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# PERIODIC REVIEW REPORT

**300 OHIO STREET SITE  
BCP SITE NO. C915257**

**BUFFALO, NEW YORK**

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May 2023

0136-021-005

Prepared for:

**4216 Group, LLC/Cooperage, LLC**  
295 Main Street, Suite 700  
Buffalo, New York

Prepared By:



# PERIODIC REVIEW REPORT

## 300 Ohio Street Site (C915257)

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# **PERIODIC REVIEW REPORT**

## **300 Ohio Street Site (C915257)**

### **FIGURES**

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Figure 1	Site Location and Vicinity Map
Figure 2	Site Plan – Restricted Residential Use and Commercial Use Areas
Figure 3	Cover System
Figure 4	Cover System Construction Detail

### **APPENDICES**

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Appendix A	Institutional & Engineering Controls Certification Form
Appendix B	Site Photolog

## 1.0 INTRODUCTION

Benchmark Environmental Engineering and Science, PLLC (Benchmark), in association with TurnKey Environmental Restoration, LLC (TurnKey) has prepared this Periodic Review Report (PRR), on behalf of 4216 Group, LLC and Cooperage, LLC to summarize the post-remedial status of New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Site No. C915257, located in the City of Buffalo, Erie County, New York (Site; see Figures 1 and 2).

This PRR has been prepared for the 300 Ohio Street Site in accordance with NYSDEC DER-10 *Technical Guidance for Site Investigation and Remediation* (May 2010). The NYSDEC's Institutional and Engineering Controls (IC/EC) Certification Form has been completed for the Site (see Appendix A).

This PRR and the associated inspection forms have been completed for the April 29, 2020 to April 29, 2023 reporting period.

### 1.1 Site Background

The 300 Ohio Street Site is located in the City of Buffalo Erie County, and is bounded by Mackinaw Street to the north, and Chicago Street to the west with Ohio Street to the south, and City of Buffalo – Conway Park to the east (see Figures 1 and 2).

The majority of the Site was historically utilized as an automobile filling station and fuel distribution operation since at least 1925. The northern portion of the Site was part of the former E&B Machinery and Central Manufacturing operations. These entities formerly operated a machine shop, trucking terminal and coffin and cooperage manufacturing operations.



## 1.2 Remedial History

Previous environmental investigations identified the presence of petroleum contamination on-Site. Remedial activities began in 2014 and were completed in 2017. A brief summary of the remedial activities is presented below.

- Excavation, cleaning and removal of 16 USTs, eight (8) former pump islands, and associated distribution lines.
- Excavation and off-site disposal of approximately 18,650-tons of grossly contaminated petroleum impacted soil/fill (GCPS). The excavation was continued from surface to approximately 13-fbgs and backfilled with department approved recycled concrete and gravel from the Ohio Street Roadway Project.
- Excavation and off-site disposal of approximately 222 tons of non-hazardous PAH contaminated soil/fill in the vicinity of MW-1.
- Excavation and off-site disposal of approximately 423 tons of non-hazardous metal contaminated soil-fill from the vicinity of TP-13.
- Excavation and off-site disposal of approximately 770 tons of shallow non-hazardous metal contaminated soil/fill in the vicinity of SS-10.
- Approximately 448 tons of intermingled solid waste and soil/fill debris, likely from illegal dumping, was properly disposed offsite.
- Construction of cover system across the site to meet the 1-foot thick commercial cover system requirements per DER-10.

The cleanup was successful in achieving the remedial objectives for the Site. The Site Management Plan (SMP) and Final Engineering Report (FER) were approved by the Department in December 2017. The NYSDEC issued a COC for the Site on December 29, 2017.

## 1.3 Post-Certificate of Completion Modifications

### *1.3.1 2018 Land Use Modification*

At the time of issuance of the Certificate of Completion (COC) in 2017, the future redevelopment plans were undetermined, and the property was cleaned up to the likely

future use as a Commercial development. In 2018, redevelopment plans for the Site included a mixed use commercial and residential use, with apartments requiring a modification to a Restricted Residential Use land use under the BCP (see Figure 2).

In August 2018, a Supplemental Remedial Action Work Plan was prepared to evaluate the remaining on-Site contamination and presented the additional remedial measures that would be necessary to achieve a Restricted Residential Use.

As detailed in the Work Plan, additional remedial excavation would be required to remove soil/fill that exceeded the Commercial Use SCOs (CSCOs) and modify the cover system of the redevelopment to comply with the 24-inch minimum clean material cover for a Track 4 Restricted Residential Use Site.

Following completion of the additional remedial measures to achieve a Track 4 RRSCO land use a Construction Completion Report was prepared to summarize the additional remedial measures and modifications to the cover system. The CCR was approved by the Department in April 2022.

### ***1.3.2 2021 SVI Assessment***

A Soil Vapor Intrusion assessment was completed in accordance with the approved SVI Work Plan (November 2021). As detailed in the 2022 SVI Results Report (June 2022), none of the compounds identified in the NYSDOH matrices were detected, and the vast majority of air constituents were reported by the laboratory as non-detect. The Department approved the SVI report in September 2022.

## **1.4 Recommendations**

- No modifications are recommended at this time.

## **1.5 Compliance**

The Site is in compliance with the SMP. Completed IC/EC form is included in Appendix A and a Site photo log is included in Appendix B.

## 2.0 SITE OVERVIEW

Previous investigations identified environmental contamination on-Site that required remediation. 4216 Group, LLC entered into a Brownfield Cleanup Agreement (BCA) with the NYSDEC to remediate the Site. BCP investigations and remediation were completed between 2014 and 2017.

The remedial activities included:

- Excavation, cleaning, and removal of 16 underground storage tanks (USTs) and 8 fuel pumps with associated piping;
- Excavation and off-site disposal of grossly contaminated petroleum impacted soil/fill (GCPS)
- Excavation and off-site disposal of metal and polycyclic aromatic hydrocarbons (PAH) impacted non-hazardous soil/fill exceeding the Part 375 Commercial Use Soil Cleanup Objectives (SCOs);
- Excavation and off-site disposal of intermingled solid waste soil/fill debris removal.
- Construction and maintenance of a cover system consisting of a minimum 12-inches cover of approved clean material placed on top of demarcation layer.
- Placement of an environmental easement to (1) implement, maintain, and monitor Engineering Controls; (2) prevent future exposure to remaining contamination by controlling disturbances of the subsurface contamination; and (3) limit the use and development of the Site to Commercial or Industrial uses only.

Remedial activities were completed in December 2017. The FER and SMP for the Site were approved by the Department in December 2017. The Certificate of Completion (COC) was issued for the Site on December 29, 2017 and filed with Erie County on January 29, 2018.

As detailed in the Construction Completion Report (CCR), the northern portion of the Site was redeveloped during 2018-2019.

The redevelopment activities were completed in general accordance with the SMP and Supplemental Remedial Action Work Plan. Location of the various cover system elements is provided on Figure 3 and Cover System details are provided on Figure 4.

### 3.0 REMEDY PERFORMANCE

Post-remedial annual inspections have been completed at the Site in accordance with the SMP. The Site inspection including a walk-over of the entire BCP Site to visually observe and document the use of the Site for restricted residential / commercial use, restriction of groundwater use, and conformance with the SMP.

The completed IC/EC Certification form and site photographs are included in Appendix A and Appendix B, respectively.

## 4.0 INSTITUTIONAL AND ENGINEERING CONTROLS

A SMP was prepared for the Site and approved by the Department in December 2017. The SMP provides a detailed description of all procedures required to manage remaining contamination at the Site after completion of the Remedial Action, including: (1) implementation and management of all Institutional and Engineering Controls; and, (2) performance of periodic inspections, certification of results, and submittal of Periodic Review Reports. A brief description of the components of the SMP is presented below.

### 4.1 Engineering and Institutional Control Requirements and Compliance

As detailed in the Environmental Easements, several IC/ECs need to be maintained as a requirement for the Site.

#### *4.1.1 Institutional Controls*

- Land-Use Restriction: The Site is allowed for restricted residential (certain areas), and commercial and/or industrial use.
- Groundwater-Use Restriction – the use of groundwater is prohibited;
- Implementation of the SMP.

#### *4.1.2 Engineering Controls*

- Cover System – The cover system, including building foundations, concrete sidewalks, concrete or asphalt driveways and parking areas, and landscaped vegetated areas are being maintained in compliance with the SMP.

#### *4.1.3 Annual Inspection and Certification Program*

The Annual Inspection and Certification Program outlines the requirements for the Site, to certify and attest that the institutional controls and/or engineering controls employed at the Site are unchanged from the previous certification. The Annual Certification will primarily consist of an annual Site Inspection to complete the NYSDEC's IC/EC Certification Form. The Site inspection will 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.

At the time of the site inspection the property was a mixed use commercial (retail) and residential apartment building (upper floors). NYSDEC representative was present during the April 2023 site inspection.

No observable indication of intrusive activities was noted during the Site inspection. No observable use of groundwater was noted during the reporting period. Minor bare grass spots were noted in the rear parking lot and will be reseeded during landscape maintenance.

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

## **4.2 Excavation Work Plan**

An Excavation Work Plan (EWP) was included in the approved-SMP for the Site. The EWP provides guidelines for the management of soil and fill material during any future intrusive activities.

No intrusive activities were noted during the site inspection.

## 5.0 CONCLUSIONS

**Conclusions:**

At the time of the site inspection, the Site was compliant with the SMP requirements.

## 6.0 DECLARATION/LIMITATION

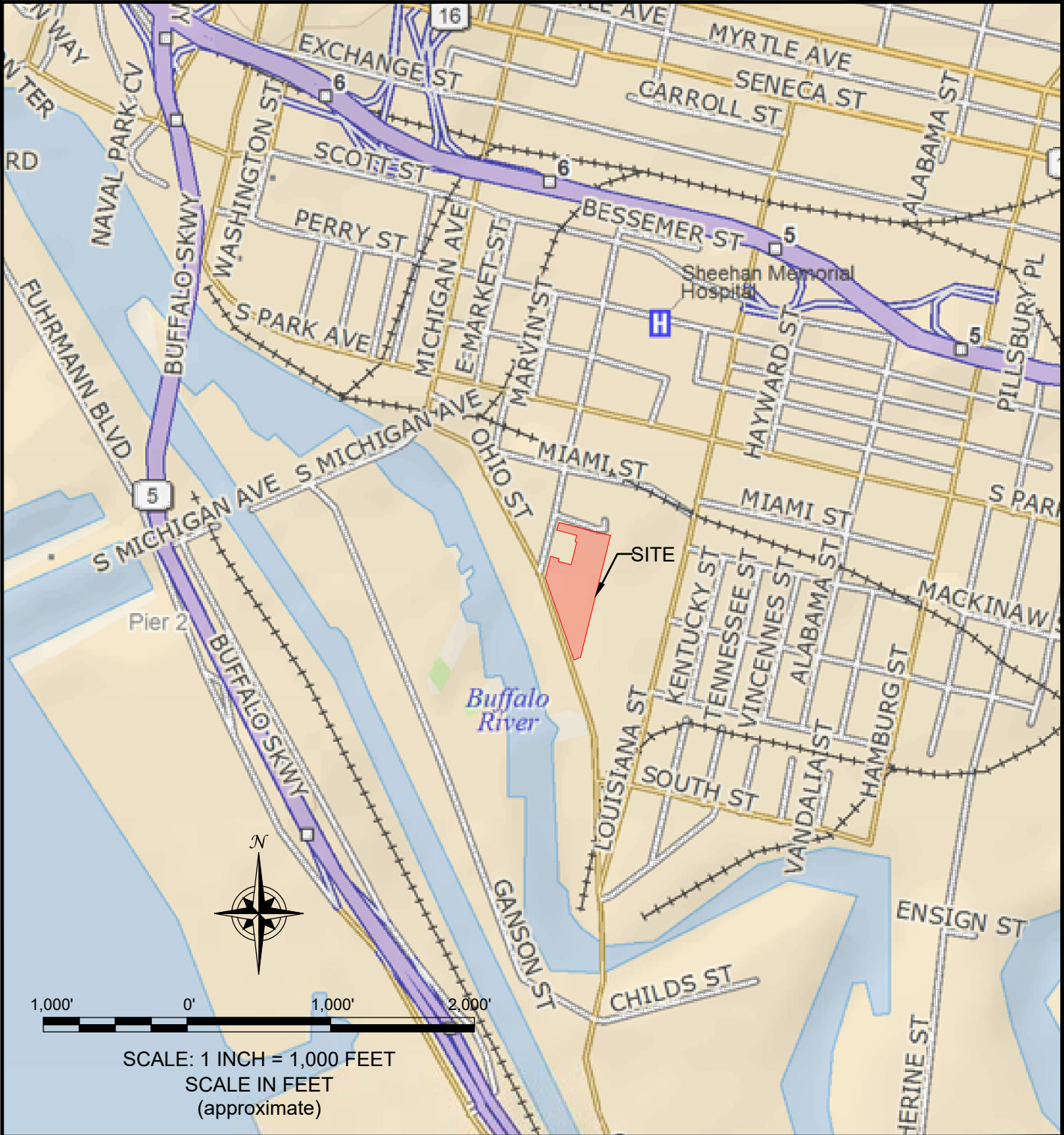
Benchmark-TurnKey personnel conducted the annual site inspections for the 300 Ohio Street BCP Site No. C915257, located in Buffalo, New York, according to generally accepted practices. This report complied with the scope of work provided to 4216 Group, LLC and Cooperage, LLC by Benchmark TurnKey.

This report has been prepared for the exclusive use of 4216 Group, LLC. The contents of this report are limited to information available at the time of the site inspection. The findings herein may be relied upon only at the discretion of 4216 Group, LLC. Use of or reliance upon this report or its findings by any other person or entity is prohibited without written permission of Benchmark-TurnKey.



## FIGURES

FIGURE 1



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



# SITE LOCATION AND VICINITY MAP

## PERIODIC REVIEW REPORT

300 OHIO STREET SITE  
BCP SITE NO. C915257  
BUFFALO, NEW YORK

PREPARED FOR

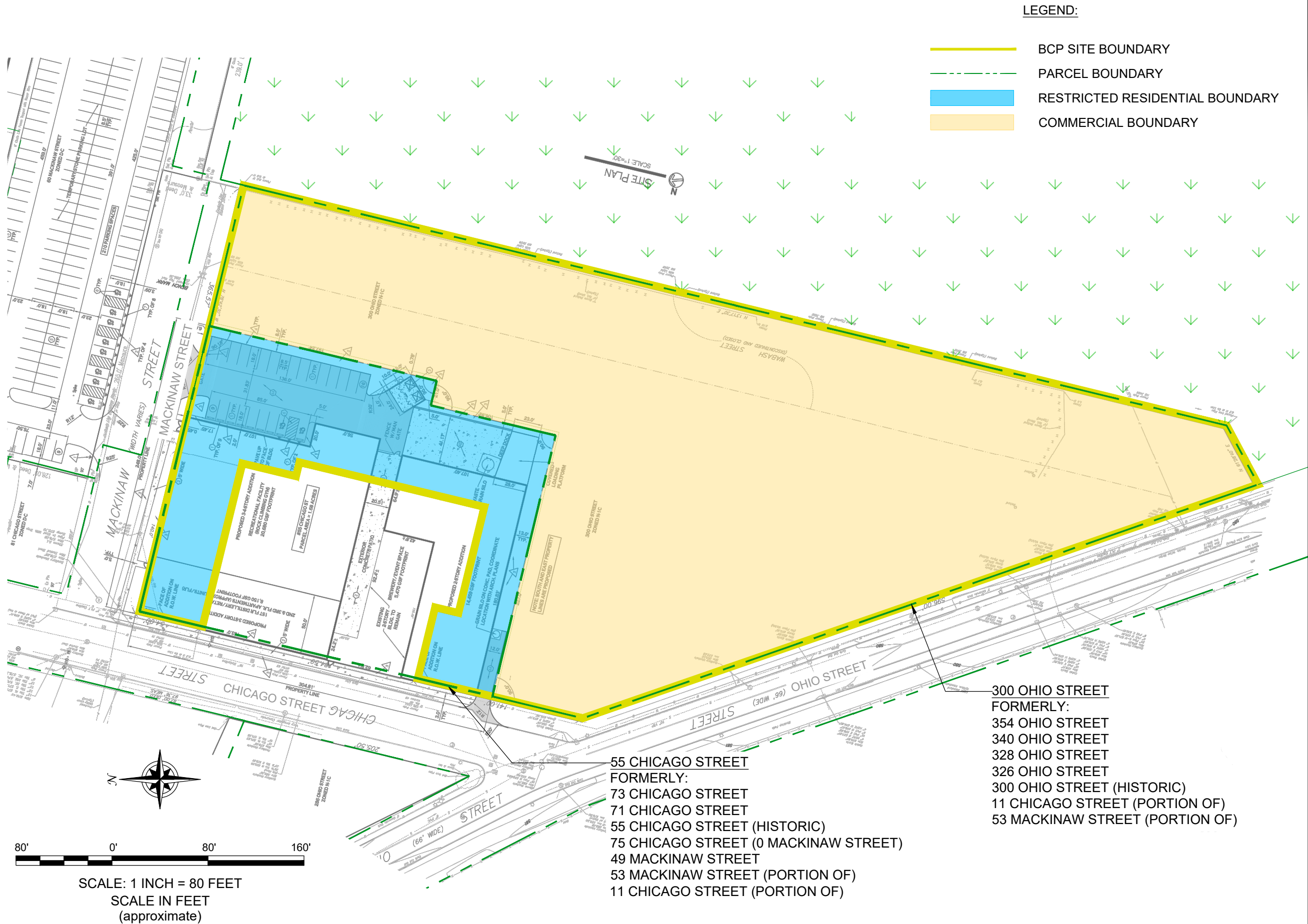
4216 GROUP, LLC

PROJECT NO.: 0136-018-010

DATE: OCTOBER 2020

DRAFTED BY: CMC

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## AMENDED SITE PARCELS & REVISED SOIL CLEANUP OBJECTIVE BOUNDARIES

PERIODIC REVIEW REPORT

300 OHIO STREET SITE  
BCP SITE NO. C915257  
BUFFALO, NEW YORK  
PREPARED FOR  
4216 GROUP, LLC



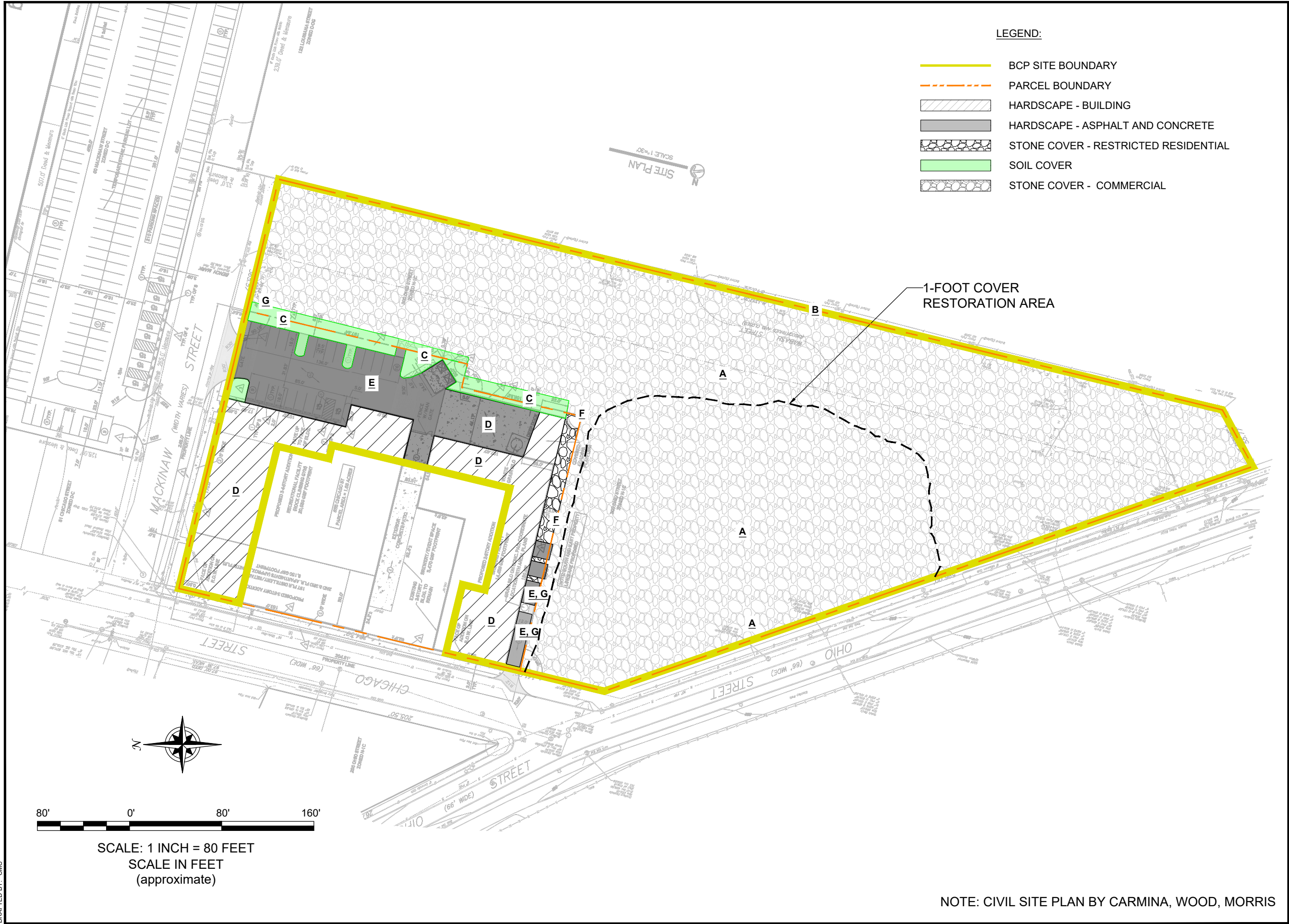
2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

JOB NO.: 0136-018-010

FIGURE 2

DISCLAIMER: PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC. 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 & TURNKEY ENVIRONMENTAL RESTORATION, LLC.





**SITE-WIDE COVER SYSTEM AREAS**

PERIODIC REVIEW REPORT  
300 OHIO STREET SITE  
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**FIGURE 3**

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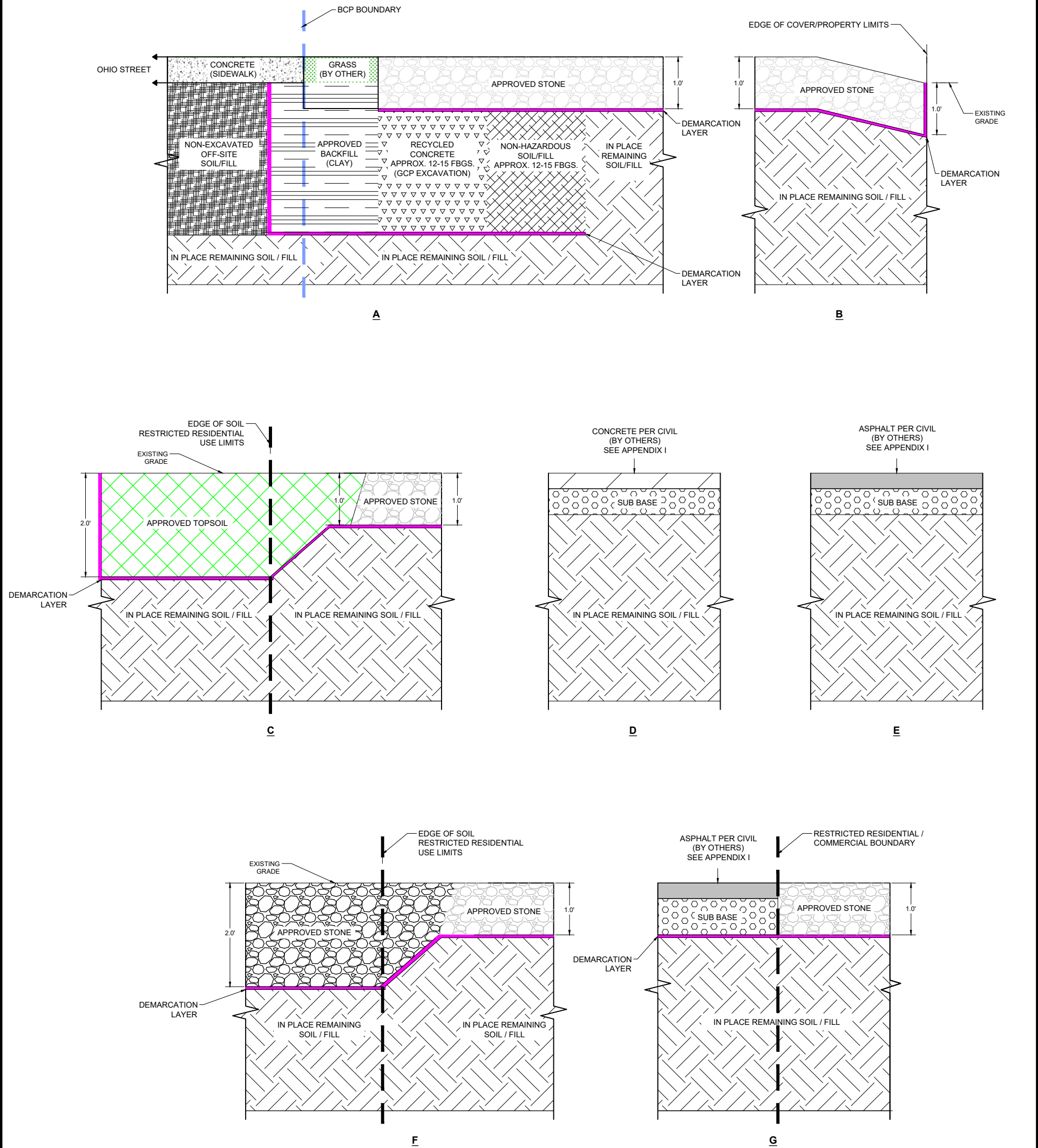


FIGURE 4

COVER SYSTEM CROSS-SECTION DETAILS

PERIODIC REVIEW REPORT  
300 OHIO STREET SITE  
BCP SITE NO. C915257  
BUFFALO, NEW YORK  
PREPARED FOR  
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# 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 Details**

**Box 1**

**Site No.**            **C915257**

**Site Name** 300 Ohio Street Site

Site Address: 300 Ohio Street      Zip Code: 14204  
City/Town: Buffalo  
County: Erie  
Site Acreage: 4.825

Reporting Period: April 29, 2020 to April 29, 2023

YES    NO

1. Is the information above correct? ☒    ☐

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? ☐    ☒

3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? ☐    ☒

4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? ☐    ☒

**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? ☐    ☒

**Box 2**

YES    NO

6. Is the current site use consistent with the use(s) listed below? ☒    ☐

7. Are all ICs in place and functioning as designed? ☒    ☐

~~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. C915257****Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**122.10-2-10.11**

4216 Group, LLC

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

Monitoring Plan

**122.10-2-15.21**

Cooperage, LLC

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

**Box 4****Description of Engineering Controls**ParcelEngineering Control**122.10-2-10.11**

Cover System

**122.10-2-15.21**

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. C915257

Box 6

**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

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

I William Paladino at 295 Main St Ste 700 Buffalo  
print name print business address NY 14203

am certifying as owner (Owner or Remedial Party)

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

[Signature] Manager  
Signature of Owner, Remedial Party, or Designated Representative  
Rendering Certification

5/30/23  
Date

**EC CERTIFICATIONS**

300 Ohio Street C915257

**Box 7**

**Professional Engineer 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 Forbes, P.E. at Benchmark Civil/Environmental Engineering & Geology, PLLC, 2553 Hudson Pkwy, Buffalo, NY 14218  
print name print business address

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

Thomas Forbes

Signature of Professional Engineer, for the Owner or Remedial Party, Rendering Certification



5-31-23  
Date



# INSPECTOR'S DAILY REPORT

CONTRACTOR:		JOB NO.:
CLIENT:		DATE: 20 April 2023

LOCATION: 300 Ohio	DAY: Su M Tu W Th F Sa
WEATHER: Sunny, clear, light wind	TEMP: 50's °F
START:	END:

## WORK PERFORMED:

- 2023 Site Inspection m. Keller-DEZ - present
- Shore cover - south end - good condition
  - Adjacent tree (Pine) - field over on boundary (off-site)
  - Interior (Reck Gym) - Good
  - Grass around parking lot good - seasonal maintenance ongoing
  - North (back) parking lot asphalt - good condition

TEST PERFORMED:

QA PERSONNEL:

SIGNATURE:



# INSPECTOR'S DAILY REPORT

Page  of 

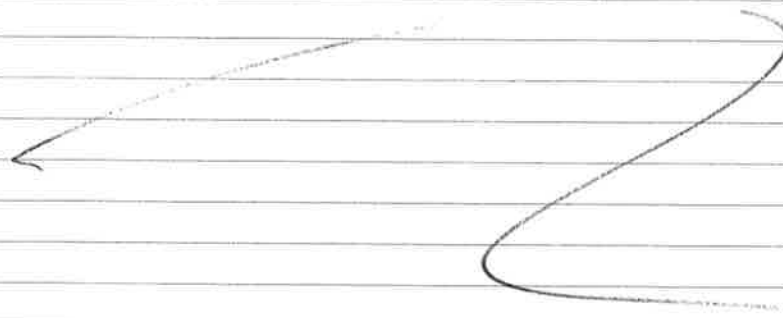
CONTRACTOR:	JOB NO.:
CLIENT:	DATE: 28 Jan 2022

LOCATION: 300 Ohio Street Site	DAY: Su M Tu W Th F Sa
WEATHER:	TEMP: °F
	START: END:

## WORK PERFORMED:

2022 Site Inspection

- Site Parking lot - good (some trailers parked)
- Building - good - / Storage bin
- Rear parking lot - asphalt - good condition



TEST PERFORMED:

Handwritten signature

QA PERSONNEL:

SIGNATURE:





# INSPECTOR'S DAILY REPORT

Page    of   

CONTRACTOR:	JOB NO.:
CLIENT:	DATE: <span style="color: red;">10 June 2021</span>

LOCATION: <span style="color: red;">300 Olm St Site</span>	DAY: Su M Tu W <span style="color: red;">Th</span> F Sa
WEATHER:	TEMP: °F START: END:

## WORK PERFORMED:

2021 Annual Site Inspection

- 300 Olm (south) stone cur system in good condition - Soil along sidewalk bandy - ok

- northern Blge / Asphalt concrete in good condition

- Area pulled for concrete / stone @ SE corner of 14th / Blge area - above demarc stone / soil → concrete pad

- NO GW USE

- NO excavation evident

TEST PERFORMED:	QA PERSONNEL:
	SIGNATURE:

## APPENDIX B

### SITE PHOTO LOG

## SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



- Photo 1: Site Inspection – Cover system – western boundary along Ohio Street (looking northwest).  
Photo 2: Site Inspection – Cover system – corner of Ohio and Chicago Streets (looking northwest).  
Photo 3: Site Inspection – Cover system – south side of building (looking west).  
Photo 4: Site Inspection – Cover system – east side of building (looking north).

April 2023



## SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



- Photo 5: Site Inspection – Cover system southern stone cover (looking east).  
Photo 6: Site Inspection – Cover system eastern boundary along park (looking north).  
Photo 7: Site Inspection – Cover System – RRSCO to CSCO transition (looking south).  
Photo 8: Site Inspection – Asphalt and concrete cover east side (looking south).

April 2023



## SITE PHOTOGRAPHS

Photo 9:



Photo 10:



Photo 11:



Photo 12:



- Photo 9: Site Inspection – Mackinaw Street boundary (looking west)  
Photo 10: Site Inspection – Mackinaw Street boundary (looking east)  
Photo 11: Site Inspection – Chicago Street boundary (looking west)  
Photo 12: Site Inspection – Chicago Street boundary (looking northeast)

April 2023