

**2015 Periodic Review Report (PRR)  
for  
125 Main Street Site  
Buffalo, NY  
NYSDEC BCP Site No. C915262**

Prepared for:

**Harbor District Associates, LLC**  
570 Delaware Ave.  
Buffalo, New York 14202

Prepared by:

**EnSol, Inc.**  
661 Main Street  
Niagara Falls, New York 14301

April 2015

PN 15-0018

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| Appendix A | Figures and Drawings <ul style="list-style-type: none"><li>• Vicinity Location Map (Figure 2 from SMP, October 2013)</li><li>• ALTA/ACSM land Title Survey (TVGA, November 2013)</li><li>• IRM and Cover System Details (Figure 3 from SMP, October 2013)</li></ul> |
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## **1.0 EXECUTIVE SUMMARY**

### **1.1 Purpose**

This Periodic Review Report (PRR) is required as an element of the remedial program at the 125 Main Street Site (hereinafter referred to as the “site”) under the New York State (NYS) Brownfield Cleanup Program (BCP) administered by the New York State Department of Environmental Conservation (NYSDEC). The site was remediated in accordance with Brownfield Cleanup Agreement (BCA) Index# C915262-05-12, Site # C915262, which was executed on August 16, 2012. A Certificate of Completion (COC) was issued on December 30, 2013.

This PRR is prepared for the reporting period December 17, 2013 through March 16, 2015.

### **1.2 Site Background and Remedial History**

The site is located at the intersection of Washington St. and Scott St. in the City of Buffalo, Erie County, New York. The approximately 1.93-acre site is comprised of two separate parcels, identified as parcels D1 and D2. Both parcels were developed by Harbor District Associates, LLC (HDA), however, Erie County Harbor Development Corporation (ECHDC) is the current site owner. Parcel D1 is currently used as office, hotel, and retail space. Parcel D2 is currently vacant, open space. See the Location Vicinity Map (Appendix A) for the site location.

Phase I and II environmental site assessments (ESA’s) and subsurface investigations conducted at the site (2007-2013) revealed evidence of subsurface contamination, including elevated concentrations of semi-volatile organic compounds (SVOCs) and metals above NYSDEC Part 375 Commercial Use soil cleanup objectives (SCOs). Based on the information gathered during previous assessments and investigations, an interim remedial measure (IRM) was conducted at the site during 2013. The IRM included the removal of contaminated soil/fill from a portion of Parcel D1. Additional remedial measures included the installation of a cover system, preparation of a Site Management Plan (SMP), and the execution of an environmental easement. See the IRM and Cover System Details (Appendix A) for the location of the IRM and approximate soil/fill thickness.

### **1.3 Effectiveness of the Remedial Program**

During the reporting period December 17, 2013 through March 16, 2015, the remedial objectives have been met. This assessment is based on an evaluation and assessment (discussed further in Section 4.0) of the site remedial measures (i.e., cover system, SMP). Additionally, the remedial

measures currently in-place appear to be able to achieve the ultimate ability of the remedial objectives for the site.

#### **1.4 Compliance**

No areas of non-compliance were identified during this reporting period.

#### **1.5 Recommendations**

Based on our evaluation of the effectiveness of the remedial program and the site's compliance with major elements of the SMP, no changes to the SMP, frequency of PRR submittals, or discontinuance of site management are recommended.

## **2.0 SITE OVERVIEW**

### **2.1 Site and Remedial History**

The site is located in the City of Buffalo, County of Erie, New York and is an approximately 1.93-acre area bounded by a depressed railroad track and Interstate I90 to the north, Scott St. to the south, Washington St. to the east, and Main St. to the west (see Appendix A – Figures and Drawings)

The site is comprised of two separate parcels, identified as parcels D1 and D2. Parcel D1 is the main development parcel and is approximately 1.61 acres. Parcel D2 is approximately 0.32 acres and is located south of D1 along Scott St. Parcel D1 has been re-developed into an office, hotel, and retail building. Parcel D2 is currently vacant, open space. The site is located in a district of the local zoning map labeled as Institutional/Light Industrial; however, residential uses are also permitted in this district.

The site was once occupied by commercial storefronts, a restaurant, a junk yard, a contractor's yard, the American Bit Brace Factory, a machine shop, the Cooper and Sibley Paper Box factory, a boot and shoe manufacturer, a tin shop, a paint shop, a patent medicine manufacturer, and a wire works. Quay Street once ran east and west through the central area of the site, parallel to the Hamburg Canal. The Lehigh Valley Railroad passenger terminal was once located in the southern end of the site, atop the Hamburg Canal which had been backfilled between 1899 and 1925. The office building was constructed in 1960, with three underground storage tanks (USTs) installed beneath the paved parking areas for gasoline, diesel and fuel oil. The three USTs were removed and successfully remediated in 2008. Prior uses that appear to have led to site contamination include machining and painting operations that occurred on site and the storage and use of petroleum and other fossil fuels.

Prior to remediation and re-development activities, several investigations were conducted at the site to evaluate previous site history and subsurface soil and groundwater quality. Previous investigations performed at the site included:

- Phase I Environmental Site Assessment (URS, May 2007);
- Phase II Environmental Site Assessment (URS, November 2007);
- Underground Storage Tank Closure Report (Lender, December 2008);
- Phase IB Cultural Resources Investigation (Panamerican, December 2009); and
- Supplemental Phase II Investigation (Benchmark, November 2011).

- Remedial Investigation (Benchmark/EnSol, 2012/2013).

Based upon investigations conducted to date, the primary contaminants of concern include SVOCs and metals. The contaminants were found in both of the parcels that comprise the site and at similar concentrations.

## **2.2 2013 Site Remediation Program**

Phase I and II ESA's and subsurface investigations conducted at the site (2007-2013) revealed evidence of subsurface contamination, including elevated concentrations of SVOCs and metals above NYSDEC Part 375 Commercial Use soil cleanup objectives SCOs. Based on the information gathered during previous assessments and investigations, an IRM was performed at the site (Parcel D1) during 2013. This included the removal of contaminated soil/fill from a portion of Parcel D1. Additional remedial measures implemented at both parcels included the installation of a cover system, preparation of an SMP, and the execution of an environmental easement. See the IRM and Cover System Details and the ALTA/ACSM Survey (Appendix A) for additional information on site remediation and cover system details.

It should be noted that the cover system noted on the IRM and Cover System Details drawing (Appendix A) does not include a cross-section of the asphalt and concrete cover system installed on the east half of Parcel D2. Towards the end of the project, it was determined that since the project trailer would not be moved until after sometime the following year, the existing asphalt in place around the project trailer could be left in place and that concrete would be placed beneath the trailer to complete the cover system. After consultation with the NYSDEC, the cover system was approved for this area of Parcel D2.

### **3.0 REMEDY EVALUATION AND EFFECTIVENESS**

The site was remediated in accordance with the remedy selected by the NYSDEC in the Decision Document dated October 28, 2013. The following are the components of the selected remedy:

- Construction and maintenance of cover systems to prevent human exposure to remaining contaminated soil/fill remaining at the site. There are four separate cover systems that are installed and maintained at the site. Within the IRM area of Parcel D1, the cover system is comprised of a geotextile fabric demarcation layer, a minimum of 11 inches of clean stone fill, and a five-inch concrete slab. The cover system placed in the remaining areas of Parcel D1, outside of the IRM area, is comprised of a geotextile fabric demarcation layer, a minimum of 12 inches of clean stone fill, one inch of sand, and three inch concrete pavers. The cover system on the east half of Parcel D2 is comprised of a geotextile fabric demarcation layer, 20 inches of clean stone fill, and approximately four inches of asphalt. Also on the east half of Parcel D2, as approved by the NYSDEC, concrete was placed in lieu of asphalt when the project trailer was removed from the site. The cover system on the west half of Parcel D2 consists of a geotextile fabric demarcation layer, 20 inches of clean stone fill, four inches of topsoil, and a layer of sod.
- Execution and recording of an environmental easement to restrict land use and prevent future exposure to any contamination remaining at the site. The environmental easement for the site was executed by the Department on December 6, 2013, and filed with the Erie County Clerk on December 13, 2013.
- Development and implementation of a SMP for long term management of remaining contamination as required by the Environmental Easement, which includes plans for: (1) Institutional Controls (ICs) and Engineering Controls (ECs) and (2) reporting.
- Periodic inspection and certification of the institutional and engineering controls.

On March 27, 2015, EnSol conducted a site inspection to evaluate the integrity and performance of the site cover systems installed at Parcels D1 and D2. Based on our inspection, the cover systems for both parcels appear to be in good condition and performing as intended. During our evaluation, EnSol also reviewed the SMP for compliance. No deficiencies with regard to site management were noted.

During the reporting period December 17, 2013 through March 16, 2015, the remedial objectives have been met. This assessment is based on an evaluation of the site remedial measures (i.e.,

cover system, SMP). Additionally, the remedial measures currently in-place appear to be able to achieve the ultimate ability of the remedial objectives for the site.

## 4.0 IC/EC PLAN COMPLIANCE REPORT

### 4.1 IC/EC Requirements and Compliance

In accordance with the Decision Document, the following are the remedial measures selected for the site:

#### **Institutional Controls**

1. *Groundwater Use Restriction*

Description and Objective - Prohibits the use of groundwater for potable water supply(s) without proper treatment and approval(s).

Current Status – In-place. The site is located within an area that utilizes public water service.

Recommended Corrective Measures – No deficiencies noted and no corrective measures recommended.

2. *Soil Management Plan*

Description and Objective - Will provide provisions to ensure that any ground intrusive activities conducted at the Site in the future will be conducted in a safe and environmentally responsible manner with respect to contaminants of potential concern (COPCs) remaining in site-related soils and groundwater.

Current Status – In-place. During the current reporting period, there have been no intrusive activities conducted at the site.

Recommended Corrective Measures – No deficiencies noted and no corrective measures recommended.

3. *Landuse Restriction (Environmental Easement)*

Description and Objective - Includes legal property use restrictions ensuring the protection of public health and the environment by prohibiting more restrictive uses of the property as well as use of groundwater without proper treatment and approvals.

Current Status – In-place. There have been no changes to the land use for the site.

Recommended Corrective Measures – No deficiencies noted and no corrective measures recommended.

4. *Site Management Plan (SMP)*

Description and Objective - The SMP includes three major components; the IC/EC Plan detailing controls intended to eliminate potential exposure pathways to COPCs remaining in site-related soil/fill and groundwater, an Excavation Work Plan detailing required methods for handling site soils if future excavation work is required, and the Site

Monitoring Plan describing inspection and monitoring activities that will be required to ensure that IC/ECs remain in-place and are effective.

Current Status – In-place. No change to SMP as all elements remain applicable.

Recommended Corrective Measures – No deficiencies noted and no corrective measures recommended.

#### 5. *IC/EC Plan*

Description and Objective - Institutional controls at the site consist of restrictions on land use which allow Restricted Residential and/or Commercial land use of the property, but prevent more restrictive land uses such as Unrestricted Use. There will also be restrictions on groundwater use that would prohibit the use of groundwater for potable water supply(s) without proper treatment and approval(s). Engineering controls at the site consist of physical barriers to eliminate potential exposure pathways to COPCs still present in site-related soils and groundwater.

Current Status – In-place. No change to the IC/EC Plan as all elements remain applicable.

Recommended Corrective Measures – No deficiencies noted and no corrective measures recommended.

### **Engineering Controls**

#### 1. *Cover System*

Description and Objective - Construction and maintenance of cover systems to prevent human exposure to remaining contaminated soil/fill remaining at the site. There are four separate cover systems that are installed and maintained at the site. Within the IRM area of Parcel D1, the cover system is comprised of a geotextile fabric demarcation layer, a minimum of 11 inches of clean stone fill, and a five-inch concrete slab. The cover system placed in the remaining areas of Parcel D1, outside of the IRM area, is comprised of a geotextile fabric demarcation layer, a minimum of 12 inches of clean stone fill, one inch of sand, and three inch concrete pavers. The cover system on the east half of Parcel D2 is comprised of a geotextile fabric demarcation layer, 20 inches of clean stone fill, and approximately four inches of asphalt. Also on the east half of Parcel D2, as approved by the NYSDEC, concrete was placed in lieu of asphalt when the project trailer was removed from the site. The cover system on the west half of Parcel D2 consists of a geotextile fabric demarcation layer, 20 inches of clean stone fill, four inches of topsoil, and a layer of sod.

Current Status – In-place. The cover system for each parcel is in good condition and appear to be working effectively.

Recommended Corrective Measures – No deficiencies noted and no corrective measures recommended.

## **4.2 IC/EC Certification**

The completed IC/EC Certification Form for the reporting period December 17, 2013 through March 16, 2015 is included as Appendix B.

## **5.0 OVERALL PRR CONCLUSIONS AND RECOMENDATIONS**

During the reporting period December 17, 2013 through March 16, 2015, the remedial objectives have been met. This assessment is based on an evaluation of the site remedial measures (i.e., cover system, SMP). Additionally, the remedial measures currently in-place appear to be able to achieve the ultimate ability of the remedial objectives for the site.

Based on our evaluation of the effectiveness of the remedial program and the site's compliance with major elements of the SMP, no changes to the SMP, frequency of PRR submittals, or discontinuance of site management are recommended.

# ***Appendix A***

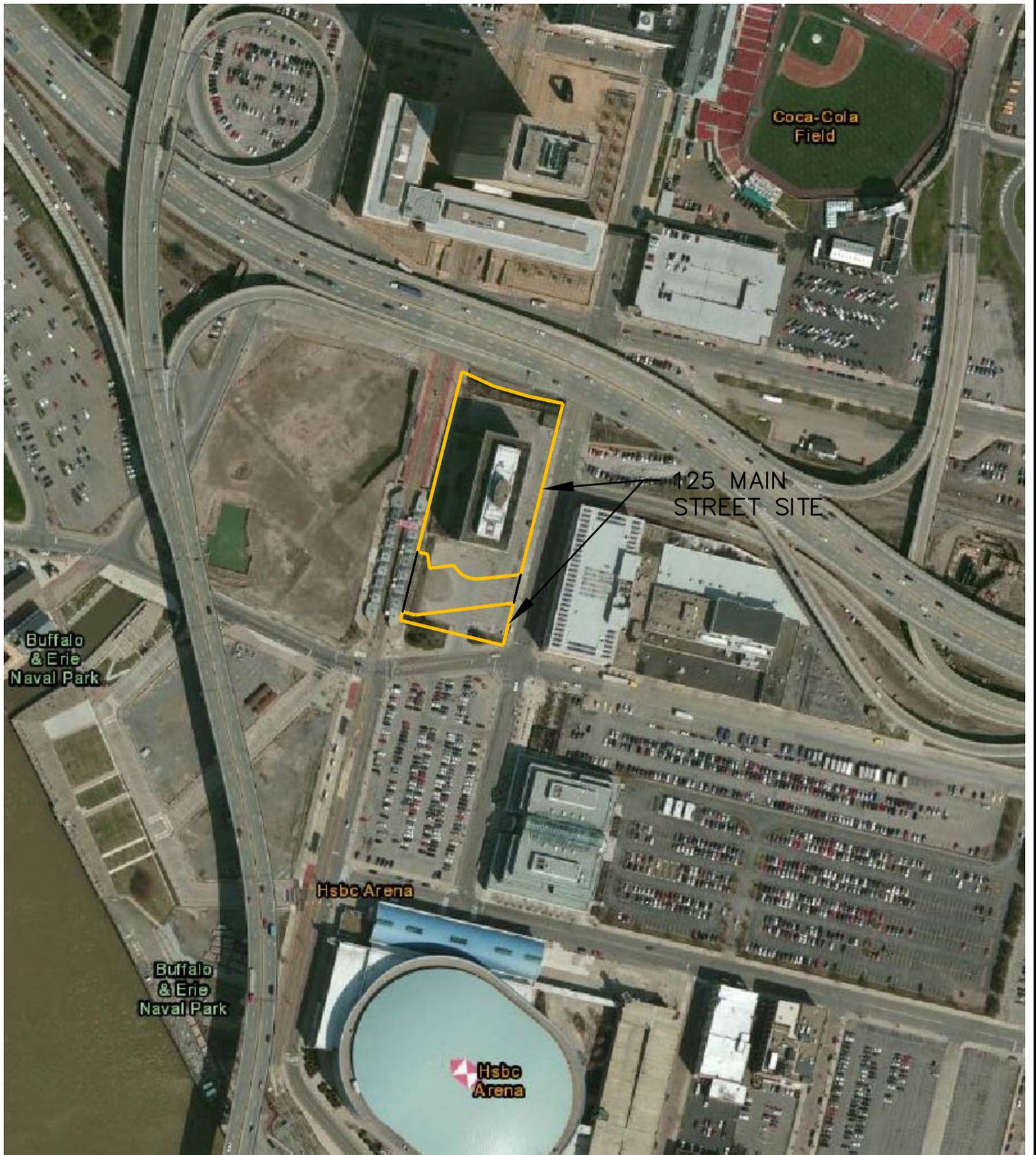
EnSol, Inc. *Environmental Solutions*

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*professional engineering – business consulting*

## ***Figures and Drawings***

X:\AAApj\Benderson Development\12-0069 125 Main St. Buffalo, NY\Task 3 - RH-IRM-AAR Preparation\RH-IRM-AAR Report\ACAD\12-0069-F02-Vicinity Location Map.dwg, 8.5x11-portrait, 7/16/2013 1:53:56 PM, J. Darling

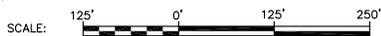


NOTES:

- 1. SOURCE: U.S. FISH AND WILDLIFE SERVICES

LEGEND:

- PARCEL BOUNDARY
- BCP BOUNDARY



VICINITY LOCATION MAP

125 MAIN STREET SITE

HARBOR DISTRICT ASSOCIATES, LLC  
CITY OF BUFFALO, STATE OF NEW YORK

**EnSol, Inc.**  
Environmental Solutions

661 MAIN STREET  
NIAGARA FALLS, NY 14301  
PHONE (716) 285-3920  
FAX (716) 285-3928

**FIGURE**  
**2**

MAY 2013

PN: 12-0069-3



**SYMBOL LEGEND**

|  |                      |
|--|----------------------|
|  | GAS VALVE            |
|  | SANITARY MANHOLE     |
|  | STORM MANHOLE        |
|  | ELECTRIC MANHOLE     |
|  | WATER VALVE          |
|  | HYDRANT              |
|  | TELEPHONE MANHOLE    |
|  | TELEPHONE VAULT      |
|  | CATCH BASIN          |
|  | DRAINAGE STRUCTURE   |
|  | LIGHT POLE           |
|  | 2 HEAD LIGHT POLE    |
|  | UNIDENTIFIED MANHOLE |

**GENERAL NOTES**

- The subject property is located in Zone X (area determined to be outside 500-year floodplain) per FIRM (Flood Insurance Rate Map), Community Panel No. 360230 0010 G, effective date August 23, 1998.
- The utilities shown have been located from field survey information and existing drawings; the surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned; the surveyor further does not warrant that the underground utilities shown are in the exact location indicated though they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities. The contractor shall confirm the location of all utilities prior to the commencement of any excavation.
- The subject property has vehicle access to Washington Street, a public street.

**SCHEDULE "A"  
ENVIRONMENTAL EASEMENT  
PROPERTY DESCRIPTION  
L. 11253, P. 3414**

Parcel 1  
ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Inner Lots Nos. 1, 2 and 215 and part of Outer Lot No. 83 and being a portion of lands now or formerly conveyed to the Erie Canal Harbor Development Corporation by deed recorded in the Erie County Clerks Office in Liber 11140 of Deeds at Page 8014, and as shown on a map entitled "Parcel Map" prepared by Folt-Albert Associates Architecture, Engineering and Surveying, P.C., Buffalo, NY, dated November 17, 2011 and revised February 25, 2013, and being more particularly bounded and described as follows:

COMMENCING at a point on the east line of Main Street (width varies) at its intersection with the north line of Scott Street (width varies), said point being the southwest corner of lands conveyed to the Erie Canal Harbor Development Corporation by deed recorded in the Erie County Clerks Office in Liber 11140 of Deeds at Page 8014;

Thence N 13° 54' 34" E along the said east line of Main Street, a distance of 133.70 feet to the POINT OF BEGINNING;

Thence continuing N 13° 54' 34" E along the said east line of Main Street, a distance of 350.73 feet to the northwest corner of said lands conveyed to the Erie Canal Harbor Development Corporation;

Thence easterly along the north line of said lands conveyed to the Erie Canal Harbor Development Corporation, the following three (3) courses and distances:

- S 65° 11' 12" E, a distance of 65.70 feet to a point;
- S 73° 45' 17" E, a distance of 67.42 feet to a point;
- S 78° 05' 06" E, a distance of 67.70 feet to the west line of Washington Street (66' wide), said point also being the northeast corner of said lands conveyed to the Erie Canal Harbor Development Corporation;

Thence S 13° 54' 32" W along the said west line of Washington Street, a distance of 332.93 feet to a point;

Thence N 83° 56' 11" W, a distance of 78.12 feet to a point;

Thence on a curve to the right having a radius of 48.11 feet, an arc length of 57.74 feet, a chord bearing of N 61° 40' 57" W, a chord length of 54.34 feet to a point;

Thence S 83° 02' 04" W, a distance of 47.10 feet to a point;

Thence N 06° 57' 56" W, a distance of 26.72 feet to a point;

Thence S 76° 03' 40" W, a distance of 19.97 feet to the POINT OR PLACE OF BEGINNING, containing 70,266 square feet or 1.61 acres of land, more or less.

PARCEL 2  
ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 83 and being a portion of lands now or formerly of the City of Buffalo known as Scott Street and also being a portion of lands now or formerly conveyed to the Erie Canal Harbor Development Corporation by deed recorded in the Erie County Clerks Office in Liber 11140 of Deeds at Page 8014 and as shown on a map entitled "Parcel Map" prepared by Folt-Albert Associates Architecture, Engineering and Surveying, P.C., Buffalo, NY, dated November 17, 2011 and revised February 25, 2013, and being more particularly bounded and described as follows:

BEGINNING at a point on the east line of Main Street (width varies) at its intersection with the north line of Scott Street (width varies), said point being the southwest corner of lands conveyed to the Erie Canal Harbor Development Corporation by deed recorded in the Erie County Clerks Office in Liber 11140 of Deeds at Page 8014;

Thence N 13° 54' 34" E along the said east line of Main Street, a distance of 16.69 feet to a point;

Thence S 76° 05' 28" E, a distance of 24.60 feet to a point;

Thence N 83° 02' 03" E, a distance of 187.23 feet to the west line of Washington Street (66' wide);

Thence S 13° 54' 32" W along the said west line of Washington Street, a distance of 82.49 feet to the said north line of Scott Street;

Thence N 76° 21' 21" W along the said north line of Scott Street, a distance of 192.54 feet to the POINT OR PLACE OF BEGINNING, containing 9,074 square feet or 0.21 acre of land, more or less.

**SCHEDULE B NOTES:**  
The commitment for title insurance issued by Stewart Title Insurance Company, dated July 12, 2013 and Redated September 19, 2013, as BA13-4355(DEC) (4th Amended) contains the following exceptions which are survey matters:

- Rights of the City of Buffalo with respect to any sewers, drains or water pipes or mains located within the boundaries of the former Hamburg Canal Strip reserved in Deed made by City of Buffalo to Pioneer Real Estate Company dated March 4, 1912 and recorded March 4, 1912 in Liber 1199 of Deeds at Page 246. Affects premises as shown.
- Easement rights of the City of Buffalo and the Buffalo Sewer Authority in and to a 28 foot wide Sewer Line Easement as set forth on Transfer of Jurisdiction Map No. 31, Parcel No. 3. Affects premises as shown.
- Easement rights of the City of Buffalo Sewer Authority in and to a 20 foot wide Permanent Easement running from Main Street to Washington Street along the end east side of the building located on premises as shown on State of New York map for the State Office Building Site - City of Buffalo. Affects premises, shown.
- Boundary Line and Wall Agreement made by Harbor District Associates, LLC with Erie Canal Harbor Development Corporation dated May 8, 2013 and recorded in the Erie County Clerk's Office May 23, 2013 in Liber 11246 of Deeds at page 4602. Affects premises as shown.
- Easement granted to National Fuel Gas Distribution Corporation recorded in the Erie County Clerk's Office August 30, 2013 in Liber 11252 of Deeds at page 2598. Affects premises as shown.

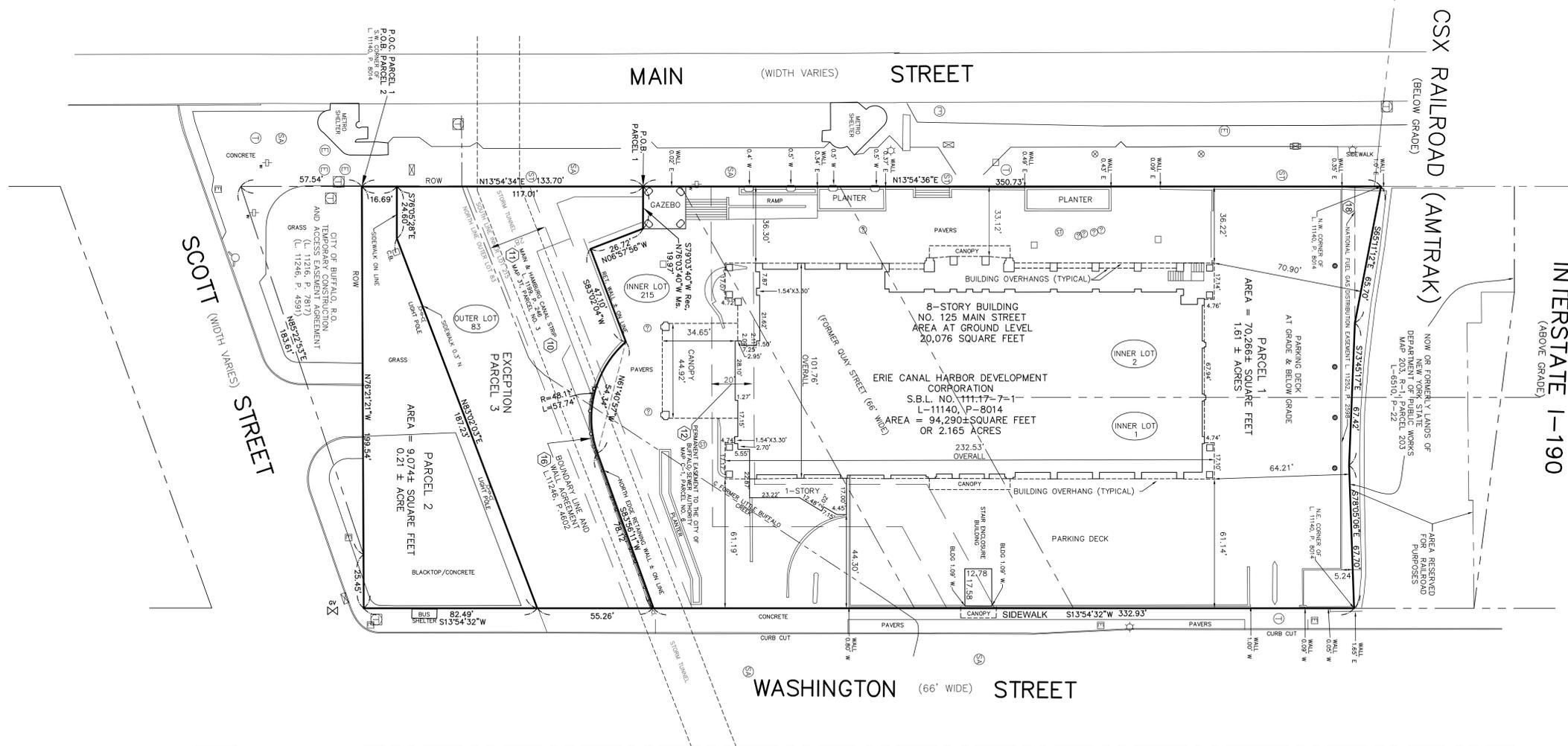
**SURVEY CERTIFICATION**

TO: 1. THE PEOPLE OF THE STATE OF NEW YORK STATE ACTING THROUGH THEIR COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
2. ERIE CANAL HARBOR DEVELOPMENT CORPORATION  
3. STEWART TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 2011 AND PURSUANT TO THE ACCURACY STANDARDS (AS ADOPTED BY ALTA AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION), THE UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

*Douglas R. Haber*  
DOUGLAS R. HABER  
PROFESSIONAL LAND SURVEYOR N.Y.S.P.L.S. NO. 050204

DATED: November 25, 2013



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.

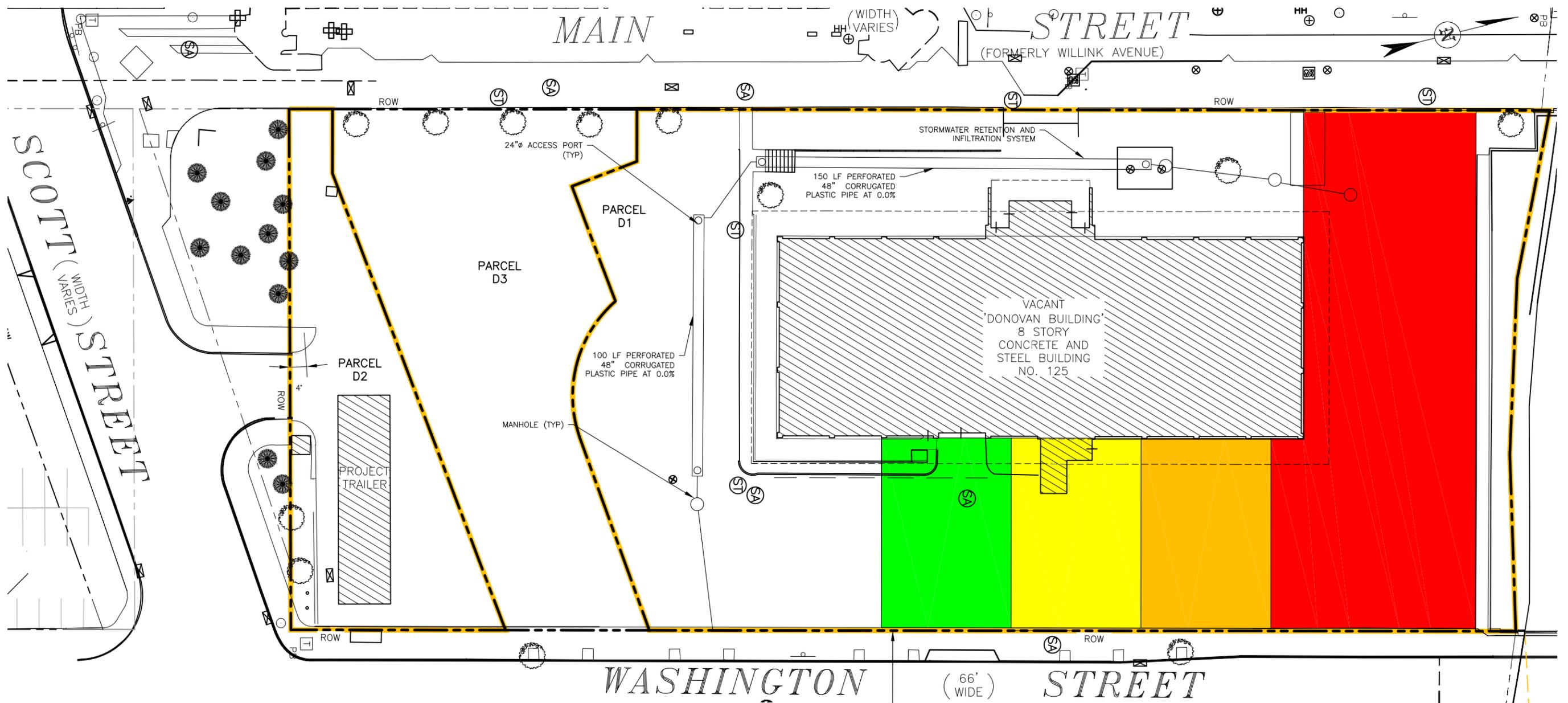
**ENVIRONMENTAL EASEMENT AREA ACCESS**  
The DEC or their agent may access the Environmental Easement Area as shown hereon through any existing street access or building ingress/egress access point.

THE ENGINEERING AND INSTITUTIONAL CONTROL for the Easement are set forth in more detail 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 may be obtained from the New York State Department of Environmental Conservation Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at [derweb@gw.dec.state.ny.us](mailto:derweb@gw.dec.state.ny.us).

**ENGINEERING / INSTITUTIONAL CONTROLS**

- All Engineering controls must be operated and maintained as specified in the SMP.
- All Engineering Controls on the Controlled Property must be inspected at a frequency and in a manner defined in the SMP.
- Groundwater monitoring and other environmental or public health monitoring must be performed as defined in the SMP.
- Groundwater use restriction - The use of the groundwater underlying the property is prohibited without treatment rendering it safe for intended use.
- Vapor intrusion - The potential for vapor intrusion must be evaluated for any buildings developed on the Site; and any potential impacts that are identified must be monitored or mitigated.
- Vegetable gardens and farming on the property are prohibited.
- Land Use - The property may only be used for Restricted Residential as described in 6NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6NYCRR Part 375-1.8(g)(2)(iv).

|   |  |   |                                      |
|---|--|---|--------------------------------------|
| <p>NEW YORK<br/>COUNTY OF ERIE<br/>CITY OF BUFFALO</p> <p><b>ALTA/ACSM LAND TITLE SURVEY<br/>125 MAIN STREET<br/>NYSDEC SITE NUMBER: C915262<br/>Part of Inner Lots 1, 2 &amp; 215<br/>Part of Outer Lot 83</b></p> <p>MAP NUMBER:<br/><b>62091</b></p> | <p>Field Date: 11/15/2013<br/>Office Date: 11/25/2013<br/>Job No.:<br/>Drawn by: MWW<br/>Checked by: DRH<br/>Dwg Scale: 1" = 30'<br/>File Name: 62091 ALTA.DWG<br/>Vert:</p> | <p>DESIGNED BY:<br/>DRAWN BY:<br/>CHECKED BY:<br/>DWG SCALE:<br/>FILE NAME:<br/>VERT:</p> | <p>DATE<br/>DESCRIPTION<br/>REV.</p> |
|---|--|---|--------------------------------------|

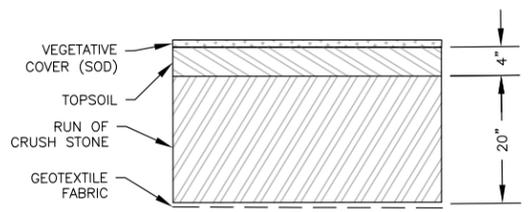
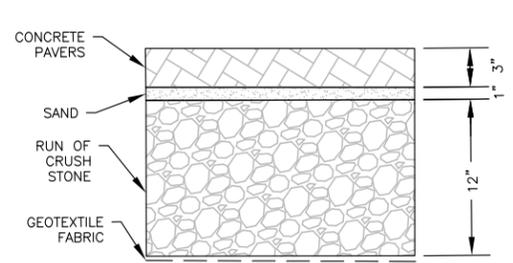
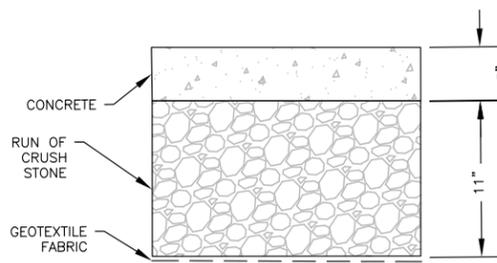


**LEGEND:**  
 - - - - - APPROXIMATE PARCEL BOUNDARY  
 ——— BCP BOUNDARY

**APPROXIMATE IRM EXCAVATION DEPTH (BELOW GROUND SURFACE)**

- 0'-3'
- 3'-6'
- 6'-9'
- 9'-12'

- NOTES:**
1. BASE MAP PROVIDED BY FOIT ALBERT ASSOCIATES.
  2. PROPERTY BOUNDARY LINES SHOWN HEREON ARE APPROXIMATE AND FOR REFERENCE ONLY.



**COVER SYSTEMS**  
 NTS

| REVISION                              | BY  | DATE     |
|---------------------------------------|-----|----------|
| ADDED PROJECT TRAILER                 | AMW | 12/3/13  |
| REVISE PARCEL D2 COVER SYSTEM DETAILS | AMW | 10/22/13 |

**EnSol, Inc.**  
**Environmental Solutions**  
 661 MAIN STREET  
 NIAGARA FALLS, NY 14301  
 PHONE (716) 285-3920 FAX (716) 285-3928

PROJECT NO: 12-0069-5  
 SCALE: 20' 0' 20' 40'  
 DWG: 12-0069-F03-IRM And Cover Systems Details.dwg  
 DES. BY: JCD DRW. BY: JCD CHK. BY: DJP  
 DATE: AUGUST 2013

TITLE: **IRM AND COVER SYSTEM DETAILS**  
 PROJECT: 125 MAIN STREET SITE BUFFALO, NEW YORK  
 PREPARED FOR: HARBOR DISTRICT ASSOCIATES, LLC  
 CITY OF BUFFALO COUNTY OF ERIE STATE OF NEW YORK

IT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW, ARTICLE 145 SECTION 7209, FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR TO ALTER AN ITEM IN ANY WAY.

## ***Appendix B***

EnSol, Inc. *Environmental Solutions*

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*professional engineering – business consulting*

### ***Completed 2015 Institutional Control(IC) and Engineering Control (EC) 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                               |                                     |
|--|--|-------------------------------------|-------------------------------------|
| <b>Site No.</b>  | <b>C915262</b>   |                                     |                                     |
| <b>Site Name 125 Main Street Site</b>  |  |                                     |                                     |
| Site Address: 125 Main Street      Zip Code: 14204   |  |                                     |                                     |
| City/Town: Buffalo   |  |                                     |                                     |
| County: Erie   |  |                                     |                                     |
| Site Acreage: 1.8  |  |                                     |                                     |
| Reporting Period: December 17, 2013 to March 16, 2015  |  |                                     |                                     |
|  |  | YES                                 | NO                                  |
| 1.   | Is the information above correct?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| If NO, include handwritten above or on a separate sheet.   |  |                                     |                                     |
| 2.   | Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3.   | Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 4.   | Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.</b> |  |                                     |                                     |
| 5.   | Is the site currently undergoing development?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

|  |  | Box 2                               |                          |
|--|--|-------------------------------------|--------------------------|
|  |  | YES                                 | NO                       |
| 6.   | Is the current site use consistent with the use(s) listed below?<br>Restricted-Residential, Commercial, and Industrial | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7.   | Are all ICs/ECs in place and functioning as designed?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <b>IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.</b> |  |                                     |                          |
| <b>A Corrective Measures Work Plan must be submitted along with this form to address these issues.</b>                                   |  |                                     |                          |
| _____<br>Signature of Owner, Remedial Party or Designated Representative   |  | _____<br>Date                       |                          |

|   |   |  |
|---|---|--|
|   |   | <b>Box 2A</b>  |
|   |   | YES    NO  |
| 8.  | Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?  | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| <p><b>If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.</b></p> |   |  |
| 9.  | Are the assumptions in the Qualitative Exposure Assessment still valid?<br>(The Qualitative Exposure Assessment must be certified every five years) | <input checked="" type="checkbox"/> <input type="checkbox"/> |
| <p><b>If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.</b></p>  |   |  |

|   |                                     |   |
|---|-------------------------------------|---|
| <b>SITE NO. C915262</b>   | <b>Box 3</b>                        |   |
| <b>Description of Institutional Controls</b>  |                                     |   |
| <u>Parcel</u>   | <u>Owner</u>                        | <u>Institutional Control</u>  |
| part of 111.17-7-1  | Erie Canal Harbor Development Corp. | Ground Water Use Restriction<br>Soil Management Plan<br>Landuse Restriction<br>Site Management Plan<br>IC/EC Plan |
| Prohibition against use of groundwater without treatment<br>Site use must be maintained as restricted residential |                                     |   |

|  |                            |              |
|--|----------------------------|--------------|
|  |                            | <b>Box 4</b> |
| <b>Description of Engineering Controls</b>                                 |                            |              |
| <u>Parcel</u>  | <u>Engineering Control</u> |              |
| part of 111.17-7-1   | Cover System               |              |
| Cover system of pavement and soil over the entire site, approx. 1.82 acres |                            |              |

**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 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. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

(a) the Institutional Control and/or 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. C915262

Box 6

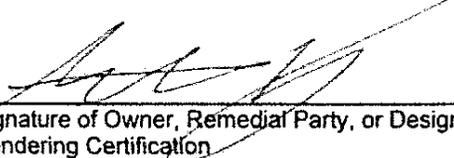
**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

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 Adam Harris at 570 Delaware Ave Buffalo NY  
print name print business address

am certifying as DESIGNATED REPRESENTATIVE (Owner or Remedial Party)

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

  
Signature of Owner, Remedial Party, or Designated Representative  
Rendering Certification

4/14/15  
Date

IC/EC CERTIFICATIONS

Box 7

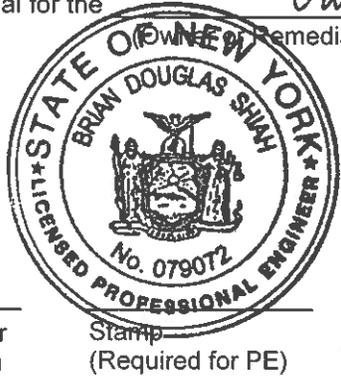
Qualified Environmental Professional Signature

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 Brian D. Shiah at EnSd, Inc, 661 Main St, Niagara Falls, N.Y,  
print name print business address 14301

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

Brian D. Shiah  
Signature of Qualified Environmental Professional, for  
the Owner or Remedial Party, Rendering Certification



4/15/15  
Date