



Phillips Lytle LLP

January 22, 2015

Via FedEx

Chief Site Control Section
New York State Department of
Environmental Conservation
Division of Environmental Conservation
625 Broadway
Albany, New York 12333-7020

Hand Delivery

Mr. Martin L. Doster
Regional Remediation Engineer
270 Michigan Avenue
Buffalo, New York 14203

Re: Genesis Development LLC Brownfield Cleanup Application
1130 Niagara Street Site, Buffalo, New York

Dear Mr. Doster and Chief Site Control Section:

Genesis Development LLC ("Genesis") has entered into a Purchase Agreement, dated as of January 19, 2015, with Gerspach Properties, LLC ("Gerspach") to purchase the NYSDEC designated brownfield site, the 1130 Niagara Street Site in Buffalo, New York (the "Site"). Per the Purchase Agreement and pursuant to Gerspach's and Genesis's discussions with NYSDEC, Genesis is hereby submitting its application for the New York State Brownfield Cleanup Program ("BCP") by Thursday, January 22, 2015.

In accordance with Genesis's discussions with NYSDEC, and to accommodate the expeditious submission of the Genesis application to the BCP, Genesis has included in significant part, portions of the application prepared by Benchmark Environmental Engineering & Science, PLLC ("Benchmark") and submitted to NYSDEC by the current property owner, Gerspach and an affiliate of prior owner, Curtis Screw Company, LLC (the "Prior Application"). The Prior Application was accepted by the NYSDEC, and identified by Brownfield Cleanup Agreement Index Number C915284-11-14. All information regarding the Site, including but not limited to property ownership and contamination at the Site, was prepared by Benchmark as part of the Prior Application and has been included in the Genesis application to accommodate the Thursday, January 22nd application deadline. Genesis's application into the BCP is solely as a Volunteer and is intended to be considered separate and apart from the Prior Application. It is Genesis's understanding that the Prior Application will be withdrawn

ATTORNEYS AT LAW

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January 22, 2015

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pending NYSDEC's acceptance of Jenesis into the BCP as a Volunteer. Information regarding Jenesis and Jenesis's eligibility for the BCP as a Volunteer, have been inserted throughout the application where necessary and applicable.

Please contact me if you have any questions or require any additional information. We are anxious to move this application through the BCP review and approval process as soon as possible. Two copies of this letter and application and a CD of same have been sent to the Chief Site Control Section, at the Department.

Very truly yours,

Phillips Lytle LLP

By 
Morgan G. Graham

CC: Maureen Brady, NYSDEC Regional Attorney
Patrick Foster, NYSDEC Office of General Counsel
William Grieshaber, Jenesis Development LLC
John Kolaga, Damon Morey LLC
Lisa Sofferin, Gerspach Properties LLC/ Leisureliving

Doc #01-2833350.1



**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM (BCP)**



ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #:

08/2013

Section I. Requestor Information		
NAME Jenesis Development LLC		
ADDRESS 1150 Niagara Street		
CITY/TOWN Buffalo		ZIP CODE 14213
PHONE 716-481-8910	FAX	E-MAIL wegrieshoberjr@hotmail.com
<p>Is the requestor authorized to conduct business in New York State (NYS)? <input type="checkbox"/> Yes <input type="checkbox"/> 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 <u>NYS Department of State's Corporation & Business Entity Database</u>. 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. -Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of <u>DER-10: Technical Guidance for Site Investigation and Remediation</u> and New York State Education Law. Documents that are not properly certified will not be approved under the BCP. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		
NAME OF REQUESTOR'S REPRESENTATIVE William Grieshober, Jenesis Development LLC		
ADDRESS 1150 Niagara Street		
CITY/TOWN Buffalo		ZIP CODE 14213
PHONE 716-481-8910	FAX	E-MAIL wegrieshoberjr@hotmail.com
NAME OF REQUESTOR'S CONSULTANT Conestoga- Rovers & Associates Inc		
ADDRESS 285 Delaware Avenue, Suite 500		
CITY/TOWN Buffalo		ZIP CODE 14202
PHONE 716-856-2142	FAX 716-856-2160	E-MAIL cmartin@croworld.com
NAME OF REQUESTOR'S ATTORNEY Morgan G. Graham, Phillips Lytle LLP		
ADDRESS One Canalside, 125 Main Street		
CITY/TOWN Buffalo		ZIP CODE 14203
PHONE 716-847-7070	FAX 716-852-6100	E-MAIL mgraham@phillipslytle.com
<p>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:</p>		
<input type="checkbox"/> 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.	<input checked="" type="checkbox"/> VOLUNTEER 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):		
<input type="checkbox"/> Previous Owner <input type="checkbox"/> Current Owner <input checked="" type="checkbox"/> Potential /Future Purchaser <input type="checkbox"/> Other _____		
If requestor is not the site owner, requestor will have access to the property throughout the BCP project. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No -Proof of site access must be submitted for non-owners		

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 1130 Niagara Street Site

ADDRESS/LOCATION 1130 Niagara Street CITY/TOWN Buffalo ZIP CODE 14213

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

COUNTY Erie SITE SIZE (ACRES) 2.62

LATITUDE (degrees/minutes/seconds) 42 ° 54 ' 51 " LONGITUDE (degrees/minutes/seconds) -78 ° 54 ' 1 "

HORIZONTAL COLLECTION METHOD: SURVEY GPS MAP HORIZONTAL REFERENCE DATUM: NAD 83

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
1144 Niagara Street		99.41	1	12	1.14
17 Gull Street		99.41	1	11	0.5
103 West Ferry Street		99.41	1	3.1	0.98

- 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.
- Is the required property map attached to the application? (application will not be processed without map) Yes No
- 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. See Figure 8 Attachment 2
 If yes, identify area (name) Census Tract 005100
 Percentage of property in En-zone (check one): 0-49% 50-99% 100%
- 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 Attachment 2

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
See Attachment 2		

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 Gerspach Properties, LLC

ADDRESS 574 Main Street

CITY/TOWN Tonawanda

ZIP CODE 14150

PHONE 716-773-7500

FAX

E-MAIL lisa.sofferin@leisureliving.com

OPERATOR'S NAME Leisure Living

ADDRESS 574 Main Street

CITY/TOWN Tonawanda

ZIP CODE 14150

PHONE 716-773-7500

FAX 716-773-4635

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 27-1407.9(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 # B9-0854-13-10
- 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 Attachment 3

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 See Attachment 4

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	x			
Chlorinated Solvents	x	x			
Other VOCs					
SVOCs	x	x			
Metals	x	x			
Pesticides					
PCBs					
Other*					

*Please describe: _____

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
Chlorinated Solvents					x
Other VOCs					
SVOCs					
Metals					
Pesticides					
PCBs					
Other*					

*Please describe: _____

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

- 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):

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

Other: _____

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".

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. See Attachment 5
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. In cities with a population of one million or more, the local community board if the proposed site is located within such community board's boundaries (*note: per the 2010 census, New York City is the only city in NY with a population over one million).
8. The location of a document repository for the project (c.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. See Attachment 6

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

1. Current Use: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant <input type="checkbox"/> Recreational (check all that apply) Provide summary of business operations as an attachment.	
2. Intended Use Post Remediation: <input type="checkbox"/> Unrestricted <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> 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)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4. Is the proposed use consistent with applicable zoning laws/maps? See Figure 6	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)). See Figure 11	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7. Are there any federal or state land use designations relating to this site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8. Do the population growth patterns and projections support the proposed use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9. Is the property accessible to existing infrastructure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
10. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile? See Figure 10	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 Figures 12 and 13	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
12. Are there floodplains within ½ mile? See Figure 13	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
13. Are there any institutional controls currently applicable to the property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 Attachment 7	
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 Attachment 7	
16. Describe the geography and geology of the site in an attachment. See Attachment 7	

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 Manager (title) of Jenasis Development 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: 1/22/15 Signature: [Signature] Print Name: WILLIAM E. BRIESHORER, JR.

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: _____

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**BROWNFIELD CLEANUP PROGRAM (BCP)
INSTRUCTIONS FOR COMPLETING A BCP APPLICATION**

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your Regional office to schedule a meeting. To add a party to an existing BCP Agreement and/or Application, use the BCP Application Amendment for a Change in Party.

SECTION I

REQUESTOR INFORMATION

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

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.

Document Certification

All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of DER-10. Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:

- i. New York State licensed professional engineers (PEs), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a PE with current license and registration for work that was done by them or those under their direct supervision. The firm by which the PE is employed must also be authorized to practice engineering in New York State;
- ii. qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and paragraph 1.3(b)49;
- iii. remedial parties, as defined at 6 NYCRR 375-1.2(ao) and paragraph 3(b)60; or
- iv. site owners, which are the owners of the property comprising the site at the time of the certification.

Applicants should refer to Section 1.5 of DER-10 for further details.

Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Representative Name

Provide the name of the requestor's authorized representative. This is the person to whom all correspondence, notices, etc will be sent, and who will be listed as the contact person in the BCA.

Representative Address, etc

Provide the representative's mailing address, telephone number, fax number and e-mail address. Invoices will be sent to the representative unless another contact name and address is provided with the application.

Consultant Name

Provide the name of the requestor's consultant.

Consultant address, etc

Provide the mailing address, telephone number, fax number and e-mail address.

Attorney Name

Provide the name of the requestor's attorney.

Attorney address, etc

Provide the mailing address, telephone number, fax number and e-mail address.

Participant/Volunteer Certification

The requestor is required to certify whether it is applying as a "Participant" or a "Volunteer" as defined in Environmental Conservation Law (ECL) 27-1405.1.

Relationship to Property

The requestor is required to identify its relationship to the property (previous owner, current owner, etc). If the requestor is not the owner, proof of access to the property throughout the BCP project must be provided (e.g. an access agreement).

SECTION II**PROPERTY INFORMATION**

DEC requires an application to request major changes to the description of the property set forth in the BCA (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). The application must be submitted to DEC in the same manner as the original application to participate. **If any changes to this section are required prior to application approval, a new page, initialed by each requestor, must be submitted.**

Property Name	Provide a name for the property. The name could be an owner's name, current or historical operations (i.e. ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.
Property Address	Provide a street address, city/town, zip code, and each municipality and county in which the property is located. For properties with multiple addresses, provide information for all.
Property Size	Provide the approximate acreage of the property.
GIS Information	Provide the latitude and longitude from the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds. Indicate method used to acquire the location (horizontal collection method); the Horizontal Reference Datum (NAD27 or NAD82) used in determining latitude and longitude coordinates; and the Reference Point. If more than one property is listed in the NIR, list separate latitude and longitudes.
Tax Parcel Information	Provide the tax parcel/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears.
1. Tax Map Boundaries	State whether the boundaries of the property correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/reuse project area.
2. Map	Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: i) a distance of at least 1,000 feet around the proposed brownfield property at a scale no smaller than one inch equal to 200 feet; ii) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; iii) proposed brownfield property boundary lines, with adjacent property owners clearly identified; iv) surrounding land uses; and v) existing easements or rights-of-way currently in effect for the property(ies) comprising the property. A site survey with metes and bounds will be required to establish the site boundaries before the Remedial Investigation is approved.
3. En-zone	Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see Empire State Development's website .
4. Multiple applications	Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where 1) the development project spans more than 25 acres; 2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and 3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).
5. Property Description Narrative	Provide any additional relevant information.
6. Easements	Identify and describe all current easements, including names of easement holders.
7. Present or Past Permits	Identify any permits issued by the NYSDEC or USEPA.

SECTION III**CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

- Owner Name Provide the name of the current owner of the property. List all parties holding an interest in the property.
- Owner Address, etc Provide the owner's mailing address, telephone number, fax number and e-mail address.
- Operator Name Provide the name of the current operator (if different from the requestor or owner).
- Operator Address, etc Provide the operator's mailing address, telephone number, fax number and e-mail address.

SECTION IV**REQUESTOR ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

1. Enforcement Action Pending Are any enforcement actions relating to the proposed brownfield property pending against the requestor?
2. Existing Order Is the requestor presently subject to an order for the investigation, removal or remediation of the contamination at the property?
3. Outstanding Spill Fund Claim Is the requestor subject to an outstanding claim by the Spill Fund? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.
4. Violation of ECL Article 27 Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any related order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment.
5. Previous BCP Denial Has the requestor previously applied for and been denied entry into the BCP? If so, include information relative to the application, such as name, address, Department assigned site number, the reason for denial, and other relevant information.
6. Negligent/Intentionally Tortious Act Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?
7. Criminal Convictions Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?
8. False Statements Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?
9. BCP Application Denial 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?

SECTION V**PROPERTY ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

1. CERCLA / NPL Listing Is any portion of the property listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.

SECTION V**PROPERTY ELIGIBILITY INFORMATION (Continued)**

2. Registry Listing

Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) website for a database of sites with classifications.

3. RCRA

Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 *et seq*? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. See DER website for a list of RCRA permitted sites. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.

4. Existing Order

Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.

5. Enforcement Action Pending

Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information on an attachment.

SECTION VI**PROJECT DESCRIPTION**

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, proposed use after remediation and the estimated project schedule.

SECTION VII**PROPERTY ENVIRONMENTAL HISTORY**

1. Environmental Reports

Summarize the results of all previous environmental studies, including any Phase I or Phase II Investigations as well as maps and data. The summary should include information concerning past uses, known or suspected contamination, and the names of any known primary contaminants to be addressed. Copies of all environmental reports and assessments must be included. The application must identify the standard used to prepare such reports (e.g. ASTM E 1527 [American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process])

2. Sampling Data

Provide a table of known contaminants (from sampling and analysis) at the property with the maximum concentration detected and the media in which each contaminant was detected. Reference and include laboratory reports.

3. Suspected Contaminants

Provide a table of suspected contaminants and the media which may have been affected.

4. Known or Suspected Sources of Contamination

Indicate any known or suspected sources of contamination.

5. Past Land Uses

Indicate past land uses.

6. Previous Owners and Operators

Provide the names, address and phone numbers of all previous owners and operators, including a statement as to any relationship of the requestor to any prior owner(s).

SECTION VIII**CONTACT LIST INFORMATION**

Provide the names and addresses of the parties on the Site Contact List (SCL). The SCL consists of (i) the chief executive officer and planning board chairperson of each county, city, town, and village in which the site is located; ii) residents, owners, and occupants of the site and properties immediately adjacent to the site; iii) local news media from which the community typically obtains information; iv) the public water supplier which services the area in which the site is located; v) any person who has requested to be placed on the SCL; vi) the administrator of any school or day care facility located on or near the site; and vii) any community board located in a city with a population of one million or more, if the proposed site is located within such community board's boundaries. Also, provide the name and address of a document repository, along with a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the site.

SECTION IX**LAND USE FACTORS**

- | | |
|-----------------------------------|--|
| 1. Current Use | Identify the current use category. Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date. |
| 2. Intended Use | Identify the use category post remediation. Attach a statement detailing the specific proposed use. |
| 3. Historical/current development | Is the proposed use consistent with historical and/or current development patterns for the neighborhood? (See "Adjacent Uses" description below). |
| 4. Applicable zoning laws/maps | Is the proposed post-remediation use consistent with local zoning, planning and maps? Provide relevant documentation supporting the consistency. |
| 5. Comprehensive Plans | Is the proposed post-remediation use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, and other adopted land use plans? Provide relevant documentation supporting the consistency. |
| 6. EJ concerns | Are there any environmental justice concerns? If yes, explain. |
| 7. Federal/State designations | Are there any federal or state land use designations relating to the property? If yes, explain. |
| 8. Population growth patterns | Identify whether the growth patterns and projections support the proposed plan. Information on demographics can be found on Empire State Development's website . |
| 9. Existing infrastructure | Is the property accessible to existing infrastructure (highways, utilities, sewer and water lines, etc)? |
| 10. Cultural resources | Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile of the site? If yes, explain. |
| 11. Natural Resources | 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? If yes, explain. |
| 12. Flood Plains | Are there floodplains within ½ mile of the site? If yes, explain. |
| 13. Institutional Controls | Does the property have any institutional controls imposed as part of a remedial program? If yes, describe the controls and the remedial program under which the controls were imposed. |
| 14. Adjacent uses | Attach a description of the general land uses (unrestricted, residential, commercial, industrial, agricultural, recreational, mixed, urban, etc.) in the area. Providing an area map depicting uses is the best approach. |
| 15. Groundwater vulnerability | Describe the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas, and other areas identified by the Department and the State's Comprehensive Groundwater Remediation and Protection Program. |
| 16. Geography/Geology | Describe (in general terms) the geography and geology of the property on an attachment. |

SECTION X**SIGNATURE PAGE**

The Requestor must sign the application, **not** the requestor's representative, contact, consultant or attorney. If there are multiple parties applying, then each must sign a signature page.

**1130 Niagara Street Site
Brownfield Cleanup Program Application**

ATTACHMENT 1

BCP Application - Section 1

Requestor Information

Explanation of Requester Application

NYS Department of State Corporation & Business Entity Database
for Jenesis Development LLC

Resolution of Authority to Sign BCP Application and BCA
for Jenesis Development LLC

ATTACHMENT 1: EXPLANATION OF REQUESTOR APPLICATION

Jenesis Development LLC (“Jenesis”) has entered into a Purchase Agreement, dated as of January 19, 2015, with Gerspach Properties, LLC (“Gerspach”) to purchase the NYSDEC designated brownfield site, the 1130 Niagara Street Site in Buffalo, New York (the “Site”) (collectively, the “Contract”). Per the Contract and pursuant to Gerspach’s and Jenesis’s discussions with NYSDEC, Jenesis is hereby submitting its application for the New York State Brownfield Cleanup Program (“BCP”) by Thursday, January 22, 2015. Attached hereto is a copy of the first page (redacted) of the fully executed Contract. Jenesis will have full ownership rights, including access to the Site, once the BCP project has commenced.

In accordance with Jenesis’s discussions with NYSDEC, and to accommodate the expeditious submission of the Jenesis application to the BCP, Jenesis has included in significant part, portions of the application prepared by Benchmark Environmental Engineering & Science, PLLC (“Benchmark”) and submitted to NYSDEC by the current property owner, Gerspach and an affiliate of prior owner, Curtis Screw Company, LLC (the “Prior Application”). The Prior Application was accepted by the NYSDEC, and identified by Brownfield Cleanup Agreement Index Number C915284-11-14. All information regarding the Site, including but not limited to property ownership and contamination at the Site, was prepared by Benchmark as part of the Prior Application and has been included in the Jenesis application to accommodate the Thursday, January 22nd application deadline. Jenesis’s application into the BCP is solely as a Volunteer and is intended to be considered separate and apart from the Prior Application. It is Jenesis’s understanding that the Prior Application will be withdrawn pending NYSDEC’s acceptance of Jenesis into the BCP as a Volunteer. Information regarding Jenesis and Jenesis’s eligibility for the BCP as a Volunteer, have been inserted throughout the application where necessary and applicable.

CONTRACT OF SALE

THIS CONTRACT, made as of the 19 day of January, 2015, between GERSPACH PROPERTIES, LLC, 532 Main Street, Tonawanda, New York 14150 ("Seller"), R&P POOLS, INC., 574 Main Street, Tonawanda, New York 14150 ("Occupant") and JENESIS DEVELOPMENT LLC, 1150 Niagara Street, Buffalo, New York 14213 ("Purchaser").

1. **Agreement.** Seller shall sell and Purchaser shall buy, in accordance with the terms of this Contract, real property consisting of parcels known as 103 West Ferry, 17 Gull Street and 1144 Niagara Street, Buffalo, New York. The aforementioned real property is identified in the real property tax records as S.B.L. Nos. 99.41-1-3.1, 99.41-1-11 and 99.41-1-12, and may be collectively referred to in this Contract as the "Property". The Property is described and depicted in Exhibit A. The legal descriptions of the Property to be used in the Deed (as hereinafter defined) shall include both the record legal descriptions of the Property as set forth in attached Exhibit A and, if requested by Purchaser, a perimeter legal description to be prepared by the surveyor and shown on the Survey (as hereinafter defined).

2. **Inclusions in Sale.**

- (a) The Property and the sale contemplated by this Contract include:
- (i) All buildings, structures and improvements on the Property;
 - (ii) All fixtures and mechanical systems (including the heating, ventilating, air conditioning, plumbing and electrical systems);
 - (iii) All assignable guaranties and warranties related to any construction, alterations, maintenance and/or repair of the Property which Purchaser may, in its sole and absolute discretion, agree to assume (collectively "Warranties");

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through January 16, 2015.

Selected Entity Name: JENESIS DEVELOPMENT LLC

Selected Entity Status Information

Current Entity Name: JENESIS DEVELOPMENT LLC

DOS ID #: 4678373

Initial DOS Filing Date: DECEMBER 10, 2014

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)

JENESIS DEVELOPMENT LLC

1150 NIAGARA STREET

BUFFALO, NEW YORK, 14213

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
DEC 10, 2014	Actual	JENESIS DEVELOPMENT 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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JENESIS DEVELOPMENT LLC

MANAGER'S CERTIFICATE

The undersigned hereby certifies as follows:

1. I am a duly appointed Manager of Jenesis Development LLC, a limited liability company existing under the laws of the State of New York ("Company");
2. In my capacity as a Manager of the Company, I have the power and authority, on behalf of the Company, to execute and deliver this Certificate.
3. Attached hereto as Exhibit A is a true, correct and complete copy of resolutions adopted by the sole member of the Company as of January 19, 2015. Such resolutions remain in full force and effect and have not been amended or modified or repealed in any respect.

IN WITNESS WHEREOF, the undersigned has executed this Certificate as of the 22nd day of January, 2015.


Howard Rich, Manager

EXHIBIT A

RESOLVED, that the Company is hereby authorized to execute and deliver to Gerspach Properties, LLC and R&P Pools, Inc. a contract of sale ("Purchase Agreement") pursuant to which the Company will acquire real property commonly known as 103 West Ferry, 17 Gull Street and 1144 Niagara Street, Buffalo, New York ("Property") for a purchase price in the amount of \$360,000; and

RESOLVED, that the Company is hereby authorized to execute and deliver to New York State Department of Environmental Conservation a Brownfield Cleanup Agreement ("BCA") with respect to the Property; and

RESOLVED, William E. Grieshaber, Jr., in his capacity as a Manager of the Company, is hereby authorized to execute and deliver the Purchase Agreement and the BCA, in the name and on behalf of the Company; and to take all actions and execute all documents necessary and appropriate to effectuate the transactions contemplated by the Purchase Agreement and BCA.

1130 Niagara Street Site
Brownfield Cleanup Program Application

ATTACHMENT 2

BCP Application - Section II

The following attachment was prepared by Benchmark Environmental Engineering & Science, PLLC for Gerspach Properties, LLC and Curtis Screw Company, LLC. This Attachment 2 is being used for the Jenesis Development LLC BCP Application.

ATTACHMENT 2

BCP Application – Section II

PROPERTY INFORMATION

PROPERTY DESCRIPTION

FIGURE 1; SITE LOCATION AND VICINITY MAP

FIGURE 2; SITE PLAN (AERIAL)

FIGURE 3; PARCEL MAP

FIGURE 4; TAX MAP

FIGURE 5; PROPERTY BASE MAP

FIGURE 6; NEARBY LAND USE/ ZONING MAP

FIGURE 7; ADJACENT PROPERTY OWNERS MAP

FIGURE 8; EN-ZONE MAP

CITY OF BUFFALO TAX MAP

PARCEL MAP REPORT 1144 NIAGARA ST

PARCEL MAP REPORT 17 GULL ST

PARCEL MAP REPORT 103 WEST FERRY ST

NYSDEC PETROLEUM BULK STORAGE RECORDS (ELECTRONICALLY)

NYSDEC SPILL RECORDS (ELECTRONICALLY)

NYSDEC ENVIRONMENTAL REMEDIATION DATABASE RECORDS
(ELECTRONICALLY)

LETTER FROM NYSDEC TO GERSPACH PROPERTIES LLC
(ELECTRONICALLY)

NYSDEC DIVISION OF AIR RECORDS (ELECTRONICALLY)

ATTACHMENT 2
BCP Application Section II
Property Information
1130 Niagara Street Site

SECTION II - QUESTIONS 1-4

PARCEL DESCRIPTION

The subject property (hereinafter, to be referred to as the “1130 Niagara Street Site” or the “Site”) subject to the BCP application consists of three (3) parcels totaling approximately 2.6 acres in size, located in a highly developed mixed-use industrial, commercial and residential area of the City of Buffalo, Erie County, New York (see Figures 1 and 2). The US Postal Service mailing address for this three (3) parcel Site is 1130 Niagara Street, although the actual property street addresses are different. Therefore, it will be referred to as the “1130 Niagara Street Site” or “Site”. The three (3) parcels which make up the 1130 Niagara Street Site consist of the following:

- **Parcel 1 – 1144 Niagara Street, S.B.L. # 99.41-1-12, 1.14 acres.** This parcel contains an approximate 63,000 square-foot warehouse/office building.
- **Parcel 2 – 17 Gull Street, S.B.L. # 99.41-1-11, 0.5 acres.** This parcel is vacant but formerly contained an approximate 16,000 square-foot two-three story building until it was destroyed by fire in June 2008.
- **Parcel 3 – 103 West Ferry, S.B.L. # 99.41-1-3.1, 0.98 acres.** This parcel contains an approximate 2,000 square-foot masonry storage building on the southwest portion of the parcel and the remainder is an unused parking lot.

The Erie County On-Line Mapping System - Parcel Detail Report for the Site are attached. Erie County Real Property parcel and tax boundary maps are presented on Figures 3 and 4, respectively.

The three (3) parcels which make up the Site are located west of Niagara Street and south of West Ferry in the City of Buffalo. 1144 Niagara Street is the only parcel with frontage along Niagara Street. Parcels 1 and 2 are separated from Parcel 3 by east-west orientated Gull Street. Parcel 2 and 3 are west of 1144 Niagara Street with access from Gull Street. These

ATTACHMENT 2
BCP Application Section II
Property Information
1130 Niagara Street Site

three (3) parcels are bound by Niagara Street and Rich Products to the north and east; a rail line, I-190 interstate, and Blackrock Canal to the west; and Oliver Gear to the south (see Figures 5).

Land use/zoning surrounding the Site includes industrial, commercial and residential properties, with a religious institution (All Nations House of Prayer) located approximately 650 feet northwest of the Site along West Ferry (see Figure 6). The adjacent property owners are identified on Figure 7.

The three parcels that make up the 1130 Niagara Street Site are located within Census Tract 006100 and are located within an En-zone pursuant to Tax Law § 21(b)(6) as shown on Figure 8.

SECTION II - QUESTION 5

PROPERTY DESCRIPTION NARRATIVE

The 1130 Niagara Street Site has been used for residential, various industrial and commercial operations, since the late-1880s. These former uses of the three parcels that make up the Site have included: residential, wood and paper box manufacture, a typewriter manufacturer, medical supply manufacturer, foundry, auto-truck sales and service, restaurant, bowling alley, machine parts manufacturer. The current use of Parcel 1 is a swimming pool supply warehouse; Parcels 2 and 3 are vacant.

According to the 1925 Sanborn map, Curtis Screw Co., Inc. occupied the former building located on Parcel 2. Information from the Erie County Department of Real Property Tax Services available at <http://www.erie.gov/ecrpts/webprop.asp>, indicates Curtis Screw Co., Inc. was identified as the Site owner for the three (3) parcels from 1960 to 2005. Gerspach Properties, LLC purchased the Site in 2005. It was subsequently leased to Leisure Living, a

ATTACHMENT 2
BCP Application Section II
Property Information
1130 Niagara Street Site

swimming pool supply company. Prior to June 2008, orders from customers (telephone and/or internet), were packaged, prepared and shipped from the warehouse located on Parcels 1 and 2. Leisure Living moved its operations to Tonawanda, New York in 2008. A fire occurred in the former building located on Parcel 2, in June 2008, which destroyed the building. Currently, the building associated with Parcel 1 is still leased by Leisure Living as a warehouse. Parcels 2 and 3 are vacant.

Neither Gerspach Properties, LLC nor Leisure Living have used/store chlorinated solvents, cutting oil or lubricating oil in their operations. Curtis Screw Company, LLC has never owned and/or occupied the Site.

Historic industrial site usage indicates chemicals and petroleum products were used on the Site. This was confirmed by previous investigations which have identified the presence of chlorinated volatile organic compounds (cVOCs) and petroleum related VOCs (pVOCs) in the soil and/or groundwater at the Site. Additional details regarding the findings of the previous investigation is presented in Attachment 4.

The following information was available from the New York State Department of Environmental Conservation (NYSDEC) Petroleum Bulk Storage (PBS), Spills Incident, Environmental Site Remediation databases, and Division of Air.

NYSDEC PBS

- PBS Record 9-000154 was for the registration 1,200-gallon aboveground storage tank (AST) installed in March 1987 and closed in January 1995. Contents of the unregulated AST were not listed.
- PBS Record 9-002577 was for the registration one (1) AST and three (3) underground storage tanks (USTs), as follows.
 - 1,500-gallon waste/used oil AST installed in August 1996 and closed in January 2004.

ATTACHMENT 2
BCP Application Section II
Property Information
1130 Niagara Street Site

- A steel UST with unknown size, content and installation date was closed in July 1995. This is believed to be a 5,000-gallon cutting or lube oil tank.
- Two, 10,000-gallon steel # 2 fuel oil USTs installed in May 1977 and closed in July 1995.

NYSDEC Spills

- Spill Number 8707193 was assigned for a cutting oil tank tightness testing failure reported in November 1987 and closed in January 1988.
- Spill Number 9504353 was assigned for #2 fuel oil encountered during the removal of the two, 10,000-gallon USTs. The spill was reported in July 1995 and closed in July 1995.
- Spill Number 0485364 was assigned regarding a #2 fuel oil spill on December 23, 2004. This spill was closed on January 23, 2006.
- Spill Number 0802424 was assigned for the potential contamination from the fire-fighting water runoff that occurred during the extinguishing of the Parcel 2 building fire on June 2, 2008. The spill was closed June 4, 2008.
- Spill Number 0903551 was listed for lube oil encountered during a subsurface investigation. The spill was reported in June 2009 and closed in September 2012.

Environmental Remediation Database

- An Order on Consent and Administrative Settlement (Index No. B9-0854-13-10) with Gerspach Properties, LLC and Curtis Screw Co., Inc. for 1130 Niagara Street has been established and gives the Site a "P" classification. The "P" classification is used for sites where preliminary information indicates that a site may have contamination that makes it eligible for consideration for placement on the Registry of Inactive Hazardous Waste Disposal Sites (commonly referred to as the list of State Superfund Sites). Further investigation is needed to determine if a Class P site

ATTACHMENT 2
BCP Application Section II
Property Information
1130 Niagara Street Site

qualifies for listing of the site on the Registry. Class P sites are not listed on the Registry.

The requirements of this Order on Consent were met by the investigation activities discussed in the 2014 CEM Site Characterization Summary Report (see Attachment 4). Additionally, in a letter dated May 21, 2014 to Gerspach Properties LLC, NYSDEC requested Gerspach Properties consider entering the 1130 Niagara Street Site into the Brownfield Cleanup Program to address environmental contamination at the site. A copy of this letter is included in this Attachment.

NYSDEC Division of Air

- NYSDEC Division of Air Permit A140200 0127 00001I was issued in April 1988 to Curtis Screw Co., Inc. to operate a solvent vapor degreaser which utilized 95.5% 1,1,1-trichloroethane. The permit was closed in 1995 when the vapor degreaser was reportedly taken out of service.

Copies of the NYSDEC records referenced above are included at the end of Attachment 2.

Questions 6 and 7

Utilities are located in the right-of-ways along Niagara Street and Gull Street. No on-Site easements were identified; however historic easements may be present and will be researched during the completion of the Survey for the Certificate of Completion (COC).

Based on review of the on-line NYSDEC Environmental Site Database and USEPA ECHO database, the following permits were issued for the Site which have been closed, including:

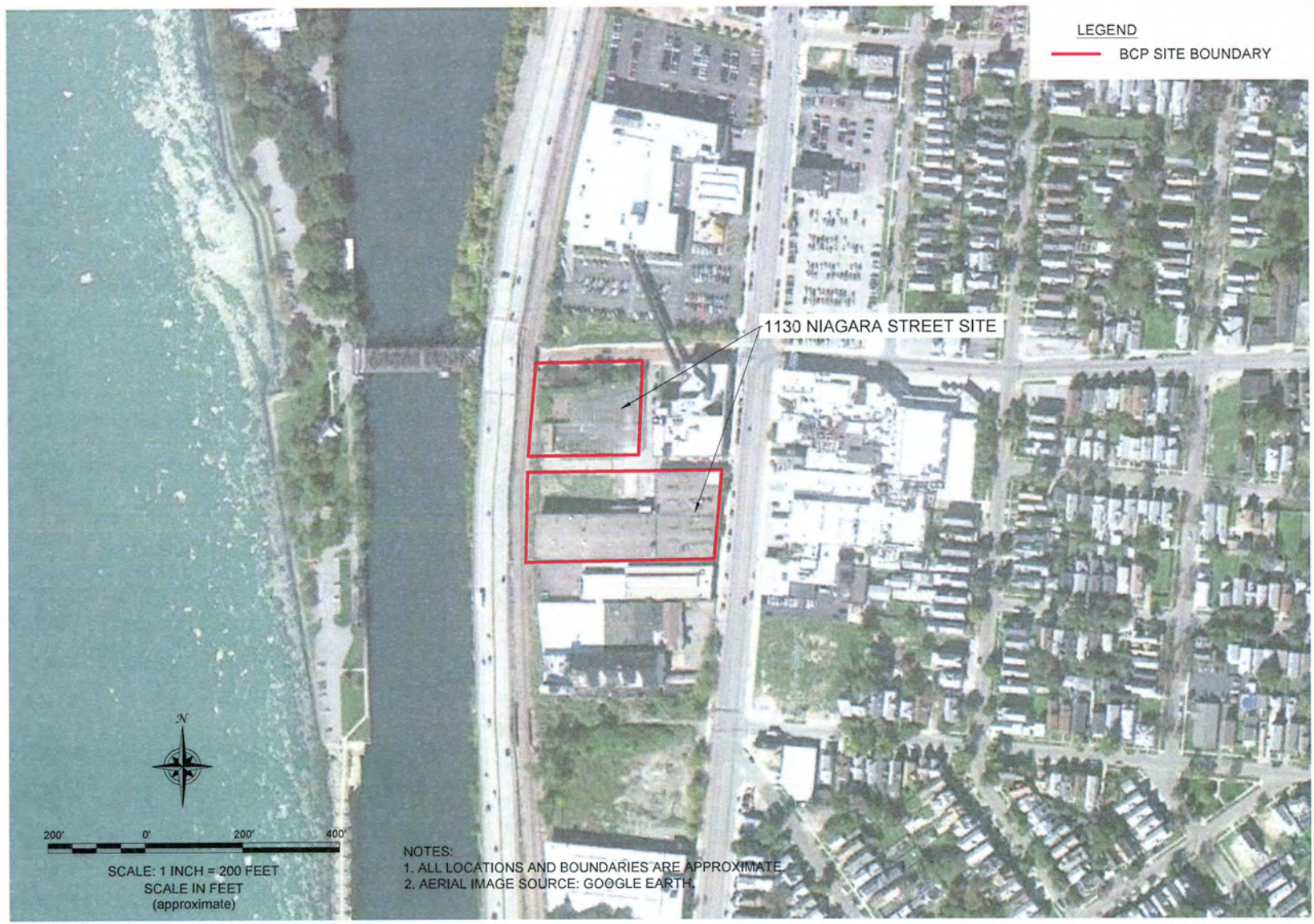
- NYSDEC PBS Permit No. 9-000154
 - Registration of a 1,200-gallon aboveground storage tank (AST) installed in March 1987 and closed in January 1995.

ATTACHMENT 2
BCP Application Section II
Property Information
1130 Niagara Street Site

- NYSDEC PBS Permit 9-002577
 - 1,500-gallon waste/used oil AST installed in August 1996 and closed in January 2004.
 - A steel UST with unknown size, content and installation date was closed in July 1995. This is believed to be a 5,000-gallon cutting or lube oil tank.
 - Two, 10,000-gallon steel # 2 fuel oil UST's installed in May 1977 and closed in July 1995.

- NYSDEC Division of Air Permit A140200 0127 00001I
 - The permit was issued in April 1988 to Curtis Screw Co., Inc. to operate a solvent vapor degreaser. The permit was closed in 1995 when the vapor degreaser was taken out of service.

DATE: JULY 2014
DRAFTED BY: B.R



SITE PLAN

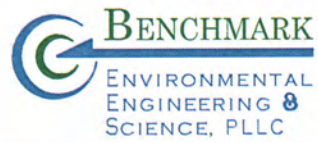
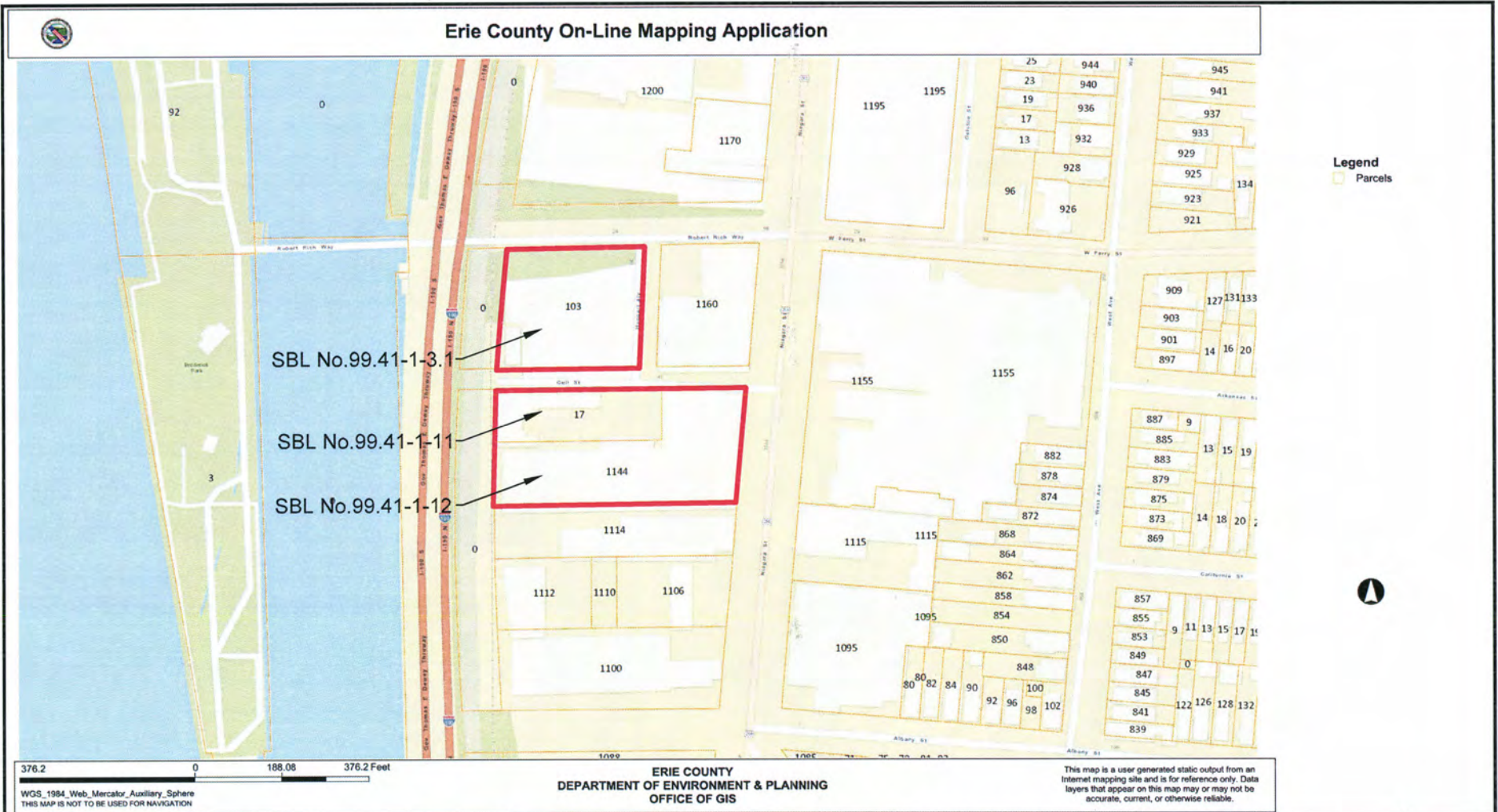
BROWNFIELD CLEANUP PROGRAM APPLICATION
1130 NIAGARA STREET SITE
BUFFALO, NEW YORK
PREPARED FOR
GERSPACH PROPERTIES, LLC & CURTIS SCREW COMPANY, LLC

BENCHMARK
ENVIRONMENTAL
ENGINEERS, PLLC
SCIENCE, PLLC
2559 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0599

JOB NO.: 0310-014-001

FIGURE 2

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2568 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0599

PARCEL MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

1130 NIAGARA STREET SITE

BUFFALO, NEW YORK

PREPARED FOR

GERSPACH PROPERTIES, LLC & CURTIS SCREW COMPANY, LLC

PROJECT NO.: 0310-014-001

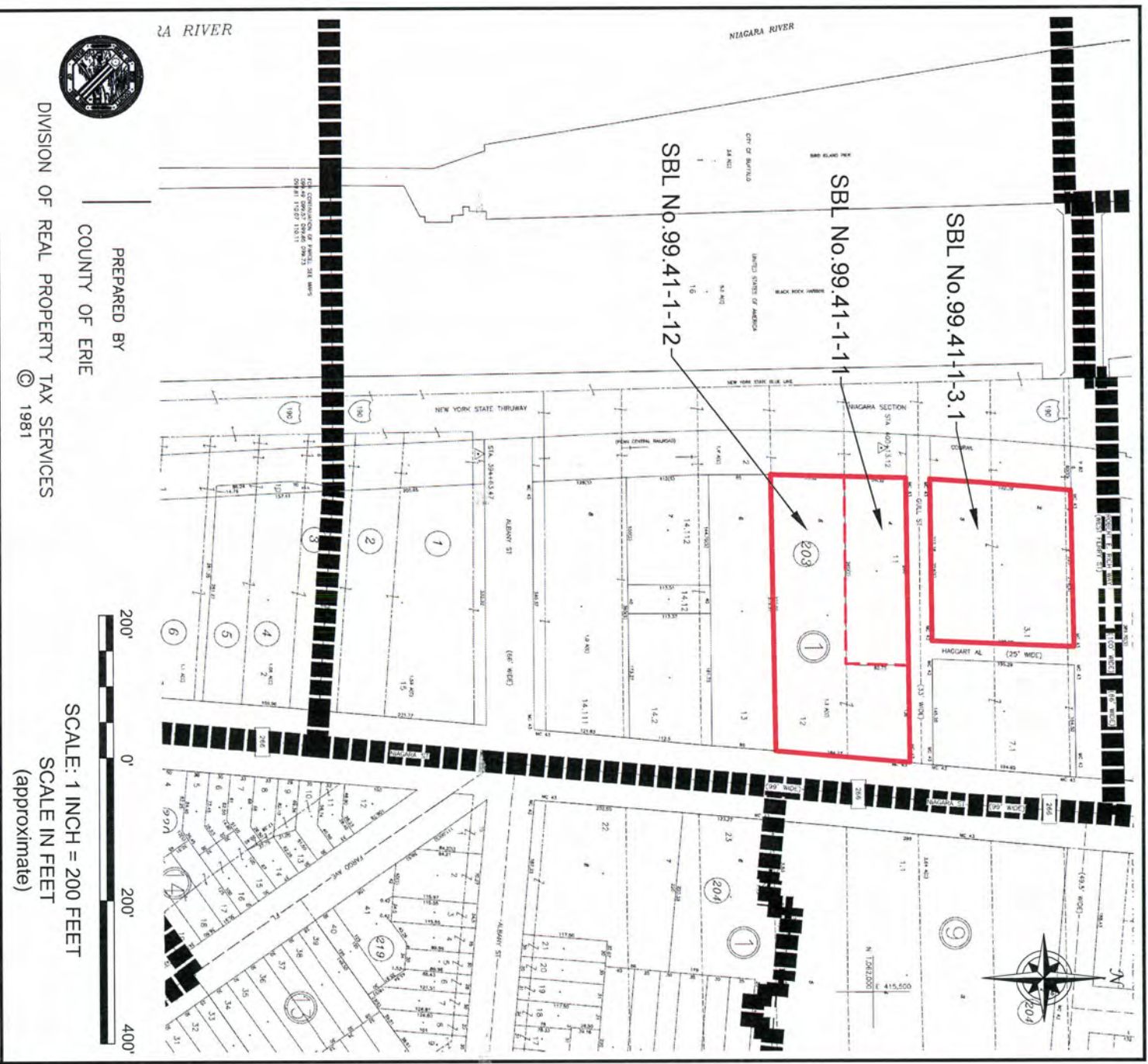
DATE: JULY 2014

DRAFTED BY: BLR

FIGURE 3

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FIGURE 4



PREPARED BY
 COUNTY OF ERIE
 DIVISION OF REAL PROPERTY TAX SERVICES
 © 1981

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

BENCHMARK
 ENVIRONMENTAL
 SCIENCE, PLLC
 2558 HARBURG TURNPIKE
 SUITE 300
 BUFFALO, NY 14218
 (716) 856-0599

PROJECT NO.: 0310-014-001

DATE: JULY 2014
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BROWNFIELD CLEANUP PROGRAM APPLICATION
 1130 NIAGARA STREET SITE

PREPARED FOR
GERSPACH PROPERTIES, LLC & CURTIS SCREW COMPANY, LLC

TAX MAP

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LEGEND

— BCP SITE BOUNDARY

— 1,000 FOOT SETBACK

NOTES:

1. ALL LOCATIONS AND BOUNDARIES ARE APPROXIMATE.

2. AERIAL IMAGE SOURCE: GOOGLE EARTH.

300 0 300 600

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

PROPERTY BASEMAP (1,000' SETBACK)

BROWNFIELD CLEANUP PROGRAM APPLICATION
1130 NIAGARA STREET SITE

PREPARED FOR
BUFFALO, NEW YORK

GERSPACH PROPERTIES, LLC & CURTIS SCREW COMPANY, LLC

BENCHMARK
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

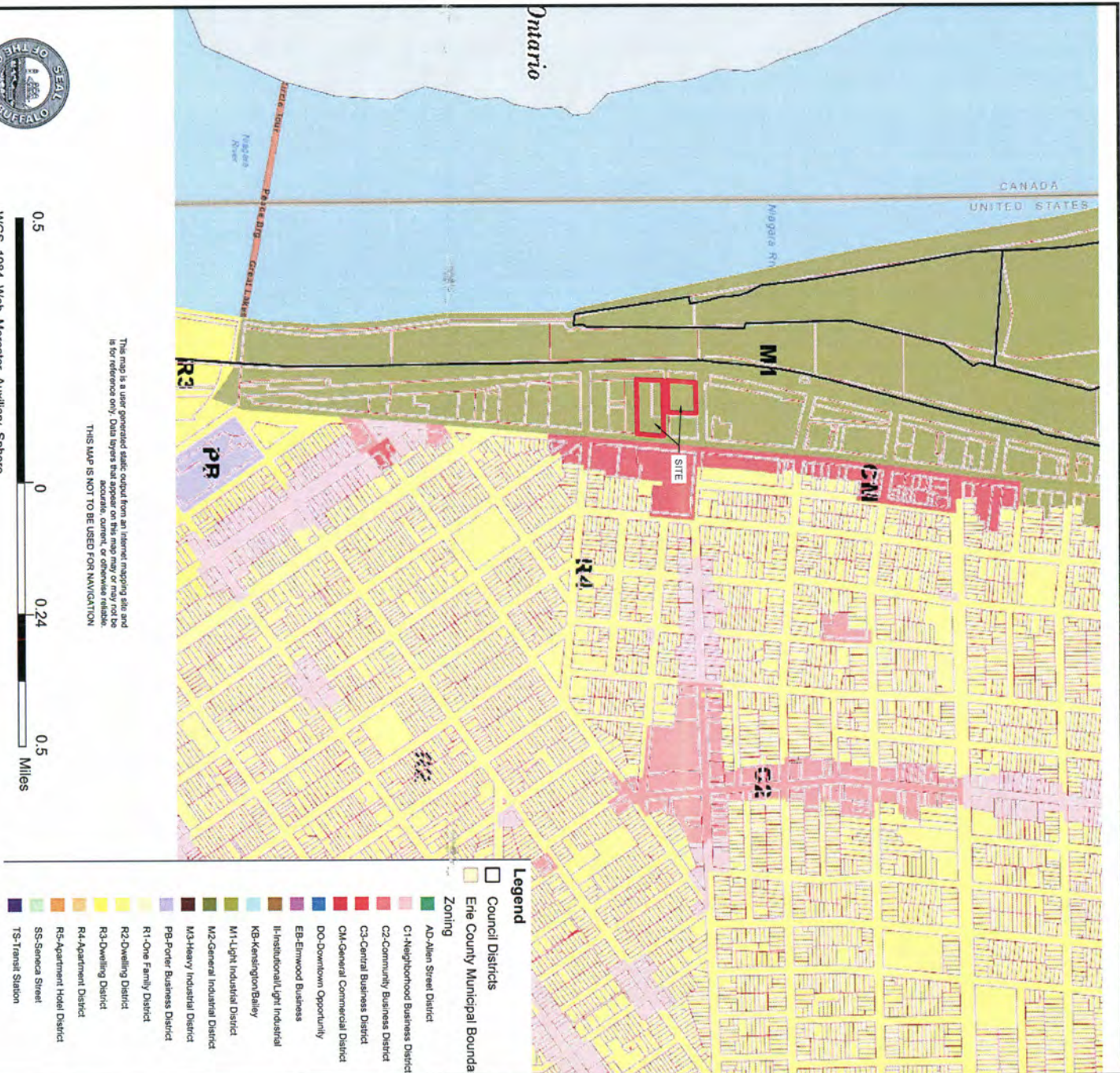
2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 658-0569

JOB NO.: 0310-014-001

FIGURE 5

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FIGURE 6



BENCHMARK
 ENVIRONMENTAL
 ENGINEERING &
 SCIENCE, PLLC

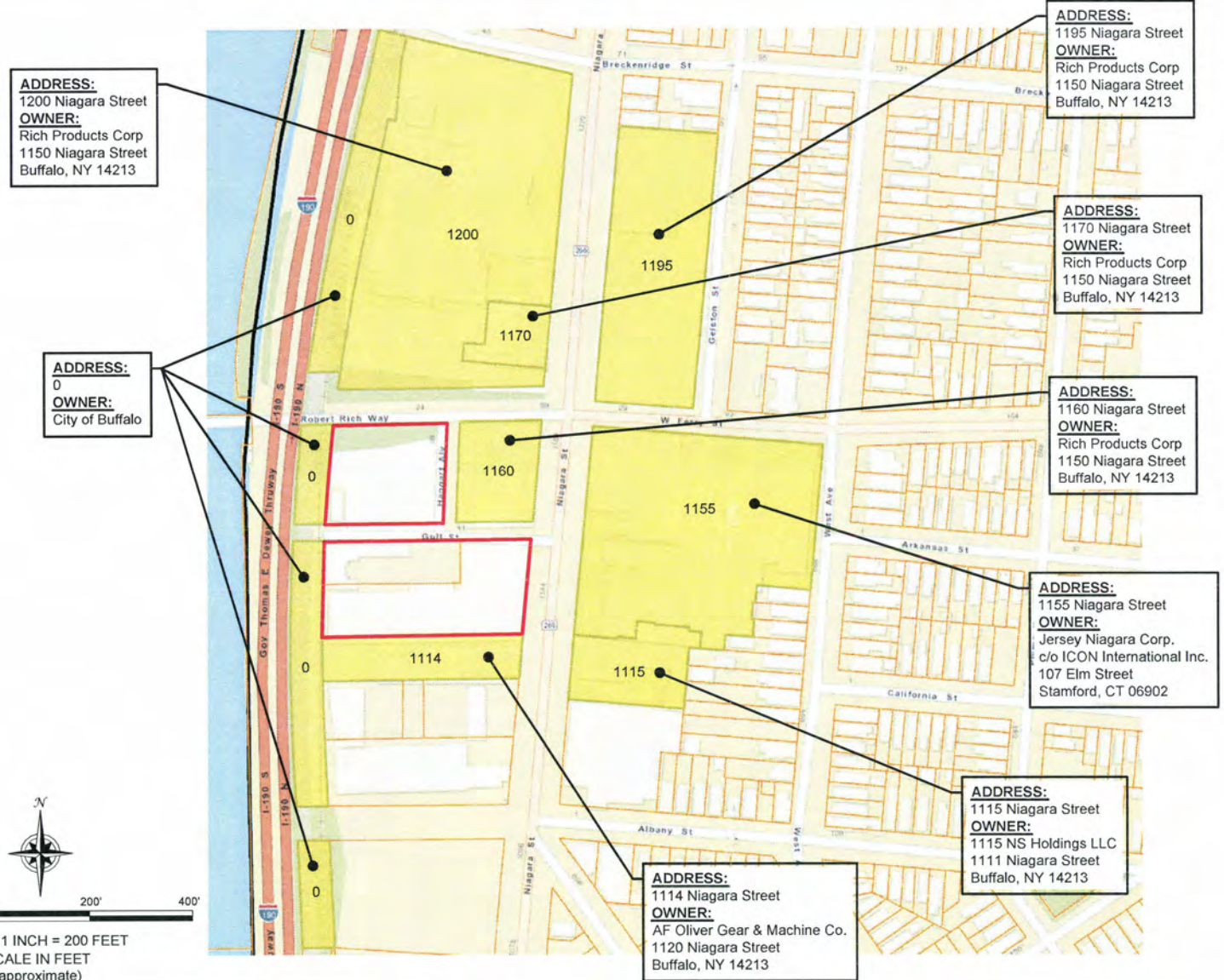
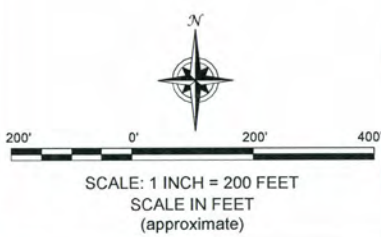
2558 HARBURG TURNPIKE
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 (716) 866-0699

PROJECT NO.: 0310-014-001
 DATE: JULY 2014
 DRAFTED BY: BLR

ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
 1130 NIAGARA STREET SITE
 BUFFALO, NEW YORK
 PREPARED FOR
 GERSPACH PROPERTIES, LLC & CURTIS SCREW COMPANY, LLC

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



ADJACENT PROPERTY OWNERS

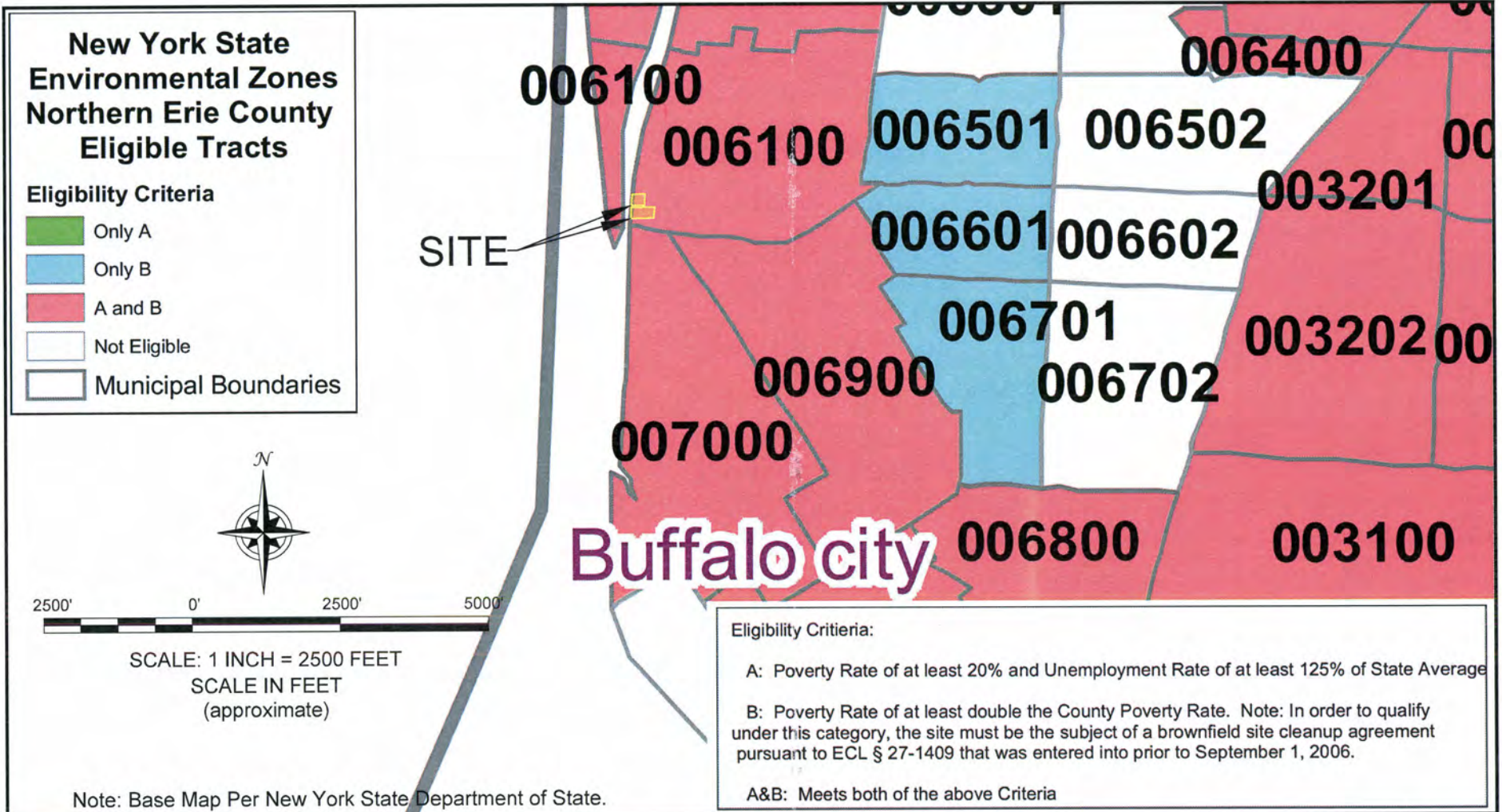
BROWNFIELD CLEANUP PROGRAM APPLICATION
1130 NIAGARA STREET SITE
PREPARED FOR
GERSPACH PROPERTIES, LLC & CURTIS SCREW COMPANY, LLC

FIGURE 7



JOB NO.: 0310-014-001

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



BENCHMARK
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

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

PROJECT NO.: 0310-014-001
DATE: JULY 2014
DRAFTED BY: BLR

EN-ZONE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

1130 NIAGARA STREET SITE

BUFFALO, NEW YORK

PREPARED FOR
GERSPACH PROPERTIES, LLC & CURTIS SCREW COMPANY, LLC

FIGURE 8

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

Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
7/24/2014 10:38:14 AM



Parcel Overview Map



Parcel Detail Map

PIN: 1402000994100001012000

SBL: 99.41-1-12

Address: 1144 NIAGARA

Owner 1: GERSPACH PROPERTIES LLC

Owner 2:

Mailing Address: 574 MAIN ST

City/Zip: TONWANDA NY 14150

Municipality: City of Buffalo

Property Class: 449

Class Description: C - Warehouse

Front: 183.5

Depth: 0

Deed Roll: 1

Deed Book: 11089

Deed Page: 5118

Deed Date:

Acreage: 1.137

Total Assessment: \$332,000

Land Assessment: \$23,800

County Taxes: \$332,000

Town Taxes: \$0

School Taxes: \$0

Village Taxes: \$0

School District: CITY OF BUFFALO

Year Built: 0

Sqft Living Area: 0

Condition: 0

Heating: 0

Basement: 0

Fireplace: 0

Beds: 0

Baths: 0

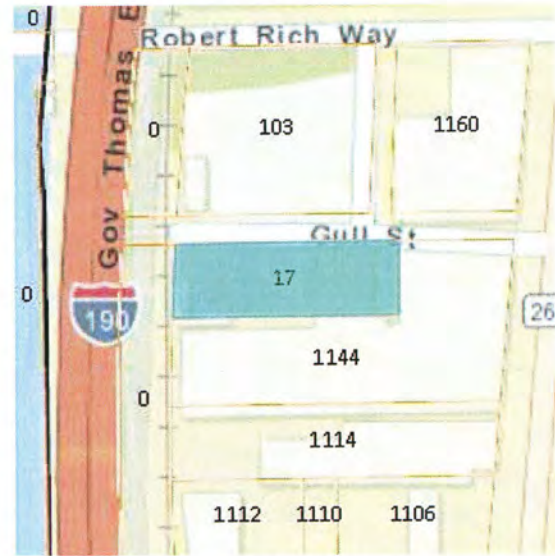
Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
7/24/2014 10:40:32 AM



Parcel Overview Map



Parcel Detail Map

PIN: 1402000994100001011000

SBL: 99.41-1-11

Address: 17 GULL

Owner 1: GERSPACH PROPERTIES LLC

Owner 2:

Mailing Address: 574 MAIN ST

City/Zip: TONAWANDA NY 14150

Municipality: City of Buffalo

Property Class: 340

Class Description: B - Vacant indus

Front: 260

Depth: 84

Deed Roll: 1

Deed Book: 11089

Deed Page: 5118

Deed Date:

Acreage: 0.503

Total Assessment: \$9,800

Land Assessment: \$9,800

County Taxes: \$9,800

Town Taxes: \$0

School Taxes: \$0

Village Taxes: \$0

School District: CITY OF BUFFALO

Year Built: 0

Sqft Living Area: 0

Condition: 0

Heating: 0

Basement: 0

Fireplace: 0

Beds: 0

Baths: 0

Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
7/24/2014 10:41:37 AM



Parcel Overview Map



Parcel Detail Map

PIN: 1402000994100001003100

SBL: 99.41-1-3.1

Address: 103 FERRY WEST

Owner 1: GERSPACH PROPERTIES LLC

Owner 2:

Mailing Address: 574 MAIN ST

City/Zip: TONAWANDA NY 14150

Municipality: City of Buffalo

Property Class: 449

Class Description: C - Warehouse

Front: 225

Depth: 193.19

Deed Roll: 1

Deed Book: 11089

Deed Page: 5118

Deed Date:

Acreage: 0.976

Total Assessment: \$25,000

Land Assessment: \$18,400

County Taxes: \$25,000

Town Taxes: \$0

School Taxes: \$0

Village Taxes: \$0

School District: CITY OF BUFFALO

Year Built: 0

Sqft Living Area: 0

Condition: 0

Heating: 0

Basement: 0

Fireplace: 0

Beds: 0

Baths: 0



Bulk Storage Database Search Details

[Next Site](#)
[Last Site](#)

Facility Information

Site No.: 9-000154
Status: Unregulated/Closed
Expiration Date: 07/05/1995
Site Type: CBS
Site Name: CURTIS SCREW CO. INC.
Address: 1130 NIAGARA ST
Locality: BUFFALO
State: NY
Zipcode: 14213
County: ERIE

Owner(s) Information

Facility Owner: CURTIS SCREW CO. INC.
 1130 NIAGARA ST . BUFFALO, NY. 14213

Tank Information

1 Tanks Found

Tank No	Tank Location	Status	Capacity (Gal.)
001	Aboveground - No Contact (on saddles, legs, rack, cradle, etc.)	Unregulated	1200

[Back to Search Results](#)
[Refine Current Search](#)



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Bulk Storage Database Search Details

Tank Information

Site No: 9-000154

Site Name: CURTIS SCREW CO. INC.

Tank No: 001

Tank Location: Aboveground - No Contact (on saddles, legs, rack, cradle, etc.)

Tank Status: Unregulated

Tank Install Date: 03/01/1978

Tank Closed Date: 01/01/1995

Tank Capacity: 1200 gal.

Tank Type: 99 - Other

Tank Internal Protection: None

Tank External Protection: None

Tank Secondary Containment: None

Tank Leak Detection: None

Overfill: None

Spill Prevention: None

Dispenser: None

Pipe Location: None

Pipe Type: None

Pipe External Protection: None

Piping Secondary Containment: None

Piping Leak Detection: None

Tank Next Test Due:

Tank Last Test:

Tank Test Method: Testing Not Required

[Refine Current Search](#)

[Back to Facility Info](#)



Bulk Storage Database Search Details

[First Site](#)
[Previous Site](#)
[Next Site](#)
[Last Site](#)

Facility Information

Site No.: 9-002577

Status: Unregulated/Closed

Expiration Date: 08/16/2006

Site Type: PBS

Site Name: CURTIS SCREW CO INC

Address: 1130 NIAGARA ST

Locality: BUFFALO

State: NY

Zipcode: 14213

County: ERIE

Owner(s) Information

Facility Owner: CURTIS SCREW CO INC
 1130 NIAGARA ST . BUFFALO, NY. 14213

Mail Contact: CURTIS SCREW CO INC
 1130 NIAGARA ST . BUFFALO , NY. 14213

Tank Information

4 Tanks Found

Tank No	Tank Location	Status	Capacity (Gal.)
001	Aboveground - in contact with soil	Closed - Removed	1500
2	Underground	Closed - Removed	0
N	Underground	Closed - Removed	10000
S	Underground	Closed - Removed	10000

[Back to Search Results](#)

[Refine Current Search](#)



Bulk Storage Database Search Details

Tank Information

[Next Tank](#)[Last Tank](#)**Site No:** 9-002577**Site Name:** CURTIS SCREW CO INC**Tank No:** 001**Tank Location:** Aboveground - in contact with soil**Tank Status:** Closed - Removed**Tank Install Date:** 08/01/1996**Tank Closed Date:** 01/01/2004**Tank Capacity:** 1500 gal.**Product Stored:** Waste Oil/Used Oil**Percentage:** 100%**Tank Type:** 99 - Other**Tank Internal Protection:** None**Tank External Protection:** None**Tank Secondary Containment:** Diking (Aboveground)**Tank Leak Detection:** Impervious Barrier/Concrete Pad (A/G)**Overfill:** High Level Alarm**Spill Prevention:** None**Dispenser:** Suction Dispenser**Pipe Location:** Aboveground**Pipe Type:** Equivalent Technology**Pipe External Protection:** None**Piping Secondary Containment:** None**Piping Leak Detection:** Exempt Suction Piping**Tank Next Test Due:****Tank Last Test:****Tank Test Method:** Testing Not Required[Refine Current Search](#)[Back to Facility Info](#)



Bulk Storage Database Search Details

Tank Information

[First Tank](#) [Previous Tank](#) [Next Tank](#) [Last Tank](#)

Site No: 9-002577
Site Name: CURTIS SCREW CO INC
Tank No: 2
Tank Location: Underground
Tank Status: Closed - Removed
Tank Install Date:
Tank Closed Date: 07/01/1995
Tank Capacity: 0 gal.
Product Stored: Other
Percentage: 100%
Tank Type: 01 - Steel/Carbon Steel/Iron
Tank Internal Protection: None
Tank External Protection: None
Tank Secondary Containment: None
Tank Leak Detection: None
Overfill: None
Spill Prevention: None
Dispenser: None
Pipe Location: None
Pipe Type: None
Pipe External Protection: None
Piping Secondary Containment: None
Piping Leak Detection: None
Tank Next Test Due:
Tank Last Test:
Tank Test Method: Testing Not Required
[Refine Current Search](#)

[Back to Facility Info](#)



Bulk Storage Database Search Details

Tank Information

[First Tank](#)[Previous Tank](#)[Next Tank](#)[Last Tank](#)

Site No: 9-002577

Site Name: CURTIS SCREW CO INC

Tank No: N

Tank Location: Underground

Tank Status: Closed - Removed

Tank Install Date: 05/01/1977

Tank Closed Date: 07/01/1995

Tank Capacity: 10000 gal.

Product Stored: #2 Fuel Oil (On-Site Consumption)

Percentage: 100%

Tank Type: 01 - Steel/Carbon Steel/Iron

Tank Internal Protection: None

Tank External Protection: Painted/Asphalt Coating

Tank Secondary Containment: None

Tank Leak Detection: None

Overfill: Product Level Gauge (A/G)

Overfill: Vent Whistle

Spill Prevention: None

Dispenser: Suction Dispenser

Pipe Location: Underground/On-ground

Pipe Type: Galvanized Steel

Pipe External Protection: None

Piping Secondary Containment: None

Piping Leak Detection: None

Tank Next Test Due:

Tank Last Test: 11/01/1992

Tank Test Method: Horner EZ Check I or II

[Refine Current Search](#)

[Back to Facility Info](#)



Bulk Storage Database Search Details

Tank Information

[First Tank](#)[Previous Tank](#)**Site No:** 9-002577**Site Name:** CURTIS SCREW CO INC**Tank No:** S**Tank Location:** Underground**Tank Status:** Closed - Removed**Tank Install Date:** 05/01/1977**Tank Closed Date:** 07/01/1995**Tank Capacity:** 10000 gal.**Product Stored:** #2 Fuel Oil (On-Site Consumption)**Percentage:** 100%**Tank Type:** 01 - Steel/Carbon Steel/Iron**Tank Internal Protection:** None**Tank External Protection:** Painted/Asphalt Coating**Tank Secondary Containment:** None**Tank Leak Detection:** None**Overfill:** Product Level Gauge (A/G)**Overfill:** Vent Whistle**Spill Prevention:** None**Dispenser:** Suction Dispenser**Pipe Location:** Underground/On-ground**Pipe Type:** Galvanized Steel**Pipe External Protection:** None**Piping Secondary Containment:** None**Piping Leak Detection:** None**Tank Next Test Due:****Tank Last Test:** 11/01/1992**Tank Test Method:** Horner EZ Check I or II[Refine Current Search](#)[Back to Facility Info](#)



Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 9

Spill Number: 8707193

Spill Date/Time

Spill Date: 11/19/1987 **Spill Time:** 06:00:00 PM

Call Received Date: 11/20/1987 **Call Received Time:** 02:35:00 PM

Location

Spill Name: CURTIS SCREW COMPANY

Address: 1130 NIAGARA STREET

City: BUFFALO **County:** ERIE

Spill Description

Material Spilled Amount Spilled Resource Affected

Cutting Oil UNKNOWN Groundwater

Cause: Tank Test Failure

Source: Commercial/Industrial

Waterbody:

Record Close

Date Spill Closed: 01/15/1988

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Refine Current Search](#)



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 9

Spill Number: 9504353

Spill Date/Time

Spill Date: 07/01/1995 Spill Time: 12:00:00 PM

Call Received Date: 07/10/1995 Call Received Time: 02:10:00 PM

Location

Spill Name: CURTIS SCREW

Address: 1130 NIAGARA STREET

City: BUFFALO County: ERIE

Spill Description

Material Spilled Amount Spilled Resource Affected

#2 Fuel Oil UNKNOWN Soil

Cause: Tank Failure

Source: Commercial/Industrial

Waterbody:

Record Close

Date Spill Closed: 07/17/1995

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

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[Refine Current Search](#)



Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 9

Spill Number: 0485364

Spill Date/Time

Spill Date: 12/01/2004 **Spill Time:** 12:00:00 PM

Call Received Date: 12/23/2004 **Call Received Time:** 03:40:00 PM

Location

Spill Name: CURTIS SCREW COMPANY, INC.

Address: 1130 NIAGARA ST.

City: BUFFALO **County:** ERIE

Spill Description

Material Spilled Amount Spilled Resource Affected

#2 Fuel Oil UNKNOWN Soil

Cause: Other

Source: Commercial/Industrial

Waterbody:

Record Close

Date Spill Closed: 01/23/2006

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 9

Spill Number: 0802424

Spill Date/Time

Spill Date: 06/02/2008 **Spill Time:** 09:00:00 PM

Call Received Date: 06/02/2008 **Call Received Time:** 09:04:00 PM

Location

Spill Name: LEASURE POOL SUPPLY

Address: 1130 NIAGARA STREET

City: BUFFALO **County:** ERIE

Spill Description

Material Spilled	Amount Spilled	Resource Affected
UNKNOWN MATERIAL	UNKNOWN	Soil

Cause: Other

Source: Commercial/Industrial

Waterbody: BLACKROCK CANAL

Record Close

Date Spill Closed: 06/04/2008

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Refine Current Search](#)



Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 9

Spill Number: 0903551

Spill Date/Time

Spill Date: 06/25/2009 **Spill Time:** 12:00:00 PM

Call Received Date: 06/25/2009 **Call Received Time:** 03:27:00 PM

Location

Spill Name: SCREW COMPANY

Address: 1130-1144 NIAGARA STREET

City: BUFFALO **County:** ERIE

Spill Description

Material Spilled Amount Spilled Resource Affected

Lube Oil UNKNOWN Soil , Groundwater

Cause: Unknown

Source: Commercial/Industrial

Waterbody:

Record Close

Date Spill Closed: 09/10/2012

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Refine Current Search](#)



Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: 1130 Niagara Street Site

Site Code: 915284

Program: State Superfund Program

Classification: P *

EPA ID Number:

Location

DEC Region: 9

Address: 1130 - 1144 Niagara Street

City: Buffalo Zip: 14213

County: ERIE

Latitude: 42.914840539

Longitude: -78.900727953

Site Type:

Estimated Size: 2.550 Acres

Site Owner(s) and Operator(s)

Current Owner Name: Gerspach Properties, LLC

Current Owner(s) Address: 574 Main Street
Tonawanda, NY, 14150

Site Description

* **Class P Sites:** "DEC offers this information with the caution that it should not be used to form conclusions about site contamination beyond what is implied by the classification of this site, namely, that there is a potential for concern about site contamination. Information regarding a Class P site (potential Registry site) is by definition preliminary in nature and unverified because the DEC's investigation of the site is not yet complete. Due to the

preliminary nature of this information, significant conclusions or decisions should not be based solely upon this summary."

[For more Information: E-mail Us](#)

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New York State Department of Environmental Conservation
Division of Environmental Remediation, Region 9
270 Michigan Avenue, Buffalo, New York 14203-2915
Phone: (716) 851-7220 • Fax: (716) 851-7226
Website: www.dec.ny.gov



Joe Martens
Commissioner

May 21, 2014

Ms. Lisa Sofferin
Gerspach Properties
532 Main Street
Tonawanda, New York 14150

Dear Ms. Sofferin:

1130 Niagara Street Site
NYSDEC Site No. 915284

The New York State Department of Environmental Conservation (NYSDEC) is requesting Gerspach Properties to consider entering the Brownfield Cleanup Program (BCP) to address environmental contamination at the site. The NYSDEC received the recently completed *Site Characterization Summary Report* (May 2014), as prepared by CEM Services, for the 1130 Niagara Street Site, Site No. 915284, located at the noted address in the City of Buffalo, Erie County, New York. This investigation, along with a previous investigation, found on-site soil and groundwater to be contaminated with trichloroethylene, a common chlorinated cleaning solvent. The investigation reveals that a potential contaminant source area may exist at the site, which could pose a threat to the community.

The NYSDEC has determined that a release and/or threatened release of “hazardous substances” as defined by the Comprehensive Environmental Response, Compensation and Liability Act, 42 USC 9601 et seq. (“CERCLA”) has occurred at the site. The NYSDEC has concluded that further investigation is required to determine the full extent of the contamination, assess the impact on the community and determine what type of remedial action, if any, is necessary. The NYSDEC would like to offer you the opportunity to participate in that process.

The NYSDEC is offering Gerspach Properties, as the owner of the site, the opportunity to undertake the development and implementation of a Remedial Program for the site. An agreement to undertake a remedial program must be memorialized in an administrative consent order, similar to the order executed to complete the Site Characterization, or in a cleanup agreement developed under the New York State Brownfield Cleanup Program (BCP).

New York State established the BCP to encourage persons to voluntarily remediate contaminated properties or “brownfield” sites for reuse and redevelopment through liability releases and generous tax incentives. The liability limitation is binding upon the State for any liability including future liability or claim for further remediation of hazardous waste and/or

Ms. Lisa Sofferin
May 21, 2014
Page 2

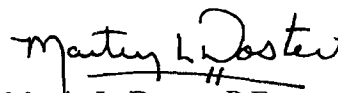
petroleum at or emanating from a brownfield site that is subject to a brownfield site cleanup agreement. Tax credits are available depending on the end use of the site. For more information on the BCP, please refer to <http://www.dec.ny.gov/chemical/brownfields.html>. The goal under the BCP is to remediate the site to a level that is protective of public health and the environment, taking into account the current, intended, and reasonably anticipated future use of the site. We encourage Gerspach Properties to consider this program.

We suggest that Gerspach Properties contact this office on or before June 23, 2014 to arrange a meeting to discuss the NYSDEC's concerns of the site characterization report, explain the opportunities presented by the BCP in more detail, and to review the benefits, requirements, and procedures of the programs under which this property may be addressed.

Under NYS Environmental Conservation Law (ECL), responsible parties, including current and past owners or operators, persons who generated the hazardous wastes or were involved in transport, treatment, or disposal of such wastes, and others who may be liable under applicable principles of law. Responsible parties are liable for money expended by the State in taking response actions at and around sites where hazardous substances have been released, including investigative, planning, removal, and remedial actions.

If you have any questions regarding the above, please feel free to contact me or Mr. Eugene Melnyk at 716-851-7220. Any questions about the NYSDEC's legal authority should be directed to Patrick Foster, Senior Attorney, at 716-851-7194.

Sincerely,



Martin L. Doster, P.E.
Regional Hazardous Waste Remediation Engineer

MLD:sz

cc: Patrick Foster - NYSDEC
Mr. Eugene Melnyk - NYSDEC
Ms. Jacqueline Nealon - NYS Department of Health
Mr. Jeffrey Stravino - Hodgson Russ

OP LOCATION FACILITY EMISSION POINT
 A 1 4 0 2 0 0 0 / 2 7 0 0 0 0 1 I

NEW YORK STATE
 DEPARTMENT OF ENVIRONMENTAL CONSERVATION

COPIES
 WHITE - ORIGINAL
 GREEN - DIVISION OF AIR
 WHITE - REGIONAL OFFICE
 PINK - FIELD REP
 YELLOW - APPLICANT



A ADD
 C CHANGE
 D DELETE

READ INSTRUCTIONS
 CONTAINED IN
 FORM 76-11-12
 BEFORE ANSWERING
 ANY QUESTION

PROCESS, EXHAUST OR VENTILATION SYSTEM
 APPLICATION FOR PERMIT TO CONSTRUCT OR CERTIFICATE TO OPERATE

S E C T I O N A	1. NAME OF OWNER/FIRM Curtis Screw Co. Inc.			9. NAME OF AUTHORIZED AGENT			10. TELEPHONE			19. FACILITY NAME (IF DIFFERENT FROM OWNER/FIRM)								
	2. NUMBER AND STREET ADDRESS 1130 NIAGARA ST.			11. NUMBER AND STREET ADDRESS			20. FACILITY LOCATION (NUMBER AND STREET ADDRESS)											
	3. CITY - TOWN - VILLAGE Buffalo			4. STATE N.Y.			5. ZIP 14213			21. CITY - TOWN - VILLAGE			22. ZIP					
	6. OWNER CLASSIFICATION A <input type="checkbox"/> COMMERCIAL C <input type="checkbox"/> UTILITY F <input type="checkbox"/> MUNICIPAL I <input type="checkbox"/> RESIDENTIAL B <input checked="" type="checkbox"/> INDUSTRIAL D <input type="checkbox"/> FEDERAL G <input type="checkbox"/> EDUC INST J <input type="checkbox"/> OTHER			E <input type="checkbox"/> STATE H <input type="checkbox"/> HOSPITAL			15. NAME OF P.E. OR ARCHITECT PREPARING APPLICATION			16. N.Y.S. P.E. OR ARCHITECT LICENSE NO.			17. TELEPHONE					
	7. NAME & TITLE OF OWNERS REPRESENTATIVE Jim Piatak Plant Engineer			8. TELEPHONE 716-885 0110			18. SIGNATURE OF OWNERS REPRESENTATIVE OR AGENT WHEN APPLYING FOR A PERMIT TO CONSTRUCT James W. Piatak, Plant Engineer						25. START UP DATE PPE 1970 01 / 69 MO YR			26. DRAWING NUMBERS OF PLANS SUBMITTED # 113088		
	27. PERMIT TO CONSTRUCT A <input type="checkbox"/> NEW SOURCE B <input type="checkbox"/> MODIFICATION			28. CERTIFICATE TO OPERATE A <input type="checkbox"/> NEW SOURCE C <input checked="" type="checkbox"/> EXISTING SOURCE B <input type="checkbox"/> MODIFICATION														

S E C T I O N B	29. EMISSION POINT ID.	30. GROUND ELEVATION (FT)	31. HEIGHT ABOVE STRUCTURES (FT)	32. STACK HEIGHT (FT)	33. INSIDE DIMENSIONS (IN)	34. EXIT TEMP (°F)	35. EXIT VELOCITY (FT/SEC)	36. EXIT FLOW RATE (ACFM)	37. SOURCE CODE	38. HRS/DAY	39. DAYS/YR	40. % OPERATION BY SEASON Winter Spring Summer Fall			
	00001	620	4	27	10	91	12.387	1256	1203	12	300	25	25	25	25

S E C T I O N C	41. DESCRIBE PROCESS OR UNIT Solvent vapor degreasing using exempt solvent chlorothene SM (95.5% 1,1,1 trichloroethane) Waste solvent generated recycled by Envirotech.											
	2											
	4											
	6											
	8											

S E C T I O N D	EMMISSION CONTROL EQUIPMENT I.D.	CONTROL TYPE	MANUFACTURER'S NAME AND MODEL NUMBER			DISPOSAL METHOD	DATE INSTALLED MONTH / YEAR	USEFUL LIFE
	42	43	44	45	46	47		
	01	20	Baron Blakeslee Vapor Degreaser	9	PPE 08 01 / 1970	20		
	48	49	50	51	52	53		

CALCULATIONS
 Waste generated in 1987 = 5060 gal (25% Chlorothene SM) = 1265 gal disposed
 Solvent purchased in 1987 = 5000 gal - 1265 = 3735 gal x 8.33 #/gal x 1.32 Sp Gr.
 ACTUAL 300 days / year x 12 hrs / day

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Assumes the other three ingredients
 SW = 40.2 ^{1/2} _{1/2} AAL = 200 ^{1/2} _{1/2} AG-C2 1000 ^{1/2} _{1/2}

12 # / hr = 11.5 5 1/2 hr

S E C T I O N F	CONTAMINANT		INPUT OR PRODUCTION	UNIT	ENV. RATING	EMISSIONS				% CONTR. EFFIC. CY	HOURLY EMISSIONS (LBS/HR)		ANNUAL EMISSIONS (LBS/YR)		
	NAME	CAS NUMBER				ACTUAL	UNIT	HOW DET	PERMISSIBLE		ERP	ACTUAL	ACTUAL	10 ^x	PERMISSIBLE
54.	1,1,1 Trichloroethane	00071-55-6	NA	NA	D	11.5	1	6	11.5	60	19	11.5	414	2	414
69.	1,2 Dicylene oxide	00106-88-7	NA	NA	C	.2	1	6	.2	60	0.3	.2	720	0	720
84.	dicyclopentadiene	00123-91-1	NA	NA	C	.2	1	6	.2	60	0.3	.2	720	0	720
99.	nitromethane	00075-52-5	NA	NA	C	.2	1	6	.2	60	0.3	.2	720	0	720
114.															
129.															

S E C T I O N F	SOLID FUEL			LIQUID FUEL			GAS			APPLICABLE RULE	APPLICABLE RULE
	TYPE	TONS/YR	%S	TYPE	THOUSANDS OF GALLONS /YR	%S	TYPE	THOUSANDS OF CF/YR	BTU / CF		
144.	145.		146.	147.	148.	149.	150.	151.	152.	153.	154.

Upon completion of construction sign the statement listed below and forward to the appropriate field representative
 THE PROCESS, EXHAUST OR VENTILATION SYSTEM HAS BEEN CONSTRUCTED AND WILL BE OPERATED IN ACCORDANCE WITH STATED SPECIFICATIONS AND IN CONFORMANCE WITH ALL PROVISIONS OF EXISTING REGULATIONS.

155. SIGNATURE OF AUTHORIZED REPRESENTATIVE OR AGENT: *James A. Pate* DATE: 3-31-88

156. LOCATION CODE	157. FACILITY ID. NO.	158. U.T.M (E)	159. U.T.M (N)	160. SIC NUMBER	161. DATE APPL. RECEIVED	162. DATE APPL. REVIEWED	163. REVIEWED BY:
14020001	271816	7584	3599		/ /	04/18 / 88	all Cohen

PERMIT TO CONSTRUCT			
164. DATE ISSUED	165. EXPIRATION DATE	166. SIGNATURE OF APPROVAL	167. FEE
/ /	/ /		

CERTIFICATE TO OPERATE			
169. DATE ISSUED	170. EXPIRATION DATE	171. SIGNATURE OF APPROVAL	172. FEE
04/29/88	05/01/93	<i>Henry J. Dolecki</i>	

173.

- INSPECTED BY: *Bob Stanton* DATE: *03/04/88*
- INSPECTION DISCLOSED DIFFERENCES AS BUILT VS. PERMIT, CHANGES INDICATED ON FORM
- ISSUE CERTIFICATE TO OPERATE FOR SOURCE AS BUILT
- APPLICATION FOR C.O. DENIED

174. SPECIAL CONDITIONS:	
1. NONE	2.
3.	4.
5.	6.
7.	8.

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New York State Department of Environmental Conservation
Division of Air Resources
50 Wolf Road, Albany, New York 12233-3250

Micheal D. Zagata
Commissioner

H. Sandonato
Regional Air Pollution Control Engineer
NYS DEC - Region 9
270 Michigan Avenue
Buffalo, New York 14203-2999

Re: DEC ID: 9140200706 / Air ID: 1402000127
Facility Name: CURTIS SCREW CO INC
Facility Address: 1130 NIAGARA ST
BUFFALO NY 14213

Dear H. Sandonato:

The following emissions points at the above referenced facility have been shutdown and or dismantled on or before 1/1/95:

EMISSION POINTS:

00001

In accordance with the Department of Environmental Conservation's requirements, the permits for these emission points are surrendered. It is our intent to retain and Emission Reduction Credits (ERCs) to which we are entitled as a result of the shutdown of these sources. Please confirm the availability and amount of these ERCs.

If you have any questions, please call DAVID A. STANLEY at (716) 885-0110

Sincerely,

NAME:

David A Stanley

TITLE:

SUPPORT AND ENVIRONMENTAL
COORDINATOR

DATE:

12/13/95

cc: DEC Regional Permit Administrator
DEC Division of Air Resources 50 Wolf Rd. Albany, NY 12233-3250

N.Y.S. DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF AIR

SEQNC NO: 9-R-0343
RUN DATE: 12/07/92

C 140200 0127 00001 W I

LOCATION FAC EP

CERTIFICATE TO OPERATE AN AIR CONTAMINATION SOURCE
PROCESS, EXHAUST OR VENTILATION SYSTEM UNIT
RENEWAL APPLICATION

JUL 16 1993

OWNER (1) CURTIS SCREW CO INC (2) 1130 NIAGARA ST (3) BUFFALO (4) NY (5) 14213		FACILITY (6) CURTIS SCREW CO INC (7) 1130 NIAGARA ST (8) BUFFALO (9) 14213 (10) REP: JIM PIATEK PLANT ENGINEER		(11) CONFIDENTIAL STATUS NON-CONFIDENTIAL (12) APPLICATION STATUS IN COMPLIANCE DATE OF LAST CHANGE 11/27/92 PRIOR CO ISSUE DATE 04/29/88 PRIOR CO EXPIRATION DATE 05/01/93
--	--	--	--	---

EMISSION POINT 00001
(41)UTM-E: 181.6 KM. (42)STACK HEIGHT: 27 FT. (43)EXIT VELOCITY: 38.40 FT/SEC (44)SIC: 3599 (45)AGENCY-CODE-1:
(46)UTM-N: 758.4 KM. (47)HT ABV STRUC: 4 FT. (48)EXIT FLOW: 1256.00 ACFM (49)CO FEE: (50)AGENCY-CODE-2:
(51)GRND ELEV: 620 FT. (52)STK DIAM: 10 IN. (53)EXIT TEMP: 91 DEGR F (54)CO CONDITIONS: 1 3 EDIT: REV. REQ.
UNIT I (55)HOURS/DAY: 12.0 (56)DAYS/YEAR: 300 (57)% OP BY SEASON: 25 25 25 25 (58)SOURCE CODE: 1203 DEGREASING AND CLEAN
(59)BLDG: 4 (60)FLOOR NAME: 1 (61)RULE 1: 212.00 (62)RULE 2:

PROCESS/UNIT DESCRIPTION (72)DESCRIPTION
1. SOLVENT VAPOR DEGREASING USING
2. EXEMPT SOLVENT CHLOROETHENE SM
3. (95.5% 1,1,1 TRICHLOROETHANE)
4. WASTE SOLVENT GENERATED
5. RECYCLED BY ENVIRO-TECH. *Hoyle Chemical*

CONTROL EQUIPMENT (73)TYPE: 020 VAPOR CONDENSER (74)MFG: BARON BLAKESLEE (75)ID: 01 (76)DATE INSTALLED: 01/69
(77)DISPOSAL METHOD: 09 OTHER (78)USEFUL LIFE: 20 YEARS

AIR CONTAMINANTS	CAS NUMBER	ENV RATING	E M I S S I O N S				% CONTROL EFFICIENCY	HRLY ACTUAL LBS/HOUR	ANNUAL EMISSIONS (LBS/YEAR)		
			ACTUAL	UNIT	HOW DET	PERMISSIBLE			ACTUAL	10x	PERMISSIBLE
METHYL CHLOROFORM	(085) 00071-55-6	(086) 100	(087) 11.500	(088) 01	(089) 06	(090) 11.500	(091) 60.0	(092) 11.500	(093) 414.000	(094) 2	(095) 414.000
<i>PERYLENE DIOXIDE</i>	(096) 00106-88-7	(097) 100	(098) .200	(099) 01	(100) 06	(101) .200	(102) 60.0	(103) .200	(104) 720.000	(105) 0	(106) 720.000
1,4-DIOXANE	(107) 00123-91-1	(108) 100	(109) .200	(110) 01	(111) 06	(112) .200	(113) 60.0	(114) .200	(115) 720.000	(116) 0	(117) 720.000
NITROMETHANE	(118) 00075-52-5	(119) 100	(120) .200	(121) 01	(122) 06	(123) .200	(124) 60.0	(125) .200	(126) 720.000	(127) 0	(128) 720.000

GENERAL CONDITIONS
1. SHOULD SIGNIFICANT NEW SCIENTIFIC EVIDENCE FROM A RECOGNIZED INSTITUTION RESULT IN A DECISION BY DEC THAT LOWER AMBIENT POLLUTION LEVELS MUST BE ESTABLISHED, IT MAY BE NECESSARY TO REDUCE EMISSIONS FROM THIS SOURCE PRIOR TO THE EXPIRATION OF THIS CERTIFICATE TO OPERATE.

(15)PRIOR COMMENTS (16)BY (17)DATE	(18)CURRENT COMMENTS (19)BY CARLACCI (20)DATE 7/15/93	(27)LAST INSPECTION DATE 1-1-
1.	1. Facility will be converting to	(21)INSPECTION STATUS 5
2.	2. aqueous cleaning system by	(22)DATE OF NEXT ACTION 1-1-
3.	3. December of 1994	(23)ISSUE DATE 05/01/93
4.		(24)EXPIRATION DATE 05/01/95
5.		(25)CO FEE

IRM REP'S SIGNATURE: *Allen D. ...* DATE: July 27, 1993 ISSUING OFFICER'S SIGNATURE: *Steven J. Dolecki* DATE: REGIONAL DEPUTY ADMINISTRATOR



**CURTIS
SCREW
CO., INC.**

Craftsmanship...a continuing commitment since 1905

1130 NIAGARA STREET
BUFFALO, NEW YORK 14213-1793
716/885-0110

April 1, 1993

Mr. Alfred Carlacci, P.E.
Department of Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203-2999

Dear Mr. Carlacci:

I am writing to you today in regard to Curtis Screw Company's current Air Permit and to request an extension. The current permit expires on May 1, 1993.

I have researched the possibility of changing from 1.1.1 trichloroethane to trichloroethylene. This conversion to add a vapor recovery system would cost us a projected \$134,000 for an approximate two year use. To remain with 1.1.1 trichloroethane would require us to label all product leaving our facility, which we are preparing to do. This is our best alternative due to our current financial climate.

Over the last five months our customers have hit us extremely hard in demanding 20 to 30% price reductions, and 60 to 90 day late payments. In our industry, a 20% reduction on a job is disastrous. It gives us two alternatives: make it to keep the customer happy or lose it. Curtis Screw Company has forfeited as many jobs as possible and cannot lose any more. Our goal is to convert to aqueous cleaning before the end of 1994, when our financial picture should be more stabilized and desirable.

Curtis Screw is requesting an extension of our current Air Permit until December 1994, when all emissions will cease due to the aqueous cleaning system we will then have in production. Thank you for your immediate attention to this matter.

Very truly yours,

CURTIS SCREW CO., INC.

Allen D. Andrzejewski
Operations Assistant

ADA/ef

NO VIOLATION OF AOC
TO EXPIRE 5/95

issued permit

af c.

file

N.Y.S. DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF AIR

SEQNC NO: 9-C-0274
RUN DATE: 09/07/88

C 140200 0127 00001 W I

LOCATION FAC EP

CERTIFICATE TO OPERATE AN AIR CONTAMINATION SOURCE
PROCESS, EXHAUST OR VENTILATION SYSTEM UNIT

OWNER (1) CURTIS SCREW CO INC (2) 1130 NIAGARA ST (3) BUFFALO (4) NY (5) 14213	FACILITY (6) CURTIS SCREW CO INC (7) 1130 NIAGARA ST (8) BUFFALO (9) 14213 (10) REP: JIM PIATEK PLANT ENGINEER	(11) CONFIDENTIAL STATUS NON-CONFIDNT (12) APPLICATION STATUS IN COMPLIANC DATE OF LAST CHANGE 08/26/88 PRIOR CO ISSUE DATE PRIOR CO EXPIRATION DATE
---	---	--

EMISSION POINT 00001

(41)UTM-E: 181.6 KM. (42)STACK HEIGHT: 27 FT. (43)EXIT VELOCITY: 38.40 FT/SEC (44)SIC: 3599 (45)AGENCY-CODE-1:
(46)UTM-N: 758.4 KM. (47)HT ABV STRUC: 4 FT. (48)EXIT FLOW: 1256.00 ACFM (49)CO FEE: (50)AGENCY-CODE-2:
(51)GRND ELEV: 620 FT. (52)STK DIAM: 10 IN. (53)EXIT TEMP: 91 DEGR F (54)CO CONDITIONS: 1 3 EDIT: REV. REQ.

UNIT I

(55)HOURS/DAY: 12.0 (56)DAYS/YEAR: 300 (57)% OP BY SEASON: 25 25 25 25 (58)SOURCE CODE: 1203 DEGREASING AND CLEAN
(59)BLDG: 4 (60)FLOOR NAME: 1 (61)RULE 1: 212.00 (62)RULE 2:

PROCESS/UNIT DESCRIPTION

(72)DESCRIPTION
1. SOLVENT VAPOR DEGREASING USING
2. EXEMPT SOLVENT CHLOROTHENE SM
3. (95.5% 1,1,1 TRICHLOROETHANE)
4. WASTE SOLVENT GENERATED
5. RECYCLED BY ENVIRO TECH.

CONTROL EQUIPMENT

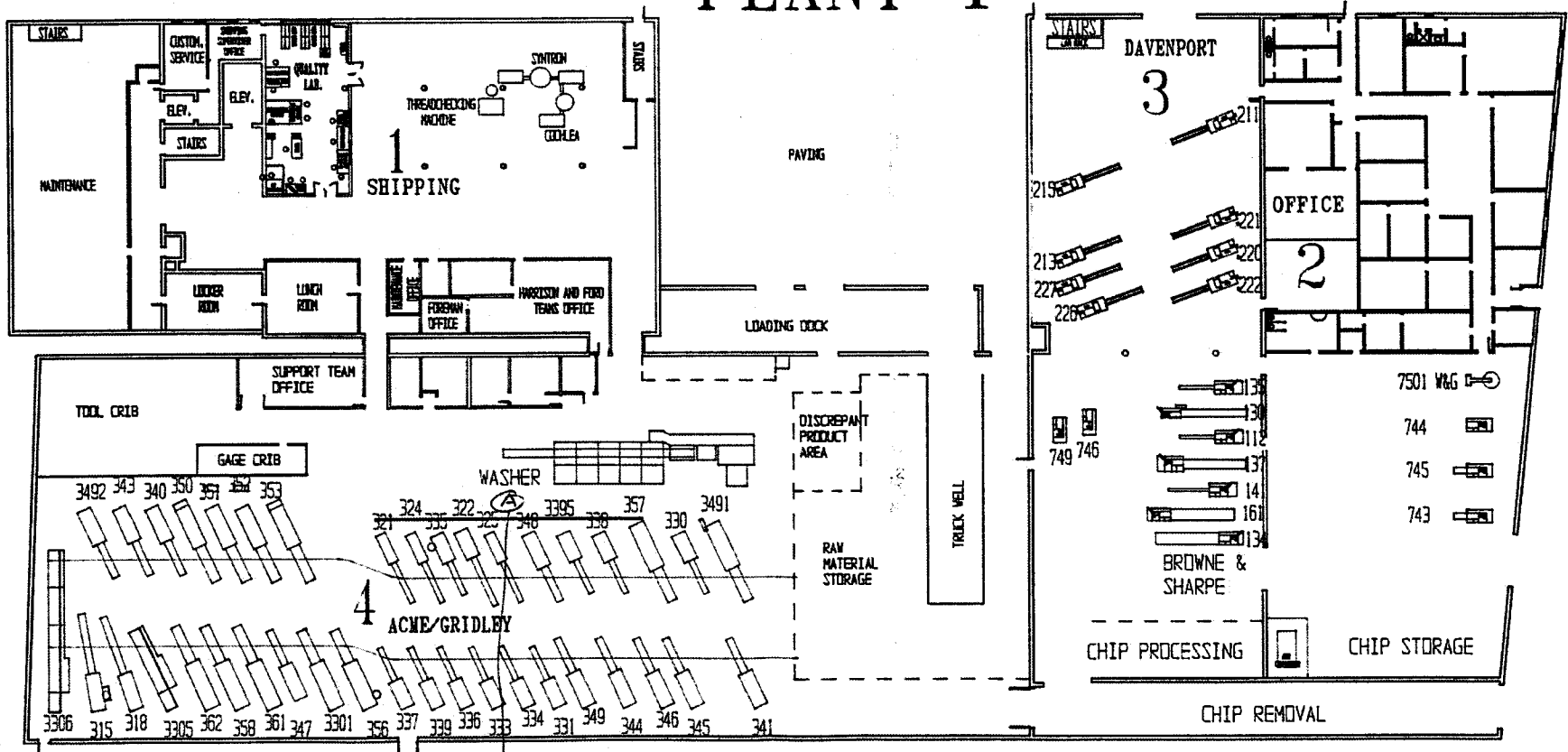
(73)TYPE: 020 VAPOR CONDENSER (74)MFG: BARON BLAKESLEE (75)ID: 01 (76)DATE INSTALLED: 01/69
(77)DISPOSAL METHOD: 09 OTHER (78)USEFUL LIFE: 20 YEARS

AIR CONTAMINANTS	CAS NUMBER	ENV RATING	E M I S S I O N S				% CONTROL EFFICIENCY	HRLY ACTUAL LBS/HOUR	ANNUAL EMISSIONS (LBS/YEAR)		
			ACTUAL	UNIT	HON DET	PERMISSIBLE			ACTUAL	10x	PERMISSIBLE
METHYL CHLOROFORM	(085) 00071-55-6 (096)	(086) D (097) C	(087) 11.500 .200	(088) 01 (099) 01	(089) 06 (100) 06	(090) 11.500 .200	(091) 60.0 (102) 60.0	(092) 11.500 .200	(093) 414.000 (104) 720.000	(094) 2 (105) 0	(095) 414.000 (106) 720.000
DIOXANE	(107) 00123-91-1	(108) C	(109) .200	(110) 01	(111) 06	(112) .200	(113) 60.0	(114) .200	(115) 720.000	(116) 0	(117) 720.000
NITROMETHANE	(118) 00075-52-5	(119) C	(120) .200	(121) 01	(122) 06	(123) .200	(124) 60.0	(125) .200	(126) 720.000	(127) 0	(128) 720.000

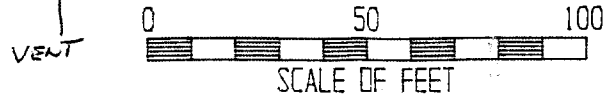
(15)PRIOR COMMENTS (16)BY 1. 2. 3. 4. 5.	(17)DATE	(18)CURRENT COMMENTS (19)BY 1. 2. 3. 4. 5.	(20)DATE / /	(27)LAST INSPECTION DATE / / (21)INSPECTION STATUS (22)DATE OF NEXT ACTION / / (23)ISSUE DATE 04/29/88 (24)EXPIRATION DATE 05/01/93 (25)CO FEE
---	----------	---	--------------	---

FIRM REP'S SIGNATURE: DATE: ISSUING OFFICER'S SIGNATURE: DATE:

CURTIS SCREW CO., INC. PLANT I



CAD: C:\DRAFTER\CHARTS\LAYOUI
DATE: 23/01/95 A.B.



**1130 Niagara Street Site
Brownfield Cleanup Program Application**

ATTACHMENT 3

BCP Application - Section V & VI

The following attachment was prepared by Benchmark Environmental Engineering & Science, PLLC for Gerspach Properties, LLC and Curtis Screw Company, LLC. This Attachment 3 is being used for the Jenesis Development LLC BCP Application.

ATTACHMENT 3

BCP Application – Section V & VI

PROPERTY ELIGIBILITY INFORMATION

PROJECT DESCRIPTION & ELIGIBILITY STATEMENT

PROJECT DESCRIPTION

FIGURE 9 - ESTIMATED PROJECT SCHEDULE

ATTACHMENT 3

BCP APPLICATION - SECTIONS IV, V AND VI

REQUESTOR ELIGIBILITY INFORMATION - SECTION IV

Jenesis Development LLC has entered into a contract dated as of the 19th day of January, 2015, with Gerspach Properties, LLC to purchase the 1130 Niagara Street Site (the "Site"). As a prospective purchaser of the Site, Jenesis Development LLC has not undertaken activities at the Site that have contributed to the environmental condition of the Site. Jenesis Development LLC has never previously owned nor operated the Site, nor conducted any activities at the Site giving rise to any environmental contamination. Jenesis Development LLC, a direct wholly-owned subsidiary of Rich Products Corporation, is purchasing the Site with the intention of entering the New York State Brownfield Cleanup Program as a Volunteer. Jenesis Development LLC plans on developing the Site for commercial reuse, thus adding to the economic viability of the neighborhood. Pursuant to the Brownfield Cleanup Program, Jenesis meets all of the appropriate criteria of a Volunteer and is entitled to Volunteer status.

As presented in Attachment 3, this Site qualifies as a Brownfield Site eligible for participation in the Brownfield Cleanup Program, with Jenesis Development LLC as a Volunteer.

PROJECT DESCRIPTION AND SCOPE OF WORK - SECTIONS V AND VI

The Project Description and Scope of Work remain the same as presented in Attachment 3 of the BCP Application - Section IV, V and VI, prepared by Benchmark Environmental Engineering & Services, PLLC, for Gerspach Properties, LLC and Curtis Screw Company, LLC. Jenesis Development LLC wishes to meet with NYSDEC as soon as possible in order to confirm the Estimated Project Schedule. A new Estimated Project Schedule is included herein as Figure 1 to Attachment 3. The goal remains for Jenesis Development LLC to have received a Certificate of Completion by December, 2015.

ATTACHMENT 3
BCP Application - Sections IV, V and VI
Requestor Eligibility Information, Property Eligibility Information and
Project Description
1130 Niagara Street Site

REQUESTORS ELIGIBILITY INFORMATION – SECTION IV

The Requestors as a Volunteer

BCP applicants 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).

Gerspach Properties, LLC purchased the 1130 Niagara Street Site from Curtis Screw Co., Inc. in 2005.

The contaminants of concern for Parcel 1 are cVOCs (trichloroethene (TCE), 1,1,1-trichloroethane (111-TCA), and associated breakdown products). The cVOCs are chemicals that were never used during the period of Gerspach Properties, LLC ownership of the property. The process and method of disposal historically used at the property was discussed in the 1996 NYSDEC Prevention Inspection Report included in Attachment 4. The 1996 Prevention Inspection Report did not result in an investigation of the historical processes on the environment.

Metals contamination has also been identified in association with Parcels 2 and 3. The presence of these metals is likely due to historic industrial activities or fill materials

ATTACHMENT 3
BCP Application - Sections IV, V and VI
Requestor Eligibility Information, Property Eligibility Information and
Project Description
1130 Niagara Street Site

placed prior to Gerspach Properties, LLC acquiring the property. The metals contaminants identified were never used during the period of Gerspach Properties, LLC ownership of the property.

Gerspach Properties, LLC has not undertaken activities at the 1130 Niagara Street Site that have contributed to the environmental condition of the property. The property has not been altered in any material respects, with the exception of razing of the building on Parcel 2 after the fire in June 2008. The property has been used as a warehouse and associated offices since its acquisition by Gerspach Properties, LLC in 2005. The singular data point of elevated TCE noted in the 2009 CRA Phase II report (see Attachment 4) is not indicative of a current or threatened release; does not represent a reportable quantity (RQ) under CERCLA; and does not, by itself, necessarily evidence a historic release or threatened release from the former Curtis Screw Co., Inc. property. There is no evidence that any release or threatened release to the environment from the processes associated with historical cVOC use have occurred during Gerspach Properties' ownership.

There was a fire at the property in June, 2008. The fire was limited to the 17 Gull Street (Parcel 2) where some oxidizers (pool chemicals) were warehoused. The initial fire was quickly brought under control. A secondary fire blazed out of control affecting inventory and resulting in the demolition of the 17 Gull Street building. The secondary fire was largely confined to the upper floors of the building; oxidizers were not located in the upper floors of the building. The DEC was onsite at the time of the fire. There was no spill of oxidizers requiring a response or clean-up. For the foregoing reasons, Gerspach Properties, LLC should be deemed a Volunteer.

Curtis Screw Company, LLC has never owned the 1130 Niagara Street Site, nor did it ever operate at the Site as explained below. Curtis Screw Company, LLC is a Delaware limited liability company which has never conducted manufacturing operations in its history. Curtis Screw Company, LLC is a distributor which purchases products from various entities, and then sells those products to the automotive industry. Thus, Curtis Screw Company, LLC never manufactured, used, or had any involvement with processes that used cVOCs

ATTACHMENT 3
BCP Application - Sections IV, V and VI
Requestor Eligibility Information, Property Eligibility Information and
Project Description
1130 Niagara Street Site

and may have caused any contaminant at the 1130 Niagara Street Site. To the extent that there is contamination at the 1130 Niagara Street Site, this was not (and could not have been) caused by Curtis Screw Company, LLC. Curtis Screw Company, LLC has no liability concerning the 1130 Niagara Street Site, but wishes to enter the BCP as a volunteer.

Since the Gerspach Properties LLC became involved with the property after the disposal or discharge of contaminants, and has exercised appropriate care with respect to the contamination, and Curtis Screw Company, LLC has never owned and/or occupied the property, both are entitled to Volunteer status under NY ECL27-1405(1)(b).

PROPERTY ELIGIBILITY INFORMATION – SECTION V

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 reuse 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.

ATTACHMENT 3
BCP Application - Sections IV, V and VI
Requestor Eligibility Information, Property Eligibility Information and
Project Description
1130 Niagara Street Site

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 on-site soils and groundwater have been impacted by contaminants that will require remedial action.
- B. Contaminated soil and groundwater are present as evidenced by the results of on-site analytical samples. Soil contaminants have been detected above the NYSDEC Part 375 Commercial Soil Cleanup Objectives (CSCOs) and groundwater contaminant concentrations have been identified in significant exceedance of the NYSDEC Division of Water Technical and Operational Guidance Series (1.1.1) Class GA groundwater criteria. These contaminants are complicating redevelopment efforts, as the source of the groundwater contamination has not been identified.
- C. The cVOCs detected in the groundwater of Parcel 1 at the Site are likely associated with the former degreasing operations that occurred on-site and are

ATTACHMENT 3

BCP Application - Sections IV, V and VI

Requestor Eligibility Information, Property Eligibility Information and Project Description 1130 Niagara Street Site

associated with the historic use and operations of the Site. Metals contamination, specifically barium and cadmium, were detected above their respective CSCOs in the western portion of Parcel 2. Lead was detected in the soil above its CSCO in the northeastern portion of Parcel 3. The source of these metals analytes is unknown and may be due to historic filling.

- D. The Site has been used for residential, industrial and commercial operations, since the late-1880s. These former uses of the three (3) parcels that make up the Site have included: wood and paper box manufacture, a typewriter manufacturer, medical supply manufacturer, foundry, auto-truck sales and service, restaurant, bowling alley, machine parts manufacturer, and pool supply warehouse. Historic industrial site usage indicates chemicals and petroleum products were used on the Site. This was confirmed by previous investigations which have identified the presence of cVOCs, pVOCs and metal analytes (barium, cadmium, and lead) in the soil and/or groundwater at the Site. Additional details regarding the findings of the previous investigation is presented in Attachment 4.
- E. The Site has been subject to cleanup activities which involved the removal of USTs and associated soil (exterior of the Site) and oil impacted soil/light non-aqueous phase liquid (LNAPL; interior of the building). However, there have been no removal action, interim or final remedial action, corrective action or any other cleanup activities associated with cVOCs or metals by or under the oversight of State or Federal agencies.

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,

ATTACHMENT 3
BCP Application - Sections IV, V and VI
Requestor Eligibility Information, Property Eligibility Information and
Project Description
1130 Niagara Street Site

(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.

The Complication Element of the BCP Eligibility Test has clearly been met in this application because the proposed Site is unattractive for redevelopment or reuse due to the presence of contamination. This factor is clearly established by the following:

- (A) The Site is currently unattractive for redevelopment or reuse due to the unknown source of cVOC contamination and cVOC contaminated groundwater that will require remediation associated with Parcel 1. Barium and cadmium have been detected in the soil at the western portion of Parcel 2 and lead was detected in the soil in northeastern portion of Parcel 3. The extent of these metal contaminants is unknown.
- (B) Parcel 1 has cVOC groundwater contamination on-site with an unknown source and it is unknown if the cVOC contamination extends off-site. Metals contaminants have been detected in the soil on Parcels 2 and 3 at levels above the CSCOS.
- (C) The estimated cost of a proposed remedial program with regard to the Site is significant in comparison to the value of the Site (i.e., estimated at approximately 75-100% of the value of the Site if it were not environmentally impaired).

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 Applicants as a **Volunteer**, because (A) there is confirmed contamination at the Site, and (B) the contamination is complicating the redevelopment and re-use of the Site.

ATTACHMENT 3
BCP Application - Sections IV, V and VI
Requestor Eligibility Information, Property Eligibility Information and
Project Description
1130 Niagara Street Site

PROJECT DESCRIPTION

Purpose

The purpose of this project is to:

- further investigate the extent of the soil, groundwater and indoor air contamination on-site;
- determine if soil and/or groundwater contamination is of concern off-site;
- address contamination concerns associated with subsurface source soil, groundwater and indoor air, if necessary).

Upon determining the extent and/or impact of contamination, a remedial strategy will be implemented.

Scope of Work

This project will further investigate and remediate the soil, groundwater and indoor air concerns associated with the Site. Based on the findings of the soil, groundwater and indoor air investigation, a remedial strategy acceptable to the NYSDEC will be developed and implemented.

Estimated Project Schedule

Figure 9 depicts the proposed schedule for the BCP project.

FIGURE 1
ESTIMATED PROJECT SCHEDULE
BROWNFIELD CLEANUP PROGRAM PROCESS
1150 NIAGARA STREET SITE
BUFFALO, NEW YORK

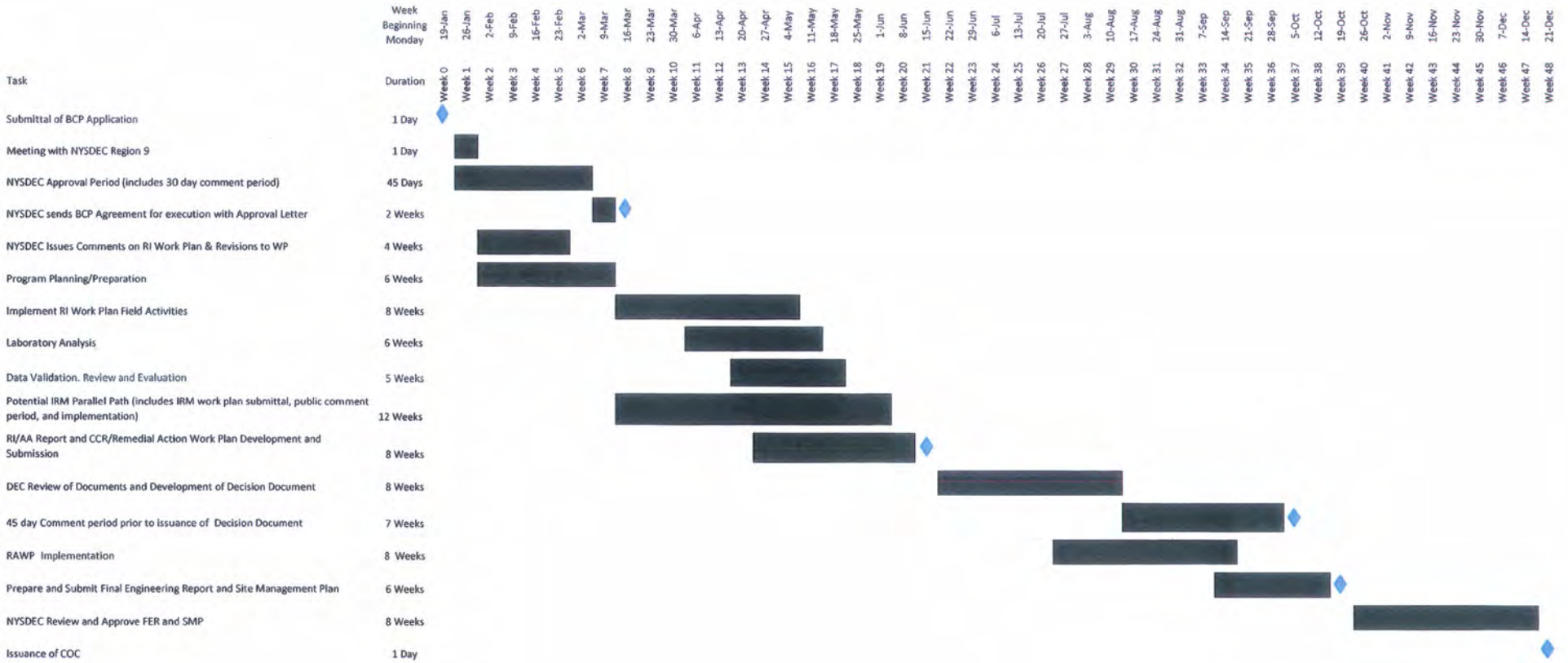
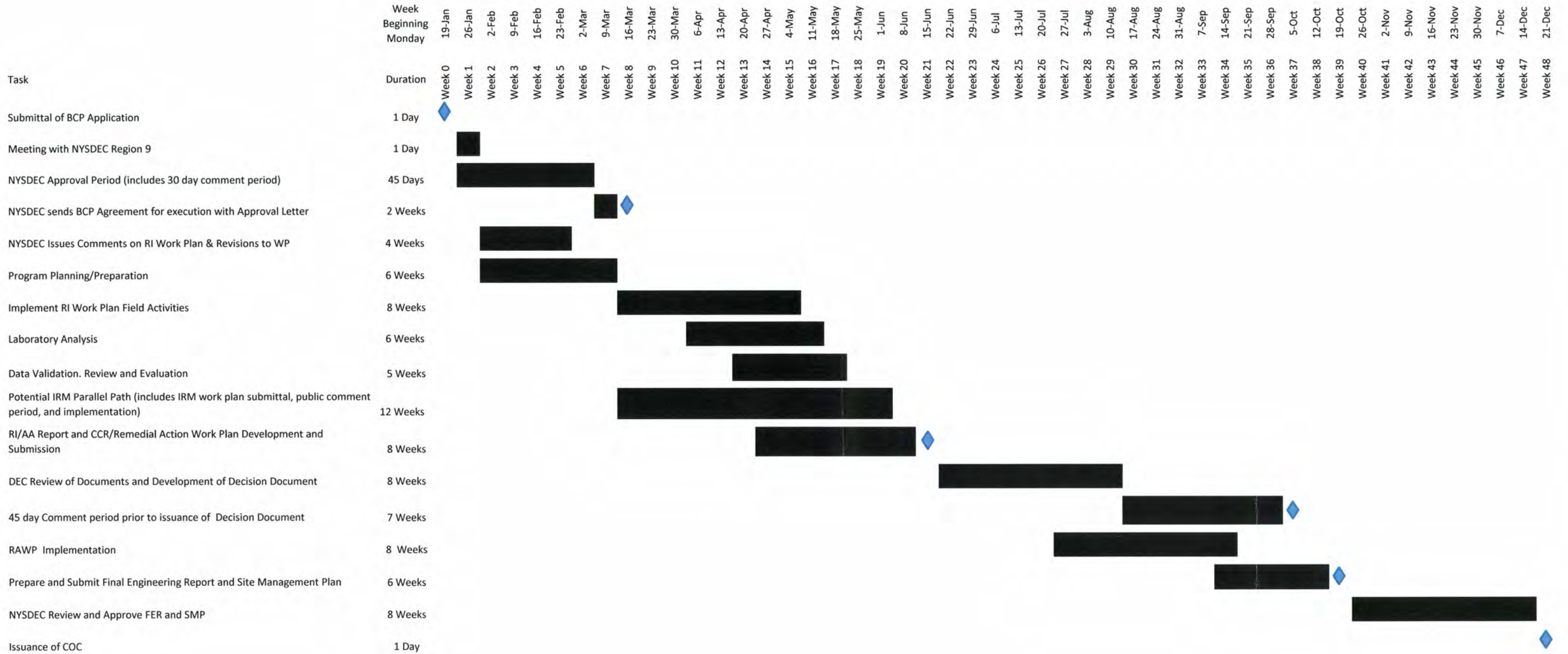


FIGURE 1
ESTIMATED PROJECT SCHEDULE
BROWNFIELD CLEANUP PROGRAM PROCESS
1150 NIAGARA STREET SITE
BUFFALO, NEW YORK



**1130 Niagara Street Site
Brownfield Cleanup Program Application**

ATTACHMENT 4

BCP Application - Section VII

The following attachment was prepared by Benchmark Environmental Engineering & Science, PLLC for Gerspach Properties, LLC and Curtis Screw Company, LLC. This Attachment 4 is being used for the Jenesis Development LLC BCP Application.

ATTACHMENT 4

BCP Application – Section VII

PROPERTY ENVIRONMENTAL HISTORY

PREVIOUS ENVIRONMENTAL REPORTS SUMMARY

LIST OF PREVIOUS AND CURRENT PROPERTY OWNERS AND OPERATORS

PREVIOUS ENVIRONMENTAL INVESTIGATIONS
(ELECTRONICALLY)

ATTACHMENT 4

BCP APPLICATION - SECTION VI LISTING OF PROPERTY OWNERS AND OPERATORS

This Attachment 4 of the BCP Application Section VI was prepared by Benchmark Environmental Engineering & Services, PLLC for Gerspach Properties, LLC. Jenesis Development LLC has no relationship to any of the former or current property owners/operators except as a party to a contract to purchase the property.

ATTACHMENT 4
BCP Application – Section VII
Previous Environmental Investigations
1130 Niagara Street Site

A summary of the previous environmental investigations completed at the Site are presented below. Copies of the reports referenced below were included in electronic format.

GZA Phase II Environmental Site Assessment, December 22, 2004

GZA GeoEnvironmental of New York (GZA) completed a Phase II Environmental Site Assessment (ESA) at 1130 Niagara Street. The Phase II ESA is summarized below.

- The Phase II ESA was completed to assess concerns identified in a November 2004 Phase I ESA completed by GZA and were as follows.
 - The Site has been used for various industrial and commercial operations since the late 1880s. Regulatory records confirm the use and generation of hazardous waste, as well as on-site storage and usage of solvents (1,1,1-trichloroethane).
 - One (1), 6,000-gallon lubricating oil UST and two (2), 10,000-gallon fuel oil USTs were removed from the loading dock area of Parcel 2 in July 1995. Analytical results revealed that contamination existed that exceeded regulatory guidelines within the 6,000-gallon tank excavation. However, no further action was required by the regulatory agency.
 - Three (3) pad-mounted transformers were observed on-site. A site representative indicated that the oils containing polychlorinated biphenyls (PCBs) were historically used in the transformers.
 - Significant oil staining was observed on the floor and machines within the on-site buildings. The floor appeared to be in good condition. However, the former floor drains were located in the stained areas.
- The Phase II ESA completed consisted of seven (7) exterior and 14 interior soil probes; three (3) surface fill soil sampling locations and two (2) sump sampling locations. In total, 13 soil samples, one (1) sump sediment, two (2) sump water and one (1) groundwater samples were submitted for laboratory analysis which

ATTACHMENT 4
BCP Application – Section VII
Previous Environmental Investigations
1130 Niagara Street Site

included volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, PCBs.

- The subsurface conditions consisted of a mix of granular non-cohesive and fine grained cohesive soils overlying native soil (cohesive silt and clay with lesser and varying amounts of sand and gravel). Perched groundwater was encountered at one (1) soil probe location completed on Parcel 2 in the vicinity of the former 10,000-gallon USTs. Groundwater was not encountered at other soil probe location completed.
- Chlorinated VOCs (cVOCs) were detected in soil at four (4) locations above the Technical and Administrative Guidance Memorandum (TAGM) 4046 Recommended Soil Cleanup Objectives (RSCOs) [NYSDEC guidance at the time of the investigation]. The perched groundwater sample collected from the vicinity of the former USTs also contained elevated concentrations of cVOCs and SVOCs above NYSDEC groundwater quality standards (Class GA criteria).
- SVOCs were detected in soil above guidance in the parking lot of Parcel 3 and in the vicinity of the former 10,000-gallon USTs. Metals were detected in the soil below the building of Parcel 2 on the eastern portion of the Site.
- Matrix interference was noted in eight (8) of the samples submitted for analysis. The laboratory thought the interference was due to a lubricating of cutting oil present in the soil.

CRA Phase I Environmental Site Assessment, April 2009

Conestoga-Rovers & Associates (CRA) completed a Phase I ESA at 1130 Niagara Street. The Phase I ESA identified the following recognized environmental conditions (RECs), historic RECs, de minimis conditions, and business environmental risks, as summarized below.

- Historic Site Usage: Based on the historic industrial Site usage since prior to 1889, chemicals and petroleum products have likely been used on the Site. There are Site features including former floor drains, sumps, and an oil/water separator that

ATTACHMENT 4
BCP Application – Section VII
Previous Environmental Investigations
1130 Niagara Street Site

could have acted as conduits for potential chemical releases to migrate into the site soil and groundwater. There is significant floor staining throughout the warehouse.

- Potential Fire Fighting Runoff Impacts: A fire occurred at the Site on June 2, 2008. The portion of the building on Parcel 2 that burned down contained pool chemicals and vinyl pool liners. Water runoff from the fire fighting would likely have mobilized chemical contamination into the Site soil. NYSDEC issued spill number 0802424 because of these potential impacts and closed the spill on June 4, 2008. No environmental confirmatory samples were collected.
- Historic UST Leaks: The database search used for the Phase I ESA identified three (3) USTs previously located on-Site and utilized by Curtis Screw. The USTs were two (2), 10,000-gallon #2 fuel oil and one (1) cutting oil UST of unknown size. Two (2) NYSDEC Spills were associated with the historic tanks #8707193 (leak in the fill port in the cutting oil UST which was closed on January 15, 1988) and #9504353 (residual contamination identified during the removal of the 10,000-gallon USTs. NYSDEC did not require remedial action at that time and the spill was closed on July 17, 1995).
- Historic Residences: The Site previously contained several residences. No information was available regarding the type of heating, USTs or AST use, presence of a septic system, cesspool or water wells.
- Site Fill: Fill material was brought to the Site to fill in the basement of the portion of the building destroyed by the fire. The source of the fill was unknown and there was no analytical data or certification that the material was clean.

CRA Limited Phase II Site Assessment Summary Report, July 21, 2009

CRA completed a limited Phase II ESA at 1130 Niagara Street, which is summarized below.

- Thirteen (13) soil borings were completed to assess the concerns identified during the Phase I ESA. One soil sample from each boring location, with the except

ATTACHMENT 4
BCP Application – Section VII
Previous Environmental Investigations
1130 Niagara Street Site

location SB-5, was submitted for laboratory analysis, which included VOCs, SVOCs, metals, Total Petroleum Hydrocarbons (TPH) diesel range organics (DRO), TPH gasoline range organics (GRO), and PCBs. Groundwater was encountered at SB-5, so a grab groundwater sample was collected and analyzed for the parameters mentioned above rather than soil. An asbestos survey and lead-based paint survey were also conducted as part of the Limited Phase II ESA.

- Benzo(a)pyrene was detected at concentrations above the Part 375 Commercial SCOs (CSCOs) on Parcels 3. The detected concentrations are relatively low and the area around the two soil borings completed on this parcel are covered in asphalt, limiting human contact to impacted soil.
- SVOCs were detected above the CSCOs in the vicinity of the former USTs on Parcel 2. The exceedances are likely due to the residual contamination that was left at the time of their removal. NYSDEC had previously issued Curtis Screw a no further action (NFA) status regarding these impacts. The groundwater sample collected from in the vicinity of the former USTs, indicate groundwater contamination is present above NYSDEC groundwater quality standards.
- SVOCs, copper and mercury were detected above the CSCOs in the soil borings completed on Parcel 2. These exceedances may be due to fire that destroyed the former building present on Parcel 2 or grading/filling of the area.
- Oil was observed in the soil matrix along with a strong odor in the vicinity of the open pit area in the southwestern portion of the building on Parcel 1. The soil results indicated that are VOCs, SVOCs and lead are present in the soil, but only lead was exceeded its CSCO.
- The soil boring in the vicinity of the suspected parts washing area had elevated organic vapor meter (OVM) readings and strong odors. These observations indicated the potential presence of impacts to the soil requiring additional investigation. The soil analytical data indicated that there are VOC and metals in the soil. In particular, the detection of TCE would be consistent with a metal

ATTACHMENT 4
BCP Application – Section VII
Previous Environmental Investigations
1130 Niagara Street Site

cleaning agent. The results were below the CSCOs but the drill rig was not able to drill below 4 feet bgs.

- Ten (10) additional soil borings were completed (5 around the open pit area and five around the suspected parts washing area). One (1) soil samples was collected from each of the 10 soil probes for VOC and SVOC analysis. One soil boring in each area was also converted to a monitoring well. MW-1 was installed in the vicinity of the open pit area and MW-2 was installed in the suspected parts washing area.
- The concentrations of the VOCs and SVOCs detected in the additional five (5) borings completed in the vicinity of the open pit area were below their respective CSCOs.
- The concentrations of the VOCs detected in the additional five (5) borings completed in the vicinity of the suspected parts washing area were below their respective CSCOs. No SVOCs were detected.
- Light non-aqueous phase liquid (LNAPL) was detected in MW-1, was not sampled due to the LNAPL and Spill #0903551 was assigned.
- Analytical groundwater results from MW-2 indicated trichloroethylene (TCE) was detected at a concentrations of 290 parts per million (ppm).
- The asbestos survey identified ACM at the Site. The majority of the identified ACM is intact and in good condition. ACM that is intact and in good condition can be managed under a properly developed ACM O&M Plan. Damaged ACM or ACM that is in poor condition should be repaired or abated.
- Sampling results indicated lead-based paint was present on most, if not all, interior surfaces of the Site. Visual observations indicated that the Site's painted surfaces are generally in good condition; however, there are some areas of peeled paint on the walls and some surface rust on the structural steel.

ATTACHMENT 4
BCP Application – Section VII
Previous Environmental Investigations
1130 Niagara Street Site

GZA Monitoring Well Sampling Letter Report, January 26, 2010

GZA completed a monitoring well sampling event at 1130 Niagara Street. The findings of this work are summarized below.

- GZA was retained by Leisure Living assess existing well, SB-12E/MW-1, for the presence of free product and collect a sample for analysis (Petroleum Fingerprint and Flashpoint).
- Approximately 5 feet of LNAPL was observed in the well. The sample results indicated that the petroleum product was a mix of #2 fuel oil and motor oil and has a flashpoint greater than 176° F.

GZA Environmental Services, October 15, 2010.

GZA completed further delineations of the petroleum product/contamination identified in the vicinity of MW-1 at 1130 Niagara Street. A summary of the work completed and the findings of this work are below.

- Sixteen (16) soil borings were completed in the vicinity of MW-1 (open pit area) in the southeastern interior portion of the site. A total of eight (8) soil samples were submitted for VOC STARS and SVOC STARS analysis.
- Subsurface conditions at eight (8) soil probe locations contained a slight sheen and trace amounts of oil on the exterior of the soil sample, generally at depths from 8 to 14 feet. At three (3) locations, the oil appeared to be present throughout the silt clay glacial soil and accumulated in areas where gravel was present.
- Subsurface soil generally consisted of granular fill material (sand and gravel with silt and brick) overlying a silty clay fill with lesser amounts of sand, gravel, and brick, overlying native soils (silty clay with varying amounts of sand and gravel).
- Groundwater was not encountered during the investigation, but three (3) 1-inch diameter wells were installed to assess for petroleum product accumulation and groundwater. Upon a return visit, no petroleum products were observed and groundwater was present varying from around 6 to 7 feet in depth.
- Results of the soil samples did not indicate that VOCs were present above method detection limits and SVOCs that were detected, were below their respective Unrestricted SCOCs (USCOs).
- Based on the results of the investigation, limited source area removal in the area of MW-1 was recommended to address the significant contamination areas. The excavation area included the former drain and sump area, which may have been

ATTACHMENT 4
BCP Application – Section VII
Previous Environmental Investigations
1130 Niagara Street Site

the source of the oil contamination. The impacted soil was estimated to be present at depths from approximately 4 to 14 feet below ground surface.

Empire Supplemental Subsurface Investigation Report, July 29, 2011.

Empire-Geo Services, Inc. (Empire) completed further delineation of the petroleum product/contamination identified in the vicinity of MW-1 at 1130 Niagara Street. A summary of the work completed and the findings of this work are below.

- Nine soil probes were completed in the vicinity of MW-1. Evidence of free product was observed at three (3) locations by lowering a bailer into each of the nine (9) open probes holes. These three (3) locations were converted to 1-inch diameter wells.
- The concrete floor, inside the building, varied from approximately 6 to 15 inches thick. Approximately 1 to 5.5 feet of miscellaneous fill material was encountered (including varying proportions of sand, gravel, silty clay, crushed stone, slag, brick fragments, and cinders). Overlying native soils (predominantly silty clay with varying amounts of sand and gravel).
- Floating black petroleum product in thicknesses ranging from 1/16-inch to 3 feet was observed in the three (3) wells installed.
- A golden yellow residue was observed in two (2) wells previously installed by GZA, but no floating product. The residue was similar to that observed at MW-1.

CEM Contaminated Soil Cleanup, August 21, 2012

CEM, Inc., (CEM) prepared a letter report regarding the soil excavation that was completed inside the Parcel 1 building in the vicinity of the open pit area. A summary of the letter report is below.

- Approximately 132 tons of contaminated soil was removed. The materials excavated consisted mainly of previous building demolition debris. The excavation extended to depths of 8 to 12 feet bgs, until clay soils were encountered. During the excavation, a concrete secondary containment, old sump and clay pipe no longer in use were removed. The excavation was confined to the interior of the building.
- No oil accumulation was noted in the bottom of the excavation. Impacted soil and staining remained on the foundation walls. Exterior monitoring wells were recommended.

ATTACHMENT 4
BCP Application – Section VII
Previous Environmental Investigations
1130 Niagara Street Site

It is our understanding that based on the soil removal actions completed, Spill # 0903551 was closed.

CEM Site Characterization Summary Report, May 2014

CEM complete an investigation of the three (3) parcels at 1130 Niagara Street. A summary of the work completed and the findings of this work are below.

- The investigation consisted of three (3) test pits completed on Parcel 2 and 3 and seven (7) soil probes (4 interior and 3 exterior) throughout the three (3) parcels. The three (3) exterior probes were completed adjacent to the three (3) test pits to install 1-inch diameter monitoring wells.
- Seven (7) soil samples were sent to the laboratory for VOC, SVOC, metal, pesticides and PCB analysis. Three (3) soil samples were collected from the test pits (one from each test pit) and four (4) soil samples from the four (4) interior probes (one from each probe).
- Three (3) VOCs (cis-1,2-dichloroethene, TCE and acetone) were detected in various soil samples above method detection limits. The detected concentrations were below their respective CSCOs.
- Metal analytes (barium and lead) were detected at concentrations above their respective CSCOs in a soil sample collected from Parcel 3.
- PCBs were detected in one (1) soil sample from Parcel 3 but below its CSCO. No pesticides were detected in the samples analyzed above method detection limits.
- Five (5) of the seven (7) monitoring wells installed as part of the investigation were sampled, as two (2) wells were dry. Additionally, the two (2) monitoring wells installed by CRA inside the building at Parcel 1 were also sampled.
- Twelve (12) different VOCs were detected among the seven (7) samples submitted. The VOCs detected that exceed their respective groundwater standards include the following.
 - Acetone was detected in four wells and exceeded its groundwater standard at two locations, one on Parcel 1 and one on Parcel 2.
 - Benzene was detected in two wells and exceeded its groundwater standard at one location on Parcel 2.
 - Chloroethane was detected in one well on Parcel 1 and exceeded its groundwater standard.
 - 1,1-dichloroethane was detected in two wells and exceeded its groundwater standard at one location on Parcel 1.
 - 1,1-dichloroethene was detected in two wells on Parcel 1 and both locations exceeded its groundwater standard.

ATTACHMENT 4
BCP Application – Section VII
Previous Environmental Investigations
1130 Niagara Street Site

- 1,1,1-trichloroethane was detected in four (4) wells (3 on Parcel 1 and one on Parcel 2). The detected concentration exceeded its groundwater standard at two well locations on Parcel 1.
- Trichloroethene was detected in five wells (4 on Parcel 1 and one on Parcel 2). The detected concentration exceeded its groundwater standard at the four (4) well locations on Parcel 1.
- SVOC groundwater samples were only collected from three (3) well locations on Parcel 1 due to sufficient sample volume available. No SVOCs were detected above method detection limits.
- Unfiltered metal analysis were only collected from six (6) of the nine (9) groundwater wells due to sufficient sample volume available. The metals detected that exceed their respective groundwater standards include the following.
 - Aluminum was detected in the six (6) samples, but exceeded its groundwater standard in four (4) locations (3 on Parcel 1 and one on Parcel 2)
 - Arsenic was detected in two (2) groundwater samples from Parcel 1, but only exceeded its groundwater standard in one (1) sample.
 - Chromium was detected in four (4) samples (3 on Parcel 1 and one on Parcel 2), but only exceeded its groundwater standard in one (1) location on Parcel 2.
 - Iron was detected in the six (6) samples collected above the groundwater standard.
 - Lead was detected in four (4) samples (3 on Parcel 1 and one on Parcel 2) and exceeded its groundwater standard at two (2) locations on Parcel 1.
 - Magnesium was detected above its respective groundwater standard in five (5) of the six (6) groundwater samples that were analyzed. Concentrations did not exceed its groundwater standard on Parcel 2.
 - Manganese was detected above its respective groundwater standard in four (4) of the six (6) groundwater samples that were analyzed. Concentrations did not exceed its groundwater standard on Parcel 2.
 - Nickel was detected in five (5) of the six (6) groundwater samples, but only exceeded the groundwater standard at one (1) location on Parcel 1.

Copies of the previous environmental reports are provided electronically in Attachment 4.

ATTACHMENT 4
BCP Application – Section VI
Listing of Property Owners and Operators
1130 Niagara Street Site

INTRODUCTION

Reasonable attempts were made to attain complete information regarding current and previous site owners and operators. Based on available records and previous investigations, the following contact information for the owners/operators has been provided, as available.

The following table lists the current and previous property owners/operators:

Parcel Address	Date(s)	Relationship to Requestor
1144 Niagara Street		
Current Owner/Operator		
Current Owner: Gerspach Properties, LLC 574 Main Street Tonawanda, New York 14150 716-773-7500	2005 - current	Same
Prior Operator: Leisure Living 574 Main Street Tonawanda, New York 14150 716-773-7500	2005 - 2008	Related to Gerspach Properties, LLC. Common ownership between Leisure Living and Gerspach Properties.
Previous Owner/Operator		
Prior Owner/Operator: Curtis Screw Co., Inc. 50 Thielman Drive Buffalo, New York 14206 716-898-7800	1960 - 2005	Related to Requestor: Curtis Screw Company, LLC. Common ownership between Curtis Screw Co, Inc. and Curtis Screw Company, LLC.
Prior Owner/Operator: Namor Products of NY, Inc. 1144 Niagara Street Buffalo, New York 14213 Telephone number is unknown.	Prior to 1960	None

ATTACHMENT 4
BCP Application – Section VI
Listing of Property Owners and Operators
1130 Niagara Street Site

Parcel Address	Date(s)	Relationship to Requestor
17 Gull Street		
Current Owner/Operator		
Current Owner: Gerspach Properties, LLC 574 Main Street Tonawanda, New York 14150 716-773-7500	2005 - current	Same
Prior Operator: Leisure Living 574 Main Street Tonawanda, New York 14150 716-773-7500	2005 - 2008	Related to Gerspach Properties, LLC. Common ownership between Leisure Living and Gerspach Properties.
Prior Owner/Operator: Curtis Screw Co., Inc. 50 Thielman Drive Buffalo, New York 14206 716-898-7800	Prior to 1925 - 2005	Related to Requestor: Curtis Screw Company, LLC. Common ownership between Curtis Screw Co, Inc. and Curtis Screw Company, LLC.

ATTACHMENT 4
BCP Application – Section VI
Listing of Property Owners and Operators
1130 Niagara Street Site

Parcel Address	Date(s)	Relationship to Requestor
103 West Ferry		
Current Owner/Operator		
Current Owner: Gerspach Properties, LLC 574 Main Street Tonawanda, New York 14150 716-773-7500	2005 – current	Same
Prior Operator: Leisure Living 574 Main Street Tonawanda, New York 14150 716-773-7500	2005 - 2008	Related to Gerspach Properties, LLC. Common ownership between Leisure Living and Gerspach Properties.
Previous Owner/Operator		
Prior Owner/Operator: Curtis Screw Co., Inc. 50 Thielman Drive Buffalo, New York 14206 716-898-7800	1941 - 2005	Related to Requestor: Curtis Screw Company, LLC. Common ownership between Curtis Screw Co, Inc. and Curtis Screw Company, LLC.

ATTACHMENT 5

BCP Application - Section VIII

The following attachment was prepared by Benchmark Environmental Engineering & Science, PLLC for Gerspach Properties, LLC and Curtis Screw Company, LLC. This Attachment 5 is being used for the Jenesis Development LLC BCP Application.

ATTACHMENT 5

BCP Application – Section VIII

BROWNFIELD SITE CONTACT LIST

ADJACENT PROPERTY OWNERS LIST
BROWNFIELDS SITE CONTACT LIST



**Attachment 5
BCP Application Section VIII**

**Contact List Information; Adjacent Property Owners List
1130 Niagara Street Site
Brownfield Cleanup Program Application**

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
0		Commercial	City of Buffalo
1114	Niagara Street	Commercial	AF Oliver Gear & Machine CO 1120 Niagara St Buffalo, NY 14213
1115	Niagara Street	Commercial	1115 NS Holdings LLC 1111 Niagara St Buffalo, NY 14213
1155	Niagara Street	Commercial	Jersey Niagara Corp c/o ICON International Inc 107 Elm Street Stamford, CT 06902
1160	Niagara Street	Commercial	Rich Products Corp 1150 Niagara Street Buffalo, NY 14213
1170	Niagara Street	Commercial	Rich Products Corp 1150 Niagara Street Buffalo, NY 14213
1195	Niagara Street	Commercial	Rich Products Corp 1150 Niagara Street Buffalo, NY 14213
1200	Niagara Street	Commercial	Rich Products Corp 1150 Niagara Street Buffalo, NY 14213

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

1130 Niagara Street Site
Brownfield Cleanup Program Application

CONTACT LIST

The following contacts for the subject property will be sent fact sheets throughout the project's duration.

Property Owner/Occupants:

Gerspach Properties, LLC
574 Main Street
Tonawanda, New York 14150

Leisure Living
574 Main Street
Tonawanda, New York 14150

Adjacent Property Owners

AF Oliver Gear & Machine Co
1120 Niagara Street
Buffalo, NY 14213

1115 NS Holdings LLC
1111 Niagara Street
Buffalo, NY 14213

Jersey Niagara Corp.
c/o ICON International Inc.
107 Elm Street
Stamford, CT 06902

Rich Products
1150 Niagara Street
Buffalo, NY 14213

Erie County Contacts:

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

Ms. Betty Jean Grant
District 2 Erie County Legislator
790 East Delavan Avenue
Buffalo, NY 14215

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

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

1130 Niagara Street Site
Brownfield Cleanup Program Application

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

City of Buffalo Contacts:

Byron Brown, Mayor
City of Buffalo
65 Niagara Sq
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

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

1130 Niagara Street Site
Brownfield Cleanup Program Application

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 Pkwy
Suite 200
Buffalo, NY 14226

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

Supplier of Potable Water:

Buffalo Water Authority
281 Exchange Street
Buffalo, NY 14204

Nearby Schools:

Dr. Wanda Schoenfeld, Principal
PS 30 Frank A Sedita Academy
21 Lowell Street
Buffalo, NY 14213

Ms. Valarie Kent, Principal
Dr. Antonia Pantoja Community School
118 Hampshire Street
Buffalo, NY 14213

Ms. Nadia Nashir, Principal
PS 45 International School
141 Hoyt Street
Buffalo, NY 14213

Howard Lewis Parent Center
179 Albany Street
Buffalo NY 14213

Ms. Linda Brancatella,
PS 19 Native American Magnet School
97 W Delavan Ave
Buffalo, NY 14213

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

1130 Niagara Street Site
Brownfield Cleanup Program Application

Other Interested Parties:

Ms. Judy Robinson
Citizens Env. Coalition
543 Franklin Street
Buffalo, NY 14202-1109

Document Repository:

Ms. Kathryn Galvin, Director
Buffalo & Erie County Public Library
Niagara Branch
280 Porter Ave
Buffalo, NY 14201

ATTACHMENT 6

BCP Application - Section VIII

DOCUMENT REPOSITORY

DOCUMENT REPOSITORY CONFIRMATION LETTER

ATTACHMENT 6

BCP Application – Section VIII

DOCUMENT REPOSITORY

DOCUMENT REPOSITORY CONFIRMATION LETTER



Phillips Lytle LLP

Ms. Kathy Galvin
Niagara Branch Manager
Buffalo & Erie County Public Library
280 Porter Avenue
Buffalo, New York 14201

January 21, 2015

Re: Document Repository for Brownfield Cleanup Program
1130 Niagara Street
Buffalo, New York

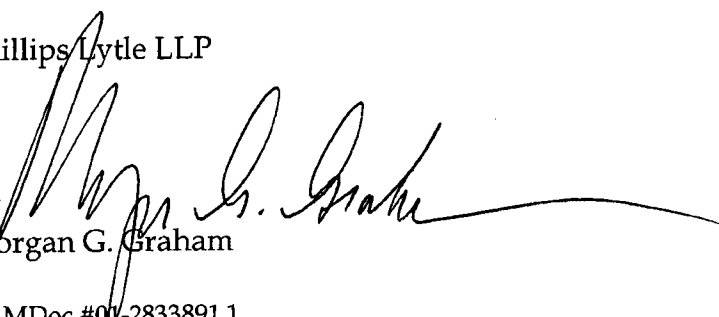
Dear Ms. Galvin:

Thank you for agreeing to have the Buffalo & Erie County Public Library act as the document repository for the above-referenced Site. Going forward, we will be sending various documents relating to the 1130 Niagara Street Site that the library should make available for public review upon request.

Please contact me should you have any questions or require any additional information.

Very truly yours,

Phillips Lytle LLP

By 
Morgan G. Graham

ORMDoc #01-2833891.1

ATTORNEYS AT LAW

MORGAN G. GRAHAM, PARTNER DIRECT 716 847 7070 MGRAHAM@PHILLIPSLYTTLE.COM

ONE CANALSIDE 125 MAIN STREET BUFFALO, NY 14203-2887 PHONE 716 847 8400 FAX 716 852 6100
NEW YORK: ALBANY, BUFFALO, CHAUTAUQUA, GARDEN CITY, NEW YORK, ROCHESTER | WASHINGTON, DC | CANADA: WATERLOO REGION | PHILLIPSLYTTLE.COM



Niagara Branch

280 Porter Ave.
Buffalo, NY 14201
716-882-1537

Christopher Z. Boron, Senior Project Manager
Turnkey Environmental Restoration LLC
2558 Hamburg Turnpike
Buffalo, NY 14218
September 12, 2014

Dear Mr. Boron:

This letter serves as confirmation that the Niagara Branch of the Buffalo & Erie County Public Library has agreed to act as repository for documents related to the 1130 Niagara Street site as described in your letter of July 29, 2014. We will make these documents available to the public as we receive them.

Sincerely,

Kathryn Galvin
Branch Manager



ATTACHMENT 7

BCP Application - Section IX

The following attachment was prepared by Benchmark Environmental Engineering & Science, PLLC for Gerspach Properties, LLC and Curtis Screw Company, LLC. This Attachment 7 is being used for the Jenesis Development LLC BCP Application.

ATTACHMENT 7

BCP Application – Section IX

LAND USE FACTORS

INTRODUCTION
COMPREHENSIVE PLANS
NATURAL & CULTURAL RESOURCES
ADJACENT LAND USE
POTENTIAL VULNERABILITY OF GROUNDWATER TO CONTAMINATION
REGIONAL GEOGRAPHY/GEOLOGY
SITE GEOGRAPHY/GEOLOGY
FIGURE 10; CULTURAL RESOURCES
FIGURE 11; ENVIRONMENTAL JUSTICE AREAS
FIGURE 12; NATURAL RESOURCE MAP
FIGURE 13; WETLAND & FLOODPLAIN MAP
FIGURE 14; SOIL MAP

ATTACHEMENT 7
BCP Application – Section IX
Land Use Factors
1130 Niagara Street Site

LAND USE FACTORS

INTRODUCTION

The following provides a brief summary of the 1130 Niagara Street Site:

- The Site is located within a highly developed mixed use industrial, commercial and residential area of the City of Buffalo, Erie County, New York.
- The Site consists of three (3) parcels located at 1144 Niagara Street (Parcel 1), 17 Gull Street (Parcel 2) and 103 West Ferry (Parcel 3). Collectively, these three (3) parcels are considered and will be identified as the 1130 Niagara Street Site. 1144 Niagara Street includes a single-story approximate 63,000 square-foot warehouse/office building. 17 Gull Street formerly contained an approximate 16,000 square-foot two-three story building until it was destroyed by fire in June 2008. 103 West Ferry contains a single-story, approximate 2,000 square-foot masonry storage building on the southwest portion of the parcel and is currently a vacant parking lot.
- The parcels have the following descriptions according to the Erie County website <http://gis2.erie.gov/GC/ErieCountyNY/PublicLaunchPage.aspx>.
 - 1144 Niagara Street: C – Warehouse
 - 17 Gull Street: B – Vacant Industrial
 - 103 West Ferry: C - Warehouse
- The three (3) parcels are zoned M-1, light industrial district, see Figure 6.
- There were no cultural resources, federal/state historic/heritage site, or Native American religious sites identified within ½ mile of the Site (see Figure 10).
- In accordance with §27-1415(3)(p), there are environmental justice concerns associated with this project. The Site is located within a NYSDEC Potential Environmental Justice (EJ) Area (see Figure 11).
- There are no State or Federal land use designations related to the property.
- Population in Erie county has increased by 42 (<0.001%) over the period of April 2010 - July 2012 (per US Census Bureau).

ATTACHEMENT 7
BCP Application – Section IX
Land Use Factors
1130 Niagara Street Site

- The Site has access to municipal utilities including: natural-gas, municipal sewer, electric and public water.
- There are no known Institutional Controls (ICs) for the Site.

COMPREHENSIVE PLANS

Currently, the City of Buffalo is in the process of updating the City's building and zoning ordinances into the Buffalo Development Framework, including the Buffalo Green Code (a.k.a the Unified Development Ordinance). The framework is based on the Comprehensive Plan (2006), Local Waterfront Redevelopment Plan (LWRP; 2007), and the City of Buffalo Brownfield Opportunity Areas (BOAs). The complete draft was released for public review on May 3, 2014. Review of the draft plan as related to the Site is discussed below.

The 1130 Niagara Street Site is located in the D-IL Zone indicating an industrial area, which also includes the adjacent and surrounding properties on the west side of Niagara Street. The D-IL Zone is described as single use industrial buildings within enclosed loading storage and operations. Permitted zoning and structures will follow in accordance with the Buffalo Green Code (2014). Planned reuse of the site at this time is unknown, but will likely consist of a commercial-industrial development consistent with current and contemplated future zoning in the Buffalo Green Code (2014).

NATURAL AND CULTURAL RESOURCES

- Per New York States Historical Preservation Office, there are no listed historical sites located within 0.5 miles of the subject Site (see Figure 10).
- According to the NYSDEC's Environmental Resource Mapper (ERM) there are important plant habitats, and endangered species listed for the area encompassing the Site (see Figure 12), including:
 - Golden Dock *Rumex fuginus*, listed as endangered rare plant species under NYS Protection Status.

ATTACHEMENT 7
BCP Application – Section IX
Land Use Factors
1130 Niagara Street Site

- Midland Clubtail *Gomphus fraternus*, listed as a rare animal species under NYS Protection Status.
- American Burying Beetle *Nicrophorus americanus*, listed as an endangered rare animal species under NYS Protection Status.
- There are no State wetlands or floodplains located on- Site. However, as shown on Figure 13, there are both wetlands and floodplains located along the banks of the Blackrock Canal and the Niagara River, which are west of the Site and within ½ mile on the Site.

ADJACENT LAND USE

The Site is located in a historically industrial-commercial and residential area of the City of Buffalo, Erie County, New York. The Site is bound by Niagara Street to the west with commercial-industrial properties to the north, south and west. To the east, the Site is bound by a rail line beyond which is the Blackrock Canal and Niagara River (see Figure 5).

Land use surrounding the Site includes industrial, commercial, and residential (see Figure 6). Other industrial properties are located adjacent to the Site as identified on Figure 7.

POTENTIAL VULNERABILITY OF GROUNDWATER TO CONTAMINATION

Volatile organic compounds (VOCs) have been detected on-Site above their respective Class GA criteria. Currently, there are no known deed restrictions on the use of groundwater at the Site. Municipal water is available to the Site and all surrounding properties. The municipal water is supplied by the Buffalo Water Authority.

Groundwater Flow

Based on and the location of the Site, it is likely that groundwater flows west or northwest towards the Blackrock Canal/Niagara River or following their flow path (north).

ATTACHEMENT 7
BCP Application – Section IX
Land Use Factors
1130 Niagara Street Site

Recommendations

Further work is required to investigate the extent of groundwater contamination and the groundwater flow direction. Additional groundwater wells to assess groundwater flow patterns and water quality will be advanced during the Remedial Investigation.

REGIONAL GEOGRAPHY/GEOLOGY

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), glaciolacustrine deposits, recent alluvium, and the soils derived from these deposits.

SITE GEOGRAPHY/GEOLOGY

The U.S. Department of Agriculture (USDA) Soil Conservation Service soil survey map of Erie County shows the Site located within an urban land (Ud) unit. Surface soils characterized as urban land are areas of land in which 80 percent or more of the soil surface is covered by asphalt, concrete, buildings, or other impervious structures (USDA, 1978) typical of an urban environment (see Figure 14).

Precipitation (i.e., rain or snow melt) generally moves radially from the Site via overland flow to on-Site catch basins. Site groundwater and hydrogeology will be investigated during the Remedial Investigation.

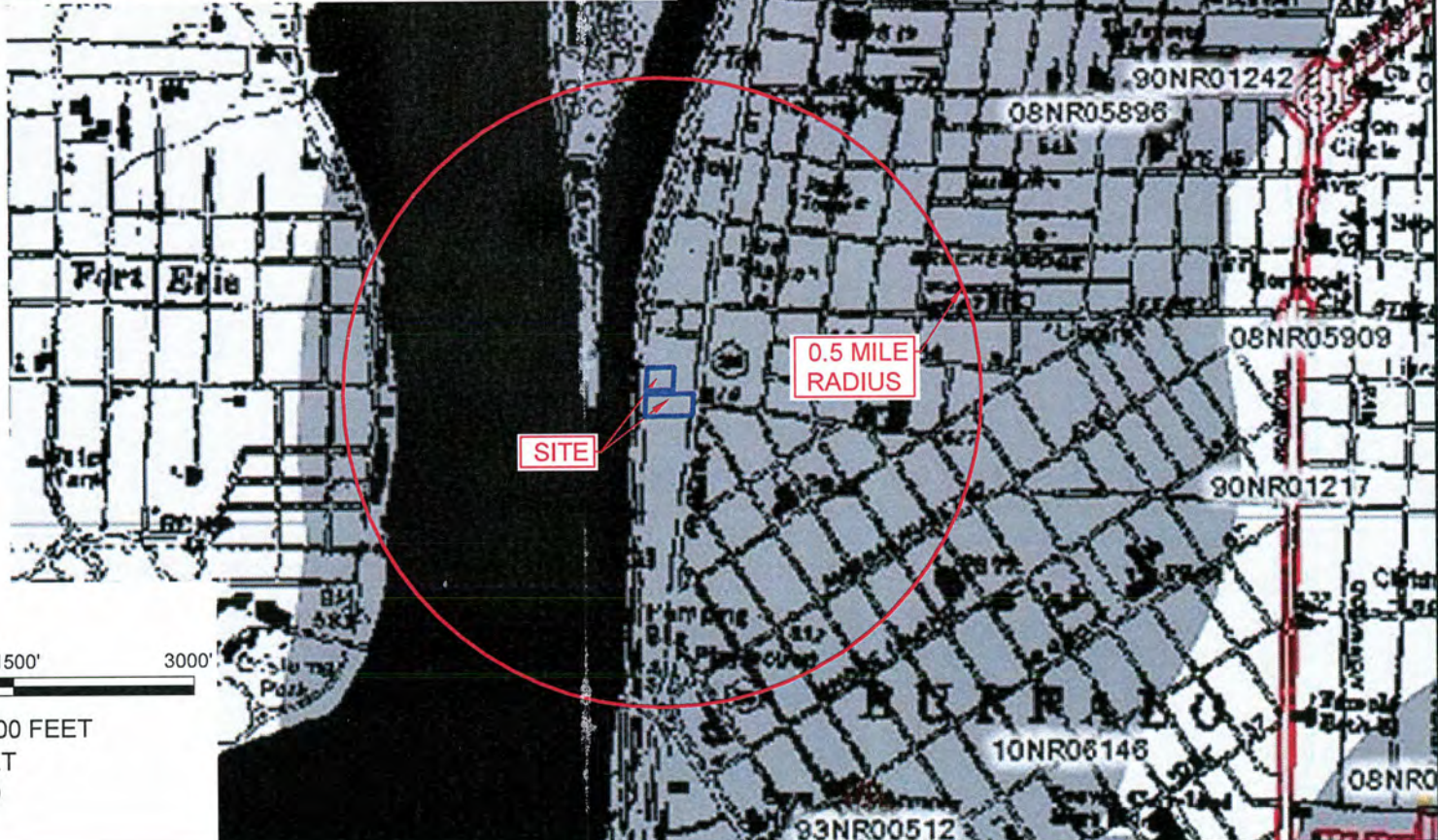


**NY State Historic Preservation Office
GIS-Public Access**



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
- Tax Credit Qualifying Tracts



1500' 0' 1500' 3000'
SCALE: 1 INCH = 1,500 FEET
SCALE IN FEET
(approximate)



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CULTURAL RESOURCES MAP

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1130 NIAGARA STREET SITE

BUFFALO, NEW YORK
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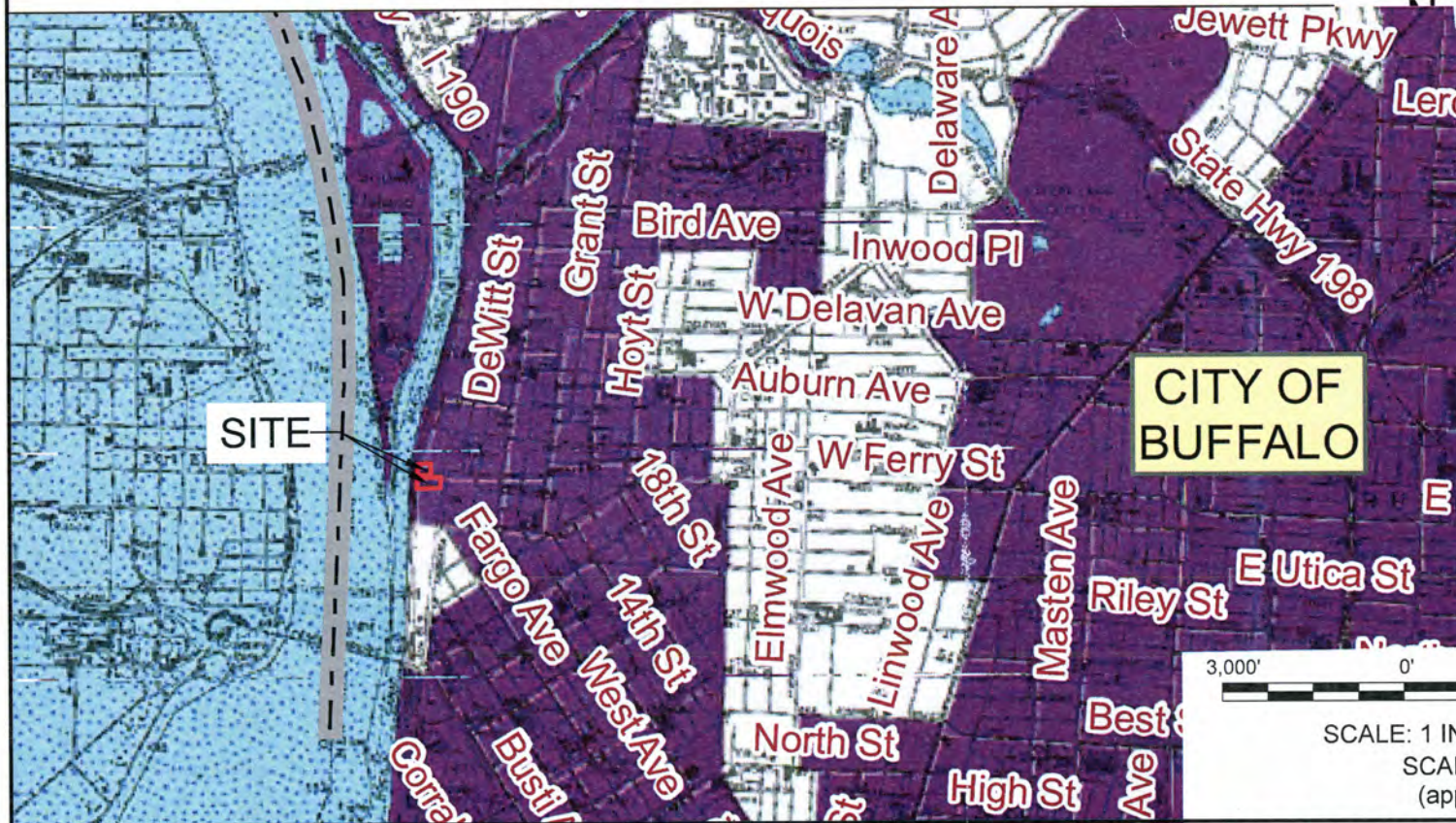
GERSPACH PROPERTIES, LLC & CURTIS SCREW COMPANY, LLC

FIGURE 10

PROJECT NO.: 0310-014-001
DATE: JULY 2014
DRAFTED BY: BLR

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Potential Environmental Justice Areas in the City of Buffalo (north detail) and Towns of Tonawanda and Amherst, Erie County, New York



Legend

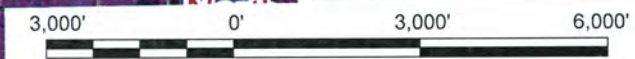
- Potential EJ Areas
- County Boundary
- Waterbodies

For questions about this map contact:
 New York State Department of
 Environmental Conservation
 Office of Environmental Justice
 625 Broadway, 14th Floor
 Albany, New York 12233-1500
 (518) 402-8556
 ej@gw.dec.state.ny.us

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NYSDEC does not guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

Data Source for Potential Environmental Justice Areas:
 U.S. Census Bureau, 2000 U.S. Census



SCALE: 1 INCH = 3,000 FEET
 SCALE IN FEET
 (approximate)

POTENTIAL ENVIRONMENTAL JUSTICE AREAS

BROWNFIELD CLEANUP PROGRAM APPLICATION

1130 NIAGARA STREET SITE

BUFFALO, NEW YORK

PREPARED FOR

GERSPACH PROPERTIES, LLC & CURTIS SCREW COMPANY, LLC



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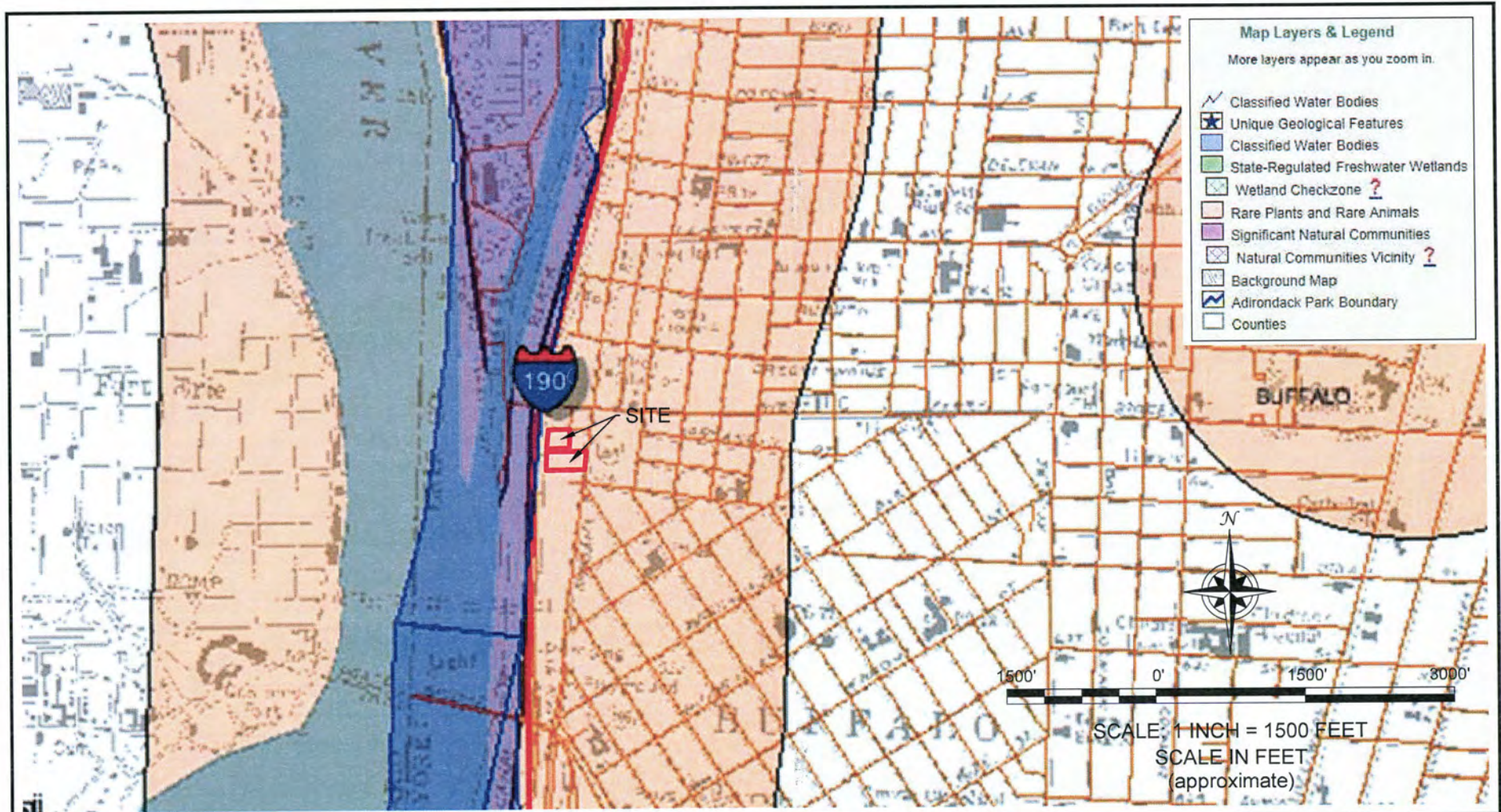
PROJECT NO.: 0310-014-001

DATE: JULY 2014

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FIGURE 11

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NATURAL RESOURCES MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

1130 NIAGARA STREET SITE

BUFFALO, NEW YORK

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FIGURE 12

PROJECT NO.: 0310-014-001

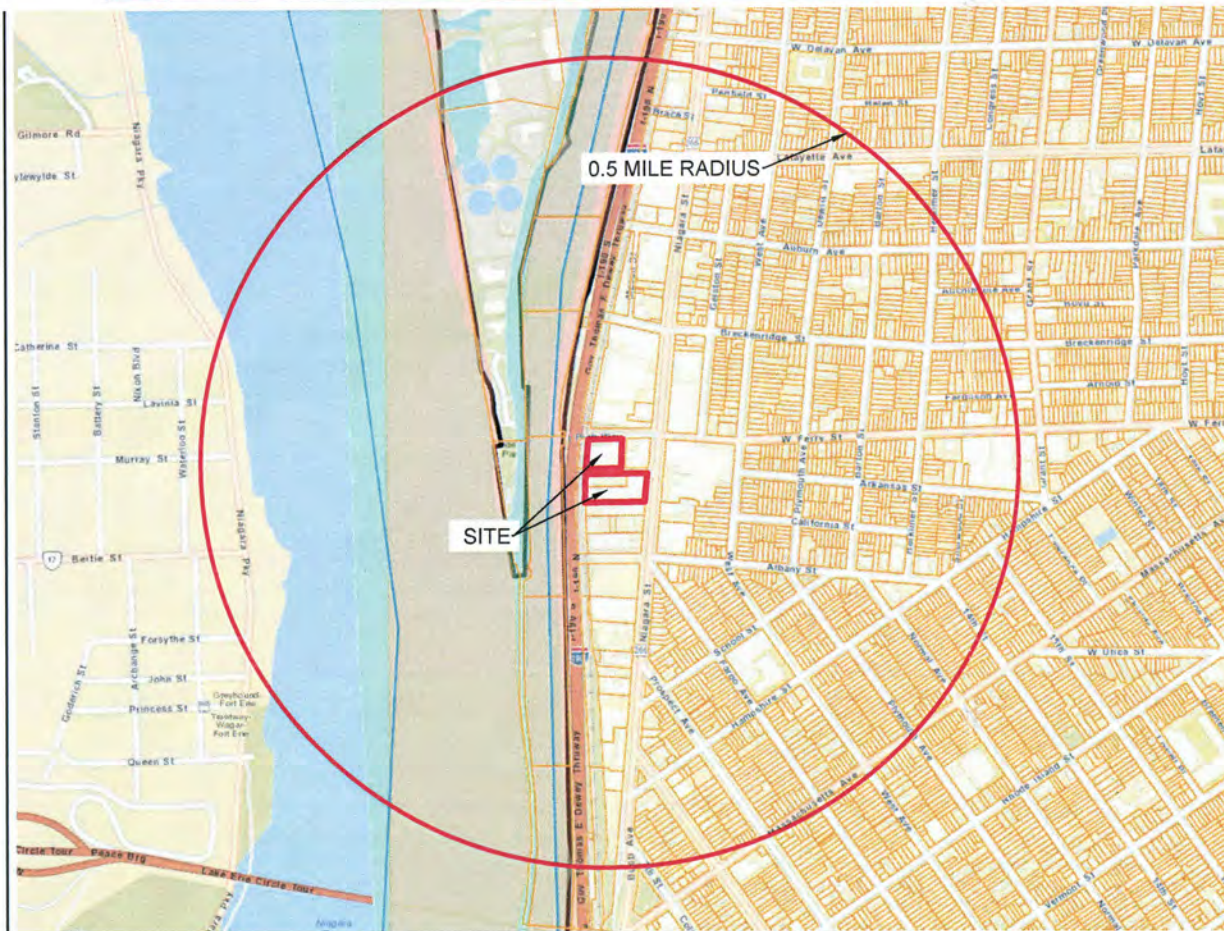
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Erie County On-Line Mapping Application



Legend

- Parcels
- Streams
- Lakes / Ponds
- DEC Wetlands
- National Wetlands Inventory
 - Wetlands
 - No Digital Data
- FEMA Floodplains
- Municipal Boundaries



SCALE: 1 INCH = 1200 FEET
SCALE IN FEET
(approximate)



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WETLAND & FLOODPLAIN MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

1130 NIAGARA STREET SITE

BUFFALO, NEW YORK

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FIGURE 13

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Ud Urban land



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SOIL MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
 1130 NIAGARA STREET SITE

BUFFALO, NEW YORK

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 GERSPACH PROPERTIES, LLC & CURTIS SCREW COMPANY, LLC

PROJECT NO.: 0310-014-001
 DATE: JULY 2014
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FIGURE 14

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