

# PERIODIC REVIEW REPORT

Site Name: 1132-1146 Seneca Street

BCP Site # C915228

Site Address: 28 Wasson Street, Buffalo, NY 14210

Reporting Period: June 15, 2020 to June 15, 2023

July 2023

A large orange geometric shape, consisting of a triangle and a rectangle, is positioned in the bottom right corner of the page. A thin white diagonal line runs from the bottom left to the top right of the orange area. A thin white horizontal line runs across the page, intersecting the orange shape.

## PERIODIC REVIEW REPORT

### Periodic Review Report

Prepared for:

Flexo Transparent, LLC

28 Wasson Street

Buffalo, New York 14210

Prepared by:

Arcadis of New York, Inc.

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Our Ref.:

30092862

Date:

June 28, 2023, Revised July 26, 2023

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## 1 SITE OVERVIEW

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 triennial 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. 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 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.

In 2020, Flexo received approval from the NYSDEC to extend the frequency of the PRR submittal to once every three years, as opposed to annually. Therefore, the reporting period for this PRR is June 15, 2020, to June 15, 2023. One potential ground-intrusive activity occurred during the reporting period related to an emergency trench drain repair, which did not ultimately result in disturbance to soils. The activities were completed after notification to the NYSDEC and in accordance with the SMP as described further in Section 3 of this PRR.

## 2 INSTITUTIONAL CONTROLS

Institutional Controls (IC) currently enacted for the Site include the environmental easement, SMP 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:

- The Controlled Property (Site) can be used for industrial purposes as described in 6 NYCRR Part 375-1.8(g)(2)(iv) ;
- All Engineering Controls must be operated and maintained as specified in the SMP and must be inspected at a frequency and in a manner defined in the SMP (*Note: The Site remedy does not rely on engineering controls to protect human health and the environment. Therefore, the description of implementing and managing engineering controls is not included in this PRR*).
- Groundwater and other environmental and public health monitoring must be performed as defined in the SMP;
- Data and information pertinent to the Site management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;
- All future activities on the Controlled Property that will disturb remaining contaminated material must be conducted in accordance with the SMP;
- Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;
- Operation, maintenance, monitoring inspection and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;
- Access to the Controlled Property must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.
- The Controlled Property shall not be used for residential or restricted residential purposes without an amendment or extinguishment of the Environmental Easement.
- All leases, licenses or other instruments granting use of the Controlled Property will be subject to the Environmental Easement.

Additional institutional controls detailed in the SMP include:

- The use of the groundwater underlying the property is prohibited without treatment rendering it safe for intended use;
- Vegetable gardens and farming on the property are prohibited.

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:

## PERIODIC REVIEW REPORT

- 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 COMPLIANCE REPORT

During the reporting period, multiple site inspections were conducted either as part of oversight of potential ground-intrusive activities or as routine verification of compliance with the ICs. Site inspections consisted of a visual Site walk to observe and photographs to document Site conditions, which are included in Appendix A.

Inspections during the PRR reporting period confirmed the Site is actively used by the Site owner for industrial warehouse and manufacturing purposes and that groundwater from beneath the Site is not used for any purpose. In addition, no redevelopment or construction activities have occurred during this PRR reporting period.

- March 2021 Sites Visits by Arcadis documenting the Emergency Trench Drain Repair
- July 1, 2021 routine inspection by Arcadis
- June 14, 2023 routine inspection by Arcadis
- Frequent routine inspections/visual observations by Flexo personnel

One potential ground-intrusive activities occurred during the reporting period of June 2020 through June 2023. A trench drain located on the southern part of tax parcel section 123, block 29-1, lot 10 (formerly 1146 Seneca street) was repaired on March 17, 2021. The NYSDEC was notified of the emergency repair on March 11, 2021. The repair included very shallow excavation to accommodate removal of the existing trench drain (steel grating and concrete). During excavation activities, an Arcadis representative was on-site for general oversight. Concrete, gravel and crusher run (crushed stone and stone dust) was exposed during the repair work. No soil was encountered or removed from the site. Large pieces of broken concrete associated with the existing trench were disposed by Millennium while gravel/crusher run remained in place. Due to the shallow nature of the excavation, and the existence of the gravel/crusher run that remained in place, the concrete that was excavated and removed did not come into contact with the soil layer.

No unusual odors and no signs of staining were observed during the repair of the trench drain. No materials were brought on-site except concrete and steel grates for replacement of the trench drain. All excavation/removal work was completed on March 17, 2021, and final concrete was poured on March 19, 2021.

In addition, notification was made to the NYSDEC via email on September 9, 2021 on behalf of Flexo, related to minor exterior renovation project to replace an existing exterior ramp with a standard dock-level door. No soil or disturbance was made as the replacement was all conducted above grade, as shown in the photo log (Appendix A).

## 4 CONCLUSIONS

The assumptions made in the qualitative exposure assessment remain valid. As confirmed by observations made by Arcadis during the Site visits, 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.

## 5 REFERENCES

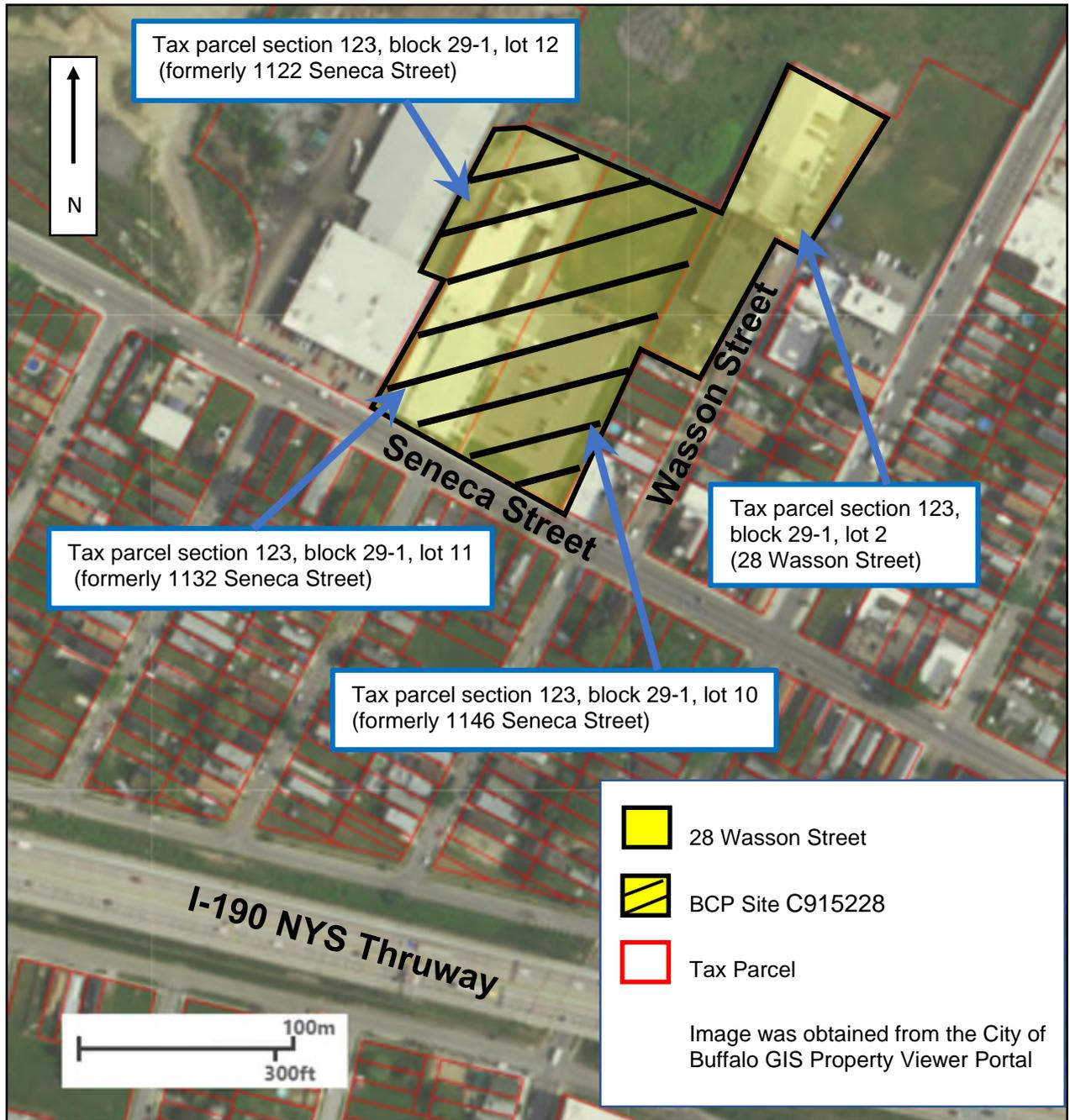
Arcadis, 2018. *Periodic Review Report: Summary of Flexo Site Development and Ground-Intrusive Activity During Expansion of Main Manufacturing Building, 28 Wasson Street, Buffalo, NY. NYSDEC BCP Site C915228*

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 2021

# 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:**

Drainage trench before repair on south corner of the BCP site (lot of former 1146 Seneca Street).

**Photograph taken by:**

Adam Svensson,  
Arcadis

**Date:** 3/17/2021



**Photograph: 2**

**Description:**

Drainage trench excavation in progress, gravel and crusher run exposed

**Photograph taken by:**

Adam Svensson,  
Arcadis

**Date:** 3/17/2021

## PHOTOGRAPH LOG

Site Name: 1132-1146 Seneca Street

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**Photograph: 3**

**Description:**

Concrete and gravel exposed during excavation/removal.

**Photograph taken by:**

Adam Svensson,  
Arcadis

**Date:** 3/17/2021



**Photograph: 4**

**Description:**

Drainage trench post-excitation.

**Photograph taken by:**

Adam Svensson,  
Arcadis

**Date:** 3/17/2021

## PHOTOGRAPH LOG

Site Name: 1132-1146 Seneca Street

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**Photograph: 5**

**Description:**  
Drainage Trench after installation of steel grating and concrete

**Photograph taken by:**  
Dan Steger, Flexo

**Date:** 3/19/2021



**Photograph: 6**

**Description:**  
Photo taken from the south corner of the BCP site (lot of former 1146 Seneca Street) facing northwest towards building 5. Photo includes the gravel trench repaired on 3/17/2021.

**Photograph taken by:**  
Ameya Parkhi, Arcadis

**Date:** 7/1/2021

## PHOTOGRAPH LOG

Site Name: 1132-1146 Seneca Street

BCP Site # C915228

Site Address: 28 Wasson Street, Buffalo, NY 14210



**Photograph: 7**

**Description:**

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

**Photograph taken by:**  
Ameya Parkhi, Arcadis

**Date:** 7/1/2021



**Photograph: 8**

**Description:**

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

**Photograph taken by:**  
Ameya Parkhi, Arcadis

**Date:** 7/1/2021

## PHOTOGRAPH LOG

Site Name: 1132-1146 Seneca Street

BCP Site # C915228

Site Address: 28 Wasson Street, Buffalo, NY 14210



### Photograph: 9

#### Description:

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

**Photograph taken by:**  
Ameya Parkhi, Arcadis

**Date:** 7/1/2021



### Photograph: 10

#### Description:

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

**Photograph taken by:**  
Ameya Parkhi, Arcadis

**Date:** 7/1/2021

## PHOTOGRAPH LOG

Site Name: 1132-1146 Seneca Street

BCP Site # C915228

Site Address: 28 Wasson Street, Buffalo, NY 14210



### Photograph: 11

#### 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.

**Photograph taken by:**  
Ameya Parkhi, Arcadis

**Date:** 7/1/2021



### Photograph: 12

#### Description:

Photo parking lot entrance

**Photograph taken by:**  
Sandra Johnston  
Arcadis

**Date:** 6/14/2023

## PHOTOGRAPH LOG

Site Name: 1132-1146 Seneca Street

BCP Site # C915228

Site Address: 28 Wasson Street, Buffalo, NY 14210



**Photograph: 13**

**Description:**  
Photo taken from Seneca Street facing northwest towards building 5.

**Photograph taken by:**  
Sandra Johnston  
Arcadis

**Date:** 6/14/2023



**Photograph: 14**

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

**Photograph taken by:**  
Sandra Johnston  
Arcadis

**Date:** 6/14/2023

## PHOTOGRAPH LOG

Site Name: 1132-1146 Seneca Street

BCP Site # C915228

Site Address: 28 Wasson Street, Buffalo, NY 14210



**Photograph: 15**

**Description:**

Photo taken of shipping dock door showing where ramp was replaced with concrete step in September 2021

**Photograph taken by:**

Sandra Johnston  
Arcadis

**Date:** 6/14/2023

# 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	
<b>Site No.</b>	<b>C915228</b>		
<b>Site Name 1132-1146 Seneca St.</b>			
Site Address: 28 Wasson Street	Zip Code: 14210		
City/Town: Buffalo			
County: Erie			
Site Acreage: 4.200			
Reporting Period: June 15, 2020 to June 15, 2023			
		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"/>
<b>If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.</b>			
5. Is the site currently undergoing development?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<b>Box 2</b>	
		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 in place and functioning as designed?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>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.</b>			
<b>A Corrective Measures Work Plan must be submitted along with this form to address these issues.</b>			
_____ 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?

**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)

**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**

Parcel

Owner

Institutional Control

123-29-1-2.11

Flexo Transparent, LLC

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

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 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. 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 Thomas J. Neuman at Flexo Transparent, LLC,  
print name print business address

am certifying as Designated Representative (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

7/21/2023  
Date

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