
PERIODIC REVIEW REPORT

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

**500 SENECA STREET
BUFFALO, NEW YORK**

July 2023

0270-023-001

Prepared for:

500 Seneca Street, LLC

Prepared By:



Benchmark Civil/Environmental Engineering & Geology, PLLC

2020-2023 PERIODIC REVIEW REPORT

500 SENECA STREET SITE

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500 SENECA STREET SITE C915273

FIGURES

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Figure 2	Site Plan (Aerial)
Figure 3	Cover System Plan

APPENDICIES

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 2020 to June 2023 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 an approximate 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. Historically the site housed the F.N. Burt Company, which used the property for box manufacturing from original building construction in the early 1900's until 1959. The period from approximately 1968 until 1980, Wolkind Bros, Inc., a clothing rental company, utilized the property. The 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 investigate and remediate the Site. 500 Seneca Street, LLC completed the investigation and remediation of the Site under the BCP. The Remedial Investigation was completed between October 2013 and April 2015. Remedial activities were completed in November 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 Recommendations

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

- Modification of the reporting period to every fifth year.

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 by others on Site between 2007 and 2008, including Phase I Environmental Site Assessment (ESA), Phase II ESAs, and Underground Storage Tank (UST) Removal/Spill 0751217 (closed). The previous investigation identified petroleum, chlorinated solvents, and interior building wastes related to the previous use of the Site that required remediation.

500 Seneca Street, LLC entered into the BCP to further investigate and remediate the site for future redevelopment in 2013. The remedial activities were completed between October 2014 and November 2015, including:

- Demolition of the former garage building along the western side of the building.
- Excavation and off-site disposal of 2,758 tons of impacted soil/fill from remediation and redevelopment activities.
- Disposal of universal waste and historic electrical equipment, including fluorescent bulbs and lamps.
- Disposal of historic industrial chemical wastes (e.g., boiler treatment chemical and maintenance chemicals).
- Construction and maintenance of a cover system consisting of the existing building, pavement (asphalt), 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.

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 inspections have been completed at the Site during the reporting period.

The site inspections included a walk-over of the BCP Site to visually observe and document the use of the Site for restricted residential use, restriction of groundwater use, and conformance with the Site Management Plan (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 Reports. 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, including the existing building, asphalt parking lot, concrete sidewalks and landscaped area (see Figure 3).

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.

A Site inspection of the property was conducted by staff during this reporting period on June 15, 2021, June 28, 2022, and May 9, 2023. At the time of the inspections, the property was being used as a mixed-use commercial office-retail space and residential apartments, with surface parking, courtyard, paved walkways and landscaped areas. No observable indication of intrusive activities was noted during the Site inspection, no material was imported to the Site, and no observable use of groundwater was noted during the Site inspection. Minor bare grass areas were noted next to the western parking lot and will be reseeded by landscape crew. No additional topsoil is planned to be imported.

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, the Site was in compliant with engineering and institutional control requirements.

The following modifications are recommended for the Site.

- Modification of the reporting period to every fifth year (5-yr).

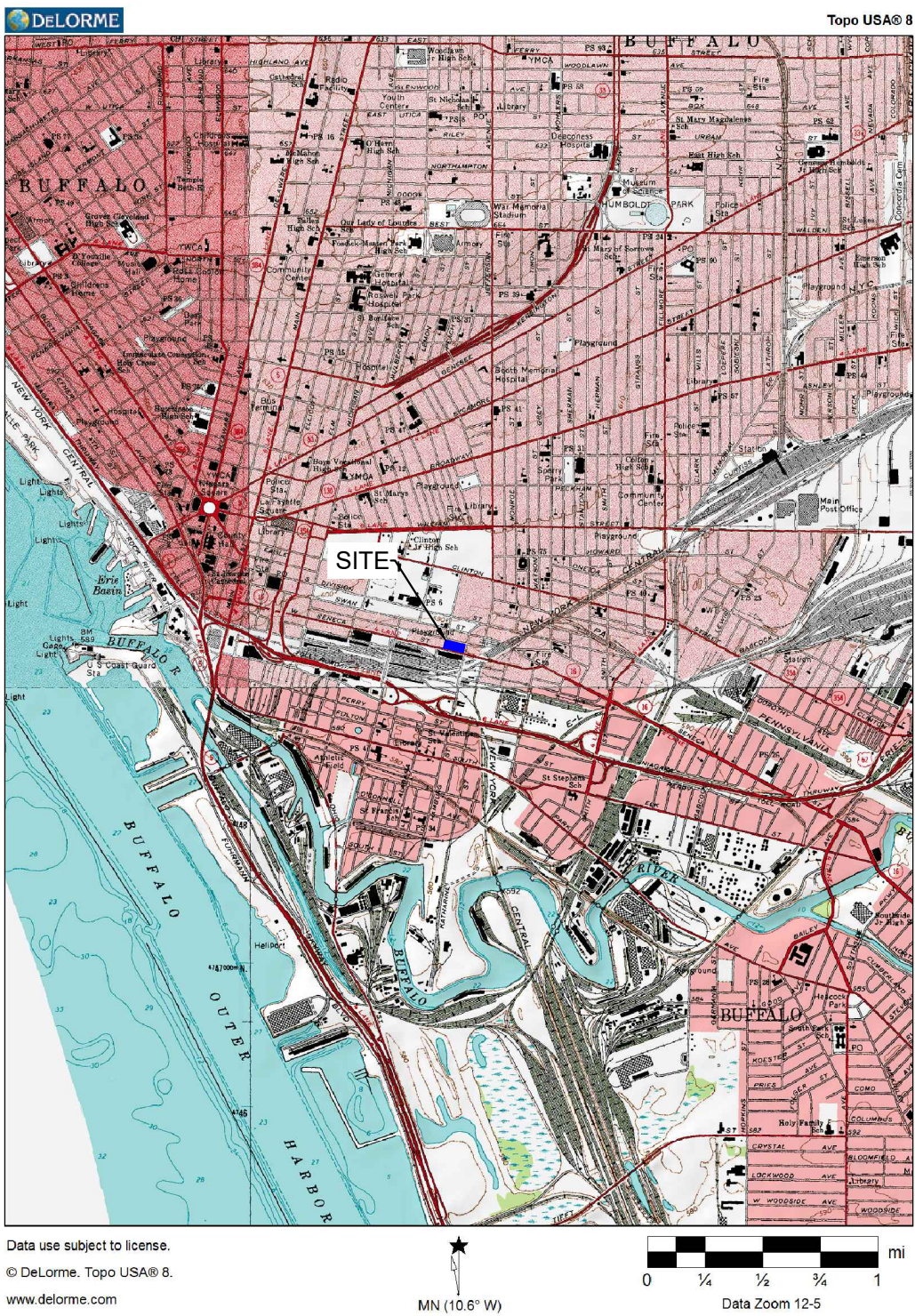
6.0 DECLARATION/LIMITATION

Benchmark Civil/Environmental Engineering & Geology, PLLC, in association with TurnKey Environmental Restoration, LLC, personnel conducted the annual Site inspections for BCP Site No. C915273, located in Buffalo New York, according to generally accepted practices.

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 Civil/Environmental Engineering & Geology, PLLC.

FIGURES

FIGURE 1



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

PROJECT NO.: 0270-023-001

DATE: JULY 2023

DRAFTED BY: CEH

SITE LOCATION AND VICINITY MAP

PERIODIC REVIEW REPORT

500 SENECA STREET
BCP NO. C915273
BUFFALO, NEW YORK
PREPARED FOR
500 SENECA STREET, LLC

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



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

PROJECT NO.: 0270-023-001

DATE: JULY 2023

DRAFTED BY: CEH

SITE PLAN (AERIAL)

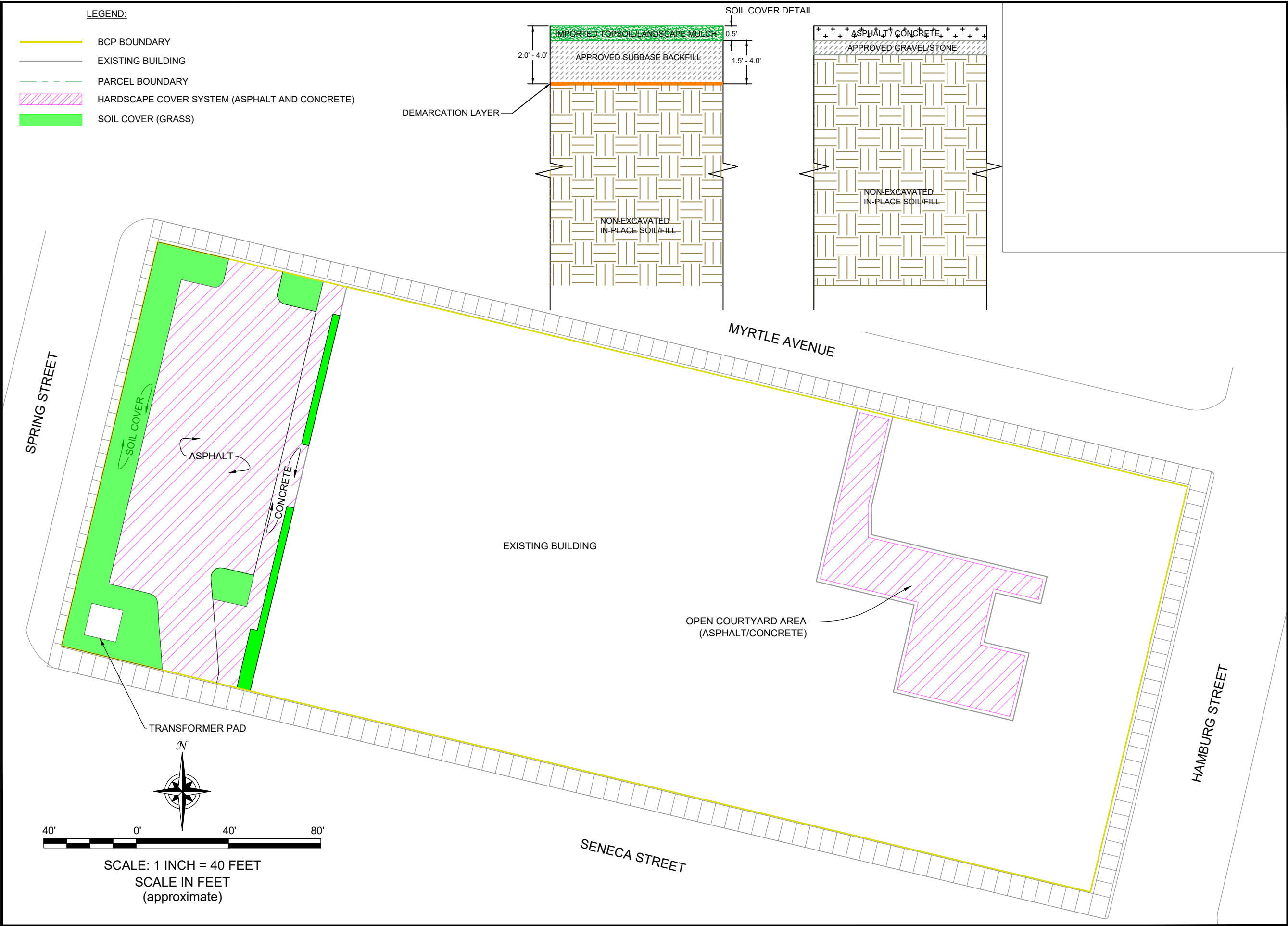
PERIODIC REVIEW REPORT

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

PREPARED FOR
500 SENECA STREET, LLC

FIGURE 2

DISCLAIMER:
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COVER SYSTEM LAYOUT AND DETAIL (RECORD DRAWING)

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



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

JOB NO.: 0270-023-001

FIGURE 3

DISCLAIMER:
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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 No.	C915273	Site Details	Box 1
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, 2020 to June 01, 2023			
			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"/>
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. 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&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 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. 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 Cusack at 500 Seneca Street, Suite 508
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.

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

July 6, 2023
Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

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

I Thomas Forbes, PE at Benchmark
2559 Hamburg Tpk
Buffalo, NY 14218
print name print business address

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

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



7-10-23
Date



INSPECTOR'S DAILY REPORT

CONTRACTOR:	JOB NO.:
CLIENT:	DATE: 15 Jun 2021

LOCATION: 500 Sineca	DAY: Su M Tu W Th F Sa
WEATHER: Cool, cloudy	TEMP: 70's °F
START:	END:

WORK PERFORMED:

2021 Site Inspection

- Exterior parking lot - good
- Landscape areas - good
- Perimeter bldg - good

TEST PERFORMED:

QA PERSONNEL:

SIGNATURE:



INSPECTOR'S DAILY REPORT

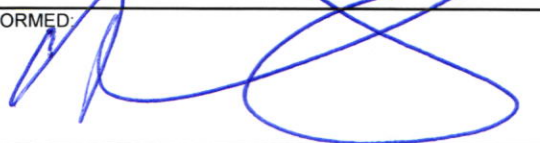
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CONTRACTOR:	JOB NO.:
CLIENT:	DATE: 28 June 2022

LOCATION: 500 Seneca Street	DAY: Su M Tu W Th F Sa
WEATHER: Cool, clear	TEMP: °F
START:	END:

WORK PERFORMED:

- 2022 Site Inspection
- walk around exterior
 - Parking lot - good condition
 - Landscape - good

TEST PERFORMED: 	QA PERSONNEL:
	SIGNATURE:



INSPECTOR'S DAILY REPORT

CONTRACTOR:	JOB NO.:
CLIENT:	DATE: 9 May 2023

LOCATION: 500 Seneca Street	DAY: Su M Tu W Th F Sa
WEATHER: Clear, warm	TEMP: 70's °F
START:	END:

WORK PERFORMED:

2023 Site Inspection

- DEC PM (MK) present
- Exterior parking lot - good
- Landscape areas - good
↳ minor bare grass / no mow
- Interior / Basement - good
- Bldg - good

TEST PERFORMED:

QA PERSONNEL:

SIGNATURE:

APPENDIX B

SITE PHOTOLOG

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: Cover Site Inspection – landscape area along building Springs Street Parking lot (looking south)

500 Seneca Street Site
Buffalo, New York
May 9, 2023



SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



Photo 5: Cover Site Inspection – Spring Street parking lot (looking south)

Photo 6: Site Inspection – Myrtle Avenue (looking east)

Photo 7: Site Inspection – Hamburg Street (looking south)

Photo 8: Site Inspection – Seneca Street (looking west)

500 Seneca Street Site
Buffalo, New York
May 9, 2023

