



Periodic Review Report

Reporting Period: March 16, 2023 to March 16, 2026

125 Main Street Site
BCP Site No. C915262
Buffalo, New York 14203

Prepared for:

**Harbor Lodging, LLC / Harbor District
Associates, LLC**

Prepared by:

**Roux Environmental Engineering
and Geology, D.P.C.**
2558 Hamburg Turnpike, Suite 300
Buffalo, New York 14218

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1.0 Introduction

Roux Environmental Engineering and Geology, D.P.C. (Roux), has prepared this Periodic Review Report (PRR) on behalf of Harbor Lodging, LLC (HL) / Harbor District Associates, LLC (HDA) to summarize the post-remedial status of New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Site No. C915262, located at 125 Main Street, in the City of Buffalo, Erie County, New York (Site; see Figure 1 and Figure 2).

This PRR has been prepared for the 125 Main 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 (see Appendix A) have been completed for the March 16, 2023 to March 16, 2026 reporting period.

1.1 Site Background

The Site is located at the intersection of Washington St. and Scott St. in the City of Buffalo, Erie County, New York. The approximately 1.82-acre site is comprised of two separate parcels, identified as parcels D1 and D2. Both parcels were developed by HDA. The parcels were sold to HDA on April 4, 2014 by Erie Canal Harbor Development Corporation. Parcel D1 is currently used as office, hotel, and retail space. Parcel D2 is currently vacant, open space (see Figure 2, Figure 3, and Figure 4).

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 former 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. The investigation and remedial history of the Site is discussed below.

1.2 Remedial History

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

Based upon these investigations, the primary contaminants of concern were identified as semie-volatile organic compounds (SVOCs) and metals. The contaminants were found in both of the parcels that comprise the Site and at similar concentrations.

After submittal of the BCP Application and prior to acceptance into the NYS BCP on August 16, 2012, a Remedial Investigation/Interim Remedial Measures (RI/IRM) Work Plan (February 2012) was prepared and submitted to the NYSDEC for review and approval. Interim Remedial Measures (IRM) activities were completed to address excavation of impacted soil/fill to mitigate the potential for exposure to impacted on-Site soil/fill. IRMs completed substantially constituted the final NYSDEC-approved BCP remedy. Installation of the final cover system, preparation of a Site Management Plan (SMP) and Final Engineering Report (FER), preparation and execution of the Environmental Easement (EE), and long-term maintenance and inspection were elements of final remedial actions, as summarized in the July 2013 Remedial Investigation/Interim Remedial Measures/Alternatives Analysis Report.

The cleanup was successful in achieving the remedial objectives for the Site and the Site was cleaned up to a Track 4 Restricted-Residential cleanup level. The SMP and FER were approved by the Department with issuance of a Certificate of Completion (COC) for the Site on December 30, 2013.

The western portion of Parcel D2 currently consisting of a stone cover system (minimum 24") is vacant and was historically used as a laydown area during redevelopment activities. A Letter Work Plan for Partial Cover System Modification, dated April 14, 2025, was approved by the Department to change the cover system from gravel to asphalt. Supporting documentation, including a Change of Use (COU) Form submitted during the reporting period and NYSDEC approval letter regarding the cover system modification, dated April 18, 2025, are provided in Appendix A. This work will be completed this Spring/Summer 2026. Figure 3 provides a survey with the area to be modified.

1.3 Compliance

During the reporting period for March 16, 2023 to March 16, 2026, annual site inspections of the cover system were completed on November 25, 2024 and March 11, 2026. No changes to the Site cover system were observed during these inspections. The Site is in compliance with the SMP, with the exception of the planned modification to the former laydown area, which as previously discussed will be asphalt paved this Spring/Summer 2026. IRM and Cover System Details are provided on Figure 4 as previously reported in the 2020-2023 PRR prepared by others.

The completed IC/EC form is included in Appendix A and a Site photo log is included in Appendix B.

1.4 Recommendations

Based on the post-remedial inspection for the Site, the following recommendations are provided:

- Asphalt pavement is to be installed this Spring/Summer 2026 in accordance with the Department-approved Letter Work Plan for Partial Cover System Modification.

2.0 Site Overview

Phase I and II Environmental Site Assessments (ESA) and subsurface investigations conducted at the site (2007-2013) revealed evidence of subsurface contamination, including elevated concentrations of SVOCs and metals above 6 NYCRR Part 375 Commercial Use soil cleanup objectives (CSCOs). 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 EE. See the IRM and Cover System Details (Figure 4) 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 (Figure 4) includes a cross-section of the asphalt and concrete cover system installed on the east half of Parcel D2. This NYSDEC-approved cover system was a result of asphalt space previously occupied by a site trailer replaced with concrete.

Further, Figure 3 shows the area on Parcel D2 that will be converted from gravel cover to asphalt. The Department will be provided advanced notice of this paving work and will also be notified when this work has been completed.

3.0 Remedy Performance

3.1 Remedial Action Objectives

In accordance with the Decision Document (DD), October 2013, the Remedial Action Objectives (RAOs) for the Site include:

Soil/Fill

RAOs for Public Health Protection

- Prevent ingestion and/or direct contact with contaminated soil.

Groundwater

RAOs for Public Health Protection

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.

Specific components of the selected remedy include the following:

- 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 in 2014. 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 EE to restrict land use and prevent future exposure to any contamination remaining at the site. The EE 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 EE, which includes plans for: (1) ICs and ECs and (2) reporting.
- Periodic inspection and certification of the institutional and engineering controls.

Based on the annual inspections and certifications, indicating that the cover system is generally in place and effective, no intrusive activities beneath the cover system, no onsite use of groundwater, that the Site is in general compliance with the SMP and the remedy is achieving the RAOs, with the exception of planned installation of hardscape cover within Parcel D2.

3.2 Remedial Activities (Reporting Period)

Annual site inspection was completed on November 25, 2024 and March 11, 2026, and the cover system is being maintained in accordance with the approved SMP with the exception of planned hardscape (asphalt) to be installed within Parcel D2. The Site inspection form is included in Appendix A.

No additional intrusive work was noted during the Site inspection and during the reporting period.

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

4.0 Site Management Plan

The SMP for the Site was approved by the Department with issuance of the Certificate of Completion executed by the Department on December 30, 2013. The SMP includes an IC/EC Plan, a Monitoring Plan, an Excavation Work Plan (EWP), and a copy of the EEs. A brief description of the components of the SMP is presented below.

4.1 Monitoring Plan

The Monitoring Plan consists of two major components, including the Site Cover System Monitoring and the Annual Site-Wide Inspection & Certification Program.

4.1.1 Site Cover Monitoring Plan

Site-wide inspection of the cover system will be performed annually and in association with the PRR and will also be performed after all severe weather conditions or any other severe conditions such as earthquakes and sinkholes that may affect site cover systems.

The site-wide inspection will include a general visual evaluation of all areas of the site. Concrete and asphalt paved areas and concrete-paver (or approved alternate) covered areas across the site will be inspected to verify that these areas are being maintained, as appropriate to prevent potential off-site migration of remaining contaminants by surface water run-off. Photographs documenting the conditions of the site cover system are required for reporting. The site cover system monitoring will be performed by a Qualified Environmental Professional (QEP) approved by NYSDEC. Any surface or subsurface disturbances related to redevelopment activities will be performed in compliance with the EWP, included as SMP Appendix E.

4.1.2 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.

As previously discussed, annual Site inspections were completed on November 25, 2024 and March 11, 2026 and no cover system deficiencies were noted with understanding that the gravel part of Parcel D2 is to be converted to asphalt.

The Site is in general compliance with the SMP, with the exception of the planned modification to the former laydown area. The Site inspection form is included in Appendix A and Site photolog is included in Appendix B. A survey including cover system area to be modified is provided as Figure 3 and IRM and Cover System Details are provided on Figure 4 as previously reported in the 2020-2023 PRR prepared by others.

4.2 Excavation Work Plan

An EWP was included in the Department-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 requiring management of on-Site soil or fill material; or the placement of backfill materials occurred during the monitoring period.

4.3 Engineering and Institutional Control Requirements and Compliance

As detailed in the EE, several IC/ECs need to be maintained as a requirement of the BCA for the Site.

4.3.1 Institutional Controls

- Land-Use Restriction – The controlled property may be used for restricted residential, commercial, and/or industrial use as described in 6 NYCRR Part 375-1.8(g)(2);
- Groundwater-Use Restriction – the use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the New York State Department of Health (NYSDOH) or the Erie County Department of Health (ECDOH) 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;
- Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;
- Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;
- All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;
- Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;
- 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 EE; and
- Implementation of the SMP.

4.3.2 Engineering Controls

- All engineering controls must be operated, maintained, and inspected as specified 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; and
- Cover System – The cover system, including buildings, concrete sidewalks, asphalt, and landscaped vegetated areas are being maintained in compliance with the SMP.

At the time of the site inspection, the Site was compliant with the engineering and institutional control requirements with the exception of planned cover system modifications.

5.0 Conclusions and Recommendations

Conclusions:

The Site was in general compliance with the SMP with the exception of planned cover system modifications (converting gravel cover to asphalt) on Parcel D2, which will be addressed this Spring/Summer 2026.

Recommendations:

Based on the post-remedial monitoring and analytical results for the Site, the following recommendations are provided:

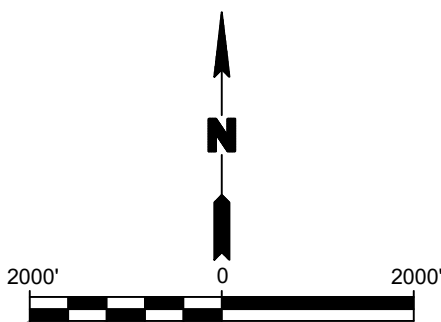
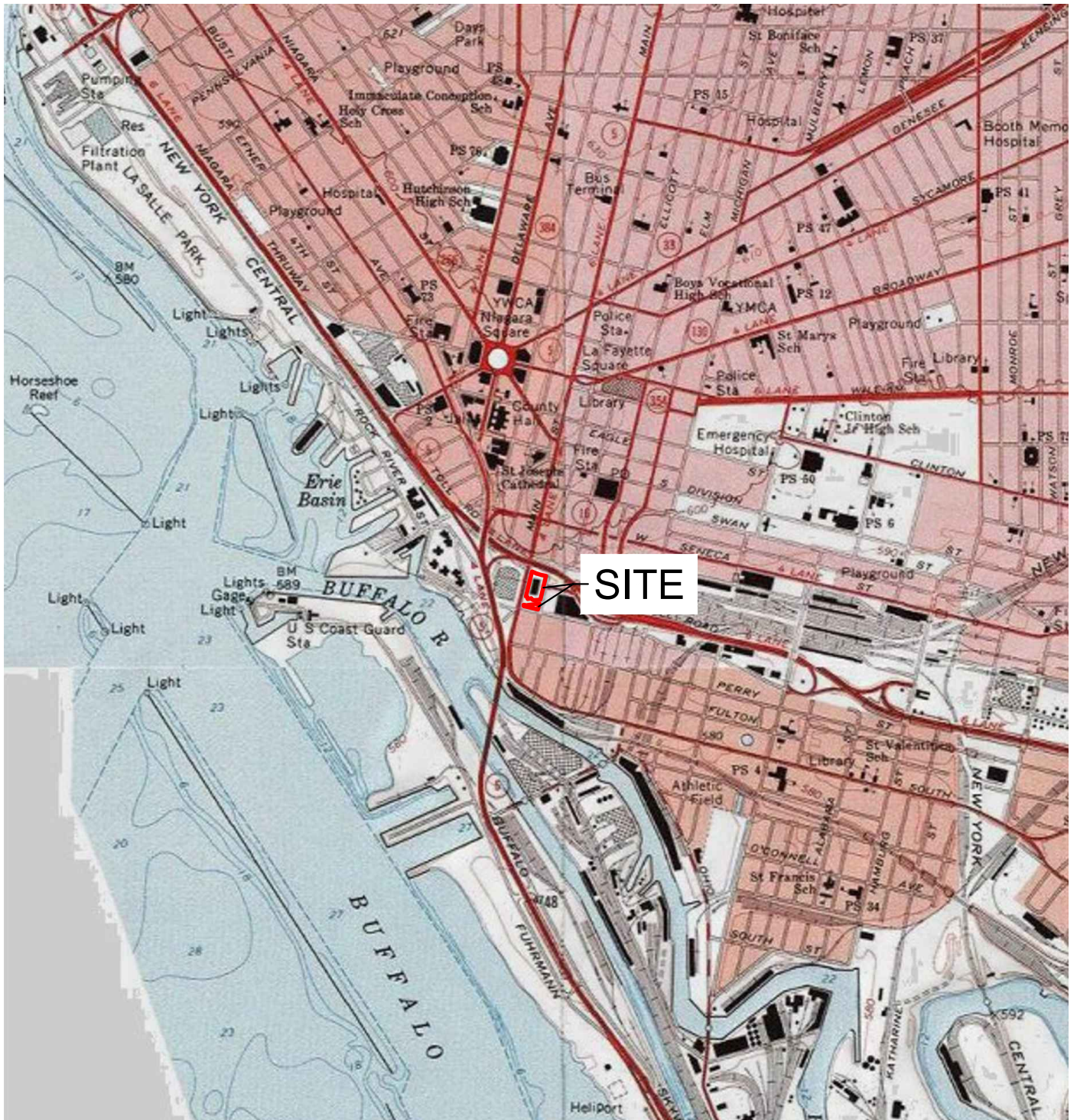
- Asphalt pavement is to be installed in accordance with the Department-approved Letter Work Plan for Partial Cover System Modification.
- Annual cover system inspections will continue.


6.0 Declaration/Limitations

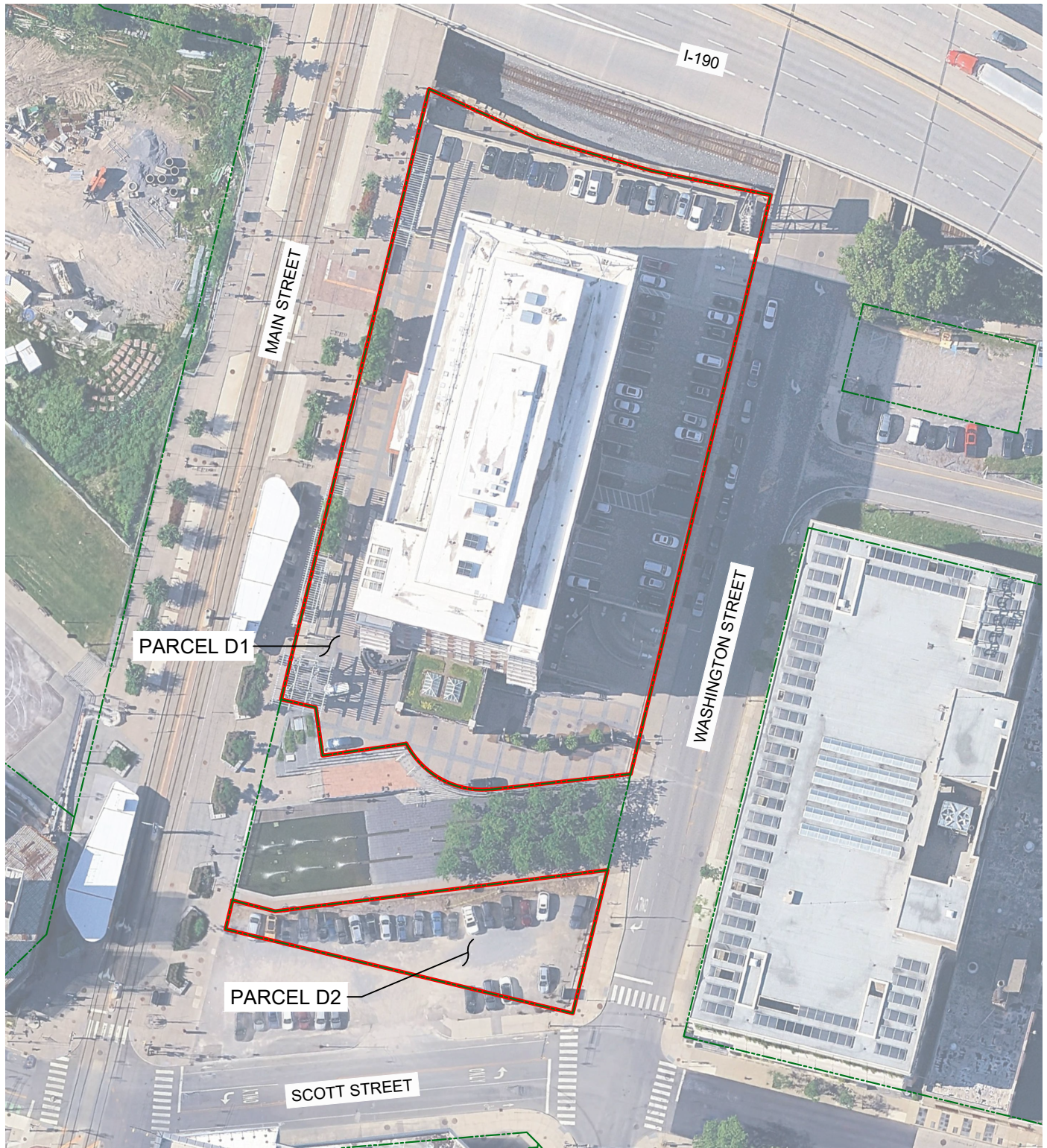
Roux personnel conducted the annual site inspections for the 125 Main Street Site (BCP Site No. C915262), located in Buffalo, New York, according to generally accepted practices. This report complied with the scope of work provided to Harbor Lodging, LLC/ Harbor District Associates, LLC.

This report has been prepared for the exclusive use of Harbor Lodging, LLC/ Harbor District Associates, LLC. The contents of this report are limited to information available at the time of the site inspections. The findings herein may be relied upon only at the discretion of Harbor Lodging, LLC/ Harbor District Associates, LLC. Use of or reliance upon this report or its findings by any other person or entity is prohibited without written permission of Roux.

FIGURES



<p>Title: SITE LOCATION AND VICINITY MAP</p> <p>125 MAIN STREET SITE BCP SITE NO. C915262 BUFFALO, NEW YORK PERIODIC REVIEW REPORT</p>			
<p>Prepared for: HARBOR LODGING, LLC / HARBOR DISTRICT ASSOCIATES, LLC</p>			
	Compiled by: CMS	Date: MARCH 2026	FIGURE 1
	Prepared by: CMS	Scale: AS SHOWN	
	Project Mgr: BWM	Project:	
	File: FIGURE 1; SITE LOCATION AND VICINITY MAP.DWG		



LEGEND:

- BCP SITE BOUNDARY
- - - PARCEL BOUNDARY



Title:

SITE PLAN (AERIAL)

125 MAIN STREET SITE
BCP SITE NO. C915262
BUFFALO, NEW YORK
 PERIODIC REVIEW REPORT

Prepared for:

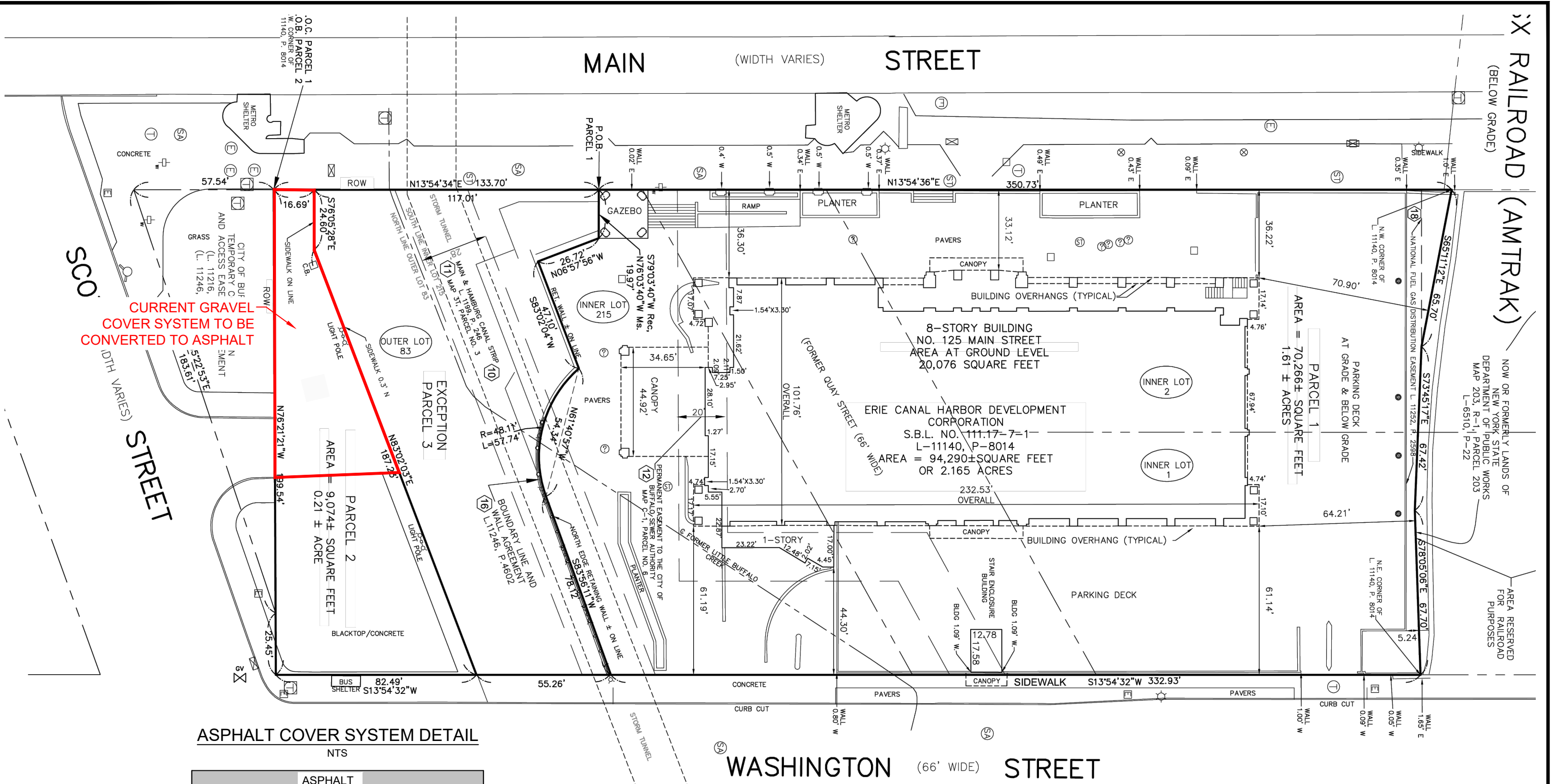
HARBOR LODGING, LLC / HARBOR DISTRICT ASSOCIATES, LLC



Compiled by: CMS	Date: MARCH 2026
Prepared by: CMS	Scale: AS SHOWN
Project Mgr: BWM	Project:
File: FIGURE 2; SITE PLAN (AERIAL).DWG	

FIGURE

2

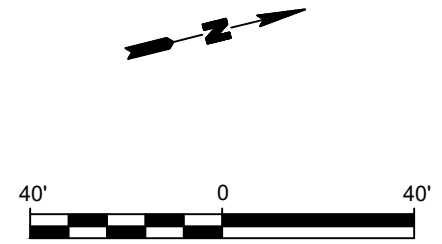


Title:
SURVEY AND PLANNED ASPHALT COVER

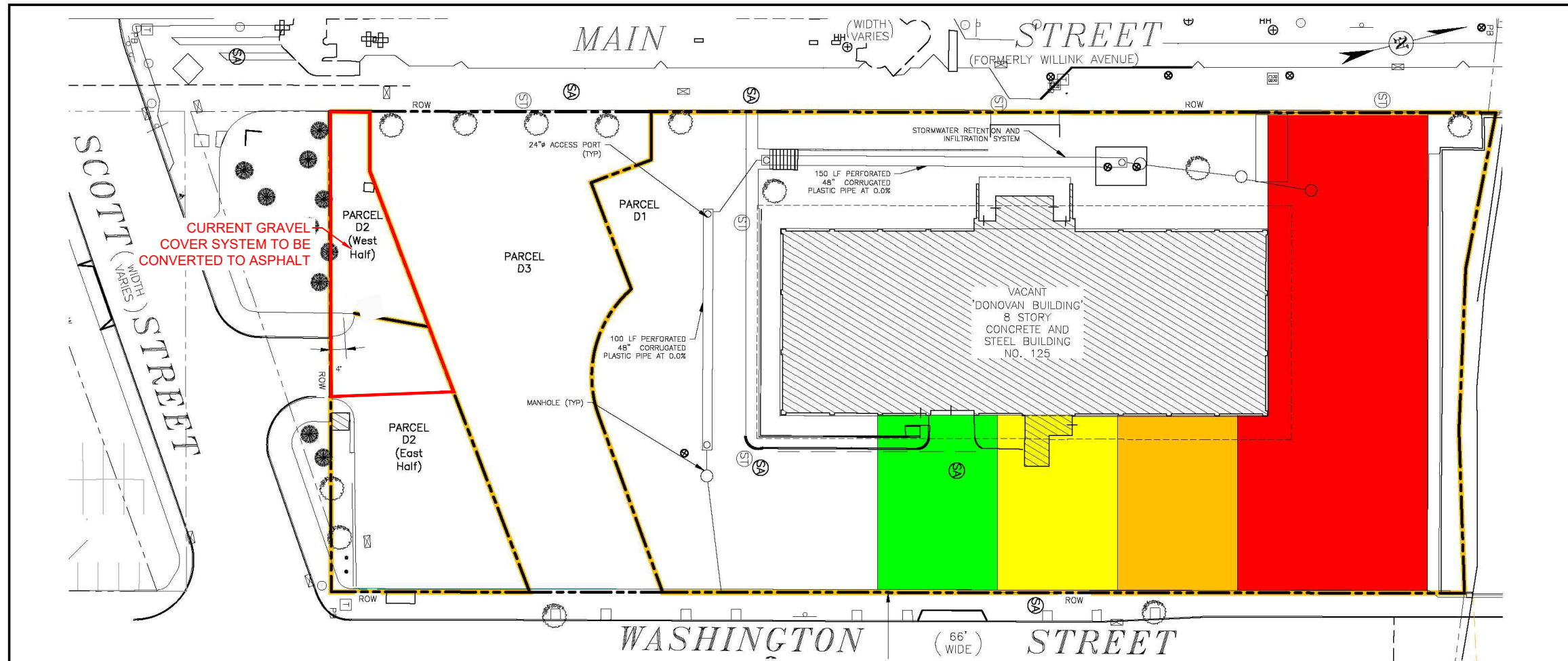
125 MAIN STREET SITE
BCP SITE NO. C915262
BUFFALO, NEW YORK
 PERIODIC REVIEW REPORT

Prepared for:
 HARBOR LODGING, LLC / HARBOR DISTRICT ASSOCIATES, LLC

Compiled by: CMS	Date: MARCH 2026	FIGURE 3
Prepared by: CMS	Scale: AS SHOWN	
Project Mgr: BWM	Project:	
File: FIGURE 3: SURVEY AND PLANNED ASPHALT COVER.DWG		



Y:\Bender\Development\ent\42-A0001\125 Main St. 2023 I-C-E-C-Cor. & PRR\PRR\Appendices\ACAD\12-0069-F06-IRM and Cover Systems details-R3.dwg, 6/16/2023 8:25:10 AM

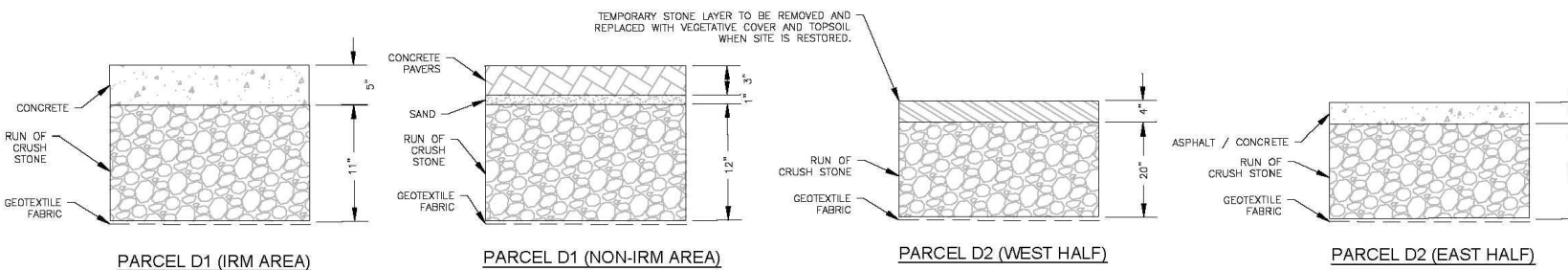


LEGEND:
 - - - - - APPROXIMATE PARCEL BOUNDARY
 - - - - - BCP BOUNDARY

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

APPROXIMATE IRM EXCAVATION DEPTH (BELOW GROUND SURFACE)

Green	0'-3'
Yellow	3'-6'
Orange	6'-9'
Red	9'-12'



COVER SYSTEMS

REVISION	BY	DATE
REVISION		
REVISION		
REVISION		
REVISION		
REVISION		

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' = 1" (0' 20' 40')
 DWG: 12-0069-F06-IRM And Cover Systems Details-R3.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

FIGURE 6

Title: **IRM AND COVER SYSTEM DETAILS**
125 MAIN STREET SITE
BCP SITE NO. C915262
BUFFALO, NEW YORK
 PERIODIC REVIEW REPORT

Prepared for:
 HARBOR LODGING, LLC / HARBOR DISTRICT ASSOCIATES, LLC

ROUX	Compiled by: CMS	Date: MARCH 2026	FIGURE 4
	Prepared by: CMS	Scale: AS SHOWN	
	Project Mgr: BWM	Project:	
	File: FIGURE 4: IRM AND COVER SYSTEM DETAILS.DWG		

APPENDIX A

NYSDEC CERTIFICATION AND NOTIFICATION FORMS, INCLUDING A CHANGE OF USE FORM



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



Site Details

Site No. **C915262**

Box 1

Site Name 125 Main Street Site

Site Address: 125 Main Street Zip Code: 14204
 City/Town: Buffalo
 County: Erie
 Site Acreage: 1.820

Reporting Period: March 16, 2023 to March 16, 2026

- | | 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Are all ICs in place and functioning as designed? | <input checked="" 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. C915262

Box 3

Description of Institutional Controls

Parcel

Owner

Institutional Control

111.17-7-1.3

Harbor District Associates, LLC

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

Prohibition against use of groundwater without treatment
Site use must be maintained as restricted residential

111.17-7.1.2

Harbor District Associates, LLC

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

Prohibition against use of groundwater without treatment
Site use must be maintained as restricted residential

Box 4

Description of Engineering Controls

Parcel

Engineering Control

111.17-7-1.3

Cover System

Cover system of hardscapes and soil over the entire site, approx. 1.82 acres

111.17-7.1.2

Cover System

Cover system of hardscapes 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 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. 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 Scott Hammond at Boxless Development, 570 Delaware Ave, Buffalo NY
print name print business address 14202

am certifying as Owner (Owner or Remedial Party)

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

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

4/15/26
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.

Bryan Mayback at Roux Environmental Engineering & Geology, D.P.C.,
2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218
print name print business address

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

  4/15/20
Signature of Qualified Environmental Professional, for Stamp Date
the Owner or Remedial Party, Rendering Certification (Required for PE)

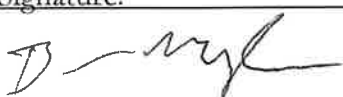
Annual Site Inspection Checklist

125 Main Street Site
BCP Site No. C915262

Inspector's Initials BWM Inspection Date: 3/11/26
 Site Use: Hotel w/ Parking Garage & P. Lot Areas
 General Site Conditions: good, No deficiencies

<u>Cover Inspection</u>			
<u>Hardscape Areas</u>	Yes	No	Notes
Asphalt	✓		Asphalt in former laydown area HAS Spring/summer
Cover Area	✓		Hardscape in good condition
Grass Cover		✓	
<u>Groundwater Monitoring Network</u> NA			
	Yes	No	Notes
Roadbox Covers /Collars			
Well Condition			

Additional Comments:

Signature:  Company: FOX Date: 3/11/26

Annual Site Inspection Checklist

125 Main Street Site
BCP Site No. C915262

Inspector's Initials RWM Inspection Date: 11/25/24
Site Use: Hotel + Garage for parking + lot (Track 4 Restricted Res Cleanup)
General Site Conditions: _____

<u>Cover Inspection</u>			
<u>Hardscape Areas</u>	Yes	No	Notes
Asphalt	✓		Good condition
Cover Area	✓		Gravel Area to be converted to Asphalt
Grass Cover		✓	
<u>Groundwater Monitoring Network</u> <u>NA</u>			
	Yes	No	Notes
Roadbox Covers /Collars			
Well Condition			

Additional Comments: _____

Signature: [Signature] Company: Roux Date: 11/25/24



**60-Day Advance Notification of Site Change of Use, Transfer of
Certificate of Completion, and/or Ownership**

Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation, 625 Broadway
Albany NY 12233-7020

I. Site Name: 125 Main Street Site **DEC Site ID No.** C9165262

II. Contact Information of Person Submitting Notification:

Name: Adam Harris, Harbor District Associates LLC
Address1: 570 Delaware Avenue, Buffalo, NY 14202
Address2: _____
Phone: 716-878-9442 E-mail: Adamharris@benderson.com

III. Type of Change and Date: Indicate the Type of Change(s) (check all that apply):

- Change in Ownership or Change in Remedial Party(ies)
 Transfer of Certificate of Completion (CoC)
 Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy):

IV. Description: Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

The existing gravel cover in the western portion of Parcel D2, which is no longer used a laydown yard, will be graded and covered with asphalt. A supporting figure is attached.

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

The propose change from gravel to asphalt does not affect the completed remedial program as asphalt paving is an allowable cover system under a Track 4 Restricted Residential Cleanup.

VII. Agreement to Notify DEC after Transfer: If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name: _____
(Signature)

(Date)

(Print Name)

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

Continuation Sheet

Prospective Owner/Holder Prospective Remedial Party Prospective Owner Representative
Name: _____
Address1: _____
Address2: _____
Phone: _____ E-mail: _____

Prospective Owner/Holder Prospective Remedial Party Prospective Owner Representative
Name: _____
Address1: _____
Address2: _____
Phone: _____ E-mail: _____

Prospective Owner/Holder Prospective Remedial Party Prospective Owner Representative
Name: _____
Address1: _____
Address2: _____
Phone: _____ E-mail: _____

Prospective Owner/Holder Prospective Remedial Party Prospective Owner Representative
Name: _____
Address1: _____
Address2: _____
Phone: _____ E-mail: _____

Prospective Owner/Holder Prospective Remedial Party Prospective Owner Representative
Name: _____
Address1: _____
Address2: _____
Phone: _____ E-mail: _____

Prospective Owner/Holder Prospective Remedial Party Prospective Owner Representative
Name: _____
Address1: _____
Address2: _____
Phone: _____ E-mail: _____



Instructions for Completing the 60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion (CoC), and/or Ownership Form

Submit to: Chief, Site Control Section, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany NY 12233-7020

Section I

Description

Site Name

Official DEC site name.
(see <http://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3>)

DEC Site ID No.

DEC site identification number.

Section II

Contact Information of Person Submitting Notification

Name

Name of person submitting notification of site change of use, transfer of certificate of completion and/or ownership form.

Address1

Street address or P.O. box number of the person submitting notification.

Address2

City, state and zip code of the person submitting notification.

Phone

Phone number of the person submitting notification.

E-mail

E-mail address of the person submitting notification.

Section III

Type of Change and Date

Check Boxes

Check the appropriate box(s) for the type(s) of change about which you are notifying the Department. Check all that apply.

Proposed Date of Change

Date on which the change in ownership or remedial party, transfer of CoC, or other change is expected to occur.

Section IV

Description

Description

For each change checked in Section III, describe the proposed change. Provide all applicable maps, drawings, and/or parcel information. If "Other" is checked in Section III, explain how the change may affect the site's proposed, ongoing, or completed remedial program at the site. Please attach additional sheets, if needed.

Section V Certification Statement

This section must be filled out if the change of use results in a change of ownership or responsibility for the proposed, ongoing, or completed remedial program for the site. When completed, it provides DEC with a certification that the prospective purchaser has been provided a copy of any order, agreement, or State assistance contract as well as a copy of all approved remedial work plans and reports.

Name The owner of the site property or their designated representative must sign and date the certification statement. Print owner or designated representative's name on the line provided below the signature.

Address1 Owner or designated representative's street address or P.O. Box number.

Address2 Owner or designated representative's city, state and zip code.

Phone Owner or designated representative's phone number.

E-Mail Owner or designated representative's E-mail.

Section VI Contact Information for New Owner, Remedial Party, and CoC Holder (if a CoC was issued)

Fill out this section only if the site is to be sold or there will be a new remedial party. Check the appropriate box to indicate whether the information being provided is for a Prospective Owner, CoC Holder (if site was ever issued a COC), Prospective Remedial Party, or Prospective Owner Representative. Identify the prospective owner or party and include contact information. A Continuation Sheet is provided at the end of this form for additional owner/party information.

Name Name of Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.

Address1 Street address or P.O. Box number for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative.

Address2 City, state and zip code for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative.

Phone Phone number for the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.

E-Mail E-mail address of the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.

If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/EC), indicate who will be the certifying party(ies). Attach additional sheets, if needed.

Certifying Party Name	Name of Certifying Party.
Address1	Certifying Party's street address or P.O. Box number.
Address2	Certifying Party's city, state and zip code.
Phone	Certifying Party's Phone number.
E-Mail	Certifying Party's E-mail address.

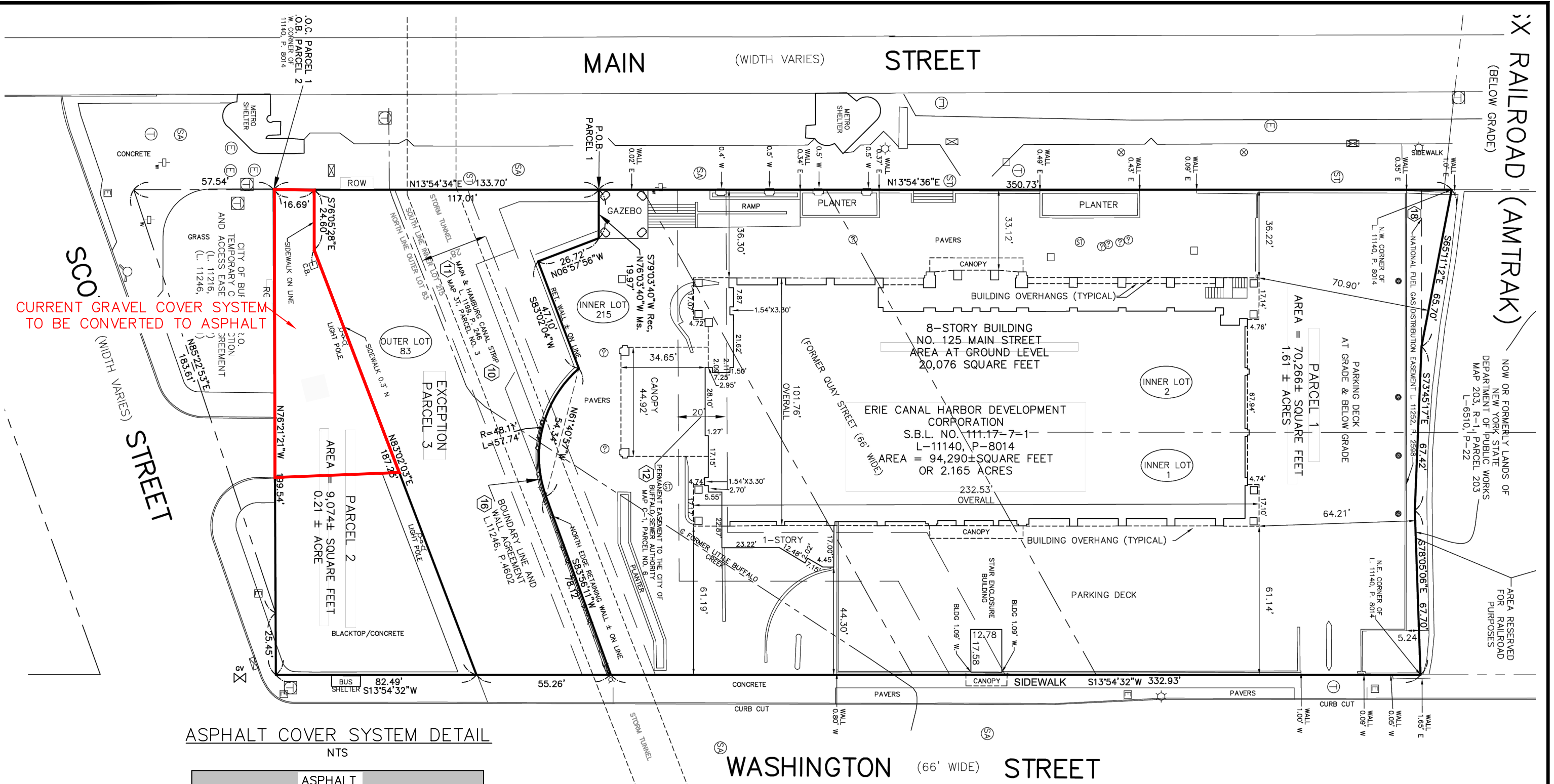
Section VII Agreement to Notify DEC After Property Transfer/Sale

This section must be filled out for all property transfers of all or part of the site. If the site also has a CoC, then the CoC shall be transferred using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>

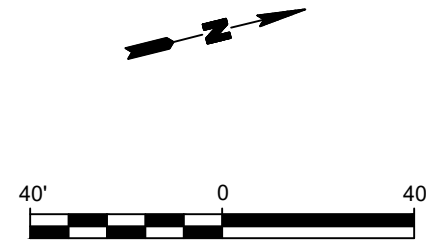
Filling out and signing this section of the form indicates you will comply with the post transfer notifications within the required timeframes specified on the form. If a CoC has been issued for the site, the DEC will allow 30 days for the post transfer notification so that the "Notice of CoC Transfer Form" and proof of it's filing can be included. Normally the required post transfer notification must be submitted within 15 day (per 375-1.11(d)(3)(ii)) when no CoC is involved.

Name	Current property owner must sign and date the form on the designated lines. Print owner's name on the line provided.
Address1	Current owner's street address.
Address2	Current owner's city, state and zip code.

F:\CAD\0-ROUX\BENDERSON\125 MAIN STREET\FIGURE X: AREA OF CURRENT GRAVEL COVER TO BE CONVERTED TO ASPHALT.DWG



Title:		
SITE PLAN		
COVER SYSTEM MODIFICATION		
125 MAIN STREET SITE BUFFALO, NEW YORK		
Prepared for:		
BENDERSON		
Compiled by:	Date: APRIL 2025	FIGURE 1
Prepared by: CMC	Scale: AS SHOWN	
Project Mgr: BWM	Project:	
File: FIGURE X: AREA OF CURRENT GRAVEL COVER TO BE CONVERTED TO ASPHALT.DWG		





April 18, 2025

Adam Harris
Harbor District Associates, LLC/Harbor Lodging, LLC
570 Delaware Avenue
Buffalo, New York 14202

Dear Adam Harris (as the Certifying Party):

Site Management
Partial Cover System Modification
125 Main Street Site, Buffalo
Erie County, Site No.: **C915262**

The Department has reviewed and hereby approves your *Work Plan for Partial Cover System Modification* received April 15, 2025. Please notify the Department seven days in advance of starting these activities. Once complete, a NYS Licensed Professional Engineer certification is required, along with a revised Site Management Plan.

Additionally, this letter acknowledges receipt of your April 17, 2025, 60-Day Advance Notification of Change of Use for the above referenced site in accordance with 6 NYCRR 375-1.11(d). Please note these activities in the next PRR. If you have any questions, please contact me at 716-851-7220 or email: megan.kuczka@dec.ny.gov.

Sincerely,

Megan Kuczka
Environmental Program Specialist – 2

MK/slr

ec: Andrea Caprio, NYSDEC
Lisa Schade, Harbor District Associates, LLC
Kevin Kinney, Harbor District Associates, LLC
Bryan Mayback, Roux Inc.

APPENDIX B

SITE PHOTO LOG

SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: View of cover system within Parcel D1 – facing west (photo date: November 25, 2024)

Photo 2: View of cover system within Parcel D1 – facing south (photo date: November 25, 2024)

Photo 3: View of cover system within Parcel D1 – facing southwest (photo date: November 25, 2024)

Photo 4: View of cover system within Parcel D2 – facing west (photo date: November 25, 2024)

125 Main Street Site (BCP Site No. C915262)



SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



Photo 5: View of cover system within Parcel D2 – facing west (photo date: November 25, 2024)

Photo 6: View of cover system within Parcel D2 – facing east (photo date: November 25, 2024)

Photo 7: View of cover system within Parcel D2 – facing east (photo date: November 25, 2024)

Photo 8: View of cover system within Parcel D1 – facing north (photo date: November 25, 2024)

**125 Main Street Site (BCP Site No.
C915262)**

ROUX

SITE PHOTOGRAPHS

Photo 9:



Photo 10:

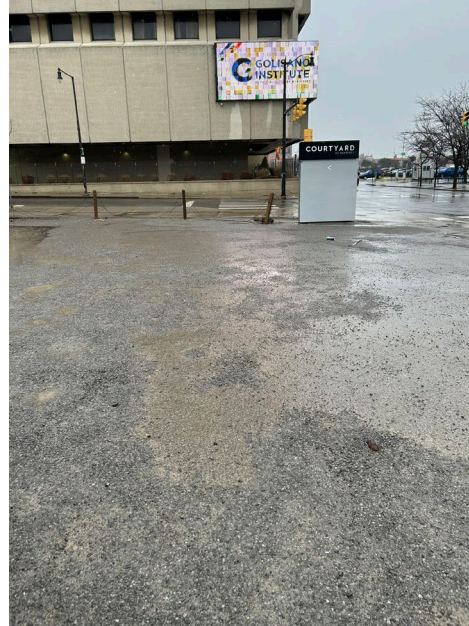


Photo 11:



Photo 12:

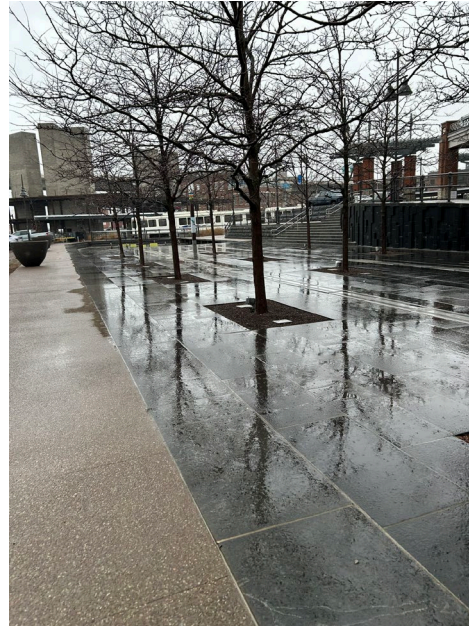


Photo 9: View of cover system within Parcel D2 – facing west (photo date: March 11, 2026)

Photo 10: View of cover system within Parcel D2 – facing east (photo date: March 11, 2026)

Photo 11: View of cover system within Parcel D2 – facing west (photo date: March 11, 2026)

Photo 12: View of cover system within Parcel D1 – facing west (photo date: March 11, 2026)

**125 Main Street Site (BCP Site No.
C915262)**

ROUX

SITE PHOTOGRAPHS

Photo 13:



Photo 14:



Photo 15:

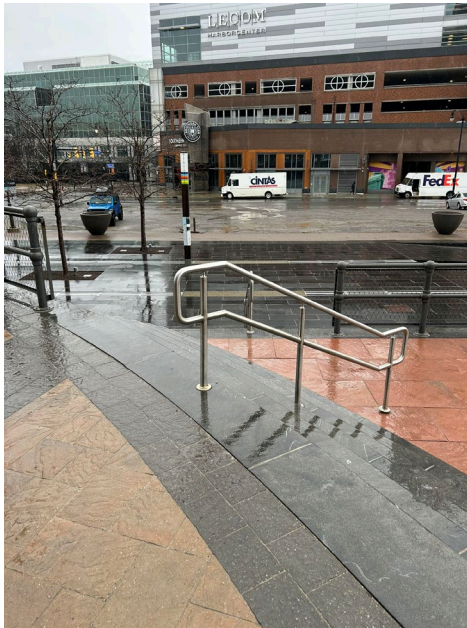


Photo 16:



Photo 13: View of cover system within Parcel D1 – facing north (photo date: March 11, 2026)

Photo 14: View of cover system within Parcel D1 – facing west (photo date: March 11, 2026)

Photo 15: View of cover system within Parcel D1 – facing south (photo date: March 11, 2026)

Photo 16: View of cover system within Parcel D1 – facing southwest (photo date: March 11, 2026)

**125 Main Street Site (BCP Site No.
C915262)**

ROUX

SITE PHOTOGRAPHS

Photo 17:

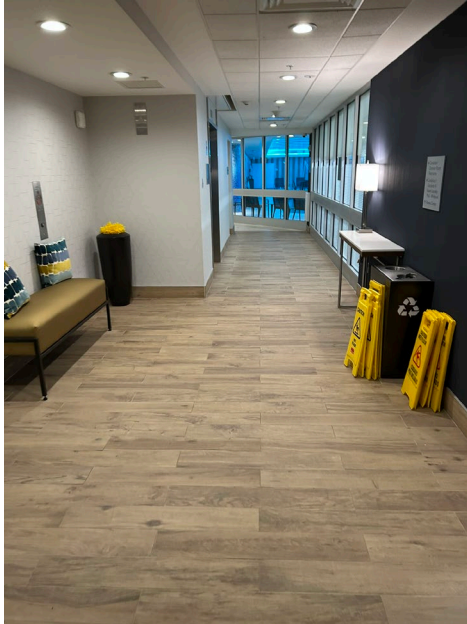


Photo 18:

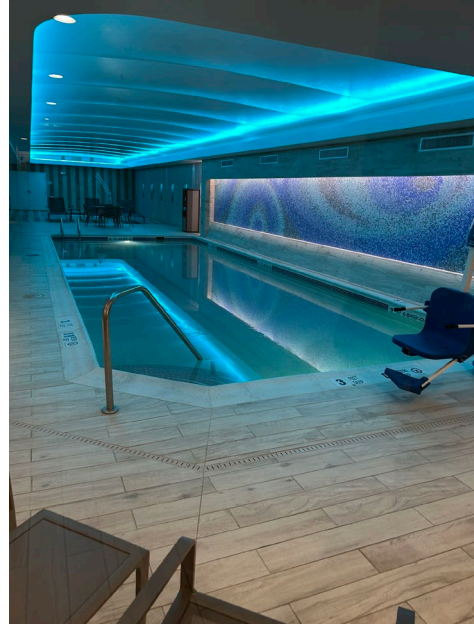


Photo 19:

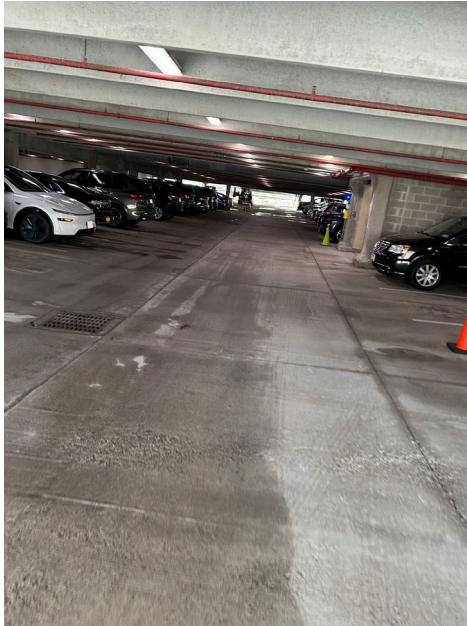


Photo 20:

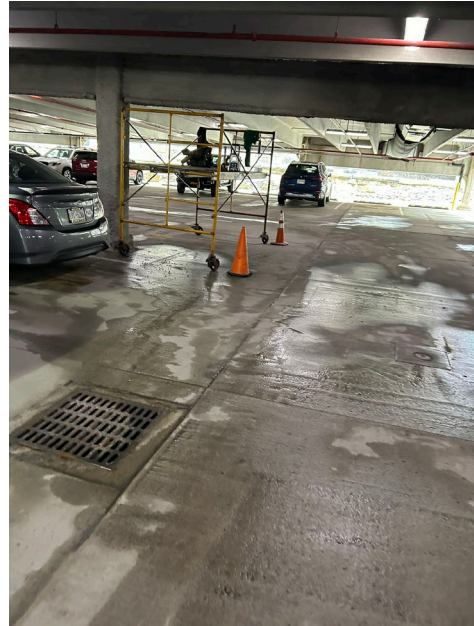


Photo 17: View of interior lobby area (photo date: March 11, 2026)

Photo 18: View of interior pool area (photo date: March 11, 2026)

Photo 19: View of parking ramp area (photo date: March 11, 2026)

Photo 20: View of parking ramp area (photo date: March 11, 2026)

**125 Main Street Site (BCP Site No.
C915262)**

ROUX