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# PERIODIC REVIEW REPORT

**500 SENECA STREET SITE  
SITE No. C915273**

**BUFFALO, NEW YORK**

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March 2020

0270-017-001

Prepared for:

**500 Seneca Street, LLC**

Prepared By:



Benchmark Environmental Engineering & Science, PLLC  
2558 Hamburg Turnpike, Suite 300  
Buffalo, NY 14218

# 2020 PERIODIC REVIEW REPORT

## 500 SENECA STREET SITE

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**2017-2020 PERIODIC REVIEW REPORT**  
**500 SENECA STREET SITE**

**FIGURES**

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Figure 1	Site Location and Vicinity Map
Figure 2	Site Plan (Aerial)
Figure 3	Cover System Plan

**APPENDICIES**

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

## 1.0 INTRODUCTION

Benchmark Environmental Engineering & Science, PLLC (Benchmark), in association with TurnKey Environmental Restoration, LLC, has prepared this Periodic Review Report (PRR), on behalf of 500 Seneca Street, LLC to summarize the post-remedial status of the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) 500 Seneca Street Site (Site No. C915273).

This PRR has been prepared for the Site in accordance with NYSDEC DER-10 *Technical Guidance for Site Investigation and Remediation* (May 2010) and 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 certification form have been completed for the Site for the March 30, 2017 to March 15, 2020 reporting period.

### 1.1 Site Background

The Site is located at 500 Seneca Street, in the City of Buffalo, Erie County, New York (see Figures 1 and 2). The BCP Site is a 1.87 acre site bound by Myrtle Avenue to the north, Seneca Street to the south, Hamburg Street to the east, and Spring Street to the west. Historiaccally the site housed the F.N. Burt Company, which used the property for box manufacturing from the eraly 1900's until 1959. The Site was used from approximately 1968 until 1980 by Wolkind Bros, Inc., a clothing rental company; and, thee site was used for manufacturing, warehousing and shipping operations from 1986 to 2004, and was vacant prior to remediation and redevelopment.

### 1.2 Remedial History

500 Seneca Street, LLC entered into a Brownfield Cleanup Agreement (BCA) on June 7, 2013 with the NYSDEC to invesgtigate and remediate the Site. 500 Seneca Street, LLC completed the investigation and remediation of the Site under the supervision of the NYSDEC and NYSDOH. The Remedial Investigation was completed between October 2013 and April 2015. Remedial activities were completed in July 2015.

The remedial program was successful in achieving the remedial objectives for the Site, and the Site Management Plan (SMP) and Final Engineering Report (FER) were

approved by the Department. The NYSDEC issued the Certificate of Completion (COC) for the Site on December 14, 2015.

### **1.3 Compliance**

At the time of the Site inspection, the Site was compliant with the Department's approved SMP.

### **1.4 Modification**

- Please update the mailing address for the owners to:  
500 Seneca Street, LLC  
500 Seneca Street, Suite 504  
Buffalo NY 14204

### **1.5 Recommendations**

Based on the results of the site inspection and certification, Benchmark makes the following recommendations:

- Based on the high probability for snow/ice cover in March, it is recommended that the PRR reporting period end date be changed to June 1 st. This later date would assure no hinderance at the site inspection due to snow or ice cover.

Beyond the change described above, no modifications to the current SMP are recommended at this time.

## 2.0 SITE OVERVIEW

Previous environmental investigations were completed on Site between 2007 and 2008 and identified contamination on-Site that required remediation.

500 Seneca Street, LLC entered into the BCP to further investigate and remediate the site for future redevelopment. The remedial activities were completed between October 2014 and November 2015, including:

- Excavation and off-site disposal of impacted soil/fill
- Disposal of universal waste and historic electrical equipment
- Disposal of historic industrial wastes
- Construction and maintenance of a cover system consisting of the existing building, pavement (asphalt and concrete), sidewalks, and soil cover in all other areas at a minimum of two-feet-thick over the demarcation layer, to prevent human exposure to remaining contaminated soil/fill remaining at the Site.

BCP remedial activities were completed in November 2015. The FER and SMP for the Site were approved by the Department in December 2015. the Certificate of Completion (COC) was issued for the Site on December 14, 2015.

### 3.0 REMEDY PERFORMANCE

Post-remedial monitoring has been completed at the Site in accordance with the SMP. The Site inspection included a walk-over of the entire BCP Site to visually observe and document the use of the Site for restricted residential use, restriction of groundwater use, and conformance with the SMP.

The site inspection completed during this reporting period indicates that the controls are in-place and functioning as intended in accordance with the SMP. The completed IC/EC Certification form and site photographs are included in Appendix A and Appendix B, respectively.

## 4.0 SITE MANAGEMENT PLAN

A SMP was prepared for the Site, and approved by the Department in December 2015. The SMP provides a detailed description of all procedures required, 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 Report (PRR).

A brief description of the SMP components is presented below.

### 4.1 Engineering and Institutional Control Requirements and Compliance

As detailed in the SMP, several Engineering and Institutional Controls (EC/ICs) need to be maintained as a requirement of the BCA for the Site.

#### *4.1.1 Engineering Controls*

- Cover System – The cover system is being maintained in compliance with the SMP.

#### *4.1.2 Institutional Controls*

- Groundwater-Use Restriction – the use of groundwater for potable and non-potable purposes is prohibited without additional treatment;
- Land-Use Restriction: The controlled property may be used for restricted residential, commercial and industrial use; and,
- Implementation of the SMP.

### 4.2 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.

The most recent site inspection of the property was conducted by a Qualified Environmental Professional (QEP) on March 10, 2020. At the time of the inspections, the property was being used as a mixed use commercial office building and residential apartments, with surface parking, courtyard, paved walkways and landscaped areas. No observable indication of intrusive activities was noted during the Site inspection, and no observable use of groundwater was noted during the Site inspection.

Though not on the BCP Site, it should be noted that the City of Buffalo has completed utility and streetscape upgrades along Myrtle Avenue, including additional concrete sidewalks abutting the building (BCP boundary) and pedestrian crossing areas, and the repaving Myrtle Avenue. Photos of the new street scape elements are included in the photolog.

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.

## 5.0 CONCLUSIONS AND RECOMMENDATIONS

Conclusions and recommendations are as follows:

- At the time of the site inspection(s), the Site was compliant with engineering and institutional control requirements.
- Please update the mailing address for the owners to:  
500 Seneca Street, LLC  
500 Seneca Street, Suite 504  
Buffalo NY 14204

The following modifications are recommended for the Site.

- Based on the high probability for snow/ice cover in March, it is recommended that the PRR reporting period end date be changed to June 1<sup>st</sup>. This later date would assure no hindrance at the site inspection due to snow or ice cover.

## 6.0 DECLARATION/LIMITATION

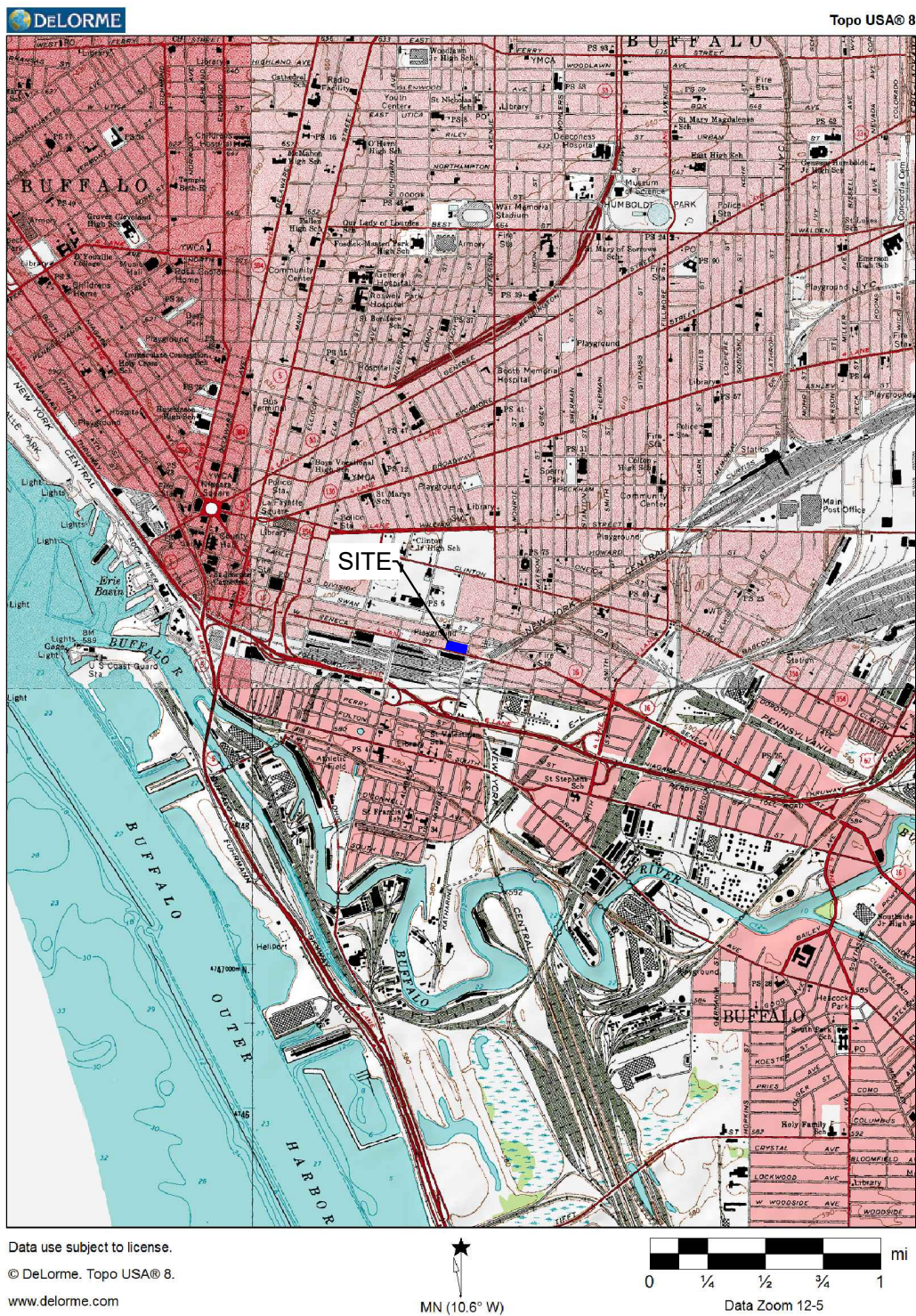
Benchmark Environmental Engineering & Science, PLLC, in association with TurnKey Environmental Restoration, LLC, personnel conducted the annual Site inspections for Brownfield Cleanup Program Site No. C915273, located in Buffalo New York, according to generally accepted practices. This report complied with the scope of work provided to 500 Seneca Street, LLC by Benchmark Environmental Engineering & Science, PLLC.

This report has been prepared for the exclusive use of 500 Seneca Street, 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 500 Seneca Street, LLC. Use of or reliance upon this report or its findings by any other person or entity is prohibited without written permission of Benchmark Engineering & Science, PLLC.

## FIGURES



FIGURE 1



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

## SITE LOCATION AND VICINITY MAP

PERIODIC REVIEW REPORT

500 SENECA STREET SITE

BCP NO. C915273

BUFFALO, NEW YORK

PREPARED FOR

500 SENECA STREET, LLC

PROJECT NO.: 0270-017-001

DATE: MARCH 2020

DRAFTED BY: CEH

**DISCLAIMER:**

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





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

## SITE PLAN (AERIAL)

PERIODIC REVIEW REPORT

500 SENECA STREET SITE  
BCP NO. C915273  
BUFFALO, NEW YORK

PREPARED FOR  
500 SENECA STREET, LLC

PROJECT NO.: 0270-017-001

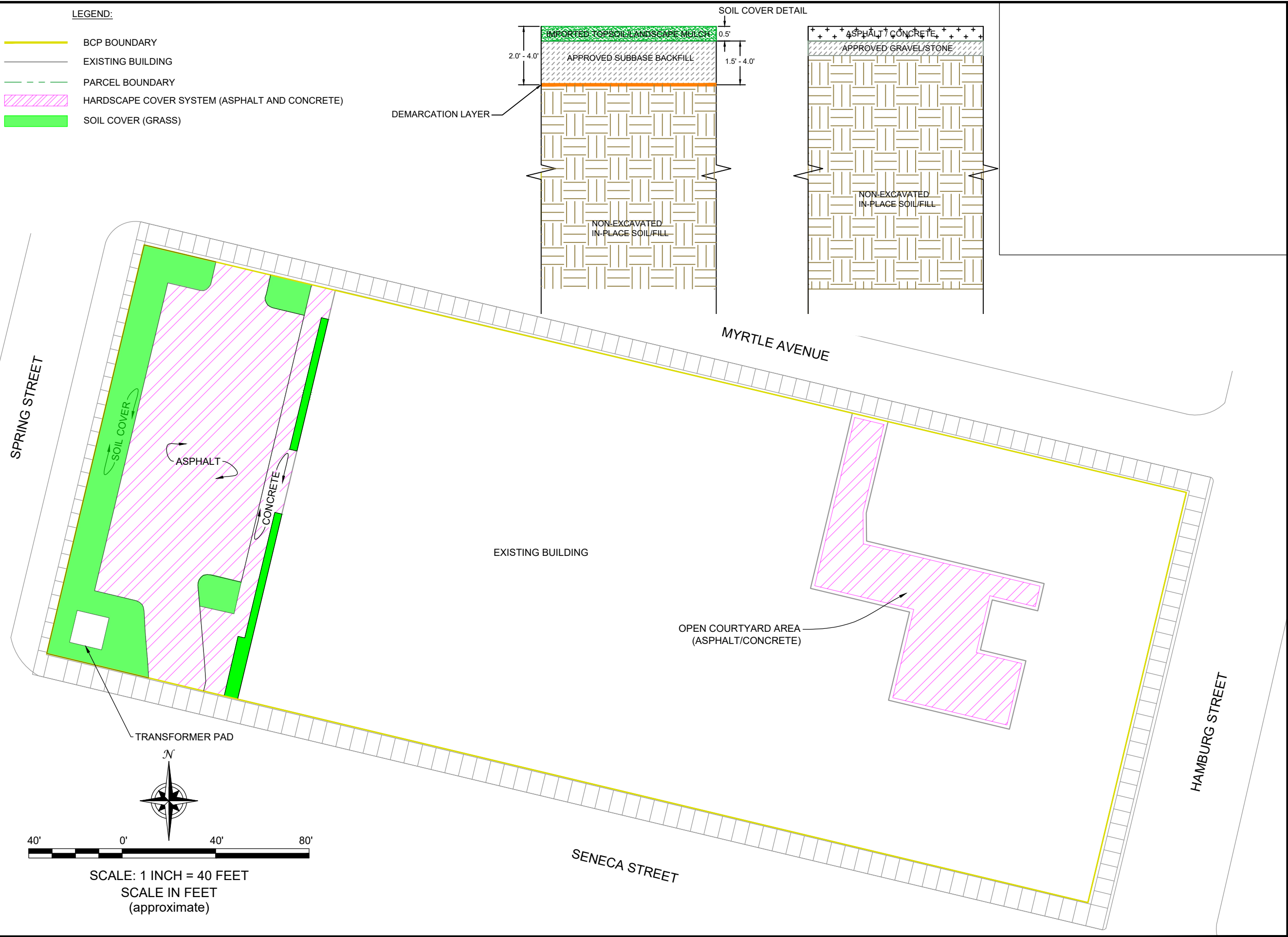
DATE: MARCH 2020

DRAFTED BY: CEH

**FIGURE 2**

**DISCLAIMER:**  
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DATE: MARCH 2020  
DRAFTED BY: CEH



**COVER SYSTEM LAYOUT AND DETAIL  
(RECORD DRAWING)**

PERIODIC REVIEW REPORT

500 SENECA STREET SITE  
BCP NO. C915273  
BUFFALO, NEW YORK

PREPARED FOR  
500 SENECA STREET, LLC

**FIGURE 3**

**BENCHMARK**  
ENVIRONMENTAL  
ENGINEERING &  
SCIENCE, PLLC

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

JOB NO.: 0270-017-001

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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.**            **C915273**

**Site Name** 500 Seneca Street Site

Site Address: 500 Seneca Street            Zip Code: 14204  
City/Town: Buffalo  
County: Erie  
Site Acreage: 1.874

Reporting Period: March 15, 2017 to March 15, 2020

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? ☒    ☐  
Restricted-Residential, Commercial, and Industrial

7. Are all ICs/ECs 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. C915273****Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control

111.81-7-1

500 Seneca Street, LLC

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

O&amp;M Plan

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

**Box 4****Description of Engineering Controls**ParcelEngineering Control

111.81-7-1

Cover System

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 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. C915273

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 Luke Wdack at 500 Seneca Street, Suite 630 Buffalo, NY 14204  
print name print business address

am certifying as 500 Seneca Street, LLC (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

4/4/20  
Date

**IC/EC CERTIFICATIONS**

500 Seneca Street Site C915273 - April 6, 2020

**Box 7**

**Qualified Environmental Professional Signature**

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

I Thomas H. Forbes, P.E. at TurnKey Environmental Restoration, LLC  
print name print business address  
2558 Hamburg Turnpike, Buffalo, NY 14218

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



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



Date

## APPENDIX B

### SITE PHOTLOG

## SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: Cover Site Inspection – corner of Seneca St and Springs Streets (looking north)

Photo 2: Cover Site Inspection – Springs St parking lot (looking south)

Photo 3: Cover Site Inspection – corner of Springs St and Myrtle Ave (looking west)

Photo 4: Site Inspection – southern boundary along Seneca Street (looking north)

**500 Seneca Street Site**  
**Buffalo, New York**  
 March 10, 2020





## SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



Photo 5: Site Inspection – northern boundary along Myrtle Avenue (note CoB improved streetscape- looking west)

Photo 6: Cover Site Inspection - Interior courtyard (stamped concrete and landscaping above existing concrete cover)

Photo 7: Loading Dock IRM Area – used for storage (note former monitoring well)

Photo 8: Basement Area – on-Site athletic facility

**500 Seneca Street Site**  
**Buffalo, New York**  
March 10, 2020

