Brownfield Cleanup Program Application

Former Trico Plant
791 Washington Street
Buffalo, New York

August 2013 0092-013-500

Prepared For: 847 Main Street, LLC

Prepared By:

TurnKey Environmental Restoration, LLC

2558 Hamburg Turnpike, Suite 300, Buffalo, New York 14218 | phone: (716) 856-0599 | fax: (716) 856-0583

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP)

ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #:

07/2010

Section I. Requestor Information

NAME 847 Main Street, LLC

ADDRESS 4 Centre Drive

CITY/TOWN Orchard Park ZIP CODE 14127

PHONE (716) 667-1234 | FAX (716) 667-1258 | E-MAIL

Is the requestor authorized to conduct business in New York State (NYS)? ☑ Yes ☐ No

-If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.

NAME OF REQUESTOR'S REPRESENTATIVE Peter L. Krog, Sr.

ADDRESS 4 Centre Drive

CITY/TOWN Orchard Park ZIP CODE 14127

PHONE (716) 667-1234 | FAX (716) 667-1258 | E-MAIL PLKrog@krogcorp.com

NAME OF REQUESTOR'S CONSULTANT TurnKey Environmental Restoration, LLC

ADDRESS 2558 Hamburg Turnpike, Suite 300

CITY/TOWN Buffalo ZIP CODE 14218

PHONE 716-856-0599 | FAX 716-856-0583 | E-MAIL MLesakowski@turnkeyllc.com

NAME OF REQUESTOR'S ATTORNEY Craig A. Slater, The Slater Law Firm, PLLC

ADDRESS 26 Mississippi Street, Suite 400

CITY/TOWN Buffalo, NY ZIP CODE 14203

PHONE 716-845-6760 | FAX NA | E-MAIL cslater@cslaterlaw.com

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

PARTICIPANT
A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

☑ VOLUNTEER (See Section I)
A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

Requestor Relationship to Property (check one):

Previous Owner Current Owner ☑ Potential /Future Purchaser ☐ Other _____

If requestor is not the site owner, requestor will have access to the property throughout the BCP project. ☑ Yes No

-Proof of site access must be submitted for non-owners (See Section I)

Section II. Property Information

Check here if this application is to request significant changes to property set forth in an existing BCA: ☐
Existing BCP site number:_____

PROPERTY NAME Former Trico Plant

ADDRESS/LOCATION 791 Washington Street CITY/TOWN Buffalo ZIP CODE 14203

MUNICIPALITY(IF MORE THAN ONE, LIST ALL): City of Buffalo

COUNTY Erie SITE SIZE (ACRES) 2.11

LATITUDE (degrees/minutes/seconds) 42 ° 53 ‘ 43.2 “ LONGITUDE (degrees/minutes/seconds) 78 ° 52 ‘ 10.8 “

HORIZONTAL COLLECTION METHOD: ☐ SURVEY ☐ GPS ☑ MAP HORIZONTAL REFERENCE DATUM: WSG84

COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
791 Washington Street	1	111.31	1	1.11	2.11

1. Do the property boundaries correspond to tax map metes and bounds? ☑ Yes ☐ No
   If no, please attach a metes and bounds description of the property.
2. Is the required property map attached to the application? (application will not be processed without map) ☑ Yes ☐ No
3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)? ☑ Yes ☐ No
   For more information please see Empire State Development’s website.
   If yes, identify area (name) Census Tract 25.02
   Percentage of property in En-zone (check one): ☐ 0-49% ☐ 50-99% ☑ 100%
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? If yes, identify name of properties in related BCP applications:_____ ☐ Yes ☑ No

5. Property Description Narrative: (See Section II)

The Former Trico Plant is a complex of industrial buildings located in the densely developed urban center of downtown Buffalo, New York. The complex consists of five buildings constructed from circa 1890 to 1954. The Trico Products Corporation manufactured windshield wiper blades for the automobile industry at the Site from circa 1920 to 1990.

6. List of Existing Easements (type here or attach information)

Easement Holder	Description
None	

7. List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)

Type	Issuing Agency	Description
None		

If any changes to Section II are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: _____ _____ _____ _____ _____ _____

Section III. Current Property Owner/Operator Information

OWNER'S NAME Buffalo Brownfield Restoration Corporation		
ADDRESS 275 Oak Street		
CITY/TOWN Buffalo	ZIP CODE 14203	
PHONE (716) 362-8361	FAX N/A	E-MAIL pcammarata@buffalourbandevelopment.com
OPERATOR'S NAME (Same as Owner)		
ADDRESS		
CITY/TOWN	ZIP CODE	
PHONE	FAX	E-MAIL

Section IV. Requestor Eligibility Information (Please refer to ECL § 27-1407)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? ☐ Yes ☑ No
2. Is the requestor subject to an existing order relating to contamination at the site? ☐ Yes ☑ No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? ☐ Yes ☑ No
4. Has the requestor been determined to have violated any provision of ECL Article 27? ☐ Yes ☑ No
5. Has the requestor previously been denied entry to the BCP? ☐ Yes ☑ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? ☐ Yes ☑ No
7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? ☐ Yes ☑ No
8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? ☐ Yes ☑ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☑ No

Section V. Property Eligibility Information (Please refer to ECL § 27-1405)

1. Is the property, or was any portion of the property, listed on the National Priorities List? ☐ Yes ☑ No
   If yes, please provide relevant information as an attachment.
2. Is the property, or was any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites? ☐ Yes ☑ No
   If yes, please provide: Site #_____ Class # _____
3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☑ No
   If yes, please provide: Permit type:_____ EPA ID Number:_____
   Date permit issued:_____ Permit expiration date:_____
4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10? ☐ Yes ☑ No
   If yes, please provide: Order #_____
5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☑ No
   If yes, please provide explanation as an attachment.

Section VI. Project Description

What stage is the project starting at? ☑ Investigation ☐ Remediation

Please attach a description of the project which includes the following components:

- Purpose and scope of the project
- Estimated project schedule

(See Section VI)

Section VII. Property's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. Environmental Reports

A Phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): ☐Yes ☑No

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	x				
Chlorinated Solvents					
Other VOCs					
SVOCs	x				
Metals	x				
Pesticides					
PCBs	x	x			
Other*					

*Please describe: Known inorganic and PCB impacts have been identified on interior surfaces of the Site building

3. SUSPECTED CONTAMINANTS: INDICATE SUSPECTED CONTAMINANTS AND THE MEDIA WHICH MAY HAVE BEEN AFFECTED. PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	X	X			X
Chlorinated Solvents	X	X			X
Other VOCs					
SVOCs	X	X			
Metals	X	X			
Pesticides					
PCBs	X	X			
Other*					

*Please describe: Asbestos in building materials

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS (CHECK ALL THAT APPLY). PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT. (See Section VII)

☐Above Ground Pipeline or Tank ☐Lagoons or Ponds ☑Underground Pipeline or Tank ☑Surface Spill or Discharge
☑Routine Industrial Operations ☐Dumping or Burial of Wastes ☐Septic tank/lateral field ☐Adjacent Property
☑Drums or Storage Containers ☐Seepage Pit or Dry Well ☑Foundry Sand ☑Electroplating
☐Coal Gas Manufacture ☐Industrial Accident ☐Unknown
Other: _____

5. INDICATE PAST LAND USES (CHECK ALL THAT APPLY): (See Section VII)

☐Coal Gas Manufacturing ☑Manufacturing ☐Agricultural Co-op ☐Dry Cleaner ☐Salvage Yard ☐Bulk Plant
☐Pipeline ☐Service Station ☐Landfill ☐Tannery ☑Electroplating ☐Unknown
Other: Foundry

6. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE". (See Section VII)

Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property.

Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

1. Current Use: ☐Residential ☐Commercial ☐Industrial ☑Vacant ☐Recreational (check all that apply)
Provide summary of business operations as an attachment.

2. Intended Use Post Remediation: ☐Unrestricted ☑Residential ☑Commercial ☐Industrial (check all that apply)
Provide specifics as an attachment.

3. Do current historical and/or recent development patterns support the proposed use? (See #14 below re: discussion of area land uses)	☑Yes ☐No
4. Is the proposed use consistent with applicable zoning laws/maps?	☑Yes ☐No
5. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?	☑Yes ☐No
6. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	☐Yes ☑No
7. Are there any federal or state land use designations relating to this site?	☐Yes ☑No
8. Do the population growth patterns and projections support the proposed use? (See Section IX)	☑Yes ☐No
9. Is the property accessible to existing infrastructure?	☑Yes ☐No
10. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile? (See Section IX)	☑Yes ☐No
11. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile? (See Section IX)	☐Yes ☑No
12. Are there floodplains within ½ mile? (See Section IX)	☐Yes ☑No
13. Are there any institutional controls currently applicable to the property?	☐Yes ☑No

14. Describe the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas in an attachment. (See Section IX)

15. Describe the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas in an attachment. (See Section IX)

16. Describe the geography and geology of the site in an attachment. (See Section IX)

Section X. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____ Print Name: _____

(By an requestor other than an individual)

I hereby affirm that I am Managing Member (title) of 847 Main Street, LLC (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 8/10/13 Signature: _____ Print Name: Peter L. Krog, Sr.

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD, must be sent to:

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

- **One (1)** paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices.

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ **LEAD OFFICE:** _____

LIST OF SUPPLEMENTAL INFORMATION

NYSDEC Brownfield Cleanup Program Application
Former Trico Plant
Buffalo, New York

Section No.	Section Title	Question No.	Description
I	Requestor Information	--	BCP Eligibility Statement
		--	Signature Resolution
		--	NYS Department of State - Entity Information & Filing Receipt
		--	Proof of Site Access - Letter of Intent
II	Property Information	5	Property Description
VI	Project Description	--	Purpose and Scope of the Project
		--	Estimated Project Schedule
VII	Property's Environmental History	1	Environmental Reports
		2	Analytical Laboratory Reports
		3	Basis for Suspected Contaminants
		4	Basis for Known/Suspected Sources of Contamination
		5	Past Land Uses
		6	List of Previous Property Owners and Operators
VIII	Contact List Information	1, 3-6	Brownfield Site Contact List
		2	Resident and Commercial Contact List
		7	Document Repository Confirmation Letter
IX	Land Use Factors	2	Proposed Post-Remediation Use of the Site
		3	Historical and/or Recent Development Patterns
		4	Applicable Zoning Laws/Maps
		5	Comprehensive Land Use Plans
		10	Cultural Resources Within 1/2 Mile
		11	Natural Resources Within 1/2 Mile
		12	Floodplains Within 1/2 Mile
		14	Adjacent Land Uses
		15	Groundwater Vulnerability Assessment
		16	Site Geography/Geology

LIST OF TABLES, FIGURES, AND APPENDIX

NYSDEC Brownfield Cleanup Program Application
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Buffalo, New York

TABLES

FIGURES

APPENDIX

SECTION I

REQUESTOR INFORMATION

BCP ELIGIBILITY STATEMENT

SIGNATURE RESOLUTION

NYS DEPARTMENT OF STATE – ENTITY INFORMATION AND FILING RECEIPT

PROOF OF SITE ACCESS – LETTER OF INTENT

Section I
BCP Eligibility Statement

Former Trico Plant
791 Washington Street
Brownfield Cleanup Program Application

ELIGIBILITY FOR ACCEPTANCE INTO THE BROWNFIELD CLEANUP PROGRAM

The Site meets the definition of a "Brownfield site" as set forth in New York State Environmental Conservation Law (the "ECL"). The ECL Section 27-1405(2) defines a "Brownfield site" as "any real property, the development or reuse of which may be complicated by the presence or potential presence of a contaminant". The regulations in 6NYCRR 375-3.3(a)(1) reiterate that a brownfield site has two elements and adds a "reasonable basis" test to each:

> (1) A brownfield site has two elements:
>
> (i) There must be confirmed contamination on the property or a reasonable basis to believe that contamination is likely to be present on the property (the "Contamination Element"); and,
>
> (ii) There must be a reasonable basis to believe that the contamination or potential presence of contamination may be complicating the development, use or re-use of the property (the "Complication Element")

Moreover, the New York State Department of Environmental Conservation BCP Eligibility Guidance dated March 2005 which is incorporated into the Brownfield Cleanup Program Guide establishes several factors that the Department considers in evaluating whether the Contamination Element and the Complication Element exist.

The Contamination Element

The Department considers the following factors with respect to the Contamination Element, to the extent they are relevant to the proposed Site:

(A) The nature and extent of known or suspected contamination;

(B) Whether contaminants are present at levels that exceed standards, criteria or guidance;

(C) Whether contamination on the proposed site is historic fill material or exceeds background levels;

(D) Whether there are or were industrial or commercial operations at the proposed site which may have resulted in environmental contamination; and/or,

(E) Whether the proposed site has previously been subject to closure, a removal action, an interim or final remedial action, corrective action or any other cleanup activities performed by or under the oversight of the State or Federal government.

The Contamination Element of the BCP Eligibility Test has clearly been met in this application because:

A. The previous investigations have established that building materials and on-site soils have been impacted by contaminants which will require remediation. See Section VII.

B. Contaminated soils, evidenced by analytical sample results, are present on-Site in exceedance of the 6NYCRR Part 375 Unrestricted, Restricted-Residential, and Commercial Soil Cleanup Objectives.

C. An estimated 144,000 gallons of PCB-impacted water is present in the sub-basement of the Site buildings.

D. Contamination on the proposed site is not a result of imported historical fill material. Rather, it is associated with the known historical use of the site for the industrial manufacturing of windshield wiper blades.

E. Historical industrial manufacturing at the Site included the use, storage, and known release to the interior of the building of PCBs, metals, and PAHs. The Limited Subsurface Investigation performed on the property confirmed that these materials have apparently impacted underlying soil. See Section VII.

F. The proposed Site has not previously been subject to closure, a removal action, an interim or final remedial action performed by or under the oversight of the State or Federal government.

Section I
BCP Eligibility Statement

Former Trico Plant
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The Complication Element

The Department considers the following factors with respect to the Complication Element; to the extent they are relevant to the proposed Site:

(A) Whether the proposed site is idled, abandoned or underutilized;

(B) Whether the proposed site is unattractive for redevelopment or reuse due to the presence or reasonable perception of contamination;

(C) Whether properties in the immediate vicinity of the proposed site show indicators of economic distress such as high commercial vacancy rates or depressed property values; and/or,

(D) Whether the estimated cost of any necessary remedial program is likely to be significant in comparison to the anticipated value of the proposed site as redeveloped or reused.

As described within this BCP application, it is respectfully submitted that there is a reasonable basis to believe that the contamination known and suspected to be present on the Site is complicating the development, use or re-use of the Site. First, the Site, suspected to be contaminated, has sat idle, abandoned and underutilized since at least 2000. The Site is unattractive for redevelopment or reuse due to the actual presence of contamination and the reasonable perception that there is additional contamination most likely present on the Site also in need of remediation.

In addition, the Site is located in a BCP Environmental Zone and a "highly distressed area" as defined under New York General Municipal Law as it has a poverty rate of at least 20% and an unemployment rate of at least 125% of the New York State average, or a poverty rate of at least double the rate for the county in which the tract is located. As described herein, and based on the results of the July 2013 Limited Subsurface Investigation, a comprehensive soil, groundwater and soil vapor investigation is warranted to characterize the full extent of environmental impacts. The Applicant proposes to remediate contaminated conditions, in addition to making greater than $10 million in capital investment.

Section I
BCP Eligibility Statement

Former Trico Plant
791 Washington Street
Brownfield Cleanup Program Application

The Requestor as a Volunteer

A BCP applicant may be either a "Participant" or a "Volunteer."

A "Participant" is an applicant who either (i) was the owner of the site at the time of the disposal or discharge of contaminants; or (ii) is otherwise responsible according to applicable principles of statutory or common law liability, unless such person's liability arises solely as a result of such person's ownership or operation of or involvement with the site subsequent to the disposal or discharge. NY ECL 27-1405(1)(a). This definition is repeated verbatim at 6 NYCRR 375-3.2(b)(1) and is paraphrased in the Brownfield Cleanup Program Guide at Section 2.4(1)(A).

A "Volunteer" is an applicant other than a participant, including a person whose liability arises solely as a result of such person's ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants provided that such person exercises appropriate care with respect to the contamination. NY ECL 27-1405(1)(b). This definition is repeated verbatim at 6 NYCRR 375-3.2(b)(2) and is paraphrased in the Brownfield Cleanup Program Guide at Section 2.4(1)(B).

Since the Applicant became involved with the property after the disposal or discharge of contaminants, and has exercised appropriate care with respect to the contamination, it is entitled to Volunteer status under NY ECL27-1405(1)(b).

Based on the foregoing and as further set forth in this BCP application, the Site meets the Contamination Element and the Complication Element tests. As such, the Site qualifies as a Brownfield Site eligible for participation in the BCP, with the Applicant as a Volunteer, because (A) there is confirmed contamination on the Site, and (B) the contamination is complicating the redevelopment and re-use of the Site.

BUFFALO BROWNFIELD RESTORATION CORPORATION

August 5, 2013

Mr. Martin Doster
New York State Division of Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203

Re: Property Access for 847 Main Street, LLC
Former Trico Manufacturing Facility
791 Washington Street, Buffalo, New York

Dear Mr. ~~Doster~~ Marty:

Please be advised that the property located at 791 Washington Street (Tax Map No. 111.31-1-1.11) is subject to the terms of a Designated Developer Agreement between Buffalo Brownfield Restoration Corporation (BBRC), the property owner, and Buffalo Niagara Medical Campus, Inc. (BNMC), the designated developer.

We understand that 847 Main Street, LLC is a contract vendee to BNMC and plans to redevelop the property on behalf of BNMC. We have also been advised that 847 Main Street, LLC and its agents (including TurnKey Environmental Restoration, LLC) require access to the property for purposes relating to the Brownfield Cleanup Program. This letter confirms that BNMC has full right of access to the property, and that 847 Main Street, LLC and its agents have the right to access the property subject to any property access protocols or requirements of BNMC.

Please contact the undersigned if you have any questions regarding this letter.

Very truly yours,

Peter M. Cammarata
Vice President

cc: Mark McGovern, Buffalo Niagara Medical Campus, Inc.
Peter L. Krog Sr., 847 Main Street, LLC

143 Genesee Street, Buffalo, New York 14203
716-856-6525; 716-856-6754 Fax

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through July 22, 2013.

Selected Entity Name: 847 MAIN STREET, LLC

Selected Entity Status Information

Current Entity Name:	847 MAIN STREET, LLC
DOS ID #:	2695263
Initial DOS Filing Date:	NOVEMBER 01, 2001
County:	ERIE
Jurisdiction:	NEW YORK
Entity Type:	DOMESTIC LIMITED LIABILITY COMPANY
Current Entity Status:	ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

847 MAIN STREET, LLC
4 CENTRE DR.
ORCHARD PARK, NEW YORK, 14127

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by viewing the certificate.

***Stock Information**

# of Shares	Type of Stock	$ Value per Share

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
NOV 05, 2001	Actual	847 MAIN STREET, LLC
NOV 01, 2001	Actual	836 MAIN STREET, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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RESOLVED, thatMr. Peter Krog Sr., Managing Member of 847 Main Street, LLC (Company) be hereby authorized and empowered to sign a Brownfield Cleanup Agreement (BCA)for property referred to as the Former Trico Plantwith New York State Department of Environmental Conservation (NYSDEC), in the name of and on behalf of this Company.

The undersigned hereby certify that he is the duly qualified Managing Member and custodian of the books and recordsof 847 Main Street, LLC,a corporation duly formed pursuant to the laws of the State of New York,and that the foregoing is a true record of a resolution duly adopted by the Membersat a meeting of 847 Main Street, LLC and that said meeting was held in accordance with state law and the Bylaws of the above-named Corporation on July 30, 2013,and that said resolution is now in full force and effect without modification or rescission.

IN WITNESS WHEREOF, I have executed my name as Memberof the above-named Company this 30th day ofJuly 2013.

(Signature)	Peter Krog, Sr. (Print Name)	Managing Member (Title)
(Signature)	PETER L. KROG II (Print Name)	Member (Title)
(Signature)	Gay Krog (Print Name)	Member (Title)
(Signature)	(Print Name)	Member (Title)
(Signature)	(Print Name)	Member (Title)

ACKNOWLEDGMENT

(STATE OF NEW YORK)

(COUNTY OF ERIE)

On the 30th day of July in the year 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Peter L. Krog, Peter L. Krog II, Gay Krog, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon the behalf of which the individual(s) acted, executed the instrument.

Notary Public

TINA CROOM
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 12/07/2014

SECTION II

PROPERTY INFORMATION

QUESTION NO.	***DESCRIPTION***
5	***PROPERTY DESCRIPTION***

Section II – Question 5
Property Information

Former Trico Plant
Brownfield Cleanup Program Application

PROPERTY DESCRIPTION

The subject property is comprised of a single tax map parcel in the densely developed urban center of the City of Buffalo, Erie County, New York as illustrated on Figures II-1 to II-4 and described below:

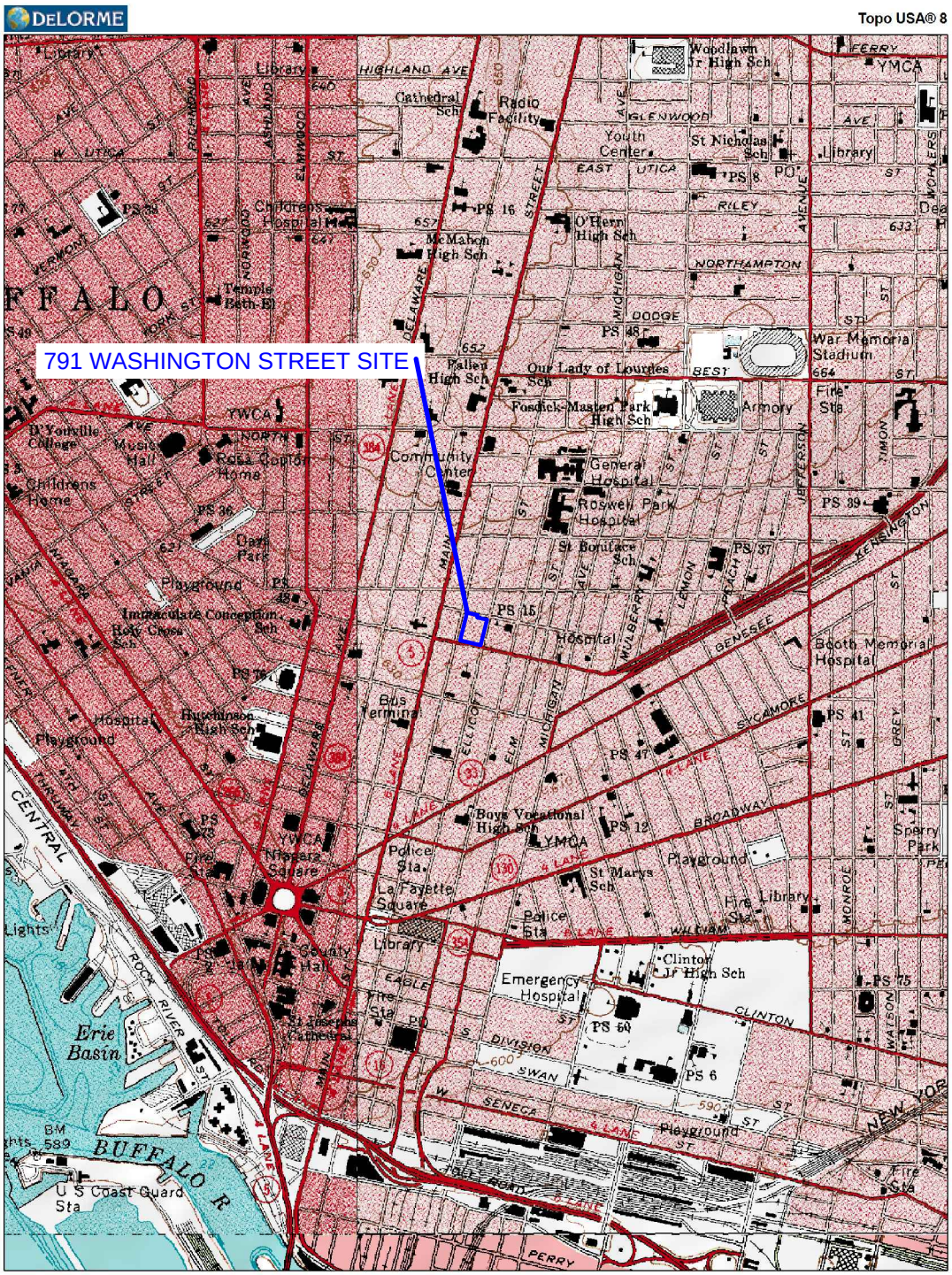
- 791 Washington Street (Tax Map No. 111.31-1-1.11): 2.11 acre parcel in the City of Buffalo, currently owned by the Buffalo Brownfield Restoration Corporation

The property is immediately bounded by commercial and residential properties to the north; Ellicott Street and a parking lot to the east; Goodell Street and the Eastman Machine Company to the south; and Washington Street and commercial and residential properties to the west.

The property is currently developed with a complex of five industrial buildings totaling 617,627 square feet. The oldest of the five buildings was constructed circa 1890 as a portion of the Christian Weyand Brewery which operated at the Site until the enactment of prohibition. The building was purchased in 1920 by the Trico Products Corporation for the manufacturing of windshield wipers for the automobile industry. The remaining buildings were constructed from 1920 to 1954. The Trico Products Corporation operated at the Site until circa 1990. Operations included electroplating, smelting, die-casting, rubber extrusion, and metal fabrication.

F:\CAD\TurnKey\Krog\Former Trico Building BCP\BCP Application\Figure II-1, Site Location and Vicinity Map.dwg

FIGURE II-1



TurnKey Environmental Restoration, LLC
2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0635

PROJECT NO.: 0092-013-500

DATE: JUNE 2013

DRAFTED BY: BLR

SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

FORMER TRICO PLANT

BUFFALO, NEW YORK

PREPARED FOR

847 MAIN STREET, LLC

F:\CAD\TurnKey\Krog\Former Trico Building BCP\BCP Application\Figure II-2, Site Plan (Aerial).dwg

DATE: JUNE 2013
DRAFTED BY: BLR

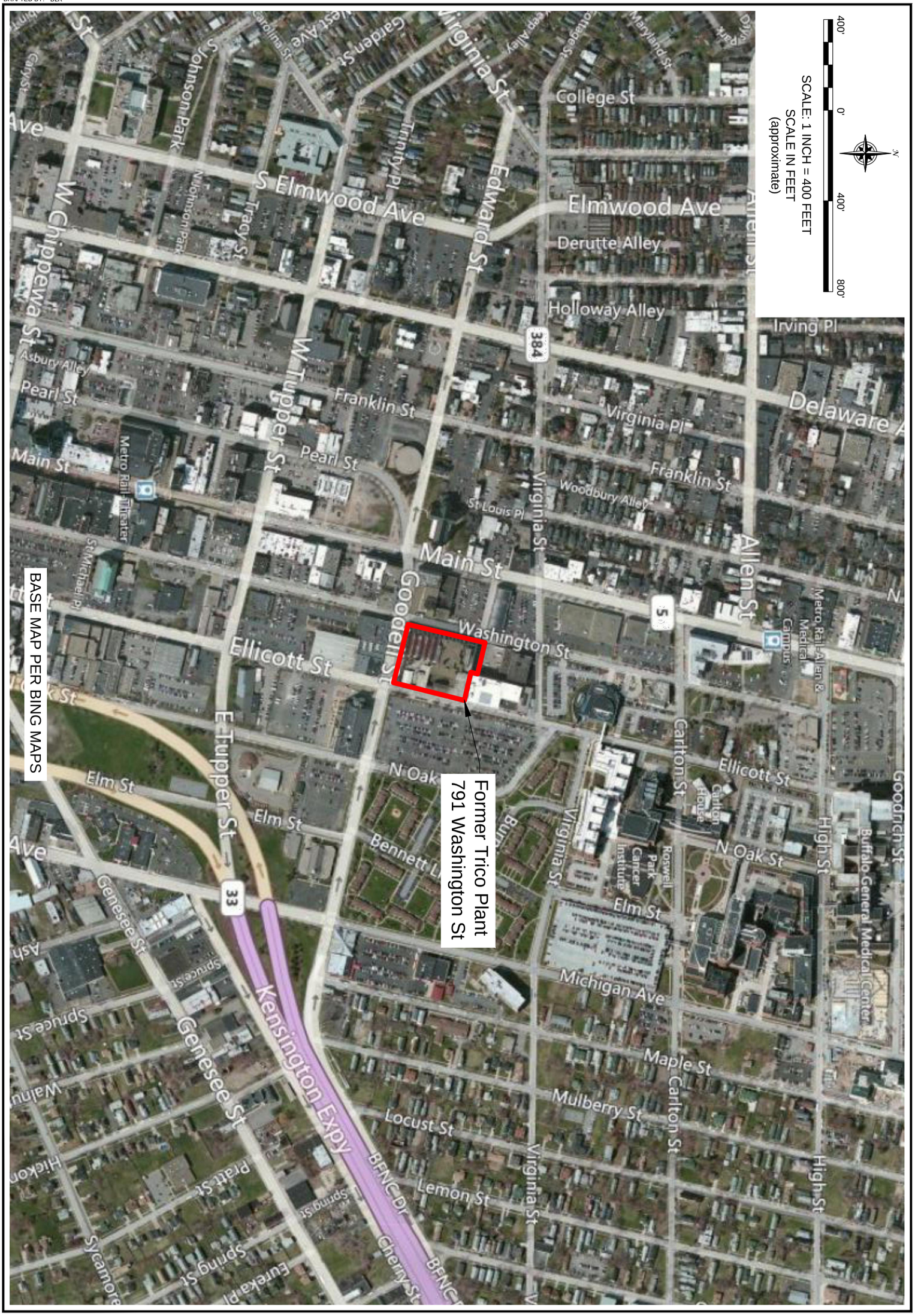


FIGURE II-2

SITE PLAN

BROWNFIELD CLEANUP PROGRAM APPLICATION

FORMER TRICO PLANT

BUFFALO, NEW YORK

PREPARED FOR

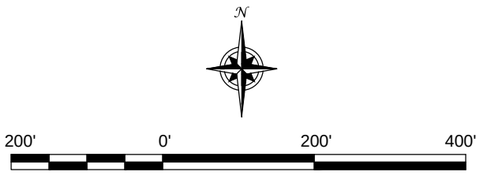
847 MAIN STREET, LLC

TURNKEY ENVIRONMENTAL RESTORATION, LLC

2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0635

JOB NO.: 0092-013-500

Note: SBL numbers provided in red.



SCALE: 1 INCH = 200 FEET
SCALE IN FEET
(approximate)

BASE MAP PER ERIE COUNTY GIS

ADJACENT PROPERTY OWNERS:

65: FNUB INC.
77: FNUB INC.
525: 640 ELLICOTT STREET LLC
589: 589 ELLICOTT STREET LLC
640: 640 ELLICOTT STREET LLC
674: 674 ELLICOTT STREET INC.
685: CITY OF BUFFALO
777: SIDWAY BUILDING APARTMENT LLC
779: NOSNEVETS LLC
785: THE DIOCESE OF BUFFALO
815: THE DIOCESE OF BUFFALO
819: THE DIOCESE OF BUFFALO
821: THE DIOCESE OF BUFFALO
821: 640 ELLICOTT STREET INC
835: VIRGINIA WASHINGTON INC.

2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0635

JOB NO.: 0092-013-500

TAX MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
FORMER TRICO PLANT
BUFFALO, NEW YORK
PREPARED FOR
847 MAIN STREET, LLC

FIGURE II-3

DATE: JUNE 2013
DRAFTED BY: BLR

F:\CAD\TurnKey\Kog\Former Trico Building BCP\BCP Application\Figure II-3 Tax Map.dwg

F:\CAD\TurnKey\Krog\Former Trico Building BCP\BCP Application\Figure II-4a, Property Base Map.dwg

DATE: JUNE 2013
DRAFTED BY: BLR

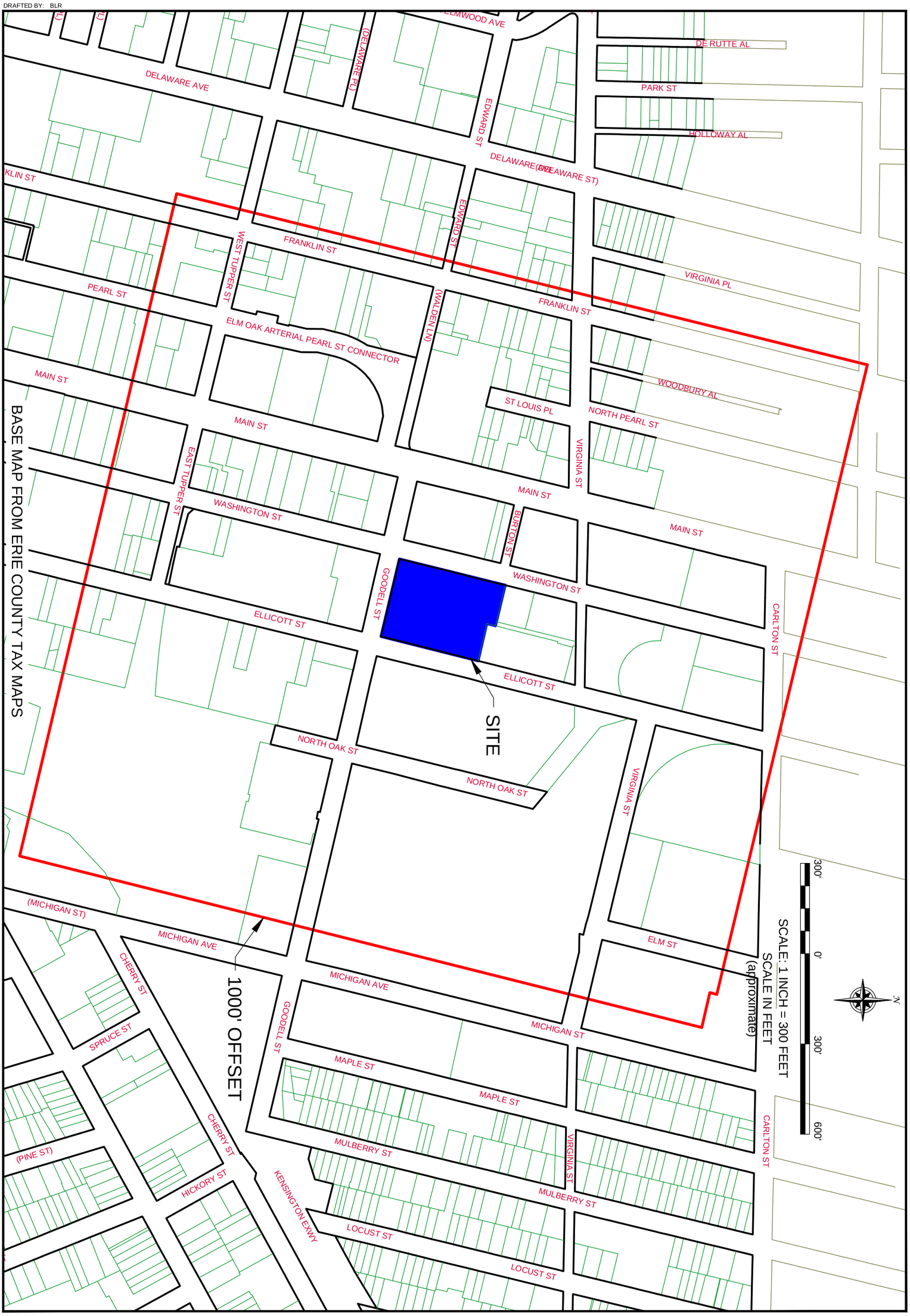


FIGURE II-4a

PROPERTY BASE MAP (1"=300' WITH 1000' SETBACK)

BROWNFIELD CLEANUP PROGRAM APPLICATION

FORMER TRICO PLANT

BUFFALO, NEW YORK

PREPARED FOR

847 MAIN STREET, LLC

TURNKEY ENVIRONMENTAL RESTORATION, LLC

2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0635

JOB NO.: 0092-013-500

F:\CAD\TurnKey\Krog\Former Trico Building BCP\BCP Application\Figure II-4b, Property Base Map.dwg

VIRGINIA PL
WOODBURY AL
NORTH PEARL ST
MAIN ST
VIRGINIA ST
ELM ST
MICHIGAN ST
FRANKLIN ST
ST LOUIS PL
MAIN ST
BURTON ST
WASHINGTON ST
ELLICOTT ST
NORTH OAK ST
WARD ST
(WALDEN LN)
SITE
GOODELL ST
FRANKLIN ST
ELM OAK ARTERIAL PEARL ST CONNECTOR
MAIN ST
WASHINGTON ST
ELLICOTT ST
NORTH OAK ST
MICHIGAN AVE
MAPLE ST
GOODELL ST
WEST TUPPER ST
EAST TUPPER ST
MICHIGAN AVE

N

200' 0' 200' 400'

SCALE: 1 INCH = 200 FEET
SCALE IN FEET
(approximate)

BASE MAP FROM ERIE COUNTY TAX MAPS

DATE: JUNE 2013
DRAFTED BY: BLR

2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0635

TurnKey Environmental Restoration, LLC

JOB NO.: 0092-013-500

PROPERTY BASE MAP (1"=200')

BROWNFIELD CLEANUP PROGRAM APPLICATION
FORMER TRICO PLANT
BUFFALO, NEW YORK
PREPARED FOR
847 MAIN STREET, LLC

FIGURE II-4b

SECTION VI

PROJECT DESCRIPTION

PURPOSE AND SCOPE OF THE PROJECT

ESTIMATED PROJECT SCHEDULE

Section VI
Project Description and Estimated Schedule

Former Trico Plant
Brownfield Cleanup Program Application

PROJECT DESCRIPTION

847 Main Street, LLC intends to purchase the Site and perform the required BCP Site investigation and remediation to create a property suitable for planned commercial and residential facilities. While project redevelopment plans have not been finalized, 847 Main Street, LLC envisions a capital investment of greater than $10 million to purchase, remediate, and redevelop the Site for commercial hotel/office/retail and residential apartments/condominiums. The project will result in the redevelopment and reuse of an environmentally impaired property into a productive, community-enhancing mixed-used commercial/residential facility. Construction activities will create temporary construction jobs and future redevelopment will create new permanent positions upon opening of the new facility.

847 Main Street, LLC, acting as non-responsible volunteer, is willing to investigate and remediate the Site under the BCP, and is submitting this BCP application for eligibility into the Program along with a Remedial Investigation (RI) Work Plan for NYSDEC review and approval. The RI Work Plan will be designed to delineate known areas of impact, evaluate Site groundwater quality and evaluate other potential environmental conditions on the Site. Ultimately, 847 Main Street, LLC intends to remediate impacted soil/fill to achieve Restricted Residential soil cleanup objectives (SCOs).

Section VI
Project Description and Estimated Schedule

Former Trico Plant
Brownfield Cleanup Program Application

ESTIMATED PROJECT SCHEDULE

The environmental engineering and consulting tasks associated with the project are listed below with an estimated schedule of completion:

Task	Timeframe
Submit BCP Application & RI Work Plan	August 2013
NYSDEC Completeness Review Period	August 2013
Advertisement & 30-day Public Comment Period	August-September 2013
BCA Executed	September 2013
Perform RI Field Work	September-October 2013
Remedial Investigation (RI)/Alternatives Analysis (AA) Report: Prepare Draft RI/AA Report, NYSDEC Review Period, Finalize RI/AA Report	December 2013-January 2014
NYSDEC Issuance of Proposed Decision Document & Public Comment (45 Days)	January-February 2014
Remedial Action Work Plan (RAWP): Prepare Draft RAWP, NYSDEC Review Period, Issue Fact Sheet, Finalize RAWP, Issue Notice Prior to Construction	February-March 2014
Implement Remedial Measures	April-August 2014
Post-Remedial Documents: Prepare Site Management Plan (SMP), Environmental Easement (EE), and Final Engineering Report; NYSDEC Review Period; Issue FER Fact Sheet; Finalize SMP, EE, and FER	August-November 2014
COC Received, Issue Fact Sheet on IC/ECs	December 2014

SECTION VII

PROPERTY'S ENVIRONMENTAL HISTORY

QUESTION NO.	*DESCRIPTION*
1	*ENVIRONMENTAL REPORTS*
2	*ANALYTICAL DATA REPORTS*
3	*BASIS FOR SUSPECTED CONTAMINANTS*
4	*BASIS FOR KNOWN/SUSPECTED SOURCES OF CONTAMINATION*
5	*PAST LAND USES*
6	*LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS*

Section VII – Question 1
Environmental Reports

Former Trico Plant
Brownfield Cleanup Program Application

The previous environmental reports reviewed by TurnKey for the Former Trico Plant and surrounding properties are tabulated below followed by a brief summary of the reports. Copies of available reports are provided on the attached CD in Appendix A. Reference is made to the source of the report summary in the table below (i.e. if the report was available for review by TurnKey or if a summary of the report was made from a secondary source).

The "Former Trico Complex" was historically addressed as 817 Washington Street and included the two blocks encompassed by Goodell, Ellicott, Virginia, and Washington Streets. The Subject Site (Former Trico Plant) refers to only the southern portion of the Complex bounded by Goodell, Ellicott, Burton, and Washington Streets and currently addressed as 791 Washington Street (see Figure II-2). All reports referencing the environmental conditions at the Subject Site are included below; however, the reports may include discussion of other portions of the Former Trico Complex and/or associated parking. The subject property of each report is clarified in the summary table and report narratives due to the use of the 817 Washington Street address for the Complex as a whole or in part.

Document Author, Title, and Date	Document Summary Source	Report Subject
Sterling Environmental Services. Report of Cleaning and Verification Sampling of the Transformers and Associated Floors at Trico Products Co., Ellicott St., Buffalo, NY. July 1993.	Reviewed in the Benchmark 2007 File Review	Subject Site – Former Trico Plant
Niagara Frontier Consulting Services, Inc. Asbestos Inspection and Management Plan for Trico Manufactured Components – Plant #1, 817 Washington Street, Buffalo, New York. August 4, 1994.	Reviewed in the Benchmark 2007 File Review	Subject Site – Former Trico Plant
Green Environmental Specialists, Inc. Trico Plant I, Determination of Nickel, Chrome & Cyanide Contamination. October 12, 1994 and October 17, 1994 Supplement 1.	Reviewed in the Benchmark 2007 File Review	Subject Site – Former Trico Plant
Occupational Safety & Environmental Assoc., Inc. Phase I Environmental Site Assessment, Trico Manufactured Components – Plant 1, 817 Washington Street, Buffalo, NY 14203. November 1994.	Reviewed in the Benchmark 2007 File Review	Former Trico Complex Including the Subject Site
Occupational Safety & Environmental Assoc., Inc. Phase II Environmental Site Assessment, Trico Manufactured Components – Plant 1, 817	Reviewed in the Benchmark 2007 File Review	Former Trico Complex Including the Subject Site

Section VII – Question 1
Environmental Reports

Former Trico Plant
Brownfield Cleanup Program Application

Document Author, Title, and Date	Document Summary Source	Report Subject
Washington Street, Buffalo, NY 14203. November 1994.		
Conestoga-Rovers & Associates. Preliminary Report, Phase II Investigation, Trico Products Incorporated, Washington Street Plant, Buffalo, New York. November 1994.	Reviewed in the Benchmark 2007 File Review	Former Trico Complex Including the Subject Site
Waste Stream Technology, Inc. Trico Site Remediation Lab Reports prepared for Sevenson Environmental Services, Inc. July and August 1995.	Reviewed in the Benchmark 2007 File Review	Subject Site – Former Trico Plant
Sevenson Environmental Services, Inc. Analytical Results – Two and One Half Floor Decontamination Project. September 20, 1995.	Reviewed in the Benchmark 2007 File Review	Subject Site – Former Trico Plant
Microbac Laboratories, Inc. Phase I Environmental Site Assessment for Softbank Office Building – 817 Washington Street, Buffalo, New York. January 12 & April 7, 1999.	Reviewed by TurnKey	Northern Portion of the Former Trico Complex – Off Site
Microbac Laboratories, Inc. Phase I Environmental Site Assessment for Century Centre I, North Parking Lot, Ellicott and Virginia Streets, Buffalo, New York. January 12 & April 7, 1999.	Reviewed in the Benchmark 2007 File Review	Parking Associated with the Former Trico Complex – Off Site
Acres International Corporation. Phase I Environmental Site Assessment, 77 Goodell Street, Buffalo, New York. June 1999.	Reviewed in the 2012 Redevelopment Feasibility Study	
Microbac Laboratories, Inc. Phase I Environmental Site Assessment, Century Center I, Former Trico Plant I, 817 Washington Street, Buffalo, NY. May 31, 2001.	Reviewed by TurnKey	Former Trico Complex Including the Subject Site
Watts Architecture and Engineering, P.C. Pre-Renovation Survey for Lead Based Paint, Trico Building, 817 Washington Street, Buffalo, New York. December 2001.	Reviewed by TurnKey	Subject Site – Former Trico Plant
URS Corporation. Limited Phase II Environmental Site Assessment of the Former Trico Plant I Facility, Buffalo, NY 14203. January 2002.	Reviewed by TurnKey	Former Trico Complex Including the Subject Site
Watts Engineers. Phase I Environmental Site Assessment for the Century Centre I six-Story Trico Production Facility, 791 Washington Street, Buffalo, New York. December 2006.	Reviewed by TurnKey	Subject Site – Former Trico Plant
Ernie Norman. Trico Building Environmental Reports – Status Report. January 12, 2007 E-mail with attached document from Joe Hoiden, former building manager, indicating his recollection of past assessments and remediation projects.	Reviewed in the Benchmark 2007 File Review	Former Trico Complex Including the Subject Site
Benchmark Environmental Engineering & Science, PLLC. Former Trico Manufacturing Building, Environmental File Review. April 5, 2007.	Reviewed by TurnKey	Subject Site – Former Trico Plant

Document Author, Title, and Date	Document Summary Source	Report Subject
Watts Architecture and Engineering, P.C. Targeted Phase II Environmental Site Investigation Sampling Report for the Century Centre I, Six-Story Trico Production Facility, 791 Washington Street, Buffalo, New York. May 2007.	Reviewed by TurnKey	Subject Site – Former Trico Plant
Watts Architecture and Engineering, P.C. Phase I Environmental Site Assessment for the Century Centre I, 640 Ellicott Street, Buffalo, New York. January 2008.	Reviewed in the 2012 Redevelopment Feasibility Study	
Liro Engineers, Inc. Draft Generic Environmental Impact Statement for the Innovation Center Expansion Project, 791 Washington Street, Section 111.31, Block 1, & Lot 1.11, Buffalo, New York. December 2011.	Reviewed by TurnKey	Subject Site – Former Trico Plant
Foit Albert Associates, et als. Trico Plant 1, Trico Complex Redevelopment Feasibility Study. October 23, 2012.	Reviewed by TurnKey	Subject Site – Former Trico Plant

JULY 1993 REPORT OF CLEANING AND VERIFICATION SAMPLING OF THE TRANSFORMERS AND ASSOCIATED FLOORS AT THE TRICO PRODUCTS CO.

The July 1993 report documents remedial work for polychlorinated biphenyls (PCBs) from transformers and associated flooring within the Former Trico Plant. Specifically, floor mats were removed, drummed, and disposed of off-site and surfaces were cleaned in accordance with the EPA Double Wash/Rinse Method. Laboratory composited concrete chip samples were collected for verification of the remedial work. Sampling was completed in five rooms identified as the 25 Cycle Room, Small 25 Cycle Room, Switch Room, 6E Transformer Room, and 4E-5E Transformer Room. Fourteen composite samples were collected with sample results ranging from 0.4 milligrams per kilogram (mg/kg) or parts per million (ppm) to 15 ppm. Thirteen of the samples contained concentrations greater than 1 ppm PCBs. The highest concentration of PCBs was detected in the lab composite sample obtained from the 25 Cycle Room (south).

According to former Building Manager Joe Hoiden, there were three major PCB remediation projects in 1993 and 1994 (this information was provided as an attachment to an email

transmission dated January 12, 2007 from Mr. Ernie Norman to Mr. Terry Gilbride of Hodgson Russ, LLP) Mr. Hoiden indicated that the three projects may have involved:

1. Draining PCB oil from transformers in the 25 cycle transformer rooms and refilling them with non-PCB oil in the early 1960s with assistance from Westinghouse Corporation. Subsequent inspections and wipe testing indicated some leaking over time. OSEA arranged for the retesting and cleaning.
2. Remediation of the floor in the two rooms and the floor area outside the power rooms that test positive for PCBs during wipe testing; OSEA provided the oversight.
3. Removal of three PCB oil filled transformers in July 1993 that were located in the two power rooms in the basement of Building #1; three non-PCB oil filled units were then installed.

AUGUST 1994 ASBESTOS INSPECTION AND MANAGEMENT PLAN

Niagara Frontier Consulting Services (NFCS) was retained by Trico Manufactured Components to inspect the Former Trico Plant (Subject Site addressed as 817 Washington Street) for suspect asbestos-containing material (ACM), sample these materials to ascertain asbestos content, and provide recommendations for proper removal. NFCS noted a total of 43,298 linear square feet of ACM during the inspection. Of that total, 2,226 linear square feet were reported as damaged. Samples of the suspect ACM were sent for analysis to Comprehensive Analytical Group, Inc., an ELAP- and NVLAP-certified and accredited laboratory. NFCS recommended all or a combination of the following response actions: encapsulation, containment, enclosure, removal, and/or operation and maintenance procedures. It is unclear whether the inspection included portions of the Former Trico Complex located off-site to the north.

OCTOBER 1994 DETERMINATION OF NICKEL, CHROME, AND CYANIDE CONTAMINATION

October 12, 1994 Report

Green Environment Specialists, Inc. (GES) collected 30 samples of dust/dirt from various surfaces at the Former Trico Plant (Subject Site) referred to at the historical address of 817 Washington Street. GES sampled areas previously used in nickel or chrome plating

operations, targeting floors or walls with obvious discoloration, staining, or other signs of contamination. All samples were analyzed for nickel, cyanide, and chrome using EPA's *Standard Methods for the Examination of Water and Waste Water* to determine as quantitatively as possible the relative concentration levels present in each sample. Based on the sampling results, GES recommended decontamination and resurfacing of the entire 2nd floor area and decontamination of some areas of the 6th floor. It is unclear whether the determination included portions of the Former Trico Complex located off-site to the north.

October 17, 1994 Supplement 1

GES collected an additional nine samples from the Former Trico Plant building. Seven samples were collected from the 2nd floor and two were collected from the 1st floor ceiling near a 2nd floor drain. GES concluded that "considerable" nickel and cyanide contamination was present in nearly all samples. Based on the chemical reaction during testing of Sample S8, collected from a yellow discolored area on the 1st floor ceiling, GES suspected the ceiling discoloration to be pure copper cyanide. GES's previous recommendation to decontaminate and resurface was extended to the 1st floor ceiling. GES recommended dry physical and vacuum procedures to remove dusts, crystals, and powders followed by chemical decontamination and resurfacing.

Detailed figures were not included with these reports; therefore, sampling locations referred to in these reports are unknown or unclear. However, it appears that the entire 2nd floor, the entire 1st floor ceiling, and portions of the 3rd and 6th floors were impacted. Sampling was not completed in all parts of the building, but biased towards visually impacted areas or areas of known nickel or chrome plating operations.

NOVEMBER 1994 PHASE I ENVIRONMENTAL SITE ASSESSMENT

Occupational Safety & Environmental Assoc., Inc. (OSEA) was contracted by Trico Manufactured Components to perform a Phase I ESA of the Former Trico Complex (including the Subject Site) and an associated parking area on 817 Washington Street. The figures and photographs were missing from this report at the time of review. According to

OSEA's report, which is the first to provide a Site description and history, Trico was a major manufacturer of wiper blade components for trucks and automobiles. The manufacture of wiper blade components involved zinc die-casting, rubber extrusion, and metal fabrication. Raw materials used in these processes included: zinc alloy (containing minor amounts of lead, manganese, chromium, and nickel), aqueous solutions containing sodium nitrate and chlorine; and spring oil containing kerosene and wire drawing lubricant. Electroplating using copper, nickel, and chromium ceased in 1976. Prior to 1993, 1,1,1-trichloroethane was used in the degreasing process located in the basement; it was phased out and replaced with Simple Green soap concentrate. A 1,1,1-trichlor waste (Cool Tool) was a portion of the 10 drums of flammable liquid waste typically hauled to Northeast Chemical Company (NEC) annually. Other hazardous wastes generated and disposed off-site included: solvents, paints, lead-contaminated sorbent pads, solid oxidizer salt, and laboratory chemicals. The basement was also the location of compressors for steam generation, a storage area for old machines, the hazardous waste storage area, and the electric transformer room.

The 15 transformers located by OSEA that formerly contained PCB dielectric fluid were apparently retrofitted in 1986 and certified as being non-PCB containing. In 1992, minor leaking was observed in several units. Samples were collected by OHM Corporation and analyzed by S.D. Meyers Laboratory. Since one transformer contained borderline contamination, Westinghouse Corporation repaired all the transformer leaks in July 1993. OSEA recommended that the visibly oil stained areas in the basement be wipe sampled and analyzed for PCBs. In January 1994, a one-time disposal of 95,000 pounds of PCB-contaminated oil and waste was disposed off-site following a cleanup in the basement.

OSEA also recommended: quantifying the extent of contamination on floors 2.5, 3, 5, and 6 where nickel, chromium, and cyanide electroplating was conducted; verifying that no soil and groundwater contamination exists in the vicinity of the two former underground storage tanks (30,000 gallon #6 fuel oil and 1,000 gallon gasoline) decommissioned/removed in 1991 (off-site to the north), remediation of the estimated 2,226 square feet of damaged ACM; an investigation of the wastewater sewer lines to verify integrity of the system; testing

of air emissions from the die-cast machines and spring ovens to determine if the NYSDEC permit should be updated; and a review of the non-hazardous chemical storage practices. OSEA also noted damage to basement ceilings below die-casting machines as a result of long standing spillage and leaks. They suggested that some of this material may enter floor drains and ultimately be discharged to the Buffalo Sewer Authority system.

NOVEMBER 1994 PHASE II ENVIRONMENTAL SITE ASSESSMENT

Occupational Safety & Environmental Assoc., Inc. (OSEA) was contracted by Trico Manufactured Components to perform a Phase II ESA of the Former Trico Complex (including the Subject Site) and parking area on 817 Washington Street to provide data for a potential property transfer. Summaries of the Phase II activities with OSEA's conclusion are provided below.

Task 1 – Sewer Investigation

Based on the age of the buildings sewer system, the potential existed for wastewater discharges to enter the subsurface via leaks or old/disconnected sewer lines. The Drain Doctor (J.A. Brundage Assoc.) performed a visual inspection of the sewer system followed by a high-pressure cleaning and subsequent inspection with an explosion-proof video camera. OSEA concluded that all existing lines are properly connected to city mains; however, they do not all have accessible cleanouts. The sewer lines were also found to be intact and in good working condition. Five drums of sludge and sediment were collected; no reports were located to indicate whether these drums were tested for PCBs and/or disposed.

Task 2 – Interior Building Investigations

OSEA reiterated the results of the GES October 1994 nickel, chrome, and cyanide sampling events and provided order-of-magnitude cost estimates for the following remedial efforts: (1) If the floor was determined to be structurally sound and reused, decontamination and chemical encapsulation of the surface of the 2.5 floor to prevent future toxic dust generation, and decontamination of the walls and ceilings of 2.5 would be approximately $200,000; (2) a structural integrity evaluation and installation of a load-bearing steel drop

ceiling below the 2.5 floor would cost approximately $170,000; and (3) transportation and disposal costs only for the estimated 500 tons of hazardous waste generated from demolition of the 2.5 floor would be approximately $250,000.

OSEA collected one solid (assumed to be dust/dirt) (PCB-1) and three wipe samples (PCB-2, PCB-3 and PCB-4) from visibly oil stained floor areas in the basement for analysis of PCBs by Waste Stream Technology. Those results indicated that sample locations PCB-1, PCB-2, PCB-3 and PCB-4 contained approximately 23 ppm, 41 ppm, 17 ppm and 303 ppm PCBs respectively. OSEA recommended cleaning/decontaminating the basement floor until no visible evidence of oil stains remains.

OSEA made the following general assumptions about miscellaneous contamination with the building: the flaking paint in older parts of the building is likely lead-based paint; cutting oils used in leaded steel manufacturing operations is likely lead contaminated and has likely contaminated the floors near the machinery; and some evidence of contamination exists in areas of ongoing industrial activities (i.e., salt and oil stains) that should be cleaned when activity ceases but no special hazards are expected to be present.

Task 3 – Subsurface Investigation

GE operated a transformer maintenance facility in what is currently the Ellicott Street parking lot (off-site, see Figure 2). OSEA contracted Conestoga-Rovers & Associates (CRA) to perform a Phase II Investigation of soil and groundwater conditions. CRA prepared a separate report describing the investigation and findings. CRA installed a total of six boreholes located around the perimeter of the former transformer substation, in the vicinity of the former 30,000-gallon #6 fuel oil UST, and through the bottom of a floor sump in the basement. One soil boring, BH-6, was installed on the Subject Site. Soil samples were collected from the 0-2 foot and 2-4 foot intervals at each location for a total of 12 samples. The soil samples were analyzed for SVOCs and PCBs. SVOCs, specifically polyaromatic hydrocarbons (PAHs), were detected at concentrations that exceed NYSDEC's Part 375-6 restricted-commercial soil cleanup objectives (SCOs), primarily in BH-1, with higher

concentrations generally detected in the 2-4 foot interval. CRA installed and sampled two groundwater monitoring wells. The groundwater samples were analyzed for VOCs, SVOCs, and pesticides/PCBs. No compounds were detected in the groundwater samples above Class GA groundwater quality standards. CRA attempted to drill and sample near the interior 1,000-gallon gasoline UST (off-site to the north) but insufficient clearances for the drill rig prevented the work.

Task 4 – Waste Disposal Activities

According to Section 1 of the report, Task 4 was a review of paperwork related to past waste disposal activities for evaluation of potential off-site liabilities resulting from improper waste disposal; however, a summary of their review was not presented in the report.

1995 Analytical Results – Two and One Half Floor Decontamination Project

The 1995 analytical results reviewed by Benchmark pertained to wipe samples collected from pallets, cabinets, walls, floors and piping. The analytical results did not contain a narrative, figures, plans, or photos; therefore, the rationale for the sampling plan and the sampling locations are not known. According to the January 12, 2007 E-mail report from Ernie Norman, floor two and a half was the location of storage tanks that were used when there was a copper, nickel, and chrome plating operation located on the third floor. This area was cleaned out and chemical contamination was found in the floor. Former Building Manager Joe Hoiden indicated that the floor was decontaminated and the remaining contamination was encapsulated. Ernie Norman (or Joe Hoiden) described the data provided to Benchmark as an incomplete collection of approximately 188 wipe samples collected at unknown locations throughout the structure for unknown reasons. Based on the laboratory report reviewed, wipe samples were collected and analyzed for total nickel, chromium, arsenic, and cyanide. Of the analytical results reviewed by Benchmark, arsenic was the only metal not detected. Nickel, chromium, and cyanide were all present at concentrations above laboratory detection limits.

FEBRUARY 1997 REMEDIATION LAB REPORTS

Benchmark reviewed analytical data prepared by Waste Stream Technology for Vector Publications in February 1997. According to the analytical data report, two oil samples were collected from the basement on February 3, 1997. Sample Basement 1 was a grab sample of oil and Sample Basement 2 was a composite sample from the oil layer in coolants. Both samples were analyzed for PCBs. The oil grab sample was also analyzed for total lead and total organic halides. No PCBs were detected in either sample. Total lead was detected at a concentration of 244 mg/kg, and total organic halides were detected at a concentration of 7,600 mg/kg.

Former Building Manager Joe Hoiden indicated that a large Sevenson remediation project occurred in 1997 and a report was prepared. This referenced report was not provided to Benchmark for review.

JANUARY & APRIL 1999 PHASE I ENVIRONMENTAL SITE ASSESSMENT, 817 WASHINGTON STREET

Microbac Laboratories, Inc. was retained by the Signature Management Group to perform a Phase I Environmental Site Assessment (ESA) for the Softbank Office Building. Although the property is addressed as 817 Washington Street, the ESA subject is located on a property on the northern portion of the former Trico Complex and no longer associated with the Former Trico Plant. The following recognized environmental conditions were identified relative to the Former Trico Plant:

- Two underground storage tanks (UST) were identified on the Softbank Office Building property including:
    - a 30,000-gallon UST containing #6 fuel oil formerly used to supply boilers in the main Trico Plant installed in 1969 and decommissioned by removal from the ground in 1991. The 1994 subsurface investigation completed by CRA was referenced. The UST location as depicted on Figure 1.1 of the Phase I

ESA is immediately north of the Former Trico Plant property boundary. Additional details are provided in the CRA report summary.

- a 1,000-gallon UST containing leaded gasoline formerly associated with the Trico Plant and Buffalo Board of Education Garage. The UST was installed in 1954 and was reportedly decommissioned by filling in place in 1991. The UST location as depicted on Figure 1.1 of the Phase I ESA is north of the Former Trico Plant property boundary. The UST location was deemed inaccessible for soil or groundwater characterization during the 1994 CRA subsurface investigation.

JANUARY & APRIL 1999 PHASE I ENVIRONMENTAL SITE ASSESSMENT, NORTH PARKING LOT

Microbac Laboratories, Inc. was retained by the Signature Management Group to perform a Phase I Environmental Site Assessment (ESA) for a property identified as the North Parking Lot at Ellicott and Virginia Streets. The North Parking Lot is located approximately 75 feet northeast (across Ellicott Street) of the Former Trico Plant property boundary. The report includes the above referenced records of USTs associated with the Softbank Office Building property and RCRA violation associated with the Former Trico Plant. No other RECs associated with the Subject Site were identified in the report.

MAY 2001 PHASE I ENVIRONMENTAL SITE ASSESSMENT

Microbac Laboratories, Inc. performed a Phase I ESA for Signature Management Group at the Former Trico Complex including the Subject Site identified as the Century Center I (817 Washington Street) to learn of observable environmental hazards and/or environmental liabilities associated with the site. Microbac described the following recognized environmental conditions (RECs):

- Chrome, cyanide, and nickel contamination on concrete floors. PCB contamination on the basement floor.

- Potential contamination in the vicinity of the off-site former 30,000-gallon #6 fuel oil UST. Microbac suggested investigating 8-10 feet below the surface since CRA's 1994 investigation only extended to 4 feet below grade.
- Potential for asbestos; Microbac did not review the 1994 report by NFCS.
- Potential for lead-based paint based on the age of the building.
- Potential for accumulated dirt and oil on the floors to contain lead and other heavy metals based on former operations.
- Potential for accumulated dust within the exhaust system and bag house to be hazardous to workers involved in the removal.

Microbac observed approximately 35 smaller transformers located throughout the facility labeled as non-PCB containing but no records of testing were found; however, this observation was not listed as a recognized environmental condition.

DECEMBER 2001 PRE-RENOVATION SURVEY FOR LEAD BASED PAINT

Watts Engineers was retained by Foit-Albert Associates to perform a pre-renovation survey for lead-based paint at the Former Trico Plant buildings. The survey included a visual site inspection of the buildings and field x-ray fluorescence analysis for lead-based paint. The report stated that all painted concrete walls, metal doors and door components, and stair components should be considered lead-based paint based on the Department of Housing and Urban Development definition of greater than 0.5% lead by weight detected in a large portion of samples collected.

JANUARY 2002 LIMITED PHASE II ENVIRONMENTAL SITE ASSESSMENT

URS Corporation, Inc. conducted a Limited Phase II ESA for the Subject Site addressed here as 817 Washington Street for Signature Management Group, Inc. According to the report, the purpose of the assessment was to address two of the recognized environmental conditions identified in Microbac's Phase I ESA; specifically, the dirt and oil accumulation on the floors and the accumulated dust in the exhaust ducts. URS collected samples of the concrete and linoleum floors as well as materials from the floors for analysis of VOCs,

SVOCs, PCBs, and RCRA metals (plus antimony, copper, manganese, nickel, and zinc). NYSDEC TAGM 4046 soil cleanup criteria were used in order to determine the proper disposal of the materials tested.

URS classified solid material collected from seven floor areas as a RCRA characteristic hazardous waste (cadmium, chromium, lead, and mercury) by comparing the results to 20 times the 6 NYCRR Part 371.3 Toxicity Characteristic Leaching Procedure (TCLP) levels. One additional solid floor sample (SH-06) contained a PCB concentration (65 mg/kg) above 50 mg/kg, classifying the sample as listed hazardous waste [sample SH-06 was a piece of the linoleum-type flooring from Floor 4].

URS collected samples of black solid material or liquid oily material from the inside of the exhaust ductwork for analysis of VOCs, SVOCs, PCBs, and RCRA metals (plus antimony, copper, manganese, nickel, and zinc). URS classified three samples as RCRA characteristic hazardous waste for benzene, cadmium, chromium, lead, and/or mercury. One composite sample (SH-13), a black solid from Floor 1 near an exhaust duct, was considered hazardous for both metals (lead and chromium) and PCBs.

URS also collected a sample of the liquid oily material inside an open process tank in the basement and a sample of gray solid particles inside a drum of baghouse dust on the 4th floor. These samples were also analyzed for VOCs, SVOCs, PCBs, and RCRA metals (plus antimony, copper, manganese, nickel, and zinc). The baghouse dust sample (SH-07) met the criteria of a RCRA characteristic hazardous waste as it contained chromium and lead above regulatory levels. The process tank sample (SH-16) met the criteria of a non-hazardous waste.

In general, URS recommended decontaminating and re-sampling the impacted concrete surfaces; scarifying and resurfacing the concrete impacted with PCBs; removing the impacted linoleum-type flooring (and other surficial coatings) and evaluating the underlying

concrete; removing and properly disposing the exhaust ductwork; disposing the baghouse dust drums; and disposing the liquid in the process tank.

2006 PHASE I ENVIRONMENTAL SITE ASSESSMENT

Watts Architecture & Engineering, P.C. conducted a Phase I ESA for the Subject Site identified as the Century Centre I located at 791 Washington Street for the Buffalo Niagara Medical Campus (BNMC). Watts' outlines and provides recommendations for five recognized environmental conditions (RECs) and seven other environmental-related concerns.

As part of their Phase I ESA, Watt's also reviewed some of the documents summarized in this report. Watts' findings are generally consistent with findings of previous studies, with some additional information, notations or clarifications as follows.

- In February 1994, Sterling Environmental Services apparently removed PCB-contaminated dirt and debris that was accumulated on the underside of a hydraulic heat casting machine in the oil containment pan. The die casting machine was sampled, determined to be clean, and put back into service. Reports were not provided to Benchmark for review.
- A composite sample of visibly oil stained debris was collected from the sub-basement in Building No. 3 (no figure showing sampling locations was provided). The material consisted of decomposed wood pieces and soot from the boiler, and contained less than 25 mg/kg of PCBs. Watts noted that although the concentration is below NYSDEC's PCB threshold of 50 mg/kg for listed hazardous wastes, PCBs are present in the area at levels above generally accepted health and safety/cleanup guidelines.
- A Phase I ESA was conducted in January and April 1999 for the North Parking Lot at Ellicott and Virginia Streets. Watts summarizes the report as describing previous subsurface testing of a former Niagara Mohawk facility east of the subject property and north of Burton Street for PCBs related to past use of the site as an electrical sub-station. The results indicated that PCB contamination was below regulatory cleanup levels.
- Watts reviewed a report prepared September 12, 2000 by ATC Associates, Inc. that did not pertain to the six-story structure but contained information on the USTs

referenced throughout previous reports. Apparently the 30,000-gallon UST was removed in 1990; no specific information regarding the condition of the UST, soil, or groundwater was provided to NYSDEC. In addition, the 1,000-gallon UST was reportedly filled-in-place in 1981. A letter was identified indicating the intent to close the tank; however, no documentation that this event actually occurred was located.

- Watts personnel observed several hydraulic lifts within the loading dock area. No test data was available to ascertain whether the lifts contain or contained PCB oil.
- The Hazardous Waste and PCB Storage Area contained approximately 19 full drums with unknown contents, a large pile (few hundred) of oil-filled light ballasts, and some fluorescent lamps. A few hundred fluorescent lamps in boxes were stored near the hazardous waste storage area.

The interior of the building was generally moist with standing water and water intrusions throughout. Mold was evident in many areas.

APRIL 2007 ENVIRONMENTAL FILE REVIEW

Benchmark Environmental Engineering & Science, PLLC summarized the following reports:

- Sterling Environmental Services. Report of Cleaning and Verification Sampling of the Transformers and Associated Floors at Trico Products Co., Ellicott St., Buffalo, NY. July 1993.
- Niagara Frontier Consulting Services, Inc. Asbestos Inspection and Management Plan for Trico Manufactured Components – Plant #1, 817 Washington Street, Buffalo, New York. August 4, 1994.
- Green Environmental Specialists, Inc. Trico Plant I, Determination of Nickel, Chrome & Cyanide Contamination. October 12, 1994 and October 17, 1994 Supplement 1.
- Occupational Safety & Environmental Assoc., Inc. Phase I Environmental Site Assessment, Trico Manufactured Components – Plant 1, 817 Washington Street, Buffalo, NY 14203. November 1994.
- Occupational Safety & Environmental Assoc., Inc. Phase II Environmental Site Assessment, Trico Manufactured Components – Plant 1, 817 Washington Street, Buffalo, NY 14203. November 1994.

- Conestoga-Rovers & Associates. Preliminary Report, Phase II Investigation, Trico Products Incorporated, Washington Street Plant, Buffalo, New York. November 1994.
- Waste Stream Technology, Inc. Trico Site Remediation Lab Reports prepared for Sevenson Environmental Services, Inc. July and August 1995.
- Sevenson Environmental Services, Inc. Analytical Results – Two and One Half Floor Decontamination Project. September 20, 1995.
- Waste Stream Technology, Inc. Trico Site Remediation Lab Reports prepared for Vector Publications. February 1997.
- Microbac Laboratories, Inc. Phase I Environmental Site Assessment, Century Center I, Former Trico Plant I, 817 Washington Street, Buffalo, NY. May 31, 2001.
- URS Corporation. Limited Phase II Environmental Site Assessment of the Former Trico Plant I Facility, Buffalo, NY 14203. January 2002.
- Watts Engineers. Phase I Environmental Site Assessment for the Century Centre I six-Story Trico Production Facility, 791 Washington Street, Buffalo, New York. December 2006.
- Ernie Norman. Trico Building Environmental Reports – Status Report. January 12, 2007 E-mail with attached document from Joe Hoiden, former building manager, indicating his recollection of past assessments and remediation projects.

Based on these reports, the April 2007 Environmental File Review identified the following recognized environmental conditions (RECs):

1. **Known/Suspect Surface Contamination within Building** – Residual contamination, including lead, chromium, cyanide, nickel, and/or PCBs, has been identified in previous reports on surfaces of floors 1, 2/2.5, 3, 4, 6 and basement/sub-basement. Contamination has penetrated the concrete floor on the second floor and migrated to the first floor ceilings in at least one area.
2. **Potential Subsurface Contamination in the Vicinity of Former USTs** – One 30,000-gallon fuel oil UST and one 1,000-gallon gasoline UST were located north of Burton Street, adjacent to the subject property. One soil boring/monitoring well was completed proximate the 30,000-gallon fuel oil UST, but soil sampling only extended to 4 fbgs in the vicinity of the UST. Subsurface soil and groundwater sampling was not conducted at the location of the former 1,000-gallon gasoline UST. An additional

UST was located in the street in front of the subject property at 799 Washington Street. Benchmark is not aware of subsurface samples in that area.

3. **Potential Subsurface Contamination in the Vicinity of Hydraulic Lifts** – Hydraulic lifts were noted in the loading dock area. Hydraulic lifts often leak hydraulic oil that sometimes contains PCBs. Benchmark is not aware of subsurface samples in the area of the lifts to determine if they leaked or sampling of oil inside the lifts.
4. **PCB Contamination in Sub-Basement** – Oil stained debris collected during historic investigations from the sub-basement contained PCBs. It is not known whether the contamination was addressed. Watts noted that the sub-basement was filled with water in late 2006.
5. **Oil Stained Floor in Waste Oil Storage Area** – The floor within the Waste Oil Storage Area was heavily stained with waste oil as noted during the 2006 Phase I ESA. The Waste Oil Storage Area likely stored lead-contaminated cutting oils, PCB oils, former degreasing wastes, and other wastes of concern. The visual contamination on the floors indicates past releases. PCB-contamination was confirmed during OSEA's 1994 Phase II ESA.
6. **Dust Within Exhaust Ductwork** – The dust accumulated within the ductwork was sampled and shown to contain benzene, cadmium, chromium, lead, mercury, and PCBs.
7. **Former 1,1,1-Trichloroethane Degreasing Unit** – Chlorinated solvent 1,1,1-trichloroethane was used in the degreasing unit until 1993; no investigation into possible leakage has been conducted.
8. **Lead-Based Paint** – Peeling and flaking paint throughout the building is likely lead-based due to the age of building.
9. **Asbestos-Containing Material** – A 1994 survey identified an estimated 43,298 square feet of asbestos-containing material (ACM); 2,226 square feet of the total was reported as damaged. More ACMs may have been damaged since 1994.
10. **Mold**- The Site was noted to contain mold growth in several areas of the building.
11. **Hazardous Waste Generation and Storage** – At least 19 drums with unknown contents and suspect PCB oil filled light ballasts were noted within this area during the 2006 Phase I ESA. The Site is listed a Resource Conservation and Recovery Act (RCRA) generator of hazardous waste, indicating hazardous waste has historically been generated on-Site and transported off-Site. The condition of these drums is unknown and may present a risk of release.

Section VII – Question 1
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MAY 2007 TARGETED PHASE II ENVIRONMENTAL SITE INVESTIGATION

Watts Architecture and Engineering, P.C. was retained by the Buffalo Niagara Medical Campus to perform wipe, concrete, and water sampling within the Former Trico Plant buildings to assess the following concerns:

- PCBs and other unknown contaminants in the drum storage area;
- Oil staining in the waste oil storage area to be tested for petroleum contamination, metals, and PCBs.
- Wipe sampling in the area of the former trichlor degreasing unit to be tested for volatile and semi-volatile organics and RCRA metals; and,
- A general investigatory wipe and other sampling of the entire building for volatile and semi-volatile organics, PCBs, and RCRA metals.

The results of the sampling program identified the following:

- Wipe samples detected RCRA metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver), 28 TCL SVOCs, 11 VOCs, and PCBs. Only regulatory standards for mercury, lead, and PCBs were identified for comparison for surface concentrations. All three constituents were detected above the respective regulatory standards in the majority of samples collected throughout the buildings.
- An estimated 144,000 gallons of water found within the sub-basement will require treatment, prior to discharge to the City sewers due to the presence of PCBs.
- Barium, cadmium, chromium, lead, and mercury contamination were identified during testing of a concrete sample collected in an area of ceiling staining on the 5th floor, however, the analytical results excluded the material from classification as a hazardous waste.

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Environmental Reports

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DECEMBER 2011 DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT

LiRo Engineers, Inc. was retained by 817 Washington Street, LLC to perform an environmental impact statement for proposed partial demolition and renovations at the Former Trico Plant (identified as 791 Washington Street). The report identifies the presence of hazardous materials and chemicals throughout the building as documented in previous reports and notes the potential for the migration of hazardous materials and chemicals through water infiltration into the building. Biological hazards including mold and pigeon droppings were also noted.

OCTOBER 2012 REDEVELOPMENT FEASIBILITY STUDY

Foit-Albert Associates drafted an environmental evaluation for the Redevelopment Feasibility Study including a document and records review and a site reconnaissance. The records review included the following reports:

- Microbac Laboratories, Inc. *Phase I Environmental Site Assessment for Century Centre I, North Parking Lot, Ellicott and Virginia Streets, Buffalo, New York.* January 12 & April 7, 1999.
- Microbac Laboratories, Inc. *Phase I Environmental Site Assessment for Softbank Office Building – 817 Washington Street, Buffalo, New York.* January 12 & April 7, 1999.
- Acres International Corporation. *Phase I Environmental Site Assessment, 77 Goodell Street, Buffalo, New York.* June 1999.
- Microbac Laboratories, Inc. *Phase I Environmental Site Assessment for Century Centre I, Former Trico Plant I – 817 Washington Street, Buffalo, New York.* May 31, 2001.
- Watts Architecture and Engineering, P.C. *Pre-Renovation Survey for Lead Based Paint, Trico Building, 817 Washington Street, Buffalo, New York.* December 2001.
- URS Corporation. *Limited Phase II Environmental Site Assessment of the former Trico Plant I Facility, Buffalo, New York.* January 2002.
- Watts Architecture and Engineering, P.C. *Phase I Environmental Site Assessment for the Century Centre I, Six-Story Trico Production Facility, 791 Washington Street, Buffalo, New York.* December 2006.

- Benchmark Environmental Engineering & Science, PLLC. *Environmental File Review.* April 2007.
- Watts Architecture and Engineering, P.C. *Targeted Phase II Environmental Site Investigation Sampling Report for the Century Centre I, Six-Story Trico Production Facility, 791 Washington Street, Buffalo, New York.* May 2007.
- Watts Architecture and Engineering, P.C. *Phase I Environmental Site Assessment for the Century Centre I, 640 Ellicott Street, Buffalo, New York.* January 2008.
- Liro Engineers, Inc. *Draft Generic Environmental Impact Statement for the Innovation Center Expansion Project, 791 Washington Street, Section 111.31, Block 1, & Lot 1.11, Buffalo, New York.* December 2011.

Based on the file review and site reconnaissance, the report documented the following RECs:

- The complex was previously sampled in 1994 and asbestos containing material was detected in approximately 43,000 square feet of material. This report should be reexamined to evaluate if all building materials were sampled. This material will need to be properly abated prior to any renovations or demolition.
- Lead based paint was detected in the sampling conducted in 2001. This report should also be reexamined to evaluate if all paint types in the complex were sampled.
- Debris was observed on each floor of the complex and much of it consisted of paint chips from the various building materials. There was no indication that this material has been sampled to date.
- Mold was observed in various parts of the complex. There was no indication in previous reports that any mold sampling had been conducted.
- Heavy metals, PCBs, and SVOCs have been detected in multiple wipe samples and a concrete sample collected from the fifth floor ceiling of building 8E. It should be noted that the 5th floor ceiling in this area, and others, have heavy discoloration. Based on the report review, the last sampling activities took place in 2007 and the site conditions have worsened since this time due to water infiltration. Previous areas that had detected concentrations of certain contaminants may now be present in other areas previously sampled or not detected.

  The following areas were identified in the previous sampling reports as having elevated concentrations of PCBs:

a. Basement oil storage, truck repair, machine shop, and plastic molding shop
b. First floor zinc dye casting and spring coiling areas (Building 8W)
c. Third floor chemical storage (Building 1) and motor assembly areas (Building 8W)
d. Fourth floor rubber extrusion (Building 8E) and rubber lab areas (Building 1)
e. Fifth floor machining operations (Building 8E), product assembly (Building 8W), and barrel plating machine areas (Building 2)
f. Sixth floor product assembly (Building 8W) and degreasing unit (Building 3) areas.

- There are approximately 144,000 gallons of water in the sub-basement. PCBs and low levels of heavy metals were detected in a grab sample collected during the 2007 investigation. This water will require remediation prior to discharge into the city sewer system. Previous environmental reports document oil stained debris located in the sub-basement prior to the water infiltration. The sub-basement was not accessible during this investigation.
- According to the previous reports, the air quality in the complex has not been documented as there was no indication of air sampling.
- The soil and groundwater up gradient and down gradient from the Site have not been fully evaluated. It is unknown if subsurface contamination is entering the site from an off-site property or if the site is impacting the soil and ground water.

Floor plans documenting the location of the above identified RECs are included in the report.

JULY 2013 LIMITED SUBSURFACE INVESTIGATION

In July 2013, TurnKey advanced eleven soil borings through the first floor and basement foundations of the Former Trico Plant buildings to assess the underlying soil quality. The investigation identified the following:

- Obvious oil staining was noted in numerous areas of the basement and first floor of the building.
- Open buckets/containers of oil were noted in multiple areas of the basement.

- Six in-ground lifts were noted in the western area of the building; obvious oil-staining was noted surrounding the lifts. Apparent oil was observed within the void space exposed between two layers of the first floor concrete foundation in the soil boring identified as SB-1, proximate the in-ground lifts. These lifts will require removal prior to site redevelopment.
- The subbasement was filled with water at the time of the investigation; historic reports identified approximately 144,000 gallons of PCB-impacted groundwater are present in the sub-basement of the complex.
- Elevated concentrations of PAHs, PCBs, and metals have been detected in exceedance of the Unrestricted, Restricted-Residential, or Commercial SCOs in sub-slab soil samples collected from beneath the building first floor and basement foundations. Based on these findings and field observations, compounds used in association with historical industrial manufacturing activities at the Site have likely permeated the concrete building foundations and impacted Site soil. Given the extent of staining noted throughout the structure, additional impacts are likely present beneath building slabs.

Samples could not be collected through the sub-basement foundation due to the presence of PCB-impacted water.

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SUMMARY OF ENVIRONMENTAL REPORT FINDINGS

As detailed in the above reports, the following known contamination exists on the property:

- soil impacted with elevated concentrations of metals, PCBs, and PAHs in exceedance of the Unrestricted, Restricted-Residential, or Commercial SCOs were identified in soil/fill beneath the building.
- Known ACMs, lead based paint, and surfaces contaminated with metals, PCBs, and SVOCs have been documented within the Former Trico Plant complex.
- Approximately 144,000 gallons of PCB-impacted water is present in the sub-basement of the Former Trico Plant.

Additional potential RECs/potential contaminants include the following:

- The infiltration of groundwater and storm water into the building may have served as a transport mechanism for contamination. Surface areas affected by the water may require re-characterization.
- At least 19 drums with unknown contents and suspected PCB oil filled light ballasts were noted in the hazardous waste and PCB storage area.
- Additional assessment of the Site and surrounding soil and groundwater quality. Impacts may have occurred by:
    - incidental releases to the ground surface,
    - historical storage of gasoline and #6 fuel oil in USTs adjacent to the Site,
    - potential releases from hydraulic lifts located within the loading dock area
    - contaminant penetration through the complex basement and/or sub-basement floors/walls, or
    - infiltration of contaminated groundwater or storm water from the complex interior.
- Potential impacts resulting from the historical use of a chlorinated solvent (1,1,1-trichloroethane) as a degreaser have not been assessed.

- Re-characterization of the building surfaces may be required due to the infiltration of storm and groundwater into the building serving as a transport mechanism for known impacts.

The following additional concerns were noted in the files reviewed:

- An assessment for mold has not been conducted in the complex.
- An assessment of air quality has not been conducted in the complex.

Section VII – Question 2
Analytical Data Reports

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The following analytical laboratory data reports are provided on the attached CD, included with Question 1; Environmental Reports.

JANUARY 2002 – LIMITED PHASE II ENVIRONMENTAL SITE ASSESSMENT (URS CORPORATION)

The following samples were collected on December 18 and 19, 2001 and submitted to Waste Stream Technology, Inc. (ELAP #11179) and analyzed for VOCs, SVOCs, PCBs, and metals.

- Oil –Samples SH-01 and SH-14
- Solids –Samples SH-02 through SH-13 and SH-15
- Water –Sample SH-16

MAY 2007 – TARGETED PHASE II ENVIRONMENTAL SITE INVESTIGATION (WATTS ARCHITECTURE & ENGINEERING)

The following samples were collected on March 21 and 22, 2007 and submitted to Severn Trent Laboratories (ELAP #10026).

- Wipe - Samples N2-1FL-HWS-1, N2-1FL-HWS-2, N2-1FL-HWS-3, PP21-BSMT-GW-1, T23-BSMT-GW-2, P18-BSMT-GW-3, GG7-BSMT-GW-4, L6-BSMT-GW-5, KK13-1FL-GW-6, MM5-1FL-GW-7, L8-1FL-GW-8, GG10-2FL-GW-9, V13-2FL-GW-10, KK13-2FL-GW-11, LL31-3FL-GW-12, X30-3FL-GW-13, L6-3FL-GW-14, BB9-3FL-GW-15, MM5-3FL-GW-16, Y13-3FL-GW-17, GG30-4FL-GW-18, G6-4FL-GW-19, BB5-4FL-GW-20, FF10-4FL-GW-21, HH3-5FL-GW-22, MM10-5FL-GW-23, KK17-5FL-GW-24, G8-5FL-GW-25, LL31-5FL-GW-26, X25-5FL-GW-27, LL23-6FL-GW-28, X31-6FL-GW-29, X24-6FL-GW-30, LL24-6FL-GW-31, J8-6FL-GW-32, KK13-6FL-GW-33, RR27-6FL-TDU-1, RR29-6FL-TDU-2, RR30-6FL-TDU-3, RR31-6FL-TDU-4, RR32-6FL-TDU-5, J31-BSMT-WO-1, G31-BSMT-WO-

2, N31-BSMT-WO-3, Q31-BSMT-WO-4, and X31-BSMT-WO-5 analyzed for VOCs, SVOCs, metals, and PCBs.

- Water – Sample BSMT-WATER-1, analyzed for VOCs, SVOCs, PCBs, Pesticides, metals, BOD, pH, TPH, TRP, TSS, Total Phosphorus.
- Concrete – Sample BB7-5FI-SC-1, analyzed for VOCs, SVOCs, PCBs, and metals.

JULY 2013 – LIMITED SUBSURFACE INVESTIGATION (TURNKEY ENVIRONMENTAL RESTORATION, LLC)

The following samples were collected on July 1, 2013 and submitted to Alpha Analytical (ELAP #11148):

- Soil – Sample SB-1 through SB-11 analyzed for PAHs, PCBs, and RCRA metals.

Section VII – Question 3
Basis for Suspected Contaminants

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Suspected contaminants are summarized below based on historical property use and environmental reports reviewed in Section VII-Q1; Environmental Reports:

Building Materials

- Lead based paint: Based on the December 2001 Pre-Renovation Survey for Lead Based Paint, the painted concrete walls, metals doors and door components, and stair components contain lead based paint.
- Asbestos containing materials: According to the April 2007 File Review and October 2012 Redevelopment Feasibility Study, approximately 43,000 square feet of asbestos containing material was identified in the buildings during a 1994 Asbestos Inspection.

Interior Building Contamination

- Organic and Inorganic contamination on building surfaces: Interior building materials impacted with contaminants were characterized throughout several of the environmental reports (see also hazardous materials, below). These include:
  - The historical manufacturing of windshield wiper blades included the storage and use of: zinc alloy (containing minor amounts of lead, manganese, chromium, and nickel), aqueous solutions containing sodium nitrate and chlorine; and spring oil containing kerosene and wire drawing lubricant. Electroplating using copper, nickel, and chromium was performed on site until 1976.
  - The April 2007 File Review includes reference to sampling following the completion of PCB remediation activities documented in a July 1993 Report of Cleaning and Verification Sampling of the Transformers and Associated Floors. Fourteen laboratory composited samples of concrete chips were analyzed for PCBs. All fourteen samples contained detectable concentrations of PCBs ranging from 0.4 to 19 parts per million.
  - The April 2007 File Review includes reference to an October 1994 Determination of Nickel, Chrome, and Cyanide Contamination. The report identifies contaminated dust/dirt from areas previously used in nickel or chrome plating on the second and sixth floors. Cyanide, copper cyanide, and nickel contaminated dust and ceiling material were identified in the second and first floors. The copper cyanide impacted ceiling on the first floor was painted over. The report concludes that the entire second floor, first floor ceiling, and portions of the third and sixth floor were impacted.
- Hazardous Materials: Interior building materials impacted with contaminants were characterized as hazardous in several of the environmental reports.

- In February 1994, Sterling Environmental Services removed PCB-contaminated dirt and debris that accumulated on the underside of a hydraulic heat casting machine in the oil containment pan. The die casting machine was sampled, determined to be clean, and put back into service.
- In the January 2002 Limited Phase II Environmental Site Assessment, eight flooring samples, four samples of black solid material or liquid oily material from the inside of the exhaust ductwork, and one sample of baghouse dust were analyzed and characterized as hazardous based on concentrations of inorganics (metals and/or PCBs) in exceedance of 20 times the 6NYCRR Part 371.3 Toxicity Characteristic Leaching Procedure (TCLP) levels.

- Chlorinated Solvents: Prior to 1993, 1,1,1-trichloroethane was used in the degreasing process located in the basement. The waste solvent was reportedly disposed of off-site along with other solvents, paints, lead-contaminated sorbent pads, solid oxidizer salt, and laboratory chemicals.
- Mold: The October 2012 Redevelopment Feasibility Study documents the observation of mold in various parts of the complex.

<u>Soil/Groundwater Contamination:</u>

- Fuel Oil: A 30,000-gallon UST containing #6 fuel oil formerly supplied boilers in the main Trico Plant. The UST was installed north of the Former Trico Plant property in 1969 and was closed by removal from the ground in 1991. A subsurface investigation of the soil and groundwater near the UST was completed in 1994 by Conestoga Rovers & Associates; however, only one of the soil borings was completed on site. The investigation identified semi-volatile organic compounds, specifically poly aromatic hydrocarbons, in concentrations in exceedance of the NYSDEC Part 375-6 restricted-commercial SCOs in sample (BH-1) from the interval of two to four feet below ground surface. Two monitoring wells were installed and sampled for volatile organic compounds, semi-volatile organic compounds, pesticides and polychlorinated biphenyls. No compounds were detected in the groundwater above the Class GA groundwater quality standards.
- Hydraulic Oil: Several hydraulic lifts are present within the loading dock area.
- Gasoline: A 1,000-gallon UST containing gasoline was formerly located north of the Former Trico Plant property boundary. The UST was installed in 1954. Conflicting reports were reviewed on the date of closure of the UST however it is believed to have been closed in place. In 1994, Conestoga Rovers & Associates attempted to advance soil borings through the building floor above the UST location; however, insufficient clearances for the drill rig prevented the work.

Section VII – Question 3
Basis for Suspected Contaminants

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- PCBs: According to the May 2007 Targeted Phase II Environmental Site Investigation, the sub-basement contains approximately 144,000 gallons of groundwater. A groundwater sample collected in March 2007 contained a PCB concentration of 0.84 micrograms per liter. Elevated concentrations of PCBs were also detected in sub-slab samples collected in July 2013 from three sample locations including below both the first floor and basement foundations.
- Metals: Elevated concentrations of metals were detected above the Unrestricted, Restricted-Residential or Commercial SCOs beneath the first floor and basement foundations in samples collected during the July 2013 limited subsurface investigation.
- PAHs: Elevated concentrations of PAHs were detected above the Unrestricted, Restricted-Residential or Commercial SCOs in samples collected in July 2013 from the basement sub-slab in the vicinity of the former machine shops.

Section VII – Question 4
Known/Suspected Sources of Contamination

Former Trico Plant
Brownfield Cleanup Program Application

Known/suspected sources of contamination are summarized below based on the historical property use and environmental reports reviewed in Section VII-Q1; Environmental Reports:

Building Materials

- Historical reports have documented the use of lead based paint and asbestos containing construction materials throughout the Former Trico Plant buildings.

Poly Chlorinated Biphenyls

- Historical reports document the use of transformers containing PCB-based lubricating oils throughout the Former Trico Plant. Releases from the transformers to the interior of the building were documented in historical environmental reports and in the NYSDEC Spill File #92-12975.

Metals

- The historical manufacturing of windshield wiper blades included the storage and use of: zinc alloy (containing minor amounts of lead, manganese, chromium, and nickel), and aqueous solutions containing sodium nitrate and chlorine. Electroplating using copper, nickel, and chromium was performed on site until 1976.

Petroleum

- The historical manufacturing of windshield wiper blades included the use of spring oil containing kerosene and wire drawing lubricant.
- A 30,000 gallon UST containing #6 fuel oil formerly supplied boilers in the main Trico Plant. The UST was installed north of the Former Trico Plant property boundary in 1969 and was closed by removal from the ground in 1991.
- An UST of unknown size containing gasoline was depicted on the Sanborn Fire Insurance Maps of the site located immediately west of the Former Trico Plant in Washington Street.
- A 1,000-gallon UST containing gasoline was located north of the Former Trico Plant property boundary. The UST was installed in 1954. Conflicting reports were reviewed on the date of closure of the UST however it is believed to have been closed in place.
- Several hydraulic lifts are present within the loading dock area of the Former Trico Plant.

Section VII – Question 5
Past Land Uses

Former Trico Plant
Brownfield Cleanup Program Application

The historical use of the Site has been researched through review of historic maps, historic aerial photographs, city directories, municipal records, and/or other reasonably obtainable documents.

The Site has historically been used for various commercial and industrial purposes since at least the late 1800s including, but not limited to:

- Residential (Shown on 1889-1916 Sanborn Fire Insurance Map)
- Weyand Brewing Company (1868-1920)
- Auto Repair, Construction Office, Garage, Carpenter Shop (Shown on 1916 Sanborn Fire Insurance Map in addition to the Weyand Brewing Company and Residential structures)
- Trico Products Corporation (1920-2000)

  As detailed in the environmental reports, Trico was a major manufacturer of wiper blade components for trucks and automobiles. The manufacturing process included zinc die-casting, rubber extrusion, and metal fabrication.

- Vacant (At Least 2000-Present)

  The vacant Former Trico Plant has been subject to renovation and redevelopment interest since at least 2000.

Section VII – Question 6
Previous Site Owners and Operators

Former Trico Plant
Brownfield Cleanup Program Application

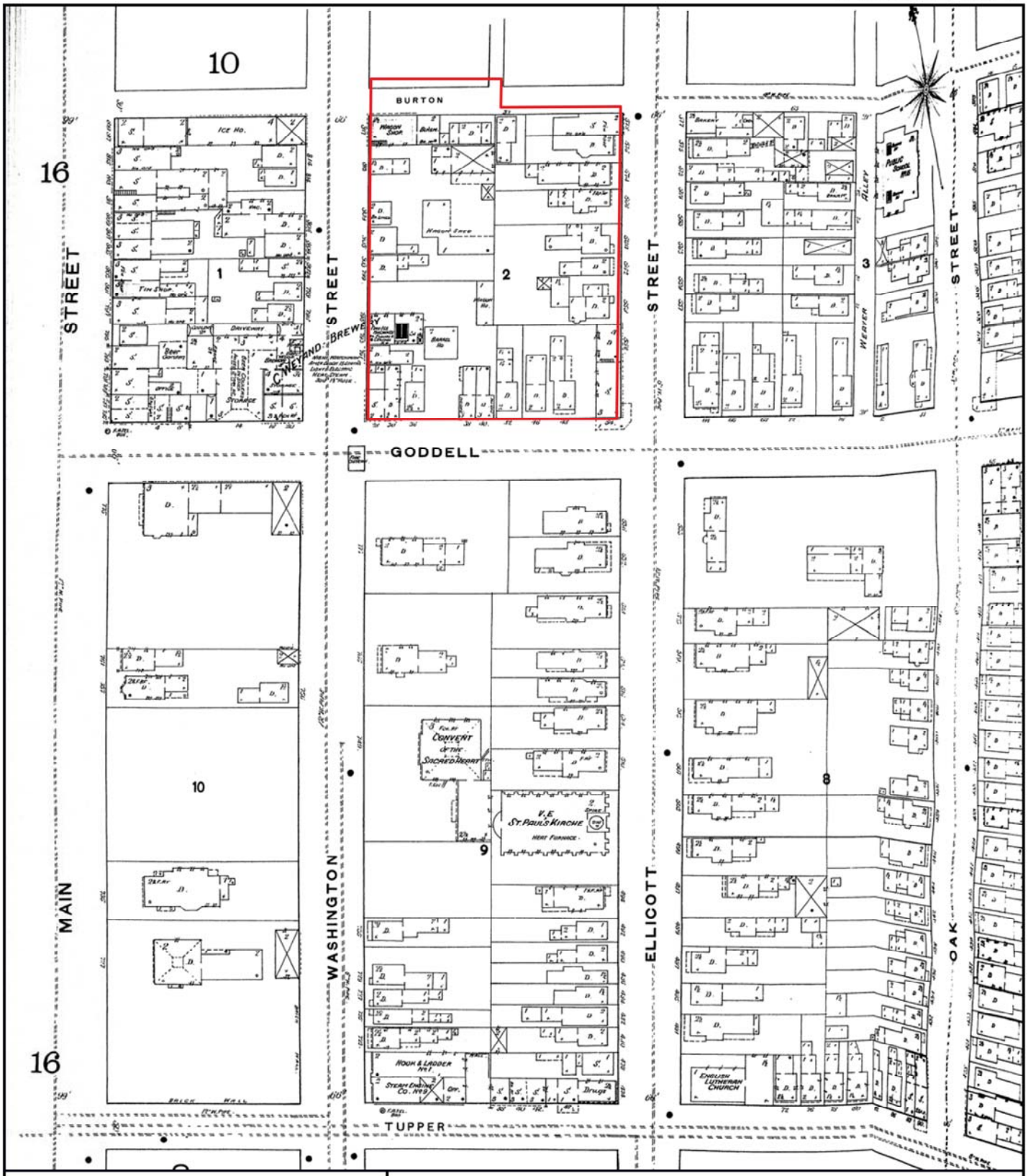
Reasonable attempts were made to attain complete contact information for previous Site owners and operators. The following table lists the current and previous property owners and operators:

Current Owner	Owner or Operator	Date Range	Relationship to Requestor
Buffalo Brownfield Restoration Corporation 275 Oak Street Buffalo, NY 14203 (716) 362-8361	Owner/ Operator	2007-Present	None
Previous Owners/Operators	**Owner or Operator**	**Date Range**	**Relationship to Requestor**
Steve McGarvey Century Centre Limited Partnership Erie, Pennsylvania	Owner/ Operator	2000-2007	None
Trico Products Corporation 3255 West Hamlin Road Rochester Hills, Missouri 48309 (248) 371-1700	Owner/ Operator	1920-2000	None
Christian Weyand Weyand Brewing Company	Owner/ Operator	1883-1920	None
Christian Weyand & John Schetter	Owner/ Operator	1868-1883	None

The above information was obtained from the National Register of Historical Places Registration Form.

F:\CAD\TurnKey\Krog\Former Trico Building BCP\BCP Application\Figure VII-1; 1889 Sanborn.dwg

FIGURE VII-1



1889 SANBORN FIRE INSURANCE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

FORMER TRICO PLANT

BUFFALO, NEW YORK

PREPARED FOR

847 MAIN STREET, LLC

TURNKEY ENVIRONMENTAL RESTORATION, LLC

2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0635

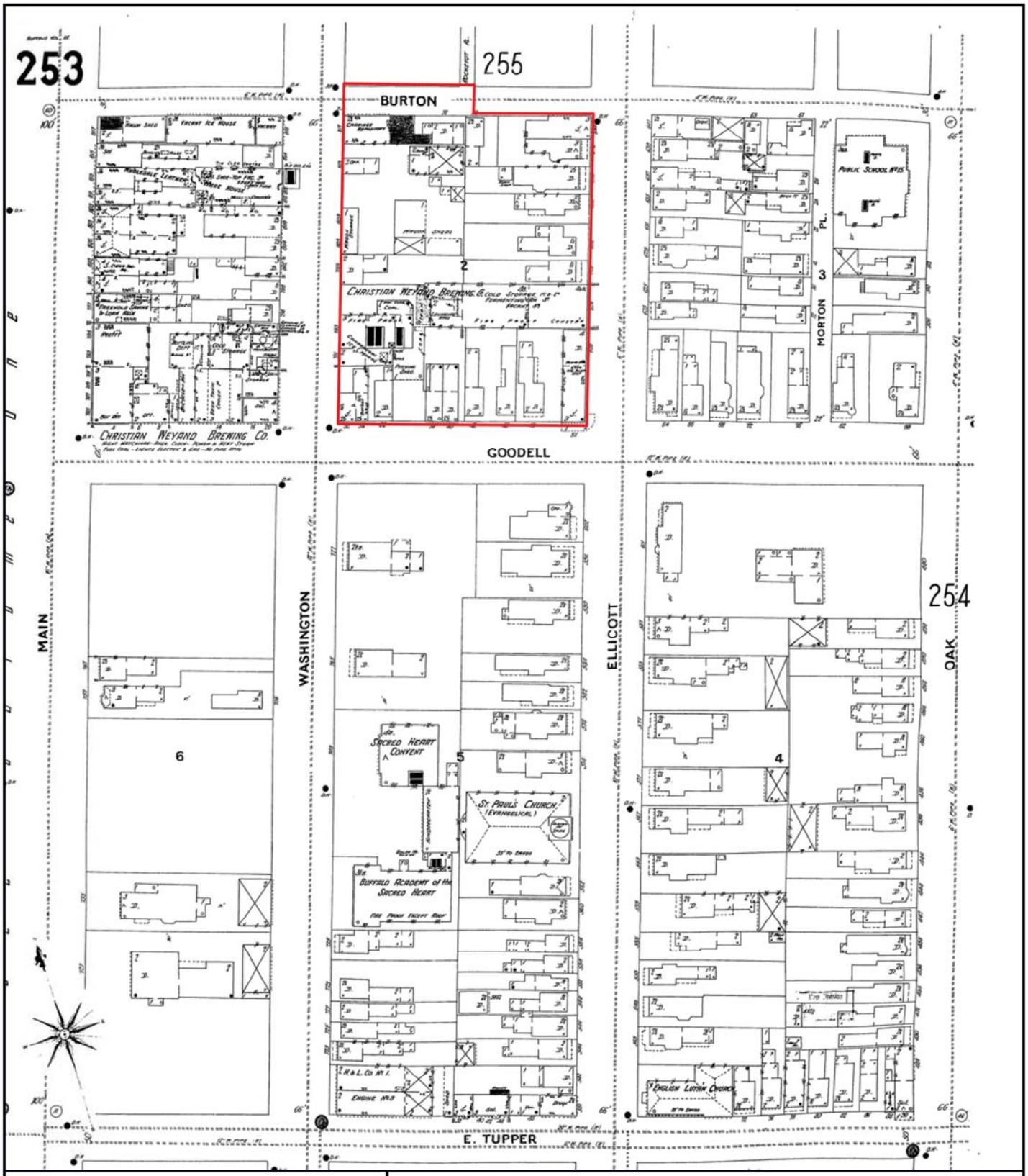
PROJECT NO.: 0092-013-500

DATE: AUGUST 2013

DRAFTED BY: HAA

F:\CAD\TurnKey\Krog\Former Trico Building BCP\BCP Application\Figure VII-2; 1899 Sanborn.dwg

FIGURE VII-2



TURNKEY ENVIRONMENTAL RESTORATION, LLC

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SUITE 300
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PROJECT NO.: 0092-013-500

DATE: AUGUST 2013

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1899 SANBORN FIRE INSURANCE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

FORMER TRICO PLANT

BUFFALO, NEW YORK

PREPARED FOR

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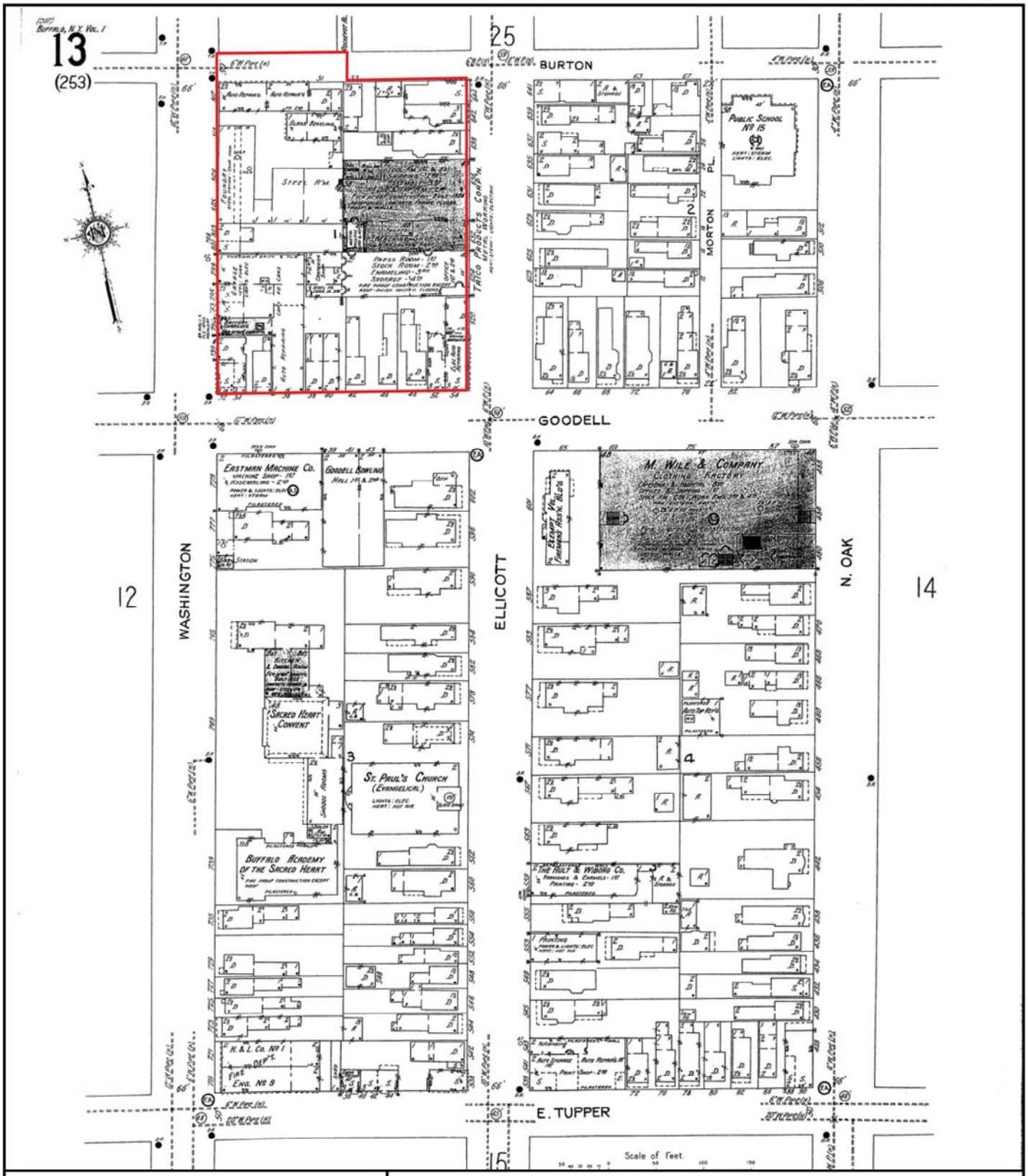
F:\CAD\TurnKey\Krog\Former Trico Building BCP\BCP Application\Figure VII-3; 1925 Sanborn.dwg

FIGURE VII-3



TurnKey Environmental Restoration, LLC

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PROJECT NO.: 0092-013-500

DATE: AUGUST 2013

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1925 SANBORN FIRE INSURANCE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

FORMER TRICO PLANT

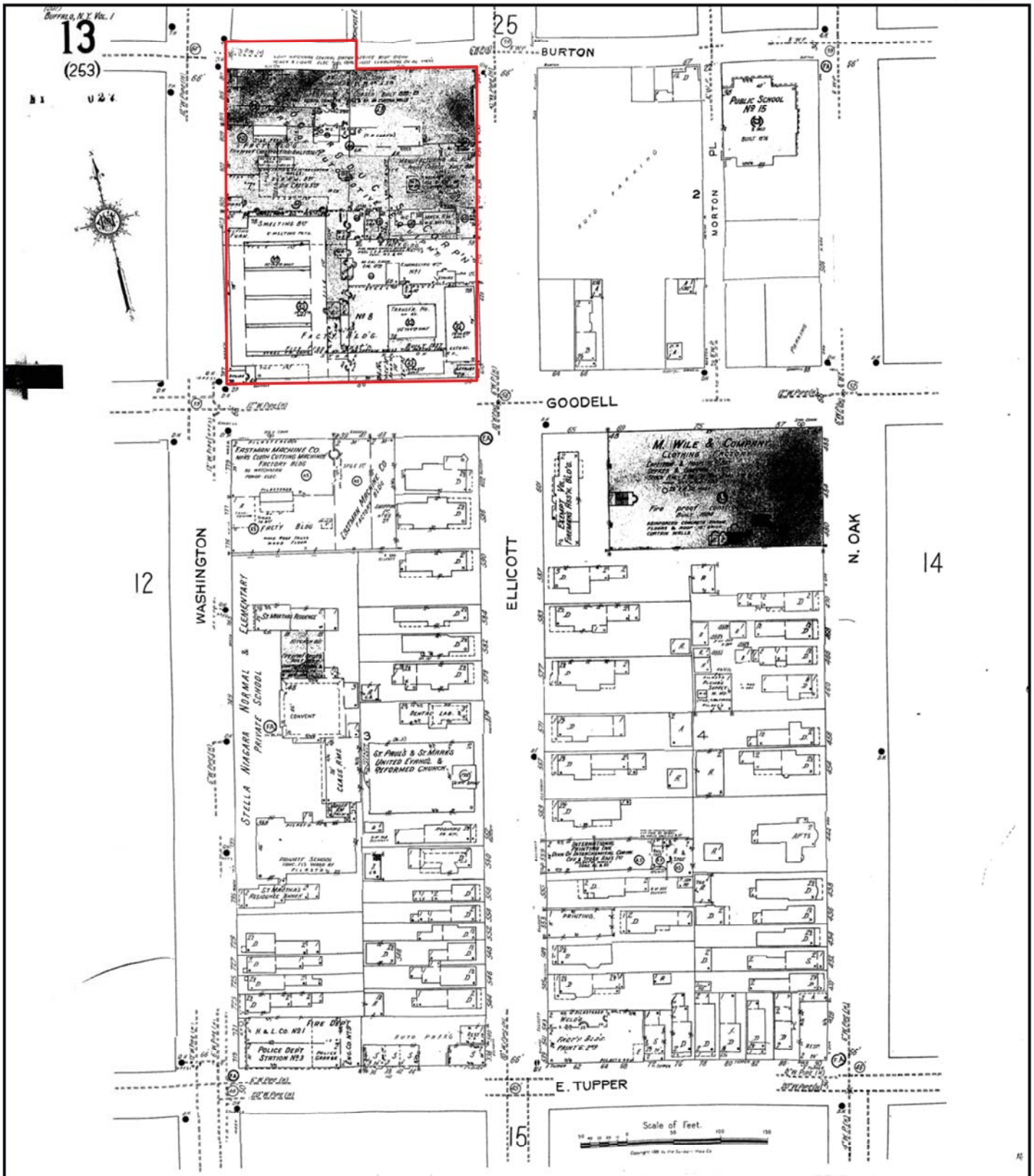
BUFFALO, NEW YORK

PREPARED FOR

847 MAIN STREET, LLC

F:\CAD\TurnKey\Krog\Former Trico Building BCP\BCP Application\Figure VII-4; 1951 Sanborn.dwg

FIGURE VII-4



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1951 SANBORN FIRE INSURANCE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

FORMER TRICO PLANT

BUFFALO, NEW YORK

PREPARED FOR

847 MAIN STREET, LLC

SECTION VIII

CONTACT LIST INFORMATION

QUESTION NO.	*DESCRIPTION*
1, 3 – 6	*BROWNFIELD SITE CONTACT LIST*
2	*RESIDENT AND COMMERCIAL CONTACT LIST*
7	*DOCUMENT REPOSITORY CONFIRMATION*

Section VIII – Questions 1 and 3-6
Brownfield Site Contact List

Former Trico Plant
Brownfield Cleanup Program Application

CONTACT LIST (EXCEPT ADJACENT RESIDENTS)

Site Owner:

Buffalo Brownfield Restoration Corporation
275 Oak Street
Buffalo, NY 14203

Erie County Contacts:

Honorable Mark Poloncarz
Erie County Executive
95 Franklin Street, 16th floor
Buffalo, NY 14202

Mr. Timothy R. Hogues
District 1 Erie County Legislator
427 Williams Street
Buffalo, NY 14204

Commissioner Maria R. Whyte
Erie Co. Environment & Plan.
95 Franklin Street
Buffalo, NY 14202

Mr. Paul Kranz
Erie Co. Environment & Plan.
95 Franklin Street
Buffalo, NY 14202

Mr. Robert Graber
Erie County Legislature Clerk
92 Franklin Street, 7th floor
Buffalo, NY 14202

Mr. Christopher Pawenski
Erie Co. Environment & Plan.
95 Franklin St.
Buffalo, NY 14202

Commissioner Gale Burstein
Erie Co. Health Dept.
95 Franklin Street, Room 931
Buffalo, NY 14202

Commissioner Daniel Neaverth, Jr.
Erie County Local Emergency
45 Elm St.
Buffalo, NY 14203

Mr. John J. LaFalce
ECIDA
143 Genesee Street
Buffalo, NY 14203

Section VIII – Questions 1 and 3-6
Brownfield Site Contact List

Former Trico Plant
Brownfield Cleanup Program Application

City of Buffalo Contacts:

Byron Brown, Mayor
City of Buffalo
65 Niagara Square
Buffalo, NY 14219

David A. Franczyk, Councilman
City of Buffalo
1315 City Hall
Buffalo, NY 14219

James K. Morrell, Chairman
City of Buffalo
Planning Board
901 City Hall
Buffalo, NY 14219

Local News Media:

Buffalo News
ATTN: Ms. Aaron Besecker
1 News Plaza
Buffalo, NY 14240

WGRZ TV - Ch. 2
ATTN: Ms. Maria Sisti
259 Delaware Avenue
Buffalo, NY 14202

WIVB - Ch. 4
ATTN: Ms. Lisa Fullone
2077 Elmwood Avenue
Buffalo, NY 14207

WKBW News Channel 7
ATTN: Ms. Melanie Pritchard
7 Broadcast Plaza
Buffalo, NY 14202

Alternate Press
ATTN: Mr. Joe Schmidbauer
P.O. Box 729, Washington Station
Buffalo, NY 14205

Business First
ATTN: Ms. Anne Marie Franczyk
465 Main Street
Buffalo, NY 14203-1793

WBEN News Radio 930
Entercom Radio of Buffalo
500 Corporate Parkway
Suite 200
Buffalo, NY 14226

WNED, Environmental News Desk
ATTN: Mr. Michael Desmond
P.O. Box 1263, Horizons Plaza
Buffalo, NY 14240

Section VIII – Questions 1 and 3-6
Brownfield Site Contact List

Former Trico Plant
Brownfield Cleanup Program Application

Supplier of Potable Water:

Buffalo Water Authority
281 Exchange Street
Buffalo, NY 14204

Nearby Schools:

Aloma D. Johnson Community Charter School
833 Michigan Ave.
Buffalo, NY 14203

Other Interested Parties:

WNY Director
Citizens Env. Coalition
543 Franklin Street
Buffalo, NY 14202-1109

Document Repository:

Dawn Peters, Assistant Deputy Director
Buffalo & Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203

Section VIII - Question 2
Table VIII-1
Resident-Commercial Contact List

Former Trico Plant
Brownfield Cleanup Program Application

Adjacent Property Address			Property Owner Mailing Address
No.	**Street**	**Property Use**	
65	Goodell Street	Vacant	FNUB Inc. c/o Center for Tomorrow Amherst Campus SUNY at Buffalo Buffalo, NY 14260
779	Washington Street	Commercial	NOSNEVETS LLC 779 Washington Street Buffalo, NY 14203
777	Main Street	Residential	Sidway Building Apartments, LLC 775 Main Street
821	Main Street	Commercial	The Diocese of Buffalo 795 Main Street Buffalo, NY 14203
819	Main Street	Vacant	
815	Main Street	Vacant	
785	Main Street	Commercial	
821	Washington Street	Vacant	640 Ellicott Street, LLC 640 Ellicott Street Buffalo, NY 14203
525	Virginia Street	Vacant	
640	Ellicott Street	Commercial	
589	Ellicott Street	Commercial (Parking Lot)	589 Ellicott Street, LLC 640 Ellicott Street Buffalo, NY 14203
674	Ellicott Street	Commercial	674 Ellicott Street, Inc. 674 Ellicott Street Buffalo, NY 14203

From: Mary Jean Jakubowski <jakubowskim@buffalolib.org>
Sent: Tuesday, August 20, 2013 1:28 PM
To: Holly A. Akers
Cc: Dawn Peters
Subject: RE: Document Repository

The B&ECPL accepts your request. Please forward repository information to Dawn Peters, Assistant Deputy Director.

Mary Jean Jakubowski
Director
Buffalo & Erie County Public Library
jakubowskim@buffalolib.org
(716) 858-7180

From: Holly A. Akers [mailto:HAkers@benchmarkturnkey.com]
Sent: Tuesday, August 20, 2013 12:33 PM
To: Mary Jean Jakubowski
Subject: Document Repository

Good Morning Ms. Jakubowski,

We are in the midst of submitting a Brownfield Cleanup Program application and would like to request permission to use the Central Branch of the Buffalo & Erie County Public Library as the document repository. Our application is for the Former Trico Plant in Buffalo, New York. Once the Brownfield Cleanup Program application has been approved by the New York State Department of Environmental Conservation, a copy of this document will be sent to your attention for review by the interested public. To confirm your acceptance of this request, could you please reply with a short e-mail confirmation?

Please feel free to contact me at the information below with any questions.

Thank you
Holly

Holly A. Akers
Project Engineer

BENCHMARK TURNKEY
Strong Advocates | Effective Solutions | Integrated Implementation

www.benchmarkturnkey.com
2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218
Phone: (716) 856-0599, *Direct Dial:* (716) 725-6960, *Facsimile:* (716) 856-0583

SECTION IX

LAND USE FACTORS

QUESTION NO.	DESCRIPTION
2	PROPOSED POST-REMEDIATION USE OF THE SITE
3	HISTORICAL AND/OR RECENT DEVELOPMENT PATTERNS
4	APPLICABLE ZONING LAWS/MAPS
5	COMPREHENSIVE LAND USE PLANS
10	CULTURAL RESOURCES WITHIN ½ MILE
11	NATURAL RESOURCES WITHIN ½ MILE
12	FLOODPLAINS WITHIN ½ MILE
14	ADJACENT LAND USES
15	GROUNDWATER VULNERABILITY ASSESSMENT
16	SITE GEOGRAPHY/GEOLOGY

Section IX – Question 2
Proposed Post-Remediation Use of the Site

Former Trico Plant
Brownfield Cleanup Program Application

847 Main Street, LLC intends to purchase the Site and perform the required BCP Site investigation and remediation to create a property suitable for planned commercial and/or residential facilities. While project redevelopment plans have not been finalized, 847 Main Street, LLC envisions a capital investment of greater than $10 million to purchase, remediate, and redevelop the Site for commercial hotel/office/retail and/or residential apartments/condominiums. The project will result in the redevelopment and reuse of an environmentally impaired property into a productive, community-enhancing commercial/ residential facility. Construction activities will create temporary construction jobs and future redevelopment will create new permanent positions upon opening of the new facility.

Section IX – Question 3
Historical and/or Recent Development Patterns

Former Trico Plant
Brownfield Cleanup Program Application

The Site has historically been used for various residential, commercial, and industrial purposes (e.g., residential, auto repair, brewery, and windshield wiper blade manufacturing plant) since at least the late 1800s. The Site has been vacant since at least 2000. The neighborhood was and continues to be developed as an urban mixed use commercial, residential, recreational, and vacant area (see table below). Therefore, the current, historical, and recent development patterns support the proposed use of the Site in a commercial capacity.

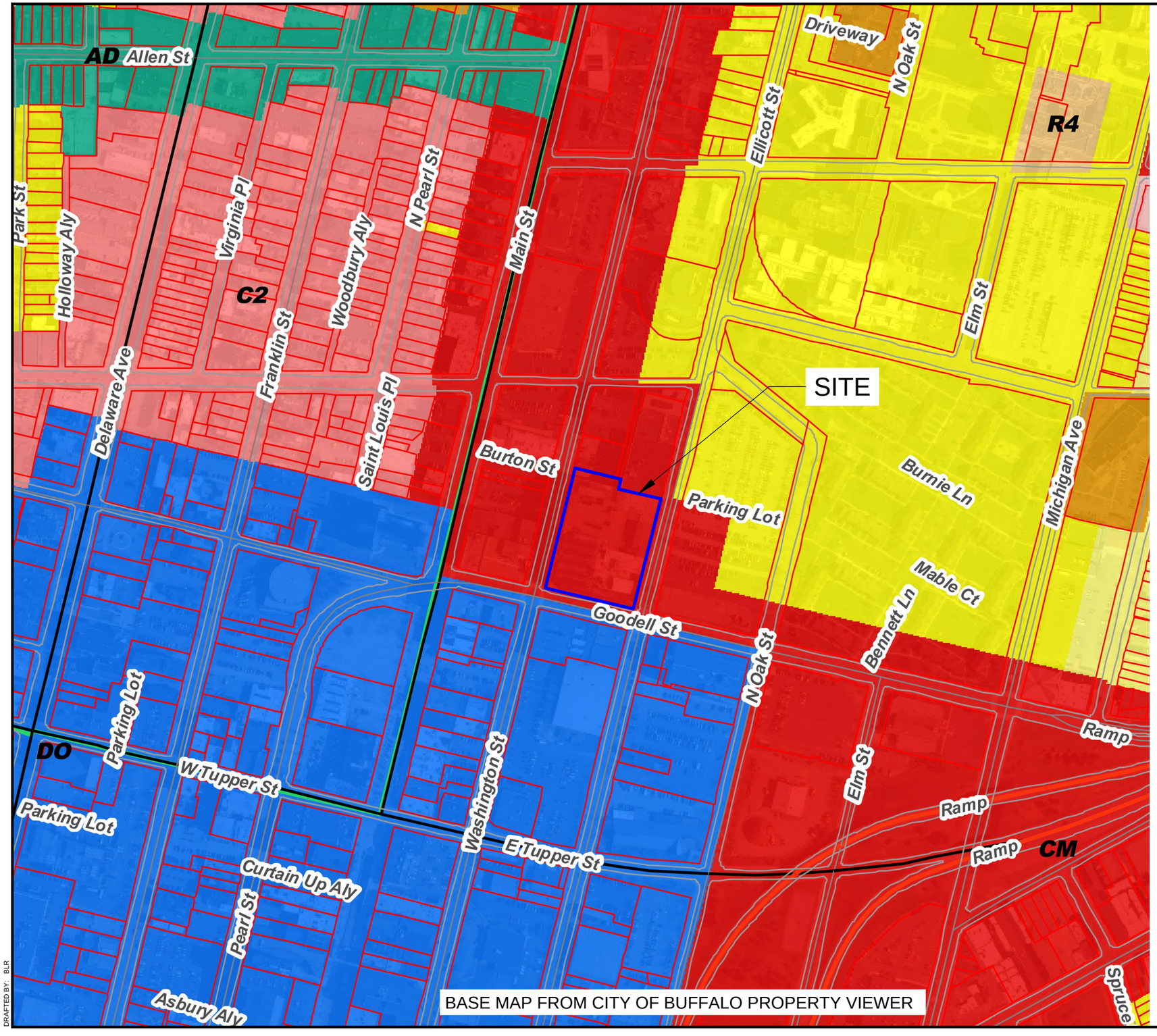
Direction	Adjacent Property Owner/Current Use	Apparent Past Use	Comments/Concerns
North:	Commercial & Residential Buildings	Industrial (formerly part of the Trico Complex)	None
South:	Goodell Street and Eastman Machine Company	Industrial	None
East:	Ellicott Street and a parking lot	Residential & Parking	None
West:	Commercial & Residential Buildings	Commercial & Residential	None

Section IX – Question 4
Applicable Zoning Laws/Maps

Former Trico Plant
Brownfield Cleanup Program Application

The proposed use of the Site in a commercial and residential capacity is consistent with the current zoning of the Site and surrounding properties. Figure IX-1 illustrates the current zoning for the Site and vicinity.

F:\CAD\TurnKey\Krog\Former Trico Building BCP\BCP Application\Figure IX-1, Nearby Land Use - Zoning Map.dwg



BASE MAP FROM CITY OF BUFFALO PROPERTY VIEWER

LEGEND:

- AD-Allen Street District
- C1-Neighborhood Business District
- C2-Community Business District
- C3-Central Business District
- CM-General Commercial District
- DO-Downtown Opportunity
- EB-Elmwood Business
- II-Institutional/Light Industrial
- KB-Kensington/Bailey
- M1-Light Industrial District
- M2-General Industrial District
- M3-Heavy Industrial District
- PB-Porter Business District
- R1-One Family District
- R2-Dwelling District
- R3-Dwelling District
- R4-Apartment District
- R5-Apartment Hotel District
- SS-Seneca Street
- TS-Transit Station

N

300' 0' 300' 600'

SCALE: 1 INCH = 300 FEET
SCALE IN FEET
(approximate)

DATE: JUNE 2013
DRAFTED BY: BLR

2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0635

TURNKEY ENVIRONMENTAL RESTORATION, LLC

JOB NO.: 0092-013-500

NEARBY LAND USE / ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
FORMER TRICO PLANT
BUFFALO, NEW YORK
PREPARED FOR
847 MAIN STREET, LLC

FIGURE IX-1

Section IX – Question 5
Applicable Land Use Plans

Former Trico Plant
Brownfield Cleanup Program Application

BUFFALO'S COMPREHENSIVE LAND USE PLAN

The remediation and proposed use of the Site in a commercial/residential capacity is consistent with Buffalo's Comprehensive Plan that states, "*The Buffalo Comprehensive Plan was created to guide Buffalo to achieve a shared community vision of our future. We intend to build a city that is a prosperous, green regional center providing livable communities for all its citizens. It will have a thriving, progressive economy with leading edge companies; inclusive community life and harmonious social relations; prestigious medical, academic, and public institutions; and fully restored and enhanced natural, cultural, and built heritage. Most importantly, the plan will be linked to the City's Capital Improvement Program, which prioritizes and schedules all capital investments in Buffalo – those by the City and its agencies, as well as those by others at the County, State and federal levels. This program includes investments in water, sewer and streets infrastructure; public transit; land redevelopment and brownfields clean-up; economic development initiatives; new and rehabilitated housing; restoration of Buffalo's Olmsted and other parks; redevelopment of Ellicott plan radials; and more.*"

BUFFALO'S LOCAL WATERFRONT REVITALIZATION PROGRAM

The Waterfront Revitalization Program does not apply to the Site.

BROWNFIELD OPPORTUNITY AREAS

The Site is not located in a Brownfield Opportunity Area.

ENVIRONMENTAL ZONES

The Former Trico Plant is located in census tract 25.02, a recognized Environmental Zone. Environmental zones (En-Zones) are limited to eligible census tracts with a poverty rate of at least 20% according to the 2000 census and an unemployment rate of at least 125% of the New York State average, or a poverty rate of at least double the rate for the county in which the tract is located.

Section IX – Question 10
Cultural Resources Within ½ Mile

Former Trico Plant
Brownfield Cleanup Program Application

According to the NYS Historic Preservation Office GIS mapping website (see Figure IX-2), the Site lies within an area considered archaeologically sensitive based on information reported to the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP). In addition, the Former Trico Plant is listed on the National Register of Historic Places (Trico Plant No. 1 - 00NR0701).

The following sites listed on the National Register of Historic Places exist within a ½-mile radius of the Site:

- Delaware Avenue Historic District (90NR01208)
- Theodore Roosevelt Inaugural National Historic Site (90NR01240)
- 20th Century Club (10NR05178)
- Allentown Historic District (90NR01220)
- Birge-Horton House (04NR05206)
- William Dorshelmer House (90NR01241)
- Trinity Episcopal Church (07NR05801)
- Huyler Building (11NR06559)
- Delaware Avenue Methodist Episcopal Church (01NR01805)
- West Village Historic District (90NR01223)
- Citizen National Bank (90NR01238)
- Shea's Buffalo Theatre (90NR01222)
- The Calumet (10NR06152)
- C.W. Miller Livery Stable (07NR05767)
- Harlow C. Curtiss Building (08NR05910)
- General Electric Tower (04NR05329)
- Public School 13 (03NR05199)
- M. Wile and Company Factory Building (00NR01624)
- Buffalo Trunk Manufacturing Company (09NR06064)

F:\CAD\TurnKey\Krog\Former Trico Building BCP\BCP Application\Figure IX-2, Cultural Resources Map.dwg

Legend

Background Maps (Scanned Quads)

- Archeo Sensitive Area
- State/National Register
- Federal Eligibility
- National Register Listed
- State Register Listed (only)
- Listing in Progress
- State Parks
- County Boundaries

SCALE: 1 INCH = 600 FEET
SCALE IN FEET
(approximate)

DATE: JUNE 2013
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CULTURAL RESOURCES MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
FORMER TRICO PLANT
BUFFALO, NEW YORK
PREPARED FOR
847 MAIN STREET, LLC

FIGURE IX-2

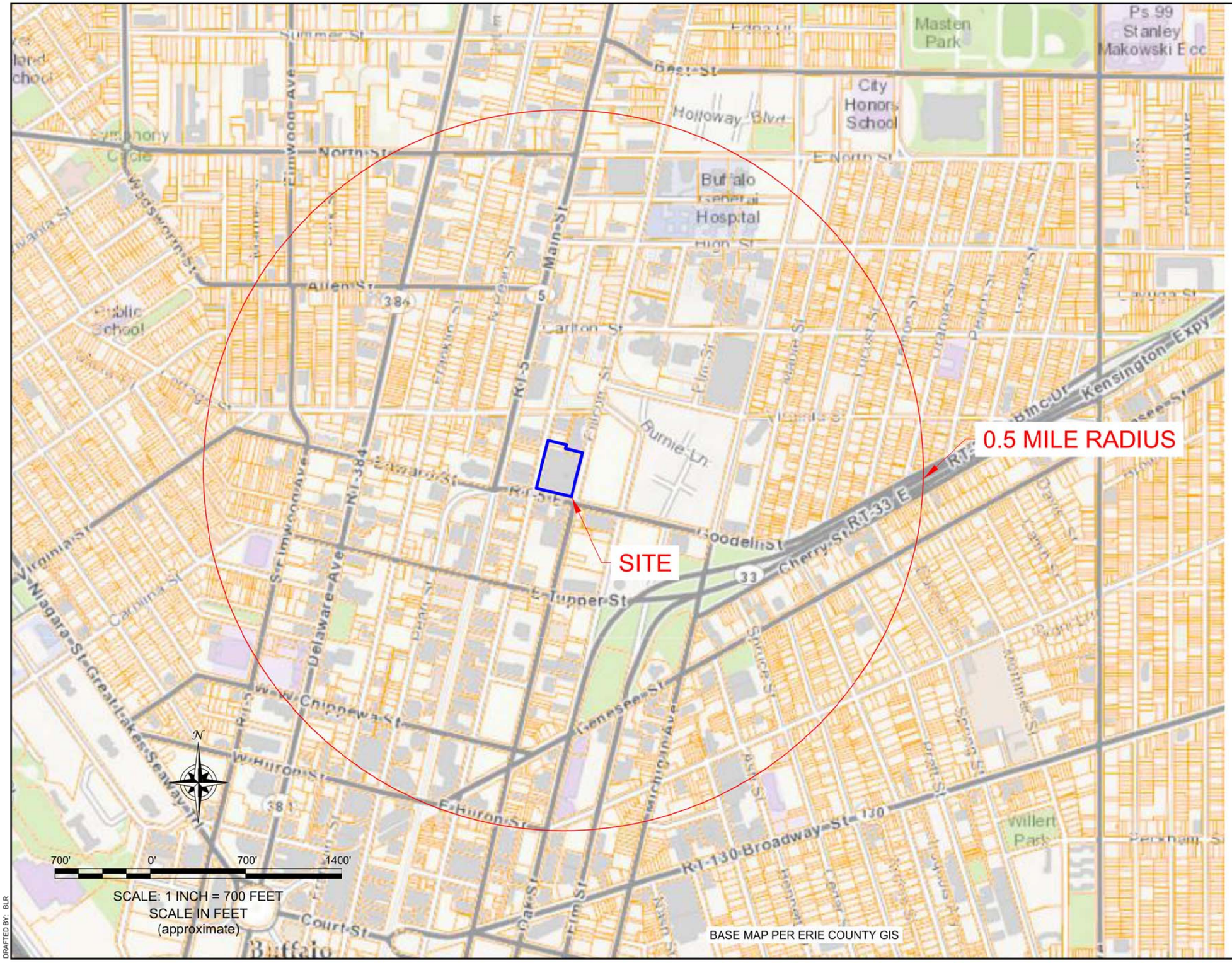
Section IX – Question 11
Natural Resources Within ½ Mile

Former Trico Plant
Brownfield Cleanup Program Application

The following natural resources exist within ½-mile of the Site:

- According to the NYSDEC's Environmental Resource Mapper (ERM), there are no significant natural communities within this radius; however, a significant portion of the area is listed as containing rare plant or animal habitats.

F:\CAD\TurnKey\Krog\Former Trico Building BCP\BCP Application\Figure IX-3, Wetlands Map.dwg



WETLANDS AND FLOODPLAINS MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

FORMER TRICO PLANT

BUFFALO, NEW YORK

PREPARED FOR

847 MAIN STREET, LLC

FIGURE IX-3

2558 HAMBURG TURNPIKE
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Section IX – Question 12
Floodplains Within ½ Mile

Former Trico Plant
Brownfield Cleanup Program Application

According to the Erie County On-line GIS mapping website (see Figure IX-3), no State or Federal wetlands or floodplains exist within a ½-mile radius of the Site.

Section IX – Question 14
Adjacent Land Uses

Former Trico Plant
Brownfield Cleanup Program Application

The Site is located in an urban mixed use commercial and residential area in the City of Buffalo, New York. Figure IX-1 shows the general land use of adjacent properties. The Site is developed with a vacant industrial complex bordered by commercial and residential properties.

Direction	Adjacent Property Owner/Current Use	Apparent Past Use	Comments/Concerns
North:	Commercial & Residential Buildings	Industrial (formerly part of the Trico Complex)	None
South:	Goodell Street and Eastman Machine Company	Industrial	None
East:	Ellicott Street and a parking lot	Residential & Parking	None
West:	Commercial & Residential Buildings	Commercial & Residential	None

Section IX – Question 15
Groundwater Vulnerability Assessment

Former Trico Plant
Brownfield Cleanup Program Application

POTENTIAL VULNERABILITY OF GROUNDWATER TO CONTAMINATION

Historically, the Site has been used for various commercial and industrial purposes. Previous environmental investigations have identified standing water in the sub-basement of the Plant. PCBs and low levels of metals were detected in a grab sample collected during a 2007 investigation. No groundwater sampling has been performed at the Site; however, additional groundwater characterization will be completed during the BCP Remedial Investigation.

Based on information gathered to date, there are no known deed restrictions on the use of groundwater at the Site. Potable water is supplied to the Site and surrounding vicinity by municipal water service (City of Buffalo).

GROUNDWATER FLOW/RECHARGE

No information on groundwater flow or recharge was available for the Site. Regional groundwater flow is estimated west toward Lake Erie.

Section IX – Question 16
Site Geography/Geology

Former Trico Plant
Brownfield Cleanup Program Application

REGIONAL GEOGRAPHY/GEOLOGY

Based on the bedrock geologic map of Erie County (Buehler and Tesmer, 1963), the Site is situated over the Onondaga Formation of the Middle Devonian Series. The Onondaga Formation is comprised of a varying texture from coarse to very finely crystalline with a dark gray to tan color and chert and fossils within. The unit has an approximated thickness of 110 to 160 feet.

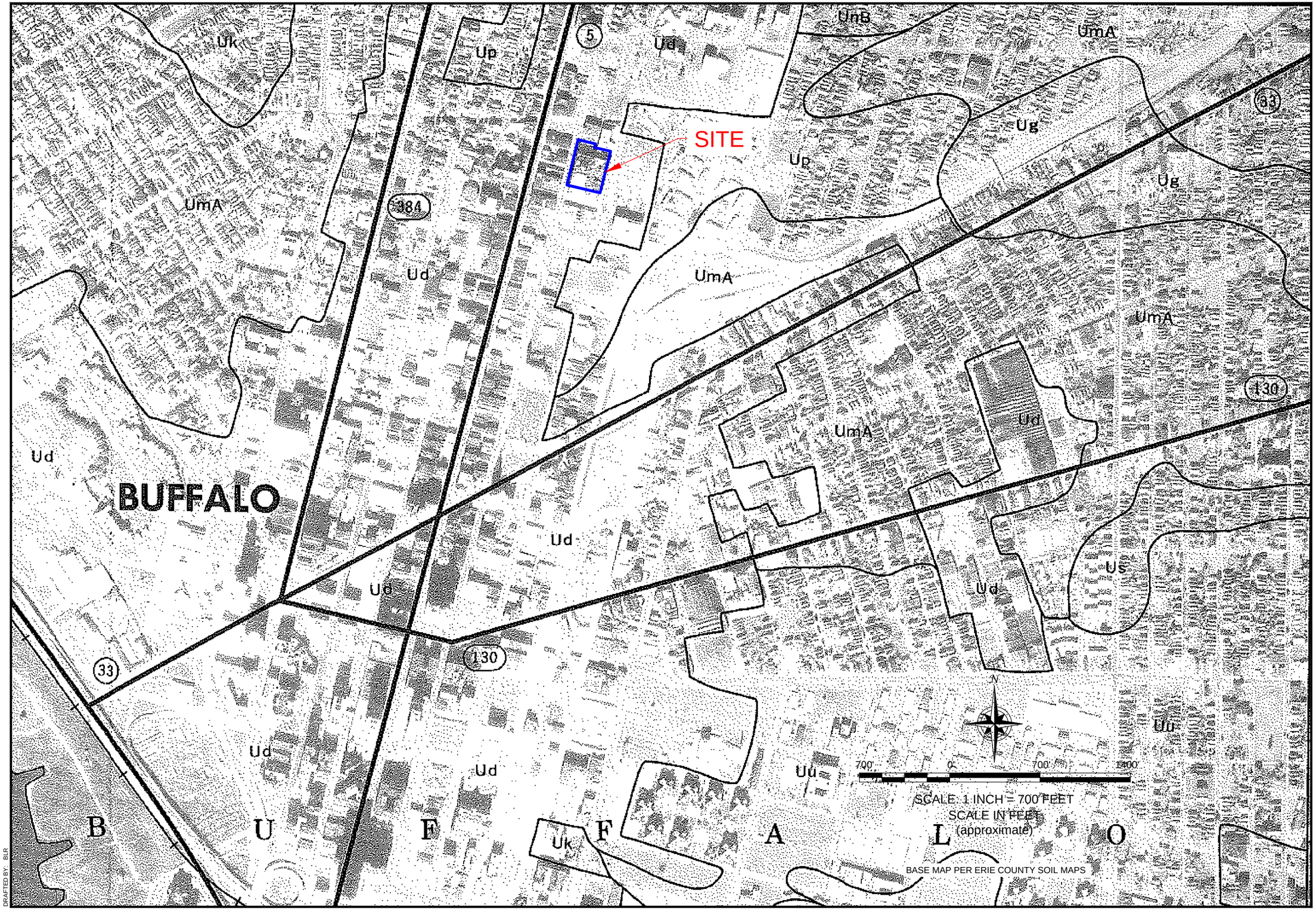
The Site is located within the Erie-Ontario lake plain physiographic province, which is typified by little topographic relief and gentle slope toward Lake Erie, except in the immediate vicinity of major drainage ways (USDA, 1978). The surficial geology of the Lake Erie Plain consists of a thin glacial till (if present), glacio-lacustrine deposits, recent alluvium, and the soils derived from these deposits.

SITE GEOGRAPHY/GEOLOGY

According to the United States Department of Agriculture (USDA) Erie County Soil Map (1978), the surface soils on the Site is characterized as Urban Land (Ud), consisting of level to gently sloping land with 80 percent or more of the soil surface covered by asphalt, concrete, buildings, or other impervious structures typical of an urban environment. Mapping of the surface soils in the vicinity of the Site, based on the USDA soil survey, indicates the surficial geology of the area consists of various loams, with slopes typically ranging from 0 to 6%. Figure IX-4 is the USDA 1978 map showing the soil types on and adjacent to the Site.

Soil beneath the Site buildings was described as gravel, sand, and clay during the July 2013 Limited Subsurface Investigation. Further characterization will be completed during the BCP Remedial Investigation.

F:\CAD\TurnKey\Krog\Former Trico Building BCP\BCP Application\Figure IX-4, Soil Map.dwg



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TURNKEY ENVIRONMENTAL RESTORATION, LLC

JOB NO.: 0092-013-500

SOIL MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
FORMER TRICO PLANT
BUFFALO, NEW YORK
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847 MAIN STREET, LLC

FIGURE IX-4

APPENDIX A

ELECTRONIC COPY OF APPLICATION

PREVIOUS REPORTS