

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:
BCP Site C915228
Periodic Review Report and Institutional Control Certification

ENVIRONMENT

Dear Mr. Szymanski:

On behalf of Flexo Transparent, LLC, 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 15, 2019

Contact:
Kate Clubine

Please note that Flexo Transparent, LLC was issued a renewal of the facility Title V air permit (ID 9-1402-00574/00026) on April 22, 2019 (see PRR question 4 regarding issued state permits). A copy of the permit is available upon request. No other permits were issued during the period of June 2018 through June 2019.

Phone:
716.667.6637

Email:
Kate.Clubine@Arcadis.com

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

Our ref:
6105002.0018

Sincerely,
Arcadis of New York, Inc.



Kate Clubine
Environmental Scientist

Enclosures

CC:
B. Girard (Arcadis)
B. Mabry (Flexo)
D. Steger (Flexo)
T. Neuman (Flexo)

PERIODIC REVIEW REPORT

Site Name: 1132-1146 Seneca Street

BCP Site # C915228

Site Address: 28 Wasson Street, Buffalo, NY 14210

July 2019

A large orange geometric graphic consisting of a triangle and a rectangle, with a white diagonal line and a white horizontal line intersecting them.

PERIODIC REVIEW REPORT

Periodic Review Report

Prepared for:

Flexo Transparent, LLC
28 Wasson Street
Buffalo, New York 14210
(716) 825-7710

Prepared by:

Arcadis of New York, Inc.
50 Fountain Plaza, Suite 600
Buffalo, New York 14202
Tel 716 667 0900
Fax 716 842 2612

Our Ref.:

06105002.0018

Date:

July 2019

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PERIODIC REVIEW REPORT

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1 INTRODUCTION

In 2008, Flexo Transparent (Flexo) entered into the New York State Department of Environmental Conservation (NYSDEC) Brownfield Clean-Up Program (BCP) as registered BCP Site C915228 to remediate three contiguous properties, totaling 4.2-acres (Figure 1). The BCP Site (the Site) consists of:

- Tax parcel section 123, block 29-1, lot 10 (28 Wasson Street, formerly 1146 Seneca Street)
- Tax parcel section 123, block 29-1, lot 11 (28 Wasson Street, formerly 1132 Seneca Street)
- Tax parcel section 123, block 29-1, lot 12 (28 Wasson Street, formerly 1122 Seneca Street)

In 2010, the Site achieved a Track 2 level cleanup through the BCP. The remedial measures completed at the Site are documented in the Final Engineering Report (Malcolm Pirnie 2010). As a requirement of the BCP, post-remedial obligations remain in effect for the Site as outlined in the Site Management Plan (SMP; Malcolm Pirnie 2010). The SMP establishes the Environmental Easement, Excavation Work Plan (EWP), and the Periodic Review Report (PRR). The Environmental Easement establishes the right of Site access by the NYSDEC and institutional controls in effect at the Site. The EWP specifies monitoring, sampling, and handling requirements to be followed during site excavation activities. The annual PRR documents the implementation of and compliance with the SMP requirements.

In addition to the three aforementioned tax parcels, the Flexo manufacturing facility includes a fourth tax parcel (Tax parcel section 123, block 29-1, lot 2), which is not included in the BCP. This lot (28 Wasson Street) serves as the main offices and a manufacturing building. In order to acquire construction permits for a 2016 building expansion, Flexo requested that the City of Buffalo merge the four tax parcels into a single tax parcel with the address of 28 Wasson Street. However, the boundaries of the BCP Site remain unchanged and are still limited to former three tax parcel sections 123, block 29-1, lot 10, 11, and 12.

In 2016 and 2017, Flexo expanded the facility's printing capacity by erecting an addition to the manufacturing building. The ground-intrusive activities associated with the Site development were completed in accordance with the SMP and documented in the PRR (Arcadis, 2018).

In 2019, C-P Flexible Packaging acquired the stock of Flexo and renamed the facility C-P Flexible Packaging – Buffalo, NY. The owner of the property and institutional controls was not changed by the stock acquisition and remains RSB Enterprises. Flexo Transparent still maintains the Title V air permit for the facility (permit ID 9-1402-00574/00026), which was renewed by the NYSDEC on April 22, 2019.

2 COMPLIANCE WITH INSTITUTIONAL CONTROLS

Institutional Controls (IC) currently enacted for the Site include the environmental easement and EWP. An environmental easement was granted for the Site pursuant of Title 36 to Article 71 of the New York State Environmental Conservation Law. 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:

PERIODIC REVIEW REPORT

- Site (Controlled Property) material that is excavated on the Controlled Property will be managed, characterized and properly disposed in accordance with NYSDEC regulations, directives, and EWP.
- 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 NYSDEC 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.

The 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. Any construction or redevelopment activities that take place at the Site will follow the protocols outlined in the EWP. The protocols provide for and include:

- Sampling, handling, excavation and grading of on-Site soils.
- Standards for material 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.

3 SITE INSPECTION

A Site inspection was conducted on June 11, 2019 by Arcadis of New York, Inc. (Arcadis). The Site inspection consisted of a visual Site walk to observe and photograph current Site conditions. The Site inspection observed 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 and no excavations of soil/fill were currently taking place. The Site management also confirmed that no ground-intrusive activities occurred during the reporting period of June 2018 through June 2019. Photographs taken during the June 11, 2019 Site inspection are included as Appendix A

The assumptions made in the qualitative exposure assessment remain valid. As confirmed by observations made by Arcadis during the June 11, 2019 Site visit, and the owner-signed IC Certification form (Appendix B), the institutional controls required in the Environmental Easement and are being followed by the Site owner and remain in effect.

4 REFERENCES

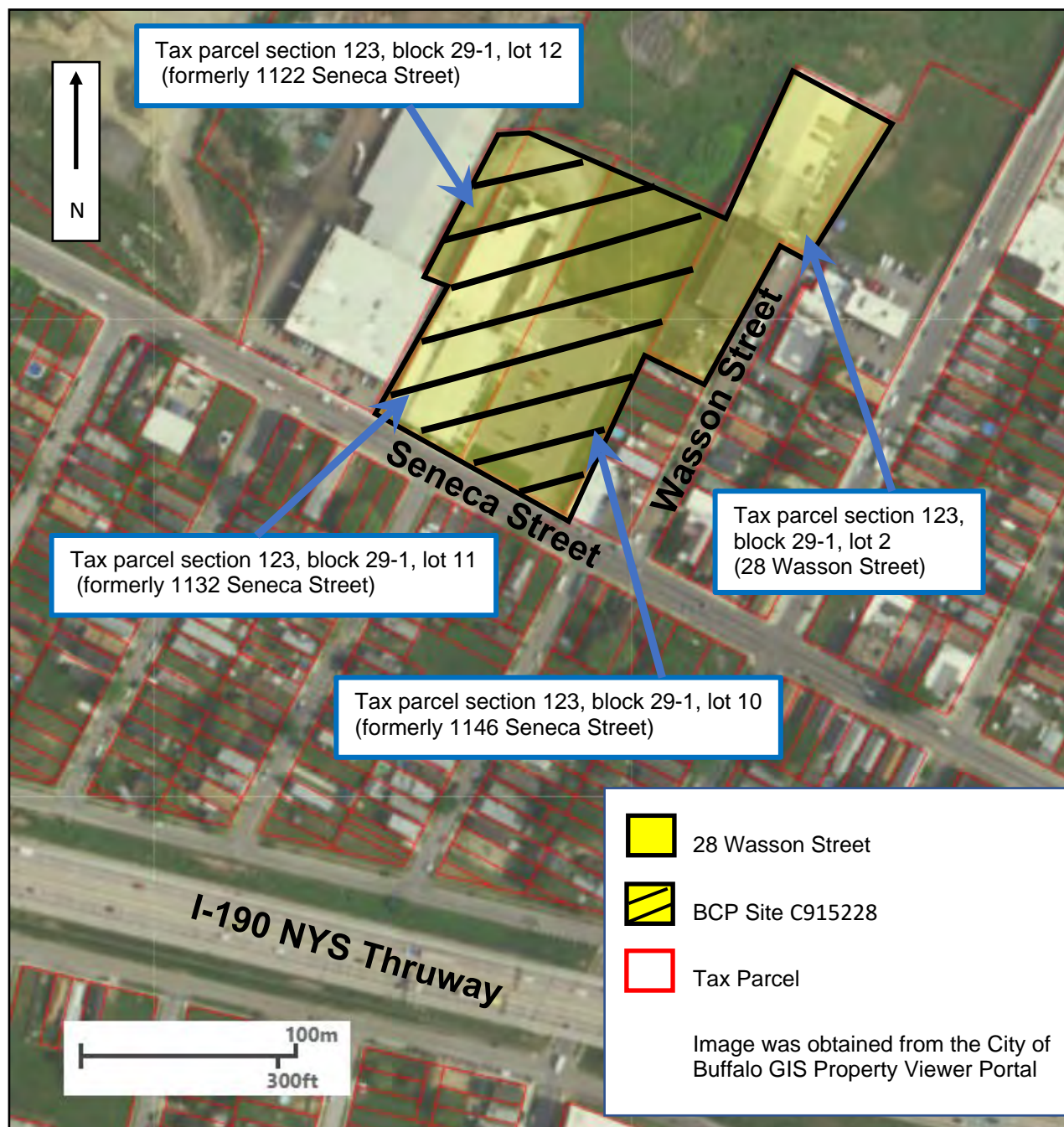
Arcadis, 2018. *Periodic Review Report: Summary of Flexo Site Development and Ground-Intrusive Activity During Expansion of Main Manufacturing Building, 28 Wasson Street, Buffalo, NY.* NYSDEC BCP Site C915228

Malcolm Pirnie. 2010. *Final Engineering Report 1132-1146 Seneca Street Site Buffalo, NY.* NYSDEC BCP Site C915228

Malcolm Pirnie. 2010. *Site Management Plan 1132 – 1146 Seneca Street Site Buffalo, NY.* NYSDEC BCP Site C915228

SITE PLAN FIGURE





C-P Flexible Packaging -
 Buffalo, NY
 Site Location

Figure 1
 July 2019

APPENDIX A

Site Inspection Photo Log



PHOTOGRAPH LOG

Site Name: 1132-1146 Seneca Street

BCP Site # C915228

Site Address: 28 Wasson Street, Buffalo, NY 14210

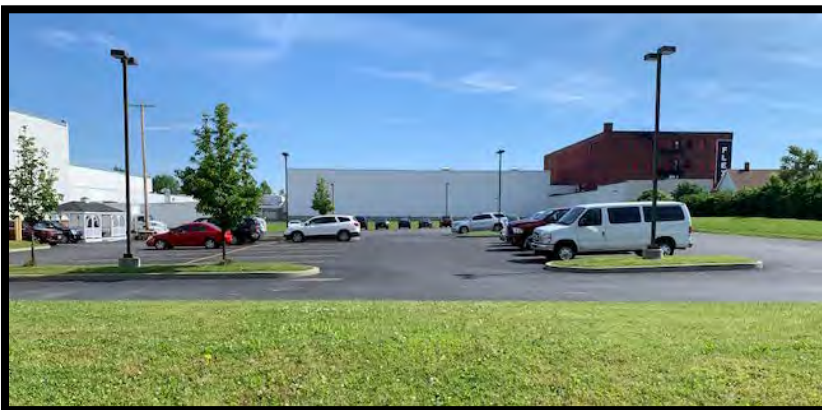


Photograph: 1

Description:

Photo taken from the south corner of the BCP site (lot of former 1146 Seneca Street) facing northwest towards building 5 (lot of former 1132 Seneca Street).

Date: 6/11/2019



Photograph: 2

Description:

Photo taken from Seneca Street facing northeast towards the main manufacturing building addition across the parking lot (lot of former 1132 Seneca Street).

Date: 6/11/2019



Photograph: 3

Description:

Photo taken from the fire lane (lot of former 1132 Seneca Street) facing southwest towards the parking lot and Seneca Street.

Date: 6/11/2019

PHOTOGRAPH LOG

Site Name: 1132-1146 Seneca Street

BCP Site # C915228

Site Address: 28 Wasson Street, Buffalo, NY 14210



Photograph: 4

Description:

Photo taken from lot of former 1146 Seneca Street, facing north. The manufacturing building addition is shown on the right and building 5 is shown on the left.

Date: 6/11/2019



Photograph: 5

Description:

Photo taken from lot of former 1122 Seneca Street facing east towards manufacturing building addition.

Date: 6/11/2019



Photograph: 6

Description:

Photo taken from lot of former 1122 Seneca Street facing south, down alley towards Seneca Street.

Date: 6/11/2019

APPENDIX B

PRR Institutional Control Certification





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: 28 Wasson Street		Zip Code: 14210	
City/Town: Buffalo			
County: Erie			
Site Acreage: 4.200			
Reporting Period: June 15, 2018 to June 15, 2019			
		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 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 type="checkbox"/>	<input checked="" 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
		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. C915228		Box 3
Description of Institutional Controls		
<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
123-29-1-2.11	RSB Enterprises, LLC.	Soil Management Plan Landuse Restriction Site Management Plan IC/EC Plan
<p>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.</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. C915228

Box 6

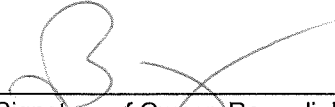
SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

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 General Manager of CP Flexible Packing – Buffalo, NY (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

7/9/19

Date

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