRONMENT

Dear Mr. Szymanski:

On behalf of Flexo Transparent, LLC (Flexo), Arcadis of New York, Inc. (Arcadis) is submitting the annual Periodic Review Report (PRR) and Institutional Control Certification for Brownfield Clean-Up Program (BCP) Site C915228.

Date:
July 13, 2016

Contact:
Kate Clubine

Flexo is in the process of expanding flexographic printing capabilities at the facility, which has required activities such as site development, construction, permit updates, and tax parcel merging. These activities, which are reflected in the certification form answers to question one through question five, are detailed in the PRR Section 4: Site Development. The table below summarizes the reason for the answers for question one through question five.

Phone:
716.667.6637

Email:
Kate.Clubine@Arcadis.com

Our ref:
6105002.0008

Question	Explanation of Answer
One	The site address has changed from 1122-1146 Seneca Street to 28 Wasson Street. The tax parcels that form the BCP boundary have been merged into the tax parcel section 123, block 29-1, lot 2.11, which has a site address of 28 Wasson, Buffalo, New York 14210.
Two	The tax parcels have been merged as described above.
Three	Approximately one acre of the former 1146 Seneca Street parcel, which was previously a grass-covered berm, is undergoing development to erect the building expansion and associated infrastructure.
Four	Construction and building permits have been issued for the building expansion, as well as an approved minor modification to the Flexo Title V permit to cover the addition of printing press equipment and the regenerative thermal oxidizer.
Five	The site development is ongoing. The project is anticipated to be completed by the end of summer 2017.



Please note that per the June 27, 2017 email correspondence between Kate Clubine of Arcadis and David Szymanski of the New York State the Department of Environmental Conservation, the summary report that documents the site development will be submitted separately from the PRR once onsite activities are complete.

If you require additional information or would like to discuss this submittal further, please contact me at 716-667-6637.

Sincerely,
Arcadis of New York, Inc.

A handwritten signature in cursive script that reads 'Katherine Clubine'.

Kate Clubine
Environmental Scientist

Enclosures

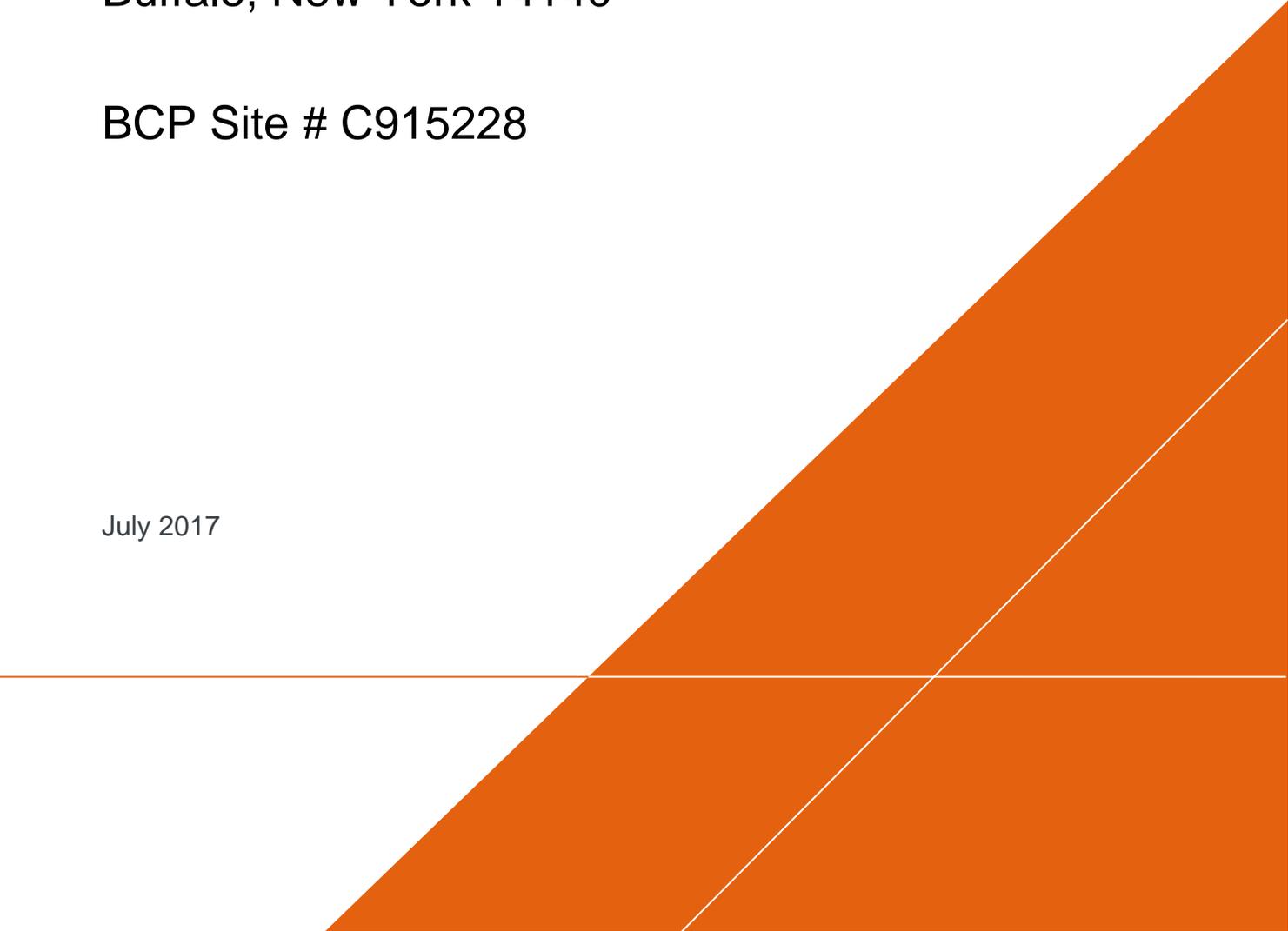
CC:
B. Mabry (Flexo)
D. Steger (Flexo)
T. Newman (Flexo)

PERIODIC REVIEW REPORT

Flexo Transparent, LLC
28 Wasson Street
Buffalo, New York 14140

BCP Site # C915228

July 2017



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- A. IC Certification Form

1 INTRODUCTION

As a requirement of the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program, Arcadis has prepared this Periodic Review Report (PRR) for BCP Site # C915228. The Site was purchased by Flexo Transparent (Flexo), remediated under the BCP, and is now used as Flexo's warehouse and manufacturing facility. The Site comprises three adjacent properties; formerly addresses 1122, 1132, and 1146 Seneca Street in Buffalo, New York. A single large building is present on the middle parcel. The warehouse and manufacturing building was formerly used as an electrical transformer manufacturing facility and historic records indicate that former brick and lumber manufacturing facilities once occupied the eastern (1146 Seneca) lot. This eastern lot was vacant land at the time that Flexo purchased it. The three-parcel Site totals 4.2 acres in size. Flexo's Site redevelopment included removal of contaminated soil and replacement with clean soil. The 4.2-acre Site is bounded to the north by a vacant lot, to the south by Seneca Street, to the east by single family residential properties, and to the west by the City of Buffalo Highway garage. The location of the Site is shown on Figure 1 and additional details of the Site property with lot lines and Site features are provided on Figure 2.

2 SITE OVERVIEW

Elevated concentrations of polychlorinated biphenyls (PCBs) were first detected on the 1132 Seneca Street property between October 1989 and November 1990. A Phase I Environmental Site Assessment (ESA) was completed by Malcolm Pirnie in September 2007 and listed several recognized environmental conditions (RECs) including; the presence of PCBs in soil near the loading dock, and reports of "oily/greasy" soil north of the transformer manufacturing building. A Phase II Investigation was completed by Malcolm Pirnie in March 2008 revealing elevated levels of PCBs and SVOCs within the Site soils.

Based on the confirmed presence of chemicals of concern in on-Site soil, Flexo Transparent volunteered to further investigate and cleanup the Site under the State's Brownfield Cleanup Program (BCP). As part of the BCP process, a Remedial Investigation was completed at the Site in 2009 to determine the degree and extent of contamination. Interim remedial measures were implemented concurrent with the RI and included removal of PCB-impacted soil from the loading dock and the area north of the Site building and a leaking underground storage tank from the 1132 Seneca Street property. A Remedial Work Plan (RWP) was prepared and approved by the NYSDEC in 2010 to clean up the remainder of the Site.

3 REMEDIAL ACTIVITIES

The Site was remediated in 2010 to achieve a Track 2 level cleanup by removing soil/fill materials that contained constituents of concern at concentrations greater than the restricted industrial Soil Cleanup Objectives (SCOs) and disposed at an off-Site NYSDEC-permitted and approved disposal facility. The Track 2 level cleanup allows Flexo to forgo the use of engineering controls, such as a soil cover system. Institutional Controls (ICs) are required and in place and include restrictions on land use and groundwater use. The Site can only be used for industrial use, not commercial or residential and groundwater from beneath the Site may not be used without prior treatment and written permission of the NYSDEC. These ICs are recorded in an Environmental Easement which is a part of the Site Management Plan.

The Site remedial action included removal of PCB-impacted soil/fill from the 1122 and 1132 Seneca Street properties and the removal of benzo(a)pyrene (BAP)-impacted soil/fill from the 1146 Seneca Street property. Excavation, confirmation sampling, and backfilling with clean soil were performed as part of the removal process. Figure 3 illustrates the location and depth of impacted soil/fill removed from the Site to comply with the Remedial Work Plan.

Malcolm Pirnie personnel provided oversight, consultation, and documentation of Site redevelopment activities that involved excavation and handling of soil/fill. Site excavation activities were observed and screened by a qualified environmental professional. Characterization sampling was performed a frequency of approximately one sample per up to 2,000 cubic yards. A total of 11 samples were collected between July 2010 and May 2011. Based on the results of the required analytical testing, the excavated Site soils were reused on Site as subgrade soils within green space. No Site soils were reused as utility trench backfill. Utility trenches were backfilled with clean crushed stone. The remedial actions are summarized in greater detail in the Final Engineering Report (Malcolm Pirnie, 2010a).

As a requirement of the BCP, post remedial obligations remain in place for the current Site owner (Flexo) as provided in the Site Management Plan (Malcolm Pirnie, 2010). The Site Management Plan contains three primary parts as described below:

- Excavation Work Plan (EWP) – describes specific monitoring, sampling, and handling requirements to be followed during future on-Site excavation activity.
- The Environmental Easement – spells out, among other things, the owner obligations for; DEC's rights of Site access, implementation of the Site Management Plan, annual certification of institutional controls, and scheduled completion of a Periodic Review Report (PRR).
- Periodic Review Report (PRR) – including the Engineering Control/Institutional Controls (EC/IC) Certification Form to be completed for periodic certification of the institutional controls listed above.

4 SITE DEVELOPMENT

Flexo is expanding the facility's current printing capacity by erecting an addition to the manufacturing building to house a 10-color flexographic printing press. In support of the expansion, the following activities have been completed at the Site from July 2016 through June 2017.

4.1 TAX PARCEL UPDATE

The Flexo facility previously consisted of four separate tax parcels, including three tax parcels that comprised BCP Site No. C915228, and a fourth tax parcel which serves as the main offices and a manufacturing building. Flexo requested that the City of Buffalo merge the four tax parcels into a single tax parcel because the City of Buffalo does not allow construction across multiple tax parcels. Tax parcels sections 123, block 29-1, lot 10 (1146 Seneca Street), lot 11 (1132 Seneca Street), and lot 12 (1122 Seneca Street) are now incorporated under tax parcel section 123, block 29-1, lot 2.11 (28 Wasson). The boundaries of the BCP site remain unchanged.

4.2 TITLE V AIR PERMIT MINOR MODIFICATION

The operations at the facility are covered under the Title V Operating Permit No. 9-1402-00574/00026. On June 26, 2017, the NYSDEC approved the Flexo permit application for minor modification to include coverage for a proposed 10-color flexographic printing press and a regenerative thermal oxidizer (RTO) to control volatile organic compound (VOC) emissions from the proposed press.

4.3 FACILITY INFRASTRUCTURE

Flexo is developing the former tax parcel 1146 Seneca Street from vacant industrial land into an expansion of the main manufacturing building to house equipment for additional printing capacity. This project includes:

- Construction of a 16,200-square foot single story metal building addition
- Construction of a 1,500-square foot concrete pad for the oxidizer west of the addition
- Construction of a 3,900-square foot fire lane to the south of the addition
- Construction of a new underground storm water detention basin
- Construction of approximately 3,300-square foot concrete pad for truck dock
- Construction of approximately 400-square foot concrete pad for a new power transformer
- Installation of two power poles for primary power cutouts to be installed by National Grid
- Construction of approximately 350 feet of buried power lines in conduit running from a new transformer to Seneca Street oriented north-south along the former 1146 Seneca Street property boundary
- Construction of approximately 250 feet of 6-inch waterline running from a new hydrant to Seneca Street oriented north-south along the former 1146 Seneca Street property boundary, along with an above ground aluminum heated water service enclosure on a concrete pad
- Excavation of approximately 12,000 tons of soil transported to and disposed at Waste Management Chaffee Landfill (as of the date of this PRR)
- Compliance activities per the Site Management Plan

The following team of professionals are supporting the Flexo project:

- Arcadis of New York – Environmental Engineering Consultant
- Pinto Construction Services – Earthwork Construction Contractor
- Hayes Construction Services – Building Construction Contractor
- Tredo Engineering – Civil/Structural Engineering Consultant
- National Grid – Installation of power poles for primary cutouts

All facility expansion activities have been performed in accordance with the Site Management Plan. Following completion of the facility expansion activities, which are anticipated to be complete by the end of summer 2017, a report will be submitted to NYSDEC to document all activities performed onsite that are

governed by the Site Management Plan, such as ground-intrusive activities, waste management, materials management, and health and safety.

5 SITE INSPECTION

Arcadis has provided oversight and site inspection throughout the duration of the facility expansion project to ensure compliance with the Site Management Plan. Arcadis has confirmed that the Site is actively used by the Site owner for industrial warehouse and manufacturing purposes. Groundwater from beneath the Site is not used for any purpose. Photographs of the site will be provided in the report documenting the facility expansion activities.

6 COMPLIANCE WITH INSTITUTIONAL CONTROLS

Institutional Controls (IC) currently enacted for the Site include:

- Excavation Work Plan;
- Environmental Easement.

6.1 THE EXCAVATION WORK PLAN

The Excavation Work Plan (EWP) is designed to provide for the protection of human health and the environment during redevelopment and use of the Site. The EWP documents known Site background information and describes requisite handling procedures for subsurface contamination, if encountered. The EWP 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.
- 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 EWP.

6.2 ENVIRONMENTAL EASEMENT

An Environmental Easement pursuant of Title 36 to Article 71 of the New York State Environmental Conservation Law, and the NYSDEC was granted for the Site. The easement was signed on September 15, 2010 and accepted by the State of New York on September 30, 2010. The easement stipulates that the property can be used for industrial purposes contingent upon the long-term implementation of the institutional controls summarized below:

- Site (Controlled Property) soil/fill that is excavated on the Controlled Property will be managed, characterized and properly disposed of in accordance with NYSDEC regulations, directives, and the Excavation Work Plan.
- 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 use of the Controlled Property will not be elevated to an unrestricted, residential, or commercial 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 NYSDEC that certifies that all approved institutional controls are unchanged and have remained in effect. Currently this is required annually.

6.3 IC CONCLUSIONS

As confirmed by the ongoing oversight and inspections by Arcadis to ensure compliance with Site Management Plan protocol and the Certification form (Appendix A), the institutional controls required in the Environmental Easement are being followed by the Site owner and remain in effect.

7 REFERENCES

Malcolm Pirnie. 2010a. *Final Engineering Report 1132-1146 Seneca Street Site Erie County, New York, NYSDEC Site Number: C915228*

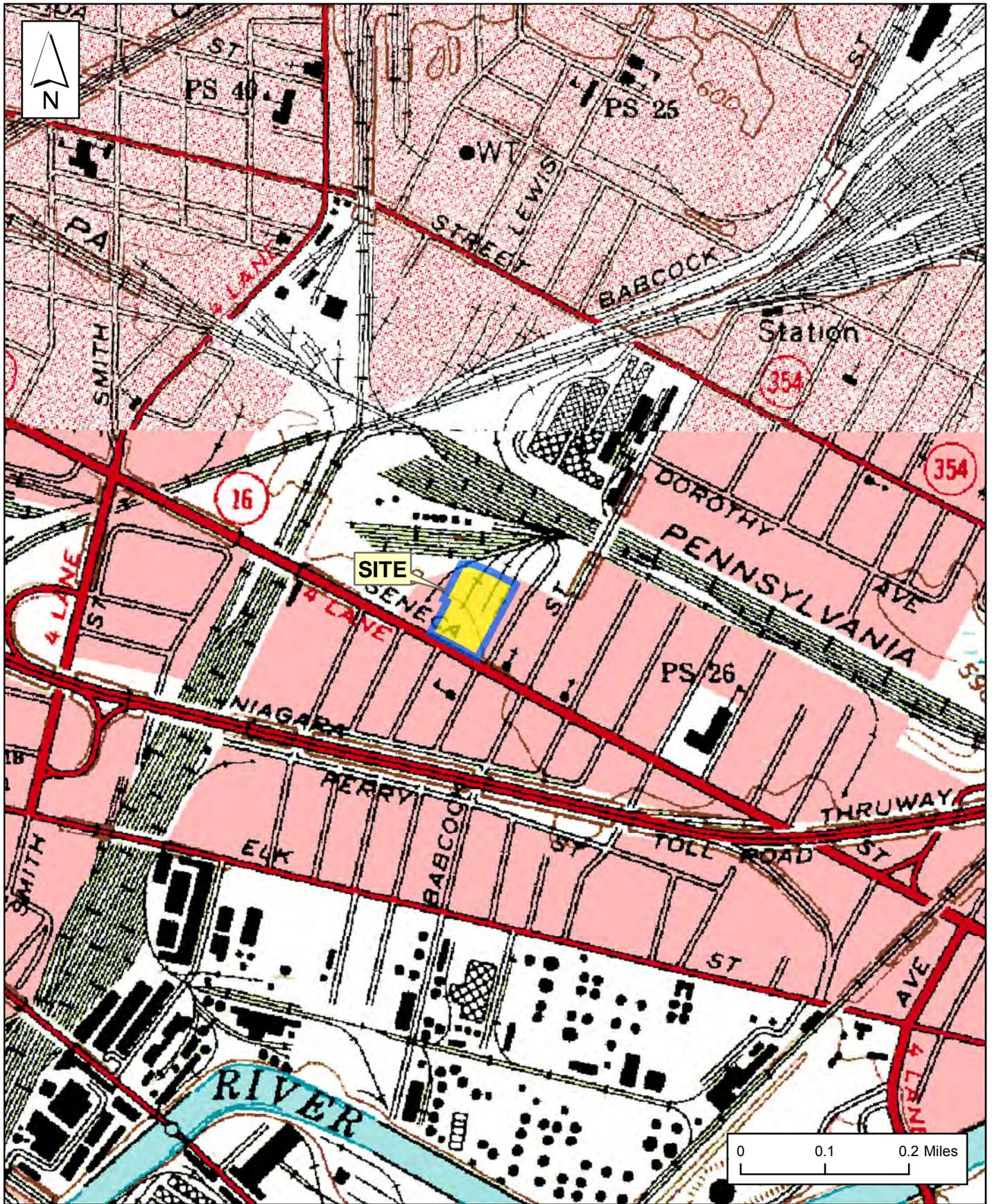
Malcolm Pirnie. 2010b. *Remedial Investigation Report / Remedial Work Plan 1132-1146 Seneca Street Site Erie County, New York, NYSDEC Site Number: C915228.*

Malcolm Pirnie. 2010c. *Site Management Plan 1132 – 1146 Seneca Street Site City of Buffalo, Erie County, New York, NYSDEC Site Number: BCP Site C915228.*

New York State Department of Environmental Conservation (NYSDEC). 2010. *DER-10 / Technical Guidance for Site Investigation and Remediation*

FIGURES



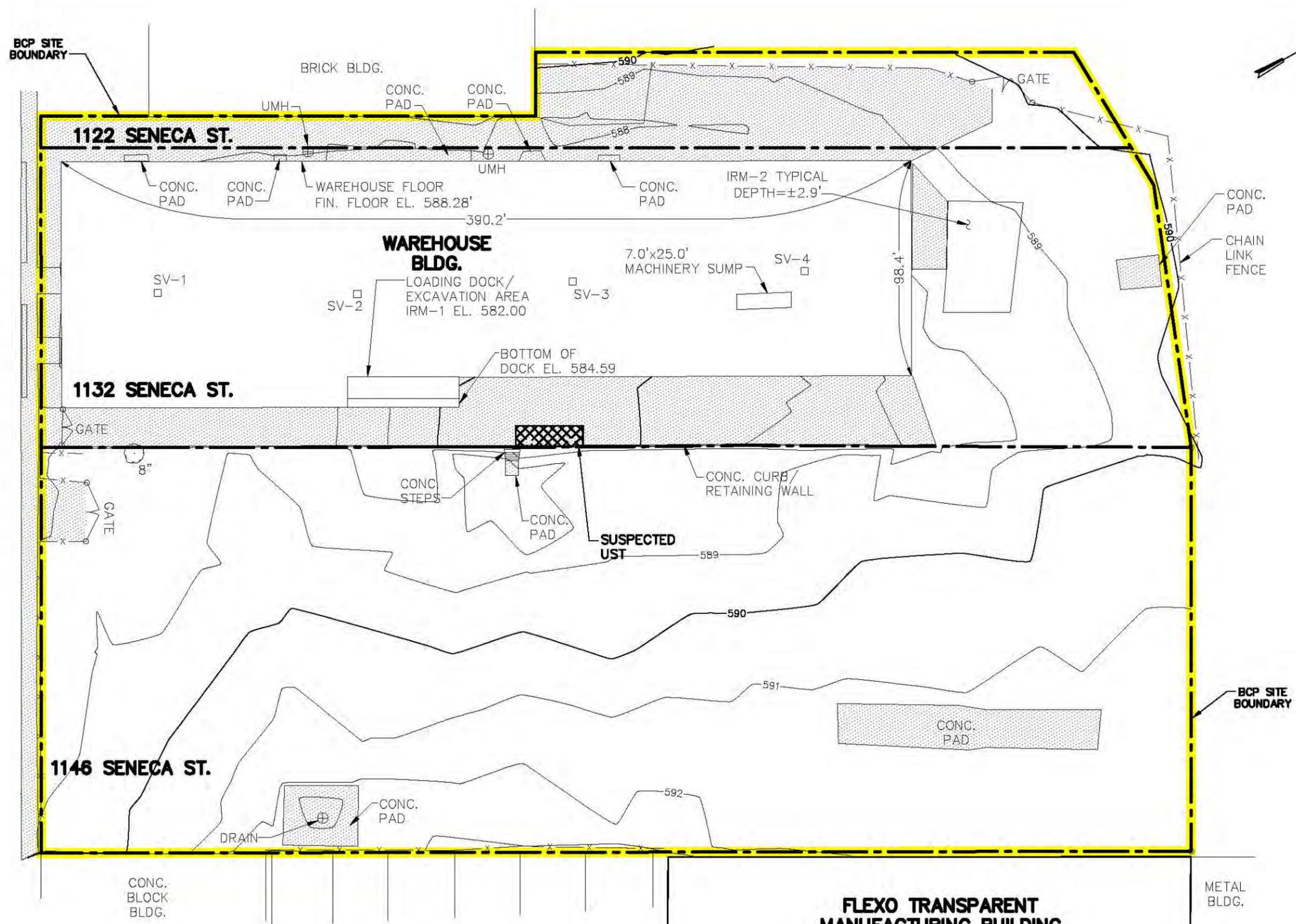


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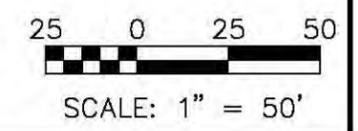
LEGEND

-  BCP SITE BOUNDARY
-  PARCEL BOUNDARY

SENECA STREET (66.0')



FLEXO TRANSPARENT MANUFACTURING BUILDING
 (CONC. BLOCK BLDG.)

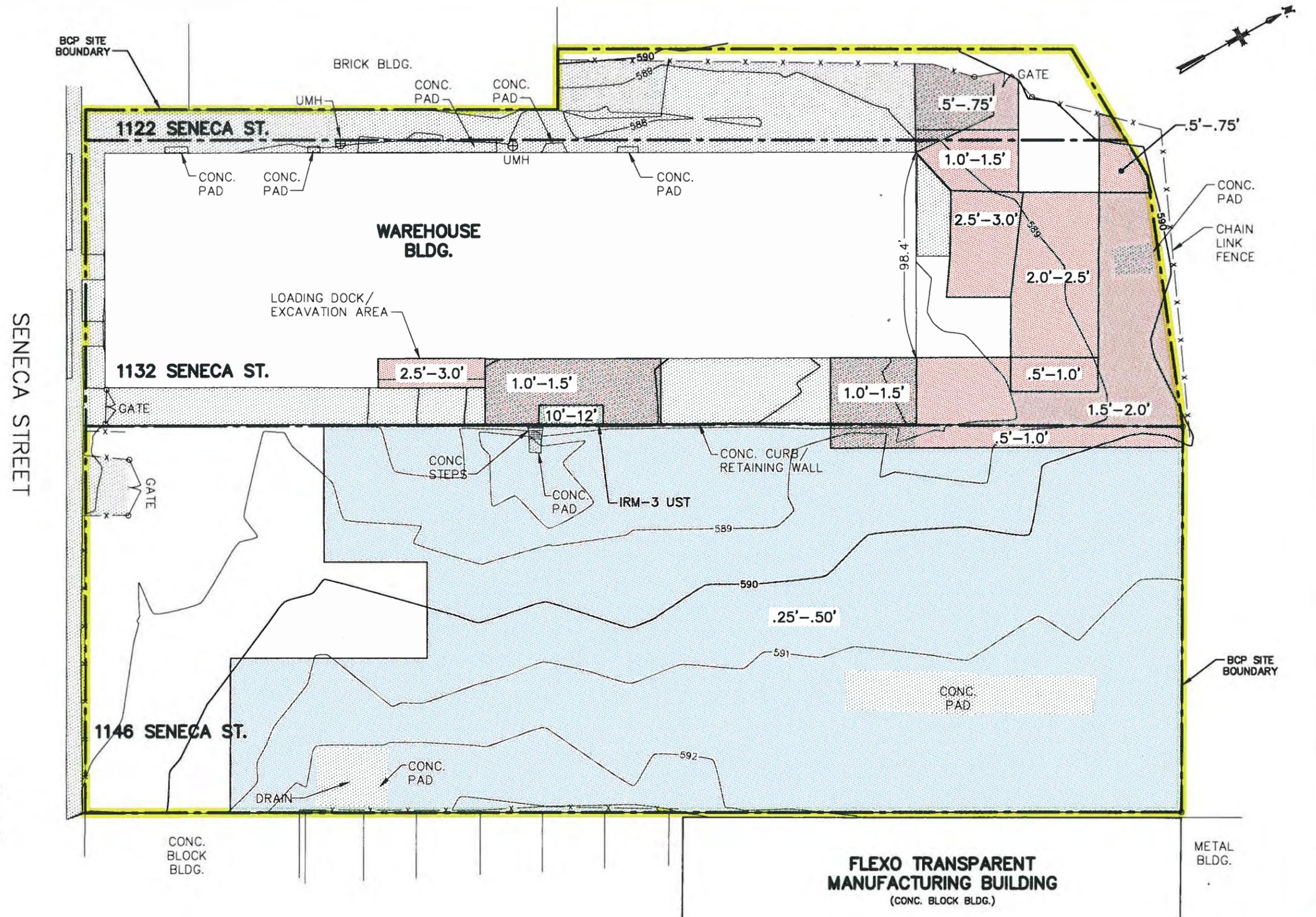


FLEXO TRANSPARENT, INC.
 BUFFALO, NEW YORK
PERIODIC REVIEW REPORT
 1132-1146 SENECA STREET BCP REDEVELOPMENT

SITE PARCEL MAP

SCALE: 1"=50'

ARCADIS U.S., INC.
 FEBRUARY 2012
FIGURE 2



APPENDIX A

Institutional Control 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. C915228		
Site Name 1132-1146 Seneca St.		
Site Address: 1122-1146 Seneca Street Zip Code: 14210		
City/Town: Buffalo		
County: Erie		
Site Acreage: 4.2		
Reporting Period: June 15, 2016 to June 15, 2017		
		YES NO
1. Is the information above correct?		<input type="checkbox"/> <input checked="" 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 checked="" type="checkbox"/> <input type="checkbox"/>
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?		<input checked="" type="checkbox"/> <input 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 checked="" type="checkbox"/> <input 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 checked="" type="checkbox"/> <input type="checkbox"/>

		Box 2
		YES NO
6. Is the current site use consistent with the use(s) listed below? 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 <input type="checkbox"/> <input checked="" type="checkbox"/>
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)	<input checked="" type="checkbox"/> <input type="checkbox"/>
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. C915228		Box 3
Description of Institutional Controls		
<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
123-29-1-10	RSB Enterprises, LLC	Soil Management Plan Landuse Restriction Site Management Plan IC/EC Plan
EE restricts the property use to Industrial. Also prohibits the groundwater from being used for drinking water unless prior approval from DEC and DOH. SMP in place with Excavation Workplan to manage soils generated from future site work. Periodic certification required to verify that institutional controls remain in place and effective. There are no engineering controls associated with the remedy.		
123-29-1-11	RSB Enterprises, LLC.	Soil Management Plan Landuse Restriction Site Management Plan IC/EC Plan
EE restricts the property use to Industrial. Also prohibits the groundwater from being used for drinking water unless prior approval from DEC and DOH. SMP in place with Excavation Workplan to manage soils generated from future site work. Periodic certification required to verify that institutional controls remain in place and effective. There are no engineering controls associated with the remedy.		
123-29-1-12	RSB Enterprises, LLC	Soil Management Plan Landuse Restriction Site Management Plan IC/EC Plan
EE restricts the property use to Industrial. Also prohibits the groundwater from being used for drinking water unless prior approval from DEC and DOH. SMP in place with Excavation Workplan to manage soils generated from future site work. Periodic certification required to verify that institutional controls remain in place and effective. There are no engineering controls associated with the remedy.		

		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;

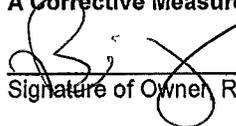
(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(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

7/5/17

Date

IC CERTIFICATIONS
SITE NO. C915228

Box 6

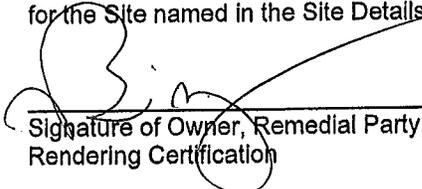
SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

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 Brian Mabry at 28 Wasson Street, Buffalo NY 14210,
print name print business address

am certifying as President of Flexo Transparent, LLC (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

7/5/17
Date

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Tel 716 667 0900

www.Arcadis.com