

Flexo Transparent, LLC

# Site Management Plan

**1132-1146 Seneca Street Site**

**Erie County**

**Buffalo, New York**

**NYSDEC Site Number: BCP Site C915228**

March 2024

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**NYSEC Site Number:** BCP Site C915228

March 2024

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**Our Ref:**

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0	08/2010	Original submission.	12/6/2010
1	1/23/2024	Reflects changes in reporting and inspection frequencies, and changes in contact information, parcel identifications, and NYSDEC SMP template revisions.	TBD

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Site Management Plan

**Certification Statement**

I, Meghan M. Platt, certify that I am currently a New York State registered Professional Engineer and that this Site Management Plan was prepared in accordance with all applicable statutes and regulations and in substantial conformance with the DER Technical Guidance for Site Investigation and Remediation (DER-10).

*Meghan M. Platt*  
Meghan M. Platt, P.E.  
Principal Engineer  
Date: March 1, 2024



# Contents

- Acronyms and Abbreviations..... iv
- Executive Summary..... 1
- 1 Introduction..... 1
  - 1.1 General..... 1
  - 1.2 Revisions and Alterations..... 2
  - 1.3 Notifications..... 2
- 2 Summary of Previous Investigations and Remedial Actions..... 4
  - 2.1 Site Location and Description..... 4
  - 2.2 Physical Setting..... 4
    - 2.2.1 Land Use..... 4
    - 2.2.2 Geology..... 5
    - 2.2.3 Hydrogeology..... 6
  - 2.3 Investigation and Remedial History..... 7
    - 2.3.1 Investigation Activities..... 7
    - 2.3.2 Summary of Remedial Actions..... 10
      - 2.3.2.1 Removal of Contaminated Materials from the Site ..... 11
  - 2.4 Remedial Action Objectives ..... 11
  - 2.5 Remaining Contamination ..... 11
- 3 Institutional Control Plan..... 12
  - 3.1 General..... 12
  - 3.2 Institutional Controls..... 12
- 4 Monitoring Plan..... 13
  - 4.1 General..... 13
  - 4.2 Site-Wide Inspection ..... 13
- 5 Operation and Maintenance Plan..... 14
- 6 Periodic Assessment/Evaluations ..... 15
  - 6.1 Climate Change Vulnerability Assessment ..... 15
  - 6.2 Green Remediation Evaluation ..... 15
    - 6.2.1 Timing of Green Remediation Evaluations ..... 15
    - 6.2.2 Frequency of System Checks and Other Periodic Activities ..... 16
    - 6.2.3 Metrics and Reporting..... 16

6.3	Remedial System Optimization .....	16
7	Reporting Requirements.....	17
7.1	Site Management Reports.....	17
7.2	Periodic Review Report.....	18
7.2.1	Certification of Institutional Controls .....	19
7.3	Corrective Measures Work Plan.....	20
7.4	Remedial Site Optimization Report.....	20
8	References .....	21

## Tables

<b>Table 1</b>	<b>Notifications/Site Contact List</b>
<b>Table 1-1</b>	<b>Remedial Investigation Surface Soil – Organic Results</b>
<b>Table 1-1A</b>	<b>Remedial Investigation Subsurface Soil – Benzo (a) Pyrene Results</b>
<b>Table 1-2</b>	<b>Remedial Investigation Surface Soil – Metal Results</b>
<b>Table 1-3</b>	<b>Remedial Investigation Subsurface Soil – Organic Results</b>
<b>Table 1-4</b>	<b>Remedial Investigation Soil PCB Precharacterization Results</b>
<b>Table 1-5</b>	<b>Remedial Investigation Subsurface Soil – Metal Results</b>
<b>Table 7.1</b>	<b>Schedule of Interim Monitoring/Inspection Reports</b>

## Figures

<b>Figure 1</b>	<b>Site Location Map</b>
<b>Figure 2</b>	<b>Site Base Map with Areas of Soil Remediation</b>
<b>Figure 3</b>	<b>Geologic Cross Sections</b>
<b>Figure 4</b>	<b>Remedial Investigation Sample Location Map</b>
<b>Figure 5</b>	<b>Shallow Groundwater Isopotential Map</b>
<b>Figure 6</b>	<b>Analytical Exceedances in Surface Soil</b>
<b>Figure 7</b>	<b>Analytical Exceedances in Subsurface Soil</b>
<b>Figure 8</b>	<b>Extent of PCB-Impacted Soil/Fill</b>
<b>Figure 9</b>	<b>Benzo (a) Pyrene in Surface Soils</b>

## Appendices

## Site Management Plan

- Appendix A Environmental Easement**
- Appendix B Site Contacts**
- Appendix C Excavation Work Plan**
- Appendix D Site Inspection Forms**
- Appendix E Health and Safety Plan (HASP)**

## Acronyms and Abbreviations

Arcadis	Arcadis of New York, Inc.
BAP	benzo (a) pyrene
BCA	Brownfield Cleanup Agreement
BCP	Brownfield Cleanup Program
CAMP	<a href="#">Community Air Monitoring Plan</a>
C&D	Construction & Demolition
CFR	Code of Federal Regulations
COC	<a href="#">Certificate of Completion</a>
DEC	Department of Environmental Conservation
DER	<a href="#">Division of Environmental Remediation</a>
ECL	<a href="#">Environmental Conservation Law</a>
EDR	Environmental Database Research
ESA	Environmental Site Assessment
EWP	Excavation Work Plan
FER	Final Engineering Report
Flexo	Flexo Transparent, LLC
HASP	<a href="#">Health and Safety Plan</a>
IC	<a href="#">Institutional Control</a>
L	lower
mg/kg	milligram per kilogram
NYS	New York State
NYSDEC	<a href="#">New York State Department of Environmental Conservation</a>
NYSDOH	<a href="#">New York State Department of Health</a>
NYCRR	<a href="#">New York Codes, Rules, and Regulations</a>
PCBs	Polychlorinated Biphenyls
ppm	Parts per Million
PRR	<a href="#">Periodic Review Report</a>
RAO	<a href="#">Remedial Action Objective</a>
RI	Remedial Investigation
RI/RWP	Remedial Investigation Report/Remedial Work Plan

## Site Management Plan

RP	Remedial Party
RSO	Remedial System Optimization
SCO	Soil Cleanup Objectives
SMP	Site Management Plan
STARS	Spills Technology and Remediation Series
SVOCs	Semi-Volatile Organic Compounds
TAGM	Technical and Administrative Guidance Memorandum
U	upper
USDA	United States Department of Agriculture
USGS	United States Geological Survey
UST	Underground Storage Tank
VOCs	Volatile Organic Compounds

## Executive Summary

The following provides a brief summary of the controls implemented for the Site, as well as the inspections, monitoring, maintenance and reporting activities required by this Site Management Plan (SMP):

Site Identification: 1132-1146 Seneca Street Site  
 City of Buffalo, Erie County, [New York](#)  
 New York State Department of Environmental Conservation  
 (NYSDEC) Site Number: C915228

Institutional Controls:	1. The property may be used for industrial use.
	2. The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Erie County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the NYSDEC.
	3. Data and information pertinent to site management must be reported at the frequency and in a manner as defined in this SMP.
	4. All future activities on the Site that will disturb remaining contaminated material must be conducted in accordance with this SMP.
	5. Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in this SMP.
	6. Access to the site 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 the Environmental Easement.
	7. Vegetable gardens and farming on the site are prohibited.
	8. An evaluation shall be performed to determine the need for further investigation and remediation should large scale redevelopment occur, if any of the existing structures are demolished, or if the subsurface is otherwise made accessible
Inspections:	
1. Site wide inspection	Annually
Reporting:	
1. Periodic Review Report	Triennially

Further descriptions of the above requirements are provided in detail in the latter sections of this Site Management Plan.

# 1 Introduction

## 1.1 General

This Site Management Plan (SMP) is a required element of the remedial program for the Flexo Transparent, LLC (Flexo) at the 1132-1146 Seneca Street Site located in Buffalo, New York (hereinafter referred to as the "Site"). A site location map is included as Figure 1. The Site is currently in the New York State (NYS) Brownfield Cleanup Program (BCP), Site No. C915228 which is administered by New York State Department of Environmental Conservation (NYSDEC).

Flexo Transparent, Inc./RSB Enterprises, LLC entered into a Brownfield Cleanup Agreement (BCA) on December 8, 2008, with the NYSDEC to remediate approximately 4.2-acres located in Buffalo, New York. This BCA required the Remedial Party to investigate and remediate contaminated media at the Site.

In 2015, Flexo Transparent, Inc. became a Limited Liability Company (LLC). In 2019, C.P. Converters, Inc, doing business (d/b/a) as "C-P Flexible Packaging" acquired the stock of Flexo Transparent, LLC. C.P Converters, Inc. owns 100% of Flexo Transparent Holdings, LLC, which owns 100% of Flexo Transparent, LLC, which owns 100% of RSB Enterprises, LLC. Therefore, the owner of the property and institutional controls was not changed by the stock acquisition. Flexo Transparent LLC is still the proper legal name; however, they are doing business as "C-P Flexibles Buffalo".

A figure showing the site location and boundaries of this site are provided on Figures 1 and 2, respectively. The boundaries of the site are more fully described in the metes and bounds site description that is part of the Environmental Easement provided in Appendix A.

After completion of the remedial work described in the Remedial Action Work Plan, some contamination was left at this Site, which is hereafter referred to as "remaining contamination". Institutional Controls (ICs) have been incorporated into the site remedy to control exposure to remaining contamination to ensure protection of public health and the environment. An Environmental Easement granted to the NYSDEC, and recorded with the Erie County Clerk, requires compliance with this SMP and all ICs placed on the Site.

This SMP was prepared to manage remaining contamination at the Site until the Environmental Easement is extinguished in accordance with the Environmental Conservation Law (ECL) Article 71, Title 36. This plan has been approved by the NYSDEC, and compliance with this plan is required by the grantor of the Environmental Easement and the grantor's successors and assigns. This SMP may only be revised with the approval of the NYSDEC.

It is important to note that:

- This SMP details the site-specific implementation procedures that are required by the Environmental Easement. Failure to properly implement the SMP is a violation of the Environmental Easement, which is grounds for revocation of the Certificate of Completion (COC).
- Failure to comply with this SMP is also a violation of ECL, 6 New York Codes, Rules, and Regulations (NYCRR) Part 375 and the BCA (Index # B9-0787-08-06; Site No. C915228) for the Site, and thereby subject to applicable penalties.

All reports associated with the Site can be viewed by contacting the NYSDEC or its successor agency managing environmental issues in New York State. A list of contacts for persons involved with the Site is provided in Table 1 (in Section 1.3) of this SMP and within Appendix B of this SMP.

This SMP was prepared by Arcadis of New York, Inc. (Arcadis), on behalf of Flexo, in accordance with the requirements of the NYSDEC's Division of Environmental Remediation (DER) "Technical Guidance for Site Investigation and Remediation" (DER-10), dated May 2010 (NYSDEC, 2010), and the guidelines provided by the NYSDEC. The Site SMP was originally written in 2010 and was revised in 2023 to reflect changes in the reporting and inspection frequencies, changes in contact information, parcel identifications and NYSDEC SMP template revisions. This SMP addresses the means for implementing the ICs and/or ECs that are required by the Environmental Easement for the Site.

## 1.2 Revisions and Alterations

Revisions and alterations to this plan will be proposed in writing to the NYSDEC's project manager. The NYSDEC can also make changes to the SMP or request revisions from the remedial party. Revisions will be necessary upon, but not limited to, the following occurring: a change in media monitoring requirements, upgrades to or shutdown of a remedial system, post-remedial removal of contaminated sediment or soil, or other significant change to the site conditions. All approved alterations must conform with Article 145 Section 7209 of the Education Law regarding the application of professional seals and alterations. For example, any changes to as-built drawings must be stamped by a New York State Professional Engineer. In accordance with the Environmental Easement for the site, the NYSDEC project manager will provide a notice of any approved changes to the SMP, and append these notices to the SMP that is retained in its files.

## 1.3 Notifications

Notifications will be submitted by Flexo to the NYSDEC, as needed, in accordance with NYSDEC's DER-10 for the following reasons:

1. 60-day advance notice of any proposed changes in Site use that are required under the terms of the BCA, 6NYCRR Part 375 and/or ECL.
2. 7-day advance notice of any field activity associated with the remedial program.
3. 15-day advance notice of any proposed ground-intrusive activity pursuant to the Excavation Work Plan (EWP). If the ground-intrusive activity qualifies as a change of use as defined in 6 NYCRR Part 375, the above mentioned 60-day advance notice is also required.

Any change in the ownership of the Site or the responsibility for implementing this SMP will include the following notifications:

4. At least 60 days prior to the change, the NYSDEC will be notified in writing of the proposed change. This will include a certification that the prospective purchaser/Remedial Party (RP) has been provided with a copy of the BCA, and all approved work plans and reports, including this SMP.
5. Within 15 days after the transfer of all or part of the Site, the new owner's name, contact representative, and contact information will be confirmed in writing to the NYSDEC.

Table 1 includes contact information for the above notification. Additional site contacts are also presented in Table 1. The information in this table will be updated as necessary to provide accurate contact information. A full listing of site-related contact information is provided in Appendix B.

**Table 1 Notifications\*/Site Contact List**

Name/Affiliation	Address	Contact Information	Required Notification**
<b>Flexo Transparent, LLC /RSB Enterprise, LLC (Site Owner/Remedial Party)</b>			
Thomas Neuman Plant Engineering Manager	28 Wasson Street Buffalo, NY 14210	D: 716.541.0135 T: 716.825.7710 <a href="mailto:tneuman@cpflexpack.com">tneuman@cpflexpack.com</a>	Not Applicable
Daniel J Steger III CP Buffalo Scheduler, Director of Marketing and Strategic Projects	28 Wasson Street Buffalo, NY 14210	D: 716.541.0628 <a href="mailto:dstege@cpflexpack.com">dstege@cpflexpack.com</a>	Not Applicable
<b>Gabrielle and Berrigan, P.C. (Remedial Party Attorney)</b>			
Mark Gabrielle	800 Main Street 4 <sup>th</sup> Floor, Suite B Niagara Falls, NY 14301	D: 716.285.1535	Not Applicable
<b>Qualified Environmental Professional/Remedial Engineer</b>			
Arcadis Sandra Johnston	50 Fountain Plaza Suite 360 Buffalo, NY 14202	T: 716.667.6676 <a href="mailto:Sandra.Johnston@arcadis.com">Sandra.Johnston@arcadis.com</a>	Not Applicable
<b>NYSDEC</b>			
Megan Kuczka Project Manager	700 Delaware Ave, Buffalo, NY 14209	T: 716.851.7220 <a href="mailto:Megan.Kuczka@dec.ny.gov">Megan.Kuczka@dec.ny.gov</a>	All Notifications
Andrea Caprio Regional Remediation Engineer	700 Delaware Ave, Buffalo, NY 14209	T: 716.851.7220 <a href="mailto:Andrea.Caprio@dec.ny.gov">Andrea.Caprio@dec.ny.gov</a>	All Notifications
Kelly Lewandowski Site Control	625 Broadway Albany, NY 12233	T: 518.402.8044 <a href="mailto:Kelly.Lewandowski@dec.ny.gov">Kelly.Lewandowski@dec.ny.gov</a>	Notifications 1 and 4
<b>NYSDOH</b>			
Jim Sullivan		T: 518.402.5584 Jim.Sullivan@health.ny.gov	
Charlotte Bethoney		T: 518.402.7860 Charlotte.Bethoney@health.ny.gov	

Note: \*Notifications are subject to change and will be updated as necessary.

\*\* Numbers in this column reference the numbered bullets in the notification list in this section.

## 2 Summary of Previous Investigations and Remedial Actions

This section summarizes site background information relevant to the development of this SMP, including site location and description, physical setting, investigation and remedial history, remedial action objectives (RAOs), and a summary of remaining Site-related contamination.

### 2.1 Site Location and Description

The Site is located in Buffalo, Erie County, New York and currently consists of Section, Block, Lot (SBL) 123.29-1-10.1 (28 Wasson Street). Historically, at the time the Certificate of Completion (COC) was issued, this parcel was broken into three adjacent properties. As such, the SMP references the original parcel boundaries in place at the time of issuance of the COC. These original parcel boundaries are as follows (see Figure 2):

- 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)

The Site is an approximately 4.2-acre area bounded by the undeveloped land of 1070 Seneca Street to the north, Seneca Street to the south, residential properties of Wasson Street to the east, and the City of Buffalo Public Works Facility to the west (see Figure 1).

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 the former three tax parcel sections 123, block 29-1, lots 10, 11, and 12.

The boundaries of the Site are more fully described in the Environmental Easement included as Appendix A. The owner of the Site at the time of issuance of this SMP is Flexo Transparent, LLC/RSB Enterprises, LLC.

### 2.2 Physical Setting

An overview of the Site's physical setting is presented below, including a description of the land use, and Site geology and hydrogeology.

#### 2.2.1 Land Use

The Site consists of the following: a warehouse building, brick building, manufacturing building, metal building, parking area, and fencing along the northern and western portions of the property. The Site was historically zoned commercial/industrial and is currently utilized for industrial warehouse and manufacturing purposes. The new parcel is classified as manufacturing and processing. Site occupants include Flexo's operational activities.

The properties adjoining the Site and in the neighborhood surrounding the Site primarily include commercial and residential properties. The properties immediately south of the Site include residential properties; the properties

immediately north of the Site include commercial properties; the properties immediately east of the Site include commercial and residential properties; and the properties to the west of the Site include commercial properties.

A summary of land use associated with the historical parcels/addresses are summarized below.

### **1122 and 1132 Seneca Street**

The combined property is approximately 2.0 acres in size and was historically zoned for “Manufacturing and Processing”. The property improvements included a former manufacturing building that once housed office, warehouse, and manufacturing areas. The building footprint was approximately 41,000 square feet and occupies the majority of the property. The construction date of the Site building is estimated to be 1920.

Site operations on the 1122/1132 property included lumber and railroad yards, manufacture of electrical transformers and machines (Westinghouse and Eastern Electric), and most recently, the manufacture of fiberglass railroad transfer platforms (Fibreright). The northern and western portions of the Site are enclosed within a chain link fence. The southern boundary of the Site is Seneca Street, where two large garage doors provide access to the manufacturing building.

### **1146 Seneca Street**

The eastern property, located at 1146 Seneca Street, historically consisted of one parcel which was approximately 2 acres in size. It was zoned “Vacant Industrial” and, when purchased by Flexo, contained overgrown shrubs and tall grass.

Historic operations on the 1146 property include lumber and railroad yards, clay/brick products manufacturing, and a gasoline filling station. Flexo’s manufacturing building is located adjacent to the northeastern portion of the 1146 Seneca Street property.

### **Building Expansion**

In 2017, former tax parcel 123.29-1-10 associated with 1146 Seneca Street was developed from vacant industrial land into an expansion of the main manufacturing building to house equipment for additional printing capacity. The expansion consisted of the construction of a metal building, concrete pad, fire lane, underground storm water detention basin, power poles, transformer, and hydrant additions.

## **2.2.2 Geology**

The Site is located in an area of generally flat terrain with a topographic gradient sloping slightly from east to west. A Site low point is located near the center of the Site where a former rail loading dock is located. The Erie County Soil Survey United States Department of Agriculture (USDA) identifies the Site as being Urban Land, containing undifferentiated and disturbed soil/fill.

A geologic section is shown on Figure 3. Locations of the cross-section lines are illustrated on the Remedial Investigation Sample Location Map, Figure 4. Over one hundred boreholes and test pits have been drilled/excavated on the 1122/1132 property and 34 on the 1146 property as part of multiple environmental site characterizations since 2001. Based on observations of the overburden materials encountered at each of these soil boring and test pit locations, the overburden is described as glaciolacustrine silty sand and clay deposits overlain with soil/fill deposits described as follows:

### **Soil/Fill**

The soil/fill was present at every location drilled on the Site, even where concrete pavement was present. Therefore, the soil/fill layer is believed to be continuous across the Site. The soil/fill was generally described as black-gray, fine to coarse grain sand with silt and trace clay admixed with Construction and Demolition (C&D) debris comprised of wood, concrete, brick, and gravel. In general, fill thicknesses were typically between 1.0 and 2.0 feet. Fill was thickest at the northeastern corner of the Site and thinnest at the southern end of the Site.

### ***Native Silt and Clay***

Beneath the soil/fill layer, native glacial deposits of silt/sand and clay are present throughout the Site. Thin lenticular silt/sand deposits were encountered directly below the soil/fill layer at some drilling/excavation locations. These are described as gray-brown/black sand and silt with clay and fine gravel. A stiff, dense, red to light-brown, clay unit was encountered below the thin sand/silt lenses and is generally correlative across the Site. The clay unit is characterized as having weak to moderate plasticity and containing trace amounts of silt and fine sand that are typical of local glaciolacustrine deposits. The native clay layer is relatively thick (up to 9.9 feet) and was present at all boring locations drilled on Site. This native clay layer has been demonstrated to restrict downward migration of groundwater and contaminants in the soil/fill layer from migrating the underlying soils and bedrock. For this reason, the Site's environmental investigations have focused primarily on the upper soil/fill layer and uppermost native soils and not the deeper clay and bedrock.

### ***Bedrock***

Two of the soil borings drilled as part of the Remedial Investigation (RI) (i.e. B-5 and B-6) were drilled deeper than other borings to test the overburden stratigraphy and depth to bedrock. Both borings were located on the 1146 Seneca Street property and encountered bedrock at 9.8 feet and 9.9 feet, respectively.

## **2.2.3 Hydrogeology**

Observations during the RI and Phase II investigations of the Site indicate that overburden groundwater, when present, is perched on the native silt/clay layer. Overburden groundwater is discontinuous across the Site and only ephemerally present, dependent upon the degree of seasonal and periodic precipitation and snow melt.

Of the five temporary monitoring wells installed on Site, one, B/MW-3, located inside the building, was dry on all four occasions tested. Another well, B/MW-4, located at the northeast corner of the Site, was dry at the time of installation but subsequently contained measurable water. Overburden groundwater has been found to be consistently present in areas where the soil/fill layer is relatively thin and low in elevation, such as the area north of the 1132 building. The two wells located in this area, wells B/MW-1 and B/MW-2, consistently contain water.

A shallow [groundwater](#) isopotential figure is shown on [Figure 5](#). The overburden groundwater flow generally reflects the Site topography, flowing from east to west across the 1146 property and having a southwesterly component at the northern, lower elevation areas of the 1132 property.

Based on local topography and the location of the nearest major surface water body, the Buffalo River, deep bedrock groundwater at the Site is expected to flow towards the south/southwest.

Five Federal United States Geological Survey (USGS) wells and two State wells within a one-mile radius of the Site were identified in information obtained from the Environmental Database Research (EDR) results. The EDR report provides the location of these wells but does not provide any information related to groundwater quality or depth to groundwater information. No public water supply wells were identified in the EDR report.

## 2.3 Investigation and Remedial History

The following narrative provides a remedial history timeline and a brief summary of the available project records to document key investigative and remedial milestones for the Site. Full titles for each of the reports referenced below are provided in Section 8.0 – References.

### 2.3.1 Investigation Activities

Under the BCP, Flexo redeveloped the Site for expansion of their business, which involves the manufacture of plastic wraps and bags for food and other product packaging. The Site properties include a former electrical transformer manufacturing facility on the west (1122 and 1132 Seneca Street) and former brick and lumber manufacturing facilities (now vacant land) on the east (1146 Seneca Street). Flexo redeveloped the Site for light industrial, warehouse, office, and related parking uses.

Elevated concentrations of polychlorinated biphenyls (PCBs) were first detected on the 1132 Seneca Street property between October 1989 and November 1990. In 2001, an environmental investigation identified multiple locations with elevated levels of volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and PCBs at 1122 Seneca Street, 1132 Seneca Street, and 1146 Seneca Street. A Phase I Environmental Site Assessment (ESA) was completed in September 2007. A Phase II Investigation was completed in March 2008, revealing elevated levels of PCBs, arsenic, barium, and SVOCs within the Site.

The remedy chosen to address the contamination on the Site included the removal of selected areas of PCB and benzo (a) pyrene (BAP)-impacted soil/fill with sample concentrations that exceeded NYS Restricted Industrial Soil Cleanup Objectives (SCO), including an underground storage tank (UST) and related soil/fill. Excavation, confirmation sampling, and backfilling with clean soil were performed as part of the PCB-impacted soil/fill removal process, in accordance with DER-10 (Department of Environmental Conservation (DEC) November 2009). Land use and groundwater controls have been implemented to limit future Site use to industrial and restricting the use of groundwater from beneath the Site without prior treatment and written permission of the Department.

A RI was performed to characterize the nature and extent of contamination at the Site. The results of the RI are described in detail in the Remedial Investigation Report/Remedial Work Plan, (RI/RWP) Malcolm Pirnie, Inc., July 2010. Generally, the RI determined that the primary concern relates to the elevated surface and shallow subsurface soil/fill concentrations of PCBs on the 1122 and 1132 Seneca street properties and benzo (a) pyrene, in surface soil (0 to 2" depth) on the 1146 Seneca property. Both compounds were found at concentrations that exceed the NYS Restricted Industrial SCO.

Slightly elevated concentrations of two SVOCs and three common metals were identified in the groundwater samples collected during the RI.

VOC concentrations detected in sub-slab soil vapor samples collected at the Site are very low and for the few compounds that were detected that have NYSDOH guidance criteria, those concentrations were below the criteria at which further action would be recommended.

Below is a summary of Site conditions when the RI was performed in 2010:

#### **Surface Soil/Fill (0-2" depth)**

Chemical analyses of nine surface soil samples collected at the Site during the 2009 RI identified PCBs at concentrations that exceed NYSDEC Restricted Commercial and Industrial SCOs. The RI samples were collected

at select soil boring and test pit locations throughout the Site. Thirty-eight additional surface soil samples were collected from the 1146 property in 2010 based on the results of the initial nine sample results. These 38 samples were analyzed for benzo (a) pyrene only.

Analytical results that exceed SCOs in surface soil samples are illustrated on Figure 6.

#### SVOCs

Several SVOCs were detected in all surface soil samples collected during the RI. Benzo(a) pyrene was detected at three sample locations on the 1146 property at concentrations above the restricted industrial SCO of 1.1 milligram/kilogram (mg/kg).

#### PCBs

All surface soil samples collected from the 1146 Seneca Street property contained PCBs at concentrations below the restricted commercial SCO of 1 Parts Per Million (ppm).

All surface soil/fill samples collected from the 1132 Seneca Street property contained PCBs at concentrations above the restricted commercial SCO of 1 ppm and three of four RI samples exceed the restricted industrial SCO of 25 ppm.

#### **Subsurface Soil (>2" depth)**

Subsurface soil/fill samples were collected at 10 test pit or soil boring locations throughout the Site during the RI investigation. Based on the analytical results of these 10 samples which revealed unexpectedly high PCB concentrations at some locations on the 1132 Seneca Street property, additional sampling was performed to delineate the extent of the PCB impacted soil fill. A two-phased focused pre-characterization sampling program was completed on the 1122 and 1132 properties to determine the extent of PCB contamination in the soil/fill for remedial planning.

#### SVOCs

Low concentrations of one or more SVOCs were detected in six of the 10 subsurface soil samples analyzed for SVOCs, none at concentrations above restricted commercial or industrial SCOs.

#### PCBs

Elevated concentrations of PCBs were detected in subsurface soil/fill initially at two locations (Test pits TP-3 and TP-4) on the 1132 Seneca Street property. These locations contained concentrations of 4.6 ppm and 28.1 ppm respectively. Most of the eight samples collected on the 1146 Seneca Street property did contain PCBs but at concentrations less than the restricted residential SCO of 1 ppm.

With the highest allowable SCO for PCBs being the SCO for restricted industrial use of 25 ppm, and the presence of PCBs above that level confirmed on the 1132 Seneca Street property, a two-phased focused, pre-characterization sampling program was implemented to characterize the magnitude and extent of PCB impacted soil fill. Composite samples were collected from two depths within the soil/fill layer. Upper (U) samples were collected from the top six inches of soil/fill and the lower (L) samples collected from six inches to the base of the soil/fill unit, at the interface with the native silty clay. All pre-characterization samples were analyzed for PCBs only.

The extent of PCB-impacted soil/fill requiring remedial action was determined to be limited to the 1132 (and 1122) Seneca Street properties and limited to the soil/fill material above the native silty clay.

A summary of SCO exceedances in subsurface soil samples is presented in Figure 7.

### **Site-Related Groundwater**

The groundwater was sampled for VOCs, SVOCs, PCBs, and metals. No VOCs detected were present at concentrations above the Class GA groundwater standards. Each of the four groundwater samples collected contained one or more SVOCs. Two compounds, benzo (a) pyrene and phenol, were detected at concentrations which only slightly exceeds their respective Class GA groundwater standards. PCBs were not present above analytical detection limits in any of the groundwater samples collected. Several metals were also present in all groundwater samples collected. Commonly occurring metals: iron, manganese, and sodium were present at concentrations above the Class GA groundwater standards in most wells. These analytes are locally naturally occurring at such levels, and iron and sodium are common nutrients necessary for human health. For further analytical details, please refer to Table 7-6 and Figure 7-4 in the 2010 RI Report.

### **Site-Related Soil Vapor Intrusion**

All VOC concentrations detected in sub-slab soil vapor collected beneath the Site warehouse building were less than the NYSDOH air guideline value for mitigation or monitoring (NYSDOH, 2006). For further analytical details, please refer to Table 7-7 in the 2010 Remedial Investigation Report.

### **Underground Storage Tanks**

There are two known former UST areas. One of these is a known former UST location immediately west of the manufacturing building. Previous investigation indicated that VOCs and SVOCs were present in soil/fill samples collected from three borings at this location but at concentrations below Spill Technology and Remediation Series (STARS) guidance criteria and Technical Administrative Guidance Memorandum (TAGM) cleanup objectives. A groundwater sample from this area did not contain parameters of concern at concentrations above NYSDEC Class "GA" groundwater quality standards. Backfill and groundwater conditions encountered indicate that the UST(s) have been removed at this location and the excavation backfilled with clean soil.

There also was a UST located on the 1132 property, near the boundary of the 1146 property. The tank and related impacted soil/fill have been removed and properly disposed off-site and the excavation backfilled with clean soil. Documentation of this tank removal is included in the Final Engineering Report (FER).

### **Phase I Environmental Site Assessment**

In May/June 2015, RPS GaiaTech completed a *Phase I Environmental Site Assessment* (Phase I) at the Site. The Phase I identified the following potential environmental impact issues: historical landfilling of ink wastes, former UST locations as a potential source for tetrachloroethylene, and building components to be further investigated including floor drains (reportedly sealed in the 1980s) and wood floors. Sampling was conducted during Phase II activities. RPS GaiaTech installed 10 soil borings and six collocated temporary monitoring wells around the exterior of the Site buildings to assess the potential environmental impact issues. Laboratory analysis for the soil samples were screened against the Soil Cleanup Objectives promulgated by NYSDEC 6 NYCRR Part 375 6.8(a) and (b), and groundwater samples were screened against the NYSDEC Groundwater Quality Standards for GA groundwater in 6 NYCRR Part 703.5 and Guidance Values from the Division of Water, Technical and Operational Guidance Series (1.1.1). Samples were analyzed for VOCs, PAHs, PCBs, and RCRA Metals. Notable findings include acetone and arsenic detections in soil samples and toluene, benzo(a)anthracene and benzo(b)fluoranthene in one of the monitoring wells.

## 2.3.2 Summary of Remedial Actions

The site was remediated in accordance with the NYSDEC-approved Remedial Work Plan dated September 2010.

The following is a summary of the Remedial Actions performed at the Site:

1. Removal of the UST – Excavated and removed for off-Site disposal the UST that was encountered outside and near the entrance to the former rail loading dock on the 1132 Seneca Street property.
2. Removal of PCB-Impacted Soil Fill – Excavated and removed for off-Site disposal all PCB-impacted soil/fill identified as containing PCBs at concentrations above the SCO for restricted industrial use (25 ppm). The PCB impacted soil/fill were delineated and found to be limited to the 1122 and 1132 Seneca Street properties.
3. Removal of benzo(a) pyrene-impacted Surface Soils – Excavated and removed for off-Site disposal all BAP-impacted surface soil (upper 2”) identified as containing BAP at concentrations above the SCO for restricted industrial use 1.1 mg/kg. These were determined to be limited to surface soils on the 1146 Seneca Street property.
4. Confirmatory Sampling – Subsequent to UST removal and excavation and disposal of the PCB -impacted soil/fill materials, post-excavation confirmatory soil samples were collected for PCB (and organics in the case of the UST) analysis prior to backfilling with documented clean soil.
5. Removal of PCB-Containing Floor Drain Sediment – Sediments found to contain elevated PCBs located in a floor drain (pipe chase) in the floor of the 1132 Building were properly removed and disposed off-Site at a permitted waste disposal facility.
6. Health and Safety – Established health and safety protocols for specific on-Site tank removal, excavation and re-development activities to minimize exposure to potential contaminants.
7. Excavation Management Plan – Developed an Excavation Management Plan for proper evaluation and handling of excavated fill material or groundwater encountered during development activities or when digging as required for maintenance of buried utilities following completion of Site redevelopment. The Excavation Management Plan includes health and safety requirements and excavated soil and/or groundwater handling/disposal requirements.
8. Implement Site Groundwater-Use Restrictions to prevent higher Site classification uses and human consumption of the on-Site groundwater.

Remedial activities associated with the BCA were completed at the Site in September 2010.

In June 2017, expansion operations at the Site included installation of a water main to a new hydrant. During trench excavation activities a gasoline-like odor was observed. A waste characterization sample was submitted for analysis, and NYSDEC was contacted to discuss observations with the BCP project manager. From June through September 2017, Arcadis completed remediation activities, including:

- Historical record review;
- Utility location to identify potential subsurface infrastructure;
- Delineation of impacts, including the installation of test pits and two rounds of soil borings;
- Excavation and off-site transportation and disposal of approximately 1,200 tons of non-hazardous petroleum impacted soil;
- Installation of a water line and fire hydrant; and
- Surface restoration.

During these activities, Arcadis performed horizontal and vertical soil boring, field screening, and analytical delineation to establish that petroleum impacted material left in place was below the residential and industrial soil clean-up objectives set forth in 6 NYCRR Part 375-6.8(b) and in compliance with the SMP at that time.

### **2.3.2.1 Removal of Contaminated Materials from the Site**

Based on the known environmental conditions at the Site and the planned Site industrial use, Site cleanup under Track 2 was achieved by the removal and off-Site disposal of PCB-impacted soil/fill to meet the restricted industrial SCO of 25 mg/kg and replacement with documented clean soil. The PCB-impacted soil/fill of concern was located on the 1122 and 1132 Seneca properties. In addition, the upper 3-inches minimum of BAP-impacted surface soils were removed and disposed off-Site at a DEC-permitted waste disposal facility. Figure 8 illustrates the PCB-impacted soil/fill excavation areas. Also, based on post-RI pre-characterization sampling, BAP-impacted surface soils were removed from approximately 50% of the 1146 Seneca Street property. Figure 9 illustrates the areas that required BAP removal. In addition, because of the presence of residual constituents of concern in the subsurface soil/fill of the 1146 Seneca property, land use and groundwater institutional controls were implemented. These controls include limiting future Site use to industrial and restricting the use of groundwater from beneath the Site without prior treatment and written permission of the Department.

Shaded areas where remedial excavations were performed are shown on Figure 8 and Figure 9. In Figure 8, the shaded cells indicate locations where PCBs concentrations exceed the industrial standard of 25 mg/kg, at depths zero to six inches and six inches to clay. For each level, the shaded cells were excavated to remove the contaminated soil above industrial levels. Figure 9 illustrates where BAP concentrations exceed the industrial standard of 1.1 mg/kg. The remedial effort involved removing a minimum of three inches of surface soil from the shaded cells.

## **2.4 Remedial Action Objectives**

Based on the results of the Remedial Investigation, the following Remedial Action Objectives (RAOs) were identified for this site:

1. Removal of potential exposure risks associated with direct contact with soil/fill that has been significantly impacted by PCBs and BAP (i.e., concentrations above the industrial SCOs of 25 mg/kg and 1.1 mg/kg respectively).
2. Removal of potential risks associated with the contents of the UST and surrounding impacted soil/fill.

## **2.5 Remaining Contamination**

The Site has been remediated to industrial standards; remaining contamination is likely to exceed commercial standards in some areas. No cover layer was required after the remedy was complete, so no demarcation layer was installed.

Figures 8 and 9 summarizes the results of all soil samples remaining at the Site after completion of Remedial Action that meet the SCOs for industrial use of the Site. It can be assumed that cells not shaded in Figure 8 and Figure 9 may contain contaminant levels up to but not above the industrial level, which is 25 mg/kg for PCB and 1.1 mg/kg for BAP, respectively.

## 3 Institutional Control Plan

### 3.1 General

Since remaining contamination exists at the site, Institutional Controls (ICs) are required to protect human health and the environment. 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 Plan. This Plan describes the procedures for the implementation and management of all ICs at the site. The Plan is one component of the SMP and is subject to revision by the NYSDEC project manager.

This plan provides:

- A description of all ICs on the site;
- The basic implementation and intended role of each IC;
- A description of the key components of the ICs set forth in the Environmental Easement;
- A description of the features to be evaluated during each required inspection and periodic review;
- A description of plans and procedures to be followed for implementation of ICs, such as the implementation of the Excavation Work Plan (EWP) (as provided in Appendix C) for the proper handling of remaining contamination that may be disturbed during maintenance or redevelopment work on the site; and
- Any other provisions necessary to identify or establish methods for implementing the ICs required by the site remedy, as determined by the NYSDEC project manager.

### 3.2 Institutional Controls

A series of ICs is required by the BCA to: (1) prevent future exposure to limited remaining contamination; and (2) limit the use and development of the Site. Adherence to these ICs on the Site is required by the Environmental Easement and will be implemented under this SMP. ICs identified in the Environmental Easement may not be discontinued without an amendment to or extinguishment of the Environmental Easement. The IC boundaries are shown on Figure 2. These ICs, as taken from the environmental easement, are:

- The Controlled Property (Site) can be used for industrial purposes as described in 6 NYCRR Part 375 1.8(g)(2)(iv).
- 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 the 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.
- 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.

Additional clarification of some of the above institutional controls, based on the updated SMP template, include:

- The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Erie Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department.
- An evaluation shall be performed to determine the need for further investigation and remediation should large scale redevelopment occur, if any of the existing structures are demolished, or if the subsurface is otherwise made accessible.

## 4 Monitoring Plan

### 4.1 General

This Monitoring Plan describes the measures for evaluating the overall performance and effectiveness of the remedy. This Monitoring Plan may only be revised with the approval of the NYSDEC.

This Monitoring Plan describes the methods to be used for evaluating site information periodically to confirm that the remedy continues to be effective in protecting public health and the environment.

To adequately address these issues, this Monitoring Plan provides information on:

- Annual inspection and periodic certification.

Reporting requirements are provided in Section 7 of this SMP.

### 4.2 Site-Wide Inspection

Site-wide inspections will be performed once a year. These periodic inspections must be conducted when the ground surface is visible (i.e., no snow cover). Site-wide inspections will be performed by a qualified environmental professional as defined in 6 NYCRR Part 375, a PE who is licensed and registered in New York State, or a qualified person who directly reports to a PE who is licensed and registered in New York State. Modification to the frequency or duration of the inspections will require approval from the NYSDEC project manager. During these inspections, an inspection form will be completed as provided in Appendix D – Site Inspection Forms. The form will compile sufficient information to assess the following:

## Site Management Plan

- Compliance with all ICs, including site usage.
- General site conditions at the time of the inspection.
- Whether stormwater management systems, such as basins and outfalls, are working as designed.
- The site management activities being conducted including, where appropriate, confirmation sampling and a health and safety inspection.
- Confirm that site records are up to date.

Inspections of all remedial components installed at the site will be conducted. A comprehensive annual site-wide inspection will be conducted and documented according to the SMP schedule, regardless of the frequency of the Periodic Review Report (PRR). The inspections will determine and document the following:

- If site controls continue to be protective of human health and the environment
- Compliance with requirements of this SMP and the Environmental Easement
- If Site records are complete and up to date

Reporting requirements are outlined in Section 7.0 of this SMP.

Inspections will also be performed in the event of an emergency. If an emergency, such as a natural disaster occurs, verbal notice to the NYSDEC project manager must be given by noon of the following day. In addition, an inspection of the site will be conducted within 5 days of the event to verify the effectiveness of the ICs implemented at the site by a qualified environmental professional, as defined in 6 NYCCR Part 375. Written confirmation must be provided to the NYSDEC project manager with 7 days of the event that includes a summary of actions taken, or to be taken, and the potential impact to the environment and the public. The remedial party will submit follow-up status reports to the NYSDEC within 45 days of the event on actions taken to respond to any emergency event requiring ongoing responsive action, describing and documenting actions taken to restore the effectiveness of the ICs.

## 5 Operation and Maintenance Plan

The site remedy does not rely on any mechanical systems, such as groundwater treatment systems, sub-slab depressurization systems or air sparge/soil vapor extraction systems to protect public health and the environment. Therefore, the operation and maintenance of such components is not included in this SMP.

## 6 Periodic Assessment/Evaluations

### 6.1 Climate Change Vulnerability Assessment

Increases in both the severity and frequency of storms/weather events, an increase in sea level elevations along with accompanying flooding impacts, shifting precipitation patterns and wide temperature fluctuation, resulting from global climactic change and instability, have the potential to significantly impact the performance, effectiveness and protectiveness of a given site and associated remedial systems. Vulnerability assessments provide information so that the Site and associated remedial systems are prepared for the impacts of the increasing frequency and intensity of severe storms/weather events and associated flooding.

The Site controls are passive and are not vulnerable to changing or extreme weather conditions. Storm water management is not anticipated to be a concern because the Site is graded for positive drainage. Remaining contaminated materials are below the Site features (e.g., asphalt, concrete building pads, vegetative areas, etc.), which are anticipated to withstand foreseeable rain, snow, and flooding and protect against long-term direct contact exposures. Based on the thickness and integrity of these features, contaminated materials are not anticipated to be released from the Site during extreme weather events, including flooding.

If Site conditions change, Flexo, with NYSDEC consultation, will evaluate the need to develop a vulnerability assessment. Potential future vulnerability assessments will be provided as part of the PRR.

### 6.2 Green Remediation Evaluation

NYSDEC's DER-31 Green Remediation requires that green remediation concepts and techniques be considered during all stages of the remedial program including site management, with the goal of improving the sustainability of the cleanup and summarizing the net environmental benefit of any implemented green technology. This section of the SMP provides a summary of any green remediation evaluations to be completed for the Site during site management, and as reported in the PRR.

Site maintenance activities (i.e., site inspection) will be performed in such a way to minimize energy usage, emissions, and waste generation.

#### 6.2.1 Timing of Green Remediation Evaluations

For potential future major remedial system components, green remediation evaluations and corresponding modifications will be undertaken as part of a formal Remedial System Optimization (RSO), or at any time that the NYSDEC project manager feels appropriate (i.e., during significant maintenance events or in conjunction with storm recovery activities).

Modifications resulting from green remediation evaluations will be routinely implemented and scheduled to occur during planned/routine operation and maintenance activities. Reporting of these modifications will be presented in the PRR.

## 6.2.2 Frequency of System Checks and Other Periodic Activities

Transportation to and from the Site and use of consumables in relation to visiting the Site in order to conduct system checks and/or collect samples, and shipping samples to the laboratory for analyses have direct and/or inherent energy costs. The schedule and/or means of these periodic activities have been prepared so that these tasks can be accomplished in a manner that does not impact remedy protectiveness but reduces expenditure of energy or resources.

## 6.2.3 Metrics and Reporting

As discussed in Section 7.0 and as shown in Appendix D – Site Inspection Forms, information on data monitoring, sample collection, maintenance activities, repairs, etc. will be recorded to facilitate and document consistent implementation of green remediation during site management and to identify corresponding benefits. A set of metrics has been developed.

## 6.3 Remedial System Optimization

An RSO study will be conducted any time that the NYSDEC project manager or the RP requests in writing that an in-depth evaluation of the remedy is needed. An RSO may be appropriate if any of the following occur:

- The remedial actions have not met or are not expected to meet RAOs The management and operation of the remedial system is exceeding the estimated costs.
- The remedial system is not performing as expected or as designed.
- Previously unidentified source material may be suspected.
- Plume shift has potentially occurred.
- Site conditions change due to development, change of use, change in groundwater use, etc.
- There is an anticipated transfer of the site management to another RP or agency.
- A new and applicable remedial technology becomes available.

An RSO will provide a critique of a site's conceptual model, give a summary of past performance, document current cleanup practices, summarize progress made toward the Site's cleanup goals, gather additional performance or media specific data and information and provide recommendations for improvements to enhance the ability of the present system to reach RAOs or to provide a basis for changing the remedial strategy.

## 7 Reporting Requirements

### 7.1 Site Management Reports

All site management inspection, maintenance and monitoring events will be recorded on the appropriate site inspection forms provided in Appendix D. These forms are subject to NYSDEC revision. All site management inspection, maintenance, and monitoring events will be conducted by a qualified environmental professional as defined in 6 NYCRR Part 375, a PE who is licensed and registered in New York State, or a qualified person who directly reports to a PE who is licensed and registered in New York State.

All applicable inspection forms and other records, including media sampling data and system maintenance reports, generated for the Site during the reporting period will be provided in electronic format to the NYSDEC in accordance with the requirements of Table 7.1 and summarized in the PRR.

**Table 7.1 – Schedule of Interim Monitoring/Inspection Reports**

Task/Report	Reporting Frequency <sup>2</sup>
PRR <sup>1</sup>	Triennial

**Notes:**

1. Activities and results of each annual site inspection will be summarized in the respective Periodic Review Report.
2. The frequency of events will be conducted as specified until otherwise approved by the NYSDEC project manager.

All interim monitoring/inspections reports will include, at a minimum:

- Date of event or reporting period.
- Name, company, and position of person(s) conducting monitoring/inspection activities.
- Description of the activities performed.
- Where appropriate, color photographs or sketches showing the approximate location of any problems or incidents noted (included either on the checklist/form or on an attached sheet).
- Type of samples collected (e.g., soil/fill).
- Copies of all field forms completed (e.g., chain-of-custody documentation, etc.).
- Sampling results in comparison to appropriate standards/criteria.
- A figure illustrating sample type and sampling locations.
- Copies of all laboratory data sheets and the required laboratory data deliverables required for all points sampled (to be submitted electronically in the NYSDEC-identified format).
- Any observations, conclusions, or recommendations.
- A determination as to whether limited remaining contamination have changed since the last reporting event.

Routine maintenance event reporting forms will include, at a minimum:

- Date of event.
- Name, company, and position of person(s) conducting maintenance activities.
- Description of maintenance activities performed.

- Any modifications to the system.
- Where appropriate, color photographs or sketches showing the approximate location of any problems or incidents noted (included either on the checklist/form or on an attached sheet).
- Other documentation such as copies of invoices for maintenance work, receipts for replacement equipment, etc., (attached to the checklist/form).

Non-routine maintenance event reporting forms will include, at a minimum:

- Date of event.
- Name, company, and position of person(s) conducting non-routine maintenance/repair activities.
- Description of non-routine activities performed.
- Where appropriate, color photographs or sketches showing the approximate location of any problems or incidents (included either on the form or on an attached sheet).
- Other documentation such as copies of invoices for repair work, receipts for replacement equipment, etc. (attached to the checklist/form).

Data will be reported in digital format as determined by the NYSDEC. Currently, data is to be supplied electronically and submitted to the NYSDEC EQUIS™ database in accordance with the requirements found at this link <http://www.dec.ny.gov/chemical/62440.html>.

## 7.2 Periodic Review Report

The next PRR will be submitted to the NYSDEC project manager in 2026 and will be submitted triennially thereafter or at another frequency as may be required by the NYSDEC project manager. Historically, PRR submission was on an annual basis but was modified to triennially upon NYSDEC approval on July 20, 2020. In the event that the Site is subdivided into separate parcels with different ownership, a single PRR will be prepared that addresses the Site described in Appendix A (Environmental Easement). The report will be prepared in accordance with NYSDEC DER-10 and submitted within 30 days of the end of each certification period. Media sampling results will also be incorporated into the PRR, if performed. The report will include:

- Identification, assessment, and certification of all ECs/ICs required by the remedy for the Site.
- Results of the required annual site inspections, fire inspections and severe condition inspections, if applicable.
- Description of any change of use, import of materials, or excavation that occurred during the certifying period.
- All applicable site management forms and other records generated for the Site during the reporting period in the NYSDEC-approved electronic format, if not previously submitted.
- Identification of any wastes generated during the reporting period, along with waste characterization data, manifests, and disposal documentation.
- A summary of any discharge monitoring data and/or information generated during the reporting period, with comments and conclusions.
- Data summary tables and graphical representations of constituents of concern by media (e.g., soil, groundwater, etc.), which include a listing of all compounds analyzed, along with the applicable standards, with all exceedances highlighted, if applicable. These tables and figures will include a presentation of past data as part of an evaluation of contaminant concentration trends, including but not limited to:

- Trend monitoring graphs that present groundwater contaminant levels from before the start of the remedy implementation to the most current sampling data;
- Trend monitoring graphs depicting system influent analytical data on a per event and cumulative basis;
- O&M data summary tables;
- A current plume map for sites with remaining groundwater contamination; and
- A groundwater elevation contour map for each gauging event.
- Results of all analyses, copies of all laboratory data sheets and the required laboratory data deliverables for all samples collected during the reporting period, if applicable, will be submitted in digital format as determined by the NYSDEC. Currently, data is supplied electronically and submitted to the NYSDEC EquIS™ database in accordance with the requirements found at this link: <http://www.dec.ny.gov/chemical/62440.html>.
- A site evaluation, which includes the following:
  - The compliance of the remedy with the requirements of the site-specific BCA.
  - Any new conclusions or observations regarding limited remaining contamination based on inspections or data generated for the media being monitored, if applicable.
  - Recommendations regarding any necessary changes to the remedy and/or Monitoring and Sampling Plan, if applicable.
  - The overall performance and effectiveness of the remedy.

## 7.2.1 Certification of Institutional Controls

At the end of each certifying period, as determined by the NYSDEC project manager, the following certification will be provided to the NYSDEC project manager:

*“For each institutional control identified for the site, I certify that all of the following statements are true:*

- *The institutional control employed at this site is unchanged from the date the control was put in place, or last approved by the Department;*
- *Nothing has occurred that would impair the ability of the control to protect the public health and environment;*
- *Nothing has occurred that would constitute a violation or failure to comply with any site management plan for this control.*
- *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;*
- *If a financial assurance mechanism is required under the oversight document for the site, the mechanism remains valid and sufficient for the intended purpose under the document;*
- *Use of the Site is compliant with the environmental easement.*
- *The information presented in this report is accurate and complete.*

*I certify that all information and statements in this certification form 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, [insert name of Professional Engineer] of [business address], am certifying as Flexo's Designated Site Representative for the site."*

- *No new information has come to my attention, including groundwater monitoring data from wells located at the site boundary, if any, to indicate that the assumptions made in the qualitative exposure assessment of off-site contamination are no longer valid; and*
- *The assumptions made in the qualitative exposure assessment remain valid.*

The signed certification will be included in the Periodic Review Report.

The Periodic Review Report will be submitted, in electronic format, to the NYSDEC project manager and the NYSDOH project manager. The Periodic Review Report may also need to be submitted in hard-copy format if requested by the NYSDEC project manager.

## **7.3 Corrective Measures Work Plan**

If any component of the remedy is found to have failed, or if the periodic certification cannot be provided due to the failure of an institutional control or failure to conduct site management activities, a Corrective Measures Work Plan will be prepared and submitted to the NYSDEC project manager for approval. This plan will explain the failure and provide the details and schedule for performing work necessary to correct the failure. Unless an emergency condition exists, no work will be performed pursuant to the Corrective Measures Work Plan until it has been approved by the NYSDEC project manager.

## **7.4 Remedial Site Optimization Report**

In the event that an RSO is to be performed (see Section 6.3), upon completion of an RSO, an RSO report must be submitted to the NYSDEC project manager for approval. The RSO report will document the research/ investigation and data gathering that was conducted, evaluate the results and facts obtained, present a revised conceptual site model and present recommendations. RSO recommendations are to be implemented upon approval from the NYSDEC. Additional work plans, design documents, HASPs etc., may still be required to implement the recommendations, based upon the actions that need to be taken. A final engineering report and update to the SMP may also be required.

The RSO report will be submitted, in electronic format, to the NYSDEC project manager and the NYSDOH project manager.

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# Tables

TABLE 1-1

## Remedial Investigation Surface Soil - Organic Results

1132-1146 Seneca Street Site

Buffalo, NY



Sample ID Sample Depth (inches BGS) Sample Date	Restricted Use Soil Cleanup Objectives - Commercial	Restricted Use Soil Cleanup Objectives Industrial	TP-2 0-2 10/14/2009	TP-3 0-2 10/14/2009	TP-5 0-2 10/14/2009	TP-7 0-2 10/15/2009	TP-9 0-2 10/15/2009	TP-10 0-2 10/15/2009	TP-13 0-2 10/15/2009	TP-14 0-2 10/15/2009	B-2 0.0-2 10/19/2009
<b>Volatiles Organic Compounds (µg/kg)</b>											
1,2,4-Trichlorobenzene					4.6 J						—
Methylene Chloride	500,000 <sup>b</sup>	1,000,000 <sup>c</sup>	20	3.6 J	1.5 J						—
<b>Semi-Volatiles Organic Compounds (µg/kg)</b>											
2-Methylnaphthalene					910 D12,J						
4-Methylphenol	500,000 <sup>b</sup>	1,000,000 <sup>c</sup>							4,800 D10		
Acenaphthene	500,000 <sup>b</sup>	1,000,000 <sup>c</sup>			2,600 D12,J						
Anthracene	500,000 <sup>b</sup>	1,000,000 <sup>c</sup>			4,300 D12,J					180 D10,J	
Benzo(a)anthracene	5,600	11,000	4,400 T10,D12,J	890 D12,J	7,900 D12,J	430 D10,J	1,800 D12,M4,J	750 D10,J	240 D10,J	660 D10,J	460 D10,J
Benzo(a)pyrene	1,000 <sup>f</sup>	1,100		970 D12,L1,J	6,100 D12,L1,J	500 D10,J	3,300 D12,M4,J	1,500 D10,J	250 D10,J	700 D10,J	
Benzo(b)fluoranthene	5,600	11,000	6,900 T10,D12,J	1,600 D12,J	9,900 D12,J	660 D10,J	3,100 D12,M4,J	1,000 D10,J	370 D10,J	1,100 D10,J	640 D10,ID4,J
Benzo(ghi)perylene	500,000 <sup>b</sup>	1,000,000 <sup>c</sup>		740 D12,J	3,200 D12,J	490 D10,J	2,100 D12,M4,J	1,100 D10,J		430 D10,J	
Benzo(k)fluoranthene	56,000	110,000						310 D10,J			
Carbazole					2,200 D12,J						
Chrysene	56,000	110,000	3,700 T10,D12,J	780 D12,J	7,800 D12,J	470 D10,J	3,100 D12,M4,J	940 D10,J	220 D10,J	670 D10,J	370 D10,J
Dibenzofuran					1,600 D12,J						
Fluoranthene	500,000 <sup>b</sup>	1,000,000 <sup>c</sup>	9,300 T10,D12,J	1,400 D12,J	18,000 D12	490 D10,J	2,200 D12,M4,J	1,000 D10,J	350 D10,J	1,300 D10,J	690 D10,J
Fluorene	500,000 <sup>b</sup>	1,000,000 <sup>c</sup>			2,600 D12,J						
Indeno(1,2,3-cd)pyrene	5,600	11,000		630 D12,J	2,900 D12,J	260 D10,J	1,000 D12,M4,J	450 D10,J	120 D10,J	360 D10,J	
Phenanthrene	500,000 <sup>b</sup>	1,000,000 <sup>c</sup>	5,700 T10,D12,J	600 D12,J	21,000 D12	290 D10,J	1,500 D12,M4,J	650 D10,J	270 D10,J	920 D10,J	440 D10,J
Pyrene	500,000 <sup>b</sup>	1,000,000 <sup>c</sup>	7,500 T10,D12,J	1,200 D12,J	15,000 D12	550 D10,J	4,000 D12,M4,J	990 D10,J	270 D10,J	1,100 D10,J	570 D10,J
<b>PCB (µg/kg)</b>											
Aroclor 1248											7,800 D08,J
Aroclor 1254				17,000 D08,QSU	68 QSU	880 D08	270	160	56	65	
Aroclor 1260			140,000 D08,QSU	33,000 D08,QSU	30 QSU	550 D08	240	94	24	48	40,000 D08
Total PCBs	1,000	25,000	140,000	50,000	98	1,430	510	254	80	113	47,800

Notes:

Only those analytes detected at a minimum of one location are shown. Blank cells indicate non-detect.

D08 - Dilution required due to high concentration of target analyte

D10 - Dilution required due to sample color

D12 - dilution required due to sample viscosity

J - Estimated value, analyte less than reporting limit but greater than method detection limit

QSU - Sulfur clean-up performed on extract

T10 - Sample had an adjusted final volume during extraction due to extract matrix or viscosity

-Bold value indicates exceedance of Industrial SCO.

-Shaded value indicates exceedance of Commercial SCO.

Restricted Use Footnotes

b - The SCOs for commercial use were capped at a maximum value of 500 ppm (500,000 ppb).

c - The SCOs for industrial use and the protection of groundwater were capped at a maximum value of 1000 ppm (1,000,000 ppb).

f - For constituents where the calculated SCO was lower than the rural soil background concentration as determined by the Department of Health rural soil survey, the rural soil background concentration is used as the Track 2 SCO value for this site.



**TABLE 1-1A**  
**Remedial Investigation Subsurface Soil - Benzo (a) Pyrene Results**  
**1132-1146 Seneca Street Site**  
**Buffalo, NY**

Sample ID	Sample Depth (inches BGS)	Sample Collection Date	Benzo (a) pyrene (mg/kg)
<b>Restricted Use Soil Cleanup Objective - Commercial</b>			1.00 <sup>f</sup>
<b>Restricted Use Soil Cleanup Objective - Industrial</b>			1.10
SS-1	0-2	7/1/2010	
SS-2	0-2	7/1/2010	0.23 J
SS-3	0-2	7/1/2010	0.48
SS-3 (DUP-1)	0-2	7/1/2010	0.52
SS-4	0-2	7/1/2010	<b>1.32</b>
SS-5	0-2	7/1/2010	1.09
SS-6	0-2	7/1/2010	1.00
SS-7	0-2	7/1/2010	<b>1.39</b>
SS-8	0-2	7/1/2010	0.84
SS-9	0-2	7/1/2010	0.35 J
SS-10	0-2	7/1/2010	0.62
SS-11	0-2	7/1/2010	0.69
SS-12	0-2	7/1/2010	
SS-13	0-2	7/1/2010	0.76
SS-14	0-2	7/1/2010	<b>3.22</b>
SS-15	0-2	7/1/2010	<b>2.35</b>
SS-16	0-2	7/1/2010	<b>1.45</b>
SS-17	0-2	7/1/2010	<b>2.20</b>
SS-18	0-2	7/1/2010	<b>8.93</b>
SS-19	0-2	7/1/2010	0.85
SS-20	0-2	7/1/2010	<b>1.45</b>
SS-21	0-2	7/1/2010	0.57 J
SS-22	0-2	7/1/2010	0.38
SS-23	0-2	7/1/2010	0.66
SS-24	0-2	7/1/2010	<b>2.54</b>
SS-25	0-2	7/1/2010	0.66
SS-25 (DUP-2)	0-2	7/1/2010	1.09
SS-26	0-2	7/1/2010	<b>2.86</b>
SS-27	0-2	7/1/2010	0.73
SS-28	0-2	7/1/2010	<b>1.95</b>
SS-29	0-2	7/1/2010	<b>21.70</b>
SS-30	0-2	7/1/2010	
SS-31	0-2	7/1/2010	<b>1.92</b>
SS-32	0-2	7/1/2010	0.87
SS-33	0-2	7/1/2010	<b>1.38</b>
SS-34	0-2	7/1/2010	1.08
SS-35	0-2	7/1/2010	<b>1.35</b>
SS-36	0-2	7/1/2010	<b>2.02</b>
SS-37	0-2	7/1/2010	<b>1.31</b>
SS-38	0-2	7/1/2010	<b>3.26</b>

Notes:

Blank cells indicate non-detect.

J - Estimated value, analyte less than reporting limit but greater than method detection limit

-Shaded value indicates exceedance of Commercial SCO.

-Bold value indicates exceedance of Industrial SCO.

Restricted Use Footnotes

b - The SCOs for commercial use were capped at a maximum value of 500 ppm (500,000 ppb).

c - The SCOs for industrial use and the protection of groundwater were capped at a maximum value of 1000 ppm (1,000,000 ppb).

f - For constituents where the calculated SCO was lower than the rural soil background concentration as determined by the Department of Health rural soil survey, the rural soil background concentration is used as the Track 2 SCO value for this site.

TABLE 1-2

Remedial Investigation Surface Soil - Metal Results

1132-1146 Seneca Street Site

Buffalo, NY



Sample ID Sample Depth (inches BGS) Sample Date	Restricted Use Soil Cleanup Objectives Commercial	Restricted Use Soil Cleanup Objectives Industrial	TP-2 0-2 10/14/2009	TP-3 0-2 10/14/2009	TP-5 0-2 10/14/2009	TP-7 0-2 10/15/2009	TP-9 0-2 10/15/2009	TP-10 0-2 10/15/2009	TP-13 0-2 10/15/2009	TP-14 0-2 10/15/2009	B-2 0.0-2 10/19/2009
<b>Metals (mg/kg)</b>											
Aluminum			5,460	5,100	10,800	9,560 B	9,840 B	9,040 B	8,550 B	9,090 B	7,960
Antimony			5 J	1 J			1 J				
Arsenic	16 <sup>f</sup>	16 <sup>f</sup>	8.4 B	4.5 B	7.8 B	11.2	15.8	11.6	7.5	14.9	8.0
Barium	400	10,000 <sup>d</sup>	79.5	113	108	91.7	157	131	72.2	130	92.2
Beryllium	590	2,700	0.795	0.622	0.795	0.798 B	0.960 B	0.932 B	0.532 B	0.648 B	0.614
Cadmium	9.30	60	1.120	0.625	0.428	0.195 J	0.796	0.163 J		0.426	0.399
Calcium			106,000 D08	159,000 D08	60,300	17,500	21,400	64,600	35,400	15,300	71,400
Chromium, hexavalent	400	800	11.8	7.00	15.2	12.8	16.8	12.8	11.6	15.8	12.5 B
Cobalt			3.00	2.61	6.32	5.37	5.61	5.15	5.72	4.78	6.87
Copper	270	10000 <sup>d</sup>	185.0	48.8	37.5	36.4	61.0	54.8	27.8	34.4	44.8
Iron			12,800	8,540	16,400	18,000	20,100	17,800	15,300	14,600	16,800 B3
Lead	1,000	3,900	99.8	102	122	104	195	114	69.3	141	81.5
Magnesium			15,800 B	10,200 B	10,100 B	3,230	4,050	5,850	7,060	4,760	8,040
Manganese	10,000 <sup>d</sup>	10,000 <sup>d</sup>	484 B	321 B	581 B	626	786	492	308	371	385 B
Nickel	310	10,000 <sup>d</sup>	10.6	9.5	16.2	14.6	18.7	16	15.8	13.7	19.3
Potassium			815	847	1,660	1,040	1,400	1,240	1,420	1,130	1,320
Silver	1,500	6,800	1.090	2.070		0.152 J	0.286 J	0.210 J		0.181 J	1.080
Sodium			233	298	132 J	187 J	205	219 J	117 J	126 J	182
Thallium						2.2 J	2.1 J	2 J	1.2 J	1.4 J	
Vanadium			9.310	9.070	19.7	21.8	24.3	18.9	18.6	19.6	15.8
Zinc	10,000 <sup>d</sup>	10,000 <sup>d</sup>	207 B	143 B	131 B	150 B	283 B	132 B	90.1 B	206 B	90.7 B
Mercury	2.8 <sup>j</sup>	5.7 <sup>j</sup>	0.119	0.061	0.128	0.192	0.242	0.124	0.208	0.167	0.113

Notes:

Only those analytes detected at a minimum of one location are shown. Blank cells indicate non-detect.

B - Analyte detected in associated method blank

D08 - Dilution required due to high concentration of target analyte

J - Estimated value, analyte less than reporting limit but greater than method detection limit

-Bold value indicates exceedance of Industrial SCO.

-Shaded value indicates exceedance of Commercial SCO.

Restricted Use Footnotes

b - The SCOs for commercial use were capped at a maximum value of 500 ppm (500,000 ppb).

c - The SCOs for industrial use and the protection of groundwater were capped at a maximum value of 1000 ppm (1,000,000 ppb).

d - The SCOs for the metals were at a maximum value of 10,000 ppm.

f - For constituents where the calculated SCO was lower than the rural soil background concentration as determined by the Department of Health rural soil survey, the rural soil background concentration is used as the Track 2 SCO value for this site.

j - This SCO is the lower of the values for mercury (elemental) Lior mercury (inorganic salts).

TABLE 1-3

Remedial Investigation Subsurface Soil - Organic Results

1132-1146 Seneca Street Site

Buffalo, NY



Sample ID Sample Depth (feet BGS) Sample Date	Restricted Use Soil Cleanup Objectives Commercial	Restricted Use Soil Cleanup Objectives - Industrial	TP-1 1.4-2.0 10/14/2009	TP-2 1.5-2 10/14/2009	TP-3 1-1.5 10/14/2009	TP-4 1-1.5 10/14/2009	TP-5 3.5-4.5 10/14/2009	TP-DUPL #1 (TP-5) 10/14/2009	TP-8 0.5-1.2 10/15/2009	TP-18 0.5-1.0 10/16/2009	B-2 0.5-1.0 10/19/2009	B-3 0.6-0.9 10/19/2009	B-5 0.5-2.0 10/19/2009
<b>Volatiles Organic Compounds (µg/kg)</b>													
1,2,4-Trichlorobenzene						250 D08							—
1,2-Dichlorobenzene	500,000 <sup>b</sup>	1,000,000 <sup>c</sup>				3.8 J							—
1,3-Dichlorobenzene	280,000	560,000				5.9 D08,J							—
1,4-Dichlorobenzene	130,000	250,000				3.7 J							—
2-Butanone	500,000 <sup>b</sup>	1,000,000 <sup>c</sup>	13 J	11 J	46		120 J	14 J					—
Acetone	500,000 <sup>b</sup>	1,000,000 <sup>c</sup>	78	54	260	36 D08,J	410	86			14 J		—
Methylene Chloride	500,000 <sup>b</sup>	1,000,000 <sup>c</sup>		2.7 J	2.9 J	2.8 J	24 J	2.3 J	6 J,B	11 B	11 B		4.8 J,B
<b>Semi-Volatiles Organic Compounds (µg/kg)</b>													
2-Methylnaphthalene													100 J,B
Acenaphthene	500,000 <sup>b</sup>	1,000,000 <sup>c</sup>											10 J
Benzo(a)anthracene	5,600	11,000			790 D12,J					220 D10,J			
Benzo(a)pyrene	1,000 <sup>f</sup>	1,100			630 D12,L1,J					200 D10,J			
Benzo(b)fluoranthene	5,600	11,000			1,100 D12,J					330 D10,J			
Chrysene	56,000	110,000			710 D12,J					230 D10,J			
Fluoranthene	500,000 <sup>b</sup>	1,000,000 <sup>c</sup>	400 D10,J		1,300 D12,J				210 D10,J	330 D10,J			
Indeno(1,2,3-cd)pyrene	5,600	11,000			380 D12,J								
Naphthalene	500,000 <sup>b</sup>	1,000,000 <sup>c</sup>											540 B
Phenanthrene	500,000 <sup>b</sup>	1,000,000 <sup>c</sup>			700 D12,J					250 D10,J			
Pyrene	500,000 <sup>b</sup>	1,000,000 <sup>c</sup>	280 D10,J		1,100 D12,J	140 D10,J				250 D10,J			
<b>PCB (µg/kg)</b>													
Aroclor 1248													1,500 D08,J
Aroclor 1254			12 QSU,J		2,100 D08	23,000 D08	31 QSU	15 QSU,J					
Aroclor 1260			11 QSU,J	180 QSU	2,500 D08	5,100 D08	26 QSU	13 QSU,J			180 D08,J	4,200 D08	
Total PCBs	1,000	25,000	23	180	4,600	28,100	57	28			180	5,700	

Notes:

Only those analytes detected at a minimum of one location are shown. Blank cells indicate non-detect.

B - Analyte detected in associated method blank

D08 - Dilution required due to high concentration of target analyte

D10 - Dilution required due to sample color

D12 - dilution required due to sample viscosity

J - Estimated value, analyte less than reporting limit but greater than method detection limit

L1 -

QSU - Sulfur clean-up performed on extract

T10 - Sample had an adjusted final volume during extraction due to extract matrix or viscosity

-Bold value indicates exceedance of Industrial SCO.

-Shaded value indicates exceedance of Commercial SCO.

Restricted Use Footnotes

b - The SCOs for commercial use were capped at a maximum value of 500 ppm (500,000 ppb).

c - The SCOs for industrial use and the protection of groundwater were capped at a maximum value of 1000 ppm (1,000,000 ppb).

f - For constituents where the calculated SCO was lower than the rural soil background concentration as determined by the Department of Health rural soil survey, the rural soil background concentration is used as the Track 2 SCO value for this site.

**TABLE 1-4  
Remedial Investigation Soil PCB Precharacterization Results  
1132-1146 Seneca Street Site  
Buffalo, NY**

Sample ID	RUSCO - Commercial	RUSCO - Industrial	A-U	A-L	B-U	B-L	C-U	C-L	Dup-L (C-L)
<b>PCB (µg/kg)</b>									
Aroclor 1242							14,000 D08	3,500 D08	2,800 D08
Aroclor 1248			1,900 D08, J		6,500 D08	380 D08, J			
Aroclor 1254			11,000 D08, B	250 QSU, B	16,000 D08, B	2,500 D08, B	34,000 D08,B	14,000 D08,B	11,000 D08,B
Aroclor 1260			27,000 D08	450 QSU	54,000 D08	6,000 D08	72,000 D08	22,000 D08	16,000 D08
Totoal PCBs	1,000	25,000	<b>39,900</b>	700	<b>76,500</b>	<b>8,880</b>	<b>120,000</b>	<b>39,500</b>	<b>29,800</b>
Sample ID	RUSCO - Commercial	RUSCO - Industrial	D-U	D-L	E-U	E-L	F-U	F-L	G-U
<b>PCB (µg/kg)</b>									
Aroclor 1242			5,900 D08				180,000 D08,J	24,000 D08	2,200 D08
Aroclor 1248				1,000		83 D08,			
Aroclor 1254			47,000 D08,B	3,200	7,000 D08,B	550 D08, QSU, B	780,000 D08,B	77,000 D08,B	17,000 D08,B
Aroclor 1260			53,000 D08	5,100	11,000 D08	1,100 D08,	1,100,000 D08	100,000 D08	28,000 D08
Totoal PCBs	1,000	25,000	<b>105,900</b>	<b>9,300</b>	<b>18,000</b>	<b>1,733</b>	<b>2,060,000</b>	<b>201,000</b>	<b>47,200</b>
Sample ID	RUSCO - Commercial	RUSCO - Industrial	G-L	H-U	H-L	I-U	I-L	J-U	J-L
<b>PCB (µg/kg)</b>									
Aroclor 1242									
Aroclor 1248			8,600 D08	9,600 D08	370 D08				
Aroclor 1254			26,000 D08,B	33,000 D08,B	2,100 D08,B	11,000 D08,QSU, B	6,000 D08,B	7,000 D08,B	4,000 D08,B
Aroclor 1260			16,000 D08	28,000 D08	2,400 D08	18,000 D08,QSU	6,000 D08	11,000 D08	6,000 D08
Totoal PCBs	1,000	25,000	<b>50,600</b>	<b>70,600</b>	<b>4,870</b>	<b>29,000</b>	<b>12,000</b>	<b>18,000</b>	<b>10,000</b>
Sample ID	RUSCO - Commercial	RUSCO - Industrial	K-U	K-L	L-U	Dup-U (L-U)	L-L	M-U	M-L
<b>PCB (µg/kg)</b>									
Aroclor 1242									
Aroclor 1248									
Aroclor 1254			260,000 D08,B	32,000 D08,B	2,800,000 D08,B	960,000 D08,B	27,000 D08,B	16,000 D08,B	13,000 D08,B
Aroclor 1260			74,000 D08,B	8,500 D08,B	290,000 D08,B	90,000 D08	4,400 D08,B	2,500 D08,B	2,400 D08,B
Totoal PCBs	1,000	25,000	<b>334,000</b>	<b>40,500</b>	<b>3,090,000</b>	<b>1,050,000</b>	<b>31,400</b>	<b>18,500</b>	<b>15,400</b>

Notes:

RUSCO - Industrial + NYSDEC Restricted Use Soil Cleanup Objectives for Industrial Use

RUSCO - Commercial = NYSDEC Restricted Use Soil Cleanup Objectives for Commercial Use

Only those analytes detected at a minimum of one location are shown. Blank cells indicate non-detect.

B - Analyte detected in associated method blank

D08 - Dilution required due to high concentration of target analyte

J - Estimated value, analyte less than reporting limit but greater than method detection limit

QSU - Sulfur clean-up performed on extract

Bold value indicates exceedance of Industrial SCO.

 Shaded value indicates exceedance of Commercial SCO.

 Shaded value indicates exceedance of 50,000 ug/kg Hazardous Waste Cleanup Level.

**TABLE 1-4  
Remedial Investigation Soil PCB Precharacterization Results  
1132-1146 Seneca Street Site  
Buffalo, NY**

Sample ID	RUSCO - Commercial	RUSCO - Industrial	N-U	N-L	O-L	O-L	P-U	P-L
<b>PCB (µg/kg)</b>								
Aroclor 1242					2,400 D08,B	1,800 D08,B	4,300 D08,B	700 D08,B
Aroclor 1248								
Aroclor 1254			14,000 D08,B	5,400 D08,B	17,000 D08,B	17,000 D08,B	16,000 D08,B	5,200 D08,B
Aroclor 1260			3,800 D08,B	1,500 D08,B	11,000 D08,B	9,200 D08,B	18,000 D08,B	5,900 D08,B
Totoal PCBs	1,000	25,000	17,800	6,900	30,400	28,000	38,300	11,800

Sample ID	RUSCO - Commercial	RUSCO - Industrial	D1-U	D1-L	H1-U	H1-L	K1-U	K1-L
<b>PCB (µg/kg)</b>								
Aroclor 1242								
Aroclor 1248								
Aroclor 1254			1,780	29	550		121	
Aroclor 1260			1,790		504		121	
Totoal PCBs	1,000	25,000	3,570	29	1,054	0	242	0

Sample ID	RUSCO - Commercial	RUSCO - Industrial	L1-U	Dup2-U (L1-U)	L1-L	O1-U	O1-L	P1-U	P1-L
<b>PCB (µg/kg)</b>									
Aroclor 1242									
Aroclor 1248									
Aroclor 1254									
Aroclor 1260			148	67.4		46.2		46.3	
Totoal PCBs	1,000	25,000	148	67	0	46	0	46	0

Sample ID	RUSCO - Commercial	RUSCO - Industrial	Q-U	U-U	U-L
<b>PCB (µg/kg)</b>					
Aroclor 1242					
Aroclor 1248					
Aroclor 1254				2,630	1,810
Aroclor 1260			186	2,670	2,010
Totoal PCBs	1,000	25,000	186	5,300	3,820

**Notes:**

RSUCO - Industrial + NYSDEC Restricted Use Soil Cleanup Objectives for Industrial Use

RSUCO - Commercial = NYSDEC Restricted Use Soil Cleanup Objectives for Commercial Use

Only those analytes detected at a minimum of one location are shown. Blank cells indicate non-detect.

B - Analyte detected in associated method blank

D08 - Dilution required due to high concentration of target analyte

J - Estimated value, analyte less than reporting limit but greater than method detection limit

QSU - Sulfur clean-up performed on extract

Bold value indicates exceedance of Industrial SCO.

 Shaded value indicates exceedance of Commercial SCO.

 Shaded value indicates exceedance of 50,000 ug/kg Hazardous Waste Cleanup Level.

TABLE 1-5

Remedial Investigation Subsurface Soil - Metal Results

1132-1146 Seneca Street Site

Buffalo, NY



Sample ID Sample Depth (feet BGS) Sample Date	Restricted Use Soil Cleanup Objectives - Commercial	Restricted Use Soil Cleanup Objectives - Industrial	TP-1 1.4-2.0 10/14/2009	TP-2 1.5-2 10/14/2009	TP-3 1-1.5 10/14/2009	TP-4 1-1.5 10/14/2009	TP-5 3.5-4.5 10/14/2009	TP-DUPL #1 (TP-5) 10/14/2009	TP-8 0.5-1.2 10/15/2009	TP-18 0.5-1.0 10/16/2009	B-2 0.5-1.0 10/19/2009	B-5 0.5-2.0 10/19/2009
<b>Metals (mg/kg)</b>												
Aluminum			15,700	4,820	11,900	5,100	24,800	24,200	20,300 B	7,410 B	3,720	6,540
Antimony				1 J		2 J						
Arsenic	16'	16'	13.5 B	9.7 B	8.2 B	<b>21.3 B</b>	12.6 B	13.2 B	9.0	13.6	10.7	2.3 J
Barium	400	10,000 <sup>d</sup>	111	261	119	134	195	113	123	130	194	58.9
Beryllium	590	2,700	0.741	0.635	0.759	0.850	1.580	1.790	1.080 B	0.665 B	0.599	0.296
Cadmium	9.30	60	0.259 J	0.593	0.555	1.210	0.510	0.489			0.134 J	0.120 J
Calcium			5,430	2,640	5,140	4,000	4,630	4,240	57,700	5,510	17,500	55,700
Chromium, hexavalent	400	800	16.2	8.28	12.2	7.29	26.8	28.1	18.6	10.6	4.94 B	9.26 B
Cobalt			8.73	4.59	8.94	18.3	28.4	30.6	3.23	7.86	3.35	4.30
Copper	270	10,000 <sup>d</sup>	34.6	35.9	20.4	44.4	14.6	9.6	14.7	47.5	27.8	10.9
Iron			25,400	15,800	29,900	24,300	75,200	101,000 D08	16,200	13,900	11,500 B3	10,400 B3
Lead	1,000	3,900	27	46.5	53	26.4	43.2	44.6	55.2	683	58.1	28.3
Magnesium			2,300 B	404 B	1,990 B	1,040 B	3,070 B	2,900 B	1,910	2,280	686	17,400
Manganese	10,000 <sup>d</sup>	10,000 <sup>d</sup>	230 B	111 B	1,710 B	1,520 B	1,730 B	1,570 B	2,510	235	78.7 B	289 B
Nickel	310	10,000 <sup>d</sup>	18.8	11.4	16.3	38.7	17.8	16.3	6.9	18.6	9.01	10.0
Potassium			947	464	768	761	1,150	1,030	2,300	1,230	321	1,220
Selenium	1,500	6,800	1.1 J	2 J	1 J						1.4 J	
Silver	1,500	6,800			0.134 J	0.221 J	0.154 J	0.139 J	0.124 J	0.172 J		
Sodium			899	100 J	145 J	118 J	329	251	695	224	106 J	126 J
Thallium				0.6 J					2.1 J	1 J		
Vanadium			26.8	23.9	23.1	14.3	66.4	82.2	33.1	20	13.1	13.3
Zinc	10,000 <sup>d</sup>	10,000 <sup>d</sup>	89.1 B	153 B	109 B	176 B	172 B	175 B	53.6 B	100 B	50.5 B	48.6 B
Mercury	2.8'	5.7'	0.146	0.0882	0.299	0.0867	0.100	0.0557	0.0947	0.486	0.0635	0.0691

Notes:

Only those analytes detected at a minimum of one location are shown. Blank cells indicate non-detect.

B - Analyte detected in associated method blank

D08 - Dilution required due to high concentration of target analyte

D10 - Dilution required due to sample color

D12 - dilution required due to sample viscosity

J - Estimated value, analyte less than reporting limit but greater than method detection limit

QSU - Sulfur clean-up performed on extract

T10 - Sample had an adjusted final volume during extraction due to extract matrix or viscosity

-Bold value indicates exceedance of Industrial SCO.

-Shaded value indicates exceedance of Commercial SCO.

Restricted Use Footnotes

d - The SCOs for the metals were at a maximum value of 10,000 ppm.

f - For constituents where the calculated SCO was lower than the rural soil background concentration as determined by the Department of Health rural soil survey, the rural soil back ground concentration is used as the Track 2 SCO value for this site.

j - This SCO is the lower of the values for mercury (elemental) [or mercury (inorganic salts).

# Figures

User:KKASPEREK File:C:\USERS\KKASPEREK\ARCADIS\30193763 - FLEXP SMP UPDATE - DOCUMENTS\PROJECT\01 CAD\FIGURES\GEN\FIGURE 1.DWG  
Spec:PIRNIE STANDARD Scale:1:1 SavedDate:1/11/2024 Time:14:50 Plot Date: Kaspersek, Katie: 1/12/2024; 10:41 ; Layout:BLANK



**LEGEND**

- PARCEL BOUNDARY
- SBL: 123.29-1-10.1  
28 WASSON ST
- BCP SITE BOUNDARY

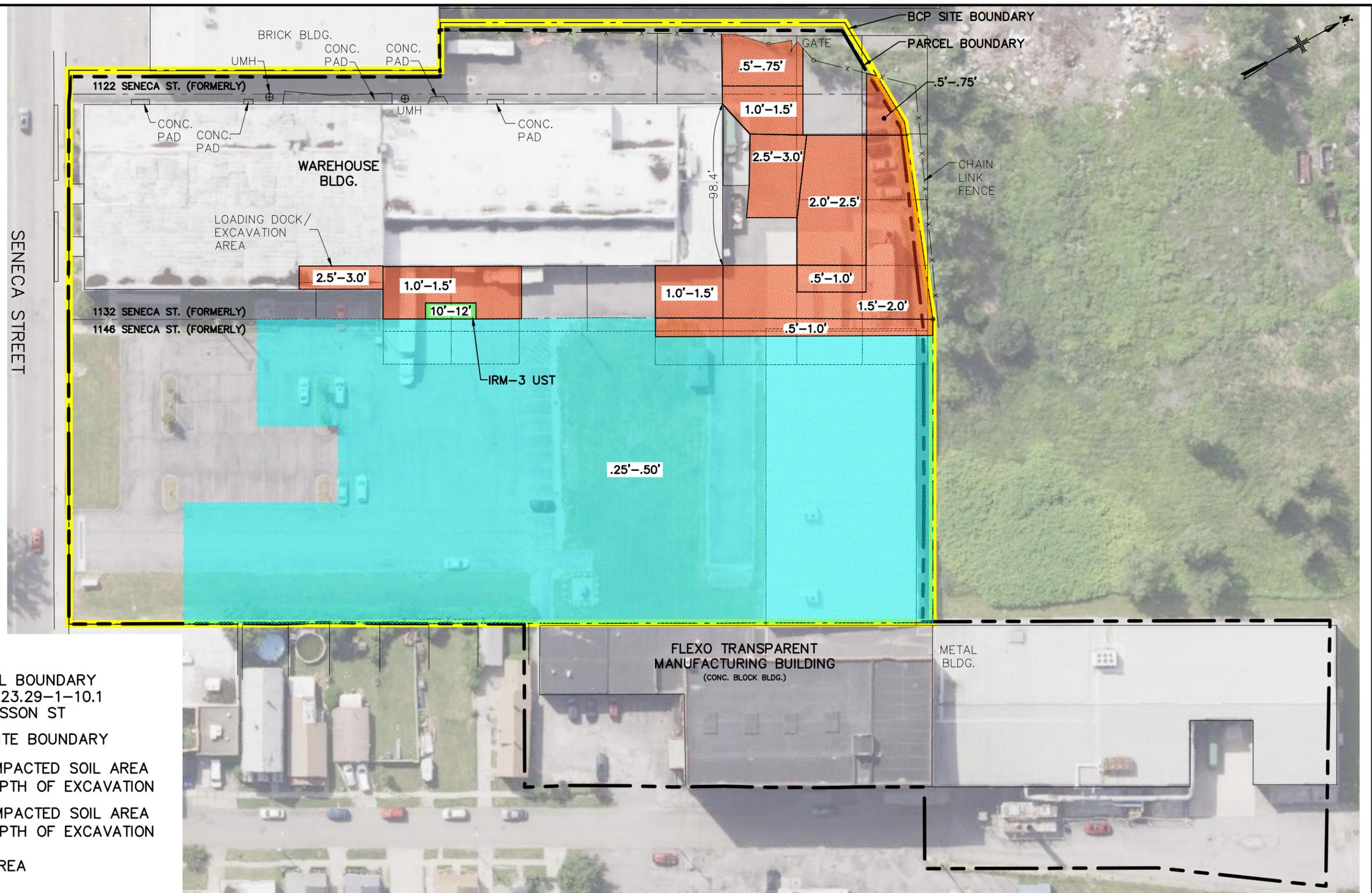


FLEXP TRANSPARENT, LLC  
BUFFALO, NEW YORK  
**EXCAVATION WORK PLAN**  
1132-1146 SENECA STREET BCP REDEVELOPMENT

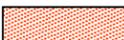
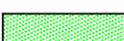
(FORMALLY 1122, 1132 & 1146 SENECA STREET)  
**PHASE I SITE LOCATION MAP**  
28 WASSON ST. BUFFALO, NY  
SCALE: 1"=200'

ARCADIS OF NEW YORK, INC.  
OCTOBER 2023  
**FIGURE 1**

User:KKASPEREK File:C:\USERS\KKASPEREK\ARCADIS\30193763 - FLEXP SMP UPDATE - DOCUMENTS\PROJECT\01 CAD\FIGURES\GEN\FIGURE 2.DWG  
 Spec:PIRNE STANDARD Scale:1:1 SavedDate:10/25/2023 Time:09:56 Plot Date: Kasperrek, Katie; 1/1/2024; 13:05 ; Layout:BLANK



**LEGEND**

-  PARCEL BOUNDARY  
SBL: 123.29-1-10.1  
28 WASSON ST
-  BCP SITE BOUNDARY
-  PCB IMPACTED SOIL AREA  
W/ DEPTH OF EXCAVATION
-  BAP IMPACTED SOIL AREA  
W/ DEPTH OF EXCAVATION
-  UST AREA

**NOTE:**  
 PCB IMPACTED SOIL AREAS BACKFILLED  
 WITH CRUSHED STONE.



SCALE: 1" = 60'



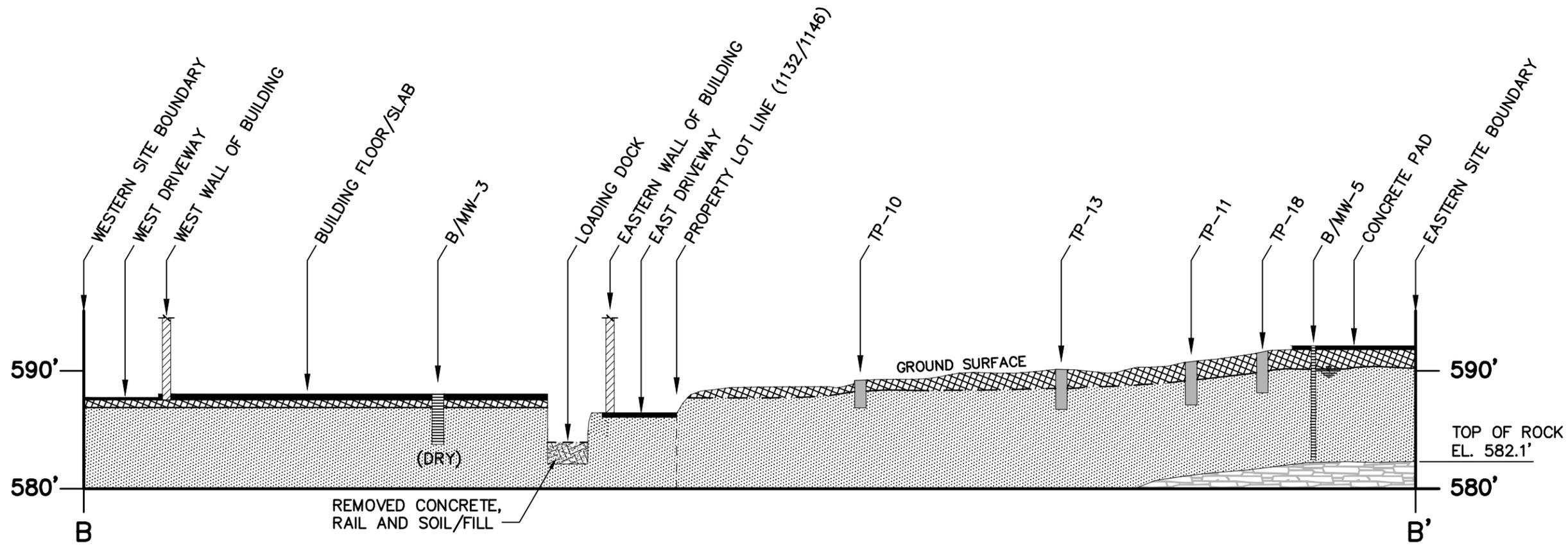
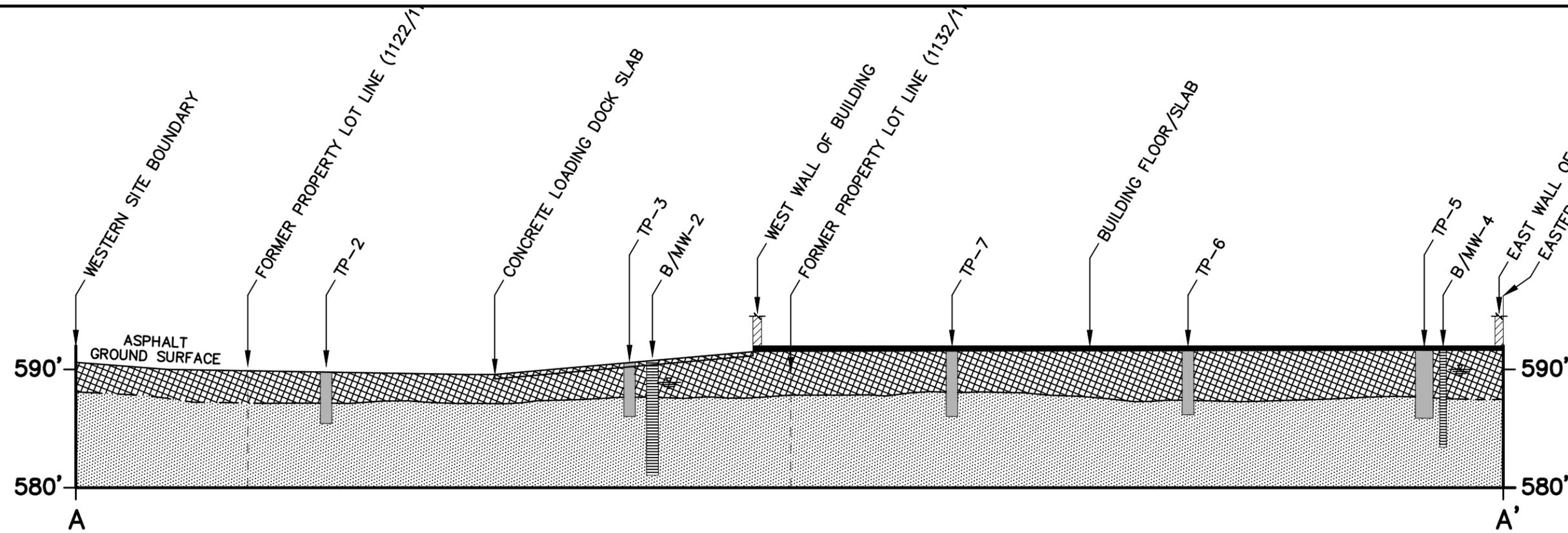
LEGAL ENTITY:  
 ARCADIS OF NEW YORK, INC.

FLEXP TRANSPARENT, LLC  
 BUFFALO, NEW YORK  
**EXCAVATION WORK PLAN**  
 1132-1146 SENECA STREET BCP REDEVELOPMENT

**SITE BASE MAP WITH  
 AREAS OF SOIL REMEDIATION**  
 SCALE: 1"=50'

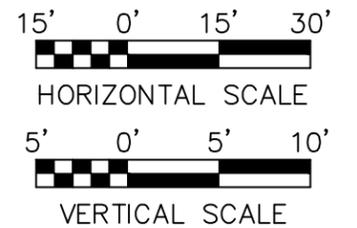
ARCADIS OF NEW YORK, INC.  
 OCTOBER 2023  
**FIGURE 2**

User:KKASPEREK File:C:\USERS\KKASPEREK\ARCADIS\30193763 - FLEXO SMP UPDATE - DOCUMENTS\PROJECT\01 CAD\FIGURES\GEN\FIGURE 3.DWG  
 Spec:PIRNIE STANDARD Scale:1:1 SavedDate:10/25/2023 Time:09:56 Plot Date: Kasperrek, Katie; 1/11/2024; 14:31 ; Layout:BLANK



**LEGEND**

- FILL (SILT, SAND, GRAVEL, BRICK AND CONCRETE)
- SILT/CLAY OVERBURDEN
- LIMESTONE BEDROCK
- GROUNDWATER ELEVATION MEASURED 10/29/09

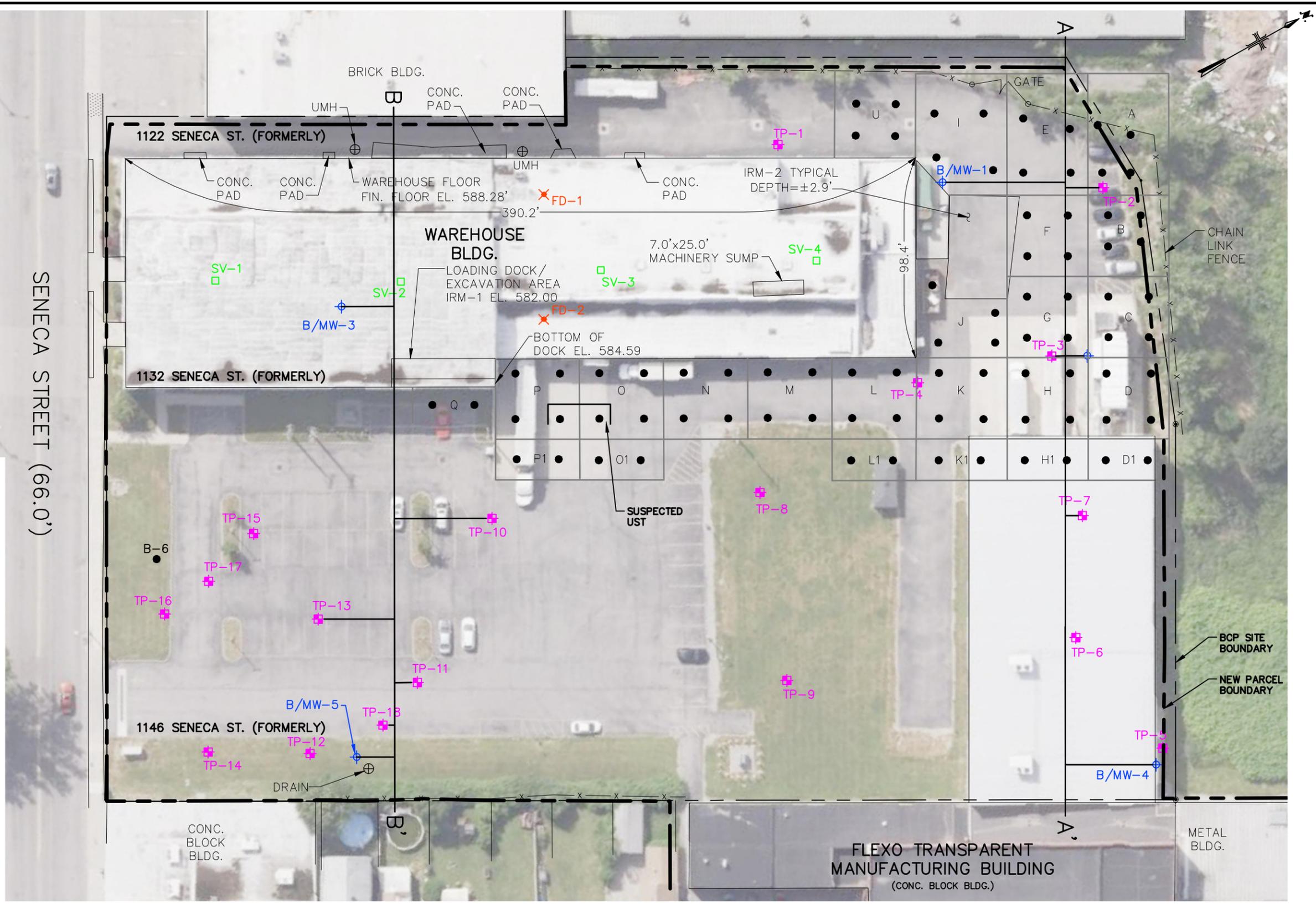


FLEXO TRANSPARENT, LLC  
 BUFFALO, NEW YORK  
**SITE MANAGEMENT PLAN**  
 1132-1146 SENECA STREET BCP REDEVELOPMENT

**GEOLOGIC CROSS SECTIONS**

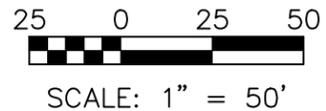
ARCADIS OF NEW YORK, INC.  
 OCTOBER 2023  
 FIGURE 3

User:KKASPEREK File:C:\USERS\KKASPEREK\ARCADIS\30193763 - FLEXP SMP UPDATE - DOCUMENTS\PROJECT\01 CAD\FIGURES\GEN\FIGURE 4.DWG Plot Date: Kasper, Katie; 10/9/2023; 15:15 ; Layout:####  
 Spec:PIRNIE STANDARD Scale:1:# SavedDate:10/9/2023 Time:12:57



**LEGEND**

- PARCEL BOUNDARY
- BCP SITE BOUNDARY
- B-6 SOIL BORING
- B/MW-5 SOIL BORING/ MONITORING WELL
- TP-17 TEST PIT
- SV-1 SUB-SLAB SOIL VAPOR
- FD-2 FLOOR DRAIN SEDIMENT SAMPLE
- LOCATION OF GEOLOGIC CROSS SECTION



FLEXP TRANSPARENT, INC.  
 BUFFALO, NEW YORK  
**SITE MANAGEMENT PLAN**  
 1132-1146 SENECA STREET BCP REDEVELOPMENT

REMEDIAL INVESTIGATION  
 SAMPLE LOCATION MAP

ARCADIS OF NEW YORK, INC.  
 OCTOBER 2023  
 FIGURE 4

User:KKASPEREK File:C:\USERS\KKASPEREK\ARCADIS\30193763 - FLEXP TRANSPARENT - DOCUMENTS\PROJECT\01 CAD\FIGURES\GEN\FIGURE 5.DWG  
 Spec:PIRNIE STANDARD Scale:1:# SavedDate:10/9/2023 Time:13:00 Plot Date: Kaspersek, Katie; 10/9/2023; 15:16 ; Layout:####



**LEGEND**

- GROUNDWATER ELEVATION CONTOUR LINE
- B/MW-5 MONITORING WELL LOCATION WITH GROUNDWATER ELEVATION IN UNITS OF FEET ABOVE MEAN SEA LEVEL
- \* CONTOUR INTERVAL = 0.5 FEET  
ELEVATIONS MEASURED ON 10/29/2009



SCALE: 1" = 50'

User:KKASPEREK File:C:\USERS\KKASPEREK\ARCADIS\30193763 - FLEXP SMP UPDATE - DOCUMENTS\PROJECT\01 CAD\FIGURES\GEN\FIGURE 6.DWG Plot Date: Kasperék, Katie; 10/9/2023; 15:17 ; Layout:#### Spec:PIRNIE STANDARD Scale:1:# SavedDate:10/9/2023 Time:13:03

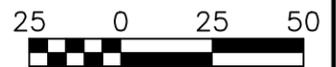


**SURFACE SOIL SAMPLING RESULTS**

SAMPLE ID SAMPLE DEPTH (INCHES BSG)	RESTRICTED USE SOIL CLEANUP OBJECTIVES - COMMERCIAL	RESTRICTED USE SOIL CLEANUP OBJECTIVES - INDUSTRIAL	TP-2	TP-3	TP-5	TP-7	TP-9	TP-10	B/MW-2
			0"-2"	0"-2"	0"-2"	0"-2"	0"-2"	0"-2"	0"-2"
SAMPLE DATE			10/14/2009	10/14/2009	10/14/2009	10/15/2009	10/15/2009	10/15/2009	10/19/2009
VOLATILES ORGANIC COMPOUNDS (mg/kg)									
SEMI-VOLATILES ORGANIC COMPOUNDS (mg/kg)									
BENZO(A)ANTHRACENE	5.6	11	-	-	7.9	-	-	-	-
BENZO(A)PYRENE	1	1.1	-	-	6.1	-	3.3	1.5	-
BENZO(B)FLUORANTHENE	5.6	11	6.9	-	9.9	-	-	-	-
PCBs (mg/kg)									
TOTAL PCBs	1	25	140	50	-	1.4	-	-	47.8

**NOTE:**

- SAMPLE LOCATIONS SHOWN IN RED EXCEED THE SCO FOR RESTRICTED USE-COMMERCIAL OR RESTRICTED USE-INDUSTRIAL.



SCALE: 1" = 50'



FLEXP TRANSPARENT, INC.  
BUFFALO, NEW YORK  
**SITE MANAGEMENT PLAN**  
1132-1146 SENECA STREET BCP REDEVELOPMENT

**ANALYTICAL EXCEEDENCES IN SURFACE SOIL**

ARCADIS OF NEW YORK, INC.  
OCTOBER 2023  
**FIGURE 6**

User:KKASPEREK File:C:\USERS\KKASPEREK\ARCADIS\30193763 - FLEXP SMP UPDATE - DOCUMENTS\PROJECT\01 CAD\FIGURES\GEN\FIGURE 7.DWG Plot Date: Kasperék, Katie; 10/9/2023; 15:18 ; Layout:#### Spec:PIRNIE STANDARD Scale:1:# SavedDate:10/9/2023 Time:13:04

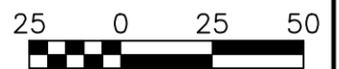


**SUBSURFACE SOIL SAMPLING RESULTS**

SAMPLE ID	RESTRICTED USE SOIL CLEANUP OBJECTIVES - COMMERCIAL	RESTRICTED USE SOIL CLEANUP OBJECTIVES - INDUSTRIAL	TP-3 1"-1.5"	TP-4 1"-1.5"
SAMPLE DATE			10/14/2009	10/14/2009
VOLATILES ORGANIC COMPOUNDS (mg/kg)				
SEMI-VOLATILES ORGANIC COMPOUNDS (mg/kg)				
PCBs (mg/kg)				
TOTAL PCBs	1	25	4.6	28.1
METALS (mg/kg)				
ARSENIC	16	16	-	21.3

**NOTE:**

1. SAMPLE LOCATIONS SHOWN IN RED EXCEED THE SCO FOR RESTRICTED USE-COMMERCIAL OR RESTRICTED USE-INDUSTRIAL.



SCALE: 1" = 50'

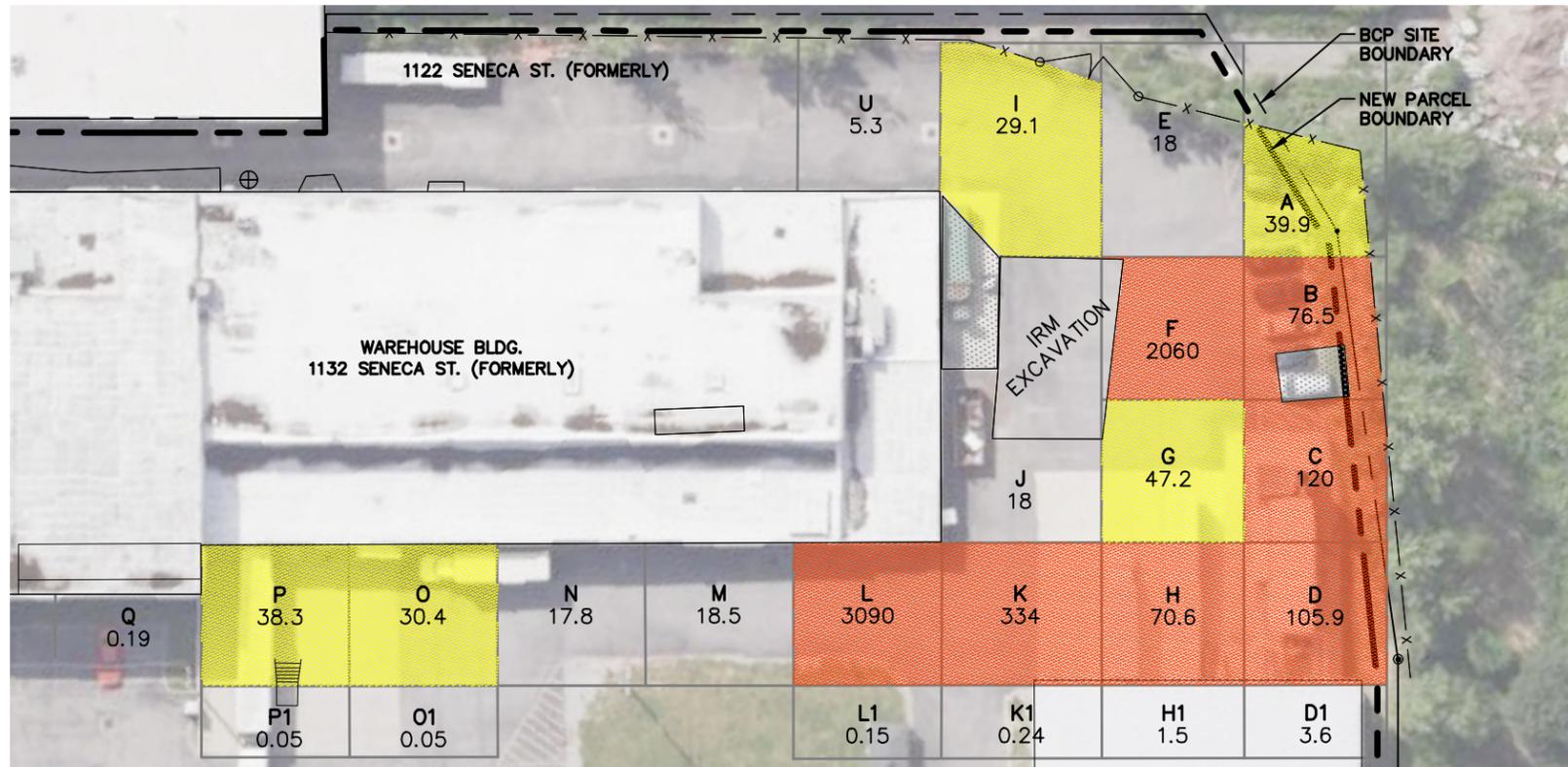


FLEXP TRANSPARENT, INC.  
BUFFALO, NEW YORK  
**SITE MANAGEMENT PLAN**  
1132-1146 SENECA STREET BCP REDEVELOPMENT

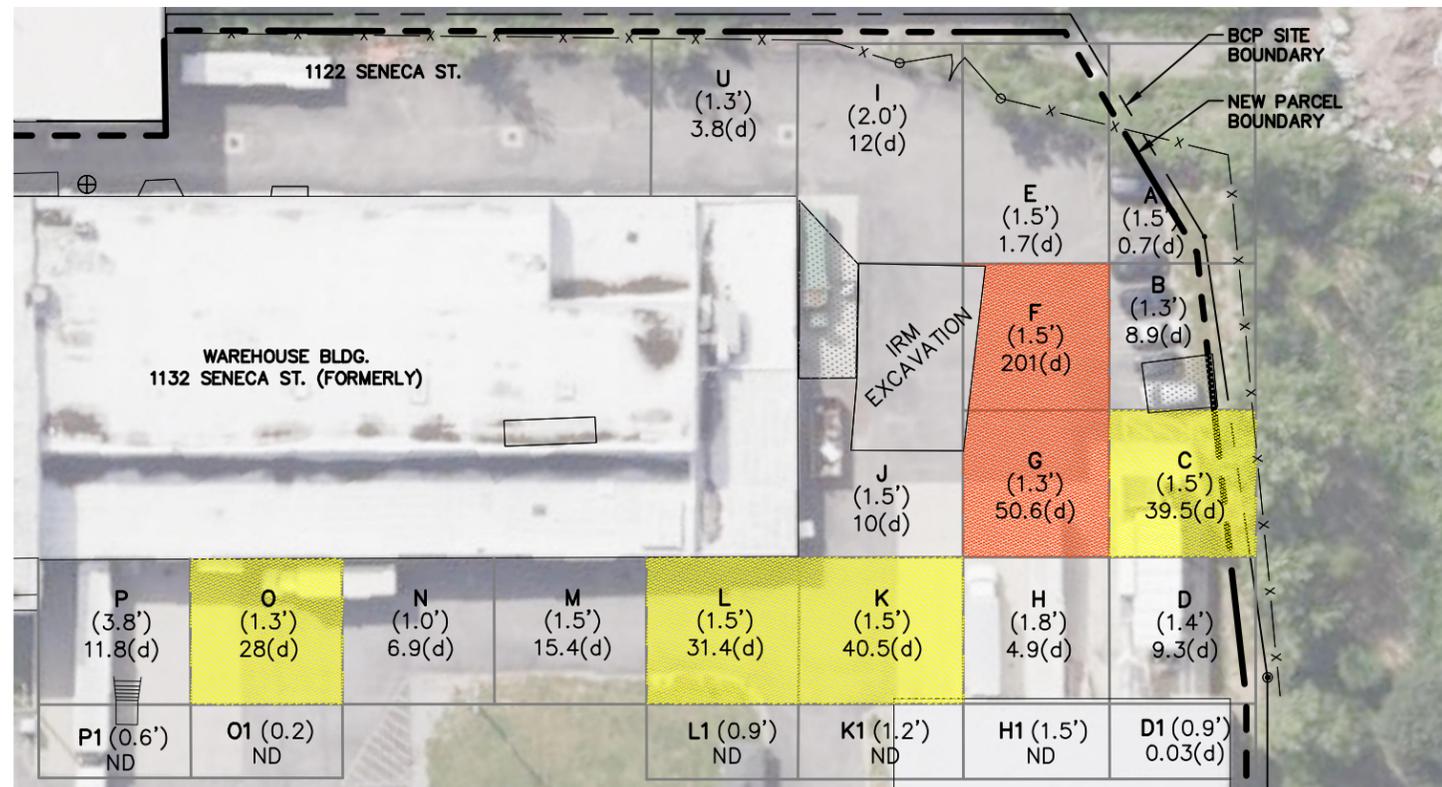
**ANALYTICAL EXCEEDENCES IN SUBSURFACE SOIL**

ARCADIS OF NEW YORK, INC.  
OCTOBER 2023  
**FIGURE 7**

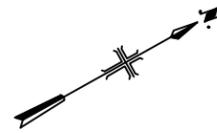
User:KKASPEREK File:C:\USERS\KASPEREK\ARCADIS\30193763 - FLEXP SMP UPDATE - DOCUMENTS\PROJECT\01 CAD\FIGURES\GEN\FIGURE 8.DWG  
 Spec:PIRNIE STANDARD Scale:1:# SavedDate:10/9/2023 Time:13:13 Plot Date: Kasperak, Katie; 10/9/2023; 15:22 ; Layout:###



SHALLOW (0 - 0.5') SOIL/FILL

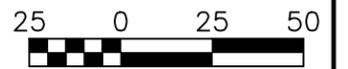


DEEPER (0.5' - TOP OF CLAY) SOIL/FILL



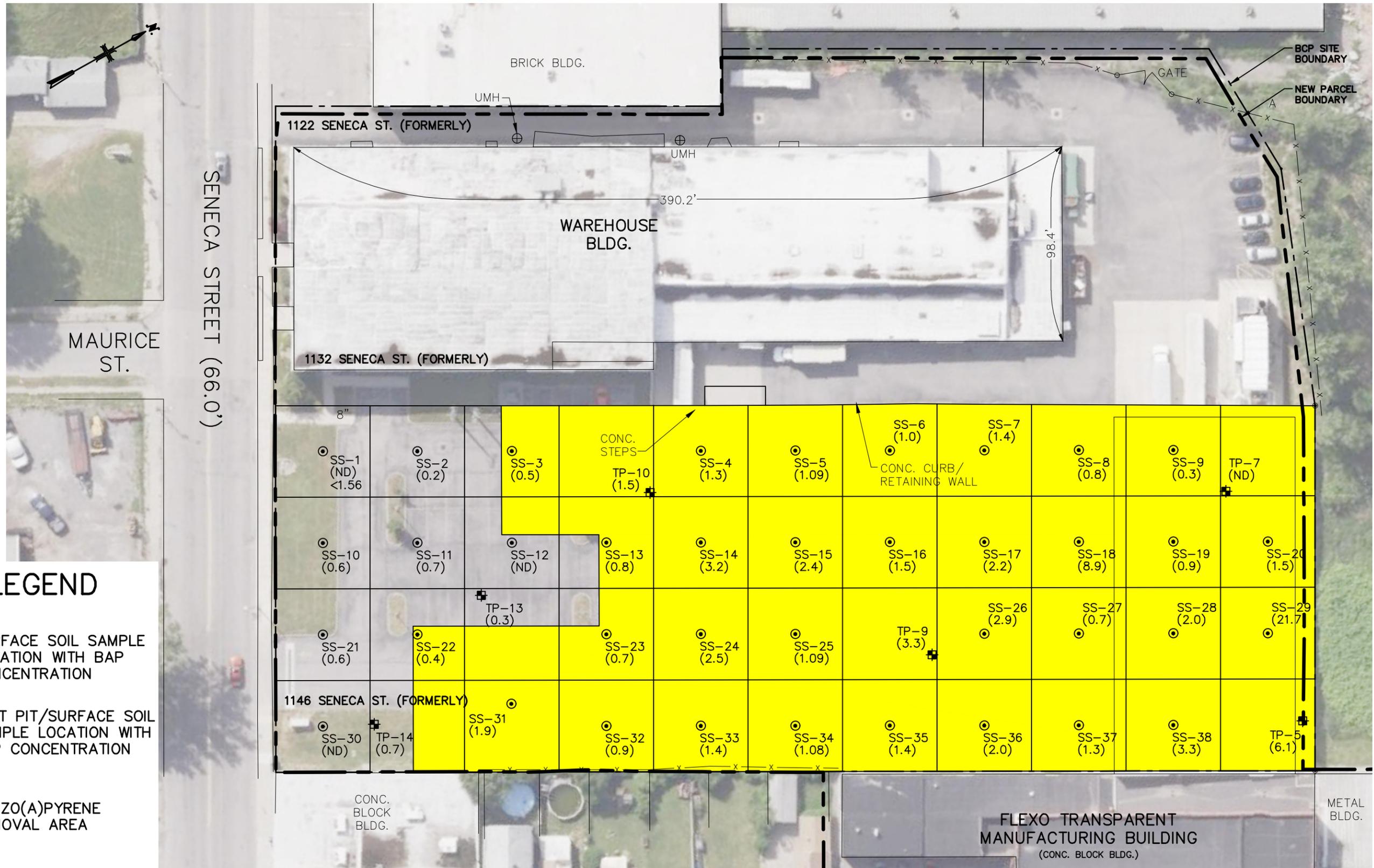
**LEGEND**

- TOTAL PCB's > 25 PPM (INDUSTRIAL SOIL CLEANUP OBJECTIVE)
- TOTAL PCB's > 50 PPM (HAZARDOUS WASTE - CLEANUP LEVEL)
- PARCEL BOUNDARY
- BCP SITE BOUNDARY
- EXISTING FENCE
- CELL ID
- ADJACENT CELL ID
- TOTAL PCB CONCENTRATION IN THE UPPER 6" OF FILL (UNITS OF PPM)
- TOTAL PCB CONCENTRATION IN FILL BELOW UPPER 6" OF FILL (UNITS OF PPM)
- THICKNESS OF FILL BELOW UPPER 6" AND BELOW CONCRETE IF PRESENT



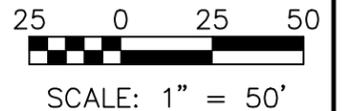
SCALE: 1" = 50'

User:KKASPEREK File:C:\USERS\KKASPEREK\ARCADIS\30193763 - FLEXP SMP UPDATE - DOCUMENTS\PROJECT\01 CAD\FIGURES\GEN\FIGURE 9.DWG  
 Spec:PIRNIE STANDARD Scale:1:# SavedDate:10/9/2023 Time:1:13:18 Plot Date: Kasperék, Katie; 10/9/2023; 15:25 ; Layout:####



### LEGEND

- SS-37 (1.3) SURFACE SOIL SAMPLE LOCATION WITH BAP CONCENTRATION
- TP-5 (6.1) TEST PIT/SURFACE SOIL SAMPLE LOCATION WITH BAP CONCENTRATION
- BENZO(A)PYRENE REMOVAL AREA



FLEXP TRANSPARENT, INC.  
 BUFFALO, NEW YORK  
**EXCAVATION WORK PLAN**  
 1132-1146 SENECA STREET BCP REDEVELOPMENT

## BENZO(A)PYRENE IN SURFACE SOILS

ARCADIS OF NEW YORK, INC.  
 OCTOBER 2023  
**FIGURE 9**

# Appendix A

## Environmental Easement

**ERIE COUNTY CLERKS OFFICE**

County Clerk's Recording Page

Book: 11189 Page: 8625

Return To:

JOSEPH AMICONE ESQ  
 HARRIS BEACH PLLC  
 677 BROADWAY STE 1101  
 ALBANY NY 12207

Page Count: 10

Doc Type: EASEMENT/RTWY &lt;500

Rec Date: 10/14/2010

Rec Time: 01:20:17 PM

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User ID: Ild

Trans Num: 965713

DEED SEQ: TT2010003926

MTG SEQ:

UCC:

SCAR:

INDEX:

Party 1:

**RSB ENTERPRISES LLC**

Party 2:

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**Recording Fees:

RECORDING	\$0.00
COE CO \$1 RET	0
COE STATE \$14.25 GEN	\$0.00
COE STATE \$4.75 RM	\$0.00
TP584	\$10.00

Consideration Amount:

	\$1.00
BASIC	\$0.00
SONYMA	\$0.00
ADDL	\$0.00
NFTA MT	\$0.00
TRANSFER	\$0.00
NFTA TT	\$0.00

---

**Total: \$10.00**

STATE OF NEW YORK  
 ERIE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT,  
 REQUIRED BY SECTIONS 319&316-a (5) OF THE REAL PROPERTY LAW  
 OF THE STATE OF NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

Kathleen C. Hochul  
 County Clerk

Honorable Kathleen C. Hochul  
County Clerk  
Erie County  
2 Franklin Street  
Buffalo, NY 14202  
716) 858-8785

**HARRIS BEACH** PLLC  
ATTORNEYS AT LAW

677 BROADWAY, SUITE 1101  
ALBANY, NY 12207  
(518) 427-9700

JOSEPH AMICONE

FAX: (518) 427-0235  
JAMICONE@HARRISBEACH.COM

DATE: 10/14/2010  
TIME: 01:20:17 PM  
RECEIPT: 965713

HARRIS BEACH

ITEM -01 785U 01:20:17 PM  
CTRL #: 2010186492 BK/PG: D11189/8625  
DEED SEQ: TT2010003926  
RSB ENTERPRISES LLC  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
TP584 10.00  
MARKOFF FEE 0.00  
Sub. Total 10.00

AMOUNT DUE: \$10.00  
PAID CHECK: \$100.00  
Check #: 203137 \$100.00  
CHECK REFUND: \$90.00  
TOTAL PAID: \$100.00

*Cherie  
All set!  
Shulz*

REC BY: LLD  
County Clerk  
Have a nice day!

and The People of the State of New York

al Environmental Easement and form TP-584.2, along with  
presenting the recording fees, to be recorded in the Erie

essed, stamped envelope for your use in returning the  
office.

eed further information regarding this matter, please call

OUR INV. NO.	
YOUR REF. NO.	
INVOICE DATE	

Very truly yours,

*Cherie LaGrange*  
Cherie LaGrange, Assistant to  
Joseph Amicone, Esq.

Enclosures

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

**THIS INDENTURE** made this 30<sup>th</sup> day of September, 2010, between RSB Enterprises, LLC as current fee owner of certain land within the city of North Tonawanda, New York more particularly described in Exhibit A hereto, having an office at 28 Wasson Street, Buffalo, New York 14202 (the "Grantor"), and The People of the State of New York (the "Grantee"), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233.

**WHEREAS**, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

**WHEREAS**, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of environmental easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and of ensuring the potential restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

**WHEREAS**, the Legislature of the State of New York has declared that environmental easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and;

**WHEREAS**, Grantor is the owner of real property located at the address of 1122, 1132 and 1146 Seneca Street in the city of Buffalo, Erie County, such property known and designated on the tax map of the city of Buffalo, Erie County as tax map parcel numbers Section 123, Block 29-1, Lots 10, 11 and 12, being the same as the property conveyed to Grantor by deed on September 25, 2009, and recorded on September 29, 2009 in the Land Records of the Erie County Clerk at Book 11170, Page 4038 of Deeds with document number 2009196248, comprising of approximately 4.2 acres, and hereinafter more fully described in the Land Title Survey dated June 2, 1986 and revised on April 27, 2010, prepared by McIntosh & McIntosh, P.C., which will be attached to the Site Management Plan. The property description (the "Property" or the "Controlled Property") is set forth and attached hereto as Schedule A; and

**WHEREAS**, the Department accepts this Environmental Easement in order to ensure the protection of human health and the environment and to achieve the requirements for remediation

Environmental Easement

1785U-9 NIF  
CTY 186492

established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36.

**NOW THEREFORE**, in consideration of the mutual covenants contained herein and the terms and conditions of **Brownfield Site Cleanup Agreement Number B9-0787-08-06**, as amended, Site Number C915228, dated December 8, 2008 (the "Brownfield Site Cleanup Agreement"), Grantor conveys to Grantee a permanent Environmental Easement pursuant to Article 71, Title 36 of the ECL in, on, over, under, and upon the Controlled Property as more fully described herein (the "Environmental Easement").

1. Purposes. Grantor and Grantee acknowledge that the purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of the Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the potential restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP"), including any and all Department approved amendments to the SMP, are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees, and any person using the Controlled Property.

- A. (1) The Controlled Property may be used for industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv);
- (2) All Engineering Controls must be operated and maintained as specified in the SMP;
- (3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;
- (4) Groundwater and other environmental and public health monitoring must be performed as defined in the SMP;
- (5) 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;
- (6) All future activities on the Controlled Property that will disturb remaining contaminated material must be conducted in accordance with the SMP;
- (7) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;
- (8) Operation, maintenance, monitoring, inspection and reporting of any

mechanical or physical components of the remedy shall be performed as defined in the SMP;

- (9) 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.

B. The Controlled Property shall not be used for residential or restricted residential purposes and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP, which may include sampling, monitoring and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Regional Remediation Engineer  
NYSDEC – Region 9  
Division of Environmental Remediation  
270 Michigan Avenue  
Buffalo, New York 14203-2915

or

Site Control Section  
Division of Environmental Remediation  
NYSDEC  
625 Broadway  
Albany, New York 12233  
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

**This property is subject to an environmental easement held by the New York State Department of Environmental**

**Conservation pursuant to Title 36 of Article 71 of the  
Environmental Conservation Law.**

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall annually, or such time as NYSDEC may allow, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury that:

- (1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program were performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3);
- (2) the institutional controls and/or engineering controls employed at such site:
  - (i) are in place;
  - (ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and
  - (iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;
- (3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;
- (4) nothing has occurred that would constitute a violation or failure to comply with and site management plan for such controls;
- (5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;
- (6) to the best of his/her 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
- (7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Controlled Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by, the terms of this Environmental Easement; and

B. The right to give, sell, assign, or otherwise transfer the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement.

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Controlled Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor, its successors and assigns, of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar its enforcement rights.

6. Notice. Whenever notice to the State (other than the annual certification) or approval from the State is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to:

Site No. C915228

Office of General Counsel  
NYSDEC  
625 Broadway  
Albany New York 12233-5500

With a copy to:

Site Control Section  
Division of Environmental Remediation  
NYSDEC  
625 Broadway  
Albany New York 12233

All notices and correspondence shall be delivered by hand, or by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10 Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.





**SCHEDULE A - PROPERTY DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND, situate In the City of Buffalo, County of Erie and State of New York, being parts of Lot Numbers 27 and 30, Township 10, Range 8 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point on the northerly line of Seneca Street, 66 feet wide, a distance of 100 feet westerly from its intersection with the westerly line of Wasson Street, 49.5 feet wide, said point being the southeasterly corner of lands conveyed by deed to Westinghouse Electrical Corporation recorded in the Erie County Clerk's Office in Liber 8337 of Deeds at page 561; running thence north 60° 10' 02" west along the northerly line of Seneca Street, a distance of 337.62 feet to the southwest corner of lands conveyed by deed to Westinghouse Electrical Corporation recorded in the Erie County Clerk's Office in Liber 4374 of Deeds at page 272, said point also being the southeasterly corner of lands conveyed to the City of Buffalo by deed recorded in the Erie County Clerk's Office in Liber 7285 of Deeds at page 599; running thence north 29° 50' 38" east along the west line of Westinghouse and the east line of the City of Buffalo, a distance of 227.04 feet to a point; running thence north 60° 09' 22" west along the south line of Westinghouse and the north line of the City of Buffalo, a distance of 29.10 feet to a point; running thence north 29° 50' 38" east along the west line of Westinghouse and the east line of the City of Buffalo, a distance of 247.16 feet to a point on the southerly line of the Western New York and Pennsylvania Railroad, said point also being the northwest corner of Westinghouse and the northeast corner of the City of Buffalo; running thence north 88° 43' 39" east along the northerly line of Westinghouse by the aforementioned deed and also the northerly line of lands conveyed by deed to Westinghouse Electric and Manufacturing Company recorded in the Erie County Clerk's Office in Liber 2192 of Deeds at page 180 a distance of 70.89 feet to a point; running thence south 68° 18' 20" east along the northerly line of Westinghouse, by last mentioned deed, a distance of 121.32 feet to a point being the northeast corner of last mentioned deed, also being the northwest corner of lands conveyed by deed to Westinghouse by the last mentioned deed; running thence south 60° 10' 02" east along the north line of Westinghouse by first mentioned deed, a distance of 185.07 feet to the northeast corner thereof; running thence south 29° 44' 58" west along the east line of Westinghouse by first mentioned deed, a distance of 528 feet to the point or place of beginning.

Return (E)

Attn Joseph A. Micone Esq  
Harris Beach PLLC  
677 Broadway Ste 1101  
Albany NY 12207

**DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York and being parts of Lot numbers 27 and 30, Township 10, Range 8 of the Buffalo Creek Reservation, bounded and described as follows:  
 BEGINNING AT A POINT on the northerly line of Seneca Street (66.0 feet wide), a distance of 100.0 feet westerly from its intersection with the westerly line of Wasson Street (49.5 feet wide); said point being the southeasterly corner of lands conveyed by deed to Westinghouse Electrical Corporation recorded in the Erie County Clerk's Office in Liber 8337 of Deeds at Page 561;  
 RUNNING THENCE: N-60°-10'-02"-E, along the northerly line of Seneca Street, a distance of 337.62 feet to the southwest corner of lands conveyed by deed to Westinghouse Electrical Corporation recorded in the Erie County Clerk's Office in Liber 4374 of Deeds at Page 272; said point also being the southeasterly corner of lands conveyed to the City of Buffalo by deed recorded in the Erie County Clerk's Office in Liber 7285 of Deeds at Page 599;  
 RUNNING THENCE: N-29°-50'-38"-E, along the west line of Westinghouse and the east line of the City of Buffalo, a distance of 227.04 feet to a point;  
 RUNNING THENCE: N-60°-09'-22"-W, along the south line of Westinghouse and the north line of the City of Buffalo, a distance of 29.10 feet to a point;  
 RUNNING THENCE: N-29°-50'-38"-E, along the west line of Westinghouse and the east line of the City of Buffalo, a distance of 247.16 feet to a point on the southerly line of the Western New York and Pennsylvania Railroad; said point also being the northwest corner of Westinghouse and the northeast corner of the City of Buffalo;  
 RUNNING THENCE: N-88°-43'-39"-E, along the northerly line of Westinghouse by the aforementioned deed and also the northerly line of lands conveyed by deed to Westinghouse Electric and Manufacturing Company recorded in the Erie County Clerk's Office in Liber 2192 of Deeds at Page 180, a distance of 70.89 feet to a point;  
 RUNNING THENCE: S-68°-18'-20"-E, along the northerly line of Westinghouse by last mentioned deed, a distance of 121.32 feet to a point being the northeast corner of last mentioned deed; also being the northwest corner of lands conveyed by deed to Westinghouse by first mentioned deed;  
 RUNNING THENCE: S-60°-10'-02"-E, along the north line of Westinghouse by first mentioned deed, a distance of 185.07 feet to the northeast corner thereof;  
 RUNNING THENCE: S-29°-44'-58"-W, along the east line of Westinghouse by first mentioned deed, a distance of 528.0 feet to the POINT OR PLACE OF BEGINNING; containing 4.215 Acres be the same, more or less.  
 SUBJECT TO AN EASEMENT granted to the City of Buffalo for driveway purposes over the following described premises:  
 ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie, State of New York and being part of Lot 30, Township 10, Range 8 of the Buffalo Creek Reservation, bounded and described as follows:  
 BEGINNING AT A POINT on the northerly line of Seneca Street (66.0 feet wide), a distance of 437.62 feet westerly from its intersection with the westerly line of Wasson Street (49.5 feet wide); said point being on the southerly extension of the easterly face of a brick building;  
 RUNNING THENCE: N-29°-50'-38"-E, along the extension and the easterly face of said building, a distance of 227.04 feet to the northeast corner of said building;  
 RUNNING THENCE: N-60°-09'-22"-W, along the north face of said building, a distance of 29.10 feet to a point;  
 RUNNING THENCE: N-29°-50'-38"-E, a distance of 50.0 feet to a point;  
 RUNNING THENCE: S-60°-09'-22"-E, a distance of 50.0 feet to a point on the west face of a brick building situate on the premises conveyed to Westinghouse Electric and Manufacturing Company recorded in the Erie County Clerk's Office in Liber 2192 of Deeds at Page 180;  
 RUNNING THENCE: S-29°-50'-38"-W, along the west face of last mentioned building, a distance of 277.03 feet to a point on the northerly line of Seneca Street;  
 RUNNING THENCE: N-60°-10'-02"-W, along the northerly line of Seneca Street, a distance of 20.90 feet to the POINT OR PLACE OF BEGINNING

1070 SENECA ST. INC.  
L-10974, P-5208

(FORMERLY WESTERN NEW YORK & PENNSYLVANIA RAILROAD)

**NOTES CORRESPONDING TO SCHEDULE B**

NOTES CORRESPONDING TO SCHEDULE B, SECTION 2 ARE BASED UPON REPORT OF TITLE ISSUED BY CHICAGO TITLE INSURANCE COMPANY DATED APRIL 19, 2010 AND IDENTIFIED AS TITLE COMMITMENT NO. 1003-00575  
 ① EASEMENT TO THE CITY OF BUFFALO FOR DRIVEWAY PURPOSES L-7285, P-599 AS SHOWN ON SURVEY.

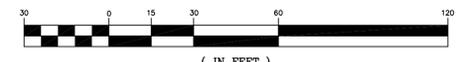
**LEGEND**

- X FENCE
- ☆ L.P. LIGHT POLE
- G.V. GAS VALVE
- C.B. CATCH BASIN
- ⊙ COMB. M.H. COMBINATION MANHOLE
- CONC. CONCRETE
- MEAS. MEASURED
- EX. EXISTING
- PROPERTY/EASEMENT BOUNDARY

**NOTES:**

- 1) REFERENCE MAP—SEE CITY OF BUFFALO TAX MAP NO. 123.29
- 2) THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233.

**GRAPHIC SCALE**

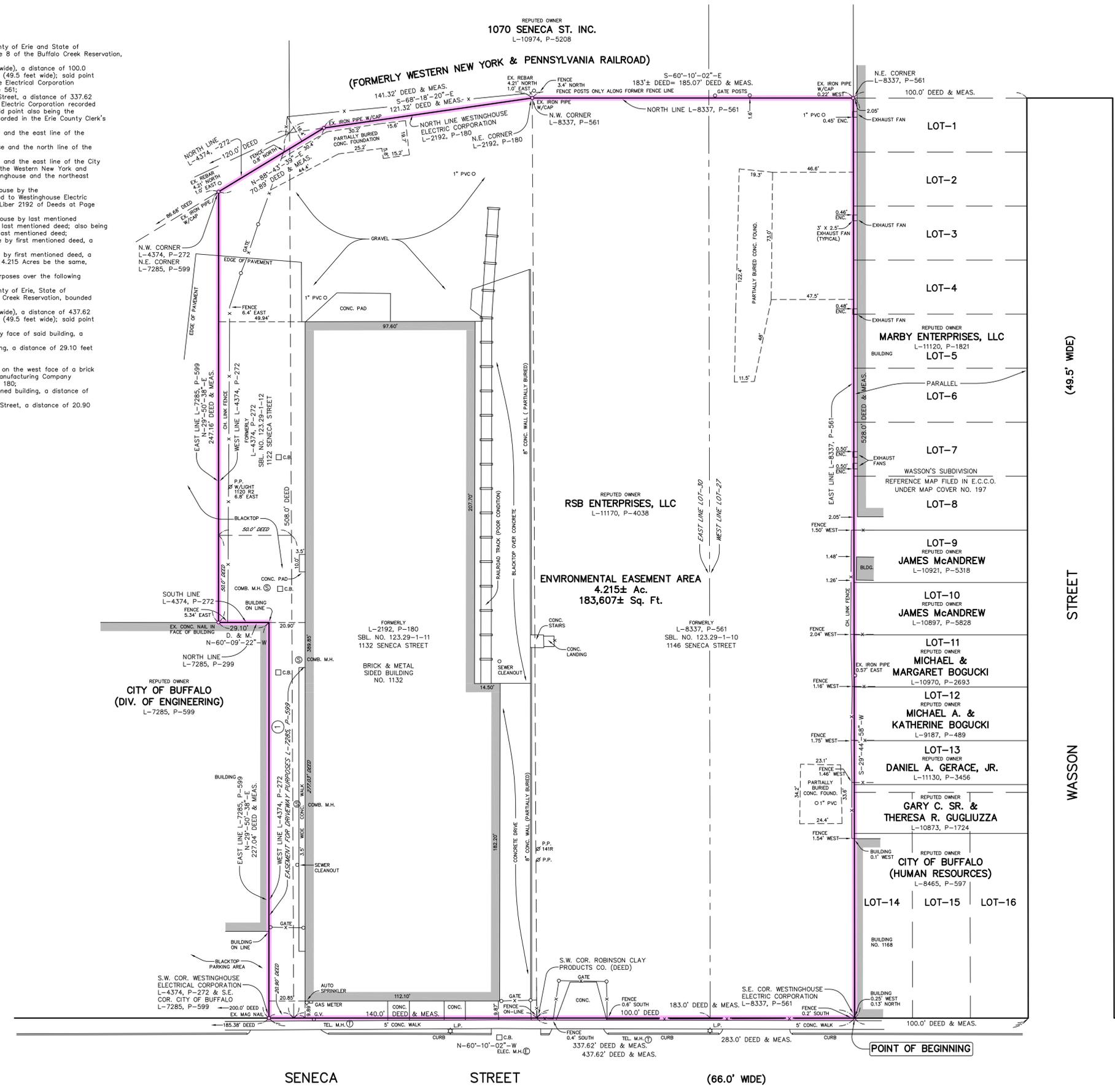


ALTA/ACSM (AMERICAN LAND TITLE ASSOCIATION/AMERICAN CONGRESS ON SURVEYING AND MAPPING) LAND TITLE SURVEY  
 McINTOSH & McINTOSH, P.C.  
 CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS  
 LOCKPORT, NEW YORK BUFFALO, NEW YORK  
 PHONE 433-2535 PHONE 625-8360

I HEREBY CERTIFY TO THE PEOPLE OF THE STATE OF NEW YORK, ACTING THROUGH ITS COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND CHICAGO TITLE INSURANCE COMPANY THAT IN MY PROFESSIONAL OPINION THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNLESS OTHERWISE FURTHER CERTIFIED THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF NEW YORK, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

DATE: \_\_\_\_\_  
 JOHN E. McINTOSH, III  
 LICENSE NO. 49928

© 2010 McINTOSH & McINTOSH, P.C. ALL RIGHTS RESERVED. NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.	RESURVEY	REVISION	SURVEY OF PART OF LOTS-27 & 30, TWP.-10, R.-8, BUFFALO CREEK RESERVATION CITY OF BUFFALO, ERIE COUNTY, NEW YORK	JOB No. 5013 SCALE: 1"= 30' DATE: JUNE 2, 1986
	OCTOBER 19, 1995	REMOVE PLAYGROUND FENCE OCTOBER 19, 1997		
	SEPTEMBER 18, 1997	ADD NOTES & REVISE CERTIFICATION, MAY 19, 2010		
	MARCH 11, 2009			
	APRIL 27, 2010			



# Appendix B

## Site Contacts

**Notifications\*/Site Contact List**

<b>Name/Affiliation</b>	<b>Address</b>	<b>Contact Information</b>	<b>Required Notification**</b>
<b>Flexo Transparent, LLC/RSB Enterprise, LLC (Site Owner/Remedial Party)</b>			
Thomas Neuman Plant Engineering Manager	28 Wasson Street Buffalo, NY 14210	D: 716.541.0135 T: 716.825.7710 <a href="mailto:tneuman@cpflexpack.com">tneuman@cpflexpack.com</a>	Not Applicable
Daniel J Steger III CP Buffalo Scheduler, Director of Marketing and Strategic Projects	28 Wasson Street Buffalo, NY 14210	D: 716.541.0628 <a href="mailto:dstege@cpflexpack.com">dstege@cpflexpack.com</a>	Not Applicable
<b>Gabrielle and Berrigan, P.C. (Remedial Party Attorney)</b>			
Mark Gabrielle	800 Main Street 4 <sup>th</sup> Floor, Suite B Niagara Falls, NY 14301	D: 716.285.1535	Not Applicable
<b>Qualified Environmental Professional/Remedial Engineer</b>			
Arcadis Sandra Johnston	50 Fountain Plaza Suite 360 Buffalo, NY 14202	T: 716.667.6676 <a href="mailto:Sandra.Johnston@arcadis.com">Sandra.Johnston@arcadis.com</a>	Not Applicable
<b>NYSDEC</b>			
Megan Kuczka Project Manager	700 Delaware Ave, Buffalo, NY 14209	T: 716.851.7220 <a href="mailto:Megan.Kuczka@dec.ny.gov">Megan.Kuczka@dec.ny.gov</a>	All Notifications
Andrea Caprio Regional Remediation Engineer	700 Delaware Ave, Buffalo, NY 14209	T: 716.851.7220 <a href="mailto:Andrea.Caprio@dec.ny.gov">Andrea.Caprio@dec.ny.gov</a>	All Notifications
Kelly Lewandowski Site Control	700 Delaware Ave, Buffalo, NY 14209	T: 518.402.8044 <a href="mailto:Kelly.Lewandowski@dec.ny.gov">Kelly.Lewandowski@dec.ny.gov</a>	Notifications 1 and 8
<b>NYSDOH</b>			
Jim Sullivan		T: 518.402.5584 <a href="mailto:Jim.Sullivan@health.ny.gov">Jim.Sullivan@health.ny.gov</a>	Notifications 4, 6, and 7
Charlotte Bethoney		T: 518.402.7860 <a href="mailto:Charlotte.Bethoney@health.ny.gov">Charlotte.Bethoney@health.ny.gov</a>	Notifications 4, 6, and 7

Note: \*Notifications are subject to change and will be updated as necessary.

\*\* Numbers in this column reference the numbered bullets in the notification list in Section 1.3 of the SMP.

# Appendix C

## Excavation Work Plan

Flexo Transparent, LLC

# Excavation Work Plan

**1132-1146 Seneca Street Site**

**Erie County**

**Buffalo, New York**

**NYSDEC Site Number: BCP Site C915228**

March 2024

# Excavation Work Plan

1132-1146 Seneca Street Site Erie County  
Buffalo, New York  
NYSEC Site Number: C915228

March 2024

**Prepared By:**

Arcadis of New York, Inc.  
50 Fountain Plaza, Suite 360  
Buffalo  
New York 14202  
Phone: 716 667 0900  
Fax: 716 842 2612

**Prepared For:**

Flexo Transparent, LLC  
28 Wasson Street  
Buffalo  
New York 14210  
Phone: 716 541 0135

**Our Ref:**

30193763

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## Contents

1	Notification .....	1
2	Soil Screening Methods .....	2
3	Soil Staging Methods .....	2
4	Materials Excavation and Load-Out.....	3
5	Materials Transported Off-Site .....	3
6	Materials Disposal Off-Site .....	4
7	Materials Reused On-Site .....	4
8	Fluids Management .....	5
9	Restoration.....	5
10	Backfill from Off-Site Sources.....	5
11	Stormwater Pollution Prevention.....	6
12	Excavation Contingency Plan .....	6
13	Community Air Monitoring Plan.....	7
13.1	Special Requirements for Work Within 20 Feet of Potentially Exposed Individuals or Structures .....	7
13.2	Special Requirements for Indoor Work with Co-Located Residences or Facilities.....	8
14	Odor Control Plan.....	8
15	Dust Control Plan .....	8
16	Other Nuisances .....	9

## Tables

Table A-1	Sample Frequency and Analysis for On-Site Soil/Fill Characterization
Table A-2	Chemical Criteria for On-Site Re-Use of Soil/Fill
Table A-3	Allowable Constituent Levels for Imported Fill or Soil

## Attachment

Attachment A Generic Community Air Monitoring Plan

## Excavation Work Plan

This *Excavation Work Plan* (EWP) has been prepared as an appendix to the October 2023 Site Management Plan (SMP) to support future invasive (i.e., subsurface) activities at the Flexo Transparent, LLC 1132-1146 Seneca Street Site located in Buffalo, New York.

# 1 Notification

At least 15 days prior to the start of any activity that is anticipated to encounter remaining contamination, the site owner or their representative will notify the NYSDEC contacts listed in the table below. Table 1 includes contact information for the above notification. The contact information provided below will be updated as necessary to provide accurate contact information. A full listing of site-related contact information is provided in Section 1.3 of the SMP and Appendix B.

**Table 1: Notifications\***

Name/Affiliation	Address	Contact Information	Required Notification**
<b>Flexo Transparent, LLC/RSB Enterprises, LLC (Site Owner/Remedial Party)</b>			
Thomas Neuman Plant Engineering Manager	28 Wasson Street Buffalo, NY 14210	D: 716.541.0135 T: 716.825.7710 <a href="mailto:tneuman@cpflexpack.com">tneuman@cpflexpack.com</a>	Not Applicable
Daniel J Steger III CP Buffalo Scheduler, Director of Marketing and Strategic Projects	28 Wasson Street Buffalo, NY 14210	D: 716.541.0628 <a href="mailto:dsteiger@cpflexpack.com">dsteiger@cpflexpack.com</a>	Not Applicable
<b>Gabrielle and Berrigan, P.C. (Remedial Party Attorney)</b>			
Mark Gabrielle	800 Main Street 4 <sup>th</sup> Floor, Suite B Niagara Falls, NY 14301	D: 716.285.1535	Not Applicable
<b>Qualified Environmental Professional/Remedial Engineer</b>			
Arcadis Sandra Johnston	50 Fountain Plaza Suite 360 Buffalo, NY 14202	T: 716.667.6676 <a href="mailto:Sandra.Johnston@arcadis.com">Sandra.Johnston@arcadis.com</a>	Not Applicable
<b>NYSDEC</b>			
Megan Kuczka Project Manager	700 Delaware Ave, Buffalo, NY 14209	T: 716.851.7220 <a href="mailto:Megan.Kuczka@dec.ny.gov">Megan.Kuczka@dec.ny.gov</a>	All Notifications
Andrea Caprio Regional Remediation Engineer	700 Delaware Ave, Buffalo, NY 14209	T: 716.851.7220 <a href="mailto:Andrea.Caprio@dec.ny.gov">Andrea.Caprio@dec.ny.gov</a>	All Notifications
Kelly Lewandowski Site Control	625 Broadway Albany, NY 12233	<a href="mailto:Kelly.Lewandowski@dec.ny.gov">Kelly.Lewandowski@dec.ny.gov</a>	Notifications 1 and 8
<b>NYSDOH</b>			
Jim Sullivan		T: 518.402.5584 <a href="mailto:Jim.Sullivan@health.ny.gov">Jim.Sullivan@health.ny.gov</a>	Notifications 4, 6, and 7
Charlotte Bethoney		T: 518.402.7860 <a href="mailto:Charlotte.Bethoney@health.ny.gov">Charlotte.Bethoney@health.ny.gov</a>	Notifications 4, 6, and 7

\* Note: Notifications are subject to change and will be updated as necessary.

This notification will include:

## Excavation Work Plan

- A detailed description of the work to be performed, including the location and areal extent of excavation, plans/drawings for site re-grading, intrusive elements or utilities to be installed, estimated volumes of contaminated soil to be excavated and any modifications of truck routes, and any work that may impact an engineering control.
- A summary of environmental conditions anticipated to be encountered in the work areas, including the nature and concentration levels of contaminants of concern, potential presence of grossly contaminated media, and plans for any pre-construction sampling.
- A schedule for the work, detailing the start and completion of all intrusive work and submittals (e.g., reports) to the NYSDEC documenting the completed intrusive work.
- A summary of the applicable components of this EWP.
- A statement that the work will be performed in compliance with this EWP, 29 CFR 1910.120 and 29 CFR 1926 Subpart P.
- A copy of the contractor's health and safety plan (HASP), in electronic format.
- Identification of disposal facilities for potential waste streams.
- Identification of sources of any anticipated backfill, along with the required request to import form and all supporting documentation including, but not limited to, chemical testing results.

The NYSDEC project manager will review the notification and may impose additional requirements for the excavation that are not listed in this EWP. The alteration, restoration and modification of engineering controls must conform with Article 145 Section 7209 of the Education Law regarding the application professional seals and alterations.

## 2 Soil Screening Methods

Visual, olfactory and instrument-based (e.g., photoionization detector) soil screening will be performed during all excavations into known or potentially contaminated material (remaining contamination). A qualified environmental professional as defined in 6 NYCRR Part 375, a Professional Engineer (PE) who is licensed and registered in New York State, or a qualified person who directly reports to a PE who is licensed and registered in New York State will perform the screening. Soil screening will be performed when invasive work is done and will include all excavation and invasive work performed during development, such as excavations for foundations and utility work, after issuance of the certificate of completion (COC).

Soils will be segregated based on previous environmental data and screening results into material that requires off-site disposal and material that requires testing to determine if the material can be reused on-site. Further discussion of off-site disposal of materials and on-site reuse is provided in Section 7 of this Appendix.

## 3 Soil Staging Methods

Soil stockpiles will be continuously encircled with a berm and/or silt fence. Hay bales will be used as needed near catch basins, surface waters and other discharge points.

Stockpiles will be kept covered at all times with appropriately anchored tarps. Stockpiles will be routinely inspected, and damaged tarp covers will be promptly replaced.

Stockpiles will be inspected by the qualified environmental professional at a minimum once each week and after every storm event. Results of inspections will be recorded in a logbook and maintained on-site during active site work and available for inspection by the NYSDEC.

## 4 Materials Excavation and Load-Out

A qualified environmental professional as defined in 6 NYCRR Part 375, a PE who is licensed and registered in New York State, or a qualified person who directly reports to a PE who is licensed and registered in New York State will oversee all invasive work and the excavation and load-out of all excavated material.

The owner of the property and remedial party (if applicable) and its contractors are responsible for safe execution of all invasive and other work performed under this EWP.

The presence of utilities and easements at the site will be investigated by the qualified environmental professional, the owner of the property, the remedial party (if applicable), and contractors. It will be determined whether a risk or impediment to the planned work under the SMP is posed by utilities or easements on the site. A site utility stakeout will be completed for all utilities prior to any ground intrusive activities at the site.

Loaded vehicles leaving the site will be appropriately lined, tarped, securely covered, manifested, and placarded in accordance with appropriate Federal, State, local, and New York State Department of Transportation (NYSDOT) requirements (and all other applicable transportation requirements). Trucks transporting contaminated soil must have either tight-fitting opaque covers that are secured on the sides and/or back, or opaque covers that are locked on all sides.

A truck wash will be operated on-site, as appropriate. The qualified environmental professional will be responsible for ensuring that all outbound trucks will be washed at the truck wash before leaving the site until the activities performed under this section are complete. Truck wash waters will be collected and disposed of off-site in an appropriate manner.

Locations where vehicles enter or exit the site shall be inspected daily for evidence of off-site soil tracking.

The qualified environmental professional will be responsible for ensuring that all egress points for truck and equipment transport from the site are clean of dirt and other materials derived from the site during intrusive excavation activities. Cleaning of the adjacent streets will be performed by the contractor as needed to maintain a clean condition with respect to site-derived materials. Material accumulated from the street cleaning and egress cleaning activities will be disposed off-site at a permitted landfill facility in accordance with all applicable local, State, and Federal regulations.

## 5 Materials Transported Off-Site

All transportation of materials will be performed by licensed haulers in accordance with appropriate local, State, and Federal regulations, including 6 NYCRR Part 364. Haulers will be appropriately licensed and trucks properly placarded.

Material transported by trucks exiting the site will be secured with tight-fitting opaque covers that are secured on the sides and/or back, or opaque covers that are locked on all sides. Loose-fitting canvas-type truck covers will be prohibited. If loads contain wet material capable of producing free liquid, truck liners will be used.

Truck transport routes are as follows:

- Proceed southwest on Wasson Street
- Turn right on Seneca Street
- Turn left onto Fillmore Avenue
- Proceed north or south on 190, as desired

All trucks loaded with site materials will exit the vicinity of the site using only this approved truck route. This is the most appropriate route and takes into account: (a) limiting transport through residential areas and past sensitive sites; (b) use of city mapped truck routes; (c) prohibiting off-site queuing of trucks entering the facility; (d) limiting total distance to major highways; (e) promoting safety in access to highways; and (f) overall safety in transport.

Trucks will be prohibited from stopping and idling in the neighborhood outside of the project site.

Egress points for truck and equipment transport from the site will be kept clean of dirt and other materials during site remediation and development.

Queuing of trucks will be performed on-site in order to minimize off-site disturbance. Off-site queuing will be prohibited.

## 6 Materials Disposal Off-Site

All material excavated and removed from the site will be treated as contaminated and regulated material and will be transported and disposed off-site in a permitted facility in accordance with all local, State and Federal regulations. If disposal of material from this site is proposed for unregulated off-site disposal (i.e., clean soil removed for development purposes), a formal request with an associated plan will be made to the NYSDEC project manager. Unregulated off-site management of materials from this site will not occur without formal NYSDEC project manager approval.

Off-site disposal locations for excavated soils will be identified in the pre-excavation notification. This will include estimated quantities and a breakdown by class of disposal facility if appropriate (e.g., hazardous waste disposal facility, solid waste landfill, petroleum treatment facility, construction, and demolition [C&D] debris recovery facility). Actual disposal quantities and associated documentation will be reported to the NYSDEC in the Periodic Review Report. This documentation will include, but will not be limited to: waste profiles, test results, facility acceptance letters, manifests, bills of lading and facility receipts.

Non-hazardous historic fill and contaminated soils taken off-site will be handled consistent with 6 NYCRR Parts 360, 361, 362, 363, 364 and 365. Material that does not meet Unrestricted soil cleanup objectives (SCOs) is prohibited from being taken to a New York State C&D debris recovery facility (6 NYCRR Subpart Part 360-15 registered or permitted Facility).

## 7 Materials Reused On-Site

The qualified environmental professional as defined in 6 NYCRR Part 375 will ensure that procedures defined for materials reuse in this SMP are followed and that unacceptable material (i.e. contaminated) does not remain on-site. Contaminated on-site material, including historic fill and contaminated soil, that is acceptable for reuse on-site will be placed below the demarcation layer or impervious surface.

Proposed materials for reuse on-site must be sampled for full suite analytical parameters including per- and polyfluoroalkyl substances (PFAS) and 1,4-dioxane. The sampling frequency will be in accordance with DER-10 Table 5.4(e)10 unless prior approval is obtained from the NYSDEC project manager for modification of the sampling frequency. The analytical results of soil/fill material testing must meet the site use criteria presented in NYSDEC DER-10 Appendix 5 – Allowable Constituent Levels for Imported Fill or Soil for all constituents listed, and the NYSDEC Sampling, Analysis, and Assessment of Per- and Polyfluoroalkyl Substances (November 2022) guidance values. Approvals for modifications to the analytical parameters must be obtained from the NYSDEC project manager prior to the sampling event.

Soil/fill material for on-site reuse will be segregated and staged as described in Sections 2 and 3 of this EWP. The anticipated size and location of stockpiles will be provided in the 15-day notification to the NYSDEC project manager. Stockpile locations will be based on the location of site excavation activities and proximity to nearby site features. Material reuse on-site will comply with requirements of NYSDEC DER-10 Section 5.4(e)4. Any modifications to the requirements of DER-10 Section 5.4(e)4 must be approved by the NYSDEC project manager.

Any demolition material proposed for reuse on-site will be sampled for asbestos and the results will be reported to the NYSDEC for acceptance. Concrete crushing or processing on-site will not be performed without prior NYSDEC approval. Organic matter (wood, roots, stumps, etc.) or other solid waste derived from clearing and grubbing will not be reused on-site.

## 8 Fluids Management

All liquids to be removed from the site, including but not limited to, excavation dewatering, decontamination waters and groundwater monitoring well purge and development waters, will be handled, transported, and disposed in accordance with applicable local, State, and Federal regulations. Dewatering, purge, and development fluids will not be recharged back to the land surface or subsurface of the site, and will be managed off-site, unless prior approval is obtained from NYSDEC.

Discharge of water generated during large-scale construction activities to surface waters (i.e., a local pond, stream or river) will be performed under a State Pollutant Discharge Elimination System (SPDES) permit.

## 9 Restoration

After the completion of soil removal and any other invasive activities the Site will be restored in a manner that complies with the BCA. The existing surface features are comprised of clean soil, asphalt pavement, concrete covered sidewalks and concrete buildings. No cover layer was required after the remedy was complete, so no demarcation layer was installed. If the type of site feature changes from that which exists prior to the excavation (i.e., soil is replaced by asphalt), a figure showing the modified surface will be included in the subsequent Periodic Review Report and in an updated SMP.

## 10 Backfill from Off-Site Sources

All materials proposed for import onto the site will be approved by the qualified environmental professional, as defined in 6 NYCRR Part 375, and will be in compliance with provisions in the SMP prior to receipt at the site. A Request to Import/Reuse Fill or Soil form, which can be found at <http://www.dec.ny.gov/regulations/67386.html>,

will be prepared and submitted to the NYSDEC project manager allowing a minimum of 5 business days for review. A copy of the form is provided in Appendix D of the SMP.

Material from industrial sites, spill sites, or other environmental remediation sites or potentially contaminated sites will not be imported to the site.

All imported soils will meet the backfill and cover soil quality standards established in 6NYCRR 375-6.7(d) and DER-10 Appendix 5 for industrial use. Based on an evaluation of the land use, protection of groundwater and protection of ecological resources criteria, the resulting soil quality standards are listed in Table A-2, of the SMP. Soils that meet "general" fill requirements under 6 NYCRR Part 360.13, but do not meet backfill or cover soil objectives for this site, will not be imported onto the site without prior approval by the NYSDEC project manager. Soil material will be sampled for the full suite of analytical parameters, including PFAs and 1,4-dioxane. Solid waste will not be imported to the site.

Trucks entering the site with imported soils will be securely covered with tight fitting covers. Imported soils will be stockpiled separately from excavated materials and covered to prevent dust releases.

## 11 Stormwater Pollution Prevention

Barriers and hay bale checks will be installed by the contractor and inspected by the qualified environmental professional once a week and after every storm event. Results of inspections will be recorded in a logbook and maintained on-site during active site work and available for inspection by the NYSDEC. All necessary repairs shall be made immediately.

Accumulated sediments will be removed as required to keep the barrier and hay bale check functional.

All undercutting or erosion of the silt fence toe anchor shall be repaired immediately with appropriate backfill materials.

Manufacturer's recommendations will be followed for replacing silt fencing damaged due to weathering.

Erosion and sediment control measures identified in the SMP shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters.

Silt fencing or hay bales will be installed around the entire perimeter of the construction area.

## 12 Excavation Contingency Plan

If underground tanks or other previously unidentified contaminant sources are found during post-remedial subsurface excavations or development related construction, excavation activities will be suspended until sufficient equipment is mobilized to address the condition. The NYSDEC project manager will be promptly notified of the discovery.

Sampling will be performed on product, sediment and surrounding soils, etc. as necessary to determine the nature of the material and proper disposal method. Chemical analysis will be performed for a full list of analytes (i.e., target analyte list [TAL] metals, target compound list [TCL] volatiles and semi-volatiles [including 1,4-dioxane], TCL pesticides and polychlorinated biphenyls [PCBs], and PFAS), unless the site history and previous sampling results provide a sufficient justification to limit the list of analytes. In this case, a reduced list of analytes

will be proposed to the NYSDEC project manager for approval prior to sampling. Any tanks will be closed as per NYSDEC regulations and guidance.

Identification of unknown or unexpected contaminated media identified by screening during invasive site work will be promptly communicated by phone to NYSDEC's Project Manager. Reportable quantities of petroleum product will also be reported to the NYSDEC spills hotline. These findings will be also included in the Periodic Review Report.

## 13 Community Air Monitoring Plan

Air monitoring station locations shall be determined based on wind directions at the beginning of each shift. These locations will be adjusted on a daily or more frequent basis based on actual wind directions to provide an upwind and at least two downwind monitoring stations.

Exceedances of action levels listed in the Community Air Monitoring Plan (CAMP) will be reported to NYSDEC and NYSDOH Project Managers.

### 13.1 Special Requirements for Work Within 20 Feet of Potentially Exposed Individuals or Structures

When work areas are within 20 feet of potentially exposed populations or occupied structures, the continuous monitoring locations for VOCs and particulates must reflect the nearest potentially exposed individuals and the location of ventilation system intakes for nearby structures. The use of engineering controls such as vapor/dust barriers, temporary negative-pressure enclosures, or special ventilation devices should be considered to prevent exposures related to the work activities and to control dust and odors. Consideration should be given to implementing the planned activities when potentially exposed populations are at a minimum, such as during weekends or evening hours in non-residential settings.

- If total VOC concentrations opposite the walls of occupied structures or next to intake vents exceed 1 part-per-million, monitoring should occur within the occupied structure(s). Depending upon the nature of contamination, chemical-specific colorimetric tubes of sufficient sensitivity may be necessary for comparing the exposure point concentrations with appropriate pre-determined response levels (response actions should also be pre-determined). Background readings in the occupied spaces must be taken prior to commencement of the planned work. Any unusual background readings should be discussed with NYSDOH prior to commencement of the work.
- If total particulate concentrations opposite the walls of occupied structures or next to intake vents exceed 150 micrograms per cubic meter, work activities should be suspended until controls are implemented and are successful in reducing the total particulate concentration to 150 micrograms per cubic meter or less at the monitoring point.
- Depending upon the nature of contamination and remedial activities, other parameters (e.g., explosivity, oxygen, hydrogen sulfide, carbon monoxide) may also need to be monitored. Response levels and actions should be pre-determined, as necessary, for each site.

## 13.2 Special Requirements for Indoor Work with Co-Located Residences or Facilities

Unless a self-contained, negative-pressure enclosure with proper emission controls will encompass the work area, all individuals not directly involved with the planned work must be absent from the room in which the work will occur. Monitoring requirements shall be as stated above under “Special Requirements for Work Within 20 Feet of Potentially Exposed Individuals or Structures” except that in this instance “nearby/occupied structures” would be adjacent occupied rooms. Additionally, the location of all exhaust vents in the room and their discharge points, as well as potential vapor pathways (openings, conduits, etc.) relative to adjoining rooms, should be understood and the monitoring locations established accordingly. In these situations, it is strongly recommended that exhaust fans or other engineering controls be used to create negative air pressure within the work area during remedial activities. Additionally, it is strongly recommended that the planned work be implemented during hours (e.g. weekends or evenings) when building occupancy is at a minimum.

## 14 Odor Control Plan

This odor control plan is capable of controlling emissions of nuisance odors off-site. Specific odor control methods to be used on a routine basis will be determined based on the activities to be conducted. If nuisance odors are identified at the site boundary, or if odor complaints are received, work will be halted, and the source of odors will be identified and corrected. Work will not resume until all nuisance odors have been abated. NYSDEC and NYSDOH will be notified of all odor events and of any other complaints about the project. Implementation of all odor controls, including the halt of work, is the responsibility of the remedial party’s Remediation Engineer, and any measures that are implemented will be discussed in the Periodic Review Report.

All necessary means will be employed to prevent on- and off-site nuisances. At a minimum, these measures will include: (a) limiting the area of open excavations and size of soil stockpiles; (b) shrouding open excavations with tarps and other covers; and (c) using foams to cover exposed odorous soils. If odors develop and cannot be otherwise controlled, additional means to eliminate odor nuisances will include: (d) direct load-out of soils to trucks for off-site disposal; (e) use of chemical odorants in spray or misting systems; and, (f) use of staff to monitor odors in surrounding neighborhoods.

If nuisance odors develop during intrusive work that cannot be corrected, or where the control of nuisance odors cannot otherwise be achieved due to on-site conditions or close proximity to sensitive receptors, odor control will be achieved by sheltering the excavation and handling areas in a temporary containment structure equipped with appropriate air venting/filtering systems.

## 15 Dust Control Plan

Particulate monitoring must be conducted according to the CAMP provided as Appendix A to the EWP. If particulate levels at the site exceed the thresholds listed in the CAMP or if airborne dust is observed on the site or leaving the site, the dust suppression techniques listed below will be employed. The remedial party will also take measures listed below to prevent dust production on the site.

A dust suppression plan that addresses dust management during invasive on-site work will include, at a minimum, the items listed below:

## Excavation Work Plan

- Dust suppression will be achieved using a dedicated on-site water truck for road wetting. The truck will be equipped with a water cannon capable of spraying water directly onto off-road areas including excavations and stockpiles.
- Clearing and grubbing of larger areas will be done in stages to limit the area of exposed, non-vegetated soils vulnerable to dust production.
- Gravel will be used on roadways to provide a clean and dust-free road surface.
- On-site roads will be limited in total area to minimize the area required for water truck sprinkling.
- Travel speeds over haul roads will be limited.
- The number and size of excavation areas open at one time will be limited.
- Excavation and materials in on-site staging areas will be covered with polyethylene sheeting.

## 16 Other Nuisances

A plan for rodent control will be developed and utilized by the contractor prior to and during site clearing and site grubbing, and during all remedial work.

A plan will be developed and utilized by the contractor for all remedial work to ensure compliance with local noise control ordinances.

# Tables

**Table A-1**  
**Sample Frequency and Analysis for On-Site Soil/Fill Characterization**  
**1132-1146 Seneca Street Site**  
**Buffalo, NY**

	VOCs	SVOCs, Inorganics & PCBs/Pesticides	
Soil Quantity (cubic yards)	Discrete Samples	Composite	Discrete Samples/Composite
0-50	1	1	3-5 discrete samples from different locations in the fill will comprise a composite sample for analysis.
50-100	2	1	
100-200	3	1	
200-300	4	1	
300-400	4	2	
400-500	5	2	
500-800	6	2	
800-1000	7	2	
>1000	Add an additional 2 VOC and 1 composite for each additional 1000 cubic yards or consult with DER.		

**Table A-2**  
**Chemical Criteria For On-Site**  
**Re-Use of Soil/Fill**  
**1132-1146 Seneca Street Site**  
**Buffalo, NY**

Contaminant	Unrestricted Use	Protection of Public Health
		Industrial
<b>Metals</b>		
Arsenic	13	16
Barium	350	400
Beryllium	7.2	47
Cadmium	2.5	7.5
Chromium, Hexavalent <sup>1</sup>	1 <sup>3</sup>	19
Chromium, Trivalent <sup>1</sup>	30	1,500
Copper	50	270
Cyanide	27	27
Lead	63	450
Manganese	1,600	2,000
Mercury (total)	0.18	0.73
Nickel	30	130
Selenium	3.9	4
Silver	2	8.3
Zinc	109	2,480
<b>PCBs/Pesticides</b>		
2,4,5-TP Acid (Silvex)	3.8	3.8
4,4'-DDE	0.0033 <sup>3</sup>	17
4,4'-DDT	0.0033 <sup>3</sup>	47
4,4'-DDD	0.0033 <sup>3</sup>	14
Aldrin	0.005	0.19
alpha-BHC	0.02	0.02
beta-BHC	0.036	0.09
Chlordane (alpha)	0.094	2.9
delta-BHC	0.04	0.25
Dibenzofuran	7	210
Dieldrin	0.005	0.1
Endosulfan I	2.4 <sup>2</sup>	102
Endosulfan II	2.4 <sup>2</sup>	102
Endosulfan sulfate	2.4 <sup>2</sup>	200
Endrin	0.014	0.06
Heptachlor	0.042	0.38
Lindane	0.1	0.1
Total Polychlorinated biphenyls	0.1	1

**Table A-2**  
**Chemical Criteria For On-Site**  
**Re-Use of Soil/Fill**  
**1132-1146 Seneca Street Site**  
**Buffalo, NY**

Contaminant	Unrestricted Use	Protection of Public Health
		Industrial
<b>Semivolatiles</b>		
Acenaphthene	20	98
Acenaphthylene	100	107
Anthracene	100	500
Benz(a)anthracene	1	1
Benzo(a)pyrene	1	1
Benzo(b)fluoranthene	1	1.7
Benzo(g,h,i)perylene	100	500
Benzo(k)fluoranthene	0.8	1.7
Chrysene	1	1
Dibenz(a,h)anthracene	0.33 <sup>3</sup>	0.56
Fluoranthene	100	500
Fluorene	30	386
Indeno(1,2,3-cd)pyrene	0.5	5.6
m-Cresol	0.33 <sup>3</sup>	0.33 <sup>3</sup>
Naphthalene	12	12
o-Cresol	0.33 <sup>3</sup>	0.33 <sup>3</sup>
p-Cresol	0.33	0.33
Pentachlorophenol	0.8 <sup>3</sup>	0.8 <sup>3</sup>
Phenanthrene	100	500
Phenol	0.33 <sup>3</sup>	0.33 <sup>3</sup>
Pyrene	100	500
<b>Volatiles</b>		
1,1,1-Trichloroethane	0.68	0.68
1,1-Dichloroethane	0.27	0.27
1,1-Dichloroethene	0.33	0.33
1,2-Dichlorobenzene	1.1	1.1
1,2-Dichloroethane	0.02	0.02
cis-1,2-Dichloroethene	0.25	0.25
trans-1,2-Dichloroethene	0.19	0.19
1,3-Dichlorobenzene	2.4	2.4
1,4-Dichlorobenzene	1.8	1.8
1,4-Dioxane	0.1 <sup>3</sup>	0.1 <sup>3</sup>
Acetone	0.05	0.05
Benzene	0.06	0.06
Butylbenzene	12	12
Carbon tetrachloride	0.76	0.76

**Table A-2**  
**Chemical Criteria For On-Site**  
**Re-Use of Soil/Fill**  
**1132-1146 Seneca Street Site**  
**Buffalo, NY**

Contaminant	Unrestricted Use	Protection of Public Health
		Industrial
<b>Volatiles (continued)</b>		
Chlorobenzene	1.1	1.1
Chloroform	0.37	0.37
Ethylbenzene	1	1
Hexachlorobenzene	0.33 <sup>3</sup>	3.2
Methyl ethyl ketone	0.12	0.12
Methyl tert-butyl ether	0.93	0.93
Methylene chloride	0.05	0.05
n-Propylbenzene	3.9	3.9
sec-Butylbenzene	11	11
tert-Butylbenzene	5.9	5.9
Tetrachloroethene	1.3	1.3
Toluene	0.7	0.7
Trichloroethene	0.47	0.47
1,2,4-Trimethylbenzene	3.6	3.6
1,3,5- Trimethylbenzene	8.4	8.4
Vinyl chloride	0.02	0.02
Xylene (mixed)	0.26	1.6

**NOTES**

All soil cleanup objectives (SCOs) are in parts per million (ppm).

<sup>1</sup> The SCO for Hexavalent or Trivalent Chromium is considered to be met if the analysis for the total species of this contaminant is below the specific SCO for Hexavalent Chromium.

<sup>2</sup> The SCO is the sum of endosulfan I, endosulfan II and endosulfan sulfate.

<sup>3</sup> For constituents where the calculated SCO was lower than the contract required quantitation limit (CRQL), the CRQL is used as the Track 1 SCO value.

**Table A-3**  
**Allowable Constituent Levels for Imported Fill or Soil**  
**1132-1146 Seneca Street Site**  
**Buffalo, NY**

Constituent	Commercial or Industrial Use
<b>Metals</b>	
Arsenic	16
Barium	400
Beryllium	47
Cadmium	7.5
Chromium, hexavalent <sup>1</sup>	19
Chromium, trivalent <sup>1</sup>	1,500
Copper	270
Cyanide	27
Lead	450
Manganese	2,000
Mercury (total)	0.73
Nickel	130
Selenium	4
Silver	8.3
Zinc	2,480
<b>PCBs/Pesticides</b>	
2,4,5-TP Acid (Silvex)	3.8
4,4'-DDE	17
4,4'-DDT	47
4,4'-DDD	14
Aldrin	0.19
alpha-BHC	0.02
beta-BHC	0.09
Chlordane (alpha)	2.9
delta-BHC	0.25
Dibenzofuran	210
Dieldrin	0.1
Endosulfan I	102
Endosulfan II	102
Endosulfan sulfate	200
Endrin	0.06
Heptachlor	0.38
Lindane	0.1
Polychlorinated biphenyls	1
<b>Semivolatiles</b>	
Acenaphthene	98
Acenaphthylene	107
Anthracene	500
Benz(a)anthracene	1
Benzo(a)pyrene	1
Benzo(b)fluoranthene	1.7

**Table A-3**  
**Allowable Constituent Levels for Imported Fill or Soil**  
**1132-1146 Seneca Street Site**  
**Buffalo, NY**

Constituent	Commercial or Industrial Use
Constituent	Commercial
Benzo(g,h,i)perylene	500
Benzo(k)fluoranthene	1.7
Chrysene	1
Dibenz(a,h)anthracene	0.56
Fluoranthene	500
Fluorene	386
Indeno(1,2,3-cd)pyrene	5.6
m-Cresol	0.33 <sup>3</sup>
Naphthalene	12
o-Cresol	0.33 <sup>3</sup>
p-Cresol	0.33
Pentachlorophenol	0.8 <sup>3</sup>
Phenanthrene	500
Phenol	0.33 <sup>3</sup>
Pyrene	500
<b>Volatiles</b>	
1,1,1-Trichloroethane	0.68
1,1-Dichloroethane	0.27
1,1-Dichloroethene	0.33
1,2-Dichlorobenzene	1.1
1,2-Dichloroethane	0.02
cis-1,2-Dichloroethene	0.25
trans-1,2-Dichloroethene	0.19
1,3-Dichlorobenzene	2.4
1,4-Dichlorobenzene	1.8
1,4-Dioxane	0.1 <sup>3</sup>
Acetone	0.05
Benzene	0.06
Butylbenzene	12
Carbon tetrachloride	0.76
Chlorobenzene	1.1
Chloroform	0.37
Ethylbenzene	1
Hexachlorobenzene	3.2
Methyl ethyl ketone	0.12
Methyl tert-butyl ether	0.93
Methylene chloride	0.05
n-Propylbenzene	3.9
sec-Butylbenzene	11
tert-Butylbenzene	5.9

**Table A-3**  
**Allowable Constituent Levels for Imported Fill or Soil**  
**1132-1146 Seneca Street Site**  
**Buffalo, NY**

Constituent	Commercial or Industrial Use
Constituent	Commercial
Tetrachloroethene	1.3
Toluene	0.7
Trichloroethene	0.47
1,2,4-Trimethylbenzene	3.6
1,3,5- Trimethylbenzene	8.4
Vinyl chloride	0.02
Xylene (mixed)	1.6

All concentrations are in parts per million (ppm)

Footnotes:

<sup>1</sup> The SCO for Hexavalent or Trivalent Chromium is considered to be met if the analysis for the total species of this contaminant is below the specific SCO for Hexavalent Chromium.

<sup>3</sup> For constituents where the calculated SCO was lower than the contract required quantitation limit (CRQL), the CRQL is used as the Track 1 SCO value.

# Attachment A

## Generic Community Air Monitoring Plan

## Attachment A

### New York State Department of Health Generic Community Air Monitoring Plan

#### Overview

A Community Air Monitoring Plan (CAMP) requires real-time monitoring for volatile organic compounds (VOCs) and particulates (i.e., dust) at the downwind perimeter of each designated work area when certain activities are in progress at contaminated sites. The CAMP is not intended for use in establishing action levels for worker respiratory protection. Rather, its intent is to provide a measure of protection for the downwind community (i.e., off-site receptors including residences and businesses and on-site workers not directly involved with the subject work activities) from potential airborne contaminant releases as a direct result of investigative and remedial work activities. The action levels specified herein require increased monitoring, corrective actions to abate emissions, and/or work shutdown. Additionally, the CAMP helps to confirm that work activities did not spread contamination off-site through the air.

The generic CAMP presented below will be sufficient to cover many, if not most, sites. Specific requirements should be reviewed for each situation in consultation with NYSDOH to ensure proper applicability. In some cases, a separate site-specific CAMP or supplement may be required. Depending upon the nature of contamination, chemical-specific monitoring with appropriately-sensitive methods may be required. Depending upon the proximity of potentially exposed individuals, more stringent monitoring or response levels than those presented below may be required. Special requirements will be necessary for work within 20 feet of potentially exposed individuals or structures and for indoor work with co-located residences or facilities. These requirements should be determined in consultation with NYSDOH.

Reliance on the CAMP should not preclude simple, common-sense measures to keep VOCs, dust, and odors at a minimum around the work areas.

#### Community Air Monitoring Plan

Depending upon the nature of known or potential contaminants at each site, real-time air monitoring for VOCs and/or particulate levels at the perimeter of the exclusion zone or work area will be necessary. Most sites will involve VOC and particulate monitoring; sites known to be contaminated with heavy metals alone may only require particulate monitoring. If radiological contamination is a concern, additional monitoring requirements may be necessary per consultation with appropriate DEC/NYSDOH staff.

**Continuous monitoring** will be required for all ground intrusive activities and during the demolition of contaminated or potentially contaminated structures. Ground intrusive activities include, but are not limited to, soil/waste excavation and handling, test pitting or trenching, and the installation of soil borings or monitoring wells.

**Periodic monitoring** for VOCs will be required during non-intrusive activities such as the collection of soil and sediment samples or the collection of groundwater samples from existing monitoring wells. "Periodic" monitoring during sample collection might reasonably consist of taking a reading upon arrival at a sample location, monitoring while opening a well cap or

overturning soil, monitoring during well baling/purging, and taking a reading prior to leaving a sample location. In some instances, depending upon the proximity of potentially exposed individuals, continuous monitoring may be required during sampling activities. Examples of such situations include groundwater sampling at wells on the curb of a busy urban street, in the midst of a public park, or adjacent to a school or residence.

### VOC Monitoring, Response Levels, and Actions

Volatile organic compounds (VOCs) must be monitored at the downwind perimeter of the immediate work area (i.e., the exclusion zone) on a continuous basis or as otherwise specified. Upwind concentrations should be measured at the start of each workday and periodically thereafter to establish background conditions, particularly if wind direction changes. The monitoring work should be performed using equipment appropriate to measure the types of contaminants known or suspected to be present. The equipment should be calibrated at least daily for the contaminant(s) of concern or for an appropriate surrogate. The equipment should be capable of calculating 15-minute running average concentrations, which will be compared to the levels specified below.

1. If the ambient air concentration of total organic vapors at the downwind perimeter of the work area or exclusion zone exceeds 5 parts per million (ppm) above background for the 15-minute average, work activities must be temporarily halted and monitoring continued. If the total organic vapor level readily decreases (per instantaneous readings) below 5 ppm over background, work activities can resume with continued monitoring.

2. If total organic vapor levels at the downwind perimeter of the work area or exclusion zone persist at levels in excess of 5 ppm over background but less than 25 ppm, work activities must be halted, the source of vapors identified, corrective actions taken to abate emissions, and monitoring continued. After these steps, work activities can resume provided that the total organic vapor level 200 feet downwind of the exclusion zone or half the distance to the nearest potential receptor or residential/commercial structure, whichever is less - but in no case less than 20 feet, is below 5 ppm over background for the 15-minute average.

3. If the organic vapor level is above 25 ppm at the perimeter of the work area, activities must be shutdown.

4. All 15-minute readings must be recorded and be available for State (DEC and NYSDOH) personnel to review. Instantaneous readings, if any, used for decision purposes should also be recorded.

### Particulate Monitoring, Response Levels, and Actions

Particulate concentrations should be monitored continuously at the upwind and downwind perimeters of the exclusion zone at temporary particulate monitoring stations. The particulate monitoring should be performed using real-time monitoring equipment capable of measuring particulate matter less than 10 micrometers in size (PM-10) and capable of integrating over a period of 15 minutes (or less) for comparison to the airborne particulate action level. The equipment must be equipped with an audible alarm to indicate exceedance of the action level. In addition, fugitive dust migration should be visually assessed during all work activities.

1. If the downwind PM-10 particulate level is 100 micrograms per cubic meter ( $\text{mcg}/\text{m}^3$ ) greater than background (upwind perimeter) for the 15-minute period or if airborne dust is observed leaving the work area, then dust suppression techniques must be employed. Work may continue with dust suppression techniques provided that downwind PM-10 particulate levels do not exceed  $150 \text{ mcg}/\text{m}^3$  above the upwind level and provided that no visible dust is migrating from the work area.

2. If, after implementation of dust suppression techniques, downwind PM-10 particulate levels are greater than  $150 \text{ mcg}/\text{m}^3$  above the upwind level, work must be stopped and a re-evaluation of activities initiated. Work can resume provided that dust suppression measures and other controls are successful in reducing the downwind PM-10 particulate concentration to within  $150 \text{ mcg}/\text{m}^3$  of the upwind level and in preventing visible dust migration.

3. All readings must be recorded and be available for State (DEC and NYSDOH) and County Health personnel to review.

December 2009

## **Appendix 1B**

### **Fugitive Dust and Particulate Monitoring**

A program for suppressing fugitive dust and particulate matter monitoring at hazardous waste sites is a responsibility on the remedial party performing the work. These procedures must be incorporated into appropriate intrusive work plans. The following fugitive dust suppression and particulate monitoring program should be employed at sites during construction and other intrusive activities which warrant its use:

1. Reasonable fugitive dust suppression techniques must be employed during all site activities which may generate fugitive dust.
2. Particulate monitoring must be employed during the handling of waste or contaminated soil or when activities on site may generate fugitive dust from exposed waste or contaminated soil. Remedial activities may also include the excavation, grading, or placement of clean fill. These control measures should not be considered necessary for these activities.
3. Particulate monitoring must be performed using real-time particulate monitors and shall monitor particulate matter less than ten microns (PM10) with the following minimum performance standards:
  - (a) Objects to be measured: Dust, mists or aerosols;
  - (b) Measurement Ranges: 0.001 to 400 mg/m<sup>3</sup> (1 to 400,000 :ug/m<sup>3</sup>);
  - (c) Precision (2-sigma) at constant temperature: +/- 10 :g/m<sup>3</sup> for one second averaging; and +/- 1.5 g/m<sup>3</sup> for sixty second averaging;
  - (d) Accuracy: +/- 5% of reading +/- precision (Referred to gravimetric calibration with SAE fine test dust (mmd= 2 to 3 :m, g= 2.5, as aerosolized);
  - (e) Resolution: 0.1% of reading or 1g/m<sup>3</sup>, whichever is larger;
  - (f) Particle Size Range of Maximum Response: 0.1-10;
  - (g) Total Number of Data Points in Memory: 10,000;
  - (h) Logged Data: Each data point with average concentration, time/date and data point number
  - (i) Run Summary: overall average, maximum concentrations, time/date of maximum, total number of logged points, start time/date, total elapsed time (run duration), STEL concentration and time/date occurrence, averaging (logging) period, calibration factor, and tag number;
  - (j) Alarm Averaging Time (user selectable): real-time (1-60 seconds) or STEL (15 minutes), alarms required;
  - (k) Operating Time: 48 hours (fully charged NiCd battery); continuously with charger;
  - (l) Operating Temperature: -10 to 50° C (14 to 122° F);
  - (m) Particulate levels will be monitored upwind and immediately downwind at the working site and integrated over a period not to exceed 15 minutes.
4. In order to ensure the validity of the fugitive dust measurements performed, there must be appropriate Quality Assurance/Quality Control (QA/QC). It is the responsibility of the remedial party to adequately supplement QA/QC Plans to include the following critical features: periodic instrument calibration, operator training, daily instrument performance (span) checks, and a record keeping plan.
5. The action level will be established at 150 ug/m<sup>3</sup> (15 minutes average). While conservative,

this short-term interval will provide a real-time assessment of on-site air quality to assure both health and safety. If particulate levels are detected in excess of 150 ug/m<sup>3</sup>, the upwind background level must be confirmed immediately. If the working site particulate measurement is greater than 100 ug/m<sup>3</sup> above the background level, additional dust suppression techniques must be implemented to reduce the generation of fugitive dust and corrective action taken to protect site personnel and reduce the potential for contaminant migration. Corrective measures may include increasing the level of personal protection for on-site personnel and implementing additional dust suppression techniques (see paragraph 7). Should the action level of 150 ug/m<sup>3</sup> continue to be exceeded work must stop and DER must be notified as provided in the site design or remedial work plan. The notification shall include a description of the control measures implemented to prevent further exceedances.

6. It must be recognized that the generation of dust from waste or contaminated soil that migrates off-site, has the potential for transporting contaminants off-site. There may be situations when dust is being generated and leaving the site and the monitoring equipment does not measure PM<sub>10</sub> at or above the action level. Since this situation has the potential to allow for the migration of contaminants off-site, it is unacceptable. While it is not practical to quantify total suspended particulates on a real-time basis, it is appropriate to rely on visual observation. If dust is observed leaving the working site, additional dust suppression techniques must be employed. Activities that have a high dusting potential--such as solidification and treatment involving materials like kiln dust and lime--will require the need for special measures to be considered.

7. The following techniques have been shown to be effective for the controlling of the generation and migration of dust during construction activities:

- (a) Applying water on haul roads;
- (b) Wetting equipment and excavation faces;
- (c) Spraying water on buckets during excavation and dumping;
- (d) Hauling materials in properly tarped or watertight containers;
- (e) Restricting vehicle speeds to 10 mph;
- (f) Covering excavated areas and material after excavation activity ceases; and
- (g) Reducing the excavation size and/or number of excavations.

Experience has shown that the chance of exceeding the 150ug/m<sup>3</sup> action level is remote when the above-mentioned techniques are used. When techniques involving water application are used, care must be taken not to use excess water, which can result in unacceptably wet conditions. Using atomizing sprays will prevent overly wet conditions, conserve water, and provide an effective means of suppressing the fugitive dust.

8. The evaluation of weather conditions is necessary for proper fugitive dust control. When extreme wind conditions make dust control ineffective, as a last resort remedial actions may need to be suspended. There may be situations that require fugitive dust suppression and particulate monitoring requirements with action levels more stringent than those provided above. Under some circumstances, the contaminant concentration and/or toxicity may require additional monitoring to protect site personnel and the public. Additional integrated sampling and chemical analysis of the dust may also be in order. This must be evaluated when a health and safety plan is developed and when appropriate suppression and monitoring requirements are established for protection of health and the environment.

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New York 14202  
Phone: 716 667 0900  
Fax: 716 842 2612  
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# Appendix D

## Site Inspection Forms

# ENVIRONMENTAL INSPECTION FORM

FLEXO TRANSPARENT, LLC

Property Name: \_\_\_\_\_ Inspection Date: \_\_\_\_\_

Property Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Property ID: (Tax Assessment Map)

Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

Total Acreage: \_\_\_\_\_

Weather (during inspection): Temperature: \_\_\_\_\_ Conditions: \_\_\_\_\_

## SIGNATURE:

The findings of this inspection were discussed with appropriate personnel, corrective actions were identified and implementation was mutually agreed upon:

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

Next Scheduled Inspection Date: \_\_\_\_\_

## SECURITY AND ACCESS

	Yes	No
1. Access controlled by perimeter fencing?	_____	_____
Are there sections of the fence material damaged or missing?	_____	_____
Are the fence or gate post foundations structurally sound?	_____	_____
2. "No Trespass" signs posted in appropriate languages?	_____	_____
Are the signs securely attached to the fencing or posts?	_____	_____
Are there sufficient signs; are the signs adequately spaced around the perimeter of the property?	_____	_____
3. Is there evidence of trespassing?	_____	_____
Is there evidence of illegal dumping?	_____	_____





**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**



**Request to Import/Reuse Fill or Soil**

\*This form is based on the information required by DER-10, Section 5.4(e) and 6NYCRR Part 360.13. Use of this form is not a substitute for reading the applicable regulations and Technical Guidance document.\*

**SECTION 1 – SITE BACKGROUND**

The allowable site use is:

Have Ecological Resources been identified?

Is this soil originating from the site?

How many cubic yards of soil will be imported/reused?

If greater than 1000 cubic yards will be imported, enter volume to be imported:

**SECTION 2 – MATERIAL OTHER THAN SOIL**

Is the material to be imported gravel, rock or stone?

Does it contain less than 10%, by weight, material that passes a size 100 sieve?

Is this virgin material from a permitted mine or quarry?

Is this material recycled concrete or brick from a DEC registered processing facility?

**SECTION 3 - SAMPLING**

Provide a brief description of the number and type of samples collected in the space below:

-----  
*Example Text: 5 discrete samples were collected and analyzed for VOCs. 2 composite samples were collected and analyzed for SVOCs, Inorganics & PCBs/Pesticides.*

*If the material meets requirements of DER-10 section 5.4(e)5 (other material), no chemical testing needed.*

**SECTION 3 CONT'D - SAMPLING**

Provide a brief written summary of the sampling results or attach evaluation tables (compare to DER-10, Appendix 5):

-----  
*Example Text: Arsenic was detected up to 17 ppm in 1 (of 5) samples; the allowable level is 16 ppm.*

*If Ecological Resources have been identified use the "If Ecological Resources are Present" column in Appendix 5.*

**SECTION 4 – SOURCE OF FILL**

Name of person providing fill and relationship to the source:

Location where fill was obtained:

Identification of any state or local approvals as a fill source:

If no approvals are available, provide a brief history of the use of the property that is the fill source:

Provide a list of supporting documentation included with this request:

The information provided on this form is accurate and complete.

---

Signature

---

Date

---

Print Name

---

Firm

**CORRECTIVE ACTION FORM**  
**FLEXO TRANSPARENT, LLC**

Property Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Property ID: (Tax Assessment Map)

Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

Total Acreage: \_\_\_\_\_

Weather (during inspection): Temperature: \_\_\_\_\_ Conditions: \_\_\_\_\_

An inspection of the subject property on (date) identified the need for corrective action.

**CORRECTIVE ACTION TAKEN**

Description: (attach site sketch and photographs)

Date Completed: \_\_\_\_\_

**SIGNATURE:**

The corrective action described above was completed in accordance with all relevant requirements of the Remedial Action Work Plan.

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

**ATTACHMENTS**

1. Site Sketch
2. Photographs
3. Laboratory Report (s)

# Appendix E

**Health and Safety Plan (HASP)**



## Site Specific Health and Safety Plan

Template Revision: 20 c

Project Name: Flexo Transparent, LLC

Project Number: 30207971  
Client Name: Flexo Transparent  
Date: 1/4/2024  
HASP Expires: 1/3/2025  
Revision:

Approvals:

HASP Developer: Victoria Walker

Project Manager: Casey Diederich

HASP Reviewer: Sandra Johnston

HASP Reviewer Name Typed

HASP Reviewer Signature (handwritten or digital signature)

## Arcadis Culture of Caring

Arcadis is committed to a Culture of Caring that ensures each Arcadis employee, part time as needed employee (PTAN), temporary agency employee under Arcadis day to day control, Inexperienced Workers and contractor (cumulatively referred to here as "field staff") goes home at the end of the day free from injury or illness. I certify that the following has been performed with all Arcadis field staff on this project either in person or virtually through Teams:

- Reviewed the HASP including a discussion of hazard identification and controls.
- If conducting activities deemed by Arcadis to be "High Risk", frontline management has reviewed applicable H&S standards (Job Safety Analysis [JSA] when authorized by H&S) for these activities with field staff.
- If permit to work is required, frontline management has reviewed the permit(s) with field staff.
- Reviewed proactive H&S engagement expectations/injury prevention actions.
- Reviewed Stop Work Authority.
- Reviewed the incident reporting process and expectations including when WorkCare should be contacted by staff (WorkCare incident intervention for all minor, non-emergency injuries) and that the WorkCare phone number is programmed into field team cell phone.
- For Inexperienced Workers, a mentor has been assigned for the new task being performed.

For short service employees (SSEs), PTANS\* and temporary agency employees\* :

- Provided coaching and mentoring on Arcadis H&S expectations during project work. Reviewed in detail specific hazards and controls and provided a resource who can be contacted if individual has questions regarding planned or unplanned work tasks.

Mentor/Resource # \_\_\_\_\_  
Name Phone Number

Signed:

\_\_\_\_\_ Select

\* Upon hiring/contracting for the first time.

# Emergency Information

**Site Address:**

28 Wasson St.  
Buffalo, NY 14210

**Emergency Phone Numbers:**

Emergency (fire, police, ambulance)		911
Emergency (facility specific, if applicable):		
Emergency Other (specify):		
Primary Client Contact:	Tom Neuman	716) 541-013
WorkCare (non-life-threatening injury/illness):		1-888-449-7787
Project H&S:	Sandra Johnston	716-667-6676
Task Manager:	Sandra Johnston	716-667-6676
Project Manager:	Casey Diederich	716-667-6623
H&S Specialist:	Alec MacAdam	720-454-0948
Area H&S Director:	Aaron Svitana	925-360-2313

**Hospital Name and Address:**

Mercy Hospital of Buffalo  
565 Abott Rd  
Buffalo, NY 14220

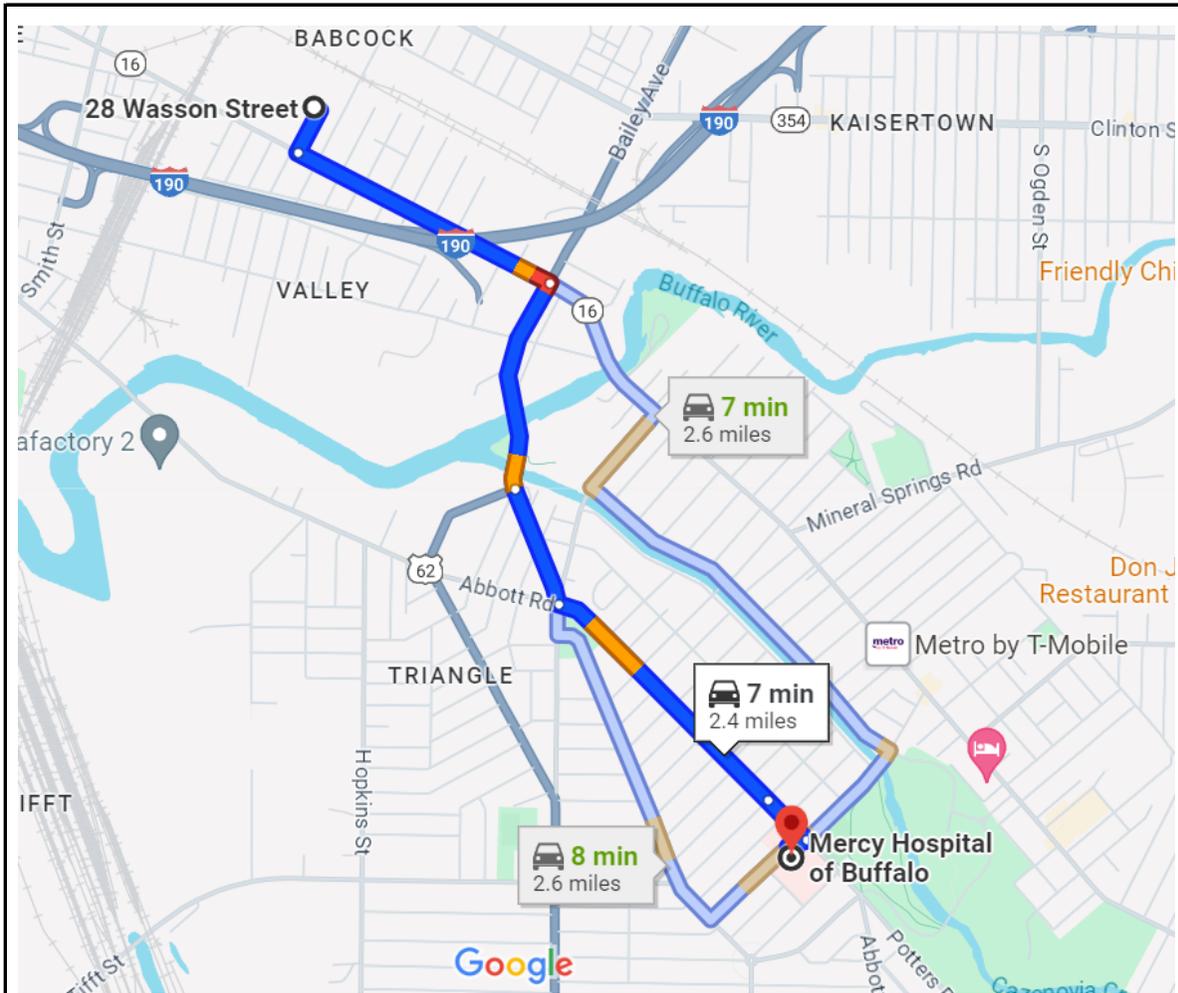
Hospital Phone Number: 716-826-7000

**Supplemental Client Contact Information:**


**Other Important Phone Numbers:**

Poison Control Center	1-800-222-1222
Nat. Response Ctr. (spills in reportable quantities)	1-800-424-8802
U.S. Coast Guard (spills to water)	1-800-424-8802

### Route to the Hospital



**Site Type**

The project site is an active facility with the following attributes:

Buildings	
Industrial	

**Surrounding Land Use and Topography**

The site is located in a relatively residential area with other types of businesses or facilities nearby.

**Simultaneous Operations (SimOps)**

Planned Arcadis site work will not be in proximity to SimOps work activities performed by non Arcadis employees or subcontractors. Arcadis will initiate stop work and evaluate the work activities through the JSA process if during the course of work a SimOps activity is identified that could reasonably affect health and safety of Arcadis employees and subcontractors.

**Site Background**

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. Under the BCP, Flexo redeveloped the Site for expansion of their business, which involves the manufacture of plastic wraps and bags for food and other product packaging. The Site properties include a former electrical transformer manufacturing facility on the west (1122 and 1132 Seneca Street), and in 2017 the former vacant parcel at 1146 was developed into an expansion of the main manufacturing building. Flexo redeveloped the Site for light industrial, warehouse, office, and related parking uses.

**Project Tasks**

The following tasks are identified for this project:

1	Inspections and audits - Buildings
2	Driving - Motor vehicles
3	Oversight - Oversight of contractors
4	Select
5	Select
6	Select
7	Select
8	Select
9	Select
10	Select
11	Select
12	Select
13	Select
14	Select
15	Select
16	Select
17	Select
18	Select
19	Select
20	Select

The following documents/plans/support associated with the above task(s) are attached or to be provided:

Required Checklists/Work Forms

<i>Tailgate Safety Briefing Form</i>
<i>Vehicle Inspection Checklist</i>

Required Permits


Required H&S Standards


**Short Service Employees (SSEs), Part Time As Needed Employees (PTANs) and Temporary Agency Employees**

SSEs (employees who are employed with Arcadis for less than 1 year or are Inexperienced Workers) have the potential to work on this project. If SSEs are utilized, the project team working in conjunction with the SSE's administrative supervisor will ensure requirements of ARC HSGE019 "Short Service Employees" are completed. SSE's will be identified on the project Tailgate Safety Meeting Form.

**Roles and Responsibilities**

*Use of TBD is not permitted in this section*

Name	Role	Short Service Employee
1	Project Manager (PM)	
2	Associate Project Manager (APM)	
3	Task Manager	
4	Field Technical Lead	
5	Select	
6		
7		
8		
9		
10		

The staff listed above are the initial participants on this project phase of work. This phase of work will have rotating staff on a a daily or weekly basis. See Project scheduling tool or equivalent tool for current staff roles and responsibilities.

**Training**

All Arcadis employees are required to have the following training to be on site:

Selected Arcadis employees are required to have the following additional training:

		Names or Numbers from above
Arcadis Basic H&S Training Suite(1)	None	
HAZCOM GHS/EAP (non-certificate)	None	
Defensive Driving - Smith On-Line	None	
H&S Program Orientation (non-certificate)	None	
None	None	
Client specific/Other:	None	
	None	

(1) The Arcadis Basic H&S Training Suite includes the following non-certificate trainings: H&S Orientation, Hazard Communication (HAZCOM/GHS), Emergency Action Planning (EAP), Personal Protective Equipment, and Hearing Conservation. The Suite also includes the following certificate issued training: Smith System Forward/Backing Training.

**The Arcadis Fundamental H&S Principles**

Staff working on any of the task(s) listed above must utilize the six Arcadis Fundamental H&S Principles to ensure work is conducted safely. These principles include: 1) Use of TRACK, 2) H&S Planning, 3) Stop Work Authority, 4) "If Not Me Then Who", 5) Stewardship, and 6) Incident Reporting. Every project team member plays an important role in project health and safety. This is more than just having a HASP, training, or PPE. Proactive staff engagement with these principles is critical to a safe work environment.



## General Task Hazard Assessment and Risk Control (HARC)

General:		Site-Wide																																													
<p>The 12 hazard category HARC ratings are not available in this General THA. The mitigated and unmitigated ratings for the hazards presented are based on the Risk Assessment Matrix below. Modify hazards and ratings as necessary to meet project needs.</p>																																															
<table border="1"> <thead> <tr> <th colspan="2">Risk Assessment Matrix</th> <th colspan="4">Likelihood Ratings</th> </tr> <tr> <th colspan="2">Consequences Ratings</th> <th>A</th> <th>B</th> <th>C</th> <th>D</th> </tr> <tr> <th>People</th> <th>Property</th> <th>0 Almost Impossible</th> <th>1 Possible but Unlikely</th> <th>2 Likely to Happen</th> <th>3 Almost Certain to Happen</th> </tr> </thead> <tbody> <tr> <td>1-Slight or No Health Effect</td> <td>Slight or No Damage</td> <td>0-Low</td> <td>1-Low</td> <td>2-Low</td> <td>3-Low</td> </tr> <tr> <td>2-Minor Health Effect</td> <td>Minor Damage</td> <td>0-Low</td> <td>2-Low</td> <td>4-Medium</td> <td>6-Medium</td> </tr> <tr> <td>3-Major Health Effect</td> <td>Local Damage</td> <td>0-Low</td> <td>3-Low</td> <td>6-Medium</td> <td>9-High</td> </tr> <tr> <td>4-Fatalities</td> <td>Major Damage</td> <td>0-Low</td> <td>4-Medium</td> <td>8-High</td> <td>12-High</td> </tr> </tbody> </table>		Risk Assessment Matrix		Likelihood Ratings				Consequences Ratings		A	B	C	D	People	Property	0 Almost Impossible	1 Possible but Unlikely	2 Likely to Happen	3 Almost Certain to Happen	1-Slight or No Health Effect	Slight or No Damage	0-Low	1-Low	2-Low	3-Low	2-Minor Health Effect	Minor Damage	0-Low	2-Low	4-Medium	6-Medium	3-Major Health Effect	Local Damage	0-Low	3-Low	6-Medium	9-High	4-Fatalities	Major Damage	0-Low	4-Medium	8-High	12-High				
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<b>Hazard</b>																																															
Driving - On road - Injury or vehicle damage from motor vehicle accident or incident																																															
Suggested FHSB Ref: 3.4		To mitigate this hazard, use TRACK and the following:																																													
Overall Unmitigated Risk: <b>HIGH</b>		Smith System (on line)																																													
Mitigated Risk: <b>MEDIUM</b>		JSAs																																													
Comments: Use Smith System "5-Keys" when driving. See Driving JSA for details.																																															
<b>Hazard</b>																																															
Driving - Driver - Injury, death or property damage due to driver distraction, fatigue, etc.																																															
Suggested FHSB Ref: 3.4, 3.21		To mitigate this hazard, use TRACK and the following:																																													
Overall Unmitigated Risk: <b>HIGH</b>		Smith System (on line)																																													
Mitigated Risk: <b>LOW</b>		Driver awareness/use of stop work authority																																													
Comments: Use route planning. Keep eyes moving while driving. See Driving JSA.																																															
<b>Hazard</b>																																															
Motion - Musculoskeletal - Injury from lifting, twisting, stooping, or awkward body positions																																															
Suggested FHSB Ref: 3.29.1		To mitigate this hazard, use TRACK and the following:																																													
Overall Unmitigated Risk: <b>MEDIUM</b>		Engineering Controls (specify in comments)																																													
Mitigated Risk: <b>LOW</b>		Admin. Controls (specify in comments)																																													
Comments: Use proper lifting techniques. See FHSB/HASP Stretching Worksheet. Job rotation.																																															
<b>Hazard</b>																																															
Motion - Musculoskeletal - Injury from repeated work activity or body motion																																															
Suggested FHSB Ref: 3.29.2		To mitigate this hazard, use TRACK and the following:																																													
Overall Unmitigated Risk: <b>MEDIUM</b>		Field H&S Handbook																																													
Mitigated Risk: <b>LOW</b>		Admin. Controls (specify in comments)																																													
Comments: Use job rotation or lifting aids. See FHSB/HASP Stretching Worksheet.																																															
<b>Hazard</b>																																															
Gravity - Falls - Injury due to slips and trips																																															
Suggested FHSB Ref: 3.26.4, 4.11		To mitigate this hazard, use TRACK and the following:																																													
Overall Unmitigated Risk: <b>MEDIUM</b>		Site Awareness																																													
Mitigated Risk: <b>LOW</b>		Housekeeping																																													
Comments: Use footwear appropriate for site conditions, plan routes and do not hurry while walking.																																															
<b>Hazard</b>																																															
Environmental - Inclement weather - Injury or equipment damage from inclement weather																																															
Suggested FHSB Ref: 3.12		To mitigate this hazard, use TRACK and the following:																																													
Overall Unmitigated Risk: <b>MEDIUM</b>		Select																																													
Mitigated Risk: <b>LOW</b>		Select																																													

**Task Specific HARC**

Task 1:		Inspections and audits - Buildings			
HARC Unmitigated Hazard Types (H-High, M-Medium, L-Low):		FHSB Ref:		3.9	
Biological*	L	Chemical	L	Driving*	L
Environmental*	L	Gravity*	L	Mechanical	M
Personal Safety	L	Pressure	L	Radiation	L
				Electrical	L
				Motion*	L
				Sound	L
* Hazard rating, if present, excludes General THA hazards in this category.					
<b>Hazard #1</b>					
Chemical - storage of liquids or solids - injury or property damage due to chemical incompatibility					
Suggested FHSB Ref:	3.30, 3.33		To mitigate this hazard, use TRACK and the following:		
Overall Unmitigated Risk:	LOW		SDS (see also HASP Hazcom/GHS section)		
Mitigated Risk:	LOW		Admin. Controls (specify in comments)		
Comments:	Be aware around chemical storage for any leaks or spills.				
<b>Hazard #2</b>					
Personal safety - Diet and medications- Injury or illness from improper eating and hydration or use of					
Suggested FHSB Ref:	2.2, 2.11		To mitigate this hazard, use TRACK and the following:		
Overall Unmitigated Risk:	MEDIUM		JSAs		
Mitigated Risk:	LOW		Job Briefing/Site Awareness		
Comments:	Eat a well-balance breakfast, bring water, break for lunch.				
<b>Hazard #3</b>					
Mechanical - Pinch point - Injury by pinching of body part in mechanical process					
Suggested FHSB Ref:	3.27.4		To mitigate this hazard, use TRACK and the following:		
Overall Unmitigated Risk:	MEDIUM		Site Awareness		
Mitigated Risk:	LOW		Machine Guarding		
Comments:	Don't touch machinery or equipment.				
<b>Hazard #4</b>					
Sound - Noise - Injury or illness due to noise exposure					
Suggested FHSB Ref:	3.15		To mitigate this hazard, use TRACK and the following:		
Overall Unmitigated Risk:	MEDIUM		Admin. Controls (specify in comments)		
Mitigated Risk:	LOW		PPE (see HASP "PPE" section)		
Comments:	Avoid loud areas when possible, use hearing protection when mandatory.				
<b>Hazard #5</b>					
Mechanical - Crushing - Injury by crushing body part in mechanical process					
Suggested FHSB Ref:	3.27.4		To mitigate this hazard, use TRACK and the following:		
Overall Unmitigated Risk:	MEDIUM		Site Awareness		
Mitigated Risk:	LOW		Machine Guarding		
Comments:	Don't touch machinery or equipment.				
<b>Hazard #6</b>					
None					
Suggested FHSB Ref:	None		To mitigate this hazard, use TRACK and the following:		
Overall Unmitigated Risk:	Not Ranked		Select		
Mitigated Risk:	Not Ranked		Select		
Comments:					

**Hazard Communication (HAZCOM)/Global Harmonization System (GHS)**

- HAZCOM/GHS for this project is managed by the client or contractor
- Project will utilize <=3 Chemical(s)/Product(s) subject to HAZCOM/GHS

List the chemicals anticipated to be used by Arcadis on this project per HAZCOM/GHS requirements.  
(Modify quantities as needed)

Preservatives	Qty	Decontamination	Qty	Calibration	Qty.
<input type="checkbox"/> Not applicable		<input type="checkbox"/> Not applicable		<input type="checkbox"/> Not applicable	
<input type="checkbox"/> Hydrochloric acid	<500 ml	<input type="checkbox"/> Alconox	≤ 5 lbs	<input type="checkbox"/> Isobutylene/air	1 cyl
<input type="checkbox"/> Nitric acid	<500 ml	<input type="checkbox"/> Liquinox	≤ 1 gal	<input type="checkbox"/> Methane/air	1 cyl
<input type="checkbox"/> Sulfuric acid	<500 ml	<input type="checkbox"/> Acetone	≤ 1 gal	<input type="checkbox"/> Pentane/air	1 cyl
<input type="checkbox"/> Sodium hydroxide	<500 ml	<input type="checkbox"/> Methanol	≤ 1 gal	<input type="checkbox"/> Hydrogen/air	1 cyl
<input type="checkbox"/> Zinc acetate	<500 ml	<input type="checkbox"/> Hexane	≤ 1 gal	<input type="checkbox"/> Propane/air	1 cyl
<input type="checkbox"/> Ascorbic acid	<500 ml	<input type="checkbox"/> Isopropyl alcohol	≤ 4 gal	<input type="checkbox"/> Hydrogen sulfide/air	1 cyl
<input type="checkbox"/> Acetic acid	<500 ml	<input type="checkbox"/> Nitric acid	≤ 1 L	<input type="checkbox"/> Carbon monoxide/air	1 cyl
<input type="checkbox"/> Isopropyl alcohol	< 4 gal.	<input type="checkbox"/> Other:		<input type="checkbox"/> pH standards (4,7,10)	≤ 1 gal
<input type="checkbox"/> Formalin (<10%)	< 4 gal.			<input type="checkbox"/> Conductivity standards	≤ 1 gal
<input type="checkbox"/> Methanol	<500 ml			<input type="checkbox"/> Other:	
<input type="checkbox"/> Sodium bisulfate	<500 ml				

Fuels	Qty.	Kits	Qty.
<input type="checkbox"/> Not applicable		<input type="checkbox"/> Not applicable	
<input type="checkbox"/> Gasoline	≤ 5 gal	<input type="checkbox"/> Hach (specify):	1 kit
<input type="checkbox"/> Diesel	≤ 5 gal	<input type="checkbox"/> DTECH (specify):	1 kit
<input type="checkbox"/> Kerosene	≤ 5 gal	<input type="checkbox"/> Other:	1 kit
<input type="checkbox"/> Propane	1 cyl		
<input type="checkbox"/> Other:			

Remediation	Qty.	Other:	Qty.	DOT(1):	Qty.
<input type="checkbox"/> Not applicable		<input type="checkbox"/> Not applicable		<input type="checkbox"/> MOT eligible soils	
		<input type="checkbox"/> Spray paint	≤ 6 cans	<input type="checkbox"/> MOT eligible water	
		<input type="checkbox"/> WD-40	≤ 1 can	<input type="checkbox"/> MOT eligible solids	
		<input type="checkbox"/> Pipe cement	≤ 1 can	<input type="checkbox"/> MOT eligible liquids	
		<input type="checkbox"/> Pipe primer	≤ 1 can		
		<input type="checkbox"/> Mineral spirits	≤ 1 gal		

(1) Attach applicable Materials of Trade (MOT) Quick Form to shipping determination or this HASP. SDS not generally applicable to this category.

Copy any pre-populated text in this field and paste as values then add desired text to this field.

**Personal Protective Equipment (PPE)**

See JSA or Permit for the task being performed for required PPE. If work is not conducted under a JSA or Permit, refer to the governing document for PPE requirements. At a minimum, the following checked PPE is required for all tasks during field work (outside of field office trailers and vehicles) not covered by a JSA or Permit on this project:

Minimum PPE required to be worn by all staff on project:				Specify Type:		
<input checked="" type="checkbox"/>	Hard hat	<input type="checkbox"/>	Snake chaps/guards	<input type="checkbox"/>	Coveralls:	
<input checked="" type="checkbox"/>	Safety glasses	<input type="checkbox"/>	Briar chaps	<input type="checkbox"/>	Apron:	
<input type="checkbox"/>	Safety goggles	<input type="checkbox"/>	Chainsaw chaps	<input type="checkbox"/>	Chem. resistant gloves:	
<input type="checkbox"/>	Face shield	<input type="checkbox"/>	Sturdy boot	<input type="checkbox"/>	Gloves other:	
<input checked="" type="checkbox"/>	Hearing protection	<input checked="" type="checkbox"/>	Steel or comp. toe boot	<input type="checkbox"/>	Chemical boot:	
<input type="checkbox"/>	Rain suit	<input type="checkbox"/>	Metatarsal boot	<input type="checkbox"/>	Boot other:	
<input type="checkbox"/>	Other:			<input checked="" type="checkbox"/>	Traffic vest, shirt or coat:	Class II
				<input type="checkbox"/>	Life vest:	

Task specific PPE: \_\_\_\_\_  
 Comments: \_\_\_\_\_

**Medical Surveillance**

Medical surveillance is not required for this project.

**Hazardous Materials Shipping and Transportation**

No samples will be transported or shipped on this project. No supplies containing gaseous, powdered, granulated, and/or liquid materials will be transported or shipped. Additionally, no materials containing explosive, magnetic, or radioactive materials will be transported or shipped. A shipping determination is not required.

**Traffic Safety and Traffic Safety Plans (TSPs)**

The scope of work on this project will not expose Arcadis workers or subcontractors to vehicular traffic. A traffic safety plan will not be required.

**Arcadis Commercial Motor Vehicles (CMVs)**

CMVs operated by Arcadis employees on public roadways will not be utilized on this project. Arcadis defines a CMV as any single vehicle with a gross vehicle weight rating (GVWR)  $\geq 10,001$  pounds or a truck and trailer combination with a combined GVWR  $\geq 10,001$  pounds (GVWR of truck + GVWR of trailer =  $\geq 10,001$  pounds).

**Site Control**

The scope of work on this project does not require use of site control.

**Decontamination**

The scope of work does not require implementation of decontamination protocols.

**Sanitation**

Restroom facilities and potable water will be provided by the client for this project. Unless alternate requirements are stipulated in a plan supplement (i.e. Heat Injury and Illness Prevention Plan), permit or JSA, temporary restroom facilities will be provided with one toilet for every 20 project workers and bottled or non-plumbed potable water will be provided to project workers at 1 gallon/worker/day.

**Safety Briefings**

Arcadis field staff will attend safety briefings provided by the client. The content of the safety briefing will be documented by at least one Arcadis employee on a Tailgate Safety Briefing Form or logbook. If the client does not perform routine safety briefings (i.e. once daily), Arcadis employee(s) on the project site will perform a daily safety briefing or safety review and document the briefing/review on a Tailgate Safety Briefing Form or logbook.

**Employee Health and Safety Engagement**

The CPM or APM is responsible for reviewing and establishing H&S engagement goals for the project. These goals are summarized below.

Hazard Observations (via H&S App or TIP) required at the following frequency on this project:

---

Close Call reporting (via H&S app) goals for this project:

---

Other (specify):

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### Safety Equipment and Supplies

Safety equipment/supply requirements are addressed in the JSA or Permit for the task being performed. If work is not performed under a JSA or Permit, the following safety equipment is required to be present on site in good condition unless otherwise noted (Check all that apply):

- |                                     |                          |
|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | First aid kit            |
| <input type="checkbox"/>            | Bloodborne pathogens kit |
| <input checked="" type="checkbox"/> | Fire extinguisher        |
| <input type="checkbox"/>            | Eyewash (ANSI compliant) |
| <input checked="" type="checkbox"/> | Eyewash (bottle)         |
| <input checked="" type="checkbox"/> | Drinking water           |
| <input type="checkbox"/>            | Other:                   |
- 

- |                                     |                     |
|-------------------------------------|---------------------|
| <input type="checkbox"/>            | Insect repellent:   |
| <input checked="" type="checkbox"/> | Sunscreen           |
| <input type="checkbox"/>            | Air horn            |
| <input checked="" type="checkbox"/> | Traffic cones       |
| <input type="checkbox"/>            | 2-way radios        |
| <input type="checkbox"/>            | Heat stress monitor |
| <input type="checkbox"/>            |                     |
- 

### International Travel

International travel is not required for this project.

### Spill Control and Containment

Spill control and containment planning and implementation is not required for this project.

### Use of Electronic Devices in Areas of Increased Safety Risk

Electronic device use and distractions to be discussed and documented in the job briefing/safety briefing.

**Signatures**

I have read, understand and agree to abide by the requirements presented in this health and safety plan. I understand that I have the absolute right to stop work if I recognize an unsafe condition affecting my work until corrected.

Printed Name	Signature	Date
_____	_____	_____
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Add additional sheets if necessary

**You have an absolute right to STOP WORK if unsafe conditions exist!**

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