



Periodic Review Report

295 Maryland Street Site
NYSDEC BCP #C915242
289 & 291 Maryland Street and
97 & 129 West Avenue
Buffalo, New York

June 2024

Revised August 2024

(April 16, 2021 to April 16, 2024 reporting period)

Prepared for:

295 Maryland, LLC.

366 Elmwood Avenue

Buffalo, New York 14222

Prepared by:

**Roux Environmental Engineering
and Geology, D.P.C.**

2558 Hamburg Turnpike, Suite 300

Buffalo, New York 14218

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1. Introduction

Roux Environmental Engineering and Geology, D.P.C¹ (Roux) has prepared this triennial Periodic Review Report (PRR) to summarize the post-remedial status of New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Site No. C915242, located at 289 and 291 Maryland Street and 97 and 129 West Avenue in the City of Buffalo, Erie County, New York (see Figures 1 and 2).

This PRR and the associated Institutional and Engineering Control (IC/EC) Certification Forms (see Appendix A) have been prepared for the April 16, 2021 to April 16, 2024 reporting period in accordance with the NYSDEC DER-10 Technical Guidance for Site Investigation and Remediation (Ref. 1).

1.1 Site Background

295 Maryland, LLC entered into a Brownfield Cleanup Agreement (BCA) with the New York State Department of Environmental Conservation (NYSDEC) in July 2011 to investigate and remediate a 1.5-acre property located in the City of Buffalo, Erie County, New York. BCP Site activities were performed in accordance with Brownfield Cleanup Agreement (BCA) Index#C915242-05-11, Site #C915242, which was executed on July 14, 2011. The property was remediated to 6NYCRR Part 375 Restricted-Residential Use (Track 4) and is currently used as a residential apartment complex.

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. The approximately 1.5-acre Site is bounded by Maryland Street to the northwest, Virginia Street to the southeast, West Tupper Street to the northeast, and West Avenue to the southwest (see Figures 1 and 2).

As discussed in the Final Engineering Report (FER; Ref 2), the original 295 Maryland Street parcel was redeveloped with a 3-story apartment building that was framed by the end of 2016, and the original 129 West Avenue portion of the Site was temporarily covered with 2 feet of clean soils meeting NYSDEC Restricted Residential Soil Cleanup Objectives (SCOs) in anticipation of a future building. Construction of

¹ Formerly Benchmark Civil/Environmental Engineering & Geology, PLLC (Benchmark) and TurnKey Environmental Restoration, LLC (TurnKey)

the new building began in early 2019 and was completed March 2021, with the 129 West Avenue parcel redeveloped as a four-story apartment building deemed “Campus West” (see Figure 2).

1.2 Remedial History

The Site historically operated as an industrial/manufacturing facility for commercial billboards since the 1920s; most recently owned by Lamar Advertising prior to procurement by the current owner (s). Previous Site use activities included vehicle maintenance, use of paints, adhesives, solvents, and other flammables. The advertising firm relocated to another location within the City in December 2000; the associated commercial buildings and facilities on 295 Maryland Street as well as former residences at 129 West Avenue were demolished. Currently, the Site is full redeveloped with a newly constructed three-story apartment building completed in 2017, with an additional 4 story apartment building completed in early 2021.

A 2001 Phase II investigation, 2010 soil boring program, 2010-2011 groundwater investigation, and 2013 pre-remedial investigation were completed on the Site to characterize the nature and extent of contamination on the property. The results of the previous investigations are described in detail in the Alternatives Analysis Report/ Remedial Action Work Plan (AAR/RAWP) prepared by Benchmark dated December 2015. Generally, the previous investigations determined the following contaminants of concern (COCs) in Site soil/fill: benzo(a)anthracene, chrysene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(a)pyrene, indeno(1,2,3)pyrene, and dibenz(a,h)anthracene. In addition, the following metals were detected in at least one sample in excess of RRSCOs and were considered COCs: arsenic, barium, cadmium, lead, and mercury. In addition to the COCs, certain areas of concern (AOCs) were identified based upon field evidence of petroleum impact. These particular AOCs were deemed “grossly impacted” consistent with NYSDEC DER-10 definition. Groundwater was also characterized by one or more of the following parameters above NYS Class GA Groundwater Quality Standards and Guidance Values: benzene, ethylbenzene, toluene, and xylenes (BTEX); 1,2,4-trimethylbenzene; isopropylbenzene; benzo(a)anthracene; and naphthalene, all of which are constituents of petroleum products (e.g., gasoline or diesel). Pesticides were detected above GWQS/GVs in certain wells for one or more of the following: alpha-BHC, beta-BHC, dieldrin, gamma-chlordane, and heptachlor. Groundwater also contained levels of sodium greater than the GWQS and one well exhibited a slight exceedance of manganese.

The Alternatives Analysis Report/ Remedial Action Work Plan (AAR/RAWP) recommended remediation of six AOCs, which were characterized by more pronounced levels of COCs and/or gross impacts, with cover placement recommended as the final remedial measure under a Track 4 Cleanup approach. Additional requirements included development and adherence to a Site Management Plan (SMP) and filing of an Environmental Easement to restrict use of the property to restricted residential, commercial, and industrial applications and to place other limitations on post-redevelopment activities.

1.3 Compliance

The Site was inspected by Thomas Forbes, P.E on June 5, 2024. At that time, it was noted that the Site was fully compliant with the NYSDEC-approved SMP dated November 2015 and revised March 29, 2022 (Ref. 3). In addition, Mr. Forbes performed a reconnaissance at the Site to verify conformance with PRR

requirements on May 17, 2021, March 29, 2022, and August 29, 2023 and observed no violations of the SMP.

1.4 Recommendations

Based on the results of the annual inspection and certification, no modifications to the PRR inspection or reporting period are recommended.

2. Site Overview

An overview of the remediation and redevelopment activities undertaken on the Site covered by this PRR are presented below. The remediated property is subject to a comprehensive, Site-wide SMP which identifies requirements for monitoring and maintenance of engineering and institutional controls and procedures for post-remedial excavation and related activities.

2.1 Remediation and Initial Redevelopment

The 295 Maryland Street Site was remediated under the BCP as a Track 4 Restricted Residential Cleanup and redeveloped with two multi-family buildings constructed in separate phases of work. Major remedial elements included the following:

- **AOC Excavation:** Excavation and off-Site disposal of approximately 3410 tons of soil/fill was completed at depths ranging from 0.5 – 8 feet below ground surface (fbgs). Specifically, excavations focused on six (6) discrete areas which were identified based upon presence of elevated concentrations of metal COCs, polycyclic aromatic hydrocarbons (PAHs), and/or grossly contaminated material as per NYCRR Part 375 1.2(u). Excavations were completed until grossly impacted soils were removed and site-specific action levels (SSALs) for metals and PAHs were achieved or until the Site boundary was reached. For metal COCs, commercial SCOs per 6NYCRR Part 375 were established as the SSALs. For PAHs, total (cumulative) values of 100 mg/kg or lower were established as the SSAL. The soil/fill materials were transported off-Site by Russo Development (9A-775) for disposal at Chautauqua County Landfill, Ellery NY.
- **Redevelopment Excavation:** Redevelopment for the initial building now located on the 97 West Avenue parcel began concurrent with remedial work 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 foundation 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. with NYSDEC approval for use as fill on five separate properties.
 - By the end of 2016, the foundation for the first apartment building, comprised of a 3-story, 44,100 square-foot structure, was installed and the building was framed. This comprised a portion of the cover system described below. The interior work for this 3-story residential apartment building was completed in fall 2017.
- **Cover System:** Because the excavation was focused toward specific areas within the Site and did not include all areas of the property where constituents in excess of Restricted-Residential SCOs are present, a Site-wide cover system was required to allow for restricted-residential use of the property. The cover consists either of the structures such as buildings, pavement, sidewalks comprising the Site development or a soil or stone cover. Where the soil or stone cover was placed it was a minimum of two feet thick, meeting the SCOs for cover material as set forth in 6

NYCRR Part 375-6.7(d) for restricted-residential use. The soil/stone cover was placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetation layer in areas slated to remain as landscape.

The remedial program was successful in achieving the remedial objectives for the Site. An Environmental Easement restricting end use of the Site and enforcing adherence to the SMP was filed in November 2015 and approved in December 2015. The Final Engineering Report (FER) was approved in January 2017. Concurrently, a Certificate of Completion (COC) was issued for the Site by the NYSDEC in January 2017.

2.2 Post-COC Redevelopment

Subsequent to COC issuance, redevelopment of the 129 West Avenue “Campus West” 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 an existing, temporary 2-foot soil cover system that was placed in 2016 in contemplation of the Campus West redevelopment.
- Removal of 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.

The 35,000 square-foot, four-story Campus West apartment building was completed in March 2021 on the 129 West Avenue parcel.

3. Remedy Performance

A post-remedial site inspection involving a walk-over of the Site covered by this PRR was performed on June 5, 2024 to visually observe and document use of the Site for restricted residential, commercial, and/or industrial use, confirm absence of Site groundwater use, inspect the cover system integrity, and verify conformance with other requirements under the SMP. The Site inspection completed during the current reporting period indicates that the controls are in-place and functioning as intended in accordance with the SMP.

4. Site Management Plan

A Site-wide SMP was prepared for the Site and approved by the Department in November 2015 and revised in March 2022 to reflect updates relative to the Campus West buildout. Key components of the SMP are described below.

4.1 Institutional and Engineering control (IC/EC Plan)

Since remaining contaminated soil and groundwater exists beneath the Site, Institutional Controls and Engineering Controls (IC/ECs) are required to protect human health and the environment. The Engineering and Institutional Control Plan describes the procedures for the implementation and management of all IC/ECs at the Site. At the time of the Site inspection, the Site covered by this PRR was fully compliant with all engineering and institutional control requirements.

4.1.1 Institutional Controls (ICs)

The Site has a series of Institutional Controls in the form of site restrictions. Adherence to these Institutional Controls is required by the Environmental Easement. Site restrictions that apply to the Controlled Property are:

- The property may only be used for restricted-residential, commercial, and industrial use provided that the long-term Engineering and Institutional Controls included in the SMP are employed;
- All ECs must be operated and maintained as specified in the SMP;
- All ECs must be inspected at a frequency and in a manner defined in the SMP;
- 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 Department;
- Data and information pertinent to site management must be reported at the frequency and in a manner as defined in the SMP;
- All future activities 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 component of the remedy shall be performed as defined in the SMP;
- 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;
- The potential for vapor intrusion must be evaluated for any new buildings developed on the Site with a provision for implementing recommended actions to address exposures related to soil vapor intrusion, and any potential impacts that are identified must be monitored or mitigated; and
- Vegetable gardens and farming on the site are prohibited.

4.1.2 Engineering Controls (ECs)

Engineering controls at the Site include:

- Cover System – Exposure to remaining contamination in soil/fill at the Site is prevented by a final cover system placed over the Site. This cover system is comprised of a minimum of 24 inches of clean soil (with demarcation layer) in vegetated areas, asphalt pavement, concrete sidewalks, large concrete block, and concrete building slabs. The cover system must be maintained in compliance with the SMP.

4.2 Excavation Work Plan

An Excavation Work Plan (EWP) was included in the NYSDEC-approved SMP for the Site. The Excavation Work Plan provides guidelines for the management of soil and fill material during any future intrusive activities. Any intrusive work that will penetrate the cover or cap, or encounter or disturb the remaining contamination, including any modifications or repairs to the existing cover system, must be performed in compliance with the EWP.

4.3 Inspection and Certification Program

The Inspection and Certification Program outlines requirements for certifying and attesting that the institutional controls and engineering controls employed on the Site are unchanged from the original design and/or previous certification. The Site inspection is intended to verify that the IC/ECs:

- Are in place and effective.
- Are performing as designed.
- That nothing has occurred that would impair the ability of the controls to protect the public health and environment.
- That nothing has occurred that would constitute a violation or failure to comply with any operation and maintenance plan for such controls.
- Access is available to the Site to evaluate continued maintenance of such controls.

Inspection of the Site was conducted by Thomas Forbes, P.E. of Roux on June 5, 2024. In addition, Mr. Forbes performed a reconnaissance at the Site to verify conformance with SMP requirements on May 17, 2021, March 29, 2022, and August 29, 2023 and observed no violations of the SMP.

Mr. Forbes is a licensed and registered NY State Professional Engineer and meets the requirements of a Qualified Environmental Professional (QEP) per 6NYCRR Part 375.12. At the time of the inspections, the Site was being used as a residential apartment complex, with surface parking, concrete sidewalks, and landscaped areas. Roux identified no observable indication of intrusive activities during the PRR reporting period or uses contrary to the Easement.

The completed Site Management Periodic Review Report Notice – Institutional and Engineering Controls Certification Form for the 2024 inspection is included in Appendix A. A photographic log of the Site is included in Appendix B.

4.4 Operation, Monitoring and Maintenance Plan

The remedy for the Site does not rely on any mechanical systems such as sub-slab depressurization or soil vapor extraction, to protect public health and the environment. Therefore, an Operation and Maintenance Plan is not required.

4.5 Other Requirements

As outlined in the approved SMP, post-remedial soil vapor intrusion (SVI) sampling must be performed for any new buildings developed on-site prior to human use and occupancy and during the heating season, if those events do not coincide. Therefore, NYSDEC required an evaluation of the potential for vapor intrusion in the original and Campus West buildings prior to occupancy.

The SVI sampling in the original building was performed in July 2017 (pre-occupancy) and repeated in December 2017 (heating season). Reports summarizing those events were submitted to the Department under separate cover. The December 2017 sampling event was conformant with NY State Department of Health requirements for sampling during the heating season and was therefore considered the more accurate assessment of SVI concerns. Figure 3 shows the locations of the sampling in the slab on grade and basement areas of the building, as well as the outdoor air sample. The December 2017 sample results were presented in a May 11, 2018 SVI sampling report which concluded that all of the parameters for which the NYSDOH had established action limits as of May 2017 SVI Guidance yielded “no further action” determinations.

The pre-occupancy SVI sampling in the Campus West building was performed on December 1-2, 2020. At that time, the building was unoccupied but heating systems were active, and doors and windows were closed as typical for winter weather conditions. A report summarizing the sampling event was submitted to the Department under separate cover, dated December 17, 2020. Figure 3 shows the SVI sample locations. The report concluded that all of the parameters for which the NYSDOH had established action limits as of May 2017 SVI Guidance yielded “no further action” determinations.

5. Conclusions and Recommendations

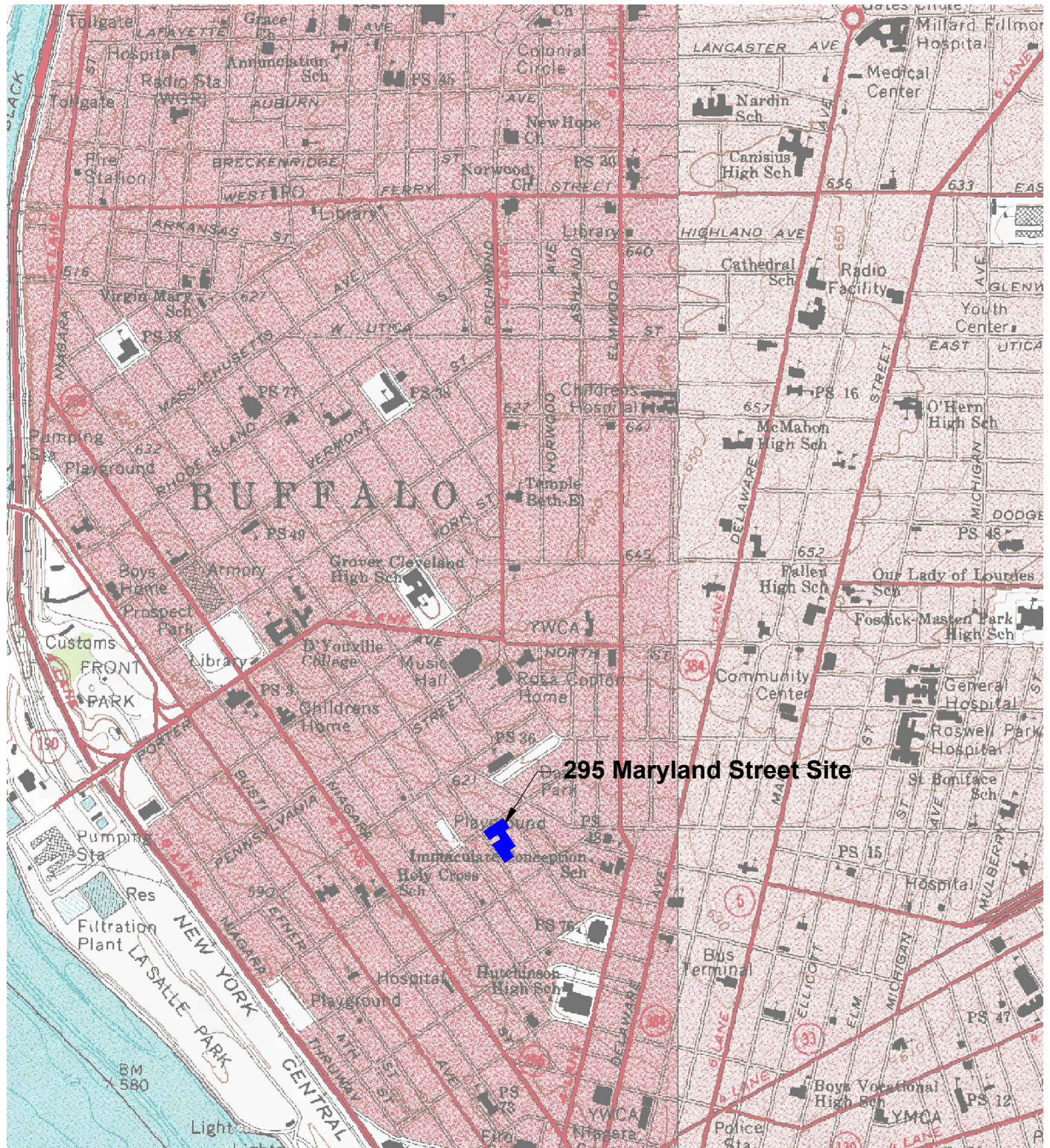
Conclusions for this reporting period and recommendations for the next reporting period are as follows:

- At the time of the Site inspection, the Site was in compliance with the SMP.
- It is recommended that the certification reporting requirement continue to be triennial (every three years) with annual inspections based upon continued adherence to the SMP and the absence of any ongoing redevelopment.

6. References

1. New York State Department of Environmental Conservation. *DER-10/Technical Guidance for Site Investigation and Remediation*. May 2010, rev. April 2019.
2. *Final Engineering Report, 295 Maryland Street Site, Buffalo, NY (NYSDEC BCP Site #C915242)*, dated November 2016, prepared by Benchmark Environmental Engineering and Science, PLLC.
3. *Site Management Plan, 295 Maryland Street Site, Buffalo, NY (NYSDEC BCP Site #C915242)*, dated November 2015, revised March 29, 2022, prepared by Benchmark Environmental Engineering and Science, PLLC.

FIGURES



SCALE: 1 INCH = 4000 FEET
SCALE IN FEET
(approximate)

Title:

SITE LOCATION AND VICINITY MAP PERIODIC REVIEW REPORT

295 MARYLAND STREET SITE
BUFFALO, NEW YORK

Prepared for:

295 MARYLAND, LLC

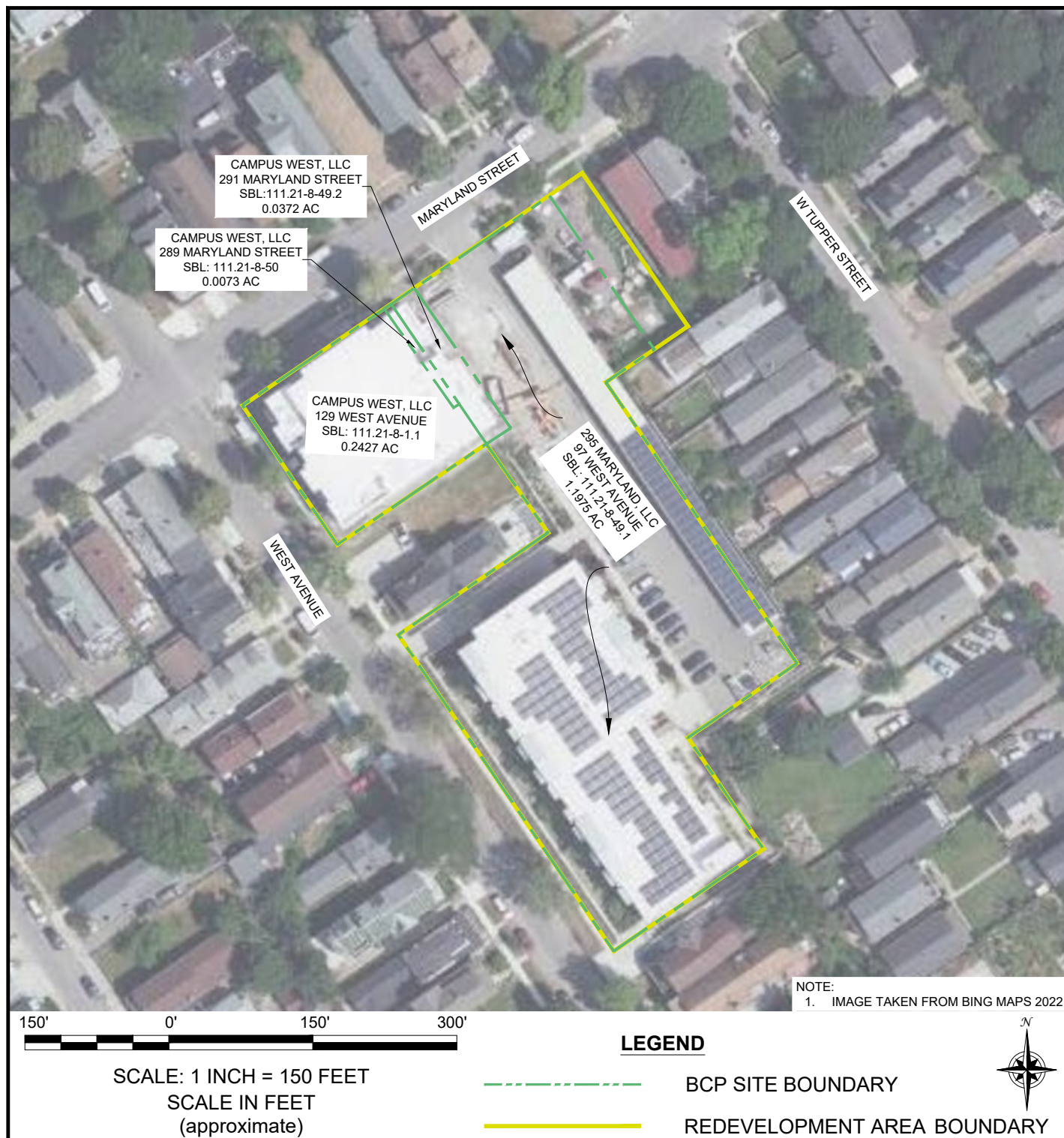


Compiled by: RFL	Date: JUNE 2024
Prepared by: RFL	Scale: AS SHOWN
Project Mgr: THF	Project: 4677.0001B000
File: FIGURE 1 - SITE LOCATION AND VICINITY MAP.DWG	

FIGURE

1

FIGURE 2



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)

PERIODIC REVIEW REPORT

295 MARYLAND STREET SITE
BUFFALO, NEW YORK

PREPARED FOR

295 MARYLAND, LLC

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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

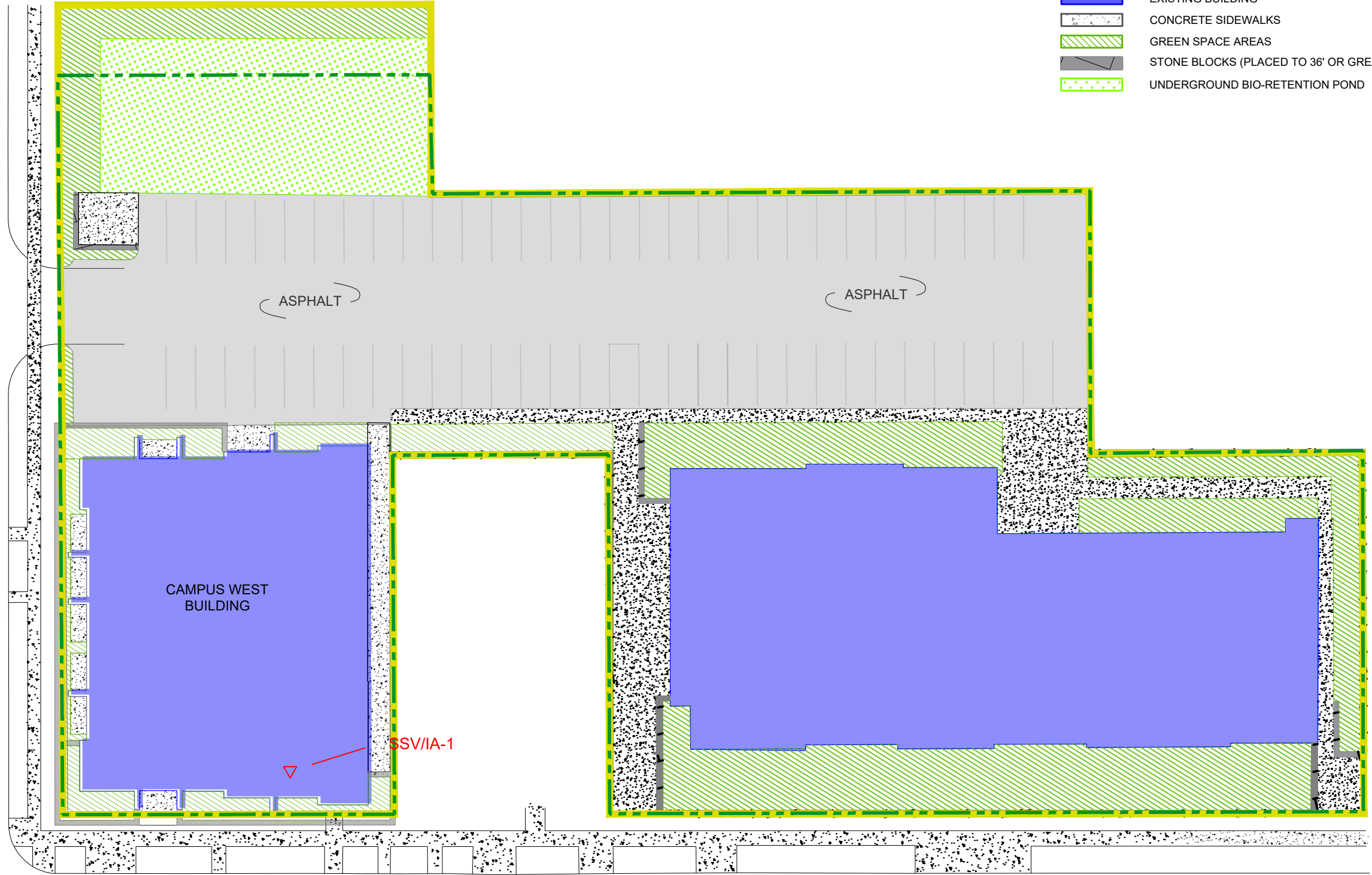


SCALE: 1 INCH = 35 FEET
SCALE IN FEET
(approximate)



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

PERIODIC REVIEW REPORT
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 3

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.

APPENDIX A

INSTITUTIONAL & ENGINEERING CONTROLS CERTIFICATION FORM



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site No. **C915242** **Site Details** **Box 1**

Site Name 295 Maryland Street

in 2021 we updated to:
97, 129 and 289 West Avenue

Site Address: 295 MARYLAND STREET Zip Code: 14201

City/Town: Buffalo

County: Erie

Site Acreage: 1.480

Reporting Period: April 16, 2021 to April 16, 2024

	YES	NO
1. Is the information above correct?	<input type="checkbox"/>	<input type="checkbox"/>

If NO, include handwritten above or on a separate sheet.

- | | | |
|---|--------------------------|--------------------------|
| 2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? | <input type="checkbox"/> | <input type="checkbox"/> |

If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.

5. Is the site currently undergoing development?	<input type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------

Box 2

- | | | |
|---|--------------------------|--------------------------|
| | YES | NO |
| 6. Is the current site use consistent with the use(s) listed below?
Restricted-Residential, Commercial, and Industrial | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Are all ICs in place and functioning as designed? | <input type="checkbox"/> | <input type="checkbox"/> |

**IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

☐☐

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

☐☐

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915242**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**111.21-8-1.1**

Campus West, LLC

Ground Water Use Restriction
Soil Management Plan
Landuse Restriction
Site Management Plan

IC/EC Plan

111.21-8-49.1

295 Maryland, LLC

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

111.21-8-49.2

Campus West, LLC

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

111.21-8-50

Campus West, LLC

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

Box 4**Description of Engineering Controls**

<u>Parcel</u>	<u>Engineering Control</u>
111.21-8-1.1	Cover System
111.21-8-49.1	Cover System
111.21-8-49.2	Cover System
111.21-8-50	Cover System

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

☐ ☐

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

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

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

☐ ☐

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. C915242

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

Anthony LoRusso at 295 Maryland LLC, Campus West LLC
print name print business address
366 Elmwood Avenue, Buffalo, NY 14222

am certifying as Owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

Anthony P. LoRusso
Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

8/13/2024

Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Thomas H. Forbes, P.E. at Roux Environmental Engineering & Geology, D.P.C.
2558 Hamburg Turnpike, Buffalo, NY 14218
print name print business address

am certifying as a Qualified Environmental Professional for the Owner
(Owner or Remedial Party)



[Signature]
Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification

6-13-29
Date

APPENDIX B

SITE PHOTOGRAPH LOG

Client Name:		Site Location:	Project No.:
295 Maryland, LLC		97, 129 and 289 West Avenue, Buffalo, NY	4352.0001B000
Photo No.	Date		
1	06/05/2024		
Direction Photo Taken:			
Looking SW			
Description:			
View of the parking lot looking toward shed			

Client Name:		Site Location:	Project No.:
295 Maryland, LLC		97, 129 and 289 West Avenue, Buffalo, NY	4352.0001B000
Photo No.	Date		
2	06/05/2024		
Direction Photo Taken:			
SE			
Description:			
View from Shed area looking southeast.			

Client Name:		Site Location:	Project No.:
295 Maryland, LLC		97, 129 and 289 West Avenue, Buffalo, NY	4352.0001B000
Photo No.	Date		
3	06/05/2024		
Direction Photo Taken:			
Looking SW			
Description:			
View along southeast side of building looking toward West Avenue.			

Client Name:		Site Location:	Project No.:
295 Maryland, LLC		97, 129 and 289 West Avenue, Buffalo, NY	4352.0001B000
Photo No.	Date		
4	06/05/2024		
Direction Photo Taken:			
NW			
Description:			
View of vegetative cover along West Avenue side of building.			


Client Name:		Site Location:	Project No.:
295 Maryland, LLC		97, 129 and 289 West Avenue, Buffalo, NY	4352.0001B000
Photo No.	Date		
5	06/05/2024		
Direction Photo Taken:			
Looking NW			
Description:			
View along West Avenue sidewalk.			

Client Name:		Site Location:	Project No.:
295 Maryland, LLC		97, 129 and 289 West Avenue, Buffalo, NY	4352.0001B000
Photo No.	Date		
6	06/05/2024		
Direction Photo Taken:			
NE			
Description:			
View from West Avenue looking northeast along building			

Client Name:		Site Location:	Project No.:
295 Maryland, LLC		97, 129 and 289 West Avenue, Buffalo, NY	4352.0001B000
Photo No.	Date		
7	06/05/2024		
Direction Photo Taken:			
Looking SE			
Description:			
View looking southeast along parking in front of building			

Client Name:		Site Location:	Project No.:
295 Maryland, LLC		97, 129 and 289 West Avenue, Buffalo, NY	4352.0001B000
Photo No.	Date		
8	06/05/2024		
Direction Photo Taken:			
NW			
Description:			
View of parking lot looking northwest toward Maryland Street.			

Client Name:		Site Location:	Project No.:
295 Maryland, LLC		97, 129 and 289 West Avenue, Buffalo, NY	4352.0001B000
Photo No.	Date		
9	06/05/2024		
Direction Photo Taken:			
Looking SW			
Description:			
View along southwest side of Campus West building.			

Client Name:		Site Location:	Project No.:
295 Maryland, LLC		97, 129 and 289 West Avenue, Buffalo, NY	4352.0001B000
Photo No.	Date		
10	06/05/2024		
Direction Photo Taken:			
Description:			
View from Maryland Street looking east			

Client Name:		Site Location:	Project No.:
295 Maryland, LLC		97, 129 and 289 West Avenue, Buffalo, NY	4352.0001B000
Photo No.	Date		
11	06/05/2024		
Direction Photo Taken:			
Looking SW			
Description:			
View along Maryland Street side of Campus West building.			

Client Name:		Site Location:	Project No.:
295 Maryland, LLC		97, 129 and 289 West Avenue, Buffalo, NY	4352.0001B000
Photo No.	Date		
12	06/05/2024		
Direction Photo Taken:			
Looking SE			
Description:			
View along West Avenue on Southwest side of Campus West building.			