
BROWNFIELD CLEANUP PROGRAM

SITE MANAGEMENT PLAN

295 MARYLAND STREET
NYSDEC SITE NUMBER: C915242
ERIE COUNTY
BUFFALO, NEW YORK

November 2015

0222-014-100

Prepared for:

295 Maryland Street, LLC

366 Elmwood Avenue

Buffalo, NY 14222

716-884-3800

Prepared by:



Benchmark Environmental Engineering & Science, PLLC

2558 Hamburg Turnpike, Suite 300

Buffalo, NY 14218

(716) 856-0599

Revisions to Final Approved Site Management Plan:

Revision #	Submitted Date	Summary of Revision	NYSDEC Approval Date
1	3/29/2022	Change in PRR submittal frequency, cover system, pre-occupancy SVI testing, and SBL numbers/addresses	

March 29, 2022

Ms. Megan Kuczka
Environmental Program Specialist 1
New York State Department of Environmental Conservation
Division of Environmental Remediation, Region 9
270 Michigan Avenue
Buffalo, New York 14203-2915

Re: 295 Maryland Street Site, Buffalo NY
BCP Site No. C915242
Site Management Plan Errata Sheet

Dear Ms. Kuczka:

On behalf of 295 Maryland, LLC, Benchmark Civil/Environmental Engineering & Geology, PLLC (Benchmark) has prepared this Errata Sheet to document changes to the November 2015 Site Management Plan (SMP) prepared by Benchmark. Per your September 29, 2021 Periodic Review Report (PRR) response letter, we are herein submitting an errata sheet per DER-10 Section 6.3(a)5.iii to formalize the SMP changes. This errata documents changes in PRR submittal frequencies, the cover system, pre-occupancy soil vapor intrusion (SVI) testing results, and parcel SBL numbers/addresses.

The changes described herein as well as the revised tables, figures, and appendices supersede those in the November 2015 SMP. Once approved by the Department, this Errata Sheet will be appended to the client's and document repository's copy of the November 2015 SMP, and noted on the SMP cover page as Revision No. 1.

Benchmark herein updates the following components of the NYSDEC-approved November 2015 SMP for the 295 Maryland Street Site:

Section 1.1.3 Notifications: Table 1 has been revised to provide updated NYSDEC notification contact information. Appendix B has been revised to provide an updated full list of site-related contact information.

Section 2.1 Site Location and Description: This section is being revised to reflect the changes in SBL numbers and addresses described in Section 1.1 of the September 2021 PRR and approved by NYSDEC in its September 29, 2021 response letter.

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“The Site is in a residential area on the west side of the City of Buffalo, Erie County, New York. It was formerly comprised of two tax parcels: 295 Maryland Street (SBL No. 111.21-8-3.111) and 129 West Avenue (SBL No. 111.21-8-1.1). On May 31, 2019, Erie County split off a small strip of property within the 129 West Avenue parcel and addressed the new parcel as 289 Maryland Street (SBL No. 111.21-8-50). The remainder of the 129 West Avenue parcel retained SBL No. 111.21-8-1.1. The 295 Maryland Street parcel was re-addressed as 97 West Avenue with new SBL No. 111.21-8-49.1. On October 27, 2020, Campus West, LLC purchased a 0.0372-acre portion of 97 West Avenue, which was readdressed as 291 Maryland Street with new SBL No. 111.21-8-49.2. Campus West, LLC is the owner of 129 West Avenue and 289 and 291 Maryland Street. 295 Maryland, LLC is the owner of 97 West Avenue. Figure 2 shows the boundaries of these four parcels. These changes do not affect the BCP Site boundary will be documented on a Change of Use form submitted to NYSDEC by Counsel for 295 Maryland, LLC.”

Section 2.2.1 Land Use: Since the property is no longer vacant, the second sentence is revised to read “The Site is zoned for commercial and residential use, and improved with two buildings. The main 44,100 square-foot building on the 97 West Avenue parcel was completed in fall 2017. A 35,000 square-foot four-story apartment building deemed ‘Campus West’ was completed in March 2021 on the 129 West Avenue parcel.”

Section 2.3 Summary of Remedial Investigation Findings and History: This section is revised to replace “Currently, the Site is vacant and undeveloped.” with “The Site has been developed with 3-story and 4-story apartment buildings.”

Section 2.5 Remaining Contamination: The FER reflects the correct quantity of soil disposed off-site. Therefore, the first bullet is revised to read “**Excavation:** Limited excavation and off-site disposal of 3,410 tons (5,456 cubic yards) of soil/fill...”

New Section 2.6 – Site Redevelopment:

Redevelopment of the 97 West Avenue parcel began in 2015 and included the following, as documented in the November 2016 Final Engineering Report:

- Between October 2015 and January 2016, approximately 3,900 tons of soil/fill was excavated for the apartment building foundations and sent off-site to the Town of Tonawanda landfill.
- In June and July 2016, approximately 2,200 cubic yards of soil/fill was excavated for an underground bio-retention pond to manage storm water for the redeveloped site; however, most of the excavation was off-site on an adjacent property under common ownership. Approximately 600 cubic yards of clean soil from the bio-retention pond was used on-site as part of the cover system and the remaining 1,800 cubic yards (est. 3,000 tons) was transported off-site by Serafini Inc. for use as fill on five separate properties.

By the end of 2016, the main 44,100 square-foot building was installed and framed, and the cover system was in place. The interior work for this 3-story residential apartment building was completed in fall 2017.

Redevelopment of the 129 West Avenue parcel began in early 2019. The following activities were performed in accordance with the NYSDEC-approved SMP Excavation Work Plan (EWP) and documented in the 2019 and 2020 PRRs:

- Excavation and removal of the existing temporary cover system material and underlying fill and native soils for the Campus West building foundation.
 - An estimated 1,950 cubic yards and 1,386 tons of clean native material were transported to a NYSDEC-approved Beneficial Use Determination (BUD) reuse site (1827 Fillmore Avenue, BCP Site No. C915279).
 - An estimated 4,795 tons of non-hazardous soil/fill was disposed at the Town of Tonawanda landfill.
- Import and placement of NYSDEC-approved virgin source 2-inch crusher run stone (approx. 600 tons) and No. 1 stone (approx. 580 tons) from the LaFarge Lockport Quarry for building subgrade construction activities.
- Import of NYSDEC-approved topsoil (approx. 50 cubic yards) from a site in Lancaster, NY for use over demarcation layer in the soil cover system surrounding the Campus West building.

A 35,000 square-foot four-story apartment building deemed “Campus West” was completed in March 2021 on the 129 West Avenue parcel. Photos of the new building construction are included in the above-referenced PRRs. Figure 7 shows the final cover system for the Site.

Section 3.2.1.1 Cover (or Cap): The 129 West Avenue portion of the Site was temporarily covered in anticipation of a new building. Construction of a new four-story apartment building, referred to as the Campus West Building, began in early 2019 and was completed in March 2021. Figure 7 has been revised to reflect the final cover system.

New Section 4.3.1 Soil Vapor Intrusion Sampling: This section was created to present the results of two rounds of SVI testing in the existing building slab (documented in the May 2018 PRR) and one round of SVI testing in the new Campus West Building.

“SVI testing was conducted in the existing building on the 97 West Avenue parcel July 6-7, 2017 (pre-occupancy) and repeated in December 28-29, 2017 (heating season). Reports summarizing those events were submitted to NYSDEC on July 24, 2017 and May 16, 2018 under separate cover. Based on the results of the December 2017 sampling event, the data do not indicate a soil vapor intrusion concern. The NYSDEC approved the May 2018 report on May 16, 2018 via email.

SVI testing was conducted in the Campus West building on the 129 West Avenue parcel December 1-2, 2020 during the heating season. Based on the sampling results submitted to NYSDEC in a report dated December 17, 2020, the data do not indicate a soil vapor intrusion concern. On January 27, 2021, NYSDEC and NYSDOH accepted the Post-Remedial Soil Vapor Intrusion Sampling Report for the Campus West Building and concurred that no further action is warranted regarding soil vapor intrusion.”

Section 6.2.1 Building Operations: This subsection under Green Remediation Evaluation has been revised to indicate the efficiencies incorporated into the two buildings.

“The apartment buildings incorporate several energy conserving features, including high efficiency appliances, lighting, and HVAC equipment. In addition, the owner is presently embarking on construction of a satellite solar energy generation facility in the City of Buffalo that is affiliated with the 129 Campus West parcel and will deliver low-cost solar power to the same grid.”

Section 7.2 Periodic Review Report: The September 2021 PRR recommended modifying the certification reporting requirement from annual to triennial, which was approved by NYSDEC in its September 29, 2021 response letter. Therefore, Table 7 has been revised and the following text is inserted as the third sentence of Section 7.2:

“The frequency of periodic reviews has been modified to once every three years per NYSDEC’s September 29, 2021 PRR response letter. The first triennial PRR is due May 16, 2024 with a certifying period of April 16, 2021 to April 16, 2024. Annual site-wide inspections will be performed and documented in the PRR.”

Figures: The following revised figures are attached:

- Figure 2 – Site Plan: A new aerial photograph with updated parcel boundaries, new SBL Nos., and current buildings.
- Figure 7 – Final Cover Map

Tables: The following updated tables are attached:

- Table 1 – Notifications is revised to provide updated NYSDEC notification contact information.
- Table 7 – Schedule of Interim Monitoring/Inspection Reports to reflect the revised PRR frequency.

Appendix B List of Site Contacts: Appendix B has been revised to provide an updated full list of site-related contact information.

Appendix D Excavation Work Plan: The following revisions apply:

- Section D-1 Notification: Table 1 is revised to match revised SMP Table 1 – Notifications
- Section D-7 Materials Reuse On-Site: The following text is added as paragraph #2 “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 (January 2021) guidance values. Approvals for modifications to the analytical parameters must be obtained from the NYSDEC project manager prior to the sampling event.”
- Section D-10 Backfill from Off-Site Sources: The third paragraph is revised to add “and DER-10 Appendix 5 for restricted residential use.” to the end of the first sentence.
- Section D-10.1 Quality Assurance Requirements: A 7th bullet is added to included analysis of “Per- and polyfluoroalkyl substances (PFAS) in accordance with the Department’s latest protocols¹”
- Section D-13 Community Air Monitoring Plan: The following text will be adding after the reference to “Appendix 1A” in the first sentence “and Appendix 1B (Fugitive Dust and Particulate Monitoring)”. This sentence is added to the end of the paragraph “Current CAMP procedures will be followed during on-site excavations.”

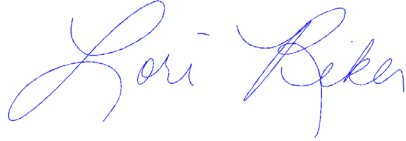
Appendix E HASP: The following revisions apply:

- Section 1.2 Background: The last sentence of the first paragraph is revised to “The Site is zoned for commercial and residential use, and improved with two buildings. The main 44,100 square-foot building on the 97 West Avenue parcel was completed in fall 2017. A 35,000 square-foot four-story apartment building deemed ‘Campus West’ was completed in March 2021 on the 129 West Avenue parcel.”
- Section 9.3 Spill Response: Op-Tech is replaced by Miller Environmental Group Inc. (MEG): (716) 597-0001 or (800) 394-8606

¹ “Sampling, Analysis, and Assessment of Per- And Polyfluoroalkyl Substances (PFAS) Under NYSDEC’s Part 375 Remedial Programs.” January 2021.

Please contact us if you have any questions or require additional information.

Sincerely,
Benchmark Civil/Environmental Engineering & Geology, PLLC



Lori E. Riker, P.E.
Sr. Project Manager



Thomas H. Forbes, P.E.
President

Att.

cc: Daniel P. Tucholski (NYSDOH)
Anthony P. LoRusso (295 Maryland, LLC)
Marc A. Romanowski, Esq. (Rupp Baase)

File: B0222-020-002

CERTIFICATION

I, Thomas H. Forbes, P.E. of Benchmark Civil/Environmental Engineering & Geology, PLLC certify that I am currently a NYS registered professional engineer and that the November 2015 Site Management Plan (SMP) and March 2022 SMP Errata Sheet for the 295 Maryland Street Site (BCP Site No. C915242) were 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).

DATE: 3-29-22

STAMP:



FIGURES

FIGURE 2



150' 0' 150' 300'

SCALE: 1 INCH = 150 FEET
SCALE IN FEET
(approximate)

LEGEND

- BCP SITE BOUNDARY
- REDEVELOPMENT AREA BOUNDARY



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

PROJECT NO.: B0222-020-002

DATE: JANUARY 2022

DRAFTED BY: TJM

SITE PLAN (AERIAL)

SITE MANAGEMENT PLAN
295 MARYLAND STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
295 MARYLAND, LLC

DISCLAIMER:
PROPERTY OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.

F:\CAD\Benchmark\295 Maryland\SMP\Figure 7, Final Cover Map.dwg, 1/21/2022 3:12:27 PM, DWG To PDF.pc

DATE: JANUARY 2022
DRAFTED BY: TJM

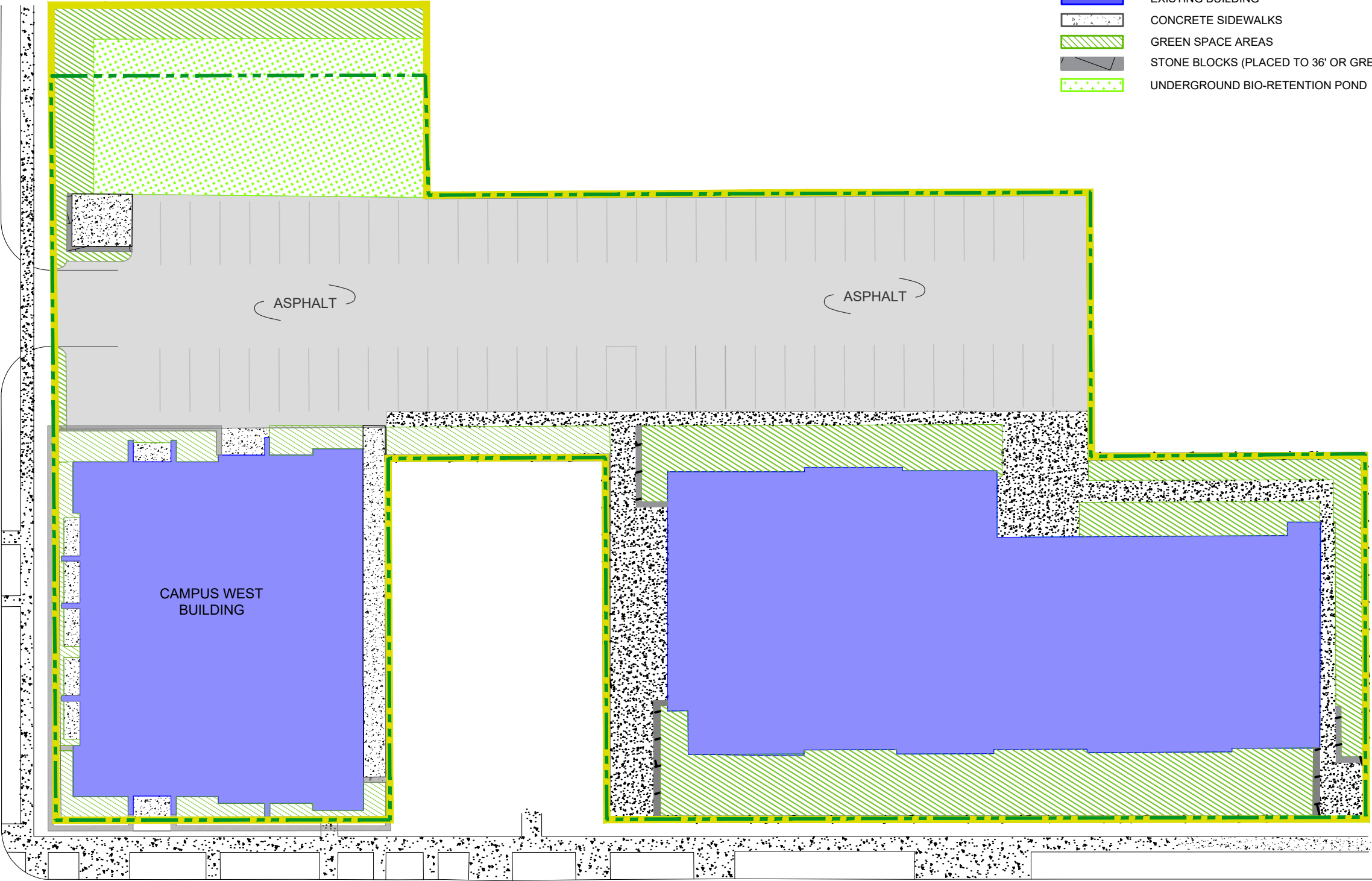


SCALE: 1 INCH = 35 FEET
SCALE IN FEET
(approximate)



WEST AVENUE

MARYLAND STREET



- LEGEND:
- REDEVELOPMENT AREA BOUNDARY
 - BCP SITE BOUNDARY
 - EXISTING BUILDING
 - CONCRETE SIDEWALKS
 - GREEN SPACE AREAS
 - STONE BLOCKS (PLACED TO 36' OR GREATER HEIGHT)
 - UNDERGROUND BIO-RETENTION POND

FINAL COVER MAP

SITE MANAGEMENT PLAN
295 MARYLAND STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
295 MARYLAND, LLC



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218,
(716) 856-0599

JOB NO.: B0222-020-002

FIGURE 7

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TABLES



TABLE 1
NOTIFICATIONS*

Site Management Plan
295 Maryland Street Site

Name	Contact Information
Megan Kuczka NYSDEC Project Manager	(716) 851-7220 megan.kuczka@dec.ny.gov
Andrea Caprio NYSDEC Reg. Haz Waste Engineer	(716) 851-7220 andrea.caprio@dec.ny.gov
Kelly Lewandowski, P.E. NYSDEC Site Control	(518) 402-9543 kelly.lewandowski@dec.ny.gov
Daniel Tucholski NYSDOH Project Manager	(518) 402-7860 BEEI@health.ny.gov

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



TABLE 7
SCHEDULE OF INTERIM MONITORING/INSPECTION REPORTS

Site Management Plan
295 Maryland Street Site

Task/Report	Reporting Frequency*
Inspection Report	As needed
Initial Pre-Occupancy SVI Results	Prior to building occupancy.
Heating Season SVI Results	Prior to building occupancy, if pre-occupancy samples coincide with heating season, otherwise within 45 days of collection.
Periodic Review Report	Triennially, or as otherwise determined by the Department

Notes:

* The frequency of events will be conducted as specified until otherwise approved by the NYSDEC.

APPENDIX B

FULL CONTACT LIST

APPENDIX B – LIST OF SITE CONTACTS

Name	Phone/Email Address
Site Owner: Anthony P. LoRusso	716-884-3800 aplpropertygrp@gmail.com
Remedial Party: Anthony P. LoRusso	716-884-3800 aplpropertygrp@gmail.com
Qualified Environmental Professional: Thomas H. Forbes, P.E.	716-856-0599 tforbes@bm-tk.com
NYSDEC Project Manager: Megan Kuczka	716-851-7220 megan.kuczka@dec.ny.gov
NYSDEC Regional Haz Waste Engineer: Andrea Caprio	716-851-7220 andrea.caprio@dec.ny.gov
NYSDEC Site Control: Kelly Lewandowski, P.E.	518-402-9543 kelly.lewandowski@dec.ny.gov
Remedial Party Attorney: Marc Romanowski	716-854-3400 romanowski@ruppbaase.com
NYSDOH Project Manager: Daniel Tucholski	518-402-7860 BEEI@health.ny.gov